

Friday, June 24, 2005

**DINING AL FRESCO MORE LIKELY TO BE ON THE MENU THIS SUMMER:  
CONSUMER AFFAIRS, RESTAURANTS & COMMUNITY TOUT SUCCESS OF  
IMPROVED SIDEWALK CAFÉ LICENSING PROCESS**

New Yorkers and visitors alike love dining al fresco at cafés. With more than 900 restaurants having applied so far for a license this season, the New York City Department of Consumer Affairs (DCA) today reported the new licensing process is making the season easier to enjoy for both restaurants and communities. Sidewalk café applications have skyrocketed by 18% since the new, streamlined process went into effect in 2003, and the number of applications this year already exceeds last year's record of 880 operating cafes. In addition, violations issued to restaurants for operating cafes without a license decreased by approximately 10% over the past year. Officials credit success to the revamped café licensing law that made it easier for restaurants to get licensed and significantly strengthened the penalties for establishments that repeatedly operate illegal cafés. Zoning changes advanced by the Department of City Planning also opened up many previously restricted streets to "small" outdoor cafes last year.

"New Yorkers and visitors alike are taking advantage of summer and outdoor cafés are booming with diners enjoying great food and watching the sights," said DCA Acting Commissioner Jonathan Mintz. "Restaurants get sidewalk café licenses faster than ever, applications are at an all-time high, and most establishments are playing by the rules and thriving. With the help of increased inspections and ongoing dialogue with Community Boards, we are leveling the playing field for law-abiding restaurants by keeping a keen eye out for operators that run illegal cafes and are neighborhood nuisances. For those operating illegally, tough penalties are on the menu year-round."

"New York City boasts the best restaurants in the world and outdoor cafes are a valuable amenity," said Doug Griebel, owner of Rosa Mexicano and President of the NYC Chapter of the NYS Restaurant Association. "The City has moved in the right direction by helping businesses get café licenses faster, and protecting legitimate businesses with penalties for those who repeatedly operate illegal cafés."

"Outdoor cafes are enjoyable, but when they operate illegally and suffer from 'café creep,' they become more of a headache for communities," said Anthony Borelli, District Manager of Community Board 4 in Manhattan. "There has been a lot of progress - new rules that encourage compliance and make enforcement easier have helped control the volume of illegal cafes and brought us some relief."

The approval process, which previously took as much as a year and a half, has been reduced to a maximum of 110 days, and averages 80 days or less, while still including full public review by Community Boards and approval by the City Council.

"The process for my café renewal application improved by one-thousand percent," said Barry Cullen, owner of Sazerac House in downtown Manhattan.

Strengthened enforcement allows the City to close restaurants that repeatedly break the sidewalk café rules, rather than rely on the past practice of seizing usually-

inexpensive tables and chairs. Operators of unlicensed sidewalk cafes found to have violated the law two times within two years could have their restaurants padlocked for as many as thirty days. "We now have a penalty most operators take seriously," Mintz stressed.

"DCA's new unenclosed sidewalk café process has helped us more effectively review applications while balancing the needs of the neighborhood," said Penny Ryan, District Manager of Community Board 7 in Manhattan. "Enforcement has been strengthened and DCA responds swiftly to complaints about problem or illegal cafes."

Since the new law was passed in 2003, DCA has had to shut only one restaurant for one day in 2004 (Café Lex located at 1402 Lexington Avenue in Manhattan) after being caught repeatedly operating without a café license. Violations for unlicensed activity are down, with 16% of the nearly 1,400 inspections in 2004 yielding citations, down from 26% of 890 inspections the year before. Licensed operators who put out more tables than allowed, encroach on the sidewalks, or fail to maintain insurance risk having their restaurants padlocked for up to thirty days after three violations within two years. To date, no licensed café has been shut.

DCA licenses more than 60,000 businesses in 55 different categories and enforces the Consumer Protection Law and other related laws at thousands of businesses throughout New York City. For complete license applications and sidewalk café design guidelines, call 311 (or 212-NEW-YORK outside New York City) or go online to the DCA website at [www.nyc.gov/consumers](http://www.nyc.gov/consumers).