

OFFICE OF THE MAYOR

MAYOR'S OFFICE OF CITYWIDE EVENT COORDINATION AND MANAGEMENT

STREET ACTIVITY PERMIT OFFICE

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Street Activity Permit Office (SAPO) of the Office of Citywide Event Coordination and Management (OCECM) is establishing rules for events on Pedestrian Plazas.

When and where is the Hearing? OCECM/SAPO will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 on Monday, August 8, 2016. The hearing will be in Hearing Room A at the Office of Administrative Trials and Hearings, located at 100 Church Street, 12th Floor, NY, NY 10007.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to SAPO through the NYC rules Web site at www.nyc.gov/nycrules.
- **Email.** You can email written comments to saporules@cityhall.nyc.gov.
- **Mail.** You can mail written comments to Michael Paul Carey, Executive Director, Office of Citywide Coordination and Management, at 253 Broadway, 6th Floor, New York, New York 10007.
- **By Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling Michael Carey at (212) 788-9265 by close of business on August 1, 2016. You may also sign up on the day of the hearing in person. You can speak for up to three minutes. Each speaker will be timed.

Is there a deadline to submit written comments? Written comments must be received no later than close of business on August 8, 2016.

Do you need assistance to participate in the Hearing? You must tell OCECM/SAPO if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You must tell us by the close of business on August 1, 2016.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at www.nyc.gov/nycrules. A few days

after the hearing, a transcript of the hearing and copies of the written comments will be available to the public at OCECM/SAPO.

What authorizes SAPO to make this rule? Section 1043 of the City Charter as well as Executive Orders No. 100 and No. 105 authorize SAPO to make this proposed rule. This proposed rule was not included in SAPO's regulatory agenda for this Fiscal Year because it was not contemplated when SAPO published the agenda.

Where can I find the SAPO rules? The SAPO rules are in title 50 of the Rules of the City of New York.

What rules govern the rulemaking process? SAPO must meet the requirements of Section 1043 of the City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the City Charter.

Statement of Basis and Purpose of Proposed Rule

The Mayor's Office of Citywide Events Coordination and Management (OCECM), which oversees the Street Activity Permit Office (SAPO), has been designated by the Mayor under Local Law 53 of 2016 to administer the rules governing the issuance of permits to hold events in pedestrian plazas created by the Department of Transportation. As set forth in the Local Law, the designated agency (SAPO) is required to issue rules relating to issuance of plaza permits, including rules regarding submission and processing of plaza activity applications, approval or denial of plaza activity applications, appeals of denials of plaza activity permits and fees for use of pedestrian plazas.

The proposed plaza event rules are designed to maximize opportunities for the public to hold events in plazas while also ensuring that the City has advance notice of all plaza events so that events may happen in an orderly fashion while also ensuring that the plazas remain available for everyday use and enjoyment by the public. The proposed rules will govern all events that take place in plazas except for events that have been issued parade, film or construction permits by another City agency.

Establishment of Plaza Levels by Size and Other Criteria

The proposed rules create four "levels" for plazas to account for the differences among plazas in Manhattan and plazas in the Bronx, Brooklyn, Queens and Staten Island. By creating this tiered system, the proposed rules will ensure that events in each plaza are properly managed and some or all of the traffic control costs associated with commercial and fundraising activity are recouped.

The pedestrian plaza levels will be based on size (square footage), number of blocks, and adjacent uses (transportation, civic and commercial activity). Level A will consist of the largest plazas with multiple adjacent uses, and the levels will range to Level D, which will consist of the smallest plazas with fewer adjacent uses. Larger plazas with heavy

adjacent uses have more pedestrians and vehicular traffic in and around the pedestrian plaza, which requires additional police presence to cover events. While administrative costs for plaza events are consistent across all levels, police staffing costs vary based on the size of the plaza and its surrounding uses. Plazas in Manhattan, for example, which have greater pedestrian and vehicular volume, require more police officers to control traffic at and around pedestrian plazas events. Plazas in the Bronx, Brooklyn, Queens and Staten Island, with smaller pedestrian and vehicular volume require fewer police officers.

Application and Permit Fees

The fees associated with events in plazas were determined by calculating the administrative costs of processing permits and coordinating city agency staff and other resources to ensure that events are properly planned, and the costs of providing police officers to provide traffic and pedestrian control. The difference in costs and therefore the difference in fees is based on the need for police presence which depends on size and location of plaza events.

Other Changes

The proposed rules also modify some event definitions to more accurately account for their impact on surrounding areas and to assist potential applicants in determining under which category their event falls and what fees they will be required to pay. The proposed rules also add the definition of Press Conference/Rally/Stationary Demonstration permit to facilitate coordination for these types of events.

Finally, the proposed rule also requires applicants to submit their applications with more time before the event begins to both allow SAPO more time to properly review the application and provide the applicant more time to plan and organize their event. For example, the deadline for submitting applications for small street events is increasing from 10 business days to 30 days.

SAPO authority for these rules is found in section 1043 of the New York City Charter and Executive Order No. 105 of 2007.

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Section 1-01 of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

§1-01 Applicability and Definitions.

These rules shall apply to all applications for street activity permits, and for purposes of this chapter, the following terms shall have the following meanings:

“Applicant” means an individual or entity applying for a street activity permit that is responsible for the street activity proposed in the application.

“Block” means the linear stretch of a street between the curb lines of the cross streets that intersect such block.

“Block party” means a community sponsored Street event requiring the closure of a single block of a street, or a portion thereof, for a single day in which no fundraising or the sales of goods or services occurs, and does not otherwise fall into any other category.

“Business improvement district” means an entity established pursuant to article nine of the general municipal law.

“Civic event” means a Plaza or Street event that is sponsored by a documented not-for-profit organization that is open to the public, may offer free services or information to the community, and does not have a fundraising component or include the sale of goods or services. Civic events include, but are not limited to, artistic/cultural performances, Health Fairs, classes, religious worship or educational gatherings that support the mission of the sponsoring, documented not-for-profit organization. Civic events may not include signs or banners displaying sponsors or supporter logos that exceed ten percent (10%) of the face of the sign or banner.

“Civic center” means a use of property for public facilities such as schools, libraries and/or parks.

“Charitable event” means [an] a Plaza or Street event in which the sole purpose of the [street] activity is fundraising [donation of goods or provision of free services to the community] by or for a specific documented not-for-profit organization. Charitable events shall not include street fairs or block parties, Civic events or Commercial/Promotional events or Street events that fall into any other category. Charitable events may not include signs or banners displaying sponsors or supporter logos that exceed ten percent (10%) of the face of the sign or banner.

“Clean-up” means [an] a Street event that is held for the purpose of neighborhood improvement by a documented not-for-profit organization, Community Sponsor or an individual with an indigenous relationship with the proposed event location. No fundraising or sales of goods or services to the general public shall occur at a Clean-up.

“Commercial/Promotional [or promotional] event” means [an] a Plaza or Street event that promotes, advertises or introduces a product, corporation, company or other commercial entity or the goods or services of a corporation, company or other commercial entity to either the general public or to a portion of the general public. Commercial/Promotional [or promotional] events do not include [charitable or civic] Charitable or Civic events.

“Commercial center” means a use of property for active ground floor uses such as retail.

“Community sponsor” means a community-based, documented not-for-profit organization, association, corporation or the like that has an indigenous relationship to the specific street or geographic community where the Street event is proposed. [If a permit requires a Community sponsor, than an individual from the organization shall be listed as the contact person.]

“Civic event” means an event that is sponsored by a not-for-profit organization that is open to the public and does not have a fundraising component. Civic events include, but are not limited to, artistic/cultural performances, or educational gatherings that support the mission of the sponsoring not-for-profit organization.

“Deadline” means the number of days prior to the start of an event by which an Applicant must submit an application for review.

“Event” means any activity on a public street, street curb lane, sidewalk or pedestrian island or plaza where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic but shall not include activities conducted pursuant to a valid film permit, demonstrations or parades. An event also shall not include any permitted activity that is not related to a special event under SAPO jurisdiction as described herein.]

“Event time” means the time between set-up and break-down of a Street or Plaza event.

“Extra large event, Street or Plaza” means an event that is a Commercial/Promotional event or a Charitable event and has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic, uses multiple locations or a combination of [pedestrian islands or pedestrian] Pedestrian plazas or full street closure; requires significant set-up including, but not limited to, erection of structures that may require a Department of Building permit; and requires substantial coordination between the Street Activity Permit Office and City agency staff, including the Police Department, Fire Department, Department of Transportation and the Executive Director of Office of Citywide Event Coordination and Management.

["Extra small event"] means an event that denotes guest arrival and departure at a specific venue, has marginal impact on pedestrian and/or vehicular traffic and requires minimal coordination between SAPO, the Office of Citywide Event Coordination and Management and the Applicant and does not include any commercial or branding element.]

"Farmer's market" means an open-air market held on a sidewalk for the sale to the general public of products grown, raised, caught or baked by local farmers and fishers and that does not have a fundraising component. An Applicant for a farmer's market shall be a documented not-for-profit corporation with federal tax exempt status.

"Health fair" means a community sponsored event in which a health vendor(s) promotes and provides in-kind services to the community, requiring the closure of a single block of a street, or a portion thereof, for a single day in which no fundraising or sales of goods or services occurs, and in which health vendor(s) do not pay a fee to participate.

"Inflatables" means balloons or displays that are expanded with air or gas and used for event promotion, logo placement, product display or recreational purposes. Blimps and inflatable rides are not considered inflatables for purpose of this section.

["Large event"] means an event that has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic; uses a single pedestrian island or pedestrian plaza or Military Island; requires significant set-up including, but not limited to, erection of structures that may require a Department of Building permit; and requires substantial coordination between SAPO and City agency staff, including the Police Department, Fire Department, Department of Transportation and the Executive Director of Office of Citywide Event Coordination and Management.

"Medium event" means an event that impacts pedestrian and/or vehicular traffic and requires significant set up on a sidewalk and/or curb lane, pedestrian island or pedestrian plaza or includes an obstruction such as a tent, canopy, stage platform, bleacher, reviewing stand, outdoor bandstand or similar structure that may requires a Department of Building permit; and requires coordination between SAPO and City agency staff, including the Police Department, Department of Transportation and the Executive Director of the Office of Citywide Event Coordination and Management.

"Pedestrian island" means any public space abutting or separating a roadway or roadways that can accommodate pedestrians.]

"Pedestrian plaza" means an area designed by the Department of Transportation for pedestrian circulation, use, and enjoyment [by pedestrians located] on property under the jurisdiction of the Department of Transportation including, but not limited to, property mapped as a public place or property within the bed of a roadway, and which

may contain [benches, tables or other facilities for pedestrian use] amenities such as tables, seating, trees, plants, lighting, bike racks, or public art. Pedestrian plazas are categorized into the levels defined below, and a list of levels and which Pedestrian plazas fall into a particular level are available at <http://www1.nyc.gov/site/cecm/permitting/plazas.page>.

“Pedestrian plaza, Level A” means a Pedestrian plaza where (a) the total size is greater than 100,000 square feet, the total area occupies more than 2 consecutive Blocks, and the area is located near a Transit hub, a Civic center and a Commercial center; or (b) the total size is less than or equal to 100,000 square feet but greater than 30,000 square feet, the total area occupies more than 4 consecutive Blocks and the area is located near a combination of at least 2 of the following: a Transit use, a Civic center or a Commercial center.

“Pedestrian plaza, Level B” means a Pedestrian plaza where (a) the total size is less than or equal to 100,000 square feet but greater than 30,000 square feet, the total area occupies one or more Blocks, and the area is located near a Transit hub, Civic center or a Commercial center; or (b) the total size is less than or equal to 30,000 square feet but greater than 10,000 square feet, the total area occupies more than 2 consecutive Blocks and the area is located near a combination of at least 2 of the following: a Transit hub, a Civic center or a Commercial center.

“Pedestrian plaza, Level C” means a Pedestrian plaza where (a) the total size is less than or equal to 30,000 square feet but greater than 10,000 square feet, the total area occupies one or more Blocks, and the area is located near a Transit hub, Civic center or a Commercial center; or (b) the total size is less than or equal to 10,000 square feet, the total area occupies more than 2 consecutive Blocks and the area is located near a Transit hub, a Civic center and a Commercial center.

“Pedestrian plaza, Level D” means a Pedestrian plaza where (a) the total size is less than or equal to 10,000 square feet, the total area occupies one or more Blocks, and the area is located near a Transit hub, a Civic center or a Commercial center.

“Pedestrian plaza partner” means an organization selected by the Department of Transportation to assist with functions related to Pedestrian plazas, pursuant to a non-exclusive agreement with the Department, pursuant to chapter 13 or 14 of the City Charter. Such functions may include, but are not limited to, the design, daily management, maintenance, programming, and the provision of funding to support such functions.

“Plaza event” means any activity within a Pedestrian plaza where the activity will interfere with or obstruct the regular use of such Pedestrian plaza, but shall not include activities conducted pursuant to a valid film, parade or construction permit.

“Plaza event, Large” means usage of over fifty percent (50%) of a Pedestrian plaza’s square footage with an expected attendance between fifty percent to one hundred (50-100%) of the Pedestrian plaza’s capacity and held with or without the use of amplified sound.

“Plaza event, Medium” means usage of twenty-five to fifty percent (25-50%) of the Pedestrian plaza’s square footage with an expected attendance between twenty-five to fifty percent (25-50%) of the Pedestrian plaza’s capacity and held with or without the use of amplified sound.

“Plaza event, Small” means usage of less than twenty-five percent (25%) of the Pedestrian plaza’s square footage with an expected attendance of less than twenty-five percent (25%) of the Pedestrian plaza’s capacity and held without the use of amplified sound.

“Press Conference/Rally/Stationary Demonstration” means a public convening with minimal elements on the street and/or Pedestrian plaza, requiring the use of one or more Pedestrian plaza(s) or the closure of one or more block(s) of the street or a portion thereof, for a single day, and which is not a Commercial/Promotional event or a Charitable event and no fundraising or the sale of goods or services occurs.

“Production event” means an event that occurs for [a short period of time] no more than fifteen (15) consecutive days in a curb lane and/or sidewalk to facilitate the pick-up and drop off of passengers and the set-up or break down of event components only, has no impact on pedestrian and/or vehicular traffic and requires minimal coordination between SAPO, the Office of Citywide Event Coordination and Management and the Applicant.

["Small event"] means an event that occurs for a short period of time with low or minimum impact on pedestrian or vehicular traffic, requires little coordination between SAPO, the Executive Director of the Office of Citywide Event Coordination and Management and the Applicant. A small event includes, but is not limited to:

- (a) use of the curb lane, sidewalk, pedestrian island or pedestrian plaza for placement of promotional materials; or
- (b) an event with a commercial or promotional elements that denote guest arrival and departure at a specific venue.]

“Street event” means any activity on a public street, street curb lane, or sidewalk where the activity will interfere with or obstruct the regular use of the location by pedestrian or vehicular traffic but shall not include activities conducted pursuant to a valid film permit, parade or construction permit.

"Street event, Large" means a Commercial/Promotional event or a Charitable event that has an extensive impact on the surrounding community and vehicular and/or pedestrian traffic; includes the full street closure of one city block; requires significant set-up including, but not limited to, erection of structures that may require a Department of Building permit; and requires substantial coordination between SAPO, including the Executive Director of Office of Citywide Event Coordination and Management, and City agency staff, including the Police Department, Fire Department, Department of Transportation.

"Street event, Medium" means a Commercial/Promotional event or a Charitable event that impacts pedestrian and/or vehicular traffic and requires significant set up on a sidewalk and curb lane, or includes an obstruction such as a tent, canopy, stage platform, bleacher, reviewing stand, outdoor bandstand or similar structure that may require a Department of Building permit; and requires coordination between SAPO and City agency staff, including the Police Department, Department of Transportation and the Executive Director of the Office of Citywide Event Coordination and Management.

"Street event, Small" means an event that occurs for a short period of time with low or minimum impact on pedestrian or vehicular traffic and requires little coordination between SAPO, including the Executive Director of the Office of Citywide Event Coordination and Management, and the Police Department and the Applicant. A Street event, Small includes, but is not limited to:

- (a) use of the curb lane or sidewalk for placement of promotional materials, red carpet, tent(s) or display of a vehicle; or
- (b) a Commercial/Promotional event.

"Street fair" means a community sponsored event requiring a street closure of one block or more in which the general public can purchase goods or services provided by vendors and vendors may pay a fee to participate.

"Transit hub" means a use of property for a mass transit station or stop and or the interchange of multiple modes of transportation.

"Vendor" means an individual, entity or organization that sells or offers for sale, food, goods, tickets or services.

§ 2. Sections 1-03 through 1-05 of Chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:

§1-03 Application Requirements and Deadlines.

(a) A street activity permit is required to conduct any event as defined by section 1-01 of these rules [when such activity may interfere with or obstruct the normal use by pedestrian or vehicular traffic of such street or sidewalk].

(b) All Applicants are required to identify a contact person and include their complete contact information for purposes of communications concerning the application and the proposed event. If a permit requires a Community sponsor then an individual from the organization must be listed as the contact person.

(c) Applicants are required to submit the following with applications:

- (1) processing fee;
- (2) proof of status as a Community [Sponsor] sponsor, if applicable;
- (3) proof of documented not-for-profit tax exempt status with State or federal records, if applicable;
- (4) \$1,000,000 liability insurance as required by section 1-08(b) of this chapter; and
- (5) plans outlining components of the proposed [street activity] Street event or Plaza event.

(d) Applications shall be submitted by the following deadlines:

- (1) Block party applications must be submitted [90] 60 days prior to event date.
- (2) Clean-up applications must be submitted 60 days prior to event date.
- (3) [Farmer's market] Charitable event applications must be submitted [90] 60 days prior to the event date.
- (4) [Charitable, commercial or promotion, or civic] Civic event applications must be submitted [30] 60 days prior to event date [except applications of extra-small and small events that occupy sidewalk or curb lanes only which must be submitted 10 business days prior to the event date].
- (5) Farmer's market applications must be submitted 60 days prior to the event date.
- (6) Health fair applications must be submitted 60 days prior to the event date.
- (7) Pedestrian plaza Level A and Pedestrian plaza Level B applications must be submitted 60 days prior to the event date, except applications for multiple Pedestrian plazas in the same area must be submitted 90 days prior to the event date.
- (8) Pedestrian plaza Level C applications must be submitted 45 days prior to the event date and include usage of only one plaza.
- (9) Pedestrian plaza Level D applicants must be submitted 30 days prior to the event date and include usage of only one plaza.
- (10) Press Conference/Rally/Stationary Demonstration applications must be submitted 10 days prior the event date. Where an Applicant can demonstrate that the need for this type of event was not known in time to file an application earlier, the Applicant may submit an application less than 10 days prior to the event date.

(11) Production event applications must be submitted 10 days prior to the event date.

(12) Street event, Large applications must be submitted 60 days prior to the event date.

(13) Street event, Medium applications must be submitted 45 days prior to the event date.

(14) Street event, Small applications must be submitted 30 days prior to the event date.

(15) Street fair applications must be submitted no later than December 31st of the year preceding the calendar year for which the proposed street fair will take place. For Street fairs that are only one day and one block in length, applications will be accepted 90 days prior to the event date.

(e) Applicants or community sponsors for street fairs shall be limited to one event per application and two events per calendar year.

(f) All events that require a full street closure must allow for a 15-foot emergency vehicle lane.

(g) SAPO applications may be completed and submitted online at <https://nyceventpermits.nyc.gov> or any successor website. If an online submission is not possible or if paper submission is preferred, Applicants may obtain and submit paper copies at SAPO offices.

(h) For events that require a full street closure or the use of more than twenty-five percent (25%) of a Pedestrian plaza, a site visit will be scheduled with SAPO and other relevant city agencies.

§1-04 Submitting and Processing of Applications.

(a) All event applications shall be submitted directly to SAPO.

(b) SAPO will make available applications for street fairs, block parties, farmer's markets and clean-ups to the community board(s) for the community district(s) that encompass(es) the area(s) in which the proposed street fair, block party, farmer's market, or clean-up is to take place.

(c) SAPO will make available applications for Plaza event permits to the community board(s) for the community district(s) that encompass(es) the Pedestrian plaza(s) in which the proposed Plaza event is to take place and to the Plaza partner(s) for the Pedestrian plaza(s) in which the proposed Plaza event is to take place.

(d) There shall be a non-refundable twenty-five dollar processing fee for all applications. Online submissions may be subject to an additional convenience fee.

[(d)] (e) Applications for rain dates or other make-up dates are not accepted.

[(e)] (f) If two or more applicants request the same date and the same location, the application from the Applicant who held a permit for such date and such location in the calendar year immediately preceding the calendar year for which such permit is now sought shall be eligible for approval; provided however, that if neither of such Applicants held a permit for such date and such location in the calendar year immediately preceding the calendar year for which such permit is now sought, the permit application from the Applicant that was received first shall be eligible for approval.

(g) For street fairs, block parties, farmer's markets and clean-up applications and for Pedestrian plaza events, SAPO shall notify the community board in which the proposed event will take place that the application is available for agency review and comment on the CEMS database. SAPO shall notify the Plaza partner for the Pedestrian plaza in which a proposed Plaza event will take place that the application is available for review in the CEMS database.

[(f)] (h) The community board shall have thirty (30) days to forward its recommendation for approval, approval with conditions or denial of a street activity permit application to SAPO for further processing, and shall notify the applicant in writing of such recommendation. If the community board has recommended approval with conditions or denial of a street activity permit application, it shall also notify the applicant of the applicant's opportunity to comment on such recommendation to SAPO.

(1) In the event that the community board recommends approval with conditions or denial of the permit application, an Applicant shall have five (5) business days from the receipt of the notification by the community board of its recommendation to file written comments with SAPO.

(2) If the board recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the board gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.

(i) The Plaza partner shall have ten (10) business days to forward its recommendation for approval or denial of a Plaza event application to SAPO for further processing. If the Plaza partner has recommended approval with conditions or recommended denial of a Plaza event permit application, SAPO shall also notify the Applicant of the Applicant's opportunity to comment on such recommendation to SAPO.

(1) If the Plaza partner recommends approval with conditions or recommends denial of the permit application, an Applicant shall have five (5) business days from the receipt of the notification to file written comments with SAPO.

(2) If the Plaza partner recommends denial and the Applicant fails to file written comments within the time provided, then the application shall be deemed denied. If the Plaza partner gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.

[(g)] (j) Upon receipt of an event application, the application will be available for review via the Citywide Event Management Systems “CEMS” database by the Police Department, the Fire Department, the Department of Sanitation, [and] the Department of Transportation, the Community Board and the Plaza partner if a Plaza event is involved. Additional copies may also be sent to other agencies, including, but not limited to, the Department of Health and Mental Hygiene, the Department of Consumer Affairs, the New York City Transit Authority, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency.

(k) Applicants who submit an application for an Extra-Large event, Street or Plaza or a Street event, Large or Street Event, Medium who withdraw their application or decline a permit fewer than ten (10) calendar days prior to the event date will be assessed a cancellation fee of ninety percent (90%) of the city’s cost to process the application.

§1-05 Approval or Denial of Applications by the Street Activity Permit Office.

(a) The Director of SAPO shall take into consideration any recommendations or comments received from community boards and Plaza partners, where applicable, or City agencies or other government agencies in determining whether to approve, approve with conditions, or deny a [street activity] Street event permit application or a Plaza event permit application. At any time during the review of an application for a street activity permit or a Plaza event permit, the Director of SAPO or Executive Director of CECM or his or her designee may require the submission by the Applicant of such additional information that he or she deems necessary to evaluate the application or the qualifications of the Applicant or to implement the requirements of these rules.

(b) The Director shall have the authority to deny an application, to condition the approval of an application, or to revoke a [street activity] Street event or Plaza event permit, based on the past or present failure of the Applicant:

(1) to make payment of the processing fee; or

(2) to make payment to, or reach satisfactory agreement with all agencies, (e.g., the Department of Sanitation regarding a clean-up deposit); or

(3) to present proof that all necessary and proper licenses, permits, insurance or authorizations have been received; or

(4) to make payment to, or reach satisfactory agreement with, SAPO regarding a [street activity] Street event fee or a Plaza event fee; or

(5) to comply with applicable laws or rules; or

(6) to comply with a condition imposed on a permit issued previously to the Applicant; or

(7) to provide the Director or Executive Director of CECM with any additional information which he or she has determined to be necessary to evaluate the application or the qualifications of the Applicant.

(c) In addition to the provisions of subdivision (b) of this section, the Director shall have the authority to deny an application, condition the approval of an application or revoke a [street activity] Street event permit or a Plaza event permit on any or all of the following grounds:

(1) The Police Department, the Fire Department, the Department of Sanitation, the Department of Transportation, the Department of Health and Mental Hygiene, the Department of Buildings, the Department of Consumer Affairs, the New York City Transit, the Human Resources Administration, the Department of Finance, the Department of Investigation, the New York State Department of Taxation and Finance, or any other appropriate agency that received a copy of a [street activity] Street event permit application or a Plaza event application for comment, has notified the Director of SAPO of its disapproval and the reasons therefor; or

(2) the proposed activity, when considered in conjunction with other proposed activities, would produce an excessive burden on the community, City services or City personnel; or

(3) the information provided on the application or forms or documentation required to be submitted is false, misleading, incomplete or inaccurate; or

(4) approval of the application is not in the best interest of the community, City or general public for reasons that may include, but are not limited to, lack of good character, honesty, integrity or financial responsibility of the Applicant. If the Director determines that the application shall be denied on the ground that the Applicant lacks good character, honesty, integrity or financial responsibility, the Director shall notify the Applicant that the application has been denied and shall specify the reason for such

denial. The Applicant may thereafter respond to the Director's determination and appeal such denial pursuant to the provisions of § 1-06 of these rules.

(d) For the calendar year 2016, the Director will deny applications for [street activity] Street event permits for street fairs not held in the calendar year 2016.

(e) All information pertaining to anticipated vendors participating in a street fair must be submitted one week prior to the date of the event. If this information is not provided, the final permit may not be issued. This information must include the anticipated gross income received from [vendors] Vendors, the number of spaces occupied by documented not-for-profit organizations, including but not limited to the applicant's organization, the number of spaces occupied by [commercial vendors] Vendors and the amount paid by both documented not-for-profit organizations and the [commercial vendors] Vendors. The applicant must affirm the accuracy of this information. Information reflecting the final attendance of [vendors] Vendors that took part in the [street] Street fair must be submitted one week after the event took place. SAPO may request additional documentation to verify the [vendor] Vendor fees received by Applicant.

[(e)] (f) The Director will deny applications submitted for [street activity] Street event permits for any street fair, block party or other street activity requiring closure of a street located between 42nd Street and 50th Street and between 6th Avenue and 8th Avenue in the borough of Manhattan. The Director must make reasonable efforts to find alternative locations for street fairs, block parties and other street activities that took place in this area during calendar year 2015.

§ 3. Subdivision c of section 1-08 of Chapter 1 of Title 50 of the Rules of the City of New York is repealed and replaced with the following:

(c) In addition to the application processing fees specified in this section, and subject to section 1-08(f), the following Street event fees and Plaza event fees are hereby imposed upon holders of permits for the following types of street and Plaza activities:

| <u>Event Type</u> | <u>Fee</u> | <u>Deadline</u> |
|-----------------------------------|--|-----------------|
| <u>Block Party</u> | <u>Processing fee only</u> | <u>60 Days</u> |
| <u>Charitable Event</u> | <u>20% of the event fee charged based on the event size and location</u> | <u>60 Days</u> |
| <u>Civic Event</u> | <u>Processing fee only</u> | <u>60 Days</u> |
| <u>Clean-up</u> | <u>Processing fee only</u> | <u>60 Days</u> |
| <u>Day fee (as per § 1-08(a))</u> | <u>\$35 each day after the first day</u> | |
| <u>Farmers Market</u> | <u>\$15 per day</u> | <u>60 Days</u> |

| | | | |
|--|---|---|--|
| <u>Health Fair</u> | <u>Processing fee only</u> | | <u>60 Days</u> |
| <u>Plaza Event (Pedestrian plaza Level A)</u> | <u>Fee per Plaza block</u> <u>\$31,000 Large</u> <u>\$15,500 Small or Medium</u> | | <u>60 Days (1 Plaza block)</u> <u>90 days (Multiple Plaza blocks)</u> |
| <u>Plaza Event (Pedestrian plaza Level B)</u> | <u>MN Plaza Event Fees per Plaza block</u> <u>\$20,000 Large</u> <u>\$10,000 Medium</u> <u>\$5,000 Small</u> | <u>SI, QN, BX, BK Plaza Event Fees per Plaza block</u> <u>\$8,000 Large</u> <u>\$4,000 Medium</u> <u>\$2,000 Small</u> | <u>60 Days (1 Plaza block)</u> <u>90 days (Multiple Plaza blocks)</u> |
| <u>Plaza Event (Pedestrian plaza Level C)</u> | <u>MN Plaza Event Fees per Plaza block</u> <u>\$11,000 Large</u> <u>\$5,500 Medium</u> <u>\$2,500 Small</u> | <u>SI, QN, BX, BK Plaza Event Fees per Plaza block</u> <u>\$5,000 Large</u> <u>\$2,500 Medium</u> <u>\$1,000 Small</u> | <u>45 Days</u> |
| <u>Plaza Event (Pedestrian plaza Level D)</u> | <u>MN Plaza Event Fees</u> <u>\$2,500 Large</u> <u>\$1,250 Medium or Small</u> | <u>SI, QN, BX, BK Plaza</u> <u>\$2,000 Large</u> <u>\$1,000 Medium or Small</u> | <u>30 Days</u> |
| <u>Press Conference/Rally/Stationary Demonstration</u> | <u>Processing fee only</u> | | <u>10 Day unless need for event could not be anticipated in advance</u> |
| <u>Production Event</u> | <u>\$290 (with curb lane or sidewalk)</u> <u>\$700 (with curb lane and sidewalk)</u> | | <u>10 Days</u> |
| <u>Street event</u> | <u>Street event, Large \$25,000</u> <u>Street event, Medium \$11,000</u> <u>Street event, Small \$3,100</u> | | <u>60 Days</u> <u>45 Days</u> <u>30 Days</u> |
| <u>Street Fair</u> | <u>20% of the total fee paid by vendors to participate</u> | | <u>December 31st of the preceding year.</u> <u>Applications for 1 day/1 block, 90 days</u> |
| <u>[Production Event, Extra</u> | <u>\$290 (with curb lane or</u> | | |

| | | |
|---|--|--|
| <u>Small Event</u> | <u>sidewalk)/\$700 (with curb lane and sidewalk)</u> | |
| <u>Small Event</u> | <u>\$3,100</u> | |
| <u>Small Event in Times Square Pedestrian Plaza or Herald Square Pedestrian Plaza</u> | <u>\$9,950</u> | |
| <u>Medium Event</u> | <u>\$11,000</u> | |
| <u>Medium Event in Times Square Pedestrian Plaza or Herald Square Pedestrian Plaza</u> | <u>\$22,500</u> | |
| <u>Large Event</u> | <u>\$25,000</u> | |
| <u>Large Event in Times Square Pedestrian Plaza/Military Island or Herald Square Pedestrian Plaza</u> | <u>\$50,000</u> | |
| <u>Extra Large Event</u> | <u>up to \$66,000 per location</u> | |
| <u>Charitable Event</u> | <u>10% of the fee if the event was produced by a for-profit corporation and qualified for a different category of event based on size, function, etc.</u> | |
| <u>Civic Event</u> | <u>50% of the fee if the event was produced by a for-profit corporation and qualified for a different category of event based on size, function, etc.]</u> | |

§ 4. Subdivisions d through h of section 1-08 of Chapter 1 of Title 50 of the Rules of the City of New York are amended to read as follows:

(d) For a current listing of Pedestrian plazas by level category, please refer to: <http://www1.nyc.gov/site/cecm/permitting/plazas.page>.

(e) This schedule does not apply to the following:

- (1) sites or events covered by a license, lease or third party agreement with the City of New York, unless otherwise provided by a rule issued by the licensor, leasing or contracting agency;
- (2) City agency facilities, departmental or administrative offices;
- (3) [demonstrations or similar events;

(4)] parades; or

[(5)] (4) Plaza events of a [business improvement district or a non-profit entity operating a pedestrian island or plaza] Plaza partner operating a Pedestrian plaza pursuant to a contract or concession from the City if:

- (i) such entity is the Applicant for the event;
- (ii) the event furthers civic, cultural or charitable purposes or the marketing and promotion of local businesses generally or a neighborhood within the business improvement district but does not promote a single or specified entities or businesses within the business improvement district;
- (iii) [if] the vendors and/or merchants donate their goods and services for the Plaza event, they receive no monetary compensation or other reimbursement for their participation; and
- (iv) if tickets are sold, their sales benefit of the community and not a single entity.

[(e)] (f) The Director of SAPO shall have the authority to require:

- (1) 25% of the expected total street use fee due for street fairs be made no later than the Tuesday prior to the date of the street activity and that any amounts remaining owed to the City be paid no later than 30 days following the date of such activity.
- (2) An independent audit for events with vendors where the applicant/sponsor pays a SAPO fee over \$20,000.

[(f)] (g) Fees under this section, with the exception of [production events and extra small events] Production events shall be assessed on a daily basis. Production events and [extra small events] shall be assessed fees on a daily basis up to a maximum of \$1,000.

[(g)] (h) The fees authorized by this section shall be in addition to any bonding requirement imposed by the Director or the Department of Sanitation or any other bond or fee imposed by any City agency.

[(h)] (i) The Director of SAPO shall have the authority to require that full or partial payment of the street use fee be made prior to the date of the street activity and to require that any amounts remaining owed to the City be paid within a specified period of time following the date of such activity.

**NEW YORK CITY LAW DEPARTMENT
DIVISION OF LEGAL COUNSEL
100 CHURCH STREET
NEW YORK, NY 10007
212-356-4028**

**CERTIFICATION PURSUANT TO
CHARTER §1043(d)**

RULE TITLE: Events Held On Pedestrian Plazas

REFERENCE NUMBER: 2016 RG 063

RULEMAKING AGENCY: Office of Citywide Event Coordination and Management

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN
Acting Corporation Counsel

Date: July 5, 2016

**NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS
253 BROADWAY, 10th FLOOR
NEW YORK, NY 10007
212-788-1400**

**CERTIFICATION / ANALYSIS
PURSUANT TO CHARTER SECTION 1043(d)**

RULE TITLE: Events Held On Pedestrian Plazas

REFERENCE NUMBER: CECM-SAPO-6

RULEMAKING AGENCY: Office of Citywide Event Coordination and Management – Street Activity Permit Office

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) Does not provide a cure period because it does not establish a violation, modification of a violation, or modification of the penalties associated with a violation.

/s/ Francisco Navarro
Mayor's Office of Operations

July 5, 2016
Date