

# PRIVATELY OWNED PUBLIC SPACES: POPS IN NEW YORK CITY

*ESPAÇOS PÚBLICOS DE PROPRIEDADE PRIVADA: OS POPS DE NOVA YORK*

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## ABSTRACT

This article discusses the implications of transferring the provision and management of collective public places from the public to the private sphere as well as the impact and/or contribution of this transference to the urban landscape and the citizens' quality of life. The subject of this study is the bonus system adopted in New York City to create privately owned spaces for public use, known as POPS (Privately Owned Public Spaces). Based on Jan Gehl's theoretical principles, a quantitative and qualitative survey on Park Avenue was carried out. The analysis of the collected data showed that buildings' corporate plazas not only contribute to public use of free spaces but also ennoble the urban landscape of the area. Yet, people's effective use of these open public spaces still depend on the degree of accessibility and visual permeability between the POPS and the public circulation areas, the sidewalks.

Key words: privately owned public spaces; urban landscape; public space.

## RESUMO

*Este artigo discute as implicações da transferência de responsabilidade da proposição e gestão dos espaços coletivos, da esfera pública para a esfera privada, e qual o impacto e/ou contribuição dessa transferência para a paisagem urbana e a qualidade de vida. O objeto de estudo é o sistema de bonificação utilizado em Nova York para criação de espaços de propriedade privada de uso coletivo, denominados POPS (Privately Owned Public Spaces). A pesquisa realizou levantamento quantitativo e qualitativo com base nos preceitos teóricos de Jan Gehl (2006), na Park Avenue. Os resultados obtidos demonstraram que as praças corporativas dos edifícios contribuem para o sistema de espaços livres para uso público e enobrecem a paisagem urbana local. Porém, a apropriação dos espaços livres pela população depende do grau de acessibilidade e permeabilidade visual entre os POPS e as circulações públicas, as calçadas. Palavras-chave: Espaços públicos de propriedade privada. Paisagem urbana. Espaço público.*

## INTRODUCTION

Cities are essentially conformed by adjustments between public and private spaces. The spatial configuration of these two realms, determined by the cultural, economic, historical and territorial context of each society, has a direct impact on both the configuration of local urban landscapes and the city's social life. According to

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Madanipour (2003, p.2) “[t]he way the space is subdivided and the relations between public and private spheres, in general, reflect social interactions and represent the primary indicator of how society organizes itself.”

Besides territory ownership, another important aspect concerning public and private spaces is the possibility or permissibility of use, which may be individual, restricted or collective. As Sola Morales (2001) puts it:

A city’s civil architectural, urban and morphological wealth lies in its collective spaces, in every place where collective life unfolds, represents and remembers. Possibly these are more and more spaces that are neither public nor private, if not both at the same time. Public spaces absorbed by private uses, or private spaces that acquire a collective use (Solà-Morales, 2001, p.104). (Free translation.)

Dietmar Steiner (2004 apud Campos, 2004), in turn, notes that the difference between public and collective spaces lies primarily in the “socialized character within the conception of public space that represents public right. However, it is in the collective space that these spaces’ identity is marked granted by people through use and accessibility.”

A city’s collective spaces are, therefore, places that allow citizens to meet. They may be open spaces - streets, sidewalks, squares and parks - or built-up spaces - sports, cultural, educational, religious or commercial facilities.

In 2011, a United Nations Human Settlements Program (UN-Habitat) approved a resolution discussing the objectives of sustainable urban development. The resolution highlighted the importance of accessibility in higher quality urban public spaces. According to it, these places have the power to strengthen communities’ bonds, increase safety, encourage cohesion and social equality, improve citizens’ health and well-being, propel economy, promote social sustainability and also allow more inspiring cities and promote efficient mobility (UN-Habitat, 2015).

Goldberger (1996) claims that currently, both in cities and in the suburbs, roles that once felt right in public spaces, like people’s meetings for commercial or civic ends, are progressively moving from the conventional public spaces to private closed spaces, like shopping malls, concert halls, hotel salons, multiplex movie theaters and theater lounges, ground floors of multifunctional buildings, or to open private spaces – corporate plazas and theme parks. As a result, all these private spaces are now taking on the functions of traditional public spaces, such as streets, markets, squares, and parks.

The existence and proliferating of spaces for collective use in private properties demonstrate that contemporary society has not yet given up the desire for physical proximity to others in shared places - which is the traditional role of public spaces - even if they take place in very different environments from conventional streets (Goldberger, 1996).

Goldberger (1996) also states that, under the claim of scarce resources, even to maintain the already existing public places, some cities have transferred the creation of

new public spaces to the private sector. Consequently, new urban planning typologies, such as office buildings' atriums and galleries, started to emerge from the incentive system proposed by zoning codes, creating spaces of public use within privately owned constructions.

According to Macedo (2012, p. 86), the division between public and private spaces determines urban landscape and is a consequence of the direct or indirect action of state-run decisions. The author points out that:

In a direct or indirect way, the state is the main agent that affects and organizes free spaces. Its choices materialize via legal norms that guide both the real estate market and the population in establishing urban settlements, as well as in creating and managing public spaces such as squares, parks, avenues, environmental protection areas etc. (Macedo, 2012, p. 86) (Free translation.)

The author (2012) states that direct actions undertaken by the state predominantly involve publicly owned spaces and are easily identifiable e.g. road system construction work or pedestrian circulation. Indirect actions, in turn, include sets of legislative and urban restrictions implemented by public policies and agencies. These restrictions have a decisive impact on the urban landscape and a role in the configuration of both publicly and privately owned areas.

The indirect action is expressed in the whole legal set of environmental or urban legislation that acts directly over the city as follows: disciplining the actions of the population and public agencies, inducing the configuration of their landscapes both in the street layout and in the sizing of lots, limiting the height of constructions, creating stocks of free public areas for the construction of parks and squares in buildings' setbacks, the legally called "green areas", creating environmental protection areas etc. (Macedo, 2012, p. 86) (Free translation.)

This article discusses an example of these indirect actions, the bonus system known as POPS – *Privately Owned Public Spaces*, which take place in American cities, particularly New York, Boston, and San Francisco. The system encourages the formation of public use spaces within privately owned lots, which directly affects the spatial configuration of those cities and, therefore, their social life and urban landscape. New York City was the first to use the system, after the promulgation of the 1961 Zoning Resolution.

The bonus system proposition was a response of the local government to deal with the urgent need to improve the urban quality of vertical densely populated areas of the city and to increase sunlight and ventilation on their streets and sidewalks, as well as to expand spaces for public use in the city's most valued areas.

Banerjee (2001) had already identified a small increase in the creation of parks and free spaces in large American cities in recent decades, especially when compared

to the previous century. The creation of free spaces, however, does not keep pace with the population growth. Furthermore, a discrepancy in the rate of free urban spaces can be noticed between middle and upper class suburbs in remote areas and the more densely occupied areas in the central zones of the cities.

The methodology used in this research aims to carry out an examination of the impact of privately owned public spaces – the POPS – in the urban landscape of a vertical densely occupied centrality, taking a Midtown Manhattan section as the object of our analysis.

At first, the relevance of this study may seem only local, since it deals with the qualities of public spaces in a specific centrality in New York City. However, from a more comprehensive perspective, this study can be beneficial to similar investigations in cities that qualitatively improved portions of their urban fabric and, as a result, triggered improvements for the general population. Barcelona, London, New York, and Chicago are some of the examples of cities that felt a substantial increase in the demand for local tourism after investments in specific zones.

Public spaces give cohesion and meaning to a city; there is a direct relation between their quality and the city's quality of life. Such spaces connect and make transitions between places, from the strictly privately owned spaces to the completely public spaces. Urban landscape consists of this combination of ownerships and uses. Therefore, the study of public places may enable us to understand a city and its quality of life.

By analyzing an urban fragment in New York City, our main objective is to contribute to a general debate on the privatization of spaces for collective use in central areas and, consequently, to help to establish guidelines that could be adopted by public urban policies to improve the urban landscape in Brazil.

Since the history of the POPS is directly related to legislation advances, the first part of this paper presents a brief history of the New York Zoning Resolutions. In the second part, we offer an overview of the current situation of the New York POPS and finally, in the third part, a case study: a segment of Park Avenue. This study aims to analyze the quantitative and qualitative results in order to verify the impact of the privately owned public spaces on the urban landscape of a vertical densely occupied area of the city.

## THE NEW YORK CITY ZONING RESOLUTIONS

New York City is located in the south portion of New York State (state of New York), in the northeast of the United States, and is divided in five boroughs: Brooklyn, Bronx, Manhattan, Queens, and Staten Island. New York is mostly part of an archipelago at the mouth of the Hudson River. The only district on the continent is Bronx. Manhattan, the city's economic core, is also the most densely inhabited borough with 26,876.20 inhabitants per square kilometer and 1,585,873 inhabitants according to the 2010's demographic survey (U.S. Census Bureau, 2010).

New York has some of the most noteworthy examples of public-private partnerships as means to obtain resources for the creation of privately owned public spaces. The POPS are defined as spaces for public use, created and maintained by developers, in exchange for an additional floor area (Zoning Resolution, 2012). From the 1961 Zoning Resolution onwards, office and residential buildings have been granted additional floor area in return for providing public spaces in their properties. These may be indoor or outdoor spaces and may include plazas, galleries, and atriums as long as they are available for public use.

One of the first objectives of the POPS, after the enforcement of the Incentive Zoning<sup>1</sup>, was to get more natural sunlight and ventilation in high-density commercial and residential districts in order to soothe the predominantly rigid and vertical aspect of the most densely populated areas in the city.

After the first zoning ordinance in the United States, the 1916 Zoning Resolution adopted in New York City, restrictions were imposed to limit and regulate the height and bulk of buildings, with a view to increasing free areas between constructions in order to allow ventilation and sunlight to reach the street level (Kayden, 2000). The city had already been undergoing a process of verticalization and densification since the late 1890s and early 1900s, with buildings that occupied the entire lot. The combination between technological progresses of passenger elevators and metal frames in buildings significantly increased the number of floors.

On Thames St., in the Financial District, for example, it is possible to observe only small portion of the sky visible from the narrow street between two buildings: the 111 Broadway, inaugurated in 1905 and the 115 Broadway, inaugurated in 1907, both with 21 floors, and occupying nearly the entire lot, without setbacks or yards. (Figures 1 and 2).

According to Kayden (2000), in order to avoid this street bottleneck the 1916 Zoning Resolution introduced constraints that limited the height of the building at the street line. In some sectors, the maximum height of the construction along the lot front line was two and a half times the width of the street, and from this limit on, the building should respect setbacks, which allowed an increase of its total height. As buildings became taller, this legal restriction led to gradually receding arrangements nicknamed "wedding cake" or "ziggurat". A great deal of buildings with this configuration can be found in several parts of the city. (Figure 3).

Another urban constraint of the 1916 Zoning Resolution stated that every portion of a building that occupied the back of the lot and whose area corresponded to only 25 percent of the terrain area could be built with no height constraints. Yet, this typology did not have a major response from the real estate market, due to the costs required to make the projects viable. Eventually some examples of such typology were built, namely the Empire State Building (1931) and the Chrysler Building (1930), which

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<sup>1</sup> Incentive Zoning was so defined due to the public policy included in the 1961 New York City Zoning Resolution, which fomented the creation of spaces for public use in private properties aiming at encouraging, instead of forcing, private corporations to act according to public sector demands. (KAYDEN, 2000, p.11). (Free translation.)

occupied nearly the entire area of the lot in the lower pavements and then tapered towards their upper portion.



**Figure 1** Thames St, in the Financial District, New York.  
Photo: The author, 2013



**Figure 2** A small portion of the sky visible from Thames St., in the Financial District, New York.  
Photo: The author, 2013.



**Figure 3** View from above of the Eastside of Manhattan with many staggered buildings, due to urban constraints from the 1916 Zoning Resolution.  
Photo: The author, 2013.

Another urban constraint of the 1916 Zoning Resolution stated that every portion of a building that occupied the back of the lot and whose area corresponded to only 25 percent of the terrain area could be built with no height constraints. Yet, this typology did not have a major response from the real estate market, due to the costs required to make the projects viable. Eventually some examples of such typology were built, namely the Empire State Building (1931) and the Chrysler Building (1930), which occupied nearly the entire area of the lot in the lower pavements and then tapered towards their upper portion.

Two buildings had a fundamental role in the revision of the legislation: The Lever House and the Seagram Building, both on opposite corners of Park Avenue with E57th St. These buildings, and their typologies, significantly different from the “wedding-cakes”, served as inspirations for the new urban restrictions adopted in the 1961 zoning resolution. The Lever House Building (1952), designed by Skidmore, Owings & Merrill LLP (SOM) displays a horizontal base block that occupies nearly the whole lot, and is suspended from the ground floor, creating a covered plaza with free passage between the streets. To complete the design, a vertical box lies perpendicularly to Park Avenue. (Figures 4 and 6). In turn, the Seagram Building (1958), designed by Mies Van der Rohe, is a unique tower recessed to the back of the lot, forming a frontal plaza with two reflecting pools. (Figures 5 and 7).

The new volume and location features of these two buildings served as references for the proposals to revise the New York legislation, formulated by Voorhees Walker Smith & Smith, the architectural practice hired by the city government.

The 1961 Zoning Resolution introduced two new urban constraints that changed the profile of New York landscape. One of them was the institution of the Floor Area Ratio (FAR), an index that establishes the total constructed area according to the lot dimension. Another restriction was the new method stating that building setbacks would no longer be related to the width of the streets, but to maximum heights defined for the building base block at the edge of the lot (Kayden, 2000).

The new rules boosted the construction of new buildings featuring the combination of a lower horizontal base block and a taller vertical tower or even uniform towers that do not display an expanded block at ground level, allowing larger construction-free areas within the lots.



**Figure 4** Lever House Building, Park Avenue.  
Photo: The author, 2013.





**Figure 5** Seagram Building, Park Avenue.  
Photo: The author, 2013.



**Figure 6** Lever House Building covered passageway, Park Avenue.  
Photo – The author, 2013.



**Figure 7** Seagram Building Plaza, Park Avenue.  
Photo: the author, 2013.

In addition to these new urban restraints, the 1961 Zoning Resolution introduced a bonus system to inspire private developers to work in partnership with public authorities in creating spaces for collective use, originating the set of rules for the Privately Owned Public Spaces. At first, the resolution allowed for just few kinds of spaces, such as plazas and galleries, but over time sidewalk widening, covered walkways, and marquees were allowed as well.

POPS can be found in vertical densely occupied areas of Manhattan where public space is greatly valued due to its scarcity, in the following neighborhoods: Upper East Side, Upper West Side, Midtown, and Lower Manhattan in the south of the island. In Brooklyn and Queens, only a few POPS can be found whereas none can be found in Bronx and Staten Island.

The counterpart – the bonus system - offered in exchange for the creation of public use spaces proved irresistible to most residential and office buildings developers. Kayden reports that of the 95 commercial buildings constructed between 1966 and 1975, and entitled to use the bonus, 67 constructions – or 79% of the total – did (Kayden, 2000, p. 11).

In the early 1970s, as a result of the difference in quality of the new spaces, the Planning Department of New York City commissioned a team of designers, planners, and lawyers to organize an Open-Air Space Study, with the participation of local community councils. Based on the research conducted by William H. Whyte and known as Street Life Project, this NYC study prompted an amendment proposal in the

Zoning Resolution and defined minimum and mandatory equipment to be installed in new POPS, such as seating, green spaces, bicycle racks, water fountains, and nameplates.

On May 21, 1975, the city approved a text amendment to the Zoning Resolution, implementing the first major revision of the bonus system and imposing stricter design standards in order to guarantee the qualities necessary to favor people's access, use, and permanence in the new spaces. The amendment also introduced a managerial procedure that associated bonuses liberation to the approval of the plaza detailed design by the City Planning Committee. This committee was supposed to revise and certify to the Building Department that the proposed design did meet the new required standards.

Despite the improvements from the 1975 text amendment, and with the new method of project approval, some plazas still did not stimulate users' sociability. According to an investigation from the late 1990s carried out by the New York City local government, around 16% of the existing spaces were used as neighborhoods' gathering places; 21% were used as resting places; 18% were related to circulation, and 41% had little use (New York City, 2016).

Thanks to this data and to people's dissatisfaction with some spaces, the Planning Department of the city, the Municipal Art Society, and Professor Jerold S. Kayden from the Planning Department of Harvard University, conducted a new investigation that culminated with the launching of the book *"Privately Owned Public Space: The New York City Experience"* which included a data bank on the subject. The results demonstrated that part of the public spaces created using the bonus system did not present sufficient or equivalent qualities to the amount of additional floor area. Kayden noted that some of these privately owned public spaces proved problematic and ended up being abandoned, neglected, or even privatized.

From 1961 to 2000, 1,498,448.70 square meters of private space for commercial, service, and residential use were built above what was permitted by urban restrictions, using the incentive legislation and providing as a return over 500 plazas and galleries that correspond to 323,748.36 square meters of privately owned public space (APOPS, 2015).

The study helped the Planning Department to understand the qualities and standards suitable to create successful public spaces, after analyzing which basic elements or design features would encourage or would inhibit public use. The problems reported in some spaces were partially attributed to the absence of guidelines and more specific design criteria in the Resolution text.

In contrast, the survey and analysis of these spaces, particularly outdoor spaces, confirmed various positive cases that had features in common such as plentiful seating, suitable planting, accessibility, and comfort for users.

As a result, on October 17, 2007, the City Council approved a text amendment sent by the Planning Committee of the city, related to the operational and design standards of the POPS. The new dispositions aimed to update the regulations to implement the

POPS, and encourage the creation of better quality public spaces in privately owned properties. This amendment included:

- Replacing the existing definitions of residential plaza and urban plaza with a single name for both: public plaza;
- Revising and updating design standards for public plazas, in order to guarantee quality design in open areas;
- Consolidating the dispositions referring to cafes and kiosks within the plazas.

The amendment proposed alterations and new standards in the following aspects regarding the design of future plazas: dimension, configuration, location on the lot, orientation, visibility, changes in level, circulation and access, allowed obstructions, seating, plantings and trees, lighting, trash receptacles, bicycle parking, signage, and uses fronting the public plazas. Furthermore, it proposed changes in operational standards, including the design of gates and barriers for the nighttime closing of the plazas, kiosks, and outdoor cafes.

On February 17, 2009, the City Planning Commission sent the Zoning Resolution a new text amendment proposed by the Urban Planning Department, suggesting minor changes to the regulations approved in October 2007 with respect to the privately owned public spaces.

The intention was to improve the 2007 text in order to guarantee the creation of inviting, open, visible, and accessible public plazas in privately owned areas. To this end, changes sought to clarify some standards and add new provisions to improve the quality and use of public plazas such as allowing for more attractive and well-maintained public spaces.

On May 6, 2009, the City Planning Commission approved a text amendment with some modifications to clarify or correct a number of terms, among them the Section 37-78 – which institutes the correct reference to “public plaza” as a replacement for “urban plaza”. From June 10, 2009, the City Council approved the alteration of the Public Plaza Follow-up Text Amendment, whose changes are still in force.

Design regulations for new privately owned public plazas are currently guided by four design principles:

- **Open and inviting.** The plaza should be visually interesting and easily seen from the street, making it clear that it is an open public space. Seating should be easily located along generous walkways.
- **Accessible.** The plaza should preferably be located at the same level as the sidewalk to encourage easy access for all passersby. Pedestrian circulation should be encouraged by pleasant and rational walkways.
- **Quality of seating.** The public plaza should accommodate a variety of well-designed and comfortable seating for small groups and individuals, which may include fixed and movable chair or benches, seating steps, and wide and low walls.

- **Feeling of protection and safety.** The plaza should be oriented and visually connected to the street, to avoid any feeling of isolation. It should be well lit and contain readily accessible paths (Zoning Resolution, 2012).

Furthermore, APOPS/MAS, an organization whose aim is to strengthen the existing POPS, as from a joint work including citizens, POPS owners, public authorities, and neighborhood associations works to highlight good public spaces and recommend improvements to low-quality spaces. APOPS/MAS has a website that provides information and accepts comments, suggestions, and ideas to improve privately owned public spaces.

Kayden (2011) is one of the founders of the APOPS/MAS and has been defending a new figure in the POPS managerial scenario who would work as an independent manager or curator, responsible for promoting the active use of the spaces in order to guarantee that those lawfully created plazas promote continuous improvement and educational activities.

Notwithstanding the various revisions and updates, POPS designs are still not planned in a participatory way in which citizens might take part in the decision-making processes with regard to uses, programs, and equipment so that designs meet future users' needs and longings. Introducing some degree of participation should bring substantial incentives to increase people's welcoming of these spaces.

## POPS ON PARK AVENUE IN NEW YORK

Park Avenue in Midtown, Manhattan, is one of the avenues planned in the 1811 street layout plan prepared from John Randel's proposal and established by the New York State Legislature. This plan comprises an orthogonal grid divided in 11 avenues and 155 streets that configure the urban morphology of the island. The area selected for this research is a segment of Park Avenue where two significant examples of collective spaces in privately owned areas are located: the plaza fronting the Seagram Building and the covered area of the Lever House Building.

The studied section of Park Avenue, located between E48th Street and E59th Street, displays 18 privately owned collective spaces, as follows: 13 uncovered spaces (plazas) and five covered spaces (gallery, atrium, passage). The data collection covered an area of 260,758.27 square meters and the 18 spaces for collective use sum an area of 18,606.76 square meters, which corresponds to 7.14% of the surveyed area (Figure 8).

Of the 18 spaces only three POPS did not use the bonus system: The Lever House, the Seagram Building, and the building at 500 Park Avenue. The section displays 36 buildings constructed after the 1961 Zoning Resolution, 15 of which or 41% applied the bonus system.



Figure 8 – Map showing the spaces for collective use on Park Avenue, between E 48th St and E 59th St.  
Source: – Map produced by the author from a Google Earth image, 2016.

Parameters based on Gehl methodology (2003) were used to evaluate each one of these spaces within this section of Park Avenue. The parameters measured the space quality with respect to simple activities such as access (easily accessed public space), visibility (into and throughout the plaza), and inviting features (seating supply). From these parameters, data collection and verification were conducted in the 18 collective spaces in the mentioned segment of Park Avenue. As a result, the following categories were defined:

- Accessibility – the space is leveled as the sidewalk and is easily accessed by pedestrians, without any physical or visual barriers;
- Visibility – the space is easily seen by pedestrians and from within the plaza it is possible to be visually connected to the street;
- Inviting features – the space accommodates available and easily accessed seating.

The data observed in each space have been numbered and subtitled from PA-1 to PA-18, and are shown in Table 1:

Map	Opening Year	Names of the POPS	Access Easy	Visibility	Seating	POPS that meet the three
PA-1	1984	500 Park Avenue	Gray	Gray	White	White
PA-2	1981	499 Park Avenue	Gray	Gray	White	White
PA-3	1969	110 East 59th Street	Gray	Gray	Gray	Green
PA-4	1975	Galleria	Gray	Gray	Gray	White
PA-5	1987	135 East 57th Street	Gray	Gray	Gray	Green
PA-6	1972	450 Park Avenue	Gray	Gray	Gray	White
PA-7	1986	Park Avenue Tower	Gray	Gray	Gray	Green
PA-8	1981	Warburg Dillon Read	Gray	Gray	Gray	Green
PA-9	1952	Lever House	Gray	Gray	Gray	Green
PA-10	1979	Park Avenue Plaza	Gray	Gray	Gray	White
PA-11	1958	Seagram Building	Gray	Gray	Gray	Green
PA-12	1986	40 East 52nd Street	Gray	Gray	Gray	Green
PA-13	1968	345 Park Avenue	Gray	Gray	Gray	Green
PA-14	1978	New York Palace Hotel	Gray	Gray	Gray	White
PA-15	1980	560 Lexington Avenue	Gray	Gray	Gray	White
PA-16	1968	437 Madison Avenue	Gray	Gray	Gray	Green
PA-17	1968	280 Park Avenue	Gray	Gray	Gray	White
PA-18	1966	Westvaco	White	White	Gray	White

Table 1 – In gray – the categories analyzed for the POPS in the studied segment of Park Avenue; in green, the POPS where the three parameters analyzed were considered as satisfying.  
Source: This table was designed by the authors.

The analysis of the data indicates that nine POPS out of the 18 studied meet the three parameters pointed out by Jan Gehl (2003) as good conditions for public use spaces. All of them are plazas, with direct access from the sidewalks, without any architectonic or visual barriers, and only one (the Lever House marquee) is a partially covered area (Figure 9).



Figure 9 – Nine POPS on Park Avenue, with good qualities with respect to easy accesses, visibility and seating conditions.

Sources: The authors, 2013.

Regarding the other nine POPS, they did not meet at least one of the parameters established by Gehl (2003) and therefore, were not considered fully satisfactory to attract and make users welcome these spaces as their own. Some do not have seating facilities; others have architectural barriers such as doors or stairways (Figure 10). Indoor spaces such as galleries, arcades or internal walkways between two streets throughout buildings are areas acknowledged mostly by residents and everyday users, making it difficult for tourists or sporadic pedestrians to identify these areas as public use spaces.





Figure 10 – Nine examples of POPS on Park Avenue, lacking qualities concerning easy access, visibility and seating spaces to invite people to stay.

Sources: The authors, 2013.

In addition to the physical features concerning quality, the analysis of the construction-free spaces that resulted from the bonus system to create privately owned public spaces in the studied section, presented different landscape configurations.

For example, in the segment between E57th St. and E59th St. (Figure 11), where most of the buildings was constructed prior to the 1961 Zoning Resolution, the base or lower part of the buildings occupied essentially the entire area of the lot, which did not allow for construction-free areas.

In another stretch, between E54th St. and E51th St. (Figure 12), the combination of the Seagram Building plaza with the 345 Park Avenue's plaza, a building that applied the bonus system, created an open inviting landscape for pedestrians' enjoyment.

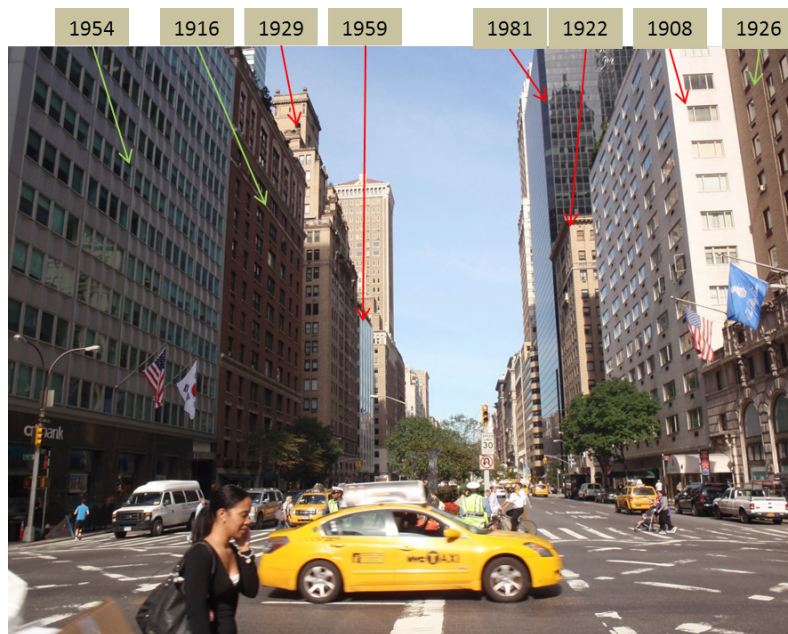


Figure 11 – Park Avenue looking North from the intersection with E57th St, where buildings built before the 1961 Zoning Resolution occupy the entire lot, leaving no free space on the ground floor. Inauguration dates of the buildings starting from ZOLA (2017). Source: The authors, 2016.

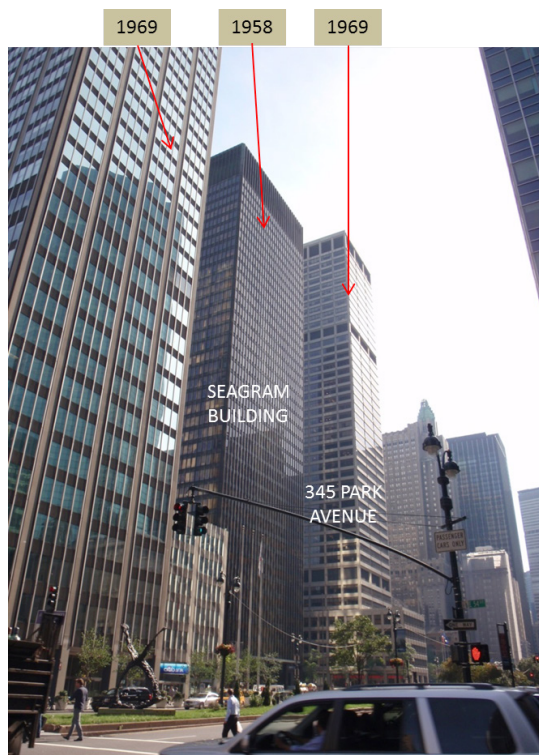


Figure 12 – Looking South from Park Avenue, from E54th St. where one can note the front yard of the Seagram Building at the center of the photo, and the 345 Park Avenue building, to the right. Inauguration dates of the buildings from ZOLA (2017). Source: The authors, 2016.

## FINAL REMARKS

Several New York City districts have experienced a verticalization and densification process that increased people's gatherings and circulation in parts of the city. Responding to the need of air and sunlight at street level in denser areas and to the urgency to provide spaces for public use in highly valued regions, the local government encouraged the establishment of collective spaces in privately owned lots, and, as a counterpart, permitted the construction of floor area above what was allowed by urban restrictions.

Transferring the provision and maintenance of collective spaces from public authorities to the private sector prompted the proliferation of privately owned public spaces, known as POPS. These are the result of a mutual cooperation between those two spheres, through legal mechanisms encouraged by local governments and used by developers. When private investors are willing to create publicly accessible spaces within their projects, and at the same time gain benefits, these partnerships can meet the needs of urban areas that are not always well provided with public spaces (Yoon, Srinivasan, 2015).

Forty-one percent of the developers that constructed buildings in the studied segment from the 1961 Zoning Resolution onwards adopted the bonus system, which indicates that this system does attract private investors. On the other hand, only 50% of the POPS obtained satisfactory qualities, according to the principles established by Jan Gehl (2003).

Among the other half of the POPS – with inadequate results –, the majority consists of arcades, galleries, and walkways whose accesses are not easily recognized by pedestrians. They do not meet the fundamental principle of public use spaces: be inviting. Closed spaces for public use within buildings' ground floor do not add to the urban landscape, since they do not create free-of-construction spaces and consequently, do not contribute to increase sunlight and ventilation on streets and public areas. On the other hand, outdoor corporate plazas may contribute to visual qualities and environmental comfort, besides being easily recognized and accessed by the population.

Data collection field trips made it possible to witness different activities carried out by people: contemplation, reading, small group conversations, rest, and eating among others.

The case studies indicate that citizens welcome and embrace these collective environments, and even develop a sense of belonging, whenever public use spaces display quality features such as easy access, good visibility between the space and the sidewalks, and amenities of quality inviting people to stay. Cities that provide quality spaces for collective use invite people to leave their private environments and live together, sharing public life. Due to countless benefits, the creation of more public spaces has become one of the postulates of the 21st century urban planning and design.

Big and medium-sized cities in Brazil have seen a dissemination of new centralities in fragmentary urban territories. Therefore, proposes and debates on public policies that stimulate the provision of collective use areas and that promote urban landscape qualities are becoming more and more necessary in Brazilian cities.

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