

What's the Deal: Can Privately Owned Public Space Serve the Public Interest? Lessons from the Field

Alfred B. DelBello Land Use and Sustainable
Development Conference

Land Use Law Center, Pace Law School

December 6, 2024

Privately Owned Public Space

- Law's oxymoronic invention
- Invented by New York City's 1961 zoning
- Bonus floor area for POPS

POPS are everywhere!


TOKYO / TORONTO / TAIPEI

SANTIAGO / SEOUL / SEATTLE / SAN FRANCISCO

BANKGOK / AACHEN / NEW YORK

MELBOURNE / VANCOUVER / and more

MIXED RECEPTION

 You Retweeted



Will Lewis @LON2NYC · 28 Nov 2018



Love them, hate them, or feel indifferently, Privately Owned Public Spaces (POPS) exist in cities across the world.

@MASNYC have created a great program, @apopsmas, to encourage good stewardship and health for POPS.

 apops.mas.org

#pops #publicspace #placemaking



Revealed: the insidious creep of pseudo-public space in London

Pseudo-public space - squares and parks that seem public but are actually owned by corporations - has quietly spread across cities worldwide. As the Guardian maps its full extent in London for the first time, [Jack Shenker](#) reports on a new culture of secrecy and control, where private security guards can remove you for protesting, taking photos ... or just looking scruffy

PRIVATELY OWNED
PUBLIC SPACE

THE NEW YORK CITY EXPERIENCE



JEROLD S. KEYSER
THE NEW YORK CITY DEPARTMENT OF CITY PLANNING
THE MUNICIPAL ART SOCIETY OF NEW YORK

FIRST RESEARCH FINDING

Zoning created a significant quantity of POPS.

Study Period 1961-2000

- 503 POPS
- over 82 acres worth, enough to cover 10% of New York City's Central Park
- median size = 4,820 square feet

POPS STATISTICS as of 2023

| Number of POPS, by Type | |
|--------------------------------|------------|
| Arcade | 90 |
| Covered Pedestrian Space | 15 |
| Covered Plaza | 4 |
| Elevated Plaza | 2 |
| Open Air Concourse | 2 |
| Plaza | 168 |
| Public Plaza | 18 |
| Residential Plaza | 62 |
| Sidewalk Widening | 13 |
| Through Block Arcade | 10 |
| Through Block Connection | 10 |
| Through Block Galleria | 3 |
| Urban Plaza | 41 |
| Other | 160 |
| Total | 598 |



Most POPS are in Manh

SECOND RESEARCH FINDING

Project team deemed 41% of POPS “marginal.”

3% destination space
13% neighborhood space
21% hiatus space
41% marginal space
18% circulation space

A destination POPS at 590 Madison Avenue



A neighborhood POPS



A neighborhood POPS

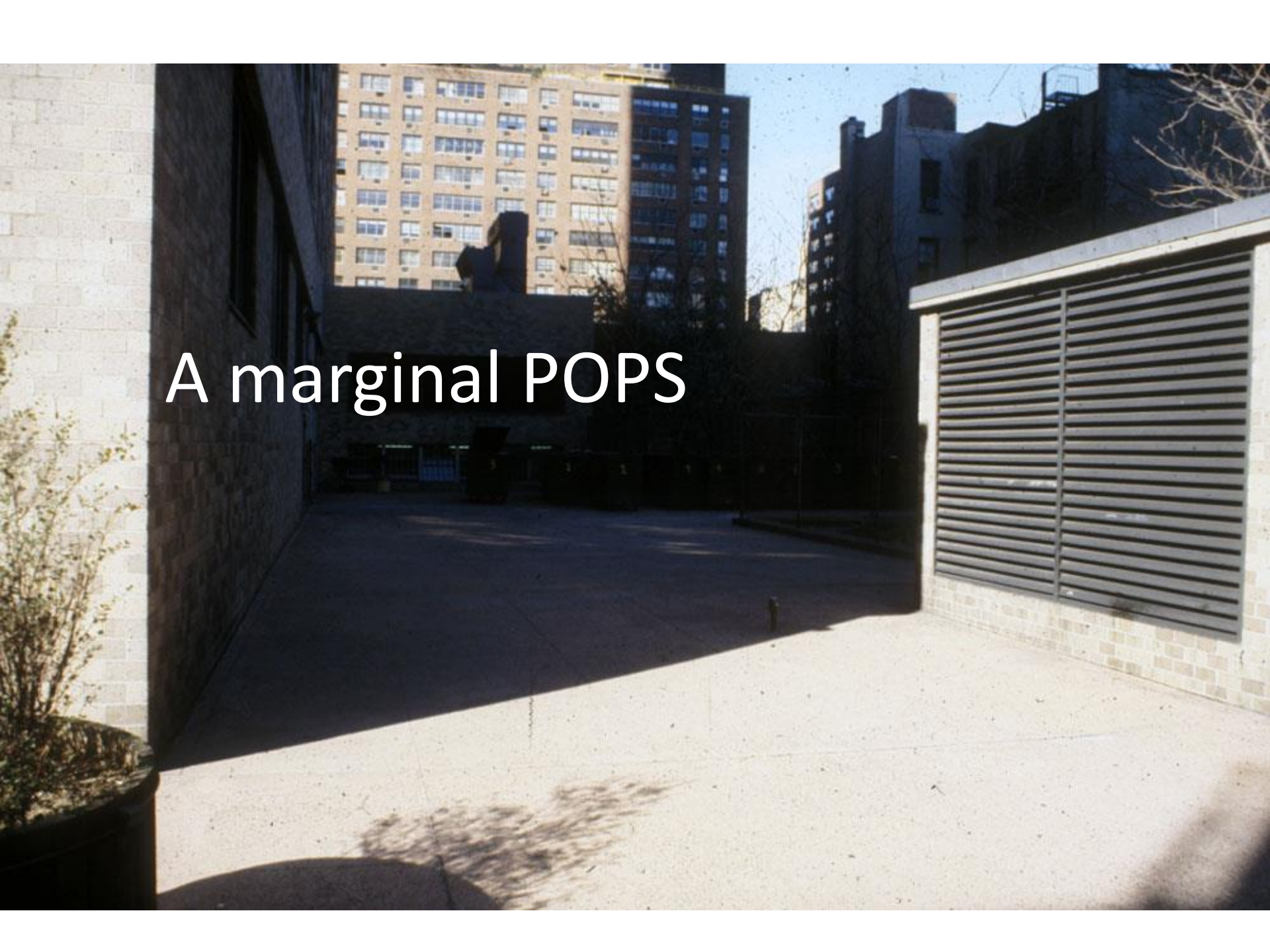


undemanding zoning definitions

- *plaza*: “open area accessible to the public at all times...not less than 10 feet deep measured from the front lot line...not at any point more than five feet above nor more than twelve feet below the curb level of the adjoining street”
- *arcade*: “continuous area open to a street or to a plaza which is open and unobstructed to a height of not less than 12 feet”

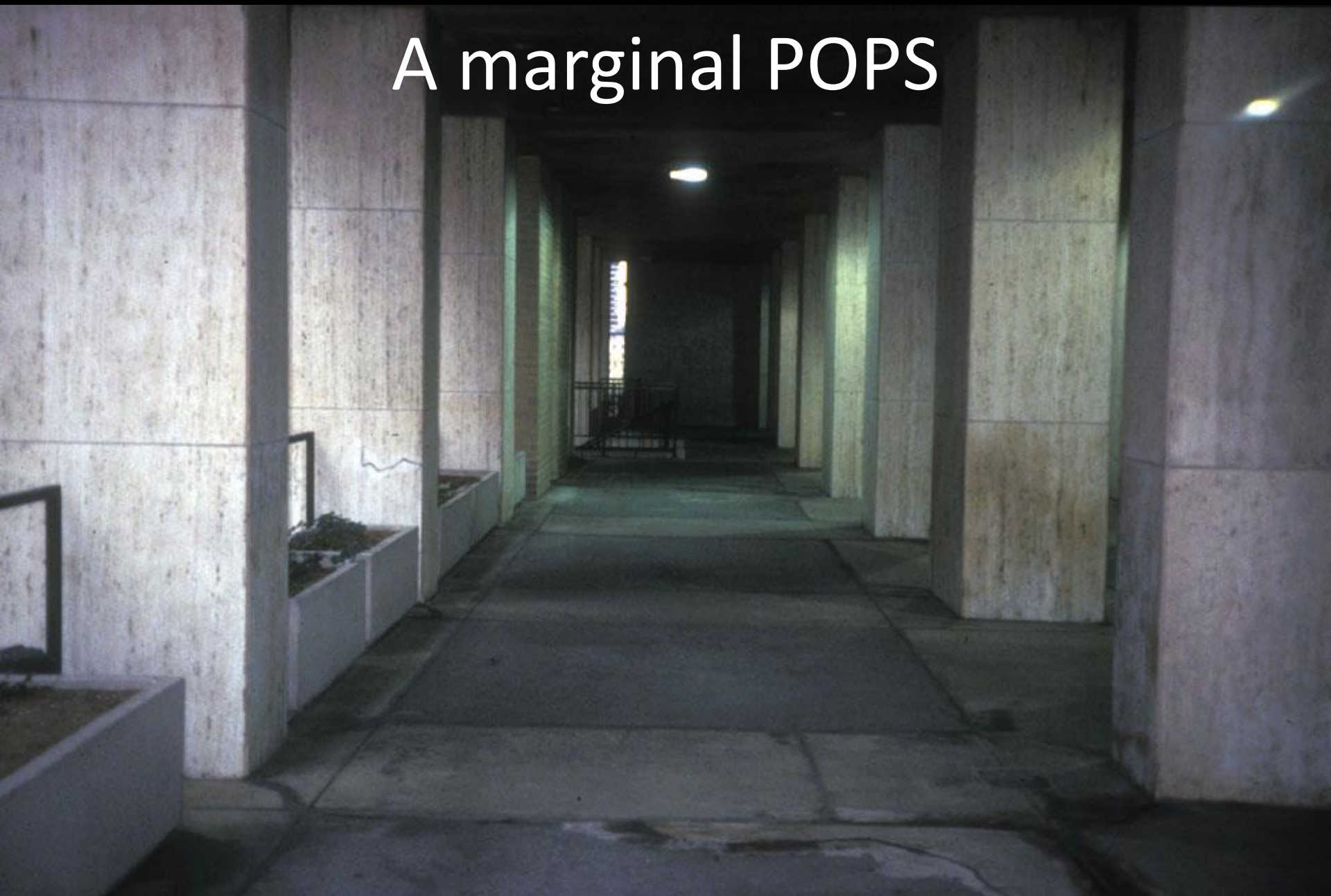
A marginal POPS

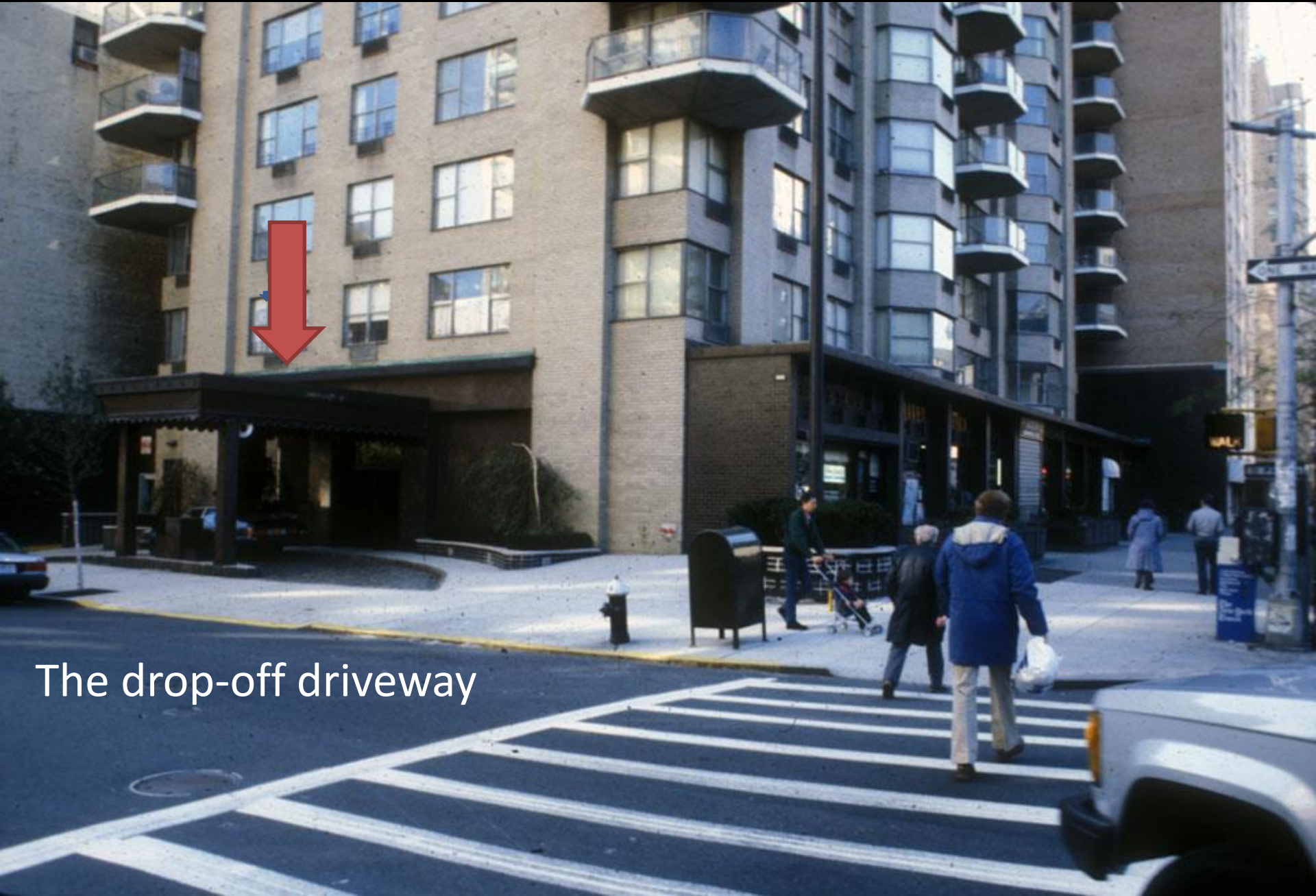




A marginal POPS

A marginal POPS



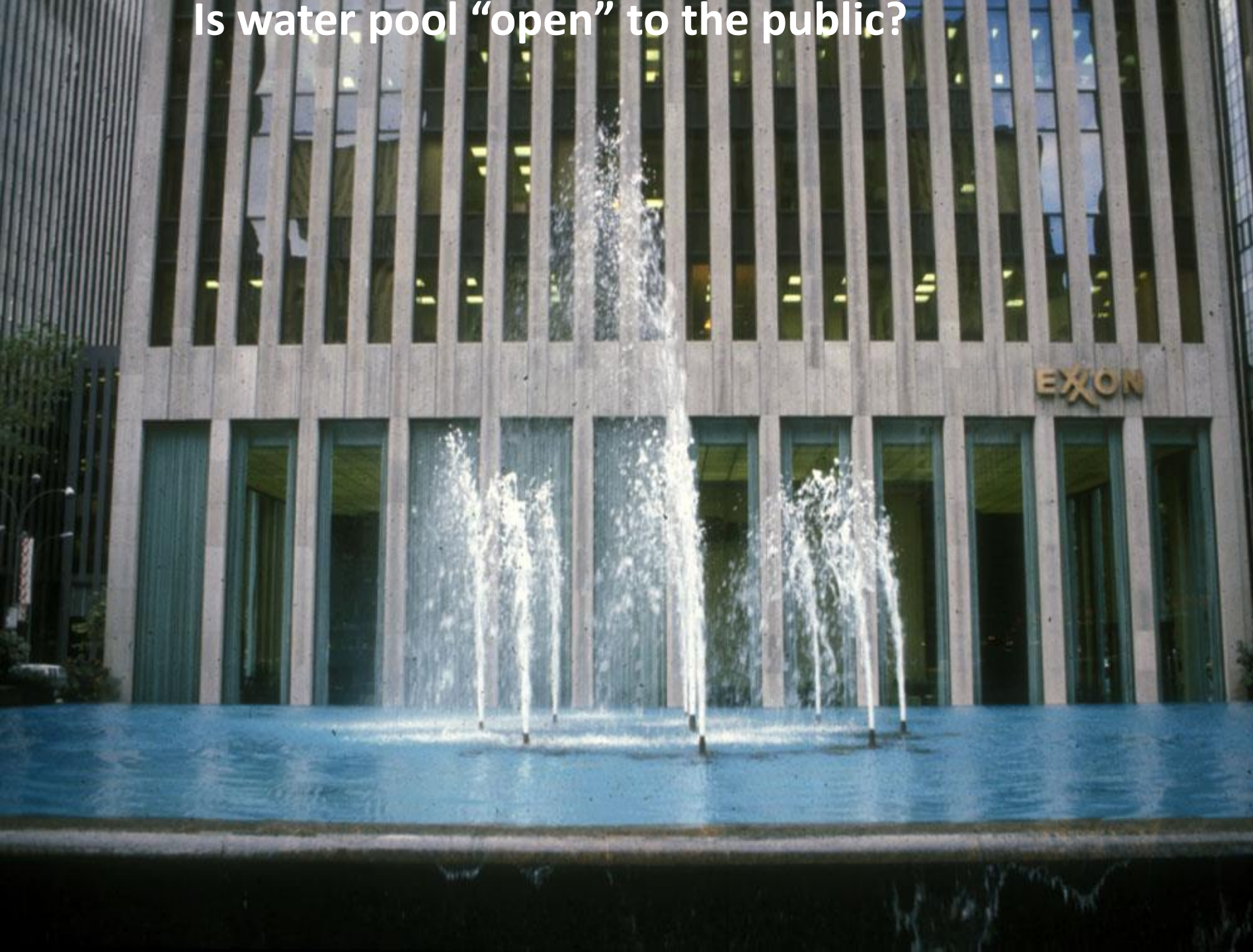


The drop-off driveway

A photograph of a landscaped area. On the left, a multi-story building with windows is visible. The center and right are dominated by dense green trees and shrubs. In the foreground, there is a paved area with a yellow curb and a low stone wall. A large red arrow points downwards from the top center of the image towards the text.

Is landscaped area open to the public?

Is water pool "open" to the public?



***Letter of the law* compliance could
easily result in marginal POPS**

New zoning rules (1975 and beyond)

- One linear foot of seating for every 30 square feet of plaza
- Landscaping
- Bike racks
- Drinking fountains
- Location and Orientation
- No more than three feet above or below street
- Materials
- Identification Signs

The result has been dramatic improvements in POPS quality and use.



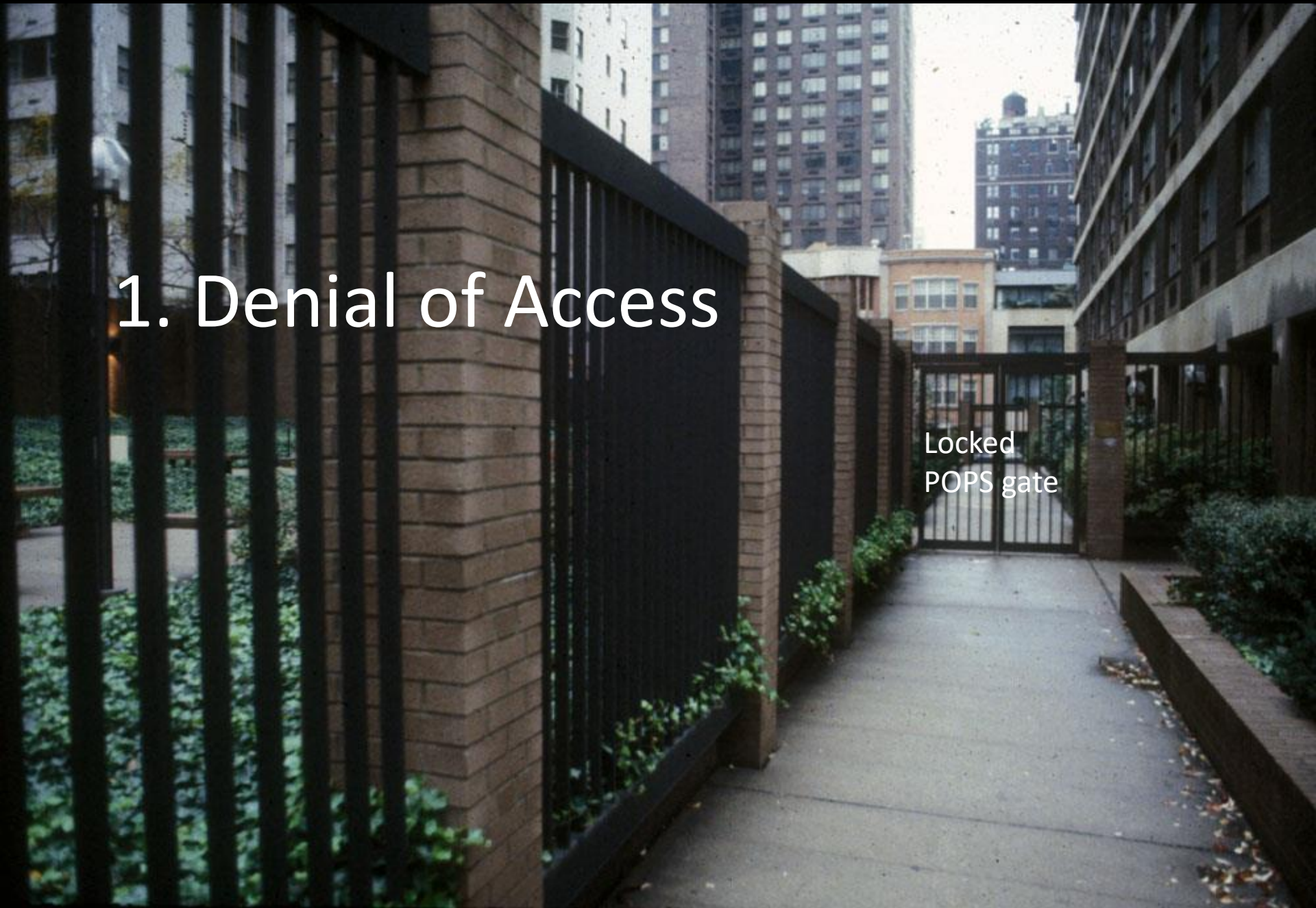
THIRD RESEARCH FINDING

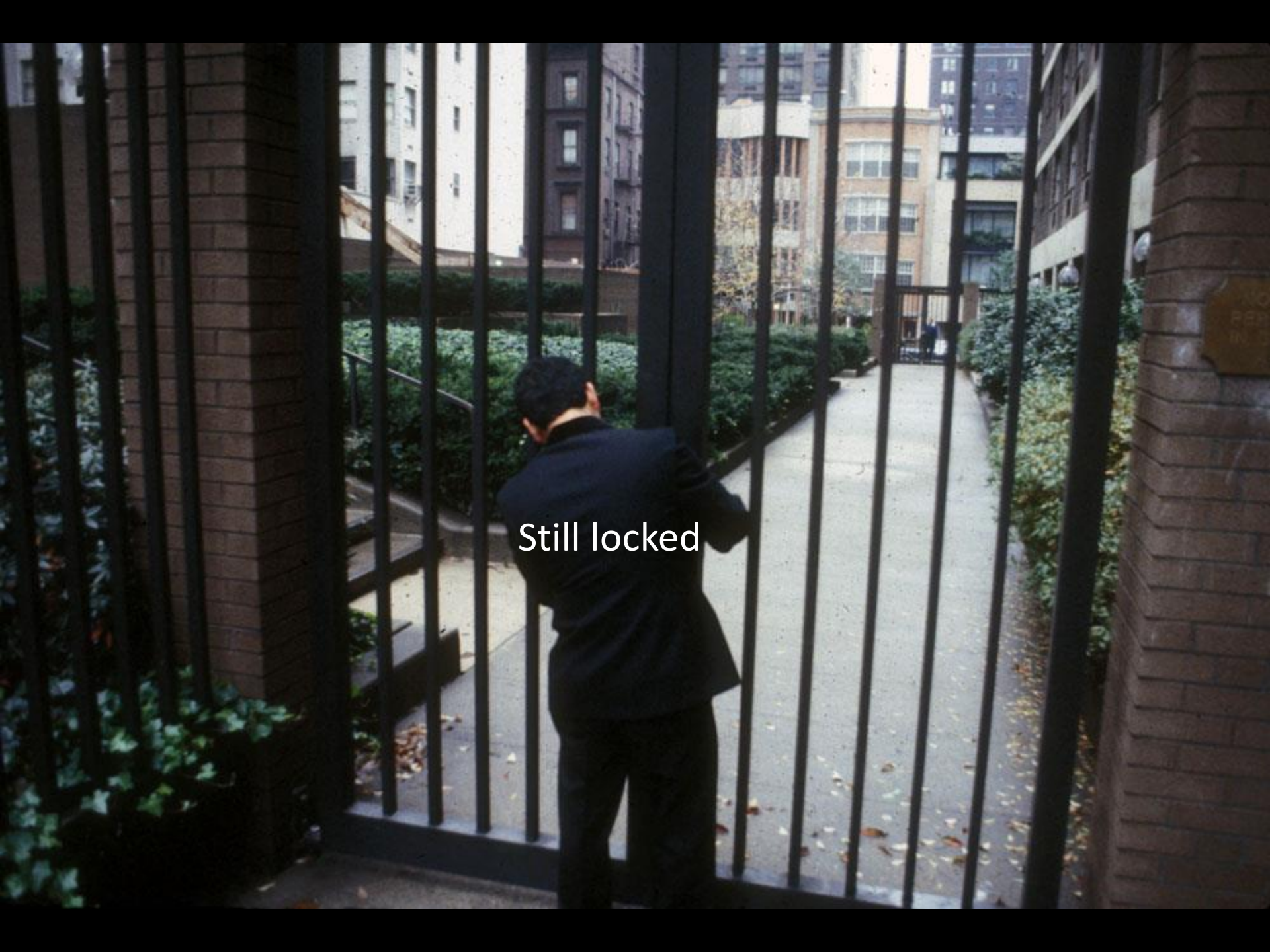
50% of buildings with POPS had one or more POPS out of compliance with applicable legal requirements

- Denial of Access
- Encroachment by private uses
- Removal of required amenities

1. Denial of Access

Locked
POPS gate





Still locked



When open



A POPS re-emerges

Physical barriers



Never-ending construction

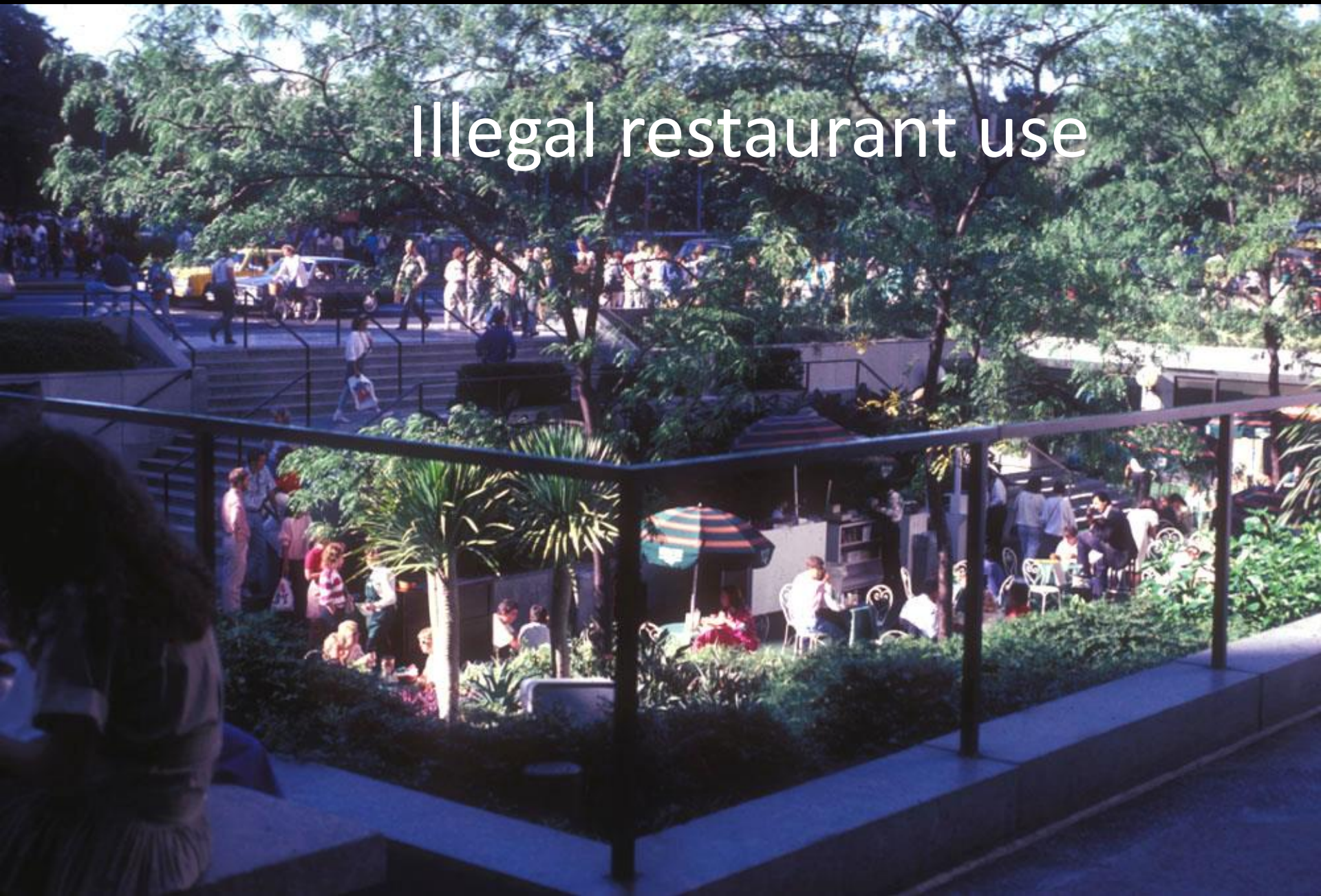




2. Encroachment by private uses

Illegal café creep, brasserie bulge, trattoria trickle

Illegal restaurant use



Illegal department store use



Illegal sales counter use



3. Removal of required amenities

Illegal spikes incapacitating required ledge seating



Removal of required bench





The New York Times

GIVE THE TIMES

New Yorkers Got Broken Promises. Developers Got 20 Million Sq. Ft.

By Urvashi Uberoy and Keith Collins July 21, 2023

KEY LESSONS

1. Draft smart.

Example: Specify performance (visibility) rather than location of signs.



KEY LESSONS

2. Keep records.

I. GENERAL INFORMATION

Page 1 of 5

Building Address: 590 Madison Avenue
 Building Name:
 Building Location: Southwest corner of Madison Avenue and East 57th Street

| | | | |
|------------------------|--|--|---|
| Public Space: | <input checked="" type="checkbox"/> Arcade | <input type="checkbox"/> Plaza | <input type="checkbox"/> Through Block Connection |
| | <input checked="" type="checkbox"/> Covered Pedestrian Space | <input type="checkbox"/> Residential Plaza | <input type="checkbox"/> Through Block Galleria |
| | <input type="checkbox"/> Elevated Plaza | <input type="checkbox"/> Sidewalk Widening | <input checked="" type="checkbox"/> Urban Plaza |
| | <input type="checkbox"/> Open Air Concourse | <input checked="" type="checkbox"/> Through Block Arcade | |
| | <input checked="" type="checkbox"/> Seating Area | | |
| Public Space Location: | | | |

Primary Building Use: Commercial Stories: 43 Year Completed: 1982
 Block/Lot #: 1292/15.84.8 NB #: 6/76 Community District: 5
 Owner: 590 Madison Avenue Associates, LP Co-op/Condo
 Address: c/o E.J. Minskoff Equities, Inc., 1325 Sixth Ave. New York, NY 10019 Telephone: (212) 554-0500
 Managing Agent: E.J. Minskoff Equities, Inc.
 Address: 1325 Sixth Avenue New York, NY 10019 Telephone: (212) 554-0500
 Developer:
 Building Architect: Edward Larrabee Barnes
 Principal Public Space Designer: Edward Larrabee Barnes; Robert A. M. Stern (for alteration in 1995)

II. LEGAL BASIS FOR PUBLIC SPACE

| | | |
|--|---|--|
| Department of Buildings (DOB) | City Planning Commission (CPC) | Board of Standards and Appeals (BSA) |
| <input checked="" type="checkbox"/> As-of-Right | <input type="checkbox"/> Authorization | <input type="checkbox"/> Special Permit |
| | <input type="checkbox"/> Certification | <input checked="" type="checkbox"/> Zoning Amendment |
| | <input checked="" type="checkbox"/> Modification | <input type="checkbox"/> Variance |
| Board of Estimate (BOE) | Owner | Other |
| City Council (CC) | | |
| <input checked="" type="checkbox"/> Board of Estimate Resolution | <input type="checkbox"/> Performance Bond | <input type="checkbox"/> |
| <input type="checkbox"/> City Council Resolution | <input checked="" type="checkbox"/> Restrictive Declaration | |

1. Action: DOB As-of-Right Number: Date:
 ZR Section: 12-10 ZR Title: Definitions
 Subject: Arcade

2. Action: DOB As-of-Right Number: Date:
 ZR Section: 87-052 ZR Title: Special Fifth Avenue District Covered Pedestrian Space
 Subject: Covered Pedestrian Space

Section II continues on next page

KEY LESSONS

3. Publicize.

apops.mas.org

The screenshot shows the website apops.mas.org. The browser's address bar displays the URL. The page features a grid map background. At the top, a blue banner reads "PRIVATELY OWNED PUBLIC SPACE in New York City". To the right, it identifies the site as a joint project of "apops" (Advocates for Privately Owned Public Space) and "MASNYC" (The Municipal Art Society of New York). Navigation tabs include "FIND A POPS", "NEWS & ANNOUNCEMENTS", and "ABOUT".

The main content area features a large image of a red cube sculpture in a plaza, labeled "POPS IN THE CITY". Below the image, the entry is titled "140 Broadway" and lists "SPACE TYPE: Plaza" and "REQUIRED HOURS OF ACCESS: 24 hours". A link is provided to learn more about this space.

A sidebar on the right contains several action buttons: "FIND A POPS", "WRITE A POPS PROFILE", "(RE)DESIGN A POPS", "COMMENT ON A POPS", "PHOTOGRAPH A POPS", "REPORT A POPS PROBLEM", and "RATE A POPS".

At the bottom, there is a "FEATURED ITEMS" section with a "WHAT ARE POPS?" article submitted by apops@mas 7.5.13. A "NEWS & ANNOUNCEMENTS" section lists two items: one from 9.22.13 about a blog piece on POPS and public space, and another from 9.20.13 about a landscape architect's take on POPS recertification.

Department of City Planning

Borough

Citywide



NEW YORK CITY'S PRIVATELY OWNED PUBLIC SPACES

Overview

Current Standards

History

Resources

POPS Requirements Reinstated

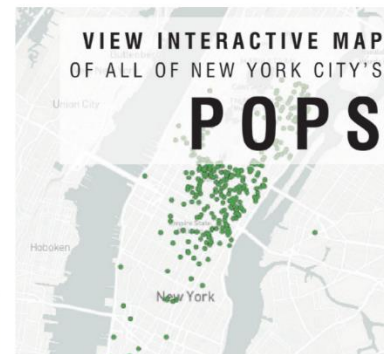
As of July 1, 2021, all Privately Owned Public Spaces (POPS) must fully comply with applicable zoning and other requirements.

Emergency Executive Order Nos. 108 and 128, which temporarily suspended certain zoning requirements for POPS, expired on July 1, 2021. Accordingly, DCP's **compliance protocols for POPS** are no longer in effect and all POPS zoning requirements are reinstated.

If you have further questions related to COVID-19 and POPS please email: POPSCOVID_DL@Planning.nyc.gov.

For more information related to POPS Signage Applications and associated deadlines, please visit DCP's applicant portal [here](#).

This webpage offers an overview of New York City's Privately Owned Public Spaces (POPS), which are outdoor and indoor spaces provided for public enjoyment by private owners in exchange for bonus floor area or waivers, an incentive first introduced into New York City's zoning regulations in 1961. Explore the city's 550+ POPS through our interactive map; find detailed explanations of our current standards; and discover how POPS have evolved throughout the city's history.

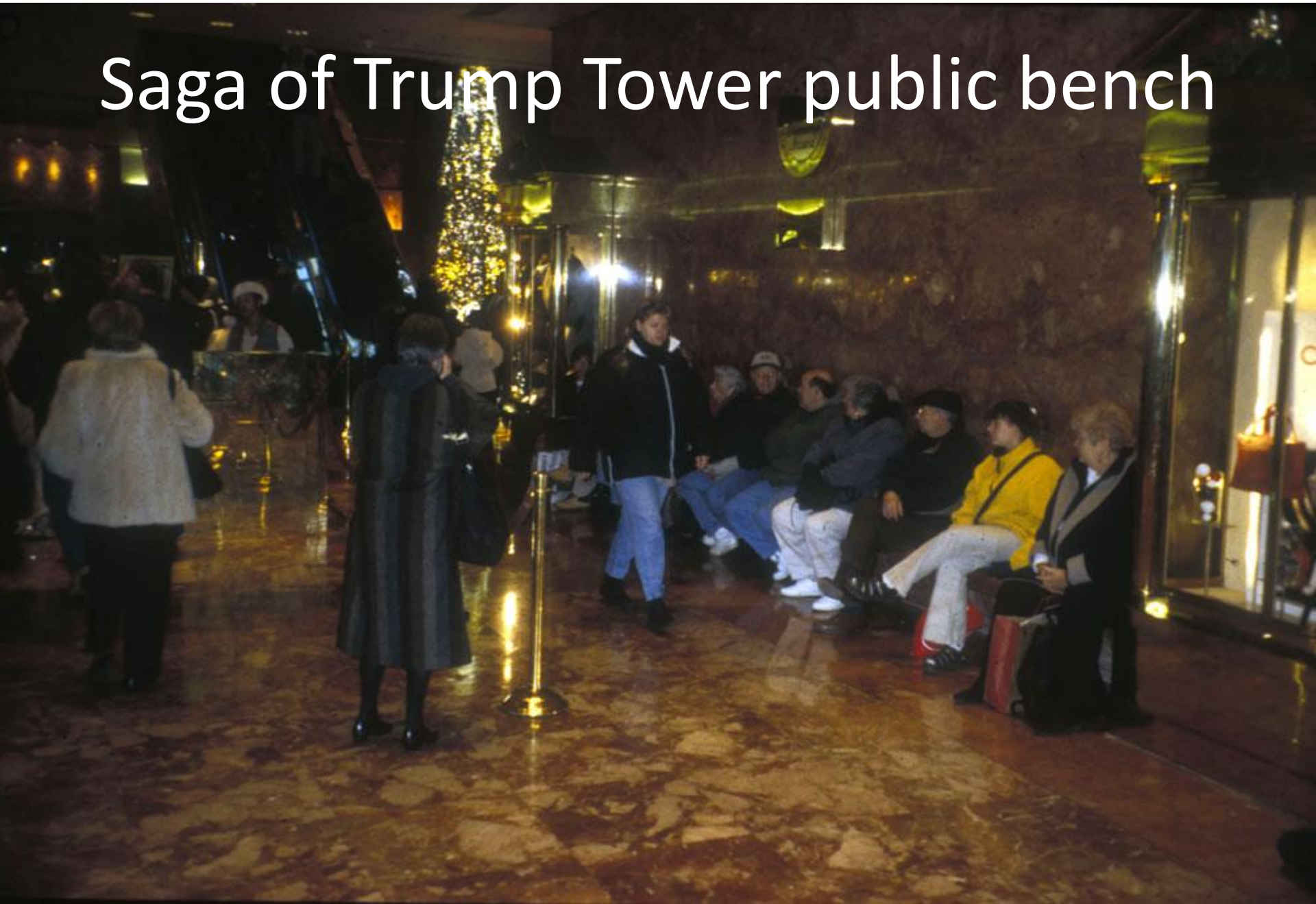


Remember, POPS are public spaces owned and required to be maintained by...

KEY LESSONS

4. Include enforcement provisions.

Saga of Trump Tower public bench



TRUMP TOWER

Before Midway



BLOGS › IN THE MARKETS

June 23, 2016 1:59 p.m. Updated 06/23/2016

IN THE MARKETS

Trump Tower fined over missing bench after the presumptive GOP nominee skips hearing

The city is getting impatient with Donald Trump failing to maintain his building's public areas



By **Aaron Elstein**



GET CRAIN'S DAILY ALERT

Sign up for our FREE daily email newsletter. A summary of the day's top business and political headlines from the

Trump No Bench.jpg ^

Trump-Public-Benc...jpg ^

Show all



And finally

8/11/2020

At Trump Tower, the little bench that could - The Boston Globe



Ideas

IDEAS | JEROLD S. KAYDEN

At Trump Tower, the little bench that could



JEROLD S. KAYDEN FOR THE BOSTON GLOBE

Journalists covering the presidential transition sit on a legally required bench in the public atrium at Trump Tower in December.

By Jerold S. Kayden

JANUARY 22, 2017

Improbably, a 22-foot-long, legally required public bench in the entrance corridor at Trump Tower has become a prime vantage point into a new political era.

POPS

City Council approves legislation to tighten regulations on privately owned public spaces

By JASON SAYER (@ADJASONCIES) • June 23, 2017

Development East



Trending, Most Popular, Most Recent

- 1 EPA is now allowing asbestos back into manufacturing
- 2 Check out these eight unmatched tennis courts from around the world
- 3 Facebook unveils views of latest Gehry-designed office expansion
- 4 David Beckham's Miami soccer village reveals Arquitectonica's designs
- 5 The American Society of Landscape Architects names their best projects of 2018

KEY LESSONS

5. There needs to be a POPS advocate.



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The Official Website of the City of New York



AA



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NYC311

Office of the Mayor

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Mayor Adams Appoints Ya-Ting Liu as NYC's First-Ever Chief Public Realm Officer

February 16, 2023



Email

Creation of New Role Was Key Plank of Mayor Adams' State of the City Address, Builds on \$375 Million Investment in Public Spaces



Signed Today, Executive Order 27 Will Codify Position

NEW YORK – New York City Mayor Eric Adams today appointed Ya-Ting Liu as the city's first-ever chief public realm officer, delivering on a key promise from his [State of the City address](#). In this newly created role, Liu will coordinate across city government, community organizations, and the private sector to create extraordinary public spaces across the entire city and continue to drive the city's economic recovery. Mayor Adams today also signed [Executive Order 27](#), codifying the creation of the position and

KEY LESSONS

6. Encourage upgrading of existing POPS.



Welcome to the
David Rubenstein Atrium
at Lincoln Center

KEY LESSONS

7. Remedy geographic inequality of POPS zoning.



KEY LESSONS

8. Owner's rules must be reasonable.



ZUCCOTTI PARK

NO
SKATEBOARDING,
ROLLERBLADING,
OR
BICYCLING
ALLOWED
IN THE PARK



Occupy Wall Street at Zuccotti Park, New York

WELCOME TO THE 590 ATRIUM

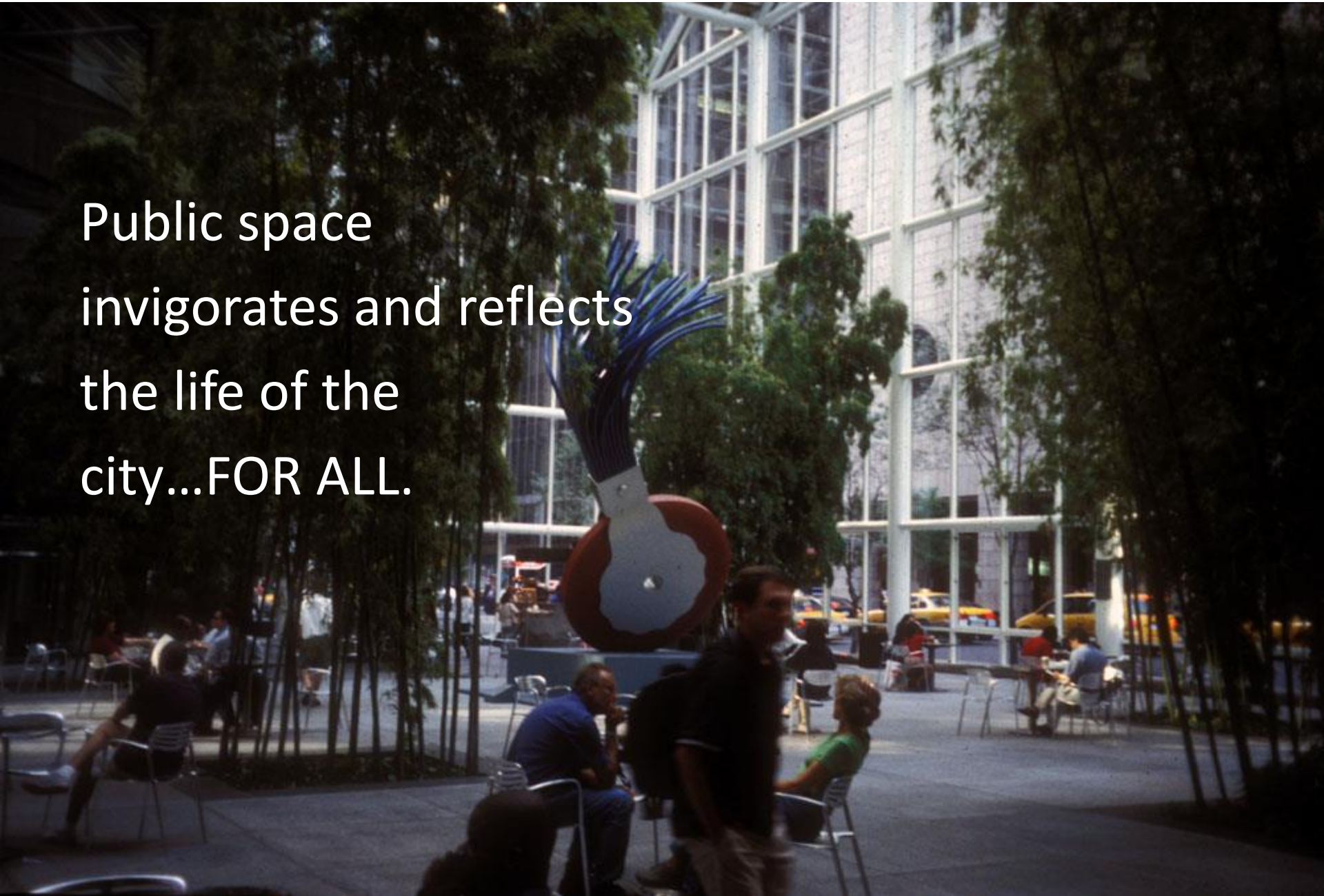
FOR INCREASED PUBLIC ENJOYMENT
AND SAFETY WITHIN THE 590 ATRIUM

- Sleeping And Smoking Are Prohibited
- Drinking Of Alcoholic Beverages Is Prohibited
- Shopping Carts And Excessively Large Or Obstructive Packages Or Bundles Are Prohibited. Unattended Packages Will Be Disgarded
- Sitting On ATRIUM Floors Or Heating Vents Is Prohibited
- Leave Chairs And Benches Clear Of Personal Items
- No Radio Playing
- Gambling, Card Playing, Solicitation, Handbilling
And Disorderly Conduct Are Not Permitted

DISREGARD OF THESE RULES WILL SUBJECT
YOU TO REMOVAL FROM THE 590 ATRIUM

Thank You For Your Cooperation

Public space
invigorates and reflects
the life of the
city...FOR ALL.



Incentive Zoning

- Financial benefits from zoning incentives should be **necessary, sufficient**, but **not excessive** to secure desired benefits

Cost Plus Formula

cost to provide public benefit

financial value of bonus sf

zoning/rentable sf

plus factor

Cost Plus Formula

cost to provide public benefit

financial value of bonus sf X zoning/rentable sf X plus factor

CEPACS

“Certificados de Potencial Adicional de
Construcao”

“Certificates of Additional Potential
Construction”

Sao Paulo, Brazil

Incentive Zoning

Incentive zoning provides financially valuable zoning incentives to developers who voluntarily agree to provide zoning-specified public benefits.



I COULD
LOSE MY JOB
FOR HAVING A
VOICE

#OCCUPY

ONE LIBERTY PLAZA

Beehive Design

WATER

Bring Back

Victory!

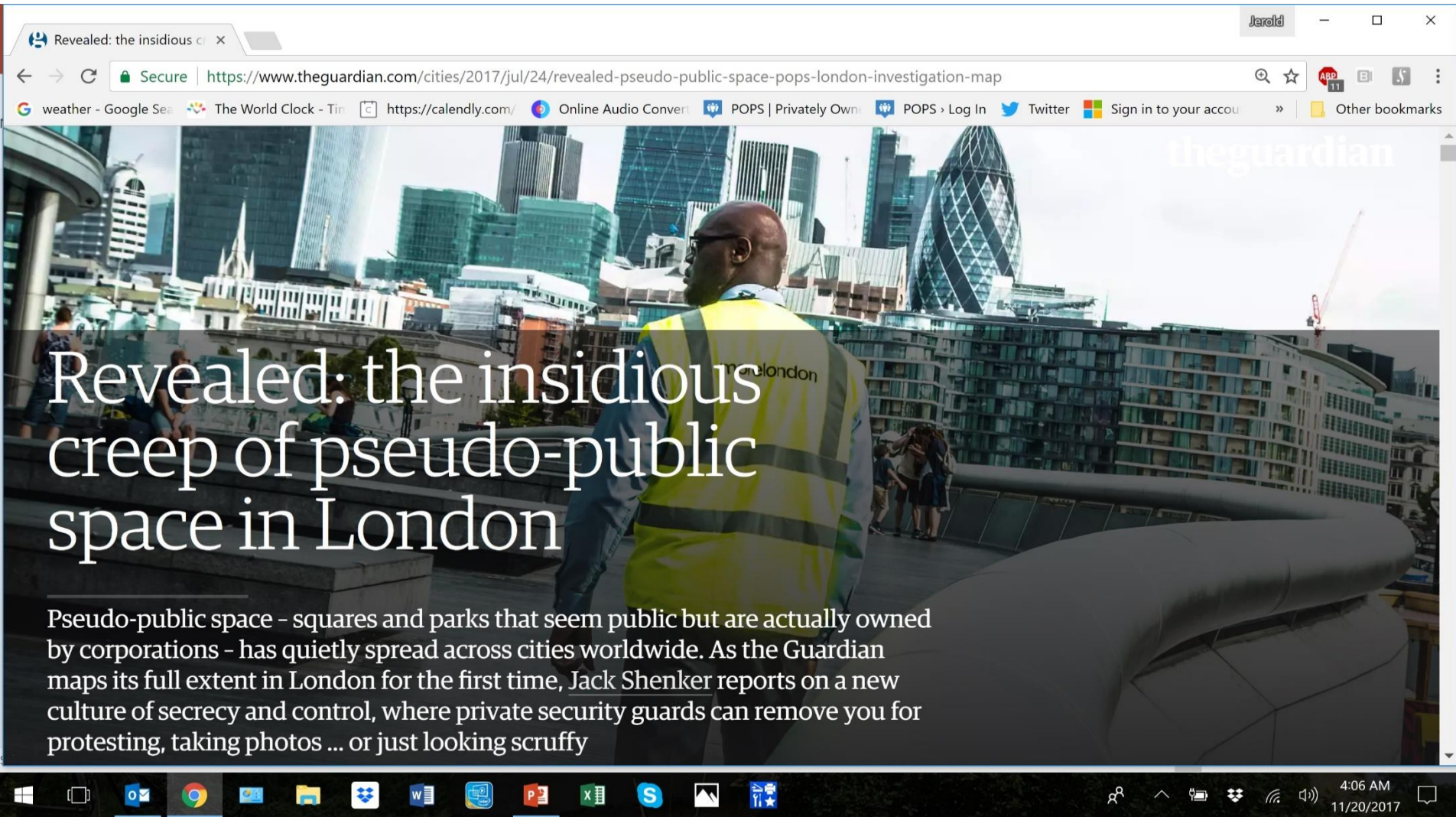






Zuccotti Park in NYC

And it's not just about New York City!!

A screenshot of a web browser displaying a Guardian article. The browser's address bar shows the URL: https://www.theguardian.com/cities/2017/jul/24/revealed-pseudo-public-space-pops-london-investigation-map. The article's main image shows a man in a yellow high-visibility vest with 'new london' written on it, looking out over a modern cityscape with skyscrapers, including the Gherkin. The article title is 'Revealed: the insidious creep of pseudo-public space in London'. The sub-headline reads: 'Pseudo-public space - squares and parks that seem public but are actually owned by corporations - has quietly spread across cities worldwide. As the Guardian maps its full extent in London for the first time, Jack Shenker reports on a new culture of secrecy and control, where private security guards can remove you for protesting, taking photos ... or just looking scruffy'. The Windows taskbar at the bottom shows various application icons and the system clock indicating 4:06 AM on 11/20/2017.

Revealed: the insidious creep of pseudo-public space in London

Pseudo-public space - squares and parks that seem public but are actually owned by corporations - has quietly spread across cities worldwide. As the Guardian maps its full extent in London for the first time, Jack Shenker reports on a new culture of secrecy and control, where private security guards can remove you for protesting, taking photos ... or just looking scruffy

See posted
sign



THE CARLTON REGENCY CORP.
137 EAST 36th STREET
NEW YORK, NEW YORK 10016

RULES OF OCCUPANCY OF THE PLAZA

OCCUPANTS OF THE PLAZA SHALL OBEY THE FOLLOWING RULES AT ALL TIMES. FAILURE TO OBEY ANY OF THESE RULES SHALL BE GROUNDS FOR REMOVAL FROM THE PREMISES AND MAY SUBJECT THE VIOLATOR TO ARREST AND PROSECUTION.

NO LITTERING, DUMPING OR STORING OR LEAVING ANY UNATTENDED PERSONAL BELONGINGS.

NO DISORDERLY BEHAVIOR, INCLUDING FIGHTING WITH OR ASSAULTING ANOTHER PERSON, ENGAGING IN SEXUAL ACTIVITY OR ENGAGING IN CONDUCT THAT SERIOUSLY ANNOYS, UNREASONABLY ALARMS OR ENDANGERS THE SAFETY OF ANOTHER PERSON.

NO LOITERING OR ENGAGING IN ANY ILLEGAL CONDUCT, INCLUDING THE UNLAWFUL USE, POSSESSION, SOLICITATION OR DISTRIBUTION OF MARIJUANA, ALCOHOL OR CONTROLLED SUBSTANCE.

NO STORING OF MATERIALS ON, SLEEPING OR USING BENCH TABLE OR OTHER SITTING AREA SO AS TO INTERFERE WITH ITS USE BY OTHER PERSONS.

NO CAMPING OR MAINTAINING ANY TENT OR SHELTER.

NO BLOCKING OF BUILDING ENTRANCEWAYS.

NO DEFECATING.

NO ACTIVITIES WHICH MAY DAMAGE SHRUBS, TREE OR FLOWERS.

Empire State Building

25% or less coverage rule



Lever House 1952
25% tower
BUT financially
difficult to
accomplish
because of need
for large land
parcel



Chairs, tables, landscaping, food, sun, and shade
= USERS



Required Signs



Office neighborhood POPS



3. Action: CPC Zoning Amendment Number: N 770224 ZRM Date: 7/18/77
 ZR Section: 87-11 ZR Title: Special Fifth Avenue District: Special Provisions for Zoning Lots Divided by a District Boundary
 Subject: Zoning Text Amendment allowing buildings with no Fifth Avenue frontage to obtain bonus for Covered Pedestrian Space and Through Block Arcade
4. Action: CPC Special Permit Number: C 770209 ZSM Date: 7/18/77
 ZR Section: 74-82, 74-72, 74-841, 74-91 ZR Title: Through Block Arcade, Urban Open Space Modifications, Bulk Modifications, Development with Existing Buildings
 Subject: Special Permit for Through Block Arcade and Urban Plaza; height and setback modifications; allowing existing building to remain temporarily on lot before demolition; Sealing Area indicated on the approved plan
5. Action: BOE Resolution Number: Cal. No. 61 Date: 8/18/77
 ZR Section: ZR Title:
 Subject: Resolution adopting CPC Zoning Text Amendment N 770224 ZRM, 7/18/77
6. Action: BOE Resolution Number: Cal. No. 2 Date: 8/18/77
 ZR Section: ZR Title:
 Subject: Resolution adopting CPC Special Permit C 770209 ZSM, 7/18/77
7. Action: CPC Modification Number: M 770209 A ZSM Date: 12/27/84
 ZR Section: ZR Title:
 Subject: Modification of Special Permit C 770209 ZSM, 7/18/77, approving public space signage system, allowing revolving door to Covered Pedestrian Space, establishing hours of operation for indoor spaces
8. Action: CPC Modification Number: M 853776 ZSM Date: 7/10/85
 ZR Section: ZR Title:
 Subject: Modification of Special Permit C 770209 ZSM, 7/18/77, to add revolving doors at ends of Through Block Arcade and to reconfigure sculpture pool in Urban Plaza
9. Action: CPC Modification Number: M 770209 C ZSM Date: 9/18/95
 ZR Section: ZR Title:
 Subject: Modification of Special Permit C 770209 ZSM, 7/18/77, allowing changes to Through Block Arcade and Covered Pedestrian Space including, among other things, reduction of bamboo trees from 11 to 8; M 770209 B ZSM was not assigned to any application
10. Action: Restrictive Declaration Number: Reel 2550, Page 139 Date: 5/18/95
 ZR Section: ZR Title:
 Subject: Restrictive Declaration recording changes authorized by CPC Modification M 770209 C ZSM, 9/18/95
11. Action: _____ Number: _____ Date: _____
 ZR Section: _____ ZR Title: _____
 Subject: _____
12. Action: _____ Number: _____ Date: _____
 ZR Section: _____ ZR Title: _____
 Subject: _____
13. Action: _____ Number: _____ Date: _____
 ZR Section: _____ ZR Title: _____
 Subject: _____

III. ZONING COMPUTATIONS

A. BASE ZONING FLOOR AREA

| Zoning District | Zoning Lot Area (sf) | Floor Area Ratio | Base Zoning Floor Area (sf) |
|------------------------|----------------------|------------------|-------------------------------------|
| C5-3CR (F) | 49,200.00 | 15.00 | 738,000 |
| | 0.00 | 0.00 | 0 |
| | 0.00 | 0.00 | 0 |
| Total ZLA (sf): | 49,200.00 | | |
| | | | TOTAL BASE ZFA (sf): 738,000 |

B. BONUS ZONING FLOOR AREA

| Public Space | Size Provided for Bonus (sf) | Bonus Multiplier | Bonus Zoning Floor Area (sf) |
|--|------------------------------|------------------|--------------------------------------|
| Arcade | 1,651.00 | 3.00 | 5,553 |
| Covered Pedestrian Space | 8,261.00 | 12.50 | 103,263 |
| Through Block Arcade | 4,609.00 | 6.00 | 28,014 |
| Urban Plaza | 1,621.00 | 10.00 | 18,210 |
| Other Bonus ZFA: | | | 0 |
| Total Generated Bonus ZFA (sf): | | | 155,040 |
| Total Capped Bonus ZFA (sf): | 3 FAR x 49,200.00 sf | | 147,600 |
| | | | TOTAL BONUS ZFA (sf): 147,600 |

Note: Total Bonus ZFA = The lesser of Total Generated Bonus ZFA and Total Capped Bonus ZFA

C. OTHER ZONING FLOOR AREA

| | |
|--------------------------------------|---|
| BSA Variance (sf): | 0 |
| Transferred Development Rights (sf): | 0 |
| Miscellaneous (sf): | 0 |
| TOTAL OTHER ZFA (sf): | 0 |

D. TOTAL ALLOWED AND BUILT ZONING FLOOR AREA

| | |
|--------------------------------|---------|
| TOTAL ALLOWED ZFA (sf): | 885,600 |
| FAR: | 18.0 |
| TOTAL BUILT ZFA (sf): | 830,052 |
| FAR: | 16.9 |

Note: Total Allowed ZFA = Total Base ZFA + Total Bonus ZFA + Total Other ZFA

E. TOTAL BONUS ZONING FLOOR AREA USED

| | |
|-----------------------------------|--------|
| TOTAL BONUS ZFA USED (sf): | 92,052 |
| BUR: | 0.59 |

Note: Total Bonus ZFA Used = Total Built ZFA - Total Base ZFA - Total Other ZFA + Adjustment

0

Reason for Adjustment:

Note: The Bonus Utilization Rate (BUR) is the ratio of Total Bonus ZFA Used to Total Generated Bonus ZFA

IV. REQUIRED TYPE AND SIZE OF PUBLIC SPACE

| Public Space | Size Required (sf) | <input type="checkbox"/> Bonus Utilization Rate Applied |
|--------------------------|------------------------|---|
| Arcade | 1,851.00 | |
| Covered Pedestrian Space | 8,261.00 | |
| Through Block Arcade | 4,609.00 | |
| Urban Plaza | 1,821.00 | |
| Seating Area | Approximately 3,500.00 | |

V. REQUIRED HOURS OF ACCESS

515

- 24 Hours Arcade, Urban Plaza
- Restricted Hours Covered Pedestrian Space, Seating Area, Through Block Arcade: 8:00 am to 10:00 pm
- Closings for Events Covered Pedestrian Space, Seating Area, Through Block Arcade: may be closed to the public with advance notice for 6 private and 6 local community and not-for-profit organization events per year, starting no earlier than 3:00 pm weekdays or 5:00 pm weekend days; a sign giving notice of such closing must be posted at each entrance to the indoor public spaces for seven days prior to the event

VI. REQUIRED AMENITIES

- None
- Artwork Covered Pedestrian Space, Seating Area: indoor sculpture garden for display of large-scale works of art by major artists of the twentieth century, to be changed two or more times a year
- Bicycle Parking
- Climate Control
- Drinking Fountain
- Escalator/Elevator
- Food Service Seating Area: food and coffee kiosk
- Lighting
- Litter Receptacles Covered Pedestrian Space, Seating Area: 8; Through Block Arcade: 2
- Planting
- Plaque/Sign
- Programs
- Restrooms
- Retail Frontage Covered Pedestrian Space
- Seating Covered Pedestrian Space, Seating Area: 110 movable chairs; Urban Plaza: 66 linear feet of fixed seating
- Subway
- Tables Covered Pedestrian Space, Seating Area: 32 movable
- Trees within Space Covered Pedestrian Space, Seating Area: 8 clusters in recessed planting beds
- Trees on Street 14
- Water Feature Urban Plaza: sculpture pool
- Other access from 8:00 am to 10:00 pm from Through Block Arcade to passageway connecting to adjacent Trump Tower and to Fifth Avenue

VII. PERMITTED AMENITIES

- Open Air Cafe
- Other

VIII. ACCESS FOR THE PHYSICALLY DISABLED

Page 5 of 5

 Full/Partial
 None

IX. COMPLIANCE AND ENFORCEMENT

X. COMMENTS

(1) The bonus multiplier for the Covered Pedestrian Space was increased by 1.5 sf above the basic rate of 11 sf for additional height of the space.

XI. OWNER COMMUNICATIONS

(1) Vincent Anello of E.J. Minskoff Equities, Inc., wrote to the Department of City Planning, 11/29/98, noting several changes. The Department responded on 1/6/00 noting corrections and informing him of requirements.

XII. SOURCES

Zoning Computations:

| | |
|--------------------|--|
| Base ZFA: | Edward Larrabee Barnes, Dwg Z-4 "Plaza Level," rev. 6/14/77 |
| Bonus ZFA: | Edward Larrabee Barnes, Dwg Z-4 "Plaza Level," rev. 6/14/77 |
| Total Built ZFA: | Thornton Engineers, Dwg Z-1 "Zoning Calculations," 5/2/95 |
| Public Space Size: | Edward Larrabee Barnes, Dwg Z-4 "Plaza Level," rev. 6/14/77 |
| Access: | Zoning Resolution, Section 12-10 (for Arcade, Urban Plaza); CPC Modification M 770209 A ZSM, 12/27/84 (for Covered Pedestrian Space, Seating Area, Through Block Arcade); Restrictive Declaration, Rael 2550, Page 139, 5/18/95 (for closings for events) |
| Amenities: | Robert A. M. Stern, Dwg A-2 "Proposed Alterations," rev. 10/2/95 (for food service, litter receptacles, seating, tables, and trees within space, in Covered Pedestrian Space, Seating Area, and Through Block Arcade); Edward Larrabee Barnes, Dwg Z-5 "Plaza Landscape/Paving Plan," rev. 7/3/85 (for seating and water feature in Urban Plaza); Edward Larrabee Barnes, Dwg Z-4 "Plaza Level," rev. 7/3/95 (for access to passageway); Restrictive Declaration, Rael 2550, Page 139, 9/18/95 (for artwork, trees within space); Edward Larrabee Barnes, Dwg Z-3 "Site Plan," rev. 6/14/77 (for street trees); Zoning Resolution, Section 74-82 (for lighting and plaque/sign in Through Block Arcade); Zoning Resolution, Section 87-00 (for retail frontage in Covered Pedestrian Space); Zoning Resolution, Section 12-10 (for lighting and plaque/sign in Covered Pedestrian Space and Urban Plaza) |
| Site Plan: | Edward Larrabee Barnes, Dwg Z-3 "Site Plan," rev. 6/14/77 |

Last Revised 1/00

**ADVOCATES FOR PRIVATELY OWNED PUBLIC SPACE
MUNICIPAL ART SOCIETY URBANISTS
POPS MONITORING INSPECTION REPORT**

Please fill out this form and send it back as an attachment to Marijke Smit at
m.smit@perkinseastman.com

DATE/TIME OF INSPECTION Sunday, July 23rd, 2006 at 5:20pm

BUILDING ADDRESS 520 Madison Avenue

BUILDING NAME (same as above)

DATABASE RECORD # 525 BOOK # 110

1. I have inspected the public space and find that it is consistent with / X not consistent with the information provided in the database record printout. The inconsistencies, if any, include the following:

There were 2 (not 3) trash receptacles. There were 39 (not 40) chairs and 8 (not 10) tables. There were 22 (not 24) trees on the street and 5 (not 4) within the space.

2. I have inspected the public space and find that it is X consistent with / not consistent with the information provided in the book text. The inconsistencies, if any, include the following:

3. I have inspected the public space and find that it is X consistent with / not consistent with the information provided in the site plan. The inconsistencies, if any, include the following:




Name Matt Kirby
Email/Phone matbo@mindspring.com 917.716.9964

Rob Stokes to be sworn in as NSW's Minister for Planning and Public Spaces

NEWS | Editorial Desk AAU | 2 Apr 2019



MOST READ

-  Hassell completes life sciences precinct for University of Melbourne
-  Shortlist revealed: 2019 Houses Awards
-  Nine practices shortlisted for Woodward Place development in Western Sydney

[Home](#) / [Your Government](#) / [The Premier](#) / [Media Releases from the Premier](#) / New Minister for Public Spaces, protections for public land, \$150 million for new parks

New Minister for Public Spaces, protections for public land, \$150 million for new parks

Your Feedback



Published 3rd February, 2019

Share this page



For the first time, NSW will have a Minister for Public Spaces who will identify and protect

A Harvard professor should NOT be that person for New York City!



THE NEW YORK CITY PRIVATELY OWNED PUBLIC SPACE LOGO DESIGN COMPETITION

*Design a logo to appear on signs at New York City's
550+ privately owned public spaces (POPS)*



- HOME
- ABOUT ▾
- CONDITIONS & TERMS
- SCHEDULE
- PANEL
- BACKGROUND ▾
- VIEW LOGOS
- DOWNLOAD BRIEF
- CONTACT

UPDATE: We received 607 Submissions from 58+ countries by the deadline. We heard from 17,000+ of you about your favorite logo design, and now the panel selection process is underway! Stay tuned for the Awardees announcement in May.

Old logo



KEY LESSONS

5. Public information about POPS is essential.

Department of City Planning

Borough

Citywide



NEW YORK CITY'S PRIVATELY OWNED PUBLIC SPACES

Overview

Current Standards

History

Resources

POPS Requirements Reinstated

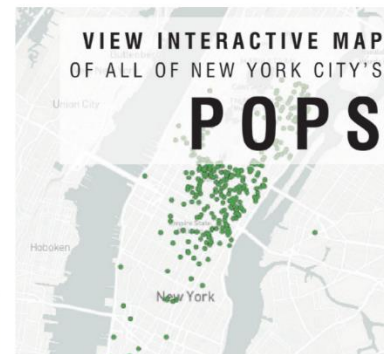
As of July 1, 2021, all Privately Owned Public Spaces (POPS) must fully comply with applicable zoning and other requirements.

Emergency Executive Order Nos. 108 and 128, which temporarily suspended certain zoning requirements for POPS, expired on July 1, 2021. Accordingly, DCP's **compliance protocols for POPS** are no longer in effect and all POPS zoning requirements are reinstated.

If you have further questions related to COVID-19 and POPS please email:
POPSCOVID_DL@Planning.nyc.gov.

For more information related to POPS Signage Applications and associated deadlines, please visit DCP's applicant portal [here](#).

This webpage offers an overview of New York City's Privately Owned Public Spaces (POPS), which are outdoor and indoor spaces provided for public enjoyment by private owners in exchange for bonus floor area or waivers, an incentive first introduced into New York City's zoning regulations in 1961. Explore the city's 550+ POPS through our interactive map; find detailed explanations of our current standards; and discover how POPS have evolved throughout the city's history.



Remember, POPS are public spaces owned and required to be maintained by...

apops.mas.org

The screenshot shows the website apops.mas.org in a browser window. The browser's address bar displays 'apops.mas.org'. The website features a grid map background. At the top, a blue banner reads 'PRIVATELY OWNED PUBLIC SPACE in New York City'. To the right, it identifies itself as 'A JOINT PROJECT OF apops' and 'The Municipal Art Society of New York MASNYC'. Below the banner are three navigation tabs: 'FIND A POPS', 'NEWS & ANNOUNCEMENTS', and 'ABOUT'. The main content area is divided into two columns. The left column features a large image of a red cube sculpture in a plaza, with the text 'POPS IN THE CITY' below it. Underneath is the entry for '140 Broadway', listing 'SPACE TYPE: Plaza' and 'REQUIRED HOURS OF ACCESS: 24 hours', with a link to learn more. The right column contains a vertical stack of six colored buttons: 'FIND A POPS' (blue), 'WRITE A POPS PROFILE' (green), '(RE)DESIGN A POPS' (grey), 'COMMENT ON A POPS' (orange), 'PHOTOGRAPH A POPS' (teal), and 'REPORT A POPS PROBLEM' (dark grey). Below these buttons is a yellow button for 'RATE A POPS' with five stars. At the bottom right, there is a 'NEWS & ANNOUNCEMENTS' section with two entries: one from 9.22.13 about a blog piece on POPS and public space, and another from 9.20.13 about a landscape architect's take on POPS recertification. A 'FEATURED ITEMS' section at the bottom left lists 'Miscellaneous' and 'WHAT ARE POPS?' submitted by 'apops@mas 7.5.13'. The Windows taskbar at the bottom shows various application icons and the system clock indicating 11:14 PM on 9/26/2013.

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Old logo



5/20/2019

City unveils new logo for privately owned public spaces after competition | am New York

NEWS

City unveils new logo for privately owned public spaces after competition

A local graphic designer beat out more than 600 entries from nearly 60 countries with her "Have a Seat" logo.



The winning "Have a Seat" logo is from an NYC-based graphic designer. Photo Credit: Courtesy of NYC Dept of City Planning

By **Lisa L. Colangelo**

lisa.colangelo@amny.com [@lisacolangelo](https://twitter.com/lisacolangelo)

Updated May 20, 2019 5:00 AM

The city has selected a new simple – but inviting – logo to highlight its 550 privately owned public spaces.

"Have a Seat," which features three empty chairs, beat out more than 600 entries from nearly 60 countries to win the contest. Created by Emma Reed, a New York City-based graphic designer, the winning emblem will be officially unveiled on Monday.

The new logo was made to mark plazas, arcades and other seating areas that are located on private property and available to all pedestrians.



"We challenged folks around the globe to design a logo for New York City's beloved POPS – and the public responded with amazing creativity," Marisa Lago, director at the city's Department of Planning, said in a statement. "There were so many incredible designs that it was hard to choose. But, the happy, almost-dancing, chairs of this logo bring a smile to your face, and say 'Welcome!'"

The contest was sponsored by the city Planning Department, the Municipal Art Society and Advocates for Privately Owned Public Space.

Reed told city officials she was inspired by her own experiences of eating lunch

New York City has about 550 privately owned public spaces







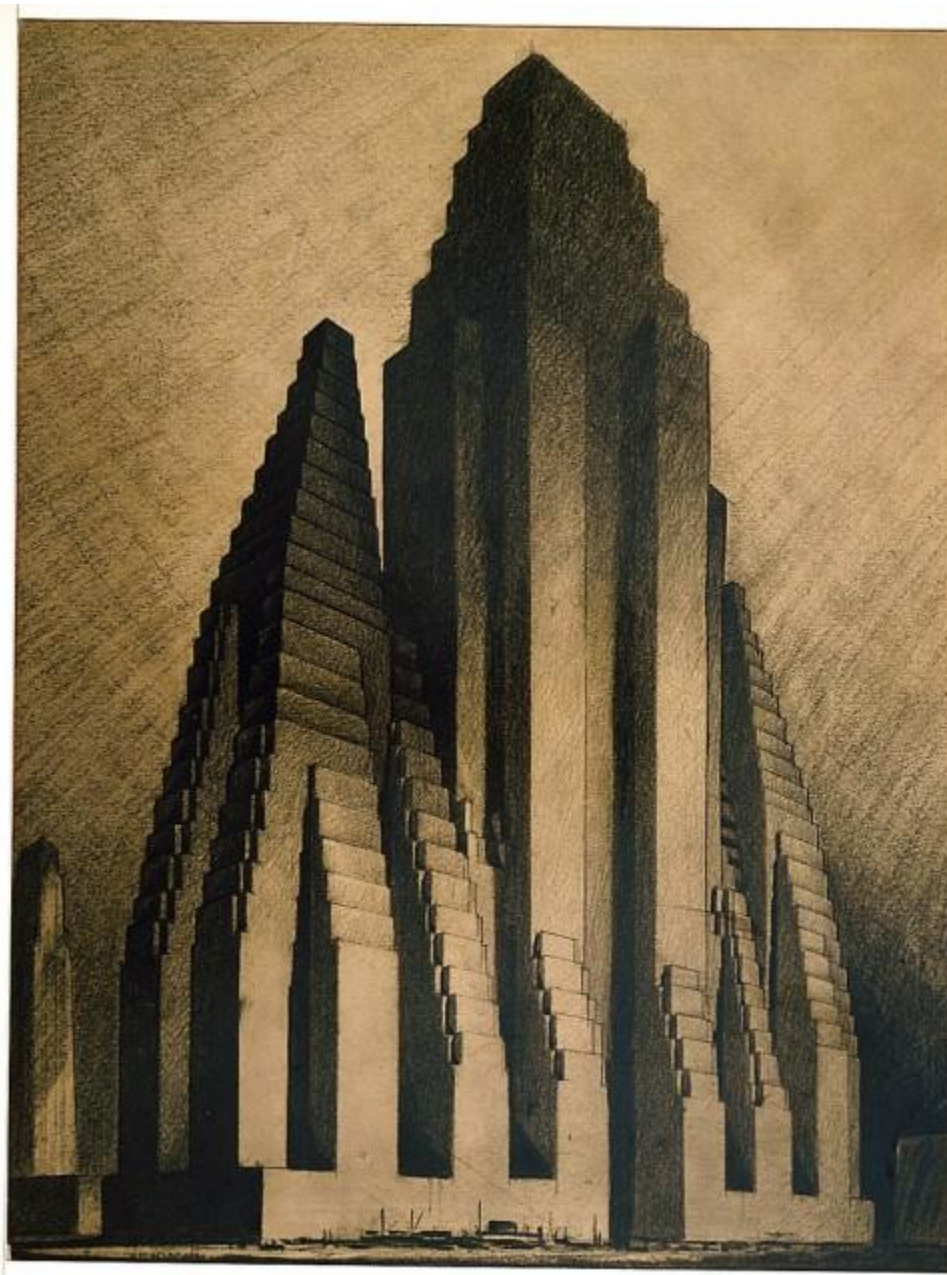
Some history: The Equitable Building one year before pioneering 1916 New York City zoning



New York City's 1916 Zoning

Setbacks + 25% Rule

= Light and air at street level



Hugh Ferriss drawing illustrating effect of 1916 zoning
“Maximum Mass Permitted by the 1916 New York Zoning Law, Stage 3 “

Post-WWII Occurrences

- Market: Tenants wanted larger floor plates on higher floors
- Technology: Air conditioning and fluorescent lighting allowed deeper floors
- Style: International Style

Seagram Building 1958





Seagram plaza

NYC 1961 Zoning

- Lot coverage maximum increases from 25% to 40%+
- Incentive zoning for POPS

12 types of POPS (through 2000)

- plaza/urban plaza/residential plaza/elevated plaza/sunken plaza
- sidewalk widening
- arcade/through block arcade
- through block connection/through block galleria
- open air concourse
- covered pedestrian space

Marginal POPS



WHY WERE SO MANY POPS
MARGINAL?

BAD LAW!

DOES IT MATTER?

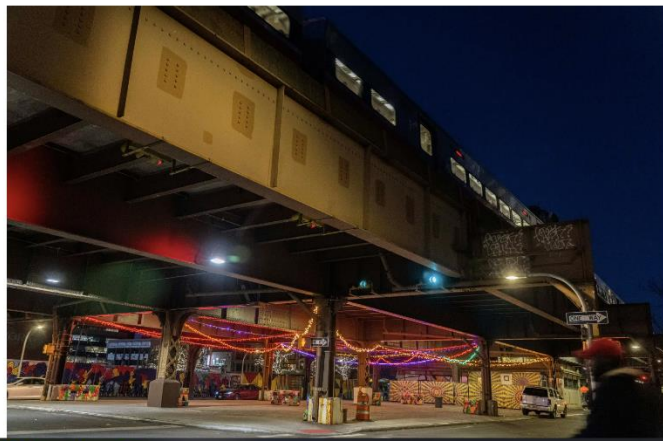
YES!

- planning for infrastructure capacity
- developers should not receive windfalls
- zoning for sale can undermine ultimate confidence in the system...the sky is for sale

As Demand for Open Space Soars, New York Gets a Public Realm Czar

The city now has a “central point person” to oversee its public spaces, including parks, plazas and car-free streets.

Share full article





- Grant zoning bonuses in return for off-site POPS
- Use transfer of development rights

KEY LESSONS

9. Do real estate financial analysis to properly calibrate the zoning bonus.

NEW YORK CITY COUNCIL LAW

7/31/2019

The New York City Council - File #: Int 1219-2016



THE NEW YORK CITY COUNCIL
Corey Johnson, Speaker

LEGISLATIVE RESEARCH CENTER

Council Home Legislation Calendar City Council Committees

RSS Alerts

Details Reports

File #: Int 1219-2016 **Version:** A ▼ **Name:** Reporting and publication of information about privately owned public spaces.

Type: Introduction **Status:** Enacted **Committee:** [Committee on Land Use](#)

On agenda: 6/21/2016

Enactment date: 7/22/2017 **Law number:** 2017/116

Title: A Local Law to amend the administrative code of the city of New York, in relation to reporting and publication of information about privately owned public spaces

Sponsors: [David G. Greenfield](#), [Ben Kallos](#), [Donovan J. Richards](#), [Margaret S. Chin](#), [Rory I. Lancman](#), [Helen K. Rosenthal](#), [Daniel R. Garodnick](#), [Ydanis A. Rodriguez](#)

Council Member Sponsors: 8

Summary: This bill would create a definition of privately owned public spaces (POPS) that includes POPS established pursuant to the Zoning Resolution in exchange for floor area bonuses in private developments, POPS listed in the POPS data set available through the City's open data portal, and POPS established pursuant to discretionary actions and approvals (such as special permits, variances, and certifications) rendered on or after January 1, 2001. The bill would require the Department of City Planning to report to the Council and make available on a publicly available website information about POPS, including their locations, the required amenities, and operating requirements. It would require an agency designated by the Mayor to inspect POPS on a regular basis, and to report annually on enforcement actions taken against non-compliant building owners. The bill would also require all covered POPS to display signage including hours of operation and required amenities.

Indexes: Agency Rule-making Required, Council Operations , Oversight, Report Required

Attachments: [1. Legislative History Report](#), [2. Summary of Int. No. 1219-A](#), [3. Summary of Int. No. 1219](#), [4. Int. No. 1219 - 6/21/16](#), [5. June 21, 2016 - Stated Meeting Agenda with Links to Files](#), [6. Committee Report 6/29/16](#), [7. Hearing Testimony 6/29/16](#), [8. Hearing Transcript 6/29/16](#), [9. Proposed Int. No. 1219-A - 6/22/17](#), [10. Committee Report 6/21/17](#), [11. Fiscal Impact Statement](#), [12. Land Use Calendar - June 21, 2017](#), [13. Committee Report - Stated Meeting](#), [14. June 21, 2017 - Stated Meeting Agenda with Links to Files](#), [15. Fiscal Impact Statement](#), [16. Hearing Transcript - Stated Meeting 6-21-17](#), [17. Hearing Transcript - Land Use 6-21-17](#), [18. Int. No. 1219-A \(FINAL\)](#), [19. Letter to Mayor](#), [20. Local Law 116](#), [21. Minutes of the Recessed Stated Meeting of June 6, 2017 held on June 21, 2017](#), [22. Minutes of the Stated Meeting - June 21, 2017](#)

History (11) Text

11 records Group Export

| Date | Ver. | Prime Sponsor | Action By | Action | Result | Action Details | Meeting Details | Multimedia |
|-----------|------|---------------------|----------------|---------------------------|--------|--------------------------------|---------------------------------|---------------|
| 7/22/2017 | A | David G. Greenfield | Administration | City Charter Rule Adopted | | Action details | Meeting details | Not available |
| 6/21/2017 | A | David G. Greenfield | City Council | Sent to Mayor by Council | | Action details | Meeting details | Not available |
| 6/21/2017 | A | David G. Greenfield | City Council | Approved by Council | Pass | Action details | Meeting details | Not available |

1961 Plaza Zoning Definition

- Open to the public at all times
- Continuous open area at least 750 square feet
- Not less than 10 feet deep from its front lot line
- No more than five feet above nor more than 12 feet below street level
- Only permitted obstructions are arbors, trellises, awnings, canopies, and similar items