



Diane Collier  
**Chair**

Angel D. Mescain  
**District Manager**

## COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN  
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### Licenses & Permits Committee Wednesday, October 5, 2016, 6:00 p.m. Board Office

#### \*\*\* Minutes \*\*\*

Present: James Garcia, Judith Febbraro, Celia Ramirez, Adem Brija, Melanee Farrah, Edwin Marcial, Jesse Yang and Amie Petrucci, Norma Ojeda (staff), Diane Collier (Board Chair)

Absent: -0-

Excused: -0-

Guests: Debbie Quinones

#### 1. Call to Order

Committee Chair James Garcia called the meeting to order at 6:20 p.m.

Dawn Tolson of the Street Activity Permit Office (SAPO) gave us a brief overview of the Proposed Rules for Street Activity Permits. SAPO asked for comments from all Community Boards. Please see our comments and motions below.

**Melanee Farrah made a motion to amend the draft resolution in responding to SAPO's proposed rule changes with the following language:**

- **Be it further resolved that, CB11M supports the proliferation of the changed rules in multiple languages in the spirit of accessibility and to accommodate the diversity of languages in New York City; and**
- **Be it further resolved, that CB11M supports the consideration of a grandfather rule for Street Festivals 25 years or older.**

**The motion was seconded by Adem Brija and passed with one opposed (Febbraro).**

#### 2. Liquor Licenses

- a. Café Joad LLC d/b/a Joy Burger

- Renewal Application for Wine, Beer & Cider (LL# 1280822)
- Located at 1567 Lexington Ave. Store 4, New York, NY 10029

WHEREAS, Café Joad LLC d/b/a Joy Burger (the applicant”) is seeking a Renewal license to serve wine & beer; and

WHEREAS, the applicant did **Not** appear before the Licenses & Permits Committee of Community Board 11 Manhattan (CB11M) on October 5, 2016, CB11M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant did Not provide all updated required documentations; and

WHEREAS, there were no members of the community to speak for or against this applicant; and

WHEREAS, based on the facts presented, Community Board 11 could not make an informed decision or ask any questions; and

THEREFORE, be it

RESOLVED, that Community Board 11 Manhattan denies the application of Café Joad LLC d/b/a Joy Burger to renew a license to sell Wine, Beer & Cider at a restaurant located at 1567 Lexington Avenue, New York, NY 10029.

**Motion to deny Adem Brija, seconded by Celia Ramirez. Motion Passed**

b. 1675 El Nuevo Caribeno Restaurant Corp

- Renewal application for a Full Liquor License (LL#1241485)
- Located at 1675 Lexington Ave. New York, NY 10029

WHEREAS, 1675 El Nuevo Caribeno Restaurant Corp. (the applicant”) is seeking a Renewal for a Full Liquor License; and

WHEREAS, the applicant did Not appear before the Licenses & Permits Committee of Community Board 11 Manhattan (CB11M) on October 5, 2016, CB11M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant **WITHDREW** their application to a later date; and

THEREFORE, be it

RESOLVED, that Community Board 11 Manhattan denies the application of 1675 El Nuevo Caribeno Restaurant Corp. for a Renewal Full Liquor License.

**Motion to deny Adem Brija, seconded by Melanee Farrah. Motion Passed**

c. Mar Carioca Inc. d/b/a Rio Samba Restaurant and Bar

- Class Change Application from Wine & Beer to a Full Liquor License (LL#1282055)
- Restaurant located at 1469 5<sup>th</sup> Ave., New York, NY 10035

WHEREAS, Applicant did Not appear before the License and Permits Committee of Community Board 11 Manhattan (CB11M) on October 5, 2016, CB11M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant **WITHDREW** their application to a later date; and

THEREFORE, be it

RESOLVED, that Community Board 11 Manhattan denies the application of Mar carioca Inc. d/b/a Rio Samba Restaurant and Bar for a Full Liquor License located at 1469 5<sup>th</sup> Ave., New York, NY 10035

**Motion to deny Edwin Marcial, seconded by Celia Ramirez. Motion Passed**

d. Guajillo Restaurant Corp.

- New Application for Wine & Beer License (LL# N/A)
- Restaurant located at 2277 1<sup>st</sup> Ave., New York, NY 10035

WHEREAS, the applicant did not appear before the Licenses & Permits Committee of Community Board 11 Manhattan (CB11M) on October 5, 2016, CB11M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant **WITHDREW** its application to a later date; and

WHEREAS, based on the facts presented, Community Board 11 could not make an informed decision; and

THEREFORE, be it

RESOLVED, that Community Board 11 Manhattan denies the application of Guajillo Restaurant Corp. for a New Wine & Beer license located at 2277 1<sup>st</sup> Ave., New York, NY 10035.

**Motion to deny by Adem Brija, seconded by Melanee Farrah.**

e. D'Amore Ristorante Inc.

- New & Corporate Change Application for a Wine & Beer License (LL# 1294566)
- Restaurant located at 118 East 116<sup>th</sup> St., New York, NY 10029

WHEREAS, the applicant did appear before the Licenses & Permits Committee of Community Board 11 Manhattan (CB11M) on October 5, 2016, CB11M having jurisdiction of the premises in the license application process; and

WHEREAS, the applicant did provide all required documentation; and

WHEREAS, hours of operation are 4pm to 11pm daily (Tuesday – Sunday) closed on Monday; and

WHEREAS, there were no members of the public to speak against the applicant; and

THEREFORE, be it

RESOLVED, that Community Board 11 Manhattan supports the application of D’Amore Ristorante Corp. for a New & Corporate Change for a Wine & Beer License located at 118 E. 116<sup>th</sup> St., New York, NY 10029.

**Motion to approve by Celia Ramirez, seconded by Amie Petrucci. Motion Passed.**

3. Street Activity Permits

- a. NHEMA Weekend Walks  
Street Event – Park Ave. Bet 124<sup>th</sup> and 125<sup>th</sup> Sts.  
November 19, 2016, 12-5pm  
Applicant: Andrew Ronan – NYC Dept. of Transportation  
Sponsor: NHEMA

**Motion approved by Jesse Yang, seconded by Adem Brija. Motion Passed.**

4. Livery Base Station

- a. U.N.C Car & Limo Service. Application to renew livery base station License (#B00882) for base located at 2319 First Avenue ) E.119<sup>th</sup> St.) asking for Letter of Support

**Motion to approve by Adem Brija, seconded by Celia Ramirez. Motion Passed**

5. Old Business

None

6. New Business

**There was a motion made by Adem Brija seconded by Edwin Marcial that Renewal Liquor Licenses do not need to be present if there are No 311 calls.**

**Motion Passed.**

7. Announcements

None

8. Adjournment

**Celia Ramirez made a motion to adjourn, seconded by Amie Petrucci and passed. The meeting was adjourned at 8:10 p.m.**

Minutes prepared by Judith Febbraro.

## **Draft Resolution**

**Submitted by Licenses & Permits Committee, October 5, 2016**

**In response to: Proposal by the Street Activity Permit Office (SAPO) of the Office of Citywide Event Coordination and Management (OCECM) to establish new rules for Street Festivals**

\*\*\*\*\*

Whereas, the Street Activity Permit Office (SAPO) of the Office of Citywide Event Coordination and Management (OCECM) has proposed establishing a new rule for Street Festivals; and

Whereas, OCECM/SAPO has provided public notice of a public hearing on the matter to be held on October 13, 2016 at 100 Church Street, New York, N.Y. 10007 and will accept public comments on the proposed rule until October 24, 2016; and

Whereas, the proposed rule seeks to

- redefine street fairs as street festivals to conform to agency permit issuing practices and distinguish between multi-block/multi-day and single-block/single day festivals; and
- limit the number of street festival and single block street festival permits that can be issued annually within a community board, within Manhattan, and citywide, and
- require applicants to submit applications for single block street festival permits no later than 90 days prior to the proposed event; and
- establish November 1 through December 31 as the time when applications for street festivals must be submitted for the subsequent year; and
- limit the length of time street events can occur; and
- clarify the definition of community sponsor; and
- require that at least 50% of vendors participating in an event have a business or local presence within the same community board where the street festival or single block street festival occurs, and
- change the fees imposed for street fairs to a method that reflects the City's costs related to administration and traffic control for these events;

Therefore, be it resolved that Manhattan Community Board 11 (CB11M) supports the proposed rule as it relates to redefining street fairs as street festivals to distinguish between multi-block/multi-day and single-block/single day festivals; and

Be it further resolved, that CB11M supports limiting the number of street festival permits to now more than ten (10) and single block festival permits to not more than twenty (20) that can be issued within Manhattan Community District 11; and

Be it further resolved, that CB11M supports requiring applicants to submit applications for single block festival permits no later than ninety (90) days prior to the event; and

Be it further resolved, that CB11M supports establishing November 1 through December 31 as the time when applications for street festivals must be submitted for the subsequent year; and

Be it further resolved, that CB11M supports limiting the length of time street events can occur; and

Be it further resolved, that CB11M supports the clarification of the definition of community sponsor to mean 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 and (a) if the organization, association, corporation or the like is charitable in nature, is (1) registered with the Charities Bureau of the New York State Attorney General's Office or (2) registered as a non-profit under 26 U.S.C. sections 501(c)(3), 501(c)(4), 501(c)(5) or 501(c)(6) and in good standing with the United States Internal Revenue Service; or (b) if the organization, association, corporation or the like is a religious congregation it has automatic section 501(c)(3) status and provides a letter on letterhead with its mailing address to that effect.; and

Be it further resolved, that CB11M supports requiring that the applicant include documentation that at least at 50% of the vendors participating in an event have a business or local presence within the same community board where the street festival or single block street festival occurs, and

Be it further resolved, that CB11M supports the proliferation of the changed rules in multiple languages in the spirit of accessibility and to accommodate the diversity of languages in New York City; and

Be it further resolved, that CB11M supports a grandfather clause securing availability for Street Festivals 25 years or older.

**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 Street Festivals.

**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 Thursday, October 13, 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.

This location has the following accessibility options available: "Accessibility Not Applicable."

**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](http://www.nyc.gov/nycrules).
- **Email.** You can email written comments to [saPORules@cityhall.nyc.gov](mailto: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, 6<sup>th</sup> 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) 788-0030 by close of business on October 11, 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 October 13, 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 October 6, 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](http://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 of 2007 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 Executive Order Nos. 100 and 105 of 2007 to administer the rules governing the issuance of permits on city streets.

Each year since 2004 the New York City Police Department (NYPD) has asked SAPO to exercise its discretion to temporarily deny permits for additional multi-day and single-day multi-block street fairs because these place an excessive burden on police resources and divert uniformed personnel from core crime fighting, public safety and counterterrorism duties. This 'moratorium' on additional street fairs has helped to maintain safety and security in New York City. After 12 years of implementing this policy the City decided to reevaluate the policy to determine whether revisions were necessary to serve community needs, while at the same time recognizing NYPD's continued concerns.

To make this determination, OCECM undertook an extensive review of the current state of street fairs and collected substantial information through:

- in-person surveys of street fair participants;
- a general consumer survey open to all;
- surveys of businesses in case study areas; and
- outreach to managers and members of business improvement districts and community boards.

## **Results of Analysis**

### **Impact on Already Congested Areas**

In calendar year 2016, approximately 200 street fairs will take place, with the majority located in the borough of Manhattan and concentrated in Community Boards 2, 5 and 7. This disproportionate concentration has several negative effects and does not serve the public interest. The high number of street fairs in Manhattan increases traffic congestion and burdens on local communities, particularly within Community Board 5 in the vicinity of Times Square. Multiple street fairs on the same day within the same community board increases the burden on local communities.

### **Interest in Street Fairs in Boroughs Outside Manhattan**

The OCECM surveys identified high public interest in street fairs in boroughs other than Manhattan where residents do not currently have the same access to street fairs. Furthermore, street fairs have the potential to better support local business development and community building when they are more closely tied to the communities which host them. Strong public support exists for increasing the representation of neighborhood businesses at street festivals.

### **The Proposed Rule**

Recognizing the significant government interest in broadening access to street festivals by ending the moratorium without overburdening NYPD resources, OCECM proposes an update to the rules governing street events. Specifically, the proposed rules:

- redefine street fairs as street festivals to conform to agency permit issuing practices and distinguish between multi-block/multi-day and single-block/single day festivals
- limit the number of street festival and single block street festival permits that can be issued annually within a community board, within Manhattan, and citywide,
- require applicants to submit applications for single block street festival permits no later than 90 days prior to the proposed event,
- establish November 1 through December 31 as the time when applications for street festivals must be submitted for the subsequent year,
- limit the length of time street events can occur,
- clarify the definition of community sponsor,

- require that at least 50% of vendors participating in an event have a business or local presence within the same community board where the street festival or single block street festival occurs, and
- change the fees imposed for street fairs to a method that reflects the City’s costs related to administration and traffic control for these events.

SAPO authority for these rules is found in section 1043 of the New York City Charter and Executive Order Nos. 100 and 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:

\* \* \*

**"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 and (a) if the organization, association, corporation or the like is charitable in nature, is (1) registered with the Charities Bureau of the New York State Attorney General’s Office or (2) registered as a non-profit under 26 U.S.C. sections 501(c)(3), 501(c)(4), 501(c)(5) or 501(c)(6) and in good standing with the United States Internal Revenue Service; or (b) if the organization, association, corporation or the like is a religious congregation it has automatic section 501(c)(3) status and provides a letter on letterhead with its mailing address to that effect.

\* \* \*

**“Event time”** means the time between set up and break down of a Street or Plaza event; provided, however, that Street festivals or Single Block Street festivals total Event time shall be defined as not more than twelve (12) continuous hours in a calendar day.

“Single Block Street festival” means a Street event sponsored by a Community sponsor headquartered within the same community board as the proposed event that requires a street closure of one Block for a single calendar day in which the general public can purchase goods or services provided by Vendors and Vendors may pay a fee to participate.

\* \* \*

“Street [fair] festival” means a Street event sponsored by a [community sponsored event] Community sponsor headquartered within the same community board as the proposed event that requires [requiring] a street closure of one Block [or more] for multiple calendar days or more than one Block for one or more calendar days in which the general public can purchase goods or services provided by [vendors and vendors] Vendors and Vendors may pay a fee to participate.

\* \* \*

§ 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 and may also be requested for a Press Conference/Rally/Stationary Demonstration that requires less than 50% of a Pedestrian plaza.

(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, 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, if applicable, for events other than a Press Conference/Rally/Stationary Demonstration; and

(5) plans outlining components of the proposed Street event or Plaza event.

(d) Applications shall be submitted by the following deadlines unless the event is proposed for a Pedestrian plaza, in which case the deadlines in paragraphs (7)-(9) of this subdivision apply:

- (1) Block party applications must be submitted 60 days prior to event date.
  - (2) Clean-up applications must be submitted 60 days prior to event date.
  - (3) Charitable event applications must be submitted 30 days prior to the event date.
  - (4) Civic event applications must be submitted 14 days prior to event date.
  - (5) Farmer's market applications must be submitted 60 days prior to the event date.
  - (6) Health fair applications must be submitted 30 days prior to the event date.
  - (7) Pedestrian plaza Level A applications other than for Civic events must be submitted 45 days prior to the event date, except applications for multiple Pedestrian plazas in the same area must be submitted 60 days prior to the event date.
  - (8) Pedestrian plaza Level B and C applications other than for Civic events must be submitted 30 days prior to the event date, except applications for multiple Pedestrian plazas in the same area must be submitted 45 days prior to the event date.
  - (9) Pedestrian plaza Level D applicants must be submitted 14 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 45 days prior to the event date.
  - (13) Street event, Medium applications must be submitted 30 days prior to the event date.
  - (14) Street event, Small applications must be submitted 14 days prior to the event date.
  - (15) Street [fair] festival applications must be submitted [no later than] between November 1<sup>st</sup> and December 31st of the year preceding the calendar year for which the proposed [street fair] Street festival will take place. For [Street fairs that are only one day and one Block in length] Single Block Street festivals, applications [will be accepted] must be submitted 90 days prior to the event date.
- (e) [Applicants or community] Community sponsors for [street fairs] Street festivals shall be limited to one event per application and [two events] one event per calendar year. Community

sponsors for Single Block Street festivals shall be limited to one event per application and two events per calendar year.

(f) All events that require a full street closure and Pedestrian plaza events 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 Street events that require a full street closure or Plaza events for Pedestrian plaza, Level A or Pedestrian plaza, Level B that require the use of more than fifty percent (50%) of a Pedestrian plaza, a site visit will be scheduled with SAPO, DOT 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] Street festivals and Single Block Street festivals, 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] Street festival, Single Block Street festival, 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 Pedestrian 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.

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

(f) Methods for determining applicant priority:

(1) If two or more [applicants] Applicants for events other than Street festivals or Single Block Street festivals request the same date and the same location, the application from the Applicant who held a permit for the closest 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.

(2) If two or more Applicants for Street festivals request the same date and the same location, the application from the Applicant who held a permit for the closest 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 under the requirements of section 1-05 of this chapter;

(3) Applications for Single Block Street festivals shall be processed on a first come first serve basis.

(g) For Street events, Block parties, Farmer's markets, Clean-ups 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 Pedestrian 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.

(h) The community board shall 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 Pedestrian plaza partner shall forward its recommendation for approval or denial of a Plaza event application to SAPO for further processing. If the Pedestrian 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 Pedestrian 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 Pedestrian 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 Pedestrian plaza partner gives an approval with conditions, failure to file comments by the Applicant shall be deemed acceptance of such conditions by the Applicant.

(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, the Department of Transportation, the Community Board and the Pedestrian 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 Pedestrian plaza partners, where applicable, or City agencies or other government agencies in determining whether to approve, approve with conditions, or deny a 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 event or Plaza event permit, based on the following:

(1) Applicant’s past or present failure to make payment of the processing fee; or

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



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

(4) Applicant's past or present failure to make payment to, or reach satisfactory agreement with, SAPO regarding a Street event fee or a Plaza event fee; or

(5) Applicant's past or present failure to comply with applicable laws or rules; or

(6) Applicant's past or present failure to comply with a condition imposed on a permit issued previously to the Applicant; or

(7) Applicant proposes activities that would be in violation of law, rule or regulation; violate subdivisions 1, 4, 5, 6 or 7 of § 240.00 of the Penal Law; or would otherwise present an unreasonable danger to the health or safety of the applicant, event participants or other members of the public or cause damage to public or private property; or

(8) Applicant's past or present failure 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 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 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 event permits for street fairs not held in the calendar year 2016.]

[(e)] All information pertaining to anticipated Vendors participating in a [street fair] Street festival or Single Block Street festival must be submitted thirty (30) days [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,] the number of spaces occupied by documented not-for-profit organizations, including but not limited to the applicant's organization, and the number of spaces occupied by Vendors [and the amount paid by both documented not-for-profit organizations and the Vendors]. Applicant must include documentation that at least fifty percent (50%) of the participating Vendors have a business or local presence within the same community board where the Street festival or Single Block Street festival is to occur by submitting a list of Vendors that includes the name, address, telephone number, e-mail or other contact information for Vendors along with tax identification numbers or tax exemption information and license numbers from the Department of Consumer Affairs or Department of Health and Mental Hygiene, where applicable. The applicant must affirm the accuracy of this information. Information reflecting the final attendance of Vendors that took part in the Street [fair] festival or Single Block Street festival must be submitted one week after the event took place. SAPO may request additional documentation to verify the Vendor information provided or fees received by Applicant.

[(f)] (e) The Director will deny applications submitted for Street event permits for any [street fair] Street festival, Single Block Street festival, block party or other street activity requiring closure of a street located between 42<sup>nd</sup> Street and 50<sup>th</sup> Street and between 6<sup>th</sup> Avenue and 8<sup>th</sup> 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.]

[(g)] (f) Notwithstanding anything in this section, this Director shall not deny an application for a Press Conference/Rally/Stationary Demonstration other than under paragraph 7 of subdivision b of this section or unless the requested time or location conflicts with another permit, in which case the applicant shall be offered an alternative time or location for the Press Conference/Rally/Stationary Demonstration.

(g) The Director shall issue no more than ten (10) permits for Street festivals per community board in any calendar year. No more than one Street festival permit per calendar day will be issued in any community board. No more than two hundred (200) Street festival permits will be issued within the City of New York in any calendar year, with no more than one hundred (100)

of those permits to be held in the borough of Manhattan in any calendar year. No applications shall be granted for multi-day, multi-Block Street festivals unless the Applicant has held a permit for the closest date and same location continuously since January 1, 2008 and applies for the closest date and same location on or after November 1, 2016, and complies with the requirements of section 1-05 of this chapter. Applicants will be notified if its application has been denied by the second Tuesday in January of the calendar year when the Street festival is scheduled to occur. By February 1<sup>st</sup> of the calendar year in which the Street festival is scheduled to occur, Applicants who have not received a denial or who successfully appealed a prior denial will be notified that the application is being processed or that they have been placed on a waitlist for future processing if an opening becomes available.

(h) The Director shall issue no more than twenty (20) permits for Single Block Street festivals per community board in any calendar year. If more than twenty (20) applications are submitted for Single Block Street festivals in any community board for a calendar year, a waitlist shall be established and Applicants shall be notified of their processing status and whether an opening has become available forty-five (45) days prior to that Applicant's proposed Event time.

§ 3. Section 1-06 of Title 50 of the Rules of the City of New York is amended to read as follows:

(a) An Applicant shall have five business days from receipt of the notification of a denial, of an approval with conditions, [or] a denial of a waiver of the insurance requirement or a denial of a waiver or reduction of fees for Street festivals or Single Block Street festivals by the Director of SAPO to file a written appeal with the Executive Director of CECM. If an Applicant fails to appeal a denial of a permit, [or] a waiver of the insurance requirement or a denial of a waiver or reduction of fees for Street festivals or Single Block Street festivals within the time provided, then the application process shall be terminated. If the Director approves the application with conditions or with a reduction of fees and the Applicant fails to appeal, the Applicant shall be deemed to have accepted such conditions.

(b) Following the receipt of a written request by an Applicant to appeal the determination of the [Directory] Director of SAPO, the Executive Director of CECM, or a designee, shall review that determination and may hold an appeal conference with, or receive solicited written statement from, the interested parties. Such interested parties shall include the Director of SAPO and the Applicant and may also include any other parties the Executive Director of SAPO deems appropriate. The Applicant shall be notified in writing of the determination of the Executive Director of CECM within a reasonable time following the receipt by the Executive Director of CECM of such request.

§ 4. Subdivision c of section 1-08 of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

(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>
Block Party	Processing fee only	60 Days
Charitable Event	20% of the event fee charged based on the event size and location	30 Days
Civic Event	Processing fee only	14 Days
Clean-up	Processing fee only	60 Days
Day fee (as per § 1-08(a))	\$35 each day after the first day	
Extra Large Event, Street or Plaza	Up to \$66,000 per location	
Farmers Market	\$15 per day	60 Days
Health Fair	Processing fee only	30 Days
Plaza Event (Pedestrian plaza Level A)	Fee per Plaza block \$31,000 Large \$15,500 Small or Medium	45 Days (1 Plaza block) 60 days (Multiple Plaza blocks)
Plaza Event (Pedestrian plaza Level B)	MN Plaza Event Fees per Plaza block \$20,000 Large \$10,000 Medium \$5,000 Small	SI, QN, BX, BK Plaza Event Fees per Plaza block \$8,000 Large \$4,000 Medium \$2,000 Small
Plaza Event (Pedestrian plaza Level C)	MN Plaza Event Fees per Plaza block \$11,000 Large \$5,500 Medium	SI, QN, BX, BK Plaza Event Fees per Plaza block

	\$2,500 Small	\$5,000 Large \$2,500 Medium \$1,000 Small	
Plaza Event (Pedestrian plaza Level D)	MN Plaza Event Fees \$2,500 Large \$1,250 Medium or Small	SI, QN, BX, BK Plaza \$2,000 Large \$1,000 Medium or Small	14 Days
Press Conference/Rally/Stationary Demonstration	Processing fee only		10 Days unless need for event could not be anticipated in advance
Production Event	\$290 (with curb lane or sidewalk) \$700 (with curb lane and sidewalk)		10 Days
Street event	Street event, Large \$25,000 Street event, Medium \$11,000 Street event, Small \$3,100		45 Days 30 Days 14 Days
Street [Fair] Festival or Single Block Street festival	[20% of the total fee paid by vendors to participate] \$1375 per day/per block fee for first day/block and \$705 per day/per block fee for any subsequent days or blocks		For Street festivals, November 1 <sup>st</sup> to December 31 <sup>st</sup> of the preceding year. Applications for [1 day/1 block] <u>Single Block Street festivals</u> , 90 days

§ 5. Subdivision f of section 1-08 of Chapter 1 of Title 50 of the Rules of the City of New York is amended to read as follows:

(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]

waive or reduce the fees for Street festivals or Single Block Street festivals where the Applicant is able to demonstrate that such fees cannot be paid without imposing an unreasonable hardship on the Applicant. Any request for a fee reduction or waiver shall be included by the Applicant in the application submitted to SAPO. The burden of demonstrating unreasonable hardship shall be on the Applicant, and may be demonstrated by a showing that the fees for the Street festival or Single Block Street festival exceeds twenty-five percent (25%) of the Applicant's revenue derived from the event. In the event that the Director of SAPO denies a waiver or reduction of fees requested by the Applicant, the Applicant may appeal such denial.