

“We live inside a restaurant now,” Sklerov said, adding that in early 2020, when he moved in, the block was quiet. His ground-floor, street-facing apartment is just 400 square feet, he said—the size of a two-car garage in the suburbs—and he and his wife have nowhere to get away from it all.

Sklerov’s conundrum points to the way that opposition to outdoor dining has crystallized as the city looks to make the temporary pandemic program permanent. Many of the New Yorkers who live on the city’s new al fresco restaurant rows no longer want to debate the details of the program that’s all but assured to continue. To preserve their prepandemic domestic lives, they want to quash the permanent program at its first legal step: an edit to the city’s zoning text.

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The Open Restaurants program began in the summer of 2020 as a way to salvage restaurants’ business and New Yorkers’ social lives after the lack of outdoor viral spread became accepted science. More than a year later, restaurateurs say their [outside tables](#) are instrumental to the recovery, especially now that New Yorkers who do not wish to share their proof of vaccination can no longer dine inside. About 100,000 jobs were saved by the program, according to Department of Transportation figures, after more than 11,000 restaurants took advantage of previously unavailable sidewalk and street space to expand their seating.

With the temporary program set to expire at the end of 2022, the Department of City Planning and Department of Transportation during the summer offered a first step to keep outdoor dining around: updating the zoning text to expand the number of neighborhoods where a restaurant is eligible for outdoor seats.

During the summer, as community boards reviewed the proposed zoning text change, a range of complaints about outdoor dining surfaced. Rats were running rampant on residential blocks. Deliveries couldn’t get through—to say nothing of wheelchairs and strollers and bikes. It was unfair to cede public space to a single private industry, residents complained,

and other small businesses on the block were being rendered invisible by the sheds and the seats. Closed windows and new fans could not drown out the daily and nightly noise, residents said.

Still, most community boards voted in favor of the added zoning text.

After a public hearing Wednesday, the planning commissioners will vote on the text at a meeting in the next few weeks.

Without waiting for passage, the city has begun drafting [rules and details](#) about compliance, as well as launching a public-oriented design process in which city agencies and partner organizations will hear from New Yorkers about the design standards for future outdoor dining structures.

Opponents, however, say that design guidelines and strict compliance are beside the point. They argue there is no level of compliance that could eliminate noise or reduce the rat population that has exploded since diners' scraps have littered the sidewalks. Without a firm grasp of how individual outdoor dining applications would be handled, Manhattan Borough President Gale Brewer said she could not even support this first legal step.

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[Restaurants](#) and their representatives remain unwavering in support of sidewalk and street dining as a stride forward in street usage. They view such dining as crucial to keeping their industry afloat and their staffs employed and maintain they can regulate the permanent program to meet the needs of individual neighborhoods and the residents who are most acutely affected by the current setup.

“Man, if you throw this out, I don’t know what I would do,” said James Mallios, a partner at Midtown’s Amali and Rockaway’s Bar Marseille. “Right now, it’s something like 30% of our revenue comes from outside dining, and I’m sitting on \$1 million in debt to the federal government. Don’t kick us when we’re just getting up again.”

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