



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Letter of LANDMARK WEST!
Certificate of Appropriateness Committee
Community Board 7
Comments on Sidewalk and Roadside Cafes
August 29th, 2023**

LANDMARK WEST! is a not-for-profit community organization committed to the preservation of the architectural heritage of the Upper West Side.

The Certificate of Appropriateness Committee wishes to comment on the issue of repealing licenses to year-round sidewalk cafes and seasonal roadway cafes.

The LANDMARK WEST! Certificate of Appropriateness Committee acknowledges the recent ubiquitous nature of enclosed and unenclosed sidewalk cafes, with their oftentimes domineering presence in Manhattan growing exponentially from around 1,000 in pre-pandemic times to 6,502 in 2023. The emergency outdoor dining program provided many benefits for the City, when it really needed it such as securing jobs by boosting the restaurant industry and the economy in a period of high unemployment.

LW! supports businesses and business growth in our neighborhood! While we want to promote continuous prosperity for businesses in our district, we have to find mutually beneficial solutions that make sense for businesses, the wider public and the urban landscape. Supporters of the bill have stated that outdoor dining infrastructure has provided energy to the streetscape and contributed to a vibrant and livable city - and 'arguably beautified some City streets.' This beautification is debatable amidst rising vermin reports, filthy curbs that are inaccessible to the Department of Sanitation, and general eyesores of ramshackle construction. We believe there are still many specific issues for the Community Board to deliberate over in your recommendations for our neighborhood that consider the unique needs of our historic districts. Here are some of our criticisms and concerns:

- **Enclosed sidewalk cafes** have proven to be obstructive in already dense and narrow city environments. They can block views to traffic for pedestrians, create unnecessary barriers for the disabled like wheelchair users and blind residents, and roadside cafes have even led to, or become the victims of motor accidents. There is a discussion to be had regarding their presence in narrow residential side streets in landmarked and non-

landmarked districts and whether sidewalk and roadside cafes should be limited to commercial thoroughfares.

- **The temporary nature** of roadside cafes, where furniture has to be movable, begs the question, what is going to be done with this itinerant material in the off-season and the current breakdown of now unlicensed sidewalk sheds? Will businesses have the storage capacity for this, or would this legislation invite further material waste, running counter to this same administration's pursuit of green infrastructure initiatives?
- **Does the Department of Transportation have the staffing capacity** to process the likely high volume of licenses expected? Who will inspect compliance, and how frequently?
- Throughout this process, the public has raised several **quality-of-life concerns**. Since the implementation of the emergency outdoor dining program, these sheds and platforms have become a breeding ground for mosquitos and vermin, with lingering smells disturbing nearby residents and passersby. Whose responsibility is removal when a lease is up or a restaurant closes? Will there be accommodations made in this bill to actively tackle these problems and provide accommodation for trash etc.? Another frequent complaint has been the **excessive noise** sidewalk and roadside cafes often create. We propose that 10pm is a more appropriate cut-off time, as opposed to the much-discussed 12am cession because most restaurants close at 10 pm and these are the non-construction quiet hours mandated by the City.
- **The lower cost** of obtaining a license is more equitable - but will the lower threshold encourage shoddier construction at potential risk to public safety?
- How will this affect retail rents? Will corner sites be able to charge hire rent? Will restaurants bleed further onto residential side streets? Can they be ganged in endless chains? Currently there is a caravan of sheds on West 73rd Street which run 139 feet from the corner, this contiguous row impacts not only the character of the street but turns the sidewalk into a business making it not only more difficult for residents to navigate but exist on as there are few places to dispose of trash and recycling. .

Proponents of the bill say the updated program will be more affordable, accessible and faster with fewer **hurdles** - we concur but must underscore that some hurdles are in place to ensure quality work is being done with the necessary precautions, and in the best interest of public safety. Let's not trade public safety of the many for the private benefit of the few restaurateurs.

Thank you.