

**NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION**

**NOTICE OF ADOPTION**

**Revision of New York City Department of Parks and Recreation's Rules**

**NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY INVESTED IN** the Commissioner of the Department of Parks and Recreation (“Parks” or “the Department”) by Sections 389 and 533(a)(9) of the New York City Charter and in accordance with the requirements of Section 1043 of the New York City Charter, that Parks hereby revises § 2-08 of Chapter 2, Title 56 of the Official Compilation of Rules of the City of New York.

Written comments regarding the rules were received in accordance with the notice published in the City Record or electronically through NYC RULES at [www.nyc.gov/nyrules](http://www.nyc.gov/nyrules) and at a public hearing held on July 7, 2023 at the Al Oerter Recreation Center, 131-40 Fowler Avenue, Flushing NY 11355. Written comments and a recording of the oral testimony from the hearing were made available to the public within a reasonable time of the hearing Monday through Friday between the hours of 9:00 a.m. and 5:00 p.m. at The Arsenal, 830 Fifth Avenue, New York, NY 10065, Room 312, telephone (212) 360-1355.

## **Statement of Basis and Purpose**

The Department is revising § 2-08 of Chapter 2, Title 56 of the Rules of the City of New York. The rules change the date when the Department will begin to accept applications for Special Events permits from November to September. The Department expects this additional time will assist event planners in executing successful events by allowing an additional two months for the planning process. The rules continue to include provisions that maintain fairness in the application process. This approach preserves the clarity of a single, comprehensive permit application opening date that applies across the board to all event producers.

In addition, the rules establish a process for large-size or multi-day events in Flushing Meadows Corona Park (“FMCP”) and, in so doing, provide better guidance to permit applicants regarding the size and duration of suitable events in FMCP. FMCP is the largest park in Queens, and for nearly 1 million New Yorkers, is the most significant outdoor open space to which they may have access. Because FMCP serves a multitude of uses including stadiums, cultural institutions, concessions and attractions, the remaining space for everyday recreation, including for permitted events, is only about one-third of FMCP’s total acreage. Events of 2,000 or more people put additional burdens on FMCP’s resources and can restrict normally accessible areas of the Park and create parking and traffic congestion problems. The rules will account for the large crowd size, transportation impacts, and length of events while ensuring the protection of FMCP’s natural and landscaped environment, as well as preserving accessibility by members of the public not attending the planned events to other parts of FMCP, including its cultural institutions, concessions, and recreational resources. In addition, the rule changes the Department’s policy of giving preference to events that took place in the prior year and instead, in FMCP, gives preference to events that did not take place in the prior year, except in the case of events that have a 10-year or longer history in FMCP. This deviation from the standard Department policy is to promote a broader array of events and greater access to FMCP.

Specifically, the rules:

### **Move up the date when applicants can submit their applications for The Department’s Special Events on the permit portal from the first Monday in November to the Tuesday following Labor Day in September.**

- Permit applications received between the Tuesday following Labor Day in September and October 1 in the calendar year immediately preceding the calendar year for which such permits are sought will be processed as pursuant to the procedures currently in place for the period of the first Monday in November to December 1.
- All permit applications received after October 1 in the calendar year immediately preceding the calendar year for which the permit is sought will be processed on a “first come, first served” basis.

### **Set forth guidelines for permit applications for large events in FMCP, defined as events where organizers expect 2,000 or more attendees.**

These guidelines are meant to create a standard for large events in FMCP that may coincide with other events not subject to permit requirements, such as New York Mets games and the U.S. Open tennis tournament, and, therefore, impact FMCP's resources and interfere with other uses of FMCP to a greater extent than smaller events.

**Require applicants seeking Special Event permits for large events in FMCP to submit a transportation plan.**

Because of its location, the fact that it is served by only one subway line, and because many other portions of Queens have limited public transportation, most visitors to FMCP travel by car, regardless of whether they are visiting FMCP for recreation or a special event. Limited parking can result in illegal parking on FMCP grounds and excessive traffic that causes damage and hinders visitors. A transportation plan that accommodates all vehicles in appropriate parking places will prevent lawn damage, keep nearby neighborhoods from being overwhelmed with cars, and allow regular FMCP users to enjoy its amenities. Such transportation plans must also include methods for informing attendees before the event about alternate transportation methods and any potential incentives that may be offered to reduce or limit the need for parking. Organizers of large events at FMCP have often made arrangements with local parking lots to accommodate attendees' vehicles and event production vehicles, and have hired parking attendants to direct cars to legal parking. The rules require organizers to develop a plan acceptable to the Department to address parking for their event.

**Limit the number of multi-day events to no more than two events per calendar year.**

Events held over multiple days have an even greater impact on the Park than single-day large events. In addition to the fact that multiple-day events are longer than single-day events, they usually require a greater level of set-up and take down and thus significantly increase the length of time that the use of FMCP by the general public is limited. In addition to the two multi-day events authorized by this rule, events that have occurred in FMCP for a minimum of ten years may continue to take place provided that the event complies with all other applicable Department rules. These limitations provide the Department with the flexibility to permit a variety of events while maintaining a reasonable balance between uses, while also ensuring continuity with events that meet the definition of a Large FMCP Event and have been occurring historically and continuously in FMCP.

**Set maximum attendance for events within FMCP to 40,000 at any one time.**

- The Department has determined that given FMCP's layout, 40,000 is the maximum number of attendees that can safely participate in an event without unduly risking damage to the natural and landscaped areas, including lawns, flowers, and shrubs, and historic features, and without unreasonably affecting other patrons' ability to use FMCP, including its cultural institutions, athletic fields, and other amenities.
- At the Historic Core, more than 40,000 attendees would likely overrun nearby fields permitted for athletic events, severely inhibit the ability to traverse FMCP, negatively impact patrons' ability to reach other FMCP amenities, and risk damage to the area's historic features, including its fountains, sculptures, pavilions, and the Unisphere. Moreover, the perimeter necessary to preserve the use of sports fields for regularly scheduled athletic events, protect landscapes and historic features, and maintain reasonable

flow of patrons' to access other parts of FMCP, in addition to the natural perimeter created by Meridian Road, limits the number of people that can safely fit in the Historic Core.

- In the Meadow Lake area, an event of over 40,000 patrons would likely force attendees onto fields and landscaped areas prone to flooding as well as onto a decorative garden, all of which would be significantly damaged as they are not suited to large numbers of visitors at one time.
- This limitation applies to both ticketed and non-ticketed events. Organizers of ticketed events are required to issue tickets in a manner such that no more than 40,000 people will be present in FMCP at any one time. Events meant to be accessible to all without tickets must monitor crowd size in FMCP through other means to ensure the integrity of the Park is not jeopardized.

### **Create new Standard for Awarding FMCP Multi-Day Events**

The rules include a deviation from the Department's default policy of providing preference to events that also took place in the prior calendar year. Instead, for FMCP only, the Department will give priority to the events that did not take place in the prior calendar year, other than in the case of events that have a 10-year or longer history in FMCP. This deviation from the standard Department rule is necessary to promote a broader array of events and greater access to FMCP.

After publishing the proposed rules in the City Record, comments were received from the public and the proposed rule has been modified to reflect certain of the recommendations received, specifically, to address the concern that all large events are not equal in scope and scale. Indeed, multi-day events of 2,000 attendees may have very different impacts on FMCP compared to events of 40,000 attendees. Moreover, events of such different sizes also tend to be put on by different types of operators: while local community organizations sometimes have the capacity to host an event for ten thousand or more attendees, generally only large-scale commercial operators are capable of hosting very large events. The Department, therefore, has determined that offering a tiered system provides the public the greatest diversity of types of events to enjoy. In addition, language was added to clarify that events will be considered multi-day events even if each day is separately ticketed. Finally, to address a geographic naming error, the "Historic Core Area" is identified as the location for multi-day events governed by these revised rules.

### **Establish criteria for processing permit applications.**

As there is a high demand for the use of space within FMCP, the Department seeks to process permits using criteria that protects public access to this popular and heavily used park.

The Department's authority for these rules is found in Sections 389, 533(a)(9), and 1043 of the New York City Charter.

"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.

**New text is underlined and deleted text is in brackets:**

**Section 1. Paragraphs (3) through (6) of subdivision (b) of section 2-08 of Title 56 of the Rules of the City of New York are amended to read as follows:**

(3) Applications for special event and demonstration permits will be accepted beginning on the first [Monday in November] Tuesday following Labor Day in September in the calendar year immediately preceding the calendar year for which such permits are sought.

(4) Permit applications received between the first [Monday in November and December 1] Tuesday following Labor Day in September and October 1 in the calendar year immediately preceding the calendar year for which such permits are sought will be processed as follows:

- (A) if two or more permit 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 more than one 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.
- (B) if two or more permit applicants request the same date and the same location and none of these 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 that was received first shall be eligible for approval.

(5) All permit applications received after [December] October 1 in the calendar year immediately preceding the calendar year for which the permit is sought will be processed on a “first come, first serve” basis.

(6) The provisions contained in paragraphs (1) and (2) of this subdivision shall be subject to the following:

- (A) For permit applications received between the first [Monday in November and December 1] Tuesday following Labor Day in September and October 1 in the calendar year immediately preceding the calendar year for which such permits are sought, the Department shall respond to the applicant no later than the third Monday in [December] October of the calendar year immediately preceding the calendar year for which such permit is sought with one of the following responses:

- (i) written notification that the permit application has been denied and a statement of the reason or reasons pursuant to paragraph (c) of this subdivision for such denial;
  - (ii) written notification that more information is needed before the Department can make a determination as to a particular permit application; or
  - (iii) issuance of the permit.
- (B) For permit applications received after [December] October 1 in the calendar year immediately preceding the calendar year for which such permits are sought, the Department shall respond to the applicant with one of the responses enumerated in clauses (A) through (C) of subparagraph (i) of this paragraph in accordance with the following schedule:
- (i) for applications filed 45 days or more prior to the date for which such permit is sought, the Department shall respond no later than thirty days after the receipt of such applications;
  - (ii) for applications filed less than 45 days but more than 15 days prior to the date for which such permit is sought, the Department shall respond no later than ten days after the receipt of such applications;
  - (iii) for applications filed 15 days or less prior to the date for which such permit is sought, the Department shall respond as soon as is reasonably practicable.

**§ 2. Subdivision (b) of section 2-08 of Title 56 of the Rules of the City of New York is amended by adding a new paragraph (8), to read as follows:**

(8) Permit applications for any event at Flushing Meadows Corona Park (“FMCP”) may be submitted no earlier than the Tuesday following Labor Day in September, and no later than October 1 in the calendar year immediately preceding the calendar year in which the multi-day event would occur. Permits for multi-day events at FMCP, defined as an event that is open to guests for more than one day but no longer than three consecutive days, will be awarded based on the criteria outlined in section 2-08(w)(4), provided that:

- (A) the applicant confirms event attendance will not exceed 40,000 attendees per day and the specifies the method that will be used to ensure attendance does not exceed 40,000;
- (B) if two or more applicants apply before the October 1 deadline, and one of the applicants received a permit in the previous calendar year, preference will be given to the applicant, if any, who did not receive a permit in the previous calendar year;
- (C) events that have occurred in the FMCP for a minimum of ten consecutive years, excluding years where events were prohibited by State-imposed restrictions related to the Covid-19 pandemic, are not subject to Subparagraph 2-08(w)(4)(B).

**§ 3. Section 2-08 of Title 56 of the Rules of the City of New York is amended by adding a new subdivision (w), to read as follows:**

(w) Flushing Meadows Corona Park. The following conditions apply to applications for permits for events within FMCP:

- (1) An event in FMCP is subject to cancellation by the Commissioner due to inclement weather and ground conditions. Factors the Commissioner will take into consideration in determining whether to cancel an event shall include: (i) the possibility of lightning or other extreme weather condition; (ii) rainfall (including forecasted, current, or cumulative rainfall); (iii) soil saturation levels or other risks to turf health; and (iv) any other field conditions that might lead to significant damage to the Festival Area or the surrounding landscapes. The Commissioner may also consider other weather conditions such as excessive heat or any condition that could threaten public health and safety. These conditions are not solely related to weather but shall not be due to any exigent circumstances other than those that would risk public safety or the integrity of the Park. Such conditions may also be considered when reviewing specific event elements in addition to the event overall.
- (2) Attendance for an event in FMCP may not exceed 40,000 people per day.
- (3) Notwithstanding any other provision of this subdivision, the following additional conditions shall apply to any special event or demonstration within FMCP with an anticipated attendance of over 2,000 people (“Large FMCP Event”)
  - (A) A Large FMCP Event will not be permitted to occur during any time when the New York Mets (or any successor Major League Baseball (“MLB”) team) have a game scheduled to occur, or during the time when another MLB event is scheduled to occur.
  - (B) A permit granted for a Large FMCP Event may be modified or cancelled if the New York Mets (or any successor MLB team) has a regular-season game re-scheduled to occur during the time for which such permit was granted, or if the New York Mets (or any successor MLB team) has a post-season game that is scheduled to occur during the time for which such permit was granted in the event the Commissioner determines that that such Large FMCP Event cannot safely take place during such MLB event.
  - (C) All permit applications for Large FMCP Events must include a transportation plan acceptable to the Department that explains how applicants will:
    - (i) ensure there is available parking for event attendees as well as FMCP visitors who will not be attending the event;
    - (ii) prevent improper or illegal parking at FMCP or in the vicinity of FMCP; and

- (iii) inform attendees about alternate transportation methods, including any incentives that may be offered to attendees to reduce or limit the need for parking.
  - (D) Applicants must engage with necessary stakeholders outside the Department who reside or operate within FMCP to ensure that no conflicts exist. Such stakeholders shall include but not be limited to the Mets, USTA, Queens Theater in the Park, New York Hall of Science (NYSCI), Queens Museum or successor entities. Applicants must make good faith efforts to incorporate existing facilities and operations into their planning related to production, transportation, security, or any other element of a proposed event.
  - (E) A written acknowledgement by the applicant stating, in a form acceptable to the Department, how the applicant will comply with this subdivision must be fully executed no less than 10 days prior to the scheduled event's initial load in.
- (4) Notwithstanding any other provision of this subdivision, the following additional conditions shall apply to any event that is open to guests for more than one day but no longer than three consecutive days within FMCP, even if each day is separately ticketed ("Multi-Day FMCP Event"):
  - (A) A Multi-Day FMCP Event, subject to these provisions, may only be held in the Historic Core Area . "Historic Core Area" means the area adjacent to the Queens Theater and includes surrounding landscapes but shall expand no further than the Avenue of Commerce to the East, Avenue of the States to the west, Meridian Road to the south, and the Dwight D. Eisenhower Promenade and Unisphere Promenade to the north. The Historic Core Area shall not include these boundaries other than the Avenue of the States to the west.
  - (B) In any calendar year, there will be a maximum of two permits granted for Multi-Day FMCP Events, not counting events that have occurred in FMCP for a minimum of ten consecutive years, excluding years where events were prohibited by State-imposed restrictions related to the Covid-19 pandemic. Of the two permits granted for Multi-Day FMCP Events other than events that have occurred in FMCP for a minimum of ten consecutive years, the Department will grant a maximum of one permit for an event in each of the following categories: (a) events of 2,000 to 20,000 attendees and (b) events of 20,001 to 40,000 attendees. However, if there are (i) no applications for a permit in one category; or (ii) all applicants for a permit in one category withdraw their application; or (iii) the Department cannot issue a permit to any of the applicants in one category, the Department may, in its discretion, issue two permits for events in the other category.
  - (C) Multi-Day FMCP Events may only take place between April 1 and October 31. No Multi-Day FMCP Event or related operations (including load in or load out) may occur



during the period of the United States Tennis Association's US Open Tennis Championship ("US Open") or one week prior to or after the US Open, including its qualifying matches. Event days will not be permitted to occur on dates when an MLB event is scheduled to take place at the stadium currently called Citi Field ("Citi Field"), or on the date of any event having over 10,000 anticipated attendees and that is scheduled to use the Citi Field north lot for parking for such event. Within the April 1 to October 31 timeframe, a maximum of one multi-day event may take place within each of the following time periods: April 1-June 30; July 1-August 31; and September 1-October 31.

- (D) A permit granted for a Multi-Day FMCP Event may be modified or cancelled if the New York Mets (or any successor MLB team) has a regular-season game re-scheduled to occur during the time for which such permit was granted, or if the New York Mets (or any successor MLB team) has a post-season game that is scheduled to occur during the time for which such permit was granted in the event the Commissioner determines that that such multi-day event cannot safely take place during such MLB event.
  
- (E) Multi-Day FMCP Events may be permitted with a load in period of no longer than ten days prior to the event and a load out period no longer than five days following the final event day. Within these timelines, the Department shall limit closure of any public amenity for no more than one weekend. The Department shall work with the organizers of Multi-Day FMCP Events to ensure the public has the greatest access possible while the event can prepare their site safely.
  
- (F) Because available dates within FMCP are not necessarily known at the time applications are submitted, applicants for Multi-Day FMCP Events who submit timely applications that are otherwise compliant with the applicable rules will be considered regardless of the date they propose.
  
- (G) All Multi-Day FMCP Event permit applications will be considered following the close of the application period after the October 1 deadline. Applications will be considered in the order received, and categorized as set forth in paragraph (B) above. Other than events that have occurred in FMCP for a minimum of ten consecutive years, excluding years where events were prohibited by State-imposed restrictions related to the Covid-19 pandemic, any applicant that received a permit for the same or substantially similar event in the previous calendar year will be considered only after all otherwise-compliant applications for the same category from applicants that did not receive a permit in the prior calendar year have been reviewed. In the event multiple applications in a category are received on the same day where each has, or each has not, received a permit for the prior calendar year, such applications will be reviewed based as follows:
  - (i) the application that requests the fewest number of total days for its total term will be viewed more favorably;
  
  - (ii) if multiple applications request the same number of days for their term, the application that provides for the greatest free access to the general public or, if the

event is ticketed, the application that provides the greater percentage of free tickets to the public shall be viewed more favorably.

- (H) Applicants must engage with necessary stakeholders outside the Department who reside or operate within FMCP to ensure that no conflicts exist. Such stakeholders shall include but not be limited to the Mets, USTA, Queens Theater in the Park, New York Hall of Science (NYSCI), Queens Museum or successor entities. Applicants must make good faith efforts to incorporate existing facilities and operations into their planning related to production, transportation, security, or any other element of a proposed event.
- (I) A written acknowledgement by the applicant stating, in a form acceptable to the Department, how the applicant will comply with this subdivision must be fully executed no less than 10 days prior to the scheduled event's initial load in.