



Zoning Resolution

THE CITY OF NEW YORK

Eric Adams, Mayor

CITY PLANNING COMMISSION

Daniel R. Garodnick, Chair

91-834 - Indoor public spaces

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LAST AMENDED

6/21/2016

Indoor public spaces are enclosed, climate-controlled areas on a #zoning lot# intended for public use and enjoyment. The standards contained within this Section are intended to serve the same purposes outlined for #public plazas# in Section [37-70](#). The City Planning Commission may authorize a modification of the provisions of this Section pursuant to Section [91-842](#) (Authorization to modify design requirements).

- (a) Indoor public spaces shall contain an area of not less than 2,000 square feet and have a minimum width and depth, at any point, of 20 feet. Indoor public spaces shall be located on the ground floor level, shall be directly accessible from all #streets# or #publicly accessible open areas# that the space fronts, and shall extend, at a minimum, for the full height of the ground floor level.
- (b) Indoor public spaces shall be fully enclosed, and the transparency requirements of paragraph (c) of Section [91-831](#) (Ground floor requirements) shall apply to all #street walls# or #building# walls facing a #publicly accessible open area#. The space shall be heated or air-conditioned, and the standards for heating, ventilating and air-conditioning shall be at least equal to those of the lobby for the principal #use# of the #building#.
- (c) Public access to the indoor public space shall be provided, at a minimum, between the hours of 6:00 a.m. to 12:00 a.m. The hours of access shall be included on all required entry plaques and information plaques in accordance with the provisions of Section [37-751](#) (Public space signage systems) and paragraph (i) of this Section.
- (d) The provisions of Sections [37-718](#) (Paving), [37-722](#) (Level of plaza), [37-728](#) (Standards of accessibility for persons with disabilities), [37-744](#) (Litter receptacles), [37-745](#) (Bicycle parking), [37-746](#) (Drinking fountains), [37-748](#) (Additional amenities), [37-752](#) (Prohibition signs), [37-753](#) (Accessory signs) and [37-77](#) (Maintenance) shall apply.
- (e) The provisions of Section [37-723](#) (Circulation paths) for #through block public plazas# shall apply to #through block arcades# except as otherwise provided in Section [91-821](#) (Certification for outdoor cafes within arcades) when a cafe is provided. Trees planted flush-to-grade that measure less than four caliper inches at the time of planting, as permitted by paragraph (h) of this Section, shall not be considered permitted obstructions within circulation paths.
- (f) The provisions of paragraphs (a) and (b) of Section [37-726](#) (Permitted obstructions) shall apply. A kiosk shall be a permitted obstruction provided that the requirements of paragraph (a) of Section [37-73](#) (Kiosks and Open Air Cafes) are met. A certification pursuant to Section [37-73](#) shall not be required to locate a kiosk within an indoor public space. A cafe permitted by certification pursuant to Section [91-821](#) shall be considered a permitted obstruction within an indoor public space and may not occupy more than 20 percent of the indoor public space area.
- (g) The provisions of Section [37-741](#) for seating shall apply, except as modified as follows:
 - (1) The requirements for seating within 15 feet of a #street line# shall not apply.
 - (2) All of the linear seating capacity may be in moveable seats. Any moveable seats that are provided must remain in the indoor public space during the hours of operation.
 - (3) The requirement that seats that face walls must be a minimum of six feet from such wall shall only apply to fixed seating.
- (h) The requirements of Section [37-742](#) for planting and trees shall apply, except that the surface area of any vertical planting may be included in the calculation of the total area of planting beds that are provided, and trees shall not be required.

- (i) Public space signage shall be provided in accordance with the provisions of Section [37-751](#), except as modified as follows:
 - (1) An information plaque shall be provided at each point of pedestrian entry to the indoor public space. Information plaques for #through block arcades# shall also include lettering stating "PUBLIC ACCESS TO _____ STREET" indicating the opposite #street# to which the through #block# connection passes and which lettering shall not be less than three inches in height and located not more than three inches away from the public space symbol. Furthermore, a minimum of one additional information plaque shall be provided within the indoor public space.
 - (2) Paragraph (c) shall not apply.
- (j) All indoor public spaces shall be illuminated with a minimum level of illumination of not less than five horizontal foot candles (lumens per foot) throughout the space. The requirements of Section [37-743](#) for a lighting schedule, a diagram of light level distribution and electrical power shall apply.
- (k) The #use# requirements of paragraph (b) and the lobby requirements of paragraph (c)(2) of Section [91-831](#) shall apply to all #building# walls fronting on an indoor public space that do not face a #street# or #publicly accessible open area#. The provisions of paragraph (c) of Section [37-76](#) for new or existing #building# walls that are non-transparent shall apply.
- (l) The provisions of Section [37-78](#) (Compliance) shall be modified as follows:
 - (1) paragraph (a) shall not apply; and
 - (2) paragraph (b) shall be modified to require that the periodic compliance report shall document compliance with the provisions of Section [37-70](#) as modified by this Section, and that such report shall also be provided to the local Council Member.

Subsequent design changes to any indoor public space that was subject to the provisions of this Section may only be permitted pursuant to Section [91-837](#) (Subsequent design changes).