

# NYC Open Restaurants FAQ

## 1) Who is eligible to apply to Open Restaurants?

Any food service establishment licensed by the NYC Department of Health and Mental Hygiene (DOHMH) which has business frontage on the ground floor.

## 2) When can my Establishment begin using outdoor dining?

As soon as Phase Two begins in NYC, outdoor dining will be legal, provided that restaurants follow the [guidelines set by NY State](#) and [DOHMH](#). Establishments seeking to utilize additional public sidewalk or roadway space for outdoor dining operations must apply online at [nyc.gov/openrestaurants](https://nyc.gov/openrestaurants) and may commence upon self-certification.

## 3) I already have outdoor dining space, do I need to apply?

Types of outdoor dining which do not require NYC DOT approvals (but may require State Liquor Authority approvals) include:

- Restaurants utilizing any privately owned outdoor space, such as front yards, side yards, rear yards or courtyards
- Restaurants utilizing private parking lots
- Restaurants utilizing balconies, terraces, or open air rooftop space
- Restaurants on open air boats

## 4) I currently have an enclosed sidewalk cafe permit. Am I permitted to seat guests within the enclosed sidewalk café next to open windows?

No. Under NY State Phase Two Restaurant Guidance, only restaurants with “outdoor space” may reopen during Phase Two. “Outdoor space” is defined as an open air space without a fixed roof (besides a temporary or seasonal awning or cover). An enclosed cafe with a permanent roof would not meet the definition.

## 5) My establishment is in a residential district, special district, or historic district where sidewalk cafes are not typically allowed, can I still apply?

Yes, you can apply. See terms and conditions in the Open Restaurant application for further details.

## 6) Can I apply if I'm on an Open Street?

Yes, establishments that are currently on an Open Streets may apply for sidewalk and/or roadway seating. To view all Open Street locations visit [nyc.gov/openstreets](https://nyc.gov/openstreets)

## 7) Is there a fee to apply to Open Restaurants?

The City does not charge any fees to apply to the program.

## 8) Do I need insurance?

Yes, the City recommends you consult your insurance broker to make sure you have the appropriate coverage for the additional seating areas.

## 9) What are the daily hours of operation?

Open Restaurant seating may be in use:

- Monday-Saturday: 8am-11pm
- Sunday: 10am-11pm

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**10) What is the duration of Open Restaurants?**

Roadway seating will last through September 8, 2020. Sidewalk seating will last through October 31, 2010.

**11) Can my barriers and furniture remain in the roadway when I'm not in operation?**

Yes, except when the curb lane functions part-time as a moving lane, roadway seating area may be closed to vehicles and barriers, and may remain in place 24/7 for the duration of the program. Tables and chairs must be removed or secured in place when not in use. For part-time moving lanes, all barriers and furniture must be removed during the period the curb lane functions as a moving lane.

**12) Is the seating exclusive to my business and can I serve food?**

Yes, seating is exclusive for your business and table service is allowed.

**13) Can I serve alcoholic beverages in the outdoor dining area?**

Yes, if you are licensed by the State Liquor Authority and submit all appropriate documents.

**14) Can I use the seating area for performances or other types of activity?**

No. The program is for outdoor dining only at this time.

**15) Are street vendors allowed to use the curb lane or sidewalk?**

Yes, as long as they comply with all applicable vending laws and rules, and all health guidance.

**16) Is Open Restaurant Seating ADA accessible?**

Yes, the City requires all Open Restaurant seating to be ADA compliant. Visit MOPD's [Small Business Resources](#) page for guidance.

**17) How does the Alternate Side Parking ("ASP") regulation impact seating in the roadway and what do I do if there are utility covers in the seating area?**

ASP spaces are available for Open Restaurant use, provided all other requirements are met. By participating in the program, you are taking responsibility for maintaining the cleanliness of the roadway curb space in front of your business. Curbside drainage and [access to and ventilation of utility covers must not be impeded](#), and at all times, the seating area must be in a clean, neat and safe condition.

**18) Can I use structures besides furniture, barriers, and ramps?**

No, not at this time.

**19) There is not much space in front of my building, and the owner of the building next door is willing to let me use their space for tables. May I add tables and extend into their property?**

No. At this time, only the frontage in front a restaurant is being made available. As the program is monitored over the next several weeks, additional space opportunities may become available.

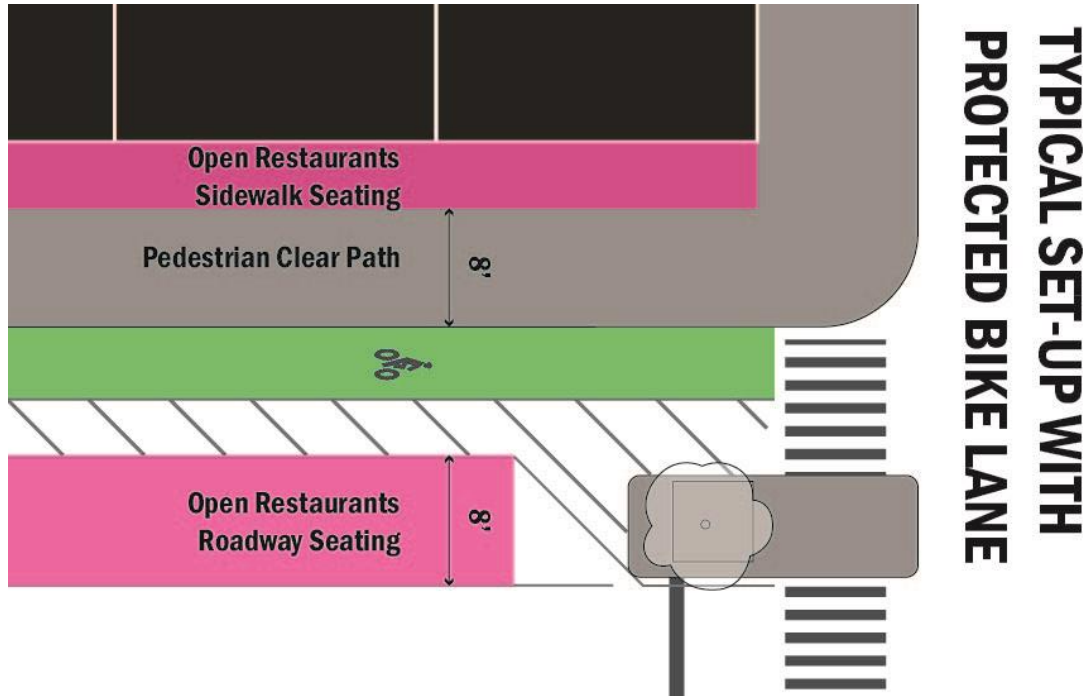
**20) Can I use the plaza in front of my business?**

Restaurants can work with their local BID and NYC DOT to request additional seating in plazas by emailing [Plazas@dot.nyc.gov](mailto:Plazas@dot.nyc.gov).

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## 21) Can I apply for roadway seating if there is a bus stop or bike lane in front of my business?

Yes, you may apply. However, roadway seating may not be placed in a bus stop, bus lane, bike lane, carshare parking space, or vehicular moving lane. Roadway seating may be set up in a floating parking lane in front of an approved business per the diagram below.



## 22) What if something is already installed on the sidewalk and/or curb lane in front of my establishment, such as a bike corral or Citi Bike station?

The City will not remove nor relocate street furniture.