

DEPARTMENT OF PARKS & RECREATION

Notice of Opportunity to Comment on Proposed Rule

Revision of §2-08 of Title 56 of the Official Compilation of Rules of the City of New York

NOTICE IS HEREBY GIVEN PURSUANT TO THE AUTHORITY VESTED IN the Commissioner of the Department of Parks & Recreation (“Parks”) by Section 533 (a) (9) of the New York City Charter and in accordance with the requirement of Section 1043 of the New York City Charter, that Parks proposes to amend §2-08 of Title 56 of the Official Compilation of Rules of the City of New York.

Written comments regarding the proposed rules may be sent to Alessandro G. Olivieri, Counsel, Department of Parks & Recreation, The Arsenal, Central Park, 830 Fifth Avenue, New York, New York 10021, by May 19, 2005. A public hearing shall be held on May 20, 2005 at Chelsea Recreation Center at 430 West 25th Street, New York, New York at 11:00 a.m. Persons seeking to testify are requested to notify Assistant Counsel Laura LaVelle at the address stated above. Persons who request that a sign language interpreter or other form of reasonable accommodation for a disability be provided at the hearing are asked to notify Laura LaVelle at the foregoing address by May 11, 2005. Written comments and a tape recording of oral comments received at the hearing will be available for public inspections, within a reasonable time after receipt, between the hours of 9:00 a.m. and 5:00 p.m. at The Arsenal, Room 313, telephone number (212) 360-1313.

New material is indicated by underlining. Deletions are indicated by brackets.

Section 1. Subdivision (b) of section 2-08 of Title 56 of the Official Compilation of the Rules of the City of New York is amended by adding a new paragraph 7 to read as follows:

(7) Applications for special event and demonstration permits for events to take place on the Great Lawn in Central Park must be received no less than two (2) or more than six (6) months before the date of the proposed event. However, applications for special event permits involving a demonstration made less than two (2) months before the proposed event where exigent circumstances prevented timely application shall be still accepted, provided that the limitation on the number of events on the Great Lawn in subdivision (t) of this section have not already been reached. Applications will be date and time stamped when received by the

Department. Applications will be considered in the order in which they are received as shown by the date and time stamp.

§ 2. Paragraphs 4 and 5 of subdivision (c) of section 2-08 of Title 56 of the Official Compilation of the Rules of the City of New York are amended and a new paragraph 6 is added to read as follows:

(4) within the preceding two years, the applicant has been granted a permit and did, on that prior occasion, knowingly violate a material term or condition of the permit, or any law, ordinance, statute or regulation relating to use of the parks; [or]

(5) the event would interfere unreasonably with the enjoyment of the park by other users[.]; or

(6) with respect to events on the Great Lawn, the conditions for events contained in subdivision (t) of this section are not complied with.

§ 3. Section 2-08 of Title 56 of the Official Compilation of the Rules of the City of New York is amended by adding new subdivisions (t), (u) and (v) to read as follows:

(t) The following conditions apply to applications for permits for special events and demonstrations on the Great Lawn:

(1) In any calendar year there will be no more than six permits granted for special events on the Great Lawn. For purposes of this subdivision, a special event may be a demonstration. Two Metropolitan Opera performances and two New York Philharmonic performances account for four (4) of the six (6) special events. By January 1 of each year, the Metropolitan Opera and the New York Philharmonic must exercise their priority to hold their respective two events. If they choose not to hold either one or both of their events, then the available number of other events on the Great Lawn will increase accordingly.

(2) Attendance may not exceed 50,000 persons.

(3) Events may only take place during the third or fourth week of August or during the first two weeks of September. The Metropolitan Opera and New York Philharmonic events or any event in lieu of the Metropolitan Opera or New York Philharmonic events will take place in June and July.

(4) Special events are subject to cancellation by the Commissioner at any time in the event wet conditions exist that will increase the likelihood of damage to the grass.

(5) The load-in plan for the event must be approved by the Commissioner in order to assure that (A) the maximum number of persons attending does not exceed 50,000; (B) the flow of persons through park landscapes on appropriately designated paths for that purpose shall be orderly; and (C) the attendees will not damage adjacent landscapes.

(6) The applicant shall post a bond in an amount sufficient to pay for any anticipated damage to the Great Lawn in connection with the scheduled event and made payable to the Department. The amount of the bond will be determined by the Commissioner based upon the following factors: (A) the length of the event; (B) the time of year of the event; (C) the nature of the event, including but not limited to, the type of equipment that will need to be brought onto the Great Lawn, the location of such equipment, and the use of any vehicles on the Great Lawn; (D) the number of people attending the event; (E) experience regarding any prior events of the same or a similar nature; and (F) whether the event or any activities associated with the event present a high risk of property damage. However, the Commissioner shall have the authority to waive the bond required by this subdivision where the applicant is able to demonstrate that such bond cannot be obtained without imposing an unreasonable hardship on the applicant. Any request for a waiver of the bond required by this subdivision shall be included by the applicant in

their application submitted under this section. The burden of demonstrating unreasonable hardship shall be on the applicant and may be demonstrated by a showing that the cost of obtaining the bond for the event exceeds twenty-five percent (25%) of the applicant's budget for the event. The budget for the event must include not only cash, but also the actual value of any materials and services to be used by the applicant for the event.

(7) A written acknowledgement by the applicant stating, where applicable, how the applicant will comply with the foregoing provisions must be fully executed no less than 10 days prior to the scheduled event's initial load in. However, for a special event application involving a demonstration that is made less than ten days before the proposed event, where exigent circumstances prevented timely application, the written acknowledgment must be executed as soon as practicable before the event's initial load-in.

(u) Special conditions for special events and demonstrations on the Sheep Meadow, and the North Meadow, and the Heckscher Ballfields. The Department will not grant any permits for special events or demonstrations on the Sheep Meadow and the North Meadow in Central Park. The Sheep Meadow is reserved solely for passive recreation and the North Meadow is reserved solely for permitted athletic events and passive recreation. In anticipation of the Heckscher Ballfields further restoration in fall 2005, the Heckscher Ballfields will be available for special events and demonstrations until the restoration works begins. However, after such further restoration, the Heckscher Ballfields will be reserved solely for permitted athletic events and passive recreation.

(v) Special conditions for special events and demonstrations on the East Meadow. The East Meadow in Central Park and the paved areas south of the Bethesda Terrace, including the

Literary Walk and the Bandshell areas, are available for large special events or demonstrations that cannot be held on the Great Lawn. However, the Department will not permit more than two (2) events per month that occupy the East Meadow for twenty-four hours or more. The time that an event occupies the East Meadow starts at the occurrence of the initial load-in of equipment and any other materials for the event and concludes when the load-out of the event, including the removal from the park of all equipment and any other materials for the event, is completed.

STATEMENT OF BASIS AND PURPOSE

These regulations are proposed to establish the use of certain restored lawns and landscapes within Central Park in accordance with sound horticulture practice so as to maintain those areas in a healthy condition. The preservation of these lawns and landscapes makes possible a full range of active and passive recreational use to the benefit of the City's residents and visitors, as well as assures the greater availability of such preserved lawns and landscapes for use by the public.

As a result of many years of overuse and limited resources for maintenance, the condition of Central Park had deteriorated to the point where many lawns were barren landscapes devoid of plants and shrubs. Through a combination of private philanthropy and public funds in excess of 24 million dollars, a long-term restoration project was undertaken which resulted in the restoration of the Sheep Meadow by 1980, the North Meadow by 1999 and Great Lawn between 1995 and 1997. In the case of the Great Lawn, restoration included the installation of an advanced irrigation and drainage system. Limitations on uses of these restored lawns and a vigorous lawn care and management plan made possible through both public and private funding have resulted in the preservation of these areas in their restored condition.

These regulations codify what has been a successful program of regulated use and planned maintenance since the restoration, and provide a clear set of rules for permitted uses in the restored areas of the Park. They seek to foster enjoyment of the park by millions of annual users who participate in athletic leagues, sunbathe, picnic and attend special events. Healthy lawns and landscapes are an integral component of an enjoyable park experience. Damage to the grass requires that a lawn be closed for repair, displacing both regularly scheduled and spontaneous use. These regulations seek to minimize damage while balancing a variety of competing uses so that the lawns can provide maximum enjoyment for all.

The prevention of lawn damage requires management informed by principles of good horticulture. The regulations permit a variety of uses consistent with accepted horticulture principles for lawn and landscape management. The regulations reflect scientifically based horticulture needs, including seasonal cycles, and the impact of various uses on the grass and surrounding landscapes. Limitations on all use in wet conditions, limitations on some use during certain months and at certain locations, the requirement of appropriate load-in plans for, and control of attendance at, large special events are examples of provisions designed to minimize damage to the lawns and landscapes.

The Great Lawn

The history of use on the Great Lawn has been fairly consistent over several decades prior to its restoration. Concerts by the Metropolitan Opera and the New York Philharmonic, which are free to the public, have taken place on the Great Lawn for approximately the last 25 years. The continuation of these concerts after the restoration established that they are extremely low impact events that cause little, if any, damage. Most other large special events that have taken place on the Great Lawn pre-date the restoration to a time when the lawn was in a seriously

degraded condition. The stage and heavy equipment used at those events created ruts in the bare ground and, along with large number of participants, seriously compacted the soil. In addition, the unregulated entry of participants into the event site frequently allowed delicate plantings and landscapes to be overrun and destroyed. Since the restoration, there have been few requests for large special events, and the few that have taken place have demonstrated the need for the restrictions on use contained in these regulations. For example, in 1997 the Family Reunion, which traditionally takes place after the New York Marathon, was held on the Great Lawn. Because it caused extensive damage, it was moved to Central Park West, a paved area where it continues to take place on an annual basis. In 2003, a large popular music concert featuring the Dave Mathews band was held on the Great Lawn. It was attended by 80,000 people, and despite vigorous efforts to protect the lawn including a staged load-in plan and private security to enforce the plan, there was substantial damage which required the lawn to be closed for repair for an extended period. The schedule for athletic events on the Great Lawn takes into account the seasonal requirements for seeding and nurturing of the grass and causes no damage other than normal wear and tear that is addressed through regular maintenance. Finally, there has always been scheduled athletic use on the ball fields of the Great Lawn. Since restoration those activities have continued with stricter regulation.

As a result of this prior experience with use and its effects, the regulations for the Great Lawn limit the number and size of events that can take place there and the time of year during which they can occur. In addition, they mandate an approved load-in plan for equipment and crowds to avoid damage to both the lawns and surrounding landscapes, as well as a prohibition on use when the lawn is wet. A bond is required to cover the potential damage with a waiver provision for when the bond would pose a financial hardship. Hardship is determined by

reference to the budget for the event, a provision designed to insure an equitable and realistic assessment of financial ability to post a bond for the event.

Sheep Meadow and North Meadow

The Sheep Meadow and the North Meadow have been planted with hardy grass but do not have an advanced irrigation or drainage system similar to that of the Great Lawn. Consequently, they are particularly prone to soil compaction, which could result from special events drawing large crowds. This fact was well demonstrated when after several years of experiencing extensive damage in Sheep Meadow from the opening ceremonies for the AIDS Walk, the Parks Department determined that after the 2003 event this gathering could no longer take place in the Sheep Meadow and would instead be held on the paved surfaces near the Bandshell in Central Park. Since that time, special events are no longer permitted on the Sheep Meadow. The North Meadow is reserved for athletic and passive recreational activity and has not been the host for non-athletic events since its restoration.

Heckscher Ballfields.

Since their initial restoration in the early 1980s the Heckscher Ballfields have been used only for softball and passive recreation. Because they are scheduled for further restoration in the fall 2005, the Parks Department has made them available to host special events in 2005 until the restoration work begins. After further restoration, however, the Heckscher Ballfields will again be limited to softball and passive recreation.

The East Meadow

The East Meadow has not yet been restored and remains open to special events. In addition, any future restoration will be such as to ensure that the East Meadow may continue to host special events along with other suitable areas in the park, such as the paved areas south of the Bethesda Terrace, including the Literary Walk and the Bandshell, and Rumsey playfield. The use restrictions contained in these regulations with respect to the East Meadow are minimal and ensure an area in the park for special events on an ongoing basis.