Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

37-72 - Access and Circulation

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37-72 - Access and Circulation

LAST AMENDED
10/17/2007

37-721 - Sidewalk frontage

LAST AMENDED
12/6/2023

To facilitate pedestrian access to a #public plaza#, the following rules shall apply to the area of the #public plaza# located within 15 feet of a #street line# or sidewalk widening line:

(a) At least 50 percent of such area shall be free of obstructions and comply with the following provisions:

(1) at least 50 percent of the #public plaza# frontage along each #street line# or sidewalk widening line shall be free of obstructions; and

(2) such unobstructed access area shall extend to a depth of 15 feet measured perpendicular to the #street line#. The width of such access area need not be contiguous provided that no portion of such area shall have a width of less than five feet measured parallel to the #street line#, and at least one portion of such area shall have a width of at least eight feet measured parallel to the #street line#.

(b) In the remaining 50 percent of such area, only those obstructions listed in Section 37-726 (Permitted obstructions) shall be allowed, provided such obstructions are not higher than two

feet above the level of the public sidewalk fronting the #public plaza#, except for light stanchions, public space signage, railings for steps, #qualifying exterior wall thickness# pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), trash receptacles, trees and fixed or moveable seating and tables. Furthermore, planting walls or trellises, water features and artwork may exceed a height of two feet when located within three feet of a wall bounding the #public plaza#.

For #corner public plazas#, the requirements of this Section shall apply separately to each #street# frontage, and the area within 15 feet of the intersection of any two or more #streets# on which the #public plaza# fronts shall be at the same elevation as the adjoining public sidewalk and shall be free of obstructions.

37-722 - Level of plaza

LAST AMENDED
10/17/2007

The level of a #public plaza#, inclusive of major and minor portions, shall not at any point be less than the average elevation of #curb level# of the nearest adjoining #street# nor more than two feet above the average #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#. However, a #public plaza# with an area of 10,000 square feet or more may additionally have a maximum of 20 percent of its area at an elevation more than two feet above, but not more than four feet above #curb level# of the nearest adjoining #street# in front of the major and minor portions of the #public plaza#, provided that such higher portion may not be located within 25 feet of any #street line#. #Public plazas# that front on #streets# with slopes greater than 2.5 percent along the frontage of the #public plaza# may not at any point be more than one foot below the #curb level# of the adjoining #street#.

37-723 - Circulation paths

LAST AMENDED
10/17/2007

Circulation paths within #public plazas# shall provide for unobstructed pedestrian circulation throughout the minor and major portions of the #public plaza# and shall, at a minimum, connect all #streets# on which the #public plaza# fronts and all major elements of the #public plaza#, including seating areas, #building# entrances, approved open air cafes and kiosks, and significant design features of the #public plaza#. A minimum of one such circulation path shall be provided of at least eight feet clear width. Circulation paths shall extend to at least 80 percent of the depth of the major portion of the #public plaza#, measured perpendicular from each #street line#. #Through block public plazas# shall provide at least one circulation path with a minimum width of 10 feet connecting each #street# on which the #public plaza# fronts. Trees planted flush to grade, light stanchions, trash receptacles, and public space signage shall be considered permitted obstructions within circulation paths; however, all trees located within circulation paths must comply with the regulations for flush-to-grade trees in Section 37-742.

37-724 - Subway entrances

LAST AMENDED
6/10/2009

Where an entry to a subway station exists in the sidewalk area of a #street# on which a #public plaza# fronts and such entry is not replaced within the #public plaza# itself, the #public plaza# shall be at the same elevation as the adjacent sidewalk for a distance of at least 15 feet in all directions from the entry superstructure. Such #public plaza# area around a subway entry shall be free of all obstructions and may count towards the required clear area requirements as specified in Section 37-721 (Sidewalk

frontage).

37-725 - Steps

LAST AMENDED
10/17/2007

Any steps provided within the #public plaza# must have a minimum height of four inches and a maximum height of six inches. Steps must have a minimum tread of 17 inches; steps with a height of five inches, however, may have a minimum tread of 15 inches.

37-726 - Permitted obstructions

LAST AMENDED
12/6/2023

(a) #Public plazas# shall be open to the sky and unobstructed except for the following features, equipment and appurtenances normally found in #public parks# and playgrounds: water features, including fountains, reflecting pools and waterfalls; sculptures and other works of art; seating, including benches, seats and moveable chairs; trees, planters, planting beds, lawns and other landscape features; arbors or trellises; litter receptacles; bicycle racks; tables and other outdoor furniture; lights and lighting stanchions; public telephones; public restrooms; permitted temporary exhibitions; permitted awnings, canopies or marquees; permitted freestanding #signs#; play equipment; #qualifying exterior wall thickness# added pursuant to Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents); permitted kiosks and open-air cafes; stages; subway station entrances, which may include

escalators; and drinking fountains.

However, an area occupied in aggregate by such permitted obstruction shall not exceed the maximum percentage cited in paragraph (b) of this Section. In addition, certain of the obstructions listed in this paragraph, (a), shall not be permitted within the sidewalk frontage of a #public plaza#, as described in Section 37-721 (Sidewalk frontage).

(b) Permitted obstructions may occupy a maximum percentage of the area of a #public plaza#, as follows:

For #public plazas# less than 10,000 square feet in area: 40 percent

For #public plazas# less than 10,000 square feet in area with a permitted open air cafe: 50 percent

For #public plazas# 10,000 square feet or more in area: 50 percent

For #public plazas# 10,000 square feet or more in area with a permitted open air cafe: 60 percent.

The area of permitted obstructions shall be measured by outside dimensions. Obstructions that are non-permanent or moveable, such as moveable chairs, open air cafes, or temporary exhibitions shall be confined within gross areas designated on the site plan, and not measured as individual pieces of furniture.

Trees planted flush-to-grade in accordance with the provisions of Section 37-742 (Planting and trees) and tree canopies do not count as obstructions for the purpose of calculating total area occupied by permitted obstructions. Planting beds and their retaining walls for trees count as obstructions, except that lawn, turf or grass areas intended for public access and

seating shall not count as obstructions, provided such lawns do not differ in elevation from the adjoining #public plaza# elevation by more than six inches. #Qualifying exterior wall thickness# added pursuant to Section 33-23 in any #publicly accessible open area# or #public plaza# shall not count as obstructions for the purpose of calculating total area occupied by permitted obstructions.

(c) Canopies, awnings, marquees and sun control devices

(1) Entrances to #buildings# located within a #public plaza# may have a maximum of one canopy, awning or marquee, provided that such canopy, awning or marquee:

(i) has a maximum area of 250 square feet;

(ii) does not project into the #public plaza# more than 15 feet when measured perpendicular to the #building# facade;

(iii) is located a minimum of 15 feet above the level of the #public plaza# adjacent to the #building# entrance; and

(iv) does not contain vertical supports.

Such canopies, awnings, and marquees shall be designed to provide maximum visibility into the #public plaza# from adjoining #streets# and the adjacent #building#. However, canopies, awnings and marquees associated with entrances to #buildings# containing #residences# located within a #public plaza# may project more than 15 feet into the #public plaza# and contain vertical supports if they are located entirely within 10 feet of the edge of the #public plaza#.

(2) Sun control devices may be located within a #public plaza#, provided that all such devices:

(i) shall be located above the level of the first #story# ceiling;

(ii) shall be limited to a maximum projection of 2 feet, 6 inches;

(iii) shall have solid surfaces that, in aggregate, cover an area no more than 20 percent of the area of the #building# wall (as viewed in elevation) from which they project; and

(iv) may rise above the permitted #building# height, up to the height of a parapet wall or guardrail, pursuant to Section 33-42 (Permitted Obstructions);

(d) Prohibition of garage entrances, driveways, parking spaces, loading berths, exhaust vents, mechanical equipment and #building# trash storage facilities

No garage entrances, driveways, parking spaces, passenger drop offs or loading berths shall be permitted within a #public plaza#. No #building# trash storage facilities are permitted within a #public plaza#, nor shall any #building# trash storage facility be accessed or serviced through the #public plaza#. If garage entrances, parking spaces, passenger drop offs, driveways, loading berths or #building# trash storage facilities are located near or adjoin a #public plaza#, they shall be separated from it by a barrier sufficient to substantially conceal these facilities and any vehicles therein when viewed from any point in the #public plaza#.

No exhaust vents or mechanical equipment are permitted on any #public plaza# or on any #building# wall fronting upon the #public plaza#, unless such exhaust vents are more than 15 feet above the level of the adjacent #public plaza#. All exhaust vents and mechanical equipment located adjacent to a #public plaza# shall be separated from it by a barrier sufficient to substantially, visually and audibly, conceal their presence and operation. Air intake vents or shafts shall be permitted within a #public plaza#, provided that such vents are concealed from public view by planting or other design features and that such vents do not impair visibility within the #public plaza# area.

37-727 - Hours of access

LAST AMENDED
10/17/2007

All #public plazas# shall be accessible to the public at all times, except where the City Planning Commission has authorized a nighttime closing, pursuant to the provisions of this Section.

In all districts, the City Planning Commission may authorize the closing during certain nighttime hours of an existing or new #publicly accessible open area#, if the Commission finds that:

(a) such existing #publicly accessible open area# has been open to the public a minimum of one year or there are significant operational or safety issues documented, or for new #public plazas# significant safety issues have been documented and provided as part of the application for authorization of nighttime closing;

(b) such closing is necessary for public safety within the #publicly accessible open area# and maintenance of the public open areas as documented by the applicant;

(c) the layout and design of the #publicly accessible open area# will promote public use and free and easy pedestrian circulation throughout the space;

(d) any approved design element that limits public access, as specified in paragraph (e) of this Section, shall not impede public circulation, visual or physical access within the #publicly accessible open area# or between the #publicly accessible open area# and other public areas during hours of public operation;

(e) a design element that limits public access shall:

(1) be of a design that is integrated with the design of the #publicly accessible open area# in a manner that would promote the attractiveness of the space for public use and enjoyment;

(2) not exceed five feet in height;

(3) be fully removed from the #publicly accessible open area# during the hours of public access; however, barriers not to exceed 3 feet, 6 inches in height may have posts or supports that remain during the hours of public access provided that such posts or supports do not exceed six inches in width;

(4) not involve stanchions or cabinets for barrier storage located with the #publicly accessible open area#, except for stanchions or cabinets located at the edges of the #publicly accessible open area#;

(5) not inhibit or diminish access to the #publicly accessible open area# nor impede pedestrian circulation into, through, or along the frontage of the #publicly accessible open area#, and not obstruct access during the hours of public access; and

(6) be substantially transparent;

(f) public access to the #publicly accessible open area# between the hours of 7:00 a.m. and 10:00 p.m. from April 15 to October 31 and from 7:00 a.m. to 8:00 p.m. from November 1 to April 14, or a schedule specified by the Commission, is assured by appropriate legal documents and that an hours of access plaque shall be affixed to the enclosure or barrier which shall indicate the hours of public access to the #publicly accessible open area#, as specified in Section 37-751 , paragraph (c). However, if an open air cafe or kiosk is located within the #publicly accessible open area#, such #publicly accessible open area# shall remain open to the public during the hours of operation of the open air cafe or kiosk;

(g) plans have been submitted that demonstrate that, where appropriate, the #publicly accessible open area# will be improved, to the maximum extent feasible, in accordance with the

standards set forth for #public plazas#;

(h) a program for continuing maintenance of the #publicly accessible open area# has been established in accordance with Section 37-77.

In order to promote increased public use of the public open areas, the Commission may require, or the applicant may request, additional improvements to the existing #publicly accessible open area#, including, where appropriate, amenities such as kiosks or open air cafes as described in Section 37-73. In no event shall any #publicly accessible open area# be reduced in size.

All applications for nighttime closings of #publicly accessible open areas# filed with the Commission shall include a detailed site plan or plans indicating compliance with the provisions of this Section, including but not limited to materials, dimensions, and configuration or any design element that limits public access, the storage location for the design element that limits public access during the hours of public operation of the #public plaza#, and the hours of the #publicly accessible open area's# accessibility to the public. All such plans for #publicly accessible open areas#, once authorized, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of the authorization pursuant to this Section. The form and contents of the legal instrument shall be satisfactory to the Commission, and the filing and recording of such instrument shall be a precondition for the nighttime closing of any #publicly accessible open area#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot#, issued after the recording date.

The land use application for an authorization under this Section shall be sent to the applicable Community Board, local Council Member and Borough President. If the Community Board, local Council Member or Borough President elects to comment on such application, it must be done within 45 days of receipt of such application.

The Commission shall file any such authorization with the City Council. The Council, within 20 days of such filing, may resolve by majority vote to review such authorization. If the Council so resolves, within 50 days of the filing of the Commission's authorization, the Council shall hold a public hearing and may approve or disapprove such authorization. If, within the time periods provided for in this

Section, the Council fails to act on the Commission's authorization, the Council shall be deemed to have approved such authorization.

37-728 - Standards of accessibility for persons with disabilities

LAST AMENDED
6/10/2009

All #public plazas# shall conform with applicable laws pertaining to access for persons with disabilities regardless of whether the #building# associated with the #public plaza# is existing or new.