



THE CITY OF NEW YORK
OFFICE OF THE COMPTROLLER
MARK D. LEVINE

May 14, 2026

Commissioner Mike Flynn
New York City Department of Transportation
55 Water Street
New York, NY 10041

Kim L. Yu
Director and City Chief Procurement Officer
Mayor's Office of Contract Services
255 Greenwich Street
New York, NY

RE: Outdoor Dining

Dear Commissioner Flynn and Director Yu,

New York City restaurants and small businesses survived the worst of the COVID-19 pandemic in part because of our city's outdoor dining innovations. Outdoor dining has since become a hallmark of our streets, enabling restaurants to expand their seating capacity, integrate with our vibrant neighborhoods, and drive our citywide economy. Regrettably, my office hears regularly about issues related to the permitting process, which is deeply concerning. Restaurants are struggling to cut the red tape on a slow and cumbersome permitting process.

My office has deeply engaged with the City to help support this process and the restaurants that wish to participate in the outdoor dining program. On September 16, 2024, the New York City Comptroller's Office ("the Comptroller") issued consent to the New York City Department of Transportation ("DOT") to authorize DOT-approved Dining Out NYC program applicants to operate outdoor dining while their permits were pending registration with the Comptroller.¹ In addition to the filing of the permit and requisite supporting documentation as required by the Rule, this consent was conditioned on DOT compliance with reporting

¹ Pursuant to NYC Charter Sec. 375, NYC Administrative Code Sec. 19-160.6(b) and Rules of the City of New York 34 Sec. 5-08(b).

requirements. On April 24, 2026, our Office extended this authority through December 31, 2026.

Restaurants must apply through DOT to participate in the outdoor dining program. The Department of Transportation and the Mayor's Office of Contract Services ("MOCS") process, review, and approve restaurant applications before they are then filed with our Office. To date, DOT has submitted just 1,225 permit applications with the majority of those (765 applications, 62% of all received) having been submitted in calendar year 2026. These applications represent only a small fraction of the roughly 25,000+ restaurants in New York City.² In January, DOT estimated that the department had a total of 2,390 applications in the pipeline. It is likely that more than half of permit applications are still in some part of the application review and approval process and as such have yet to be filed with our Office, which would then make the restaurants eligible to operate under their requested permits.

Demand for outdoor dining remains strong, from both restaurants and customers. With summer approaching, DOT and MOCS must streamline and make more transparent their review process and approve sidewalk and roadway cafés in time for the season. Unlike every other step in the outdoor dining process, the role of the Comptroller is the only one with a mandated timeframe set at a maximum of 30-calendar days. In addition, through our transparency tool [Checkbook 2.0](#), the filing of and ultimately registration of a permit is available to the public. Even in spite of the fact that we extended authority for restaurants to operate under DOT-approved permits immediately upon filing of those permits with our Office, thereby rendering the length of our review period immaterial to steps that stand between DOT's approval and the restaurant legally operating, we nevertheless register these permits with an average processing time of eight (8) calendar days.

Because of these concerns, my office is today requesting records related to the outdoor dining revocable consent approval and review process. This information will be vital as my office reviews how we can collectively ensure that the city is serving the needs of applicants in the outdoor dining program.

Thank you in advance for your attention to this urgent matter.

Sincerely,

² Live XYZ. Restaurant-tagged places dataset. Accessed May 6, 2026. According to Live XYZ's platform data, 25,161 places were tagged as a "Restaurant" as of May 6, 2026



Mark D. Levine

New York City Comptroller

REQUEST FOR INFORMATION

Pursuant to the Comptroller's Authority under Chapter 5, Section 93 of the City Charter, our office requests records related to the outdoor dining revocable consent approval and review process.

Please provide the following records, that you maintain or possess, related to the outdoor dining revocable consent approvals and review process:

- Outline and describe each step of the revocable consent process. Provide the average lead time for conducting the end-to-end revocable consent process for the program from beginning to contract registration. This should be inclusive of all required steps, milestones, internal/external oversight review, and approval processes as well as their respective lead times.
- Number of DOT staff supporting the outdoor dining revocable consent process including but not limited to staff that are supporting the Financial Management System ("FMS") entry requirements, expected time per staff to enter an FMS record, and any initiatives completed or explored to expand staffing for outdoor dining permitting as a priority program.
- DOT's projected and actual timeframe for review per applicant; and MOCS' projected and actual timeframe for review per applicant
- Interventions already taken by MOCS and DOT to expedite review timelines and planned additional interventions.
- List of all pending and completed applications including the date of application, status of the request within DOT, date at which each pending application reached each status point, and a list of DOT tracking system status categories.

Please provide all responsive documents no later than **May 29, 2026**

Questions and responsive documentation and information may be addressed to Maura Hayes-Chaffe, Deputy Comptroller for Audit, via email to mhayes1@comptroller.nyc.gov or telephone 212-669-8459.