



THE COMMITTEE TO PRESERVE THE UPPER WEST SIDE

**Testimony of LANDMARK WEST!
Certificate of Appropriateness Committee
Before the Landmarks Preservation Commission
Comments on Dining Out NYC program
April 16th, 2024**

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 Dining Out NYC program to amend existing rules to include sidewalk and roadway dining.

The LANDMARK WEST! Advocacy Committee acknowledges the recent ubiquitous nature of enclosed and unenclosed sidewalk cafes, with their oftentimes dominating 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 which are inaccessible to the Department of Sanitation, reports of illicit activity occurring in these sheds, and the general eyesores of ramshackle construction.

Our Committee gets the sense that the LPC feels this is not a landmark issue, however we believe there are still many things to consider before implementing these rules along streets within our historic districts.

Throughout the process of rolling out this Dining Out program, the public has raised several quality of life concerns. Since the implementation of the emergency outdoor dining program, these sheds and platforms have proven to be obstructive in already dense and narrow city

environments, and physical waste has been a constant issue. Our Committee is concerned that roadway cafes will impede comprehensive street cleaning, potentially bringing health risks to the community. We caution that these concerns will persist under this program if careful consideration is not given to location and proper refuse coordination.

Our Committee is additionally concerned about the continued encroachment upon the sidewalk and curbs across the city and in our historic districts. This encroachment not only impedes pedestrian and cyclist access but also begs the question, who are the sidewalks and curbs for?

It is already hazardous for pedestrians to navigate sidewalks along streets like Columbus Avenue which has bicycle lanes. They not only have to dodge servers going back and forth between sidewalk café and dining shed, but also take care not to step into the bike lane to avoid the sidewalk congestion. 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 also to perform necessary functions, as there are few places to dispose of trash and recycling, or even receive basic deliveries.

Proponents of the bill say the updated program will be more affordable, accessible and faster with fewer hurdles - we concur but must underscore that many of the existing hurdles are expressly there in order to ensure quality work is being done with the necessary precautions, and in the best interest of public safety.

Thank you.