

NEW YORK CITY DEPARTMENT OF PARKS AND RECREATION

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of Parks and Recreation (“the Department”) is proposing to amend its rules governing permit applications for multi-day special events in Flushing Meadows Corona Park (“Park”) to remove the preference currently given to applications for events that were not held the previous year. Other than events that have a 10-year or longer history in the Park, all applications for multi-day events would be treated equally. In addition, the Department is proposing to amend its rules to allow two multi-day events for between 2,000 and 40,000 attendees, rather than allowing one multi-day event for between 2,000 and 20,000 attendees and one multi-day event for between 20,001 and 40,000 attendees. Moreover, the Department will clarify that there is no specific limitation on the number of multi-day special events for under 2,000 attendees.

When and where is the Hearing? The Department will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 A.M. on Thursday, August 29, 2024. The hearing will be held at the Al Oerter Recreation Center located at 131-40 Fowler Avenue, Flushing, NY 11355.

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

- **Website.** You can submit comments to the Department through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email written comments to nyc.rules@parks.nyc.gov.
- **Mail.** You can mail written comments to: Attn: Christine Cochetoux, The New York City Department of Parks & Recreation, The Arsenal, Central Park, 830 Fifth Avenue, New York, NY 10065.
- **Fax.** You can fax written comments to 212-360-1373.
- **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 212-360-1327. You can also sign up in the hearing room before the hearing begins on August 29, 2024. You may speak for up to three minutes. Please note that the hearing is for accepting oral testimony only and is not held in a “Question and Answer” format.

Is there a deadline to submit written comments? You must submit written comments by August 29, 2024.

Do you need assistance to participate in the Hearing? You must tell the Office of General Counsel 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 or email at the addresses given above. You may also tell us by telephone at 212-360-1327. You must tell us by August 19, 2024.

Can I review the comments made on the proposed rules? You can review the comments made online concerning the proposed rules by going to the website at <http://rules.cityofnewyork.us/>. Copies of all comments submitted online and copies of all written comments concerning the proposed rules will be available to members of the public, who may request them by mail or email at the addresses given above. You may also request the comments by telephone at 212-360-1327.

What authorizes the Department to make this rule? Sections 389, 533(a)(9) and 1043 of the City Charter authorize the Department to make this proposed rule.

Where can I find the Department's rules? The Department's rules are in Title 56 of the Rules of the City of New York.

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

Statement of Basis and Purpose

The Department proposes to revise § 2-08 of Chapter 2, Title 56 of the Rules of the City of New York. For large-size multi-day events at Flushing Meadows Corona Park (“FMCP”), the Department seeks to remove the preference currently given to permit applications for events that were not held in the prior calendar year.

Currently, for FMCP only, the rules give preference to multi-day 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, whereas in other venues the Department gives preference to events that occurred in the prior calendar year. The proposed rule amendment would eliminate this preference and give both new and reoccurring applicants an equal opportunity to hold a multi-day event. This proposed change will encourage operators to produce well-run events compliant with Department rules and regulations so that they have the potential to be approved again the following year, and will allow popular events to continue to benefit the community.

The proposed rule changes would also eliminate the categorization of these multi-day events by the number of attendees. A previous rule change addressed a concern that all large events are not equal in scope and scale, and the Department currently uses a tiered system for multi-day FMCP event permits. The rules allow for one multi-day FMCP event per year of 2,000 to 20,000 attendees, and one multi-day FMCP event per year of 20,001 to 40,000 attendees. The Department has determined that using this tiered system does not provide the public with as great a diversity of events as had been anticipated, but instead may deter event operators from applying for permits at FMCP. As such, the Department proposes to eliminate the tiered system, and allow two multi-day FMCP events each year for events ranging from 2,000 to 40,000 attendees. Moreover, the Department will clarify that there is no specific limitation on the number of multi-day special events for under 2,000 attendees.

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:

§ 1. Paragraph (8) of subdivision (b) of section 2-08 of Title 56 of the Rules of the City of New York is amended 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).

§ 2. The introductory paragraph of paragraph 4 of subdivision (w) of Section 2-08 of Title 56 of the Rules of the City of New York is amended to read as follows:

4. Notwithstanding any other provision of this subdivision, the following additional conditions shall apply to any [event] Large FMCP 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”):

§ 3. Subparagraph (B) of paragraph 4 of subdivision (w) of Section 2-08 of Title 56 of the Rules of the City of New York is amended to read as follows:

(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.]

§ 4. Subparagraph (G) of paragraph 4 of subdivision (w) of Section 2-08 of Title 56 of the Rules of the City of New York is amended to read as follows:

(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] If 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 a permit for 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] will be viewed more favorably[.];
- (iii) if multiple applications request the same number of days for their term, and such applications provide equal free access to the general public or, if the event is ticketed, provide an equal percentage of free tickets to the public, the application that minimizes its impact on FMCP will be viewed more favorably. In determining the impact of a proposed event on FMCP, the Department will consider factors including, but not limited to, the footprint of the proposed event, the number of attendees, and the infrastructure to be installed at FMCP for the proposed event.

**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: Amendment of Rules Regarding Multi-Day Events

REFERENCE NUMBER: 2024 RG 081

RULEMAKING AGENCY: Department of Parks and Recreation

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
Senior Counsel

Date: July 25, 2024

**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: Amendment of Rules Regarding Multi-Day Events

REFERENCE NUMBER: DPR-24

RULEMAKING AGENCY: Department of Parks and Recreation

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 X. Navarro
Mayor's Office of Operations

July 25, 2024
Date