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**TESTIMONY OF THE GREENWICH VILLAGE SOCIETY
FOR HISTORIC PRESERVATION
IN OPPOSITION TO INTRO. 623
REGARDING THE ALLOWANCE AND LICENSING OF
ADVERTISING SIGNAGE ON SIDEWALK SHEDS
January 26, 2009**

Thank you for allowing me the opportunity to testify this afternoon. My name is Andrew Berman, and I am the Executive Director of the Greenwich Village Society for Historic Preservation, the largest membership organization in Greenwich Village, the East Village, and NoHo. I am here today to urge you not to support Intro. 623.

Sidewalk sheds are already an enormous problem in our neighborhoods. Too often they are blights, sheltering waste and inhospitable conditions. They are often poorly lit and maintained, and even in the best of conditions block pedestrian flow, dampen retail activity, and loom over our sidewalks and streets. Sidewalk sheds are without a doubt a necessity in many circumstances, and the negative impacts of a well-maintained sidewalk shed is the price the public must pay for safety in these circumstances.

However, one of the most serious and pervasive problems with sidewalk sheds is that too often they remain up for much longer than necessary. Often they are kept up as a substitute for doing necessary work, or remain up while work is halted for long periods of time or even after it has been completed. We have noticed this to be especially true when there is advertising signage on these sheds, generating substantial income for the building owners. It is our well-founded fear that allowing advertising signage on sidewalk sheds will only exacerbate this problem, encouraging sheds to remain up for even longer than they currently do, extending those unnecessary, negative impacts.

Additionally, we have concerns about the expanded allowance for advertising signage in our neighborhoods. Much of lower Manhattan, even those neighborhoods which are substantially or predominantly residential, is zoned C or M, and thus would be affected by this legislation. There is no lack of advertising signage in these areas, both legal and illegal, and I am not sure that more billboards are what they need. While we understand that the bill before you would only allow advertising signage in districts where it is currently allowed anyway, this bill would extend that allowance to the entire length of a sidewalk shed, to a height of as much as 8 feet and in many cases the length of an entire blockfront. It is hard not to imagine that the result will be a noticeable increase in advertising signage in our neighborhoods, and its further encroachment into the public space of sidewalks and city streets, as opposed to on buildings and private property where it is currently allowed.

We believe Intro. 623 is ill-considered, and urge you not to pass it.



Municipal Art Society Testimony
City Council Intro. 623
Allowing outdoor advertising on sidewalk sheds
January 26, 2009

Good afternoon, my name is Vanessa Gruen and I am the Director of Special Projects at the Municipal Art Society and am the staff representative on the MAS' Streetscape Committee. I am grateful to you for this opportunity to appear before you.

Outdoor advertising and sidewalk construction sheds blight our city's streetscape. The city wisely sought to regulate outdoor advertising with strict zoning regulations and imposes design guidelines for sidewalk construction sheds. The bill now before the City Council would with one stroke; both allow advertising on sidewalk sheds of a type and size not allowed on the building itself, and sabotage previous efforts to improve the appearance of the sheds.

Sidewalk sheds are mandated by law and are intended solely for safety purposes during construction. They are unattractive and interfere with pedestrian traffic, but public safety is a priority no one can argue with. Allowing advertising on them, however, merely serves to provide an incentive for a building owner to leave a shed up and extend the advertiser's presence onto public property – the sidewalk.

We know from experience that sidewalk sheds have been left up for years, even when no work is being done on a building. This has a serious deleterious effect on the pedestrian experience – by creating congested dark spaces on some of our most important avenues. The sheds also interfere with the business of street level retailers and destroy mature trees that cannot survive when these sheds surround their trunks (some trees are just cut down to make room for the sheds).

The permitted advertisement will by no means be discreet or subtle. The Council bill would allow the sidewalk sheds to be as much as eight feet tall (conveniently the length of a sheet of plywood) and the advertisement could run the full length of the shed, which on some construction sites can be a block long with the shed wrapping around the corners of the building.

While the city has attempted to adopt new and expanded limitations on billboards (e.g. along arterials), it should not now allow billboards in new locations in C zones on our major walking and shopping streets. Such inconsistent policies have led to litigation seeking to void wise regulations authorized by this body many years ago—and because of the litigation these regulations are still not implemented.

The proposed legislation would create yet another burden on the overtaxed staff of the Department of Buildings to issue and enforce the required permits. These responsibilities have the potential to diminish DOB's ability to function effectively and to address the life threatening situations that ought to be its focus. Legislation like this, which is an imposition on public space, with little benefit to the City, would be a gift to landlords and outdoor advertising firms that does great damage to the Council's reputation for responsiveness to its constituents when well funded commercial interests approach this committee and this council for special favors. Given the likelihood of limited revenue generation for the city, what public interest is advanced by this legislation? DOB is already saddled with too many enforcement procedures for which they are under staffed. To add this additional burden will greatly diminish DOB's ability to function effectively and to fully assess life threatening situations.

Our campaign against illegal advertising has been very popular with New Yorkers because it is so closely related to the issues of livability and the preservation of the city's unique streetscapes. It would be a true shame if the City Council is allowed to legalize advertising signage that the public clearly does not want.

**Patricia Dolan
Executive-Vice President
Queens Civic Congress**

**Intro 623
Advertising on Sidewalk Sheds
January 26, 2009**

Good afternoon, I am Patricia Dolan, the executive vice-president of the Queens Civic Congress an umbrella of more than 110 community and neighborhood based organizations representing tenants, co-op and condo owners and homeowners living in every part of Queens. I am also the president of the Kew Gardens Hills Civic Association.

Construction sheds are a necessary evil and should be tolerated only as a safety measure while construction is taking place. Too often the sheds remain in place long after there is any need for them. Indeed, in these difficult economic times, we can expect to see more sheds on our streets for longer periods of time as developers abandon projects and leave the sheds behind. Legalizing ads on the sheds will only encourage developers to view the sheds as revenue producers for failed projects.

As the Mayor and the Council strive to preserve New Yorkers' quality of life and not to allow the City to spiral into the neglect and decrepitude experienced in the nineteen seventies and early eighties, care must be taken for the esthetics of the physical city. Keeping our streets and avenues attractive and well-lighted is intrinsic to that goal. Advertising on sidewalk sheds has no role in that mission.

For the past few years, at the behest of preservationists and neighborhood advocates, the Buildings Department has been enforcing regulations banning commercial ads from sidewalk sheds. The effects of that effort can be seen on the streets of Manhattan. As a Queens civic organization, we would like to see more enforcement of those regulations on our commercial streets. Now is the time to congratulate the Department for its effort; not repeal a regulation that helps make our environment more attractive.

Forty years after Lady Bird Johnson launched the successful nation-wide movement to rid the nation's highways of unsightly billboards and a decade after New York City banned most ads from arterial highways, the City Council should reject out of hand further "uglification" of our streets and avenues.

Ms. Dolan can be reached at 718-263-1760 or

**QUEENS CIVIC CONGRESS/ PO BOX 268/ FLUSHING, NY11363/
www.queensciviccongress.org**

January 26, 2008 Statement before
NYC Council Committee on Housing and Buildings
Int. No. 623/07, Sidewalk Shed Advertising

Good Afternoon, Chairman Dilan and Members of the Committee.

My name is Kenneth Buettner, and I am President of York Scaffold Equipment Corp., of Long Island City. I am the third generation of our four generation family-owned and operated business. For over eighty years we have erected scaffolding and sidewalk sheds to help build and maintain New York City and its surrounding areas. I am a Past President (1992 to 2004) of the Scaffold Industry Association, Inc. (SIA), which has over nine hundred members throughout the U.S. and Canada. I was a member of the Technical Advisory Board to the NYC DOB for the recent re-write of the Building Code related to scaffolding and sidewalk sheds. I have been a member of the NYC DOB Scaffold Worker Safety Task Force since its inception in 2006 and have been a charter member of the NYC DOB Scaffold Advisory Board since its inception last year.

Intro 623, like any proposed legislation must be viewed in consideration of three things: Economic Impact on the City, Safety to its Residents and Visitors, and Quality-of-Life.

1. Economic Impact on the City. Clearly, collecting permit fees for the allowance of advertising on sidewalk sheds offers an opportunity for new revenue. However, as with all new permitted activity, it also creates new associated expenses and problems. In addition to the personnel who would be required to issue and track the permits, new positions in the DOB would be required to physically visit the permitted sites to determine if expired advertising has been removed and to make “sweeps” around the City to violate property owners where advertising had been installed without permits.

2. Safety to Residents and Visitors. No sidewalk shed should remain in place any longer than is absolutely necessary for the completion of the work being done on a property. Currently, an owner or contractor waits until the work on a building will commence to erect a sidewalk shed. Likewise, either the full shed, or parts of the shed, are currently

removed as soon as the progress of the work will allow. It currently costs the owner or contractor rental for a shed to remain in place. With the income which may be generated from advertising on a sidewalk shed, there will be little incentive for a property owner to remove the shed immediately. Indeed, it becomes an incentive for the shed to be installed as early as possible and to remain in place as long as possible to maximize advertising revenue.

3. Quality-of-Life. There are many serious Quality-of-Life concerns regarding Intro 623:

As written, it would limit sidewalk shed advertising to commercial or manufacturing zoning districts. Economic realities would place such advertising in the highest traffic areas. Most manufacturing districts (where we currently place sex shops and “gentlemen’s clubs”) would likely not provide the traffic necessary to pay the associated costs for sidewalk shed advertising. However, such commercial areas as: Main Street, Flushing or parts of Queens Boulevard in Queens; parts of Flatbush Avenue in Brooklyn; Madison Avenue or Broadway in Manhattan, and many other neighborhoods in the five boroughs would become the new “advertising” districts. So much for neighborhood improvement!

The small coffee shop, dry cleaner, shoe repair or florist who is already inconvenienced by the imposition of a sidewalk shed in front of their business will be made to further suffer. Although Intro 623 would prohibit advertising from interfering with the temporary signs these businesses can currently exhibit on the sidewalk shed in front of their business, these storekeeper’s modest signs will be forced to compete with large, slick and expensive advertising for ladies underwear and fast-food products. Add that to the inevitable longer period for which the shed will remain in place. They won’t stand a chance. So much for helping small businesses!

The proposed legislation would take the currently required height of the sidewalk shed parapet from four feet (4’) to an allowed eight feet (8’). This doubled square footage increase in parapet would greatly increase the bulk of the sidewalk shed when viewed

from the street. Also, under the current four feet (4') maximum, people working on the second and third floors of buildings with sidewalk sheds in front of them are only slightly inconvenienced when they look out their windows. Under the proposal, these people will look out their windows and see only the back side of an eight foot (8') high plywood wall. So much for the quality-of-life in those offices!

Until about fifteen years ago, illegal and unwanted notices were regularly posted on sidewalk sheds throughout the City advertising concerts, performances and music releases. Vigilant work on behalf of the NYPD and the District Attorney's Offices for many years brought this to an end. With permitted advertising existing in some areas and not in others, non-permitted bill posting and advertising is assured to resurrect itself. So much for having worked hard to have fixed an old problem!

If advertising is permitted on sidewalk sheds, it is only a matter of time before the logical extension of advertising on supported scaffolding will follow. That would bring us fifty-foot high (50') and one-hundred-foot (100') long ads for cameras and computers or upcoming motion pictures on the outside of buildings being renovated or repaired. Is this something we need or want?

The Council and the Administration have worked hard to make our City a safe and pleasant place for its citizens to live and for its visitors to enjoy. We have come a long way during the past few years. Our City is more attractive than it has ever been. It would be a shame to reverse this direction and add to visual pollution by plastering soft-drink, lotto and used-car advertising on our sidewalk sheds.

The potential for revenue is simply not worth the cost to the City's residents and visitors.

I urge you to kill this ill-conceived proposal.

**Testimony at City Council Hearing
January 26, 2009
Advertising on Sidewalk Sheds**

Thank you members of the New York City Council for conducting this hearing on sidewalk shed legislation.

I am Barbara Randall, President of the Fashion Center BID, and I am here on behalf of that organization and its members, testifying in strong opposition to the proposal that advertising be legitimized on sidewalk sheds.

The proliferation of sidewalk sheds in the Fashion District is of great concern to us and we believe this bill will only fuel that proliferation.

Our objections to sidewalk sheds are many. Sidewalk sheds have a negative impact on business, safety and quality of life. They give a blighted appearance to the district, they obscure storefronts and they cast vast areas of sidewalk into darkness. Sheds also limit the width of our already narrow and crowded sidewalks, impeding pedestrian traffic and forcing pedestrians into the street in an area that has some of the highest pedestrian counts in all of New York City. They have also, historically, provided a haven for criminal activity. In an area that still depends on the movement of goods between buildings, the additional obstruction is particularly disagreeable.

The Fashion district currently has 45 sidewalk sheds in an area that consists of 9 whole and 16 partial blocks, which means that we have at least one shed per block. In 23 cases these sheds have been up in excess of one year, and in some cases, they have been up for three years or more.

In many cases it is obvious that there is no real work being done on the adjacent buildings and the sidewalk sheds remain erect simply so that the property owners may limit liability that might occur from falling debris from deferred maintenance. The Fashion Center BID has urged property owners to complete necessary and legitimate work expediently so that

sheds can be removed as soon as possible. But, with the ability to renew shed permits for years on end and with little enforcement of the regulations our hands are tied.

Some sidewalk sheds have already become advertising revenue streams, which is a huge disincentive to their ever being removed. It would be a grave mistake to legitimize this practice, as this bill would seek to do. The efforts of the Buildings Department should be spent on enforcing the sidewalk shed regulations, providing incentives for completing building work in a timely manner and providing disincentives for leaving sheds up for longer than they need to be.

Finally, it was not so long ago that our sidewalk sheds were used as cover for drug dealing. The Fashion Center BID worked very closely with Midtown South to address this issue and we have been largely successful. However, we do not know what the future holds and our best defense against a return to this practice is the elimination of the sheds, not programs or policies that would encourage their extended use.

In summary, it is the position of the Fashion Center BID that sidewalk sheds are a visual blight and pedestrian impediment which will decrease the quality of life, impede business and pose a risk to public safety. Allowing and encouraging advertising on them will only create a legitimate revenue stream that will make removing them impossible. Instead the Council's energies should be spent on identifying mechanisms for reducing the number of sidewalk sheds in the city. While we recognize and appreciate the safety they provide for pedestrians, the allowing of advertising will only encourage additional abuse and diminish the aesthetics of our city.



Data Source: NYC Dept. of Planning - PLUTO Data.
 NYC Dept. of Buildings - BIS Web Query
 Map Compilation & Survey: Fashion Center BID



FASHION DISTRICT SIDEWALK SHEDS

2005	2006	2007	2008	No DOB Record
JAN 05	DEC 05	JAN 06	DEC 06	JAN 07
JAN 07	DEC 07	JAN 08	DEC 08	

Testimony

Good afternoon, I am Dan Pisark, Vice President of Retail Services for the 34th Street Partnership and the Bryant Park Corporation. Thank you for the opportunity to discuss Intro 623 with you today.

Although our BIDs do business with outdoor media companies, we believe that encouraging outdoor advertising on sidewalk sheds and scaffolds is a serious mistake. The method to support the ad is the real problem: The sidewalk shed itself. They have long been a blight in our districts. Sheds do more damage than just creating visual clutter and obstructing building facades. They often cause significant damage to street trees and create hazards for pedestrians. By reducing the visibility of stores – including signs, windows, and entrances – sheds are bad for retail business and are always disliked by merchants. Coinciding with a new facade inspection laws, sheds have become more common than ever before. In 2008, the 34th Street district experienced – at its peak – as much as 27% of the linear feet of its sidewalks covered by sidewalk sheds; that's nearly 9,000 feet in our 31-block midtown district.

Because outdoor advertising remains a lucrative business, even in this economy, we believe that placing large ads on sheds will only prolong the life of sidewalk sheds and scaffolding. With

Intro 623 as the stimulus, sheds will become even more of a public nuisance. Those ever-present sheds that seemingly remain in place for years will likely stay even longer if they are covered with advertising signs. Any provision that could extend the life of a shed because a profitable ad deal is in place is a disturbing development and should not happen under any circumstance. We therefore ask that Intro 623 is not approved by this committee.

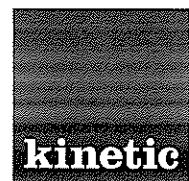
Thank You.

Dan Pisark
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34th Street Partnership, Inc.
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January 26, 2009

**Report on International Scaffolding and
Hoarding Advertising Practices**

**Presented to Van Wagner Outdoor by Kinetic Worldwide
April 24, 2007**



Contents

Overview	2
Market Reviews	
▪ London, United Kingdom	4
▪ Berlin, Germany	4
▪ Madrid / Barcelona Spain	5
▪ Rome / Milan, Italy	6
▪ Singapore	6
▪ Brisbane, Australia	7

Overview

Kinetic Worldwide was engaged by a consortium of outdoor media operators to prepare a report on the placement of commercial advertising upon temporary scaffolding structures and hoardings (hereafter referred to as “scaffold-hoarding advertising”) in metropolitan centers around the globe, with a particular eye to the interaction of municipal authorities, real estate owners, private media operators, and major blue-chip advertisers.

The world’s leading independent planner and buyer of out-of-home media with local experts in 35 international markets, Kinetic Worldwide applied specialist expertise from across its extensive worldwide network to investigate and compose a third-party point-of-view on the subject of scaffold-hoarding advertising.

Markets were selected based as much on their highly developed urban cityscapes and importance to global and regional commerce as on the extent to which different cultural, political, and commercial sensibilities might engender distinct approaches to scaffold-hoarding advertising. Less developed markets were not included in the analysis, as the opaque business practices, uncertain legal environments, and inchoate regulatory frameworks typifying them hamper meaningful comparison with New York City.

The markets covered in this report include:

- 1) **London, United Kingdom**
- 2) **Berlin, Germany**
- 3) **Madrid, Spain**
- 4) **Barcelona, Spain**
- 5) **Rome, Italy**
- 6) **Milan, Italy**
- 7) **Singapore**
- 8) **Brisbane, Australia**

While the findings do reveal a variety of ways to understand the balance between public safety imperatives, environmental aesthetics, civic responsibilities, and commercial interests unique to each community, there is a substantial degree of consistency in the fundamental approach of these communities.

In all markets except one (Brisbane), scaffold-hoarding advertising is explicitly permitted and clearly regulated by municipal bodies. The principles underlying the consensus prevailing over these markets seems to be:

- 1) Scaffolding, construction bridges, and similar structures are required to minimize noise and dust, provide security, and ensure public safety during building construction or renovation work
- 2) the unsightliness of all these temporary structures can be greatly diminished through their controlled use as a platform for commercial advertising messages
- 3) tight regulation assures high standards and timely assembly / removal, mitigating deleterious effects upon the visual integrity of the environment and community
- 4) a reasonable economic model encapsulating permit fees and market pricing can fund policing, defray or subsidize landowners' construction costs, and promote the participation of reputable operators and advertisers

Also evident are different approaches to the architectural heritage of each city. Where some municipalities permit landmark advertising (Rome / Singapore), others do not (Madrid); but all municipalities closely monitor these sites (with the cooperation of legitimate operators) to assure regulatory compliance. Several markets require that the backdrop of scaffolding screens on these landmark structures – those portions not covered by advertising – mimic the silhouette or external appearance of the structure being obscured. These markets also dictate that the proportion between the total external surface area of the scaffolding screen and the area prescribed for advertising.

With the exception of Singapore (a state which intervenes in many commercial and / or private sectors), voluntary self-regulation of advertising content on the part of operators is an established norm in most markets. This practice has proven to be successful in maintaining community standards without placing onerous burdens for oversight or compliance on any party, as evidenced by lack of public or legislative initiatives for change.

While the dearth of fallow inventory in each market reveals significant demand, scaffold-hoarding advertising exists in complement to rather than to the exclusion of other outdoor media properties. This high demand sustains premium pricing, a successful result which benefits all parties and ensures continued quality of management, engineering, and aesthetics.

Reviews of the markets covered in this report follow.

London, United Kingdom

Legality: The placement of scaffolding advertising (referred to in the UK as "banners") was first made legal in London in 1996. This extends to landmark structures such as churches, cathedrals, and historic squares. Other metropolitan areas in the UK for the most part follow suit.

London is one of most tightly regulated advertising environments in the world, as many of the local councils governing its boroughs (e.g. Islington, Kensington, Chelsea) are highly protective of the architectural heritage and cityscape. Together with the Greater London Authority, local councils have standardized procedures regulating site permitting and advertising oversight. All building alterations and advertising placement require express planning permission set against statutory criteria, on the penalty of court injunction and removal / disposal.

Site Permitting: Contractors must make their case to the local councils, demonstrating a balance between visual amenity enhancement without compromises to public safety.

The factors considered include the following:

1. the residential and commercial character of the neighborhood
2. proximity to historical or cultural monuments
3. precedents – the existence of displays of a similar nature
4. duration – normally 1-2 years (though shorter term arrangements are not unprecedented)
5. planning gain

The last term – planning gain – refers to enhancements to the environment yielded by the placement of advertising, including screening of unsightly scaffolding and building sites during development as well as the defrayal of costs associated with renovation of public buildings or landmarks.

There are restrictions on scaffold advertising in designated conservation areas such as Westminster, 90% of which is off-limits.

Advertising Restrictions: The content of advertising on authorized sites must adhere to the same regulations (such as those against tobacco advertisements) in place for other outdoor media. In some cases there are also site-specific restrictions mandated by landlords (e.g. against gambling / alcohol advertisements on church sites). Preemptive self-regulation by operators has been successful in balancing all stakeholders' interests together with community standards.

Marketplace: The market in London and metropolitan areas throughout the United Kingdom has grown considerably, achieving mainstream status about four years after its opening in 1996. London is host to approximately 30-40 sites at any one time, with another 60-70 dispersed in metropolitan areas throughout the UK. Sites are authorized to place advertising for the duration of renovations, which usually last on the order of 1-2 years (on some occasions as little as 6 months, and on others up to 3 years). Sites are typically sold on a monthly basis.

Berlin, Germany

Legality: The placement of commercial advertising on scaffolding and other temporary structures framing or concealing construction sites (the largest of which are referred to as

“megasites” in continental Europe) is legal during the renovation of a building provided the landlord has formal, advance permission from the municipal authority to lease the space for this purpose. Landmark buildings are included under this heading.

Site Permitting: Municipal authorities are responsible for site permitting; it is within their remit to grant or deny permits if required criteria are not met. Typically media owners approach the landlords of properties under renovation and come to an agreement to defray the cost of renovations and building upkeep in exchange for the placement of advertising; whereupon these landlords solicit the proper permits and authorization from the city council.

Advertising Restrictions: There are few restrictions on the type of commercial advertising that can be placed. Compliance of creative executions with city council standards (moral / political correctness, and inoffensiveness) is maintained through processes of media owner self-regulation.

As there are restrictions in Germany on the maximum size of cigarette advertising in any outdoor media format, the large size of many sites effectively preclude cigarette tobacco advertising.

Marketplace: There are approximately 25-30 permitted sites at any one time in Berlin proper. The average time span over which structures remain in place is between 6 and 12 months; this can be as brief as 1 month and run up to as many as 2 years depending on the nature of the renovations being undertaken. Sites are typically sold on a monthly basis.

Madrid / Barcelona, Spain

Legality: Local regulations in both Madrid and Barcelona permit the placement of commercial advertising on scaffolding or hoardings during the renovation of a building, also referred to as a “megasite” in Spain. Permission must be secured from municipal authorities to lease the space for this purpose.

Site Permitting: Municipal authorities are responsible for site permitting and it is within their discretion to grant or deny permits if required criteria are not met. Contractors may contact landlords or owners to make scaffolding or hoardings on a property under renovation available for the placement of advertising; alternatively, owners may preemptively engage contractors to underwrite renovation of the property in exchange for placement of advertising. Whichever the case, contractors are responsible for advertising-use licensure over the duration of renovations.

Commercial advertising of any sort is forbidden on temporary structures surrounding landmark buildings. A property which has hosted advertising cannot do so again for a period of between 5 and 8 years. Additionally, a City Council Tax is assessed on each site placement in Barcelona.

Advertising Restrictions: Alcohol and tobacco advertising is forbidden on all scaffold-hoarding advertising. In Barcelona, advertising copy (text or branding) cannot appear in the official regional language of Catalan.

Marketplace: In any month there average 10-15 sites per city in Madrid and Barcelona. Though these are sold on a monthly basis, demand is highest in the three last months of the year and around Easter and lowest during the summer months.

Rome / Milan, Italy

Legality: The cities of Rome and Milan permit the placement of scaffolding advertising during the renovation of a building, landmark or otherwise. Regulations in both cities require permissions from municipal authorities. As in other European countries, this type of advertising is known as a "megasite" in Italy.

Site Permitting: Site permitting is the province of municipal bodies which have discretionary authority to withhold approval of specific sites if regulatory criteria are not met. The placement of advertising around or adjacent to monuments and landmark structures (e.g. the Spanish Steps, Trevi Fountain) is permitted with proper approvals.

Advertising Restrictions: Creative executions can be subject to mayoral or city council review, historically to monitor for content with specific political associations (e.g. excessive use of colors such as red) as well as confirm that the execution is predominantly image- (rather than text-) based, inoffensive, and does not promote tobacco use (though alcohol is allowed).

The area available for advertising is limited by the total dimensions of the structure; the non-advertising portion must be covered with unmarked backing in a neutral color. In central Rome, 15-25% of the external surface area can be covered with advertising; in Milan's historical center, 30%; in Milan's internal bypasses, 50%. 3D productions are disallowed and there are restrictions on special lighting effects (optic fiber).

Marketplace: Within Milan there are approximately 65 scaffolding or hoarding sites and 15 walls, for a total of 80 throughout the metropolitan area; sites in Rome are estimated to be less in number. Renovations are generally 3-6 months in length, though extensions of several months to accommodate advertisers' timing are not unheard of. Sites are typically sold on a monthly basis.

Singapore

Legality: The Singaporean government has allowed the placement of advertising on the construction screens (similar to hoardings) mandated for work sites by city codes for over 20 years. For safety reasons, the same regulations prohibit the placement of advertising upon the bamboo scaffolding structures in use in this market.

Site Permitting: While municipal authorities have control over the authorization of sites, permits are not required if the surface area of the sign frame is less than 10m². Approval for frames larger than this size is usually granted – the chief concern is a structural one and there is deemed consent for advertising. Permits last for the duration of construction work, which is usually no less than 2 and no more than 36 months.

Historical buildings or heritage sites undergoing renovation are treated no differently from other structures – placements of permitted advertising is authorized.

Advertising Restrictions: The Singaporean government closely regulates most business sectors and private / community activities, and outdoor advertising is no exception. As with all outdoor advertising in Singapore, construction screen advertising requires a license assuring that the "visual content" is decent, honest, and appropriate.

Marketplace: There are comparatively few sites within the market, with an average of 10 at any one time sold on monthly timetables. The short duration of construction work, inaccessibility of high value private properties, and lack of advertiser demand are the main factors responsible for underdevelopment.

Brisbane, Australia

Legality: Building codes prohibit advertising upon scaffolds or hoardings in every major metro area other than Brisbane, the capital of Queensland and third most populous conurbation in Australia (1.8MM). Exploration of the matter with other municipal councils (such as Sydney's) has met with historic and ongoing opposition. While common and accepted, the legal status of scaffolding-hoarding advertising in Brisbane is a grey area.

Site Permitting: Scaffolding on and hoardings around landmark buildings are policed for third-party, commercial advertising, which is forbidden. While detailed, the permit process for non-landmark renovation sites does not generally impede approval for compliant sites.

Advertising Restrictions: Tobacco advertising is forbidden, but as with other outdoor media, alcohol advertising is permitted. Standards of content are maintained through a code of conduct and self-regulation.

Marketplace: There are approximately 10 sites in existence at any one time in Brisbane. Renovations generally last 1-6 months, and sites host advertising for the duration.

Executive Summary

At the request of a consortium of outdoor media operators, Kinetic Worldwide has commissioned its network of offices in Europe and Asia Pacific to investigate the state of advertising placed on scaffolding structures and hoardings (abbreviated within the report as "scaffold-hoarding advertising") at the international level in developed metropolitan markets. Scaffolding advertising refers to advertising placed upon the mesh covering of pipe scaffold structures, where hoardings (as they are referred to in Europe and Asia) are equivalent to sidewalk shed advertising here in New York City.

Information on the legality and history of use, regulatory authorities, permit practices, advertising restrictions, and market structure – together with visual examples – was sourced from local experts in eight markets. Opaque business and legal practices and lack of a coherent regulatory framework obscure parallels less developed markets might have with New York City; as such, intelligence on these markets has not been included.

If required, this report can be supplemented with more specific research into the regulatory and economic frameworks (such as specific codes, pricing structures, and other information) that support scaffold advertising in these international markets.

Report on International Scaffolding and Hoarding Advertising Practices (Précis)

04.26.2007

reach the moving world

kinetic

Précis

- This report outlines the success international markets have had with an effectively regulated market for the placement of advertising upon temporary scaffolding structures and hoardings
- Kinetic Worldwide, the world's leading independent planner and buyer of outdoor media, aggregated local market intelligence from experts in 35 offices around the globe
- Markets were selected on criteria both shared and unique:
 - Similar sophisticated urban cityscapes and importance to global / regional commerce
 - Distinct cultural, political, and commercial sensibilities
 - Less developed markets were not included given that opaque business / legal practices and lack of a coherent regulatory framework obscure parallels they might have with New York City

Findings

- Each city has a distinct approach to the balance between public safety imperatives, environmental aesthetics, civic responsibilities, and commercial interests
- However, there is fundamental consistency in the cities' approaches:
 - scaffolding and construction bridges are required to minimize noise and dust, provide security, and ensure public safety during building construction or renovation work
 - the unsightliness of structures can be greatly diminished through controlled use of scaffolding as a platform for commercial advertising messages
 - tight regulation assures high standards and timely assembly / removal, mitigating deleterious effects upon the visual integrity of the environment and community

(continued on next page)

Findings

- Consistency in approaches (continued from previous page)
 - a reasonable economic model encapsulating permit fees and market pricing can fund policing, defray or subsidize landowners' construction costs, and promote the participation of reputable operators and advertisers
 - voluntary self-regulation of advertising content has proven successful in maintaining community standards without placing onerous burdens for oversight or compliance
 - while there is significant advertiser demand, the platform serves as a compliment to rather than substitute for other outdoor media formats

Overview

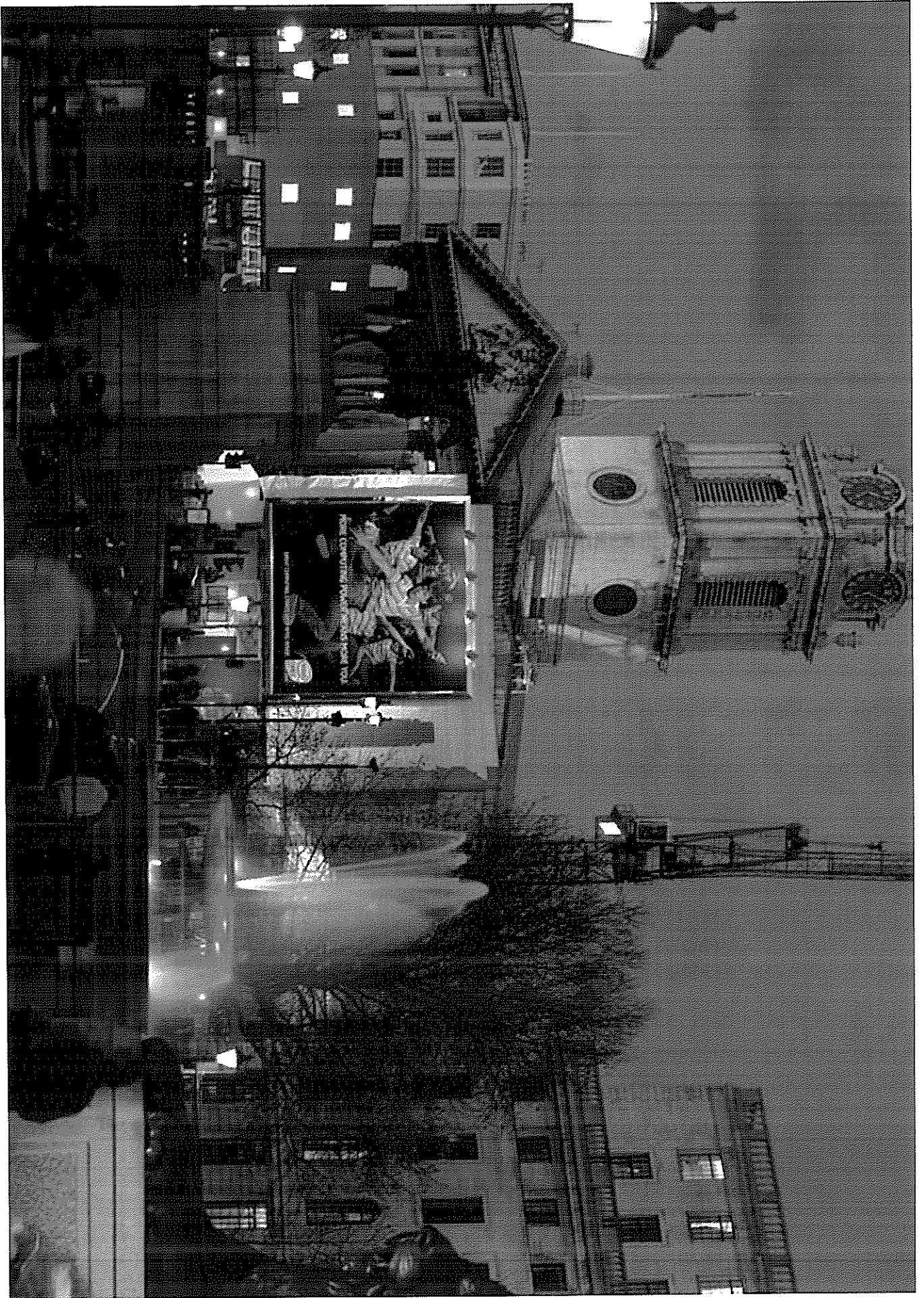
	London	Berlin	Madrid	Barcelona	Rome	Milan	Singapore	Brisbane
Legality	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Grey area
Landmarks	Yes	Yes	No	No	Yes	Yes	Yes	No
Site Permits	Local Council	Municipal Authorities	Municipal Authorities, Site Hiatus Required	Municipal Authorities, Site Hiatus Required	Mayoral / City Council	Mayoral / City Council	Municipal Authorities for sizes <10m ²	Grey area
Restrictions	No tobacco	No Tobacco	No Alcohol / Tobacco	No Alcohol / Tobacco, No Catalan	No Politicized Colors, Size Limitations	No Politicized Colors, Size Limitations	Closely Monitored	Grey area, No Tobacco
Sites	30-40	25-30	10-15	10-15	<80	80	10	10
Time Span / Periodicity	12-24 / Monthly	6-12 / Monthly	Monthly	Monthly	3-6 / Monthly	3-6 / Monthly	2-36 / Monthly	1-6

Markets

- Markets covered in this report include:
 - London, United Kingdom
 - Berlin, Germany
 - Madrid, Spain
 - Barcelona, Spain
 - Rome, Italy
 - Milan, Italy
 - Singapore
 - Brisbane, Australia

London, United Kingdom

- **Legality:** permitted in London and other UK metropolises
 - includes many landmarks
- **Site Permitting:** authorization by local councils
 - must demonstrate visual amenity enhancement without compromises to public safety
- **Advertising Restrictions:** self-regulation the norm
 - same requirements as other OOH (e.g. no tobacco)
 - some site-specific landlord mandates
- **Marketplace:** opened in 1996, now mainstream
 - 30-40 sites in London / 60-70 around UK
 - sold monthly

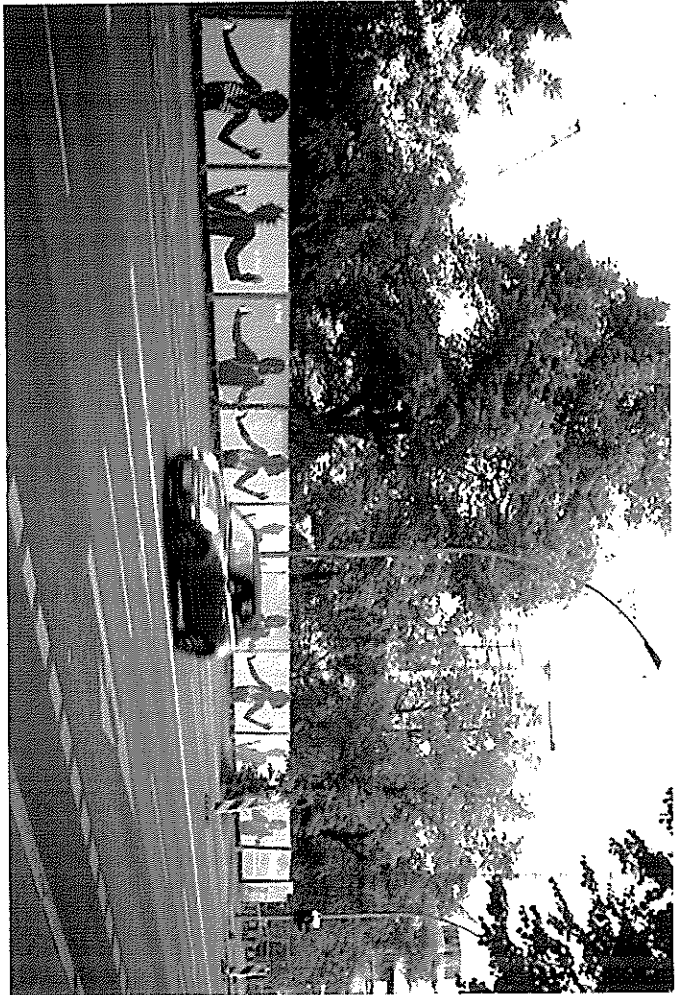
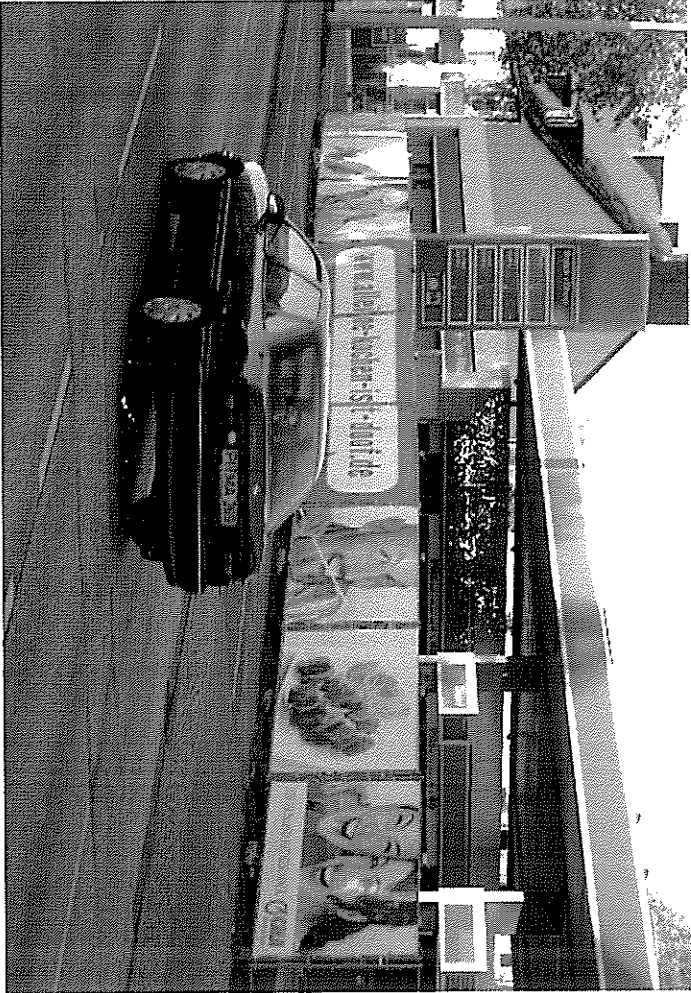


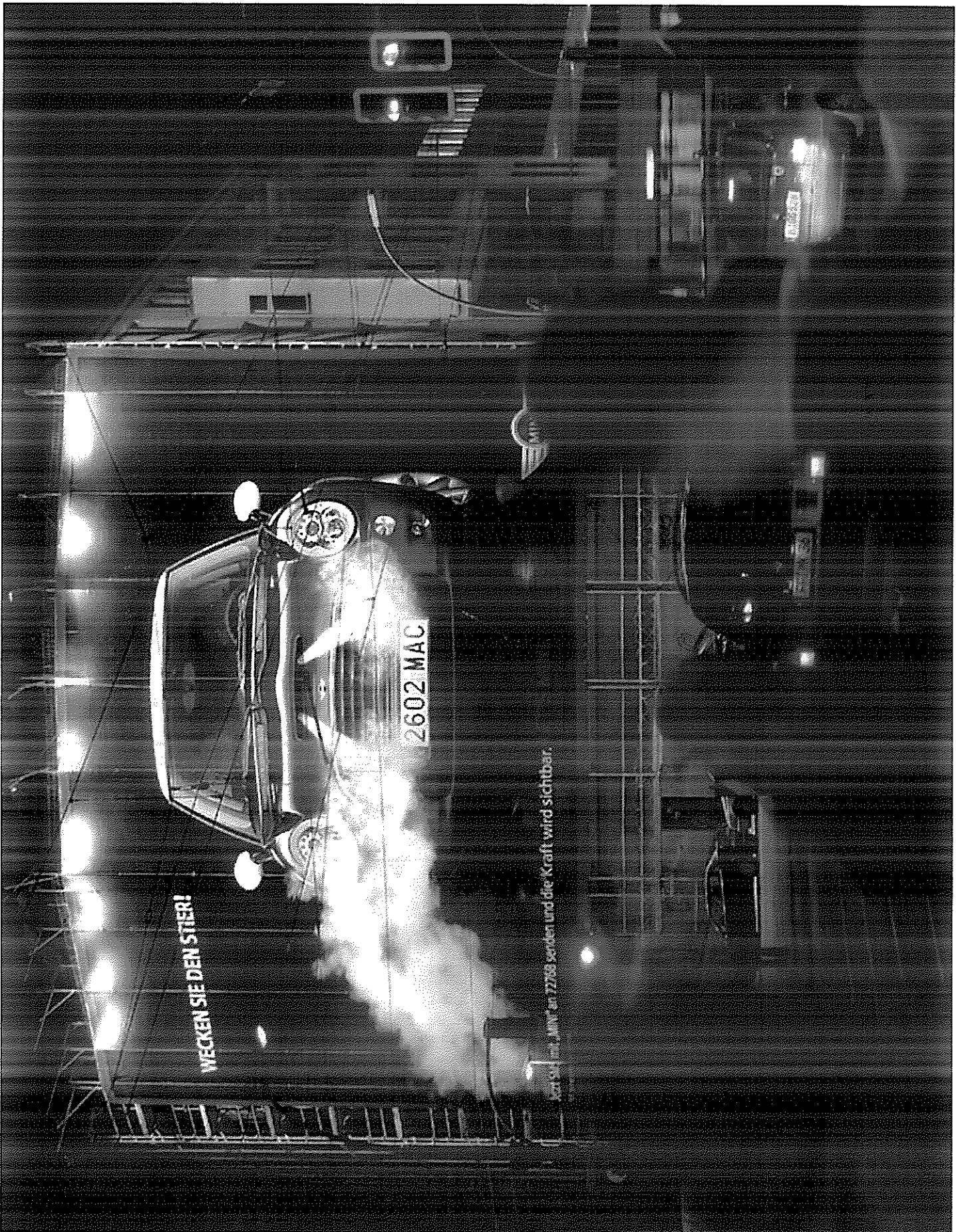




Berlin, Germany

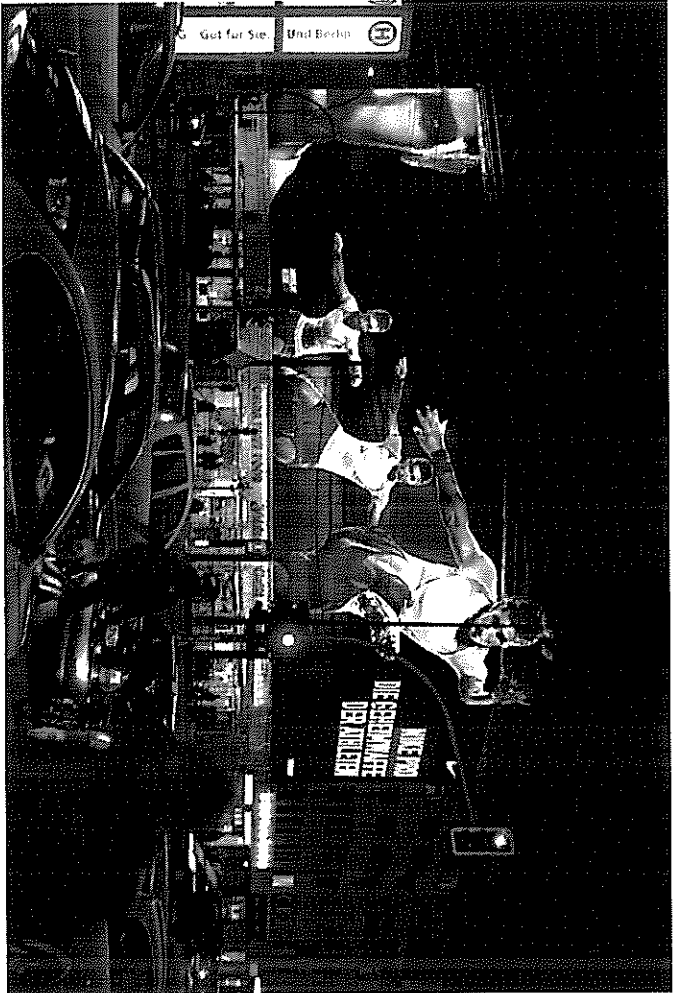
- **Legality:** permitted
 - includes many landmarks
- **Site Permitting:** governed by municipal authorities
 - responsibility of landlords
- **Advertising Restrictions:** self-regulation the norm
 - tobacco prohibited from large-format advertising
- **Marketplace:**
 - 25-30 sites
 - average 6-12 months (1 month low-end, 24 months high-end)
 - sold monthly





WECKEN SIE DEN STIER!

Mercedes-Benz „AMG“ an 22588 senden und die Kraft wird sichtbar.



Madrid / Barcelona, Spain

- **Legality:** permitted
 - landmarks off-limits
- **Site Permitting:** governed by municipal authorities
 - media contractors responsible for permitting
 - 5-8 year hiatus between use for advertising
- **Advertising Restrictions:** self-regulation the norm
 - alcohol / tobacco prohibited
 - no Catalan language copy in Barcelona
- **Marketplace:**
 - 10-15 sites each in Madrid / Barcelona
 - sold monthly



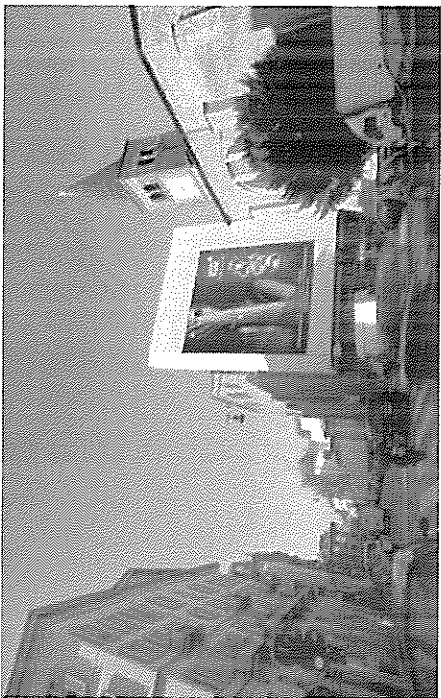
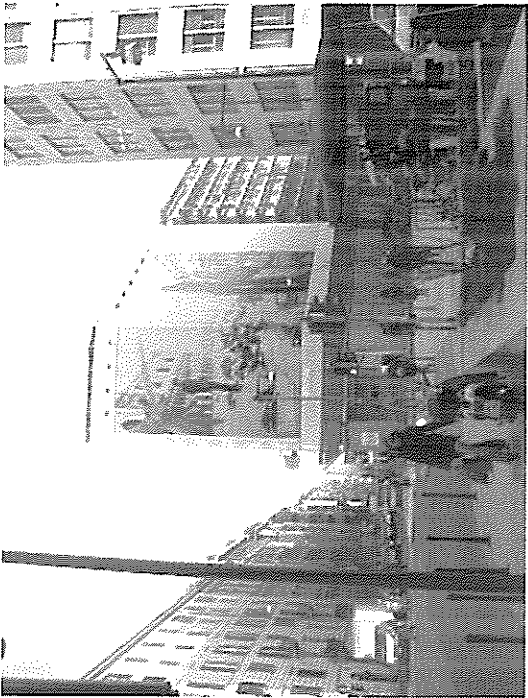


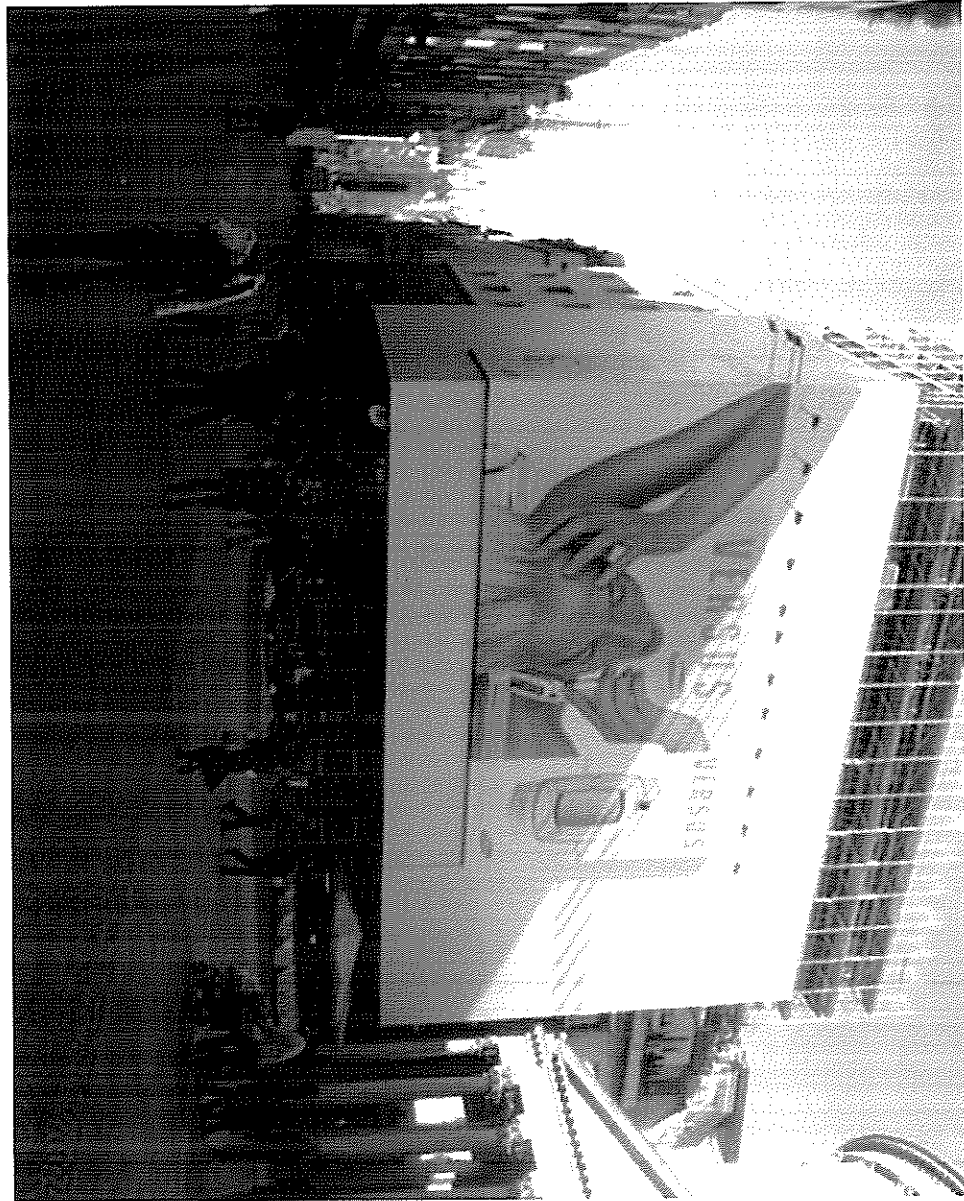
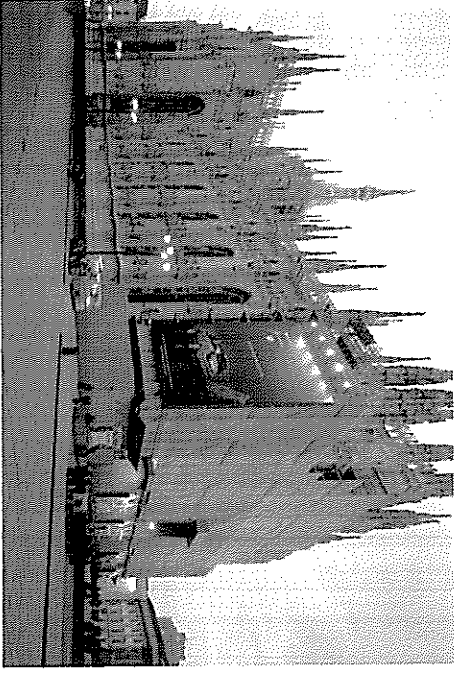
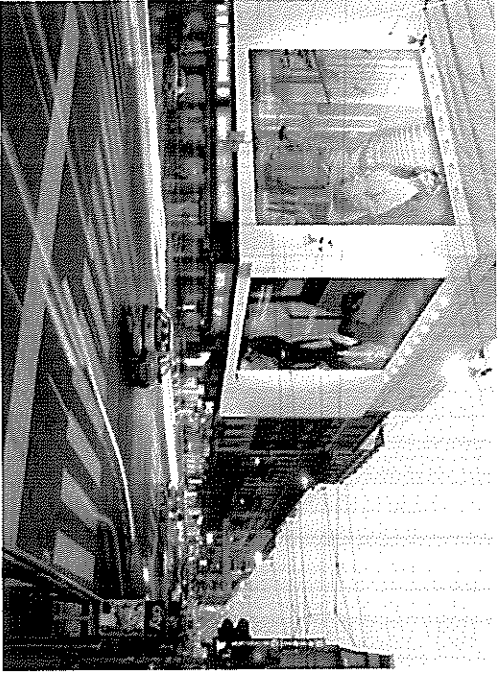


Rome / Milan, Italy

- **Legality:** permitted
 - includes landmarks
- **Site Permitting:** governed by municipal authorities
- **Advertising Restrictions:** can be reviewed by mayor / city council for following
 - no tobacco
 - no colors with political associations (e.g. red / blue)
 - strict restrictions proportion of surface area available for advertising
- **Marketplace:**
 - 80 sites in Milan, fewer in Rome
 - renovations last 3-6 months
 - sold monthly



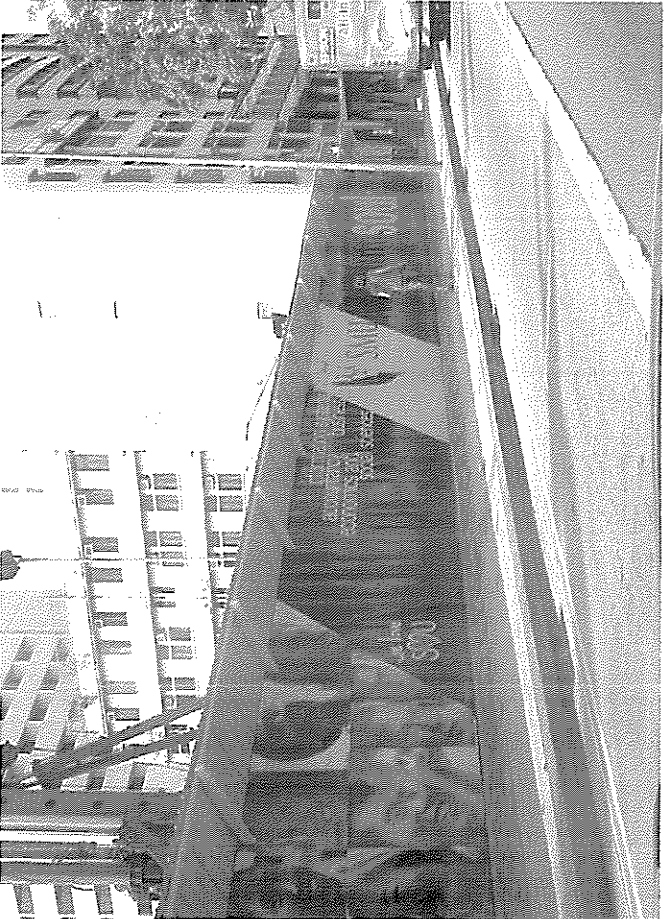




Singapore

- **Legality:** permitted
 - including landmarks
 - not allowed on bamboo scaffolding, only construction screens
- **Site Permitting:** governed by municipal authorities
 - permitting for large required for larger format only
- **Advertising Restrictions:** subject to close regulation by government
 - “visual content” license vouchsafing decency, honesty, appropriateness
 - strict standards / oversight typical of government and mirrors other sectors
- **Marketplace:** underdeveloped
 - average 10 sites
 - anywhere between 2-36 months

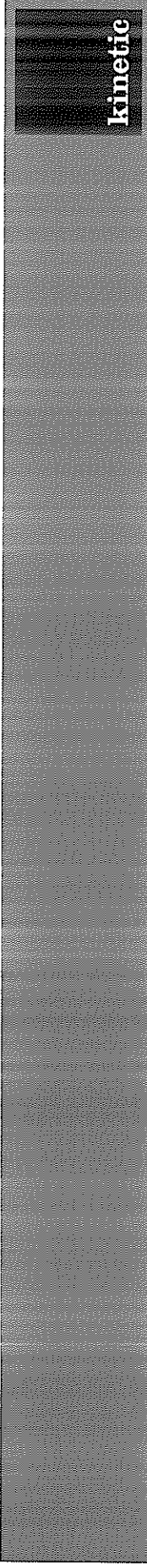


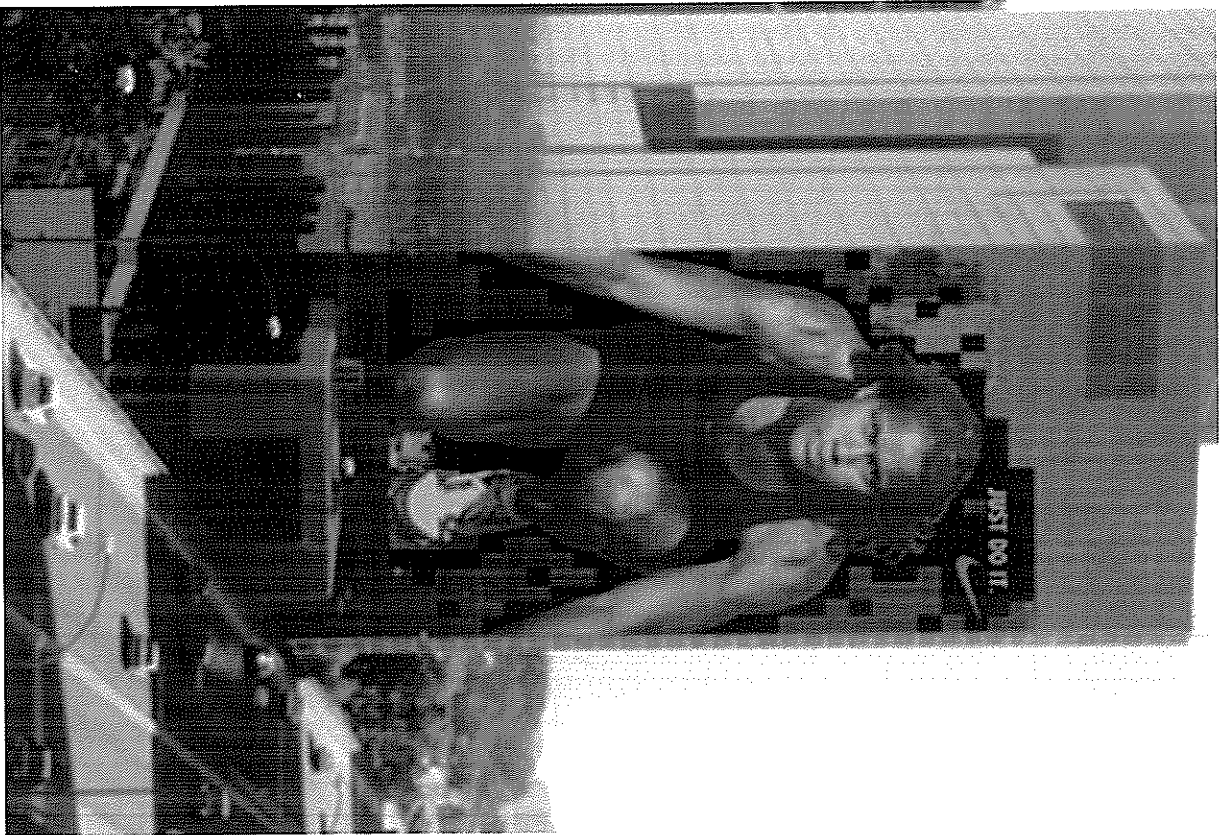
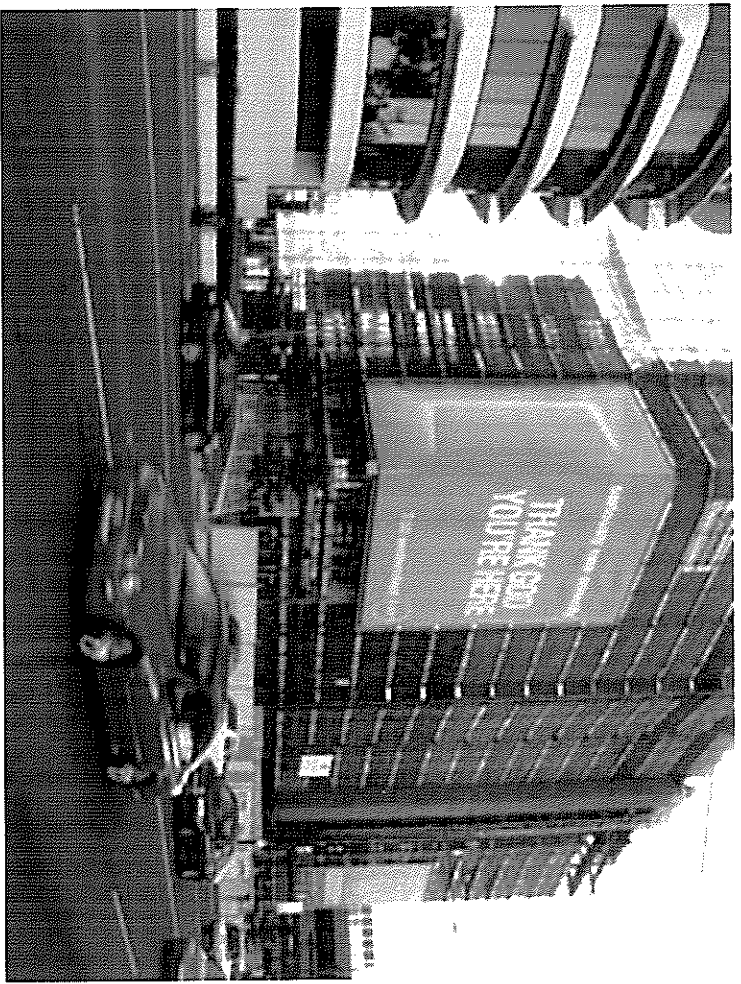




Brisbane, Australia

- **Legality:** grey area
 - landmarks forbidden
- **Site Permitting:** detailed permit process
 - legal ambiguity does not impede approval for compliant sites
- **Advertising Restrictions:** standards maintained by self-regulation
 - tobacco advertising forbidden
- **Marketplace:**
 - approximately 10 sites
 - 1-6 month windows





Testimony of
Sergio Fernandez de Cordova
Executive Vice President, Fuel Outdoor

I want to begin by thanking Council Member Melinda Katz for sponsoring Intro 623, Chairman Erik Dilan and the Members of the Housing and Buildings Committee for holding this hearing, and all 35 members of the Council who have lent their support for this important measure.

Since 1995, when the City passed Local Laws 10 and 11, the number of sidewalk sheds in New York has more than tripled to an estimated 4,000. Any New Yorker or tourist encounters these sheds on almost every block of our great City. They are unsightly, often poorly maintained, occasionally dangerous, stay up too long, and add nothing positive to our streetscape.

At the same time, property owners are struggling to comply with the costs of Local Laws 10 and 11, in an increasingly difficult economic environment. They don't want to, and may be unable to, pass along these costs to tenants who are struggling themselves.

Meanwhile, the advertising industry, which employs thousands of New York workers, is also struggling. As corporate profits grow thinner, Madison Avenue advertising budgets are being cut and that translates into a significant number of lost jobs for New Yorkers.

Finally, and most importantly for all New Yorkers, the City is facing estimated budget gaps, which seemingly grow by the minute, and needs to find new sources of revenue to protect the quality of life of its residents.

Intro 623 would help address all of these issues, at once. By passing Intro 623, New York could enact a regulatory program that would allow temporary advertising on sidewalk sheds, improve their visual character, create economic opportunities for struggling New Yorkers, and ... add to the City's bottom line, at the same time.

Let's talk about revenue first. Advertising on sidewalk sheds can generate **millions of dollars** in revenue for the City. At present, the City is receiving zero dollars from this potential advertising source. One option is to enact a significant permitting fee. Another is to create a revenue sharing program. I have no doubt that the industry can get together with the Council and the Administration and create a program, which would ensure that the City receives a steady and significant stream of revenue in the 4 to 8 million dollar a year range. I would note one word of caution, however. Unlike in other advertising arrangements that the City has, sidewalk shed advertising has three parties involved, instead of just two: the advertisers, the City and the property owners. We need to make sure that whatever solution we come up with is not so burdensome that it defeats its purpose. There needs to be an economic incentive for the outdoor advertising industry

and the property owners to participate in the program so that they can generate revenue for the City. This means the program must be reasonable for all parties.

Second, aesthetics. Let's face it. The thousands of poorly maintained sidewalk sheds that litter our streets simply don't look good. Many of them are unevenly painted and constructed and they often have barbed wire. And they seem to never come down. We need to create an incentive for property owners to build better looking, better maintained structures that come down faster. Intro 623 does just that. It would create the revenue for property owners to be able to comply with Local Laws 10 and 11, but limits the opportunity to get that revenue, to one year out of every five.

And one of the positive aspects of Intro 623 is that it is a reasonable piece of legislation. It even sets limits on the size of the advertising. Certainly, we could generate more revenue for the City if we were allowed to create advertisements that were 12, 16 or even 20 feet in height. But Intro 623 limits that size to 8 feet, a requirement that the industry can live with and that strikes a reasonable balance.

One possibility that is not addressed in Intro 623, that I would suggest the Committee consider, is the idea of using some of the "returns" of the sidewalk sheds for public service announcements. By "returns", I mean the corners to the shed that "return" to the building face. I think there is an opportunity for the City to use these returns to get out public service messages that are important to the City's mission.

One other important point is that Intro 623 prohibits advertising in residential areas or in front of landmarks. We need to respect the character of our streetscapes. Allowing temporary advertising in industrial and commercial neighborhoods simply makes sense.

And let's just note once again that we aren't breaking new ground here. Many other major cities across the globe allow this kind of advertising, often in much larger form. London, Madrid, Berlin, Rome and Singapore, are just a few examples.

Finally, Intro 623 is a bill that recognizes the needs of two industries that are central to the prosperity of New York: advertising and real estate. Property owners are struggling right now and they can't afford to pass along costs to tenants who are struggling, as well. And I can tell you that many New Yorkers who work in the advertising industry are out of work today.

This is a City that has always encouraged creativity. Intro 623 is a creative solution to a series of problems New York faces today and I encourage you to enact it, as soon as possible. Let's put creative New Yorkers back to work and help New York's bottom line.

Thank you for your attention to this matter.

INTRO 623
A NYC SIDEWALK SHED
SAFETY & BEAUTIFICATION
PROGRAM

*Safer, More Attractive Streetscapes &
Increased Revenue for the City of New York*

Background

New York City Local Laws 10 and 11 require that all buildings taller than six stories be thoroughly inspected and brought up to code every five years. If an inspection deems that any repair work is necessary, then in order to comply with these laws, property owners must erect sidewalk sheds before starting the required pointing work. As a result, since 1995, the number of sidewalk sheds in New York City has tripled to more than 4,000 new sidewalk sheds a year.

The implementation of a Sidewalk Shed Safety & Beautification Program through Intro 623, sponsored by Council Member Melinda Katz and 34 other Council Members, would benefit the City of New York in many ways. The program would provide millions in revenue to the City of New York at a challenging time and promote more attractive streetscapes by covering the unsightly plywood parapets which are currently in use and not maintained in any meaningful fashion. The resulting attractive sidewalk shed advertisements created by this program will also institute a financial incentive for property owners to better maintain their sidewalk sheds, as well as take them down in a timely manner.

Situation Analysis

In recent years, New Yorkers and tourists alike have been amazed at the proliferation of unsightly sidewalk sheds. The current state of sidewalk sheds in New York City poses a number of issues:

- **Public Safety**
Shoddily constructed sidewalk sheds pose safety hazards to passersby. It is not uncommon for poorly constructed sidewalk sheds to have loose planks that could potentially harm pedestrians; a parapet above the shed would prevent this from occurring. If advertising is permitted on sidewalk sheds, the strength of the vinyl flex used actually strengthens the entire parapet. Also, many scaffolding companies cover bolts on their poles with either duct tape or caps, but these could be wrapped with advertising-printed foam for protection of passersby.
- **Aesthetically Unappealing**
Sidewalk sheds constructed from plywood are all visually unattractive because they are constructed from both painted and unpainted wooden boards which deteriorate over time. In addition, a lack of maintenance ensures that they are often covered with graffiti. Many are draped with exposed barbed wire which create a particular eyesore. These unattractive sidewalk sheds detract from the vibrancy of New York City's streetscapes and portray the City in a bad light.
- **Remain Up Far Too Long**
Far too many sidewalk sheds remain in place well beyond the completion of pointing work. Often property owners find it cheaper to leave the sheds up indefinitely than to do the repair work. Currently the City does not have effective enough enforcement mechanisms in place to ensure that sidewalk sheds are taken down following the completion of the pointing work and inspection.

The Benefits of a Sidewalk Shed Safety & Beautification Program

There is an effective solution to the proliferation of unsafe, unsightly sidewalk sheds – New York City should enact Intro 623: a Sidewalk Shed Safety & Beautification Program. The program would allow for the safe construction of aesthetically pleasing advertisements which would complement the City's streetscapes to be placed on sidewalk sheds in appropriately zoned areas. The City would receive additional revenue from a permitting fee associated with this program, which would more than cover the costs related to enforcing safety and advertising regulations. This program would have great benefits for New York City:

- **Generate Revenue for Advertising & Scaffolding Safety Enforcement**
Under the program, the City would enact a permitting program for advertisements to appear on sidewalk sheds. A significant permitting fee would generate millions for the City's coffers at a time when every dollar really counts. This revenue would more than cover the City's cost to enforce the program's strict guidelines and safety regulations. An ancillary benefit of this program is that it would also give DOB additional resources to enforce all other outdoor advertising regulations.
- **Promote Attractive Streetscapes**
By allowing sidewalk sheds to be covered with advertising vinyls, the City can provide a more visually appealing and dynamic element to the streets of New York as has been done in countless cities across the globe. The advertisements would contain a visually rich combination of color and copy. In addition, some sidewalk shed returns could be earmarked for public service advertisements. The design guidelines should also require that the sheds' parapets in undesirable areas be covered. Further guidelines should require enhanced lighting to ensure pedestrians a safer environment. Finally, the City would be creating a strong incentive for appropriate maintenance of sidewalk sheds since advertisers would not want their copy to deteriorate. It is important to note that most major cities in the world currently provide for sidewalk shed advertising - cities like London, Berlin, Rome, Madrid and Singapore.
- **Provide Property Owners Revenue to Comply with Local Laws**
Under the program, property owners would receive revenue from hosting shed advertisements that would offset the compliance costs associated with Local Laws 10 and 11. The revenue generated from hosting advertisements on compliant sidewalk sheds would provide property owners with an added incentive to fully comply with these local laws. As property owners struggle with these difficult economic times, assistance in complying with expensive city regulations like Local Laws 10 and 11 would be particularly welcome.
- **Ensure Sidewalk Sheds are Taken Down**
Permits would be issued to registered outdoor advertising companies to allow them to place advertising on a specific sidewalk shed for a one year period. Permits would only be issued for one year out of every five for any building. Stiff additional fines would ensure that no financial incentive would exist for property owners or advertising companies to keep sheds up beyond their required permitted period.

- **Sensitivity to Local Neighborhoods**

Permits would only be issued in commercial or manufacturing zones. Under no circumstances would permits be issued for sheds adjacent to landmark buildings or in landmark districts, regardless of zone.

Conclusion

In conclusion, by enacting Intro 623, the City has the opportunity to create an effective Sidewalk Shed Safety & Beautification Program which would solve a number of problems: provide revenue that the City desperately needs; promote more attractive streetscapes by establishing visual guidelines to ensure attractive sidewalk sheds advertisements; and create a financial incentive for property owners to construct and maintain more attractive sidewalk sheds that are taken down in a timely manner.



Alliance for Downtown New York, Inc.
120 Broadway, Suite 3340
New York, NY 10271
212 566-6700 Fax 212 566-6707
www.DowntownNY.com

FOR THE RECORD

TESTIMONY OF THE ALLIANCE FOR DOWNTOWN NEW YORK IN OPPOSITION TO INTRO 623, LEGISLATION TO PERMIT SIDEWALK SHED ADVERTISING

New York, January 26, 2009 —

Good afternoon Chairman Martin-Dilan and members of the Committee on Housing and Buildings.

I am Liz Berger, President of the Alliance for Downtown New York, and I am sharing with you our opposition to Intro. 623 legislation that would authorize outdoor advertising companies to issue permits allowing advertising on sidewalk sheds.

Since 9/11, Downtown's one square mile has been to host to \$30 billion in construction activity. While that's good news, it has also meant more than 7 years of unprecedented chaos, congestion and traffic mobility challenges for Downtown's 318,000 workers, almost 57,000 residents and nearly 6 million annual visitors.

Of course sheds, fences, railings, footbridges, catch platforms, sidewalk shanties, and over-the-sidewalk chutes are necessary to protect the general public from risk of injury from construction and building repair. But they are temporary structures, not permanent street furniture. Sidewalk sheds do not improve public safety but create sidewalk congestion, block-out daylight and hurt street-level businesses, especially retailers, by obstructing doorways and signage. For this reason, the sooner construction is completed and they are removed, the better.

Allowing advertising on sidewalk sheds and related temporary construction barriers directs attention away from goods and services where the sign is located to another location. In fact, it creates a powerful incentive for sidewalk sheds to remain long after they should be taken down. Turning sidewalk sheds into billboards is bad public policy. What's needed are incentives to expedite construction, not slow it down, and stiffer fines for illegal advertising in the public realm, like the Department of Buildings' current program.

That's not to say that sidewalk sheds and related construction barriers must be blank walls. There are several innovative programs that use them as temporary canvasses for public art, including DOT's Urban Art Program and the Downtown Alliance's own *Re:Construction*. These programs are designed to enhance the public realm, not create new opportunities for advertising.

I urge the New York City Council to reject Intro. 623 and to strengthen the Department of Building's innovative enforcement efforts in this area.

Thank you.

-- ### --

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.

Testimony at City Council Hearing
January 26, 2009
Intro 623

FOR THE RECORD

Thank you Chairperson and members of the City Council for allowing me to submit testimony today.

I am Tim Tompkins, President of the Times Square Alliance, and I am here on behalf of that organization and its members, testifying in opposition to the proposal that advertising be permitted on sidewalk sheds beyond that which is already allowed. We believe this bill will only fuel the proliferation of sidewalk sheds, which will directly contribute to a worsening of our already unmanageable pedestrian overcrowding.

Under the current regulations, in commercial districts such as Times Square, advertising on sidewalk sheds is limited to promotion of retail stores whose facades are obscured by the shed structure. This makes perfect sense and is critical to the survival of retail businesses impacted by building construction. Indeed, it is also critical to the survival of local retail that those sheds remain in place only long enough for building repairs to be completed so access to those shops is not unduly limited. Shed structures cause many problems in crowded, commercial districts such as Times Square. We have an enormous pedestrian congestion problem, causing poor levels of service under the best of circumstances. In some locations in the Times Square bowtie, nearly 16,000 people per hour are walking on Broadway and 44th Street. Sidewalk sheds reduce pedestrian space, darken sidewalks and degrade the streetscape at a time when we are investing considerable time and resources into its improvement. Currently, we have 17 legal sidewalk sheds in the district. That represents 17 blocks where retailers and pedestrians are impacted – and that is without the potential for advertising revenue.

Intro 623 will change the current regulations to allow paid advertising. This new legislation stipulates that landlords pay an extremely minimal fee to be allowed to display advertising on sidewalk sheds for long periods of time. Indeed, the term of a permit would be one year and can be renewed for additional periods. This creates an incentive for a landlord to keep the sheds up as long as possible – particularly in challenging real estate environment like the one we are now facing. While the legislation does require that the sheds can remain only as long as an active DOB work permit is in place, we are not convinced that offers our district adequate protection from unnecessary sidewalk sheds.

The only way to monitor whether the sheds are indeed protecting citizens from construction debris, rather than simply to reap the benefits of huge advertising revenues is to strictly verify that construction work is actively taking place. This requires rigorous inspections from the Department of Buildings and we are not

convinced the agency has the time and resources to dedicate to this enforcement.

We are Times Square – we love advertising, but we are also acutely aware that sidewalks can become impassable. It is the position of the Times Square Alliance that sidewalk sheds are a visual blight, impediment to business and, most importantly, a pedestrian obstruction that creates dangerous conditions on already severely crowded sidewalks.

FOR THE RECORD



THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

GABRIEL TAUSSIG
Division Chief
Administrative Law Division
phone: (212) 788-0813
fax: (212) 791-9714
email: gtaussig@law.nyc.gov

January 23, 2009

Housing & Buildings Committee
New York City Council
250 Broadway, 18th Floor
New York, New York 10007

Re: Intro 623 – Sidewalk Sheds

Dear Councilmembers:

I write regarding the January 26, 2009 hearing scheduled by the Housing & Buildings Committee on Intro 623 concerning advertising on sidewalk sheds. As you may know, the Law Department is presently defending four lawsuits brought by seven different outdoor advertising companies to challenge the City's regulation of outdoor advertising through zoning. Three of those lawsuits are currently pending before Judge Paul A. Crotty in the United States District Court for the Southern District of New York, and the fourth is pending before Justice Eileen A. Rakower in the New York State Supreme Court, New York County. In light of these pending lawsuits and because of the close relationship of the issues involved, it would be inappropriate for anyone from the administration to give testimony on Intro 623.

Respectfully,

Gabriel Taussig

cc: Donald Ranshte
DOB Director of Intergovernmental Affairs

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 623 Res. No. _____

in favor in opposition

Date: 1-26-09

(PLEASE PRINT)

Name: Christopher D Carr

Address: _____

I represent: City Outdoor USA

Address: 1333 Broadway, NY, NY

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 760-A Res. No. _____

in favor in opposition

Date: 3 1-26-09

(PLEASE PRINT)

Name: Peter AMATO

Address: _____

I represent: Site Safety LLC

Address: 286 MADISON AVE

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 623 Res. No. _____

in favor in opposition

Date: 1-26-09

(PLEASE PRINT)

Name: RICK DEL MASTRO

Address: 52 EAST END AVE NYC N.Y. 10028

I represent: Spring Seafordina

Address: 28-70 Borden Ave. U.T.C N.Y. 11101

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. 623 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: PAUL COLLINS JR

Address: ~~15 ORCHARD ST~~ 21-42 44TH DRIVE

I represent: V.I.C SHEET METAL WORKER 131

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 11420 623 Res. No. _____

in favor in opposition

Date: 1/26/09

(PLEASE PRINT)

Name: ARI NOE

Address: 1926 52 ST

I represent: YES CBO OTR Modelg group

Address: 424 W 33 ST NY NY 10001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 623 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Larry Silver

Address: 285 Hudson St NYC

I represent: Sunrise Development

Address: 285 Hudson St NYC

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. 623 Res. No. _____

in favor in opposition

Date: 1.26.59

(PLEASE PRINT)

Name: DAN PISARIC

Address: 323 FIFTH AVE.

I represent: 34TH ST. PARISH

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 643 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: VANESSA CRUEN

Address: Municipal ART Society

I represent: 1157 Madison Ave.

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 623 Res. No. _____

in favor in opposition

Date: 1/26/59

(PLEASE PRINT)

Name: Patricia Row

Address: 141-29 73 Jernon Hwy 11367

I represent: Que Cruz Cooper

Address: same

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: Donald Barschke

Address: Director of Intergovernmental Affairs

I represent: Department of Buildings

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 623 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Andrew Berman

Address: 232 E. 11 10003

I represent: Greenwich Village Society for
Historic Preservation

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: 1.26.09

(PLEASE PRINT)

Name: Barbara Randall

Address: The Fashion Center BLD

I represent: 209 W 38 St NY 10018

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. 623 Res. No. _____

in favor in opposition

Date: _____

(PLEASE PRINT)

Name: Ari Noe

Address: _____

I represent: OTL Media Group

Address: _____

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 623 Res. No. _____

in favor in opposition

Date: 1/26/09

(PLEASE PRINT)

Name: KENNETH BUETTNER

Address: 37-20 12 ST. LIC NY 11001

I represent: YORK SCAFFOLD EQUIPMENT CORP

Address: 37-20 12 ST LIC NY 11001

**THE COUNCIL
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 623 Res. No. _____

in favor in opposition

Date: JAN 26, 2009

(PLEASE PRINT)

Name: Sergio Fernandez de Cordova

Address: 149 5th Ave

I represent: Fuel OUTDOOR

Address: 149 5th Ave

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

