

Information Session
November 5, 2015
557 Broadway
New York, NY 10012

Start Time: 6:35pm
End Time: 7:33pm

Minutes

1) Mark Dicus, reporting on behalf of Richard Benenson (Treasurer) presented the Finance Committee Report. He noted that SoHo Broadway Initiative ended fiscal year 2015 with a surplus and is operating within budget in 2016.

2) Andrew Brown reported on the Audit Committee. The Committee selected Skody Scot and Company to be the Initiative's financial auditor which began its works in September. The auditor will present a draft report in November and the Committee will present the final report to the Board in December.

3) James Cavello reported on the Outreach and Communications Committee. James and Mark have been doing outreach to major stores within the district to gauge interest selling/distributing reusable shopping bags with the SoHo Broadway Initiative logo. They have had preliminary conversations with Bloomindale's and Dean & DeLuca. James reported that a new website will be up and running in Spring 2016.

4) Pete Davies reported on the Program Services Committee that has been working on launching a public safety program. The Committee evaluated hiring a single person as a Director of Operations (DOO) or a security service company. The Committee decided to implement the DOO model and the Initiative has hired a DOO to start in November. The DOO's efforts will focus on illegal sidewalk uses and creating relationships with city agencies to improve conditions on the sidewalk. Davies also reported that the Clean Team is counting illegal vendors and that data is used to guide conversations with the city and track our progress towards no illegal vending. The maps that will be presented tonight clearly delineate where it is legal to vend and what it is not legal.

5) Mark Dicus introduced Bill Decker as the Initiative's new DOO who will start on November 23.

6) Mark presented the Curb Vending Regulation Map which will be used by the Initiative, vendors and City government to know generally where vendors are allowed to be in the district.

a. The Initiative worked with the consultants at BFJ Planning; 1st and 5th Precincts (NYPD); the Peddler Unit of the Manhattan South Patrol Bureau (NYPD); representatives from Community Board 2; and the Initiative's Program Services Committee. The Initiative's overall goal is properly licensed/permitted vendors in legal locations within the district.

b. The Mapping Methodology included in the meeting packet describes how the vending rules were interpreted. While the map shows where vending may occur, the City is responsible for enforcing these rules and has discretion in determining whether a specific location is vendable.

c. There are different types of vendors that are subject to different rules. Food carts need to have a permit and the vendor operating the food cart has to have a license. A food cart may set up on sidewalk grates and next to fire hydrants. General vendors only need a license, but may not set up on grates or within 15 feet of fire hydrants.

d. The rules that were mapped are generally focused on public safety. The Initiative did not have a role in the development of these rules and they may not be the most effective approach to creating the best pedestrian or vendor experience. These maps were created from the rules that currently exist because pedestrian safety is a priority for the City and the Initiative.

7) Lauren Rennee from BFJ presented the process of creating the maps. BFJ started with open data from Department of City Planning with a base map of pavement edge data and building data from PLUTO. BFJ then surveyed each block in the district by hand with a measuring wheel and translated that data into digital form in the design program, AutoCAD. BFJ participated in several meetings with stakeholders where feedback was given.

8) Mark reviewed a specific block face map (Block 511, East side of Broadway b/w Houston and Prince) and the key of the Curb Vending Regulation Maps. Since this is a mixed use community, every door was mapped as a building entrance along the property line even if the door is set back from the line. In the event of emergencies, like the earthquake in 2011, it was reported that people were spilling into the street because as buildings evacuated people had no place to go. Vendors need to be 20 feet from every door in the district.

9) Mark presented a "Workshop Map" that made some revisions including mapping of sidewalk grates, bike racks and other features. The "Workshop Map" is intended for the Initiative to receive feedback on possible ways to improve the map. The group overwhelmingly supported "Workshop Map" and the final maps will incorporate the revisions found in the Workshop Map.

10) Mark opened the floor to questions.

- On Block map number 511, where it shows 20ft at 592 Broadway, in 20ft, you could fit two food carts?

Answer: Vendors can fit one cart, the fire hydrant blocks the other curb space,

but a small cart could fit. Obstructed space was mapped as vendable because small tables or carts could set up in small areas.

- Why are carts allowed on subway grates? They could be leaking stuff, they have propane, they have loose garbage. It could be a safety hazard.

Answer: Bill Decker stated that if a food cart is leaking hazardous materials, he will address it with EPA.

Mark added that the rules don't always make sense, but the Initiative will advocate for vendors to follow them as written until the Initiative makes it a priority to evaluate possible improvements.

- Could we have goals to change the rules? Should changing the rules be on the agenda for the organization.

Answer: Of course, as the Initiative gets this initial effort off the ground, then the Initiative can turn its attention to possible legislative actions.

- Who is the BID and who is the Initiative? Do we get elected? Governmental agency?

Answer: The Initiative is the name of the organization that manages the business improvement district along SoHo's Broadway. Members of the Initiative elect a board of directors, but the Initiative is a private non-government not for profit organization.

- Question asker lives outside the bounds of the district on Grand Street between Wooster and Greene. Will it drive the vendors the outside Broadway and onto the other streets nearby?

Answer- There will be some spillover, these vendors want to be on Broadway though so we can't speak to where they will go if our efforts on Broadway are successful. But these rules are not unique to Broadway, they apply on all streets outside of specifically restricted streets. We are working with the NYPD to help solve this problem and rely on them to tell us what the best ways are to address these problems. This is not a fire or other emergent issues, but a pedestrian safety issue and NYPD is interested in allocating resources for it. Our mission and efforts will not go beyond BID district boundaries, but there are people and agencies that are dealing with this on a larger level: we will share info and collaborate with other organizations, but it is outside our ability to directly handle it.

Susan Wittenberg of CB2 explains that the SoHo Broadway Initiative deals with Broadway only and that there are plenty of other resources and organizations that they can reach out to to deal with it in their area.

- Is there anything that residents can do directly with vendors to get them to move? What is the method to handle this situation?

Answer: Call 311. Make sure they are illegally placed and then you and your neighbors call 311 constantly. The City is accountable to 311 complaints.

- Does it work?

Answer: Sometimes.

- Is there any documentation on how many incidents or accidents are caused by vendors? What is the pedestrian safety issue?

Answer: We have no data because they are indirect incidents tied to larger events. Overcrowding, egress events in evacuations, people walking on streets and pushed off sidewalks, these are the kinds of safety issues that we are addressing.

- What kind of enforcement procedures are going to be put in place?

Answer: Bill Decker, the new DOO, will be eyes and ears on the street and liaising with the City and developing strategies to help move vendors into legal locations. There are several agencies responsible for enforcement, including NYPD, the Department of Health, Consumer Affairs and other agencies who will also need to be part of the solution.

- When Pete and Peter created a map of the vendor rules, they also created an ideal Broadway, which had been inspired by West Broadway, which reduced vendors by adding planters with trees on the streets so that vendors cannot be there.

Answer: We will do more than just seek enforcement of existing rules, but will also work with the community to help implement a vision for what they want Broadway to look like. Solving illegal vending problems is great, but the Initiative can also work to make improvements, like adding bike racks to curb illegal bike locking on scaffolding, another pedestrian safety concern.

- Prince Street and Green Street have large planters with trees, which make the sidewalk a no vending zone because the curb is obstructed. Some people put moveable planters to keep vendors away.

Answer: The City made a policy decision to make planters on sidewalks illegal, so that is not currently a solution available to Broadway. However, the Initiative can work with the community on a vision for what Broadway can look like.

- Vendors set up in front of 476 Broadway where there are bike racks. Bike racks need to be added to the map.

Answer: Noted. Initiative will take a look and will revise where needed.

- The Prince Street subway entrance has bike racks directly behind it and ice cream trucks have parked there for years and years making the sidewalk virtually impassable.

Answer: We have already seen improvement in food trucks in the area with City enforcement efforts over the summer. The Initiative is aware of this location and intends to monitor it closely.

Pete Davies said that he has reported these bike racks to Department of Transportation on multiple occasions because they create a pedestrian hazard when there are bikes locked to them.

Mark mentioned that looking at the district's streetscape can be part of a visioning effort for a better Broadway.

- Have we looked at how other cities in the world handle congestion? Foot traffic is impassible in other places too and other places have done things with success: Bloomberg-era traffic reduction to improve foot congestion in Union Square on Broadway up to the Flatiron District.

Answer: The Initiative is not currently doing this but is considering doing so in the future. The Initiative is focused on our direct problem of illegal vendors for now. We all need to pay attention to legislation that might allow more vendors with permits to further congest sidewalks of Broadway. The NYC BID Association advocates for one agency working to administer the system and manage it in a sustainable way going forward.

End of Information Session Minutes

Questions Submitted Prior to Meeting and Initiative Responses:

1. Depth Restriction: How deep can a vendor's footprint extend between curb and building? (This directly affects the safe and clear walkable area.)

Answer: The vending rules mapped by the Initiative on the Vendor Curb Regulation Maps are rules that are intended to maintain and protect the public's safety. There are two rules that govern here: (1) Vending must occur on the curb (General (20-465(A) and Food Cart (17-315(a)) and (2) Sidewalk must be 12ft wide (General (20-465(A) and Food Cart (17-315(a)).

2. Related to (1), what controls will there be on setting up chairs on the sidewalk and spilling paraphernalia on the sidewalk around the table--both of which affect the vendor footprint and safe and clear walkable area.

Answer: Under existing law, vendors are required to store any items for sale underneath their vending table or within/underneath their food cart (General (20-465(n)) and Food Cart (17-315(c)). The Initiative is not aware of any rules that prevent a person from sitting in a chair on the sidewalk.

3. Width Restriction: How wide can a single vendor be? For example, could a single vendor occupy an entire 17-foot stretch of allowable vending space?

Answer: A General Vendor's table can be up to 8' wide and 3' deep (20-465(B)), with the longest portion of the table running parallel to the curb. A Food Cart may be up to 10' wide and 4' deep (Rules of the City of New York 6-06), with longest portion of the food cart running parallel to the curb. Therefore, a single general vending table or food cart could not occupy an entire 17' stretch of vendable curb space.

4. What controls will there be on the illegal practice of parking a van or other large vehicle directly behind the vending table and replenishing stock/selling from the vehicle throughout the day (forbidden by parking regulations)?

Answer: The Initiative's immediate focus will be on the enforcement of the location based rules that directly impact public safety. The Initiative will encourage NYPD Traffic to enforce parking regulations.

5. Is some of the allowable vending area on subway grating? If so, what controls pertain?

Answer: Only General Vendors are prohibited for setting up on sidewalk grating (20-465(m)).

6. What controls are there on vendors using sources of power for light or heat--this question applies to all vendors (not only food vendors' cooking fuel)--whether on a grate or on the sidewalk?

Answer: No General Vendor shall use electricity, electrical generating equipment or oil or gasoline powered equipment, devices or machinery of any kind (20-465(p)).

7. What are the regulations when scaffolding is in place, making it sometimes impossible to set up within the required 18" of the curb, and certainly impacting the depth restriction queried in question (1). Is vending forbidden when scaffolding is in place?

Answer: Scaffolding is considered a sidewalk structure. A General Vending table or a Food Cart may not touch sidewalk structures ((General (20-465(C) and Food Cart (17-315(b)). The presence of scaffolding by itself does not prohibit vending, provided that all other rules are complied with (e.g. setting up within 18" of the curb).

8. The map deals with curbside allowances and does not specifically address illegal vending set up against buildings. Can we assume through omission that such illegal instances will also be monitored and prohibited--e.g., vending tables set up against the Dean & DeLuca building and in front of the SE entrance to the N/R train there?

Answer: The Initiative seeks properly licensed and permitted vendors in legal locations. Vending must be done from the curb. The Initiative will seek enforcement against vendors who are not following the rules including those who are not permitted or licensed.

9. What are the controls on dangerous vending density on the side streets denoted on the map--e.g., continuous 88 ft on Prince Street and 90 ft on Spring Street? There should be mandatory open intervals where people can get off the sidewalk in case of emergency, instead of being locked between building walls and a wall of tables.

Answer: Unfortunately, the laws and rules governing sidewalk vending do not have per block face limits on the number of vendors or the number of feet of vendable curb space. The law does give the City the authority to remove a vendor in "exigent" circumstances where public safety is compromised. Exigent circumstances are defined in 17-315 as "unusually heavy pedestrian or vehicular traffic, existence of any obstructions in the public space at or near such location, an accident, fire or other emergency situation at or near such location, or a parade, demonstration, or other such event or occurrence at or near such location."

10. How will the BID employee enforce the law--will he/she display the map, walk with a tape measure?--i.e., what is the day-to-day plan for this employee to act on the law?

Answer: The City of New York is the only organization with the authority to enforce New York City's laws and rules. The Director of Operations will work 5 days per week including some weekends. The Director of Operations will be eyes and ears on the street for illegal sidewalk use conditions, will speak with violators to help them come into compliance and be a liaison with various City Agencies to share this information to coordinate enforcement activities. He will also monitor the district for other illegal activity and respond appropriately. Yes, the Director of Operations will have the resources needed to assess conditions, including a tape measure, maps and any other resources reasonably necessary to getting the job done.