



Legislation Text

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File #: Res 1221-2019, Version: \*

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**THE COUNCIL OF THE CITY OF NEW YORK  
RESOLUTION NO. 1221**

**Resolution approving with modifications the decision of the City Planning Commission on Application No. N 190408 ZRY, for an amendment of the text of the Zoning Resolution (L.U. No. 581).**

**By Council Members Salamanca and Moya**

WHEREAS, the Department of City Planning, filed an application pursuant to Section 201 of the New York City Charter, for an amendment of the text of the zoning resolution of the City of New York, to facilitate the updating of Privately Owned Public Spaces (POPS) signage and furniture regulations, Citywide (Application No. N 190408 ZRY) (the “Application”);

WHEREAS, the City Planning Commission filed with the Council on November 1, 2019, its decision dated October 28, 2019 (the “Decision”), on the Application;

WHEREAS, the Decision is subject to review and action by the Council pursuant to Section 197-d of the City Charter;

WHEREAS, upon due notice, the Council held a public hearing on the Decision and Application on November 19, 2019;

WHEREAS, the Council has considered the land use implications and other policy issues relating to the Decision and Application; and

WHEREAS, the Council has considered the relevant environmental issues, including the determination by the City Planning Commission, that the Application is a Type II and requires no further review action (the “Type II Determination”).

RESOLVED:

The Council finds that the action described herein will have no significant impact on the environment pursuant to the Type II Determination.

Pursuant to Sections 197-d and 200 of the City Charter and on the basis of the Decision and Application, and based on the environmental determination and consideration described in the report, N 190408 ZRY, incorporated by reference herein, and the record before the Council, the Council approves the Decision of the City Planning Commission with the following modifications:

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;  
Matter within # # is defined in Section 12-10;  
Matter double struck out is old, deleted by the City Council;  
Matter double-underlined is new, added by the City Council  
\* \* \* 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

\* \* \*

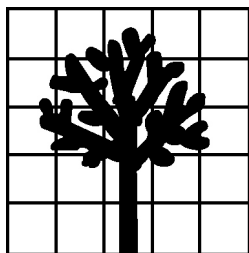
(viii) A through #block# connection shall provide the following information for public access at each public entry to the through #block# connection:

(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 required 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 required text shall include the phrase "Open To Public" and 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 required 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 required 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 required 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 required 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 required text shall include the phrase "Open To Public" and 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.

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### **37-70**

#### **PUBLIC PLAZAS**

\* \* \*

**37-75**

**Signs**

**37-751**

**Public space signage systems**

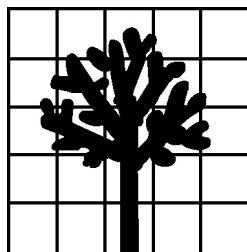
The following public space signage systems shall be required for all #public plazas#:

(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 required 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 required text shall include the phrase "Open To Public" and 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 required 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 required text shall include the phrase “Open To Public” and 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 <<http://www1.nyc.gov/site/planning/zoning/graphic-files.page>> 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 required 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 required text shall include the phrase “Open To Public” and 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 required 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 required text shall include the phrase “Open To Public” and 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 required 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 required text shall include the phrase “Open To Public” and 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.

\* \* \*

Adopted.

Office of the City Clerk, }  
The City of New York, } ss.:

I hereby certify that the foregoing is a true copy of a Resolution passed by The Council of The

City of New York on December 19, 2019, on file in this office.

City Clerk, Clerk of The Council