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Gale A. Brewer, Borough President

Thursday June 4, 2020

**Gale A. Brewer, Manhattan Borough President
Testimony Before the New York City Council
Committees on Consumer Affairs and Business Licensing**

My name is Gale Brewer and I am the Manhattan Borough President. I am testifying today in favor of legislation introduced by Speaker Johnson and Councilmember Reynoso relating to the temporary expansion of outdoor dining space as a means to help our city's struggling restaurants and street vendors.

Little needs to be said about how important this legislation is for restaurants and street vendors, many of whom are standing on the precipice of financial ruin after months of declining, or no, income. Take Susannah Koteen, who owns Lido Restaurant and has proudly been serving the Harlem community on the corner of 117th Street and Frederick Douglass Boulevard for 9 and a half years. Since COVID struck, Ms. Koteen had to close her restaurant for two and a half months and although she recently opened, she is only seeing one-tenth of her usual sales. She has had to let go almost all of her staff and is desperately hoping that an expansion of outdoor dining can bring back her customers and the employees who serve them. There are far too many stories throughout Manhattan like Ms. Koteen's, and it is my expectation that this legislation will give these businesses a reprieve from failure.

I am especially encouraged by some of the finer details in this legislation, including that the permitting process will be expedited, that there will be no permit fees, and that social distancing guidelines will be clearly explained in advance.

I am also encouraged to see that food vendors are specifically included within this legislation and are being recognized as a crucial part of our food service industry. Not only should vendors play a role in this outdoor dining initiative, I believe that the City should suspend permit fees for vendors for the rest of the year.

There are still more details to work out, for instance whether we want each business to have its own seating or whether we want businesses to share seating, like a food court. If businesses must have their own seating, given the limited space we have and the expected outsized demand, we should ensure that local eateries are allotted enough space to be competitive. We should also include food vendors in seating arrangements, perhaps in this instance with a food court style set

up. And we have to solve the issue of commercial sanitation pick-ups in areas such as these outdoor food pop-ups.

It will be a continuing challenge to adapt our streets and habits to the new normal under COVID. We can learn from other cities that moved ahead.

In addition to the outdoor dining legislation, I am advocating for a major expansion of DOT's Street Seats program. It would allow dining in the parking lane, for businesses that operate on a street with a bus or truck route which likely prevents them from taking advantage of this outdoor dining legislation. This initiative can lead to a broader expansion of the Street Seats program and innovative ways of adapting it to outdoor dining.

Lastly, protests over racial injustice should alert us to the danger of allowing racial disparities and inequities to infect these initiatives. For example, we must ensure that sidewalk café permits are granted equitably and without fees. We also must relay, from the Governor's office, the recent (June 3, 2020)

State Liquor Authority guidance that allows for the outdoor consumption of alcohol within business premises to all parties that engage in this program. If we have learned anything from decades of racial inequity there must be no discrimination in how these new lifestyle changes and regulations are applied and observed.

The Departments of Transportation and Consumer Affairs and Worker Protection must work with community-based organizations: local restaurants, restaurant associations, BIDs, chambers of commerce, community boards, and others to ensure that each community receives a fair share of outdoor dining space. This will prevent over-crowding and help ensure that space is allocated equitably and safely.

Thank you for the time to testify in support of this important legislation. I appreciate the City's June 4, 2020 proposal and look forward to working with the Administration and the City Council to expand outdoor dining for our struggling restaurants and small businesses.