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COMMUNITY BOARD NO. 2, MANHATTAN

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January 25, 2019

Hon. Corey Johnson
NYC Council Speaker
City Hall Office
New York, NY 10007

Hon. Margaret Chin
NYC Council Member
250 Broadway, Suite 1762
New York, NY 10007

Dear Council Speaker Johnson and Council Member Chin:

At its Full Board meeting on January 24, 2019 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolutions:

- 1. Consideration of City Council Intro 1284 which codifies the requirement that the Mayor's Street Activity Permit Office (SAPO) notify community boards of new or changes to existing permits for street activities and clarifies both a timeline and information to be included.**

Whereas, the streets and sidewalks of Community Board 2 are highly desirable locations for street and sidewalk activities; and

Whereas, promotional events and product launches occur with increasing frequency in CB2 and other locations throughout Manhattan; and

Whereas, these events are more frequently being conducted without any notice given to the appropriate community board and often, when notice is provided, it is done so without the necessary time for the community board to make a careful and critical examination of the activity being proposed; and

Whereas, often these promotional events and product launches are a significant challenge to the quality of life for residents and pedestrians and create a significant disturbance to neighboring businesses that have no advance notice of these events; and

Whereas, frequently an applicant for a street activity permit includes a lack of detail in their SAPO application and the number of attendees projected for the event in the application are far fewer than actually attend; and

Whereas, SAPO permit holders are not required to post notice to neighboring residents and businesses regarding the event to be held; and

Whereas, the Mayor's Office of Media and Entertainment does require notice of film permits to be posted, advising permit holders that, "[w]hen filming in a residential neighborhood or business district, proper notification is to be provided to each merchant or neighbor who is directly affected by the company at least 48 hours prior to filming," and this notice should also be required of permit holders for street and sidewalk activities; and

Whereas, Councilmember Chin is proposing Intro 1284 which states that SAPO “shall inform the community board or boards that represent the area affected by the permit of any new street activity permits or changes to existing street activity permits granted by the street activity permit office. The notification shall include the type of application, event organizer, location, date or dates of event, whether the applicant has applied in the past, whether the event is private or public, information on any supporting permit agencies involved, and the contact information for one person at the office who is issuing the permit. The street activity permit office must provide notice to the community board or boards electronically or in writing, issued in an aggregated weekly report but no later than 15 days after receiving the application, provide at least 30 days for the community board to comment if the board finds it necessary, and provide the community board or boards with a copy of the approved or disapproved permit at least two weeks prior to the event, also in an aggregated weekly report where possible;” and

Whereas, CB2 believes this legislation is an important step in providing community boards with important information but notes that a 30 day notice requirement does not always provide sufficient time for the community board to vote on a recommendation to approve or deny an application and that 45 days notice would allow for a public hearing in committee and a vote by the full community board prior to the event taking place; now

Therefore Be It Resolved that CB2 Manhattan supports the spirit of Intro 1284; and

Be It Further Resolved that CB2 Manhattan recommends increasing the community board notice period to a minimum of 45 days; and

Be It Further Resolved that CB2 supports additional language in Intro 1284, requiring that street and sidewalk permit holders be required to post public notice to each merchant or neighbor who is directly affected by the street or sidewalk activity at least 48 hours prior to the event.

Vote: Passed, with 41 Board Members in favor.

1 Board Member in abstention. (R. Kessler)

2. Consideration of City Council Intro 1285 which would create a penalty when an individual or entity fails to obtain a street event permit from SAPO before holding an event.

Whereas, the streets and sidewalks of Community Board 2 are highly desirable locations for street and sidewalk activities; and

Whereas, promotional events and product launches occur with increasing frequency in CB2 and other locations throughout Manhattan; and

Whereas, it has been observed that street and sidewalk activities occur without the requisite permit and because the activity is a one-time event the promoter or producer of said event takes an “ask for forgiveness, not permission” approach with the City and does not apply for a permit at all; and

Whereas, there are currently no tangible consequences for failing to obtain proper permits for street and sidewalk activities; and

Whereas, these unpermitted promotional events and product launches are a significant challenge to the quality of life of residents and pedestrians and create a significant disturbance to neighboring businesses who have no advance notice of these events; and

Whereas, Councilmember Chin is proposing Intro 1285 which states that, “[f]ailure by an individual or entity to obtain a street event permit from the street activity permit office before holding an event that requires a street activity permit by rules promulgated by the street activity permit office, including but not limited to an event that interferes with the flow of pedestrian traffic due to the

formation of lines or any other sidewalk obstruction, is a violation...and a civil penalty shall be determined;" and

Whereas, CB2 believes that SAPO should have the power and jurisdiction to assess a civil penalty against an entity that flouts the permitting rules for street and sidewalk activities; and

Whereas, CB2 believes care should be taken in drafting the rules flowing from this proposed legislation in order to prevent and/or regulate only the nonpermitted events that generate an egregious disturbance to the neighboring residents and businesses and perhaps this should be assessed according to the amount of public sidewalk and/or street infringed upon by the event producer; now

Therefore Be It Resolved that CB2 Manhattan supports the spirit of Intro 1285; provided that care is taken in the rulemaking process so as to target only large and unruly nonpermitterd events that monopolize large amounts of public sidewalks and streets.

Vote: Passed, with 41 Board Members in favor.

1 Board Member in abstention. (R. Kessler)

Please advise us of any decision or action taken in response to these resolutions.

Sincerely,



Carter Booth, Chair
Community Board #2, Manhattan



Joseph Gallagher, Chair
Quality of Life Committee
Community Board 2, Manhattan

TB/EM

c: Hon. Jerrold L. Nadler, Congressman
Hon. Carolyn Maloney, Congresswoman
Hon. Nydia Velázquez, Congresswoman
Hon. Brad Hoylman, NY State Senator
Hon. Brian Kavanagh, NY State Senator
Hon. Yuh-line Niou, Assembly Member
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Manhattan Borough President
Hon. Carlina Rivera, Council Member