

CITY COUNCIL
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

Of the

COMMITTEE ON CONSUMER AND
WORKER PROTECTION

Jointly with

SUBCOMMITTEE ON ZONING
AND FRANCHISES

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February 8, 2022
Start: 10:19 a.m.
Recess: 6:59 p.m.

HELD AT: Remote Hearing - Virtual Room 1

B E F O R E: Marjorie Velázquez
Chairperson

Kevin C. Riley
Chairperson

COUNCIL MEMBERS:

Shaun Abreu
Erik D. Bottcher
Gale Brewer
Amanda Farias
Shekar Krishnan
Julie Menin
Chi A. Ossé
Julie Won
David M. Carr
Kamillah Hanks

A P P E A R A N C E S (CONTINUED)

Farah N. Louis
Francisco P. Moya
Lynn C. Schulman

Ydanis Rodriguez
DOT Commissioner

Michelle Craven
DOT Assistant Commissioner for Cityscape and
Franchises

Julie Schipper
DOT Director of Open Restaurants

Carolyn Grossman Meagher
Director at Department of City Planning

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Robert Bookman
Counsel at NYC Hospitality Alliance

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President of Disabled in Action of Metropolitan
New York

Monica Bartley
Center for Independence for Disabled New York

A P P E A R A N C E S (CONTINUED)

Michael Brady
Third Avenue Business Improvement District

Jeffrey Garcia
New York State Latino Restaurant Bar and Lounge
Association

Kathleen Reilly
New York State Restaurant Association

Isabella Fitzgerald
New York City Small Business Network

Matthew Shapiro
Street Vendor Project Urban Justice Center

Carina Kaufman Guterrez
Street Vendor Project Urban Justice Center

Eric McClure
StreetsPAC

Susan Stetzer
Community Board Three Manhattan

Samir Lavingia
Community Board Five Open Restaurant Taskforce

Jeannine Kiely
Manhattan Community Board Two

Cater Booth
Previous Chair of Manhattan Community Board Two

Valerie De La Rosa
Manager of Community Board Two

Josephine Beckman
Community Board 10

A P P E A R A N C E S (CONTINUED)

Vittoria Fariello
Lower Manhattan District Leader

Barbara Blair
Garment District Alliance

Sara Lind
Director of Policy at Open Plans

Jackson Chabot
Director of Public Space

Garrett Ford
East Village Bar Worker

Maulin Mehta
Regional Plan Association

Ryan Pukos
Grand Central Patnership

Elana Ehrenberg
Design Trust for Public Space

Alexandra Sica
NYC Business Improvement District

Shannon Phipps
Williamsburg Greenpoint Resident

Kathryn Quinn

Elizabeth Sabo

Areliia Tavaras
New York State Restaurant, Bar and Lounge
Association

Susi Schropp
Eight Street St. Marks Tenant Association

A P P E A R A N C E S (CONTINUED)

Michele Campo
Resident

Amy Robinson
NYC resident

Vaylateena Jones
Lower East Side Power Partnership

Martha Danziger
Lower East Side resident

Zella Jones
President of NoHo-Bowery Stakeholders Inc.

David Mulkins
President of Browery Alliance of Neighbors

Laura Sewell
Director of East Village Community Coalition

Ian H. Boyd

Ben Prosky
American Institute of Architects

Leslie Clark
Resident

Jeremy Wladis
Restaurant Owner

Haley Fox
Alice's Teacup

Bob Gormley
District Manager Manhattan Community Board Two

Zachary Chodorow
Owner of Red Farm

A P P E A R A N C E S (CONTINUED)

Elizabeth Blouin
General Manager at Sarabeth

Paul Italia
Owner of The Stand Restaurant and Comedy Club

Cyndi Stanimirov
General Manager Red Hook Lobster Pound

Susannah Koteen
Restaurant Owner

Barbara Sibley
Restaurant Owner

Michele Birnbaum

Michael Marino

Augustine Hope

Gabriel Stulman
Restaurants Owner

Darlene Lutz
Manhattan Community Board Two

Pauline Augustine
Resident

Stuart Waldman
Resident

Megan Rickerson
Owner of Someday Bar Boerum Hill, Brooklyn

Josh Spodek
Resident

Leif Arntzen
Resident

A P P E A R A N C E S (CONTINUED)

Pamela Schienle
Owner of Sel Et Poivre

Kathy Arntzen
Resident

Arun Mirchandani
Restaurant Owner

Julie Harrison
Business Owner

John Senter
Restaurant owner

Katherine O'Sullivan
Resident

Ciara O'Sullivan
Restaurant Owner

Maria Ross
Restaurant Owner

Bruce Williams
Resident

Joseph Iberti
Resident

Jim Burke
Resident

David Cohen
Resident

Robert Camacho
Community Board Four Brooklyn Chairperson

Zach Neil
Business Owner East Village

A P P E A R A N C E S (CONTINUED)

Ingrid Wiegard

Stephen Olsen
Restaurant General Manager

Ryder Kessler
Resident

Ned Shalanski
Resident

Sam Zimmerman
Lower East Side Resident

Melanie Frost
Ess-A-Bagel Owner

Alida Camp
Resident

Dale Goodson
Resident

Tod Shapiro
Community Board Five

Jan Reina
Resident

Yolanda Trujillo

Ann Reilly
Executive Director New York Brewers Guild

Linda Marini
Da Claudio Restaurant Owner

Meghan Joye
Restaurant Owner

A P P E A R A N C E S (CONTINUED)

Charlotta Janssen
Resident

Marc Wouters
Resident

Peter Davies
Resident

Shlomo Wygoda
SWA Architects

Andre Soluri
Architects

Joseph Derosa
Joey Rose's Bar and Social Club

Gretchen Connelie
Resident

Kyle Sklerov
Resident

Janet Hershberger
Resident

Norma Cote
Resident

Mandy Oser
Artesia Wine Bar

Jaclyn Bernstein
Empire Force Events

Deborah Gonzales
Resident

A P P E A R A N C E S (CONTINUED)

Kate Puls
Resident

James Mullaney
Resident

Stuart Zamsky
Resident

Katherine Hilliard
Resident

Maria Paris
Resident

Renee Monroe
Resident

Mary Evancho
Resident

Adam Zeldin
Resident

Marco Conner DiAquo
Transportation Alternatives

Lucy Koteen
Resident

Donna Raftery
Resident

Chris Ryan
Resident

Christine Williams
Restaurant Owner

Denny Salas
Resident

A P P E A R A N C E S (CONTINUED)

Peter Arndsten
Resident

Elizabeth Denys
Resident

Richard Robins
Resident

Elizabeth Ely
Resident

Shawn Campbell
Community Board 14 Brooklyn

Lynn Ellsworth
Alliance for Human-Scale City

Darwin Keung

Omar Canales
Seis Vecinos Restaurant

Lobsang Salaka
Queens Community Board Three

2 SERGEANT AT ARMS: Good morning,
3 everyone. Welcome to today's remote New York City
4 Council hearing of the Committee on Consumer and
5 Worker Protection jointly with Zoning and Franchises.
6 At this time would all panelists please turn on your
7 videos? To minimize disruption, please place
8 electronic devices to vibrate or silent. If you wish
9 to submit testimony, you may do so at
10 testimony@council.nyc.gov. Again, that's
11 testimony@council.nyc.gov. Thank you for your
12 cooperation. Chairs, we are ready to begin.

13 CHAIRPERSON VELÁZQUEZ: Good morning.
14 I'm Council Member Marjorie Velázquez, Chair of the
15 Committee on Consumer and Worker Protection, and I'd
16 like to welcome you to our joint hearing today with
17 my colleague and good friend, Council Member Kevin
18 Riley, Chair of the Subcommittee on Zoning and
19 Franchises. We'll be hearing today a Pre-considered
20 Introduction and accompanying Zoning Amendment that
21 will repeal zoning laws and create a new permanent
22 outdoor dining program. Today, we are inviting
23 everyone to have a seat at the open dining table.
24 Before the pandemic, the sidewalk café licensing
25 system was a bureaucratic maze. Under the pre-COVID

3 system, DCWP, Landmarks Preservation Commission, the
4 Departments of City Planning, Environmental
5 Protection, local Community Boards, City Council, and
6 Comptroller all had a role in the approval process
7 for the cafes. An analysis from 2019 indicated an
8 average approval time of 467 days for enclosed cafes
9 and 177 days for unenclosed cafes. It shouldn't take
10 small business owner that wants an enclosed sidewalk
11 café over a year to be granted one from the City.
12 The system doesn't need to take this long, and
13 indeed, during the pandemic, it didn't. Under the
14 temporary Open Restaurants Program, restaurants could
15 apply free of charge to serve customers on the
16 sidewalk or roadway. This program bypassed various
17 bureaucratic layers of sidewalk café process. Unlike
18 the Sidewalk Café Program, restaurants participating
19 in Open Restaurants could self-certify their spaces,
20 and because Open Restaurants bypassed the normal
21 zoning limitations, far more restaurants could
22 participate. Before the pandemic only 30 restaurants
23 in the Bronx had sidewalk café license. Now, the
24 Bronx has more than 650. The archaic rules and
25 resulting dysfunction of the previous system had real
equity consequences that impacted the lives of New

2 Yorkers. Families in the Bronx should have equal
3 access to enjoying dinner outside a restaurant in
4 their neighborhood, just the same as families living
5 in Manhattan that they have long been able to do.
6 Under the Emergency Open Restaurants Program, over
7 12,000 restaurants have established outdoor dining on
8 either the sidewalk or roadway. During one of the
9 darkest periods in our city's history, these
10 restaurants provided a space where New Yorkers can go
11 safely socialize outdoors. The program not only
12 provided a lifeline to small businesses, it also
13 saved over 100,000 jobs. And beyond its positive
14 economic impact, outdoor dining reimaged what the
15 city could do with our streets. Welcoming outdoor
16 spaces took over curbs and parts of sidewalks.
17 Instead of just parked cars, creative outdoor dining
18 structures were constructed, adding vibrancy and
19 making the City more livable. In numerous surveys a
20 majority of city residents have reported supporting
21 the outdoor dining system and the expansion of
22 sidewalk cafes across the city. And while the
23 program has been a success, I do want to recognize
24 some unintended negative consequences of the program.
25 For New Yorkers, living in neighborhoods with a high

3 density of restaurants, for example, there have been
4 reports of excessive noise coming from residents
5 eating outside and an increase in trash in vermin.
6 For individuals with certain disabilities, the added
7 obstructions of dining structures on sidewalks can
8 make city streets less accessible. There have also
9 been a handful of accidents where cars have driven
10 into outdoor dining structures and abandoned sidewalk
11 sheds [sic] are more certainly an eyesore on our
12 streets. Our approach to permanently establishing an
13 outdoor program, therefore, must be thoughtful. We
14 must first-- excuse me-- carefully consider all
15 stakeholders. We're not seeking perfection. We are
16 seeing participation and partnership. At the same
17 time, the innovations this temporary program
18 established, including cutting bureaucratic red tape
19 must continue in the permanent program. I'm happy to
20 be a prime sponsor on the Pre-considered Introduction
21 we are hearing today at the request of the Mayor.
22 None the less, I have a number of concerns about the
23 bill, and I look forward to engaging with the
24 Administration today to discuss some of these issues.
25 To start, the bills move the jurisdiction of outdoor
dining from DCWP to DOT. I want to understand why

3 the Administration request this change and whether or
4 not it's the best for the industry. While the bill
5 in its current form will codify the roadway dining
6 program doesn't include the necessary reimagining of
7 café licensing that existed pre-COVID. The bill does
8 shorten the approval process that takes hundreds of
9 days, but I also have a number of other concerns that
10 we'll delve into today about its current form, and I
11 look forward to working with the Administration to
12 ensure that the bill addresses these concerns. And
13 before I conclude and turn it over to Chair Riley to
14 deliver his opening remarks, I'd like to say that our
15 hearing today may be very long. Members of the
16 public will be waiting a while to testify. So, if
17 you stay on this Zoom hearing, you will be called to
18 testify. Please be patient. We will ensure everyone
19 has a turn to speak. I now want to acknowledge all
20 my colleagues who have joined today. I am joined
21 today by Chairs Salamanca, Riley, Council Member
22 Abreu, Bottcher, Brewer, Majority Whip Brooks-Powers,
23 Council Member Carr, Fariás, Hanks, Krishnan, Louis,
24 Mealy, Menin, Moya, Nurse, Ossé, Paladino, Powers,
25 Schulman, Stevens, Won, and Yeger. And now I'll turn
it over to Chair Riley.

3 CHAIRPERSON RILEY: Thank you, Chair

4 Velázquez. Happy to be co-chairing this hearing with
5 you. Good morning and welcome to this important
6 joint hearing with the Committee on Consumer and
7 Workers Protection. I am Council Member Kevin Riley,
8 Chair of the Subcommittee of Zoning and Franchises.
9 I also want to thank all my colleagues who will be
10 joining us throughout the day, my fellow subcommittee
11 members, and the members of the public who are taking
12 this time for their day to testify today. In
13 addition to the Pre-considered Intro that Chair
14 Velázquez discussed in her remarks, today we will be
15 hearing testimony on another component that will
16 facilitate the creation of a citywide permanent Open
17 Restaurant Program, the Open Restaurant Zoning Text
18 Amendment. This text amendment would remove from the
19 zoning resolution sidewalk café regulations which
20 have dictated which areas of the City would get to
21 enjoy outdoor dining. I look forward to today's
22 hearing, and before I turn it back to Chair Velázquez
23 to continue-- I believe Chair Velázquez already
24 announced all our members who are here. Chair
25 Velázquez, I would like to turn it right back over to
you.

2 CHAIRPERSON VELÁZQUEZ: Sorry. Now,
3 Chair Salamanca.

4 COMMITTEE COUNSEL: Chair Velázquez, I
5 don't think Chair Salamanca is here yet. If you want
6 to do the portion of the announcements, you can start
7 with that.

8 CHAIRPERSON VELÁZQUEZ: Okay. Well, thank
9 you, Chair Riley, and I will now turn it over to the
10 Committee Counsel to go over some procedural items.

11 COMMITTEE COUNSEL: Thank you, Chair
12 Velázquez and Chair Riley. I'm Angelina Martinez
13 Rubio [sp?], Counsel to the Subcommittee of Zoning
14 and Franchises, and I will give some brief
15 announcements for meeting procedures today. I will be
16 moderating the hearing with the Chairs, and members
17 of the public wishing to testify were asked to
18 register for today's hearing. If you wish to testify
19 and have not already registered, we ask that you
20 please do so now by visiting the New York City
21 Council website at www.council.nyc.gov/testify to
22 sign up. Members of the public may also view a
23 livestream broadcast of this meeting at the Council's
24 website. If you need an accessible version of
25 today's presentation, please send a request to

3 testimony@council.nyc.gov. When called to testify,
4 individuals appearing at this hearing will remain
5 muted until one of our staff sends an unmute request.
6 Representatives from the Administration will be
7 recognized with the group and called first, followed
8 by members of the public. When recognized to speak,
9 please take a moment to check your device and confirm
10 that your mic is on before you begin speaking. If
11 you're a member of the public viewing this meeting
12 online, please take note with regard to language
13 accessibility that the Council is providing card
14 translation services in connection with the
15 livestream broadcast. For registered participants
16 present within the webinar that need an ASL
17 interpreter, video channel during the hearing, we ask
18 that you please locate the interpreter, you can do a
19 search in the participant panel for the interpreter,
20 and click the pushpin icon to pin that interpreter's
21 video stream. Public testimony will be limited to
22 two minutes per witness. If you have additional
23 testimony you would like the Council to consider or
24 if you have written testimony you would like to
25 submit today, you may email it to
testimony@council.nyc.gov. Again,

3 testimony@council.nyc.gov. Please indicate the
4 project name in the subject line of your email, and
5 during the hearing Council Members with questions
6 should use the Zoom raise hand function. Council
7 Members with questions will be announced in order as
8 they raised their hand. Council Members are limited
9 to two minutes per question and a second round of
10 questions will be limited to the Chairs. Finally, as
11 Chair Velázquez already said, there will be pauses
12 over the course of this meeting for various technical
13 reasons and we ask that you please be patient as we
14 work through any issues. Now, let me double check,
15 Chair, if Chair Salamanca is here. If not, we can
16 probably get started with this hearing. Chair
17 Salamanca is here, so if we can turn over to him for
18 some brief opening remarks. Chair Salamanca?

18 CHAIRPERSON SALAMANCA: Can you hear me?

19 CHAIRPERSON RILEY: Yes.

20 COMMITTEE COUNSEL: We can hear you.

21 CHAIRPERSON SALAMANCA: Good morning.

22 Thank you. Thank you. Good morning, and I want to
23 thank Chair Velázquez and Chair Riley for working and
24 co-chairing this hearing. It is unquestionable that
25 the temporary Open Restaurants has changed the city's

3 landscape forever, became a lifeline to many small
4 business owners and restaurant workers, and brought
5 the enjoyment of outdoor dining to many families
6 throughout the City that did not have that
7 opportunity before. The numbers tell us powerful
8 stories here. We started with as little as 1,400
9 sidewalk cafes throughout the City prior to COVID-19
10 pandemic, and with over 1,000 of those in Manhattan,
11 and now thanks to this program we have over 12,000
12 cafes, and 659 of those are in the Bronx, and we've
13 saved over 100,000 jobs. While there are successes
14 to be celebrated with the temporary programs, we have
15 heard of many valid concerns from Community Boards,
16 Borough Boards, Borough Presidents, and those that we
17 will hear from today that will testify. As we
18 approach the permanent program for open restaurants,
19 it is important that we build on the success, but
20 also take into account these concerns so that we can
21 strike the right balance, and I look forward to
22 working with my colleagues, and later on I'll have a
23 few questions. Thank you.

24 COMMITTEE COUNSEL: Thank you, Chair
25 Salamanca. So, Chair Velázquez, if we're ready, I
can just call the Administration panel?

2 CHAIRPERSON VELÁZQUEZ: We're ready.

3 Let's proceed.

4 COMMITTEE COUNSEL: Okay. So, now to
5 beginning today's meeting I will open the public
6 hearing on Pre-considered Intro and the Pre-
7 considered LU under ULURP N210434ZRY. I now call on
8 the Administration to testify, but before they begin
9 I will administer the oath. The Administration panel
10 includes, and I believe some of them are not here
11 today, so I just want to confirm. We have
12 Commissioner Ydanis Rodriguez from the Department of
13 Transportation. We have Carolyn Grossman from the
14 Department of City Planning, and we have Steven
15 Ettannani, Executive Director of External Affairs for
16 the Department of Consumer and Worker Protection.
17 Do we have -- I just want to confirm with the panel,
18 do we have Michelle Craven or Julie Schipper, or
19 [inaudible].

20 UNIDENTIFIED: We're in the same room as
21 the Commissioner Rodriguez.

22 COMMITTEE COUNSEL: Okay, so we have--
23 sorry, guys, I didn't see you. Hi guys. Michelle
24 Craven, DOT Assistant Commissioner for Cityscape and
25 Franchises, and Julie Schipper, DOT's Director of

2 Program Restaurants. The panel, can you please-- I
3 will call on you individually for a response. Please
4 raise your right hand. Do you affirm to tell the
5 truth, the whole truth, and nothing but the truth
6 before this committee and to respond honestly to
7 Council Member questions? Commissioner Rodriguez?

8 COMMISSIONER RODRIGUEZ: Yes, I do.

9 COMMITTEE COUNSEL: Director Schipper?

10 DIRECTOR SCHIPPER: Yes, I do.

11 COMMITTEE COUNSEL: Assistant
12 Commissioner Craven?

13 ASSISTANT COMMISSIONER CRAVEN: Yes, I
14 do.

15 COMMITTEE COUNSEL: Director Grossman?

16 DIRECTOR GROSSMAN MEAGHER: Yes, I do.

17 COMMITTEE COUNSEL: Executive Director
18 Ettananni?

19 EXECUTIVE DIRECTOR ETTANNANI: Yes, I do.

20 COMMITTEE COUNSEL: Thank you. You may
21 begin your testimony, and when you're ready to
22 present your slide show, please say so. It will be
23 displayed on screen and slides will be advanced for
24 you by our staff. Just say next. And for the
25 benefit of the viewing public, if you need an

3 accessible version of today's presentations, please
4 send an email request to testimony@council.nyc.gov.

5 Panelists, as you begin, I would just ask you to
6 please restate your name and organization for the
7 record. You can begin.

8 COMMISSIONER RODRIGUEZ: Buenos dias.

9 Good morning Chair Salamanca, Riley, and Velázquez,

10 and members of the Subcommittee on Zoning and

11 Franchises and Committee on Consumer and Workers

12 Protection. I am Ydanis Rodriguez, Commissioner of

13 the New York City Council Department of

14 Transportation. With me are-- today are Julie

15 Schipper, Director of Open Restaurants, Michelle

16 Craven, Assistant Commissioner for Cityscape and

17 Franchises. We are also joined by Carolyn Grossman

18 Meagher, Director of Regional Planning at the

19 Department of City Planning, and Steven Ettannani,

20 the Executive Director of External Affairs at the

21 Department of Consumer and Worker Protection. Thank

22 you for the opportunity to testify on behalf of Mayor

23 Eric Adams on this legislation that creates the

24 regulatory structure for the City's permanent outdoor

25 dining program. It is a great honor to be before the

Council today for the first time as the New York

3 Department of Transportation Commissioner. I am so
4 proud to be working alongside the great teams at DOT
5 who are committed to enhancing the safety of our
6 streets. I look forward to working in partnership
7 with the Council, the body that I had the opportunity
8 to serve for 12 years up to December 31st, to further
9 our vision of turning New York City into the most
10 pedestrian and cyclist-friendly. Our public spaces
11 must serve our residents and so it is fitting that my
12 first hearing in this role is about creating a
13 permanent outdoor dining program that builds on the
14 pandemic-era Open Restaurants program that rapidly
15 transformed the city's streets to support our city's
16 recovery. The COVID-19 pandemic brought one of the
17 most difficult and unprecedented times in the city's
18 history. As the city began to emerge from the
19 shutdown and look towards the recovery, the City
20 established the Open Restaurants program under
21 emergency Mayoral Executive Order to meet this
22 difficult moment. The program enabled over 12,000
23 restaurants to offer outdoor dining on roadways and
24 sidewalks outside of their establishments. This
25 included allowing over 2,500 restaurants that would
not have been eligible or would have been limited due

3 to zoning restrictions to offer sidewalk seating,
4 bringing the benefits of outdoor dining to new areas
5 of the city such as under elevated railways. This
6 rapid reimagining of streets created a safe way for
7 New Yorkers to share a meal together while indoor
8 dining was banned or limited, bringing us all much
9 needed joy during this challenging time, supporting
10 the city's beloved restaurant industry, and saving
11 100,000 jobs. Now, the City is creating outdoor
12 dining program that can live on well beyond the
13 recovery-- the recovery from the pandemic. Doing so
14 requires changes to the Zoning Resolution, local law,
15 rulemaking, and agency operations and policy.
16 Together, these actions will bolster the intent of
17 Local Law 114 of 2020, which directed the creation of
18 a permanent program. With this program, the City
19 will be able to better support the restaurant
20 industry in its recovery and provide New Yorkers and
21 visitors alike a new way to enjoy this incredible
22 city. Pursuant to the current text of the Zoning
23 Resolution, as our colleague from City Planning will
24 explain, restaurants are allowed to utilize the space
25 in front of their restaurants for outdoor dining in
only certain areas of the city. The Zoning Text

3 Amendment removes the geographic restrictions—
4 allowing restaurants throughout all parts of the city
5 to apply for outdoor seating areas on the sidewalk.
6 The legislation before the Council today transfers
7 jurisdiction of the licensing and regulation of
8 sidewalk cafés from the Department of Consumer and
9 Worker Protection to the Department of New York City
10 Transportation. And for roadway dining, this
11 legislation creates a new roadway café program at
12 DOT, establishing a revocable consent and license
13 review process and license fees. These changes will
14 enable a unified outdoor dining program, administered
15 under one agency, at DOT. The program will be
16 available citywide but subject to sitting [sic]
17 criteria, such as minimum sidewalk clearance and
18 design guidance. It will be a simple process for
19 restaurants than the old sidewalk café program, but
20 will still require community board review for
21 sidewalk cafés, and notification and a public
22 revocable consent hearing for roadway cafés. By
23 expanding the program to restaurants in all parts of
24 the city and providing a new roadway seating option,
25 the program will particularly help businesses in low
income neighborhoods and communities of color.

3 Regarding fees, the legislation establishes an
4 initial license fee for a sidewalk or roadway café of
5 \$1,050, and a renewal fee of \$525. In addition, DOT
6 and OMB are still determining the revocable consent
7 fee which will be finalized during the DOT rulemaking
8 process. This fee will be based on the location of
9 the restaurant and the size of the space the
10 restaurant will be using for its sidewalk or roadway
11 café. These fees are essential for covering the
12 administrative costs of the program and also to
13 ensure that public space is not given away for
14 private businesses for free. We welcome feedback on
15 revocable consent fees during the rulemaking process.
16 The City set up the temporary program rapidly,
17 focusing primarily on providing flexibility to
18 restaurants to encourage participation for our city's
19 recovery. But over the last year and a half, the
20 City continued to adjust the program as needed and
21 has learned so much. DOT and our agency partners
22 heard from many New Yorkers with a range of responses
23 to the program. While overwhelmingly popular, many
24 people have raised real concerns, including noise and
25 sanitation. We heard these concerns and take them
very seriously. Since the start of the program, the

3 City encouraged adherence to the program's
4 requirements. DOT has co-hosted a number of
5 educational webinars on the program for restaurant
6 owners and workers. And DOT and our sister agencies
7 have conducted nearly 60,000 inspections, and fined
8 and removed restaurants that failed multiple
9 inspections. But now with the change to a permanent
10 program, we will have an even greater focus on
11 inspections and compliance. Restaurants are an
12 essential part of our communities and we encourage
13 them to be good neighborhood partners. We will
14 continue to work closely with restaurants and the
15 communities at large as we develop the new program
16 requirements and standards. We will create a license
17 for sidewalk and roadway cafés, requiring cafés to
18 comply with rules before they are built and
19 subjecting them to inspection shortly after. DOT
20 will enforce against amplified sound devices—which
21 are prohibited in outdoor dining setups, and NYPD and
22 DEP will enforce against noise complaints. And we
23 are working closely with the Department of Health and
24 Mental Hygiene on pest management standards to
25 include in the license agreement as well as other
sanitation standards. DOT, along with our sister

3 agencies and design and civic groups, is currently
4 engaging in a process to create new design guidance
5 for the program. This guidance will include detailed
6 information about how the program will work
7 physically, including visualizations, materials
8 needed for setups, and standards on cleaning and
9 trash storage. This public design process began in
10 October, and the guidance will be codified through
11 rulemaking. The design guidance will ensure that our
12 dining setups are accessible to all users, contribute
13 to safe streets and provide access for emergency
14 vehicles, are flexible and temporary to allow for
15 many activities on New York City streets from
16 emergency work for transportation planning to
17 maintenance and sanitation, work well in varying
18 street and neighborhood contexts, and are clean,
19 attractive, and well maintained. DOT is hiring full-
20 time staff dedicated to this program, including our
21 Director of Open Restaurants, a dedicated enforcement
22 team, application and plan reviewers, and corridor
23 and parking planners. This includes bilingual
24 application reviewers and inspectors to ensure
25 language is not a barrier to participation. The
Mayor's Office of People with Disabilities is also

2 hiring additional plan reviewers to focus on
3 accessibility. We are eager to bring on these new
4 team members who will ensure the program's success
5 and increased restaurant compliance. In conclusion,
6 I would like to thank the Council for the opportunity
7 to testify before you today and for your partnership
8 in creating an outdoor dining program that brings new
9 life to New York City. [speaking Spanish] I want to
10 say that this program will be the largest one in the
11 whole nation. It will be a role model to other
12 municipalities. We will be able-- we will be happy
13 to answer any questions after you hear from our City
14 Planning colleague.

15 DIRECTOR GROSSMAN MEAGHER: Thank you,
16 Commissioner, and good morning Council Members. My
17 name is Carolyn Grossman-Meagher. I'm the Director
18 of Regional Planning at the Department of City
19 Planning, and I'll share a few slides on the
20 technical aspects of our proposal, and if I could ask
21 for slides to be pulled up at this time. Thank you.
22 As Commissioner Rodriguez shared, the legal framework
23 that governs cafes is multifaceted, and so in order
24 to make this permanent Open Restaurants plan a
25 reality, there's three legal steps that need to

3 advance, each happening through a somewhat different
4 process. The first on the docket for today is the
5 removal of locational prohibitions through zoning,
6 which I'll speak about for a few slides after this,
7 but we believe is really key to unlocking the full
8 citywide universe of applicability of a permanent
9 program and for consolidating control and
10 accountability for the program under DOT. The second
11 also on docket for today is the legislative response
12 which we'll revise and transfer authority to run a
13 sidewalk café program from DCWP to DOT, thus allowing
14 for a unified program as well as establishing the
15 parameters for the roadway program which did not
16 previously exist under law. Following steps one and
17 two and that authorization, the agency rule process
18 would be adopted to address design operational and
19 application standards, but cannot proceed absent the
20 passage of the zoning and legislative components
21 which would authorize DOT to move to have a permanent
22 program and thus make the possibility of establishing
23 rules possible. Over the next few slides, I'll
24 discuss how the zoning text amendment works and why
25 it's important to the future program. Next slide,
please.

2 COMMITTEE COUNSEL: Apologies. It looks
3 like we're having some technical issues with the
4 slides. Give us just one minute to try to fix it.

5 DIRECTOR GROSSMAN MEAGHER: Great, thank
6 you. Under the zoning rules which are currently
7 suspended by Executive Order, zoning dictated three
8 different kinds of cafes and where in the City they
9 can be located. The most common is a standard
10 unenclosed café which allowed for readily removable
11 tables, chairs, and fencing with very little overhead
12 coverage other than umbrellas and retractable roofs.
13 We had a small sidewalk café designation, which is an
14 unenclosed sidewalk café containing no more than a
15 single row of tables and chairs, and we had an
16 enclosed café which is an extension of a building
17 into the sidewalk using light building materials and
18 with transparency requirements, similar to what you
19 see here, the classic diner typology. Next slide.
20 Zoning holds the geographic restrictions of where
21 these types of cafes are allowed and not allowed.
22 You can view on our website how the zoning map plays
23 out. We have in yellow areas of the City, primarily
24 in Manhattan, only small café types. Purple is where
25 small or regular-sized unenclosed cafes are allowed.

3 Green is where any kind of café is allowed, and very
4 importantly for our purposes here, you can see a lot
5 of area of the city where cafes are not allowed at
6 all, even if the sidewalks are wide and conditions
7 otherwise would have been appropriate, the zoning has
8 made these areas prohibited, and there's really two
9 kinds. Red is areas that are specifically prohibited
10 and called out in zoning. You can see here both
11 areas in Manhattan as well as many commercial
12 corridors in Brooklyn, Queens, and the Bronx, long
13 red stretches. As well as blue areas which are the
14 residential zones of our city. now, typically, we
15 outlaw cafes in residential areas, because we also
16 don't allow restaurants in residential areas, but we
17 have 3,000 restaurants or so across the City that
18 exist in these areas that also effectively cannot
19 access sidewalk café program as it exists under prior
20 law. Next slide. And you can see the results of
21 that regime. As the Commissioner mentioned, we had
22 just over a thousand cafes pre-COVID on the sidewalks
23 of the City. Mostly were the unenclosed variety, and
24 the vast majority of them were located in Manhattan.
25 And we believe that that was-- the reason for that is
a combination of all of the restrictions that existed

1 on the program pre-COVID. Next slide. As we can
2 see, over 12,000 restaurants are participating in the
3 emergency program, and you can see that more than
4 half of them are in the outer boroughs. A true
5 success story of the program has been its five-
6 borough nature, the ability to really extend outdoor
7 dining to all corners of the City. Next slide. So,
8 during the emergency program we estimate that 2,500
9 restaurants at minimum were permitted in areas that
10 are prohibited or limited under that existing zoning
11 regime. So this proposed text amendment would allow
12 them the possibility of applying for the future
13 program. Looking at the map on the right, we see
14 again in red are restaurants in areas that are
15 specifically prohibited by zoning. You can see some
16 of those red corridors and the significant numbers
17 along those corridors in the Bronx, Brooklyn, and
18 Queens again that are prohibited under zoning. These
19 include commercial mid-blocks, certain special
20 districts under elevated rail lines, and other main
21 congested areas of the City. In blue are all the non-
22 conforming restaurants that exist in those
23 residential areas. So as I said, we think there are
24 about 3,000 citywide. A thousand of them are
25

3 participating in the open restaurants program. And
4 yellow is cafes in zones that would have been limited
5 only to a single table. The zoning text amendment is
6 the action that will allow these restaurants, these
7 many thousands of restaurants, to potentially
8 continue into the future program. Next slide. So,
9 why were these restaurants and these areas just
10 prohibited from cafes in the past? The reality is
11 there's a number of reasons that we see in different
12 kinds of geographies. But what we've seen in the
13 emergency program is that sidewalk cafes can work in
14 many more locations than zoning had contemplated in
15 the past. So here we have photos of some of the
16 different kinds of-- different cafes in various parts
17 of the city that would have banned sidewalk cafes.
18 For instance, under elevated railways, all of those
19 commercial corridors in many of our outer boroughs
20 simply weren't allowed because at some point in
21 history people believed that an elevated-- the
22 presence of an elevated was a reason to not allow a
23 café at all. But what we've seen, such as this one
24 in the top left in Bushwick, is that they can
25 actually activate a street, and particularly for some
of these commercial corridors it's an important

2 enlivening activity. Certain special central
3 business districts we believe congestion is an issue.
4 We believe this can be dealt with by increasing the
5 requirements for clear path area, but we don't
6 believe that a café like this, top right, near Grand
7 Central, need not have a single row and table of
8 chairs if it can protect, for instance in this case,
9 12 feet of clear path in a potentially congested
10 area. It's not a reason to take it off the map
11 entirely. Certain special districts such as East New
12 York and DUMBO in the bottom left are areas where we
13 simply didn't allow cafes. We again believe that
14 that's an appropriate location, and as I've mentioned
15 several times, in residential districts we see a lot
16 of this in outer boroughs, particularly in Bedford-
17 Stuyvesant. We've had certain restaurant groups
18 advocate specifically, and they would have had to go
19 through a full ULURP process for commercial zoning
20 just to put a few tables and chairs out. This text
21 amendment alleviates that burden and makes it
22 possible for those restaurants to really be on a
23 level playing field with any other restaurant in the
24 City. Next slide. Other clean-up actions that are
25 included in the text amendment, we have a number of

3 removals of definitions and cross-references that
4 really get the zoning entirely out of the business of
5 regulating cafes so that DOT can have that exclusive
6 authority. We have some text that precludes operable
7 windows that would service an outdoor restaurant. So
8 we've allowed for that to continue to exist. There
9 are some parts of the text amendment that ensure that
10 an enclosure provision-- so certain areas of the City
11 we would require a restaurant to be fully enclosed
12 within a building in order to operate. That is
13 inconsistent with having an outdoor café, so we've
14 removed those provisions to allow for the use of the
15 outdoor restaurant in those areas, and we've
16 clarified the sidewalk widening text, which is a
17 feature of mostly Midtown where buildings are
18 required to set back to build wider sidewalks. We've
19 made sure that that does not interfere with the
20 participation in the Open Restaurants Program as
21 well, because we want to make sure that a restaurant
22 who is applying doesn't have to research 40 years of
23 zoning history in order to understand a building line
24 and a curb line and have a lay understanding of the
25 layout of their sidewalk requirements. Next slide.
The City Planning Commission voted to adopt the text

3 amendment tat the end of last year with a
4 modification. The Commission heard much testimony
5 about the importance of quality of life concerns and
6 the importance of getting the details right, not just
7 with the zoning, but with the legislation and rules-
8 based components of the program. So to address
9 concerns that one component be enacted absent the
10 completion of the other components, the City Planning
11 Commission modified the effective date of the zoning
12 to be tied to the subsequent enactment of legislation
13 and DOT rules. So this ensures that all three
14 elements will only go into effect together and not
15 sequentially. Next slide. And to that point, as the
16 Commissioner mentioned, DOT, DCP, and our sister
17 agencies made a commitment to public engagement
18 around a design process that will reach the design
19 standards which ultimately will be codified into
20 DOT's rules. The teams were out visiting borough
21 boards through the end of last year to promote a
22 citywide survey collecting initial design feedback.
23 We're regularly meeting with sister agencies to
24 develop this initial work. We're also partnered with
25 the Al Fresco Coalition lead by RPA, the Design
Trust, and Tri-State Transportation Campaign who are

3 helping us collect valuable feedback on design ideas,
4 and we'll plan to be out with more public engagement
5 in the coming weeks and months to arrive at those
6 finally design concepts. Next slide. So,
7 summarizing the complexity of the multiple approvals
8 and developments here with a calendar. The zoning
9 elements which we've discussed are in front of the
10 Council on deadline based on the Land Use calendar,
11 but will remain un-enacted pending other adoptions.
12 The legislation authorizing these high level
13 components is under consideration as well, not on the
14 same deadlines as the Land Use components. A design
15 development and engagement process is well underway
16 and will run through the Spring leading to draft
17 concept designs and the draft CAPP [sic] rules later
18 in the year. Following the adoption of CAPP, the
19 City will work on education and outreach around the
20 new procedures with the expectation of transition
21 into the new program around 2023, all of this being
22 underpinned by the emergency Executive Order
23 remaining in effect and allowing for that seamless
24 transition. So with that, we can pull slides down
25 and I'll return control to Commissioner Rodriguez and
the Council for Q&A. Thank you.

2 COMMISSIONER RODRIGUEZ: Chairman, any
3 questions?

4 COMMITTEE COUNSEL: Chair Velázquez, do
5 you have some questions for the panel?

6 CHAIRPERSON VELÁZQUEZ: Definitely. So,
7 under the normal sidewalk café process, restaurants
8 have reported waiting over a year for their licenses.
9 What makes it so lengthy?

10 COMMISSIONER RODRIGUEZ: Well, we can
11 talk about how we are-- we can talk about how, you
12 know, we being oper-- we'll be operating moving
13 forward, but I think that that's a particular
14 question that probably Steven Ettannani is more
15 empowering [sic] for him to explain to you, Chair.

16 EXECUTIVE DIRECTOR ETTANNANI: Sure. And
17 thank you, Council Member, for the question, and it's
18 a pleasure to meet you here in this virtual hearing.
19 As the Commissioner said, my name is Steven
20 Ettannani. I'm the Executive Director for the
21 Department of Consumer and Worker Protection. I
22 think first and foremost, just to level set here, is
23 that the sidewalk café program has not existed
24 essentially for two years. It's been suspended for
25 two years by an Executive Order. In part, the reason

3 for that is that the sidewalk café process was not
4 nimble, as you mentioned, Chair. It was a process
5 that was lengthy, convoluted by our own admission,
6 and something that, you know, certainly this agency
7 has been on the record testifying to that point. But
8 this hearing is really about the future and a
9 permanent program, and DOT has been managing a more
10 expansive program during that two-year period that
11 our sidewalk café program has been suspended. It's a
12 more streamlined program. It's one that allows
13 restaurants to utilize a sidewalk and the streets for
14 dining. DOT is the appropriate agency to continue
15 that work, because it's been a resounding success.
16 You heard from my colleague at DCP about the
17 geographical success of that program, and from the
18 Commissioner of DOT in terms of jobs saved, over
19 100,000. We think DOT is best situated to develop a
20 holistic vision of the city streetscape, and they'll
21 have a dedicated enforcement team to work through any
22 quality of life or safety issues that get managed in
23 this program going forward.

24 CHAIRPERSON VELÁZQUEZ: Thank you for
25 that. And now, can you tell me how is it new and
how-- will it be streamlined?

2 EXECUTIVE DIRECTOR ETTANNANI: I'll defer
3 to Commissioner Rodriguez to speak to the permanent
4 program.

5 COMMISSIONER RODRIGUEZ: Yeah. The
6 program moving forward will be based on the
7 experience that we have and I will also pass to the
8 Director of the Open Restaurant who is Julia Schipper
9 because she worked during the last couple of months
10 working with the sister agency getting idea form the
11 restaurant owners, from the members of the community
12 to put together the streamline that we believe will
13 make this program the most efficient and permanent
14 that any other city has built in this nation. So I
15 think that the most important thing is that first of
16 all, the whole process on how someone will be
17 applying, it will make the restaurant owners first of
18 all accountable to take care of the cleaning and the
19 safety, not only of the sidewalk but also the street.
20 They will have to fill out that application. We will
21 review this application and we will make decision
22 based about how did those individual owners, the
23 restaurant owners, are committed to take not only the
24 opportunity but also the responsibility that we can
25 [sic] for them to get this permit. But I would like

2 to also to pass it to Julie who is the Director of
3 [inaudible].

4 DIRECTOR SCHIPPER: Thank you,
5 Commissioner, and thank you Chair for the question.
6 So, as much as we can, we have shortened the review
7 process and the review timeframes for the sidewalk
8 program. Roadway is slightly different as this
9 program is new and we are just developing it now.
10 This will still go through a revocable consent
11 process, but we are able to shorten it a bit more
12 with just giving notice to the Community Boards and
13 holding a revocable public hearing, but we have to
14 take in the time and take in the accountability to
15 try and shorten and streamline the process as much as
16 we can with this shorter review timeframe.

17 CHAIRPERSON VELÁZQUEZ: Can you explain
18 to me then the revocable consent and that process and
19 how you involve the community?

20 DIRECTOR SCHIPPER: So, the revocable
21 consent process for Open Restaurants is something
22 that we'll be outlining in the rule-making process
23 that we'll be doing later this year, but effectively
24 will be doing a-- our planners will be doing a site
25 review of the roadway café plans, and then we'll

3 notify the Community Boards that this application has
4 come in if they wish to have their own hearing on it,
5 and then we'll hold our own public hearing as
6 required by the Charter, execute the agreement
7 [inaudible] at the Comptroller.

8 CHAIRPERSON VELÁZQUEZ: Thank you. At
9 this point I wanted to welcome-- I have by accident
10 not seen our Speaker, Speaker Adams. Speaker, would
11 you have any questions right now, or Steven?

12 SPEAKER ADAMS: Thank you, Chair
13 Velázquez. Doing a great job. Good morning
14 everyone. I am going to listen to this hearing and
15 will ask questions as they come up as we proceed.
16 Thank you so much.

17 COMMISSIONER RODRIGUEZ: Thank you.

18 CHAIRPERSON VELÁZQUEZ: Thank you. And I
19 guess my follow-up question here. When we were
20 talking about the procedures, are we also looking at
21 penalties under the old system or the emergency order
22 we have been given-- the Administration has been
23 giving warnings. What has the penalties looked like
24 before, and what are you envisioning for the future
25 for folks that do not comply, and how do we hold
those restaurants and bars accountable?

2 COMMISSIONER RODRIGUEZ: First of all,
3 as everyone knows, this program during the time of
4 pandemic and also how the Administration and the
5 Council in 2020 passed the bill that empowered DOT to
6 take this lead to organizing the temporary base. It
7 is a system that we know that in the past they made
8 their contribution, but the way of how we are
9 reimagining the use of a street, also we can-- not
10 only the opportunity for the restaurant owner to take
11 advantage of this. to be part of the solution, not
12 only providing seating area to the middle class and
13 the working class, but also through those brothers
14 and sister in the underserved community, that in the
15 past they never thought that they could have access--
16 they never thought they could enjoy sitting at the
17 table as anyone would do in Midtown or Downtown
18 Manhattan. You know you and I share similar
19 constituency. We know that in the past when I came
20 in the 80s, you didn't see a single sidewalk
21 restaurants in northern Manhattan. You didn't see it
22 in the Bronx. You didn't see it in places in
23 Brooklyn, Staten Island, and Queens mainly composed
24 by immigrant and working class. So I think what we
25 are doing right now is one, creating this great

3 opportunity, but also sending the message to the
4 restaurant owners: please be our partner. We know
5 that most of them have [inaudible] structure
6 together, but when it comes to that question about
7 how would we make being accountable. There's going
8 to be a system in place. Not only we have proven
9 with a 60,000 [sic] inspection that DOT did during
10 the last couple of months on this program, that we
11 will take safety-- we will take responsibility of the
12 restaurant owner very seriously, and we will be going
13 back to those restaurants and see how they are
14 successful, but also how they take seriously their
15 responsibility of quality of life, their
16 responsibility also to be a good restaurant neighbor
17 to those communities where they are established.

18 CHAIRPERSON VELÁZQUEZ: Yes, I also like
19 have concerns on the fees, right? During the
20 pandemic, what have-- how many restaurants have
21 closed down because of violations?

22 COMMISSIONER RODRIGUEZ: Yeah, there
23 was-- I could say that most of them were good
24 partnership when it comes to the services that they
25 provide in the different community where they were
established. There were some cases, as we have in

3 all sector. We also had a few bad apple, and we know
4 that those few apple are everywhere, and as an agency
5 that will be running this program, we would make all
6 of them accountable, but to share those few occasion
7 where we got those cases of where we had to shut down
8 some restaurants. I'd also like to call to Julie who
9 were the one the last couple of months was working
10 overseeing that behavior in those cases, but
11 unfortunate we had to shut it down.

12 DIRECTOR SCHIPPER: Yeah, thank you,
13 Commissioner, and thank you, Chair. You know, over
14 the pandemic we have been quite lenient to
15 restaurants. We know that the restaurant industry
16 was really suffering through COVID, and we stood this
17 program up in an effort to bring the restaurant
18 industry back, and but with that, as the Commissioner
19 mentioned, there are always-- there are some bad
20 apples and bad actors that have been part of the
21 program, and we have given a number of warnings. Our
22 inspectors go out and work very diligently with each
23 restaurant, especially ones that are not complying
24 with the rules, but after a certain number of
25 warnings, you can only do so much, and if the
restaurant is still not complying more robust

3 enforcement needs to be taken. So, there are a few
4 restaurants that we have given fines to. However, we
5 have only given fines up to 1000 dollars, and there
6 are restaurants that have either become abandoned or
7 their structures are just totally not in compliance
8 of our rules, and after working with them we have
9 removed them. and going forward, in the permanent
10 program, that is something that you will see more of
11 if a restaurant is not in compliance after we have
12 taken the time to work with them, we will turn to
13 summonses and removals just to make sure that this is
14 a very successful program and a program that can
15 continue on for decades and decades.

16 CHAIRPERSON VELÁZQUEZ: Thank you so much
17 for that, but can you be more specific? How many
18 warnings? How many fines? Are there any closing? I
19 mean, you should have this data plant.

20 DIRECTOR SCHIPPER: We can come back to
21 you with the specific numbers on fines, warnings, and
22 removals.

23 CHAIRPERSON VELÁZQUEZ: So, we're
24 basically discussing how to keep restaurants open,
25 but we don't even know how many you've closed down.
Okay, cool. Next, what we're trying to do is-- what

3 is the bill purpose moving this licensing from DOT to
4 DCWP? And I know we've kept on talking about this,
5 but explain to me how much more efficient would it be
6 under DOT if you can't even give me data points?

7 COMMISSIONER RODRIGUEZ: It's not that
8 we cannot give you the data, the data, Chair. What
9 we are saying is that the way you have this program
10 being operating [inaudible] public information, we--
11 the team here at DOT, they went out and they gave--
12 they did 60,000 inspections. We know that we-- the
13 program has been basically a temporary one. We will
14 get back to you to share all the details that is
15 important for you as a body, but you know, the way
16 that we're having this conversation right now is
17 normally [sic] sharing what we have done, but it's
18 also most important disclosing how this program will
19 be permanent under DOT.

20 EXECUTIVE DIRECTOR ETTANNANI: Chair, I
21 also want to jump in and mention, just to piggyback
22 on a question that you had which is imperative as
23 accountability. How will we hold, you know,
24 restaurants accountable in this program from a safety
25 perspective. And I will say, you know, part of the,
you know, calculus of this transition, which the

3 Council has already kind of legislated and put their
4 thumb on the scale by Local Law 114 of 2020, I do
5 want to make a note of that, but importantly is that
6 DCWP, for a program that had just over 1,000
7 restaurants participating, never had a dedicated
8 enforcement team for that license category. We
9 enforce regulations for tens of thousands of
10 businesses across a number of different, you know,
11 laws and rules in the City. DOT will have a
12 dedicated enforcement team to hold restaurants
13 accountable, and I think that point needs to be
14 stressed here as well.

15 CHAIRPERSON VELÁZQUEZ: And I guess I
16 also want to distinguish the fact that there are two
17 different worlds that are existing, right? There's
18 the sidewalk café and then there's open dining, Open
19 Restaurants. So, can you clarify how you're going to
20 treat them under your system? What does the approval
21 process look like, and additionally, how do we get
22 community involvement in both?

23 COMMISSIONER RODRIGUEZ: You're right
24 there's going to be-- first of all, what we are
25 bringing new to the City that we will have the DOT as
the agency where the restaurant owner, they will come

3 and do the two shop [sic] in one agency. So they
4 will be able to apply for the sidewalk, but also for
5 the roadway. There's going to be two different fees
6 that they would pay. But there's some area where we
7 are allowed when it comes to the sidewalk when it
8 come to-- you know, when it comes to the City Charter
9 allowing us to do certain things. And the other part
10 is something that, you know, it's also required. So,
11 in changing back, that's why we are working the two--
12 with the two system which is the one, one related to
13 the sidewalk, one related to the roadway, but I think
14 that-- our person here from City Planning should be
15 the person that also can expand a little bit more on
16 that. Carolyn?

17 DIRECTOR GROSSMAN: Apologies, could I
18 ask for the question to be repeated?

19 CHAIRPERSON VELÁZQUEZ: For what I was
20 asking is remember how we had discussed the two
21 different models, right? There's the sidewalk, and
22 then there's Open Restaurants. How did you
23 streamline it? So we're talking about pre-COVID,
24 currently the emergency order, and how do you
25 envision it going forward. I believe that there were
four slides.

3 DIRECTOR GROSSMAN: Yes. Thank you.

4 Thank you, and apologies, I got lost in the
5 [inaudible]. So I think as we described, you know,
6 the pre-COVID sidewalk café program had so many
7 agencies involved, right? Both on the Administration
8 side, DCWP, DOT through the regulation of streets,
9 DCP through the regulation of zoning, as well as the
10 Community Boards, as well as the Council, as well as
11 the Comptroller. So what we're trying to do here is
12 within the constraints of the revocable consent
13 process, remove as many of those elements and
14 streamline the coordination between as many of those
15 elements as we can. One really big part of that is
16 the removal of the zoning itself, right? We think
17 that getting ULURP and all of the sort of heft of
18 that program on how difficult it is to make changes
19 through the ULURP process, you know, just to be able
20 to put a few tables and chairs out we think is a huge
21 benefit to adjust the coordination. I described
22 restaurants that would come to us, you know, to put a
23 few chairs out in a restaurant in Bed-Stuy that we
24 had to tel. they had to go through a full ULURP
25 process just to do that. So, one thing we're doing
is just removing our entire agency. We do still

3 believe that there-- you know, that we will have an
4 advisory role, you know, on design issues, but remove
5 that sort of that burden of process. Think the
6 second, as we described, is making it easier to apply
7 in the first place. So we're moving the engineered
8 drawings, getting something that is more
9 technologically enabled, something that is a little
10 easier for restaurants and easier for the community
11 and the general public to see. We think that could
12 help a lot in terms of just streamlining those
13 elements. We are continuing to require on the
14 sidewalk café side a Community Board referral as is
15 required under the existing revocable consent
16 process. We do think that that's obviously an
17 important way to get community feedback, though it is
18 part of what makes the process a little bit longer.
19 That is true of the Council process as well. So we
20 did look at streamlining those just a little bit in
21 terms of the time slots to make it a little bit
22 quicker. And ultimately we think that combined means
23 it will not be as simple a process as it is under the
24 emergency authority, but it will be easier than it
25 was under the pre-COVID, and so much of this we also
believe is about the resources and the technical

3 sophistication at DOT to be a good plan reviewer and
4 to be responsive to the restaurants. And as DCWP has
5 described, you know, they were administering a
6 program for the streets when that's not their
7 agency's primary mandate, and they're a much smaller
8 agency. So, we also believe that DOT under this much
9 more resourced body has the ability to be an
10 efficient processor of those applications and that
11 they can do that efficiently and transparently even
12 with those many stops along the process.

13 CHAIRPERSON VELÁZQUEZ: Got it. Can you
14 tell me an estimate as how long it will take with the
15 sidewalk streamlined process, the new one that's
16 proposed and also the Open Restaurants?

17 DIRECTOR GROSSMAN: Sure, I'm going to
18 defer. I would expect that Julie would like to
19 answer that.

20 DIRECTOR SCHIPPER: Sorry, we were just
21 unmuting. The sidewalk process will take about five
22 months, and the roadway process will take about four
23 months.

24 CHAIRPERSON VELÁZQUEZ: What's the month
25 difference? Why is it a month difference?

2 DIRECTOR SCHIPPER: The sidewalk review
3 timeframes were cut down from the previous sidewalk
4 process but goes to the Community Board for approval.
5 The roadway, the Community Board will get
6 notification, and then a hearing will be held, but
7 that process is slightly shorter.

8 CHAIRPERSON VELÁZQUEZ: Can I ask why?
9 Are you not just notify-- why are you just notifying
10 when it's a larger space rather than the sidewalk?

11 DIRECTOR SCHIPPER: So we'd still be
12 holding a revocable consent public hearing and felt
13 that that was-- that with the notice to the Community
14 Boards plus that public hearing that that was
15 sufficient to hear from the Community Boards that
16 way. However, the sidewalk café process, they're in
17 the city charter. This is what is required and what
18 has been approved by the Law Department.

19 CHAIRPERSON VELÁZQUEZ: Thank you for
20 that. Also, how are you monitoring the abandoned
21 outdoor dining structures, and how are you working
22 with them, the restaurants, to have them removed?

23 COMMISSIONER RODRIGUEZ: Well, we can
24 talk about what we have done. We will hear from
25 Julie what we have done so far, but what I can tell

3 you is [inaudible] moving forward. DOT, as you
4 heard, we have enough resources to be sure that we
5 have a operation overseen by Julie as the Director,
6 that we have enough individuals to go in there, to do
7 inspections, but also working together we-- all of
8 the agency such as Sanitation, NYPD, Department of
9 Health. So, I-- look, what we expected that-- we
10 know that the vast majority of restaurant owners are
11 behind this initiative. We expect that they
12 understand the opportunity that they have. As I said
13 before, we are part of history right now. We're
14 making New York City the city that we have the
15 largest numbers of restaurants using sidewalk
16 enrolling [sic]. We will be the city with-- working
17 class will be able to enjoy the opportunity to have
18 access to this seating area. But when it comes to,
19 you know, how we will, you know, remove-- it started
20 with inspection. Like, looking at the application.
21 [inaudible] when the restaurant owner signed this
22 permit, they should know that the signature come with
23 responsibility that we will make them accountable,
24 and if they don't comply to everything to related to
25 cleaning and safety, we will go there. We will do
the inspection. The good one, the majority would

3 create partners with us, they will have our support,
4 but those that they are not, we will remove their
5 permit.

6 DIRECTOR SCHIPPER: Yes, and as the
7 Commissioner said, this process is one that-- it's a
8 really-- it's a combination of proactive enforcement
9 and response to complaints. So, we are counting on
10 the community and restaurants in general. If you are
11 seeing abandoned structures out there, let our
12 Borough Commissioners know, and we will send
13 inspectors out there to take a look, see what is out
14 there, and if they are ultimately abandoned we will
15 remove them. We have removed so far up to 40
16 restaurants thus far, but there are-- we have more on
17 our list that are coming and we would-- we want this
18 program to be successful, and in order to be
19 successful we need to have a good working
20 relationship with the restaurant community and expect
21 that our inspectors will be removing restaurants when
22 they are not complying.

23 CHAIRPERSON VELÁZQUEZ: How many of your
24 inspectors are bilingual?

25 COMMISSIONER RODRIGUEZ: We can get back
to you with that number right now, but I can tell as

3 a non-English-speaking Commissioner, as an immigrant
4 that been here in 1983, that live in the underserved
5 community from the leadership of this Department to
6 diversity across any area of this agency, including
7 inspection. This is something that I would take very
8 seriously, because know that many of those restaurant
9 owners are immigrants also. It doesn't matter if
10 they come from Asia, from Europe, from Africa,
11 Nigeria, Ghana, Mali, Congo, or Latin-American. Many
12 of them also save some money [inaudible] by
13 [inaudible] opening [inaudible], and they need-- as
14 it is a responsibility-- as it is a vision of Mayor
15 Eric Adams, that when he took office this day [sic],
16 even though you are not English speaking, you pay
17 taxes, and you deserve the same mechanism of
18 information their mechanism of support. So this is
19 something that, again, as a non-English-speaking, as
20 a Latina-speaking person, I know that this is going
21 to be very important that any [inaudible] that they
22 will have the opportunity and support to be connected
23 in their own language when it get to any information
24 that they need.

25 CHAIRPERSON VELÁZQUEZ: So, back to my
question, how many inspectors are--

2 DIRECTOR SCHIPPER: [interposing] We can
3 get back to you with the specific number.

4 COMMISSIONER RODRIGUEZ: And Chair, one
5 thing that [inaudible] that's information is
6 important for us, but right now we are in the process
7 of hiring. You know, this is something that the
8 Administration, we only-- you know, we had like a
9 month in the new Administration, and even though this
10 team [sic] has been working with the previous one,
11 but you know, for many reason as part of the process
12 also, we are in that process, and of course we are
13 recruiting. So any one, any part of the community
14 who also not only have the skills, but also speak
15 other language that will be interested to apply for
16 this position, more than welcome for them to go to
17 DOT website an apply for that job.

18 CHAIRPERSON VELÁZQUEZ: And what's the
19 goal? How many inspectors are we looking at?

20 COMMISSIONER RODRIGUEZ: We don't have
21 the final number yet. We know that right now we're
22 looking to have around 30 members enlisting, starting
23 there, knowing that we will continue growing, but I
24 think that the most important is that, you know, we
25 have someone as a director not only that has the

3 heart and the spirit, but also someone that comes
4 from the other planning background, someone that also
5 understands what it takes. You know, it's not only
6 to say what we expected from the restaurant owners,
7 it's also to know what mechanisms that we have to
8 support it. They went through a tough moment, and
9 yes, we saved them by helping them to keep like-- to
10 keep 100,000 jobs, but we also know that many of them
11 had to shut it down, not because only the sidewalk,
12 not because of the restaurant, but because many of
13 them, especially the smallest ones, they didn't have
14 the same financial support as the biggest ones. So,
15 because of many challenges that industries have been
16 suffering, we are ready to work with them, but we
17 also know that we will have-- we need to put in place
18 the number of inspectors and other members of this
19 team that will be responsible, again, to oversee the
20 largest program of roadway and sidewalk restaurants
21 in this city, the largest one here in the United
22 States.

23 CHAIRPERSON VELÁZQUEZ: Thank you for
24 that. And now, going back to what you described
25 right now, the restaurants that are there and have
these licenses, right, what is the application

3 process going to look like for them? Do they have to
4 reapply? What are the fees involved in that, and how
5 are we streamlining them?

6 COMMISSIONER RODRIGUEZ: Yes, everyone
7 will have to reapply, and the initial license fee
8 will be \$1,050 and the renewal fee, \$525, but if
9 there's any other details that Julie also want to
10 add?

11 DIRECTOR SCHIPPER: Yeah, sure. Look, we
12 want as many restaurants who are part of the
13 emergency program to be part of the permanent
14 program, but in order to make this program successful
15 and in order to keep it, you know, flowing freely we
16 really, really-- and working well. We want to make
17 sure that all of the restaurants start out on the
18 same playing field. And so in order to do that, we
19 will need everyone to reapply for the permanent
20 program. We, of course, know that, you know,
21 there'll be some leniency in the beginning parts of
22 the program as everyone gets comfortable with the new
23 rules, but we do want everyone to reapply in order to
24 make it a very even playing field and to make sure
25 that our inspectors can get to each restaurant at
least once after they set up and have our plan

3 reviewers be able to work with the restaurants and
4 make sure that they're including everything that they
5 need to include in order to have these safe set-ups
6 and be able to really operate a very successful
7 program.

8 CHAIRPERSON VELÁZQUEZ: So you have about
9 12,000 licenses right now? What are you going to do
10 with that backlog?

11 DIRECTOR SCHIPPER: Well, we have a
12 number of people that are coming-- that we're hiring
13 right now that will be working on those applications,
14 and we're hoping to move it along as quickly as we
15 can.

16 CHAIRPERSON VELÁZQUEZ: What's that
17 timetable looking like, though, because you go to
18 step up, right? And we got to hire up, so what's the
19 hiring process for that specific piece look like, and
20 how are you going to work that out, especially with a
21 backlog as large as that?

22 DIRECTOR SCHIPPER: So, the program won't
23 begin until 2023. Hiring has already begun and we
24 will continue to work diligently to make sure that
25 we're able to get this program up and running in a
timely manner.

2 CHAIRPERSON VELÁZQUEZ: How many people
3 are you expecting to hire for that specific process?

4 COMMISSIONER RODRIGUEZ: We're starting
5 with around 30. That's the number, but of course, as
6 you heard from the Director of this program, we are
7 still operating based on the temporary set-up that we
8 have. as we made the transition to make it
9 permanent, so we will have the time to do the
10 assessment, and we will add as many headcount that we
11 need in order to be sure that this program will be
12 efficient, that provide all the support to the
13 restaurant owners, as also to have all the number of
14 men and women who will be in charge to go out and do
15 the inspections.

16 DIRECTOR SCHIPPER: And Chair, just, we
17 do have the number of fines and warnings that you
18 asked for. So, fines, there's been 22 that have been
19 given, 40 removals as I had mentioned, and on
20 warnings, there's been 4,292, and that is on cease
21 and desist warnings.

22 CHAIRPERSON VELÁZQUEZ: Thank you so much
23 for that. I appreciate that. I guess my next
24 question has to move with-- the last session, this
25 committee enacted two laws, right? Now, how do we--

3 it was to improve the café licensing program. Why
4 were these not incorporated into this bill?

5 COMMISSIONER RODRIGUEZ: [inaudible]

6 CHAIRPERSON VELÁZQUEZ: So, 39 and 41.

7 DIRECTOR SCHIPPER: We'll have to get
8 back to you.

9 COMMISSIONER RODRIGUEZ: Let me-- I don't
10 have the answer right now to that question. We'll
11 get back to you.

12 CHAIRPERSON VELÁZQUEZ: Okay, I
13 appreciate that. So, right now I'm going to turn it
14 over to Chair Riley.

15 CHAIRPERSON RILEY: Thank you, Chair
16 Velázquez, for your line of questioning. Thank you
17 to the applicant panel for your presentation. Before
18 I ask some questions related to the text amendment, I
19 would like to know from the DOT, do you have a
20 breakdown of how many Open Restaurants are operating
21 per Council district, and if so, could you provide us
22 with those numbers.

23 COMMISSIONER RODRIGUEZ: We do have it,
24 and we will get it and send it to you, Council
25 Member.

2 CHAIRPERSON RILEY: Okay, do you have it
3 so you could state it for the record?

4 COMMISSIONER RODRIGUEZ: Yeah, we do
5 have it. We have, as we say, 12,000 so far, an
6 average of 12,000. The breakdown of how many we have
7 per Council district, this is something that we can
8 put it together and share with the Council.

9 DIRECTOR SCHIPPER: We can give-- yeah,
10 we can give--

11 COMMISSIONER RODRIGUEZ: [interposing] Let
12 me [inaudible] have to share with you, the breakdown
13 by borough, then.

14 CHAIRPERSON RILEY: Okay.

15 DIRECTOR SCHIPPER: Sure. I can give you
16 the borough breakdown and we can send you the Council
17 breakdown. In Manhattan there are 5,900. In
18 Brooklyn there are 3,000, Queens 2,400, Bronx 659,
19 and Staten Island 187.

20 CHAIRPERSON RILEY: Thank you. The
21 current proposal as modified by the City Planning
22 Commission, as you mentioned in the presentation--
23 and I'm just going to [inaudible] I know you went
24 over it during the presentation, but I just want to
25 clarify for the record. The current proposal as

3 modified by the City Planning Commission, as you
4 mentioned in your presentation, makes the text
5 amendment effective only after Council passes
6 legislation and DOT promulgates rules. Can you
7 explain why it would be a good policy to remove
8 sidewalk cafes from zoning regardless of the
9 subsequent actions?

10 DIRECTOR GROSSMAN MEAGHER: Sure, thanks
11 for the question, Chair. And as I think we tried to
12 describe in the presentation, you know, this-- City
13 Planning, I think, the emergency program has been a
14 remarkable pilot right? Only under these emergency
15 necessity conditions would we ever be able to try on
16 such a large change to zoning, and I think what we
17 realized is that all of these areas of the city that
18 over many, many decades had been accreted as off-
19 limits for sidewalk cafes are, in fact, very good
20 locations for sidewalk cafes and have contributed
21 remarkable value to the commercial streets and all of
22 the streets in which they sit on. And so I think
23 being able to see that and understand that making a
24 sidewalk café work is really about the physical
25 controls and the operational controls. And what I
mean by that is physically having enough space on the

2 sidewalk and all of the quality of life concerns
3 we've heard around noise and cleanliness and the
4 physical set-ups. We believe that zoning has been
5 standing in the way where those rules are far more
6 effective at actually creating the kind of street
7 life that we want to see. And so for that reason, we
8 really, you know, reconsidered the entire way that
9 the zoning is structured to prohibit and take so many
10 of our neighborhoods off the table from even applying
11 to a program. Now, that is not all-- you know,
12 always been the case. It only goes back several
13 decades that zoning had a role. Prior to that, we
14 had a-- you know, we were in a world similar to the
15 world we're looking towards, where you had a single
16 agency looking at the authority. So, you know,
17 really we're rolling back to that world, and we
18 believe that that's-- year that's a world that is--
19 you know, levels the playing field for the entire
20 city and every restaurant to potentially be able to
21 apply, but still keeps agency in charge of the
22 essential controls and application process and keep
23 some role for communities in reviewing that process.
24 We just don't think the zoning is necessary to
25 achieve those very important public objectives. And

3 again, regarding the modification that you mentioned,
4 we did believe because there are all of these
5 multiple different pieces of process moving, you
6 know, independently from one another, the Commission
7 believed it was really important to give that
8 assurance that they all become adopted together,
9 because what we don't want to see is the zoning
10 changes become effective but not have concluded a
11 fully appropriate legislative or design solutions for
12 the program. So, only once those pieces are fully
13 thought through and adopted into law will these
14 zoning changes actually become effective.

15 CHAIRPERSON RILEY: Thank you, Carolyn.
16 Some Community Boards have expressed concerns about
17 the changes to the text regarding enclosure
18 provisions in certain commercial districts that were
19 perceived as potentially increasing noise in nearby
20 residences. Could you explain your thinking behind
21 the proposed new language?

22 DIRECTOR GROSSMAN MEAGHER: Sure. Thank
23 you for that. So, as I mentioned, there are certain
24 districts of the City where the zoning requires a
25 restaurant to be fully within an enclosed building in
order to operate. So, obviously, you cannot have a

3 sidewalk café outdoors, you know, that defeats the
4 purpose of being within a fully enclosed building.

5 So we really thought it was important to make sure
6 that we weren't accidentally removing the ability for
7 those restaurants in those particular districts to
8 also participate in the Open Restaurants Program.

9 The change also makes it possible for a restaurant to
10 not fully enclose its interior portion, right?

11 Because once you're saying it's not required to be
12 enclosed, it also means that for instance, a garage
13 door that could-- you know, or a very large window
14 can open up in that building, and we have heard
15 concerns about that potentially contributing to
16 noise. As the Commissioner said, noise is really an
17 important feature of the operational controls. That's
18 going to be true for any unenclosed restaurants, on
19 the sidewalk or on the roadway, regardless of whether
20 it happens to be in one of these particular zoning
21 districts that had this condition in the past. So we
22 certainly believe that making sure that the noise
23 controls and that the whole procedure of the program
24 that, you know, creates appropriate checks for
25 quality of life concerns, those remain really
important, but what we didn't want to do is penalize

3 restaurants that are, you know, in one type of zoning
4 district that wouldn't otherwise be able to operate
5 in the program in a rationalized way. So we really
6 saw this as removing-- as again, a leveling of the
7 playing field, making sure that all of our commercial
8 districts are functioning the same way and that
9 nothing in zoning is creating, you know, a somewhat
10 arbitrary barrier to participation in the outdoor
11 dining that has been so successful.

12 CHAIRPERSON RILEY: Thank you, Carolyn.

13 I know a lot of my colleagues have questions. I just
14 have a few more questions, and these questions are on
15 behalf of Majority Leader Powers, and then I'm going
16 to toss it back to Chair Velázquez who's going to
17 kick it off to our colleagues. The three questions
18 from Majority Leader Powers were: What are the fees
19 associated when applying. What role if any do we
20 need the SLA to play? And do they have a position
21 on the propane heat-- on propane heaters being part
22 of this program long-term?

23 COMMISSIONER RODRIGUEZ: So, Council
24 Member, so as I said before [inaudible] in this
25 report for the new [inaudible] would be \$1,050,
renewal fee \$575, and the revocable consent fee is

3 still to be discussed, and definitely we'll share
4 that information with the Council and the rest of the
5 stakeholder. I think that the other pieces of the
6 question, something that probably you need
7 [inaudible].

8 DIRECTOR SCHIPPER: Sure, yes. SLA is--
9 we worked with them closely during the emergency
10 program, and we'll continue to work with them through
11 the permanent program. We are still working out
12 exactly what their role will be through the permanent
13 program and can get back to you when we have a little
14 bit more information on that. And on heaters, we are
15 working very, very closely with the Fire Department,
16 and as we have more information on what will and will
17 not be allowed, we will let you know.

18 CHAIRPERSON RILEY: Thank you. Chair
19 Velázquez, I have some more questions, but I'll save
20 that for the second round. I'll toss it back to you.

21 CHAIRPERSON VELÁZQUEZ: Thank you, Chair
22 Riley. We've also been joined by Council Members
23 Ariola, Restler, and Dinowitz. So thank you so much
24 for joining us. We will begin with Council Member
25 Abreu, I believe you have a question.

3 COUNCIL MEMBER ABREU: I do have a
4 question. Thank you, Chairwoman, and thank you to
5 the folks at DOT that are testifying today. My
6 question is, under the pre-COVID sidewalk café
7 licensing system it would cost a restaurant thousands
8 of dollars in fees to apply for and obtain a sidewalk
9 café license. Given restaurants are currently
10 struggling to survive, is the Administration
11 committing to lowering its cost?

12 COMMISSIONER RODRIGUEZ: Yes. So, as I
13 have said before, and we all know that how it
14 expensive it was for restaurant owners who give-- to
15 get a sidewalk café permit. Now with a new model
16 that will combine both sidewalk and the street, it's
17 something that the fee will be less expensive. The
18 part related to the revocable consent fee is
19 something that we are in the process to disclose, and
20 we will share that information with you and the
21 Council.

22 COUNCIL MEMBER ABREU: Thank you,
23 Commissioner. My last question is, and this is a big
24 one. In District Seven uptown we have seen
25 sanitation issues and vermin infestations. We have
seen rats running wild in northern Manhattan, and so

3 how does DOT plan on addressing sanitation issues and
4 vermin infestation, rat infestation that we have seen
5 at some outdoor dining locations?

6 COMMISSIONER RODRIGUEZ: Safety and
7 quality of life are two important issues that go
8 hand-to-hand with this program. You know that even
9 when it come to the Mayor's audit [sic] in previous
10 role, you know, for him to fight something that is so
11 effecting our city for decades, rats from the ground
12 and the street. It's something that we know that is
13 part of the challenges that we have in the City. we
14 believe that working together with the restaurant
15 owner, we know that this program-- we have seen, as
16 you know, we share in my previous role, the border of
17 District 10 and District Seven. We know that the
18 challenges [inaudible] having the same thing that we
19 have in northern Manhattan when it comes to-- you
20 know, residents love to go and sit in the sidewalk,
21 but also they know that cleaning and safety are
22 critical. So we're going to be working with the
23 Health Department with other agencies to be sure that
24 not only we go out and take and do what we have to
25 do, but also we're going to be working with those
restaurant owners to bring them as a partner for them

3 to help us cleaning not only the area in the sidewalk
4 and the roadway, but also in the surrounding area of
5 those restaurants.

6 COMMITTEE COUNSEL: Thank you. We're
7 calling up next Council Member Bottcher.

8 SERGEANT AT ARMS: Time stars now.

9 COUNCIL MEMBER BOTTCHEER: Thank you so
10 much, Chair Velázquez. Before my question is asked,
11 I just want to say that this is going to be a very
12 difficult policy to get right, and the reason I say
13 that is because we live in a city where every
14 neighborhood is different than the next, and I
15 represent a district that has the highest
16 concentration of restaurants than any other in the
17 City. Even within our own district, each
18 neighborhood's different. There's some areas where
19 it's working well. Shout out to Chelsea Square Diner.
20 There's some neighborhoods where it's really been--
21 presented some problems, like down on Sullivan and
22 Thompson Street, the whole block is just one long
23 shed, tall sheds. But we're being asked to craft
24 legislation that would apply to the whole city. So
25 if we're going to do this, we need a system that
which every community, and that also it can't leave

3 the important details to be decided by city agencies
4 after the fact through a rule-making process. So I
5 want to thank-- in advance, I want to thank the
6 Speaker's Office and Chairs Velázquez and Riley for
7 including me and my other colleagues, especially
8 those who represent districts with a lot of outdoor
9 dining in the negotiations, because historically when
10 bills are being negotiated are negotiated with the
11 Speaker's Office and the bill sponsors of the
12 Administration, but I'm really hoping that we could
13 all be included in this as well as the many
14 stakeholders because we have to come up with a
15 program that works for all communities. I believe we
16 can. I hope we can. And my question is for the
17 Department of Transportation. Hi Commissioner
18 Rodriguez. Excited to work with you in this new
19 capacity. And my question is about enforcement.
20 Enforcement has been very frustrating for the last
21 couple of years, and I know that it's been--

21 SERGEANT AT ARMS: [interposing] Time.

22 COUNCIL MEMBER BOTTCHEER: extreme
23 circumstances, but this is a list of locations in our
24 district that our staff and interns surveyed all the
25 different set-ups in our district, and they found

3 that 93 percent were out of compliance with at least
4 one DOT rule, some minor, but some major like
5 blocking a fire hydrant. It's been very frustrating
6 trying to get the DOT to enforce the current rules.
7 And I mean this in the nicest possible way, but
8 Commissioner, what do you have to say to my
9 constituents who are here on this Zoom that really
10 don't have faith in the DOT to really enforce
11 current-- future rules when you haven't been able to
12 enforce the current rules?

13 COMMISSIONER RODRIGUEZ: Well, first of
14 all, Council Member, it is an honor to be here, you
15 know, sharing responsibility in different role. All
16 I have is good experience working with you, you know,
17 in our usual-- and I owe you to, you know, take my
18 time and work with you this way, you know, and be
19 able to spend some time, year speaking to the
20 restaurant owners and members of the community,
21 because as you say, each Council District is-- have
22 different-- are [inaudible] and I think that we-- we
23 are not here as an agency to dictate. We are here to
24 work together. That's how we have done it. We know
25 that enforcement is something that, you know, we have
to step in. And one of the thing that we know that

3 we will see under this Administration, under Mayor
4 Eric Adams, is direction to all Commissioners to say,
5 you know, focus on the enforcement, too. This is not
6 only from the NYPD. It's about inspection for the
7 Department of Health, Department of Transportation.
8 So I can tell you that I direct myself and the
9 Director here of this program, we're going to be
10 working with the NYPD with Department of Health and
11 other agencies, but especially with you. You are our
12 ear. You know, we have great Manhattan Commissioner,
13 a friend of yours too, someone that you know-- we're
14 going to be working together. So, let's take the
15 time. Let's walk the district, and we are here to do
16 the best we can do balance. You know, what we see as
17 important in amazing innovating way of how we are
18 reimagining the street, but also listening to
19 especially quality of life issues that legitimate
20 many people, residents, are bringing as part of this
21 conversation.

22 COUNCIL MEMBER BOTTCHE: Thank you.

23 COMMITTEE COUNSEL: Council Member
24 Brewer?

25 SERGEANT AT ARMS: Time starts now.

2 COUNCIL MEMBER BREWER: Thank you very
3 much. Thank you very much, Chairs. Sort of
4 following up, and it's just from a recent experience.
5 I went with the Department of Sanitation, to their
6 credit, 22nd Street was filthy dirty, nothing to do
7 with the restaurants specifically, but around the
8 restaurant outdoor, particularly in the road were
9 just piles of dirt and trash. Now, to the credit of
10 the Sanitation Department, they cleaned it. The
11 street is cleaned, and now we'll do education up and
12 down the street. But this is the question, and it's
13 sort of piggy back on what people have said, but also
14 my years. So we know that there'll be more DOT taking
15 the lead, but how do you cross-train? Let me give an
16 example. There were Sanitation folks there with me
17 going door to door explaining to people that they had
18 to do cleaning and will go back. But are they going
19 to be trained on how to deal with outdoor
20 restaurants? Because they still have to go and do
21 their outreach. DEP, are they going to be doing
22 outreach because of a noise [sic]. Is that just
23 going to be DOT or are they going to be cross-
24 trained? And I guess I have the bad news, people are
25 going to call NYPD whether we like it or not, they're

2 going to call NYPD. Department of Health, they too
3 have to go to restaurants. SLA has to go to
4 restaurants. Who's going to-- how is this going to
5 work? Because 30 people doing the city-- 30 people
6 could do just one district and you still have
7 challenges. So, I'm wondering how that raining is
8 going to take place, just because that's my
9 experience over the years. And then secondly, on
10 terms of the Community Boards, you know, they don't
11 meet often during the summer, and we've had this
12 problem a million times. And what happens I know,
13 because I was on a Community Board. I supervised 12
14 Community Boards. I know Community Boards. I love
15 Community Boards. They don't meet during the summer,
16 and the first thing they do is, "Can you postpone it
17 'til September?" So how are we going to do that,
18 because I do want the program to work, but it's not
19 going to work unless some of these really new--

20 SERGEANT AT ARMS: [interposing] Time
21 expired.

22 COUNCIL MEMBER BREWER: [inaudible] are
23 going to address. So those are my questions.

24 COMMISSIONER RODRIGUEZ: Well, Council
25 Member, my Borough President, you know, your voice is

3 a voice that, as you know, I will always be listening
4 to and will partner with you not only to take care of
5 things that's important, you know, the district that
6 you represent, but also on advising, I know that what
7 you say that it's coming from knowledgeable, you
8 know, and good intentions. So, the answer to that
9 question is yes. DOT will be leading everything that
10 has to do with coding [sic] in this program. The
11 training that will happen will be led by DOT in
12 [inaudible] participation with all the agencies that
13 have something to do. one thing that you heard from
14 Mayor Adams is that we're bringing the City back, and
15 one of the things [inaudible] about, we have to
16 strengthen the mechanism when Commissioners in
17 agencies has to be responsible, it doesn't mean that
18 other-- that there's no level of collaboration by
19 [inaudible]. we at DOT, we take our responsibility
20 if the Council passes bill to lead and coordinate
21 this program, but all the training that we will be
22 providing to the staff here related to the Open
23 Restaurant at DOT, we'll be training, but also we
24 will coordinate with the other agencies such as those
25 that you mentioned.

2 COUNCIL MEMBER BREWER: Okay, and then
3 how about the co-- who's going to handle the
4 Community Boards? I hear you. I do worry about this
5 training, only because I've seen it challenged in the
6 past, because when you have the complaint base which
7 is the only way we're going to be able to do it, I
8 just-- you know, I don't know it's going to work.
9 What's going to happen at, you know, three o'clock in
10 the morning, or some of the restaurants close at
11 four, is that DOT responding? That kind of thing.
12 Who's doing that cross-training at that point? Like-
13 -

14 COMMISSIONER RODRIGUEZ: [interposing]
15 I'm going to pass it Julie, the Director, to explain
16 on that one, but I can say it's about-- we at DOT,
17 we'll be leading everything that has to do with
18 coordinating the Open Restaurants in related to Open
19 Restaurants in the sidewalk and the roadway. We will
20 also be coordinating with the NYPD, Sanitation, DEP
21 and the other agencies, but we don't want to for this
22 to be a-- you know, we have been-- I had the honor of
23 serving you in my years at the Council and also
24 working around the Community Board. I appointed 23
25 of those 50 member that working with you--

2 COUNCIL MEMBER BREWER: [interposing] I
3 know. I know.

4 COMMISSIONER RODRIGUEZ: So I'm now
5 here, and I can tell you that your name being
6 mentioned many times, because I told my team here, I
7 want to look a little bit like you when it comes to
8 say and advocate for the best interest of our
9 community. So, what I can tell you is that when we
10 say that DOT will be coordinating this initiative and
11 we will be bringing other agencies together, it's not
12 just work, this is something that Director
13 [inaudible] did it and she had a great mechanism of
14 collaboration with the other, but this is going to be
15 an area where we're going to be working with the
16 Community Board. Those [inaudible] that they are now
17 in section. The reality is that the City had to
18 keep moving, and we will do the best we can for them
19 to be [inaudible]. We cannot start the process
20 because any institutions are closed doing something
21 [inaudible].

22 COUNCIL MEMBER BREWER: Okay. I mean, I--
23 the issues is they have to be open maybe during those
24 times. It has to be worked out that something dos
25 get changed maybe on their calendar, too. And also,

3 we would love to be part of any kind of training that
4 would be helpful in terms of on the street--

5 COMMISSIONER RODRIGUEZ: [interposing]

6 We will do the best and we will work hard 22/7 [sic].

7 We know the value as a Community Board as the
8 advisory institution that we have. That's an
9 immediate mechanism that we have for resident of our
10 city to express their concern to help us with
11 suggestions. So, here at DOT we will continue
12 working to be sure that they will continue active
13 members [inaudible] when it comes to sharing
14 experience and giving us feedback on this program.

15 COUNCIL MEMBER BREWER: Thank you, Madam
16 Chairs.

17 COMMITTEE COUNSEL: Chairs, can I just
18 make a quick announcement. Council Members, I know a
19 lot of you are waiting with your hand up, so we're
20 going to get a total of you. Just a quick reminder
21 that we have a two-minute clock for Q&A with the
22 Admin. So the order I have currently based on how
23 you guys raised your hand is Council Member Ossé will
24 be next, followed by Council Member Menin, Council
25 Member Nurse, Council Member Farías, Council Member
Krishnan, Council Member Carr, Council Member Louis,

2 Council Member Restler, and Council Member Marte.

3 And for those of you who are waiting to testify, I
4 just want to remind you that we're still doing the
5 Q&A for the Council Members at this point with the
6 Admin. So once we get to the public testimony, then
7 we'll get to you, to all of you who are patiently
8 waiting. So, for no, if you see your hand lowered by
9 a member of our staff, that's what's happening. We'll
10 get to all of you. Thanks for waiting. Now we can
11 continue with Council Member Ossé.

12 COUNCIL MEMBER OSSÉ: Thank you.

13 SERGEANT AT ARMS: Time starts now.

14 COUNCIL MEMBER OSSÉ: Thank you so much.

15 Good morning, everyone. Good morning, Chairs.
16 Commissioner, thank you so much for including in your
17 opening statements that DOT is doing everything in
18 their power to address the sanitation issues as well
19 as the abandoned structures. However, I do
20 understand the benefit of, you know, outdoor dining
21 or street dining. However, there are still numerous
22 complaints that I'm hearing throughout my district of
23 Bedford-Stuyvesant and North Crown Heights about the
24 sanitation and abandoned structure issues. My first
25 question for you, Commissioner, is does the DOT

3 believe that they have capacity to address the
4 various different issues that exist within
5 underserved communities like mine? Because even
6 though, you know, I think you gave us a number of
7 over 600 inspections where you found reasonable
8 violations, I'm still looking around my district and
9 hearing from my constituents about the same problems
10 that you say that you are inspecting. So I'm
11 wondering does the DOT feel like they have capacity
12 at this very moment to address the problems that are
13 plaguing districts like mine when it comes to outdoor
14 dining?

14 COMMISSIONER RODRIGUEZ: First of all,
15 thank you, Council Member, and congratulations as you
16 know, serving your district and I know that the voice
17 of leader like you who will stand up for your
18 constituency that will make, you know, this program a
19 success. This program will rely on the ear of the 51
20 voices that we have in each of you. I was there for
21 three years, and I know how it's advocating. I know
22 the responsibility that I also had there, and
23 [inaudible] to balancing both, you know, the interest
24 of the restaurant owners that's also seeing the
25 opportunity-- I say as someone that representing

3 [inaudible] before, composed by a large percent is a
4 working class. Many of those individuals have left.
5 They never knew what it was to be sitting outside in
6 the sidewalk and the street. These are first time
7 that--

8 SERGEANT AT ARMS: [interposing] Time.

9 COMMISSIONER RODRIGUEZ: [inaudible] what
10 it was, but now we got to be, you know, really paying
11 attention. So they need that, not only the
12 restaurant owners they have, but also the
13 constituency, and one thing that I can tell you is
14 about we have, you know, what it takes right now for
15 the program to work with the dedicated staff that we
16 have, but as more need come to the table, definitely
17 we will share that information with you.

18 COUNCIL MEMBER OSSÉ: Thank you,
19 Commissioner. And just a follow-up question--

20 COMMISSIONER RODRIGUEZ: [interposing]
21 Council Member, let me also call on Julie to also add
22 other pieces of information that's important to your
23 question.

24 DIRECTOR SCHIPPER: Yeah, I think the
25 Commissioner answered it pretty well, but just so you
know, over the emergency program, we set this up so

3 quickly. We didn't have staff dedicated to the
4 program. Going forward in the permit program we will
5 have dedicated staff that is just working solely on
6 Open Restaurants. We'll have a dedicated enforcement
7 team that will be out in the streets, really
8 enforcing with all-- and working with the restaurants
9 to make sure that all the restaurants are in
10 compliance.

11 COUNCIL MEMBER OSSÉ: And what's the
12 timeline for that? When will we see that enforcement
13 team really taking our streets, or coming to our
14 streets and making and doing these inspections?

15 DIRECTOR SCHIPPER: So, the permanent
16 programs begins in 20-- the goal is to begin in 2023,
17 but over this next year, in this interim year we
18 would really like to start honing in on that
19 enforcement. And so you will see a change over this
20 next year. We've-- as we've said, you know, in other
21 questions that have been asked, this-- over the past
22 two years we have been quite lenient to restaurants,
23 you know, knowing that they have really suffered in--
24 during COVID. But we are-- now that we are looking
25 towards the permanent program, we do want this to be

3 very successful and we'll increase our enforcement
4 this year.

5 COUNCIL MEMBER OSSÉ: Thank you.

6 COMMITTEE COUNSEL: Our next Council
7 Member will be-- [inaudible] my video was off--
8 Council Member Menin.

9 SERGEANT AT ARMS: Time starts now.

10 COUNCIL MEMBER MENIN: Hello, hi,
11 everyone. Hello Chair. I've got two questions. So,
12 as the former Commissioner of the Department of
13 Consumer Affairs, I dealt firsthand with the sidewalk
14 café license structure, and as the Commissioner
15 testified, the revocable consent fees were incredibly
16 bureaucratic and cost prohibitive. So I'm concerned
17 that once again the agency, this time DOT, is going
18 to be doing revocable consent fees. So, I think,
19 again, we're adding more bureaucratic red tape, so
20 I'd like an answer on that. And I also would urge
21 the agency to focus on a fee structure that frankly
22 is not punitive to smaller small businesses so that
23 smaller mom and pop businesses are not being
24 penalized and that there's equity in the system. And
25 then my second question is, I'm deeply concerned
about sanitation issues, emergency vehicular access,

3 rat infestation, design issues, and noise, and that
4 frankly involves many city agencies. So I would
5 suggest that the Administration appoint an inner
6 agency taskforce that involves all these city
7 agencies so that there's actually a master plan, and
8 accountability for how community concerns will be
9 addressed?

10 COMMISSIONER RODRIGUEZ: Thank you,
11 Council Member. Safety, you know, is [inaudible] for
12 this Administration led by Mayor Eric Adams, and
13 nothing that we will put in place will compromise
14 access to emergency vehicle to be in our street. So,
15 we are definitely looking at all aspects on how this
16 program will be running. As a former Council Member--
17 - all the Council Member have to say like different
18 communities have different challenge on the street
19 where those restaurants are operating. So, again,
20 emergency-- access to emergency vehicle will be key
21 for us, but also the other challenges that you say,
22 sanitation. This is something that we are taking
23 very seriously, and as a former Commissioner
24 [inaudible] you know, the importance of working
25 collaboration doing the interagency planning. And
this is--

2 SERGEANT AT ARMS: [interposing] Time.

3 COMMISSIONER RODRIGUEZ: where we are--
4 where the difference going to be, not that different.
5 What we are bringing is like a process where we are
6 letting all New Yorkers know that DOT will be on this
7 program. We're going to be leading this program, but
8 DOT will be also sitting together with DEP,
9 Sanitation Department, or the Fire Department, Police
10 Department to also to put together a holistic plan on
11 how to respond to those questions related to quality
12 of life. So, I don't know Julie if there's something
13 else, or--

14 DIRECTOR SCHIPPER: The only other thing
15 I would add is we already do have an interagency
16 working group that is set up that we have begun
17 working with to really come up with the guidance for
18 the permanent program and all of the Departments that
19 you mentioned are part of that. That group will
20 continue working as we, you know, come up with the
21 guidelines, but then also once we're in the permanent
22 program to make sure that everyone is aware of the
23 different issues that are existing and we can work to
24 mitigate them.

2 COMMITTEE COUNSEL: Thank you. So, now
3 I'm going to call on Council Member Nurse and next
4 will be Council Member Fariás, after Council Member
5 Nurse.

6 SERGEANT AT ARMS: Time starts now.

7 COUNCIL MEMBER NURSE: Morning everyone.
8 Thank you all. Thanks-- congratulations to the Chair
9 to their appointment and Commissioner Rodriguez on
10 your post. I have four questions. I'll try to be
11 very brief. I know everyone's trying to get their
12 question in. So my primary concern is with the
13 enclosed or semi-enclosed shed structures that
14 continue to create protected environments for rodents
15 to make nests, and specifically where the sheds are,
16 the subfloors that are made to raise the shed floors
17 to the curb level, that creates a haven for the rats
18 under it, and as we know, rats chew through
19 everything that isn't steel. So, I'm just curious
20 what standards will be required for ensuring these
21 sheds are rodent-proof? What communications and
22 coordination have been had with private carters [sic]
23 who are collecting commercial waste in areas with
24 expanding sheds. And importantly, how would cuts to
25 DOT affect a permanent expansion?

2 COMMISSIONER RODRIGUEZ: Thank you,
3 Council Member. I'm going to start to answer the
4 question again. My colleague here they also will be
5 adding any other details of that question. I can
6 tell you the first thing that they want to be
7 [inaudible] in permanent program, and that when it
8 comes to the challenge that as you said and other
9 colleague, other Council member has said before, you
10 know, the problem of rats that we have in New York
11 City for decades-- also we have seen now is something
12 that we are taking very seriously, and that's why as
13 a new restaurant owners will be applying for this
14 program. They will come and sign in and expecting to
15 be approved, they also will have to sign the
16 application where they will be committed to this-- to
17 sign an agreement on how they will be taking care of
18 the cleaning and the safety of their neighborhood.
19 And as I said before, too, when it comes to what we
20 will have and we will see--

21 SERGEANT AT ARMS: [interposing] Time.

22 COMMISSIONER RODRIGUEZ: on the structure
23 related on the structure or restaurant in the
24 roadway. First of all, we will not compromise. You
25

3 know, the space that we need to keep our street safe,
4 too. Safe and clean the street.

5 DIRECTOR SCHIPPER: Yeah, but sure.

6 Thank you, Commissioner. And for last one I would
7 add there is that we don't envision sheds in the
8 permanent program. We are not planning for that.

9 What would be in the roadway as barriers and tents or
10 umbrellas, but not these full houses that you're
11 seeing in the street? You know, one of these-- one
12 of the main goals of this program is to really have a
13 program that is-- can last for years and years. And
14 you know, something we saw over COVID is you cannot
15 eat indoors and so you had to eat outside in all
16 weather. But that won't be the case, and this
17 program is really being planned for post-COVID
18 scenario where you can dine outside when that feels
19 nice and comfortable, but you won't need to be in a
20 house on the street.

21 COUNCIL MEMBER NURSE: Yeah, so I guess
22 to follow up with that, is that--

23 CHAIRPERSON VELÁZQUEZ: [interposing]

24 Thank you, Council Member Nurse. Let's save those
25 questions for the second round. Thank you so much.

COUNCIL MEMBER NURSE: Sure. No problem.

2 COMMITTEE COUNSEL: Before we go to
3 Council Member Farías, I understand the Speaker has a
4 question, first. Speaker Adams?

5 SPEAKER ADAMS: Thank you very much and
6 welcome again to all of the panelists, the patient
7 Commissioner Rodriguez. Good to see you in that
8 seat, sir.

9 COMMISSIONER RODRIGUEZ: [inaudible]

10 SPEAKER ADAMS: My colleagues are asking
11 some very, very great questions, and I've been
12 listening behind the scenes. Just wanted to follow up
13 just a little bit, though. Council Member Ossé asked
14 about particular staff and staffing. I'd just like
15 to know-- you mentioned dedicated staff. Are you
16 looking at a particular number when it comes to
17 dedicated staff to bring on?

18 COMMISSIONER RODRIGUEZ: Yes, Speaker
19 Adams. So far we are in the process of, you know,
20 keep adding more staff. Right now we have Julie who
21 is the Director of this program. We believe that
22 with the numbers-- with the resources that been
23 allocated for this program-- we can start putting
24 these teams together, but we also know that as the
25 program will be permanent and the goal for this

3 project to be permanent in 2023. So, we have a year
4 to keep running the program based on the temporary as
5 we have it right now. But we know that we will get
6 back to you and share more information. So far, we
7 have the resources to hire 30, 30 individuals for
8 this at this particular moment, but again, we will
9 keep talking. And if there's a need also to expand,
10 I know that the Administration will be also sitting
11 with you having other conversations.

12 SPEAKER ADAMS: Okay, that was the answer
13 I was looking for, that number that I was looking
14 for. I'm sure that-- well, I know for certain that
15 my colleagues and I share some of the same concerns
16 when it comes to capacity of DOT to handle this
17 monument lift. So the concerns are very very real in
18 some of my colleagues whose districts look like mine
19 have had particular issues with the DOT and follow up
20 with the basic needs of DOT. So, that's why this
21 hearing is so important. I'm just going to piggyback
22 one more time, and I'll probably come back again,
23 Madam Chair. I'm sorry, but I'm taking all this in.
24 Following up with Council Member Nurse, and she asked
25 specifically about the structures. I was happy to
hear Julie mention the structuring of sheds, because

3 that's a particular issue in my district. I want to
4 know whether or not you are going to require
5 uniformity of these structures in our districts. Are
6 they-- are you going to require them to have the same
7 standards as far as rodent mediation, as far as
8 structure and look? Is that going to be requirement
9 of the DOT and your practice and practices going
10 forward with these structures?

11 COMMISSIONER RODRIGUEZ: The answer is
12 yes. In the application when the restaurant owner
13 who was signing, they will have to sign in on-- the
14 application will have a piece related to the rodent
15 mediation, something that they have to be committed
16 to work on. When it comes to how the structure will
17 look like, we are still in the process. We will put
18 together a sample on how that structure can look
19 like, but so far, again, this-- we are right now
20 still working as we are having this hearing right
21 now. Based on the temporary structures that, you
22 know, the restaurant owner they built based on the
23 temporary of this program, but moving forward, hoping
24 that this program will be in place to start
25 functioning in 2023. DOT will provide sample of the

3 type of structure that will be based on safe and
4 clean, too.

5 SPEAKER ADAMS: Okay. Thank you. I'm
6 going to rest there for now. Thank you so much.

7 COMMISSIONER RODRIGUEZ: Thank you,
8 Speaker.

9 COMMITTEE COUNSEL: Thank you, Speaker.
10 So, now I'm going to call on Council Member Farías
11 followed-- to be followed by Council Member Krishnan.

12 SERGEANT AT ARMS: Time starts now.

13 COUNCIL MEMBER FARÍAS: Hi, good
14 afternoon, everyone. Just so I would love to have
15 the record reflect that I'm deeply concerned about
16 this process and some of the answers we don't have
17 yet, especially from some of the information provided
18 by the Commission where 64 percent of vote
19 participating Community Boards were opposed or not in
20 favor of this adoption, and with some of the info
21 like 4,000 warnings and only 22 removals. We
22 definitely have to dive a little bit deeper into some
23 of that in additional hearings. The Speaker actually
24 took my first question, so just to piggyback off of
25 that, I'd like to also know will we be-- with the
current structures that are in place, will we be

3 grandfathering any of those structures in, or will
4 each of those structures actually be re-reviewed for
5 compliance. And then the follow-up question that I
6 have that I would like to be answered is in reference
7 to the Street Seats program and seating being open to
8 the public around 311 complaints. Are we going to
9 have a designated section within 311 on enforcement
10 and the complaints that will be issue, either against
11 the businesses or public use of the space? And have
12 we actually looked at planning that out with 311 so
13 the public has the option to utilize that. And thank
14 you so much for the answers I'm about to receive from
15 the Administration.

16 COMMISSIONER RODRIGUEZ: Let me pass it
17 to-- this question to Julie Schipper who is the
18 Director of the Open Restaurant. Again, I think
19 that-- as you will hear the answer, I know that we're
20 on the same page when it comes to what it is that we
21 expect. They are the type of structure that the
22 restaurant owners will have as we will put this
23 permanent program together starting in 2023, but the
24 Director--

25 DIRECTOR SCHIPPER: Thank you. Thanks,
Commissioner, and thank you Council Member for your

3 question. We will not be grandfathering in any of
4 the restaurants and their current structures. Right
5 now, everyone will have to reapply. And this, again,
6 you know, these restaurants apply very quickly
7 through a self-certification process during the
8 emergency program. Going forward there will be full
9 review, so they'll have to submit their plans that
10 they plan to include. We will review them and then
11 if everything is in compliance, then grant the--
12 grant permission for that restaurant to set up. But
13 we do want to level and even that playing field. So
14 we will have everyone apply at the start of the
15 program. Your second question on-- sorry, what--

16 UNIDENTIFIED: 311.

17 DIRECTOR SCHIPPER: Oh, 311, yes, thank
18 you. We will-- we are working with 311 and will have
19 a dedicated complaint part of 311 that where people
20 can give their complaint.

21 COUNCIL MEMBER FARIAS: Thank you folks
22 so much. I just-- yeah, thank you.

23 COMMITTEE COUNSEL: Thank you, Council
24 Member. Then next Council Member will be Council
25 Member Krishnan to be followed by Council Member
Carr.

2 SERGEANT AT ARMS: Time starts now.

3 COUNCIL MEMBER KRISHNAN: Thank you so
4 much. Thank you Chair Velázquez, Chair Riley, for
5 today's important hearing. It's good to see you all.
6 And thank you, good to see you, Commissioner
7 Rodriguez as well, to work with you in this capacity,
8 too. I've got two questions. My first question is--
9 coming from-- my community is Jackson Heights and
10 Elmhurst where we share the vision of reimagining our
11 streets as space for pedestrians and prioritizing
12 pedestrians and how we think about street space. My
13 first question is, Commissioner, what have you all
14 seen at the agency about the way the Open Restaurants
15 program has had an impact on public perceptions about
16 street space and sidewalk space? Meaning, what
17 lessons have been learned from the agency about the
18 way in which the Open Restaurants program can
19 revitalize street space and sidewalk space in our
20 city?

21 COMMISSIONER RODRIGUEZ: First of all,
22 Council Member, hoping that you will take me to walk
23 through your district. I know that, you know, we in
24 the City [inaudible] more than happy to maintaining
25 and expand the same working relationship that we have

3 when we both serve in different capacity. I know that
4 you'll be doing an amazing job in your district. I
5 know how important it is for you initially related to
6 open [sic] street. Look, we are-- we at the Council
7 and the Administration, in the previous [inaudible]
8 today, I know what brings us together is our
9 commitment and interest and dedication to reimagine
10 how we use our street. And I think that in that
11 direction -- we just heard from Mayor Eric Adams.
12 He's committed to dedicate more space for all the use
13 such as pedestrian plaza, bike lane, bus lane, open
14 school, open restaurants. I think that this is where
15 we are. You know, we leave Sandy. We lived Maria.
16 We lived Katrina. We live a snow storm, and we know
17 that we need to find a way of how we share our
18 street, and I think that expanding under the Open
19 Restaurants, as I said before, we are all making
20 history by holding this hearing, and when we pass
21 this law, creating the largest program in the nation
22 that will provide more space for the roadway and the
23 sidewalk to restaurants, to those families to be able
24 to [inaudible]. Now it will not be a luxury anymore,
25 only for the wealthy family to go and eat in an open
sidewalk place in our city. now, this is something

3 that it doesn't matter if he's Asian, new African,
4 Latino, those who came from the [inaudible], the new
5 immigrants coming here, the working class who are
6 living in a certain area to know we can have a place
7 where we can all go and have a dinner. We will
8 listen and we know that some [inaudible] on behalf of
9 the constituency who are bringing also quality of
10 life issues. We will be addressing those issues that
11 at the same time working with you and the rest of the
12 colleague, we will establish this program as a
13 permanent one.

14 COUNCIL MEMBER KRISHNAN: Thank you so
15 much, Commissioner. And I'd welcome you to come out
16 and visit us on Jackson Heights on 34th Avenue. Look
17 forward to it. My second question, just briefly, is
18 just, you know, we've seen pre-pandemic the way in
19 which the cost of having a sidewalk café where
20 disparate, meaning much more affordable in Manhattan,
21 for example, compared to boroughs like mine in Queens
22 which were-- the prices were much harder for small
23 businesses and small restaurants to pay for. So what
24 is the agency doing at this point to ensure that the
25 fee structure is equitable and specifically
affordable for small businesses small businesses in

2 our outer boroughs, [inaudible] like in Queens in
3 particular?

4 COMMISSIONER RODRIGUEZ: What I heard--
5 first of all, as someone that had been living in
6 Manhattan since 1983, after I came to the City at the
7 age of 18. When we look about Manhattan, sometimes
8 ago [sic]. Manhattan right now, let's say pre-
9 pandemic, let's say we have 902 sidewalk restaurant.
10 Well, we're talking about the Midtown area. We have
11 seen the number growing in your district during
12 [inaudible]. We in northern Manhattan in El Barrio
13 [sp?] in Harlem [sic] are also in the same pattern
14 when it comes to seeing it increase or most
15 restaurant using the facility in the sidewalk in
16 underserved community, including Manhattan, too.
17 When it come to the part related to-- and of course,
18 this is about-- think about the commitment of this
19 Mayor when it comes to equity. We want to streamline.
20 We want to increase [sic] it to level the playing
21 field, and to be sure that every single community we
22 have the same opportunity to think and look at this
23 project. Each communities are different, and at DOT
24 we will listen to those restaurant owners. We will
25 listen to the community. We will address the concerns

3 knowing that we live in a compact [sic] city where
4 what is can be good for one colleague, Council
5 Member, it doesn't mean that that's the same thing
6 that other neighborhoods support. So, we will be
7 working with everyone. When it comes to affordable.
8 You know, we heard from many-- I heard from many
9 restaurant owners. They know that, you know, the
10 Administration and the Council were able to work and
11 come out with this temporary program. We saved the
12 restaurant industry. We saved 100,000 jobs. This is
13 a program that is more than the restaurant owners.
14 This provides the opportunity to so many families who
15 live in fear, who were not comfortable to go inside
16 at restaurant to now say I want to go and sit outside
17 an open area. So, we're looking at what has happened
18 in any tough crisis. Members of the society, they
19 work or reinventing [sic] themselves. We are not
20 going backward pre-COVID. We have to move now after
21 COVID. I think that this is going to be one of the
22 programs that all of us are going to be part of, of
23 course working together. We need to listen to the
24 concern, including the parts of making affordable to
25 those who live in different communities, and that's
why we're also looking at the revocable consent

2 permit. Revocable permit know that they can be given
3 different prices depending on where those restaurants
4 are located, too.

5 COUNCIL MEMBER KRISHNAN: Thank you so
6 much, Commissioner.

7 COMMISSIONER RODRIGUEZ: Thank you.

8 COMMITTEE COUNSEL: Chair, I believe you
9 had a question you wanted to ask?

10 CHAIRPERSON VELÁZQUEZ: Basically,
11 following up and adding on to what Council Member
12 Krishnan just explained, are you going to establish a
13 fee structure on-- because earlier in the
14 presentation you had mentioned location and the size
15 of the café, but are you going to structure it with
16 the amount of chairs available out there for the
17 location and also are you considering any sizes,
18 shapes, or any additional fees like gross revenue
19 tying to the financials of the restaurants?

20 COMMISSIONER RODRIGUEZ: Great question,
21 Chair, and the answer is yes, but I will pass it to
22 Julie as the Director of the program also to expand
23 on that question.

24 DIRECTOR SCHIPPER: Sure, and Chair, you
25 know, we're taking a strong look right now at what

3 the fees were and how we can make this program more
4 affordable for restaurants around the city. We want
5 similar to how it's been over the emergency program.
6 We want every restaurant to be able to apply. So we
7 will be taking into account the location and the size
8 of their set-ups and really doing a full analysis on
9 what this looks like. At this time, that analysis is
10 still taking place. So, I don't have the exact
11 numbers for you on what those fees will look like,
12 but we do-- I do want to stress that we want this to
13 be affordable for restaurants, and that has been
14 something that the previous Administration and what
15 we're hearing from the current Administration, that
16 they want as well.

17 COMMISSIONER RODRIGUEZ: And Chair, it's
18 not that we don't have [inaudible] the numbers, that
19 we are taking the time as we are structuring this
20 program because this program has been based on
21 temporary. We're taking our time to figure out which
22 is the best formula. But as we get close to what we
23 feel should be this number, we will share those
24 information with the Council.

25 DIRECTOR SCHIPPER: And of course,
welcome feedback as we share much more information.

2 CHAIRPERSON VELÁZQUEZ: Thank you for
3 that. I also want to recognize that Council Member
4 Menin's question was not answered with regards to
5 revocable consent. You know, if it didn't work in
6 the past, why are we bringing back, and how are you
7 going to make it better if you are?

8 COMMISSIONER RODRIGUEZ: You like to take
9 that one?

10 DIRECTOR SCHIPPER: Sure.

11 COMMISSIONER RODRIGUEZ: let's hear from
12 the Director.

13 DIRECTOR SCHIPPER: Yeah. So, the
14 revocable consent structure is in the City Charter,
15 and this is the-- the Law Department has advised that
16 we follow that structure for this program, and I-- we
17 have talked very-- we have talked a lot with the Law
18 Department, and they're willing talk with specific
19 Council staff or anyone else regarding other
20 questions on it.

21 CHAIRPERSON VELÁZQUEZ: Okay, alright.
22 We're looking forward to hearing that. And then
23 lastly, we're talking about street vendors, and
24 street vendors cannot be located within 20 feet of
25 sidewalk cafes. How is the Administration going to

3 consider outdoor dining with this in place, and how
4 are we working with the street vendors on this?

5 COMMISSIONER RODRIGUEZ: Let me focus on--
6 - you know, we the Open Restaurants and I know that
7 the conversation on the street vendor, this is
8 something that you know I have a lot of commitment to
9 work with all of them. This is what I have done in
10 my life. But when it comes to a specific-- I would
11 focus more on where are we related to, you know, the
12 space and the feet, the eight feet for pedestrian
13 that the restaurant owners must leave beside the
14 structure that they will have in the sidewalk for
15 pedestrian, and also when it comes to other cases, 12
16 feet. So, we can focus. We can talk today about,
17 you know, the requirement that the restaurant owner
18 would have to comply when it come to, you know, the
19 space that they will leave to-- for pedestrian to
20 walk. Is that most likely the question, or it was
21 different way on how you-- elaborate then.

22 DIRECTOR SCHIPPER: Sure, it is working
23 with the street vendors. It's also understanding the
24 square footage requirement and how we're working to
25 make sure that it is equitable and that our street
space is for all.

2 COMMISSIONER RODRIGUEZ: We will find a
3 balance. You know, Julie want to--

4 DIRECTOR SCHIPPER: Yeah, no, I think
5 that's right. We will find a balance between all of
6 the different users of our street, and we want to
7 make sure the street-- we're looking at the street
8 holistically, and we'll continue-- we'll continue to,
9 you know, work with everyone to make sure everyone
10 is-- this is a balancing act, and particularly this
11 will be part of our guidelines and settings right
12 criteria that will be set.

13 COMMISSIONER RODRIGUEZ: And I would like
14 to add also that, you know, as we are holding this
15 hearing, this conversation, I want to take the
16 opportunity to share that, you know, the street are
17 public space. So, and this is something also where
18 also we need to look at it, and I think that it has
19 required a-- it requires like a change, a cultural
20 change on how we see this space. So, you know, this
21 is more than restaurant in the roadway. This is more
22 the restaurants and the sidewalk café. This is about
23 how we visualize the use of our street. So, again,
24 like, we focusing now on the open restaurant, but
25 when it come also to the street vendors and others

3 who use our street, the first thing that everyone
4 should know is about, you know, the street is a
5 public space and we want to have the best use of our
6 street.

7 EXECUTIVE DIRECTOR ETTANNANI: I also
8 just want to add that, you know, and this reinforces
9 why, you know, DOT was really best situated to
10 continue on this successful program, but you know,
11 the Office of Street Vending Enforcement is
12 responsible for enforcing a number of different time,
13 place, and manner restrictions in the streetscape.
14 The Office of Street Vendor Enforcement works very
15 closely with DOT and other sister agencies on a
16 holistic vision for the streetscape. So there are
17 current mechanisms and certainly new relationships
18 that will emerge over the coming months and years as
19 this program fully develops to ensure that vendors
20 remain an active part of the process and are, you
21 know, appropriately represented, but I-- you know, I
22 wanted to make sure that, you know, the Council knows
23 and recognizes that the Office of Street Vendor
24 Enforcement, DOT already have an existing
25 relationship in speaking about the streetscape and
how to use it equitably.

2 CHAIRPERSON VELÁZQUEZ: And in that same
3 light, what has the conversations been with non-
4 government utilities regarding manholes? What are we
5 discussing also when emergencies happen? What is the
6 process for that right now, and what do we envision
7 for the future?

8 COMMISSIONER RODRIGUEZ: Well, I can tell
9 you as I said before, that the permit for any
10 restaurant owners who have access to a roadway to
11 create a roadway café will not compromise the use of
12 that space for any emergency, including utilities,
13 including resurface [sic] to the street. So, those
14 are things that we will be-- it will be included in
15 the form that the restaurant owner will have to sign
16 as they will get the permit. Of course, this is
17 talking about moving forward as the program will be
18 permanent, that the restaurant owner they will know
19 that when there's a need to do any repair on the
20 ground from DOT to any partners [inaudible] city
21 government or other agency, it will take priority
22 over anyone who is using the space for the structure
23 [inaudible].

24 CHAIRPERSON VELÁZQUEZ: What has your
25 conversation been with the utilities so far? Has

2 there been a square footage requirement in place or
3 considered?

4 COMMISSIONER RODRIGUEZ: [inaudible]

5 DIRECTOR SCHIPPER: We are working with
6 the utility companies now to-- as we develop our
7 design guideline. In the temporary program, we've
8 been working with them, but there was not a strict
9 requirement as we just set it up very quickly, but
10 that is something that, you know, we've seen has been
11 an issue throughout the past-- throughout the
12 program, and so we will be addressing it in the
13 permanent program.

14 CHAIRPERSON VELÁZQUEZ: Okay, so
15 discussions have happened, but nothing set in stone?

16 DIRECTOR SCHIPPER: Yes.

17 COMMISSIONER RODRIGUEZ: No, but we say
18 that--

19 DIRECTOR SCHIPPER: We are-- yeah.

20 COMMISSIONER RODRIGUEZ: What we are
21 saying is that during the temporary program we were
22 able to see a number of restaurant owners, you know,
23 taking advantage of this opportunity when they didn't
24 have so many requirements. However, moving forward
25 in making this program permanent, the utility sector

3 is playing an important role as they will be sharing
4 their experience and the feedback, and anyone who
5 will be using the space in the street to bring a
6 subsequent restaurant, they will know that the use
7 for emergency vehicle, the use for repair, the use
8 for utility will be taking priority in our city.

9 CHAIRPERSON VELÁZQUEZ: And I think the
10 follow-up question, we slightly mentioned it, but I'd
11 love to hear more on your discussions with
12 accessibility street-wise, ADA compliance, and how
13 are we working with the disabled community in making
14 sure that we're accessing the streets appropriately
15 for all.

16 COMMISSIONER RODRIGUEZ: That, as I said,
17 I said in my testimony that when we look into how the
18 setup of those open-- the structure of those
19 restaurants in the road, in the sidewalk, being
20 accessible is not only the establishment but the
21 surrounding area will be mandated in order for anyone
22 to open a Open Restaurant in the street. So we are
23 at DOT, as the agency that have been working, that
24 have a previous Chief of Accessibility that work
25 making all intersection accessible that is committed
to understand that we are meeting New Yorkers who

2 have some physical challenges that have a set right
3 that the rest of New Yorker have, knowing that myself
4 an AARP member too at my age of 56, at some point we
5 need be also seeing ourselves as someone that had to
6 address lack of accessibility. This is part of the
7 requirement that we will see not only coming from the
8 restaurant owner, but we at DOT, we will be
9 accountable ourself [sic] to be sure that the
10 surrounding street of the establishment will be also
11 accessible in our city.

12 DIRECTOR SCHIPPER: And just to add, the
13 Mayor's Office for People with Disability was funded
14 for two staff for this program, and so we'll be
15 working very, very closely with them to make-- as we
16 review, and as the applications are reviewed to make
17 sure that the set-ups are accessible.

18 CHAIRPERSON VELÁZQUEZ: Thank you so much
19 for that. I really appreciate it.

20 COMMITTEE COUNSEL: Thank you, Chair. So
21 the next Council Member is Council Member Carr to be
22 followed by Council Member Restler.

23 SERGEANT AT ARMS: Time starts now.

24 COUNCIL MEMBER CARR: Thank you so much,
25 Chairs Velázquez and Riley for convening this

1 important discussion. I have a number of concerns
2 about the bill as envisioned currently, but I want to
3 focus in on process if I can. Commissioner
4 Rodriguez, I appreciate your comments, and I know you
5 mean them when you say that you value the insights
6 and judgements each Council Member brings, you know,
7 when representing their own particular districts, and
8 that's why I'm happy to see that the sidewalk
9 application process still includes, you know, Council
10 Member and Council review through a co-op [sic]
11 system and more robust participation from Community
12 Boards, but I'm kind of concerned as well as, you
13 know, not really understanding why that process isn't
14 also being used for the roadway café application
15 permit process when you consider the unique insights
16 that each member can bring and each Community Board
17 can bring, but also when the fact that those diners
18 are going to be sharing a street with vehicles,
19 right, and it's a more dangerous situation
20 potentially than those who are going to be dining
21 exclusively on the sidewalks. So I'd love to hear,
22 you know, why these processes are treated
23 differently.
24

2 COMMISSIONER RODRIGUEZ: I understand

3 [sic] asking the question [inaudible], the Director
4 of the program, she also will expand and elaborate.

5 We wanted to simplify this program. The program has

6 shown that it's working, and this is something that,

7 again, is going to be the result also of-- we as New

8 Yorkers, being creative on how to put mechanism in

9 place that allow for all to, you know, respond to

10 different needs that we have during COVID. We felt

11 that the [inaudible] that we had during this pandemic

12 was that the program been working. Well, there's

13 limitation that we have when it come to, you know,

14 something mandating on how the City Charter allows to

15 do things in the sidewalk, allowed to do things in

16 the roadway. We believe that the way you have the

17 program been working temporary, and we have been-- we

18 have-- DOT has been taking the time, even before I

19 joined, had the honor to join the great tam here at

20 DOT. In my previous role as a Council Member, I know

21 that they were working and I share that information

22 with the body before on how the program was working

23 successful during COVID. So, I think that we are

24 doing is taking a good experience and also, of

25 course, listening from members [inaudible] listening

3 for members of the community, all the stakeholders,
4 elected officials, and of course, the Council as a
5 very close partner that we have to see how we can
6 continue these programs as simple as possible, as
7 [inaudible] as possible, but being a permanent one.
8 So, again, we feel that when it comes to the
9 sidewalk, we will continue having the Community Board
10 playing the role that they have, but when it come to
11 the roadway as a new program that have been showing
12 that can work, the way how it is right now, we feel
13 that we don't have to make any changes.

14 DIRECTOR SCHIPPER: Yeah, and I think,
15 you know, we really want this. What we've heard is
16 that the ease of the application process during the
17 emergency program has-- is part of the reason why
18 it's been so successful, and while there will be--
19 you know, there's some limitations due to the City
20 Charter, you know, with creating this permanent
21 program and changing that process. There will still
22 be a revocable public-- revocable consent public
23 hearing for the roadway. So we will still be able to
24 gain input from Community Boards, from Council
25 Members, from the public for the roadways, but we

2 want to keep it as streamlined as possible, and this
3 is the way that we are able to do it.

4 COUNCIL MEMBER CARR: I'm not sure I
5 share your optimism, especially when you're only
6 saving a month on the process from your own testimony
7 to remove Council Member review, and to Council
8 Member Bottcher's point from earlier in the hearing
9 where even within our own districts we have diversity
10 and different conditions. So, I'll come back to this
11 one when the second round comes.

12 COMMITTEE COUNSEL: Now we have Council
13 Member Restler to be followed by Council Member
14 Schulman.

15 SERGEANT AT ARMS: Time starts now.

16 COUNCIL MEMBER RESTLER: Thank you, Chair
17 Velázquez and Chair Riley, and Commissioner
18 Rodriguez, so excited to have you in this role. It's
19 a pleasure to have a chance to engage with you here.
20 I personally want to say that I think the Open
21 Restaurant Program was one of the true silver linings
22 of this pandemic, and everybody who worked on it in
23 my opinion are heroes who saved tens of thousands of
24 jobs at beloved small businesses or restaurants that
25 make our neighborhoods great. And I am excited about

3 reimagining our streetscape together, and I think DOT
4 was the right agency to think creatively about how to
5 design an emergency program. My concern is whether
6 DOT is the right agency to maintain operations long-
7 term, and there are real concerns about sanitation,
8 about noise, about safety that we've heard from
9 neighbors. We've heard from other Council Members
10 and that I've heard from countless constituents that
11 need to be addressed, and I just wonder what relevant
12 experience DOT has implementing any type of similar
13 program. We have so many agencies that do small
14 business enforcement, DCWP, DOHMH, SBS is out there
15 every day working with our small businesses; DOT is
16 not. So this is adding a whole new separate function
17 to an agency in my opinion that doesn't have the
18 relevant experience to do the work, and I wonder why
19 is DOT rather than DW-- Department of Worker and
20 Consumer Protection or another agency the right one
21 for this role?

22 COMMISSIONER RODRIGUEZ: I am confident
23 that this agency-- first of all, congratulations to
24 you in your job, too, and I know that we're going to
25 be doing a lot of things together like, you know,
like-- it's amazing to be here in these two roles

3 that you and I have, you know, and that body and
4 [inaudible]. I'm confident that DOT is the right
5 place to be not only to create--

6 SERGEANT AT ARMS: [interposing] Time.

7 COMMISSIONER RODRIGUEZ: this program,
8 but also to run the program. I believe that, you
9 know, as an agency that in working with our sister
10 agencies will add other resources. You know, we will
11 be following what Mayor Eric Adams has said. You
12 know, we will leave behind the time where agencies
13 sometimes do things separated. We have-- we will
14 have a Director plus 30 other men and women who will
15 be in charge of running this program, but we're going
16 to be also coordinating with Department of Health,
17 Department of Sanitation, NYPD. What New Yorker want
18 is action. What New Yorker is fed up is to know that
19 Department of Sanitation in one restaurant and know
20 what-- and people going over and over, and there's no
21 safe resolution. While New Yorkers are fed up to
22 know that there's some restaurant that they are not
23 taking care of the quality of life issue. When DOT
24 will take control of this program, go fully permanent
25 next year, and New Yorker will see we are throwing
all the resources that we have, not only with the

2 Director and the other 30 members, but with the other
3 agency. They will even increase the level of support
4 that they have to the Open Restaurants initiative,
5 and this will be a role model to other city across
6 this nation.

7 COMMITTEE COUNSEL: Thank you, Council
8 Member. The next Council Member Schulman is going to
9 be next followed by Majority Whip Brooks-Powers.

10 SERGEANT AT ARMS: Time starts now.

11 COUNCIL MEMBER SCHULMAN: Thank you very
12 much. I want to thank the Chairs today, Riley and
13 Velázquez, and thank you Commissioner. I look
14 forward to working with you. So, I want to echo the
15 concerns that have been raised by my colleagues. I'm
16 not going to mention them again, but-- and also,
17 Chair Velázquez actually took the question out of my
18 mouth about the disability community, because in my
19 district, particularly in Forrest Hills, I will tell
20 you that the restaurants here, some of them are set
21 up in such a way that people in wheelchairs can't get
22 through the sidewalk. So, that's something that we
23 really need to look at. And as my colleague Council
24 Member Bottcher mentioned, we have different
25 neighborhoods within our districts that are different

3 in terms of how they're set up. I have [inaudible]
4 called Restaurant Row here in Forrest Hills where
5 there's five or six restaurants in one block, and
6 there's a lot of-- there's a lot of complaints about
7 rats in that area. I also wanted to mentioned that a
8 lot of the res-- some of the restaurants are located
9 across the-- directly across the street from City
10 Park that also has a rat problem. So I'm urging you
11 to pleas coordinate with the Parks Department around
12 that issue. So one of the things I did want to ask
13 is, has any thought been given to traffic patterns
14 when we do this? Because, you know, some of the
15 restricted streets and some of the streets of my
16 district are very narrow. There's a ton of cars that
17 go back and forth around those restaurants, you know,
18 that can cause some issues for the public and
19 constituents, etcetera, and some of those streets are
20 so small that it's very difficult for traffic to get
21 through. So has thought been given to changing the
22 traffic patterns so we don't have traffic on top of
23 these restaurants, on top of pedestrians, on top of
24 bicyclists and everything else. So that's one
25 question, and then the second that I want to ask is,

2 you know, going back to Speaker Adams' question about
3 staffing--

4 SERGEANT AT ARMS: [interposing] Time
5 expired.

6 COUNCIL MEMBER SCHULMAN: you know you
7 gave a number, but the question I have is how do we
8 know that that's the correct number to have for
9 enforcement purposes. Thank you.

10 COMMISSIONER RODRIGUEZ: Well, starting
11 with the last question, having more is always better.
12 As you know, we have to-- we make assessment if we
13 feel that we need more. So definitely, you know, we
14 will go to you guys and have a conversation with the
15 Council, but we're confident that with the numbers
16 that we have today with the Director and 30 staff,
17 this is a good number for us to start working and
18 planning this permanent program. Of course,
19 everything is subject to change, and we are partners
20 with you [sic]. When it comes to, you know, the
21 traffic, we have our Traffic Division here, and we're
22 paying attention to all challenges that we have, and
23 you know, more than happy to, you know, look at
24 different block, looking at different community,
25 looking at different Council. I personally open to

3 go and walk, you know, those areas. So last few days
4 ago I told assistant in [inaudible] let me walk
5 through here through Avenue B and see those area
6 where we know that there have been some complaints or
7 challenges. And I can tell you as a father, you
8 know, of two daughters-- they're 15 and eight. I
9 mean, when they were little I wanted to have
10 restaurant owners who are partners who took care of
11 the quality of life. As someone whose mom is 94,
12 thank God, and my father passed away and he was 84,
13 and myself almost ready to join that community-- we
14 also have to be there for our senior citizen. We also
15 have to be there for people with disabilities. So,
16 you know, I think that what I bring is that
17 [inaudible] experience and the level of trust that
18 people like you and I have, because we have worked
19 together. we know that when we committed our work,
20 when we said we will get things done-- I don't know
21 how to say no in life, and I know that the Council
22 Member are into say a willing [sic] yes to pull a
23 problem together. That should be a win/win
24 situation. Good for the restaurant owners and the
25 families who use it, but also good for the residents
of those communities. The team led by the Director,

1 they've been listening to the different
2 neighborhoods. As a new Commissioner, only here for
3 a moment, in a week I can tell you that I'm committed
4 to work with every single Council Member and ready to
5 visit those communities with you so that I can
6 [inaudible] what is going on. But I think that this
7 is going to be a good program, and we are committed
8 to addressing [inaudible]. Nothing will be perfect,
9 and I am ready for that. So I'm not here to say that
10 as Commissioner we're putting a program that will be
11 perfect. We are New Yorkers and we are a city with
12 strong opinions, and we have to be ready to take that
13 approach that no one has the whole truth. So as the
14 Commissioner I can share with you what this great
15 team is putting together, but we are open to hear
16 feedback, concerns not only for the colleagues at the
17 Council, but also from the Community Board, also for
18 the residents of the community. One think that we all
19 know, because we all work with some restaurant
20 owners, they went through this crisis big time. Many
21 of them been closing because they didn't have the
22 financial support. so, you know, I know that those
23 of us who raised those questions, legitimate one,
24 about accessibility, sidewalk, quality of life, this
25

2 is coming because we want to make this program the
3 best as possible. So, thank you for that question,
4 and ready again to walk your district as we have
5 worked together in other previous goals [sic] in the
6 past.

7 COUNCIL MEMBER SCHULMAN: Thank you.

8 COMMITTEE COUNSEL: Now, Majority Whip
9 Brooks-Powers to be followed by Council Member Marte.

10 COUNCIL MEMBER BROOKS-POWERS: Thank you
11 and good afternoon everyone. Thank you to Chairs
12 Velázquez and Riley. I am Majority Whip Selvena
13 Brooks-Powers, Councilwoman to the 31st District
14 covering parts of Southeast Queens and the Rockaways.
15 I thank the Department of Consumer and Worker
16 Protections and the Department of Transportation for
17 their testimony today. As Chair of the Committee on
18 Transportation and Infrastructure, I'm particularly
19 interested-- excuse me. I'm particularly excited to
20 work with my former colleague, Commissioner Rodriguez
21 and the entire Department of Transportation to
22 discuss Open Restaurants and to address its
23 implementation and tackle the most pressing
24 transportation issues facing our city. Just a couple
25 of questions that I'll leave with you and look

3 forward to hearing the response. As we consider the
4 implementation of a permanent outdoor dining program,
5 I'd like to ask the Department's representatives,
6 one, DOT claims fees would be equitably appropriated
7 to businesses across the city, ensuring larger
8 restaurants pay appropriate fees in accordance with
9 their business model and small restaurants. Can you
10 please provide how you crafted the funding structure?
11 Also, I'd like to know are restaurant associations
12 such as the New York State Restaurant Association,
13 the Empire State Restaurant and Tavern Association,
14 and the New York City Hospitality Alliance, as well
15 organizations such as Queens Together in favor of
16 these measures. Will DOT create an Office of
17 Inspector General or oversight agency for rejected
18 restaurant applications? What is the appeal process
19 for restaurant owners? And finally, will DOT
20 implement an outreach and engagement process for
21 restaurants in underserved communities to encourage
22 participation, especially with multiple language
23 options? And thank you and look forward to hearing
24 the response from the Administration on those
25 questions.

COMMISSIONER RODRIGUEZ: Well,--

2 SERGEANT AT ARMS: [interposing] Time
3 expired.

4 COMMISSIONER RODRIGUEZ: Chair and leader
5 of the Council, you know, [inaudible] it's a great
6 honor to work with the rest of my colleagues, those
7 that I serve together and the new ones and also with
8 the Speaker, Speaker Adams and you as the Chairman of
9 this Committee. With the formula on how the
10 different tier that we can put in place on how much
11 the restaurant owner will be paying, this is
12 something that we are still in the process to figure
13 out. So, we will share that information. And as I
14 said before, it's not all bad that we don't have it,
15 it's that we are taking our time. we're trying to
16 figure out how that decision will be based on where
17 those restaurants are located, how much estate [sic]
18 will they have, how many chairs will they be having
19 in those establishments, and other aspects that can
20 influence, you know, the value of the space that
21 they're going to be using. I will pass it now to
22 Julie to complete the other part of the questions.

23 DIRECTOR SCHIPPER: Sure. I think you
24 asked about an oversight committee, that's a-- it's
25 good feedback to take back and something we can look

3 at and consider-- consider. And then on the fee
4 structure, I think the Commissioner, you know, had
5 said we are still working to determine what that will
6 look like, but again, we do want this to be a program
7 that is accessible for all, but those fees are still
8 being determined.

9 COMMISSIONER RODRIGUEZ: And the part
10 related to the question to the outreach and how to
11 connect with those in the community, I said before
12 I'm a Latino-speaking Commissioner, a Commissioner
13 that my story as I told many of my colleagues, the
14 story [sic] are they grandfathered [sic]. It doesn't
15 matter their great grandfather [inaudible]. I am the
16 person. So I am the person who understand how
17 important it is, you know, to inform, educate, and
18 support the people who are working so hard, that they
19 came here. For some of them, they were washing
20 dishes in that restaurant and saving some money.
21 They opened a restaurant. And or they were driving a
22 taxi and they saved some money. Sometimes some of
23 those restaurant is a family investment together.
24 It's like three or four members that they chip in
25 some money and they put-- you know, they took the
risk. So, as we have the big restaurant that, you

2 know, is a result of [inaudible] and we need to
3 support them too. We also have the mom and pop who
4 started the first business owner in their community.
5 And some of them, they could be, you know, from
6 Nigeria or live along Sheridan [sic] Avenue in the
7 Bronx. They can be [inaudible] from the Bronx. They
8 can be [inaudible], Italians, Irish, you know, Af-
9 Americans, and Haitians. So, Mayor Eric Adams has
10 said for months that when we pay taxis, it doesn't
11 matter the language we speak, we have the right to be
12 informed of everything, all services, all information
13 that they need, and this is what we're going to be
14 doing. We're going to be going also after, and we're
15 going to be going to different communities doing the
16 outreach, and we will have also members of the staff
17 led by the Director here who also will be speaking
18 the language of the different communities that we
19 also want to do our outreach. We're going to be also
20 using the social media to inform and educate
21 different communities about these opportunities.

22 COUNCIL MEMBER BROOKS-POWERS: I just
23 want to add that as you're exploring what that
24 business model or funding structure is going to be
25 that you engage with key stakeholders around the

3 space in addition to community, so that you're taking
4 into account some of the hurdles that they already
5 face and what challenges this could potentially pose
6 to these small business owners.

7 DIRECTOR SCHIPPER: Yeah, thank you for
8 that feedback, and we're constantly interested in
9 engaging with new folks, and we have already been
10 engaging with Community Boards, the Hospitality
11 Alliance, and restaurant communities in general, and
12 we are excited to continue that process and continue
13 that outreach. So, thank you for the feedback and
14 we'll continue coordinating with as many folks as we
15 do.

16 COMMISSIONER RODRIGUEZ: Also--

17 COUNCIL MEMBER BROOKS-POWERS:

18 [interposing] One last thing I'd like to a couple of
19 organizations that you should also include in
20 addition to the larger ones: Queens Together, the
21 Black Resource Network, those are organizations.
22 REMA, which is the Rockaway East Merchant Alliance.
23 We have hyper-local organizations and I'm sure my
24 colleagues have a number of them in their own
25 districts that you should probably do some outreach
to the members to understand that as well so that

3 it's not just this overarching policy that's being
4 put in place without taking into account the people
5 most impacted.

6 COMMISSIONER RODRIGUEZ: And that's was--
7 that I was going to say that. Those of you who know
8 any particular small association, association
9 regardless on the large, big, little, or small, but
10 they are in their own community police. You know,
11 help us also to connect with them, because you know,
12 one thing that I have shared, you know, here at DOT
13 is that sometimes in my own experience in my previous
14 role as a Council Member, I know that sometimes we
15 know that the largest state/citywide organization,
16 they play important role, but also sometimes there's
17 some disconnection with some of small groups. Like
18 here in where I live, we got like Shemma Grate [sic]
19 which is an association that only is composed like by
20 seven or 10 restaurants. They are not part of
21 citywide, but you know, now I also working to be sure
22 that do my part connecting those organizations to
23 this network. So if any of you was-- [inaudible] the
24 rest of the Council Member has access or are related
25 or know any block or restaurant in your community
that they're not necessarily part of both city and

3 statewide. Please, share that information with us
4 because we ready to hear the feedback and to make
5 them part of this process.

6 COUNCIL MEMBER BROOKS-POWERS: Thank you.

7 COMMITTEE COUNSEL: Thank you. The next
8 Council Member will be Council Member Marte.

9 SERGEANT AT ARMS: Starting time.

10 COUNCIL MEMBER MARTE: Thank you for
11 having me today, and I really want to thank Council
12 Member Velázquez and Council Member Riley for not
13 only hosting this meeting, but taking my cause the
14 past few days in regards to this legislation and the
15 zoning change. And as Council Member Bottcher, you
16 know, we hope to be-- have a seat at the table as
17 this progresses through the Council, because our
18 districts are-- had them more heavily used outdoor
19 dining compared to the rest of the City. My main
20 question or main concern is so many of my residents
21 in my district are really concerned about this
22 program, particularly at the heels of this temporary
23 program. In the shift to DOT from the current zoning
24 requirements for sidewalk cafes, DOT is entirely
25 recreating how outdoor dining exists and how is it
regulated within our city. I primarily want to

3 ensure that we learned from the 40 years of the
4 sidewalk café zoning provisions that had been in
5 place until today. The current process is long and
6 is technical, but for every good reason. Outdoor
7 dining drastically alters our streetscapes and public
8 space and should be-- and should allow that it should
9 have strict oversight that addresses the unique
10 nature of every neighborhood. My district, in
11 particular, in lower Manhattan has thousands of
12 restaurants and outdoor dining establishments, while
13 also has some of the smallest streets, greatest
14 densities, and dangerous streetscapes in the City.
15 My greatest concern is that we're applying a one-
16 size-fits-all program to a streetscape and restaurant
17 landscape that greatly varies by district and
18 neighborhoods even within my district. Under the
19 current zoning program, many street and areas have
20 received added restriction or exemptions through the
21 years of trial and error and research. And so my
22 main question is why this precedent of exemption
23 won't be carried on, it's the new program, and why
24 would we have to relearn that citywide program
25 doesn't make sense on every street?

SERGEANT AT ARMS: Time expired.

2 COUNCIL MEMBER MARTE: Thank you.

3 COMMISSIONER RODRIGUEZ: Council Member,
4 first of all I thank you for your question, and as I
5 said when we had the opportunity to talk and share
6 ideas, I'm looking for you as someone that I know
7 that's going to be a partner and be a lot of things
8 that we're doing together. We also here to listen to
9 concerns that you have in some area in your Council
10 District. I feel that, you know, like the roadway
11 use for a restaurant is something new. This is
12 something that I can say is a result of many of us
13 thinking about reimagining the use of the public
14 space, the public street. I think that, you know, we
15 live in a city where we have to make a lot of changes
16 when it comes to [inaudible] and process without
17 compromising the safety of anyone, but when you hear
18 from many individuals and you will experience that
19 sometimes we on the government side, you know, we
20 work in a system that it takes so long to do a lot of
21 things. So I know that this going to be one of the
22 priorities that you and many colleagues will have.
23 How can we cut the time? How can we, you know, get
24 things done faster and safer? And I think that this
25 going to be one of the model that we are putting

3 together starting for new. We are combining. We are
4 putting the shaft [sic] of this program, that two of
5 the programs together in one agency. This agency has
6 a history regardless of who have been commissioners,
7 who have been the director of different program here,
8 but this agency has so many leaders that are
9 committed to reimagining the use of the street, and
10 combining those two programs in one agency is the way
11 of how, you know, we been instructed to do based on
12 the law that was passed in Council in 2020 when we
13 created the temporary program. So we building on the
14 temporary experience that we have, and that's why
15 came up to the conclusion that we needed to have a
16 director, 30 members working with the other agencies
17 to be sure that we respond to the need of restaurant
18 owners, but most important, to the consumers and the
19 8.6 million New Yorkers.

20 COMMITTEE COUNSEL: Thank you. Chair,
21 now we have finished the first round of questions.
22 So I don't know if you or Chair Riley would like to
23 start a second round.

24 CHAIRPERSON RILEY: I do have-- thank
25 you, Counsel. I do have one question to start the
second round. Concerns have been also been raised

3 during public review regarding allowing open
4 restaurants and sidewalk widening areas. Could you
5 explain why this change in the text was necessary?

6 COMMISSIONER RODRIGUEZ: Let me call
7 Carolyn from the City Planning to respond that
8 question.

9 DIRECTOR GROSSMAN-MEAGHER: Thanks,
10 Council Member, for the question and thank you
11 Commissioner. So, the zoning text has one provision
12 in it, which as you describe, makes it clear that an
13 area of-- that a-- that sidewalk widened areas do not
14 conflict with Open Restaurant programs. So what does
15 that mean? In certain areas, particularly in
16 Midtown, there are zoning requirements that when a
17 new building is built it sets back a little bit so it
18 creates a wider sidewalk that that building owner is
19 required to build the wider sidewalk so that in those
20 more congested areas of the City, we can get a little
21 bit wider of a sidewalk as the new construction comes
22 online. So the concern-- so the concern we had is
23 making sure that that component of the sidewalk,
24 which has been built by a developer could have been
25 50 years ago, doesn't conflict with a restaurants'
ability to come apply. So, when you come to apply

3 for DOT under the future program, what you're going
4 to look at is the building that-- you know, the line
5 of the building, the line of the curb, how much space
6 you need to keep clear-- typically eight feet, in
7 some more congested areas it'll be 12 feet-- and then
8 the rest of that can be your sidewalk set-up. What
9 we don't want to happen is for a restaurateur to
10 start researching 40 years of zoning history to try
11 and understand how a sidewalk was built and why it
12 came to be the width it was just in order to apply
13 and put their tables in the right place. We also
14 don't want a restaurant that is next door to a
15 different building to have to put its chairs in a
16 different location, again, just because of the way
17 that that sidewalk was constructed 40 years ago. The
18 goal here for us is to treat every restaurant the
19 same, to have the most transparent and lay
20 understanding of what a sidewalk is, a curb, a
21 building line, and a space in between it so everyone
22 can understand that program. We certainly sympathize
23 with concerns about making sure that our sidewalks,
24 particularly in congested areas, have enough space
25 for pedestrians. That's core to this whole program.
As the Commissioner described, we think that can get

3 addressed on a universal basis by going to 12-foot
4 requirements in very limited circumstances. We
5 obviously want to use that designation judiciously,
6 because the more requirement we make, the less
7 restaurants we'll be able to apply for the program,
8 but we think it makes sense in some circumstances.
9 We don't think it makes sense to link that to
10 historical information of how a building was built.
11 We think it makes sense to link that to how congested
12 the pedestrian flow is in an area.

13 CHAIRPERSON RILEY: Thank you, Carolyn.
14 Chair Velázquez, I'll yield my time back, because I
15 see members have second round of question.

16 CHAIRPERSON VELÁZQUEZ: I would like to
17 continue with the Council Members. Go ahead.

18 COMMITTEE COUNSEL: I'm going to call on
19 Council Member Yeger who did not do a first round.
20 So Council Member Yeger to be followed by Council
21 Member Farías.

22 SERGEANT AT ARMS: Starting time.

23 COUNCIL MEMBER YEGER: Thank you very
24 much, Madam Chair, Mr. Chair. Good to see you,
25 Commissioner. You know, some of my colleagues made
incredibly wise points throughout. So I'm not going

2 to use my short amount of time to repeat them all,
3 but I just want to point out Council Member
4 Bottcher's comments, Council Member Nurse, Council
5 Member Ossé, the former Borough President case
6 management Brewer who chaired the borough board in
7 Manhattan that urged that these rules not be adopted.
8 Council Member Restler, Council Member Schulman,
9 Council Member Marte, and I'll just go through some
10 of these but not all them. You know, we keep hearing
11 throughout this hearing that this program has been
12 successful, and it's proven its success, and it's
13 something that we hear over and over again, and I
14 just respectfully disagree. I think it's been
15 successful for the restaurateurs for sure because
16 they've been able to increase the size of their
17 space, not pay real property taxes on it, not pay
18 rent on it, and have the ability to get free space
19 courtesy of New York City. But it hasn't been a
20 success for the people who need to use the sidewalks
21 and the streets of the City. Council Member Schulman
22 brought up a very important point about the senior
23 citizen trying to navigate these sidewalks in a wheel
24 chair. In my district that's a concern, but also the
25 young mother trying to push a stroller with three

2 children in who can't get through these sidewalks.

3 There are restaurants in my district that have taken
4 over the sidewalk with an enclosed shed with a lock
5 on it. So that although they're open for 10 hours a
6 day, the other-- 14 and only six days a week-- the
7 other 14 hours of the day and the one day a week that
8 they're closed, nobody's allowed to use that
9 sidewalk. How is that reimaging the streetscape for
10 the people of New York? I don't know that it is.

11 Those sheds that we see throughout the City, we keep
12 talking about the ones that are abandoned by the
13 restaurants that are closed, but what we're not
14 talking about is the ones that are abandoned by the
15 restaurants that are open that are simply not using
16 or using them for storage. Commissioner, your agency
17 is aware at least in Brooklyn of a number of
18 restaurants that complaints have been made about
19 these sheds--

20 SERGEANT AT ARMS: [interposing] Time
21 expired.

22 COUNCIL MEMBER YEGER: Thank you. With
23 permission of the Chair, I'd like to just go on for a
24 little bit. These ghost sheds, these Shanty Town
25 shacks that have remained abandoned with operational

3 restaurants, but the shacks are just not used
4 anymore. So the idea that, you know, somehow this has
5 been a success and we need to permanent-ize [sic] it,
6 I think it hasn't been proven. And Commissioner, as
7 you know, we were in the Council together, I voted no
8 on the expansion of this program. Although I voted
9 in favor of the initial creation of it during the
10 emergency, and we're past that emergency now.
11 Restaurants are open. They're back in business, and
12 while we've created a program for restaurants, we
13 haven't created a program for the shoe store next
14 door, for the book store next door to that or the
15 hardware store that have all lost sidewalk space and
16 have all lost spots, that have all lost the
17 attraction of a block of people wanting to shop there
18 because it's all now chaotic and anarchist. So, I
19 would urge that this be rethought by my colleagues,
20 and really this is more meant for my colleagues in
21 the Council than for the agency. But before I go,
22 I'm just going to read one very quick sentence if the
23 Chair would allow. Before the City Council would be
24 adopting any proposal to amend the zoning resolution
25 to remove the restrictions into spaces that they have
precluded outdoor dining where commercial use

3 lawfully exists. DOT should establish a public
4 participation process that would enable the
5 development of rules to be promulgated by DOT. I
6 think that sentence is very wise, and that comes from
7 a letter written by my former Borough President, you
8 may know, and the letter was dated November 9th,
9 2021, just a few weeks ago. And when then Borough
10 President Adams wrote that sentence, it was wise
11 then. It's wise now, and I think we ought to be
12 paying attention to it before we move this forward.
13 Thank you very much, Madam Chair.

14 CHAIRPERSON VELÁZQUEZ: Thank you.

15 COMMISSIONER RODRIGUEZ: Thank you,
16 Council Member. I heard Gale Brewer now speaking
17 against this and most of the Council Members who have
18 addressed this, including those that they have shared
19 how they have a type of district that they have
20 different experience when it comes to the Open
21 Restaurant. I can say that they have been a very
22 positive conversation when we are listening to all
23 the feedback. So your feedback are also important.
24 Thank you.

25 COUNCIL MEMBER YEGER: I appreciate it.
What I would just urge, Commissioner, is that

3 particularly the line that Council Member Marte said,
4 this one-size-fits-all rule. You've heard me for
5 four years talk about that we can't govern the City
6 with one-size-fits-all. It's just too big and too
7 different, and our city is not just one city, it's
8 many, many hundreds of neighborhoods that are very,
9 very different. Some of these neighborhoods are
10 hundreds of years old, and I think we really need to
11 look at not just holistically as an entire city with
12 one new program, but individuals neighborhoods with
13 what works here, and does this really work there, and
14 I think if we do that, we'll come up with a very
15 different answer than what we see right now.

16 CHAIRPERSON VELÁZQUEZ: Thank you,
17 Council Member Yeger.

18 COUNCIL MEMBER YEGER: Thank you, Madam
19 Chair.

20 COMMISSIONER RODRIGUEZ: Thank you,
21 Council Member.

22 COUNCIL MEMBER YEGER: Thank you,
23 Commissioner.

24 COMMITTEE COUNSEL: Chair Velázquez, I
25 believe Chair Riley has an additional question he

2 wanted to ask before I move on to Council Member
3 Farías.

4 CHAIRPERSON RILEY: Yes, thank you,
5 Counsel. I just have one additional question from
6 Council Member Nurse. She had to leave. It states:
7 Her previous question wasn't really answered, so
8 she's just trying to clarify. Will the new designed
9 structures be required to have a subfloor for
10 accessibility or not? Can you share if the barrier
11 systems will require rodent-proof materials, and what
12 engagement has been had with the commercial corridors
13 to get their input?

14 COMMISSIONER RODRIGUEZ: So let me pass
15 it to the Director of the Program.

16 DIRECTOR SCHIPPER: Thank you. So, the
17 structures, I want to make one thing clear, we will
18 not have enclosed structures the way that y'all are
19 seeing on the street now and on the sidewalk now.
20 That will not be allowed. We are working with the
21 Department of Health right now on pest management
22 systems that will be included in the application.
23 They were previously included in the former sidewalk,
24 the DCWP sidewalk café program, and so we are looking
25 to include those in our application as well. As well

2 as working with the Department of Health on other
3 standards on trash storage. The Department of
4 Sanitation as well to make sure that all of that is
5 included within our guidelines so that these
6 restaurants are following safe and clean protocols.

7 CHAIRPERSON RILEY: And also, what
8 engagement has been had with the commercial corridors
9 to get their input?

10 DIRECTOR SCHIPPER: We've been working
11 our partner agencies on this, but we can add them to
12 our list of people that we engage with.

13 CHAIRPERSON RILEY: Thank you.

14 COMMITTEE COUNSEL: Thank you, Chair
15 Riley. I will now call on Council Member Fariás to
16 be followed by Council Member Carr.

17 SERGEANT AT ARMS: Starting time.

18 COUNCIL MEMBER FARIÁS: Thank you. I do
19 just want to say that I agree with many if not all
20 the points stated by my colleagues prior. While I
21 agree New York City is the place where we can create
22 a model that can be replicated, that also means to me
23 that we cannot just be reactive. We're all pretty
24 exhausted by a reactive government. We need a
25 proactive government in this approach, and we really

3 need to look at the citywide infrastructure and
4 inter-connected agencies on how they'll address the
5 expansion of this and all that will come with it into
6 our communities. We really need to see, in my
7 opinion, concrete plans from Department of
8 Transportation and the other agencies prior to
9 adoption and implementation. Capacity is critical
10 and I cannot reiterate this enough. So my two
11 questions are when will the committee be able to see
12 interagency or citywide plans around this? And
13 particularly with something that was brought up
14 prior, will the Department of Transportation be
15 placing the onus of sidewalk repair on businesses who
16 participate in the program? I know we have in the
17 past different programs for homeowners and sidewalk
18 responsibility, but now looking at we'll have
19 additional weight on our sidewalks and our streets.
20 What onus is on the responsibility in terms of
21 payment and repair? Because concrete is expensive
22 and rules cannot be vague. So thank you on any
23 answers around that, and I do just what to say thank
24 you to Chair Velázquez and Riley and Commissioner
25 Rodriguez and your teams for answering all of our
questions today. Thank you.

3 COMMISSIONER RODRIGUEZ: Thank you,
4 Council Member. Definitely we look for those
5 restaurant owners, especially the numbers that we
6 have today that we have 12,000 of them who been
7 [inaudible] in this program. They'll be showing-- I
8 should say, what proactive look like. You know, when
9 we have borough such as Staten Island that prior to
10 COVID had zero sidewalk café.

11 SERGEANT AT ARMS: Time expired.

12 COMMISSIONER RODRIGUEZ: And now we have
13 in Staten Island 187. When you have places such as
14 the Bronx that before COVID we only had 28 restaurant
15 and sidewalk café, the only opportunity for the
16 restaurant owner to be able to expand and be able to
17 keep some of those workers, but also provide the
18 opportunity to the residents, especially the working
19 class residents of the Bronx to know that now they
20 have 659 restaurants with seating area in the roadway
21 and the sidewalk. And then you look at places. We
22 look at Manhattan and see 902 before COVID. Today we
23 have 5,900, and those numbers make big difference
24 especially to the Council that I used to represent,
25 to the Council [inaudible], to the Council in Harlem,
too. Then we can keep going to Brooklyn, especially

1 the immigrant community. These [inaudible] saved
2 that sector in our city. So I think that, as we say,
3 we have shown what proactive is. When you come to
4 look about how we can use a roadway, how we can share
5 the street, how we can be thinking about reinventing
6 the use of public space, but we were not doing by
7 ourselves. You know, we operated with a bill that
8 the Council passed in 2020 that created the very
9 program, and we feel that based on that experience
10 that we're ready to say let's make it permanent.
11 When it comes to the sidewalk part, I think that
12 that, you know, definitely that's going to be the
13 responsibility of the property owner, but also we
14 want to be sure that the property owners are not
15 passing the cost to the restaurant owners. We know
16 that we need to be sure also that the cleaning of
17 the-- not only they rebuild the sidewalk, but also
18 the cleaning of the surrounding area of those
19 restaurants should also come with owner-- with the
20 participation of those individuals who will be
21 benefitting and getting the permit to operate the
22 Open Restaurants. So, again, the repair of the
23 sidewalk will be the responsibility of the property
24 owner, but when it comes to the cleaning of that
25

3 area, we hope again that the restaurant owners will
4 help us as partners to clean not only the area-- the
5 inside area of those sidewalk, but also the
6 surrounding area.

7 COMMITTEE COUNSEL: Thank you,
8 Commissioner. The next Council Member is Council
9 Member Carr to be followed by Council Member Ossé.

10 SERGEANT AT ARMS: Starting time.

11 COUNCIL MEMBER CARR: Thank you so much,
12 Chairs, again. I want to return, Commissioner, to
13 the conversation we were having earlier about process
14 in respect to the roadway cafes. You know, unlike
15 when DOT considers converting a road available to
16 general traffic to say a pedestrian plaza where
17 you're essentially exchanging one public use for
18 another, you're now, as I think Council Member Yeger
19 was alluded, converting public space to the private
20 benefit of one particular entity, which is a
21 restaurant in question or bar in question. And so
22 even though we may be resolved as to not treat it as
23 a capital LU Land Use matter, it very much is
24 affecting the way public lands are being used in this
25 city. And so for DOT to take all the leverage in
this particular discussion onto themselves, right?

3 There's going to be hearing like you're saying, but
4 at the end of the day, it's a venue for many voices,
5 but there's only one decider, and that's the agency,
6 and that's why I'm concerned with the way that we're
7 treating roadway café applications is different from
8 the way we're treating sidewalk café application. I
9 understand that there's a pre-existing process to be
10 modeled here for the sidewalk side, but we really
11 need to carry it over to the roadway side, because
12 otherwise it's just potentially a DOT hearing that's
13 a venue for voices to be heard, and then potentially
14 ignored. And so I'm concerned that if DOT is going
15 to change the way it allows people to use our public
16 roads, then that decision may gain that-- that power
17 needs to be shared with the community and the
18 Council, particularly if we're going to do as you
19 say, reimagining how we use our public spaces. It
20 needs to be a situation where folks don't just have a
21 voice, but they have a say. And so I'd love to get
22 your response to that.

23 COMMISSIONER RODRIGUEZ: Well, yeah, I
24 think that we are-- we do believe that DOT have the
25 experience, and we believe that what we want to see
in our city is agency being efficient. I-- we feel

3 that while we [inaudible] improving doing this then
4 after we created this temporary program that the
5 agency has the capacity, has the knowledge, has the
6 leadership to run it efficiently, a permanent program
7 when it comes to Open Restaurants. We're confident
8 that we will do the job, and at the end of the day, I
9 know that that's what the Council Members, that was
10 the elected officials, that's why the Community Board
11 and residents would like to see, running program that
12 are efficient, being sure that reinvented the use or
13 a common space which on our street. And that's where
14 we are, but we ready-- we will continue listening to
15 other feedback from you and all the colleagues and
16 all the other Council, but also in the different
17 communities.

18 COMMITTEE COUNSEL: Thank you,
19 Commissioner. Now, I'm going to call on Council
20 Member Ossé to be followed by Council Member Menin.

21 SERGEANT AT ARMS: Starting time.

22 COUNCIL MEMBER OSSÉ: Hi, thank you. I
23 just want to thank both of our Chairs for, you know,
24 hosting such a wonderful hearing. I'm learning so
25 much, and also to the Commissioner and his staff.
Another question that I do have especially for my

3 constituency in the 36th District, for the people of
4 Bed-Stuy and Northern Crown Heights, is there's this
5 feeling of people feel unsafe sometimes when walking
6 down some of our business corridors because of the
7 lack of light that some of these outdoor dining set-
8 ups have, and I was wondering because I have seen
9 some cases within my district of excellent outdoor
10 lighting, for example, Shay Oscar [sp?] on Malcolm X.
11 Is there any enforcement DOT is planning on doing or
12 doing in general that would enforce lighting for some
13 of these outdoor dining structures, especially for
14 darker corridors? I know DOT has a path outside of
15 outdoor dining structures and making streets safer
16 through lighting, and I was wondering if that was
17 something that the Commissioner was considering doing
18 or implementing when it comes to our outdoor dining
19 structures? Can you hear me?

20 COMMITTEE COUNSEL: [inaudible]

21 Commissioner? Council Member, DOT, we can hear you
22 right now.

23 COUNCIL MEMBER CARR: You can hear me?

24 COMMITTEE COUNSEL: I can hear you,
25 Council Member. It's just we can't hear DOT. It
looks like they're trying to fix their audio, so

2 we'll give them a few minutes. We still can't hear
3 you, DOT. They need a few minutes. The meeting will
4 stand at ease while we wait for DOT to resolve the
5 audio issues.

6 COUNCIL MEMBER VELÁZQUEZ: Counsel, do we
7 know how long-- how much longer it's going to be?

8 COMMITTEE COUNSEL: Chair, I touched
9 based with DOT, and they're trying-- they're working
10 right now on fixing their mic. So let's give them a
11 few minutes and I'll touch base again.

12 COUNCIL MEMBER VELÁZQUEZ: It goes
13 without saying for folks that have been waiting for a
14 while, please, please, please wait, but this is a
15 good time then to take a quick little break for y'all
16 that are still waiting. So, we're still here for
17 you, don't worry.

18 COMMITTEE COUNSEL: It looks like
19 somebody-- can somebody take DOT off mute. They're
20 trying to test their mic right now. Can somebody do
21 that? DOT, if you can hear us, you're unmuted.

22 UNIDENTIFIED: Oh, wait, it's working.
23 Hold on it's working.

24 UNIDENTIFIED: Is it working?

25 UNIDENTIFIED: Can you hear us?

2 COMMITTEE COUNSEL: DOT, looks like you're
3 back.

4 UNIDENTIFIED: Yay. Thank you. Thank
5 you everyone for your patience.

6 COMMITTEE COUNSEL: Let's give DOT a few
7 minutes to get settled. We'll continue on with
8 Council Member Menin. Or actually, Council Member
9 Ossé was the one who asked the question, and you guys
10 were about to answer the question.

11 [background conversations]

12 DIRECTOR SCHIPPER: Angelina, can you
13 hear us still?

14 COMMITTEE COUNSEL: We can hear you right
15 now.

16 DIRECTOR SCHIPPER: Apologies. Apologies.

17 COMMITTEE COUNSEL: Do you guys remember
18 the question from Council Member Ossé? Because I
19 think we can start right there when you guys are
20 ready.

21 DIRECTOR SCHIPPER: We're just waiting
22 for-- we should be back up in one minute. Thank you
23 everyone for your patience.

24

25

2 COUNCIL MEMBER OSSÉ: I didn't know my
3 question was that powerful and knocked off the--
4 knocked off the mute.

5 UNIDENTIFIED: I know, the whole agency,
6 Council Member, went down.

7 UNIDENTIFIED: You know, if the City has
8 power, we're all good. It wasn't that powerful.

9 COMMISSIONER RODRIGUEZ: Good question.

10 COUNCIL MEMBER OSSÉ: Do I need to ask it
11 again? Are we--

12 UNIDENTIFIED: Probably wouldn't hurt
13 after that.

14 COUNCIL MEMBER OSSÉ: Okay, okay. I
15 don't want it to knock the lights off again. so, I
16 did ask, you know, and I'm sure that some of my
17 colleagues that are on this call may be dealing with
18 a similar issue, but a lot of my, you know, seniors
19 and women that are part of my constituency feel
20 unsafe sometimes in some of our business corridors
21 because of the lack of light that some of these
22 outdoor dining structures provide. There are some
23 great outdoor dining structures that do provide
24 essential light to our communities. And again, I
25 know DOT has, you know, a past of working on making

3 corridors safer when it comes to lighting prior to
4 outdoor dining, and I was wondering what the
5 operation looks like, you know, within the DOT, if it
6 exists already or if it's going to, you know, come
7 into fruition in the future when it comes to lighting
8 enforcement especially in communities like mine
9 where, you know, crime does exist, and how can we
10 make our constituencies-- or my constituents in
11 Bedford-Stuyvesant, in North Crown Heights feel
12 safer?

13 COMMISSIONER RODRIGUEZ: Yeah, so let me
14 start-- you ready?

15 COUNCIL MEMBER OSSÉ: Yes, I can hear
16 you.

17 COMMISSIONER RODRIGUEZ: So, I started
18 saying that there's one thing that I know that will
19 define, you know, Mayor's order is safety, and safety
20 isn't only related to, you know, addressing violence
21 and different shape and form, it's about improving
22 safety. So, we want-- I want us to be accountable
23 too when it comes to be sure that we have light in
24 all the areas, regardless if we have an Open
25 Restaurant or not. We know that that's something
that [inaudible] former, you know, Council Member

3 that shares similar community, what I served for them
4 for years. We know that equity is going to be one of
5 the important things of this program and many
6 programs. So we are committed, you know, as we will
7 have-- Julie and the rest of the team-- to do an
8 assessment. Myself, walking through your community,
9 your district and all the Council Members to see how
10 we have to improve lighting, not only around
11 restaurants but also in any part of the community
12 where people should feel that they're safe, that
13 there's enough light. So, yes, we will take that
14 into account, but what I can add is for me it will be
15 important not only--

16 SERGEANT AT ARMS: [interposing] Time
17 expired.

18 COMMISSIONER RODRIGUEZ: light around the
19 restaurant with Open Restaurant opportunity, but in
20 any part of the District Council that you represent.

21 DIRECTOR SCHIPPER: And if I can just
22 jump in, Council Member. If you have concerns about
23 specific locations that you think need lighting,
24 please reach out to us, reach out to Borough
25 Commissioner. We'll be happy to do a survey of the
location. We can, you know,-- yep.

2 COMMITTEE COUNSEL: Thank you,
3 Commissioner. And before, and this is not related to
4 Council Member Ossé, I promise, but we need to pause
5 for a second so we can switch our closed captioning.
6 This has nothing to do with DOT, but thank you DOT.
7 Good to see you guys. We're going to pause for a
8 moment.

9 UNIDENTIFIED: Thank you, Angelina.

10 COMMITTEE COUNSEL: Great team over
11 there.

12 UNIDENTIFIED: I'm glad I still have your
13 number.

14 COMMITTEE COUNSEL: I know. Thanks for
15 calling me. We'll pause for a moment just while we
16 switch the closed captioning portion. We'll be right
17 back. I understand we fixed the technical problem or
18 the switching of the closed captioning. So I think
19 now I'm going to move on to Council Member Menin to
20 be followed by Council Member Bottcher.

21 SERGEANT AT ARMS: Starting time.

22 COUNCIL MEMBER MENIN: Thank you to the
23 Chairs and thank you Commissioner Rodriguez. So I've
24 got two quick questions for the Commissioner. Vacant
25 sheds, so vacant sheds that remain unoccupied for a

3 long period of time, that's not addressed in the
4 legislation. The legislation is silent on that. So
5 my first question is how long will vacant or
6 abandoned sidewalk sheds sit unoccupied before the
7 license is revoked? And then my next question is
8 noise from sidewalk cafes. Again, the bill is silent
9 on that. So my question is what will be the end time
10 for outdoor dining? Thank you.

11 COMMISSIONER RODRIGUEZ: What is the
12 second part of the question, Council Member?

13 COMMITTEE COUNSEL: Council Member Menin
14 can you--

15 COUNCIL MEMBER MENIN: [interposing]
16 Sorry, it took a minute for them to unmute me. So,
17 the second part, Commissioner, is about noise.
18 Again, the bill is silent on noise. I have heard
19 from residents that are concerned about late night
20 outdoor dining going on to very late hours. Will
21 there be an end time for outdoor dining, because the
22 legislation doesn't give an end time?

23 COMMISSIONER RODRIGUEZ: No, I
24 [inaudible] starting [inaudible] Director of the
25 program. She also will add other things. With the
first part, I can say that first of all, we know and

2 I can say we, all of us at DOT and you as a Council,
3 most restaurant owners been operating good role
4 model. They've been good actor when it came to the
5 type of structures that they've been putting in place
6 throughout the whole city. Knowing again that each
7 Council Member was [inaudible] with some area with
8 particular block where there's more challenges. When
9 it comes to the part related to, you know, a-- again,
10 first of all I recognize and thank the restaurant
11 community for the great jobs that they provide to our
12 city, and as, you know, your previous role as a
13 former Commissioner, you know that most of the small
14 business, the mom and pop [inaudible], they are great
15 contributors to our city. However, those few cases
16 where those were the few bad apples. You know,--

17 SERGEANT AT ARMS: [interposing] Time
18 expired.

19 COMMISSIONER RODRIGUEZ: will not
20 maintain a clean and safe structure, and inspection
21 go there, and the place is shuttered down. Our plan
22 is to remove it immediately. Knowing that if you
23 have any limitation, we'll deal with-- we will talk
24 to you as a Council Member, and if you see that it
25 take longer than it should be, please feel free to

3 let us know. When it comes to the quality of life,
4 the noises, you know, as I said before, I used to
5 live in the apartment where-- above a restaurant, and
6 I know that having my-- at that time-- my three years
7 old and my eight years old who I have to wake up
8 early to take them to school, I want to be sure that
9 I support the restaurant owner, but I want to be sure
10 that he or she have invested the best they have to do
11 in the good soundproof system so that I will not have
12 to listen to, you know, the noises that they were
13 making. So, for me, I know how important it is to
14 control noises, how important it is to take care of
15 the quality of life issue, and this is something
16 again that I know that is important not only for me,
17 but also it's important for the whole team here at
18 DOT.

19 DIRECTOR SCHIPPER: Yeah, and-- yeah,
20 thank you, Commissioner. Specifically on noise and
21 the hours of operation. Currently, our hours match
22 the state hours, which means a restaurant can stay
23 open as long as their indoor hours are, but what
24 we're proposing for the permanent program is that it
25 goes back to what the DCWP sidewalk café hours were
which is ending at midnight Sunday through Thursday,

3 and ending at 1:00 a.m. Saturday and Sunday. Friday
4 and Saturday, sorry. And we think that that would
5 be-- that those hours worked previously, and so that
6 is what we are proposing for the future. And on
7 abandoned structures, the Commissioner has already
8 said that he is, you know-- we are committed to
9 enforcing this. Currently, restaurants have-- if
10 their seating is not used within 30 days, they are
11 considered abandoned. We are doing-- we are working
12 to, you know, enforce that, but again, as we have a
13 dedicated team set up for this, we will be able to
14 better enforce those [inaudible].

15 COMMITTEE COUNSEL: Thank you. The next
16 Council Member will be Council Member Bottcher to be
17 followed by Council Member Brewer.

18 SERGEANT AT ARMS: Starting time.

19 COUNCIL MEMBER BOTTCHEER: Hi, I'd like to
20 follow up on Council Member Menin's questions. And
21 I'm looking at the Department of Transportation's
22 website, the FAQ's for outdoor dining, and the
23 question that asked how late can I remain open? What
24 are the daily hours of operation? It says, "The Open
25 Restaurant seating may be used as directed by State
order." Please visit the New York State Liquor

3 Authority's website. If you click on that, you go to
4 a page where it says, "We are sorry, but this page
5 isn't found." This sort of speaks to what we hear a
6 lot from our constituents who are really worried that
7 the Department of Transportation who historically
8 hasn't had this kind of issue as part of your
9 mission. How can folks be sure that you're going to
10 really make a high priority about the things like
11 quality of life? And regarding the closing hours,
12 before, you know, one in the morning may have worked
13 when you had one restaurant on a block, two
14 restaurants on block. In this new world, where we
15 can have eight, nine, ten restaurants on the block,
16 do you think that keeping restaurants [inaudible]
17 open, when that long of a confined noise could really
18 create a whole another environment on the block?
19 What do you think the appropriate hours really should
20 be in this future program?

21 COMMISSIONER RODRIGUEZ: First of all, I
22 think-- I know that, again, in your experience, in
23 your experience that you have as a Council Member and
24 the previous experience that you have, you know that
25 we always have to be also-- you know, you also have,
as I [inaudible] on helping be mediator between, you

3 know, the restaurant owners, the Community Boards,
4 and the residents of the community, and I know that
5 when it comes to the whole process which was brand
6 new, the one related to-- the restaurant owners also
7 to be able to apply for the--

8 SERGEANT AT ARMS: [interposing] Time
9 expired.

10 COMMISSIONER RODRIGUEZ: [inaudible] with
11 an open-- with the roadway, because at the beginning,
12 you know, as a new project coming in place they were
13 having some issues on how to get the same equal
14 license that they have, permits to operate inside the
15 restaurant to also use outside in the roadway area.
16 So, as the process is a learning process that we are,
17 I know, that if there's any information that has to
18 be more accurate, we're ready to look at it and fix
19 it, but what I can tell you is about-- you know, we
20 can share our experience based on how we have them
21 right now, based on how there have not been a process
22 in place, on how their liquor license will allow the
23 restaurant owners also for them to be able to serve
24 alcohol in the roadway café. So I think that, you
25 know, this is something that we have been able to
see, being able to play a role. When it comes to

3 our-- the future on how this will continue working,
4 you know, we will-- I will pass it to Julie, but I
5 can say it's about-- we will take your feedback. You
6 know, we know the different communities have
7 different even, you know, system in place. I know
8 that Community Board 12, they have some agreement
9 deal where-- when there have been some note [sic] on
10 restaurant close at the same time. So, I, again-- we
11 are ready to take your feedback, but let me pass it
12 to the Director of the program if she would like to
13 add anything else, but when it come to the part
14 related to how we were able to support the restaurant
15 owners. And those New Yorkers that wanted to have
16 their food and having their drink in the roadway area
17 in the street of New York City and be able to serve,
18 to be served alcohol because we try something new on
19 how the liquor license allow them also to [inaudible]
20 in areas separate from the other part of the
21 restaurants.

22 DIRECTOR SCHIPPER: Yeah, thanks,
23 Commissioner. I think your point about feedback is
24 the biggest one here. We are-- those are the hours
25 that we're proposing based on, you know, what we've
seen has worked in the past, but we're open to the

3 feedback. We're open to hearing what you think are
4 the hours that it should be, and part of the hours
5 will go into the rule-making process, so your
6 feedback is welcomed, and we're here to take it.

7 COMMITTEE COUNSEL: Thank you. We'll move
8 on and we'll talk to Council Member Brewer to be
9 followed by Council Member Marte.

10 SERGEANT AT ARMS: Starting time.

11 COUNCIL MEMBER BREWER: Thank you.
12 Somebody was calling about restaurants. Oh my God,
13 all day long. They're even coming by the office to
14 complain. So, quick question, the issue is for those
15 restaurants that are longer in the roadway than the
16 restaurant streetscape itself. I assume they've made
17 some kind of a deal with the building next door. How
18 does that get implemented or not? And then along the
19 same lines, the-- you know, there are houses. So are
20 they going to take them down, and how will that work?
21 In other words, will they then conform? Is that what
22 your expectation is? Because in Manhattan we have
23 houses and we have, you know,-- they've done well.
24 They've provided opportunities during the COVID,
25 etcetera. So, I just want to understand that,

2 because that's a lot of what we have, those two
3 questions.

4 COMMISSIONER RODRIGUEZ: Let me say a
5 little bit about the structure and then also if
6 [inaudible] can take it on the first part. We are
7 again like as you heard before, we are putting a
8 system in place where everyone is seen as starting
9 zero, next year in 2023. We at DOT are taking
10 [inaudible] when it comes to, you know, designing,
11 and the cost of designing has to be based about safe
12 and clean, and I can say that, you know, like our
13 idea is not to continue having those structure that
14 as you mentioned we have seen right now, but I-- for
15 the purpose of information to anyone that had
16 invested huge amount of money to build safe, clean,
17 and beautiful, and if that structure that they have
18 there, you know, are also working, I'm not saying
19 that we are planning to maintain those structures.
20 What we are saying is about-- we are putting-- we are
21 still taking ideas. We are taking opinion, and in
22 some cases, we can take one case at a time. You
23 know, like--

24 SERGEANT AT ARMS: [interposing] Time
25 expired.

2 COMMISSIONER RODRIGUEZ: our main concern
3 is that the structure was not complete. With the
4 work that we had to do to resurfacing the street, you
5 know, taking care of utilities, taking care of other
6 emergency work that we had to do in our streets in
7 New York City. so, again, the purpose, the whole--
8 the general idea is that those who will apply for the
9 permanent structure-- for the structure, we most
10 likely look at this structure being seasonal,
11 temporary, so that they can remove, but we are still
12 in the process to take ideas or take suggestions, and
13 as we will complete that process, that we share that
14 to the-- not only to the stakeholders, our
15 colleagues, elected officials, and also to the other
16 members of the community.

17 DIRECTOR SCHIPPER: Thank you. And on
18 your point about adjacent properties and businesses,
19 you know, expanding to those properties in the permit
20 program that will not be allowed, and so the only
21 space that they would be permitted to use is space
22 right in front of their property or in the roadway
23 right in front of their restaurant.

24 COUNCIL MEMBER BREWER: Thank you.
25

2 COMMITTEE COUNSEL: Thank you. Before we
3 call on Council Member Marte, I know Speaker Adams
4 has another question. So, Speaker Adams?

5 SPEAKER ADAMS: Yeah, thank you so much.
6 Thank you everyone for hanging out and hanging on for
7 as long as you have. You know, I just wanted to
8 follow up on Council Member Bottcher's question, the
9 first part of his question which I thought he
10 delivered very well, and I didn't really hear it
11 addressed maximally. So if we can just get an
12 understanding of how those FAQ's are handled and how
13 today that particular issue is going to be handled,
14 the one that he brought up where a website was
15 directed to another website and there's no such
16 space, there's no such place. So how is that going
17 to be addressed today so that when someone else goes
18 to that-- asks that question or goes there, that that
19 will no longer-- that there will no longer be
20 nothing, you know, for that person or people. Who's
21 going to follow up on the FAQ issue today?

22 COMMISSIONER RODRIGUEZ: Speaker, we are
23 following up as we are speaking right now to see what
24 is the lack of accuracy with that part. So you know,
25

2 it is important for us. It is important for you and
3 the body that you lead.

4 SPEAKER ADAMS: Okay, thank you.

5 COMMISSIONER RODRIGUEZ: You want the
6 first part of the question?

7 DIRECTOR SCHIPPER: that was good, yeah.

8 COMMISSIONER RODRIGUEZ: Okay, thank you.

9 COMMITTEE COUNSEL: Thank you, Speaker.
10 Now we will call on Council Member Marte.

11 SERGEANT AT ARMS: Time starts now.

12 COUNCIL MEMBER MARTE: Thank you. I just
13 want to reiterate Council Member Bottcher's and
14 Council Members Menin issue with timing. A lot of
15 those establishments that get liquor license approval
16 to midnight and 1:00 a.m. is because they have shown
17 a commitment to contain a lot of the noise and
18 activity that happens in those locations. However,
19 this is a whole 'nother animal, right? We are-- if
20 you allow them to extend to midnight and 1:00 a.m. to
21 be on the street, I think it doesn't really work in
22 the same way, especially when you have multiple
23 outdoor restaurants on the same block. And so I hope
24 DOT really takes a hard look at that and, you know,
25 doesn't leave it at midnight and to 1:00 a.m. And

3 going back to my first round of questioning, would
4 there be any exemptions that will be adopted from the
5 current use of the sidewalk café. You know, I think
6 the last time I asked that I didn't get a clear
7 answer whether anything is going to be carried over.
8 I know the landmark provision was carried over under
9 the zoning and the new legislation. I wonder if the
10 exemptions, that list, are any types of streets
11 because their narrowness or certain types of zoning
12 areas are going to be carried on into this new
13 program.

14 COMMISSIONER RODRIGUEZ: Well, the
15 amendment [sic] changes that we are, you know, that
16 we have seen is that we needed to be sure that, you
17 know, we level the playing field when it comes to be
18 able to regulate, you know, the use of sidewalk and
19 roadway across, you know, the five boroughs. When it
20 comes to the part related to-- the first question
21 related to the street and how, you know, we can make
22 restaurant owners accountable to honor the agreement
23 that they made, especially on, you know, different--

24 SERGEANT AT ARMS: [interposing] Expired.

25 COMMISSIONER RODRIGUEZ: Council Member,
Community Board, stakeholders. That agreement now is

3 going to be with DOT. The agreement now is going to
4 be the City of New York, and the City of New York now
5 is going to be taken very seriously. And when they
6 sign this application saying that they only can
7 operate up to this hour, whoever passes hours is
8 subject to be fined, subject to lose that permit that
9 they have. I will be encouraging also some of those
10 restaurant owners who have multiple of those
11 establishment in one block, to create their block,
12 their restaurant association in that area. What I
13 have seen in the case of [inaudible] in the new area
14 there, Diamond [sic] between Robert [sic] and Seimen
15 [sp?], we were have like five of them, I can see the
16 owner-- I have seen owners there taking a video and
17 sending the video to their local person when they
18 shut it down, the operation outside there. So, I
19 hope again that all of us will be putting our eyes,
20 all of us will be watching how the program is
21 running. We will take the responsibility to lead, to
22 run this program very seriously. We want to make it
23 successful, but also we will be relying also on any
24 particular case if there's any bad actors in your
25 district in the community, bring to our attention,
and if they don't work with us, we will shut it down.

2 COMMITTEE COUNSEL: Thank you,
3 Commissioner. I'll turn it now to Chair Velázquez
4 and Chair Riley who I think had some brief-- a brief
5 follow-up question.

6 CHAIRPERSON RILEY: Yes, I do have a
7 follow-up question on behalf of Council Member
8 Fariás. We just want to reiterate if we could get a
9 timeline on the interagency plans of implementation.

10 COMMISSIONER RODRIGUEZ: Council Member,
11 there is already interagency conversations made by
12 DOT, and this is something that we are-- again, this
13 program will be permanent starting 2023. So, as we
14 will put the team [sic], you know, to what this
15 interagency coordination will look like by the time
16 when it will be permanent. This is information that
17 we will share with you and the rest of the body, but
18 this is something that DOT already been doing,
19 interagency collaboration, exchanging information,
20 and this is something was a part, as I said, what
21 Mayor Adams mandate, to get agencies to do more
22 interagency planning and collaboration in order to
23 improve the level of efficiencies in the City of New
24 York.

2 DIRECTOR SCHIPPER: And from the
3 interagency working group that we have going on, we
4 are working on draft design guidelines now and should
5 have something to share this spring, and then final
6 guidelines to come after we get-- after we have
7 feedback on the drafts.

8 CHAIRPERSON RILEY: Thank you,
9 Commissioner.

10 COMMISSIONER RODRIGUEZ: Thank you.

11 CHAIRPERSON RILEY: Thank you. Chair
12 Velázquez?

13 CHAIRPERSON VELÁZQUEZ: I don't have any
14 questions at the moment. Thank you so much.

15 CHAIRPERSON RILEY: Counsel, I think
16 we're ready to move on.

17 COMMITTEE COUNSEL: I think we're ready.
18 So I think if the Chairs are okay, we can dismiss the
19 Admin panel. So thank you to the members of the
20 Administration. And we can move on to public
21 testimony.

22 COMMISSIONER RODRIGUEZ: Thank you.

23 CHAIRPERSON RILEY: Thank you.

24 COMMITTEE COUNSEL: Good to see everyone.
25

2 CHAIRPERSON RILEY: Counsel, I believe
3 you're on mute.

4 COMMITTEE COUNSEL: Apologies for that.
5 For the public testimony, I'll just make a quick
6 announcement, but again, we will be calling on your
7 name and unmuting you. So, for now, our staff will
8 lower your hands, because you will be called in
9 order. So let me make a brief announcement of our
10 public testimony. If you are a member of this public
11 signed up to testify on the Open Restaurant text
12 amendment of Pre-considered Intro., please standby
13 when you hear your name being called and prepared to
14 speak when directed to begin and the clock has
15 started. Members of the public will be given two
16 minutes to speak. As a reminder, Council Members
17 with questions should use the raise hand button, and
18 as a reminder, again, as there are a number of people
19 waiting to speak, as we all know, if you cannot stay
20 and testify please send your written testimony to
21 testimony@council.nyc.gov, and it will be included in
22 the official record and be reviewed. We will now
23 hear from the following panelists. First, we're
24 going to hear from Brooklyn Borough President Antonio
25 Reynoso.

2 SERGEANT AT ARMS: Time starts now.

3 BOROUGH PRESIDENT REYNOSO: Thank you.

4 Thank you so much Committee Counsel, and thank you to
5 the Chairs. Considering that both Chairs are from
6 the Bronx, you're doing an amazing job, an amazing
7 job. But I am Brooklyn Borough President Antonio
8 Reynoso. I'm very happy to be here, and I just want
9 to say before I start that I was the sponsor of this
10 legislation when I was a Council Member, and in the
11 City Council there are very few opportunities for us
12 to help small businesses. There's just so many laws
13 that we can pass, so much de-regulation that we can
14 do, so many curable finds that we can push before,
15 you know, we're doing nothing. And for a long time
16 we've gotten requests from businesses and all arrays
17 to assist them, and again, our hands were either tied
18 behind our backs or we did very little. This is
19 actually something that effected meaningful change
20 for small businesses, and it's one of those areas
21 where the City Council can actually have a meaningful
22 impact to small businesses. But again, my name is
23 Antonio Reynoso, the Borough President, and this is
24 my first time before the City Council in my new role.
25 Thank you for the opportunity to speak today on Open

3 Restaurants. I was, again, the Council Member that
4 was in charge of the two legislations, one to pass it
5 in emergency, but also the permanent program that was
6 implemented. So far the Open Restaurants program has
7 been a success. It's been a lifeline for small
8 restaurants and more than 100,000 jobs have been
9 created specifically because of this program. I mean,
10 it's helped New Yorkers reimagine what this public
11 space can be used as. I want to continue to be a
12 partner in this effort and want to support these
13 mostly immigrant-run restaurants in the outer
14 boroughs that have the opportunity to participate in
15 this program without a major cost burden or too much
16 red tape. I strongly support the zoning changes that
17 would allow restaurants in a much broader geography
18 to legally participate in this program. That said,
19 there are a few concerns, and I want to share them.
20 We have to talk about regulations and making sure
21 that the outdoor dining is safe,--

22 SERGEANT AT ARMS: [interposing] Time
23 expired.

24 BOROUGH PRESIDENT REYNOSO: clean and
25 obtrusive. I guess I will close it out because I do
have a long testimony, and I want to make sure that I

2 present that to the City Council. I want to thank
3 the Chairs for the opportunity to be here. But let's
4 be proactive. Let's be targeted. Let's be smart
5 about how we make this program better and not pull a
6 lifeline away from these restaurants that have shut
7 down at a high rate. So, again, thank you so much to
8 Chair Velázquez and Chair Riley. Much love to the
9 Bronx, but don't forget to spread love. It's the
10 Brooklyn way.

11 COMMITTEE COUNSEL: Thank you, Borough
12 President. The next two speakers I'm going to
13 announce a few of you so you know when you're coming
14 up next. So it'll be Andrew Rigie, Robert Bookman,
15 and Jean Ryan [sp?] will be our next speaker,
16 starting with Andrew Rigie.

17 SERGEANT AT ARMS: Time starts now.

18 ANDREW RIGIE: Thank you. My name is
19 Andrew Rigie. I am the Executive Director of the New
20 York City Hospitality Alliance. I certainly want to
21 say thank you to the Brooklyn Borough President
22 sentiment [sic] and the Chairs and the Committee.
23 You know, we need to put this in perspective. Our
24 city's restaurants were devastated. When the City
25 was in complete chaos we were out there feeding

3 frontline workers, feeding other New Yorkers, and
4 this program was a lifeline. Thousands of
5 restaurants saved, hundred thousands of jobs, and we
6 were in an emergency program. We are not saying make
7 every single aspect of this temporary emergency
8 program permanent. We're saying we need to create a
9 more standardized and sustainable program, and I
10 think we need to look at two different issues. One
11 is the sidewalk café, and that's the text amendment
12 before the Council, and this will do exactly what so
13 many Council Members have been talking about, equity,
14 providing small business owners throughout the five
15 boroughs an opportunity to have a sidewalk café. And
16 one of the things we also need to do is remove the
17 requirement for a consent from that process, as my
18 colleague Rob Bookman will mention next, to allow the
19 process to be streamlined, to reduce the fees to
20 participate, because it used to just be cost-
21 prohibitive for restaurants. And generally speaking,
22 people say, members here, that the sidewalk café law
23 pre-pandemic was not a big problem. People loved it.
24 It worked, so let's expand it to more restaurants,
25 because what we saw in this emergency is so many
restaurants could participate when the barriers for

2 entry were lower. The second part is roadway, which
3 is a new program. It helped save jobs. It helped
4 bring people back together. Of course, we need to do
5 things to address the different challenges, but it
6 doesn't mean blow up the system. It means come
7 together and work constructively to address the
8 standards, the design guidelines, the regulatory
9 framework to make it work. This is incredible
10 opportunity coming to our city that came out of all
11 the doom and gloom of the pandemic. So let's get it
12 right. We shouldn't be so much focused--

13 SERGEANT AT ARMS: [interposing] Time
14 expired.

15 ANDREW RIGIE: on what didn't work, but
16 we should focus on what is going to work in the
17 future, and I really hope we can make this work for
18 people, both the restaurant, the workers, and the
19 communities that they serve, because we're all in
20 this together. and we submitted testimony with very
21 detailed comment on the different provisions, and my
22 colleague Rob Bookman, as I said, who's a regulatory
23 expert, will get into some of those provisions and
24 amendments, but I urge the Council Members to work
25

2 with the community on these not as an obstacle, but
3 as an opportunity. Thank you.

4 COMMITTEE COUNSEL: Thank you. Next we
5 will hear form Robert Bookman.

6 SERGEANT AT ARMS: Time starts now.

7 ROBERT BOOKMAN: Am I unmuted? You hear
8 me? Can you hear me?

9 CHAIRPERSON RILEY: Yes, we can hear you.

10 ROBERT BOOKMAN: Okay, great. Thank you
11 very much. Thank you Chairs Velázquez, Riley. My
12 name is Rob Bookman. I'm the Counsel to the New York
13 City Hospitality Alliance, but in my private practice
14 I've been dealing with representing this industry and
15 then working with this law for more decades than I
16 can remember. Ever since I was counsel in the New
17 York City Department of Consumer Affairs. It's
18 important for you to understand two things before you
19 today. First is the zoning, that is the amendment to
20 the sidewalk café law. When sidewalk café laws were
21 first licensed, you didn't have this zoning overlay.
22 That was added in 1980, and as a result of that, it
23 significantly restricted where restaurants anywhere
24 outside of Manhattan could apply for a sidewalk cafe.
25 Prior to COVID and the emergency, there were on 1,200

3 sidewalk cafes throughout the City, and it was all
4 centered for the most part in Manhattan. There were
5 over ten and a half restaurants that got sidewalk
6 cafes, not roadside, sidewalk cafes during the
7 emergency, showing this broad need. So, we urge City
8 Council to approve the zoning text amendment, Chair
9 Riley, immediately so that could move on. Nothing
10 happens until we deal with the second part which is
11 the laws and rules and regulations. And there, it's
12 important to take a look at a once-in-a-generational
13 opportunity that we have to amend the old sidewalk
14 café law. there is no reason it should take five
15 months to get a sidewalk café seating approved, no
16 reason why you should have to hire an architect to do
17 a simply layout drawing, no reason why a new owner of
18 a restaurant shouldn't be able to operate on a
19 pending status when they're simply taking over a
20 restaurant that previously had a café approved. Yet,
21 that is what the proposal before you does. It
22 doesn't change anything significant from the old
23 sidewalk café law to the new sidewalk café law. And
24 so we could talk all we want about lowering fees,
25 which we need to do and getting rid of the zoning,
which we need to do, but unless we amend the sidewalk

2 café law, which this doesn't do, we're not going to
3 be helping anybody, especially small mom and pop
4 operators. And that's mostly because the requirement
5 for irrevocable consent.

6 SERGEANT AT ARMS: Time expired.

7 ROBERT BOOKMAN: I submitted written
8 testimony. I'd be happy to answer questions to help
9 educate everybody on the difference about why this
10 commercial use of the sidewalk takes five months, and
11 that's because it has a consent and a license as
12 where other commercial uses of the public sidewalk
13 just have a license, and it's because of that consent
14 that we must get rid of-- we have a complicated,
15 expensive process.

16 CHAIRPERSON RILEY: Thank you, Mr.
17 Bookman. Just for the sake of time, I just want to
18 let everyone know, we have over 250 people who want
19 to testify. So we want everyone to please stick to
20 the time that's permitted, and you'll be able to
21 submit written testimony as well.

22 ROBERT BOOKMAN: And we have. Thank you.
23 And we have. Thank you very much.

24 CHAIRPERSON RILEY: Thank you, Mr.
25 Bookman.

2 ROBERT BOOKMAN: Look forward to working
3 with you.

4 CHAIRPERSON RILEY: Thank you. Look
5 forward to it.

6 COMMITTEE COUNSEL: [inaudible] back on
7 Chair Riley's announcement, just remember that your
8 testimony can be submitted at

9 testimony@council.nyc.gov. I see Council Member

10 Bottcher has a question for Robert Bookman, and if we
11 can unmute Andrew Rigie, please.

12 COUNCIL MEMBER BOTTCHEER: Yeah, a
13 question for the panel. I'd like to know what you
14 think the appropriate hours are for outdoor dining to
15 end at night, and also I'd like to have your views on
16 a seasonal program.

17 ROBERT BOOKMAN: You want to go first,
18 Andrew, or you want me to?

19 ANDREW RIGIE: You can go ahead and then
20 I'll jump in.

21 ROBERT BOOKMAN: So, we're flexible. We
22 understand outdoor hours, especially in areas like
23 yours Councilman where there may be a lot of
24 restaurants, that outdoor hours are a sensitive
25 issue. The 12:00 p.m. during the week to 1:00 a.m.

3 on weekends, that's what the hours have always been
4 for licensed sidewalk cafes for 30 years now. At
5 times they are negotiated down when you appear to the
6 Community Board, but that's the regulatory hours.
7 So, that's what DOT is going with. You know, we
8 could understand how that might be late in many
9 areas, and you know, midnight might be more
10 appropriate during-- you know, on weekends, 11:00
11 a.m. during the week, but we're happy to work with
12 the Council on that issue. And as far as seasonal,
13 sidewalk cafes by definition are seasonal and always
14 have been unless it's an enclosed café, which we're
15 not talking about. It's tables and chairs on the
16 sidewalk with umbrellas. You're aren't allowed to
17 enclose them, so they were seasonal. One of the
18 reasons why so few people had it because it was so
19 expensive given how few days it was really good when
20 it wasn't too hot, wasn't too cold, and the rain, you
21 know, etcetera. The same could be discussed for
22 roadside dining. There's no reason that the
23 emergency program has to be the permanent program.
24 That could-- and DOT has mentioned that today. It
25 could also be seasonal and I think there's a lot of
room to reimagine the sidewalks, have a little less

3 parking of cars, help restaurants and the people who
4 want it without necessarily having a 12 month a year
5 structure out, you know, in the roadside.

6 ANDREW RIGIE: Yeah, I would just add to
7 it, I think the big thing is we have to recognize
8 these evolved.

9 SERGEANT AT ARMS: [interposing] Time.

10 ANDREW RIGIE: When the program was first
11 launched, it was hot out. Then it got cold. Then it
12 got hot. Then it got cold again, and business owners
13 had no money, no resources. We're in a crisis, so
14 this evolved. I think the City needs to come up with
15 very clear guidelines on what kind of structures are
16 going to be allowed and be approved. They need to be
17 standardized. They need to be sustainable, but they
18 also need to be permitted to be creative so
19 restaurants can show their own spice and their own
20 flare, and it's not just the same sterile looking
21 thing everywhere. And I think as long as there's
22 good guidelines that are clear that restaurants know
23 will be allowed for years to come, they'll make the
24 proper type of investment, and I think these are the
25 types of conversations. In some places certain
structures may work well, others they may not, and

3 that goes back to different members comment about
4 different needs in different communities. So, I
5 think we need flexibility. We need standardization,
6 and we need to allow for creativity, and we also
7 understand the limited financial resources these
8 small business owners have to always be putting
9 something out, putting it away, schlepping it, but
10 we're very open to a reasonable conversation about
11 what it should ultimately look like, and I think this
12 is part of the conversation. Last thing I'll just
13 say quickly is I'm working with the Regional Plan
14 Association, the architects, you know, the America
15 Association and others that are really trying to come
16 up with good recommendations and guidelines based on
17 expert input.

18 CHAIRPERSON RILEY: Thank you, Andrew.
19 Thank you, Robert. Counsel, can we please continue?

20 COMMITTEE COUNSEL: Yes, the next speaker
21 will be Jean Ryan.

22 SERGEANT AT ARMS: Time starts now.

23 JEAN RYAN: Hi, can you hear me?

24 CHAIRPERSON RILEY: Yes, we can hear you,
25 Jean.

2 JEAN RYAN: Thank you. I'm Jean Ryan.

3 I'm President of Disabled in Action of Metropolitan
4 New York. We're 52 years old this year. We have two
5 main concerns, accessibility to eat at the outdoor
6 restaurants as well as accessibility to the sidewalks
7 and streets. People with all types of disabilities
8 want to participate in dining al fresco in any and
9 all restaurants we are interested in. one of the
10 benefits is that we can patronize restaurants that
11 may not otherwise be accessible to people with
12 mobility disabilities, which is good for us as well
13 as the restaurants. However, many times we cannot
14 get into the outdoor restaurants at all, especially
15 the ones that are fully enclosed or have a step up or
16 down to get into them. At times the ramp is
17 available to roadway restaurant, but we do not know
18 there is a ramp. Additionally, some ramps to a
19 roadway restaurant do not allow enough turning radius
20 to get to a table and lead directly to on table that
21 might already be in use. There's an inaccessible
22 restaurant near me that built a sidewalk café
23 attached to the building that is raised up a step.
24 There was absolutely no reason for it to be raised
25 up. It appeared to be a whim. Lately they totally

3 enclosed it, too, limiting who can actually get into
4 it. Restaurants that totally enclose their outdoor
5 restaurant have become inaccessible to us, too. We
6 are against grandfathering inaccessible outdoor
7 restaurants. They were supposed to be accessible
8 before and they should be accessible now. Our other
9 concern is obstruction of the sidewalk when we ae
10 pedestrians or when we need to get out of Access-a-
11 Ride. We cannot get round a physical structure if
12 there's not enough room. A system for people waiting
13 for a table should be figured out so the sidewalk is
14 not totally full of people standing around. When
15 there are poles for a canopy--

16 SERGEANT AT ARMS: [interposing] Time
17 expired.

18 JEAN RYAN: or awning, people with
19 impaired vision or no vision are in danger of not
20 seeing them and running into them. Lastly, we want
21 to have the plans checked-- I'm almost done-- in
22 advance for inaccessibility, not rubber-stamped as
23 has happened with many projects, and we want
24 effective and vigorous complaint and enforcement
25 procedures. Accessibility affects us, people with
disabilities, but it also affects parents and

3 caregivers with strollers. Restaurants should want
4 to have as many customers as possible, not keep us
5 out. People have money and we want to enjoy
6 restaurants with our friends and families. Thank
7 you.

8 COMMITTEE COUNSEL: Thank you. Our next
9 three speakers will be Monica Bartley, Michael Brady,
10 and Ryan Monell [sp?]. So we'll start with Monica
11 Bartley.

12 SERGEANT AT ARMS: Time starts now.

13 MONICA BARTLEY: Hi. Good afternoon
14 Chairs Velázquez and Riley. I am Monica Bartley and
15 I'm the Manager of Community Organizer at the Center
16 for Independence of the Disabled New York. CIDNY,
17 one of CIDNY's goals it to remove barriers to the
18 social, economic, cultural, and civic life of the
19 community. The expansion of outdoor dining during
20 the pandemic allowed people with disabilities to eat
21 at restaurants that were inaccessible to them before.
22 However, there was still a problem of no access to
23 restrooms. It was easier to access restaurants with
24 a limited number of the tables on the sidewalk, as
25 many of the sheds were not accessible. People with
disabilities who-- mobility disabilities experience

3 problems navigating sidewalks because of the narrowed
4 sidewalks and people converging at the restaurant.

5 For example, servers and patrons which forced
6 wheelchair users to travel in the street. Also, many
7 of the sheds that were constructed were not
8 accessible to people with disabilities for one reason
9 or another. There were gaps between the sidewalk and
10 the shed or a step up to enter. The electrical wires
11 extending across the pathway also posed a tripping
12 hazard. There is a need to standardize the design
13 and instructions for placement of the sheds. The
14 path of travel should not be obstructed and
15 consideration given to drop-off clients for Access-A-
16 Ride and taxis. As we plan to go forward with
17 outdoor dining, it is important that the structures
18 meet the ADA accessibility requirements to make sure
19 there are no obstructions that will pose a hindrance
20 to people who are blind, such as poles and canopies
21 that extend into the pathway as well as some of the
22 decorative--

23 SERGEANT AT ARMS: [interposing] Time
24 expired.

25 MONICA BARTLEY: elements used around
these sheds. These objects prevent one form

2 accessing the shed, and people with disabilities
3 would also like to enjoy an outdoor restaurant. As
4 patrons, we spend money, too. We urge you to
5 consider the needs of people with disabilities in the
6 planning and design of outdoor dining facilities,
7 that every effort should be made to make it
8 accessible for people with disabilities and not
9 create additional problems for them to navigate the
10 streets of New York City. Thank you.

11 COMMITTEE COUNSEL: Thank you. The next
12 speaker will be Michael Brady.

13 SERGEANT AT ARMS: Time starts now.

14 MICHAEL BRADY: Great, thank you. Good
15 afternoon Chairs Velázquez and Riley and committee
16 members. Thank you for the opportunity to speak
17 today. Truly grateful for my two minutes, and thank
18 you to my business and organizational colleagues for
19 giving hours out of their business day to share their
20 two minutes of thoughts on creating a permanent
21 outdoor dining program. I am the CEO of the Third
22 Avenue Business Improvement District and also manage
23 the Bruckner Boulevard Commercial Corridor.
24 Collectively we have 700 members to-date, slated to
25 go to 1,400 member businesses by 2023. Approximately

3 50 percent of these are-- businesses are in the
4 hospitality or express food sector. My testimony as
5 written is very detailed; however, I'll give some
6 high level overviews to adhere to time. Third Avenue
7 BID had the honor of co-developing the Open
8 Restaurants Program with New York Department of
9 Transportation at the beginning of COVID-19. We
10 operate two of New York City's first open street
11 programs, one on Willis Avenue and one on Alexander
12 Avenue. In addition to building out programmatic
13 extensions on these streets, we also worked closely
14 with DOT and the Rockwell Group to design the first
15 outdoor dining structures as part of the City's
16 outdoor dining program development, and my
17 organization provided 250,000 dollars to fund the
18 build for these business owners. While we are
19 generally supportive of the permanent outdoor dining
20 program and we were prepared to give robust
21 endorsement today, I am a bit concerned at the end-
22 run revocable clause that introduced just recently.
23 It is our opinion that the revocable consent was
24 included as a rushed provision and the legislation
25 needs to be reexamined before moving forward.
Without that reexamination we feel like this

3 legislation will disenfranchise many LMI [sic]
4 neighborhoods and first-generation business owners.
5 As I said, my testimony is very detailed in nature,
6 so I encourage--

7 SERGEANT AT ARMS: [interposing] Time
8 expired.

9 MICHAEL BRADY: folks to read it, and I
10 thank you for your time today.

11 COMMITTEE COUNSEL: Thank you. The next
12 speakers that I'm going to call are Jeffrey Garcia,
13 Kathleen Reilly, and Isabella Fitzgerald. Jeffrey
14 Garcia first.

15 SERGEANT AT ARMS: Time starts now.

16 JEFFERY GARCIA: Hi, good morning. I
17 mean, good afternoon, Council Members Velázquez and
18 Riley. I appreciate the time here. Obviously, for--
19 my name is Jeffrey Garcia. I'm the former President
20 of the New York State Latino Restaurant Bar and
21 Lounge Association. So, I worked closely with
22 Council Member Reynoso when this was introduced
23 during the pandemic, and this was a very, very
24 important lifeline for many of our Latino and
25 minority restaurants in our neighborhoods. It
continues to be, and it just feels that a lot of our

3 members are little by little things are just keep
4 taken away from, or the possibility of things keep
5 taking away from them. Like liquor to-go, the way it
6 has been. Like the way this program may affect them.
7 And these are all intricate parts of their daily
8 business. They need this to be able to survive.
9 Many of our restaurants, I think, as we see 35, only
10 35 percent of our restaurants, and even a smaller
11 portion of those received RRF last year. So they
12 didn't get the help necessary from the government to
13 really be able to sustain themselves, and this was
14 the only program, along with others, that really
15 helped them get through this. So, it is imperative
16 that we allow this program to continue. You know,
17 one of the Council Members mentioned, you know,
18 lighting. The only light, the best light to really
19 light up our corridors are open restaurants, not
20 shuttered venues, not shuttered bodegas and
21 restaurants, you know, that really darken our
22 streets. These Open Restaurants program give a lot
23 of vibrancy to our neighborhoods and makes it safe
24 for the people to come out. So we understand that
25 this will help keep our neighborhood safe. My other
point that I wanted to make-- my apologies here-- was

2 the noise. Well, you know what, the noise can be
3 mitigated.

4 SERGEANT AT ARMS: Time expired.

5 JEFFREY GARCIA: We can avoid the noise
6 by limiting and the guidelines when they come out.
7 We cannot let the perfect be the enemy of the good
8 here. Thank you.

9 COMMITTEE COUNSEL: Thank you. The next-
10 - excuse me-- speaker is Kathleen Reilly.

11 SERGEANT AT ARMS: Time starts now.

12 KATHLEEN REILLY: Good afternoon
13 everyone. My name is Kathleen Reilly, and I'm the
14 New York City Government Affairs Manager for the New
15 York State Restaurant Association, and we believe
16 that the recovery of New York City itself depends on
17 supporting the recovery of the struggling restaurant
18 industry. Restaurants really are continuing to
19 struggle and therefore rely upon outdoor dining to
20 drive additional revenue and protect jobs, and in
21 addition, the reliance on outdoor dining has
22 intensified due to the implementation of vaccine
23 mandates which made outdoor dining the only remaining
24 sit-down option for unvaccinated locals and visitors
25 in the emergence of the Omicron variant. To put the

3 need for a permanent accessible restaurant outdoor
4 dining program into clearer context, we want to share
5 some information we gathered from a January 2022
6 survey: 74 percent of operators said their sales
7 volume in 2021 was lower than 2019; 81 percent of
8 operators say the restaurants total cost of the
9 percent of sales were higher in December 2021 than
10 December 2020; and over the past few weeks due to the
11 Omicron variant, a number of different adverse
12 actions had to be taken where 55 percent of operators
13 had to reduce hours of operation on days that they
14 did stay open; 40 percent closed on days they would
15 normally be opened; 26 percent reduced seating
16 capacity; and seven changed to operating only off-
17 premises for a period of time. so with that kind of
18 hurt and damage still so widely being felt by
19 operators, it's critical to support our restaurants'
20 recovery so we're can support our city's recovery.
21 Under the Open Restaurants program, businesses across
22 all five boroughs have been able to participate in
23 public life, provide safe public spaces to gather and
24 bring new life to the storefront space. At that--
25 that goes in hand-in-hand with saying we recognize
there's room for improved community relationships in

3 certain neighborhoods or dedicated more resources
4 toward sanitation and clean-up for trash and pest
5 prevention, and we think it's beneficial to everyone
6 to have cleaner streets. We also agree that there
7 are reasonable noise parameters that we can come to
8 that are sustainable for restaurants and residents
9 alike. Again, the Open Restaurants program has been
10 immensely popular, not just with operators but with
11 the public, and it's the number one thing that people
12 from outside--

13 SERGEANT AT ARMS: [interposing] Time
14 expired.

15 KATHLEEN REILLY: the industry-- thank
16 you-- have cited as a pandemic-era change for the
17 better. I have additional comments to provide in
18 writing, but our number one priority is that the
19 program remain accessible, easy to use, and
20 streamlined for our operators. Thank you.

21 COMMITTEE COUNSEL: Thank you. The next
22 speaker is Isabella Fitzgerald.

23 SERGEANT AT ARMS: Time starts now.

24 COMMITTEE COUNSEL: Do we have Isabella
25 Fitzgerald? Can we move on to Matthew Shapiro?
[sp?].

2 ISABELLA FITZGERALD: Can you hear me
3 now?

4 CHAIRPERSON RILEY: Ms. Fitzgerald?

5 ISABELLA FITZGERALD: Yeah.

6 CHAIRPERSON RILEY: Yes, go ahead.

7 ISABELLA FITZGERALD: HI, good afternoon.

8 Isabella Fitzgerald. I'm with the-- I'm the
9 Restaurant and Hospitality Specialist with the New
10 York City Small Business Resource Network and the
11 Brooklyn Chamber of Commerce. Today we're in support
12 of outdoor roadway dining and sidewalk cafés under
13 one agency with clear regulations. I work directly
14 with some of the City's smallest restaurants and
15 businesses and the regulations have been unclear, and
16 many inspectors and agencies less-versed on the
17 regulations of outdoor dining than small restaurants
18 owners themselves. These small business owners don't
19 have spare time to be zoning experts. These are the
20 ones that do not have in-house counsel, operations
21 directors or construction advisement. Outdoor dining
22 has been an essential lifeline for these restaurants,
23 but they need clear direction and guidelines that
24 will satisfy city planning accessibility and
25 community needs. We need owners and community alike

2 to have clear regulations and a competent agency.

3 Right now, we don't know who to call when they're not
4 approved, who to call when there is planned roadway
5 maintenance, when there is anything happening by the
6 City, and if through this approval system they have
7 the contact information for these business owners.

8 We're asking that that kind of planned city work is
9 advised to the business owners in advance out of
10 respect. Thank you.

11 COMMITTEE COUNSEL: Thank you. Our next
12 speaker is Matthew Shapiro [inaudible].

13 SERGEANT AT ARMS: Time starts now.

14 MATTHEW SHAPIRO: Hi, my name is Matthew
15 Shapiro, and I'm the legal director of the Street
16 Vendor Project at the Urban Justice Center. The
17 Street Vendor Project is a membership-based
18 organization of over 2,000 mostly immigrant street
19 vendors who work in New York City's public spaces
20 selling food and merchandise. We organize vendors to
21 have their voices heard as well as provide legal and
22 small business assistance. We recognize that almost
23 all small businesses have struggled due to the COVID-
24 19 pandemic. This includes the City's smallest
25 businesses, street vendors, many of whom are still

3 suffering due to the lower foot traffic that exists
4 in many neighborhoods. SVP supports the proposal to
5 make a permanent outdoor dining program by allowing
6 use of the roadway as well as the area directly
7 adjacent to the restaurant on the sidewalk. However,
8 it is critical that existing street vendor locations
9 not be displaced due to restaurant expansion into the
10 public space. While restaurants have traditionally
11 relied on private property for their business, street
12 vendors who are granted a maximum of 10 feet of
13 sidewalk do not have any private space to rely on.
14 While we know that street vendors and restaurants
15 have existed alongside each other for more than a
16 century, we have seen during the temporary outdoor
17 dining program that public space can be shared. In
18 the past, vendors have not had the same opportunities
19 and legitimacy as brick and mortar businesses, and
20 this legislation should make clear that a restaurant
21 expansion into the sidewalk space should not come at
22 the expense of vendors' liveliness. We recognize
23 that restaurants have come to rely on the outdoor
24 dining program and agree that it provides a strong
25 public benefit. The presence of street activity such
as outdoor dining and street vending make New York

2 City a more livable metropolis. We look forward to
3 working with the Council to ensure that both
4 restaurants and vendors can thrive in the City's
5 recovery. Thank you for the opportunity to testify
6 today, and I'll be submitting more detailed written
7 testimony to the Council. Thanks.

8 COMMITTEE COUNSEL: Thank you. Our next
9 speaker is Carina Kaufman Guterrez and to be
10 followed by Eric McClure and Susan Stetzer.

11 SERGEANT AT ARMS: Time starts now.

12 CARINA KAUFMAN GUITERREZ: Hi. Good
13 afternoon and thank you so much for the opportunity
14 to testify today about the Open Restaurants program.
15 My name is Carina Kaufman Guterrez and along with
16 Matthew Shapiro, I work with the Street Vendor
17 Project. And as Matt mentioned, we are a membership-
18 based organization of over 2,500 street vendors
19 working across the five boroughs selling both food
20 and merchandise. Members of our organization are in
21 favor of permanent open dining program and support
22 our public streets in general to be utilized in a way
23 that is serving all New Yorkers. Restaurants and
24 vendors have existed alongside one another for
25 centuries, complementing one another and activating

3 public space, drawing increased economic activity in
4 commercial corridors and benefitting brick and
5 mortars and vendors alike, and we're very excited by
6 the interest in City Council to reimagine our public
7 space. However, a permanent program must include
8 design guidelines that ensure on-street dining if
9 part of a cohesive streetscape inclusive of all small
10 businesses, and ensure that no unintentional harm is
11 done to our city's smallest businesses. And so we're
12 excited to work with City Council to develop an
13 inclusive, permanent, open restaurants plan that
14 allows for both vendors and brick and mortars to
15 continue working and contributing to our City.
16 Unfortunately, over time, you know, those street
17 vendors have-- and restaurants have existed alongside
18 one another. We have seen that historically vendors
19 have not been treated with the same legitimacy, in
20 fact, have been criminalized for their work to feed
21 our city for being even inches out of place of city
22 regulations without the opportunity to either fix
23 their situation or for those who do not have permits
24 or licenses to enter into the regulatory system. And
25 so we're here today in support again of the Open
Restaurants program and for the opportunity to work

2 together to ensure that both brick and mortar
3 storefronts and restaurants and street vendors can
4 support it [sic].

5 SERGEANT AT ARMS: Time expired.

6 CARINA KAUFMAN GUITERREZ: Thank you.

7 COMMITTEE COUNSEL: Thank you. The next
8 speaker is Eric McClure.

9 SERGEANT AT ARMS: Time starts now.

10 ERIC MCCLURE: Good afternoon. Thank
11 you, Chair Velázquez and Chair Riley for the
12 opportunity to testify today. Chair Velázquez, very
13 nice to see you in this capacity. My name is Eric
14 McClure. I am the Executive Director of StreetsPAC
15 and wanted to say something that's been acknowledged
16 many times over is that New York City Open
17 Restaurants program is responsible for having saved
18 hundreds if not thousands of the City's restaurants
19 and tens of thousands of the tenant [sic] restaurants
20 jobs connected to those restaurants, and it's proved
21 overwhelmingly popular with diners who have voted
22 convincingly with their cash and credit cards to make
23 the program permanent. It isn't to say that the
24 program is perfect, nor that some of the criticism of
25 the program isn't valid. There are legitimate

3 concerns about noise on blocks that mixed commercial
4 activity with residences. Many outdoor dining
5 structures are flimsy or sited haphazardly, and more
6 than a few pose a hazard to safe cycling, but these
7 are fixable flaws. Ideally, as a long-term goal, the
8 City should expand the width of sidewalks in places
9 in which outdoor dining has proved popular. Allowing
10 for expanded café space immediately adjacent to the
11 storefronts of participating restaurants. In places
12 where that's not possible, restaurants should pay a
13 few for using street space or the City should create
14 communal spaces open to anyone, along the lines of
15 the Street Seats program. In the shorter term,
16 however, there are a number of things we can and
17 should do to improve the Open Restaurants program.
18 These include, shifting more from fully-built
19 structures to moveable tables, chairs, and umbrellas
20 like those in the meat packing district or in Bryant
21 Park. Situation seating immediately adjacent to the
22 curb with physically protected accommodations where
23 possible for existing curb-side bike lanes rerouted
24 between restaurants set up to motor vehicle lanes,
25 imposing strict design guidelines that limit the
heights of restaurant structures to allow for better

3 visibility, and to ensure that sidewalks are fully
4 and easily passable. Establishing well-enforced
5 rules, regulating hours of operation and noise levels
6 to control negative effects in places with adjacent
7 residences, and reducing speed limits on smaller
8 streets with curbside dining and implementing
9 physical safety barriers on larger streets and
10 avenues where speed limit reductions are impractical.
11 A group of more than three dozen elected officials,
12 including Speaker Adams and Council Members Ayala,
13 Brannan--

14 SERGEANT AT ARMS: [interposing] Time
15 expired.

16 ERIC MCCLURE: [inaudible] wrote to then
17 Mayor de Blasio in September of 2020 asking for such
18 measures, which have yet to be implemented. Finally,
19 we must view the Open Restaurants program in a larger
20 context of how the City manages curb space. Open
21 restaurants, Open Streets and other pandemic-era
22 efforts to increase access to street space have
23 demonstrated the public's overwhelming interest in
24 allowing curbside uses beyond the storage of private
25 cars. The curb has tremendous value and should be
managed in a way that reflects that. To that end, we

3 urge the creation of an Office of Public Space
4 Management or the public realm to oversee such
5 efforts. Thank you very much for hearing me.

6 COMMITTEE COUNSEL: Thank you. Our next
7 speaker is Susan Stetzer.

8 SERGEANT AT ARMS: Time starts now.

9 SUSAN STETZER: Okay. I'm Susan Stetzer,
10 District Manager for Community Board Three Manhattan
11 which covers East Village, Lower East Side, and China
12 Town. We have the second highest density of
13 restaurants and bars of the 59 Boards, 674
14 eating/drinking locations, 191 of them non-conforming
15 on residential side streets. And I would like
16 everyone to know that currently there are no-- under
17 the pre-COVID regulations-- there are no sidewalk
18 cafes allowed there, so there are no 12 o'clock or 1
19 o'clock hours. Regulations that may work with
20 communities with commercial strips will not work in
21 CB3. The text amendment would have a
22 disproportionate and inequitable impact on our
23 residents. Residential street after street are rows
24 of sheds that block the light, change the streetscape
25 to dark canyons. Worse is the noise. We have been a
nightlife destination area for years and co-existed

3 by keeping the noise inside the businesses. Zoning
4 protections prohibited outdoor, backyard, or sidewalk
5 use, and we stipulated best practices from the
6 hospitality industry with doors and windows closed at
7 10. Now this has all been turned inside out. We
8 have drunk people under our bedroom windows. Twelve
9 o'clock or one o'clock, this is not acceptable for
10 people that need to get up in the morning and go to
11 work and put their children to bed. The number of
12 commercial noise complaints on the street for fiscal
13 year 21 was 6,165 for our community, an increase of
14 169 percent from pre-COVID. This does not include
15 commercial noise from inside the businesses.
16 Community Boards were created to give residents a
17 voice in planning for their communities. They know
18 their needs. To not have Community Boards have a role
19 in approving road-bed dining, the use of our public
20 space, is against all land use practices of New York
21 City.

22 SERGEANT AT ARMS: Time expired.

23 SUSAN STETZER: We invite the City
24 Council, DOT, and the Hospitality Alliance to do a
25 walk-through in our community with us. Thank you.

2 COMMITTEE COUNSEL: I see that Council
3 Member Yeger has his hand up. Do you have a
4 question, Council Member?

5 COUNCIL MEMBER YEGER: Thank you. Thank
6 you, Madam Chair. My question is for District
7 Manager Stetzer. Thank you very much for coming out
8 today to speak. Have you noticed-- you know, we
9 heard from the Commissioner from the Department
10 before that they do regulatory checks to make sure
11 that these shanty town shacks are being used
12 properly, as they're supposed to. Have you noticed
13 any of them go away, or do they just show up and
14 they're there? If the Counsel can unmute the
15 District Manager?

16 SUSAN STETZER: Thank you. So this is
17 something we deal with almost daily. They give the
18 owners cease and desist letters. The owners do
19 nothing. They give them more cease and desist
20 letters. They do nothing. This goes on month after
21 month after month. No, they do not disappear. I had
22 one two-story shack that disappeared quickly. So it
23 shows they can do it. The others do not.

24 COUNCIL MEMBER YEGER: And to your
25 knowledge, was the one that disappeared something

3 that eth owner took away or did the Department
4 actually come and remove it?

5 SUSAN STETZER: The Department came in
6 and made the owner remove it. Told them to--

7 COUNCIL MEMBER YEGER: [interposing]
8 Okay, so the owner removed it.

9 SUSAN STETZER: Yes.

10 COUNCIL MEMBER YEGER: So you don't know
11 of any time when the Department of Transportation
12 actually took away a noncompliant, obnoxious shanty
13 town shack from your neighborhood?

14 SUSAN STETZER: I don't know, which
15 doesn't mean they haven't, but I'm not aware of it.

16 COUNCIL MEMBER YEGER: Which probably
17 means they haven't. You've been a District Manager
18 for a while. I suspect you know your neighborhood.

19 SUSAN STETZER: Fifteen years, 15 years.

20 COUNCIL MEMBER YEGER: Thank you very
21 much, Madam.

22 SUSAN STETS: Thank you.

23 COMMITTEE COUNSEL: Thank you. The next
24 three speakers will be Samir Lavingia, Jeannine
25 Kiely, and Carter Booth. Samir Lavingia.

SERGEANT AT ARMS: Time starts now.

2 SAMIR LAVINGIA: Hi, hopefully you can
3 see and hear me. So I'm speaking on behalf of the
4 Community Board Five Open Restaurants Taskforce,
5 which is a group that we got together to basically
6 figure out like what our official stance is on this
7 whole situation. And a lot of concerns have been
8 brought up by the Council Members around, you know,
9 pedestrian flow, structure, sanitation, enforcement,
10 noise, etcetera. So I won't dig too much into those
11 again, because they've already been heard. I'll just
12 go through some of the more specific points. So, CB5
13 in Manhattan is, you know, a very heavily foot-
14 trafficked neighborhood and the eight feet of cleared
15 path is sometimes not even enough for some of the
16 higher traffic areas. So I'm glad to hear that
17 there's proposal for certain exemption for 12-foot
18 clear path. I think that'll help a lot. Maybe we
19 might need even wider, but you know, it's something.
20 And one thing that was raised in own discussions was
21 to make sure that when we look at the cleared path to
22 make sure that we include when it's occupied, not
23 just when the chairs are tucked in, because that does
24 make a difference. It could take up to an additional
25 foot if people are actually sitting in the area, you

3 know, six feet-- or seven feet to eight feet is not
4 an insubstantial loss of space. The other big issue
5 that I wanted to raise was the notice periods. We
6 feel that the notice periods are quite short. I read
7 through the paperwork, and I believe it's like 15
8 days and then the Community Board can hold a hearing
9 if they want, but they don't have to. That seems
10 quite short, especially because when all these
11 applications initially come through they're going to
12 be-- every single area is going to be reapplying, and
13 it's going to be quite a heavy lift for the Community
14 Boards to look at that and give proper feedback, and
15 yeah, we have one other person who hopefully be able
16 to speak and he can speak to our more general
17 philosophy, but those are the two main points I just
18 wanted to highlight with my two minutes. Thank you.

19 COMMITTEE COUNSEL: Thank you. Next
20 speaker is Jeannine Kiely.

21 SERGEANT AT ARMS: Time starts now.

22 JEANNINE KIELY: Good afternoon. I'm
23 Jeannine Kiely, Chair of Manhattan Community Board
24 Two and home to more than 1,000 Open Restaurants, the
25 most in New York City. We understand the temporary
program has provided a lifeline to our local

1 restaurants, but I want to highlight three concerns
2 and three recommendations. Our main concerns are
3 that permanent Open Restaurants benefits one
4 industry. There's been failed enforcement, and one
5 size does not fit all. We agree with Commissioner
6 Rodriguez, let's reimagine how we use our streets,
7 but the permanent Open Restaurants program only
8 benefits one industry, albeit a powerful one. The
9 City is not considering alternative uses of these
10 public spaces for green space, protected bike lanes,
11 pedestrians, nor schools. Kids would love a
12 basketball hoop in front of their building, or
13 perhaps a parklet [sic] with zero cost of entry,
14 instead of an expensive coffee, cocktail, or meal.
15 There's been failed enforcement; 4,292 warnings, 22
16 fines, 40 removals. In CB2 one operator received 15
17 cease and desist orders but it's still operating. In
18 baseball it's three strikes and you're out, not New
19 York City with Open Restaurants. The City has a
20 terrible track record enforcing concerns about noise,
21 trash, rats, safety, ADA accessibility, and density
22 of Open Restaurants in residential neighborhoods. And
23 finally, one slice does not fit all. CBO2 has seen a
24 nearly 500 percent increase in open restaurants from
25

217 pre-COVID to more than a thousand today. So our
3 three recommendations are one, include Council Member
4 Christopher Marte in Council District One and Council
5 Member Eric Bottcher in Council District Two in City
6 Council negotiations and discussions. They lead the
7 Manhattan delegation that accounts for 50 percent of
8 all Open Restaurants and represent the top two
9 council districts which together have 20 percent of
10 New York City's Open Restaurants. Two, expand
11 Community Board review to 45 days to accommodate our
12 monthly schedules. And three, limit the expansion of
13 roadway cafes in residential districts and on narrow
14 streets. Thank you.

15 COMMITTEE COUNSEL: Thanks Jeannine. The
16 Next speaker is Carter Booth.

17 SERGEANT AT ARMS: Time starts now.

18 CARTER BOOTH: Hi, my name is Carter
19 Booth. I'm the previous Chair of Manhattan Community
20 Board Two. We speak with some authority on outdoor
21 dining. As you heard, we have the most of all CBs,
22 both pre-pan; and now 217 before and over 1,000
23 today, more than all of Manhattan pre-pandemic.
24 There's no question that the outer boroughs were
25 woefully under-represented in outdoor dining pre-

2 pandemic, but let's be real, CB2 has been
3 overburdened with impacts of the temporary program,
4 and it's not sustainable. The survey last year and
5 part of our Board found 93 percent of restaurants
6 were not following the rules. Almost all are
7 breaking rules, not some, and DOT is not equipped to
8 handle all the complaints. One-size-fits-all
9 approach doesn't work. The permanent rules need to
10 work on their face for each community, be balanced
11 and clear, and not require extensive enforcement.
12 That's a problem that needs to be resolved in the
13 permanent program, the important part. I encourage
14 you first and foremost to include Council Members
15 Bottcher's and Marte in all discussions. They
16 represent more than 20 percent of all current
17 sidewalk cafes, almost 2,500 in the city in the
18 temporary program. Second, Community Boards need
19 more than 30-day review. It's just not enough time
20 to properly notify the public, hold a hearing and
21 have the full board vote on a rolling basis. We need
22 45 days. We know because we have the most sidewalk
23 applications of any CB pre-COVID. Take our advice on
24 that. Third, we have far too many narrow streets
25 which clearly should not have roadway dining, because

3 it's not safe and has significant quality of life
4 impacts. Fourth, non-conforming restaurants should
5 not be on the same level with conforming restaurants,
6 because they are non-conforming in residential
7 district. And last, the closing hours should be
8 reduced in the enclosure requirements residential
9 districts maintain. Let's meet the moment and make
10 this program work for all of us. Thank you, and I'm
11 happy to answer any questions.

12 COMMITTEE COUNSEL: Thank you, Carter.

13 So the next few speakers are Valerie De La Rosa,
14 Josephine Beckman, and Victoria Fariella, and Barbara
15 Blair. So the first one is Valerie De La Rosa.

16 SERGEANT AT ARMS: Time starts now.

17 VALERIE DE LA ROSA: Hi. Great. Good
18 afternoon Chair Velázquez, Chair Riley, and Council
19 Members. My name is Valerie De La Rosa, and I'm the
20 Second Vice Chair of Manhattan Community Board Two,
21 and I lead the Board's Economic Development and Small
22 Business Committee, and I'm an author of the Board's
23 45-page resolution on the Open Restaurant Zoning Text
24 Amendment. Undoubtedly, the temporary Open
25 Restaurants program has been a lifeline for the
restaurant industry over the last 19 months, and

2 before the pandemic, Manhattan Community Board Two
3 had more sidewalk cafés than the entire borough of
4 Brooklyn. We love sidewalk cafes in CB2, and the
5 existing zoning text that is being proposed for
6 removal actually protected and balanced the needs of
7 both businesses and residents in our neighborhood. I
8 urge you to consider four things today. One, limit
9 the geographic expansion to sidewalk cafés only be
10 eliminating roadway cafes in residential zones, and
11 if you elect not to do this, ensure that Council
12 Districts with high density of Open Restaurants have
13 an opportunity for Community Board review of roadway
14 cafes, not just notification. Two, limit the
15 geographic expansion of roadway cafes to wide streets
16 only, not on narrow streets. Three, extend the
17 Community Board review period from the proposed 30
18 days to 45 days for both sidewalk and roadway cafes.
19 Four, empower the Council Members that have the
20 highest densities of Open Restaurants in their
21 district to have a voice equal to the impact that
22 this program has had and will continue to have on
23 their Council Districts, and I'm speaking
24 specifically about Council Member Bottcher and
25 Council Member Marte who have the two highest number

3 of Open Restaurant locations you can see behind me.

4 The decision that this joint committee hearing will
5 make will have the most impact on these two Council
6 Districts. Commissioner Rodriguez talked about this
7 as an opportunity to meet the moment. Subcommittee
8 and Committee Members, that is exactly what I'm
9 asking you to do today. Thank you and I'm here for
10 questions.

11 COMMITTEE COUNSEL: Thank you Valerie.

12 The next speaker is Josephine Beckman.

13 SERGEANT AT ARMS: Time starts now.

14 JOSEPHINE BECKMAN: Hi, good morn-- good
15 afternoon. My name is Josephine Beckman, and I'm the
16 District Manager of Community Board 10 representing
17 the neighborhoods of Bay Ridge, Dyker Heights, and
18 Fort Hamilton, Brooklyn. I'd ask that you please
19 read my full testimony as I will go through some
20 highlights given our time limitation. Community
21 Board 10 members voted overwhelmingly in opposition
22 to the proposed citywide Open Restaurant text
23 amendment during its lengthy review in September of
24 21. However, CB10 Board members enthusiastically
25 supported the emergency Open Restaurant program and
extension through 22, agreeing that it was a much-

3 needed lifeline to the restaurant industry. This
4 permanent program is moving forward at a record pace,
5 we feel without careful planning and robust public
6 review. In fact, in testimony today, the Department
7 of Transportation has mentioned it has not included
8 Community Boards in its interagency discussions,
9 especially those Community Boards that have large
10 impacts. It is very important that all City Council
11 Members review the legislative history of the zoning
12 text and reasons why communities are concerned about
13 removal of portions of the text. After all, this is
14 public land, and being applied for commercial and
15 private use. It has citywide implications as
16 mentioned by my colleagues in Community Board Two.
17 Those geographic restrictions were put into place for
18 a reason. The greatest objections are with the
19 curbside dining sheds. The emittance of DOB from
20 review of street structures, which the City wants to
21 be removable yet strong enough to withstand natural
22 occurrences and other hazards, including vehicular
23 impacts, all points to significant risk and likely
24 disaster. Some dining sheds in Community Board 10
25 are small buildings with electric, heat, windows, and
locking doors. Some create street hazards.

3 Pedestrians have complained about hampered visibility
4 at corners caused by cars, trucks double-parking, and
5 blocked crosswalks. We too have seen an increase of
6 500 percent in noise complaints. The temporary
7 program did little to address or provide enforcement
8 against bad actors. CB10 Brooklyn has nearly 200
9 outdoor dining permits. Half of that include both
10 sidewalk and roadway.

11 SERGEANT AT ARMS: [interposing] Time
12 expired.

13 JOSEPHINE BECKMAN: Thank you for your
14 consideration. I have submitted my full testimony
15 for your review. Thank you.

16 COMMITTEE COUNSEL: Thanks, Josephine,
17 and I see that Council Member Yeger has his hand up.

18 SERGEANT AT ARMS: Starting time.

19 COUNCIL MEMBER YEGER: Thank you. Good
20 to see you, District Manager. I just wanted to ask
21 you the same question I asked the District Manager
22 from Manhattan. Have you ever seen the DOT remove
23 one of these shanty town shacks that were non-
24 compliant, illegal, a nuisance, empty, unused, or
25 anything of the like?

2 JOSEPHINE BECKMAN: We had one, Council
3 Member. Only--

4 COUNCIL MEMBER YEGER: [interposing] Did
5 DOT-- I'm sorry, I didn't mean to cut you off. Did
6 DOT actually come and remove it?

7 JOSEPHINE BECKMAN: Yes.

8 COUNCIL MEMBER YEGER: Okay. How many
9 have you asked or complained about during this time?

10 JOSEPHINE BECKMAN: Dozens, perhaps.
11 Dozens.

12 COUNCIL MEMBER YEGER: So at dozens, you
13 have one success story?

14 JOSEPHINE BECKMAN: Right. I'll give you
15 an example. We had one that was falling down.
16 Residents were complaining. We submitted it to DOT.
17 After six months we received a response back saying
18 that it did not even have a permit, and that they
19 notified the owner they should apply for a permit.

20 COUNCIL MEMBER YEGER: Alright. I have
21 one additional question, if I may. I assume during
22 your time as District Manager, from time to time
23 you've had the opportunity to ask DOT to install a
24 speedbump somewhere in your neighborhood.

25 JOSEPHINE BECKMAN: Yes.

2 COUNCIL MEMBER YEGER: How long does it
3 take for them to come in and install a speedbump in
4 your neighborhood after you requested?

5 JOSEPHINE BECKMAN: Two to three years.

6 COUNCIL MEMBER YEGER: Okay, thank you
7 very much. Thank you, Madam Chair.

8 COMMITTEE COUNSEL: Thank you, Council
9 Member. The next speaker will be-- hold on, let me
10 make sure it is the right speaker after Josephine.
11 Vittoria Fariello.

12 SERGEANT AT ARMS: Starting time.

13 VITTORIA FARIELLO: Hi. Thank you so
14 much for having me. Thank you Chair Velázquez and
15 Chair Riley and City Council Members. My name is
16 Vittoria Fariello and I'm a District Leader in Lower
17 Manhattan. While Open Restaurants have been necessary
18 and have saved many restaurants, as we emerge from
19 COVID crisis we need to be thoughtful about how we
20 move forward with this program. When the city
21 decided to make Open Restaurants permanent, the first
22 considerations should have included the people who
23 live in the community of the Open Restaurants, the
24 people who have a daily experience of living with
25 Open Restaurants on their sidewalks and in their

2 streets. I respectfully ask the DOT conduct an
3 independent and open and transparent environment
4 impact study that includes all the stakeholders,
5 particularly the residents and small business owners
6 that are affected by the Open Restaurants program. I
7 also ask that DOT disregard the survey that was
8 woefully inadequate and is not all representative of
9 the community. I ask the City Council and DOT to
10 truly engage our residents, to meet with them and
11 listen to their concerns before proceeding with such
12 a drastic change to our laws. Thank you for your
13 time and consideration.

14 COMMITTEE COUNSEL: Thank you. Our next
15 speaker will be Barbara Blair.

16 SERGEANT AT ARMS: Starting time.

17 COMMITTEE COUNSEL: Do we have Barbara?
18 If not we can move on to--

19 BARBARA BLAIR: [interposing] Oh, hello?

20 COMMITTEE COUNSEL: Barbara, yeah, we can
21 hear you.

22 BARBARA BLAIR: I'm so sorry. Okay.
23 Hello, Chairs Velázquez and Riley. My name is
24 Barbara Blair. I'm the President of the Garment
25 District Alliance, a BID in West Midtown Manhattan.

2 We support the proposed legislation with the
3 following strong caveats. Neighborhoods in New York
4 City differ dramatically in character, density,
5 activity, and mobility. We recommend that DOT
6 strongly consider traffic counts, pedestrian counts,
7 and the interests of all stakeholders that use the
8 sidewalks and curbside road-- curbside roadway
9 spaces. The Garment District has bike lanes, inter-
10 city buses, MTA bus stops, commercial loading zones,
11 commercial parking, vending. Our sidewalks are so
12 congested with pedestrians that multiple projects
13 have been initiated to expand the sidewalk on Seventh
14 and Eighth Avenues into a lane of roadway. Prior to
15 approving any new DOT sites, they must have
16 enforceable design criteria. There are restaurants
17 on our streets that are in deplorable condition and
18 visually repellant. We need to include in the design
19 criteria strong sides on three sides so that we can
20 eliminate the plastic barriers that DOT has out there
21 now that makes the entire city look like a
22 construction site. DOT must be responsible for
23 removing Open Restaurants that are in violation after
24 30 days of notice. We have Open Restaurants that
25 have received violations and even cease and desist

3 letters going back a year. The owner will not remove
4 it. It is DOT's responsibility. The legislation
5 states that the Commissioner of DOT shall remove out-
6 of-compliance Open Restaurants or the NYPD shall.
7 This causes confusion and ping-ponging back and forth
8 between agencies. All enforcement for legislation
9 should reside with one agency to ensure one-stop-
10 shopping responsibility and accountability. Thank
11 you.

12 COMMITTEE COUNSEL: Thank you. The next
13 set of speakers will be Sara Lind, Jackson Chabot--
14 I'm sorry if I'm mispronouncing your name-- Garrett
15 Ford, Maulin Mehta, and Ryan Pukos. So the next
16 speaker is Sara Lind.

17 SERGEANT AT ARMS: Starting time.

18 SARA LIND: Hi. Thank you so much for
19 having us. Thank you Chair Velázquez and Chair
20 Riley. My name is Sara Lind, and I'm the Director of
21 Policy at Open Plans. Outdoor dining is incredibly
22 popular, as demonstrated by the always bustling
23 street eateries and very supportive survey results.
24 Some people claim that the outdoor eateries create
25 chaos at the curb, but the fact is our curbside space
has been chaotic for years due to the City's failure

3 to take an active role in organizing and managing
4 this critical public space. In fact, outdoor dining
5 is a great addition to a vibrant street life in New
6 York City, but it must be properly managed. This is
7 why we propose several improvements to be made to the
8 permanent program, some of which will be outlined by
9 my colleague next. I'm going to talk about designs
10 and safety. Our vision for the future of Open
11 Restaurants is simple: design guidelines that ensure
12 on-street designing as part of a cohesive streetscape
13 that is vibrant and well ordered. Rather than
14 permanent structures, we envision moveable table and
15 chairs, umbrellas or other overhangs. If flooring
16 exists, it must be easily moveable for street
17 cleaning and maintenance. Standards should provide
18 guidance for design while still allowing room for
19 creativity. Safety is critical as well. The
20 conflict at the curb between restaurants and bike
21 lanes must be addressed. Seating should be directly
22 at the curb or on widened sidewalks with physically
23 protected bike lanes outside of the seating area.
24 This protects riders, patrons, and restaurant staff.
25 Any enclosed walls should be no higher than 30 inches
to avoid hindering visibility. Similarly, feeding or

3 other obstructions must not be allowed in daylighting
4 zones, the spaces immediately adjacent to crosswalks
5 and intersections to avoid limiting visibility and
6 protect pedestrian safety. Outdoor dining has
7 revealed what we've known all along. The curb is
8 incredibly valuable public space. There are numerous
9 better uses for it than the free long-term storage of
10 private vehicles. I support outdoor dining and
11 encourage this council and administration to make it
12 permanent. Thank you.

13 COMMITTEE COUNSEL: Thank you, Sara. The
14 next speaker will be Jackson Chabot.

15 SERGEANT AT ARMS: Starting time.

16 JACKSON CHABOT: Good afternoon and thank
17 you for hosting this meeting. My name is Jackson
18 Chabot. I'm the Director of Public Space Advocacy at
19 Open Plans. I'm also a Brooklyn resident who lives
20 above two restaurants participating in the Open
21 Restaurants program. I'm here today and I
22 unequivocally support the permanent Open Restaurants
23 program, and I would like to highlight three
24 recommendations to build upon the program. First, as
25 many of the Council Members stated earlier, they've
got concerns with enforcement. We envision

3 consistent and transparent enforcement of updated
4 siting and design regulations will be paramount to
5 ensure outdoor eating spaces and the spaces around
6 them are safe and accessible. We recommend the
7 updated enforcement process is corrective rather than
8 punitive because the restaurant industry is still
9 recovering. We want safe environments and the
10 ability for businesses to thrive. Second, as many
11 Council Members have also talked about today, for
12 fees we envision curbside space is valuable and
13 should be priced as such. We recommend
14 comprehensively pricing the curb for restaurants,
15 vehicles, and other uses. The fees collected from
16 all of these can be used to manage and care for the
17 public ground and provide resources to the agencies
18 that need to verify restaurants are following the
19 guidelines as Council Members have asked about
20 earlier today as well. We hope that as StreetsPAC
21 and Eric McClure outlined earlier, that many of the
22 structures do not impede sight lines and otherwise do
23 not inhibit walkers and cyclists, making them unsafe.
24 Finally, from a management perspective, we know that
25 Open Restaurants are great addition to vibrant street
life in New York City. However, the Open Restaurants

3 program must be managed as part of the public realm
4 ecosystem, rather than in a silo [sic]. The entire
5 curbside and street space needs to be holistically
6 and managed effectively. We support widening
7 sidewalks, widening lanes dedicated to micro mobility
8 of vices like electric scooters and expanding loading
9 zones and more--

10 SERGEANT AT ARMS: [interposing] Time
11 expired.

12 JACKSON CHABOT: Thank you for your time.

13 COMMITTEE COUNSEL: Thank you, Jackson.
14 The next speaker will be Garrett Ford.

15 SERGEANT AT ARMS: Starting time.

16 GARRETT FORD: Hi there. Thank you Chairs
17 and thank you for a very informative morning and
18 afternoon. I've learned a lot. I'm in because I work
19 at a bar in the East Village and this program has
20 saved my livelihood. It has saved everyone that
21 works there. I keep hearing this narrative about
22 100,000 jobs saved, which I find completely
23 believable, and it's also addressed one problem that
24 we've had of underemployment. So by expanding to the
25 roadside and the sidewalk, I've been able to give
additional hours to people that benefits their

2 livelihood, their family, and speaking from someone
3 on the business side of it, I know that there are a
4 lot more of us good actors that with enough
5 knowledgement[sic]-- or enough knowledge, we would be
6 happy and thrilled to make any investment necessary.
7 And these are jobs that are held by artists and
8 people that improve the cultural landscape of New
9 York City. So, I think it-- the benefits far
10 outweigh the negatives that we would all mitigate
11 with good faith. Thank you.

12 COMMITTEE COUNSEL: Thank you, Garrett.
13 The next speaker is Maulin Mehta.

14 SERGEANT AT ARMS: Starting time.

15 MAULIN MEHTA: Good afternoon. My name
16 is Maulin Mehta, and I'm the New York Director at
17 Regional Plan Association. RPA is a nearly 100-year-
18 old nonprofit research planning and advocacy
19 organization and a member of the Alfresco NYC
20 Coalition. Thank you the Chairs and everyone else
21 for considering the zoning text amendment legislation
22 to develop a permanent Open Restaurants program. The
23 program has provided so many benefits to our city and
24 we strongly support the zoning text amendment. It
25 helped save 100,000 jobs in one of the worst times in

3 New York City history, and over 12,000 restaurants
4 have engaged. Crucially, the streamline process for
5 approval and lack of fees meant more neighborhood
6 were able to have outdoor dining experiences,
7 something that was previously reserved for well-
8 resourced and expensive restaurants. In fact, as
9 we've heard before, nearly half of the current
10 outdoor dining permits are outside of Manhattan. The
11 program also showed us that we can repurpose our
12 streets in a way that benefits local residents,
13 businesses, and supports the vibrancy of the City.
14 This has come at a very small cost. Less than one
15 percent of street parking has been replaced. Many
16 businesses go above and beyond simply serving their
17 customers with structures that show the creativity,
18 passion, and inclusivity of restaurant owners. Well-
19 designed establishments help to expand the number of
20 accessible options to people with disabilities.
21 Businesses also provide seating for their neighbors,
22 community events to connect local artists and
23 residents, and share knowledge and support of other
24 struggling entrepreneurs. We know that challenges
25 continue to persist, and the City is looking at
improving sanitation, enforcement, design, and

3 general street management. We think these issues can
4 be overcome with more robust design and program
5 guidelines, and we'll be releasing our own
6 suggestions to help. The permanent program must make
7 sure that the new guidelines do not dismiss entire
8 neighborhoods either due to a blanket approach that
9 fails to look at atypical streets or onerous approval
10 processes that only well-resourced businesses can
11 handle. A smart rule-making process will create a
12 program that is responsive to community needs and is
13 equitable, affordable, and streamlined. We hope
14 you'll consider these issues in amending the program
15 legislation. Termination of the program would be a
16 larger [sic] step backwards--

17 SERGEANT AT ARMS: [interposing] Time
18 expired.

19 MAULIN MEHTA: For the recovery of the
20 City's service economy and designing our streets for
21 equity and sustainability. Don't let outdoor dining
22 go back to being an exclusive perk for the wealthy.
23 Let's work together to make sure all New Yorkers have
24 the opportunity to enjoy the community benefits of
25 this program, and we're here ready to help. Thank
you.

2 COMMITTEE COUNSEL: Thank you, Maulin.

3 And last speaker on this panel is Ryan Pukos.

4 SERGEANT AT ARMS: Starting time.

5 RYAN PUKOS: Good afternoon Chairs and
6 Council Members. My name is Ryan Pukos with the
7 Grand Central Partnership. The Grand Central
8 Partnership is a business improvement district
9 serving a 70-square block area in Midtown East
10 surrounding Grand Central Terminal which is home to
11 about 300 food and beverage establishments. We
12 support making the Open Restaurants program permanent
13 because of the critical role it has played in our
14 neighborhood's recovery during the pandemic. Midtown
15 East food and beverage businesses traditionally made
16 up the largest share, nearly 50 percent of our street
17 level business landscape, yet the sector has also
18 been the slowest to recover. About 70 percent of the
19 street level businesses that remain temporarily
20 closed in our BID are in the food and beverage
21 sector. The Open Restaurants program has been a
22 lifeline for our area's restaurants, bars, and
23 lounges. According to data from DOT, approximately
24 150 establishments in our district have registered
25 for the program, and many of the same establishments

3 have made substantial investments in creating unique,
4 inviting outdoor spaces that contribute to the
5 vibrancy of our neighborhood. Despite successes, the
6 Open Restaurants program has not been without its
7 challenges. For example, many businesses have had to
8 shoulder burdensome costs in order to comply with the
9 City's changing rules such as a requirement to
10 install temporary barriers. Also, the lack of
11 consistent design standards has in some cases invited
12 underinvestment in some of the outdoor structures
13 leading to safety issues. While we, like our BID
14 colleagues, have concerns about the legislation
15 before you, we nevertheless urge the Council to make
16 the program permanent, and we look forward to
17 participating in future discussion to shape design
18 standards and operational guidelines to ensure that
19 the program is a net benefit for businesses and
20 surrounding communities. Thank you.

21 COMMITTEE COUNSEL: Thank you, Ryan.

22 Before we call on the next panel, we're going to do a
23 quick change-over of Committee Counsels, but before I
24 do that, I just want to remind those of you waiting
25 to testify that you can submit your testimony to
testimony@council.nyc.gov. And now our Arthur

3 [inaudible] will continue for a little bit as
4 Committee Counsel and call the next panel. Arthur,
5 are you ready?

6 COMMITTEE COUNSEL: Thank you, Angelina.
7 The next group of speakers will include Elana
8 Ehrenberg, Alexandria Sica, Shannon Phipps, Kathryn
9 Quinn, and Elizabeth Sabo. We'll hear first from
10 Elana Ehrenberg.

11 SERGEANT AT ARMS: Starting time.

12 ELANA EHRENBURG: Hello. Thank you for
13 the opportunity to speak today. My name is Elana
14 Ehrenberg, and I'm the Senior Policy Manager at
15 Design Trust for Public Space. Design Trust for
16 Public Space is 27-year-old nonprofit dedicated to
17 enlivening New York City's shared civic spaces to
18 create a vibrant, inclusive, and sustainable city.
19 This past year the Design Trust has been working with
20 Regional Plan Association and Tri-State
21 Transportation Campaign for the Alfresco NYC
22 Coalition. Specifically, we have been working to
23 ensure that Open Restaurants and the Open Streets
24 programs are accessible to all New Yorkers,
25 beneficial for the local communities, and sustainable
in the long-term. Alfresco NYC supports the zoning

3 text amendment as a necessary step for removing
4 barriers to outdoor dining in neighborhoods with
5 unique typologies previously excluded from
6 participating in the sidewalk café program. However,
7 we're concerned that this proposed legislation will
8 replicate an onerous permitting process from the
9 previous program which will limit participation. The
10 self-certification process in the emergency program
11 allowed greater equity throughout the City for
12 outdoor dining, a lifeline to businesses who were
13 struggling at the time. The flexibility of this
14 process is one we hope we will continue to be used in
15 more programs requiring complicated permit processes
16 to access public space. With all the ups and downs
17 of the current program, community leaders and small
18 business owners have emphasized how vital outdoor
19 dining has been for survival, and its ability to
20 enliven New York streets and celebrate local
21 identity. However, we also recognize that the
22 permanent outdoor dining program needs specific
23 regulations enforced to address quality of life
24 issues mentioned here today, sliding scale fees and
25 clearer guidelines to ensure accessibility and
spatial equity. Twenty-six percent of our public

2 space is in the right-of-way, and we have an
3 opportunity to reimagine how that space can fit more
4 than just cars or restaurants. We see this as a
5 possibility to containerize trash off our sidewalks,
6 provide communal seating, support local business,
7 activate commercial corridors and help communities
8 thrive. This is the first step that will allow us to
9 advocate for a holistic approach to street design,
10 one which integrates the needs for all New Yorkers.
11 Thank you for your time and consideration, and I look
12 forward to submitting my full written testimony.

13 COMMITTEE COUNSEL: Next speaker will be
14 Alexandria Sica followed by Shannon Phipps.
15 Alexandria Sica?

16 SERGEANT AT ARMS: Starting time.

17 ALEXANDRIA SICA: Hell and thank you so
18 much for the opportunity to speak on behalf of the
19 New York City Business Improvement District
20 Association. We are-- represent all 72 BIDs who, as
21 you know, sprung to action in-- amidst the pandemic
22 to help implement this very important Open
23 Restaurants program and to help all of our more than
24 100,000 small businesses to hopefully take advantage
25 of this program. We are speaking in support of the

3 text amendment and want to emphasize that we know
4 that the devil is in the details and that rule-making
5 is going to be very, very important here. We, you
6 know, are tasked with managing a lot on the streets
7 and want to make sure that the business improvement
8 districts will have a very significant seat at the
9 table when those rules are being made.

10 Unfortunately, the pre-considered legislation on the
11 table does fall short, and we're urging the Council
12 to collaborate with BIDs and others to develop a new
13 regulatory framework. The slow revocable consent
14 process is a major concern, and you know, we are
15 happy to help. We're going to submit detailed
16 testimony and really want to see this program
17 succeed, but also to be accessible by our small
18 businesses and done in a thoughtful way. Thank you.

19 COMMITTEE COUNSEL: Shannon Phipps will
20 be the next speaker followed by Kathryn Quinn.
21 Shannon Phipps?

22 SERGEANT AT ARMS: Starting time.

23 SHANNON PHIPPS: Hi, I'm not surprised
24 that Antonio Reynoso is working with Jerry on passing
25 the permanent temporary Open Restaurants and turning
into a permanent Open Restaurants, because he's

3 failed to speak with residents and represent
4 constituents across the board. I live in
5 Williamsburg in Greenpoint and we are inundated with
6 these sites that are a blight to our community. We
7 have a Lepto outbreak due to all the rats. We have
8 trash. We have standing water. They've become sites
9 for the homeless to live in, places to shoot up and
10 do drugs. As a mother, the sidewalks have been
11 compounded with pedestrian traffic being blocked. It
12 was already an issue. It's now even more of an issue.
13 The noise cannot be mitigated. You will not be able
14 to legislate that with the zoning text amendment
15 being overturned or with the accompanying bill, which
16 is outrageous, because you guys are taking away 45
17 days for Community Boards to review, and you're
18 shortening the Community Board review time. Not all
19 Community Boards are equal. Some of them are very
20 under-resourced and under-staffed, and this is
21 clearly and aggressive act by the government, the
22 City agency of DOT to take over our Community Boards
23 and our communities. Each block of New York City
24 across all five boroughs are different, and that
25 should be acknowledged. Also the DCP's disingenuous
map that says that there is a difference between

3 residential areas and non-residential areas. Let me
4 tell you something, every square inch of New York
5 City is a residential area, and who are you to tell
6 me that I can't sleep at night, that my family
7 doesn't deserve to have peace and quiet and enjoyment
8 of our home. We all work hard to pay our rent, to
9 pay our mortgages, and it's the people that are being
10 left out of all of this. You're hearing from
11 lobbyists that are paid to say 100,000 jobs. I
12 challenge you to show me, what's the 100,000 jobs? I
13 want to see the data behind that, because you all
14 seem to think that's a real number. It's a fake
15 number. It's a nice round magic number, and it's
16 fake.

17 CHAIRPERSON VELÁZQUEZ: Thank you.

18 SERGEANT AT ARMS: Time expired.

19 COMMITTEE COUNSEL: Speaker will be
20 Kathryn Quinn to be followed by Elizabeth Sabo to be
21 followed by Arelia Tavaras. Kathryn Quinn?

22 SERGEANT AT ARMS: Starting time.

23 KATHRYN QUINN: Thank you for allowing me
24 to speak today. First, I want to clarify some
25 information that was given earlier about the
26 amendment to the zoning-- the addition to the zoning

3 that deals with the enclosure of buildings. It was
4 mentioned that it was-- there was some districts that
5 were involved. The language of having to deal with
6 commercial overlay districts and residential
7 districts, residential districts that are the home to
8 we understand something like 3,000 nonconforming
9 restaurants. As referred out by City Planning
10 Commission, if City Council were to vote for this,
11 these two sections would become effectively
12 immediately. They allow-- they require every other
13 business in commercial overlays and residential
14 districts to have totally enclosed buildings-- I'm
15 ready now-- except for storefronts or store windows
16 associated with eating and drinking establishments,
17 which may be opened to serve customers outside the
18 building. Those provision would go into effect
19 immediately. Secondly, I want to point out to the
20 Council that I believe that the review of these
21 proposed changes are premature. There is currently
22 an outstanding Article 78 where 22 petitioners from
23 all over the City have asked-- have pointed out that
24 DOT has not complied with the requirements of SEQA
25 [sic] and other environmental requirements in the--
they have not done a competent and complete

3 environmental impact segment. This Article 78 has
4 survived the attempt by the City of New York to
5 dismiss it. A New York State Supreme Court Judge
6 has--

7 SERGEANT AT ARMS: [interposing] Time
8 expired.

9 COMMITTEE COUNSEL: Next speaker will be
10 Elizabeth Sabo to be followed by Arelia Tavaras.
11 Elizabeth Sabo?

12 SERGEANT AT ARMS: Starting time.

13 ELIZABETH SABO: Thank you to the Chairs
14 and the agency reps for this hearing and the
15 opportunity to speak. My name is Elizabeth Sabo and
16 I'm a member of the West 10th Street and the-- okay.
17 Am I unmuted now?

18 COMMITTEE COUNSEL: Yes, we can hear you.

19 CHAIRPERSON RILEY: Yes, we can hear you,
20 Elizabeth.

21 COMMITTEE COUNSEL: Now you're muted. If
22 you see a request--

23 ELIZABETH SABO: [interposing] Hi.

24 COMMITTEE COUNSEL: There you go.

25 ELIZABETH SABO: Getting messages that
I'm muted from [inaudible]. Anyway, I really

3 appreciate all the Council Members and especially my
4 CB2 Manhattan reps for their comments about the
5 residential needs about compliance, enforcement, and
6 most certainly that one size does not fit all here.
7 I share these concerns. But I have additional
8 concerns, and please bear with me, about the very
9 premise of this program and what's been repeated over
10 and over here and throughout such as that this
11 program has been a resounding success and that more
12 outdoor cafes are actually better for the City.
13 According to who? That advocates for the program
14 keep repeating these statements does not make it
15 true. I think that if we were to do an actual
16 comprehensive, verifiable poll, which truly has not
17 been done, most residents would not prioritize the
18 wishes of the restaurant industry. Most residents
19 can't even afford eating out in restaurants. Most
20 residents don't even have affordable housing or a
21 living wage, as you all must know, the recently
22 raised minimum wage yields just \$2,600 per month.
23 These people are not celebrating the expansion and
24 revamping of the sidewalk café program. I ask the
25 Council please put a pause on this rushed process.
You're attempting to make very dramatic changes to

3 the landscape of our city and to the quality of life
4 of our residents. Complete, please, a full
5 environmental impact study before you make these
6 sweeping changes. Thank you.

7 CHAIRPERSON VELÁZQUEZ: Thank you.

8 COMMITTEE COUNSEL: Next we'll hear from
9 Arelia Tavaras.

10 SERGEANT AT ARMS: Starting time.

11 ARELIA TAVARAS: Good afternoon. My
12 name's Arelia Tavaras. I'm the President of the New
13 York State Latino Restaurants Bar and Lounge
14 Association which represents the interest of hundreds
15 of minority and immigrant-owned restaurants and night
16 life establishment throughout New York City. First
17 of all, I want to thank you Chair Velázquez, Chair
18 Salamanca, and the rest of the committee members for
19 the opportunity to testify. Particularly, thank you
20 Borough President Antonio Reynoso and Commissioner
21 Ydanis Rodriguez. We agree with Council Member
22 Brooks-Powers regarding the inclusivity of community
23 groups representing minority-owned businesses
24 including ours, the New York State Latino Restaurant
25 Bar and Lounge Association in the discussions of
these types of outdoor dining or any restaurant

3 conversations. We hope that we're brought to the
4 table going forward. I'm here today to testify in
5 support of the sidewalk cafés and roadway cafes,
6 otherwise known as Open Restaurants. To understand
7 the depth of this issue, I think it's important to
8 conceptualize the industry and explain the state of
9 the industry at this point in time. New York City is
10 the culinary capital of the world and we're hurting.
11 Restaurants are the integral piece fabric of our
12 neighborhoods. The very foundation is in jeopardy.
13 We lost thousands of restaurants due to the pandemic,
14 and if you think you have rats, wait 'til you have
15 more crime and more chaos in the city because we need
16 these jobs. Fifty-three percent of the workers are
17 of Latino minority descendance [sic]. We need these
18 jobs to keep our industry alive. According to the
19 study released by the New York City Comptroller,
20 restaurants employ 30 percent fewer workers than it
21 did before the pandemic. Thirty-five percent of the
22 restaurants applied for RRF and didn't receive
23 funding. Most of them are my restaurants in low-
24 income communities. It's time to step it up, guys.
25 This outdoor dining initiative is going to change the
face of the City. We're in the neighborhood of

2 France, of Paris, of other nations that have these
3 outdoor dining establishments, and are doing-- and
4 they've helped--

5 SERGEANT AT ARMS: [interposing] Time
6 expired.

7 ARELIA TAVARAS: maintain their
8 communities. I ask you that we support this
9 wholeheartedly. The Latino Restaurant Association
10 hopes that we are considered in the future, and we
11 want to see this New York City bring back
12 restaurants.

13 COMMITTEE COUNSEL: Thank you. The next
14 set of speakers will include Susi Schropp, Amy
15 Robinson, Michele Campo, Vaylateena Jones, Martha
16 Danziger, and Zella Jones. First we'll hear from
17 Susi Schropp and then Amy Robinson.

18 SERGEANT AT ARMS: Time starts now.

19 SUSI SCHROPP: Hey, everybody. Okay. Hi,
20 everybody. My name is Susi Schropp. I'm speaking on
21 behalf of the Eight St. Marks Tenants Association and
22 St. Marks Block Association between Second and Third
23 Avenue. We're in favor of helping restaurants recover
24 and the communities all in support of the restaurant
25 business recovery. Continuing the temporary program

3 will do just that. Making this program permanent
4 with so little planning details is a terrible
5 proposal. The program has failed with regards to
6 enforcement and unbalanced economic advantage for one
7 industry which unanimously has come out in support.
8 For residents, this has been a literal nightmare. It
9 has greatly reduced the quality of life for New
10 Yorkers including the quiet nighttime enjoyment of
11 their dwelling. We hear promises of enforcement, but
12 it has been greatly lacking and partially non-
13 existent even before COVID. I appreciate visionary
14 thinking and believe the time is right for a major
15 overhaul. This program has some of the most ter-- is
16 one of the most terrible planning examples. This
17 program is not visionary thinking. While I
18 appreciate the well-intended offers of listening to
19 feedback, the community has been unheard for years.
20 I'm in CB3. Even before COVID, enforcement was
21 lacking. Just talk to residents in Hell's Square who
22 only have a two to four hour window of nighttime
23 peace. My block between St. Marks and Second and
24 Third Avenue is lined with 50 eating and drinking
25 establishments. The street is now looking like a
shanty town. The M8 bus rerouted on weekends because

2 we have a closed block. Since the trial program was
3 launched, our block has seen an increase in already
4 terrible rat infestation, noise pollution into the
5 early morning hours, unsafe condition and increased
6 crime, sidewalk and street congestions. Sidewalks as
7 narrow as three feet in front of The Spot [sic] on 12
8 St. Marks Place, for example. Unlicensed wheat [sic]
9 stands and permanently parked wheat truck on the
10 corner--

11 SERGEANT AT ARMS: [interposing] Time
12 expired.

13 SUSI SCHROPP: [inaudible] Okay. I see
14 the program benefits landlords.

15 COMMITTEE COUNSEL: Next speaker will be
16 Amy Robinson to be followed by Michele Campo. Amy
17 Robinson?

18 SERGEANT AT ARMS: Time starts now.

19 COMMITTEE COUNSEL: Amy Robinson, if you
20 can hear me, we need you to accept the unmute
21 request.

22 AMY ROBINSON: Hi. My name is Amy
23 Robinson. Can you hear me now?

24 COMMITTEE COUNSEL: Yes.

25

2 AMY ROBINSON: I've lived in New York
3 City since I was 18 years old. I love New York City.
4 I lived here through the 70s, which were really tough
5 times. I've lived here through 9/11. I've lived
6 here through Hurricane Sandy, and I stayed the whole
7 time during the pandemic. I love restaurants. I
8 love to go out to eat, but the sheds are a blight on
9 our city. Listening today, I realize that this
10 proposal is premature. Studies have to be done.
11 More has-- the people of New York have to be involved
12 in this. I do not believe that these sheds and the
13 sheds, and DOT should be in charge of our lives.
14 They're a health hazard. They're a safety hazard,
15 and they're a blight on the look of our city. I lived
16 on the Lower East Side. Thank you, Susan Stetzer.
17 This is becoming a very vibrant restaurant area. We
18 have many good operators, but we have a lot of really
19 terrible actors. It's almost impossible to live here
20 comfortably now. I've sent in my written testimony.
21 I thank you for listening to me. I do not believe
22 that people and tourists come here to see a shanty
23 town. Thank you.

24 COMMITTEE COUNSEL: Next speaker will be
25 Michele Campo followed by Vaylateena Jones.

2 SERGEANT AT ARMS: Time starts now.

3 MICHELE CAMPO: Can you unmute me? Am I
4 muted?

5 COMMITTEE COUNSEL: We can hear you.

6 MICHELE CAMPO: You can hear me. Good,
7 I'm glad. Good afternoon. Thank you for the
8 committee. I just want to say something about, I
9 think a little arbitrary, the actual cut-off time for
10 certain people and not for others. So, you know,
11 that's a little concerning. I'm a native New Yorker.
12 I was born here. I continue to live here. I love New
13 York. The Hospitality and Restaurants Association
14 have not included restaurants as stakeholders in this
15 process. Residents are rarely mentioned. We
16 supported the Open Restaurants program during the
17 emergency and as a temporary policy to help bars and
18 restaurants during the pandemic lock-down. We were
19 also involved in that. Shuttered restaurants and
20 bars needed help. We needed to and wanted to help.
21 This has not been a resounding success as has been
22 mentioned by several people, and I don't know also
23 where the hundred thousand dollar figure came out of
24 thin air in terms of lost employees. This has not
25 been a resounding success, but rather a chaotic,

3 filthy, noisy mess. How can hours be regulated when
4 the input of the Community Boards are-- will be
5 restricted? I speak in opposition to the two actions
6 being considered by the City Council that would make
7 the temporary pandemic emergency outdoor dining
8 program permanent. That means forever. T2022=0092,
9 the zoning text amendment that will change the New
10 York City zoning resolution to make the Open
11 Restaurants program permanent. Two, T2022-0088 that
12 would repeal Department of Consumer and Worker
13 Protections sidewalk café licensing provision in
14 title 20 of the Administration Code. These two
15 pieces of legislation--

16 SERGEANT AT ARMS: [interposing] Time
17 expired.

18 MICHELE CAMPO: excuse me, I can
19 continue?

20 CHAIRPERSON VELÁZQUEZ: Thank you. No
21 thank you. Sorry, ma'am.

22 MICHELE CAMPO: Excuse me?

23 COMMITTEE COUNSEL: The next speaker will
24 be Vaylateena Jones followed by Martha Danziger, and
25 then Zella Jones. Vaylateena Jones?

26 SERGEANT AT ARMS: Time starts now.

2 VAYLATEENA JONES: Hi, my name is

3 Vaylateena Jones and I'm here on behalf of the Lower
4 East Side Power Partnership, and we're advocating
5 that public's health be a major consideration for the
6 Open Restaurants program. Ventilation and Corona
7 Virus, COVID-19, by the United States Environmental
8 Protection Agency states an important approach to
9 lowering the concentration of indoor air pollutants
10 or contaminants including any virus that may be in
11 the air to increase ventilation, the amount of
12 outdoor air coming indoors. The Lower East Side
13 Power Partnership advocates that Environmental
14 Protection Agency be consulted. We also advocate
15 that outdoor structures that are enclosed where
16 there's more than three walls in use, that they not
17 be part of the permanent Open Restaurant program. We
18 also advocate that restaurants already certified as
19 part of the Open Restaurant program be required to
20 publicly post notification where it clearly states
21 indoor for those current structures that must comply
22 with indoor guidelines so that people understand that
23 they are not really in an outdoor space. They're not
24 getting outdoor ventilation. It is not a safety--
25 whatever. According to the New York City Department

3 of Transportation, if three side walls or more are in
4 use, the occupancy limit may not exceed indoor dining
5 capacity for the New York City restaurant reopening,
6 but they do have like guidelines if three or more
7 walls are used, which means this is enclosed, which
8 means that you're not getting outside ventilation as
9 the Environmental Protection Agency states. So,
10 that's our thing, is that I think residents need to
11 be considered. I think what I've heard all day is
12 very much about the industry, and I wish the industry
13 well, but I also like my relatives, my friends, my
14 family, and myself alive, not ill, not in the
15 hospital, and especially where it's intentional where
16 somebody is telling is folks that an outdoor
17 restaurant that has--

18 SERGEANT AT ARMS: [interposing] Time
19 expired.

20 VAYLATEENA JONES: Done. Thank you.

21 CHAIRPERSON VELÁZQUEZ: Thank you.

22 COMMITTEE COUNSEL: We'll hear from
23 Martha Danziger and then Zella Jones. Martha
24 Danziger?

25 SERGEANT AT ARMS: Time starts now.

MARTHA DANZIGER: Can you hear me?

2 COMMITTEE COUNSEL: Yes.

3 MARTHA DANZIGER: Okay. I'm Martha
4 Danziger, and I'm a 40-year [sic] resident of Lower
5 East Side [inaudible] I've seen a lot of changes and
6 when this-- and we are opposed to the zoning change
7 that would make outdoor eating areas [inaudible]
8 street. While it was positive during the lockdown
9 [inaudible] and I supported [inaudible] impact of
10 [inaudible] Anything like this happening where it
11 already-- it's an area already saturated with SO
12 [sic] licenses. We'd have all those problems that
13 are now, hopefully, you know, confined in spaces and
14 now out on the street. Also, there was a video that
15 the-- and the Fire Department Union had online, and
16 it showed how the fire trucks are prevented from
17 actually using some of their emergency equipment,
18 because places like Clinton Street have sheds on both
19 sides of the block. It is a very narrow roadbed. My
20 block has 50 bikes and a bike lane, but the bikes
21 don't use it. The bikers don't use it because the
22 roadway is too narrow. Emergency vehicles are always
23 blocked going down. It is not a very-- it is not a
24 safe situation, and I ask [inaudible] be one of many,
25 at least one more hearing where our questions are

3 answered, and I thank the Council for holding the
4 hearing.

5 CHAIRPERSON VELÁZQUEZ: Thank you.

6 COMMITTEE COUNSEL: Thank you. Next
7 we'll hear from Zella Jones.

8 SERGEANT AT ARMS: Time starts now.

9 ZELLA JONES: Here we go. Can you hear
10 me?

11 COMMITTEE COUNSEL: Yes.

12 ZELLA JONES: Thank you. Thank you for
13 this opportunity. My name is Zella Jones. I'm
14 President of NoHo-Bowery Stakeholders, Inc., a
15 nonprofit community benefit organization representing
16 over 350 residents, property owners, business owners,
17 and institutions in NoHo in Greenwich Village. We're
18 proud of our restaurants and continue to support
19 their success in compatible ways, but we raise
20 objection to the permanent Open Restaurants program
21 across all neighborhoods without further
22 consideration of the food and beverage densities
23 inherent in community districts, particularly Lower
24 Manhattan and the negative impacts upon residential
25 office and retail properties. The self-certification
of restaurants and bars during the temporary Open

2 Restaurants program has overwhelmed our Community
3 Boards with violations. As a former Chair of CB2
4 Sidewalk Committee, I can attest to the many flaws
5 with self-certification that have finally had to be
6 corrected by City Council. It is abundantly clear
7 from today's DOT testimony there are a myriad
8 determinations yet to be made and very few
9 definitive. We disagree that the currently
10 recommended changes to DC-- by DCP the zoning should
11 occur prior to the establishment of rules and
12 interagency coordination. We agree with CB2's
13 recommendations. While I've submitted more lengthy
14 testimony, there are two issues that have not been
15 covered thus far today: pedestrian right of way.
16 There's been no consideration for the cross sidewalk
17 service activity with roadbed dining. Even a 10 or
18 12-foot walkway is not sufficient for a mother with a
19 stroller, a man with a dog, or a person with a
20 disability to pass unhindered. Even sidewalk cafes
21 require three-foot paths for service before
22 calculating an eight-foot right-of-way. Cross
23 sidewalk service is yet another obstacle. There is
24 also no provision for liability coverage. Most city

2 events require a million dollar insurance bond.

3 Thank you.

4 COMMITTEE COUNSEL: Next set of speakers

5 will include David Mulkins, Laura Sewell, Diem H.

6 Boyd, Ben Prosky, Leslie Clark, and Bob Gormley.

7 We'll first hear from David Mulkins to be followed by

8 Laura Sewell.

9 DAVID MULKINS: Thank you.

10 SERGEANT AT ARMS: Time starts now.

11 DAVID MULKINS: I'm David Mulkins,

12 President of the Bowery Alliance of Neighbors. While

13 the emergency establishment of outdoor dining sheds

14 during COVID was understandable, they should not be

15 permanent. With some shed networks stretching across

16 five or more buildings, they are a dangerous

17 obstruction for fireman, ambulances, and snow plows.

18 Recently, the President of the Firefighter's

19 Association of New York has said that the sheds

20 endanger lives. He was especially alarmed by the

21 narrowing of streets by these sheds, which he said

22 makes it sometimes impossible to get the trucks or

23 the ladders set up. A neighbor of mine, Janice Wyld

24 [sp?], wrote recently, "As a write, there is an

25 ambulance and several police cars unable to get down

3 my street due to a restaurant shed that leaves no
4 room for them with the snow." Our streets are not
5 wide enough for it. I live on Fifth Street which has
6 the Ninth Precinct on it. There's congestion all the
7 time due to the sheds. Sometimes I can't exit my
8 building onto the narrow street as the space is
9 obstructed by these sheds. It's a fire hazard. It's
10 not a safe situation. These sheds also make our
11 sidewalks unsafe because they reduce our ability to
12 see and be seen when walking down the block. During
13 off hours and when businesses fail and sheds sit
14 empty, they become a safe haven for thieves and
15 rapists. With crime rising, why make these sheds
16 permanent. I strongly suggest that you go back to
17 the table and reconsider all of this, because an
18 emergency situation is, you know, applauded by
19 everybody and we recognize that this has helped
20 restaurants.

21 SERGEANT AT ARMS: Time expired.

22 COMMITTEE COUNSEL: The next speaker will
23 be Laura Sewell to be followed by Ian H. Boyd.

24 SERGEANT AT ARMS: Time starts now.

25 LAURA SEWELL: Hello. I'm Laura Sewell,
the Director of the East Village Community Coalition.

3 EVCC is known for our work to support independent
4 small businesses and the well-being of residents. I'm
5 also the cofounder of the grassroots group Steward
6 [sic] Amy [sic] Avenue B Open Street. Thank you for
7 visiting Avenue B, Commissioner Rodriguez. We
8 understand DOHMH is reaching out to your agency to do
9 a walk-through. We hope that will happen soon. We've
10 been working with our Community Board on the issues
11 there. Unfortunately, EVCC does not believe a one-
12 size-fits-all neighborhood zoning policy is right for
13 the East Village. Much of the commercial space on our
14 residential side streets is grandfathered,
15 nonconforming, meaning it was never meant to be
16 commercial space. It can remain as long as it's
17 consistently leased as such, but it cannot expand.
18 Business owners understand this when they sign a
19 lease, and homeowners or renters do when they buy
20 or rent a home. The proposed ZTA would change that
21 by allowing sidewalk seating on these blocks.
22 Suddenly there can be a café outside your ground
23 floor bedroom window. We believe the proposed
24 citywide text amendment would drive out other
25 business types in favor of food and beverage
establishments, accelerating the documented loss of

3 retail diversity in our neighborhood. A thriving
4 retail corridor like East Ninth Street has clusters
5 of independent daytime businesses whose clients
6 patronize other businesses when they visit. As soon
7 as this ratio shifts and a boutique finds itself the
8 only daytime business on block of restaurants that
9 open at 5:00 p.m., the business' days are numbered.
10 This traditionally more affordable side street real
11 estate isn't nearly attractive to the hospitality
12 industry without the opportunity for expanded outdoor
13 seating. Food and beverage establishments pay higher
14 rents, but also have greater impact with later hours,
15 frequently deliveries and trash pick-ups in the
16 overnight hours. It's one thing to activate an outer
17 borough street whose residents need places to dine
18 outdoors, but quite another to further burden
19 residents--

20 SERGEANT AT ARMS: [interposing] Time
21 expired.

22 LAURA SEWELL: already suffering from the
23 oversaturation of nightlife establishments.

24 CHAIRPERSON VELÁZQUEZ: Thank you.

25 LAURA SEWELL: Thank you.

2 COMMITTEE COUNSEL: Next speaker will be
3 Diem H. Boyd to be followed by Ben Prosky.

4 SERGEANT AT ARMS: Time starts now.

5 COMMITTEE COUNSEL: Diem H. Boyd, if you
6 see a request to unmute yourself, please do so.

7 We'll come back to Diem H. Boyd and go to Ben Prosky
8 to be followed by Leslie Clark.

9 SERGEANT AT ARMS: Time--

10 COMMITTEE COUNSEL: [interposing] Ben
11 Prosky?

12 SERGEANT AT ARMS: starts no.

13 BEN PROSKY: Thank you to the City
14 Council for holding this hearing today. I'm Ben
15 Prosky, the Executive Director of the American
16 Institute of Architects New York, also known as AI
17 New York, which represents New York City architects.
18 AI New York is strongly supportive of the Open
19 Restaurants program. Many architects who work in the
20 city agencies have helped streamline the program in
21 expanded scope, while those who work in architecture
22 firms have designed many of the outdoor dining
23 structures. As an organization, AI New York has also
24 worked to improve the program. In partnership with
25 New York City Economic Development Corporation and

3 other organizations, we founded the Design Course
4 [sic] which provides pro bono design services to
5 restaurant owners struggling to comply with
6 regulations. Through our Open Restaurants Innovation
7 Program, another collaboration with city agencies and
8 not-for-profits, we've collected examples of
9 successful outdoor dining structures to inform design
10 recommendations for the City. City agencies and
11 groups like ours are continuously working to improve
12 the program. However, the City Council-- if the City
13 Council makes the program's requirements over
14 prescriptive, it will be difficult for us to continue
15 these efforts. The improvements we have seen in the
16 programs compliance scheme and the quality of outdoor
17 dining structures have been possible due to the
18 programs flexibility. Keeping the permanent programs
19 design requirements flexible is critical, because the
20 City's restaurants and streets, which structures are
21 designed around, are not standardized. Each
22 structure is specifically customized and needs of the
23 restaurant it serves, and the street where it is
24 located. As such, rather than making requirements
25 prescriptive, the best way to address concerns about
structures is to produce design guidelines.

3 Guidelines are suggestions not requirements, so
4 they're adaptable to different challenges architects
5 may come across. These challenges include larger
6 urban design issues, such as safety, accessibility,
7 drainage, and waste collection. To best address
8 these issues, there should be more City oversight of
9 outdoor dining structures.

10 SERGEANT AT ARMS: Time expired.

11 BEN PROSKY: Thank you.

12 COMMITTEE COUNSEL: The next speaker will
13 be Leslie Clark to be followed by Bob Gormley, and
14 then we will try Diem H. Boyd again. Leslie Clark?

15 SERGEANT AT ARMS: Time starts now.

16 LESLIE CLARK: Can you hear me?

17 COMMITTEE COUNSEL: Yes.

18 LESLIE CLARK: Thank you. Thank you,
19 Council Members for hearing my testimony today. Like
20 many people I'm a 46-year resident of West Village in
21 New York, and like many people here at the beginning
22 I supported the temporary emergency program, even
23 though it took over residential streets and roadways
24 throughout our neighborhoods. I never believed that
25 the 108 diners who are now under my windows would now
be there forever. I'd like to say it has now been 20

3 months, nearly two years in which outdoor dining has
4 been operating under emergency Executive Orders.
5 Twenty months in which the citizens of a great city
6 have been ruled by one man in City Hall. That is
7 executive overreach. So I'm now pleased that members
8 of the City Council will be able to bring the
9 interest of your constituents back to public policy
10 making at last. This zoning text amendment has
11 arrived at your doorstep from the de Blasio
12 Administration, and it is a sweeping destruction of
13 decades of community wisdom and community activism
14 about where and how businesses should operate in
15 residential and mixed-use districts. Please put the
16 brakes on this failed program. You now have the
17 power to send this poorly conceived, and I believe
18 neighborhood-destroying zoning text amendment, back
19 to the City Planning Commission and ask them to
20 conduct a full environmental impact study that they
21 have failed to do. Members of this City Council can
22 now use your votes to protect your constituents from
23 the congestion, the wrath, the dangerous sheds, the
24 blight, and also protect your constituents from the
25 demonstrated incompetence of the Department of
Transportation. Because let me be clear, if you

3 approve this zoning text amendment the way it has
4 been referred to you by de Blasio's City Planning
5 Commission, you will be handing our sidewalks and
6 streets over to the Department of Transportation
7 which during this temporary--

8 SERGEANT AT ARMS: [interposing] Time
9 expired.

10 COMMITTEE COUNSEL: Next we'll hear from,
11 excuse me, Bob Gormley to be followed by Zachary
12 Chodorow, Jeremy Wladis, and Haley Fox. Bob Gormley?

13 SERGEANT AT ARMS: Time starts now.

14 COMMITTEE COUNSEL: Bob Gormley, we need
15 you to accept the unmute request in order to begin
16 your testimony. Bob Gormley, we'll come back--

17 BOB GORMLEY: [interposing] Okay, come
18 back to me, please.

19 COMMITTEE COUNSEL: Is Zachary Chodorow
20 available? Zachary Chodorow?

21 SERGEANT AT ARMS: Time starts now.

22 COMMITTEE COUNSEL: Do we have Jeremy
23 Wladis available? Jeremy Wladis?

24 JEREMY WLADIS: Can you hear me?

25 COMMITTEE COUNSEL: Yes.

JEREMY WLADIS: I'm here. Ready?

2 COMMITTEE COUNSEL: You may begin.

3 JEREMY WLADIS: Thank you. So I just
4 want to say thank you to the City Council for
5 bringing this up and letting everyone testify and all
6 the above. I do understand that these sheds as you
7 call it, cabanas we call it, have caused issues and
8 need to be properly taken care of and done the right
9 thing, and I do think that you guys will make sure we
10 do that, and we want to do that. You know, about 30
11 years ago I had a little restaurant in the Upper West
12 Side, my first restaurant ever called Firehouse, and
13 City Council luckily allowed us to operate the café
14 even though the tenants of the Upper West Side did
15 not want it. Later on they put some legislation in
16 to allow us, and we were then thanked for improving
17 the quality and the safety of the neighborhood
18 because of the cafes outside the regular sidewalk
19 cafes. I also want to thank Gale Brewer, Scott
20 Stringer, Helen and Linda Rosenthal because they were
21 great during the pandemic. They came and walked the
22 Upper West Side with us and we got together at
23 committee and we pushed to get something like the
24 cabanas, and you guys, we appreciate that you guys
25 came through, and without you guys we wouldn't be

3 here. So many of us, I'm talking, would not be here,
4 restaurants and the people that work in these
5 restaurants. So we really appreciate it, and I will
6 tell you how important it really is. We stayed open
7 almost the entire pandemic, for the team,
8 neighborhood and me, and it probably saved my
9 marriage that I wasn't home all the time. So, I
10 thank you guys for all that, and it saved our
11 business for sure. It's a matter of survival. Our
12 business is not at 100 percent, and even at 100
13 percent our profit is roughly 10 percent, and 10
14 percent is not even there anymore because the cost of
15 everything has gone up. The team members all deserve
16 more money and we've been paying them more money, but
17 the cost of everything is up more. We cannot
18 survive--

18 SERGEANT AT ARMS: [interposing] Time
19 expired.

20 JEREMY WLADIS: Thank you. Please,
21 please, please help us. We really--

22 COMMITTEE COUNSEL: [interposing] Thank
23 you.

24 CHAIRPERSON RILEY: Counsel, just a
25 reminder to everyone. We want to stick to the time

3 allocated. You can submit your testimony, written
4 testimony to the Council as well. Just wanted to
5 reiterate that. Thank you.

6 COMMITTEE COUNSEL: Thank you, Mr. Chair.
7 The next speaker will be Haley Fox, and then we will
8 try Bob Gormley and then we will try Zachary Chodorow
9 again. Haley Fox?

10 HALEY FOX: Hi, thank you for hearing my
11 testimony. I'm going to continue mostly what Jeremy
12 was saying, which is that I think restaurants are
13 dependent upon these structures. I'm one of the
14 owners of Alice's Tea Cup on the Upper and West and
15 East Side. A business like mine is dependent on
16 events. There's no pivoting to delivery and it has
17 never reached 100 percent since we reopened. We've
18 also had to close again twice due to outbreaks and
19 not feeling safe for our staff and our customers.
20 So, Christmas time we closed because of Omicron, and
21 that would have been the month we were going to catch
22 up the most for the year. So I think ever restaurant
23 is back-footed and everyone who is voicing very, very
24 reasonable complaints on things we need to work out,
25 is not recognizing the fact that restaurants work on
a margin of about 10 percent. Everything has gone

3 up, all expenses. Anything we were given by our
4 landlords during the pandemic at the beginning is
5 over now, and we're paying retail and plus on
6 everything at this point, and it'll take years for us
7 to catch up if we're lucky enough to do so. These
8 structures provide us the extra seating, and done
9 properly they provide us also a way of staying out of
10 confrontation with people who come in and say, "Oh,
11 but I'm not vaccinated, but I want to eat inside."
12 Because we can say you can eat outside. Also we
13 service a lot of kids at my place. I think a lot of
14 businesses feel that way, and as we know, 25 percent
15 of children have gotten vaccinated, not 50, not 75,
16 25 percent. So there's really no other way. I'm
17 still getting cancellations because one member of
18 each party is not vaccinated or said they don't feel
19 comfortable eating indoors, and that's happening even
20 today. So, thank you for your time.

21 COMMITTEE COUNSEL: Thank you. Next,
22 we'll hear from Bob Gormley and then Zachary
23 Chodorow.

24 SERGEANT AT ARMS: Time starts now.

25 BOB GORMLEY: Thank you. My name's Bob
Gormley. I'm the District Manager of Manhattan

3 Community Board Two, and by the way, I was also the
4 sidewalk café attorney at the Department of Consumer
5 Affairs in 2003 when Mayor Bloomberg streamlined the
6 process, because-- took it away from the Department
7 of Transportation because it was taking them 15
8 months to process an application. There's many
9 concerns. I have many concerns about the details of
10 this legislation, but due to the two minute limit,
11 I'll focus on one issue that is crucial to us. The
12 time allowed for Community Board review of an
13 application for permanent Open Restaurant program
14 must remain at 45 days. The proposed legislation
15 would reduce the amount of time for Community Board
16 review to a mere 30 days. As I believe the
17 Department of Transportation already -- is already
18 aware, and I'm sure most or all Council Members
19 know, limiting the window of review to 30 days would
20 preclude the review of many of the applications that
21 are forwarded to us by DOT. Community Boards operate
22 on a monthly cycle which includes legal public notice
23 requirements, monthly Community Board public
24 hearings, committee hearings and a full board meeting
25 at which all committee resolutions are reviewed and
voted on. If for example, DOT was to forward an Open

3 Restaurant application to a Community Board the week
4 after the reviewing committee had met, the 30 days
5 would expire before the application could be reviewed
6 on voted on at the following month's full board
7 meeting. This is a very real problem. Under what
8 was formerly the Department of Consumer Affairs, the
9 45-day Community Board review period was adequate,
10 although at times barely so. It allowed Community
11 Boards and therefore our community constituents an
12 opportunity to ask questions, raise concerns, and
13 offer suggestion to the applicants. It allowed the
14 public an opportunity to fully participate in an open
15 and transparent process. In order to ensure that the
16 public continues to have that opportunity, it is
17 imperative that Community Boards continue to be given
18 45 days to review every Open Restaurant application.
19 Streamlining the process is laudable, but it should
20 not happen by eliminating the public review. Thank
21 you.

22 COMMITTEE COUNSEL: Thank you. Next
23 we'll hear from Zachary Chodorow.

24 SERGEANT AT ARMS: Time starts now.

25 ZACHARY CHODOROW: Hello.

COMMITTEE COUNSEL: Zachary Chodorow?

2 ZACHARY CHODOROW: Can you hear me?

3 COMMITTEE COUNSEL: Yes.

4 ZACHARY CHODOROW: Am I still on mute?

5 COMMITTEE COUNSEL: I can hear you.

6 CHAIRPERSON RILEY: We can hear you.

7 ZACHARY CHODOROW: I'm Zachary Chodorow.

8 I'm one of the owners of Red Farm in the West Village
9 on the Upper West Side, and have had various
10 restaurants throughout the City over the years as
11 well, and the Open Restaurants program has been an
12 absolute life saver to me and our industry and you
13 know, not just as a restaurateur but also as a
14 resident of New York City, Manhattan, and the parent
15 of a small child who's not yet old enough to be
16 vaccinated, as well as the parents of a dog. Outdoor
17 dining has improved the quality of life I think in
18 many ways for the City, especially for young parents
19 or parents of young children, and the old process was
20 just too time consuming and extensive. When I
21 applied for my sidewalk café on the Upper West Side,
22 even though we had a relatively easy experience, it
23 still took six months and cost us almost 7,000
24 dollars in filing fees, which would certainly be
25 higher today, and then an additional, 15-16,000

3 dollars in other upfront costs, which for a lot of
4 restaurants is just, you know, out of the question,
5 and I imagine that's-- being such a big increase in
6 the number of people doing outdoors, not just because
7 of the pandemic, but because you know, they were just
8 never able to do it before, but they would have.

9 Yes, there's many things I'm sure that need to be
10 figured out, but I think it's important to support
11 the restaurant industry and support, you know, the
12 activity on the streets by making the Open
13 Restaurants program permanent. So, just want to give
14 my full support as both a restaurateur and a
15 resident. Thank you.

16 COMMITTEE COUNSEL: Thank you. The next
17 group of names will include Elizabeth Blouin, Paul
18 Italia, Cyndi Stanimirov, Susannah Koteen, and
19 Barbara Sibley. Elizabeth Blouin will go first,
20 followed by Paul Italia.

21 SERGEANT AT ARMS: Time starts now.

22 ELIZABETH BLOUIN: Hi, thank you for the
23 time to testify. My name's Elizabeth. I'm the
24 General Manager at Sarabeth Park Avenue South.
25 During COVID, all Sarabeth locations, including two
sister restaurants, were closed and one of them was

3 permanently closed. Some of our locations were able
4 to reopen because of the expanded seating Open
5 Restaurants provided when indoor dining was not
6 possible, and many people did not want to dine
7 indoors. My location in particular was closed for
8 what was days short of an entire year due to our
9 location relying heavily on business clients who
10 weren't working in the City at that time. We reopened
11 in March 21, and having the ability to expand our
12 outdoor dining when we were jut coming out of the
13 winter months was critical to building our business
14 back as there was still many people who did not want
15 to dine inside for various reason. We were able to
16 on-board new employees to cover the demand of outdoor
17 dining even with the time we are currently in due to
18 the latest surge. We have retained many of those
19 employees, but it's still been a challenge. As much
20 as the program helped our company, I can imagine how
21 critical the program was and continues to be for
22 small business. Many of us big and small are still
23 trying to get through the pandemic and continue
24 making it through and the aftermath to keep our
25 employees working. Many of them who were waiting by
the phone waiting for the call that they were going

3 to be coming back to work. My company has invested
4 thousands of dollars to build out roadway seating and
5 sidewalk cafes while being compliant with rules and
6 regulations that have been provided to us, creating
7 ambiance, maintaining and updating our sheds for
8 colder months, all while maintaining our commitment
9 to running a respectable outdoor operation which our
10 guest enjoy. Many people are still not comfortable
11 indoors and their reasons vary, but are all due to
12 health concerns. The latest surge of COVID knocked
13 us back to reopening in March 21 when we waited
14 months for our business to gain some of what we lost.

14 SERGEANT AT ARMS: Time expired.

15 ELIZABETH BLOUIN: Thank you.

16 COMMITTEE COUNSEL: Next speaker-- Thank
17 you. The next speaker will be Paul Italia followed
18 by Cyndi Stanimirov.

19 SERGEANT AT ARMS: Time starts now.

20 PAUL ITALIA: Thank you. Thank you very
21 much for allowing me to testify today. My name is
22 Paul Italia. I'm the owner of The Stand Restaurants
23 and Comedy Club in Union Square and also Joey Rose is
24 a bar and sandwich shop in the Lower East Side. I
25 just would like to thank everyone who was

3 instrumental in letting the open streets and the Open
4 Restaurants actually happen, because without it we
5 would not be in existence today. I've heard a lot of
6 people say that 100,000 jobs were saved is a bogus
7 number. I can tell you that number is probably on the
8 low side. I for one employed about 60 people before
9 the pandemic and we're finally being able to employ
10 that same amount of people. We're all residents of
11 New York, restaurant owners, restaurant workers, so
12 the division of residents to the restaurant owners
13 and the workers are not at all benefitting everybody.
14 I think it's also a conversation that's not entirely
15 true. We've-- we're all in this thing together.
16 COVID's not over, and if anything we've experienced
17 the surge in the last 30, 40 days, 50, 60 days. If
18 it wasn't for the outdoor we would have to shut down
19 again all over again. You know, people want to be
20 outside. So, think about it, all the people that are
21 complaining, there's at least 10 to 20 people to
22 every one of those who still want to eat outside and
23 want to benefit from this program, and it's a
24 necessity. We are all New Yorkers. We're all in
25 this thing together. We all have to figure out a way
to make this work permanently. Restaurants are going

3 to take a long, long time before they make back the
4 money, and it's not just about the two years of the
5 past, it's the next few years to help us stay alive.
6 If you want to see less rats, make sure your tenants
7 in the neighborhood, the restaurants and the
8 businesses don't go out of business, because once the
9 people are gone, that's when the rats really come
10 out, and I keep hearing about the rats. It's
11 something that we could all figure out and control.
12 Garbage is something we can handle, and everything
13 can be made better if we work together to make a
14 system that works for all. So, I like the open
15 forum--

16 SERGEANT AT ARMS: [interposing] Time
17 expired.

18 PAUL ITALIA: Thank you.

19 COMMITTEE COUNSEL: We'll hear from Cyndi
20 Stanimirov followed by Susannah Koteen.

21 SERGEANT AT ARMS: Time starts now.

22 COMMITTEE COUNSEL: Cyndi Stanimirov, if
23 you can hear me, we need you to accept the unmute
24 request in order to begin your testimony. We'll come
25 back to Cyndi Stanimirov and try-- Cyndi Stanimirov,
is that?

2 CYNDI STANIMIROV: Yes, that's me. Am I
3 good to go?

4 COMMITTEE COUNSEL: Yes.

5 CYNDI STANIMIROV: Okay. My name is
6 Cyndi Stanimirov. I am the General Manager of Red
7 Hook Lobster Pound in Red Hook Brooklyn. I'm here
8 today to testify on behalf of the passage of the text
9 amendment and the legislation to make outdoor dining
10 permanent in New York City. By way of background, Red
11 Hook Lobster Pound is an acclaimed seafood restaurant
12 in a quaint seaside village of Red Hook, Brooklyn.
13 Retail venues in Red Hook rely on the influx of
14 visitors during warmer months in order to meet our
15 expenses. Red Hook is very quiet and cold in the
16 winter. When COVID closed-- when the COVID closure
17 in March of 2020 began, we were looking at very bleak
18 year and were worried about our ability to continue
19 our business. Spring is when business accelerates,
20 and not being able to seat inside was a potential
21 death meal [sic]. We were lucky that we had a
22 licensed outdoor café, but under previous guidelines
23 we were only able to seat 12. For a restaurant that
24 seats 70 inside, serving 12 was not going to pay the
25 bills. The emergency outdoor dining enabled us to

3 continue our business at a robust level, and we
4 invested \$50,000 to build a beautiful outdoor dining
5 complex. Since inception we've employed 10
6 consistent fulltime positions that never would have
7 existed without the outdoor venue. In fact, another
8 25 positions would have been eliminated if we did not
9 have the opportunity to serve outdoors. The process
10 for obtaining a licensed café, sidewalk café, cost
11 3,000 dollars on top of 6,500 dollars per rent paid
12 to the City. The process is antiquated, involves
13 architects and engineering and expeditors, all six--
14 for all six tables on the sidewalk. The process
15 needs to be updated and the text amendment and the
16 legislation is a great starting point. The proposed
17 legislation is a great first step, but we realize
18 over the last few years clearer, concise, and
19 meetable [sic] standards and practices are key to
20 making any program. We urge the City Council and
21 Mayor to continue to work with the New York City
22 Hospitality Alliance on making changes. Thank you.

23 COMMITTEE COUNSEL: Next we'll hear from
24 Susannah Koteen to be followed by Barbara Sibley
25 [sp?].

SERGEANT AT ARMS: Time starts now.

2 SUSANNAH KOTEEN: Hi there. Thank you so
3 much for having me. You can hear me?

4 COMMITTEE COUNSEL: Yes.

5 SUSANNAH KOTEEN: Okay. My name is
6 Susannah Koteen and I own three restaurants in
7 Harlem, and the simple fact is the outdoor dining has
8 been a lifeline and has allowed us to survive. I know
9 that I speak for many of us when I say that. And
10 absolutely it has saved jobs. It expands our
11 capacity to seat people, and without that we wouldn't
12 be able to keep the same number of people employed.
13 I know that a lot of people are concerned about
14 garbage and rats, as am I. I live a few blocks away
15 from my own restaurant. We sweep up tons of garbage
16 on our-- tons of litter on our block every day. We
17 have a commercial company, as we're required to do by
18 law. We power wash our side walk, and this is
19 because we want to create a welcoming environment.
20 If we weren't able to survive, our restaurant goes
21 dark, and who's cleaning up this-- who's cleaning up
22 this corner. I mean, I think we all are concerned
23 about rats. That's been a problem in New York City
24 probably since the beginning of time. Restaurants
25 are something I care about deeply. They're a huge

3 part of our quality of life. New York City is
4 special because we have independently-owned
5 restaurants from everywhere in the world, whether
6 it's from high-end to your diner or your, you know,
7 favorite hole-in-the-wall bar, and they employ tons
8 of people. They employ artists. They employ
9 students. They employ people who don't necessarily
10 need a college-- or don't have a college education,
11 and they provide good paying jobs, and they supply a
12 lot of tax revenue for the City, which the City is--
13 during the pandemic were in dire need of jobs, tax
14 revenue, and life in the streets, and having more
15 people out, about, and eating and drinking is I think
16 a great thing. So, it was-- if there's problems,
17 then we absolutely can look at those and solve them,
18 but this is a very, very important part of our city,
19 and I think it should absolutely become permanent.

20 SERGEANT AT ARMS: Time.

21 COMMITTEE COUNSEL: Next we'll hear from
22 Barbara Sibley.

23 SERGEANT AT ARMS: Time starts now.

24 BARBARA SIBLEY: So, thank you for this
25 very thoughtful process of the City Council. I have
full faith that we will find rules and regulations

3 that will make this continue. I'm Barbara Sibley.

4 I've been running restaurants in the East Village for
5 37 years, started working with Gabe Liebewal [sp?].

6 My condolences to Zach Chodorow and the Red Farm
7 family, for Ed Schoenfeld [sp?]. I would say that my
8 restaurants, it's not even just the good jobs, but my
9 restaurant alone feeds 150 people and families. So,
10 it's children, you know, it's not just the employees.

11 You're also thinking about all of their families as
12 well. We were able to support our butcher, the paper
13 good, I mean, it's really a deep, deep web, and

14 having the Open Restaurants has been key to us to
15 keep staying in business. We really are the living
16 room and community center for our communities, being
17 able to provide normalcy, being able to provide a

18 reminder during the pandemic that things could
19 continue and that New York would come back. But
20 regardless, every time the weather is cold for the
21 foreseeable future, we will have to deal with COVID.

22 There's a reason why New York State has introduced
23 the key to New York. I mean, there has to be-- every
24 business has to have a pandemic plan, and having open
25 New York, the City Council focused on Open

Restaurants, means that the City Council also is

3 recognizing that. As a city we need to have a plan.

4 We need to have it rational, equitable, because the

5 old sidewalk café process was not equitable process

6 where every restaurant in the City has a place for

7 their community if we need to be outside. I still

8 have guests that really feel much more comfortable

9 sitting outside. So we really, really appreciate the

10 time and we have full faith that this is really a

11 great step for the City. It really allows for equity

12 unity, and--

13 SERGEANT AT ARMS: [interposing] Time

14 expired.

15 BARBARA SIBLEY: Thank you.

16 COMMITTEE COUNSEL: Thank you. the next
17 set of names-- the next set of speakers will include

18 Michele Birnbaum, Michael Marino [sp?], Augustine

19 Hope, Gabriel Stulman, Darlene Luke [sp?], Pauline

20 Augustine, and Stuart Waldman. The first speaker

21 will be Michele Birnbaum to be followed by Michael

22 Marino.

23 MICHELE BIRNBAUM: Hello, thank you,

24 Chairs and Council for hearing my testimony today.

25 Prior to rules being loosened because of the pandemic

and in an effort to help restaurants survive, the

3 laws governing the use of sidewalk space and sidewalk
4 cafes were clearly enumerated. Those rules remain
5 necessary to prevent street over-crowding, impeding
6 the pedestrian way, and maintaining sanitary
7 conditions and rodent control, parking availability,
8 and respecting current sidewalk café license holders
9 and the current zoning resolutions. Prior to the
10 pandemic, a perspective restaurateur did his due
11 diligence as to demographics and possible locations
12 of his new restaurants. He prepared a business plan,
13 consulted professionals, and after his research and
14 preparation he made a decision to sign a lease and
15 open. Under normal circumstances those businesses
16 thrived and there's no reason to think they will not
17 thrive again. To make this temporary program
18 permanent would be to throw out [inaudible] all the
19 tenants of entrepreneurship and infantilize a
20 community of business people who are more than
21 capable of playing under the rules which guided them
22 at the start. Continuing the Open Restaurants
23 program on a permanent basis would line the city with
24 unattractive, uninspected structures which should be
25 approved and monitored by the DOB for safety and
compliance, thus adding another layer to bureaucracy

3 and the expansion process. It would diminish the
4 property rental market as restaurant owners would
5 rent less square footage than they need, thinking
6 they have inexpensive additional street space. To be
7 useful all year round, space heaters and propane
8 tanks would be used putting everyone at risk. Those
9 who already paid for their café license would have
10 paid for something others will get at little cost.
11 Parking will be significantly reduced which will
12 inconvenience customers and other small businesses.
13 That depend on available parking spaces for their
14 customers. There are many reports of the abandoned
15 structures being used by the homeless on a regular
16 basis after hours. Keeping programs in place long
17 after their benefit or usefulness is bad policy
18 continued on employment insurance or rent subsidies
19 or any financial program put in place to help us
20 through the pandemic--

21 SERGEANT AT ARMS: [interposing] Time
22 expired.

23 MICHELE BIRNBAUM: while being a good
24 idea. Make this with increments on a three-month
25 basis where you review it in increments and then
decide--

3 CHAIRPERSON VELÁZQUEZ: Thank you.

4 MICHELE BIRNBAUM: when all--

5 COMMITTEE COUNSEL: [interposing] Next
6 speaker will be Michael Marino to be followed by
7 Augustine Hope.

8 SERGEANT AT ARMS: Time starts now.

9 MICHAEL MARINO: Hi, sorry about that.
10 Problem unmuting. I just wanted to make it clear,
11 because I am a member of many different
12 organizations, that my testimony is not in
13 affiliation with any organization that I am a part
14 of. It's my own personal testimony, and I just
15 wanted to say that as an avid biker and bike
16 commuter, I can tell you that the outdoor dining
17 sheds are a hazard to all of us bikers and
18 pedestrians, whether it's being close lined by a low-
19 hanging electrical wire that's being used to power
20 the lights or the electrical heaters that's in the
21 shed, or navigating the horrible sight lines that
22 these structures create, making it impossible to see
23 turning cars or jaywalkers. These sheds are an
24 absolute danger to the city streets and to bikers and
25 pedestrians. I want to echo a lot of comments I've
heard today that if this resolution or if this does

2 pass, it cannot be a one-size-fits-all approach. I
3 live on the lower East Side of Manhattan, and I
4 invite any of the Council Members or supporters of
5 this program to come see how these sheds have
6 narrowed our already narrowed streets, making it
7 nearly all but impossible for emergency vehicles to
8 pass. On Clinton Street north of Dulancy [sp?], for
9 instance, you have a full line of sheds on the West
10 Side of the Street and typically a line of illegally
11 parked cars in the bike lane on the east side of the
12 street that's clogging the street to any cars trying
13 to get by. There's also at least one shed along this
14 corridor that is nothing more than a front that hides
15 the parking space used by the restaurant owner so
16 that it's always available to him when he arrives.
17 So I highly suggest that the City Council Members
18 really take a deeper look at this and do not pass
19 this as it was written and continue to take the
20 community's input and the Community Board's input
21 into heart. Thank you very much.

22 COMMITTEE COUNSEL: Thank you. The next
23 speaker will be Augustine Hope to be followed by
24 Gabriel Stulman.

25 SERGEANT AT ARMS: Time starts now.

2 AUGUSTINE HOPE: Hi, can you hear me?

3 COMMITTEE COUNSEL: Yes.

4 AUGUSTINE HOPE: My name is Augustine
5 Hope and thank you for the opportunity to be here.
6 I'm more surprised that members of the hospitality
7 industry while pleading poverty never ever mentioned
8 billions dollars of public funding they have
9 received. Restauranteurs in the West Village for
10 your information have received a total of 226 million
11 dollars over this period. While delis, laundromats,
12 barber shops, hardware stores, etcetera, etcetera
13 have received exactly zip. So, our concern about the
14 restaurants in our community, but let's have a sense
15 of proportion of how much pain they have suffered
16 here. But this is not why I'm here. I represent a
17 group of mixed-use and residential building owners in
18 the West Village of Manhattan and we are concerned.
19 We do understand the uncertainties [sic] of
20 emergencies but this permanent program is not an
21 emergency. Therefore, we believe it should follow
22 the standard process, which is analogous in design
23 followed by syndication, revision, legislation, and
24 implementation. We do not understand why legislation
25 is coming first. We have not seen the final detailed

2 design guidelines. We cannot get very basic
3 questions answered. For instance, will you limit the
4 number of outdoor set-ups on any given block? Or how
5 will you preserve curb access for sanitation,
6 deliveries, moving services, etcetera, etcetera? We
7 never get good answers on these questions when we
8 ask, and we've been asking now for 18 months. So
9 maybe you guys could answer question for us today,
10 just one question. Are you familiar with Paris'
11 Terrasse est du bal [sic] program, which is their
12 version of outdoor dining, and have you considered
13 implementing it here in New York? Thank you very
14 much. And I will explain that if you want me to,
15 what that program is. I don't know how much time I
16 have.

17 CHAIRPERSON VELÁZQUEZ: Ten seconds.

18 COUNCIL MEMBER BOTTCHEER: Well, sir, I
19 would like you to very briefly explain that program.

20 COMMITTEE COUNSEL: Okay, it's broadly
21 equivalent to the New York City Open Dining program,
22 and it was, you know, set up for exactly the same
23 reason, but the difference in Paris is they're very
24 much focused on resident rights, resident quality of
25 life. So they put some very strict controls on it.

2 The program est du bal [sic] mean seasonal, in
3 effect, or annual, and it's seasonal only. It runs
4 from April the 1st to October 31st each year. The
5 outdoor roadway sidewalk set-ups have to close
6 nightly by 10 p.m. Interestingly, absolutely no
7 electrical installations are allowed. So that's kind
8 of a damper on people causing trouble to the
9 community. They have to have see-through barriers so
10 sightlines are not prevented for people who want to
11 look down the street. Furniture must be removed
12 after hours, and there must be absolutely no music of
13 any kind at all outdoors. These would be-- this is
14 absolutely the bare minimum of making a program like
15 the open dining program work. Have you considered
16 it? Thank you.

17 CHAIRPERSON VELÁZQUEZ: Thank you.

18 COMMITTEE COUNSEL: Thank you.

19 CHAIRPERSON VELÁZQUEZ: Next.

20 COMMITTEE COUNSEL: The next set of
21 speakers will include Gabriel Stulman, Darlene Lutz,
22 Pauline Augustine, Stuart Waldman, and Megan
23 Rickerson. Gabriel Stulman first followed by Darlene
24 Lutz.

25 SERGEANT AT ARMS: Time starts now.

2 GABRIEL STULMAN: [inaudible] all clear?

3 COMMITTEE COUNSEL: Yes, we can hear you.

4 GABRIEL STULMAN: Hello, my name is

5 Gabriel Stulman. Thank you to all Council Members

6 and Commissioners for having me today. Pre-COVID I

7 had nine restaurants and 350 employees. Today I have

8 four remaining and 150 employees. I've lost over

9 half of my company and my colleagues. Without

10 outdoor dining, it is likely I would have lost

11 everything. Many of the arguments against this are

12 sight, noise, trash, rodents, etcetera. It is

13 important to acknowledge that although some of these

14 issues may have been exacerbated by outdoor dining,

15 these issues have existed long before outdoor dining.

16 I think those in favor and those opposed are more

17 aligned than we are acknowledging. As an owner, it's

18 literally in my interest to clean and rodent-free

19 cafes. I don't want abandoned or janky-looking sheds

20 either, and I don't like bad operators either. I do

21 want to make it fair and equitable. I want to level

22 the playing field and eliminate arbitrary barriers,

23 and the old system and zoning language is

24 inequitable, unfair, and arbitrary. It must go. Why

25 in the West Village can my neighbors in both

3 directions have sidewalk cafés, but I couldn't?

4 Because they were grandfathered in and I wasn't.

5 Because the sidewalk narrows by two inches at my end

6 of the block. I've previously been prohibited from

7 having a café where my neighbor can have one. How is

8 that fair and just? It's that way because of

9 outdated laws written by people who don't represent

10 the community of today. Outdoor dining may alter our

11 sidewalks, but it also supports the continued

12 existence of restaurant industry. Coinciding with

13 the use of sidewalks has been skyrocketing of costs.

14 To run a restaurant, labor, sick pay, cost of goods,

15 and everything is up 30 percent or more. Outdoor

16 dining helps provide extra seats which provides the

17 opportunity for extra revenue to balance these rising

18 costs. Without outdoor dining, I predict two

19 certainties. More restaurants will close because of

20 the loss of revenue from not having those seats, and

21 those that survive will be forced to become more and

22 more expensive, making dining at a restaurant

23 something for the rich.

24 SERGEANT AT ARMS: Time expired.

25 GABRIEL STULMAN: I have two sentences,

if I may?

2 CHAIRPERSON VELÁZQUEZ: Can you submit
3 your testimony, your written testimony, please?

4 Thank you.

5 GABRIEL STULMAN: I absolutely will.
6 Thank you for having me.

7 CHAIRPERSON VELÁZQUEZ: Thank you so
8 much.

9 COMMITTEE COUNSEL: And for everyone
10 still waiting, we'll just remind viewers that
11 testimony may be submitted to
12 testimony@council.nyc.gov, testimony@council.nyc.gov.

13 The next speaker will be Darlene Lutz to be followed
14 by Pauline Augustine.

15 SERGEANT AT ARMS: Time starts now.

16 DARLENE LUTZ: Thank you for the
17 opportunity to testify. My name is Darlene Lutz. I
18 am a 42-year resident of Manhattan's Community Board
19 Two, the Vice President of the NYPD First Precinct
20 Community Council, and 9/11 breast cancer survivor. I
21 stand with Community Board Two in opposing the
22 radical bills which have codified into law-- and
23 that's what's on the menu today-- will ensure the
24 death of my community. The fact is, our city
25 institutions haven't saved the residents thus far.

3 Those of us living in ground zero are bracing for the
4 months yet to come in 2022, and we know what's in
5 store. The transient masses will return, the booze
6 will flow freely on our streets, and the pounding
7 music invading our homes for hours on end daily will
8 be ignored. The city noise code is archaic. Cheap
9 and powerful systems and the bass-heavy music are a
10 real pandemic. The New York State Liquor Authority
11 Commissioner, Greeley Ford, a bass-playing musician
12 recently went on the record stating that windows and
13 cement don't mitigate pounding bass. The current
14 bills on the floor today don't come close to
15 addressing the noise. Restaurants that wish to take
16 part in this outdoor community program should be
17 banned from any and all live or recorded music and TV
18 sound, including indoors. We don't owe the quality
19 of our lives to ensure one single industry dominates
20 them. I request a full EIF study be required before
21 any more consideration of these two bills are passed.
22 Thank you.

23 CHAIRPERSON VELÁZQUEZ: Thank you.

24 COMMITTEE COUNSEL: Next we'll hear from
25 Pauline Augustine to be followed by Stuart Waldman.

SERGEANT AT ARMS: Time starts now.

2 COMMITTEE COUNSEL: Pauline Augustine, if
3 you can hear me, you need to accept the unmute
4 request in order--

5 PAULINE AUGUSTINE: [interposing] Okay
6 [inaudible]. Can you hear me now?

7 COMMITTEE COUNSEL: Yes, thank you.

8 PAULINE AUGUSTINE: Thank you. Okay, I
9 want to finish what Leslie Clark started and was cut
10 off. Council Members be aware that this law is
11 written so that you are handing over the entire city
12 to the DOT and only the restaurants in perpetuity.
13 City Council, you will then no longer have anything
14 more to do with it. Think about that, out of your
15 hands. So we both say please wait. Study more. Get
16 facts. Let's wait to see how DOT has [inaudible] to
17 put things together. We cannot rush such an
18 important and long-lived change. So thank you for
19 that pause, and now I'll go into my thing. I'm
20 affected negatively 24/7 by nine sheds out of the 11
21 bars and restaurants on a 425-foot street with 25-
22 foot roadbed. Now you want to have their storefront
23 windows always open. That's written into the law.
24 Have you checked? And those of you who are in favor
25 of this program keep giving out numbers that have not

3 been quantified. You have not provided any proof of
4 how many restaurants and jobs are really saved or
5 created or how much money of the millions and
6 millions of dollars given to restaurant owners went
7 to keeping people on the payroll. Where is the
8 proof? I request that you publish the data. Now
9 more on 500,000 manholes in New York City, gas,
10 drinking water, electricity, steamy sewers, all
11 communications, all Con-Ed utilities are underground.
12 A report by FDNY to the Mayor in 2021 said the rise
13 in manhole fires, which more than doubled from 2,587
14 in 2020 went to 6,104 in Fiscal 2 of 21 [sic]. This
15 seems to prove there was little maintenance besides
16 the rats eating everything that they can underneath
17 on the wires. DOT does not shut down sheds that have
18 serious issues, and I'm irate that this is manhole
19 roulette with my and other's lives. The shed built
20 on my sinking street with sink holes also completely
21 covers a manhole. This street has a history of
22 serious gas problems. Report it to DOT who comes and
23 goes--

24 SERGEANT AT ARMS: [interposing] Time
25 expired.

2 PAULINE AUGUSTINE: I have one more
3 sentence, please.

4 CHAIRPERSON VELÁZQUEZ: Thank you.
5 Sorry, we have to cut you off.

6 PAULINE AUGUSTINE: [inaudible] You've
7 given longer time for other people.

8 COMMITTEE COUNSEL: Next we'll hear from
9 Stuart Waldman to be followed by Megan Rickerson.
10 Stuart Waldman?

11 SERGEANT AT ARMS: Time starts now.

12 STUART WALDMAN: Yes. Can you hear me?

13 SERGEANT AT ARMS: Yes.

14 STUART WALDMAN: I'm going to give a
15 little history lesson. In September of 2020, the
16 City Council produced a law mandating a permanent
17 change in the streets, neighborhoods all over the
18 City. He did this with a single hearing and no
19 notice to Community Boards, and the chief witnesses
20 were Mr. Rigie and Mr. Bookman from the Hospitality
21 Alliance. For the next 10 months the DCP worked with
22 Mr. Rigie and Mr. Bookman behind closed doors to
23 change the zoning text, again without community
24 input. When the DCP finally presented it to
25 Community Boards, it contained this whopper: There

2 were no negative impacts from the program on
3 neighborhoods, no negative impacts. So therefore, an
4 environmental impact statement wasn't needed. When
5 30 out of 46 Community Boards around the City
6 rejected the text, they were ignored. Now we're
7 presented with a zoning text amendment that contains
8 this statement. You can-- well, it kind of implies
9 this statement. You can have a business serving
10 alcohol to 100 people or more right out on the street
11 until 1:00 a.m. in the morning, and that street can
12 still be called residentially zoned. We're being
13 told there'll be changes to this, that noise will be
14 mitigated. This is what it sounds like in front of
15 my window 'til 1:00 a.m. Mitigate that. What are we
16 going to get, the code cancelled to mute them? It's
17 impossible to mitigate noise from these shacks. The
18 process here has been corrupted from the beginning,
19 and now you Council people, two-thirds of you, who
20 are brand new are asked to do this in about a week.
21 Well, start over. Get an EIS. Thank you very much.

22 COMMITTEE COUNSEL: We'll hear from Megan
23 Rickerson.

24 SERGEANT AT ARMS: Time starts now.

25

2 MEGAN RICKERSON: Hi, I'm Megan. I am
3 the owner of Someday Bar in Boerum Hill, Brooklyn. I
4 also serve on the Board of Directors at the
5 Hospitality Alliance, and I started an advocacy group
6 during the pandemic for bars called Save NYC Bars.
7 I'm asking all of you that are saying this 100,000
8 jobs, you know, can't be validified [sic], I just
9 want to know how many of you have ever thought you
10 were going to lose everything, because through my
11 advocacy work I've seen the suffering of people, of
12 my friends and even strangers that have reached out
13 to us. I also figured a way to work with my
14 neighbors very successfully in all of this. In fact,
15 my surrounding neighbors have submitted testimony in
16 support of us because we have figured out a way to
17 communicate with each other. There is a way to
18 figure this out on both ends. I don't want the wild
19 west of drinking in the streets and vomit and chaos.
20 It's not how I run my business. It's not how I've
21 ever wanted to run my business. There's just-- there
22 is a way to communicate with each other, and you
23 know, these all-inclusive statements-- you know, you
24 keep saying one size doesn't fit all for
25 neighborhoods. It doesn't fit all for bar owners, as

2 I said the last time. Not everyone is a bad actor.
3 I've prided myself on the way I treat my neighbors,
4 and I've gotten extremely positive responses. I am
5 happy to compromise on times of closing and, you
6 know, 12 feet, six feet, to make this work, and I
7 think a lot of bar owners and restaurant owners feel
8 the exact same way. This pandemic isn't over for us,
9 and if anyone has ever worked in hospitality, they
10 know that. I opened seven months pre-pandemic, and
11 by the grace of my landlord was the only reason I
12 could make it through, and my outdoor shed, as
13 everyone keeps saying so callously, that I work every
14 day to maintain and keep clean. So when you're
15 making these decisions, I'm not every bad actor and
16 neither are a lot of the people that are doing this.

17 SERGEANT AT ARMS: Time expired.

18 MEGAN RICKERSON: Thank you.

19 COMMITTEE COUNSEL: Next group of names,
20 the next group of speakers will include Josh Spodek,
21 Marco Munos [sp?], Kathy Arntzen, Leif Arntzen,
22 Pamela Schienle, Maroon Merchandani [sp?], and Julie
23 Harrison. Josh Spodek will speak first followed by
24 Marco Munos.

25 JOSH SPODEK: Great, you can hear me?

2 SERGEANT AT ARMS: Time starts now.

3 COMMITTEE COUNSEL: Yes, we can hear you.

4 JOSH SPODEK: As a New Yorker since the
5 80s and an entrepreneur, I support local restaurants,
6 local businesses, and fewer car lanes. Please end
7 Open Restaurants. It does not help restaurants in
8 the long-run. Noise and rats are huge, but small in
9 the big picture. You said this program would be a
10 role model. Hurricane Sandy was nothing compared to
11 what will come. California is permanently on fire.
12 No mystery the cause. Sheds produce tons of plastic
13 waste and heat the outdoors of fossil fuels. Role
14 model inclusion is the opposite of the entire world.
15 Where's the City's climate input? But closer to here
16 and now, given the most valuable land in the world
17 away let's landlords raise rents. Restaurants will
18 struggle just as much. Storefronts and businesses
19 close. I live by West Fourth Street. Seventy
20 percent vacancies on that block. There's a
21 Starbucks, a liquor store, a 99 cent pizza place.
22 They can't sustain the eyes on the street needed to
23 keep the place safe. Neighborhoods fill with
24 transients, crime increases. The restaurants who
25 want to help will suffer when removing zoning returns

3 us to the 70s. Drug use in broad daylight here is
4 insane. Even our centuries-deep community can't
5 overcome you hollowing out our base. Nationwide
6 media stories say move out of New York. Artificially
7 high rents kill our community, safety, and health.
8 Cops gave up fighting drugs here caused by your land
9 grab. Urban decay will reach your home too if you
10 undermine zoning. Everyone's business has suffered
11 during COVID. I could use free land. If you want to
12 help by giving public land, open a food court in
13 Central Park. At least then you won't hurt
14 homeowners. Of course it would be disgusting, but
15 better than Open Restaurants. Why DOT anyway? Yes,
16 remove car lanes, then the DOT is a fox guarding the
17 chickens. Parks would make more sense. Make those
18 lanes parks, community gardens, bike lanes. On small
19 streets make them little playgrounds or just
20 pedestrian only zones. Times Square has more
21 pedestrian space than here. People love community
22 gardens. People don't come to eat in the streets
23 with syringes and rats. They come for neighborhoods.
24 Please protect them by protecting zoning. Thank you.

25 COMMITTEE COUNSEL: Next speaker will be
Marco Munos [sp?] followed by Kathy Arntzen.

3 SERGEANT AT ARMS: Time starts now.

4 COMMITTEE COUNSEL: Marco Munos [sp?] if
5 you can hear me, I need you to accept the unmute
6 request in order to begin your testimony. Come back
7 to Marco. Is Cathy Arntzen available? Cathy Arntzen
8 followed by Leif Arntzen.

9 KATHY ARNTZEN: Yes, can you hear me?

10 COMMITTEE COUNSEL: Yeah.

11 KATHY ARNTZEN: Thank you. My name Kathy
12 Arntzen. I'm the Chair of the Central Village Block
13 Association. Thank you, Council Members Marte,
14 Bottcher, and Yeger for asking important questions
15 for residents. Let's hope these questions are
16 answered. I have lived in the Village 30 years. I do
17 not understand giving our streets and sidewalks away
18 in such a haphazard manner, and especially to the
19 DOT. Many restaurants in our area are past their
20 emergencies, and many admit they have doubled their
21 size now because of outdoor structure, and the
22 roadway space is public space that can be an
23 opportunity for other things. Come downtown. Walk
24 on Cornelia, McDougal, Ludlow. These streets are
25 being destroyed. We have so many quality of life
issues. We need an environmental impact study. Do

2 not rush to pass the zoning text amendment and bill
3 creating a new program for roadbed dining which is a
4 disaster for many neighborhoods. Thank you.

5 COMMITTEE COUNSEL: Next speaker will be
6 Leif Arntzen.

7 SERGEANT AT ARMS: [inaudible]

8 COMMITTEE COUNSEL: Leif Arntzen, if you
9 can hear me, you need accept the unmute request in
10 order to begin your testimony.

11 LEIF ARNTZEN: Hello? Can you hear me
12 now?

13 COMMITTEE COUNSEL: Yes.

14 LEIF ARNTZEN: Okay. Thank you. I'm
15 strongly opposed to zoning text amendments in this
16 bill, what constitutes successful program. Our
17 neighborhood quality of life is in disarray,
18 unrecognizable for many reasonable norms. We have
19 chronic issues of noise, vermin, overflowing trash
20 and raw garbage due to double and triple restaurant
21 volume versus curb space that no longer exists,
22 obstacles to mobility for elderly and disabled,
23 parking for deliveries, pedestrian congestion.
24 Perhaps most alarming is the reduced emergency access
25 for fire truck operations. This is all directly

3 related to the temporary program. Problem isn't if
4 there's a valid argument against making the program
5 permanent. It's keeping track of how many valid
6 arguments there actually are. We are faced with it
7 all becoming permanent without environmental impact
8 study, and accept that the DOT can somehow manage,
9 monitor, mitigate across all our shared interested,
10 monumental complexities, operating cultures, and
11 conflicts of interest. It's just not realistic. The
12 numbers do tell a powerful story. For example, we
13 added 2.5 million square feet of restaurant business
14 for 12,000 restaurants, roughly 250,000 seats out on
15 the street. The permanent program will grow this to
16 27,000 restaurants, six million square feet, roughly
17 800,000 seats out on the street [inaudible] all
18 outside in residential districts. This impact will
19 be-- will fall heaviest in residential zones where
20 there are clusters of available mixed-use space.
21 What I can tell you is that if you live in Chelsea
22 streets are a thousand feet long and one or two sheds
23 located near the avenues is a very different impact
24 from where I live where on Cornelia Street there is
25 11 restaurants. If you walk around the corners for a
similar 100,000 feet, you will pass 31 sheds. Within

2 a three-block radius there is 68 sheds. Then
3 temporary program has-- and is devastated every norm
4 we can imagine. Some say let's split the difference.
5 Maybe some of the sheds can work. I understand that,
6 but the problem is coming up with--

7 SERGEANT AT ARMS: [interposing] Time
8 expired.

9 LEIF ARNTZEN: Thank you.

10 COMMITTEE COUNSEL: Thank you. Next
11 group of speakers will include Pamela Schienle, Arun
12 Mirchandani, Lisa [inaudible], and Julie Harrison.
13 Pamela Schienle?

14 PAMELA SCHIENLE: Yes, hi, can you hear
15 me?

16 COMMITTEE COUNSEL: Yes.

17 PAMELA SCHIENLE: Okay, wonderful. Hi,
18 thank you. Thank you for giving me the time. I'm
19 Pamela Schienle. I have Sel Et Poivre Restaurant
20 which is in the Upper East Side on Lexington Avenue
21 between 64th and 65th Street. It's family-owned and
22 operated, small business, mom and pops. Our workers
23 have been with us 33 years I've been there. The
24 pandemic has hit us hard, and what has saved us is
25 the sidewalk, sidewalk seating. There are still so

3 many people that want to be outside. They don't want
4 to go inside. To keep my restaurant afloat I need to
5 have the sidewalk seating. We do also have a
6 roadside hut, but people feel safer actually on the
7 sidewalk. I'm in a little older, small neighborhood
8 and this sidewalk café brings in joy and happiness to
9 everybody and it helps my business so much. I can't
10 express how highly important it is that restaurants
11 have an opportunity to have inside and outside
12 choices for customers. Customers still want to be in
13 and out, and it's important. With everything going
14 on, you never know what's going to happen next. We
15 have a lot to make up for. So I hope and pray that
16 you can figure out a way that everybody gets a little
17 bit of an outdoor seating. My block, I have many
18 restaurants, and we all communicate together, and the
19 customers and neighborhood all flow together and we
20 try to keep everything the same. We clean the
21 streets ourselves. We pick up the garbage if there's
22 any out there. We try to keep it nice and enjoyable
23 for customers to feel safe and for our business to
24 come back to where it has to be, because right now
25 it's been really tough, and the outdoor sidewalk café
is perfect. It's really good, a good thing to have

3 in New York City. The house-- the outdoor house is
4 so-so. That is a lot up-taking, yes, but tough to
5 keep and we really don't have electricity.

6 SERGEANT AT ARMS: Time expired.

7 PAMELA SCHIENLE: Alright, thank you.

8 CHAIRPERSON VELÁZQUEZ: Thank you.

9 COMMITTEE COUNSEL: Thank you. The next
10 speaker will be Arun Mirchandani to be followed by
11 Julie Harrison.

12 SERGEANT AT ARMS: Time starts now.

13 ARUN MIRCHANDANI: Hey, can I be heard?

14 COMMITTEE COUNSEL: Yes.

15 ARUN MIRCHANDANI: Good afternoon. Thank
16 you all for hosting this and giving us all a chance
17 to speak. I am a restaurant owner on the Upper East
18 Side, up in Yorkville, and I just wanted to take a
19 couple of minutes to say this very simply. Food is
20 what brings people together. Social interaction is
21 what bring people, bring people together. Excuse me.
22 Social interaction is what brings people together and
23 keeps neighborhoods-- keeps neighborhoods vibrant.
24 Roadway dining when COVID took place and the lockdown
25 happened, and once the changes took place it was a
lifeline given to us. As you all know, I'm sure each

3 of you all eat out in New York City. You've seen how
4 the culture has changed. The whole dining culture in
5 New York City has changed. Indoor dining has been on
6 and off with the different variants of COVID. Even
7 with it being on, indoor dining is a lot less busy.
8 People who sit inside want to be spaced much further
9 apart. They contemplate to see how crowded a
10 restaurant is on the inside. A chair vendor of mine
11 who supplied with outdoor furniture said, you know,
12 cost of have gone up, material has gone up, and
13 product has gone up, which is why, you know, last
14 year profits were really low and we laughed because
15 we haven't heard the word profit in years at this
16 point. It's on-- going on the third year. But as it
17 is, we operate on razor-thin profits. This is
18 essential. This is crucial. People complain about
19 the noise, the rodents. This has been a problem in
20 New York for years. Every restaurant owner has been
21 responsible to do their part to communicate and work
22 with their communities and their neighborhoods,
23 including the competition in their neighborhoods. We
24 saved all our 22 jobs. We paid every one of our
25 vendors. If New York City loses restaurants, which
it very well will without this, what's left?

2 SERGEANT AT ARMS: Time expired.

3 ARUN MIRCHANDANI: No heart, no culture,
4 no people, and it's a circle.

5 CHAIRPERSON VELÁZQUEZ: Thank you. Thank
6 you.

7 ARUN MIRCHANDANI: Thank you.

8 COMMITTEE COUNSEL: Next we'll hear from
9 Julie Harrison to be followed by John Senter, and
10 then Katherine O'Sullivan. Julie Harrison?

11 SERGEANT AT ARMS: Time starts now.

12 JULIE HARRISON: Yeah, hi. Hi, my name's
13 Julie Harrison, and I have been a New York City
14 resident for over 45 years. I've raised my kids
15 here. I live in downtown Manhattan, and I have a
16 business here. I pay business taxes. I pay personal
17 taxes, and there-- I-- you know, I've actually been a
18 little heartened hearing some of what people have
19 said throughout the day about what the intentions
20 are. It sounds really great, but you know what, I've
21 lived in New York long enough to know that there's
22 not going to be an outlet for people to complain. I
23 mean, I call 3-- over the years I've called 311 for
24 many, many different reasons, and to no avail. I've
25 called the local police precinct for various reasons

1 to no avail. I've called the buildings people to no
2 avail. It just doesn't work that way. It's all well
3 and good to say yes, we'll take care of our
4 neighborhood, we'll take care of the noise. It
5 doesn't work that way in New York. This is way too
6 soon this kind of decision. We're not done with the
7 pandemic. Let's go back to square one when the
8 pandemic is over and then see what happens. Why
9 would we suddenly be losing restaurants after the
10 pandemic? If we didn't lose-- restaurants close down
11 all the time, you know? That's just a reality, too,
12 as well as rats and noise. Yes, those are all New
13 York City realities, but it-- I live downtown. I live
14 in a tourist destination, and that's a noisy place to
15 expect-- and people have been on here saying how
16 noisy and horrible it is. I just think it's way too
17 soon to be passing some kind of major law like this
18 for-- to benefit one industry at the expense of
19 residents who live here.

20
21 SERGEANT AT ARMS: Time expired.

22 JULIE HARRISON: Thank you.

23 CHAIRPERSON VELÁZQUEZ: Thank you.

24 COMMITTEE COUNSEL: Next group of
25 speakers will include John Senter, Katherine

2 O'Sullivan, Kira [sp?] O'Sullivan, Maria Roth [sp?],
3 and Bruce Williams. John Senter?

4 SERGEANT AT ARMS: Time starts now.

5 JOHN SENTER: I'm John Senter. I've
6 lived in the East Village Lower East Side 43 years.
7 I'm opposed to permanent restaurants. I studied the
8 issue 25 hours, sat through meetings and hearings,
9 submitted testimony, took the online survey, and was
10 allowed to give the Department of Transportation 250
11 characters of advice. My main mode of transport
12 during the pandemic has been walking, sometimes seven
13 miles in a day. For 19 months I've seen countless
14 temporary Open Restaurant structures close up. I
15 understand this industry has been hit hard. I've
16 tried to support neighborhood restaurants, but this
17 industry has proven it won't regulate itself. If the
18 program become permanent, legislation alone won't
19 make it a good one. Many have noted that one-size
20 regulation does not fit all communities. All
21 restaurants should have equal access to a permanent
22 program will capitalize operations, but not must be
23 the sole beneficiaries. Limits on the number of
24 outdoor sheds are necessary. Use the lottery system
25 or allow multiple restaurants on the same block to

2 share one shed. Restaurants sheds often create
3 blockage, even on six-lane two-way avenues. Roadbed
4 sheds should not be allowed on both sides of such
5 streets, especially on MTA bus routes. Unused
6 sometimes ramshackle sheds remain on the streets.
7 Remove them. Any rules must be fairly and constantly
8 enforced. Enforcement must be adequately funded, and
9 the responsible agencies must be up to the task.
10 Despite new leadership I remain pessimistic that DOT
11 will confidently execute its responsibilities. City
12 Planning already failed. The agency's lack of
13 meaningful communication, engagement, and
14 collaboration with Community Boards has been
15 disgraceful. New York's population increased by
16 629,000 people in the last decade. More pedestrians
17 need more space to walk safely. Too many outdoor
18 dining operators have not kept-- they are 50 percent
19 of the sidewalk would clear. Sometimes pedestrians
20 walk by--

21 SERGEANT AT ARMS: [interposing] Time
22 expired.

23 CHAIRPERSON VELÁZQUEZ: Thank you.

24 JOHN SENTER: I'll be submitted
25 additional written testimony.

2 CHAIRPERSON VELÁZQUEZ: Thank you.

3 COMMITTEE COUNSEL: Katherine O'Sullivan
4 will be followed by Ciara O'Sullivan. Katherine
5 O'Sullivan?

6 SERGEANT AT ARMS: Time stars now.

7 KATHERINE O'SULLIVAN: Yes, Please vote
8 against these changes to the zoning laws. Everyone
9 has been affected by COVID, except the COVID
10 vultures, of course. However, it is ridiculous at
11 this stage as the speaker two ahead of me said, to
12 make this permanent while the pandemic is still
13 happening, it's absolutely premature, and listening
14 to the DOT's testimony, they don't even know what
15 they're doing. I have no faith in them and their
16 ability to run this program. Let's talk about fires.
17 Fires have been a terrible tragedy recently in New
18 York City. So, any obstruction to access to
19 buildings to streets by the Fire Department can mean
20 lives. So, I don't understand why the Fire
21 Department doesn't get a voice in this decision.
22 They should be consulted. Their opinions should be
23 listened to. There was fire around the corner from me
24 in Upper Manhattan District 10 where the DOT--
25 current DOT Commissioner used to be our City Council

1 member. And the fire truck could not access from the
2 public plaza because of all the furniture on the
3 street; had to go in through a courtyard, and five
4 homes were lost, five. Maybe it would have only been
5 one or two. It's a disgrace. I don't believe in
6 giving our streets to one liquor restaurant industry.
7 Sympathize with the mom and pops. I sympathize with
8 all the small individual good operators. There are a
9 lot of corporations that are just in it for selling a
10 lot liquor for a lot of money, and funneling it to
11 our elected. So, no, please do not give our streets
12 to one industry. As for enforcement of law and
13 noise, noise ordinances--

14
15 SERGEANT AT ARMS: [interposing] Time
16 expired.

17 CHAIRPERSON VELÁZQUEZ: Thank you.

18 KATHERINE O'SULLIVAN: It's a joke.

19 CHAIRPERSON VELÁZQUEZ: Thank you.

20 COMMITTEE COUNSEL: The next speaker will
21 be Ciara O'Sullivan. Kira O'Sullivan?

22 SERGEANT AT ARMS: Time starts now.

23 CIARA O'SULLIVAN: Hello. Thank you,
24 Council Members, Chairs, and community members for
25 being here and for giving me the opportunity to

1 speak. My name is Ciara O'Sullivan, and I'm an
2 owner-operator at a restaurant in Astoria. Since the
3 pandemic outdoor seating has been vital to our
4 restaurant and still continues to serve as such.
5 Most importantly, it has given me the opportunity to
6 keep a lot more of the staff employed. It served as
7 a lifeline and has turned into an asset for the
8 business of restaurants after being hit so hard by
9 the pandemic. By continuing to keep outdoor dining,
10 it would lessen the blow that the pandemic has placed
11 on both restaurants and staff by offering more seats
12 to fill, more tips for the staff to take home, and
13 more staff to be able to be kept employed. It could
14 also give the opportunity for some restaurants to
15 make up for some of the debt that they may have
16 accrued during the pandemic. Unfortunately, we are
17 still in pandemic and we still have guests that
18 prefer to sit outside because of the open air that
19 the outdoor seating offers. By continuing to allow
20 outdoor seating, the guests that prefer to sit
21 outside will still have the opportunity to go out and
22 enjoy going to a restaurant without taking the risk
23 of compromising their health by sitting indoors. In
24 addition to guests preferring outdoor seating because
25

3 of additional safety, guests really enjoy it. Keeping
4 the outdoor dining system with proper safety measures
5 followed allow the guests to have a meal and a drink
6 outside while enjoying the weather, people watching,
7 and just getting to dine while simultaneously taking
8 part in their community. New York has been hit hard
9 during the pandemic, but I will always be New York.
10 Let's keep our local guests coming out to enjoy the
11 city by dining al fresco. Let's keep the tourists
12 coming here to be able to enjoy a meal and a drink
13 outside while taking in all that New York has to
14 over. The recovery of restaurants in New York City
15 is going to be long, but the continuation of outdoor
16 seating will help us get there much more quickly.
17 Thank you.

18 CHAIRPERSON VELÁZQUEZ: Thank you much.

19 COMMITTEE COUNSEL: Next sp-- the next
20 speaker will be Maria Ross to be followed by Bruce
21 Williams.

22 SERGEANT AT ARMS: Time stars now.

23 MARIA ROSS: Hello. Hi, my name is Maria
24 Ross, and my husband and I are the owner of an
25 establishment in the East Village. I just want to
say what amazing lifeline and godsend the Open

2 Restaurants initiatives was, has been for us. I just
3 want to say that we fully support it in every way.
4 We have worked very hard to be in full compliance
5 with every part of the rules and regulations, the
6 structural components, the design. We maintain
7 cleanliness. We do everything possible to cooperate
8 with our neighbors, and many of our neighbors really
9 have been very grateful for the outdoors. Some of our
10 neighbors who live in small East Village apartments
11 and were stuck inside during the pandemic were really
12 happy to be able to come outside and meet and
13 socialize with their fellow East Village residents.
14 So I would please beg the committee to continue to
15 support the outdoor initiatives. Thank you so much.

16 COMMITTEE COUNSEL: Next speaker will be
17 Bruce Williams.

18 SERGEANT AT ARMS: Time starts now.

19 BRUCE WILLIAMS: Hi, my name is Bruce
20 Williams. I live in Lower Manhattan and as much as I
21 appreciate all the comments of all the people and the
22 suffering that there restaurant industry has
23 suffered, I would like to say that this brings an
24 overall issue to the front. The zoning laws have
25 allowed liquor licenses and restaurants to become the

2 only business that can exist in lower Manhattan to
3 pay the rents. By expanding these roadside sheds,
4 they're allowing these businesses to increase their
5 floor space, even more at a much lower cost than the
6 rent. No other business can compete with liquor and
7 restaurants foods given the rents in lower Manhattan.
8 This produces a single culture economy, and that is
9 one of the biggest problems we have in lower
10 Manhattan and why the industry was hit so hard by
11 COVID. If the economy was spread out with more
12 different types of businesses, maybe like grocery
13 stores and small stores owned by people, the impact
14 would have been much lower. I know it sounds a
15 little bit theoretical at this point, but a
16 monoculture economy cannot last long and it will
17 always experience larger problems than a sped out
18 culture. And I also don't think that DOT can--

19 SERGEANT AT ARMS: [interposing] Time
20 expired.

21 BRUCE WILLIAMS: enforce anything. Thank
22 you.

23 CHAIRPERSON VELÁZQUEZ: Thank you so
24 much.

2 COMMITTEE COUNSEL: Next speaker will be
3 Allie Ryan to be followed by Joseph Iberti and then
4 Eric Martin. Allie Ryan?

5 SERGEANT AT ARMS: Starts now.

6 COMMITTEE COUNSEL: Allie Ryan, if you
7 can hear me, you may begin.

8 ALLIE RYAN: Can you hear me?

9 COMMITTEE COUNSEL: Yes.

10 ALLIE RYAN: Okay, hold on. Trying to--
11 I want to make sure-- hold on. Okay. Unfortunately,
12 I'm in-- driving and my phone won't let me show you
13 where I'm at. I'm actually on Second-- I'm in-- I
14 live in East Village Council District Two, Community
15 Board Three. I'm on Second Avenue, and I wanted to
16 show you what restaurants-- the restaurant shacks
17 look like in my neighborhood, but unfortunately,
18 technology won't let me do so. My name is Allie
19 Ryan. I'm with my daughter. My name-- I want to
20 thank Susan Stetzer, the Community Board Three
21 Manager, and other residents of my neighbor to speak
22 how the Open Restaurants have affected our
23 community's quality of life over the past 20 months.
24 Today, I'm testifying against the Open Restaurants
25 zoning text amendment and the Open Restaurants

3 program, because it may have once been a success, but
4 now it has become a decaying failure, and no portion
5 of it should be made permanent. Indoor dining has
6 reopened. It is time for New York City citizens to
7 regain our street and sidewalks, not restaurant
8 landlords. Hold on, I'm talking right now. If the
9 last two years have inspired some restaurants to add
10 some small footprint of sidewalk dining, let them
11 apply through their local Community Boards. Today's
12 political focus may be on public safety, specifically
13 gun violence and subway safety. I'd like to add
14 restaurant sheds. They make our public streets less
15 safe. In my neighborhood, myself and my two young
16 children are surrounded by abandoned, graffiti
17 structures most of the time, and thus invites illicit
18 activity, rats, flooding, and many promote the image
19 of urban decay. None of our elected officials nor
20 Commissioner Rodriguez discussed when the City will
21 remove all the existing sheds and resume cleaning our
22 streets every day to reduce the standing water,
23 litter, and rats.

24 SERGEANT AT ARMS: Time expired.

25 CHAIRPERSON VELÁZQUEZ: Thank you.

2 COMMITTEE COUNSEL: Next speaker will be
3 Joseph Iberti followed by Eric Mart [sic]. Joseph
4 Iberti?

5 SERGEANT AT ARMS: Time starts now.

6 JOSEPH IBERTI: Unmute. Okay, thank you.
7 I want to thank certainly all the community members
8 and the Commissioners and the number of people who
9 have already spoken. So many of the issues have been
10 raised. I am in opposition to the text amendments. I
11 also have many friends and relatives who are in the
12 entertainment end and the restaurant industry, and I
13 fully sympathize with all those who spoke on behalf.
14 It has been a very difficult time for them. It's
15 been a difficult time for all of us, and I think
16 we're all dealing with that. And quality of life
17 really comes down to, you know, how do you deal with
18 it, and I think the quality of life issues have been
19 really-- they've been discussed, but they are not at
20 the forefront of this discussion when it comes to how
21 things are going to be dealt with. And we've been
22 close to our Police Department or police precinct
23 here, and they've made it clear to us over the last
24 six months to a year, that with their funding issues
25 and their staffing issues, they can't even respond to

3 quality of life. And what's going to happen if this
4 permanent thing would be going into place. All the
5 complaints are going to go to the places where
6 nothing can be done. 311, NYPD, they will not be
7 responding and it will be in the hands, which is
8 frightening, of DOT. I've lived in this city since
9 1975. I have the least respect, and I hope
10 Commissioner Rodriguez has the ability to turn it
11 around, but the DOT is probably one of the worst
12 agencies that this city has ever had. So to put this
13 type of a program in the hands of DOT is just
14 shocking, frankly, and I really hope that--

15 SERGEANT AT ARMS: [interposing] Time
16 expired.

17 JOSEPH IBERTI: I hope you all take this
18 into consideration.

19 CHAIRPERSON VELÁZQUEZ: Thank you.

20 JOSEPH IBERTI: Thank you.

21 CHAIRPERSON VELÁZQUEZ: Thank you.

22 COMMITTEE COUNSEL: Next group of
23 speakers will include Sam Zimmerman [sp?], Jim Burke,
24 David Cohen, Robert Camacho [sp?], Ingrid Wagon
25 [sp?], and [inaudible]. We will begin with Sam
Zimmerman to be followed by Jim Burke.

2 SERGEANT AT ARMS: Time starts now.

3 COMMITTEE COUNSEL: Sam Zimmerman? We'll
4 come back to Sam Zimmerman and try Jim Burke followed
5 by David Cohen. Jim Burke? Jim Burke, if you can
6 hear me, we need you to accept the unmute request.

7 JIM BURKE: Thank you, I just did. Can
8 you hear me?

9 COMMITTEE COUNSEL: Yes.

10 JIM BURKE: Okay, so I want to say that I
11 absolutely love the permanent open street restaurant
12 program. I urge the City Council to pass it. Besides
13 just being a boon to these businesses, it's enlivened
14 or neighborhoods. It's-- the-- when you talk about
15 mom and pops, the money actually stays in the
16 neighborhood. You can't say that about many
17 businesses, but like walking-- with this program now
18 in Queens, whether you're Rockaway Beach, whether
19 you're Jackson Heights, you see the streetscape in
20 the evening and it's absolutely wonderful. And
21 everybody's talking about oh we have to check this,
22 we have to check this. Right now, a big SUV could
23 park up in front of one of those restaurants, take up
24 the same amount of space. We're not collecting
25 anything from them. They-- you know, this can be

2 done right, right? And I have a big confidence in
3 Ydanis Rodriguez. He's a big safe street champion.
4 So he's going to make sure that it's not blocking
5 sight lines, that pedestrians and bikes have always
6 the right of way, but this is just really a boon to
7 these businesses, and besides wanting to support
8 them, it makes our neighborhood a lot nicer. And any
9 complaints people have about noise and those kinds of
10 issues, this is New York City, and obviously, you
11 know, depending on where you live, there can be some
12 concession to making sure that is not-- that noise is
13 not carried into the mid night, into the late night.
14 But this is a wonderful program, and I want to thank
15 everybody in the City Council who supports it, and I
16 would urge you to think about how wonderful it makes
17 these neighborhoods and lively, and I'm 100 percent
18 for it. Thank you.

19 CHAIRPERSON VELÁZQUEZ: Thank you.

20 COMMITTEE COUNSEL: Next speaker will be
21 David Cohen followed by Robert Camacho. David Cohen?

22 SERGEANT AT ARMS: Time starts now.

23 DAVID COHEN: Thank you everyone. Thank
24 you, Council Members. It's great to be here. I think
25 it's important to remember why these sheds and

3 outdoor-- this program started in the first place,
4 and it's COVID. We've heard that from shockingly few
5 people, right? The idea was sitting outside in the
6 open air was more healthy and people could feel safe.
7 I now see these sheds on the street that are fully
8 enclosed on four sides. These are indoor buildings.
9 These are not outdoor seats. These are nothing-- and
10 look, I'm someone who doesn't want to eat indoors and
11 I don't feel safe in those outdoor sheds for that
12 reason. These are no circulation indoor buildings.
13 This is a private taking of public land for free.
14 This is a-- they're worried about profit, not public
15 health. And I feel for these people. I understand
16 they've been hit hard, but the other thing that I
17 haven't heard anyone recommend is why not just keep
18 this temporary? We're not done with COVID. We're
19 not done with the pandemic. So, let's roll this
20 forward, try to make it better, but to just make it
21 permanent based on what I've heard today from the
22 DOT, that's frightening. They have not thought
23 clearly about the obvious questions that were asked
24 by Councilman Marte and others. They didn't have
25 answers to the most obvious questions. They're not
ready to handle this. I have no confidence that they

3 can do it right. This should not be made permanent
4 on the basis of the experience we've had for 20
5 months that have been talked about by countless
6 others today. It's clear this is a money grab and
7 not a public health thing that started this very
8 program and one that I loved in the beginning for the
9 reasons to be safe from COVID. That's not what this
10 is about anymore, and we need to keep that in mind
11 when we think about what's this going to look like if
12 you allow this to be carte blanche and hand over the
13 power to a powerful industry lobby. Thank you, and I
14 hope you vote against this.

15 COMMITTEE COUNSEL: Next we'll hear from
16 Robert Camacho followed by Ingrid Wiegand. Robert
17 Camacho?

18 SERGEANT AT ARMS: Time starts now.

19 ROBERT CAMACHO: How are you,
20 Chairperson? My name is Robert Camacho. I am the
21 Chairperson of CB4 in Brooklyn, Bushwick, the
22 forgotten borough. This is where everybody wants to
23 come and party and drink and dump their garbage all
24 over the place. The various quality of life issues
25 we have, the lack of oversight enforcement,
commercial sanitation management issues, the loss of

2 parking weight heavily against the potential program
3 benefit also benefit the establishment owner and the
4 commercial landlords. I am 60 years old. My
5 grandmother lived her. She was 103, 103 I live. My
6 whole family in Bushwick. To see this is
7 disheartening. They're giving away our land.
8 They're giving away-- the development as-of-right.
9 The bike racks. Where's the Q&A to see if it's
10 working, what's not working? The bike lanes, they're
11 not using them. They're going the wrong way like I
12 used.

13 CHAIRPERSON VELÁZQUEZ: [inaudible]

14 ROBERT CAMANCHO: Huh?

15 CHAIRPERSON VELÁZQUEZ: Let's stay on
16 topic.

17 ROBERT CAMANCHO: Oh, exactly. It is,
18 because they're giving away our space, and that's
19 what it is. They're giving away to private entities,
20 to the real estates-- to the restaurant. And I own a
21 home for 40 years. I can't-- I clean [sic] 18 over
22 the curb. I take the snow out, but you don't give me
23 my parking space to a residential parking. Can I pay
24 \$1,600 like they do and join the program? We really
25 need to focus on if it's going to work. If it

3 doesn't going to work, and also enforcement and
4 making sure that we all benefit from this program.
5 Not only the community, especially the people that
6 lived here all their lives. And guess what? I don't
7 know--

8 SERGEANT AT ARMS: [interposing] Time
9 expired.

10 ROBERT CAMANCHO: any Council Member--

11 CHAIRPERSON VELÁZQUEZ: [interposing]
12 Thank you.

13 COMMITTEE COUNSEL: Next speaker will be
14 Ingrid Wiegand followed by Zach Neil.

15 SERGEANT AT ARMS: Time starts now.

16 INGRID WIEGAND: Yes, thank you. I
17 really am echoing the people who've spoken before me.
18 I am for this in principle, but I feel that it's far
19 too broad and it has to be thought through further. I
20 also want to mention that I have been appalled that
21 the legislation which permitted these sheds to be on
22 three sides has allowed the majority of sheds to
23 enclose the fourth side, which is really contrary to
24 any ventilation requirement that you have for
25 restaurants and really makes it more likely to get
COVID inside these spaces. Further, I think that the

2 DOT is just ridiculous. They were giving permits for
3 sidewalk restaurants and 15 months and it was taken
4 away from them. So now you're giving them far more
5 sidewalk restaurants to manage. This is ridiculous.
6 You need to think through and you're not doing it.
7 So, that's really the main thing that I require of
8 tis council. Thank you.

9 CHAIRPERSON VELÁZQUEZ: Thank you so
10 much.

11 COMMITTEE COUNSEL: Next we'll hear from
12 Zach Neil who will be followed by Sam Zimmerman.
13 Zach Neil?

14 SERGEANT AT ARMS: Starts now.

15 ZACH NEIL: Hello, how are you? Can you
16 hear me?

17 COMMITTEE COUNSEL: Yes

18 ZACK NEIL: Okay. Thanks for the time.
19 I'm going to be quick. I don't really have any
20 questions, just a statement. I'm a multiple business
21 owner in New York City in the East Village. I'm also
22 Native American by descent, and so I find it kind of
23 funny hearing a bunch of elderly white women talking
24 about land rights and how this is their neighborhood
25 and everything's bad. A little bit offensive since

3 the entire City of New York is built on stolen land,
4 but we'll move beyond that. This program-- a lot of
5 people are disputing the 100,000 jobs. Well, I
6 employ 260 people, all of which lost their job and
7 then regained them because of outdoor dining programs
8 during the pandemic. Our businesses wouldn't exist
9 without them. I do see a point in unifying the
10 structures. There are a lot of structures that are
11 definitely unsafe. You're seeing tents and things
12 that are dilapidated, so I'm not completely in
13 disagreement with the opposition on some of those
14 issues. there needs to be a uniformed standard way
15 to build these structures so that they're safe and so
16 that they can hold snow loads and things like that,
17 but the idea that everyone's constantly disparaging
18 them, calling them sheds, or shacks, or shanties,
19 that's the same type of language that white people
20 used in the 60s and 70s to keep people of color out
21 of their neighborhood. Putting a disparaging mark on
22 something that is someone's life work that they've
23 spent all of their time and money trying to survive
24 to build and reducing it to a shack. I think that
25 that's a little bit disrespectful and we should try
to change the narrative on how we're referring to

2 people's businesses, not calling them shanties and
3 shacks. I think the main thing is that this is going
4 to pass. This is the future. This is called
5 progress, and progress is happening whether you like
6 it or not. So, from what I've heard today from the
7 Council, you guys seem like you're doing a great job
8 in the keeping the former Mayor's promise and the
9 Governor's promise to make this a permanent program.
10 So I'm very happy to hear that, as New York has a
11 long history of taking things away from my people.
12 That's all I have for today. Thank you.

13 CHAIRPERSON VELÁZQUEZ: Thank you.

14 COMMITTEE COUNSEL: Next we'll hear from
15 Sam Zimmerman. Sam Zimmerman?

16 SERGEANT AT ARMS: Starts now.

17 SAM ZIMMERMAN: Hi, thank you. My name
18 is Sam. I live in the Lower East Side. I'd like to
19 thank the Council Committee for the opportunity to
20 testify in support of the Open Restaurants program.
21 Since the program has started, it's been obvious that
22 it's overwhelmingly popular with people in this city.
23 All you have to do is walk around and see all the
24 folks eating outside to know how popular the program
25 is. In CD3 where I live in the Lower East Side,

3 although the Community Board ultimately voted against
4 the program, it was a highly divided bill with almost
5 even numbers on both sides, and every public poll on
6 the issue, including the City's own, shows that the
7 people in this city overwhelmingly support it. And
8 one of the reasons I support it is because it showed
9 how we can unlock the potential of our streets to
10 create a more vibrant community. In that vein, I
11 wanted to comment on something I heard this morning.
12 I've tried to follow while I've been working
13 throughout the day, but I heard Council Members Carr
14 and Yeger say that Open Restaurants gives away public
15 space to one industry. I just couldn't disagree with
16 that more. Before Open Restaurants roadbeds were
17 used for private car storage. Most New Yorkers do
18 not own cars. Some neighborhoods like mine,
19 ownership is as low as 15 percent. Using roadbeds
20 for dining is a great step to create more space for
21 more people to use the roads in a way that is better
22 for more and reduces conflict on the sidewalks,
23 making the sidewalks pedestrian-friendly. It is
24 great not just for restaurants, but for all
25 businesses, and I heard somebody say earlier that the
Open Restaurants and the sheds, or whatever we're

3 going to call them, dissuade people from coming, and
4 I just don't think that's true. Most people travel
5 to retail businesses on foot, and increasing foot
6 traffic is to be better for everyone. There's
7 obviously some aspects of the program that need to be
8 worked on, particularly surrounding enforcement and
9 of course safety. We need other things like
10 containerization of trash is a major thing that needs
11 to be done as part of this. And so to sum it up,
12 Open Restaurants is a good thing. It needs to be
13 part of an overall reimagining of our street use, and
14 in that regard, I hope Commissioner Rodriguez follows
15 through on his commitment to protect 50 percent of
16 City's bike lanes on his first 100 days.

16 SERGEANT AT ARMS: Time expired.

17 CHAIRPERSON VELÁZQUEZ: Thank you.

18 COMMITTEE COUNSEL: Thank you. Just make
19 a reminder to everyone waiting and listening that
20 written testimony may be submitted to-- by email-- to
21 testimony@council.nyc.gov. The next group of
22 speakers will include Stephen Olsen. He'll be
23 followed by Melanie Frost. Stephen Olsen?

24 STEPHEN OLSEN: Good afternoon. Can you
25 hear me?

2 COMMITTEE COUNSEL: Yes.

3 STEPHEN OLSEN: Great. Thank You for the
4 opportunity to speak today. My name is Steve Olsen.
5 I'm the General Manager of two restaurants, one
6 located at Midtown East and one in NoHo, and our
7 restaurant group consists of six restaurants
8 throughout the City. Over the past two years we have
9 spent thousands of dollars in construction, the
10 outdoor dining sheds, and in the outdoor equipment
11 and furniture for all of these restaurants. The
12 elimination of the lengthy application process prior
13 to the pandemic has allowed us to open all of our
14 restaurants more quickly and try to get back to our
15 previous pre-COVID volume, which to this day we still
16 have not done. With the constant changes in
17 government regulations and inconsistent waves of the
18 Coronavirus. Outdoor dining became a life-saver, and
19 the ability to generate revenue during these
20 difficult times and allow people who still don't feel
21 comfortable sitting inside to eat out at the
22 restaurants. We have increased the capacity to serve
23 more guests, which in return allowed us to keep our
24 staff employed and increase our revenue to combat the
25 rising of prices of food and beverage, labor, and

3 rent. In addition, our restaurant group works hard
4 to make sure our sheds are clean and vermin-free and
5 try to create a safe and comfortable ambiance for our
6 neighbors and guests. The emergency use program for
7 outdoor dining has proven that the previous
8 regulations and a lengthy application process only
9 hinders growth to our industry and limits the amount
10 of restaurants that can get ahead. Making it harder
11 and longer for restaurants to apply for outdoor
12 dining or not operate in their designated zone will
13 only close more restaurants and make the city far
14 harder to be in. I understand the concerns that our
15 neighbors are making, but like some previous speakers
16 before, the problems of trash, rats, and overcrowding
17 sidewalks was an issue before all of the outdoor
18 dining. I think we need to work together to make this
19 program successful for all of us. Thank you.

20 COMMITTEE COUNSEL: We'll hear from
21 Melanie Frost followed by Ryder Kessler, and then Ned
22 Shalanski. Melanie Frost?

23 SERGEANT AT ARMS: Time starts now.

24 COMMITTEE COUNSEL: Melanie Frost, if you
25 can hear me, we need you to accept the unmute request
in order to begin your testimony. We'll come back to

2 Melanie Frost and try Ryder Kessler. Ryder Kessler?

3 Ryder Kessler, if you can hear me--

4 RYDER KESSLER: [interposing] Hello.

5 Yes, can you hear me?

6 COMMITTEE COUNSEL: Yes.

7 RYDER KESSLER: Great. Thanks so much
8 for having me. My name is Ryder Kessler. I am a
9 lifelong downtown Manhattan-ite, 36 years. I'm a
10 member of CB2 Manhattan, but speaking here just in my
11 capacity as an individuals. I just want to break
12 through the dichotomy I've seen between benefiting
13 restaurant owners and you know, the opposition of
14 residents. I think some folks have brought this up,
15 but I'm one of the 80 percent of Manhattan-ites who
16 loves outdoor dining from the perspective of a diner,
17 someone who enjoys the vibrant streetscape that we've
18 enjoyed because of the role that outdoor dining has
19 played in revitalizing the streetscape during COVID
20 and also showing that we can use street space in more
21 diverse ways that also are more sustainable and more
22 equitable. I would emphasize what some other folks
23 that have noted, which is that the status quo before
24 outdoor dining was free parking spaces, of which
25 there are millions in New York equivalent to the size

3 of about 12 Central Parks. That space is not enjoyed
4 by everyone. About 20 percent of households in
5 Manhattan own cars, and their median income is about
6 double that of households that don't. So how public
7 really is that space that can be enjoyed by so few,
8 and which also incentivizes more driving which drives
9 up emissions and hurts the climate and the city
10 overall. So I think-- thinking about ways that we
11 can be using our street space for things like outdoor
12 dining, also containerized trash which people have
13 mentioned, will make the streets more vibrant in
14 years to come. Folks have complained about rats. I
15 don't like them either, but we know that rat
16 sightings exploded before COVID due to sanitation
17 budget cuts and the piles of trash we have on the
18 streets and are not ascribable to the outdoor dining
19 program. So, my headline is just that as a diner, as
20 a resident I love this program and I am very grateful
21 to the Council for their work in thinking about how
22 to make it permanent in way that serves everyone.
23 Thank you.

24 COMMITTEE COUNSEL: Next speaker will be
25 Ned Shalanski followed by Melanie Frost.

26 SERGEANT AT ARMS: Starting time.

2 NED SHALANSKI: Hi everyone. My name is
3 Ned Shalanski and I'm a registered landscape
4 architect in New York City with 14 years' experience,
5 including 11 with the New York City Parks Department
6 where I've testified before the Public Design
7 Commission and Landmarks preservation commission.
8 Special shout out to Kalman Yeger. I designed De
9 Gilia [sp?] Playground in your neighborhood years
10 ago. I hope you're well, and I've appre--
11 [inaudible]. I've learned recently about a provision
12 in the new legislation called the enclosures
13 provision which allows restaurants to leave their
14 windows open during business hours. This provision
15 is a clear violation of the neighborly respect. It
16 permits private establishments to broadcast loud
17 music and entertainment onto often, sometimes small,
18 neighborhood blocks. For restaurant-dense
19 neighborhoods like my own in the Lower East Side,
20 this program has a disproportionate effect.
21 Disproportionate, that's my take-home point and my
22 second big point. Small-scale neighborhoods like
23 mine are overwhelmed by the negative aspects of this
24 program. Neighborhood is composition of unlike
25 people with interest leaving in harmony, and at times

3 sacrificial mutual interest. I'm glad that we're
4 getting through this together, I'm not against the
5 temporary program, but I do think the permanent
6 iteration of the program needs to be studied more,
7 and I don't think that there should be a rush to pass
8 it, especially in small residential neighborhoods.
9 I'm concerned that this program eviscerates the
10 boundaries of civility which permit diversity and
11 thrive. You, me, and our neighbors, we all have
12 radically different ideas across various core values,
13 and good boundaries, well-studied ones in this case,
14 I would submit help us to live more peaceably, allow
15 us to thrive, not just survive. We're talking
16 restaurants, so I have two final entrees for
17 everybody. One, immediately reconsider the enclosures
18 provisions. How does anyone really believe that
19 amplifying noise and entertainment into quiet
20 neighborhoods--

21 SERGEANT AT ARMS: [interposing] Time
22 expired.

23 NED SHALANSKI: Okay. Thank you.

24 COMMITTEE COUNSEL: Thank you. Next
25 we'll hear from Melanie Frost. Melanie Frost?

SERGEANT AT ARMS: Starting time.

2 MELANIE FROST: Hello? Can I--

3 COMMITTEE COUNSEL: [interposing] Hello.

4 MELANIE FROST: Can you hear me?

5 COMMITTEE COUNSEL: Yes.

6 MELANIE FROST: Okay. Hi, my name is
7 Maria Farfen [sp?] I'm actually here on behalf of
8 Melanie Frost, the COO of Ess-A-Bagel, a family-owned
9 business that has been in business for over 40 years,
10 providing the City with New York's best bagel. We
11 actually have benefitted greatly from the Open
12 Restaurant seeing as it made the difference between
13 being able to keep our employees employed and keeping
14 our stores open. We've seen it plenty of times in
15 recent day of without the seating, the stores are
16 empty, and it's important for us that all the
17 families that we employ are safe and are employed and
18 are able to provide for their families, because this
19 is-- this is our extended family here at Ess-A-Bagel.
20 We know that the program is not perfect. We've had
21 to deal with much of what the residents are saying
22 with homeless people and rats and everything, but
23 we've done our best to mitigate and keep our street
24 safe and ensure that our customers are enjoying
25 themselves, and also that our neighbors are able to

2 continue to enjoy their own street, you know.

3 Without this program, you just wouldn't-- the
4 restaurant industry wouldn't be able to survive, and
5 it's not giving away-- it's not giving away land to
6 the restaurants. It's just we don't have it for
7 people-- I know there's indoor dining, but people do
8 not feel comfortable dining indoors. They want to be
9 outside. They want to be able to socialize with
10 people and enjoy their favorite foods without
11 worrying about being inside. It's just so important
12 for us to have the options, because that's what New
13 York is about, having options and giving people the
14 ability to enjoy things that they don't get to enjoy
15 anywhere else.

16 SERGEANT AT ARMS: Time expired.

17 MELANIE FROST: Thank you.

18 COMMITTEE COUNSEL: Thank you. The next
19 group of speakers will include Diem H. Boyd, Fannie
20 Ip, Alida Camp, Fahsad Hossein [sp?], and Dale
21 Goodson. We'll begin with Diem H. Boyd.

22 SERGEANT AT ARMS: Starting time.

23 DIEM H BOYD: Thank you Chairs and
24 Council Members. Just for the record, I want Zach
25 Neil to know that I am not white, a rich old white

1 woman. So I think that was not very kind. There's a
2 lot of people of color on this call. I would like to
3 answer Councilman Yeger's question. I just left a
4 news interview in front of a fully-enclosed outdoor
5 shed that is being used as a coat check. It is
6 February. DOT was first notified on December 2nd and
7 determined the business has 24 hours to cure. The
8 latest determination on February 1st determined that
9 items had to be removed immediately. Numerous press
10 outlets also covered this fiasco. The illegal,
11 unsafe structure is still standing and being used as
12 a coat check, doesn't matter how many complaints or
13 inspection. My neighborhood is known as Hell's
14 Square because of the sheer number of late-night
15 liquor licenses. It was one of the hardest hit by the
16 emergency program. The conditions here went from bad
17 to unbearable. In Hell's Square and most of Lower
18 East Side, we live in low-rise tenements where what
19 happens on the street also invades our homes. The
20 streetscapes created by the emergency order has
21 created an open-air nightclub and drug market where
22 anything goes and everything is for sale. The bars,
23 clubs, and restaurants have tripled in size and
24 brought thousands of more people to our street. The
25

2 crowds grow in the area have become bigger, rowdier,
3 and more aggressive. Our homes are occupied by
4 people screaming, smoking, fighting, pissing,
5 vomiting, and blasting music. NYPD is incapable of
6 dealing with it. It's a simple question of physics.
7 You cannot invite 10,000 people to a small space, add
8 alcohol, and a circus atmosphere in the street. We
9 have 80 percent increase in major crime categories
10 with robbery up 350 percent. With all due respect,
11 DOT can't fix potholes for years, yet we are asked to
12 blindly believe that DOT is quipped to manage and
13 enforce Open Restaurants that share our quality of
14 life. I think the capable hands at DCA should go back
15 to sidewalk cafés with regulatory tweaks. This
16 should not be passed, so please don't pass this. It
17 is common sense to conduct an EIS, please, and please
18 allow Council Member Marte and Council Member
19 Bottcher to be at the table. I will add-- I didn't
20 finish, I will submit, but please, this program needs
21 to be rethought. Thank you.

22 COMMITTEE COUNSEL: Next we'll hear from
23 Fannie IP followed by Alida Camp.

24 SERGEANT AT ARMS: Starting time.

25 COMMITTEE COUNSEL: Fannie?

2 FANNIE IP: Hi. My name is Fannie Ip and
3 I grew up in the Lower East Side where I continue to
4 live today. I am a cyclist, a pedestrian, and a
5 driver. I am here today to ask Council Members to not
6 change nor remove the zoning text that will further
7 expand and allow the sidewalk and roadway cafes to
8 become permanent. The text is there for a reason.
9 If the zoning needs to be amendment, go through the
10 ULURP process so we have real answers, details, and
11 the real impacts of this change can be studied, not
12 empty promises that we heard today. The restaurant
13 sheds and other outdoor dining structures that came
14 out of this emergency program during pandemic are
15 dangerous and a nuisance to our neighborhoods and
16 residents. They create dangerous blind spots for
17 everyone. I've seen quite a few of these accidents
18 caused, especially by the ones that are located at
19 the ends of the blocks. Many times people are not
20 paying attention, or the drivers are coming down too
21 fast down the street and cannot stop in time. As a
22 cyclist, I am encountered-- encountered on numerous
23 occasions where these structure are blocking the bike
24 lanes or that new bike lanes are created to go around
25 them, where I have to weave in and out of traffic

3 dangerously. It's bad enough cars were already
4 blocking the bike lanes before, but now with these
5 structures taking up more road space, cars are
6 blocking the bike lanes even more than ever. As a
7 driver these roadway cafes cause more traffic
8 congestion which then creates more noise from
9 frustrated drivers honking. The way these structures
10 are encroaching the already narrow streets is a
11 nightmare in the making. Add to that entitled
12 drivers who double-park with a Fed-Ex truck coming
13 down the street, you will have a situation where
14 drivers with road rage are ready to explode. As a
15 pedestrian I'm constantly on-guard when I walk past
16 these empty sheds and structures that are not being
17 used. Will I see rats scuffling around the garbage,
18 or will there be a drug-user lurking about and ready
19 to scream obscenities or racial slurs at me? It is
20 very tiring the fear that I now have just walking
21 down the street. We now also have to bob and weave
22 or do a little dance with the wait staff who are
23 going back and forth from the restaurants with food
24 and drinks in their hands.

25 SERGEANT AT ARMS: Time expired.

2 COMMITTEE COUNSEL: Next speaker will be
3 Alida Camp followed by Hassad Hosein [sp?].

4 SERGEANT AT ARMS: Starting time.

5 ALIDA CAMP: Thank you for hearing my
6 testimony. My name is Alida Camp. I Co-chair
7 Community Board Eight's Small Business Committee,
8 although I'm speaking individually. First, DOT
9 should not be writing rules on any program aspect
10 alone. DOT is not accountable to the communities
11 that are New York. Community Boards and Council
12 Members are accountable. They hear their
13 constituents. They are community voices and must
14 have a say. DOT is not the right entity to enforce
15 all compliance. Many restaurants do not comply with
16 sidewalk access, DOT's responsibility. DOT failed at
17 enforcement. How can it handle all of the other
18 compliance areas with only 30 inspectors for 12,000
19 restaurants? DOT came to CB8 Manhattan and told us
20 that residents must call in with specific complaints.
21 We ask that they walk along an avenue where we noted
22 failure to comply, but it wouldn't. That more than
23 three hours of Council Member questions preceded
24 public testimony demonstrates that there are too many
25 questions to jump to permanency without a fuller

3 understanding of all program aspects and answers to
4 the many significant questions raised. To the
5 Council, why not create a program with mandates for
6 periodic review and subsequent implementation of
7 changes necessitated by altered conditions and
8 manifestations of unintended consequences. Community
9 Boards must be part of the review process for the
10 same reason they must be part of the rule-making
11 process. How can you know that a program designed
12 during an emergency will be the right program in a
13 few years and that it will accommodate not just
14 restaurants, but other small businesses, residents,
15 street and sidewalk users, and disabled New Yorkers?
16 There will be unintended consequences from this
17 program. Neighborhoods need more than restaurants to
18 be viable for residents and interesting to visitors.
19 Public space is being seated for private use.
20 Landlords may be an unintended beneficiary by
21 allowing increased rents from use of public space.
22 Is this what the program intends? Is there a
23 mechanism to provide equity for restaurants unable to
24 participate in the program because they were behind a
25 bus stop or fire hydrant or the like? I support

3 restaurants. Having grown up in the Bronx, I'm
4 thrilled that Bronx-ites are able to enjoy--

5 SERGEANT AT ARMS: [interposing] Time
6 expired.

7 ALIDA CAMP: outdoor restaurants. Thank
8 you very much.

9 COMMITTEE COUNSEL: Hassad Hosein [sp?]
10 will be the next speaker followed by Dale Goodson.

11 SERGEANT AT ARMS: Starting time. Hassad
12 Hoesein [sp?], if you can hear me? Apologies for
13 mispronunciation. We need to accept the unmute
14 request in order to begin your testimony. Come back
15 to Hassad Hoesein and try Dale Goodson. Do we have
16 Dale Goodson?

17 SERGEANT AT ARMS: Starting time.

18 COMMITTEE COUNSEL: Dale Goodson, if you
19 can hear me?

20 DALE GOODSON: Yep.

21 COMMITTEE COUNSEL: You can begin your
22 testimony.

23 DALE GOODSON: Okay, thank you. My name
24 is Dale Goodson, and I'm against the-- and I don't
25 see my video. Am I up?

COMMITTEE COUNSEL: We can hear you.

2 DALE GOODSON: I guess it's ready. I'm
3 against the text amendment and making Open
4 Restaurants a permanent program. I lived on Avenue A
5 and 12st Street in the East Village for 25 years and
6 the noise from outdoor seating that has come with the
7 program has ruined my quality of life. There are
8 five bars and four restaurants between 12th and 14th
9 Streets, none of which previously had outdoor
10 seating. Since the program began there's been a sea
11 of noise with yelling and singing and chants of
12 "chug, chug, chug," that rolls up and down the
13 avenue. The noise outbursts are like whack-a-mole.
14 The noise from outdoor diners has been disruptive,
15 but the noise from bars is off the charts. They
16 should be dealt with separately. The only effective
17 way to deal with the noise would be to have a cop on
18 every corner and that's not going to happen. The
19 only way the noise problem does get dealt with is if
20 residents do the policing and residents make the 311
21 calls, and that's a burden of partnership that has
22 left us exhausted and burnt out. Bars, restaurants,
23 and DOT must come up with an effective stand-alone
24 method for policing their noise that does not involve
25 residents as the first responders. In making the

2 problem worse is the fact that Avenue A and its
3 sidewalks are very narrow, and the addition of tables
4 and chairs and sheds is making an already crowded
5 situation much worse, especially for wheelchairs,
6 stroller, and seniors. I'm angry. I'm frustrated.
7 I'm losing sleep, but I can't afford to move. My
8 quality of life has been hijacked and sacrificed and
9 I feel trapped. I was in favor of Open Restaurants
10 as a temporary solution, but making it permanent will
11 be a disaster. Please do not pass the text
12 amendment. Please don't make Open Restaurants
13 permanent. Thank you.

14 COMMITTEE COUNSEL: We will try again to
15 hear from Hassad Hoessein [sp?], if you can hear me,
16 you need to accept the unmute request to begin your
17 testimony.

18 SERGEANT AT ARMS: Starting time.

19 COMMITTEE COUNSEL: Okay, we seem to be
20 having some issues with-- next group of speakers will
21 include Tod Shapiro, Jan Reina, Yolanda Trujillo, Ann
22 Reilly, Linda Marini, and Meghan Joye. We'll begin
23 with Tod Shapiro followed by Jan Reina.

24 SERGEANT AT ARMS: starting time.
25

2 TOD SHAPIRO: My name is Tod Shapiro and
3 I will be speaking on behalf of CB5's Open
4 Restaurants Taskforce. I strongly support Samir and
5 my fellow Community Board's comments on notice
6 periods, 45 days or even 60 days as required. Give
7 us the time to do our job, and the curbside set-ups
8 must have the same kind of review as sidewalks. CB5's
9 policy on sidewalk curbside dining are guided by a
10 well-established standard. It's all about weighing
11 the benefits and interest of all the concerned
12 parties in a fair and responsible manner. CB5
13 carefully considers standards of cleanliness,
14 appropriateness, street and sidewalk safety, and
15 fairness among stakeholders for each locale it
16 reviews. The one-size-fits-all nature of the proposed
17 changes to sidewalk and curbside dining regulation
18 unless handled properly, may well lead to problems
19 applying effective review. Our colleagues at CB2 and
20 CB4 would share a similar profile of outdoor dining
21 and express similar concerns. We are skeptical that
22 DOT could perform this role suitable. This is four
23 Community Boards. Our committee has noted that with
24 the proposed changes in the regulatory scheme, the
25 problems noted at this hearing will likely continue

3 in our district. Open streets which work well as in
4 an emergency measure, at the same time showcase
5 noticeable problems. These include the major issues
6 with regard to quality of life commented on at this
7 hearing. By many measures, CB5 feels that open
8 street which has allowed a temporary relocation of
9 measures for review and opened up streets and
10 sidewalks to pandemic-stricken establishments has
11 been a success. However, if it is made permanent
12 without returning to establish standards of review,
13 it will be seen as an unfair concession to only one
14 part of our community, restaurant and food service
15 sector. We must make sure the program proposed is
16 seen as a reform and improvement, not as a hasty
17 give-away to any one rule. If this is not
18 accomplished, it will breed conflict over the
19 valuable streets and sidewalks among all the
20 stakeholders in our great city. A more detailed
21 report--

22 SERGEANT AT ARMS: [interposing] Time
23 expired.

24 TOD SHAPIRO: of the taskforce will be
25 submitted. Thank you.

2 COMMITTEE COUNSEL: Next speaker will be
3 Jan Reina followed by Yolanda Trujillo. Jan Reina?

4 SERGEANT AT ARMS: Starting time.

5 JAN REINA: Hi, my name is Jan Reina. I
6 live in Park Slope on Fifth Avenue, right sort of at
7 the top in the north. We have 16 outdoor sheds in a
8 two-block radius. I really want to say thank you to
9 all the restaurant owners who have been diligent in
10 keeping their spaces clean. We really do appreciate
11 it, but unfortunately that's very far and few in
12 between. I heard that we've always had noise and
13 rats before this, but it's been ten-fold. I have
14 people outside my bedroom window at 4:00 a.m.
15 drinking, partying, because the outdoor dining is
16 still open at that time. I have been getting two
17 hours of sleep a night for the last two years. It's
18 unsustainable. I can't hold down a job. My income is
19 30 percent of what it was before the pandemic. I
20 don't know if I'm going to be able to stay in my
21 apartment. This has ruined my life. I think you
22 need to hear more from the community about this.
23 This is the first time ever that I've ever been able
24 to share any opinion on it. I appreciate this
25 opportunity, and thank you so much.

2 COMMITTEE COUNSEL: Next speaker will be
3 Yolanda Trujillo and then Ann Reilly, and then Linda
4 Marini.

5 SERGEANT AT ARMS: Starting time.

6 YOLANDA TRUJILLO: Thank you. I work in
7 the hospitality industry and I work for a small
8 restaurant, and it's because of the Open Restaurants
9 that I have a job. I also live Midtown between Sixth
10 and Seventh on 55th Street and eight restaurants have
11 closed their doors. Those eight restaurants now make
12 the area dark and unsafe, and now more homeless folks
13 are coming to that neighborhood because it's not
14 well-traveled as in the past. So, closing down the
15 open concept is affecting restaurants, affecting the
16 neighborhoods, affecting the safety of more people
17 and families and children than you can imagine. I'm
18 a strong supporter, and if you want New York to
19 survive, we have to support this concept. Thank you.

20 COMMITTEE COUNSEL: Ann Reilly will speak
21 next, followed by Linda Marini, and then Meghan Joye.
22 Ann Reilly?

23 SERGEANT AT ARMS: Starting time.

24 ANN REILLY: Good afternoon. Thank you
25 to everyone who has remained on this call for the

3 better part of today. My name is Ann Reilly, and I
4 am the Executive Director of New York Brewers Guild,
5 which is almost 40 breweries strong, representing
6 literally countless jobs who have all been directly
7 impacted the last two years. Our industry ran into
8 unparalleled hurdles in taking part in the outdoors
9 eating program, and truly we insist you continue.
10 In addition to the manufacturing jobs and hospitality
11 jobs that New York City Beer [sic] employs, it
12 directly impacts several jobs throughout the city at
13 our restaurants, bars, and shops. I understand many
14 people, almost all, have had issues with [inaudible]
15 their neighborhoods. However, part of a neighborhood
16 is businesses that keep it thriving, and in all
17 instances, all of our member breweries have gone out
18 of their way to ensure that they have working
19 relationship with those neighbors. [inaudible]
20 imperative that we move forward with the permanent
21 solution to outdoor seating. I give my time back.

22 CHAIRPERSON RILEY: Thank you.

23 COMMITTEE COUNSEL: Thank you. Next
24 speaker will be Linda Marini to be followed by Meghan
25 Joye.

SERGEANT AT ARMS: Starting time.

2 LINDA MARINI: Can you hear me?

3 COMMITTEE COUNSEL: Yes.

4 LINDA MARINI: Okay. My name is Linda
5 Marini. I am the owner of Da Claudio, a family-
6 operated restaurants located on Ann Street in the
7 Financial District. We were grateful with the Open
8 Restaurants programs. Unfortunately, not all
9 restaurants, including us, fit the guidelines to
10 operate under the current program. Ann Street is a
11 narrow, two-lane street, that is three blocks long.
12 It was only due to support from our community, our
13 elected officials, to Downtown Alliance, along with
14 the DOT that we were permitted to operate under a
15 temporary open street solution until December of
16 2021. We could not have survived without the option
17 of outdoor dining. This is a fact. Presently, while
18 we do not have an option for outdoor seating in the
19 horizon, we strongly believe that outdoor seating is
20 so critical to ensure the continued recovery of our
21 business and that of many others. We would like the
22 City Council to consider the needs of all restaurants
23 as they consider the transition to a more permanent
24 program. We have all suffered and continue to suffer
25 tremendous losses. We need an equitable solution

3 that does not disproportionately create or restrict
4 any particular business during this continued
5 recovery. Outdoor dining is still a consideration
6 for customers as they choose between places to dine,
7 an option vital to compete and survive in this
8 current environment. These programs should be more
9 inclusive and consider the negative financial impact
10 on the restaurants completely shut out of the program
11 or with the lack of one in place. Outdoor dining
12 should be an option as long as the public continues
13 to have reservations about indoor dining, if not
14 permanently in some-

15 SERGEANT AT ARMS: [interposing] Time
16 expired.

17 LINDA MARINI: Thank you for your time.

18 COMMITTEE COUNSEL: Next we'll hear from
19 Meghan Joye.

20 SERGEANT AT ARMS: Starting time.

21 MEGHAN JOYE: Hi, my name is Meghan Joye.
22 I own five bar restaurants in Manhattan that all have
23 outdoor seating. And I'm not going to reiterate all
24 the benefits that it had-- outdoor seating had during
25 the pandemic, but suffice to say that we would not be
here without it. So thank you to Council Member

2 Reynoso for that one. And look, I get it, this is
3 not a perfect system by any means. Rats and vermin
4 are a huge problem. Noise is a huge problem. Safety
5 in the middle of the night is a problem, but I think
6 we'll be able to address all these together. when we
7 take out the-- when we take out-- right now, all of
8 these outdoor barriers are filled with sandbags,
9 which is like the perfect environment for rats to
10 burrow in and make their nests in. Once those come
11 out and you replace them with steel barriers, the
12 rats will be less of a problem. The garbage on the
13 sidewalk, we have to figure this out. It's such an
14 antiquated system. Let's get the garbage into rat-
15 proof bins that are on the street where different
16 businesses are sharing one or two bins on the street,
17 and you've got one carting company coming and picking
18 that up. The decks, they need to be removed.
19 They're trapping water and they're trapping food
20 scraps. All of this will help with the rat and
21 vermin problem. Let's get rid of outdoor speakers.
22 That will help with the noise problem. We can close
23 earlier, especially on side streets that are
24 residential. All of these-- this idea that bar
25 owners versus residents is just not a thing. One,

2 I'm a resident of the neighborhood that I own bars
3 in, and I work with the community all the time, and I
4 think most bar and restaurant owners are like me and
5 are willing to make concessions and work with the
6 community. My last thing is Community Boards. You
7 got to give them 45 days. It's not enough time for
8 them to review on the schedule. Either you're going
9 to use them or you're not going to use them, but if
10 you are going to use them, let's give them time to
11 review. Thank you for your time.

12 COMMITTEE COUNSEL: Thank you. We're
13 going to take a very brief moment to [inaudible]
14 meeting at ease to channel [sic] some technological
15 issue. We will begin very shortly with the next
16 group of speakers.

17 [break]

18 COMMITTEE COUNSEL: [inaudible] continue
19 or not with the panel. We just switch over Committee
20 Counsels, too. So the next two speakers are going to
21 be Carlotta Janssen, Marc Wouters, Peter Davies, and
22 Shlomo Wygoda, and again, just as a reminder, if you
23 would like to submit your written testimony, just
24 submit it to testimony@council.nyc.gov. So, the next
25 speaker is Carlotta Janssen.

2 SERGEANT AT ARMS: Starting time.

3 CARLOTTA JANSSEN: Hi, Charlotta Janssen,
4 Shea Oscar. Outdoor dining saved my business of 23
5 years. COVID-19 shut us down without warning, no
6 plan. April 2020 I rallied over 20 weary Bed-Stuy
7 Restaurants to fight for outdoor dining. Commercial
8 side works were a thing of the past, taken away so
9 big developers could declare blight, and with low
10 interest loans and tax breaks, tear it all down.
11 Until COVID, outdoor dining was an exclusive club.
12 That all changed. We and many others could hire back
13 staff and more. We could serve our community safely
14 and survive. The RRF never reached us. In 2021 I
15 wanted to build something beautiful. While wood was
16 skyrocketing I found an affordable modular steel
17 system that I bent and curved. Transparent for
18 street view, tapered for tree fits, and because it's
19 modular, easily winterized. By now it's been through
20 hurricanes and winter storms. We built it to be
21 social and it worked. One wing is even landmark
22 approved. Now is the time to make equitable and
23 inclusive laws and to allow for better designs. Ugly
24 and abandoned structures need to go, but don't kill
25 all structures over them. Good ones even mitigate

3 sound. Covered roadside and sidewalk dining are the
4 Marshall plan. We need dialogue. We are all still
5 COVID-broke. Make outdoor dining inclusive,
6 equitable, affordable, and beautiful. I want you to
7 protect even the most vulnerable small businesses
8 among us. A swift, affordable process, well-built
9 all year-round structure that respect and protect
10 pedestrian, servers, and guests alike. A minimum of
11 10 seats outdoors, fair pricing for the first 24,
12 adjacent space for those blocked by fire hydrants,
13 bus stops, city bikes, removal of abandoned shacks
14 and curving back factors. I am submitting images of
15 built and to-be-built structures, some with a fiscal
16 sponsors. We the small businesses need you and New
17 York needs us. Don't make New York affordable to box
18 stores and food chains alone. Thank you for your
19 time. I look to--

20 COMMITTEE COUNSEL: [interposing] Thank
21 you, Charolotta. The next speaker is Marc Wouters.

22 SERGEANT AT ARMS: Starting time.

23 MARC WOUTERS: Thank you so much, Chair
24 Velázquez and Chair Riley for this meeting. My name
25 is Marc Wouters. I'm an urban planner and architect
here in Brooklyn and I championed the outdoor dining

3 program in April 2020 when the City was locked down
4 as a way to support our small businesses, but also to
5 bring life back to our commercial streets. And I
6 testified at City Council also in June 2020 for the
7 program. As I see things going forward, I'm really
8 delighted to see the benefits that the program has
9 done, but I don't see that the program should
10 continue in the same way moving forward. Seeing the
11 impact of the sheds on some of our streets, turning
12 some of the streets into alleys, in some of the
13 neighborhood where there are the most sheds is a very
14 different impact than in other areas where there
15 aren't as many sheds. Where in fact, they may be
16 tolerable. You also see the sheds and the café's
17 pinching together and limiting accessibility for
18 people with mobility issues. And so I'm very
19 interested in this idea of one size doesn't fit all.
20 New York is so diverse. So many wonderful
21 neighborhoods. I'm very interested in seeing if we
22 can come up with a way that local communities, maybe
23 Community Boards have a dial in which they can
24 customize how this is included into their
25 neighborhoods while still allowing our restaurants
program to continue. I'm very interested in working

2 on this, and I also think the Community Boards should
3 involve long-term in the enforcement, because they
4 have so many eyes to sort of watch and so many people
5 to relate to and do it in partnership with DOT as
6 opposed to just relying on city government alone.
7 Thank you so much.

8 COMMITTEE COUNSEL: Thank you Marc. The
9 next the next speaker is Pete Davies [sp?].

10 SERGEANT AT ARMS: Starting time.

11 PETE Davies: Thank you, my name is Pete
12 Davies, 41-year resident of Manhattan Community Board
13 Two. Question, has DOT left the hearing? No matter.
14 Today I speak in opposition to the two bills before
15 you with specific concerns. As noted by Council
16 Members Marte, Bottcher, and others, when considering
17 public space, one size does not fit all. Please hold
18 off on passage of these bills. First, insist on
19 neighborhood appropriate regulations for both
20 sidewalk cafes and roadbed dining. I point you to
21 four key areas, permanent open restaurants. The
22 granting of use of public space is exclusively to one
23 industry while ignoring others creates inequitable
24 conditions and needs to be more fully analyzed.
25 Sidewalk café exclusionaries: specific neighborhood

2 conditions should be considered in current uses.

3 Probable conflicts that will be created by the wide
4 allowance of sidewalk cafes needs to be looked at.

5 Enclosure regulations, noise from outdoor dining
6 disruptive to local residents is a known and ongoing

7 issue. Any blanket allowance for open windows,

8 rooftop establishments and other outdoor set-ups

9 should not be allowed. Enforcement: bottom line,

10 enforcement by complaint puts the onus on residents.

11 The DOT claim for a dedicated 311 complaint line must

12 be questioned. Look at the fiasco for what DOT

13 claimed would be a dedicated 311 line for retail

14 deliveries back in 2016-2018. It was a total

15 failure. Undoing in one fell swoop the entire

16 framework for sidewalk cafes coupled permanent

17 allowance for outdoor dining is ill-advised and

18 premature. Thank you for the time. Done.

19 COMMITTEE COUNSEL: Thank you. The next

20 speaker is Shlomo Wygoda. Sorry if I mispronounce

21 your name.

22 SERGEANT AT ARMS: Starting time.

23 SHLOMO WYGODA: Hello? Can you hear me?

24 COMMITTEE COUNSEL: WE can hear you. Go

25 ahead.

2 SHLOMO WYGODA: Okay, great. Hi guys.

3 So I am Shlomo Steve Wygoda. I am an architect. I'm
4 with SWA Architects. I want a shout out to
5 Charlotta. I haven't seen you 20 years, and Bob, and
6 Carter, and everyone. But I started doing sidewalk
7 cafés in the 80s, I think. And I've designed,
8 expedited, obtained approvals for over a thousand
9 locations in New York. I've worked with Mark Weprin,
10 Tony Avella [sp?], Dan Garodnick, and the list goes
11 on and on and on. And when Bob was at DCA and when
12 Gretchen Dystra [sp?] was at DCA and when Amanda
13 Burden [sp?] was at City Planning, I helped evolve
14 the small sidewalk cafes, and Amanda, I promise let's
15 do the outer boroughs, because they're underrep--
16 they're not represented well. We never go to it, but
17 that was on the agenda to get more and more
18 restaurants and sidewalk cafes on board. The zoning
19 resolution, Article IV-- oh, and I just want to
20 mention that I know I'm going to run out of time. DOB
21 zoning does allow outdoor dining with table service,
22 use group 6A and 6B, just for the record, okay. DOT
23 is the wrong agency to manage this. And also, I see
24 two or three people working at DOT five months is
25 outrageous. We actually had it down to 85 days, and

3 that was as Bob said, after we got DOT out of the
4 cycle. This is a very, very complicated situation.
5 We got-- we heard for hours, I've been listening for
6 hours of all the plus, minuses, and contradictions
7 and all that. I'm willing to donate my time towards
8 making this--

9 SERGEANT AT ARMS: [interposing] Time
10 expired.

11 SHLOMO WYGODA: Thank you.

12 COMMITTEE COUNSEL: Thank you, Shlomo.

13 The next set of speakers will be Andre Soluri, Joseph
14 Derosa, Elizabeth Blouin, and Gretchen Connelie. So,
15 Andre Soluri is the first speaker.

16 SERGEANT AT ARMS: Time starts now.

17 ANDRE SOLURI: Good afternoon, or good
18 evening. My name is Andre Soluri and I'm a licensed
19 architect, a long-time Manhattan residents, member of
20 the American Institute of Architects New York, the
21 Principle of Soluri Architecture, and a co-founder of
22 the Design Core, which is a platform where 70 New
23 York architects have volunteered to help 90
24 restaurants design compliant outdoor dining. Today,
25 I'm testifying in my own personal capacity, and a
more detailed version of this is in my op-ed

2 published in today's Daily News. Opportunities to
3 transform our city streets in a positive and
4 equitable way don't happen very often, but the zoning
5 changes you're considering is one of those rare
6 moments. Many criticisms about Open Restaurants are
7 valid and I agree with most of them. However, most
8 can easily be resolved through good design, clear yet
9 flexible guidelines, and increased consistent
10 enforcement. While outdoor dining structures may
11 appear simple, each involves hundreds of design
12 decisions that greatly impact design success or
13 failure on how positively or negatively surrounding
14 is impacted. That's why it's crucial for permanent
15 programs to have clear, flexible guidelines to review
16 applications before they are built, and for the DOT
17 to have the resources to properly enforce the
18 requirements. Good design is not easy, and it does
19 not happen by itself. The complaints you are hearing
20 prove this, but there's an army of New York
21 architects, designers and community groups who have
22 been mobilized by the Alfresco Coalition to find the
23 best and most equitable ideas for permanent program
24 while addressing its challenges and potential. With
25 help from the Design Core and AIA, we are crafting

2 recommendations to the City for a series of policy
3 roundtables that we hope will become the program's
4 guidelines while also convening competitions in
5 workshops led by architects to propose design
6 solutions that mitigate these challenges. Our goal
7 is to assemble best practices in case studies while
8 proposing a series of prototypes. I ask City Council
9 to approve this zoning change and give our group a
10 chance to demonstrate what a well-designed and
11 equitable program could look like. Thank you.

12 COMMITTEE COUNSEL: Thank you. The next
13 speaker is Joseph Derosa.

14 SERGEANT AT ARMS: Time starts now.

15 JOSEPH DEROSA: How you doing? My name's
16 Joe Derosa. I am also an owner of the Joey Rose's Bar
17 and Social Club on the Lower East Side. My partner
18 Paul Italia spoke earlier. I just want to start by
19 saying I'm all in favor of fair and balanced rules
20 for these structures. I do not think it should be
21 the Wild West. But pertaining to the way this is
22 going, I opened my first business in 2021 in the City
23 during the pandemic, and I put my life savings into
24 it. So, respectfully, this notion that restaurants
25 are back, it's just extremely aloof, and I say that

3 on behalf of the restaurants and bar owners like
4 myself and the many that neighbor me who have gone
5 into their own pockets in recent months to keep their
6 businesses afloat. Calling our outdoor structures
7 that have been abandoned shanty town shacks is also
8 insulting. People are trying their best to survive
9 amidst tragedy, blaming restaurant owners for unused
10 outdoor structures is like blaming soldiers for not
11 being able to execute the exit strategy. We need
12 assistance, not warnings. We can't do this on our
13 own. We need guidance. I'm hearing a lot about
14 constituents that dislike the outdoor seating, and
15 that's great, they need to be heard, but guess what,
16 bar and restaurant owners are your constituents too,
17 and we're people trying to rebuild the economy in
18 this city. When bike lanes bring money in, then I
19 want to hear about bike lanes. I'm sorry. In the
20 meantime, we want to give back. I want the chance to
21 recoup the considerable money I've invested in my
22 outdoor seating, but more importantly, I want a fair
23 chance to help rebuild in a city that has lost so
24 much. I mean that. New York City is not easy to
25 subsist in, but it's a city I believe in and I

3 support, and I ask that you please show that support
4 mutually. Thank you.

5 COMMITTEE COUNSEL: Thank you, Joe. The
6 next speaker will be Elizabeth Blouin.

7 SERGEANT AT ARMS: Time starts now.

8 COMMITTEE COUNSEL: Do we have Elizabeth?
9 It doesn't seem like we do, so I'm going to move on
10 to Gretchen Connelie.

11 GRETCHEN CONNELIE: Hello there. Thank
12 you all for this opportunity. I'm a passionate fan of
13 open dining and I'm here today to plead with the
14 Council, DOT, and any other relevant agencies to put
15 controls in place for the roll-out of these program
16 revisions. Specifically, if a currently
17 participating restaurant that either did not apply or
18 is not approved in the program, what measures are in
19 place to ensuring an open and fair process to
20 determine the future of that space to better serve
21 the community? In other words, how can we ensure
22 this valuable public curb space is not automatically
23 converted back to parking? I would also ask that the
24 outdoor dining structures be permitted to stay with
25 fair guidelines and ongoing inspections. And we'll
note that those such as Council Member Yeger, whose

2 primary opposition has been accessibility and parents
3 pushing strollers. I find your motive suspect. If
4 you have been silent on the issue of how this city
5 clears snow from sidewalk, crosswalks, and curbsides,
6 or the myriad of sidewalks with cars parked all over.
7 Finally, with regard to enforcement, I reported a
8 non-compliant structure. A DOT inspector was out
9 within 24 hours and the structure was gone within 48.
10 I was pleasantly [inaudible]. Thank you very much.

11 COMMITTEE COUNSEL: Thank you. The next
12 two speakers will be Kyle Sklerov and Janet
13 Hershberger. So Kyle Sklerov, if you are there?

14 SERGEANT AT ARMS: Time starts now.

15 KYLE SKLEROV: Yes, hello. Can you hear
16 me?

17 COMMITTEE COUNSEL: Yes, we can hear you.

18 KYLE SKLEROV: Great. So thank you. I
19 wanted to speak to a point that many others have
20 made. We live in the West Village. We've been there
21 and in in the area for more than 20 years, and while
22 we love it, I have to say that since the City
23 announced that this emergency measure would be
24 permanent, I've just been filled with a sense of
25 dread. Our apartment is four hundred square feet on

3 the ground floor and now right outside our windows,
4 our bedroom window, our living window is an outdoor
5 roadbed dingy shed. I know many have said that
6 this is about saving jobs and whether or not people
7 are comfortable with indoor dining, but that's a
8 reason to continue a temporary program, not a
9 permanent program. The permanent-- you know, I'm
10 happy that the-- as a lifelong resident, that this
11 emergency measure saved-- helped save the restaurant
12 industry, but that doesn't mean we should be upending
13 the lives of local residents permanently. So we're
14 on a narrow residential street. I know this is the
15 case for many people living in lower Manhattan.
16 There's no shelter inside our home from the noise.
17 This isn't about rules, unless the rules are you
18 can't speak while dining, and I don't think, you
19 know, we're trying to create outdoor libraries. So I
20 think as Leslie and Stuart and many others noted
21 earlier, you know, this program just a neighborhood
22 destroyer, and I urge you to reject it. Giving away
23 public land to one private industry to the detriment
24 of local residents without their input is not what
25 made the city successful prior to the pandemic, and

2 it's not what's going to lead an equitable recovery
3 after the pandemic. Thank you.

4 COMMITTEE COUNSEL: Thank you. The next
5 speaker is Janet Hershberger.

6 SERGEANT AT ARMS: Time starts now.

7 JANET HERSHBERGER: Can you hear me now?

8 COMMITTEE COUNSEL: We can hear you.

9 JANET HERSHBERGER: Can you guys hear me?
10 Okay, thank you. And thank you for the opportunity
11 to bring the public not your deliberations. It seems
12 like so many Council Members, except for two and
13 three, believe it's a foregone conclusion that
14 outdoor dining should be made permanent, and I don't
15 think it is a foregone conclusion. Certainly not in
16 the hearts and experience of residents of New York
17 City, which I have-- I was born in Washington
18 Heights. I live in Little Italy now. I was a big
19 supporter of Eat in the Streets in the beginning to
20 temporarily expand restaurants operations and help
21 them bail out during the pandemic. But now, the way
22 this has evolved is destroying our streetscape,
23 destroying community character, and favoring the
24 well-funded hospitality industry who were very well
25 represented in this meeting over the living

3 experience of residents. The streets and the
4 sidewalks do not belong to the people anymore, and
5 they now belong to commercial interests who do not
6 overwhelmingly, for the most part, live in the
7 neighborhoods they are exploiting. The 100,000 jobs
8 that we keep hearing about were lost, are there, are
9 still there, and indoor dining is coming back. I
10 would have no problem with a temporary extension of
11 open streets, but not forever. And I think this
12 should be a ballot referendum. Let the people speak.
13 Let the people of New York City speak. Put it on a
14 ballot referendum in November of 2022, and let's hear
15 from the people as well as their well-paid
16 consultants of the restaurant industry. Thank you.
17 Thank you for this opportunity, and good luck in
18 what's going to be bumpy road ahead for all of us not
19 matter what.

20 COMMITTEE COUNSEL: Thank you, Janet.

21 The next few speakers are James Mullaney, Norma Cote,
22 and Mandy Oser. First speaker is James Mullaney.

23 SERGEANT AT ARMS: Time starts now.

24 JAMES MULLANEY: Hello?

25 COMMITTEE COUNSEL: We can hear you,
James.

2 CHAIRPERSON RILEY: Yes, we hear you.

3 JAMES MULLANEY: Oh, hi. Over the years
4 I have attended Community Board Four and Five
5 meetings concerning liquor license applications, and
6 in my experience, bar and restaurant applicants'
7 concerns are how late they can stay open and how loud
8 they can play music. Giving these entities a larger
9 footprint on a permanent basis, I think, is a mistake
10 and should be considered more. Thank you very much.

11 COMMITTEE COUNSEL: Thank you, James.

12 The next speaker is Norma Cote.

13 SERGEANT AT ARMS: Time starts now.

14 NORMA COTE: Thank you for listening to
15 me today. I want to note that the two provision that
16 are proposed to be changed now have a multiplier
17 effect on each other that has an extraordinary
18 negative impact on the quality of life and the people
19 who live around these outdoor activities. Removing
20 the zoning protection for residential areas exposes
21 residential areas to a great deal of assault on their
22 quality of life, and allowing in the street dining
23 eviscerates the protections that have been enjoyed in
24 the past by people who live on streets with narrow
25 sidewalks. It affects me personally, but I don't

1 think I'm the only one. Having protected by narrow
2 sidewalks [inaudible] to be no sidewalk cafes, but
3 now instead we've got a big enterprise in the street.
4 Especially pernicious, I think, are the eat in the
5 street provision. Eat in the street is a misnomer.
6 These operations do use the street. They've got
7 servers who go back and forth. They've got bus boys.
8 They've got the host. They've got patrons, all of
9 who are going across purposes to the line of
10 pedestrian traffic that ought to be maintained. In
11 addition to that, you've got patrons waiting to be
12 seated, and you've got patrons who are coming and
13 going into the space itself. The problem of outdoor
14 eating in the street is going to be exacerbated if
15 you cut out Community Board input, which effectively
16 you're doing if you only permit notice. That does
17 not allow for a hearing that the community can
18 participate in. So, eat in the street provision
19 should be revoked. And finally, the industry should
20 be required to give something back to the public, and
21 that is make their restrooms open to the public.
22 That's a notorious problem that the City has had
23 with--
24
25

2 SERGEANT AT ARMS: [interposing] Time
3 expired.

4 NORMA COTE: Thank you.

5 COMMITTEE COUNSEL: Thank you, Norma. The
6 next speaker will be Mandy Oser followed by Jacyln
7 Bernstein, and Kate Puls. Mandy Oser?

8 SERGEANT AT ARMS: Time starts now.

9 MANDY OSER: This is Mandy.

10 COMMITTEE COUNSEL: Mandy, we can hear
11 you. Go ahead.

12 MANDY OSER: You can hear me? Hi, I'm
13 Mandy Oser. I'm the owner of Artesia Wine Bar which
14 is located in Hell's Kitchen, and we-- I'm speaking
15 on behalf-- or in support of Open Restaurants. Just
16 to give you an idea, during the pandemic we actually
17 closed for only 48 hours, and we were able to
18 continuously operate and survive through all this,
19 and one of the main reasons was the Open Restaurants
20 program, and obviously I've heard the testimony
21 throughout the day and heard of the opposition and
22 the problems. But just to give you an example of
23 someone where this program has allowed us to keep
24 people employed and actually increased the number of
25 employees throughout the pandemic and now after, you

2 know, after we're getting out of the pandemic. And
3 you know, let's also be clear that it's not over. I
4 think a lot of people have also said this. The
5 economic challenges continue, and having this program
6 will allow us to not just survive, but maybe thrive.
7 I think a lot of us came through the pandemic, and
8 yes, we survived, but we are by no means thriving,
9 and this program will be a lifeline. It also, again,
10 as has been said many times, but especially in our
11 neighborhood which has the benefit of wider streets,
12 it's created like a really lovely vibe. Our neighbors
13 support it, and it's actually created a sense of
14 safety, especially later in the evening when there's
15 just more activity on the block. So we'd like to add
16 our voice to those supporting and supporting a smart
17 and organized fair program that we will happily
18 participate in and meeting the concerns of the
19 community around us as well. Thank you so much.

20 COMMITTEE COUNSEL: Thank you, Mandy.

21 The next speaker is Jaclyn Bernstein.

22 SERGEANT AT ARMS: Time starts now.

23 JACLYN BERNSTEIN: Hi and thank you. As
24 a kid from Brooklyn who grew up on welfare and food
25 stamps, I am so honored to be here. I'm Jaclyn

3 Bernstein, owner of Empire Force [sic] Events, and
4 we're a corporate event production company. During
5 the pandemic, I co-founded the Live Events Coalition
6 of New York representing the 12 million affected
7 nationally in the gathering business, you know,
8 events, meetings, travel, etcetera at all kinds of
9 venues. And just like restaurants, events were the
10 first to shut down and still drastically affected.
11 In addition, we work with the New York Governor's
12 Office on reopening guidelines for events. I'm also
13 a Board of Director of NYC and Company, the City's
14 Marketing Convention Business Bureau, and a Board of
15 Director of the New York City Hospitality Alliance.
16 I'm sort of like the Andrew Rigie for events. Those
17 of us in events provide corporate and social group
18 hospitality, especially in restaurants, and we are
19 not financially recovering yet. Therefore, I present
20 another perspective why we need this program. As my
21 advocacy rallying cry has been how does a business
22 stay in business without doing business? And out of
23 diversity does come some good. Those of us in event
24 production have and still do provide design and
25 infrastructure build-outs, furnishings, barricades,
tents [inaudible] for outdoor dining. I myself

2 consulted complementary with the Mayor's Office of
3 Citywide Events and Coordination providing resources
4 that are still online for the outdoor dining program.
5 This is not only keep restaurants alive, however,
6 those of us in events working in them. These outdoor
7 spaces also give added and differential event venues
8 in addition to being for those that still want and
9 need to event outside. This helps all of us
10 financially. And alongside events, travel and
11 tourism has been positively affected as the outdoor
12 spaces have given so much to look and feel of our
13 city. NYC and Company promotes this as a new tourist
14 attraction, and it's made the restaurant community
15 innovate these dining experiences. As a live event
16 and hospitality professional and champion of New York
17 City, let's ensure the outdoor program continues to
18 service of all us in all these exciting ways.

19 L'chaim and cheers and thank you.

20 COMMITTEE COUNSEL: Thank you, Jaclyn.

21 The next speaker is Kate Puls.

22 SERGEANT AT ARMS: Time starts now.

23 COMMITTEE COUNSEL: Do we have Kate? I'm
24 going to move on to the next set of speakers.

2 Deborah Gonzalez, Stuart Zamsky, Catherine Hilliard,
3 Maria Paris. Starting with Deborah Gonzalez.

4 SERGEANT AT ARMS: Time starts now.

5 DEBORAH GONZALEZ: Can you hear me?

6 COMMITTEE COUNSEL: We can hear you. We
7 can hear you, Deborah.

8 DEBORAH GONZALEZ: Thank you for having
9 me this afternoon. This is a long process, but I
10 think you need to seed a face with the name.
11 Firstly, I would like to let you know that when
12 presented with these sheds or these outside eateries,
13 I was all for helping these businesses, but as time
14 went on, this became more of a problem for the
15 community than a fix for the businesses. I actually
16 felt as though it was a bait and switch. I think that
17 we need to understand that this is not one-size-fits-
18 all as everyone has said. We have what we call
19 delivery trucks, garbage pick-up that has left our
20 neighborhood like a landfill with green garbage bags.
21 We have an influx of mosquitoes that have puddled in
22 these sheds, and with me, a mosquito bit me. When I
23 killed it, the blood came out, and I feared that I
24 COVID. So all of these things, the traffic, large
25 rodents left in our streets that we see when we wake

3 up in the day. My dog was poisoned. It cost me
4 2,000 dollars to have his stomach pumped. It's
5 ridiculous at this point in this city. We're all
6 trying to work together, but at the same time we're
7 the ones that's suffering. And last, but not least,
8 I look at all the outside sheds and restaurants the
9 use of these sheds, and I feel that it was a switch-
10 a-roo. We feel that the-- what is it-- the removing
11 of these zones in residential areas seems to be
12 excessive in having sidewalk café as well as the
13 sheds and the eateries. You know, we're at a point
14 now where a shed-- I'm losing my train of thought,
15 because I'm so tired. It feels like it was a switch
16 to benefit the restaurants in the community, and it
17 feels like it's unfair to the tenants in the building
18 as they come and go while having to navigate-

19 SERGEANT AT ARMS: [interposing] Time
20 expired.

21 DEBORAH GONZALEZ: around tables with
22 shopping carts and packages. Thank you.

23 CHAIRPERSON RILEY: Thank you.

24 COMMITTEE COUNSEL: Thanks Deborah,
25 we'll--

2 CHAIRPERSON RILEY: [interposing] Counsel,
3 I think Kate--

4 COMMITTEE COUNSEL: [interposing] Kate
5 Puls, yes, we have her Chair Riley. So, Kate, you're
6 next.

7 SERGEANT AT ARMS: Time starts now.

8 KATE PULS: Okay, hi. Can you hear me?

9 CHAIRPERSON RILEY: Yes, we can hear you.

10 KATE PULS: Okay. So I too am a long
11 native New Yorkers, a long-time resident of the East
12 Village. I was in full support of helping
13 restaurants survive during the pandemic, but I'm
14 adamantly opposed to outdoor dining sheds and street
15 dining becoming permanent fixtures in our over-
16 crowded city, and especially in the over-crowded and
17 over-saturated neighborhoods in 10009, 3, and 2.
18 This zoning will be indiscriminant and will allow an
19 unlimited number of cafes and outdoor eateries
20 anywhere and everywhere. At the very least, our
21 residential side streets where I live must be
22 exempted with any new zoning allowing sidewalk cafes
23 and outdoor dining. My main concerns have been
24 vocalized over the course of the day. So just in
25 brief, safety, noise, amplified music, blocked

3 sidewalks, extremely [inaudible] residential side
4 streets not designed for this kind of dining,
5 mosquitoes, rats, just litter everywhere. We had a
6 pile of garbage across the street by the dining shed
7 immediately outside my bedroom window and the trash
8 is just unbelievable for a couple of days. Anyway,
9 long and short, finally residents deserve the right
10 to go to sleep at reasonable hours and not have to
11 wait until midnight or one when restaurants close and
12 when diners wind down and decide what else they're
13 going to do with their evenings. I just-- this seems
14 to be bent to the nightlife industry and not to the
15 residents of the City, and this is not right. Thank
16 you.

17 COMMITTEE COUNSEL: Thank you, Kate.

18 Thank you for your patience with the audio issues.
19 The next speakers, the next set of speakers will be
20 Stuart Zamsky, Katherine Hilliard, Maria Paris, and
21 Renee Monroe. So, Stuart Zamsky will be our next.

22 SERGEANT AT ARMS: Time starts now.

23 STUART ZAMSKY: Hello. Thank you very
24 much. I am a long-term resident of each Fifth
25 Street, and I have run a small business here for the
26 27 years. We've survived 9/11, Sandy, Blackouts,

2 massive changes to the neighborhood, and now COVID-
3 19. But the thing is, I don't know how my landlord
4 can possibly renew my lease for a 300 square foot
5 space on a small street, when if these measures are
6 passed, they can rent that space plus 600 square feet
7 of street and sidewalk space to a restaurant or a bar
8 or a café. I believe my Council Member
9 Representative Carlina Rivera stated the ethos of a
10 Council Member's decision-making process beautifully
11 when she said she wouldn't support a bill that isn't
12 tenant-led and community-driven. Council Members,
13 this process has not been tenant or neighbor led.
14 This proposal serves a single industry and patrons
15 that have enough disposable income to take advantage
16 of it. More than 60 percent of New York City's
17 Community Boards voted against this proposal. They
18 did so for a singular reason. They do not want to
19 dismantle all of the residential zoning protections
20 without a clear plan in place and allow the
21 Department of Transportation to dictate what their
22 community residents can and can't endure. Because of
23 this I intrigue the Council Members to support the
24 community and vote as your Community Boards did.
25 Thank you.

2 COMMITTEE COUNSEL: Thank you, Stuart.

3 The next speaker is Katherine Hilliard.

4 SERGEANT AT ARMS: Time starts now.

5 KATHERINE HILLIARD: Thank you. I think
6 everything that I wanted to say has been said
7 throughout the course of today, and thank you all for
8 sticking with us and hearing us. I know it's been a
9 long day. I'm here to speak against the zoning text
10 amendment. I am a small business owner in lower
11 Manhattan. I'm also a lower Manhattan resident for
12 the last 20 years, and I am feeling completely
13 unheard and completely uninvolved in this process. My
14 apartment is a 500 square foot, not even 500 square
15 foot apartment, on the ground floor with a dining
16 shed right outside of my bedroom window, and I am in
17 a constant state of dread and regret and depression,
18 and this has really affected me mentally, and I
19 understand the hardships that small businesses and
20 restaurant owners face. I really do. I have my own
21 business and I place those-- myself also. I've been
22 in the same COVID crisis, but this has caused a
23 different kind of crisis for residents that haven't
24 been brought up, and there's no reason why this
25 should be made permanent in haste without an

3 environmental impact study, without speaking to the
4 residents. This has just gone too quickly. I think
5 everybody came into it on a human level wanting to
6 support everybody to get through this problem, but
7 now this is being rushed through without enough
8 community participation, without listening to people
9 and the true impact that it has at a very human
10 level, and I just beg that this be considered more
11 before such swift and irresponsible action is taken.
12 Thank you.

13 COMMITTEE COUNSEL: Thank you, Katherine.
14 The next speaker is Maria Paris.

15 SERGEANT AT ARMS: Time starts now.

16 MARIA PARIS: Hi, yes, Maria Paris. I
17 live on Carmine Street in the Village, and I just
18 want to bring up the topic of noise. I am surrounded
19 by restaurants and I have been for 25 years. I never
20 complained about noise until the restaurants' dining
21 room has moved onto the sidewalk and into the street.
22 I am surrounded. We have speakers and just-- with
23 loud music from all the different restaurants, and of
24 course, diners. They're drinking. They're having
25 fun. Nothing wrong with that. Take it back into the
restaurant, though. I don't want to hear it. I

3 don't want to hear it at three o'clock in the
4 afternoon on a Sunday. I don't want to hear it at
5 nine o'clock at night. The Sixth Precinct said they
6 can't enforce it. They can't enforce noise. There's
7 no way to enforce the diners who are eating and
8 drinking outside our windows. And I do say this is a
9 bad plan, great temporary. Start over. Do an ESI,
10 and one size does not fit all, and thank you for
11 having this meeting, and just City Council, do the
12 right thing for the residents, the voters. Thank
13 you.

14 COMMITTEE COUNSEL: Thank you, Maria.
15 The next speaker on this panel is Renee Monroe.

16 SERGEANT AT ARMS: Time starts now.

17 RENEE MONROSE: Hi, my name is Renee
18 Monroe and I've lived in downtown Manhattan for 45
19 years, and I oppose these two actions. We keep
20 hearing about leveling the playing field, but the
21 City is leveling the playing field for only one
22 industry and bulldozing everyone else in the process.
23 Sixty-two percent of the City's Community Boards
24 voted against the permanent outdoor dining program,
25 and if you vote for these actions, they will
completely toss out years of thoughtful planning by

3 Community Boards and City Council and hand over our
4 public sidewalks and roadways to the bar and
5 restaurant lobby at the expense of residents and
6 other small businesses. The majority of the 2022
7 City Council is newly elected. They've had little or
8 no time to carefully study this sweeping zoning text
9 change or the law repealing the sidewalk licensing
10 provision. Please put this on pause. The zoning
11 text amendment makes sweeping changes with no
12 consideration for the different circumstances among
13 neighborhoods and communities. One size does not fit
14 all. The Open Restaurants program was meant to be an
15 emergency program. It should stay temporary. DOT
16 should definitely not be in charge of our streets and
17 sidewalks. It has proven its incompetence over and
18 over again during the past two years of the pandemic.
19 In fact, where is DOT? Apparently, they can't even
20 stay through the one and only hearing of this massive
21 program they want to control. Speaker Adams and all
22 of City Council, please take this program back to the
23 drawing board. Please call for a fiscal and
24 environmental study on the impact of this program.
25 Demand that changes to the rules of the pre-pandemic
sidewalk café program be fully discussed in public

2 forums with ample community input, and please elevate
3 Community Board Members Marte and Bottcher to equal
4 standing in all Council discussions of the Open
5 Restaurant program. Thank you very much.

6 COMMITTEE COUNSEL: Thank you, Renee.

7 The next two speakers will be Mary Evancho, Adam
8 Zeldin, and Marco Conner DiAquoi. Mary Evancho will
9 the first one.

10 SERGEANT AT ARMS: Time tarts now.

11 MARY EVANCHO: Yes, my name is Mary
12 Evancho. Can you hear me? A New Yorker of 40 years,
13 Upper West Side. The current conversation speaks in
14 a tense that assumes permanence has already been
15 approved with design competitions for sheds already
16 in the works. Let's stop and take a breath. This is
17 my story and my experience. I live on West 73rd
18 Street residential block, 100 dining chairs outside.
19 The noise is outrageous. The restaurant CFO is two
20 buildings, the shed extends six buildings. The
21 restaurant moved to the block 30 years ago,
22 landmarks, building permits, CFOs were ignored. For
23 over 10 years they've operated with two partial
24 vacate orders and an illegal backyard extension. So
25 how does this happen and why am I mentioning it here?

3 Lack of enforcement in what is already a broken
4 system. Just as the temporary outdoor program did
5 not comply where a large majority of these sheds are
6 fully enclosed, defeating the entire purpose of
7 outdoor dining. This proposal would be an enormous
8 challenge to a city that is already well behind and
9 where enforcement at all levels is close to zero. We
10 are not obligated to take this on. This restaurant
11 industry was offered a gift. We do not need 27,000
12 permanent reminders of the last two years. Zoning
13 has existed to protect New Yorkers. It need not be
14 swiftly removed to support one industry. A recent
15 quote from President of the United Fire Fighters,
16 "The sheds have narrowed the streets to the point
17 where we cannot safely and effectively raise ladders.
18 Lives are in danger. The reality is that if our
19 zoning is removed, the City will no longer be for the
20 people. It will be for the restaurant industry, and
21 what history has taught us is we can count on zero
22 enforcement. This program would be an absolute
23 disaster.

24 SERGEANT AT ARMS: Time expired.

25 COMMITTEE COUNSEL: Thank you, Mary. The
next speaker will be Adam Zeldin.

2 SERGEANT AT ARMS: Time starts now.

3 ADAM ZELDIN: Thank you. Charge market
4 rent or at least consider it. My name is Adam Zeldin.
5 I'm a resident of SoHo, and I want to thank the
6 members of City Council for their thoughtful
7 questions and for the privilege of speaking here
8 today. There have been many comments so far, but I'd
9 like to focus on pricing. We've heard questions from
10 the members about how consent fees will be levied.
11 Council Member Krishnan asked about how neighborhood
12 will impact pricing. Council Member Velázquez asked
13 about how size will impact pricing. These questions
14 tee'd up my prepared comments nicely. This city
15 should consider how charging market rent will solve
16 many of the issues discussed here today. Without a
17 doubt, outdoor dining should be made permanent, 365
18 days a year. It's a great program, popular, and
19 enjoyed by New Yorkers and visitors alike. It has
20 overwhelming public approval and support. The
21 program itself replaces some of the free car storage
22 that is afforded to few New Yorkers who still decide
23 to drive. The outdoor dining program itself is a no-
24 brainer, but charge market rent. Those who are
25 categorically opposed to the program have brought up

3 one, at least one very good point, that is outdoor
4 dining is, up until now, free handout to private
5 sector restauranteurs and rent-seeking landlords.

6 When restaurants were struggling during the pandemic,
7 this was a justified handout, but now as we look
8 towards the future, the proposed pricing scheme might
9 be too low in light of other public benefits and
10 goods that could leverage the space. Examples of
11 that would include park lids [sic], containerized
12 trash, loading zones, etcetera. Given this is public
13 lane, there should be a significant return to the
14 public. There is a simple solution. Charge the
15 tenants market rent. Not only will this raise
16 considerable funds for New York City, funds that
17 could then be used to turn other improvements for our
18 streetscapes, but a market rent scheme will also
19 achieve the following: values of property held by
20 private interests will not increase. So this is not
21 going to be handout to landlords. This will not be
22 some overly generous handout for the restaurant
23 industry above all other industries since you're
24 going to be charging those restaurants--

25 SERGEANT AT ARMS: [interposing] Time
expired.

2 ADAM ZELDIN: Thank you.

3 COMMITTEE COUNSEL: Thank you, Adam. The
4 next speaker will be Marco Conner and to be followed
5 by Lucy Koteen, Donna Raftery, and Chris Ryan. To
6 Marco Conner.

7 SERGEANT AT ARMS: Time starts now.

8 MARCO CONNER DIAQUOI: Thank you. Good
9 afternoon. Good evening. My name is Marco Conner
10 DiAquoi. I am Deputy Director at Transportation
11 Alternatives. Nearly 50 years we have been a
12 nonprofit leader in the fight to make our streets
13 livable and are happy to support the local businesses
14 and workers in the food and hospitality industry who
15 make our neighborhoods and streets vibrant. Thank
16 you, Chair Velázquez and Riley for this hearing and
17 the opportunity to testify in support of today's
18 legislation. I want to stress that voters have
19 expressed overwhelming support for this program.
20 Nearly two-thirds of registered voters citywide
21 believe that outdoor dining is an important use of
22 curb space in their own neighborhood. This is public
23 polling from Sienna College. In Manhattan they
24 support jumps to nearly 80 percent. The future of
25 this program should not debate its existence. The

3 future should be a program that is even better and
4 part of a citywide plan to reclaim street space from
5 cars for the benefit of everyone. Our current
6 allocation of curb space is highly inequitable and
7 harmful. Seventy-five percent of our public curb
8 space is devoted to the movement and storage of
9 vehicles that sit unused 95 percent of the time. We
10 have three million free parking spaces made for
11 personal cars, and with just 0.2 percent of these
12 spaces were put to better use for outdoor dining, New
13 York City saved 100,000 jobs. We believe in a city
14 that puts our shared public space to better use, and
15 that's why our 25 by 25 coalition has the support of
16 200 others [sic] groups across the five boroughs, and
17 we are demanding that the City of New York reclaimed
18 25 percent of space from cars and give it back to
19 people by 2025, and this open streets program is a
20 key part of that vision. When streets are planned
21 around people, there's plenty of space to go around.
22 Everyone will benefit if we start planning around
23 people. Thank you.

23 COMMITTEE COUNSEL: Thank you, Marco.

24 The next speaker is Lucy Koteen.

25 SERGEANT AT ARMS: Time starts now.

2 LUCY KOTEEN: Good evening and
3 congratulations on your endurance to those who are
4 still here. A solution that creates greater problems
5 for community than the one it was attempting to cure
6 is not a solution at all. It is a massive burden to
7 the residents who have made their home here. While
8 it was established as a temporary aid to restaurants
9 and thousands of jobs has turned into a nightmare for
10 residents transforming habitable residential areas
11 into neighborhoods overrun with rats, with crowds of
12 people creating unacceptable noise levels late into
13 the night, destroying once peaceful neighborhoods.
14 DOT cannot handle-- that's DOT-- cannot handle all
15 the work they have now. They are not equipped to
16 regulate restaurant sheds that present many
17 illegalities. My personal experience with DOT is
18 that they have failed me. I have been waiting almost
19 10 years for DOT to repair my sidewalk, a small job,
20 and there's no time expectation for when that repair
21 will be done. The Brooklyn Commissioner has no idea
22 when that will happen. I have no faith in DOT's
23 ability to handle this job. Many people think they
24 are the worse agency. If there was a vote, they would
25 be voted the worst agency in the City. Furthermore,

3 this does not provide equity to other businesses. It
4 is not fair that one industry be given additional
5 space on city streets and deny the same right to
6 other businesses. Other businesses cannot expand
7 into the street and sidewalk to set up shop for their
8 customers. Priority to food and beverage industry
9 creates an unhealthy mono-culture, and concur with
10 all the reasons stated by the many people who have
11 said chuck the shed. I oppose the extension of what
12 was meant to be a temporary program. Please--

13 SERGEANT AT ARMS: [interposing] Time
14 expired.

15 LUCY KOTEEN: do not permit it. Thank
16 you.

17 COMMITTEE COUNSEL: Thank you, Lucy. The
18 next speaker is Donna Raftery.

19 SERGEANT AT ARMS: Time starts now.

20 DONNA RAFTERY: Hi, my name is Donna
21 Raftery. I am the Co-chair of Manhattan Community
22 Board Two's SLA Committee and I'm a residential
23 representative on the Meat Packing BID. I have lived
24 in the Meat Packing District of Manhattan for over 30
25 years, Lower Manhattan even longer, and I'm speaking
today strictly as a resident who loves this part of

2 New York. It's very clear that the temporary program
3 has certainly been beneficial to areas that
4 previously had little to not outdoor dining pre-
5 pandemic, particularly in the outer boroughs. But in
6 my district which already had an abundance of
7 restaurant with outdoor dining, this program has
8 oversaturated many of our streets and sidewalks. I
9 am concerned that we are giving up public space to
10 one industry without a comprehensive discussion and
11 plan for the best use of our streets and sidewalks, a
12 plan that takes into account the various needs of
13 each community. Those of its residents for open
14 spaces and all of its businesses, not only the
15 restaurants. One size does not fit all, not even
16 within my community, which is a combination of mixed-
17 use and residential neighborhoods. Roadbed
18 structures on wide and closed streets may work well,
19 but not on narrow streets, not in residential
20 neighborhood, and are dangerous when there is bike
21 lane between a sidewalk and a roadbed structure.
22 Hours for outdoor dining should be limited,
23 especially if it's located in residential
24 neighborhoods, as they are inhabited differently than
25 commercial neighborhoods. AS you've heard, time for

2 Community Board review needs to be 45 days to ensure
3 that the community can provide input, and the
4 Community Board should give you both sidewalk and
5 roadbed applications. If this program moves forward,
6 I urge you to work closely with our Council Members
7 Bottcher and Marte who have the highest density of
8 restaurants in their districts to develop a plan that
9 actually meets this moment and is comprehensive in
10 its discussion of use for our public spaces. Thank
11 you very much for all your time today.

12 COMMITTEE COUNSEL: Thank you, Donna.
13 The next speaker will be Chris Ryan.

14 SERGEANT AT ARMS: Time starts now.

15 CHRIS RYAN: Hi, Chris here. I'm going to
16 report from a dining shed. This is a dining shed
17 that affects our home. It's now empty. DOT, I'd
18 like point out, has failed. Up until now there's--
19 it's filled with water and standing water and I had
20 to dodge a rat who was also jumping the water to get
21 here, and we have new tenants I'm sure applying here.
22 There's a liquor license application on the window.
23 And how do you think the landlord is going to be
24 selling this? As not the small little café, but
25 doubling the size as they have so far. There are

3 more seats out here than the initial restaurant had
4 in the first place, and they couldn't survive until
5 now. But the landlord, I believe, will probably be
6 raising the rent because they have a more valuable
7 property. DOT, when will you take away this
8 structure. You're talking about the new system is
9 going to be just umbrellas and railings and whatever.
10 Then when do they go? When does Open Restaurants
11 end, because that doesn't sound like Open
12 Restaurants? If it's over, make a date. Let's say
13 this summer is the last summer. Make a slogan,
14 "Remove em all by the fall." When does it become
15 tables and railings? You failed so far. You're
16 failing the sanitation. You're failing the rats. The
17 FDNY we're finally hearing from. This thing has sound
18 systems. [inaudible] talking about [inaudible]
19 myself [inaudible] things are the size of two tractor
20 trailers. [inaudible] this as rich white ladies who
21 love parking or whatever. These are people who have
22 to sleep. We have a family. We have kids. This--
23 DOT, another sign of cluelessness is that you think
24 this should be 'til 11 or midnight, or 1:00? Are you
25 out of your minds? This was a temporary solution.
That worked for a couple of little sidewalk cafés

2 heavily vetted by Community Boards. That's not your
3 starting point. You're just inept. You're proving
4 yourself you should be removed from this. This is
5 not a DOT situation. Who are we supposed to call at
6 11 in the morning, I mean at night? You? This is
7 NYPD. They can't reply to a party here unless
8 somebody falls off a roof and dies. You're going to
9 enforce--

10 SERGEANT AT ARMS: [interposing] Time
11 expired.

12 CHRIS RYAN: Alright, thank you. Fire DOT
13 [sic].

14 COMMITTEE COUNSEL: Thank you, Chris.
15 The next panel is going to be Michell Goodson [sp?]
16 Followed by Terry Rickwell [sp?], Christine Williams,
17 Susan [inaudible], Denny Salas, and Peter Arntzen.
18 Michelle Goodson [sp?] is the first speaker.

19 SERGEANT AT ARMS: Time starts now.

20 COMMITTEE COUNSEL: Do we have Michelle?
21 Looks like Michelle is having some audio issues. So
22 I'm going to move on and we'll come back to Michelle.
23 I'm going to move on to the next person who is Terry
24 Rickwell.

25 SERGEANT AT ARMS: Time starts now.

2 COMMITTEE COUNSEL: Terry, are you there?

3 Looks like the same issues. So while we fix that,
4 I'm going to call on Christine Williams.

5 CHRISTINE WILLIAMS: Hello?

6 COMMITTEE COUNSEL: WE can hear you,
7 Christine.

8 CHRISTINE WILLIAMS: Hi. Can you hear me?

9 COMMITTEE COUNSEL: Yes, go ahead.

10 CHRISTINE WILLIAMS: Okay. My name is
11 Christine Williams, and I currently own two
12 restaurants in Brooklyn, and I strongly support the
13 Open Restaurant legislation as well as the text
14 amendment which aims to create a more inclusive
15 sidewalk café program. As noted that Open Restaurant
16 program has saved 100,000 jobs, and while it might
17 seem like a small and insignificant number, it saved
18 over 50 jobs at my two spots in addition to creating
19 a dozen more. In addition, outdoor dining is
20 extremely popular in our neighborhood, and with our
21 guests it continues to be a way to accommodate both
22 the unvaccinated and immunocompromised members of our
23 community. Of course, we need a well-regulated
24 system and oversight. We want and encourage all
25 restaurants to create sidewalk seating and roadside

3 dining areas that are clean, safe, welcoming, and
4 accessible to all residents. I may be alone here,
5 but from my experience with DOT, I believe they can
6 facilitate that. Pre-COVID, the sidewalk café
7 license process was lengthy, expensive, and had no
8 oversight. In the five years that we had the license
9 I saw an inspector exactly one time whose only
10 concern was that our permit be in a particular
11 location in our window. Since the outdoor dining
12 program has begun, we have been inspected five times
13 in 16 months. The safety and accessibility being at
14 the forefront of their inspections. And as a
15 restaurant owner, we had complied with all of these
16 reasonable and necessary regulations, and in
17 addition, have added seven-day a week garbage pick-
18 up, online wait system in order to reduce sidewalk
19 traffic, nod included extensive outdoor dining clean-
20 up to our nightly cleaning problem [sic]. While I
21 understand there are bad actors in the community,
22 there are also overwhelmingly--

23 SERGEANT AT ARMS: [interposing] Time
24 expired.

25 CHRISTINE WILLIAMS: plenty of
responsible and diligent restaurant owners that want

3 to work with their neighborhood. I encourage the
4 Council to pass this and work with restaurant owners
5 and the community. Thank you so much.

6 COMMITTEE COUNSEL: Thank you, Christine.
7 The next speaker would be Susan Febrov [sp?]

8 SERGEANT AT ARMS: Time starts now.

9 COMMITTEE COUNSEL: Do we have Susan. If
10 we-- it doesn't look like we have Susan, so I'm going
11 to move on to Denny Salas.

12 DENNY SALAS: Alright. Good evening,
13 everybody, and first, congratulations to everybody
14 whether you're for or against this plan, just in this
15 excellent display of stamina. My name is Denny Salas,
16 and I am a Lower Manhattan resident testifying in
17 support of the text amendment. I do believe there
18 are areas of improvement that the City can take to
19 make this legislation more effective. One, the cost
20 to participate must be affordable to all restaurants
21 to ensure equitable opportunity. Please look into
22 establishing a rate system based on a restaurants'
23 annual revenues instead of a flat fee. Additionally,
24 DOT can create a mechanism to track and invalidate
25 discriminatory fines. New York City, unfortunately,
has a history of targeting minority-owned businesses

2 and disproportionately by issue excessive penalties.

3 So please take a look at that. Also, look into

4 forming super blocks. A lot of the issues that we

5 have heard today from opponents of this particular

6 plan, especially using, you know, the city streets

7 and all the landscape and everything to actually use

8 it for pedestrian purposes. You can create a system

9 that's very similar to what Barcelona and Paris has,

10 and those are forming super blocks. Additionally,

11 for clean-up, please consider fully implementing the

12 Clean Curbs program in every city eligible. That

13 programming requires applicants to design and install

14 a deck platform with sealed waste containers and it

15 must include an array of features for safety and

16 visibility. That is all. Thank you very much for

17 your time, and I hope all of you have a wonderful

18 night.

19 COMMITTEE COUNSEL: Thank you, Denny.

20 The next person I want to call is Peter Arndsten.

21 PETER ARNDSTEN: Hello. Thank you very

22 much. It's been quite a day for all of us. I

23 represent-- I work with the Columbus Amsterdam

24 Business Improvement District, and we serve the area

25 north of 96th Street on both Columbus and Amsterdam

3 Avenues in Manhattan. We have over 100 restaurants
4 between 96th and 110th Street. They are from all over
5 the world. They have small restaurants and the
6 difference between this program has made a huge
7 difference. Back in the spring of 2020, for three
8 months it looked like they were all going to die.
9 This program came in and all of a sudden people
10 started coming back. We had six new restaurants open
11 up over the course of the next year and a half. It
12 is very important. DOT has made a huge difference in
13 listening to us, working with us. They have adjusted
14 the program to meet some of the complaints and
15 concerns that they had about streets that were unsafe
16 because of high speeds and reckless driving. So,
17 they have been responsive. I will say that-- where do
18 I go from here. We have a number of really small
19 stores, nine feet wide. Having the open streets and
20 the Open Restaurants has made a huge difference.
21 They would not have been able to survive with just
22 inside dining. Yes, we do have rats in the
23 neighborhood. We have people that have all sorts of
24 mental health problems. Things would be worse if we
25 did not have the restaurants working to maintain the
neighborhood and to bring people--

3 SERGEANT AT ARMS: [interposing] Time
4 expired.

5 PETER ARNDSTEN: I'll say thank you, and
6 thank you very much. Take care.

7 COMMITTEE COUNSEL: Thank you, Peter. I
8 believe that was the last speaker that we were able
9 to locate. So, Chairs, I want to do a last call just
10 to find any remaining speakers if that's okay with
11 you. Alright. If there are any members of the
12 public who wish to testify on the Open Restaurants
13 text amendment and pre-considered intro, please press
14 the raise hand button now so staff can identify you.
15 The meeting will stand at ease while we check for any
16 newly registered members of the public or those that
17 were having trouble before. So, please raise your
18 hand right now. We will stand at ease for about 30
19 seconds. Okay, so I'm going to go in the order that
20 the hands were raised. So, please accept the unmute
21 request when you get it. So the first person I'm
22 going to call on is Elizabeth Denys. Sorry if I
23 mispronounced your name.

24 ELIZABETH DENYS: Hi, my name is
25 Elizabeth Denys and I live in Flatbush in Brooklyn.
I'm speaking in favor of permanent Open Restaurants.

3 The popularity of outdoor dining speaks for itself
4 and is immediately apparent when walking by
5 restaurants in the current program, even in the
6 middle of winter. The current outdoor dining program
7 has provided additional access to enjoyable outdoor
8 spaces. Something that is especially valuable in
9 neighborhoods like mine in Flatbush where a majority
10 of residents live disproportionately far from parks.
11 Enjoyable outdoor spaces are not just important for
12 public health in the midst of a pandemic, but also a
13 vital part of public health in the eventual post-
14 pandemic world. Clear, consistent regulations for
15 Open Restaurants can ensure that outdoor dining
16 spaces are well-integrated into the overall
17 streetscape. This means that ensuring that bike
18 lanes are kept clear for bicyclists, daylighting
19 [sic] zones at intersections are kept clear to ensure
20 visibility of people crossing streets, and sidewalks
21 are kept clear without obstructions that prevent
22 people, especially those relying on mobility aids
23 from comfortably navigating them, none of these are
24 blockers to having a successful Open Restaurants
25 program. Finally, I ask the Council to think broadly
about how Open Restaurants should only be the start

3 of creating more equitable and inclusive street
4 spaces. There are better uses for our curbs than
5 providing three million parking spaces, with the vast
6 majority of these parking spaces being given away for
7 free for long-term storage. This is hardly the most
8 equitable use of our street spaces as car owner tend
9 to be wealthier New Yorkers, unsurprising since the
10 cost of owning, insuring, and maintaining a car is
11 substantial. There are many other possible uses of
12 the curb that could even more directly and equitably
13 provide benefit to the public, including expanding
14 the protected bike lane network, adding loading zones
15 containers and trash collection to keep waste orderly
16 and reduce food sources for rats, a common problem
17 that seem to be mis-assigning to Open Restaurants and
18 creating parklets [sic] particularly in neighborhoods
19 like mine that don't have good access to existing
20 green spaces other than at the margin [sp?]. The
21 proposed fees form the Open Restaurants program
22 should be expanded to all pirate uses of this public
23 space, including parking and could provide a revenue
24 stream for creating additional vibrant, enjoyable
25 spaces on sidewalks and along the curb. Thank you so
much for my time.

2 COMMITTEE COUNSEL: Thank you, Elizabeth.

3 So I'm going to announce the next two speakers so
4 that you guys are ready when your unmute request
5 comes in. so the next person will be Rich Robins
6 followed by Elizabeth Ely, then Sean Campbell [sp?],
7 Lynn Elseworth [sp?], Darwin Pyong [sp?], and Omar
8 Gonaes [sp?], and Losan Salaca [sp?]. So the first
9 person on that panel will be Richard Robin.

10 SERGEANT AT ARMS: Times starts.

11 RICHARD ROBINS: Hi. Thank you. I'm
12 speaking on my own and not on behalf of Manhattan CB7
13 on which I serve. Open dining is one silver lining
14 from all the hardship of the past two years. It
15 brings life and vibrancy to New York City. It
16 provides a new way for so many New Yorkers and
17 visitors to enjoy the city while also helping support
18 our local restaurateurs and their employees, the
19 restaurateurs, many of whom are small business
20 owners. I have a few thoughts. Number one,
21 Community Boards can give great insights for their
22 communities, but also bog processes down in red tape.
23 The current drafted text amendment has a very
24 complicated process for approval with timing that
25 many pointed out won't work. My recommendation is

3 that Community Boards give general guidelines for all
4 restaurants in their district, but shouldn't have to
5 be evaluating each individuals restaurant. If the
6 Community Boards do vote for each restaurants, we
7 should grandfather in existing structures for a
8 period of time so that they're not all coming before
9 this Community Board for approval right away. Number
10 two, I'm a strong supporter of protected bike lanes.
11 We need DOT to develop a solution so there aren't
12 bike riders effectively riding through restaurants
13 which is on Columbus and Amsterdam Avenues. I've
14 said this many times. There will be fatalities.
15 Number three, there should not be smoking in these
16 outdoor restaurants. I was once in one over 50 feet
17 away from the smoking and it was still blowing right
18 in our face. They should not be smoking lounges.
19 Number four, many people have said this, but 12:00
20 a.m. or 1:00 a.m. is way too late. It should be much
21 earlier to be respectful for the people who live
22 right nearby. Five, it makes much more sense to use
23 public space for restaurants that benefit many people
24 than to give curb space for individual cars. Those
25 people saying that curb space shouldn't be given to
private restaurants but should go for free parking,

2 are not being logically consistent. Six, people have
3 raised the question of whether restaurants are
4 getting preferential treatment that retail stores
5 aren't getting. I think outdoor dining is a great
6 first step. There's no reason that other businesses
7 shouldn't be able to take care of-- take advantage of
8 public space, especially if concerns about
9 pedestrians are taken into account. Last is--

10 SERGEANT AT ARMS: [interposing] Time
11 expired.

12 RICHARD ROBINS: [inaudible] focused on
13 Vision Zero. The fact that they're not even still on
14 the call, means that they shouldn't be in charge of
15 this. And I do commend everyone who's still here.
16 Thank you very much.

17 CHAIRPERSON VELÁZQUEZ: Thank you so
18 much. Thank you.

19 COMMITTEE COUNSEL: Thank you, Richard.
20 The next speaker is Elizabeth Ely.

21 SERGEANT AT ARMS: Time starts now.

22 ELIZABETH ELY: Hi, thank you for your
23 time and the opportunity to speak, and thank you
24 especially to our ASL interpreters on the call. My
25 name is Elizabeth Ely, a West Village resident. On

3 behalf of like-minded concerned citizens I behoove
4 you and your offices to reject this proposal. To be
5 brief, this permanent program has already and will
6 continue to present numerous and long-term
7 consequences, especially to neighborhoods that have a
8 high density of restaurants. Such consequences have
9 been addressed at length, and I echo these concerns.
10 To disregard these issues would be imprudent and
11 antithetical to the duties of your offices. I'd like
12 to draw your attention to another problem that this
13 program presents. Despite what might be intended,
14 the real and practical institution of this program
15 has not actually helped struggling small businesses
16 in restaurant concentrated neighborhoods, but instead
17 has granted upscale and chain restaurants unfettered
18 access to a monopoly over the hospitality industry in
19 New York City. This program has brought in countless
20 profit seekers to densely packed nightlife position
21 neighborhoods. They have one purpose, to pen more
22 restaurants, expand their business onto public
23 property, and maximize profits with little to no
24 regard for the communities that they are supposed to
25 serve. With a blatant disregard to standing roadbed
dining regulations, hundreds of 311 calls have been

3 made about noise, and I personally reported
4 restaurants in the area to the DOT for these
5 violations. As had already been discussed, the DOT
6 has failed and likely will continue to fail to
7 enforce or see-through all of these complaints. What
8 I've seen is an unequal, unfair, and at times grossly
9 inappropriate abuse and treatment of the outdoor
10 dining program, by greedy landlords, upscale
11 restauranteurs and chain restaurants. I have seen
12 this program cost my neighborhood many valued and
13 generations-owned family businesses whose storefronts
14 and leases are swallowed up by these people, people
15 who intent to exploit and manipulate roadbed dining
16 with impunity. I hope it is fair to assume that your
17 office do not intend to make permanent program and
18 [inaudible] some individuals at the expense --

18 SERGEANT AT ARMS: [interposing] Time
19 expired.

20 ELIZABETH ELY: Thank you all for your
21 time.

22 CHAIRPERSON VELÁZQUEZ: Thank you.

23 COMMITTEE COUNSEL: Thank you. Next
24 speaker will be Shawn Campbell.

25 SERGEANT AT ARMS: Time starts now.

2 SHAWN CAMPBELL: Thank you very much. I
3 registered to speak this morning, and I'm very
4 pleased to be before this body. Thank you Chairs
5 Velázquez and Riley, members of the Council and
6 participants this evening. Community Board 14
7 Brooklyn, I'm Shawn Campbell District Manager of that
8 Board. Opined on this, on DOT proposal in September,
9 and presented comments to the Planning Commission on
10 September 21st. I've submitted that correspondence
11 and this correspondence to this body when I
12 registered this morning. Brooklyn Community Board 14
13 opposed the text amendment condition on several
14 specific concerns, many of which have been addressed
15 this evening. Many of our concerns were either
16 problematic, pending, or undefined, and the bottom
17 line is that Community Boards were asked to opine on
18 a proposal that was not fully realized. To the
19 extent that DOT has made progress toward fully
20 realizing and developing implementation, maintenance,
21 and enforcement plan, that progress should be brought
22 back before the Community Board citywide for
23 substantive, local, review, and there's some question
24 as to how much that-- the proposal's been developed
25 given the Council Member's questions this morning.

2 Then and only then should this body consider making
3 this a permanent and extremely impactful transfer of
4 public space to private enterprise. The Department
5 of Transportation should also outline how they will
6 prioritize competing uses of the public right-of-way,
7 whether it's private use for restaurants, city bike,
8 electric vehicle charging stations, other public uses
9 like bike corrals, bike lanes, express bus lanes,
10 truck delivery windows, and even parking. How these
11 will be prioritized needs to be addressed. I thought
12 DOT was very belied about that question today when
13 they said, "Well, it's a balancing act." If it's a
14 balancing act, consider it a balancing act on a
15 tightrope while juggling sharp objects over lava. I
16 mean, it is-- it's a high-stakes balancing act. And
17 so I urge DOT to take--

18 SERGEANT AT ARMS: [interposing] Time
19 expired.

20 SHAWN CAMPBELL: seriously. Thank you
21 very much.

22 CHAIRPERSON VELÁZQUEZ: Thank you, Shawn.

23 COMMITTEE COUNSEL: Thank you, Shawn.

24 The next speaker-- sorry Chair Velázquez, is Lynn
25 Ellsworth.

3 SERGEANT AT ARMS: Time starts now.

4 LYNN ELLSWORTH: I'm Lynn Ellsworth with
5 the Alliance for Human-Scale City. We do support
6 well-managed, attractive, and well-regulated sidewalk
7 cafes and non-car uses of our streets, but we first
8 have to solve a problem. The regulatory system in
9 place before COVID, during COVID, and the system
10 proposed in this bill all fail to give us the desired
11 results of how we imagined this could work out.
12 Massive rethinking is in order. To that end, we have
13 some thoughts on how to do this better. One, our
14 public streets should not crow-form [sic] and be
15 handed to the restaurant industry or any industry in
16 particular. Instead, we need a new community-level
17 planning process to temporarily allocate permits for
18 sidewalk and street space for café seating, outdoor
19 markets, community meeting space under tend,
20 pedestrianized blocks, play streets, parklets, push
21 carts, kiosks, dog runs, and outdoor street parking
22 for bike share and care share. We do not support
23 free public parking on the streets. The process to
24 plan all this at the local level needs creative
25 invention to slow, steady, experimentation at the
local Community Board level in order to build up the

3 rule definition that you need for how to convert
4 streets to such mixed-use. Second, I think the
5 Council should pay for some research to scan prior
6 experience around the world with places that have
7 succeeded better with these programs, such as the
8 program in Paris. Borrow their ideas liberally for
9 what works and what doesn't work in creating a
10 regulatory regime for this. Third, regulatory
11 authority should not go to DOT, the absolute wrong
12 agency for this who can't even sit through a hearing,
13 but it should go to a combination of Community Boards
14 and the new agency charged with developing a system
15 of simple design review for the aforementioned
16 facilities, not just outdoor dining. Fourth, design
standards obviously should never be--

17 SERGEANT AT ARMS: [interposing] Time
18 expired.

19 LYNN ELLSWORTH: Okay. Thank you.

20 COMMITTEE COUNSEL: Thank you. The next
21 speaker is Darwin Keung. Darwin, you can go ahead.

22 DARWIN KEUNG: Hi can you hear me?

23 COMMITTEE COUNSEL: We can hear you.

24 DARWIN KEUNG: Good evening. My name's
25 Darwin Keung and I'm a research and policy manager at

3 Tri-State Transportation Campaign. Tri-State's a 29-
4 year-old nonprofit advocacy organizations dedicated
5 to [inaudible] sustainable, equitable, and safer
6 mobility from our streets and sidewalks in our mass
7 transit network. We'd like to thank the Council for
8 the opportunity to provide comment today in support
9 of the Open Restaurants program and for considering
10 the zoning text amendment and legislation to develop
11 a permit program even as we go late into the evening.
12 For the last year we've been working with the
13 Regional Plan Association and Design Trust as part of
14 the [inaudible] Coalition to reimagine how New
15 Yorkers use our streets and ensure open restaurants
16 and open streets program activate [sic] our
17 streetscapes and serve all New Yorkers. I'm here
18 today to-- I'm in support of creating a better
19 program that expands and modernizes our streets, and
20 for the opportunity to create a better city with a
21 carefully crafted program. The Open Restaurants
22 program has been a lifeline during the pandemic.
23 Over 12,000 restaurants engaged in that program
24 allowing them the opportunity to staying business
25 throughout the worst of the pandemic. The number of
participating restaurants is bolstered further by the

3 emergency order, which lowered barriers to entry for
4 outdoor dining which previously is severely limited
5 to the well-resourced establishments of certain parts
6 of Manhattan. Nearly half the current outdoor dining
7 permits are outside of Manhattan allowing for outdoor
8 dining to exist at mom and pop shops in all boroughs,
9 restaurants run by immigrants and people of color
10 with New York-sized dreams. It's clear that these
11 old ways needed change, and we must ensure that a new
12 permanent Open Restaurants program is accessible,
13 equitable, and practical for all who wish to
14 participate and shaping a more vibrant and engaging
15 city. We know the program must address challenges
16 like noise, crowded sidewalks, poor design,
17 abandonment issues, and street management between
18 right-of-ways, bike lanes, and bus lanes and
19 sanitation on a case-by-case neighborhood-by-
20 neighborhood basis. The new program must evolve to
21 have consistent rules, standards and enforcement, and
22 continue dialogue between the City, communities and
23 establishment.

24 SERGEANT AT ARMS: Time expired.

25 COMMITTEE COUNSEL: Thank you, Darwin.

The next speaker is Omar Canales.

2 SERGEANT AT ARMS: Time starts now.

3 OMAR CANALES: Hello everyone and I want
4 to thank everyone here, public officials. I'm Omar
5 Canales. I'm representing my family's restaurant,
6 Seis Vecinos, in the South Bronx. I also like to say
7 that I'm a huge advocate for other small businesses
8 and restaurants in the Bronx and throughout New York
9 City. I'm here to say that the-- we're huge
10 supporters of the program and we want to [inaudible]
11 with it. The old sidewalk café permit, as expensive
12 as it was difficult, is antiquated and this temporary
13 Executive Order proves it. We want to thank the
14 Executive-- temporary Executive Order that has
15 allowed us to survive tremendously while keeping our
16 patrons safer during this pandemic. There are many
17 businesses and restaurants that continue to do a good
18 job with their outdoor seating, and I'm here to
19 support them. Their businesses would like to grow
20 with this new program now having witnessed the
21 benefits. Our intention and willingness to add
22 outdoor seating was because of the demand of our
23 community and our neighborhood to begin with prior to
24 the pandemic. Our community has been very positive
25 with their feedback in regards to our outdoor

3 availability. We want to continue to add this
4 positive perspective to help beautify our South Bronx
5 neighborhood by providing this type of ambiance with
6 outdoor seating. It's understood that every
7 restaurant can serve as a unique use [sic] case,
8 therefore, it is in our best interest to see this
9 outdoor dining permit progress under this new
10 ordinance to help mold and the new permanent outdoor
11 dining rules and regulations. I thank you once again
12 for this opportunity.

13 COMMITTEE COUNSEL: Thank you, Omar. The
14 next speaker is Lobsang Salaka.

15 SERGEANT AT ARMS: Time starts now.

16 LOBSANG SALAKA: Hello, you hear me?

17 COMMITTEE COUNSEL: Yes.

18 LOBSANG SALAKA: My name's Lobsang
19 Salaka. I'm Member-at-Large at Queens Community Board
20 Three and the Chair of Immigration Committee. We had
21 a meeting in September 23rd, 2021 to the motion to
22 disapprove [sic] the [inaudible] proposal to pass
23 with a vote of 30 in favor, five opposing, zero
24 abstentions. Queens Community Board Three supports
25 our local restaurants and acknowledged the city's
impact of COVID-19 has had on their businesses.

2 However, [inaudible] DCP's current proposal open
3 restaurant text amendment, we believe that further
4 development is required. Queens Community Board
5 Three recommend that Open Restaurants text amendment
6 because approved because of the following consents.
7 DOT, DOB, and DCA working jointly would have better
8 handled the oversight of Open Restaurant. The
9 proposed amendment does not mention how the rules and
10 policies would be enforced, nor whether sufficient
11 enforcement personnel will be hired to oversee the
12 implementations of agency policy. With permitting
13 fee be [inaudible] small businesses. Sidewalk
14 streets are not conducive for sidewalk street café
15 uses. Has there been any study to determine the
16 impact of reduced parking would have on local
17 businesses. Queens Community Board Three cannot
18 support the current text amendment that has been
19 offered. There are too many issues that have not
20 been addressed or left out of the proposal. It is
21 suggested DCP revisit this matter. We thank the City
22 for opportunity to come in on the application. We
23 look forward to working with the agency to come up
24 with better solutions, workable [sic] solution.
25 Thank you.

2 COMMITTEE COUNSEL: Thank you, Lobsang.

3 We're trying to locate two last speakers. Is either
4 Alexis Adler [sp?] or the person who's on the phone
5 at the meeting? If you would like to provide
6 testimony if you're here, can you please raise your
7 hand so that our staff can locate you and unmute? I
8 don't see any raised hands. So with that, for my
9 last announcement and I'll say, there being no other
10 members of the public who wish to testify on Pre-
11 Considered LU 210434ZRY for the Open Restaurants text
12 amendment and the Pre-Considered Intro, I will hand
13 it over to the Chairs to make any closing remarks and
14 close the hearing.

15 CHAIRPERSON VELÁZQUEZ: Thank you. Thank
16 you everyone. First, I want to thank-- I call him my
17 king, Chair Riley from the Bronx. The Bronx has had
18 a really long day today, but we've enjoyed it so
19 much. So thank you for everyone that participated,
20 but it couldn't have been made possible without
21 Commissioner Ydanis Rodriguez from DOT, my committee
22 staff, Leah, Noah, my staff. We're going to say
23 Nick, Alex, Jackie, Adrian, and Stephanie, and we're
24 going to give the other props to the agency, DCWP,
25 City Planning, and all the agencies, City Council

2 Members. Look, we understand this is a tough
3 position that we're all placed in, but we're going to
4 work through this together, and I appreciate you all
5 coming out and taking your time to give us your
6 experiences, lend your voices. You're going to be
7 heard, and we're here to hear you. So I'm going to
8 pass it on to Chair Riley.

9 CHAIRPERSON RILEY: Thank you, Chair
10 Velázquez, and you did an amazing job chairing your
11 first committee hearing today. Thank you, Counsel.
12 Today's hearing is now closed. The items are laid
13 over. As a reminder, if you have a written testimony
14 you would like to submit, you may email to
15 testimony@council.nyc.gov. Once again, that's
16 testimony@council.nyc.gov. I would like to thank the
17 members of the public, my colleagues, Committee
18 Counsel, Land Use, Consumer and Worker's Protection
19 and other Council staff and the Sergeant at Arms for
20 participating in today's hearing. This meeting is
21 hereby adjourned.

22 [gavel]

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COMMITTEE ON CONSUMER AND WORKER PROTECTION
JOINTLY WITH SUBCOMMITTEE ON ZONING AND FRANCHISES 430

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COMMITTEE ON CONSUMER AND WORKER PROTECTION
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COMMITTEE ON CONSUMER AND WORKER PROTECTION
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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date February 28, 2022