

NYC MAYOR'S OFFICE OF MEDIA & ENTERTAINMENT
OFFICE OF NIGHTLIFE



REPORT: 2018 - 2021

EXCERPTS RE DANCING

3.0 PROMOTE SAFETY, EQUITY & HARM REDUCTION

No.	Recommendation	Description
3.1	Address concerns regarding inequities by race, gender, and sexual identity inequities in enforcement	Host round-table discussions and facilitate implicit bias trainings to address concerns that enforcement actions disproportionately target marginalized groups
3.2	Promote equity and fairness through best practices, guidance, and campaigns for safer nightlife spaces	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	Advance public health through a harm reduction approach to substance use	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	Promote mental health awareness in nightlife spaces through “Thrive at Night” program	Expand ThriveNYC programming to nightlife spaces

4.0 ELEVATE NIGHTLIFE CULTURE

No.	Recommendation	Description
4.1	Establish alternative temporary use process for small or “do-it-yourself” (DIY) cultural events	Develop a program to help facilitate temporary cultural uses and performances
4.2	Ensure safety and compliance in cultural spaces	Help unpermitted nightlife spaces become compliant with necessary permitting to protect health and safety
4.3	Improve affordability for DIY spaces and promoters to host safe, legal events	Create a pool of low-cost, pre-approved professionals to expedite permitting processes and explore new financing mechanisms for physical improvements
4.4	Explore changes to zoning language to support and expand live music and social dancing uses	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	Explore allowing 24-hour use in select neighborhoods	Evaluate opportunities to expand 24-hour nightlife activity in appropriate locations
4.6	Explore dedicating city assets for new cultural venues	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	Promote and preserve New York nightlife’s cultural history	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

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.

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

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

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



1200+

attendees across all five sessions



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



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

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

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.

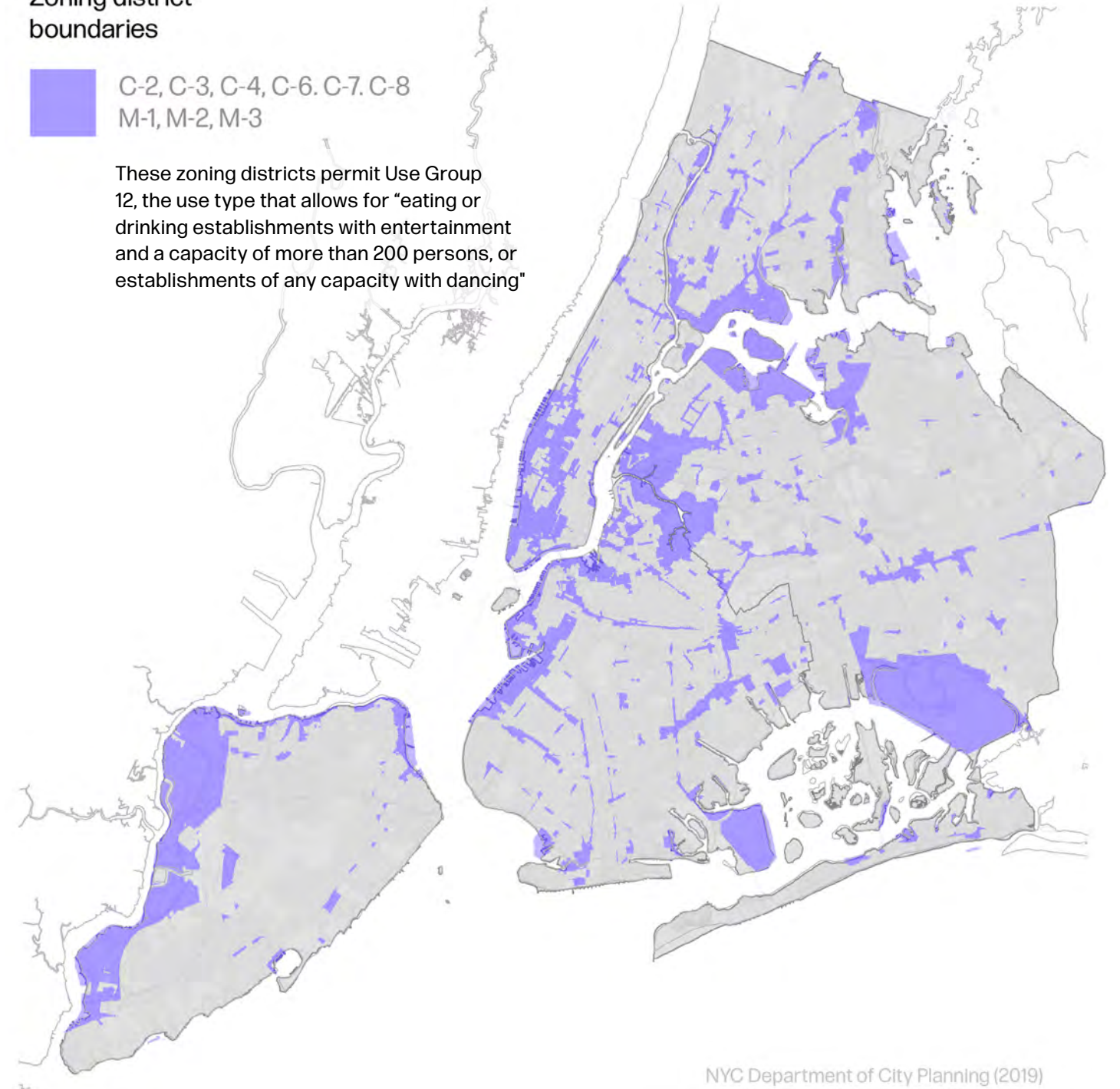
Next steps: Any changes to the Zoning Resolution would require a formal public review process known as the Uniform Land Use Review Procedure. ONL will work with DCP, DOB, and legislative partners to explore potential amendments to the Zoning Resolution that apply to patron dancing, and identify potential 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. ↑ N

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

2.2



DESCRIPTION

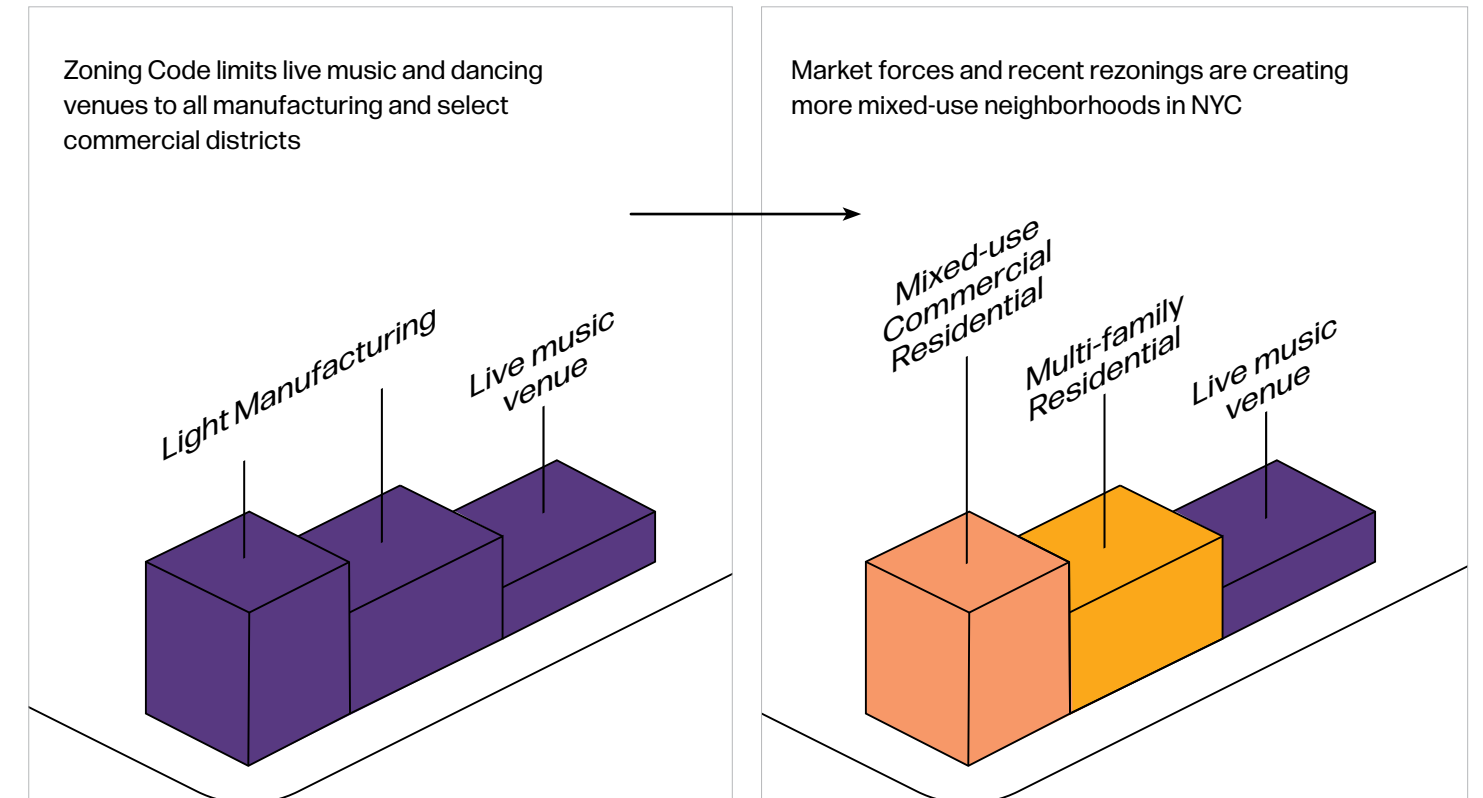
Support “Agent of Change” policies that would require improved soundproofing and other measures within new developments near existing nightlife venues

“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 soundproofing 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](#).