

CITY COUNCIL  
CITY OF NEW YORK

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TRANSCRIPT OF THE MINUTES

of the

SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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November 19, 2019  
Start: 9:59 a.m.  
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HELD AT: COMMITTEE ROOM - CITY HALL

B E F O R E: Francisco P. Moya  
Chairperson

COUNCIL MEMBERS: Barry Grodenchik  
Rory I. Lancman  
Steve Levin  
Antonio Reynoso  
Donovan J. Richards  
Carlina Rivera

A P P E A R A N C E S (CONTINUED)

Stella Kim  
Program Manger  
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Eric Botsford  
Deputy Director  
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Department of City Planning

1 SUBCOMMITTEE ON ZONING  
AND FRANCHISES

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2 JOHN BIANDO: Microphone check, today's  
3 date is November 19, 2019, Committee on Zoning and  
4 Franchises, being recorded by John Biando, City Hall,  
5 Committee Room

6 CHAIRPERSON MOYA: Good morning, and  
7 welcome to the meeting of the Subcommittee on Zoning  
8 and Franchises. I'm Council Member Francisco Moya,  
9 the chairperson of the subcommittee, and today we are  
10 joined by Council Member Grodenchik. If you are here  
11 to testify, please fill out a speaker's slip with the  
12 Sergeant at Arms indicating your full name, the  
13 application name, or the LU number, and whether you  
14 are in favor or against the proposal. As a  
15 preliminary point of information, I would like to  
16 note that LUs 564 through 567 for the La Hermosa  
17 proposal and preconsidered LUs 561 and 562 for the  
18 101 Fleet Place rezoning proposal are being laid  
19 over. We will now move on to our hearings. We will  
20 now hear LU 581 for the POPS signage and amenities  
21 text amendment relating to the various zoning  
22 districts citywide in multiple council districts.  
23 The proposal is by the Department of City Planning  
24 and consists of zoning text amendments related to  
25 signage and amenities in privately owned public

2 spaces, or POPS. The proposal aims to facilitate  
3 updates to the official public space symbol of  
4 signage requiring signage for various types of POPS  
5 and allows for moveable tables and chairs for public  
6 use within plazas and arcades where they are  
7 currently prohibited. I now open the public hearing  
8 on this application, and I will now call up the first  
9 panel, which is Stella Kim and Eric Botsford.  
10 Counsel, please swear in the panel.

11 COUNSEL: Please raise your right hand  
12 and state your name for the record. Do you swear or  
13 affirm that the testimony you are about to give will  
14 be the truth, the whole truth, and nothing but the  
15 truth and you will answer all questions truthfully?  
16 Thank you.

17 CHAIRPERSON MOYA: Just make sure that  
18 your microphone is turned on. Thank you. And you  
19 may begin when ready.

20 STELLA KIM: OK. Good morning. My name  
21 is Stella Kim and I'm here to present, I'm of course  
22 in favor of this text amendment before you.

23 ERIC BOTSFORD: And I'm Eric Botsford,  
24 deputy director of the Manhattan office of the  
25 Department of City Planning.

2                   STELLA KIM: And I serve as the program  
3 manager for the privately owned public spaces of  
4 Department of City Planning. So today I will walk  
5 you through the text amendment related to POPS  
6 signage and amenities. And, as I'm sure you're  
7 familiar with and was introduced, POPS is an acronym  
8 for privately owned public spaces, both indoor and  
9 outdoor spaces, located in the densest areas of our  
10 city, provided for public enjoyment by private  
11 property owners, primarily in exchange for bonus  
12 floor area or other zoning concessions. Today we  
13 have over 550 of these spaces at over 350 buildings  
14 across the city, primarily in Manhattan, but also a  
15 growing presence in Brooklyn and Queens. This  
16 incentive zoning tool was first introduced in 1961 in  
17 the zoning resolution in the form of these plazas and  
18 arcades pictured on the left. And these had very  
19 minimal standards. Since the regulations and design  
20 standards for these POPS have been improved upon and  
21 greatly evolved over the decades. The latest major  
22 overhaul was in 2007, with a follow-up in 2009 that  
23 came before City Council. The department makes a  
24 continual effort to enhance these design standards so  
25 that POPS are of highest quality, useful, and

2 inviting to the public. Signage really helps the  
3 public know about these spaces and that they're open  
4 for all to use. But they only became required at  
5 plazas beginning in 1975, when the department first  
6 created robust standards for amenities in plazas with  
7 the Urban Plaza introduction to the zoning. The  
8 spaces created prior to them are grandfathered under  
9 the prior standards, so for decades many of these  
10 spaces went unidentified to passerbys and that is  
11 about 40% of the properties that have POPS did not  
12 and still do not have signage today. But in 2007  
13 City Council put forward legislation related to POPS  
14 signage to address this issue and enforcement issues  
15 with POPS. The city adopted a Local Law that  
16 requires public space signage now in all POPS,  
17 regardless of any grandfathered zoning. And the  
18 department is very excited that these POPS will now  
19 all have signage and this has opened up an  
20 opportunity to look anew at the signage and identity  
21 for POPS. So earlier this year the department with  
22 the advocates for privately owned public spaces and  
23 the Municipal Art Society of New York held a design  
24 competition for a new POPS logo to be displayed on  
25 all POPS signage moving forward and the competition

2 was a huge success. We received over 600 submissions  
3 from about 60 countries across the world and heard  
4 from the public on what they want to see as the next  
5 POPS logo as well. And here's our winner, which was  
6 chosen by Director Logo from three competition  
7 finalists. And so as you can see here the logo  
8 really emphasizes of course the use of seating, which  
9 the department has always held as a really important  
10 amenity in these public spaces. The provision of  
11 seating really invites the public to come in, to use  
12 the space, to stay and linger and enjoy these POPS.  
13 However, in the original plaza standards, again, it  
14 was very minimal. It was about light and air  
15 reaching the street level, so there wasn't any  
16 requirements for amenities, nor are they permitted  
17 today. And also they're not allowed in our case.  
18 And with this new emphasis on seating on the signage  
19 and thinking about how our public spaces can be  
20 better improved, we'd like to unlock the potential  
21 for seating to be allowed in these older plazas and  
22 arcades so that they can be more inviting and useful  
23 to the public. This is really huge for us and we  
24 really look forward to spaces like the ones on the  
25 left of these grandfathered old plazas becoming more

2 activated with seating like our plazas, new plazas  
3 are today, like on the right. So in sum the  
4 department is putting forward a zoning text amendment  
5 to update the provisions related to POPS with  
6 amenities and signage so that we can essential update  
7 the logo with the newly chosen logo, ensure all POPS  
8 have the required signage, and allow for plazas and  
9 arcades to include public amenities where they are  
10 currently prohibited. The text was filed in May and  
11 then referred to committee districts in boroughs  
12 where the plaza bonus is currently available, as  
13 identified in the turquoise on the left-hand map, and  
14 also a few additional community boards [inaudible] by  
15 special zoning districts that reference existing  
16 public plaza standards as listed on the right.

17 Separate but related, the department is also amending  
18 its rules in conjunction with this text amendment, as  
19 allowed by the Local Law that was passed that will,  
20 but the goal is to provide specifications for the  
21 required signage and timeframes to comply. So,  
22 again, the text was referred to the referenced  
23 community boards and borough boards and presidents  
24 for 60 days and we heard back from eight community  
25 boards and two borough presidents, and overall



2 received very positive comments and support. And now  
3 we'll walk through some of the comments, specific  
4 comments we got from a few community boards. So  
5 Manhattan Community Board 2 wanted to approve only if  
6 the existing logo is maintained and 4, 5 they had  
7 concerns about unlimited number of moveable tables  
8 and chairs obstructing pedestrian circulation, and of  
9 course CB5 being in midtown, where there's a lot of  
10 pedestrians in and out of the district. We think for  
11 this one that the text adequately guards for the  
12 proposed, is adequately guarded for because it has  
13 provisions about required clearances around  
14 circulation paths and entrances, and also keeping in  
15 mind that these moveable tables and chairs are  
16 moveable, we're not allowing fixed obstructions in  
17 these plazas. And from our experience from the  
18 decades of working on these different plazas and  
19 seeing them used and built we haven't seen an  
20 overcrowding of moveable tables and chairs in these  
21 spaces. So we don't think that this is, you know,  
22 should be a problem with this text. And for signage  
23 locations, appropriate signage locations from  
24 Community Board 5, we will be looking at that through  
25 our signage review, which is required by the

2 departmental rule, that is moving forward. And CB6  
3 had a suggestion to allow moveable planters, where  
4 tables and chairs are not practical for space  
5 reasons, and for space-constrained spaces we think  
6 moveable planters might be more problematic actually,  
7 because planters first must be positioned  
8 strategically for growth and success, and often for  
9 soil volume reasons the planters will be bulkier than  
10 a moveable table and chair. And the bulky features  
11 could also cause circulation concerns in certain  
12 POPS. And to note that adding this moveable table  
13 and chairs clause, I'm sorry, moveable planter  
14 clause, would be out of scope. And generally there  
15 were compliance and enforcement issues raised by  
16 Community Board 5 and 6. We understand their  
17 concerns and we have seen an uptick on DOBs and in  
18 inspecting these plazas as charged by the Local Law  
19 to visit and inspect every POPS every three years, so  
20 they seem to be really moving on that and have been  
21 issuing violations where appropriate. And we work,  
22 we have been and we still continue to work closely  
23 with them in providing data on our all POPS, and in  
24 general for the public as well we've really made an  
25 effort as well to clearly communicate that these POPS

2 exist. We've had public campaigning. We have a  
3 public map that is on our department website and so  
4 we think that's a very valuable tool in empowering  
5 the public to know about these spaces and also  
6 community groups like community boards. And with  
7 that, that is it, and we're happy to answer any  
8 questions or comments.

9 CHAIRPERSON MOYA: Great, thank you. I  
10 just want to acknowledge that we've been joined by  
11 Council Member Rivera and Council Member Lancman.  
12 Just a couple of quick questions. Could you just  
13 clarify the intent of the amendment in terms of the  
14 graphic, and is this primarily to enable future  
15 changes to the actually graphic, and does this mean  
16 if you're giving thought to when you might revisit  
17 the graphic again in the future?

18 STELLA KIM: Yeah, so the text amendment,  
19 you know, it has the, um, existing logo placed in it,  
20 the tree, and so to facilitate the update we need to  
21 remove, to strike that tree from the logo, and across  
22 the department the few instances where we have other  
23 logos the zoning does allow for an update of the  
24 logo, for example the waterfront, and so we want the  
25 flexibility to update this logo now and then

2 potentially in the future. We don't have plans to  
3 update the logo, I mean, we just selected this new  
4 one, but just allowing that flexibility as is  
5 available in the zoning.

6 ERIC BOTSFORD: I also think it's really  
7 important to note that the primary impetus behind  
8 this, um, is to ensure that property owners design  
9 their signs and place the logo in exactly the way in  
10 which you see in this template here. When it was  
11 simply just specified in the zoning resolution, but  
12 left up to the interpretation of property owners and  
13 their signage designers we saw a really wide variety  
14 of signs provided, in some cases signs designed in  
15 such a way that made it kind of difficult to identify  
16 these spaces as being open to the public, and so we  
17 have thought very carefully about the design of this  
18 sign and the logo, the words open to public, and we  
19 want to ensure that property owners use them exactly  
20 as intended. So having people download the file  
21 directly and use the file exactly as provided will  
22 ensure that kind of consistency for all of these  
23 spaces.

24 CHAIRPERSON MOYA: Great, and in a  
25 somewhat related issue regarding some of the public

2 spaces, is the phenomenon of what is called the  
3 hostile architecture, which may not have been the  
4 focus here, but has the department looked at this  
5 issue and considered whether an how it could address  
6 some of these tactics, which is often seen at odds  
7 with the goal of making these spaces more inviting?

8 ERIC BOTSFORD: Well, I think this  
9 signage proposal is directly related to this notion  
10 of hostile architecture. You know, one of the things  
11 that has been identified in the past is that many of  
12 these spaces are not clearly signaled as being open  
13 to the public or, you know, may have things like  
14 fences that prohibit entry to the public. Consistent  
15 signage across all privately owned public spaces  
16 citywide will ensure that people understand that they  
17 have the right to enter into these spaces. So we  
18 think that this is a really critical, a critical tool  
19 to have in our toolbox here. Going beyond that, the  
20 other things that were identified, such as spikes on  
21 seating surfaces, for example, those were things that  
22 the zoning resolution has explicitly prohibited since  
23 2007, so they are clearly not permitted on any  
24 surface where people can sit. It doesn't matter if  
25 it's required seating, you know, or just a planter

2 ledge. They are not permitted. We are, you know  
3 really, really, ah, strict about this. If anybody  
4 were to ever come to us and try to show us a design  
5 that included these kinds of features we would  
6 absolutely not permit it. So I think we can also say  
7 that, you know, the Department of Buildings, as part  
8 of their regular inspections of POPS do issue  
9 violations when they see these types of anti-sitting  
10 devices in plazas. So, you know, I think we're able  
11 to come at it from multiple angles with the  
12 Department of City Planning and the Department of  
13 Buildings to try to ensure that these are not present  
14 in our POPS.

15 CHAIRPERSON MOYA: Great. And last  
16 question concerning DOB enforcement of the design  
17 standards for POPS. Would you please describe how  
18 DCP communicates with DOB when a new POPS comes  
19 online?

20 STELLA KIM: Sure, yeah, so when a new  
21 POPS is approved as with all, you know, approved  
22 applications by DCP they will be sent over to DOB.  
23 We also have an export of our database that is  
24 available to DOB so they're always in the know about  
25 all the latest POPS approvals and are able to easily

2 find that kind of information, and we have just a  
3 really open communication channel as well to answer  
4 any questions they have as they go about inspections  
5 or clarifying aspects of the zoning or providing, you  
6 know, files that they might need.

7 CHAIRPERSON MOYA: Great. Thank you very  
8 much. I'll turn it over to Council Member  
9 Grodenchik.

10 COUNCIL MEMBER GRODENCHIK: Thank you  
11 very much, Mr. Chair. Just a couple of quick  
12 questions. Is there a public map of all these sites?

13 STELLA KIM: Yes.

14 COUNCIL MEMBER GRODENCHIK: And where  
15 would that map be?

16 STELLA KIM: Our POPS website is just  
17 nyc.gov/pops and near the top of the page you'll see  
18 a link to click on map that will take you to it.

19 COUNCIL MEMBER GRODENCHIK: And who  
20 maintains, is it City Planning?

21 STELLA KIM: Yes.

22 COUNCIL MEMBER GRODENCHIK: And if I were  
23 to look on map of Manhattan or wherever some of these  
24 other POPS are, would that show up on Google Maps, or  
25 have we gotten that far yet?

2 STELLA KIM: No, they're not available,  
3 but that is a good idea and something we've talked  
4 about.

5 COUNCIL MEMBER GRODENCHIK: You know, OK,  
6 I think it would be something that City Planning may  
7 want to explore because, you know, every day we see  
8 especially tourists looking at their phones, looking  
9 for directions, and it's a nice amenity and I thank  
10 you for those areas. Thank you, Mr. Chairman.

11 STELLA KIM: And just to note, from the  
12 map you can type in, you know, your address, or I  
13 think there might even be like a current locator, so  
14 you can see your nearby public spaces from our map.

15 COUNCIL MEMBER GRODENCHIK: OK. Thank  
16 you. Thank you, Mr. Chair.

17 COUNCIL MEMBER LANCMAN: I just want to  
18 understand, on page 9 of this slide presentation are,  
19 is a map of the city and then you have community  
20 board districts, it looks like. What are the green  
21 highlighted community districts? Does this only  
22 apply in those community boards, I just don't  
23 understand?

24 STELLA KIM: Sure. Yes, the ones in the  
25 green teal color are community districts that have



2 medium to high density underlying zoning districts  
3 that allow the bonus for arcades and plazas today.  
4 So they're usually, you know, C6 zoning districts or  
5 higher.

6 ERIC BOTSFORD: I'm sorry, but then  
7 following on that the text does apply more widely.  
8 The list of special zoning districts, that's on the  
9 right-hand side, um, that goes beyond just the  
10 highlighted community districts there. So there is a  
11 broader applicability. So, for example, in Far  
12 Rockaway this text is applicable as well, because  
13 those special zoning rules reference these standards  
14 also.

15 COUNCIL MEMBER LANCMAN: Are there any  
16 open spaces that are outside of these community  
17 districts, any privately owned public spaces that are  
18 outside of these community districts or are they just  
19 limited to these community districts?

20 STELLA KIM: They are currently located  
21 in these districts for the zoning bonuses, except  
22 there's not any in the Bronx yet, even though the  
23 zoning does allow for it. But we do, we are  
24 identifying further POPS to add to the database per  
25 the legislation that went forward that broadly

2 defined more POPS, so that this map is solely focused  
3 on the POPS bonus and the underlying zoning, but  
4 there are further POPS that will be added to the  
5 database over time, and I'm sure as, you know, for  
6 example Bronx with this zoning here, maybe there will  
7 be future POPS there.

8 COUNCIL MEMBER LANCMAN: If I, so I  
9 represent part of Community Board 8 and 12, which is  
10 not in green here. If there's a land use deal and I  
11 negotiate, we negotiate a, a privately owned public  
12 space as part of that, would these rules apply to  
13 that, or to that property, or we would have to  
14 negotiate that in addition to whatever else we're  
15 negotiating?

16 ERIC BOTSFORD: If it would be a public  
17 space that is provided pursuant to a land use action  
18 or discretionary land use action, that may not be  
19 considered a zoning POPS because it's not provided  
20 for as part of the zoning regulations. The local law  
21 that passed by the council in 2017, as Stella  
22 mentioned, did have a more expansive definition of  
23 POPS that did include spaces that were, ah, that  
24 resulted from approval of land use actions. So yes,  
25 it would be considered part of POPS. These rules

2 would apply in that case as well, and we would ensure  
3 that the signage, for example, was located in those  
4 spaces.

5 COUNCIL MEMBER LANCMAN: Got it, got it,  
6 OK. And then this design, I see it says here that  
7 there was a competition?

8 STELLA KIM: Yes.

9 COUNCIL MEMBER LANCMAN: And there were  
10 607 submissions from 58 countries. There were 17,000  
11 public votes. What, how was the finalist decided?  
12 Was it the one with the most votes, or how, what was  
13 the relationship between the votes and the process?

14 STELLA KIM: Sure, yeah. There was a  
15 panel of I believe seven members that were selected  
16 to, um, weigh in. The top public votes, the three  
17 top public votes were forward to them. The panel had  
18 their selections and they deliberated and chose three  
19 finalists together, and then Director Logo had the  
20 decision-making power for the department to chose  
21 what will become the new logo.

22 COUNCIL MEMBER LANCMAN: So the top seven  
23 vote-getters went to the panel?

24 STELLA KIM: Top, top three went to the  
25 panel, and there were seven panelist members who also

2 had their own vote. So there was, you know, over 20  
3 logos that [inaudible] that they were deliberating.

4 COUNCIL MEMBER LANCMAN: I don't  
5 understand. So the top three vote-getters went to  
6 the panel.

7 STELLA KIM: Yes.

8 COUNCIL MEMBER LANCMAN: And then the  
9 panel forwarded it to the commissioner what?

10 STELLA KIM: Their three, their top three  
11 from just their own deliberations of the panel.

12 COUNCIL MEMBER LANCMAN: Oh, I get it.  
13 So there's the voters' three, there's the panels'  
14 three. So the commissioner was looking at six.

15 STELLA KIM: Ah, no, so the top public,  
16 the three that went to the panel was just thrown into  
17 the large pool of all of them.

18 COUNCIL MEMBER LANCMAN: I see.

19 STELLA KIM: And then from there the  
20 panel chose three from that large pool.

21 COUNCIL MEMBER LANCMAN: Do you know if  
22 any of the three that the panel chose were the three  
23 top vote-getters from the public?

24 STELLA KIM: I don't believe so.

25 COUNCIL MEMBER LANCMAN: Hmmm.

2 STELLA KIM: Actually, I think maybe one  
3 of them.

4 COUNCIL MEMBER LANCMAN: Maybe one.

5 STELLA KIM: Sorry, I don't quite  
6 remember. I think one of them might have been.

7 COUNCIL MEMBER LANCMAN: I heard one of  
8 the designs that was voted on included an image of  
9 Mother Cabrini. Is that true?

10 STELLA KIM: Sorry, images of what?

11 COUNCIL MEMBER LANCMAN: I'm just  
12 teasing.

13 STELLA KIM: [laughs]

14 COUNCIL MEMBER LANCMAN: Mother Cabrini.  
15 Just, um, you know we have these votes and these  
16 processes and then the public is told that they've  
17 got input.

18 STELLA KIM: Yeah.

19 COUNCIL MEMBER LANCMAN: And then it ends  
20 up not really.

21 STELLA KIM: The top public votes were  
22 forwarded to the panel. But, yeah, that is how it  
23 was organized with the panel choosing the three.

24

25

2 ERIC BOTSFORD: So the public vote  
3 functioned as kind of an additional panelist in that,  
4 you know, those three were part of consideration.

5 COUNCIL MEMBER LANCMAN: Got it. OK.  
6 Thank you.

7 ERIC BOTSFORD: Thank you.

8 STELLA KIM: Thank you.

9 CHAIRPERSON MOYA: Thank you. Thank you  
10 for your testimony today.

11 ERIC BOTSFORD: Thank you very much.

12 CHAIRPERSON MOYA: Are there any other  
13 members of the public who wish to testify? Seeing  
14 none, I now close the public hearing on this  
15 application. And we will now begin to proceed with  
16 our votes to approve preconsidered LU 576 for the  
17 6003 Eighth Avenue rezoning relating to the property  
18 in Council Member Menchaca's district in Brooklyn.  
19 The application seeks approval for a rezoning map  
20 amendment, changing an R6 district within a C1-3  
21 overlay to a C4-2 district. The proposal would bring  
22 an existing three-story into conformance with zoning.  
23 Council Member Menchaca is in support of this  
24 district. I now call for a vote to approve LU 576.  
25 Counsel, please call the role.

1 SUB COMMITTEE ON ZONING  
AND FRANCHISES

23

2 COUNSEL: Chair Moya.

3 CHAIRPERSON MOYA: Aye.

4 COUNSEL: Council Member Levin.

5 COUNCIL MEMBER LEVIN: I vote aye.

6 COUNSEL: Council Member Lancman.

7 COUNCIL MEMBER LANCMAN: Aye.

8 COUNSEL: Council Member Grodenchik.

9 COUNCIL MEMBER GRODENCHIK: Aye.

10 COUNSEL: Council Member Rivera.

11 COUNCIL MEMBER RIVERA: Aye.

12 COUNSEL: A vote of 5 in the affirmative,  
13 zero in the negative, and no abstentions. The item  
14 is approved and referred to the full land use Land  
15 Use Committee.

16 CHAIRPERSON MOYA: This concludes today's  
17 meeting, and I would like to thank the members of the  
18 public, my colleagues, and of course the council and  
19 land use staff for their great work and attending  
20 today as well. This meeting is hereby adjourned.

21 [gavel]

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C E R T I F I C A T E

World Wide Dictation certifies that the foregoing transcript is a true and accurate record of the proceedings. We further certify that there is no relation to any of the parties to this action by blood or marriage, and that there is interest in the outcome of this matter.



Date December 11, 2019