



**IN THE MATTER OF** an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

---

This application for a zoning text amendment (N 210270 ZRY) was filed by the Metropolitan Transportation Authority (MTA) and the New York City Department of City Planning on April 5, 2021. The proposed zoning text amendment would encourage implementation of accessibility improvements at transit stations throughout the city by strengthening existing regulations through the addition of zoning requirements and bonuses.

## **BACKGROUND**

### **Systemwide Transit Accessibility**

The MTA, with a ridership of 1.72 billion people in 2019, is North America's largest public transit network, linking New York City residents and visitors to everything that the city has to offer, from cultural and educational institutions to retail and employment centers. The MTA's expansive system serves all five boroughs and includes both New York City Transit (NYCT) encompassing the bus, subway and the Staten Island Railway (SIR), as well as the commuter rail network, comprised of the Long Island Rail Road (LIRR) and the Metro-North Railroad (MNR).

As an integral element in the success of the city, the MTA's 100-year-old transit system must continuously modernize and adapt to accommodate the city's diverse and changing population. The MTA supports system renewal and expansion through its five-year capital programs. The MTA's 2020–2024 Capital Program dedicated over \$5 billion of the Program's \$9 billion station improvement budget to station accessibility projects. The 2020-2024 Capital Program included a commitment to make 77 subway and commuter rail stations ADA-accessible to help achieve the MTA's goal of ensuring that all customers would be no farther than two stops from an accessible station by 2024. The MTA plans to make all possible stations accessible through future capital programs.

At present, only 136 of the 493 subway stations and 25 of 39 commuter rail stations in New York City operated by the MTA are accessible by individuals with mobility disabilities. Thus, a majority of stations cannot be used by customers who have difficulty navigating stairs. To retrofit these stations, the MTA is seeking to equip every transit station with an elevator or ramp, in addition to a suite of other accessibility features including visual alarms, tactile platform strips, braille in elevators, and AutoGates (accessible gates that allow customers who use wheelchairs or have service animals to enter or exit independently).

These accessibility improvements also bring stations into compliance with the requirements of the federal Americans with Disabilities Act (ADA), which prohibits discrimination against individuals based on disability in all areas of public life, including access to government services such as public transit.

The MTA has continued to pursue its accessibility goals throughout the ongoing COVID-19 pandemic. The MTA opened 13 new ADA-accessible stations in 2020 and three more in 2021. Additionally, in 2021, the MTA appointed its first all-agency Chief Accessibility Officer, responsible for coordinating all accessibility elements throughout the MTA system.

Each station improvement brings the MTA closer to the goal of systemwide accessibility. Prior to the COVID-19 pandemic, more than 4.5 million subway trips were taken daily, but a substantial number of the city's 8.8 million residents face challenges in trying to navigate non-accessible stations. According to the 2014-2018 American Community Survey, 550,000 residents with an ambulatory disability live in New York City. In addition, the city is home to 1.2 million people aged 65 and older, 550,000 residents who have an ambulatory disability, and 500,000 children under the age of five. Moreover, the city's senior population is growing at more than twice the rate of the total population, making the need for systemwide accessibility increasingly urgent. All of these populations will benefit from the more convenient, easier, and faster trip that results from being able to enter and exit the transit system at any station.

The primary constraint to the implementation of systemwide accessibility is available space for improvements. While there are numerous factors that, together, make a station accessible, the system's elevated and below-grade infrastructure often requires elevators or ramps to make it fully accessible. Allocating space for elevator shafts or ramps can be particularly challenging due to narrow platforms and confined mezzanines. Sidewalks surrounding many stations are also narrow and there is often insufficient clearance between a station and the adjacent buildings to add elevators and meet modern fire code requirements. Additionally, sidewalks and streets house major underground utilities, which can significantly increase project complexity if relocation of these utilities or their conduits is required. Because of these unique challenges, the preferable solution is often to locate the elevator and corresponding circulation elements within private property adjacent to the station's footprint.

A second constraint to the implementation of systemwide accessibility is cost. While the MTA has a robust capital program, it will still take many cycles to fund every improvement that is required. Elevators are costly and the aging infrastructure and unique circumstances at every station increase the cost and time it takes to retrofit a station. Public-private partnerships can complement the capital program and help the MTA achieve accessibility goals by leveraging development opportunities, maximizing the reach of public capital dollars.

In 2019, the New York City Council produced a report entitled *Zoning for Transit Accessibility – A Let's Go Report*, which highlighted zoning as an effective tool to help address these challenges of making transit stations ADA accessible. *Zoning for Transit Accessibility* noted that zoning can be used as a mechanism for ensuring greater coordination and alignment between new developments and transit station needs. By leveraging station access improvements in places where investment is already occurring, updated zoning would ensure that opportunities for coordinating developments and station improvements are evaluated and realized. This coordination would allow MTA capital resources to be reallocated to other station accessibility improvements in other areas of the city.

The Zoning for Accessibility (ZFA) text amendment builds upon the zoning recommendations outlined in the City Council report. Existing zoning mechanisms that assist the MTA in acquiring

space on private properties for entrances or that encourage developers to build improvements, such as transit easement requirements and transit improvement bonuses, are currently limited by applicability and serviceability. The proposed text amendment would address these limitations and accelerate implementation throughout the city. By enabling the MTA to locate entrances on development sites at the time of construction and incentivizing private developers to construct transit improvements in high-density areas of the city, ZFA would help the MTA pinpoint opportunities for stations to be made more accessible.

### **Existing Zoning Regulations**

In limited areas of the city, there are zoning regulations that help facilitate long term planning needs for mass transit stations. Such provisions include transit easement requirements and station improvement bonuses.

### Existing Transit Easement Provisions

To address the challenges of locating new station entrances and station facilities, there are zoning provisions that apply in very limited areas today that require station-adjacent development sites to provide access to underground stations and other transit amenities. This is accomplished by means of an easement to provide new station entrances, passageways, or ancillary facilities that support subway lines such as emergency egress or ventilation structures. Transit easement requirements are applicable in the Special Transit Land Use District (TA) mapped along portions of the Second Avenue subway line, and at specific stations in other areas being rezoned by the City, most recently in the Special Inwood District.

The TA was established in 1974 to align developments and enlargements with the construction of the Second Avenue subway line. Through the provisions of this Special Purpose District (SPD), a transit easement certification process was established to require developers in this area to consult with the MTA and City Planning Commission (CPC) regarding the provision of easements to facilitate station access improvements. The provisions of the TA were intended to facilitate transit customer movement, improve access to the subway, and provide light and air to mezzanine areas where possible.



Since the adoption of the TA, similar transit easement certification requirements have been implemented at specific stations in other areas being rezoned by the City. East Midtown, Lincoln Square, Hudson Yards, East Harlem, Clinton, and Inwood all contain easement requirements as a component of the regulations governing these SPDs. The most recent of these provisions, in the Special Inwood District (mapped in 2018), offers certain zoning relief if an easement is required, including height relief and a floor area exemption for the easement volume.

Despite the expansion of this requirement over time, its current applicability is still limited to select areas of the city, all of which are located in Manhattan. In the absence of a more comprehensive citywide approach for facilitating easements, there have been missed opportunities for the siting of new station entrances.

#### Existing Station Improvement Bonuses

In the densest commercial districts in the city, floor area bonuses are available to station-adjacent developments and enlargements that construct significant station improvements. To facilitate these transit improvements, the CPC may grant, by special permit, a floor area bonus of up to 20 percent of the maximum floor area ratio (FAR) permitted by the underlying zoning in commercial districts with a commercial FAR of 10.0 and above in Manhattan and Brooklyn, including within the Midtown, Lower Manhattan and Downtown Brooklyn SPDs. Currently, there are only 77 subway stations citywide adjacent to sites that are eligible to apply for a transit bonus special permit.

While this floor area bonus has been available since the 1980s, there have only been three applications for its use since 1998. The City Council report attributes this minimal use to a combination of the limited number of sites that can apply for the bonus and the Uniform Land Use Review Procedure (ULURP) process.

#### **Proposed Project Area**

The ZFA proposal contains both a systemwide transit easement requirement and an expanded transit improvement bonus program. ZFA would affect all five boroughs and the city's 59

community districts. However, since the two components address the implementation of transit improvements in different ways, they have different areas of applicability.

#### Systemwide Transit Easement Provision

The proposed systemwide transit easement requirement would apply to all zoning lots with an area of at least 5,000 square feet that are within 50 feet of a transit station envelope in specified zoning districts. A transit station envelope includes all elements of the transit station, including the station platforms, mezzanine areas, station rooms, and vertical circulation elements. The requirement would apply in all residential zoning districts with a density of R5D or higher, all commercial zoning districts mapped with a residential equivalent of R5 or higher, C7 and C8 commercial zoning districts, MX mixed-use zoning districts mapped with a residential equivalent of R6 or higher, and all manufacturing zoning districts. In addition, any zoning lot located within 50 feet of a transit envelope included in one or more of the aforementioned categories, if less than 5,000 square feet in area, would be able to apply for a voluntary provision of an easement volume.

Of the 534 subway, SIR, MNR, and LIRR stations operated by the MTA, 503 are located within 50 feet of a tax lot within an applicable zoning district. Of the remaining 31 stations, 28 are surrounded by tax lots located within non-applicable zoning districts. These include 12 SIR stations (Annadale, Bay Terrace, Dongan Hills, Grant City, Huguenot, Jefferson Avenue, New Dorp, Oakwood Heights, Old Town, Pleasant Plains, Prince's Bay, and Tottenville), eight subway stations (Baychester Avenue, and Pelham Parkway on the 5 line; Beach 25th Street, Broad Channel, and Grant Avenue on the A line; Neck Road on the Q line; Fort Hamilton Parkway on the F and G lines; and Avenue U on the N line), eight LIRR stations (Broadway, Douglaston, Hollis, Kew Gardens, Laurelton, Little Neck, Rosedale, and St. Albans), and one MNR station (Riverdale). If a site adjacent to one of these stations were to be rezoned to an applicable district, the easement provision would then apply.

Three additional stations not affected by the proposed easement certification are located in Sunnyside, Queens, along the 7 subway line (33rd Street-Rawson Street, 40th Street-Lowery

Street, and 46th Street-Bliss Street). These stations do not have any tax lots within 50 feet of the station envelopes, as they are located in the median of Queens Boulevard.

#### Expanded Transit Improvement Bonus Program

The transit improvement bonus program would apply to zoning lots located in high-density zoning districts (R9 and R10 residential districts, their commercial zoning district equivalents and MX mixed-use district equivalents, and M1-6 manufacturing zoning districts) that are within 500 feet of a station envelope or within 1,500 feet of a station envelope within a Central Business District (CBD) (Midtown, Garment Center, Hudson Yards, Lower Manhattan, Long Island City, and Downtown Brooklyn SPDs).

A total of 157 transit stations operated by the MTA are located within 500 feet or 1,500 feet of eligible sites. This total includes 121 stations in Manhattan, 19 stations in Brooklyn, 11 stations in Queens, and six stations in the Bronx. These stations are also included in the count of stations with easement applicability.

#### **Proposed Text Amendment**

The proposed text amendment would establish Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) in the Zoning Resolution (ZR) to facilitate transit station access and other station circulation improvements. The proposed text amendment would establish regulations for a systemwide transit easement requirement through a new CPC Chair certification (ZR Section 66-21), and provisions for voluntary transit easements on other sites not subject to the requirement through an optional CPC Chair certification (ZR Section 66-31). The proposed text amendment would also establish a new CPC authorization (ZR Section 66-51) that would grant a floor area bonus to developments that provide major station access and circulation improvements. Additionally, for sites providing either an easement or a transit improvement through the expanded transit improvement bonus program, additional zoning relief or zoning modifications to zoning regulations, where applicable, could be granted through a separate CPC authorization (ZR Section 66-521) or special permit (ZR Section 66-522).

### **Systemwide Transit Easement Provisions**

The proposed zoning text amendment would require developments and enlargements involving ground floor construction, within 50 feet of a transit station on zoning lots of at least 5,000 square feet in area in specified zoning districts to obtain a determination from the applicable transit agency stating whether a transit easement volume is needed on site for future station access. As described above, the requirement would apply to applicable zoning lots in residential zoning districts with a density of R5D or higher; all commercial zoning districts mapped with a residential equivalent of R5 or higher; C7 and C8 commercial zoning districts; MX mixed-use zoning districts mapped with a residential equivalent of R6 or higher; and all manufacturing zoning districts.

The process of determining whether a transit easement volume is needed, as well as the type, dimensions and location of the easement, would be formalized in a new CPC Chair certification. An optional CPC Chair certification would also be created to facilitate the voluntary provision of transit easement volumes on other sites not subject to the requirement where an easement would be beneficial to the transit agency. In order to facilitate easement agreements, the proposed text amendment would offer relief from certain zoning regulations to minimize potential challenges for construction on those sites that would provide an easement.

The proposed systemwide easement provisions would not apply in all subdistricts within the Special Hudson Yards District, except Subdistricts C and E; on qualifying sites in the East Midtown Subdistrict within the Special Midtown District; and in the TA.

### **CPC Chair Certification for Required Easements**

Prior to any application with the Department of Buildings (DOB) related to new construction and enlargements involving ground floor construction, owners of applicable zoning lots would be required to file an application with the transit agency with jurisdiction over the station and the CPC Chair, requesting a certification to determine whether a transit easement volume is required. Upon receipt of such application, the transit agency and the CPC Chair would jointly certify within 60 days whether a transit easement volume is required on the zoning lot.

If a transit easement volume is required, a determination of the appropriate dimensions and location would be made in conjunction with the owner. A site plan would be submitted for joint approval and final certification by the transit agency and CPC Chair. The transit agency and CPC Chair would have a 45-day review and comment period following the submission of the site plan. For such sites, zoning relief would apply to minimize the impacts of an easement on development feasibility as outlined below.

### ***Use Regulations***

To promote commercial spaces and compatible uses that will enhance the sidewalk experience around easements, use allowances for temporary or commercial uses would be available to sites providing easements.

### ***Temporary Uses***

Where an easement is not improved immediately, such volume may be temporarily used for permitted non-residential uses in commercial and manufacturing zoning districts and local retail uses (Use Group 6) in residential zoning districts until such time as required by the transit agency for transit access improvements. The transit agency would have to provide a minimum notice of six months that the temporary use must be vacated.

### ***Commercial Uses***

In residential zoning districts, local retail uses (Use Group 6) would be permitted within 30 feet of an easement and, where an easement is serving an above-grade transit line, within 30 feet of an easement on the second floor. Additionally, in commercial zoning districts where an easement serving an above-grade transit line is provided, commercial uses would be allowed on the second floor of mixed-use buildings (if not already permitted).

### ***Bulk Regulations***

To facilitate developable floor space to be accommodated elsewhere around the easement volume and allow greater flexibility in locating the easement on a development site, several components of bulk relief are proposed.

### *Floor Area*

In all zoning districts, floor space contained within any easement volume would be excluded from the definition of zoning floor area.

### *Permitted Obstructions*

In all zoning districts, transit easements would be treated as permitted obstructions for the purposes of open space, yard, and height and setback requirements. Additionally, in commercial and manufacturing zoning districts, commercial uses on the second floor would be allowed to extend up to 30 feet in height within the rear yard.

### *Lot Coverage*

In all zoning districts, any portion of the easement that is open to the sky would be excluded from lot coverage. Additionally, maximum residential lot coverage would be increased in certain zoning districts. In R5 and R5D residential zoning districts, the maximum lot coverage for interior and through lots would be increased from 55 and 60 percent, respectively, to 65 percent. The maximum lot coverage for corner lots in these zoning districts would be increased from 55 and 80 percent, respectively, to 85 percent. In R6 and R7 residential zoning districts, the maximum lot coverage for interior and through lots would be increased from 60 and 65 percent, depending on the zoning district, to 70 percent.

### *Maximum Building Height*

For developments in all zoning districts with maximum height limits that provide an easement, the maximum permitted height would generally be increased by 10 feet. However, for developments in R7 and higher residential zoning districts that provide an easement serving an above-grade station, the maximum permitted height would be increased by 20 feet. Such height relief would not apply to the maximum base height or, in instances where sky exposure plane regulations apply, to the maximum height of front walls.

### *Street Wall*

For developments in zoning districts with street wall requirements, easement volumes and any portion of the building above or behind such volume would be excluded from street wall

requirements. Additionally, greater street wall flexibility would be provided for better articulation around easements. Where easements are located beyond 50 feet of an intersection, the portion of a street wall within 15 feet of an easement would be allowed to recess up to 15 feet in depth from the street line. Where an easement is placed partially or wholly within 50 feet of an intersection, additional flexibility would be provided to allow for better pedestrian flow. In such instances, street walls could be located anywhere within an area bounded by two street lines and 15 feet from the edge of the easement volume.

### ***Accessory Parking Regulations***

To minimize potential conflict between the easement area and space needed for required accessory parking, two forms of parking relief would be available.

#### ***Parking Deduction***

For developments in all zoning districts, 15 parking spaces would be deducted from the total number of required accessory parking spaces. The underlying waivers of requirements for small numbers of spaces would continue to apply.

#### ***Parking Waiver***

To ensure that small sites are able to provide for an easement and retain development feasibility, in R5 and R5D residential zoning districts, and in commercial and manufacturing zoning districts with higher parking requirements (districts with a requirement of 1 space per 150 to 400 square feet for uses in Parking Requirement Category B), parking would be waived for developments on zoning lots with an area of 10,000 square feet or less. In medium- and high-density residential zoning districts (R6 and higher), and for commercial and manufacturing zoning districts with lower parking requirements (districts with a requirement of 1 space per 1000 square feet or less for uses in Parking Requirement Category B), parking would be waived for developments on zoning lots with an area of 15,000 square feet or less.

### ***Streetscape Provisions***

To align design requirements of an easement and the proposed building, and to ensure that developments are built appropriately around easement areas and future station entrances, streetscape provisions would apply.

#### ***General Streetscape Provisions***

Easement volumes would be excluded from general streetscape provisions, including ground floor use regulations, transparency provisions, and planting requirements.

#### ***Curb Cuts***

For new developments and enlargements, to ensure pedestrian safety, no curb cuts could be located within 30 feet of the easement volume. If this requirement precluded any curb cuts on the zoning lot, the site would be exempted from accessory parking and loading requirements pursuant to the underlying zoning regulations.

#### ***Other Provisions***

The proposed text amendment would also extend the set of zoning relief outlined above to developments or enlargements that are subject to the subway stair relocation requirement outlined in ZR Section 37-40 (Off-Street Relocation or Renovation of a Subway Stair). Additionally, easement space provided would count toward Pedestrian Circulation Space (PCS) requirements in SPDs where PCS is required.

#### ***Sidewalk Widening***

There may be some situations where an onsite easement may not be necessary as it is easier for the transit agency to maintain or create an entrance on the sidewalk. In this situation, it could benefit pedestrians if new adjacent buildings were set back from the property line so that the sidewalk could be widened. If the transit agency determines this to be true during their review of a site, the text amendment would provide street wall relief on the site to permit the widening.



### CPC Chair Certification for Voluntary Easements

The proposed zoning text amendment would also provide an optional CPC Chair certification for the voluntary provision of easement volumes on sites that would not be subject to the proposed easement requirement. For developments and enlargements that are within 50 feet of a transit station, within the applicable zoning districts, and on zoning lots with an area of less than 5,000 square feet, an optional CPC Chair certification would be made available for the voluntary provision of an easement volume. Such developments and enlargements would be provided with the same set of relief afforded to required sites. For conversions on sites within the applicable zoning districts, targeted relief would be provided to facilitate the provision of an easement volume within an existing building.

### **Expanded Transit Improvement Bonus Program**

The proposed text amendment would also grant a floor area bonus to developments in R9 and R10 residential zoning districts and in other zoning districts with equivalent densities, that provide major station access and circulation improvements, including accessibility improvements. This floor area bonus would be granted through a new CPC authorization. The proposed CPC authorization would not apply in all subdistricts within the Special Hudson Yards District, except in Subdistricts C and E; in the Court Square Subdistrict within the Special Long Island Mixed Use District; and on qualifying sites in the East Midtown Subdistrict within the Special Midtown District. The existing transit bonus special permit (ZR Section 74-634) would be deleted.

### CPC Authorization for Transit Improvement Bonus

The proposed text amendment would create a new transit improvement bonus program that would expand the applicability of the existing subway bonus special permit pursuant to ZR Section 74-634. Similar to the existing special permit, the proposed bonus program would grant a floor area bonus of up to 20 percent of the maximum FAR for developments and enlargements that provide major transit station improvements.

The new bonus program would expand the area of applicability of the transit bonus in several areas. The proposed transit bonus would apply to zoning lots located in high-density residential

zoning districts (R9 and R10 districts), their commercial zoning district equivalents and MX mixed-use zoning district equivalents, and in M1-6 manufacturing zoning districts that are within 500 feet of a station envelope or within 1,500 feet of a station envelope within a CBD (Midtown, Garment Center, Hudson Yards, Lower Manhattan, Long Island City, and Downtown Brooklyn SPDs).

Pursuant to an authorization, a floor area bonus of up to 20 percent of the maximum FAR could be granted on development and enlargement sites that provide a significant station improvement. Such improvements may vary and include a solitary station upgrade or a variety of station upgrades, including a single elevator, additional station entrances, mezzanine expansion and platform upgrades.

The amount of floor area bonus would be contingent on the degree to which the improvements enhance pedestrian access and station environment. The proportionality between the amount of additional floor area granted and station improvements provided would vary depending on the individual station need and its unique conditions and would be subject to specific findings under the authorization.

The proposed transit improvement bonus would not be allowed to be used in conjunction with other citywide floor area bonuses, with a few exceptions. Under ZFA, in parts of the city where the Voluntary Inclusionary Housing (VIH) program applies, the transit bonus and affordable housing bonuses could be used individually or applied together in a manner that would allow the floor area bonuses to be additive. In areas where the Mandatory Inclusionary Housing (MIH) program applies, development sites would still be required to fulfill the affordable housing requirements of the MIH program. Sites that apply for the transit bonus may be granted additional floor area for the provision of transit improvements in addition to the maximum floor area permitted through the MIH program. In both MIH and VIH areas, additional floor area generated through the transit bonus would not be subject to affordable housing requirements to maximize benefit to the transit system.

The proposed transit improvement bonus may also be used in combination with the Visual or Performing Arts (VPA) bonus in the Special 125th Street District, where it would be treated similarly to the VIH bonus. Additionally, the proposed transit improvement bonus would also apply to certain areas with access to the District Improvement Bonus (DIB), including Subdistrict A-2 within the Special Garment Center District and Subdistricts C and E within the Special Hudson Yards District. In these areas, the proposed transit bonus could only be accessed after floor area increases generated from the other available bonuses (VIH or DIB) have been fulfilled to the greatest extent possible.

The proposed transit bonus would be excluded from areas where more specific floor area mechanisms for transit improvements already exist. Such areas include qualifying sites in the East Midtown Subdistrict, Court Square Subdistrict within the Special Long Island Mixed Use District, and all subdistricts within the Special Hudson Yards District, excluding Subdistricts C and E.

### **Additional Modifications**

#### CPC Authorization for Additional Relief or Other Modifications

The proposed text amendment would also create an authorization that would grant additional modifications that may be needed to facilitate the accommodation of either an easement volume on a site or additional floor area pursuant to the authorization for the proposed transit improvement bonus. Approval of the authorization would grant modifications to all applicable provisions, including use, bulk, streetscape and parking provisions, but not to regulations pertaining to FAR. Additional height modifications would be limited to an increase of up to 25 percent of the maximum permitted height allowed under applicable regulations in districts with height limits. This amount would be in addition to the as-of-right height increase for sites providing an easement.

#### CPC Special Permit for Additional Modifications

For sites providing an easement or seeking a floor area bonus pursuant to the authorization for transit improvement bonus, ZFA would also create a special permit to address specific instances where a height increase may extend beyond the 25 percent increase allotted in the above

authorization. Granting of the special permit would also allow for the other modifications outlined in the authorization for additional relief, or other modifications above.

## **ENVIRONMENTAL REVIEW**

This application (N 210270 ZRY) was reviewed pursuant to the New York State Environmental Quality Review Act (SEQRA) and the SEQRA regulations set forth in Volume 6 of the New York Code of Rules and Regulations, Section 617.00 *et seq.* and the City Environmental Quality Review (CEQR) Rules of Procedure of 1991 and Executive Order No. 91 of 1977. The designated CEQR number is 21DCP136Y. The lead is the City Planning Commission.

After a study of the potential environmental impact of the proposed action, a Negative Declaration was issued on April 5, 2021.

## **PUBLIC REVIEW**

The application (N 210270 ZRY) was duly referred on April 5, 2021 to all 59 community boards in all five boroughs, to all borough boards, and to all borough presidents for information and review, in accordance with the procedure for referring non-ULURP matters.

### **Community Board Review**

Forty-eight community boards adopted resolutions regarding the proposed zoning text amendment, many of which included comments on the proposal and recommendations for modifications. The complete recommendations received from all community boards are attached to this report. The table below is a summary of the community board votes and conditions or comments received in their recommendations.

<b>Community Board</b>	<b>Recommendation</b>	<b>Conditions</b>	<b>Comments</b>
<b>Brooklyn CB 1</b>	Approval	No	No
<b>Brooklyn CB 2</b>	Disapproval	No	<b>Yes</b>
<b>Brooklyn CB 5</b>	Approval	<b>Yes</b>	<b>Yes</b>
<b>Brooklyn CB 8</b>	Approval	No	No
<b>Brooklyn CB 10</b>	Approval	No	No

<b>Brooklyn CB 11</b>	Approval	<b>Yes</b>	No
<b>Brooklyn CB 12</b>	Approval	No	No
<b>Brooklyn CB 13</b>	Approval	No	No
<b>Brooklyn CB 14</b>	Disapproval	No	<b>Yes</b>
<b>Brooklyn CB 15</b>	Approval	No	No
<b>Brooklyn CB 18</b>	Approval	No	No
<b>Bronx CB 1</b>	Approval	<b>Yes</b>	No
<b>Bronx CB 3</b>	Approval	No	No
<b>Bronx CB 5</b>	Approval	No	No
<b>Bronx CB 6</b>	Approval	<b>Yes</b>	No
<b>Bronx CB 7</b>	Approval	No	No
<b>Bronx CB 8</b>	Approval	No	No
<b>Bronx CB 9</b>	Approval	No	No
<b>Bronx CB 10</b>	Approval	No	No
<b>Bronx CB 11</b>	Other	No	No
<b>Manhattan CB 1</b>	Approval	<b>Yes</b>	No
<b>Manhattan CB 2</b>	Approval	<b>Yes</b>	No
<b>Manhattan CB 3</b>	Other	<b>Yes</b>	<b>Yes</b>
<b>Manhattan CB 4</b>	Approval	<b>Yes</b>	No
<b>Manhattan CB 5</b>	Disapproval	<b>Yes</b>	No
<b>Manhattan CB 6</b>	Disapproval	<b>Yes</b>	No
<b>Manhattan CB 8</b>	Approval	<b>Yes</b>	No
<b>Manhattan CB 9</b>	Approval	<b>Yes</b>	No
<b>Manhattan CB10</b>	Approval	<b>Yes</b>	No
<b>Manhattan CB11</b>	Disapproval	<b>Yes</b>	No
<b>Manhattan CB12</b>	Approval	No	No
<b>Queens CB 1</b>	Approval	No	<b>Yes</b>
<b>Queens CB 2</b>	Approval	<b>Yes</b>	No
<b>Queens CB 3</b>	Approval	<b>Yes</b>	No
<b>Queens CB 4</b>	Approval	No	<b>Yes</b>

<b>Queens CB 5</b>	Other	No	No
<b>Queens CB 6</b>	Approval	<b>Yes</b>	No
<b>Queens CB 7</b>	Other	No	No
<b>Queens CB 8</b>	Approval	No	No
<b>Queens CB 9</b>	Approval	No	No
<b>Queens CB 10</b>	Approval	No	No
<b>Queens CB 11</b>	Approval	No	No
<b>Queens CB 12</b>	Approval	No	No
<b>Queens CB 13</b>	Approval	No	No
<b>Queens CB 14</b>	Other	No	No
<b>Staten Island CB 1</b>	Disapproval	No	<b>Yes</b>
<b>Staten Island CB 2</b>	Other	No	No
<b>Staten Island CB 3</b>	Disapproval	No	<b>Yes</b>

As outlined above, 48 out of the 59 community boards submitted recommendations. Of these, 23 recommended approval, 12 recommended approval with conditions, three recommended disapproval with conditions, four recommended disapproval, and six either waived their vote or did not object to approval. Many community boards agreed that the public transit system should be accessible for all New Yorkers and supported increased accessibility at transit stations throughout the city as it would benefit all transit users. Community boards noted, however, that this zoning proposal is only one tool for increasing accessibility and should not be a replacement for the MTA's capital program.

Overall, the issues that were raised in public review align with the three different aspects of the proposal: the systemwide easement provision, the transit improvement bonus, and the additional modifications that could be granted through discretionary actions. Some community boards also had comments or considerations regarding the MTA, including aspects of its capital program, and the ongoing maintenance and safety of the improvements.

### Systemwide Easement Provision

The systemwide easement provision is applicable in all 59 community boards, and at least one community board in each borough had a comment regarding the proposed easement provision.

### ***Applicability***

There were multiple questions and concerns about the applicability of the easement provision. One community board in Queens wanted to understand generally how the easement could impact development and overall housing construction and proposed conducting an economic analysis of fiscal impacts of the proposal. To account for situations where the development site is located at a distance from the transit station, one Manhattan community board recommended that the easement provision apply only to tax lots, and not zoning lots, adjacent to the station. One Staten Island community board was concerned that there was no ability for existing property owners or new developers to opt out of the easement.

### ***Process and Timeline***

Community boards in all five boroughs had comments or considerations regarding the process and timeline for the easement provision. One community board in Staten Island cited general concerns about MTA acquisition of private property for public transit easements and commented that such a requirement would add additional review time for development applications. On the other hand, one community board in Manhattan believed that the MTA's direct acquisition of transit easements, especially in outlying areas, is the most straightforward and equitable means of providing access when and where it is needed throughout the transit system. Arguing that the proposal should be more robust, one Brooklyn community board stated that stronger guidelines are needed to determine easement requirements.

Multiple community boards had comments on how boards would be notified of, or give input on, easements. Specifically, certain community boards in the Bronx, Queens, and Manhattan requested that, as part of the certification process, they be notified when an easement is determined to be needed on a site. Other community boards in Brooklyn, Manhattan, Queens, and Staten Island went further, requesting a public review process including a referral to community boards for all actions related to the proposal in their districts.

### ***Zoning Relief***

Three community boards made comments on the proposed zoning relief for easements. One Staten Island community board voiced concern about the degree to which retail uses are permitted around easements. One Manhattan community board proposed that benefits gained from a temporary use be allocated to the public rather than the property owner. Another Manhattan community board requested that the proposed zoning relief not apply around Second Avenue subway stations, and that the parameters of the Special East Harlem Corridor District be maintained and applied there exclusively.

### ***Other Considerations***

One community board in Manhattan requested clarification on the interaction of the height received through easement zoning relief and the height that could be received from the density bonus, and whether those height increases could be combined.

### **Expanded Transit Bonus**

#### ***General Concerns***

A few community boards disagreed that transit improvements should be provided through zoning bonuses. One community board in Brooklyn and two in Manhattan argued that accessibility should be included in new development or be mandatory for significant developments. A third community board in Manhattan proposed that improvements be achieved through other means such as tax incentives. One community board in Queens voiced concerns that the bonus might spur real estate speculation that could impact residents and small businesses and requested that there be some mechanism to assist small businesses in finding either a new location or space within the new development.

#### ***Special Permit***

Two community boards in Manhattan recommended that the process for obtaining a transit improvement bonus should remain a CPC special permit.



### ***Applicability***

Multiple community boards submitted comments on the geographic applicability of the bonus. Two community boards in Manhattan proposed decreasing the eligible radius of applicability for off-site improvements. Additionally, one Manhattan community board recommended excluding the recently constructed Hudson Yards station from the bonus program. One community board in Queens suggested that the applicability of the bonus be expanded to developments in mid-density zones through a neighborhood bonus to unlock capital from the volume of smaller developments.

### ***Floor Area Bonus***

#### ***Inclusionary Housing***

Many community boards included comments or conditions regarding the combination of the proposed transit bonus and the VIH bonus. One Manhattan community board proposed that the transit bonus should be invoked only after, not instead of, the VIH bonus. Furthermore, five Manhattan community boards proposed that if a site is subject to MIH requirements that the bonus floor area received also be subject to affordable housing requirements. One of these community boards additionally proposed that all apartment units within the bonus area should be 100 percent affordable.

#### ***Usage with Other Density Bonuses***

Multiple community boards cited concerns regarding potential interaction between the proposed transit improvement bonus and other density bonuses. One Manhattan community board suggested that no combination of bonus programs be permitted that would yield more than a combined 20 percent increase in FAR, bulk or height. A second community board in Manhattan requested that the proposal maintain the existing precedent and hierarchy of bonuses in the Special Hudson Yards District and the Special Garment Center District.

#### ***Limit Bonus Amount on Large Sites***

Four Manhattan community boards raised concerns about zoning lot mergers and proposed either a density cap for merged lots or that the text be modified to change the applicability for the bonus to tax lots rather than zoning lots.

### *Density Impacts on Surrounding Community*

Two Manhattan community boards cited concerns that the increased density from a zoning bonus could impact the surrounding community. One community board in Manhattan proposed an additional finding requiring that each instance of either the VIH bonus or the transit improvement bonus would not adversely impact the surrounding community. A second Manhattan community board requested that each bonus application include a full environmental review to assess the cumulative environmental impacts of multiple bonuses around each transit stop.

### *Determination and Standardization of Floor Area Bonus*

Two Manhattan community boards requested that the text more clearly establish criteria explaining the relationship between the transit improvements and the resulting bonus including a proposal that provisions be added to require a more transparent connection between the impact of the transit improvement provided and the percentage of bonus FAR permitted by the CPC on a site. One Manhattan community board proposed a standardization of improvements as well as a quantification of how much bonus floor area those improvements could achieve, suggesting that the MTA have a standard list of significant improvements. The community board also recommended that standard definitions of significant accessibility improvements be developed and incorporated into the proposed zoning text.

### *Eligibility of Improvements*

Multiple community boards included considerations regarding the eligibility and prioritization of improvements that could generate a bonus. One Manhattan community board proposed that non-accessibility improvements be characterized as incidental to the main application, suggesting appearance improvements only be part of the zoning bonus if they are directly connected to improved accessibility. Five Manhattan community boards suggested even narrower eligibility, proposing that the transit bonus only be received in exchange for accessibility enhancements. These community boards requested that access and circulation improvements be well-defined in the zoning text so that other scenarios would not qualify, or that non-accessibility improvements

such as “beautification,” “providing daylight access,” “rider orientation,” or “noise abatement,” be eliminated from the bonus FAR findings entirely.

### ***Other Considerations***

Some community boards made general comments regarding the bonus process and resulting buildings. One Manhattan community board requested assurance that all developments or enlargements that receive a bonus as a result of this text amendment be 100 percent compliant with federal ADA standards. A second community board in Manhattan stated that certificates of occupancy for any development receiving a density bonus should be conditioned on MTA sign-off for the completion of the proposed accessibility improvement.

### **Additional Discretionary Approvals**

Community boards also submitted recommendations regarding the proposed additional modifications that could be made through an additional discretionary action. Two community boards in Manhattan requested that notice be included as a requirement before the CPC authorizes any additional modifications to ongoing regulations. Additionally, one of these community boards requested that the special permit require the CPC to find that the proposed modifications would only allow modifications to the minimum extent necessary to enable the development of the transit improvement.

### **MTA**

In addition to making comments on the zoning proposal, many community boards also had comments directed towards the MTA.

### ***MTA Capital Program***

Many community boards included recommendations related to the MTA’s primary mechanism for funding transit improvements, the MTA Capital Program. Community boards in Queens and Brooklyn suggested that the MTA complete its accessibility program on a faster timeline or add more stations to the MTA’s accessibility goal. Community boards in Brooklyn and Staten Island requested additional clarity on how future improvements would be funded or requested more explicit language regarding a timeline for a capital commitment to improve an easement space.

One Manhattan community board suggested that the MTA should target less affluent areas for transit improvements and should provide regular publicly available updates on the status of those investments and their geographic distribution. Community boards in the Bronx, Manhattan, and Queens also requested that specific stations be improved or specific amenities like bathrooms be funded.

### ***Maintenance and Safety***

Community boards in Brooklyn and Queens were concerned about the maintenance and safety of future elevators asking for enhanced elevator maintenance and timely repairs, as well as adequate safety measures, including cameras. They also raised the need to maintain the outside of a future easement volume. Multiple Manhattan community boards discussed holding a landowner accountable for maintaining an improvement and proposed that the MTA legally mandate the perpetual maintenance and repair of any privately owned and maintained transit access improvements, including enforcement mechanisms to ensure compliance.

### ***Additional Obligations***

In addition to wanting to understand how transit improvements would be funded and maintained, multiple community boards had other considerations that they wanted the MTA to address. One Manhattan community board wanted assurance that any accessible entrance created would be open during all hours that the station was open. Additionally, a Brooklyn community board inquired about responsibility for damage to an adjacent property resulting from claims relating to the operation of, or actions within, the transit easement volume.

### **Borough Board Review**

Three borough boards submitted resolutions on the proposal. The complete borough board resolutions, summarized below, are appended to this report.

#### **Brooklyn**

One June 1, 2021, the Brooklyn Borough Board voted unanimously — 21 in favor, none opposed, and none abstaining — to adopt a resolution supporting the zoning text amendment with three modifications.

- “The provisions of this Chapter [Article VI, Chapter 6] should establish the promotion of measures to augment station beautification, as an addition to the special regulations designed to support and facilitate transit accessibility and improvements in conjunction with developments and enlargements near transit stations.”
- “That in order to enhance the possibility of realizing transit station improvements at the York Street Station...for the York Street station, transit improvement may result from any development site as part of a transit improvement floor area bonus without regards to distance.” And “the York Street station shall be considered as a proximate station for any qualifying transit improvement site within the [Special Downtown Brooklyn District], and may consist of on-site or off-site improvements.”
- “That in order to secure the possibility of realizing permanent affordable housing according to the Inclusionary Housing ZR Section 23-154, the Brooklyn Borough Board seeks modifications to ZR with regard to Article 10, Chapter 1 Special Downtown Brooklyn District (SDBD).”

### Queens

On June 7, 2021, the Queens Borough Board approved this application with conditions by a vote of 14 in favor, none opposed and three abstaining.

- “Assure that a reliable mechanism is in place so that all property owners within the mandatory Transit Easement Requirement areas have adequate advance notification that any proposed improvements, on properties 5000 SF or over within 50 feet of a transit station, must be first reviewed by the Metropolitan Transportation Authority and then certified by the City Planning Commission before filing applications for work permits with the Department of Buildings. Coordinated outreach would be necessary so that property owners in affected areas are aware of the new review and certification requirements;
- Notification and reporting to the Community Boards, Borough Presidents and to the City Council of any application filed for authorizations or certifications for accessibility improvement which are not subject to ULURP review. Notification would provide information about the proposed improvements and the means to evaluate the improvements offered;

- Any of these improvements must be regularly maintained and operated to keep them fully operation [sic] and clean for transit riders. Any repairs must be completed in a timely manner to assure accessibility to the stations.”

### Manhattan

On June 17, 2021, the Manhattan Borough Board, by a vote of 16 in favor, one opposed, and none abstaining, adopted a resolution recommending approval of the application with modifications. The resolution supported all recommendations made by individual Manhattan community boards, but specifically emphasized eight modifications.

- “
1. Require that relevant community boards and borough presidents be consulted on every discretionary action taken by CPC related to this text amendment;
  2. Clearly define eligible improvements to only include vertical access improvements to a station, so as not to include other improvements such as beautification, noise abatement, rider orientation, and other improvements that do not increase station accessibility;
  3. Include MIH requirements when calculating floor area bonuses for transit improvements;
  4. Clearly establish and make public the criteria under which transit improvements and the resulting bonuses are granted;
  5. Apply density caps to merged lots to regulate the size of bonuses granted on such sites;
  6. Require a CPC special permit for any transit improvement bonus;
  7. Clearly define what constitutes a major or significant improvement as it relates to the transit improvement bonus; and
  8. Ensure that any easement space that is not used by the transit agency, where a bonus is provided by the developer, be used for the public good.”

### **Borough President Review**

Four borough presidents submitted resolutions on the proposal. The complete borough president resolutions are appended to this report and are summarized below.

### Bronx

The Bronx Borough President submitted a recommendation in favor of the proposal on June 17, 2021. The Bronx Borough President stated, “while I would want to see the Metropolitan

Transportation Authority (MTA) adopt a comprehensive plan to make all subway and railroad stations ADA compliant, the adoption of the proposed Zoning for Accessibility (ZFA), offers one additional tool needed to achieve my goal.”

### Manhattan

On June 14, 2021, the Manhattan Borough President submitted a recommendation in favor of the proposal with conditions. The Borough President summarized the most common concerns of Manhattan community boards and members of the Manhattan Borough Board. She then noted a series of additional concerns including the “need to protect the character of our neighborhoods,” “the potential that both the floor area bonus and transit easement provision have to introduce development that is out of context and scale, especially in residential neighborhoods,” and that “this proposal would disproportionately benefit accessibility in neighborhoods with smaller disabled populations, while many disabled people, especially communities of color uptown, will be left out.”

As a result of these concerns, the Manhattan Borough President recommended six modifications.

- “ • Allow the transit improvement bonus to be combined only with the Voluntary Inclusionary Housing bonus and no floor area bonuses specific to special purpose zoning districts;
- Demonstrate a commitment and plan to ensure that accessibility improvements are equitably distributed across Manhattan;
- Allow obstructions only as part of transit improvements;
- Ensure that floor area bonuses are only granted for developments that deliver station improvements that will increase accessibility;
- Limit the number of reliefs given for a transit easement; and
- Require a special permit for all additional modifications as laid out in ZR 66-52.”

### Queens

The Queens Borough President submitted a recommendation in favor of the application with conditions on July 22, 2021.

- “ • Assure that a reliable mechanism is in place so that all property owners within the mandatory Transit Easement Requirement areas have adequate advance notification that any proposed improvements, on properties 5000 SF or over within 50 feet of a transit station, must be first reviewed by the Metropolitan Transportation Authority and then certified by the City Planning Commission before filing applications for work permits with the Department of Buildings. Coordinated outreach would be necessary so that property owners in affected areas are aware of the new review and certification requirements;
- Notification and reporting to the Community Boards, Borough Presidents and to the City Council of any application filed for authorizations or certifications for accessibility improvement which are not subject to ULURP review. Notification would provide information about the proposed improvements and the means to evaluate the improvements offered;
  - Any of these improvements must be regularly maintained and operated to keep them fully operation [sic] and clean for transit riders. Any repairs must be completed in a timely manner to assure accessibility to the stations.”

### Staten Island

On June 11, 2021, the Staten Island Borough President submitted a disapproval of the application with no conditions or comments.

### **City Planning Commission Public Hearing**

On June 9, 2021 (Calendar No. 11) the CPC scheduled June 23, 2021 for a public hearing on this application (N 210270 ZRY). The hearing was duly held on June 23, 2021 (Calendar No. 18). Five speakers testified in favor of the application and one in opposition.

Speakers in favor included the council member representing the 4th district in Manhattan; and representatives of the American Institute of Architects (AIA) New York, the 504 Democratic Club, and the Permanent Citizens Advisory Committee to the MTA (PCAC); and a member of the public.



The New York City Council Member from the 4th district testified on behalf of the proposal. He voiced general support for the proposal, stating that it could help achieve the goal of full accessibility in the subway system. The Council Member agreed with harnessing private development to assist in meeting this goal and pointed to areas in the city like East Midtown where similar private/public partnership programs have been successful, stressing the importance of public transit for the city's economy.

A representative of the AIA gave testimony in support of the proposal, stating that the proposal balances the interests of the public and private sector by aligning land use initiatives with the transit network. The representative recommended publishing maps on a website showing the zoning lots impacted by ZFA provisions. The representative proposed that MIH requirements apply to the floor area gained through the bonus provision, or that the transit bonus only be allowed to be applied after the completion of the VIH bonus. The representative also suggested that criteria be provided for significant improvements, or a finding be created to assess the value of the proposed improvement to ensure that it is commensurate with the value of the bonus. Finally, the AIA representative suggested that the bonus be extended to medium density residence districts.

A representative of the 504 Democratic Club testified in support of the proposal, citing the success of the construction of elevators at the NY Stock Exchange where private investment supported transit improvements through the 45 Broad Street transit bonus project. Additionally, the representative argued that accessibility improvements are similar to other City priorities supported through zoning bonuses, such as affordable housing or environmental concerns, and that providing support to the disabled community should be weighed equivalently.

A representative of the PCAC testified in support of the proposal because it would alleviate pressure from the MTA's capital program and is essential for delivering accessibility. They stated that the proposal would result in more options for the rider and would allow the MTA to work with private landowners at no cost to the taxpayers.

Finally, a member of the public gave testimony of support with conditions stating that, while they are in favor of greater accessibility, the proposal should not allow for bonus floor area to be received for a non-accessibility improvement, and that there should be deadlines for the MTA to complete an improvement.

A representative of the Real Estate Board of New York (REBNY) provided testimony in opposition to the proposal. While the representative began by stating full support of the conversion of the current transit bonus special permit to an authorization, she also voiced concerns regarding the easement provision. The representative stated her belief that the easement text is too far-reaching. Specifically, she cited concerns over the broad applicability of this provision and how the lack of an overall timeframe for the application process, coupled with the preconditions for advancing applications and permits at DOB, may result in unintended consequences for development near transit stations, particularly affordable housing projects. She requested that a size limit for required easement volumes be established and that the minimum lot size threshold be increased to 10,000 square feet. Additionally, she asked that additional clarity and constraints to the overall timeline for the easement process be provided. The REBNY representative also asked for a ministerial relief valve for properties that would be ill-suited for the provision of an easement volume and recommended vesting language for projects that have already been filed or approved for a discretionary action at Board of Standards and Appeals (BSA) or CPC, or have received a building permit from the DOB.

There were no other speakers, and the hearing was closed.

### **Written Testimony**

In addition to those speakers who testified in person at the public hearing, written testimony was submitted by both organizations and individuals following the public hearing. Representatives of Carnegie Hill Neighbors and a design firm with expertise in zoning submitted testimony in opposition to the proposal. These organizations generally supported the easement provision, but had criticisms regarding the bonus, including the assertions that it would introduce uncertainty, that it favored Manhattan, that it would be exempt from affordable housing requirements, and that it could be achieved for non-accessibility improvements. REBNY also submitted additional

written testimony in opposition to the proposal. In addition to their public hearing testimony, their written testimony requested further clarification on the types of enlargements that would be subject to the easement provision and recommended ways to improve transparency regarding the applicability of the easement requirement, the location of future easements, and station needs.

Representatives of the City Club, Community Preservation Corporation (CPC), Gotham Organization, the Greater New York Council of the Blind/Disabled in Action of Metropolitan New York Inc./Downstate New York ADAPT, New York State Association for Affordable Housing (NYSFAH), and the Regional Planning Association (RPA) submitted written testimony in favor of the proposal with modifications. Additionally, two State Senators, representing Districts 27 and 28, and one Assembly Member representing District 75 submitted written testimony in favor of the proposal with modifications. These recommendations include creating a vesting clause for the easement provisions, implementing a publicly available tracking tool for zoning bonuses and easements, reducing the initial easement request timeline, creating maps of catchment areas, and identifying sites where easements were needed. They also recommended expanding the transit bonus to lower density zoning districts. Additionally, to support the unique challenges of affordable housing, two organizations proposed a clearer MTA process, a dedicated affordable housing liaison at the MTA, and additional zoning relief for affordable housing projects.

Representatives of Art Beyond Sight, Disabled in Action, Disability Rights New York, New York City Transit Riders Council (NYCTRC) and New York City Transit's Advisory Committee on Transit Accessibility (ACTA), Tri-State Transportation Campaign, United Spinal, Up-Stand, and eight members of the public submitted written testimony in support of the proposal.

## **CONSIDERATION**

The Commission believes that the application for the text amendment (N 210270 ZRY), as modified herein, is appropriate.

The Commission supports the important goal of facilitating the implementation of accessibility improvements at transit stations and notes the urgent need for improved accessibility throughout

the transit system. Currently less than a third of transit stations in the city are accessible, affecting trip planning for thousands of riders and deterring other riders from entering the system entirely. The Commission recognizes the work that the MTA has done to date to improve the system, including opening 13 new ADA stations in 2020 during the ongoing COVID-19 pandemic, but notes that there is much more work to be done to make the system fully accessible.

The Commission notes that zoning can help achieve the goal of systemwide accessibility. Since the 1970s, zoning has been used to improve transit stations, predominantly in high-density areas of the city. Zoning provisions include a floor area bonus for transit improvements and requirements to provide transit easements in neighborhoods such as Inwood. While these tools have led to substantial improvements in some subway stations, the Commission recognizes the geographic and practical limitations of the transit-related zoning provisions that are currently in place. The Commission believes that the citywide framework and appropriate zoning tools to improve and expand upon the current provisions that ZFA provides will lead to an improved, more accessible transit system. The Commission notes that while the text does not address the full suite of ADA improvements outlined in the federal guidelines, federal law requires the MTA to make stations fully ADA accessible when circulation improvements are made.

The Commission appreciates the work of the City Council in producing the *Zoning for Transit Accessibility* report, which acknowledges the accessibility needs of the transit system and recommends ways to expand existing zoning tools to advance the achievement of accessibility goals. The Commission agrees that the creation of a consistent citywide policy, including expanded geographies and eligibility, and an expedited review process, will accelerate the implementation of accessibility and therefore applauds the coordinated effort of the Department of City Planning and the MTA, along with input from the Mayor's Office for People with Disabilities, in the development of this proposal.

The Commission has carefully considered the recommendations made by community boards, borough boards, borough presidents, and others at the Commission's public hearing. Testimony presented through the public review process covered the three main elements of ZFA (the

systemwide transit easement requirement, the expanded transit bonus program, and the additional discretionary approvals), the MTA's Capital Program, and funding and maintenance of transit improvements. The Commission believes that this proposal, as modified, presents a strong and effective tool to support the implementation of accessibility improvements throughout the transit system.

### **Systemwide Transit Easement Requirement**

The Commission notes that easement provisions currently exist in the ZR to support the construction of transit improvements such as elevators and new station entrances. The TA was established in 1974 along Second Avenue to support construction and integration of the Second Avenue subway entrances on the east side of Manhattan. More recently, transit easement provisions were incorporated in the Special Inwood District to support subway station access there. In both cases, easement provisions were included to facilitate transit improvements, but they are confined to specific areas of the city.

To promote transit improvement goals more broadly, the Commission believes that it is appropriate to incorporate easement provisions on a citywide scale. ZFA creates a consistent methodology for locating easements at every station in the system, creating new opportunities for the MTA to locate accessibility improvements in new developments. To ensure compatibility with existing easement requirements in the ZR, the proposed easement provisions will not apply in certain areas with existing easement requirements that were established for area-specific plans.

The proposed text lays out a process to ensure that each application is reviewed by the MTA and the CPC Chair in a timely manner. The process includes a 60-day initial determination by the MTA and the CPC Chair, followed by a consultation process between the MTA, CPC Chair, and landowner to determine the type of and dimensions for the transit volume. The MTA and the CPC Chair then have 45 days to review the site plan submitted by the landowner based on those parameters.

If an easement is desired, ZFA provides targeted zoning relief to accommodate the inclusion of the easement on the site. This relief will address five general ways that an easement can impact a building: use, floor area and open space, height and setbacks, parking, and streetscape.

The Commission believes that this comprehensive easement provision allows accessibility improvements to be implemented more quickly and efficiently by enabling the MTA to identify easement opportunities at the beginning of the development process. Moreover, early identification of sites will prevent missed opportunities and more effectively align land use goals with transit station improvements by allowing new transit entrances to be located on private property and out of the public right of way.

### Applicability

#### ***Site applicability***

Regarding feedback requesting that the minimum lot size threshold be increased from 5,000 square feet to 10,000 square feet, the Commission notes that a goal of ZFA is to create more opportunities for the MTA to work with private landowners to secure easements for future accessibility upgrades. Increasing the minimum lot size would significantly reduce the number of applicable sites. A 5,000-square-foot site can accommodate an elevator without harming the developability of a site. Moreover, the 5,000-square-foot threshold exists in other ZR transit provisions, such as the subway stair relocation requirement. The Commission, therefore, believes that the suggested change would compromise the goals of this proposal, and continues to believe that the 5,000-square-foot minimum lot size threshold is appropriate.

Regarding the recommendation that the proposal limit applicability to sites within 50 feet of a transit station, the Commission notes that throughout the ZR zoning regulations are applied to the zoning lot and therefore believes that the zoning lot is the most appropriate parameter on which to base applicability. However, the Commission acknowledges that locating an easement on any portion of a zoning lot where existing buildings will remain is not practical. The Commission accordingly modifies the text to clarify that an easement can be located only where it can provide a connection between the transit station and the portion of the zoning lot where new construction is occurring.

#### ***Enlargements***

Regarding the request for clarification on whether incidental enlargement construction will trigger easement provisions, the Commission notes that a goal of the proposal is to secure

easements in all places where they can reasonably be accommodated and is crafted to allow the MTA to seek easements in as many locations as possible. Under the proposed text, enlargements of all types that involve ground floor level construction would be subject to the easement provisions. However, the Commission notes that the easement process should not be required for sites undertaking minimal ground floor renovations. The Commission therefore modifies the text to only apply to ground floor level enlargements, a more traditional enlargement standard in the ZR.

### ***Vesting and exemptions***

Regarding the recommendation that the proposal exclude any project that is currently filed or approved for any discretionary actions at the BSA or the CPC, or any project that is already at DOB, the Commission believes that the ZFA goal of providing more opportunities for easements in new construction should not come at the expense of projects that have either received approvals or are moving through the approval process. As such, the Commission modifies the text to include a series of vesting provisions. These provisions will specify that sites with a building permit or working to receive a building permit at DOB prior to the date of enactment of the proposal will be exempted from the easement requirement. Additionally, sites with a CPC special permit or authorization application that was approved, certified, or referred out by the date of adoption of ZFA will also be exempted from the requirement. This exemption will also apply to sites with an approved or pending application with the BSA for a special permit or variance, as well as sites with an approved or pending application before the Landmarks Preservation Commission for a Certificate of Appropriateness or other permits.

Regarding a recommendation that sites with existing easement requirements be exempt from the easement provision, the Commission notes that many existing easements are voluntary and can therefore be terminated by the landowner at any point. Additionally, these voluntary easements are often based on outdated design standards and agreements. The Commission therefore believes that sites with existing easement agreements should continue to be subject to ZFA provisions because this will allow the MTA to make permanent those easements that were created outside of the ZR. The Commission notes, however, that some easements were created by other ZR sections and are therefore permanent and subject to more recent design standards.

The Commission therefore modifies the text to exclude sites with easements created earlier by other ZR sections.

### Process and Timeline

#### ***Initial determination***

Regarding feedback on the 60-day initial easement determination timeframe, the Commission believes that modifications should be made to make the process more seamless and expeditious. Understanding that in most instances the MTA can make an initial determination quickly, the Commission modifies the text to reduce from 60 days to 30 days the time that the MTA is allotted to make that determination. Additionally, regarding the recommendation that the MTA be the sole determinant in deciding whether an easement is needed, the Commission believes that changes should be made to further reduce process time. Because the MTA has the sole expertise to determine whether an easement is needed or possible, the Commission modifies the text so that this initial determination process involves only the MTA, and not the CPC Chair.

#### ***Application review and approval process***

Regarding feedback received on the need to have additional time limits in the review period following the determination that an easement is needed on a site, the Commission believes that changes are needed to create more certainty over the general timeline and to minimize the cycle of required revisions, while still ensuring that the MTA has the ability to obtain appropriate easements. Under the proposed text, if the result of the initial determination is that a transit easement is needed, this determination would be followed by a consultation between the CPC Chair, the MTA, and the landowner to determine the appropriate dimensions and location of the easement, after which the owner would prepare and submit a site plan. The CPC Chair and the MTA would then have a 45-day review and comment period. Within this review period or following its expiration, an excavation permit may be granted while the easement location and size are being finalized. The proposed text requires that the execution and recordation of a legally enforceable instrument for creating the easement and setting forth other obligations and requirements be completed prior to the issuance of a foundation permit, new building permit or alteration permit by DOB. So that the landowner may advance through the process more quickly



and with more clarity, the Commission believes that it is appropriate to modify the process in a number of ways.

Where an easement is required, the Commission replaces the consultation process with a 30-day period for the MTA to recommend the type, dimensions, and general location of the easement. Following the submission of a site plan by the landowner based on the MTA's recommendations, the Commission further modifies the text to shorten the MTA's review period of the site plan from 45 days to 30 days to either approve or enumerate comments. If modifications to the site plan are warranted based on the MTA's review, a revised site plan must be submitted, followed by a 15-day period for the MTA to verify whether the landowner has addressed the MTA's comments. Subsequent revisions to the site plan may be requested by the MTA, and each submission will have a 15-day review period. Upon approval by the MTA, the application can be certified by the CPC Chair, and the landowner can advance to DOB for permits. To further ensure expeditious MTA review, the Commission modifies the text to allow three scenarios under which a landowner may be issued a building permit before the full site plan is approved: if the size of an easement requested exceeds 25 percent of the width of any street frontage on the lot, if the review period by the MTA exceeds any of the individual time limits, or if the total review of a site by the MTA is more than 120 days. The Commission notes that a 25 percent street frontage threshold is sufficient for most development scenarios, as it will facilitate an elevator on the smallest sites, but in the instances where the MTA needs a larger easement, this additional flexibility will allow site work such as excavation and foundation work to commence while the easement plan is being finalized.

The Commission also modifies the text to specify that a landowner may complete the maintenance and operation portions of the easement agreement after filing with DOB, since these requirements will not alter the size and location of the easements. Therefore, instead of the completion of these portions of the easement agreement being a requirement before issuance of the building permit, it will be required prior to the issuance of a Temporary Certificate of Occupancy (TCO).

### ***Easement size***

Regarding feedback proposing limiting the size of easements, the Commission understands the concern that open-ended flexibility in easement size could be a problem for landowners and seeks to balance the needs of landowners with those of the MTA. The proposed text does not prescribe size limits or dimensions for easements to provide the MTA the flexibility to determine the appropriate easement size. While the Commission recognizes the MTA's ability to obtain easements of any size through their purview as a State agency, when utilizing the ZR to obtain easements through ZFA, it believes that the process should encourage the MTA to seek modest easements in most scenarios. Given this, the Commission believes that no size limit remains appropriate, but that the process distinctions noted above for sites where the MTA requests large easements will go a long way to balance the needs of landowners and the time constraints associated with the development process.

### ***Community board notification and review***

Regarding the recommendation that community boards should be notified and consulted on all applications, and that major station improvements should be subject to community board review, the Commission notes that the proposal is seeking to create an expeditious process that will allow the MTA to secure space for accessibility improvements in a manner that does not delay overall construction schedules for projects next to transit stations. To be responsive to the concerns raised about the overall easement timeline, the Commission is making modifications to shorten and provide more clarity on the CPC Chair certification process. While the Commission understands the desire for information and input, introducing mandatory community board notification consultation or review in the process would have the undesirable effect of adding to the application timeline and creating more uncertainty for applicants.

Additionally, the Commission notes that the easement process is meant to be a ministerial certification that, like most certifications, does not require community board referral. Like all applications at DCP, these applications under ZFA will be available through DCP's Zoning Application Portal.

## Relief and Requirements

### ***Commercial use allowances***

Regarding the concerns cited over the allowance of commercial uses within 30 feet of an easement in residence districts, the Commission believes that complementary uses, such as local retail, should be permitted around easement volumes as a way of enhancing the sidewalk environment where future station entrances could be located. In residential zoning districts, transit easement may not be compatible with uses such as apartment units and other residential uses at the same level. Accordingly, the Commission believes that commercial uses could create an appropriate buffer between the transit easement and the residential uses.

### ***Additional relief for affordable housing developments***

Regarding the recommendation to provide additional relief for affordable housing developments to account for their unique programmatic needs, the Commission supports opportunities to create affordable housing, and notes that this proposal to support transit improvements does not come at the expense of much-needed affordable housing projects. The Commission notes that the proposed zoning framework was carefully crafted to address the potential issues that could result from an easement volume on construction of all types, including affordable housing. The Commission further notes that many of the concerns raised by affordable housing groups emphasized the unique timing issues that affordable housing projects face and that the need to ensure that the proposed easement process will not cause potential delays in the pre-development schedule. The series of improvements to the application process that the Commission is making will provide more certainty about the application timeline, addressing the challenges inherent in developing affordable housing.

### ***Permitted Obstructions***

Regarding the request to reconsider the allowance of temporary uses within easement volumes as permitted obstructions in open areas on the zoning lot, the Commission believes that this allowance is appropriate, as the activity generated by a transit entrance will be equal to or greater than the activity generated by the small retail establishments that are permitted as temporary uses.

### ***Temporary Uses***

As part of the original proposal, temporary uses are permitted within an easement volume until the MTA is ready to build out the transit improvement. As referred out, the MTA would be required to give at least a six month notice in advance for the easement space to be vacated.

Regarding requests for additional notification time, the Commission notes that the proposed temporary use provisions are intended to promote viable interim uses before a transit improvement is ready to be constructed. These uses will help activate the street frontage and allow owners to use the space in a meaningful way during this interim period. The Commission notes that while a minimum notice of six months is consistent with existing easement provisions, this timeline may create uncertainty for landowners and result in limited temporary uses. The Commission therefore modifies the proposal to increase the minimum notice to 12 months to provide more certainty to landowners while still ensuring that the MTA can improve easements in an appropriate time frame.

### ***Curb cut requirement***

Regarding feedback concerning the impact of an easement on development costs, the Commission believes that the zoning relief offered in the proposal will offset the burdens of an easement and allow lost floor space to be accommodated elsewhere on the site.

While the proposal is predominantly focused on providing zoning relief, it does include one new zoning requirement that limits curb cuts within 30 feet of transit easements. The Commission believes that such a requirement may be overly restrictive. Additionally, the goal of ensuring that curb cuts are safely located in relation to transit easements can be accomplished without such a restrictive provision. The Commission therefore modifies the proposal to remove this requirement, noting that the MTA will work with landowners to ensure that any curb cuts do not interfere with the needs of the easements while maintaining pedestrian safety. The Commission additionally notes that the proposal continues to allow sites to be exempted from accessory parking and loading requirements pursuant to underlying zoning regulations where the easement volume precludes any curb cuts on the site.

### ***Interaction between easement and bonus provisions***

Regarding the request for clarification on interactions between the easement and density bonus provisions and their associated height increases, the Commission notes that the two components of the proposal are intended to work in tandem to secure easements and support the delivery of transit improvements. Where both provisions apply, the easement height relief will accommodate the easement itself, while the authorization will be needed to accommodate the additional floor area generated through the bonus. The Commission does not support modifications to these provisions as they would undercut the goal of encouraging landowners to provide on-site transit improvements.

The Commission notes that the public review process illuminated the need for further clarification in the text regarding the hierarchy of zoning provisions when a development includes both an easement and a bonus. The easement text includes a process for a property owner that wants to build out the infrastructure in the easement itself, but it is unclear whether this process applies to a site that is also using the bonus provisions, which have separate timelines and processes. To clarify this, the Commission modifies the text to specify that the bonus provisions control for sites that use the bonus, as they are more appropriate for improvement projects.

### **Other Issues**

#### ***Dedicated affordable housing unit at the MTA***

Regarding the recommendation that the MTA establish a unit to provide a dedicated point of contact for all affordable housing projects, the Commission recognizes the unique time constraints that affordable housing projects face. The Commission believes that the modifications being made to the overall application process will ensure that affordable housing projects are not harmed by the proposal. The Commission also believes that shortening the overall timeline and inserting greater clarity on the expected review timeframe will provide more certainty for development schedules and address the challenges inherent in affordable housing projects. The Commission also notes that the MTA works with all landowners through their Transit Oriented Development group, which collaborates closely with the New York City Department of Housing Preservation and Development on affordable housing projects next to

transit stations. This group will lead the process for coordinating the review of applications by landowners for easement applicability moving forward.

### ***Transparency about applicability, easements, and station improvements***

Regarding the requests for transparency about applicability, easements, and station improvements, the Commission notes that the ZFA web page (<https://www1.nyc.gov/site/planning/plans/zoning-for-accessibility/zoning-for-accessibility-overview.page>) currently includes maps that outline the area of applicability surrounding transit stations and identify all non-accessible stations. To facilitate the implementation of ZFA, all applicable tax lots shown on these maps will be shared with the DOB upon adoption of ZFA. Finally, the Commission is pleased that the MTA plans to develop other means to provide information about ZFA moving forward, including reporting unused easements, so that the public can learn how the MTA is developing these easements.

### **Expanded Transit Improvement Bonus**

The ZR contains an existing transit improvement bonus that is intended to support the construction of transit improvements at stations through the grant of floor area bonuses. The Commission notes that fewer than 10 applications have successfully used the current special permit since its adoption almost 40 years ago. The current transit bonus is limited in applicability to high density commercial districts and only to sites adjacent to transit stations. Moreover, the current bonus requires a special permit, which adds time and risk to the application process.

The Commission believes that this underused tool has the potential to be more effective as a result of the changes made through ZFA. To increase the number of opportunities for landowners to build improvements, ZFA expands the applicability of the transit improvement bonus to high density zoning districts throughout the city. ZFA responds to current geographic limitations by expanding the coverage area for the bonus based on a short walking distance from a station: 500 feet in most areas, and 1,500 feet in CBDs because of the higher concentration of stations and higher usage of transit within these areas. ZFA will make the transit bonus an authorization to shorten the review process while maintaining the opportunity for public review of applications.

This authorization mechanism will assess each bonus application and grant an appropriate floor area bonus of up to 20 percent.

The Commission notes that in order to establish consistency throughout the ZR, the transit bonus is woven into the floor area framework of numerous SPDs. In SPDs where there is no transit bonus today, ZFA's transit bonus will be applicable. Where VIH bonuses are available, transit and VIH bonuses can be used either individually or in combination. Because VIH sites are awarded bonus floor area based on square footage rather than on a percentage of floor area, there are scenarios where VIH sites do not reach the permitted maximum floor area. The design of the ZFA transit bonus accounts for these scenarios. In SPDs where the transit bonus currently applies, the current stacking framework will remain unchanged. In areas with their own unique transit bonuses, such as in the Court Square Subdistrict within the Special Long Island Mixed Use District and on qualifying sites in the East Midtown Subdistrict within the Special Midtown District, the ZFA transit bonus will not apply because these areas have their own area-specific transit zoning tools.

ZFA also identified three SPDs where the existing planning framework is unique. Within the Special 125th Street District, VIH and the VPA bonus can be used exclusively or in any combination. Because of this unique relationship, the ZFA transit bonus may be used in conjunction with both VIH and VPA bonuses. In the Hudson Yards and Garment Center SPDs, the DIB and the VIH bonus are given specified weights regarding the availability to increase maximum floor areas. Given this relationship, the ZFA transit bonus will only be available after bonus floor area has been generated through these other two mechanisms. The Commission believes that the thorough analysis of the relationships between the ZFA transit improvement bonus and existing bonuses ensures that all possible scenarios will have been considered.

#### Continue to Require Special Permit for Bonus

Regarding the recommendation that the proposed transit improvement bonus remain as a special permit and continue to follow the ULURP process, the Commission notes that the inclusion of an expedited review process responds to a concern raised in the City Council's *Zoning for Transit Accessibility* report. Specifically, that report acknowledged that limited use is in part due to the

length and complexity of the current review and application process. To address this lack of use, the City Council report recommended an accelerated review process that also maintains public input. The Commission agrees, and believes that the authorization process will help achieve the goal of increasing the use of the transit bonus.

### Applicability

#### ***Distance from Stations***

Regarding the recommendations to alter the maximum distance between the station receiving an improvement and the development site, the Commission notes that the proposed distance is more reflective of the actual catchment area of transit stations than the current requirement (which requires that a development site be directly adjacent to a station) because use of the transit system is not limited to trips generated only from adjacent buildings. The Commission believes that the distances proposed in ZFA assure that there is a strong nexus between the site where the transit bonus will be used and the nearby station, while also adequately reflecting true ridership.

#### ***Expansion to Mid-density Zoning Districts***

Regarding the recommendation to expand the bonus program to mid-density zoning districts through a neighborhood bonus, the Commission notes that ZFA is designed to allow the transit bonus in the widest possible range of zoning districts, while being mindful of the feasibility of the proposal. Projects will need to generate a substantial amount of floor area to make for a viable transit bonus proposal, but the maximum available floor area increase is limited to 20 percent. The Commission believes that lower density districts would rarely, if ever, be able to produce a large enough bonus and is concerned that this would create the illusion that transit improvements could be provided through the bonus program. Additionally, ZFA is designed to ensure that transit improvements are delivered concurrently with each development utilizing the floor area bonus. Since the effectiveness of a neighborhood bonus in mid-density zoning districts would likely rely on contributions from multiple floor area bonuses over time, the concurrent delivery of transit improvements and their benefits would not be realized through such a mechanism.



### ***New Stations***

Regarding the recommendation to exclude the Hudson Yards station from the stations eligible to receive a transit improvement from nearby sites, the Commission notes that the proposed text is intended to maximize opportunities for improving accessibility within the mass transit system and therefore does not specifically exclude any mass transit station that is within 500 feet or 1,500 feet from a site in an eligible zoning district. Given the unique situation of the Hudson Yards station, the Commission believes it is appropriate to exclude the Hudson Yards station from ZFA by restricting access to the bonus at and around this station and therefore makes this modification to the proposal.

### **Floor Area Bonus**

#### ***Limited Bonus on Large Sites***

Regarding feedback to limit the amount of bonus generated on merged zoning lots, the Commission notes that the zoning lot is the unit on which zoning regulations are based, and thus determining the amount of bonus floor area awarded based on the zoning lot is consistent with how zoning regulations are applied. Additionally, while a larger zoning lot seeking the bonus could receive a greater floor area increase than a smaller zoning lot, the scope and size of the required improvements would need to be found to be commensurately greater through the discretionary review process.

#### ***Impacts on the Surrounding Community***

Regarding the recommendation to create a finding that the transit bonus does not adversely impact the surrounding community, the Commission notes that the current subway bonus does not have such a finding because the improvements generated through the transit bonus are density ameliorating as they involve significant accessibility and capacity upgrades that improve access to a station for all its users. Moreover, the Commission notes, because the transit bonus authorization is a discretionary process, the effects of each bonus will be assessed through the environmental review process.

Regarding the request that the environmental review for each transit bonus application assess the cumulative environmental impacts of multiple bonuses in one area, the Commission notes that

because the bonus authorization is a discretionary action, every application will require environmental review, which will account for the cumulative impacts of any known transit bonus projects.

Regarding concerns about the impacts that the transit bonus might have on displacing small businesses and residents, the Commission believes that the floor area bonus will only be sought where construction for new development in high density areas is already occurring. Since such floor area bonus includes a requirement to construct a substantial station improvement for a limited FAR increase, the bonus is unlikely to induce new development in areas where development would not have occurred otherwise.

### ***Inclusionary Housing***

Regarding the request for clarification on the interaction of the transit bonus and other density bonuses, and the recommendation that the transit bonus only be used after any inclusionary housing bonus has been exhausted, the Commission stresses that zoning continues to be an effective tool that can be used to support multiple policy goals, including both affordable housing and improvements to the transit system, and that ZFA is designed to create a balance between these goals. The Commission notes that the flexibility of the transit bonus does not limit or discourage use of any affordable housing bonus, but rather preserves the purpose of the existing VIH bonus.

Regarding the recommendation that there be an affordable housing requirement for the bonus floor area generated by the transit bonus, the Commission notes that the additional revenue generated through the transit bonus is dedicated to funding the delivery of station improvements. Subjecting the bonus floor area to inclusionary housing requirements would compromise the incentives provided by ZFA and minimize the number of improvements that could be provided. Therefore, to maximize the amount of transit improvements that could be provided through this program and to ensure a balance between multiple city priorities, the Commission believes that the proposed framework is appropriate.

### ***Usage with Other Density Bonuses***

Regarding the recommendations suggesting limiting the combination of the proposed transit bonus with other density bonuses, the Commission understands that ZFA's transit bonus must work in harmony with other density bonuses to support multiple city objectives and notes how the framework was designed to work within existing bonus hierarchies. As proposed, the transit bonus can only be combined with the VIH bonus, and where the existing planning framework is unique or where stacking precedents have already been established. The latter case, which will occur in 125th Street, Garment Center and Hudson Yards, will preserve the priorities already established in the district, while integrating the additional goal of increased transit accessibility.

### ***Determination and Standardization of Floor Area Bonus***

Regarding feedback on the request for standardization of the amount of floor area increase that could be generated as a result of these improvements, the Commission notes that this has been done in select instances, most recently in East Midtown Manhattan. Specifically, as it did in advance of the Greater East Midtown Rezoning of 2017 the City worked with the MTA to create a list of defined station improvements that could generate specific zoning bonuses. In East Midtown, the ZR includes a list of priority improvements with a designated amount of bonus floor area assigned to each improvement as outlined in ZR sections 81-641 and 81-682. The predictability of these pre-determined improvements and floor area amounts allows this East Midtown transit bonus program to be accessed as-of-right. ZFA's transit bonus program, however, is available throughout the city and covers many stations that have unique configurations and circumstances. Because of the citywide nature of the proposal, the Commission believes that the types of transit improvements needed at these stations cannot be pre-determined or standardized and will need to be evaluated on a case-by-case basis, which will occur through ZFA's discretionary review and approval process.

### ***Eligibility of Improvements***

Regarding concerns over which types of transit improvements can be provided to qualify for a floor area bonus, and whether non-accessibility improvements or beautification improvements will be accepted, the Commission believes that further clarification in the ZFA text is warranted and proposes to modify the findings. As referred out, the findings in the text allow for

accessibility, and capacity-enhancing and environmental design upgrades. Consistent with the existing bonus program, the text does not outline how station needs and improvements would be prioritized, but does specify that the DOB should not grant a permanent certificate of occupancy until all improvements have been completed. To clarify the intent of the ZFA transit bonus program, the Commission modifies the ZFA text to specify that accessibility or capacity-enhancing improvements are a requirement for any transit bonus application, and that environmental design and beautification improvements may only be provided in addition to accessibility or capacity-enhancing improvements. Additionally, the Commission modifies the text to indicate that accessibility improvements be prioritized if a station is not currently accessible. With these changes, the Commission believes future applications for the transit bonus will have a clearer process for review.

### **Additional Discretionary Approvals**

ZFA recognizes that there will be scenarios where some additional zoning relief may be needed because of unique site constraints. To address these scenarios, ZFA includes two additional discretionary actions that are intended to support use of the transit bonus and the easement provisions. These additional actions consist of an authorization and a special permit. The authorization will allow for limited modifications, including a maximum height increase of 25 percent in districts with height limits that are needed to facilitate the provision of an easement, any associated access, or additional floor area on bonus sites. Relief through the authorization will be restricted to the minimum extent necessary. The special permit will grant a wider range of relief to accommodate unique sites or transit stations that need more flexibility than is available through the authorization. The Commission believes that the variety of transit stations and sites throughout the city and the range of needs associated with each station make necessary the inclusion of both of these discretionary actions.

### **Review Process for Authorization**

Regarding the request that a special permit, rather than an authorization, be required for all additional modifications and that notice be included as a requirement before the Commission authorizes any additional modifications to existing regulations, the Commission believes that an authorization is the appropriate action, as it will match the review process of the transit bonus

and will support additional use of the bonus. Additionally, because authorizations include public notification, these applications will be referred out to relevant community boards for public hearing and recommendations.

#### Findings for Special Permit

Regarding the recommendation that the special permit for additional modifications require the Commission to find that the proposed modifications only allow modifications to the minimum extent necessary that will enable the development of the transit improvement, the Commission notes that the ZFA text includes a general finding that requires that modifications result in a better site plan, an improvement to the station, or a building that is superior in design. The Commission believes that it is appropriate to revise this finding to require that any modifications be necessary to facilitate an easement, transit access, or additional floor area on the bonus site. The Commission believes that this revised finding is better aligned with the overall intent of the ZFA special permit.

#### **Conclusion**

The Commission applauds the joint effort between the City and the MTA that culminated in the ZFA proposal. By recognizing the common goal of improved accessibility to the city's vital transit infrastructure, DCP and the MTA have crafted a proposal that will result in not only greater accessibility, but also an improved streetscape. The Commission notes concerns raised by community boards regarding the MTA's ability to fund transit improvements going forward, along with concerns about the maintenance and safety of future elevators. The Commission recognizes the work that the MTA is doing, and must continue to do to upgrade, improve, and maintain stations throughout the transit system beyond ZFA. The Commission appreciates the work that the MTA has done to address accessibility needs to date and believes that ZFA complements this important work going forward. The Commission believes that ZFA will allow the MTA to make transit improvements more quickly and inexpensively through public-private partnerships and, most importantly, will improve the lives of New Yorkers.

## RESOLUTION

**RESOLVED**, that the City Planning Commission finds that the action described herein will have no significant impact on the environment; and be it further

**RESOLVED** that the City Planning Commission, in its capacity as the City Coastal Commission, has reviewed the waterfront aspects of this application and finds that the proposed action is consistent with WRP policies; and be it further

**RESOLVED**, by the City Planning Commission, pursuant to Section 200 of the New York City Charter, that based on the environmental determination, and the consideration described in this report, the Zoning Resolution of the City of New York, effective as of December 15, 1961, and as subsequently amended, is further amended as follows:

### ***ELEVATE TRANSIT — ZONING FOR ACCESSIBILITY***

Matter underlined is new, to be added;

Matter ~~struck out~~ is to be deleted;

Matter within # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution.

## **ARTICLE II RESIDENCE DISTRICT REGULATIONS**

### **Chapter 3 Residential Bulk Regulations in Residence Districts**

\* \* \*

#### **23-10 OPEN SPACE AND FLOOR AREA REGULATIONS**

\* \* \*

## 23-16

### Special Floor Area and Lot Coverage Provisions for Certain Areas

\* \* \*

- (b) For R10 Districts in Community District 7 in the Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall be 10.0. No #floor area# bonuses shall be permitted except as authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

\* \* \*

## ARTICLE III

### COMMERCIAL DISTRICT REGULATIONS

#### Chapter 7

#### Special Urban Design Regulations

\* \* \*

## 37-40

### OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or an #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, the #Special Union Square District# as listed in Section 118-50, the #Special East Harlem Corridors District# as described in Section 138-33, and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances\* shall be provided in accordance with the provisions of this Section.

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50. In addition, for

#developments or #enlargements# on such #zoning lots# where a relocated or renovated subway stair has been provided in accordance with the provisions of this Section, the special #use#, #bulk#, parking, and streetscape modifications set forth in Sections 66-22 (Special Use Regulations) through 66-25 (Special Streetscape Regulations) may be applied.

\* \* \*

- \* Provision of a new subway entrance or entrances pursuant to the requirements of this Section may also require satisfaction of additional obligations under the Americans with Disabilities Act of 1990 (ADA), including the ADA Accessibility Guidelines. The New York City Transit Authority should be consulted with regard to any such obligations

\* \* \*

### 37-50 REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

\* \* \*

### 37-52 Types of Pedestrian Circulation Space

The pedestrian circulation space provided shall be of one or more of the following types: an arcade, #building# entrance recess area, corner arcade, corner circulation space, relocation or renovation of a subway stair, sidewalk widening, ~~subway station improvement~~ #transit volumes# and improvements to #mass transit stations#, through #block# connection or #public plaza#. For the purposes of this Section, defined terms additionally include those in Section 66-11 (Definitions).

Each #zoning lot# shall be categorized as either a #corner lot#, #through lot# or #interior lot#, and pedestrian circulation space shall be provided on each #zoning lot# in at least one of the applicable types, or combinations of types, specified in the following table:

#### PROVISION OF PEDESTRIAN CIRCULATION SPACE ON CERTAIN TYPES OF LOTS

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
Arcade	x	x	x
#Building# entrance recess area	x	x	x



Corner arcade	x		
Corner circulation space	x		
Relocation or renovation of subway stair	x	x	x
Sidewalk widening	x	x	x
<del>Subway station improvement</del> <u>#Transit volumes# and improvements to #mass transit stations#</u>	x	x	x
Through #block# connection	x	x	
#Public plaza#	x	x	x

\* \* \*

### 37-53

#### Design Standards for Pedestrian Circulation Spaces

\* \* \*

- (g) ~~Subway station improvement~~ #Transit volumes# and improvements to #mass transit stations#

~~For #developments# or #enlargements# that are granted a special permit pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), no more than 3,000 square feet may count toward meeting the pedestrian circulation space requirement.~~

Where #transit volumes# or improvements to #mass transit stations# are provided pursuant to the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), each square foot of mass transit access may constitute one square foot of required pedestrian circulation space, not to exceed 3,000 square feet. For the purposes of this paragraph, defined terms include those in Section 66-11 (Definitions).

\* \* \*

**ARTICLE VI**  
**SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS**

**Chapter 2**  
**Special Regulations Applying in the Waterfront Area**

\* \* \*

**62-10**  
**GENERAL PROVISIONS**

\* \* \*

**62-13**  
**Applicability of District Regulations**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4, or Article VI, Chapter 6, the provisions of Article VI, Chapter 4, or Article VI, Chapter 6 shall control.

\* \* \*

**62-30**  
**SPECIAL BULK REGULATIONS**

\* \* \*

**62-32**  
**Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks**

\* \* \*

## 62-324

### Community facility and commercial uses in Residence Districts

In #Residence Districts#, for any #community facility building# or #community facility# portion of a #building# on a #zoning lot#, the following regulations shall apply:

- (a) The maximum #floor area ratio# shall be in accordance with the applicable district regulations, except that no #floor area# bonuses shall apply. In R7-3 and R9-1 Districts, the maximum #floor area ratio# shall be the maximum permitted for #residential buildings# pursuant to Section 62-322 (Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts). For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## 62-325

### Buildings in Commercial Districts

In #Commercial Districts#, for any #commercial# or #community facility uses# on a #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, except:

- (a) no #floor area# bonuses shall be permitted except as permitted pursuant to the provisions of paragraph (c) of this Section; and
- (b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0%; and
- (c) For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For #residential buildings# and #residential# portions of #mixed buildings#, the maximum #floor area ratio# and #lot coverage# applicable to #residential buildings# set forth in Sections 62-321 through 62-323 shall apply as set forth for the applicable #Residence District# and its corresponding #Commercial District# in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts).

## 62-326

### Buildings in Manufacturing Districts

In #Manufacturing Districts#, for any #zoning lot#, the maximum #floor area ratio# shall be in accordance with the applicable district regulations, ~~except that no #floor area# bonuses shall be permitted.~~ However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## Chapter 6

### Special Regulations Applying Around Mass Transit Stations

[All text in this Chapter is new text]

## 66-00

### GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to support and facilitate transit accessibility and improvements in conjunction with developments and enlargements near transit stations, and in doing so, promote and protect public health, safety, general welfare and amenity. The general goals of this Chapter include, among others, the following purposes:

- (a) to support the long-term planning needs of mass transit stations and systemwide accessibility;
- (b) to reduce pedestrian congestion on city streets in the vicinity of transportation nodes, by facilitating the provision of easements and moving transit station entrance infrastructure off the sidewalk;
- (c) to offset potential burdens of such easement on development feasibility by providing zoning flexibility where easements are provided;
- (d) to encourage well-designed development and pedestrian environment, including enhanced pedestrian circulation, around mass transit stations;
- (e) to coordinate the present and future relationship of land uses around transit stations; and

- (f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

## **66-10**

### **GENERAL PROVISIONS**

## **66-11**

### **Definitions**

For purposes of this Chapter, matter in italics is defined in Section 12-10 (DEFINITIONS) and in this Section, except where explicitly stated otherwise in individual provisions in this Chapter.

#### Above-grade mass transit station

For the purposes of this Chapter, an “above-grade mass transit station” shall refer to a #mass transit station# with a platform that is located entirely above five feet from #curb level#.

#### At or below-grade mass transit station

For the purposes of this Chapter, an “at- or below-grade mass transit station” shall refer to a #mass transit station# that is not an #above-grade mass transit stations#.

#### Central Business Districts

For the purposes of this Chapter, “Central Business Districts” shall refer to #Special Midtown District#, #Special Hudson Yards District#, #Special Lower Manhattan District#, #Special Downtown Brooklyn District#, #Special Long Island City Mixed Use District# or #Special Garment Center District#.

#### Clear path

For the purposes of this Chapter, a “clear path” shall refer to an unobstructed area between the #street line# and #street wall# that

- (a) directly #abuts# an adjoining public sidewalk; and
- (b) extends along the #street line# for a distance equal to the width of an existing or planned access point to a #mass transit station# facing such #transit-adjacent site#, plus, in the aggregate, a maximum of 30 feet from the outermost extents of such width.

All #clear paths# shall be accessible to the public at all times.

#### Easement volume

For the purposes of this Chapter, an “easement volume” shall refer to an area of the #zoning lot# used to accommodate either:

- (a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or
- (b) ancillary facilities that are needed to support transit system functionality.

#### Eligible zoning districts

For the purposes of this Chapter, “eligible zoning districts” shall refer to the following zoning districts:

- (a) R5D, R6, R7, R8, R9 or R10 Districts;
- (b) #Commercial Districts# mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;
- (c) M1 Districts paired with R6 through R10 Districts; or
- (d) #Manufacturing Districts#.

#### Mass transit station

For the purposes of this Chapter, “mass transit station” shall refer to any subway or rail #mass transit station# operated by a #transit agency#. Such #mass transit stations# shall include all publicly accessible parts of the station, including but not limited to stairs, escalators, elevators, corridors, platforms, and fare control areas inclusive of paid and unpaid areas of the station. Publicly accessible parts of the station shall also include stairs, escalators, elevators, corridors and fare control areas that are currently closed but could be reopened and that have previously been open to the public.

#### Primary transit-adjacent sites

For the purposes of this Chapter, “primary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of 5,000 square feet or more.

### Qualifying transit improvement sites

For the purposes of this Chapter, “qualifying transit improvement sites” shall refer to #zoning lots# that are:

- (a) located in one of the following zoning districts:
  - (1) R9 or R10 Districts;
  - (2) #Commercial Districts# mapped within, or with an equivalent of an R9 or R10 District;
  - (3) M1 Districts paired with an R9 or R10 District; or
  - (4) M1-6 Districts; and
- (b) located wholly or partially within the following distance from a #mass transit station#:
  - (1) 500 feet for such #zoning lots# outside of #Central Business Districts#; or
  - (2) 1,500 feet for such #zoning lots# and #mass transit stations# within #Central Business Districts#.

Such distance shall be measured from the outermost extent of the #mass transit station#.  
For the purposes of such calculation, the outermost extent may include #buildings# containing #easement volumes# serving such #mass transit station#.

### Secondary transit-adjacent sites

For the purposes of this Chapter, “secondary transit-adjacent sites” shall refer to #transit-adjacent sites# that have a #lot area# of less than 5,000 square feet.

### Transit agency

For the purposes of this Chapter, a “transit agency” shall refer to any governmental agency with jurisdiction over the affected #mass transit station#.

### Transit-adjacent sites

For the purposes of this Chapter, “transit-adjacent sites” shall refer to #zoning lots# that are located within 50 feet of a #mass transit station#, and located in #eligible zoning districts#.  
#Transit-adjacent sites# include #primary transit-adjacent sites# and #secondary transit-adjacent sites#.

## Transit volume

For the purposes of this Chapter, a “transit volume” shall refer to an area of a #transit-adjacent site# where, pursuant to the provisions of this Chapter, a #transit agency# has determined transit or pedestrian circulation improvements are needed for a #mass transit station#. Such #transit volume# may be used to accommodate #easement volumes# or #clear paths#.

## **66-12**

### **Applicability**

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

## **66-121**

### **General Applicability**

The provisions of this Chapter shall apply to #transit-adjacent sites# or #qualifying transit improvement sites#, as follows:

(a) For #transit-adjacent sites#

- (1) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, shall apply to all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#.
- (2) The provisions of Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), inclusive, include optional provisions available to #developments# and #enlargements# on #secondary transit-adjacent sites#, #conversions# on #transit-adjacent sites#.
- (3) The provisions of Section 66-40 (CONSTRUCTION, MAINTENANCE AND ADDITIONAL PROVISIONS), inclusive, shall apply to all #transit-adjacent sites# providing an #easement volume# pursuant to Section 66-20 or Section 66-30.

(b) For #qualifying transit improvement sites#

The provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements) shall be optional for #qualifying transit improvement sites#.



## **66-122**

### **Limitations on applicability in certain areas**

The provisions of this Chapter shall not apply as follows:

- (a) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) and Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), shall not apply to the following areas within Special Purpose District:
  - (1) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;
  - (2) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or
  - (3) the #Special Transit Land Use District#.
- (b) The provisions of 66-51 (Floor Area Bonus for Mass Transit Station Improvements) shall not apply:
  - (1) to the following areas within Special Purpose Districts:
    - (i) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;
    - (ii) The Court Square Subdistrict within #Special Long Island Mixed Use District#; or
    - (iii) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or
  - (2) to the 34th Street - Hudson Yards Station.

## **66-123**

### **Other limitations on applicability**

The provisions of Section 11-30 (BUILDING PERMITS ISSUED BEFORE EFFECTIVE DATE OF AMENDMENT) regarding the right to continue construction shall apply. In addition, the following special vesting provisions shall apply:

- (a) Inapplicability of easement provisions for vested sites and previously approved easements

The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), shall not apply to:

- (1) #developments# or #enlargements# on the lowest #story# of a #building# on #zoning lots# with an easement created pursuant to the provisions of this Resolution on or before [date of adoption], where such easement is providing transit station access infrastructure or ancillary facilities; or
- (2) #developments# or #enlargements# on the lowest #story# of a #building# if, on or before [date of adoption]:
  - (i) an application has been filed with the Department of Buildings, and if, on or before [date of adoption], the Department of Buildings has approved an application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development# or #enlargement#. The application may be revised and retain vested status, provided that the #lot coverage# for the #development# or #enlargement# is not increased beyond the amount described in the approved application;
  - (ii) an application for a special permit or variance has either been approved or is pending before the Board of Standards and Appeals;
  - (iii) an authorization or special permit from the City Planning Commission has either been approved, certified or referred; or
  - (iv) an application for a Certificate of Appropriateness or other permits has either been approved or is pending before the Landmarks Preservation Commission.

Subsequent to [date of adoption] such applications for #developments# or #enlargements# may be continued, and, if approved, construction may be started or continued pursuant to the provisions in effect prior to [date of adoption].

(b) Applicability of bonus provisions to previously filed special permits applications

If, before [date of adoption], an application for a special permit for a #floor area# bonus for subway station improvements has been referred for public review by the City Planning Commission pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), as such Section existed prior to [date of adoption], such application may continue pursuant to the regulations in effect at the time such special permit was referred for public review by the Commission. Such special permit, if granted by the Commission, may be started or continued, in accordance with the terms thereof, or as such terms may

be subsequently modified, pursuant to the regulations in effect at the time such special permit was referred by the Commission.

## **66-20**

### **SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES**

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination, or certification, where applicable, for a #transit volume# shall be obtained pursuant to Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-22 (Special Use Regulations), 66-23 (Special Bulk Regulations), 66-24 (Special Regulations for Accessory Off-Street Parking), and 66-25 (Special Streetscape Regulations) respectively. Separate applicability is set forth within such Sections for #primary transit-adjacent sites# with #easement volumes# and for those with #clear paths#.

## **66-21**

### **Determination and Certification for Transit Volumes**

For all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#, a determination by the #transit agency# as to whether a #transit volume# is needed on the #zoning lot# shall be obtained pursuant to the provisions of this Section prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit. An initial determination by the #transit agency# shall be made in accordance with paragraph (a) of this Section. Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of this Section, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c).

#### **(a) Initial determination**

The owner of the #zoning lot# shall request a determination by the #transit agency# as to whether or not a #transit volume# is needed on the portion of the #zoning lot# not otherwise occupied by existing #buildings# that will remain. Within 30 days of receipt of such request, the #transit agency# shall issue a determination, indicating whether or not a #transit volume# is needed on such portion of the #zoning lot#. Failure by the #transit agency# to issue the determination within the 30-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

Where the #transit agency# determines a #transit volume# is needed on the #zoning lot#, the provisions of paragraphs (b) and (c) of this Section shall apply. Where the #transit agency# determines a #transit volume# is not needed, a building permit may be issued for such #development# or #enlargement#, and no remaining provisions of this Section shall apply.

(b) Determination of easement dimensions and location

Where a #transit volume# is needed, as determined pursuant to the provisions of paragraph (a) of this Section, the #transit agency# shall, within 30 days, determine the appropriate type, dimensions and general location of the #transit volume# on the #zoning lot# based on a concept plan for the use of such volume. Prior to the 30-day period, the #transit agency# may request relevant materials from the owner of the #zoning lot#, including existing and proposed site conditions, or other necessary information that will support the planning of such #transit volume#.

After the size and general location of the #transit volume# has been determined by the #transit agency#, the owner shall submit for approval by the #transit agency# a site plan showing a proposed specific location of the #transit volume# that would be compatible with the proposed #development# or #enlargement# on the #zoning lot#. The #transit agency# shall, within 30 days of its receipt, either approve the site plan, or request modifications to the #transit volume# within the site plan in a manner that aligns with the concept plan. Upon such request, the owner shall submit a revised site plan, and within 15 days of its receipt, the #transit agency# shall confirm that the requested modifications have been addressed. In the event that such requested modifications have not been sufficiently addressed, subsequent revisions to the site plan may be requested by the #transit agency#, and each submission shall have a 15-day review period from the #transit agency#.

Upon approval of the site plan by the #transit agency#, such site plan shall be certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of this Section prior to the issuance of a building permit by the Department of Buildings for such #development# or #enlargement#.

Notwithstanding the above, a building permit may be issued for a #development# or #enlargement#:

- (1) where the size of the proposed #transit volume# exceeds 25 percent of the width of any #street# frontage on the #zoning lot#, as measured along the #street line#; or
- (2) where the number of days associated with the determination and review periods by the #transit agency# exceeds any of the limits set forth in this paragraph, or a total review period of 120 days. The total review period shall only be inclusive of the duration of the #transit agency's# determination and review periods set forth in both paragraphs (a) and (b) of this Section.

(c) Chairperson certification

Upon approval of the site plan by the #transit agency#, a legally enforceable instrument, running with the land and setting forth the dimensions and location of a #transit volume#, shall be executed and recorded in a form acceptable to the #transit agency# and

Chairperson of the City Planning Commission. The Chairperson shall be provided with a certified copy of the legally enforceable instrument, and upon receipt, shall certify the application and forward copies of such certification to the Commissioner of the Department of Buildings. Such certification shall be a precondition for the utilization of the remaining provisions of Section 66-20, inclusive, in any #development# or #enlargement# on a #zoning lot# where a #transit volume# is needed.

Where an #easement volume# is needed on the #zoning lot# pursuant to paragraph (a) and (b) of this Section, additional requirements setting forth the construction, maintenance and other obligations shall apply pursuant to the provisions of Section 66-41 (Construction, Maintenance and Other Obligations).

No temporary or final certificate of occupancy for the #development# or #enlargement# shall be granted until the Chairperson of the City Planning Commission notifies the Department of Buildings that the execution and recordation of other basic terms of the #easement volume# setting forth the obligations and requirements of either the #transit agency# or the owner and developer, their successors and assigns, inclusive of the requirements set forth in Section 66-41, have been completed.

## **66-22**

### **Special Use Regulations**

Where an #easement volume# is provided, the applicable #use# regulations of this Resolution shall be modified in accordance with the provisions of Sections 62-221 (Temporary uses) and 62-222 (Special use allowances around easement volumes).

## **66-221**

### **Temporary uses**

Any space within an #easement volume# may be temporarily allocated to the following #uses# until such time as the space is needed by the #transit agency#:

- (a) in all districts, any #community facility use# without sleeping accommodations allowed by the underlying district;
- (b) in #Residence Districts#, #uses# listed in Use Group 6A and 6C; or
- (c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

The floor space allocated to such temporary #uses# within the #easement volume# shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

Improvements to, or construction of a temporary nature within the #easement volume# for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the #easement volume# is located prior to the time at which public #use# of the easement area is needed, except as otherwise specified by the #transit agency#. A minimum notice of 12 months shall be given, in writing, by the #transit agency# to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.

## **66-222**

### **Special use allowances around easement volumes**

The following #use# allowances around #easement volumes# shall apply in applicable districts.

(a) Special #use# allowances in #Residence Districts#

In all #Residence Districts#, #uses# listed in Use Group 6A and 6C shall be permitted within a distance of 30 feet from the outermost edge of the #easement volume#:

- (1) at the ground floor level of a #building# on a #zoning lots# with an #easement volume# serving an #at- or below-grade mass transit station#, or
- (2) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

Such #uses# may be permitted so long as that in #buildings# that include #residential uses#, such #uses# are located in a portion of the #building# that has separate access to the outside with no opening of any kind to the #residential# portion of the #building#, and that such #uses# are not located directly over any #story# containing #dwelling units#.

(b) Special regulations for #commercial use# location in #mixed buildings# in #Commercial Districts#

In C1 or C2 Districts, the underlying provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified for #mixed buildings# that are #developed# or #enlarged# with an #easement volume# serving an #above-grade mass transit station#, to allow all permitted #commercial uses# on the lowest two #stories#.

## **66-23**

### **Special Bulk Regulations**

Where an #easement volume# is provided, the applicable #bulk# regulations of this Resolution shall be modified in accordance with the provisions of this Section. Where a #clear path# is

provided, only the #street wall# provisions of Section 66-234 (Special street wall modifications) shall apply.

#### **66-231**

##### **Special floor area modification**

The #floor area# modifications of this Section shall apply as follows:

(a) #Floor area# exemption

The floor space contained within any #easement volume# shall be excluded from the definition of #floor area#.

(b) #Commercial# #floor area# in #Residence Districts#

Where special #use# allowances pursuant to paragraph (a) of Section 66-222 (Special use allowances around easement volumes) are permitted in #Residence Districts#, the maximum permitted #commercial floor area# shall be equivalent to the area permitted for #commercial uses# pursuant to such Section.

#### **66-232**

##### **Special open space, lot coverage and yard modifications**

The #open space#, #lot coverage# and #yard# modifications of this Section shall apply as follows.

(a) Permitted obstructions

(1) #Easement volumes# in all zoning districts

Any portion of an #easement volume# shall be considered a permitted obstruction within a required #open space#, #yards#, #rear yard equivalent#, or #court# pursuant to the regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

(2) Non-residential uses in #Commercial# or #Manufacturing Districts#

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences or rooms used for living or sleeping purposes

(other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

(b) Special #open space# modifications in certain districts

In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the provisions of paragraph (g) of Section 23-142 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix and R3 through R5 Districts) shall not apply.

(c) Special #lot coverage# modifications in certain districts

The underlying #lot coverage# provisions shall apply except as modified pursuant to this paragraph.

(1) Any #easement volume#, or portion thereof, that is open to the sky shall not be included in #lot coverage#.

(2) In R5D Districts and #Commercial Districts# mapped within or with a #residential# equivalent of an R5 or R5D Districts, the maximum #residential lot coverage# for #interior lots# or #through lots# shall be 65 percent, and the maximum #residential lot coverage# for #corner lots# shall be 85 percent. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#.

(3) In R6 and R7 Districts, for #Quality Housing buildings#, the maximum #residential lot coverage# for #interior lots# and #through lots# shall be 70 percent.

**66-234**

**Special street wall modifications**

The #street wall# modifications of this Section shall apply to districts with #street wall# requirements.

(a) #Street wall# location where an #easement volume# is provided

For #Quality Housing buildings#, the underlying #street wall# location provisions shall be modified pursuant to this paragraph.

(1) For all #zoning lots#, any portion of the #easement volume# facing the #street#, as well as any portion of a #building# behind or above such #easement volume# shall not be subject to #street wall# location provisions along the #street# frontage the #easement volume# is located.



- (2) Where an #easement volume# is located wholly beyond 50 feet of the intersection of two #street lines#, #street walls# within 15 feet of an #easement volume#, as measured along the #street line# may be recessed, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#. However, on #corner lots#, where an #easement volume# is placed partially or wholly within 50 feet of the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and lines drawn perpendicular to such #street lines# within 15 feet from the edges of such #easement volume#. For #corner lots# with an angle of 75 degrees or less, such distance may be increased to 20 feet.

- (b) #Street wall# location where a #clear path# is provided

Where a #clear path# is provided, the interior boundary of such #clear path# shall be considered a #street line# for the purposes of applying the applicable #street wall# location requirements.

## **66-235**

### **Special height and setback modifications**

The height and setback modifications of this Section shall apply as follows:

- (a) Permitted obstructions

- (1) #Easement volumes#

Any portion of an #easement volume# shall be considered a permitted obstruction within a required setback or above any maximum base height, maximum #building# height, or #sky exposure plane# set forth in height and setback regulations of this Resolution. Any #easement volume#, including any #use# or structure therein, shall be located at least 30 feet from any #legally required window# at the same level on the #zoning lot#.

- (2) Dormers

For #Quality Housing buildings#, as an alternative to the provisions of paragraph (c) of Section 23-621, dormers may be a permitted obstruction within a required front setback distance above a maximum base height, provided that the aggregate width of all dormers at the maximum base height does not exceed 40 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. Such dormers need not decrease in width as the height above the maximum base height increases. For the purposes of this paragraph, the width of the #street wall# shall be determined pursuant to the provisions of paragraph (a) of Section 234 (Special street wall modifications).

(b) Special height and setback provisions for R5 Districts

The requirements of Section 23-63 (Height and Setback Requirements in R1 Through R5 Districts) shall be modified for the portions of a #building# used for #residential use#, as follows:

- (1) In #Commercial Districts# mapped within, or with a #residential# equivalent of an R5 District, the maximum height of a #street wall# before setback shall be 35 feet. Above such height, a setback of 10 feet shall be provided, and the maximum #building# height shall be 45 feet. Such provisions shall also apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#; and
- (2) In R5D Districts or #Commercial Districts# mapped within, or with a #residential# equivalent of an R5D District, the maximum #building# height shall be increased by 10 feet or one #story#, whichever is less.

(c) Special height provisions for R6 through R10 Districts and certain #Commercial# and M1 Districts

In R6 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R6 through R10 Districts, and M1-6 Districts, where maximum #building# height limitations apply, the maximum #building# height shall be increased by 10 feet, or one #story#, whichever is less.

However, for #zoning lots# with an #easement volume# serving an #above-grade mass transit station# in R7 through R10 Districts, #Commercial Districts# mapped within or with a #residential# equivalent of such districts, M1 Districts paired with R7 through R10 Districts, and M1-6 Districts, the maximum #building# height shall be increased by 20 feet or two #stories#, whichever is less.

**66-24**

**Special Regulations for Accessory Off-Street Parking**

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of this Section.

(a) Parking space deduction

For all applicable #zoning lots#, 15 spaces may be deducted from the total number of required #accessory# off-street parking spaces. Where #accessory# off-street parking spaces are required by multiple #uses# on a #zoning lot#, such deduction may apply to any required #accessory# off-street parking spaces provided that in no event shall the aggregate total of such deduction exceed 15 spaces. Any allowances for reductions or

waivers of #accessory# off-street parking spaces set forth in underlying district regulations or Special Purpose Districts, shall continue to apply.

**(b) Special waiver of requirements for small #zoning lots#**

For #zoning lots# with a #lot area# of 10,000 or 15,000 square feet or less, as applicable, requirements for #accessory# off-street parking spaces are waived pursuant to the following table:

<u><b>District</b></u>	<u><b>Lot Area (in square feet)</b></u>
<u>R5 R5D</u>  <u>C1-1 C2-1 C3 C4-1</u>  <u>C1-2 C2-2 C4-2 C8-1</u>  <u>C1-3 C2-3 C4-2A C4-3 C7 C8-2</u>  <u>M1-1 M1-2 M1-3 M2-1 M2-2 M3-1</u>	<u>10,000 or less</u>
<u>R6 R7 R8 R9 R10</u>  <u>C1-4 C2-4 C4-4 C4-5D C8-3</u>  <u>C1-5 C1-6 C1-7 C1-8 C1-9 C2-5 C2-6 C2-7 C2-8</u> <u>C4-4A C4-4L C4-5 C4-5A C4-5X C4-6 C4-7 C5</u> <u>C6 C8-4</u>  <u>M1-4 M1-5 M1-6 M2-3 M2-4 M3-2</u>	<u>15,000 or less</u>

**(c) Waiver of requirements where access would be forbidden**

The location and size of the #transit volume#, along with an area within 30 feet thereof, shall be considered for the purposes of applying waiver provisions of Sections 25-27, 25-34, 36-24, 36-38 or 44-24 (Waiver of Requirements for All Zoning Lots Where Access Would Be Forbidden).

## **66-25**

### **Special Streetscape Regulations**

Where an #easement volume# is provided, the underlying ground floor level and planting requirements shall be modified in accordance with Sections 62-251 (Ground floor level requirements) and 62-252 (Planting requirements).

## **66-251**

### **Ground floor level requirements**

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

## **66-252**

### **Planting requirements**

#### **(a) Planting requirements for R5D Districts**

In R5D Districts, planting requirements shall be modified as follows:

- (1) The #easement volume# shall be discounted from the area of a #front yard# for the purposes of applying the planting requirement of Section 23-451 (Planting requirement). Where planting is required within the #front yard# pursuant to Section 23-451 (Planting requirement), the area of the #easement volume# shall be discounted from the #street# frontage for the purposes of the #zoning lot# for the purposes of determining the minimum percentage of #front yard# to be planted; and**
- (2) Where planting strips are required along the entire length of the curb of the #street# pursuant to Section 26-42 (Planting Strips), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#.**

#### **(b) Planting requirements for #Quality Housing buildings#**

For #Quality Housing buildings#, the area of the #zoning lot# between the #street line# and the #easement volume# shall be exempt from the planting requirements of Section 28-23 (Planting Areas).

## **66-26**

### **Additional Modifications**

Where a #transit volume# is provided pursuant to Section 66-21 (Determination and Certification for Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, pursuant to Section 66-52 (Additional Modifications).

## **66-30**

### **SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES**

For all #secondary transit-adjacent sites#, the provisions of this Section are optional. On such sites, an optional #transit volume# may be provided in accordance with a determination by the #transit agency# and certification by the Chairperson of the City Planning Commission pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes). Where a #transit volume# is provided, special #use#, #bulk#, parking, and streetscape regulations are set forth in Sections 66-32 (Special Modifications for Secondary Transit-adjacent Sites).

## **66-31**

### **Determination and Certification for Optional Transit Volumes**

For all #developments# and #enlargements# on #secondary transit-adjacent sites# and #conversions# on all #transit-adjacent sites# seeking to provide a #transit volume#, an initial determination by the #transit agency# shall be made in accordance with the provisions of paragraph (a) of Section 66-21 (Determination and Certification for Transit Volumes). Where a #transit volume# is needed based on the initial determination, the dimensions and location of such #transit volume# shall be established in accordance with paragraph (b) of Section 66-21, and certified by the Chairperson of the City Planning Commission pursuant to paragraph (c) of such Section.

## **66-32**

### **Special Modifications for Secondary Transit-adjacent Sites**

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), special #use#, #bulk#, parking, and streetscape regulations may be applied as follows:

- (a) For all #developments# or #enlargements# on #secondary transit-adjacent sites#, the modifications set forth in Sections 66-22 through 66-25 shall apply as if such #development# or #enlargement# was on a #primary transit-adjacent site#.

- (b) For #conversions# on all #transit-adjacent sites#, the following modifications shall apply as if such #conversion# was on a #primary transit-adjacent site#:
- (1) #Use# modifications pursuant to Section 66-221 (Temporary uses);
  - (2) #Bulk# modifications pursuant to Section 66-231 (Special floor area modification), paragraph (a)(1) of Section 66-232 (Special open space, lot coverage and yard modifications), Section 66-234 (Special street wall modifications), and paragraph (a)(1) of Section 66-235 (Special height and setback modifications);
  - (3) Waiver provisions for required parking pursuant to paragraph (c) of Section 66-24 (Special Regulations for Accessory Off-Street Parking); and
  - (4) Streetscape modifications pursuant to Section 66-25 (Special Streetscape Regulations).

### **66-33**

#### **Additional Modifications**

Where a #transit volume# is provided pursuant to Section 66-31 (Determination and Certification for Optional Transit Volumes), the City Planning Commission may authorize or grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the provisions set forth in this Section, pursuant to Section 66-52 (Additional Modifications).

### **66-40**

#### **CONSTRUCTION, MAINTENANCE, AND ADDITIONAL PROVISIONS**

Where an #easement volume# is provided pursuant to Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) or Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) the provisions of this Section, inclusive, shall apply. Where a #clear path# is provided pursuant to the aforementioned Sections, the provisions of Section 66-42 (Termination of a Transit Volume) shall also apply.

### **66-41**

#### **Construction, Maintenance and Other Obligations**

Where an #easement volume# is provided pursuant to this Chapter, transit access improvements within such volume shall be constructed and maintained either by the #transit agency# or the owner of the #zoning lot# with the #development#, #enlargement# or #conversion#.

- (a) Where such transit access improvement is constructed and maintained by the #transit agency#:
- (1) the owner of #zoning lot# with the #development#, #enlargement# or #conversion# shall provide an #easement volume# that is designed and constructed in such a manner that would not inhibit the #transit agency's# functional requirements and ability to construct such transit access improvement at a future date;
  - (2) in the event that the construction of the improvement is not contemporaneous with the construction of the #development#, #enlargement# or #conversion#, any underground walls constructed along the #front lot line# adjacent to an #at- or below-grade mass transit station# shall include one or more knockout panels, below #curb level# down to the bottom of the #easement volume#. The actual location and size of such knockout panels shall be determined through consultation with the #transit agency#;
  - (3) temporary construction access shall be granted to the #transit agency# on portions of the #zoning lot# outside of the #easement volume#, as needed, to enable construction within and connection to the #easement volume#; and
  - (4) in the event that the #transit agency# has approved of obstructions associated with the #development#, #enlargement# or #conversion# within the #easement volume#, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the #easement volume#.
- (b) Where such transit access improvement is constructed and maintained by the owner of the #development #, #enlargement# or #conversion#:
- (1) a transit access improvement shall be provided in accordance with standards set forth by the #transit agency#;
  - (2) such improvement shall be accessible to the public at all times, except as otherwise approved by the #transit agency#;
  - (3) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and
  - (4) no temporary certificate of occupancy shall be granted by the Department of Buildings until the Chairperson of the City Planning Commission, acting in consultation with the #transit agency#, has certified that the improvement is substantially complete and usable by the public.

## **66-42**

### **Termination of a Transit Volume**

In the event that the #transit agency# and the Chairperson of the City Planning Commission jointly notify, in writing, the owner of the #zoning lot# and the Department of Buildings that a #transit volume# is not needed on such #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Section shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the #transit agency# to the extinguishment of the #transit volume#.

Where initially determined that an #easement volume# is needed on any #zoning lot# which has been #developed#, #enlarged# or #converted# in accordance with the provisions of this Chapter, where termination of such #easement volume# has been certified pursuant to this paragraph, the #use# provisions of Section 66-221 (Temporary uses) and Section 66-222 (Special use allowances around easement volumes) shall continue to apply to any floor space in a previously needed #easement volume# and around such #easement volume# where special #uses# allowances are permitted in #Residence Districts# pursuant to this Chapter. Additionally, any floor space in a previously needed #easement volume# shall continue to be exempt from the definition of #floor area#, and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously needed volume is located within a #building#, the ground floor space shall be subject to all applicable ground floor level requirements of this Resolution.

## **66-43**

### **Annual Reporting**

The #transit agency# shall submit annually to the Chairperson of the City Planning Commission a report containing an inventory of all #easement volumes# established through the provisions of this Chapter and describing the status of improvements within all such #easement volume#.

## **66-50**

### **SPECIAL APPROVALS**

For #qualifying transit improvement sites#, a #floor area# bonus may be authorized by the City Planning Commission pursuant to Section 66-51 (Additional Floor Area for Mass Transit Improvements) where major #mass transit station# improvements are provided.

For all applications pursuant to the provisions of Sections 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) or 66-51, additional modifications may be



granted by the City Planning Commission, either by authorization or special permit, pursuant to Section 66-52 (Additional Modifications).

## **66-51**

### **Additional Floor Area for Mass Transit Station Improvements**

For #developments# or #enlargements# located on #qualifying transit improvement sites# the City Planning Commission may authorize a #floor area# bonus in accordance with the provisions of paragraph (a) of this Section where a major improvement to a #mass transit station# is provided in accordance with paragraph (b). All applications for an authorization pursuant to this Section shall be subject to the conditions, application requirements, findings and additional requirements of paragraphs (c) through (e).

#### **(a) #Floor area# bonus**

The City Planning Commission may authorize an increase in the maximum permitted #floor area ratio# on a #qualifying transit improvement site#, up to a maximum of 20 percent. Such #floor area# bonus shall additionally be subject to the following:

- (1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#;
- (2) The #floor area# bonus may be used in combination with other #floor area# bonuses, provided that the maximum #floor area ratio# permitted through the combination of bonuses does not exceed 20 percent of the maximum #floor area ratio# otherwise permitted on the #zoning lot#. However, such 20 percent limitation shall not apply:
  - (i) where explicitly stated otherwise in a Special Purpose District; or
  - (ii) within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#;
- (3) Within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#, the #residential# #floor area ratio# used to calculate the maximum permitted #floor area# bonus shall be the maximum #residential# #floor area ratio# set forth in paragraph (a) or (b) of Section 23-154 (Inclusionary Housing), as applicable; and
- (4) For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 shall not apply to the bonus #floor area# authorized under the provisions of this Section.

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate #mass transit station#, that shall be characteristic of current best practice in mass transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a #mass transit station# that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

All proposed improvements shall be subject to the approval of the applicable #transit agency# and the City Planning Commission.

(c) Application requirements

All applications for an authorization pursuant to this Section shall include the following:

- (1) Prior to submitting an application for an authorization pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the #transit agency# and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.
- (2) At the time of application referral, the Commission shall be provided with the following application materials:

  - (i) a letter from the #transit agency# containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;
  - (ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and
  - (iii) initial plans for the maintenance of the proposed improvements.

- (3) Where a #transit volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes), the applicant shall provide materials sufficient to demonstrate the relationship between the proposed on-site improvement and such #transit volume#.

(d) Findings

In order to grant such authorization, the Commission shall find that:

- (1) the public benefit derived from the #mass transit station# improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this authorization;
- (2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and
- (3) where environmental design improvements are provided in addition to accessibility or capacity-enhancing improvements, measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality, will constitute significant enhancements to the station environment.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

- (1) Prior to the granting of an authorization pursuant to this Section, the following requirements shall be met:
  - (i) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and
  - (ii) The City Planning Commission shall be provided with a final letter of approval from the #transit agency# stating that the drawings and other

documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

- (2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.
- (3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# authorized pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable.

Where an #easement volume# is needed pursuant to the provisions of Section 66-21 (Determination and Certification for Transit Volumes) or Section 66-31 (Determination and Certification for Optional Transit Volumes), the provisions of paragraph (b) of Section 66-41 (Construction, Maintenance and Other Obligations) shall not apply.

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

## **66-52**

### **Additional Modifications**

In conjunction with any application pursuant to Section 66-21 (Determination and Certification for Transit Volumes), 66-31 (Determination and Certification for Optional Transit Volumes) and 66-51 (Additional Floor Area for Mass Transit Station Improvements), modifications may be granted pursuant to Section 66-521 (Authorization for transit-adjacent sites or qualifying transit improvement sites) or Section 66-522 (Special permit for transit-adjacent sites or qualifying transit improvement sites).

## **66-521**

### **Authorization for transit-adjacent sites or qualifying transit improvement sites**

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may authorize the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

#### **(a) Conditions and limitations**

Where maximum #building# height limitations apply, modifications to the maximum permitted #building# height shall not result in an increase that exceeds 25 percent of the maximum #building# height as set forth in applicable district regulations. Any additional height permitted pursuant to Section 66-235 (Special height and setback modifications) shall not be included in such percentage increase, but may be applied in addition to the resulting #building# height limits.

#### **(b) Application requirements**

Applications for an authorization for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

#### **(c) Findings**

The Commission shall find that:

##### **(1) such proposed modifications are the minimum extent necessary to**

- (i) reasonably accommodate an #easement volume#, including any associated access thereto; or**

- (ii) where improvements to #mass transit stations# are provided, reasonably accommodate the additional #floor area# authorized pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);
- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;
- (3) any modifications to #bulk# regulations will not unduly obstruct access of light and air to surrounding #streets# and properties; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

#### **66-522**

#### **Special permit for transit-adjacent sites or qualifying transit improvement sites**

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may grant, by special permit, the modification of applicable regulations of this Resolution, other than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the application requirements of paragraph (a) and the findings set forth in paragraph (b) of this Section are met.

#### **(a) Application requirements**

Applications for a special permit for modifications pursuant to this Section shall contain materials, of sufficient scope and detail, to enable the Commission to determine the extent of the proposed modifications.

#### **(b) Findings**

The Commission shall find that:

- (1) such proposed modifications are necessary
  - (i) to facilitate an #easement volume#, including any associated access thereto; or
  - (ii) where improvements to #mass transit stations# are provided, to accommodate the additional #floor area# authorized pursuant to the

provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);

- (2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;
- (3) any modifications to #bulk# regulations:
  - (i) will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area; and
  - (ii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the surrounding area; and
- (4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

## **ARTICLE VII ADMINISTRATION**

\* \* \*

### **Chapter 4 Special Permits by the City Planning Commission**

\* \* \*

### **74-60 PUBLIC SERVICE OR TRANSPORTATION FACILITIES**

\* \* \*

### **74-63**

## Bus Stations

\* \* \*

### 74-634

#### **Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan**

[Replaced by various provisions of Article VI, Chapter 6]

The City Planning Commission may grant, by special permit, a ~~#floor area#~~ bonus not to exceed 20 percent of the basic maximum ~~#floor area ratio#~~ permitted by the underlying district regulations, and may waive or modify the provisions of Article III, Chapter 7 (Special Regulations), and the ~~#street wall#~~ continuity provisions of Sections 81-43 (Street Wall Continuity Along Designated Streets), 91-31 (Street Wall Regulations) or 101-41 (Special Street Wall Location Regulations) for ~~#developments#~~ or ~~#enlargements#~~ located on ~~#zoning lots#~~ where major improvements to adjacent subway stations are provided in accordance with the provisions of this Section. For the purposes of this Section, "adjacent" shall mean that upon completion of the improvement, the ~~#zoning lot#~~ will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway. Subway stations where such improvements may be constructed are those stations located within the ~~#Special Midtown District#~~ as listed in Section 81-292 (Subway station improvements), the ~~#Special Lower Manhattan District#~~ as listed in Section 91-43 (Off-street Relocation or Renovation of a Subway Stair), the ~~#Special Downtown Brooklyn District#~~ as listed in Section 101-211 (Special permit for subway station improvements), the ~~#Special Union Square District#~~ as listed in Section 118-50 and those stations listed in the following table:

Station	Line
8th Street	Broadway-60th Street
23rd Street	Broadway-60th Street
23rd Street	Lexington Avenue
28th Street	Lexington Avenue
33rd Street	Lexington Avenue
34th Street Penn Station	8th Avenue
59th Street/Lexington Avenue (60th St)	Lexington Avenue and Broadway-60th Street



~~The selection of subway station improvements shall be on a case-by-case basis and shall be subject to the approval of the Metropolitan Transportation Authority, New York City Transit and the City Planning Commission. All such improvements shall comply with all applicable design standards of the current station planning guidelines of New York City Transit.~~

(a) ~~Pre-application requirements~~

~~Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the Metropolitan Transportation Authority, New York City Transit and the Chairperson of the City Planning Commission.~~

(b) ~~Requirements for application~~

~~An application for a special permit pursuant to this Section shall include a letter from New York City Transit to the City Planning Commission containing conceptual approval of the improvement and a statement of any special considerations regarding New York City Transit's future operation of the improvement. The applicant shall submit all information and justification sufficient to enable the Commission to:~~

- ~~(1) evaluate the benefits to the City;~~
- ~~(2) determine the appropriate amount of bonus #floor area#; and~~
- ~~(3) where applicable, assess the advantages and disadvantages of waiving or modifying #street wall# continuity requirements.~~

(c) ~~Conditions~~

- ~~(1) Within the #Special Midtown District#, for a #development# or #enlargement# within the Theater Subdistrict on a #zoning lot# containing a theater designated as listed pursuant to Section 81-742 (Listed theaters), the Commission shall find that the requirements of Section 81-743 (Required assurances for continuance of legitimate theater use) have been met.~~
- ~~(2) Within the #Special Midtown District#, for a #development# or #enlargement# located on a #zoning lot# divided by a Theater Subdistrict Core boundary, as defined in Section 81-71 (General Provisions), the amount of #lot area# eligible for bonus #floor area# shall not exceed an amount equal to twice the #lot area# of that portion of the #zoning lot# located outside the Theater Subdistrict Core.~~

(d) ~~Findings~~

- ~~(1) In determining the amount of #floor area# bonus, the City Planning Commission shall consider the degree to which:~~

- (i) ~~the general accessibility and security of the subway station will be improved by the provision of new connections, additions to or reconfigurations of circulation space, including provision of escalators or elevators; and~~
  - (ii) ~~significant improvements to the station's environment by provision for direct daylight access, or improvements to noise control, air quality, lighting or rider orientation and satisfactory integration of the #street# level entryway into the #development# or #enlargement# will occur.~~
- (2) ~~In determining modifications to the requirements of Article III, Chapter 7 (Special Regulations), the Commission shall find that the provisions of a subway improvement cannot be accommodated without modification to these requirements.~~
- (3) ~~In determining modifications to the #street wall# continuity provisions of Section 81-43 in the #Special Midtown District#, Section 91-31 (Street Wall Regulations) in the #Special Lower Manhattan District# or Section 101-41 in the #Special Downtown Brooklyn District#, the Commission shall find that the modification will permit the proposed design to provide for access of daylight and air to the subway platform, mezzanine or concourse and that the advantages of such access outweigh the disadvantages incurred by the interruption of #street wall# and retail continuity.~~
- (e) Procedural requirements

~~Prior to the granting of a special permit, the City Planning Commission shall be provided with the following:~~

- (1) ~~a letter from New York City Transit stating that the drawings and other documents submitted by the applicant have been determined by New York City Transit to be of sufficient scope and detail to fix and describe the size and character of the subway improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the subway improvement in accordance with such submission is feasible; and~~
- (2) ~~a legally enforceable instrument running with the land and signed by the applicant and all parties in interest, other than parties in interest who have waived and subordinated their interests, containing complete drawings of the improvement and setting forth the obligations of owner and developer, their successors and assigns, to construct and provide capital maintenance for the improvement, establish a construction schedule and provide a performance bond for completion of the improvement.~~

(f) **Recordation and completion procedures**

~~Any instrument creating a transit easement on the #zoning lot# shall be recorded against the #zoning lot# in the Office of the Register of the City of New York and a certified copy of the instrument shall be submitted to the City Planning Commission and New York City Transit. The applicant shall not apply for nor accept a temporary certificate of occupancy for the bonus #floor area#, and the Department of Buildings shall not issue such a temporary certificate of occupancy, until New York City Transit has determined that the bonused subway improvement is substantially complete which shall, for this purpose, mean open to and usable by the public.~~

~~The applicant shall not apply for or accept a permanent certificate of occupancy for the #development# or #enlargement#, nor shall the Department of Buildings issue such permanent certificate of occupancy, until the bonused subway improvement has been completed in accordance with the approved plans and such completion has been certified by New York City Transit.~~

~~The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.~~

\* \* \*

## **ARTICLE VIII SPECIAL PURPOSE DISTRICTS**

### **Chapter 1 Special Midtown District**

#### **81-00 GENERAL PURPOSES**

\* \* \*

#### **81-02 General Provisions**

##### **81-021 Applicability of underlying district regulations**

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect.

The regulations of the districts set forth below are applicable in the following Midtown districts unless modified by this Chapter:

Midtown Districts	Districts Whose Regulations Apply
C5P C5-2.5	C5-2
C6-4.5	C6-4
C6-5.5	C6-5
C6-6.5	C6-6
C6-7T	C6-7

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

## 81-022

### Applicability of Special Transit Land Use District regulations

Except as otherwise provided in paragraphs (a), (b) or (c) of this Section, wherever the #Special Transit Land Use District# includes an area which also lies within the #Special Midtown District#, as designated on the #zoning map# by the letters "MiD-TA", the requirements of the #Special Transit Land Use District#, as set forth in Article IX, Chapter 5, shall apply.

- (a) However, the requirements of Article IX, Chapter 5, shall be waived where the City Planning Commission certifies, in the case of a specific #development# otherwise subject to those requirements, that:
  - (1) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for off-street relocation of a subway stair entrance, in accordance with the requirements of Section 81-46 (Off-street Relocation or Renovation of a Subway Stair); or
  - (2) the developer has agreed in a writing recorded against the property to implement a plan approved by the Commission and New York City Transit for the provision of a ~~subway station~~ #mass transit station# improvement in accordance with the provisions of ~~Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan)~~ Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

\* \* \*

## 81-06

### Applicability of Article VII Provisions

\* \* \*

## 81-066

### Special permit modifications of Section 81-254, Section 81-40 and certain Sections of Article VII, Chapter 7

\* \* \*

- (b) For #developments# or #enlargements# on a #zoning lot# with a #lot area# of at least 60,000 square feet located wholly or partially in the Penn Center Subdistrict, which have been ~~granted~~ authorized a #floor area# bonus for subway station and/or rail mass transit facility improvements pursuant to Section 81-541 ~~in accordance with Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan)~~, the Commission may permit modifications of the mandatory district plan elements of Section 81-40, the height and setback regulations of 81-26 and 81-27, or the provisions of Article VII, Chapter 7 (Special Provisions for Zoning Lots Divided by District Boundaries), that determine the distribution of permitted #floor area# on such #zoning lots# and, in conjunction with such modifications, may also modify the applicable #yard# and #court# requirements subject to the following findings:

\* \* \*

## 81-20

### BULK REGULATIONS

## 81-21

### Floor Area Ratio Regulations

\* \* \*

## 81-211

### Maximum floor area ratio for non-residential or mixed buildings

- (a) For #non-residential buildings# or #mixed buildings#, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section.
- (b) In the #Special Midtown District#, the basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such

additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

**MAXIMUM FLOOR AREA ALLOWANCES FOR SPECIFIED FEATURES AND  
MAXIMUM FLOOR AREA RATIOS BY DISTRICTS**

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	Maximum #Floor Area Ratio# (FAR)				
	C5P	C6-4 C6-5 M1-6	C5-2.5 C6-4.5 C6-5.5 C6-6.5	C6-7T	C5-3 C6-6 C6-7
A. Basic Maximum FAR	8.0	10.0	12.0	14.0	15.0
B. Maximum As-of-Right #Floor Area# Allowances:(District-wide Incentives), #Public plazas# - Section 81-23	—	1.0 <sup>1,2</sup>	1.0 <sup>1,3</sup>	—	1.0 <sup>2</sup>
C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0 <sup>1,2,7</sup>	13.0 <sup>1,3</sup>	14.0	16.0
D. Maximum <del>Special Permit</del> #Floor Area# Allowances by <u>Authorization</u> :(District-wide Incentives), <del>Subway station improvements – Section 74- 634</del> #Mass Transit Station# <u>Improvements – Section 66-51</u>	<u>1.6</u>	2.0 <sup>1,6</sup>	2.4 <sup>1</sup>	<u>2.8</u>	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives	<del>8.0</del> <u>9.6</u>	12.0	14.4	<del>14.0</del> <u>16.8</u>	18.0
F. Maximum <del>Special Permit</del> #Floor Area# Allowances by <u>Authorization</u> in Penn Center Subdistrict: #Mass Transit <del>Facility Station# Improvement</del> <del>–Section 74-634</del> <u>Section 81- 541</u>	—	2.0	—	—	3.0
G. Maximum Total FAR with As-of-Right, District-wide and Penn Center Subdistrict Incentives:	—	12.0	—	—	18.0
H. Maximum As-of-Right #Floor Area# Allowances in Theater Subdistrict:					

Development rights (FAR) of a "granting site" - Section 81-744	—	10.0	12.0	14.0	15.0
Maximum amount of transferable development rights (FAR) from "granting sites" that may be utilized on a "receiving site" - Section 81-744(a)	—	2.0	2.4	2.8	3.0
Inclusionary Housing - Sections 23-90 and 81-22	—	2.0 <sup>4</sup>	—	—	—
I. Maximum Total FAR with As-of-Right #Floor Area# Allowances in Theater Subdistrict	—	12.0	14.4	16.8	18.0
J. Maximum #Floor Area# Allowances by Authorization in Eighth Avenue Corridor - Section 81-744(b)	—	2.4	—	—	—
K. Maximum Total FAR with As-of-Right and Theater Subdistrict Authorizations	—	14.4	14.4	16.8	18.0
L. Maximum Special Permit #Floor Area# Allowances in Theater Subdistrict: Rehabilitation of "listed theaters" Section 81-745	—	4.4	2.4	2.8	3.0
M. Maximum Total FAR with Theater Subdistrict, District-wide and As-of-Right Incentives	<del>8.0</del> <u>9.6</u>	14.4 <sup>8</sup>	14.4	16.8	18.0
N. Maximum FAR of Lots Involving Landmarks:					
Maximum FAR of a lot containing non-bonusable landmark - Section 74-711 or as-of-right	8.0	10.0	12.0	14.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes - Section 74-79	8.0	10.0	13.0 <sup>5</sup>	14.0	16.0
Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on an "adjacent lot" - Section 74-79	1.6	2.0	2.4	No Limit	No Limit

O. Maximum Total FAR of a Lot with Transferred Development Rights from Landmark #Zoning Lot#, Theater Subdistrict Incentives, District-wide Incentives and As-of Right Incentives	9.6	14.4 <sup>8</sup>	14.4	No Limit	No Limit
---	-----	-------------------	------	----------	----------

- <sup>1</sup> Not available for #zoning lots# located wholly within Theater Subdistrict Core
- <sup>2</sup> Not available within the Eighth Avenue Corridor
- <sup>3</sup> Not available within 100 feet of a #wide street# in C5-2.5 Districts
- <sup>4</sup> Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
- <sup>5</sup> 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- <sup>6</sup> ~~Not available on west side of Eighth Avenue within the Eighth Avenue Corridor within R10 Districts outside of #Inclusionary Housing designated areas# the permitted #floor area# bonus shall be calculated in accordance with Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)~~
- <sup>7</sup> 12.0 for #zoning lots# with full #block# frontage on Seventh Avenue and frontage on West 34th Street, pursuant to Section 81-542 (Retention of floor area bonus for plazas or other public spaces)
- <sup>8</sup> for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, such maximum #floor area ratio# shall only be permitted through combination with Inclusionary Housing

## **81-29**

### **Incentives by Special Permit for Provisions of Public Amenities**

## **81-291**

### **General provisions and procedures**

~~The City Planning Commission may grant special permits authorizing, for #non-residential# or #mixed buildings#, #floor area# bonuses in accordance with the provisions of this Section.~~



**81-292****Subway station improvements**

[Replaced by various provisions of Article VI, Chapter 6]

Except in the Preservation Subdistrict and except for ~~zoning lots~~ wholly within the Theater Subdistrict Core, as defined in Section 81-71 (General Provisions), the City Planning Commission may grant special permits for ~~floor area~~ bonuses for ~~non-residential~~ or ~~mixed buildings~~, in accordance with the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

The subway stations where such improvements are permitted are listed in the following table and shown on Map 3 (Subway Station and Rail Mass Transit Facility Improvement Areas) in Appendix A of this Chapter.

**MIDTOWN SUBWAY STATIONS**

Station	Line
34th Street Penn Station	Broadway 7th Avenue
34th Street Penn Station	8th Avenue
34th Street Herald Square	6th Avenue/Broadway 60th Street
42nd Street Times Square/42nd Street-Port Authority Bus Terminal	Broadway 7th Ave/Broadway/8th Ave/42nd Street Shuttle
42nd Street Bryant Park/Fifth Avenue	6th Avenue/Flushing
42nd Street Grand Central	Lexington Avenue/Flushing/42nd Street Shuttle
47th-50th Street Rockefeller Center	6th Avenue
49th Street	Broadway 60th Street
50th Street	8th Avenue
50th Street	Broadway 7th Avenue
7th Avenue	53rd Street
Fifth Avenue-53rd Street	53rd Street
	53rd Street/Lexington Avenue

<del>51st Street/Lexington Avenue-53rd Street</del>	
<del>57th Street</del>	<del>Broadway-60th Street</del>
<del>57th Street</del>	<del>6th Avenue</del>
<del>59th Street-Columbus Circle</del>	<del>Broadway-7th Avenue/8th Avenue</del>

\* \* \*

#### 81-40 MANDATORY DISTRICT PLAN ELEMENTS

\* \* \*

#### 81-42 Retail Continuity Along Designated Streets

For ~~#buildings developed#~~ or ~~#enlarged#~~ after May 13, 1982, where the ground floor level of such ~~#development#~~ or ~~#enlarged#~~ portion of the ~~#building#~~ fronts upon a designated retail ~~#street#~~ (see Appendix A, Map 3), ~~#uses#~~ within ~~#stories#~~ on the ground floor or with a floor level within five feet of ~~#curb level#~~ shall be limited to retail, personal service or amusement ~~#uses#~~ permitted by the underlying zoning district regulations but not including ~~#uses#~~ in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 and 12D or automobile showrooms or plumbing, heating or ventilating equipment showrooms. Museums and libraries shall be permitted. A ~~#building's street#~~ frontage shall be allocated exclusively to such ~~#uses#~~, except for:

- (a) lobby space or entrance space;
- (b) entrance areas to subway station improvements for which bonus ~~#floor area#~~ is granted and ~~#street wall#~~ continuity restrictions waived pursuant to Sections ~~74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan)~~ 66-51 (Additional Floor Area for Mass Transit Station Improvements) and ~~81-292 (Subway station improvements)~~;

\* \* \*

#### 81-43 Street Wall Continuity Along Designated Streets

\* \* \*

Pedestrian circulation spaces may be provided to meet the requirements of Sections 81-45 (Pedestrian Circulation Space), 81-46 (Off-street Relocation or Renovation of a Subway Stair) or 81-48 (Off-street Improvement of Access to Rail Mass Transit Facility), subject to the setback restrictions of this Section and to the minimum width of the #street wall# subject to such setback restrictions. However, the City Planning Commission may waive such restrictions for a subway entrance area which is part of a subway station or a rail mass transit facility improvement for which bonus #floor area# is granted, in accordance with the provisions of Sections ~~74-634~~ (Subway station improvements in Downtown Brooklyn and Commercial Districts of 10 FAR and above in Manhattan) 66-51 (Additional Floor Area for Mass Transit Station Improvements), ~~81-292 (Subway station improvements)~~ and 81-542 (Retention of floor area bonus for plazas or other public spaces), or an off-street improvement of access to a rail mass transit facility that has been certified in accordance with Section 81-48.

\* \* \*

## 81-50

### SPECIAL REGULATIONS FOR THE PENN CENTER SUBDISTRICT

\* \* \*

## 81-54

### Floor Area Bonus in the Penn Center Subdistrict

## 81-541

### ~~Rail mass transit facility improvement~~ Mass transit station improvements

~~In addition to the provisions of Section 81-29 (Incentives by Special Permit for Provisions of Public Amenities), the City Planning Commission may grant #floor area# bonuses for subway station and/or rail mass transit facility improvements for #non-residential# or #mixed buildings#, in accordance with Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), and may modify or waive the provisions of Section 81-43 (Street Wall Continuity Along Designated Streets) in accordance with the provisions of Section 74-634, provided that such improvement is approved by the entities which own and/or operate the rail mass transit facility.~~

~~Prior to granting a special permit, the City Planning Commission shall be provided with:~~

- ~~(a) a letter from each entity that operates the rail mass transit facility confirming that the drawings of the subway and/or rail mass transit improvement are of sufficient scope and detail to describe the layout and character of the improvements and that the proposed implementation of the improvements is physically and operationally feasible, and~~
- ~~(b) a legally enforceable instrument containing:~~
  - ~~(1) drawings of the improvements, as approved by the transit operator;~~

- (2) ~~provisions that all easements required for the on-site improvements will be conveyed and recorded against the property;~~
- (3) ~~the obligations of the applicant to construct, maintain and provide capital maintenance for the improvements; and~~
- (4) ~~a schedule for completion of the improvements and a requirement that a performance bond or other appropriate security be provided to ensure the completion of the improvements.~~

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

For the purposes of this Section, improvements to any ~~rail mass transit facility~~ #mass transit station# on a ~~#zoning lot#~~ #qualifying transit improvement site# located wholly or partially within the Subdistrict qualifies for bonus #floor area# in accordance with the provisions of Section ~~74-634~~ 66-51, as modified herein. For ~~#zoning lot#~~ #qualifying transit improvement site# located partially within the Subdistrict, such bonus #floor area# may be located anywhere on such ~~#zoning lot#~~ #qualifying transit improvement site#. In addition, if a ~~subway and/or rail mass transit~~ #mass transit station# improvement has been constructed in accordance with an approved ~~special permit~~ authorization and has received a Notice of Substantial Completion in accordance with the provisions of Section ~~74-634~~ 66-51, the bonus #floor area# may be retained at the full amount granted by the ~~special permit~~ authorization and may be utilized elsewhere on the ~~#zoning lot#~~ #qualifying transit improvement site# subject to any applicable review and approval process for such #development# or #enlargement#.

\* \* \*

## 81-60

### SPECIAL REGULATIONS FOR THE EAST MIDTOWN SUBDISTRICT

\* \* \*

## 81-63

### Special Floor Area Provisions for the Vanderbilt Corridor Subarea

For non-#residential buildings# or #mixed buildings# in the Vanderbilt Corridor Subarea of the East Midtown Subdistrict, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:

Means for Achieving Permitted FAR Levels on a #Zoning Lot# in the Vanderbilt Corridor Subarea	Maximum #Floor Area Ratio# (FAR)
A. Basic Maximum FAR	15
B. Maximum <del>Special Permit</del> <u>Authorization</u> #Floor Area# Allowances: (District-wide Incentives), <del>Subway station</del> <u>#Mass transit station#</u> improvements (Section <del>74-634</del> <u>66-51</u> )	3.0
* * *	

\* \* \*

## 81-64 Special Floor Area Provisions for Qualifying Sites

\* \* \*

### 81-644 Special permit for transit improvements

For #qualifying sites# located in the Grand Central Transit Improvement Zone Subarea, or the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, the City Planning Commission may permit a #floor area# bonus in accordance with the provisions of this Section, where a major improvement to a subway or mass rail transit facility is provided in accordance with paragraph (b). All applications for a special permit pursuant to this Section shall be subject to the conditions, application requirements, findings and additional requirements of paragraphs (c) through (e). ~~an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).~~

As a pre-condition to applying for such special permit, an applicant shall demonstrate that the maximum as-of-right #floor area ratio# for #qualifying sites# set forth in Row E of the table in Section 81-64 has been achieved prior to, or in conjunction with, the special permit application.

#### (a) #Floor area# bonus

The City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on a #qualifying site#, up to the amount specified in Row F of the table in Section 81-64 (Special Floor Area Provisions for Qualifying Sites).

(b) Conditions

All applications shall include proposed on-site or off-site improvements to a proximate subway or rail mass transit facility, that shall be characteristic of current best practice in mass-transit network design.

All applications shall include accessibility or capacity-enhancing improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, or reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities. Where improvements are proposed for a subway or rail mass transit facilities that is not in compliance with the Americans with Disabilities Act, accessibility improvements shall be prioritized.

In addition to accessibility or capacity-enhancing improvements, environmental design improvements may also be provided, including but not limited to, daylight access, retail #uses#, enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways.

All proposed improvements shall be subject to the approval of the Metropolitan Transportation Authority (MTA) and the City Planning Commission.

(c) Application requirements

All applications for a special permit pursuant to this Section shall include the following:

- (1) Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the MTA and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.
- (2) At the time of certification, the Commission shall be provided with the following application materials:
  - (i) a letter from the MTA containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;
  - (ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and
  - (iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

In order to grant such special permit, the Commission shall find that:

- (1) the public benefit derived from the improvements to a subway or rail mass transit facility merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;
- (2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the subway or rail mass transit facility; and
- (3) where environmental design improvements are provided in addition to accessibility or capacity-enhancing improvements, measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality, will constitute significant enhancements to the station environment.

(e) Additional requirements

In addition to the application requirements of paragraph (c) of this Section, additional requirements set forth in this paragraph shall apply.

- (1) Prior to the granting of a special permit pursuant to this Section, the following requirements shall be met:
  - (i) To the extent required by the MTA, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the MTA. Where the MTA deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA; and
  - (ii) The City Planning Commission shall be provided with a final letter of approval from the MTA stating that the drawings and other documents submitted by the applicant have been determined by the MTA to be of sufficient scope and detail to fix and describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other

conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

- (2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the MTA pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.
- (3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the MTA, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

No permanent certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# until all improvements have been completed in accordance with the approved plans, as determined by the Chairperson, acting in consultation with the MTA, where applicable.

The Commission may prescribe additional appropriate conditions and safeguards to enhance the character of the surrounding area.

\* \* \*

## **81-65**

### **Special Floor Area Provisions for All Non-qualifying Sites**

For #non-residential buildings# or #mixed buildings# on #non-qualifying sites# in the East Midtown Subdistrict, the basic maximum #floor area ratios# of the underlying districts shall apply as set forth in this Section. Such basic maximum #floor area ratio# on any #zoning lot# may be increased by bonuses or other #floor area# allowances only in accordance with the provisions of this Chapter, and the maximum #floor area ratio# with such additional #floor area# allowances shall in no event exceed the amount set forth for each underlying district in the following table:



	Grand Central Core Area		Any Other Area	
Means for achieving permitted FAR on a #zoning lot# for all other sites	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
A. Basic Maximum FAR	15	12	15	12
B. Additional FAR for provision of a #public plaza# (Section 81-651)	--	--	1	1
C. Total as-of-right FAR	15	12	16	13
D. Additional FAR for <del>subway station</del> #mass transit station# improvements through authorization (Section 81-652)	3	2.4	3	2.4
E. Maximum FAR of a #landmark or other structure# for transfer purposes (Sections 74-79 and 81-653)	15	12	16	13
F. Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections 74-79 and 81-653)	No limit	2.4	No limit	2.4
G. Maximum FAR permitted on an #adjacent lot#	No limit	14.4	No limit	14.4

\* \* \*

## 81-652

### Floor area bonus for ~~subway station~~ mass transit station improvements

For ~~#non-qualifying sites#~~, the City Planning Commission may permit an increase in the amount of ~~#floor area ratio#~~ permitted on such ~~#zoning lots#~~, up to the amount specified in Row D of the table in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station

improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

For #developments# or #enlargements# on #non-qualifying sites# that are #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **81-70 SPECIAL REGULATIONS FOR THEATER SUBDISTRICT**

\* \* \*

## **81-74 Special Incentives and Controls in the Theater Subdistrict**

\* \* \*

## **81-743 Required assurances for continuance of legitimate theater use**

Prior to the issuance of any special permit under the provisions of Sections 81-745 (Floor area bonus for rehabilitation of existing listed theaters) or 81-747 (Transfer of development rights from landmark theaters), or the issuance of a certification or authorization under the provisions of Sections 66-51 (Additional Floor Area for Mass Transit Station Improvements), 81-744 (Transfer of development rights from listed theaters), ~~or~~ 81-746 (Additional provisions for zoning lots divided by district or subdistrict core boundaries) the following conditions shall exist:

\* \* \*

## **Chapter 2 Special Lincoln Square District**

## **82-00 GENERAL PURPOSES**

\* \* \*

## 82-02

### General Provisions

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Lincoln Square District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Lincoln Square District# is superimposed are made inapplicable, and special regulations are substituted in this Chapter. Each #development# within the Special District shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter. For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

## 82-10

### MANDATORY DISTRICT IMPROVEMENTS

\* \* \*

## 82-13

### ~~Special Provisions for a Transit Easement~~

~~Any #development# located on the east side of Broadway between West 66th Street and West 67th Street shall provide an easement on the #zoning lot# for public access to the subway mezzanine or station when required by the New York City Transit Authority (TA) in accordance with the procedure set forth in Section 95-04 (Certification of Transit Easement Volume) and hereby made applicable.~~

\* \* \*

## 82-30

### SPECIAL BULK REGULATIONS

\* \* \*

## 82-32

### Special Provisions for Increases in Floor Area

No #floor area# bonuses shall be permitted within the #Special Lincoln Square District# except as provided in this Section. The following #floor area# increases may be used separately or in

combination, provided that the total #floor area ratio# permitted on a #zoning lot# does not exceed 12.0.

(a) #Floor area# increase for Inclusionary Housing

For any #development# to which the provisions of Section 23-90 (INCLUSIONARY HOUSING) are applicable, the maximum permitted #residential floor area ratio# may be increased by a maximum of 20 percent under the terms and conditions set forth in Section 23-90.

(b) #Floor area# bonus for public amenities

~~On a #zoning lot# that is adjacent to the West 59th Street (Columbus Circle) or the West 66th Street subway station mezzanine, platform, concourse or connecting passageway, where no tracks intervene to separate the #zoning lot# from these elements, and such #zoning lot# contains 5,000 square feet or more of #lot area#, the City Planning Commission may, by special permit pursuant to Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan), grant a maximum of 20 percent #floor area# bonus.~~

~~For a subway station improvement or for a subsurface concourse connection to a subway, the amount of #floor area# bonus that may be granted shall be at the discretion of the Commission. In determining the precise amount of #floor area# bonus, the Commission shall consider:~~

- ~~(1) the direct construction cost of the public amenity;~~
- ~~(2) the cost of maintaining the public amenity; and~~
- ~~(3) the degree to which the station's general accessibility and security will be improved by the provision of new connections, additions to, or reconfigurations of, circulation space, including the provision of escalators or elevators.~~

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

### Chapter 3 Special Limited Commercial District

\* \* \*

**83-00**  
**GENERAL PURPOSES**

\* \* \*

**83-02**  
**General Provisions**

#Special Limited Commercial Districts# may only be mapped in #Commercial Districts# within areas, or portions of areas, designated by the Landmarks Preservation Commission as "Historic Districts" pursuant to Chapters 8A or 63 of the New York City Charter and Chapter 8A of the New York City Administrative Code.

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special Limited Commercial District# and in accordance with the provisions of this Chapter, certain specified #use#, #sign# and enclosure regulations of the districts on which #Special Limited Commercial Districts# are superimposed are made inapplicable, and are superseded by the #use#, #sign# and enclosure regulations of the #Special Limited Commercial District# as set forth in this Chapter.

In addition to meeting the #use#, #sign# and enclosure regulations as set forth in this Chapter, each #building# shall conform to and comply with all of the applicable district regulations of this Resolution, except as otherwise specifically provided in this Chapter.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

**Chapter 6**  
**Special Forest Hills District**

\* \* \*

**86-00**  
**GENERAL PURPOSES**

\* \* \*

## 86-02

### General Provisions

In harmony with the general purposes of this Resolution and in accordance with the provisions of the #Special Forest Hills District#, the regulations of this Chapter shall apply within the Special District. Unless modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Any special permit granted by the Board of Standards and Appeals before March 24, 2009, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

\* \* \*

## Chapter 8

### Special Hudson Square District

## 88-00

### GENERAL PURPOSES

\* \* \*

## 88-02

### General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Hudson Square District#, the provisions of this Chapter shall apply within the #Special Hudson Square District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

## **88-30 SPECIAL BULK REGULATIONS**

\* \* \*

## **88-31 Floor Area Regulations**

Except in Subdistrict A of this Chapter, the maximum #floor area# ratio for #zoning lots# that do not contain #residences# shall be 10.0; ~~no #floor area# bonuses shall apply.~~

The maximum base #floor area ratio# for #zoning lots# that contain #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only as set forth in Section 88-32 (Inclusionary Housing).

For any #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For #zoning lots# that contain #residences#, such bonus may be applied separately or in combination with the #floor area# provisions of Section 88-32. No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

## **88-311 Special floor area regulations in Subdistrict A**

For #zoning lots# in Subdistrict A of this Chapter that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; ~~no #floor area# bonuses shall.~~

For #zoning lots# in Subdistrict A containing #residences#, the maximum #floor area ratio# shall be 9.0 plus an amount equal to 0.25 times the non-#residential# #floor area ratio# provided on the #zoning lot#, provided that such base #floor area ratio# does not exceed 10.0.

For any #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Additionally, Any any floor space designated for #use# as a #school# shall be exempted from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#, provided that such school is either:

- (a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or
- (b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

\* \* \*

## **ARTICLE IX SPECIAL PURPOSE DISTRICTS**

### **Chapter 1 Special Lower Manhattan District**

#### **91-00 GENERAL PURPOSES**

\* \* \*

#### **91-01 General Provisions**

\* \* \*

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

\* \* \*

#### **91-20**



## FLOOR AREA AND DENSITY REGULATIONS

\* \* \*

### 91-22

#### Floor Area Increase Regulations

The basic maximum #floor area ratio# (FAR) of the underlying district may be increased by the inclusion of specific additional bonus #floor area# for a maximum #floor area ratio# as specified in the table in this Section.

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the transfer of development rights (FAR) of a landmark "granting lot" as set forth in this table. Wherever there may be an inconsistency between any provision in Section 74-79 and the table, the provisions of the table shall apply.

### MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT

#### BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict				Historic & Comm Core	South Street Seaport Subdistrict and all waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4		C2-8	C4-6	C6-2A	C5-3	C6-9
Basic maximum FAR	6.02 <sup>1</sup> 6.5 <sup>3</sup>	10.0 <sup>2,3,4</sup>	10.0 <sup>4</sup> 15.0 <sup>2,3</sup>	2.0 <sup>2</sup> 6.5 <sup>3</sup>	10.0 <sup>4</sup> 15.0 <sup>2,3</sup>	2.0 <sup>2</sup> 3.4 <sup>3</sup> 10.0 <sup>4</sup>	3.4 <sup>2,3,4</sup>	6.0 <sup>2</sup> 6.02 <sup>4</sup> 6.5 <sup>3</sup>	10.0 <sup>4</sup> 15.0 <sup>2,3</sup>	15.0
Maximum as-of-right #floor area# bonus for #public plazas#	NA	2.0	3.0	NA	NA	NA	NA	NA	NA	NA

Maximum as-of-right #floor area# bonus for Inclusionary Housing (23-90)	NA	2.0	NA	NA	NA	NA	NA	NA	NA	NA
Maximum FAR with as-of-right #floor area# bonuses	6.02 <sup>1</sup> 6.5 <sup>3</sup>	12.0	18.0	2.0 <sup>2</sup> 6.5 <sup>3</sup>	15.0	2.0 <sup>2</sup> 3.4 <sup>3</sup> 10.0 <sup>4</sup>	3.4	6.0 <sup>2</sup> 6.02 <sup>4</sup> 6.5 <sup>3</sup>	15.0	15.0
Maximum <del>special permit</del> #floor area# bonuses <u>by authorization or special permit:</u> <del>subway station</del> #mass transit station# improvements and #covered pedestrian spaces#	NA	2.0 <sup>8</sup>	3.0	NA	3.0	<del>NA</del> 2.0 <sup>9</sup>	NA	NA	<del>NA</del> 3.0 <sup>9</sup>	<del>NA</del> 3.0 <sup>9</sup>
Maximum FAR with as-of-right, <del>and/or</del> <u>authorization or special permit</u> #floor area# bonuses	6.02 <sup>1</sup> 6.5 <sup>3</sup>	12.0 <sup>10</sup>	18.0	2.0 <sup>2</sup> 6.5 <sup>3</sup>	18.0	<del>2.0<sup>2</sup></del> <del>3.4<sup>3</sup></del> <del>10.0<sup>4</sup></del> 12.0	3.4	6.0 <sup>2</sup> 6.02 <sup>4</sup> 6.5 <sup>3</sup>	<del>15.0</del> 18.0	<del>15.0</del> 18.0
Development rights (FAR) of a landmark lot for transfer purposes (74-79)	NA	10.0	15.0 <sup>5</sup> 18.0 <sup>6</sup>	NA	15.0	NA	NA	NA	NA	NA
Maximum total FAR of designated receiving sites in South Street Seaport Subdistrict (91-60)	NA	NA	NA	NA	NA	NA	3.4	8.02	21.6 <sup>7</sup>	21.6 <sup>7</sup>

Maximum FAR with transferred development rights from landmark #zoning lot# and as-of-right and <u>authorization or special permit #floor area# bonuses</u>	6.02 <sup>1</sup> 6.5 <sup>3</sup>	14.0 <sup>10</sup>	21.6	2.4 <sup>2</sup> 7.8 <sup>3</sup>	21.6	NA	3.4	8.02	21.6 <sup>7</sup>	21.6 <sup>7</sup>
--	---------------------------------------	--------------------	------	--------------------------------------	------	----	-----	------	-------------------	-------------------

- <sup>1</sup> maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3
- <sup>2</sup> for a #commercial# or, where permitted, #manufacturing use#
- <sup>3</sup> for a #community facility use#
- <sup>4</sup> for a #residential use#
- <sup>5</sup> if receiving lot is located in a zoning district with a basic maximum FAR of less than 15
- <sup>6</sup> if receiving lot is located in a zoning district with a basic maximum FAR of 15
- <sup>7</sup> maximum FAR for receiving lots less than 30,000 square feet
- <sup>8</sup> for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), the maximum #floor area# bonus shall be 2.4 FAR
- <sup>9</sup> only pursuant to Section 66-51
- <sup>10</sup> for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, the maximum FAR may be increased through a combination with Inclusionary Housing, in accordance with the provisions of such Section.

\* \* \*

## 91-25 Special Permit Bonuses for Increased Floor Area

\* \* \*

91-251

**Special permit for subway station improvements**

[Replaced by various provisions of Article VI, Chapter 6]

Within the ~~#Special Lower Manhattan District#~~, the City Planning Commission may grant, by special permit, a ~~#floor area#~~ bonus for ~~#zoning lots#~~ that provide subway station improvements, pursuant to the provisions of Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).

The total additional ~~#floor area#~~ permitted on the ~~#zoning lot#~~ shall not exceed the maximum amount permitted in the underlying district by the provisions of Sections 91-21 (Maximum Floor Area Ratio) or 91-22 (Floor Area Increase Regulations).

For the purposes of the Special District, the ~~#zoning lot#~~ that will receive the ~~#floor area#~~ bonus shall be located within a ~~#Commercial District#~~ with a ~~#floor area ratio#~~ of 10.0 or above and shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the ~~#zoning lot#~~ will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.

The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix A.

STATION	LINE
Bowling Green	Lexington Avenue
Broad St	Nassau Street
Broadway-Nassau Street	8th Avenue
Fulton Street	Nassau Street/Broadway 7th Ave/ Lexington Ave
Brooklyn Bridge City Hall	Lexington Avenue
Chambers Street	Nassau Street
Chambers Street	Broadway 7th Avenue
Chambers Street	8th Avenue
Park Place	Broadway 7th Avenue
World Trade Center	8th Avenue
City Hall	Broadway 60th Street
Cortlandt Street-WTC	Broadway 7th Avenue
Cortlandt Street	Broadway 60th Street
Rector Street	Broadway 7th Avenue
Rector Street	Broadway 60th Street
Wall Street	Broadway 7th Avenue
Wall Street	Lexington Avenue

<del>Whitehall Street-South Ferry</del>	<del>Broadway-7th Avenue/ Broadway-60th Street</del>
---	--

## **91-252**

### **Special permit for covered pedestrian space**

\* \* \*

## **Chapter 2**

### **Special Park Improvement District**

## **92-00**

### **GENERAL PURPOSES**

\* \* \*

## **92-02**

### **General Provisions**

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For the purposes of this Chapter, Duke Ellington Circle, located at the intersection of Fifth Avenue and East 110th Street, shall be considered a separate #street#.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **92-04**

### **Special Bulk Provisions**

## 92-041

### Maximum Floor Area Ratio

The maximum #floor area ratio# for any #zoning lot# shall not exceed 10.0. No #floor area# bonuses shall be permitted. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## Chapter 3

### Special Hudson Yards District

## 93-00

### GENERAL PURPOSES

\* \* \*

## 93-02

### General Provisions

The provisions of this Chapter shall apply within the #Special Hudson Yards District#. The regulations of all other chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

\* \* \*

## 93-20

### SPECIAL FLOOR AREA REGULATIONS

\* \* \*

## 93-22

### Floor Area Regulations in Subdistricts B, C, D, E and F

\* \* \*

### **93-222**

#### **Maximum floor area ratio in the 34th Street Corridor Subdistrict C**

In the 34th Street Corridor Subdistrict C, the basic maximum #floor area ratios# of #non-residential buildings# are set forth in Row A in the table in Section 93-22 and may be increased to the amount specified in Row C pursuant to Section 93-31 (District Improvement Fund Bonus). The basic maximum #floor area ratios# of any #building# containing #residences# are set forth in Row B.

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, pursuant to Sections 93-31 (District Improvement Fund Bonus) and 23-154 (Inclusionary Housing), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), as follows:

- (a) the #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase, pursuant to Section 93-31, there is a #floor area# increase of six square feet, pursuant to Section 23-154, as modified by Section 93-23; and
- (b) any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such authorization, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

### **93-224**

#### **Maximum floor area ratio in the South of Port Authority Subdistrict E**

In the South of Port Authority Subdistrict E, #residential use# shall only be permitted as part of a #development# or #enlargement# on a #zoning lot# with a #commercial floor area ratio# of 15.0 or more, or as provided for phased developments in Section 93-122 (Certification for residential use in Subdistricts A, B and E).

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such authorization, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# set forth in Row C of Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E, and F), has been achieved, prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **Chapter 5**

### **Special Transit Land Use District**

#### **95-00**

##### **GENERAL PURPOSES**

\* \* \*

#### **95-02**

##### **General Provisions**

#Special Transit Land Use Districts# are mapped in the vicinity of existing or proposed subway stations. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

Whenever this Special District overlaps another Special District and imposes contradictory regulations, the provisions of the #Special Transit Land Use District# shall apply. Nothing contained in this regulation shall be understood to supersede Landmark or Historic District designations of the New York City Landmarks Preservation Commission.

For #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

#### **95-05**

##### **Terms and Conditions for Permitted Uses and Construction Within Transit Easement Volume**

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related



uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, elevators or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

No #floor area# bonus shall be allowed for any transit easement provided on a #zoning lot#, except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

When a transit easement volume required on a #zoning lot# is located within a #building#, any floor spaces occupied by such transit easement volume shall not count as #floor area#. Any portion of the #lot area# of a #zoning lot# occupied by a transit easement and weather protected by an overhang or roofed area, shall be considered as a #public plaza# in the districts that allow such #public plaza# bonuses.

The transit easement volume, any construction allowed therein or any weather protection provided thereon by an overhang or roofed area pursuant to Section 95-053, shall be considered permitted obstructions within required #yards#, #open space# or in a #public plaza# area.

\* \* \*

## **Chapter 6 Special Clinton District**

### **96-00 GENERAL PURPOSES**

\* \* \*

### **96-02 General Provisions**

Except as modified by the express provisions of this Chapter, the regulations of the underlying districts, or as modified by the #Special Midtown District#, remain in effect.

The #Special Midtown District# and its regulations, where applicable in the #Special Clinton District#, shall also apply and shall supplement or supersede regulations as set forth in this Chapter pursuant to Section 96-22 (Special Regulations for Eighth Avenue Perimeter Area). In the event of any conflict or discrepancy between the regulations, the more restrictive regulations shall apply in accordance with Section 11-22 (Application of Overlapping Regulations). This portion of the Special Purpose District is designated on the #zoning map# by the letters "CL-MiD."

In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

\* \* \*

## **96-20 PERIMETER AREA**

\* \* \*

## **96-21 Special Regulations for 42nd Street Perimeter Area**

\* \* \*

### **(b) #Floor area# regulations**

#### **(1) #Floor area# regulations in Subarea 1**

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section 23-154 (Inclusionary Housing), except that any units for which a #floor area# increase has been earned, pursuant to Section 23-154 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Improvements). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **96-22 Special Regulations for Eighth Avenue Perimeter Area**

For #zoning lots#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, the #floor area ratio# permitted by the underlying

district may be increased from 10.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Improvement Bonus). Such bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

All #developments# or #enlargements# located in an area bounded by a line 150 feet west of Eighth Avenue, West 45th Street, Eighth Avenue and West 42nd Street shall comply with special regulations set forth in Article VIII, Chapter 1 (Special Midtown District), including Sections 81-21 (Floor Area Ratio Regulations) and 81-70 (SPECIAL REGULATIONS FOR THEATER SUBDISTRICT). For #developments# or #enlargements# that utilize a #floor area# increase pursuant to the Inclusionary Housing Program of Section 23-90, any units for which a #floor area# increase has been earned shall be within the #Special Clinton District#.

\* \* \*

## **Chapter 7**

### **Special 125th Street District**

#### **97-00**

#### **GENERAL PURPOSES**

\* \* \*

#### **97-02**

#### **General Provisions**

In harmony with the general purposes of the #Special 125th Street District# and in accordance with the provisions of this Chapter, the express requirements of the Special District shall apply within the Special District.

Except as modified by the particular provisions of the Special District, the regulations of the underlying zoning districts shall remain in effect. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

**97-40**  
**SPECIAL BULK REGULATIONS**

\* \* \*

**97-42**  
**Additional Floor Area and Lot Coverage Regulations**

Within #Inclusionary Housing designated areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased pursuant to the #floor area# provisions of Section 97-421 (Inclusionary Housing) or paragraph (a) of Section 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

Within #Mandatory Inclusionary Housing areas#, as specified in APPENDIX F of this Resolution, the maximum #floor area ratio# may be increased for certain #zoning lots# specified in paragraph (b) or (c), as applicable, of Section 97-412 (Maximum floor area ratio in the Park Avenue Hub Subdistrict) by the provisions of Section 97-422.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). Bonuses pursuant to Sections 66-51, 97-421 and 97-422 may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

**Chapter 9**  
**Special Madison Avenue Preservation District**

**99-00**  
**GENERAL PURPOSES**

\* \* \*

**99-02**  
**General Provisions**

Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the

provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

#### **99-04**

#### **Special Bulk Provisions**

For the purposes of this Chapter, the maximum #floor area ratio# on a #zoning lot# shall not exceed 10.0. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

### **ARTICLE X**

### **SPECIAL PURPOSE DISTRICTS**

#### **Chapter 1**

#### **Special Downtown Brooklyn District**

#### **101-00**

#### **GENERAL PURPOSES**

\* \* \*

#### **101-02**

#### **General Provisions**

The provisions of this Chapter shall apply within the #Special Downtown Brooklyn District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

Whenever a #zoning lot# is divided by the boundary of the #Special Downtown Brooklyn District#, the requirements set forth in this Chapter shall apply, and shall apply only to that portion of the #zoning lot# within the #Special Downtown Brooklyn District#.

\* \* \*

## **101-20 SPECIAL BULK REGULATIONS**

The bulk regulations of the underlying districts shall apply, except as superseded, supplemented or modified by the provisions of this Section, inclusive.

Within #Mandatory Inclusionary Housing areas#, as shown on the map in APPENDIX F of this Resolution, the provisions of Sections 23-154 (Inclusionary Housing) and 23-90 (INCLUSIONARY HOUSING) shall apply.

In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

## **101-21 Special Floor Area and Lot Coverage Regulations**

\* \* \*

### **(c) In C6-4.5 Districts**

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

### **(d) In C6-6 Districts**

In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 9.0. No #floor area# bonuses shall be permitted except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

### **(e) In C6-9 Districts**

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0, ~~and no #commercial# or #community facility~~

~~floor area# bonuses shall be permitted.~~ In addition, #residential floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing), ~~and no other #residential floor area# bonuses shall be permitted.~~

However, in the C6-9 District bounded by Flatbush Avenue, State Street, 3rd Avenue and Schermerhorn Street, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0, and the maximum #residential floor area ratio# shall be 9.0. ~~No #floor area# bonuses shall be permitted.~~ However, on a #zoning lot# with a minimum #lot area# of 50,000 square feet improved with public #schools# containing at least 100,000 square feet of floor space #developed# pursuant to an agreement with the New York City Educational Construction Fund, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 12.0. Up to 46,050 square feet of floor space within such public #schools# shall be exempt from the definition of #floor area# for the purposes of calculating the permitted #floor area ratio# for #community facility uses# and the total maximum #floor area ratio# of the #zoning lot#. In addition, any #building# containing #residences# may be #developed# in accordance with the Quality Housing Program and the regulations of Article II, Chapter 8 shall apply. In such instances, the #bulk# regulations of this Chapter shall be considered the applicable #bulk# regulations for #Quality Housing buildings#.

No #floor area# bonuses shall be permitted except as authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

#### **101-211**

#### **Special permit for subway station improvements**

[Replaced by various provisions of Article VI, Chapter 6]

~~Within the #Special Downtown Brooklyn District#, the City Planning Commission may grant, by special permit, a #floor area# bonus for #buildings# that provide subway station improvements, pursuant to the provisions of Section 24-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).~~

~~The total additional #floor area# permitted on the #zoning lot# shall not exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations.~~

~~For the purposes of the Special District, the #zoning lot# for the #development# that will receive the #floor area# bonus shall be adjacent to a subway station where major improvements have been provided. Upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway.~~

~~The subway stations where such improvements are permitted are listed in the following table and shown on Map 7 (Subway Station Improvement Areas) in Appendix E of this Chapter.~~

Station	Line
Borough Hall	Eastern Parkway
Court Street	Montague Street Tunnel
DeKalb Avenue	4th Avenue/Brighton
Hoyt Street	Eastern Parkway
Hoyt-Schermerhorn Street	Crosstown/Fulton Street
Jay St. MetroTech	Culver/Fulton Street
Lawrence Street	Montague Street Tunnel
Nevins Street	Eastern Parkway
Atlantic Ave-Pacific Street	4th Avenue/Brighton/Eastern Parkway

\* \* \*

## Chapter 4 Special Manhattanville Mixed Use District

\* \* \*

### 104-00 GENERAL PURPOSES

\* \* \*

### 104-02 General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Manhattanville Mixed Use District#, the regulations of this Chapter shall apply within the Special District. The regulations of all other Chapters of this Resolution are



applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

\* \* \*

## **Chapter 5**

### **Special Natural Area District**

\* \* \*

#### **105-00**

#### **GENERAL PURPOSES**

\* \* \*

#### **105-02**

#### **General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Natural Area District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter, in order to protect outstanding #natural features# described herein. Except as modified by the express provisions of this Chapter, the regulations of the underlying district remain in effect.

The provisions of this Chapter shall apply to:

\* \* \*

When a #zoning lot# existing on the effective date of the Special District designation is subdivided into two or more #zoning lots#, an application shall be submitted to the Commission for review and approval pursuant to Section 105-90 (FUTURE SUBDIVISION).

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

## **Chapter 7**

### **Special South Richmond Development District**

\* \* \*

#### **107-00**

#### **GENERAL PURPOSES**

\* \* \*

#### **107-02**

#### **General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purpose of the #Special South Richmond Development District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. Except as modified by the express provisions of this Chapter, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

\* \* \*

## **Chapter 9**

### **Special Little Italy District**

#### **109-00**

#### **GENERAL PURPOSES**

\* \* \*

#### **109-02**

#### **General Provisions**

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Little Italy District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Little Italy District# are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections 23-15, 23-20 and 33-13 are made inapplicable.

For #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

## **109-30 HOUSTON STREET CORRIDOR (Area B)**

### **109-32 Bulk Regulations**

\* \* \*

### **109-321 Floor area regulations**

The maximum #floor area ratio# permitted on a #zoning lot# is 7.52 for #residential use#, 6.0 for #commercial use# and 7.5 for #community facility use#. In no event shall the total #floor area ratio# for all #uses# exceed 7.52. However, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **ARTICLE XI SPECIAL PURPOSE DISTRICTS**

### **Chapter 1 Special Tribeca Mixed Use District**

**111-00**  
**GENERAL PURPOSES**

\* \* \*

**111-02**  
**General Provisions**

The provisions of this Chapter shall apply to all #developments, enlargements, extensions#, alterations, #accessory uses#, open and enclosed and changes in #uses# within the Special District.

Except as modified by the express provisions of the District, the regulations of the underlying districts remain in effect. In #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

\* \* \*

**111-20**  
**SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7**

\* \* \*

(b) Area A2

The underlying regulations applicable to a C6-3 District shall apply to #developments# and #enlargements#, except as set forth herein.

(1) Maximum #floor area ratio#

~~No #floor area# bonuses shall be permitted in Area A2.~~

The maximum #floor area ratio# permitted shall be 7.52. In no case shall the #floor area ratio# of the #commercial# or #community facility# portion of the #building# be more than 6.0.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section

66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions). No other #floor area# bonuses shall be permitted in Area A2.

\* \* \*

**Chapter 3**  
**Special Ocean Parkway District**

\* \* \*

**113-00**  
**GENERAL PURPOSES**

\* \* \*

**113-01**  
**General Provisions**

In harmony with the general purposes of the #Special Ocean Parkway District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Ocean Parkway District# is superimposed are made inapplicable and special regulations are substituted therefor. Except as modified by the express provisions of the Special District, the regulations of the underlying districts remain in force. In #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

\* \* \*

**Chapter 4**  
**Special Bay Ridge District**

\* \* \*

**114-00**  
**GENERAL PURPOSES**

\* \* \*

## 114-01

### General Provisions

In harmony with the general provisions and intent of this Resolution and the general purposes of the #Special Bay Ridge District#, the regulations of the districts upon which this Special District is superimposed are supplemented or modified in accordance with the provisions of this Chapter. The provisions of this Chapter shall apply to all #buildings#.

Except as modified by the provisions of this Chapter, the regulations of the underlying districts remain in effect.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

## Chapter 5

### Special Downtown Jamaica District

## 115-00

### GENERAL PURPOSES

\* \* \*

## 115-01

### General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Downtown Jamaica District#, the regulations of this Chapter shall apply within the #Special Downtown Jamaica District#. The regulations of all other chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

Any special permit granted by the City Planning Commission before September 10, 2007, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit

Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

\* \* \*

## 115-20 SPECIAL BULK REGULATIONS

\* \* \*

## 115-21 Floor Area Ratio, Open Space and Lot Coverage

- (a) Maximum #floor area ratio# for #zoning lots# containing non-#residential uses#

In C6-2 and C6-3 Districts, the underlying #floor area ratio# and #open space# provisions shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial# and #community facility uses#, separately or in combination, shall not exceed 6.0 in C6-2 Districts and 8.0 in C6-3 Districts. ~~No #floor area# bonuses shall be permitted.~~

In C6-4 Districts, the underlying #floor area ratio# provisions, ~~including #floor area# bonus provisions,~~ shall apply to #community facility uses#. For #commercial uses#, the maximum #floor area ratio# shall be 12.0, ~~and no #floor area# bonuses shall apply.~~

In M1-4 Districts, the maximum #floor area ratio# permitted for #commercial#, #community facility# or #manufacturing uses#, separately or in combination, shall be 2.0.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

- (b) Maximum #floor area ratio# for #zoning lots# containing #residential uses#

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the #floor area ratio# set forth in Section 115-211 (Special Inclusionary Housing regulations) for the applicable district. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51. Such bonuses may be applied

separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11.

\* \* \*

## **Chapter 6**

### **Special Stapleton Waterfront District**

\* \* \*

#### **116-00**

#### **GENERAL PURPOSES**

\* \* \*

#### **116-02**

#### **General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Stapleton Waterfront District#, the provisions of this Chapter shall apply to all #developments#, #enlargements# and changes of #use# within the #Special Stapleton Waterfront District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control, except in Subarea E of this Chapter.

Within the #Special Stapleton Waterfront District#, the regulations of the underlying R6, C2-2, C4-2A and M2-1 Districts shall apply, as modified in this Chapter.

\* \* \*

## **Chapter 7**

### **Special Long Island City Mixed Use District**



**117-00**  
**GENERAL PURPOSES**

\* \* \*

**117-02**  
**General Provisions**

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

\* \* \*

**117-50**  
**QUEENS PLAZA SUBDISTRICT**

\* \* \*

**117-52**  
**Queens Plaza Subdistrict Special Bulk Regulations**

\* \* \*

**117-522**  
**Maximum floor area ratio for all uses**

The maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# and #residential uses# in accordance with the applicable designated district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility#, #manufacturing# or #residential uses#, separately or in combination, is specified in the following table:

**MAXIMUM FLOOR AREA RATIO FOR ALL USES IN THE QUEENS PLAZA  
SUBDISTRICT**

Area	Maximum #Floor Area Ratio#
A-1 A-2	12.0
B	8.0
C	5.0

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **Chapter 8**

### **Special Union Square District**

#### **118-00**

##### **GENERAL PURPOSES**

\* \* \*

#### **118-01**

##### **General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Union Square District# and in accordance with the provisions of this Chapter, certain specified #use#, #bulk# and #sign# regulations of the underlying district are made inapplicable and are superseded by the #use#, #bulk# and #sign# regulations of the #Special Union Square District# as set forth in this Chapter. In addition, special #street wall# transparency and location of entrance requirements are set forth in this Chapter. Except as modified by the express provisions of this Chapter, the underlying district regulations remain in effect.

For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

**118-20  
BULK REGULATIONS**

**118-21  
Floor Area Regulations**

The maximum #floor area ratio# permitted on property bounded by:

- (a) Broadway, a line midway between East 14th Street and East 13th Street, a line 100 feet west of University Place, Union Square West and Broadway, a line midway between East 17th Street and East 18th Street, a line 100 feet east of Park Avenue South and Union Square East, East 15th Street, Union Square East, East 17th Street, Union Square West and East 14th Street is 8.0; and
- (b) Broadway, a line midway between East 13th Street and East 14th Street, south prolongation of the center line of Irving Place and Irving Place, East 15th Street, Union Square East, Fourth Avenue, and East 14th Street is 10.0; ~~except as provided in Section 118-60 (SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT).~~

~~In no event, shall the~~ The commercial #floor area ratio# shall not exceed 6.0 except in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements).

\* \* \*

**~~118-60  
SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT~~**

[Replaced by various provisions of Article VI, Chapter 6]

~~The City Planning Commission may, by special permit, grant #residential floor area# bonuses for #developments# or #enlargements# that provide major improvements on the 14th Street/Union Square Subway Station in accordance with the provisions of Section 74-634. The #zoning lot# for the #development# or #enlargement# on which such #floor area# bonus is requested shall be adjacent to the 14th Street/Union Square Subway Station or to an existing passageway to the station.~~

~~As part of the special permit, the Commission may modify the #street wall# regulations of Section 118-30 (STREET WALL HEIGHT AND SETBACK REGULATIONS) if it finds that such major improvements cannot be provided without modifications of these provisions.~~

\* \* \*

## **ARTICLE XII SPECIAL PURPOSE DISTRICTS**

### **Chapter 1 Special Garment Center District**

#### **121-00 GENERAL PURPOSES**

\* \* \*

#### **121-01 General Provisions**

The provisions of this Chapter shall apply within the #Special Garment Center District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

#### **121-40 SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2**

\* \* \*

#### **121-41 Maximum Permitted Floor Area Within Subdistrict A-2**

The basic maximum #floor area ratio# of a #zoning lot# containing #non-residential buildings# shall be 10.0 and may be increased to a maximum #floor area ratio# of 12.0 ~~only~~ pursuant to Section 93-31 (District Improvement Fund Bonus). Such #zoning lot# may also contain #residences# within #buildings# existing on January 19, 2005, provided that such #buildings# are not #enlarged# after such date. For #zoning lots# containing #residences# within a

#building# that is #developed# or #enlarged# on or after January 19, 2005, the basic maximum #floor area ratio# shall be 6.5. The #floor area ratio# of any such #zoning lot# may be increased from 6.5, pursuant to Section 93-31, and pursuant to Section 23-90 (INCLUSIONARY HOUSING), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), provided that for every five square feet of #floor area# increase pursuant to Section 93-31, there is a #floor area# increase of six square feet pursuant to Section 23-90, as modified by Section 93-23, inclusive. The maximum #residential floor area ratio# shall be 12.0.

For the #conversion# to #dwelling units# of #non-residential buildings#, or portions thereof, where the total #floor area# on the #zoning lot# to be #converted# to #residential use# exceeds a #floor area ratio# of 12.0, such excess #floor area# shall be permitted only pursuant to Section 93-31.

For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). As a pre-condition to applying for such authorization, the applicant shall demonstrate that a #floor area ratio# of no less than 0.1 of the maximum #floor area ratio# pursuant to Section 93-31 or Section 93-23, has been achieved prior to, or in conjunction with, the application. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **Chapter 2**

### **Special Grand Concourse Preservation District**

\* \* \*

#### **122-00**

#### **GENERAL PURPOSES**

\* \* \*

#### **122-02**

#### **General Provisions**

Except as modified by the express provisions of the #Special Grand Concourse Preservation District#, the regulations of the underlying zoning districts shall remain in effect.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

### **Chapter 3**

#### **Special Mixed Use District**

##### **123-10**

##### **GENERAL PROVISIONS**

The provisions of this Chapter shall apply within the #Special Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

In #Special Mixed Use Districts#, an M1 District is paired with a #Residence District#, as indicated on the #zoning maps#.

The designated #Residence Districts# in #Special Mixed Use Districts# shall not include either an R1 or an R2 District.

\* \* \*

### **Chapter 5**

#### **Special Southern Hunters Point District**

\* \* \*

##### **125-00**

##### **GENERAL PURPOSES**

\* \* \*

##### **125-01**

##### **General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special Southern Hunters Point District#, the regulations of this Chapter shall apply within the #Special Southern Hunters Point District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4,~~ shall control.

\* \* \*

## **125-20 FLOOR AREA REGULATIONS**

### **125-21 East River Subdistrict**

In the East River Subdistrict, the maximum #residential floor area ratio# shall be as set forth in the following table, ~~and no #floor area# bonuses shall apply.~~ For #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements). No other #floor area# bonuses shall apply. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **Chapter 8 Special St. George District**

\* \* \*

## **128-00 GENERAL PURPOSES**

\* \* \*

### **128-02 General Provisions**

In harmony with the general purpose and intent of this Resolution and the general purposes of the #Special St. George District#, the regulations of this Chapter shall apply within the #Special St. George District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.

\* \* \*

## **ARTICLE XIII SPECIAL PURPOSE DISTRICTS**

\* \* \*

### **Chapter 1 Special Coney Island District**

\* \* \*

#### **131-00 GENERAL PURPOSES**

\* \* \*

#### **131-01 General Provisions**

The provisions of this Chapter shall apply within the #Special Coney Island District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, ~~Chapter 4~~, shall control.



\* \* \*

## **Chapter 2**

### **Special Enhanced Commercial District**

\* \* \*

#### **132-10**

#### **GENERAL PROVISIONS**

The provisions of this Chapter shall apply to all #buildings# with #street# frontage along a #designated commercial street#.

The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **Chapter 5**

### **Special Bay Street Corridor District**

\* \* \*

#### **135-00**

#### **GENERAL PURPOSES**

\* \* \*

#### **135-04**

#### **Applicability**

\* \* \*

**135-045**

**Applicability of Article VI, Chapter 6**

Notwithstanding the general provisions of Section 135-01, for #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

**135-045 135-046**

**Applicability of this Chapter to certain zoning lots in Subdistrict D**

For #zoning lots# in Subdistrict D containing a Use Group 16 or 17 #use# operated in support of a public service or public transportation facility and existing on June 26, 2019, the provisions of this Chapter shall not apply. In lieu thereof, the provisions of an M1-1 District shall apply.

\* \* \*

**Chapter 6**

**Special Downtown Far Rockaway District**

\* \* \*

**136-00**

**GENERAL PURPOSES**

\* \* \*

**136-01**

**General Provisions**

The regulations of this Chapter shall apply within the #Special Downtown Far Rockaway District#. The regulations of all other Chapters of this Resolution are applicable except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

## **Chapter 7**

### **Special Coastal Risk District**

\* \* \*

#### **137-10**

##### **GENERAL PURPOSES**

The provisions of this Chapter shall apply in the #Special Coastal Risk District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

For #transit-adjacent sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

## **Chapter 8**

### **Special East Harlem Corridors District**

#### **138-00**

##### **GENERAL PURPOSES**

\* \* \*

#### **138-01**

##### **General Provisions**

The provisions of this Chapter shall apply within the #Special East Harlem Corridors District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

\* \* \*

## **138-20 SPECIAL BULK REGULATIONS**

\* \* \*

## **138-21 Floor Area Regulations**

\* \* \*

## **138-211 Special floor area regulations**

\* \* \*

- (c) ~~Any floor space occupied by a subway entrance provided pursuant to the provisions of Section 138-33 (Off-street Relocation or Renovation of a Subway Stair) shall not count as #floor area#. For #transit-adjacent sites# or #qualifying transit improvement sites#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).~~

## **138-212 Additional floor area regulations in the Park Avenue Subdistrict**

Within the Park Avenue Subdistrict, as shown on Map 1 of the Appendix to this Chapter, the #floor area ratio# regulations of paragraphs (a) and (b) of Section 138-211 are further modified in this Section.

\* \* \*

## **ARTICLE XIV SPECIAL PURPOSE DISTRICTS**

### **Chapter 1 Special Jerome Corridor District**

**141-00**  
**GENERAL PURPOSES**

\* \* \*

**141-01**  
**General Provisions**

The provisions of this Chapter shall apply within the #Special Jerome Corridor District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control.

\* \* \*

**Chapter 2**  
**Special Inwood District**

**142-00**  
**GENERAL PURPOSES**

\* \* \*

**142-01**  
**General Provisions**

The provisions of this Chapter shall apply within the #Special Inwood District#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, or for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in Section 66-11 (Definitions), in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), or Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 4, shall control.

## 142-09

### Off-street Relocation of Subway Station Entrances

For all #developments# or #enlargements# involving ground floor level construction on a #zoning lot# that is wholly or partially located within a Transit Easement Zone, as shown on Map 3 (Special Inwood District – Transit Easement Zones) in the Appendix to this Chapter, a transit easement volume may be ~~required~~ needed on such #zoning lot# for public access between the #street# and the adjacent above- or below-grade subway station, pursuant to the provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES). Such #zoning lots# that are wholly or partially within a Transit Easement Zone shall be considered a #primary transit-adjacent site#, as defined in Section 66-11 (Definitions).

#### (a) Transit Easement

~~Prior to filing any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) and the Chairperson of the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.~~

~~Within 60 days of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.~~

~~When the MTA and the Chairperson indicate that a transit easement volume is required, the MTA shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.~~

~~The owner shall submit a site plan showing a proposed location of such transit easement volume that would provide access between the #street# and the adjacent subway station and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.~~

~~Legally enforceable instruments, running with the land, creating a transit easement volume, and setting forth the obligations of either the MTA or the owner and developer, their successors and assigns, to design and construct the improvement, shall be executed~~

and recorded in a form acceptable to the MTA and the Chairperson. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such ~~#development#~~ or ~~#enlargement#~~.

(b) Construction and Maintenance

~~Where a transit easement volume is required pursuant to this Section, transit access improvements within such volume shall be constructed and maintained either by the MTA or the owner of the #zoning lot# with the #development# or #enlargement#.~~

- (1) ~~Where such mass transit improvement is constructed and maintained by the owner of the #development# or #enlargement#:~~
  - (i) ~~a transit access improvement shall be provided in accordance with standards set forth by the MTA;~~
  - (ii) ~~such improvement shall be accessible to the public at all times, except as otherwise approved by the MTA;~~
  - (iii) ~~such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non #illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and~~
  - (iv) ~~no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvement is substantially complete and usable by the public.~~
- (2) ~~Where such mass transit improvement is constructed and maintained by the MTA:~~
  - (i) ~~Where the construction of the improvement is not contemporaneous with the construction of the #development# or #enlargement#, any underground walls constructed along the #front lot line# adjacent to a below grade subway station shall include a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA.~~
  - (ii) ~~Temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume.~~
  - (iii) ~~In the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume,~~

such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

(c) ~~Additional modifications~~

~~Where a transit easement volume is required pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall certify the following modifications in conjunction with such transit easement volume certification:~~

- ~~(1) the edge of the transit easement volume facing the #street# shall be considered a #street wall# for the purposes of applying the #street wall# location provisions set forth in Section 142-40 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, irrespective of whether such volume is incorporated into a #building#;~~
- ~~(2) for #zoning lots# adjacent to a below-grade subway station, the maximum height for the #building# set forth in Section 142-40, inclusive, shall be increased by 10 feet, and the maximum number of #stories#, if applicable, shall be increased by one, except where the provisions of Section 142-48 (Special Regulations for Certain Sites in Subdistricts C and F) are being utilized;~~
- ~~(3) the floor space contained within any transit easement volume required pursuant to this Section shall be excluded from the definition of #floor area#; and~~
- ~~(4) the street frontage of such transit easement volume shall be excluded for the purpose of applying the provisions of Section 142-14 (Ground Floor Level Requirements).~~

(d) ~~Temporary Use~~

~~Any easement volume required on a #zoning lot# pursuant to paragraph (a) of this Section may be temporarily used for any permitted #commercial# or #community facility uses# until such time as required by the MTA for transit access improvements. The floor space allocated to such temporary #uses# within the transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.~~

~~Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #building# or portion of the #zoning lot# within which the easement volume is located prior to the time at which public #use# of the easement area is required, except as otherwise specified by the MTA. A minimum notice of six months shall be given, in writing, by the MTA to the owner of the #building# or portion of the #zoning lot# to vacate the easement volume.~~

(e) ~~Termination of an easement volume~~

~~In the event that the MTA and the City Planning Commission jointly notify the~~



~~Department of Buildings and the owner in writing that a transit easement volume is not required on a #zoning lot# in its final construction plans, the restrictions imposed on such #zoning lot# by the provisions of this Section shall lapse, following receipt of notification thereof by the owner, and the owner shall have the right to record an instrument reciting the consent of the MTA to the extinguishment of the easement volume.~~

~~On any #zoning lot# which has been #developed# or #enlarged# in accordance with the provisions of this Section and on which termination of transit easement has been certified, pursuant to this paragraph, any floor space in a previously required transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously required volume is located within a #building#, the ground floor space shall be subject to the provisions of Section 142-14.~~

\* \* \*

The above resolution (N 210270 ZRY), duly adopted by the City Planning Commission on September 1, 2021 (Calendar No. 10), is filed with the Office of the Speaker, City Council, and the Borough President in accordance with the requirements of Section 197-d of the New York City Charter.

**MARISA LAGO**, *Chair*

**KENNETH J. KNUCKLES, ESQ.**, *Vice Chairman*

**DAVID J. BURNEY, JOSEPH DOUEK, RICHARD W. EADDY,  
HOPE KNIGHT, ANNA HAYES LEVIN, ORLANDO MARIN,  
LARISA ORTIZ, RAJ RAMPERSHAD**, *Commissioners*

**ALFRED C. CERULLO, III**, *Commissioner, VOTING NO*



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 27	<b># Against:</b> 1	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 28
<b>Date of Vote:</b> 6/8/2021 12:00 AM		<b>Vote Location:</b> WEBEX	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:****Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:****CONSIDERATION:** (See attached report)

Recommendation submitted by	BK CB1	Date: 6/9/2021 2:07 PM
-----------------------------	--------	------------------------



# COMMUNITY BOARD No. 1

435 GRAHAM AVENUE - BROOKLYN, NY 11211- 8813

PHONE: (718) 389-0009

FAX: (718) 389-0098

Email: [bk01@cb.nyc.gov](mailto:bk01@cb.nyc.gov)

Website: [www.nyc.gov/brooklyn1](http://www.nyc.gov/brooklyn1)

HON. ERIC L. ADAMS  
BROOKLYN BOROUGH PRESIDENT



SIMON WEISER  
FIRST VICE-CHAIRMAN

DEL TEAGUE  
SECOND VICE-CHAIRPERSON

GINA BARROS  
THIRD VICE-CHAIRPERSON

MARIA VIERA  
FINANCIAL SECRETARY

SONIA IGLESIAS  
RECORDING SECRETARY

PHILIP A. CAPONEGRO  
MEMBER-AT-LARGE

DEALICE FULLER  
CHAIRPERSON

GERALD A. ESPOSITO  
DISTRICT MANAGER

HON. STEPHEN T. LEVIN  
COUNCILMEMBER, 33rd CD

HON. ANTONIO REYNOSO  
COUNCILMEMBER, 34th CD

Revised  
June 8, 2021

## LAND USE, ULURP & LANDMARKS (subcommittee) COMMITTEE REPORT JUNE 8, 2021

TO: CB#1 Chairperson Dealice Fuller  
and CB#1 Board Members

FROM: Ms. Del Teague, Committee Chair  
Land Use, ULURP & Landmarks (subcommittee) Committee

RE: Committee Report for meeting held on June 1, 2021

---

CB #1 Land Use, ULURP & Landmarks (subcommittee) Committee met on Tuesday, June 1, 2021 at 6:30 P.M. Via Webex.

### ATTENDANCE:

Members Present: Teague (chair); Chesler; Drinkwater; Kaminski; Rabbi Niederman; Solano; Weidberg; Vega; Andrews\*; Berger\*; Kantin\*; Kawochka\*; Naplatarski\*; Stone\*; [(\*) non-board member].

Members Absent: Indig; Lebovits; Miceli; Sofer.

(14 members were present and a quorum was achieved.)

---

### **Land Use Committee Report for the 6/1/2021 meeting:**

**(1.) 307 Kent Avenue Rezoning ULURP No. 200306 ZMK** – Requesting a zoning map change from M3-1 to M1-5, to extend the existing M1-4/R6A (MX-8) and Zoning Text Amendment to add an MIH Area, to facilitate the development of a new nine-story commercial building located at 307 Kent Avenue, Williamsburg. Presented by Judith Gallent, Bryan Cave Leighton Paisner LLP.

Ms. Gallent pointed out that this site is surrounded by the Domino buildings and other buildings that are greater in height than the proposed development. She stated that the area has been transformed from a heavy manufacturing district to a mixed-use district. The developer stated he

intends to focus on the current need for smaller office and Industrial spaces. He also stated that his plan for community space is for a medical facility. The space he has designated will accommodate a variety of types of medically related facilities. He stated, however, if it does not appear that there is a strong likelihood that he will get a renter for the community space, he will not build it and will build with the smaller FAR, because in a development this small it would not be cost effective to build and leave 1.5 FAR vacant.

The committee considered conditioning approval on a restrictive declaration to require some amount of industrial space, but opted not to do so, because the development is on the whole conforming; and the proposed plan will address the post-shut down need for smaller offices and light industrial uses.

**Recommendation:** The committee voted to **approve the application.**

14 – Yes

0 – No

**(2.) BSA: (Cal. No. 2017-131-BZIII) 77-79 Gerry Street (Block 2266, Lot 49)** - This application is filed pursuant to section 72-01 and 72-22 of the Zoning Resolution of the City of New York, as amended (referred to herein as the “Zoning Resolution” or “ZR”) to request an amendment of previously granted variance under BSA Cal. No 2017-131-BZ to amend the proposal for a house of worship at the Premises by changing the dimensions of the zoning lot, and by making minor changes to the interior layout of the cellar and lower three floor. Presented by David Rosenberg, Sheldon Lobel P.C.

The variance previously granted in 2017 sought to build a seven-story building (three-story house of worship and four-story residence). The initial plan was based on the anticipated purchase of excess floor area rights from three adjacent lots. Under that plan the building would have had 65% lot coverage. The business deal fell through, so the applicant now seeks to build a smaller five-story building. It will have the same footprint as the seven-story building but will now have 100% lot coverage.

**Recommendation:** The committee voted to **approve the application.**

11 – Yes

0 – No

**(3.) Elevate Transit: Zoning for Accessibility (ZFA) Non-ULURP (N210270 ZRY)** -The MTA and DCP are proposing a citywide zoning text amendment that will allow the MTA to work more efficiently with private developers to help achieve systemwide accessibility. The proposal includes a system-wide transit easement certification and an authorization for transit improvement bonuses in high density areas to facilitate the implementation of ADA access at stations throughout the city more quickly and efficiently. Presented by Alexandra Paty-Diaz, NYC Department of City Planning, and Andrew Inglesby, MTA.

Ms. Paty-Diaz explained that many opportunities to provide more accessibility to our subway system have been lost because of the lack of ownership by the city of adjacent property. This amendment will provide a city-wide framework for easement requirements in R5 or above districts and in manufacturing districts for all lots of at least 5,000 sf within 50' of a station. The requirements will apply where there will be new development or additions to a pre-existing building. In those cases, the owner is required to consult with the MTA regarding the need for a transit easement. In return the owners will be offered certain relief depending on the specific development or expansion planned by the owners. The categories of relief include increased floor area and height allowances, and relaxed requirements for open space, setbacks, and parking. Density bonuses only apply in R9 and R10 districts, neither of which occur in CB1. We must submit our letter of comments by June 14, 2021 to the City Planning Commission.

**Recommendation:** The committee voted to approve the application and to ask the full board to submit a letter of approval to the City Planning Commission by June 14, 2021.

11 – Yes

0 – No

**(4.) 101 Varick Avenue DCP Cal# 210329 PCK**

In the matter of an application submitted by the New York City Department of Transportation and the Department of Citywide Administrative Services, pursuant to Section 197-c of the New York City Charter, for the site selection and acquisition of a property located at 101 Varick Avenue (Block 2974, Lot 113) for use as a DOT operations and warehouse facility, Borough of Brooklyn, Community District 1. Presented by Dorrit Blakeslee, Project Manager, Department of Transportation.

DOT needs to expand its Sidewalk Inspection Unit and to re-locate its Street Lighting warehouse operations. The Street Lighting warehouse operations is already at the site. The site is in the North Brooklyn IBZ, and the propose use conforms to the current M3-1 zoning.

Ms. Blakeslee stated the DOT operations would bring more employment to the area and pointed out that the EIS found there were no adverse traffic of parking impacts expected. There would be 21 trucks in total at the site, comprised of pick-ups, vans, and dump trucks. No concrete materials would be stored or prepared at the site. Ms. Blakeslee stated they are looking to install solar panels on the roof. The hours of operation would be 7:30 am to 3:30 pm.

The committee pointed out that there are several large entertainment venues nearby, at least one of which has daytime events that will lead to large crowds coming and leaving during the DOT hours of operation. The committee strongly recommended that DOT develop a plan to deal with safety measures that take into consideration the proximity of the venues and the large numbers of

people that will be in the streets entering and exiting the events. Ms. Blakeslee assured us that she will include such a plan in her remaining presentations.

**Recommendation:** The committee voted to approve the application with suggestions that DOT include in its future presentations a plan to take into consideration the proximity of the night-life venues, and that it works with the owner of the property to install solar panels and a green roof.

13 – Yes

0 – No



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Unfavorable**

<b># In Favor:</b> 21	<b># Against:</b> 5	<b># Abstaining:</b> 6	<b>Total members appointed to the board:</b> 32
<b>Date of Vote:</b> 5/12/2021 12:00 AM		<b>Vote Location:</b> Virtual Meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

**Was a quorum present?** No

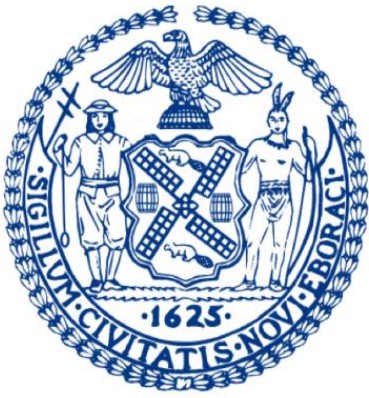
*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

**CONSIDERATION:** The board acknowledged that the proposal to streamline the zoning bonus will encourage developers to participate and increase elevator and stair access into the subways. However, the board found that:

1. The proposal is inadequate to meet current conditions
2. The ADA target accessibility should be increased to one of every two stations
3. Stronger guidelines are needed to determine easement requirements
4. The Department of City Planning should have engaged with the community prior to submitting proposals for certification; thereby negating valuable input. As such the board voted 21 in favor, 5 opposed, 6 abstentions (21-5-6) to recommend that the of City Planning Commission reject the proposed Zoning for Accessibility Citywide Text Amendment

Recommendation submitted by	BK CB2	Date: 6/8/2021 3:14 PM
-----------------------------	--------	------------------------



# BROOKLYN

## Community Board 5

127 Pennsylvania Avenue, 2<sup>nd</sup> Floor • Brooklyn, New York 11207

Telephone: 718-819-5487 • Email: [Mperkins@cb.nyc.gov](mailto:Mperkins@cb.nyc.gov)

Website: [www.brooklyncb5.org](http://www.brooklyncb5.org)

**Hon. Eric L. Adams**

Brooklyn Borough President

**Hon. Andre T. Mitchell**

Board Chair Person

**Melinda Perkins**

District Manager

### RESOLUTION:

DATE:

June 7<sup>th</sup>, 2021

SUBMITTED TO:

NYC Department of City Planning (DCP)

COMMITTEE OF RECOMMENDATION:

JOINT: Land Use & Housing / Transportation & TLC

Co-Chaired by: V. Plummer; V. Bright and

W. Florentino; D. Mann

**PROJECT NAME:**

**ZONING FOR TRANSIT ACCESSIBILITY**

**CEQR REF. NUMBER:**

**21DCP136Y**

**PROJECT ADDRESS:**

Citywide Zoning Text Amendment

**Whereas**, the NYC Department of City Planning (DCP) along with the Mass Transit Authority (MTA), presented the Citywide Zoning Text Amendment (ZTA) proposal for the Zoning for Transit Accessibility on May 17<sup>th</sup>, 2021, to a joint committee of Land Use/Housing and Transportation/TLC.

**Whereas**, The Metropolitan Transportation Authority (MTA) together with the New York City Department of City Planning (DCP) is proposing a zoning text amendment (the “Proposed Action”) in the New York City Zoning Resolution (ZR) to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement



requirement (the “System-wide Easement Requirement”), that would require developments on lots over 5,000 sf within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related transit agency on whether a transit easement volume is needed on site for future station access. This requirement would be accompanied by targeted zoning relief to minimize potential construction and design challenges. In addition, an optional Chair Certification would be created to facilitate the provision of a transit easement volume on other sites not subject to the requirement.

**Whereas,** The proposed text amendment would also create an expanded transit improvement bonus program (the “Expanded Transit Improvement Bonus Program”), through City Planning Commission (CPC) Authorization, that would grant a floor area bonus for developments within all R9 and R10 density-level districts that provide transit station improvements, including accessibility improvements. In addition to this Authorization, additional zoning relief on such sites may be pursuant to other discretionary actions.

**Whereas,** in recent years, the MTA has partnered with the New York City Department of City Planning (DCP), the New York City Council, and Mayor's Office of People with Disabilities (MOPD) to identify zoning as one policy tool that could greatly help accelerate accessibility throughout the transit system. Zoning can require or incentivize private developers at or near transit stations to work with the MTA to facilitate accessibility improvements. These zoning tools exist currently, but are difficult to use and only apply to small parts of the city. To better harness zoning to improve our transit system, the MTA, DCP, the New York City Council, and Mayor's Office of People with Disabilities will propose *Zoning for Transit Accessibility*, or ZTA. ZTA is a citywide zoning text amendment that will allow the MTA to work more efficiently with private developers to help achieve system wide accessibility better, faster, and cheaper.

**Whereas,** the joint committees of Land Use/Housing and Transportation/TLC made a recommendation to the full Board at the General Board meeting on May 26<sup>th</sup>, 2021. The committee recommended that the Board vote in favor of the ZTA proposal, with the condition that CB5 does not support the Expanded Transit Improvement Bonus Program for this ZTA

proposal. The committee stated that there should not be bonuses or additional tax dollars provided to developers for structural repairs in areas where necessary repairs and accessibility were previously ignored. The repairs and accessibility should be included with new development to provide overall community improvement on capital projects that are within MTA zones that are in need of repair and/or accessibility.

*The Board voted in favor of the ZTA proposal with conditions. The vote tally was as follows:*

*Board Members Present: 23            In Favor: 22   Against: 0   Abstentions: 1*

**Therefore Be It Resolved,** that Brooklyn, Community Board 5 voted in favor of the citywide ZTA for Zoning for Transit Accessibility proposal with conditions outlined.

Regards,

Melinda Perkins  
District Manager

cc:     Honorable Andre T. Mitchell  
         Brooklyn, Community Board 5 Chair Person

Honorable Eric L. Adams  
Brooklyn Borough President



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 34	<b># Against:</b> 3	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 6/10/2021 12:00 AM		<b>Vote Location:</b> WebEX	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

**Was a quorum present?** No

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

**CONSIDERATION:**

Recommendation submitted by	BK CB8	Date: 6/21/2021 2:33 PM
-----------------------------	--------	-------------------------



# COMMUNITY BOARD NO.

1291 ST. MARKS AVENUE • BROOKLYN, NEW YORK 11213

TEL.: (718) 467,5620 • FAX: (718) 7782979

Eric Adams  
*Borough President*

Ethel Tyus,  
*Chairperson*

Robert Matthews  
*Chairperson Emeritus*

Michelle T. George  
*District Manager*

June 18, 2021

Ms. Marisa Lago, Chairperson  
City Planning Commission  
120 Broadway  
New York, NY 10271

Dear Chairperson Lago,

At the June 10, 2021 Community Board 8 general meeting, members voted 34 in favor with 3 abstentions to support the citywide Zoning Text Amendment presented by the NYC Dept. of City Planning and NYC Metropolitan Transportation Authority (MTA) that would enable many more subway and train stations to become more accessible for the millions of transit riders daily.

We believe that by expanding the easement requirement, provide zoning flexibility to offset potential burdens of an easement on development feasibility, and increasing participation in the transit bonus program, many more residents will be served by an equitable transit system allowing them to navigate the city more effectively. Additional accessible stations built concurrently with new construction will also offset the necessary financial investment of the often cash-strapped MTA to speed up transit accessibility while also adequately spacing out accessible stations.

Members acknowledging that these transit easements can have a significant impact on construction. However, the zoning text amendment would provide relief such as additional height, reducing the mandatory minimum number of parking spaces, providing parking waivers, and exemption from streetscape requirements, amongst others. While some of these may be unpalatable concessions for some community residents, we believe that they are a valuable compromise that might mitigate developers' hesitancy to agree to the text amendment.

Thank you for the opportunity to review and participate in such an important decision facing our city. If you have any questions or require additional information, please do not hesitate to contact us.

Sincerely

  
Michelle George  
District Manager



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

## Docket Description:

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 34	<b># Against:</b> 0	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 35
<b>Date of Vote:</b> 5/17/2021 12:00 AM		<b>Vote Location:</b> Via Zoom Webinar	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

<b>CONSIDERATION:</b> CB 10 Members voted 34 in Favor of the Zoning for Accessibility proposed text amendment, with 1 recusal (the Abstain box above was used to reflect the recusal). The Zoning and Land Use Committee Report and Recommendation is attached.		
Recommendation submitted by	BK CB10	Date: 5/18/2021 4:30 PM

## ZONING AND LAND USE COMMITTEE REPORT – MAY 2021

The committee met in quorum on May 6, 2021 via zoom.

The first item on the agenda was a discussion of the Department of City Planning (DCP) Zoning text Amendment, Zoning for Accessibility.

As discussed last month, the MTA is committed to increasing access city wide and wants to be sure that no one is more that two stations from a handicap accessible station.

The proposed text amendment will create a citywide easement program. A developer within 50 feet of a subway entrance/exit and with a lot size of 5,000 square feet or more will be granted an easement to allow the MTA to install an elevator and any other access to the station. The developer will be granted a height increase, an increase in bulk and flexibility in the street wall design.

We did not vote on this last month because I was confused as to whether the text amendment had been certified. It had been certified. The extra month gave us time to review the amendment and what impact it would have on CB10.

Traditionally the MTA only installs elevators at “manned stations”. When asked about this, they said they would be flexible. Knowing this, it adds additional locations for possible elevator service. I was concerned about the use of the 93<sup>rd</sup> Street exit which is in the C-8 triangle and the possibility of a rezoning that could include extra height under the Zoning for Affordability and the extra 10 feet under Zoning for Accessibility. The Zoning for Accessibility has strict requirements for distance from curbcuts/driveways. Those restrictions make the 93<sup>rd</sup> Street area extremely unlikely for use by the MTA.

The MTA also advised that while they are creating this easement program, if there are no applicable locations, the MTA can still install elevators on the street.

The committee voted to approve the Zoning for Accessibility Text Amendment.

A motion is on the floor. Any comments, questions, discussion.

The second item on the agenda was as discussion of the Department of City Planning (DCP) Hotel Text Amendment. This amendment would require a special permit for the siting of hotels. Several years ago the City adopted a Hotel Text amendment requiring a special permit for hotels in manufacturing zones. CB10 at the time said that the text amendment should be extended to commercial zones. Now the DCP is extending the Special Permit Process to commercial zones.

The committee welcomes this proposal but we are unclear as to what commercial zones would require a special permit. In the presentation that I saw, DCP said it would apply

to "high" commercial zones. They did not define "high". A motion was made to ask DCP to define "high".

In addition, hotels are allowed as of right in C2 districts within a 1,000-foot radius of the entrance/exit of a limited-access expressway. There are locations in CB10 that meet this criteria. We need to learn more about this.

The meeting was adjourned in 45 minutes.

The Zoning and Land Use Committee will have a briefing on the Hotel Text Amendment on May 26.

There is also a proposed Open Restaurants Text Amendment to make the Department of Transportation's Open restaurants permanent. In a short presentation on this topic, the Department of City Planning was very vague on details. I have concerns about sidewalk space, hours of operation and street safety. This Text Amendment is not yet certified. They hope to have it certified by June 7.

Dealing with four text amendments in such a short period is extremely unusual. At one briefing, The DCP said the goal is to have the amendments adopted "by the end of the term". This is an unusual statement from the DCP.

I ask your help in reviewing these upcoming text amendments. Three of the text amendments have one thing in common, they remove community input from the process.

Respectfully submitted,

Doris N. Cruz

ZALUC Chair



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Conditional Favorable**

<b># In Favor:</b> 33	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 47
<b>Date of Vote:</b> 6/10/2021 12:00 AM		<b>Vote Location:</b> Virtual Meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:** 6/10/2021 7:00 PM

**Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

Webinar - Register Here:  
<https://us02web.zoom.us/j/88660030316?pwd=cTVOQXVEcUxsdTIsUWJTQ2t1cDVCdz09>

**CONSIDERATION:** Community Board 11 approves the application with the following provisos:

1. Community Board notification and input on applications submitted by developers to the MTA.
2. Maintenance of sidewalks and snow removal.
3. Indemnification.

Recommendation submitted by	BK CB11	Date: 6/11/2021 10:31 AM
-----------------------------	---------	--------------------------





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b> MTA - NYS Metro Transit Authority		<b>Applicant's Primary Contact:</b> Munsun Park	
<b>Application #</b> N210270ZRY		<b>Borough:</b>	
<b>CEQR Number:</b> 21DCP136Y		<b>Validated Community Districts:</b> CY00	

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 34	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 34
<b>Date of Vote:</b> 6/22/2021 12:00 AM		<b>Vote Location:</b> Zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:** 6/15/2021 7:00 PM

**Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

<https://zoom.us/j/99945931098>

**CONSIDERATION:**

Recommendation submitted by	BK CB12	Date: 7/12/2021 1:40 PM
-----------------------------	---------	-------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 40	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 40
<b>Date of Vote:</b> 5/26/2021 12:00 AM		<b>Vote Location:</b> Community Board General Board Meeting via Zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 4/22/2021 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Community Board #13 via Webex

**CONSIDERATION:**

Recommendation submitted by	BK CB13	Date: 6/7/2021 2:27 PM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Unfavorable**

<b># In Favor:</b> 40	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 40
<b>Date of Vote:</b> 6/14/2021 12:00 AM		<b>Vote Location:</b> Webex	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 4/13/2021 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Webex

**CONSIDERATION:** Members of CB14 determined that the timing of the process and the number of pending questions and unresolved concerns prevented them from making a recommendation. Therefore, in lieu of a recommendation on the text amendment, the Board has submitted the attached comments.

Recommendation submitted by	BK CB14	Date: 6/24/2021 12:22 PM
-----------------------------	---------	--------------------------



**BROOKLYN COMMUNITY BOARD 14**  
**FLATBUSH–MIDWOOD COMMUNITY DISTRICT**  
810 East 16<sup>th</sup> Street  
Brooklyn, New York 11230

**BILL DE BLASIO**  
*Mayor*

**ERIC L. ADAMS**  
*Borough President*

**ED POWELL**  
*Chairman*

**SHAWN CAMPBELL**  
*District Manager*

**EXECUTIVE COMMITTEE**

**GAIL L. SMITH**  
*First Vice-Chair*

**CARMEN CERIO BELLE**  
*Second Vice-Chair*

**JOSEPH DWECK**  
*Third Vice-Chair*

**HINDY BENDEL**  
*Secretary*

**SHAHID KHAN**  
*Member-at-Large*

**STEVEN D. COHEN**  
*Member-at-Large*

**ALVIN M. BERK**  
*Chairman Emeritus*

June 19, 2021

Marisa Lago  
Chair  
New York City Planning Commissioner  
120 Broadway - 31st Floor  
New York, NY 10271

Dear Chair Lago and Members of the NYC Planning Commission:

Thank you for this opportunity to relay Brooklyn Community Board 14's comments on proposed zoning text amendments. First and foremost, Community Board 14 wishes to emphasize our concern regarding the timing of these proposed text amendments and the difficulty we face in scheduling public meetings to meaningfully discuss, absorb and vet these very detailed yet seemingly unfinished proposed text amendments. We stand with other Brooklyn Community Boards and strongly urge DCP to delay the final draft of the Fresh, Hotels, and Health and Fitness zoning text amendments until late October 2021. This would enable the Boards that have not had the benefit of presentations to hear from DCP at a public meeting and to consider the questions and concerns of their respective community members. It would give our own Board the opportunity to get answers and clarifications to the proposals as detailed below.

To rush complicated and impactful zoning text amendments through the process is akin to circumventing community input. Community members have nuanced feedback that will serve to improve good proposals and ensure they serve and enhance our various communities.

Please delay the final draft of the text amendments in order to consider Community Board 14's input as follows.

Recommendation of Zoning Text Amendment for Travel Easements and Accessibility:  
This was certified by DCP on April 6th and heard at the April Community Environment meeting on April 13<sup>th</sup>. We still lack clarity on which subway stations this proposal would likely impact in CD 14 and whether those stations then tie into bus lines, etc. Would Transit be able to absorb additional maintenance responsibilities for elevators? Would this have to be funded with existing resources? How would this text amendment interface with 21d of DOT's Highway Rules, which requires DOT's review and approval of any private development within 100 feet of a tunnel, underpass or road bridge (i.e., most of CB 14's stations)?

While CB 14 appreciates the work of DCP and the presentation prepared for our Transportation and Community Environment Committees in April, the information that has been provided provokes more questions than it answers.

This proposal should be put on hold until the fall to allow more community input and additional clarification and review of implications.

#### Zoning Text Amendment for Physical Culture Establishments

This proposal was certified on May 19<sup>th</sup> and heard by CB14's Community Environment Committee on June 10<sup>th</sup>. It was further discussed at our full Board meeting on June 14<sup>th</sup>. While on its face there seems to be benefit for smaller local gyms and health facilities, the complete removal of community input and community notification regarding businesses that might have an impact in terms of noise, hours, and use of outdoor space (some gyms include outdoor running, or carries, etc. in the public right of way) causes a concern. Have any other proposals short of the onerous PCE but still inclusive of community concerns been considered? Can there be another mechanism that would require these facilities or city agencies with oversight, to provide Community Boards with data related noise, building or other complaints? There seems to have been no consideration, let alone a mechanism to address those facilities that opened their buildings without a permit and then tried to retroactively legalize. Where will these buildings fall into the text amendment?

The proposal to have DOB add building code to ensure that heavy equipment or weights are properly staged in a building seems only to be in the idea phase. It makes more sense for Boards to be able to review that code in tandem with considering this zoning text amendment. Furthermore, the assignment of new DOB code enforcement and response to complaints is a concern unless there is a commitment to supplement their resources accordingly. We are also unclear as to whether additional DOB building codes are necessary for potential "hot" yoga studios or facilities with water amenities such hot tubs, pools or cold plunges.

Noise complaints are notoriously difficult to enforce, and even something that seems innocuous, such as a yoga studio, might have music, chants or other sounds that could prompt complaints from neighbors but not reach high decibel criteria. Would enforcement fall strictly within the purview of the Department of Environmental Protection? Are additional resources anticipated?

Neighboring community districts have expressed serious concerns about the inclusion of massage therapy facilities in this text amendment, given issues with illegal activities associated with current businesses. This text amendment could exacerbate the issues and undermine current enforcement abilities.

CB14 recommends that this proposal be delayed into late October 2021 to ensure that these questions and concerns expressed by other boards are considered.

#### Fresh Districts

CB14 was not in the original nor expanded cohort. Should CB14 come into consideration, we would like to see a robust presentation for consideration. This is a program in which many community members have expressed interest. There are several one-story grocery stores in

CD14. Properties like these often come under land speculation. Including CD14 in the FRESH II cohort may help to ensure our one-story supermarkets are maximally incentivized in any new development plans and may promote retention of these markets. We are also curious as to whether DCP has considered any potential unintended consequences in district that border a Fresh District, if they don't have that same designation.

#### Hotels

The data upon which this proposal is based was gathered prior to the pandemic and should be put on pause until there is a clearer picture of tourism's return. The current common practice of using hotels for emergency congregant housing has resulted in mistrust from community members. The speed with which community boards are being asked to weigh in on this proposal does not allow for an assessment of other potential land uses in the zones where hotels would become as of right or the economic impacts on the community or neighborhood impacts associated with ancillary hotel businesses such as restaurants or hotel bars. Our board remains unclear as to how extended continuance, i.e. vacancy or conversion will be defined and what "uses" are permissible for up to six (6) years from date of adoption.

This proposal prompted a long and lively discussion among our board and community members. The timing of the proposal simply does not allow for meaningful community engagement.

CB14 recommends that this proposal be delayed into the late October 2021 to ensure that these questions and concerns expressed by other boards are considered.

Thank you for your consideration.

Sincerely,



Jo Ann Brown  
Chairperson

cc: Hon. Mathieu Eugene, NYC Council, 40<sup>th</sup> CD  
Hon. Farah Louis, NYC Council 45<sup>th</sup> CD  
Hon. Kalman Yeger, NYC Council, 44<sup>th</sup> CD



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 37	<b># Against:</b> 0	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 39
<b>Date of Vote:</b> 5/25/2021 12:00 AM		<b>Vote Location:</b> Webex	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:** 5/25/2021 6:00 PM

**Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

Webex

**CONSIDERATION:**

Recommendation submitted by	BK CB15	Date: 5/26/2021 12:21 PM
-----------------------------	---------	--------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 35	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 35
<b>Date of Vote:</b> 5/19/2021 12:00 AM		<b>Vote Location:</b> WebEx: <a href="https://nyccb.webex.com/nyccb/onstage/g.php?MTID=ea8de76e58f081b331969c5ba1fd7ff8e">https://nyccb.webex.com/nyccb/onstage/g.php?MTID=ea8de76e58f081b331969c5ba1fd7ff8e</a>	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 5/19/2021 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Webex: <a href="https://nyccb.webex.com/nyccb/onstage/g.php?MTID=ea8de76e58f081b331969c5ba1fd7ff8e">https://nyccb.webex.com/nyccb/onstage/g.php?MTID=ea8de76e58f081b331969c5ba1fd7ff8e</a>

**CONSIDERATION:**

Recommendation submitted by	BK CB18	Date: 6/9/2021 10:50 AM
-----------------------------	---------	-------------------------





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)	
<b>Applicant:</b> MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b> Munsun Park
<b>Application #</b> N210270ZRY	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP136Y	<b>Validated Community Districts:</b> CY00

## Docket Description:

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 20	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 20
<b>Date of Vote:</b> 4/29/2021 12:00 AM		<b>Vote Location:</b> 3024 Third Avenue, Bronx NY	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 4/29/2021 6:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Bronx Community Board One 3024 Third Avenue Bronx N.Y.

**CONSIDERATION:** Board Conditions: Upon notification by the NYC department of Buildings, that the MTA return and update the board of developer submissions to utilize the ZFA at transit stations in the district.

Recommendation submitted by	BX CB1	Date: 5/6/2021 11:27 AM
-----------------------------	--------	-------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

## Docket Description:

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 0	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 0
<b>Date of Vote:</b> 4/19/2021 12:00 AM		<b>Vote Location:</b> Cisco Webex Virtual teleconference meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 4/19/2021 6:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Cisco Webex Virtual teleconference meeting - Housing, Land Use and Economic Development committee - April 19, 2021

## CONSIDERATION:

Recommendation submitted by	BX CB3	Date: 5/5/2021 6:19 PM
-----------------------------	--------	------------------------



# *The City of New York*

## *Bronx Community Board Three*

1426 Boston Road, Bronx, NY 10456  
Telephone No.: (718) 378-8054 – Fax No.: (718) 378-8188  
E-mail Address: [jdudley@cb.nyc.gov](mailto:jdudley@cb.nyc.gov)

<b>DIAL</b>	Government Services
<b>311</b>	& Information for NYC

Comm. Bd. Info go to: [nyc.gov/bronxcb3](http://nyc.gov/bronxcb3)

**RUBEN DIAZ, JR.**  
**BRONX BOROUGH PRESIDENT**

**REV. DR. BRUCE RIVERA**  
**CHAIR**

**JOHN W. DUDLEY**  
**DISTRICT MANAGER**

April 20, 2021

Ms. Carol Samol, Director  
NYC Department of City Planning  
Bronx Office  
1775 Grand Concourse, Suite 503  
Bronx, NY 10453

**RE: APPLICATION N210270ZRY – ZONING FOR ACCESSIBILITY**

Dear Ms. Samol:

This is to inform you that at a meeting of the Housing, Land Use and Economic Development committee of Bronx Community Board Three held Monday, April 19, 2021, representatives of the NYC Department of City Planning and the Metropolitan Transportation Administration, provided a briefing on the above text amendment which would allow for transit easement certification, concerning developments in proximity to subway and railroad stations.

After hearing such presentation, it was the consensus of the committee to support the proposed text amendment, due to the public accessibility benefits afforded to the elderly and disabled, in line with new construction projects subject to the requirements thereof. Please advise me should any other assistance be required of the board in this matter.

Sincerely,

John Dudley  
District Manager

Cc: Rev. Dr. Bruce C. Rivera, Chair

### EXECUTIVE OFFICERS

Rev. Dr. Frederick Crawford  
1<sup>st</sup> Vice-Chairperson

Joetta Brown  
2<sup>nd</sup> Vice-Chairperson

Keziah Sullivan  
Secretary

Kathy Johnson Morris  
Treasurer

Rita Jones  
Sgt.-at-Arms/Parliamentarian



**THE CITY OF NEW YORK**

**BOROUGH OF THE BRONX**

**COMMUNITY BOARD #5**

**Honorable Ruben Diaz, Jr., Bronx Borough President**

**Chairperson  
Dr. Bola Omotosho**

**District Manager  
Kenneth Brown**

Fernando Ortiz  
Department of City Planning  
1775 Grand Concourse  
Bronx, NY  
10453

June 8, 2021

Dear Mr. Ortiz,

This letter is being produced as evidence of the support of Bronx Community Board 5 for the New York City Department of City Planning's ZFA citywide text amendment.

This letter is confirmation of a vote in the affirmative for this text amendment.

In accordance with a vote by Bronx Community Board 5, taken on May 26, 2021, the aforementioned Community Board affirms its support for this text amendment. This vote was taken after a favorable report by the Land Use Committee, which considered this request on May 18, 2021.

The vote taken by the General Board of Bronx Community Board 5, on May 26, 2021 at the May, 2021 General Board meeting, which was held via WebEx and not in person, as per the Governor's Executive order permitting meetings to be held electronically. The vote was as follows:

Yes: 20

Abstention: 0

No: 0

Please accept this letter as a letter of support for the aforementioned text amendment.  
Most sincerely,

Dr. Bola Omotosho  
Chair, Bronx Community Board 5



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

## Docket Description:

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 23	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 23
<b>Date of Vote:</b> 5/12/2021 12:00 AM		<b>Vote Location:</b> Zoom Audio and Video Conference	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 5/12/2021 6:30 PM	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Zoom Audio and Video Conference <a href="https://zoom.us/j/91461615531">https://zoom.us/j/91461615531</a>

**CONSIDERATION:** Bronx Community Board #6 is issuing a conditional recommendation to the New York City Department of City Planning on the Zoning for Accessibility (ZFA) Text Amendment that includes the West Farms Square subway station be in the Metropolitan Transit Authority (MTA)'s plan to be an accessible subway station.

Recommendation submitted by	BX CB6	Date: 5/17/2021 11:41 AM
-----------------------------	--------	--------------------------





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b> MTA - NYS Metro Transit Authority		<b>Applicant's Primary Contact:</b> Munsun Park	
<b>Application #</b> N210270ZRY		<b>Borough:</b>	
<b>CEQR Number:</b> 21DCP136Y		<b>Validated Community Districts:</b> CY00	

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 28	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 46
<b>Date of Vote:</b> 4/27/2021 12:00 AM		<b>Vote Location:</b> Zoom Teleconference: <a href="https://zoom.us/j/91851378139">https://zoom.us/j/91851378139</a>	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

**Was a quorum present?** No

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

**CONSIDERATION:**

Recommendation submitted by	BX CB7	Date: 7/1/2021 10:47 AM
-----------------------------	--------	-------------------------

**Bronx CB 7**  
**MOTION SUMMARY**

**April 27, 2021**

**Title:** Motion concerning the proposed Zoning for Accessibility text amendment.

**Committee(s):** Housing, Land Use, & Economic Development

**Recommended Action:** Bronx Community Board 7 supports the proposed Zoning for Accessibility text amendment to the NYC Zoning Resolution.

**Background:** At present, only 136 of 493 subway stations and 25 of 39 commuter railroad stations in NYC are accessible to persons with disabilities. Under this proposal, the NYC zoning ordinance would be amended to require developers to work with the MTA to identify space for vertical accessibility improvements adjacent to stations. Suitable locations would be dedicated to the MTA as an easement. This zoning rule would be applicable to developments greater than 5,000 square feet in areas immediately adjacent to MTA stations in certain zoning districts. The NYC Department of City Planning and the MTA believe this zoning text change will accelerate the construction of accessibility improvements to MTA stations.

**Rationale for Recommendation:** In Bronx Community District 7, only 3 of 10 subway stations and 3 of 4 commuter rail stations are accessible to persons with disabilities. Bronx CB 7 has previously supported efforts to construct elevators and other accessibility improvements at subway stations, notably at the Moshulu Parkway subway station. The Committee recognizes the need to improve MTA accessibility and believes this zoning text change could facilitate necessary improvements at MTA stations in cooperation with property owners.

**Timing:** The deadline to submit comments to the City Planning Commission is June 4, 2021.

**Prior Action:** None.

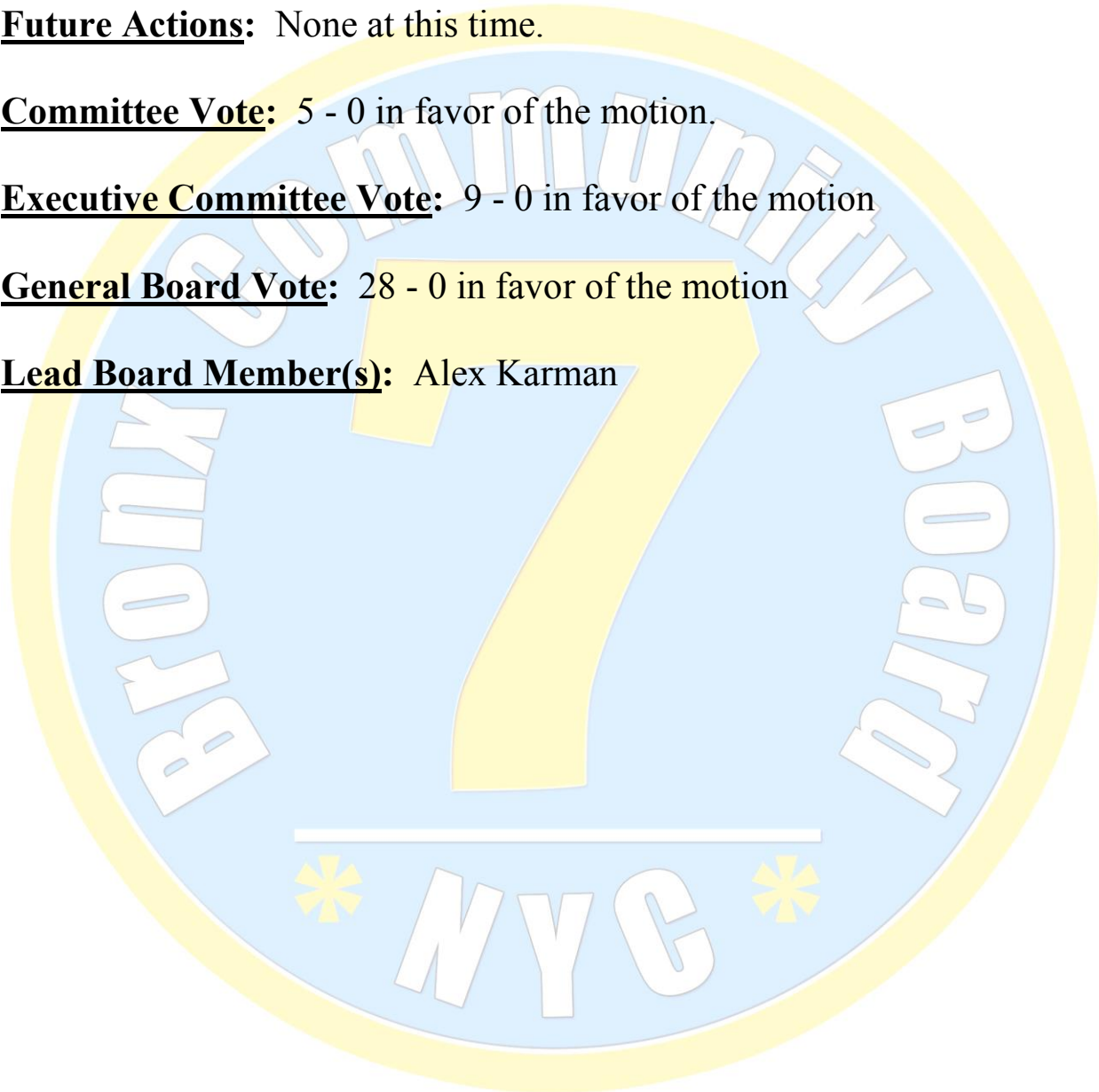
**Future Actions:** None at this time.

**Committee Vote:** 5 - 0 in favor of the motion.

**Executive Committee Vote:** 9 - 0 in favor of the motion

**General Board Vote:** 28 - 0 in favor of the motion

**Lead Board Member(s):** Alex Karman







# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 38	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 38
<b>Date of Vote:</b> 6/8/2021 12:00 AM		<b>Vote Location:</b> Zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:** 5/3/2021 7:00 PM

**Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

Zoom

**CONSIDERATION:**

Recommendation submitted by	BX CB8	Date: 6/14/2021 10:54 PM
-----------------------------	--------	--------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 4	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 6
<b>Date of Vote:</b> 6/7/2021 12:00 AM		<b>Vote Location:</b> Bronx CB9 Land & Zoning Committee Meeting (Remote via WebEx)	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

**Was a quorum present?** No

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

**CONSIDERATION:**

Recommendation submitted by	BX CB9	Date: 6/24/2021 10:43 AM
-----------------------------	--------	--------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)	
<b>Applicant:</b> MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b> Munsun Park
<b>Application #</b> N210270ZRY	<b>Borough:</b>
<b>CEQR Number:</b> 21DCP136Y	<b>Validated Community Districts:</b> CY00

## Docket Description:

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 27	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 44
<b>Date of Vote:</b> 5/20/2021 12:00 AM		<b>Vote Location:</b> CISCO WEBEX Meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 5/20/2021 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	CISCO WEBEX Virtual Meeting

## CONSIDERATION:

Recommendation submitted by	BX CB10	Date: 5/24/2021 10:24 AM
-----------------------------	---------	--------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: No Objection**

<b># In Favor:</b> 33	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 33
<b>Date of Vote:</b> 5/27/2021 12:00 AM		<b>Vote Location:</b> virtual meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION: No Objection**

Recommendation submitted by	BX CB11	Date: 6/3/2021 1:35 PM
-----------------------------	---------	------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Conditional Favorable**

<b># In Favor:</b> 34	<b># Against:</b> 0	<b># Abstaining:</b> 4	<b>Total members appointed to the board:</b> 38
<b>Date of Vote:</b> 5/25/2021 12:00 AM		<b>Vote Location:</b> Remote via WebEx	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:** 5/10/2021 6:00 PM

**Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

live.mcb1.nyc

**CONSIDERATION:** Please see attached for full resolution and conditions

Recommendation submitted by	MN CB1	Date: 6/4/2021 11:55 AM
-----------------------------	--------	-------------------------

COMMUNITY BOARD 1 – MANHATTAN  
RESOLUTION

DATE: MAY 25, 2021

COMMITTEE OF ORIGIN: LAND USE, ZONING ECONOMIC DEVELOPMENT

COMMITTEE VOTE:	10 In Favor	0 Opposed	2 Abstained	0 Recused
PUBLIC VOTE:	2 In Favor	0 Opposed	0 Abstained	0 Recused
BOARD VOTE:	34 In Favor	0 Opposed	4 Abstained	0 Recused

RE: Elevate Transit: Zoning for Accessibility (ZFA), Citywide Zoning Text Amendment

WHEREAS: In 2019, the New York City Council Land Use Division published Zoning for Transit Accessibility – A Let’s Go Report. The City Council report outlines ways to address and improve accessibility by considering how to broaden the applicability and scope of certain existing, proven zoning tools. To help facilitate the goal of system-wide accessibility more rapidly and efficiently, the report recognizes the potential for an expanded framework of such zoning tools for harnessing already-planned development to contribute to long term transit infrastructure planning and increasing accessibility; and

WHEREAS: The Metropolitan Transportation Authority (MTA) together with the New York City Department of City Planning (DCP) is proposing a zoning text amendment to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement that would require developments on lots over 5,000 sf within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related transit agency on whether a transit easement volume is needed on site for future station access. This requirement would be accompanied by targeted zoning relief to minimize potential construction and design challenges. In addition, an optional Chair Certification would be created to facilitate the provision of a transit easement volume on other sites not subject to the requirement; and

WHEREAS The proposed text amendment would also expand the Transit Improvement Bonus Program, through City Planning Commission (CPC) Authorization, that would grant a floor area bonus for developments within all R9 and R10 density-level districts that provide transit station improvements, including accessibility improvements. In addition to this Authorization, additional zoning relief on such sites may be granted pursuant to other discretionary actions; and

WHEREAS: The proposed action would provide a citywide zoning framework that would create additional opportunities for providing accessibility improvements by aligning them with private development near station areas. The proposed action is not expected to cause a significant change in the overall amount, type, or location of development. The proposed action is not expected to induce development where it would not have occurred absent the proposed action; and

WHEREAS: Regarding applicability in Manhattan Community District 1 for the easement

component, developments on lots over 5,000 sf within 50 feet of any station must obtain a determination from the related transit agency and the Chair of the CPC on whether a transit easement volume is needed on site for future station access; and

WHEREAS: Most transit stations in CD1 are already eligible for the voluntary Transit Improvement Bonus program, and the expanded Transit Improvement Bonus program would make several stations in the northern part of the district (from Franklin Street north) eligible as well. The Transit Improvement Bonus is eligible for developments on zoning lots that are within 500 feet of a station envelope, or 1,500 feet of a station envelope if within a Central Business District (lower Manhattan is defined as a Central Business District south of Murray Street). Applications for a Transit Improvement Bonus would get referred to CB1, as it is via CPC Authorization; and

WHEREAS: Both the easement and the voluntary bonus provisions would allow for further zoning modifications because of possible unique conditions, which can be sought through an Authorization for an additional height increase of up to 25% or a Special Permit for anything beyond that. Both are discretionary actions; and

WHEREAS: Final adoption of this proposal is expected in Fall 2021; now

THEREFORE  
BE IT  
RESOLVED

THAT: CB1 acknowledges the need for accessibility and circulation improvements throughout NYC's transit system and we support the goals of this plan. CB1 recommends approval of this citywide zoning text amendment with the following conditions:

- The application includes language regarding the Expanded Transit Improvement Bonus Program which states that the proposed action would also grant a floor area bonus to developments in R9 and R10 density-level districts that provide major station access and circulation improvements, "including but not limited to," accessibility improvements. Access and circulation improvements must be well-defined in the zoning text so that other various uses do not qualify (i.e. back-of-house, beautification, providing daylight access, rider orientation, noise abatement).
- Density caps are applied to merged lots in order to ensure that their FAR bonus is kept at an acceptable level.
- Community Board and Borough President notice be included as a requirement before the CPC authorizes any additional modifications to zoning regulations as outlined in proposed Section 66-521.
- In cases where an easement is provided but not immediately in use for transit purposes (or an easement is granted and later terminated), a provision should be included in the zoning text to ensure that the benefits of the easement space go to the public good and not the private developer. For example, if the space is used

temporarily for commercial purposes the rent should go to the MTA. If the easement is terminated, the space should not automatically revert back to the developer for private benefit, but should be sold with funding going to the MTA.

- To the extent that the development is a participant in the Mandatory Inclusionary Housing (MIH) program, any bonus FAR given as part of the Expanded Transit Improvement bonus should be subject to underlying Inclusionary Housing requirements.
- As a broader policy consideration, CB1 encourages the City to pursue other potential incentives for needed civic improvements rather than relying on bonus programs for developments which are becoming overly burdensome on communities (i.e. tax incentives).



Jeannine Kiely, *Chair*  
Susan Kent, *First Vice Chair*  
Valerie De La Rosa, *Second Vice Chair*  
Bob Gormley, *District Manager*



Antony Wong, *Treasurer*  
Eugene Yoo, *Secretary*  
Ritu Chattree, *Assistant Secretary*

## COMMUNITY BOARD NO. 2, MANHATTAN

3 WASHINGTON SQUARE VILLAGE

NEW YORK, NY 10012-1899

[www.cb2manhattan.org](http://www.cb2manhattan.org)

P: 212-979-2272 F: 212-254-5102 E: [info@cb2manhattan.org](mailto:info@cb2manhattan.org)

Greenwich Village \* Little Italy \* SoHo \* NoHo \* Hudson Square \* Chinatown \* Gansevoort Market

June 18, 2021

Marisa Lago, Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007

Dear Ms. Lago:

At its Full Board meeting on June 17, 2021, CB#2, Manhattan (CB2, Man.), adopted the following resolution:

**Elevate Transit: Zoning for Accessibility (ZFA) Text Amendment:** This proposal would establish a systemwide framework for coordinating the siting and provision of transit station easements and improvements with new developments and enlargements that would allow the MTA to locate access to subway stations within private developments. Sponsored by DCP, Metropolitan Transportation Authority (MTA), City Council and the Mayor's Office for People with Disabilities (MOPD).

Whereas:

1. The MTA and DCP are proposing a citywide text amendment that would facilitate systemwide accessibility, with an emphasis on vertical access.
2. This action is subject to a public review process but not the ULURP process.
3. At present, only 28% of MTA transit stations are ADA accessible.
4. The proposal includes two features: a system-wide transit easement requirement and an expanded transit improvement bonus for high density areas.
5. CB2 supports increased transit accessibility if it is accomplished quickly and relates specifically to ADA accessibility.
6. Even though DCP does not expect the proposed action to induce development where it would not have naturally occurred, the cumulative effect around transit stations could be transformative.

7. The lack of elevators in a majority of subway stations disenfranchises a great many people who need to use public transit from being able to access it or who can only access it with great difficulty.
8. The urgent need to construct subway elevators to provide this requisite ADA access has existed for many years.
9. It is expected that elevator construction may take many years, because of MTA budget limitations. DCP has indicated that such construction is not in the MTA current 10-year capital plan and is not in the forefront of the next one.

The Systemwide **Transit Easement** Would Apply To All Stations in CB2

10. The present easement provision is a requirement for station-adjacent sites in very limited areas.
11. This text amendment would extend the easement requirement systemwide to almost every station in the city.
12. The proposed easement provision would require developments and enlargements on lots >5000sf within 50' of a mass transit station in most zoning districts to submit an application to the MTA and the CPC Chair requesting a determination as to whether or not a transit easement volume is required for future station access.
13. The proposed action would be offered as a new CPC Chair Certification (certified jointly by CPC and MTA), which would be awarded prior to receiving any building permit from DOB.
14. This is the only type of non-discretionary review proposed in ZFA; it will not be referred to community boards.
15. Where easements are provided, zoning modifications, such as a floor area exemption or a reduction in required parking spaces (not required in CB2), would apply.
16. Zoning lots within 50' of mass transit in the designated districts, but <5000sf, can apply for a voluntary provision of an easement volume in exchange for the same zoning relief as larger sites. Conversions would receive a targeted subset of zoning relief. Where clear paths are provided to address sidewalk conditions, street wall relief would apply.
17. In addition, an optional Chair Certification would be created to facilitate the voluntary provision of a transit easement on sites not subject to the requirement.
18. Applicable zoning districts include all manufacturing districts; residential districts at or above R5D (with or without commercial overlay); commercial districts with a residential equivalent at or above R5 districts; and C7 and C8 districts.
19. Easements can take up multiple floors (for underground, at-grade, and elevated stations) and could be used to accommodate station needs such as elevators, staircases, passageways or turnstiles.
20. Relief from easements can take the form of:
  - a. **Floor area and open space:** Excluding easement areas from zoning floor area; treating the easement as a permitted obstruction (in commercial and manufacturing districts, commercial uses on the second floor would be allowed to extend up to 30' in height within the rear yard). Increasing maximum lot coverage in R5, R6 and R7 districts is also an option.
  - b. **Height and setback:** Maximum permitted height increased by 10' for easements serving below-grade stations in R5 and R6 districts; by 20' for above-grade

easements in R7 and above. The portion of the street wall within 15' of an easement would be allowed to recess up to 15' from the street line.

- c. **Use:** Allowing temporary, permitted non-residential uses as well as local retail uses (UG 6) in residential districts while waiting; allowing local retail uses within 30' of easement areas in residential districts; allowing greater flexibility to locate commercial uses on the second floor and allowing second-floor commercial uses to extend into the rear yard at above-grade stations.
  - d. **Parking:** Not applicable in CB2
  - e. **Streetscape provisions:** Excluding easement areas from ground floor use regulations and planting requirements to facilitate station entrance design; curb cuts prohibited within 30' of an easement to ensure safety).
21. There is no increase in FAR with the transit easement, although an increase in height is allowed.

#### The Expanded **Transit Improvement Bonus** In High-Density Areas (R9, R10) Would Apply To All But Two Stations In CB2

- 22. The current Transit Improvement Bonus applies to the densest commercial districts (R9 and above) in or near central business districts and offers a floor area bonus for station-adjacent development sites that construct “major” on- or offsite station improvements. It is also currently available in certain Special Purpose Districts. In CB2, those include the Union Square District and the NYU 8<sup>th</sup> St. station (not the Special Hudson Square district or the Special Little Italy District). CB2 has no central business districts.
- 23. This text amendment would extend the Transit Improvement Bonus to lots that are both in R9 and R10 zones and within 500' of a station. Both conditions must be met.
- 24. Through a new CPC Authorization (no longer a Special Permit), the proposed text amendment would grant a floor area bonus of up to 20% of the maximum floor area ratio permitted in the underlying zoning and expand the improvement bonus to commercial districts of 10 FAR and above in Manhattan (R9 and R10 districts plus their commercial equivalents, MX district equivalents, and M1-6 districts).
- 25. CPC Authorizations would be referred out to community boards, but ULURP would not be required except with additional zoning modifications.
- 26. The amount of floor area bonus will be “commensurate with the degree to which such improvements enhance customer access and station environment.”
- 27. This would apply to any development/enlargement projects with zoning lots that are directly adjacent to stations as well as to any zoning lots within 500' of a station (or 1500' of a station in a central business district) and provide a “significant” station improvement. “Significant” improvements include elements like elevators, additional station entrances, mezzanine expansions and platform upgrades.
- 28. A total of 121 stations in Manhattan are located within the designated distances of eligible sites.
- 29. Sites within 500' of a station are also eligible to provide off-site improvements.
- 30. Every project to apply for the expanded transit improvement bonus would be subject to a discretionary review process, with final approval resting with City Planning.
- 31. There are a few exceptions where the transit improvement bonus can be used on top of other citywide floor area bonuses. Voluntary Inclusionary Housing projects can use the transit and affordable housing bonuses singly or in combination. Sites that receive the

transit bonus may be granted additional FAR on top of the maximum FAR permitted through the Mandatory Inclusionary Housing program. For both MIH and VIH, this additional FAR is exempt from the affordable housing requirements.

32. Maintenance of the station improvement by the developer also qualifies for a floor area bonus.
33. A developer would not be allowed to occupy and use the bonus floor area until the MTA determines that the subway improvement is usable by the public.

#### **Pertaining To Both The Easement And The Transit Improvement Bonus**

34. Where a site providing an easement needs additional zoning modifications beyond what is offered via Certification, additional discretionary actions in the form of an Authorization (including, for unique circumstances, up to an additional 25% in height) or Special Permit (for “very unique” circumstances that require >25% height increase) would be required. Other use, bulk, parking, streetscape, and loading relief measures can be granted. Special Permits require a full ULURP.
35. This text amendment will also create a Special Permit to address instances where a height increase must extend beyond the 25% increase allotted in the above Authorization with the same permitted modifications as above.
36. Both the easement and the improvement bonus are applicable in historic districts. Any construction would be subject to LPC review and approval.
37. “Unique sites” could be provided additional relief, for example to create a transit plaza or provide extra circulation space around a station entrance.
38. If a station is already ADA accessible, improvements can include station access and circulation improvements such as a new entrance, escalators, more elevators, and stairs. The MTA will determine which improvements are appropriate.

#### **Therefore: CB2 recommends approval of the ZFA text amendments with the following conditions:**

1. Any increase in FAR, height and/or bulk must be for an improvement that specifically supports ADA accessibility.
2. No increases in height, bulk and/or FAR without a public process that includes referral to community boards.
3. All developments or enlargements that receive an increase in floor area, bulk, height, etc. as a result of this text amendment must be built to be 100% compliant with federal ADA standards.
4. No increases (FAR, bulk or height) should exceed 20% for any reason.
5. No combination of bonus programs (such as ZFA, VIH and MIH) should be permitted that yields more than a combined 20% increase in FAR, bulk or height.
6. “Major” or “significant” actions resulting from required easements or bonused developments that trigger height, bulk and/or FAR increases must be defined and quantified in the text before the amendment is adopted.
7. Institution of a mechanism that guarantees that developers do not receive bonus FAR and then deliver an unusable station improvement.
8. Priority should be given to swift construction of these improvements.
9. 500’ be reduced to 250’ to be eligible for the transit bonus and off-site improvements.

**Vote:** Passed unanimously with 44 Board members in favor.

Please advise us of any decision or action taken in response to this resolution.

Sincerely,



Jeannine Kiely, Chair  
Community Board #2, Manhattan



Frederica Sigel, Chair  
Community Board #2, Manhattan  
Land Use & Housing Committee

JK/jt

c: Hon. Jerrold Nadler, U.S. Representative  
Hon. Carolyn Maloney, U.S. Representative  
Hon. Nydia Velazquez U.S. Representative  
Hon. Brad Hoylman, NY State Senator  
Hon. Brian Kavanagh, NY State Senator  
Hon. Deborah Glick, Assembly Member  
Hon. Yuh-Line Niou, Assembly Member  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Corey Johnson, City Council Speaker  
Hon. Carlina Rivera, City Council Member  
Hon. Margaret Chin, City Council Member  
Sylvia Li, Department on City Planning  
Andy Cantu, Department of City Planning

**1. Andrew Cantu, Dept. of City Planning**



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Waiver of Recommendation**

<b># In Favor:</b> 42	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 42
<b>Date of Vote:</b> 5/25/2021 12:00 AM		<b>Vote Location:</b> zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:** no recommendation with comments

Recommendation submitted by	MN CB3	Date: 5/28/2021 2:11 PM
-----------------------------	--------	-------------------------



# THE CITY OF NEW YORK

## MANHATTAN COMMUNITY BOARD 3

59 East 4 th Street - New York, NY 10003 Phone (212) 533-5300

[www.cb3manhattan.org](http://www.cb3manhattan.org) – [mn03@cb.nyc.gov](mailto:mn03@cb.nyc.gov)

Alysha Lewis-Coleman, Board Chair

Susan Stetzer, District Manager

May 28, 2021

Marisa Lago, Chair  
City Planning Commission  
120 Broadway  
New York, NY 10271

Dear Chair Lago,

At its May 2021 monthly meeting, Community Board 3 passed the following resolution:

**TITLE: N210270ZRY--Comments on the Zoning for Accessibility Citywide Zoning Text Amendment**

**WHEREAS**, the Zoning for Accessibility Citywide Zoning Text Amendment would establish two new zoning provisions to facilitate accessibility improvements in the New York City Transit system: (1) a System-wide Transit Easement Requirement; and (2) an Expanded Transit Improvement Bonus Program; and

**WHEREAS**, the System-wide Transit Easement Requirement would apply to developments near mass transit stations, provide zoning relief to offset the easement requirement, and would create a City Planning Commission (CPC) Chair Certification for transit easement requirement approvals; and

**WHEREAS**, this easement volume requirement would apply to all developments over 5,000 square feet in size within 50 feet of a mass transit station in residence districts at or above R5D density, including R5 districts with commercial overlays, commercial districts with a residential equivalent at or above R5, as well as C7 and C8, and all manufacturing districts, subject to a determination by the Metropolitan Transit Authority (MTA) as to whether an easement would be needed for a future station access point; and

**WHEREAS**, to minimize the impact of an easement requirement on an owner were it to be required, zoning relief may apply in the following areas, contingent on-site plan approval by the MTA and the CPC Chair:

- Allowance of temporary non-residential uses when an easement is not improved upon immediately, including Use Group 6 uses in residential districts and any permitted uses in commercial and manufacturing districts
- Allowance of Use Group 6 retail uses in residential districts and any permitted uses in commercial districts within 30 feet of an easement and on the 2nd floor in instances of above-grade improvements
- Exemption of the floor area of the easement volume from total development site floor area calculations

- Transit easements would be considered permitted obstructions
- Lot coverage flexibility would be expanded in residential districts
- Height relief would be provided in height limited districts
- Street wall requirements would be relaxed in districts where those rules are applicable
- Parking requirements would be reduced by 15 spaces in all districts and parking requirements would be waived on some small sites
- Streetscape requirements including transparency rules and curb cut requirements would be relieved; and

**WHEREAS**, the Zoning for Accessibility Citywide Zoning Text Amendment would also create an Expanded Transit Improvement Bonus Program, in which bonus floor area could be granted by CPC Authorization to developments in high density R9 and R10 districts, their commercial equivalent districts, and in M1-6 manufacturing districts, in instances when a development agrees to provide transit station accessibility improvements; and

**WHEREAS**, this floor area bonus cannot exceed 20 percent of the maximum floor area ratio available at a given site, and the specific size of the bonus is contingent on the degree to which the transit improvement enhances customer access and the station environment;

**WHEREAS**, the bonus cannot be stacked with other citywide floor area bonuses, with the exception of the Voluntary and Mandatory Inclusionary Housing bonus programs, and although it does not preempt the requirements for affordable housing at Mandatory Inclusionary Zoning sites, the bonus floor area delivered via the Transit Improvement Bonus Program would not be subject to the same affordable housing requirements; and

**WHEREAS**, the Transit Improvement Bonus Program has limited applicability in Community District 3, and the areas where it is applicable are not currently soft sites for development;

**WHEREAS**, according to a report by the Transit Center in 2018, privately-run subway elevators perform significantly worse than those run by the MTA. In the first six months of 2018, privately-run elevators were out of service 19% of the time while MTA-operated elevators were out of service 3.6% of the time. The report mentioned that contractual penalties that were in place (such as the MTA being able to draw down bank notes) are not sufficient and need to be strengthened to address this problem.

**WHEREAS**, CB 3 believes that ADA accessibility and transportation infrastructure needs are a citywide priority that must be addressed as quickly and to the fullest extent possible with public funds. Unfortunately, because of limited funds, it is necessary to have the private sector supplement government resources to improve our vital transportation system with appropriate design and ongoing oversight by means such as those proposed in this text amendment.

**THEREFORE BE IT RESOLVED**, while the transit improvement bonus provides for up to a 20% floor area bonus above what is allowed at a given development site in exchange for accessibility improvements, this number is subject to CPC findings which allow for discretion relative to the level of investment in the station improvement. There should be more clearly established criteria explaining the relationship between the level of investment in a transit improvement and the resulting bonus to ensure that the floor area increase is justifiable and appropriate; and

**THEREFORE BE IT FURTHER RESOLVED**, the expanded transit improvement bonus would take what is



currently an action requiring a CPC Special Permit subject to Uniform Land Use Review Procedure (ULURP), and transition it to a CPC Authorization. While applicants would still be referred to the Community Board, there would be no mandated Community Board public hearing or City Council review, which impacts the influence of the Community Board recommendation in the review process. To ensure the Community Board's role in this approval process remains meaningful, the transit improvement bonuses should be subject to a full ULURP and remain as a CPC Special Permit; and

**THEREFORE BE IT FURTHER RESOLVED,** as this program encourages private sector transit improvement investments in high-density areas with stronger development markets, to guarantee equitable citywide accessibility improvements on public transit, the MTA should ensure that sufficient public capital funding is dedicated to transit accessibility improvements in less affluent areas, and provide regular publicly available updates on the status of these investments and their geographic distribution; and

**THEREFORE BE IT FURTHER RESOLVED,** all privately owned and maintained transit access improvements and stations must meet all MTA standards for construction quality, safety, and continued maintenance and their perpetual maintenance and repair and should be legally mandated by the MTA with enforcement mechanisms to ensure compliance including subject to appropriate penalties if these standards are not met.

Please contact the community board office with any questions.

Sincerely,



Alysha Lewis-Coleman, Chair  
Community Board 3



Jacky Wong, Chair  
Land Use Committee

cc: Matthew Pietrus, Department of City Planning  
Office of Councilmember Carlina Rivera  
Office of Councilmember Margaret Chin  
Office of Manhattan Borough President Gale Brewer  
Mayor's Community Affairs Unit  
Office of NYS Assemblymember Yuh-Line Niou  
Office of NYS Assemblymember Harvey Epstein  
Office of NYS Senator Brian Kavanagh  
Office of NYS Senator Brad Hoylman



**LOWELL D. KERN**  
Chair

**JESSE R. BODINE**  
District Manager

CITY OF NEW YORK  
**MANHATTAN COMMUNITY BOARD FOUR**

424 West West 33 Street, Suite #580  
New York, NY 10001  
Mailing Address  
P.O. Box 2622  
New York, NY 10108  
tel: 212-736-4536  
[www.nyc.gov/mcb4](http://www.nyc.gov/mcb4)

June 14, 2021

Marisa Lago  
Chair  
NYC City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

Frank Ruchala Jr.  
Director of Zoning Division  
NYC Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY, 10271

Olga Abinader  
Director of Environmental Assessment and Review Division  
NYC Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY, 10271

**Re: Zoning for Accessibility (ZFA) Citywide Text Amendment**

Dear Chair Lago, Mr. Ruchala, and Ms. Abinader,

On May 12, 2021, at Manhattan Community Board 4's (MCB4) Clinton /Hell's Kitchen Land Use Committee meeting, the Department of City Planning (DCP) presented its proposed City-wide text amendment to improve zoning rules that allow the MTA to locate access to subway stations within private developments to help expedite the delivery of a fully accessible transit system.

The text amendment was developed by DCP in collaboration with the Metropolitan Transportation Authority (MTA), the City Council, and the Mayor's Office for People with Disabilities (MOPD).

**At its June 2, 2021, regularly scheduled full board meeting, MCB4 with 46 in favor, 0 opposed, and 0 present but not eligible, voted support for the vital necessity of providing subway access for all New Yorkers, with conditions as listed below.**

## The Proposed ZFA Amendment

According to the DCP, only about 30% of the City’s 493 transit stations are fully accessible.<sup>1</sup> All MTA stations are below grade in Manhattan Community District 4 (MCD4). Approximately half of all MTA stations in MCD4 have full ADA accessibility, one station with partial ADA accessibility, the other half have no ADA accessibility. The expansion of the transit improvement bonus would affect the areas around Sixth, Seventh, and Eighth Avenues below 33rd Street, and around Eighth Avenue to Ninth Avenues from 33<sup>rd</sup> to 59<sup>th</sup> Street.

The proposed ZFA text amendment seeks “to expand existing zoning tools that help coordinate new developments near transit with the construction of improvements to station accessibility and capacity” by expanding it in two ways.<sup>2</sup>

First, it would allow a wider range of zoning districts to be eligible for the transit improvement bonus. The **system-wide easement requirement** would increase the rate and breadth at which station improvements and easement volumes are provided within the transit system.

Second, it would expand the geography of areas where the transit bonus may be used to sites beyond those which are immediately adjacent to a station. The proposed **expansion of the transit improvement bonus** to the highest-density districts in the city would accelerate transit improvements to stations by incentivizing developers to provide substantial transit station improvements in exchange for an FAR bonus and other zoning related modifications. The Proposed Action also includes specific zoning modifications intended to ensure the new transit improvement can be integrated with the building construction.

The easement requirement would provide relief for developments that required additional construction to improve access to nearby stations. The bonus program would allow developers to proactively apply for floor area bonuses in return for investments in station improvements. Easement benefits include floor area exemptions, maximum lot coverage reductions, parking deductions, while bonus program benefits would allow a floor area bonus of up to 20%.

Currently, this zoning tool is limited to a few areas of the city, mostly in Manhattan. ZFA would require property owners of developments near stations “to proactively work with

---

<sup>1</sup> [Elevate Transit: Zoning for Accessibility, NYC Department of City Planning.](#)

<sup>2</sup> Ibid.

the MTA to provide station access easements and would expand zoning incentives for developments in high-density districts to construct station improvements.”<sup>3</sup>

Essentially, this means the developer would be required to meet with the MTA to determine if space on its property would have to be accessed by the MTA. For example, if a developer builds an elevator, instead of the MTA, the zoning development parcel could receive up to a 20% density bonus,

## **MCB4 Response to Proposed Text & Approval Conditions**

### **Overall**

Accessibility to mass transit should be a right for all New Yorkers. The Board supports a proposal of increasing accessibility at transit stations throughout the city for persons with disabilities. This zoning proposal adds to the toolbox for increasing accessibility and a transformation, over time, of the subway system. It should not be looked on as a full solution, since it is zoning driven, and therefore development driven. Development relies on market cycles of real estate. Relying solely on the private sector, and outsourcing through private development, is no substitute for greater public financing of the MTA to bring full accessibility to the system.

Relying on a zoning solution, brings achieving accessibility into conflict with other requirements and goals in the zoning resolution, especially those in fine grained zoning text, embodied in Special Zoning Districts. MCB4 has multiple Special Zoning Districts:

- Special Clinton District
- Special Midtown District (Theatre Subdistrict)
- Special Garment Center District
- Special Hudson Yards District
- Special West Chelsea District

With hundreds of pages of zoning text, the overlay of the proposed Zoning for Accessibility text, must be carefully considered with the layering of those provisions.

### **Recommended Text Revisions**

#### **Decreasing Radius for Improvements**

MCB4 requests, that in MCD4, the radius for applicability of accessibility be decreased from 1,500 feet to 800 feet, the length of an avenue block on the west side of Manhattan. MCB4 proposes this change, to create a clearer nexus to station improvements and to reduce increased density further from the affected station.

#### **Zoning Lot Combinations**

---

<sup>3</sup> See Appendix - Elevate Transit: Zoning for Accessibility Site Maps

The ZFA Amendment's requirements should apply only to *tax* lots, and not zoning lots, adjacent to station entrances or within 800 feet within Manhattan Community District 4. Many Special Zoning Districts in MCD4 allow for both zoning bonuses and transfer of development rights over large geographic areas, creating and redistributing additional density. MCB4 has worked with the Department of City Planning to develop and craft these districts to the City's and the community's benefit. The current text refers to zoning lots. Such zoning lot combinations, in MCD4, would allow for bonuses to be applied to development at too great a distance from the applicable station. For example, a 20% bonus, on the majority of west side block, of 160,000 square feet, could result in an out-of-scale tower over a block from the affected station. For application in MCD4, MCB4 requests the text be modified to be applied to tax lots, not zoning lots, adjacent to stations.

#### Easement and Bonus Stacking

MCB4 requests for clarification if the easement and density bonus can be stacked for a second height increase. DCP stated that generally a stacking situation would not be allowed. MCB4 asks DCP to confirm where this provision is embodied in the text.

#### Conflict with Special Zoning District Bonus Provisions

The Clinton Special District was first adopted in 1973, with a choice of zoning bonuses for Open Space or Affordable Housing. In the 1990s, the district bonuses were modified to include only Affordable Housing, then referring to it as Inclusionary Housing, which had been adopted in 1987. By limiting that bonus to Affordable Housing, the district saw an increase in the supply of affordable housing. The choice of bonuses became an issue later in the 1990s, with the proposal of the Theatre Development Rights Transfer District, in the Special Midtown District, Theatre Subdistrict, to preserve Broadway theatres.

During ULURP, after much negotiation and policy discussion, the western side of Eighth Avenue between West 42nd to West 45th Streets, in the Special Clinton District, was added as an overlay of the Special Midtown District, with the TDR transfer bonus included. However, that bonus can only be invoked after Inclusionary Housing requirements are met. In the Clinton Special District, the Inclusionary Housing bonus allows a 10-12 FAR bonus, the theatre bonus allows a 12-14.4 FAR bonus. The proposed ZFA text is analogous, and should be invoked only after, not instead of the Inclusionary Housing Bonus. The public policy conflicts with the Theatre TDR bonus and must also be resolved.

For the Hudson Yards Special District and the Garment Center Special District developed *pari passu*, in conjunction with Inclusionary Housing, MCB4 requests clarification that agreed upon precedent and hierarchy of those Special District Zoning Bonuses remains in place.

We request for removal of the Hudson Yards subway station as a site eligible to receive bonuses, as the station is already fully accessible and is an existing transit bonus area. The current FAR is 33, with the densest zoning in the entire the city. The station is also adjacent to the eastern and western railyards, which are on three full city blocks and single zoning lots.

#### Standardizing Calculating Bonuses for Accessibility Improvements

Accessibility improvements should be quantified and standardized. Leaving the application of bonuses as a discretionary decision does not provide the guarantee that accessibility improvements will result in equitable bonuses across the city. The MTA should have a standard list of significant improvements rather than allowing the developer to present arguments for what it considers significant. MCB4 recommends that standard definitions of significant accessibility improvements be developed and incorporated by reference into the proposed zoning text. Thus, priority and focus should remain on critical improvements and developers should not be given an option to choose easier tasks.

Improving station appearance should be part of the basis for zoning bonus, only if directly connected to the improved accessibility. MCB4 recommends that improvements described in 66-51 (b) "enhancements to noise abatement, air quality, lighting, finishes or rider orientation in new or existing passageways" be characterized as incidental to the main application and should not stand alone, receive a density bonus.

Also, Certificates of Occupancy for any development receiving a density bonus, should be conditioned on MTA sign off for the completion of the proposed accessibility improvements.

#### Accessibility Entrance Hours

The hours for any accessible entrance created must mirror the regular station hours for that station.

#### Construction and Maintenance Standards

Construction of improvements should be to MTA standards not the developer's. Maintenance will be administered through a Maintenance Agreement between the developer and the MTA. The MTA also holds a Maintenance Reserve. If the developer does maintain the improvements, the MTA can exercise self-help, complete the maintenance, and require the reserve be replenished.

However, it is the Board's experience that developers have not been held accountable for the maintenance of accessibility improvements. For example, the Worldwide Plaza's elevators were out of service off and on for 20 years.

#### Approval Process & Community Review

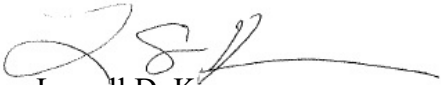
Major stations improvements should be defined and be subject to Chair Certification and community review to ensure public input and transparency in the development and accessibility process.

#### Open Restaurants Initiative

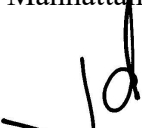
MCB4 requests how the proposed ZFA text will be coordinated with Open Restaurant initiative in regard to easement and entrance siting of accessibility improvements.

The Board looks forward to addressing these issues and working with DCP to make City public transportation system fully accessible to all New Yorkers.

Sincerely,



Lowell D. Kern  
Chair  
Manhattan Community Board 4



Jean-Daniel Noland  
Chair  
Clinton/Hell's Kitchen Land Use  
Committee



Betty Mackintosh  
Co-Chair  
Chelsea Land Use Committee



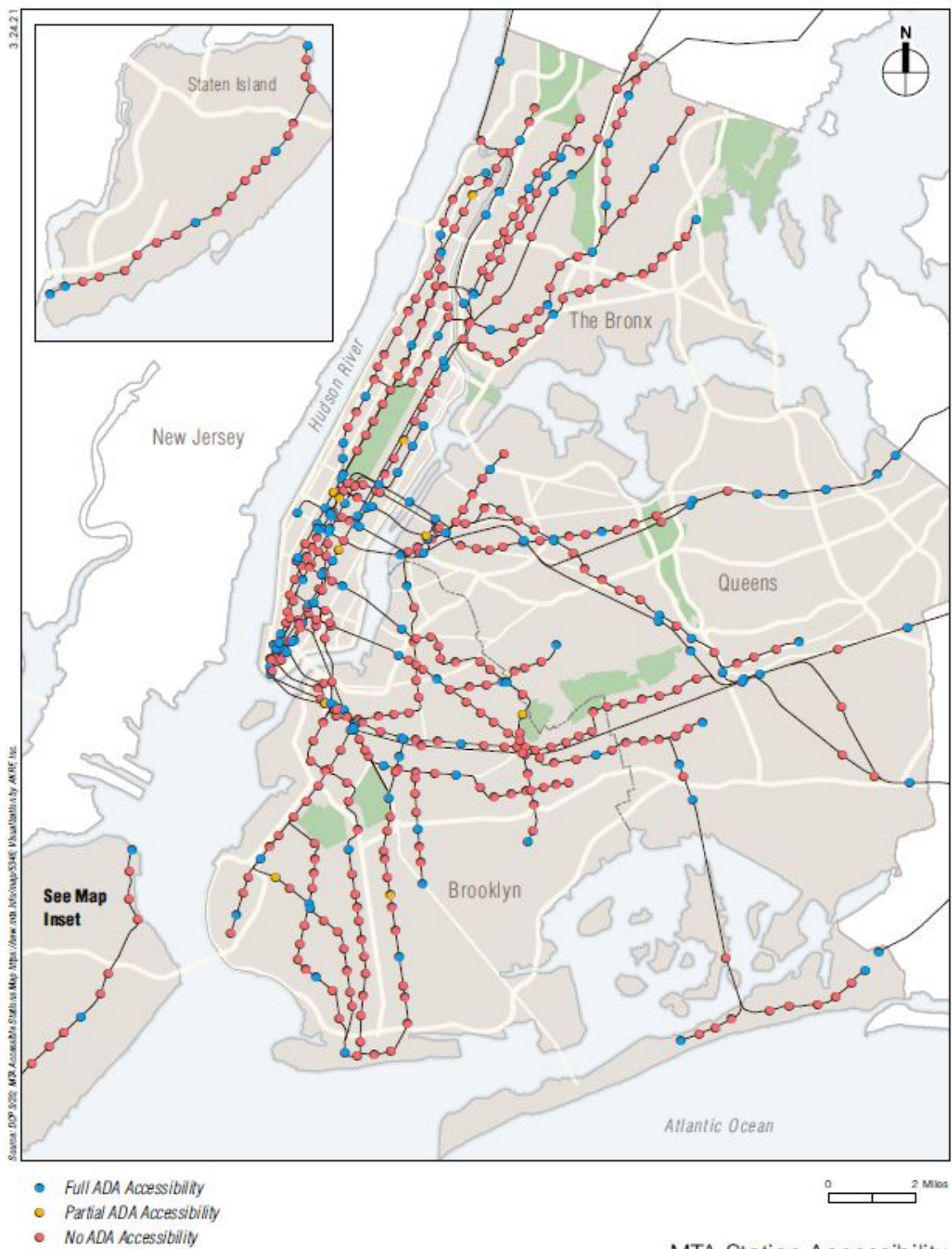
Paul Devlin  
Co-Chair  
Chelsea Land Use Committee

**Enclosure**

cc: Hon. Bill de Blasio, Mayor  
Hon. Corey Johnson, Speaker, City Council  
Hon. Scott M. Stringer, NYC Comptroller  
Hon. Jumaane Williams, NYC Public Advocate  
Hon. Gale Brewer, Manhattan Borough President  
Robert Paley, Director of Transit-Oriented Development, Metropolitan  
Transportation Authority

## Appendix

### Elevate Transit: Zoning for Accessibility Site Maps

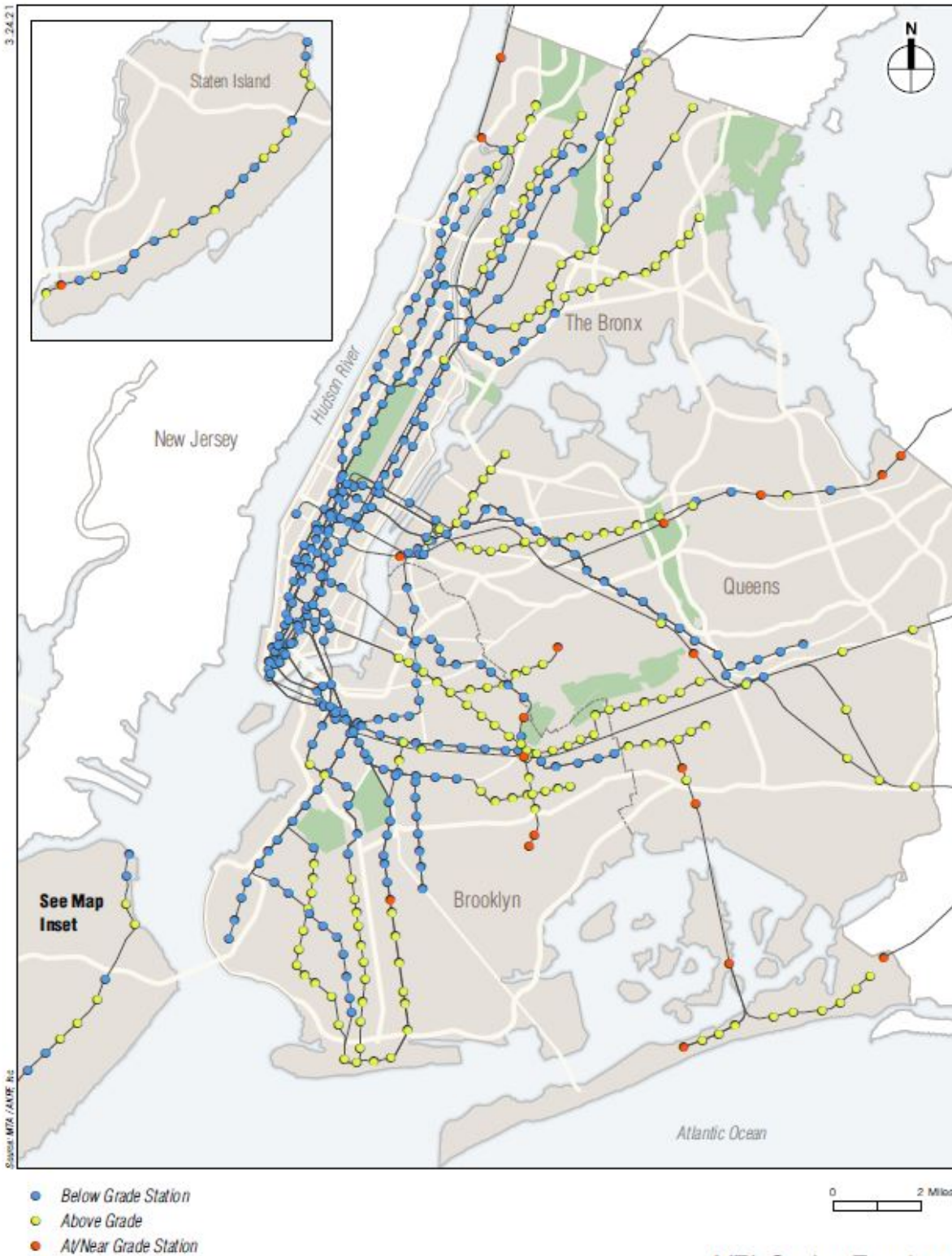


ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

MTA Station Accessibility  
**Figure 1**



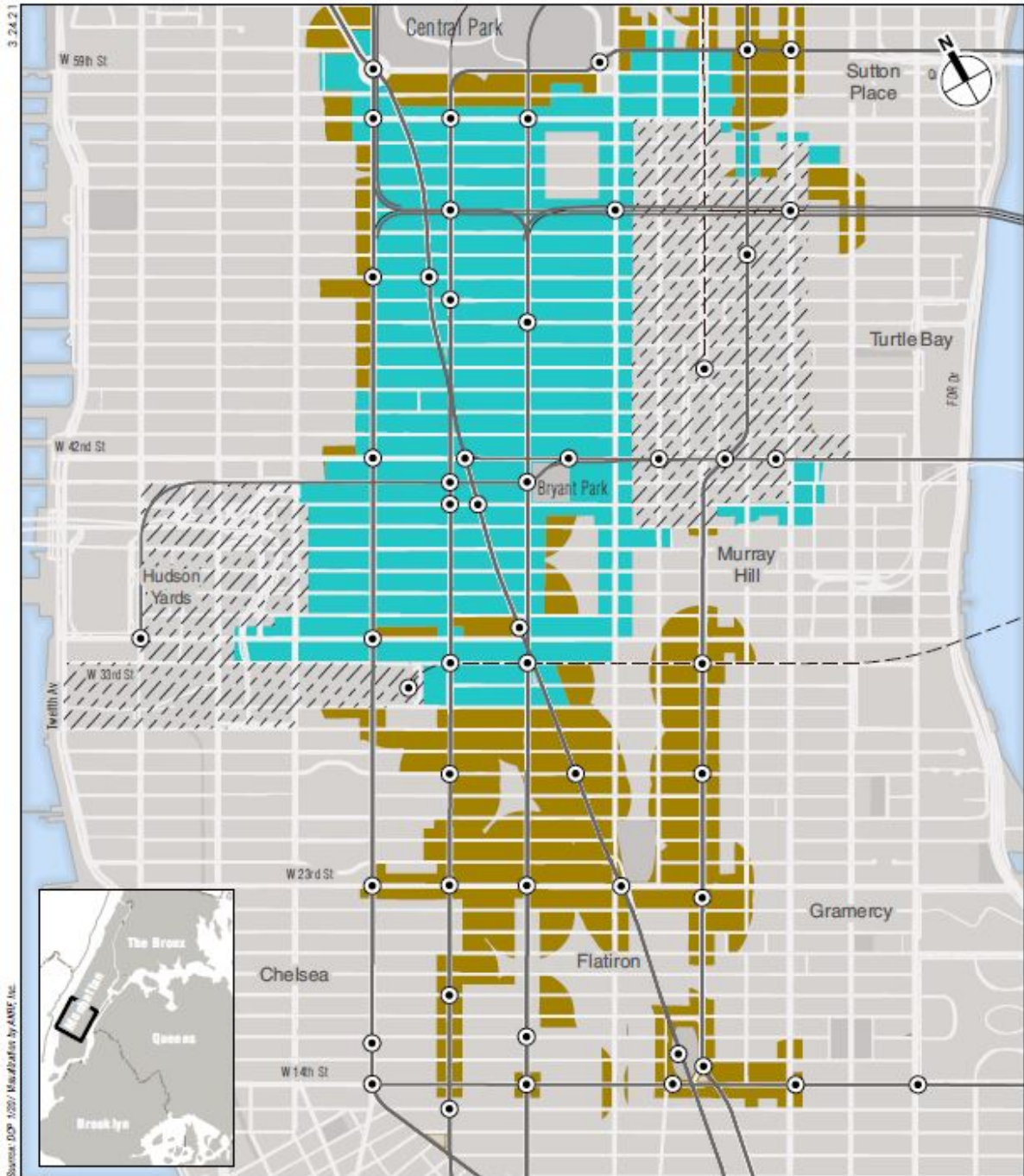




**ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY**

MTA Station Typology  
**Figure 3**

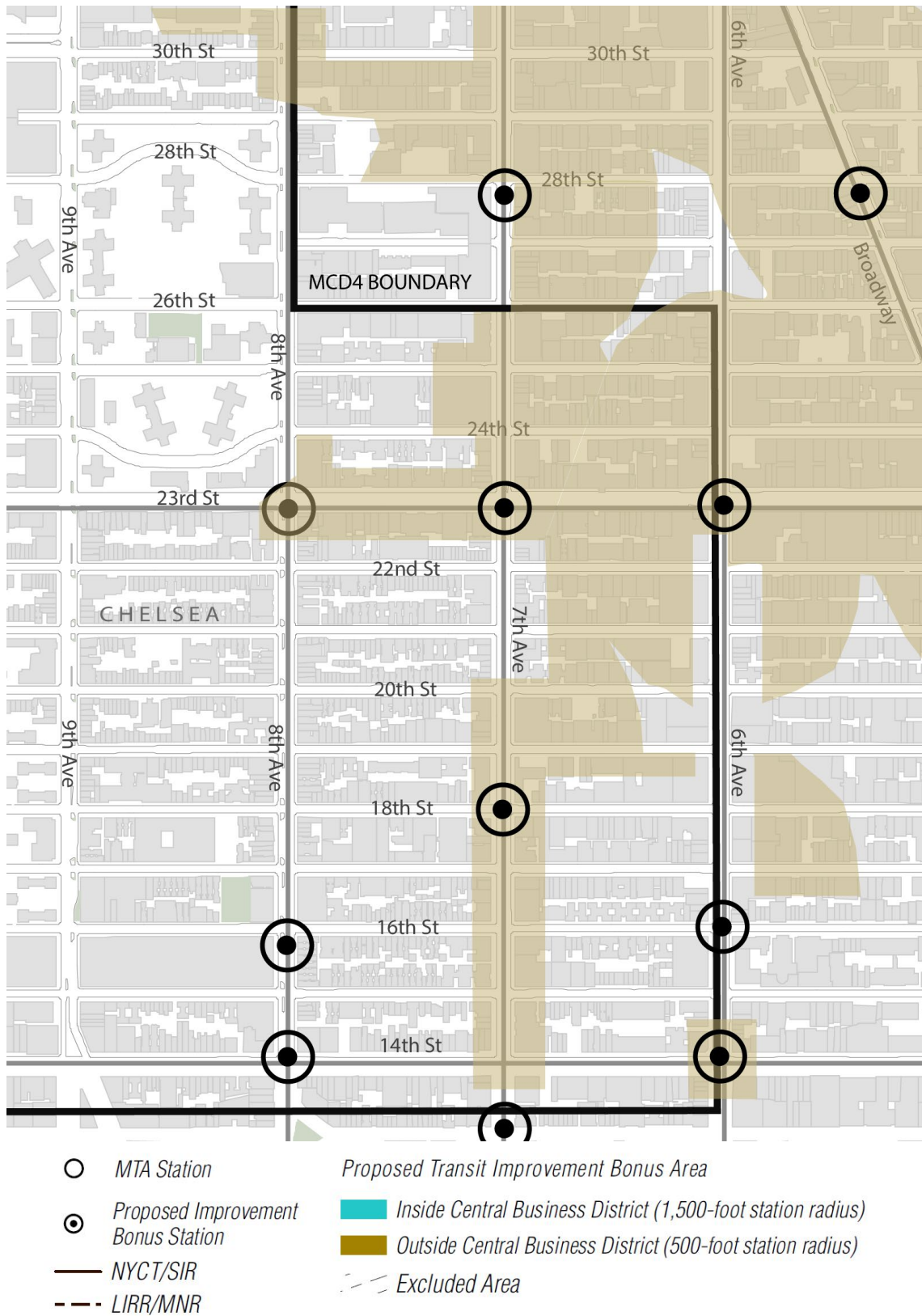




- MTA Station
- ⊙ Proposed Improvement Bonus Station
- NYCT/SIR
- - - LIRR/MNR
- Proposed Transit Improvement Bonus Area**
  - Light Blue Inside Central Business District (1,500-foot station radius)
  - Yellow Outside Central Business District (500-foot station radius)
  - Diagonal Hatching Excluded Area

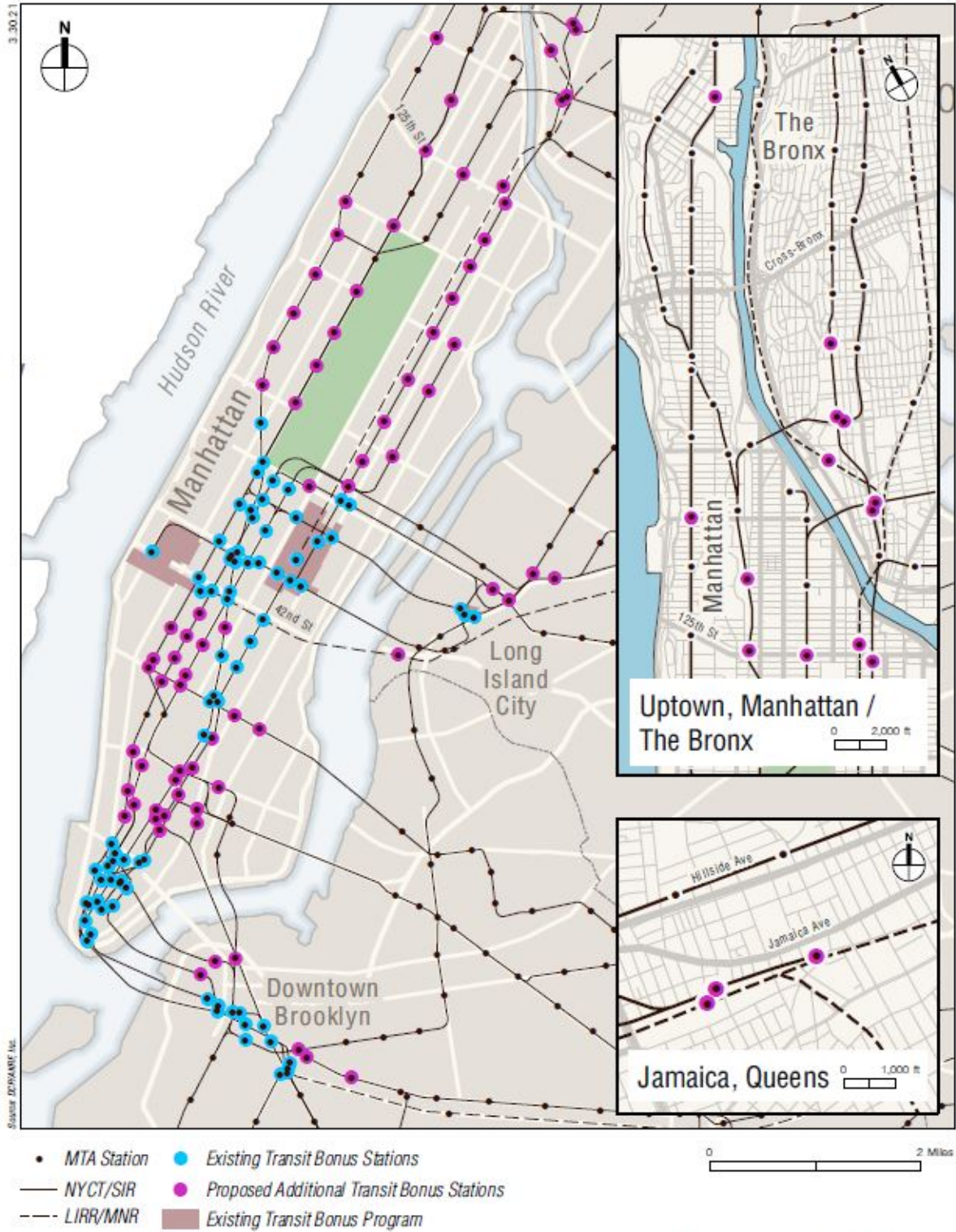
0 1,000 Feet

Midtown Manhattan  
Proposed Transit Improvement Bonus Area  
**Figure 4b**



Chelsea Proposed Transit Bonus Area **Figure 4b**





## Manhattan Community Board Five

Vikki Barbero, Chair

450 Seventh Avenue, Suite 2109  
New York, NY 10123-2199  
212.465.0907 f-212.465.1628

Marisa Maack, District Manager

May 14, 2021

Marisa Lago  
Chair of the City Planning Commission  
22 Reade Street  
New York, NY 10007

**Re: Presentation from NYC Department for City Planning (DCP) on Zoning for Accessibility, a transit-related citywide text amendment.**

Dear Chair Lago:

At the regularly scheduled monthly Community Board Five meeting on Thursday, May 13, 2021, the following resolution passed with a vote of 35 in favor; 0 opposed; 1 abstaining:

WHEREAS, the Metropolitan Transportation Authority (MTA) and the New York City Department of City Planning (DCP) (the “Applicants”) are proposing a citywide zoning text amendment to the New York City Zoning Resolution (ZR) to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites via a system-wide easement requirement (the “Easement Requirement”) and an expanded transit improvement bonus program (the “Bonus Program”); and

WHEREAS, The Easement Requirement and Bonus Program would provide targeted zoning relief and bonus density for eligible developments in return for transit upgrades; and

WHEREAS, The Easement Requirement would apply to all zoning lots with an area of at least 5,000 square feet that are within 50 feet of a mass transit station in all residence districts at or above R5D as well as R5 districts with a commercial overlay, all commercial districts with a residential equivalent at or above R5 as well as C7 and C8, and all manufacturing districts; and

WHEREAS, Applicable lots affected by the Easement Requirement must obtain a determination from the related agency on whether a transit easement is needed on the site for future station access, and if so, will be provided zoning relief in return for construction challenges created by the easement; and

WHEREAS, Zoning lots within 50 feet of a mass transit station in eligible districts that are under 5,000 square feet may apply for a voluntary provision for an easement in return for zoning relief by Chair Certification; and

WHEREAS, 501 MTA Stations (out of 533) are located within 50 feet of a lots within designated districts; and

WHEREAS, Zoning relief for the Easement Requirement could include temporary use allowances, commercial use allowances, floor area exemptions, permitted obstruction allowances, reduction in lot coverage maximums, height relief, street wall flexibility, required parking deductions, parking waivers, general streetscape provisions, and curb cut relief; and

WHEREAS, The Bonus Program would grant floor area bonuses to developments in R9 and R10 districts, their commercial and MX district equivalents, M1-6 districts, and developments within 500 feet of a station or 1,500 feet of a station within Central Business Districts, that construct major station improvements; and

WHEREAS, The Bonus Program would grant a floor area bonus of up to 20% of the maximum floor area ratio (FAR) for developments depending on the degree to which improvements enhance transit customer access and station environment; and

WHEREAS, The Applicants contend that expected to produce development where it would not have occurred absent the Easement Requirement and the Bonus Program; and

WHEREAS, The primary purpose of the Easement Requirement and the Bonus Program are to incentivize and streamline the construction of transit accessibility improvements that are urgently needed throughout the city; and

WHEREAS, The amount of relief provided by the Easement Requirement and the Bonus Program would be at the discretion of the DCP and issued on a case-by-case basis by Chair Certification, rather than using a set of clearly-defined rules; and

WHEREAS, The relief provided by the Easement Requirement and the Bonus Program could have unintended consequences of over-incentivizing density and may not be commensurate with the benefits of the transit improvements; and

WHEREAS, The relief provided by the Easement Requirement and the Bonus Program do not take lot mergers into account, which may significantly increase the bonus floor area granted to those developments; and

WHEREAS, The bonus floor area generated through the Bonus Program for lots that are subject to Mandatory Inclusionary Housing or Voluntary Inclusionary Housing rules would not be subject to affordable housing requirements; and

**RESOLVED**, Community Board Five **recommends denial** of the zoning text amendment regarding the Easement Requirement and the Bonus Program, unless the Applicants expand the amendment to require that:

- Transit accessibility improvements and other station enhancements are mandatory for significant developments,
- Density caps are applied to merged lots in order to ensure that their FAR bonus is kept at an acceptable level, and
- Floor area bonuses for lots that are subject to Mandatory Inclusionary Housing rules should include affordable housing units.

Thank you for the opportunity to comment on this matter.

Sincerely,



Vikki Barbero  
Chair

Layla Law-Gisiko  
Chair, Land Use, Housing and Zoning Committee

KYLE ATHAYDE  
CHAIR

SANDRO SHERROD, FIRST VICE CHAIR  
MARK THOMPSON, SECOND VICE CHAIR



THE CITY OF NEW YORK  
MANHATTAN COMMUNITY BOARD SIX  
211 EAST 43RD STREET, SUITE 1404  
NEW YORK, NY 10017

JESÚS PÉREZ  
DISTRICT MANAGER

BRIAN VAN NIEUWENHOVEN, TREASURER  
BEATRICE DISMAN, ASST. TREASURER  
SEEMA SHAH, SECRETARY  
MATT BONDY, ASST. SECRETARY

## **VIA E-MAIL**

June 10, 2021

Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31st Floor  
New York, NY 10271

### **Resolution on a Citywide Text Amendment (N210270 ZRY) that will allow the MTA to work with private developers to make more subway stations ADA accessible**

At the June 9, 2021 Full Board meeting of Manhattan Community Board Six, the Board adopted the following resolution:

**WHEREAS**, On May 24, 2021, Manhattan Community Board Six heard a presentation from the MTA and the Department of City Planning (DCP) regarding their proposed zoning text amendment that would create a framework to implement (1) an easement requirement and (2) a zoning bonus program intended to provide targeted zoning relief and incentives for eligible developments in return for transit upgrades to be made by eligible developers. This amendment was spurred by the City Council report “Zoning for Accessibility,” which sought to improve access to the City’s transit stations;

**WHEREAS**, even though most subway stations in CB6 are already accessible, this text amendment would allow developers at some distance away from a station to apply for a development bonus, even though the required improvement may not relate to accessibility;

**WHEREAS**, the primary benefit to the MTA of a transit easement within private property is to provide improved access and circulation for its riders at an adjacent MTA subway facility while freeing the sidewalk of elevator towers and stairways – which also enhances the value of the burdened property. But, granting such an easement to the MTA simultaneously reduces the otherwise maximum buildability of a developer’s zoning lot, which this zoning text amendment addresses;

**WHEREAS**, easement benefits include floor area exemptions, maximum lot coverage reductions, use flexibility, etc., while bonus program benefits would allow a floor area bonus of up to 20 percent of the zoning lot. An increase of 25% in height can be done



with an authorization, so a 210-foot R10A, for instance, can go to 262.5 feet. With a CPC special permit, existing height and setback regulations can be completely waived, allowing towers in contextual districts;

**WHEREAS**, this text amendment would likely encourage developers to merge zoning lots to both increase the size of their bonus and to expand the area that qualifies for the bonus providing a mechanism to increase the size of buildings size far away from the relevant subway station;

**WHEREAS**, the bonus program encourages developers to initiate a process resulting in station access improvements through proactively applying for floor area bonuses in return for desired station improvements. But, as written, the bonus calculation allows for the waiver of height and setback regulations that could create distortions in contextual zoning, which aims to enforce a harmonious streetscape appearance;

**WHEREAS**, the proposed transit improvement bonus and the easement requirements would apply to the Second Avenue Subway, which has three newly built stations outside CD6 and future stations within CD6, which will all be accessible and which currently have easement requirements written into the Zoning Resolution;

**WHEREAS**, Transit Improvement bonuses provided by this text amendment are not applicable where East Midtown rezoning is in effect. Otherwise, other zoning bonuses that might be applicable are not limited by or coordinated with these zoning bonus provisions – in particular, it does not trigger the mapping of a Mandatory Inclusionary Housing (MIH) area, nor is the transit bonus subject to Mandatory Inclusionary Housing should it be used within an MIH area;

**WHEREAS**, the MTA intends this zoning text amendment to shift the cost of transit improvements to developers, and in certain circumstances, maintain them. Accordingly, there must be an enforceable legal mechanism ensuring that the improvements are made and maintained as required, with remedies specified;

**WHEREAS**, the vast majority of transit stations in Manhattan would be eligible to receive a transit improvement bonus, while only a few outside Manhattan and Downtown Brooklyn are eligible to receive a bonus;

**WHEREAS**, the geographic bias for eligible stations is due to the existing zoning around transit stations, as the qualifying zoning for a transit improvement bonus is R9 or R10 equivalent;

**WHEREAS**, such high-density zoning is rare outside Manhattan and Downtown Brooklyn, which means that most of the stations that need accessibility will have no bonus mechanism in place to provide such improvements;

**WHEREAS**, this geographic bias brings into question issues of equity, as people who live in and travel to the outer boroughs also have need of stations that are accessible, but

this text amendment does little for them other than freeing MTA capital funding that would have otherwise been spent improving stations in Manhattan;

**WHEREAS**, another mechanism to improve a common good, such as accessibility to transit stations, which could be applied evenly across the City, where the costs and benefits are felt evenly, could use our existing tax system;

**THEREFORE, BE IT RESOLVED** CB6 strongly supports the MTA's providing ADA accessibility in the NYC Subway, as this is MTA's responsibility under Federal Law and notes that most subway stations in CD6 are compliant already. Moreover, CB6 agrees with the need for the MTA to further augment subway station access and improve circulation, and so it is in favor only of the provisions of the proposed Zoning for Accessibility text amendment relating to the easement requirement;

**BE IT FURTHER RESOLVED** that CB6 does not favor the proposed zoning text amendment's mechanism of granting substantial zoning bonuses in return for upgrading existing ADA-compliant stations. It depends on developer interest, is applicable only in R9 and R10 equivalent districts, and it is awarded at the discretion and judgment of the Department of City Planning. Moreover, the resulting increased density permanently burdens the affected neighborhood, and in waiving height and setback requirements, the Department of City Planning can distort the appearance of buildings governed by contextual zoning;

**BE IT FURTHER RESOLVED**, CB6 does not now favor the proposed Zoning for Accessibility zoning text amendment (taken as a whole), but it would view it in a more favorable light if the following changes were made:

- First, CB6 recommends that transit accessibility improvements and other station enhancements are mandatory for significant developments. While it is laudable to create programs that incentivize transit improvements, we live in a city that desperately needs these improvements regardless of how lots are developed. Accordingly, CB6 believes the MTA's direct acquisition of transit easements, especially in outlying areas, is the most straightforward and equitable means of providing access when and where it is needed throughout the transit system.
- Second, CB6 recommends that density caps be applied to merged lots that would benefit from this amendment to ensure that their FAR bonus is kept at an acceptable level. The amendment does not account for the fact that lots could be merged together to take advantage of the bonus program's mechanism to grant a floor area bonus of up to 20%, and the bonus applies across the entire R9/R10 portion of the zoning lot. So not only does the larger zoning lot create a larger bonus, but a smartly constructed zoning lot will allow a development to qualify where it might not otherwise.
- Third, CB6 recommends that the floor area bonuses for lots that are subject to Mandatory Inclusionary Housing rules should be required to include affordable housing units. The amendment explicitly states that developments in MIH and Voluntary Inclusionary Housing areas would not be required to build affordable housing units in the bonus area. The city has long been undergoing a housing

crisis and there are simply not enough affordable housing units to meet the demand. Changing the rules of the bonus program to require that some units be set aside as affordable housing would greatly improve the amendment.

**VOTE: 42 In Favor 0 Opposed 3 Abstention 1 Not Entitled**

Best regards,

A handwritten signature in blue ink, appearing to read 'Jesús', with a stylized flourish extending to the right.

Jesús Pérez  
District Manager

Cc: Hon. Gale Brewer, Manhattan Borough President  
Hon. Carlina Rivera, Council Member  
Hon. Keith Powers, Council Member  
Hon. Ben Kallos, Council Member  
Adam Hartke, Chair, CB6 Land Use & Waterfront Committee  
Azka Mohyuddin, City Planner, NYC Department of City Planning  
Scott Williamson, City Planner, NYC Department of City Planning

Russell Squire  
Chair

Will Brightbill  
District Manager



**The City of New York  
Community Board 8 Manhattan**

505 Park Avenue, Suite 620  
New York, N.Y. 10022-1106  
(212) 758-4340  
(212) 758-4616 (Fax)  
www.cb8m.com – Website  
info@cb8m.com – E-Mail

June 14, 2021

Marisa Lago, Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

**Re: Elevate Transit: Zoning for Accessibility (ZFA), ULURP Number: N210270ZRY. Deadline June 14, 2021**

**THIS APPLICATION IS DIVIDED INTO TWO PARTS. PART A** for the system-wide transit easements. **PART B** for authorization for transit improvement bonuses in high density areas to facilitate the implementation of ADA access at stations throughout the city.

**PART A**

At the Land Use Committee meeting of Community Board 8 Manhattan held on June 9, 2020, the board **APPROVED Part A** of the following resolution by a vote of 34 in favor, 7 opposed, 0 abstentions, and 0 not voting for cause.

**WHEREAS**, the proposal includes a system-wide transit easement certification,

**THEREFORE, BE IT RESOLVED** that Community Board 8 Manhattan **approves** PART A of the application for a text amendment as presented.

**PART B**

At the Land Use Committee meeting of Community Board 8 Manhattan held on June 9, 2020, the board **APPROVED Part B** of the following resolution by a vote of 26 in favor, 11 opposed, 4 abstentions, and 0 not voting for cause.

**WHEREAS**, the proposal would establish authorization for transit improvement bonuses in high density areas to facilitate the implementation of ADA access at stations throughout the city,

**THEREFORE, BE IT RESOLVED** that Community Board 8 Manhattan **approves** PART B of the application for a text amendment with two conditions. Firstly, that the bonus authorizations go through ULURP instead of being authorized by City Planning. Secondly, that the bonus program be only for vertical accessibility enhancements.

Please advise our office of any action taken on this matter.

Sincerely,

*Russell Squire*

Russell Squire  
Chair

cc: Honorable Bill de Blasio, Mayor of the City of New York

Honorable Carolyn Maloney, 12th Congressional District Representative  
Honorable Gale Brewer, Manhattan Borough President  
Honorable Liz Krueger, NYS Senator, 28th Senatorial District  
Honorable José M. Serrano, NYS Senator, 29th Senatorial District  
Honorable Dan Quart, NYS Assembly Member, 73rd Assembly District  
Honorable Rebecca Seawright, NYS Assembly Member 76th Assembly District  
Honorable Robert J. Rodriguez, NYS Assembly Member 68th Assembly District  
Honorable Ben Kallos, NYC Council Member, 5th Council District  
Honorable Keith Powers, NYC Council Member, 4th Council District



THE CITY OF NEW YORK  
**COMMUNITY BOARD 9**  
MANHATTAN

Morningside Heights  
Manhattanville  
Hamilton Heights

May 21, 2021

Hon, Marisa Lago  
Chair  
City Planning Commission  
22 Reade Street  
New York, NY 10007-1216

Dear Commissioner Lago:

At its regularly scheduled general board meeting, held on Thursday, May 20, 2021, Manhattan Community Board No. 9 adopted the following **Resolution re: ZFA Text Amendment** by a vote of 30 in favor, 3 opposed, 1 abstention, and 0 present not entitled to vote:

WHEREAS Manhattan Community Board 9 (MCB9) contains 8 below-grade subway stations and 1 above-grade subway station, all but one of which are not accessible to persons with limited mobility and lack elevators; and

WHEREAS MCB9 believes that an accessible mass transit system is a human right and would be a boon to all those who use mass transit; and

WHEREAS MCB9 believes that the benefits of mass transit generate and unlock much of the value of the built environment and properties located in the City; and

WHEREAS MCB9 also is already one of the most densely-developed Community Districts in the City; and

WHEREAS MCB9 believes that new development not only brings new amenities and new businesses, but also increased strain on existing infrastructure, and that the pressures of new development must be borne more evenly across the City, not just in those Community Districts that are already denser than average; and

WHEREAS MCB9 similarly believes that given the associated strain from new development, increases in Floor Area Ratio (FAR) above those normally permitted should be granted sparingly and only in proportion to the public good that additional FAR subsidizes; and

WHEREAS the Department of City Planning (DCP) has proposed a Citywide Text Amendment, Zoning For Accessibility (ZFA) that proposes to make it easier for the Metropolitan Transit Authority (MTA), Port Authority of New York/NJ (Port Authority), and other mass transit authorities to acquire easement spaces or to have private developers construct improvements for subway and rail upgrades and improvements, specifically for passenger mobility and accessibility, in exchange for removal of certain regulations around height, bulk, use, and street regulations of the developed sites; and

WHEREAS ZFA's stated purposes in Article VI, Chapter 6 of the proposed text amendment include:

- (a) to support the long-term planning needs of mass transit stations and systemwide accessibility;
- (b) to reduce pedestrian congestion on city streets in the vicinity of transportation nodes, by facilitating the provision of easements and moving transit station entrance infrastructure off the sidewalk;
- (c) to offset potential burdens of such easement on development feasibility by providing zoning flexibility where easements are provided;
- (d) to encourage well-designed development and pedestrian environment, including enhanced pedestrian circulation, around mass transit stations;
- (e) to coordinate the present and future relationship of land uses around transit stations; and
- (f) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues; and

WHEREAS MCB9 concurs with all of the stated purposes above; and

WHEREAS MCB9 supports the mechanism of requiring new development or enlargement of primary transit-adjacent sites to offer easements to transit authorities before securing permits from the Department of Buildings (DOB); and

NOTING WITH CONCERN the ability of the City Planning Commission to grant further modifications to the owners of primary transit-adjacent sites to exceed the 10 foot or 20 foot height increases for sites hosting easements for below-grade subway stations or above-grade subway stations, respectively, in proposed Section 66-26; and

WHEREAS MCB9 has long believed that there is a severe lack of affordable housing in the City; and

STRENUOUSLY OBJECTING to the explicit exclusion of affordability requirements in Inclusionary Housing sites applicable for bonus Floor Area Ratio (FAR) from ZFA, which would reduce the total percentage of housing units that are under the affordable housing program in such sites, in proposed Section 66-51 Subsection a, point 3; and

OBJECTING to the lack of any guidelines linking the amount of bonus FAR up to 20% to the impact or benefits to the public of the proposed transit improvements in proposed section 66-51; and

OBJECTING to the inclusion of the categories of “noise abatement,” “rider orientation,” “providing daylight access”, and “beautification” in the conditions that would qualify a transit improvement for bonus FAR under proposed section 66-51 as categories of benefits that do not create enough public good or increase accessibility to merit additional FAR; and

NOTING WITH SIGNIFICANT CONCERN the inclusion of a mechanism in proposed section 66-521 for the City Planning Commission to authorize additional modifications to zoning regulations around building height up to 25% of the base height if it finds that such modifications are necessary to accommodate the easement volume or bonus FAR, without explicit inclusion of Community Boards or Borough Presidents in such process; and

WHEREAS MCB9 notes that bonus FAR for transit improvement is only permitted in R9 and R10 districts or their equivalents, which already permit extremely tall building heights of 17 to 23 stories, which could result in maximum building heights for applicable sites of 22 to 29 stories, which would be out-of-context with the surrounding environment in many areas; and

NOTING WITH APPROVAL the strong mechanisms for enforcement of the provisions requiring easement notice to CPC and verification of transit improvement construction and operation for bonus FAR through legally-enforceable easements and denial of Certificates of Occupancy until required stipulations have been met;

THEREFORE BE IT RESOLVED that Manhattan Community Board 9 supports the proposed text amendment of Zoning for Accessibility with the following conditions:

1. That proposed Section 66-51, Subsection a, point 3 be amended or eliminated to require that bonus FAR from ZFA transit improvements on Inclusionary Housing sites be subject to the affordable housing requirements applicable to the rest of the site; and
2. That Community Board and Borough President notice be included as a requirement before the CPC authorizes any additional modifications to zoning regulations as outlined in proposed Section 66-521; and
3. That the findings enabling bonus FAR not include improvements who primary improvements are “beautification,” “providing daylight access,” “rider orientation,” or “noise abatement;” and
4. That provisions be added to proposed Section 66-51 that provide a more concrete connection between the impact of the transit improvement provided and the percentage of bonus FAR permitted by the CPC on a site, not to exceed 20%; and
5. That the Special Permit process outlined in proposed Section 66-52 require the CPC to find that the proposed modifications “are the minimum extent necessary to enable the development of the transit improvement.”



If you have any questions and/or further information is needed, please do not hesitate contacting me or District Manager, Eutha Prince, at the board off (212) 864-6200.

Sincerely,



Barry Weinberg  
Chair

cc: Hon. Bill De Blasio, Mayor  
Hon. Scott Stringer, NYC Comptroller  
Hon. Gale A. Brewer, Manhattan Borough President  
Hon. Brian Benjamin, State Senator  
Hon. Robert Jackson, State Senator  
Hon. Daniel J. O'Donnell, Assembly Member  
Hon. Inez Dickens, Assembly Member  
Hon. Al Taylor, Assembly Member  
Hon. Mark Levine, City Council Member  
Hon. Bill Perkins, City Council Member



CICELY HARRIS  
Chairperson

SHATIC MITCHELL  
District Manager

# CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD 10

215 West 125th Street, 4th Floor

New York, NY 10027

T: 212-749-3105 F: 212-662-4215

## Resolution Manhattan Community Board 10

**RESOLUTION:** To approve the Zoning for Accessibility Text Amendment that will make the transit system more accessible to New York City residents.

**WHEREAS**, New York City Department of City Planning (*hereafter known as "DCP"*) and Metropolitan Transportation Authority (*hereafter known as "MTA"*) is seeking approval of the Zoning for Accessibility Text Amendment (*hereafter known as "ZFA"*) application, N210270ZRY, that will allow the MTA to work more efficiently with private developers to help achieve system-wide accessibility more quickly; and

**WHEREAS**, most stations in the system were built before 1950, there are only 136 out of 492 subway stations, and 25 out of 39 Long Island Rail Road (*hereafter known as "LIRR"*) and Metro-North Rail Road (*hereafter known as "MNR"*) that are ADA accessible; and

**WHEREAS**, ZFA includes a system-wide transit easement requirement in applicable zoning districts at or above R5 (with commercial overlay) and R5D districts, C7 and C8, and all manufacturing districts, and an expanded transit improvement bonus in high density areas for stations in R9 and R10 districts; and

**WHEREAS**, ZFA incentivizes station improvement through a new transit bonus that would provide a floor area ratio (*hereafter known as "FAR"*) increase of up to 20% for significant improvements such as the installation of elevators and new entrances, and would be subjected to a more simplified discretionary review and approval process; and

**WHEREAS**, Manhattan Community Board 10 has **11** subway stations, of which **8** are eligible for the proposed easement (110<sup>th</sup> St, 116<sup>th</sup>, 135<sup>th</sup>, and 145<sup>th</sup> & Malcom X. Blvd, 116<sup>th</sup> & 125<sup>th</sup> Street & St. Nicholas Ave., 148<sup>th</sup> Street & Adam Clayton Powell, Jr. Blvd., and 155<sup>th</sup> Street & Frederick Douglass Blvd.), and **4** stations are eligible for the expanded transit improvement bonus (110<sup>th</sup> Street & Cathedral



CICELY HARRIS  
Chairperson

SHATIC MITCHELL  
District Manager

## CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD 10

215 West 125th Street, 4th Floor

New York, NY 10027

T: 212-749-3105 F: 212-662-4215

Pkwy, 125<sup>th</sup> and 135<sup>th</sup> Street & St. Nicholas Ave., and 125<sup>th</sup> Street & Malcolm X. Blvd.); and

**WHEREAS**, currently there are only two stations (125<sup>th</sup> Street & St. Nicholas Ave. and 135<sup>th</sup> Street & Malcolm X. Blvd.) in Manhattan Community Board 10 that are fully ADA accessible, and the current MTA 2020-2024 Capital Program will only provide full accessibility for one additional station located at 148<sup>th</sup> Street and Adam Clayton Powell, Jr. Blvd.; and

**WHEREAS**, Manhattan Community Board 10 has recently completed and/or current construction projects (i.e. the Circa Building, the Victoria Theater Redevelopment that includes hotel and residential building, the Urban League Empowerment Center, and 56 West 125<sup>th</sup> Street Apartments) near the 110<sup>th</sup> St. Cathedral Pkwy and 125<sup>th</sup> St. Malcom X. Blvd. subway stations that will add significant density and increase utilization, but will not benefit from ZFA; and

**WHEREAS**, on Thursday, April 22, 2021, the Land Use Committee of Manhattan Community Board 10, after hearing all of the views, including written submissions on the project voted **5 Yes, 0 No, 1 Abstention, and 0 Recusal** to approve the application with the following recommendations;

1. DCP and MTA should explore transforming all subway stations in Manhattan Community Board 10 to full ADA accessibility.
2. For new residential developments within 500 ft. of stations eligible for the FAR bonus, ***all*** apartment units within the bonus area should be 100% affordable in addition to the number of apartment units designated under mandatory inclusionary housing prior to receiving the bonus FAR.
3. Manhattan Community Board 10 should be consulted on all actions related to ZFA and the subway stations located within the district.

**WHEREAS**, on April 28, 2021, The Executive Committee voted **10 Yes, 0 No, 0 Abstention, and 0 Recusal** to approve the application with the aforementioned recommendations.



CICELY HARRIS  
Chairperson

SHATIC MITCHELL  
District Manager

# CITY OF NEW YORK

MANHATTAN COMMUNITY BOARD 10

215 West 125th Street, 4th Floor

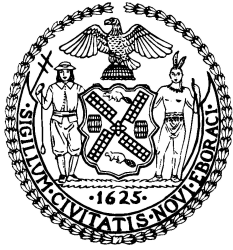
New York, NY 10027

T: 212-749-3105 F: 212-662-4215

## NOW THEREFORE, BE IT RESOLVED

Manhattan Community Board 10 **APPROVES** application N210270ZRY, Zoning for Accessibility Text Amendment with the recommendations listed below. During the May 5, 2021 General Board Meeting, the board voted **30 Yes, 0 No, 0 Abstentions and 1 Recusal.**

1. DCP and MTA should explore transforming all subway stations in Manhattan Community Board 10 to full ADA accessibility.
  2. For new residential developments within 500 ft. of stations eligible for the FAR bonus, ***all*** apartment units within the bonus area s
- 
3. should be 100% affordable in addition to the number of apartment units designated under mandatory inclusionary housing prior to receiving the bonus FAR.
  4. Manhattan Community Board 10 should be consulted on all actions related to ZFA and the subway stations located within the district.



# COMMUNITY BOARD ELEVEN

BOROUGH OF MANHATTAN  
1664 PARK AVENUE  
NEW YORK, NY 10035  
TEL: 212-831-8929  
FAX: 212-369-3571  
www.cb11m.org

Nilsa Orama  
Chair

Angel D. Mescaín  
District Manager

June 15, 2021

Marisa Lago  
Director  
New York City Department of City Planning  
120 Broadway, 31st Floor  
New York, NY 10271

**Re: Recommendation on Land Use Application # N 210270 ZRY - Elevate Transit: Zoning for Accessibility (ZFA) Citywide Text Amendment**

Dear Director Lago,

Community Board 11 (CB11) appreciates the opportunity to review and comment on the Department of City Planning's proposed Elevate Transit: Zoning for Accessibility (ZFA) Citywide Text Amendment.

Please find our comments and recommendations below:

## Community Board Recommendation

Whereas, the Department of City Planning (DCP) and the Metropolitan Transportation Authority (MTA) are proposing amendments, [Elevate Transit: Zoning for Accessibility](#), to the NYC Zoning Resolution that would greatly expand areas that qualify for the transit improvement bonuses, which provide additional floor area for developments providing transit station improvements, to other high-density areas in the city;

Whereas, the proposed zoning text amendment would establish Article VI, Chapter 6 in the Zoning Resolution to create a system-wide framework for coordinating the siting and provision of transit easements for siting ADA-access and additional station access on development sites that are adjacent to mass transit stations. This requirement would be accompanied by targeted zoning relief to minimize potential construction and design challenges;

Whereas, the NYC Zoning Resolution presently allows for transit improvement floor area bonuses, but only in the Central Business Districts (CBDs), and within the CBDs, limited sites are eligible;

Whereas, the MTA has made extremely slow progress in making transit stations accessible, with [only 136 out of 493 subway or Staten Island Railroad stations are accessible](#) as of April 2021;

Whereas the floor area bonuses that are currently in place for transit improvements have not been highly utilized;

Whereas, while improvements to address accessibility will be prioritized, improvements to transit stations can include items unrelated to accessibility;

Whereas all current and planned transit stations in Community District 11, including the Lexington Avenue and Second Avenue subway lines as well as the Metro-North Railroad station at 125th Street, would qualify to receive improvements facilitated through floor area bonuses given to nearby developments, regardless of the current status of their accessibility;

Whereas, most transit stations in Manhattan would be eligible to receive a bonus and other than Downtown Brooklyn, only a few stations outside of Manhattan are eligible to receive a bonus;

Whereas, the existing zoning around transit stations which must be R9 or R10 equivalent to qualify for an improvement made via a transit improvement bonus and such high-density zoning is rare outside Manhattan and Downtown Brooklyn, most stations that need accessibility in the system will have no bonus mechanism in place to provide such improvements;

Whereas, this geographic bias brings into question issues of equity, as people who live in the outer boroughs also have need of stations that are accessible, but this text amendment does little for them other than freeing MTA capital monies that would have been spent improving stations in Manhattan and Downtown Brooklyn;

Whereas, another mechanism to improve accessibility to transit stations, which could be applied evenly across the city, where the costs and benefits are felt evenly, would use our existing tax system;

Whereas, the authorization for a bonus not only increases the base FAR by up to 20%, but also allows for increases in height up to 25%;

Whereas, the 500-foot qualification for a bonus is measured from any point of a transit station to any part of a zoning lot with a development site, which means developers can design zoning lots so that they qualify for the bonus, even though the development is further than the 500 feet from the station;

Whereas, a special permit is available for projects that use the bonus that also want to modify the bulk regulations more than the 25% height increase available through authorization;

Whereas, such flexibility in height, setback and qualification for the bonus introduces unpredictability, where zoning should bring predictable building forms;

Whereas, a transit improvement bonus does not trigger Mandatory Inclusionary Housing (MIH), nor does the bonus provide any additional MIH units in areas already designated as MIH areas;

Whereas, most of the areas affected by the transit improvement bonus in East Harlem were just rezoned to higher densities in 2017 in order to trigger MIH, and have bulk regulations, that were subject to extensive negotiation, which can be easily waived through a transit improvement authorization should the zoning proposal pass without amendment;

Whereas, each authorization for a transit improvement bonus will be required to have an environmental review, but these reviews will be done on a project-by-project basis, most of which will not meet the threshold individually to have significant environmental impacts, but together would likely have significant environmental impacts;

Whereas, the proposed transit improvement bonus has the potential to add well over 1,000,000 SF of additional floor area to development sites in Community District 11, but since the impact of these additional units will be assessed project by project, the significance of the environmental impacts will certainly be understated;

Whereas, by understating the environmental impacts of the proposal, the larger East Harlem community will pay for unmitigated environmental impacts with the diminishment of quality of life, while the MTA—which is legally obligated to provide accessible stations regardless of the existence of a transit improvement bonus—will benefit by having improvements made to their stations at no cost to them;

Whereas, breaking up a discretionary action into small parts for the purpose of environmental review is known as segmentation, which is normally illegal, but this transit improvement bonus appears to have been specifically designed to avoid such claim, even though the growth it brings is likely to have significant environmental impacts that will not be mitigated;

Whereas, the proposed zoning text amendment also allows for zoning relief for easements;

Whereas, the Special East Harlem Corridors District that was adopted in 2017 already has zoning relief for easements built into the area around the Second Avenue Subway stations;

Whereas, the proposed text amendment does not change this part of the Special East Harlem Corridor District (138-23(b)(3)(ii)), which allows applicants to receive zoning relief from both the Special East Harlem Corridor District and from the proposed text amendment;

Whereas, the transit bonus appears to be a way to address a real need of the transit system, paying for these improvements by providing developers additional floor area, even though the MTA has a legal obligation under Federal law to provide access to their stations; now, therefore, be it,

*Resolved*, that CB11 recommends the proposed Elevate Transit: Zoning for Accessibility Text Amendment, Land Use App. No. N 210270 ZRY, be denied unless:

1. the transit improvement bonus is restricted to only benefit development projects strictly in exchange for accessibility improvements such as elevators for currently existing subway stations,
2. additional residential floor area resulting from the transit improvement bonus is not exempt from Mandatory Inclusionary Housing requirements in all MIH-designated areas,
3. the parameters of the Special East Harlem Corridor District (138-23(b)(3)(ii)) are maintained and applied exclusively where zoning relief is sought for easements built into the area around the Second Avenue Subway stations, and

4. a full environmental review is required that assesses the environmental impacts of all reasonable development sites within the targeted transit stop catchment area for each individual application, inclusive of overlapping catchment areas if they should exist, as segmenting the environmental review by project will understate environmental impacts and potentially leave foreseeable environmental impacts undisclosed and unmitigated.

*Full Board Vote: In Favor: 28; Opposed: 1; Abstentions: 3; Present not Voting: 0*

If you have any questions regarding our recommendation, please contact Angel Mescaín, District Manager, at 212-831-8929 or [amescain@cb11m.org](mailto:amescain@cb11m.org).

Sincerely,



Nilsa Orama  
Chair

cc: Hon. Gale A. Brewer, Manhattan Borough President (via email)  
Hon. Diana Ayala, New York City Council (via email)  
Hon. Bill Perkins, New York City Council (via email)  
Hon. Brian Benjamin, New York State Senate (via email)  
Hon. Jose M. Serrano, New York State Senate (via email)  
Hon. Robert J. Rodriguez, New York State Assembly (via email)  
Elsie Encarnacion, Community Board 11 (via email)  
Judith Febbraro, Community Board 11 (via email)





## Community Board 12 - Manhattan Washington Heights & Inwood

530 West 166<sup>th</sup> St. 6<sup>th</sup> Floor, New York, NY 10032

Phone: (212) 568-8500, Fax: (212) 740-8197

Eleazar Bueno, Chairperson  
Ebenezer Smith, District Manager

---

May 28, 2021

Hon. Marisa Lago, Chair  
New York City Department of City Planning  
120 Broadway  
31st Floor  
New York, NY 10271

Hon. Patrick Foye, Chairman & CEO  
Metropolitan Transit Authority  
2 Broadway  
New York, NY 10004

Re: Resolution supporting the elevate transit: Zoning for Accessibility Citywide Zoning Text Amendment.

Dear Chair Lago & Chairman Foye:

At the General Meeting on Tuesday, May 25, 2021, Community Board 12, Manhattan passed the following resolution with a unanimous vote of 33 in favor, 0 opposed, 0 abstentions, and 0 not voting, supporting the Elevate Transit: Zoning for Accessibility Zoning Text Amendment proposed by the Metropolitan Transportation Authority and the Department of City Planning.

Whereas: The Metropolitan Transportation Authority (the "MTA") together with the New York City Department of City Planning ("DCP") propose a zoning text amendment (the "Proposed Action" or "Zoning Text Amendment N 210270 ZRY") to the New York City Zoning Resolution (the "ZR") to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites, create an expanded transit improvement bonus program (the "Expanded Transit Improvement Bonus Program") that would grant a floor area bonus for developments within all R9 and R10 zoning districts that provide transit station improvements, including accessibility improvements, and grant, according to a Special Permit and a City Planning Commission Authorization, additional zoning relief, such as for floor area, open space, height, setback, parking, use, and streetscape, on such sites according to other discretionary actions. The Proposed Action was referred out for public review by DCP on April 5, 2021. The deadline for community boards to submit comments is June 14, 2021; and

Whereas: Most New York City Transit, Staten Island Railroad ("SIR"), Long Island Railroad ("LIRR"), and Metro-North ("MN") stations were built before 1950. Currently, only 136 of 493 subway and SIR stations or 28% and 25 of 39 or 64% of LIRR and MN stations with City limits are accessible. 550,000 of New York City's approximately 8.4 million residents have a mobility disability, 1.5 million residents are 65 years of age or older, and the number of residents 65 and older grew by 19.2% from 2005 to 2015; and

Whereas: Challenges to station accessibility include narrow platforms and sidewalks, complex underground utility infrastructure, limited exit, and egress passages, limited clearance between buildings and stations, and most stations require more than one elevator to achieve full accessibility. The existing transit-related zoning regulations that foster more accessible stations include easements and transit bonus mechanisms. Easements require private sites adjacent to stations to provide a space for future station access if required by the MTA. The transit bonus mechanism provides zoning bonuses to private sites in high-density zoning districts that provide significant station improvements, like elevators and entrances; and

Hon. Marisa Lago, Chair, and Hon. Patrick Foye, Chairman

Re: Resolution supporting the elevate transit: Zoning for Accessibility Citywide Zoning Text Amendment.

May 28, 2021

Page 2

- Whereas: Easement provisions exist in extremely limited areas of the City, there is no framework for coordinating easements outside of these limited areas and the MTA has missed many opportunities to locate station access, compliant with the Americans with Disabilities, in coordination with new construction projects. The transit bonus mechanism is only available in the highest density districts of the City, only applicable to zoning lots adjacent to the station, and adds time and risk to the development schedule; and
- Whereas: The MTA's 2020-2024 Capital Program dedicates \$5 billion to make 77 stations accessible, increasing the percentage of accessible stations systemwide to 43%. Subway stations located in Washington Heights and Inwood that are included in MTA's 2020-2024 plan are the 168<sup>th</sup> Street #1 station, the 181<sup>st</sup> Street A station, and the Dyckman Street #1 station; and
- Whereas: The Proposed Action would allow the MTA to work more efficiently with private developers to achieve accessibility sooner. It would modify existing easement requirements (the "Modified Easement Requirements") to create a system-wide easement requirement applicable to all developments and enlargements on zoning lots citywide of 5,000 square feet or more that are within 50 feet of a mass transit station and are located in Residential zoning districts at or above R5 with a commercial overlay, R5D zoning districts, Commercial zoning districts with a Residential equivalent of R5 or higher, C7 and C8 zoning districts, and all Manufacturing zoning districts. For projects on these sites, consultation with the MTA and the Chair of the City Planning Commission will be required to assess the need for a transit easement; and
- Whereas: The transit bonus program (the "Transit Bonus Program") is currently concentrated in midtown Manhattan, the Financial District, and Downtown Brooklyn. The Proposed Action would expand coverage of the Transit Bonus Program, simplify the discretionary review and approval process, and incentivize new transit improvements for significant station improvements through a new floor area bonus of up to 20% and, according to a special permit, a height increase bonus of up to 25%. The expanded Transit Bonus Program would apply to projects on sites located in R9 and R10 zoning districts, their Commercial and MX zoning district equivalents, and M1-6 manufacturing districts that are on zoning lots within 500 feet of a station, or 1,500 feet of a station if the site is within a Central Business District including Midtown, the Garment Center, Hudson Yards, Lower Manhattan, Long Island City and Downtown Brooklyn; and
- Whereas: The Modified Easement Requirements would apply to all stations in Washington Heights and Inwood, but the expanded Transit Bonus Program would only apply to certain sites near the 207<sup>th</sup> Street #1 station, east of 10<sup>th</sup> Avenue; and
- Whereas: Representatives of DCP and the MTA presented the Proposed Action to CB12-M's Land Use Committee ("Land Use" or the "Committee") at its regularly scheduled May 5, 2021, Committee Meeting. The Chair of CB12-M's Traffic and Transportation Committee attended the meeting. The Committee acknowledged that the Proposed Action is particularly meaningful to CB12-M given the recent passing of former CB12-M Board member Edith Prentiss, a legendary New York City advocate for people with disabilities and a resident of Washington Heights; and
- Whereas: Edith passed away on March 16, 2021. She was fierce and effective with her advocacy, helping to get elevators installed at subway stations across the city, including Manhattan Community District 12's Dyckman Street #1 station, helping to provide free shuttle bus rides for residents when

Hon. Marisa Lago, Chair, and Hon. Patrick Foye, Chairman

Re: Resolution supporting the elevate transit: Zoning for Accessibility Citywide Zoning Text Amendment.

May 28, 2021

Page 3

subway elevators were being replaced, arguing for more accessible taxis, and testifying in the name of stronger legislation around disability rights on countless occasions; now, therefore, be it

Resolved: In memory of the late Edith Prentiss, Community Board 12-Manhattan supports the Elevate Transit: Zoning for Accessibility Zoning Text Amendment proposed by the Metropolitan Transportation Authority and the Department of City Planning.

Sincerely,

A handwritten signature in black ink, appearing to read 'Eleazar Bueno', with a long horizontal flourish extending to the right.

Eleazar Bueno  
Chairperson

cc: Hon. Bill de Blasio, Mayor  
Hon. Jumaane Williams, Public Advocate  
Hon. Scott M. Stringer, Comptroller  
Hon. Brian Benjamin, State Senator  
Hon. Robert Jackson, State Senator  
Hon. Gale Brewer, Manhattan Borough President

Hon. Al Taylor, Assembly Member  
Hon. Carmen De La Rosa, Assembly Member  
Hon. Ydanis Rodriguez, Council Member  
Hon. Mark Levine, Council Member



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 32	<b># Against:</b> 2	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 35
<b>Date of Vote:</b> 5/18/2021 12:00 AM		<b>Vote Location:</b> zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:** 5/18/2021 6:30 PM

**Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

ZOOM

**CONSIDERATION:** Additional comments were included as well as a final word. Please see uploaded document Page 2.

Recommendation submitted by	QN CB1	Date: 6/18/2021 6:05 PM
-----------------------------	--------	-------------------------



**City of New York  
Community Board #1, Queens**

The Pistilli Grand Manor  
45-02 Ditmars Boulevard, LL Suite 1025  
Astoria, N.Y. 11105  
Tel: 718-626-1021, Fax: 718-626-1072  
E-mail: qn01@cb.nyc.gov

Donovan Richards  
*Borough President, Queens*  
Maricela Cano  
*Director, Community Boards*  
Marie Tomiali  
*Chairperson*  
Florence Koulouris  
*District Manager*

EXECUTIVE BOARD

Marie Tomiali  
*Chairperson*  
Edward Babor  
*First Vice Chairperson*  
Amy Hau  
*Second Vice Chairperson*  
Richard Khuzami  
*Third Vice Chairperson*  
Avninder Aujla  
*Executive Secretary*  
Thomas Ryan  
*Sergeant-at-Arms*

COMMITTEES &  
CHAIRPERSONS

*Airport*  
RoseMarie Poveromo  
*Community & Economic  
Development*  
Mackenzi Farquer  
*Consumer Affairs*  
Eric Mouchette  
*Education/Library/Youth  
Services*  
Stella Nicolaou  
*Environmental/Sanitation*  
Antonella Di Saverio  
Dominic Stiller  
*Health & Human Services*  
Judy Trilivas  
Daniel Aliberti  
*Housing*  
Evie Hantzopoulos  
*Land Use & Zoning*  
Gerald Caliendo  
Elizabeth Erion  
*Legal, Legislative,  
Parliamentary*  
Avninder Aujla  
*Office-Staff/Budget/PR*  
Marie Tomiali  
*Parks/Recreation/  
Cultural*  
Katie Ellman  
Kathleen Warnock  
*Public Safety*  
Ann Bruno  
Antonio Meloni  
*Transportation*  
Mitchell Waxman

June 14, 2021

Honorable Marisa Lago  
Chair  
City Planning Commission  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271

Dear Chair Lago,

RE: N 210270 ZRY Zoning for Accessibility Citywide Text  
Amendment

On May 18, 2021 Community Board 1 Queens (CBIQ) held a duly advertised virtual public hearing on the referenced application. With a quorum present, the Board voted by roll call 32 in favor, 2 against and 1 not voting for cause, to recommend approval of application N 210270 ZRY with a recommendation that the MTA consider allowing developers provide elevator access directly to the subway from new buildings without going to street level. The motion to approve was carried even though the community raised many transit-related issues that are summarized below.

Background

DCP and MTA are co-applicants for this text amendment which was referred out to all community boards on April 5<sup>th</sup> for comment by June 14<sup>th</sup>. If approved, MTA and DCP will review and coordinate new building construction with planned transit improvements in areas near transit stations. In CDIQ this review would apply to developments sites adjacent to a total of 13 stations: seven on the elevated N/W line along 31<sup>st</sup> Street between Queens Plaza North and Ditmars Boulevard, five below-ground stations on the R/M line along Northern Boulevard and near the 21<sup>st</sup> Street/41<sup>st</sup> Avenue E/F station (accessible by escalator). Sites located near three stations in the Queens Plaza North area, which is zoned M1-6/ R10, would be eligible to earn a zoning bonus for easements with approval from the City Planning Commission.

Committee and CB Review

DCP and MTA representatives presented the text amendment to the Land Use Committee at their April 7<sup>th</sup> and May 5, 2021 meetings. Concerns and questions concerned where the new text applied, the length of time for project review, increased delays for project approval, owner liability and use of easement areas awaiting access improvements and clarification of the proposed floor area bonus for improvements. Additionally, the size of development parcels in CDIQ are generally not large enough to provide individual easements. Since the proposed zoning text were not available, DCP and MTA addressed these concerns at the Board's public hearing on April 20<sup>th</sup>. The Land Use Committee revisited the text amendment on May 5<sup>th</sup> with CPC providing further clarification of the differences between the easement and the bonus floor area components of the text and the timeline for the approval process. After discussing direct building access to stations, the committee voted to recommend approval of the text amendment.

BOARD MEMBERS (cont.)

Helene Abiola  
Rose Anne Alafogiannis  
George Alexiou  
Louise Bordley  
Shoma Brahmanandam  
Irak Dahir Cehonski  
Jean Marie D'Alleva  
Dean O. Feratovic  
Shahenaz Hamde  
Helen Ho  
Vanessa Jones-Hall  
Nancy Konipol  
Amr Kotb  
Jerry Kril  
Cristina Lastres  
Diana Limongi  
Chelsea Lopez  
Hannah Lupien  
Jeffrey Martin  
Amin Mehedi  
Doreen Mohammed  
Mary O'Hara  
Dino Panagoulas  
Juliet Payabyab  
Yawne Robinson  
Brian Romero  
Andre Stith  
Rod Townsend  
Rosemary Yelton

At their April 20, 2021 public hearing, Board members noted their disappointed that recent renovations on six elevated stations of the N/W line in CD1Q were primarily cosmetic and not a single station was made accessible. Only the Hoyt Avenue/Astoria Boulevard station - that extends over the Grand Central Parkway and Triboro-RFK Bridge approach - is scheduled for a future elevator installation. However, this upgrade will not service high user volumes or even an area that is residentially built-up.

Additional comments included: ADA requirements should have been met years ago and as part of all station improvements; the MTA should improve its capital planning to complete future accessibility program on a faster timeline; MTA should consider other types of ADA assistance improvements; the MTA must enhance and improve existing elevator maintenance and, provide clean and accessible restrooms throughout the system.

A final word regarding the timing of this application. When DCP referred out five zoning text amendments immediately before the summer recess months, the agency and the Administration showed a disregard for the commitment and uncompensated personal time that community board members put into their land use reviews. This year (although this timing problem has been an annual occurrence) our work was made difficult by the unavailability of the applications themselves or even the actual zoning texts to review until after our committee meetings or just before our public hearings. This text amendment that dealt with bulk, use or floor area that warranted more than just a cursory consideration. In CB1Q's case, we also had major rezoning and WPAA applications to review at the same time. Accelerated ULURP reviews should not be the norm.

Sincerely,



Marie Torniafi  
Chairperson



Gerald Caliendo, Co-Chair  
Land Use and Zoning Committee



Jeffrey Martin, Vice Chair

cc: Honorable Donovan Richards, Queens Borough President  
Honorable Michael Gianaris  
Honorable Jessica Ramos  
Honorable Zohran Mamdani  
Honorable Catherine Nolan  
Honorable Brian Barnwell  
Honorable Jimmy Van Bramer  
Mr. Frank B. Perez, New York City Council, District 22  
Mr. Irving Poy, Director, Land Use, BPQ  
Ms. Alexis Wheeler, Deputy Director, Queens Office DCP  
Ms. Sarit Platkin, DCP  
Mr. Howard Levine, MTA, New York City Transit



*Donovan Richards*  
*Queens Borough President*

## Community Board No. 2

43-22 50th Street, 2nd Floor  
Woodside, New York 11377

(718) 533-8773

Fax (718-533-8777

Email [qn02@cb.nyc.gov](mailto:qn02@cb.nyc.gov)  
[www.nyc.gov/queenscb2](http://www.nyc.gov/queenscb2)

*Lisa Deller*  
*Chairperson*

*Debra Markell Kleinert*  
*District Manager*

June 8, 2021

Ms. Marisa Lago  
Director  
Department of City Planning  
City Planning Commission  
Calendar Information Office  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

RE: DCP - ULURP Project Application #N210270ZRY  
Elevate Transit Zoning Text Amendment

Dear Ms. Lago:

On June 3, 2021, Community Board 2 held a public hearing concerning the DCP ULURP Project Application #N210270ZRY Elevate Transit Zoning Text Amendment.

At that meeting with a quorum present a motion was made and seconded to approve the application the vote was 26 in favor; 8 opposed, and no abstentions with recommendations which include the following:

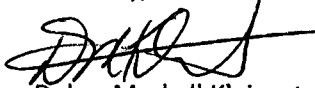
- We recommend that the City Planning Commission study a mechanism to determine a neighborhood bonus for developments in mid- density zones (lower than R9) and within a wider proximate geographic area, such that the MTA unlock capital from the volume of smaller developments and not miss opportunities to maximize transit accessibility funding.
- We recommend that the MTA, in addition to vertical accessibility, prioritize funding to be made as per the text amendment to construct bathrooms and secure bike parking in and around transit stops.

We recognize that it is in the interest of our community to expand the tools available to our transit system to offer greater accessibility to New Yorkers with disabilities. That said, the MTA and our city broadly has not done nearly enough to serve our disabled neighbors; and the City's adoption of the Elevate Transit Zoning Text Amendment does not change this. Our community calls on the City and State to appropriate sufficient funding to the MTA to ensure that all New Yorkers, regardless of disability status, have access to efficient, safe, and dignified transit throughout our community and our city.

*"Serving the Communities of Long Island City, Sunnyside, Woodside, and Maspeth"*

If you have any questions, please contact CB 2.

Sincerely,



Debra Markell Kleinert  
District Manager

DMK/mag

cc: Honorable Alexandria Ocasio-Cortez, US Congress  
Honorable Carolyn B. Maloney, US Congress  
Honorable Grace Meng, US Congress  
Honorable Nydia M. Velazquez, US Congress  
Honorable Michael Gianaris, NY State Senate  
Honorable Joseph Addabbo, Jr, NY State Senate  
Honorable Brian Barnwell, NYS Assembly  
Honorable Jessica Gonzalez-Rojas, NYS Assembly  
Honorable Catherine T. Nolan, NYS Assembly  
Honorable Robert Holden, NYC Council Member  
Honorable Jimmy Van Bramer NYC Council Member  
Honorable Daniel Dromm, NYC Council Member  
Honorable Donovan Richards, Queens Borough President of the Borough of Queens  
Irving Poy, Queens Borough President's office  
Victoria Garvey, Queens Borough President's Office  
Teal Delys, Department of City Planning  
Alexis Wheeler, Department of City Planning  
Lisa Deller, Chairperson, Community Board 2  
Christine Hunter, Co-Chair, Land Use Committee  
Lucille Songhai, MTA

DCP Elevate Transit Zoning Text Amendment





COMMUNITY BOARD No. 3, Q.  
82-11 37<sup>th</sup> Avenue, Suite 606  
Jackson Heights, New York 11372  
Telephone: (718) 458-2707 Fax: (718) 458-3316  
Website: [www.CB3QN.NYC.GOV](http://www.CB3QN.NYC.GOV)  
Email: [Communityboard3@nyc.rr.com](mailto:Communityboard3@nyc.rr.com)

July 22, 2021

Queens Community Board 3 at its monthly meeting held on May 20, 2021 reviewed and voted on the following text amendments:

**Zoning for Accessibility (ZFA) – Subway Station Elevators**

In collaboration with the Metropolitan Transportation Authority (MTA), the City Council, and the Mayor's Office for People with Disabilities (MOPD), DCP is preparing to expand and improve zoning rules that allow the MTA to leverage private developments to help create more accessible subway stations, to help expedite the delivery of a fully accessible transit system. Today, only about 30% of the City's 493 subway stations are fully accessible.

ZFA seeks to expand existing zoning tools that help coordinate new developments near transit with the construction of improvements to station accessibility and capacity. Currently, this zoning tool is limited to a few areas of the city.

Recommendation: After review of this matter, the Citywide Zoning Text Amendment Zoning for Accessibility (ZFA) be **approved** with the following provisions:

**Proviso:**

- The Department of City Planning (DCP) will with all its ability, keep Community Board 3 informed of the progress and development of this Zoning Text Amendment.
- Sufficient research must be provided to address the mixed-use building types and land use, along Roosevelt Avenue (CB3Q) regarding considerations to address subway station accessibility.
- Committed MTA maintenance scheduling (cleaning, repairs) and posting for #7 Line elevators, stairs and stations must be provided and adhered to at all CB3 stations.

**Motion # 32 - Zoning for Accessibility (ZFA) – Subway Station Elevators**

Upon motion duly made to **approve** the application was passed unanimously.

### **Proposed Citywide Hotel Text Amendment Hotel Zoning Text Amendment Special Permit**

This is a Mayoral initiative that aims to create a more consistent approach to hotel development across communities and would require new hotels undertake a special permit review process. The proposed text amendment would create a new special permit for hotel development citywide. It is intended to create a consistent framework for hotel development and ensure that hotels do not negatively affect the surrounding area.

#### **Recommendation:**

After review of the proposed Citywide Hotel Zoning Text Amendment Community Board 3 recommends **approval** with the following provisions:

#### **Proviso:**

- The Department of City Planning (DCP) will keep Community Board 3 informed of the progress and development of this Zoning Text Amendment.

Community Board 3Q will be alerted of any planned change in use and will be subject to ULURP.

### **Motion # 33 - Proposed Citywide Hotel Text Amendment Hotel Zoning Text Amendment Special Permit**

Upon motion to **approve** the application was passed with 31 in Favor, 2 Opposed and 0 abstentions.



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 36	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 36
<b>Date of Vote:</b> 5/11/2021 12:00 AM		<b>Vote Location:</b> via zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

**Was a quorum present?** No

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

**CONSIDERATION:** The Board is asking to strengthen the proposed text amendment to deter from the following issues:

1. The Board is concerned about various issues that may detrimentally affect residents and small businesses such as real estate speculation in areas allowed for the text amendment to benefit a developer while driving out small businesses and residents. Ensure that small businesses get assistance in finding a new location or having a space available with new development. Ensure that the proposed building is adequately priced for the average median income of current residents. 2. Proper maintenance and timely repairs of elevators by MTA as well as adequate cameras and security measures to ensure safety of riders. 3. Ensure MTA will not solicit developers for these projects. 4. Require Community Board review before development is passed.

Recommendation submitted by	QN CB4	Date: 6/3/2021 2:24 PM
-----------------------------	--------	------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: No Objection**

<b># In Favor:</b> 41	<b># Against:</b> 0	<b># Abstaining:</b> 2	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 6/9/2021 12:00 AM		<b>Vote Location:</b> Remote via Zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:** 5/12/2021 7:30 PM

**Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

Remote via Zoom

**CONSIDERATION:**

Recommendation submitted by	QN CB5	Date: 6/14/2021 3:39 PM
-----------------------------	--------	-------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

<b>Docket Description:</b>

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Conditional Favorable</b>			
<b># In Favor:</b> 36	<b># Against:</b> 1	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 5/11/2021 12:00 AM		<b>Vote Location:</b> Via Zoom - <a href="https://tinyurl.com/queenscb6may">https://tinyurl.com/queenscb6may</a>	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 5/11/2021 6:30 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Via Zoom - <a href="https://tinyurl.com/queenscb6may">https://tinyurl.com/queenscb6may</a>

<b>CONSIDERATION:</b> Community Board 6 votes to approve with the following recommendations: a) Require a notification to community boards when an easement is determined to be needed in a development site, including for as-of-right construction. b) Conduct an economic analysis of the downstream financial impact on construction costs and housing development.		
Recommendation submitted by	QN CB6	Date: 5/17/2021 4:30 PM



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Waiver of Recommendation**

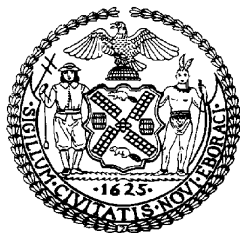
<b># In Favor:</b>	<b># Against:</b>	<b># Abstaining:</b>	<b>Total members appointed to the board:</b>
<b>Date of Vote:</b> 6/7/2021 12:00 AM		<b>Vote Location:</b> Virtual	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:** Chair voted in favor at the Borough Board Meeting June 7, 2021

Recommendation submitted by	QN CB7	Date: 6/25/2021 4:24 PM
-----------------------------	--------	-------------------------



Chairperson, Martha Taylor

*The City of New York*  
*Borough of Queens*

**Community Board 8**

197-15 Hillside Avenue  
Hollis, NY 11423-2126  
Telephone: (718) 264-7895  
Fax: (718) 264-7910  
Qn08@cb.nyc.gov  
www.nyc.gov/queenscb8



District Manager, Marie Adam-Ovide

Minutes of Community Board 8 Board Meeting held on Wednesday, June 9, 2021 via [Zoom Webinar](#).

**Attendance:**

**Board Members Present:**

Dilafroz Ahmed, Jagir Singh Bains, Heather Bennett-Idels, Carolyn Brown, Robert H. Block, Edward Chung, Susan D. Cleary, Kenneth Cohen II, Solomon Davydov, Maria DeInnocentiis, Allen Eisenstein, , Kevin Forrestal, Howard A. Fried, Bhitihara-Martha Fulton, James Gallagher Jr., John Gebhard, Wendy Gennaro, Ashan Habib, Marc A. Haken, Michael Hannibal, Tami Hirsch, Steven Konigsberg, Paul S. Lazauskas, Mitch Lisker, Elke Maerz, Mary Maggio, Jennifer Martin, Dilip Nath, Alan Ong, Tamara Oshero, Hersh Parekh, Simon Pelman, Frances Peterson, Mohammad Rahman, Jesse Rosenbaum, Seymour Schwartz, Deepti Sharma, Douglas Sherman, Harbachan Singh, , Dr. Penny M. Stern, Mohammed Tohin, Jacob Weinberg and Tamika Williams-Moore.

**Board Members Absent:**

Florence Fisher, Carolann Foley, Joshua Glikman, Frank Magri, David Mordukhaev, Rabbi Shlomo Nisanov, Charlton Rhee and Martha Taylor.

**Others Present:**

Max Weprin representing Borough President Donovan Richards, Susan Seinfeld representing Honorable Council Member Barry Grodenchik, Henry Yam representing Honorable Council Member Jim Gennaro, Ashley Lin representing State Senator John Liu, Tayler Jackson representing State Senator Leroy Comrie, Hudy Rosenberg representing Assembly Woman Nily Rozic, Mohammed Rahman representing District Attorney Melinda Katz, Scott Solomon from City Planning, Lucille Songhai from MTA, 107<sup>th</sup> Precinct Commanding Officer Kevin Chan and CB8 District Manager and Jatnna Reyes, CB8 Staff Member.

**Call to Order:**

2<sup>nd</sup> Vice Chair Seymour Schwartz called this Board Meeting to order at 7:32 p.m.

*The order of the agenda was changed by 2<sup>nd</sup> Vice Chair Seymour Schwartz.*

\*\*\*\*\*

**Approval of Minutes:**

Marc A. Haken made a motion to approve the minutes of May 19, 2021, seconded by Mary Maggio.

Count in favor: **43** Opposed: **0** Abstained: **0**

\*\*\*\*\*

**Elected Officials' Announcements:**

**Hudy Rosenberg representing Assembly Member Nily Rozic** – Yesterday, Assemblywoman Rozic and State Senator Leroy Comrie, passed legislation that if signed, will allow deadline for property tax abatement programs. This will enable the current deadline to be extended through July 15, 2021. She will keep us posted.

**Susan Seinfeld representing Council Member Barry Grodenchik** – On Friday, June 11<sup>th</sup> from 11:00 a.m. to 12:30 p.m., there will be a FREE mask distribution event at the Food Universe located at 222-51 Jamaica Avenue. This event is being held in conjunction with Assembly Member Clyde Vanel, Senator John Liu, and Community Board 13. Also, on Friday, June 18<sup>th</sup> from 11:00 a.m. to 12:30 p.m. at the Franhill Shopping Center located at 202-15 Hillside Avenue. This event is being held in conjunction with Assembly Member Weprin, Senator Leroy Comrie and Community Board 8.

**Raida Hussain representing Assembly Member David Weprin** – Ms. Hussain reiterated what Ms. Seinfeld announced about the mask distribution event next Friday.

**Ashley Lin representing State Senator John Liu** – Their office is fully open and operational. If you have any questions/concerns, please call their office at: 718-765-6675 or email her at: [Ashley@johnliusenate.com](mailto:Ashley@johnliusenate.com)

**Muhammad Rahman representing District Attorney Melinda Katz** – They will have a gun buyback program this Saturday, June 12<sup>th</sup> from 10:00 a.m. to 4:00 p.m. If you have an operating gun, they are giving away a \$200 gift card and an iPad. It is going to be at St. Mary Magdalene Roman Catholic Church in Springfield Gardens. They will also have a Pride Celebration virtually on June 10<sup>th</sup> from 6:00 p.m. to 8:00 p.m. To sign up, please visit: [www.queensda.org](http://www.queensda.org).

**Taylor Jackson representing State Senator Leroy Comrie** – Their office is open by appointment only. They continue to assist constituents on the Home Energy and Cooling Assistance Programs. They will be having an E-Waste event this Saturday, June 12<sup>th</sup> at Baisley Pond Park for more information, please contact their office at: 718-765-6359.

#### **Additional Announcements:**

**Mary Maggio** – This Sunday, June 13<sup>th</sup>, the 107<sup>th</sup> Precinct will host a Fundraiser Car Wash Event at 10:00 a.m. You can enter at 158-40 Harry Van Arsdale Jr. Avenue. Car Wash is \$10. Refreshments will be served.

*1st Vice Chair Michael Hannibal took the floor and proceeded with the order of the agenda.*

\*\*\*\*\*

#### **Salute to the Flag**

1<sup>st</sup> Vice Chair Michael Hannibal led the salute to the flag.

\*\*\*\*\*

#### **Chairperson's Report – Michael Hannibal:**

- As discussed at last month's meeting, we have a new staff member, Nicholas Mejia. He is here with us today to say hello. *[Nicholas was not present. Introduction omitted.]*
- Best wishes to Board Member Susan Cleary who is home recuperating from a back injury. We wish her well!
- Hillcrest Jewish Center is looking to have in-person meetings in September. We do not have an exact date yet. If they re-open before September 22, 2021, the Board will meet fully in-person at the center. Anyone with any questions, can contact the center directly.
- We were joined by Commanding Officer Kevin Chan. 1<sup>st</sup> Vice Chair Michael Hannibal invited him to address the Board.

\*\*\*\*\*

#### **Commanding Officer Kevin Chan – 107<sup>th</sup> Precinct**

- Commanding Officer Chan introduced himself and expressed his gratitude with Community Board 8. He is happy to be here and become part of the community. He was born and raised in New York City. He currently lives in Brooklyn with his wife and kids since 2006. He is happy to join the family of the 107<sup>th</sup> Precinct. He's only been here for two weeks. He is learning the area quickly and is looking forward to working with all of us. He has seen a spike in robberies and assaults. They had a robbery this past Saturday at a Queens Valley Playground located at 137<sup>th</sup>



Street and 76<sup>th</sup> Avenue. A male Asian was approached by two individuals, one white male and a black male teenager. They asked him for his belongings, the victim took off and was stabbed twice. He survived and wasn't seriously hurt. They are still in the lookout for these two individuals. There was also a shooting incident back on Memorial Day on Hillside Avenue and 165<sup>th</sup> Street. A car passed by and started shooting. They recovered 6 bullet shells. They know who the shooter is and are looking to capture him soon. He invited everyone to visit him at the Precinct anytime.

*Commanding Officer Chan asked if there were any questions from the Board Members.*

**Marc A. Haken** – asked about any plans to combat drag racing in the District (i.e. Main Street, Francis Lewis Boulevard, etc.).

**Answer:** [C.O. Chan] – We are aware of this situation. This issue is being experienced Citywide. When we get exact areas where these races are, we conduct operations where they stop them from doing this. We have our Public Safety team working on the racing issues at the Fresh Meadows Mall and Cunningham Park. Local NCO's are always in the area working to serve you. If you know of any exact location, please feel free to reach out and we'll work on it. He understands that speed humps were installed at the Fresh Meadows Parking Lot and Cunningham Park to prevent recurrence of the issue.

**Tammy Osherov** – stated that IOG Supermarket Parking Lot on 69<sup>th</sup> Avenue and 195<sup>th</sup> Lane in Fresh Meadows is also a problematic area with racers doing donuts and loud exhausting.

**Answer:** [C.O. Chan] – We'll definitely keep an eye out on that parking lot.

*1<sup>st</sup> Vice Chair Michael Hannibal thanked Commanding Office Chan for attending our meeting. We look forward to working with him.*

\*\*\*\*\*

#### **Borough President's Donovan Richards Representative – Max Weprin**

- On Thursday, June 17<sup>th</sup>, there will be a virtual Job Recruitment Fair event at 2:00 p.m. Also, there will be a Father's Day Celebration event at 6:00 p.m. More information is available on their website.
- Borough President Richards is hosting Queens drive-in FREE movie nights at the parking lot of the New York Hall of Science. Upcoming movies are: June 16<sup>th</sup>, "Coming to America", June 24<sup>th</sup>, "Monsoon Wedding".
- Their office is hosting an IDNYC pop-up enrollment site at Borough Hall until June 30<sup>th</sup> by appointment only.
- On June 14<sup>th</sup>, they are launching an immigrant welcome center at Borough Hall. They will be also raising a pride flag on this day. Board Members who attend will receive a Community Board tote bag. You can register for all these events at: [www.queensbp.org](http://www.queensbp.org).

\*\*\*\*\*

**City Planning Representative – Scott Solomon** – Mr. Solomon gave a presentation on the three Citywide Text Amendments that are up for review by the Community Board. Along with Ms. Lucille Songhai from the MTA, they gave an overview of the text amendments for Elevate Transit: Zoning for Accessibility (ZFA). Mr. Solomon proceeded with the Hotels and the Health & Fitness text amendments overview. These are the main highlights of the presentation:

#### **Elevate Transit: Zoning for Accessibility (ZFA) – Lucille Songhai**

- The MTA and City Planning are proposing a citywide text amendment that will allow the MTA to work more efficiently with private developers to help achieve system-wide accessibility more quickly.
- The proposal includes a system-wide easement requirement and an expanded transit improvement bonus in high density (*mostly in R9/R10 districts/not applicable in CB8*).
- Their current accessibility status is 136 out of 493 subway stations are accessible. 25 out of 39 LIRR and MNR stations within city limits in the MTA system are accessible.
- They are focusing on having ADA accessible stations that include many features to make stations readily accessible to, and usable by, individuals with disabilities. They are looking at vertical accessibility which focuses on having elevators at stations.

- More New Yorkers can benefit from more accessible transit stations: people with disabilities, parents with young children, seniors, and people with small injuries.
- Of the 2.3 million Queens residents there are 130,000 residents with an Ambulatory Disability, 150,000 children under 5 and 340,000 residents 65+. From 2005 to 2015, the number of New Yorkers over 65 grew by 19.2 percent, that is more than twice the rate of the total population which is 7.5 percent.
- The MTA's 2020-2024 Capital Program makes historic investment in accessibility. More than \$5 billion dedicated to making 77 stations accessible. In our District: Briarwood and Parsons Boulevard. 43% of New York City Transit stations, serving over 60% of riders, will be fully accessible. No subway rider will be more than 2 stations away from an accessible station.
- Elevator construction is challenging as they can encounter narrow platforms, limited entry and exit passages, narrow sidewalks, limited clearance between buildings and stations. Most stations require more than one elevator to be accessible.

#### **Scott Solomon:**

- Zoning for Accessibility (ZFA) is seeking to create more opportunities for accessibilities throughout the transit system with expanded zoning tools including the easement requirement provision limited applicability and CD11. Also, the transit bonus provision that only applies to those high density districts.
- Today, the zoning tools are in place to support the construction of transit improvements but with very limited applicability citywide.
- Existing zoning regulations: Easement Provisions – a requirement that station-adjacent sites provide a space for future station access if required by the MTA.
- There are also limitations which exists in very limited areas in the City. No general framework for facilitating transit easements outside of these limited areas. MTA has missed opportunities to locate ADA access, particularly at complex stations.
- The ZFA proposal includes an expanded system-wide easement requirement that will address some of these limitations. The easement will be applicable on sites that meet the criteria and will be triggered when building permits are filed with DOB.
- Sites eligible for easements will include developments and enlargements on zoning lots of at least 5,000 sq. ft. and within 50 ft. of mass transit stations.
- They will be located in residential zoning districts that permit multi-family housing, medium and high-density commercial districts, and all manufacturing districts.
- The easement requirement is the only provision that the ZFA will be applicable to CB8. Development located in applicable sites will be required to file an application with MTA and the Chairperson of the City Planning Commission to determine whether an easement on the zoning lot is needed, to help facilitate station access improvement in the future. While the process of obtaining a certification will be required for most sites within 50 ft. of a transit station, it is anticipated that the MTA will only seek an easement in places that are suited for future transit entrances.
- Easements can vary in height; underground subway stations could occupy multiple levels below grade as elevated transit stations which you don't see along Hillside Avenue. They vary in size due to the multiple and things that will be provided. An elevator can take up less space whereas a new station entrance that requires a staircase and an elevator can take up a large easement volume.
- Briarwood and Parsons Boulevard stations is included in the 2020-2024 MTA Capital Program for ADA upgrades.

#### **Citywide Hotels Text Amendment – Scott Solomon**

- This is a text amendment that will create a new special permit for hotel development across the City. It is intended to create a consistent framework for hotels development and ensure that hotels do not negatively affect the surrounding area.
- Rapid growth of new hotels throughout the City has led to a variety of special permits in various locations in recent years. In addition, a special permit was adopted for hotels in M1 districts in 2018. Different criteria for varying locations and zoning districts has resulted in an inconsistent review of hotels.
- The purpose and need are to ensure that there is a consistent zoning framework for new hotels that will support more predictable development.

- The new special permit will be applicable in higher density commercial, mixed-use, and M1/residential districts. The proposed Citywide special permit will replace existing special district permits.
- A map was shown of applicable areas in CB8. There was an area showing the area that currently allows hotel development and will be subject to the new hotel CPC special permit. This means that any hotel development will need to apply for the special permit with the Department of City Planning. This process will make all proposed hotels subject to ULURP review which includes time for Community Boards to review, adopt, and submit recommendations to the City Planning Commission. Upon the Borough President's review, should the CPC approve it then it will go to the City Council for final approval subject to mayoral veto.
- Similar to the existing M1 special permits, they will not require a special permit for hotels that are built for a public purpose such as temporary housing for the homeless.
- The proposed text amendment is intended to address the land use concerns related to commercial hotels and is neutral with regard to current policies related to siting social service and shelter facilities that also have sleeping accommodations.
- The new special permit findings are proposed to be that the hotel use shall not impair the future use and development of the surrounding area.
- The COVID-19 pandemic has had a disastrous effect on the NYC hotel industry and its workers. Between January and November 2020, a net total of 146 hotels (out of 705) and 42,030 rooms closed. 96.3% of room closures occurred in Manhattan. Estimates of 197,000 job lost in the leisure and hospitality industry.

#### **Health and Fitness Text Amendment – Scott Solomon**

- A BSA special permit is currently required to open and operate most exercise and health-related businesses, including gyms, spas, and licensed massage therapy.
- The Physical Culture or Health Establishment (PCE) special permit process is costly and lengthy, often requiring more than 6 months before a business receives a permit to open.
- Even with a special permit, gyms are not permitted along many local retail streets that allow compatible service and retail amenities.
- Removing barriers for gyms and other health-related businesses to open will help speed the economic recovery from the pandemic and ensure that neighborhoods have important health-related amenities.
- During the 1970s, stringent zoning regulations were created for these businesses, designed to address commercial sex associated with health clubs and massage parlors.
- A special permit was required for all such uses as a means of verifying the legitimacy of the operator through a criminal background check.
- Over the last two decades, special permits for gyms, spas, and massage parlors are disproportionately located in the Manhattan core, western Brooklyn, and Queens.
- Removing the special permit requirement will help smaller, independent businesses open in more locations across NYC.
- Many gyms and health-related businesses have temporarily or permanently closed due to the pandemic.
- Employment in gyms declined by more than 605 in 2020. Removing the special permit will support economic recovery from the pandemic.
- What is being proposed is removing the BSA special permits from all gyms, spas, and licensed massage therapy. Gyms and spas will be considered commercial uses that will be allowed as of right. Smaller gyms and spas, those that are less than 10,000 sq. ft. will be allowed in all commercial manufacturing districts including C1 districts where gyms are currently not allowed. Gyms and spas that are unlimited in size will be slightly more limited. They will be allowed in high density C1 districts as well as C2 districts, higher districts, and manufacturing districts.
- Licensed massage therapy will be classified with other ambulatory health care uses as Use Group 4A or Use Group 6B (health care office), permissible in select residential, commercial, and manufacturing districts.
- Massage therapists are health professionals licensed by the NYS Education Department. Massage is a protected job title, meaning it is illegal to operate under the name without a license (includes massage, shiatsu, reflexology, acupressure, connective tissue, and other practices). Many massage therapists already work in community facilities, including physical therapy offices and nursing homes.

- In New York, massage therapists must display their current registration certificate and license to operate. Here is also a searchable database maintained by the State of all licensed massage therapists.
- There will also be noise and vibration regulations. Higher impact gyms will be required to submit documentation to the Department of Buildings certifying that they are designed to sufficiently reduce noise and vibration on neighboring uses prior to being issued a Certificate of Occupancy. These additional noise and vibration requirements will be applicable in mixed-use buildings with residences or schools. These requirements will apply in all commercial and MX districts.

*Scott Solomon asked if there were any questions from the Board Members regarding any of the three text amendments presented.*

**Maria DeInnocentiis – I was looking at the zoning maps for special permit districts. If you could go to your slide number 38. They are near the Long Island Expressway is the special district of Fresh Meadows, the commercial area, I would think that they would not be allowed to have a hotel at all due to the designation of a special district. Why is that of the gym being considered? Why would we allow a special permit there?**

**Answer:** *[Scott Solomon]* – It will still be subject to the special district regulation. The underlying zoning allows for a hotel.

**I hate to say this, we have a hotel right in the area, that we fought very hard to stop and it was still built. Now it is filled with prisoners from Riker’s Island. It really bothers me the Fresh Meadows Development area would even be considered a hotel possibility. Under any kind of permits.**

**Answer:** *[Scott Solomon]* – That is a good point that you raised because those are areas where today, you could build a hotel as of right. That was never changed if we came here. What is changing is if someone built it subject to approval of this text amendment, they will be required to seek a special permit at CPC. I would be happy to discuss this individually.

**Yes, I would like to get details on that because, not that we can do anything about the Wyndham now, but we need to figure out what we can do to keep that from happening.**

**Answer:** *[Scott Solomon]* – When you are talking about the future concerns, that’s what this would do. Any future hotels will be subject to a special permit subject to ULURP process, but any existing hotels will have to seek a special permit to continue operating.

**Jesse Rosenbaum – Scott, you are talking about the south side, we have two Marriott hotels on the north side and multiple new properties on Jamaica Avenue. We are a little bit over-built right now. I am not sure that you are giving us an option.**

**Answer:** *[Scott Solomon]* – In the future, if this special permit proposal is approved, any future hotel will be subject to a special permit.

**Douglas Sherman – In the past two years, hotels have been used in large parts to house homeless families. With your proposal with everything that you are saying, why would any community support the development of new hotels knowing that they could be used for a purpose of temporarily housing homeless families as opposed to tourism and a more desirable business.**

**Answer:** *[Scott Solomon]* – That future hotel that you are concerned with becoming a transient use for homeless housing, will be subjected to a public review. If this didn’t exist, they will not be subjected to it.

**I think there would be a greater support for affordable housing, then it will be for a hotel industry.**

**Answer:** *[Scott Solomon]* – This is a proposal about commercial transuse hotels. This has nothing to do with housing production, this is not a re-zoning change of homeless policy. We are City Planning. Zoning does not dictate homeless policy. This looks at the land use concerns related to commercial transuse hotels.

**So, these hotels that will be developed could be used to house temporarily homeless families. Correct?**

**Answer:** *[Scott Solomon]* – Yes, that would be allowed.

**Seymour Schwartz – I am looking at the area close to Hillside Avenue (referring to a map screen shared during the presentation). For most years, those couple of blocks were limited to commercial automobile related industries. We as a community worked very hard to change that. They are now C4. Why would we encouraged greater opportunities for hotels to fill up that area in the heart of our district when an important priority would be to encourage residential family use in that area. I cannot see us approving this recommendation.**

**Answer:** [Scott Solomon] – This is not encouraging hotel development. This map above here, exists today. This isn't a changed map; this isn't a re-zoning. These are the areas that you can built hotels today. With the approval of a special permit being lawed, tomorrow, it would not be allowed without approval of a special permit.

**Jesse Rosenbaum** – We are in a very unusual situation, when COVID-19 hit, the hotel industry went down the tubes because nobody could come in. I think that the proposal that is on the table is that is somebody oversees the operation to make sure that we don't get over-built and to make sure that the quality of the residents/guests that are coming to the hotel are the quality that we want.

**Answer:** [Steve Konigsberg] – Jesse, do you have a question? Seeing none, I would like to ask for a motion to for approval of all three text amendments.

**Jesse Rosenbaum made a motion to approve the three Citywide Tax Amendments presented tonight: Elevate Transit: Zoning for Accessibility (ZFA), Hotels Text Amendment and Health & Fitness Text Amendment, seconded by Wendy Gennaro.**

**Elevate Transit: Zoning for Accessibility (ZFA)**

*A roll call vote was taken.*

**Count in favor: 37      Opposed:      Abstained: 0**

**Members who voted in favor:** Dilafroze Ahmed, Jagir Singh Bains, Carolyn Brown, Robert Block, Edward Chung, Maria DeInnocentiis, Allen Eisenstein, Kevin Forrestal, Bhitihara-Martha Fulton, James Gallagher Jr., John Gebhard, Wendy Gennaro, Ahsan Habib, Marc A. Haken, Michael Hannibal, Tami Hirsch, Steven Konigsberg, Paul S. Lazauskas, Mitch Lisker, Elke Maerz, Mary Maggio, Dilip Nath, Alan Ong, Tamara Osherov, Hersh Parekh, Simon Pelman, Frances Peterson, Mohammad Rahman, Jesse Rosenbaum, Seymour Schwartz, Deepti Sharma, Douglas Sherman, Harbachan Singh, Dr. Penny M. Stern, Mohammed Tohin, Jacob Weinberg and Tamika Williams-Moore.

**Members who voted against:** None.

\*\*\*\*\*

**Citywide Hotels Text Amendment**

**Discussion:**

**Hersh Parekh** – Would this apply to facilities where the bottom floors are restaurant or something else or is this only for buildings that are full hotels?

**Answer:** [Scott Solomon] – It would be for any hotels.

**Seymour Schwartz** – Scott, do I understand that the text amendment would allow the planner of a hotel, allow him 6 years to complete the project and in-between prior to the six full years, operate some other kind of a facility in that space.

**Answer:** [Scott Solomon] – There are a few situations. For example, today is a hotel, upstairs goes empty because they are out of business during the pandemic and it stays empty. No one occupies it. They are empty for two years and a day, today right now and you are in the area where the zoning doesn't allow it, you would lose to continue the use.

**What if prior to any construction, the developer would of receive a special permit, does he require any other consideration or review, or should he change the purpose of the facility?**

**Answer:** [Scott Solomon] – They would be subject to a special permit.

*A roll call vote was taken.*

**Count in favor: 30      Opposed: 4      Abstained: 0**

**Members who voted in favor:** Dilaafroz Ahmed, Jagir Singh Bains, Carolyn Brown, Robert Block, Edward Chung, Maria DeInnocentiis, Allen Eisenstein, Kevin Forrestal, Bhitihara-Martha Fulton, James Gallagher Jr., John Gebhard, Wendy Gennaro, Ahsan Habib, , Michael Hannibal, Steven Konigsberg, Elke Maerz, Mary Maggio, Dilip Nath, Alan Ong, Tamara Osheroov, Hersh Parekh, Frances Peterson, Mohammad Rahman, Jesse Rosenbaum, Seymour Schwartz, Harbachan Singh, Dr. Penny M. Stern, Mohammed Tohin, Jacob Weinberg and Tamika Williams-Moore.

**Members who voted against:** Marc A. Haken, Tami Hirsch, Mitch Lisker, Douglas Sherman.

\*\*\*\*\*

## **Health & Fitness Text Amendment**

*A roll call vote was taken.*

**Count in favor: 25      Opposed: 6      Abstained: 0**

**Members who voted in favor:** Dilaafroz Ahmed, Jagir Singh Bains, Carolyn Brown, Edward Chung, Kevin Forrestal, Bhitihara-Martha Fulton, James Gallagher Jr., John Gebhard, Wendy Gennaro, Ahsan Habib, Marc A. Haken, Michael Hannibal, Steven Konigsberg, Mitch Lisker, Mary Maggio, Dilip Nath, Alan Ong, Tamara Osheroov, Frances Peterson, Mohammad Rahman, Jesse Rosenbaum, Seymour Schwartz, Harbachan Singh, Dr. Penny M. Stern and Mohammed Tohin.

**Members who voted against** Maria DeInnocentiis, Allen Eisenstein, Tami Hirsch, Hersh Parekh, Douglas Sherman and Tamika Williams-Moore.

\*\*\*\*\*

## **Committee Reports:**

### **Health Minute with Dr. Penny Stern, Health Committee Chair:**

- Dr. Stern spoke about the rise of orthopedic complaints associated with spending unusual hours on the computer. As many people are still working from home due to the pandemic, they are experiencing more shoulder, lower back, and other types of pains.
- She suggested that you create a workspace that is comfortable. For example, positioning your computer, laptop at slightly or below eye level. To do this, you need a chair that is adjustable. Your feet need to be on the floor. Working on a sofa and lying in bed is not recommended. It can lead to more aches and pains due to bad postures. Try keeping your ears above your shoulders and your shoulders above your hips. This will help you to keep a good spinal alignment. If you need extra back support, you can use a cushion on your lower back against a chair.
- She suggested that one plans exercise breaks as often as possible. Standing up at least once to stretch, you'll prevent tight muscles and loss of flexibility which can happen when you sit for prolonged periods of time. Keeping well hydrated and when you eat make sure you look for healthy choices including snacks.

## **Adjournment**

Marc A. Haken made a motion to adjourn this meeting at 9:04 p.m.

*Respectfully submitted,  
Jatnna Reyes, CB8 staff  
June 18, 2021*



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

## Docket Description:

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION: Favorable</b>			
<b># In Favor:</b> 45	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 51
<b>Date of Vote:</b> 5/11/2021 12:00 AM		<b>Vote Location:</b> Zoom Meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 5/11/2021 7:30 PM	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Community Board 9 Monthly Zoom Meeting

## CONSIDERATION:

Recommendation submitted by	QN CB9	Date: 5/19/2021 1:14 PM
-----------------------------	--------	-------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 41	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 50
<b>Date of Vote:</b> 5/6/2021 12:00 AM		<b>Vote Location:</b> via Zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

**Was a quorum present?** No

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

**CONSIDERATION:**

Recommendation submitted by	QN CB10	Date: 6/10/2021 3:16 PM
-----------------------------	---------	-------------------------





# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 39	<b># Against:</b> 1	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 41
<b>Date of Vote:</b> 6/7/2021 12:00 AM		<b>Vote Location:</b> Via Zoom	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

**Was a quorum present?** No

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

**CONSIDERATION:**

Recommendation submitted by	QN CB11	Date: 6/9/2021 9:03 AM
-----------------------------	---------	------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 39	<b># Against:</b> 1	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b>
<b>Date of Vote:</b> 5/25/2021 6:00 PM		<b>Vote Location:</b> Zoom Meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

**Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

**CONSIDERATION:**

Recommendation submitted by	QN CB12	Date: 5/25/2021 10:43 PM
-----------------------------	---------	--------------------------



# Community Board 12

## The City of New York

### Borough of Queens

Jamaica, Hollis, St. Albans, South Ozone Park, and Springfield Gardens

90-28 161<sup>st</sup> Street  
Jamaica, New York 11432  
[qn12@cb.nyc.gov](mailto:qn12@cb.nyc.gov)  
[www.nyc.gov/qcb12](http://www.nyc.gov/qcb12)

(718) 658-3308  
Fax (718) 739-6997

**Donovan Richards**  
BOROUGH PRESIDENT

**Maricela Cano**  
DIRECTOR OF COMMUNITY BOARDS

**Rev. Carlene O. Thorbs**  
CHAIRPERSON

**Yvonne Reddick**  
DISTRICT MANAGER

May 25, 2021

1. Stephen Everett, NY City Planning will discuss the MTA and DCP are proposing a citywide zoning text amendment, ULURP N210270ZRY that will allow the MTA to work more efficiently with private developers to help achieve system wide accessibility. The proposal includes a system-wide transit easement certification and an authorization for transit improvement bonuses in high density areas to facilitate the implementation of ADA access at stations throughout the city more quickly and efficiently.

Vote taken at Board Meeting on May 19, 2021

Place of Meeting: **Zoom Meeting**

40 Members Present

39 Members Approved

1 Members Opposed

0 Members abstained

40 Voted

Signature of CB officer completing this form

Title

Date

<i>Yvonne Reddick</i>	<i>District Manager</i>	<i>5/25/2021</i>
-----------------------	-------------------------	------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Favorable**

<b># In Favor:</b> 34	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 34
<b>Date of Vote:</b> 5/24/2021 12:00 AM		<b>Vote Location:</b> Virtual	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:**

**Was a quorum present?** No

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

**CONSIDERATION:**

Recommendation submitted by	QN CB13	Date: 6/14/2021 4:55 PM
-----------------------------	---------	-------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Waiver of Recommendation**

<b># In Favor:</b>	<b># Against:</b>	<b># Abstaining:</b>	<b>Total members appointed to the board:</b>
<b>Date of Vote:</b> 6/8/2021 12:00 AM		<b>Vote Location:</b> ZOOM	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 5/4/2021 7:00 PM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	ZOOM Meeting

**CONSIDERATION:** Board voted to not take a position on this item since it is not likely applicable to cb14

Recommendation submitted by	QN CB14	Date: 6/9/2021 9:32 AM
-----------------------------	---------	------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

## Docket Description:

Please use the above application number on all correspondence concerning this application

<b>RECOMMENDATION:</b> Unfavorable			
<b># In Favor:</b> 20	<b># Against:</b> 4	<b># Abstaining:</b> 1	<b>Total members appointed to the board:</b> 25
<b>Date of Vote:</b> 5/11/2021 12:00 AM		<b>Vote Location:</b> virtual	

Please attach any further explanation of the recommendation on additional sheets as necessary

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

**CONSIDERATION:** Whereas, a Zoning Text Amendment titled Zoning for Accessibility 2021 has been submitted by the MTA, Mayor's Office for People with Disabilities, and the NYC Department of City Planning to provide mass transit, station access, easements and,  
Whereas, this proposal has been presented to Community Board #1 SI during a Land Use Public Hearing and,  
Whereas, this proposal was well vetted by the Land Use Committee and the following points were highlighted:  
This amendment would provide for an extreme overreach of governmental power and yet obfuscates the ULURP process and,  
Would be detrimental to development City-Wide and unfair burden to private developers for the following reasons:  
Creates additional 2-4-month review process by the MTA and CPC, potentially carves out prime development space without adequate compensation, unclear as to how construction costs for potential future mass transit access would be compensated to developer,  
Easement may be required without any commitment by the MTA for short or long-term development,  
Potential cavity could be left in development due to unclear capital commitment and unwillingness of potential tenant to occupy space that would be lost to the easement; therefore,  
Whereas, this would allow for a 60 foot commercial overlay on a commercial street.  
Be it hereby resolved that: Community Board #1 is opposed to this Zoning Text Amendment for all the aforementioned.  
**MOTION PASSED TO DENY THE APPLICATION .**

Recommendation submitted by	SI CB1	Date: 5/13/2021 1:08 PM
-----------------------------	--------	-------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b> MTA - NYS Metro Transit Authority		<b>Applicant's Primary Contact:</b> Munsun Park	
<b>Application #</b> N210270ZRY		<b>Borough:</b> Citywide	
<b>CEQR Number:</b> 21DCP136Y		<b>Validated Community Districts:</b> CY00	

## Docket Description:

*Please use the above application number on all correspondence concerning this application*

<b>RECOMMENDATION:</b> No Objection			
<b># In Favor:</b> 24	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 24
<b>Date of Vote:</b> 4/20/2021 12:00 AM		<b>Vote Location:</b> ZOOM	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b>	
<b>Was a quorum present?</b> No	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	

## CONSIDERATION:

Recommendation submitted by	SI CB2	Date: 4/26/2021 4:18 PM
-----------------------------	--------	-------------------------



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Unfavorable**

<b># In Favor:</b> 25	<b># Against:</b> 0	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 25
<b>Date of Vote:</b> 5/25/2021 12:00 AM		<b>Vote Location:</b> Virtual	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**Date of Public Hearing:** 4/14/2021 7:00 PM

**Was a quorum present?** Yes

*A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members*

**Public Hearing Location:**

Virtual

**CONSIDERATION:** The Community Board 3 understands that there is a need for greater transit accessibility for the handicapped population but believes that there are better means to achieve this end. The Committee is most concerned about DCP changing policy to allow relief in key areas such as, square footage, height, parking, streetscape, residential to commercial zoning, no Community Board review, and no ability for the existing property owners and new developers to opt out of this system-wide easement requirement.

Recommendation submitted by

SI CB3

Date: 5/26/2021 8:05 AM





June 15, 2021

Ms. Marisa Lago  
Director  
New York City Department of City Planning  
120 Broadway, 31<sup>st</sup> Floor  
New York, NY 10271

Re: Elevate Transit: Zoning for Accessibility Zoning Text Amendment

Dear Director Lago:

At its stated meeting on June 1, 2021, the Brooklyn Borough Board (“Borough Board”) adopted the enclosed resolution by a vote of 21 yes, 0 no, and 0 abstention, for the Elevate Transit: Zoning for Accessibility Zoning Text Amendment (“Zoning for Accessibility”).

I applaud the New York City Department of City Planning (DCP) and the Metropolitan Transportation Authority (MTA) for promptly developing this text amendment, which would make the City’s transit system more accessible, faster, and better coordinated with the streets and buildings around it. Through Zoning for Accessibility, developers would work with the MTA to set aside space where needed for station elevators. It would expand incentives for developers to build elevators and perform related station upgrades in new, high-density buildings. The Brooklyn Borough Board understands that introducing elevators to City transit stations are an expensive undertaking and securing optimum locations is often difficult to fit within publicly-owned property. Through the adoption of the proposed zoning text amendment, bonused development rights would supplement efforts to reach a 100 percent accessible transit network faster by harnessing opportunities within developments that are adjacent to stations.

Though developers can already build station elevators for the MTA in exchange for zoning bonuses under current New York City Zoning Resolution (ZR) regulations, these opportunities are restricted to small areas of the city, such as Lower Manhattan and Midtown, and have been used fewer than 10 times since the 1980s. Through adopting the proposed text, the number of eligible areas would include Downtown Brooklyn and will introduce a concept by which the MTA and DCP can work with developers to also leave space in their developments for the MTA to build an elevator or other station access point in the future throughout much of the mass transit system.

While the proposal substantially addresses the zoning considerations, the Borough Board believes this application presents an opportunity to further advance New York City as the world’s cultural capital, enhance the possibility of transit access improvements for the benefit of the York Street station in

particular, and ensure that transit improvements are not to result in lieu of realizing permanently affordable housing.

Should you have any questions, your office may contact my director of Land Use, Richard Bearak, at (718) 802-4057. Thank you for this opportunity to comment.

Sincerely,

A handwritten signature in black ink that reads "Eric L. Adams". The signature is written in a cursive, flowing style.

Eric Adams  
Brooklyn Borough President

EA/rb  
enc.

cc: Members of the Brooklyn Borough Board  
Winston Von Engel, Brooklyn Office Director, New York City Department of City Planning  
Frank Ruchala, Jr., Director, Zoning Division, New York City Department of City Planning

## Brooklyn Borough Board Resolution June 1, 2021

The Brooklyn Borough Board is in support of the intent to make the City's transit system more accessible, faster, and better coordinated with the streets and buildings around it. Through Zoning for Accessibility, developers would work with the Metropolitan Transportation Authority (MTA) to set aside space where needed for station elevators. It would expand incentives for developers to build elevators and related station upgrades in new, high-density buildings. The Brooklyn Borough Board understands that introducing elevators to City transit stations are an expensive undertaking and securing optimum locations is often difficult to fit within publicly-owned property. Through the adoption of the proposed zoning text amendment, bonused development rights would supplement efforts to reach a 100 percent accessible transit network faster by harnessing opportunities within developments that are adjacent to stations.

Though developers can already build station elevators for the MTA in exchange for zoning bonus under current New York City Zoning Resolution (ZR) regulations, these opportunities are restricted to small areas of the city, such as Lower Manhattan and Midtown, and have been used fewer than 10 times since the 1980s. Through adopting the proposed text, the number of eligible areas would include Downtown Brooklyn and will introduce a concept by which the MTA and the New York City Department of City Planning (DCP) can work with developers to also leave space in their developments for the MTA to build an elevator or other station access point in the future throughout much of the mass transit system. On this basis, the Brooklyn Borough Board supports the proposed zoning text amendments, with the following modifications:

*That in order to advocate to further advance New York City as the world's cultural capital, enhance the possibility of transit access improvements for the benefit of the York Street station, and ensure that transit improvements are not to result in lieu of realizing permanently affordable housing, the Brooklyn Borough Board seeks the following:*

- Consistent with the Metropolitan Transportation Authority (MTA) rehabilitation of subway and commuter rail stations through its Capital Program, where it uses a portion of the funds to commission permanent works of art through its Arts & Design's projects to create links to neighborhoods with art that echoes the architectural history and design context of the individual stations, the Brooklyn Borough Board seeks modifications to the New York City Zoning Resolution (ZR) relating to Article 6, Chapter 6 Special Regulations Applying Around Mass Transit Stations, as follows:

That in order to promote economic opportunity for artists and artisans consistent with the New York City Department of Cultural Affairs (DCLA)'s Percent for the Arts program, ZR Section 66-00 General Purposes should be amended. Specifically, the provisions of this Chapter should establish the promotion of measures to augment station beautification, as an addition to the special regulations designed to support and facilitate transit accessibility and improvements in conjunction with developments and enlargements near transit stations. Such station improvements would also promote and protect public health, safety, general welfare, and amenity. This should be achieved through the enrichment inclusive of site-specific projects in a variety of media — painting, new technologies, lighting, mosaic, glass, textiles, sculpture, and works that are integrated into infrastructure and architecture — by artists whose sensibilities reflect the diversity of New York City, one of the world's cultural capitals, and make art accessible and visible throughout the city.

Therefore, the general goals of this Chapter should also include the promotion of enrichment by artists whose sensibilities reflect the diversity of New York City and makes art accessible and visible throughout the city, one of the world's cultural capitals.

That ZR 66-51 (Additional Floor Area for Mass Transit Station Improvements), (b) Conditions, be amended to confirm that such improvements shall also advance the Percent for the Arts program.

- *That in order to enhance the possibility of realizing transit station improvements at the York Street Station, the Brooklyn Borough Board seeks modifications to ZR in relation to Article 10, Chapter 1 Special Downtown Brooklyn District (SDBD).*

Regarding ZR Article 10 Chapter 1 Special Downtown Brooklyn District (SDBD), that for ZR 101-02 General Provisions, in the event of a conflict between the provisions of this chapter and other regulations of the ZR, the provisions of this Chapter shall control. However, with the exception of station improvements regarding York Street, for #transit-adjacent sites# or #qualifying transit improvement sites#, as defined in ZR Section 66-11 (Definitions), in the event of a conflict between the provisions of this chapter and the provisions of Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations), the provisions of Article VI, Chapter 6 shall control. However, for the York Street station, transit improvement may result from any development site as part of a transit improvement floor area bonus without regards to distance.

Additionally, that for ZR 101-20 Special Bulk Regulations, for #developments# or #enlargements# on #qualifying transit improvement sites#, that the proposed #floor area# bonus for #mass transit station# improvements that may be authorized by the City Planning Commission (CPC) pursuant to the provisions of ZR Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), for the purposes of any #developments# or #enlargements# located on #qualifying transit improvement sites# the CPC may authorize a #floor area# bonus in accordance with the provisions of ZR 66-51(a) where a major improvement to a #mass transit station# is provided in accordance with paragraph (b), as modified to qualify the York Street station. That, in lieu of ZR66-51(b), (Conditions) all applications shall include a proposed improvement to either a proximate #mass transit station# and that for this chapter, the York Street station shall be considered as a proximate station for any qualifying transit improvement site within the SDBD, and may consist of on-site or off-site improvements.

- *That in order to secure the possibility of realizing permanent affordable housing according to the Inclusionary Housing ZR Section 23-154, the Brooklyn Borough Board seeks modifications to ZR with regard to Article 10, Chapter 1 Special Downtown Brooklyn District (SDBD).*

Additionally, that for ZR 101-20 Special Bulk Regulations, for #developments# or #enlargements# on #qualifying transit improvement sites#, that the proposed #floor area# bonus for #mass transit station# improvements that may be authorized by the City Planning Commission (CPC), pursuant to the provisions of ZR Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), shall be modified to also require that floor area also be increased according to the provisions of ZR Section 23-154 (Inclusionary Housing), subsection (a), (R10 Districts outside of #Inclusionary Housing designated areas#).

Specifically, that ZR 66-51 (Additional Floor Area for Mass Transit Station Improvements), according to subsection (a) #Floor area# bonus, be amended for development with the SDBD, where such development would include residential development, such developments that would be pursuant ZR 66-51 and is also jointly applying for ZR Section 23-154 (Inclusionary Housing), the CPC may authorize an additional #floor

area# bonus not to exceed 20 percent of the basic maximum #floor area ratio# permitted by the applicable district regulations of this ZR, in accordance with the following provisions:

That in the SDBD, ZR 66-51(a)(2), shall be modified to allow for maximization of Inclusionary Housing and Transit bonuses, such #floor area# bonus may be used in combination with other #floor area# bonuses. However, the maximum #floor area# permitted through the combination of bonuses may exceed 20 percent of the base #floor area ratio# in R10 Districts (SDBD C6-4, C6-4.5, C6-6, C6-9 equivalents) outside of #Inclusionary Housing designated areas#, the percent in #floor area# bonus granted on a #qualifying transit improvement site# shall be calculated from the maximum #floor area ratios# set forth in paragraph (a)

That ZR Section 101-20, Special Bulk Regulations, be further amended to modify the provision of ZR Section 23-154(a) (Inclusionary Housing for R10 Districts), for R10 Districts outside of Inclusionary Housing designated areas, that for C6-4.5 Districts, through floor area ratio of a compensated zoning lot may be increased from a base floor area ratio of 12.0 to a maximum floor area ratio of 14.0 at the rate provided in ZR Section 23-154(a), to a maximum residential floor area ratio of 12.0.

That for ZR 101-21 Special Floor Area and Lot Coverage Regulations, be modified as follows:

(c) In C6-4 Districts: In C6-4 Districts, the floor area bonus, in accordance with the provisions of ZR Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), is applicable for non-residential use and for developments containing residential use, provided that a development would be fully pursuant to 23-154(a) (Inclusionary Housing for R10 Districts), or for non-residential use.

(c) In C6-4.5 Districts: In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted except for developments containing residential use, provided that a development would be fully pursuant to 23-154(a) (Inclusionary Housing for R10 Districts), or for non-residential use, in accordance with the provisions of ZR Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

(d) In C6-6 Districts: In C6-6 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 15.0, and the maximum #residential floor area ratio# shall be 9.0. No #floor area# bonuses shall be permitted except, that for developments containing residential use, provided that a development would be fully pursuant to 23-154(b) (Inclusionary Housing designated areas), or for non-residential use, in accordance with the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), where applicable.

Example of Floor Area Bonus Pursuant to C6-4 and C6-4.5:

District	As-of-right	Per modified 23-154(a)	Per modified 66-51
C6-4	10 FAR any combination of uses	2 FAR minimum resident (inclusive of affordable housing), 12 FAR any combination of uses	2 FAR minimum resident (inclusive of affordable housing), 14 FAR any combination of uses, where

			residential does not exceed 12 FAR
C6-4.5	12 FAR any combination of uses, where residential does not exceed 10 FAR	2 FAR minimum resident (inclusive of affordable housing), 14 FAR any combination of uses, where residential does not exceed 12 FAR	2 FAR minimum resident (inclusive of affordable housing), 16.4 FAR any combination of uses, where residential does not exceed 12 FAR



# COMMUNITY/BOROUGH BOARD RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)			
<b>Applicant:</b>	MTA - NYS Metro Transit Authority	<b>Applicant's Primary Contact:</b>	Munsun Park
<b>Application #</b>	N210270ZRY	<b>Borough:</b>	Citywide
<b>CEQR Number:</b>	21DCP136Y	<b>Validated Community Districts:</b>	CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION: Conditional Favorable**

<b># In Favor:</b> 16	<b># Against:</b> 1	<b># Abstaining:</b> 0	<b>Total members appointed to the board:</b> 23
<b>Date of Vote:</b> 6/17/2021 12:00 AM		<b>Vote Location:</b> Zoom Meeting	

*Please attach any further explanation of the recommendation on additional sheets as necessary*

<b>Date of Public Hearing:</b> 6/17/2021 8:30 AM	
<b>Was a quorum present?</b> Yes	<i>A public hearing requires a quorum of 20% of the appointed members of the board but in no event fewer than seven such members</i>
<b>Public Hearing Location:</b>	Zoom

**CONSIDERATION:**

Recommendation submitted by	MN BP	Date: 6/18/2021 3:44 PM
-----------------------------	-------	-------------------------



OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

Gale A. Brewer, Borough President

**MANHATTAN BOROUGH BOARD RESOLUTION**  
**June 17, 2021**

**RECOMMENDING APPROVAL FOR AN APPLICATION BY THE NEW YORK CITY DEPARTMENT OF CITY PLANNING FOR AN AMENDMENT TO THE ZONING RESOLUTION: APPLICATION NUMBER N210270ZRY – ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY**

WHEREAS, the Metropolitan Transportation Authority (“MTA”) and the New York City Department of City Planning (“DCP”) seek a citywide text amendment to the Zoning Resolution (N210270ZRY) to expand and amend existing transit improvement floor area bonus provisions to apply to zoning lots within 500 feet (or 1,500 feet in Central Business Districts) of mass transit stations in high-density districts across the city, and to include a transit easement requirement for zoning lots within 50 feet of a mass transit station, with the primary goal of facilitating transit station accessibility in accordance with the Americans with Disabilities Act of 1990; and

WHEREAS, at the May 20, 2021 Manhattan Borough Board meeting, DCP presented the Zoning for Accessibility text amendment proposal, and several issues were raised by community board chairs, including: reliance on private developers to make transit stations more accessible, other possible strategies that could have been utilized outside of zoning to accomplish the goal of transit accessibility, how the proposed bonus would interact with other existing bonuses like Voluntary Inclusionary Housing (“VIH”) as well as Mandatory Inclusionary Housing (“MIH”), how the proposed bonus would interact with zoning restrictions in Historic and Special Purpose Districts, how timely construction and proper maintenance by participants in the bonus program would be enforced, how the MTA and DCP would calculate the percentage of floor area granted to each site based on the size and quality of improvements, how this bonus would interact with large zoning lot mergers, how other improvements outside of those related to ADA access could qualify for the bonus, and how much public participation would be incorporated into the bonus provision process; and

WHEREAS, between the May and June Manhattan Borough Board meetings, DCP followed up with various Manhattan community boards on several outstanding questions and concerns, including what other strategies outside of zoning have been considered to address transit accessibility, where all possible sites are located that can use both Voluntary Inclusionary Housing and transit improvement bonuses, a stacking diagram of such sites, what considerations have been made regarding encroachment into rear yards in residential districts, how transit agencies can ensure that transit improvements happen in a timely manner, how “major” and “significant” transit improvements are specifically defined, whether the MTA has a list of potential upgrades that would qualify for the bonus and whether that list could be made public, the criteria that the City Planning Commission (“CPC”) would use to determine how much bonus



floor area to grant, how the bonus floor area would interact with lot mergers, and what constitutes an improvement; and

WHEREAS, DCP has briefed each Manhattan community board at monthly land use or related committee meetings through April and May of 2021, where committee members and the public have raised their own questions and concerns; and

WHEREAS, on May 25, 2021, Manhattan Community Board 1 adopted a resolution recommending approval of the application with conditions, including a request for explicit definitions of access and circulation improvements, density caps for merged lots, community board and borough president notice as part of CPC authorization for additional modifications, a requirement that temporary uses of transit easements benefit the public, the inclusion of MIH when calculating the floor area bonus, and an analysis of other means of incentivizing accessibility outside of zoning; and

WHEREAS, on June 17, 2021, Manhattan Community Board 2 is expected to adopt a resolution on this application; and

WHEREAS, on May 28, 2021, Manhattan Community Board 3 adopted a resolution with comments on the application, including that the proposal clearly establish criteria explaining the relationship between the level of investment in a transit improvement and the resulting floor area bonus, that the bonus be subject to a CPC special permit, that sufficient public capital funding be dedicated to less affluent areas with proper progress reporting, and that all privately maintained improvements be subject to MTA quality and maintenance standards; and

WHEREAS, on June 2, 2021, Manhattan Community Board 4 adopted a resolution recommending approval of the application with conditions, including a decrease in the radius of sites qualifying for the bonus, a change of applicability for the bonus to tax lots from zoning lots, clarification on whether floor area granted from the easement and bonus can be combined, removal of the Hudson Yards subway station from the list of stations qualifying for the bonus, a clear list of standard improvements qualifying for the bonus with priority given to large accessibility improvements, regular access hours for new entrances reflective of the hours of that station, construction and maintenance standards enforced by the MTA, public review for major improvements, and clarification on the coordination between this application and the forthcoming Open Restaurants application; and

WHEREAS, on May 13, 2021, Manhattan Community Board 5 adopted a resolution recommending disapproval of the application with conditions, including a provision that significant developments be required to provide transit accessibility improvements and other station enhancements, density caps for merged lots, and the inclusion of MIH requirements in bonus floor area granted under the transit improvement bonus where applicable; and

WHEREAS, on June 10, 2021, Manhattan Community Board 6 adopted a resolution recommending disapproval of the application with conditions, including a provision that significant developments be required to provide transit accessibility improvements and other station enhancements, density caps for merged lots, and the inclusion of MIH requirements when calculating the floor area bonus; and

WHEREAS, on June 1, 2021, Manhattan Community Board 7 adopted a resolution recommending approval of the application with conditions, including a requirement that the configuration of displaced floor area related to the transit easement be subject to review by CPC and the community board, a requirement that the MTA use an easement space within a reasonable period of time, the establishment of clear criteria explaining the relationship between the level of investment in a transit improvement and the resulting bonus, a requirement that any bonus application be subject to a CPC special permit, a required finding that each instance of either the Inclusionary Housing bonus or transit improvement bonus does not adversely impact the surrounding community, and explicit definitions of access and circulation improvements; and

WHEREAS, on June 14, 2021, Manhattan Community Board 8 adopted a resolution recommending approval of the application with conditions, including a requirement that projects seeking a transit improvement bonus be subject to ULURP, and a requirement that the bonus only be granted for vertical accessibility enhancements to subway stations; and

WHEREAS, on May 21, 2021, Manhattan Community Board 9 adopted a resolution recommending approval of the application with conditions, including the inclusion of MIH requirements when calculating floor area bonuses, community board and borough president notice as part of CPC authorization for additional modifications, explicit definitions of access and circulation improvements, the establishment of clear criteria explaining the relationship between the level of investment in a transit improvement and the resulting bonus, and a special permit requirement that CPC find that any proposed modifications are the minimum necessary to enable the proposed transit improvement; and

WHEREAS, on May 5, 2021, Manhattan Community Board 10 adopted a resolution recommending approval of the application with conditions, including actions by DCP and the MTA to achieve full ADA accessibility at all subway stations in Manhattan Community Board 10, a requirement of 100% affordability on all new units developed within 500 feet of stations eligible for the transit improvement bonus, and the consultation with Manhattan Community Board 10 on all actions proposed by the application; and

WHEREAS, on June 15, 2021, Manhattan Community Board 11 adopted a resolution recommending disapproval of the application with conditions, including a requirement that the bonus only be granted for accessibility improvements such as elevators, inclusion of MIH requirements in bonus floor area granted under the transit improvement bonus where applicable, the application of the provisions of the Special East Harlem Corridor District where zoning relief is sought for easements around stations of the Second Avenue Subway, and a required full environmental review to assess impacts of all reasonable development sites within transit areas targeted by this proposal; and

WHEREAS, on May 28, 2021, Manhattan Community Board 12 adopted a resolution recommending approval of the application with no conditions;

THEREFORE, BE IT RESOLVED, that the Manhattan Borough Board supports all recommendations made by individual Manhattan Community Boards in their respective resolutions, and recommends approval of the application (N210270ZRY), Zoning for Accessibility, with the following modifications:

1. Require that relevant community boards and borough presidents be consulted on every discretionary action taken by CPC related to this text amendment;
2. Clearly define eligible improvements to only include vertical access improvements to a station, so as not to include other improvements such as beautification, noise abatement, rider orientation, and other improvements that do not increase station accessibility;
3. Include MIH requirements when calculating floor area bonuses for transit improvements;
4. Clearly establish and make public the criteria under which transit improvements and the resulting bonuses are granted;
5. Apply density caps to merged lots to regulate the size of bonuses granted on such sites;
6. Require a CPC special permit for any transit improvement bonus;
7. Clearly define what constitutes a major or significant improvement as it relates to the transit improvement bonus; and
8. Ensure that any easement space that is not used by the transit agency, where a bonus is provided by the developer, be used for the public good.

Sincerely,

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is written in a cursive, flowing style with a large initial "G" and "A".

Gale A. Brewer  
Manhattan Borough President  
Chair of the Manhattan Borough Board

# Queens Borough Board Recommendation

**APPLICATION: ULURP #N210406 ZRY**

**CITYWIDE**

**DOCKET DESCRIPTION**

IN THE MATTER OF an application submitted by the Metropolitan Transportation Authority and the Department of City Planning, pursuant to Sections 197-d and 201 of the New York City Charter, for a zoning text amendment to establish a framework for coordinating the siting and provision of transit station improvements with new developments or enlargements on adjacent sites to make the transit system more accessible, more quickly and better coordinated with the streets and buildings around it.

**PUBLIC MEETING**

A remote Public Meeting was held via Zoom webinar and livestreamed on the Queens Borough President's website on Monday, June 7, 2020 at 5:30 P.M. pursuant to Section 82(5) of the New York City Charter. The applicant made a presentation.

**CONSIDERATION**

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

- The Metropolitan Transportation Authority (MTA) and the Department of City Planning have submitted this application for zoning text amendments that would expand the opportunity to facilitate increased access to mass transit stations beyond the existing provisions that are currently limited to certain areas within the city;
- The proposed amendments are a Transit Easement Requirement, a Transit Improvement Bonus Program, and a City Planning Commission Special Permit for additional modifications. Each of these would require MTA review and approval before proceeding to the City Planning Commission for review. The MTA would review the proposals to assure that the proposed transit improvement would increase accessibility substantially while meeting the technical requirements/specifications of the transit infrastructure;
- Transit Easement Requirements would apply to all properties that are least 5000 SF within 50 Feet of any mass transit station in R5 Districts or R5 Districts with a commercial overlay or above, commercial and manufacturing districts. Floor area consideration or other zoning modifications would be granted to the degree or scope of the proposed transit accessibility improvement. Any development plan for a property fitting those criteria must be submitted to: the MTA for review for required accessibility improvements; and, to the City Planning Commission (CPC) Chair for Certification. MTA and CPC review must be completed within 60 days of submission. MTA and CPC certification must be granted before filing with the Department of Buildings for work permits. For properties that do not meet the criteria requiring review – there is an option to submit voluntary station improvement for MTA and CPC certification;
- Transit Improvement Bonus Program would apply to high density districts (R9 and R10) within 500 Feet of transit stations or 1500 Feet in Central Business Districts. Such properties would be able to apply for up to 20% Floor Area bonus in return for a significant transit improvement. All proposed transit improvements must be reviewed by the MTA and authorized by the CPC;
- CPC Special Permit for Additional Modifications are optional for any property eligible for the Transit Easement or Transit Improvement Bonus. This Special Permit would apply for further modifications or relief in consideration of the scope of the provided significant transit improvement. This special permit would be subject to full ULURP review by the affected Community Board and Borough President;
- The MTA has already committed \$5.5 billion dollars in the 2020-2024 Capital Program to make accessibility improvements to 77 stations. The long-term goal is to provide accessibility so that no subway rider is more than two stops away from an accessible station. Accessibility is needed for people with disabilities, seniors, families with young children and people who have temporary injuries. It is the goal of this zoning text amendment that more locations for accessibility improvements will be more easily identified and ready for inclusion for the next MTA Capital Program;
- The Department of City Planning has made many presentations to the Queens Community Boards and including to the Queens Borough Board. Most of the Community Boards have approved the proposed amendment to improve accessibility for transit with some comments and questions regarding scheduling of improvements for specific stations, suggestions to widen the applicability to medium density districts, need for regular maintenance and security, assigning priority of station for improvements, improved multimodal connectivity. Many of these issues were also raised at the June 10, 2021 Borough Board meeting during the presentation;

- The Queens Borough Board approved this application with conditions by a vote of fourteen (14) in favor with none (0) against and three (3) abstentions at the Borough Board meeting held on June 7, 2021;

### **RECOMMENDATION**

Based on the above consideration, the Queens Borough Board hereby recommends approval of this application with the following conditions:

- Assure that a reliable mechanism is place so that all property owners within the mandatory Transit Easement Requirement areas have adequate advance notification that any proposed improvements, on properties 5000 SF or over within 50 feet of a transit station, must be first reviewed by the Metropolitan Transportation Authority and then certified by the City Planning Commission before filing applications for work permits with the Department of Buildings. Coordinated outreach would be necessary so that property owners in affected areas are aware of the new review and certification requirements;
- Notification and reporting to the Community Boards, Borough Presidents and to the City Council of any applications filed for authorizations or certifications for accessibility improvements which are not subject to ULURP review. Notification would provide information about the proposed improvements and the means to evaluate the improvements offered;
- Any of these improvements must be regularly maintained and operated to keep them fully operation and clean for transit riders. Any repairs must be completed in a timely manner to assure accessibility to the stations.



**PRESIDENT, BOROUGH OF QUEENS**

7/21/2021

**DATE**



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)	
<b>Applicant:</b> MTA - NYS Metro Transit Authority	<b>Applicant's Administrator:</b> Munsun Park
<b>Application #</b> N210270ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 21DCP136Y	<b>Validated Community Districts:</b> CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Favorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:**

Recommendation submitted by	BX BP	Date: 6/18/2021 9:47 AM
-----------------------------	-------	-------------------------

**BOROUGH PRESIDENT  
RECOMMENDATION**

**CITY PLANNING COMMISSION**  
22 Reade Street, New York, NY 10007  
Fax # (212)720-3356

**INSTRUCTIONS**

1. Return this completed form with any attachments to the Calendar Information Office, City Planning Commission, Room 2E at the above address.
2. Send one copy with any attachments to the applicant's representative as indicated on the Notice of Certification.

**APPLICATION # N 210270 ZRY- Zoning For Transit Accessibility (ZTA)**

**Amendment of the Zoning Map: Citywide**

**RECOMMENDATION**

- ☒ **APPROVE**
- ☐ **APPROVE WITH MODIFICATIONS/CONDITIONS (List below)**
- ☐ **DISAPPROVE**

**EXPLANATION OF RECOMMENDATION-MODIFICATION/CONDITIONS (Attach additional sheets if necessary)**

**PLEASE SEE ATTACHMENT FOR THE BOROUGH PRESIDENT'S RECOMMENDATION**



**BOROUGH PRESIDENT**

June 17, 2021

**DATE**

**BRONX BOROUGH PRESIDENT'S RECOMMENDATION  
ZONING FOR TRANSIT ACCESSIBILITY (ZTA)  
N 210270 ZRY**

**Bronx Borough President's Recommendation**

Access to New York City's subway system is critical for both those who rely on it and for our city's ability to efficiently function. Add to this the urgent need we have to reduce our carbon footprint, it is easy to appreciate why providing all New Yorkers with access to our subways is an essential objective. While I would want to see the Metropolitan Transportation Authority (MTA) adopt a comprehensive plan to make all subway and railroad stations ADA compliant, the adoption of the proposed Zoning for Transit Accessibility (ZTA), offers one additional tool needed to achieve my goal.

The overall objective of the ZTA is to reduce the capital costs of providing ADA compliant access to MTA's subway and railroad stations. This is achieved by mandating that where applicable, an easement for such access (now or in the future) be made part of the approval process pursuant to private sector development. In return, zoning relief would be granted. Such tradeoffs are nothing new. When additional public open space was sought in high density areas, most notably in Manhattan's Central Business District, the scope of development for a specific building would be modified to compensate the developer for the inclusion of privately owned open space accessible to the public as a plaza.

The Proposed Action establishes a zoning text amendment to facilitate transit station access (an easement) and/or circulation improvements now or over the long term. The following stipulations define highlights of this Action:

- Minimum Lot Size: 5,000 square feet
- Within 50 feet of a mass transit station
- Lots less than 5,000 square feet can voluntarily apply for an easement. This would be subject to an optional Chair Certification by the Chairperson of the CPC
- In all residence districts at or above R5D
- R5 Districts with a commercial overlay
- All manufacturing districts as well as C7 and C8
- Expand the Transit Improvement Bonus Program for developments within all R9 and R10 that offer transit station improvements including improved accessibility.

As is most often done, it would be through the Department of Buildings working in conjunction with the MTA and the City Planning Commission that the required review and subsequent approval for new construction would be granted.

When compared to Manhattan and Brooklyn, the ZTA will have a modest impact in the Bronx. I contend however, that any provision that reduces the capital costs sustained by the MTA, benefits all who are served by the MTA.

I recommend this matter be approved.





OFFICE OF THE PRESIDENT  
BOROUGH OF MANHATTAN  
THE CITY OF NEW YORK

1 Centre Street, 19th floor, New York, NY 10007  
(212) 669-8300 p (212) 669-4306 f  
431 West 125th Street, New York, NY 10027  
(212) 531-1609 p (212) 531-4615 f  
[www.manhattanbp.nyc.gov](http://www.manhattanbp.nyc.gov)

Gale A. Brewer, Borough President

June 14, 2021

**Recommendation on ULURP Application No. N210270ZRY**  
**Elevate Transit: Zoning for Accessibility**  
**By the New York City Department of City Planning**

**PROPOSED ACTIONS**

The Metropolitan Transportation Authority and the New York City Department of City Planning (DCP) (the “Applicants”) are seeking a zoning text amendment to modify and add text to the Zoning Resolution pertaining to floor area bonuses for improvements to transit stations, as well as easement requirements, both on qualifying sites across the city. The goal of this text amendment is to increase transit station accessibility, in conjunction with MTA-funded capital improvements and other strategies to improve accessibility for the city’s subway system.

**System-wide Easement Requirement**

The first component of the proposed text amendment is a system-wide easement requirement. This provision would apply to developments on lots that are over 5,000 square feet in size and located within 50 feet of a mass transit station in most zoning districts. The relevant transit agency would be able to obtain a transit easement volume for future station access if it determines there is a need for one. The developer of that site would receive zoning relief to compensate for the easement on their property.

The easement requirement would apply in all residential districts at or above R5D (and R5 districts with a commercial overlay), all commercial districts with a residential equivalent at or above R5 (and C7 and C8 districts), and all manufacturing districts. Developers of these zoning lots would be required to file an application with the related transit agency, as well as the City Planning Commission (CPC), and be approved either with or without a transit easement prior to receiving a building permit from the Department of Buildings (DOB).

Permitted retail uses would be allowed within an easement until that volume is required for station access or improvement. For sites where an easement is implemented, the floor area of that easement volume would be excluded from the building’s floor area calculation. Certain lot coverage, height, and street wall provisions could be waived to allow for the floor area to be

utilized on the qualifying site. Relief from parking and streetscape requirements could also be granted.

### **Transit Improvement Bonus**

The second component of the application greatly expands the applicability of a transit improvement bonus program which currently exists in certain high-density commercial districts and special purpose zoning districts. Through CPC authorization, developments within R9 and R10 districts and their equivalent that provide transit improvements can be granted a zoning floor area bonus of up to 20% of the maximum floor area ratio (FAR). Qualifying sites must also be within 500 feet of a station envelope, or 1,500 feet if located within a Central Business District.

The relevant transit agency would determine how much floor area would be granted for the proposed station improvements. That bonus would be commensurate with the scope of work proposed by the developer. The developer may also pair the proposed bonus with a bonus granted under the Voluntary Inclusionary Housing program, but no other bonus would be permitted, except as described in several special purpose zoning districts.

### **Additional Modifications**

The CPC may also permit, through an authorization, additional modifications to bulk, use, streetscape, and parking provisions if deemed necessary to facilitate a transit easement or transit improvement bonus. Maximum height may also be increased up to 25% of the height allowed under the underlying zoning district regulations.

The proposed action would also create a special permit for cases where height would exceed a 25% increase. This special permit could also be used for other modifications outlined in the previous paragraph.

## **BACKGROUND**

### **Special Midtown District (1982)**

As part of the Special Midtown District, originally enacted in 1982, a floor area bonus of up to 20% is allowed for non-residential and mixed use buildings that provide transit improvements in accordance with ZR § 74-634. The full list of subway stations that qualify for this provision within the Special Midtown District is provided in ZR § 81-292.

Within the Special Midtown District, the East Midtown Subdistrict also includes provisions for transit improvement bonuses. Qualifying sites, defined as zoning lots with frontage along a wide street which comply with energy design and public space requirements, can receive an FAR bonus for certain transit improvements identified as part of the Priority Improvement List in ZR

§ 81-682. The FAR bonus ranges from 2.7 and 5.4 within the Grand Central Transit Improvement Zone Subarea, and between 2.3 and 4.6 within the Other Transit Improvement Subarea.

For this provision within the East Midtown Subdistrict, the Chair of the City Planning Commission can certify an application 60 days after referral to the local community board, councilmember, and borough president. There is also a special permit option, allowing for up to a 3.0 FAR bonus on qualifying sites where subway station improvements are made in accordance with ZR § 81-292 and ZR § 74-634.

### **Special Lower Manhattan District (1998)**

The Special Lower Manhattan District, originally enacted in 1998, includes a floor area bonus of up to 20% for sites that provide transit improvements in accordance with ZR § 74-634. The full list of subway stations that qualify for this provision within the Special Lower Manhattan District is provided in ZR § 91-43.

Within the Special Lower Manhattan District, additional provisions allow for transit improvement bonuses outside of what is laid out in ZR § 74-634. Qualifying sites, defined as zoning lots in commercial districts adjacent to a subway station on the provided list with an FAR of 10.0 or above, can receive an FAR bonus for any transit improvement defined as a “subway station improvement.” The FAR bonus, except within the Core or Subdistrict areas, can be up to 2.0 or 12.0 total in C6-4 districts, and 3.0 or 18.0 total in C5-3, C5-5, and C6-9 districts. Within the Historic and Commercial Core, the FAR bonus can be up to 3.0 or 18.0 in C5-5 districts.

For these additional provisions, the bonus is granted through a special permit by the City Planning Commission.

### **Special Union Square District (1985)**

The Special Union Square District, which was originally enacted in 1985, includes a floor area bonus of up to 20% for sites that provide transit improvements in accordance with ZR § 74-634. This provision applies only to the 14<sup>th</sup> Street/Union Square subway station. There are no outlying provisions related to transit improvement bonuses within the Special Union Square District aside from what is laid out in ZR § 74-634.

### **Commercial Districts of 10.0 FAR and Above in Manhattan (1984)**

In addition to the previous special purpose zoning districts, a 1984 amendment to the Zoning Resolution, ZR § 74-634, includes several additional subway stations to the transit bonus program. This section also outlines the details, qualifications, and findings associated with the transit improvement bonus.

These stations include the Broadway-60<sup>th</sup> Street Line stations at 8<sup>th</sup> and 23<sup>rd</sup> Streets; the Lexington Avenue Line stations at 23<sup>rd</sup>, 28<sup>th</sup>, and 33<sup>rd</sup> Streets; the 8<sup>th</sup> Avenue Line station at 34<sup>th</sup> Street-Penn Station; and the joint Lexington Avenue and Broadway-60<sup>th</sup> Street Lines station at 59<sup>th</sup> Street and Lexington Avenue.

For properties to qualify for the 20% floor area bonus at these sites, they must be physically adjoined to a subway station mezzanine, platform, concourse or connecting passageway upon completion of the improvement. In the case of the Special Union Square District, the site must be adjacent to the station or existing passageways.

According to ZR § 74-634, any transit improvement bonus granted under this provision is subject to findings made by the City Planning Commission. To determine the amount of bonus floor area granted to a site, improvements in accessibility and environment must be found through provision of new connections and improvements to circulation spaces, new escalators and elevators, increased lighting and air quality, and noise control.

### **Sites That Have Used a Transit Improvement Bonus in Manhattan**

Several sites have used existing transit improvement bonuses across multiple commercial districts in Manhattan. The following table details those projects, which stations were improved, and the floor area granted.

<b>Transit Bonus Project</b>	<b>Station (Train Lines)</b>	<b>District</b>	<b>Year</b>	<b>Bonus FAR</b>	<b>Bonus Floor Area (sf)</b>
599 Lexington	Lexington/53 <sup>rd</sup> Street (6/E/M)	Special Midtown	1984	2.7	146,293
Hines Building	Lexington/53 <sup>rd</sup> Street (6/E/M)	Special Midtown	1984	2.7	71,544
Zeckendorf Towers	Union Square (NQR/456/L)	Special Union Square	1985	2.0	153,006
Worldwide Plaza	50 <sup>th</sup> Street (C/E)	Special Clinton / Special Midtown	1986	1.3	200,000
New Coliseum Project	Columbus Circle (AC/BD/1)	Special Midtown	1986	3.0	448,260
Hearst Building	Columbus Circle (AC/BD/1)	Special Midtown	2002	3.0	120,000
15 Penn Plaza	Herald Square and Penn Station (123/BDFM/NQR)	Special Midtown	2010	3.0	480,000
One Vanderbilt Avenue	Grand Central (456/7/S)	Special Midtown	2015	12.37	535,644
45 Broad Street	Broad Street and Wall Street (45/JZ)	Special Lower Manhattan	2018	3.0	71,391

## COMMUNITY BOARD RECOMMENDATIONS

Each Manhattan community board was briefed by DCP during April and May 2021. Boards were given a 60-day referral period to opine and present a resolution recommending approval or disapproval of the application.

Of the 12 Manhattan community boards, nine have voted on and submitted resolutions regarding the proposed text amendment by the date of this recommendation. Of the eight that passed resolutions, five voted in favor of the application, two voted against it, and one only submitted comments. All boards except for one listed conditions in their resolutions. The most common conditions noted that DCP should:

- Consult and/or notify relevant community boards and borough presidents on every discretionary action taken by CPC related to this text amendment (included by four community boards);
- Include Mandatory Inclusionary Housing (MIH) requirements in bonus floor area granted for transit improvements where MIH is applied (included by four community boards);
- Clearly outline what qualifies as an access and circulation improvement and ensure that other improvements such as beautification, noise abatement, rider orientation, and other non-access improvements do not result in floor area bonuses (included by three community boards);
- Clearly establish criteria explaining the relationship between the level of investment in a transit improvement and the resulting bonus (included by four community boards);
- Apply density caps to merged zoning lots to regulate size of bonuses granted on those sites (included by three community boards);
- Subject the proposed floor area bonus to a CPC special permit process (included by two community boards); and
- Make transit improvements and other station enhancements mandatory for significant developments.

Three boards—Community Boards 2, 8, and 11—have not issued recommendations on the proposed text amendment but have held hearings and deliberated on the matter. Additional concerns raised by those boards include:

- How private maintenance and stewardship of transit improvements will be enforced by the relevant transit agency and the City;
- To what degree the bonus may supersede height and bulk restrictions in a contextual district or Special Zoning District;
- How much additional floor area will be stacked on a single site between the transit improvement bonus and Voluntary Inclusionary Housing; and
- How this proposal may affect other transit improvement projects in the city, and how it may not equitably serve all neighborhoods.

## **BOROUGH BOARD RECOMMENDATION**

The Manhattan Borough Board received a presentation from DCP about this proposed text amendment at its May 20, 2021 meeting. Members raised questions and concerns which were fielded by representatives of the agency. Concerns included encroachments into rear yards, stacking of different bonuses on the same site, definitions of “major” and “significant” improvements, enforcement of station improvements and maintenance, applicability of the easement requirement, distinction between height and bulk bonuses in the proposal, additional bonuses in highly dense areas of the borough, community board input, other strategies for accessibility outside of zoning, applicability of the bonus, and the interaction between the bonus and lot mergers, bonuses granted for non-accessibility improvements.

Informed by these questions and concerns, as well as by issues raised by individual Manhattan community boards during their own public hearings, the Borough Board will vote on a resolution on June 17, 2021.

## **BOROUGH PRESIDENT’S COMMENTS**

The American with Disabilities Act became law in 1990. In the 31 years since that legislation was passed, the MTA has only been able to bring around one quarter of its 472 stations into compliance with that law. The need to make all stations more accessible to New Yorkers is complicated by the fact that the MTA is facing tremendous capital needs. The MTA’s current 5-year, \$51.5 billion capital program—its largest ever—has proposed investing \$5.2 billion toward making 66 additional stations accessible. While this investment is laudable, it still leaves the majority of stations inaccessible. Furthermore, significant portions of the capital plan remain unfunded with many already-funded projects delayed by the COVID-19 pandemic. As of this writing, the American Jobs Plan, which is slated to increase spending in transportation infrastructure, has not passed. The MTA has sought and continues to seek a variety of sources to address its wide-ranging needs. This proposed text amendment is one of the tools the agency proposes to use. However, if federal funding could be assigned to the MTA, the need to rely on this zoning tool could be diminished.

This application comes at a time when Manhattan is seeing denser development. In light of such development, we need to protect the character of our neighborhoods but we also must provide for accessible transit improvements. The Applicants should modify the proposed text amendment to ensure that the bonused floor area and transit easements are truly being used for the intended purposes of increasing accessibility in stations. The text, as currently proposed, would allow a developer to receive a floor area bonus “for improvements involving environmental design, that measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality.” This language is too broad and could result in an application that would deviate from the original goal of this proposed text amendment.

I am also concerned about the potential that both the floor area bonus and transit easement provision have to introduce development that is out of context and scale, especially in residential neighborhoods. The proposed easement text includes relief for use, bulk, street wall, height and setback, parking and curb cuts, and streetscape special regulations. Furthermore, in certain special zoning districts, developers can combine the proposed transit bonus with other, already existing floor area bonuses:

- Special 125<sup>th</sup> Street District - Visual/Performing Arts Bonus
- Special Hudson Yards District - District Improvement Fund Bonus
- Special Garment Center District - District Improvement Fund Bonus

The easement provision would allow temporary uses within transit easement volumes as permitted obstructions in open spaces, which also poses concerns about compatibility with the surrounding neighborhood. I believe that the text could be modified to ensure that floor area bonuses and easement provisions do not lead to developments that are incompatible with their surrounding community.

The proposal also includes provisions for additional modifications to various zoning restrictions related to both the transit easement and improvement bonus. These additional reliefs would be granted by CPC either by an authorization or a special permit, depending on the modifications requested, and would, if granted, exceed or exist outside of the regulations of the main proposal as written. I believe that any additional modifications must be subject to public review, and thus should only be granted by special permit.

Finally, I want to address the issue of equity regarding transit accessibility in Manhattan and the city at large. The floor area bonus would have great applicability in high-density areas and even broader applicability in Central Business Districts. Areas like Midtown and Lower Manhattan can expect to see implementation of this provision, while upper Manhattan and other lower-density neighborhoods will be left out. According to data from the American Community Survey, 8% of people living in Manhattan Community Boards 9 through 12 have an ambulatory difficulty, compared to 5.2% of people living in Manhattan Community Boards 1 through 8, and 6.2% for Manhattan overall. This means this proposal would disproportionately benefit accessibility in neighborhoods with smaller disabled populations, while many disabled people, especially communities of color uptown, will be left out. I urge the City and the MTA to prioritize equity in their accessibility strategies moving forward.

## **BOROUGH PRESIDENT'S RECOMMENDATION**

I therefore recommend **approval of the application with conditions**. I request that the Applicants modify the proposed zoning text to:

- Allow the transit improvement bonus to be combined *only* with the Voluntary Inclusionary Housing bonus and no floor area bonuses specific to special purpose zoning districts;
- Demonstrate a commitment and plan to ensure that accessibility improvements are equitably distributed across Manhattan;
- Allow obstructions only as part of transit improvements;
- Ensure that floor area bonuses are *only* granted for developments that deliver station improvements that will increase accessibility;
- Limit the number of reliefs given for a transit easement; and
- Require a special permit for all additional modifications as laid out in ZR § 66-52.

A handwritten signature in black ink that reads "Gale A. Brewer". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Gale A. Brewer  
Manhattan Borough President



# Queens Borough President Recommendation

**APPLICATION: ULURP #N210406 ZRY**

**CITYWIDE**

**DOCKET DESCRIPTION**

IN THE MATTER OF an application submitted by the Metropolitan Transportation Authority and the Department of City Planning, pursuant to Sections 197-d and 201 of the New York City Charter, for a zoning text amendment to establish a framework for coordinating the siting and provision of transit station improvements with new developments or enlargements on adjacent sites to make the transit system more accessible, more quickly and better coordinated with the streets and buildings around it.

**PUBLIC HEARING**

A remote Public Hearing was held via Zoom webinar and livestreamed on the Queens Borough President's website on Thursday, June 10, 2020 at 9:30 A.M. pursuant to Section 82(5) of the New York City Charter and was duly advertised in the manner specified in Section 197-c (i) of the New York City Charter. The applicant made a presentation. There were no other speakers. The hearing was closed.

**CONSIDERATION**

Subsequent to a review of the application and consideration of testimony received at the public hearing, the following issues and impacts have been identified:

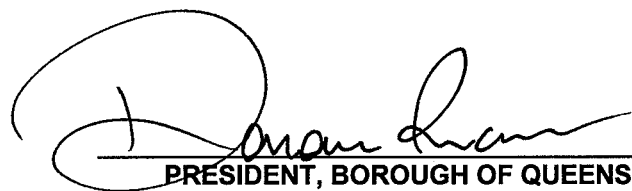
- The Metropolitan Transportation Authority (MTA) and the Department of City Planning have submitted this application for zoning text amendments that would expand the opportunity to facilitate increased access to mass transit stations beyond the existing provisions that are currently limited to certain areas within the city;
- The proposed amendments are a Transit Easement Requirement, a Transit Improvement Bonus Program, and a City Planning Commission Special Permit for additional modifications. Each of these would require MTA review and approval before proceeding to the City Planning Commission for review. The MTA would review the proposals to assure that the proposed transit improvement would increase accessibility substantially while meeting the technical requirements/specifications of the transit infrastructure;
- Transit Easement Requirements would apply to all properties that are least 5000 SF within 50 Feet of any mass transit station in R5 Districts or R5 Districts with a commercial overlay or above, commercial and manufacturing districts. Floor area consideration or other zoning modifications would be granted to the degree or scope of the proposed transit accessibility improvement. Any development plan for a property fitting those criteria must be submitted to: the MTA for review for required accessibility improvements; and, to the City Planning Commission (CPC) Chair for Certification. MTA and CPC review must be completed within 60 days of submission. MTA and CPC certification must be granted before filing with the Department of Buildings for work permits. For properties that do not meet the criteria requiring review – there is an option to submit voluntary station improvement for MTA and CPC certification;
- Transit Improvement Bonus Program would apply to high density districts (R9 and R10) within 500 Feet of transit stations or 1500 Feet in Central Business Districts. Such properties would be able to apply for up to 20% Floor Area bonus in return for a significant transit improvement. All proposed transit improvements must be reviewed by the MTA and authorized by the CPC;
- CPC Special Permit for Additional Modifications are optional for any property eligible for the Transit Easement or Transit Improvement Bonus. This Special Permit would apply for further modifications or relief in consideration of the scope of the provided significant transit improvement. This special permit would be subject to full ULURP review by the affected Community Board and Borough President;
- The MTA has already committed \$5.5 billion dollars in the 2020-2024 Capital Program to make accessibility improvements to 77 stations. The long-term goal is to provide accessibility so that no subway rider is more than two stops away from an accessible station. Accessibility is needed for people with disabilities, seniors, families with young children and people who have temporary injuries. It is the goal of this zoning text amendment that more locations for accessibility improvements will be more easily identified and ready for inclusion for the next MTA Capital Program;
- The Department of City Planning has made many presentations to the Queens Community Boards and including to the Queens Borough Board. Most of the Community Boards have approved the proposed amendment to improve accessibility for transit with some comments and questions regarding scheduling of improvements for specific stations, suggestions to widen the applicability to medium density districts, need for regular maintenance and security, assigning priority of station for improvements, improved multimodal connectivity. Many of these issues were also raised at the June 10, 2021 Borough Board meeting during the presentation;

- The Queens Borough Board approved this application with conditions by a vote of fourteen (14) in favor with none (0) against and three (3) abstentions at the Borough Board meeting held on June 7, 2021;

**RECOMMENDATION**

Based on the above consideration, I hereby recommend approval of this application with the following conditions:

- Assure that a reliable mechanism is place so that all property owners within the mandatory Transit Easement Requirement areas have adequate advance notification that any proposed improvements, on properties 5000 SF or over within 50 feet of a transit station, must be first reviewed by the Metropolitan Transportation Authority and then certified by the City Planning Commission before filing applications for work permits with the Department of Buildings. Coordinated outreach would be necessary so that property owners in affected areas are aware of the new review and certification requirements;
- Notification and reporting to the Community Boards, Borough Presidents and to the City Council of any applications filed for authorizations or certifications for accessibility improvements which are not subject to ULURP review. Notification would provide information about the proposed improvements and the means to evaluate the improvements offered;
- Any of these improvements must be regularly maintained and operated to keep them fully operation and clean for transit riders. Any repairs must be completed in a timely manner to assure accessibility to the stations.

  
\_\_\_\_\_  
PRESIDENT, BOROUGH OF QUEENS

  
\_\_\_\_\_  
DATE



# BOROUGH PRESIDENT RECOMMENDATION

<b>Project Name:</b> Elevate Transit: Zoning for Accessibility (ZFA)	
<b>Applicant:</b> MTA - NYS Metro Transit Authority	<b>Applicant's Administrator:</b> Munsun Park
<b>Application #</b> N210270ZRY	<b>Borough:</b> Citywide
<b>CEQR Number:</b> 21DCP136Y	<b>Validated Community Districts:</b> CY00

**Docket Description:**

IN THE MATTER OF an application submitted by the Metropolitan Transit Authority and the New York City Department of City Planning, pursuant to Section 201 of the New York City Charter, for an amendment of the Zoning Resolution of the City of New York, creating Article VI, Chapter 6 (Special Regulations Applying Around Mass Transit Stations) and modifying related Sections.

*Please use the above application number on all correspondence concerning this application*

**RECOMMENDATION:** Unfavorable

*Please attach any further explanation of the recommendation on additional sheets as necessary*

**CONSIDERATION:**

Recommendation submitted by	SI BP	Date: 6/12/2021 8:40 AM
-----------------------------	-------	-------------------------

Application #: N 210270 ZRY

Project Name: ELEVATE TRANSIT:  
ZONING for ACCESSIBILITY  
(ZFA)

CEQR Number: 21DCP136Y

Borough(s): STATEN ISLAND  
Community District Number(s): 1,2,3

Please use the above application number on all correspondence concerning this application

Docket Description:

IN THE MATTER OF an application proposed by the MTA and DCP for a citywide zoning text amendment that will allow the MTA to work more efficiently with private developers to help achieve systemwide accessibility. The proposal includes a system-wide transit easement certification and an authorization for transit improvement bonuses in high density areas to facilitate the implementation of ADA access at stations throughout the city more quickly and efficiently.

RECOMMENDATION:

- ☐ Approve
- ☐ Approve with Modificatlons / Conditions
- ☒ Disapprove
- ☐ Disapprove with Modifications / Conditions

Explanation of Recommendation, Conditions or Modification:

Related Application(s):

Address all questions about this Recommendation to:  
OFFICE OF THE STATEN ISLAND BOROUGH PRESIDENT  
ATTN: LAND USE DIRECTOR  
Address: 10 Richmond Terrace, Room G-12  
Staten Island, NY 10301  
Phone: 718-816-2112

James S. Oddo

James S. Oddo  
President, Borough of Staten Island

06/11/2021

Date