

THE RULES RELATED TO REVOCABLE CONSENTS

Title 34, Chapter 7 of the Rules of the City of New York

Annotated with References to and Excerpts from Other
Regulations That Govern Allowable Private Improvements
On, Over and Under New York City's Streets and Sidewalks

**NEW YORK CITY
DEPARTMENT OF TRANSPORTATION**

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The Rules Related To Revocable Consents were last modified on November 16, 2005.

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Table of Contents

<u>Section</u>	<u>Page</u>
The Rules Related to Revocable Consents	
§7-01 Definitions	1
§7-02 Requirement to Obtain a Revocable Consent	2
§7-03 DCP Review	3
§7-04 Eligible Improvements; Standards; Annual Rates	4
§7-05 Revocable Consents for Telecommunications Purposes	16
§7-06 General Conditions	17
§7-07 Application Requirements	20
§7-08 Filing Fees	23
§7-09 Action by the Department	24
§7-10 Annual Rate Schedule for Revocable Consent Improvements	25
 Excerpts from Other Regulations that Govern Allowable Private Improvements On, Over and Under New York City’s Streets and Sidewalks	
The New York City Charter	
Chapter 8, City Planning (Excerpts)	28
Chapter 14, Franchises, Revocable Consents and Concessions (Excerpts)	36

The Rules of the City of New York

Title 34, Chapter 2, The Highway Rules 38

Miscellaneous Charges and Fees 39

Permit Required 39

Temporary Security Structures

The Building Code 40

§27-307 Permissible Projections Beyond the Street Line 41

§27-308 Ramps 41

§27-309 Special Restrictions 41

§27-310 Projections Removable 41

§27-311 Permission Revocable 41

§27-312 Existing Projections 42

§27-313 Projections Above Grade 42

§27-314 Projections Below Grade 46

Executive Order No 22, Sidewalk Corner Clearance 47

**Section 7-01
Definitions**

Administrative Code. “Administrative Code” means the Administrative Code of the City of New York.

Charter. “Charter” means the New York City Charter.

Commissioner. "Commissioner" means the Commissioner of the Department of Transportation of the City of New York or his or her designee.

Department. "Department" means the Department of Transportation of the City of New York.

DCP. “DCP” means the Department of City Planning of the City of New York.

DoITT. “DoITT” means the Department of Information Technology and Telecommunications of the City of New York.

Improvement. "Improvement" means a tangible thing or object which may be installed on, over or under a street, or any private use of a street.

Public Service Corporation. "Public Service Corporation" means an entity subject to the jurisdiction of the Public Service Commission under the Public Service Law.

Revocable Consent. "Revocable consent" means a grant of a right, revocable at will, (1) to any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property, (2) to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property¹ for the purposes stated in section 7-04 hereof or as may be permitted by rules of DoITT, or (3) to a public service corporation for facilities ancillary to, but not within, a franchise granted prior to July 1, 1990.

ULURP. “ULURP” means the Uniform Land Use Review Procedure as set out in sections 197-c and 197-d of the Charter.

¹ The mapped streets (i.e., the streets and sidewalks) are inalienable, they may not be sold pursuant to the NYC Charter, Chapter 15, §383: “The rights of the City in and to its water front, ferries, wharf property, bridges, land under water, public landings, wharves, docks, streets, avenues, highways, parks, waters, waterways, and all other public places are hereby declared to be inalienable;....”

THE RULES RELATED TO REVOCABLE CONSENTS

Section 7-02 Requirement to Obtain a Revocable Consent

No person or entity shall install or maintain any of the improvements listed in section 7-04 of these rules without first obtaining a revocable consent from the Department. The Department shall not issue a revocable consent for any improvement which, in the judgment of DCP, has land use impacts or implications, unless such revocable consent has been reviewed and approved pursuant to ULURP. Revocable consents may not be assigned, transferred or otherwise conveyed without the prior written approval of the Commissioner.

**Section 7-03
DCP Review**

(a) The Department shall submit to DCP petitions for those improvements listed in §7-04(a) of these rules that do not meet the locational or dimensional standards in such section 7-04(a). The Department shall also submit to DCP all petitions for the following improvements: bridge, above-ground cable, guard booth, information sign/kiosk, parking area for private use, and above-ground pipe/fuel line.

(b) DCP shall review each petition submitted by the Department to determine whether or not a proposed revocable consent has land use impacts or implications and whether, as a result, ULURP applies, and shall notify the Department of its determination. The Department shall notify the petitioner of the determination by DCP regarding the applicability of ULURP and shall stay its final decision pending ULURP approval.

(c) If ULURP is required, the petitioner shall obtain information and application forms pertaining to ULURP from DCP and file a ULURP application with DCP in accordance with the rules governing ULURP.

(d) No revocable consent shall be granted by the Department if the application for such consent has been disapproved pursuant to ULURP. A revocable consent may be granted by the Department if the application for such consent has been approved pursuant to ULURP or if DCP determines the proposed improvement has no land use impacts.

(e) The Department shall submit to DCP for review any petition for a renewal or amendment for an improvement listed in section 7-04(a) of these rules where:

(1) such renewal or amendment includes a modification that does not meet a locational or dimensional standard in section 7-04(a) or increases the degree of non-compliance with such locational or dimensional standard; or

(2) such petition is for a bridge, above-ground cable, guard booth, information sign/kiosk, parking area for private use, above-ground pipe/fuel line, and the renewal or amendment includes a modification to the location or an increase in the dimension of such improvement; or

(3) such petition is for a renewal or amendment of a consent that was approved by the City Planning Commission for a specific term, and the renewal or amendment would extend the consent beyond the term approved by the Commission.

Section 7-04
Eligible Improvements²; Standards; Annual Rates.

(a) The Commissioner may, in his or her discretion, grant, renew, modify, or rescind revocable consents for any of the improvements listed in this subdivision to be constructed or maintained on, over, or under City streets, in accordance with the requirements set forth in section 364 of the Charter. Except as otherwise provided, annual compensation for the improvements listed in this subdivision shall be as set forth herein and, unless otherwise provided, shall not increase during the term of the revocable consent.

(1) Accessibility Lift to Provide Access for People with Disabilities

(i) Standard.

The lift shall be stored at the building end of its run and shall include appropriate safety devices. The lift shall not extend more than five and one half feet in the direction of the curb from the base of the steps when in use. In no instance shall the lift or any portion thereof extend beyond the curblines when in use.

(ii) Annual rate. \$25. The annual fee for an accessibility lift shall be in addition to the normal fee for a stoop or stairway.

(2) Bench

(i) Standard.

No bench shall be greater than six feet in length. Benches greater than four feet in length shall be designed to discourage people from reclining. Benches adjacent and parallel to the building shall be installed no more than six inches from the building face and, if multiple benches are installed, they shall be at least three feet apart.

A bench which is not anchored to the sidewalk shall be placed against the building face during hours that the benefited property is open to the public and shall be stored inside the building when the building is closed.

(ii) Annual rate. \$150

² See also AdCode, §27-313, 15, §383. "Restrictions on constructions and projections on certain streets...." This section is found at the end of the Rules, last page of this pamphlet.

THE RULES RELATED TO REVOCABLE CONSENTS

(3) **Bridge**

(i) To be referred to DCP to determine whether the improvement has land use impacts.

(ii) Annual rate. See section 7-10. If the structure is not in use, the rate shall be 10% of the rate in effect pursuant to the formulas described in section 7-10.

(4) **Cable, above-ground**

(i) To be referred to DCP to determine whether the improvement has land use impacts.

(ii) Annual rate. See section 7-10.

(5) **Cellar door, including stair**

(i) Standard. All cellar doors required by section 27-292(b) (4) of the Administrative Code shall be constructed pursuant to the requirements of the Administrative Code.

(ii) Annual rate. See section 7-10.

(6) **Clock**

(i) Standard. The base shall be no more than 18 inches in diameter. The lowest portion of the clock face shall be at least eight feet above the sidewalk. The overall height of the clock shall not exceed 15 feet. The clock face shall be no more than two feet in diameter. Time shall be maintained accurately. The name or logo and address of the adjacent premises may be displayed on the clock face; however, the total display space shall be no greater than one third of the square footage of the clock face.

(ii) Annual rate. \$300

(7) **Conduit and underground cable**

(i) Standard. All conduits shall be underground.

(ii) Annual rate. See section 7-10.

THE RULES RELATED TO REVOCABLE CONSENTS

(8) **Electrical socket**

(i) Standard. All electrical sockets shall be installed pursuant to the requirements of the New York City Department of Buildings.

(ii) Annual rate. \$25

(9) **Enclosure for trash receptacle, adjoining a building, for private use**

(i) Standard. The enclosure shall be of non-flammable construction and shall be rodent proof. The enclosure shall be between three feet and five feet high, except in areas in the Bronx, Queens, Brooklyn and Staten Island zoned for manufacturing, mixed-use (MX), special purpose districts which allow manufacturing, or for automotive or other heavy commercial uses (C8), where the enclosure shall be between three feet and ten feet high, and shall be securely affixed to the sidewalk, fence, building, or other appropriate fixture.

(ii) Annual rate. The greater of \$5 per square foot of area, as projected onto a horizontal plane or \$25, except in areas zoned for manufacturing, where the annual rate shall be \$1 per square foot of area, as projected onto a horizontal plane.

(10) **Fenced or walled-in area, including the enclosing structure, not used for planting or parking, including a fenced or walled-in area containing a drainage basin or a shopping cart storage area.**

An area enclosed by a privately installed guard rail shall be deemed a fenced-in area and shall be subject to the standards below. Fences may be approved for no more than one year pursuant to the provisions in section 2-10(j) of Chapter 2 of this Title 34, provided the placement of such fences is for temporary security purposes.

(i) Standard.

(A) The fence shall be no fewer than three and no greater than four feet high in residential and commercial zoning districts and shall be no fewer than three and no greater than ten feet high in manufacturing zoning districts, as such zoning districts are set forth in the Zoning Resolution, except that athletic play field fences may extend as high as 15 feet. Smooth edged finials may be attached to fence posts up to a maximum height of four feet, six inches in residential or commercial zoning districts.

THE RULES RELATED TO REVOCABLE CONSENTS

No chisel points or spikes shall be included on fences shorter than eight feet, except as approved by the Landmarks Preservation Commission.

(B) The fence shall be constructed of non-flammable, non-wood material. The use of opaque material (such as masonry) is limited to the base of the fence up to 21 inches in height and to vertical columns spaced at least five feet apart. Solid or opaque materials may comprise no more than 35 percent of the total vertical area of the fence above any opaque base. For metal fences, picket interspaces shall measure between four and five and three quarters inches, and picket width may measure up to one inch wide. Chain-link, where approved, shall have a two inch mesh and shall not include screening. Barbed wire is permitted in manufacturing zoning districts only. Razor wire is prohibited.

(C) No sign shall be attached to a fence.

(ii) Annual rate.

(A) Except as provided in section 7-04(a)(10)(ii)(B), below, the first year's annual rate shall be the greater of \$1,500 or $(C \times L \times 0.16 \times A)$, as defined in section 7-10(a) of these rules, and subsequent years' rates shall be determined in accordance with section 7-10(c) of these rules.

(B) For non-commercial use connected to a residential building of six or fewer units, the greater of \$100 or $(C \times L \times 0.01 \times A)$, as defined in section 7-10(a) of these rules.

(11) **Flagpole**

(i) Standard. The base shall be no larger than 18 inches in diameter and no fewer than 30 inches in height.

(ii) Annual rate. None (pursuant to section 19-125(e) of the Administrative Code).

(12) **Guard booth**

(i) To be referred to DCP to determine whether the improvement has land use impacts.

(ii) Annual rate. See section 7-10.

THE RULES RELATED TO REVOCABLE CONSENTS

(13) **Information sign or kiosk**

(i) To be referred to DCP to determine whether the improvement has land use impacts.

(ii) Annual rate. See section 7-10.

(14) **Litter receptacle for public use**

(i) Standard. The litter receptacle shall be constructed of non-flammable, non-wood material and shall be securely affixed to the sidewalk or sufficiently heavy to prevent movement without considerable force. The minimum height of the receptacle shall be two feet, six inches, the maximum height shall be four feet and the maximum width shall be three feet, with an overall area not to exceed nine square feet. No side of the receptacle shall exceed three feet in width. The litter receptacle may include the grantee's logo and/or building or institution name no greater than one square foot in size, if the receptacle is adjacent to the named property.

(ii) Annual rate. \$25

(15) **Overhead Building Projection in excess of that allowed by the Administrative Code³**

(i) Standard. Overhead building projections shall be permitted over the street provided the minimum height above the sidewalk is ten feet and the depth of the projection does not exceed three feet, ten inches, inclusive of any depth permitted by section 27-313(a) of the Administrative Code, to a height 30 feet above the sidewalk. Above 30 vertical feet the permitted depth shall be four feet ten inches, inclusive of any depth permitted by the Administrative Code. Except for architectural details such as cornices, brackets and belt courses, which may extend across the full street frontage of a building, projections shall not have an aggregate width at any

³ The building code, Title 27, Article 8, §27-310 provides that "all projections permitted beyond the street line by the provisions of this subchapter shall be constructed so that they may be removed at any time without the structural safety or fire safety of the building..." Article 9, §27-312 provides that any part of a building that projects beyond the street line on January first, nineteen hundred thirty-eight may be maintained as constructed until its removal is directed by the council or the board of estimate [now by DOT]." Article 9, §27-312 provides "alterations to existing projections beyond the street line may be permitted in whole or in part, provided that such alterations conform with the requirements of this subchapter." Article 9, §27-313 provides that "the aggregate area of all fixed projections constructed to extend beyond the street line shall not exceed ten feet within any one hundred square feet of wall area..."

THE RULES RELATED TO REVOCABLE CONSENTS

level of the building greater than 50 percent of the building frontage. Projections containing floor area shall be referred to DCP.

(ii) Annual rate. See section 7-10.

(16) Parking area for private use for non-residential property (if there is no charge to vehicle operator)

(i) To be referred to DCP to determine whether the improvement has land use impacts.

(ii) Annual rate. The first year's annual rate shall be the greater of \$600 or $(C \times L \times 0.36 \times A)$, as defined in section 7-10(a) of these rules, and subsequent years' rates shall be determined in accordance with section 7-10(c).

(17) Pipe or fuel pipeline, above-ground

(i) To be referred to DCP to determine whether the improvement has land use impacts.

(ii) Annual rate. See section 7-10. If the grantee is not using the structure, the Department may set rates without reference to the formulas described in section 7-10.

(18) Planted area, including any surrounding fence or wall

(i) Standard. Live vegetation shall occupy 80 percent of the area. No vegetation may overhang a sidewalk beyond the boundary of the planted area, including any fence, unless the overhanging vegetation is at least eight feet above the adjacent sidewalk area. No rocks, timbers, wickets (hoops) or other trip hazards shall serve as a border. Any surrounding fence or wall shall conform to the standards provided in item (10), above.

(ii) Annual rate. The greater of \$2 per square foot of area, as projected onto a horizontal plane, or \$25

(19) Planter that is larger than two feet in diameter or that occupies more than four square feet in area. Planters may be approved for no more than one year pursuant to the provisions in section 2-10(j) of Chapter 2 of this Title 34, provided the placement of such planters is for temporary security purposes. (Smaller planters may be approved through a permit obtained from the Department.)

(i) Standard.

THE RULES RELATED TO REVOCABLE CONSENTS

(A) The planter shall be no fewer than 18 and no greater than 48 inches high. The maximum area, measured at the planter's widest point, shall be 25 square feet, and the maximum dimension of the planter shall be five feet along the side which is perpendicular to the curb or eight feet along the side which is parallel to the curb. (Planters installed against the building face may be continuous.)

(B) If a planter is proposed to be placed above a sidewalk vault, a professional engineer shall certify that the sidewalk can support a 600-pound per square foot live load.

(C) No planter shall be constructed of wood. Wood cladding of other planter types is permitted if such cladding is fireproof and graffiti resistant. Concrete tubs, two inches thick, are recommended.

(D) The Department recommends the planting of small shrubs and flowers as they require less maintenance and are hardier than small trees. No woody growth shall overhang the edge of the planter. Suggested tree species for planters are: Crab Apples - (Florida Snow Drift); Euonymus Pateris (Shrub); Taxus O. Densifornius (Japanese Yew); Scotch Pine; Austrian Pine; Ilex Meserva; Cornus Mass (Cornelian Dogwood); Syringia Reticulata (Japanese Tree Lilac); Prunus Sargentii (Columnaris); Acer Ginnala (Amur Maple); Acer Truncatum; Viburnum Sieboldii (Tree Form Viburnum).

(E) Planters shall be maintained, shall contain live plants at all times and shall be kept free of debris and graffiti.

(ii) Annual rate. The greater of \$2 per square foot of area as projected onto a horizontal plane, or \$25 per planter.

20) Post, pole or bollard not otherwise governed by permit procedures contained in section 19-125 of the Administrative Code⁴

(i) Standard. The post, pole or bollard shall be no fewer than 30 inches high, no greater than 48 inches high, and no greater than 18 inches in diameter. If more than one post, pole or bollard is to be installed, they shall be at least four feet apart and shall not be joined with horizontal members. If a concrete-filled pipe design is used, it shall be capped or smoothed.

(ii) Annual rate.

⁴ AdCode, Title 19, §125 b & c provides that DOT may issue permits for flagpole sockets near the curb and for barber poles; e provides that businesses or veterans groups that display only an American flag and only on patriotic occasions, during public celebrations or parades shall pay no permit or consent fee.

THE RULES RELATED TO REVOCABLE CONSENTS

(A) \$125 each, minimum of \$500 per consent.

(B) post, pole or bollard adjacent to a building containing a marquee pursuant to a permit granted by the Department of Buildings, \$25 each, minimum of \$100 per consent.

(21) Public service corporation facility ancillary to, but not within, a franchise granted prior to July 1, 1990

(i) Standard. Refer to standards in this section for individual structures.

(ii) Annual rate. See section 7-10. This rate shall not apply to revocable consents approved as provided in subdivision (b) of this section.

(22) Railroad tracks for private use

(i) Standard. Railroad tracks shall be located in an M or C8 zoning district outside any area improved for vehicular or pedestrian use, except that tracks may cross an existing or future driveway with the permission of the property owner served by such driveway.

(ii) Annual rate. The first year's annual rate shall be the greater of \$500 or $(C \times L \times 0.04 \times A)$, as defined in section 7-10(a) of these rules, and subsequent years' rates shall be determined in accordance with section 7-10(c).

(23) Ramp intended to provide access for people with disabilities

(i) Standard.

(A) The Department may grant a revocable consent for a ramp which extends more than 44 inches from the building line for buildings erected prior to December 6, 1969, including any additional steps attached or ancillary to the ramp structure made necessary by the creation of the ramp. (Section 27-308 of the Administrative Code permits ramps to extend up to 44 inches from the building line for such buildings.) (Buildings erected after December 6, 1969 must contain ramps within the property line.)

(B) In the case of buildings erected between December 6, 1969⁵ and September 5, 1987, the Department may grant a

⁵ "§27-308 Ramps. (a) When a building erected prior to December sixth, nineteen hundred sixty-nine is altered to provide access to individuals who use wheelchairs, ramps constructed to provide such access may, with the approval of the commissioner [of buildings] project beyond the street line for a distance of not more than forty-four inches."

THE RULES RELATED TO REVOCABLE CONSENTS

revocable consent for a ramp which extends more than 44 inches from the building line if the ramp will make a primary entrance to the building accessible.

(C) The ramp shall conform to the standards of the Americans with Disabilities Act, 36 CFR Part 1191, and section 27-308 of the Administrative Code. A canopy may be erected above the ramp provided such canopy does not fully enclose the ramp and provided such ramp is adequately illuminated and complies with all other applicable regulations.

(ii) Annual rate. \$25

(24) **Retaining Walls**

(i) Standard. Retaining walls may be constructed only where warranted by existing grade or by a change in grade undertaken with prior approval by the Department of

(ii) Buildings.

(ii) Annual rate. See section 7-10.

(25) **Sidewalk plaque or logo**

(i) Standard. The size of the logo or plaque shall not exceed nine square feet with a maximum dimension of three feet along any side. The plaque or logo shall be limited in design and content to a symbol or other element referring to or naming the adjoining property owner, a district organization, the district/neighborhood character, or consistent with an area-wide way-finding graphic design system. The plaque or logo shall consist of material that provides a stable, firm and slip-resistant surface and shall be installed flush with the sidewalk surface.

(ii) Annual rate. \$300 per plaque or logo.

(26) **Socket with removable poles, posts, or similar devices, including any connecting devices such as ropes, ribbons, horizontal poles, and the area thereby enclosed**

(i) Standard. Sockets shall be flush with the sidewalk and fitted with spring-mounted flush covers. Posts or poles shall be no

fewer than 30 inches and no greater than 48 inches high, including any connecting devices.

THE RULES RELATED TO REVOCABLE CONSENTS

(ii) Annual rate. The first year's annual rate shall be the greater of \$750 or $(C \times L \times 0.16 \times A)$, as defined in Section 7-10(a) of these rules, where A is the area of the enclosed area, and subsequent years' rates shall be determined in accordance with section 7-10(c).

(27) Stoop, step, ramp, vestibule or other entrance detail extending beyond limits set in Articles 8 and 9 of Subchapter 4 of Chapter 1 of Title 27 of the Administrative Code⁶, other than a ramp described in section 7-04(a)(23) hereof or a stoop or other improvement described in section 7-04(a)(28) hereof

(i) Standard. Such structures shall be constructed pursuant to the requirements of the New York City Department of Buildings and shall have a maximum width of eight feet and shall extend as far as such structures on adjacent buildings.

(ii) Annual rate. See section 7-10.

(28) Stoop or any other improvement eligible for a revocable consent pursuant to these rules and adjacent to a building which is located within a designated New York City historic district or which is a designated New York City Landmark.

(i) Standard. No revocable consent shall be granted for such a structure located in a designated New York City historic district or attached to a designated New York City landmark building without the prior written approval of the Landmarks Preservation Commission pursuant to Chapter 3 of Title 25 of the Administrative Code. Refer to standards in this section for individual structures.

(ii) Annual rate. \$25 for residential buildings with fewer than six units. For all other buildings, see the appropriate paragraph of this subdivision.

(29) Street lamp or light fixture

⁶ See footnote 2 for relevant provisions of AdCode, Title 27, Article 8. Title 27, Article 9, §27-313 (a) (1) provides that entrance details, stoops, steps, and doors when fully open, may be constructed to extend beyond the street line not more than eighteen inches...." Title 27, Article 9, §27-313 (a) (2) provides that architectural details "may be constructed to extend not more than four inches beyond the street line when less than ten feet above the ground or sidewalk level, and not more than ten inches beyond the street line when more than ten feet above the ground or sidewalk level."

THE RULES RELATED TO REVOCABLE CONSENTS

(i) Standard. Street lamps or light fixtures which replace or augment existing lighting shall be placed and illuminated as approved by the Department's Division of Street Lighting. The base shall be no greater than 18 inches in diameter. Hours of illumination shall coincide with those of the City's street lights.

(ii) Annual rate. \$150

(30) **Tunnel**

(i) Standard. All tunnels and related structures shall be constructed underground or within the adjacent building pursuant to the requirements of the New York City Department of Buildings.

(ii) Annual rate. See section 7-10. If the structure is not in use, the rate shall be 10% of the rate in effect pursuant to the formulas described in section 7-10.

(31) **Vault extending beyond the curblin e or underground improvement not otherwise governed by license procedures contained in section 19-117 of the Administrative Code⁷**

(i) Standard. All vaults shall be constructed underground pursuant to the requirements of the New York City Department of Buildings.

(ii) Annual rate. See section 7-10.

(32) **Any improvement listed in section 7-04 for which a consent is proposed to be granted where the grantee has filed an application concerning the subject property pursuant to section 4-105 of the Administrative Code, or any improvement listed in section 7-04 of these rules where the construction of such improvement was funded 50 percent or more by a City agency.**

(i) Standard. Refer to standards listed above for individual structures.

(ii) Annual rate. \$25

(33) **Any improvement listed in section 7-04 which has been approved for use for security purposes by the New York City Police**

⁷ AdCode, Title 19, §19-117 provides that vaults projection from the building facade below grade level up to the curblin e are licensed by DOT. Thus vaults projecting beyond the curblin e require revocable consents.

THE RULES RELATED TO REVOCABLE CONSENTS

Department.

(i) Standard. Refer to standards listed above for individual structures.

(ii) Annual rate. None.

(b) Other improvements approved by the Board of Estimate. Revocable consents that were granted by the Board of Estimate prior to July 1, 1990 for private improvements which are not listed in subdivision (a) above may be renewed, amended, or revoked by the Commissioner in his or her sole discretion, provided that any renewal or amendment shall be submitted to DCP when required pursuant to section 7-03 of these rules. In each year of such consent, the annual rate shall increase by the average of the Consumer Price Index for All Urban Consumers in New York and New Jersey published by the U.S. Department of Labor's Bureau of Labor Statistics ("CPI") increase for the ten years prior to the date of the renewal of the consent.

(c) Compliance with requirements. All improvements for which a revocable consent is granted shall comply with the general conditions in section 7-06 of these rules.

Section 7-05
Revocable Consents for Telecommunications Purposes

Petitions for revocable consents for telecommunications purposes shall be reviewed and may be granted by DoITT, subject to approval by the Department and review by DCP, where appropriate. Petitions for such consents shall be filed with the Department and shall be forwarded by the Department to DoITT for processing. Petitioners shall submit any additional information which may be required by DoITT.

**Section 7-06
General Conditions**

(a) Advertising Prohibited. No advertising shall appear on any improvement which is the subject of a revocable consent agreement.

(b) Maintenance. Graffiti shall be removed within seven days of appearance. Art Commission approved colors shall be used and maintained. Sidewalks fronting the entire property must be in good condition, without violations or illegal encroachments.

(c) Clearances for Above-Ground Structures.

(1) Corner Clearance Policy. No revocable consent will be granted for above-ground structures located within the corner quadrant (the area ten feet from either side of the area created by extending the building line to the curb) pursuant to Executive Order #22 of 4/13/95, as amended.

(2) Improvements shall be at least 18 inches from the curb line (front face of curb).

(3) Clear path. A straight unobstructed path ("clear path") for pedestrian circulation on the sidewalk shall remain after the installation of the improvement. The minimum width of the clear path shall be the greater of eight feet or one-half of the sidewalk width. The minimum width of the clear path shall be the greater of ten and one-half feet or one-half of the sidewalk width where a bench, information kiosk or bicycle rack with bicycles parallel to the curb or a queuing area enclosed by poles abuts the clear path. The minimum width of the clear path shall be the greater of 12 1/2 feet or one-half of the sidewalk width where a bicycle rack with bicycles perpendicular to the curb abuts the clear path. The clear path shall be maintained for 15 feet to either side of the improvement. When possible, the improvement shall abut, be aligned with, or be located between other major obstructions such as subway entrances, bus stop shelters, newsstands, and sidewalk cafés.

(4) Improvements shall not be located under fire escapes.

THE RULES RELATED TO REVOCABLE CONSENTS

(5) (i) The following minimum distances shall be required between the revocable consent improvement and the specified element or object, except as otherwise specified herein:

Subway Entrance (open side)	15'
Sidewalk Cafés	15'
Newsstand	15'
Bus Stop (with/without shelter)	15'
Fire Hydrant/Standpipe	10'
Driveway	10'
Bicycle Rack (including all bicycles)	8'
Street Tree	5'
Bench	5'
Principal Building Entrance	5'
Ramp intended to provide access for people with disabilities	5'
Subway Entrance (closed end or side)	5'
Public Telephone	5'
Planters on the sidewalk not adjacent to the building façade	5'
Mail Box	4'
Street Lights	4'
Parking Meters	4'
Edge of Tree Pit	3'
Street Signs	3'
Utility Hole Covers, Cellar Doors, Areaways	3'
Transformer Vault ⁸ , Sidewalk Grates	3'
All Other Legal Street Furniture	5'

(ii) Benches, information kiosks, litter receptacles, mail boxes, planters and public telephones may be located in an aligned grouping with a reduced minimum clearance between them of three feet. Other structures may be incorporated into such groupings provided the minimum clearances in subparagraph (i) above are provided. In no case shall such groupings extend for a length greater than 30 feet along the sidewalk. The listed elements may also be combined, without separation, into a single structure provided the overall length of such unitary structure and any other of the listed elements outside the grouping or unitary structure shall be no more than 15 feet. In no case shall a grouping or unitary structure be less than 15 feet from another grouping or unitary structure.

⁸ Transformer vault's grates

THE RULES RELATED TO REVOCABLE CONSENTS

(d) Waiver.

(1) Where strict compliance with these rules shall create undue hardship, the Commissioner may waive or modify these rules, in specific cases, except where prohibited by law, if in his/her opinion, the public health, safety and general welfare will not be endangered thereby. The petitioner shall request such waiver in writing and shall provide any information requested by the Department which may assist the Commissioner in his or her determination.

(2) Notwithstanding the above provisions, prior to waiving the standards r rules related to the location or dimensions of improvements, the Department shall refer the proposed change to DCP for review.

Section 7-07
Application Requirements

(a) Petition form. An application for a new revocable consent or for a renewal, modification, assignment or rescission of an existing revocable consent shall be made on a petition form obtained from the Department, and shall be signed by the petitioner or a person authorized to enter into binding agreements on behalf of the petitioner. In the case of a new consent, the petitioner shall submit the original plus ten copies of the completed form; in the case of a renewal, modification, assignment or rescission, petitioner shall submit the original plus five copies.

(b) Business Certificates. The petitioner shall submit a copy of any applicable business certificate, such as a certificate of incorporation or partnership certificate. With respect to petitions for an assignment or transfer of a revocable consent, the petitioner shall submit a copy of the business certificate of the assignee or transferee.

(c) Plans.

(1) Paper or mylar prints of a plan shall be submitted in the equivalent number of prints as are required for the petition form. Each plan print shall measure 18 by 24 inches unless otherwise authorized by the Department.

(2) The plan shall bear the seal of a Professional Engineer or Registered Architect licensed by the State of New York.

(3) The plan shall be drawn to scale and shall indicate the block and lot number of the property of the petitioner. The plan shall indicate in detail the method of construction, applicable technical information, and the materials to be used. A title box shall be placed on the right hand side of each sheet containing the words "Plan Showing Location of Proposed (structure type) to be Constructed in (name of street), Borough of (borough), to Accompany Application of (petitioner's name), dated (petition date), to the Department of Transportation of the City of New York" and shall indicate the date it was prepared and any subsequent revisions.

(4) All details of existing structures shall be shown in standard line thickness. All proposed new construction and existing structures which are the subject of the petition shall be plainly shown in red. Proposed removals or relocations, if any, of existing conduits, pipes lines, or other structures shall be clearly indicated by red dashed lines.

THE RULES RELATED TO REVOCABLE CONSENTS

(5) The plan shall show the building lines and curb lines, railroad tracks, and, if applicable, any electrical conduits, sewers and other substructures in the street which may be affected in any manner by the proposed construction. All such information shall be obtained and verified by the petitioner. The location, character and dimensions of all such structures and substructures shall be accurately shown and indicated by dimensions on the plan.

(6) The plan shall include longitudinal and transverse sections to show the relative position of the existing structures in the street and the proposed new construction.

(7) The applicant shall provide photographs of the existing conditions and may be required to provide photo simulations of the proposed structure and its surroundings as they would appear after installation.

(8) The plan shall also include the Professional Engineer's or Registered Architect's estimate of the current cost to remove or deactivate the proposed improvement and restore all sidewalks and pavements to current Department standards for new construction. Alternatively, the cost of removal may be provided on a separate sheet of paper provided that it is signed and sealed by a Professional Engineer or Registered Architect.

(9) Following the installation of any improvement for which a consent has been granted, the petitioner shall submit to the Department two copies of a plan indicating the "as built" condition. Such plan shall include any changes approved by the Department, with any deviations from the original plan shown by a double red line. Such plan shall be signed, sealed and dated by a Professional Engineer, Registered Architect or a Licensed Land Surveyor and shall include a certification which reads: "This drawing represents the as-built condition and shows the actual location of all subsurface conditions uncovered during this installation."

(d) Pedestrian Congestion. The Department may require a petitioner to submit additional information concerning pedestrian density and volume as well as the width of the usable pedestrian path at the site of a proposed revocable consent structure. The Department may require that such information include a pedestrian flow analysis conducted according to the performance standards described in the Transportation Research Board's Highway Capacity Manual chapter on pedestrian flow.

THE RULES RELATED TO REVOCABLE CONSENTS

(e) Additional Copies and Information. Upon the request of the Department, the petitioner shall provide additional copies of the petition and/or plan. The petitioner shall also provide any additional supporting information requested by the Department or by DCP, where referral has been made to DCP.

(f) Waiver of Plan Requirements. For petitions concerning minor improvements, such as planters, trash and litter receptacles, or benches, the Department may waive the requirement that the plan be prepared by a Professional Engineer or Registered Architect where such submission is not otherwise required by law, and where the petitioner has requested a waiver in writing.

(g) Exception. The requirements of this section shall not apply to revocable consents for public service corporation facilities ancillary to, but not within, a franchise, if the revocable consent covers multiple structures whose locations are not known at the time of the granting of the consent. Plans for each such structure shall be submitted prior to construction and shall meet the requirements of Chapter 2 of Title 34 of the Rules of the City of New York.

**Section 7-08
Filing Fees**

(a) General Information. Filing fees for petitions shall be submitted with the petition form and any required plans or supporting documents. Filing fees shall be non-refundable.

(b) Specified Improvements. The filing fees listed in this paragraph shall apply to petitions for the following specified types of improvement: accessibility lift; bench; enclosure for trash receptacle; litter receptacle; planted area; planter; ramp intended to provide access for people with disabilities; stoop or step; or any improvement which has been approved by the Landmarks Preservation Commission:

(1) initial petition	\$100.00
(2) renewal	100.00
(3) modification	100.00
(4) assignment or transfer	100.00
(5) rescission	100.00

(c) All other improvements, except for improvements approved for use for security purposes by the New York City Police Department.

(1) initial petition	750.00
(i) initial petition with a Special Street Plan Type F application with proof of payment of a fee in excess of \$650.00	100.00
(2) renewal	500.00
(3) modification	
(i) contractual	375.00
(ii) structural	550.00
(4) assignment or transfer	200.00
(5) rescission	375.00

(d) Improvements approved for use for security purposes by the New York City Police Department. Filing fees shall not apply to any improvements approved for use for security purposes by the New York City Police Department.

**Section 7-09
Action by the Department**

(a) The Department shall, within 30 calendar days of receipt of a complete petition for a revocable consent, forward a copy of such petition to: the Borough President for the borough in which the proposed improvement is to be located; all Community Boards in whose districts the proposed improvement is to be located; DCP, if required to do so pursuant to section 7-03; and all other City agencies affected by the proposed consent. The Department shall allow 30 calendar days for the Borough President, Community Board, and other affected agencies to comment on the petition.

(b) The Department shall inform the petitioner in writing of all objections. Review of the petition shall be stayed until all objections are resolved. The petitioner shall be given the opportunity to revise the petition or plan in order to resolve the objection(s). If any objection has not been resolved within 90 days from the date the petitioner was informed of the latest objection, such petition may, in the discretion of the Department, be deemed to have been withdrawn.

(c) Prior to granting any revocable consent or renewal or modification to the location or an increase in the dimension of an improvement, the Department shall hold a public hearing on the terms and conditions of the proposed revocable consent agreement. Notice of such hearing shall be published by the Department at the expense of the petitioner in accordance with section 371 of the Charter.

(d) Notwithstanding the foregoing, the Department may deny a petition for a revocable consent without a hearing if, in the sole judgment of the Commissioner, the grant of such consent would interfere with the use of the inalienable property of the City (including streets and sidewalks) for public purpose or would otherwise not be in the best interest of the City.

(e) The revocable consent agreement shall be filed by the Department with the appropriate County Clerk.

Section 7-10
Annual Rate Schedule for Revocable Consent Improvements

For all improvements that do not have an annual rate set forth in section 7-04(a), the annual rate of compensation for the first year of the term of each revocable consent shall be calculated in accordance with the following:

(a) Definitions and Variables.

“A” means the maximum area of the improvement for which a consent has been or is proposed to be granted, as projected onto a horizontal plane (the “footprint”).

“Benefited Property” means the real property which is adjacent to the improvement for which a revocable consent has been or is proposed to be granted, and which is benefited by the improvement.

“C” means 100 percent plus the percent change (plus or minus) in the Consumer Price Index for All Urban Consumers in New York and New Jersey published by the U.S. Department of Labor’s Bureau of Labor Statistics (“CPI”) on July 1 of the year for which the revocable consent annual rate is being calculated, compared to the CPI on July 1, 2003.

“E” means the standard escalating factor, which shall be a percentage equal to the average annual percentage increase in the CPI for the ten years immediately preceding the year for which the standard escalating factor is being determined; the Department shall determine the standard escalating factor on July 1 of the year to be applied to all consents granted or renewed between that July 1 and the next succeeding June 30, inclusive.

“L” means the Current Transitional Assessed Value⁹ or the Actual Assessed Value, whichever is lower, of the Benefited Property, in its unimproved state (in dollars and cents per square foot); provided, however, that if there is more than one Benefited Property, “L” shall be equal to the average of the Current Transitional Assessed Values of all the Benefited Properties in their unimproved states (in dollars and cents per square foot). Note: For cables contained within conduit owned by another entity, L=0.

“M” means the applicable multiplier. For pipes and conduits with up to 25 square feet in cross-sectional area, the applicable multiplier is 0.04. For all other improvements, the applicable multiplier is 0.08.

⁹ Current Actual or Transitional Value, whichever is less.

THE RULES RELATED TO REVOCABLE CONSENTS

“Minimum Annual Charge” shall be assessed as follows: For improvements having a maximum cross-sectional area greater than four square feet, the Minimum Annual Charge shall be \$3,000. For improvements having a maximum cross-sectional area of four square feet or less, the Minimum Annual Charge is \$1,500, except that pipes and conduits having an outside diameter of three inches or less (inclusive of any protective sheath or casing) shall be assessed a Minimum Annual Charge of \$750.

“R1” means the rate of compensation for the first year of the revocable consent agreement which shall be determined in accordance with section 7-10(b), below.

“V” means the rate (in dollars and cents) obtained from Table A relating to the volume occupied by the improvement. For improvements exceeding nine feet in height, the computation will be made in units up to nine feet in height and then added together.

(b) Rate for First Year. R1 shall equal $C [V + (L \times M \times A)]$, or the Minimum Annual Charge, whichever is greater.

(c) Rate for Each Subsequent Year.

second year	=	$R1 + (E \times R1)$
third year	=	$R1 + (2E \times R1)$
fourth year	=	$R1 + (3E \times R1)$
fifth year	=	$R1 + (4E \times R1)$
sixth year	=	$R1 + (5E \times R1)$
seventh year	=	$R1 + (6E \times R1)$
eighth year	=	$R1 + (7E \times R1)$
ninth year	=	$R1 + (8E \times R1)$
tenth year	=	$R1 + (9E \times R1)$

(d) Consents granted on or prior to June 30, 1991. For those consents granted on or before June 30, 1991 which provide for annual fees to be computed based upon the rate schedule currently in effect, annual compensation shall equal R1 as calculated pursuant to section 7-10(b).

(e) Revenue. All revocable consent revenue shall be collected by the Department.

THE RULES RELATED TO REVOCABLE CONSENTS

Table A

Length in feet	Cross-Section Area						
	Up to 1.4 Sq. ft.	1.4 to 4 Sq. ft.	4 to 20 Sq. ft.	20 to 81 Sq. ft.	81 to 162 Sq. ft.	162 to 243 Sq. ft.	Smaller Pipes up to 3"
Up to 100'	\$13.90 Per Ft.	\$27.83 Per Ft.	\$34.78 Per Ft.	\$41.72 Per Ft.	\$69.56 Per Ft.	\$83.48 Per Ft.	\$7.26 Per Ft.
100' - 150'	\$1,390 + \$8.17 Per Ft. Over 100 ft.	\$2,783 + \$16.35 Per Ft. Over 100 ft.	\$3,478 + \$20.43 Per Ft. Over 100 ft.	\$4,172 + \$24.51 Per Ft. Over 100 ft.	\$6,956 + \$40.87 Per Ft. Over 100 ft.	\$8,348 + \$49.04 Per Ft. Over 100 ft.	\$726 + \$4.26 Per Ft. Over 100 ft.
150' - 200'	\$1,799 + \$7.72 Per Ft. Over 150 ft.	\$3,600 + \$15.45 Per Ft. Over 150 ft.	\$4,499 + \$19.30 Per Ft. Over 150 ft.	\$5,397 + \$23.16 Per Ft. Over 150 ft.	\$9,000 + \$38.62 Per Ft. Over 150 ft.	\$10,800 + \$46.34 Per Ft. Over 150 ft.	\$939 + \$4.03 Per Ft. Over 150 ft.
200' - 250'	\$2,185 + \$7.29 Per Ft. Over 200 ft.	\$4,373 + \$14.59 Per Ft. Over 200 ft.	\$5,464 + \$18.23 Per Ft. Over 200 ft.	\$6,555 + \$21.87 Per Ft. Over 200 ft.	\$10,931 + \$36.46 Per Ft. Over 200 ft.	\$13,117 + \$43.76 Per Ft. Over 200 ft.	\$1,140 + \$3.80 Per Ft. Over 200 ft.
250' - 300'	\$2,549 + \$6.83 Per Ft. Over 250 ft.	\$5,102 + \$13.67 Per Ft. Over 250 ft.	\$6,376 + \$17.08 Per Ft. Over 250 ft.	\$7,649 + \$20.49 Per Ft. Over 250 ft.	\$12,754 + \$34.16 Per Ft. Over 250 ft.	\$15,305 + \$41.00 Per Ft. Over 250 ft.	\$1,330 + \$3.56 Per Ft. Over 250 ft.
300' - 350'	\$2,891 + \$6.40 Per Ft. Over 300 ft.	\$5,786 + \$12.81 Per Ft. Over 300 ft.	\$7,230 + \$16.00 Per Ft. Over 300 ft.	\$8,673 + \$19.20 Per Ft. Over 300 ft.	\$14,462 + \$32.01 Per Ft. Over 300 ft.	\$17,355 + \$38.42 Per Ft. Over 300 ft.	\$1,508 + \$3.34 Per Ft. Over 300 ft.
350' - 400'	\$3,211 + \$5.94 Per Ft. Over 350 ft.	\$6,426 + \$11.89 Per Ft. Over 350 ft.	\$8,030 + \$14.85 Per Ft. Over 350 ft.	\$9,633 + \$17.82 Per Ft. Over 350 ft.	\$16,062 + \$29.71 Per Ft. Over 350 ft.	\$19,276 + \$35.66 Per Ft. Over 350 ft.	\$1,675 + \$3.10 Per Ft. Over 350 ft.
400' - 450'	\$3,508 + \$5.70 Per Ft. Over 400 ft.	\$7,021 + \$11.41 Per Ft. Over 400 ft.	\$8,772 + \$14.25 Per Ft. Over 400 ft.	\$10,524 + \$17.10 Per Ft. Over 400 ft.	\$17,548 + \$28.51 Per Ft. Over 400 ft.	\$21,059 + \$34.22 Per Ft. Over 400 ft.	\$1,830 + \$2.97 Per Ft. Over 400 ft.
450' - 525'	\$3,793 + \$5.21 Per Ft. Over 450 ft.	\$7,591 + \$10.43 Per Ft. Over 450 ft.	\$9,485 + \$13.03 Per Ft. Over 450 ft.	\$11,379 + \$15.63 Per Ft. Over 450 ft.	\$18,973 + \$26.06 Per Ft. Over 450 ft.	\$22,770 + \$31.28 Per Ft. Over 450 ft.	\$1,979 + \$2.72 Per Ft. Over 450 ft.
525' - 600'	\$4,183 + \$4.75 Per Ft. Over 525 ft.	\$8,373 + \$9.48 Per Ft. Over 525 ft.	\$10,462 + \$11.85 Per Ft. Over 525 ft.	\$12,551 + \$14.22 Per Ft. Over 525 ft.	\$20,928 + \$23.71 Per Ft. Over 525 ft.	\$25,116 + \$28.45 Per Ft. Over 525 ft.	\$2,183 + \$2.47 Per Ft. Over 525 ft.
600' - 30,000'	\$4,540 + \$4.33 Per Ft. Over 600 ft.	\$9,084 + \$8.66 Per Ft. Over 600 ft.	\$11,351 + \$10.83 Per Ft. Over 600 ft.	\$13,618 + \$12.99 Per Ft. Over 600 ft.	\$22,706 + \$21.66 Per Ft. Over 600 ft.	\$27,249 + \$25.99 Per Ft. Over 600 ft.	\$2,368 + \$2.26 Per Ft. Over 600 ft.
For More Than 30,000'	\$134,440 + \$2.82 Per Ft. Over 30,000 ft.	\$268,884 + \$5.64 Per Ft. Over 30,000 ft.	\$336,251 + \$7.05 Per Ft. Over 30,000 ft.	\$403,318 + \$8.46 Per Ft. Over 30,000 ft.	\$672,506 + \$14.11 Per Ft. Over 30,000 ft.	\$806,949 + \$16.93 Per Ft. Over 30,000 ft.	\$70,168 + \$1.47 Per Ft. Over 30,000 ft.

The New York City Charter
Chapter 8, City Planning (*Excerpts*)

THE RULES RELATED TO REVOCABLE CONSENTS

§ 197-c Uniform land use review procedure.

a. Except as otherwise provided in this charter, applications by any person or agency for changes, approvals, contracts, consents, permits or authorization thereof, respecting the use, development or improvement of real property subject to city regulation shall be reviewed pursuant to a uniformed review procedure in the following categories:

(1) Changes in the city map pursuant to section one hundred ninety-eight and section one hundred ninety-nine;

(2) Maps of subdivisions or platting of land into streets, avenues or public places pursuant to section two hundred two;

(3) Designations of zoning districts under the zoning resolution, including conversion from one land use to another land use, pursuant to sections two hundred and two hundred one;

(4) Special permits within the jurisdiction of the city planning commission under the zoning resolution, pursuant to sections two hundred and two hundred one;

(5) Site selection for capital projects pursuant to section two hundred eighteen;

(6) Revocable consents pursuant to section three hundred sixty-four, requests for proposals and other solicitations for franchises pursuant to section three hundred sixty-three, and major concessions as defined pursuant to section three hundred seventy-four;

(7) Improvements in real property the costs of which are payable other than by the city pursuant to section two hundred twenty;

(8) Housing and urban renewal plans and projects pursuant to city, state and federal housing laws;

(9) Sanitary or waterfront land-fills pursuant to applicable charter provisions or other provisions of law;

(10) Sale, lease (other than the lease of office space), exchange, or other disposition of the real property of the city, including the sale or lease of land under water pursuant to section sixteen hundred two, chapter fifteen, and other applicable provisions of law;

(11) Acquisition by the city of real property (other than the acquisition of office space for office use or a building for office use), including acquisition by purchase, condemnation, exchange or lease and including the acquisition of land under water pursuant to section sixteen hundred two, chapter fifteen, and other applicable provisions of law; and

(12) Such other matters involving the use, development or improvement of property as are proposed by the city planning commission and enacted by the council pursuant to local law.

THE RULES RELATED TO REVOCABLE CONSENTS

b. The following documents shall be filed with the department of city planning: (1) applications under this section, (2) any amendments thereto that are made prior to approval of such applications pursuant to this chapter, (3) any written information submitted by an applicant for purposes of determining whether an environmental impact statement will be required by law, and (4) documents of records intended to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law. The department of city planning shall forward a copy of any materials it receives pursuant to this subdivision (whether or not such materials have been certified as complete) within five days to each affected borough president, community board or borough board.

c. The department of city planning shall be responsible for certifying that applications pursuant to subdivision a of this section are complete and ready to proceed through the uniform land use review procedure provided for in this section. Upon certification of an application, the department shall give notice of such certification to the council. If an application under this section has not been certified within six months after filing, both the applicant and, if the land use proposed in an application is consistent with the land use policy or strategic policy statement of the affected borough president, the affected borough president shall have the right at any time thereafter to appeal to the city planning commission for certification. The commission shall promptly, but in any event within sixty days of the filing of such an appeal, either certify the application or state in writing what further information is necessary to complete the application. If such an appeal is brought by an affected borough president, the affirmative vote of five members of the commission shall be sufficient to certify the application.

d. If a meeting involving a city agency and an applicant is convened to define or substantially redefine the overall scope of issues to be addressed in any draft environmental impact statement required by law for an application subject to review under this section, each affected community board and each affected borough president shall receive advance notice of such meeting, and each shall have the right to send one representative to the meeting.

e. Each affected community board shall, not later than sixty days after receipt of an application that has been certified pursuant to subdivision c of this section,

(1) notify the public of the application in a manner specified by the city planning commission pursuant to subdivision i of this section, and

(2) either (a) conduct a public hearing thereon and prepare and submit a written recommendation directly to the city planning commission and to the affected borough president or (b) where authorized by this charter, submit a written waiver of the right to conduct a public hearing and to submit such

THE RULES RELATED TO REVOCABLE CONSENTS

written recommendations to the commission and the affected borough president.

f. A copy of a recommendation or waiver by a community board pursuant to subdivision e of this section that involves land located within two or more community districts in a borough shall also be filed with the affected borough board within the same time period as specified in subdivision e. Not later than thirty days after filing of a recommendation or waiver with the borough board by all affected community boards, or, if any affected community board shall fail to act, thirty days after the expiration of the time allowed for such community board to act, the borough board may hold a public hearing on the application and any such recommendations and submit a written recommendation or waiver thereof to the city planning commission.

g. Not later than thirty days after the filing of a recommendation or waiver with the borough president by all affected community boards, or, if any affected community board shall fail to act, thirty days after the expiration of the time allowed for such community board to act, the borough president shall submit a written recommendation or waiver thereof to the city planning commission.

h. Not later than sixty days after expiration of time allowed for the filing of a recommendation or waiver with the city planning commission by a borough president, the commission shall approve, approve with modifications, or disapprove the application. Any such approval or approval with modifications of the commission shall require the affirmative vote of at least seven of the members, except that the affirmative vote of nine members shall be required to approve or approve with modifications an application pursuant to paragraph five, ten or eleven of subdivision a of this section relating to a new city facility if the affected borough president recommends against approval of such application pursuant to subdivision g of this section and has proposed an alternative location in the same borough for such new city facility pursuant to subdivision f or g of section two hundred four. The commission shall conduct a public hearing on all applications that are subject to review and approval by the commission pursuant to this section. Prior to taking any action pursuant to this subdivision on a matter involving the siting of a capital project, the sale, lease, exchange or other disposition or acquisition of real property, a request for a proposal or other solicitation for a franchise or a revocable consent, the city planning commission may obtain a report from the office of management and budget or the department of citywide administrative services, as appropriate. Any action of the city planning commission which modifies or disapproves a written recommendation of the community board, borough president or borough board shall be accompanied by a written explanation of its reason for such action.

THE RULES RELATED TO REVOCABLE CONSENTS

i. The city planning commission shall establish rules providing (1) guidelines, minimum standards, and procedural requirements for community boards, borough presidents, borough boards and the commission in the exercise of their duties and responsibilities pursuant to this section, (2) minimum standards for certification of applications pursuant to subdivision c of this section, and (3) specific time periods for review of applications pursuant to this section prior to certification.

j. If a community board, borough president or borough board fails or waives its right to act within the time limits for review pursuant to subdivisions e, f and g of this section, the application shall be referred to the next level of review. If the city planning commission fails to act on an application within the time limit specified in subdivision h of this section, the application shall be deemed to have been denied unless the application (i) is pursuant to paragraph three or four of subdivision a of this section, in which case the application may be forwarded to the council for review pursuant to the provisions of subdivision b of section two hundred, if applicable, or (ii) is pursuant to paragraph eight of subdivision a of this section, in which case the application shall be referred to the council for review and action as provided by state law.

k. Notice of any hearing on an application by the city planning commission shall be published in the City Record at least ten days immediately prior to the date of the hearing, and a copy of the notice shall be mailed to all community boards or borough boards affected by the application.

l. The commission shall establish by rule procedures for advance posting of notices of commission hearings on applications. Such notices shall be posted at the location of the land involved in such manner and with respect to such types of applications as the commission deems appropriate. Failure to post any such notice shall not affect or impair the validity of any decision of the city planning commission, the council or other agency or official pursuant to this chapter.

m. A community or borough board may review an application which is subject to the uniform land use review procedure pursuant to this section but does not involve land so located as to require reference to such board for review, if in the board's judgment the application might significantly affect the welfare of the community district or borough served by such board. In such a case the application and the related materials submitted to the affected board or boards by the city planning department shall be submitted also to such board upon the request of such board, and such board may hold its own public hearing thereon if it so desires and may submit its own written recommendations in regard thereto to the city planning commission for consideration at any time before the city planning commission takes action thereon.

THE RULES RELATED TO REVOCABLE CONSENTS

§ 197-d Council Review.

a. The city planning commission shall file with the council and with the affected borough president a copy of its decisions to approve or approve with modifications (1) all matters described in subdivision a of section one hundred ninety-seven-c, (2) plans pursuant to section one hundred ninety-seven-a, and (3) changes in the text of the zoning resolution pursuant to sections two hundred and two hundred one. Any such filing of a decision pursuant to section one hundred ninety-seven-c shall be completed prior to the expiration of the sixty-day period for action by the commission. Any such filing with the council shall include copies of all written recommendations of community boards, borough boards and borough presidents with respect to the decision being filed.

b. The following decisions filed with the council pursuant to subdivision a of this section, shall be subject to review and action by the council:

(1) any decision of the city planning commission to approve or approve with modifications a matter described in paragraph three or eight of subdivision a of section one hundred ninety-seven-c, a disposition of residential real property (as defined in this one hundred ninety-seven-c (except for dispositions to companies that have been organized exclusively to develop housing projects for persons of low income), a plan pursuant to section one hundred ninety-seven-a, or a change in the text of the zoning resolution pursuant to sections two hundred or two hundred one. For purposes of this section, residential real property shall mean real property improved by structures, whether or not occupied, built for or converted to a use which is primarily residential, but shall not include property subsequently converted to non-residential use;

(2) any other decision of the city planning commission to approve or approve with modifications a matter described in subdivision a of section one hundred ninety-seven-c, if (i) both an affected community board (after holding a public hearing) and the affected borough president, within the time periods allotted for their reviews pursuant to section one hundred ninety-seven-c, have recommended in writing against approval and (ii) the affected borough president, within five days of receiving a copy of the decision of the commission, files with the commission and the council a written objection to the decision; and

(3) any other decision of the city planning commission to approve or approve with modifications a matter described in subdivision a of section one hundred ninety-seven-c, if within twenty days of the filing of such decision pursuant to subdivision a of this section, the council resolves by the majority vote of all the council members to review the decision of the commission.

THE RULES RELATED TO REVOCABLE CONSENTS

c. Within fifty days of the filing with the council pursuant to subdivision a of this section of any decision of the city planning commission which pursuant to subdivision b of this section is subject to review by the council, the council shall hold a public hearing, after giving public notice not less than five days in advance of such hearing, and the council, within such fifty days, shall take final action on the decision. The affirmative vote of a majority of all the council members shall be required to approve, approve with modifications or disapprove such a decision. If, within the time period provided for in this subdivision and, if applicable, in subdivision d of this section, the council fails to act or fails to act by the required vote on a decision of the city planning commission subject to council review pursuant to subdivision b of this section, the council shall be deemed to have approved the decision of the commission.

d. The council shall not approve with modifications a commission decision if the commission has determined pursuant to this subdivision that additional review of the modifications is required. Prior to approving a decision of the commission with modifications, the council shall file the text of any such proposed modifications with the commission. Within fifteen days of such filing, the commission shall file with the council a written statement indicating whether such proposed modifications are of such significance that additional review of environmental issues or additional review pursuant to section one hundred ninety-seven-c is required. If no additional review is required, the commission may include in such statement its advisory recommendation concerning the proposed modifications, together with any proposed amendments to the proposed modifications. The council may thereafter approve such proposed modifications, with or without the amendments proposed by the commission. The time period for council action shall be tolled during such fifteen-day period; provided, however, that proposed modifications may be referred to the commission pursuant to this subdivision only once with respect to each application or group of related applications under review by the council.

e. All actions of the council pursuant to this section shall be filed by the council with the mayor prior to the expiration of the time period for council action under subdivisions c and, if applicable, d of this section. Actions of the council pursuant to this section shall be final unless the mayor within five days of receiving a filing with respect to such an action of the council files with the council a written disapproval of the action. Any mayoral disapproval under this subdivision shall be subject to override by a two-thirds vote of all the council members within ten days of such filing by the mayor.

f. The mayor shall have the right to file a written disapproval of any approval deemed to have occurred pursuant to subdivision c of this section as a result of a failure of the council to act or to act by the required vote. Any such written

THE RULES RELATED TO REVOCABLE CONSENTS

disapproval must be filed within five days of the expiration of the time period for action by the council under subdivisions c and, if applicable, d of this section. Any mayoral disapproval under this subdivision shall be subject to override by a two-thirds vote of all the council members within ten days of such filing by the mayor.

g. If a decision of the commission approving an application is not subject to council review pursuant to paragraph one of subdivision b of this section or is not made subject to council review pursuant to paragraphs two or three of subdivision b of this section, the mayor may nonetheless file with the council a written objection to such decision of the commission within five days of the expiration of time for the council to act under paragraph three of subdivision b of this section. Any mayoral objection under this subdivision shall be subject to override by a two-thirds vote of all the council members within ten days of such filing by the mayor.

The New York City Charter

Chapter 14, Franchises, Revocable Consents and Concessions
(Excerpts)

THE RULES RELATED TO REVOCABLE CONSENTS

§ 362 Definitions.

For the purposes of this charter:

d. “Revocable Consent” shall mean a grant by the city of a right, revocable at will, (1) to any person to construct and use for private use pipes, conduits and tunnels under, railroad tracks upon, and connecting bridges over inalienable property, (2) to an owner of real property or, with the consent of the owner, to a tenant of real property to use adjacent inalienable property for such purposes as may be permitted by rules of the department of transportation or the department of information technology and telecommunications or (3) to a public service corporation for facilities ancillary to, but not within, a franchise granted prior to the effective date of this section.

§ 364 Revocable consents.

a. A revocable consent shall not be granted for a use that would interfere with the use of inalienable property of the city for public purposes, nor shall a revocable consent be granted for a purpose for which a franchise may be granted.

b. All revocable consents shall be revocable at any time by the responsible agency, shall be granted for a fixed term, and shall provide for adequate compensation to be annually provided to the city during the continuance of the consent.

c. Revocable consents, other than for telecommunications purposes, may be granted by the department of transportation with respect to property under its jurisdiction or by such other agency as may be authorized by law to grant revocable consents. Revocable consents for telecommunications purposes may be granted by the department of information technology and telecommunications. All revocable consents shall require the approval of the department of transportation.

d. Every petition for the grant of a revocable consent shall be filed with the department of transportation. Each petition shall state the location of the proposed revocable consent and shall be in such form and contain such other information as the department of transportation and other responsible agencies, if any, shall require by rule. Petitions for each type of revocable consent shall be distributed to and reviewed by the agencies required to do so by local law or executive order of the mayor. If, in the judgment of the department of city planning, a proposed revocable consent has land use impacts or implications, the petition for the proposed revocable consent shall be subject to review and approval pursuant to section one hundred ninety-seven-c and section one hundred ninety-seven-d.

e. Notwithstanding any provision of this charter or the administrative code, revocable consents to construct and operate sidewalk cafes shall be reviewed pursuant to subchapter six of chapter two of title twenty of the administrative code.

The Rules of the City of New York
The Highway Rules, Title 34, Chapter 2
(As amended on July 27, 2005)

THE RULES RELATED TO REVOCABLE CONSENTS

Section 2-03. **Schedule of Fees, Miscellaneous Charges and Fees (Excerpt):**

Permit Or Activity	Fee	Other Charges	Maximum Duration per Permit	Maximum Distance per Permit	Maximum Width per Permit
Install temporary security structure	\$50.00		One year	300 linear feet	Not applicable
Renew temporary security structure	\$50.00		Six month	300 linear feet	Not applicable

Section 2-10 (a) (2):

(a) Permit Required.

(2) The Commissioner may issue permits for the placement or installation of bicycle racks, planters smaller than four square feet or two feet in diameter, as measured on a horizontal plane, non-electrical sidewalk sockets and temporary structures placed on sidewalks for security purposes.

Section 2-10 (j)

(j) Temporary security structures.

(1) Notwithstanding any inconsistent provision of these or any other rules, the Commissioner may issue a permit for a period of one year for temporary structures placed on sidewalks for security purposes. Such structures shall include, but not be limited to, concrete barricades, large planters and fencing.

(2) Notwithstanding any inconsistent provision of these rules, for the purposes of this subdivision, the standards and clearances in Chapter 7 of this title shall apply. For concrete barricades the standards for planters in Chapter 7 shall apply.

(3) A permit issued pursuant to this subdivision may be revoked or modified at will by the Department.

(4) Such permit may be renewed for a maximum of two consecutive six-month periods. The approval of the New York City Art Commission shall be obtained prior to the grant of a renewal.

(5) At the expiration of the permit and any renewal, if applicable, the person or entity wishing to continue to maintain such structures shall do so only pursuant to a revocable consent obtained from the Department pursuant to the provisions of Chapter 7 of this title.

The Administrative Code of the City of New York,

Title 27, Buildings (Excerpts)
Chapter 1, Building Code,
Subarticle 2, Facilities for People having Physical Disabilities
Article 9, Permissible Projections Beyond Street Lines

§27-307 Permissible Projections Beyond the Street Line

No part of new building, or of any alteration or addition to an existing building, shall be constructed to extend beyond the street line, except as specifically provided in this subchapter.

§27-308 Ramps

(a) When a building erected prior to December sixth, nineteen hundred sixty-nine is altered to provide access to individuals who use wheelchairs, ramps constructed to provide such access may, with the approval of the commissioner, project beyond the street line for a distance of not more than forty-four inches.(1)

(b) Ramps shall comply with the applicable provisions of reference standard RS 4-6.(2)

§27-309 Special Restrictions

The provisions of this subchapter shall not authorize any projections beyond the street line on those streets where removal of all, or certain, projects has been directed by any action of the board of estimate or the former board of estimate and apportionment, or which has been, or may be, directed by any action of the council or the board of estimate, except those projections that are permitted in conformity with such actions.

§27-310 Projections Removable

All projections permitted beyond the street line by the provisions of this subchapter shall be constructed so that they may be removed at any time without endangering the structural safety or fire safety of the building except that footings as permitted under subdivision (a) of §27-314 of article nine of this subchapter need not be removable.

§27-311 Permission Revocable

Any permission, expressed or implied, permitting the construction of projections within the area of the street under the provisions of this subchapter shall be revocable by the council or the board of estimate, except footings as permitted under subdivision (a) of §27-314 of article nine of this subchapter.

§27-312 Existing Projections

(a) Any part of a building that projects beyond a street line on January first, nineteen hundred thirty-eight may be maintained as constructed until its removal is directed by the council or the board of estimate.

(1) *Alterations.* Alterations to existing projections beyond the street line may be permitted in whole or part, provided that such alterations conform with the requirements of this subchapter.

§27-313 Projections Above Grade

Subject to the provisions of article eight of this subchapter the following projections may be constructed, above grade, to project beyond the street line:

(a) *Fixed projections.* Fixed projections are those elements listed below, generally of an architectural character, that form an integral part of the building facade. The aggregate area of all fixed projections constructed to extend beyond the street line shall not exceed ten square feet within any one hundred square feet of wall area, except that a veneer may be applied to the entire facade of a building erected before December sixth, nineteen hundred sixty-eight, if such veneer does not project more than four inches beyond the street line. The area of any fixed projection shall be measured at that vertical plane, parallel to the wall, in which the area of the projection is greatest. This plane of measurement may be at the street line, the line of maximum projection, or any point in between.

(1) *Entrance Details.* Entrance details, including steps, and doors when fully open, may be constructed to project beyond the street line not more than eighteen inches [sic] (3). Entrance steps that project beyond the street line shall be guarded at each end by railings or check pieces at least three feet high or by other members of the entrance detail providing equivalent protection.

(2) *Architectural Details.* Details such as cornices, eaves, bases, sills, headers, band course, opening frames, sun control devices, rustications, applied ornament or sculpture, grilles, windows when fully open, air conditioning units, and other similar elements may be constructed to project not more than four inches beyond the street line when less than ten feet above the ground or sidewalk level, and not more than ten inches beyond the street line when more than ten feet above the ground or sidewalk level.

(3) *Balconies.* Balconies, including railings and supporting brackets, no parts of which are less than ten feet above the ground or sidewalk level, may be constructed to project not more than twenty-two inches beyond the street line.

THE RULES RELATED TO REVOCABLE CONSENTS

When permitted by the provisions of subchapter six of this chapter, fire escapes that are part of a required exit may be constructed to project not more than four feet six inches beyond the street line provided no part, including any moveable ladder or stair, is lower than ten feet above the ground or sidewalk level when not in use.

(4) *Marquees*. Marquees may be erected on public buildings, theatres, hotels, terminals, large department stores, supermarkets, multifamily dwellings, and similar buildings of an essentially public nature, or upon a warehouse or market in an established market area as designated by reference standard RS 4-3, so as to project beyond the street line, but not nearer than two feet to the curb line, provided that no parts of such marquees are less than ten feet above the ground or sidewalk level.

Marquees must not be more than two feet to curb lines hereafter established or changed. When measured from top to bottom, marquees shall not be thicker nor shall the fascia be higher than three feet. This dimension shall include all decorations, but shall exclude any tension supports suspending the marquee from the wall. Marquees shall be supported entirely from the building and be constructed of noncombustible materials, except that the roof or any part of the roof may contain skylights complying with the requirements of subdivision (d) of §27-338 of article four of subchapter five of this subchapter. Marquee roofs shall be drained in accordance with the provisions of subchapter sixteen of this chapter. When the occupancy or use of a building with a marquee projecting beyond the street line is changed to an occupancy or use for which a marquee is not permitted by this section the marquee shall be removed.

(5) *Light Fixtures*. Light fixtures that are supported entirely from the building may be constructed to project not more than two feet beyond the street line, provided no part of the fixture is less than eight feet above the ground or sidewalk level.

(6) *Flagpoles*. Flagpoles that are supported entirely from the building may be constructed to project not more than eighteen feet beyond the street line, but no closer than two feet to the curb line, provided that no part of the flagpole is less than fifteen feet above the ground or sidewalk level.

(7) *Wall Signs*. Wall signs may be constructed to project not more than twelve inches beyond the street line when conforming to the requirements of subchapter seven of this chapter.

(8) *Projecting Signs*. Projecting signs may be constructed to project not more than ten feet beyond the street line, but not closer than two feet to the curb line, when conforming to the requirements of subchapter seven of this

THE RULES RELATED TO REVOCABLE CONSENTS

chapter, and provided that no part of the sign is less than ten feet above the ground or sidewalk level.

(b) Awnings. Awnings supported entirely from the building may be constructed to project beyond the street line as follows:

(1) *Store Front Awnings.* Store front awnings may be constructed to project beyond the street line not more than eight feet, provided no part of the awning is less than eight feet above the ground or sidewalk level, except for a flexible valance, which may not be less than seven feet above the ground or sidewalk level, and provided that the awning box or cover does not project more than twelve inches.

(2) *Awnings.* Awnings over windows or doors may be constructed to project beyond the street line not more than five feet, provided that no part of the awning is less than eight feet above the ground or sidewalk level.

(3) *Construction.* Awnings shall be constructed of a noncombustible frame covered with flame proofed canvas or cloth, slow-burning plastic, or other equivalent material.

(c) Storm Enclosures. Storm enclosures projecting not more than eighteen inches beyond the street line may be permitted during the period between November fifteenth and the following April fifteenth. Such enclosures shall be removed at the end of this period. Constructions shall follow the requirements of §27-336 of subchapter five of this chapter.

(d) Bridges Between Buildings. Bridges connecting buildings, and projecting beyond street lines, may be constructed subject to the approval of the board of estimate and the department of highways. Such bridges shall be of a construction class that is at least equal to the higher class of the two buildings connected, and shall otherwise comply with the provisions of this code and other applicable laws.

(e) Sidewalk Cafes.

(1) Enclosures for sidewalk cafes, where permitted by the commissioner of consumer affairs, may be provided beyond the building line, within a street, provided such enclosures are constructed of incombustible material or slow-burning plastic or other material which will not support combustion, and provided the sides of such enclosures do not extend more than eight feet above the sidewalk.

THE RULES RELATED TO REVOCABLE CONSENTS

(2) Awnings supported entirely from the building may be placed over sidewalk cafes provided they are at least eight feet clear above the sidewalk and provided they are within the limits specified by the commissioner of consumer affairs. Such awnings shall be supported on metal frames and constructed of canvas treated to render it fire-resistive or other material which will not support combustion.

(3) No part of any awning, enclosure, fixture or equipment of a sidewalk café shall be located beneath a fire-escape so as to obstruct operation of fire-escape drop ladders or counter-balanced stairs or to obstruct any exit from a building.

(4) (i) Removable platforms shall be constructed to provide for a continuous unbroken and level floor without openings or cracks so as to prevent any material or liquid from falling through to the area beneath; no papers, trash or other materials may be permitted to accumulate in the area beneath the floor of the platform.

(ii) No part of the platform shall obstruct an exit from any building.

(iii) No part of the platform shall cover a cellar entrance, areaway or other vent, except that an easily removable section, prominently designated, will be permitted if acceptable to the commissioner.

(iv) No siamese connection or hydrant may be obstructed in any way that would hinder its use by the fire department.

(5) In addition to the requirements specified herein, the commissioner may promulgate such additional regulations necessary to secure safety.

(f) Curb cuts. The lowering of any curb or the change of grade of any sidewalk for the purpose of providing a driveway across such curb or sidewalk shall be constructed in accordance with the specifications prescribed in §27-558 of article three of subchapter nine of this chapter or as required by the commissioner. The commissioner shall limit the length of any curb cut for the purpose of providing a driveway across such curb or sidewalk, when in the opinion of the commissioner the actual use or intended use of such driveway would endanger the public. The owner shall maintain every part of such driveway in accordance with the specifications prescribed in §27-558 of article three of subchapter nine of this chapter. Where the vehicular use of such driveway, in the opinion of the commissioner is dangerous to the public, the commissioner shall order the owner to discontinue use of such driveway and restore the curb and sidewalk as required by the department of transportation.

THE RULES RELATED TO REVOCABLE CONSENTS

Upon the failure of the owner to comply with such order, the commissioner may inform the commissioner of transportation of such failure to comply and request the cooperation of the commissioner of transportation acting under his or her authority pursuant to § twenty-nine hundred four of the New York City charter in the enforcement of this section.

§27-314 Projections Below Grade

(a) Subject to the provisions of article eight of this subchapter the following projections may be constructed below grade to project beyond the street line.

(1) *Footings.* Exterior wall and column footings may be constructed to project beyond the street line not more than twelve inches, provided that the top of the footing is not less than eight feet below the ground or sidewalk level.

(2) *Foundation Walls.* Foundation Walls required to support permitted projections may be constructed to project not more than the permitted projection beyond the street line.

(3) *Vaults.* Vaults licensed by the commissioner of transportation may be constructed to project beyond the street line but not beyond the curb line.

Vault covers shall be set flush with the sidewalk and surfaced with non-skid material.

(4) *Tunnels Between Buildings.* Tunnels connecting buildings, and projecting beyond street lines, may be constructed subject to the approval of the board of estimate and the department of transportation. Such tunnels shall comply with the provisions of this code and other applicable laws and regulations.

Executive Order No 22
SIDEWALK CORNER CLEARANCES

THE CITY OF NEW YORK
OFFICE OF THE MAYOR
NEW YORK, N.Y. 10007

Executive Order No 22

April 13, 1995

SIDEWALK CORNER CLEARANCES

By the power vested in me as Mayor of the City of New York, it is hereby ordered:

Section 1. **Definitions** For purposes of this Executive Order, the following terms shall have the following meanings:

- (a) "Corner" shall mean the area created by extending the building line to the curb.
- (b) "Corner Quadrant" shall mean the area from ten feet of either side of the corner as defined in subdivision of this section.

Section 2. **Purpose** The City's sidewalks serve an essential role in our communities because they provide pedestrian access in a City renowned for being walkable. They also contain numerous structures and objects important to our transportation system, and to public health, safety and welfare, such as bus stop shelters, subway entrances, traffic signs, lamp posts, waste baskets and fire hydrants. Other structures and objects on the sidewalk include newsstands, sidewalk cafes, street vendors' carts, fruit and vegetable stands, works of art and planters. However, corners that are congested with structures and objects create pedestrian gridlock which may ultimately bottle up a whole block of sidewalk. Congested corners also raise serious traffic and safety concerns: when structures and objects block the corner, pedestrians spill out onto the street and are in danger of being hit by passing vehicles. A Streetscape Task Force comprised of various City Agency representatives has studied this issue and has concluded that the situation on the City's sidewalks would be vastly improved through the adoption of a consistent approach to the placement of structures and objects on the City's sidewalks. The Streetscape Task Force also concluded that the City agencies should not authorize private individuals to place structures and objects in the corner and the corner quadrant, and that as structures and objects located on the sidewalks by City Agencies are themselves replaced, they, too should be moved out of the corner and the corner quadrant to the extent that such relocation would not jeopardize the health and safety of the public. Other entities not subject to the

THE RULES RELATED TO REVOCABLE CONSENTS

jurisdiction of the City such as the State and federal governments also should be asked to cooperate in keeping the corner and the corner quadrant as clear as possible of any obstructions.

Section 3. **Sidewalk Corner Clearance Policy** It is hereby established that to the maximum extent possible, and in a manner established that to the maximum extent possible, and in a Disabilities Act of 1990, as such provisions may be amended from time to time, structures and objects should not be placed in the corner and the corner quadrant, and that all agencies should (a) exercise their authority to issue or enter into licenses, permits, concessions, franchises, revocable consents or other similar approvals, or any contracts, so as to facilitate the clearance of structures and objects from the corner and the corner quadrant; and (b) replace structures and objects under City ownership in the corner and the corner quadrant with structures and objects outside of the corner and the corner quadrant to the extent that such relocation would not jeopardize the health and safety of the public.

Section 4. **Implementation**

(a) Each agency head shall take appropriate steps, including, but not limited to, establishing an agency-wide policy, promulgating rules or proposing legislation, to provide that no license, permit, concession, franchise, revocable consent or other similar approval, or contract, within the jurisdiction of such agency shall be granted or renewed that would authorize placement of any structure or object in the corner and the corner quadrant. Any such provision shall not prohibit the placement of structures or objects at the building line of such corner and corner quadrant; provided, however, that the placement of such structure or object at the building line leaves an adequate clear path for pedestrians. Each affected agency shall provide the Office of the Deputy Mayor for Planning and Community Relations with a plan no later than June 15, 1995, which will outline how the agency intends to implement the provisions of this Order, and the Office of the Deputy Mayor for Planning and Community Relations shall be responsible for coordinating such implementation.

(b) As each agency replaces structures or objects under the City ownership, such structures and objects should be moved outside of the corner and the corner quadrant to the extent that such relocation would not jeopardize the health and safety of the public.

(c) The Office of the Deputy Mayor for Planning and Community Relations shall seek cooperative arrangements with the State and Federal governments, and other entities that are not subject to the jurisdiction of the

THE RULES RELATED TO REVOCABLE CONSENTS

City of New York, to ensure that the corner and the corner quadrant are cleared of structures and objects, and such arrangements shall provide for

such entities to (1) refrain from placing new structures and objects in the corner and the corner quadrant: and (2) replace structures and objects in the corner and the corner quadrant with structures and objects outside of the corner and the corner quadrant to the extent the such relocation would not jeopardize the health and safety of the public.

Section 5. This Order shall take effect immediately.

Rudolph W. Giuliani
Mayor