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232 EAST 11TH STREET

NEW YORK NY 10003

212 475-9585

WWW.GVSHP.ORG

October 22, 2020

Hon. Bill de Blasio, Mayor

City of New York

New York, NY 10007

Hon. Corey Johnson, Speaker

New York City Council, 3rd District

224 West 30th St, Suite 1206

New York, NY 10001

Hon. Margaret Chin, Councilmember District 1

101 Lafayette St, 9th Floor

New York, NY 10013

Hon. Carlina Rivera, Councilmember District 2

254 East 4th Street

New York, NY 10009

Re: Outdoor Dining on City Streets and Sidewalks

Dear Mayor de Blasio, Speaker Johnson, and Councilmembers Chin and Rivera,

I write regarding the ongoing and potentially permanent allowance of outdoor dining on city streets and sidewalks. I think we would all agree that this arrangement has had and will have a tremendous impact upon small businesses and neighborhoods. The extraordinary circumstances of the COVID-19 pandemic clearly necessitated unconventional responses to help alleviate the suffering of small businesses and to allow expanded and safer alternatives for New Yorkers' dining options. However, there are long-term issues with such an arrangement that must also be addressed, and different evaluations which should be made in terms of considering permanent changes of this type.

Village Preservation strongly agrees that allowing outdoor dining during the COVID-19 epidemic, when health measures prohibit or limit indoor dining,

makes sense. Restaurants and other small businesses need this lifeline (and more), and New Yorkers need these dining and social options. There are additional positive impacts of outdoor dining in terms of enlivening city streets, which is especially welcome when so many have empty storefronts and diminished foot traffic.

But there are also real potential negative impacts and concerns with outdoor dining. In some cases those impacts or concerns are heightened over the long term. And especially once the COVID emergency ends, those impacts and concerns may in some cases outweigh the benefits.

Whether during the pandemic or after, outdoor dining can bring significantly increased noise to the homes of neighboring residents, cause sanitation issues, limit pedestrian flow and access, and if poorly designed, negatively impact the look and feel of neighborhoods. Attention should be paid to these issues now and in the future, though as a temporary measure during a health emergency, many of those potential downsides may be more than outweighed by the upsides.

However, once the health emergency ends and over the longer term, that balance of pluses and minuses may well shift significantly, particularly depending upon the location.

Undoubtedly there are locations where permanent outdoor dining may be desirable and well-suited, and when well-managed, benefit the public, neighborhoods, and businesses. We strongly encourage an examination of where such permanent installations might make sense, and under what parameters.

But there are also no doubt locations and circumstances where such a permanent arrangement may not make sense, or do more harm than good. Many outdoor dining establishments are located in residential areas, some in grandfathered spaces where such commercial uses are otherwise no longer allowed. Careful attention must be paid to the impact the noise these establishments generate will have on nearby residents.

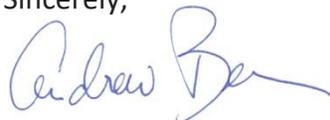
Outdoor dining also involves a taking and privatization of public space, such as sidewalks or streets (though in some cases that space has already been taken for private use, i.e. vehicular parking). That is space which is shared by all New Yorkers, and when it is limited, reserving it for commercial uses long term may not be appropriate in all cases. This is a potential issue especially

on narrow and/or crowded sidewalks. While in many cases this may be less of an issue now with the greatly reduced foot traffic in many areas, once restrictions are lifted, that crowding will, presumably, return. There are many areas of our city where sidewalks were previously extremely congested and difficult to navigate. Adding permanent outdoor dining once that crowding and foot traffic returns may in some situations make a bad or difficult situation worse, with a variety of potentially negative effects for pedestrians, diners, and businesses.

Additionally, if and when outdoor dining structures are made permanent, there should be some discussion about guidelines and basic requirements regarding design and aesthetics. What may be appropriate for a structure designed as a temporary solution to an emergency situation may not be an appropriate permanent or long-term design. While some outdoor dining structures no doubt have been aesthetically welcome additions to the cityscape, others have not. And while some may work well as a temporary addition, they may not necessarily do so as a permanent fixture. These issues should be addressed as well.

In short, we do not believe that a one-size-fits-all blanket solution based upon a needed and welcome temporary solution should be made permanent without closer examination of the impacts in differing situations and locations. We urge you to take this kind of considered and nuanced approach to this issue, which has extremely broad long term implications for our neighborhoods, residents, businesses, streets, and city.

Sincerely,



Andrew Berman
Executive Director

Cc: Manhattan Borough President Gale Brewer
Community Board #2, Manhattan
Community Board #3, Manhattan