



CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD FOUR

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Delores Rubin
Chair

Jesse R. Bodine
District Manager

December 15, 2016

Michael P. Carey
Executive Director
Office of Citywide Event Coordination and Management
Street Activity Permit Office
100 Gold Street, 2nd Flr
New York, NY 10038

Re: Street Activity Permit Renewal Application 2017
Applicant: Hell's Kitchen Flea Market
Location: West 39th St (Ninth and Tenth Avenues)
Date: Every Saturday & Sunday, Starting January 1,
2017 Time: 9:30 a.m.-4:00p.m.
EVENT ID: 316351

On November 21, 2016 the Arts, Culture, Education & Street Life Committee ("ACES") of Manhattan Community Board 4 ("CB4"), formerly the Quality of Life Committee, recommended that the Street Activity Permit Office ("SAPO") renew the street activity permit for the Hell's Kitchen Flea Market (HKFM). The operator agrees to comply with the stipulations indicated below which were previously agreed upon in a letter dated December 16, 2015.

The ACES Committee wishes to acknowledge and thank the Operator, Vendors and the Community for their hard work and cooperation in working together to help create a more vibrant market which is benefiting the surrounding community.

Location & Market Hours:

- The Hell's Kitchen Flea Market ("HKFM") is located on West 39th Street, between Ninth Avenue and Tenth Avenues; including the sidewalk and a portion of a Port Authority parking lot.
- Market hours are 9:30am to 5:00p, on Saturday and Sunday.
- Load-in and set-up commences Saturday and Sunday morning at 4:00am.
- Load-out ends at 7:00pm Saturday and Sunday night.
- Only three vendor booths (not including the information booth) may be located on the eastern end of the street from Ninth Avenue to 411 West 39th Street. This is the area in front of occupied buildings.

- After 9:00am. HKFM may fill this open space between 411 West 39th Street and the most eastern booth with additional booths, starting at the west side of 411 West 39th Street.
 - When the market is not fully booked, empty space will be consolidated to the eastern end of the market to the greatest extent logistically feasible.
 - These rules will be publicized on the web site and on the vendor contract

Loading and Set up

- Vendors will begin setting up at the west end of the street.
- Vendors will load-in from the 10th Avenue side of the market.
- Vehicles will not be driven from the east end of the street.
- Vendors will use rubber-wheeled carts while on the premises.
- Vendors' goods may remain on the sidewalk overnight on Saturdays.
- These rules will be publicized on the web site and on the vendor contract

Staffing:

- *Market Manager* - HKFM operators will ensure that all staff (as listed below) are properly trained and managed by a full-time experienced manager who will be on-site throughout the market's operation. Any change of the manager's employment or schedule will be reported in advance to CB4. HKFM will provide CB4 with his/her contact information.
- *Information Booth Attendant* - In order to reduce problems for West 39th Street businesses, HKFM will post a dedicated staff member at the Ninth Avenue *Information Booth* at all times when West 39th Street is closed to traffic.
- *Traffic Coordinator* - HKFM will post a dedicated Traffic Coordinator to open and close the barricade on West 39th and 9th Avenue. (This coordinator is a different staff member from the one manning the information booth.)
- *Traffic Director* - HKFM will hire a police officer from the Paid Detail unit of the NYPD to direct the traffic at the intersection of 9th Avenue and 39th Street, from 3 pm on Saturday and Sunday until the street is re-opened. The objective is to prevent gridlock on the east side of 9th Avenue and ensure safe pedestrian crossing on the south side of 9th Avenue.
- *Security Guards* – minimum of one per 50 10x10 spaces occupied During regular operation HKFM will be secured by at least one licensed security guard
- *Maintenance Staff* (minimum of one minimum of one per 50 10' x 10' spaces occupied - During regular operation HKFM will be maintained by at least one staff member specifically dedicated to sanitation.
- Each person on HKFM's staff must be, at all times, equipped with a wireless communication system to ensure the safe and efficient operation of the market.

Signage:

- HKFM will maintain the signs at the intersection of 9th Avenue and

West 39th Streets

- The signs must be posted 4:00am Saturday through 8:00pm Sunday.
- Pedestrian Entry sign will inform residents, businesses, customers and suppliers that they may enter the street.
- Vehicular Entry sign will specifically note the name of all businesses on the block.
- Parking sign will inform the public of access to the parking lot. The sign must include parking rates.

Pedestrian Access:

- Pedestrians will have 24-hour access to the closed-off portion of West 39th Street. (This includes during set-up, load-out and cleaning time periods.)
 - Residents, businesses and customers will have 24-hour access to load or unload vehicles from Ninth Avenue through to 411 West 39th Street (the westernmost building.)
- Traffic & Parking:
- HKFM will maintain a fire lane of at least 12' to provide immediate access for emergency vehicles.
 - HKFM operators will adhere to a revised site plan that includes a lane of traffic adjacent to the south curb of the street from 9th Avenue in order to allow residents, visitors and businesses access to both the garage entrance and the loading bay at 515 West of 9th Avenue. This area is approximately 100' west of 9th Avenue and is in addition to the Fire Lane.
 - In the event HKFM reinstates a Market Shuttle Van, it will not stand or park on the pedestrian crossing area at anytime.

Sanitation and Upkeep:

- HKFM will ensure the entire street, including the sidewalk and the street in front of all buildings, are kept in a broom-clean condition throughout the entire operation of the market. Trash receptacles will be provided and maintained by market staff. No overflow will be permitted. Trash will be collected and stored in closed bins.
- HKFM staff will maintain the painted promenade and immediately re-paint any deterioration.

Governance/Operations:

- Vendors will be selected on the basis of quality, type, and merchandise sales price. There will be no discrimination on the basis of race, color, national origin, religion, gender, sexual orientation, age, disability, or veteran status.
- Vendors suspected of fraud or the misrepresentation of merchandise, or who otherwise fail to maintain good customer relations, may be excluded from market. HKFM will make every effort to communicate its concerns to the vendor in order to provide the opportunity for a second chance. If the infraction is not egregious and is also the vendor's first, HKFM must document all infractions and outcomes, and include the information in its quarterly reports to CB4.
- Priority may be assigned to vendors who have formerly sold at the HKFM or

Annex Antiques Fair.

- HKFM will provide all vendors with a printed agreement (in a PDF format or other mutually agreed upon method), that details the business relationship between HK.FM and vendor, and Includes, clearly written polices for reservations, cancellations, space allocation, weather-driven annulations, encroachments on adjacent lots, dispute resolution, etc. First time vendors will sign a printed agreement, which will include current stipulations. Returning vendors will also sign the revised agreement. All agreements must be dated and countersigned by an authorized representative of HKFM.
- HKFM will confirm all verbal transactions by email.
- At least two spaces will be made available each day on the Port Authority lot to local community groups and/or charitable non-profit organizations with-out charge.
- HKFM will not use a raised stage. Application forms will be available at the market, on HKFM's website and/or upon request. Space will be assigned to groups on a rotating basis in consultation with, and at the recommendation of CB4.
- There will be no charge for customers to visit the market.
- Annex Antique Fair & Flea Market, Inc. will not subcontract management of any portion of the HKFM to any outside party, nor will it allow its vendors to sublet any portion of their space
- HKFM, along with CB4, will continue to monitor the impact the revised site plan has on the residents and businesses on the block and will meet with CB4 to review any issues in advance of the next renewal period.

Market Rejuvenation:

- HKFM agrees to continue to make its best efforts to attract new vendors by offering reduced rates for new vendors and to current vendors and by other marketing techniques.
- HKFM agrees to continue to make its best efforts to attract more customers, by implementing a comprehensive marketing plan and exploring the opportunity to partner with other non- profit organizations that provide programming.

HKFM Communication/Documentation:

- HKFM management will meet with CB4 on semi-annual basis for a minimum of one year commencing at the March 2017 Quality of Life Committee meeting.
- At each meeting, HKFM management must be prepared to discuss all aspects of its operations and provide an documentation, including but not limited to the following:
 - Semi Annual HKFM's Marketing Report and Vendor report detailing the number of existing and new vendors on site per day; type of merchandise sold; booth and equipment rental income; etc.

Event Sponsor

- HKFM has established the Hell's Kitchen Foundation (HKF) for the purpose

of supporting struggling artists who live or work in Hell's Kitchen and the Market agrees to continue to donate 25% of its profit to a local charity, preferably in the Hell's Kitchen - Clinton area. This level of contribution reflects the high investment the Market had to make in order to relocate to 39th street.

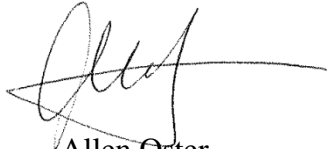
Renewal:

- The HKFM's permit renewal will be assessed on an annual basis by CB4, with inspection and oversight by the appropriate governmental agencies, to ensure HKFM complies with all laws and CB4 stipulations.

Sincerely,



Delores Rubin
Chair
Community Board 4



Allen Oster
Co-Chair
ACES Committee



Austin Ochoa
Co-Chair
ACES Committee

cc: Clearview Productions
Hell's Kitchen Foundation