

NYC MAYOR'S OFFICE OF MEDIA & ENTERTAINMENT

# OFFICE OF NIGHTLIFE



REPORT: 2018 - 2021





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NYC Mayor's Office of Media and Entertainment  
Office of Nightlife

Bill de Blasio, Mayor  
Anne del Castillo, Commissioner

June 2021







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New York City at sunset (Roberto Nickson, 2018)





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# LETTER FROM THE COMMISSIONER

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**Dear Friends,**

New York City's nightlife is where some of our most influential cultural movements were born. This report tells a story about local government working to preserve a critical piece of the City's identity. I want to thank Mayor de Blasio for recognizing nightlife's importance by creating the Office of Nightlife three years ago. Since then, the Mayor's Office of Media and Entertainment (MOME) has worked across our agency to take this idea and make it a functioning office that helps fulfill MOME's mission of listening to our constituents, reflecting their concerns to the rest of government, keeping them informed, and creating resources and programs to help them.

MOME supports the creative economy of film, television, theater, music, publishing, advertising, digital content, and nightlife. Creativity is the bedrock of our city and its post-pandemic revival. Before Covid-19, the creative economy generated \$150 billion per year and almost one out of every 10 local jobs. This doesn't count the thousands of small businesses that depend on being near a theater, or soundstage, or comedy club. The creative economy also defines New York to New Yorkers and the world. It's why we live here; why others visit; why our city is recognized as a global creative capital.

Creating a new government office, situating it within an existing City agency and launching an agenda like the one our Office of Nightlife has created takes extraordinary efforts. I want to thank MOME's senior leadership, and our City agency partners. Team Nightlife has had access to the best support in government and that has made all the difference. I want to thank Ariel Palitz and her small, but mighty team at Nightlife. They have approached their jobs with energy, passion, and creativity worthy of the sector they support. Most of all, I want to thank New York City's nightlife community. They have brought the grit, courage, and sacrifice it takes work in nightlife to the task of surviving a pandemic that has devastated their industry. Day in and day out, they are our inspiration.

Sincerely,



**Anne del Castillo**  
Commissioner

The City of New York,  
Mayor's Office of Media  
and Entertainment

**Person enjoying music at concert (Anthony Delanoix, 2015)**





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# LETTER FROM THE SENIOR EXECUTIVE DIRECTOR

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**Dear NYC,**

In September 2017, Mayor Bill de Blasio signed a law creating the City's first Office of Nightlife. This new office, a non-enforcement liaison within the administration, is dedicated to supporting this vital industry while recognizing everything it contributes to our city's economy, culture, and identity.

The following report is a record of our work over the past three years, how we laid the foundation for this new office, established its priorities, and set the trajectory for the future. Our recommendations were developed through extensive research and outreach across the nightlife ecosystem, and collaboration with our City agency partners. The proposals include policies and practices to ensure fairness and equality; improve safety; preserve and expand culture; and reduce impacts on quality of life.

I was appointed as New York's first Executive Director of the Office of Nightlife in 2018. As a born and raised New Yorker, former club owner and community board member, I understood the importance of this office to those whose lives and livelihoods depend on this industry and what it represented.

Historically shrouded in stigma, nightlife is now embraced as a powerful economic engine and job creator, an incubator of local culture, a safe haven for marginalized communities, and essential to who we are. And while the Office of Nightlife worked hard to reframe old perceptions, it was the COVID-19 pandemic that made it all too clear what nightlife meant to New York.

None of us could have foreseen the challenges, but I am thankful this office was established in time to represent the industry when it needed it most, ensuring it received essential resources and guidance, and amplifying its voice where decisions were made. Looking ahead, it will be crucial to recover from the effects of the pandemic, but also to resolve issues the industry faced before COVID-19 so it can be stronger, more sustainable, and resilient moving forward.

I am grateful to lead this inaugural effort and thankful to everyone contributing to this nightlife movement, especially to those who have always been devoted to the art of hospitality and the magic of life at night.

I am confident that this dedicated office will fulfill its purpose, so that New York nightlife continues to heal, grow, and lead, while remaining the greatest in the world.

Sincerely yours,



**Ariel Palitz**  
Senior Executive Director  
Office of Nightlife,  
Mayor's Office of Media  
and Entertainment



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# INTRODUCTION

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Performer dancing at venue (Kenny Rodriguez, 2019)





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## INTRODUCTION

The Office of Nightlife (ONL) began as a law signed by Mayor Bill de Blasio on September 19, 2017. Local Law 178 of 2017, codified in New York City Charter section 20-d, mandated that the office “assist nightlife establishments navigate city licensing requirements, permits, or other approvals,” and required the Office to “advise the Mayor and various agencies on trends the nightlife industry as well as make policy recommendations on an ongoing basis.”

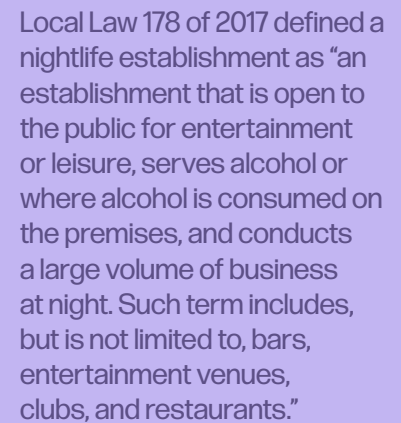
New York City joined a global movement that comprises more than 50 cities. Each one has recognized the contribution that restaurants, bars, dance clubs and live music venues provide to the city’s local economy and culture and the need for a dedicated voice to speak for those important businesses. Similar efforts exist in major global capitals such as Amsterdam, London, Paris, and Berlin to support vibrant urban nightlife have improved industry and resident relations, and developed healthier, more productive nighttime economies.

Historically, the nightlife industry and its activities have been viewed more as a nuisance or a liability, with limited recognition or support as an economic engine of the city, a vital incubator of culture, or as a safe haven for diversity and community. As a newly established voice for nightlife, under the auspices of Mayor’s Office of Media and Entertainment (MOME), the inaugural ONL team has had the responsibility to reframe New York’s relationship to its nightlife.

ONL is a non-enforcement liaison, a convener between city government and the nightlife ecosystem of operators, performers, workers, patrons, and residents. The Office’s purpose is to help establish and coordinate systemic solutions to support the nighttime economy, culture, and quality of life. Its goal is to make nightlife fairer, safer, more equitable and accessible, and to make sure that nightlife works for all New Yorkers, and the city’s millions of visitors each year.

In the three years since it was established, ONL at MOME has made major strides toward fulfilling that mission. This report serves as a record of that progress and sets forth recommendations to help secure the future of nightlife. It also includes a section on ONL’s response to the unprecedented challenges posed by COVID-19.

The COVID-19 pandemic, and the shutdowns it required, have caused incalculable economic damage to the nightlife industry. The pause the pandemic forced has created a space for reflection and reevaluation, creating an opportunity to address both the challenges the pandemic has caused and those this industry was already facing. ONL is proud to present this report as a plan that looks past the end of the pandemic, to rebuild and reorient the ways in which New York City perceives and supports our vital nightlife sector.



Local Law 178 of 2017 defined a nightlife establishment as “an establishment that is open to the public for entertainment or leisure, serves alcohol or where alcohol is consumed on the premises, and conducts a large volume of business at night. Such term includes, but is not limited to, bars, entertainment venues, clubs, and restaurants.”



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# EXECUTIVE

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# SUMMARY

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Disco ball at nightlife venue (Jesse Echevarria, n.d.)





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# EXECUTIVE SUMMARY

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This report is a summary of the Office of Nightlife’s (ONL) activities as well as recommendations for new programs and initiatives to be implemented in the coming years. These ongoing and proposed initiatives are the result of stakeholder engagement; constituent services casework with nightlife businesses, workers, and neighbors; focus groups to solicit detailed feedback regarding the issues and challenges facing New York nightlife; in-depth research of national and global best practices; and extensive partnership with other government agencies.

## **FROM LEGISLATION TO AGENDA**

The first part of this report, “From Legislation to Agenda,” describes how and why Mayor de Blasio established, for the first time in history, an office of nightlife as a part of MOME. The Mayor appointed as first Senior Executive Director of the office, Ariel Palitz — a lifelong New Yorker with more than 25 years of experience in the nightlife industry and six years of service on Manhattan Community Board 3. Palitz assembled a staff of three people of diverse backgrounds spanning policy, advocacy, event production, constituent services, design, and performance.

One of ONL’s first orders of business was to convene a five-borough listening tour, which included a panel of city and state officials. These forums provided a grassroots look at the challenges involving nightlife in the city and gave workers, business owners, and residents the opportunity to speak directly to their government, to hear each other, raise issues, voice concerns, and share ideas on a broad range of topics, including regulations, enforcement, public safety, quality of life, and the role nightlife plays in fostering creativity and culture.

ONL then held a series of focus groups to solicit detailed feedback on the issues and challenges facing New York nightlife. The goal of these sessions was to gather more nuanced and in-depth information about topics presented to ONL during the Listening Tour.

In 2019, MOME also commissioned a first-ever government [economic impact study of the nightlife industry in New York City](#), defined as leisure and entertainment activity between 6pm and 6am, including food service, bars and clubs, live music venues, arts and theater, and sports and recreation. Using labor market data and economic modeling, the study found that the city’s 25,000 nightlife establishments support nearly 300,000 jobs with \$13.1 billion in wages, and \$35 billion in economic activity. That study also incorporated qualitative interviews and surveys of nightlife stakeholders to further inform policy and program development.

The result of this initial work was the creation of an ambitious four-part agenda to: support business development and recovery; improve quality of life; promote safety, equity and harm reduction in the nightlife community; and elevate nightlife culture.



## FROM AGENDA TO ACTION: Current Work & Ongoing Initiatives

The second part of this report describes ONL's three years of work pursuing its agenda, including the work ONL did to understand the pandemic's impact on nightlife.

### Summary of Current Work & Ongoing Initiatives

Program/Initiative	Description
<b>Established one-stop shop of resources and support for nightlife businesses, workers, patrons, and residents</b>	Created online repository of information including industry updates and best practices
<b>Established Nightlife Interagency Working Group</b>	Convened city and state agencies to coordinate services and policies affecting nightlife
<b>Established a Multi-Agency Support for Hospitality (MASH) approach</b>	Connected nightlife venue owners, employees, patrons, and residents to services
<b>Established mediation program to resolve disputes between venues and neighbors</b>	Created MEND NYC to use direct communication and compromise to resolve conflicts
<b>Implemented Lower East Side Quality of Life Improvement Plan</b>	Coordinated city agencies to improve services in areas with a high density of nightlife establishments, resulting in cleaner, quieter streets
<b>Produced report of Multi-Agency Response to Community Hotspots (MARCH) operations activity</b>	First of an ongoing series of reports to help review and revise nightlife enforcement practices



Program/Initiative	Description
<b>Promoted harm reduction approach to substance use through educational campaigns</b>	Worked with DOHMH and nightlife community leaders to create overdose prevention and other health-focused drug education materials
<b>Hosted active shooter response training for venue owners, staff, and security</b>	Launched a series of trainings with NYPD that included information for security operators, business owners, and patrons
<b>Hosted “State of Nightlife” panel series</b>	Developed a series that convenes advocates and prominent figures to discuss issues and ideas
<b>Responded to the COVID-19 Pandemic</b>	<p>Served as a liaison to New York’s nightlife community, bringing issues and concerns to policy makers and providing information about new regulations and best practices</p> <ul style="list-style-type: none"> <li>▪ Conducted an initial survey to evaluate the immediate effects of COVID-19-related restrictions on businesses, workers, and freelancers</li> <li>▪ Held multiple, virtual “Town Call” meetings with city, state, and federal officials to share resources and get answers to common questions and challenges</li> <li>▪ Participated in the city’s daily inter-agency teams working to coordinate reopening and recovery efforts, suggested ideas for new policies and reforms to provide immediate relief to struggling businesses and workers</li> <li>▪ Created resources to explain new rules and regulations in plain language: “Restaurant and Bar Reopening Toolkit,” and “What to Expect When You’re Inspected” checklist</li> <li>▪ Launched public awareness campaigns about responsible behavior when patronizing nightlife businesses, including “Take Out, Don’t Hang Out,” and “It’s Up To You, New York” about rules and guidelines for socializing responsibly</li> </ul>



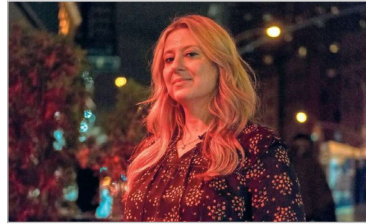
### September 2017

Mayor de Blasio signed Local Law 178, establishing the Office of Nightlife and Nightlife Advisory Board



### March 2018

Ariel Palitz was appointed as the first Senior Executive Director of the NYC Office of Nightlife



### July 2018

Mayor de Blasio and City Council appointed members to the Nightlife Advisory Board



### October 2019

Implemented Lower East Side Quality of Life Improvement Plan” with NYPD, DOT, DSNY, TLC, and LES Partnership



NYC Department of Health and Mental Hygiene launched its harm reduction campaign with assistance from the Office of Nightlife



Hosted the “State of the LGBTQIA+ Nightlife Scene & Community in NYC” panel to celebrate WorldPride



Launched a series of active shooter preparedness trainings with NYPD for nightlife venues



### March 2020

Conducted an initial survey to evaluate the immediate impacts of COVID-19 restrictions on nightlife community



### April 2020

Hosted the first virtual “Town Call” meeting, convening City, State, and federal agencies





**October 2018**

The Office of Nightlife launched its Five Borough Listening Tour, starting in Brooklyn



**January 2019**

The Mayor's Office of Media & Entertainment released the first ever Nightlife Economic Impact Study



Convened the first Nightlife Interagency Working Group meeting with City and State representatives



**June 2019**

Coordinated City agencies and nightlife community on updated regulations in preparation for WorldPride NYC 2019



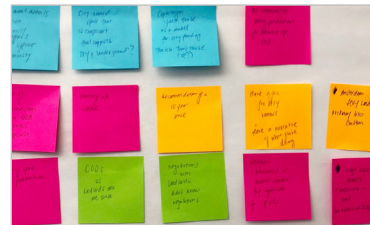
**May 2019**

Unveiled the online One-Stop Shop to connect the nightlife community to City resources



**April 2019**

Convened in-depth focus groups with nightlife advocates and community members



**May 2020**

Compiled resources to communicate new rules and regulations to the nightlife community in plain language



**August 2020**

Launched Mediating Establishment and Neighborhood Disputes (MEND NYC) with the Center for Creative Conflict Resolution at OATH



**February 2021**

MOME and SBS launched Curtains Up NYC to provide application assistance for federal Shuttered Venue Operators Grants





## FROM ACTION TO PROJECTION: Summary of Recommendations

The third and final part of the report is a detailed roadmap for the future, incorporating public feedback and research, and setting forth a wide range of recommendations. The following is a summary of key recommendations:

### 1.0 SUPPORT BUSINESS DEVELOPMENT & RECOVERY

No.	Recommendation	Description
1.1	<b>Streamline processes through one-stop for multi-agency permitting, inspections, and support</b>	Create a single, centralized location for these important functions
1.2	<b>Launch "Night School" workshops for business operations, best practices, and workplace rights</b>	Create training sessions offering information about rights and agency procedures
1.3	<b>Establish process to evaluate and address complaints about venues</b>	Enhance protocol to address chronic quality of life complaints by encouraging participation in MEND NYC mediation services
1.4	<b>Reduce impact of "curable" violations and redundant penalties</b>	Work with enforcement agencies to expand "cure periods" for minor violations and reduce rules that discourage businesses from self-reporting emergency incidents
1.5	<b>Study effects of commercial rent and long-term vacancies on businesses</b>	Ensure nightlife businesses are represented in efforts to study and implement commercial rent control; consider measures to prevent vacancies
1.6	<b>Encourage standard community board processes and applications for liquor licensing</b>	Develop standardized questionnaires and processes for liquor licensing review and advocate for expanded participation of nightlife operators on community board licensing committees
1.7	<b>Advocate for amended "tied house" law in New York State</b>	Help change State law to allow greater flexibility for manufacturers and distributors to offer financial contributions to licensed establishments



## 2.0 IMPROVE QUALITY OF LIFE

No.	Recommendation	Description
2.1	<b>Implement street ambassadors program</b>	City to introduce supplemental non-enforcement hospitality personnel to welcome, educate, and monitor patrons in high-traffic entertainment areas
2.2	<b>Implement policy to improve conditions that cause complaints from new residential developments near existing venues</b>	Support “Agent of Change” policies that would require improved soundproofing and other measures within new developments near existing nightlife venues
2.3	<b>Create incentives for soundproofing</b>	Develop financing mechanisms to support nightlife businesses to improve soundproofing measures to mitigate sound disturbances between nightlife venues and neighbors
2.4	<b>Introduce Sunday waste removal services to address Saturday nightlife activity</b>	Increase sanitation services such as street sweepers and litter removal in concentrated nightlife areas on Sunday mornings
2.5	<b>Coordinate for-hire vehicle pickups in nightlife areas</b>	Work with ride-sharing companies to explore a curb space management system to better coordinate vehicle pickups in areas with dense nightlife activity



### 3.0 PROMOTE SAFETY, EQUITY & HARM REDUCTION

No.	Reccomendation	Description
3.1	<b>Address concerns regarding inequities by race, gender, and sexual identity inequities in enforcement</b>	Host round-table discussions and facilitate implicit bias trainings to address concerns that enforcement actions disproportionately target marginalized groups
3.2	<b>Promote equity and fairness through best practices, guidance, and campaigns for safer nightlife spaces</b>	Work with advocates to develop programs that advance safe and fair nightlife spaces, including campaigns and bystander training to promote consent awareness, reduce harassment, and improve equity in booking, hiring, and guest accommodations
3.3	<b>Advance public health through a harm reduction approach to substance use</b>	Host dedicated conversations and develop policies that bring harm reduction initiatives to the broader nightlife community, working with City agencies and advocates to implement training, testing, and distribution of educational materials
3.4	<b>Promote mental health awareness in nightlife spaces through “Thrive at Night” program</b>	Expand ThriveNYC programming to nightlife spaces



## 4.0 ELEVATE NIGHTLIFE CULTURE

No.	Recommendation	Description
4.1	<b>Establish alternative temporary use process for small or “do-it-yourself” (DIY) cultural events</b>	Develop a program to help facilitate temporary cultural uses and performances
4.2	<b>Ensure safety and compliance in cultural spaces</b>	Help unpermitted nightlife spaces become compliant with necessary permitting to protect health and safety
4.3	<b>Improve affordability for DIY spaces and promoters to host safe, legal events</b>	Create a pool of low-cost, pre-approved professionals to expedite permitting processes and explore new financing mechanisms for physical improvements
4.4	<b>Explore changes to zoning language to support and expand live music and social dancing uses</b>	Explore changes to the Zoning Resolution and Building Code language to improve consistency in enforcement for venues that host live music and social dancing
4.5	<b>Explore allowing 24-hour use in select neighborhoods</b>	Evaluate opportunities to expand 24-hour nightlife activity in appropriate locations
4.6	<b>Explore dedicating city assets for new cultural venues</b>	Explore use of underutilized sites to develop legal and code-compliant spaces that can be used to support a variety of short and long-term cultural programming
4.7	<b>Promote and preserve New York nightlife’s cultural history</b>	Explore the development of an archive cultural institution or museum for New York nightlife memorabilia, to highlight a diverse history and re-frame nightlife as a cultural driver for the City



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# FROM LEGISLATION

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# TO AGENDA

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Signing of Local Law 178 (Mayor's Press Office, 2017)





# CREATING THE LEGISLATION

## LOCAL LAW 178

In September 2017, Mayor Bill de Blasio signed legislation, Local Law 178, to create the ONL at MOME, as well as an independent, volunteer-based Nightlife Advisory Board (NAB). He was joined by the bill's sponsor, former City Council Member Rafael Espinal, and other elected officials and advocates.

- **Office of Nightlife**

According to Local Law 178, ONL is required to conduct outreach, review information on complaints and violations, and serve as a liaison between nightlife establishments, residents, and government. ONL assists nightlife establishments in navigating city licensing requirements, permits, or other approvals. The Office advises the Mayor and other City agencies on trends in the nightlife industry, and makes policy recommendations on an ongoing basis. Local Law 178 also requires recommendations for policies and initiatives to be included in this report.

- **Nightlife Advisory Board**

The independent NAB consists of 14 members, nine of whom are appointed by the New York City Council and five by the Mayor. The Board evaluates New York City laws, rules, regulations and policies on an ongoing basis to make findings and recommendations that address common issues and trends in the nightlife industry. The all-volunteer board was convened in July of 2018. Its appointees range from DJs and performers to hospitality advocates, regulatory attorneys, health experts, and community leaders, bringing a variety of perspectives and expertise on New York City's celebrated nightlife.

The Office of Nightlife will create a space where all stakeholders can come together to solve conflicts and build bridges.

From local communities who deserve a decent quality of life, to businesses who are trying to do the right thing, this Office and Advisory Board will be there. These steps will create the opportunity for the city to stop bleeding out cultural spaces and creatives, while supporting our businesses.

— RAFAEL ESPINAL  
Former NYC Council  
Member, District 37  
President,  
Freelancers Union



**Left:** The NYC Artist Coalition held a town hall in March 2018 to introduce NYC's first "nightlife mayor" to broad stakeholders



Office of Nightlife Listening Tour (Kenny Rodriguez, 2018)





# RESEARCH & COMMUNITY ENGAGEMENT

As a newly created central point of contact within the inter-dependent ecosystem of the nightlife industry and community of New York City, ONL took the necessary first step of establishing communication and outreach.

## FIVE-BOROUGH LISTENING TOUR

The tour kicked off in the fall of 2018 in Brooklyn, with a session per borough. Business owners, employees, promoters, performers, patrons, and residents, totaling more than 1200 attendees, participated. They shared feedback on quality of life, safety, regulations, enforcement, and the role nightlife plays in fostering creativity and sociability. The forums also gave city and state representatives with a role serving or regulating nightlife the opportunity to respond to questions and concerns.

## VIDEOS

- [Brooklyn](#)
- [Queens](#)
- [Staten Island](#)
- [The Bronx](#)
- [Manhattan](#)



## BROOKLYN October 2, 2018

Murmrr Theatre at Union Temple of Brooklyn

## QUEENS October 16, 2018

LaGuardia Performing Arts Center at LaGuardia Community College/CUNY

## STATEN ISLAND October 30, 2018

The Historic Music Hall at Snug Harbor Cultural Center & Botanical Garden

## THE BRONX November 15, 2018

Repertory Theater at Hostos Community College/CUNY

## MANHATTAN November 28, 2018

The Town Hall



## FIVE-BOROUGH LISTENING TOUR

The following is a summary of the issues and priorities raised in more than 500 comments submitted via written statements, emails, and in person.

### Revise & streamline permitting processes

- Establish simpler paths to regulatory compliance, which can be unclear and sometimes conflicting
- Provide clear guidance on regulations, with easy to access online resources and references, such as permitting flow charts or tools to identify appropriate zoning areas
- Improve guidance and process for temporary permitting for events and performances in unlicensed spaces



### Improve equity in enforcement

- Establish alternative processes to communicate with nightlife operators before MARCH operations become necessary
- Identify and address issues during daytime hours, with guidance on corrective measures where possible
- Establish training for enforcement agents, addressing concerns about MARCH operations targeting marginalized groups or criminalizing social gatherings
- Establish adjudication process for falsely reported complaints
- Improve parameters for inspections and citations, including dismissed violations

1200+

attendees across  
all five sessions



### Improve quality of life in areas with high density of nightlife

- Advocate for additional New York State Liquor Authority (SLA) investigators in New York City to improve response times
- Improve process for addressing noise concerns with efforts to promote or finance soundproofing measures
- Expand paid detail program for off-duty uniformed officers to reduce noise and crowding, and deal with emergency situations
- Clarify process on enforcement of 500-foot rule for locating new licenses or 200-foot rule preventing licenses near churches and schools

### Improve affordability for small businesses and cultural space

- Reduce fines for violations at small businesses
- Create incentives for leasing space to cultural uses or valued small businesses
- Improve access to funding for programming or capital repairs



### Support nightlife performers and employees

- Create resources for nightlife performers, entertainers, and employees to identify work opportunities, legal assistance and other best practices and resources
- Support efforts to establish grant-making organizations for artists and performers



### Improve communication among and to nightlife stakeholders

- Establish locally based dialogues that include police, neighbors, owners, staff, and advocates to strengthen relationships, cooperation, and mutual understanding
- Create notification system for operators to receive alerts when 311 complaints are made
- Improve notification when planned maintenance work, construction, or street closures will impact businesses
- Encourage participation of nightlife operators on community board licensing committees to bring experience to application review

### Reform zoning regulations & operating restrictions

- Revise zoning to remove prohibitions on patron dancing
- Promote nightlife within areas where establishments can operate without disturbing neighboring residents
- Establish guidelines to reduce stipulations that reduce business operating hours
- Establish a limited pilot program to apply for 24-hour licenses in appropriate locations

### Encourage safer nightlife environments

- Improve employee and patron safety through campaigns or training to prevent gender-based harassment and sexual violence
- Promote harm reduction policies around drug and alcohol use



### Legitimize independently led DIY spaces to improve safety and protect culture

- Recognize the value of DIY spaces as promoting creativity and diversity
- Streamline the process of opening small performance venues, making the pathway to safe, legal use more accessible
- Ensure confidentiality for spaces seeking assistance

### Additional comments and ideas

- Create partnerships to use parks, public spaces, or publicly owned buildings to finance cultural programming and connect nightlife culture with communities
- Advocate for validity of NYCID for age verification
- Pilot Sunday morning trash collection and street cleaning in neighborhoods with nightlife concentration
- Expand frequency of nighttime bus service to reduce Vehicle Miles Traveled
- Advocate for eliminating minimum orders from distributors for small businesses







**Photos counterclockwise from the left:**



**1:** Ten City and State agencies participated in the Listening Tour to learn more about how New York nightlife interacts with their work and how they can assist workers, patrons, and residents

**2:** Five venues were selected across the city, including the Historic Music Hall at Snug Harbor Cultural Center and Botanical Garden on Staten Island

**3:** Senior Executive Director Ariel Palitz had stepped into her role eight months prior to the Five-Borough Listening Tour

**4:** The former "Nachburgermeester", or night mayor of Amsterdam, Mirik Milan, was present for the Brooklyn leg of the tour

**5:** Sign language interpretation, listening devices, and additional accessibility measures were available at all five sessions

**Center:** More than 1200 residents, business owners, performers, and other nightlife stakeholders took part in the tour, submitting over 500 comments over two months

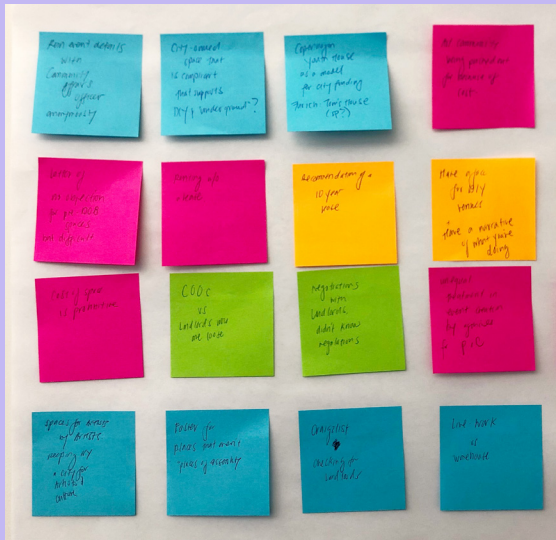




## FOCUS GROUPS

ONL then held a diverse series of focus groups in spring of 2019 to receive more detailed feedback on topics presented to ONL during the Listening Tour. Topics included DIY and underground events, women’s and gender issues, consent and sexual harassment, LGBTQ+ issues, harm reduction, and more. City representatives of non-enforcement agencies were invited to listen to deepen their understanding. The following is a summary of the findings.

Focus group comments were noted and categorized into issues, challenges, opportunities, and ideas



### Permitting processes are unclear, and agencies are often not supportive

- Permitting is seen as arbitrary and dependent on the mood of inspectors at that moment
- Inspection findings are not always relayed to the appropriate parties, often result in fines from agencies that were not contacted
- Agencies have been reported to be unresponsive when event organizer approaches them for guidance

### Potential loss of revenue often explains why longstanding issues in Nightlife spaces are not being addressed

- Venue owners feel the need to heavily control patrons for fear of an NYPD/New York City Fire Department (FDNY) intervention that will cause a significant loss in revenue
- LGBTQ+ event producers communicated that venue owners often offer days that experience less traffic because they do not want to appear to be a primarily LGBTQ+ venue
- Staff specializing in consent and sexual harassment training are expensive to staff for a large venue; smaller venues may not be able to handle the cost
- Venue owners fear that inclusion of harm reduction messaging within a space will alienate patrons and signal that drug use and other activities are happening within their space

### Venues have the ability to operate as safer spaces

- Venues with safer spaces policies have a different makeup of patrons who are willing to abide by those policies, knowing that they can freely express themselves
- Spaces that cater specifically to subcultures of New York City (e.g., LGBTQ+ venues, those who partake in drug use, etc.), generally have a stronger sense of what a “safe space” is within the venue



### Owners & operators may distance themselves from incidents that happen within their venues to avoid liability

- Management staff expressed their desire to help patrons and staff members who are a part of incidents but were worried that increasing involvement would make them liable to legal action
- In cases of employee harassment, reaching out to labor lawyers increases the feeling of owner liability which causes a reduction in reporting out of fear of personal and economic security

### Job security for protected classes in the nightlife industry is tenuous

- It can be difficult to call out gender-based violence and harassment because of the fear of losing jobs
- There is a lack of awareness of availability of programming and support tailored to protected class groups
- People with non-citizen immigration statuses may take underpaying, under-the-table positions for sense of job security
- It is difficult to determine when a sex worker is being coerced into the work

### Spaces where substances are present can be a made into safer spaces

- Substances like alcohol and drugs can create an environment that encourages riskier behavior, as people may choose to be looser under the influence
- There is a lack of nightlife spaces for those who do not want to partake in substance-fueled events
- Mixing alcohol with drugs (e.g., alkyl nitrites "poppers," GHB, etc.) can lead to adverse health effects
- An uptick in sexual assaults where drugs and alcohol have been observed, not only an increase in reporting

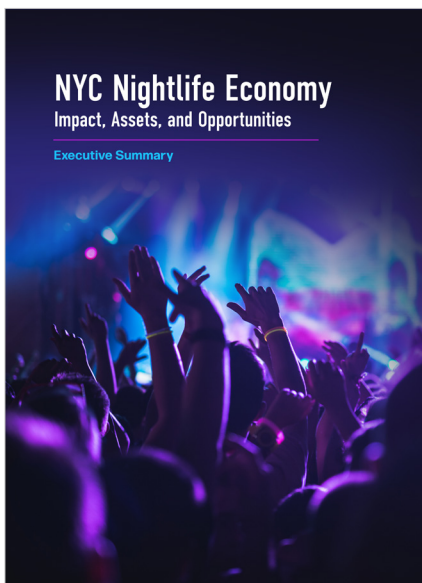
### The intersectionality of the identities of patrons, workers, management, and operators is currently not being addressed adequately

- Nightlife traditionally provided space for marginalized groups to find community and support. The overall sentiment is that this sense of community is being lost through the commercialization and increasing costs
- Inclusion does not equal intersectionality. Layers of intersectionality such as ableness, financial security are magnified for those who are people of color, women, and LGBTQ+
- Trainings regarding patron safety are seen as geared toward people who are white, cis-gendered, and heterosexual
- Women's issues such as harassment, discrimination in hiring practices, etc. are magnified for women of color and LGBTQ+ people who identify as female or are gender non-conforming
- Housing precarity, age, immigration/citizenship status also play into the increasingly difficult field of power dynamics within the nightlife industry

### Operating legal DIY events has become cost-prohibitive

- Affordable event spaces that are appropriate for artist-driven projects are becoming scarce and distant from the populations that they seek to serve
- Artists and nightlife operators do not want to invest in bringing a space to compliance when they are only occupying it temporarily
- Permitting processes are expensive and often do not result in a permit being issued
- Many DIY or underground operators are not compliant with regulations because it is faster, cheaper and more effective that way
- The increasing cost of real estate is forcing operators and event producers out of established areas
- There is a growing practice of increasing ticketing cost to serve affluent populations and pay for increasingly expensive venue spaces
- There is a growing need to sell alcohol at DIY/ Underground events to produce revenue to make up for increasing rent costs





The Economic Impact Report that was published in 2019 was the City's first comprehensive analysis of the industry's impact on NYC's economic activity, jobs, tax revenue, and more

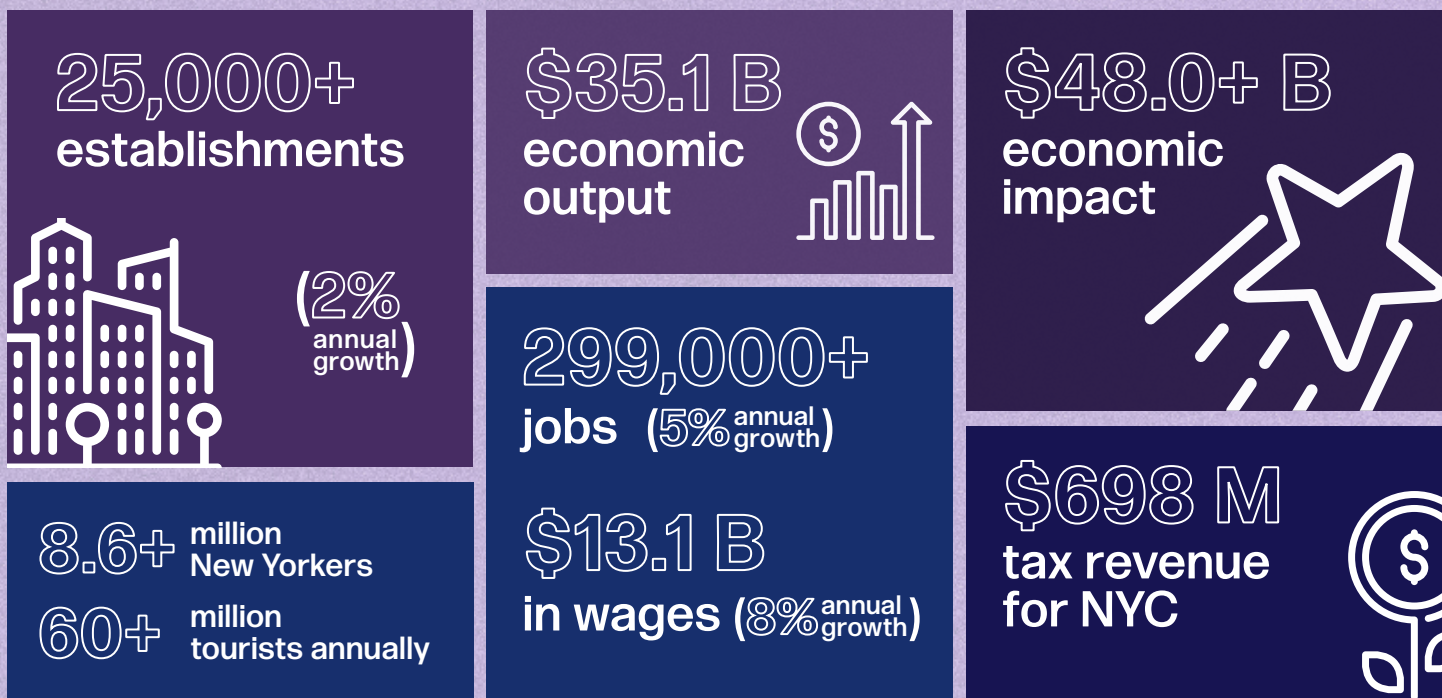
## OTHER RESEARCH

ONL collects and maintains data on venues through a partnership with LiveXYZ, a research company that provided a comprehensive set of publicly available data regarding storefront businesses. ONL has used this database to develop an opt-in constituent newsletter database, allowing ONL to identify items of interest including the density of nightlife establishments per neighborhood, the rates of violations and enforcement actions per ZIP code, and other inquiries.

Additionally, ONL does constituent services casework involving community members, business owners, and city agencies, as described in the following section. Cases span a range of issues including permitting, quality of life, equity, and health and safety, and help ONL identify systemic challenges and implement broader solutions.

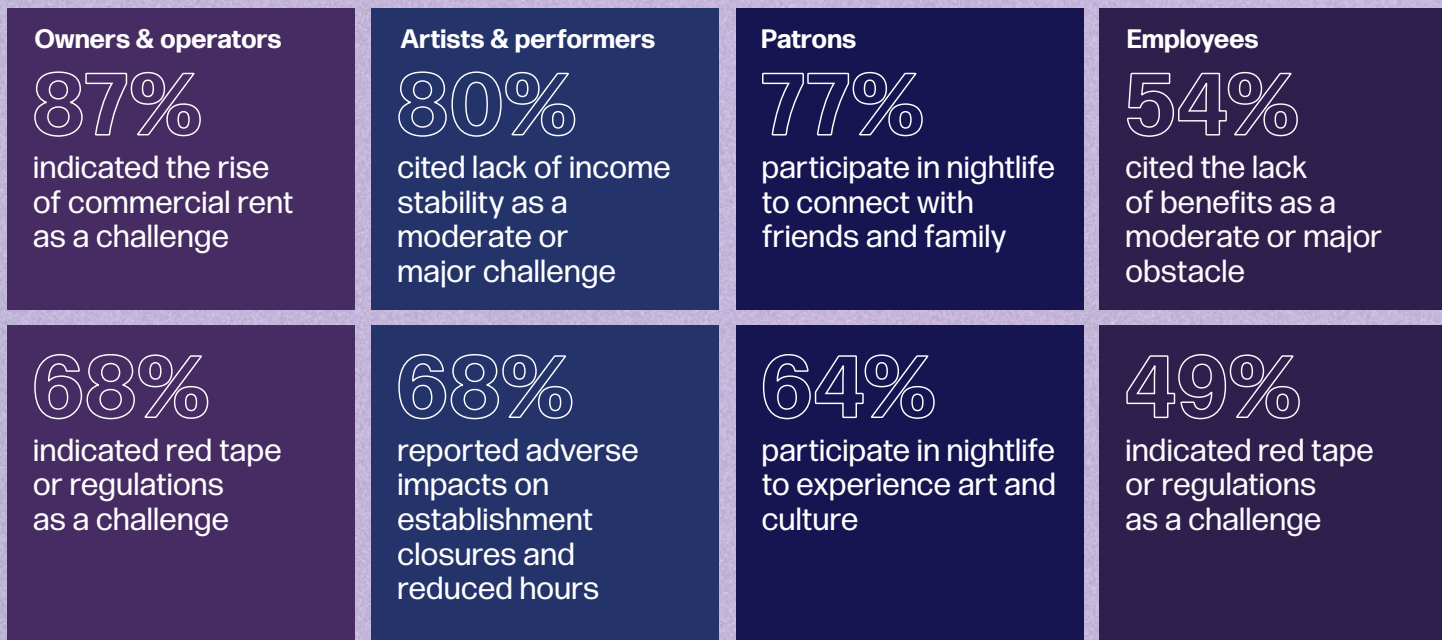


Selected statistics from the Nightlife Economic Impact Report (MOME, 2019)



**Residents**

Neighbors cited quality of life concerns relating to excessive sound, issues of sanitation, and lack of retail diversity as key challenges





Worker in a restaurant in Chinatown (Khachik Simonian, 2016)

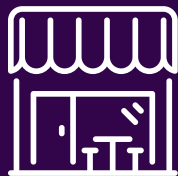




ONL incorporated public feedback and research to create the following agenda.

## 1.0 SUPPORT BUSINESS DEVELOPMENT & RECOVERY

Improve the business environment for existing and prospective operators by creating resources to assist businesses understanding of regulatory processes, and coordinate efforts of city agencies involved in managing, regulating, and promoting nightlife.



## 2.0 IMPROVE QUALITY OF LIFE

Strengthen relationships between venues and communities through programs and policies to manage sound, reduce traffic congestion, improve waste collection, and mediate conflicts.



## 3.0 PROMOTE SAFETY, EQUITY, & HARM REDUCTION

Promote opportunities in nightlife for people to look out for each other through campaigns and workshops to promote harm reduction, bystander intervention, mental health awareness, and worker and patron safety



## 4.0 ELEVATE NIGHTLIFE CULTURE

Preserve and protect venues that foster connection, creativity, and personal expression through programs to support cultural spaces and the New Yorkers who work and perform in them.





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# FROM AGENDA

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**TO ACTION**

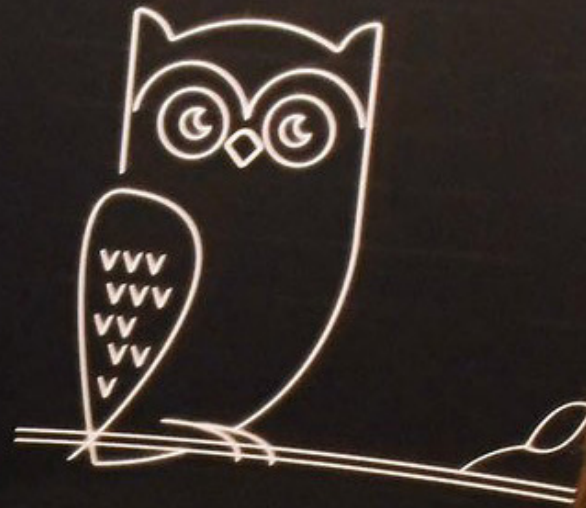
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Mayor de Blasio with Ariel Palitz at press conference (Mayor's Press Office, 2019)

# YOUR NIGHT OUT IS SOMEONE'S NIGHT IN.

Please keep it down.  
#NYCNightOwl



[nyc.gov/nightlife](http://nyc.gov/nightlife)





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# CURRENT WORK & ONGOING INITIATIVES

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After establishing operations within MOME, hiring staff, conducting outreach, gathering information, and creating its agenda, ONL got to work.

We are proud to have convened the first-ever New York City Nightlife Interagency Working Group, to review and revise how government agencies interact. We have also developed a multi-agency support for hospitality approach with these agencies to solve chronic and urgent issues regarding quality of life, red tape, social justice, and cultural preservation. As of April 2021, ONL has undertaken more than 170 examples of constituent service casework, helping business owners navigate city bureaucracy or handle sensitive issues including allegations of discrimination. In cases involving allegations of discrimination, ONL can connect businesses with resources provided by the Commission on Human Rights (CCHR).

ONL launched the new, multi-agency Lower East Side Quality of Life Improvement Plan, a comprehensive effort to create a quieter, cleaner, better-managed neighborhood. ONL worked with New York City's Office of Administrative Trials and Hearings (OATH) to launch Mediating Establishment and Neighborhood Disputes (MEND) NYC. ONL produced the first of an ongoing series of reports on MARCH operations, detailing the nature and frequency of these inspections of nightlife businesses.

The following pages include additional summaries of ONL's milestones, current initiatives, and ongoing work that represents the first steps toward implementing solutions that create change in New York nightlife that we are looking forward to continuing into 2021 and beyond.



# ESTABLISHED NIGHTLIFE INTERAGENCY WORKING GROUP



## ACTION

Convened city and state agencies to coordinate services and policies affecting nightlife



This is the first formal structure to coordinate interaction among New York's City and State agencies with regulatory oversight or other relationships to nightlife. The Working Group comprises 18 agencies, and meets every six to eight weeks. The group evaluates potential administrative and regulatory reforms. The group is also divided into subcommittees aligned with ONL's agenda areas. ONL is grateful for the support of our partners.

The Nightlife Interagency Working Group dissects casework to better understand issues in nightlife



# ESTABLISHED ONE-STOP SHOP OF NIGHTLIFE RESOURCES FOR BUSINESSES, PATRONS, & RESIDENTS

## ACTION

Created online repository of information including industry updates and best practices



Historically there was no single, centralized location for these resources. In 2019, ONL and the Nightlife Interagency Working Group assembled one, which will be an ongoing and updating clearing house for information. This includes help opening and growing businesses, directing them to information; providing user-friendly graphical resources that integrate agency guidelines, forms, permits, regulations, and deadlines; offering guidance for identifying locations conducive to nightlife; help preparing for neighborhood outreach and Community Board review; liquor licensing; mediation advice; other regulatory issues.



The Office of Nightlife's website went live in early 2019. It now hosts hundreds of resources for the nightlife community, and has received over twenty thousand unique visitors since its launch.



# ASSISTED NIGHTLIFE COMMUNITY WITH CASEWORK THROUGH A MULTI-AGENCY SUPPORT FOR HOSPITALITY APPROACH

## MASH Approach

**1. The Office of Nightlife receives notice of an issue from a resident, business owner, patron, elected official, government agency, or Community Board**

**2. ONL opens a case, collects information, and determines which partners from the Nightlife Interagency Working Group to inform to resolve the issue**

**3. ONL becomes the central point of contact for all involved parties, makes recommendations on how to move forward, and continually follows up until the issue is resolved**

**4. Cases are used to identify systemic issues in nightlife and inform ONL's future programs and initiatives**

## ACTION

Connected nightlife venue owners, employees, patrons, and residents to services

ONL and its Nightlife Interagency Working Group partners established MASH to re-frame the regulatory approach to nightlife with a focus on education, prevention, and correction of common issues. MASH helps existing establishments achieve safety and compliance, reducing the need for enforcement that may result in fines or even business closures. Agency personnel are called upon to assist constituents with guidance on corrective measures.

Cases may be opened directly by venue owners and operators, residents, and patrons, as well as referred by community boards, city council members, and city and state agencies. ONL has managed more than 170 cases as of April 2021, assisting with regulatory compliance, quality of life issues, and harassment and social justice concerns, through education, support, and mediation. Parties also often receive recommendations and guidance from ONL staff to rectify issues regarding business operations, including mitigating sound issues and other best practices. The Office keeps track of these data in a centralized database that includes communication from the parties involved and any documents provided or sent.



# EXAMPLES OF OUR CASEWORK

Any identifying information has been removed to protect the privacy of the parties.

## SUPPORTING BUSINESS DEVELOPMENT & RECOVERY

A venue in Lower Manhattan had difficulty obtaining a permanent Certificate of Occupancy (CO) in early 2019. The business owner had been continually applying for Temporary Public Assembly (TCO) permit as a stopgap fix, and had received conflicting information on how to submit documents that would have led to a permanent CO. ONL worked with the Department of Buildings (DOB), the Loft Board, the venue's landlord, and legal staff to help the venue obtain a permanent CO in November 2019.

## IMPROVING QUALITY OF LIFE

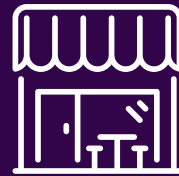
In May 2019, ONL offered guidance on how to open to a North Brooklyn venue. Later that year, the local NYPD Neighborhood Coordination Officer informed the venue that it had been receiving complaints about elevated sound. ONL followed up in early 2020 and gave additional recommendations on how to address sound issues, and connected the venue to the local NYPD Precinct Community Council, and NYPD Borough Patrol to establish relationships and help prevent future incidents and complaints.

## PROMOTING SAFETY, EQUITY, & HARM REDUCTION

A bar in Upper Manhattan, that predominantly serves LGBTQ+ people of color, had experienced targeted harassment and threats. ONL expedited a meeting of the business owner, NYPD, and Mayor's Office liaisons to the LGBTQ+ community.

## ELEVATING NIGHTLIFE CULTURE

An internet radio station in Brooklyn that serves as a cultural hub of musicians, producers, and DJs was at risk of permanent closure because of issues with permitting for its food service kiosk. ONL worked closely with DOHMH and DOB to ensure the venue could obtain the proper permitting to reopen to the public and continue broadcasting





# ESTABLISHED MEDIATION PROGRAM TO RESOLVE DISPUTES BETWEEN VENUES AND NEIGHBORS

## MEND Approach

1. If you are a New York City resident experiencing a chronic or urgent quality-of-life issue and you believe the issue is related to a neighboring business; or you are a small business that is experiencing a heavy volume of complaints from a neighboring resident, contact MEND NYC to learn how to request mediation for your ongoing issue

2. Case workers at MEND NYC open a case, collect information, and determines whether your case may be mendable.

Both parties must agree to participate. If one of the parties declines the opportunity to participate, the mediation cannot occur.

3. If both parties agree, a constructive conversation between people in conflict facilitated by an impartial third-party professional, a mediator.

Participants, not mediators control the outcome of mediation. Mediators simply help participants communicate their concerns and interests.

If parties can resolve their disputes quickly and directly, it will save everyone, time, frustration and resources.

## ACTION

Created MEND NYC to use direct communication and compromise to resolve conflicts

In 2019, ONL, with the guidance of the New York Peace Institute, a non-profit conflict resolution service provider, developed a pilot program to introduce free mediation services to help resolve quality of life between venues and their neighbors. Mediation is a constructive conversation facilitated by an impartial third-party professional, a mediator. It is a voluntary and confidential process in which participants, not mediators control the outcome of mediation. Mediation is based on the premise that when parties are able to create their own resolutions to conflict based on their needs and interests, the resolutions tend to be more lasting and satisfactory.

In 2020, ONL collaborated with the Center for Creative Conflict Resolution (CCCCR) at OATH to launch MEND NYC, an initiative to bring free mediation and conflict resolution services to New York City residents and nightlife businesses. MEND NYC expands on the services offered by the initial pilot program, by broadening eligibility in the program to additional issues neighborhood issues involving nightlife businesses, including:

- Quality-of-life issues between residents and businesses
- Negotiation between commercial tenants and landlords
- Neighboring business to business misunderstandings

This program is an opportunity to create direct communication and compromise, establishing respectful and ongoing relationships that help New Yorkers co-exist peacefully in their communities while ensuring that small businesses thrive. New Yorkers can get more information or find out whether their case is MENDable by contacting or visitng [311](#), or by emailing [mendnyc@oath.nyc.gov](mailto:mendnyc@oath.nyc.gov).





**FREE**

**MEDIATION & CONFLICT  
RESOLUTION SERVICES**

*The City provides help resolving neighborhood conflicts such as quality of life issues from businesses and conflicts between businesses.*

**HELP FOR CONFLICTS BETWEEN:**

**BUSINESS / RESIDENT • BUSINESS / BUSINESS • COMMERCIAL TENANT / LANDLORD**





# IMPLEMENTED LOWER EAST SIDE QUALITY OF LIFE IMPROVEMENT PLAN



New parking regulations were implemented to improve traffic flow in a nightlife-dense area

## ACTION

Coordinated city agencies to improve services in areas with a high density of nightlife establishments, resulting in cleaner, quieter streets

Ludlow and Orchard Streets between Houston and Delancey Streets contains more than 80 food and beverage establishments. For years, residents and businesses have raised concerns about late-night horn honking and loud voices, from traffic due to double-parked cars dropping off and collecting passengers on narrow streets. Litter builds up overnight under parked cars and on sidewalks, causing additional concerns.

ONL worked with the Departments of Transportation (DOT) and Sanitation (DSNY), the Taxi and Limousine Commission (TLC), and the Lower East Side Partnership to mitigate these issues. The Plan was designed with support and input from local residents, business owners, workers, and officials. The objective of this pilot program is to achieve a healthy balance between residential quality of life and a vibrant nightlife economy.

This was accomplished by introducing new “No Standing” parking regulations to ease traffic congestion, revising the litter removal schedule to better coordinate with bar closing times, increasing enforcement of for-hire vehicles, and launching a social etiquette campaign reminding patrons to be respectful to residential neighbors. That campaign featured a “Night Owl” character with tips on how to enjoy a night responsibly and minimize quality of life affects others.



Lower East Side Quality of Life Improvement Plan flyer in English

# LOWER EAST SIDE QUALITY OF LIFE IMPROVEMENT PLAN

Effective October 22, 2019

The Lower East Side Quality of Life Improvement Plan is a multi-agency project to reduce noise from traffic and pedestrian congestion, make streets cleaner by making garbage sweeping routes more effective, and make the neighborhood safer through regulation of for-hire vehicles. The project takes place in a 6-block area of Orchard and Ludlow Streets between Houston and Delancey Streets.

To learn more, visit [nyc.gov/nightlife](http://nyc.gov/nightlife)

New DOT 'No Standing' regulation on both sides to ease overnight traffic congestion & reduce tension



Sanitation sweeper coordinated with bar closing times for cleaner streets in the morning



Additional TLC regulation to prevent unauthorized for-hire vehicles pick-ups to improve safety for riders



LES Partnership and Council Member Chin supporting additional street & sidewalk clean-up



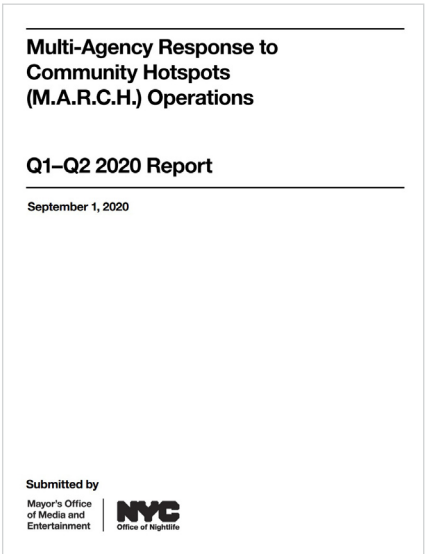
NYC Night Owl patron etiquette campaign urging patrons to be more considerate #BeCool



"Your night out is another's night in. Please keep it down."  
 "It's a sidewalk, not a side lounge. Keep the sidewalk clear."  
 "While you're singing, someone is sleeping."  
 "Put on glitter, but please don't litter. Help keep the streets clean."



# PRODUCED REPORT OF MULTI-AGENCY RESPONSE TO COMMUNITY HOTSPOTS OPERATIONS (MARCH) ACTIVITY



In 2019, the NYC Council passed Local Law 220 (2019), requiring the Office of Nightlife at the NYC Mayor's Office of Media and Entertainment to publish a semi-annual report of MARCH operations beginning with the first half of 2020

## ACTION

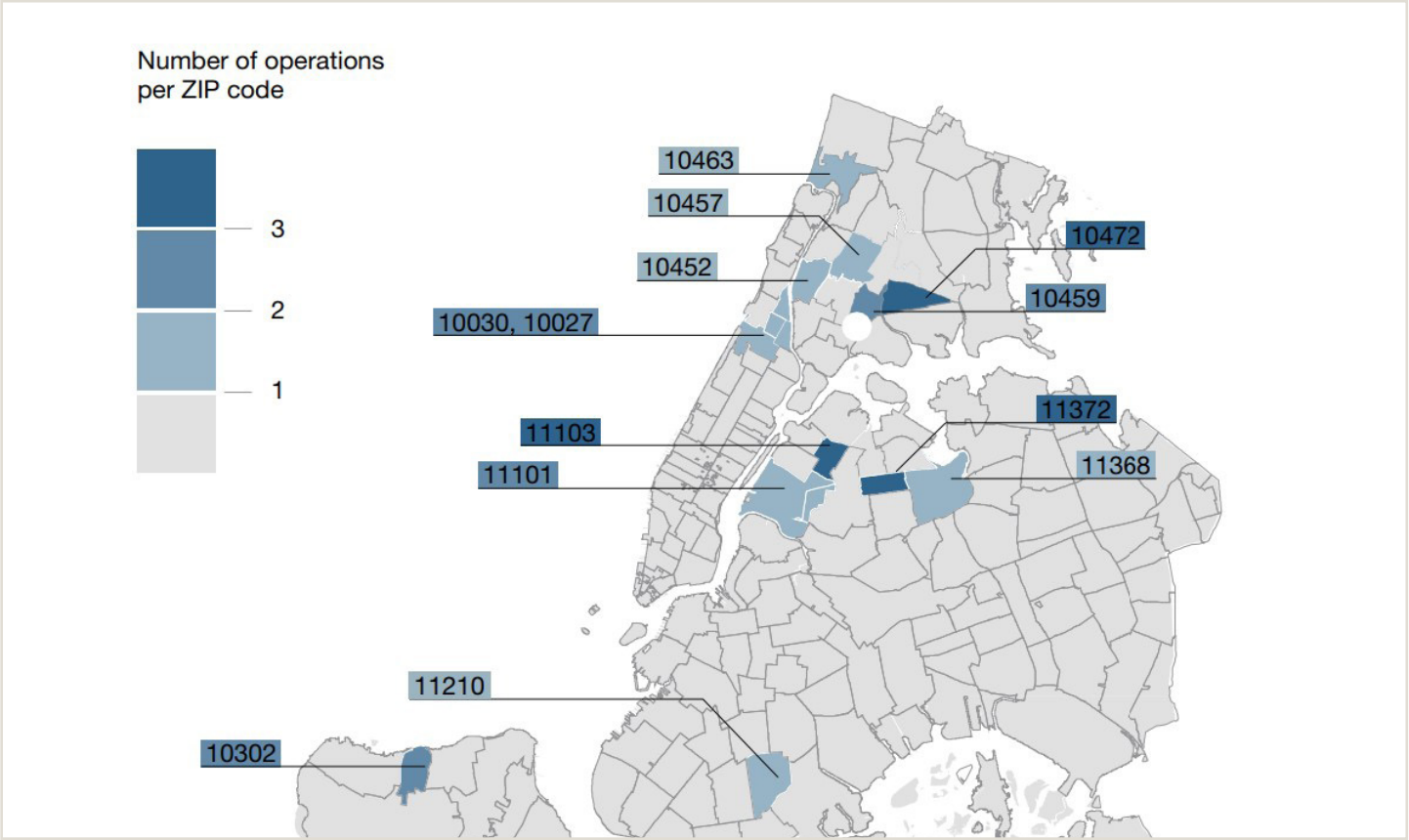
First of an ongoing series of reports to help review and revise nightlife enforcement practices

During the 1990s, Mayor Rudy Giuliani initiated a new enforcement protocol for New York City nightlife establishments. MARCH is a multi-agency operation, led by the NYPD and supported by inspectors from FDNY, DOB, Department of Environmental Protection (DEP), DOHMH, and the SLA, that conducts unannounced inspections at nightlife establishments.

MARCH operations are usually requested by a local NYPD precinct to address incidents at, and complaints about, a nightlife establishment, and officers are required to consider whether mediation would be effective before recommending a MARCH operation. These are typically conducted on Friday and Saturday evenings during peak business hours. MARCH teams historically visit between three to six nightlife venues within the same precinct or a neighboring precinct on a given night.

In 2019, the city council passed Local Law 220-2019, requiring ONL at MOME to publish a semi-annual report of MARCH operations beginning with the first half of 2020. That law also requires NYPD to serve a notice at least 30 days prior to an operation, unless this would compromise an active criminal investigation, or pose serious risk to the health or safety of persons inside or in the vicinity of the establishment.





ONL worked with the participating city agencies to create a centralized data reporting system to provide information about their participation in MARCH operations and issued the first MARCH report in September 2020. The report provides detail on the conditions that led to a request for a MARCH, and the frequency, locations, and results of operations, which include: the number of inspectors present, the average duration, and summonses or closure orders that were made. [The full text of the report may be downloaded here.](#) The data from this report are also available in machine-readable format as required by Local Law 220, and [may be downloaded here in data in Excel format.](#)

The Office of Nightlife published the first MARCH Report in fall of 2020 and found that in the first half of 2020, there were twenty-three MARCH inspections performed by City agencies



# PROMOTED HARM REDUCTION APPROACH TO SUBSTANCE USE THROUGH EDUCATION AND AWARENESS CAMPAIGNS

1400+

unintentional  
drug overdose  
deaths in  
NYC in 2018

## ACTION

Worked with DOHMH and nightlife community leaders to create overdose prevention and other health-focused drug education materials

74

venues engaged  
in prevention  
training in  
2019



In June of 2019, DOHMH launched a new phase of its opioid awareness campaign that aimed to educate the public on the increase in overdose-related deaths due to the adulteration of cocaine with fentanyl. This pilot program delivered Naloxone, an overdose reversal medication, along with overdose prevention information to bars in North Brooklyn, along with educational materials to help alert each venue's patrons to the increasing prevalence of fentanyl and other opioids in other substances. This initiative marked the first targeted outreach made to nightlife venues regarding city-sponsored harm reduction programs.





**Above:** Naloxone – the medication to reverse an opioid overdose – was given to venues to keep on premises with first aid supplies, training, and kits for all interested staff



**Below:** Former Health Commissioner Dr. Oxiris Barbot (R) was joined by Director Ariel Palitz, Jacqui Rabking from the House of Yes, and David Rosen from the Brooklyn Allied Bars and Restaurants, to highlight a campaign informing New Yorkers that fentanyl was increasingly found in cocaine and may increase their risk of an overdose



# HOSTED ACTIVE SHOOTER RESPONSE TRAINING FOR VENUE OWNERS AND SECURITY STAFF



## ACTION

Launched a series of trainings with NYPD that included information for security operators, business owners, and patrons

Businesses and security personnel were notified through the Office of Nightlife's newsletter, and additional email communications

From January 2015 to December 2019 in the United States, there were at least 200 reported mass shootings – broadly defined as incidents where four or more people are injured or killed by a gun at one location at roughly the same time – at nightclubs, bars, and festival-type events. In October 2019, ONL, in collaboration with the NYPD and the NYC Hospitality Alliance, launched an active shooter first-response training, which was designed for nightlife venue owners, operators, and security personnel. The meeting welcomed more than 70 attendees to get information from anti-terrorism and security experts about how to prepare and potentially respond to incidents in the event that a venue becomes a target.



## Active Shooter Response Training (NYC ONL, 2019)





# HOSTED “STATE OF NIGHTLIFE” PANEL SERIES



The State of LGBTQIA+ Nightlife was one of over a hundred events that were planned as a part of the NYC’s WorldPride 2019 celebration

## ACTION

Developed a series that convenes advocates and prominent figures to discuss issues and ideas

Nightlife is ever-changing. Currently, there are few official forums to bring communities together to discuss the state of nightlife, and how it might be improved in New York City.

In June of 2019, the Office launched the series with “The State of the LGBTQ+ Nightlife Scene and Community,” where more than 100 attendees came to hear from a diverse panel of bar owners, event producers, and performers about how LGBTQ+ nightlife in New York has evolved, and where it might be headed.

Once the COVID-19 pandemic has passed, ONL will continue its “State of Nightlife” series as regular “check-ins” with other subsets of New York City’s nightlife ecosystem, to ensure regular communication and responsiveness. Additional topics may include: Intersecting Identities in Nightlife, Legacy Venues and Cultural Preservation, Financial Literacy Training for businesses and workers, Developing an Exit Strategy for Nightlife Businesses, and Preserving Live Music and Dancing Venues.





**Top:** The first State of Nightlife panel was held at Town Stages in Lower Manhattan

**Below left:** The panel was hosted by Michael Musto, journalist and former columnist for The Village Voice

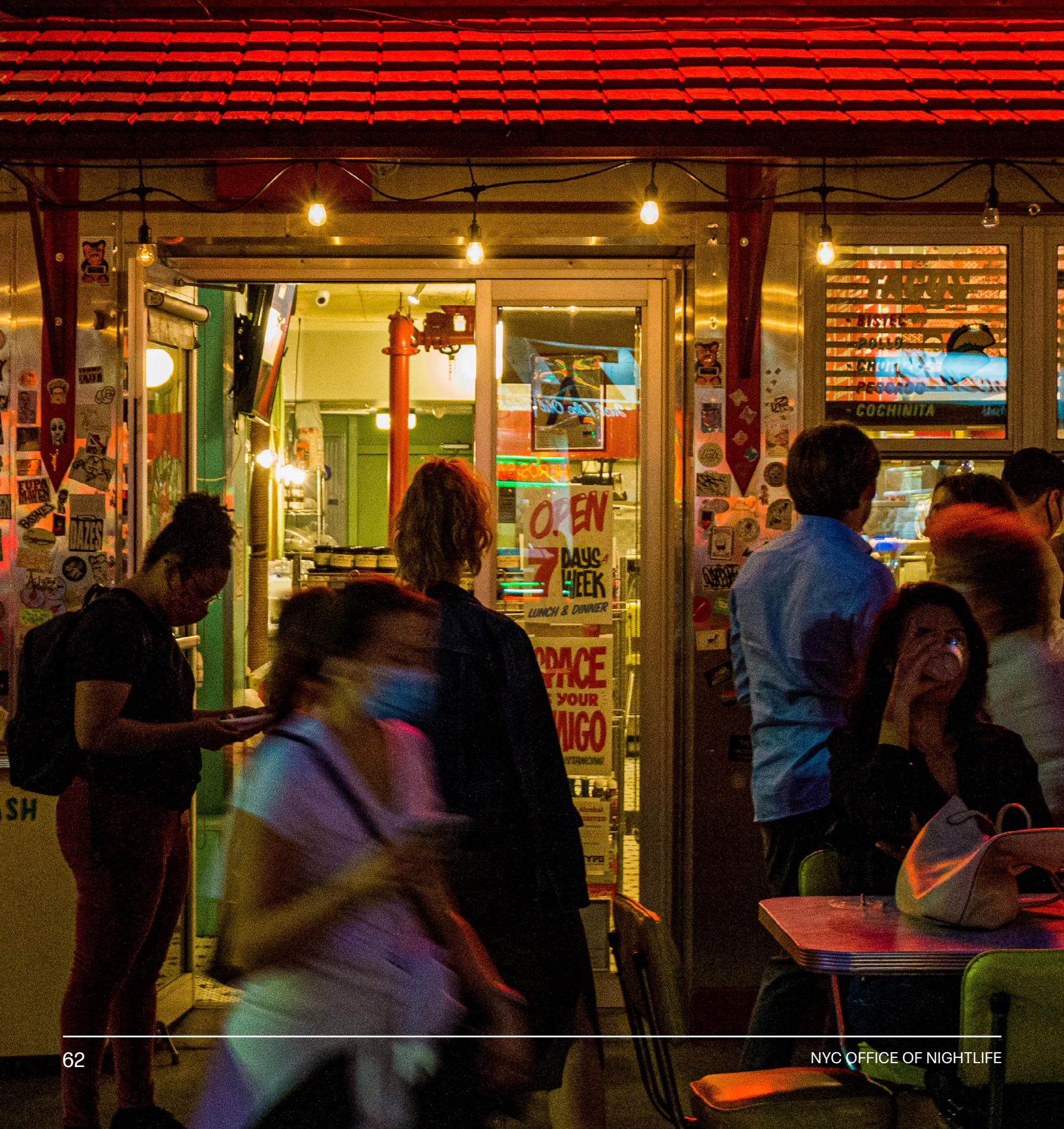
**Above right:** Drag performer and musician Kevin Aviance (L) and MC and performer DJ Mary Mac (R) were joined by other nightlife figures to discuss topics of inclusivity and diversity in New York

**Below right:** ONL staff were invited to attend additional WorldPride programming



# GURNN

1402 2<sup>nd</sup> Ave.





# RESPONDING TO THE COVID-19 PANDEMIC

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Beginning in March 2020, the COVID-19 pandemic dealt a direct and devastating blow to New York City's bars, clubs, restaurants, and live music venues, places where people gather. ONL was created well in advance of this unforeseen crisis that it was ready to address it. As a part of MOME, the Nightlife office had access to the full infrastructure and support of an established city agency and was connected to the city's larger agenda of economic recovery within the small business and creative sectors. ONL had established its priorities, and its relationships in the nightlife community. These foundations helped ONL respond to the crisis immediately as the primary liaison between nightlife and city government, working to amplify nightlife issues and concerns to policy makers and deliver important information and guidelines about new regulations and best practices to nightlife. ONL is also working to ensure that the industry and community will have a more secure and sustainable future, improving on the conditions and challenges that existed prior to this once-in-a-century crisis.



# INITIAL IMPACTS SURVEY



ONL launched its Survey for Nightlife Workers, Freelancers, and Business Owners during the early weeks of the COVID-19 pandemic

On March 7, 2020, Governor Andrew Cuomo issued Executive Order 202 declaring a disaster emergency in the State of New York to respond to the COVID-19 pandemic. On March 12, 2020, he issued Executive Order 202.1, limiting gatherings and the capacity of certain theater performances. On March 16, 2020, he issued Executive Order 202.3, which limited gatherings to no more than 50 people and limited food and beverage establishments to serving take-out and delivery only, prohibiting social businesses such as bars, nightclubs, and live music venues from welcoming patrons.

Between March 16 and April 3, 2020, ONL conducted a survey to evaluate the immediate effects of COVID-19-related restrictions on businesses, workers, and freelancers. The survey's 12,000 respondents reported losing nearly all their income in the first weeks of the crisis.

- Nightlife businesses reported significant cash flow issues that put them at risk of permanent closure
  - Venues reported losing 95.0% of \$19,000 median weekly income
  - Vendors reported losing 93.4% of \$4,000 median weekly income
- Nightlife workers and freelancers reported they had no work and limited safety net
  - Employees reported losing 95.3% of \$830 median weekly income, and losing 93% of their weekly shift hours
  - Freelancers reported losing 86% of their jobs, approximately 4 per week on average; two out of three freelancers reported losing 100% of their weekly jobs

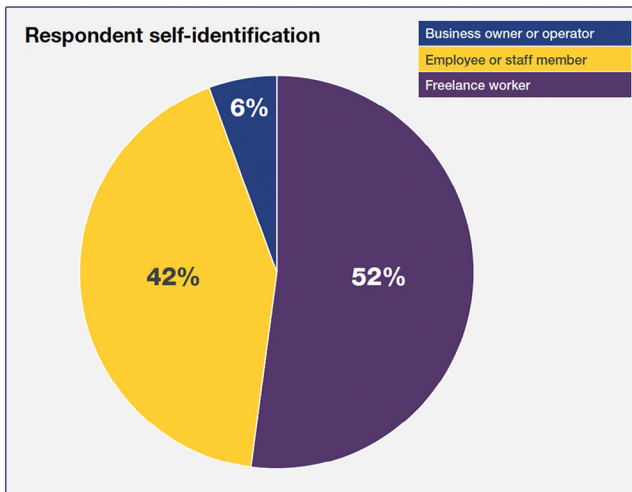
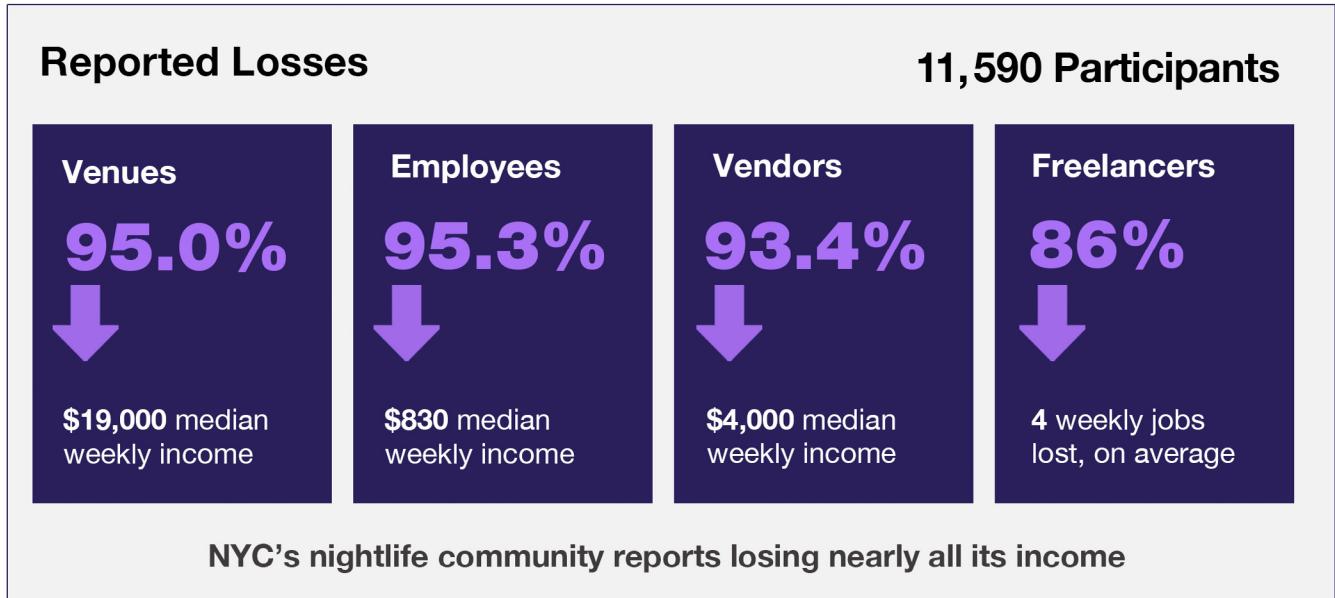
The survey provided valuable information to communicate the breadth and depth of the significant economic challenges facing the nightlife community. The survey was made available in Arabic, Bengali, Chinese, English, French, Haitian Creole, Korean, Polish, Russian, Spanish, and Urdu.



Survey Summary (ONL, April 2020)

## Survey Summary

This survey is a snapshot of the immediate impact of COVID-19 on the NYC nightlife industry:



### Venues

**Report significant cash flow issues that put them at risk of permanent closure**

- On average, each has lost \$30,000 in unrecoverable expenses, in addition to lost revenue

### Workers and Freelancers

**Report they have no work and no safety net**

- Employees have lost 93% of weekly shift hours
- 2 out of 3 freelancers reported losing 100% of their weekly jobs



# OUTREACH AND FEEDBACK FROM THE NIGHTLIFE COMMUNITY



The Office of Nightlife has hosted thirteen virtual town halls for the nightlife community during the COVID-19 pandemic in 2020 and 2021

At the onset of the crisis, ONL continued to serve as a conduit of information, conducting extensive outreach to businesses and workers and hearing from constituents every day. In the subsequent months, ONL has supported more than 170 constituent casework inquiries from businesses, workers, and patrons, helping respond to their issues and concerns, navigate new regulations and challenges, and getting answers to specific questions.

Beginning in April, ONL has held multiple, virtual “Town Call” meetings with thousands of participants, convening representatives from city, state, and federal agencies to share resources and help the nightlife community get answers to common questions. The first of those public meetings highlighted information related to federal assistance programs available from the US Small Business Administration (SBA) as part of federal stimulus relief efforts and loan programs, as well as information for workers and freelancers regarding access to unemployment insurance and other aid programs. Subsequent meetings have served to share information and answer questions about the city’s Open Restaurants program, which allows outdoor seating on public streets and sidewalks.

ONL also hosted focus groups with restaurants, bars, nightclubs, live music venues, DJs and performers, and promoters, to hear their concerns, what they needed to plan for reopening, and to gather their “out of the box” ideas to support revenue and operations. The crisis’ global impact also provided opportunities for global solutions, and ONL communicated regularly with nightlife advocates around world, sharing challenges, ideas, and emerging best practices.





Mayor's Office of Media & Entertainment + NYC Office of Nightlife

# TOWN CALL

**For Entertainment, Arts, Nightlife & Hospitality  
• Businesses •**

Thursday, January 21, 2021  
1:00 - 2:30PM

Participate in Q&A with U.S. Small Business Administration (SBA) and NYC Dept. of Small Business Services (SBS) to get the latest information about:

- New federal stimulus benefits
- Re-launch of PPP and EIDL loans
- Save Our Stages (aka Shuttered Venue) Operators grants
- Commercial Lease Assistance program and other City resources
- COVID-19 updates, health and safety measures + more

REGISTER: [bit.ly/janbusinessstowncall](https://bit.ly/janbusinessstowncall)

Mayor's Office of Media & Entertainment + NYC Office of Nightlife

# TOWN CALL

**For Entertainment, Arts, Nightlife & Hospitality  
Workers • Artists • Performers • Freelancers**

Friday, January 22, 2021  
1:00 - 2:30PM

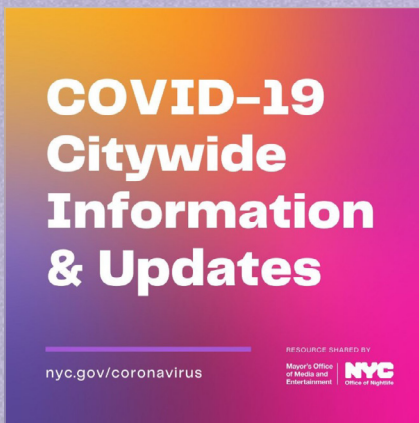
Participate in Q&A to get the latest City, State, and federal information including:

- New federal stimulus unemployment benefits
- Paid sick leave and freelance worker labor law updates
- Food, rent, and financial assistance
- COVID-19 updates, health and safety measures + more

REGISTER: [bit.ly/janworkertowncall](https://bit.ly/janworkertowncall)



# SUPPORTING SAFE REOPENING AND RECOVERY EFFORTS



The Office of Nightlife used its social media and newsletter communications to share updates from City agencies throughout the COVID-19 pandemic

ONL has been a critical part of the city's inter-agency team coordinating reopening and recovery efforts, providing recommendations for new policies and regulatory reforms to provide immediate relief to struggling businesses, and helping to communicate the nightlife's challenges. ONL worked closely with colleagues at DOHMH, DOT, Department of Small Business Services (SBS), and other agencies to initiate new programs that allowed nightlife businesses to adapt to restrictions on indoor operations.

In June 2020, Mayor de Blasio announced the launch of the city's Open Restaurants Program, allowing restaurants and bars to place additional seating on streets and sidewalks through a streamlined permit process. As the year progressed, and some restrictions remained in place, Mayor de Blasio also announced the city's plan for a permanent extension of Open Restaurants, allowing new rules for businesses to use outdoor heaters and tents, and expand outdoor seating to the frontage of adjacent properties as long as adjacent property owners formally agreed.

As rules and regulations continued to evolve, ONL compiled new resources to clearly communicate them. The [“Restaurant and Bar Reopening Toolkit”](#) integrated guidance from DOHMH, DOT, and SBS Food & Beverage Industry Partnership, and the [“What to Expect When You're Expected”](#) checklist was designed to help operators understand new rules and what inspectors from City and State agencies would be addressing during their visits. As businesses raised questions and concerns about how City and State enforcement actions would be conducted, the Office of Nightlife ensured that the nightlife community had a seat at the table, providing education and outreach to many businesses that were receiving complaints, to help them avoid potentially costly violations.

New Yorkers did their part to “stop the spread” by staying home, covering their faces, and keeping their distance from others, helping bring down the volume of COVID-19 cases by late spring. With the arrival of warm weather, many New Yorkers began to socialize more frequently, meeting friends, family, and neighbors outdoors. With New York City still under the Governor's PAUSE orders, some patrons were found to be gathering outside bars and restaurants despite rules stipulating that they could only serve for take-out and delivery.



# IT'S UP TO YOU NEW YORK

## SOCIALIZE RESPONSIBLY

PROTECT YOURSELF • LOOK OUT FOR EACH OTHER • CARE ABOUT THE COMMUNITY

**Get tested:** There are COVID-19 testing sites in all five boroughs. To find a site, visit [nyc.gov/covidtest](https://nyc.gov/covidtest) or call 311. For the latest information, visit [nyc.gov/coronavirus](https://nyc.gov/coronavirus)

Mayor's Office  
of Media and  
Entertainment

**NYC**  
Office of Nightlife

## الأمر متروك لك نيويورك

تحل بالمسؤولية عند التواصل اجتماعيًا  
بروتوكولات تناول الطعام في الأماكن الداخلية والمفتوحة



- ابق في مقعدك**  
لا تقف أو تجلس زمناً داخل الشركات أو مقاهي صبح العصور أو الأوبرا في مناطق الفن.
- احرص دائماً على ارتداء غطاء الوجه**  
في تناول الطعام أو التواجد مع صديق أو زميل.
- أبق في مقعدك**  
لا تقف أو تجلس زمناً داخل الشركات أو مقاهي صبح العصور أو الأوبرا في مناطق الفن.
- أبق في مقعدك**  
لا تقف أو تجلس زمناً داخل الشركات أو مقاهي صبح العصور أو الأوبرا في مناطق الفن.
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## BAGAY YO NAN MEN W NEW YORK

SOSYALIZE YON FASON RESPONSAB  
RÈG POU MANJE ANNDAN AK DEYÒ



- Toujou mete yon pwoteksyon figi**  
SEK pou fi w ak masje ak bwè a. Pwoteje tèt ou, anghwaye yo, ak lòt moun yo.
- Rete chita**  
Piye ou kanpe owav fe foud anndan owav deyò biznis yo. Piye ou chita owav kanpe bò ba a.
- Tcheke tanperati w nan antre a**  
Nou p ap ka kite okenn moun ki gen 100 degre farenway owav plis antre, sonje pou w rete lakay ou si ou santi ou malad.
- Pwoteje biznis lokal yo**  
Pa mete biznis yo nan risk pou yo gen anndan owav vyolasyon paske ou pa respekte reg yo.
- Bay enfòmasyon pou tès ak trasaj**  
Omwèn yon moun nan chak gwoup owa bay notis, adres, ak nimewo telefòn yo pou trasaj.
- Respekte rezidan yo**  
Tanpe pas fe bli deyò a.

## এটি আপনার উপর নির্ভরশীল নিউ ইয়র্ক

দায়িত্বশীলভাবে সামাজিকীকরণ করুন  
ইনডোর ও আউটডোর ডাইনিং প্রোটোকলসমূহ



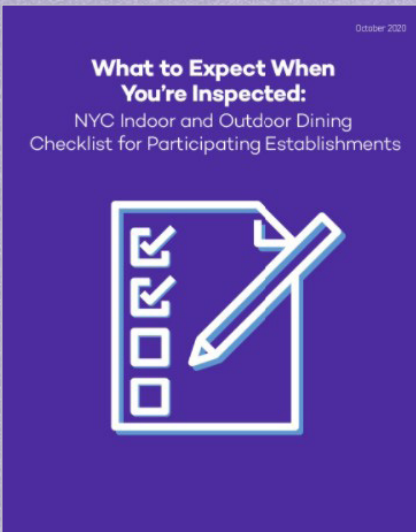
- সবসময় মুখে র আচ্ছাদন পরুন**  
সবসময় মুখে বাস বা পার করার সময় সঠিকভাবে গিলবে, খাবার কে কান্ডার করা করুন।
- দুরতায় তাপমাত্রা পরীক্ষা করুন**  
100.0° ফিট ডায়নামিট্রি বা তার বেশি তাপমাত্রা হলে কোর্টিকি গ্রুপে করতে হবে না, মাস ডায়নামিট্রি বা তার বেশি তাপমাত্রা হলে ডায়নামিট্রি করতে হবে।
- স্বাধীন ব্যবসাকে রক্ষা করুন**  
স্বাধীন ব্যবসাকে না করে বাসার প্রতিষ্ঠানকে সঠিকভাবে ব্যবহার করুন।
- বাসে থাকুন**  
বাসে প্রতিষ্ঠানের বিজ্ঞান বা বিজ্ঞান পরিদর্শন করুন বা ডায়নামিট্রি করতে হবে না।
- পরীক্ষা ও ট্রেসের তথ্য প্রদান করুন**  
সঠিকভাবে ব্যক্তিগত তথ্য প্রদান করুন।
- বাসিন্দাদের সম্মান করুন**  
স্বাধীন ব্যবসাকে রক্ষা করুন।

Resources and public service campaigns were developed in multiple languages to support the safe reopening of the nightlife industry in New York City





Senior Executive Director Ariel Palitz joined NYC Council Member Justin Brannan in writing an op-ed supporting the "Save Our Stages Act", which was included in the Federal Covid-19 Relief Package of December 2020



The Office of Nightlife's responsibilities include assembling government resources to help deliver important information and resources to the nightlife community

ONL launched the ["Take Out, Don't Hang Out"](#) campaign, reminding New Yorkers to continue their social distancing efforts. After the launch of the Open Restaurants program, the Office of Nightlife created the ["It's Up To You, New York"](#) campaign to educate New Yorkers on rules and guidelines for socializing responsibly. As new concerns regarding unauthorized events emerged during the summer, ONL talked to promoters and performers and encouraged New Yorkers to refrain from planning or attending such gatherings.

As the crisis has created significant adverse effects for businesses and city and state governments, advocates called on the federal government to provide necessary aid. Mayor de Blasio, MOME and ONL advocated for the passage of the Save Our Stages Act, supported by independent venues across the country. This legislation was included in the federal government's \$900 billion stimulus package passed in December 2020. Renamed the Shuttered Venue Operators Grants (SVOG), this \$16.25 billion program will be administered by SBA and authorized grants of up to \$10 million per venue. MOME, ONL, and SBS also launched [Curtains Up NYC](#) to provide free application assistance to live performance venues, organizations and workers applying for SVOG. The city also launched the [Open Culture](#) program, which allows arts and cultural institutions, as well as entertainment venues, to obtain permits for single day, socially distanced performances at more than 100 street locations throughout the five boroughs.

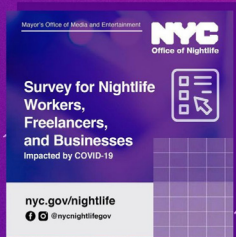
On the following pages, ONL outlines its recommendations for new policies and programs to help New York City's vital nightlife industry recover and thrive into the next generation.



## NYC Office of Nightlife 2020 Year in Review

### Understanding the Initial Impacts of Covid-19

Through a survey we gathered stories and data from more than 11,000 operators, staff, and gig workers. This information and delivered it to City and State decision-makers to best advocate for your immediate needs.



### Representing Nightlife in City Government

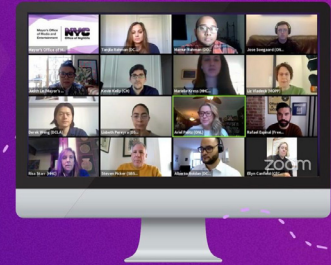
We were able to help shape New York City's first-ever Open Restaurants program, supporting our partners at the Departments of Transportation, Health, and Small Business Services.

As of December 30, more than 10,000 food and drink establishments are participating in the now year-round program.



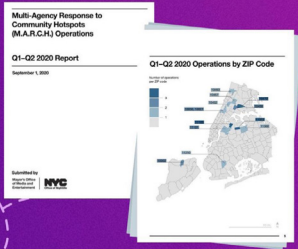
### Town Calls

Over the last 10 months, the Office of Nightlife has also hosted eight virtual "town calls" for owners, operators, workers and performers. More than ten thousand of you have participated to get the most up-to-date information and have your questions answered directly from City and State agencies.



### M.A.R.C.H. Report

We released the inaugural report of Multi-Agency Response to Community Hotspots (MARCH) Operations, making data on these multi-agency inspections of nightlife businesses publicly available for the first time.



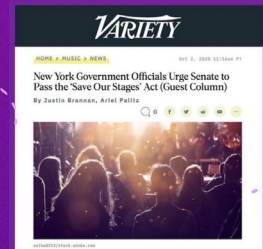
Mayor's Office of Media and Entertainment NYC Office of Nightlife

# 2020

## YEAR IN REVIEW

### Supporting Efforts to 'Save Our Stages'

Senior Executive Director Ariel Palitz wrote an op-ed with New York City Council Member Justin Brannan in Variety Magazine showing our support for the \$15 billion in federal aid that was ultimately granted to our industry.



### Bringing Guidelines and Information to the Nightlife Community

To help eligible bars and restaurants better understand the evolving State and City regulations, the Office of Nightlife curated and designed many clarifying resources including checklist, FAQs and citywide public awareness campaigns reminding everyone, "It's Up to You New York, Socialize Responsibly", "Take Out, Don't Hang Out", and most recently, to "Celebrate Responsibly, Don't Drop the Ball" this holiday season.



### Mediating Establishment and Neighborhood Disputes (MEND NYC)

The Office of Nightlife launched MEND NYC (Mediating Establishment Neighborhood Disputes). This program, a collaboration with the Center for Creative Conflict Resolution at OATH, provides free mediation and conflict resolution services to resolve quality of life issues between venues and their neighbors through communication and compromise, rather than enforcement.







7,150+

participants across  
thirteen Virtual Town  
Calls held in 2020 and  
2021



200+

inquiries about  
MEND NYC since  
August 2020







**450+**  
calls and virtual meetings held with City & State agencies, elected officials, community-based organizations, & local businesses



**Photos counterclockwise from the left:**

**Center:** Senior Executive Director Ariel Palitz walked through Bushwick, Brooklyn with community leaders including Council Member Antonio Reynoso, visiting local venues like the House of Yes and Turk's Inn

**1:** Over ten thousand New York City restaurants are participating in the Open Restaurants Program. The Office of Nightlife created an inspection checklist for participating establishments to help participants comply with program-specific and COVID-19 health and safety requirements

**2:** Senior Executive Director Ariel Palitz visited legacy venues on City Island and walked through Pelham Parkway in the Bronx with Council Member Mark Gjonaj to talk about supporting small businesses

**3:** Mayor de Blasio and Senior Executive Director Ariel Palitz celebrated the first MEND NYC resolution agreement

**4.** Senior Executive Director Ariel Palitz handed out educational materials to venue operators in Inwood, Manhattan

**5 :** Various materials were created and shared by the Office of Nightlife in response to the COVID-19 pandemic

**6.** The Office of Nightlife and MOME Commissioner Anne del Castillo joined SBS and DOT Commissioners Jonnel Doris and Polly Trottenberg at Astoria, Queens to hand out guidelines and information about the NYC Open Restaurants Program



**5. Take Out, Don't Hang Out**  
Social Distancing Guidelines for Restaurant and Bar Takeout

Wear face covering and line up 6 feet away from the person in front of you.

Ordering alcoholic drinks with food to-go is okay.

DO NOT gather in front of businesses after pick-up.

DO NOT open or drink alcoholic drinks in public.

Thank you for supporting your local business.

Test COVID to 877-892 for real-time updates or visit [nyc.gov/coronavirus](https://nyc.gov/coronavirus)

**NYC**



**11,590**  
respondents to our Survey on the Immediate Impacts of Covid-19 for Nightlife workers and businesses





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# FROM ACTION

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# TO PROJECTION

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Jazz band performing at venue (Kenny Rodriguez, 2020)





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# FUTURE INITIATIVES & RECOMMENDATIONS

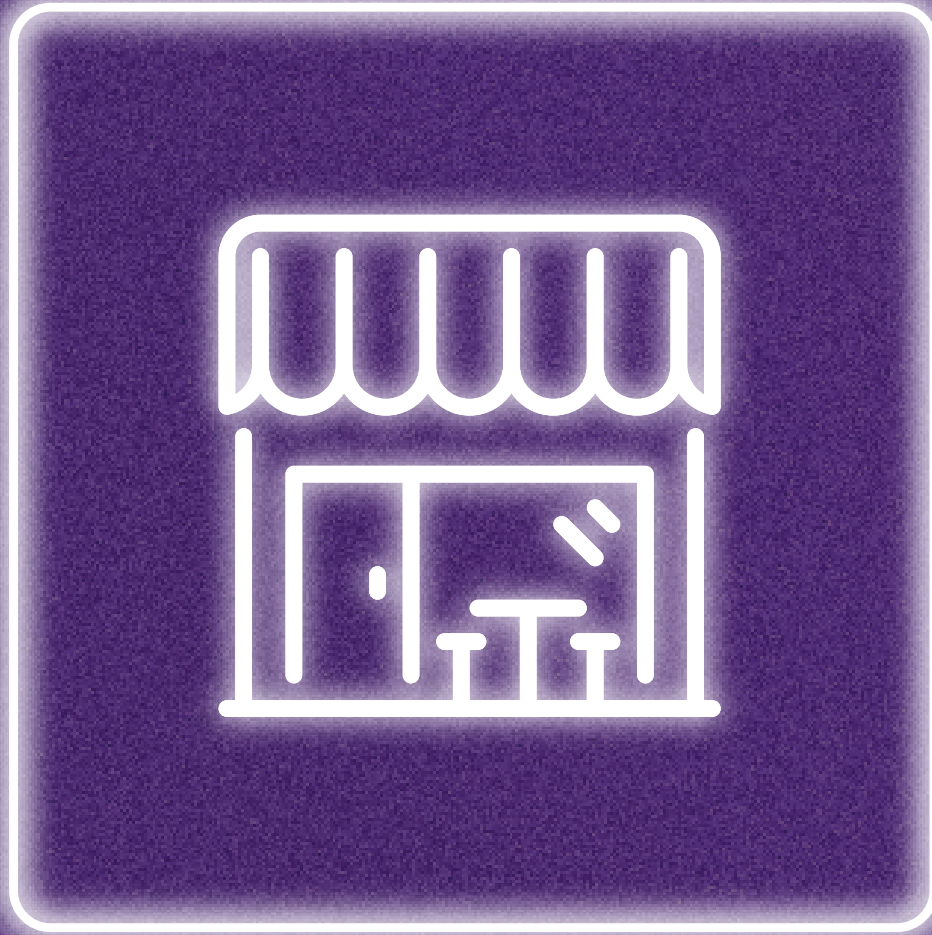
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ONL was established to create a dedicated, long-term, supportive relationship among the nightlife industry, the communities of the five boroughs and city government. These objectives have never been more urgent, as the pandemic has caused economic damage to the industry. Forward-looking, creative thinking will be required to ensure a more sustainable and healthy future.

This section is a detailed roadmap setting a course for that future. These recommendations are the result of research, stakeholder engagement, and lessons learned from constituent casework. ONL worked with our partners in the Nightlife Interagency Working Group to identify creative solutions to long-standing challenges, gathered ideas from within New York City, and across the world.

First steps are underway for most recommendations, and some new policies and programs will take more time than others to put into place.





1.0



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# SUPPORT BUSINESS DEVELOPMENT & RECOVERY

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New York City has more than 25,000 nightlife establishments across the five boroughs, according to the [Nightlife Economic Impact Study](#) released by MOME in 2019. Many nightlife operators have cited difficulty navigating regulatory processes necessary to open and operate establishments. In 2015, Mayor de Blasio launched the Small Business First Initiative to help save businesses time and money, reducing the number of regulatory steps and increasing compliance.

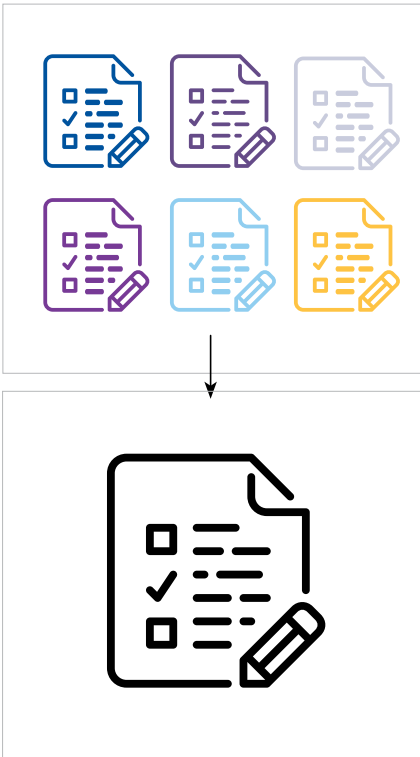
In 2020, the city launched new emergency measures for small business affected by the pandemic. This included connecting businesses to direct financing assistance through the NYC Employee Retention Grant Program for small businesses with fewer than five employees, and the NYC Small Business Continuity Loan Fund for businesses fewer than 100 employees, as well as many other assistance programs. SBS also launched Fair Share NYC to connect small business owners to federal relief funds, including the Paycheck Protection Program and Economic Injury Disaster Loans. DOT launched the Open Restaurants program, providing access to streets and sidewalks for 10,000 participating businesses. ONL worked with city partners to help these businesses navigate new and changing regulations. Yet, many nightlife businesses have still taken on additional debts and other liabilities, placing them at risk.

ONL continues to be committed to helping businesses respond to the pandemic by coordinating the efforts of multiple city agencies involved in managing, regulating, and promoting nightlife, and by acting as a clearinghouse for regulatory information. ONL is well-positioned to improve the business environment through policies that take into account this vital industry's contributions and challenges.



# STREAMLINE PROCESSES THROUGH ONE-STOP FOR MULTI-AGENCY PERMITTING, INSPECTIONS, & SUPPORT

## 1.1



The Office of Film, Theatre and Broadcasting at the Mayor's Office of Media and Entertainment reviews and coordinates Film Permit applications for production activity, which could serve as a model for nightlife permitting and licensing

### DESCRIPTION

Create a single, centralized location for these important functions

Opening a new nightlife venue is a challenging process. Businesses must obtain certificates, permits, and licenses from various city and state agencies, which can increase the length of time it takes to begin operating. In addition, businesses must comply with the health code, fire code, building code, and more, and some businesses allege that agency codes are interpreted differently, and violations may be found in follow-up inspections that were not found in initial inspections.

ONL recommends creating a centralized team at SBS to coordinate multi-agency plan review, permitting, inspections, and related processes for hospitality and nightlife businesses. This one-stop shop will coordinate application review and work with enforcement agencies to schedule inspections. Businesses operators will be able to better track the progress of their applications, reducing the length of time and financial costs of opening and operating these businesses.





With respect to inspections: The city currently offers services to help businesses understand common compliance challenges. SBS offers [Compliance Consultations](#) which are free and on-site, as a way to avoid common violations. The NYC Department of Consumer and Worker Protection (DCWP) also offers a [Visiting Inspector Program](#), which provides a free educational inspection to advise businesses on steps to ensure compliance with DCWP regulations.

ONL will continue to work with agencies to re-examine processes for review and approval of permits for nightlife and hospitality businesses, and develop materials that include clear guidelines for each inspection procedure in “layperson” language. This may include universal forms for inspections, an expected length of time for each inspection, and clear criteria for identifying issues and issuing violations.

**Next steps: ONL currently connects businesses to other agency resources via the Nightlife Interagency Working Group. ONL and SBS will explore funding options for this initiative.**



Commercial storefront on first floor of residential building (Eryka Mikhno, 2019)





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# CASE STUDY: INTERIM CERTIFICATE OF OCCUPANCY (ICO)

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The DOB permits buildings occupancy for both businesses and residents by issuing Certificates of Occupancy (COs) that state a building's legal use and type of occupancy. New buildings must have a CO, and existing buildings must have a current or amended CO whenever there is a change in use, egress, or type of occupancy. DOB may determine that there are issues that must be resolved to obtain final approval. DOB may issue a Temporary Certificate of Occupancy (TCO), which typically expires 90 days after it's issued. Businesses have expressed concerns about the length and uncertainty of the CO process. Businesses occupying or seeking to occupy older buildings face higher costs renewing TCOs on a recurring basis, which may prevent the establishment from obtaining other permits and licenses from the FDNY or the SLA. To streamline the CO process and provide peace of mind to building owners and tenants, DOB worked with the City Council in December 2020 to create a new type of TCO, an Interim Certificate of Occupancy (ICO). ICOs can be issued with respect to completed portions of a building that are safe for occupancy, allowing property owners and tenants to occupy those portions of a building. Unlike a TCO, an ICO will not expire, which can help save businesses time and money by avoiding the renewal process. DOB will work to implement the ICO in early 2021.



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# LAUNCH "NIGHT SCHOOL" WORKSHOPS FOR BUSINESS OPERATIONS, BEST PRACTICES, AND WORKPLACE RIGHTS

## 1.2

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SBS's Training for Your Employees program provides no-cost, online training to help NYC-based business owners and employees

### DESCRIPTION

Create training sessions offering information about rights and agency procedures

Businesses often do not have access to the full scope of resources and information they need to operate. Many government agencies, chambers of commerce, and other business groups regularly host forums and seminars to help. ONL recommends working with agency partners and industry leaders to develop workshops, panels, and other programs that are explicitly targeted for nightlife audience.

Presenters would provide education on industry trends, information on how to navigate regulatory processes to avoid delays in services, and other relevant issues. Seminars may be organized by more focused topics such as steps to opening a business, operating a liquor-serving establishment, implementing green and sustainable practices, understanding regulations and reaching compliance, and other issues based on demand.

**Next steps: ONL will work with SBS to develop "Night School" workshops for new and existing nightlife operators. ONL will also work with CCHR, DCWP, and Mayor's Office of Immigrant Affairs to expand "Know Your Rights" workshops for the nightlife community.**



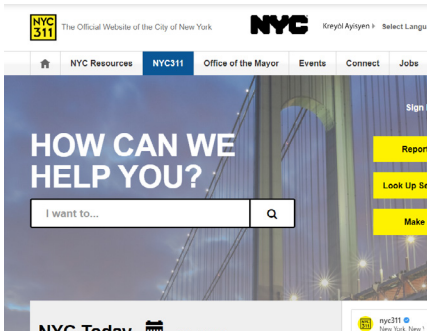


SBS is working closely with the Office of Nightlife to educate new and current business owners and workers on the rules and regulations of the city



# ESTABLISH PROCESS TO EVALUATE AND ADDRESS COMPLAINTS ABOUT VENUES

## 1.3



NYC 311 allows users to make service requests through their website, by calling "311", or using a mobile application on a smart device

### DESCRIPTION

Enhance protocol to address chronic quality of life complaints by encouraging participation in MEND NYC mediation services

Service requests to 311 have been an important tool for enforcement agencies to respond to quality of life concerns at nightlife businesses. Complaints to community boards and elected officials are also often used to reflect whether an establishment is considered in good standing when it applies for liquor license renewals. Repeated complaints, which can be placed anonymously, can result in fines, summonses, and limitations on liquor licenses. Yet, the volume of complaints at a given venue may not accurately represent conditions.

Additionally, repeated unsubstantiated complaints place burdens on responding agencies' limited resources. ONL recommends establishing a protocol to address verifiable misuse of 311, including excessive complaints, balancing addressing justifiable complaints, and minimizing misuse.

In some cases, repeat complainants are known to responding agencies or are otherwise identifiable. ONL recommends working with the appropriate enforcement agencies to identify and respond to situations involving repeat complainants. New protocol may include creating a separate designation by responding agencies for repeated quality of life complaints from the same complainant, encouraging them to be referred to MEND NYC. This new program is a partnership between ONL and [OATH's Center for Creative Conflict Resolution](#) and provides free conflict resolution and mediation services for businesses and neighbors, to help resolve issues through direct communication between the parties. Support for this





program could be amplified by a public awareness campaign that encourages mediation rather than enforcement for quality of life complaints.

Many nightlife establishments, especially those operated by members of historically marginalized communities, have also raised concerns that their businesses might be particularly vulnerable to abuse of the system. ONL recommends reviewing complaint history to investigate whether complaints disproportionately affect marginalized groups, including communities of color and LGBTQ+ businesses. The Office can conduct outreach to businesses with a high number of complaints, and where needed, can also refer these businesses to participate in the MEND NYC program.

**Next steps: ONL has worked with NYPD, DEP, and 311 to provide referral information to the MEND NYC program, and will work with responding agencies to develop new protocols to identify unjustified complaints.**

MEND NYC helps New Yorkers address issues in their neighborhood that may include:

- Quality-of-life issues between residents and businesses
- Negotiation between commercial tenants and landlords
- Neighboring business to business misunderstandings



# REDUCE IMPACT OF “CURABLE” VIOLATIONS & REDUNDANT PENALTIES

## 1.4



### DESCRIPTION

Work with enforcement agencies to expand “cure periods” for minor violations and reduce rules that discourage businesses from self-reporting emergency incidents

Businesses may be inspected multiple times by various agencies, which can cause confusion for business operators

As the COVID-19 pandemic has placed challenging financial burdens on nightlife operators, city agencies have been working to identify ways to help reduce the costs of doing business for those most affected.

ONL recommends further reducing the cost of doing business by strengthening warning systems for first violations that do not pose immediate risks to public health and safety, focusing on education and establishing “cure periods,” or time for businesses to make corrections prior to being issued fines, as well as a progressive or tiered cost structure for violations.

By law, the NYPD must report when their enforcement results in civil summonses to the SLA, which may conduct its own investigations for violations of the state’s Alcoholic Beverage Control statutes. Any potential violations, even if dismissed by the NYPD, may result in fines and penalties from SLA.

Local Law 153 of 2013, also known as the “Cure Law,” established a cure period for some first-time violations to be settled without penalty. Expanding this approach would prevent operators from facing unnecessary fines and allow for the opportunity to self-correct compliance issues, while also reducing the strain on enforcement agencies.





The NYPD's Neighborhood Policing program also creates improved communication and collaboration between local Neighborhood Coordination Officers, residents, and businesses, to reduce and prevent crime and address other issues that may arise. As part of these relationships, venues are encouraged to contact NYPD when incidents occur. However, doing the right thing can be disadvantageous for the venue, as the NYPD must write an incident report, and send that report to the SLA, even if no summons is issued to the business.

ONL recommends working with NYPD to establish a protocol for responding officers to identify whether an establishment took proactive measures to contact law enforcement, and whether the establishment was cited for fault. This additional information would serve as a signal to SLA to consider not citing the venue for violations, continue to build trust between nightlife operators and law enforcement, and further reduce financial burdens on small businesses.

**Next steps:** A bill that would expand "cure periods" was introduced in the City Council in 2021: [Int. 2233-2021](#). ONL will continue to work with SBS to identify potentially curable violations, and work with NYPD to adapt protocol.

Businesses can ensure compliance and avoid or reduce fines, fees and penalties associated with common violations by reviewing materials from City agencies at [nyc.gov/nightlife](https://nyc.gov/nightlife)



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# STUDY EFFECTS OF COMMERCIAL RENT & LONG-TERM VACANCIES ON BUSINESSES

## 1.5

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In recent years, New York City has put a lot of requirements on small businesses. The city's oversight has furthered workplace standards and helped to protect the public and consumers. However, we cannot continuously dump fines on businesses without offering them relief.

— ANTONIO REYNOSO  
NYC Council Member,  
District 34

### DESCRIPTION

Ensure nightlife businesses are represented in efforts to study and implement commercial rent control; consider measures to prevent vacancies

With the onset of the COVID-19 pandemic, many businesses' commercial rent liabilities have grown, as restrictions to slow the spread of the virus through social distancing have greatly affected their ability earn revenue. Several policies can help preserve important social and cultural spaces that have served as valued community landmarks but face significant economic pressures.

ONL recommends that the City and State explore the creation of a "legacy designation" program that would grant a tax abatement or other incentive to for property owners who offer favorable lease terms and extensions for legacy businesses, or would give grants to legacy businesses to give them time to adapt to unexpected increases in the cost of doing business.





The San Francisco Office of Small Businesses offers one model for such a program. In 2013, it began documenting legacy bars and restaurants, as guided by community members. The following year, a record number of small business closures prompted the development of a Legacy Business Registry, which designates businesses that are 30 years or older that are nominated for the registry by City Council members or the Mayor and approved followed by a public hearing. In 2015, the Office of Small Businesses developed a Historic Preservation Fund that provides dedicated grants to businesses on the Registry.

**Next steps: Explore options to pursue this or a similar type of designation at the City or State level.**



Neir's Tavern in Woodhaven, Queens is one of the oldest bars in New York City, operating continuously for over 190 years, but was at risk of closing due to a sharp increase in rent until working with SBS to help renegotiate a new lease



# ENCOURAGE STANDARD COMMUNITY BOARD PROCESSES AND APPLICATIONS FOR LIQUOR LICENSING

## 1.6

59  
community  
boards  
in NYC



### DESCRIPTION

Develop standardized questionnaires and processes for liquor licensing review and advocate for expanded participation of nightlife operators on community board licensing committees

The SLA issues licenses for the sale of alcoholic beverages, and input from local communities is an essential part of the SLA’s licensing process. New York City’s Community Boards have an advisory role in the process of issuing licenses and are an important voice for local residents and businesses.

Each community board determines its own process for reviewing liquor license applications, including its own forms, its own procedures for hearings, and its individual format for resolutions. This can lead to inefficiencies in how businesses and their representatives prepare applications.

ONL recommends working with community and industry representatives to encourage greater standardization in questionnaires and processes, to facilitate better preparedness among liquor license applicants and more efficient review by SLA officials. Additionally, greater participation by nightlife operators on community board licensing committees can bring valuable experience to application review processes.

**Next steps: ONL has held preliminary meetings with industry and community board representatives. ONL will work with community boards to draft and implement standardized processes.**



# ADVOCATE FOR AMENDED “TIED HOUSE” LAW IN NEW YORK STATE

1.7

## DESCRIPTION

Help change State law to allow greater flexibility for manufacturers and distributors to offer financial contributions to licensed establishments



The “tied-house” law prohibits licensed establishments from having any interest in a business that manufactures or wholesales alcoholic beverages, and prohibits SLA-licensed manufacturers and wholesalers from having any interest in businesses where alcoholic beverages are sold at retail. The purpose of the “tied-house” law is to curb anti-competitive behavior—specifically, to prevent manufacturers and wholesalers from exerting undue influence over restaurants, bars, and other on-premises food and beverage SLA licensees.

This law is considered among of the most restrictive in the country and it applies across state lines, meaning a SLA-licensed craft-beer maker in Brooklyn can’t have an interest in a Florida restaurant. Currently, SLA-licensed bars, restaurants, and on-premises food can seek State legislation creating an exemption from tied-house restrictions for an individual premises, but the process of getting a premises-specific law passed is lengthy and cumbersome. This law presents an obstacle to the financial recovery and long-term sustainability of New York City’s bars and restaurants, even preventing manufactures and distributors from contributing grant-based financial support to those businesses.

ONL recommends working with State legislative partners to secure amendments to the “tied-house” law to provide additional flexibility while continuing to restrain the anti-competitive behavior at the heart of the current laws.

**Next steps: This recommendation would require State legislative action. Two bills that would amend the “tied-house” law were introduced in 2020: [Senate Bill No. 5178](#) and [Assembly Bill No. 7258A](#). The City can explore advancing state legislative action.**

12,000+  
liquor-licensed  
establishments  
in NYC







2.0



# IMPROVE QUALITY OF LIFE

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New York City's nightlife sector, which has grown substantially over the past decade, supports nearly 300,000 jobs for New Yorkers. In a densely packed city, that growth has also come with challenges, as neighbors may raise quality of life concerns related to noise, waste management, and public health and safety, especially in areas with a high concentration of nightlife activity adjacent to residential uses. With the onset of the COVID-19 pandemic, nightlife establishments as well as other businesses have moved to outdoor areas to help slow the spread of the virus, a necessary lifeline that has also created new issues for venues, neighbors, and enforcement agencies to navigate.

Planning for growth and recovery of the nightlife sector must include policies and services to mitigate potential adverse effects on nightlife's workforce, its consumers, and its neighbors.



# IMPLEMENT STREET AMBASSADORS PROGRAM 2.1



NYPD Neighborhood Coordination Officers spend all their working hours within their assigned sectors, actively engaging with local community members and residents

## DESCRIPTION

City to introduce supplemental non-enforcement hospitality personnel to welcome, educate, and monitor patrons in high-traffic entertainment areas

In some areas with dense nightlife activity, quality of life issues can arise. In these nightlife corridors, patrons and residents alike may benefit from additional non-enforcement personnel on streets and sidewalks, helping to reduce sound disturbances and maintain order.

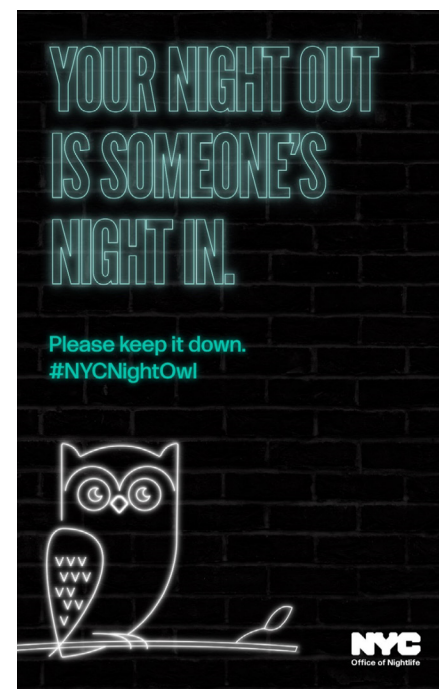
In several cities, peace officers or licensed security personnel can act as ambassadors in areas with a high density of nightlife activity. Amsterdam, for example, operates an Ambassador Program in highly trafficked areas like Rembrandt Square and the City's Red Light District (see case study below). Several of New York's Business Improvement Districts also employ public safety personnel to provide information and assistance to visitors and to provide additional eyes on the street to alert law enforcement officials to issues as they arise.





ONL recommends implementing a program that would address quality of life concerns while encouraging the increasing use of our streets through the Open Restaurants, Open Culture and Open Streets programs. These teams would welcome people to the streets, provide COVID protocol information, assist with crowd management and enforcing social distancing, and provide wayfinding support for outdoor programming and events. The ambassadors would observe and monitor the most active nightlife corridors, including those with increased outdoor use, to help improve quality of life in those areas.

**Next steps: ONL will identify potential implementation neighborhoods with the DOT and then will explore funding options for this program.**



A number of BIDs and neighborhood organizations, like the LES Partnership, bolster the efforts of city agencies by providing supplemental services



# CASE STUDY: NON-ENFORCEMENT NIGHTLIFE AMBASSADORS



In 2018, approximately 19 million tourists visited Amsterdam, one of the first municipalities to adopt a model for nightlife governance and planning

## AMSTERDAM, NETHERLANDS

The City of Amsterdam, Netherlands, operates a Host Program in highly trafficked areas of Rembrandt Square and the Red Light District. In these areas, bars and clubs are open until early morning. While the City notes that the vast majority of the tens of thousands of people who go out at Rembrandt Square each weekend behave decently, several substance-related incidents necessitated further intervention.

The Mayor of Amsterdam and the "Stichting Nachburgemeester" or "Foundation of the Night Mayor," launched the Hospitable Rembrandt Square pilot project, in which the municipal government, police, and bars and clubs of the square changed the way the area was experienced through policy and design.

Non-enforcement hosts are hired to welcome people, inform them about where to go, and communicate city and establishment rules. The personnel of bars and clubs are trained in hospitality and dealing with intoxicated guests. Hosts are also trained in hospitality and tourism, incident de-escalation, and first-aid and harm reduction strategies.

Additional programs and crowd management tactics are being developed to support this initiative, including public lighting, more cleaning services, and prohibiting parking on the square during weekend nights.





**Above:** A neighborhood-oriented public awareness campaign was launched to highlight that Rembrandt Square has many residents living in the entertainment district



**Middle:** In November 2019, ONL Senior Executive Director Ariel Palitz met with the directors and ambassadors of the Host Program to learn about implementation strategies

**Below:** Nightlife in Amsterdam is concentrated around Rembrandt Square, a natural hub of activity with bars, nightclubs, and live music for both locals and visitors





# CASE STUDY: INTERNATIONAL PATRON ETIQUETTE CAMPAIGNS

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Internationally, nightlife governance and city tourism offices are looking for ways to help manage patron behavior in entertainment districts. From physical and digital signage to city-wide marketing campaigns, different models are available as the Office of Nightlife develops its own patron etiquette campaigns.

## **PARIS, FRANCE**

The City launched "Le Code de la Nuit Responsable" or "Responsible Night Code" campaign in 2015. Awareness campaigns were distributed through physical posters, billboards, leaflets, and digitally on social networks. In 2018, the same campaign also adopted a "nudge" strategy by seeking to make public toilets and trash bins more attractive, thereby increasing their use. Signage from the campaign was put on the screens of the bathrooms in select bars and clubs.

## **AMSTERDAM, NETHERLANDS**

In the Summer of 2018, the Amsterdam tourism office launched its "Enjoy & Respect" campaign, with a message that offensive behavior will not be tolerated. The campaign targeted Dutch and British visitors aged 18 to 34 who frequently visit Amsterdam on weekends to party, drink, go on pub crawls, and hold bachelor parties. The "Enjoy & Respect" campaign aims to inform the target group of the consequences of this kind of behavior and raise awareness of what is expected of visitors and – more important – what is not allowed in Amsterdam.





**Above & Middle:** Select images from Paris' "Le Code de la Nuit Responsable" campaign, targeting public urination, littering, and over-consumption of alcohol

**Below:** The City of Amsterdam, through its IAmsterdam tourism office, launched a multimedia "Enjoy and Respect" campaign, comparing proper behavior with fines for inappropriate behavior





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# IMPLEMENT POLICY TO IMPROVE CONDITIONS THAT CAUSE COMPLAINTS FROM NEW RESIDENTIAL DEVELOPMENTS NEAR EXISTING VENUES

## 2.2

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### DESCRIPTION

Support “Agent of Change” policies that would require improved soundproofing and other measures within new developments near existing nightlife venues

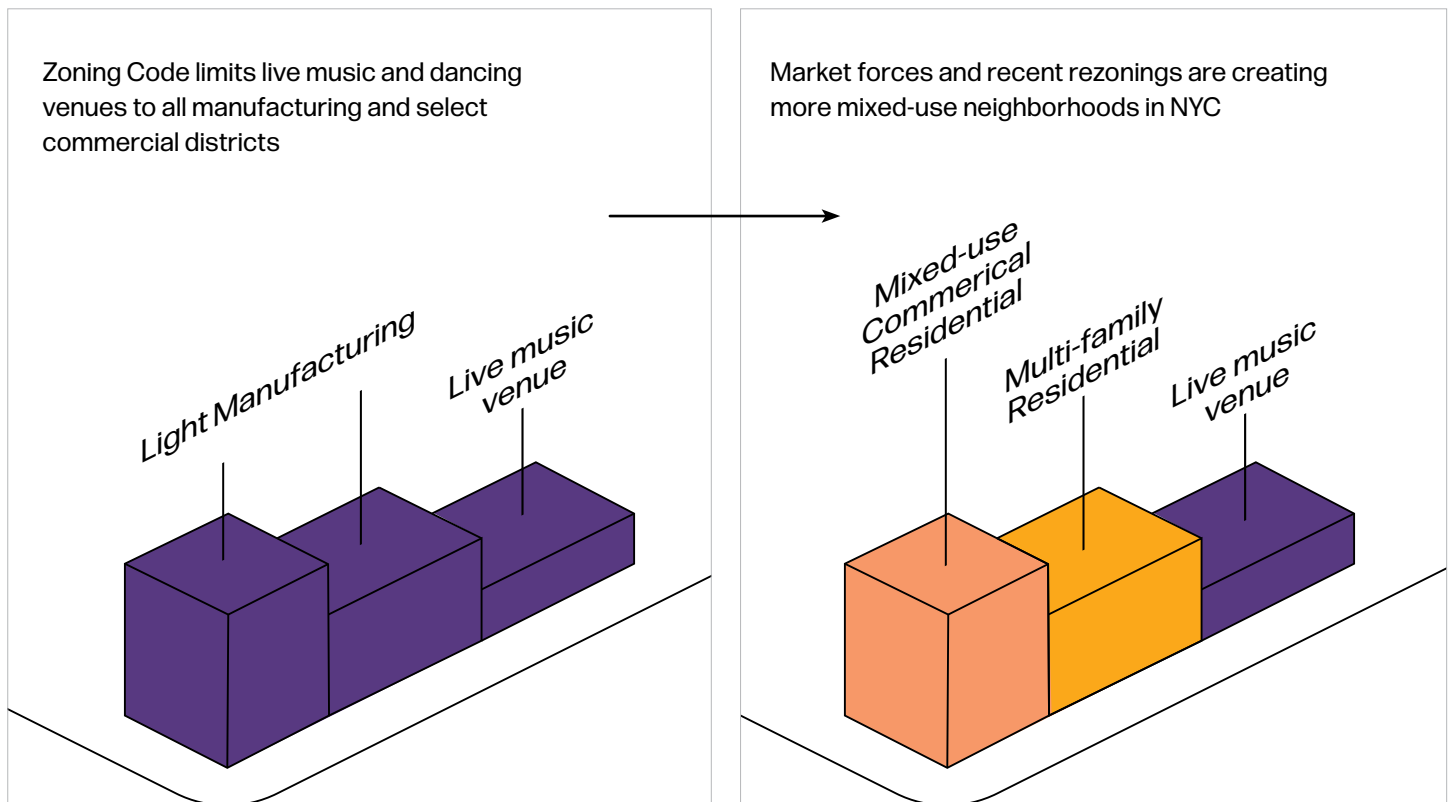
“Agent of change” laws went into effect in Melbourne, Australia in 2014. The revised rules state that new developments within 50 meters of an existing live music venue will be responsible for the costs of sound-proofing themselves.

Though overall 311 commercial sound complaints decreased over the five years prior to the COVID-19 pandemic, some venues have experienced an increase in complaints. The increasingly mixed-use contexts of neighborhoods and growth of residential uses necessitates an exploration of “agent of change” policies to minimize sound disputes between existing nightlife uses and new residents. The “agent of change” principle for sound mitigation places the responsibility on new businesses or developments to lessen the impact of sound when moving into an area with existing uses.

Internationally, “agent of change” laws have required sound mitigation measures to be implemented within new residential projects developed near existing nightlife venues, insulating new residents from sound emanating from the venue, and protecting the venue against complaints made by new neighbors. Similarly, if a new venue opens or expands within a residential area, that venue may be responsible for providing additional sound mitigation measures.



## Change of land use diagram



ONL recommends working with the NYC Council to develop “agent of change” legislation that will increase sound attenuation through changes to the Building Code as well as the Administrative Code. This could be accomplished by requiring soundproof windows and wall materials, as well as ensuring that venues are not held solely responsible for the full costs of regulating “sound devices or apparatus,” as defined by the Administrative Code. These policies must support both the longstanding vibrancy of New York City’s nightlife scene while encouraging mixed commercial-residential development in its neighborhoods.

Such requirements should be targeted to a narrow service area, because a catchment area that is too broad may impose unnecessary requirements on properties that do not experience effects from nightlife venues. For example, the San Francisco Entertainment Commission implements that city’s “agent of change” policy for new development within a relatively narrow 300-foot radius of all licensed entertainment venues. Other jurisdictions such as Victoria, Australia, and Austin, Texas, trigger their “agent of change” ordinances when new developments are proposed within 50 meters (164 feet) and 600 feet of an existing venue, respectively.

**Next steps: This recommendation would require City Council legislative action. A bill that would implement the “Agent of Change” principle was introduced in 2018: [Int. 1119-2018](#).**



# CREATE INCENTIVES FOR SOUNDPROOFING TO REDUCE CONFLICTS BETWEEN NEIGHBORS & VENUES

## 2.3



Melbourne's Good Music Neighbours program offers a potential model for reducing sound disturbances while supporting New York City's live music scene

### DESCRIPTION

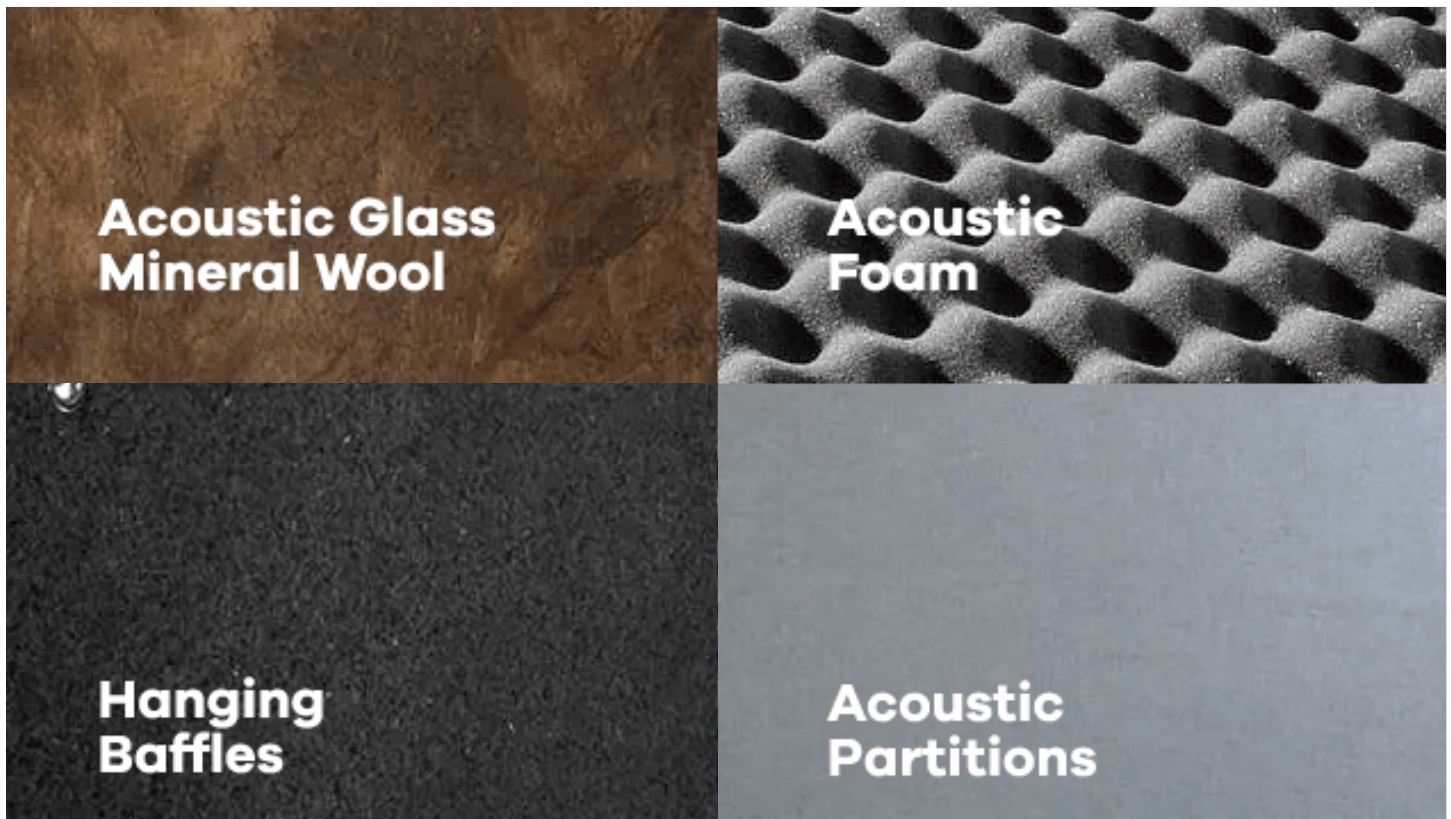
Develop financing mechanisms to support nightlife businesses to improve soundproofing measures to mitigate sound disturbances between nightlife venues and neighbors

If implemented effectively, the “agent of change” principle (Section 2.3) would help to significantly reduce the quantity of sound complaints related to music venues and other nightlife establishments. However, the policy would apply to areas with new development only, either a residential project near an existing nightlife venue, or a new venue in an area with significant residential uses. Many existing venues would not be covered by the policy.

ONL recommends exploring the development of a financing mechanism to help nightlife establishments retrofit their spaces with sound-absorbing materials. This could exist as a municipal fund within an existing agency or through a partnership with a not-for-profit.

DEP offers an example of a municipally funded grant program for private property owners to make improvements that have wider public benefits. The Green Infrastructure Grant Program supports private owners' efforts to retrofit of green roofs or stormwater retention features onto their properties. Eligibility is defined by a project's ability to mitigate stormwater, which is measured using precise data and methods. Workshops and outreach events are held once every season to educate potential applicants about the grant program. As of 2017, the program has committed more than \$14.5 million to 35 private property owners to build green infrastructure projects, reducing the amount of stormwater runoff that contributes to combined sewer overflows.





Melbourne, Australia’s Creative Victoria, a government agency dedicated to supporting statewide creative industries, developed a \$22.2 million contemporary music fund and support program. The “Good Music Neighbours” program provides one-to-one match funding of up to \$25,000 AUD (approximately \$17,700 US) for acoustic attenuation projects made by live music venues that demonstrate “a pressing need for attenuative measures” and have an “ongoing commitment to original live music.” More than 80 venues have received a total of AUD \$750,000 for acoustic assessments, capital works, and other projects as of 2019. The municipal government of Berlin, Germany has also developed a grant program for sound mitigation efforts for its live music venues and nightclubs (See Case Study: Construction Funding for Nightlife Spaces on p.137).

Funding requirements should be strict enough to lessen the impact of commercial venue sound on neighbors, while encouraging active application and participation by business owners.

**Next steps: ONL has studied other international precedents, and will identify potential partners who may be interested in pursuing and funding a program like this.**



**Above:** Sound absorbing materials can be used in building construction and retrofits to reduce sound emissions from a space

**Below:** Installing insulation can save on heating and cooling costs, as well as dampen sound from neighboring businesses and residents



# CASE STUDY: “AGENT OF CHANGE” PRINCIPLES IN PRACTICE



New development adjacent to existing commercial businesses, such as this new hotel near Austin, Texas’s 6th Street Entertainment District, may cause venues to receive an increase in sound-related complaints

## MELBOURNE, AUSTRALIA

“Agent of change” policies were first implemented in Melbourne, home to more than 500 live music venues, a higher volume per capita than any other city in the world. The government amended its Planning Scheme to require an applicant for a live music entertainment venue in an existing residential area, or a noise-sensitive residential use near an existing venue to include appropriate noise reduction measures as part of an application for use or construction of a building.

## SAN FRANCISCO, CALIFORNIA

The City implemented a noise regulation ordinance that protects existing entertainment venues from potential conflicts with nearby uses. The “agent of change” principle is applied if there are existing “places of entertainment” within 300 radial feet of an applicant’s proposed project. The San Francisco Entertainment Commission then determines if a hearing on noise issues related to the proposed project is necessary and works to facilitate negotiations between the parties.

## LONDON, ENGLAND

In 2018, the City included the agent of change principle in the update of [its Spatial Development Strategy for Greater London](#). The “agent of change” policy outlines several different options, including encouraging new developments to pay for sound reduction measures for existing venues, site planning that encourages separation of uses through physical distance of interior spaces from corridors adjacent to sound-emitting uses, and integration of exterior screening technologies like curtain walls and reflexive facades.

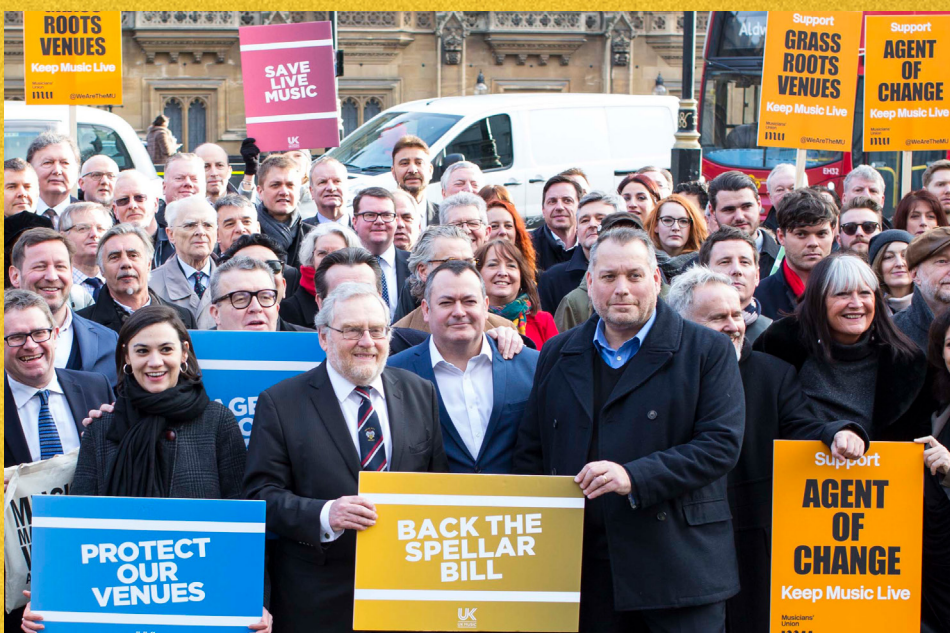
## AUSTIN, TEXAS

In 2019, the City’s Economic Development and Development Services Departments began implementing sound reduction measures, which include an “agent of change” policy when new developments are proposed within 600 feet of an existing venue.





# NightlifeSF



**Above:** San Francisco, California was one of the first North American cities to pass “agent of change” legislation for historic live music venues, like the Fillmore

**Middle:** The Musician’s Union, along with independent British music artists showed up en masse to support London’s “agent of change” policies, drafted by Member of Parliament John Spellar in 2018

**Below:** Austin, Texas is home to over 250 live music venues as well as internationally renowned festivals like South by Southwest and Austin City Limits





# INTRODUCE SUNDAY WASTE REMOVAL SERVICES TO ADDRESS SATURDAY NIGHTLIFE ACTIVITY

## 2.4



### DESCRIPTION

Increase sanitation services such as street sweepers and litter removal in concentrated nightlife areas on Sunday mornings



Areas with a greater density of nightlife experience elevated trash volumes on Friday and Saturday nights. DSNY has a regular schedule of street-side cleaning with significantly reduced levels on Sundays, because work on those days qualifies for overtime pay. This limits the department's flexibility to fully account for the elevated activity of weekend nights in some areas.

ONL recommends allocating additional funding to develop a targeted project for supplementary early-morning Sunday sanitation services in high-traffic nightlife corridors, then can explore expanding citywide if successful.

**Next steps: ONL and DSNY will identify potential areas for deployment and explore pathways for funding.**

The Department of Sanitation and the Department of Transportation enforce alternate-side parking rules to allow for street sweeping

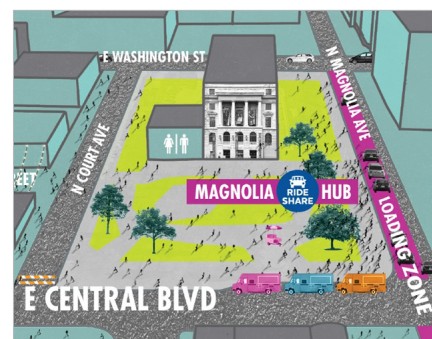


# COORDINATE FOR-HIRE VEHICLE PICKUPS IN NIGHTLIFE AREAS

## 2.5

### DESCRIPTION

Work with ride-sharing companies to explore a curb space management system to better coordinate vehicle pickups in areas with dense nightlife activity



App-based companies such as Uber and Lyft, along with traditional taxis and livery car services may have a heavy volume of nighttime pick-ups and drop-offs in dense nightlife corridors. This can result in traffic congestion and increased horn-honking.

Those companies often use geofencing – the implementation of a digital perimeter around a location – to predetermine where customers can be picked up when they request a vehicle to help manage traffic patterns and alleviate congestion.

ONL is exploring how to address curb space management by designating coordinated pickup spots in areas with dense nightlife activity.

**Next steps: ONL has held feasibility discussions with taxis, livery services and app-based transportation companies, and will work with DOT and TLC to identify potential areas that could be designated as pickup spots.**

To further support downtown's vibrant nighttime economy, the City of Orlando, Florida launched a Rideshare Hub pilot program aimed at enhancing the downtown experience and improving traffic and safety in the area



# CASE STUDY: CURB SPACE MANAGEMENT

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## **SAN FRANCISCO, CALIFORNIA**

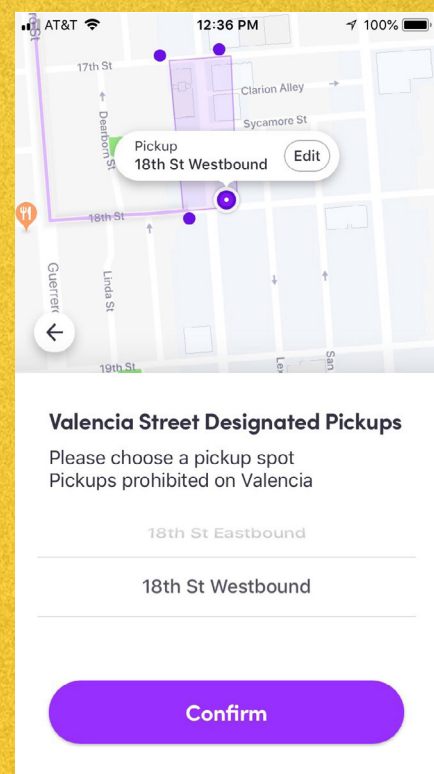
In 2016, Lyft and Uber worked with then Mayor Ed Lee to make curb space available for pick-up after a series of accidents caused by double-parking and obstruction of bike lanes. One result of this was the development of “Venues,” a pilot program operated by Lyft in the Mission District along Valencia Street.

The Mission District was selected because of its high pedestrian and vehicle traffic, as well as its identity as a cultural and nightlife destination. Ridership data, including blocks and specific venues of pick-up, were analyzed to select areas where pick-ups would be the least disruptive to vehicle traffic. During the pilot, Lyft reported that existing loading curb space was insufficient and encouraged the City of San Francisco to implement additional zones. The pilot was made permanent in 2018.

## **NEW YORK CITY, NEW YORK**

In 2015, the Port Authority of New York and New Jersey began renovations to include a unified terminal system and improvements to public and private transportation access to LaGuardia Airport in Queens. Traffic flow for the airport's Terminal B was redesigned in the spring of 2018. This redesign diverted for-hire vehicle traffic from the traditional curbside arrival pickup area to a centralized pickup area within the parking structure to better coordinate the volume of passengers requesting these rides.





**Above:** TNCs like Lyft have worked with city agencies to improve where passenger pickups take place in areas with heavy traffic



**Below:** LaGuardia's Terminal B parking structure uses large graphical way-finding and uncommon letters for pick-up designation to avoid confusion





3.0



# PROMOTE SAFETY, EQUITY & HARM REDUCTION

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ONL is developing programs, implementing solutions and strategies, and recommending ways for the City to advance health, safety, and equity for all New Yorkers in the social and cultural spaces we share. We recognize that within the nightlife community that there are people who are at greater risk as a result of their identities. These programs and policies are designed to serve and support everyone, including those most marginalized by existing practices.



# ADDRESS CONCERNS REGARDING RACE, GENDER, & SEXUAL IDENTITIES IN ENFORCEMENT

## 3.1



In 2010, SBS developed a Business Owner's Bill of Rights to ensure that applicants and permittees are provided with prompt, efficient, and easily accessible service

### DESCRIPTION

Host round-table discussions and facilitate implicit bias trainings to address concerns that enforcement actions disproportionately target marginalized groups

Regulatory agencies conduct routine inspections, which are necessary to protect the health and safety of the public. Some business owners perceive inspections as “singling them out.” Business operators also allege that community complaints are more frequently made against venues owned or frequented by people of color, members of the LGBTQ+ community, or other marginalized groups. In 2020, the COVID-19 pandemic has also caused nightlife businesses to raise additional concerns about the nature of inspections, as new rules and regulations were being introduced quickly.

ONL recommends taking several steps to address perceived inequities in how enforcement of nightlife spaces is conducted. This includes convening round-table discussions on race, gender, and sexual identities with City enforcement agencies and the nightlife community to find ways to ensure that enforcement is fair and non-discriminatory.

Following these discussions, ONL recommends new implicit bias training to encourage objective decision-making and facilitate inclusive interactions with nightlife establishments. Implicit biases have been shown to affect enforcement as well as facets of the hospitality industry, including hiring practices and the treatment of employees and patrons, as discussed in Section 3.2.





ONL also recommends developing a “Nightlife Operator’s Bill of Rights” to help ensure fair and proportionate enforcement. SBS has its own Business Owner’s Bill of Rights that serves as a useful precedent. The Nightlife version could help business owners know they have the right to:

- Courteous and professional treatment by City agencies, regardless of identity or self-expression
- Information about how long inspections will take and the related fees
- Knowledgeable inspectors who enforce agency rules uniformly
- Information about agency rules from Inspectors or other employees
- Ability to contest a violation through hearing, trial, or relevant process
- Ability to request a review of inspection results or re-inspection as soon as possible
- Ability to receive explanation from inspectors on violation details and instructions for viewing inspection results
- Access to information in languages other than English and language interpretation services for inspections
- Ability to comment anonymously and without fear of retribution on the performance or conduct of an employee

**Next steps: ONL will convene nightlife operators and advocates for a roundtable meeting to collect feedback on a draft “Nightlife Operators Bill of Rights.” The draft will then be reviewed by agency partners and finalized to share with industry.**



**Above:** The NYC Commission on Human Rights launched the nation’s first government-led citywide ad campaign affirming every New Yorkers’ right to use the bathroom consistent with their gender identity, regardless of their gender assigned at birth

**Below:** The New York City Department of Education developed a curriculum for all its educators to participate in an anti-bias training module



# PROMOTE EQUITY AND FAIRNESS THROUGH BEST PRACTICES, GUIDANCE, AND CAMPAIGNS FOR SAFER NIGHTLIFE SPACES

## 3.2



### DESCRIPTION

Work with advocates to develop programs that advance safe and fair nightlife spaces, including campaigns and bystander training to promote consent awareness, reduce harassment, and improve equity in booking, hiring, and guest accommodations



OutSmartNYC is a collective of hospitality industry staff, patrons, clinic providers, educators, and activists organizing to prevent and end sexual violence in bars, restaurants, and nightclubs

While there are laws that define and prohibit sexual violence and harassment, including the New York City Human Rights Law (NYCHRL), in recent years, many nightlife venues and promoters have developed “safer space” guidelines for patron etiquette, requiring guests to acknowledge that unwanted sexual contact, discriminatory language, or other forms of harassment are not welcome in the space.

Much of this work has been led by spaces that cater specifically to sub-cultures or marginalized groups, who may have a strong sense of how to define a “safer space” within their community, but whose customs or expectations may not be universally applicable, for example, communities of color and LGBTQ+ people. The Audre Lorde Project in Brooklyn offers a “Safer Party Toolkit” that outlines a framework to create safer nightlife spaces using community-defined security protocols. Brooklyn’s House of Yes has developed a safer space model that allows for freedom of expression while being explicit about the need for affirmative consent, incorporating guidance from the Peace, Love, Unity, and Respect Initiative from Quebec, Canada.

Though nightlife can be a haven for people of different identities, the inequalities that are present in our society during the day are often present and more pronounced in the night. Too often, door policies or staff might demonstrate implicit bias toward patrons based on their race or their choice of clothing, or venues may discriminate against certain promoters because they draw upon communities of color for the majority of their clientele.



Systemic mistreatment of people based on their identities can create environments where neither patrons nor workers are comfortable and cannot adequately respond to bias incidents. While many of these practices may not be permissible under federal, state, and local law (including the NYCHRL, which prohibits discrimination in places of public accommodation), there are several proactive measures that can be taken to further promote safer spaces and fairness.

Sexual violence prevention and anti-harassment training models are now common for many workplaces, but they may not account for the specific dynamics that exist in nightlife spaces, including a high density of people or substance use among patrons. CCHR offers a free, online sexual harassment prevention training for workplaces, as well as bystander intervention training, that business owners and employees can use as a resource and includes examples involving third parties, like patrons. A nightlife-specific worker training module could ensure that both patrons and workers have a safe environment, and include new strategies such as discreet patron-staff alert tactics, the distribution of sexual safety products and education materials, and a certification process that allows venues to signify that their staff is equipped to address incidents.

ONL recommends building from the work of nightlife advocates and allies to develop and promote clear protocols for patron etiquette, hiring, talent booking, and door policies to ensure safety and fairness for nightlife patrons and workers citywide. This will include a public awareness campaign, best practices guidance, and on-site workplace training for owners, operators, and staff. The campaign will encourage venues to adopt new guidelines as in-house policies through social media campaign and other incentives.

The campaign should be developed in cooperation with a steering committee that includes venue operators, workers, performers, and patrons, to ensure that best practices and guidelines are community-driven. ONL will also work with agency partners at the Mayor's Office to End Domestic and Gender-Based Violence (ENDGBV) and outside advocates such as OutSmartNYC, to adapt and distribute materials.

The materials should incorporate clearly accessible resources for nightlife patrons and employees who have experienced violence or harm, so that all New Yorkers know what immediate help is available and where they can get it. Existing resources include the NYC 24-Hour Domestic Violence Hotline ([800-621-HOPE](tel:800-621-HOPE)), [Family Justice Centers](#), and [NYC Hope's Resource Directory](#).

**Next steps: ONL is working with ENDGBV, OutSmartNYC, and other organizations to launch a "Safer Spaces" coalition that includes operators, workers, advocates, and patrons to develop campaign and training materials.**



The PLUR Initiative (Peace Love Unity Respect) aims to reduce harm on dance floors by organizing workshops and discussions with marginalized communities to reflect on boundaries and experiences at events.

PLURI states that they are a feminist, anti-racist, anti-discriminatory platform that is proactively creating change within music communities by creating materials such as this Bystander Intervention guide for venues



# CASE STUDY: CONSENT & SEXUAL VIOLENCE PREVENTION PROGRAMS

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The European Institute of Studies on Prevention (IREFREA) has developed STOP-SV, a workplace training module for preventing sexual violence that can be adopted for nightlife

## **CZECH REPUBLIC, PORTUGAL, & SPAIN**

The European Institute of Studies on Prevention developed staff training on the prevention of sexual violence (STOP-SV) for consent and healthy relationships. This program has been piloted in these nations. The training is produced for “nightlife environments” and focuses on protocols that aim to protect victims, preserve evidence, and share intelligence for future prevention. Findings suggest that the STOP-SV training program improved workers' knowledge of sexual violence and gave them greater confidence to intervene in sexual abuse.

## **WASHINGTON, D.C.**

Safe Bars is a Washington, D.C. non-profit organization that focuses on unwanted sexual aggression and how it occurs in nightlife spaces. They offer training for bar staff on how to recognize inappropriate sexual behavior and the skills to respond to such behavior safely and appropriately. Bar staffers learn safety messages that encourage respect and let patrons know that they are available for help. Bars, clubs, and restaurants trained by Safe Bars are then given branded material that helps patrons identify that a venue has participated in its training program.

## **LINCOLNSHIRE, UNITED KINGDOM**

“Ask for Angela” is the name of a campaign in England’s East Midlands, which started in 2016 and is used by bars and other venues to keep people safe from sexual assault by using a codeword to identify when they are in danger or are in an uncomfortable situation. A person who believes themselves to be at risk can ask “for Angela,” a fictitious member of staff. The staff will then help the person get home discreetly and safely by either bringing them to a different room, calling them a taxi and escorting them to it, or asking the other party member to leave the establishment. This campaign has received broad adoption across England and has spurred movements against sexual violence in the nightlife community around the world.



## ASSOCIATED IMPACT OF THE STOP-SV TRAINING ON NIGHTLIFE WORKERS

Post-training, most participants agreed that the training had improved their knowledge on sexual violence

KNOWLEDGE



**YOU DESERVE TO BE TREATED WITH RESPECT.**

VISIT [SAFEBARS.ORG](http://SAFEBARS.ORG) TO GET YOUR FAVORITE HANGOUT TRAINED TO STOP HARASSMENT

Share your experiences with harassment at [bit.ly/CASBlog](http://bit.ly/CASBlog)

DC Coalition Against Domestic Violence: [www.dccadv.org](http://www.dccadv.org)  
National Street Harassment Hotline: 855-897-5910

**SAFE BARS**

**YOU DESERVE TO BE TREATED WITH RESPECT**

VISIT [SAFEBARS.ORG](http://SAFEBARS.ORG) TO GET YOUR FAVORITE HANGOUT TRAINED TO STOP HARASSMENT

Share your experiences with harassment at [bit.ly/CASBlog](http://bit.ly/CASBlog)

DC Coalition Against Domestic Violence: [www.dccadv.org](http://www.dccadv.org)  
National Street Harassment Hotline: 855-897-5910

**Above:** IREFREA worked with researchers from Liverpool John Moores University to develop a methodology of to determine the outcomes of the STOP-SV program

**Middle:** Safe Bars invites patrons to share their experiences on how harassment has affected them at bars and enlists them to introduce their favorite bars to their training program

**Below:** The #AskforAngela campaign used bathrooms and social media to advertise the protocol for asking bar staff to assist in sexual violence situations

**#ASK FOR ANGELA**

“HI I'M ANGELA,

ARE YOU ON A DATE THAT ISN'T WORKING OUT? DO YOU FEEL LIKE YOU'RE NOT IN A SAFE SITUATION?

IS YOUR TINDER OR POF DATE NOT WHO THEY SAID THEY WERE ON THEIR PROFILE? DOES IT ALL FEEL A BIT WEIRD?

IF YOU GO TO THE BAR AND ASK FOR 'ANGELA' THE BAR STAFF WILL KNOW YOU NEED SOME HELP GETTING OUT OF YOUR SITUATION AND WILL CALL YOU A TAXI OR HELP YOU OUT DISCREETLY - WITHOUT TOO MUCH FUSS”

[www.met.police.uk/AskforAngela](http://www.met.police.uk/AskforAngela)

Call 101 for non-emergency enquiries, to report an incident or get help.  
If you're deaf or hard of hearing, use our textphone service on 18001 101.

**NIGHT OUT IN LINCOLN? MAKE IT A SAFE ONE**

WE'RE AN ASK FOR ANGELA BAR

The following bars have committed to run the Ask for Angela scheme where bar staff can help you if you feel threatened. Bars listed in red will also provide drinks testing on request to detect drug-spiking.

Overkeller	House and Green	Red 9	The Anchor
Ornithol's Bar	Blackberry	Reddy's	The Assembly Shop
Orlando	Gene's Arms	Angie's Bar	The Bar
Dog and Bone	Krysalis	Royal William IV	The Bar (Wetherpoon)
Love and Boutique	Matbar	Clay and Lettuce	The Scene
Home	New Theatre Royal	Strain and Narrow	The Still
			Theory of Commerce
			Traktion
			Yours and Co
			Wicks & West
			William Porter
			Witch and Wandrobe



# ADVANCE PUBLIC HEALTH THROUGH A HARM REDUCTION APPROACH TO SUBSTANCE USE

## 3.3

This necessity for venues to maintain explicit zero tolerance policies, yet operate with an implicit degree of discretion, [creates situations where] venues cannot actively put in place the procedures, protocols and initiatives that would reduce harm, because they are required to maintain a fiction.

– THE LOOP UK  
Advocacy organization

### DESCRIPTION

Host dedicated conversations and develop policies that bring harm reduction initiatives to the broader nightlife community, working with City agencies and advocates to implement training, testing, and distribution of educational materials

Numerous studies have been conducted across the world about the prevalence of drugs in nightlife. Many indicate that patrons who use substances are also likely to use more than one substance during one outing and are more likely to engage in risky behavior. However, much research suggests that proactive harm reduction strategies can reduce the number of overdose-related injuries and deaths.

Harm reduction strategies aim to “meet people where they are,” seeking to understand motives for a person's behavior at a human level. This approach is based on the understanding that people knowingly and willingly engage in potentially risky behavior such as drug and alcohol use. Such approaches are important for ensuring that nightlife promotes safety and personal expression while limiting adverse public health effects. A dedicated approach to harm reduction will necessarily also advance the safety of marginalized people beyond nightlife, improving public health for all New Yorkers.

ONL recommends continuing to adapt this approach to nightlife spaces, including policies that emphasize reducing risk, rather than promoting punitive measures that push unlawful behavior further to the margins. This can be accomplished by establishing formal partnerships with nongovernmental organizations that are already implementing harm reduction programs beyond those offered by the City, and may include the development of programs or facilities to provide testing opportunities to ensure that adulterated substances can be properly identified prior to use. DanceSafe, a nationwide “harm reduction organization promoting health and safety within the electronic music community,” has a New York





Chapter that is largely run by volunteers and helps administer on- and off-site drug checking services. A group of local advocates and health experts known as “Last Night A Deejay Saved My Life” has organized trainings that include the distribution of Naloxone to prevent opioid overdoses.

New strategies may include developing a harm reduction “toolkit” and worker training module. Focused community conversations would specifically engage event producers and patrons about potential risks and available measures to limit those risks. Training sessions may be conducted on-site, with voluntary participation, targeted to equip both nightlife workforce and patrons with knowledge on harm identification and methods of de-escalation.

ONL is also exploring partnering with liquor distributors in the City to help harm reduction materials reach the broadest possible audience. These distributors have the infrastructure to help deliver educational materials to all licensed venues as they receive their regular liquor shipments. This model would take advantage of existing distribution methods and allow information from City agencies and non-city experts to reach thousands of businesses and the New Yorkers they serve.

**Next steps: ONL will continue to work with DOHMH to promote harm-reduction outreach to nightlife venues and will engage advocates and health experts to develop additional materials, training sessions, and distribution strategies.**

DanceSafe is a peer-based, harm reduction organization promoting health and safety within the electronic music community that provides drug information and health and safety services at festivals and other EDM events



Indoor dinner party at restaurant (Kenny Rodriguez, 2019)





# PROMOTE MENTAL HEALTH AWARENESS IN NIGHTLIFE SPACES THROUGH “THRIVE AT NIGHT” PROGRAM

3.4

## DESCRIPTION

Increase mental health awareness and access to medical assistance by expanding ThriveNYC programming to nightlife spaces



Some people may participate in nightlife as a means of escape from other aspects of life. While this can be a healthy form of activity for many, unconventional work hours, irregular sleep habits, or substance use disorder can contribute to mental health issues for some nightlife patrons and workers. For many communities, access to mental health programming and assistance is not readily apparent within nightlife settings.

ONL recommends taking an expansive view of how nightlife spaces can serve to assist New Yorkers who may require mental health assistance. This may be accomplished by developing nightlife-specific materials that promote ThriveNYC, the City’s comprehensive mental health plan launched in 2015 by First Lady Chirlane McCray and DOHMH.

A new initiative, “Thrive at Night” would help train nightlife operators, staff, and patrons on various mental health services that the City offers, to better connect both workers and patrons to the help that they may need. The program would enhance connections to existing care networks and provide new services to vulnerable populations, while strengthening crisis prevention and response by giving staff and management the tools to recognize when someone may benefit from a referral to those services.

**Next steps: ONL will continue to work with ThriveNYC and DOHMH to adapt existing mental health resources and outreach materials to support the nightlife community. ONL will explore funding for “Thrive at Night” program**

ThriveNYC’s programs reach people with the highest need – those with serious mental illness, those affected by trauma, and those living in historically under-served neighborhoods





4.0



# ELEVATE NIGHTLIFE CULTURE

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Increased cost of living and doing business have yielded disruptive effects to nightlife cultural spaces and the communities they serve. The COVID-19 pandemic has only exacerbated these challenges.

New York City is nothing if not resilient, and its longstanding status as a hub for arts and culture will undoubtedly continue to bring out the best new ideas in art, music, dance, and other creative fields. Yet there are steps the City can take to develop initiatives that reduce barriers to entry as well as operating costs for small and culturally significant nightlife businesses, and the people who work and perform in them. New policies and services that facilitate the production of cultural events, promote the retention of valued “do-it-yourself” (DIY) spaces, and limit displacement will support a thriving cultural ecosystem and help sustain a diverse mix of businesses across all neighborhoods.



# ESTABLISH ALTERNATIVE TEMPORARY USE PROCESS FOR SMALL OR DIY CULTURAL EVENTS

## 4.1



The City of Vancouver in British Columbia, Canada offers an "arts event license" which allows operators to host pop-up performances in unconventional spaces, including studios, warehouses, factories, offices, and wholesale spaces

### DESCRIPTION

Develop a program to help facilitate temporary cultural uses and performances

Producers of temporary events or other short-term cultural activities have cited challenges meeting regulatory requirements for licensing and permitting. Costly architect and engineers fees needed to produce the necessary documents to file Temporary Place of Assembly (TPA) permits can prevent small operators from obtaining permits necessary to host such events.

Once the COVID-19 pandemic has passed, and restrictions on gatherings are no longer necessary to protect public health, it is possible that pent-up demand for arts and cultural events may exceed the total capacity of licensed venues, making temporary events in unconventional spaces more desirable and more frequent. This may lead cultural producers to host events without inspections in unlicensed venues and other vacant commercial spaces, increasing safety risks.

Currently, one must receive a TPA for events of 75 or more people indoors, or 200 or more people outdoors, and applicants to submit an application at least 10 business days before the event is planned. Applications must be accompanied by plans, prepared by design professionals, to ensure that those with professional knowledge in New York City Construction Codes and New York City Fire Code regulations are certifying the venue complies with applicable codes and that public safety is not jeopardized.





ONL recommends exploring ways to help small cultural organizations apply for and receive TPAs as one way to help them recover from the pandemic. The City would be promoting cultural activity by making it easier and less cost-prohibitive and to do so, reducing the risks associated with unlicensed activities.

This effort could draw lessons from Vancouver, British Columbia’s new “arts event license” program, which “makes it easier to host pop-up performances in unconventional spaces” for gatherings between 31 and 250 people in the City’s downtown areas, or commercial and industrial areas. The program does not apply to residential spaces and spaces above ground floor, requires the availability of sprinklers for spaces below ground floor, and applies to spaces with “a concrete floor supported by solid ground, or a floor that is professionally certified to be structurally safe.” Applicants can host up to three events per month per space. The application can be completed by anyone regardless of professional licensing, and includes graphs and charts in which applicants may draw their own floor plans.

**Next steps: ONL will work with DOB, FDNY, and Department of Cultural Affairs (DCLA) explore potential avenues while maintaining safety.**

In 2013, Vancouver City Council approved the implementation of the Arts and Culture Indoor Event Licence to pilot for two years.

This program was created to enable industrial and retail spaces to be occasionally used for events, safely, legally, and through a streamlined regulatory process.



# ESTABLISH CONDITIONAL OCCUPANCY PROGRAM FOR CULTURAL SPACES

## 4.2

### Conditional Occupancy Program

1. A do-it-yourself (DIY) entity operating an unpermitted space may be unable to reach code compliance and seeks additional assistance

2. Program administrators determine eligibility according to the operator's ability to sustain programming and the absence of immediate life-safety hazards

3. The venue works with agencies to draft a plan to bring the space into compliance

4. The venue receives a conditional certificate of occupancy for a period of time, allowing for the necessary work to bring the space up to code

### DESCRIPTION

Help unpermitted nightlife spaces become compliant with necessary permitting to protect health and safety

Some nightlife activity happens in unpermitted spaces, either as pop-up events or in venues where arts collectives or cultural producers take a DIY approach. These spaces are vital to the cultural activity and energy of New York City, but because they often operate with low overhead, code compliance can be difficult to achieve, potentially leading to increased safety hazards.

Since the tragic events at the Ghost Ship space in Oakland, California, in December 2016, where a fire resulted in the deaths of 36 patrons attending an event, many cities and arts communities have brought renewed focus to safety in DIY arts and culture spaces.

ONL recommends working with City agencies to address the challenges posed by legalizing a nightlife space. The goal is a program that allows for conditional occupancy of cultural spaces, which may already be operating without meeting existing laws, provided that these spaces can be operated safely under the requirements of the program.

The Loft Law, enacted by the New York State Legislature in 1982, provides a local precedent. It establishes a process to legally convert certain commercial and manufacturing buildings to residential use by setting deadlines and standards for landlords to meet as they bring their buildings into compliance.





A new program could create a similar designation and allowance for informal venues to achieve code compliance within a certain timeframe without risk of immediate closure. Because these cultural spaces are often operating in an “underground” manner, this initiative would help the City bring these spaces into compliance.

Denver, Colorado, developed a model for operators who occupy unpermitted spaces to come forward and seek assistance without risk of immediate closure. This voluntary Safe Occupancy Program is a partnership of Denver’s fire and community planning departments. It allows unpermitted spaces to obtain conditional certificates of occupancy “provided life-safety hazards have been addressed.” If no major hazards are present, the City works with the operator to develop a plan to reach compliance within one year. Once the plan is submitted and reviewed, a conditional certificate of occupancy can be issued.

**Next steps: ONL will work with DOB and FDNY to explore ways to advance the safety of these spaces.**



**Above:** Unlicensed events can happen in a variety of spaces, and a conditional occupancy program could help create safer arts and cultural events

**Below:** The City of Denver, Colorado created the Safe Occupancy Program to allow DIY spaces to come into compliance as long as life-safety hazards have been addressed



# CASE STUDY: SHORT-TERM LEASE STRUCTURES FOR CULTURAL SPACES



Société nationale des chemins de fer français (SNCF) is France's state-owned railway company, operating a program that transforms their underused assets into cultural centers for year-round use

## PARIS, FRANCE

There is a program that allocates city-owned space for temporary tenancy by DIY music organizations. For example

- Les Grands Voisins is a former hospital complex now occupied by a multi-disciplinary coalition of DIY arts organizations including music, visual arts, artisans, and community gardens
- Ground Control, is a former rail and bus depot that has been renovated for use by DIY food, wine, and art entrepreneurs. Theatre and live music have also been introduced to the space

The City of Paris maintains ownership of these properties and have stipulated that these sites may be redeveloped or sold in the future. However, the temporary tenancy of the DIY organizations have transformed spaces that were once in disuse into centers for arts, culture, and community-building.

## NEW YORK CITY, NEW YORK

DCLA, the Mayor's Office, the Department of Housing Preservation and Development, and the Economic Development Corporation (EDC) launched the Affordable Real Estate for Artists (AREA) program to create or preserve long-term affordable housing and workspace for artists.

AREA funding for capital construction projects is provided to qualified nonprofit cultural developers and operators based on their ability to maintain below-market workspaces as a means of sustaining the City's cultural sector.





**Above:** The former "hospital Saint-Vincent de Paul" in Paris was transformed into "Les Grands Voisins," a live-work complex that houses over 2,000 people as well as businesses and cultural activities

**Below:** The NYC Department of Cultural Affairs partners with non-profit arts organizations to provide low-cost working spaces for artists and cultural programming operators



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# IMPROVE AFFORDABILITY FOR DIY SPACES AND PROMOTERS TO HOST SAFE, LEGAL EVENTS

## 4.3

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### DESCRIPTION

Create a pool of low-cost, pre-approved professionals to expedite permitting processes and explore new financing mechanisms for physical improvements

Nightlife operators have reported that one significant challenge to opening a new space, or bringing an unpermitted space into compliance, are the high costs of hiring technical and professional service providers. Fees for building engineers, architects and designers, and expeditors are a significant barrier for groups seeking to promote nightlife culture. This has limited cultural programming across the City.

ONL recommends establishing a pool of pre-approved, low-cost expert services to facilitate inspection and development processes. The Department of Design and Construction's Design and Construction Excellence Program, which pre-certifies architecture and engineering firms for public capital construction projects, offers a helpful precedent. The City could develop a program that creates incentives for licensed professionals to register as a provider of low-cost technical services.

Historically, there have also been limited grant opportunities available specifically for nightlife arts and cultural organizations, because many are incorporated as business enterprises and grants are often available to non-profits only.

ONL will explore developing a financing mechanism for the viability and safety of small-scale DIY and underground programming in noncompliant spaces. Funding would be used to become code compliant, or make urgent repairs. Options may include low-interest loans or grants. To be eligible, spaces would have to commit to hosting events and programs of cultural significance.

Denver's Safe Occupancy Program (Section 4.2) was planned jointly with a Safe Creative Spaces Fund, administered by a local nonprofit art center for funding of up to \$50,000 per space for safety improvements. Additional examples of creative funding mechanisms for nightlife spaces to make physical improvements can be seen on the following page.

**Next steps: ONL will work with local chapters of design, architecture, and engineering professional associations to gauge interest in participation. ONL will also continue to explore potential financing mechanisms to assist spaces with safety improvements**



# CASE STUDY: CONSTRUCTION FUNDING FOR ‘DIY’ SPACES

## OAKLAND, CALIFORNIA

The “Life-Safety Fund” (LSF) is a 5-year revolving loan pool that provides competitive, interest-only construction loans for qualified low-income DIY spaces at a critical legalization juncture, wherein sites must make significant building improvements such as sprinkler or alarm systems, seismic retrofits for unreinforced masonry structures.

Launched by non-profit organizations, Community Vision and Safer DIY Spaces, with support from the local mayor, this initiative aims to bridge the gap for under-resourced small property owners who, due to the mixed-use and non-conforming DIY nature of their properties, would not typically qualify for a traditional bank loan. Safer DIY Spaces performs critical pre-development, architectural, and due-diligence work for spaces to qualify for LSF loans.

## BERLIN, GERMANY

The City launched a Noise Protection Fund to subsidize up to €50,000 (appx. US\$59,000) for soundproofing measures in clubs and live music venues. The subsidies are available to venues that have been operational for at least 12 months, have a capacity of fewer than 1,500 people, and have hosted at least 24 events per year of operation.

Applicants receive a noise mitigation consultation from an “appropriate specialist company,” and create a noise mitigation plan. Funding is distributed once the noise mitigation concept is accepted by the applicant, and the project must be executed within nine months. If grant funding is not offered, the noise mitigation concept plan can still be used by applicants. If funding is offered, grantees must contribute between 10 and 20 percent of the cost, based on how much support is requested. Once the changes are implemented, the venue is obligated to operate without change of use for at least 24 months.



**Above:** Oakland offers a model that uses non-profit organizations as a centralized distribution point to allocate public funds to DIY spaces

**Below:** Berlin issues both city and state funds to mitigate sound-related conflicts between nightlife businesses and their neighbors



# EXPLORE CHANGES TO ZONING LANGUAGE TO SUPPORT AND EXPAND LIVE MUSIC AND SOCIAL DANCING USES

## 4.4

### DESCRIPTION

Explore changes to the Zoning Resolution and Building Code language to improve consistency in enforcement for venues that host live music and social dancing

In 1926, Prohibition-era New York City introduced its Cabaret Law that banned nightlife establishments from hosting “musical entertainment, singing, dancing, and other forms of amusement,” without a formal license. The law was widely perceived as having a disproportionate effect on marginalized groups, who were liable to be targeted for enforcement. In 2017, the City Council repealed the provisions of the law that required venues to obtain a Cabaret License. (As of 2016, the Department of Consumer Affairs reported that just 118 of 25,100 eligible establishments had obtained such a license, though social dancing is common in many more spaces.)

However, changes to the Cabaret Law did not loosen all restrictions on live music or social dancing. Social dancing is permitted in select zoning districts only. Venues that want to host patron dancing must register their business’ “method of operation” as a dance venue through the SLA. Inconsistencies between the New York City Building Code and the Zoning Resolution cause confusion, as the Building Code describes “cabarets,” while the Zoning Resolution refers to, “clubs” and “eating and drinking establishments.”

ONL recommends working with city agencies and the City Council to explore changes to language that regulates live music venues and nightclubs, including exploring allowances for “music events” and “patron dancing,” among other potential changes. Such reforms would help improve consistency for business operators in permitting, licensing, and inspections, and clarify what types of uses and activities are allowable in nightlife spaces.

Additionally, ONL recommends facilitating the growth of the 24-hour economy by minimizing barriers for industrial and cultural nightlife businesses to operate in the same locations, with greater flexibility given to small- and medium-sized venues.

Nightlife businesses have expanded into new parts of the City in recent decades, including into some industrial areas. Concerns about conflicts and competition between industrial and non-industrial uses have led to proposals to limit nightlife activities within some industrially zoned areas. These restrictions may push nightlife uses closer to residential populations, introducing greater quality of life conflicts. Further proposals may also restrict cultural activity, as independent venues for experimental or less commercially-oriented music or arts may be unable to secure space in locations closer to residences, where costs are often higher.

Yet, industrial activities and nightlife uses are often compatible and share similar building characteristics – including spaces with large floor plates and separation from residential uses. Since venues tend to operate at times that many industrial businesses are closed, conflicts between nightlife and industrial activities can be managed.

**Next steps: Any changes to the Zoning Resolution would require a formal public review process known as the Uniform Land Use Review Procedure. ONL will work with DCP, DOB, and legislative partners to explore potential amendments to the Zoning Resolution that apply to patron dancing, and identify potential amendments to the Building Code that can improve consistency for business operators.**

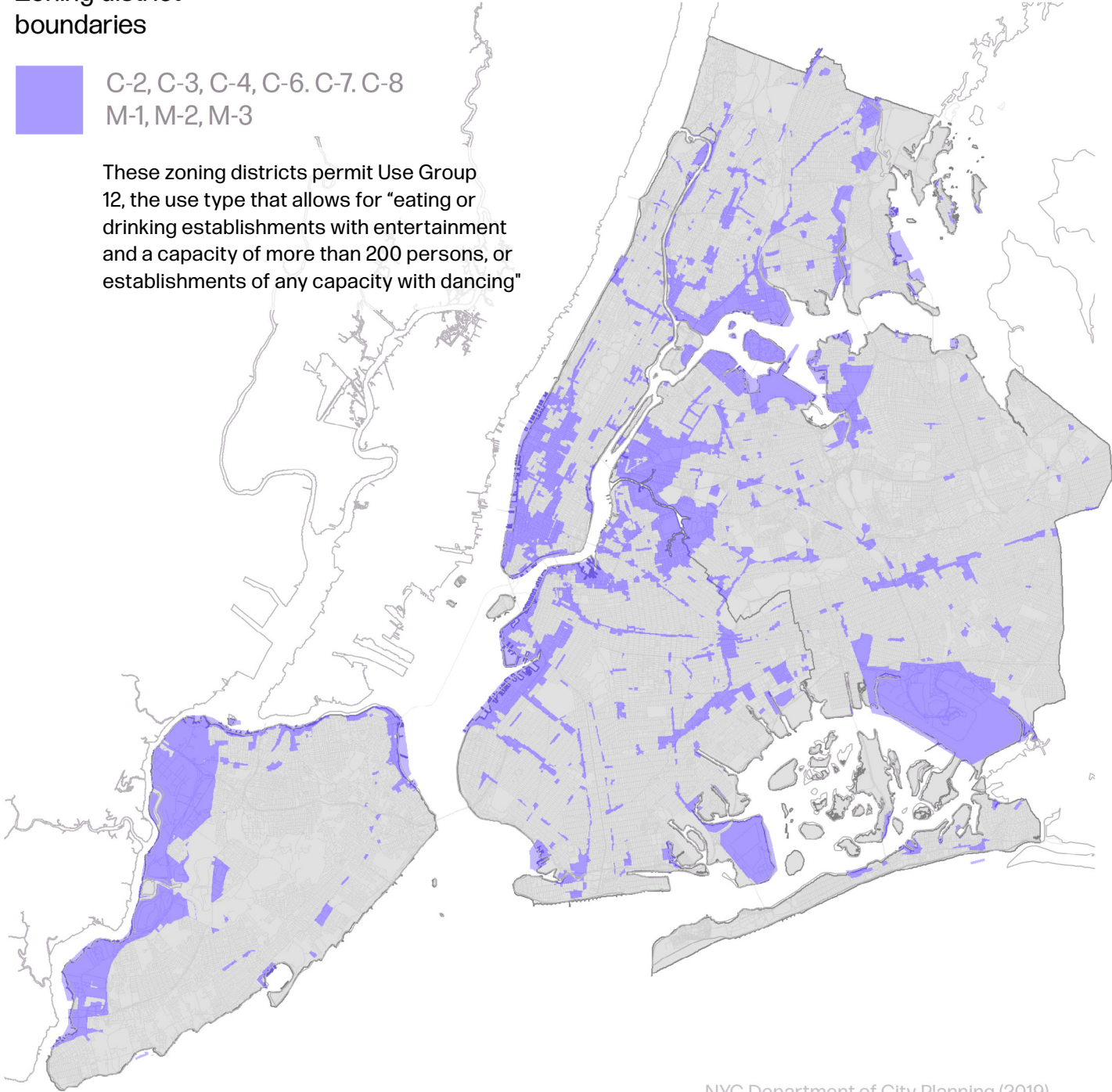


### Zoning districts that permit dancing as-of-right

#### Zoning district boundaries

- C-2, C-3, C-4, C-6, C-7, C-8
- M-1, M-2, M-3

These zoning districts permit Use Group 12, the use type that allows for “eating or drinking establishments with entertainment and a capacity of more than 200 persons, or establishments of any capacity with dancing”



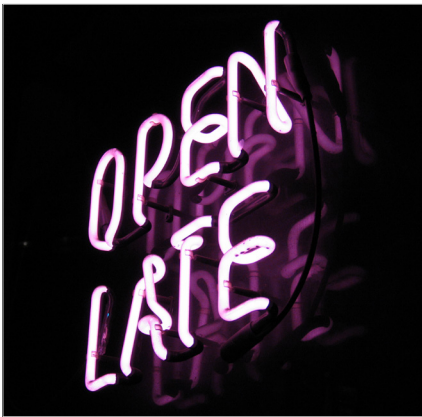
NYC Department of City Planning (2019)  
'NYC Zoning Districts,' NYC Open Data  
"Appendix A: Index of Uses". NYC Zoning Resolution

8 mi. 



# EXPLORE PILOT PROGRAM ALLOWING 24-HOUR USE IN SELECT AREAS

## 4.5



Uniform closing hours can lead to increased tensions when groups of people simultaneously exit venues into public streets and sidewalks

### DESCRIPTION

Evaluate opportunities to expand 24-hour nightlife activity in appropriate locations

Cities around the world are expanding the way institutions and businesses can operate at night, as limitations on closing hours have pushed late-night activity to unlicensed venues, sometimes coming into conflict with residential uses. Uniform closing hours for nightlife businesses can result in groups of people congregating in the street, elevating tensions between patrons and residents. In residential areas, nightlife and music venues can create noise and attract traffic that draws complaints from neighboring residents. Allowing 24-hour use in specified districts, if implemented properly, can help people to move at their own pace and reduce conflicts.

Amsterdam began allowing nightlife venues to apply for 24-hour licenses in 2012, developing strict criteria for potential applicants that included cultural significance, accessibility to public transportation, and locations without “inconvenience to local residents.” Applicants were also asked to demonstrate commitments to offer additional daytime, mid-week programming with community benefits. Approximately a dozen venues hold this extended hours permit, which allows for safer, more coordinated late-night activity throughout the City.

ONL recommends identifying potential areas with low residential density where a limited 24-hour program might be tested, allowing late-night activity to operate free from nuisance complaints or other conflicts.

**Next steps: ONL will work with DCP and other agency partners to explore potential areas for implementation.**



# CASE STUDY: LOGISTICS FOR NIGHT-TIME GROWTH

## TOKYO, JAPAN

Japan's capital is home to a 24-hour entertainment economy, with internationally renowned dance clubs and one of the highest numbers of food and drink establishments per capita in the world. The government of Tokyo is currently exploring how to manage their night-time economy better.

In 2016, the Shibuya Ward Tourism Association appointed a nightlife manager to promote nightlife in this densely populated municipality within Tokyo. One initiative was the expansion of public space hours into the night. Shinjuku Gyo-en National Garden is a popular destination for cherry blossom viewing. Traditionally the park closes at 6:00 PM; however, in the spring of 2019, the park had extended its viewing hours to 9:30 PM, welcoming an unprecedented number of visitors.

Moreover, in summer 2019, the Tokyo Metropolitan Government and the Tokyo Tourism Foundation launched their "Nightlife Tourism Promotion Grant," that offers subsidies to nightlife venues and promoters to produce events that start "after sunset" and attract tourists from around the world. This initiative is being tied to an expansion of the Tokyo Metro subway system's operating hours to support tourism when the city hosts the Summer Olympics.

## SANTIAGO DE CALI, COLOMBIA

The City has explored how to build and maintain its night-time economy after years of more restrictive policy. In 1995, the City mandated that bars and other nightlife establishments close at 1:00 AM in an effort to curb crime and alcohol consumption. Researchers attribute the law to a city-wide increase in insecurity, crime, and unregulated activity.

In 2016, the Mayor of Cali appointed a night-time manager to oversee the organization of nightlife sectors. Local government has since adopted official zones for entertainment to create jobs, boost tourism, and build safety. Furthermore, expanded operating hours for nightlife institutions across the City have helped rebuild Cali's identity as a global nightlife destination.



**Above:** Millions of visitors travel to Tokyo to see the cherry blossoms each spring. National gardens expanded hours into the night to offer a new experience

**Below:** Colombia celebrates a rich culture of music and dance, and the city of Cali is known as the capital of salsa



# EXPLORE DEDICATING CITY ASSETS FOR NEW CULTURAL VENUES

## 4.6



De School – a nightclub, concert venue, restaurant, cafe, gallery space, artist residency, and gym – was built on the site of a former school building in cooperation with Amsterdam’s municipal government in 2016

### DESCRIPTION

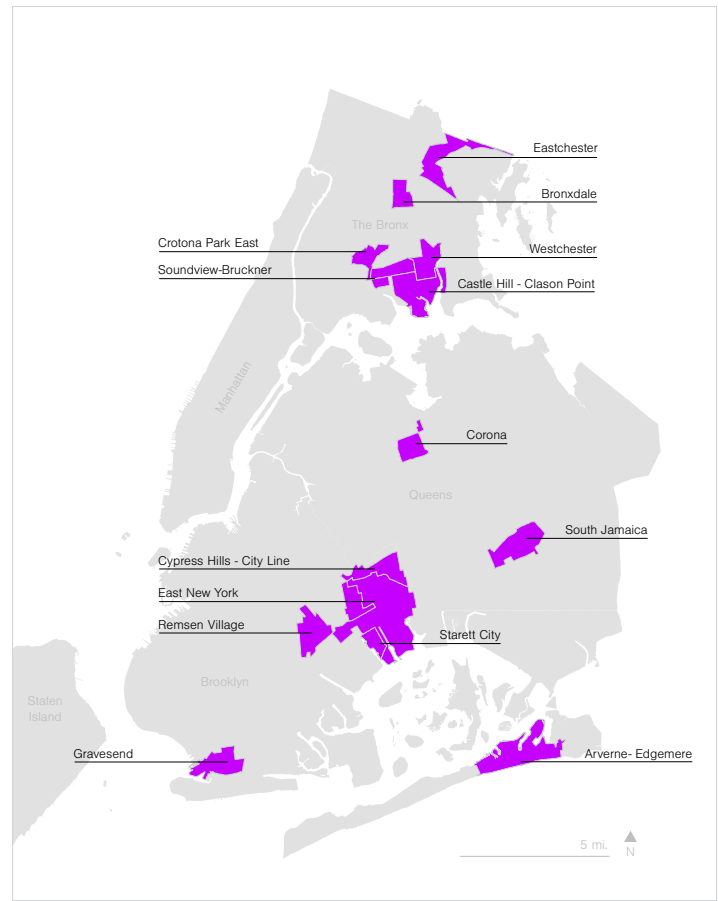
Explore use of underutilized sites to develop legal and code-compliant spaces that can be used to support a variety of short and long-term cultural programming

Nightlife event producers are essential to the cultural life of New York City, but it’s increasingly hard for them to find legal, occupiable space to host temporary events. As the City continues to plan for conversion of underused public buildings for new uses, ONL recommends identifying a subset with appropriate locations, and potential operators, to create and operate city-subsidized spaces to host live music, nightlife, and a variety of other temporary programming.

Public investment in code-compliant nightlife spaces could reduce costs for temporary cultural programming and reduce conflicts with enforcement agencies and residential neighbors. This program would also promote the development of mixed-use spaces that advance the City’s goals of increasing availability of specialized artist and community facilities that can host cultural programming for targeted populations.

ONL envisions the long-term development of a network of spaces across the five boroughs that will host cultural programming day and night. The siting of each of the spaces will target historically underserved neighborhoods that can benefit from an increase in cultural programming and institutions, in alignment with the goals of the CreateNYC plan developed by DCLA.





## NETWORK & PROGRAM

Smaller spaces can be located within communities that have emerging arts scenes and a shortage of event space or cultural institutions. Large spaces will be located within communities with a strong arts presence that will be able to support continuous programming and large-scale events. One venue may be dedicated as an LGBTQ+ space that serves as a community center during daytime hours and offers nightlife programming in the evening.

Event producers and operators could enter into an agreement with the City to manage the space and have the ability to scale their programs within the entire network. Smaller venues would act as incubators of cultural programming for emerging and DIY art communities. If operators have proven to be successful and economically viable within a smaller site, large venues can then begin to host their programming. This flexibility of space and use type within a connective network allows for maximizing programming throughout the day at each venue.

**Next steps: ONL has researched potential program models, and will work with DCAS, DCLA, and EDC to explore potential viable public sites.**

**Left:** Naturally Occurring Cultural Districts in NYC were identified by the non-profit organization NOCD-NY

**Right:** The Social Impact of the Arts study from the University of Pennsylvania identified neighborhoods in NYC with a low number of cultural institutions



# CASE STUDY: CITY-OWNED NIGHTLIFE VENUES



Toronto, Canada is home to a number of thriving mainstream live music venues. However, the growth of the city is putting smaller DIY music groups and venues at risk

Domestic and international cities have successfully experimented with models of city-owned and operated cultural spaces.

## **TORONTO, CANADA**

Toronto is home to a vibrant music scene. However, the City's growth has made it financially and physically challenging to produce licensed events. In response to these difficulties, the Toronto City Council is exploring the development of a pilot program for DIY music organizations to use city-owned spaces at lower than market value, as well as curating inventory suitable for tenancy. The pilot is set to be launched in the coming months, and would allow for "interim tenancy" by operators that meet certain qualifications for at least one year and no more than five years.

## **DENVER, COLORADO**

Red Rocks Amphitheatre in Morrison, Colorado, is a live music venue publicly owned and operated by the City and County of Denver. In the early 20th century, privately operated music shows were held in the naturally occurring features of the park. After 30 years, the City and County of Denver purchased the land rights, constructed the amphitheater, and officially opened for business in 1941. Since then, the venue has continually operated, often reaching peak capacity during its summer events.

## **NANTES, FRANCE**

The Banana Hangar is a cultural entertainment and recreational space that houses bars, restaurants, and a discotheque within a former shipping warehouse on the Île de Nantes, a district on an island in the Loire river in the City of Nantes.

Since 2002, the City granted private ownership of this space to a company called SAMOA with the stipulation that the City can reclaim the space for specific uses at the end of its lease. In the early 2010s, the City earmarked the entire island where the Banana Hangar is located for the creation of an "innovation district," which may bring back its industrial character.





**Above:** Red Rocks Amphitheatre is located within the Colorado's Red Rocks Park. The venue's stage is flanked by large sedimentary rocks

**Below:** The Banana Hangar in Nantes, France was once used to store bananas coming from the West Indies. It is now home to art installations, small businesses, and various nightlife activities



# PROMOTE AND PRESERVE NEW YORK NIGHTLIFE'S CULTURAL HISTORY

## 4.7



The development of an archive would allow historic imagery and items of New York's longstanding nightlife scene to be memorialized

### DESCRIPTION

Explore the development of an archive cultural institution or museum for New York nightlife memorabilia, to highlight a diverse history and re-frame nightlife as a cultural driver for the City

New York's nightlife has a longstanding history but there is no formal home for this critical aspect of our city. ONL recommends developing an archive or cultural institution that honors and celebrates the past, present, and future of local nightlife. ONL hopes this institution will explore nightlife's diverse histories of celebration, self-discovery and radical expression, and longstanding fights for freedom and social justice. Such a project could be initiated with partners in academia and the non-profit sector as an archive of memorabilia.

The archive of New York nightlife could be partially funded through donations from the nightlife community to preserve and maintain the quality of the items. The archive would maintain relationships with established New York cultural and academic institutions and allow them to use the catalog of items for future nightlife-oriented shows and exhibitions.





These shows would allow viewers to explore New York’s ever-evolving nightlife landscape. The collection would offer a visual and written history of New York nightlife, highlighting its growth in the early 1900s, through the Prohibition era, to the movements for equal rights in the 1960s and 70s, and continuing up to the present day. Temporary exhibitions and installations allow for further critical analysis and deeper dives into elements that make nightlife in New York iconic, such as photos and installations of nightlife signage.

In addition to traditional museum programming, the institution could host events that recall venues that have closed but not forgotten. Contemporary event producers could be selected to host a series of events and exhibition tours. Recent examples of nightlife programming in museum spaces include Papijuice events at the Brooklyn Museum, and the Uptown Bounce series of the Museum of the City of New York.

**Next steps: ONL has researched program models and will explore potential partners.**

A permanent cultural institution showcasing the history of nightlife could also act as a community center and performing arts space









There's an inherent energy in New York City that it's famous for. It makes you want to get up and do a million things all day and stay up all night.

– TOM WOLFE







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# APPENDIX

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# LIFE AT NIGHT

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New York maintains a healthy mix of residential and commercial uses across the city

## NIGHTLIFE IN NEW YORK

Throughout its long history, nightlife has been central to New York City's identity. The "city that never sleeps" is a destination for dreamers and doers and an epicenter of creativity. It boasts something for everyone once the sun sets, including opportunities for dining, dancing, performing, socializing, or building a career. Over many decades, New York nightlife has launched cultural and social movements that resonated far beyond the city's shores: from the social consciousness of beat poetry, folk music, and hip-hop, to the rhythms of jazz, salsa, disco, punk rock, and many more. New York nightlife has inspired artists and entertainers to push boundaries and provided places for people to come together to find community, all of which contribute to the city's distinctive energy.

## NIGHTLIFE SUBSECTORS

The Nightlife Economic Impact Report identified five broad subsectors of New York City's nightlife ecosystem:

### Food Service

- Food Service encompasses full- and partial-service restaurants, cafes, and food trucks.

### Bars

- Bars are defined as drinking establishments that primarily serve alcoholic beverages, as well as nightclubs.

### Arts

- Arts include galleries, museums, live performing arts spaces, movie theaters, and Broadway, has 1,800 establishments.

### Venues

- Venues include concert and entertainment venues, independent venues, and informal cultural and performance spaces

### Sports and Recreation

- Sports and Recreation includes arcades, amusement venues, billiards, bowling alleys, and spectator and participatory sports.



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## STAKEHOLDERS

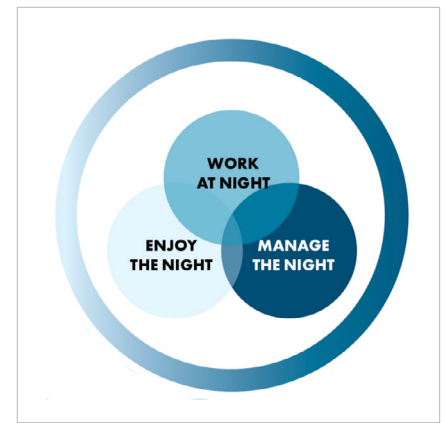
New York nightlife engages with every part of the community. Our stakeholders range from residents and patrons, owners and operators, artists and entertainers, and employees and workers.

Programs and initiatives aim to improve nightlife in ways that work for all stakeholders, while maintaining New York's status as a premiere nightlife destination for the world.

## THE IMPORTANCE OF NIGHTLIFE

New York nightlife provides opportunities for people to come together and celebrate. Beyond this traditional understanding, an approach to managing life at night also incorporates the ways patrons, workers, and residents can be connected to services to assist in how they experience the city after dark.

This conversation of how urban nightlife is managed extends beyond New York City's boundaries, with more than 50 nighttime economy and nightlife management organizations and government offices around the world.



Stakeholder mapping for the Nightlife Economic Impact Report found that the roles of the nightlife community often overlapped with each other



# A GLOBAL DISCUSSION

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Across the globe, many cities have planned primarily for their daytime economies. Nightlife management, traditionally, has been done less formally. In recent years, many have now started to take a proactive approach to manage nightlife, including not only its economic effects but also its social and cultural impacts.

These efforts have resulted in reductions in noise complaints, improved quality of life, and stronger night-time economies. As outlined in the Inaugural Report, there are many case studies and ideas for proactive management, City agency cooperation, and creative solutions from which New York can benefit.

New York has now joined more than 50 cities around the world with “nightlife leaders,” such as Amsterdam, Berlin, London, and Paris, as well as in American cities like Orlando, Pittsburgh, and San Francisco. Global cities are looking to New York for guidance and education. Director Ariel Palitz has been invited to engage in conversations with these leaders from around the world to share the Office's findings and learnings from its two years as an agency. Additionally, the Office of Nightlife has learned more about night time management through the cross-pollination of work allowed by these explorations.



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## Night-mayors and night-time advocacy organizations by year of creation (Seijas & Gelders, 2019)



- 2001**
  - Berlin, Germany
- 2003**
  - Amsterdam, Netherlands
- 2004**
  - Dublin, Ireland
  - San Francisco, USA
- 2011**
  - Geneva, Switzerland
  - Gronigen, Netherlands
- 2013**
  - Toulouse, France
  - San Francisco, USA
  - Sydney, Australia
- 2014**
  - Asunción, Paraguay
  - Nijmegen, Netherlands
  - Paris, France
- 2015**
  - Pittsburgh, USA
  - Vilnius, Lithuania
  - Zürich, Switzerland
  - Zwolle, Netherlands
- 2016**
  - Cali, Colombia
  - London, UK
  - Seattle, USA
  - Tokyo (Shibuya), Japan
- 2017**
  - Aberdeen, UK
  - Austin, USA
  - Budapest, Hungary
  - Fort Lauderdale, USA
  - Iowa City, USA
  - Kazan, Russia
  - Madrid, Spain
  - Orlando, USA
  - San Luis Potosí, Mexico
  - Valparaiso, Chile
- 2018**
  - Detroit, USA
  - Eindhoven, Netherlands
  - Los Angeles, USA
  - Manchester, UK
  - Mannheim, Germany
  - New York, USA
  - Tbilisi, Georgia
  - Tel Aviv, Israel
  - The Hague, Netherlands
  - Washington, D.C., USA
- 2019**
  - Bloomington, USA
  - Prague, Czech Republic
  - Toronto, Canada



# ABOUT THE OFFICE



## NYC MAYOR'S OFFICE OF MEDIA AND ENTERTAINMENT

The New York City Mayor's Office of Media and Entertainment (MOME) supports the city's creative economy, which generate \$160 billion in economic activity and 500,000 jobs. MOME comprises four divisions: the Office of Film, Theatre and Broadcasting which coordinates on location film and television production throughout the five boroughs; NYC Media, the largest municipal television and radio broadcasting entity in the country; education, workforce and industry development initiatives to support film, television, theater, music, advertising, publishing, and digital content; and the Office of Nightlife, supporting the sustainable development of New York City's nightlife industry.



## OFFICE OF NIGHTLIFE

The Office of Nightlife, at the Mayor's Office of Media and Entertainment, is a liaison for New York City's nightlife industry and community to all City agencies. This Office's purpose is to help establish and coordinate systemic solutions to support the nighttime economy, culture, and quality of life.

In September 2017, Mayor Bill de Blasio signed legislation to establish the first-ever Office of Nightlife in New York City, a bill sponsored by former Council Member Rafael Espinal. The establishment of this new Office recognizes and respects the nightlife community's contributions to NYC's energy and creative spirit and to its image worldwide as the "city that never sleeps." Nightlife provides New Yorkers from all five boroughs with places to come together, celebrate and find community.

The formation of the Office of Nightlife cements New York's position as a global leader in a growing movement of more than 50 major cities around the world working to manage life at night proactively. Similar efforts in cities such as Amsterdam, London, Paris, and Berlin have yielded social benefits such as reductions in crime and noise complaints, and healthier, more productive nighttime economies.



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Although the Office of Nightlife is not a reporting or enforcement agency, we are committed to working with nightlife operators, workers, performers, patrons, and residents to address their challenges. Working with our partner agencies across City and State government, the Office of Nightlife is committed to promoting safe spaces and social justice, protecting grassroots cultural spaces, streamlining red tape and regulations, ensuring fair and proportionate enforcement, and advancing quality of life for all New Yorkers.

Our goal is to help ensure a more vibrant, viable, safe, fair, and well-managed nightlife environment in New York City. Nightlife is a vital part of the city's economy, culture, and identity, supporting nearly 300,000 jobs and generating \$35.1 billion in economic impact. New York's nightlife has also long been an important incubator of cultural movements and continues to provide spaces for connection, creativity, and personal expression.

The Office of Nightlife works to support these important contributions by coordinating City services and programs to promote responsible growth, diversity, creativity, inclusion, and quality of life for all New Yorkers and visitors from around the world.

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# GLOSSARY OF TERMS

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Abbreviation	Agency/Organization
CB	Community Boards
CCHR	New York City Commission on Human Rights
DCAS	Department of Citywide Administrative Services
DCLA	Department of Cultural Affairs
DCP	Department of City Planning
DCWP	Department of Consumer & Worker Protection
DDC	Department of Design & Construction
DEP	Department of Environmental Protection
DOB	Department of Buildings
DoHMH	Department of Health and Mental Hygiene
DoITT	Department of Information Technology & Telecommunications
DOT	Department of Transportation



DPR	Department of Parks & Recreation
DSNY	Department of Sanitation
EDC	New York City Economic Development Corporation
ENDGBV	Mayor's Office to End Domestic & Gender-Based Violence
FDNY	New York City Fire Department
Law	Department of Law
LPC	Landmarks Preservation Commission
Mayor's Fund	Mayor's Fund to Advance New York City
MOIA	Mayor's Office of Immigrant Affairs
MOPD	Mayor's Office for People with Disabilities
MOME	Mayor's Office of Media & Entertainment
NYC & Co.	NYC & Company
NYPD	New York City Police Department
OATH	Office of Administrative Trials & Hearings
ONL	Office of Nightlife
SBS	Department of Small Business Services
SLA	New York State Liquor Authority
TLC	Taxi & Limousine Commission



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# ACKNOWLEDGMENTS

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**New York City Commission on Human Rights**

**Con Edison**

**Department of Buildings**

**Department of City Planning**

**Department of Consumer and Worker Protection  
(Formerly Department of Consumer Affairs)**

**Department of Cultural Affairs**

**Department of Design and Construction**

**Department of Environmental Protection**

**Department of Health and Mental Hygiene**

**Department of Small Business Services**

**Department of Transportation**

**Mayor's Community Affairs Unit**

**Mayor's Office to End Domestic and**

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**New York City Fire Department**

**New York City Police Department**

**New York State Liquor Authority**

**Office of Administrative Trials and Hearings**

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