

TESTIMONY OF THE REAL ESTATE BOARD OF NEW YORK BEFORE THE NEW YORK CITY COUNCIL ON INTRO 1957-2020

June 4, 2020

The Real Estate Board of New York (REBNY) is the City's leading real estate trade association. Founded in 1896, REBNY represents commercial, residential, and institutional property owners, builders, managers, investors, brokers, salespeople and other organizations and individuals active in New York City real estate. REBNY strongly supports policies that expand the local economy, grow and improve the City's housing stock and create greater opportunities for all New Yorkers. Thank you to the City Council for the opportunity to testify on Intro 1957.

The fabric of bars and restaurants that comprise New York's hospitality industry is second to none. At a time in which embracing diversity and our cultural differences is as important as ever, nothing is more fundamental than finding ways to come together as communities to better understand each other through food and drink. In addition, as we overcome the coronavirus pandemic, we need to work together to find creative solutions that will help bring back New York's small businesses and ensure that New York remains a great place for entrepreneurs from around the world.

Intro 1957 creates a temporary outdoor dining permit issued by the Department of Consumer Affairs (DCA) that allows a food service establishment to serve food and beverages in an approved open space. The Department of Transportation (DOT) would be required to identify open spaces, such as sidewalks, streets, and plazas, where outdoor dining would be appropriate. The Department of Health and Mental Hygiene (DOHMH) would be required to create guidelines to ensure that establishments follow proper social distancing and cleaning protocols. In addition, DOT would be required to identify additional areas where food vendors could temporarily operate. The requirements of the bill would expire on October 31, 2020, or when social distancing requirements are lifted.

Finding ways to safely and creatively reopen our bars and restaurants is a vital first step to restoring all communities hit hard by this pandemic. However, the need to be diligent in ensuring that Intro 1957 takes into consideration the important requirements of our built environment while prioritizing public health is vital.

The foremost way to accomplish this is through responsive intergovernmental collaboration and through clear communication with stakeholders. While REBNY understands the desire for an accelerated timeline to establish outdoor dining, the addition of a deliberate process that embraces community input will ensure greater success and equity in the placement of these corridors.

This process would be appreciated for several reasons. For REBNY members who own or manage many of our city's buildings, clear guidance from City government that allows for them to prioritize the public health and safety of tenants and visitors is incredibly important. With the bandwidth of office building facilities already stressed to best accommodate testing and tracing measures, as well as the staggered work hours of tenants and their transportation needs, space will be at a premium.

Along with additional physical space needed for social distancing, the practical needs of pedestrians and cyclists as well as how to facilitate deliveries, construction and other logistical challenges require opportunities for direct input from all stakeholders before plans are completed. Finally, controlling and managing expanded outdoor dining should be facilitated in a way that also accommodates the deeply stressed ground floor retail and other small businesses likely to reopen in the coming weeks and months.

Intro 1957 also lacks clarity on several other fronts that REBNY believes should be addressed for the program to find success. First, establishing parameters for hours of operation to best accommodate the other needs of our buildings and all tenants is a practical necessity. Secondly, while REBNY understands the importance of including vendors in this proposal, there needs to be more stringent guidelines that ensure their success while not inhibiting both public and private space. Thirdly, as the idea of business liability for coronavirus is being debated, particularly on the federal level, clarity should be provided to businesses and building owners potentially impacted by this proposal. This could be particularly relevant as it pertains to instances in which commercial leases reflect the prohibition of sidewalk cafes or other outdoor uses. If nothing else, providing this clarity will ensure there are no instances in which a business will have to choose between public health and the potential economic benefit of outdoor dining.

As summer is here, REBNY members like all New Yorkers are ready to return to some semblance of normalcy through safe and measured means. As in summer's past, it is important that we come together and celebrate what makes our city the greatest in the world, including its bars and restaurants. Through consideration of the above points, we look forward to working with the members of the Council on this proposal as we restart our city's economic engine together.

Thank you.

CONTACT:

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**NYC DEPARTMENT OF TRANSPORTATION TESTIMONY
ON INTRO. 1957 BEFORE THE CITY COUNCIL COMMITTEE ON CONSUMER
AFFAIRS AND BUSINESS LICENSING**

June 4, 2020

Good morning Chairman Cohen, Council Member Reynoso, and members of the Committee on Consumer Affairs. I am Polly Trottenberg, Commissioner of the New York City Department of Transportation and I am joined by Emily Weidenhof, Director of Public Space, and Rebecca Zack, Assistant Commissioner for Intergovernmental and Community Affairs. Thank you for the opportunity to testify, together with SBS Commissioner Jonnel Doris, Corinne Schiff, Deputy Commissioner for Environmental Health at DOHMH and Steven Ettannani, Executive Director of External Affairs at DCWP, on behalf of Mayor Bill de Blasio, on the Administration's proposed "Open Restaurants" Plan. Our plan seeks to help our City's hard-hit restaurants by providing open space for temporary, socially distanced outdoor dining as we recover from the COVID-19 pandemic.

But first I want to acknowledge what a wrenching time our City, our State and our Country have faced in recent days, especially in communities of color, which have been disproportionately devastated by the COVID-19 crisis and are now experiencing the sorrow and anger we all share over the murder of George Floyd. There is much we can all do together personally and professionally to confront structural racism. And all of us in City government will work hard to prioritize communities of color as we design and implement programs to help our City recover, physically, economically and spiritually, from COVID-19. The Mayor has been visiting small business owners in recent days, many with the same grit and determination of the restaurant owners we hope to help in the coming weeks, and he has confidently concluded that our beloved City will emerge from this crisis fairer, stronger and better than before.

COVID-19 has changed our lives and our City in ways that were unimaginable only a few months ago, and as we continue to follow the health guidelines on social distancing, public space has become more precious than ever.

I am proud that DOT has responded to the call for additional open space and has, in partnership with our sister agencies, opened 45 miles of streets to pedestrians and cyclists. And we will soon announce our next round of Open Streets, getting us closer to our goal of 100 miles. And now I am proud that, as we look to the City's reopening, DOT is ready to open our streets and sidewalks to help our beloved restaurant industry recover from devastating economic impacts of COVID-19.

As the U.S. begins to emerge from the pandemic we are seeing cities across the country look to their sidewalks and streets to support their food and retail sectors. We are discussing best practices with other cities, and are finding many similar approaches, and that has helped to shape the Open Restaurant plan we are presenting here today.

Some cities are designating certain spaces as eligible for businesses to use, while others have a more involved permitting process where each business applies for space and the city provides siting criteria and guidance. Cities are also providing varying levels of support. Some are

providing a full curbside platform with buffers to each business, some are providing barrels and barricades, and others are leaving this type of infrastructure to the establishments.

As some examples, thus far, Tampa has opened eight streets for outdoor dining and the city itself has built platforms for curbside lane dining. Larger cities like San Francisco and Boston, on the other hand, are mostly providing the space and permitting, but little else in terms of infrastructure. In Washington, DC, restaurants can apply to use expanded sidewalk space, alleys, parking lanes, and travel lanes for seating.

As the Mayor announced today, DOT, along with our sister agencies, will implement a citywide program to expand outdoor seating options for restaurants and other food establishments to promote open space, enhance social distancing, and help restaurants rebound in these difficult economic times, including the neighborhoods most impacted by COVID-19. Taking a page from our Open Streets approach, which we thank the Council for engaging with us to design, we are again thinking outside the box when it comes to restaurants.

But I also want to make it clear that, even as we work to help restart our City's economy, the de Blasio Administration's top priority still remains public health and continuing to reduce the spread and impact of the coronavirus. As such, we will be working closely with Commissioner Oxiris Barbot and her team as we design, implement and monitor our Open Restaurants program and we will be prepared to make adjustments or take a pause if any public health concerns arise. Currently, DOHMH's motto for restaurants is "take out, don't hang out," and we want to be sure that as we transition away from a take-out and delivery only model, that we proceed deliberately and safely.

So let us now turn to the size and scale of the challenge. Here in New York City, approximately 12 percent or 740 miles of our 6,000 miles of streets have commercial establishments of some kind. And prior to COVID-19, over 27,000 restaurants were operating throughout the City, though not evenly distributed. Approximately 42 percent are located in Manhattan, 24 percent in Brooklyn, 22 percent in Queens, 8 percent in the Bronx, and less than 4 percent in Staten Island.

The bill before the committee today would require DOT to evaluate a significant number of streets to identify the best options for outdoor dining in each community district, and then require DCWP to process permits from a remarkable number of qualified establishments at a rapid pace. We are concerned that the result would be a resource-constrained and cumbersome program that only helps a certain number of businesses.

Instead, given New York City's size and scale, and the urgency of the moment, we propose an outdoor dining program that is fast and straightforward to implement, with a minimum of administrative hurdles, in order to allow as many restaurants as possible to access additional outdoor dining space in time for the warmer weather.

For Phase 2 of reopening, when outdoor, socially distanced dine-in service is allowed, DOT will work with DCWP and DCP to create a simpler, streamlined process for sidewalk seating to allow more establishments to access the program during this emergency, while requiring them to maintain appropriate clear paths for pedestrians and people with disabilities. We hope to

dramatically improve the currently complex process for sidewalk cafes and provide more restaurants across the five boroughs, the opportunity for sidewalk seating. DOHMH and DOT will monitor the success of this program, which we hope will reach a wide variety of neighborhoods, and will be prepared to step in if it creates issues for accessibility or socially distanced use of the sidewalk.

But we know sidewalk space alone will not be sufficient for restaurants to make it work, and space is already very limited at many locations. So DOT will re-envision our successful Street Seats program to provide additional outdoor dining space. Food service establishments will be able to use the curb lane for dine-in service for their street frontage wherever parking is currently allowed, provided they maintain minimum distances from intersections, bus stops, hydrants and the like.

By following simple guidelines and submitting a self-certification, establishments that are interested will be able to set up socially distanced, ADA-compliant, tables and chairs for their customers, in the roadbed, separated from travel lanes by planters or vertical delineators. We hope this equitable, city-wide, and scalable approach can provide much needed, quickly available relief to many of the city's restaurants, including many where sidewalk seating will not work.

We will also allow restaurants to use expanded seating areas in streets in existing and new Open Streets. As part of this initiative we will identify new Open Streets on commercial strips with large number of restaurants, and focus the hours of some Open Streets on popular dining times such as evenings and weekends, while minimizing the effect on much needed bus and truck routes.

For these initiatives, the City will work quickly to be ready for Restart Phase 2, and in partnership with the State, to draft emergency Executive Orders as needed.

And, finally, we will continue to consider other public spaces like plazas and parking lots as other potential areas for socially distanced dining and look to work with the Council and other partners to further develop these ideas, in close coordination with our public health professionals.

New York City is one of the world's great culinary capitals, we boast internationally-renowned restaurants, restaurants serving cuisine from every corner of the globe, and so many beloved neighborhood spots. Our restaurants employ hundreds of thousands of our fellow New Yorkers and support farms and industries here in New York State. We look forward to working closely with the Council and the restaurant industry to help this cherished part of our City recover while continuing to maintain our constant focus on health and public safety.

Thank you for the opportunity to testify and I will be happy to answer any questions after you hear from Commissioner Doris.

TESTIMONY

BY

COMMISSIONER JONNEL DORIS

NEW YORK CITY

DEPARTMENT OF SMALL BUSINESS SERVICES

BEFORE

THE COMMITTEE ON CONSUMER AFFAIRS AND

BUSINESS LICENSING

OF THE

NEW YORK CITY COUNCIL

THURSDAY, JUNE 4, 2020

Good morning Chair Cohen and members of the Committee on Consumer Affairs and Business Licensing. My name is Jonnel Doris and I am the Commissioner of the New York City Department of Small Business Services (“SBS”). I am joined today by Steven Picker, Executive Director of SBS's Food & Beverage Industry Partnership. I'd also like to acknowledge my partners in government, DOT Commissioner Polly Trottenberg, Corinne Schiff from DOHMH and Steven Ettannani from DCWP, who have joined us today to discuss the Mayor's proposed Open Restaurants Plan.

The COVID-19 pandemic has brought unprecedented challenges to our City and small business community. On top of our mission to fight and recover from the pandemic, this week we have been confronted by further challenges and calls for change in the wake of the tragic and unjust death of George Floyd. And while many calls for change have justifiably focused on the criminal justice system, I believe that equity for New Yorkers, especially for Black New Yorkers, requires that we all play a part in elevating Black voices and connecting people of color to the resources they need to succeed—whether through education, transportation, housing, healthcare, or economic opportunity. This work is integral to SBS's mission to unlock economic potential for all New Yorkers by connecting New Yorkers to quality jobs,

building stronger businesses, and fostering thriving neighborhoods.

I also want to acknowledge the loss faced this week by some of our City's small business owners, who are now recovering from not only the financial devastation caused by the pandemic, but also the financial fallout caused by the looting of some bad actors. We have major challenges to overcome, but our City is at its best when we are working collaboratively and listening to one another. The Open Restaurants Plan we are discussing today is a great example of effective collaboration. I am proud to work with the hospitality industry, the Council, and our agency partners to provide new outdoor dining opportunities to the restaurants, bars, and other food service establishments that feed New Yorkers and make our City vibrant.

New York City is home to around 27,000 restaurants that employ over 270,000 New Yorkers. In addition to providing valuable services to their communities, restaurants and their advocates are also important thought partners for SBS, especially as we begin to reopen our economy. The Open Restaurants Plan announced by the Mayor is the result of tremendous interest from businesses and community partners across the city. As Commissioner Trottenberg laid out in her testimony, the proposal will enliven our commercial corridors and provide businesses with

a much-needed opportunity to generate further revenue while social distancing.

Our priority is for all interested food service businesses, regardless of where they are located in the five boroughs, to have access to outdoor dining opportunities. SBS will be conducting **extensive outreach** and **communicating with our community partners** to ensure businesses are aware of these new opportunities as they are implemented. As we launch this brand-new initiative, we must keep in mind that every business and commercial corridor around the City has unique challenges. SBS is committed to addressing and elevating these challenges by working closely with community partners. We will also be actively working with DOT and our partner agencies to further grow the City's outdoor dining capabilities through new street closures and other open spaces.

In addition to ensuring business owners are aware of outdoor dining opportunities, SBS is also focused on providing business owners with the guidance they need to participate. In May, our **NYC Food & Beverage Industry Partnership** surveyed thousands of food service businesses across the five boroughs to understand their challenges and discuss solutions. Through hundreds of responses, SBS found that most businesses are interested in utilizing outdoor space for their businesses.

However, they need additional support in understanding the affiliated challenges, opportunities, and regulations. To address this concern, we will connect business owners and community partners with **clear information and guidelines** developed by DOT and DOHMH so that they can utilize outdoor space while keeping themselves, their staff, and their customers safe.

As we prepare to enter Phase 1 on Monday, SBS is rolling out new resources to help small business owners navigate the recovery and reopening process. These resources include a **business restart hotline**, which will be launching tomorrow.

I want to thank our partners and the City Council for their work in advocating for outdoor dining. The Administration is committed to exploring these types of innovative solutions so that more small businesses recover successfully. The Administration and my team will continue to gather insights and discuss ideas through the **Mayor's Small Business Advisory Council**, as well as through the countless conversations with business owners, entrepreneurs, and community-based organizations held by our staff on a daily basis. I look forward to our continued creative collaboration as we support our small business owners and reopen our City. Thank you and I would be happy to take your questions.



June 3, 2020

Speaker Johnson
Committee on Consumer Affairs and Business Licensing
New York City Council

Re: Café Seating: A Lifeline for Businesses in New York

To whom it may concern,

I am writing today with what should be a simple request, given the uncertainty of today for small business owners in New York and beyond. We saw that the city is opening the sidewalk cafe process a bit in light of the hardships being felt by the hospitality industry, their patrons, and their employees, and I wanted to say thank you.

I own Analogue, a bar and restaurant on west 8th street in operation for the last seven years. For the entirety of that seven years, we have watched each summer as people migrate toward outdoor cafes, rooftops, and venues with open windows. We reflect on the fact that none of that is allowed on West 8th Street, a unique strip of NYC real estate that could be a beautiful hospitality destination and walking promenade if only for a few issues. We saw that the café licenses are finally being lifted, and we were ecstatic.

However, the bureaucracy that pervades much of our lives as operators is having an impact here too. The cafe restrictions are leaving out streets where sidewalk cafes are prohibited. West 8th is an anomaly in this regard. Despite sidewalks all over the city boasting smaller widths and more outdoor seating, we are told that OUR sidewalks must be 12' wide, if cafes are even to be considered, which we are told they are not. I measured, and the sidewalks on West 8th are "only" 11'9". Despite this need for an additional 3 inches, we have 10 foot wide parking lanes – the widest I've seen in the city. It seems such a simple matter to allow an exception for the 3 inches on West 8th.

When we opened our doors on West 8th in 2013, the street was largely empty. Since then, a number of hospitality businesses have made an attempt to open, and most have failed. In a

city with ever-increasing rents, ever-increasing labor costs, and a slew of costly rules and regulations, every single dollar counts for restaurants like mine. It is disheartening to see so many dark and empty storefronts on West 8th, despite some headline names like Loring Place, Marlton, and Stumptown coming in. When we speak with other owners, we invariably lament our inability to put a few tables out and liven up the street, which is gated by the old Barnes and Noble (empty for 8? 9? Years) and the now defunct juicery on one end, and a residential building and LPQ (which closes and goes dark early in the evening) on the other. It's frankly not an inviting street to walk down.

Despite being closed for normal business as a result of the pandemic, we have seen the impact of marginal revenue streams. Delivery and takeout have provided a lifeline to some of our employees during this time. Every dollar counts in employing people, and in putting food on their tables. Outdoor seating is revenue that we desperately need, now more than ever, but also moving forward to whatever new normal awaits. We should not let arcane laws and a matter of 3 inches prohibit us from bringing in those needed dollars, and from employing those extra New Yorkers.

We understand that you represent us and we are hoping you can help overcome this injustice. We'd like sidewalk cafe restrictions lifted on west 8th not only in light of corona, but moving forward. We are imploring you to help our businesses, our employees, and our city.

Thanks and stay safe.

Jared Gordon
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Gold Bear, 377 Park Ave. South
goldbearnyc.com

Testimony of the New York City Hospitality Alliance
Before the Committee on Consumer Affairs and Business Licensing
June 4, 2020

My name is Andrew Rigie, and I am Executive Director of the New York City Hospitality Alliance (“The Alliance”), a not-for-profit trade association representing restaurants and nightlife establishments throughout the five boroughs. I want to thank Speaker Johnson and Council Member Reynoso for introducing Int. 1957, Chair Cohen and members of the Committee on Consumer Affairs and Business Licensing for the opportunity to submit our comments on this legislation, which would approve the use of outdoor spaces for eating and drinking establishments that will be mandated to reopen with limited indoor occupancy and social distancing requirements as a result of Covid-19.

The hospitality industry has been one of the sectors hit hardest by Covid-19 and we expect a long recovery. As we gear up to reopen the economy, restaurants and bars will be required to operate with reduced occupancy and social distancing requirements. Therefore, these small businesses cannot generate 100% of their sales indoors to cover their expenses, such as rent and labor costs. Thus, to offset the lost revenue from reduced occupancy requirements indoors, the City must provide outdoor space to restaurants to serve customers to help make up for the indoor loss, which is essential for the survival of countless small businesses. Customers will also feel more comfortable and safer eating and drinking in open air spaces as we emerge from this pandemic.

As drafted, this legislation provides an appropriate structure to allow food service establishments to create temporary outdoor dining areas, subject to these comments:

- Self-drawn, proposed layouts should be acceptable. Architectural renderings should not be required to be submitted for temporary outdoor dining area permits.
- Permits should be automatically issued, subject to review, if the Department of Consumer Affairs does not respond to a submitted application within five days.
- The Department of Transportation should consult with any business improvement district, community board, or association representing food service establishments or food service establishment that contacts the department regarding a location that could be utilized for a temporary outdoor dining area and shall approve, modify or deny, and publish online approved locations within five days.
- Mobile vendors are currently permitted to serve in outdoor spaces throughout the city and can move locations. At the heart of the proposal, the intent is to create additional occupancy outdoors, for brick and mortar food service establishments that have had their indoor occupancy limited due a public health and government mandates. While we support mobile vendors right to conduct business, any provision about vendors must not come at the expense of a food service establishment setting up tables and chairs and thus this issue should be taken up separately.

New York City’s restaurant industry is essential to our economy and socialization. Our City will not recover if this vital industry is not at the core of our recovery. Allowing outdoor dining as contemplated by this legislation is critical in aiding such a recovery. We appreciate the City Council and the Committee on Consumer Affairs and Business Licensing for your time and consideration. We ask that our recommendations be considered as we advance this legislation, and we look forward to continuing our work with the City Council for speedy passage and enactment of Int. 1957, especially since outdoor dining appears to have been moved to Phase 2 reopening. I am reachable at arigie@thenycalliance.org.

Respectfully submitted,

Andrew Rigie
Executive Director
NYC Hospitality Alliance

COMMUNITY BOARD 7 Manhattan

June 3, 2020

Via Email

Hon. Andrew M. Cuomo
Governor of the State of New York
NYS Capitol Building
Albany, NY 12224

Hon. Bill De Blasio
Mayor of the City of New York
City Hall
New York, NY 10007

Hon. Corey Johnson
Speaker of the Council of the City of New York
250 Broadway
New York, NY 10007

Hon. Edward Pincar
Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 37th Floor
New York, NY 10038-4643

Re: Use of Outdoor Spaces by Restaurants and Other Small Businesses
During the Re-opening from the Covid-19 Crisis
Council Intro 1957-2020

Honorable Governor Cuomo, Mayor De Blasio, Speaker Johnson and Commissioner Pincar:

On behalf of Community Board 7/Manhattan and our Upper West Side Community, I am proud to enclose our resolution supporting the creative use of outdoor spaces by our restaurants and other small retail businesses as they seek to recover from the shutdown occasioned by the Covid-19 Crisis. The resolution was unanimously adopted by CB7's full Board by a vote of 46-0-0-0.

The resolution highlights the critical importance of our restaurants and small businesses in virtually every aspect of the economic vitality of our City and State, and resoundingly endorses using the public realm as an interim measure to secure the economic sustainability of these critical engines of employment and resource-generation.

We recognize the challenges of introducing such uses to the already competitive enterprise of managing our streets, and acknowledges that such commercial uses must be in harmony with considerations of health, safety, access for emergency vehicles and first responders, public transit and accessibility for all. Our Board recommends the appointment of a single individual and agency to ensure the swift, equitable and responsible roll-out of these measures. We stand ready to assist in any way that would be useful.

Respectfully submitted,


Mark N. Diller
Chair, Community Board 7/Manhattan

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Hon. Mark Levine, NY City Council, 7th District

Hon. Brad Hoylman, NYS Senate, 27th District
Hon. José Serrano, Jr., NYS Senate, 29th District
Hon. Brian Benjamin, NYS Senate, 30th District
Hon. Robert Jackson, NYS Senate, 31st District
Hon. Linda B. Rosenthal, NYS Assembly, 67th District
Hon. Daniel J. O'Donnell, NYS Assembly, 69th District
Hon. Richard Gottfried, NYS Assembly, 75th District



RESOLUTION

DATE: June 2, 2020
Committees of Origin: Business & Consumer Issues, Joint with Steering
Re: Use of Outdoor Spaces by Restaurants and Other Small
Businesses During the Re-opening from the Covid-19 Crisis
Full Board Vote: 46-0-0-0
Committee Vote: 23-0-0-0

This resolution is based on the following facts:

Background

On the Upper West Side as throughout our City, restaurants and other small retail businesses are the backbone of the economy and a crucially important component of the local economy.

Prior to the lockdown of all but essential businesses in March 2020, restaurants and other small businesses accounted for more than 50% of all employment in our City and State, and restaurant and hospitality positions led the way in job growth that generated the lowest unemployment in memory.

The Tourism industry in New York City rivals the financial services and capital markets sector in terms of jobs created and contribution to GDP. In the last decade, tourism has evolved from an important part of the local economy to one of its pillars, with trips to our City doubling in that period.

Tourism in turn relies on a vibrant, healthy and eclectic mix of cultural institutions, entertainment offerings, and local and independent restaurants and other small businesses to make a unique experience in our City that is worth visiting, and worth the expense that comes with travel to our shores. Tourism and business travel will be moribund until the total experience is available, including viable restaurants and small business products and services.

The local restaurant and small business community in our Upper West Side community plays an equally vital role in providing entertainment, shopping, food and drink, socialization and relaxation all so important in our bustling City. We also depend on our restaurants to provide everything from a night out, someone else to cook and clear, fare for every conceivable occasion, from a special occasion celebration at a destination venue to takeout as a break from at-home cooking to an on-the-go tide-me-over, to opportunities with ambiance to meet with friends.

Returning our local restaurants and small businesses to viability is a pressing and crucial component of any plan for the economic recovery of our City.

The Impact of the Economic Shutdown

After months with either no activity whatsoever, or modest take-out/curbside and delivery business, too many of our restaurants and small businesses are already at the brink. Federal, City and State programs have softened the blow somewhat, although many of these programs were not calibrated with New York City rents and taxes in mind, presenting many restaurateurs and small businesses with a Hobson's choice of postponing payment of key expenses or taking on debt that equally threatens their future.

Current blueprints for reopening the City economy, which is at best projected to be weeks away, are anticipated to limit in-person patronage to a fraction of capacity. For example, current expectations are that restaurants will be required to operate at no more than 50% to ensure social safe distancing.

Restaurant industry experts confirm that few establishments can be sustainable for long with such restrictions in place.

Outdoor Space as a Component of a Solution

The creative use of outdoor spaces, including portions of sidewalks, the curbside or streetbed, public plazas, privately operated public spaces, and single-purpose open spaces (collectively, “Outdoor Spaces”), is essential to supplement the capacity of our restaurants and small businesses and give them a fighting chance at survival.

Such use of Outdoor Spaces will be needed to continue for a defined period until the restrictions on their operation are lifted and they can return to sustainable profitability.

No one option will serve all contexts and situations, and local input from the Community Board, the Business Improvement District where applicable, Block and Neighborhood Associations, and other community stakeholders will be required to ensure that this program works well and benefits the restaurants and small retail businesses in our District.

Challenges

Current regulations severely limit the ability of restaurants to use Outdoor Spaces, and functionally prohibit any other business from doing to.

In order to implement a plan that allows for the creative use of Outdoor Spaces, various regulations must be relaxed, suspended or deferred. For example, the use of sidewalk or curbside space for restaurants will require revocable approval from the City Department of Transportation. Serving food or beverages will require approval from the State Liquor Authority and the City Department of Health and Mental Hygiene, and use of all Outdoor Spaces may be subject to fees and limits of the City Department of Consumer Affairs and the Department of Buildings. Similarly, approvals from various agencies may be needed to allow small retail businesses to offer their products and services, and conduct sales, outside the confines of their shops. In each case, such approvals may be in derogation of existing regulations.

Therefore, be it resolved that Community Board 7/Manhattan supports the creative use of Open Spaces by restaurants and small retail businesses so they can resume operations sustainably, and so that patrons, staff and other workers can remain safe and healthy as they reopen, and

Be it further resolved that CB7 calls on the Governor, the Mayor, the State Liquor Authority, the City Department of Transportation, the City Department of Consumer Affairs, the City Department of Health and Mental Hygiene, the City Department of City Planning, the City Department of Buildings, the Department of Sanitation, the Mayor’s Street Activity Permit Office (SAPO) and all other State and City agencies whose rules, regulations and prescripts apply to adopt Executive Orders, interim regulations, or agency directives suspending or modifying the application of all laws and regulations as necessary to permit restaurants and small retail businesses to operate in Open Spaces for a period until such restaurants and businesses are free from restrictions that inhibit their viability, and

Be it further resolved that CB7 calls on the Mayor to appoint a lead agency and a point person with plenary authority and adequate staffing to coordinate and expedite approvals as necessary for all aspects

of the immediate selection and implementation of Open Spaces, and to liaise with Community Boards and other necessary parties as applicable, and

Be it further resolved that the selection of appropriate Open Spaces in each community be adopted in time for reopening as soon as practicable after permission to reopen under the Governor's Executive Orders, with such Open Spaces selected with expeditious consultation with the Community Board, Business Improvement District, Block and Neighborhood Association and other community stakeholders, with due attention to the need for cleaning and Sanitation service, and provided that such selection shall in each case not unreasonably interfere with:

- Bus routes or other mass transit (subject to reasonable adjustments that preserve service);
- Emergency vehicles' ability to reach their routes and destinations;
- Truck access to loading zones to serve businesses and residences receiving and making deliveries;
- Sanitation and carting operations;
- NYPD operations;
- Pedestrian safety and accessibility, including for the mobility-challenged; and
- Reasonable residential peace and quiet.

Dear Councilmembers,

We at the Frying Pan are fully in support of the proposed legislation *Int 1957-2020*.

For background, Frying Pan is an outdoor seasonal fast-casual restaurant - floating in the Hudson River - at Pier 66a in Hudson River Park. We are comprised of a vintage Lackawanna Railroad barge, the de-commissioned lightship Frying Pan (which is on the National Register of Historic Places), and the retired fireboat John J. Harvey (also listed on the National Register of Historic Places and well-know for its role in fighting the World Trade Center fires on 9/11).

Under this legislation, it is understood the Department of Transportation would be required to identify open spaces where outdoor dining would be appropriate. Although we are not on a street, we would like to request that we be considered an appropriate outdoor dining location. The railroad barge is 326-foot long and 40-foot wide, and it has provided public seating for many years, with two (2) means of egress. We have ample room to provide adequate seating while still following all social-distancing guidelines, and our staff continues to practice all proper cleaning and sanitizing protocols.

We thank you in advance for your actions to help all small businesses, and we look forward to outdoor dining soon.

All the best,
The team at Frying Pan

JC
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: Int. Bill 1957 re. Streets & Sidewalks

Hello Speaker Johnson and Councilwoman Rivera and all other members who may receive this letter.

I hope that my letter/testimony finds you all well. A few of you know me, for those that do not, my name is Gabriel Stulman and I am the owner and founder of Happy Cooking Hospitality. Together we used to run 9 restaurants in lower Manhattan — most in the West Village. My restaurants include - Joseph Leonard, Jeffrey's Grocery, Fedora, Bar Sardine, Fairfax, The Jones, Simon & The Whale, Studio at Freehand New York, and George Washington Bar.

It has certainly been a powerful and emotional past week. In light of the current events that are sweeping our nation about racism and injustice, it has quickly (and appropriately) made COVID-19 feel small by comparison and importance. We have so much work to do as country to improve these aspects of our society - and I certainly vow to do my part to make a positive difference. I bring it up only because these last 4-5 days it seems impossible (and tone deaf) to talk about any other challenges we are facing without recognizing this one that has been underlying for centuries but has had a new light shined on it's ugly face recently.

With acknowledging that, I will do my best to turn my attention to the areas it has been laser focused on these past 11 weeks — and that is how do we recover from the crippling effects of COVID-19. As you all know, I have had to see all 9 of my restaurants shut down by this pandemic, and I have had to lay off over 260 of my colleagues, many of whom have been with us for more than a decade.

There are three things that will greatly improve the chances of any of my businesses surviving — and unfortunately for me, all three of them are out of my control.

They are:

1. PPP Loans and changes to the structure. We need more weeks to use the loans, we need changes to the 75/25 rule that limits amounts that can be used on non-payroll, and we need more years to payback any portions that are not converted into grants and remain as interest bearing loans.

Gratefully, this has been passed with bi-partisan support in the House last Friday and awaits a vote from the Senate soon.

2. LANDLORDS // we will need new rent structures at minimum, just for the amount of time that we are limited to less than 100% occupancy. It will be impossible for businesses to sustain 100% of our commercial rents when we have 50% or less of our occupancy. And recognizing, that whatever occupancy we do have will be less efficient as it was before and our guests will have less discretionary income than they had before. We need percentage rent deals that rent is based off a percentage of our revenue until we are allowed to have 100% occupancy back.

These two measures alone will flip the narrative on the probability of our restaurants

surviving. *Without* either of these two happening, I place the odds at 80% that all of my restaurants will never return if our landlords stand firm on existing rent structures not changing and if the Senate rejects changes to the PPP.

If both of these changes (PPP and Leases) occur it will flip it upside down and there can become an 80% chance of survival.

I can not control either of these outcomes.

That leads me to

3. Sidewalks and Streets.

To use an analogy with COVID — the use of Sidewalks and Streets to my businesses is akin to a ventilator for someone suffering from COVID-19. The ventilator itself won't guarantee the outcome but it can certainly improve your chances of recovery.

That's what the use of Sidewalks and Streets this summer can do for our businesses - it won't guarantee that we can stay in business but it can greatly improve our odds. If PPP fails us entirely, or if PPP gets watered down by the Senate (likely) or if our Landlords won't budge on rent concessions, at least the use of Sidewalks and Streets can help give us a fighting chance.

We have less influence over our Senate (honestly, who can influence Mitch McConnell), and none of us can make our Landlords offer new rent structures. But, this is an area that we can influence and make local government be more effective, efficient and work for us, our businesses and our community. Maybe the use of Sidewalks and Streets is enough and maybe it isn't — but it's definitely worth giving it a shot. It will 100% improve our odds and that much is for certain.

For me personally, I accept that I won't come out of this with all of my restaurants. I will not be able to re-hire all 260 people I had to let go. But I can try and get back as many as possible.

Fight with me and fight for me, as you have already with so much of your leadership -- for the use of these Sidewalks and Streets — it will have an ENORMOUS impact. This coupled with extra weeks on PPP can be the difference. Imagine if PPP allows us more weeks to spend the money on labor, and then we get reopened to reduced seating, but we pick up extra space outdoors in these few short months. Then together we can have financial support on labor (through PPP) and improved revenue (through the use of Sidewalks and Streets) and jointly it can help us stand tall once again.

Christopher Street b/w Greenwich Ave and Hudson would save 18 restaurants and bars including many LGBTQ bars that will be looking for extra space for their communities all summer and especially this month of June during Pride Month. This can help save one of my businesses — Jeffrey's Grocery. This street has a bus route, but that should not be a deterrent as there is so much precedent and history of closing down this street multiple times a year for demonstrations. So the DOT and DCA already have the playbook for closing Christopher Street.

West 4th Street b/w 6th Ave and Jane Street. Just from 7th Ave to Jane is another 18 restaurants and bars, including stalwarts of our community — my Fedora, Sevilla, Mary's Fish Camp, Corner Bistro, Cafe Cluny, just to name a few. And according to a CB2 board member, the stretch from 6th Ave to 7th Ave, where her family has restaurants would add another 12 businesses. So, all together West 4th from 6th Ave to Jane Street could offer life support to 30 businesses and it would include 3 of mine (Fairfax, Sardine, and Fedora).

So, I'm out here fighting -- I'm fighting for my team and feeding them every week. I'm fighting against my landlords (with support from this City Council) to ensure that the recently passed Bill 1932 doesn't get stopped by an injunction. This bill if it stands will at least save all of us from personal liability for our commercial leases. I'm battling our government for changes to PPP. I am battling our insurance companies to pay out Business Interruption claims that they are denying all businesses across the nation. I'm fighting for the safety of my neighbors, my colleagues and my family from this pandemic. And I vow to pick up a new fight against racial injustice and be more active than ever before. I am juggling as I try to navigate finances and saving jobs. As I'm doing all that, I'm also making time to come to Community Board Meetings, Chelsea/Greenwich Village Chamber of Commerce meetings, and fight for some Streets and Sidewalk use.

That's what it means to us as an industry. That's what those specific streets (and I would add on Great Jones Street — support me to extend adjacently to my left and right) mean to me and dozens of my peers. That is an area you can influence. And, we could use a helping hand right now.

I hope that helps.

Warmest and Kindest Regards.

Gabriel

Open Streets Proposal - West Village

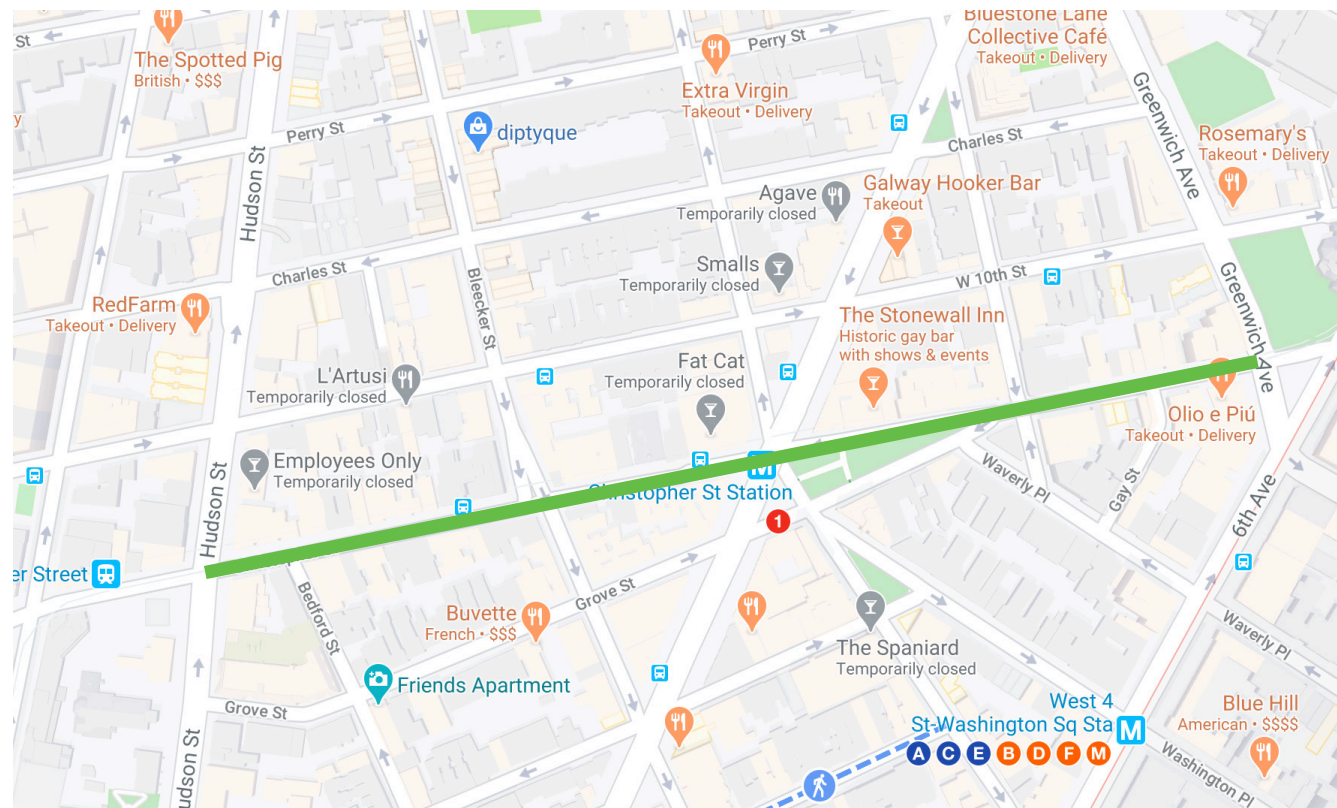
Christopher St - Hudson St to Greenwich Ave

Restaurants and Bars on Christopher St.

- Fresh to Go Market
- Pieces
- Petite Boucherie
- Delice & Sarrasin
- I Sodi
- Hudson Bagels
- Flip n Toss
- Milk Bar
- Fat Cat
- Hangar Bar
- Ty's Bar
- Fiascheteria Pistoia
- Jeffreys' Grocery
- Stonewall Inn
- 55 Bar
- Kettle of Fish
- La Mano
- Duplex

Businesses on Christopher St.

- Spa Belles
- Lucille Lortel Theater
- Greenwich Letterpress
- Jerry Jacobs
- K&F Nail Salon
- Leather Man
- Salon de Oasis
- Rag & Bones
- Pride Wine and Spirits
- HPF Christopher
- Wooftown
- Sockerbit
- Nusraty Afghan Imports
- Seagull Haircutters
- Citipups
- Christopher St Wine and Spirits
- CVS
- Haar & Co Barbershop



Open Streets Proposal - West Village

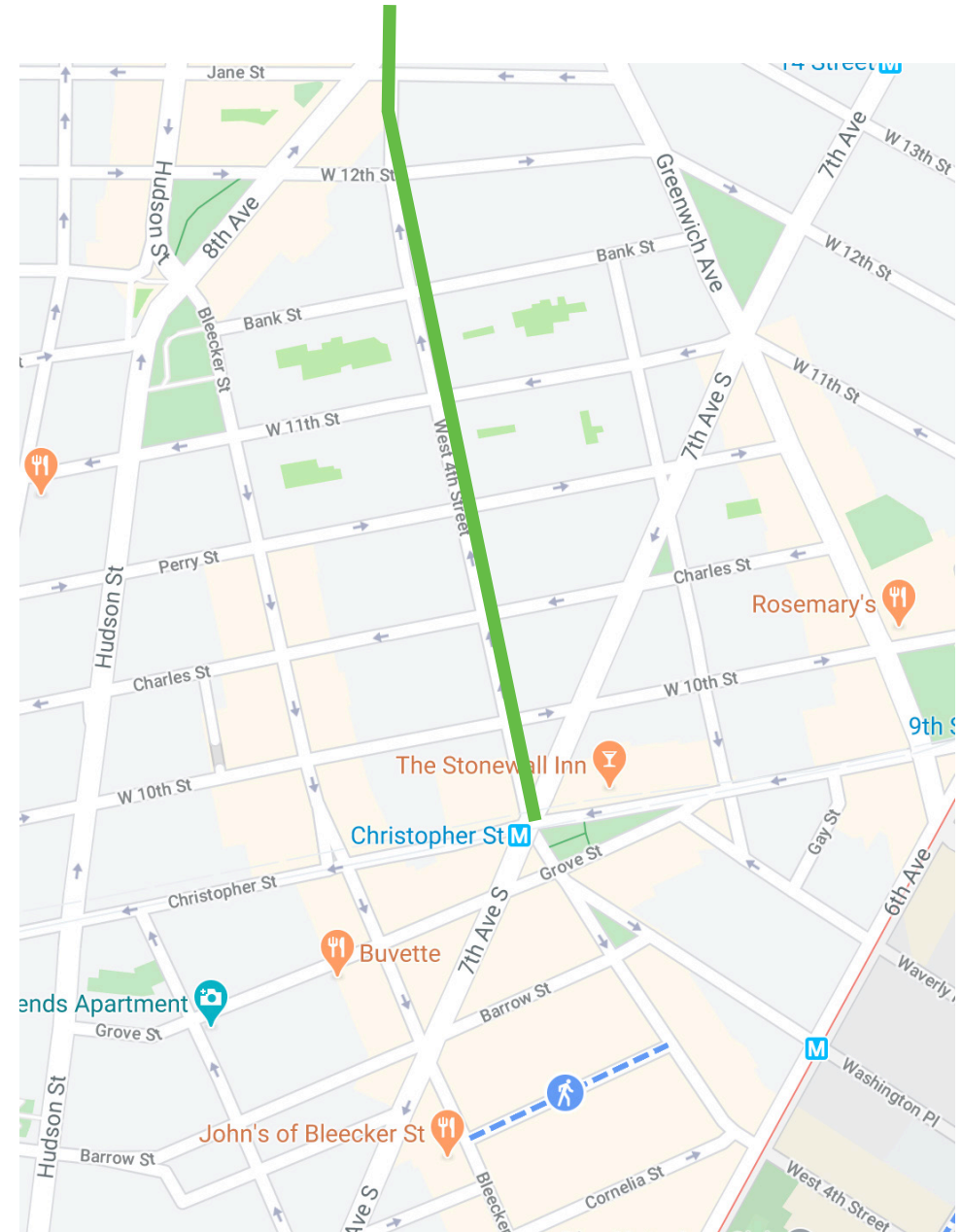
West 4th - 7th Ave to Jane St

Restaurants and Bars on West 4th -

- Empellon Taqueria
- Bar Sardine
- Wilfie and Nell
- Fairfax
- Fedora
- Marys Fish Camp
- Little Taco House
- Sevilla
- Extra Virgin
- Tartine
- St Tropez
- Black Derby
- Cafe Cluny
- Blenheim
- Cubbyhole
- Corner Bistro
- Lilac Chocolates
- Beatrice Inn

Businesses on West 4th

- Sam's Deli
- Le Labo Fragrances
- La Fanion
- Hotovelli
- APC
- Christine Mire New Leaf
- Massage
- Ming Lee Boutique
- Damian West Salon
- Bank Of America
- Hey Man Day Spa



Open Streets Proposal - NoHo

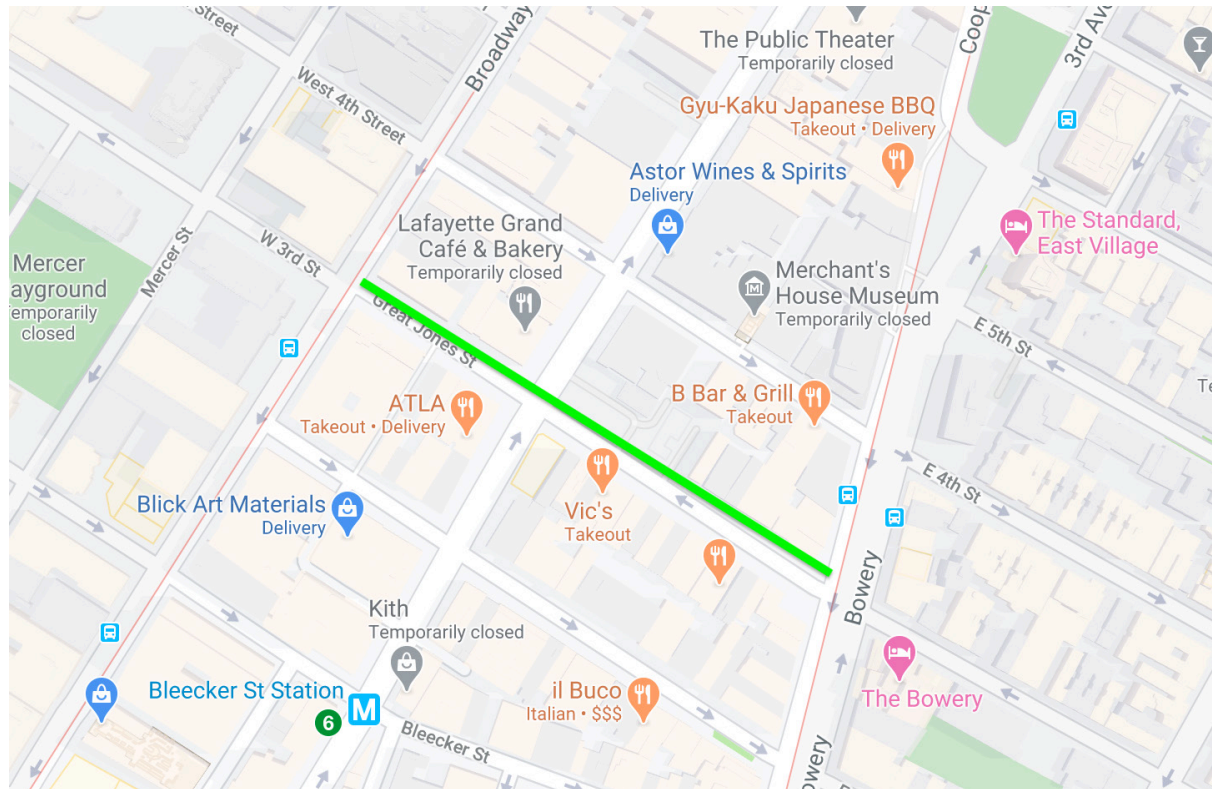
Great Jones - Broadway to Bowery St

Restaurants and Bars on Great Jones

- *Sushi on Jones*
- *The Jones*
- *Bohemian Takeout*
- *Il Buco Allimentari*
- *Vic's*
- *Lafayette*
- *Atla*
- *Acme*
- *RISE Cafe - Great Jones*

Businesses on Great Jones St

- *Great Jones Spa*
- *Aicon Gallery*
- *Resurrection*
- *CC Filson*
- *3.1 Phillip Lim*
- *The Future Project*
- *Shapiro Hardware*
- *In Living Stereo*
- *Michael Andrews Bespoke*
- *Dear Rivington*
- *Eva Presenhuber*



New York City Council Committee on Consumer Affairs & Business Licensing
Testimony on behalf of the Flatiron/23rd Street Partnership Business Improvement District
Int. 1957

Members of the New York City Council Committee on Consumer Affairs & Business Licensing, good morning, and thank you for organizing this important hearing so quickly. My name is James Mettham and I am Executive Director of the Flatiron/23rd Street Partnership Business Improvement District. On behalf of the Partnership, I am speaking in support of Int. 1957 that would require the Department of Transportation (DOT) to designate spaces in the public realm for temporary outdoor dining and establish a permitting system for these spaces.

Flatiron and NoMad—two of the neighborhoods in our BID—have more than 230 restaurants, bars, and fast-casual food establishments. They are integral to the vibrancy and economic vitality of our district, but they are struggling during the COVID-19 pandemic. They need immediate help in order to reopen safely. Designating temporary curbside spaces for outdoor, socially-distanced dining, coupled with a fee-free and streamlined permitting system, will be a critical step in the recovery process.

All partners—public and private—must collaborate closely on the planning, implementation, and monitoring of this pilot project, and we applaud DOT’s commitment to working with food and beverage establishments, industry associations, Community Boards, and BIDs. We are committed to continued successful collaboration with DOT and, much like our long-standing partnership in managing the Flatiron Public Plazas, and now the temporary Broadway Open Streets initiative, believe a flexible, temporary installation of curbside dining areas are the way forward.

These spaces in the public realm, be it full streets or curbside lanes, should allow for creativity and flexibility allowing adjustments to mitigate any unforeseen operating challenges, and sunseting the legislation at the end of October will allow for testing various types of spaces and offer a timely mark for a formal debrief. While we support Int. 1957, we believe DOT pedestrian plazas, including those in Flatiron, should be reserved for public seating, pedestrian circulation, programming, and community uses like GrowNYC Greenmarkets, and not offered as part of this bill’s suite of options.

More broadly, it is important that the City and its partners continue innovating to create a better and safer New York—and the public realm is critical in that equation. We must remain mindful that our streets and sidewalks need to accommodate various functions and support multiple modes of transportation simultaneously. The City must develop a data-driven

framework for ensuring that each use—including commercial loading, safe walking and biking, free speech activities, and new challenges, like six-foot distancing in grocery store queues—is considered.

Thank you all for your consideration and for putting so much thought and leadership into an actionable plan to support not only our food and beverage establishments, but the city's vital commercial areas. The Partnership is ready and willing to work with DOT and our elected officials to address the challenges facing us in this unprecedented time, and I again thank you for your leadership as we begin to reopen New York.

James Mettham
Executive Director
Flatiron/23rd Street Partnership



Division of Social Sciences Office of Philosophy

Intro 1957-2020

Testimony of Sari Kisilevsky

Assistant Professor, Department of Philosophy, Queens College CUNY

June 4, 2020

Dear Members of the City Council Committee on Consumer Affairs and Business Licensing,

Thank you for the opportunity to provide testimony on Intro 1957-2020, creating temporary outdoor dining locations for restaurants in public spaces, as well as additional locations for food vendors.

I am an associate professor at Queens College CUNY specializing in ethics of immigration. I welcome the support of the Committee for the small businesses of New York during this unprecedented crisis, and appreciates the recognition of street vendors as among the small business contributors to and stakeholders in the city's well-being. As you know, street vendors pay taxes and [contribute almost \\$300 million](#) to the city's economy. This recognition has been hard-fought, and is well-deserved.

Pursuant to this end, it is paramount that this legislation include protections for street vendors from encroachment by brick and mortar businesses attempting to squeeze them out of public spaces reserved for the everyone's enjoyment, and robbing them of an equal opportunity to rebuild their livelihoods that have been crushed by the COVID pandemic. As the city's smallest businesses operating without the support afforded to larger establishments, street vendors are especially vulnerable to the effects of the crisis, and to being overlooked in the city's efforts to rebuild.

It is for this reason that I ask the committee to include specific language in the legislation protecting vendors' existing locations and prohibiting brick and mortar establishments from extending their businesses into locations previously occupied by street vendors. We know from experience that where the city does not extend specific protections to vendors, larger businesses will wield their power to edge vendors out of their meagre opportunities to earn.

Relevant protections would involve relegating restaurant dining to streets in "open street" plans and reserving sidewalks for vendors and pedestrians, or designating five feet from the curb for vendors in places where they share sidewalk space with restaurants. These would guarantee space for vendors to operate alongside brick and mortar businesses while maintaining social distance rules.

Relaxing antiquated restrictions and expanding the total space allocated for food vendors would further provide much needed protection for vendors, and many of these restrictions could be struck down with little to no cost: loosening sidewalk placement rules and allowing vendors to operate at metered parking spots would greatly ease the pressure under which vendors currently operate without inconveniencing neighboring businesses or pedestrians. Many of these regulations support no broader regulatory purpose beyond restricting vending.

Google streetview provides an easy and accessible way of confirming vendors' pre-pandemic locations and can easily be consulted in case of a conflict between vendors and restaurant owners. I believe that these suggestions provide a workable solution for supporting street vendors in the city's efforts to rebuild.

Thank you for your time.

Sari Kisilevsky