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February 10, 2021

Melanie La Rocca  
Commissioner  
NYC Department of Buildings  
280 Broadway, 1<sup>st</sup> Floor  
New York, NY 10007

**Re: Sidewalk Shed Permitting and Oversight**

Dear Commissioner La Rocca,

Manhattan Community Board 4 (MCB4), at its February 3<sup>rd</sup> Full Board meeting by a vote of 41 in favor, 0 opposed, 0 abstaining, and 0 present but not eligible to vote, writes to request that knowledgeable representative(s) from the Department of Buildings (DOB) appear in front of the Board's Transportation Committee to assist us in addressing the proliferation and prolonged duration of sidewalk sheds supporting construction-related scaffolding in our neighborhoods.

In recent years, our City has seen a significant increase in the number of sidewalk sheds in our communities. In the 2.5-year period between April 2018 and September 2020, the number of sidewalk sheds rose by more than a third.<sup>1</sup> As of September 2020, New York City had nearly 400 miles of sidewalk sheds, equivalent to the distance between Times Square and Richmond, Virginia.<sup>2</sup>

Community District 4 falls within the top five community districts with the most sheds within Manhattan, where the majority of the City's sidewalk sheds are located. At the end of 2020, MCB4's sidewalks were obstructed by more than 400 sheds, which on average had been in place 311 days.<sup>3</sup> Nearly 60 sheds had been in place for more than an entire year, while the longest standing shed appears to have been first permitted in 2009.<sup>4</sup>

There are legitimate safety reasons why sidewalk sheds should occasionally be installed over sidewalks for designated periods of time. However, the proliferation and prolonged duration of

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<sup>1</sup> NY1: "City Scaffolding Permits Up By More than a Third In 2.5 Years," accessible at <https://www.ny1.com/nyc/all-boroughs/news/2020/09/18/city-scaffolding-permits-up-by-more-than-a-third-in-2-5-years>.

<sup>2</sup> NY1: "City Scaffolding Permits Up By More than a Third In 2.5 Years."

<sup>3</sup> NYC DOB Sidewalk Sheds data.

<sup>4</sup> NYC DOB Sidewalk Sheds data.

shed installations across our City suggests that regulations and oversight of shed permitting are not as effective as they should be. This is particularly concerning given that sheds are unattractive and uninviting structures that create an array of transportation, economic, safety, and quality of life problems in our neighborhoods. For example:

- **Shed legs and supportive bars occupy significant sidewalk space, obstructing pedestrian movement** along blocks, particularly for members of our community living with disabilities, who may be unable to safely navigate around shed structures. They also become a convenient location to attach bicycles, which aggravate the problem.
- **Sheds depress economic activity** (harming small businesses in particular), as pedestrians tend to avoid blocks where they must walk underneath sheds and cannot clearly see business signage or entrances obscured by shed structures. One community member present at the Transportation Committee's December 2020 meeting noted that her restaurant experienced a 20% drop in business after a sidewalk shed was erected on the block (West 32<sup>nd</sup> Street). Small businesses are even less able to weather the negative consequences of sheds today, given the economic devastation wrought by the COVID-19 Pandemic.
- **Sheds create an inhospitable environment** – blocking sunlight and encouraging littering – **and can create safety issues** by providing refuge for criminal activity.

Given the array of negative impacts on our community caused by the proliferation and prolonged duration of sidewalk sheds, **Manhattan Community Board 4 requests that knowledgeable representative(s) from DOB appear in front of the Board's Transportation Committee to address the following questions and suggestions:**

- How is DOB currently scrutinizing shed permit applications/renewals to ensure applicants have a legitimate need for a shed and are completing work in a timely fashion?
- How is DOB exerting oversight over permit holders who have maintained sheds for prolonged periods of time (e.g., multiple years)?
- How long does it currently take on average for DOB to approve shed removals once work on a property is completed? How many inspectors does DOB have dedicated for these inspections? What steps is DOB taking to expedite their approvals process?
- How can DOB tailor the duration of shed permits to the nature of the work at issue?
- Has DOB developed mandatory design standards for sidewalk sheds that prioritize pedestrian and ADA access to the full sidewalk area? For example:
  - Require shed legs to rest in the roadbed vs. on sidewalks
  - Prohibit horizontal bars

- Does DOB require permit applicants to provide a plan for how sheds will be installed as part of their application?
- Does DOB charge higher fees for permit renewals to incentivize property owners to complete work in a timely fashion?
- Does DOB require inspections of remedial work required by Local Law 11 be completed in a specific period of time, with penalties imposed for non-compliance?
- Does DOB coordinate with DOT to ensure street construction and lane closures do not conflict with sidewalk shed installation and further obstruct sidewalk and business access?
- Does DOB have plans to conduct a study to assess whether the 5-year inspection timeline currently mandated by Local Law 11 is, in fact, necessary for pedestrian safety? (E.g., inspections could be conducted every 7 or 10 years instead.)

We look forward to meeting with you at a future Transportation Planning Committee meeting and further discussing the permitting and oversight process for sidewalk sheds.

Sincerely,



Lowell D. Kern  
Chair  
Manhattan Community Board 4



Christine Berthet  
Co-chair  
Transportation Planning  
Committee



Dale Corvino  
Co-chair  
Transportation Planning  
Committee

Cc: Hon. Corey Johnson, Speaker, City Council  
Hon. Gale Brewer, Manhattan Borough President  
Victor Calise, Commissioner, Mayor's Office for People with Disabilities  
John Raine, R.A., NYCDOB Manhattan Borough Commissioner