

NEW YORK CITY DEPARTMENT OF PARKS & RECREATION

NOTICE OF ADOPTION

Revision of New York City Department of Park & Recreation's Rules

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Parks & Recreation (“the Department”) by Sections 389 and 533(a)(9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, the Department hereby revises §2-08 of Chapter 2 to Title 56 of the Official Compilation of the 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/nycrules and a public hearing was held on August 29, 2024 at Chelsea Recreation Center, 430 West 25th Street, New York, NY 10001.

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. For large-size multi-day events at Flushing Meadows Corona Park (“FMCP”), the Department is removing the preference currently given to permit applications for events that were not held in the prior calendar year.

Previously, for FMCP only, the rules gave 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 gave preference to events that occurred in the prior calendar year. The rule amendment eliminates this preference and gives both new and reoccurring applicants an equal opportunity to hold a multi-day event. This 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 rule changes 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 used a tiered system for multi-day FMCP event permits. The rules allowed 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 determined that using this tiered system did not provide the public with as great a diversity of events as had been anticipated, but instead might have deterred event operators from applying for permits at FMCP. As such, the Department is eliminating the tiered system, and allows two multi-day FMCP events each year for events ranging from 2,000 to 40,000 attendees. Moreover, the Department's new rule clarifies 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.

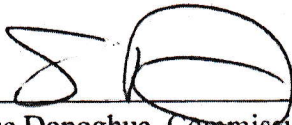
FINDING OF SUBSTANTIAL NEED FOR EARLIER IMPLEMENTATION

Pursuant to the New York City Charter Section 1043(f)(1)(d), I hereby find and represent to the Mayor that there is a substantial need for the implementation, immediately upon its final publication in the City Record, of the New York City Department of Parks and Recreation (the "Department") rule amending the rules governing permit applications for multi-day special events in Flushing Meadows Corona Park ("FMCP").

As explained in the Statement and Basis of Purpose accompanying the Notice of Adoption of the final rule, the rule amendment (1) removes the preference currently given to applications for events that were not held the previous year; (2) allows for two multi-day events for between 2,000 and 40,000 attendees each year, rather than one multi-day event for between 2,000 and 20,000 attendees and one multi-day event for 20,001 and 40,000 attendees; (3) clarifies that there is no specific limitation on the number of multi-day special events for under 2,000 attendees; and (4) clarifies how the Department awards a multi-day event permits when applications are received on the same day, request the same number of total days, and provide for equal free access to the general public. These changes are being made to eliminate potential deterrents in the application process, and to encourage popular, well-run, and diverse events at FMCP.

Applicants may submit multi-day event permit applications beginning the first Tuesday after Labor Day, and the application period closes on October 1. Applications are considered following the close of the application period. Immediate implementation of this rule is necessary because without such immediate implementation these rule changes will not go into effect until after the application period for events to be held in 2025 has closed. This delay would likely harm the community by reducing the number of applications for permits for multi-day events to be held in 2025.


Therefore, this rule must take effect immediately upon its final publication in the City Record, in accordance with Charter Section 1043(f)(1)(d).



Sue Donoghue, Commissioner
New York City Department of Parks and Recreation

Date: 8/29/24

APPROVED:



Eric Adams
Mayor

Date: 8/29/2024