

NEW YORK CITY DEPARTMENT OF CITY PLANNING

Notice of Public Hearing and Opportunity to Comment on Proposed Rules

What are we proposing? The Department of City Planning (DCP) proposes to amend its rules to provide specifications for the signage required by Local Law 116 of 2017, as amended by Local Law 250 of 2017, that must be posted by property owners at all privately owned public spaces, to provide a framework for DCP review of proposed signage, and to provide timeframes for compliance with these proposed rules.

When and where is the Hearing? The Department of City Planning will hold a public hearing on the proposed rule. The public hearing will take place at 10:00 a.m. on May 22, 2019. The hearing will be held at the Department of City Planning, Lower Concourse 120 Broadway, New York, New York 10271.

How do I comment on the proposed rules? Anyone can comment on the proposed rules by:

- **Website.** You can submit comments to the Department of City Planning through the NYC rules Web site at <http://rules.cityofnewyork.us>.
- **Email.** You can email comments to planningrules@planning.nyc.gov.
- **Mail.** You can mail comments to Dominick Answini, Counsel's Office, Department of City Planning, 120 Broadway, 31st Floor, New York, New York 10271.
- **Fax.** You can fax comments to the Department of City Planning at 212-720-3303.
- **Speaking at the Hearing.** Anyone who wants to comment on the proposed rule at the public hearing must sign up to speak. You can sign up before the hearing by calling 212-720-3676. You can also sign up in the hearing room before the hearing begins on May 22, 2019. You can speak for up to three minutes.

Is there a deadline to submit written comments? Written comments will be accepted until May 22, 2019.

What if I need assistance to participate in the hearing? You must tell the Office of Legal Affairs if you need a reasonable accommodation of a disability at the hearing. You must tell us if you need a sign language interpreter. You can tell us by mail at the address given above. You may also tell us by telephone at 212-720-3676. Advance notice is requested to allow sufficient time to arrange the accommodation. Please tell us by May 15, 2019.

Can I review the comments made on the proposed rules? You can review the comments made online on the proposed rules by going to the website at <http://rules.cityofnewyork.us>. A few days after the hearing, copies of all comments submitted online, copies of all written comments, and a summary of oral comments concerning the proposed rule will be available to the public between the hours of 9:00 a.m. and 5:00 p.m. at the Freedom of Information Law Desk, 120 Broadway, 31st Floor, telephone number 212-720-3208.

What authorizes the Department of City Planning to make this rule? Section 1043 of the City Charter authorizes the Department of City Planning to make this proposed rule. This

proposed rule was not included in the Department of City Planning's regulatory agenda for this Fiscal Year because it was not contemplated when the Department of City Planning published the agenda.

Where can I find the Department of City Planning's rules? The Department of City Planning's rules are in Title 62 of the Rules of the City of New York.

What laws govern the rulemaking process? The Department of City Planning must meet the requirements of Section 1043 of the New York City Charter when creating or changing rules. This notice is made according to the requirements of Section 1043 of the New York City Charter.

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 approved signage that includes 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. Owners of a privately owned public space with approved signage as of the effective date of this rule 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).

NEW YORK CITY LAW DEPARTMENT

DIVISION OF LEGAL COUNSEL

100 CHURCH STREET

NEW YORK, NY 10007

212-356-4028

CERTIFICATION PURSUANT TO

CHARTER §1043(d)

RULE TITLE: Signage in Privately Owned Public Spaces

REFERENCE NUMBER: 2018 RG 115

RULEMAKING AGENCY: Department of City Planning

I certify that this office has reviewed the above-referenced proposed rule as required by section 1043(d) of the New York City Charter, and that the above-referenced proposed rule:

- (i) is drafted so as to accomplish the purpose of the authorizing provisions of law;
- (ii) is not in conflict with other applicable rules;
- (iii) to the extent practicable and appropriate, is narrowly drawn to achieve its stated purpose; and
- (iv) to the extent practicable and appropriate, contains a statement of basis and purpose that provides a clear explanation of the rule and the requirements imposed by the rule.

/s/ STEVEN GOULDEN

Date: 04/15/2019

Acting Corporation Counsel

NEW YORK CITY MAYOR'S OFFICE OF OPERATIONS

253 BROADWAY, 10th FLOOR

NEW YORK, NY 10007

212-788-1400

CERTIFICATION / ANALYSIS

PURSUANT TO CHARTER SECTION 1043(d)

RULE TITLE: Signage in Privately Owned Public Spaces

REFERENCE NUMBER: DCP-8

RULEMAKING AGENCY: Department of City Planning

I certify that this office has analyzed the proposed rule referenced above as required by Section 1043(d) of the New York City Charter, and that the proposed rule referenced above:

- (i) Is understandable and written in plain language for the discrete regulated community or communities;
- (ii) Minimizes compliance costs for the discrete regulated community or communities consistent with achieving the stated purpose of the rule; and
- (iii) The Department of Buildings will issue warnings before issuing a violation. The warning will provide the POPS an opportunity to provide the proper signage.

/s/ Francisco X. Navarro

Mayor's Office of Operations

April 16, 2019

Date