

Rules for the Definition of Major Concessions

§7-01 A concession shall be considered a major concession and therefore subject to Sections 197-c and 197-d of the Charter only if:

- (a) it has been determined pursuant to City Environmental Quality Review to require an Environmental Impact Statement, or
- (b) except as provided in §7-03, the concession will cause one or more of the thresholds set forth in §7-02 to be exceeded.

§7-02 A concession shall be considered a major concession if it will cause one or more of the thresholds given for the specific uses listed below to be exceeded:

- (a) marinas with over 200 slips;
- (b) a permanent performance or spectator sport use with over 2,500 seats;
- (c) for parklands in or adjacent to Community Districts subject to the comprehensive off-street parking regulations, contained in Article I, Chapter 3 of the Zoning Resolution of the City of New York, accessory parking lots with over 150 spaces and, for all other areas, accessory parking lots with over 250 parking spaces on parklands;
- (d) a use for which a new building of over 20,000 square feet of gross floor area will be constructed when such building will be located on property other than parkland;
- (e) a use for which a new building of more than 15,000 square feet of gross floor area will be constructed when such building will be located on parkland;
- (f) an open use which occupies more than 42,000 square feet of open space other than parkland
- (g) an open use which occupies over 30,000 square feet of a separate parcel of parkland;
- (h) a use which in total occupies more than 2,500 square feet of floor area or open space and more than 15 percent of the total square footage of a separate parcel of land that is improved for park purposes, including passive and active recreational use, or that was improved for such purposes at any time during the preceding year; or
- (i) a concession comprised of two or more components, no one of which exceeds thresholds set forth in paragraphs (a) through (h) above, where at least two of such elements each exceed 85 percent of any applicable threshold set forth in such paragraphs.

§7-03 Notwithstanding any other provision of these rules the following shall not be considered major concessions unless an EIS is required:

- (a) A concession for any use which will be operated for 30 days or less;
- (b) A concession which is or directly furthers an active recreational use and would be available to the general public on a non-discriminatory basis, with or without a fee, including but not limited to the following:
 - 1) a seasonal covering of recreational facilities;
 - 2) a carousel; or
 - 3) a use intended for active participation sports including playing fields or sports courts (eg. tennis, volleyball, handball, softball), skating rinks, playgrounds, and practice facilities (eg. batting cages, golf driving ranges, miniature golf); provided that the area occupied by such recreational use does not exceed both 15 acres and 50 percent of a separate parcel of land;
- (c) Reuse of former amusement park lands for amusement or recreational purposes;
- (d) Any renewal, reissuance, extension, amendment of an existing concession or issuance of a new concession which continues a currently existing use or which permits a use which existed lawfully on the property at any point in the preceding two years, whether operated by a private or public entity, provided that any extension or amendment or the cumulative effect of any amendments or extensions made over any five year period does not include modifications which when added to the existing concession, cause any threshold of Section 7-02 to be exceeded and increase the size of an existing concession by ten percent or more;
- (e) A concession for which authorization to use a different procedure was granted or obtained, or which is operated under an agreement executed, prior to the effective date of this major concession rule;
- (f) A concession for lines, cables, conduits or underground pipes not used for the transport of people;
- (g) A concession on wharf property or waterfront property primarily for purposes of "water front commerce" or in "furtherance of navigation" as such terms are defined in the New York City Charter;
- (h) A concession on wharf property for purposes other than "waterfront commerce" or in "furtherance of navigation" which is granted pursuant to §1301.2(h) of the City Charter; or
- (i) A concession for an open air market which operates two (2) or fewer days per week, or, if a green market, three (3) or fewer days per week.