

NEW YORK CITY DEPARTMENT OF CITY PLANNING

NOTICE OF ADOPTION OF FINAL RULE RELATING TO SIGNAGE FOR PRIVATELY OWNED PUBLIC SPACES

NOTICE IS HEREBY GIVEN in accordance with the requirements of Section 1043 of the New York City Charter and pursuant to the authority vested in the Director of the Department of City Planning (“DCP”) by Section 1043(a) of the New York City Charter that the DCP adopts the following rule that creates standards for the provision of signage for Privately Owned Public Spaces (“POPS”). The DCP published a Notice of Opportunity to Comment on the proposed rule in the City Record on April 22, 2019. On May 22, 2019, the DCP held a public hearing on the proposed rule.

STATEMENT OF BASIS AND PURPOSE OF FINAL RULE

The Department of City Planning (“DCP”) is amending Title 62 of the Rules of the City of New York (“Rules”) pursuant to its authority under subdivision e of Section 25-114 of the New York City Administrative Code as added by Local Law 116 of 2017, as amended by Local Law 250 of 2017, and Section 1043(a) of the New York City Charter.

The purpose of this rule is to provide property owners with clear instructions for posting signs at all privately owned public spaces (“POPS”) as defined by Local Law 116 of 2017, as amended by Local Law 250 of 2017 (hereinafter, “Local Law”). The goal of this rule is to ensure that such spaces are identifiable as open to the public and that information about each space is provided with clear, visible, and readable signage at appropriate locations within such spaces.

Since 1961, the Zoning Resolution has allowed for the creation of many different types of POPS, including plazas, arcades, urban plazas, residential plazas, sidewalk widenings, open air concourses, covered pedestrian spaces, through block arcades, and sunken plazas. POPS are primarily created through incentive zoning; however, some POPS 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 required for environmental mitigation. Therefore, POPS, including their design and hours of operation, are governed by various regulations. Some POPS have existing signage provided pursuant to the Zoning Resolution in effect at the time the space was created or pursuant to a zoning approval, such as a special permit. Other POPS currently have no signage because none was previously required, and it is not always clear to the public that such spaces must be publicly accessible.

For those POPS that have existing signage, the rule would require owners of such POPS to submit a complete design review package (which would include drawings that indicate the location and content of signage) to the DCP within two years of the effective date of the rule, updating the existing signage to incorporate any elements required by the Local Law and to also

align more closely with current standards for POPS signage systems, as set forth in Zoning Resolution provisions related to such signage. Newly-constructed POPS and POPS being reconstructed pursuant to previously approved design changes would continue to be subject to the applicable signage provisions of the Zoning Resolution, in addition to being required to provide a site map of the POPS on required signs, if applicable.

With respect to existing POPS with no currently required signage, or with previously approved signage that does not include a statement that such space is open to the public and the hours it is open, this rule would require owners of such POPS to submit a complete design review package to the DCP within 180 days of the effective date of the rule, proposing signage that reasonably complies with the current standards for signage systems and meets the goals described above. The rule would then require this signage, once approved, to be installed in the POPS within 90 days from the date of such approval.

The rule requires the DCP to review and approve all new and updated signage in POPS. Prescribing a one-size-fits-all signage scheme that would work for all POPS is not possible. Therefore, given the diverse nature of existing and new POPS of varying sizes and configurations, and with different governing regulations, the rule affords applicants and the DCP flexibility in applying the provisions of the Zoning Resolution where appropriate.

This final rule is being promulgated after the enactment of N 190408 ZRY (approved December 19, 2019), a zoning text amendment that removed references and depictions of the current public space symbol, thereby facilitating the selection of a new public space symbol through an open, international design competition.

New text is underlined; deleted material is in [brackets].

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Title 62 of the Rules of the City of New York is amended by adding a new Chapter 11, to read as follows:

§ 11-1 Signage Systems for Privately Owned Public Spaces

This rule applies in addition to sections 37-53(h) (Design Standards for Pedestrian Circulation Spaces) and 37-751 (Public space signage systems) of the New York City Zoning Resolution (hereinafter, “Zoning Resolution”) and other sections thereof incorporating section 37-751 by reference, except as otherwise provided.

§ 11-2 Purpose

The purpose of this rule is to ensure that all privately owned public spaces have clear, visible, and readable signage at appropriate locations within such spaces that easily identifies such spaces as open to the public and also presents other information related to such privately owned public space.

§ 11-3 Definitions

For the purposes of this section, the term “privately owned public space” is defined in Local Law 116 of 2017, as amended by Local Law 250 of 2017, as follows: (1) a plaza, residential plaza, urban plaza, public plaza, elevated plaza, arcade, through block arcade, through block galleria, through block connection, open air concourse, covered pedestrian space, publicly accessible space or sidewalk widening provided for in the Zoning Resolution, now or previously in effect; (2) such other privately owned outdoor or indoor space required to be open to the public and for which the Department of City Planning (“DCP”) maintains a record in the privately owned public space data set accessible through the open data web portal that is linked to nyc.gov or successor website pursuant to New York City Administrative Code section 23-502; and (3) such other privately owned outdoor or indoor spaces required to be open to the public pursuant to any of the following actions occurring on or after January 1, 2001:

- (a) A decision, authorization, certification, or special permit issued by the City Planning Commission (the “Commission”);
- (b) A certification issued by the Chairperson of the Commission (the “Chair”);
- (c) A variance of the Zoning Resolution or special permit issued by the Board of Standards and Appeals; or
- (d) Action taken by the City Council pursuant to section 197-d of the Charter of the City of New York.

Such term does not include any waterfront public access areas regulated pursuant to article 6 chapter 2 of the Zoning Resolution.

§ 11-4 Applicability and Signage Requirements

All privately owned public spaces must provide a signage system, subject to the requirements of this rule:

- (a) Prior to installation of any signage at a privately owned public space after the effective date of this rule, a signage system pursuant to this rule must be reviewed and approved by the DCP for compliance with the requirements of this rule; and
- (b) The signage system in all privately owned public spaces must include the following, provided in technical drawings that illustrate compliance with the provisions of this rule:
 - (1) The name and contact information of the person or entity charged by the owner with oversight of complaints about such space;
 - (2) A statement that such space is open to the public;
 - (3) The hours the space is open to the public;
 - (4) The primary amenities required in the space;
 - (5) A statement that complaints can be registered by calling 311, or its successor;
 - (6) A public space logo that matches exactly the logo and dimensions provided in the Required Signage Symbols file and the “New York City Privately Owned Public Space Signage Standards and Specifications” document available on

- the DCP's website (to be published by the DCP, and modified from time to time);
- (7) For all privately owned public spaces established on or after October 1, 2017, such signage system must also include a site map, displaying the boundaries of the privately owned public space or spaces on the zoning lot relative to other structures on the zoning lot and the adjacent streets or public ways in accordance with the design guidelines specified in the "New York City Privately Owned Public Space Signage Standards and Specifications" available on the DCP's website (to be published by the DCP and modified from time to time); and
- (8) For all privately owned public spaces with access for persons with disabilities, such signage system must also include the International Logo of Access for persons with disabilities that is at least three inches square.

(c) For all privately owned public spaces which are not otherwise subject to Article III, Chapter 7 of the Zoning Resolution, the signage standards of Zoning Resolution section 37-751 (Public space signage systems), as supplemented herein, will serve as a guide and apply as reasonably determined by the DCP, in consideration of the circulation needs and of the type, size and configuration of the privately owned public space or spaces. For privately owned public spaces that require certifications under sections 37-625 (Design changes) or 37-78 (Compliance), and for through-block connections, the signage provisions of Zoning Resolution Section 37-751 (Public space signage systems) and 37-53(h) (Design Standards for Pedestrian Circulation Spaces), respectively, will continue to apply, as supplemented herein.

(d) If signage is proposed as part of an application for a Chair or Commission approval under the Zoning Resolution, the DCP's review and approval of such signage in accordance with this rule must be concurrent with the DCP's review of such application and incorporated into any application before the Chair or Commission for their approval.

(e) Any signage system approved pursuant to this rule for an existing privately owned public space governed by plans approved pursuant to a prior approval under the Zoning Resolution will be deemed to be in substantial compliance with such plans.

§ 11-5 Design Review

Prior to installation of any signage at a privately owned public space after the effective date of this rule, an owner or manager, or agent thereof, of any privately owned public space, must submit to the DCP a package for approval, consisting of the following materials:

- (a) The form, available at the DCP's website, requesting a design review;
(b) Copies of the most recently approved drawings, if any, of the privately owned public space or spaces; and
(c) A plan for a signage system, prepared in accordance with the requirements herein.

A fee in the amount of \$500, payable to the DCP, will be charged for each privately owned public space signage design review that is not part of an application for DCP's review of a new privately owned public space or the redesign of an existing privately owned public space pursuant to the Zoning Resolution or section 197-c of the Charter of the City of New York.

§ 11-6 Compliance

As of the effective date of this rule, owners of a privately owned public space without any previously approved signage, or with previously approved signage that does not include a statement that such space is open to the public and the hours it is open will have 180 days from the effective date of this rule to submit a complete design review package to the DCP for approval, as specified in section 11-4 of this rule. All other owners will have two years from the effective date of this rule to submit a complete design review package. Privately owned public space owners will have 90 days from the date of DCP approval to install signage that complies with the approved plan(s). Such owners may for good cause, in connection with construction or renovation of the POPS, request extension of the 90-day period from DCP.