



Department of City Planning  
 120 Broadway, 31<sup>st</sup> Floor  
 New York, NY 10271

Elevate Transit: Zoning for Accessibility

PROJECT NAME

2020Y0194

PROJECT ID NUMBER

April 1, 2021

SUBMISSION DATE

## Signature Form

### Section 1. Package & Project Information

Land Use

Filed LU

Package Type

(e.g. PAS, Land Use, EAS, WRP, EIS)

Package Name

(Indicated on applicant portal or ask Lead Planner)

Action Code	Action Type
ZR	Zoning Text Amendment

### Section 2. Signature

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-154 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE. A PERSON WHO IS A SIGNATORY FOR A DOCUMENT SHALL BE CONSIDERED TO HAVE SUBMITTED SUCH DOCUMENT.

## Department of City Planning

Printed Name of Applicant

(name, company/agency or organization)

Frank Ruchala Jr.

Printed Name of Applicant Attester

(person authorized to sign the application, if different from 'Applicant' above)

Zoning Director

Title

April 1, 2021

Signature by or on behalf of\* Applicant

Date

\*Note that signatures on behalf of an applicant may require the submission of materials that demonstrate the authority of the signer to sign on behalf of the company/agency/organization, Please contact the Lead Planner to determine if this is necessary.



# Land Use Review Application

Department of City Planning

120 Broadway, 31<sup>st</sup> Floor, New York, NY 10271

City Planning will assign and stamp reference numbers here

APPLICATION NUMBER

APPLICATION NUMBER

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## 1. APPLICANT AND APPLICANT'S REPRESENTATIVES

**Metropolitan Transportation Authority**

**Jim Finegan, AICP**

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) \*

APPLICANT'S PRIMARY REPRESENTATIVE

**2 Broadway**

**AKRF, Inc.**

STREET ADDRESS

REPRESENTATIVE'S COMPANY/AGENCY OR OTHER ORGANIZATION

**New York NY 10004**

**440 Park Avenue South, 7th Floor**

CITY STATE ZIP

STREET ADDRESS

AREA CODE TELEPHONE # FAX#

**New York NY 10016**

CITY STATE ZIP

**(646) 388-9809**

AREA CODE TELEPHONE # FAX#

\* List additional applicants below:

**Department of City Planning**

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.)

TELEPHONE # FAX #

## 2. SITE DATA

(If the site contains more than one property complete the "LR Item 2. Site Data Attachment Sheet.")

**Elevate Transit: Zoning for Accessibility**

STREET ADDRESS

PROJECT NAME (IF ANY)

**Citywide Zoning Text Amendment**

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)

ZONING SECTIONAL MAP NO(S).

TAX BLOCK AND LOT NUMBER

BOROUGH

COMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO  YES  IF YES, IDENTIFY

## 3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

**See attached description.**

## 4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

\* No supplemental form required

- CHANGE IN CITY MAP.....MM \$ \_\_\_\_\_
- ZONING MAP AMENDMENT.....ZM \$ \_\_\_\_\_
- ZONING TEXT AMENDMENT..... ZR \$ \_\_\_\_\_
- ZONING SPECIAL PERMIT.....ZS \$ \_\_\_\_\_
- ZONING AUTHORIZATION.....ZA \$ \_\_\_\_\_
- ZONING CERTIFICATION.....ZC \$ \_\_\_\_\_
- PUBLIC FACILITY, SEL./ACQ.....PF \$ \_\_\_\_\_
- DISPOSITION OF REAL PROP.....PP \$ \_\_\_\_\_
- URBAN DEVELOP=MENT ACTION.....HA \$ \_\_\_\_\_
- URBAN RENEWAL PROJECT.....\* \$ \_\_\_\_\_
- HOUSING PLAN & PROJECT.....\* \$ \_\_\_\_\_
- FRANCHISE.....\* \$ \_\_\_\_\_
- REVOCABLE CONSENT.....\* \$ \_\_\_\_\_
- CONCESSION.....\* \$ \_\_\_\_\_
- LANDFILL.....\* \$ \_\_\_\_\_
- OTHER (Describe) \$ \_\_\_\_\_

- MODIFICATION \$ \_\_\_\_\_
  - FOLLOW-UP \$ \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_
  - RENEWAL \$ \_\_\_\_\_ APPLICATION NO. \_\_\_\_\_
  - OTHER \$ \_\_\_\_\_ SPECIFY \_\_\_\_\_
- TOTAL FEE (For all actions) \$ 0.00**

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

**Public Authority**

Has pre-application meeting been held?  NO  YES

If yes

\_\_\_\_\_  
DCP Office/Representative

\_\_\_\_\_  
Date of meeting

**5. ENVIRONMENTAL REVIEW**

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)  
 LEAD AGENCY Department of City Planning CEQR NUMBER 2 1 D C P 1 3 6 Y

TYPE OF CEQR ACTION:

TYPE II Type II category: \_\_\_\_\_ Date determination was made: \_\_\_\_\_

TYPE I } Has EAS been filed? Yes  No

UNLISTED } If yes, Date EAS filed: February 3, 2021

Has CEQR determination been made? Yes  No

If yes, what was determination? Negative Declaration  } Date determination made: \_\_\_\_\_ (Attach Copy)  
 CND .....   
 Positive Declaration

If Positive Declaration, has PDEIS been filed? \_\_\_\_\_

Has Notice of Completion (NOC) for DEIS been issued? \_\_\_\_\_ If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? \_\_\_\_\_ If yes, date issued: \_\_\_\_\_

**6. COASTAL ZONE MANAGEMENT**

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No  Yes

**7. RELATED ACTIONS BY CITY PLANNING**

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

APPLICATION NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
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**8. RELATED ACTIONS BY OTHER AGENCIES**

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

REFERENCE NO.	DESCRIPTION/ DISPOSITION/STATUS	CAL. NO.	DATE
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**9. FUTURE ACTIONS REQUIRED**

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

**Every project to apply for the expanded transit improvement bonus would be subject to a discretionary review process, with final approval resting with the City Planning Commission.**

**10. APPLICANT**  
(Attach authorizing resolution(s), if applicable)

Robert Paley, Director of Transit Oriented Development [Signature] 4/1/2021  
 NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF APPLICANT DATE

Metropolitan Transportation Authority  
 APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

**11. CO-APPLICANTS**

(Attach authorizing resolution(s), if applicable)

Frank Ruchala Jr. [Signature] 4/1/2021  
 NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

Zoning Director, Department of City Planning  
 CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

<u>120 Broadway, 31st Floor</u>	<u>New York, NY</u>	<u>10271</u>			
STREET ADDRESS	CITY	STATE	ZIP	TEL.NO.	FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE OF CO-APPLICANT DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS	CITY	STATE	ZIP	TEL.NO.	FAX

**ADMINISTRATIVE CODE**

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**NOTICE**

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.

# City Map Change . . . . . MM

## Proposed City Map Change

(Check appropriate boxes)

APPLICATION NO

- 1. ESTABLISH NEW..... STREET       PARK       PUBLIC PLACE       GRADE
- 2. ELIMINATE EXISTING.....  STREET       PARK       PUBLIC PLACE       GRADE
- 3. CHANGE EXISTING STREET.....  WIDTH       ALIGNMENT       GRADE
- 4. EASEMENT  
Delineate New.....      Remove Existing.....      Modify Existing.....
- 5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY .....

# Zoning Map Change . . . . . ZM

## Proposed Zoning Map Change(s)

APPLICATION NO

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1	FROM:	_____	TO:	_____
		EXISTING		PROPOSED
CHANGE #2	FROM:	_____	TO:	_____
		EXISTING		PROPOSED
CHANGE #3	FROM:	_____	TO:	_____
		EXISTING		PROPOSED
CHANGE #4	FROM:	_____	TO:	_____
		EXISTING		PROPOSED
CHANGE #5	FROM:	_____	TO:	_____
		EXISTING		PROPOSED

# Zoning Text Amendment . . . . . ZR

## Affected Zoning Resolution (ZR) Sections

APPLICATION NO.

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
_____	<b>s e e a t t a c h e d</b>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

## **Elevate Transit: Zoning for Accessibility All Proposed Text Amendments**

Modify Article II, Chapter 3 Residential Bulk Regulations in Residence Districts

Modify Article III, Chapter 7, Section 37-40 Off-Street Relocation or Renovation of a Subway Stair

Modify Article III, Chapter 7, Section 37-50 Requirements for Pedestrian Circulation Space

Modify Article VI, Chapter 2 Special Regulations Applying in the Waterfront Area

Establish Article VI, Chapter 6 Special Regulations Applying Around Mass Transit Stations

Remove Article VII, Chapter 4, section 74-634 Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan

Modify Article VIII, Chapter 1 Special Midtown District (MID)

Modify Article VIII, Chapter 2 Special Lincoln Square District (L)

Modify Article VIII, Chapter 3 Special Limited Commercial District (LC)

Modify Article VIII, Chapter 6 Special Forest Hills District (FH)

Modify Article VIII, Chapter 8 Special Hudson Square District (HSQ)

Modify Article IX, Chapter 1 Special Lower Manhattan District (LM)

Modify Article IX, Chapter 2 Special Park Improvement District (PI)

Modify Article IX, Chapter 3 Special Hudson Yards District (HY)

Modify Article IX, Chapter 5 Special Transit Land Use District (TA)

Modify Article IX, Chapter 6 Special Clinton District (CL)

Modify Article IX, Chapter 7 125th Street District (125)

Modify Article IX, Chapter 9 Special Madison Avenue Preservation District (MP)

Modify Article X, Chapter 1 Special Downtown Brooklyn District (DB)

Modify Article X, Chapter 4 Special Manhattanville Mixed Use District (MMU)

Modify Article X, Chapter 5 Special Natural Area District (NA-1), (NA-2), (NA-3), (NA-4)

Modify Article X, Chapter 7 Special South Richmond Development District (SRD)

Modify Article X, Chapter 9 Special Little Italy District (LI)

Modify Article XI, Chapter 1 Special Tribeca Mixed Use District (TMU)

Modify Article XI, Chapter 3 Special Ocean Parkway District (OP)

Modify Article XI, Chapter 4 Special Bay Ridge District (BR)

Modify Article XI, Chapter 5 Special Downtown Jamaica District (DJ)

Modify Article XI, Chapter 6 Special Stapleton Waterfront District (SW)

Modify Article XI, Chapter 7 Special Long Island City Mixed Use District (LIC)

Modify Article XI, Chapter 8 Special Union Square District (US)

Modify Article XII, Chapter 1 Special Garment Center District (GC)

Modify Article XII, Chapter 2 Special Grand Concourse Preservation District ©

Modify Article XII, Chapter 3 Special Mixed Use District (MX-1), (MX-2), (MX-4), (MX-5), (MX-6), (MX-7), (MX-8), (MX-9), (MX-10), (MX-11), (MX-12), (MX-13), (MX-14), (MX-15), (MX-16), (MX-17), (MX-18), (MX-19), (MX-20)

Modify Article XII, Chapter 5 Special Southern Hunters Point District (SHP)

Modify Article XII, Chapter 8 Special St. George District (SG)

Modify Article XIII, Chapter 1 Special Coney Island District (CI)  
Modify Article XIII, Chapter 2 Special Enhanced Commercial District (EC)  
Modify Article XIII, Chapter 5 Special Bay Street Corridor District (BSC)  
Modify Article XIII, Chapter 6 Special Downtown Far Rockaway District (DFR)  
Modify Article XIII, Chapter 7 Special Coastal Risk District (CR)  
Modify Article XIII, Chapter 8 Special East Harlem Corridors District (EHC)  
Modify Article XIII, Chapter 9 Special Gowanus Mixed Use District  
Modify Article XIV, Chapter 1 Special Jerome Corridor District (J)  
Modify Article XIV, Chapter 2 Special Inwood District (IN)

## **Elevate Transit: Zoning for Accessibility Citywide Zoning Text Amendment 4/1/2021**

### **A. INTRODUCTION**

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<sup>1</sup> 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.

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 granted pursuant to other discretionary actions.

The Proposed Action builds upon the zoning recommendations identified in Zoning for Transit Accessibility – A Let’s Go Report (the “City Council report”)<sup>2</sup>, prepared by the New York City Council Land Use Division. 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.

The Proposed Action requires discretionary approval from the CPC and City Council and is subject to a public review process that resembles the Uniform Land Use Review Procedure (ULURP). While zoning text amendments do not require ULURP, in practice DCP follows those procedures including the production of ULURP documentation. As a discretionary approval, the Proposed Action is classified as Type 1 as defined under 6 NYCRR 617.4 and NYC Executive Order 91 or 1977, as amended, and is subject to an environmental review, as required by the State Environmental Quality Review Act (SEQRA), and in accordance with the City Environmental Quality Review (CEQR).

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. As described in detail below, 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.

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<sup>1</sup> Throughout this document “developments” includes enlargements.

<sup>2</sup> [http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/09/20190920\\_CC-ZTA-Report.pdf](http://council.nyc.gov/data/wp-content/uploads/sites/73/2019/09/20190920_CC-ZTA-Report.pdf)

## B. BACKGROUND

### ACCESSIBILITY IN THE NEW YORK CITY TRANSIT SYSTEM

The Americans with Disabilities Act (ADA) of 1990 prohibits discrimination against individuals based on disability in all areas of public life, including access to government services such as public transportation. As a public transportation entity, the MTA is subject to ADA requirements. However, because the MTA's New York City Transit (NYCT) system is over 100 years old, most stations were constructed before 1950 and do not meet the ADA requirements.

To remedy this shortcoming, the MTA has been working toward making its transit system ADA accessible. In 2019, the MTA approved the 2020–2024 Capital Program, which dedicated more than \$5 billion of the program's \$9 billion station improvement budget to station accessibility projects. The Capital Program included a commitment to make 77 subway and commuter rail stations accessible to help achieve the Authority's goal of ensuring customers would be no farther than two stops from an accessible station by the end of the capital plan. This builds on the work that MTA has already done to make approximately 27 percent (136 out of 493) of NYCT subway and Staten Island Railway (SIR) stations ADA accessible, which is defined as "readily accessible to and usable by individuals with disabilities, including individuals who use wheelchairs."<sup>3</sup> The overall MTA station network (including the Long Island Rail Road [LIRR] and Metro-North Railroad [MNR]) within New York City is approximately 30 percent (160 out of 533 stations) fully ADA accessible.<sup>4</sup> ADA accessibility by station is depicted in **Figure 1**.

Moreover, the benefits of an accessible transit system extend far beyond improving the system for people with disabilities. Seniors, a large and quickly growing population, parents with young children, and people with temporary injuries, are just some of the population who rely on accessible stations. Being able to enter and exit the system at any station rather than just the select ones with elevators can result in an easier, more convenient, and faster trip.

Retrofitting existing stations to meet ADA requirements, though, is both challenging and expensive. Most stations are space constrained at the mezzanine, platform, and street levels, hampering accessibility improvement efforts. At many stations, sidewalks are narrow and there is insufficient clearance between elevated stations and adjacent buildings to add elevators and meet modern fire code requirements. Sidewalks can also be crowded, making it undesirable to further exacerbate the crowding with elevators. Additionally, sidewalks and streets also house major underground utilities, which can significantly increase project complexity and costs if their relocation is required. Often the preferable or only solution is to place the elevator and corresponding circulation elements within private property. This is not unprecedented as there are already dozens of station stairs and elevators integrated within private properties throughout the city.

In the City Council Report, zoning is discussed as an effective tool to help address the physical challenges of integrating ADA access into stations. Specifically, it can be used as an effective 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, zoning is able to ensure that opportunities for coordinating developments and station improvements are evaluated and realized. This coordination provides the added benefit of allowing MTA capital resources to be redeployed towards other station accessibility improvements in other areas of the city.

While current zoning provisions for transit easements and bonus incentives for subway station improvements exist, they are limited in applicability and

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<sup>3</sup> Code of Federal Regulations: Transportation 49 C.F.R., Part 37 (Transportations Services for Individuals with Disabilities), Subpart C (Transportation Facilities) (1999).

<sup>4</sup> "MTA Accessible Stations," <https://new.mta.info/accessibility/stations>, accessed March 19, 2021.



geography. Due to the limited coverage of these provisions, many recent station-adjacent developments have resulted in missed opportunities for implementing accessibility improvements.

### EXISTING TRANSIT-RELATED ZONING PROVISIONS

Currently, there are zoning regulations that apply in limited areas of the city that help facilitate long term planning needs of mass transit stations. Such provisions generally consist of:

- **Transit easement requirements:** To address the challenges of locating new station entrances, there are zoning provisions today that apply in very limited areas 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.
- **Station improvement bonuses:** In the densest commercial districts in the city, floor area bonuses are available to station-adjacent development sites that construct major station improvements. Such transit bonus mechanisms are also limited to select areas in or near central business districts.

### TRANSIT EASEMENT REQUIREMENTS

The Special Transit Land Use District, pursuant to Article IX, Chapter 5 of the Zoning Resolution and mapped along portions of the Second Avenue subway line was established in 1974 to align developments and enlargements with the construction of the Second Avenue subway line. As a component of this, a transit easement certification process was established to require developers in this area to consult with the MTA and CPC regarding the provision of easements to facilitate station access improvements. The Special Purpose District provisions are 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 Special Transit Land Use District, similar transit easement certification requirements have been implemented at specific stations in other areas being rezoned by the City, most recently in the Special Inwood District<sup>5</sup>, as a component of the regulations governing new Special Purpose District designations. The Inwood rezoning offers certain zoning relief if an easement is required, including height relief and a floor area exemption for the easement volume.

In spite of the expansion of this requirement over time, its current applicability is still limited to only select areas of the city, all of which are in Manhattan. There is not a citywide approach for facilitating easements, resulting in missed opportunities for the siting of new station entrances.

### STATION IMPROVEMENT BONUSES

To facilitate significant transit improvements at subway stations adjacent to a development or enlargement, the CPC may grant, by special permit, a floor area bonus of up to 20 percent of the maximum floor area ratio permitted by the underlying zoning in Downtown Brooklyn and commercial districts of 10 FAR and above in Manhattan. The special permit is currently available in the Special Purpose Districts of Midtown, Lower Manhattan, Downtown Brooklyn, and Union Square, and at select subway stations outside of these Special Purpose Districts.

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<sup>5</sup> ULURP Application No. N18025A ZRM *Special Inwood District Rezoning*; ULURP Application No. N170359 ZRM *East Harlem Neighborhood Rezoning*; ULURP Application No. N 170186(A) ZRM *East Midtown Subdistrict Rezoning*. Areas with easement requirements include East Midtown, Lincoln Square, Hudson Yards, East Harlem, Clinton, Inwood; ZR Sections 81-673, 82-13, 93-65, 95-032, 96-21, and 142-09, respectively.

An application for this bonus is considered its own discretionary action and is subject to a CPC special permit process, which requires a full ULURP application and environmental review under CEQR.

The result of the combination of the limited number of sites that can apply for the bonus and the public review process is that even though the transit improvement bonus has been available for nearly forty years, it has only been used a handful of times.

## C. DESCRIPTION OF THE PROPOSED PROJECT AREA

### TRANSIT EASEMENT REQUIREMENT

#### *AFFECTED STATIONS*

The proposed transit easement requirement would apply to all zoning lots with an area of at least 5,000 sf that are within 50 feet of a mass transit station<sup>6</sup>, in all residence districts at or above R5D (with and without commercial overlay), 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. In addition, any zoning lot located within 50 feet of a mass transit envelope in the designated districts, but under 5,000 square feet would be able to optionally apply for a voluntary provision of an easement volume in exchange for zoning relief.

As shown in **Figure 2**, citywide, 501 MTA Stations (out of 533) are located within 50 feet of a tax lot within a designated district and only 32 are not. Of the remaining 32 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);
- 8 subway stations (Baychester Avenue, and Pelham Parkway on the Number 5 line, Beach 25th Street, Broad Channel, and Grant Avenue on the A line, Neck Road on the B line, Fort Hamilton Parkway on the F line, and Avenue U on the N line);
- 8 LIRR stations (Broadway, Douglaston, Hollis, Kew Gardens, Laurelton, Little Neck, Rosedale, and St. Albans);
- 1 MNR station (Riverdale).

Three additional stations that are not affected by the proposed easement certification are located in Sunnyside, Queens along the Number 7 subway line (33rd Street, 40th Street, and 46th Street). These stations do not have any tax lots within 50 feet of their station envelopes, as they are located in the median of Queens Boulevard.

As shown in **Figure 3** and **Table 1**, of the 533 MTA stations in New York City, approximately 62 percent are below grade, 34 percent are elevated, and the remaining 4 percent are at or near grade. Elevated stations are concentrated mostly in Brooklyn, Queens and the Bronx, representing approximately 39 to 56 percent of the stations in each borough. The majority (96 percent) of Manhattan stations are below grade.

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<sup>6</sup> This includes the entire station envelope, which is considered to be the outline of a station (and for MTA stations as depicted on an MTA/New York City Transit (NYCT) station drawing) and includes the station platforms, mezzanine areas, station rooms, and vertical circulation elements.

**Table 1  
 Station Grade**

Borough	Below Grade		Elevated		At/Near Grade		Total
	Stations	Percent	Stations	Percent	Stations	Percent	
Manhattan	149	96%	6	4%	0	0%	155
Bronx	34	42%	46	56%	2	2%	82
Brooklyn	101	58%	67	39%	5	3%	173
Queens	33	33%	57	55%	12	12%	102
Staten Island	11	52%	8	38%	2	10%	21
<b>Citywide</b>	<b>328</b>	<b>62%</b>	<b>184</b>	<b>34%</b>	<b>21</b>	<b>4%</b>	<b>533</b>

**Notes:** Includes all existing MTA stations (subway, SIR, LIRR, and MNR) in New York City.  
**Source:** DoITT/MTA

*DISTRIBUTION OF ZONING DISTRICTS*

There are approximately 46 special purpose districts overlapping applicable tax lots (applicable tax lots are within applicable zones).

As shown in **Table 2**, the most prevalent zoning categories around MTA stations include medium and high density residence districts (including those with commercial overlays) and general commercial districts. Manufacturing and low density zoning districts are also common, while specialty commercial, neighborhood commercial, and MX zoning districts are the much less common.

**Table 2  
 MTA Station Area Zoning**

Zoning Type	Percent
Applicable Low Density Residential (R5D) without Commercial Overlay	<1%
Applicable Low Density Residential (R5 and R5D) with Commercial Overlay	1%
Medium/High Density Residential (R6–R10) without Commercial Overlay	14%
Medium/High Density Residential (R6–R10) with Commercial Overlay	25%
Neighborhood Commercial (C1, C2) <sup>1</sup>	2%
General Commercial (C4–C6)	29%
Specialty Commercial (C7, C8) <sup>2</sup>	2%
Manufacturing	11%
Mixed-Use (MX)	2%
Other Zoning Districts	11%
Parkland	3%
<b>Total</b>	<b>100%</b>

**Notes:**  
 Percentages describe the proportional area of each zoning district within the 50-foot Station Area of all MTA Stations, Citywide.  
<sup>1</sup> Includes C1 and C2 commercial overlays.  
<sup>2</sup> Excludes C1 and C2 commercial overlays.  
**Source:** Bytes of the Big Apple, NYC GIS Zoning Features

When station typology is compared to station-adjacent zoning districts, the following patterns emerge:

- Below grade stations are predominately surrounded by general commercial (approximately 45 percent) and medium/high density residential districts (40 percent), with manufacturing (15 percent) and lower density (less than 1 percent) districts also present to a lesser extent.

- Elevated stations are surrounded mostly by residential districts (approximately 45 percent medium/high density, 15 percent low density) followed by manufacturing (25 percent) and general commercial (15 percent) districts.

**TRANSIT IMPROVEMENT BONUS PROGRAM**

Additionally, as noted above, the Proposed Action includes a set of options for a transit improvement bonus. This transit improvement bonus program would apply to sites that are:

- Located in high density districts – R9 and R10 zoning districts, their commercial and MX district equivalents, and M1-6 manufacturing districts; and
- 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. CBDs include Midtown, Garment Center, Hudson Yards, Lower Manhattan, Long Island City, and Downtown Brooklyn.

Citywide, a total of 157 stations are located within the designated distances of eligible sites. This includes 121 stations in Manhattan, 19 stations in Brooklyn, and 11 stations in Queens, and 6 stations in the Bronx. Currently, only 77 stations citywide are adjacent to sites that are eligible to apply for a transit bonus under the ZR 74-634 Special Permit.

As shown in **Table 3**, the most prevalent zoning category within the bonus area is general commercial district. High density residence, neighborhood commercial, manufacturing, and MX districts are less common throughout the new Transit Improvement Bonus Program areas. There are also approximately 26 special use districts located overlapping these areas.

**Table 3  
 Transit Improvement Bonus Program Area Zoning**

Zoning Type	Percent
High Density Residential (R9, R10)	9%
Neighborhood Commercial (C1, C2)	6%
General Commercial (C4–C6)	72%
Manufacturing (M1-6)	9%
Mixed-Use (MX) <sup>1</sup>	4%
<b>Total</b>	<b>100%</b>
<b>Notes:</b>	
Percentages describe the proportional area of each applicable zoning district within the designated areas of applicability.	
<sup>1</sup> R9 and R10 equivalent only.	
<b>Source:</b> MapPLUTO 20v6	

Maps indicating the geographic areas of eligibility and associated stations under the expanded zoning bonus mechanism are provided in **Figures 4a through 4h**.

**D. DESCRIPTION OF THE PROPOSED DEVELOPMENT**

Due to the broad applicability of the Proposed Action, it is difficult to predict the sites where development would be facilitated. In addition, the Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action. Although the Proposed Action would allow developments to waive certain bulk, parking and use regulations, the overall

amount, type, and general location of development within the affected area is not anticipated to change.

The Proposed Action is not expected to change the rate of development in the affected area, which is controlled primarily by local real estate conditions.

## **E. ACTIONS NECESSARY TO FACILITATE THE PROJECT**

The Proposed Action would establish Article VI, Chapter 6 in the Zoning Resolution to facilitate transit station access and other station circulation improvements. It would support the long-term planning needs of mass transit stations and facilitate transit station upgrades beyond the limited coverage of today's transit-related provisions. Specifically, the zoning text amendment would consist of the following:

- **System-wide Easement Requirement:** As proposed in the zoning text amendment, the Proposed Action would require developments within 50 feet of a mass transit station and on zoning lots at least 5000 sf in size, 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. Such easement volume would be required to facilitate future station access and other station facilities. Where easements are provided, zoning modifications would apply to such sites. These modifications include relief like a floor area exemption for the easement volume, which allows a building to maintain its full developable floor area, and a reduction in required parking spaces, which allows the easement to be more easily accommodated on the site. The Proposed Action would be offered as a new **CPC Chair Certification**. An optional **CPC Chair Certification** would also be created to facilitate the voluntary provision of transit easements on other sites not subject to the requirement, where an easement or other type of accommodation would be beneficial to the mass transit agency.
- **Expanded Transit Improvement Bonus Program:** 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. The Proposed Action would be granted through a new **CPC Authorization**.
- The Proposed Action may also grant modifications to applicable zoning regulations, however with limitations on height modifications. 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 may be granted through a separate **CPC Authorization** or **Special Permit**.

A draft of the proposed zoning text amendment accompanies this land use application.

### **SYSTEM-WIDE EASEMENT REQUIREMENT**

The proposed text amendment would create a system-wide easement certification requirement that would apply to zoning lots that are within 50 feet of a mass rail transit station, with lot area of at least 5,000 square feet (sf), and located in the following zoning districts:

- All residence districts at or above R5D (with and without commercial overlay), 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 district; and
- All manufacturing districts.

In order to facilitate easement agreements, the Proposed Action would offer relief from certain zoning limits to minimize potential challenges for construction on a site subject to the proposed requirement.

#### *CPC CHAIR CERTIFICATION FOR REQUIRED EASEMENTS*

Prior to receiving any building permit from the New York City Department of Buildings (DOB) related to new construction and enlargements, developers of such zoning lots would be required to file an application with the MTA, or other mass transit agency with jurisdiction over such station, and Chairperson of the CPC, requesting a Certification as to whether a transit easement volume is required on the development site. Upon receipt of such application, the mass transit agency and the CPC Chairperson 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 its appropriate dimension and location would be made with the developer. A site plan would be submitted for joint approval and final certification by the mass transit agency and CPC Chairperson. For such sites, a set of zoning relief would apply to minimize the impacts of an easement on development feasibility.

#### *Relief in Use Regulations*

To promote commercial spaces and compatible uses that will enhance the sidewalk experience around easements, the following use allowances would apply:

- **Temporary Uses:** Where an easement is not improved immediately with the development, such volume may be temporarily used for non-residential uses, including local retail uses (Use Group 6) in Residence Districts, and any other permitted uses in Commercial and Manufacturing Districts until such time as required by the transit agency for transit access improvements.
- **Commercial Uses:** In Residence Districts, local retail uses (Use Group 6) would be permitted within 30 feet around an easement and within 30 feet on the second floor where easements serving above-grade stations are provided. In Commercial Districts, commercial uses would be allowed on the second floor where an easement serving an above-grade transit line is provided.

#### *Relief in 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, the following bulk relief would be provided:

- **Floor Area Exemption:** In all districts, floor space contained within any easement volume would be excluded from the definition of zoning floor area.
- **Permitted Obstructions:** In all districts, transit easements would be treated as permitted obstructions for purposes of open space, yard and height and setback requirements. Additionally, 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.
- **Lot Coverage:** In R5 Districts, the maximum lot coverage would be increased from 55 percent to 65 percent on interior and through lots, and 85 percent on corner lots. In R6 and R7 Districts, the maximum lot coverage would be increased from 60 percent to 70 percent on interior lots.
- **Height Relief:** For developments in all districts with maximum height limits that provide an easement serving a below-grade station, and where an

easement serving an above-grade station is provided in the applicable R5 and R6 Districts, the maximum permitted height would be increased by 10 feet<sup>7</sup>. However, for developments in R7 districts and above that provide an easement serving an above-grade station, maximum permitted height would be increased by 20 feet.

- **Street Wall Flexibility:** For developments in 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, the portion of the street wall within 15 feet of an easement would be allowed to recess up to 15 feet in depth from the street line.

#### *Relief in Accessory Parking Regulations*

To minimize potential conflict between the easement area and space needed for required parking, the following parking relief would apply:

- **Parking deduction:** For developments in all districts, 15 parking spaces would be deducted from the total number of required accessory parking spaces.
- **Parking waiver:** To ensure that small sites are able to provide for an easement and retain development feasibility, in R5 and R5D residential districts, and in commercial and manufacturing districts with higher parking requirements, parking would be waived for developments on zoning lots with an area of 10,000 sf or less. In medium- and high-density residence districts, and for commercial and manufacturing districts with lower parking requirements, parking would be waived for developments on zoning lots with an area of 15,000 sf or less.

#### *Relief in Streetscape*

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

- **General Streetscape Provisions:** Easement volumes would be excluded from general streetscape provisions, including ground floor regulations, transparency provisions, and planting requirements.
- **Curb Cuts:** For pedestrian safety and the safety of transit riders entering and leaving a station, at new developments and enlargements, no curb cuts may be located within 30 feet of the easement volume.

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

#### *CPC CHAIR CERTIFICATION FOR VOLUNTARY EASEMENTS*

In certain situations, an easement area may be desired on a site that would not be subject to the Proposed Certification for Required Easements. For developments<sup>8</sup> that are within 50 feet of a mass transit station and within the applicable zoning districts as outlined in the required easement, but on zoning lots with a lot area of less than 5,000 sf and therefore not subject to the required easement certification, an optional CPC Chair Certification would be made available for the voluntary provision of an easement volume. Such developments would be provided with the same set of relief afforded to required sites.

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<sup>7</sup> Except in R5 districts where the height increase would range from 5 feet to 12 feet depending on infill.

<sup>8</sup> Throughout this document “developments” includes enlargements.

## EXPANDED 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 floor area ratio for developments and enlargements that provide major transit station improvements. However, the new bonus program would expand the area of applicability of the existing Special Permit<sup>9</sup> in the following ways:

- Apply to any R9 and R10 zoning districts, their commercial and MX district equivalents, and high-density manufacturing districts (M1-6); and
- Apply to development projects with zoning lots that are directly adjacent to qualifying stations<sup>10</sup>, as well as to any zoning lots within 500 feet of a station or 1,500 of a station within Central Business Districts (CBDs). Such CBDs include the special purpose districts of Midtown, the Garment Center, Hudson Yards, Lower Manhattan, Long Island City, and Downtown Brooklyn.

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

The amount of floor area bonus is contingent on the degree to which such improvements enhance transit customer access and station environment. The proportionality between the amount of additional floor area granted and station improvements provided varies depending on the individual station need and their unique conditions and is subject to specific findings under the authorization.

Where other citywide floor area bonuses are available, the proposed transit improvement bonus would not be allowed to be stacked or used with other bonuses, with a few exceptions. Under the Proposed Action, in parts of the city that have a Voluntary Inclusionary Housing (VIH) program the transit and affordable housing bonuses could be used singly or in combination. Where there is a Mandatory Inclusionary Housing (MIH) program, development sites would still have to fulfill the affordable housing requirements of the program. Sites that apply for the transit bonus may be granted additional floor area for the provision of transit improvements on top of 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 be used in combination with the Visual or Performing Arts Bonus in Special 125<sup>th</sup> District where it would be treated similarly to the VIH Bonus above. Finally, the proposed Transit Bonus will apply over areas that have access to the District Improvement Bonus (“DIB”), in the Special Garment Center District and Special Hudson Yards Subdistricts C and E. The Transit Bonus could only be accessed after floor area increases generated from other bonuses (IH and/or DIB) have been utilized.

The Proposed Transit Bonus would be excluded from areas where more specific floor area mechanisms for transit improvements already exist, including East

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<sup>9</sup> Would also be applicable to the Special Purpose Districts of Midtown, Lower Manhattan, Downtown Brooklyn, and Union Square

<sup>10</sup> Stations with qualifying lots within 500 feet or within 1,500 feet if in a CBD.



Midtown Subdistrict, Court Square Subdistrict and Special Hudson Yards Subdistricts A, B, D and F.

## **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 either the accommodation of an easement volume on a site or for sites seeking a floor area bonus pursuant to the Authorization for Transit Improvement Bonus. The authorization would grant modifications to all applicable provisions, including but not limited to use, bulk, streetscape and parking provisions except regulations pertaining to floor area ratio. Additional height modifications would be limited to an increase of up to 25 percent of the maximum permitted height allowed under applicable district regulations.

### *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, the Proposed Action would also create a Special Permit to address specific instances where a height increase must extend beyond the 25 percent increase allotted in the above authorization. The special permit would also allow for the other modifications outlined in the Authorization for Additional Relief or Other Modifications.

## **F. PURPOSE AND NEED**

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.

### **INCREASE THE NUMBER OF POSSIBLE LOCATIONS FOR CREATING A TRANSIT ENTRANCE**

Many consider the MTA's transit system to be "the lifeblood of New York City." As North America's largest transportation network, New York City's transit system "opens up employment opportunities for millions of area residents, linking them to jobs miles from their homes. It revives old neighborhoods and gives rise to new business corridors. It links millions of residents and visitors to cultural, educational, retail, and civic centers across the region."<sup>11</sup> However, in order to connect the City's diverse population, the transit system must be able to accommodate a diverse population. As noted previously, only about 29 percent of MTA stations in New York City are currently fully ADA accessible.

While there are many impediments to construction of a transit station entrance, the primary one is space. Since most transit stations in New York City are below grade or elevated, they require elevators or ramps to make them accessible, and finding space for elevator shafts or ramps can be particularly challenging due to narrow platforms and confined mezzanines, often decades-old highly complex utility infrastructure inside stations and under streets and sidewalks, and narrow sidewalks. As described in Section B, "Background," there are existing transit easement requirements that assist the MTA in acquiring space on private properties for entrances, but as noted, the locations of where those requirements apply are limited.

Through the system-wide transit easement requirement, the Proposed Action would extend the easement requirement to nearly every station in the city and thereby allow the MTA more opportunities around each station to find the space for future entrances. This would allow the MTA to place elevators at sites that are

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<sup>11</sup> <https://new.mta.info/about-us/the-mta-network>

the more optimal for station configuration and have fewer impediments to construction.

### **SUPPORT INTEGRATION OF TRANSIT EASEMENTS**

For sites that provide an easement, the Proposed Action seeks to align the construction of an easement with the design of the building. The Proposed Action includes set of relief to be made available to achieve that goal. The proposed provisions for development sites subject to a transit easement consist of targeted zoning relief that are intended to:

- I. offset potential burdens of an easement on development feasibility and minimize the impacts of zoning requirements that may impose additional constraints;
- II. ensure that developments are appropriately designed around future station entrances in a manner that will not adversely affect pedestrian safety and movement or unduly inhibit vehicular movement; and
- III. provide additional design flexibility to promote seamless streetscapes and compatible uses around station entrances that will enhance the quality of the sidewalk experience.

### **INCREASE PARTICIPATION IN TRANSIT IMPROVEMENT BONUS**

As with the current easement requirement, today's transit improvement bonus mechanisms are limited to a handful of areas in or near the city's central business districts, as shown in **Figure 5**. Additionally, within this limited geography, only sites adjacent to subway stations can opt to participate. As a result, there has been limited participation in the transit improvement bonus program to date.

The Proposed Action seeks to increase the coverage of the current transit improvement bonus mechanism by expanding it in two ways. First, it would allow a wider range of zoning districts to be eligible for the transit improvement bonus. And 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 Action also includes specific zoning modifications intended to ensure the new transit improvement can be integrated with the building construction.

In these ways, the Proposed Action would incentivize a greater number of developments to provide station improvements and support the MTA in its mission to reach system-wide accessibility. The proposed transit improved bonus would also facilitate accessibility in transit stations that are not already scheduled to be upgraded by the MTA. The MTA can improve a finite number of stations at any time and therefore must prioritize some stations over others. Construction of a transit improvement by a private developer as a result of a transit improvement bonus means stations that are not currently prioritized could be improved sooner.

Finally, the current process associated with obtaining the standard transit improvement bonus also involves considerable public review. The lengthy application process needed to obtain a floor area bonus is an additional barrier to entry. The Proposed Action seeks to simplify the application process. The CPC Authorization in the Proposed Action would allow the transit bonus process to move faster and be less costly, and ultimately increase the desirability of the program.

### **G. CONCLUSION**

As previously stated, due to the broad applicability of the Proposed Action, it is difficult to predict where development would be facilitated. However, the Proposed Action is not in-and-of-itself expected to produce development where it would not have occurred absent the Proposed Action. Although the Proposed Action would allow for specific zoning relief to developments that provide transit easement volumes and other transit station improvements, the overall amount, type, and

general location of development within the affected area is not anticipated to change.

Overall, the Proposed Action would not result in any new land uses that are not permitted by underlying zoning. The Proposed Action would only apply to areas within specific radii of MTA station envelopes, and is not expected to substantially alter land use trends in these areas. Therefore, the Proposed Action would not generate new land uses that would be incompatible with surrounding uses, and currently established land use conditions and trends in the study areas would continue in the future with the Proposed Action.

The Proposed Action would provide for enhanced land use conditions by facilitating the provision of space for accessible transit station entrances and incentivizing transit station improvements, thereby supporting transit-oriented development. The system-wide easement requirement would increase the rate and breadth at which station improvements and easement volumes are provided within the transit system. Similarly, 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. Every project to apply for the expanded transit improvement bonus would be subject to a discretionary review process, with final approval resting with the City Planning Commission.

***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 paragraph, 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> #Transit volumes# and improvements to #mass transit stations#	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 (g), 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, in the form of elevators, stairs, escalators, 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#.

#### Enlargements

For the purposes of applying the provisions of Sections 62-20, inclusive, an “enlargement” on any #transit-adjacent site# shall be limited to #enlargements# involving ground floor level construction.

#### 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 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#, as such term is modified pursuant to Section 66-11 (Definitions), 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#, as well as parking modifications available to all #transit-adjacent sites#.

(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#.

## **66-13**

### **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, the following provisions of this Chapter shall not apply to certain areas:

(a) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), 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 34<sup>th</sup> 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)
- (3) #Special Transit Land Use District#

(b) The provisions of 66-51 (Floor Area Bonus for Mass Transit Station Improvements) shall not apply to the following areas within Special Purpose Districts:

- (1) All subdistricts except 34<sup>th</sup> Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#
- (2) The Court Square Subdistrict within #Special Long Island Mixed Use District#
- (3) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions)

#### **66-14**

##### **Applicability of Previously Filed Special Permits**

If, before [date of adoption], an application for a special permit for a #floor area# bonus for subway station improvements has been referred 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 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 #primary transit-adjacent sites#, a certification by the Chairperson of the City Planning Commission shall apply pursuant to Section 66-21 (Certification for Transit Volume) to determine if a #transit volume# is needed. 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 Curb Cuts), 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**

##### **Certification for Transit Volumes**

For all #developments# or #enlargements# on #primary transit-adjacent sites#, the #transit agency# and Chairperson shall jointly certify to the Commissioner of the Department of Buildings whether or not a #transit volume# is needed on the #zoning lot#, in accordance with the provisions of paragraph (a) of this Section. Such certification shall be obtained prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for such #development# or #enlargement#. Where an #easement volume# is needed, the additional requirements set forth in paragraph (b) of this Section shall apply.

- (a) Application requirements

The owner of the #zoning lot# shall file an application with the #transit agency# and the Chairperson of the City Planning Commission requesting a certification as to whether or not a #transit volume# is needed on the #primary transit-adjacent site#.

Within 60 days of receipt of such application, the #transit agency# and the Chairperson shall jointly certify whether or not a #transit volume# is needed on the #zoning lot#. Failure to certify within the 60-day period will release the owner from any obligation to provide a #transit volume# on such #zoning lot#.

When the #transit agency# and the Chairperson indicate that a #transit volume# is needed, the #transit agency# shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type, and reasonable dimensions for such #transit volume# based on a concept plan for the use of such volume.

The owner shall submit a site plan showing a proposed location of such #transit volume# that would accommodate needed transit or pedestrian circulation improvements and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the #transit agency# and the Chairperson.

The #transit agency# 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 volume# is being finalized. Upon joint approval of a site plan by the #transit agency# and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Commissioner of the Department of Buildings.

(b) Recordation, completion procedures and termination of an easement volume

Where an #easement volume# is needed pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall be provided with a certified copy of the legally enforceable instrument providing the mechanism for creating such #easement volume#, as well as necessary documentation setting forth other obligations and requirements pursuant to Section 66-40 (RECORDATION, CONSTRUCTION AND MAINTENANCE, AND TERMINATION).

**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; and
- (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 six 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 space contained within any #easement volume# shall be excluded from the definition of #floor area#.

### **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 15 feet from the edges of the #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 permitted #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-



6D Districts, where #building# height limitations apply, the maximum permitted 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 M1-6D Districts, the maximum permitted height for a #building or other structure# shall be increased by 20 feet or two #stories#, whichever is less.

**66-24**

**Special Regulations for Accessory Off-Street Parking and Curb Cuts**

Where an #easement volume# is provided, the underlying parking regulations of this Resolution shall be modified in accordance with the provisions of Section 66-241 (Special accessory off-street parking provisions) and 66-242 (Special regulations for location of access to the street).

**66-241**

**Special accessory off-street parking provisions**

Where off-street parking spaces are required pursuant to the underlying parking requirements, the following parking space deduction and waivers shall apply:

(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.

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

## **66-242**

### **Special regulations for location of access to the street**

Where permitted or required off-street parking spaces or loading berths are provided, entrances and exits for #accessory# off-street parking spaces or loading berths, #public parking garages#, or #public parking lots# shall not be located less than 30 feet from a #transit volume#. In addition, such restriction, and the location of the #transit volume# shall be considered for the purposes of applying waivers 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:

- (i) 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**
- (ii) 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**

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 other modifications set forth within 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 certification by the Chairperson of the City Planning Commission pursuant to Section 66-31 (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**

#### **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#, the #transit agency# and Chairperson shall jointly certify to the Commissioner of the Department of Buildings the location, appropriate type, and reasonable dimensions for such #transit volume# in accordance with the provisions of paragraph (a) of this Section. Such certification shall be obtained prior to any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for such #development#, #enlargement# or #conversion#. Where an #easement volume# is provided, the additional requirements set forth in paragraph (b) of this Section shall apply.

(a) Application requirements

The owner of the #zoning lot# shall file an application with the #transit agency# and the Chairperson of the City Planning Commission requesting a certification as to whether or not a #transit volume# is needed on the #secondary transit-adjacent site#.

Within 60 days of receipt of such application, the #transit agency# and the Chairperson shall jointly certify whether or not a #transit volume# is needed on the #zoning lot#. When the #transit agency# and the Chairperson indicate that a #transit volume# is needed within the 60-day period, the #transit agency# shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type, and reasonable dimensions for such #transit volume# based on a concept plan for the use of such volume.

The owner shall submit a site plan showing a proposed location of such #transit volume# that would accommodate needed transit or pedestrian circulation improvements and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the #transit agency# and the Chairperson.

The #transit agency# 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 volume# is being finalized. Upon joint approval of a site plan by the #transit agency# and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Commissioner of the Department of Buildings.

(b) Recordation, completion procedures and termination of an easement volume

Where an #easement volume# is needed pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall be provided with a certified copy of the legally enforceable instrument providing the mechanism for creating such #easement volume#, as well as necessary documentation setting forth other obligations and

requirements pursuant to Section 66-40 (RECORDATION, CONSTRUCTION AND MAINTENANCE, AND TERMINATION).

### **66-32**

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

Where a #transit volume# is provided pursuant to Section 66-31 (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) Curb cut provisions pursuant to Section 66-242 (Special regulations for location of access to the street); 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 (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 other modifications set forth within this Section, pursuant to Section 66-52 (Additional Modifications).

### **66-40**

#### **RECORDATION, CONSTRUCTION AND MAINTENANCE, AND TERMINATION 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 shall apply.

### **66-41**

#### **Recordation and Completion Procedures**

The recordation and completion procedures of this Section shall apply to #transit-adjacent sites# providing an #easement volume#.

- (a) Recordation

Legally enforceable instruments, running with the land, creating an #easement volume#, and setting forth the obligations of either the #transit agency# or the owner and developer, their successors and assigns, to design and construct the improvement, as well as other

basic terms of the easement shall be executed and recorded in a form acceptable to the #transit agency# 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#, #enlargement# or #conversion#.

(b) Construction and maintenance

Where an #easement volume# is provided pursuant to this Section, 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#.

(1) Where such transit access improvement is constructed and maintained by the #transit agency#:

(i) 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.

(ii) Where 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#.

(iii) 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#.

(iv) 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#.

(2) Where such transit access improvement is constructed and maintained by the owner of the #development #, #enlargement# or #conversion#

(i) a transit access improvement shall be provided in accordance with standards set forth by the #transit agency#;

(ii) such improvement shall be accessible to the public at all times, except as otherwise approved by the #transit agency#;

(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 #transit agency#, has certified that the improvement is substantially complete and usable by the public.

## **66-42**

### **Termination of an Easement**

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 an #easement 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 #easement volume#.

On any #zoning lot# which has been #developed#, #enlarged# or #converted# in accordance with the provisions of this Section and on which termination of the #easement volume# has been certified, pursuant to this paragraph, 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.

## **66-50**

### **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 a #floor area# bonus not to exceed 20 percent of the basic maximum #floor area ratio# permitted by the applicable district regulations of this Resolution, in accordance with the following provisions:

- (1) Such #floor area# increase may be applied to the maximum #floor area ratio# of any permitted #use#, provided that the total of all such #floor area ratios# does not exceed such percent increase applied to the greatest #floor area ratio# permitted for any such #use# on the #qualifying transit improvements#;**
- (2) 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# only as follows:**
  - (i) within #Inclusionary Housing designated areas# and in R10 Districts 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) or (b) of Section 23-154 (Inclusionary Housing); or

(ii) where explicitly specified in a #Special Purpose District#; and

(3) For #compensated developments# or #MIH developments#, as defined in Section 23-911 (General definitions), the requirements of Section 23-154 (Inclusionary Housing) shall not apply to the bonus #floor area# authorized under the provisions of this Section.

(b) Conditions

All applications shall include a proposed improvement to a proximate #mass transit station#, and may consist of on-site or off-site improvements.

Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include capacity-enhancing, accessibility or significant environmental improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian circulation network, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, or providing daylight access, retail #uses# or 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 certification, 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 (Certification for Transit Volume), 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 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.

(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#.
  - (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; and
- (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.

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 (Certification for Transit Volume), 66-31 (Certification for Optional Transit Volume) 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**

Modifications to the maximum #building# height limits shall not result in a #building# height that exceeds 25 percent of the maximum permitted height as set forth in applicable district regulations, and as such heights are modified pursuant to the provisions of 66-235 (Special height and setback modifications), as applicable.

#### **(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# and associated access thereto; or

(ii) where improvements to #mass transit stations# are provided, reasonably accommodate the proposed #development# or #enlargement#;

(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 modifications will result in a better site plan for the proposed #transit volume#, improvement to #mass transit station# or #building# that is superior in design and harmonious with the surrounding area;
- (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	8.0	12.0	14.4	14.0	18.0
F. Maximum <del>Special Permit</del> #Floor Area# Allowances by <u>Authorization</u> in Penn Center Subdistrict: #Mass Transit Facility Station# Improvement – <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	8.0	14.4	14.4	16.8	18.0
N. Maximum FAR of Lots Involving Landmarks:					
Maximum FAR of a lot containing non-bonusable	8.0	10.0	12.0	14.0	15.0



landmark - Section 74-711 or as-of-right					
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	14.4	No Limit	No Limit

- 1 Not available for #zoning lots# located wholly within Theater Subdistrict Core
- 2 Not available within the Eighth Avenue Corridor
- 3 Not available within 100 feet of a #wide street# in C5-2.5 Districts
- 4 Applicable only within that portion of the Theater Subdistrict also located within the #Special Clinton District#
- 5 12.0 in portion of C6-5.5 District within the Theater Subdistrict Core
- 6 Not available on west side of Eighth Avenue within the Eighth Avenue Corridor
- 7 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)

**~~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
51st Street/Lexington Avenue-53rd Street	53rd Street/Lexington Avenue
57th Street	Broadway-60th Street
57th Street	6th Avenue
59th Street Columbus Circle	Broadway-7th Avenue/8th Avenue

\* \* \*

**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 in 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 Special Permit #Floor Area# Allowances: (District-wide Incentives), <del>Subway station</del> #Mass transit station# improvements (Section 74-634 66-51)	3.0
C. Maximum FAR of Lots Involving Landmarks:	
Maximum FAR of a lot containing non bonusable landmark (Section 74-711 or as-of-right)	15.0
Development rights (FAR) of a landmark lot for transfer purposes (Section 74-79)	15.0

Maximum amount of transferable development rights (FAR) from a landmark #zoning lot# that may be utilized on:	
(a) an #adjacent lot# (Section 74-79)	No Limit
(b) a #receiving lot# (Section 81-632)	15.0
D. Maximum #Floor Area# Allowances by Special Permit for Grand Central public realm improvements (Section 81-633)	15.0
E. Maximum Total FAR of a Lot with Transferred Development Rights on #receiving lots# (Section 81-632) or District-wide Incentives (including Section 81-633)	30.0
F. Maximum Total FAR of a Lot with Transferred Development Rights on an #adjacent lot# (Section 74-79) or District-wide Incentives (other than Section 81-633)	No Limit

Any transfer of development rights from a landmark site may be made pursuant to either Section 74-79 or Section 81-632 (Special permit for transfer of development rights from landmarks to the Vanderbilt Corridor Subarea), but not both.

**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 a proposed improvement to a proximate subway or rail mass transit facility, and may consist of on-site or off-site improvements.

Such improvements shall be characteristic of current best practice in mass-transit network design, and shall include capacity-enhancing, accessibility or significant environmental improvements, including, but not limited to, the provision of elevators and escalators, widening, straightening, expanding or otherwise enhancing the existing pedestrian

circulation network, reconfiguring circulation routes to provide more direct pedestrian connections to subway or rail mass transit facilities, or providing daylight access, retail #uses# or 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 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 subway or rail mass transit facility; 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.

(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.

(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; and

(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 special permit (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). 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). 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).

**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~~ No #floor area# bonuses shall apply except as specified in Section 88-31 (Floor Area Regulations).

\* \* \*

**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.



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 special permit #floor area# bonuses	6.02 <sup>1</sup> 6.5 <sup>3</sup>	14.0	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> pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)

\* \* \*

**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
<del>Bowling Green</del>	<del>Lexington Avenue</del>
<del>Broad St</del>	<del>Nassau Street</del>
<del>Broadway-Nassau Street</del>	<del>8th Avenue</del>
<del>Fulton Street</del>	<del>Nassau Street/Broadway 7th Ave/ Lexington Ave</del>
<del>Brooklyn Bridge-City Hall</del>	<del>Lexington Avenue</del>
<del>Chambers Street</del>	<del>Nassau Street</del>
<del>Chambers Street</del>	<del>Broadway 7th Avenue</del>
<del>Chambers Street</del>	<del>8th Avenue</del>
<del>Park Place</del>	<del>Broadway 7th Avenue</del>
<del>World Trade Center</del>	<del>8th Avenue</del>
<del>City Hall</del>	<del>Broadway 60th Street</del>
<del>Cortlandt Street-WTC</del>	<del>Broadway 7th Avenue</del>
<del>Cortlandt Street</del>	<del>Broadway 60th Street</del>
<del>Rector Street</del>	<del>Broadway 7th Avenue</del>
<del>Rector Street</del>	<del>Broadway 60th Street</del>
<del>Wall Street</del>	<del>Broadway 7th Avenue</del>
<del>Wall Street</del>	<del>Lexington Avenue</del>
<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#. 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. 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 66-52 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).

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#.

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#.

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).

\* \* \*

**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. 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).

\* \* \*

**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~~ 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 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 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.

(e) 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

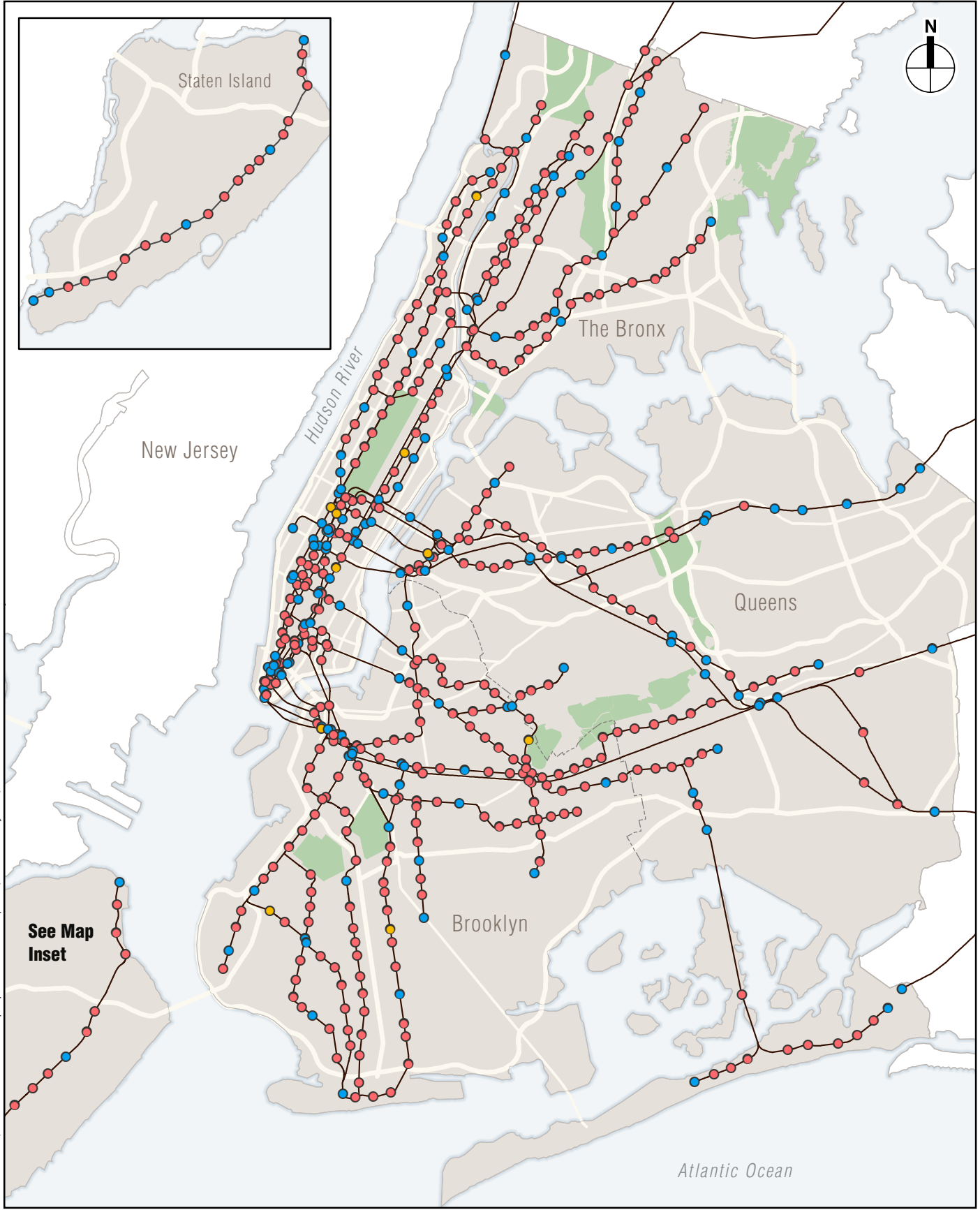
Any easement volume required on a ~~#zoning lot#~~ pursuant to paragraph (a) of this Section may be temporarily used for any permitted ~~#commercial#~~ or ~~#community facility uses#~~ until such time as required by the MTA for transit access improvements. The floor space allocated to such temporary ~~#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

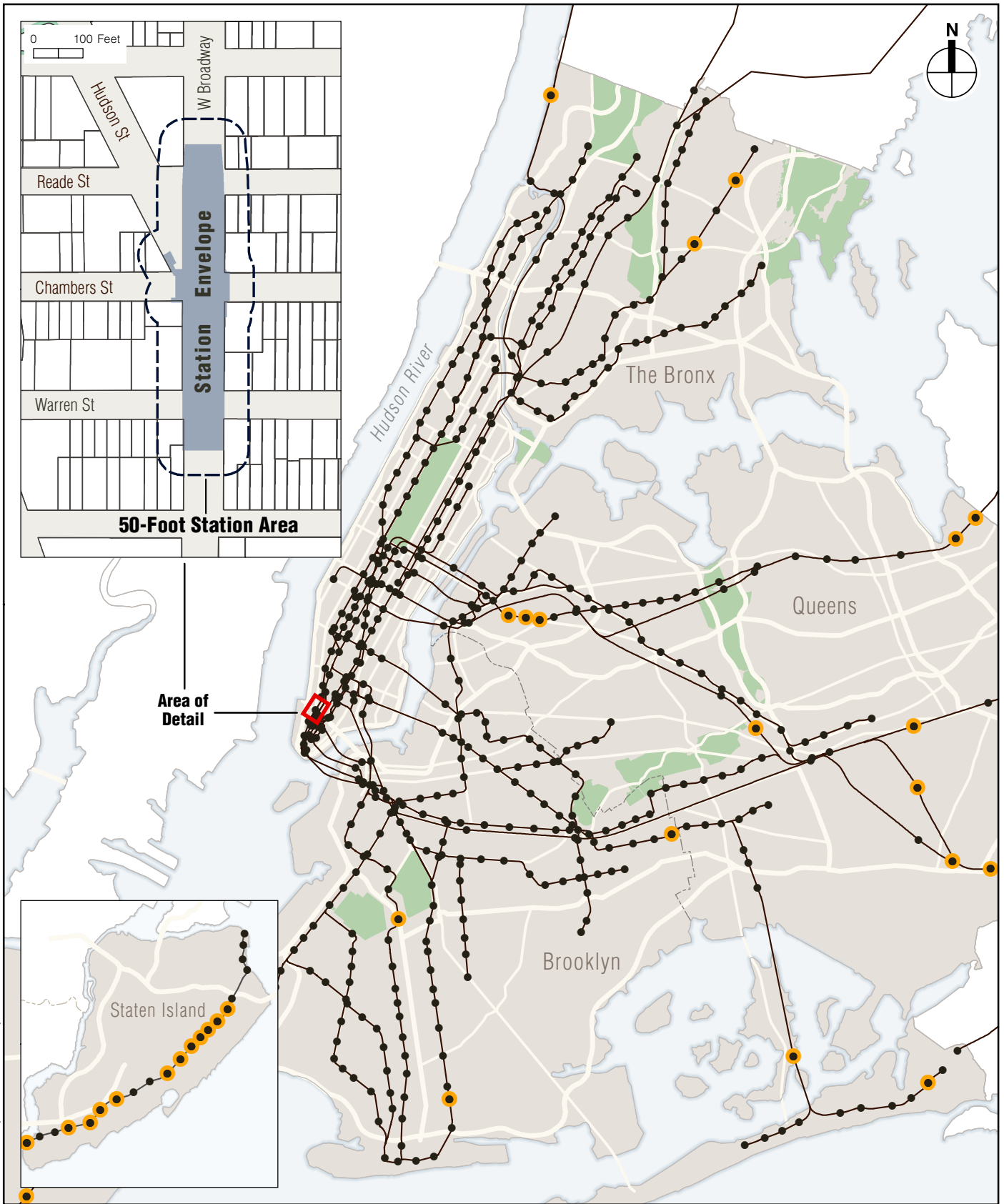
In the event that the MTA and the City Planning Commission jointly notify the Department of Buildings and the owner in writing that a transit easement volume is not required on a ~~#zoning lot#~~ in its final construction plans, the restrictions imposed on such ~~#zoning lot#~~ by the provisions of this 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.



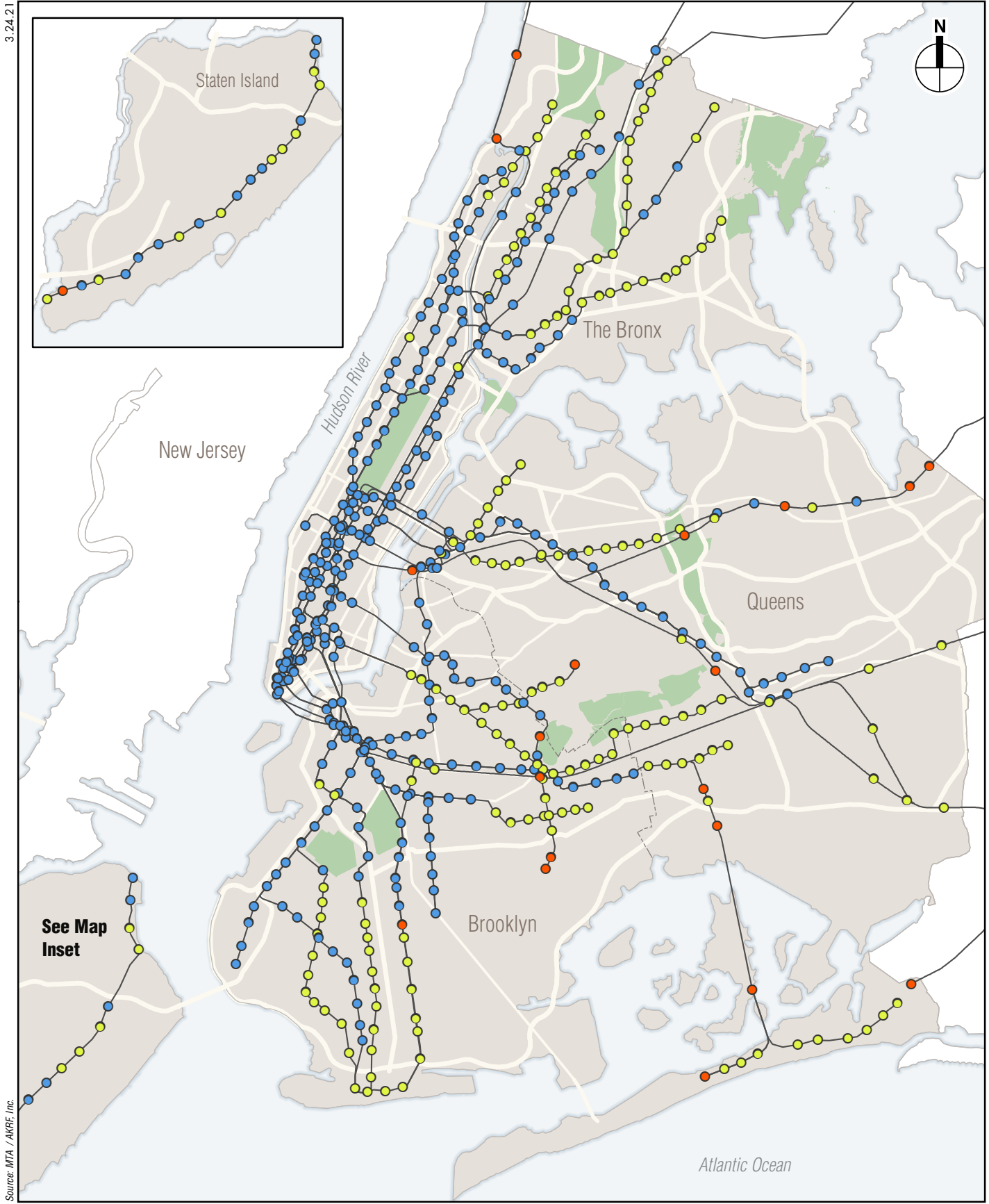
- Full ADA Accessibility
- Partial ADA Accessibility
- No ADA Accessibility

0 2 Miles



- MTA Station with Affected Lots
- MTA Station with No Affected Lots

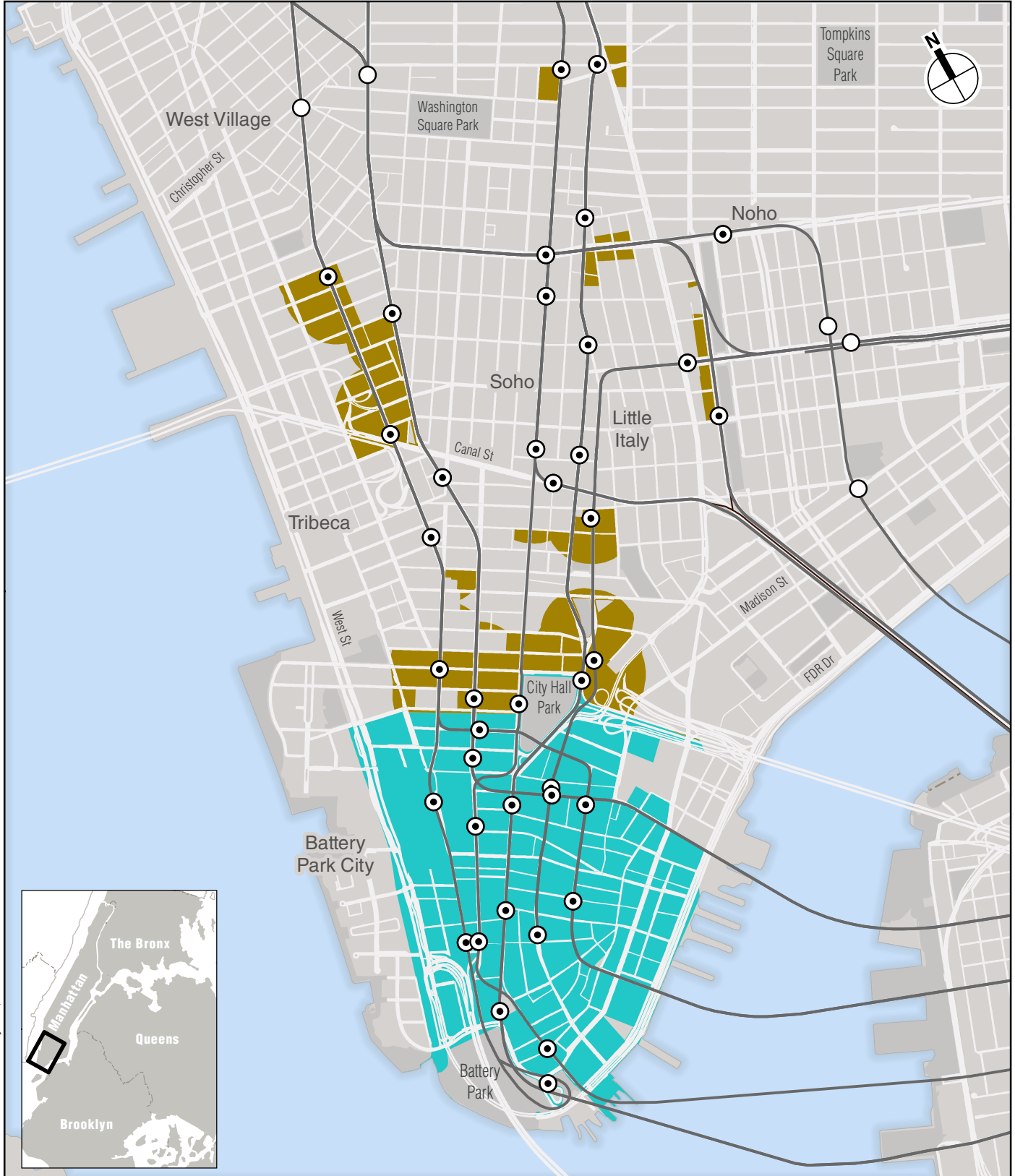
0 2 Miles



Source: MTA / AKRF, Inc.

- Below Grade Station
- Above Grade
- At/Near Grade Station

0 2 Miles

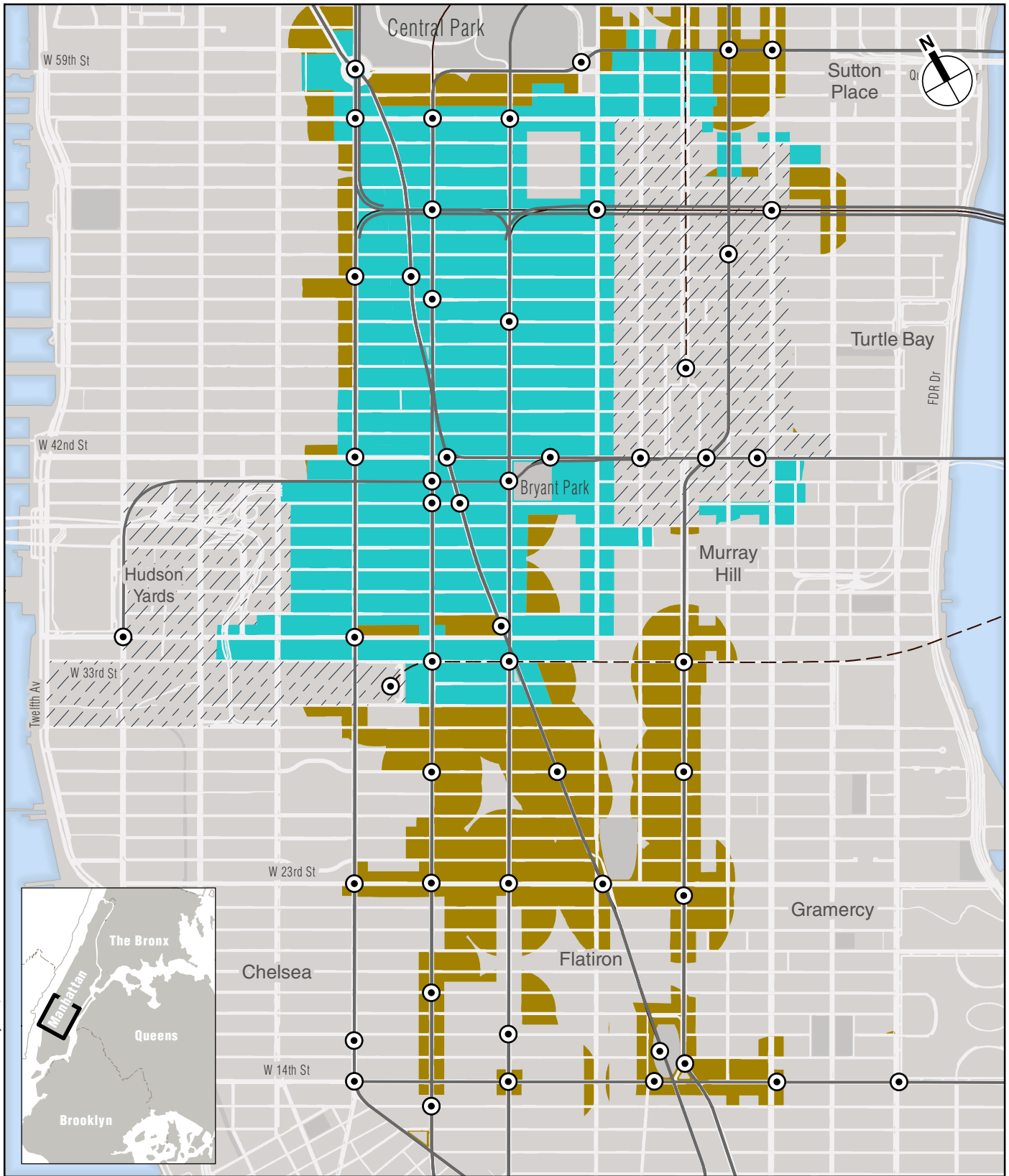


Source: DCP 1/20 / Visualization by AKRF, Inc.

- MTA Station
- ⊙ Proposed Improvement Bonus Station
- NYCT/SIR
- - - LIRR/MNR

- Proposed Transit Improvement Bonus Area*
- Inside Central Business District (1,500-foot station radius)
- Outside Central Business District (500-foot station radius)

0 1,000 Feet



Source: DCP 120 / Visualization by AKRF, Inc.

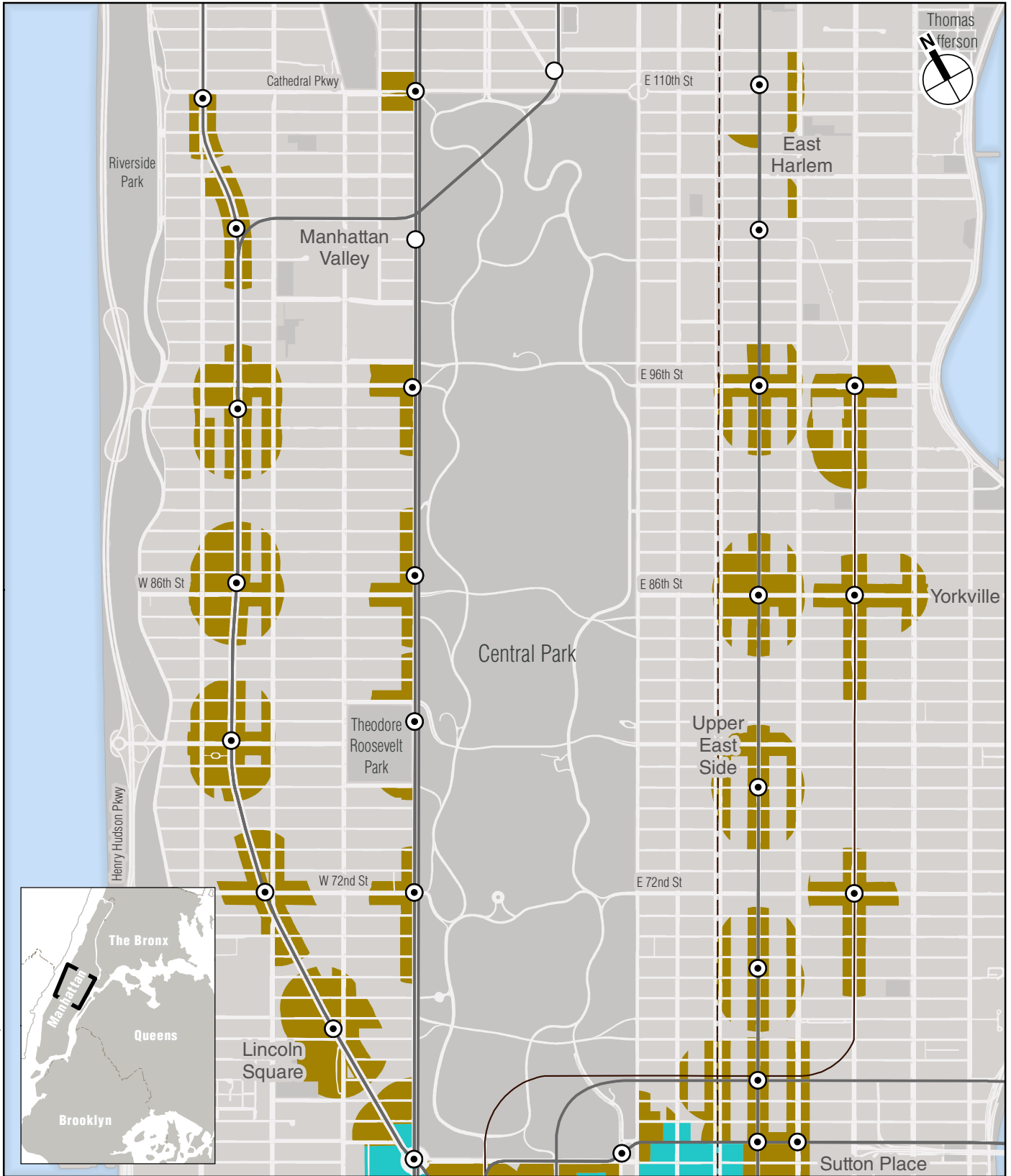
- MTA Station
- ⊙ Proposed Improvement Bonus Station
- NYCT/SIR
- - - LIRR/MNR

- Proposed Transit Improvement Bonus Area*
- Inside Central Business District (1,500-foot station radius)
- Outside Central Business District (500-foot station radius)
- Excluded Area

0 1,000 Feet

Midtown Manhattan  
Proposed Transit Improvement Bonus Area  
**Figure 4b**





○ MTA Station

⊙ Proposed Improvement Bonus Station

— NYCT/SIR

- - - LIRR/MNR

Proposed Transit Improvement Bonus Area

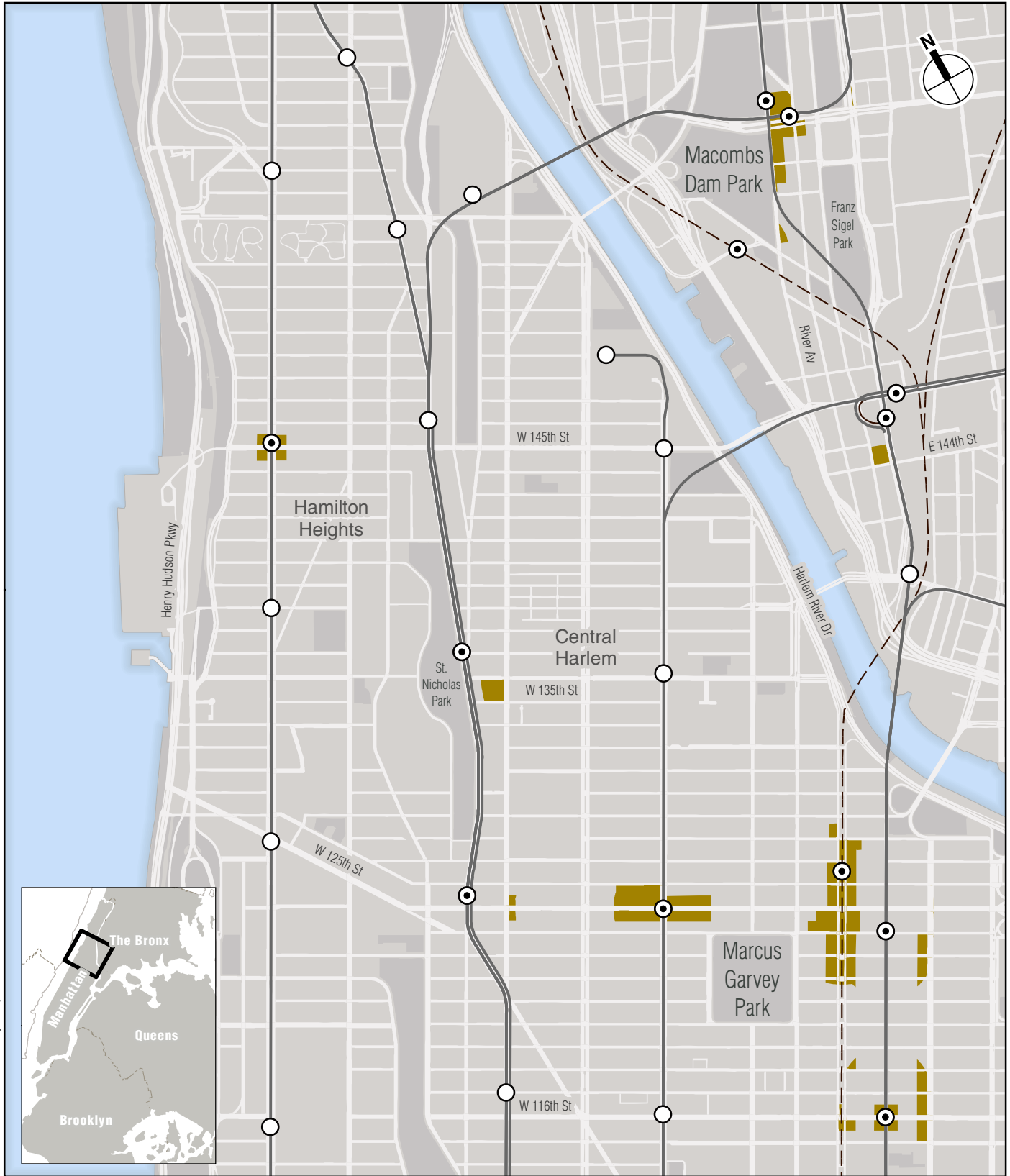
■ Inside Central Business District (1,500-foot station radius)

■ Outside Central Business District (500-foot station radius)

0 1,000 Feet

59th Street to 110th Street, Manhattan  
Proposed Transit Improvement Bonus Area

Figure 4c

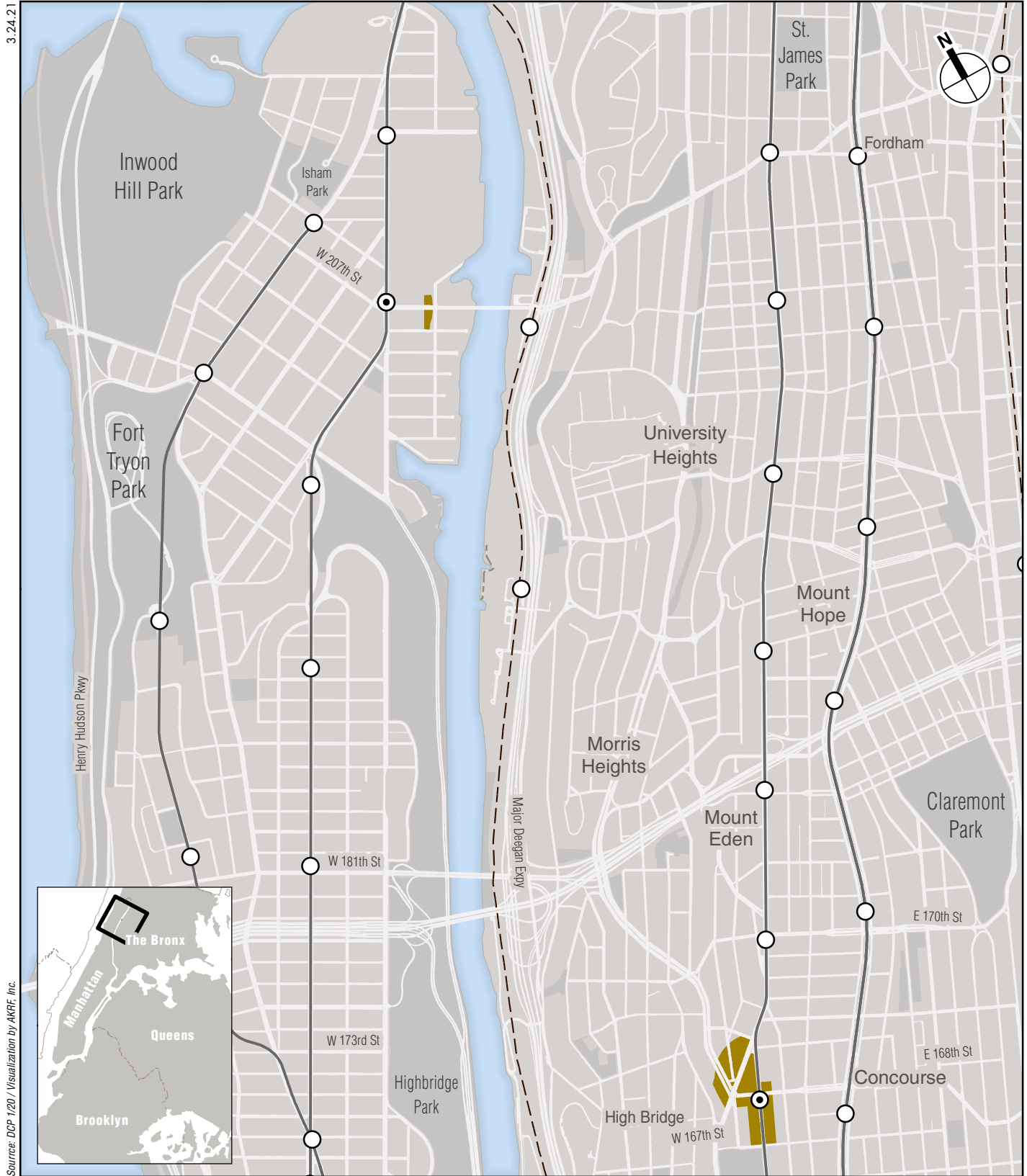


- MTA Station
- ⊙ Proposed Improvement Bonus Station
- NYCT/SIR
- - - LIRR/MNR

- Proposed Transit Improvement Bonus Area*
- Inside Central Business District (1,500-foot station radius)
- Outside Central Business District (500-foot station radius)

0 1,000 Feet

Harlem and The South Bronx  
 Proposed Transit Improvement Bonus Area  
**Figure 4d**



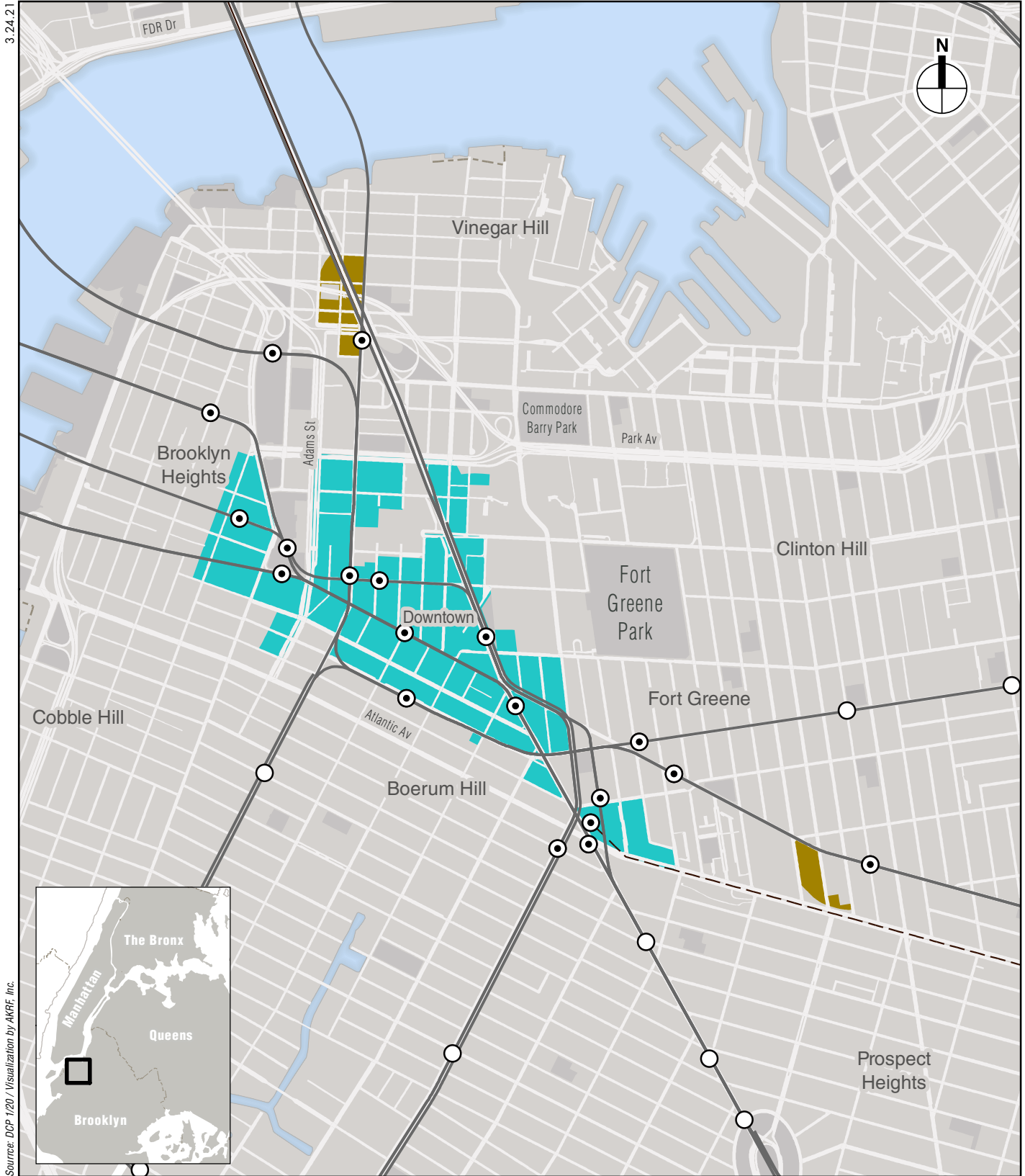
Source: DCP 120 / Visualization by AKRF, Inc.

- MTA Station
- ⊙ Proposed Improvement Bonus Station
- NYCT/SIR
- - - LIRR/MNR

- Proposed Transit Improvement Bonus Area
- Inside Central Business District (1,500-foot station radius)
- Outside Central Business District (500-foot station radius)

0 1,000 Feet

Inwood, Manhattan and The Bronx  
Proposed Transit Improvement Bonus Area  
**Figure 4e**



3.24.21  
Source: DCP 1/20 / Visualization by ARRF, Inc.

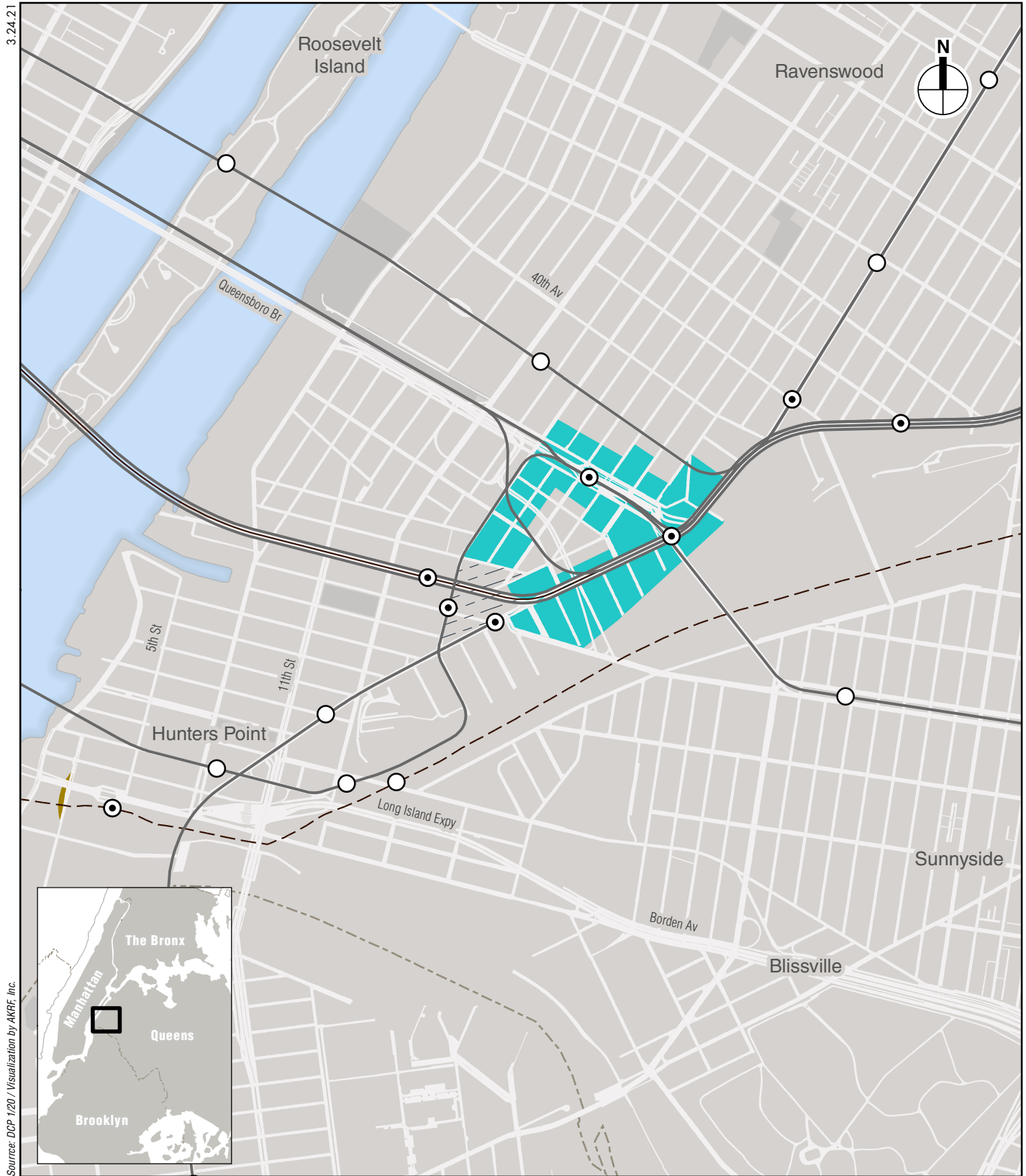


- MTA Station
- ⊙ Proposed Improvement Bonus Station
- NYCT/SIR
- - - LIRR/MNR

- Proposed Transit Improvement Bonus Area*
- Inside Central Business District (1,500-foot station radius)
- Outside Central Business District (500-foot station radius)

0 1,000 Feet

Downtown Brooklyn  
Proposed Transit Improvement Bonus Area  
**Figure 4f**



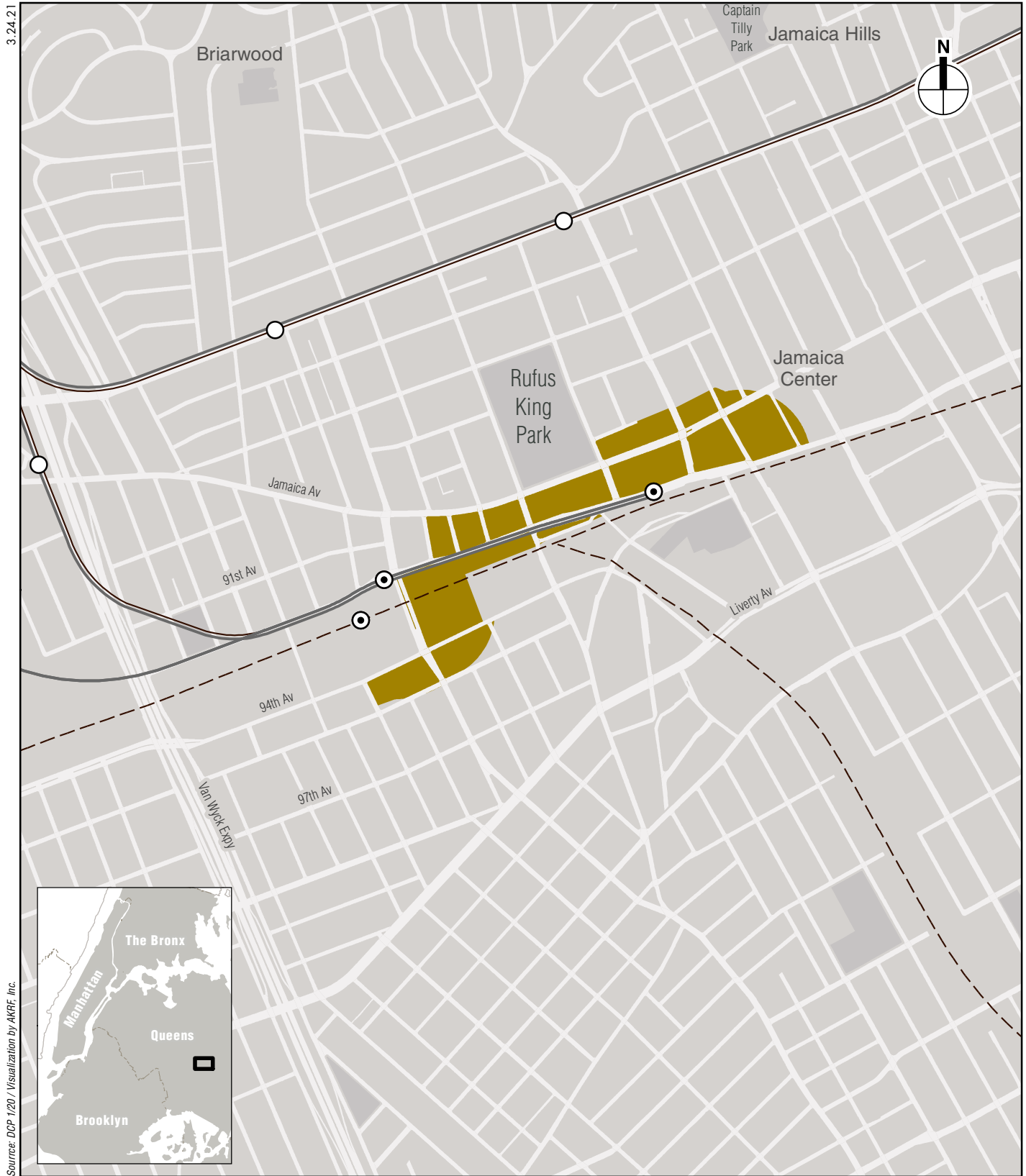
Source: DCP 1/20 / Visualization by AKRF, Inc.

- MTA Station
- ⊙ Proposed Improvement Bonus Station
- NYCT/SIR
- - - LIRR/MNR

- Proposed Transit Improvement Bonus Area*
- Inside Central Business District (1,500-foot station radius)
- Outside Central Business District (500-foot station radius)
- Excluded Area

0 1,000 Feet

Long Island City, Queens  
 Proposed Transit Improvement Bonus Area  
**Figure 4g**



Source: DCP 120 / Visualization by AKRF, Inc.

○ MTA Station

⊙ Proposed Improvement Bonus Station

— NYCT/SIR

- - - LIRR/MNR

*Proposed Transit Improvement Bonus Area*

■ Inside Central Business District (1,500-foot station radius)

■ Outside Central Business District (500-foot station radius)

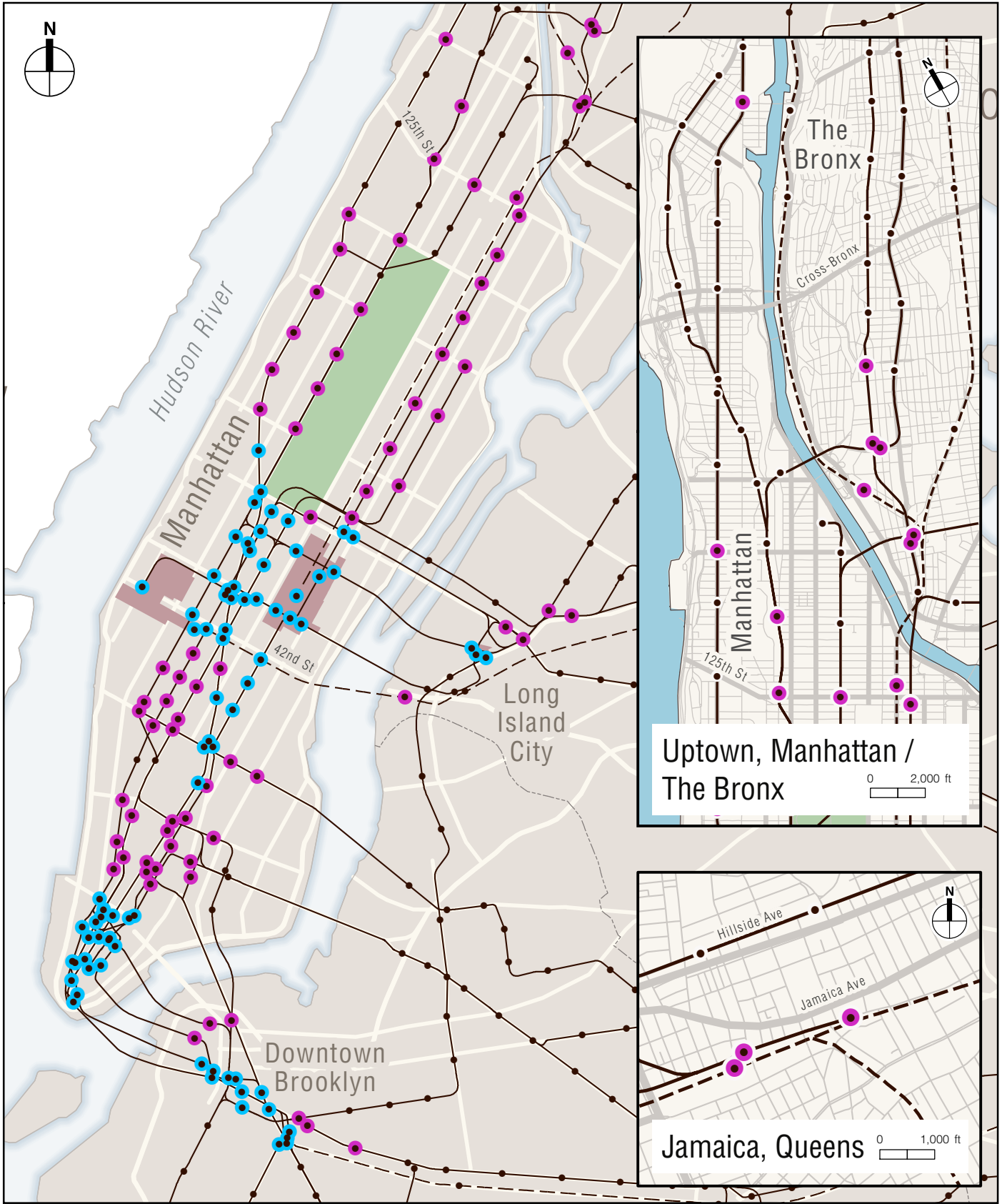
0 500 Feet



Jamaica, Queens

Proposed Transit Improvement Bonus Area

**Figure 4h**



- MTA Station
- Existing Transit Bonus Stations
- NYCT/SIR
- Proposed Additional Transit Bonus Stations
- - - LIRR/MNR
- Existing Transit Bonus Program

0 2 Miles