



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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District Manager

November 7, 2025

Hon. Eric Bottcher
New York City Council
224 West 30th St, Suite 1206
New York, NY 10001

Re: Intro 1421 and 1444 on Open Dining

Dear Councilmember Bottcher,

Manhattan Community Board 4 (MCB4) ¹urges you to oppose Intro 1444 and seek and enact crucial modifications to Intro 1421 in order to maintain a sufficiently clear path for pedestrians along sidewalk cafes and safety features when crossing the street.

We oppose Intro 1444, which would further limit the pedestrian clear path to 8 ft and allocate that space to cafes on all sidewalks without any distinction for pedestrian crowding. The current regulation calls for an 8 ft clear path on 97% of New York City sidewalks. The other 3% are regional and global corridors where the volume of pedestrians is very significant and more space is needed for safe and unobstructed pedestrian circulation. Examples in our district include 8th and 9th Avenues, which are used by thousands of commuters to reach the bus terminal and Penn Station. It would be a major step backward for pedestrian safety to further limit clear paths on these 3% of sidewalks. We oppose this Intro.

Intro 1421 proposes to allow roadway cafes to operate 12 months of the year instead of being limited to the current nine months. The present restrictions are very costly and favor larger, well-financed establishments that can store the furniture off-site. In addition, roadway cafes, unlike sidewalk cafes, have no negative impacts on the pedestrian path. The new design guidelines ensure that the furniture is movable and well maintained.

We support this request, provided that critical issues with the program are resolved. They are:

Missing from the bill is a necessary clarification of the clear path for pedestrians and how to measure it. Unwritten interpretations are undermining the space that was intended to be reserved for pedestrians circulation. In particular, the allowances for recesses and their measurements, which were not in the rules, and the conflicts between clear path and clearances ought to be ironed out in favor of pedestrians. We propose that the following language be added:

¹ Manhattan Community Board 4's (MCB4) recommendation is based on a vote at its November 5, 2025 Full Board Meeting with 31 members in favor of the recommendation, 12 members opposing, 2 members abstaining and 0 present but not eligible.

“Clear Path. The term “clear path” means an unobstructed straight-line path on a sidewalk or sidewalk widening for pedestrian circulation

No license or revocable consent or consent shall be granted for a sidewalk cafe that obstructs the pedestrian circulation (clear path) measured as a radius from any point of the cafe boundary to any obstruction surrounding the cafe.”

Another concern emanates from the proposal to reduce clearance from the roadway cafes to the nearest crosswalk to 8 ft from the current 20 ft. The current 20 ft requirement applies selectively to intersections where the café would obstruct the visibility of pedestrians and cyclists for vehicles turning onto the cross arterial. 60% of all injuries and fatalities take place at intersections where a vehicle is turning. 24 council members already support Intro 1138, which would increase all corner clearances in the city to 20 feet for safety reasons. Yet, the dining out bill goes in exactly the opposite direction. We oppose this change.

During COVID, many roadway dining installations were abandoned, leading to garbage, rat infestation, drug use, homeless use, and blight on the neighborhood. It is critical that the law includes strict operational criteria during the winter months and fines that will prevent the recurrence of such quality-of-life issues. In addition, a robust enforcement program for all illegal use should be put in place.

Finally, we suggest that every restaurant that includes a sidewalk café or roadway café be compelled to give free access to its bathrooms to the general public as a benefit to the community.

These modifications fly in the face of the city’s efforts to make our streets safer. Now is not the time to make sidewalks narrower or intersections more dangerous.

We ask your help to ensure our suggestions are enacted.

Sincerely,

Jessica Chait
Chair

Frank Holozubiec
Co-Chair
Business License & Permits
Committee

Wendy Gonzalez
Co-Chair
Business License & Permits
Committee

CC: Hon. Lincoln Restler
Hon. Keith Powers