

**Brooklyn Borough President Recommendation**  
CITY PLANNING COMMISSION  
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**INSTRUCTIONS**

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representatives as indicated on the Notice of Certification.

**APPLICATION #:** POPS SIGNAGE AND AMENITIES TEXT AMENDMENT – N 190408 ZRY

An application submitted by the New York City Department of City Planning (DCP) for a zoning text amendment to update provisions of the New York City Zoning Resolution (ZR) related to signage and amenities in privately-owned public spaces (POPS). Such action would facilitate an update to the existing public space symbol, require public space signage for various types of POPS, and permit publicly-accessible, movable tables and chairs to be placed in arcades and plazas where they are currently prohibited.

COMMUNITY DISTRICT NO. 2

BOROUGH OF BROOKLYN

**RECOMMENDATION**

APPROVE  
 APPROVE WITH  
MODIFICATIONS/CONDITIONS

DISAPPROVE  
 DISAPPROVE WITH  
MODIFICATIONS/CONDITIONS

SEE ATTACHED

\_\_\_\_\_  
BROOKLYN BOROUGH PRESIDENT

July 15, 2019

\_\_\_\_\_  
DATE

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On July 2, 2019, Brooklyn Borough President Eric L. Adams held a public hearing on this non-ULURP referral application. There were no speakers on the item.

In response to Borough President Adams' inquiry as to what would be the process to voluntarily retrofit these spaces for owners interested in providing moveable furniture, DCP stated that POPS owners would only have to comply with the new zoning text. However, owners seeking to substantially change their plazas would request a chairperson's certification for design changes. This process is outlined in the ZR.

In response to Borough President Adams' inquiry regarding any considerations that would trigger compliance with the new rules, DCP stated that 1961 plazas, which are considered "grandfathered-in," would not be forced to comply with the new rules. However renovations would require owners to come into greater accord with current regulations via the aforementioned certification process. DCP would seek to bring such spaces into compliance with current standards, to the extent possible.

**Consideration**

Brooklyn Community Board 1 (CB 1) voted to approve this application on June 11, 2019. Brooklyn Community Board 2 (CB 2) voted to approve this application on June 24, 2019.

Privately-owned public spaces, or POPS, were created to derive public benefit from new construction in midtown Manhattan in the 1960s. Developers seeking to build taller buildings were provided floor area ratio (FAR) bonuses or special waivers in exchange for the provision of publicly-accessible indoor and outdoor spaces, pursuant to the Zoning Resolution (ZR) of 1961.

POPS include several types of arcades, concourses, and plazas, and are generally found in medium-to high-density commercial districts and high-density residential districts. There are currently 550 POPS in 350 buildings across New York City, including CDs 1 and 2 in Brooklyn. Rules governing POPS, including definitions and design standards, have evolved over time and are codified in ZR Section 37-50. Section 37-53 stipulates requirements for displaying the POPS symbol, while Section 37-74 sets forth provisions for seating.

The proposed rule change was prompted by Local Law 116 of 2017, which requires public space signage at all POPS, as well as a recent design competition, which resulted in a new public space logo. The rule change would bring current POPS signage regulations in line with Local Law 116. In addition, as individual POPS are subject to the regulations of the era in which they were built, provisions regarding publicly accessible moveable tables and chairs do not apply to plazas constructed prior to 1975. Such spaces, known as 1961 plazas, lack basic amenities, including lighting, seating and trees, which were not permitted at the time.

Borough President Adams recognizes that POPS contribute significantly to the quality of New York City's public realm. He understands that moveable seating is an important component of public space design that offers benefits to both users and owners of POPS. The provision of such moveable

furniture, as well as signage that informs potential users about seating choice, helps increase use and enjoyment of such spaces, which, in turn, enlivens the areas where they are located. He concurs with DCP that updating POPS regulations to allow publicly accessible moveable tables and chairs in 1961 arcades and plazas would make such spaces more inviting for the public. He also notes that, consistent with DCP's testimony at this hearing, the new provisions would likely result in the enhancement of such older POPS, as redesign and renovation would trigger the new provisions.

Therefore, Borough President Adams supports this proposed zoning text amendment.

**Recommendation**

Be it resolved that the Brooklyn borough president, pursuant to Section 201 of the New York City Charter, recommends that the City Planning Commission (CPC) and City Council approve this application.