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COMMUNITY BOARD NO. 2, MANHATTAN

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May 20, 2016

Emily Weidenhof
Director of NYC Plaza Program
NYC Department of Transportation
55 Water St., 6th Floor
New York, NY 10041

Margaret Forgione
Manhattan Borough Commissioner
NYC Department of Transportation
59 Maiden Lane, 35th Floor
New York, NY 10038

Dear Commissioner Forgiane and Ms. Weidenhof:

At its Full Board meeting May 19, 2016, Community Board #2, adopted the following resolution:

Resolution with comments in response to NYC Department of Transportation proposed rules for pedestrian plazas regarding the application process for new plazas, plaza revocation, and general, prohibited, and regulated uses for all pedestrian plazas.

Whereas the NYC Department of Transportation (DOT) has proposed rules to create a regulatory framework for the department's pedestrian plazas that formalizes an application process to designate new plazas and establishes general rules of conduct for all pedestrian plazas as well for uses and activities within them, in response to requirements of the new Pedestrian Plaza Legislation (Int 1109- B-2016, enacted 04/21/16); and

Whereas the proposed rules concerning proposals and applications to designate pedestrian plazas do not include provisions for notification to the local community board of an organization's intent to create a plaza or for community board review of applications, as was required in the original NYC Plaza Program Application Guidelines, the result being that unless the community board is itself the applicant, it has no opportunity to evaluate and give input on a proposed plaza in its district as well as no occasion to provide or withhold support; and

Whereas the required number of eight letters (at least) of support for a pedestrian plaza from a wide range community stakeholders is not sufficient to encompass the broad constituency and points of view these stakeholders represent; and

Whereas the general rules of conduct in pedestrian plazas, including general uses, prohibited uses and regulated uses extensively cover allowed uses and activities, prohibited (anti-social) behaviors and limitations on specified actions, providing groundwork for appropriate enforcement; and

Whereas the proposed rules also include specific rules for the Times Square Pedestrian Plaza, including those which allow for the activity of vendors licensed pursuant to section 17-307 (re food vending) and 20-453 (re vending published/written matter), however, the general rules don't specify that all vending, including vending licensed pursuant to section 17-307 and 20-453, is prohibited in pedestrian plazas (where Concessions are the only allowable usage for money exchange); and

Whereas DOT has invited comments on the proposed rules, to be submitted no later than May 23, 2016;

Therefore, be it resolved that Community Board No. 2, Manhattan (CB2) urges that the following additional provisions be included as rules within the new regulatory framework that is adopted:

- The local community board should be notified of any proposal to designate a pedestrian plaza in its district. It should receive 90 days advance notice of applications for such plazas, within which it must hold a public hearing, gather community input and indicate its support (or not) for the application.
- At least 15 letters of support for a pedestrian plaza should be submitted from community stakeholders, including but not limited to at least two neighboring property owners, three residents, three different types of nearby businesses, two elected officials, two neighborhood and/or block associations, two not-for-profit groups as well as nearby institutions like churches and schools.
- All vending, including vending licensed pursuant to section 17-307 and 20-453, is prohibited in pedestrian plazas. The only way food is allowed to be purchased on a plaza is through a concession.

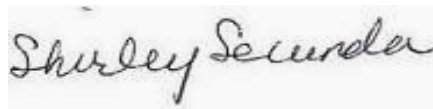
Vote: Unanimous, with 34 Board Members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Tobi Bergman, Chair
Community Board #2, Manhattan



Shirley Secunda, Chair
Traffic & Transportation Committee
Community Board #2, Manhattan

TB/EM

c:

Hon. Jerrold L. Nadler, Congressman
Hon. Brad Hoylman, NY State Senator
Hon. Daniel Squadron, NY Senator
Hon. Deborah Glick, State Assembly Member
Hon. Gale Brewer, Manhattan Borough President
Hon. Corey Johnson, Council Member
Hon. Margaret Chin, Council Member
Hon. Rosie Mendez, Council Member
Marco A. Carrión, Commissioner, Community Affairs Unit