

EXHIBIT 4
Siting Criteria

The general provisions contained in this Appendix apply to all Franchise Structures including those replacing Pre-Existing PPTs.

A. General Provisions

1. Clear Path. All Franchise Structures shall be installed so as to allow a minimum of 8 feet or one half of the sidewalk, whichever is greater, of straight unobstructed path (“clear path”) for pedestrian circulation on the sidewalk. No grates or cellar doors shall be included as a part of the clear path directly in front of or behind a Franchise Structure.
2. Sight Lines. The placement of the Franchise Structures shall not interfere with pedestrian or motorist sight lines necessary for traffic safety.
3. Minimum Distance Requirements. Unless otherwise stated, distances shall be measured between the nearest points, viewed in plan, of the Franchise Structure and the specified object or element. Where a distance is required to be measured parallel to the curb line, the measurement shall be taken between the two lines perpendicular to the curb line, one touching the Franchise Structure and the other touching the specified object or element, that are closest to each other. Minimum distances shall be required between the Franchise Structure and specified elements or objects as detailed in Title 67, Chapter 6 of the Rules of the City of New York. To view the existing siting and clearance requirements please visit: http://72.0.151.116/nyc/rcny/Title67_6-41.asp. Reference to clearance from bus stops in said rules shall also apply (at a minimum) to clearance from any bus stop shelters associated with such bus stops. In addition to the requirements stated in the rules, in no event shall the new Franchise Structures and Pre-Existing PPTs be allowed within the following:
 - a) 15’ of an outdoor or elevated subway entrance
 - b) 15’ of street furniture with advertisement panel
 - c) 15’ radius of a fire hydrant
 - d) 15’ of an enclosed sidewalk café
 - e) 5’ of standpipe or sprinkler connection, siamese connection, etc.
 - f) 10’ of a driveway
4. Vaults. Where a vault is present, the Franchisee shall submit certification from an engineer that the installation of the Franchise Structure will in no way damage the vault.
5. Electrical Sources. Franchise Structures should be as close as possible, subject to all other distance requirements, to the source of electricity, if required for the operation of the Franchise Structure (and to any other pipes, conduits or similar

- structures that may be required for such operation). Such Franchise Structures that require an external electric power source may not be sited farther than 150 feet from the nearest available electric power source, unless otherwise directed by the City. The Franchisee is prohibited from using a traffic signal or Con Edison type #12 post, or any power source across a major or protected roadway, unless authorized to do so by the Department.
6. Landmarks and Historic Districts. The placement of the Franchise Structures in Historic Districts will be subject to the rules of the Landmarks Preservation Commission. No new Franchise Structure shall be erected parallel to a landmark site.

B. Special Circumstances

The Commissioner may waive or modify the above criteria in specific cases, except where prohibited by law, if, in his or her opinion, such waiver or modification is consistent with the public health, safety and general welfare. No such waiver or modification shall be granted without prior consultation with the affected Council Member, Borough President, and Community Board. Similarly, the Department may refrain from authorizing the siting of a Franchise Structure at a particular location that in the opinion of the Commissioner would result in an over-concentration of Franchise Structures.

Notwithstanding anything contained herein, the siting of Franchise Structures shall be subject to any applicable requirements of the New York City Administrative Code.