



**IN THE MATTER OF** an application submitted by the Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, to facilitate the updating of Privately Owned Public Spaces (POPS) signage and furniture regulations.

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This application (N 190408 ZRY) for an amendment to the Zoning Resolution was filed by the Department of City Planning (DCP) on May 17, 2019 to facilitate the modification of existing Privately Owned Public Spaces (POPS) provisions, including required signage, amenities and implementing a new POPS symbol.

## **BACKGROUND**

POPS are indoor and outdoor spaces that have been provided by property owners, primarily in exchange for a floor area bonus or special waivers. POPS were first introduced as a zoning incentive tool in the 1961 Zoning Resolution, allowing developers to build more usable space in a building if they provided “plazas” or “arcades” that were open to the public. The original goal of the provision was to provide additional light and air in the densest areas of the city. Since 1961, POPS have served as public resources for residents, employees and visitors, offering relief from congested sidewalks and streets.

POPS come in many forms, including arcades; sidewalk widenings; open air concourses; covered pedestrian spaces; through block arcades, connections, and gallerias; and several types of plazas (plazas developed pursuant to the 1961 zoning regulations [“1961 plazas”], urban plazas, residential plazas and the more recent public plaza). While many POPS were created pursuant to these zoning regulations, some were also created as part of a variance or special permit granted by the City Planning Commission or the Board of Standards and Appeals, or as required by special zoning districts.

Since 1961, the POPS regulations have greatly evolved. Multiple amendments to the Zoning Resolution have introduced new types of outdoor and indoor spaces, phased out and replaced certain types of spaces, and refined design regulations. DCP has continued to enhance design

standards to ensure that POPS are of the highest quality and are useful and inviting to the public. While POPS vary in typology and size, all are required to be provided by the building owner in accordance with the regulations under which they were built and pursuant to any prior City approvals.

In addition to the variety of existing POPS that have been created pursuant to prior standards or approvals, the current Zoning Resolution permits floor area bonuses for four types of POPS: “public plazas”, “arcades”, “through block arcades”, and “covered pedestrian spaces”. These terms, defined in the Zoning Resolution, all have unique design standards. Other types of POPS continue to be approved as part of discretionary and special districts approvals. To date, over 550 POPS have been provided at over 350 properties across New York City.

The most recent major revisions to the design and operational standards for POPS were approved by the CPC in 2007 (N 070497 ZRY) and 2009 (N 090317 ZRY), which created “public plazas”, the newest type of POPS. These revisions modified site design criteria such as size, shape, and elevation, and significantly enhanced required amenities. These amenities include signage, seating, planting and lighting. Signage and seating are particularly important to POPS, as elaborated further below.

POPS signage requirements were first introduced in the Zoning Resolution in 1975, with the establishment of urban plazas and open air concourses. Signage standards have been amended over time and have incorporated a public space symbol, comprised of a grid and tree-shaped symbol, and helpful information about each particular space, including the required hours of access, amenities, ownership details, and a method for the public to report issues with maintenance. Signage continues to be a valuable feature in POPS, by indicating that these spaces on private property are indeed open to the public and allowing the public to immediately understand the most important features and amenities that should be provided for public use. Signage is required for public plazas and through block arcades, among others, under the current Zoning Resolution, and for residential plazas and urban plazas under their respective previous standards. However, several other types of POPS, primarily “1961 plazas” and arcades, have no required signage because the

standards or City approvals that they are or were built pursuant to do not require any. Of the 355 properties that provide POPS, 145 properties do not have any required signage today. In 2017, the City adopted Local Law 116 as amended by Local Law 250 of 2017 (“Local Law”), which requires public space signage at all POPS as defined in the Local Law, regardless of whether signage was a requirement at the time that the POPS was constructed. Therefore, the Local Law now requires public space signage at all existing and new POPS.

Seating, whether provided as benches, individual seats, moveable chairs, seat walls, or arrangements of tables and chairs, has been a required amenity for POPS since 1975. The ability to sit in these spaces is key to promoting passive enjoyment of open space in the densest parts of the city. Seating remains a key required amenity in certain POPS. However, 1961 zoning regulations did not permit seating in plazas of that era, resulting in many older spaces that are devoid of opportunities to sit.

With renewed attention to POPS signage, DCP, in conjunction with Advocates for Privately Owned Public Space and The Municipal Art Society of New York, sponsored an international, public design competition to solicit a new logo design to replace the existing POPS symbol and to represent the POPS program under a unified identity. The competition launched on January 15, 2019, and three finalists were announced on May 20, 2019. The Director of DCP chose a new official POPS logo from the finalists, which depicts a grouping of three playfully-arranged chairs. The selected design matches DCP’s goal of creating inviting public spaces with an abundance of amenities, with an emphasis on seating.

#### *PROPOSED TEXT AMENDMENTS*

DCP proposes a zoning text amendment to update certain provisions related to signage and amenities in POPS. This action would:

- (1) Facilitate the updating of the existing public space symbol;
- (2) Require public space signage for various types of POPS; and
- (3) Permit publicly-accessible and moveable tables and chairs to be placed in plazas and arcades where they are currently prohibited.

The proposed zoning text amendment would help create a new and unified identity for POPS and allow public amenities in underutilized POPS, making these spaces more inviting and usable to the public.

The proposed zoning text amendment would be applicable where floor area bonuses for providing a POPS are generally available, often in medium to high-density commercial districts and high density residential districts in all boroughs except Staten Island. Zoning districts that permit creation of POPS are in the following community districts: Bronx Community Districts 1 and 4; Brooklyn Community Districts 1 and 2; Manhattan Community Districts 1 through 12; and Queens Community Districts 2 and 12.

Public plaza regulations are incorporated into the zoning text of various special zoning districts throughout Manhattan, Brooklyn, and Queens. In certain special districts, such as Midtown and Hudson Yards, public plaza regulations are expanded in applicability, while in others, such as Long Island City and Lower Manhattan, applicability is more restricted. Certain other special districts, such as West Chelsea, prohibit bonuses by providing a public plaza but apply existing design standards to non-bonus open areas on zoning lots. Special zoning districts that reference existing public plaza standards include:

- Special Midtown District
- Special Lower Manhattan District
- Special Hudson Yards District
- Special Sheepshead Bay District
- Special Transit Land Use District
- Special West Chelsea District
- Special Downtown Brooklyn District
- Special Long Island City Mixed Use District
- Special Willets Point District
- Special Downtown Far Rockaway District

## **ENVIRONMENTAL REVIEW**

This application (N 190408 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA), and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 et seq. and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 19DCP202Y. The lead is the City Planning Commission. This application was determined to be a Type II action, which requires no further environmental review.

## **PUBLIC REVIEW**

On May 20, 2019, the application (N 190408 ZRY) was referred to 22 community boards (CBs) in the Bronx, Brooklyn, Manhattan, and Queens, as well as the Borough Presidents and Borough Boards for each of these boroughs for information and review in accordance with the procedures for referring non-ULURP matters.

### **Community Board Review**

Eight of the 22 community boards submitted recommendations (N 190408 ZRY), as noted in the below table:

Summary Table of Community Board Recommendations:

<b>CBs</b>	<b>Recommendation</b>	<b>Comments/Conditions</b>
<b>Manhattan CB 1</b>	<b>Approval</b> with conditions	“Approves the proposed POPS signage & amenities zoning text amendment, only under the condition that the existing logo is maintained, which we believe is iconic.”
<b>Manhattan CB 3</b>	<b>Approval</b>	

CBs	Recommendation	Comments/Conditions
Manhattan CB 5	Denial unless changes are made to incorporate stated concerns	<p>“Although the overall purpose of the zoning text amendment is positive and would enhance the experience of POPS users, numerous issues remain unresolved while new issues arise from the proposal:</p> <ul style="list-style-type: none"> <li>• the number, style, size, design of movable furniture permitted as-of-right in plazas built prior to 1975 must be clearly determined so as to respect the current design standards for new POPS, as an unlimited number of movable pieces of furniture would create chaos in our congested district (there are 46 plazas completed before 1975 in CB5; or 46% of all POPS in CB5);</li> <li>• signage must be mandated at each entrance as well as near locations where people tend to congregate, such as near seating areas,</li> <li>• DCP must be able to uphold specific signage requirements agreed upon between a POPS operator and the local community board,</li> <li>• DCP must ensure that Department of Building inspectors tasked with enforcement are well trained so as to avoid violations being cited under the incorrect ZR section as it happened in CB5,</li> <li>• DCP must codify and support enforcement of non-compliant activities in POPS so as to avoid privatization of POPS as frequently happens at a number of POPS in CB5, such as the Kimpton Eventi Hotel located at 851 6th Ave.”</li> </ul>

<b>CBs</b>	<b>Recommendation</b>	<b>Comments/Conditions</b>
<b>Manhattan CB 6</b>	<b>No objection</b>	<p>“CB6 recommends the following additional items be enacted:</p> <ul style="list-style-type: none"> <li>• Every three (3) years there be a review of each POPS for compliance;</li> <li>• Suitable mechanisms for inspection by the Department of Buildings, (with expanded staff for this purpose) on a regularly scheduled basis, to assure compliance with design and usage standards and hours of operation are being complied with;</li> <li>• The local Community Board phone number, or other suitable contact information, be listed so as to facilitate citizen complaints;</li> <li>• Owners of POPS locations be informed about the Zoning Resolution changes on timely basis; and</li> <li>• Where table and chairs, for space reasons, are not practical, planters be may substituted.”</li> </ul>
<b>Brooklyn CB 1</b>	<b>Support</b>	
<b>Brooklyn CB 2</b>	<b>Support</b>	
<b>Queens CB 1</b>	<b>Approval</b>	
<b>Queens CB 2</b>	<b>Support</b>	

**Borough Board Review**

This application (N 190408 ZRY) was referred to the Manhattan, Brooklyn, Queens, and Bronx Borough Boards, of which none issued recommendations.

**Borough President Review**

This application (N 190408 ZRY) was referred to the Manhattan, Brooklyn, Queens, and Bronx Borough Presidents. The Manhattan Borough President considered the application (N 190408

ZRY) on July 15, 2019 and issued a recommendation approving the application. The Brooklyn Borough President held a public hearing on July 15, 2019 and, on that date, adopted a resolution recommending approval the application. The Queens and Bronx Borough Presidents did not issue recommendations.

### **City Planning Commission Public Hearing**

On September 25, 2019 (Calendar No. 1), the City Planning Commission scheduled October 16, 2019 for a public hearing on this application (N 190408 ZRY). The hearing was duly held on October 16, 2019 (Calendar No. 12). One speaker testified in favor of the application and none in opposition.

A Rockaway resident spoke in favor of the proposal, with conditions.

There were no other speakers and the hearing was closed.

### **CONSIDERATION**

The Commission believes that this application for a zoning text amendment (N 190408 ZRY) is appropriate.

The Commission recognizes that POPS are an important amenity for the public and believes that the text amendment would improve visibility and broaden the usage of POPS. The update would facilitate a comprehensive public space signage system and permit moveable tables and chairs where they are currently prohibited.

The Commission acknowledges that the Local Law requires public space signage at all POPS, and that, concurrently with the proposed text amendment, DCP is amending Title 62 of the rules of the City of New York. The update to Title 62 will provide specifications for the such signage, a framework for DCP review of proposed signage, and timeframes for compliance with these proposed rules. DCP will strive to notify all affected property owners of the signage requirements to facilitate their compliance with the provisions of the Local Law, Departmental rules, and zoning



provisions, as amended herein.

The passage of the Local Law requiring signage at all POPS creates an inconsistency for many POPS that were not required to provide signage pursuant to the regulations in place at the time of their creation. The Commission acknowledges that it is necessary to update the Zoning Resolution provisions related to POPS to eliminate this discrepancy and facilitate the provision of signage for POPS that do not currently have signage requirements pursuant to the Zoning Resolution but do have signage requirements per the Local Law.

The Commission supports the prioritization of seating as a key amenity within POPS and notes that arrangements of moveable chairs and tables provide flexibility that can instantly transform the usability and enjoyment of a public open space. The Commission notes that the provision of such amenities within POPS requires amendment of the zoning provisions related to 1961 plazas and arcades, thereby unlocking the ability for owners to place moveable tables and chairs in such spaces. This will allow an opportunity for these POPS to be activated and made more inviting and useful to the public.

The Commission received recommendations from multiple community boards and borough presidents that were widely supportive of the proposed text amendment. There was a concern raised by a community board regarding sufficient circulation space around the moveable amenities that may be placed in POPS in busy areas of the city. The Commission notes that the proposed text includes provisions requiring minimum clearances for circulation paths and entrances, therefore ensuring that the provision of such seating features will not impair circulation within and through these spaces.

The Commission also received a recommendation from a community board to allow planters where moveable tables and chairs are not practical. However, the Commission recognizes that planters can be bulkier than a moveable table or chair, and, thus, may create circulation problems or visual obstructions. While greenery is generally encouraged in public spaces, the Commission recognizes that planters must be placed strategically to ensure successful growth, and that the

addition of planters into this proposed provision would be out of scope of the application (N 190408 ZRY).

There were general concerns raised ensuring compliance of POPS. The Commission recognizes that DCP works closely with the Department of Buildings to help ensure compliance, and that DCP maintains an online POPS map, which includes locations of all POPS in the city and the required features of each space, for usage by the public and community groups. Further, the Commission recognizes that the public space signage that will be required at all POPS will ensure that each space is clearly identified as public space and that required amenities, hours of operation, and instructions for reporting problems will be made clear.

The Commission believes that the proposed zoning text amendment is consistent with the City's goals and intent of POPS and will welcome more of the public to recognize and use these spaces.

## **RESOLUTION**

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination and consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

Matter underlined is new, to be added;

Matter ~~struck-out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

## **ARTICLE III – COMMERCIAL DISTRICT REGULATIONS**

### **Chapter 7 – Special Urban Design Regulations**

\* \* \*

### 37-50

#### Requirements for Pedestrian Circulation Space

\* \* \*

### 37-53

#### Design Standards for Pedestrian Circulation Spaces

\* \* \*

(h) Through #block# connection

\* \* \*

A through #block# connection shall meet the following requirements:

\* \* \*

(2) Design standards for a through #block# connection

\* \* \*

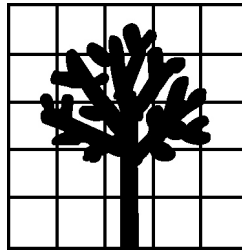
(viii) A through #block# connection shall provide the following information for public access at each public entry to the through #block# connection:

(a) For an unenclosed through #block# connection, the public access information shall be an entry plaque located at the entrance to the through #block# connection at each #street# frontage. The entry plaque shall contain:

(1) ~~a public space symbol, provided in the Required Signage Symbols file at the Department of City Planning website. And, which is at least 14 inches square in dimension, has a white background, has a grid of four straight lines no greater than one-eighth inch wide and green in color. and has a tree-shaped symbol as shown:~~ a public space symbol and supplemental text that matches the dimensions and graphic

standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and text shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; and

[IMAGE TO BE REMOVED]



~~(2) lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located within nine inches of the public space symbol; and~~

~~(3)~~(2) an international Symbol of Access for people with disabilities that is at least three inches square.

The entry plaque shall be mounted with its center five feet above the elevation of the nearest walkable pavement on a wall or a permanent freestanding post. It shall be placed so that the entire entry plaque is obvious and directly visible without any obstruction, along every line of sight from all paths of pedestrian access to the through #block# connection, in a position that clearly identifies the entry to the connection.

(b) For an enclosed through #block# connection or a portion thereof:

- (1) a public space symbol and supplemental text as described in paragraph (h)(2)(viii)(a) of this Section, ~~not less than six inches square,~~ shall be mounted with its center five feet above the elevation of the nearest walkable pavement;
- (2) lettering stating "PUBLIC ACCESS TO \_\_\_\_ STREET," indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol and supplemental text; and
- (3) lettering not more than two inches or less than one and a half inches in height stating "Open: OPEN TO PUBLIC" with the hours and days of operation of the through #block# connection. This lettering shall be located not more than three inches from the public space symbol and supplemental text.

The above required information shall be permanently affixed on the glass panel of the entry doors of the through #block# connection clearly facing the direction of pedestrian flow. The information shall be located not higher than six feet or lower than three feet above the level of the pedestrian path at the entry, ~~and shall be in a format and color which will ensure legibility.~~

\* \* \*

### **37-60**

#### **PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007**

### **37-61**

#### **Design Standards**

Design standards for #plazas#, #residential plazas# and #urban plazas developed# prior to October 17, 2007, are located in APPENDIX E of this Resolution.

Notwithstanding the foregoing, the applicable provisions of APPENDIX E shall be superseded as

follows:

- (a) all #plazas#, #residential plazas# and #urban plazas# shall provide an information plaque that contains a public space symbol and supplemental text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and text shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York;
- (b) the introduction of moveable tables and chairs pursuant to Section 37-626 (Moveable tables and chairs) shall be permitted within #plazas#, and shall not constitute a design change pursuant to Section 37-625 (Design changes).

\* \* \*

### **37-625**

#### **Design changes**

\* \* \*

### **37-626**

#### **Moveable tables and chairs**

Publicly accessible tables and chairs shall be considered permitted obstructions within #plazas# that have not received a certification by the Chairperson of the City Planning Commission pursuant to Section 37-625 (Design changes), provided that such obstructions comply with the provisions of this Section.

The following provisions shall apply to all tables and chairs permitted by this Section.

#### (a) General requirements

Tables and chairs provided pursuant to this Section may be used by the public without restriction. All furnishings shall be moveable and made of high quality and durable materials. Tables and chairs shall not be chained, fixed, or otherwise secured between the hours of 7:00 a.m. and 9:00 p.m., and may be stored or secured between the hours of 9:00 p.m. and 7:00 a.m.

(b) Circulation requirements for tables and chairs

No furnishings, including storage of furnishings, shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths. For #plazas# with a depth of 10 feet or less, as measured perpendicular from the #street line#, an unobstructed path of not less than three feet wide shall be provided, and for those with a depth greater than 10 feet, the width of such unobstructed path shall be increased to at least six feet.

\* \* \*

**37-70**

**PUBLIC PLAZAS**

\* \* \*

**37-75**

**Signs**

**37-751**

**Public space signage systems**

The following public space signage systems shall be required for all #public plazas#:

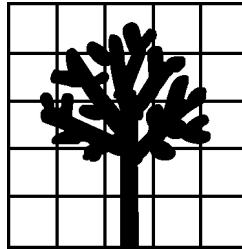
- (a) Entry plaque

The entry plaque shall be located at each #street# frontage or point of pedestrian entry to the #public plaza#. On each #street# frontage occupied by the #public plaza#, a minimum of one entry plaque shall be provided for every 40 feet of linear #street# frontage occupied by the #public plaza#. The entry plaque shall contain:

- (1) ~~a public space symbol which is 12 inches square in dimension and dark green or black in color with a highly contrasting background, a grid and tree-shaped symbol, as shown in this paragraph, (a)(1). The symbol shall match exactly the symbol provided in the Required Signage Symbols file at the Department of City Planning~~

website; a public space symbol and supplemental text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and text shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York;

[IMAGE TO BE REMOVED]



- (2) ~~lettering at least two inches in height stating "OPEN TO PUBLIC." This lettering shall be located immediately adjacent to the public space symbol;~~
- (3)(2) lettering at least one inch in height stating the words "Open 24 hours" or, if a nighttime closing has been authorized, pursuant to Section 37-727, shall contain the words "Open to the public:" followed by the approved hours of operation; and
- (4)(3) an International Symbol of Access for persons with disabilities that is at least three inches square.

The entry plaque shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk with its center five feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. It shall be in a position that clearly identifies the entry into the #public plaza#, and placed so that the entire entry plaque is obvious and directly visible, without any obstruction, along every line of sight from all paths of pedestrian access to the #public plaza#.

(b) Information plaque

An information plaque constructed from the same permanent materials as the entry plaque



or combined with one or more of the required entry plaques shall be provided. Information plaques shall be mounted on a wall or a permanent free-standing post within five feet of the sidewalk and shall have all required lettering located three feet above the elevation of the nearest walkable pavement. The maximum height of such free-standing post shall be six feet, with a maximum width and depth of 16 inches. The information plaque shall consist of:

- (1) ~~if provided on a separate plaque from a required entry plaque, a public space symbol and supplemental text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and text shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; which is at least six inches square in dimension and dark green or black in color with a highly contrasting background, a grid and tree-shaped symbol, as shown in paragraph (a)(1) of this Section. The symbol shall match exactly the symbol provided in Required Signage Symbols file at the Department of City Planning website.~~
- (2) ~~if provided on a separate plaque from a required entry plaque, the words, in lettering one-half inch in height, "Open 24 hours" or, if a nighttime closing has been authorized pursuant to Section 37-727, the words, in lettering one-half inch in height, "Open to the public," followed by the approved hours of operation;~~

\* \* \*

(c) Hours of access plaque

On each #street# frontage occupied by the #public plaza# and where the City Planning Commission has authorized a limitation on the hours of access for a #public plaza#, pursuant to the provisions of Section 37-727, a minimum of one hours of access plaque shall be provided for every 40 linear feet of approved barrier that limits public access. The hours of access plaque shall be located on the barrier that limits public access to the #public plaza# and shall consist of:

\* \* \*

- (1) A public space symbol and supplemental text that matches the dimensions and

~~graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and text shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York; and which is two inches square in dimension and dark green or black in color with a highly contrasting background, a grid and tree-shaped symbol, as shown in paragraph (a)(1) of this Section. The symbol shall match exactly the symbol provided in the Required Signage Symbols file at the Department of City Planning website.~~

- (2) the statement: “Open to the Public:” followed by the approved hours of operation.

[CORRECTING TAB LOCATION OF THE NEXT TWO PARAGRAPHS]

All required public space signage shall be fully opaque, non-reflective and constructed of permanent, highly durable materials such as steel or stone.

All lettering provided on required public space signage shall be in a clear, bold, sans-serif, non-narrow font such as Arial, Helvetica or Verdana, solid in color with a minimum height of three-quarters of an inch, unless otherwise specified above, and shall highly contrast with the background color of the #sign#.

\* \* \*

### **37-80**

#### **ARCADES**

The provisions of this Section shall apply to all #developments# and #enlargements# containing an #arcade# that qualifies for a #floor area# bonus pursuant to Sections 24-15, 33-14 or 43-14.

(a) General provisions

An #arcade# shall be #developed# as a continuous covered space extending along a #street line#, or #publicly accessible open area#. An #arcade# shall be open for its entire length to the #street line# or #publicly accessible open area#, except for #building# columns and tables and chairs provided pursuant to Section 37-81 (Moveable Tables and Chairs). Such #arcade# shall be, ~~and~~ unobstructed to a height of not less than 12 feet, and either:

- ~~(a)~~(1) have a depth not less than 10 feet nor more than 30 feet measured perpendicular to the #street line# or boundary of the #publicly accessible open area# on which it fronts, and extend for at least 50 feet, or the full length of the #street line# or boundary of the #publicly accessible open area# on which it fronts, whichever is the lesser distance; or
- ~~(b)~~(2) on a #corner lot#, is bounded on two sides by the two intersecting #street lines#, and has an area of not less than 500 square feet and a minimum dimension of 10 feet.

(b) Permitted elevation

Such an #arcade# shall not at any point be above the level of the #street#, or #publicly accessible open area# that it adjoins, whichever is higher. Any portion of an #arcade# occupied by #building# columns shall be considered to be part of the area of the #arcade# for the purposes of computing a #floor area# bonus.

(c) Permitted parking, drop offs or loading berths

No off-street parking spaces, passenger drop offs, driveways or off-street loading berths are permitted anywhere within an #arcade# or within 10 feet of any bonusable portion thereof. By certification, the Commission may permit such activity in the immediate vicinity of an #arcade# provided such activity will not adversely affect the functioning of the #arcade#. In no event shall such vehicular areas be eligible for an #arcade# bonus.

(d) Hours of operation

#Arcades# shall be accessible to the public at all times.

(e) Signage

An information plaque shall be provided that contains a public space symbol and supplemental text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and text shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York.

**37-81**

**Moveable Tables and Chairs**

Publicly accessible tables and chairs shall be considered permitted obstructions within an #arcade#, provided that such obstructions comply with the provisions of this Section.

The following provisions shall apply to all tables and chairs permitted by this Section.

(a) General requirements

Tables and chairs provided pursuant to this Section may be used by the public without restriction. All furnishings shall be moveable and made of high quality and durable materials. Tables and chairs shall not be chained, fixed, or otherwise secured between the hours of 7:00 a.m. and 9:00 p.m., and may be stored or secured between the hours of 9:00 p.m. and 7:00 a.m.

(b) Circulation requirements for tables and chairs

No furnishings, including storage of furnishings, shall be permitted within five feet of any #building# entrance, nor shall they be permitted within any required circulation paths. For #arcades# with a depth of 10 feet or less, an unobstructed path of not less than three feet wide shall be provided, and for those with a depth greater than 10 feet, the width of such unobstructed path shall be increased to at least six feet. For the purpose of such calculation, the depth of an #arcade# shall be measured from the column face furthest from the #street line# or #publicly accessible open area# to the #building# wall fronting on such #street line# or #publicly accessible open area#.

\* \* \*

**ARTICLE VII - ADMINISTRATION**

**Chapter 4 – Special Permits by the City Planning Commission**

\* \* \*

**74-87**

## Covered Pedestrian Space

\* \* \*

74-872

### Design requirements for covered pedestrian spaces

\* \* \*

For the purpose of ensuring prominent public attention to the #covered pedestrian space#, the openings at the face of the #building# for entrances to the #covered pedestrian space# shall be at least 20 feet wide, 30 feet high and unobstructed for a depth of 30 feet, except, where the #covered pedestrian space# is air-conditioned, the openings at the entrances may be partially enclosed. Such enclosure at the entrances shall be transparent in nature, commence at a height not less than eight feet above the floor level at the entrances, and be set back from the face of the #building# at least 12 feet. Air curtains are permitted but shall be located at a height not less than eight feet. Such entrances are permitted to be fully enclosed only for that portion of the year between October 15 and April 15, provided, however, that such space is readily accessible to the public between 7:00 a.m. and 12 midnight or on a schedule suitable to meet the public need.

An information plaque shall be provided that contains a public space symbol and supplemental text that matches the dimensions and graphic standards provided in the Privately Owned Public Space Signage file from the Required Signage Symbols on the Department of City Planning website. Such symbol and text shall be provided with a highly contrasting background, in a format that ensures legibility. Additional requirements and review procedures for privately owned public space signage systems are specified in Title 62, Chapter 11, of the Rules of the City of New York.

\* \* \*

## APPENDIX E

### Design Requirements for Plazas, Residential Plazas and Urban Plazas Developed Prior to October 17, 2007

The following text has been relocated from Article II, Chapter 7, and Section 37-04 (Requirements for Urban Plazas). APPENDIX E is intended **for reference purposes only** and contains design requirements for #plazas#, #residential plazas# and #urban plazas# developed prior to October 17, 2007.

[THE FOLLOWING TEXT IS ADDED FOR FURTHER CLARITY]

The provisions of Section 37-60 (PUBLICLY ACCESSIBLE OPEN AREAS EXISTING PRIOR TO OCTOBER 17, 2007) sets forth instances where the provisions of this APPENDIX E are superseded.

\* \* \*

The above resolution, duly adopted by the City Planning Commission on October 28, 2019 (Supplemental Calendar No. 1), is filed with the Office of the Speaker, City Council, and the Borough Presidents in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**DAVID BURNEY, ALLEN P. CAPPELLI, ESQ., MICHELLE R. DE LA UZ, JOSEPH I. DOUEK, RICHARD W. EADDY, HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN, RAJ RAMPERSHAD**, *Commissioners*