

Tobi Bergman, *Chair*
Terri Cude, *First Vice Chair*
Susan Kent, *Second Vice Chair*
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*
Keen Berger, *Secretary*
Daniel Miller, *Assistant Secretary*

COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE
NEW YORK, NY 10012-1899

www.cb2manhattan.org

P: 212-979-2272 F: 212-254-5102 E: info@cb2manhattan.org

Greenwich Village ✦ Little Italy ✦ SoHo ✦ NoHo ✦ Hudson Square ✦ Chinatown ✦ Gansevoort Market

October 24, 2016

Michael Carey
Executive Director
Citywide Event Coordination Management Office
100 Gold Street, 2nd Floor
New York, NY 10038

Dear Executive Director Carey:

At its Full Board meeting on October 20, 2016 Community Board #2, Manhattan (CB#2, Man.) adopted the following resolution:

Review of the new street festival rules proposed by the Mayor's Street Activity Permit Office

Whereas:

Dawn Tolson, Director of the Mayor's Street Activity Permit Office, made a presentation about the proposed new rules and took questions to clarify the provisions.

Representatives of three local non-profit organizations, and the president of one of the firms that is hired to produce street activities sponsored by non-profit organizations, appeared to raise concerns about certain rules.

Of particular concern are the new rules that relate to what have been called street fairs, which are now defined as Street Festivals and Single-Block Street Festivals.

The proposed rules were summarized in the presentation as follows:

Community Sponsor, Street Festival and Single Block Street Festival are re-defined

- Community Sponsor means a community-based, documented not-for-profit organization, association, corporation or the like that has an indigenous relationship to the specific street or geographic community where the Street event is proposed (along with specific requirements for documenting not-for-profit status).
- Street Festival means a Street event sponsored by a Community sponsor headquartered within the same community board as the proposed event that requires a street closure of one Block for multiple calendar days or more than one Block for one or more calendar days in which the general public can purchase goods or services provided by Vendors and Vendors may pay a fee to participate.
- Single Block Street Festival means a Street event sponsored by a Community sponsor headquartered within the same community board as the proposed event that requires a street

closure of one Block for a single calendar day in which the general public can purchase goods or services provided by Vendors and Vendors may pay a fee to participate.

Street Festival applications are open from November 1 to December 31.

Single Block Street Festival must be submitted 90 days in advance.

At least 50% of vendors must have a business or presence in the community board.

Vendors require documentation.

Caps on Street Festivals and Single Block Street Festivals are:

- 10 Street Festivals per Community Board
- 20 Single Block Street Festivals per Community Board
- No more than 200 Street Festivals citywide
- No more than 100 Street Festivals in Manhattan

Update to Fee Structure:

- \$1,375 per day per block fee for the first day
- \$705 per day per block fee for subsequent days

The new requirements for non-profits to document their status and indigenous relationship will help correct a long-standing problem that has been experienced in CB2. The rules do not address the status of state-wide or national organizations, which can be argued to have indigenous relationships to any area.

Under the proposed caps, Street Festivals in CB2 would be reduced from 22 to 10 (a reduction greater than 50% and the most drastic reduction on all but one other community board in Manhattan); the number of single-block Street Festivals would be reduced from 21 to 20.

Capping the number of festivals is in principle a desirable goal, but instituting the cap at one time could have the unintended consequence of doing harm to local, small non-profits.

The SAPO system date/time stamps every application and, under the proposed rules, would consider applications on a first come/first served basis.

The cap on Street Festivals would potentially give production companies the power to decide which of their clients would be able to apply successfully.

The SAPO system alerts community boards immediately when applications are submitted, and the intention is for community boards to have the opportunity to comment on all applications. The community board process requires a committee hearing that is publicized on the board calendar, followed by a resolution that must be adopted at a full board meeting. As a practical matter, a 45-day time frame is the minimum necessary for a community board to be able to comment on any application. Application deadlines for some street and plaza events are less than 30 days under the proposed rules.

The proposed rules include new categories for First Amendment protected activities, such as demonstrations, for which application deadlines are much shorter because of Constitutional protections.

The representatives of local non-profits testified about the negative impacts of certain rules:

- Most vendors don't confirm participation until the last minute, based on weather reports, so confirming vendor information 30 days before an event is for all intents and purposes impossible.
- Similarly, ensuring that 50% of vendors are local cannot be guaranteed in advance of the event.
- The 50% requirement itself seems arbitrary, and it does not take into account that many desirable vendors for street activities are entrepreneurs and artisans who cannot afford to be headquartered within the community board and are largely drawn from the three-state region. In addition, the

SAPO director would not say whether a non-profit would be denied a permit if it failed to reach the 50% threshold.

- The proposed per-block flat fee structure can be detrimental to smaller organizations and smaller festivals that occur on narrower streets. The current structure based on a percentage of proceeds is fairer to smaller organizations and festivals.

The non-profits and the production company complained that they, as stakeholders in this process, had not received the notifications that had supposedly been sent to stakeholders early in the process.

Now, therefore, be it resolved that:

CB2 commends the Office of Citywide Event Coordination and Management and the Street Activity Permits Office for their efforts to update the rules for street and plaza events.

CB2 encourages SAPO to diligently enforce the rules regarding documentation of non-profit and indigenous status of street festival sponsors and clarify the status of state-wide and national organizations under the indigenous requirement.

CB2 recommends that the minimum application time for every application, except for First Amendment protected activities, be no less than 45 days.

CB2 is concerned that local non-profits that rely on street festivals for their financial stability will be disadvantaged by the new rules and recommends that:

- The cap on Street Festivals be two years for CB2 and for any other community board that faces a drastic reduction in the number of street festivals.
- SAPO consider a fee structure that takes into account the size and budget of non-profits so that small, local, community-based non-profits not be unduly burdened.
- The 50% local vendors rule be reconsidered in light of the practical experience of non-profit sponsors of street festivals.

CB2 further strongly recommends that CB2 SAPO should give CB2 recommendations and resolutions primary consideration for both non-profit Street Activity permits and especially for commercial Street Events permits.

VOTE: Unanimous, with 43 Committee Board Members in favor.

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

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Robert A. Woodworth, 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. Daniel L. Squadron, NY State Senator
Hon. Deborah J. Glick, Assembly Member
Hon. Gale Brewer, Man. Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Dawn Tolson, Director, Street Activity Permit Office