



# STARTER GUIDE

## TO STARTING UP YOUR RESTAURANT

Use this starter guide to help you plan your way to success. Get started today at [on.nyc.gov/business](https://on.nyc.gov/business)



### CREATE YOUR BUSINESS

- **Create a plan** for the type of restaurant you will open.
- **Register your business.** LLCs, Corporations, and Limited Partnerships register with NY State. Learn more at: [on.nyc.gov/state](https://on.nyc.gov/state). General Partnerships and Sole Proprietorships register with the County Clerk. Learn more at: [on.nyc.gov/clerk](https://on.nyc.gov/clerk).
- **Apply for an Employer Identification Number (EIN),** also known as a Federal Tax ID Number. This is used to identify your business. If you are a sole proprietor, you may be able to use your Social Security Number instead. Learn more at: [on.nyc.gov/ein](https://on.nyc.gov/ein).
- **Research the insurance you will need,** such as workers' compensation, liability, and disability insurance. Some are required for permits and licenses. Learn more at: [on.nyc.gov/bizinsurance](https://on.nyc.gov/bizinsurance).

**i** You will need to get a **Sales Tax ID** from NY State. Apply early to avoid delays in receiving other permits. Learn more at: [on.nyc.gov/taxid](https://on.nyc.gov/taxid).

The types of food and beverages you sell, such as frozen desserts and alcohol, will affect which permits and licenses you need.

**P** Be sure to comply with all applicable laws involving employee wages, including living wage, sick leave, and transit benefits. Learn more at: [on.nyc.gov/wages](https://on.nyc.gov/wages) and [on.nyc.gov/consumers](https://on.nyc.gov/consumers).



### PLAN YOUR SPACE

- **Find a location** zoned for your business. Learn more at: [on.nyc.gov/zoning](https://on.nyc.gov/zoning).
- **Consult a licensed professional** to review your location, plan any construction, and ensure compliance with accessibility requirements. Only a registered architect or professional engineer may submit plans to the NYC Department of Buildings. Changes to your space must comply with NYC Department of Buildings, NYC Department of Health, NYC Fire Department, and NYC Department of Transportation (sidewalk) regulations. There may be additional regulations with which you need to comply—consult your licensed professional.
- **Sign your lease.** Before you sign, review your location with a licensed professional and lawyer to make sure restaurant use is allowed and that the space right for your business.

**i** **Taking over a space that previously was a restaurant can save time and construction costs,** but only if the restaurant had passed inspections and was in compliance with regulations.

Allow time to receive approval from the Landmarks Preservation Commission before performing work on a location that is landmarked or located in an historic district. Learn more at: [on.nyc.gov/landmarks](https://on.nyc.gov/landmarks).

Cosmetic changes can add time and paperwork, so consider the impact of each change on your timeline.

**P** **Check that your kitchen has a grease interception, or plan to install one.** All commercial kitchens must capture grease from sinks, woks, deep fryers, floor drains, and other fixtures to prevent clogging pipes and sewer backups. Learn more at: [on.nyc.gov/grease](https://on.nyc.gov/grease).



### APPLY FOR CONSTRUCTION PERMITS

- Have your licensed professional submit plans and required documents to the NYC Department of Buildings.
- **Change and resubmit plans as needed.** If there are objections to the proposed work due to safety or compliance issues, your licensed professional will receive notice by email and resubmit the drawings with the necessary changes.
- Monitor your job on **NYC Department of Buildings BISWeb** at: [on.nyc.gov/bis](https://on.nyc.gov/bis). Your status will be listed as "Assigned to P/E (Plan Examiner)," "P/E in Process," "P/E Disapproved," or "Approved." The status does not reflect whether or not your licensed professional has resubmitted plans.
- All commercial cooking – on gas or electric stoves, fryers, or ovens – requires a range hood and fire suppression system. Make sure your licensed professional files plans with the Fire Department. Learn more at: [on.nyc.gov/rangehood](https://on.nyc.gov/rangehood).

**i** A licensed professional may certify work applications through a process called "professional certification" (ProCert). The application does not receive an initial NYC Department of Buildings plan review, but is subject to an audit. **ProCert could save you weeks in receiving your approvals and permits to start construction.**

Accelerate the plan review process for new buildings or alterations by directing your licensed professional to submit digital plans to the NYC Department of Buildings Development Hub. Learn more at: [on.nyc.gov/hub](https://on.nyc.gov/hub).

**P** Consult with your licensed professional to identify utility requirements for your property (gas, electric, water, and sewer).

New York City Business Acceleration, known as NYCBA, can speed up your launch by coordinating reviews of your plans, providing pre-launch consultations, and organizing inspections on your behalf. Learn more at: [on.nyc.gov/nycba](https://on.nyc.gov/nycba) or call 311 and ask for NYC Business Acceleration.



## BEGIN CONSTRUCTION

- Begin construction. Make sure to use only licensed contractors.
- Progress inspections may be required during construction.
- **Make sure to place Fire Extinguishers** in the correct locations. Learn more at: [on.nyc.gov/extinguisher](https://on.nyc.gov/extinguisher).
- When construction is almost complete, obtain your **Food Service Establishment Permit** with the NYC Department of Health. Learn more at: [on.nyc.gov/fsep](https://on.nyc.gov/fsep).



If you **want to install a canopy, awning, or sign** on the outside of the building, ensure you comply with the NYC Department of Transportation (for a canopy with supports running down to the sidewalk) or the NYC Department of Buildings (for an awning or sign mounted onto the building).

**Health violations are sometimes identified after you open your business**, such as an improperly placed hand-washing sink. Think about how you will move food and waste through your space. This may affect whether you pass your pre-operational inspection. Pay attention now to avoid costly changes after you are open. Learn more at: [on.nyc.gov/dohbluebook](https://on.nyc.gov/dohbluebook).



## PREPARE TO OPEN

- **Make sure you or one of your supervisors has a Food Protection Certificate.** Get a Food Protection Certificate by: a) taking an online class followed by an in-person test, or b) taking a 5-day in-person class. **Be sure to have a certificate holder on premises supervising food preparation during all hours of operations.** Learn more at: [on.nyc.gov/foodcert](https://on.nyc.gov/foodcert).
- A restaurant must pass a pre-permit inspection before a permit can be issued. If you use uncommon cooking methods, such as sous-vide, ensure you have an approved Hazard Analysis Critical Control Point (HACCP) plan. Multiple options are available to help restaurateurs quickly open for business and perform well on inspections. Learn more at: [on.nyc.gov/nycbaservices](https://on.nyc.gov/nycbaservices).
- Do a free consultation to give you an opportunity to ask questions and help ensure your project complies with applicable laws and regulations without receiving violations. Learn more at: [on.nyc.gov/nycbaservices](https://on.nyc.gov/nycbaservices).
- Your architect should arrange for final inspections and sign-off when your job is almost complete. To avoid violations, you **must obtain a Certificate of Occupancy, Temporary Certificate of Occupancy, or Letter of Completion** before opening your doors.
- **Hire a private carting service** for waste removal. For information on choosing a licensed private carter, go to: [on.nyc.gov/carter](https://on.nyc.gov/carter). Avoid costly fines by separating waste into 3 separate containers: metal-glass-plastic, paper, and trash.



**Start your application process early if you plan to serve alcohol** ([on.nyc.gov/alcohol](https://on.nyc.gov/alcohol)) or **open a sidewalk cafe** ([on.nyc.gov/sidewalk](https://on.nyc.gov/sidewalk)), as both require consultation with your Community Board and several approvals.

If 75 people or more will gather in your restaurant at any time, you will need a **Place of Assembly Certificate of Operation and Permit**. Consult a licensed professional to come up with floor plans for seating arrangements that comply with NYC Department of Buildings regulations. Learn more at: [on.nyc.gov/poaguide](https://on.nyc.gov/poaguide).



## OPEN YOUR DOORS

You've opened your doors and are operating your restaurant. **Congratulations!** Plan ahead to keep things running smoothly.



## STAYING OPEN

- **Post all required posters and permits**, such as the CPR kit sign. Learn more at: [on.nyc.gov/signs](https://on.nyc.gov/signs).
- Mark Your Calendar. **Schedule equipment maintenance and set reminders** to renew your permits and licenses. For example, hire a Commercial Cooking Cleaning Company to maintain necessary cleaning standards. Learn more at: [on.nyc.gov/cofcommercialcooking](https://on.nyc.gov/cofcommercialcooking).
- **Be ready for inspections.** Some happen quarterly, some happen twice a year, and some happen once a year.
- Work with your accountant to **prepare to pay taxes**. Learn more at: [on.nyc.gov/biztax](https://on.nyc.gov/biztax).
- Avoid sewer backups by **properly maintaining your grease interceptor**. Learn more at: [on.nyc.gov/grease](https://on.nyc.gov/grease).
- Be sure to comply with NYC noise regulations. Learn more at: [on.nyc.gov/depresources](https://on.nyc.gov/depresources).