



THE CITY OF NEW YORK  
OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN

**SCOTT M. STRINGER**  
BOROUGH PRESIDENT

**Testimony of Manhattan Borough President Scott M. Stringer**  
**Before the New York City Council Committee on Consumer Affairs**  
*Regarding amendments to New York City's Administrative Code*

**April 24, 2012**

Thank you to Council Chair Daniel Garodnick and the Committee on Consumer Affairs for holding this important hearing to address inequities in the City's Administrative Code. I urge the City Council to pass Councilmember Stephen Levin's Intros 434 and 435.

Entrepreneurs are the lifeblood of this city and the backbone of our economy. As a city, we should encourage and foster industrious citizens like street vendors who want to own and operate their own businesses. Instead, my office routinely hears from business owners burdened by fees and fines. They feel as though New York City government too often views them as a revenue source to be nicked and dined, rather than as a critical avenue for economic development.

The City's own numbers support these anecdotes. Comparing 2002 to 2011 data, fine revenue from the Consumer Affair Tribunal has increased by 126%, Environmental Control Board by 133%, general Administrative Code violations by 175%, and the Health Tribunal by an astounding 352%. Last year the City collected over \$816 million in fines. Things have gotten out of control, and too often it is small business owners who are paying the steepest price.

For New York City to run smoothly, we need rules and regulations. And, citizens and business owners alike have a responsibility to know and follow those rules and regulations. But the punishment should fit the crime. That is why I am here today to lend my support to Intros 434 and 435. A legal street vendor should not be subjected to a \$1,000 fine for improperly displaying a license. It is not right and it is not fair.

My office has been working with Council Member Margaret Chin, the Department of Consumer Affairs and the NYPD to enhance public awareness of and compliance with laws related to the sale of counterfeit trademark merchandise. We identified that lack of compliance often stemmed from lack of awareness. As with counterfeit merchandise, I recommend that Consumer Affairs and NYPD improve outreach and education for street vendors regarding relevant aspects of the Administrative Code.

I commend the Street Vendor Project for their tireless advocacy and for making sure street vendors have a voice in city government. I believe the majority of street vendors want to comply with city regulations. Unfortunately, these regulations are often confusing and unavailable in vendors' native languages. Just as we ask business owners to do their due diligence in learning city codes, we must meet them half way and provide the tools that make these codes accessible and understandable.

When we start treating business owners with the respect they deserve, I believe we will strengthen not only our economy but also our communities.



Hearing to Lower the \$1000 Fines  
April 24<sup>th</sup>, 2012, 10AM  
City Hall

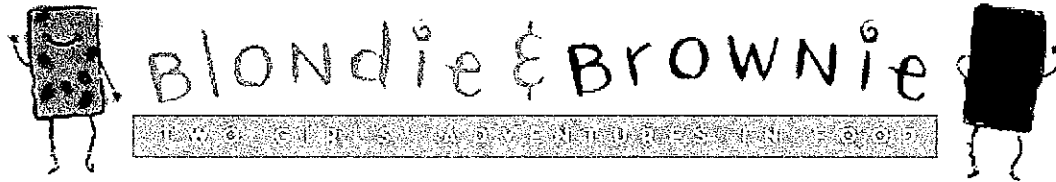
This testimony is being submitted by Catherine Barnett, Executive Director of Project Enterprise. Project Enterprise is a nonprofit organization whose mission is to support and develop entrepreneurs and small businesses in under-resourced communities in New York City. By providing micro loans, business development services and networking opportunities, Project Enterprise helps entrepreneurs increase their standard of living, create jobs for their communities, and build financial assets. Project Enterprise serves neighborhoods in Upper Manhattan, Brooklyn, Queens and the Bronx. Demographically speaking, 99% of the businesses PE serves are minority-owned, 88% are African or Caribbean-American owned, 56% of the businesses are owned by women. Roughly 15% of the entrepreneurs we work with are street vendors.

When street vendors receive fines of \$1,000, families and children in New York City are directly impacted. Working parents are left to make choices about buying food or school supplies for their children or paying their fines. The fact that many street vendors are limited-English-speaking immigrants makes communication with law enforcement difficult. It is quite common for street vendors to receive multiple tickets at the same time – vendors often have little knowledge as to why they are receiving tickets, and in interactions with law enforcement, or when they attend hearings at the Environmental Control Board, have a narrow opportunity to defend themselves. Street vendors are hardworking taxpayers, the vast majority of whom are limited-English speaking immigrants or United States veterans. Many of these individuals have limited work options as a result of their skill level, language skills or mobility. If they are out of work due to high fines, they oftentimes have very limited or no options to seek of alternate employment.

As an organization whose membership is largely immigrants, people of color, workers in the informal economy, and low-income New Yorkers, we strongly identify with the issues that street vendors experience. We do not believe that the heavy fines that street vendors receive are justified. We do not believe that the administrative violations that street vendors receive merit fines of up to \$1,000 each.

For these reasons and more, we urge the City Council to please consider passing this legislation to give street vendors a fair chance at positively impacting our economy through their microbusinesses.





April 24, 2012

New York City Council testimony in support of Intros 434 and 435.

Hello, I'm Siobhan Wallace, a local food writer and author of an upcoming book focusing solely on New York City street food. I stand before you today not only as a writer and street food "expert," but as a fifth-generation New Yorker. As you are all well-aware, New York is a city with continuous social ebb-and-flow with few variables staying constant. I, for one, can find almost no trace of the New York City my ancestors arrived at in 1840. Like most of the people in this room, my ancestors arrived here to pursue a better life. To achieve this as newly-arrived immigrants, they 'picked themselves up by their bootstraps,' and it's quite possibly my family tree includes a "hot corn girl," "Apple Mary," or another street vendor that was common in late 19th century New York. Since then, street vending has become a vital, often overlooked, part of the fabric of New York City. It gives immigrants and more recently, restaurant entrepreneurs, a way to honorably get their foot in the door and test the market for their product.

For all intent and purposes, there are many similarities between what my ancestors were trying to achieve and the street vendors today. As I have come to know a number of New York City street food vendors, a common thread among them, immigrant or not, is a desire to make a living doing what they love. They have constant struggles with the weather, police and other vendors, often working 18-hour days, and yet, they still show up happy to feed their customers. They usually have the hope of increasing their number of carts or expanding to a brick-and-mortar location, either way ultimately providing more jobs. They thoroughly enjoy getting to know their customers, and many have become an essential part of their community. For many residents, the street vendors have been one of the only constants as their neighborhood has changed before their very eyes during the last few decades.

Those of us in the working and lower middle class literally struggle every month to make ends meet. Lowering this fine would not only ensure the survival of many vendor families, it would allow them to use their money in ways that will actually stimulate New York's economy. Thank you.



# Di Di Dumpling

Good afternoon. My name is Jack Tsai and I am a restaurant owner and an immigrant from Taiwan. I have owned a dumpling restaurant in Manhattan for more than one year. Before I owned a restaurant, I was a mobile food vendor selling dumplings from two pushcarts around the City. I became a food vendor because I thought there was potential for a good business and I wanted to bring a taste of Taiwan to New York City. When I first started, there were so many complicated rules to follow and it was difficult learn them all. The City just gave me a packet with all of the laws which was very confusing. Myself and my employees received lots of tickets for minor things like forgetting to wear our licenses or setting up a little too close to the crosswalk.

Being a vendor was a great introduction to the food industry and many other stores got their start as street vendors. I was lucky enough to be able to open up a restaurant after one year of being a food vendor. Most other vendors are not so lucky. They are not able to invest in their business because they have to pay these high fines for their tickets.

As a restaurant owner, there are many challenges, but competition from street vendors are not one of my problems. In fact vendors are an important part of the City's culture just like every other business. We need to work together with vendors to make the City keep its strong diverse culture. If there were no vendors on the street, fewer people would walk down the street and the stores would lose business. Some people may say that vendors have it much easier because they do not pay rent or other high costs associated with having a business. However, when I was a food vendor, I had many high costs including transportation costs of moving my pushcarts around the city, garage rent for my pushcarts, and all the supplies associated with my business. It was difficult because everything for the vending business had to be coordinated outside the pushcart because I did not have any permanent space. I also had to worry about everything that was happening on the street that we had no control over such as construction and weather.

I can say that being a restaurant owner is easier sometimes because I can manage everything inside my store. I have a bigger permanent place to store all of my supplies compared to the small space that I had in the pushcart when I was a vendor. I also do not have to pay tickets up to \$1,000 that many vendors get every day.

Getting tickets for \$1000 makes it extremely difficult for vendors to upgrade their businesses. After paying tickets, they have little money left to invest in the growth of their business. As a restaurant owner, I support Intros 434 and 435 to lower the fines for street vendors so New York City can encourage the growth of small businesses. Thank you for the chance to testify here today.



*Association des Sénégalais d'Amérique, ASA, Inc.*

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Ref: letter of support

Street vendors: Introduction bills 434 and 435

April 19<sup>th</sup>, 2012

TO WHOM IT MAY CONCERN

We are very pleased to write this letter to express our strong support to the street vendor project with the introduction of the bills 434 & 435 on April 24<sup>th</sup>, 2012.

We the Association des Sénégalais d'Amérique, ASA Inc (Association of Senegalese in America), composed of more than 2,500 members throughout the United State, are writing this letter to state that we fully support those two bills.

Since most of our members are from the West African region and are mostly working as street vendors in New York City. All these years, ASA has been working toward raising awareness of street vendors and on the laws that govern their business. Since 2006, ASA has organized seminars with the NYPD, the Mayor and local leader at the State building in Harlem in order to solve conflicts and protests of street vendors concerning, especially the very expensive tickets that police in New York give them supposedly for violations.

We should remember that these street vendors are hard working men and women who seek only to earn a living in reasonable manner.

We are glad to see the introduction of bills 434 and 435 on April 24, 2012 and we bring our full support so that they are voted and that the tickets the police give to street vendors reflect common sense of law enforcement.

We hope that the city authorities will adopt them as law and give again a chance to the street vendors to go back to work and contribute to the development of our great City of new York.

Should you have any questions, feel free to contact me at the address or telephone number given above.

Sincerely yours

**Papa Sette Drame,**

*Papa Sette Drame*

**President of ASA**

## **Testimony on behalf of Midtown Lunch in favor of Intros 434 and 435**

Good morning. My name is Brian Hoffman and I write for a very popular food blog called Midtown Lunch. We're devoted to finding affordable, delicious lunches in the business districts of New York. I work in the areas of Midtown and the Financial District where the lunch options seem to be limited to high end steakhouses, generic bodegas, and fast food chains. I imagine the reason for this is because the rents and property taxes for storefronts in Manhattan are so astronomically high that only the established and wealthy corporations can afford to pay them. Like most people, I like to take advantage of my limited lunch break, and since I'm not a fan of the highly processed and bland food served at many fast food chains and unfortunately can not afford to dine at high end restaurants every day, I look for other options.

Food carts and trucks provide that option for me. And have for many people in this city for hundreds of years. They offer an authentic, carefully prepared meal that is affordable and filling. It makes getting through the rest of the work day much easier. This is true for myself and the thousands of devoted lunchers who read our site every day.

Now I understand like all businesses, food carts and trucks need to be regulated. But I have seen some of my beloved carts disappear because they've been ticketed and can no longer afford to operate. My understanding is that each ticket given to a mobile food vendor can be as much as \$1000 per violation. And the violations might be as minor as being a foot too close to an intersection. We're not talking about crimes here, we're talking about honest mistakes. That seems pretty extreme to me when a ticket for jumping a turnstile in the subway system, an actual crime, is only up to \$500. Isn't the point of these tickets to reprimand and remind rather than destroy businesses and livelihoods?

As I've mentioned earlier, the owners of these food carts and trucks are not in a financial position to afford the expensive rents in Manhattan and so a \$1000 ticket for a violation that might be beyond their control or due to an innocent mistake like putting their license in their pocket instead of around their neck might cost them their entire business. This is a major life-changing consequence for a minor infraction.

So please reconsider the amount of these fines. They were once \$250 and that's a reasonable amount. \$1000 will put these small business owners out of business. Please allow them to operate legally and fairly. And please allow me and people like me to have our lunch. Thank you.



## **Testimony in favor of Intros 434 and 435**

My name is Cindy VandenBosch and I am the co-founder of Urban Oyster, a company that has given food cart tours of the Financial District and Midtown to thousands of people since the spring of 2010. I am here today to share what we've learned and experienced from giving these tours about the mobile food vending industry and to express our support for the passage of two bills, Intros 434 and 435.

On our food cart tours, we highlight the delicious and affordable cuisine and the character that each mobile business brings to its neighborhood and explore the multi-faceted role that food carts and trucks play as activators of public space, eyes on the street for the safety of all New Yorkers, and engines for jobs in the city. We are out in Midtown and the Financial District every week year-round and see how hard vendors work and just how much they invest everyday to feed the people of our neighborhoods. We're proud that we can support their businesses and share their individual stories with a broader public, from the vendor who has been cooking halal food for over two decades near Bryant Park to the immigrant chef who will soon open his own brick and mortar restaurant.

The people who come on our tours and want to learn about the mobile food vending industry are from all walks of life and from all over the world, from international tourists and reporters to long-time New Yorkers and college students. While their motivations are varied, one thing we hear time and time again: street vendors are a symbol of New York City. Whether you're from Iowa, Australia, or the Bronx, they represent the city's spirit of entrepreneurship, diversity of cultures and cuisines, and bustling landscape.

While tour attendees are amazed by the quality of the food and the attention to its preparation, many are surprised by just how much each individual mobile food vending business does to fuel the local economy. There are the metal fabricators that design and make the carts and trucks; the mechanics that maintain them; the nearly 100 commissaries in the city where the units are stored; the wholesale markets where the food is purchased; the commercial kitchens where the prep work is done; the graphic designers and printers that create the signage for these businesses; food delivery services; and, yes, companies like ours that provide an on-the-ground perspective of what the people in this industry contribute to the city we live in. These are all jobs created by the existence of the mobile food industry.

On a regular basis, we hear stories from vendors about just how challenging it can be to stay afloat in an industry that relies on tight profit margins. Most of them clearly understand that regulations are in place for a reason, but the \$1,000 fines that are given out so frequently for minor violations set up vendors for a cycle of poverty - and that was never what the industry was supposed to be about. We appeal to you to please consider lowering the fines so that these small businesses can turn around and invest the profits they do make into growing their businesses, thereby supporting the creation of even more local jobs and attracting even more people from all over the world to this great city we're all so lucky to live and work in.

Thank you for taking the time to listen to our testimony and for your consideration in passing Intro 434 and 435.



# VAMOS UNIDOS

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## **New York City Council Hearing on the intro.434 and intro. 435 Testimony by Clementina Garcia April 24,2012**

Hi my name is Clementina Garcia I am a street vendor and a Organizer at VAMOS Unidos(Street Vendor Mobilizing and Organizing in Solidarity). We are a grassroots community based organization of over 600 street vendors in the Bronx, Brooklyn, Manhattan and Queens. We build the leadership of adults and youth street vendors across New York City. I am here on behalf of the street vendors of the VAMOS Unidos. We support the intro.434 and Intro. 435.

In our street vendor community the majority of the families depend on their everyday earning to be able to pay their bills and their children's education. We have seen what these high fine can do in our street vendor community, thing like our vendors becoming homeless because of the hard decision of the necessity of paying their tickets before their rent to be able to have an opportunity to apply for the waiting list for a permit for a cart. The permits have being capped for over 30 years limiting the ability to vend with a complete "license". The fines that our vendor receive are \$1000 for not having a permit that the city has failed to increase since 1979. With this in mind we are asking to please support intro. 434 that would allow the fines from \$1000 to be reduce to \$250. We would also like to ask for your support for Intro. 435 that would stop the fines going up to \$1000 after the 6 violation un less they are for the same violation.

We want to be able to vend in our communities the importance of this intro's 434 and 435 passing , is because it would benefit many families who struggle day to day, working long hours and sometimes making just \$30 a day they are not able to pay unjust fines of \$1000 money that can be use for other thing like sending their kids to college. With this in mind I ask again to the New York City Council to please support Intro 434 and 435 that in this harsh economic times would reduce fines from \$1000 to \$250 and stop the staking for different violation to increase to \$1000 after the six violation. Thank you.

Hello, Honorable Council Members. I am Mohammed Altaf Hussain.

I came to the U.S. twelve years ago from Bangladesh. First, I drove a yellow cab. Then I got my food vendor license. I have worked as a vendor for six years.

I have a food truck in Brooklyn, near Kings County Hospital. I sell breakfast and lunch. My wife is in school for nursing. We live in Crown Heights.

Last June, I opened a fried chicken and pizza restaurant in Flatbush, not far from my vending spot. It's called Super Kennedy Fried Chicken and Pizza.

I don't have any problem with street vendors. In fact, I think vendors are good for my business.

There are some Senegalese vendors near my restaurant who are some of my best customers. They come in and use the bathroom and buy food from me. When they see the sidewalk is dirty, they tell me, so I can clean it and don't get a ticket from Sanitation.

They also store their things in my basement and pay rent, which helps me pay the rent at the restaurant. So, I don't see anything wrong with vendors.

As for food vendors, if there was one outside my restaurant, I would be happy. Vendors do not compete with stores. Some people like food from the vendors, and some people like to go inside. We have chairs and tables inside our restaurant that people like to use. We have air conditioning in the summer, which brings many people. And we have a bathroom which some people like to use.

A lot of people cannot afford to have a meal inside a restaurant, but they buy from vendors.

In fact, there is a taco vendor about a block away from my restaurant. And further down there are three more vendors who sell the same thing I do. They do not bother me and I do not bother them. Even though we sell the same food, I do not have a problem with them.

Right now, I am saving my money. Next year I want to open another restaurant. I am hoping I will not receive any high tickets this year so I can do this more easily. And maybe some day I will own ten or fifteen restaurants.

Thank you for giving me the chance to tell my story.

# Veterans First, Ltd.

a not-for-profit corporation

2335 Yates Avenue  
Bronx, New York 10469

April 24, 2012

**RE: Consumer Affairs Committee Hearing**

**RE: Intro 16-A**

Under the Law, the Vendor Respondent is entitled to due process, specifically, the right to a fair hearing and an opportunity to make a thorough defense.

There is no fairness when a street vendor is up against an experienced Administrative Law Judge (ALJ) with legal and judicial education.

The current legal circumstances relating to street vending in New York City afford individual vendors very little rights or protections before the law. *"It's like a trap."*

Respondent Vendors are lead to believe that they are getting a fair hearing. Subsequently, these street vendors are often mislead by the Administrative Law Judge with a vast array of legal technicalities.

I support that the Environmental Control Board be required to produce quarterly reports on vendor adjudication. The public, especially vendors, are entitled to this information.

The statistics, especially those relating to the rate of dismissals and fines, would be indicators of equity on the part of the Administrative Law Judge and Appeal Board level.

In addition, the quarterly reports should reveal which defenses are viable against certain violations. This will serve to hold the Administrative Law Judges to a fair standard in determining dispositions of violations.

It would only be just if ALJ's and vendors were aware of the issues related to certain violations, the law pertaining to these violations, and recent decisions regarding the offense.

**RE: Intro 434-A: "THE FINES ARE TOO DARN HIGH!!"**

**RE: Intro 435:** As it pertains to the Vendor Multiple Offense Schedule, I would say that separate and distinct offenses should not be counted to increase fines.

I would suggest eliminating the Vendor Multiple Offense Schedule. I would suggest suspensions and remedial training, depending on the offense.



**RE: Intro 684:** The City is using the Taxi Stand Prohibition as an illegal tool to eliminate viable locations. Some Taxi Stands run the entire block, thus limiting the vendor's access to what would be deemed as a "legal spot to work".

Likewise, the Bus Stop Prohibition is being utilized as a pretext to eliminate viable vending locations.

I would like to point out specifically, the "Bus Layover Area" on Fifth Avenue from 83<sup>rd</sup> to 84<sup>th</sup> Street and 34<sup>th</sup> Street as locations where viable vending spots have been eliminated.

Finally, I would like to point out that Disabled Veterans and Veterans are limited from working in Midtown.

The maximum number of Midtown Specialized Veterans is limited to 105. In contrast, Food Cart Vendors are not subject to any restriction on the number of Food Carts allowed in Midtown.

I would also like to point out those Veterans and Disabled Veterans hold less than 50 Food Cart Permits out of the 5,300 outstanding.

I would propose that in order for anyone to street vend in the Midtown Core, they MUST be a Veteran or associated with a Veteran. That association could be a partnership, a joint venture, a corporation or a lease.

The greater availability of Food Cart Permits to United States Veterans and Disabled Veterans would facilitate an immediate entry into the workforce for returning Veterans.

This requirement would foster relations with "transitional" foreign permittees who may not have the same level of allegiance or pride in this country.

Furthermore, having more Veterans on the streets of midtown would make the City a safer place.

Thank you,

Armando A. Crescenzi, DAV  
armandocrescenzi@yahoo.com



April 24, 2012

Managed By:  
Mosholu-Jerome-East  
Gun Hill  
District Management  
Association, Inc.

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George Diaz  
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Oliver Koppell  
Councilman, 11th  
District

Good morning,

My name is Michael Lambert, the Executive Director of the Jerome Gun Hill Business Improvement District which is operated under the oversight and leadership of the New York City Department of Small Business Services, and Commissioner Rob Walsh. The BID, is managed by the Mosholu Preservation Corporation, a community support program affiliated with Montefiore Medical Center in the Norwood section of the northwest Bronx. The Mosholu Preservation Corporation, also known as MPC has provided an array of community based programming including economic development services, to residents of Norwood, for more than 30 years.

The Jerome Gun Hill BID runs geographically along Jerome Avenue from Mosholu Parkway to East Gun Hill Road, and along East Gun Hill Road from Jerome Avenue south to Webster Avenue. Anchored by Montefiore Medical Center, the Jerome Gun Hill BID is home to more than 200 small businesses, many of which currently face difficult economic times. For more than 16 years, the Jerome Gun Hill Business Improvement District has existed to support this small business community by providing supplemental sanitation, marketing and advertising, security, technical assistance, advocacy, and other essential services that have helped these businesses operate in a stable environment.

One of the paramount issues that I have faced in my short career as the executive director of the Jerome Gun Hill Business Improvement District has been dealing with the issues created by street vendors. In particular, those issues created by those vendors who choose to operate illegally, creating a number of challenges to those small businesses within the BID's boundaries. These challenges include, but are not limited to the creation of unsafe conditions such as unsafe congestion along area sidewalks, the creation of unsanitary conditions created by food vendors that do not adhere to rules and regulations set forth by New York City's Department of Health, and vendors who operate in proximity to local businesses in violation of the law and in some cases directly compete with local business owners who pay significant taxes and rents in the area.

While the BID realizes everyone's right to earn a living, we also feel that this should be done in an environment that is respectful of the community and the laws that govern the community. I have had numerous conversations with small business owners from the BID, and the presence of illegal vending is by far their biggest complaint. This issue has also been raised by property owners, who realize the deleterious effects that these vendors can have on the small business community within the BID's boundaries. Removal of illegal vendors often consumes time and effort from our the officers of our local precinct, the 52<sup>nd</sup>,



which under the leadership of Inspector Joseph V. Dowling, continues to deal with the problem on an ongoing basis. This however, does take resources away from other crimes being committed throughout our district.

While the BID applauds the legislation being put forward by the City Council that will help to manage the way in which vendors operate, we would also like to see a fine and penalty structure that will hold illegal vendors accountable, in addition to regulations related to the numbers of vendors that may legally and safely operate within the district. I thank you for your time this morning and look forward to supporting legislation that is fair to the City's Business Improvement District Community where vending issues are concerned. Thank you for your time and attention.



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## SUNSET PARK DISTRICT MANAGEMENT ASSOCIATION SUNSET PARK BUSINESS IMPROVEMENT DISTRICT

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

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### TESTIMONY FOR CONSUMER AFFAIRS COMMITTEE HEARING APRIL 24, 2012

My name is Renée Giordano. I would like to thank Chairman Garodnick and the other members of the Consumer Affairs committee for allowing us to testify on these bills. As Executive Director of the Sunset Park Business Improvement District for the past 15 years, I have been working to create a viable and successful economic base for our community. This has been a tremendous challenge with over 500 small mom and pop shops. Over the past few years there has been a large turnover and more vacancies than ever.

On Feb 4, 2004, the City Council made the following legislative declaration for Intro 109 as it **increased** the penalties for street vendors vending illegally to the present level: *"The Council finds that certain areas of New York City are excessively crowded with food and general vendors. Though some of these merchants are properly licensed with the Departments of Health and Consumer Affairs, many are not. Moreover, both licensed and unlicensed vendors are operating in violation of certain Health and Consumer Affairs laws and regulations, primarily by vending in illegal locations."*

*The Council finds that as a result of these violations, neighborhood citizens have a difficult time navigating their own streets. They are overwhelmed by the noise and congestion the vendors generate, and they wish for a more orderly community. In response to their concerns, the Council finds it necessary to increase the fines imposed on vendors operating illegally. Through such legislation, the Council intends to curtail the improper growth of vendors in certain neighborhoods while protecting those merchants who operate legally."* Since that time, nothing has changed. The adverse conditions that were being corrected still exist throughout the city.

Therefore, we ask that you **not pass Intros 434 and 435**, which will bring us back to before 2005 when the newly increased fines began to take effect. A small fine didn't keep vendors from breaking the law in 2004 and it will still be a nominal fee for their doing business on the street today. Small business owners are really struggling, they must put in long hours in their shops every day, even holidays, and even when there are no customers. They can't even leave to come here to advocate for themselves. That is why you may have noticed there are few business owners here today.

We further want to point out that while these bills seek to lower fines for vending illegally, there are many fines and regulations which are heaped upon small businesses that nobody seems to speak about. Last year, the Department of Consumer Affairs made its rounds on 5<sup>th</sup> Avenue in Sunset Park. No business got a warning or was given the chance to correct the error first. Minor infractions, such as printing the wrong date on a receipt, carry an immediate fine of \$250. One business had 5 Xacto knives hanging in a spot that the agent felt was not in compliance with the regulations. The business received a \$250 fine per knife, for a total of \$1,250. Why is this penalty so high and multiplied so quickly?

**We would, however, like to thank** you for the other 5 bills before you today. We feel that **Intro 16** which will require ECB to provide quarterly reports is a very good bill. It will give important data concerning vending in NYC and the adjudication process, which can be used to formulate new regulations and tweak old ones.

**We also want to thank you for Intros 727, 684, and 789** which would redefine placement regulations. For our avenue it will be extremely helpful to have the restrictions increased to 20 feet and the doorways better defined to include service doors and exits. By placing the permit number of the cart on the summons, **Intro 817 will help** to show how often the summons is going to a vendor with an unpermitted cart.

We recognize that creating adequate and reasonable regulations and policies that deal with street vending is very difficult. It is a matter that seems to affect everyone in the city, whether a business, a resident or a vendor. We thank you for taking the time to learn about this concern and to try to create a fair and equitable system for the citizens of New York City.

Respectfully submitted by: Renée Giordano

# **Community Board Five**

## **Street Vendor Hearing**

The members of Community Board 5 extend their thanks and appreciation for the opportunity to address you this morning on the issue of street vendors within the City of New York. We are Layla Law-Gisiko and Ron Dwenger and we are the chairs of the Education Committee and Consents and Variances committee of Community Board Five.

The boundaries of Community Board 5 extend basically from 14<sup>th</sup> through 59<sup>th</sup> Streets, mainly 8<sup>th</sup> Avenue to Lexington, with some nips and tucks here and there. CB5's territory comprises the "heart of the City" including such heavily traveled areas such as Times Square, Herold Square, Madison Square and Central Park. On any given day there can be more than 10,000 street vendors in the City of New York. These vendors, both pushcarts and trucks, with the exception of traveling into restricted zones, can pretty much go anywhere.

While lawful street vending is an important part of the economic history of the City and the members of CB5 recognize street vendors as valuable contributors to this rich history and to the charm and character of the city. On an ever increasing level, the complaints of residents and businesses beg to be addressed. We believe that a reformation of the City's Street Vending Laws and a clear set of rules and regulations that accompany "stronger enforcement" would be of benefit of all parties: the residents, businesses, the vendors themselves - as well as the millions of tourists that visit us.

"Vendor Power" should begin with observance and respect for the City's rules and regulations.

We would like to proffer our written comments to the proposed new street vending bills and additionally point out at this time areas of deep concern maintained by CB5 board members for the peaceful coexistence, welfare, safety and comfort of NYC residents, community businesses and street vendors alike.

We further wish to take this opportunity to ask the City Council to examine and investigate the current Street Vendor Laws with respect to vending carts and vending trucks with the aim of codifying, reforming and standardizing them within the City of New York.

Our concerns take the form of the following:

- Already, as noted in my preamble, there are over 10,000 vending carts and trucks on the streets of the City and this vast number can be oppressive. The vending trucks and carts are “everywhere” and are in direct competition with the long established brick and mortar vendors in the area.
- Some of the rules and regulations of the various departments are confusing. They are often contradictory. The rules and regulations are not standardized. Thus reformation into a single standardized code is necessary so that all departments, police, DOT, DCA, and BSA are all functioning with the same rules and regulations.
- With respect to the food vendors, frequently there is a trail of offensive odors and smoke that remain in the area all day, seeping into the evening hours; coupled with noise and light pollution, the spillage of cooking oils and charcoals, and an obnoxious build up of trash. These elements result in a negative impact on the neighboring residents and businesses in the areas long after the vendors have left.

- Many of the vendors leave physically but allow their vending trucks to remain all day and night, or they remain in areas long after vending is lawfully permitted.
- We worry about food safety and would seek that all vendor employees be required to take the “Food Protection Course for Mobile Food Vendors.”
- We are interested in proper signage in designated areas stating “NO VENDING” as well as new rules and regulations that prevent vending in specific areas such as residential areas, in front of late night bars and nightclubs, at the entrance of subways, near construction and repair sites, and under scaffolding.
- While we recognize that many rules and regulations have been confusing in the past: Moving forward, the fines for multiple vending violations, we feel should be increased and not decreased, in order to impress upon vendors that compliance is a necessary privilege of possessing a vending license.

Again, I thank you for the opportunity to address you, would like to hand up our written remarks with respect to these bills, coupled with our further suggestions, and look forward to positive changes in the current vending laws.

**Proposed bill 789** would prohibit food or general vending on sidewalks abutting No Standing zones around hospitals, and **Proposed bill 684** would prohibit vending in taxi stands.

- a) As enumerated shortly, a “NO VENDING ZONE” sign should be posted in **all areas where vending is prohibited**. Already, there are many restricted streets where vending is prohibited either everyday 6am to 11pm, Monday through Friday 8am to 6[, Monday through Saturday 8am through 7pm, including but not limited to alternate dates or just Saturday or Sunday. (in other



words, MAKE A SIGN AND POST IN “NO VENDING ZONES”)

- b) While we respect that Street Vendors laws offer certain protections to neighbors and neighborhoods, maybe further consideration in warranted and there should be no street vending on residential blocks after a certain hour- and the list of blocks that are in inappropriate for street vending should be strictly adhered to and enforced for frequent and multiple violators.
- c) A system of sign posting should be established to alert the vendor if he or she fails to adhere to the law, that the vendor, AND HIS EMPLOYEE(S), faces an escalation in the fine, just as a licensed driver faces an escalation in the fine and the potential loss of his license if he doesn't obey the Motor Vehicle laws.

**Proposed Bill 727:** This bill would create uniformity for the current 20 foot vending prohibition (both food and general). Prohibits vending within 20 feet of all building entrances and exits, including service entrances and exits. The bill is not expansive enough.

- a) Maybe at certain cites we should post a 20' sign. While it is totally impossible to do so in many respects because the street vendors are free to travel, still, it would act as an initial step that street vendors have to remain mindful of.

- b) Permanent warning signs should be posted that failure to adhere to street vending laws is illegal.
- c) These signs would be posted to alert vendors, police officials and prospective shoppers to the fact that street vending is illegal in certain zones. For example, “NO VENDING” signs should be posted as a deterrent.
- d) Vending should be **absolutely prohibited for safety reasons from subway entrances, under scaffolding, and in the near proximity of construction and repair (ConEd) sites.**

**Proposed Bill 817** clarifies that permit holders are responsible for violations issued to employees working under those permits.

- a) This bill does not go far enough to enforce the existing vending rules and those who violate them.
- b) Just as we do not allow the owner of a motor vehicle the liberty to permit an unlicensed driver to operate his or her motor vehicle, so too should vendors be more cautious of the manner and method of how their employees operate their vending carts within the City of New York.
- c) The employees of street vending businesses should be required to attend the “Food Protection Course for Mobile Food Vendors” just as the holder of vending licenses BEFORE dispensing and selling

food to the public, with payment of the \$53 attendance fee paid by the employee or the licensed vendor.

- d) Vendors should be required to notify the applicable City agency within sixty (60) days of a move of home or residence so that the City is always able to locate and/or contact license holders of a possible change in law or regulation.
- e) The term of a license should be one year at \$50 a year, and a renewal of all vending licenses should be required on an annual basis (hence, another need for the current address requirement). Seasonal licenses should expire on October 31 of each year, regardless of when the applicant applied (stays the same.)
- f) A vending license should be considered non-transferable.
- g) All employees should also be required to obtain ID tags when serving the public and these tags should be randomly inspected for accuracy. Employees should not be permitted to use another employees ID tag or any individual who has not properly obtained a legal ID tag from the City.

**Proposed bill 434:** This bill would reduce the maximum fine from \$1,000 to \$250.

- a) The fines attributable to street vending violations fail to go far enough and should be **increased and not decreased, especially for multiple offenders.**
- b) The City should adopt a new enforcement regimen and an escalated fine schedule that is significant enough to deter the lawbreakers, coupled with a workable system for tracking repeat violations.<sup>1</sup>
- c) The City should adopt set standards that specify the location of appropriate and also inappropriate places for street vending—specifically as it relates to nightclubs and club life.
- d) While many street vendors are permitted to distribute food in certain areas, some as late as 11:00 pm, many street vendors do not cart their vending carts away but park their carts at 4 am on the very sidewalks immediately outside of or down the street from night clubs.
- e) There is overcrowding of vendors in certain locations around the City ( for example, 6th Avenue 48th thru 53rd / Times Square / Herald Square, etc.) that creates frustration and the sensation of being overwhelmed. We should re-examine how licenses are issued and question whether they should be “location-specific” so as to enforce safety and avoid overcrowding.

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<sup>1</sup> “Illegal Street Vending: The Unique Case of Ground Zero,” Manhattan Borough President, Scott M. Stringer, October 2008, at page 6, #2.

- f) Many clubs and establishments have been asked to hire extra security to clear the block and limit the disturbance to residential neighbors. Basically, vendors should be restricted from residential areas as noted earlier to ensure the peace and tranquility of local residents, and free from the assault of obnoxious food odors and fumes.
- g) Further, because there are no regulations as to when and where vendors can sell their gyros, tacos, pretzels and halil, the hands of very brick and mortar businesses are tied that bring trade and after-hours entertainment to the City, the very entities that pay their taxes, are respectful of the local resident, and obey the rules and regulations of certain established administrative codes. They cannot act as vigilantes but are often required to hire outside security agencies to make sure that the vendors don't cause them a loss of business.
- h) The vendors have no such strict requirements to adhere to, and with over 10,000 vendors in the City on any given day, and perhaps more during the summers and holidays, the situation can be viewed as an itinerate city or caravan with no rules and regulations to follow, or conflicting rules and regulations that are loosely followed.
- i) Moreover, there is no standardization with respect to licensing and enforcement—no single entity directly accountable for violations of the street vendor rules.<sup>2</sup>
- j) For practical and enforcement purposes, the City's policies with respect to vending rules and regulations should be standardized and

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<sup>2</sup> Id. at p.6.

all departments (Police, DCA, DOT, BSA) should be fully familiar with one set of rules that are placed before vendors to follow. One set of rules and regulation could eliminate any conflicts that may exist with respect to differing enforcement rules and regulations.

- k) The State and city should bring together the relevant personnel from each of the responsible agencies and coordinate the enforcement of illegal vending laws in each area of the City. For example, ad hoc groups should coordinate licensing, the education of vendors and enforcement of the laws, and plan and execute a coordinated enforcement strategy. These ad hoc groups could also report on a regular basis to the various Community Boards in the City and local elected officials and community stakeholders.<sup>3</sup>

**\*\* While Proposed Bill 16** would require the Environmental Control Board to report to the Council on fines related to vending.

- a) The Environmental Control Board should be part of the initial ad hoc group (discussed above) that oversees the coordination of licensing, education and enforcement of the vending laws as enumerated above.

**Proposed Bill 435** would define unrelated violations as separate offenses, thereby slowing the escalation of fines. (\*\* “no comment”)

**DEVELOP THIS IDEA OF UNIFORM STANDARD VENDING CARTS: WHY—BECAUSE WE NEED AN ATMOSPHERE OF COMPLIANCE RATHER THAN THAT OF A CARNIVAL**

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<sup>3</sup> Id at p. 6.

- a) Similar to the appearance of newsstands, a specific “look” attracts uniformity, avoids confusion, and adds to the aesthetic artistic flavor of the City. A uniform vending cart enables the resident and tourist alike to identify a street vendor, for example, who is selling food.
- b) Several styles can be offered and the standard of what style vending cart is favored should be established by the local BIDS, Block Associations, and area alliances.
- c) A specific type and color of street vending cart approved for food distribution may also assist in the adherence of a specific safety code, and carts could be required to pass a Citywide inspection from a specific agency, thereby enforcing safety regulations, increasing revenues and reducing the possibility of danger and risk to stakeholders and tourists from foreign residue such as oils, cooking grease, and other slippery substances that remain on our streets and sidewalks.
- d) Uniformity would place all vending cart licensees on the same footing with respect to safety code requirements.
- e) Inspection requirements should be standardized to allow for annual safety and compliance inspection of vending carts. This will increase revenues, even if a minimal fee is required, and create an “atmosphere of compliance” among vending license holders that does not appear to be present.

**WRITTEN TESTIMONY OF (ORGANIZATION)**  
**New York City Council Committee on Consumer Affairs**  
**Hon. Daniel Garodnick, Chair**

**HEARING ON INT. 0434 & INT. 0435**

**April 24<sup>th</sup>, 2012**

**Int. 0434:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Seabrook, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Sanders Jr., Vann, Wills, Dilan and Ulrich

**TITLE:**

Reducing the maximum fine amount for violations of vending regulations.

**Int. 0435:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Dromm, Mendez, Crowley, Dickens, Nelson, Chin, Jackson, Seabrook, Mealy, Palma, Rivera, Rose, Koslowitz, Brewer, Sanders Jr., Vann, Wills, Comrie, Dilan, Ferreras, Ulrich and Halloran

**TITLE:**

Defining unrelated violations of vending rules and regulations as separate offenses.

**WRITTEN TESTIMONY OF  
JESSAMYN RODRIGUEZ,  
CEO, HOT BREAD KITCHEN:**

Hot Bread Kitchen (HBK) is an innovative social enterprise that opens pathways to career advancement and business ownership for foreign-born women and minority entrepreneurs in the culinary industry; we do this through two programs: Project Launch and HBK Incubates.

HBK Incubates was developed to help micro food entrepreneurs, such street vendors, formalize and grow their business to increase earning potential and create jobs in East Harlem and Upper Manhattan. We offer licensed commercial kitchen space and business support and we have spent considerable effort assessing the needs of these micro-entrepreneurs. Through this process we have learned about barriers that immigrant entrepreneurs encounter in growing grow their businesses.

One significant barrier for low-income micro entrepreneurs, like street vendors, is the cost of incorporation, licensing and insurance which are necessary to formalize a business and expand market. Just to get to the point where you can sell legally can cost between \$2000 and



\$5000, which is prohibitive for many entrepreneurs operating in the informal sector. Fortunately, HBK has developed the Low Income Food Entrepreneurs (LIFE) Program, which offsets these costs and subsidizes kitchen usage for one year.

But, in recruiting for the LIFE Program, a more significant barrier to formalization and growth for street vendors has come to our attention. Recently, our colleagues at the Street Vendor Project convoked a meeting of female street vendors from East 116 Street at the incubator. We provided a tour of the kitchen and asked questions about their needs. When we designed HBK Incubates and the LIFE Program, these were the women that we intended to work with, so we were happy to finally have them in our space. But, we were humbled to hear that they were not immediately concerned about formalizing their businesses to increase cashflow.

The vendors had more pressing needs: many of them faced multiple \$1000 fines and felt harassed by the local authorities. This issue was so present in their minds that it was difficult for them to see benefit of the LIFE Program while these punitive fines were outstanding. Food vendors are the most vulnerable to receiving these fines and many have been put out of business because of it.

Streetfood vendors are hardworking, tax-paying entrepreneurs working to support their families and communities. They are mainly foreign born individuals with limited English language capacity, which are factors that restrict their access to other forms of employment. For some, \$1000 represents more than a months vending income, forcing parents to choose between paying these fines and buying food and school supplies for their children.

There is a lot that Hot Bread Kitchen can do doing to support the economic growth of street vendors. However, our efforts to bring these businesses into a legal production kitchen are undermined by these exorbitant fines, an economic burden too large for low-income food entrepreneurs to bare. These unfair and arbitrary fines must be reduced in order for these successful culinary entrepreneurs to take the first steps towards economic sustainability. For this reason, Hot Bread Kitchen supports Intro's No. 434 and 435 to reduce the amount of fines and provide a logical escalation of the penalty.

**Michele Birnbaum**  
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**New York, New York 10028**  
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**E-mail: mbfany@nyc.rr.com**

**TESTIMONY INTRO 16A, 434, 435, 684, 727, 789, 817,**

April 24, 2012

Chairman Garodnick and Council Members, thank you for hearing my testimony today.

My name is Michele Birnbaum, and while I am a member many community groups that work to effect the quality of life of our city's residents, including Manhattan's Community Board 8, I am testifying on behalf of myself today.

I want to thank the Council Members for recognizing that the business of street vending significantly impacts both residential and commercial neighborhoods in all of the boroughs and therefore, requires the serious attention of our elected officials.

While there are many laws and regulations that govern all kinds of vending, the lack of the man power to effect adequate enforcement, is a serious restraint when trying to address compliance issues. However, it remains important that street vending continue to be monitored, that existing laws continue to be improved, and that new laws are instituted that address new concerns.

I strongly support Intro No. 16-A, because vending is big business, and the city should be able to identify repeat offenders and be cognoscente of their financial impact on the city.

I support Intro No. 684, Intro No. 727 and Intro No. 789 because it would be wrong for a vendor to encroach on the facility of another business or residence, thus negatively impacting that facility's ability to function to the maximum benefit of the owners or workers. Blocking a main entrance or service entrance of a residential building or store or crowding a taxi relief stand seriously impacts the ability of that entity to function. We had a fruit vendor in my neighborhood that blocked the service entrance of a major apartment building for years, thus impeding all deliveries and garbage pick-up.

Being on the sidewalk abutting a no standing zone adjacent to a hospital has additional hazards. A no standing zone permits pick-up and drop off, an obviously needed service for all patients and, especially, those who have limited mobility and need to be dropped as near to the entrance as possible.

With regard to Intro No. 817, certainly it makes good sense to have a permit number on an issued notice of violation, as is customary on other types of violations. This makes tracking and enforcement more likely and more efficient.

With regard to Intro No. 435, the fee structure for vending infractions has been, and remains, non-punitive. And, the change of including "for the same offense" waters it down even further. Making **this** change, but not changing the two year cycle of fine escalation makes this Intro benign. If the intent of this change is to deter wrong behavior, it will sadly fail. It appears as though the intent is to make sure that financial hardship be so minimal, that no street vendor ever need be concerned that he have any consequence for his non-compliance. If I park too close to a fire hydrant, I pay a very hefty fine each and every time. The fee doesn't go up, and it doesn't go down. In this case, a vendor will be happy to know that his fine for the same infraction actually gets reduced in year 3, goes up again until year 5, and then gets reduced again in year 6 and so on. This vendor could conceivably have many of these cycles going on for different infractions, and the fact that he is a multi-law violator would have no repercussions. I would say that this protects bad behavior, as the cost to the vendor is so minimal as to be considered just the cost of doing business. However, the cost to the city for even discussing, examining or changing this bill is very high and will never be recovered via the fee structure. This Committee is the Consumer Affairs Committee, not the Vendor Affairs Committee

With regard to Intro No. 434, which lowers the top fine rate of \$1000 to \$250, the question for the sponsors is "Why?" It tells the public that you are not serious about controlling street vending, that you don't see it as an issue, that you don't see how the public is seriously effected, i.e. pedestrian safety, visual blight, and consumer protection. It validates a sense of entitlement for the use of our streets for an individual's own profit and enforces an unlevel playing field between street selling and stores and restaurants.

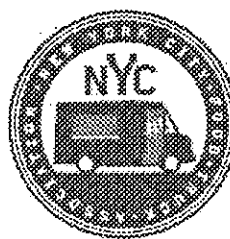
The system of levying fines was put in place to be punitive. The threat of punishment controls behavior. It's basic. A person may be a violator, but that doesn't mean he'll get caught every time. Intermittent punishment gives license for the offender to take his chances because sometimes he'll be caught and sometimes, he won't. The whole system of gambling is based on this principle. Sometimes you win, and sometimes you lose, and you never know when, so you keep playing. With fines this low, non-compliant behavior it's a worthwhile gamble for the street vendor. It's just the cost of doing business. Is there anywhere else in the Administrative Code where fines have been lowered so dramatically?

I hope that most members of the City Council will conclude that Intro No. 434 will all but encourage non-compliant behavior and do nothing to benefit the City of New York and its residents.

In summary, please support Intros 16-A, 684, 727, 789, and 817.  
Please **do not** support Intros 434 and 435, and please go back to the Administrative Code in an effort to increase the fines for vending violations.

Thank you again

  
Michele Birnbaum



**City Council Hearing  
Introductions 434, 435, 684, 727, 789, 817, & 16-A  
Tuesday, April 24, 2012**

My name is David Weber. I am a cofounder of Rickshaw Dumplings which operates several hospitality businesses in NYC including two restaurants, a food truck and a kiosk in Times Square. I am also the founder and president of the NYC Food Truck Association which represents 37 small businesses that run premium food trucks in NYC. Finally, I am a voracious eater and a zealous New Yorker that thinks this city is the best place on earth.

**Street Vendors & Restaurants can Coexist**

I believe that mobile food vendors and brick and mortar food establishments have more in common than not. Whether you run a restaurant, a deli, a kiosk, a truck or a cart, if you work in hospitality, you are focused on the same core issues, to restore our guests with great service and great food. Senior vice president of the National Restaurant Association, Hudson Riehle, referred to street vendors, (in particular food trucks) as "mobile *restaurant* unit[s]" in the *New York Times* last year. Clearly the NRA sees street vendors as part of their membership base. Food trucks and restaurants are two different business models; each with different pros and cons. About a third of the members of our organization have brick and mortar restaurants as well as mobile food trucks, so we are sensitive to the needs of restaurant owners.

**Benefits of Street Vendors to the City**

We believe that street vendors have a lot to offer the city in terms of tax revenues, job growth, tourism, activating public space, and acting as an *incubator* for entrepreneurs to work out a business that they can grow into a brick and mortar establishment. Many of our members have started as a food truck to hone their operations and branding and have grown into a restaurant including: the Bistro Truck, Cupcake Stop, the Dessert Truck, the Kimchi Taco Truck, Mexicue, Schnitzel & Things, Souvlaki GR, The Treats Truck, & Van Leeuwen Ice Cream.

**The Introduced Legislation is Reasonable**

As the NYC Independent Budget Office observed in 2010, the current street vendor regulations are "costly" and "confusing." A \$1,000 fine is simply too heavy of a burden for many mobile businesses to afford which is why a large share of fines imposed on vendors go uncollected. Of the \$15.8M levied in 2008 & 2009, \$14.9 was uncollected at the end of 2009.<sup>1</sup> Trucks do 1/3 the volume of a restaurant... A cart might do 1/6 to 1/10th... It doesn't make sense that the fines would be higher than those for comparable violations in a restaurant. Lower fines will result in higher collection rates and bring more revenue into the city to support inspections that keep the public safe.

**There is still a lot to do to create a regulatory structure that reflects NYC's culinary leadership**

This is a great start to improve the nature of vending in NYC, but there really is a long way to go. Right now while trucks are permitted, there is no legal place for trucks to vend as they cannot vend from meters, hydrants, loading/unloading zones. Also, overcrowding of specific neighborhoods continues to be a problem. We ask that members of City Council, the Regulatory Agencies, and the Administration will look at other opportunities to bring NYC's vending laws up to the 21st century including:

- 1.) Legally *incorporate vendors into the streetscape* in a way that is mindful of public safety and respectful of brick & mortar establishments and
- 2.) *streamlining the licensing process* so new employees can get working in less than the 8-10 weeks it currently takes for employees to get licensed.

Thank you for your time and consideration.

David Weber  
President, NYC Food Truck Association  
david@nycfoodtrucks.org

Cofounder, Rickshaw Dumplings  
david@rickshawdumplings.com

<sup>1</sup> <http://www.ibo.nyc.ny.us/iboreports/peddlingnovember2010.pdf>



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**Testimony to NYC City Council, Consumer Affairs Committee Hearing, April 24 2012**

**86<sup>th</sup> Street Bay Ridge Business Improvement District (86BID)** is one of the smallest in size and assessment of NYC BIDs. Since its inception in 2001, it does provide program services 7 days a week.

In May of 1994, the City of New York placed a ban on vendors in the area that includes 86BID. However the ban apparently did not include food vendors.

Since 2005, 86BID stakeholders (building owners, merchants and residents) have discussed the growing presence of food vendors within the District. Meetings and discussions with Community Board Ten (CB10) and many NYC agencies have produced expressions of frustration as many of these mobile units negatively impact 86BID small business owners. These units are part of a large and extensive enterprise in NYC, dispatched to various locations, frequently competing directly with long established businesses which are not mobile.

86BID, other local B.I.D.s, Merchants Associations, and many local business owners have joined with CB10 to state that this 5 Borough issue needs clarity now. There are numerous and often conflicting rules/regulations which need solidification at this time. We applaud the leadership of CB10 in requesting the City of New York enact clear and meaningful guidelines for licensing, regulation and placement.

An apparent lack of attention, by the City of New York, to this issue, has prompted many small businesses and small business groups to express frustration, bewilderment and a demand to clear the situation up now.

Thank you.

John Gallucci

President

718 680 2420

Cc: BID Board of Directors

NYC Council Member Vincent Gentile

Community Board Ten, Bay Ridge Brooklyn

NYC BID Association

New York City Council Testimony

Julie Behrens

Kaja Kuehl

4/24/2012

Good morning. My name is Julie Behrens and I am an adjunct professor of Urban Planning at Columbia University. Last year, our graduate level urban planning studio worked with the Street Vendor Project to conduct a comprehensive analysis of street vending in New York. Conducting both qualitative and quantitative research through direct observation, mapping, interviews with vendors, customers and the general public, analysis of existing rules and regulations, violations data, and public space and storefront retail surveys, our research found that vending benefits the City in a number of important ways and can be leveraged to promote citywide planning goals such as improving public space, promoting entrepreneurship, and increasing access to affordable food and merchandise. We will be submitting the full planning study with our written testimony, but I wanted to highlight a few of our main findings here today, particularly as they relate to the improvement of public space, one of our most important public amenities.

Our studio conducted a public space survey of Lower Manhattan and found a number of places [(examples include along Water Street, under the FDR, and some public plazas and POPS (privately owned public spaces))] that were underutilized or had very little street life either due to poor urban design, or to the lack of destination to draw people into the space. At the same time, customer surveys revealed that convenience and affordability were the top reasons why people in Lower Manhattan buy from vendors, and that the vending experience could be much improved by having more places to sit and eat in the public spaces where vendors sell. Our study found that opening currently underutilized public spaces to vending, especially where there is space for seating, has great potential to activate these underutilized spaces, encourage street life, increase access to affordable and convenient food and merchandise, and to improve overall streetscape.

Improving public space is just one way in which vending serves as a public amenity and a tool to advance related citywide planning goals. Vending is an important part of the economic landscape, providing opportunities for employment, entrepreneurship, innovation and small business development particularly among new immigrants and others facing high barriers to access in the workplace. Vending has been used to promote healthy and locally grown produce through Greencarts and Greenmarkets programs, promotes artisans and local craftspeople in local market places, provides access to affordable and convenient food and merchandise for the general public, and even increases safety in our public spaces by providing eyes and ears on the street. (We shouldn't forget that it was a vendor who tipped off the police about a bomb in the back of an SUV in Times Square not long ago.)

Under current conditions, vendors face high barriers to doing business. There are limited spaces where vending is permitted, regulations tend to be confusing and contradictory and fines pose a real threat in a business with such small profit margins. Reducing the fines under consideration here today will not only greatly improve conditions for street vendor, but also benefits the general public by creating better conditions for vending in New York City overall.

## Research related to fines

During our study, we compared the current multiple offense schedule (MOS) that escalates fines for vendors to \$1,000 with other laws governing public space and found huge discrepancies between the fines applicable to vendors compared to those for owners of motor vehicles for example.

If a vendor fails display his license around his neck, he or she receives a fine according to the MOS. If this is the fourth time this happens the fine would be \$500. In contrast, if you park your car without displaying a current registration sticker, the fine is \$65 and does not escalate.

If you park your car on a sidewalk, the fine is \$115, if you park it on a pedestrian crossing it is \$165. Again, no escalation for multiple offenses. If a vendor parks his cart 20" away from the curb as opposed to the required 18", he or she could be fined \$1,000.

A typical income for a street vendor is \$14,000 as previous surveys by Street vendor Project have shown. A \$1,000 makes this business financially unviable. This explains the high default rate of more than 50% of all issued violation.

According to an Independent Budget Office report from 2010, the city spent an estimated \$7.4 million to regulate and enforce vending, while only \$1.4 million was collected in fees and fines. Moreover, of the 15.8 million levied in fines in 2008 and 2009, only 6% got paid.

We believe that lowering the fines would actually result in a higher rate of fines being paid, because vendors do want to stay in business.

We also reviewed data of 20,000 violations issued in 2009 that Street vendor Project obtained through a Freedom of Information Act (FOIL) request. Here we found that 53% of all violations defaulted, meaning the vendor did not appear in court.

Of those that did appear, nearly half of the cases were dismissed, which indicates that in those cases the court decided that the violation was not warranted.

Given the complex system of rules that have accumulated over the past four decades, this high number of misunderstandings about the rules is not surprising. There are passages in the City Administrative Code, which openly state that rules may contradict each other.

Our studio produced a report in which these findings and others are illustrated in greater detail. It can be obtained from the school's website at:

[http://www.arch.columbia.edu/files/gsap/imceshared/StreetVendorReport\\_Final.pdf](http://www.arch.columbia.edu/files/gsap/imceshared/StreetVendorReport_Final.pdf)

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record

The New York City Council  
Committee on Consumer Affairs  
Meeting April 24, 2012

Jordan Wouk  
301 East 87<sup>th</sup> Street, Apt. 12D  
10128

Abstract: (1) General support for 0727-0211. (2) Proposal to limit the height of expressive material vendor stands set-up on The Mall in Central Park.

(1) I strongly support Int. 0727-2011. In our neighborhood, especially within a block of the intersection of 86<sup>th</sup> Street and Third Avenue, it can be difficult to navigate the sidewalks because the vendors and their customers block significant portions of the sidewalk. The proposed restrictions will go a long way to alleviating the problems.

(2) I am very bothered by the recent proliferation of expressive matter vendors on The Mall in Central Park. In 1974 the City designated Central Park as the City's first Scenic Landmark. The Park has also been called "an American Masterpiece."<sup>1</sup> It was the intention of the original Commission and the landscape architects, Olmsted and Vaux, to create a space that would be visually appealing; what they created is a work of art. One could rightly say The Park is expressive matter just as the art sold by vendors is expressive matter. Ironically, many of the photographs being sold on The Mall are images of the very views down The Mall the vendors are now blocking.

Visitors to The Park do not pay directly to enjoy the inherent expressive matter. Payment is made, in part, through the taxes that residents and out-of-town visitors pay.

It is important to understand that enjoyment of the views in Central Park is among its primary uses. No expressive matter vendor should be permitted to interfere with that use by the public.

Therefore, I suggest that along The Mall the height of vendors' stands and umbrellas spread over them, etc., be low enough so that a person of typical height's view, while standing does, or the view by the typical person in a wheelchair is not blocked by the set-up. One possible criterion is the height of the fences that line The Mall, about 38 inches. The heights suggested allow for tables and for boxes of images that can be flipped through. Images can continue to be displayed on the side from the ground on up so long as they do not exceed the height limit. In this way, the scenic views of The Mall will be protected while also allowing the vendors of expressive matter to pursue their business.

z:\nyc\street & park vendors 2012-04-24.doc

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<sup>1</sup> Miller, Sara Cedar, *Central Park, An American Masterpiece*, Abrams, New York, n.d.





## Urban Justice Center

123 William Street, 16<sup>th</sup> Floor, New York, NY 10038  
Tel: (646) 602-5600 • Fax: (212) 533-4598  
[www.urbanjustice.org](http://www.urbanjustice.org)

### Testimony of Matthew Shapiro Staff Attorney, Street Vendor Project Intro 727

This testimony will recommend proposed language for Intro 727 as it relates to vending within twenty feet of entrances.

Currently the prohibition on food vendors states, "No vending pushcart shall be located against display windows of fixed location businesses, nor shall they be within twenty feet of an entranceway to any building, store, theatre, movie house, sports arena or other place of public assembly." See NYC Administrative Code §17-315(d). The prohibition on general vendors states, "No vending pushcart, stand or goods shall be located against display windows of fixed location businesses, nor shall they be within twenty feet from an entranceway to any building, store, theatre, movie house, sports arena or other place of public assembly." See NYC Administrative Code §20-465(d). This prohibition only applies to entrances of commercial buildings due to the restriction in §20-465(q)(3) which states, "No general vendor shall vend within ten feet from entrances or exits to buildings which are exclusively residential at the street level."

The proposed language in Intro 727 adds a further prohibition for vendors, restricting them from locating their vending items within twenty feet of entrances or exits, including service entrances and exits. If the bill as currently written passes then many vendors, especially those located in the midtown area would be forced out of their current spots due to the large amount of exit doors located in that area. We understand that the impetus for this legislation was issues with particular vendors who work less than twenty feet from service entrances/exits at residential buildings. To resolve this matter, we propose that the new restrictions relating to exits and service entrances and exits only apply to buildings which are exclusively residential at the street level. The new proposed language is listed below. Please note that there would be no change to §20-465(d) due to the amendment of §20-465(q)(3).

Section 1. Subdivision d of section 17-315 of subchapter two of chapter three of title seventeen of the administrative code of the city of New York is amended to read as follows:

d. No vending pushcart shall be located against display windows of fixed location businesses, nor shall they be within twenty feet of an entranceway, to any building, store, theatre, movie house, sports arena or other place of public assembly. No vending pushcart shall be located within twenty feet of an exit, including service exits, to any building which is exclusively residential at the ground level.

Section 2. Paragraph three of subdivision q of section 20-465 of subchapter twenty-seven of chapter two of title twenty of the administrative code of the city of New York is amended to read as follows:

3. within ~~[ten]~~twenty feet from entrances or exits, including service entrances and exits, to buildings which are exclusively residential at the street level.

Section 3. This local law shall take effect ninety days after its enactment.



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Good afternoon. My name is Matthew Shapiro and I have been a staff attorney at the Street Vendor Project for almost three years. Every day vendors come into our office with the tickets they have received while working on the street and one of my jobs is to represent them in Court on these tickets. Some people have complained that there is no enforcement of street vending regulations, but here is some proof of the 20,000 plus tickets that are written every year to vendors.

Most of the time vendors come in to our office with not just one ticket, but with 2, 3, or even 5 or 10 tickets. Most of the tickets that I see are for minor administrative violations such as having a box on the sidewalk next to the cart or because the vendor had his license in his pocket instead of wearing it around his neck or because the vendor was vending too far from the curb. In fact we have obtained the data from the Environmental Control Board and analyzed the data to show the top three administrative violations that are issued to street vendors. They are: 1. Vending less than ten feet from the crosswalk, 2. Failing to keep all items in or under the pushcart, and 3. Failing to conspicuously display your vending license.

These are the types of violations that Into 434 and 435 would address. These violations have nothing to do with health and safety, and \$1000 fines and even \$750 and \$500 fines for these minor infractions must be reduced.

It is crucial to remember that vendors must pay these fines to renew their licenses. Vendors come into our office all the time and show us bills of 5 or 10 thousand dollars that they owe for these minor violations. When vendors cannot pay these fines, they lose their jobs and their families suffer, and it is heartbreaking when I tell them that there is nothing we can do for them. We should be encouraging the growth of small businesses instead of criminalizing them and forcing them out of operation.

Some people may say that the vendors can just go to the Court and fight the tickets and get them dismissed. However, it is not so easy. I have appeared at ECB several times a week for the past two and half years and have defended thousands of tickets. Street vendors are mostly immigrants whose primary language is not English and they do not understand the City's complex regulations let alone the process of representing themselves at an administrative tribunal. Additionally the ECB provides no attorneys or other representatives to assist the vendors during the hearing so they are left to navigate the hearing process alone. I have appeared before many of the administrative law judges at the ECB and have heard that the judges themselves don't agree with the \$1,000 fines. It is time to change the fine structure to something more reasonable that won't put hardworking immigrant entrepreneurs out of work. It is time to pass Intros 434 and 435. We are also submitting detailed testimony regarding the language in Intro 727. Thank you for the opportunity to testify here today.



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**ORAL TESTIMONY OF JAMES WILLIAMS, STREET VENDOR PROJECT**

**New York City Council Committee on Consumer Affairs**

**Hon. Daniel Garodnick, Chair**

**HEARING ON INT. 0434 & INT. 0435**

**April 24<sup>th</sup>, 2012**

**Int. 0434:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Seabrook, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Sanders Jr., Vann, Wills, Dilan and Ulrich

**TITLE:**

Reducing the maximum fine amount for violations of vending regulations.

**Int. 0435:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Dromm, Mendez, Crowley, Dickens, Nelson, Chin, Jackson, Seabrook, Mealy, Palma, Rivera, Rose, Koslowitz, Brewer, Sanders Jr., Vann, Wills, Comrie, Dilan, Ferreras, Ulrich and Halloran

**TITLE:**

Defining unrelated violations of vending rules and regulations as separate offenses.

Honorable Members of City Council, friends and colleagues,

My name is James B. Williams. I am a veteran of the United States Air Force. I have been a street vendor in New York City for 9 years. I have been a board member of the Street Vendor Project for almost the whole time. I also have four children that rely on me for financial support.

I originally got my vendors license because I wanted to have my own business. Even though it would be a small business, I could call it my own. I was lucky to be able to a general vendors license because I am an Air Force veteran. I currently sell women's jewelry on 16<sup>th</sup> Street and 5<sup>th</sup> Avenue in Manhattan.

We are here today joined by our supporters and friends to show our pressing support for Intros 434 and 435.

Six years ago, the Environmental Control Board raised the maximum fine, from \$250 to \$1,000 for minor vending violations that have nothing to do with health or safety. These fines have put thousands of people, including myself, out of work.

When I first started working as a vendor I received many tickets. I received tickets for things like not having my license clearly displayed and for having a table that was too long. Two years ago I was unable to renew my license because I owed almost \$1,000 and there was no way I could pay those fines. I was out of work for two years and it was devastating for me and my family. I could no longer support my children as I fell behind on my court-ordered child support payments.

There are many veterans like me who have been put out of work by these \$1,000 fines. These men and women put their lives on the line for our country. They came back to New York and many of them could not hold a regular job and had to become street vendors. Now they are penalized with \$1,000 fines for minor violations. Please respect our military veterans and all vendors by passing Intros 434 and 435.

Thank you for the opportunity to testify today on these important bills that will make a dramatic difference in the lives of thousands of vendors and their families.



MOUNT SINAI  
SCHOOL OF  
MEDICINE

Community and Government Affairs

The Mount Sinai Medical Center  
One Gustave L. Levy Place, Box 1037  
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Tel: (212) 731-7888  
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Testimony from the Mount Sinai Medical Center  
Before the New York City Council  
Committee on Consumer Affairs  
Regarding Introduction 789  
Tuesday, April 24, 2012

Good Morning Chairman Garodnick and other members of the Consumer Affairs Committee. It is a pleasure to be here this morning.

My name is Brad Beckstrom and I am the Director of Community and Government Affairs at the Mount Sinai Medical Center. I am here to express strong support for New York City Council Introduction 789 which would amend the administrative code to prohibit vending on the portion of hospital sidewalks that abut no standing zones. The legislation would help address an important patient safety issue created when vendors locate near hospital entrances and obstruct areas where patients are dropped off and picked up. Mount Sinai urges that you adopt this legislative proposal. Attached to my written testimony is a letter that the President and C.E.O. of Mount Sinai, Dr. Kenneth L. Davis, wrote to Councilman Garodnick in support of the bill. I ask that it be included in the record along with my testimony.

The main Mount Sinai campus is located between 98<sup>th</sup> and 102<sup>nd</sup> and from Madison to Fifth Avenues. On any given day 35,000 people enter a Mount Sinai building, 4,500 obtain outpatient care, more than 300 people visit our emergency department, and as many as 1000 individuals are receiving in-patient care. We care for a large number of elderly patients and individuals using walkers, canes and wheel chairs. It is a busy facility located on some of the busiest streets in New York.

In recent years the number of vendors located on our hospital campus has nearly doubled. In fact, on many week-days we have as many as 35 vendors located on one of our sidewalks. Many of these vendors are located near entrances and next to areas where patients are dropped off and picked up. This situation creates patient safety hazards, diminishes patient access, results in street congestion and limits emergency vehicle and personnel access to our facility.

I would like to share a few specific problems resulting from vendors locating in areas that obstruct patient access areas that this legislation would correct.

- Curbs are used for patient pick-up and drop-off from private vehicles. Vendors line much of the curb space in front of Mount Sinai, making it difficult and dangerous for people to access the sidewalk from their vehicles while having to maneuver around vendors.
- It is not uncommon for a drop-off patient to walk down a Madison Avenue traffic lane to find adequate space between vendors to approach our entrances.
- Ambulettes drop off patients curb side. The sidewalk congestion adds to the time the ambulettes block traffic. The ambulettes wait until the patient enters the building to leave. The delays result in additional street traffic disruption.
- In the event of an emergency which requires the hospital to evacuate, the vendors would be occupying the same space that is needed by the hospital to stage evacuated patients and equipment.
- Many of the vendors are close to entrances and curbside. They would be in the way of emergency personnel and vehicles need for any disaster.
- Many of the vendors spill grease and leave trash. This creates an unhealthy environment near a hospital and creates slip hazards.
- Our security officers have witnessed patients nearly getting hit by food carts as they are being transported on sidewalks next to our buildings.
- Many of our chemotherapy patients enter from Fifth Avenue. The food smells from Fifth Avenue vendors is making many of our chemotherapy patients ill as they leave and enter our buildings.

This legislation does not prohibit vendors from locating near hospitals. Rather, it only restricts them near entrances and areas where patients are dropped off for medical care.

Thank you for your willingness to address this important issue. We urge that you adopt City Council Introduction 789.

Testimony of Jeannine M. Jennette  
Before the New York City Council Committee on Consumer  
Affairs  
April 24<sup>th</sup>, 2012

Councilman Garodnick, members of the Committee, Good Morning. My name is Jeannine M. Jennette, Executive Director of Public Safety at Columbia University Medical Center (CUMC) in northern Manhattan. I am here to speak in strong support of Council bill 0789-2012 which would prohibit vending on the sidewalk abutting no standing zones that are adjacent to hospitals. Attached to my written testimony is a letter that the Executive Vice President and Dean at CUMC, Dr. Lee Goldman, wrote to Councilman Garodnick in support of this bill. I ask that it be included in the record along with my testimony.

In recent years, we have seen significant growth in the number of vendors, both general and food, in the area surrounding CUMC and New York Presbyterian, our affiliated hospital. At the center of our campus, the superblock bordered by 165<sup>th</sup> and 168<sup>th</sup> Streets, Broadway, and Fort Washington Avenue, last Thursday afternoon, there were nineteen separate vendors; this does not include the two newsstands or the two ice cream trucks that generally park on 165<sup>th</sup> and 168<sup>th</sup> Streets later in the day. This also does not include the vendors nearby or even across the street or out in front of other buildings on campus.

Over half of the vendors on the superblock were located adjacent to a no standing zone, including two that were parked directly next to a fire hydrant, and several located close to the emergency room entrance where the ambulances pull up to bring in patients. This cluster of vendors, especially towards the corner of 168<sup>th</sup> Street and Broadway, creates tremendous traffic problems, both pedestrian and vehicular, near the carts, and makes it more difficult for staff, students, visitors, ambulances, and especially patients, many of whom are disabled and limited in some other way, to access our facilities. Imagine coming out of the subway, as many of our patients do, and being caught in pedestrian traffic that makes it harder to reach your doctor's office. Imagine trying to pull up in a car, taxi, or Access-A-ride van to get into the hospital, even the emergency room, and not being able to get as close as possible. Council bill 0789-2012 will address this situation and make it easier for those who really need to get to the hospital to do so.

While the vending carts themselves are obviously on the sidewalk and not on streets, most of these carts have to be dropped off and picked up every day by a van or



truck powerful enough to tow them. They also receive deliveries of supplies throughout the day. This means that often times, not only are the carts blocking the sidewalk, they and/or their delivery trucks are actually blocking the street, including blocking no standing zones. I should also note that many vendors will often leave their cars in metered spots adjacent to where they are located for the entire day, thus exacerbating the traffic situation on our block even further. This is illegal but very difficult to enforce.

Prior to coming to Columbia in 2002, I was a member of the New York City Police Department. From 2001-2002 I served as commander of the 67<sup>th</sup> Precinct, which includes the area around SUNY Downstate Hospital. Even back then we had problems with vendors taking up valuable sidewalk and street space and making it more difficult for people to get to the hospital.

Certainly, stricter enforcement of the Consumer protection laws, as well as all health, and environmental regulations will help, and we work closely with our local precinct to try to maintain order, but the situation around CUMC/NYP has simply gotten out of hand. I fear that it could get worse, that we will see more vendors, taking up more space, and making it more difficult for people to access the health care they need. Please pass 0789-2012. Thank you. I am happy to answer any questions you may have.



COLUMBIA UNIVERSITY  
MEDICAL CENTER

*College of Physicians & Surgeons  
College of Dental Medicine  
Mailman School of Public Health  
School of Nursing*

Lee Goldman, MD  
*Executive Vice President for  
Health and Biomedical Sciences,  
Columbia University  
Dean of the Faculties of  
Health Sciences and Medicine,  
Columbia University Medical Center*

April 16, 2012

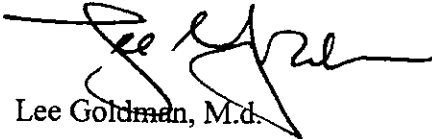
The Honorable Daniel R. Garodnick  
New York City Council  
250 Broadway, Suite 1880  
New York, New York 10007

Dear Councilman Garodnick:

I write to express my strong support for legislation that you have introduced (Int 0789-2012) which prohibits vending on the sidewalk abutting no standing zones adjacent to hospitals. In recent years, we have seen significant growth in the number of vendors, both general and food, operating in the area immediately surrounding the Columbia University Medical Center and NewYork-Presbyterian, many of whom are located next to no standing zones. This causes tremendous traffic problems, both vehicular and pedestrian near the carts, and makes it more difficult for staff, visitors, and especially patients to access our facilities. Your bill would help address this very serious situation.

Again, thank you for introducing this legislation. You have my full support.

Sincerely,



Lee Goldman, M.D.

cc: Hon. Christine Quinn  
cc: Hon. Robert Jackson  
cc: Hon. Ydanis Rodriquez.



**[www.NYCBIDAssociation.org](http://www.NYCBIDAssociation.org)**

**Testimony to the New York City Council Committee on Consumer Affairs  
submitted by Monica Blum, Member of the NYC BID Association  
April 24, 2012**

Thank you Council Member Garodnick and members of the Committee for the opportunity to testify today. I am here today on behalf of the NYC BID Association, an organization that represents the 67 business improvement districts throughout New York City. Let me state at the outset that the Association has not taken a position on the bills that you are considering today; however, a number of my colleagues will be testifying or submitting written statements on behalf of their organizations. My remarks will be general and more historical in nature. We commend you for your efforts to address the food vending situation, a complicated situation to say the least.

Let me also state that we are not opposed to vendors – many of us have good working relationships with the vendors in our districts. We recognize that food vending serves a legitimate need and that many people like and use them.

The NYC BID Association has a long history with this issue and has been attempting to deal with vending for many years. We recognize the complexity of the situation; the regulations are confusing, unclear, and as a result, make enforcement extremely difficult. This is true for both general vending and food vending. However, we believe that in addition to the legislation you are considering today, there needs to be a comprehensive overhaul of the regulations and statutes that govern vending. The current regulations are simply unworkable, extremely confusing, and are very difficult to enforce. We believe that even vendors are often unclear as to where they can and cannot go.

In 1999, our organization which was then known as the BID Managers' Association, undertook, at its expense, a comprehensive review of the many vending regulations and ultimately drafted a comprehensive bill, known as 110 (subsequently revised to be 110A) that unified the regulation of food and general vendors in one broad piece of legislation that established assigned locations, or warrants, for vendors. We also proposed a lottery system that would have insured that vendors who had been at particular locations for a long time would have a fair shot at keeping those locations. That legislation also had locations where vending – both food and general – was not permitted, as well as other provisions. Our goal was to develop a structure that would balance the interests and needs of all – the general public and the vendors. Under our proposal, no one location, or corner, would be saturated with vendors and many more locations would have become available. Although there was considerable interest in that legislation at the time, due to the complexity of the issue, it did not move forward.

We commend the Council for taking this step today to try to bring some rationale to vending. While our original bill may be too dusty for consideration today, the NYC BID Association is eager to work with all parties to try and come up with a solution that works, and that is enforceable. Having five food vendors, many selling the same product, right next to each other clearly does not work. We are happy to work with you and members of the Council in coming up with a comprehensive statute that is rational, and balances the needs of all concerned. Thank you for the opportunity to be here today.



# Community Board Ten

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JOANNE SEMINARA  
Chairwoman  
JOSEPHINE BECKMANN  
District Manager

*For the record*

BRIAN KIERAN  
Vice Chairperson  
ELEANOR SCHIANO  
Secretary  
MARY ANN WALSH  
Treasurer

## Community Board 10 TESTIMONY BEFORE NEW YORK CITY COUNCIL CONSUMER AFFAIRS COMMITTEE

On April 16, 2012, Joanne Seminara Chair of Community Board Ten discussed in detail the issue of food vendor cart and regulations in New York City. I would like to share with you the key points raised in Ms. Seminara's presentation to members of Community Board Ten.

The public theatre around food carts in Bay Ridge and throughout New York City will continue for some time until and unless the City of New York enacts clear and meaningful guidelines concerning the licensing, regulations and placement of food "carts" on City streets.

Many of the carts are actually "stationary restaurants" that take up near permanent almost round-the-clock residence on our sidewalks. Without even supporting a prohibition in New York City or within the CB 10 catchment area, certain points bear repeating both concerning our past actions as a Board and what we have recently learned.

1. In May of 1994, the City of New York placed a ban on general street vendors within the 86<sup>th</sup> Street BID Area.
2. Community Board Ten in 2008, 2009 called for the NYC Department of Small Business services to add restriction of mobile food vendors in the "No General Vending Area" of the 86<sup>th</sup> Street Business Improvement District.
3. Small Business Services responded to a letter from Council Member Vincent Gentile on September 9, 2010 stating that a comprehensive review of street vending regulations is warranted and the structure of the Street Vending Panel does not provide an efficient or effective means to address vending concerns; further stating that SVRP actions only provide an inadequate "piecemeal" approach, reviewing streets in isolation without regard to the impact of new rules.
4. Segue way to the inequities visited upon our small business owner who:
  - a) Zero Sidewalk Display Districts – 86<sup>th</sup> Street BID area merchants cannot place anything within 3 feet of their storefronts advertising their wares on the sidewalk but can wake up to a mobile food cart/stationary restaurant on the sidewalk in front of their store, on a lot on which the small business owner:
    - (i) pays the real estate taxes;
    - (ii) is responsible for sanitation

MARTY MARKOWITZ, BOROUGH PRESIDENT

# Community Board Ten

Page - 2 -

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- (iii) pays a premium assessment to operate within the BID so the BID can provide security and extra sanitation services, etc., which BID was represented to be a vendor-free zone; and
  - (iv) if said small business owner is a store or restaurant, may sell all or some of the same food products as the mobile food vendor.
5. For food vendors or those working for food vending cart permit holders, there is much more to this issue: the grave injustice created by the thriving black market for mobile food vending permits issued by the NYC Department of Health and Mental Hygiene. The City charges a mere \$200 for most food cart permits and issues only 3,100 year-round permits. Transferring or renting these permits is illegal. Everyone, including the City's Health Department, acknowledges the illegal sales. (See 3/9/2011 Wall Street Journal Article "Prices for Food Cart Permits Skyrockets", attached.) And so the permits are being illegally transferred by license holders who pocket whatever the market will bear, ie. \$14,000 for a \$200 permit; here in our streets in Bay Ridge we are informed the practice is similar, local operators illegally paying a premium to cart license holders. These permits are required to go back into the finite pool of licenses issued, not sold in the black market to cart operators. Some permits fetch as much as \$20,000. All the profits go to the middle person. Sean Basinski, director of the Street Vendor Project, an advocacy group for street vendors, estimates that 60% or more of vendors rent their permits stating that "there is no sign that the Department of Health is willing to do anything about this." These permits are a New York City privilege which is being abused on the backs of food service workers who are illegally held hostage by permit holdees within plain site of the New York City administration.

The system of awarding permits to food vendors within the City of New York needs to be dismantled and restructured from the bottom up, and until this happens we are unlikely to see any improvement in determining which regulations apply and how they can be enforced.

Clearly, we need to do better for small business owners in our BIDs, for the public which is short selling the price of permits so that black-marketeers reap exorbitant profits, and for people who hope to earn an honest dollar selling food on our streets.

We need to re-build the system and enact new, comprehensive and enforceable Citywide regulations as soon as possible so the playing field is leveled for everyone.

Presented by : Josephine Beckmann, District Manager  
718-745-6827

# Northern Manhattan

## COALITION FOR IMMIGRANT RIGHTS

TESTIMONY OF NORTHERN MANHATTAN COALITION FOR IMMIGRANT RIGHTS  
New York City Council Committee on Consumer Affairs  
Hon. Daniel Garodnick, Chair

HEARING ON INT. 0434 & INT. 0435

April 24<sup>th</sup>, 2012

Int. 0434:

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Seabrook, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Sanders Jr., Vann, Wills, Dilan and Ulrich

TITLE:

Reducing the maximum fine amount for violations of vending regulations.

Int. 0435:

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Dromm, Mendez, Crowley, Dickens, Nelson, Chin, Jackson, Seabrook, Mealy, Palma, Rivera, Rose, Koslowitz, Brewer, Sanders Jr., Vann, Wills, Comrie, Dilan, Ferreras, Ulrich and Halloran

TITLE:

Defining unrelated violations of vending rules and regulations as separate offenses.

Good Afternoon. I want to thank the members of the City Council for this opportunity to speak. My name is Rodolfo Estrada and I am the Executive Director for the Northern Manhattan Coalition for Immigrant Rights (NMCIR).

For the past 30 years, NMCIR has educated, organized, and defended immigrants in New York City. The bulk of individuals served by our organization are residents of the Bronx and the Northern Manhattan neighborhoods of Hamilton Heights, Washington Heights, and Inwood.

NMCIR has a unique community presence: our staff interacts with almost 30 walk in clients a day and we offer civics and English classes to approximately 125 students a week. Our client profile is largely reflective of the immigrant community in the Heights: almost all are Spanish-speaking immigrants and the majority have less than a secondary school education. In terms of employment, 48% are unemployed and of those who are employed 67% make less than \$15,000 a year.

While the services we provide largely revolve around immigration services, our day-to-day interactions with clients often reveal a host of auxiliary problems. For the past few years, NMCIR has been made aware of problems that street vendors –most of them immigrants with limited English proficiency–have working in various Northern Manhattan neighborhoods. Many of the street vendors we've encountered have told NMCIR that their attempt to make an honest living by selling food and other goods has led to multiple arrests and large fines. Many vendors also feel confused by the City's laws regarding street vendor permits, including its waitlist that hasn't granted new permits for many years.

We believe the current system in place, which includes fines of up to \$1,000, are disproportionately affecting immigrant individuals in our community whose language skills, education, and employability has already left them vulnerable in our current economy. We therefore urge the City Council to make these Intros into law and help New York's immigrants avoid some of these pitfalls they face under the current fine system. We strongly believe this is the right thing to do since their only "crime" is trying to support themselves and their family.

As a nonprofit that assists immigrants in all stages of the immigration process, we also believe that current laws are having an unintended but consequential side effect on many immigrants. Arrests, criminal convictions, and prison time often have to be disclosed on immigration applications and can jeopardize immigrants who are seeking status or relief. This can have a devastating effect on a community that is largely composed of immigrants because there are disproportionate consequences to having criminal convictions.

NMCIR is concerned with long term disenfranchisement of its community members. For example, arrests, convictions, etc., can cause an individual to lose the ability to naturalize and therefore be denied the right to vote. As more and more immigrants are caught up in the criminal justice system say by being arrested for being a street vendor, NMCIR foresees whole classes of individuals being disenfranchised politically, despite proof of rehabilitation, years of paying taxes, and being positive contributors to their communities.

NMCIR urges the City Council to help our community by enacting these Intros and exploring further ways to help New York City's street vendors.

Thank you.

TESTIMONY OF

*North Central Queens Working Families Party Club*  
**WORKING FAMILIES PARTY**

*Presenter: Arturo Ignacio Sánchez, Ph.D.*  
*as875@cornell.edu*

New York City Council Committee on Consumer Affairs  
Hon. Daniel Garodnick, Chair

HEARING ON INT. 0434 & INT. 0435

April 24<sup>th</sup>, 2012

**Int. 0434:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Seabrook, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Sanders Jr., Vann, Wills, Dilan and Ulrich

**TITLE:**

Reducing the maximum fine amount for violations of vending regulations.

**Int. 0435:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Dromm, Mendez, Crowley, Dickens, Nelson, Chin, Jackson, Seabrook, Mealy, Palma, Rivera, Rose, Koslowitz, Brewer, Sanders Jr., Vann, Wills, Comrie, Dilan, Ferreras, Ulrich and Halloran

**TITLE:**

Defining unrelated violations of vending rules and regulations as separate offenses.

My name is Arturo Ignacio Sánchez and I am the co-chair of the Immigration Committee of the North Central Queens Working Family Party Club. Geographically, our club's catchment area includes the most ethnically and economically diverse immigrant neighborhoods in New York City.

Before presenting my comments on the legislation before you today, I would like to state that my substantive observations are based on the following: 1) my tenure as the chairperson of the Newest New Yorkers Immigration Committee of Community Board 3, Queens which includes the densely packed immigrant neighborhoods of Corona, East Elmhurst, and Jackson Heights; 2)



thirty years experience as an academic researcher/teacher on immigration issues in New York City; and 3) designing and teaching a course in the Department of City and Regional Planning at Cornell University – during four years - on immigrant entrepreneurship and economic restructuring.

The Northwestern Queens Working Families Party Club strongly supports the two bills - associated with street vending - which are currently before the Committee on Consumer Affairs: 1) Int. 0434 – which calls for a Local Law to amend the administrative code of the City of New York to reduce the maximum fine amount for violations of vending regulations; and 2) Int. 0435 – which calls for a Local Law to amend the administrative code of the City of New York to define unrelated violations of vending rules and regulations as separate offenses.

There are more than 20,000 vendors in the five boroughs. Nonetheless, approximately 50 percent of the vendors in New York City operate outside of the city regulatory framework and therefore find themselves at risk of incurring violations and onerous fines. The vendor situation is complicated by:

- 1) A long-standing cap on vending licenses and a prolonged waiting list that forces vendors into the untenable situation of engaging in unregulated entrepreneurship.
- 2) At least seven (7) different city agencies function as depositories for information associated with street vendors. Yet, the enforcement of vending rules is under the purview of street level officers of the New York City Police Department – who in many cases are poorly trained in the legislative and administrative nuances associated with the vending regulations.<sup>1</sup>
- 3) As such, since many vendors are limited-English speaking immigrants, communication with law enforcement officials is problematic. This situation increases the possibility of miscommunications and the unfair imposition of fines for such minor violations as not carrying their vending licenses around their neck or being too close to the crosswalk. Many of these fines snowball to \$1,000 penalties and fomented significant hardship for poorly paid vendors. In effect, a street vendor can be fined \$1,000 for parking his/her cart one inch too close to the curb. Contrast these draconian fines with the \$150 traffic tickets or the \$250 violations for failing to curb one's dog. This unfairness is compounded by the fact that in 2006 the maximum fines were ratcheted up by a rule change administered by the Environmental Control Board and were consequently not voted on by our duly elected officials.
- 4) Well known and highly respected scholars such as Saskia Sassen<sup>2</sup> and John Cross<sup>3</sup> have argued – based on their empirical research - that punishing formal and informal

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<sup>1</sup> Ya-Ting Liu. (2007). *A Right to Vend: New Policy Framework for Fostering Street Based Entrepreneurs in New York City*, M.A. Thesis, Department of Urban Studies and Planning, Massachusetts Institute of Technology.

<sup>2</sup> Saskia Sassen. (1988). "New York City's Informal Economy," *Conference on Comparative Ethnicity: The Conference Papers*, June, University of California Los Angeles.

<sup>3</sup> John C. Cross. (2000). "Street Vendors, Modernity and Postmodernity: Conflict and Compromise in the Global Economy," *International Journal of Sociology and Social Policy*, 20, 1. pp. 30-52.

entrepreneurs contributes to increasing levels of immigrant unemployment while augmenting political marginalization. Furthermore, considering the fact that since the U.S. Census of 1880, immigrants have registered higher rates of self-employment than the native-born population, these policies would have a detrimental impact on small-scale immigrant entrepreneurship and the much needed tax revenues associated with small family-based businesses.

In closing, during these economically hard times it would be counter intuitive and short-sighted to demonize and stunt street level entrepreneurship and the economic sustenance that these activities provide for the growing immigrant population in New York City. As such, the North Central Queens Working Family Party Club fully supports *Intro. 434* which seeks to lower the \$1,000 fines for administrative violations to \$250, and *Intro. 435* which seeks to change the way administrative violations escalate.

Thank you for this opportunity to testify on this important topic for our street level entrepreneurs and the prospective health of our urban economy.

**Arturo Ignacio Sánchez, Ph.D.**



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**TESTIMONY OF VALERIA TREVES, EXECUTIVE DIRECTOR  
NEW IMMIGRANT COMMUNITY EMPOWERMENT**

**New York City Council Committee on Consumer Affairs  
Hon. Daniel Garodnick, Chair**

**HEARING ON INT. 0434 & INT. 0435**

**April 24<sup>th</sup>, 2012**

**Int. 0434:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Seabrook, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Sanders Jr., Vann, Wills, Dilan and Ulrich

**TITLE:**

Reducing the maximum fine amount for violations of vending regulations.

**Int. 0435:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Dromm, Mendez, Crowley, Dickens, Nelson, Chin, Jackson, Seabrook, Mealy, Palma, Rivera, Rose, Koslowitz, Brewer, Sanders Jr., Vann, Wills, Comrie, Dilan, Ferreras, Ulrich and Halloran

**TITLE:**

Defining unrelated violations of vending rules and regulations as separate offenses.

My name is Valeria Treves and I am the Executive Director at New Immigrant Community Empowerment (NICE), a membership-based community organization, composed of low wage workers, that works to ensure that new immigrants can build social, political and economic power in their communities and beyond. I am writing this testimony in support of Intros 434 and 435, which would lower the maximum penalties for street vending violations as well as alter the framework for which the fines escalate.



NEW IMMIGRANT COMMUNITY EMPOWERMENT

We at NICE place extraordinary value upon the contributions that street vendors bring not only to the neighborhoods in which we work, Jackson Heights, Elmhurst and Corona, but also throughout the entire city. As low-wage immigrant workers, the NICE membership and community face many obstacles in New York City, amongst these, the high cost of living in New York City. As such, many of our members live in very over-crowded conditions, sharing rooms or apartments as single workers. Our members tend to have limited access to kitchens to prepare their own food, and due to long work hours little time to cook when they do have access. In addition, many workers (particularly men) who are supporting families abroad do not have the time to learn how to cook. For these and many communities of low-wage workers, street vendors provide a very basic and critical necessity which is access to fresh, affordable food so that they can continue living and working in New York City. When street vendors receive high fines for minor violations, they are criminalized for providing a basic necessity to low wage workers who are the backbone of the economic growth of this city.

Our Worker Rights and Immigrant Rights Committees at NICE organize both locally and nationally to build community power around issues impacting new immigrants and immigrant workers. We identify strongly with the current campaign to lower the \$1,000 fines because we see vendor issues as not only workers rights issues, but also immigrants' rights issues. The current penalties imposed on members of this workforce, largely recent and limited-English-speaking immigrants, are one of the many barriers to street vending in New York City. These high fines discourage the economic mobility of street vendors, leaving many of them to make extremely difficult decisions between paying excessive fines to the city or paying for school supplies for their children.

We at NICE strongly encourage the City Council to support these bills so that they can become laws, as they directly impact the economic development of the neighborhoods in which we live and work, and the livelihoods of hard-working families throughout New York City.

Testimony of Dr. Suzanne Wasserman, Ph.D.  
Director  
Gotham Center for New York City History  
CUNY Graduate Center  
April 24, 2012

New Yorkers have spent well over a century struggling with the complex yet ever present problem of peddling and vending. In fact, New York City's history of contention with vendors and their wares dates all the way back to its colonial origins. Laws prohibited peddlers from selling their wares on city streets as early as the 1680's.

But peddling and vending provides a way to work that requires little capital and has traditionally been an alternative to charity or welfare. In spite of its persistence, debates concerning peddling and open air markets have consistently generated flash points of contention amongst vendors, merchants, shoppers and city administrations. Some view the issue angrily, others nostalgically and still others, like me, argue that peddling contributes to the vibrancy of city life. It seems every administration in the last 150 years has tried to deal with what has historically been called "the pushcart problem."

As an historian, I'd like to address one issue that has been persistent since at least the 1920s and that is the perhaps erroneous belief by merchants that pushcart vendors undercut their business. In fact, the historical evidence shows that vendors actually attract business. In the 1920s merchants on the Lower East Side lobbied vigorously to remove pushcarts from in front of their stores despite the fact that a 1925 report by the US Department of Agriculture clearly stated that "in general the presence of a pushcart market increases the trade of the stores adjacent to them...business [thrives] on the side where they congregate, while business on the opposite side often remains dull." LaGuardia abolished open air markets. By 1941, gross sales on Orchard Street dropped by 60%.

Max, of Max and Louise's Botanica and Flowers, one of the three remaining original stands in the Essex Street Market during the late 1980's, explained:

I moved to Essex Street Market when it opened because they took the pushcarts away. People didn't come around like they used to... I figured once they take away the pushcarts they wouldn't bring the customers as much as they did before... Once the pushcarts went away the business died out.

What the city and the business community have failed to realize time and time again is that street life, in its variety of forms, enlivens the city and makes New York, New York. As American cities become more and more homogenized, it seems of the utmost importance for New Yorkers to fight to retain what in fact makes New York unique. This fine increase, if it goes through, could very well make New York a different kind of city, a city without vendors. Three-star chef David Ruggerio put it this way, "With all this nonsense about street vendors, let's just recall that umbrella'd hot-dog carts...are part of what makes living in this city worthwhile. Banish hot dogs from the streets and: what kind of city are we left with? So give the street vendors a break. Mr. Mayor, we all know you enjoy 'em, too."



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**ORAL TESTIMONY OF DAVIT MKRTCHYAN, STREET VENDOR PROJECT**

**New York City Council Committee on Consumer Affairs**

**Hon. Daniel Garodnick, Chair**

**HEARING ON INT. 0727**

**April 24<sup>th</sup>, 2012**

**Int. 0727:**

By Council Members Garodnick, Cabrera, Chin, Comrie, Ferreras, Foster, Gentile, Koppell, Koslowitz, Palma, Halloran and Koo

**TITLE:**

A Local Law to amend the administrative code of the city of New York, in relation to prohibiting vending in front of building entrances and exits, including service entrances and exits.

Honorable Members of City Council, friends and colleagues,

My name is Davit Mkrtchyan. I am a street vendor and photographer. I am working in the Times Square area after midnight.

I came to the United States in 2003 because I believe that this country is a free country. I am a father of three children between 8 and 19 years old. My income supports my entire family.

I am here today to voice my opinion about Intro 727, a bill that will put many vendors out of work if it passes.

Intro 727 will prohibit vending in front of any door. Until now, the regulation says that street vendors must vend more than 20 feet from any entrance.

We all know that in Times Square, there are many, many doors. Many are not in use or used very infrequently. Almost none of the doors are in use by the time most street vendors come out to vend (after midnight on many streets).

If Intro 727 passes, I estimate that 30% of street vendors in my area, myself included, will lose their jobs. This means many families will have their sole income-earner out of work.

Council Member Garodnick, it is possible that Intro 727 came about because of one or two vendors in your district. Members at the Street Vendor Project are happy to work with these few vendors to help them find a spot that the community can agree upon. Please do not pass Intro 727 as it is written. Too many street vendors will be negatively impacted – too many hardworking people, immigrants, veterans, single parents – will be out of work.

I hope you will think about how difficult it is for street vendors to make a living in these tough economic times before you move forward with Intro 727. We hope that you stand with street vendors and do the right thing.

Thank you for your support.





**City Council Hearing On Intros 0684, 0727, 0789, 0016, 0434 and 0817**

**Chair Honorable Dan Garodnick April 24, 2012**

Good morning, my name is Elaine M. Walsh, PhD, LCSW and I am President of the East 86<sup>th</sup> Street association. a nonprofit civic organization focused on the improvement of the quality of living in Yorkville Our membership includes, businesses, property owners, and resident

The East 86<sup>th</sup> Street Association supports Intros 0684,0727,0789,0016 and 0817, and opposes 0434. We believe that this is a good first step but just the tip of the iceberg, towards more pedestrian-friendly and ADA compliant sidewalks. +435

Complaints about street vendors are the number 1 complaint we receive at our organization. Merchants and residents object to the idea that one day without any warning a vendor can show in front of your store or home and set up shop. No other business can take such action. A sidewalk café requires a licensing and permitting and Community Board process so why not street vendors? News stands require a vetting process and so do all unregulated uses.

Our residents, property owners and merchants are also stuck with cleaning up after the vendors when they leave and all during the day – it is the property owners who sweep and power wash the sidewalks to maintain a clean appearance. It is the property owner who will receive tickets if not clean.

Street vendors in our area stuff the corner bins with their trash and leave boxes next to the cans. This happens even though vendors who are required to remove their own trash. They also operate under sidewalk sheds which is a violation and more importantly a public safety problem.

Our residents and merchants object to the over-sized and multiple tables used by vendors, the oversized food carts, the selling of food off the sidewalk, the carts with metal spikes holding coolers taking up even more sidewalk space. There are even vendors who put our A-frame signs which are also not allowed under the signage laws but for retailers next to the building line. Vendors here park in hydrants and block crosswalks at busy intersections –and run propane tanks without any regard for pedestrian safety. Enforcement in all areas is necessary and funds must be allocated if these bills are to have any impact.

Our beautiful City feels like a non-stop flea market with all the over-sized tables hawking the same mass-produced t-shirts, copies of old signs, photos, ties, sunglasses etc. In addition, the smells wafting from carts all over the sidewalk area and sometimes even into stores and homes is very unfair to residents and merchants. Restaurants are required to control their emissions and so should the food carts.

Regarding the fine structure- The vendors are violating a range of laws and are putting our residents at risk with the modes of operation –from selling food that is displayed on the street, smoking, not using hair guards, or gloves and taking space away from pedestrians. I think you know the violations that ensure. Vendors are knowledgeable of the laws that govern their business and function with the idea that enforcement seldom occurs and when it does will not pay the fines given and if they do it is just the cost of doing business. We all should remember that the vendors are not all independent operators but work for holders of the license or a cartel.

Brick and mortar businesses as well as other businesses know that there are laws that govern their operations –if they do not abide they are fined. Vendors should not be given a pass.

We thank the City Council for this good first start on the out of control vending issue in this City. It is an important quality of life issue that must be addressed. WE respectfully urge you to pass Intros 0684,0727,0789,0016 and 0817 and not pass 0434. *J 435*

Thank you

*For the Record*



**LEGAL  
SERVICES**

INCORPORATED

TESTIMONY

ON

REDUCING THE MAXIMUM FINE AMOUNT FOR  
VIOLATIONS OF VENDING REGULATIONS  
INTRODUCTION NOS. 0434 AND 0435

BEFORE:

NEW YORK CITY COUNCIL  
COMMITTEE ON CONSUMER AFFAIRS

PRESENTED BY:

RACHEL SPECTOR  
SENIOR STAFF ATTORNEY  
MFY LEGAL SERVICES, INC.

April 24, 2012

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MFY LEGAL SERVICES, INC., 299 Broadway, New York, NY 10007  
212-417-3749 [www.mfy.org](http://www.mfy.org)

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Thank you for the opportunity to testify today. My name is Rachel Spector, and I am a staff attorney at MFY Legal Services, Inc. I am pleased to be here today to speak in support of Introduction Numbers 434 and 435, which would reduce the maximum fines imposed on street vendors.

MFY is a nonprofit organization established in 1963 that provides free civil legal services to approximately 7,500 poor and low-income New Yorkers annually in housing, public benefits, health, consumer, foreclosure and employment matters. We prioritize services to vulnerable and under-served populations such as persons who are elderly, disabled, poor or immigrant, while simultaneously working to end the root causes of inequities through impact litigation, law reform, and policy advocacy.

MFY's Workplace Justice Project advocates on behalf of low-income workers throughout the city on a range of employment matters. A high percentage of the Project's clients are immigrants, many of whom are relatively new to the United States and are highly vulnerable to exploitation at work. We have assisted self-employed vendors as well as vendors who are employed by food cart business owners. Both types of vendors struggle to make ends meet, and the rapidly escalating fines currently in place can quickly disrupt their ability to earn a livelihood. As an organization representing low-income and working-poor New Yorkers to ensure that they can make a living, maintain their housing and pay their bills, MFY believes that fines of \$1,000 on street vendors are too high.

In our experience, street vendors can easily receive numerous tickets for small violations in a relatively short time period. A vendor recently contacted our office who had received 16 tickets in the span of a single week!

In addition, it appears that sometimes the maximum fine can be imposed arbitrarily. For example, a current client brought in the many tickets he had received and copies of the ECB decisions upholding the violations and imposing fines. This client happens to have a name that is extremely common in his country. Looking at an ECB decision imposing a \$1,000 fine, I quickly saw that fine was based on a record of past violations, several of which were attributed to individuals with the same name but different license numbers. Only two of the five prior violations were my client's, yet because the time to appeal the violation at the Environmental Control Board had passed, he was unable to get a reduction of the fine amount. His other fines were much lower and without the \$1,000 fine he most likely would have been able to pay the amount due and renew his license. Because of the high amount, however, he was forced to allow his license to lapse.

Finally, many of our clients with individual food vendor licenses who are subject to these fines are not running their own businesses, but instead are hired to staff food carts owned and operated by others. Often they are unable to control the conditions that are the basis of the violation, and their employers will not reimburse them for the amount of the fine. They are paid very low wages, and any fines they must pay further undermine their earnings.

We believe the City can continue to enforce its laws while lessening the burden on immigrant micro-entrepreneurs and low-income workers, who simply cannot afford to continue their business or keep their jobs when they are forced to pay \$1,000 fines.



Testimony from the Pratt Center for Community Development  
In support of Int. 434 and Int. 435  
Before the Committee on Consumer Affairs  
Tuesday, April 24, 2012 at 10:00 AM

Good morning. My name is Lee Wellington, and I am a Planning Fellow at the Pratt Center for Community Development. The Pratt Center works to strengthen communities by bringing together professionals, educators and graduate students from the fields of architecture, urban planning, community organizing and economic development to collaborate with community-based partners and build sustainable and successful city neighborhoods. The Pratt Center has provided technical assistance and conducted policy research on issues that are closely linked to Int. 434 and 435—from the regulations associated with starting a vendor marketplace, to food access and its relationship to downtown redevelopment, to participatory planning in diverse communities across all five boroughs.

We are pleased to voice our support for these bills for two key reasons. First, the legislation before you today is consistent with the core values of the Pratt Center—Int. 434 and 435 reflect a participatory process with the goal of reaching more equitable outcomes. And second, through our work providing technical assistance to local development groups, we understand the importance of street vending as a vital community development tool; this legislation will make it easier to street vendors to thrive while working within the existing regulatory framework.

Turning first to process issues, the Administration quadrupled the maximum fines for street vendors in 2006. This increase, coupled with an escalating penalty schedule, was a dramatic change to the regulatory framework for vendors. Yet the question of \$1,000 fines never went before the City Council. Instead, the Environmental Control Board simply used its rulemaking authority to enact this sweeping regulatory change. Vendors, and all New Yorkers, deserved a far more extensive public process, and we're pleased that the City Council is considering measures to reform the City's penalty schedule.

After reviewing other escalating penalty schedules in the Administrative Code, it is hard to find anything as punitive as the vending regulations that stand today. We are dealing with immigrant entrepreneurs that are earning wages hovering at the poverty line. A \$1,000 ticket might be five percent of a vendor's annual income, or it might be as high as twenty percent.<sup>1</sup> Because vendors see penalty amounts increase with each minor, unrelated offenses, \$1,000 tickets are not uncommon. And because many of our City's vendors are immigrants with limited English language skills these tickets are difficult to defend in administrative courts. Consequently, vendors often must decide between covering the cost of basic living expenses and paying fines that are grossly out of proportion to the alleged violations at issue.

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1 Peddling Uphill. The Street Vendor Project. 2006.

The Pratt Center's technical assistance and policy work has only reinforced the importance of street vending in community development. Presently, we are working with Cypress Hills Local Development Corporation to set up a vendor marketplace on an underutilized lot on Pitkin Avenue in Brooklyn. We have partnered with Brooklyn Law School's Community Development Clinic to help local vendors understand the many agencies that regulate vendors in New York City, and register for Certificates of Authority. Vending regulations are not always intuitive, and while there are a number of organizations, like the Street Vendor Project, dedicated to helping vendors understand these regulations, it is certainly a complex line of work. Therefore, it is not surprising that vendors can receive several tickets in a day for minor infractions, like not wearing a vending license, or being situated too close to a building entrance. Many of these regulations are important to the functioning of a densely populated city. But the escalating penalties that are in place lead to a counterproductive result. Vendors, unable to afford the fines, may not renew their licenses to vend legally on the City's street. Regulations need to be crafted equitably so that vendors are able to stay within the existing regulatory framework.

Most importantly, we need vending in New York City. Vending can create important hubs of activity in commercial corridors struggling to attract more foot-traffic. Vending can also be a gateway to economic opportunity. The Pratt Center has been focused on supporting immigrant food businesses, and strengthening the production economy more generally. Food production is a \$5 billion industry in the City, and continues to be a growing source of sustainable employment, particularly for immigrant communities.<sup>2</sup> Street vending, since this City's beginnings, is an important tool in launching these viable food businesses. The Pratt Center strongly supports regulations that allows food entrepreneurs, and entrepreneurs of all sort, to get their start on a fair playing field. Int. 434 and 435 are important steps in the direction of equity for some of the City's smallest of small businesses. We thank you for your time, and welcome any questions you may have.

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<sup>2</sup> More Than a Link in the Food Chain. New York Industrial Retention Network and Fiscal Policy Institute. 2007.



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**Testimony of  
The Legal Aid Society**

**In support of:**

**Int. No. 434: A Local Law to amend the Administrative Code of the City of  
New York, to reduce the maximum fines for certain street vending infractions  
from \$1,000 to \$250  
at a public hearing on April 24, 2012**

**Presented to:**

**The New York City Council Committee on Governmental Operations**

**Presented by:**

**Steven B. Wasserman**

**Attorney**

**Criminal Practice – Special Litigation Unit**

**April 24, 2012**



## **Introduction**

I am Steven Wasserman, an attorney with the Legal Aid Society's Criminal Practice. The Legal Aid Society welcomes the opportunity to testify at this public hearing before the New York City Council Committee on Governmental Operations in support of reducing the maximum \$1000 fine that may be levied against licensed street vendors for regulatory infractions such as improper placement of vehicles and pushcarts, sidewalk obstruction, and failure to display licenses.

Since 1876, The Legal Aid Society has provided free legal services to New York City residents who are unable to afford private counsel. Annually, through our criminal, civil and juvenile offices in all five boroughs, our staff handles more than 300,000 cases and legal matters for low-income families and individuals. The services we provide reflect the entire gamut of the needs of our clients, from immigration representation for the newest arrivals, to health care benefits for the oldest New Yorkers.

By contract with New York City, The Legal Aid Society serves as the primary defender of low-income people prosecuted in the State court system, at both the trial and appellate levels. Each year we represent hundreds of unlicensed vendors. In our experience, both licensed and unlicensed vendors are typically enterprising and hardworking people, largely immigrants, struggling to support

families.

### **Int. No. 434**

It is beyond dispute that the schedule of regulatory fines for vending infractions is driving many actual and potential licensed vendors into the underground economy – principally into the ranks of the unlicensed vendors we represent. The proof is in Councilman Levin’s observation that that only 5% of roughly 15,800 vending fines were collected in FYs 2008 – 09. (\$15.8 million imposed, \$900,000 collected). NY Post, 2/21/2012 Among the thousands of vendors who did not pay their fines, perhaps a few found jobs in the private sector. But it is safe to assume that the vast majority of these licensed street vendors continued to incur fines they could not pay, or began to vend without a license, or were driven into illicit forms of street commerce or unemployment. In any case the lethal impact of a \$1000 fine on a licensed business that sells a \$5 food item on a profit margin of 30-40% is easily foreseeable.

The life of the average unlicensed vendor is overshadowed by constant fear of arrest, expropriation and deportation. A neighborhood vendor may be tolerated on Monday and incarcerated on Tuesday - her liberty, property, and immigration status subject to revocation and forfeiture. Many of our clients facing deportation came to the attention of Immigration authorities as a result of an arrest for unlicensed vending. In an effort to respond to complaints by local retailers, or to

abate what they characterize as “quality of life conditions”, the NYPD often is thrust into the role of exposing undocumented workers to removal proceedings by Immigration authorities.

The Legal Aid Society is painfully familiar with the rigid and unforgiving fines policy of the New York City Environmental Control Board. In our experience, the Board tends to elevate revenue enhancement over regulation and strict liability over deterrence. One current example is our client Albert Prince, a noted local sculptor who uses found objects in his artistic creations. Mr. Prince was fined \$2000 and had his van impounded for taking an old rooftop TV antenna from a pile of materials left by the curb for recycling.

The fine with impoundment levied on Mr. Prince is mandatory for “any person” who removes “any amount” of recyclables with the use of a motor vehicle. Although the ECB credited Mr. Prince’s testimony that he did not even know he was stealing, the ECB refused to reduce the fine or to let him off with a warning.

The \$2000 fine, which represents a 20-fold increase over the traditional fine for taking recyclables, was enacted in 2009 in response to an increase of high-volume theft from the City’s recycling program. When the proposal came before the City Council in 2009, several Council members expressed strong reservations about the potential sweep of the enhanced penalties. Their concerns were met with categorical assurances from City officials that the enhanced penalties would not

actually be applied to “anyone” taking “any amount” of recyclables, but only to those operating “for commercial purposes, for serious business reasons, and in great bulk”.

Despite these assurances, the relentless prosecution of Albert Prince continues pending appeal of the denial of his CPLR Art. 78 petition for relief from the fine and the impoundment.

The \$1000 fine for parking a vending wagon more than 18 inches from the curb is even more disproportionate than the fine levied on Albert Prince. Sidewalk obstruction is a pure regulatory offense that is incident to trying to earn an honest living. Yet \$1000 is the maximum fine that can be imposed for criminal conduct. Thus, a minor sidewalk obstruction is placed on an equal footing with unlicensed vending and far more serious misdemeanors like drunk driving. PL 80.05(1); VTL 1193(b)

Reduction of the maximum fine to \$250, which may represent a week’s profits for a tax-paying family person selling snow cones, is surely an ample deterrent to a repeat offense. Moreover, there is a much greater likelihood that the fine will actually be paid by an offender who retains an incentive to conduct a law-abiding business. New York needs and loves its street vendors, and owes them a fairer opportunity to conduct their businesses under reasonable regulations.



**BUSINESS CENTER  
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**TESTIMONY OF BUSINESS CENTER FOR NEW AMERICANS  
New York City Council Committee on Consumer Affairs  
Hon. Daniel Garodnick, Chair**

**HEARING ON INT. 0434 & INT. 0435**

**April 24<sup>th</sup>, 2012**

**Int. 0434:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Seabrook, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Sanders Jr., Vann, Wills, Dilan and Ulrich

**TITLE:**

Reducing the maximum fine amount for violations of vending regulations.

**Int. 0435:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Dromm, Mendez, Crowley, Dickens, Nelson, Chin, Jackson, Seabrook, Mealy, Palma, Rivera, Rose, Koslowitz, Brewer, Sanders Jr., Vann, Wills, Comrie, Dilan, Ferreras, Ulrich and Halloran

**TITLE:**

Defining unrelated violations of vending rules and regulations as separate offenses.

My name is Yanki Tshering and I am the Executive Director of the Business Center for New Americans (BCNA), a non-profit organization that is dedicated to assisting immigrants, refugees, women, and others in need to achieve self sufficiency and wealth creation through business development and expansion, savings, and home ownership. We achieve this by providing microloans, specialized training, and personal coaching. The Business Center for New Americans is certified as a Community Development Financial Institution by the CDFI Fund at the US Department of Treasury and is also certified by the Small Business Administration (SBA) as a SBA Intermediary Lender. In the July 15, 2011 online version of

CNNMoney, the Business Center for New Americans was featured as one of the 10 top microfinance organizations in the United States.

In partnership with our clients, we help them *successfully establish and run small businesses, save money, and/or invest in a first home*. Since 1997, we have provided hundreds of workshops, assisted over 3,702 businesses, and disbursed loans worth \$8.9 million.

Last week, the Honorable Mayor Bloomberg of New York City, recognized the Business Center for our dedication to helping immigrant entrepreneurs, by presenting us with the American Dreamer Award for 2012 in the business category.

I mention our credentials so as to point out that we are a dedicated organization which takes our mission and role in helping new Americans in a sensible and pragmatic manner by collaborating with city agencies like the Department of Business Services and the Office of Financial Empowerment, an extremely progressive and effective initiative at the Department of Consumer Affairs. OFE was the first local government initiative in the nation with a mission to **educate, empower, and protect** New Yorkers with low incomes so they can build assets and make the most of their financial resources.

I am here to request that we look at the mission of OFE and apply it to the challenges which street vendors, who are also New Yorkers, face. Of all the groups of disadvantaged entrepreneurs that we work with, we have found that street vendors are the most vulnerable and once they get even one fine for \$1,000 their financial situation quickly spirals out of control. Paying the fine, may mean not paying their rent or cutting back on food or in a few cases using their meager savings for their children's further education.

The fact that many street vendors are limited-English-speaking immigrants makes communication with law enforcement difficult. Last winter, one vendor in Brooklyn had his permit under his jacket and he was fined. One client in China Town, placed a wooden crate next to her vegetable cart and she was fined \$1000. Our clients often get multiple tickets at the same time and have little knowledge as to why they are receiving tickets, and in interactions with law enforcement, or when they attend hearings at the Environmental Control Board, have almost no opportunity to defend themselves.

What we are also gravely concerned about is that there is a growing lack of trust in city government and a growing sense of injustice. If the fines were lowered, street vendors would be able to pay their fines, thereby resulting in increased revenue for New York City and ensuring that vendors are in compliance and can focus on managing and growing their business.

Street vendors are hardworking taxpayers and individuals with limited work options as a result of their skill level, language skills or mobility. If they are out of work due to high fines, they oftentimes have very limited or no options to seek other employment.

Every day, we hear from our political leaders, the importance of creating jobs and their hard work to pass legislation which supports this important goal. Our vendors are not asking for a hand out, they are creating their own jobs and working hard so that they can support their families and continue to become productive members of their community. We understand the need to have laws to protect consumers but sensible fines and collaboration with the organizations which work street vendors is a better way to achieve this goal.

The Business Center for New Americans therefore would like to request the City Council to reduce the maximum fines for vending violations and defining unrelated violations of vending rules and regulations as separate offenses.

**Testimony of Kathleen McGee  
Office of the Criminal Justice Coordinator  
New York City Council  
Committee on Consumer Affairs  
April 24, 2012**

Good morning, Chair Garodnick and members of the Committee on Consumer Affairs. My name is Kathleen McGee, and I am Director of the Mayor's Office of Special Enforcement. I am joined by Lieutenant Dan Albano of the New York City Police Department, Assistant Commissioner Robert Edman of the Department of Health and Mental Hygiene, Environmental Control Board Executive Director and Office of Administrative Tribunals and Hearings Deputy Commissioner Julio Rodriguez, and Director of City Legislative Affairs Erik Joerss of the Department of Consumer Affairs. Thank you for the opportunity to testify on the seven bills before the Committee today.

The Office of Special Enforcement is responsible for coordinating enforcement efforts across City agencies to address quality of life issues. Vending is one such issue, so I am here to present the Administration's response to the legislation. Upon conclusion of my written remarks, my colleagues and I will be happy to take your questions regarding our positions on the bills.

Introductory Number 16-A would require the Environmental Control Board to issue quarterly reports to the Council detailing vending violations and dispositions of those violations for the previous quarter. The Administration supports this proposal.

Introductory Number 817 would require Notices of Violation issued by health sanitarians and police officers for food vending violations to include the permit number of the food truck or pushcart from which the violation occurred. Currently, Notices of Violation for civil infractions have a location where a DOHMH employee or police officer could write a truck or cart's decal number. Similar to the permit number, the decal number is a unique identifier specific to the individual cart and can also be used to identify the permit holder. In the weeks ahead, the Department of Health will promulgate rules to streamline and clarify some of their vending rules, and while DOHMH currently includes decal numbers in their NOV's, we expect to propose a rule change to clarify this to include permit numbers instead of decal numbers. We therefore support the Council's efforts to codify this practice into law, but note that a parallel change to the form of criminal summonses is not within the City's power to effectuate.

The next three bills — Introductory Numbers 684, 789, and 727 — would add further restrictions to where vending is permitted in the five boroughs. Intro. 684 would prohibit vendors from working within or against taxi stands; Intro. 789 would prohibit vending within the sidewalk abutting no standing zones adjacent to hospitals; and Intro. 727 would clarify the current prohibition on vending within building entryways, adding service entrances and exits and standardizing at 20 feet the distance from entrances and exits from which both general vendors and food vendors can sell their wares. The Administration supports the intent of these proposals, as we expect that they would reduce confrontation and sidewalk obstruction in heavily trafficked areas. We look forward to working with committee staff to refine the language of these bills.



The final bills, Introductory Numbers 434 and 435, would, respectively, cap the maximum penalties for multiple vending violations and limit the circumstances in which graduated penalties are assessed for multiple violations. Across the City, compliance with the vending rules and laws is poor at best, and complaints continue to be very high. Therefore, we do not support decreasing penalties for vending violations. The Administration would support, however, clarifying the statute to reflect ECB's current practice, which ensures that notices of violations issued on the same day carry the same penalty level.

Thank you for the opportunity to testify. We are available to answer any questions the Committee has at this time.



Urban Justice Center  
123 William Street, 16<sup>th</sup> Floor, New York, NY 10038  
Tel: (646) 602-5600 • Fax: (212) 533-4598  
[www.urbanjustice.org](http://www.urbanjustice.org)

**ORAL TESTIMONY OF MOHAMMAD SAAD ALI, STREET VENDOR PROJECT**

**New York City Council Committee on Consumer Affairs**

**Hon. Daniel Garodnick, Chair**

**HEARING ON INT. 0434 & INT. 0435**

**April 24<sup>th</sup>, 2012**

**Int. 0434:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Seabrook, Williams, Greenfield, Foster, Mendez, Crowley, Dickens, Chin, Jackson, Mealy, Palma, Rivera, Rose, Brewer, Sanders Jr., Vann, Wills, Dilan and Ulrich

**TITLE:**

Reducing the maximum fine amount for violations of vending regulations.

**Int. 0435:**

By Council Members Levin, Mark-Viverito, James, Barron, Rodriguez, Arroyo, Cabrera, Eugene, Gonzalez, Koppell, Lander, Reyna, Williams, Greenfield, Foster, Dromm, Mendez, Crowley, Dickens, Nelson, Chin, Jackson, Seabrook, Mealy, Palma, Rivera, Rose, Koslowitz, Brewer, Sanders Jr., Vann, Wills, Comrie, Dilan, Ferreras, Ulrich and Halloran

**TITLE:**

Defining unrelated violations of vending rules and regulations as separate offenses.

Honorable Members of City Council, friends and colleagues,

My name is Mohammad Saad Ali. I am a food vendor and I am a Board Member of the Street Vendor Project. I have been vending in New York City for 14 years now. Personally I used to be a teacher in my country but the only thing I can do here is be a vendor. I support

my wife and three children from my food vending business. I also send money every month to my family back in Egypt who also rely on me.

When I started this job in 1999, the maximum violation price for vendors used to be \$250, which was too much for us but still acceptable. Then in 2006, the violations changed to a maximum of \$1,000. That was when one of our biggest problems started.

I have received many violations for things like vending too close to a crosswalk or vending on a restricted street and I have had to pay thousands of dollars to renew my vendors license. One year I had to pay \$2,000 and another year I had to pay \$3,000 dollars to renew my license. I remember that on the day that I paid these fines, my wife cried because of the amount of money we had to pay. It was extremely difficult for me to pay these fines but I had no choice. If I did not renew my vendors license I could not work and my family would not have survived.

Simply, we cannot pay this amount of money for a violation. We are apart of this society. We have to make a living. We are responsible for our families and just like you, we have a lot of bills to pay. The only way to meet all of our basic needs is to keep working and keep our jobs.

We have to renew our licenses as food vendors every two years. Even if my license is renewed today, I will still have bad dreams of renewing it in the coming two years, as I may get 3 or 4 violations and may not be able to pay them the next time around.

Let's be clear. We respect the police officers and appreciate their job. But no one is perfect. Sometimes we make mistakes. Sometimes the police give us unfair violations and we are left to pay them. We are given tickets for violations and the police tell us to go to court. It is not easy to dismiss a violation.

We do not want to lose our jobs as vendors because it is very hard for us to find another job as immigrants. It is a disaster for us to lose our jobs and it's a disaster for the city to have thousands of us without jobs every year. If we cannot work the City will have to spend more money on unemployment and other public benefits.

We are here today asking your support on our two bills, Intros 434 and 435, and to allow us to continue to work. Thank you for your time.

## Testimony – NYCC Committee on Consumer Affairs

Peter Davies  
548 Broadway #5A  
New York, NY 10012

### NYC Vending Legislation Hearing

April 24, 2012

Good morning Chairman Garodnick -

I am here as a member of the Broadway Residents Coalition, an ad hoc group of more than 80 SoHo residents, to express support for Intro. 727, which would coordinate and standardize minimum clearance regulations for vendors.

I've lived along Broadway in SoHo for over 30 years. I'm not looking to turn back the clock, and I don't begrudge anyone trying to make a living. I understand how difficult that can be. But the current situation with vendors in our neighborhood is out of control. A recent survey that we made of the blocks between Houston Street and Canal Street showed over 90 vendors on these six block fronts of Broadway, and over 30 vendors on my block alone. As the weather improves we're already seeing an increase in vendors; just last week 3 new food carts joined the 5 food carts that have been parked on the sidewalks of my block, many there 24/7. Based on existing laws, no more than 3 of those 30 plus vendors are in a place that can be called legal. But the existing laws are barely enforced.

The crowding caused by all types of vendors on this stretch of Broadway, where the sidewalks are only about 17 feet wide, has created a situation where pickpockets thrive amid the crush of shoppers. This is evidenced by the recent arrival of off-duty uniformed NYPD officers, hired by local stores to run interference between opportunistic crooks that prey on unsuspecting shoppers along the jam packed sidewalks.

~~I'm also here to state opposition to Intro. 434, which would lower the fines on non-compliant vendors.~~

~~In SoHo many of the vendors blatantly ignore the existing vending regulations, setting up tables and carts directly in front of doorways. Why should vendors who are found to be in violation of the law be encouraged to break the same law by lowering penalties to a maximum of \$250? As we've found along Broadway, the vendors are hardly discouraged by the existing fines, which start at \$250 and can rise to \$1,000. They tell us they know the law and that they'll move only when the NYPD tells them to move.~~

~~If this proposed reduction in fines is a result of pressure from the vending lobby, then that sends the wrong message and is terrible public policy. The vendors should first mind the law, rather than seeing how far they can push the boundaries. The current situation in SoHo is untenable. This change in fines should be rejected.~~

For their good work on trying to get the vendor problem under control, I'd like to thank Bob Gormley, Maury Schott, Jason Mansfield, Shirley Secunda and Pier Consagra of CB2. Sarah Malloy-Good of Assemblymember Deborah Glick's office and Matt Viggiano from Councilmember Chin have also taken up the fight and should be applauded.

But foremost I want to thank my neighbors in SoHo, who have come together as the Broadway Residents Coalition to improve the conditions in our neighborhood, work that is being done without pay but with big benefit to the community and is a model for how neighborhood issues can be dealt with when responsible citizens work together.

Finally, above all what's needed is enforcement by any and all agencies that have the authority to get the vending problem in SoHo and throughout the City under control.

Thank you.

April 22, 2012

Chairman Daniel Garodnick  
NYCC Committee on Consumer Affairs  
250 Broadway  
Suite 1880  
New York, NY 10007

email: [garodnick@council.nyc.gov](mailto:garodnick@council.nyc.gov)

Re: Vending Legislation  
Int. No. 727 & Int. 434

Dear Chairman Garodnick -

I am a longtime resident along the Broadway corridor in SoHo where street vending of all sorts has been increasing over the past several years. The influx of vendors has reached a crisis stage, and the crowding caused by dozens of illegally placed vendors has created the perfect environment for thieves and pickpockets.

Currently, on any given day, nearly 100 tables, food carts & food trucks, not to mention any other number of other non-compliant vendors, line the blocks of Broadway between Houston and Canal Streets. On our block alone, between Prince and Spring, we can count over 30 vendors, and few if any are in compliance with the laws currently on the books that govern placement of vendors. With the arrival of better weather the numbers are increasing.

I support passage of Int. 727, regarding the standardization of the 20' minimum clearance rule around building doorways and entrances. However, I urge rejection of Int. 434, which would lessen fines on non-complaint vendors and very possibly encourage vendors to disregard the regulations by which they are supposed to operate.

I also urge coordination between any & all city agencies with the authority to properly control vendors, including DOH, DOT, NYPD & FDNY. Failure by the city to compel vendors to comply with the law creates an untenable situation where civic duty is ignored and the public - residents, shoppers and others - are put at risk.

Above all, I ask that enforcement of all laws controlling vendors be given top priority, and that the necessary resources be made available to keep vendors operating within minimum boundaries outlined in the law.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter Davies", with a long horizontal flourish extending to the right.

**VENDOR SURVEY:****Saturday November 12, 2012      1:30-3:00 PM****Presented to CB2 Committees on Sidewalks & Public Safety  
November 14, 2012****Also present:**

Representatives of NY City Councilmembers:

Gale Brewer

Margaret Chin

Daniel Garodnick

Representative of NYS Assemblymember Deborah Glick

NYPD, 1<sup>st</sup>, 5<sup>th</sup> & 6th Pcts

FDNY

NYC Department of Public Health

NYC Department of Transportation

**VENDOR TYPES & LOCATIONS****Broadway, from Houston to Canal:**

44 sidewalk vendors on east side + 46 on west side ..... 90

1 illegal vending van on the street ..... 1

**Total Vending Tables, Stands, Vans, Trucks & Carts.....91****Broadway:      East Side      West Side**

15 food carts.....34%

9 food carts ..... 20%

29 tables.....66%

37 tables ..... 80%

**Broadway:      East Side      West Side**

Houston to Prince      12      +      6..... 20%

Prince to Spring      16      +      19..... 34%

Spring to Broome      11      +      15..... 29%

Broome to Grand      2      +      5..... 7%

Grand to Howard      3      +      0..... 3%

Howard to Canal      1      +      1..... 3%

## Vending on Broadway in SoHo

Added note: Food vending carts are required to be cleaned at a facility away from the vending site at least 1 X every 24 hours (many of the vendors along this stretch of Broadway NEVER leave, and are here 24/7).

Vendors are also required to provide a trash receptacle and to keep the area around the cart free of trash (most never do anything about this).

NYC food vendor regulations state that a vendor must maintain 12' clearance to the property boundary and cannot be within 20' of a building entranceway:

### 2006 New York Code - Restrictions On The Placement Of Vehicles And Pushcarts

- § 17-315 Restrictions on the placement of vehicles and pushcarts; vending in certain areas restricted or prohibited. a. **No pushcart shall be placed upon any sidewalk unless said sidewalk has at least a twelve foot clear pedestrian path to be measured from the boundary of any private property to any obstruction in or on the sidewalk, or if there are no obstructions, to the curb.** In no event shall any pushcart be placed on any part of a sidewalk other than that which abuts the curb.
- b. No vending vehicle or pushcart or any other item related to the operation of a food vendor's business shall touch, lean against or be affixed permanently or temporarily in any building or structure including, but not limited to, lamp posts, parking meters, mail boxes, traffic signal stanchions, fire hydrants, tree boxes, benches, bus shelters, refuse baskets or traffic barriers.
- c. All items relating to the operation of a food vending business shall be kept in or under the vending vehicle or pushcart. No such items other than an adjoining acceptable waste container shall be placed upon any public space adjacent to the vending vehicle or pushcart, and no food shall be sold except from an authorized vehicle or pushcart.
- d. **No vending pushcart shall be located against display windows of fixed location businesses, nor shall they be within twenty feet of an entranceway to any building,** store, theatre, movie house, sports arena or other place of public assembly.
- e. No food vendor shall vend within any bus stop, within ten feet of any driveway, any subway entrance or exit, or any crosswalk at any intersection.
- f. Each food vendor who vends from a pushcart or vehicle in the roadway shall obey all traffic and parking laws, rules and regulations as now exist or as may be promulgated, but in no case shall a food vendor vend so as to restrict the continued maintenance of a clear passageway for vehicles.

From: Pete Davies <pdavies1@nyc.rr.com>  
Subject: **Vending Legislation: Opposition on Broadway**  
Date: February 7, 2012 10:23:56 AM EST  
To: slevin@council.nyc.gov  
Cc: Leigh Behnke <broadwayres@gmail.com>  
Bcc: Pier Consagra <pierconsagra@aol.com>, Peter Davis <PAD543@aol.com>  
> 1 Attachment, 38.9 KB



Councilmember Levin -

Please see my attached letter in regard to pending legislation that would lessen fines on noncompliant street vendors. This legislation does not take into full account the negative impact that vendors have on tax-paying citizens who live in overburdened areas of the city.

Sincerely,  
Pete Davies  
548 Broadway #5A  
New York, NY 10012

To: City Councilman Levin  
Date: Feb. 7, 2012

Re: Proposed Bill Regarding Vendors Fines (intro 434/435)

Dear Councilman Levin:

We are a group of approximately 80 residential tenants living on the Broadway Corridor mostly on the block between Spring and Prince Street. We take extreme exception to the tone and assumptions made in the Gotham Gazette article of January 18, 2012. We also are concerned regarding the intent and potential outcome of the proposed bill.

You are quoted as saying that "fines on peddlers and food trucks are outrageous" and that "It goes against a lot of what we believe in this city". We find this to be a very one-sided presentation that does not take a critical situation like ours into account, and in fact will do us real harm.

Apparently you have not been a frequent visitor to the Broadway corridor between Houston and Canal. Our blocks are overrun with vendors. We, too, are liberal thinkers, as it appears you are. However, we have been so inundated by vendors, both legal and illegal, that it has affected our quality of life in concrete and major ways.

You have good intentions. We share these views on allowing all workers to make a living for their families. The question is, what is the cost to the community that is being impacted? How does one balance competing interests if there is no means of enforcement for the scofflaws?

Currently on Saturday afternoon we are often faced with as many as 30 vendors occupying each side of our block, leading to a total of up to 60 or more on both sides. They continue to ignore mixed-use radius codes demanding that they not set up 20 ft from our doorways. They fail to comply with regulations mandating that they clear the trash from the area where they set up shop. Most members of the competing groups that wish to share this space with us are unaware or uncaring of the rights of the residential tenants. The current vending regulations are blatantly ignored.

We are inundated, and our quality of life has already been impacted. Without proper enforcement of existing regulations our city sidewalks are becoming unworkable for those living here, raising families, and paying taxes. Surely we need to have protections for our rights as well.

We invite you and any other city official to contact us to see firsthand what havoc a lack of



enforcement is causing.

We oppose 'Intro 434/435' and ask for its reconsideration and defeat.

Sincerely,

Pete Davies

548 Broadway #5A

New York, NY 10012

cc: Steering Committee, Broadway Residents Coalition

Leigh Behnke

Pier Consagra

Peter Davis

[broadwayres@gmail.com](mailto:broadwayres@gmail.com)

April 22, 2012

Chairman Daniel Garodnick  
NYCC Committee on Consumer Affairs  
250 Broadway  
Suite 1880  
New York, NY 10007

email: [garodnick@council.nyc.gov](mailto:garodnick@council.nyc.gov)

Re: Vending Legislation  
Int. No. 727 & Int. 434

Dear Chairman Garodnick –

I live at the corner of Prince and Broadway and I am writing you today to register my support of Int. 727 and my opposition to Int. 434. Our neighborhood, particularly along the Broadway corridor, has become inundated with street vendors, scores of them. They are packed on both sides of Broadway and down Prince Street as far as West Broadway, to name a few of the areas where they congregate. This concentration of vendors creates a real quality of life issue for the residents in the neighborhood. The sidewalks are too crowded because of the congestion they cause; the trash created by the food trucks and stands is scattered all over the sidewalks and streets; and the environment is highly conducive to street crime (pickpocketing, etc.).

I support passage of Int. 727, regarding the standardization of the 20' minimum clearance rule around building doorways and entrances. I think it is important to codify these restrictions in a way that hopefully will lead to clarity greater enforcement. However, I urge you to reject Int. 434, which would lessen fines on non-complaint vendors and very possibly encourage vendors to disregard the regulations by which they are supposed to operate. To me, this would be moving backwards.

I also urge coordination between any & all city agencies with the authority to properly control vendors, including DOH, DOT, NYPD & FDNY. Failure by the city to compel vendors to comply with the law is really destroying our neighborhood for residents, tourists and shoppers.

Above all, I ask that enforcement of all laws controlling vendors be given top priority, and that the necessary resources be made available to keep vendors within the law.

Sincerely,

Name:

Andrew D Brown

Address: 565 BROADWAY  
NY, NY 10012

Date: 23 APR 2012

April 22, 2012

Chairman Daniel Garodnick  
NYCC Committee on Consumer Affairs  
250 Broadway  
Suite 1880  
New York, NY 10007

email: [garodnick@council.nyc.gov](mailto:garodnick@council.nyc.gov)

Re: Vending Legislation  
Int. No. 727 & Int. 434

Dear Chairman Garodnick –

I am a resident along the Broadway corridor in SoHo where street vending of all sorts has reached a crisis stage, and the crowding caused by dozens of illegally placed vendors has created the perfect environment for thieves and pickpockets. Currently, on any given day, nearly 100 tables, food carts & food trucks, not to mention any other number of other non-compliant vendors, line the blocks of Broadway between Houston and Canal Streets.

I support passage of Int. 727, regarding the standardization of the 20' minimum clearance rule around building doorways and entrances. However, I urge re-consideration of Int. 434, which would lessen fines on non-complaint vendors and very possibly encourage vendors to disregard the regulations by which they are supposed to operate.

I also urge coordination between any & all city agencies with the authority to properly control vendors, including DOH, DOT, NYPD & FDNY. Failure by the city to compel vendors to comply with the law creates an untenable situation where civic duty is ignored and the public – residents, shoppers and others – are put at risk.

Above all, I ask that enforcement of all laws controlling vendors be given top priority, and that the necessary resources be made available to keep vendors within the law.

Sincerely,

Name: Leigh Behnke and Don Eddy

Address: 543 Broadway

New York City

Date: April 23, 2012 \_

From: gf24@columbia.edu  
Subject: **Vending Legislation Int. No. 727 & Int. 434**  
Date: April 22, 2012 8:08:04 PM EDT  
To: garodnick@council.nyc.gov

Georgette Fleischer  
19 Cleveland Place, #4A  
New York, NY 10012  
(212) 966-3474

April 22, 2012

via email: garodnick@council.nyc.gov  
Chairman Daniel Garodnick  
NYCC Committee on Consumer Affairs  
250 Broadway  
Suite 1880  
New York, NY 10007

Re: Vending Legislation  
Int. No. 727 & Int. 434

Dear Chairman Garodnick:

I am a resident of Petrosino Square, which means I frequent on my way to work via the R and N line at Prince Street, and to my bank and grocery shopping, the Broadway corridor in SoHo where street vending of all sorts has reached a crisis stage. Currently, on any given day, nearly 100 tables, food carts & food trucks, not to mention any number of other non-compliant vendors, line the blocks of Broadway between Houston and Canal Streets. It has become a real chore to get through the overcrowded streets and sidewalks, a prospect I find myself dreading, and avoiding if at all possible, now that the area has reached unimaginable and dangerous density.

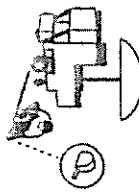
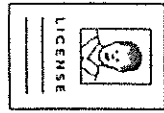
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I also urge coordination between any & all city agencies with the authority to properly control vendors, including DOH, DOT, NYPD & FDNY. Failure by the city to compel vendors to comply with the law creates an untenable situation where civic duty is ignored and the public – residents, shoppers and others – are put at risk.

Above all, I ask that enforcement of all laws controlling vendors be given top priority, and that the necessary resources be made available to keep vendors within the law.

Sincerely,

Georgette Fleischer  
Founder, Friends of Petrosino Square



1. Get a license.  
১) লাইসেন্স নিন।  
1. 免許を申請。  
1. احصل على رخصة
1. Obtenga una licencia.

2. Vend on a legal street.  
২) বৈধ বাজার মাধ্যমে বারানো করুন।  
2. 要在正确的街角。  
2. بيع على شارع مسجوح
2. Venda en una calle legal.

3. Vend in a legal spot.  
৩) বৈধ জায়গায় (স্পট) বারানো করুন।  
3. 要在正确的地方。  
3. بيع في مكان مسجوح
3. Venda en un lugar legal.

### KEY

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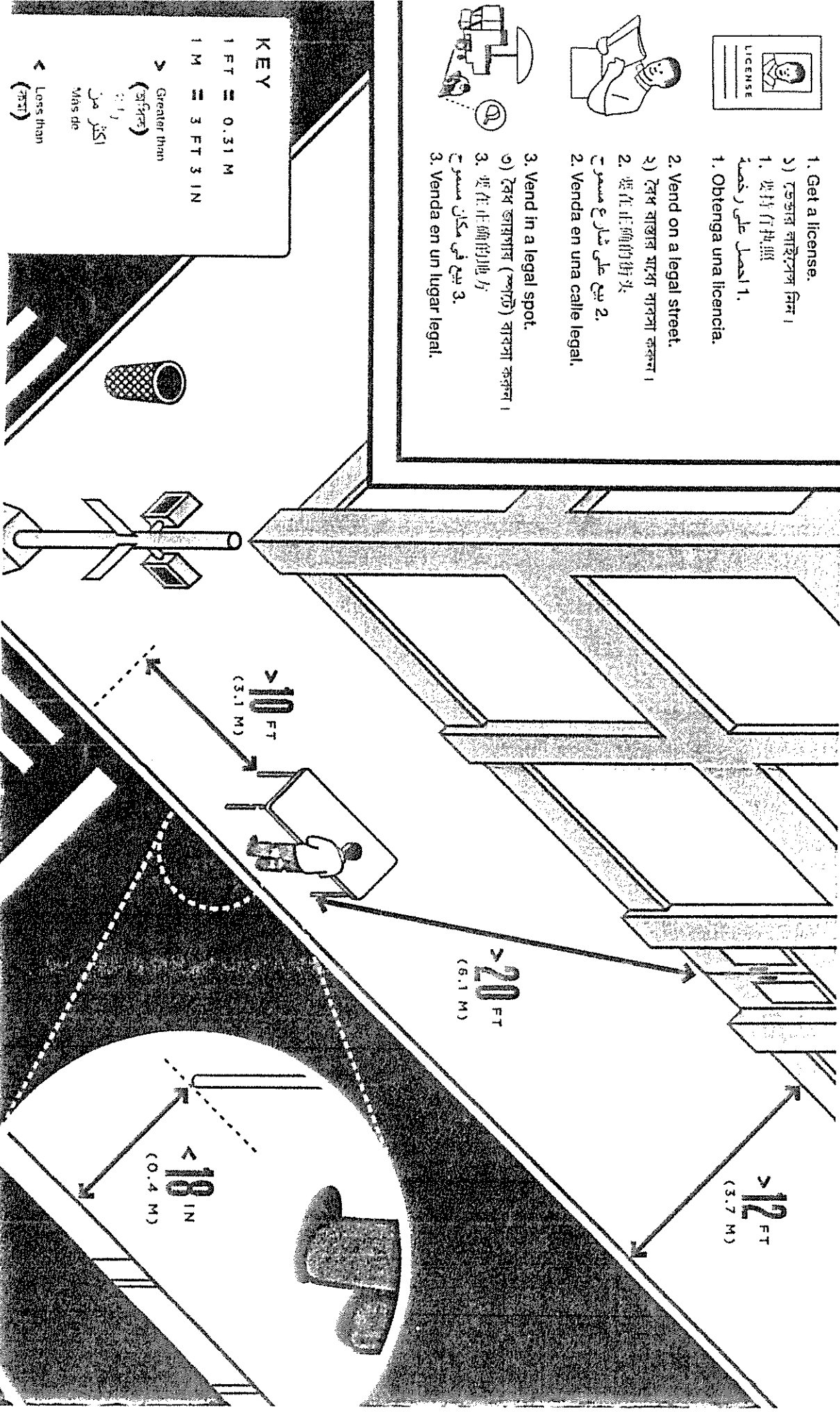
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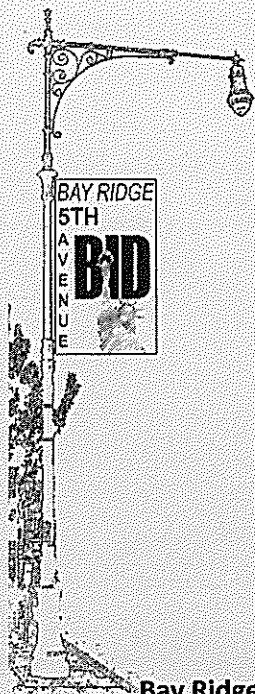
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## BAY RIDGE 5TH AVENUE BUSINESS IMPROVEMENT DISTRICT

The Lincoln Building  
464 Bay Ridge Avenue  
Brooklyn, New York 11220-5906  
Phone #: 718-238-8181 • FAX #: 718-921-3020

### **Testimony to NYC City Council, Consumer Affairs Committee Hearing, April 24 2012**

**Bay Ridge 5<sup>th</sup> Ave Business Improvement District (5<sup>th</sup> Av BID)** ranks as one of the small NYC BIDs. Since 2007, it provides comprehensive program services daily. In May of 1994, the City of New York placed a ban on vendors in 86<sup>th</sup> St Area and Fifth Ave. However the ban apparently did not include food vendors.

Since 2009, 5<sup>th</sup> Ave BID stakeholders (building owners, merchants and residents) have discussed the growing presence of vendors within the District. Meetings and discussions with Community Board Ten (CB10) and many NYC agencies have produced expressions of frustration as many of these mobile units negatively impact 5<sup>th</sup> Ave BID small business owners. These units are part of a large and extensive enterprise in NYC, dispatched to various locations, frequently competing directly with long established businesses which are not mobile.

5<sup>th</sup> Ave BID, other local B.I.D.s, Merchants Associations, and many local business owners have joined with CB10 to state that this 5 Borough issue needs clarity now. There are numerous and often conflicting rules/regulations which need solidification at this time. We applaud the leadership of CB10 in requesting the City of New York enact clear and meaningful guidelines for licensing, regulation and placement.

An apparent lack of attention, by the City of New York, to this issue, has prompted many small businesses and small business groups to express frustration, bewilderment and a demand to clear the situation up now.

Thank you.

James F. Clark, President, 718 238 8181

Cc: BID Board of Directors

NYC Council Member Vincent Gentile

Community Board Ten, Bay Ridge Brooklyn

NYC BID Association

Enclosed is

a general overview of my

## **PROPOSED**

### **'BROADWAY VENDOR REGULATION MAP'**

(BVRM)

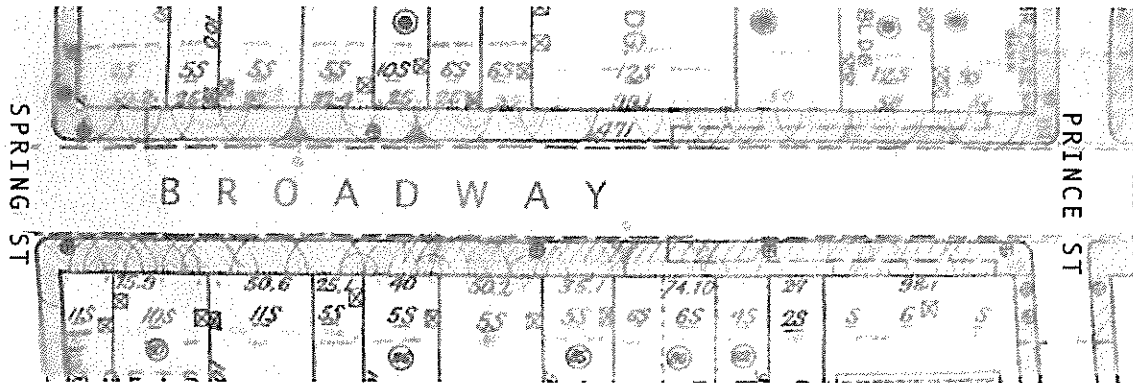
Illustrating the 10 & 20 foot limitations

City Regulations for General Vending and Food Vending.

Presented to the CB2 Sidewalks Comm. Board

on April 9, 2012

at Little Red Schoolhouse



Details of this map appear on the following 3 pages

**Peter A Davis,**

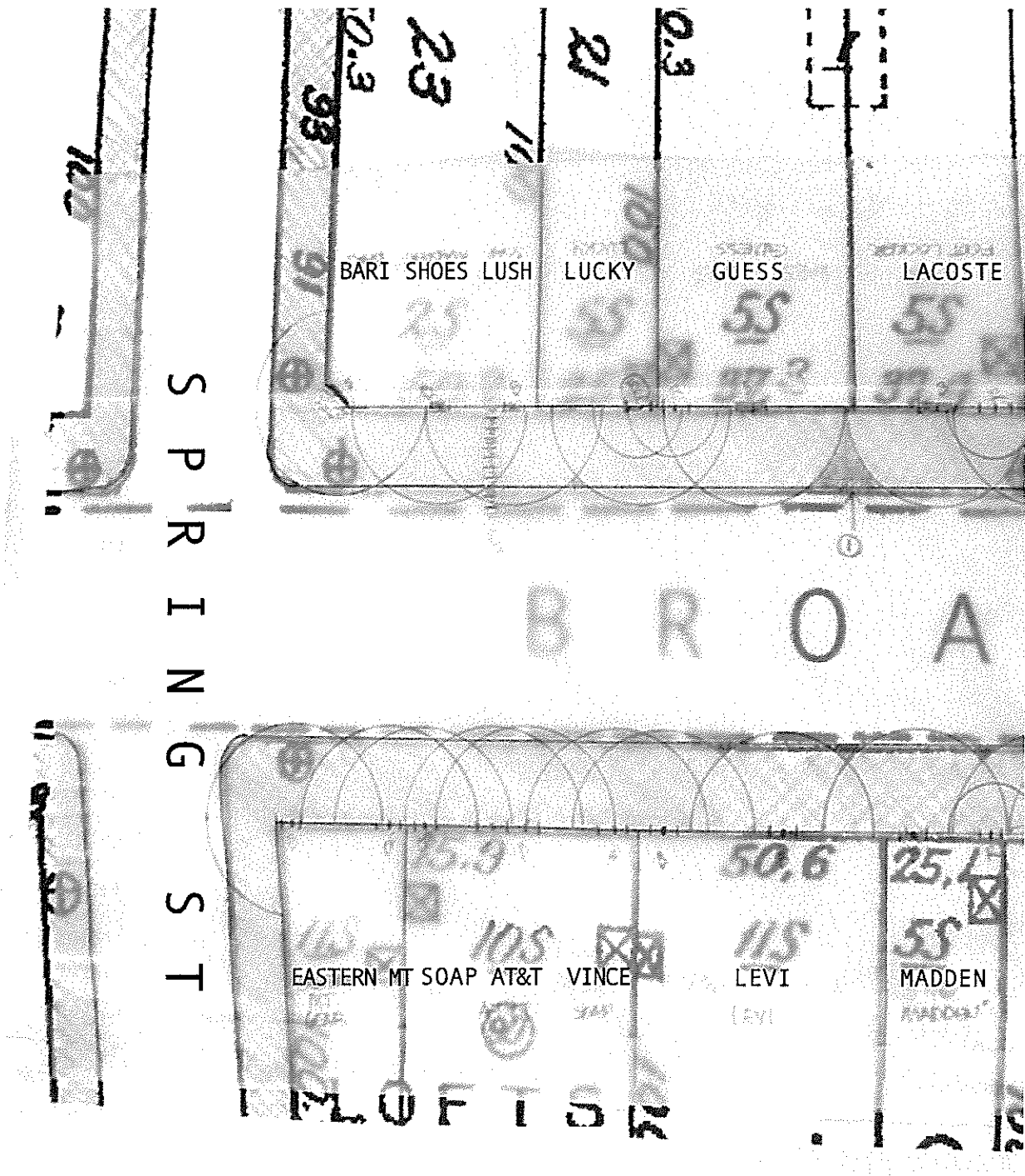
**Resident of**

**Broadway**

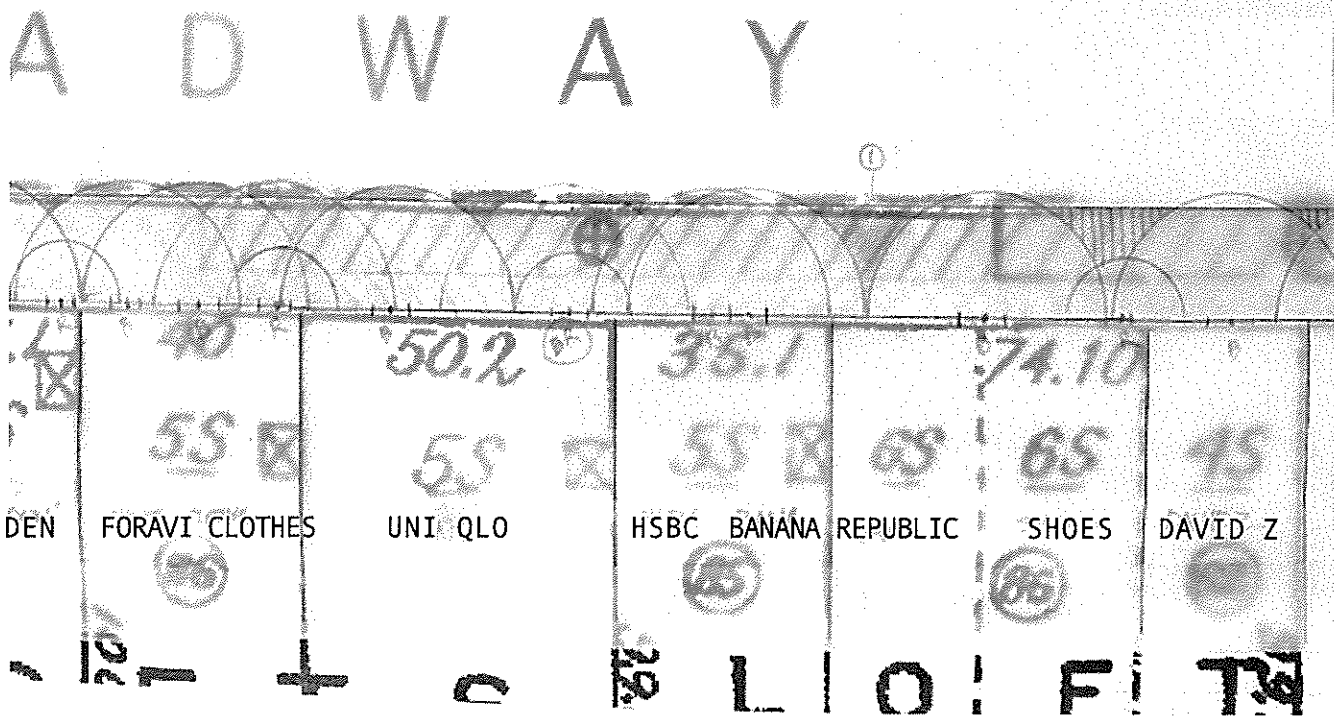
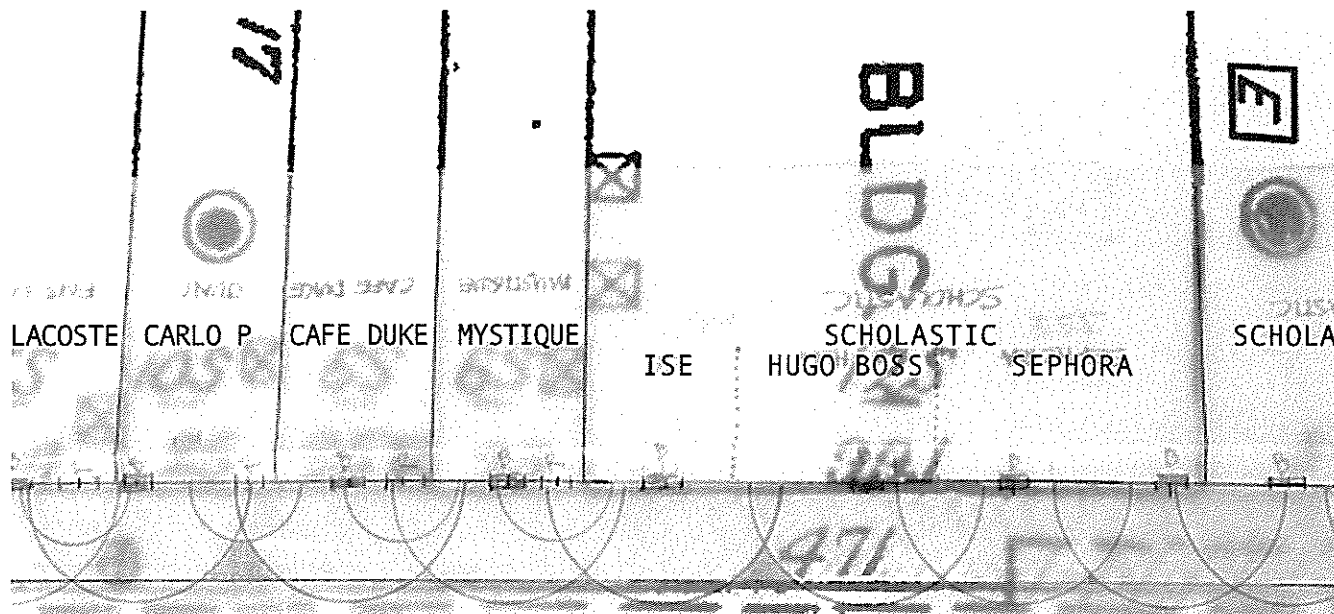
**between Prince and Spring Streets**



**"BVRM" LEFT PAGE**  
**BROADWAY VENDING REGULATION MAP**

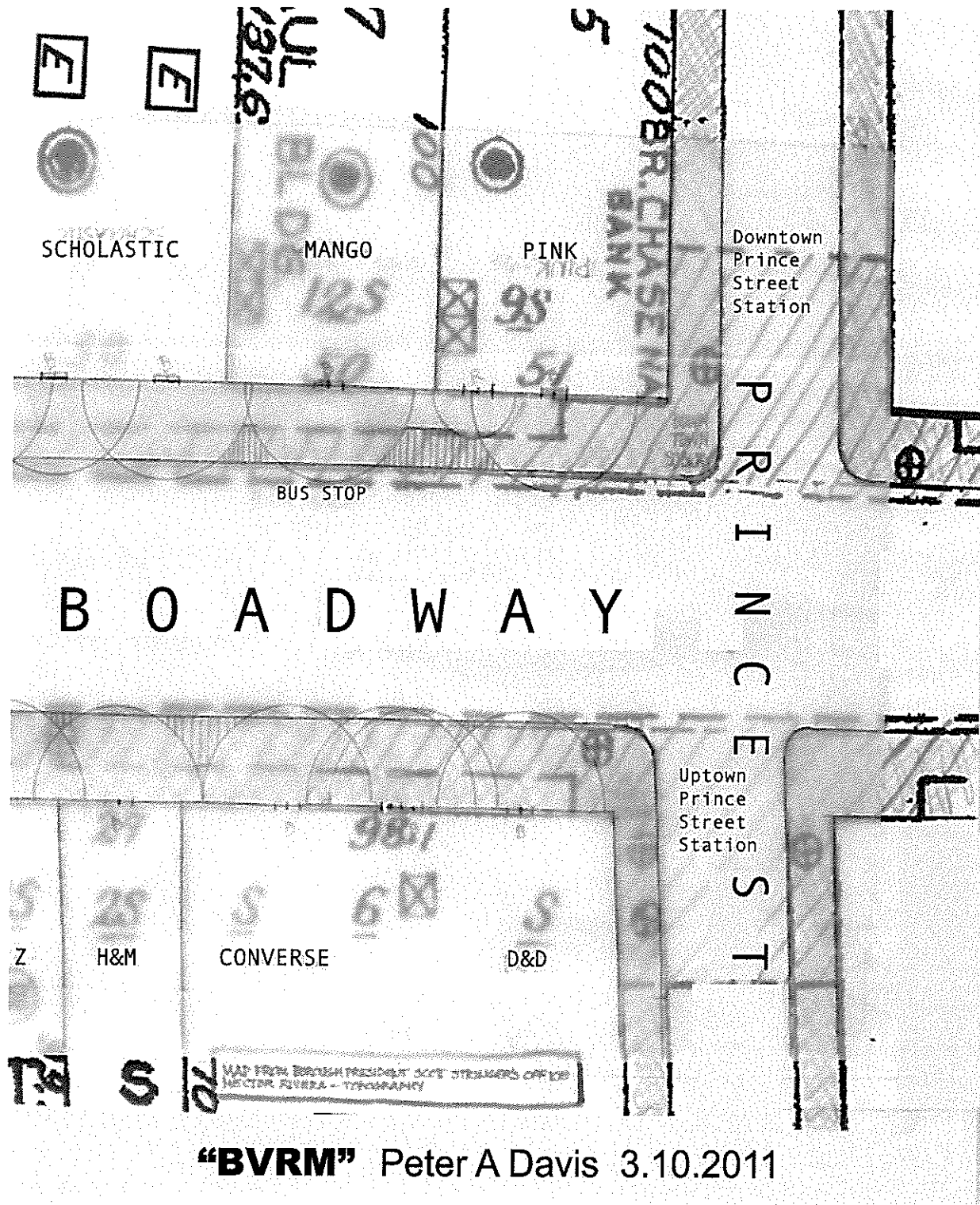


# **"BVRM" CENTER PAGE** **BROADWAY VENDING REGULATION MAP**



## **BROADWAY VENDING REGULATION MAP**

**"BVRM" RIGHT PAGE**  
**BROADWAY VENDING REGULATION MAP**



**"BVRM" Peter A Davis 3.10.2011**

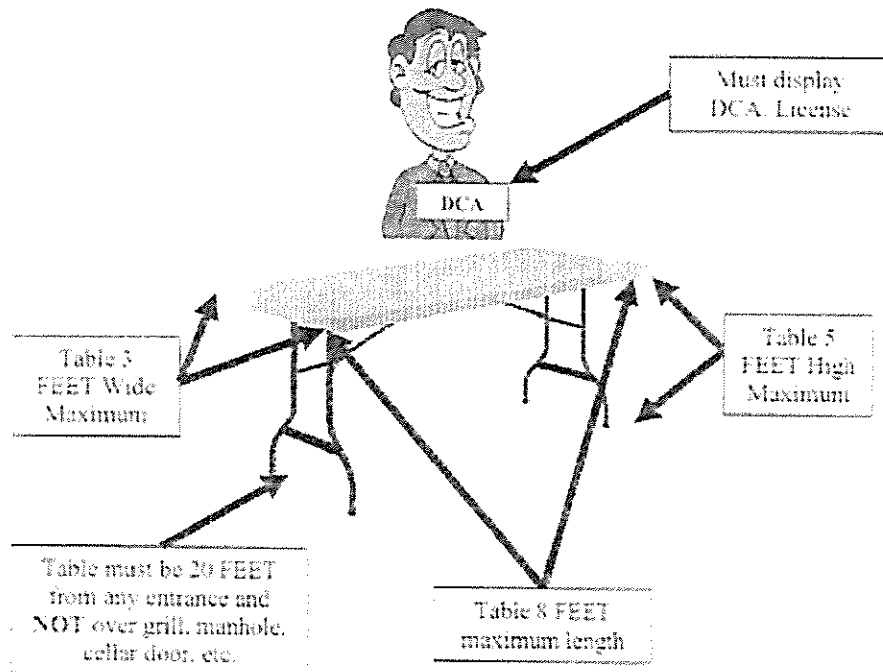
# Key for "BVRM"

Peter A Davis 3.10.2011

10 FT 20 FT

## HOW A GENERAL VENDOR'S TABLE SHOULD LOOK

1. The vendor must possess a valid Department of Consumer Affairs **license** and it must be **displayed** at all times. The vendor **MUST** surrender the license when asked to do so by a Police Officer.
2. The vendor's table cannot exceed **8 FEET** in width.
3. The vendor's table cannot exceed **5 FEET** in height.
4. The vendor's table cannot exceed **3 FEET** in depth.
5. The vendor's table **must** be at the **curb**.
6. The vendor's table cannot be less than **10 FEET** from a crosswalk.
7. The vendor's table cannot be less than **20 FEET** from a building entrance as measured by the table edge to the center of the doorway.
8. The vendor's table cannot be less than **10 FEET** from a **RESIDENTIAL** building entrance as measured by the table edge to the center of the doorway.
9. The vendor's table cannot be placed **over** a **ventilation grill**, cellar door, or manhole.
10. The vendor cannot vend in a **bus stop**.



**Handout From First Precinct Meeting 2.24.2011**

**P R O P O S E D**  
**PILOT VENDOR PROGRAM**

For the Broadway between Prince & Spring Streets  
( Peter A Davis, April 9, 2012, CB2 @ Sidewalks Meeting )

Limited to Seven (7) Vendors on each side of any block.

Limited to Fourteen (14) Vendors total on both sides of any given block, E/W or N/S.

Vendors shall only vend within the delineated 8-foot x 3.5 foot legal vending area.

The approved area and winning certificates is part of a 4-season lottery held once a year.

Any vendor with a Consumer Affairs license may take part in this Lottery. Each certificate is valid for 3 months. There is an up front cost of \$25 per week, \$100 per month or \$300 per 3 months for this certificate.

Think of the Thousands of dollars rent the retail stores pay per month, and the vendors pay nothing to anyone. This is a rent, not tax.

Upon winning the Lottery, the \$300 fee is paid and the certificate is issued with the street name and number

F A L L   V E N D O R  
PRINCE / SPRING / EAST #5  
J o e   J o h n s o n

F A L L   V E N D O R  
PRINCE / SPRING / WEST #5  
A l i c e   B a g l e y

The Police are given a list of certified names that corresponds to the approved 14 numbered areas per block.

Only 14 Vendor will have access to both sides of the street. No other vendor will be allowed to be on any other portion of the block.

Police work is easy. Each certified vendor stays within the painted guidelines. A visual reference to "Overstepping the line of the Law" Otherwise they and their items get hauled away with a hefty Fine with a Police record. Too many fines, your Consumer Affairs License is revoked

The Seasonal Certificates (with a vendor picture) would be valid for 3 months (Fall, Winter, Spring, and Summer) and be non-transferable.

**Suggested 3 months Fee Structure to benefit New York City**

7 Vendors, @ \$100 per month = \$700

14 Vendors @\$100 per month = \$1,400

14 Vendors @ \$1,400 per month for 3 months = \$12,800 per season/ per block

**\$12,800 PER BLOCK, PER YEAR**

## PHASE TWO

### PLANTERS

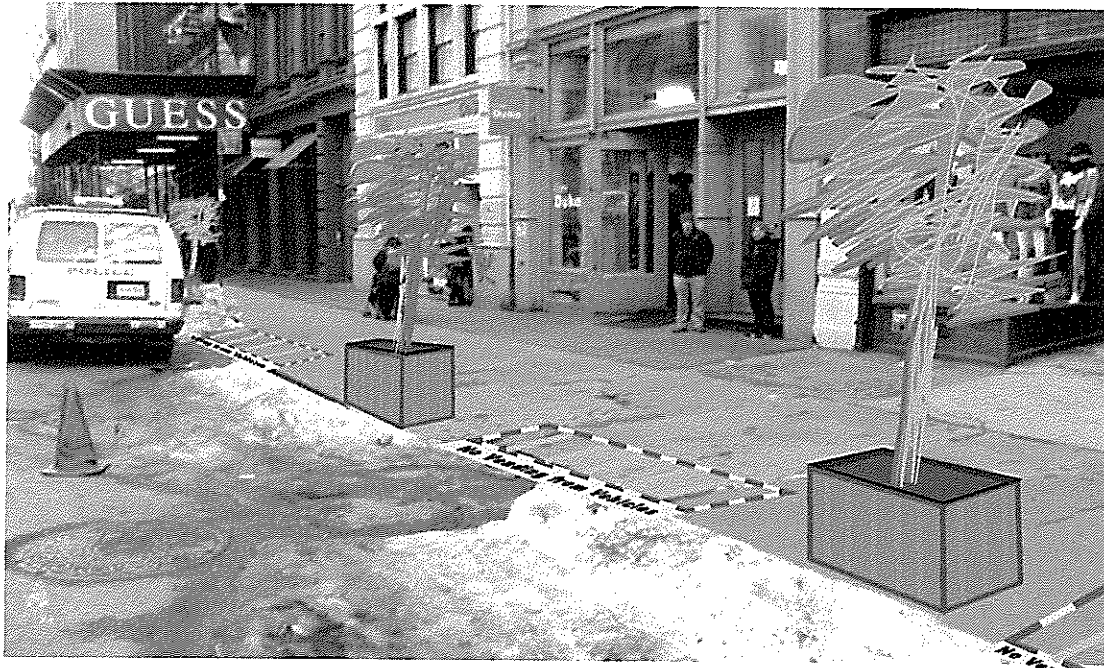
Would be alternately placed between the Vendors on the street.

With 7 Vendors on a block, there would be 8 planters.  
The planters would cap the line at either end.

P/V/P/V/P/V/P/V/P/V/P/V/P/V/P

This idea would bring a much need human aspect to Broadway.  
At the same time, creating a consistency to the blocks.  
Planters can be color coordinated on each block (Lets say the Blue Block),  
or a block can be given to an artist from the Soho community to design,  
paint or tile. This would bring back some visual arts to Soho.

These planters can be partially paid for by the revenue from the vendor's space rental.  
Or the monies can be provided by the street level merchants and helped by the city.



The money is going back into the city to maintain those same blocks

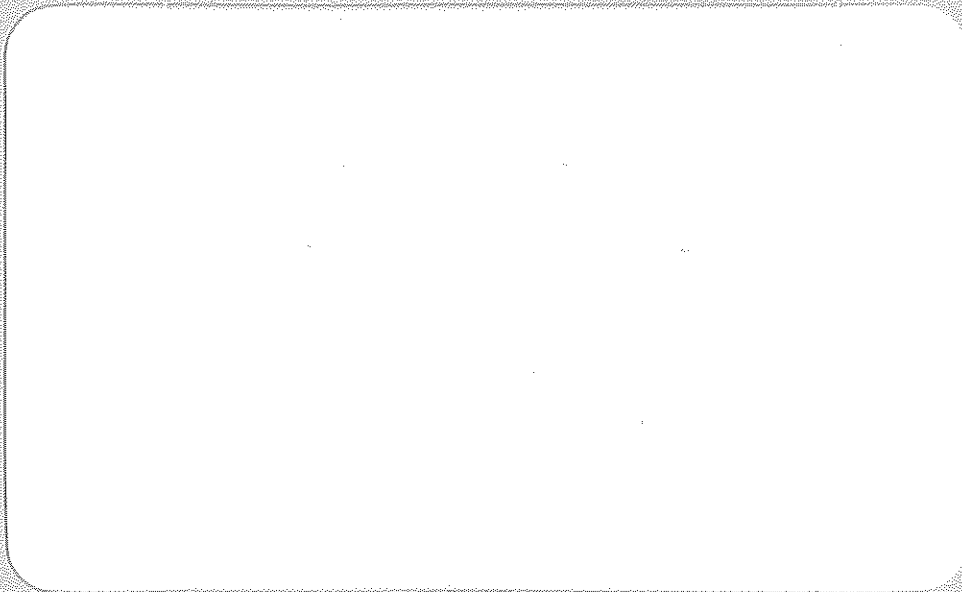
### IN ADDITION

With the new influx of Gas guzzling Food trucks, and vendors vending from vans or trucks, this also fall into the illegal 20 ft. limitation, since the 20 foot mark fall 3 feet into the street. We also have severe environment control issues here.



**Department of Urban and Regional Planning**  
University of Wisconsin-Madison/Extension

## Working Paper Series



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**Fining the Hand that Feeds You:  
Street Vendor Fines and  
Increasing Revenues to New York City**

**Working Paper 12-01  
April 2012**

**John Davis, BA, Department of Statistics and  
Alfonso Morales, PhD,  
Department of Urban and Regional Planning**



Fining the Hand that Feeds You:  
Street Vendor Fines and Increasing Revenues to New York City

Working Paper 12-01, April 2012

John Davis, BA,  
Department of Statistics  
University of Wisconsin – Madison  
and  
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925 Bascom Mall  
104 Music Hall  
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## Introduction

One hundred years ago, street vendors shouted “Apples, get your apples!” in cities across the U.S. Today, “Manzanas, deliciosos!” shouted from the street represents a renaissance of street commerce, with merchants and municipalities painting the canvas of city life for many of the same reasons as they did 100 years ago.

Street merchants have been essential to the economic structure and health of citizens and cities across the United States. Vending has been used to enhance food security, alleviate unemployment, and integrate new immigrants into social and economic life. At the same time, municipalities have sought to regulate vending so as to maintain order, ensure the clear passage of traffic, and reduce potential competition with brick-and-mortar businesses.

This working paper explores municipal regulation of vendors in New York City, focusing specifically on whether reconstructing penalties for civil vending infractions may increase payment.

## Context

Street vending is synonymous with New York City. City records from the 1600s indicate how intertwined vending was with other activities (Bluestone 1991). On the Lower East Side and elsewhere, immigrant

vendors played a vital role in employing and provisioning the city’s burgeoning population. However, just as surely as vendors filled an important niche, their activities have also been deemed “evil” and targeted for stiffer penalties and enhanced regulatory enforcement.



While enforcement historically focused on unlicensed vendors, “quality of life” policing tactics popularized in the 1990s expanded enforcement to those with licenses. Duneier (1999) described how police “micromanagement” of booksellers led to ticketing for minor infractions and confiscation of goods. As Stoller discovered, (2002) the resulting fines sometimes caused vendors to lose their licenses and exit the business.

The complexity of the current framework of vending regulations and enforcement agencies has left various parties unhappy with the system. In 2010, the New York City Independent Budget Office (IBO) reported on data from 2009. In 2009 street vendor enforcement cost the city \$7.4 million. In addition, the city collected a small percentage of fines. Out of \$15.8 million in total civil vending penalties in 2009, \$14.9 million went uncollected.

Currently, the New York City Council is considering reducing the maximum vending penalties to pre-2005 levels (Ruiz 2011). Our task here is to produce an analysis of vending penalties to answer the questions, “how do vendors respond to increased penalties?” and, “would reconstructing those penalties increase the probability of payment?”

## **Methods and analysis**

The data consist of all civil street vendor tickets returnable to the Environmental Control Board (ECB) from 2006 to 2010. While vendors also receive criminal court summonses, this data was not available and not analyzed. In response to a Freedom of Information Law (FOIL) request, the City provided comprehensive ECB data including, for each ticket, the person who received it, the ordinance that was cited, the cost imposed and amount paid of the ticket, the legal status of the ticket, and other details such as the date and time the offense occurred.

This analysis is concerned with the relationship between the penalty size and probability of fine payment. Previous research of the 2009 and 2010 data supported decreased likelihood of fine payment with increased size (Schwefel 2011), and this paper extends a

similar analysis to the data for 2006, 2007 and 2008. One motivation for answering this question is to establish whether decreasing fine size might optimize New York City's revenue taken in from vendor violations.

To answer this question, we first utilized the spreadsheet data on the citations to determine what was owed each year. We assume tickets that were dismissed in court did not contribute to the amount of money that the City either received or failed to receive. Second, we noted whether a fine was paid, regardless of its size. Then, we sorted all the tickets by both year and penalty size and looked at the proportion of unpaid tickets based on penalty size. Finally, we applied a Chi-squared test of statistical significance to determine if fine size and payment were related.

## Findings

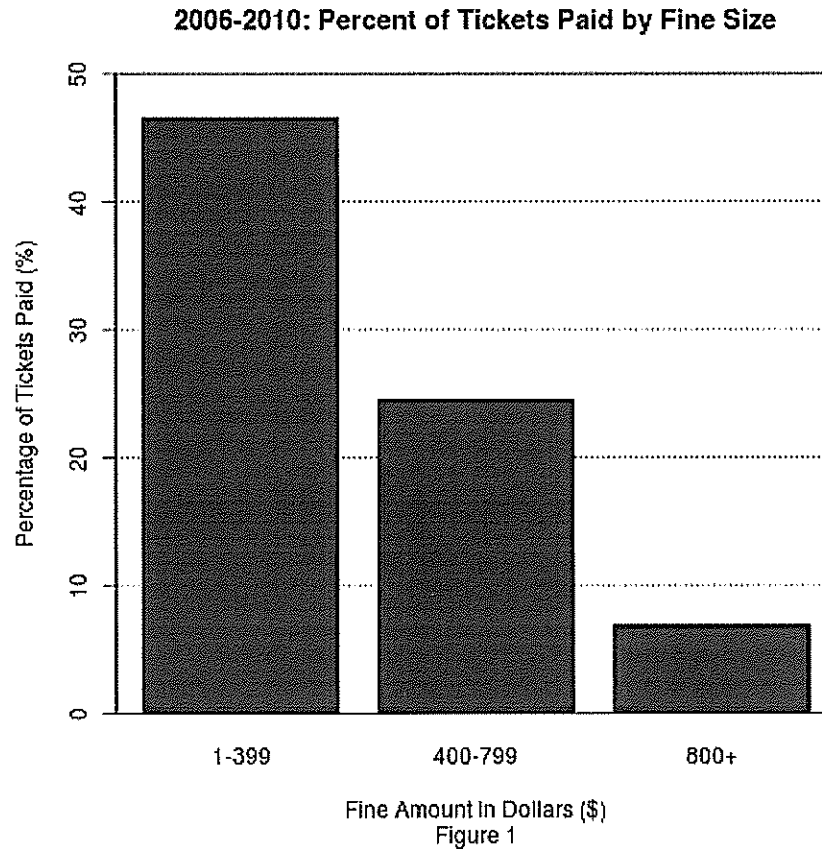
We begin with some general descriptive statistics. For the years 2006-2010, the average number of ECB tickets written to street vendors was 25,552. The average number of tickets dismissed per year was 5,672; the average number not dismissed was 19,880.



The most frequently-written tickets during the period 2006-2010 were for vending too near a subway or crosswalk (15%), failing to keep all items in or under the pushcart (10%), failing to keep food at proper temperature (7%), and failing to conspicuously display a vending license (7%).

We now turn to the relationship between fine size and probability of payment. Figure 1, which charts the tickets by fine size and probability of payment, supports the idea that vendors are less likely to pay more expensive fines. Fines of \$800 or more were paid only

7% of the time, fines between \$400 and \$799 were paid 25% of the time, and fines of \$399 and below were paid 47% of the time.



The overall Chi-squared statistic for the period was 14,353; the overall P-value was zero. A P-value of less than .05 is widely accepted as evidence of a relationship. Thus, the large Chi-squared statistic values and combined P-value of zero provide very strong statistical evidence that more expensive fines are paid less often.

## Conclusion

The question of fine payment is complex, and our findings are the result of relatively narrow analysis. We stress that broader and more involved analyses of the data would be necessary to understand this issue more fully. People fail to pay fines for a variety of reasons, and while fine size is quite likely a major reason, much more could be said about the issue. For example, as in taxation generally, people may perceive some fines as more

serious or legitimate than others. It is possible that vendors pay these fines at a higher rate than others perceived as less fair or less legitimate.

With that said, our analysis shows clearly that the most expensive tickets are paid with less frequency than any other fine amount. We conclude that rethinking the fine scheme in such a way that decreases the ticket penalties may increase the probability of payment and the revenue to New York City.

---

Bluestone, Daniel M. 1991. "The Pushcart Evil": Peddlers, Merchants, and New York City's Streets, 1890-1940." *Journal of Urban History* 18, 1 (November): 68-92.

Turetsky, Doug., Vega, Eddie., O'Brien, Bernard. (2010). Sidewalk Standoff: Street Vendor Regulations are Costly, Confusing, and leave many disgruntled. New York City Independent Budget Office.

Duneier, Mitchell. *Sidewalk*. (1999). New York, Farrar, Straus and Giroux.

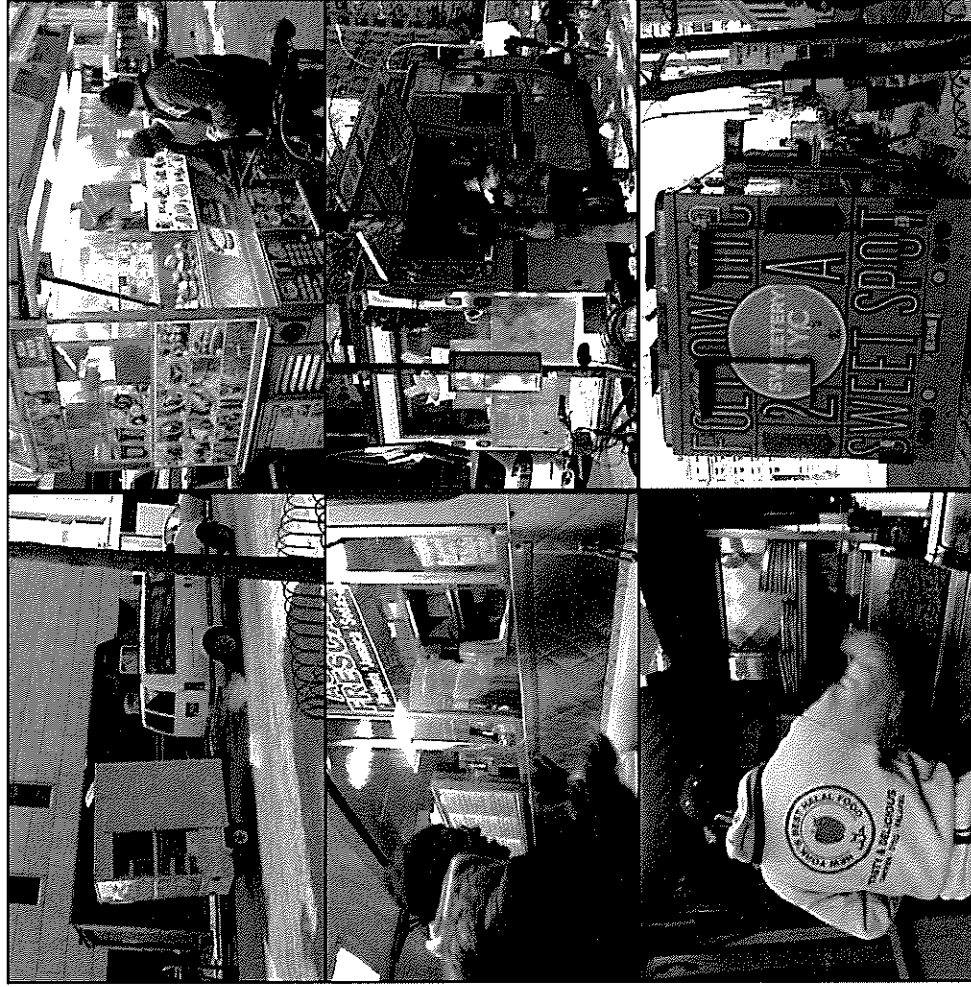
Ruiz, Albor. Street vendors fight super-sized penalties handed down by Bloomberg administration. New York Daily News, Wednesday, February 09, 2011. Found at [http://articles.nydailynews.com/2011-02-09/local/28550574\\_1\\_street-vendors-sean-basinski-higher-fines](http://articles.nydailynews.com/2011-02-09/local/28550574_1_street-vendors-sean-basinski-higher-fines). Last accessed March 26, 2012.

Schwefel, Brittany. "An Exploratory Analysis of 2009-2010 Food Truck Violations in New York City." 2011.

Stoller, Paul. 2002. *Money Has No Smell: The Africanization of New York City*. Chicago, University of Chicago Press.

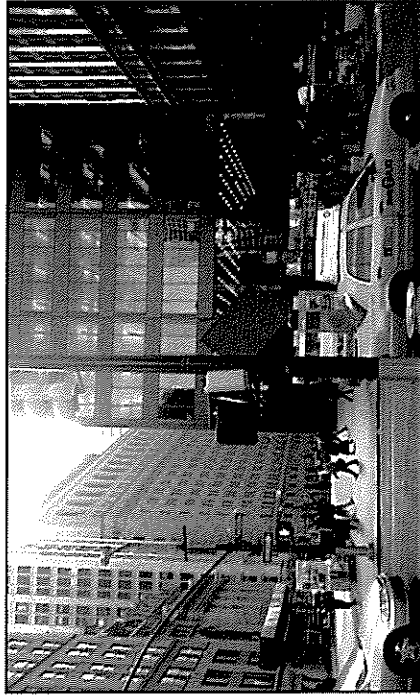
# New York City Street Vendors

Columbia University Graduate School of Architecture,  
Planning & Preservation (GSAPP)



By Rembert Browne | Doneliza Joaquin  
Jackie Keliiaa | Kyle Kirschling | Devin McDowall  
Sara Beth Rosenberg | Michael Snidal

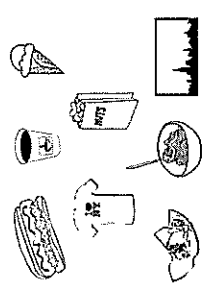
With guidance from instructors Julie Behrens + Kaja Kühl  
+ teaching assistant Christina Ghan





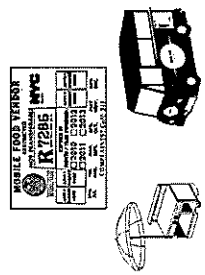
SO YOU WANT TO BE A STREET VENDOR...

➊ pick your merchandise



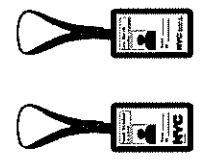
choose from:  
food, general merchandise, 1st amendment, "artisan"

➋ get a permit



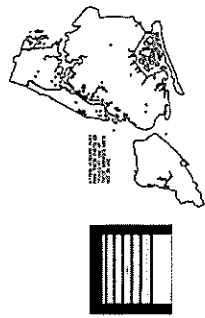
(food vendors only)...

➌ get a license



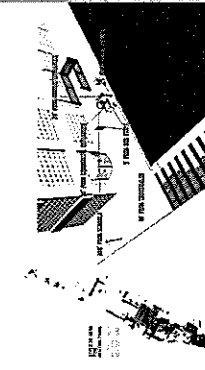
(not required for 1st amendment vendors)

➍ find a garage



(food vendors only)...

➎ pick a location



confirm same location has restrictions



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# This report

is the product of the first year studio course required by Columbia University's Graduate School of Architecture, Planning & Preservation Master of Science in Urban Planning program. The team for the project included Rembert Browne, Kyle Kirchling, Jackie Keliraa, Doneliza Joaquin, Devin McDowall, Sara Beth Rosenberg and Michael Snidal. The instructors for the course were Kaja Kühl and Julie Behrens. The teaching assistant was second year urban planning graduate student Christina Ghan.

## Executive Summary

Vending is an essential part of urban life. It exists in cities around the world and takes many different forms, each of which complement and benefit the City and its population. Vending serves an important economic and social role; it provides jobs, stimulates commerce, and fulfills the needs of the population. There are flea markets in Brooklyn, for example, that provide an outlet for second-hand goods. Green Markets in Union Square connect customers to farmers of fresh, locally-grown produce. The street fairs around the City build community and create a sense of place. These markets and special vending events are a part of life in neighborhoods across the City.

In addition to mobile markets and temporary events, there are also vendors operating on the streets of the City. There are five vendor types representing about 13,000 people that operate every day on the streets and sidewalks of New York City. They represent a diverse group in terms of ethnicity, nationality, and socioeconomic status. These vendors are the focus of this report:

- Food Vendors
- General Merchandise Vendors
- 1st Amendment Vendors
- Veteran Vendors
- Unlicensed Vendors

Vending provides opportunities, not just for the consumer, but also for the vendors themselves. The low costs of entry and entrepreneurial nature of the business make it ideal for immigrants

and others interested in starting a new business. Vending provides a route to self-sufficiency. It provides independence. With the right policies, the benefits of vending can be fully harnessed to benefit not just the vendors themselves, but the entire City.

The existing state of affairs harms every stakeholder. Fortunately, the status quo does not have to remain. We have a vision for street vending in New York City that makes everyone better off—consumers, taxpayers, brick-and-mortar retailers, City agencies, and vendors. Moreover, this vision is grounded in our research. As we will discuss in the next section, there is every reason to believe that this vision is possible, practicable, and will benefit everyone involved.

The client for the studio is the Street Vendor Project (SVP), an advocacy organization that represents street vendors in New York City. The intent was to provide SVP with a vision for what vending could be and how to get there.

We imagine a City that harnesses street vending in order to achieve much broader objectives. In particular, we aim to achieve three main goals. These goals define our vision and underpin our proposals.

1. *Public Space: Ensure equitable access to public space for street vending*
2. *Economic Activity: Promote economic activity and employment opportunities through street vending*
3. *Public Amenity: Use street vending as a tool to advance related citywide planning goals*

The investigation conducted for the study consisted of several different components. Substantial research was conducted on vending rules and regulations. The vending street restrictions for Manhattan were mapped in a geographic information system (GIS). A survey was conducted of vendors to gather data about working conditions. A survey was taken of customers to gain insight to their preferences and concerns. To understand the business landscape, an inventory was taken of retail establishments in Lower Manhattan. Data from the NYPD on fines was analyzed. Some members of the group even traveled to Portland, Oregon to study the way that that city has developed its vending industry. This multifaceted approach provided the studio with a holistic picture of vending and its relationship to the City.

The study area for the studio is Lower Manhattan, the central business district located on the southern tip of the island of Manhattan. The study area was a place to test hypotheses and conduct surveys, rather than the location of all our proposed interventions and a place to develop city-wide recommendations. We were able to access a diverse customer base, including tourists, construction workers, and office professionals on the study area.

Drawing on our research and our vision as for guidance, we developed a series of proposals for the City. These proposals include:

- Release new food vending permits and General Merchandise licenses
- Revise the street restrictions
- Enact the "8 Foot Rule"

- Open public spaces for vending
- Changes to the administrative penalties
- Modify the Health Code restrictions
- Modify the garage restrictions
- Utilize the Department of Health Garages as a place to pool resources for vendors

This would be an excellent opportunity for these agencies to consider what street vending can do for them and to develop the City's position on vending. The City should form a Multi-agency Street Vendor Task Force, to coordinate and oversee the implementation of this proposal. The task force would consult with vendors, NYPD, other City agencies, the Mayor's office, community boards, business improvement districts, city council members, the MTA, and many other groups, in order to improve and refine the proposed changes. Part of the task force's job would be to educate these groups on the value of street vending and to show them how it can achieve the goals of PlaNYC.

Many of the biggest changes in our proposal would require changes to the City's Administrative Code. Thus, a major responsibility of the task force would be to draft legislation, and then present it to the City Council and to the public. Such changes would probably take from 2 to 5 years.

However, other components of the proposal—such as opening up POPS and programming garages—could be implemented in a short time frame, perhaps less than one year. Although City assistance would be helpful, there are a number of businesses and nonprofits that could implement these components, without the City.



## Introduction & Acknowledgements

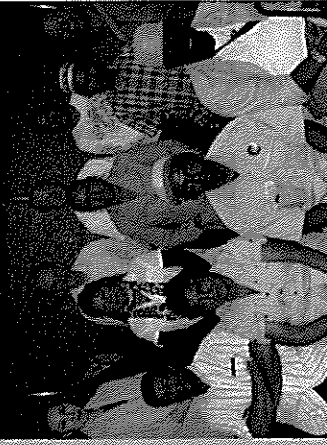


# Vending

is an essential part of urban life. It exists in cities around the world and takes many different forms, each of which complement and benefit the city and its population. The vending that occurs in New York City is no exception. Vending serves an important economic and social role; it provides jobs, stimulates commerce, and fulfills the needs of the population. There are flea markets in Brooklyn, for example, that provide an outlet for second-hand goods. Green Markets in Union Square connect customers to farmers of fresh, locally-grown produce. The street fairs around the City build community and create a sense of place. These markets and special vending events are a part of life in neighborhoods across the City.

Vending also occurs on the streets of New York City. In practically every community, in every borough, there are vendors selling coffee, food, merchandise and art. Some vendors serve as an amenity for the communities they operate in, by providing coffee, bagels, lunches and snacks. Other vendors, such as general merchandise vendors, provide inexpensive goods to specific underserved markets, such as tourists at the World Trade Center site on a Saturday afternoon. For others, vending serves as an outlet—perhaps the only one accessible—for their artistic talent or political message.

Vending provides opportunities, not just for the consumer, but also for the vendors themselves. The low costs of entry and entrepreneurial nature of the business make it ideal for immigrants and others interested in starting a new business. Vending provides a route to self-sufficiency. It provides independence. With the right policies, the benefits of vending can be fully harnessed to benefit not just the vendors themselves, but the entire City.



# The client

for the studio is the Street Vendor Project (SVP), an advocacy organization that represents street vendors in New York City. The primary focus of SVP is providing legal services and organizing the vendor community (Street Vendor Project (SVP)). The intent of the studio was to provide our client with a comprehensive plan for improving street vending. The intent was to provide SVP with a vision for what vending could be and how to get there. To achieve this, an investigation of street vending in New York City was conducted from an urban planning perspective, emphasizing issues such as social equity, land use, public space and economic development.



The investigation conducted for the study consisted of several different components. Substantial research was conducted on vending rules and regulations. The vending street restrictions for Manhattan were mapped in a geographic information system (GIS). A survey was conducted of vendors to gather data about working conditions. A survey was taken of customers to gain insight to their

preferences and concerns. To understand the business landscape, an inventory was taken of retail establishments in Lower Manhattan. Data from the NYPD on fines was analyzed. Some members of the group even traveled to Portland, Oregon to study the way that that city has developed its vending industry. This multifaceted approach provided the studio with a holistic picture of vending and its relationship to the City.

The studio would like to acknowledge Alfonso Morales (University of Wisconsin), Michael Haggerty (urban planner), Michael Levine, Geeta Metha (GSAPP), Jamie Chan (DCP), Ted Wright (DOT), David Weber (NYC Food Truck Association), Robert LaValva (New Amsterdam Market), Ryan Devlin (Fordham University), Jorge Chang (Urban Architectural Initiatives), and Domenic Vitiello (Assistant Professor, City Planning & Urban Studies, University of Pennsylvania) for their helpful criticism, unabridged sharing of knowledge and data, conversations, and support at various stages of the studio process.









# Chapter 1: Existing Conditions

History

Vending in New York City

NYC Street Vendors

Study Area

Stakeholders

Street Restrictions

Enforcement

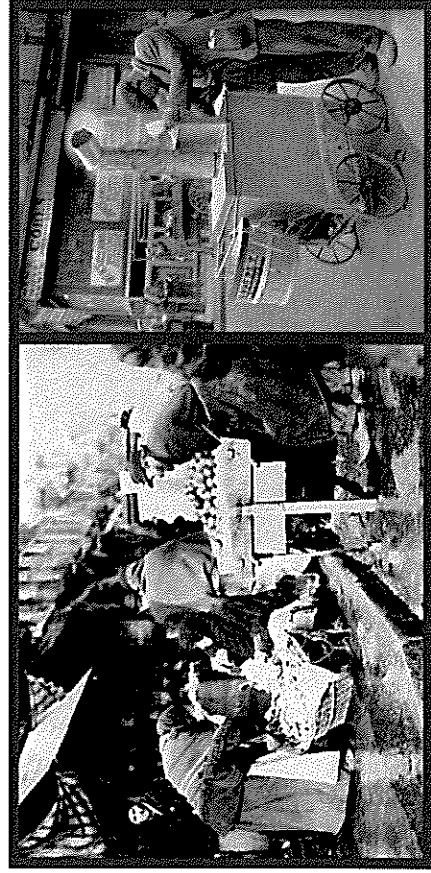
City Expenditures

# History

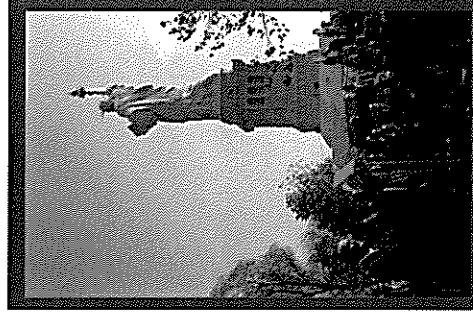
Perhaps not commonly known, there is a rich history of street vending in New York City. The first vending regulations date back to 1691 when NYC was a small Dutch village at the southern tip of Manhattan (Devlin, p. 4). The street vending trade grew immensely with the first large wave of European immigrants. Few start up costs made the occupation an economically viable option for the newly immigrated and created jobs for the unemployed. Furthermore, the immigrants themselves served as a strong consumer base. At the turn of the century 93 percent of vendors were foreign-born and their products carried a "stamp of ethnicity" (Peddling Uphill, p. 9). Jewish immigrants for example, sold pretzels in the "Hebrew quarter," while Italian vendors were known for breads and other baked goods (Wasserman, p. 331). Historically, there is an enduring and strong relationship between street vending and New York City's newly immigrated populations.

The vital contribution of street vendors amounted to a sizeable portion of the City's economy. By 1927 there were 7,000 vendors selling about 15 percent of all produce in New York City (Devlin, p. 5). Despite the development and progress however, by the early 1930s vending became heavily challenged. Anti-vendor sentiment amounted as brick and mortar merchants cried out against competition and called for vendors to be moved to indoor markets (Wasserman, p. 334). Additionally, the emergence of the automobile marked an important re-prioritization of street space. Heavy infrastructure, development and automobiles would contend for public space that was once vendor territory. In this bout for expansion, long-standing vendors became casualties in the aggressive reprioritization of land above and below ground. The famous Paddy's Market in Hell's Kitchen closed to make way for the construction of the Lincoln

Tunnel—a testament of the attitudes toward the trade (Devlin, p. 6). The City's measures displayed a lack of interest and indifference for street vending. The street was no longer a welcome home for vendors.



Early 1900's

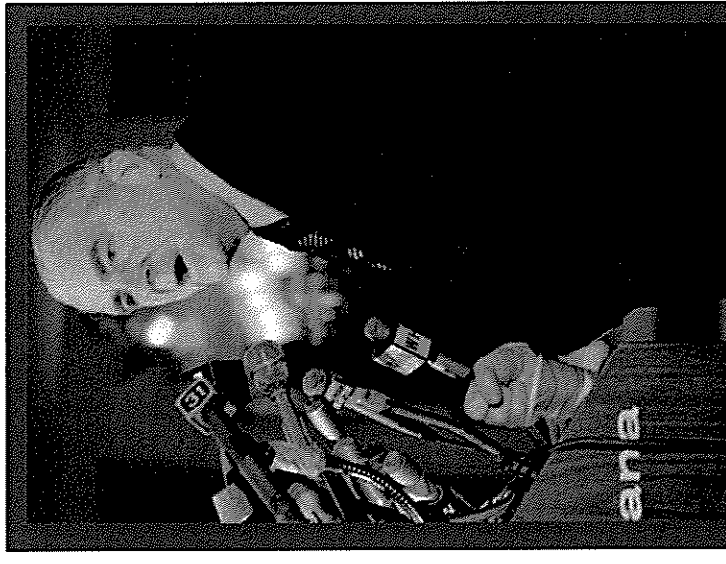


1965

In 1934 Mayor Fiorello LaGuardia's administration removed vending from the street and relegated vendors to designated market spaces. Vendor sales suffered because markets were no longer convenient—former customers did not want to travel far distances for products that could be purchased in a nearby storefront (Wasserman, p. 335). With a dwindling consumer base and a decrease in sales, the business of vending became undesirable and many vendors ceased operation. This rapid decline was not only felt in New York City. The hit on vending resonated throughout the United States. Once a recognized profession with strong economic viability, by 1940 the U.S. census eliminated "street peddler" as an occupational category (Morales and Kettles, p. 2). In 1945 at the close of the LaGuardia administration there were significantly fewer vendors operating in New York City (Devlin, p. 6).

Within just decades however, a kind of renaissance would emerge for the trade. And as in its origins, street vending would once again surface at the hands of New York's recently immigrated. The immigration reform of 1965 was largely responsible for revitalizing the vending landscape. The influx of immigrants increased demand for and supply of street vendors. Similar to their predecessors, these immigrants engaged in the street vending trade. With a changed political environment the dynamics between vendors and the City would change significantly as mayoral administrations would take on a much larger role in the management of vending, particularly in regards to regulation. The vending regulatory landscape would become further complicated due to the considerably larger base of stakeholders competing for their right to use precious public space in New York City.

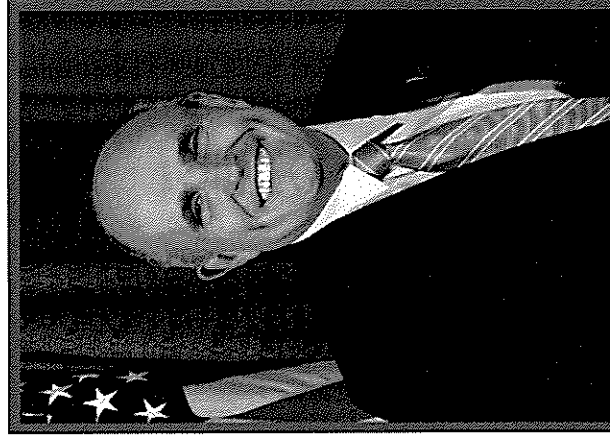
Echoing the past, the rapid increase in vending amounted concerns among property owners and brick-and-mortar merchants. The emergence of Business Improvement Districts (BIDs) created an organized body of merchants backed with funding to ensure the city attended to their interests of the public space within BID boundaries. In response to pressures from property interests like BIDs, several New York City mayoral administrations enacted and enforced regulations for street vendor management. Some regulations were presented as an effort to ensure public safety, but vendor groups saw these measures as an affront to disenfranchised immigrants vendors. The 1970s ushered in an unprecedented era of regulation that would create a significantly complex regulatory environment.



1977 - 1983

The Beam administration marked the first wave of regulations. The legislation of 1977 limited vending in Midtown Manhattan and the legislation of 1979 and 1983 placed a cap on the number of vendors (Devlin, p. 6). In 1984, the Koch administration commenced the closure of several streets to vending (Devlin, p. 59, 66). While vendors enjoyed a brief period of relaxed enforcement, it would quickly change. In 1995 the Giuliani administration created the Street Vendor Review Panel, a deliberative body intended to review petitions for street closures (Devlin, p. 69). The Panel was considered a "rubber stamp" for property interests as all requests from vendor groups were denied and hundreds of New York City's prime vending streets were closed (Devlin, p. 72). The Panel ceased operations in 2000 after questions of "legal validity" arose. The Panel technically still exists but they have not convened since 2001 (Devlin, p. 76). The regulations enacted within this era are still in effect and they have contributed to a complex patchwork of vending restrictions. These regulations are a vital element of our research and will be discussed further in this report.

Despite the heavy grip on vending however, recent mayoral efforts have sought street vendor patronage. In 2008 the Bloomberg administration created the "Green Cart Initiative" and used street vending to promote nutrition in NYC's food deserts. While this initiative promotes street vending, the regulatory landscape continues to be heavily restricted, difficult to navigate and is the basis of this research.



1995



2008





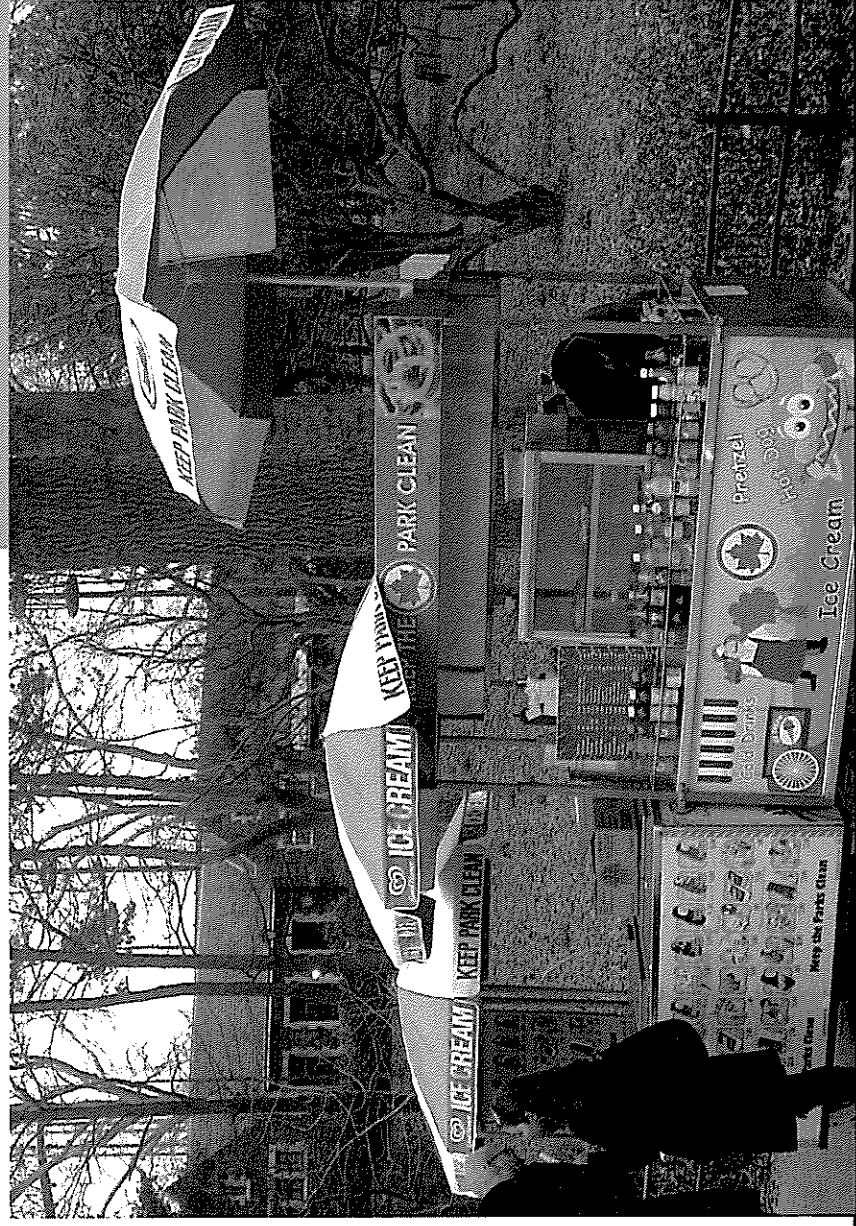
# Vending in New York City

**Vending** happens throughout New York City. While most residents and visitors may think of a typical hotdog vendor when they think of street vending in the City, the scope of vending—both products sold and the sales method—is far wider than most people realize. Vending also occurs in parks, in flea markets, in street fairs, from green carts, and in green markets. These forms of vending, and their role in New York City, will be discussed in the following section.

# The NYC Department

of Parks and Recreation recognizes vending as an amenity. In addition to other services, such as restrooms, drinking foundations, or playgrounds, the Parks Department provides opportunities for vendors to serve meals and refreshments to park patrons. The vendors in City parks selling drinks, snacks and lunches are placed there by the Parks Department. The Department determines where and what type of vendor is needed. Prospective vendors bid on individual locations within the parks. Generic vendors, such as those selling hot dogs, pretzels or ice cream, are selected by their bid. The highest bid wins. Other vendors are selected by their proposal; their bid is only one component of a successful application. This allows the park to curate a diverse assortment of food options, as well as capture revenue for other services.

Vendors in parks receive their permission to vend directly from the Parks Department. A food vending permit from the Department of Consumer Affairs is not required. All food carts must be inspected by the DOH per city-wide health code requirements. (New York City Department of Parks & Recreation)





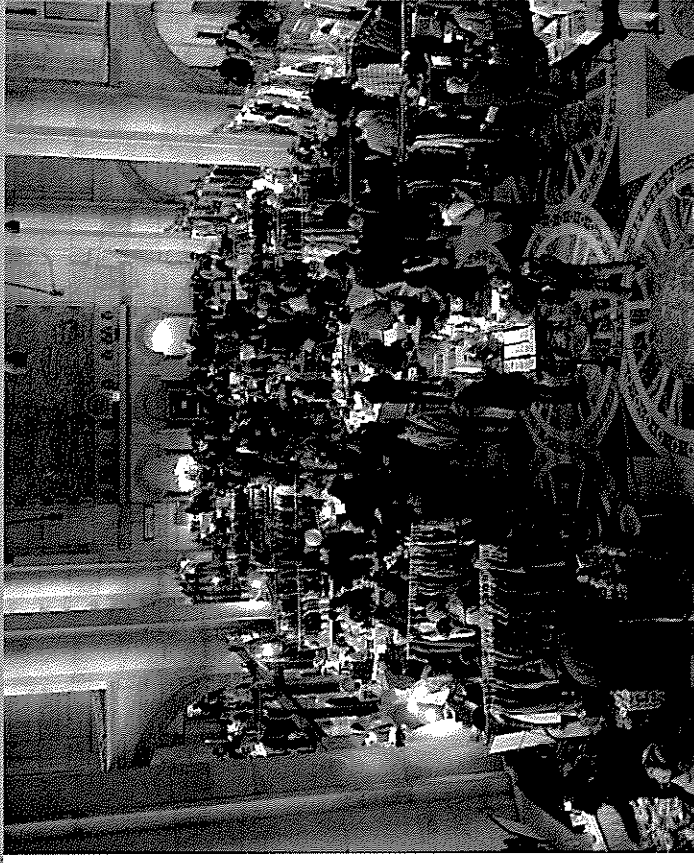
# Weekend flea markets

are a unique example of vending in New York City. Many of these markets are organized by entities, which manage the space and the participating vendors.

These entities, whether a Parents' Association in the case of GreenFlea or individuals in the case of Brooklyn Flea, negotiate a space, usually one that is underused or not used on the weekends, to host markets. They take place in a variety of spaces, from old banks like the Brooklyn Flea to school cafeterias like GreenFlea to gymnasiums like The Market NYC .

Each flea market has a distinct way of operating and a distinct way of deciding on which vendors to grant access to a space. Some flea markets operate based on seniority, meaning that spaces are guaranteed to long-time participants and anything that is left can be filled by newer vendors. Others take in vendors based on what specific items the vendor is selling and the flea market desires. Some flea markets that aim for more hand-made crafts may have reached their ideal number of jewelry vendors, for example, and will state that they are not currently accepting applications for jewelry vendors.

While gaining acceptance into a flea market either having a personal connection or spending a considerable amount of time on a waiting list, once in, a vendor benefits in a number of different ways. For one, the flea markets throughout New York City have become popular weekend destinations for locals and visitors of the city. In addition to their popularity, the entities that run the various flea markets do their part in advertising not only for the flea market, but also for individual vendors. Some flea markets tweet about certain vendors, while others post comprehensive maps on their websites of vendor locations within the space, along with detailed information about the vendors and what they are selling. As the years have gone on, more and more underutilized spaces have been taken over by weekend flea markets, a trend that does not seem to be slowing down anytime soon.



# Street fairs

are synonymous with New York weekends from May to November. Taking place on the roadbed rather than on the sidewalk, food and merchandise vendors line the streets selling items such as corn on the cob, jewelry, tube socks, and hats. The day long events happen throughout the 5 boroughs typically along a larger avenue for around 5 to 10 blocks. Streets are temporarily pedestrianized along the avenue while police barricades allow vehicles to cross the fair along cross-streets.

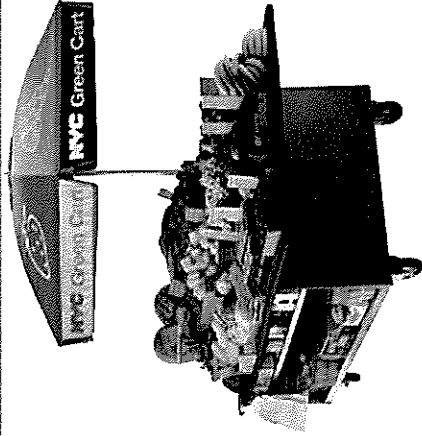
Street fairs must technically be sponsored by community-based non-profits however many of these events are contracted out to event organizers (Kazis, 2010). Of the 321 approved street fairs in 2010, 3 production companies handled more than 200 of the largest events: Mardi Gras Productions, Clearview Festival Productions, and Morty & Ray Productions (Einhorn, 2010). The organizations assist vendors and the non-profit sponsors in the process of applying for permits including those from the Street Activity Permit Office (SAPO), Department of Consumer Affairs, and Department of Health. Vendors pay a fee to the company to participate and part of the money goes back to the non-profit and the city. Some of the production companies provide discounts for repeat vendors leading to what has been referred to as the "cookie cutter" (News, 2010) quality of the fairs (New Vendor Info). According to a 2006 study done by the Center for Urban Future, 20 vendors held 46 percent of the food permits required to sell at New York City street fairs.

The location of street fair vendors on the roadbed promotes the pedestrian nature of street vending in a space that is usually primarily reserved for motor vehicles. The linear agglomeration of vendors at one time highlights the complimentary affects of product choice for both vendors and consumers.

As part of mobile vending in New York City, street fairs provide an opportunity for pedestrians to explore multiple vendors in a compact area. However while the activity in the roadbed is a unique place for vending many of the street fairs have a generic set-up that lacks product diversity and neighborhood representation. Fairs such as the Ukrainian Festival in the East Village, the Queens Art Express, and Atlantic Antic in Brooklyn have managed to successfully overcome this cookie-cutter hurdle by integrating local vendors and character into the flavor of their events.







# Green Cart

vendors may only sell raw fruits and vegetable. They require a valid mobile food vending license and a Green Cart permit. Green Cart operators may not cut, slice, or peel produce on their cart. Each Green Cart permit allows a cart to operate a single cart in a single borough and in designated areas within that borough. There are 350 permits available for Brooklyn, 150 for Manhattan, 100 for Queens, and 50 for Staten Island.

On March 13, 2008, Mayor Michael Bloomberg signed Local Law 9, which established 1,000 permits for Green Carts in New York City. The initiative is supported by a \$1.5 Million grant from the Laurie M. Tisch Illumination Fund. The fund enables micro-loans for vendors as well as technical assistance, branding, marketing, and outreach to residents in designated Green Cart areas. The City has also partnered with Accion USA, a local small business micro-lender, so that Green Cart vendors have the opportunity to take out low-interest rate loans for their business. (New York City Department of Health & Mental Hygiene, 2011)

The Green Cart Initiative was launched alongside other initiatives like the FRESH program to ensure that fresh fruits and vegetables are available in so-called "food desert" areas in the city where diabetes and obesity are high and linked to the inaccessibility of fresh fruits and vegetables. The initiative shows that the City recognizes the potential for street vendors to accomplish city goals. The mobility of vendors make them, in theory, easy to set-up wherever they are needed to sell whatever is lacking in a community throughout the city.

In practice, setting-up is not so easy. Vendors cannot use a folding table, which could be easily transported and stored at home, but must use an official Green Cart bearing the Green Cart permit. This cart must be stored every night in a Department of Health (DOH) regulated garage. Green Carts may only vend from the one borough for which they have a permit and in that borough, they are restricted to vending in the designated Green Cart area. On top of these regulations, Green Cart operators must abide by all the other rules for street vendors. Although well-intentioned, the over-regulation of the Green Carts has stunted the initiative from reaching its full potential. The A La Carte program in Toronto suffered a similar fate, even more extreme, because regulations for vendors were so stringent that they were nearly impossible to follow successfully. Specifying the borough, area within that borough, and even the model of cart a vendor may use have made the program cumbersome for aspiring Green Cart vendor. Although 1,000 permits are available, only 350 have been issued.

"When we stop and walk through this farm stand, we are walking through a community of people, not a community of cars. And this is the way cities have to be experienced – on foot. And it redefines our city as a place to live and enjoy life!"

- Barry Benepe

# Greenmarket

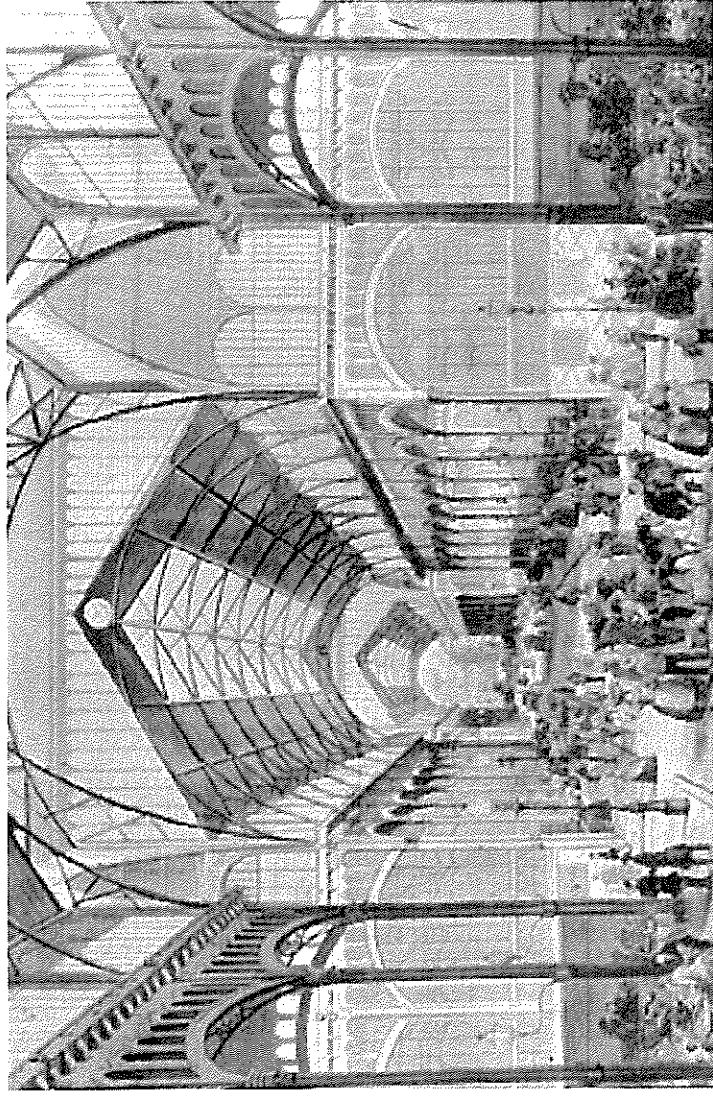
Farmers Markets connect regional products to New York City residents. Greenmarket vendors sell produce, meat, fish, baked goods, crafts, and other products from the Northeast region. Greenmarkets are open air markets that take place on sidewalks, public plazas, and Privately Owned Public Spaces (POPS). They occur throughout the city and range in size. The majority are in Manhattan and operate once or twice a week.

Founded by Barry Benepe and Bob Lewis in 1976, the markets originally faced challenges: community boards resisted, supermarkets and merchants were concerned about competition, and farmers were even threatened by drug dealers. However, they continued to grow; there are now

51 markets serving over 300,000 people a week. Greenmarkets are managed by GrowNYC, a privately funded citizen's organization that is located within the Mayor's office. GrowNYC negotiates permissible vending times and locations with the city and regional producers apply to vend through GrowNYC. The organization is dependent on donations and volunteers. The goal of Greenmarkets is to increase the City's access to fresh and local food, to activate green spaces and community gardens, and to support the regions farmers, fishermen, and craftsmen. (GrowNYC, 2010)



# The New Amsterdam Market



is a "non-profit civic association reinventing the public market in the City of New York" (New Amsterdam Market, 2011). It was inspired by the grand public markets of the 18th and 19th century, such as Les Halles in Paris. The New Amsterdam Market aims to create a year-round, indoor market that is a central destination, which attracts visitors and customers from the entire region and around the globe.

The market sells food from retail and wholesale vendors of all types, including farmers, grocers, bakers, butchers, chefs, and importers. Purveyors (middlemen)—rather than the producers themselves—are used to find and vend the best locally made foods. The New Amsterdam Market is distinctive because many of the vendors own traditional brick-and-mortar stores, but have chosen to participate in the market also. The market is supported by both private donations and stall fees paid by the vendors. Major expenses include site rental, infrastructure, and payroll.

Robert LaValva and Jill Slater Founded the New Amsterdam Market on October 2, 2005. An ongoing challenge for the market is developing a network of suppliers and purveyors willing to utilize the market's unique business model.

Another hurdle is obtaining a year-round, indoor space. However, the market has been steadily increasing its hours of operation since it opened. Presently, the market is held in front of the Fulton Fish Market "New Market Building," under the FDR elevated highway. The 2011 market season starts in June and will run every Sunday until December. (New Amsterdam Market, 2011)



# NYC Street Vendors

In addition to mobile markets and temporary events, there are also vendors operating on the streets of the City. There are five vendor types representing about 13,000 people that operate every day on the streets and sidewalks of New York City. They represent a diverse group in terms of ethnicity, nationality, and socioeconomic status. These vendors are the focus of this report:

- Food Vendors
- General Merchandise Vendors
- 1st Amendment Vendors
- Veteran Vendors
- Unlicensed Vendors

These vendor types are defined by the city laws, state laws, and judicial rulings that shape and govern them. Food Vendors, General Merchandise Vendors, 1st Amendment Vendors, and Veteran Vendors are officially recognized by the City, while unlicensed vendors are an unofficial yet well documented 5th type. These vendors type are further differentiated by the products they sell, their background and place of origin, and the regulations and economic structures surrounding them.



Alberto is a Food Vendor. He sells tacos, burritos, tortas, and fresh juices on 86<sup>th</sup> and Broadway in Manhattan.



Mo is a General Merchandise Vendor. Mo sells cologne and perfume on Williams Street and Fulton Street in Lower Manhattan.



Ali is a "First Amendment" Vendor. He sells photographs near Union Square in Manhattan.

# Food vendors

sell hot dogs, fresh fruit, Halal food, coffee, and various other foods and beverages. There are roughly 3,000 food vendors in New York City. They are regulated by the New York City Department of Health and Mental Hygiene.

A Food Vendor requires a license to legally vend. There is no limit to the number of licenses that the city issues for food vendors. To obtain a license, a prospective vendor applies to The Department of Health and Mental Hygiene Division of Permits. A "seasonal" license costs \$10 and a two-year license costs \$50. There are over 14,000 people with food vending licenses in New York City.

**MOBILE FOOD VENDOR**  
RESTRICTED  
NOT TRANSFERABLE

**R 7286**  
SERIES TWO EIGHT SIX

EXPIRES IN MONTH / YEAR PUNCHED:

APPLY INSERT HERE	JAN.	FEB.	MAR.	APR.	MAY	JUN.
APPLY INSERT HERE	JUL.	AUG.	SEPT.	OCT.	NOV.	DEC.

COMPLAINTS? Call: 311

However, Food Vendors are also required to place a permit on the carts/tables/trucks from which they vend. While food permits only cost an additional \$15 to \$200, the number of permits has been capped by the City at 3,000. An additional 500 temporary permits are released between April and October. When the wait list existed the average wait time to receive a City issued permit was 5 to 10 years and nearly 10,000 people were waiting to obtain a city issued permit (Lee, 2009). The wait list is currently closed.

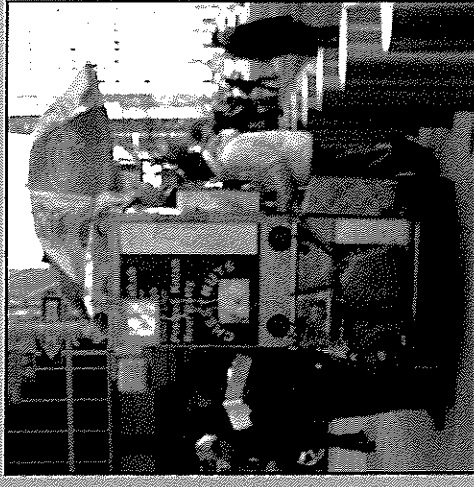
Thus, the demand for permits created by this cap far exceeds the supply of people looking to vend. This latent demand has led to a black market for permits where permits are leased from permit owners for prices as high as \$15,000 over two-year periods. The permits must stay in the name of the original owner and therefore permits are not sold. These rents are typically paid in two-year periods as that is how often a permit must be renewed. The scarcity of permits and subsequent high value of permits on the black market means that most Food Vendors on the street (and those looking to vend) cannot afford their own permit.





Food Vendors require a table, cart, or truck to vend the items that they sell.

Tables and non-processing carts are the smallest of the food cart types and are typically operated by a single vendor who operates next to the cart/table on the sidewalk. By definition, no processing of food is done on these carts; instead, pre-cooked foods-like pretzels or hot dogs- are kept warm. Non-processing carts cost around \$3000.

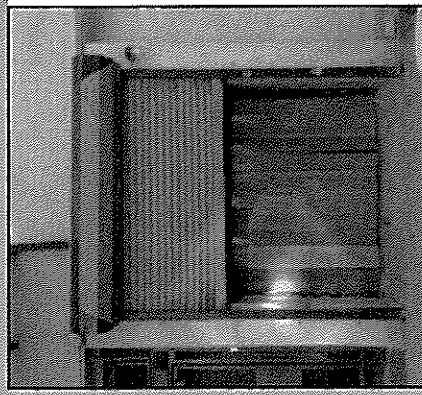


Processing carts are larger and often require more than one vendor. Vendors of processing carts typically operate inside the cart where food is prepared and cooked. Processing carts cost between \$15,000 and \$30,000 and also operate on the sidewalk.



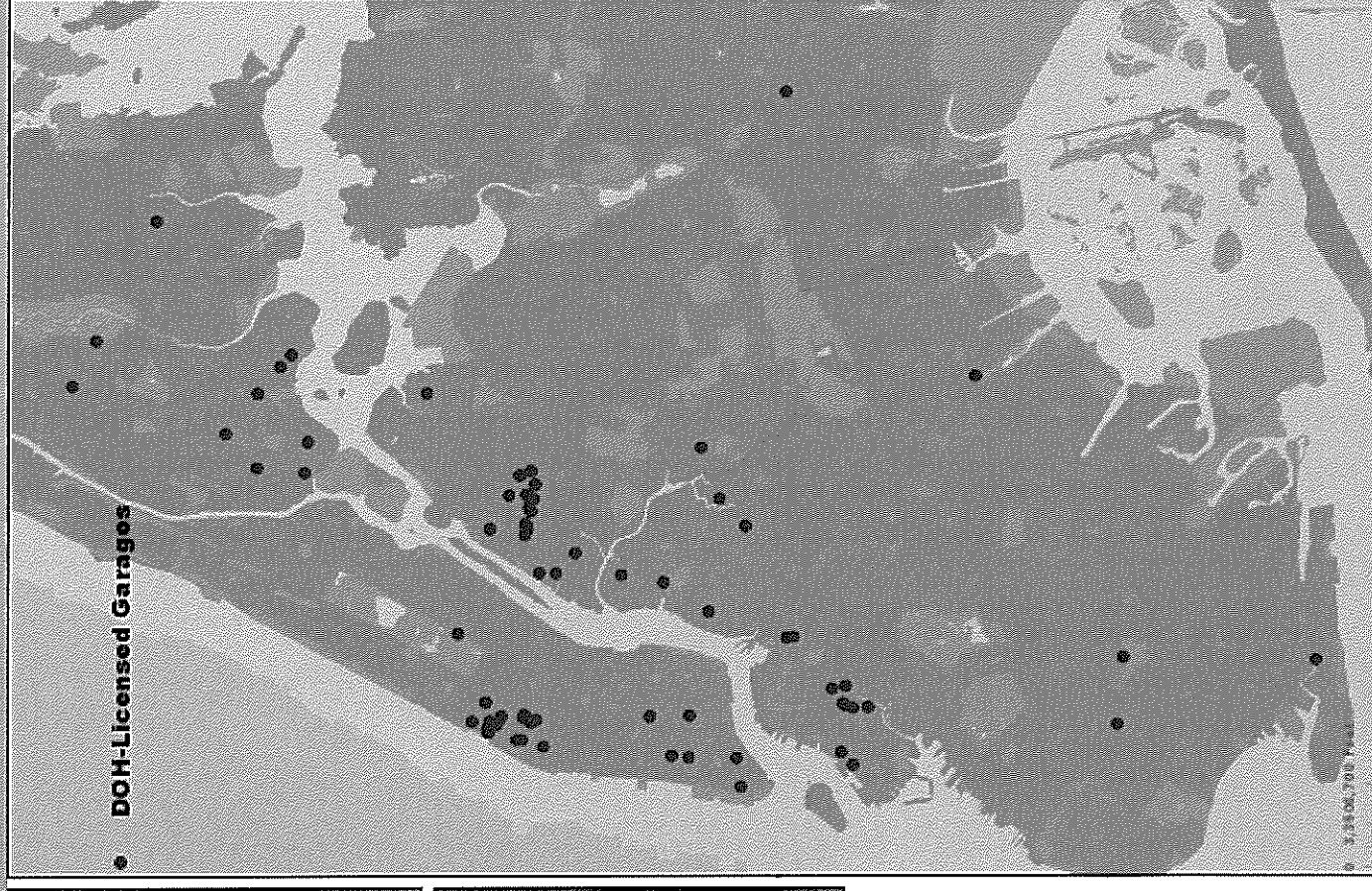
Food trucks are the largest food cart type. Food is typically processed on board these trucks, and multiple vendors are often required to run these larger operations. Food trucks cost \$80,000 or more. The high capital investments associated with food carts means Food Vendors do not typically own their own carts.





Food Vendors are regulated by the Department of Health (DOH). DOH requires that food carts not be left on the street and be cleaned at night. As a result, food vendors are required to store their

carts and trucks in a garage where cleaning and inspection by DOH can take place. Garage rental for carts or trucks costs between \$250 and \$500 a month. The majority of garages are located outside of Manhattan although there is a large cluster just west of Midtown Manhattan. Some garage owners require that vendors supply their cart from the within the garage they are stored. These regulations and economic structures mean Food Vendors are not typically self-sustained small businesses. Instead, Food Vendors are often employees at the bottom of a hierarchical structure of permit holders, cart owners, and garage owners.





# General Merchandise Vendors

(or "General Vendors") sell non-food items like T-shirts, scarves, and cell phone accessories. Unlike food vendors, General Merchandise Vendors are regulated by the Department of Consumer Affairs.

Like Food Vendors, General Vendors require a license to vend in New York City. As mentioned licenses to be a General Vendor have been capped at 853 since 1979 (see the "History" section for further discussion). Therefore, there are only 853 licensed General Merchandise Vendors in New York City. The waiting list to be a General Vendor has been closed since 1992 and it is nearly impossible to obtain a general vending license.

General Vendors have much lower start up costs than food vendors, requiring only a table and merchandise. However, they generally have a lower ceiling for success than Food Vendors. (Devlin, 2011, p. 13)





# “First Amendment”

vendors sell goods protected by freedom of speech under the First Amendment. This includes books, newspapers, CDs, paintings, and photographs. First Amendment Vendors are directly tied to the regulation that capped general merchandise licenses at 853.

The 853 cap on general merchandise restricted the sale of any non-food item including political messages, books, and religious pamphlets. After this was determined to be unconstitutional in 1982, the city was forced to exempt vendors selling written material from the general merchandise license requirement. Another lawsuit brought in 1994 successfully challenged the cap further; vendors selling visual arts were also given first amendment status (Devlin, 2011, p. 17). There are around 1,000 First Amendment vendors in New York City.



## “The Patchwork of Restrictions”

Interesting Fact: 1st Amendment Vendors have their own unique set of street restrictions of where they can and cannot vend in NYC.

These restrictions are noticeably different from Veteran Vendors (See Street restrictions section). However, if a blue or yellow (but not a white) licensed veteran vendor is selling on a street restricted to First Amendment Vendors, First Amendment Vendors are legally entitled to enter and sell on that street. (First Amendment Center)

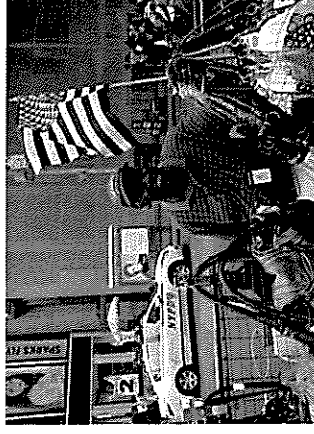
# Military Veteran

Vendors sell roughly the same items as general merchandise vendors. Their history dates back to 1894, when the New York state legislature exempted disabled Civil War veterans from municipal regulations on street vending (Akam, 2009). Currently, an honorably discharged veteran or the surviving spouse or domestic partner of an honorably discharged veteran that resides in New York State is eligible to apply for General Vendor License. There are roughly 1,700 Veteran Vendors in New York City.

However, there are three subcategories for veteran vendor licenses: a non-disabled veteran "white" license, a disabled veteran "yellow" license, and a disabled veteran "blue" license. While all of these licenses are exempt from the general cap, they are differentiated by where the Department of Consumer Affairs allows the license type to sell. Non-disabled veteran vendors must follow all the same rules regarding street closures as General Merchandise Vendors. Disabled veteran "yellow" license vendors are allowed to sell anywhere in the City except a demarcated area known as the "Midtown Box." The disabled veteran "blue" license vendors can sell anywhere in City including the Midtown box. There are only 140 blue licenses and they were granted based on seniority (Devlin, 2011, p. 9).

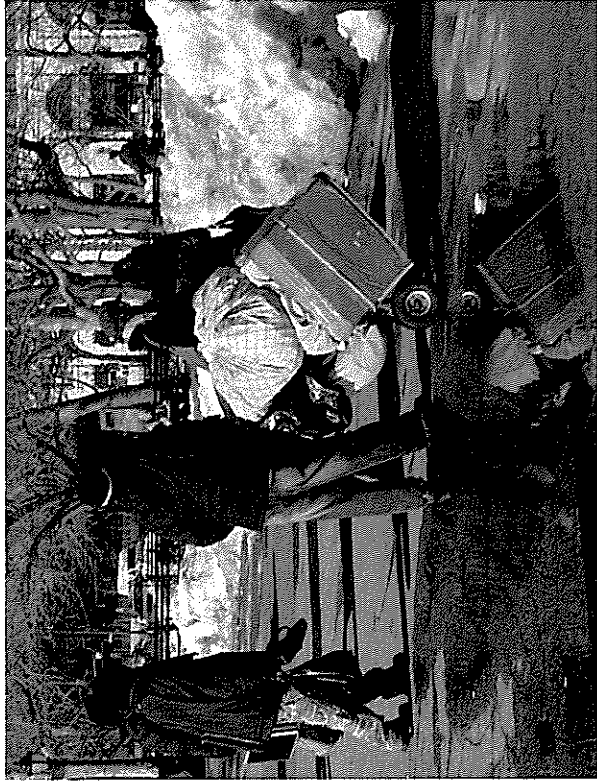
While many Veteran Vendors run successful small businesses, a portion of veteran vendors are homeless, dealing with substance abuse, or mental illness. These veterans often are part of a well documented "rent-a-vet" arrangement where non veterans, who cannot obtain a general merchandise license, use these veterans to sit at the merchandise table while they run a vending operation. By law the veteran must be at the table and "make the sale" but the non-veteran often handles the rest of the business operation. This arrangement is sometimes mutually beneficial but sometimes exploitative. (Devlin, 2011, p. 13)

## "Eyes on the Street"



(Image source: The Washington Post)

This is Duane Jackson. You may recognize him as one of the Veteran Vendors who alerted NYPD to a car bomb threat on Times Square in May 2010. ACB World News reporter Michael Murray quoted a Gino Diuffre, a non-veteran vendor on the scene of the event, who said "If anyone would see anything here that is out of the ordinary, it's these veterans that have a spot on every corner" (Murray, 2010). Jackson's vigilance and speedy response when he spotted the bomb-laden abandoned car with the keys in the ignition supports urban theorist Jane Jacob's idea that "eyes on the street" make public spaces safer (see *Death and Life of Great American Cities*).

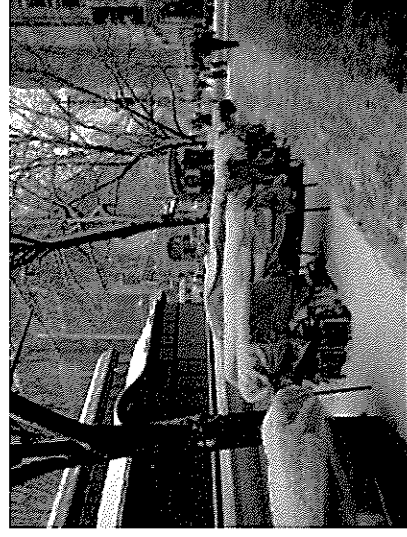
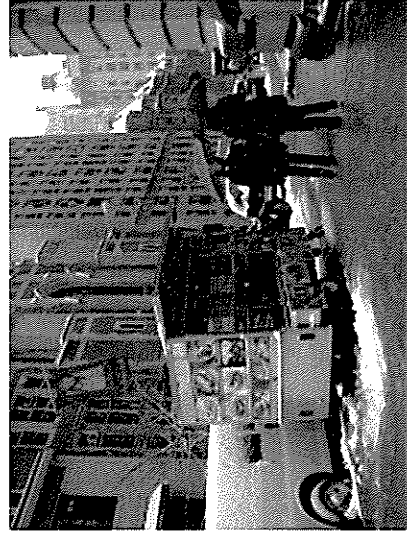


Due to the license and permit caps it is no surprise that there exists a large percentage of unlicensed vendors in New York City.

## Unlicensed

vendors tend to sell items that are easily transported away from police and other enforcement, such as sunglasses and watches. This product limitation leaves unlicensed vendors as the least lucrative of the vendor types (Devlin, 2011, p. 13). Furthermore, these vendors vend unregulated by the City's health or administrative code. Estimates have their number at over 6,000, but unlicensed vendors are not counted by any governing body and the number remains unknown.

Street vendors often have difficult working conditions. Vendor wages are low; the average salary for a full time food vendor has been documented by the Street Vendor Project as averaging \$14,000 a year. This does not include any form of benefits. Furthermore, there is a significant language barrier to the profession. Of the 100 vendors interviewed by the Street Vendor Project, only 17 percent were American born and over 40 percent said they were "uncomfortable speaking English." (Sluska, 2006) The weather also plays a significant role in the profession. Summer months are significantly more lucrative than winter months. This seasonality, low wages, language barrier, and lack of permit and license availability means vendors often vend as one of several jobs.





## Study Area & Stakeholders

# The study area

for the studio is Lower Manhattan, the central business district located on the southern tip of the island of Manhattan. The studio defines Lower Manhattan as the area east of West Street, south of Murray Street, and northwest of South Street. These are the same boundaries used by the Downtown Alliance, the business improvement district that represents the area.

In the first quarter of 2010 over 300,000 people worked in Lower Manhattan. The average private sector employee earned an average salary of about \$140,000. In the same period, 8,145 businesses operated in the neighborhood. The neighborhood also contains about 55,000 residents with an average household income of \$188,000. In 2009, there were 5.7 million visitors to Lower Manhattan, many of which stayed in one of the neighborhood's 3,693 hotel rooms (Downtown Alliance, 2010). Very high incomes and a large tourist industry bring a lot of purchasing power to the area.

Vending is citywide. The study area was a place to test hypotheses and conduct surveys, rather than the location of all our proposed interventions. The neighborhood served as a study area to develop city-wide recommendations. It is an ideal area to study vending—the population density, concentration of vendors, and political context contribute to its suitability. We were able to access a diverse customer base, including tourists, construction workers, and office professionals.



# Street vendors operate in public space.

So, regardless of the ownership of that space—public or private—a multitude of stakeholders must be considered in the questions surrounding street vending. In this study, we considered the best interests of vendors and advocates for vending, such as our client. It was also important to consider the customers, who support the vending business, but also pedestrians in general, who interact with vendors on the streetscape, whether or not they are buying anything. Additionally, we considered the interests of storefronts, who may sell very similar or very dissimilar products to vendors and operate in different, but proximate space. Business Improvement Districts and City agencies who regulate various aspects of the vending landscape were also considered. Although no stakeholder in street vending in New York City is without challenges, we looked to the ways in which each stakeholder could benefit from vending.

Customers in our study area are predominantly workers in Lower Manhattan, commuters coming in and out of the PATH tubes and the Staten Island Ferry, and tourists, who are visiting the landmarks—the "Bull," the World Trade Center site, Battery Park, the New York Stock Exchange, and Trinity Church. Customers benefit from the easy accessibility of the products they want—breakfast, lunch, snacks, coffee, and souvenirs.

Business Improvement Districts (or "BIDs") work in the interest of merchants, who in turn, buy-in to the BIDs, providing funding for improvements to the business district. The Business Improvement District benefits from having "eyes on the street," making a safer pedestrian environment. Street vendors both profit from and have proven to increase pedestrian activity, which in turn benefits brick and mortar businesses, increasing foot traffic, and broadening their own customer base.

The important government entity stakeholders in street vending are the City, the community boards, the New York Police Dept., the Dept. of Health, the Dept. of Consumer Affairs, Dept. of City Planning, New York State and New York City DOT. The City benefits from the income taxes gleaned from this small, but significant sector of the economy. Again, the City, the NYPD, and Community Boards benefit from the "eyes on the street."

In the following pages, we will further discuss these stakeholders as they fit into the vending landscape. All stakeholders, including the vendors themselves, face challenges under the current conditions, but vending also holds great possibilities to serve as a public amenity and benefit these stakeholders.



## Street Restrictions

the operation of any food vending business is prohibited pursuant to either local law or section 20-465.1 of the code and any rules promulgated pursuant thereto.

1. Food vendors shall be prohibited from vending on the following streets at the following days and times:

### BOROUGH OF MANHATTAN

Third Avenue: East 40th to East 57th Street, Monday through Friday, 8 am to 6 pm; East 58th to East 60th Street, Monday through Saturday, 8 am to 9 pm; Lexington Avenue: East 40th to East 57th Street, Monday through Saturday, 8 am to 7 pm; East 58th to East 60th Street, Monday through Saturday, 8 am to 9 pm; East 61st to East 69th Street, Monday through Saturday, 8 am to 6 pm; Park Avenue: East 34th to East 42nd Street, Monday through Friday, 8 am to 7 pm; East 55th to East 59th Street, Monday through Friday, 10 am to 7 pm; Vanderbilt Avenue: East 42nd to East 45th Street, Monday through Friday, 8 am to 7 pm; Madison Avenue: East 34th to East 45th Street, Monday through Friday, 8 am to 6 pm; East 46th to East 59th Street, Monday through Saturday, 10 am to 7 pm; Fifth Avenue: 32nd to 59th Street, Monday through Saturday, 8 am to 7 pm; Avenue of the Americas: West 32nd to West 59th Street, Monday through Saturday, 8 am to 7 pm; Broadway: West 32nd to West 52nd Street, Every day, 8 am to 8 pm; Seventh Avenue: West 33rd to West 34th Street, Monday through Saturday, 8 am to 6 pm; West 35th to West 45th Street, Monday through Saturday, 8 am to midnight; West 46th to West 52nd Street, Monday through Saturday, 2 pm to 7 pm; Fourteenth Street: Broadway to Seventh Avenue, Monday through Saturday, noon to 8 pm; West Thirty-fourth Street: Fifth Avenue to Seventh Avenue, Monday through Saturday, 8 am to 7 pm; Forty-second Street: Third Avenue to Eighth Avenue, Monday through Saturday, 8 am to 7 pm; West Forty-third Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-fourth Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-fifth Street: Broadway to Eighth Avenue, Wednesday and Saturday, noon to 11 pm; Sunday, noon to 6 pm; Other days, 7 pm to 11 pm; West Forty-sixth Street: Seventh to Eighth Avenues, Wednesday and Saturday, noon

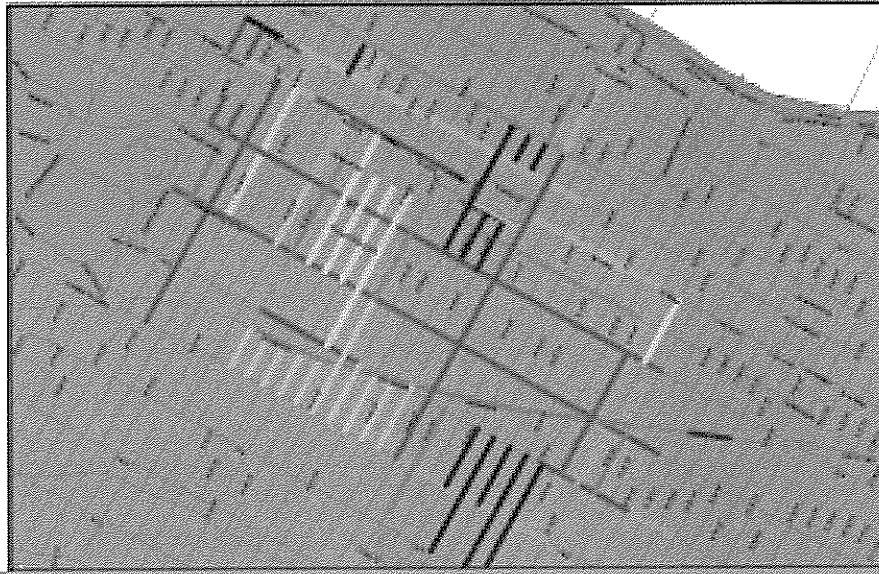
# Street restrictions

are comprised of a patchwork of state statutes, city rules and regulations, state and federal case law, and unpublished city memorandums. Vendors must navigate through about 29 pages of text restrictions in order to find a legal street to vend. Many of the restrictions for where street vending cannot occur look similar to parking rules found on streets throughout the city however both the legibility of the restrictions and the reasons behind the closures for street vendors are unclear other than the regulation that no vending is allowed on streets with sidewalks less than 12 feet wide. These rules make it complicated for vendors and enforcement to identify legal streets for vendors.

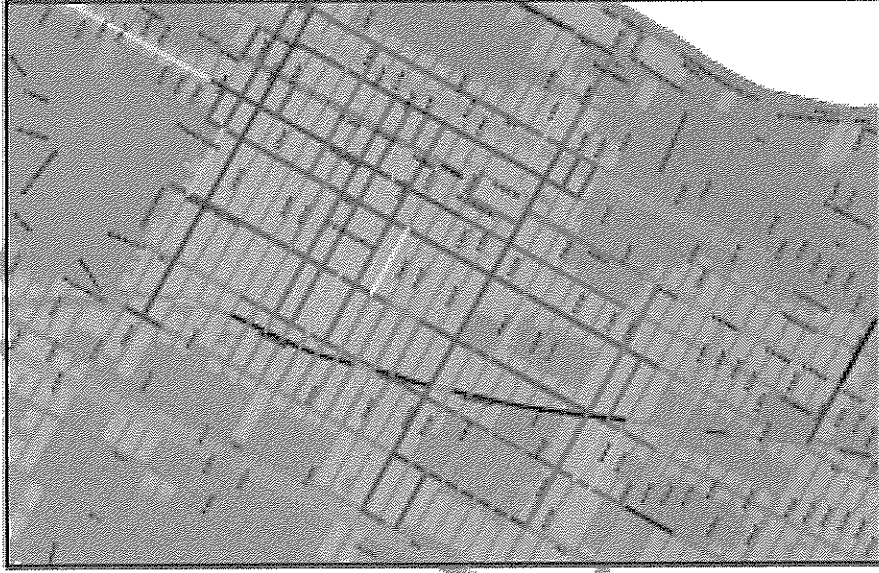
The confusion stems from the fact that different city agencies and entities have created restrictions without consulting each other. The only consolidation of city agencies looking at street restrictions happened during former Mayor Giuliani's "quality of life campaign" between 1995 and 2001 in which he enacted the Street Vendor Review Panel. (Food Vendors' Union and Street Vendor Project) The established group was comprised of the Commissioner of the Department of Small Business Services, the Director of the Department City of Planning, the Commissioner of the Department Transportation, and an additional member appointed by the Mayor (NYC Administrative Code Title 20). The panel evaluated street closures on a per-request basis rather than doing a comprehensive review of all streets. During Giuliani's tenure, the Panel closed off 130 streets and opened zero to street vendors; most of these restrictions affected streets in Manhattan's Financial District. The panel has not meant since 2001 and no city agency has taken the lead to evaluate the City's complex street restrictions.



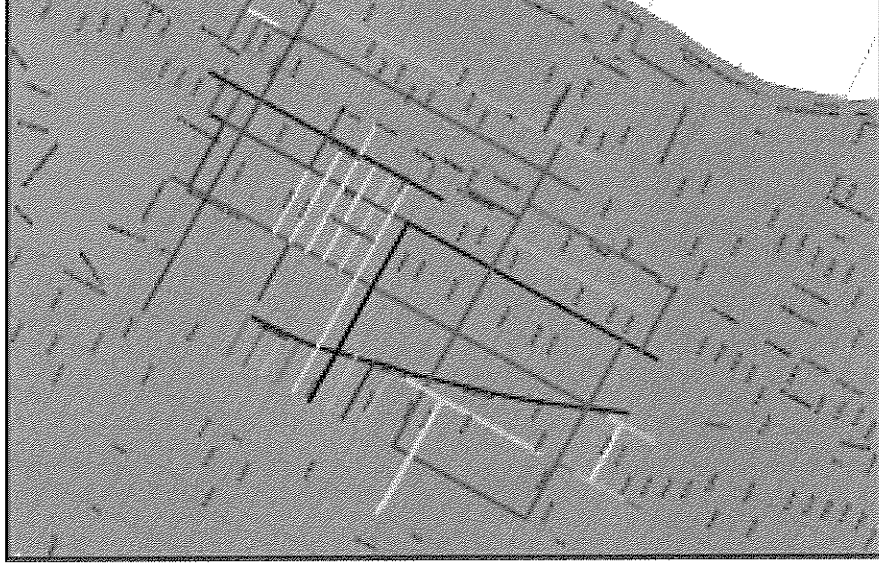




FOOD VENDOR



GENERAL MERCHANDISE VENDOR



FIRST AMENDMENT VENDOR

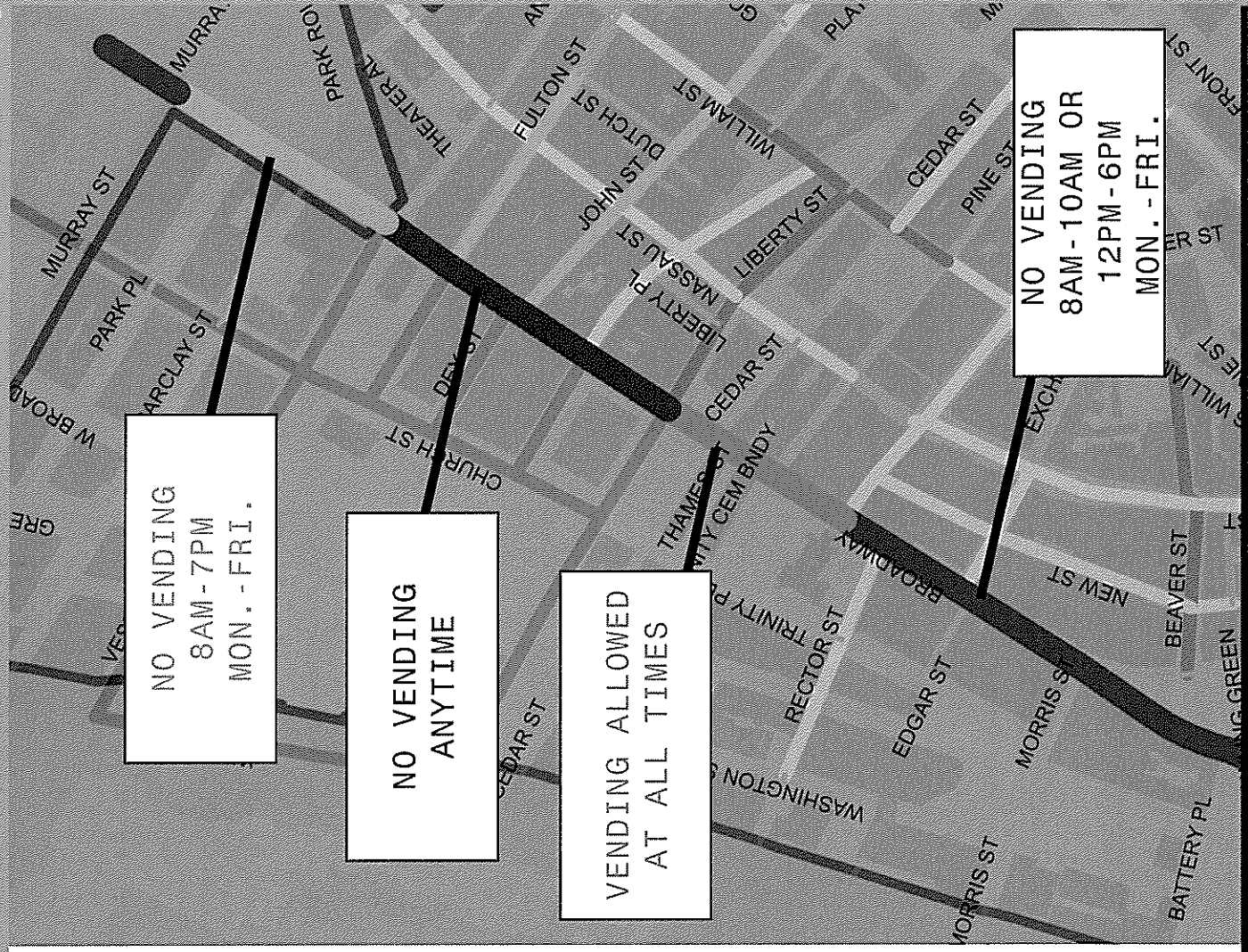
Each type of street vendor has a different set of street restrictions, all of which are complex, sometimes changing mid-block. The restrictions can only be found in print, these maps were created to show the complexity of regulations of the text-based restrictions.

Restrictions for Food Vendors can be found in Title 17, §17-315(l) in the New York City Administrative Code for the Department of Health & Mental Hygiene and Title 6, §2-314 of the Rules of the City of New York for the Department of Consumer Affairs. These two sources have conflicting regulations. While the list is physically compiled into one list, instead of consolidating overlapping and contradictory regulations, all are included in the list. Vendors are advised to "exercise caution and refer to the most restrictive days and times" (The City of New York).



General merchandise vendors do not have conflicting sources to sort through but their regulations require zoning knowledge. For example, no general vendors are allowed on Avenue of Americas at any time on "W.10th St. to Midway between W.12 & W.13 at intersection of C1 and C6 zones" (The City of New York).

One example of the perplexing restrictions occurs along Broadway between Bowling Green and Murray Street. On this 15-block stretch of Broadway (right) there are 4 different time restrictions for General Merchandise vendors. From Bowling Green to Wall Street, General Merchandise vendors are not allowed to vend weekdays from 8am to 10am and then again from 12pm and 6pm. From Wall Street to Liberty Street there are no time restrictions for General Merchandise vendors. However between Liberty Street and Vesey Street vendors are not allowed to vend at any time, any day of the week. From Vesey Street to Murray Street the imposed time restriction bans vending weekdays from 8am to 7pm. These restrictions get more complicated when the rule that General Vendors are prohibited from C-4, C-5, and C-6 zoning districts is factored in. This regulation bans General Vending from most of Lower Manhattan making the aforementioned time restrictions invalid for General Merchandise Vendors and applicable only to Veteran Vendors selling general merchandise.



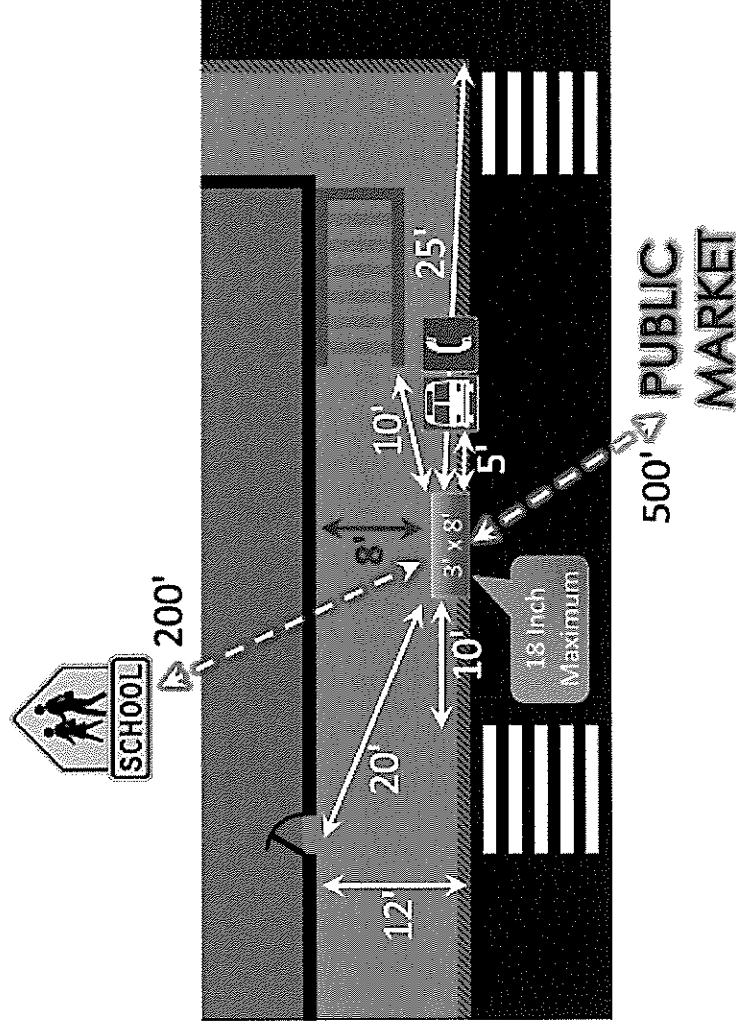
## Placement Restrictions

In addition to the street restrictions, which dictate on what street and at what time one can vend, there are placement restrictions. The placement restrictions determine exactly where a vendor can setup his or her truck or cart, within a particular block (NYC Administrative Code).

The restrictions are slightly different for trucks and pushcarts, and they depend on what product the vendor is selling. Overall, however, they are quite similar.

This figure (right) illustrates the major elements of placement restrictions, as they are currently defined under Titles 17 (§17-315), 20 (§20-452), 34 (§4-08), and 48 (§3-109) of the City of New York Administrative Code. The sidewalks have to be at least 12 feet wide, and the vendor must be within 18 inches of the curb face. There are several minimum distances between the outside of the pushcart or truck and other objects. In particular, vendors must maintain a minimum distance of:

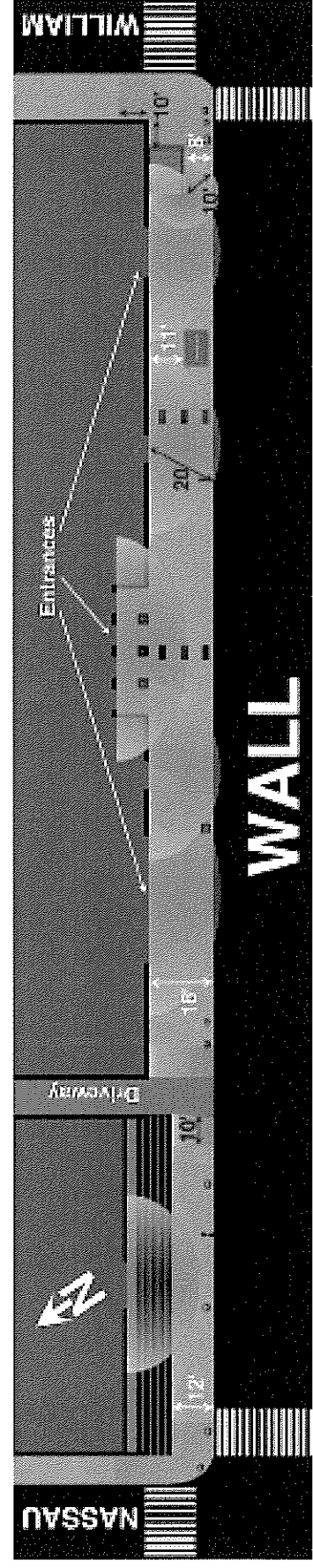
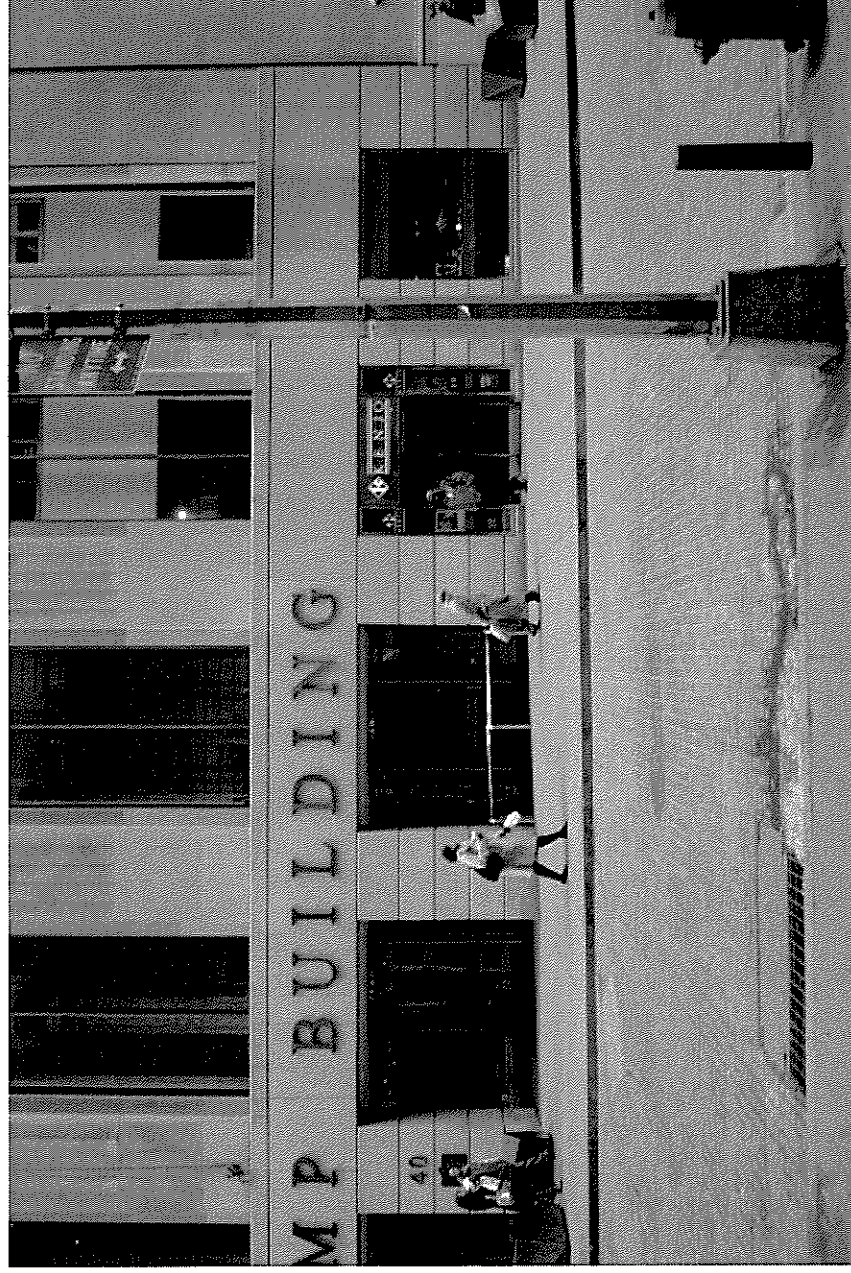
- 20 feet from building entrances,
- 10 feet from crosswalks, subway entrances, and driveways,
- 5 feet from newsstands, bus shelters, and payphones,
- 200 feet from public and private schools, and
- 500 feet from public markets.





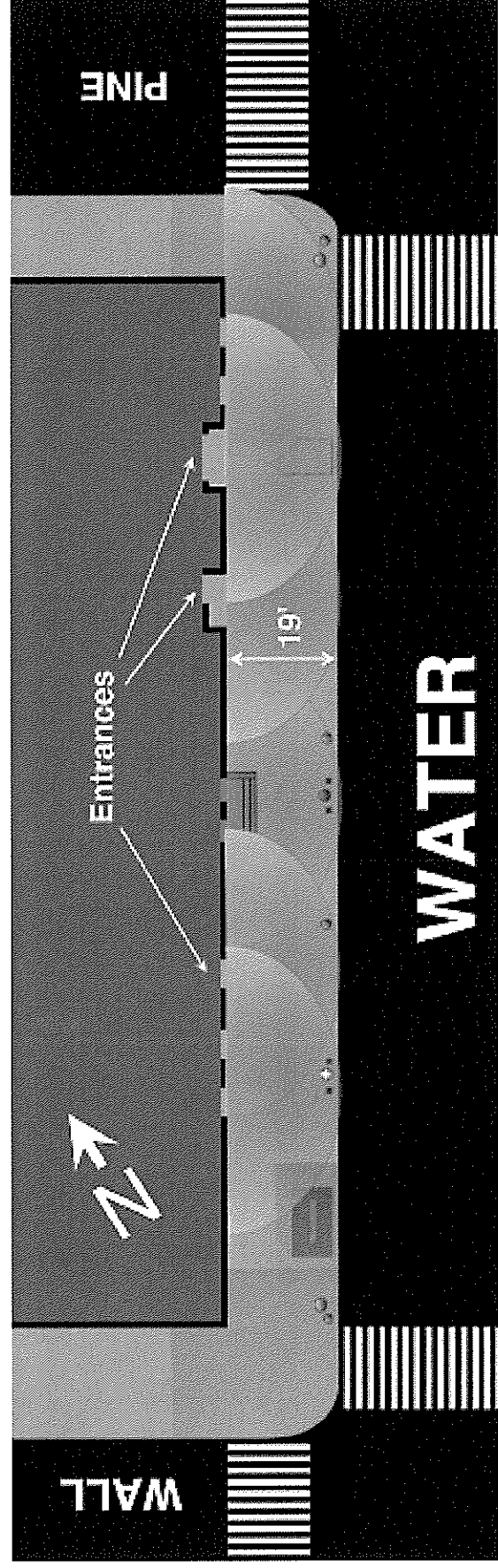
To see how these placement regulations affect the location of vending in Lower Manhattan, we chose blocks on three major pedestrian and/or vehicular corridors and measured their impact.

The first block is the north side of Wall Street, between Nassau Street and William Street. See the diagram, below. The areas in red indicate where vending is prohibited by the placement restrictions. About two-thirds of this block is off-limits to vending due to the crosswalks, building entrances, and the driveway.





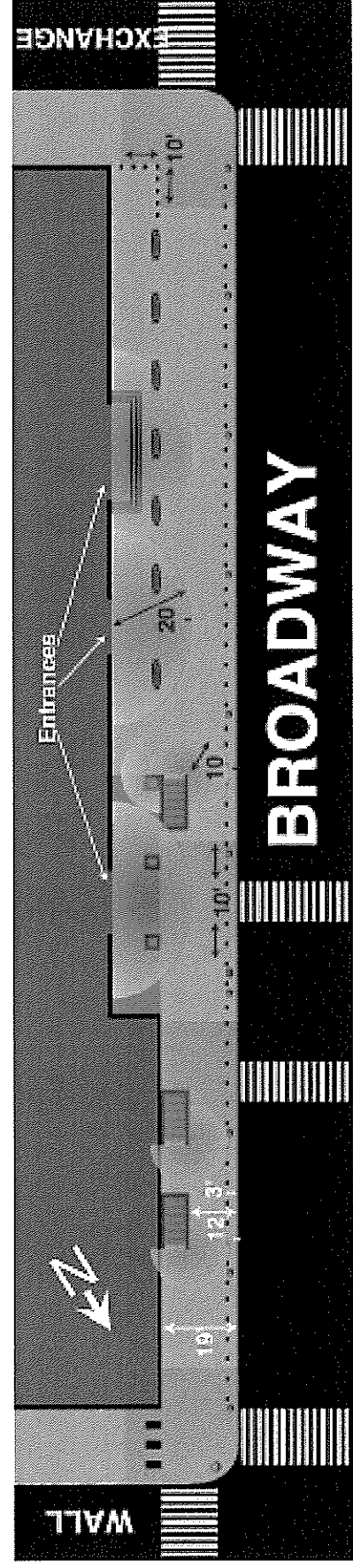
The second block is the west side of Water Street, between Wall Street and Pine Street. See the diagram, below. Here, the placement restrictions prohibit vending on the entire block due to the effect of the building entrances. This is a frequent occurrence, because building entrances must be approximately 40 feet apart in order to create pockets of space for vending, and on retail streets they are often much closer.







The third block is Broadway, between Wall Street and Exchange Place. See the diagram, below. Although there appears to be space for vendors, there is not. The row of black dots at the bottom of the diagram represent bollards (see sidebar on "Bollards"). These bollards extend 3 feet from the curb face. Because vendors must be within 18 inches of the curb face, it is physically impossible to vend legally on this entire block.

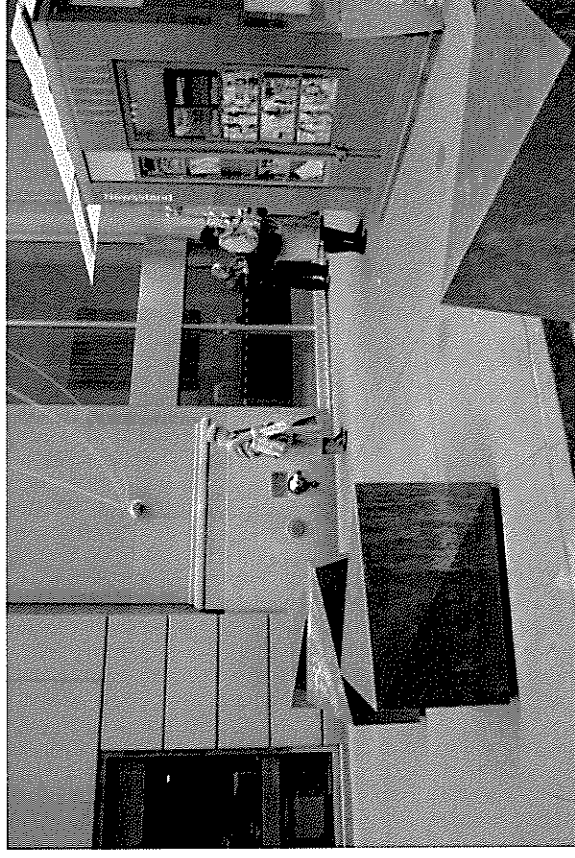


### "Bollards"

Bollards are short posts used to divert traffic from an area or road. They are generally installed either to protect pedestrians or as a form of perimeter security. Bollards are typically 30 to 36 inches tall and roughly four feet apart.

Installation of a bollard on New York City property requires the execution of a revocable consent agreement. A revocable consent is "a grant by the city of a right, revocable at will... to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property (usually, streets or sidewalks) for such purposes as may be permitted by rules of NYC" (New York City Department of Transportation (NYC DOT)). In addition, sidewalk cafes, benches, bike racks, and other street furniture often require this type of an agreement.

Although the review process for such an agreement seeks to account for ingress, egress, and pedestrian flow, the New York City Department of Transportation (NYCDOT) does not have a policy to guide the installation of bollards. (Transportation Alternatives and New York City Police Department (NYCPD))





# Enforcement & City Expenditures

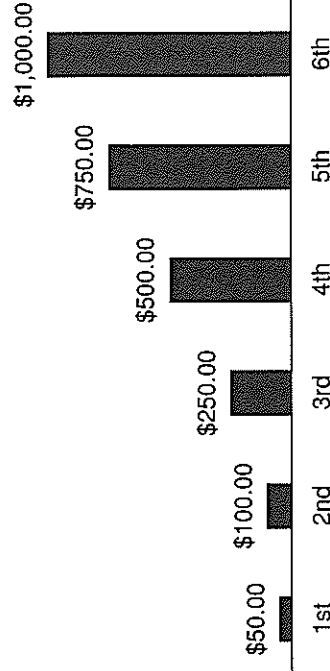


**Violations** of the street vending codes are administered by the Environmental Control Board. The violations for street vending laws can be found in the Food Vendor Administrative Code Penalty Schedule (§3-107), General Vendor Penalty Schedule (§3-109), and Health Code and Miscellaneous Food Vendor Violations Penalty Schedule (§3-110). (NYC Environmental Control Board)

The codes governing street vending in New York City are divided into administrative and health code regulations. Administrative regulations determine where a vendor may place his or her cart or table, the streets he or she may vend on, and other licensing and permit requirements. Enforcement of administrative regulations is the responsibility of the New York Police Department (NYPD). Health code regulations, applicable only to vendors selling food products, regulate hygiene and sanitation issues. Enforcement of these regulations is handled by both the NYPD and Department of Health and Mental Hygiene (DOH) health inspectors. Both issue fines. These fines would result from violations such as failing to store food at proper temperatures or failing to have functioning hand washing facilities. (NYC Environmental Control Board)

Many of the fines indicated in the ECB penalty schedule are structured according to the "multiple offense schedule" (MOS). Other fines, such as vending without a license, are subject to a flat fine of \$1,000. For violations included on the MOS, a vendor's first offense results in a \$50 fine. A second, third, fourth, fifth, sixth or subsequent violation marked as "MOS" in the same schedule results in escalating fines.

Multiple Offense Fine Schedule



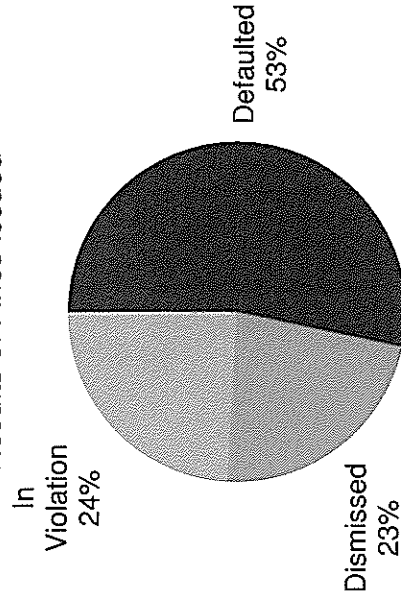


For food vendors, fines follow the license rather than the permit. An employee of a food truck that receives a violation is responsible for paying the penalty, not the owner of the truck or the holder of the permit. The vendor must pay the fines they have received before renewing their license. The studio was also able to review violation data from the New York Police Department (NYPD) gained through a Freedom of Information Act (FOIL) request. This data set provides a list of street vending related violations issued by the NYPD for 2009. (NYPD)

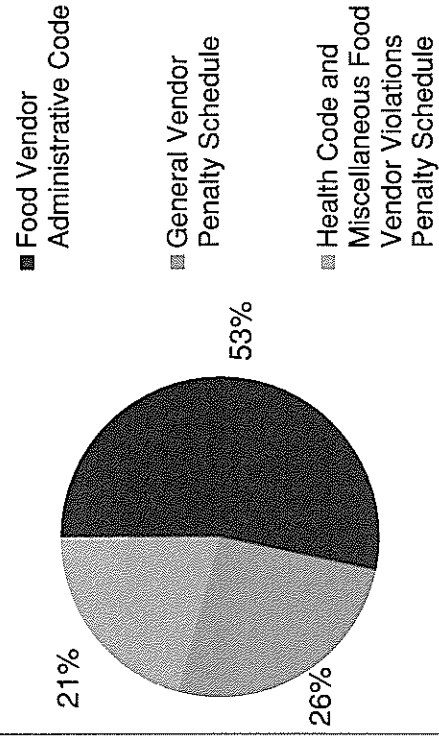
Of the approximately 20,000 fines issued by the NYPD in 2009, 53 percent of fines defaulted--meaning that the vendor did not show up to their court appointment. These cases received the maximum fine possible for the violation. Of the remaining 47 percent that were actually heard in court, 24 percent were found in violation and only 23 percent were dismissed. A vendor that is found to be in violation may receive a reduced fine. A case that is dismissed is dropped; no fine is issued. The data indicate that almost half of all violations that appear in court are dismissed. This suggests that the tribunal system that manages these violations, and the underlying legal code, is not functioning. Over half of the violators do not show up to their hearing, and half of those that do have their violations withdrawn.

The majority of fines issues were for violation of the food vendor administrative code. General vendor violations were the second most frequent violation. Health code violations likely represent a small share of this data because the data represents only NYPD-issued violations. The DOH employs their own health inspectors that also issue fines. This suggests that some parts of the law, such as the food vendor administrative code, are more problematic than others.

Results of Fines Issued



Violations by ECB Code



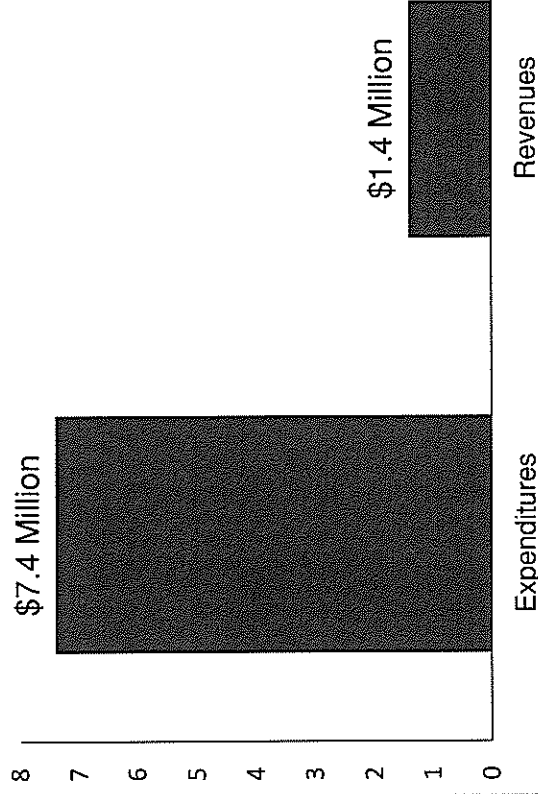
# The issue of fines<sup>and</sup>

collections is not just a problem for street vendors, it is also a problem for the City. According to a report by the Independent Budget Office (IBO), the City spends substantially more resources managing and enforcing street vending than it earns through fines, permits, and licenses. Street vendor regulations are costly, confusing, and leave many disgruntled (New York City Independent Budget Office, 2010). In 2009, an estimated \$7.4 million was spent to regulate and enforce vending, while only \$1.4 million was collected in fees and fines.

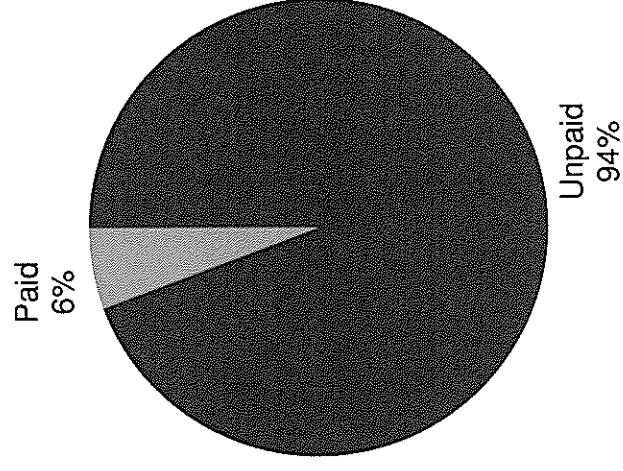
The financial shortfall is in part the result of poor collection of fines. A large share of the fines issued to vendors are uncollected each year. Of the \$15.8 million in fines levied in 2008 and 2009, \$14.9 million was still uncollected through fiscal year 2009. Only six percent of fines were paid.

This finding is indicative again of a poorly functioning enforcement system. Not only are many vendors not appearing in court, but many are also failing to pay the fines that they are issued. The system does little to prevent violations of vending ordinances, while punishing those vendors who choose to operate within the system legally.

NYC Vending Balance, 2009



Fine Status







# Chapter 2: Research & Analysis

Vendor Survey

Customer Attitudes

Business Improvement Districts (BIDs)

Retail Survey



## Vendor Survey

The Columbia University Street Vendor Studio conducted a survey of 61 street vendors in Lower Manhattan between the period of April 6th and April 19th 2011. All interviews were taken on the street by a "sample of convenience"—that is, vendors were approached in no systematic manner, and asked to partake in a survey. In total, 41 Food Vendors and 20 General Merchandise Vendors (including Veteran Vendors) responded. The survey was administered by members of the Columbia University Street Vendor Studio. To increase accuracy and avoid repetition the site area was divided and then designated by section to each studio group member. Group member asked vendors on the street in their respective sections. This survey was used to complement an already completed survey by the Street Vendor Project of 100 vendors in Lower Manhattan in 2004 and 2005.

This survey has many limitations: it was only conducted in English; vendors who declined to partake in the survey were not recorded; vendors in lower Manhattan are not necessarily representative of all vendors in New York City; and survey accurateness depends both on the truthfulness and understanding of the vendors. Limited by capacity constraints and language barriers, vendors were asked just 5 questions:

1. Do you own this cart/truck/table?
2. Do you own the permit on this cart/truck/table?
3. Where do you get your supply?
4. Why do you sell this particular food/merchandise?
5. What street vending rules are most difficult to understand?

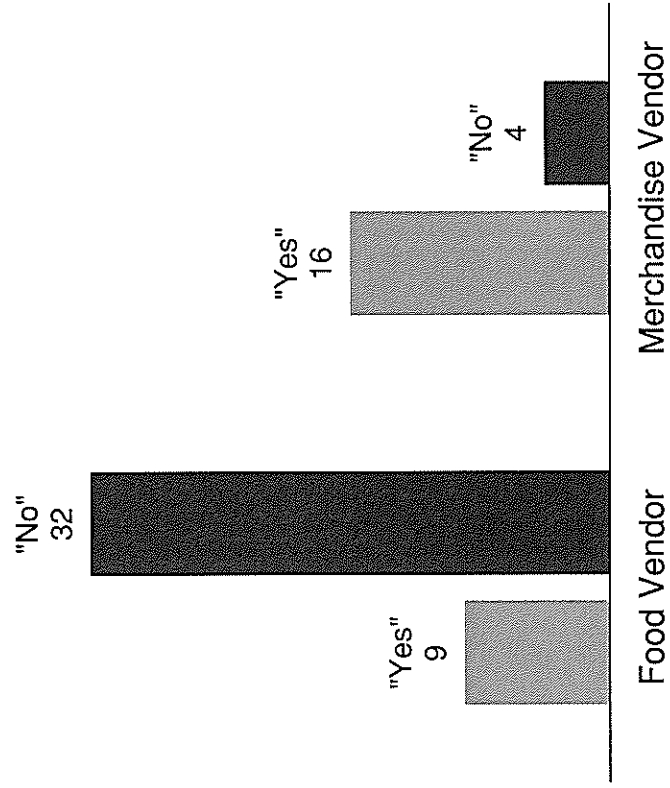
The cross streets of the vendors, the type of vendor, and what the vendor sold were recorded by the surveyor.

The first and second questions were asked to better understand the relationship between vending and entrepreneurship. The third and fourth questions were based in a perception: there are a large number of vendors in New York City, yet vendors sell similar food and merchandise. The third question was meant to see if there was a standard model for vendor supply. The type of food or merchandise that vendors sell is inherently limited by the supply sources available. The underlying question was "are sources of

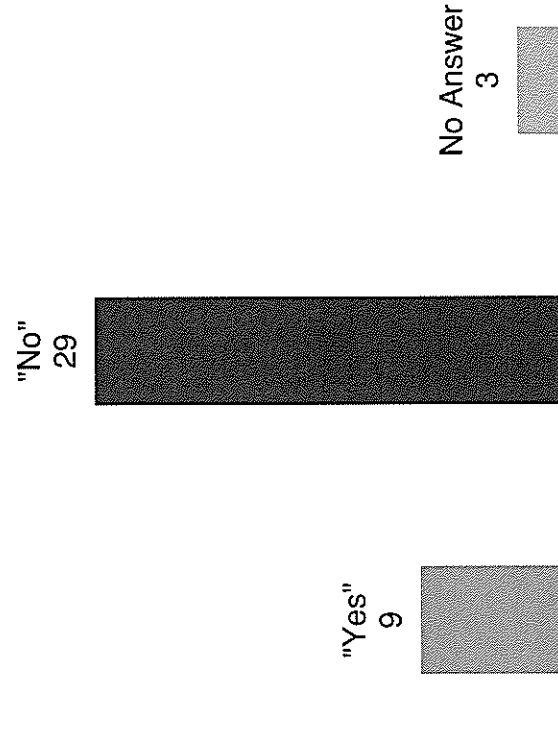
supply limiting product types?" The 4th question was asked in hopes of understanding what, if anything, is limiting this product diversity. The final question was meant to investigate vendor difficulties within the City's patchwork of rules and regulations.

Most food vendors do not own their cart or the permit on their cart. Out of the 41 food vendors interviewed only 9 responded that the cart in question was theirs. Likewise only 9 food vendors said they owned the permit on their cart. In contrast, 16 out of the 20 merchandise vendors interviewed said they owned the table from which they sold their merchandise. This indicates that instead of being the owner or manager of a small business (that by risk and initiative intends to increase profit) Food Vendors are more often employees working for permit holders and cart owners. Given that a table requires significantly less capital investment than a food cart or truck, and merchandise vendors typically own their table, the results also indicate that the cost of the cart or truck might be limiting food vendors from running their own operation.

Do You Own This Cart/Truck/Table?

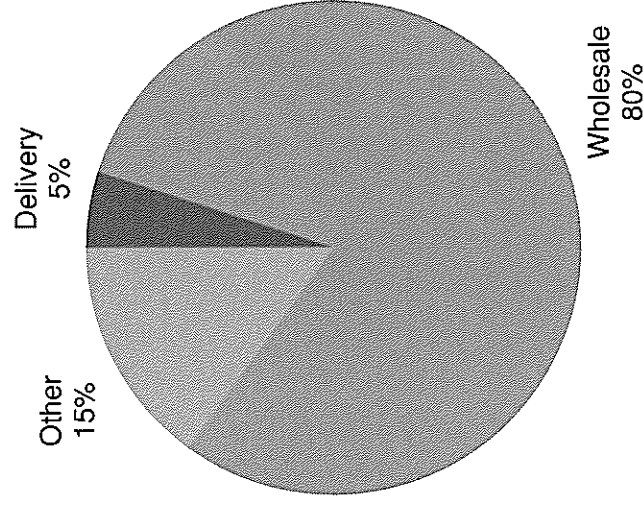


Do You Own The Permit on This Cart/Truck/Table?

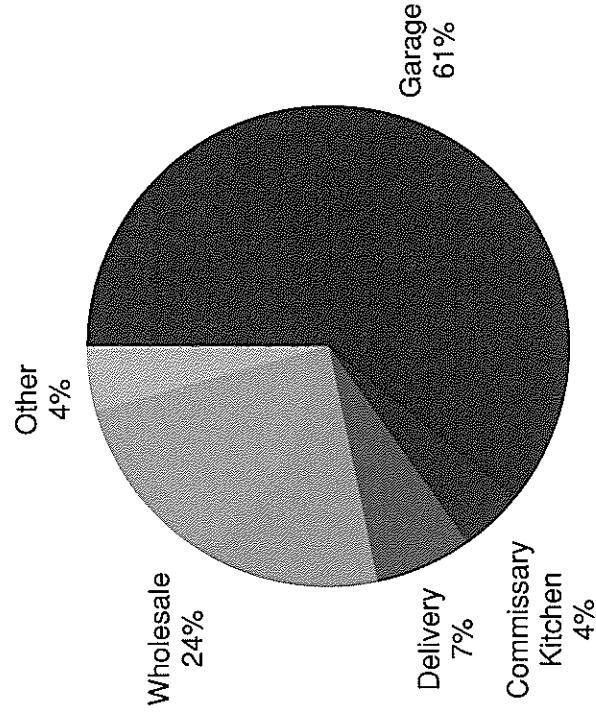




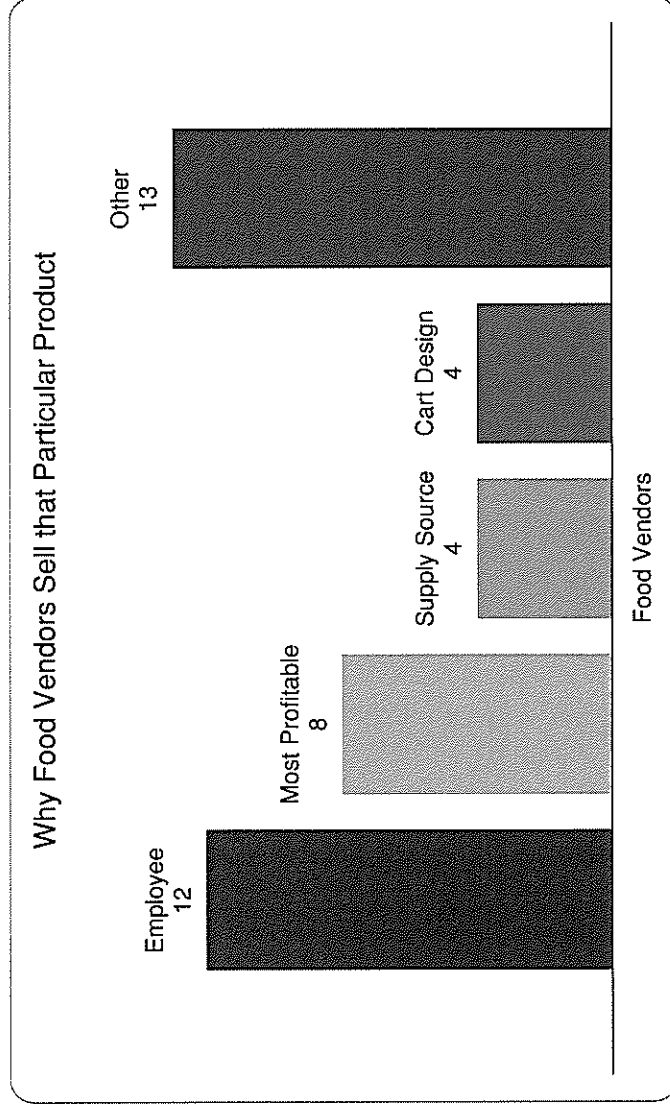
Where Merchandise Vendors Get their Supply



Where Food Vendors Get their Supply



While almost all surveyed merchandise vendors obtained their supply from a wholesale supplier, the majority of food vendors obtained their supply from a garage. An additional quarter of the food vendors got their food from a wholesale supplier and another 7 percent actually had the food delivered directly to their cart every morning. This indicates that common models and sources for supply exist. While there is no concrete conclusion that garage or wholesale supply models are limiting product diversity, the homogeneity of products might well be influenced by these conventional supply options.



A large portion of food vendors responded that they sold their particular product because they were an employee. This again indicates that instead of being the owner or manager of a small business, vendors are employees with no opportunity or incentive to sell different products or take risk and initiative to test new products. However, many vendors answered "other," indicating that this was a poor question and that there is some path dependency involved in vending. Many of these vendors responded with anecdotes like "Why would I sell anything else" or "because this is what I sell" or "because this is what my father sold." These types of responses indicate that some vendors do not have the ability or expertise to sell anything different, or that they do not believe the system in place allows for anything else. Perhaps if vendors were their own boss and/or had access to different business models with different incentives for risk and innovation, product diversity would be encouraged.

The results of asking what rules "were the most difficult to understand" were inconclusive, partly because of the language barrier. However, it became clear through our interviews that as complicated as the rules and restrictions seem to be, vendors understand them. Instead, it is not possible for vendors to follow every single rule and regulations and still run a successful business. Thus, the vending industry is forced to break the rules in order to exist. This is a clear indication that the current rules and regulations are stymieing vendor entrepreneurship activity.

## Customer Attitudes

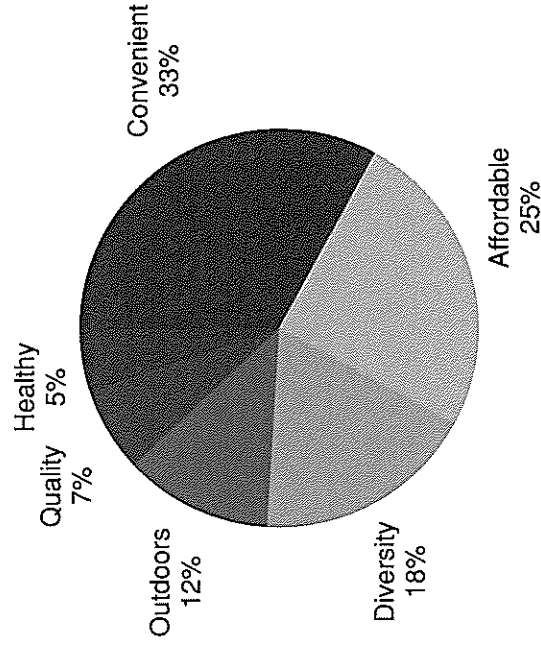
In addition to interviewing vendors, The Street Vendor Studio distributed a customer survey aimed at perceptions of vending in Lower Manhattan. 268 surveys were received, 115 of which came from online survey of respondents that live, work, or visit Lower Manhattan and 153 from individuals approached in Lower Manhattan.

The three major questions asked to respondents were "What do you like about vending in Lower Manhattan? (check all that apply)," "How would you most improve vending in Lower Manhattan? (check one)," and "What other improvements to vending in Lower Manhattan would you like to see? (check all that apply)." These questions were asked in order to get a sense of attitudes and perceptions of vending in the area, as well as preferences towards different aspects of vending.

### "What Do You Like about Vending in Lower Manhattan?"

Customers cited "Convenient" and "Affordable" as the two aspects of vending in Lower Manhattan they liked the most, at 33 and 25 percent, respectively. This stands in stark contrast to "Healthy" and "Quality of Product," which customers rarely selected as something they liked about vending in the area, at 5 and 7 percent, respectively. These results do not state that customers lack concern for their health or high-quality products, but it does show that vending does serve an important role in providing quick, inexpensive food and goods to the public.

What do you like about Vending in Lower Manhattan?

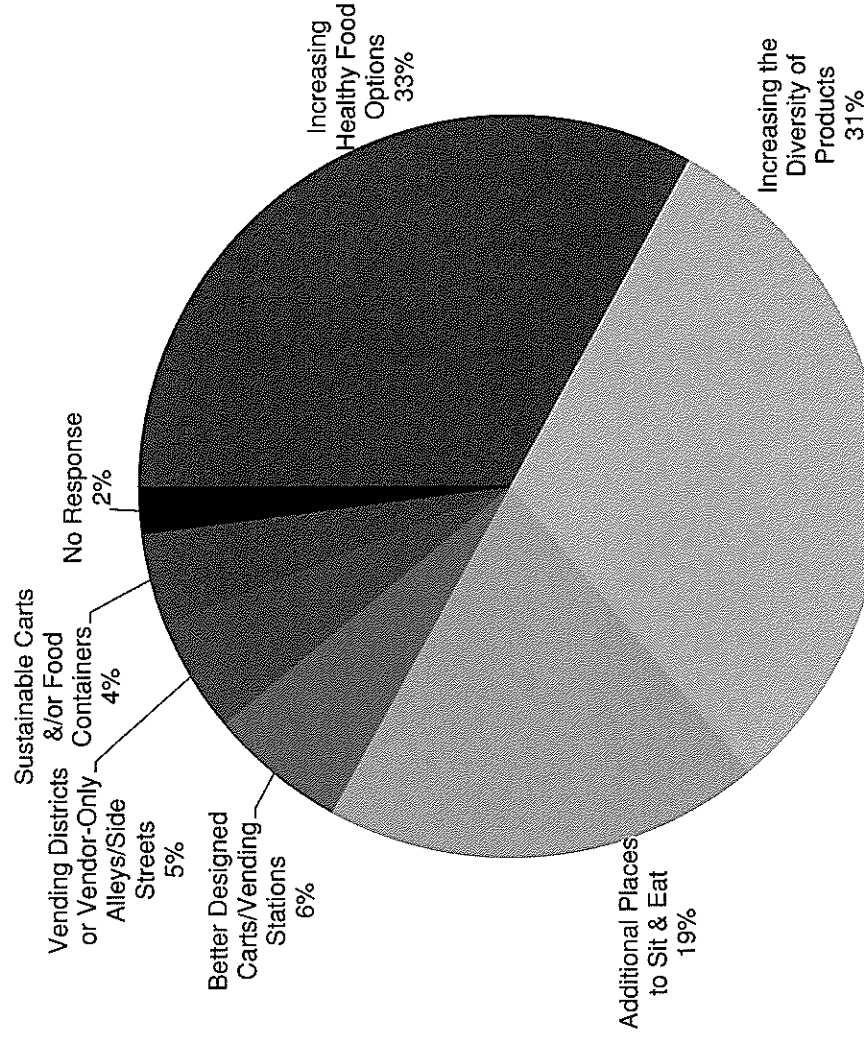




## "How Would You Most Improve Vending in Lower Manhattan?"

This question was especially important, because it forced customers to choose the one aspect of vending, "their most important aspect of vending," that they would change. In some ways corresponding with the least popular answers to "What do you like about vending in Lower Manhattan?" (Healthy, Quality of Product), "Increasing the Diversity of Products" (31 percent) and "Increasing Healthy Food Options" (33 percent) were the two most popular answers for how one would most improve vending in Lower Manhattan. With regards to the type of products sold by vendors, this proves that customers are critical of the types of items currently sold by vendors and want them to improve upon what they are selling, be they healthier, more diverse, or of a higher quality. About 1/5<sup>th</sup> chose "Additional Places to Sit and Eat" as an answer, giving the impression that the public has a desire to spend some time enjoying their meal in the area that they purchased their meal, instead of always rushing to come and go.

### How would you most improve Vending in Lower Manhattan?

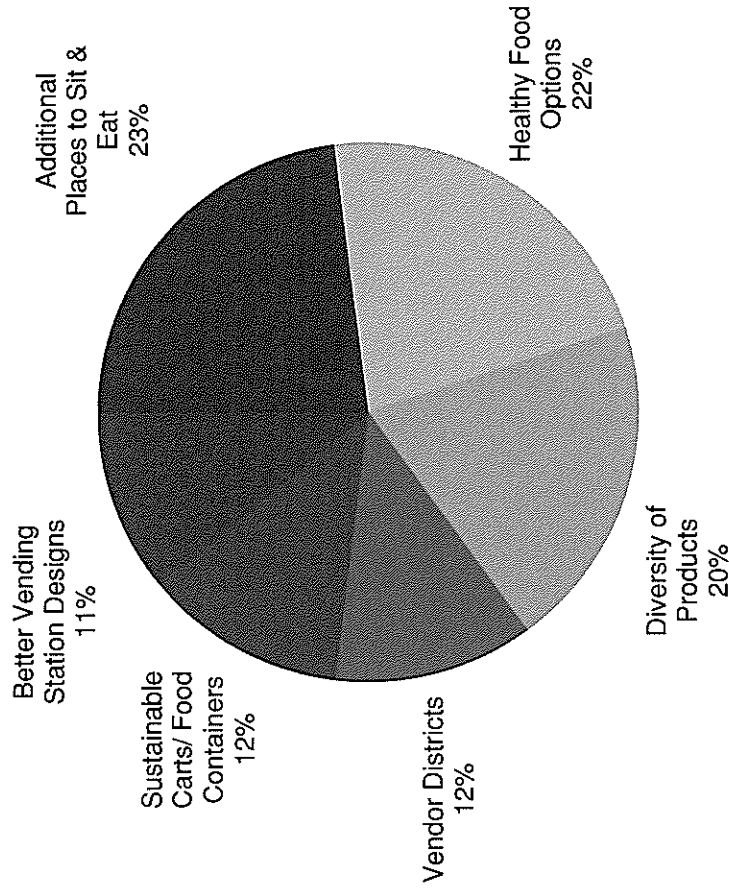


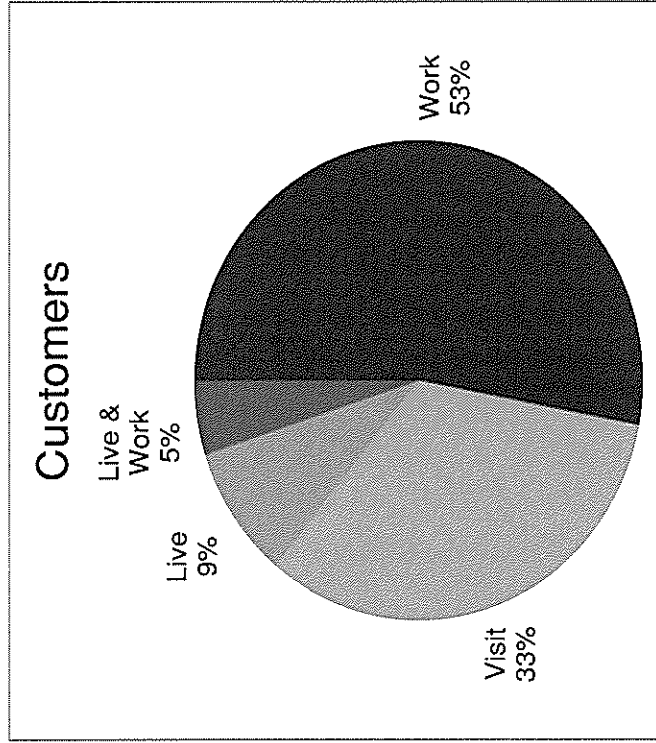
## “What Other Improvements to Vending in Lower Manhattan Would You Like To See?”

Answers to this question were relatively even across the board, with no option getting less than 11 percent or more than 23 percent. The most frequently selected option was “Additional Places to Sit and Eat” (23 percent), further proving that the public has a desire for vending to transform to a more “sidewalk-cafe” feel where one could take 10-15 minutes to sit, talk, and enjoy a meal. On the other end, the least frequently selected option was “Better Designed Carts/Vending Stations” (11 percent), which does not mean it is not a desire of the public, but it is simply not as pressing of an issue as increasing product diversity, increasing healthier options, and creating additional places to sit and eat.

We sought to uncover whether or not these opinions changed based on a person’s relationship with the area. We took two answers to questions that we are making recommendations for, to see if feelings on them vary based on one’s relationship with the area.

What other improvements to Vending in Lower Manhattan would you like to see?





We asked what relationship customers had to Lower Manhattan to get a sense of how people felt about vending in the area, based on if they visit, live, work, or live and work in the area. We found that a majority of respondents were workers (53 percent) or visitors (33 percent).

As is evident from the results, whether one lives, works, visits, or lives and works in Lower Manhattan carries little weight in their feelings towards diversity of product and additional places to sit and eat. A mere 8 percent separates all of the percentages, showing that the many of the sentiments surrounding vending in Lower Manhattan are less influenced by one's position in area and more by the vending itself.

	Most Important Improvement to Vending in Lower Manhattan? Total Who Responded: "Additional Places to Sit and Eat"	Total Customers	Percent of Total
Visit	22	89	24.7
Work	24	142	16.9
Live	4	25	16.0
Live and Work	2	12	16.7

	What Do You Like About Vending in Lower Manhattan? Total Who Responded: "Diversity of Product"	Total Customers	Percent of Total
Visit	20	89	22.5
Work	37	142	23.9
Live	4	25	16.0
Live and Work	2	12	16.7



## Business Improvement Districts (BIDs)

The 1980s brought the rise of Business Improvement Districts (BIDs) in New York City. BIDs are organizations of merchants and property owners that pay additional taxes to fund improvements within the district boundaries. In addition to services such as security and sanitation, BIDs work to increase property values and manage public space (Devlin, p. 51).

BIDs are relevant to our study because they are one of the most vested and highly funded stakeholders in street vending management. New York City has over 64 BIDs that manage coveted space in the City's most iconic neighborhoods, business corridors, and tourist destinations—spaces where street vending sales prove to be most lucrative. The largest of NYC's BIDs, The Downtown Alliance, is home to some of the highest property values in the United States and one of the largest attractions in the world, The World Trade Center.

While not inherently at odds, the aims of BIDs often counter the interests of Street Vendors. Champions of "branded" space and manicured landscapes, BIDs work hard to maintain a particular aesthetic for consumers. BIDs and other property interests often regard vendors as "eyesores" that interfere with the image of public space and lower property values (Devlin, p. 51). For this reason, BIDs contribute to enforcement of vending regulation by pressuring vendors out of district boundaries.

BIDs played a significant role in the sweeping street closures carried out through Giuliani's Street Vendor Review Panel. For example, requests from The Grand Central Partnership and 34th Street Partnership led to the closure of several streets in Midtown Manhattan (Devlin, p. 72). Additionally, BIDs carry out enforcement within district boundaries. During a site canvas, a team member learned that Downtown Alliance security guards carry a vendor rule handbook from the department of consumer affairs. If vendors are found out of compliance, the police are alerted. Enforcement of health violations are necessary, however many of these violations are based on minor spatial infractions such as being an inch or two too close to the curb. Furthermore, Downtown Alliance security guards are discouraged from purchasing items from vendors while on the job. One guard has gone so far as to "hold" items with vendors to purchase when off duty.

With substantial financial means and a security body to carry out enforcement, BIDs effectively become quasi-governmental bodies for governing public space and managing vendors (Devlin, p. IV). In the current management scheme, vendors have fallen victim to excessive enforcement and the regulation landscape is less a reflection of regulatory requirements than it is the power of high value property interests.

With the hypothesis that there was a correlation between BIDs and the prevalence of street restrictions, we conducted a geographical information systems (GIS) study using the boundaries of BIDs within

Manhattan alongside street restrictions. As anticipated, a majority of street regulations fall within BID boundaries (indicated in red in the map, right). Street restrictions within the Downtown Alliance, Madison Avenue, and Times Square BIDs almost exclusively fall into their respective BID boundaries. This phenomenon is largely due to street closure requests by BIDs that were successfully included in the rule books during the reign of the Street Vendor Review Panel.



## Retail Survey

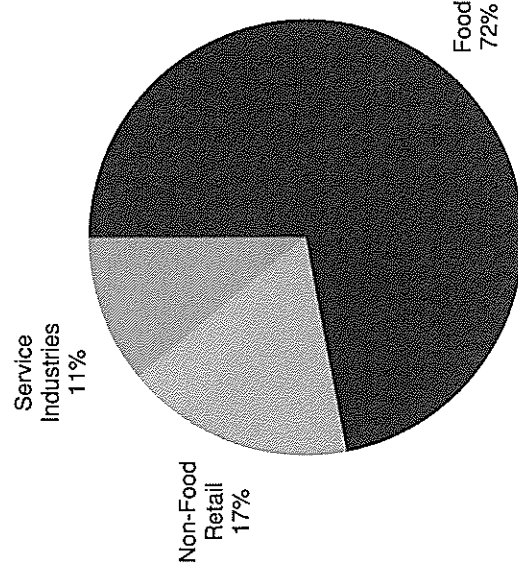
We took inventory of the storefronts on our site, noting the locations of food and non-food retail and service industries. We used this data to identify spaces where vendors would complement rather than compete with the existing brick and mortar businesses. We then carefully considered which of these spaces would be enjoyable places to be for customers and lucrative locations for vendors with minimal interventions.

Our survey found that 72 percent of storefronts in Lower Manhattan are food, 17 percent are non-food retail and 11 percent are service industries (such as banks, salons, gyms, and medical offices). When looking at the storefronts block by block, there are some blocks that seriously lack quick food options that food vendors can provide.

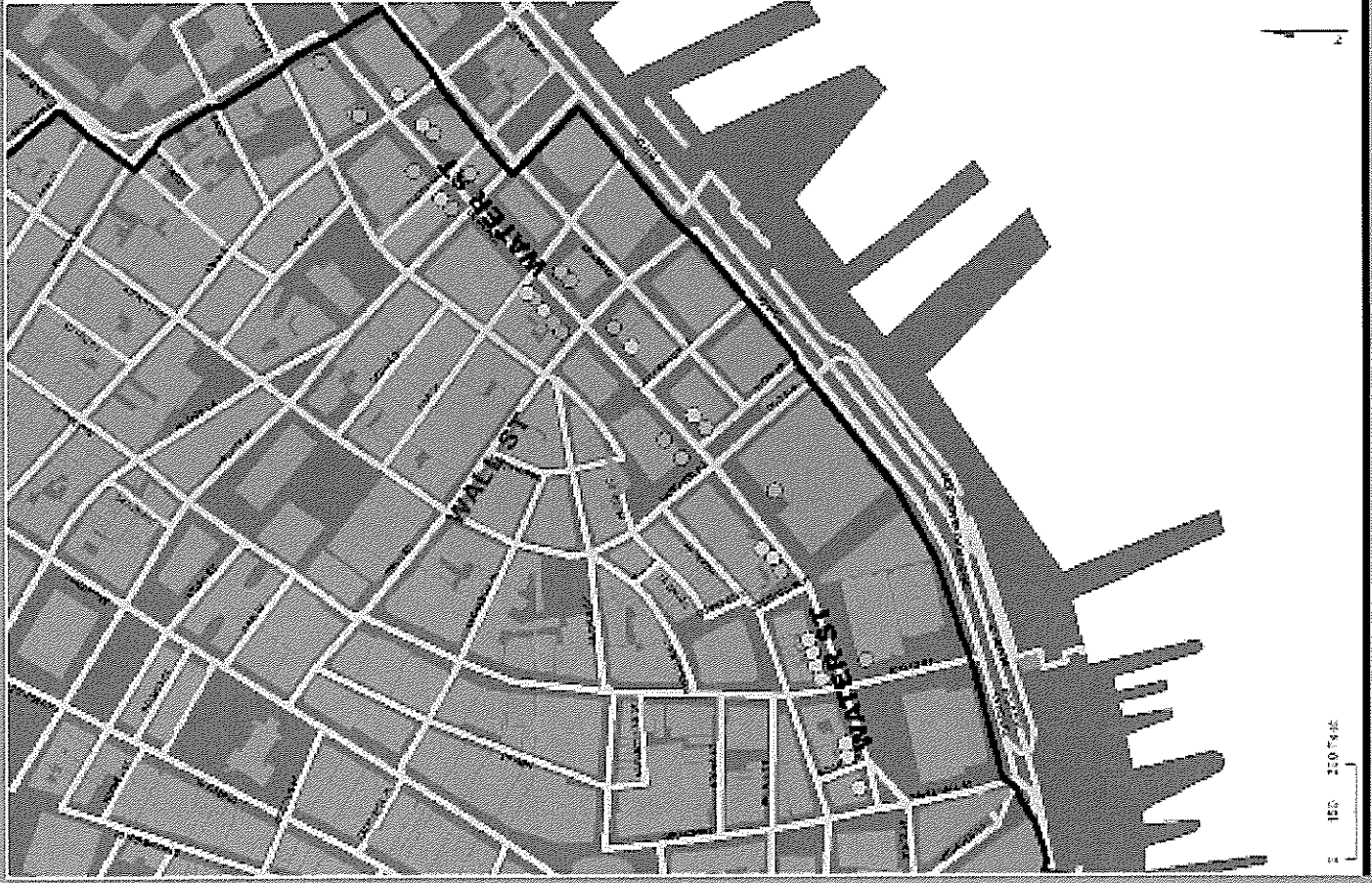
In discussions with storefront owners, we found that opinions of vendors were mixed. Although some storefront owners did worry about competition, there undoubtedly are mutual benefits to be had by vendors and storefronts. A presence of vendors on the sidewalks creates more foot traffic, which benefits storefronts. Competition is a good thing for a healthy economic environment.

The issue is when competition is "unfair," which is the sentiment that some storefront owners feel, because vendors "do not pay rent." Vendors do of course pay taxes like any other business, but it is true that they do not pay rent. They do, as a trade-off, have very difficult working conditions, are exposed to the elements, have long hours, often strenuous commutes, no facilities, small space constraints, and still have to pay to store their carts in a DOH garage every night. Permit-owners must also pay the City every two years to renew their cart permit. This may be considered another sort of "rent" that vendors pay to the City.

Lower Manhattan Storefronts







Along Water Street, for example, there is 19 million square feet of office space, but there are only 16 brick and mortar food establishments (yellow dots), 11 services (blue dots), and 7 non-food retailers (orange dots).





# Chapter 3: Action Plan

## Vision

### Proposals:

- Release New Food Vending Permits & General

### Merchandise Licenses

- Revise Street Restrictions
- Enact the “8 Foot Rule”
- Open Public Spaces
- Changes to Administrative Penalties
- Modify Health Code Restrictions
- Modify Garage Restrictions
- Garage Programming

### Implementation



# Vision

We have a vision for street vending in New York City that makes everyone better off—consumers, taxpayers, brick-and-mortar retailers, City agencies, and vendors. Moreover, this vision is grounded in our research. As we will discuss in the next section, there is every reason to believe that this vision is possible, practicable, and will benefit everyone involved. Essentially, we conceive of a city that harnesses street vending in order to achieve much broader objectives. In particular, we aim to achieve three main goals. These goals define our vision and underpin our proposals.

## *1. Public Space: Ensure equitable access to public space for street vending*

We aim to increase access to public space for vending. We believe that more spaces should be opened to vending and that underutilized public spaces should be activated and improved. We also want to develop clear and objective criteria to guide the spatial regulation and enforcement of street vending.

## *2. Economic Activity: Promote economic activity and employment opportunities through street vending*

We aim to promote economic growth. At its core, vending is an economic activity. It is an industry. We want to effect changes that improve working conditions, encourage entrepreneurship, and support small business development. This includes reducing barriers to entry into the vending business and developing an equitable regulatory and enforcement framework for vending. Further, we want to raise public awareness of vending.

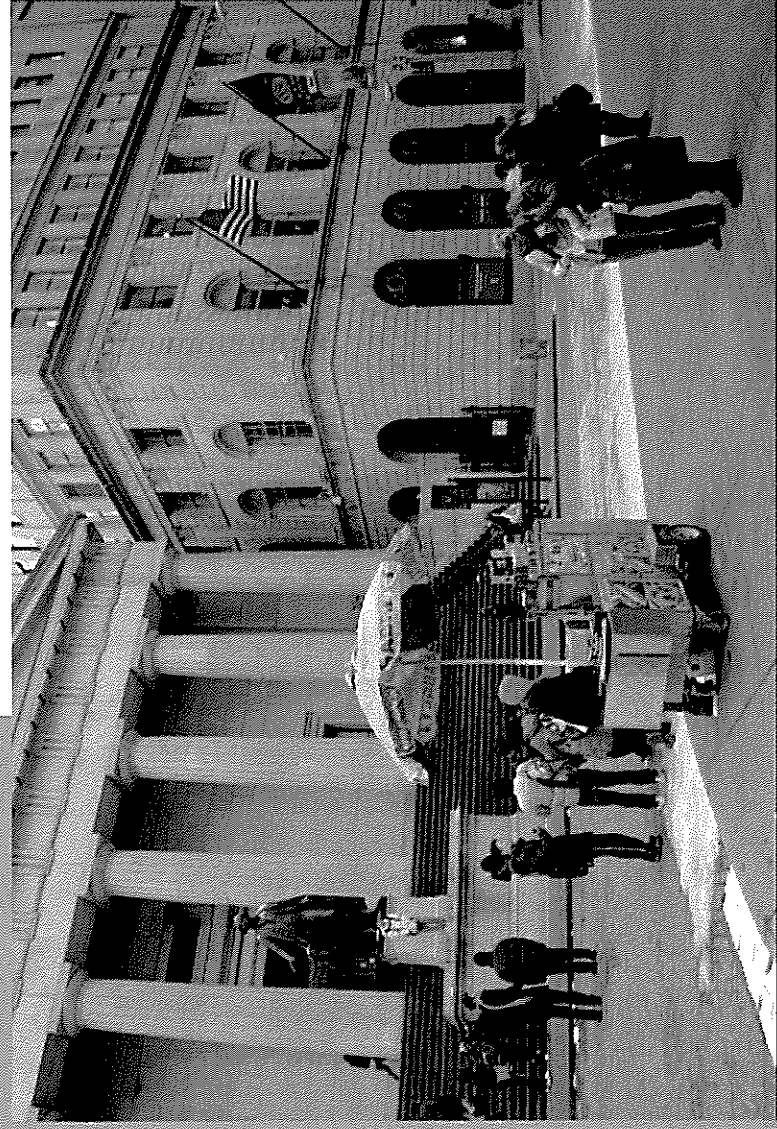
## *3. Public Amenity: Use street vending as a tool to advance related citywide planning goals*

We see vending as a public amenity, and we want to use it as a tool to advance citywide planning goals. It can be used to improve public spaces, create jobs, promote sustainability, and encourage immigrant integration. Vending can also be used to increase access to healthy foods and a diverse selection of consumer goods.

The existing regulation of street vending is restricting economic activity, forestalling the City's efforts to activate public space, inhibiting consumers' access to healthier food and more diverse products, costing the City millions of dollars, and generating headaches for everyone.

Street vending is a part of New York's culture, and it shapes the City's image, but it can do much more. Vending is able to enliven public spaces, nurture entrepreneurship, and contribute to planning goals that are advantageous for the entire city. We aim to take the first step in this direction.

The proposal discussed below is a plan of action that outlines the specific changes that are crucial to making tangible progress towards this vision. In addition, the proposal elaborates on the supporting research and explains why such changes are necessary.



Street vending is part of New York's image, but it can do much more for the City. Realizing this vision will require a major overhaul of the City's existing regulations, effort by many different organizations, and a rethinking of the role of street vending in New York City. In sum, the spatial controls over vending need to be rationalized and simplified. The number of available permits must increase and the fines must be reduced. The hygiene of food vendors should be graded just like restaurants. Finally, garages must work for vendors, by becoming more flexible and by becoming information and training hubs.

# Proposal: Release New Food Vending Permits and General Merchandise Licenses

The current cap on permits for food vendors and licenses for general merchandise vendors hurts the City. The existing cap creates a black market trade in food permits and encourages unlicensed vending. Due to the cap, the only way to get a food permit or general merchandise license is to lease one at an exorbitant cost. This limited accessibility means food vendors do not own their permit.

Currently, the caps stymie thousands of unlicensed vendors wanting to start their own business. Many of these vendors, with no other means of earning a living, continue to work outside the City's regulatory structures. Subsequently, vending is not properly monitored through its health and administrative code, and the city wastes time and money on the enforcement. Furthermore, the City fails to capture both permit/license fees and tax revenue from its vendors.

The City should remove the caps on permits for food vendors and licenses for general merchandise vendors. Only one permit should be allowed per person and permits may only be held by regional residents. Fines, including both administrative and health code violations, must follow the permit. Permits cannot be renewed if the permit holder has outstanding fines.

## Precedent:



The parks department releases permits for parks vendors onto the market by an auction. This system is advantageous because the city captures revenue and can more effectively regulate. However, these permits sometimes sell for even higher prices than street vending permits on the black market. The bidding process is dominated by large food service corporations. Any proposal to release permits and licenses onto the market should make sure there is no price barrier for small business start-ups.



By releasing additional permits, the high cost of entry will be reduced, enabling both current and new vendors to own their business. This encourages entrepreneurship. New business ideas can be tested without the cost and illegality of the black market. Lifting the cap will fulfill an unmet demand; this will create new jobs and help alleviate the City's unemployment rate. By issuing more permits, the incentive to vend unlicensed is diminished. Reducing unlicensed vending assists the police and improves enforcement. This, in turn, benefits the public by allowing the city to better regulate. The restriction on permit ownership, both the number limit and a proof of residence, prevents corporate dominance. Attaching the fines to the permit creates a liability for the permit holder and discourages leasing of the permit, and worker exploitation. Finally, increasing the number of vendors will create additional competition in the market and encourage product diversification. Hopefully this will lead to innovative product diversification, as requested by a majority of the customers surveyed. In Portland, OR, where no limit on food vending permits exists, competition between vendors has lead to an innovative and creative food truck scene in recent years with immigrant entrepreneurs and restaurateurs operating side by side.



Vendor in Portland, OR



Perhaps it is not a coincidence that firms such as Macy's and Goldman Sachs started as pushcarts (Urban Pedagogy).

### "Entrepreneurship and Vending"

According to the City's Five Borough Economic Opportunity Plan the Bloomberg Administration is working hard to promote entrepreneurship more generally, understanding that doing so fosters new ideas that will keep the City competitive for decades to come" (City of New York, 2010).

Street vending can be a powerful way to advance entrepreneurship. Street vending has relatively low start-up costs, which make it possible for people who otherwise couldn't afford to start a business to launch their idea. Lifting the caps on licenses and permits is an inexpensive way for the City to further reduce the cost of becoming an entrepreneur.

In fact, the Five Borough Economic Opportunity Plan points out a major hurdle to entrepreneurship. Namely, the "cost of doing business – coupled with high real estate prices – in the City presents a significant challenge to business owners" (City of New York, 2010). This is the unique advantage of street vending. It is less expensive to own and manage, it uses much less space than a storefront, and it occupies under-utilized outdoor spaces.

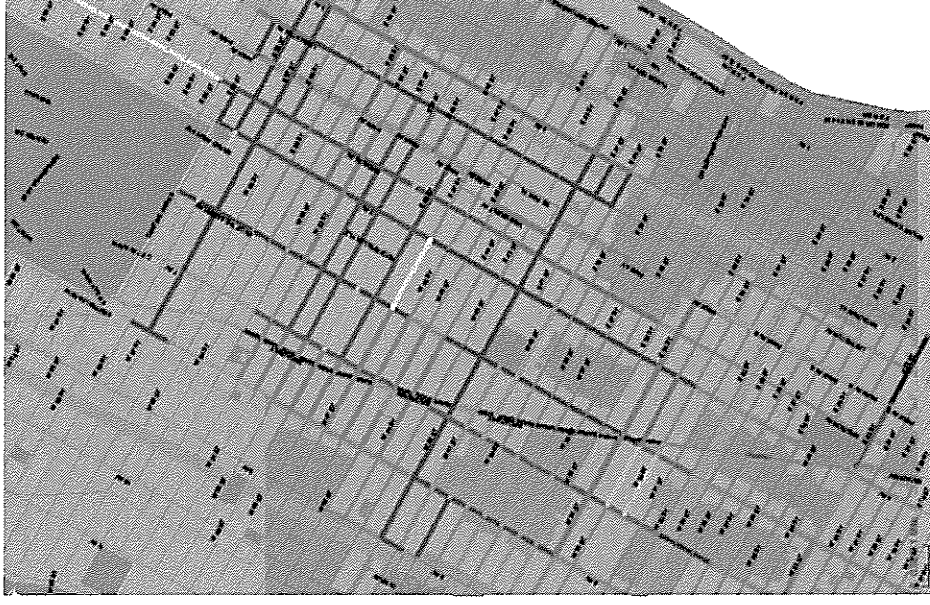
## Proposal: Revise Street Restrictions

The City should conduct a comprehensive review of streets to determine where vending should be allowed. A comprehensive and updated list and map of restricted streets must be made both clear and accessible. The initial review and future changes to street restrictions should be guided by pre-determined objective standards and conducted through a transparent process.

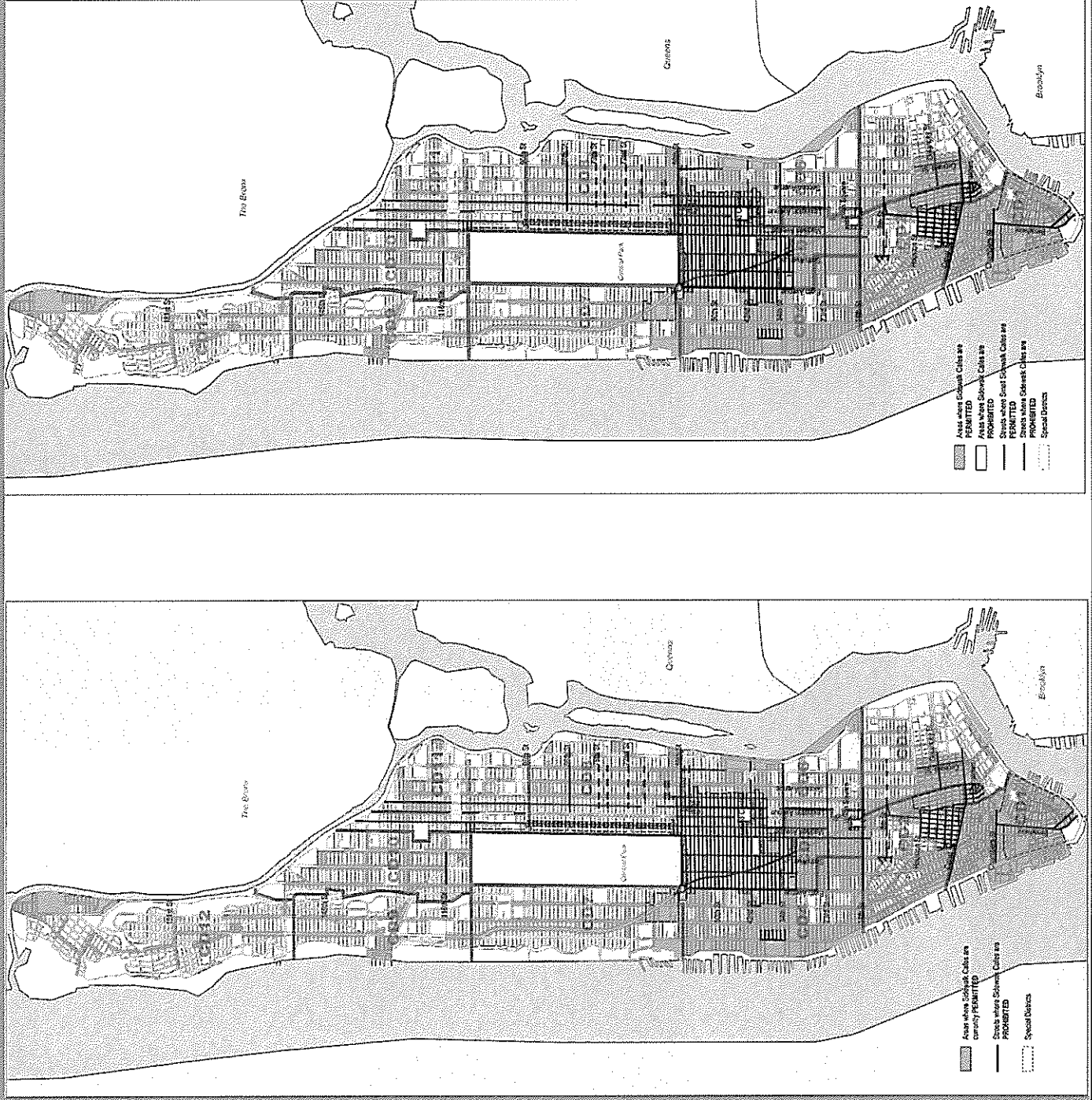
The patchwork lists of time restrictions with conflicting and confusing regulations reflect the ad hoc manner in which the rules were created. The lack of clarity is confusing for both vendors and enforcement since it is difficult to navigate 29 pages of text restrictions in order to find a legal street to vend.

The street vending review process could be similar to NYC Department of City Planning's 2004 review of street restriction of where small sidewalk cafes are allowed. The revised regulations opened more streets to sidewalk cafes with the purpose of highlighting the positive impact in which cafes "add character to the streetscape vibrancy to neighborhood" (New York City Department of City Planning (DCP)). DCP's revised proposal, made available in both written and map form, notes streets that are not only restricted but also permitted to emphasize that sidewalk cafes are an encouraged activity.

The comprehensive street review should be guided by rules akin to the small sidewalk cafe proposal. The City agency that will lead the review should use criteria that evaluate adjacent land uses, curbside activities, sidewalk dimensions, and pedestrian volume in order to determine whether a street should be open to street vending.





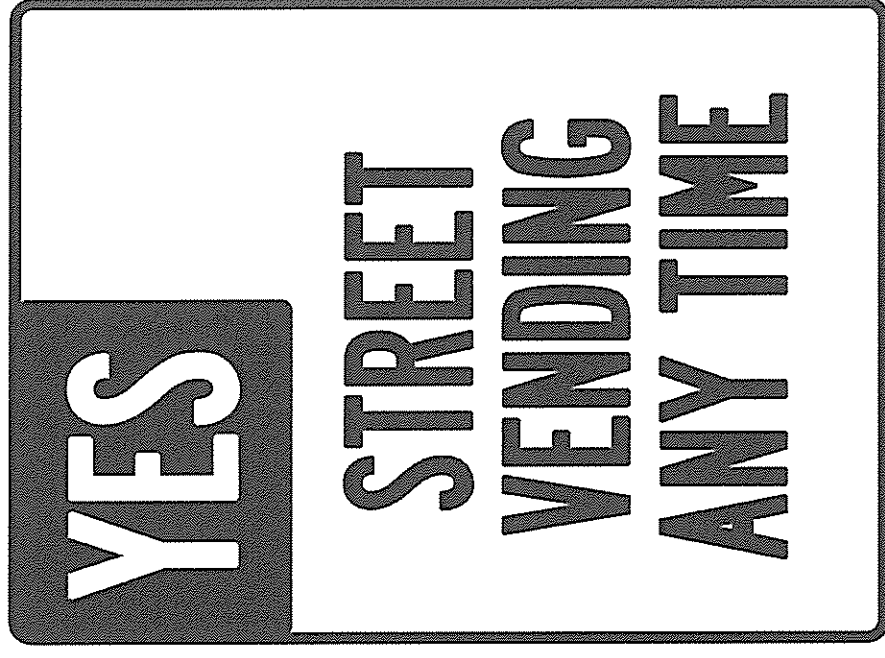


As part of streamlining of restrictions and to better guide both vendors and enforcement, such restrictions should also be made physically present on the street. The proposal also calls for any street vending time restrictions to be posted on streets citywide. This display of information would follow the implementation of parking regulations for motorists that can be found citywide. However instead of stating when vending is prohibited, positive signage should be used to note when vending is permitted. Adding the signage for vendors would help to alleviate confusion of restrictions for all parties involved.

In addition to the vending signage on time allowances for streets citywide, specific on-street parking spots around the city will be demarked to indicate when those spots will be reserved for food trucks only. This will be further elaborated on in the proposal in the other public spaces section.

The comprehensive review and regulation signage will solidify the role of vending in the urban streetscape. The objective of this component of the proposal is not meant to solely increase the quantity of streets open to vendors. This would just be an added benefit of the larger goal of providing more quality spaces for vendors and other street users including pedestrians and bicyclists. Streamlining the street regulations and making them clear and accessible will help vendors, enforcement, and the general public.

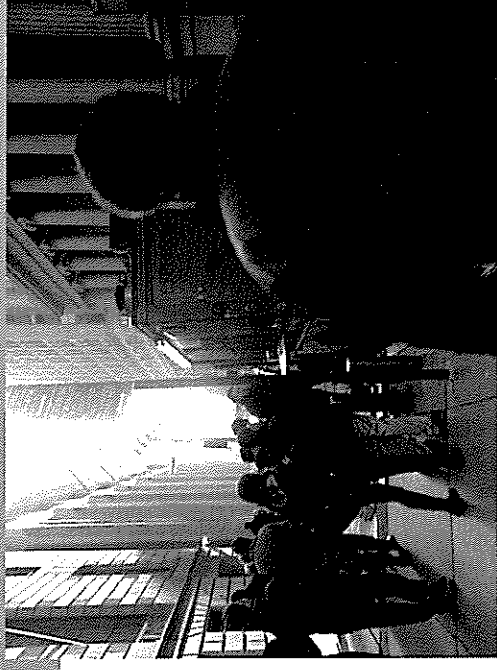
Street vendors like sidewalk cafes are a vibrant part of New York City street life; vendors are "the caterers of the City's outdoor life" (Whyte, 1988, p. 142). Vendors create opportunities to eat and people-watch, two popular New York City activities, and should be allowed and encouraged to operate on streets where their presence adds to the character of the urban streetscape.







## Proposal: Enact the "8 Foot Rule"



New York City's existing placement restrictions cause three significant problems. First, they limit the supply of (and demand for) products sold by street vendors and they prevent the development of improved cart arrangements. Second, they do not maintain adequate pedestrian circulation. Third, they are overly restrictive, inflexible, and complicated.

For these reasons, the City should enact the "8 Foot Rule," which would replace the problematic minimum and maximum distances with a simple, flexible rule, based on two main principles. First, vendors must always maintain an 8 foot clear path, and second, vendors must not restrict access to adjacent buildings.

Specifically, the 8 Foot Rule would include the following basic provisions. It would require that street vendors:

- Maintain an 8 foot wide clear pedestrian path along the sidewalk,
- Not restrict the ingress or egress of the abutting buildings,
- Not obstruct police and fire services, and
- Not block display windows, signs, and street furniture.

Furthermore, the 8 Foot Rule would include modifications to the enforcement mechanism, in order to hold police and regulators more accountable. The police would be required to issue a warning notice before issuing violations. The City's burden of proof standard would be tightened. Finally, tickets would be made automatically dismissible if the officer fails to appear in court, which is exactly how traffic court functions (New York City Administrative Code). In addition to replacing the existing placement restrictions, the City Council should relax the restrictions on cart size and setup in the Administrative Code. This will allow vendors to add seating and try innovative cart and truck arrangements, in order to take advantage of the larger spaces created by the 8 Foot Rule.

As a "principles-based" rather than a "bright-line" rule, the 8 Foot Rule simultaneously simplifies the restrictions and increases their flexibility. Bright-line rules, such as the existing placement restrictions, are composed of objective factors, which leave little room for varying interpretation. In theory, bright-line rules should be easier to apply in a predictable consistent manner. In the New York City case, this reasoning breaks down, because the rules are so complex that they cannot be reasonably followed or enforced. A possible drawback to principles-based approach is that there is more room for interpretation (Kohlbeck and Warfield, 2005), which tends to shift power to the regulator (D'Angelo, 2009). For this reason, the proposed modifications to the enforcement described above are designed to maintain an even balance of power between street vendors and the police. In addition, the specific language of the rule can be crafted to minimize inconsistent interpretation.

New York City would not be the first city to employ principles-based placement restrictions. The City of Philadelphia already has such a rule, which simply states:

"No vendor shall conduct himself or his business in such a way as would restrict or interfere with the ingress or egress of the abutting owner or tenant or to create or become a nuisance, or increase traffic congestion or delay, or constitute a hazard to traffic, life or property, or an obstruction to adequate access to fire, police, or sanitation vehicles" (City of Philadelphia Code, 2011).

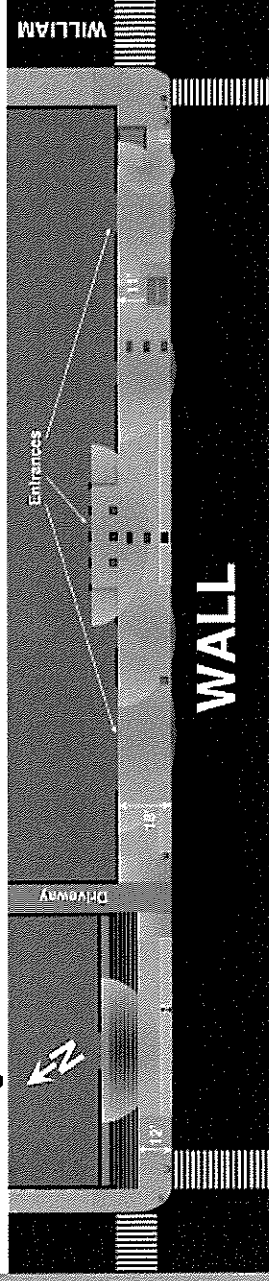
Philadelphia's Department of Licenses and Inspections (which regulates street vending) was aware of no interpretation or enforcement problems stemming from this provision. Furthermore, Philadelphia has a slightly higher level of street vending activity than New York City, on a per-capita basis. Philadelphia's rule that does not specify any dimensions. The specified dimension in the 8 Foot Rule makes it a hybrid between a principles-based and a bright-line rule.

The 8 Foot Rule allows larger carts and more variegated arrangements, and it would significantly increase the number and size of locations available to vending. To project the effects, we plotted the areas where vending would be legal on three key blocks in Lower Manhattan (identical to those examined in the Existing Conditions section, above) under the 8 Foot Rule. We then compared it with the baseline alternative—legal vending locations under the existing placement restrictions. See the diagrams on the following pages (p. 68-9).

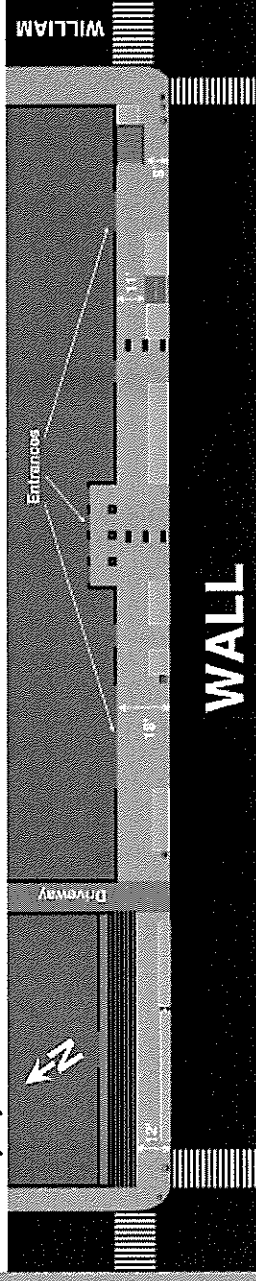


## WHERE VENDING IS LEGAL

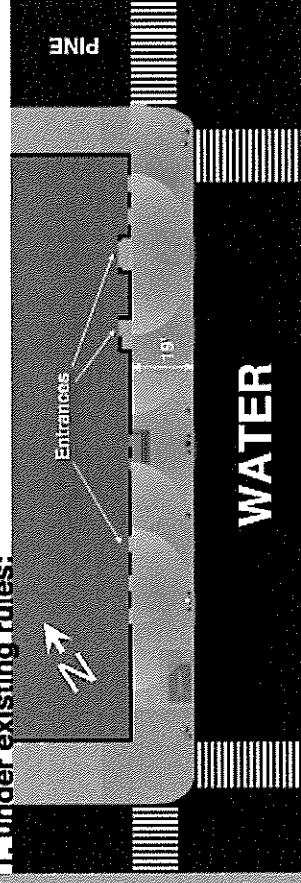
### 1. under existing rules:



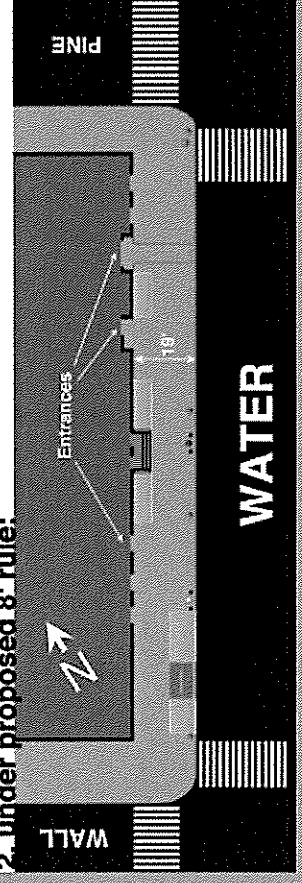
### 2. under proposed 8' rule:



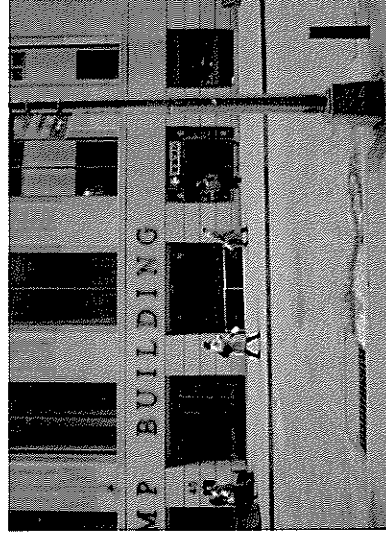
### 1. under existing rules:



### 2. under proposed 8' rule:



The green areas indicate where vending is legal—under existing regulations (at the top of each figure), and under the 8 Foot Rule (at the bottom of each figure).



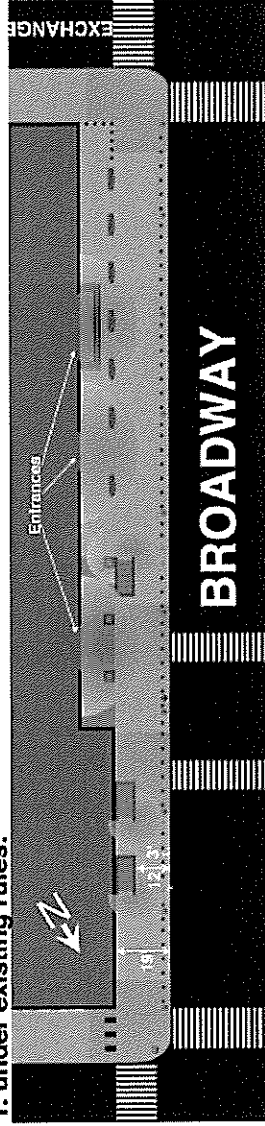
On Wall Street, it creates more spaces and larger spaces. See figure above. Observe how the 8 Foot Rule also corrects a deficiency on the east end of this block. The existing placement restrictions reduce the clear path to four feet adjacent to the subway.



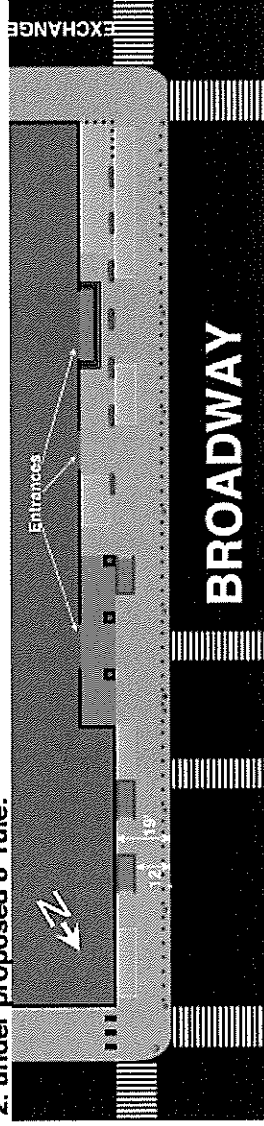
On Water Street, the 8 Foot Rule opens up generous sites, where previously none were allowed. See figure to the left.

## WHERE VENDING IS LEGAL

1. under existing rules:

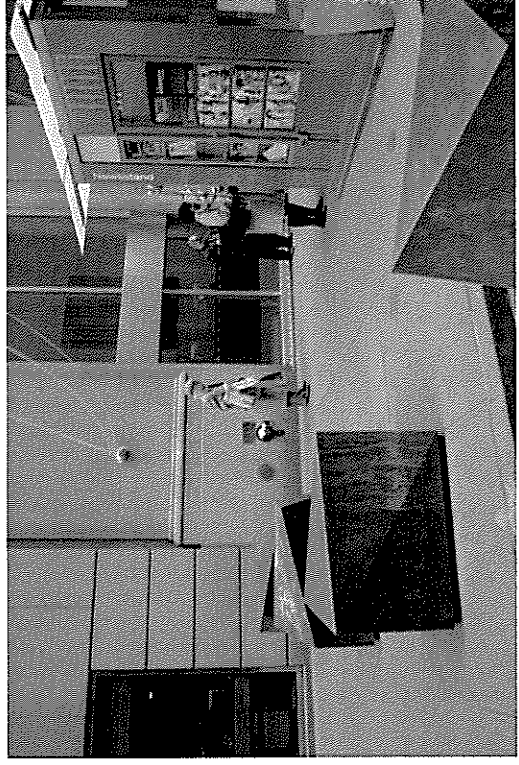


2. under proposed 8' rule:



The flexibility of the 8 foot rule responds well to street furniture, such as the bollards on Broadway. See figure to the left.

The flexibility of the 8 Foot Rule makes it easier to maintain a straight clear path in a number of situations, such as on this block. Because there are no storefronts and because subway entrances are against the building, we can add space for vendors without making pedestrians zigzag and without reducing the effective clear path.





This simplification of placement restrictions would also help to maintain and in some cases improve pedestrian flow as measured through Level of Service (LOS) analysis, which grade sidewalks from "A" to "F." Pedestrian Level of Service (LOS), as defined in the Highway Capacity Manual (HCM), is calculated by counting pedestrians who cross a point over a certain period of time (usually 15 minutes), reducing that figure to pedestrians per minute and then dividing by the effective width of the sidewalk (Transportation Research Board, 2000). The resulting figure is called the flow rate. A planner may then look up the flow rate in a table to determine the pedestrian LOS grade, ranging from "A" (free flow) to "F" (virtually no movement possible). See figure to the right.

We compared the LOS tables with pedestrian counts in Lower Manhattan conducted by the Department of City Planning in 2006 (DCP, 2006). What we found was that, with an 8 foot clear path, most sidewalks would have a LOS "A" or "B."

Table X.1 shows the three busiest pedestrian blocks in Lower Manhattan. With an 8 foot clear path (indicated in the yellow column), only one block of Broadway, the busiest block—during the peak period—had a LOS "C." Every other block, on every other street, at every other time, had a LOS "B" or "A. LOS "A" through "D" are generally acceptable, depending on the specific circumstances.

Although our investigation indicates that 8 feet represents an ideal clear path, additional research may be warranted. For instance, pedestrians maintain a certain walking distance from sidewalk borders and obstacles. research may demonstrate that the clear path needs to be expanded by one or two feet to account for such a shy distance.

This is called a "shy distance" (DCP, 2006). Further

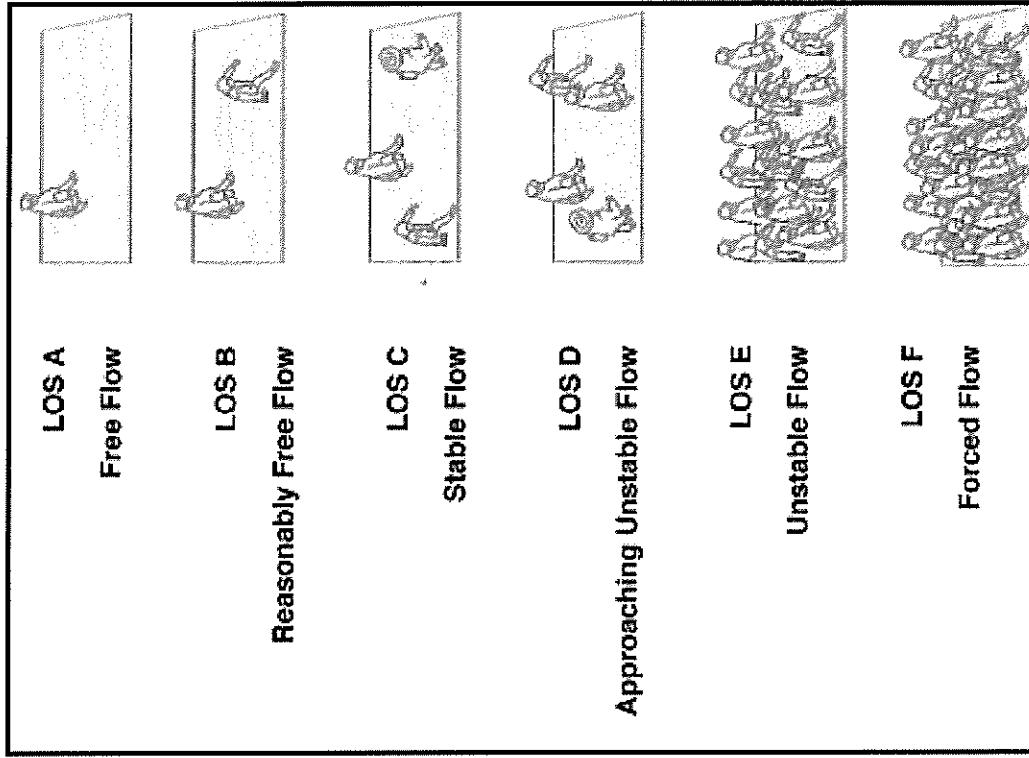


Illustration of pedestrian level of service grades. Source: New York City Department of City Planning Pedestrian Level of Service Study, 2006.

## Lower Manhattan's Busiest Sidewalks

Street	Block	Period	Pedestrian Volume/Hour**	Sidewalk Width	LOS* With Clear Path Of:			
					6'	8'	10'	12'
<b>Broadway</b>	(east sidewalk, from Wall to Pine)	Midday Peak	4,200	12 feet	D	C	B/C	B
<b>Wall Street</b>	(north sidewalk, from William to Hanover)	AM Peak	3,000	12 feet	C	B	A/B	A
<b>Wall Street</b>	(north sidewalk, from Nassau to William)	PM Peak	2,700	18 feet	C	B	A	A

\*Graded by Level of Service per the Highway Capacity Manual.  
 \*\*Extracted from New York City Department of City Planning, *Pedestrian Level of Service Study, 2005*.

The 8 Foot Rule is designed to serve our goal of increasing access to public space. But simplifying the rules and permitting vending where it was not allowed will also serve to increase economic activity and to increase access to the amenity of vending.



Vendors with seating in Portland, OR

The 8 Foot Rule will allow vendors to use different types of carts and set up chairs for customers. Forty-two percent of our survey respondents indicated that more seating would improve street vending, and nearly half of them (19 percent of the total) ranked this as their top recommendation. Portland's vendors (on private property) are not subject to placement restrictions, and they have a much greater variety of carts and arrangements (see photograph, left).

Customers, enforcement agencies, vendors, and pedestrians would benefit from this simplification of placement restrictions. It would likely increase the size and number of locations available for vending, it would maintain and, in some cases, improve pedestrian flow, and it would be easier to understand, obey, and enforce.

## Proposal: Open Public Spaces

In addition to opening better quality streets and sidewalk space for vendors, this proposal seeks to allow street vendors to operate in POPS (Privately-Owned Public Spaces), plazas, streets, alleys and other spaces where those public spaces and the public might benefit from their presence.

Public space is a valuable but scarce but part of the landscape of New York City. Public spaces should be open and inviting to the public and create opportunities for interaction both planned and unplanned. Pedestrian access to public spaces is restricted by many factors. Motor vehicles take up a substantial portion of streets in the city and in Lower Manhattan; narrow sidewalks and security structures exasperate limitations. A study by the Urban Design Program at the University of Colorado, found that 23 acres of designated public space in Lower Manhattan was either partially or completely restricted due to security concerns (Shapiro, 2011).

Opening new spots for vendors can be carefully chosen so vendors are filling needs that storefronts are not meeting, but some competition between vendors and storefronts is not a bad thing. Customers benefit from having more options. Furthermore, vendors and storefronts should be pushed to improve and diversify their products when they compete. This benefits all parties.

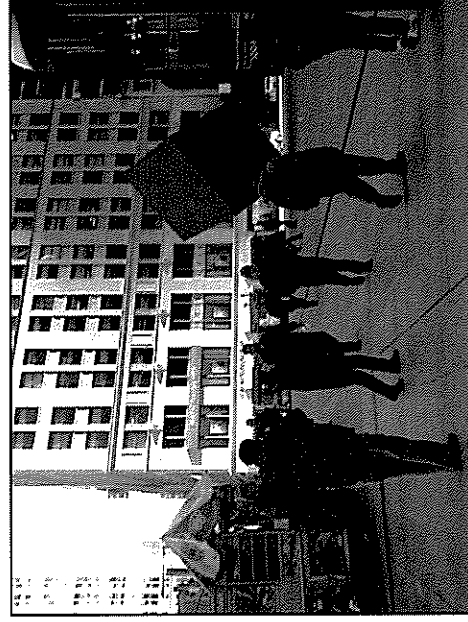
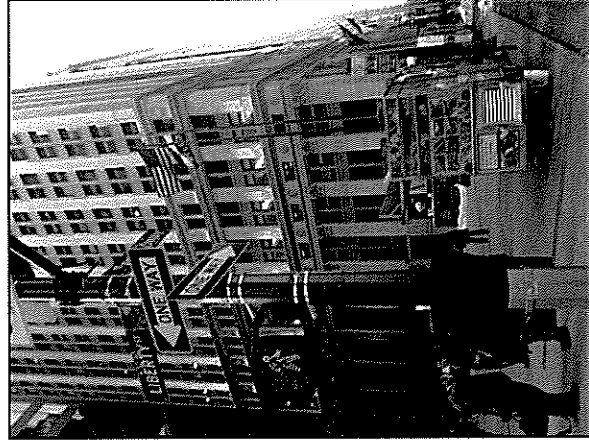




Using the precedent set by green markets that are held in plazas and street fairs that operate on the roadbed, the proposal identifies POPS and streets in Lower Manhattan that could potentially benefit from the presence of vendors in curated, time-specific events.

In 1961, the Zoning Resolution incentivized the creation of POPS in exchange for developers to increase a buildings Floor to Area Ratio (FAR) (DCP, 2011). Currently there are 503 POPS throughout the City, 44 of which fall into this investigation's study area. These privately owned public spaces were intended for public use but uninviting design and lack of programming has resulted in the underutilization of many of these spaces. A 2008 study by the Downtown Alliance of the 23 POPS along the Water Street Corridor described some of the spaces as "mediocre," "not a great use of space," "dismal," and "legal but so-so" (Downtown Alliance, 2011).

One of the POPS in Lower Manhattan is at 140 Broadway. The space of this POPS is centered on a large red cube sculpture. Vendors line up close to the curb on Broadway and Liberty Street leaving a lot of empty, space used for circulation with no seating on the portion that faces Broadway. Directly across on Broadway is Zucotti Park. The park's ample seating makes it a great place to sit and take a break. However since the vendors must face in towards the building, they form a barrier rather than an invitation to park users.



140 Broadway



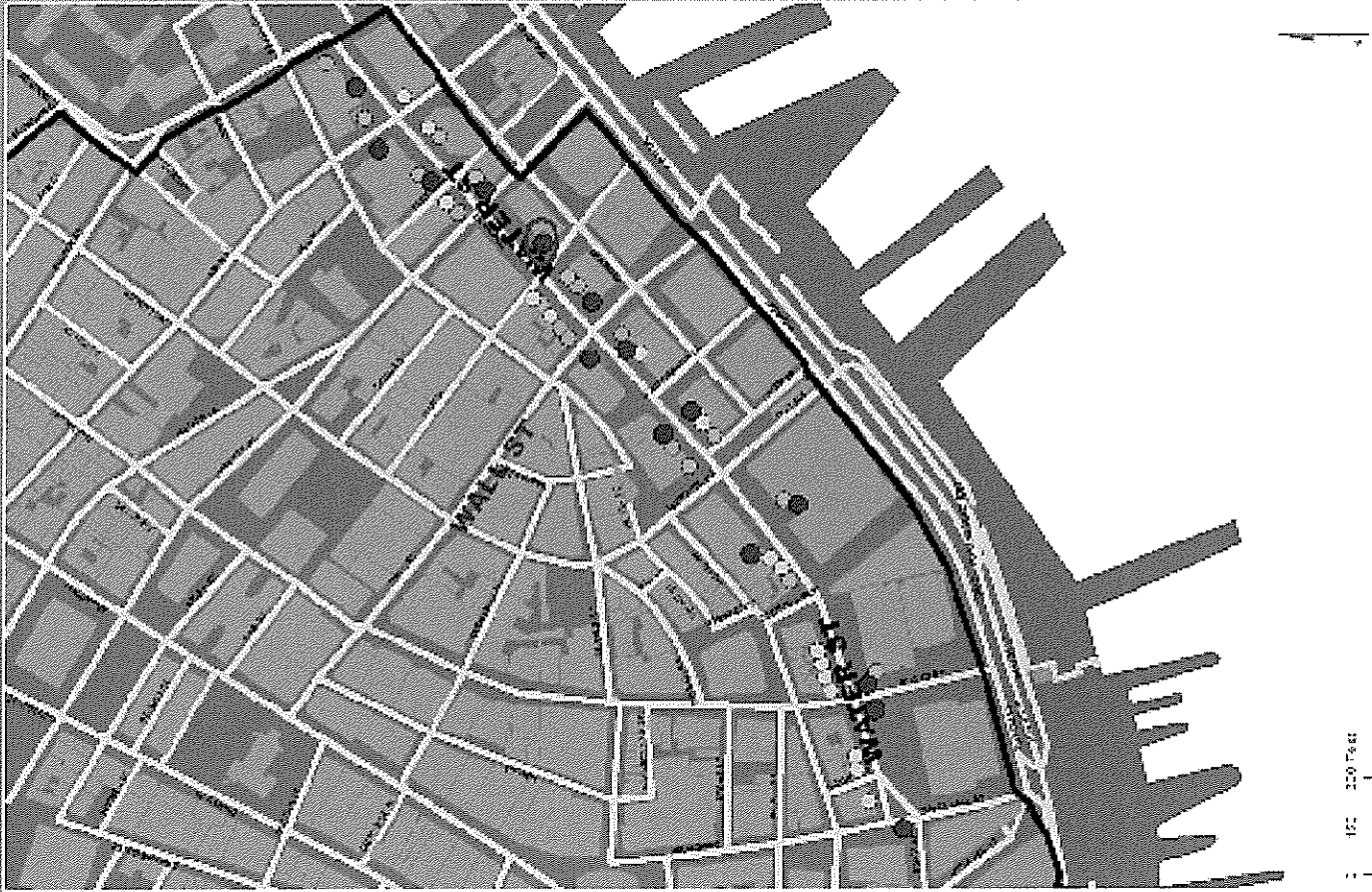
Zucotti Park



88 Pine Street/Wall Street Plaza

Another POPS on Water Street between Maiden Lane and the former Pine Street, known as 88 Pine Street or Wall Street Plaza, does have some tree plantings and seating but there is not enough seating to make it inviting. Additionally there is no ground floor retail on this side of the block.

This proposal suggests to use vending as one tool to activate underutilized POPS such as 140 Broadway and 88 Pine Street to bring the public back into these spaces. 19 percent of customers surveyed selected "Additional Places to Sit & Eat" as the number one way to most improve vending in lower Manhattan. Other studies have already looked at how to redesign the spaces in which "the intended public benefit of bonus zoning regulations [were] never fully realized" (Downtown Alliance, 2010). By bringing vendors into POPS we envision more lively and well-used public spaces.



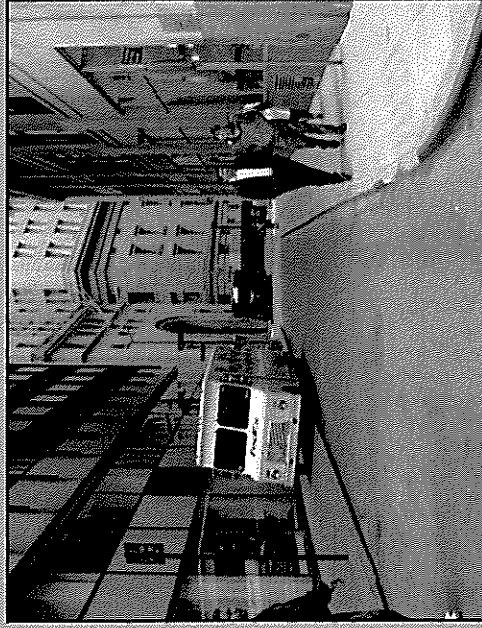


The proposal suggests 88 Pine Street for a pilot project of the transformation of an underused POPS place into a food cart and truck destination. The changes could be in the form of a weekly Wednesday Food Vendor Lunch Hour and a monthly First Friday Food Night. Vendors would work with the POPS Property manager, in this case Orient Overseas Associates and Cushman & Wakefield Inc. to determine the exact time and logistics of the event. The Design Trust for Public Space, a non-profit organization with a commitment "to improving the design, utility, and understanding of New York City's parks, plazas, streets, and public buildings [by] bringing together neighborhoods, public agencies, and design professionals to find innovative opportunities for change [to] make the city more beautiful, functional, and available to all" has already shown a successful precedent for hosting Public Space Potlucks in POPS by working with the property managers including an event at the World Financial Center in 2009 and the most recent Potluck at the IBM Building Atrium in April 2011 (Design Trust for Public Space, 2011).

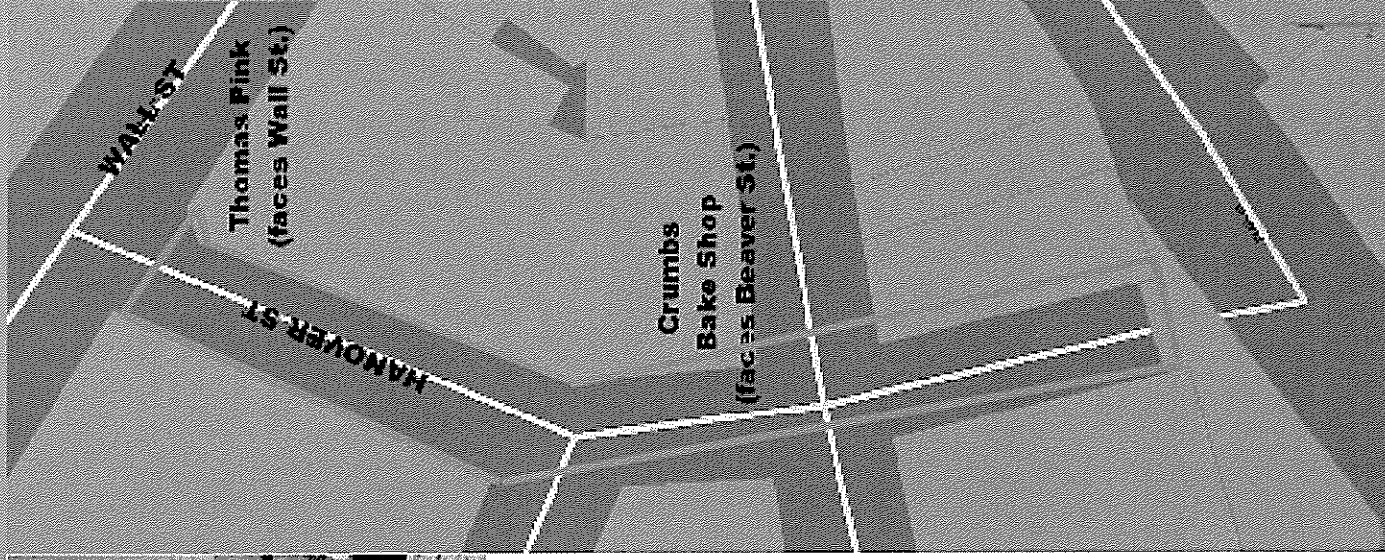
The proposal suggests allowing cars and trucks to park on the POPS space, not the sidewalk space, to act as a food court similar to what can be found in Pods in Portland or at food truck events happening in California. For this L-shaped POPS, the number of vendors could range from 4 to 8 with food carts lining up along the fronts of the buildings of the de-mapped Pine Street. The parking stall fronting the POPS space on Water Street would be designated for food trucks at those specified times of the food court. To demark these spaces a combination of paint on the curb or roadbed to highlight that spots are reserved for vendors and additional signage for when the spots are reserved would work together with the proposed vending here signs previously mentioned. The choosing of the vendors could be decided by some combination of input by the public and the POPS manager.

In Santa Monica, California, the California Heritage Museum opened its parking lot to food vendors on Tuesdays from 5:30pm to 9:30pm. In addition to promoting visitors to the Museum, the event also include an "Explore Main Street" component in which stores marked with blue stars would have discounts during the same time as the weekly food truck event inviting food truck night attendees to explore the neighborhood (I Love Santa Monica, 2010). A monthly night event at 88 Pine could entice people to explore that area of Lower Manhattan and work in tandem with other local businesses and the Downtown Alliance.





Hanover Street between Pearl & Wall



In addition to POPS, there are narrow streets with little or no ground level retail or vehicular in Lower Manhattan. The three-block stretch of Hanover Street between Pearl Street and Wall Street has only 2 ground floor retail stores, neither of which opens to Hanover Street. Since the sidewalks are less than 12 feet wide along this corridor, no vending allowed. From Pearl to Exchange the parking rules are No Standing Anytime. From Exchange to Wall there is No Standing except for Trucks Loading & Unloading Monday through Thursday, 7am to 7pm.

Another test phase of vendor-curated public space could happen on Hanover Street. Food carts and trucks could operate on the roadbed and each block on the corridor would be closed off to vehicular traffic like during street fairs, still allowing cross traffic to go through. Similar to the POPS food court pilot project, these closures would happen at specified times thereby not interfering with truck deliveries. No parking would be lost by using Hanover as a test site. To participate, vendors would work the Downtown Alliance. Vendors participating would pay for a spot along the corridor and in return the BID would get the appropriate permits from SAPO, DOT, and NYPD. The BID would also provide chairs and tables during the time-specific events.

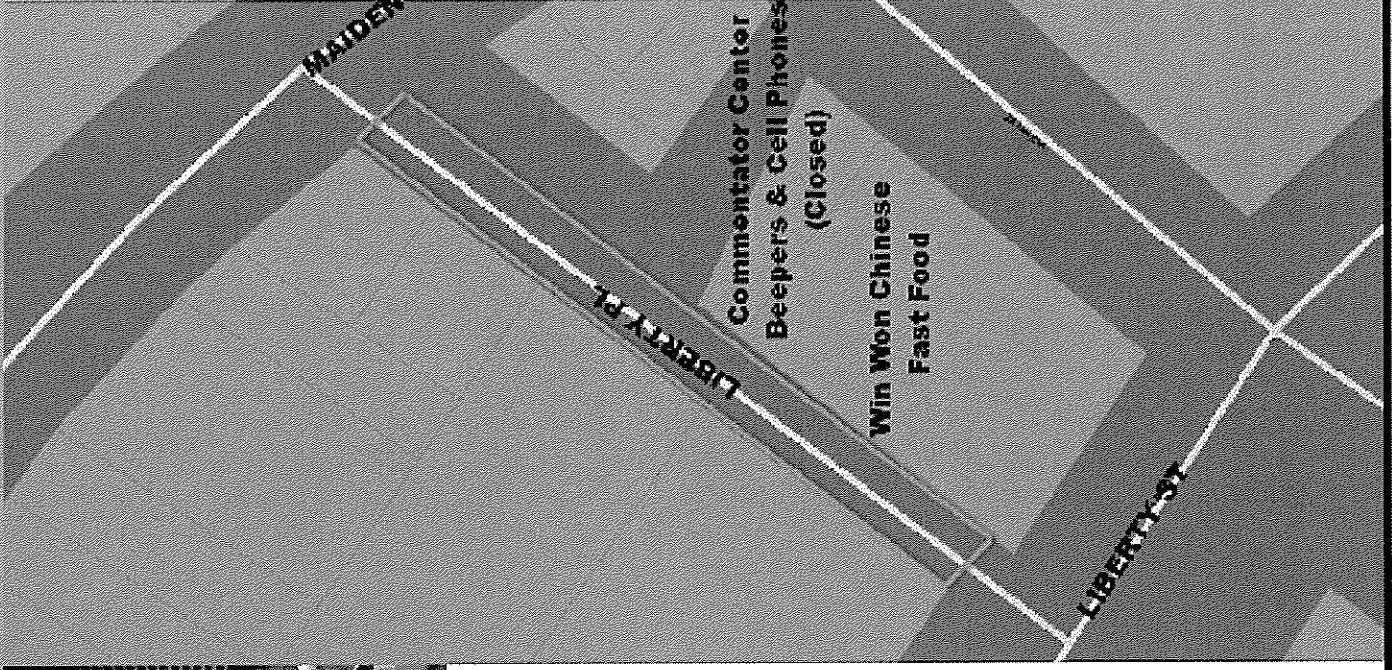


Liberty Place



Another narrow street is Liberty Place between Liberty Street and Maiden Lane. Located one block east of Broadway, the narrow sidewalks along Liberty Place prevent vendors from legally vending here. It is open to vehicular traffic but no standing rules apply to both sides of the street. The only retail space on the street is a Chinese take-out restaurant.

Changing the POPS and streets from an underused space to a destination makes it appealing for residents, workers, tourists, and retailers in the area. Specifying specific times of when the food vendors congregate provides a unique option that could provide workers another lunch option or bring people along the Water Street corridor that would not be there on a typical weeknight. The curated and time-specific events can serve as a pilot project to test the food vendor court that in POPS would require no street regulation changes and for streets changes would be similar to the regulation of street fairs. We see this component as connecting the vendors with the community as a contributing factor that benefits the public, community property owners and retailers, and street vendors.







### “Under the FDR”

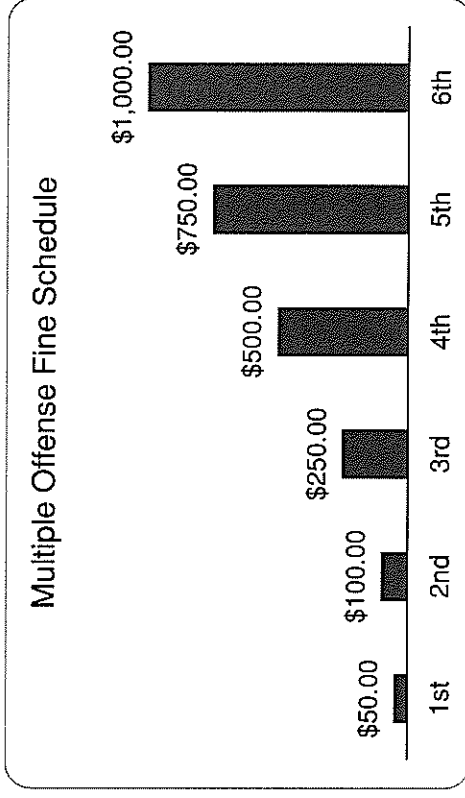
Another space on the perimeter of the study area is the space under the FDR. Currently underutilized, the Department of City Planning has already looked at how to improve this site in its East River Waterfront Study. Some of the suggestions for programming by DCP include “farmers’ markets, flower markets, performances, exhibitions, squash and community gatherings based on community needs” (DCP, 2004).



# Proposal: Changes to Administrative Penalties

The multiple offense schedule within the administrative codes should be eliminated. Administrative fines should be a flat rate that is comparable with similar violations in New York City.

Street vendors face a dizzying array of penalties as a result of the regulations. The fines associated with these penalties are not equitable. They are disproportionately high compared to similar fines and vendor incomes. Restructuring the administrative fines provides a benefit to vendors by reducing operational expenses and increasing cash flow. For the City, reducing fines will reduce the number of defaults and potentially generate additional revenue.

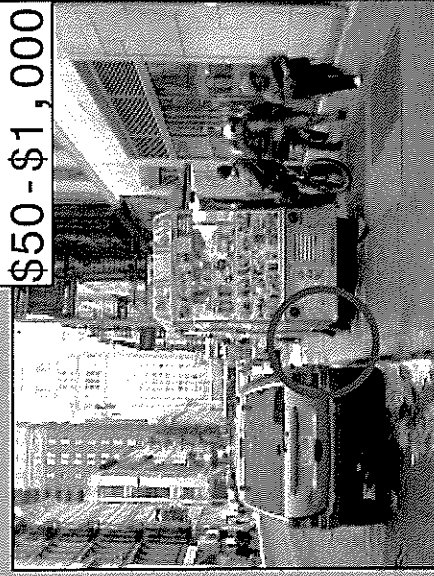


The existing penalty system is inequitable and creates a financial burden for street vendors. The Street Vendor Project is campaigning to reduce the \$1,000 fines (SVP). This report provides additional evidence that it is in the City's best interest to reevaluate the fine schedule.



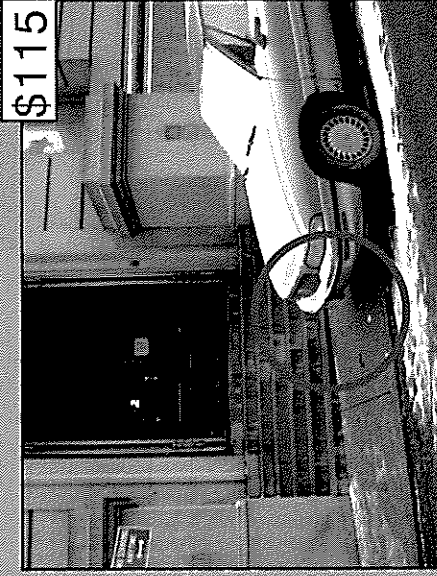
When the penalties for violating vending administrative codes are compared to other laws governing public space, the discrepancies become clear. Many similar laws can be found in the codes that apply to motor vehicles. For example, if a general merchandise vendor fails to display his license around his or her neck, he or she receives a fine according to the MOS. If he or she has already received four other administrative fines in the past two years, the penalty for this violation would be \$750. In contrast, if a resident parks his or her vehicle without displaying a current registration sticker, the fine is only \$65 and does not escalate.





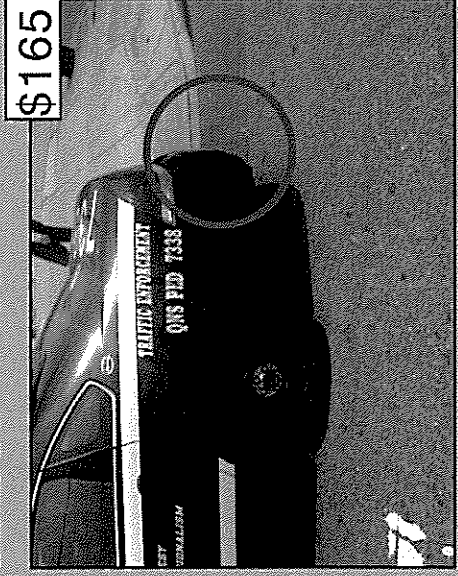
Even major violations of regulations result in relatively minor fines. If a resident parks his or her car on the sidewalk, the fine is only \$115 and does not escalate. If a resident blocks a pedestrian ramp, the fine is a little more, at \$165 (New York City Department of Transportation (NYCDOT)).

Even these penalties, the larger ones in the motor vehicle schedule, do not compare to those faced by street vendors. If a vendor is found to be situated on the sidewalk against regulations, such as being on a sidewalk less than 12 feet wide or within 10 feet of a bus stop, the fines can reach \$1,000.



The fines are also a financial burden for low income vendors. According to a report written by the Street Vendor Project, the median income of a vendor is only \$14,000. Complicated regulations and street restrictions mean that the high fines are a kind of "operating cost" for many vendors. Vendors must pay the fines in order to continue operating their business.

In addition to being high when compared to both other fines and vendor income, the fines are frequently levied against low income, monolingual immigrants, one of the most vulnerable segments of the population. A \$1,000 fine is a substantial portion of a vendor's annual income and inhibits the savings necessary for an employed vendor to own their own cart and permit. By reducing the fines, this vulnerable population will have additional resources to invest in their businesses, families and educations.



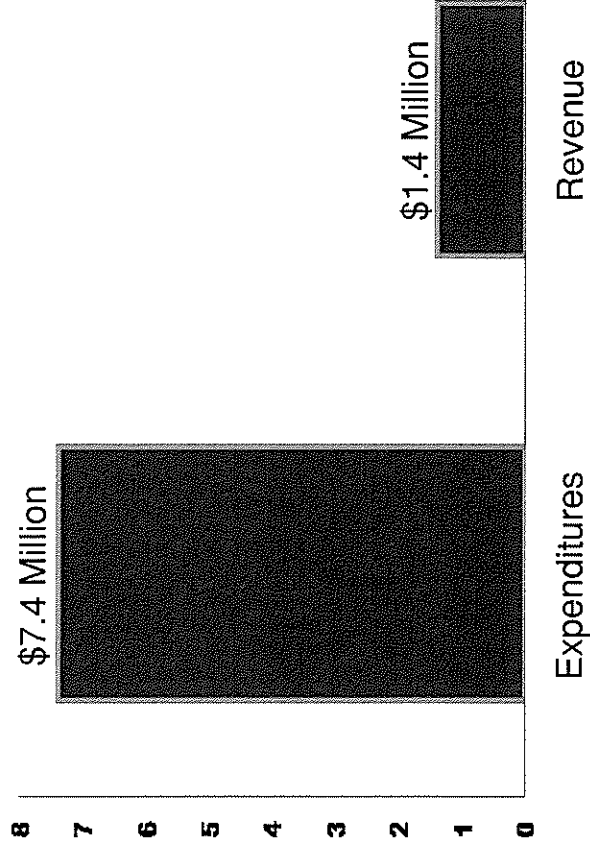
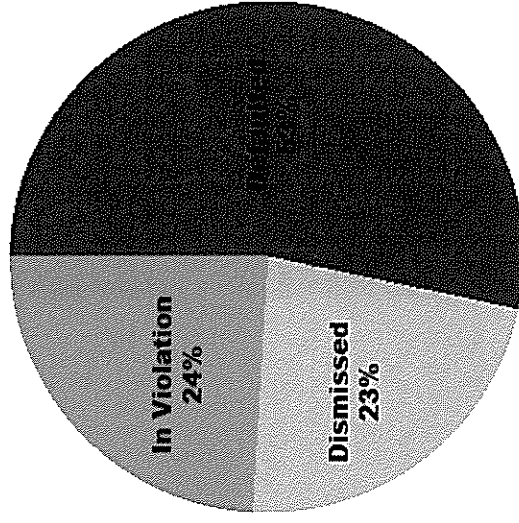
The high fines cause problems for the ECB and NYPD. The high fines result in high default rates. These data suggest a fundamental problem with the existing fine structure—vendors have no incentive to participate in a system that is excluding them with high fines. The high fines also result in low collection rates. Of the vendors found "in violation" or "defaulted," many do not pay the imposed fines. The City issues significantly more fines than it is paid.

Since the regulations are Environmental Control Board codes, as opposed to criminal law, violations are not crimes. The penalty for a violation is a fine. Payment is enforced by the requirement that fines be paid before a vendor's license can be renewed. If a vendor does not pay the fines, he cannot renew his license and is forced to leave the industry or continue to vend unlicensed. When this happens, both the City and the vendor lose.

With lower fines, fewer vendors would default and more fines will be paid. If the right fine is set, the City could collect additional revenue, improve enforcement, and fund programs for vendors.

Data from 2009 vendor violations issued by the NYPD indicate that 16,708 violations were found in court to be in violation of the law or defaulted. At the time of the report, only \$936,324.50 of the fines associated with these violations had been collected on over \$9.1 million imposed. Of these fines, 44 percent were for \$1,000 and 64 percent were for fines over \$250 (NYPD, 2009). If these same vendors had been issued \$250 fines, and the reduced fine enabled increased payment rates, the City could actually collect more revenue.

To test this hypothesis, we used the data from the NYPD to create a model. If the fine were adjusted to a flat rate of \$250, and only 25 percent failed to pay, the City could collect as much as \$1.2 million. That is more than \$250,000 more than under current rates. While these are rough approximations, it is obvious that exorbitantly high fines do not get collected. When they are collected, they severely disadvantage low income vendors.

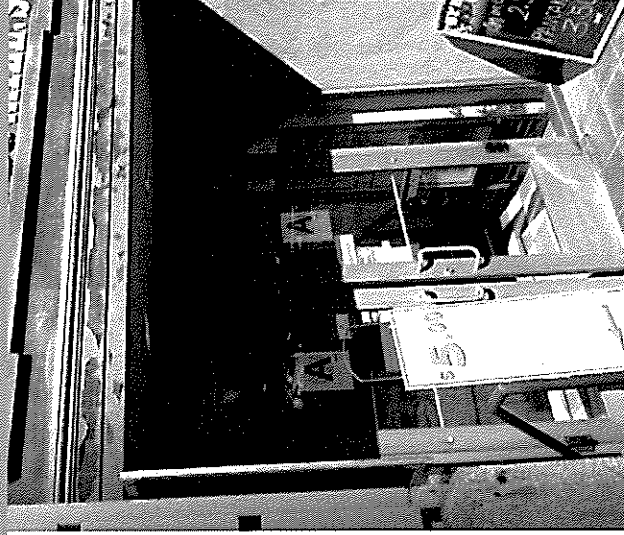


## Proposal: Modify Health Code Restrictions

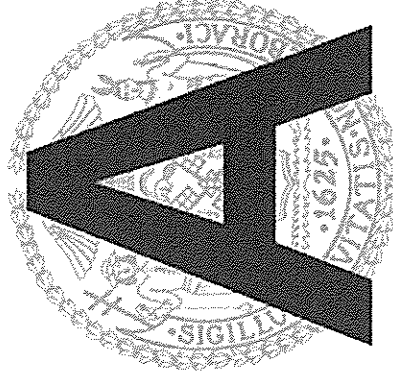
As of July 2010, the New York City Department of Health began requiring food establishments such as restaurants, coffee shops, bars, and bakeries, among others, to publicly post letter grades that were issued based on their sanitary inspections. In these sanitary inspections, each violation earns the establishment a point and letter grades correspond with a range of points accumulated (Grade A: 0-13 points for sanitary violations, Grade B: 14-27 points for sanitary violations, Grade C: 28 or more points for sanitary violations). While these guidelines are making strides in improving the quality of restaurants and other food establishments, a notable group left out of the letter grade process is mobile food vending.

The Department of Health should expand this process to include mobile food vendors. The process would mirror the guidelines required by the aforementioned food establishments, with an overall letter grade to be posted publicly on a food vendor's cart, truck, or stand.

The inclusion of food vendors in the DOH-issued letter grading system will benefit the City, because having these publicly posted letter grades will ensure a healthier food landscape and create a higher level of customer awareness among the public, something the DOH has noted as a priority of theirs. The general public will benefit, because the letter grades would potentially be a way to decrease the negative perceptions some have about the cleanliness and overall health of food vending, be it the actual food being served or the preparation of the food. Finally, the vendors themselves will benefit because these letter grades will help improve vending's overall public image, as well as incentivize vendors to maintain a sanitary workspace. In addition to this, vendors will benefit because the number of fines for minor violations should significantly decrease.



SANITARY INSPECTION GRADE



Card Number \_\_\_\_\_  
Establishment Name \_\_\_\_\_  
Date Issued \_\_\_\_\_  
NYC  
Health  
For additional information  
or a copy of an inspection  
report call 311 or visit  
nyc.gov/health



3. What Do You Like About Vending in Lower Manhattan?

(Circle All That Apply)

- a. Convenience
- b. Quality of Product
- c. Affordable
- d. ~~Healthy~~ *dirty*
- e. Diversity of Products
- f. Outdoors
- g. Other: *dirty*

Under the current system, any violation results in a fine. Within the letter grade system currently applicable to restaurants, a vendor could have two violations, for example, but still receive a letter "A" grade and not be fined. This is a more equitable way to monitor food vending, as well as a sign that the City is holding mobile food vending to the same high standard that it holds its other food establishments.

3. What Do You Like About Vending in Lower Manhattan?

(Circle All That Apply)

- a. Convenience
- b. Quality of Product
- c. Affordable
- d. ~~Healthy~~ *dirty*
- e. Diversity of Products
- f. Outdoors
- g. Other: *EWV Not Clean at All*

Adding mobile food vending to the already established guidelines set for other food establishments can be implemented in a fairly expeditious manner.



## Proposal: Modify Garage Restrictions

The requirement that food carts and trucks be stored in DOH-licensed garages should be revised. Vendors should have the ability to park their vehicles where it works best for their business models. Currently, the DOH inspects both the cart and the licensed garage where the cart must be stored. To enforce health regulations, the DOH must be able to inspect all places where food is stored or prepared, but the garage may be both or neither of these.

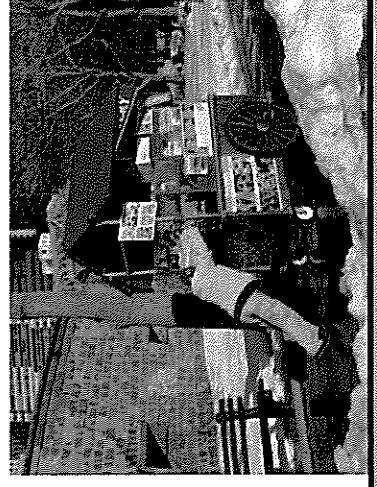


Rick Shaw Dumplings and their fleet of food trucks is a good example of this issue. The business stores and prepares its food in a restaurant kitchen. The kitchen itself is inspected by the DOH, as is the truck that serves the food. Since Rick Shaw Dumplings neither prepares nor stores food in the DOH-licensed garage, the inspection there provides no additional benefit to the public health.

The garage requirement limits possibilities for the vending businesses. It also poses a transportation burden on vendors as they travel from home to the relatively few and clustered DOH garages, then to work, and back again. The number and distance of trips required by this set-up also add to congestion on city streets. Removing the garage restriction breaks the DOH-licensed garage monopoly on cart storage. Without the restriction, vendors could store their cart at their residence, in a parking garage, or in some other more innovative arrangement.



The current requirements also disadvantage vendors who do not have access to a motor vehicle to tow their cart from the garage to their desired location. The map to the far right on p. 85 shows the in light pink the average walking distance from DOH-licensed garages city-wide. These vendors are limited to vend on the locations they can access on foot from the garages.



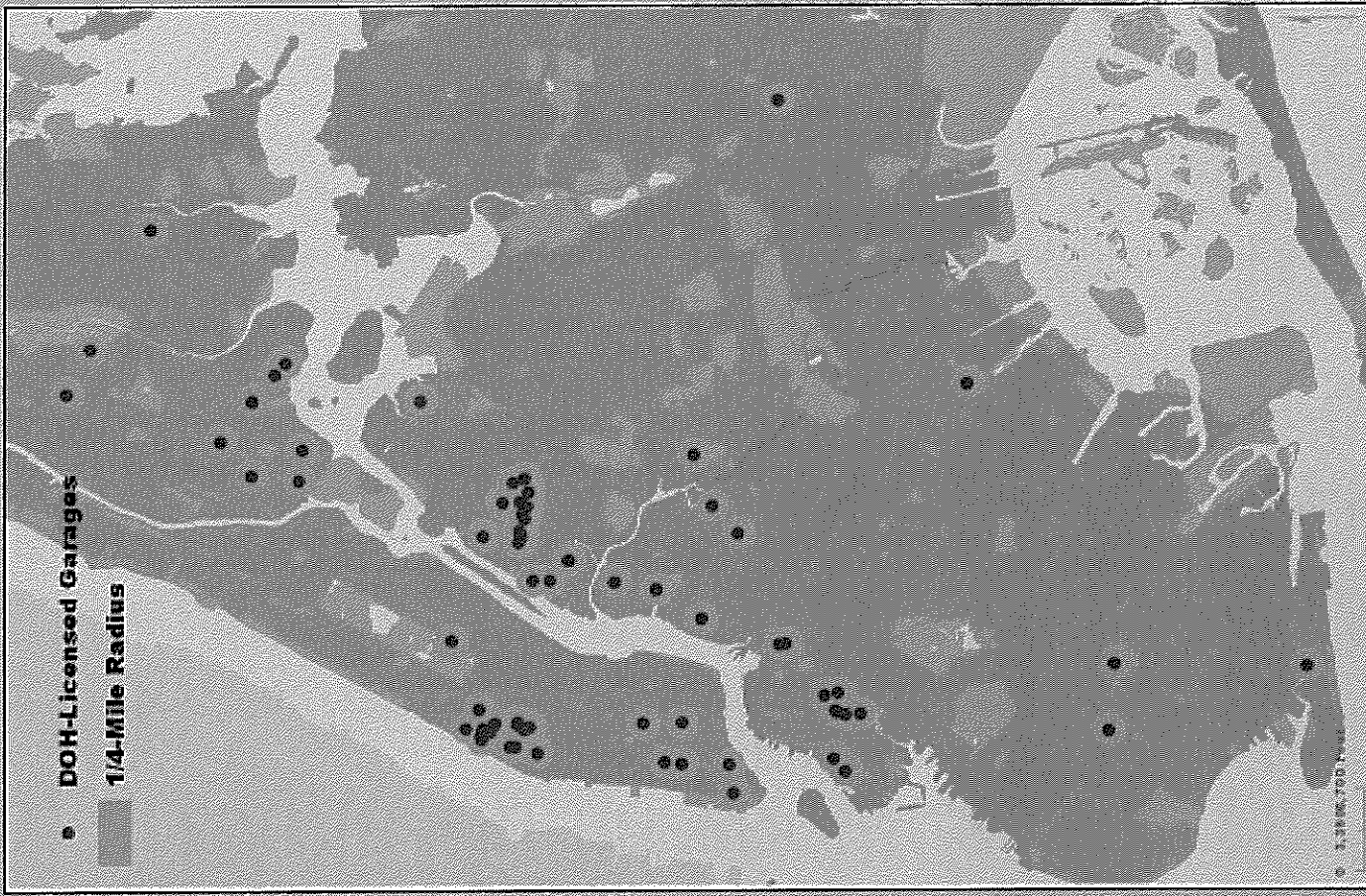
DOH-licensed garage monthly storage rates are comparable to monthly rates for parking a car in an off-street garage. But, these rates vary by location in the city. Given more choice of where to store their cart or park their truck, vendors could price out the best option for their business model.



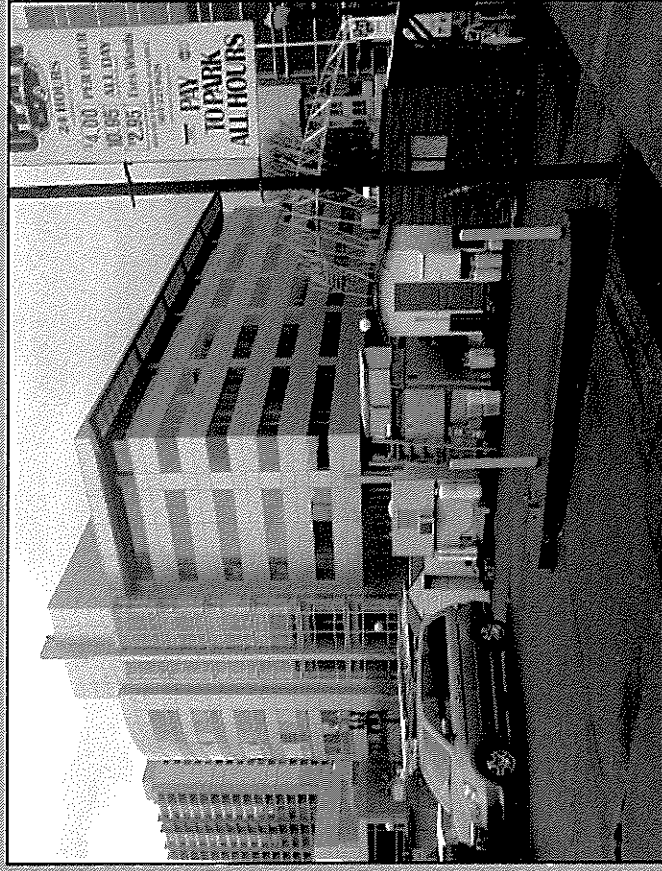
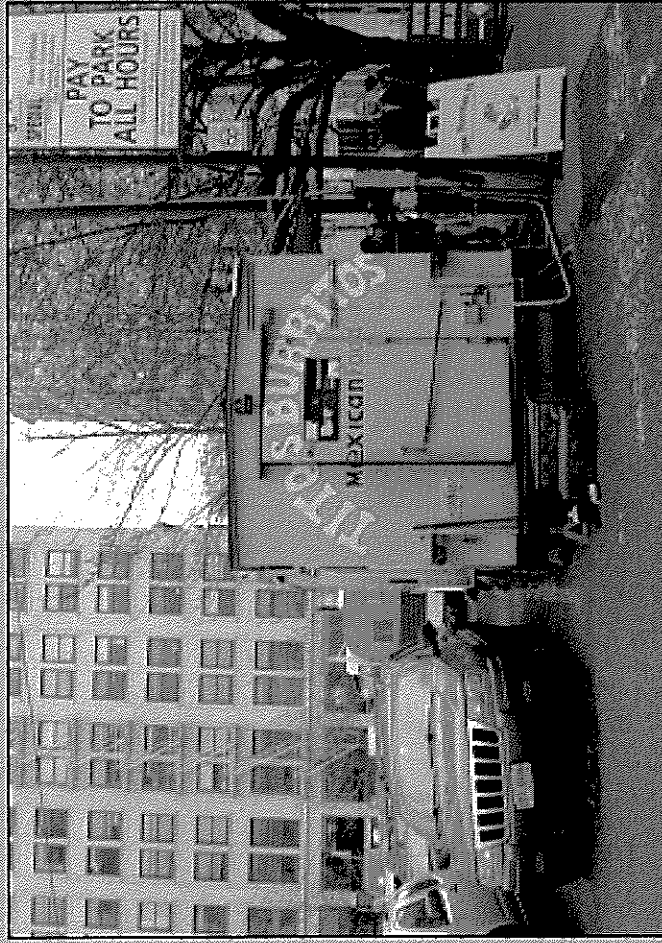


- Off-Street Parking Garage
- Off-Street Parking Lot
- DOH-Licensed Garages

In our study area, for example, there are only two DOH-certified garages, but 35 off-street garages and parking lots.







In Portland, vendors are allowed to park in parking lots, where many of them do and even operate from these locations.



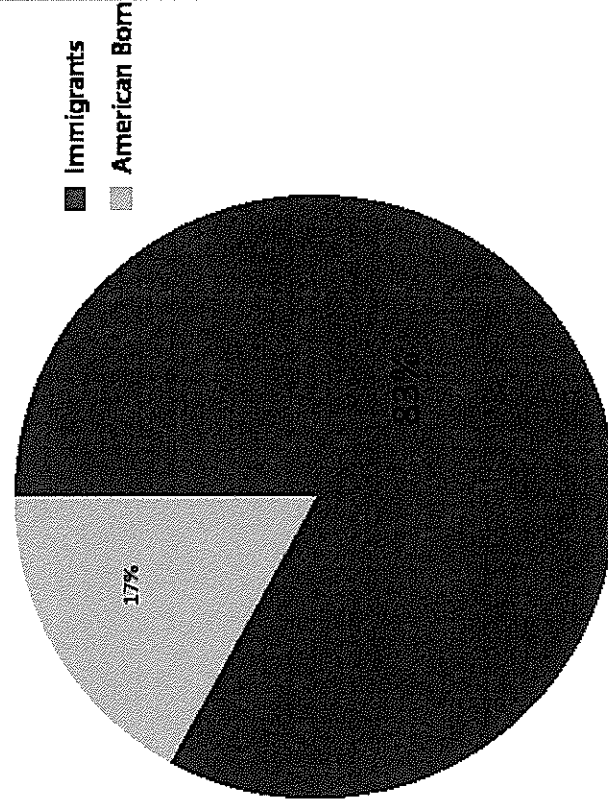
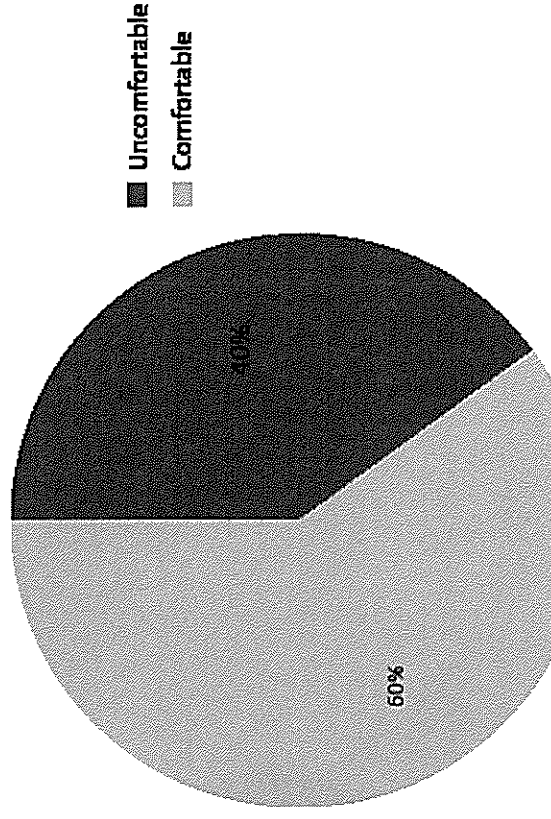
# Proposal: Garage Programming

We see garage space as opportunities for information exchange and innovation. We propose to utilize garage spaces as a hub to connect vendors with supportive programming and resources. Vendors work hard and often live great distances from their workplace, so it is difficult to engage with vendors as a community and share resources. Food vendors use garages on a daily basis and therefore it is an ideal space to connect with them.

Our research has shown that a majority of vendors are immigrants that struggle with English proficiency and low wages. Our client reports that 83 percent of Lower Manhattan vendors are immigrants and over 40 percent are uncomfortable speaking English (SVP, 2006, p. 9). Additionally, many vendors make low annual earnings and vend as one of several jobs.

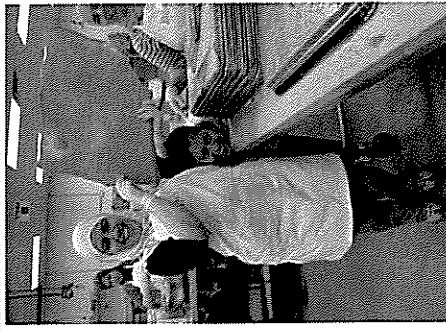
Possible programming could include English language classes, general business counseling, job training workshops, or tax preparation. In addition, the spaces could be used to disseminate valuable information such as the Center for Urban Pedagogy's *Vendor Power!*, a comprehensive guide to vending regulations available in five different languages.

There are a number of other vendor associations and advocacy groups working to improve conditions for workers rights and immigrants. If these agencies had a better way to connect to the vending community, their resources could address a breadth of diverse vendor needs.





Suitable organizations might include our client The Street Vendor Project that offers services such as tax courses, access to emergency funds and legal advocacy. They might also include small business incubators like the Hot Bread kitchen that provides business education and commercial culinary instruction for low income and immigrant women. Other organizations like the New York City Food Truck Association, Esperanza del Barrio, and the RedHook Food Vendors provide a community to share in resources and collectively work towards a common goal of improving opportunities within the vending profession. Other organizations like The New York Immigrant Coalition and the New York Public Library offer immigrant resources like free English language classes and community education workshops. Additionally, the city is already taking strides to improve immigrant enterprises. In March 2011 NYC Small Business Services launched an immigrant entrepreneurial program supported by Mayor Bloomberg (NYC Immigrant Entrepreneurial Program Press Release).



Bringing resources directly to vendors ensures effective dissemination of information by organizations already providing vendor relevant resources. Additionally, this promotes community building within spaces where vendors already are. This dynamic learning environment leads to effective teaching and presents opportunities for capacity and community development.



This proposal benefits vendors by invigorating the entrepreneurial quality of the industry and offers more economic growth opportunities. With a stronger command of the English language vendors would be better equipped to engage in business transactions beyond mono-lingual support systems. This could mean better understanding the terms of a business loan for a new food truck, or simply better communication with the English speaking consumer base.



Immigrants represent nearly 40 percent of the NYC's total population and 43 percent of the City's labor force (NYC Immigrant Entrepreneurial Program Press Release). The City benefits from this initiative because it promotes immigrant integration and fosters development in an otherwise under stimulated industry. Additionally, improvements in the industry create improvements in the profession. Better jobs are better for the city and its residents. Consumers also benefit because these knowledge spillovers lead to innovations and diversity of product.

# Implementation

Street vending is ubiquitous in New York, yet the City has no policy on vending. For this reason, the City should form a Multi-agency Street Vendor Task Force, to coordinate and oversee the implementation of this proposal. It should be led by those organizations that have a direct interest in public space. In particular, it should include:

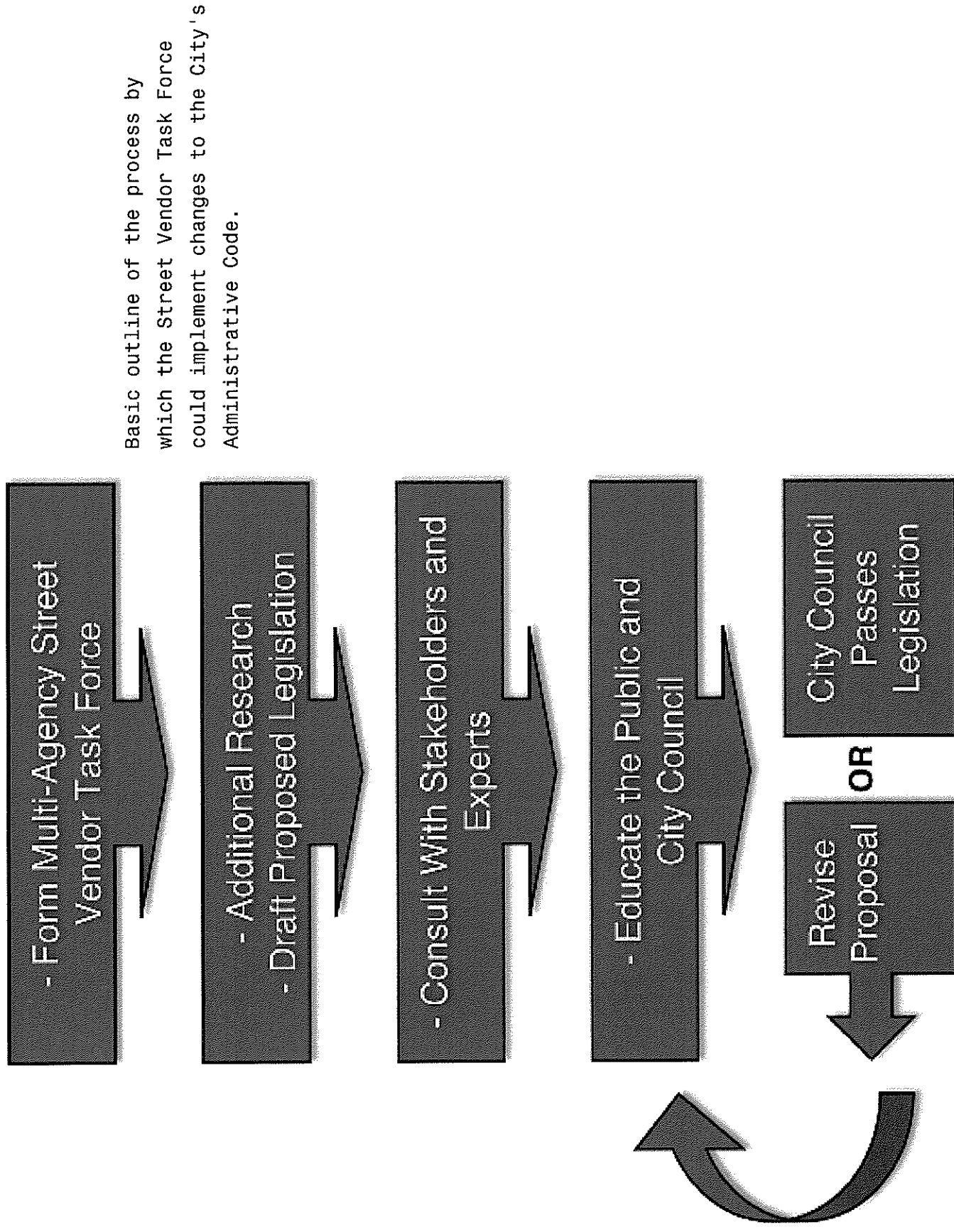
- The Department of Transportation (DOT), who owns the streets on which most vending occurs,
- The Department of City Planning (DCP), which is an advocate for activating public space,
- The Department of Small Business Services (SBS), whose mission is to make it easier for businesses to form and grow, and
- And the Department of Health (DOH), which has the declared goal of healthier living.

This would be an excellent opportunity for these agencies to consider what street vending can do for them and to develop the City's position on vending. The task force would consult with vendors, NYPD, other City agencies, the Mayor's office, community boards, business improvement districts, city council members, the MTA, and many other groups, in order to improve and refine the proposed changes. Part of the task force's job would be to educate these groups on the value of street vending and to show them how it can achieve the goals of PlaNYC.

Many of the biggest changes in our proposal would require changes to the City's Administrative Code. This means that they have to be passed by a majority of the City Council and signed by the Mayor (or, without the Mayor's signature, passed by two-thirds of the council). Thus, a major responsibility of the task force would be to draft legislation, and then present it to the City Council and to the public. See the diagram on p. 90. Such changes would probably take from 2 to 5 years.

However, other components of the proposal—such as opening up POPS and programming garages—could be implemented in a short time frame, perhaps less than one year. Although City assistance would be helpful, there are a number of businesses and nonprofits that could implement these components, without the City.

We do not presume that the implementation of our proposal will be simple or uncontroversial. Clearly, it will require a major overhaul of the City's existing regulations, effort by many different organizations, and a rethinking of the role of street vending in the city. Perhaps the most difficult undertaking will be to attract sufficient political leadership over a sustained period of time.





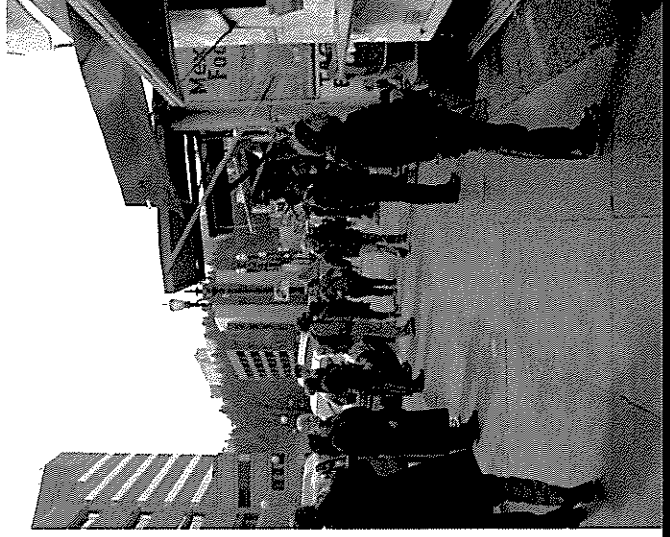
# Portland, OR

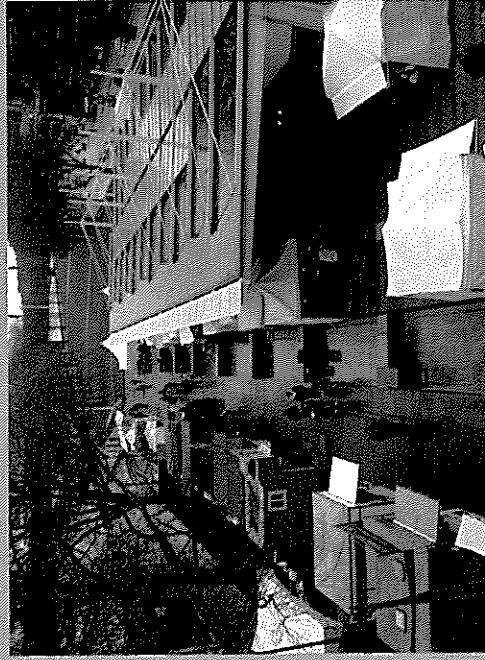
Portland has seen a dramatic increase in food carts. In 2006 there were roughly 300 vendors in Portland and the surrounding area. Now there are well over 500. Portland has more than two times as many street vendors per capita than New York City. This growth has been accompanied by a food and design revolution; there has been an influx of artisan carts and innovative food creations. This report consulted planning officials, academics, students, street vendors, and customers to learn more about this vending resurgence.

Street vending in Portland occurs mainly in private spaces. Vendors sell in pods, clusters of food trucks on surface parking lots. In neighborhoods, these PODS typically open up to the inside of the parking lots where tables, chairs, rain protected tents (and much more) are provided by the vendors. In downtown areas, these PODS open up to the streetscape. These streets also make room for chairs and tables.

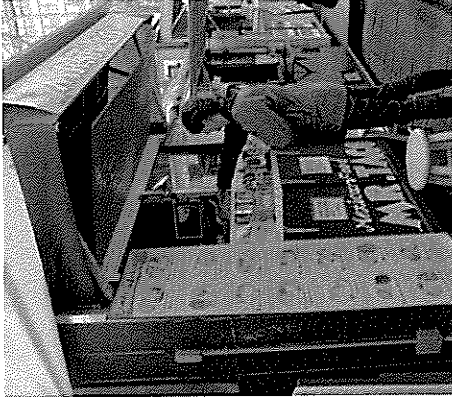
Until recently the development of PODS has been vendor driven. However local developers are now encouraging food carts on their site. They are an excellent way for these developers to generate income on sites that are stalled or difficult to put to other use (Rodgers and Roy, 2010). Vendors rent spaces in private lots for between \$300 and \$600 a month. In downtown these prices reflect the rate for any private vehicle to park in that lot.

There are many types of food carts in Portland: stationary mobile units, conventional pushcarts, larger food trucks, custom built carts, and trailer carts. Many of these trucks are painted, hand crafted, or specially designed. Most trucks in Portland are only "mobile" by definition and stay in the same space for their entire existence. While fancy custom built carts cost as much as \$30,000, simpler food carts can be bought used in Portland for as little as \$2,000. Many vendors in Portland rent carts for around \$500 a month. There is even a company, Mercy Corps, that has been offering vendors microloans for carts since 2002. These loans are \$13,000 on average.





Vendors in Portland come from many different places. Immigrant vendors represent a sizeable portion of the industry, but local artists, those laid off from work, and people from the restaurant industry have also taken up vending.



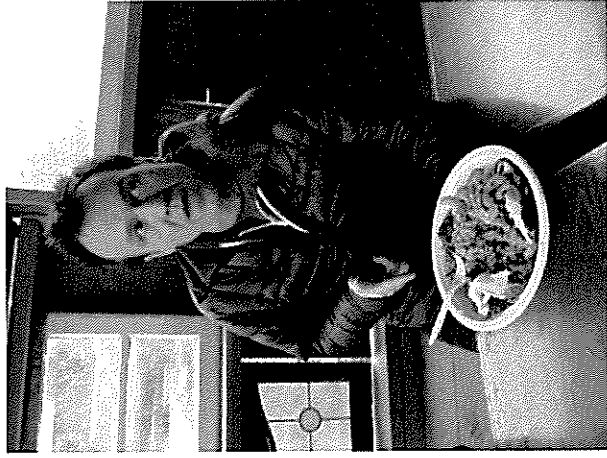
Many of Portland's vendors come from other U.S. states and many see vending as a step towards opening a restaurant. A food cart allows owners to test their concept and build a customer base. Others see vending as an end in itself. According to one study by PSU, vendors are making somewhere between \$30,000 and \$50,000 a year. (Rodgers and Roy, 2010)

While most vendors in Portland sell prepared food, there is evidence that the products are becoming even more diverse. We met one vendor selling sushi grade fish and grass-fed meats looking to expand to organic produce within the next year. Clothing boutiques, bike repair, and dry cleaning carts have also been documented. Increased vending has spawned other complementary business activities. New commissary kitchens have opened to serve the carts, and some craftsman design carts to sell for profit to upcoming vendors.

The City of Government has a relaxed code towards street vending in private spaces. However, regulations towards vendors in public spaces are stricter and often enforced. There are only 20 street vendors selling in public spaces in Portland. Since 1997, food carts and restaurants in Oregon were consolidated into one Health code section and the food safety rules for a cart and restaurant are roughly the same.



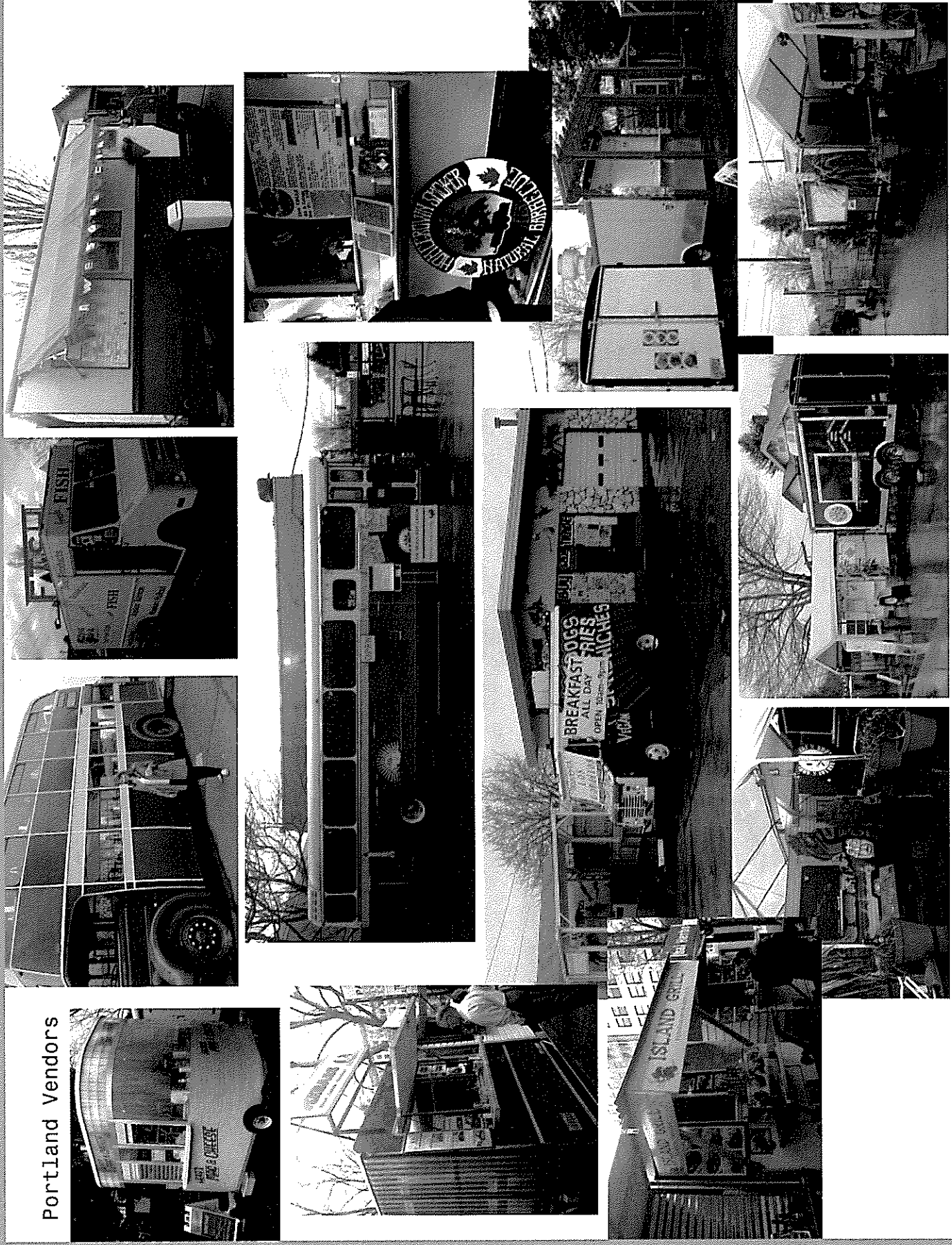
“Interview with a Portland Vendor”



Gary Evans Sells Korean BBQ from his vending operation, Namu, in Southeast Portland at 43rd & Belmont. Originally a local carpenter, he and his business partner decided to test out their Korean Cooking skills by opening a vending stall. They have since expanded to a second location in Southwest Portland on 9th and Montgomery.

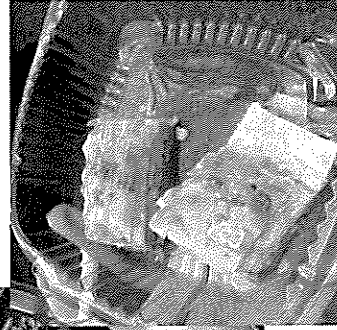
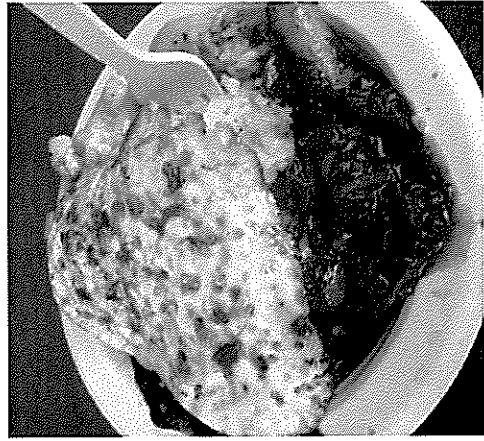


Portland Vendors





Portland Vendor Food



## References

- Akam, Simon (21 Aug. 2009). "A Prominent Collection at the Met: Food Carts." The New York Times. Available at: [http://www.nytimes.com/2009/08/22/nyregion/22hotdogs.html?\\_r=3&scp=12&sq=veterans&st=cse](http://www.nytimes.com/2009/08/22/nyregion/22hotdogs.html?_r=3&scp=12&sq=veterans&st=cse)
- Big Apple Food Vendors' Association v. Street Vendor Review Panel* (1997).
- Center for an Urban Future. "Rethinking New York's Street Fairs." Available at: [http://www.nycfuture.org/images\\_pdfs/pdfs/StreetFairs.pdf](http://www.nycfuture.org/images_pdfs/pdfs/StreetFairs.pdf)
- Center for Urban Pedagogy. (2009). *Vendor Power! A Guide To Street Vending In New York City*.
- City of New York. (2010). "DIVERSECITY: NYC Economic Diversification Program." Five Borough Economic Opportunity Plan.
- City of New York Administrative Code. (2011). Available at: <http://24.97.137.100/nyc>
- City of Philadelphia Code. (2011). Available at: <http://www.phila.gov/philacode>
- D'Angelo, D. (6 Apr. 2009). "Rules- vs. Principle-Based Regulation." Financial Markets.
- Design Trust for Public Space (n.d.). "Design Trust for Public Space." N.p.. Available at: <http://www.designtrust.org>.
- Devlin, Ryan Thomas (2011): 'An area that governs itself': Informality, uncertainty and the management of street vending in New York City: 53 Planning Theory
- Devlin, Ryan, T (2006). *Informal Urbanism: Legal Ambiguity, Uncertainty, and the Management of Street Vending in New York City*. Dissertation.
- Downtown Alliance. (2010). *Water Street: A New Approach*. New York, NY. Available at: <http://www.downtownny.com/sites/all/themes/nyda/images/Water%20Street/space%20to%20place.pdf>
- Downtown Alliance. (2008). *Water Street Study 2008 Existing Conditions*. New York, NY. Available at: <http://www.downtownny.com/sites/all/themes/nyda/images/Water%20Street/01%20Water%20Street%20Study%202008%20Existing%20Conditions.pdf>
- Downtown Alliance (n.d.). *Lower Manhattan Fact Sheet Q3 2010*. Available at: <http://www.downtownny.com/sites/default/files/Q3%2010%20LM%20Fact%20Sheet.pdf>

## References (cont.)

- Einhorn, E. (18 July 2010). "How street it is, for kings of the fair as producers get lion's share from cookie-cutter fests." *The New York Daily News*. Available at: [http://articles.nydailynews.com/2010-07-18/local/27070207\\_1\\_fairs-vendors-new-yorkersGrow\\_NYC](http://articles.nydailynews.com/2010-07-18/local/27070207_1_fairs-vendors-new-yorkersGrow_NYC) (2010.) Available at: <http://www.grownyc.org/greenmarket>
- I Love Santa Monica (5 Oct. 2010). "Gourmet Food Trucks at The California Heritage Museum & The Victorian « Santa Monica." N.p. Available at: <http://lovesantamonica.com/2010/10/gourmet-food-trucks-at-the-california-heritage-museum-the-victorian>.
- Kazis, N. (June 17 2010). How Do You Get New York's Street Fairs Past Fried Dough? Streetsblog New York City. Available at: <http://www.streetsblog.org/2010/06/17/how-do-you-get-new-yorks-street-fairs-past-fried-dough/>
- Kohlbeck, Mark J. and Warfield, Terry D. (2005). "The Effects of Principles-Based Accounting Standards on Accounting Quality." Available at: <http://ssrn.com/abstract=724237>
- Lee, Jennifer B. (29 April 2009). "Street Vending as a Way to Ease Joblessness." *The New York Times*. Available at: <http://cityroom.blogs.nytimes.com/2009/04/29/street-vending-as-a-way-to-ease-joblessness/>
- New Amsterdam Market. (2011). Available at: <http://www.newamsterdammarket.org>
- News. (24 Jun. 2010). Are Street Fairs Really Fair for Local Vendors?. WNYC. Retrieved February 15, 2011, from <http://www.wnyc.org/articles/wnyc-news/2010/jun/24/are-street-fairs-really-fair-for-local-vendors/>
- New Vendor Info. (n.d.). NYC Street Fairs & Festivals. Available at: <http://www.nycstreetfairs.com/vendorsnew.html>
- New York City Department of City Planning. (2006). New York City Pedestrian Level of Service Study: Phase I. New York, NY.
- New York City Department of City Planning. (2004). East River Waterfront Study. New York, NY. Available at: [http://www.nyc.gov/html/dcp/pdf/erw/erw\\_4\\_esplanade\\_projects.pdf](http://www.nyc.gov/html/dcp/pdf/erw/erw_4_esplanade_projects.pdf)
- New York City Department of City Planning (n.d.). General Vendor Law Rules. NYC.gov. Available at: [http://www.nyc.gov/html/dca/downloads/pdf/general\\_vendor\\_law\\_rules.pdf](http://www.nyc.gov/html/dca/downloads/pdf/general_vendor_law_rules.pdf)
- New York City Department of City Planning (n.d.). Mobile Food Vendor Restricted Streets. NYC.gov. Available at: [http://www.nyc.gov/html/doh/downloads/pdf/permit/mfv\\_restricted\\_streets.pdf](http://www.nyc.gov/html/doh/downloads/pdf/permit/mfv_restricted_streets.pdf)
- New York City Department of City Planning (n.d.). "Privately Owned Public Space." NYC.gov. Available at: [www.nyc.gov/html/dcp/html/pops/pops.shtml](http://www.nyc.gov/html/dcp/html/pops/pops.shtml).



## References (cont.)

- New York City Department of City Planning (n.d.). "Small Sidewalk Cafe Proposal." NYC.gov. Available at: [www.nyc.gov/html/dcp/html/sidewalkcafe/sidewalkcafe1.shtml](http://www.nyc.gov/html/dcp/html/sidewalkcafe/sidewalkcafe1.shtml).
- New York City Department of Health and Mental Hygiene (2011). "NYC Green Carts." Available at [http://www.nyc.gov/html/doh/html/cdp/cdp\\_pan\\_green\\_carts.shtml](http://www.nyc.gov/html/doh/html/cdp/cdp_pan_green_carts.shtml).
- New York City Department of Parks and Recreation (n.d.). Concessions: New York City Department of Parks & Recreation. Available at: [http://www.nycgovparks.org/sub\\_about/parks\\_divisions/concessions/concessions.html](http://www.nycgovparks.org/sub_about/parks_divisions/concessions/concessions.html)
- New York City Department of Transportation (2009). Street Design Manual. New York, NY: Vanguard Direct.
- New York City Department of Transportation (n.d.). Violation Codes, Fines, Rules & Regulations. Available at: [http://www.nyc.gov/html/dof/html/parking/park\\_tickets\\_violations.shtml](http://www.nyc.gov/html/dof/html/parking/park_tickets_violations.shtml)
- New York City Environmental Control Board (n.d.).
- Food Vendor Administrative Code Penalty Schedule. Available at: <http://www.nyc.gov/html/ecb/downloads/pdf/FoodVendorAdministrativeCodePenaltySchedule.pdf>
- New York City Environmental Control Board (n.d.). General Vendor Penalty Schedule. Available at: <http://www.nyc.gov/html/ecb/downloads/pdf/GeneralVendorPenaltySchedule.pdf>
- New York City Environmental Control Board (n.d.). Health Code and Miscellaneous Food Vendor Violations Penalty Schedule. Available at: <http://www.nyc.gov/html/ecb/downloads/pdf/>
- New York City Independent Budget Office (Nov 2010). Available at: <http://www.ibo.nyc.ny.us/iboreports/peddlingnovember2010.pdf>
- New York City Police Department (2009). Engineering Security: Protective Design for High Risk Buildings. New York, NY.
- New York Police Department (2009). Street Vending Violations [Data file].
- New York Legal Publishing Corporation (n.d.). "New York City Administrative Code - Title 20." N.p. Available at: [http://24.97.137.100/nyc/AdCode/Title20\\_20-465\\_1.asp](http://24.97.137.100/nyc/AdCode/Title20_20-465_1.asp).
- Rogers, Kelly & Roy, Kelley (Apr. 2010). Cartopia: Portland's Food Cart Revolution. Portland: Roy Rogers Press, 2010.
- Scribd (n.d.). Street Vendors Unite!: Recommendations for Improving the Regulations on Street Vending in NYC. Available at: <http://www.scribd.com/doc/18949149/Vendors-Unite>

## References (cont.)

Shapiro, Julie. "A Quarter of Downtown's Public Space is Off Limits to the Public, Study Finds - DNAinfo.com." DNAinfo.com. N.p.. Available at: <http://www.dnainfo.com/20100429/manhattan/lower-manchattan-loses-public-space-security-study-finds>.

Sluska, S and Basinski, S. (2006). Peddling Uphill: A report on the conditions of street vendors in New York City. Street Vendor Project of the Urban Justice Center.

Street Vendor Project (n.d.). Available at: <http://streetvendor.org/>

Street Vendor Project. [Facebook Group] (n.d.). "Lower the Fines Campaign." Available at: <http://www.facebook.com/pages/Lower-the-Fines-Campaign/167428183297661>

Transportation Alternatives (2007). Rethinking Bollards: How Bollards Can Save Lives, Prevent Injuries, and Relieve Traffic Congestion in New York City. New York, NY.

Transportation Research Board (2000). Highway Capacity Manual. Washington, D.C.: Transportation Research Board, National Research Council.

Wasserman, Suzanne. The Good Old Days of Poverty: Merchants and the Battle Over Pushcart Peddling on the Lower East Side. New York University, Metropolitan Studies Program.

Whyte, William Hollingsworth. "The Management of Spaces." City: rediscovering the center. New York: Doubleday, 1988.

## Images

Front Cover: Photos by Rembert Browne, Doneliza Joaquin, Devin McDowall, Jackie Kelliaa, Sara Beth Rosenberg, and Michael Snidal.

Inside Cover: Figure designed by Doneliza Joaquin.

Introduction | p. 6: Photo by Kyle Kirschling.

Acknowledgements | p. 7: Three photos on the left, courtesy of Street Vendor Project. Top right photo by Jackie Kelliaa. Bottom right photo by Christina Ghan.

Chapter 1: Existing Conditions

History | p. 10: B/W picture of a man digging into cart "Roast corn man, Orchard and Hester Streets, Manhattan. (May 03, 1938)" and Sepia tone photo of woman crouching over cart "Occupations - Peddlers - [Fruit vendors on lower east side.] ('1936)" from the NYPL Digital Gallery. President Lyndon B Johnson signing the Immigration Act w/ Statue of Liberty in the background from the Lyndon B Johnson Library.

History | p. 11: B/W picture of Mayor Abraham Beame from Corbis Images

History | p. 12: Giuliani from Wikipedia. Bloomberg and Cameron Hot Dog from Getty Images.

Vending in New York City | p. 13: Photo by Doneliza Joaquin.

Vending in New York City | p. 14: Photo by Devin McDowall.

Vending in New York City | p. 15: Photo by Rembert Browne.

Vending in New York City | p. 16: Photo by Rembert Browne.

Vending in New York City | p. 17: Image from the New York City Department of Health and Mental Hygiene at NYC.gov.

Vending in New York City | p. 18: Photo by Rembert Browne.

Vending in New York City | p. 19: Sketch of Les Halles in 19th century Paris from [www.parisbestlodge.com/leshalles.html](http://www.parisbestlodge.com/leshalles.html).

NYC Street Vendors | p. 20: Photos by Jackie Kelliaa, Rembert Browne, and Michael Snidal.

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NYC Street Vendors | p. 26: Photo of Duane Jackson from the Washington Post.

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Study Area | p. 28: Map prepared by Doneliza Joaquin.

Street Restrictions | p. 30: Photo by Doneliza Joaquin.

Street Restrictions | p. 31-3: Maps prepared by Doneliza Joaquin.

Placement Restrictions | p. 34: Diagram prepared by Kyle Kirschling.

Placement Restrictions | p. 35-7: Photos and diagrams by Kyle Kirschling.

Placement Restrictions | p. 38: Photos by Kyle Kirschling and Sara Beth Rosenberg.

Enforcement | p. 39: Image of Sean Basinski with a box of tickets from Urbanomnibus Blog. Graph prepared by Devin McDowall.

Enforcement | p. 40: Charts prepared by Devin McDowall with data from Professor Alfonso Morales.

City Expenditures | p. 41: Graph and chart prepared by Devin McDowall with data from Professor Alfonso Morales.

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Customer Attitudes | p. 48-51: Charts and tables prepared by Rembert Browne from survey data.

Business Improvement Districts (BIDs) | p. 53: Map prepared by Devin McDowall.

Retail Survey | p. 54-5: Chart and map prepared by Sara Beth Rosenberg from survey data.

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Proposal: Enact the "8 Foot Rule" | p. 70: Diagram from the NYC Department of City Planning Pedestrian Level of Service Study.

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Proposal: Open Public Spaces | p. 72-8: Maps, photos, and images prepared by Doneliza Joaquin, Sara Beth Rosenberg, and Jackie Keliiaa.

Proposal: Changes to Administrative Penalties | p. 79: Graph prepared by Devin McDowall. Icon from the Street Vendor Project website.

Proposal: Changes to Administrative Penalties | p. 80-1 Images, graphs, and charts prepared by Devin McDowall.

Proposal: Modify Health Code Restrictions | p. 82-3: Photos by Rembert Browne. Images prepared by Doneliza Joaquin.

Proposal: Modify Garage Restrictions | p. 84: Photos by Sara Beth Rosenberg and Michael Snidal.

Proposal: Modify Garage Restrictions | p. 85: Maps prepared by Sara Beth Rosenberg.

Proposal: Modify Garage Restrictions | p. 86: Photos by Devin McDowall and Kaja Kühl.

Proposal: Garage Programming | p. 87: Charts prepared by Jackie Keliiaa.

Proposal: Garage Programming | p. 88: Two pictures of women working at the Hot Bread Kitchen from Flickr. Photo of Street Vendor Project Meeting courtesy of Candy Chang.

Implementation | p. 90: Diagram prepared by Kyle Kirschling.

Portland, OR | p. 91-5: Images by Christina Ghan, Doneliza Joaquin, Devin McDowall, Michael Snidal, and Kaja Kühl.



**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434/435 Res. No.    

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Alberto Loera

Address: 930 East 4<sup>th</sup> walk NYC

I represent:    

Address:    

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434/5 Res. No.    

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Suzanne Wasserman PhD

Address: Gotham Center for NYC history

I represent:    

Address:    

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434/435 Res. No.    

☒ in favor ☐ in opposition

Date:    

(PLEASE PRINT)

Name: Jeff Orlick

Address: 7301 WOODSIDE, QUEENS, NY

I represent:    

Address:    

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0727-2012 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Jordan Wolk

Address: 301 E 87 St

I represent: Self

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0789-2012 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: April 24, 2012

(PLEASE PRINT)

Name: JEANNINE JENNETT

Address: 650 West 168 St NY NY

I represent: Columbia University Medical Center

Address: 650 West 168 St NY NY

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. All Intros Res. No. \_\_\_\_\_

7 Bills-Mixed ☐ in favor ☐ in opposition  
OPINIONS

Date: 4/24/12

(PLEASE PRINT)

Name: Michelle Birnbaum

Address: 1035 PARK AVE.

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: 01/21/2017

(PLEASE PRINT)

Name: LAYLA LAW-GISIKO

Address: 9W 20th ST NY

I represent: Community Board 5

Address: 450 7th Ave

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 789 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: BRAD BECKSTROM

Address: \_\_\_\_\_

I represent: Mt. SINAI HOSPITAL

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

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

INTRO 16 ☒ in favor ☐ in opposition 434, 435  
INTRO 727, BP4, 789  
817

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: RENÉE GIORDANO

Address: 5116A 5th AVE BK NY 11220

I represent: SUNSET PARK BID

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

neither - general statement  
Date: 4/24/12  
(PLEASE PRINT)

Name: MONICA BLUM

Address: 1841 Broadway

I represent: NYC BID ASSOCIATION

Address: WUW.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 684 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: April 24, 2012

(PLEASE PRINT)  
Name: Richard Juliano

Address: 1841 Broadway

I represent: Lincoln Square BID

Address: 1841 Broadway Suite 1112, NY NY 10023

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 727 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/2012

(PLEASE PRINT)  
Name: PETER DAVIES

Address: 548 BROADWAY #5A NY

I represent: BROADWAY RESIDENTS COALITION

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. 727 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4.24.2012

(PLEASE PRINT)

Name: PETER A DAVIS

Address: 543 BWAY

I represent: BROADWAY RESIDENTS COALITION

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 727 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: MICHAEL LAMBERT

Address: 3400 RESERVOIR OVAL EAST

I represent: THE JEROME GUN HILL BUS IMPROVEMENT

Address: DISTRICT 3400 - RESERVOIR OVAL EAST

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 684 Res. No. \_\_\_\_\_

☒ in favor ☒ in opposition

Date: 05/24/12

(PLEASE PRINT)

Name: THOMAS DE GAST

Address: 229 E 2ND ST NY 10009

I represent: Wafels & Diner

Address: 267 Butler St Brooklyn 11217

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: 4/24/12

(PLEASE PRINT)

Name: ROBERT EDMAN

Address: ASSISTANT COMMISSIONER

I represent: DOHMH

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: 4/24/12

(PLEASE PRINT)

Name: ERIK JOSS

Address: 42 Broadway

I represent: NYC DOA

Address: 42 Broadway

**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: 4/24/12

(PLEASE PRINT)

Name: KATHLEEN MCGEE

Address: \_\_\_\_\_

I represent: DIRECTOR, MAYOR'S OFFICE SPECIAL

Address: CENTRE ST., 1012 N, NY 10007 ENFORCEMENT

► 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. 789 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Brad Beckstrom

Address: 306 E 96 NYC 10029

I represent: Mount Sinai

Address: One Gustave L Levy Place 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: 4/24/12

(PLEASE PRINT)

Name: Lt. Daniel Albano, NYPD

Address: 1 Police Plaza

I represent: Managing Attorney, Criminal Section, Legal Bureau

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: Julio Rodriguez, EXECUTIVE DIRECTOR /

Address: DEPUTY COMMISSIONER

I represent: ECB/OATH

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434+435 Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Shira Gans rep. SCOTT STRINGER <sup>Manhattan Borough Prec</sup>

Address: 1 Centre St 19th Fl

I represent: SCOTT STRINGER, M BP

Address: 1 Centre St 19th Fl

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 727 Res. No. \_\_\_\_\_

☐ in favor ☒ in opposition

Date: 04.24.12

(PLEASE PRINT)

Name: David MARTCHYA

Address: 3435 JACKSON ST

I represent: Street Vendor Project

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434+435 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: April 24, 2012

(PLEASE PRINT)

Name: Siddhan Wallace

Address: 1001 Lorimer St, Brooklyn, NY 11222

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. 434/435 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: James B. Williams

Address: 164-21 O'Donnell Rd

I represent: Street Vendor Project

Address: 123 William Street

**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: JACK ISAAC

Address: 5713 160<sup>th</sup> ST.

I represent: \_\_\_\_\_

Address: Fresh Meadows, NY 11365

**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: Ralph S. Tono

Address: 477 FDR 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. \_\_\_\_\_ Res. No. \_\_\_\_\_

☐ in favor ☐ in opposition

Date: 4/24/2012

(PLEASE PRINT)

Name: Julio Rodriguez

Address: 66 John Street

I represent: OATH/ELB

Address: 66 John Street, 40 Rector St.

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 0434 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: April 24/2012

(PLEASE PRINT)

Name: Darturo Ignacio Sanchez

Address: 33-27 91st Apt 4F J.F. UP 11370

I represent: Working Families Party

Address: Queens, N.Y.

THE COUNCIL  
THE CITY OF NEW YORK

Appearance Card

I intend to appear and speak on Int. No. 434 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/26/2012

(PLEASE PRINT)

Name: STEVEN WASSERMAN

Address: 199 WATER ST New York 10038

I represent: LEON AD SOCIETY

Address: 199 WATER STREET NY NY 10038

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: 4-24-2012

(PLEASE PRINT)

Name: RON DWENGER

Address: 255 W. 14<sup>th</sup> ST #4F

I represent: Community Board 5

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: 10-15

(PLEASE PRINT)

Name: Bob Zuckerman

Address: \_\_\_\_\_

I represent: Lower East Side BID

Address: 34 Orchard St.

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0434, 0435 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Jessamy Waldman Rodriguez, CEO

Address: 1590 Park Avenue, New York, NY 10029

I represent: Hot Bread Kitchen

Address: 1590 PARK AVENUE, New York, NY 10029

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. 0684, 727 <sup>187</sup> Res. No. 789, 16 + 34

☒ in favor ☐ in opposition

*but for me* *Both*

Date: 4/24

(PLEASE PRINT)

Name: ELAINE Walga

Address: 225 E 79ST NYC 1007

I represent: East 86ST Association

Address: SAME

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 0424 Res. No. 2435

☒ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: KAREN KARP

Address: 27 E 21ST 3rd FL MANHATTAN

I represent: KARP RESOURCES

Address: 27 E 21ST 3rd FL MANHATTAN

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434 + 435 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/2012

(PLEASE PRINT)

Name: DAVID WEBER

Address: 163 PROSPECT PL, BK, NY 11238

I represent: NYC FOOD TRUCK ASSOC &

Address: RICKSHAW DUMPLING BAR

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

Previously met on 6/24/684  
With the Chair

**THE COUNCIL  
THE CITY OF NEW YORK**

Time Warner Center Condominium  
**Appearance Card**

I intend to appear and speak on Int. No. 684 Res. No. 684  
☒ in favor ☐ in opposition

Date: 4/24/2012

Name: Lizabell Fuchs (PLEASE PRINT)

Address: Time Warner Center

I represent: Time Warner Center Condominium

Address: \_\_\_\_\_

Previously met on 6/24  
With the Chair

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. 684 Res. No. 684  
☒ in favor ☐ in opposition

Date: 4/24/2012

Name: Lizabell Fuchs (PLEASE PRINT)

Address: Time Warner Center

I represent: Time Warner Center Condominium Security

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

**Appearance Card**

I intend to appear and speak on Int. No. 04348 Res. No. 0435  
☐ in favor ☐ in opposition

Date: April 24, 2012

Name: YANKI TSHERING (PLEASE PRINT)

Address: 343 1A St, Brooklyn, NY 11215

I represent: BUSINESS CENTER FOR NEW AMERICANS

Address: 120 Broadway, Suite 230

NY, NY 10071

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. 434 Res. No. 435

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Brian Hoffman

Address: 234 Christopher Columbus Drive Jersey City, NJ

I represent: Midtown Lunch

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 3/24

(PLEASE PRINT)

Name: Lee Wellington

Address: Pratt Center, 200 W 11th St

I represent: Pratt Center

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434 & 435 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4-24-2012

(PLEASE PRINT)

Name: Cindy Vanden Bosch

Address: 140 E 2nd St, 2m, Brooklyn, NY 11218

I represent: Urban Oyster

Address: 357A Clinton Street, Garden, Brooklyn, NY

11231

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: Tressie Smiley

Address: 500 East 117<sup>th</sup> street #4A New York, NY 10029

I represent: Board member? URBAN justice street vendor project

Address: 123 William street New York, NY 10001

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434 & 435 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/2012

(PLEASE PRINT)

Name: Clementina Garcia

Address: 2431 Morris Ave Bronx, NY 10468

I represent: Vamos Unidos

Address: 2431 Morris Ave Bronx, NY 10468

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434/5 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: James Williams

Address: 123 William St

I represent: Street Vendor Project

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434/5 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Mohammad Saad Ali

Address: 123 William St

I represent: Street Vendor Project

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434/5 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: \_\_\_\_\_

(PLEASE PRINT)

Name: Matthew Shapiro

Address: 123 William St

I represent: Street Vendor Project

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434/5 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Sasha Ahuja

Address: 123 William St 16

I represent: Street Vendor Project

Address: \_\_\_\_\_

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**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434/5 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Sean Boshinski

Address: 123 William St

I represent: Street Under Project

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: \_\_\_\_\_

(PLEASE PRINT)

Name: David Weber

Address: NYC Food trucks

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: \_\_\_\_\_

(PLEASE PRINT)

Name: Armando Crescenzi

Address: 2335 Yates Ave

I represent: Veteran's First, Ltd

Address: 2335 Yates Ave Bx NY 10469

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: Cassandra Flechsig

Address: 27 E. 21<sup>st</sup> St NY NY

I represent: Reading for Karen Karp-Karp

Address: 27 E. 21<sup>st</sup> St NY NY Resources

**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 ROSSI

Address: \_\_\_\_\_

I represent: Disarmed Veterans Union

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 434, 435 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: Apr 17 4, 2012

(PLEASE PRINT)

Name: Kathleen Dunn

Address: 378 Court St Apt 2A, Brooklyn NY 11231

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. 684/727 Res. No. 789/817  
☒ in favor ☐ in opposition

Date: 4/24/2012

(PLEASE PRINT)

Name: Lo Van der Valk

Address: \_\_\_\_\_

I represent: Carnegie Hill Neighbors

Address: 170 F 91st St, NY NY 10128

**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: 4/24/12

(PLEASE PRINT)

Name: Julie Behrens

Address: 415 Argle Road 2nd Bklyn NY

I represent: Columbia University

Address: Brooklyn New York

**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: 4/24/2012

(PLEASE PRINT)

Name: KAJA KUEHL

Address: 1 HANCOCK PLACE, BROOKLYN NY 11213

I represent: COLUMBIA UNIVERSITY, GRADUATE

Address: SCHOOL OF ARCHITECTURE

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: \_\_\_\_\_

Address: \_\_\_\_\_

I represent: \_\_\_\_\_

Address: \_\_\_\_\_

**THE COUNCIL  
THE CITY OF NEW YORK**

Appearance Card

I intend to appear and speak on Int. No. 04348435 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/28/12

(PLEASE PRINT)

Name: Rachel Specter

Address: \_\_\_\_\_

I represent: MFY Legal Services, Inc.

Address: 299 Broadway, New York NY 10007

**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: 4/24/12

(PLEASE PRINT)

Name: Josephine Beckmann

Address: 8119 5th Avenue

I represent: Community Board Ten

Address: 8119 5th 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. 424/425 Res. No. \_\_\_\_\_

☒ in favor ☐ in opposition

Date: 4/24/12

(PLEASE PRINT)

Name: Boye Hanne

Address: 107-129 E 126th St

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: 4/24/12

(PLEASE PRINT)

Name: PATRICK CONDREN

Address: 464 Bay Ridge Ave Brooklyn NY

I represent: BAY Ridge 86th & 5th Bay Ridge AIDS

Address: \_\_\_\_\_

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