



CITY OF NEW YORK
MANHATTAN COMMUNITY BOARD FOUR

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JEFFREY LEFRANCOIS
Chair

JESSE R. BODINE
District Manager

November 14, 2023

Anthony Perez
Manhattan Borough Commissioner
NYC Department of Parks & Recreation
Arsenal West, 24 W. 61st Street, 5th Floor
New York, NY 10023

Kevin D. Kim
Commissioner
NYC Department of Small Business Services (SBS)
1 Liberty Plaza, 11th Fl.
New York, NY 10006

Vilda Vera Mayuga
Commissioner
Department of Consumer & Worker Protections
42 Broadway
New York, NY 10004

Re: Street Vendor Locations at Bella Abzug Park

Dear Commissioners Perez, Kim, and Mayuga:

Manhattan Community Board 4 (MCB4) at its November 1st Full Board meeting, by a vote of 34 in favor, 3 opposed, 0 abstaining, and 0 present but not eligible, does not support removing trees to create a specific space for a food cart in the Bella Abzug Park. However, we support changes to the City rules and legislation concerning vendors.

Mr. Mohammed Awad has owned food carts on the sidewalks of the Bella Abzug Park for many years. Construction workers were his main customers during the Hudson Yards development. Food vendors generally operate with a license from the Department of Consumer and Worker Protection and use carts licensed by the Department of Health. Specialized licenses allow

disabled veteran vendors to vend on Parks property or any block face in the city¹. Such licenses do not specify or guarantee a fixed location.

Mr. Awad owns and manages food carts. He pays veterans to “represent” the carts he owns and pays workers to operate them².

Bella Abzug Park and its adjacent roadways is transitioning from a construction zone to an active neighborhood and park with many commuters and tourists. As part of this transformation, MCB4 supported changing the roadways of the eastern Hudson Boulevard along block one and two (West 33rd to West 35th Streets) to shared streets. The design includes installing continuous tree pits along the curb on the park’s side.

After construction was completed in April 2023, the final segment of tree pits closer to West 33rd Street were installed, at which point one of two food carts on that space had to relocate.

After five years of negotiations, New York City Parks Department (DPR) granted a food concession to the Hudson Yards Hell’s Kitchen Alliance (HYHK) Business Improvement District (BID) who manages the park. After a DPR-administered RFP process, the BID signed a sub concessionaire contract with a Minority and Woman-Owned Business Enterprise. As customary, a portion of its revenue is funding the maintenance of the park. This operator is licensed to run a food kiosk and six food carts in the park. One of the locations designated in the contract is at the northwest corner of Hudson Boulevard and West 33rd Street.

Recently the concessionaire deployed its six carts in the park, including the one at West 33rd Street which caused a second cart to have to seek a new space.

While it is very unfortunate that the cart owner will have to find new locations to operate from, the current legal structure of the permits and the conflict with the park expansion as well as concessionaire rights, make it unavoidable. HYHK BID has identified other locations that are available to the cart owner.

We’d like to make suggestions for the near future when dealing with this type of situation:

- A written notice could be given to the vendors asking them to relocate and giving them two weeks to do so.

In the long run, with thousands of migrants arriving in the City, street vending has been a pathway to a better life for individuals and their families. The maze of laws and rules should be changed to be more adapted to our current circumstances and simpler to administer. A new law passed in 2021 requiring the City to add 4,000 new permits by 2032, but no new permits have been handed out. And the Street Vendor Advisory Board published a comprehensive report in 2022 that is not being implemented. The City should study the following options:

¹ New York State Law 35-A, which created the Disabled Veteran Vendor system states that: *“Specialized vending licenses issued under this section shall permit the holders thereof to vend on any block face,*

² Per the HYHK BID.

- Licenses could confer a specific spot to vendors subject to enforceable pedestrian space clearances and allow them to vend from the curb lane. This is no different than Open dining and Newspaper stands.
- They could be able to use a structure similar to Open dining or Newspaper stands without using a cart. It would avoid thousands of trucks clogging the streets every morning and evening while taking carts to various locations. It would also avoid trucks climbing on sidewalks to retrieve their cart. Absentee or abusive cart owners rent those at exorbitant costs. The stands could use a more attractive design and use clean energy.
- There could be a single agency for all licensing and enforcement and the licensing process could be simplified.

Sincerely,



Jeffrey LeFrancois
Chair
Manhattan Community Board 4



Christine Berthet
Co-Chair
Transportation Planning Committee



Jesse Greenwald
Co-Chair
Transportation Planning Committee

Cc: Hon. Erik Bottcher, NYC Council
Mohamed Attia – Urban Justice Center, Street Vendor Project
Mohammed Awad – cart owner
Ashwin Vasan, Commissioner, NYC Department of Health & Mental Hygiene
Robert Benfatto, President, HYHK BID