

NYC DEPARTMENT OF BUILDINGS

# GUIDANCE FOR OUTDOOR DINING DURING PHASE 2 REOPENING



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## New York City Department of Buildings

# **GUIDANCE FOR OUTDOOR DINING**

As part of New York City's Phase 2 reopening, Mayor de Blasio issued **Emergency Executive Order No. 126 (EEO 126)** for the Open Restaurants Program. The Mayor also issued **Emergency Executive Order No. 128 (EEO 128)** with additional information and modifications to EEO 126 on June 27, 2020.

The NYC Department of Transportation's (DOT) **Open Restaurant Program** provides for outdoor seating options on sidewalks and the roadways in and around restaurants. In addition, restaurants are permitted to use yards and parking lots for outdoor dining per EEOs 126 and 128.

The NYC Department of Buildings (DOB) issued **Buildings Bulletin 2020-013** to help clarify how to safely use those spaces without the need to obtain permits.

This document is a tool for compliance with DOB requirements for outdoor dining in addition to the social distancing and DOT requirements for Open Restaurants:

### **General Guidance**

- *DO NOT* block required exits or exit signs.
- Existing entrances into restaurants from the street should not be modified. Temporary booths or tables used for health screenings are acceptable.
- All spaces used for outdoor dining **must** be accessible.
  - Accessible routes and features must also be maintained inside buildings and to outdoor spaces as part of Phase 2 of reopening.
- Ensure outdoor seating layout, except for movable chairs and tables, does not block or interfere with:
  - Doors or other exits from buildings
  - Sidewalk hatches to cellars and vaults
  - Fire escapes and fire escape ladders
  - Sprinkler and standpipe connections for the Fire Department
  - Exhaust or intake vents from buildings
  - Windows to bedrooms and living rooms of residences.
- Temporary lighting such as festoon lighting, which is powered by extension cords, must be arranged so that it does not present a tripping hazard.
- Do not block egress from eating areas with temporary construction
  - except protective barriers laid out per DOT's roadway seating.

- Acceptable temporary structures – include barriers laid out per DOT's roadway seating, tents and umbrellas that are less than 400 square feet.
- Follow manufacturers installation instructions to secure the tents properly and safely. Tents should not be used during inclement weather such as high wind condition. Sign-up for DOB's Weather Advisory Subscription.

### **Backyard or Side Yard Seating, Rooftop Seating, or Seating in Parking Lots**

- No DOB application or permit is needed for the following:
  - Seating arrangements must provide a minimum of 15 square feet per person
  - If access to the yard seating is through a building, make sure your yard seating arrangement is for no more than 74 people; **OR** apply to DOB for a **Temporary Place of Assembly (TPA)** permit
  - Tents that are less than 400 square feet.

### **An architect or engineer must be hired to apply for a DOB permit for the following yard seating features:**

- Blocking access into or out of a tent with barriers – except protective barriers laid out per DOT's roadway seating – requires a TPA.
- Seating for more than 200 people in open spaces where access is not restricted, (e.g. large parking lots with no barriers preventing people from entering or exiting) requires a TPA.

### **Outdoor Seating on the Public Sidewalk and/or Roadway**

- Apply for seating through the **Open Restaurant Program** via [nyc.gov/openrestaurant](https://nyc.gov/openrestaurant).
  - **NO FURTHER APPLICATION TO DOB IS NEEDED TO PARTICIPATE IN THE OPEN RESTAURANT PROGRAM:** The Open Restaurant application covers all requirements for outdoor seating on sidewalks and roadways, including protective barriers, up to 400 square feet of temporary tents, and furniture associated with seating on the sidewalks and roadways.

**Refer to [Buildings Bulletin 2020-013](#) for additional details.**