

Statement of Shari C. Hyman
Office of the Criminal Justice Coordinator
New York City Council
Committees on Consumer Affairs and Immigration
November 14, 2008

Good morning, Chairmen Comrie and Stewart and members of the Committees on Consumer Affairs and Immigration. My name is Shari Hyman and I am Deputy Criminal Justice Coordinator. I am joined today by Susan Petito, Assistant Commissioner for Intergovernmental Affairs and Lieutenant Dan Albano from the NYPD, Andrew Eiler, Director of Legislative Affairs at the Department of Consumer Affairs, and Chris Manning, Assistant Commissioner in the Bureau of Intergovernmental Affairs at the Department of Health and Mental Hygiene. Thank you for the opportunity to be heard today on the issue of vending.

Unlawful vendors pose serious problems for communities and for law enforcement agencies seeking to protect those communities. Those street vendors who are properly licensed face unfair competition from those who are not, communities suffer from a decreasing quality of life for residents and visitors due to overcrowded conditions on their sidewalks, and pedestrians are placed in danger when they are forced into busy streets to avoid vendors clogging sidewalks. There is no doubt that something needs to be done to address the problem and the myriad bills up for discussion today reflect a valiant effort on your part to do so. But, while the Administration supports the notion that something needs to be done, we believe that these bills do not address the heart of the problem – the lack of meaningful penalties for those who violate the law.

Under the current regulatory scheme, individuals arrested for unlawful vending cycle through the criminal justice system – often in a matter of hours – without ever being fingerprinted for the offense, unless they fail to provide proper identification. Even if they are fingerprinted for that reason, the misdemeanors they commit are not contained within the Penal Law, and so the arrest, and any subsequent disposition of the charge, will not be reflected in their criminal history, or “rap sheet.” This lack of what is called “mandatory fingerprinting” means that it is impossible to track repeat offenders. And, because there is no way to identify a recidivist, repeat offenders do not face stiffer penalties when they return to the system again and again. As a result, an arrest for unlicensed vending amounts to little more than a nuisance to many of these unlawful vendors and is absorbed as a cost of doing business.

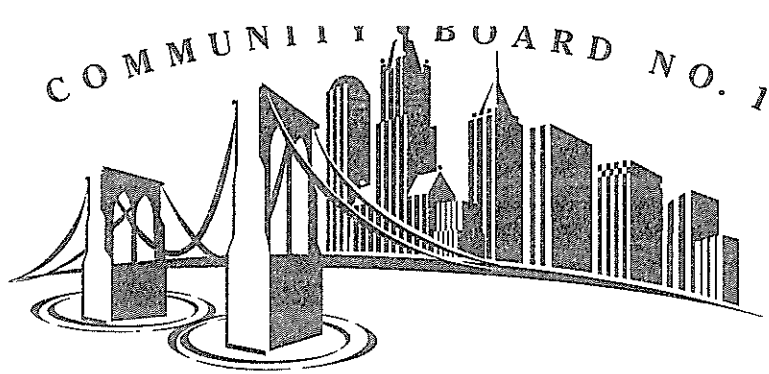
Any meaningful attempt to address this problem will necessarily involve changing the state law to require that individuals arrested for vending-related offenses are fingerprinted as part of the booking process. By fingerprinting these offenders, we gain the ability to track recidivists and identify those high-frequency repeat offenders who pose the biggest challenge to the criminal justice system. In doing so, we can focus law enforcement resources on these offenders and ensure that the harshest criminal penalties are reserved for and imposed on these recidivists.

Without this change to state law, any attempt to address the problems caused by unlawful vending, or by the persistent violation of vending restrictions by licensed vendors, will have very little real effect. Some of the bills on the agenda today do offer potential assistance in addressing discrete problems within the current regulatory scheme. However, these bills address only the

conduct of lawful vendors and do nothing to deter unlicensed vendors or more harshly punish those who violate the laws. Although it is important to monitor the conduct of licensed vendors and enforce the existing code with respect to these vendors, any proposal intended to significantly affect the real problems posed by vending must take a broader approach. This is what our proposal to amend the state law to require fingerprinting of offenders is intended to do.

The Administration is committed to working with the Council to address the significant problems caused by the current vending regulatory scheme. We hope that together, we can lobby Albany with a strong, unified voice for meaningful change. We commend the Council for its continuing dedication to this issue and for the efforts to introduce legislation aimed at addressing some of the problems caused by vending. We look forward to working with the Council on this issue.

We would be happy to take your questions, including any questions about the bills on the agenda.



FOR THE RECORD

October 2, 2008

The Honorable Alan Gerson
Council Member, New York City Council
51 Chambers St., Suite 429
New York, NY 10007

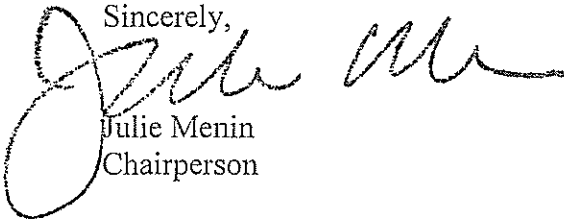
Dear Council Member Gerson:

Attached is a resolution of support for your initiation of efforts to reform city vendor laws. As the resolution says, Community Board #1 has had numerous complaints about vendors in our district and the police of the First Precinct are frustrated that current laws as written don't allow them to enforce existing laws more effectively and have more control over legal or illegal vendor activity.

As you know, Community Board One's Quality of Life committee is undertaking a public exploration of these issues at our committee's meetings. This effort started in September and will likely continue for the next two or three months, at which point the committee and board will articulate our own recommendations. We look forward to hearing from you and/or Peter Pastor again on your legislation at one or all of these meetings.

Thank you for your continued leadership on improving the quality of life of residents and businesses downtown. If you would like to discuss the resolution and its ramifications, please feel free to call District Manager Noah Pfefferblit at our office: 212-442-5050.

Sincerely,



Julie Menin
Chairperson

08ftrs/cc

City of New York



Julie Menin CHAIRPERSON | **Noah Pfefferblit** DISTRICT MANAGER
49 Chambers Street, Suite 715, New York, NY 10007-1209
Tel 212 442 5050, Fax 212 442 5055, Email cb1@cb1.org, www.cb1.org

COMMUNITY BOARD #1 – MANHATTAN
RESOLUTION

DATE: SEPTEMBER 23, 2008

COMMITTEE OF ORIGIN: QUALITY OF LIFE

| | | | | |
|-----------------|-------------|------------|-------------|-----------|
| COMMITTEE VOTE: | 11 In Favor | 0 Opposed | 0 Abstained | 0 Recused |
| BOARD VOTE: | 27 In Favor | 11 Opposed | 1 Abstained | 0 Recused |

RE: Supporting Council Member Alan Gerson's efforts to reform city vendor laws

WHEREAS: Community Board #1 has had numerous complaints about vendors in our district, and

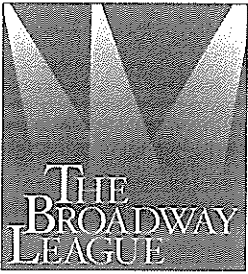
WHEREAS: The police of the First Precinct are frustrated that current laws as written don't allow them to enforce existing laws more effectively and have more control over legal or illegal vendor activity, and

WHEREAS: Council Member Gerson is proposing adjustments and additions to and explanations of current laws and/or regulations, as well as new laws and/or regulations to institute more effective enforcement of illegal vendor activity, and

WHEREAS: The Quality of Life Committee of CB#1 has begun a comprehensive review of laws and regulations pertaining to street vending and during this process will consider in greater detail specific changes proposed by Council Member Gerson, now

THEREFORE
BE IT
RESOLVED

THAT: Community Board #1 supports Council Member Gerson's efforts to improve vendor laws and regulations with the intent of better enforcing existing laws and regulations and adding new ones that would cover unregulated vendor activity, subject to detailed review and comment by Community Board #1 with respect to the content of any such new laws and regulations that are proposed.



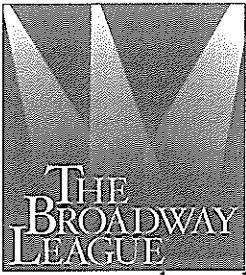
**Statement of The Broadway League
Friday, November 14, 2008**

Good morning. I am Thomas Ferrugia, the Director of Government Relations for The Broadway League, which has been the principal trade association for the commercial Broadway theatre industry for nearly 80 years. We now represent over 600 members nationwide, including theatre owners, producers and road presenters. I want to thank Chairmen Comrie and Stewart, as well as the other distinguished members of the Consumer Affairs and Immigration Committees, for this opportunity to discuss some of our thoughts on the vending legislation under consideration today.

For the last thirty years, the League and its members have been heavily involved in revitalizing Times Square, working closely with civic associations like the Mayor's Midtown Citizens Committee and community organizations such as the Times Square Alliance. As anyone who remembers the theatre district of the 1970s and 1980s can attest, our success has been hard-fought and tangible. We have helped transform Times Square from a place of seediness into an entertainment and business mecca for New Yorkers and a preferred travel destination for tourists. The city and state governments enjoy vast revenues from the multi-billion dollar economic impact of the legitimate, tax paying merchants of the Broadway and the Times Square area.

Unfortunately, the proliferation of countless street vendors, which continues to spiral out of control, is demonstrative of the very conditions that led to the demise of the Times Square we fought so hard to restore. We cannot stand by and allow history to repeat itself: the cost to all New Yorkers is too great.

As you are aware, various requirements of the City's Administrative Code and the State's General Business Law create a patchwork of rules that are nearly impossible to decipher, let alone enforce. Ultimately, we believe the Council and Administration must take a broad approach to this issue. We believe studies on vehicle and pedestrian traffic flow, inter-agency cooperation and some difficult choices will be essential to formulating a city-wide policy that can be readily administered. However, we certainly support any interim legislation designed to manage the countless unlicensed and unregulated vendors clogging the streets of Times Square.

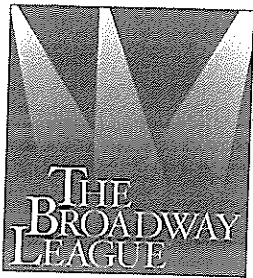


While lack of adequate manpower to enforce street vending laws has always been the City's Achilles Heel, and we recognize the complex enforcement issues inherent in **Intro 830**, we certainly support the bill's intent of limiting the number of first amendment vendors in the midtown core. As you know, Times Square is severely congested and the City DOT is now studying ways to reduce vehicular traffic and create more space for pedestrians and bicycles. "First amendment" vendors set up in fixed locations on heavily trafficked blocks in unrestricted numbers, forcing pedestrians to walk in the streets and otherwise create a clogged and dangerous environment. We feel **Intro 830** is an excellent step towards tackling this problem.

I am sure your capable counsel has examined the state's regulations and advised you that the Council has authority to impose time, place and manner restrictions on these vendors, as long as they are granted the same privileges as disabled veteran vendors. Should the Council ever commence a broader initiative, the language of **Intro 830** should be an essential element of any vendor licensing law.

We also support any bills that make the comfort, health and safety of New York City's residents and tourists a higher priority than locating spots on the sidewalk for street vendors to sell their merchandise, as well as improve the overall quality of life in the district by decreasing congestion. Therefore, we support **Intro 419**, which would prohibit vending vehicles or pushcarts from standing over ventilation grills, cellar doors, manholes, transformer vaults, or subway access grates; **Intro 828** which prohibits vendors from leaving stands or goods unattended for more than thirty minutes and; **Intro 832** which expands the definition of "obstruction" in relation to what sections of street or sidewalk a vendor may set up for business.

We also support any legislation that will help the City's Police Department, Health Department and Department of Consumer Affairs implement the complicated legislation they've been charged with enforcing. Therefore, we back **Intro. 843**, which will require general vendors to display a placard on his or her cart or stand. This proposal will make it easier for enforcement officers to readily identify and, if necessary,



summons or remove unlicensed street vendors.

However, we are against legislation that would tend to increase numbers of street vendors beyond any agency's reasonable ability to enforce the law. The City is struggling to monitor the vendors we have now and allowing an unrestricted number of general vendors on the streets does not seem like an appropriate action. Therefore, we oppose **Intro. 324**. We feel this proposal sends the message that the City has thrown up its hands and accepted chaos as an appropriate resolution to this problem.

We do not oppose **Intro.834** that raises the number of licensed general vendors by 20% over the existing number – frozen since 1979. However, the Council must maintain the current ban on vending in Manhattan's midtown core. We would oppose any legislation that would add additional street vendors to sidewalks of an already overcrowded and heavily trafficked section of the city. We also take no position on **Intro. 846**, which prohibits vending on 5th Avenue in Sunset Park, Brooklyn and creates special vending licenses for other parts of the community.

Times Square has reached its saturation point with regard to population density. Tourists, theatre-goers, area service providers and local office-workers already compete for limited pedestrian space with legal vendors, illegal vendor stands, and, of course, vehicular traffic. We hope that the New York City Council continues to recognize the importance of the Theatre District to the economy of New York City and always favors legislation that will help keep it thriving. I thank you for this opportunity and I am happy to answer any questions you may have.

Testimony of Ian Alterman
Vice President, 20th Precinct Community Council
at the
City Council
Joint Committee on Consumer Affairs and Immigration
Friday, November 14, 2008
10:00 am

Thank you Chairman Comrie and Chairman Stewart. My name is Ian Alterman and I am the Vice President of the 20th Precinct Community Council, the NYPD-mandated liaison between the 20th Precinct and its constituents. I am here to speak primarily to Intro 828, with respect to prohibiting general vendors from leaving pushcarts, stands or goods unattended.

Please note that it was the 20th Precinct Council that first suggested this legislation to Councilmember Brewer, and met with her to discuss it back in the summer of 2007 as a result of certain vendors in our area having established 24/7 "encampments." Thus, we have a significant vested interest in this legislation.

Although we agree with the intent of the legislation as proposed, we believe the language is flawed and requires modification. I have provided to you a revised version of Intro 828 with our additions in italics.

The most significant problem is the use of the word "unattended." As the NYPD points out, some homeless booksellers sleep under their tables. Thus, if a person were to walk by at, say, 3 o'clock in the morning, and wanted to buy a book, the table would not technically be "unattended." This clearly defeats the purpose of legislation, which is to prevent vendors from setting up shop on a 24/7 basis, and leaving their tables and goods on the sidewalk overnight.

The intent of the legislation is to get vendors to remove *all* of their things from the sidewalk from a given time in the evening until a given time in the morning; that is, establishing specific hours during which vendors may vend in primarily commercial or primarily residential areas. For residential areas, our revised language proposes vendor hours from six o'clock a.m. to eight o'clock p.m. Sunday through Thursday, and six o'clock a.m. to nine o'clock p.m. on Fridays and Saturdays.

We also suggest that fines for violating this provision be high, and progressive. This is the only way to stop what amounts to illegal commercial storage on public property.

There is a separate but related issue that we hope the Consumer Affairs Committee will take up. That is the issue of getting judges to stop dismissing vendor summonses, which is done far too frequently. Not only does make the Department of Consumer Affairs look "toothless" with regard to enforcement – as well as wasting the time of NYPD personnel who write the summonses, and the City Council for passing new legislation of the type proposed - but it robs the city of much-needed revenue. Given budget shortfalls, this would seem self-defeating in the extreme.

Finally, we want to make clear that we are *not* attempting to prevent legitimate vendors from making an honest living. In fact, vendors already get away with an enormous amount: the former head of enforcement for the DCA estimates that 75% of vendors are consistently out of compliance in at least one regard, and 50% are consistently out of compliance in two or more regards. Yet enforcement is meager, and, as noted, even when it is done the courts tend to ignore vendor-related summonses.

Rather, we are hoping to create a level playing field, one in which legitimate vendors can earn their living, but without needlessly, and often illegally, infringing on the rights of others, including individuals, businesses, and the city itself.

As an aside, we also fully support Intro 830 and Intro 843.

Thank you for your time and for allowing me to speak. I am happy to answer any questions you might have.

Int. No. 828

[As Revised by the 20th Precinct Community Council]

By Council Members Brewer, Fidler, Gonzalez, James, Koppell, Mealy, Palma, Sears, Martinez and Gerson

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting general vendors from leaving pushcarts, stands or goods unattended.

Be it enacted by the Council as follows:

Section 1. Section 20-465 of the administrative code of the city of New York is amended by adding a new subsection r *and a new subsection s* to read as follows:

r. No general vendor, including veterans and vendors of First Amendment-protected goods, shall leave his or her pushcart, stand or goods unattended for more than thirty minutes at a time. No general vendor, including veterans and vendors of First Amendment-protected goods, shall leave his or her pushcart, stand or goods on the sidewalk or in any public space when said vendor is not actively engaged in vending such goods or vending from such pushcart or stand for more than thirty minutes at a time.

s. In residential neighborhoods, all general vendors, including veterans and vendors of First Amendment-protected goods, shall break down their pushcarts, stands and goods such that all pushcarts, stands and goods are completely broken down by eight o'clock p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday, and nine o'clock p.m. on Friday and Saturday. Under no circumstance whatsoever may vendors leave any pushcarts, stands or goods on the sidewalk or in the street after these hours. Fines for violation of this subsection s shall be progressive. Vendors may set up again beginning at six o'clock a.m. seven days per week.

§ 2. Section 20-468(e) of the administrative code is hereby amended to read as follows:

e. Any police officer may seize any vehicle, pushcart, stand or goods of a vendor operating any general vending business in violation of the following subdivisions of section 20-465: subdivisions b, e, i, [or] the provisions of subdivision m relating to obstruction of ventilation grilles, or subdivision r or subdivision s. The owner or other person lawfully entitled to the possession of such vehicle, pushcart, stand or goods may be charged with reasonable costs for removal and storage prior to the release of such vehicle, pushcart, stand or goods, unless the violation has been dismissed.

§ 3. This local law shall take effect immediately.

lan

From: "Sam Katz" <samkatznyc@gmail.com>
To: "lan Allerman" <ialterman@nyc.rr.com>
Sent: Monday, August 25, 2008 7:45 PM
Subject: I love this one

Begin forwarded message:

From: 2122465533@vzwpx.com
Date: June 1, 2008 9:21:43 PM EDT
To: Samkatznyc@gmail.com

This message was sent using the Picture and Video Messaging service from Verizon Wireless!

To learn how you can snap pictures and capture videos with your wireless phone visit www.verizonwireless.com/picture.

To play video messages sent to email, QuickTime® 6.5 or higher is required. Visit www.apple.com/quicktime/download to download the free player or upgrade your existing QuickTime® Player. Note: During the download process when asked to choose an installation type (Minimum, Recommended or Custom), select Minimum for faster download.







Local 338

RWDSU/UFCW

JOHN R. DURSO
President

JOHN DEMARTINO
Secretary/Treasurer

MURRAY J. MORRISSEY
Executive Vice President

DEBRA SERVIDO
Recorder

**Testimony of John R. Durso, President of RWDSU Local 338 and
the Long Island Federation of Labor, AFL-CIO**

**New York City Council Hearing on Vender Licenses and Food Cart Permits
New York City Council Joint Hearing
Consumer Affairs and Immigration Committees
November 14, 2008**

FOR THE RECORD

Good Morning Chairman Comrie, Chairman Stewart and members of the Committees on Consumer Affairs and Immigration. My name is John Durso. I am President of Local 338 of RWDSU/UFCW. I am also President of the Long Island Federation of Labor, AFL-CIO, representing over 250,000 working men and women.

The New York City Council and the Mayor have passed legislation to increase the number of food carts that sell fresh fruits and vegetables in neighborhoods throughout the five boroughs. Further legislation is also being considered that will increase the number of food vendors on New York streets. The introduction of these bills comes at a time when economic pressures are making it difficult for supermarkets to survive in the city. Some groceries will be forced to close, resulting in a further shortage of food stores critical to our neighborhoods. While supermarkets provide excellent employment opportunities for immigrants, many street vendors pay workers below minimum wage.

Carts are being permitted to operate in front of groceries and fruit markets causing further financial stress on these establishments. Fruit and vegetable carts may have a place in some underserved areas but not where food stores already exist. The proliferation of these carts near established food stores combined with the downturn in the economy, have resulted in the expected closing of 6 stores where we represent workers: 5 in Northern Manhattan and 1 in Southern Queens. These neighborhoods will lose an important anchor to the community that has provided hundreds of good jobs and quality food products to local residents.

Without adequate restrictions there could be corners where multiple carts are situated causing unsafe crowding on sidewalks. Regulations concerning the inspection of produce need to be further developed prior to the approval of future legislation. This will ensure the health and safety of the public and provide protection for food stores that are presently in these neighborhoods. Additional legislation will also be needed to ensure that these carts are not located near said food stores or congested locations.

The rationale for increasing peddler food vendors is based on the limited opportunities to purchase fruits and vegetables in certain neighborhoods. There is general agreement that more supermarkets should be located in the city's low income communities and New York City needs an effective strategy that will add quality food stores in more neighborhoods. Various incentives, tax breaks, and other strategies will be required.

Long-term planning is needed rather than a quick fix.

According to a 2002 study published in the American Journal of Public Health, increased access to fresh fruits and vegetables through supermarkets has been shown to correlate with greater consumption of fresh produce. For every additional supermarket in a location, fruit and vegetable consumption increases by as much as 32 percent. However, supermarkets continue to decrease in low-income communities while fast food outlets increase.

With the cost of rent and doing business in the city as well as the small profit in the food industry, quality supermarkets are disappearing from communities. City government needs to be involved now. It's time for this administration to develop policies that encourage the supermarket industry to open more stores, in areas of need, throughout the five boroughs. Unlike temporary carts that come and go, supermarkets and green groceries stabilize neighborhoods, by provide access to quality produce, and healthy foods, to the communities they serve.

*** FAKE "VENDING REFORM" ***

The BIDs "VISION" for Sterilizing and Privatizing NYC Streets

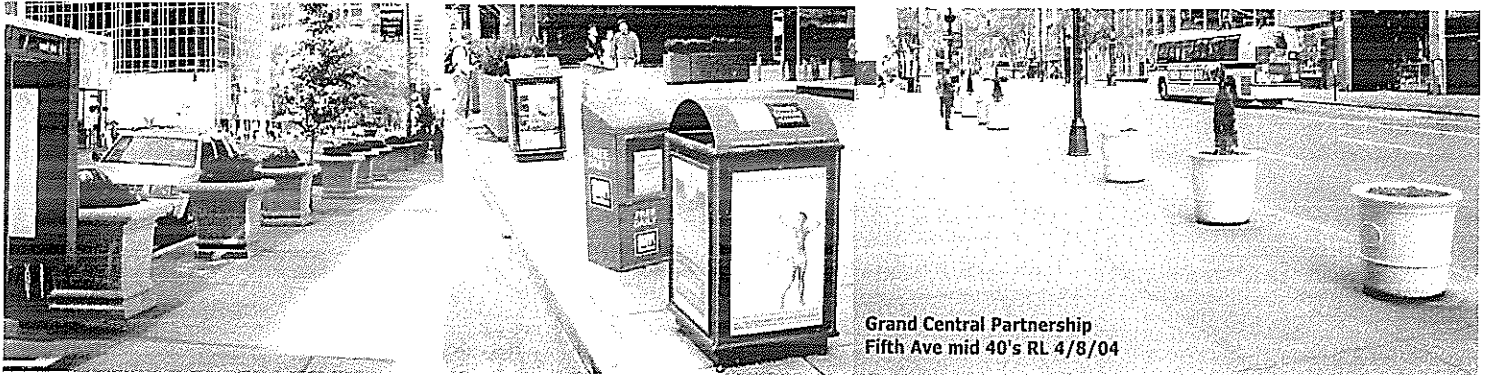
by Robert Lederman, President of A.R.T.I.S.T. artistpres@gmail.com

(SEE: <http://groups.yahoo.com/group/nycstreetartists/> for a detailed analysis of each vending Intro)

The BIDs (Business Improvement Districts) fake vending reforms consist of more than 20 newly proposed vending laws being considered by the NYC Council. Most were proposed by Councilmember Alan Gerson. If passed, they would eliminate as many as 90% of the city's currently legal vending locations and put most of the City's currently working street artists and legal vendors permanently out of work.



These same sidewalks will then be filled in with thousands more BID planters, BID news-boxes and "unattended" BID street furniture, dangerously congesting the streets. Unlike an artists' display, these BID obstructions remain on the sidewalks 24 hours a day, 7 days a week, 365 days a year. Some narrow NYC sidewalks are already burdened with more than 100 assorted BID-owned obstacles. Many are completely illegal. Soon they will be covered with paid advertising. In SoHo, new garbage can ad-kiosks are popping up right in the middle of pedestrian crosswalks, displaying promos for Councilmember Alan Gerson.



Contrary to their claims, the BIDs are not trying to improve vending enforcement with these 20 plus Intros. Nor are these laws about reducing sidewalk congestion, as the BID's thousands of street obstructions prove.

The real agenda behind these fake vending "reforms" is to set the stage for selling off all legal vending spots to BID-connected vending corporations. This "vending privatization" agenda is to gradually replace all of the city's independent street artists, disabled veteran vendors, licensed general vendors and food vendors with BID-controlled vending stands operated by minimum wage employees of vending corporations. Vending privatization is not a theory. This is already the case in all NYC parks for ALL vendors – except street artists.

Why are First Amendment-protected street artists the main target of these laws? If BIDs can take away the rights won by the ARTIST group in 15 years of Federal Court battles, no other vendors will have any chance to legally stand up to them. Gerson, his SoHo Alliance bosses and the BIDs have been pursuing this same anti-street artist agenda for the past 15 years, all while claiming to be the city's greatest, "art patrons."

This privatization scam is being perpetrated on multiple levels. The wealthy campaign contributors in Councilmember Gerson's district who foolishly call his office all day to complain about a few street artist displays would be shocked to learn what the real purpose behind these laws is. Gerson and the BIDs he is fronting for actually plan to INCREASE vending in the MOST congested areas of NYC, including SoHo.

They want to replace independent street artists and legal vendors throughout NYC with huge months-long "Holiday Markets" like the ones being set up right now in Union Square Park and in Columbus Circle by the BIDs. These "Holiday Markets" are located in the most congested areas and feature many items that are illegal to vend on the street. Unlike artists, they directly compete with every store in those same areas.

The BIDs also want to set up hundreds more avenue-congesting "Street Festivals." Regardless of their various "themes," most of these events are run by the exact same private vending corporations and feature virtually the exact same vendors, few of whom have any connection to the event other than as a vending opportunity. In these BID "festivals," unlicensed (and in many cases, illegal) vendors pay thousands of dollars per spot to set up in flagrant violation of EVERY single NYC vending law. The NYPD officers who previously arrested these vendors are forced to stand guard over them, chasing off legal vendors who try to set up in the same area. The main thing being "celebrated" in these events, is BID-sponsored illegal vending.

This has all the characteristics of a classic protection racket. The BIDs pressure the NYPD to arrest thousands of unlicensed vendors, then have these same vendors set up in the exact same areas after paying the BIDs and their associated vending corporations huge fees. These vending festivals prove that the BIDs complaints about vendors have no relationship to any legitimate concerns with public safety.



Vending law sponsors like Alan Gerson didn't actually write, and in many cases cannot even understand, the real purpose of the Intros they have signed their names to. They are the BIDs finger puppets.

Alan Gerson claims he wants to, "simplify vending." Does any of this sound like "simplification" to you?

"Lotteries" for First Amendment vending spaces; an unenforceable "30 minute unattended stand law"; written "tests" for all vendors; harsh new penalties for summonses; First Amendment-protected artists unconstitutionally LOSING ALL VENDING RIGHTS for getting 3 summonses; arbitrarily limiting artists to 1 or 2 per block on streets with hundreds of illegal planters; the Sunset Park BID officially running all vending in their district as a precedent to let ALL the BIDS run ALL vending in NYC; SoHo Alliance "stooge" Gerson inventing arbitrary new definitions of what is or is not "art" that will shock every NYC art museum - these are the BIDs latest attempt at PRIVATIZING VENDING.

There is nothing "simple" about these laws. Look closely and you will discover that every one of them has a hidden agenda, even the very few proposed laws that appear to help unlicensed immigrant vendors.

For example, NYC supposedly has, "too many vendors." If so, why would Gerson want many MORE vending licenses issued for so many FEWER vending spaces? It is to raise the "cap" of 850 licenses so the BIDs can have that many MORE vending spots to sell off to the highest bidder. Immigrant vendors will get no benefit from these licenses - unless they can buy a vending spot. Food and souvenir vending corporations in NYC Parks already pay as much as \$1 million dollars a year for one vending spot. Lobbyists for McDonalds, Nike, Disney and national chains of poster galleries are waiting to bid for your spot. If you are lucky, they might eventually hire you as a minimum wage employee after buying the sidewalk space you sell your art in.

These proposed vending laws are the BIDs plan to, "Take the vendors out of vending." They have no intention of, "simplifying vending enforcement." In reality, they are deliberately engineering VENDOR CHAOS with unenforceable laws so as to justify selling off all the vending spots to the highest bidder at a later date.

How could 20 convoluted, unenforceable and unconstitutional new laws that will lead to many lawsuits "simplify" anything for the police, the courts or for vendors? If there is a genuine vending problem in NYC, why not enforce the existing 60 pages of vending restrictions that ALL vendors are already subject to? Too complicated? Not enough laws already on the books?

Let's ask a self-styled, "expert" on whether the current laws are sufficient. To quote the opening paragraph of Councilmember Gerson's letter to the Consumer Affairs Committee dated 9/24/08, in which he outlined the 20 new vending regulations that he's spent an entire 7 years composing at taxpayer expense:

*"Dear Colleagues,
Ample laws exist to prevent illegal vending and to direct legal vendors to appropriate locations."*

If "AMPLE" laws ALREADY exist, why is he proposing 20 new ones? The BIDs are not satisfied with enforcing the existing vending laws because that is NEVER going to help accomplish their privatization agenda. If you are an honest Councilmember who is NOT in on this scam, don't let Gerson or BIDs fool you into voting for it.

Artists and vendors, THEY WANT TO STEAL YOUR VENDING SPOT and YOUR RIGHTS! Will you, bend over for the BIDs or STAND UP FOR YOUR RIGHTS? The planter-loving finger puppets like Gerson who work for the BIDs are not fooling anybody. Ask them to VOTE NO on ALL of these unnecessary new vending laws.



Youtube video showing tens of thousands of BID planters obstructing NYC sidewalks
<http://www.youtube.com/watch?v=RvtFS2GCdDw>

PROOF THAT BID and SOHO ALLIANCE PLANTERS ARE INSTALLED TO PREVENT LEGAL VENDING

On 5/13/04 Lieutenant Robert D'Onofrio, commanding officer of the Manhattan South Peddler Task force and Borough of Manhattan South, testified in Federal Court in a lawsuit by Yellow license disabled veteran vendors. This recognized expert on vending policy and vending enforcement, who was called to the stand by the city defendants not the vets, stated under oath that the vast majority of sidewalk planters were set up solely to obstruct legal artists and vendors from setting up in legal vending spots. Note that this sworn testimony took place long after 911, in other words, most of these planters are NOT there for any legitimate security or public safety reason. They are primarily intended as OBSTRUCTIONS to LEGAL VENDING!

From pg 31 of the Federal Court transcript (see ARTIST website FILES section for full transcript):

THE COURT: "And what is the point of the planters, if you know?"
 Lt. D'Onofrio: "Well, my understanding is so the street vendors, will not put their carts or their tables on the sidewalk because they have to be at curb side."

Photos © Robert Lederman, President of A.R.T.I.S.T.
 Contact info: artistpres@gmail.com

TO SUBSCRIBE to ARTIST send a blank email to: NYCStreetArtists-subscribe@yahoogroups.com
 Reply to that email and you will officially be subscribed. It's free!

To visit the ARTIST website go to: <http://groups.yahoo.com/group/nycstreetartists/>
 (only subscribed members can access all of the materials, which include all the vending laws)

FOR VIDEOS ON HOW ARTISTS WON THEIR RIGHTS GO TO:
<http://www.youtube.com/profile?user=artistpres>

* ARTIST POWER! * STOP HARASSING THE STREET ARTISTS! *
 * ALAN GERSON IS THE ENEMY OF ART * NO ART, NO FREEDOM *

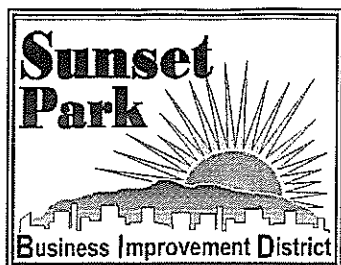


BIDs Privatize Public space



Artists en





Sunset Park District Management Association

Sunset Park Business Improvement District

Serving Sunset Park's 5th Avenue Community since 1995

5116A 5th Avenue, Suite 200 / Brooklyn NY 11220

PHONE: (718) 439-7767 / FAX: (718) 439-7794

EMAIL: SunsetParkBID@aol.com / WEBSITE: sunsetparkbid.org

Brooklyn's Fifth: Many cultures, many shops, ONE avenue!

TESTIMONY FOR INTRO 846 FRIDAY NOVEMBER 14, 2008

**FROM: RENÉE GIORDANO
EXECUTIVE DIRECTOR
SUNSET PARK BUSINESS IMPROVEMENT DISTRICT**

On behalf of the Sunset Park Business Improvement District, I would like to thank Councilman Comrie, Councilman Stewart, Speaker Quinn and the rest of the Consumer Affairs and Immigrant Affairs committee members for this opportunity to speak today. But I especially want to thank Councilwoman Sara Gonzalez, who understood the importance of our project to her neighborhood and brought it to this place in time. I also would like to thank Councilman Comrie, Councilwoman James, and Councilwoman Palma for supporting our councilwoman by adding their names to this Intro.

Intro 846 is the result of a grassroots effort to utilize the resources of Sunset Park and enhance the equality of life while revitalizing and stabilizing its economy. Its passage will be a giant step forward for our community. We will be given the chance to define ourselves and find a positive solution to our own "issue", rather than relying on someone outside forcing a solution. The idea already has support from all of our elected officials, including Borough President Marty Markowitz, District Attorney Charles Hynes, Congresswoman Nydia Velázquez, State Senator Eric Adams, State Senator Velmanette Montgomery, State Senator Diane Savino, and State Assemblyman Felix Ortiz, along with numerous city agencies.

The special district the Sunset Park BID is asking you to help us create will be called La Plaza del Mercado Unido. This is the uniting of two (2) business interests, the store-based merchants of 5th Avenue, and the sidewalk-based vendors of 5th Avenue in Sunset Park Brooklyn. It has been found that the community wants them both and they complement each other. There is the desire to work together to create a revitalized economy in order to better serve the Sunset Park customers. Intro 846 is the starting point for us to implement our larger plan, a copy of which each of you has received.

Many of our business owners and street vendors are new immigrants to this country. Therefore, our plan includes linking them with social and support services through existing sources, such as the Brooklyn Public Library and local CBO's, at no added cost to the taxpayer. It is, however, anticipated that we will be creating at least 50 new jobs, thereby adding to the tax rolls, as these newly employed begin to pay city, state and federal taxes. And further it will allow for the retention of a minimum of 100 jobs within

stores that will now be able to survive and not have to close or lay off employees. Everyone taking part in this pilot project will be encouraged to follow the city laws and regulations.

Our commercial strip depends on local shoppers. It is anticipated through the cooperative efforts of the Sunset Park BID and La Plaza del Mercado Unido, there will be increased foot traffic, which will bring increased business to our local retail shops and professional service businesses. The program is all inclusive. It seeks to work with all parties involved in our 5th Avenue shopping corridor, whether store-based merchant, street vendor, disabled veteran vendor or First Amendment vendor. Our goal is to create a shopping environment and experience which is unique to our community. We are tired of being combative with each other, and rather are looking forward to working together. We are all neighbors and have the same desire to see our community thrive.

The boundaries of this district should be along 5th Avenue from 38th to 64th Street, and only the commercial areas along the sidestreets adjacent to 5th Avenue. It is meant to address the needs of this specific retail strip, not change the entire neighborhood, or the City of New York and its regulations. It is an experiment which attempts to resolve a situation through positive means. It is an economic development plan that is tailored to the needs of Sunset Park.

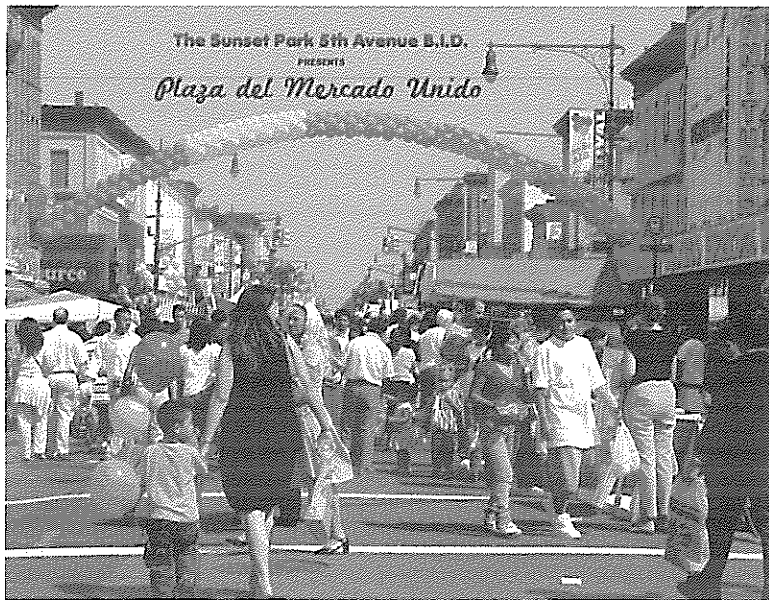
Once again, thank you for understanding the issue and trusting us to try this innovative solution. We are very appreciative of the council for giving us this chance and look forward to coming back to you again at some point to report on its success.

Sunset Park 5th Avenue

“Plaza del Mercado Unido”

The Uniting of the Two Business Districts:

Store-based Merchants and Sidewalk-based Merchants



PRESENTED BY

Sunset Park 5th Avenue Business Improvement District
Street Vendors of 5th Avenue in Sunset Park
Acción New York

Boricua College Small Business Development Center
Brooklyn Economic Development Corporation
Brooklyn Public Library
Center for Family Life of Sunset Park
Esperanza del Barrio

N.Y.C. Council - Councilwoman Sara Gonzalez

N.Y.S. Assembly - Assemblyman Felix Ortiz

N.Y.S. Senate - Senator Eric Adams

N.Y.S. Senate - Senator Velmanette Montgomery

N.Y.S. Senate - Senator Diane Savino

President of the Borough of Brooklyn - Hon. Marty Markowitz

U.S. Congress - Congresswoman Nydia Velázquez

September 2007

Frontispiece

“Whenever you see a successful business, someone once made a courageous decision”

Peter F. Drucker

“You are the lens in the beam. You can only receive, give, and possess the light as the lens does. If you seek yourself, you rob the lens of its transparency. You will know life and be acknowledged by it according to your degree of transparency, your capacity, that is, to vanish as an end, and remain purely as a means.”

Dag Hammarskjold

“A community is like a ship; everyone ought to be prepared to take the helm.”

Henrik Ibsen

“We are continually faced with great opportunities which are brilliantly disguised as unsolvable problems.”

Margaret Mead

“Entre los individuos como entre las naciones, el respeto al derecho ajeno es la paz.”

(Among individuals, as among nations, peace is the respect of others' rights.)

Jaiver Benito Juarez

“I do not want my house to be walled in on all sides and my windows to be stifled. I want all the cultures of all lands to be blown about my house as freely as possible.”

Gandhi

“Diversity may be the hardest thing for a society to live with, and perhaps the most dangerous thing for a society to be without.”

William Sloane Coffin, Jr.

“Four things come not back. The spoken word, the sped arrow, the past life, and the neglected opportunity.”

Arabian Proverb

“Behold, how good and how pleasant it is for brethren to dwell together in unity!”

Psalms 133:1

“Everything that irritates us about others can lead us to an understanding of ourselves.”

Carl Jung

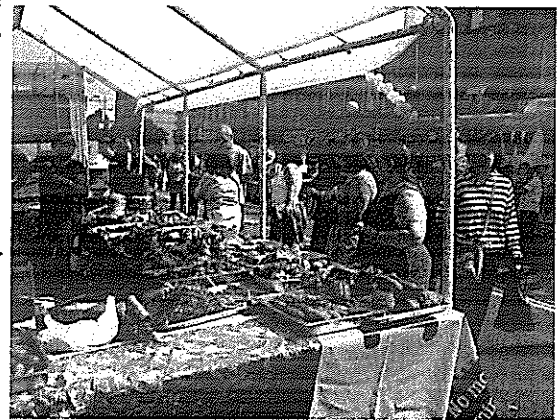
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Chapter 01 - Synopsis of the Proposal

Previous to the mid-1960's, Brooklyn's Sunset Park neighborhood did not exist. Of course, the turn of the century housing stock, comprising the largest Federal Register Historic District in New York State, was already in place. And the 4th Avenue subway, built in 1912 was in place. But the neighborhood was without a name. It was referred to by some, as lower Bay Ridge or Gowanus. Some old timers knew it as South Brooklyn or Ward 8. But since its naming, in the sixties, the neighborhood we know as Sunset Park has been hard to ignore. In 2005, Sunset Park had the second highest birthrate in the city. And between 1994 and 2004, while the number of businesses increased 9.6% citywide, businesses increased an incredible 47.3% in Sunset Park. Job growth in Sunset Park was 23.2% while the city posted a mere, but respectable 6.9%.

Sunset Park, Brooklyn through the years, regardless of what it was called, has been the "first home" to successive waves of migration to the United States. Whether it was the Irish, in our civil service, creating an American "middle class", or the Finns bringing the first "co-op" housing to the U.S., or Norwegians building ships on the waterfront, or Italians building New York's infrastructure, or those who followed them - Puerto Ricans, Dominicans, Mexicans, Asians, Poles, Greeks, Central Americans, Middle Easterners or South Americans - Sunset Park and the United States have benefitted from these newest of neighbors. This is an important consideration when one notes that the number of self-employed individuals in New York City grew by 53% between 1990 and 2000 among foreign-born individuals while the number decreased by 7% among native-born! Immigrants often come to a new land for economic opportunity and yet, upon arrival, they find that "economic opportunity" means the lowest levels of employment. While some of us tend to romanticize street vending and its cultural roots, the truth is, it is the "economic opportunity" of last resort. It is the result of population in an urban area outpacing the development of entry level jobs. While some may discount the impact of street vending on the economy, Fortune magazine estimates that street vending sales in NYC, Philadelphia and Washington, D.C. amount to \$1.7 billion per year, with close to half of the sales in NYC alone!



Street vendors in Sunset Park tend to ply their trade along 5th Avenue in the heart of the Business Improvement District. For a decade, street vending has been the number one concern of the BID and its 500 plus member businesses (mostly "mom & pop" shops). From a store-based merchant's point of view, street vendors are unfair competition. Vendors have no overhead: no rent, no utilities, no insurance, no payments to carters to haul their trash. The BID complains that vendors don't collect sales tax to pay to the city and state, they don't follow health regulations meant to protect the public, they don't give receipts or have return policies, and they don't have proof that their merchandise isn't stolen or knock-offs of name brands. And worst of all - they don't have licenses!

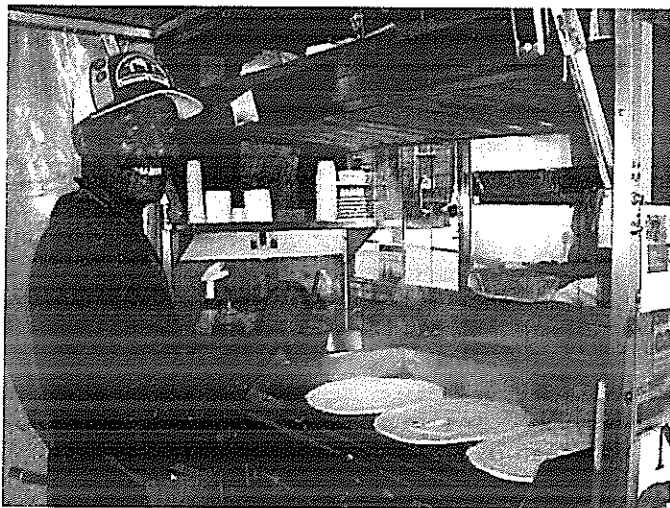
Vendors have their own complaints. They say they are only trying to feed their families, and that their business is subject to the whim of the weather. They say they want licenses but the city has a

twenty-five year waiting list. They say they are subject to heavy fines, multiple fines, impounding of their merchandise and even arrest from police officers who aren't enforcing the law properly. The police and the courts say that the regulations, and many layers of regulations and regulating agencies make clear enforcement nearly impossible.

After ten years of frustration, the BID decided to try a new approach. The BID members, who voluntarily "tax" themselves \$200,000 a year to improve their shopping district, recognized that they were wasting valuable resources and expending political "capital" to merely maintain the status quo on the vending issue.

They decided to review the issue with fresh eyes. They asked the consultant who formed the BID on a pro bono basis twelve years earlier to provide them with a new vision. The results were surprising. Many of the vendors in Sunset Park were actually Sunset Park residents. And these vendors said that they would be more than happy to follow the regulations, including vending only from side streets, as is permitted, and that they would collect and pay sales tax.

This led to the concept of uniting Sunset Park 5th Avenue's two distinct business districts - the store-based and the sidewalk-based - into one unified shopping district. It would be a case of the "sum" being far greater than the total of its parts. The unique nature of a blended shopping district with a "plaza" or "marqueta" flavor would attract shoppers from beyond the borders of Sunset Park.



The basics of the plan provide for:

1. Vendors having retention rights to side street locations as long as they follow city regulations.
2. Signage clearly declaring that 5th Avenue, from 38th to 64th Street and contiguous commercial side streets are a special non-vending zone, making police enforcement simpler.
3. Vendors will have the option of becoming members of the BID and enjoying BID privileges.
4. An extensive range of support services would be made easily accessible to both the vendors and the store-based merchants, in a locally situated Multi-Service Resource Center. The center would not provide the services, the services would be provided by existing not-for-profits and institutions that already provide such services. The difference is that they would provide them locally in a focused approach.
5. Baseline data would be collected before the start of this plan and compared to data collected later to evaluate the plan's impact on key measures of program success: pedestrian traffic, visits to stores, compliance by vendors, enforcement effectiveness, vehicular traffic and parking, and sanitation.
6. Assistance will be provided to replicate successful results in other communities.
7. While the Sunset Park vending issue covers only one specific type of vending, success in Sunset Park may create the positive momentum for a review of all citywide vending regulations and the

creation of a clear and fair set of regulations for the entire city. In deed, possibly a model to other cities.

While the particulars of the Sunset Park proposal may be of interest, equally important for consideration is the methodology that produced this plan, and that continues to promote its implementation. The basics of this planning process involved 1. Transparency, 2. Research, 3. Timely Communication, 4. Consensus, 5. Conflict Resolution, and 6. Inclusion.

In brief, every step of this process has been open for review, suggestions and comment. Every step has been “electronically paper-trailed” through emailing to all participants. From the onset, it was understood that only a “win-win” proposal would be advanced. A settlement where all parties lost equally would not be considered. Only a settlement where all parties won would be considered. A careful process of going step by step in bringing in the business community representatives, the vending community representatives, the elected officials, the not-for-profit/institutional community, the community board, the individual store-based merchants, the individual vendors and the Mayor’s Office was followed. We built each stage upon the preceding foundation.

This proposal is on firm ground.

Chapter 02 - Historic Basis of Street Marketing

It can be safely assumed that early cultures were basically groups of self-sustaining family units that produced the foods and materials needed for daily life. One can easily imagine a family producing more of some staple than they needed and trading or bartering it with another nearby family.

As groups of families developed into small villages, it would be natural for the families to come together to swap produce and “merchandise”. It was common for towns and villages to build around a central square or plaza. This area had a democratic use in terms of allowing public space for individuals to come together en masse. It also had a military use - for the mustering of troops. In some instances, town squares were marked with a central monument such as a fountain or a statue. In many cultures, long before the advent of radio and television, townspeople would gather in the evening or during festivals/holidays to gossip and renew acquaintances in these plazas. But no matter the use - for public meetings, military organizing or socialization - when people come together in large numbers, on a regular basis, it is a great opportunity to trade or sell goods.

With advances in transportation, such as the domestication of donkeys and horses, and the improvement in roads, trade between nearby villages developed. An area where one crop grew well, could trade with another nearby village. Well-traveled trade routes developed taking travelers from one town to the next. And along each road you were sure to find vendors. And as you approached the towns, the vendors were joined by ranks of beggars and the disabled at the gates of the city.

Throughout history the poorest of our brethren would migrate to cities and hope for opportunities of employment or at the very least a handout.

Although many of us today would consider living in the suburbs of a city a sign of economic success, this has not always been the case. In colonial times living in the center of town was a privilege of the rich. The poorest people lived along the outskirts of the town. But this pattern seems to reverse periodically. Regardless of this, cities have always been seen as places of economic opportunity.

Hundreds of years ago, vending from a building was fairly uncommon (except for a saloon, blacksmith or general store). The cost of owning a building, the lack of space within the tight confines of a town, and the fickle nature of consumer preferences made it natural for street marketing as an accepted way of doing business.



Nearly any product or service has at sometime been vended from the street. In the 17th century,

strolling coffee vendors were a common sight along Parisian streets. Most of the coffee vendors were immigrants from the Orient. There is a written account of one such vendor, from Crete, who was known as Le Candiot (the lame man). He would walk the streets hawking his coffee with a coffee pot in one hand and a water urn in his other. Hanging from his neck was a tin plate with all the necessary utensils. For a few cents he would come into your room and fill your goblet with his brew. As strange as this may seem to us, the practice continues to this day in some parts of Turkey!

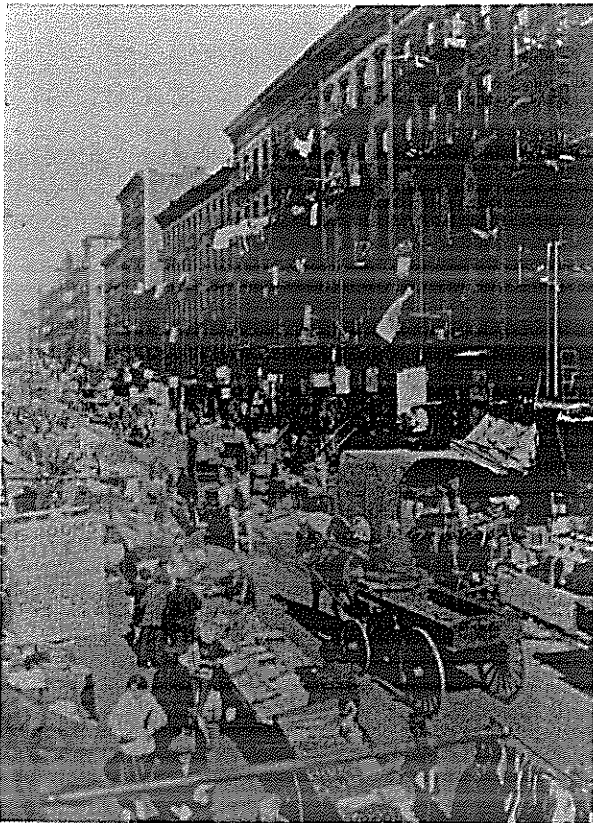
Another street marketing example, one which is probably deep within your subconscious from childhood stories, is the street vendor walking about calling - "Old lamps for new, Old lamps for new!" (for those of you whose memories need tweaking, that is the pivotal line from the story of Aladdin's Lamp).

As the United States developed westward, towns were often built around a single street, lined on both sides with retail stores. Thus the term "Main Street". As a town prospered, the "downtown" grew. The recent HBO series Deadwood shows with great "color" just such a development. In one episode, the new sheriff chases a street vendor who is selling bars of soap with the lure of some packages containing hidden prizes. The sheriff seems to indicate that there were no prizes and this was a ruse.

There is no doubt that in the last two hundred years no city in the world fuels "outsiders'" dreams of economic opportunity more than New York City. A favorite story illustrating this tells of a Eastern European immigrant who spent his last penny to come to New York City. As he steps from the ship he sees a \$20 gold coin on the street. He picks it up and before he can pocket it, a beggar approaches and holds his hand out hoping for a few pennies. The "new" New Yorker immediately gives the beggar the gold coin saying "Here my friend, don't worry, in New York City, the streets are paved with gold!"

Chapter 03 - Recent History of NYC/Sunset Park Vending

Anyone who has grown up in New York City has a host of street vendor remembrances. Whether it was the corner hotdog guy, or the Bungalow Bar ice cream man, or Raymond the pretzel vendor on City College campus (featured in the New York Times) who plied his trade amongst generations of students rushing from class to class, or the vendor you get your morning coffee and bagel from, or the fancy ice cream cart in Central Park or the children's book dealer outside of Brooklyn's Borough Hall, we have seen them all. Or have we?



Have you yet tasted a hot ear of corn slathered in mayonnaise? Each wave of migration to the United States seems to bring a new wave of street corner experiences. Before America was over-whelmed by the sneaker craze and before the advent of synthetic shoe "leather" that regains its shine from a wipe with a wet cloth, one of the most common street vendors was the "bootblack". Many older New Yorkers made their first nickel shining shoes. The variety of shine "boys" was incredible - from the ones with permanently-bent backs who shined commuter's shoes on the Staten Island ferry, to the men who put on a theatrical performance slapping their shine cloths in lyrical waves, it was a common sight everywhere.

To many, the Lower East Side of Manhattan is the classic example of street vending. While some may romanticize the experience, those who lived through the "true" street marketing days of Delancey Street knew the hardship of overcrowding and filth. The Lower East Side was a creation of the massive European Jewish migration to the United States.

But as that migration acculturated and moved on, the "heyday" of Delancey came to an end. Today, on the Lower East Side, at night, cars are practically crowded off the streets - not by vendor's carts but by "yuppies" strolling in huge numbers from bar to bar, café to café and club to club.

While the Lower East Side is probably the most recognized example of street vending, as far back as 1691 "hucksters" were prohibited from selling anything on the street's of New York City until two hours after the public markets opened. Following the Civil War, New York State passed a law exempting disabled war veterans from peddling laws.

When Brooklyn was a city and occupied only a fraction of the area that is today's Borough of Brooklyn, the Police Department was in charge of issuing the 19 different licenses needed to do business. In 1891, you needed one of these licenses to be a ticket speculator, a pawnbroker, auctioneer or a street peddler (or hawker). In that year, there were 924 peddler's licenses issued.. It was the 3rd

largest category requiring a license, right behind owning a pool table or being a “truckman”. Keeping in mind that the only sidewalks in the City of Brooklyn; were basically those in today’s Brooklyn Heights we can see that street vending was already a very large “industry”. But where did all these vendors come from? Between 1880 and 1890, the population of the United States increased by 10% thanks to the immigration of over five million men, women and children. There seems to be a clear correlation between immigration and street vending.

While some may think of street vending as quaint, by recounting its historic roots in village piazzas or plazas, the fact is simple - street vending is the economic opportunity of last resort. Many describe it as the failure of a city to provide enough entry level jobs for its newest residents. And this is not an accusation. During difficult economic times, the poorest flock to cities for economic opportunity. And of course, during difficult economic times cities fare as badly as anywhere else.

During the depression era, starting with the stock market crash of 1929, the ranks of New York City street vendors swelled with the addition of former bankers, company executives or stock brokers, selling everything from apples to belts! These American “blue bloods” joined the recent immigrants, who had come to a “rich” New York City just before the crash, hoping to earn enough cash to keep their heads above water.

Street vending has also been a last resort for the disabled. Not too long ago, buying pencils from the blind was more than just a fund raising technique - it was a living. Today, we still see the disabled or the needy “begging” on subways and at traffic intersections, but their numbers have dwindled. Is it that the seeking of money for the disabled and the needy now takes place on a more corporate level - rather than seeing the individual “asking” we have groups doing public events to raise funds. To some extent we have “depersonalized” the providing of funds to the needy. It may cause one to wonder if this is a more efficient way of providing funds to the needy or is it that it is a method we find less distressing to our sensibilities? And we may wonder if street vending in general is more an offense to our sensibilities than an economic concern.

Street vending has become a major issue in New York City in the last twenty years. And it is no coincidence that it corresponds to a large increase in immigration to New York City. While smaller cities have responded by merely banning this largely immigrant vending force, New York City, to the credit of our elected officials, has attempted to deal with the problem of balancing the needs of the established business community (many of whom are also recent immigrants) with the needs of the street vendors (some of whom are not recent immigrants).

The best description of today’s vending regulations is from the former commissioner of Consumer Affairs, Gretchen Dykstra. She compared them to a multi-layered onion - you peel back layer after layer and in the end all you are left with is a smelly mess and tears in your eyes. Balancing the interests of all involved has proven difficult, but it is not impossible.

The following information was basically gleaned from a Gotham Gazette online article from 2004 but little has changed since then. Among the layers of vending licenses there are “food vendors” (licensed by the Department of Health) currently there are 3,000 food cart licenses with an additional 1,000 in the summer, there are “general vendors” of merchandise (licensed by the Department of

Consumer Affairs) currently there are 853 licenses, there are “disabled veterans” (also Department of Consumer Affairs) with 374 licenses, “non-disabled veterans”(also Department of Consumer Affairs) with 1,304 licenses, “first amendment vendors” - no license required, and “park vendors” (licensed by the Department of Parks) with 600 licenses. In 1979 the city “capped” the number of general vendor licenses. The waiting list is so long that ten years ago the city stopped adding names - the wait for a license is currently 25 years. A further complication to this licensing maze is that the Department of Health will readily give anyone a food vending license, but that license in and of itself is worthless without a licensed cart to vend from and as mentioned above, the cap on those licenses is 3,000. Also, during the summer, the Department of Consumer Affairs will issue a 30 day license to vend at official street festivals/fairs. And if you intend to sell food with this 30 day license, for the day of the festival you must get a special one-day license.

Attempts to make the vending system fair have brought more regulations and more confusion. In 1993 the State of NY passed a law creating two tiers of licenses for disabled veterans: blue licenses, which provided prime access and yellow licenses that were more restrictive. The blue licenses were based on vending seniority.



In the 1980's, to comply with the U.S. Constitution, the City Council passed a law allowing vendors of books and other written material to ignore the existing city laws on vending. This led to a flood of so called “first amendment vendors” selling novels, coloring books, dictionaries, and more. The City responded by setting a limit that only allowed first amendment vending where at least one licensed vendor was already allowed. In turn this led to an alliance between disabled veterans and the first amendment vendors. The presence of a disabled veteran was “permission” for the presence of first amendment vendors.

Soon after, artists brought court suits to force the city to expand the first amendment to include the visual arts. Now, original artwork, reproductions of art, DVD's and CD's are all covered under first amendment freedom. A major limitation on first amendment is that jewelry and crafts still require a vending license. But a debate over the inclusion of incense and religious items continues.

In March of 2003 the law limiting the number of disabled veterans expired and vending in midtown skyrocketed. As the disabled veterans returned to vending, they also opened the door for the first amendment vendors. Eventually a law was passed that increased the number of licenses for disabled veterans to vend in midtown, but banned them from avenues and added regulations pertaining to vendors blocking of pedestrians.

In the last four years there have been continued attempts at resolving the problems, but the only major changes have been a Mayoral executive order that allows individuals to seek permits without proof of citizenship or immigration status, and the raising of fines for illegal vending.

As confusing as the situation seems, it is actually worse. There are mobile vendors such as ice cream trucks, there are fiercely-competitive health vans parking in congested shopping areas and setting up tables to sign people up for health coverage (sometimes as many as six different vans in a three block area), and small vending sheds have sprung up against the sides of buildings. Some individuals of “means” have begun “collecting” licenses and leasing them to vendors. Some retail stores have modified their facades moving the windows back three or so feet from the building line so that they can compete with vendors by putting their merchandise outside. Some individuals are hiring young people and loading their backpacks with cd’s and sending them off to commercial strips to sell as they walk.

Like any situation that is difficult to regulate, variations and modifications develop to further confuse the situation. For example, along Flatbush Avenue in Brooklyn, “doorway vending” has developed. Vendors stand in a building doorway surrounded by their merchandise. While this is illegal, it may be the product of a “secret” agreement between the vendor and the adjacent store (for a fee and a promise of not selling similar merchandise they can stay). In Sunset Park, Brooklyn shopping carts “borrowed” from supermarkets and nearby Costco are wheeled about filled with cut flowers on holidays and weekends. Some vendors, park a mini-van at the curb, slide open their door to reveal their merchandise. When the police approach they close the door. In some areas the vendors have a “look-out” who keeps an eye out for the police and sounds a warning causing vendors to disappear within seconds. Sellers of illegal cd’s have been known to set up their blanket on the sidewalk and if a police officer approached to act like a shopper and just stroll away abandoning the day’s merchandise. There are many instances of store managers making “special” arrangements with vendors “renting” sidewalk space but disavowing the deal if authorities inquire. Some stores allow vendors to store their merchandise in their basement or the back of the store for a fee, but than publically oppose street vending.

Yes, it is nothing less than a smelly onion!

Chapter 04 - Details of Pilot Program Proposal

A. Unification of the Two Business Districts

1. The store-based merchants (SBM)
2. The sidewalk-based merchants (SWBM)

B. The Boundaries

1. Sunset Park Brooklyn's 5th Avenue from 38th to 64th Street
 - a. Adjacent side streets extending to within 10 feet of the first residential property

C. General Methodology

1. All vending will be prohibited on 5th Avenue and on the commercial portions of directly adjacent side streets from 38th Street to 64th Street
 - a. Effectively, a C-4 zoning restriction
2. Participating vendors will be provided with a special Sunset Park Vending Permit and offered sites on adjacent side streets, with retention rights

D. Fundamental Responsibilities of Participating Sidewalk-based Merchants

1. Vend only from assigned location
2. Maintain basic business records
3. Collect sales tax
4. Remove and properly dispose of all refuse generated by their business
5. Post a return policy
6. With the assistance of the BID, adhere to all city regulations
7. Not stock or sell illegal, copyrighted, "knock-off" merchandise

E. Benefits to Sidewalk-based Merchants

1. Retention of assigned location
2. Valid vending licenses applicable to the Sunset Park Vending District
3. Membership in the Sunset Park 5th Avenue BID
 - a. Participation in BID meetings
 - b. Access to BID office assistance
 - c. Prime locations in the annual street festival
4. Access to Multi-Service Support Service Center in Sunset Park
 - a. Support Services will include:
 1. Business planning
 2. Business mentoring
 3. ESL classes
 4. Immigration Services
 5. Career Planning
 6. Legal Services
 7. Housing Assistance
 8. Educational planning
 9. Internet & Technology Resources
 - b. Services will extend to families of participating members

5. Respect as a legitimate business person

F. Responsibilities of Store-based Merchants

1. With the assistance of the BID, adhere to all city regulations
2. Maintain the cleanliness of the sidewalk outside of their business
3. To participate in activities of the joint business district
4. To not hold metered parking spots for personal vehicles
5. Not block pedestrian flow along 5th Avenue
6. Participate in sidewalk sale day promotions & the annual street festival
7. Not stock or sell illegal, copyrighted, “knock-off” merchandise

G. Benefits to Store-based Merchants

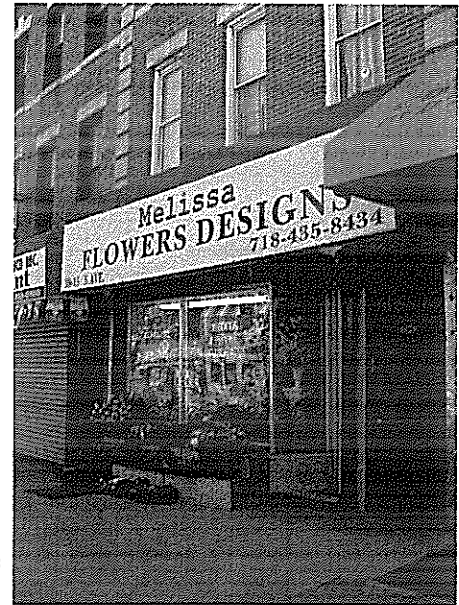
1. Elimination of unfair competition on the sidewalk of 5th Avenue
2. Increased pedestrian traffic along 5th Avenue
3. Increased customer base beyond Sunset Park
4. Access to Multi-Service Support Center in Sunset Park

a. Support Services will include:

1. Business planning
2. Business mentoring
3. ESL classes
4. Immigration Services
5. Career Planning
6. Legal Services
7. Housing Assistance
8. Educational planning
9. Internet & Technology Resources

b. Services will extend to families of participating store-based merchants

5. Knowing they took a very courageous step in doing the morally right thing



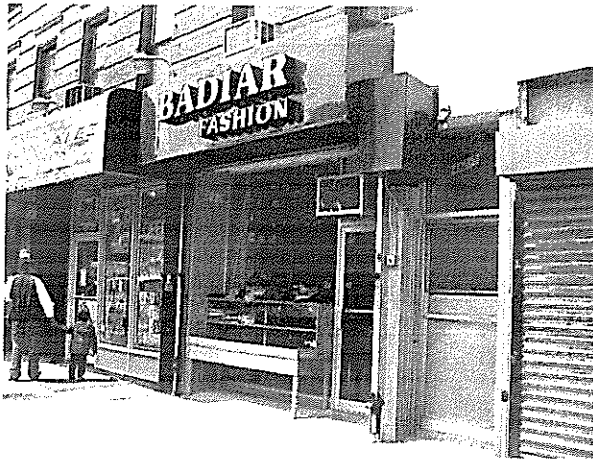
H. Enforcement

1. Signage along 5th Avenue and side streets clearly identifying the vending-free zone
2. Enforcement “Ladder”
 - a. Nearby participating SWBM will advise non-compliant individual:
 1. Of the nature of this vending district
 2. The opportunity to participate by visiting the BID office
 3. If necessary, call the BID office
 - b. The SBM will reinforce this message
 1. If necessary, call the BID office
 - c. The BID personnel will respond and explain the option of participating
 1. If the individual refuses, the 72nd Precinct will be called
3. The 72nd Precinct will act quickly to remove the individual
 - a. The precinct will follow expedited impounding of merchandise
 1. Local storage and video/photographic inventorying of merchandise

4. The Brooklyn District Attorney's Office will expedite procedures
 - a. Use of an extension of the Red Hook Neighborhood Court - Part "5" Sunset Vending
 - b. Use of closed-circuit arraignment to prevent sending officers to central booking
5. Innovative adjudication
 - a. Creation of a special workshop for individuals who are found guilty
 1. To educate individuals about vending laws and how to vend legally in district
 - b. Community Service in business district

I. Assignment of Locations for Sidewalk-based Merchants

1. Individuals who are currently vending on a side street will have first claim to that spot
 - a. During July & August of 2007, the BID in cooperation with the Sunset Park Vendors Organization will map the locations of all SWBM currently located on side streets.
2. Individuals without a current side street location will list 12 locations, that are not already claimed, in order of their preference
 - a. A drawing will be conducted for any #1 preference location requested by more than one person. Individuals not getting their #1 selection will be given their #2 selection. If more than one individual selected that location a drawing will be held. This process will be repeated until all sidewalk-based merchants are placed.



3. The Stakeholder's Working Group will meet to identify:
 - a. at least 10 prime locations to reserve for first amendment vendors
 - b. at least 5 prime locations to reserve for disabled veterans
 - c. at least 5 prime locations to provide on a rotating schedule to not-for-profits
 - d. at least 3 prime locations for "public forum" presentations (based on NE corner of London's Hyde Park)
4. Individuals who wish to use a location for one day may do so for a nominal fee of \$25 if they agree to follow the Vending District regulations.

J. Ice Cream Trucks & Mobile Vendors

1. Vehicles will be offered locations adjacent to fire hydrants (as is permitted by NYS Motor Vehicle law) as long as the vehicle can be moved immediately in case of an emergency.
 - a. Such participants will pay a nominal fee of \$25 per day

K. Selected Specific Elements of the Proposal

1. Sites on side streets will not be in front of building entrances, businesses or within 10 feet of a residential property.
 - a. Upon request, from a resident in the first residential property, the distance will be doubled to 20'.
2. No locations will interfere with bus stops, nor be assigned in front of sensitive sites such as a funeral parlor

3. No single individual may hold retention rights to more than one location
 - a. A SWBM may pay a nominal fee of \$25 for a one day use of an adjacent empty location
4. Each location will be 3' deep by 10' and merchandise may not be displayed on the ground, nor may merchandise be sold from a shopping cart.
5. Nothing may be hung or tied to trees, poles or any street structures
6. An annual "license" processing fee of \$25 will be assessed
7. Special Sanitation Considerations
 - a. Depending on the need, SWBM may be invited to participate in a program designed to keep the business district clean. This may include the following:
 1. Use of BID provided pails for trash generated by SWBM business
 2. Provision for sweeping in the general area of their business
 3. Possible participation in a program in which SWBM "adopt" a corner trash container and receive a stipend for their service.
 4. The hosting of Sanitation workshops by the BID
8. Special Security Considerations
 - a. Depending on the need, SWBM may be invited to participate in a program designed to make the business district safer. This may include the following:
 1. Participation in crime prevention workshops
 2. Participation in an "Eyes & Ears" security initiative of the BID

L. Evaluation of Pilot Program

1. Baseline data will be collected before the program starts and additional data will be collected periodically for comparison
 - a. Elements of Evaluation
 1. Pedestrian traffic
 2. Shoppers entering selected locations
 3. Shoppers leaving selected locations with packages
 4. Vehicular traffic
 5. Police reports of incidents in the district
 6. Sanitation scorecard results
 7. Surveys of SWBM, SBM and residents



M. The Law Versus The Spirit

1. Operating regulations ("the letter of the law"), like all sets of rules, are subject to interpretation. Therefore it is important to include "the spirit of the law" to guide interpretation.
 - A. The operating regulations are meant to insure:
 1. protection of the investment made in Sunset Park by business people
 2. improvement of the quality of life for members of the Sunset Park business community and its residents.
 3. promotion of business in Sunset Park
 4. providing sunset park residents with a wide range of merchandise and services at competitive prices

Chapter 05 - Rights & Responsibilities of the Participants

The success of this pilot program will be dependent on many variables. There are some that we can anticipate and some that we cannot. Among the variables that we can anticipate, there are some we can control and some that we cannot. To increase the chances for success, of this pilot program, it is important to address the variables that we can anticipate and control. And it will be important to have a strategy to deal with the unanticipated or uncontrollable variables.

All parties have the rightful expectation that all other parties will live up to their commitments made towards the success of this pilot program. Additionally, all parties have the responsibility to identify problems and weaknesses in the program in a proactive manner which promotes a meaningful effort to resolve these problems and weaknesses.



The Store-based Business Community

Under the operational procedures of this pilot program, the store-based business community has the right to expect 5th Avenue united business district to be free of sidewalk-based merchants. They have a responsibility to embrace participating sidewalk-based merchants as full members of the business district, participating fully in discussions and long-term planning for the future of the district.

The Sidewalk-based Business Community

Under the operational procedures of this pilot program, the sidewalk-based business community has the right to expect 5th Avenue united business district to be free of new sidewalk-based merchants who may attempt to replace them on the avenue. They have the responsibility to participate in support services that are applicable to their businesses.

The Agencies of the City of New York

Under the operational procedures of this pilot program, the agencies of the City of New York have the right to make recommendations and changes based upon the evaluation of periodically collected empirical data and observational evaluations. At the same time, they have the responsibility of streamlining administrative procedures relating to the pilot program.

The Offices of Our Elected Officials

Under the operational procedures of this pilot program, the offices of our elected officials have the right to expect an absence of partisan politics in the development and execution of this proposal. They have a responsibility to provide oversight to help identify problems early on, so that they can be addressed without delay.

The Sunset Park Residential Community

The residents of Sunset Park have the right to expect a wide variety of goods and services available within the Sunset Park 5th Avenue united business district at competitive prices. They have the right to expect all merchants - both store-based and sidewalk-based to provide quality merchandise and stand behind their products with guarantees and refund policies. They have the responsibility to support their 5th Avenue business community by shopping locally whenever possible.

The Stakeholder's Group

The stakeholders have the right to easy and full access to all pertinent information regarding the pilot program. They have the greatest responsibility of all. They ultimately must give of their time and energy to review the pilot program throughout its period of operation. They must make certain to give the time and attention needed. And rather than control the flow of information pertaining to the pilot program they must make certain that a "flood" of information is provided to all interested parties and the community at large.

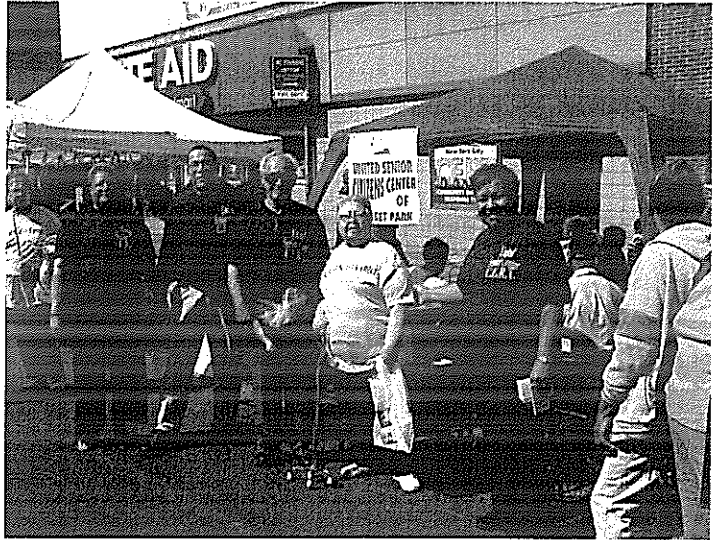
General Liability of the BID, NYC & Planning Participants

1. Participants in this program will be asked to sign an agreement indemnifying the Sunset Park 5th Avenue BID, the City of New York and other planning participants from any liabilities associated with their participation in this program and their conducting of business.
2. Participants in this program will be personally responsible for any liabilities concerning the general public and will indemnify the Sunset Park 5th Avenue BID, the City of New York and other planning participants from any liabilities.

Chapter 06 - Support Services

A crucially important aspect of our pilot program is the providing of support services for our sidewalk-based merchants, our store-based merchants and the general residential community. It has been pointed out that vending on the street is the economic opportunity of last resort and it is well-known that immigrants coming to the United States in search of economic opportunity often need a range of support services. With this in mind we wish to provide members of our community with opportunities to “climb” the ladder of economic success by providing services that will help them and their families. Our newest neighbors are not our competition, they are members of our Sunset Park family. Adding them to our ranks only make us stronger, not weaker.

Throughout New York City there are virtually thousands of not-for-profits, governmental agencies, religious organizations and institutions that provide a vast range of support services to the general community. The greatest difficulty is in “connecting” the individual with the service provider. Oft times, individuals in need are



outside mainstream communication lines and don't know about the availability of services. In some cases, an individual's immigration status may put them in fear of contacting service providers. Sometimes a history of being “let down” or abused by the “system” makes them wary of contacting a provider. And finally, the location of where one must go to access a service might be a burden.

Our pilot program will not provide services, it will provide access to services. It will do so mainly through a group of service providers that have agreed to work with our pilot program. If a service provider has “capacity” for additional clients, we will merely direct our participants to them. When a service is needed and a provider is already at capacity, we will either support the provider's seeking of additional funding, or we will independently seek funding for them.

A major aspect of our support service component will be the establishment of a “multi-service center” in the BID office. Participating service organizations will be provided with desk space/meeting space. They will be able to “operate” out of the BID office on a periodic basis for the convenience of local participants. Support service providers will have access to phone service, Internet access, computer work stations and basic office supplies including copying. We will notify our business community through “face to face” meetings of the availability of services, the types of services and the schedule when providers will be available at the BID office.

Below is a list of services that we will initially provide access to. As additional needs are identified we seek to include them.

Business-related

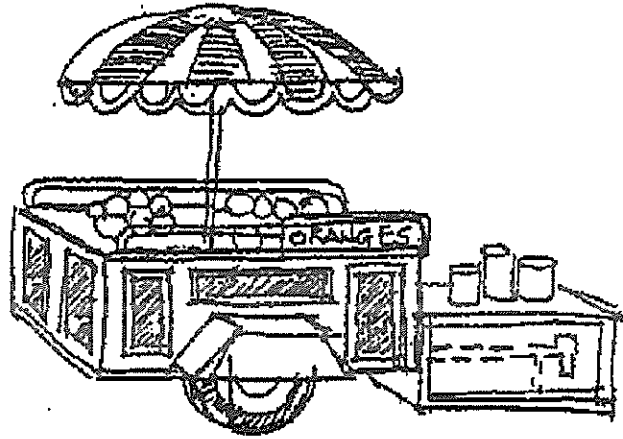
1. Developing a business plan
2. Developing a marketing strategy
3. Complying with tax filings
4. Complying with licensing & regulations
5. How to begin a store-based business
6. How to register or incorporate your business
7. How to get a tax ID & resale number
8. How to research your market
9. "Getting to Know Your Customers"
10. Signage & Display

Business-related Financial Services

1. Low-interest / no-interest loans
2. Bookkeeping & record keeping
3. Financial literacy
4. Financial planning
5. "Establishing Credit"

Business-related Safety & Security

1. Security problems & solutions
 - a. "Grab & Run" theft
 - b. Pickpocketing
2. Reporting a crime



Technology

1. Computer training
2. Computer access
3. Internet access
4. E-Commerce

Educational Advancement

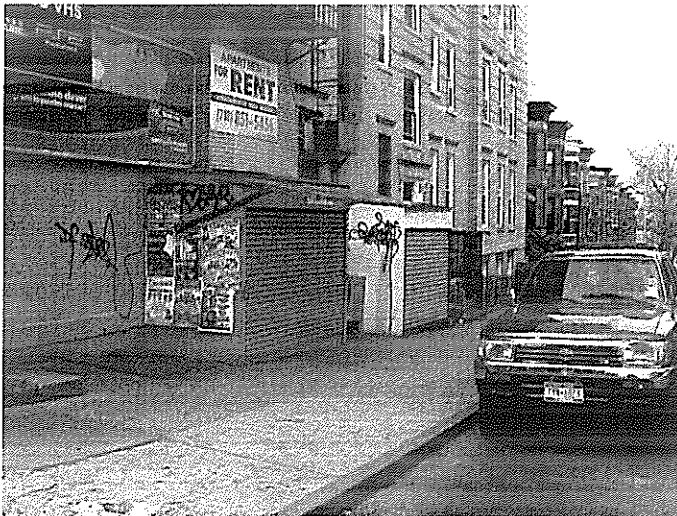
1. GED preparation
2. Financial aid
3. Educational counseling

Communication Skills

1. ESL / ESOL classes
2. Adult literacy

Career Services

1. Job training
2. Job "hunting"
3. Career guidance
4. Technical/Vocational training
5. Resume writing



Health Services

1. Health plans
2. Health counseling

Legal Services

1. Pro Bono services
2. "Knowing Your Rights"
3. Navigating the court system

Immigration Services

1. Counseling
2. Citizenship
3. Immigrant rights

Housing

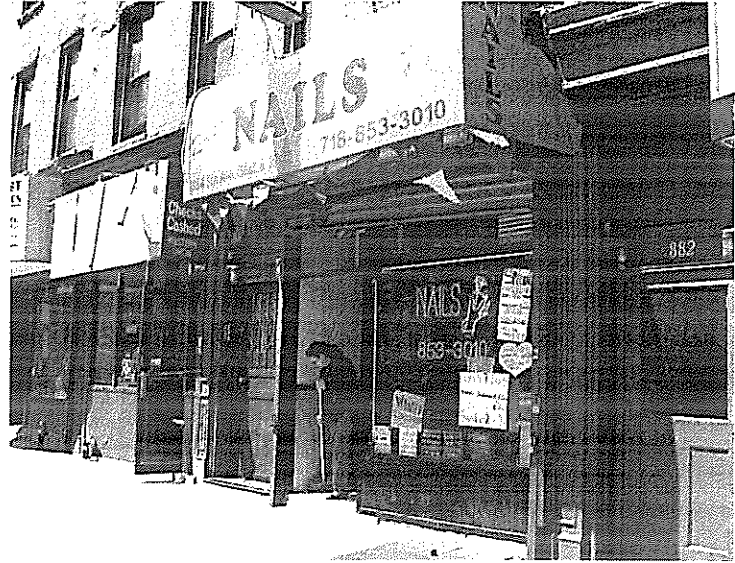
1. Tenant counseling
2. Tenant rights
3. Resolving landlord-tenant disputes
4. Home repairs

Personal & Family Intervention

1. Alcoholism
2. Addiction services
3. Crisis Intervention
4. Domestic Violence
5. Diet

Three Additional Support Services

In addition to providing access to these services, our pilot program calls for three additional forms of support services. One is business networking. We will hold a number of business networking events during which members of our business community will have an opportunity to meet one another, and in addition resource people from outside of Sunset Park. A second, and very important additional service will be "anti-crime" meetings with the local precinct to discuss crime trends and security steps that can be taken. And finally, we will work with the District Attorney's Office and the courts to provide workshops on NYC vending regulations, participation in our special pilot program and business opportunities for individuals. These workshops will be offered as alternatives to fines or community service mandated by the courts for individuals vending illegally on 5th Avenue during the pilot program period.



Chapter 07 - Planning Process Stakeholders

The following not-for-profits, elected officials, organizations, institutions and government agencies are considered stakeholders in the evolving of this proposal due to their involvement. Involvement has varied widely: 1) from participating in all meetings to only commenting through email; 2) from drafting actual portions of the proposal to merely reviewing the proposal and not commenting; 3) from providing expertise in terms of drafting the support service portion of the proposal to a potential to provide support services in the future; 4) from groups representing sidewalk vendors to groups representing store-based merchants.

The methodology is to include anyone who has a vested interest, point of view, or expertise in this issue as long as they agree to seek a proactive approach to seeking solutions. Listing does not imply that they have endorsed the full proposal, merely that they had input or had an opportunity to review the proposal and an opportunity to comment. Support will be signified through a letter of support in Section 13.

The following list is alphabetical:

Accion New York
Boricua College Small Business Development Center
Borough President of Brooklyn
Brooklyn Public Library
Brooklyn Economic Development Corporation
Brooklyn District Attorney's Office
Center for Family Life of Sunset Park
Community Board 7
Esperanza
NYC Councilmember Sara Gonzalez
NYS Assemblyman Felix Ortiz
Office of the Comptroller of the City of New York
Opportunities for a Better Tomorrow
Street Vending Project of Urban Justice
Sunset Park 5th Avenue Business Improvement District
Sunset Park Vendors Group
U.S. Member of Congress Nydia Velázquez

Pilot Program Organizational Structure

The organizational structure described in this section is not proposed with the intent of creating a “governing” body. It is merely for the purpose of monitoring and fine-tuning the pilot program in a timely fashion and thus helping to ensure its success. It is for communication and to make certain that all interests are not only represented, but have direct access to the process.

During the operation of the pilot program, the following structure will be used:

1. Stakeholder's Action Committee

- a. Comprised of: individual sidewalk-based merchants, store-based merchants, residents, representatives of support service providers, the BID Executive Director and the Project Manager, and interested individuals.



2. Stakeholder's Working Group

- a. Comprised of representatives of: elected officials, governmental agencies, support service providers, street vendor organizations, representatives of the Stakeholder's Action Committee, the BID Executive Director and the Project Manager.

3. Stakeholder's Policy Board

- a. Comprised of: Mayoral appointees, elected officials, Community Board 7, NYPD, the Brooklyn District Attorney's Office, the Comptroller's Office, Sunset Park Street Vendors

organization, representatives of the support service providers, BID Executive Director and the Project Manager.

During the operation of the pilot program the three stakeholder's groups will interact as follows:

1. The Stakeholder's Action Committee will meet monthly to evaluate pilot program and make recommendations to the working group. Between meetings members may communicate concerns to the Project Manager, the BID Executive Director or the Stakeholder's Working Group directly.
2. The Stakeholder's Working Group will meet every other month, but will be in continual email communication on issues that develop.
3. The Stakeholder's Policy Board will meet three times during the course of the year. Additional meetings will be called if a major issue arises. Any member of the Policy Board may request a meeting.

Day to day decisions will be made by the BID Executive Director in consultation with the Vending Project Manager. These decisions will be noted and shared with the Stakeholder's Working Group via email.

All funding for this program and all monies collected through this program will be held by the Sunset Park 5th Avenue BID, acting as a fiscal conduit. These funds are not to be commingled with BID funds or any other funds held by the BID. These funds may only be used for the support of this program. Funding sought in cooperation with specific groups for the providing of support services, will go directly to the support service provider from the funding source. A financial report will be made at each Policy Board meeting.

Chapter 08 - The Logic & Development of the Proposal

1. 5th Avenue's retail shopping district is the heart of the Sunset Park community.

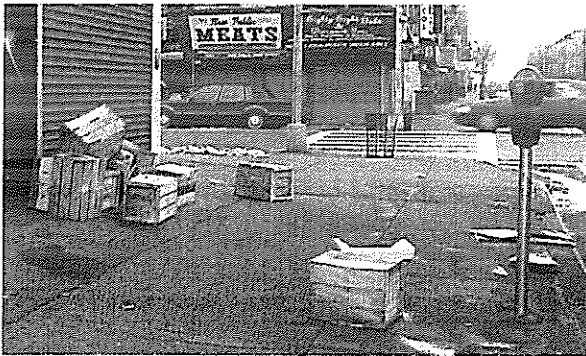
- a. It is the economic generator of Sunset Park - providing numerous entry level positions.
- b. It makes the community attractive by providing convenient shopping within walking distance.
- c. It gives the community cohesiveness as a place of common interest.
- d. It supports civic efforts through the cooperative work of business and residential leaders.
- e. It supports the local economy.
- f. Its success or failure largely defines the community.

2. The success of our retail shopping district is vulnerable to many influences.

- a. The profit margin of most businesses is very narrow.
- b. There is fierce competition from big box stores, malls, the Internet and sidewalk vending.
- c. Many of our store owners are recent immigrants to the U.S. or first-time entrepreneurs.
- d. Many of our merchants are still paying off start-up loans.
- e. Rising costs of insurance, loan interest rates, utilities and fuel are hurting our businesses.
- f. The year's success or failure of many of our stores is based on sales during holiday periods.

3. Sidewalk vending poses a considerable threat to 5th Avenue.

- a. Vendors tend to appear in large numbers during peak shopping events like holidays.
- b. Vendors do not provide entry level employment for the community.
- c. Vendors can undercut store prices by not paying for store rent, utilities and insurance.
- d. Some vendors tend to hold parking spots at meters all day without feeding the meter.
- e. Vendors "tax" the sanitation system by using corner pails and leaving trash behind.
- f. Vendors can give a community a "bad reputation" by crowding the limited sidewalk space, selling inferior merchandise, and by not having a return policy.
- g. Vendors cause congestion on sidewalks creating a dangerous situation.



4. How has the business community responded to the issue of sidewalk vending?

- a. The business community responded by trying to get the police to enforce the vending laws:
 1. Vendors must have licenses for themselves and their food carts.
 2. Vending must be from proper tables or carts and specific distances from stores & doorways.
 3. Vendors must follow Department of Health codes for food preparation & distribution.

5. What was the result of increased code enforcement on vending?

- a. Vending continued.
- b. The business community expended critical resources & political capital with little improvement
 1. The BID's director was spending more time on this than any other issue.
 2. "Favors" or requests for assistance from others were being used up with little result.

6. Research & study led to a new understanding and thus a new approach.

- a. It was found that:
 1. There are many different types of vendors.
 2. New York State & City vending laws are confusing and difficult to interpret let alone enforce.
 3. New York City has a cap on vending licenses and a 25 year wait for a license.

7. What was the "new understanding"?

- a. Most of the daily sidewalk vendors were Sunset Park residents.
- b. The Sunset Park vendors were attempting to cooperate and were vending from the side streets.
- c. Sunset Park vendors wanted to pay sales tax and abide by the City regulations.
- d. Street vendors bring more shoppers to 5th Avenue.
- e. Many of our vendors were recent immigrants and were providing services to their countrymen.
- f. As recent immigrants, our vendors were faced with many difficulties
- g. Sunset Park vendors were as annoyed with "illegal" vendors, who vend on 5th, as the stores were.
- h. Many Sunset Park residents wanted to shop at sidewalk vendors.



8. What is the new approach?

- a. Develop a special pilot program that would unite 5th Avenue's two business districts, the one made up of sidewalk-based vendors and the one made up of store-based merchants, into one.

9. How would this benefit the sidewalk-based vendors?

- a. Vendors would be given locations on side streets with retention rights.
- b. They would be assisted in getting Sunset Park vending licenses and following City regulations.
- c. They would be offered membership in the BID for a nominal \$25 annual fee.
- d. They would be provided with a vast array of support services made available locally.
- e. They would be given priority placement during the annual street festival.

f. They would be given the respect they deserve as business people.

10. How would this benefit the store-based merchants?

- a. 5th Avenue business district would be vendor free with clear signage to help with enforcement.
- b. Sidewalk-based vendors would play by the same rules that the stores do.
- c. 5th Avenue would be less congested, but yet there would be more shoppers attracted by the vendors.
- d. Just like the vendors, they would be provided with a vast array of support services locally.
- e. The resources that were previously used to “fight” vending could be put to better use.
- f. Additional resources would be attracted to the business district due to their innovation.
- g. They will have the satisfaction of knowing they did the right thing.

11. How would such a pilot plan be created?

- a. Begin by collecting and organizing accurate information.
- b. Seek the sponsorship of the Sunset Park 5th Avenue Business Improvement District.
- c. Seek the support of the City Councilmember.
- d. Seek the support of the local Community Board.
- e. Seek the support of all elected officials.
- f. Seek to bring all the relevant stakeholders together - vendors, elected officials, business community, support service providers and the general community.
- g. Develop the proposal through a transparent and open process.
- h. Make contact with the Mayor’s Office for advice on the next steps of development.
- i. Visit all relevant City agencies to fine tune the proposal through their assistance.
- j. Seek funding to hire a part-time field research assistant & a consultant to map the district.
- k. Create a map showing all potential vending locations.
- l. Finalize the proposal with the vendors, and all other stakeholders.
- m. Collect baseline data to be used to measure the effectiveness of the pilot program.
- n. Seek implementation by the Mayor’s Office.

Chapter 09 - Possible Future Innovations

1. **Organizational Structure** - After a successful pilot program, the organizational structure will be simplified. It will basically be an expanded version of the BID Board of Directors. This body already includes a Mayoral appointee, a Comptroller's Office appointee, city agency representation, elected officials including the Borough President, Community Board 7 representative, merchants, property owners and the residential community. It will be expanded by including sidewalk-based merchants representatives, representatives of the Department of Consumer Affairs and Department of Health, the Office of the District Attorney of Brooklyn, representatives of participating support service providers and the Project Manager of the "united" district.

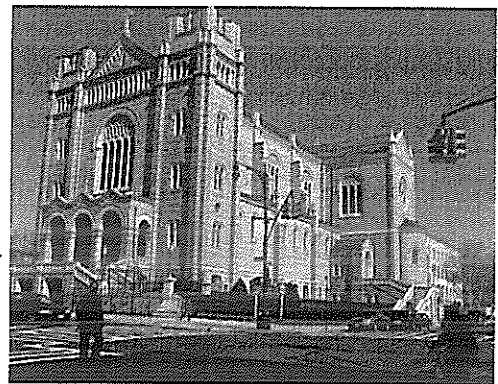
2. **Store-based Sidewalk Vending** - Discussions will be held to consider allowing stores to place merchandise up to 3' outside of their store line while following specific regulations.

3. **Carts for Sidewalk Vending** - We may consider seeking funding to purchase a variety of carts for sidewalk vending to ensure compliance with City regulations and for aesthetic appeal. The carts could be "leased" for a nominal fee to users to recoup the expense.

4. **Insurance Coverage for Sidewalk Vendors** - We may explore providing liability insurance coverage for sidewalk vendors through a blanket policy.

5. **Signage, Lighting, Flags & Banners** - We may look into installing decorative, promotional signage, lighting, flags and/or banners to create a uniform look to the district.

6. **Church Mini-Marqueta Site** - In Mexico, Central America and South America it is not uncommon for a family to do much of their week's shopping as they leave church services on Sunday. Vendors congregate outside of church and await their customers. We may open a dialogue with Our Lady of Perpetual Help Basilica as to the practicality of having vendors along the 60th Street side of the church, Sunday mornings, with strict regulation to maintain decorum.



7. **Green Market Along Our Park's Edge** - 5th Avenue's widest sidewalks are found along the western edge of our community park between 41st & 44th Street. We may entertain discussions leading to the establishment of a green market along that sidewalk. At present Sunset Park has a green market on 4th Avenue and 59th Street on weekends. We would examine the possibility of either hosting a second market, or invite the existing market to move to the park location.

Chapter 10 - Other Models/Approaches

During the course of working on the Sunset Park “model” we have had an opportunity to review approaches, to the vending issue, by many other cities, both in the U.S. and in other countries. The following is a brief description of some of these other approaches.

Toronto, Canada - Currently Hosting a Competition

“The Street Food Vending Project aims to introduce healthy, affordable, and culturally diverse street food to Toronto; improve vending policies and opportunities for existing vendors; and educate the public on the links between street vending and larger planning themes such as sustainable development, regulation of urban space, workers’ rights and socio-cultural expression in a multi-cultural city.”

The project has 3 components:

1. Research & Policy Recommendations - vendor employment support & review regulations
2. Pilot Project - to identify interested vendors & sites across the city
3. Public Engagement & Education - vending cart design competition, public events

The project takes an interdisciplinary and collaborative approach. We will work with vendors and vendor advocates, food security advocates, academics, planners, designers, policy makers and enforcers, social service agencies, community organizations and the general public.



Madison, Wisconsin - Mapping of Allowed Sites

“...To provide for the orderly performance of selling in areas which because of special circumstances, including but not limited to the location, the proximity of a business district or public building, the intensity and density of vending, the amount of pedestrian and/or vehicular traffic, the proximity of fairgrounds, parks, stadiums or other areas where special events are held, require special regulations and restrictions to protect the health, safety and general welfare of the public and to maintain the good order of the City.”

Riverside, Ohio - Plain and Simple

“No peddler shall engage in peddling within the municipality, ...is declared a nuisance.”

Johannesburg, South Africa - Policy Dialogue on Regulation of Street Vending

Identified common problems affecting street vendors:

1. Police & local government harassment
2. Trading sites too small
3. Many vendors but limited space
4. Problems with site allocations systems
5. Lack of access to credit
6. Lack of skills
7. Legal illiteracy among vendors
8. No co-operation with local government authorities
9. Councils not willing to listen to street vendors’ advice/input
10. Racial discrimination

11. Competing with foreigners for space

New Haven, Connecticut - Yale Law Journal Symposium

“At the margin of the regulated economy lies another economy, in which activity goes unlicensed, unregulated, and untaxed, and whose participants often go overlooked by legal scholars and policy makers. The Yale Law Journal held a symposium on the informal economy to promote discussion among economists, sociologists, anthropologists, and legal scholars to advance understanding of the informal economy.”

Shanghai, China - 2007 City Reverses Restrictive Policy

“...the once-familiar sound of street traders calling out to passers-by will once again be heard around Shanghai. The city will soon allow some vendors to do business in the city's streets, a surprising reversal from the long-standing "zero tolerance" policy on street trading.

City officials plan to issue a new directive regulation on street vending before May 1, according to the Shanghai Urban Management & Administrative Execution Bureau, the body charged with preserving the city's appearance and cleanliness. The new regulation is expected to allow some peddlers and booths to operate on the street, though local residents will first have to give their approval.

The bureau has estimated that there are more than 50,000 unlicensed street vendors currently working across the city, but some insiders say the number could be even higher. The new regulation is expected to loosen the previously strict restrictions on street vending and regulate the peddlers in a more flexible way.



Actually, most street vendors earn very little money and are vulnerable. They can offer diverse, convenient and very cheap services to their surrounding communities, for example, by repairing shoes and bicycles. And such services are usually not available in normal stores. Shanghai is among the few cities in China to tolerate street vendors. And the new regulation will make it easier for such vendors to go into business.”

Manila, Philippines - Excerpt from a Policy Paper

The case study presented deals with the regulatory aspects of street-vending in the particular cultural environment of a South-East Asian capital, Manila. It is demonstrated that regulations are more inspired by Western images of modernization largely removed from the harsh socioeconomic realities of the sector.

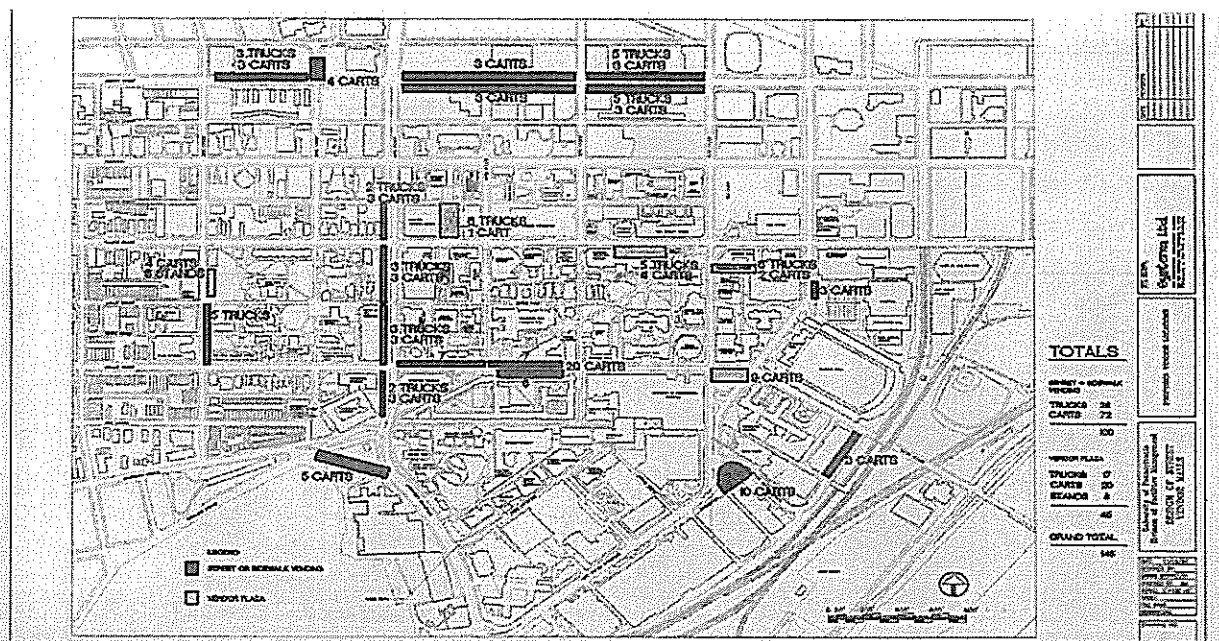
Moreover, compliance is minimized by cultural values (conflict avoidance, respect of power

structures) governing the behavior of lower level administrative agents and hawkers alike. The overall result is that regulations are purely symbolic and ineffective, nevertheless maintaining a climate of harassment and extortion.

The paper advocates a more positive approach towards street-vendors combining minimal regulation with measures of encouragement and public assistance.

Philadelphia, Pa - Special District Surrounding the University

After a six month study, a university study group with the support of a City Council member was successful in having legislation passed to create a very highly regulated vending district surrounding the University campus. As seen from the map, only a few vendors are permitted on each of the various vending approved streets.



Staunton, Virginia - Excerpts from the Code

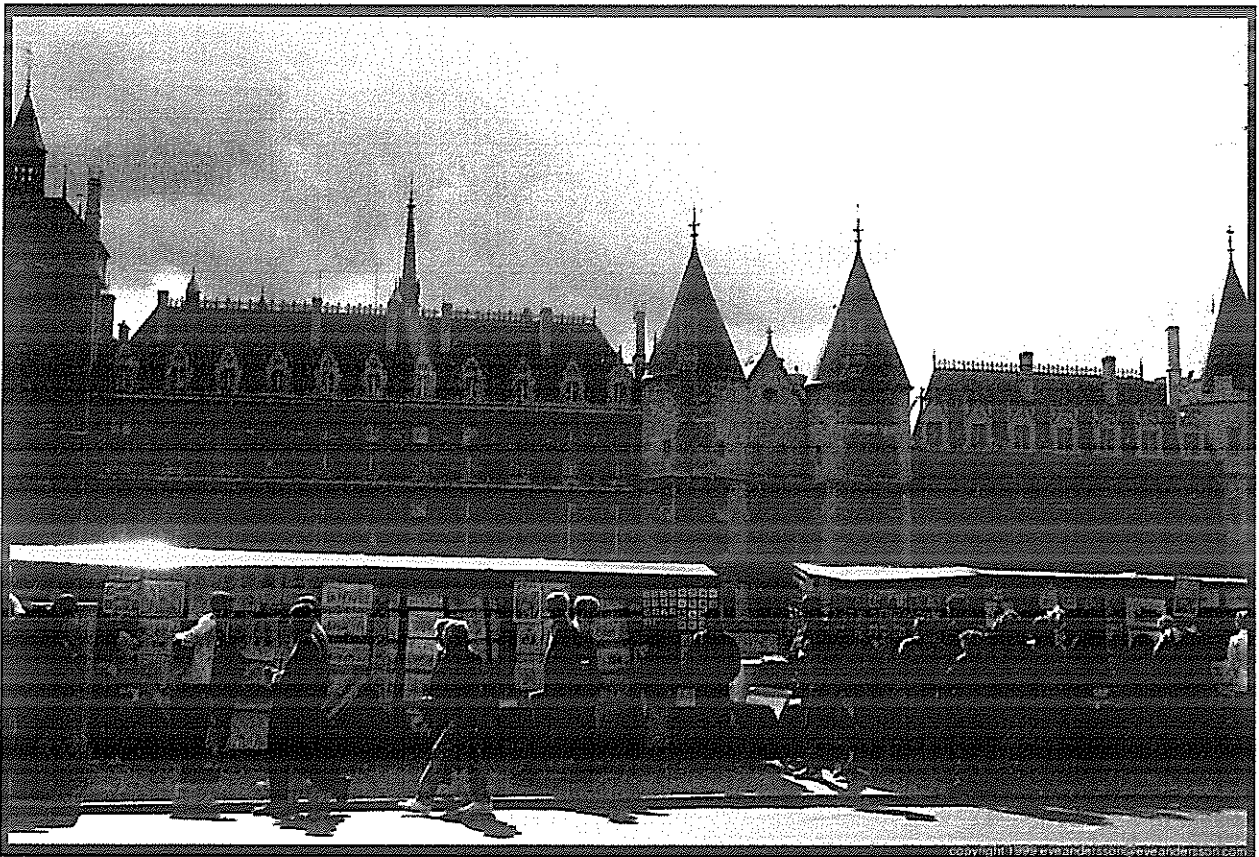
The city council finds and declares that:

- (1) The primary purpose of the public streets and sidewalks is for use by vehicular and pedestrian traffic.
- (2) Vending on certain public streets and sidewalks, under certain circumstances, may be appropriate...if the city manager, in his sole and absolute discretion, determines that the issuance of a permit to conduct such vending from a stand would not adversely affect the public health, safety or welfare, then the manager may issue such permit subject to the conditions and requirements set forth therein by the manager with which the applicant agrees to conform. Such conditions may, among other things, relate to the design of the stand, location of the stand and hours of operation.
- (3) Reasonable regulation of street and sidewalk vending, when allowed, is necessary to secure, preserve and promote safety, welfare, comfort, convenience, trade and commerce in the city and among its inhabitants.

Washington, D.C. - BID Supports Vending & Public Space Demonstration Program

Background: Street vending has long been a challenge in Washington DC, but it is also an opportunity. Done right, street vending ought to add just as much value to Washington DC as the vendors do at properties such as Harborplace in Baltimore, Faneuil Hall in Boston, or the Pier at Santa Monica.

Deputy Mayor's Steering Committee: In 2003, the Deputy Mayor convened a Steering Committee, composed of government officials, vendor representatives, civic and nonprofit organizations, and the BID. The Steering Committee agreed that a demonstration program was the best way to prove this concept could work in Washington.



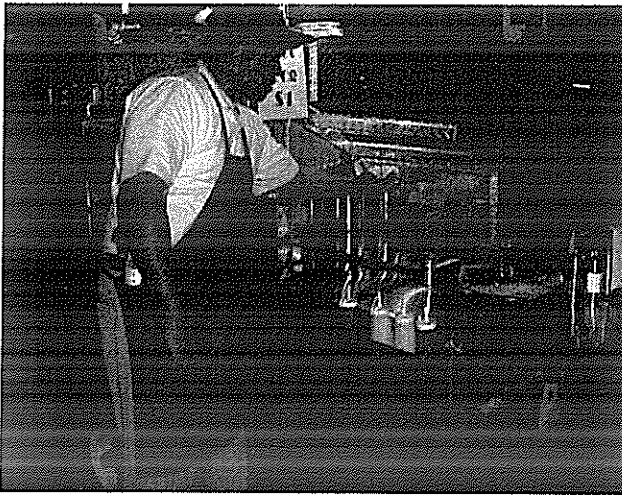
Vending Along the Seine in Paris, France

Chapter 11 - Replication

Although the development of our plan was purely meant to resolve our own specific local issue, we can understand how our plan may be applicable to other neighborhoods. But at the same time we recognize that sidewalk vending in NYC is as diverse as our city's population. Therefore, in most cases, the Sunset Park model would have to be modified or adapted for local use in other communities.

Our model may be applicable in neighborhoods with the following similarities:

1. A community served by a linear business district with space available on side streets directly adjacent to the main street.
2. A community where many of the vendors are local or nearby residents.
3. A community with an active, involved retail merchants organization or BID.



We would suggest that our model not be imposed upon other communities. But if a community's retail merchants association, City Councilmember and Community Board were interested in exploring the applicability of the Sunset Park model to their neighborhood that would suffice as an invitation to move ahead. In such cases, the Sunset Park BID would gladly offer professional assistance to communities that under the circumstances stated above are interested in developing a proposal. There are many possible variations to the Sunset Park model that may make this program work in other neighborhoods.

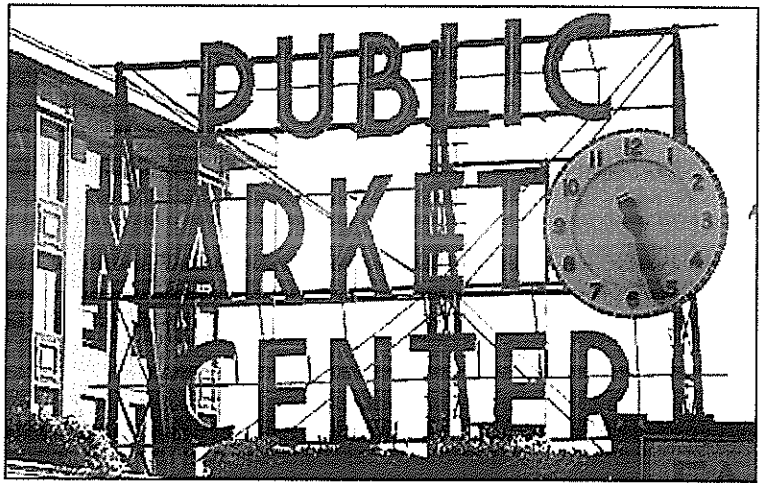
Modifications to the Sunset Park model may include: 1) a green market, 2) placement of sidewalk vendors in areas to bridge separated sections of a business district and thus create a more uniform and larger shopping district, 3) placement of vendors in front of stores to bring specific merchandise and foods to a community lacking those products, or 4) placement of vendors in front of stores if there is a mutual benefit (for example: a vendor of ethnic food in front of a furniture store to bring more shoppers to that location).

There is one specific modification, grouping all vendors in a single location outside of the business district or on the edge of the district, that we would not recommend unless a community could build a compelling argument to support it. The entire point of the Sunset Park model is to create a stronger business district by uniting the sidewalk vending community with the store-based business community. Separating the two business districts would not serve the purposes of either group.

A very powerful reason for communities similar to Sunset Park (multiethnic, with a sizeable immigrant population) to develop a similar proposal, is that it can strengthen a community - not just the business community, but the general community. It can empower a large, previously uninvolved group of residents as advocates for “their” community. By validating this portion of the community it may cause them to advocate on behalf of the community instead of being “quiet”.

While the Sunset Park model may not be applicable to many other vending situations, the basic premise of “facing the issue, doing research, bringing together all parties and finding a win-win situation through a transparent, conflict resolution process” is highly recommended. We believe in the following premises:

1. An active, successful business community is essential to the well-being of a city or community.
2. While an informal business “community” that operates parallel to the formal store-based business community, may serve the needs of the shopping public, ultimately it may “hurt” the city or community by not contributing to the tax support needed to increase sanitation services, police services, and regulatory agencies (health & consumer affairs) required by the increased business presence.
3. Store-based businesses and other formal businesses almost always require a major investment by the owner. This investment, in the form of a business loan, a second mortgage on a home or use of the individual’s savings must receive protection from unfair competition. To not protect such investment ultimately hurts a city or a community. When a business suffers due to unfair competition, it sends a message to other entrepreneurs to not invest in that community. In addition, it may lead to the loss of the business district and the community will not be served by anyone when vendors fold their tables and move onto more profitable locations elsewhere. We must protect the investment of local business people, many of whom are first generation immigrants or new entrepreneurs.



4. There has been a “growth” in the control of the sidewalk-based vending industry by “hidden” business operatives far removed from the “streets” of New York City. They tend to accumulate licenses and then “rent” them out to vendors. Some insist that vendors also “rent” carts from them or buy merchandise/supplies from them.

Another type of “hidden” control over the street vending industry is individuals who send unlicensed vendors out to the streets with merchandise that they provide. Sometimes the “merchandise” is mass produced “ethnic” foods. Much of this “big” business is untaxed. By its very

nature it is very abusive to the people on the street who do all the work. Often, the vendors must give a “cut” of their expected sales for the day before heading out to the streets. This forces them to be very aggressive in finding a good location and in “hawking” their product - or they will end the day actually losing money.

One of the most damaging aspects of this “hidden” business control, is that they often send countless vendors onto the streets just before major shopping holidays such as: Easter, St. Valentine’s Day, Mother’s Day, and for weeks leading up to Christmas. This untaxed burden upon the store-based business community is devastating. Most retail businesses count on making more than 50% of their year’s profit during these key shopping periods. These businesses remain open serving the public during non-peak shopping periods, with the expectation of making their profit during those peak periods. If they don’t make a profit, they must consider closing and leaving the community “un-serviced” through much of the year.

5. The City of New York, may build upon the success of the Sunset Park model and go on to tackle other vending issues, such as vending by court houses and other public buildings, or vending in front of major chain stores and businesses that attract huge numbers of shoppers, or vending in key tourist centers like Times Square. Each of these requires their own “model” based on their unique needs. The fact that Sunset Park can resolve its vending issue with success would show that our city can address the range of other vending issues. The lesson to be learned is that a single approach to vending in a city as diverse as New York cannot work. But that a variety of approaches based on specific needs will most certainly work.

Chapter 12 - Our Methodology

The Sunset Park proposal is rather simple in its substance. There is nothing new. In essence:

1. Zero-tolerance of vending on 5th Avenue
2. Vending permitted on the side streets
3. Vendors adhering to NYC vending regulations

If anything is different, it is that vendors will have retention rights to locations and this is only made possible because there is sufficient side street space to absorb the vendors that vend in Sunset Park.

There is one “sweetener” to the proposal and that is the providing of support services to the vendors and the store-based merchants through a local multi-service resource center. But even this is not remarkable, no new service provider is being created, we are merely involving service providers who are already providing the services that we need.



What is remarkable about this proposal is the methodology of its creation. The following explains our methodology in very simple form:

1. Have the leading business organization in the community sponsor the process.
2. Don't begin the process by inviting all players to a start-up meeting.
3. Add “players” as their participation becomes relevant to the process.
4. Maintain a transparency of process and information sharing.
5. Continually “nourish” the process with new, relevant data from research.
6. Don't prematurely seek a finished product.
7. Evolve the proposal as the stakeholder's group grows.
8. Resolve conflicts with consensus rather than a majority vote.
9. Continually re-energize the group by adding new, relevant stakeholders.
10. Limit meetings but communicate almost daily through email.

This was our process that led to our finished proposal.

Chapter 13 - The Mapping of Vending Locations

The key to selecting locations for our sidewalk-based merchants involves not encroaching on residential properties, not blocking the path of pedestrians, not competing with side street store-based businesses, and not blocking access to buildings or cellar doors. Of these, pedestrian safety is the most important consideration. Fences along the side of buildings, trees/tree pits, raised portions of sidewalks, utility poles and boxes turn 15 foot wide sidewalks into narrow 5 foot paths rendering sidewalk vending unsafe. A location that blocks the sidewalk to the extent that pedestrians must step into the street, or walk on cellar gates or step up and down on raised portions of the sidewalk is unacceptable as a vending location.

In an unregulated system we would need to make “blanket” judgements concerning locations. But in our highly regulated district we can be more flexible and make decisions based on the agreement of all involved parties - the store-based merchants, the sidewalk-based merchants, and the residents of the block. Based upon this, we can situate vendors in otherwise restricted situations. For example, we can imagine one or two vendors permitted in proximity to a bus stop as long as it doesn't hinder the movement of riders on and off the bus, or pedestrians walking by. Also, in some situations it will be better to have vendors setting up against a building rather than along the curb blocking access to parking meters and the entering and exiting of vehicles.

All vending sites will be determined based on 1) review of maps showing locations of all tree pits/trees, utility poles & boxes, hydrants, signs, cellar doors, building entrances, fences, public phones, and other permanent fixtures, 2) review of photographs of the location, 3) review of the types of stores within three block, 4) a site visit, and 5) consultation with vendors, the BID and other stakeholders.



Chapter 14. Research Internet Links

Boston, Massachusetts - Code Enforcement Division - Zero Tolerance

<http://www.google.com/search?q=boston+illegal+street+vendors&hl=en&pwst=1&start=10&sa>

Canadian Motion Picture Distributers Association: Police Raid Illegal Movie Vendors

http://www.mpa.org/press_releases/2005_10_19b.pdf

Chicago, Illinois - Vendors Prospectus/General Information

<http://www.chicagocarifete.com/id35.html>

Cross, John C. - Formalization of Street Vending in Mexico City

<http://old.openair.org/cross/plazapri.html>

Cross, John C. - Retailing in a Neighborhood Street Market

<http://old.openair.org/cross/retail2.html>

Cross, John C. - Streetvending in Urban Mexico: Refuge or Career?

<http://old.openair.org/cross/psapaper.html>

Daily News: N.Y. or Bangkok? "An Army of Street Vendors Gives City Third World Feel."

http://www.urbanjustice.org/pdf/press/daily_news_10nov03.pdf

Denver, Colorado - Street Peddling Regulations

<http://www.denvergov.org/PeddlerRegulations/tabid/379835/Default.aspx>

Detroit, Michigan - "Swat To the Cops"

<http://www.metrotimes.com/19/39/Features/newSwap.htm>

East Harlem Business Capital Corporation - La Mrqueta Internacional

http://www.lamarquetainternacional.com/lmi_proj_des.html

Fossella, Congressman - "Keep Street Vendors Off 86th Street"

http://www.house.gov/fossella/Press/press2005/050425_street_vendors.html

Gotham Gazette - Chinatown's 5th Precinct Will Start Cleaning Up Illegal Street Vendors

<http://www.gothamgazette.com/citizen/jan02/9.shtml>

Gotham Gazette - Evicting the Vendors from the Bed-Stuy Market

<http://www.gothamgazette.com/article/communitydevelopment/20050118/20/1249>

Gotham Gazette - Pushcart Wars

<http://www.gothamgazette.com/article//20040322/200/923>

Harvard University Gazette - Outlaw Entrepreneurs

<http://www.hno.harvard.edu/gazette/2000/11.30/01-outlaw.html>

Herald Tribune, International - New York Street Vendors Take On Stores
<http://www.iht.com/articles/2005/05/26/business/vendors.php>

Illinois Department of Commerce - Business & Industry Profile -
http://www.sbaer.uca.edu/profiles/industry_profiles/29.pdf

Jakarta, Indonesia - Burger “Kings” Cook Up a Street-Vending Revolution
<http://www.theage.com.au/articles/2003/10/03/1064988401065.html?from=storyrhs>

Johannesburg, South Africa - National Street Vendors’ Workshop & Policy Dialogue
<http://www.streetnet.org.za/English/stvendiasa.htm>

Kingsbridge BID - NYC Merchant Regulations
<http://www.kingsbridgebid.org/code/rules.html>

La Marqueta - Only 7 Vendors Left in Once Proud Market
http://www.mibarrio.org/la_marqueta.htm

Los Angeles City Beat - A Little More Anarchy
<http://www.lacitybeat.com/article.php?id=596&IssueNum=>

Madison, Wisconsin - Vending Regulations
<http://www.cityofmadison.com/BI/regshigh2005REV.pdf>

Manila, Philippines - Regulation and Evasion - Street-Vendors in Manila
<http://www.springerlink.com/content/u73315515282168r/>

Massey University - Street Vending Vital to Indonesia, Research Shows
<http://masseynews.massey.ac.nz/2002/masseynews/july/july8/stories/vendors.html>

Mexico - Sephardic Jews in 1862 - Street Peddlers
<http://www.jewishvirtuallibrary.org/jsource/vjw/Mexico.html>

New America Media - “Los Angeles Street Vendors Under Scrutiny”
http://news.newamericamedia.org/news/view_article.html?article_id=d940ca

New York City Council - Third Hearing Regarding Vendor Licensing
http://www.nyccouncil.info/pdf_files/newswire/vendorscafes.pdf

New York City, New York - Simple Solution: NYC Business Solutions
http://www.nyc.gov/html/sbs/nycbiz/downloads/pdf/street_vending.pdf

New York City, New York - Street Vendors

http://www.nyc.gov/html/sbs/nycbiz/html/starting/street_vendors.shtml

New York Daily News - Brooklyn's La Marqueta Buys Time

http://www.nydailynews.com/news/2007/06/06/2007-06-06_brooklyn_la_marqueta_buys_time

New York Press - "Who's Behind the War Against the Vendors?"

<http://www.nypress.com/16/53/news&columns/rotation.cfm>

Nogales, Sonora - Battling for Dollars

<http://old.openair.org/research/newspape.htm>

Openair-Market.net - Giuliani Panel Begins Final Solution for Vendors

<http://old.openair.org/alerts/artist/nyvend3.html>

Pennsylvania State University - Proposed Vending Regulations

http://www.upenn.edu/foodplaza/do_not.html

Police Executive Research Forum - Policing Peddlers in the City

http://www.popcenter.org/Library/PSQ/1991/Spring%201991%20Vol%204_No.%202.pdf

Riverside, Ohio - Codified Ordinances - Peddlers

http://www.riverside.oh.us/pdfs/codified_ordinances/H%20-%20BUSREG.pdf

Shanghai, China - Reversal of Zero-Tolerance of Vendors

<http://www.china.org.cn/english/China/200885.htm>

Staunton, Virginia - Street Vending: Findings & Intent

<http://www.codepublishing.com/VA/Staunton/staunt12/Staunt1230.html>

Sunset Park Business Improvement District

<http://www.sunsetparkbid.org/>

Toronto, Canada - Vending Competition

http://www.multistorycomplex.org/street_food_vending_project

Urban Justice - Street Vendor Project - NYC Vending Regulations

<http://www.streetvendor.org/media/pdfs/factsheet.pdf>

Urban Justice - Street Vendor Project - Recommendations for Improving NYC Regulations

<http://www.urbanjustice.org/pdf/publications/VendorsUnite.pdf>

Urban Justice - Street Vendor Project - Street Vendor Opportunity Bill

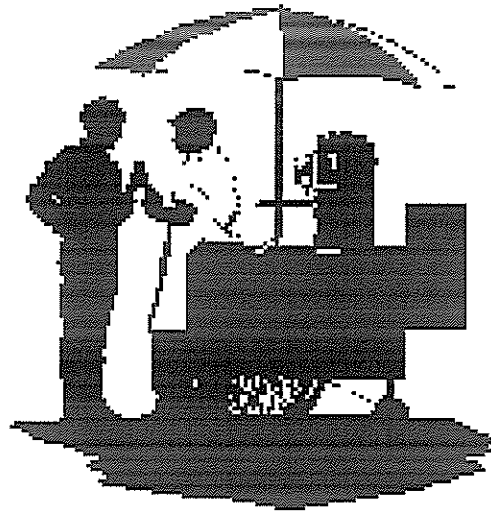
<http://www.streetvendor.org/media/pdfs/Vendor%20Opportunity%20Bill%20Memo.pdf>

Villager, The - "Hard to Make Any Progress If Vendors Block the Way"

http://www.thevillager.com/villager_200/hardtmakeanyprogress.html

Washington, D.C. - Downtown DC BID: Vending & Public Space Demonstration Program
<http://www.downtowndc.org/page.asp?pageid=2%7C14%7C32>

Yale Law Journal - An Honest Living: Street Vendors
<http://links.jstor.org/sici?sici=0044-0094>



XV. Letters of Support & Endorsement

RETAILERS TO VENDORS LET'S WORK TOGETHER

Sweet 'embrace' for street vendors

By Lesley Grimm

It is an unconventional plan — by their own admission.

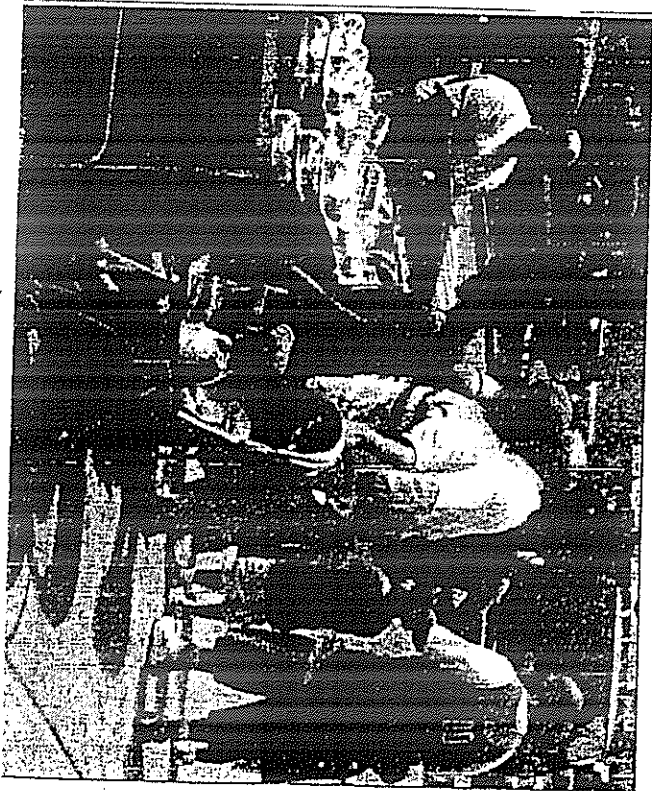
Sunset Park retailers are facing a barrage of troublesome street vendors.

But instead of trying to force them out of their thriving commercial strip, shopkeepers are doing just the opposite.

The Sunset Park 5th Avenue Business Improvement District, an organization of property owners and retail tenants, is developing a new plan that will "embrace" the street vendors.

"Instead of just spending all our time fighting each other, we can find a way we can all work together," said Renee Giordano, Executive Director of the Sunset Park BID, speaking at a recent meeting of Community Board 7.

The board was asked to become an official "stakeholder"



Retailers have plan to 'embrace' neighborhood street vendors

Continued from cover

and to work with the BID to develop a more detailed proposal. The overwhelming number of CB7 members voted on June 20 to grant their support.

While still in their infancy, initial plans are to move the vendors from the main 5th Avenue thoroughfare and onto the adjacent side streets.

The only vendors permitted would be those agreeing to participate in the program. They would be assigned to specific side street locations, agree to

collect and pay sales tax, agree to offer receipts and post a refund policy.

They also must follow the regulations of the Health Department and Consumer Affairs.

"Not just anyone would set up," Giordano explained.

"We would be working with the vendors so we know who they area and provide them certain support services," she said.

Since 1995, Sunset Park BID has facilitated programs to remove graffiti, provide supplemental sanitation services, increase

security and run a host of promotional activities.

The commercial strip is now prospering—but the success has also attracted a host of street vendors.

Business owners claim some vendors park graffiti-covered trucks all day without feeding parking meters. Vendors are also accused of overfilling public garbage pails and leaving their trash behind.

Retailers have also complained that the vendors are an unfair form of competition, because they don't pay for rent, utilities, trash collection or liability

insurance.

While police regularly conduct sweeps of the area, ticketing unlicensed vendors and confiscating goods, representatives of the Sunset BID say this is "at best a holding action."

Under the new proposal 5th Avenue would be "vendor free" from 38th Street to 64th Street.

The plan to move vendors onto side street locations raised some questions from members of Community Board 7.

"Are you adding the burden then on residential streets?" asked board mem-

ber Aaron Brashear.

In response, Renee Giordano told the board that no vending would be permitted in front of residential properties.

The BID is currently scouting for appropriate locations on the side of commercial buildings where vendors could set up.

"You can't vend in front of a residential building. That's illegal," Giordano said.

Questions were also asked about who would enforce the new rules.

That would be the police

department's responsibility, but signs would also be erected to clearly mark the "no vending zone."

Community Board 7 Chair Randy Peers said the changes would give the police department more authority.

"It prioritizes it and it gives them a lot more guidance as to what they could and should be enforcing," Peers said.

A formal detailed proposal is expected to go before Community Board 7 in about two months.



FELIX W. ORTIZ
Assemblyman 51st District
Kings County

THE ASSEMBLY
STATE OF NEW YORK
ALBANY

CHAIR
Task Force on Food, Farm
and Nutrition Policy

CHAIR
Subcommittee on Sweatshops

COMMITTEES
Alcoholism & Drug Abuse
Banks
Corporations, Authorities and Commissions
Correction
Economic Development, Job Creation,
Commerce & Industry
Energy
Labor
Rules

July 31, 2007

Mr. Tony Giordano
Sunset Park 5th Avenue BID &
The United Vendors of Sunset Park
5116A 5th Avenue, Suite 200
Brooklyn, NY 11220

Dear Mr. Giordano:

I am very pleased to learn of the *BID* proposal serving to benefit both sidewalk vendors and store-based businesses of Sunset Park.

I applaud your efforts to create open discourse between the two and for recognizing the plight of sidewalk vendors who struggle for licensure in hopes of pursuing an honest living.

You have my full support in your request to the Mayor to create a special "demonstration district" using Sunset Park as a paradigm. I believe that working together will prove to be favorable for both groups, in addition to serving our community and their shopping needs.

I look forward to hearing more about this project as it moves forward.

Sincerely,

Felix W. Ortiz
Member of Assembly



New York, July 25th 2007

The Sunset Park 5th Avenue BID and
The Street Vendors of Sunset Park
5116A 5th Avenue, suite 200
Brooklyn NY 11220

Dear Tony,

For many years, businesses have complained about the presence of unlicensed vendors on the sidewalks in front of their businesses. Similarly, we hear vendors say that they want to be licensed and they want to participate as legitimate members of the business community following all the required regulations. Unfortunately, the confusing and sometimes conflicting myriads of vending laws and regulations have made a simple resolution impossible.

We applaud the Sunset Park 5th Avenue Business Improvement District for taking the initiative in developing a proposal that embraces local vendors and includes recognition of the benefits of sidewalk vending to the community while protecting the interests of store-based businesses. Individuals who invest their life savings or take out loans to become Sunset Park merchants are a valuable resource to the community. Such investment must be protected. But your proposal, while protecting such investment, recognizes that many of the street vendors are Sunset Park residents and are desperately attempting to eke out a living to support their families. As your proposal states, we must protect these individuals as well.

We support your proposal and your request for the Mayor to create a special demonstration district where we can test the practicality of street vendors and store-based merchants working together in Sunset Park. We agree that such a united business venture would benefit not only the Sunset Park residents and shoppers but also the store owners and street vendors.

Together, we'll have the opportunity to help empower entrepreneurs throughout New York - improving their businesses, increasing access to financial services, and improving job retention and creation.

We look forward to your continued and valuable support.

Warm regards,

A handwritten signature in black ink, appearing to read "Ana Maria Ruiz".

Ana Maria Ruiz

ACCION New York | ACCION New Jersey
Community Relations Specialist
aruiz@accionnewyork.org
Cell (917) 597-5630

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Boricua College

A TRADITION OF LEARNING

July 20, 2007

SMALL BUSINESS DEVELOPMENT CENTER

BROOKLYN GRAHAM CENTER
9 Graham Avenue, Brooklyn, NY 11206
718 963-4112 Ext.563 Fax: 718 963-2031

Sunset Park 5th Avenue BID and
The United Vendors of Sunset Park
5116A 5th Avenue, Suite 200
Brooklyn, NY 11220

Dear Colleagues:

As Director of the Boricua College Small Business Development Center and member of the Graham Avenue Business Improvement District, I have seen first hand the friction that ensues between store merchants and street vendors. I applaud the Sunset Park 5th Avenue Business Improvement District and the United Vendors of Sunset Park for taking the initiative in developing a proposal that embraces local vendors and includes recognition of the benefits of sidewalk vending to the community while protecting the interests of store-based businesses.

I support the Sunset Park BID Street Vendor Pilot Project as well as your request of the Mayor's Office to create a special demonstration district to test the practicality of the street vendors and store-based merchants collaboration in Sunset Park. It seems that a successful endeavor would benefit Sunset Park residents, shoppers, and the business stakeholders including merchants and street vendors and by extension New York City..

Should you have any questions, please contact me at (718) 963-4112 ext 565.

Sincerely,

Angel Roman
Director



Brooklyn Economic Development Corporation

July 17, 2007

The Sunset Park 5th Avenue BID and
The United Vendors of Sunset Park
5116A 5th Avenue, suite 200
Brooklyn, NY 11220

The Brooklyn Economic Development Corporation (BEDC) has worked for nearly thirty years to promote entrepreneurship, economic opportunity, and increased quality-of-living throughout our borough. Through our Entrepreneurial Assistance, On-Track, and Launch Programs, we have provided the guidance and technical assistance necessary for hundreds of individuals to fulfill their business dreams. Through our *Re-NEW Brooklyn* Program, we have worked to strengthen commercial corridors throughout Brooklyn by supporting nearly 50 community organizations representing hundreds of businesses.

BEDC applauds the Sunset Park 5th Avenue Business Improvement District for taking the initiative to develop a proposal that embraces local vendors and includes recognition of the benefits of sidewalk vending to the community while protecting the interests of store-based businesses. Such a proposal would further the interests of both groups of entrepreneurs while also benefiting shoppers and residents in the area.

We support your proposal and your request for the Mayor to create a special demonstration district where we can test the practicality of street vendors and store-based merchants working together in Sunset Park.

Sincerely,

Joan Bartolomeo
President

To: The Sunset Park 5th Avenue BID and
The United Vendors of Sunset Park
5116A 5th Avenue, Suite 20
Brooklyn, NY

From: The Brooklyn Public Library , Business Library
280 Cadman Plaza West
Brooklyn, NY 11201

RE: Proposal to Accommodate Vendors in Sunset Park Business Improvement District

The Brooklyn Public Library, Business Library is aware of the needs of both established business owners and unlicensed street vendors seeking entrepreneurial opportunities in Brooklyn. The confusing and sometimes conflicting myriad of vending laws and regulations in New York City sometimes make it difficult for these groups to pursue their business aspirations simultaneously and legitimately.

We support the Sunset Park 5th Avenue Business Improvement District for taking the initiative in developing a proposal that embraces local vendors and includes recognition of the benefits of sidewalk vending to the community while protecting the interests of store-based businesses. Individuals who invest their life savings or take out loans to become Sunset Park merchants are a valuable resource to the community. Such investment must be protected. Your proposal, while protecting such investment, additionally recognizes that many of the street vendors are Sunset Park residents and are desperately attempting to eke out a living to support their families. As your proposal states, we must protect these individuals as well.

We support your proposal where we can test the practicality of street vendors and store-based merchants working together in Sunset Park. We agree that such a united business venture would benefit not only the Sunset Park residents and shoppers but also the store owners and street vendors.

Additionally, we recognize the many ways we can support the needs of both business owners and vendors through the programs and services the Brooklyn Public Library (BPL) offers. From adult literacy and GED classes to access to business counselors (SCORE reps) and job counselors (STEP program), as well as access to online computers and business information, BPL is committed to assisting the Sunset Park BID in its efforts to reach out to their community and provide the resources and services they need to succeed.

For these reasons, BPL considers itself a partner of the Sunset Park BID in its efforts to work with the street vendors and the merchants of Sunset Park and support their effort to demonstrate the practicality of a proposal which accommodates the interest of both groups.



**Testimony from the Street Vendor Project
NYC Council Committees on Consumer Affairs & Immigration
November 14, 2008**

Hello, my name is James Williams, and I am a board member of the Street Vendor Project. The Street Vendor Project is an organization of more than 750 active members who sell food, merchandise, books and art on the sidewalks of our city. I sell general merchandise every day on Chambers Street. With me today are Lei Bai, Tappan Sen and Mohammed Ali.

The eight bills introduced today do little or nothing to address the real needs of hard-working street vendors throughout this City.

Everyone admits that the vending regulations are too complex for vendors or police officers to understand. But several of these bills make things even more complex. For example, Intro. 830 only applies to First Amendment vendors who sell on sidewalks that are more than 10 feet but less than 12 feet wide, where there is already a disabled veteran there. It says there may only be two First Amendment vendors there, without establishing any preference for who gets to stay and who has to go. That creates more confusion.

Intro. 846 admits that the laws are too confusing, but then opens the door for separate vending regulations in each neighborhood throughout the City. That doesn't make any sense. It also doesn't make any sense to give the power to determine vending spots to the Business Improvement Districts, who have always tried to take away our rights.

Several other bills simply make it more difficult for vendors, who are already more highly regulated than any other small businesses in the city. Intro. 828 says you cannot leave your cart or stand for 30 minutes, even if you have another vendor watch over your things. Who here has not had a family or child care emergency that has made them leave their work for more than 30 minutes? The police seize our property even when we are with it. Now they will be able to do so if we have to step away.

Intro. 419 says that food vendors shall not vend over subway grates. Has there been any evidence from the MTA that this is a problem? If there is an emergency, vendors can simply push their carts out of the way. This is just another way to limit where vendors can work.

Intro. 843 is especially ridiculous – it requires a 3 foot poster to be placed on our stand, which cannot be covered up. Do you know that there is already a requirement that we visibly display our licenses while vending? Do you know that many vendors received \$1,000 tickets because they have their licenses in their pockets instead of around their necks? Why do you want to impose additional regulation on our community?

There is one good idea in these bills, which is the idea to increase the number of licenses and permits available. We support this idea 100% -- our City can support many more vendors than are currently allowed. However, if you give more licenses, you should also open up some of the hundreds of streets that are currently closed to us. Otherwise it will only create more crowding in those few areas we are currently allowed to go.

**English Translation:
Testimony of Hilda Jaimes at the City Council
November 14, 2008**

Dear Honorable New York City Council Members and present authorities.

My name is Hilda Jaimes. I am an active member of *Esperanza del Barrio* – the largest street food vendor organization in this city. This organization was founded in 2003 to fight police harassment and promote the empowerment of Latino immigrants. This is how our fight began and thanks to personalities such as Mayor Bloomberg and Council Member Charles Barron we have since won the right to obtain a vending license. I represent hundreds of members of *Esperanza del Barrio* to speak in favor of introductions No. 324 and 834. It is important that we can increase the number of general vending licenses and obtain vending cart permits so that the police and the Health Department no longer drown us in unjust and exorbitant fines.

To make our case, I would like to tell you today the story of one of our members – a woman who is sitting in the audience: Maria Yascaribay - a woman street vendor who migrated to New York from Ecuador in the 1990s. Maria is an extraordinary woman, courageous, innovative, hard-working, and honest. In many ways, her life story is that of hundreds of other female street vendors in New York City. Maria came to the United States to provide a better life to her young son who came with her, and to support her mother and sister in Ecuador.

Her first job after arriving here was to clean houses. But living in East Harlem, she soon discovered that there was a great public demand in the neighborhood streets for inexpensive healthy food to go. Therefore, in 2006 she took the courageous step to become an independent entrepreneur and has since offered tamales and corn cobs on a busy strip on East 116th Street, working seven days a week, and selling her products from the earliest morning hours. Street vending gives her the great opportunity to contribute to her community and her new country. For Maria, street vending is so much more than a simple job – the work is hard, honest, and difficult, but she loves doing it because it allows her to pay for her son's studies at Queens College and to send a few dollars per month to her mother and sister in Ecuador.

As almost all our members – the large majority of them women -, Maria contributes to this city and adheres to the current vending legislation in all possible respects:

- First, she has been paying both income and sales taxes in New York for many years.
- Second, she has paid for and successfully passed the food handling course of the NYC Department of Health and Mental Hygiene.
- And finally, she is the proud owner of a personal food vending license.

Yet, despite all that, fear has been Maria Yascaribay's constant companion whenever she is selling in the street and sees a police officer approaching: in the last two years alone she has received over 700 fines by the police and health department, totaling thousands of dollars – an amount she obviously can impossibly ever pay. Additionally, as it happens to so many other street vendors of *Esperanza del Barrio*, her vending cart has repeatedly been confiscated, and frequently the authenticity of her personal vending license has been questioned by the police. That said, thus far she has been lucky that, contrary to the experience of other vendors, her

official license has never been destroyed by a city agent. Whenever she gets fined, it is not only Maria who suffers, but her entire family who so depends on her work. The same way suffer hundreds of families of *Esperanza* member and thousands of street vendors in this great city.

But the worst of this cruel situation is that there is no way for us to prevent it! How is that possible, you ask? The principal reason for Maria and for hundreds of other street vendors to be fined hundred-fold has been for selling without a vending cart permit. Doing so, however, is **not** a choice, because for more than the past quarter-century the New York City vending laws have not provided a possibility for us to even apply for a vending cart permit! The total number of cart permits has been capped and for over a decade even the waiting list for applications has been closed.

You will not doubt my words, ladies and gentlemen, when I tell you that Maria would be willing to pay a fee or pass any exam necessary to acquire a cart license, just so she can sleep calmly at night, to get out to work without fear, and to assure her son that his mother is not going to be harassed without good reason.

The current proposition of introduction 324 would do exactly that by lifting the cap on vending cart permits.

You all know, honorable council members, that the introductions 324 and 834 would not just benefit us vendors, but as well our clients who represent your constituents! Well beyond cultural and human reasons, a reasonable cart fee would provide the city with additional revenue, which is certainly needed now more than ever, just during the difficult current economic period. Proposition introduction 324 will greatly contribute to a better quality of life for all city residents. For all these reasons, I want to urge all the members of the City Council to pass introduction 324 as soon as possible. In the name of our organization and its members, I thank you for listening to my testimony. Our future and that of our children lies in your hands! Thank you.

Testimonio de Hilda Jaimes al City Council 14 de Noviembre de 2008

Honorables miembros del Consejo de la Ciudad de Nueva York y personalidades presentes. Mi nombre es Hilda Jaimes y soy miembro de Esperanza del Barrio, la organización comunitaria de vendedores ambulantes más grande de esta ciudad.

Nuestra organización surgió en el año 2003 porque ya no soportábamos el abuso de la policía y porque para ser escuchados unimos nuestras voces. Así empezó nuestra lucha y gracias a personalidades como el Alcalde Bloomberg y el concejal Charles Barron hemos ganado el derecho de obtener una licencia de venta.

Estoy aquí en representación de cientos de miembros de esta organización para pronunciarnos en favor de las introducciones número 324 y 834. Es importante que aumentemos el número de licencias generales de venta y que podamos obtener el permiso para nuestros carros para que la Policía y el Departamento de salud paren de ahogarnos con multas injustas y exorbitantes.

Quiero contarles hoy la historia de una de nuestras miembros – una mujer que se encuentra en el auditorio: Maria Yascaribay – una vendedora ambulante quien migró a Nueva York desde Ecuador en los años noventa. Maria es una mujer extraordinaria, valiente, innovadora, trabajadora y honesta. En muchos sentidos, la historia de su vida refleja la de cientos de vendedoras ambulantes que trabajan en las calles de Nueva York. Maria llegó a los Estados Unidos para ofrecer una vida mejor a su joven hijo, además de apoyar a su madre y a su hermana en Ecuador.

Su primer trabajo después de su llegada consistió en limpiar casas. Pero, viviendo en East Harlem, se dio cuenta que existía una gran demanda de comida barata, sana y fácil de cargar. Por esto, tomó en 2006 la decisión valiente de convertirse en empresaria independiente y desde entonces ha vendido tamales y elotes en la calle 116, trabajando siete días por semana y vendiendo sus productos desde las horas más tempranas de la mañana.

La venta ambulante le da la gran oportunidad de contribuir a su comunidad y su nuevo país. Para Maria, vender en la calle es mucho más que un trabajo sencillo – es un trabajo duro, honesto y difícil, pero ella ama hacerlo porque le permite proveer los estudios de su hijo en el Queens College y enviar un poco de dinero a su familia en Ecuador.

Como casi todos nuestros miembros – que por la gran mayoría son mujeres – Maria está contribuyendo a esta ciudad y cumple con las actuales leyes de venta ambulante en todos los aspectos posibles:

- Primero, ha pagado impuestos de ingresos tanto como de ventas en Nueva York desde hace muchos años;
- Segundo, pagó y pasó con éxito el curso de higiene alimentaria del Departamento de salud e higiene mental.
- Y finalmente, es la dueña orgullosa de una licencia de venta de comida personal.

Pero a pesar de todo esto, el miedo ha sido el compañero permanente de Maria Yascaribay en su trabajo, sobre todo cuando ve algún policía acercándose a ella. Tan sólo en los dos años pasados, la policía y el Departamento de salud la han castigado con más de 700 multas que, acumuladas representan miles de dólares que por supuesto ella no tiene la capacidad de pagar.

Además, como pasa a tantos otros vendedores ambulantes de Esperanza del Barrio, su carrito de venta le ha sido confiscado muchas veces; y también muchas veces los agentes de policía han dudado de la autenticidad de su licencia personal de venta.

Esto dicho, ella ha tenido la suerte que, contrariamente a la experiencia de otros vendedores, su licencia oficial nunca ha sido destruida por un funcionario por Departamento de Salud. Y cada vez que le dan una multa, no sufre solamente Maria, sino su familia entera que tanto depende de su trabajo. Tal como sufren los cientos de familias de la membresía de Esperanza del Barrio y miles de vendedores ambulantes de esta gran ciudad.

¡Pero lo peor de esta situación tan cruel es que no existe ninguna posibilidad para nosotros para evitarlo! ¿Cómo es esto posible? – se preguntaran ustedes.

La razón principal es que Maria, al igual que cientos de vendedores ambulantes, ha recibido cientos de multas por no tener un permiso de venta para su carro de comida!

¡Pero esto no nos pasa por elección propia sino porque las leyes de esta ciudad sobre la venta - leyes que fueron dictadas hace más de un cuarto de siglo- no nos dan ni siquiera la opción de solicitar un permiso!

El número total de permisos de carros es limitado e incluso desde hace más de una década las listas de espera están cerradas.

No duden de mis palabras, señoras y señores, cuando les digo que Maria estaría dispuesta a pagar un costo o presentar cualquier examen requerido para obtener una licencia para su carro. Y así dormir tranquilamente durante las noches, salir a trabajar sin miedo, y para asegurar a su hijo que su madre no sera intimidada sin una buena razón.

La propuesta de la introducción 324, que discutimos hoy día, ayudaría a resolver todo esto al levantar el limite sobre permisos de venta!

¡Porque como todos ustedes saben, honorables miembros del Consejo de la Ciudad, las introducciones 324 y 834 no solamente beneficiaria a nosotros los vendedores, sino también a nuestros clientes que son además constituyentes de esta ciudad!

Más allá de razones culturales y humanas, un costo razonable para un permiso de carro representaría un ingreso adicional para la ciudad – un ingreso que nunca ha sido más necesario que ahora, durante este periodo tan difícil en términos económicos.

La introducción 324 contribuirá mucho a mejorar la calidad de vida de todos los residentes de la ciudad. Por esta razón, insto a todos los miembros del Consejo de la Ciudad que aprueben las introducciones 324 y 834 lo más pronto posible.

En nombre de nuestra organización agradezco que hayan escuchado mi testimonio. Nuestro futuro y bienestar y el de nuestros hijos dependen de ustedes.
Gracias.

Good Morning Chairman Comrie and Chairman Stewart and members of both committees. My name is Barbara Randall. I am the ~~President~~ ^{Chair} of the New York City BID Association.

Thank you for your invitation to testify today on a group of bills addressing various street vendor issues. Because of some of these bills overlap, we are presenting to you today a broad statement of the consensus of the members of the New York City BID Association on central issues relating to vending. From Fordham Road in the Bronx to Forest Avenue in Staten Island to Bay Ridge Avenue in Brooklyn to Broadway in Manhattan to Jamaica Avenue in Queens, there are sixty Business Improvement Districts throughout the City representing more than 70,000 businesses.

First, we strongly oppose any effort to dramatically increase the number of street vending licenses issued by the City. We believe that such an approach would have a destabilizing effect on thousands of existing small businesses within our districts and throughout the City. We also believe that any action along these lines would not be revenue neutral but would result in a substantial decrease in City tax revenues.

Second, we believe that enforcement of existing laws and/or any future laws has to be an integral part of any citywide vendor plan. Manhattan Borough President Scott Stringer, for example, recently surveyed vending conditions near ground zero and found numerous illegal vendors operating with impunity.

Third, we believe that any law advanced by this legislative body should be a citywide solution. Any proposed law that attempts to benefit a single neighborhood at the cost of nearby districts is ill advised. It is for this reason that the New York City BID Association has previously proposed legislation, known in the past as Intro. 110A, which covers the entire City.

Fourth, it was the intent of the State Legislature to provide disabled veterans with one or two permits per block face in otherwise restricted areas. And although the State law remains in its original form, a City interpretation of the rights of first

amendment vendors has created a situation where the first amendment vendors have no limits on these otherwise restricted streets. We believe that this body has the authority to limit first amendment vendors in the same manner and in the same number as prescribed by State Law.

Fifth, a simple method of identifying food vendors and carts is essential for effective enforcement. Legislation that can help enforcement agents work more effectively and put an end to the abuse of renting licenses and permits is a step in the right direction.

Each of these principles is included in our previously mentioned draft legislation, formerly known as Intro 110A.

It is our hope that we can work together in the weeks and months ahead to craft a comprehensive bill that would not threaten the stability of many of our businesses. Thank you.



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FOR IMMEDIATE RELEASE

STATEMENT OF THE ALLIANCE FOR DOWNTOWN NEW YORK ON UNLAWFUL VENDING IN LOWER MANHATTAN

Enforcement of Existing Vending Laws Is A Top Priority, says President Elizabeth H. Berger; Unlawful Vending Threatens Public Safety and Economic Vitality in Lower Manhattan

New York, November 14, 2008 —

Good morning Chairman Comrie and Chairman Stewart

I am Liz Berger, President of the Alliance for Downtown New York, and I am here this morning to let you know how important it is to enforce existing vending laws and regulations as you consider legislative action.

While modifying the city-wide licensing and regulatory structure, as our own Council Member Alan Gerson and also the BID managers Association, of which I am a member, have proposed, is important, existing conditions in Lower Manhattan are such that we cannot wait for a legislative solution. Lawful vendors deserve the opportunity to operate safely and successfully. Pedestrians deserve navigable and welcoming streets and sidewalks. Both are hard to achieve in post-9/11 Lower Manhattan, but I believe that clear and simple explication of existing vending laws, coupled with consistent and coordinated enforcement, will make a big difference in the safety, attractiveness and economic competitiveness of our community.

As Borough President Stringer has suggested, let's start with the perimeter of the World Trade Center site. In 2004, the State Legislature, led by our own Assemblyman, Sheldon Silver, passed legislation prohibiting street vending of any kind around the World Trade Center site. Under City, State and federal case law, street vending is permitted on many Downtown sidewalks, but not around this hallowed ground and intensely busy construction site, period.

My great-grandfather was an immigrant peddler, and I strongly believe that street vending is a time honored New York City tradition; Lower Manhattan wouldn't be part of Gotham without it! Lawful vending provides our workers, residents and visitors with inexpensive dining and shopping alternatives, and entry-level entrepreneurs with a way to earn a living. Since 9/11, our one square mile of 400 year-old narrow and winding

streets have been closed for security reasons or obstructed by construction. Sidewalk and street congestion is at a breakpoint, and projected to get worse. Add to that the 318,000 workers, almost 57,000 residents and nearly 6 million annual visitors to Lower Manhattan.

In this context, we can no longer afford unlawful street vending to block streets, sidewalks and building entrances and exits. We cannot permit unlawful vending at prohibited times, in prohibited spaces and prohibited ways.

While imperfect, existing laws and regulations are designed to safeguard pedestrians while allowing street vendors to sell their wares. Seven City agencies, and, in some parts of Lower Manhattan, the Port Authority, have jurisdiction over licensure (or concessioning) as well as where, when and how street vendors may operate. This much is clear: State and City statute and federal case law spell out in specific detail what constitutes lawful and unlawful vending.

It's time to respect and enforce these rules in Lower Manhattan and, of course, throughout New York City. Thank you.

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The mission of the Alliance for Downtown New York is to be the principal organization that provides Lower Manhattan's historic financial district with a premier physical and economic environment, advocates for businesses and property owners and promotes the area as a world-class destination for companies, workers, residents and visitors. The Downtown Alliance manages the Downtown-Lower Manhattan Business Improvement District (BID), serving an area roughly from City Hall to the Battery, from the East River to West Street.

The Small Business Congress, Inc.

United with a Goal of Creating a Healthy Small Business Environment in New York City

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I. INTRO #324, OPPOSED

- * "Romantic"
- * Politicized
- * ungrounded: "Source of Revenue"
- * Complete Neglect of Cannibalizing competing Stores:
 - Unfair Playing Field: No substantial Regulations/Immune from Enforcement out of Confusing Enforcement Agencies (enc.)
 - Small Businesses in Crisis (enc.)

II. "CAP TO BE REMOVED?" GO AHEAD! BUT WITH THREE MANDATORY INPUTS AS FOLLOWS:

A. REQUIREMENT OF OBTAINING CONSENT FROM THE ADJACENT PROPERTY OWNER.

- As practised to Stoop Line Stand License Application
- Rationale:
 - a). Property owner is obligated to maintain safe sidewalks surrounding his/her property, i.e. repairment of defected sidewalks ordered by DOT
 - b). Facing with an Accident on the sidewalk, the owner along with the City and the tenant is sued.
 - c). The owner deserves to care for the real estate value out of the negative impact of "messy sidewalk occupied by vendors.
- This Code to be applied to new vendor permit applicants and to renewal of permits

B. UNIFIED ENFORCEMENT STRUCTURE

- NYPD, NYSDAM, DOH, DCA, DOS, DOT: Tossing the Ball to the others (ex. Mr. Kim at 92nd St. & Broadway)
- Installation of Local Vendor Surveillance Board either by Community Board or Precinct's Community Council for Agent for Complaint, Recommendation to Sites, etc.

C. A COMPREHENSIVE, EFFECTIVE, AND FAIR REGULATORY DEVICE

- a). Not to Allow two vendors to put stands together making up 20 to 30 feet stand.
- b). Garbage: Contract with a Carter/ Decal
- c). Distance from Competing Stores As practised in San Fransisco, Chicago, Philadelphia
- d). To apply same codes applied to stores:
Green Cart vs. Stoopline Stand

Carnegie Hill Neighbors

**STATEMENT OPPOSING INTRO 324
(WHICH WOULD REMOVE CAPS ON NUMBER OF VENDOR PERMITS)
MADE TO THE CONSUMER AFFAIRS COMMITTEE
BY LO VAN DER VALK, PRESIDENT, CARNEGIE HILL NEIGHBORS
(November 14, 2008)**

I am representing Carnegie Hill Neighbors a neighborhood preservation and quality of life organization founded in 1970 encompassing roughly the area from East 86th Street to 98th Street between Fifth and Third Avenues in the Upper East Side of Manhattan. About 10,000 families live in this highly residential area, where residents have a strong sense of community and are very supportive of any effort to address and improve the quality of life. Our organization has about 1,700 members. We also sponsor the year-round planting and care of the Park Avenue Malls between 86th and 96th Streets as well as an evening security program. These two programs receive contributions from more than 80 member buildings that represent over 5,000 families.

We are very concerned about the expansion, in fact expansion without limit. We urge the Committee to turn down Intro 324 which would expand vendor permits by removing the current caps on the number of permits issued. We offer the following as our major reasons for this request.

1. We note with regret that vendor enforcement is very weak and that the resources for this have not been adequate – at the police precinct level and by the DCA and the Health Department. Nor do we see any plans to increase enforcement. We have experienced this lack of enforcement in our area. The result is that we have been experiencing increased congestion and a real deterioration in the quality of life.
2. We note that in so many other areas enforcement is far stricter and the overall framework of permit issuance is far more embracing of community input. For example, in issuing permits for sidewalk tables for restaurants DCA considers the inputs from Community Boards. We think Community Board input would be an appropriate mechanism to introduce for vendors operating in highly residential areas such as our community in Carnegie Hill. We have noted that vendors congregate in very specific locations for months and often years at a time. We think it entirely appropriate for residential and community inputs.
3. We further note that without any caps vendors will potentially proliferate in very large numbers. This is because the City would in effect be treating the use of sidewalks as an unlimited and free good – whereas grocery stores and delis must pay hefty fees for rent, taxes, refrigeration and installation. This creates unfair competition – and we note that vendors often locate very near existing fresh food stores. We think it appropriate that vendors not be allowed to locate so near existing food stores, with at least two or three blocks being a reasonable limiting boundary.





Alberta L. Orr
Executive Director
Disabilities Network of New York City

Testimony before City Council on the Need for Reduction of
Sidewalk Vender Obstructions
November 14, 2008

Good morning. I am here on behalf of the Disabilities Network of New York city, an advocacy organization whose goals are to shape public policy, build community and expand opportunities for individuals with disabilities, specifically those who are physically disabled and thus mobility impaired, as well as individuals who are blind or visually impaired and deaf or hearing impaired.

Easy mobility on New York's most congested streets can be frustrating at best for those without disabilities. For those with a physical or visual disability, it can be a nightmare. For example, our office is in Soho on Broadway between Prince and Spring streets, one of the most highly trafficked sidewalks in New York City. Many large panels of metal plates line the street directly outside mostly stores with a few exceptions. Five or six vendors line the curb throughout the block including a food vendor and others selling products. Significant crowds surround the vendors leaving the area between the metal plates and the vendors barely passable by two way pedestrian traffic, not to mention curb cuts in such disrepair that make it impossible for Access A Ride to drop individuals with disabilities at our corners, particularly wheelchair users who cannot manipulate the damaged curb cuts let alone get down the street with ease where we are located in the middle of the block. More often than not when we hold meetings with professionals and consumers who are disabled we are forced to choose another location.



As a legally blind person, I dread walking to the corner to the subway each evening because of the high level of congestion resulting from large numbers of tourists and shoppers. As a white cane user it is problematic to walk on the metal plates where the cane tip gets caught in the plating. This forces me and other blind and visually impaired people into the steady flow of the middle of the sidewalk where people literally jump over my cane to get out of my way, frequently hitting the cane and interrupting my safe travel. Rarely do I see a wheelchair user in the neighborhood except for the bold ones who venture to our office for the same reasons. Similar streets also make is dangerous of older New Yorkers who may become confused in the congestion and feel uncomfortable and unsafe. With holiday shopping upon us, the situation only intensifies as shoppers pile up at vendors tables to get good deals on gifts.

Disabled and older New Yorkers experience this intense congestive state every day. They don't feel safe or comfortable maneuvering among such steady streams of pedestrian traffic resulting from vendor obstructions as is evidenced by the state law restricting the number of vendors on these blocks. The number of vendors on similar streets needs to simply be reduced in order to insure the safety of the general public and particularly those with disabilities and older persons who are less steady on their feet.

Thank you for your attention.

**TESTIMONY OF JOE ITHIER
CONSULTANT FOR THE RED APPLE GROUP
GRISTEDE'S DIVISION
OCTOBER 30, 2008**

Good day. My name is Joe Ithier. I am a consultant for the Red Apple Group & Gristede's Supermarkets and have worked in many different facets for the City and State of New York.

The legislation currently before you concerning the increase of street food vendors permits troubles the grocers of this City for many reasons.

Before I speak of these concerns, I ask you to please walk a mile in the shoes of the grocers that are left in New York; look at this from our point-of-view, so that you can understand why we are concerned.

Grocery stores are regulated and inspected by numerous City and State agencies. Our produce aisles are subject to inspection and must meet rigorous standards, only some of which are listed below:

- Our employees, who all belong to a labor union, must wear plastic gloves, aprons and hair restraints when handling fresh produce.
- Our scales are subject to inspection from Weights and Measures.
- Our produce that is not yet on the shelves is required to be kept in an area at 38 degrees to ensure freshness.
- Our stores must act as receptacles for used plastic bags given out by other retailers (which include street vendors).
- Waste generated by the produce department must be kept in a separate area of our stores to ensure the safety, and well being of our employees and our customers from cross contamination.
- We are only allowed so much space on the sidewalk outside our stores and are fined if we go over the line by an inch.
- Our fruit cups/mixed salads sold in containers must be labeled with a Sell by Date, Ingredients and Origin.

All of this is done in the interest of keeping the consumer safe and healthy. Our company has a responsibility to its 2000 unionized employees to try to stay in business. Unfortunately, we have closed a number of stores recently which we feel is caused by outside influences --- mainly the high costs of doing business in the City of

New York --- Rents, Taxes, Utilities, Carting, in all honesty the list is almost endless and street vendors are subject to none of these costs which are out of our control.

We ask that the City, in the interest of keeping the citizens of New York safe and healthy, subject street vendors to the same rigorous health, safety and operation standards that we, the grocery stores, are subject to.

The City may claim that it has no funds to hire extra health and safety inspectors to monitor the 1500 street vendors --- that are in addition to the 1000's that are already out there. However, if the permit price were to be raised from \$50 to \$100 or \$150 those funds could be used to start a dedicated enforcement unit.

The citizens of New York deserve no less from their government.

Thank you.

Richard Lipsky Associates, Inc.

Legislative and Public Relations Consultants

Legislative Memorandum on Peddler Proposals

The City Council's Consumer Affairs Committee, is about to hold hearings on a slew of bills that deal with street vending. Unfortunately, none of the Intros address the main problem: the lack of enforcement; and the concomitant proliferation of fruit and vegetable peddlers in Manhattan that threaten the livelihoods of neighborhood stores. In fact, one of the bills, Intro 324, even proposes totally removing the current cap on vendor licenses stating that: **"There shall be no limitation on the number of licenses issued..."**

This proposed Intro, is a direct threat to the thousands of neighborhood retailers who are struggling in an era of rising rents, higher taxes, and increased regulatory abuse; it is a bad idea built on a false premise. The rationale for the legislation states: "Vending not only adds to the commercial and cultural value of the City, but also provides vendors the opportunity to be self-sufficient, work legitimately, and support themselves and their families. Vending has historically enabled those with few or no other economic options – such as recent immigrants and small business entrepreneurs – to realize the American dream of advancing

themselves through their own hard work, and to provide their children with greater opportunities than they had themselves.”

The reality is that neighborhood retailing, and the wholesale suppliers that distribute the goods sold in neighborhood stores, have provided recent immigrants with tremendous opportunities—ones that have been taken advantage of, as the roster of neighborhood store owners is filled with the names of immigrant entrepreneurs. Vendor proliferation threatens these store owners, while at the same time threatening the city’s tax base in a period of economic meltdown.

Intro 324 misstates these basic economic issues; while creating confusion on the health benefits of removing the current cap: “The City recognizes the benefit to the public of being able to regulate — through its health code, administrative code, and licensing process — the sale and hygiene of food and the sale of general merchandise on the streets. The City appreciates the potential added revenue for the City that will come from more licensing fees being paid, and from broadening the city tax base.”

Once again, reality is starkly different than the premise stated in the Intro. The health of New Yorkers will not be improved by converting illegal vendors into licensed ones. The reason? There is so little enforcement being done by the city, that the current crop of **licensed** food cart peddlers aren’t being regulated—particularly when compared to the oversight regimen that local food stores are

subjected to. The way to insure the health of the city's citizens is to create the kind of economic climate where green grocers, bodegas, and supermarkets, are able to flourish in the over 250 city neighborhood shopping strips.

In addition, the Intro 324 obfuscates the fact that the so-called revenue from peddlers is *de minimis*-a \$250 a year vending license- and obscures the fact that, particularly when it comes to food peddlers, the business that vendors are able to do, is drawn directly from those taxpaying and rent paying stores that form the backbone of our local neighborhood economies. The increase in peddling creates a zero-sum game that is a direct and dire threat to local stores already hurting because of the economic crisis that we all face today.

The following analysis underscores the already intolerable existing peddler situation; and explains just how the proliferation of vendors is not only a threat to local stores, but to the quality of life of city neighborhoods as well. In many of these neighborhoods enforcement, diffused through different city agencies, is laughable; with community complaints falling on deaf ears. The last thing needed is the removal of the current cap-certainly nothing should precede stricter enforcement measures that protect neighborhood businesses and residents alike.

Peddler Problem in New York City

Recently, there has been a tremendous increase in the number of fruit and vegetable vendors on New York City's streets. Manhattan has been particularly inundated but other areas of the city have seen this proliferation. These peddlers pose a major problem for the city's supermarkets, green grocers, and bodegas and, at the same time, threaten the safety of pedestrians, the health of consumers and the rights of workers.

Problems with Fruit and Vegetable Vendors

- 1) **Placement and Price** – Vendors currently set up their carts close to or directly in front of supermarkets and other neighborhood food stores. Since the cart owners do not pay taxes, and pay their workers below minimum wage (more on this below) they undercut legitimate food businesses and literally do so right at their front doors.

- 2) **Size and Pedestrian Access** – According to regulations already on the books, fruit and vegetable vendors cannot take up more than 10 linear feet and must allow for a 12 foot pedestrian path. However, both of these rules are regularly broken, with carts reaching up to '30 feet in length and

x in width. On busy pedestrian thoroughfares like 86th Street in Manhattan this problem is especially acute.

- 3) **Breaking of Other Regulations** – According to the current mobile food vending rules, carts cannot be affixed to structures such as parking meters, located against the display windows or fixed business locations, and all items related to the operation of the stand, including waste, must be stored in or under the unit. All of these regulations are ignored on a regular basis.
- 4) **Sanitary Conditions** – Supermarkets and other city food stores must comply with general health codes and specific fruit and vegetable regulations. In order to ensure consumer safety, these codes deal with refrigeration, the use of gloves, the washing of hands and food freshness. However, fruit and vegetable street vendors do not abide by these policies, often leave exposed fruit out in the sun, store produce on the ground, and often don't use gloves to handle merchandise.
- 5) **Non-independent Operators and Worker Exploitation** - We have been told that many of the men and women who run the fruit and vegetable stands do not own them but are hired by the cart's owner. We believe these owners often have multiple stands with multiple employees and buy

from a single wholesaler. Therefore, contrary to the intent of the mobile food vending permit, these fruit and vegetable stands are not independently operated, but are extensive and coordinated business operations. We have also been told that the employees who operate these carts are not afforded basic protections like minimum wage and certainly do not get benefits such as health care and vacation time.

Solutions to the Vendor Problem

- 1) **Clarify and Strengthen the Current Regulations** – Currently, the regulations that pertain to fruit and vegetable stands apply to all mobile food vendors including hot dog stands. Since these types of establishments are not causing problems, it makes sense to create separate legislation and/or regulations dealing specifically with fruit and vegetable vendors. Within these new set of rules, carts should be prohibited on certain highly trafficked blocks and enjoined from setting up within a certain distance from a food store that sells the same product. There should also be a section of the new regulations that governs a cart's health and sanitary conditions as well as prevents a person from owning/running more than one stand.

- 2) **Move Enforcement to the Department of Consumer Affairs** –
Currently, the Department of Health (DOH) is in charge of overseeing fruit and vegetable vendors but the for many reasons the agency has failed to make sure these peddlers comply with the law. We believe that once new regulations are crafted, the Department of Consumer Affairs (DCA) be given the task of enforcement. DCA currently ensures that tax-paying stores follow a number of guidelines and there is no reason why it shouldn't do the same with these street vendors.

- 3) **Create Vendor Enforcement Unit Within DCA** – In order to guarantee proper enforcement, a street vendor enforcement unit should be set up within the DCA.

- 4) **Investigate Whether Stand Operators are Employees** – As mentioned above, we believe that many of these fruit and vegetable stands are not independent businesses but parts of larger operations. If the initial investigation determines that the stand operators are in fact employees, a subsequent probe should determine whether these workers are receiving minimum wage and other mandated protections.

Ned Otter
101 Wooster Street #5R
New York, NY 10012
212-219-0593

November 14, 2008

Robert Otter was my father, and during the 1960s he was a professional photographer. In between his commercial photography assignments, he documented our great city during that most dynamic of decades. His work was never published or exhibited, although his images have been compared by many to Helen Levitt and Berenice Abbot. He died in 1986, in artistic obscurity.

I live in SoHo, which has been the focal point of debates about 1st Amendment vending. Not long after moving there, it occurred to me that through 1st Amendment protection of visual artwork, my father's photography might finally see the light of day. It seemed like a chance for his work to be appreciated by those whom he could not reach during his lifetime.

For the past three years, I have enjoyed the hard-won right to sell his photography on the streets of New York City. I have met thousands of people who were moved by this undiscovered and rare archive of New York City imagery, shot professionally, and by a local resident.

Vending my father's art accounts for 100% of my income. However, my motivation is not financial - it is simply to honor him, as he abandoned his artistic pursuits so that our family might have more financial stability.

Given the lack of available space – the planters, the narrow sidewalks, and the doorways to buildings being so close together - it is extremely difficult to find legal vending spaces. I am barely able to make a living under the current 60+ pages of vending law. If the proposed Intros become law, it will be impossible to continue to offer my father's work to the public.

On a daily basis, tourists and local residents who stop at my mobile gallery comment on how street vendors are a big part of an authentic New York experience. We are a part of - and contribute to - the rich street culture of New York City. If the proposals put forth by CM Gerson and others become law – thereby stripping us of our rights – the distinctive character of street artists shall vanish from the New York City landscape.

I strongly urge you to reject all of the proposed changes to the vending law.

20th Precinct Community Council
120 West 82nd Street
New York, NY 10024

20th Precinct Community Affairs (212) 580-6427/6428

EXECUTIVE OFFICERS

Sam Katz
President

Ian Alterman
Vice President

Ronald A. Kapon
Recording Secretary

Robert D. Madison
Treasurer

Harold Smith
Sergeant at Arms

David Zelman
Corresponding Secretary

Sean Grissom
Assistant Secretary

Dear Committee Member:

Enclosed please find a number of photographs depicting commercial storage problems we are experiencing in the 20th Precinct, including items left on the sidewalks 24-hours per day by book sellers, fruit vendors, bike rental companies, and other commercial entities.

Thank you for your consideration of more stringent regulations pertaining to the usage of our public space for private, material gain.



Ms. Sam Katz
President

COMMANDING OFFICER

Deputy Inspector
Keith Spadaro

COMMUNITY AFFAIRS

P.O. Clark Tiger
Det. Domenick Vassallo

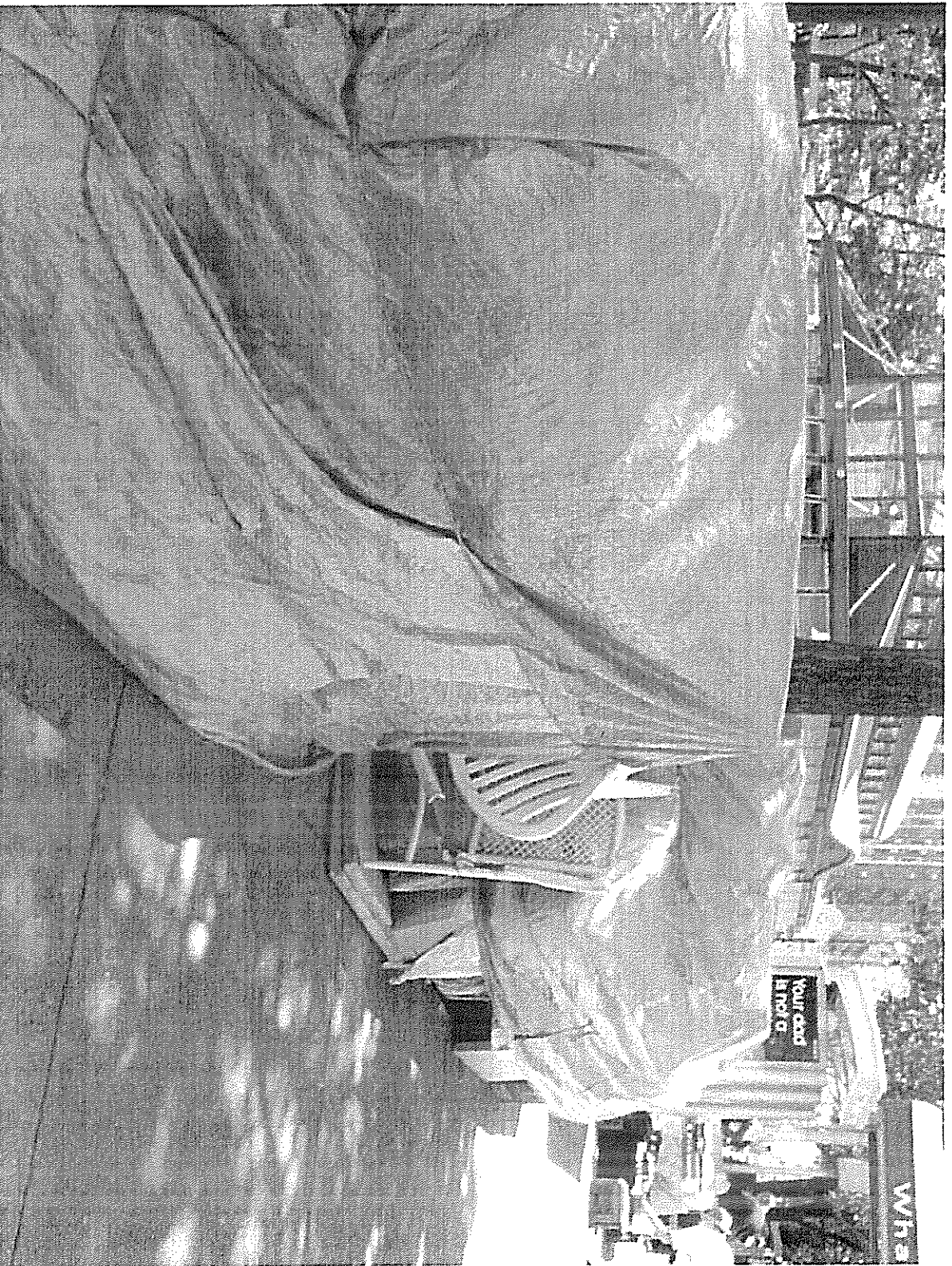
The 20th Precinct Community Council is the New York Police Department's community affairs forum for residents and businesses in the 20th Precinct. The Precinct runs from West 59th to West 86th Streets, from Central Park West to the Hudson River. The Council regularly meets at 7:00 PM on the fourth Monday of each month, except July, August and December. At the Council's monthly meetings, area residents and business owners can bring their questions and concerns to the Precinct's Commanding Officer. Everyone who lives and/or works in this neighborhood is welcome. Please join us!



Book sellers' permanent encampment on Broadway in the West 70s



Book sellers' permanent encampment on Broadway in the West 70s



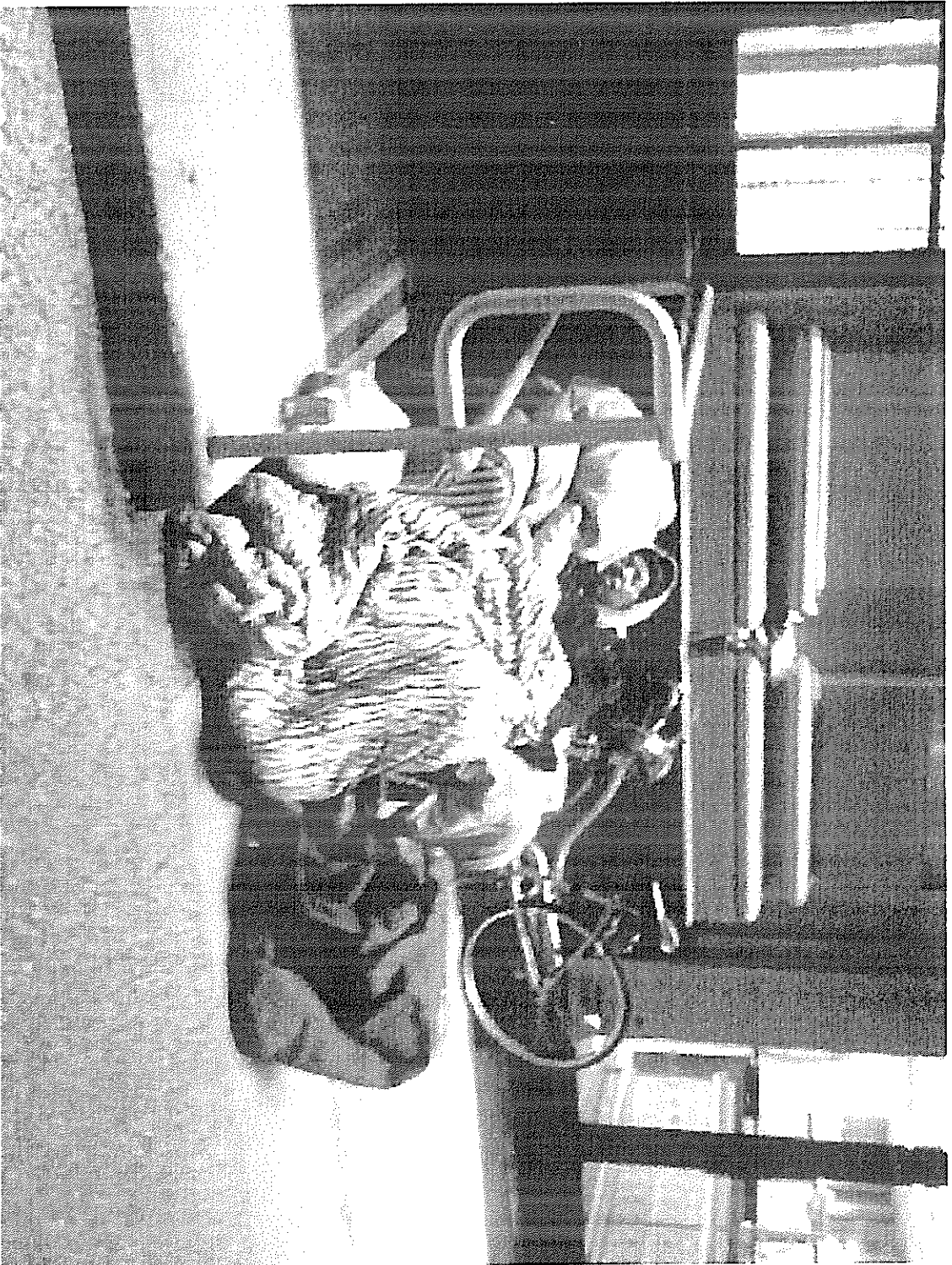
Book sellers' permanent encampment on Broadway in the West 70s



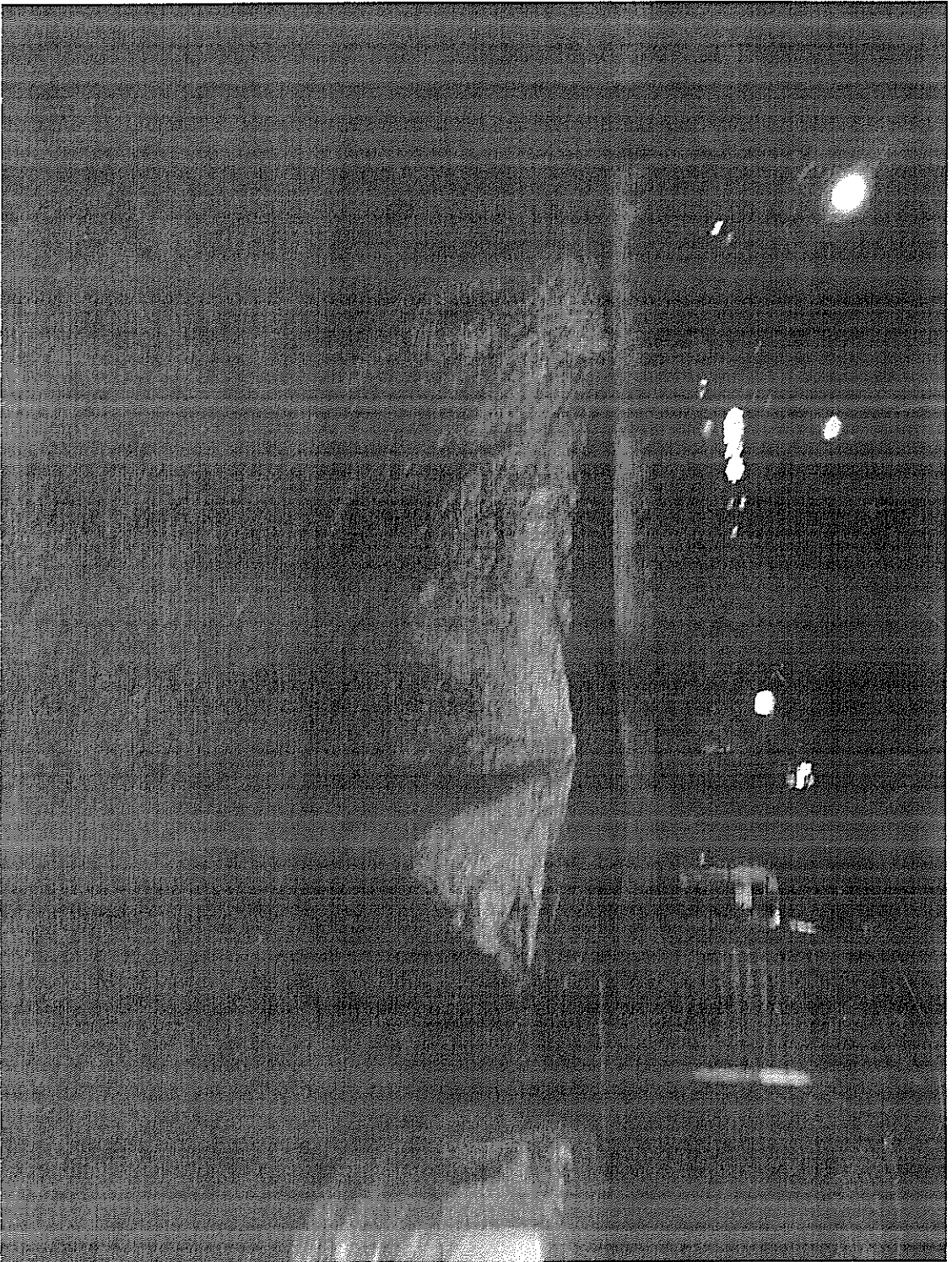
Book sellers' permanent encampment on Broadway in the West 70s



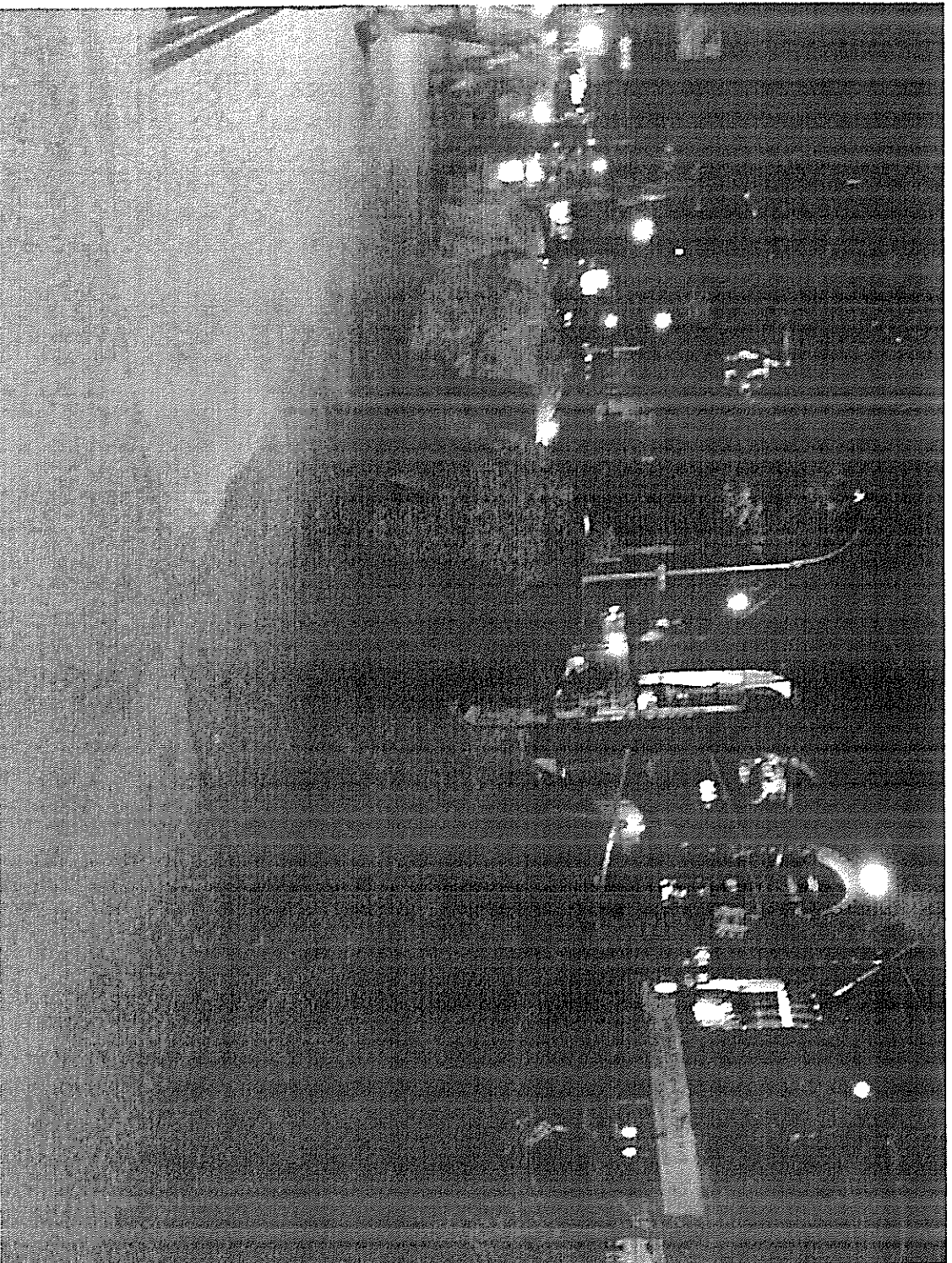
**Book sellers' permanent encampment on Broadway in the West 70s
... after dark**



**Book sellers' permanent encampment on Broadway in the West 70s
... after dark**



**Book sellers' permanent encampment on Broadway in the West 70s
... after dark**



**Book sellers' permanent encampment on Broadway in the West 70s
... after dark**



Book sellers' violating regulations on Broadway in the West 70s



Book sellers' violating regulations on Broadway in the West 70s



Storage of rental bikes on sidewalk at 62 Street & Columbus, 24/7



Storage of rental bikes on sidewalk at Columbus Circle, 24/7



Duane Reade was storing 24/7, but the problem has been resolved
at 63 and Broadway

TESTIMONY OF MITCHELL BALMUTH

As I have said in the past during the hearings for Into 160 of 2002 and Intro 621 of 2005 there are ample laws to regulate vending in NYC. The only real problem is that the laws are not enforced on a regular basis. Enforcement that does take place usually comes after complaints by businesses, BIDS, and Building Managers. Officers sometimes react to these complaints by making up laws or just telling vendors to move. If the vendor questions the officer's knowledge of the law they are usually over summonsed or even arrested for disorderly conduct. The Police Department does not consider vending a priority and refuses to train their officers on vending law. The City uses the excuse that vending law is too complicated, but the truth is that officers receive no training on vending and have little desire to enforce vending law. To make more laws that will not be enforced is only a waste of time. The so called vending problem can only be resolved when the city decides that enforcement on a regular basis by well trained officers is a priority. And only then can we decide if new laws are necessary.

Intro 843

I have no objections to this bill.

Intro 834

On the surface increasing the number of licenses is a good idea, but when you put it into context with many of Councilman Gerson's other bills that will take away legal spaces from legal vendors, such as Intro's 830, 832, 855, 856, and 769, it makes you wonder if there will be enough space for legal vendors to go to where they can earn enough money to feed their families. The only reason that I can think of why Councilman Gerson wants to increase the number of licenses is to convince the other council members that he is pro immigrant and pro vendor in hopes he can get support for his other anti vendor bills.

Intro 828

This bill was introduced by Council Member Brewer because some of the book vendors on Broadway leave their bookstands overnight. Although I do not believe this to be the right thing to do and I myself never leave my stand unattended. I am not sure whether any new laws are necessary. In my experience the Peddler Unit in Midtown have confiscated empty tables many times as found property. After they bring the property to the station, the vendor can claim his property if he can prove it is his. Also the Parks Department already has a unattended property law 56RCNY 104(c4). This law is used by the Parks Department to confiscate the belongings of the homeless in order to remove them from Parks. However this law has never been used for unattended blankets left for hours on the Great Lawn to save spaces for Philharmonic viewers. The only time that it is used for vendors is when there is a complaint or for political reasons. I was issued a criminal court summons for that section on March 1, 1998 the first day of the A.R.T.I.S.T. protest at the Metropolitan Museum of Art. I was only 50 feet away from my property when a Sergeant from Central Park Precinct tried to take my property. Only after we argued, he released my property.

Intro 832

To add to the definition of an obstruction, objects that are walked upon every day by pedestrians as they transverse the streets of NYC has nothing to do with a 12 foot unobstructed sidewalk. The only thing this new definition does is to remove some vendor locations that were otherwise legal. Obviously, certain items are obstructions like scaffolding, planters, trees, etc. To add to the list raised or uneven metal plating, basement or cellar doors, inlaid bubble glass surfaces is to say these objects are a serious threat to public safety. However this can not really be so, because millions of people walk over these objects every day without a problem. Sure there are a few accidents a year but so are there on regular sidewalks. If these items are a real problem I suggest that Councilman Gerson introduce a bill that rids the sidewalks of these dangers. By the way metal tree surrounds and planters either require permits or revocable consents and approximately 90% of these items are illegal.

Intro 846

This intro is the first step to privatize vending. It basically gives the BID's the power to determine which streets should be restricted, which spaces are legal by marking them, holding lotteries for those spaces, having a special license for the BID area and setting up rules for Disabled Veterans and First Amendment Vendeors, despite State Law and First Amendment court rulings. This bill also uses a new criteria for vending law "that takes into consideration the needs of all parts of the community. Anything other than health and safety concerns for vending law is against all judicial precedent in New York State. This is the most dangerous of all the bills because they are trying to use this as a model to allow the BIDs to privatize all vending in NYC.

Intro 830

This bill introduced by Councilman Gerson, is very deceptive. In reading the legislative findings you would think that this bill is only concerned with restricted streets that are less than 12 feet wide. However if you look at the actual changes in the laws the new law could also be used on streets that are over 12 feet wide. It could also possibly be used against streets that are opened to First Amendment Vendors such as Madison Ave from 60th to 65th Streets, but are not open to any Disabled Veterans. After all the reading of section 20-471.3 says the number of disabled vets and First Amendment Vendors must be equal. Since the number of Disabled Veterans are zero, so would the number of First Amendment Vendors be zero. There is nothing in the text of 20-473.1 that clarifies that this is only about sidewalks less than 12 feet wide.

If the bill is used as written hundreds of First Amendment spaces will be lost throughout the city. First Amendment vendors tend to set up in areas where many pedestrians walk by. To put a First Amendment Vendor on streets with little or no pedestrian traffic, their message will never get out. They will be unable to live off their meager profits, forcing them to give up their First Amendment Rights. The Federal Courts including the Supreme Court have ruled that you do not lose your first amendment rights because you are making money. Whether you are selling an item or giving it away for free does not affect your rights.

The real problem with this law really goes back to the way the city restricts streets for First Amendment Vendors. Streets are determined to be restricted based on pedestrian and vehicular traffic. These have either been done by law or by rule and regulation. Either way they have been done by the whim of lawmakers or by a panel whose sole job has been to restrict streets. As soon as more streets were being asked to be opened instead of being closed the Street Vendor Review Panel was disbanded and has not met since 1999. Some streets were restricted only for General Vendors while some were restricted only to Food Vendors. The State Law GBS 35a gave a new way to restrict streets, by compromise. However none of these streets were restricted by any actual quantitative evidence. Although some streets had pedestrian studies by the BIDs they were also flawed. When I brought up to the Panel about a non existent phone booth they ignored my complaint. Some streets are restricted 24 hours a day, 7 days a week, while other streets that are much more congested are open after 11 PM like Broadway in Times Square. Almost all of the thousands of streets in NYC have been restricted only by hearsay evidence. If First Amendment Vendors are limited to 1 or 2 per blockface by this bill it will force the artists to challenge the way streets are restricted to them. As of now First Amendment Vendors are restricted to streets that both General Vendors and Food Vendors are restricted from. The way these streets were restricted will not hold up to any strict scrutiny test and it will force the city to open all streets to First Amendment Vendors. The city will be forced to come up with some quantitative analysis as to why Streets should be restricted to the First Amendment. After all it is obvious that no street should be closed to First Amendment Vendors all the time because of congestion.

Also anyone who has any knowledge of pedestrian studies knows that the most congestion is at the corners where people cross the street. When a traffic light changes, all the people waiting cross at that moment. That is where congestion is worse. This is called platooning in pedestrian studies. That is the reason why vendors must be 10 feet from the corner. After people cross, some people walk at different rates, some go into stores or restaurants, others go into office buildings, etc. As you go towards the middle of the block the crowds thin out considerably. To say that you can only have 2 vendors per blockface, if both were at the corner, this would be more of a public safety problem than two or three more First Amendment Vendors in the middle of the block. This type of limitation will also fail in a first amendment lawsuit.

Finally on these same streets that are restricted to First Amendment Vendors, there are many other First Amendment activities taking place. There are phone booths with advertisements (which have some first amendment protection), large newsstands (many placed near the corners such as 86th Street between Third Ave. and Lexington Ave.), newsboxes, United Homeless Organization (they are on every street in Midtown) and performers. Remember every time A.R.T.I.S.T. sues, a new Pandora's box opens. When will the City Learn to leave the artists alone.

November 14, 2008

VAMOS Unidos Testimony

(646) 330-1951/ 2473 Valentine Ave., Bronx, NY 10458

Dear Council Members,

Today, members of VAMOS Unidos, come to testify on the urgent need to for City Council to pass a sufficient number food cart and general merchandise permits. VAMOS Unidos is an organization of street vendors throughout New York City that organizes and advocates for their rights to fair working conditions.

There exists a waiting list of approximately 2,500 people for the food cart permits, the waiting list is currently closed. In 2007, over 10,000 people had applied for their personal food vending license that were not part of the 2,500 people in the waiting list. We expect that number to have increased substantially.

For almost 30 years, the city has not increased the cap and has maintained the number of permits to 3,100 for food carts and 853 for general merchandise licenses for the entire tri-borough area. These caps were set in 1979 and 1981 and have not been increased. Yet the demand for and number of street vendors has significantly increased. It is approximated that street vending provides between 15,000 and 20,000 jobs throughout New York City. Street-vendors are in full support of Intro. 324A as it would increase the licenses sufficiently.

The lack of licenses translates into the following: millions of dollars spent by the city to enforce the increasing number of street vendors, exorbitant fines on working low-income families, arrests of our working community members, the confiscation of their merchandise and the possible ill treatment of street vendors. Ruth, a vendor sitting here today, has to sell everyday in order to support for her family. She was arrested while 7 months pregnant. Rogelio and Rosa, set out everyday without a food cart license, although they pay their federal taxes and their quarterly New York State sales taxes, they hope that they will not be treated as the day when a police officer without reason pinned his son of 16 years of age as he accompanied his father while he vended. Florencia and her daughter, is another example of two women who were severely beaten by NYPD officers for vending without a food cart permit.

Street-vendors play an important role in the local economy and the city has yet to meet the full needs of thousands of low income workers by not providing sufficient permits. Amidst the worst economic crisis in decades, the city has a chance to create thousands of new jobs by increasing the number of food cart permits and general license permits. To not increase the cap goes against working families which are the hardest hit by the economic crisis.

We ask that City Council pass 324A as it is long overdue. The communities are saying we need more jobs, we need respect, we need more licenses. We expect our elected officials to hear the voices of the community and support this increase of food cart permits and general licenses.

STATEMENT FOR HEARING NOV. 14:

My name is Kurt Brokaw. I've taught on The New School University faculty for 22 years, as well as currently teaching at both the 92nd Street Y and The New York Society For Ethical Culture. I'm also 70 and occasionally set up a booktable on NYC sidewalks to vend my lifetime collection of rare early 20th century literature as well as original pulp magazines (1885- 1950). Let me make two points: .

The first is that New York City law began permitting the vending of written matter without a license in the early 1890s. The law was established largely to protect Jewish immigrants who sold chapbooks and other printed materials from pushcarts for a penny a copy on the Lower East Side, primarily on Orchard Street. Historical photos reveal a vibrant street and sidewalk life far more crowded at the beginning of the 20th century than the vast majority of New York streets in 2008.

The second point is the result of that law, and it is this: Vendors of written matter --as well as artists--now enjoy the same sidewalk vending rights as *The New York Times*, *The Daily News*, *The Post*, *The Observer*, *The Wall Street Journal* and many other published newspapers and journals offered for sale. The *NY Times* is sold by independent newsstand operators, by vendors on street corners employed by publishers, and in coin-operated vending machines that occupy sidewalk space day and night, 24/7. *The New York Times* and other publishers thus enjoy three times the number of vending opportunities on any given block than I have, as an independent vendor of written matter.

If an independent vendor of written matter or art is removed from a block by any of Mr. Gerson's 19 proposals, under a fair interpretation of the law, *The New York Times* and all other vendors of written matter would need to be similarly removed.

And--choosing one of Mr. Gerson's 19 specific proposals--if a vendor of written matter or art would need to maintain a two-foot distance from a newspaper vending machine, or any other sidewalk object, under a fair interpretation of the law the *Times* vending machine would need to be repositioned two feet away from the *Daily News* vending machine, which would need to be repositioned two feet away from the *Wall St Journal* vending machine, and so on. Most vending machines and boxes of written matter are clustered side-by-side to minimize sidewalk congestion. Fairly enforced, this Gerson proposal would double the amount of sidewalk space on any block now occupied by *The New York Times* and other publishers

It is plain to me and anyone else who's studied Mr. Gerson's anti-vending proposals through the years, that they have moved steadily away from the guiding principles of a democratic society and steadily toward the hallmarks of a totalitarian regime. The City Council has wisely and consistently rejected his proposals in the past, and it is my sincere and respectful hope that the Council will do so again.

Kurt Brokaw
80 East End Avenue
New York NY 10028
Brokaw@newschool.edu

Common Law City Council Testimony

Good afternoon,

We are pleased to have this opportunity to talk today about an issue that affects so many hard-working New Yorkers. It is critical that all of us understand how the disproportionately low cap on vendor permits hurts New York City's working families. Currently, there are an estimated 15,000-~~20,000~~ food vendors in New York City and only 3,100 permits. The number of permits for food vendors in New York has not increased since 1979. As result, there are approximately 3,000 people on the waiting list to obtain a permit and more than 10,000 people waiting to qualify to join the waiting list.

First, let us introduce Common Law. Common Law is a non-profit organization that provides free legal education and legal services to members of community-based organizations. Pursuant to our mission, Common Law has provided legal representation for food vendors who are members of VAMOS Unidos, a community-based organization that focuses on the rights of workers, most of whom are low-income street vendors.

In this time of great financial crisis, more and more individuals and families are finding themselves unemployed and unable to find jobs with fair wages. Because the job market is shrinking, many New Yorkers are forced to find alternative means to support themselves and their families. Many New Yorkers turn to vending, even though the hours are long and the pay is low. The already disproportionately low cap on vendor permits leaves many New Yorkers with no choice but to vend without a permit. Vending without a permit, in turn, leaves workers vulnerable to harassment, arrest, confiscation of their merchandise and carts, and thousands of dollars in fines.

A vendor who receives more than one ticket for vending without a permit faces a \$1,000 fine. As attorneys and advocates who have stood alongside food vendors at administrative hearings, we have seen first-hand what a devastating impact the low cap on vendor permits has had on low-income families. A \$1,000 fine can be a crippling amount for a family struggling to make ends meet.

Although this may seem to be an issue that only affects vendors, it is actually an issue that affects all New Yorkers because it is an issue of economic growth and justice. An increase in the number of vendor permits available in New York City would mean:

- An increase in the jobs available to New Yorkers. Vendors, who face institutional barriers to making an honest living, would be able to work without facing harsh fines;
- New York City would increase revenue and decrease spending. Currently, the city spends a tremendous amount of money each year to enforce vending laws. If the current cap on vendor permits is increased to 16,000, at the current rate of \$200 per permit, the City would generate more than \$3.2 million in revenue and would spend a fraction of what it currently costs to enforce vending laws.

Thus, increasing the cap on vendor permits would create jobs and strengthen the local economy. Common Law stands in solidarity with food vendors in New York City and we urge the city to increase the cap on vendor permits. Thank you.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 324A Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: Berta Camacho

Address: _____

I represent: VAMOS Unidos

Address: 2473 Valentine Ave. Bronx NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 324A Res. No. 32

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: TAKE IMIANI

Address: 233 5th Ave Suite 414A

I represent: COMMEDIA LAND INC

Address: 233 5th Ave Suite 414A

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 324 Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: SUNG SOO KIM

Address: _____

I represent: Small Business Congress

Address: 146-03 34th Ave, Flushing NY 11358

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: NOV 14 / 2008

Name: Alex ALKOVSKY (PLEASE PRINT)

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 324A Res. No. 3

in favor in opposition

Date: 11/14/08

Name: KAREN KAMISAMELL (PLEASE PRINT) 11/14/08

Address: 233 5th AVE SUITE 4A

I represent: COMMON LAW INC

Address: 233 5th AVE SUITE 4A

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card



I intend to appear and speak on Int. No. 324A Res. No. _____

in favor in opposition

Date: 11/14/08

Name: JAY KIM (PLEASE PRINT) 11/14/08

Address: 233 5th AVE SUITE 4A

I represent: COMMON LAW, INC

Address: 233 5th AVE SUITE 4A

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: Lo Vander Valk

Address: 11 E 92nd St, #3F, NY 10128

I represent: Carnegie Hill Neighbors

Address: 170 E 91st, NY, 10128

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 324A Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Rafael Samarez

Address: _____

I represent: VAMOS Unidos

Address: 2473 Valentine Ave., Bronx, NY 10235

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Victoriana Novario

Address: _____

I represent: VAMOS Unidos

Address: 2473 Valentine Ave., Bronx, NY 10235

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. 834,832,834 Res. No. _____

in favor in opposition

Date: _____

Name: Henry Buhl (PLEASE PRINT)

Address: 114 Greene St - N.Y.C. 10012

I represent: Solto Partnership - Association of Co-ops

Address: 163 Spring St - N.Y.C. 10012

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Barbara Randall (PLEASE PRINT)

Address: The Fashion Center BID

I represent: New York City BID Association

Address: 209 West 38 St. 10018

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: James Williams (PLEASE PRINT)

Address: 164-21 O'Connell Rd

I represent: Street Vendor Project

Address: 123 Williams, NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/18

Name: ART (PLEASE PRINT) Kristine Iniguez

Address: 148 Greene St

I represent: Se HC

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 324 Res. No. 834
 in favor in opposition

Date: 11.14.08

Name: Hilda James (PLEASE PRINT)

Address: _____

I represent: Esperanza del Barrio

Address: 2290 Second Ave, South Store

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 324 Res. No. _____
 in favor in opposition

Date: 11/14/08

Name: William B Jordan (PLEASE PRINT)

Address: 450 W 147 St, NY, NY 10031

I represent: Esperanza del Barrio

Address: 2290 2nd Ave, New York, NY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 846

in favor in opposition

Date: _____

Name: Paul Schlegel (PLEASE PRINT)

Address: 147 Beach 113 St

I represent: Veterans Disabled - Fed/As

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: BRUCE CAULFIELD (PLEASE PRINT)

Address: 2 TUDOR CITY PLACE # 5A5

I represent: NY NY 10017

Address: TRACKS AT PENN STATION NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: Robert Felsman (PLEASE PRINT)

Address: 3 W 46th St

I represent: UPTO Tavern Assoc

Address: 305 Madison Ave

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

Name: DAVID ROSSI (PLEASE PRINT)

Address: VETERAN VENDORS

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. all Res. No. all

in favor in opposition

Date: _____

Name: James Williams / Lei Bai / Tappan Sen (PLEASE PRINT)

Address: Street Vendor Project (represents)

I represent: 123 William St (750 vendors)

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. VARIOUS Res. No. _____

in favor in opposition

Date: 11/14/02

Name: ANDREW RICEK (PLEASE PRINT)

Address: 42 BROOKWAY

I represent: OCA CONSUMER AFFAIRS

Address: 42 BROOKWAY

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

Depends upon particular bill in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: Thomas Ferrugia

Address: 226 W 47th St

I represent: The Broadway League

Address: same

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/2008

(PLEASE PRINT)

Name: Chris Manning

Address: Asst Commissioner

I represent: NYC Dept of Health + Mental Hygiene

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: Susan Petito Asst. Comm.

Address: 1 Police Plaza

I represent: Asst. Comm. Intergovernmental Affairs

Address: 1 Police Plaza MPD

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Shari Hyman

Address: Deputy Criminal Justice Coordinator

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: DAN ALBANO

Address: _____

I represent: NYPD

Address: 1 POLICE PLAZA

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

[]

I intend to appear and speak on Int. No. _____ Res. No. _____
 in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Richard Lipsky

Address: Neighborhood Patrol Alliance

I represent: _____

Address: with Gristedes and Ufcw
Opposed to Tuba 321

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Eiler

Address: Director of legislative Affairs

I represent: Dept. of Consumer Affairs

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: SUSAN PETITO

Address: Asst. Commissioner - Intergov. Affairs

I represent: NYPD

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: DAN ALBANO

Address: _____

I represent: NYPD

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Chris Manning

Address: Asst. Commissioner - Bureau of Intergov. Affairs

I represent: Doherty

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 830, 832, 834 Res. No. _____

in favor in opposition

Date: Nov 14 08

(PLEASE PRINT)

Name: Zella Jones

Address: 17 Bussell St

I represent: Motto

Address: www.moham.org

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 846 Res. No. _____

in favor in opposition

Date: Nov 14, 2008

(PLEASE PRINT)

Name: Eduardo D. Artica

Address: 609 48th Street

I represent: Sunset Park B.I.D

Address: 5116 A 5th Ave Brooklyn NY 11220

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: DORIS CORRIGAN

Address: GRANT Chelsea Waterside Park

I represent: 200 W 20 ST #208 NYC 10011

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: Shari Hyman

Address: Deputy Criminal Justice Coordinator

I represent: Mayor, Criminal Justice Coordinator

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 846 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Eudoxia Alarcon

Address: 551 51 Street

I represent: Sunset Park B.I.D

Address: 5116A 5th Ave Bklyn NY 11220

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/06

Name: DIVINE WRIGHT (PLEASE PRINT)

Address: _____

I represent: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Various Vending Res. No. _____

in favor in opposition

Date: 11/14/2008

Name: XU ZI (PLEASE PRINT)

Address: 13 W 13th St 4BS NYC

I represent: Street Arts - myself

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-14-08

Name: MANUEL SERVIN (PLEASE PRINT)

Address: 5900 ARUNGTON AVE BxM/10477

I represent: _____

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)
Name: WARD SULLIVAN

Address: 530 CANAL

I represent CANAL VESTIBULAR

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 832 Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)
Name: JEROME ARMOUR

Address: PO BOX 1758

I represent: CRAFT ARTIST

Address: SAME

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: LAUREL CUDDEN

Address: 206 Spring St NY NY 10012

I represent: BRGuest / NY State, NRA

Address: 206 Spring

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: NOV 14, 08

(PLEASE PRINT)
Name: MARC MURPHY

Address: _____

I represent: NEW YORK RESTAURANT ASSOCIATION

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)
Name: KAZIEM WOODBURY

Address: _____

I represent: DOWNTOWN ALLIANCE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 832,832,846 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: PAT CHRISTIANO

Address: 23 INDEPENDENCE ST

I represent: myself

Address: _____

◆ Please complete this card and return to the Sergeant-at-Arms ◆

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. #832 Res. No. _____

in favor in opposition

Date: 11-14-08

(PLEASE PRINT)

Name: JACK NESBITT

Address: 366 WEST 118TH NYC

I represent: MYSELF

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-14-08

(PLEASE PRINT)

Name: ROBERT LEDERMAN

Address: _____

I represent: A.R.T.I.S.T. (President)

THE COUNCIL 846,832
THE CITY OF NEW YORK 828

Appearance Card

I intend to appear and speak on Int. No. 8289032 Res. No. _____

in favor in opposition

Date: Nov 14 2008

(PLEASE PRINT)

Name: Gerald Lehman

Address: 459 Columbus Ave Box 201 NYC

I represent: Artist Provenance

Address: 459 Columbus Ave Box 201 NYC 10017

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 834 Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)
Name: Blue Bayer

Address: 476 CARROLL ST BROOKLYN NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)
Name: DEREK JOHNSON

Address: 147-47 72nd RD APT 13

I represent: _____

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11-15-08

(PLEASE PRINT)
Name: ALFRED LAVERY

Address: 463 GRANT AVE

I represent: 1ST AMENDMENT

Address: USA

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 830 Res. No. 832

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Mitchell Backmuhl

Address: P.O. Box 1069 NY NY

I represent: myself - ARTIST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 828-830-832-846 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: KURT BROKAW

Address: 80 EAST END AVE.

I represent: MYSELF

Address: AS ABOVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. 830

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: STAM CUEVAS

Address: 23 W. 90th St

I represent: MYSELF

Address: 23 W. 90th St NY NY

Please complete this card and return to the Sergeant-at-Arms

THE COUNCIL *Re Vending*
THE CITY OF NEW YORK *Law*

Appearance Card

[]

I intend to appear and speak on Int. No. VAR Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: JOHN WETHEROLD

Address: 13 W 13 St 4B

I represent: Street Artists

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. 828, 830 Res. No. _____

in favor in opposition

Date: 11/14/03

(PLEASE PRINT)

Name: BERNARD ZALON

Address: 725 W. 184TH ST. NYC

I represent: ARTISTS

Address: _____

THE COUNCIL
THE CITY OF NEW YORK

Appearance Card

[]

I intend to appear and speak on Int. No. 832 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Uta Brauser

Address: 79 MacDougal St. NYC

I represent: Uta Brauser Design

Address: 195 Chrystie St. #203 NYC

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 846 Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: RENÉE GIORDANO

Address: 653 5th St.

I represent: SUNSET PARK BLD.

Address: 5116A 5th Ave Bk

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: Jill Stasiun

Address: 190 6th Ave ZFS

I represent: Street artists

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 828, 830, 832 Res. No. _____

in favor in opposition

Date: 11/14/08

(PLEASE PRINT)

Name: Ned Otter

Address: 101 Wooster St. SR NYC, NY 10012

I represent: _____

Address: _____

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Bill Leonard

Address: 20 Highland Pl Bklyn NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. _____ Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Daniel M. Calkin

Address: _____

I represent: Advisory Board

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 830 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)
Name: Beazer Pittsger

Address: _____

I represent: Advisory Board State Dept of Labor NYS

Address: _____

▶ Please complete this card and return to the Sergeant-at-Arms ◀

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. Res. No.

in favor in opposition

Date:

Name: Ralph J. Toro (PLEASE PRINT)
Address: Veteran Veterans Advisor

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 374 Res. No.

in favor in opposition

Date: 11/14/08

Name: Joe Ithier (PLEASE PRINT)
Address: 823 11th Avenue
I represent: RED Apple Group
Address:

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 324 Res. No.

in favor in opposition

Date: 11/14/08

Name: Hy YAMUDA (PLEASE PRINT)
Address: 1601 KINGSWAY, CARMER NY 10512
I represent: GRISTEYES FOODS INC
Address: 823 - 11TH AVENUE NY NY 10019

Please complete this card and return to the Sergeant-at-Arms

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 7 Res. No. _____

in favor in opposition

Date: _____

Name: DAN (PLEASE PRINT)

Address: VERMONT ST

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. ALL VENDOR Res. No. _____

in favor in opposition

DATE: PART PART 11/14

Name: TOM CUSICK (PLEASE PRINT)

Address: 630 FIFTH AVE

I represent: 5TH AVE BID

Address: SAMA

Please complete this card and return to the Sergeant-at-Arms

Name: LIBERTY L. ORR

Address: _____

I represent: Disabilities Network

Address: of New York City

Please complete this card and return to the Sergeant-at-Arms

I intend to appear and speak on Int. No. 828+ Res. No. _____

in favor in opposition

Date: _____

Name: IAN ALTERMAN (PLEASE PRINT)

Address: 317 W 83 ST

I represent: 20th Precinct Community Council

Address: 120 W 82 ST

NOTE: WE CREATED INTRO 828!

Please complete this card and return to the Sergeant-at-Arms