



August 26, 2026

Dear New York City Department of Buildings Commissioner Ahmed Tigani:

Thank you for joining a tour of Lower Manhattan's Privately Owned Public Spaces (POPS) on August 6 to engage in a conversation about the role POPS play in our city. Two tours brought together New Yorkers, city agency representatives, elected officials and their staff, community board members, public space advocates, planners, designers, and others who shape and care for our city's public realm. We were especially grateful that you and other representatives from the New York City Department of Buildings (DOB) and members of the Department of City Planning (DCP) POPS team joined us, bringing the perspectives of the city agencies most directly involved in ensuring these spaces deliver on their public purpose, underscoring the Departments' leadership on POPS and commitment to strengthening these important public assets.

We appreciate DOB's clear message that although POPS are privately owned, they are legally required to be open for public use. Through recent public communications and outreach around POPS, the Department has reinforced that New Yorkers should not have to wonder whether they are allowed to enter a plaza, sit on a bench, use an atrium, or spend time in a space created for their benefit. We share the DOB's view that "high-quality public spaces in our dense urban environment serve the public immensely," and commend the agency for reinforcing both the public's right to use these spaces and property owners' responsibility to provide them as required.

Alongside you, we visited a range of POPS: some welcoming and well maintained, and others difficult to identify as public spaces, poorly marked, inaccessible, lacking required amenities, or seemingly designed to discourage public use. Tour participants saw both the tremendous potential of POPS and the need for stronger systems to ensure that every space delivers the public benefit it was created to provide.

The need for action is especially urgent as Lower Manhattan continues its transformation into a mixed-use residential neighborhood. In 2025, its [residential population surpassed 70,000 for the first time, growing by approximately 3,900 residents](#). Over the past two years, at least 15 residential conversion projects have

been announced, accounting for at least 6,900 new housing units and potentially thousands more residents who will rely on the neighborhood's public spaces. ([New York YIMBY](#))

Open space infrastructure has not kept pace with this growth. [Manhattan Community Board 1 found that the amount of open space per 1,000 residents declined by 17 percent between 2010 and 2017](#), even before the latest wave of conversions. In a dense, largely built-out district where opportunities to create new parkland are limited, POPS represent an especially important source of publicly accessible open space. [Lower Manhattan's Water Street corridor alone contains more than seven acres of POPS](#). Making sure that POPS are visible, accessible, comfortable, resilient, and fully available for public use is therefore increasingly important to the neighborhood's growing residential community.

Citywide, New York has [more than 590 POPS encompassing more than 3.8 million square feet of public space](#) created through the City's zoning framework in exchange for valuable development rights. These spaces should function as a meaningful part of the city's open space network and ensuring that this bargain is honored consistently should be a citywide priority.

Many of the challenges we observed are not new. Community boards, civic organizations, elected officials, the [Office of the Comptroller](#), and public realm advocates have documented similar concerns and proposed reforms over many years. DOB's recent public emphasis on access, compliance, auditing, enforcement, and the use of 311 creates an important opportunity to strengthen and institutionalize this work.

Recent concerns about the use of a public plaza in Midtown East being used in ways that limit or conflict with its public purpose, and the [responses from Speaker Menin and Council Member Maloney](#), underscore the need for clear and consistent standards governing public access and private use. "Public spaces belong to all New Yorkers and must remain accessible for everyone to enjoy," said Speaker Menin.

While building owners are responsible for maintaining their POPS and providing the access and amenities required by the City, DOB and other agencies play an essential role in making this public agreement real. We recognize that responsibility for POPS is shared across City government, with DOB playing a central role in compliance and enforcement and the DCP maintaining POPS data, providing design and technical guidance, and reviewing land use applications related to POPS modifications. We believe the City should focus first on making POPS enforcement more systematic, transparent, and effective, while continuing to improve the visibility, quality, accessibility, and design of these spaces.

The following are our primary goals, along with immediate actions the City can take to advance each one:

1. Establish a proactive citywide POPS compliance and accountability program

- Make POPS compliance information easy for everyday New Yorkers to access and understand. Build on information already available through [DOB's Building Information System](#) by presenting inspection dates, violations, open complaints, corrective actions, and current compliance status in a clear, user-friendly, POPS-specific format that residents, community boards, and elected officials can readily navigate.
- Strengthen the existing enforcement framework to better encourage timely compliance. Build on current escalating consequences for repeat or prolonged violations by evaluating whether penalties, timelines, and follow-up mechanisms are effectively motivating property owners to correct violations and maintain compliance, and adjust them where needed so noncompliance is not simply absorbed as a cost of doing business.
- Identify and close gaps in the regulatory framework that undermine public access, including limits on extended closures and private uses that conflict with the public purpose of POPS.
- Strengthen communication and coordination between DOB and other relevant City agencies. Create a clear notification process that ensures all relevant agencies, including but not limited to DCP and the New York City Department of Parks & Recreation, are promptly notified of any application submitted to DOB to modify an existing POPS.

2. Make every POPS visible, understandable, and easy to report

- Make POPS visible on Google Maps and other widely used digital mapping platforms, just like public parks and plazas, so New Yorkers can easily find them, see their hours and amenities, and understand that they are open to the public.
- Build on DCP's existing public POPS database and make it more user-friendly, with clear information about each space's location, boundaries, hours, required amenities, governing requirements, compliance history and, in the case of a temporary closure, its reason and duration. Ensure consistent implementation and enforcement of existing signage requirements so every POPS is clearly identified on site as public space.
- Make the 311 reporting process, which currently requires one to know about POPS to make a complaint, simple and intuitive, including an easy way to identify a specific POPS and report an issue. Close the loop with complainants so they

can learn whether the space was inspected, what inspectors found, and whether corrective action was required.

3. Incentivize POPS that are welcoming, accessible, and genuinely public

- Provide education and training for property managers and security personnel so they understand that POPS are open to all members of the public, may not impose arbitrary rules or selectively discourage lawful users, and can easily contact DOB when questions arise. Ensure that this education and training reaches new property owners, managers, and security personnel whenever a building is sold.
- Reinforce that required amenities, including chairs, benches, drinking fountains, plantings, access routes, and other features specified for individual POPS, are part of the property's obligation to the public and must remain available and functional as required.
- Incentivize building owners to modernize older POPS and improve basic amenities, accessibility, comfort, shade, greenery, lighting, drinking water, waste and recycling receptacles, bike racks, and protection from extreme weather. The City should also explore opportunities for publicly accessible restrooms, particularly in large indoor POPS.

4. Improve POPS design, stewardship, and climate resilience

- In coordination with DCP, build on its existing design and technical guidance to create a citywide POPS improvement program offering clear standards and support for upgrading poorly performing spaces.
- Use renovations, rezonings, floor area transfers, POPS modifications, office-to-residential conversions, and other discretionary approvals as opportunities to secure modern amenities, accessibility improvements, climate adaptations, and enforceable maintenance commitments.
- Incorporate trees, shade, permeable surfaces, stormwater management, cooling features, and biodiversity into POPS retrofits when possible, and consider surrounding parks, plazas, transit entrances, pedestrian routes, and existing POPS when new spaces are designed so they complement the broader public realm.

5. Give communities a meaningful role in [POPS oversight](#) and improvement

- Create an interagency process through which community boards and civic partners can flag priority spaces for inspections or improvements and contribute local knowledge about how POPS function in practice.

- Support periodic community-led POPS assessments using standardized evaluation tools.
- Convene property owners, public agencies, community boards, elected officials, advocates, and public realm practitioners to identify opportunities for coordinated improvements and stewardship.

We appreciate DOB's leadership in reinforcing that POPS are public spaces and in advancing stronger oversight, enforcement, and public awareness. We hope these recommendations can support and advance that work, including through collaboration with the DCP and other agencies whose responsibilities intersect with POPS. We look forward to being constructive partners in strengthening these spaces and ensuring that New Yorkers receive the full public benefit POPS were created to provide.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Levine".

New York City Comptroller Mark Levine

A handwritten signature in blue ink, appearing to read "Brad Hoylman-Sigal".

Manhattan Borough President Brad Hoylman-Sigal

A handwritten signature in black ink, appearing to read "Grace Lee".

Assemblymember Grace Lee

A handwritten signature in black ink, appearing to read "Christopher Marte".

Council Member Christopher Marte

A handwritten signature in black ink, appearing to read "Virginia Maloney".

Council Member Virginia Maloney

Manhattan Community Board 1
New Yorkers for Parks
The Battery Conservancy
Open Plans
Transportation Alternatives
Field Notes
Wade Rafnel (Lord of Bench)

(Additional signatories forthcoming)

cc:

Leila Bozorg, Deputy Mayor for Housing and Planning
Julia Kerson, Deputy Mayor for Operations
Sideya Sherman, Director, New York City Department of City Planning
Julie Menin, Speaker, New York City Council
Pierina Ana Sanchez, Chair, New York City Council Committee on Housing and Buildings
Kevin Riley, Chair, New York City Council Committee on Land Use
Farah N. Louis, Chair, New York City Council Subcommittee on Zoning and Franchises