

# ZONING FOR ACCESSIBILITY

## JUNE 2021

New York City Department of City  
Planning  
Metropolitan Transportation  
Authority, New York City Transit  
Mayor's Office for People with  
Disabilities



PLANNING

Mayor's Office for  
People with Disabilities

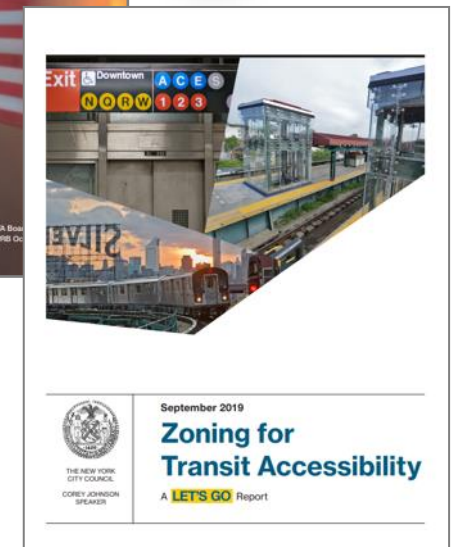
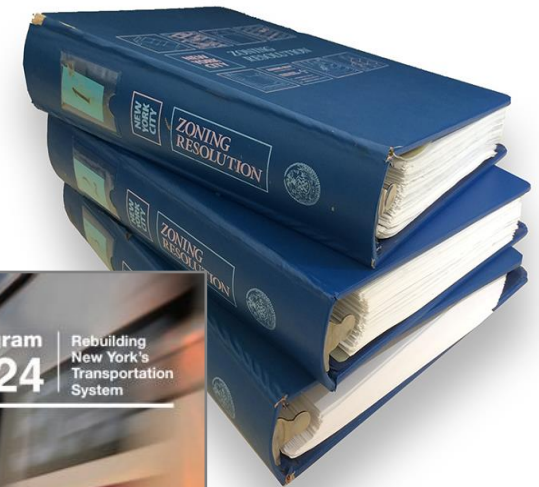
# Elevate Transit: Zoning for Accessibility

## A collaborative plan by MTA and City of New York

The Metropolitan Transportation Authority, the Department of City Planning and Mayor's Office for People with Disabilities are proposing a citywide **zoning text amendment** that will allow the MTA to work more efficiently with private developers to help achieve systemwide accessibility much more quickly.

The proposal includes

- A **system-wide transit easement requirement**; and
- An **expanded transit improvement bonus** in high density areas



# Current Accessibility Status

Most stations were built before 1950. MTA has made progress through its capital programs, but there is still a long way to go:

- **Only 137** out of **493** subway or SIR stations are accessible
- **25** out of **39 LIRR and MNR** stations within city limits in the MTA system are accessible

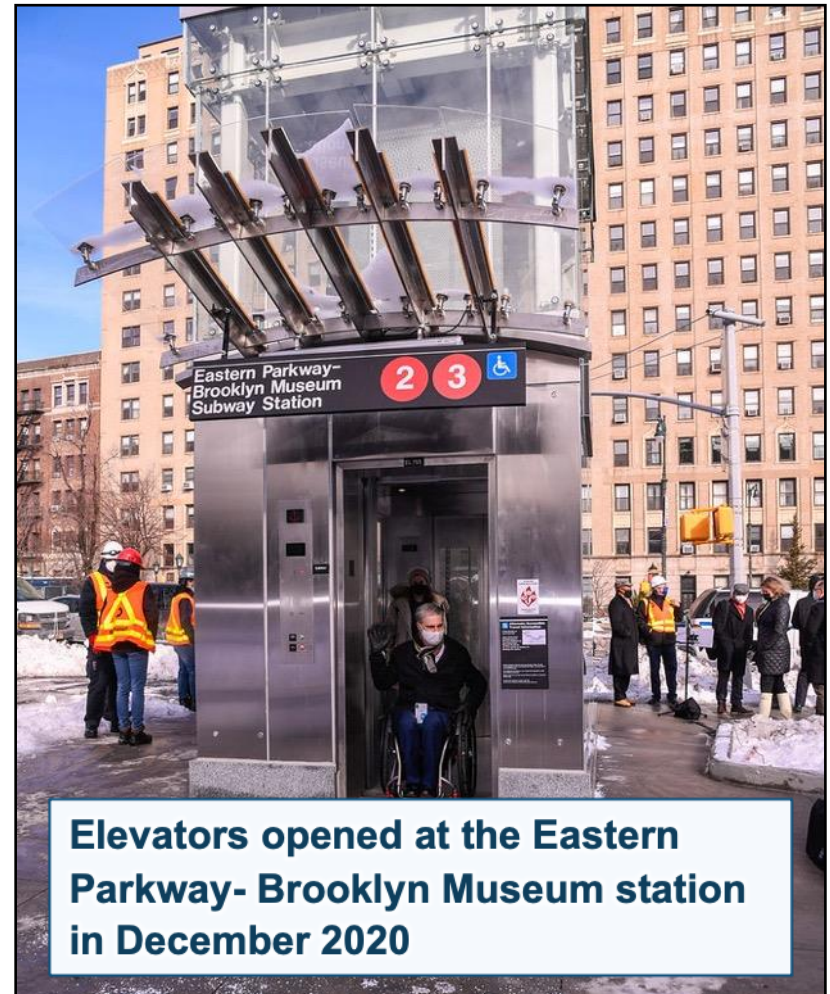
## ADA accessible stations:

Include many features to make stations readily accessible to, and usable by, individuals with disabilities. Zoning for Accessibility focuses on vertical accessibility.



## 2020-2024 MTA Capital Program

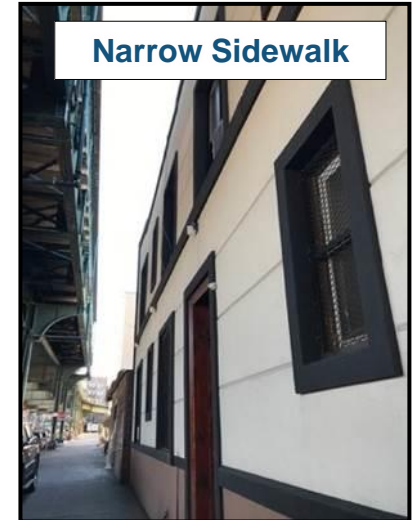
- More than \$5 billion dedicated to making 77 stations accessible.
- 43% of New York City Transit stations, serving over 60% of riders, will be fully accessible
- No subway rider will be more than 2 stations away from an accessible station



# Elevator Construction is Challenging

**Finding space in and around stations for elevator shafts can be particularly challenging:**

- Narrow platforms
- Limited entry and exit passages
- Decades of highly complex utility infrastructure
- Narrow sidewalks
- Limited clearance between buildings and stations
- Most stations require more than one elevator to be accessible



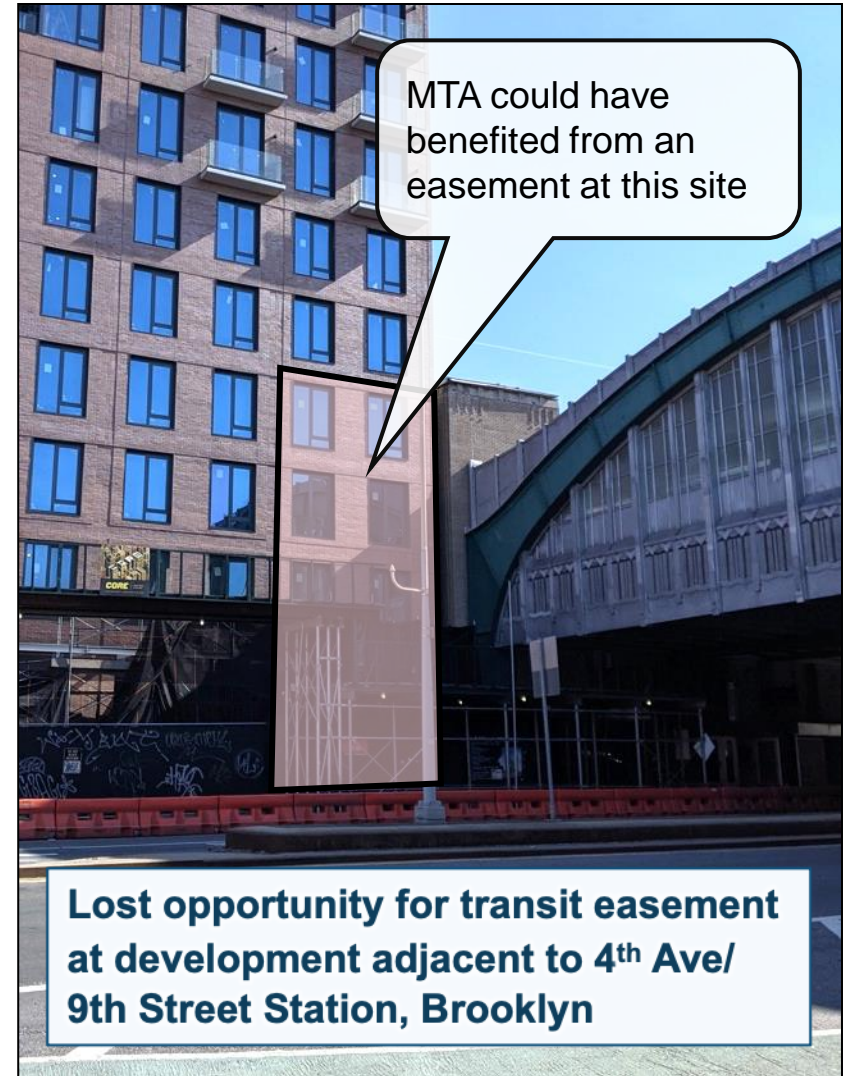
# Existing Zoning Regulations: Easement Provisions

## Easement Provisions

- A requirement that station-adjacent sites in the city provide a **space for for future station access**

## Limitations

- 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



# Existing Zoning Regulations: Transit Bonus Mechanisms

## Transit Bonus Mechanisms

- An incentive program that grants a floor area bonus for **significant station improvements**, like elevators and entrances, in high-density areas.

## Limitations

- **Only available in the highest density areas** in the city
- **Only available to station-adjacent** sites.
- Application process adds time and risk to development schedule





To facilitate transit station upgrades beyond the limited geography of today's transit-related zoning provisions, the proposed text amendment would

- I. **Expand the easement requirement system-wide** to better coordinate the present and future relationship of land uses around transit stations;
- II. **Provide zoning flexibility** to offset potential zoning burdens of an easement on development feasibility; and
- III. **Increase participation in the transit bonus program** to support the provision of station improvements in high-density areas in the city.

# System-wide Easement Requirement

In **all applicable zoning districts**, developments and enlargements on zoning lots of **at least 5,000 sf** and **within 50 feet of mass transit stations** would be required to first consult with the MTA and Chair of the CPC regarding the need for a transit easement.

## APPLICABLE ZONING DISTRICTS

- **Residence Districts:** All districts at or above R5 (with commercial overlay) and R5D districts
- **Commercial Districts:** All districts with a residential equivalent at or above R5, as well as C7 and C8 districts
- **Manufacturing Districts:** All districts



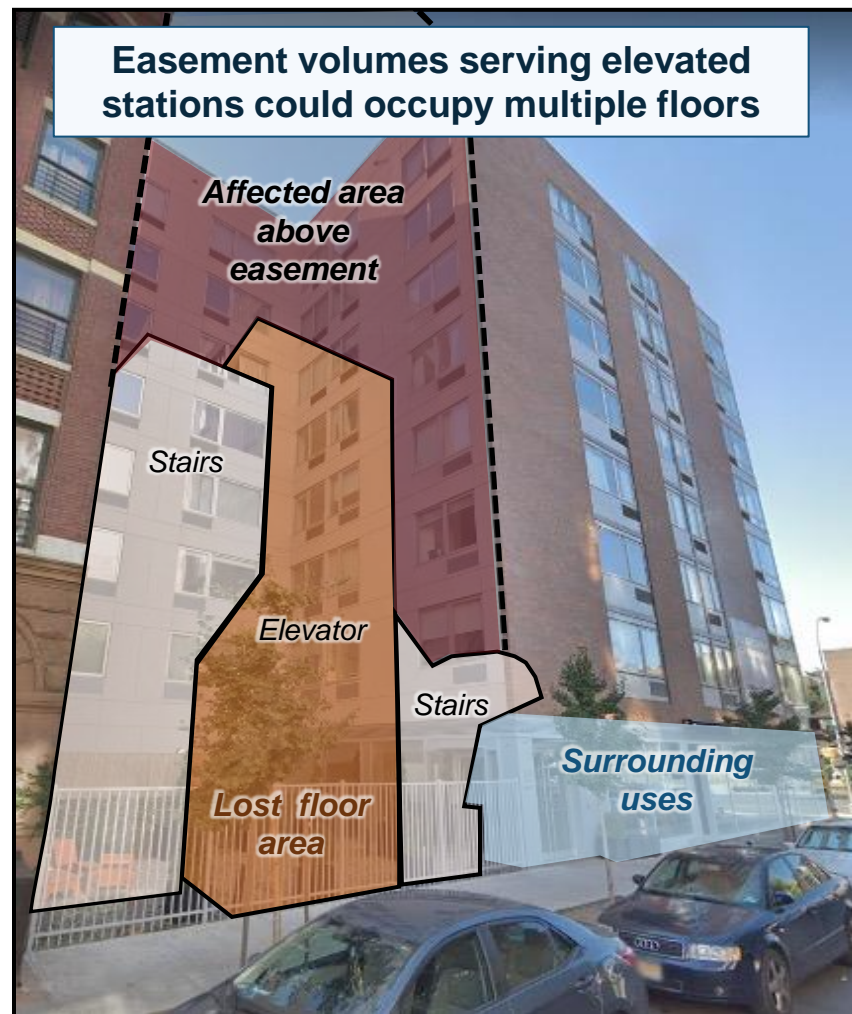
# Potential Issues on Development Sites

Easement areas can affect overall development in a number of ways.

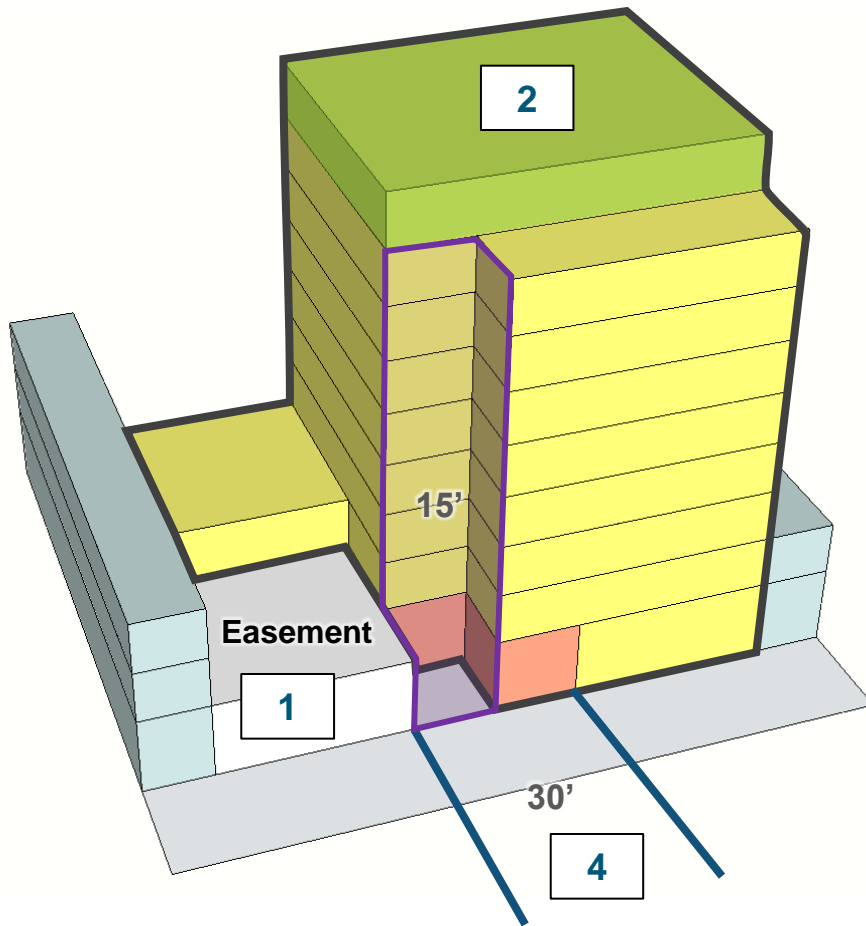
They can

- take up **developable floor area**
- occupy a significant amount of space within the **building envelope**
- restrict **ground floor uses** and **parking**
- create compatibility issues with **surrounding uses**

Such constraints can affect MTA's ability to acquire easement areas expeditiously



# Summary of Zoning Relief for Easements



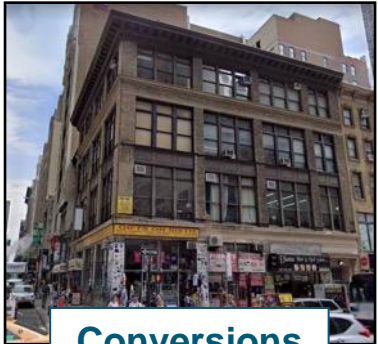
1. Exclude easements from **zoning floor area** and allow as **permitted obstructions**. Increase maximum lot coverage in certain districts
2. Increase **maximum permitted height** by 10 or 20 feet, and provide **street wall flexibility** around easements
3. Deduct 15 **parking spaces** and waive all requirements on small sites
4. Allow **temporary uses** within the easement and **retail uses within 30'** of the easement, and in **the rear yard** where such uses are provided on the second story
5. Exempt easements from **streetscape requirements** and restrict curb cuts within 30 feet of the easement

Where an easement volume is provided voluntarily on certain sites, or where alternative accommodations are provided, zoning relief would also apply:

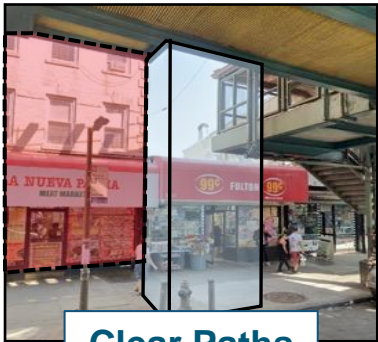
- Developments and enlargements on **small sites** in applicable zoning districts would be given the same set of zoning relief
- **Conversions** in applicable zoning districts would be given a targeted subset of zoning relief
- Where **clear paths** are provided to address sidewalk conditions, street wall relief would apply



Small sites



Conversions



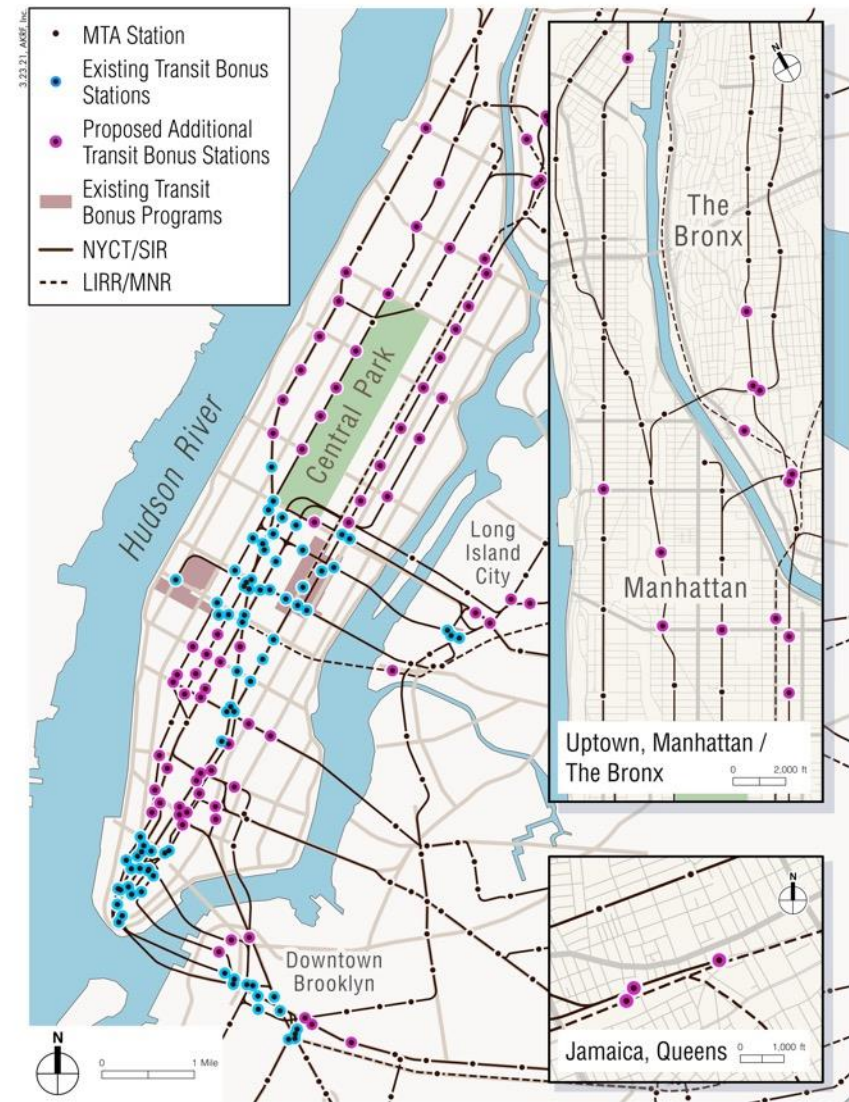
Clear Paths

# Expanded Transit Bonus Program

Station improvements would be incentivized through a **new transit bonus** that would

- provide a floor area increase of up to 20 percent for **significant station improvements**; and
- **expand coverage** of existing subway bonus.

The new transit bonus would be subject to a more simplified discretionary review and approval process.



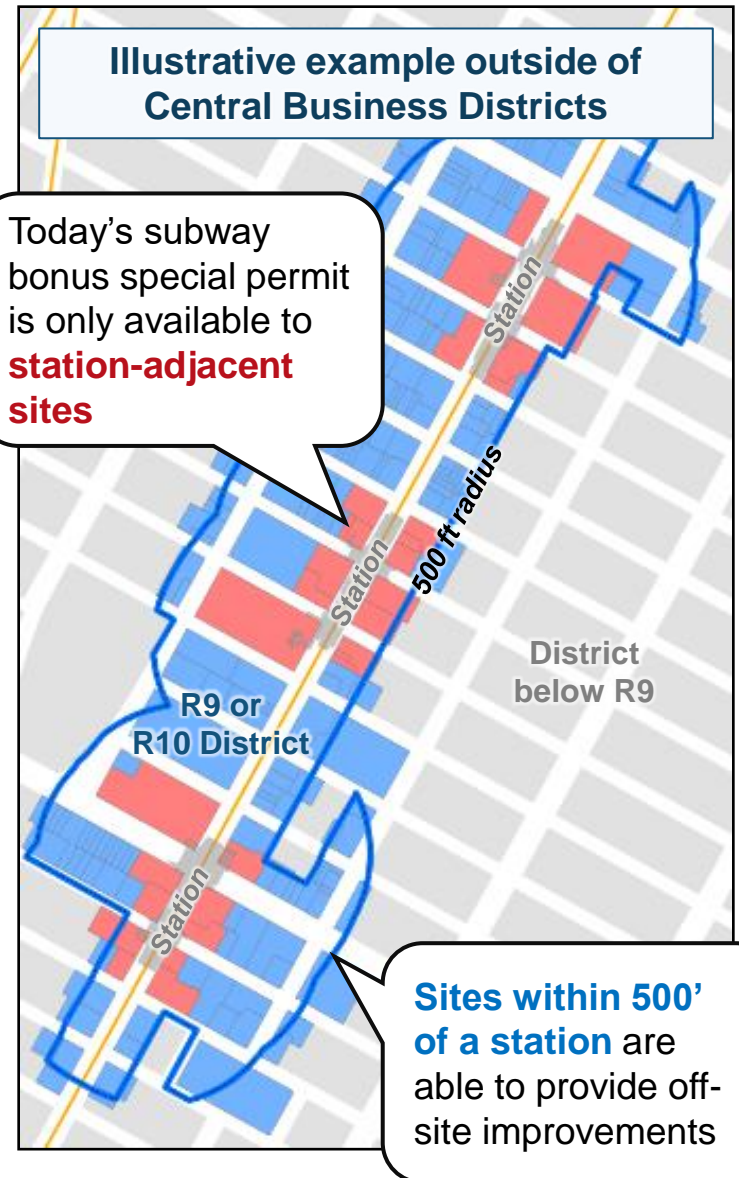
# Expanded Coverage

## Applicability

- Current subway bonus special permit only applies to **transit-adjacent sites** in **Commercial Districts of 10 FAR** and above.
- Expanded bonus would apply to sites in **R9 or R10 district**, their commercial equivalent, or **M1-6 district** and
  - within **500 feet of a station** or
  - within **1,500 feet of a station** in Central Business Districts

## CENTRAL BUSINESS DISTRICTS

*Midtown, Garment Center, Hudson Yards, Lower Manhattan, Long Island City and Downtown Brooklyn*

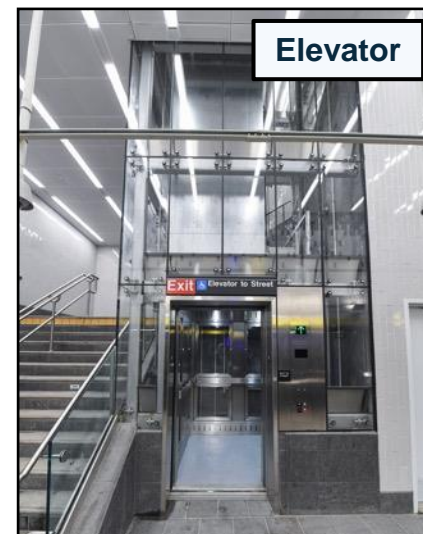
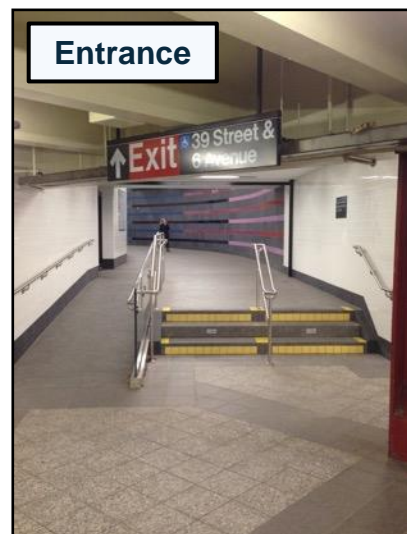


# Floor Area Bonus and Improvements

## Floor Area Bonus

- Granted in exchange for **construction of significant station improvements**
- Commensurate with **the degree to which such improvements** enhance customer access and station environment
- Occupied and used only when such improvements are **determined by the transit agency to be usable by the public**
- At non-accessible stations, vertical accessibility improvements, like elevators, are required first

Station improvements may include new connections, additions or reconfigurations of circulation space





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 improvements involving capacity enhancements or accessibility, that 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#; or
- 3) for improvements involving environmental design, that measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality, will constitute significant enhancements to the station environment.

# Transit Bonus and Inclusionary Housing



1. In areas where **Inclusionary Housing bonuses** are made available, the transit bonus could be used in addition to Inclusionary Housing. The following options would be provided for such sites:
  - Inclusionary Housing bonus (used exclusively);
  - Transit bonus (used exclusively); or
  - Both Inclusionary Housing bonus and transit bonus.
2. Mandatory Inclusionary Housing would continue to be a requirement in areas where the transit bonus applies.
3. The additional floor area generated from the transit bonus would not be subject to Inclusionary Housing requirements.

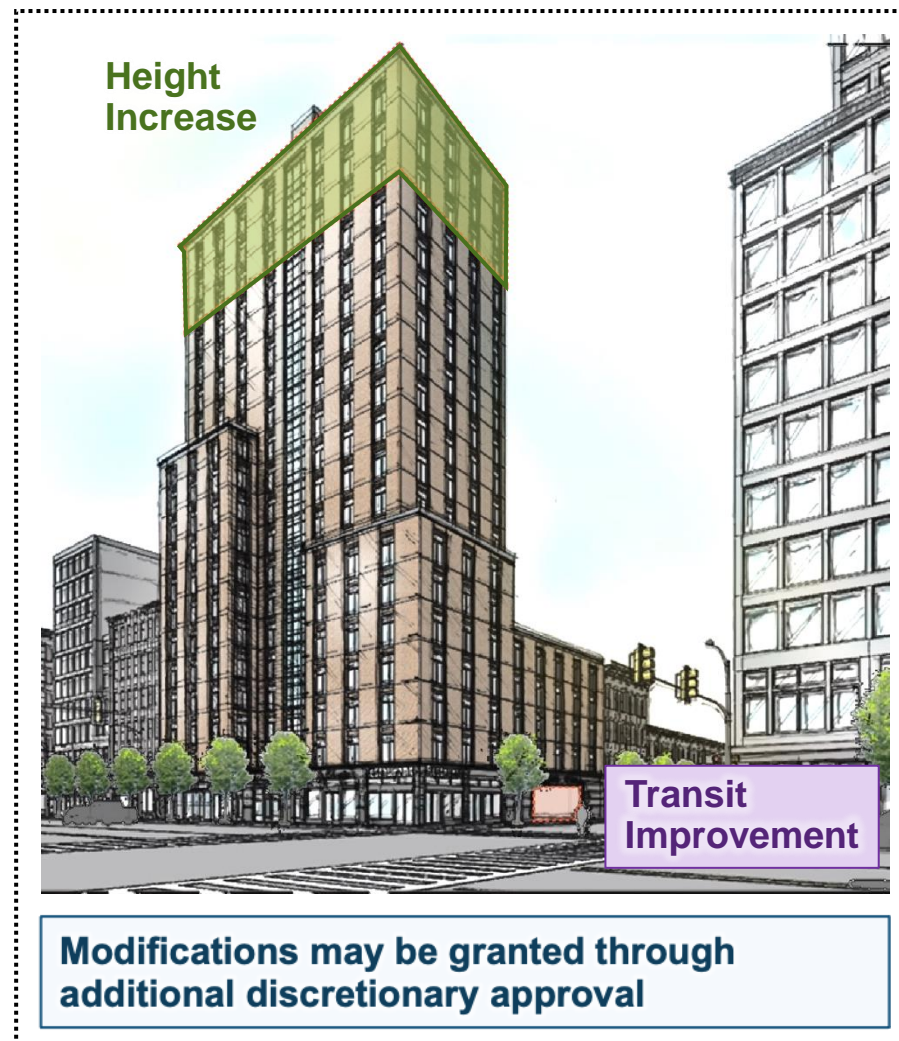


4. In addition to Inclusionary Housing bonuses, the proposed Transit Bonus could be used with other bonuses in the following Special Districts:
  - In the **125<sup>th</sup> Street District**, the proposed Transit Bonus could be used with the **Visual or Performing Arts Bonus**; and
  - In certain Subdistricts within **Garment Center** and **Hudson Yards**, the Transit Bonus could be used with the **District Improvement Bonus** only after floor area increases generated from other bonuses have been exhausted.

# Additional Relief to Address Unique Sites

Additional relief would be provided to address **unique site constraints** and provide **greater design flexibility** that for facilitating easements and overall transit access plans.

- Pursuant to an Authorization, allow additional bulk modifications, including a **height increase of up to 25%**, as well as other use, parking, loading, and streetscape relief
- Pursuant to a Special Permit, **grant further height increases** subject to additional discretionary review and approval





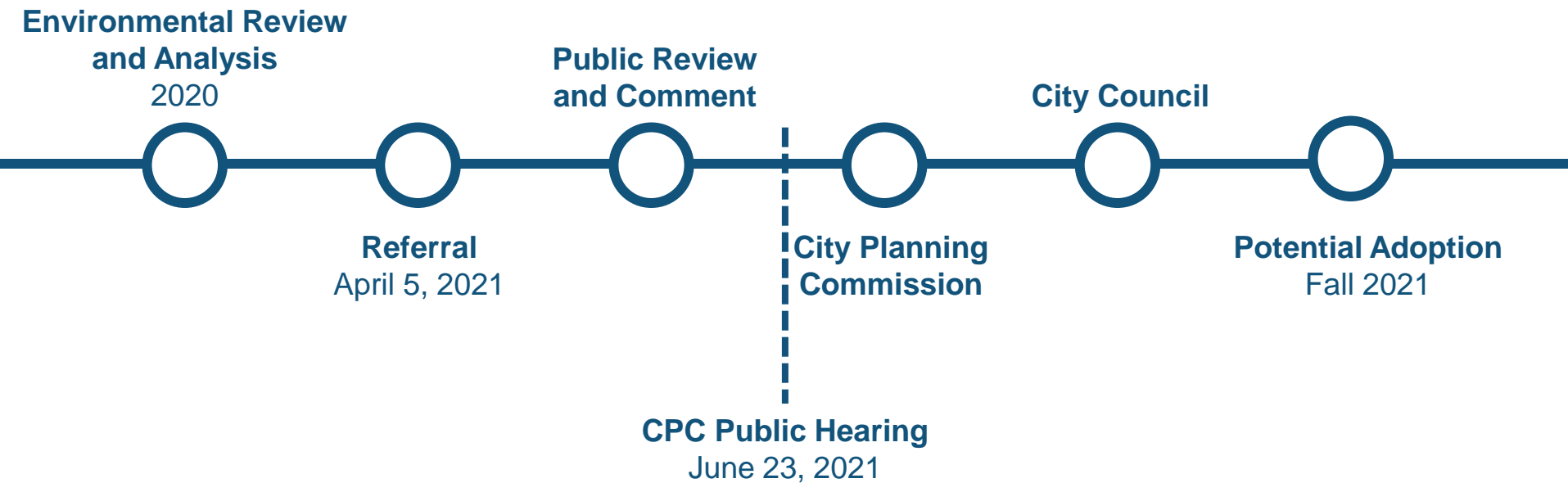
## **System-wide Easement Requirement**

- In most zoning districts, a requirement for developments on sites of at least 5,000 sf and within 50 feet of a mass transit station; zoning relief would apply
- Available zoning relief for sites with less than 5,000 sf or conversions in the same applicable zoning districts that voluntarily provide easements
- Further zoning modifications subject to discretionary review and approvals

## **Expanded Transit Improvement Bonus Program**

- A floor area bonus of up to 20% for developments in R9 and R10 density-level districts that provide major on- or off-site station improvements
- Further zoning modifications subject to additional discretionary review and approvals

# Project Timeline and Next Steps



## Public Review included briefing:

- 59 Community Boards
- 5 Borough Presidents
- 5 Borough Boards

## **49 Community Boards** voted

35 Favorably or favorably with conditions

6 Unfavorably or unfavorably with conditions

8 Waived or no objection

## **2 Borough Boards** voted

**Brooklyn:** Favorably with Conditions

**Manhattan:** Favorably with Conditions

## **4 Borough Presidents** voted

**The Bronx:** Favorably

**Brooklyn:** Favorably with Conditions

**Manhattan:** Favorably with Conditions

**Staten Island:** Unfavorably

## **~ 60 Considerations**

**16** *System-wide Easement Provision*

**39** *Transit Improvement Bonus*

**4** *Additional Modifications*

## **16** *considerations*

Mn BP; Bk 11, Bx 01, Mn 01, Mn 04, Mn 10, Mn 11, Qn 06, SI 01

### **Concerns on Behalf of Property Owners**

- Impacts of easements on construction costs
- Concerns about MTA acquisition of private property
- Adds additional time to application review and approval process

### **Certification Process**

- Community Boards should be notified of easements (5 Boards)

### **Zoning Relief**

- Limit the number of reliefs given for a transit easement
- Concerns about temporary uses as permitted obstructions
- Concern about extent of easement-adjacent commercial use allowed
- Applicability in areas with existing easement provisions



## MTA Improvement of Easement Space

- No MTA commitment of future development
- Sidewalk maintenance and snow removal
- Liability in case of misfortune

## 39 considerations

Bk BP, Mn BP, Bk 05, Mn 01, Mn 03, Mn 04, Mn 06, Mn 08, Mn 09, Mn 10, M 11, Qn 02

### General

- Bonus should remain a special permit (2 Boards)
- Transit improvements should not be provided through zoning bonuses (4 Boards)
- Conduct environmental review for all applications and study cumulative impacts

### Applicability

- Consider bonus for mid-density zones to ensure that accessibility improvements are equally distributed.
- Bonus coverage area and eligible stations (3 Boards)

# Summary of Bonus Considerations (2 of 2)

## Applicability with Other Bonuses and Provisions

- Interplay between easement and density bonus
- Allow transit bonus only after Inclusionary Housing bonus (1 Board, 1BP)
- Interaction with Special District bonuses (1Board, 1BP)

## Inclusionary Housing Requirement

- For Mandatory Inclusionary Housing sites, bonus should be subject to affordable housing (6 Boards)

## Bonus and Improvements

- Eligibility and prioritization of improvements (4 Boards, 2BP)
- Standardize and quantify improvements and floor area bonus (4 Boards)
- Concerns about zoning lot mergers (4 Boards)

## **4** *considerations*

Mn BP, Mn 01, Mn 09

### **Authorization for Additional Modifications**

- Notification of additional modifications (2 Boards)
- Require a Special Permit for all additional modifications

### **Special Permit for Additional Modifications**

- Include finding that would only allow modifications to the minimum extent necessary