Testimony - September 30, 2020
Committee on Consumer Affairs and Business Licensing
Preconsidered Intros relating to Permanent Outdoor Dining & Sidewalk Cafes

The American Council of Engineering Companies of New York (ACEC New York) is an association representing nearly 300 engineering and affiliate firms with 30,000 employees in New York State. Our members plan and design the structural, electrical, mechanical, plumbing, civil, environmental, fire protection and technology systems of buildings and infrastructure throughout New York. We thank the Committee for the opportunity to submit these comments on two Preconsidered Intros, in relation to outdoor dining and sidewalk cafes.

Like all New Yorkers, our members are being deeply affected by the pandemic. We are anxious to see the economy recover. ACEC New York supports the goal of these bills. We encourage the City to learn from its initial experience how to improve the temporary outdoor dining experience.

Local Law 77 created a temporary outdoor dining program. The program has been a tremendous benefit for New Yorkers and a lifeline for restaurants that have been able to take advantage of it. As the City considers expanding the program, making it permanent and expediting sidewalk café applications, there are critical elements to consider.

The first element is public safety. The temporary program has by and large been successful, but there have been some unfortunate incidents where vehicles struck barriers causing injuries. The bills should ensure any permanent outdoor dining program accounts for the placement of dining areas in proximity to traffic in the context of public safety. The City is also advised to carefully review the program’s impact on operational considerations such as road traffic, pedestrian circulation, bus routes, bike lanes, deliveries, loading docks, garbage pickups and similar factors. The City should identify and mitigate any operational impacts to safety. This is especially important as sidewalks and streets become more active.

A second critical element is safety related to installing any structures, equipment or systems that would need a permit from DOB. For the permitting of these types of more intense space uses, or for the preparation of any plans that involve enclosed structures, heating or electrical systems, a design professional should be required to provide oversight. It is one thing to permit the placement of tables and chairs outdoors without a design professional signing off on the plans, but it is another thing if restaurants are installing elements that can pose their own safety risks. For example, as we approach cold weather months, should restaurants construct sidewalls to tents over outdoor dining areas it could create unventilated indoor spaces without fire protection.

ACEC New York applauds the City’s efforts to support the private sector. We offer our assistance to the City Council and NYC DOT should it be helpful as you review details of the outdoor dining program. Please let us know if there is anything we can do as an association to assist.

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