*Revised Environmental Assessment Statement (EAS)

Elevate Transit: Zoning for Accessibility

CEQR No. 21DCP136Y

ULURP No. N210270ZRY

lead agency:
New York City Planning Commission

lead agency contact:
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This Revised EAS supersedes the EAS issued on April 2, 2021 for the Elevate Transit: Zoning for Accessibility proposal (CEQR # 21DCP136Y). Following the publication of the EAS, modifications to the Proposed Action have been identified as under consideration by the CPC (the "Potential CPC Modifications"). This Revised EAS includes a Technical Memorandum and a revised Negative Declaration. The Technical Memorandum examined whether the Potential CPC Modifications would change the findings of the original EAS, and concluded that since the Potential CPC Modifications would not alter the development assumptions in the Reasonable Worst-Case Development Scenario (RWCDS) for the Proposed Action evaluated in the original EAS, they would not change the conclusions of the original EAS, which found no significant adverse impacts.

April 2, 2021
*Revised August 27, 2021

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME Elevate Transit: Zoning for Accessibility

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
21DCP136Y	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
N 210270 ZRY	

2a. *Lead Agency Information*	**2b. *Applicant Information***
NAME OF LEAD AGENCY New York City Department of City Planning	NAME OF APPLICANT Metropolitan Transportation Authority and New York City Department of City Planning
NAME OF LEAD AGENCY CONTACT PERSON Olga Abinader, Director Environmental Assessment and Review Division	NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON Frank Ruchala Jr., Director of Zoning Division New York City Department of City Planning
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CITY New York / STATE NY / ZIP 10271	CITY New York / STATE NY / ZIP 10271
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3. *Action Classification and Type*

SEQRA Classification

☐ UNLISTED ☒ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended): 617.4(b)(3)

Action Type (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

☐ LOCALIZED ACTION, SITE SPECIFIC ☐ LOCALIZED ACTION, SMALL AREA ☒ GENERIC ACTION

4. *Project Description*

The Metropolitan Transportation Authority (MTA) together with the New York City Department of City Planning (DCP) is proposing a zoning text amendment (the "Proposed Action") in the New York City Zoning Resolution (ZR) to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement (the "System-wide Easement Requirement"), that would require developments on lots over 5,000 sf within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related transit agency on whether a transit easement volume is needed on site for future station access. This requirement would be accompanied by targeted zoning relief to minimize potential construction and design challenges. In addition, an optional Chair Certification would be created to facilitate the provision of a transit easement volume on other sites not subject to the requirement.

The proposed text amendment would also create an expanded transit improvement bonus program (the "Expanded Transit Improvement Bonus Program"), through City Planning Commission (CPC) Authorization, that would grant a floor area bonus for developments within all R9 and R10 density-level districts that provide transit station improvements, including accessibility improvements. In addition to this Authorization, additional zoning relief on such sites may be pursuant to other discretionary actions..

See Attachment A, "Project Description," for more details.

Project Location

BOROUGH All	COMMUNITY DISTRICT(S) All	STREET ADDRESS N/A
TAX BLOCK(S) AND LOT(S) Generic Action		ZIP CODE N/A
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS N/A		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY Multiple underlying districts		ZONING SECTIONAL MAP NUMBER N/A

5. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☐ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☒ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION Pending

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION	☐ FUNDING OF CONSTRUCTION, specify:
☐ RULEMAKING	☐ POLICY OR PLAN, specify:
☐ CONSTRUCTION OF PUBLIC FACILITIES	☐ FUNDING OF PROGRAMS, specify:
☐ 384(b)(4) APPROVAL	☐ PERMITS, specify:
☐ OTHER, explain:	

Other City Approvals Not Subject to CEQR (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)	☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
	☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

6. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP	☐ ZONING MAP	☐ SANBORN OR OTHER LAND USE MAP
☐ TAX MAP	☒ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)	

☐ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): Generic Action; see Attachment A, "Project Description."

Waterbody area (sq. ft.) and type:

Roads, buildings, and other paved surfaces (sq. ft.):

Other, describe (sq. ft.):

7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): N/A

NUMBER OF BUILDINGS: N/A

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A

HEIGHT OF EACH BUILDING (ft.): N/A

NUMBER OF STORIES OF EACH BUILDING: N/A

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO

If "yes," specify: The total square feet owned or controlled by the applicant: N/A

The total square feet not owned or controlled by the applicant: N/A

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☐ YES ☒ NO

If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: N/A sq. ft. (width x length)

VOLUME OF DISTURBANCE: N/A cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: N/A sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2030

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N/A

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO	IF MULTIPLE PHASES, HOW MANY?
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A	

9. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☒ MANUFACTURING ☒ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Transportation/Utility; Public Facilities and Institutions

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)				
Gross floor area (sq. ft.)				
Manufacturing/Industrial	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
Publicly Accessible Open Space	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Businesses	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification				
Maximum amount of floor area that can be developed				
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project				
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☒	☐
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach. See Attachment B.		
(e) Is the project a large, publicly sponsored project?	☒	☐
○ If "yes," complete a PlaNYC assessment and attach. See Attachment B.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
○ If "yes," complete the Consistency Assessment Form. See Attachment B.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
○ Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
○ Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
○ Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
○ If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
○ If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	☐	☐
ii. Indirect Residential Displacement		
○ Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
○ If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
○ If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. Direct Business Displacement		
○ Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐
○ Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	☐	☐

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
○ Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
○ Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. Effects on Industry		
○ Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
○ Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	☐	☐
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
i. Child Care Centers		
○ Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	☐	☐
○ If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. Libraries		
○ Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
○ If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iii. Public Schools		
○ Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iv. Health Care Facilities		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☒	☐
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	☐	☒
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☒	☐
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	☐	☒
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
○ If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	☐	☐
○ If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	☐	☐

	YES	NO
percent?		
○ If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	☐	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☒	☐
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year. See Attachment C.		
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☒	☐
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See Attachment A.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
(c) If "yes" to either of the above, please provide the information requested in Chapter 10. See Attachment D.		
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☐	☒
○ If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
○ If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☒	☐
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☒	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☒	☐
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☒	☐
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☒	☐
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☐	☒
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒

	YES	NO
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☒	☐
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation. See Attachment A.		
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): N/A		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
○ If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☐
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): N/A		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed) See Attachment F	☐	☐
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☒	☐
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. See Attachment F.		
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	☒
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☒
○ If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-	☐	☒

	YES	NO
803 of the Administrative Code of the City of New York). Please attach supporting documentation.		
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☐	☒
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☒	☐
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation. See Attachment G		
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☒	☐
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. See Attachment A.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. See Attachment A.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☒	☐
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☒	☐
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☒	☐
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☒	☐
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. See Attachment A.		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
Frank Ruchala Jr.		August 27 2021

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Deputy Director, Environmental Assessment and Review Division	City Planning Commission
NAME Stephanie Shellooe, AICP	DATE August 27 2021
SIGNATURE	

REVISED NEGATIVE DECLARATION – supersedes the Negative Declaration issued April 5, 2021*

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis related to land use, zoning, and public policy is included in the EAS. The Proposed Action is a zoning text amendment to the New York City Zoning Resolution to establish a framework for coordinating the siting and provision of transit station improvements with new developments or enlargements on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement that would require developments on lots over 5,000 sf within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related transit agency on whether a transit easement volume is needed on site for future station access. This requirement would be accompanied by targeted zoning relief to minimize potential construction and design challenges. In addition, an optional Chair Certification would be created to facilitate the provision of a transit easement volume on other sites not subject to the requirement. The proposed text amendment would also create an 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 permitted pursuant to other future discretionary actions. Due to the broad applicability of the Proposed Action, there are no known or projected development sites associated with this action. To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical sites were identified for analysis purposes. 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 land use, zoning, and public policy analysis notes that the Proposed Action would not generate new land uses that would be incompatible with surrounding uses; and currently established land use trends and conditions in the study areas would continue in the future with the Proposed Action. Additionally, the Proposed Action would not conflict with any established public policies. Therefore, the Proposed Action does not have the potential to result in significant adverse impacts with respect to land use, zoning, and public policy.

Shadows

A detailed analysis related to shadows is included in this EAS. Due to the generic nature of the Proposed Action, the action is not anticipated to preclude or induce development, and there are no known or projected development sites associated with this action. To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical sites were identified for analysis purposes. The shadows analysis finds the Proposed Action would generate limited incremental shadows on portions of sunlight-sensitive resources. All affected resources would continue to receive substantial direct sunlight throughout the representative analysis days and would not adversely affect public utilization or enjoyment of the resources' sunlight-sensitive features. Any vegetation in the affected resources would continue to receive adequate daylight, which is a minimum of four-to-six hours during the growing season. The Proposed Action would not result in changes to development that would substantially reduce or completely eliminate sunlight exposure. Additionally, any future development that would benefit from as-of-right incremental height and/or bulk increases, associated with the Proposed Action and the zoning relief provided, are anticipated to experience modest bulk and/or height changes, ranging from one-to-two stories in height. Therefore, the Proposed Action does not have the potential to result in significant adverse impacts related to shadows.

Urban Design and Visual Resources

A detailed analysis of urban design and visual resources is included in this EAS. The analysis shows that overall, the development associated with the Proposed Action for each of the nine prototypical analysis sites would be compatible with the existing built character surrounding the sites, as well as the development in the No-Action condition. The Proposed Action would require future development on zoning lots within New York City that are adjacent to a mass transit station to provide a transit easement if deemed necessary on the zoning lot, which would facilitate a future connection to the adjacent subway platform and provide ADA-accessibility to the station. To facilitate the provision of such an easement, certain zoning relief would be provided on such sites that would result in future developments that do not entirely comply with current underlying zoning regulations. However, the anticipated new developments would be built to conform to the existing streetwalls and, therefore, would not block existing pedestrian views. As the Proposed Action would not diminish or disturb the existing streetwall continuities and/or pedestrian features and experience within the area's surrounding each site, the Proposed Action does not have the potential to result in significant adverse impacts related to urban design and visual resources.

Conceptual Analysis

A conceptual analysis is included in this EAS. As noted above, the Proposed Action would create an expanded transit improvement bonus program that would grant a floor area bonus for developments that provide transit station improvements, including accessibility improvements. The expanded transit improvement bonus program would establish three new discretionary actions: 1) a CPC Authorization for Transit Improvement Bonus; 2) a CPC Authorization for Additional Relief or Other Modifications; and 3) a CPC Special Permit for Additional Relief. Sites pursuing any of these discretionary actions would be subject to future environmental review for a specific proposed project. As such, the conceptual analysis contained in this EAS does not rule out the potential for significant adverse impacts with respect to the impact categories assessed under a future application subject to City Environmental Quality Review (CEQR). However, as a specific environmental review would be conducted at the time upon which the discretionary action(s) would be sought, any potential for significant adverse impacts would be disclosed through that process.

Project Name: Zoning for Transit Accessibility
CEQR # 21DCP136Y
SEQRA Classification: Type I

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Annabelle Meunier at (212) 720-3426.

TITLE Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3328
NAME Stephanie Shellooe, AICP	DATE August 27, 2021
SIGNATURE	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE August 30, 2021
SIGNATURE	

**This Revised Negative Declaration (prepared in accordance with a Revised EAS) supersedes the Negative Declaration issued on April 5, 2021. The Revised EAS incorporates a Technical Memorandum as an attachment addressing changes and clarifications to the proposed zoning text. Following the publication of the EAS, modifications to the Proposed Action have been identified as under consideration by the CPC (the "Potential CPC Modifications"). The Potential CPC Modifications, consist of changes to the proposed zoning text that would clarify applicability of the System-wide Easement Requirement and modify the process, timeline and requirements associated with this provision. They would also modify the applicability of the bonus Expanded Transit Improvement Bonus Program, and clarify findings associated with the floor area bonus. Similarly, the Potential CPC Modifications would provide clarifications for the special permit findings related to Additional Zoning Relief. The Technical Memorandum appended to the Revised EAS considers the project with the Potential CPC Modifications and concludes that these changes would not alter the conclusions of the original environmental review.*

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[1] 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 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"),[2] 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 2020 *City Environmental Quality Review* (CEQR).

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[1] Throughout this document "developments" includes enlargements.

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

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.

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."[3] 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.[4] ADA accessibility by station is depicted in **Figure A-1**.

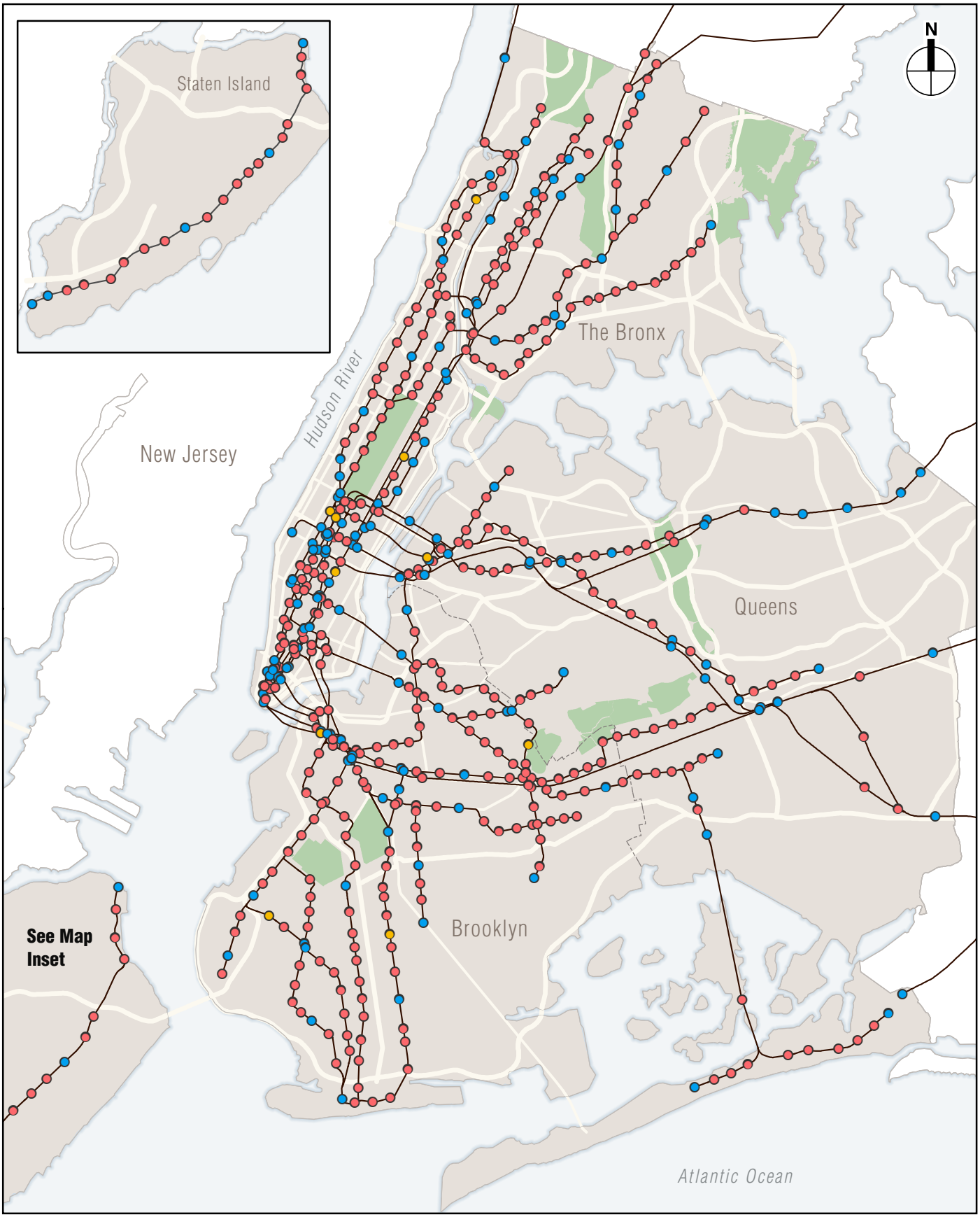
Moreover, the benefits of an accessible transit system extend far beyond improving the system for people with disabilities. Seniors, a large and quickly growing population, parents with young children, and people with temporary injuries, are just some of the population who rely on accessible stations. 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.

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

[4] "MTA Accessible Stations," https://new.mta.info/accessibility/stations, accessed March 19, 2021.



MTA Station Accessibility

Figure A-1

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 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 (CBDs).

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 requirement 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 requirements have been implemented at specific stations in other areas being rezoned by the City, most recently in the Special Inwood District,[5] as a component of the regulations governing new Special Purpose

[5] 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.

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.

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 ACTION

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 5,000 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**.

SYSTEM-WIDE EASEMENT REQUIRMENT

The proposed text amendment would create a system-wide easement 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 easements 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.[6] 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 wavier:** 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.

[6] Except for in R5 districts where the height increase would range from 5 feet to 12 feet depending on infill.

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, 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 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 easement requirement, 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.

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[7] 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,[8] as well as to any zoning lots within 500 feet of a station or 1,500 feet of a station within 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

[7] Would also be applicable to the Special Purpose Districts of Midtown, Lower Manhattan, Downtown Brooklyn, and Union Square

[8] Stations with qualifying lots within 500 feet or within 1,500 feet if in a CBD.

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 125th 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 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.

A draft of the proposed zoning text amendment is provided in **Appendix 1.**

D. D. DESCRIPTION OF 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,[9] in all residence districts at or above R5 with commercial overlay and R5D, 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.

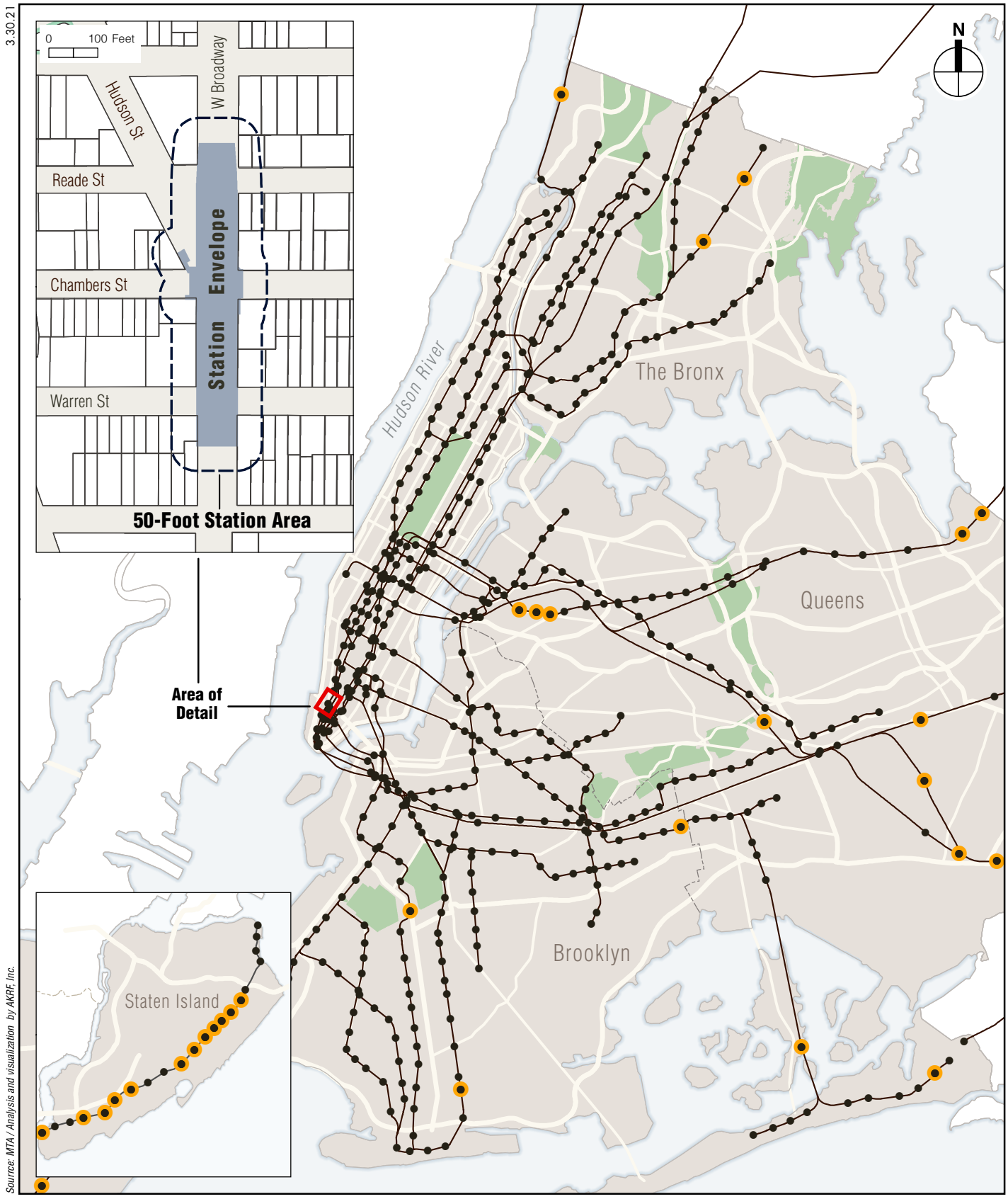
As shown in **Figure A-2**, citywide, 501 MTA Stations (out of 533) are located within 50 feet of a tax lot within a designated district and only 32 are not. Of the remaining 32 stations, 28 are surrounded by tax lots located within non-applicable zoning districts. These include:

- 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); and
- 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.

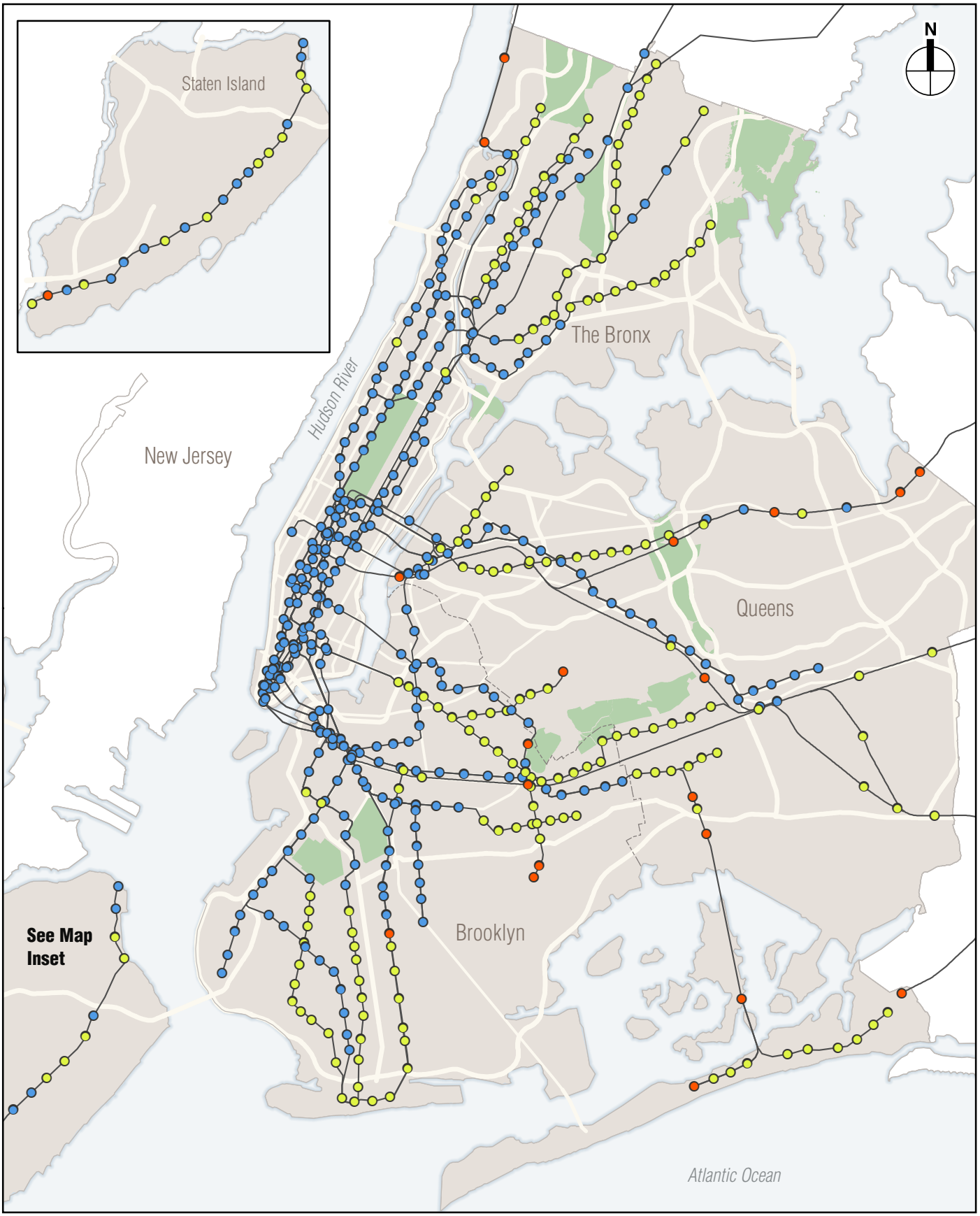
As shown on **Figure A-3** and in **Table A-1**, of the 533 MTA stations in New York City, approximately 62 percent are below grade, 34 percent are elevated, and the remaining 4 percent are at or near grade. Elevated stations are concentrated mostly in Brooklyn, Queens and the Bronx, representing approximately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

[9] 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.



Proposed Transit Easement Requirement Area

Figure A-2



MTA Station Typology

Figure A-3

Table A-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
Citywide	328	62%	184	34%	21	4%	533

Note: 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<).

As shown in **Table A-2**, the most prevalent zoning categories around mass transit 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 A-2
Mass Transit 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)[1]	2%
General Commercial (C4–C6)	29%
Specialty Commercial (C7, C8)[2]	2%
Manufacturing	11%
Mixed-Use (MX)	2%
Other Zoning Districts	11%
Parkland	3%
Total	**100%**

Notes:
Percentages describe the proportional area of each zoning district within the 50-foot Station Area of all mass transit stations, Citywide.
[1] Excludes C1 and C2 commercial overlays.
[2] Excludes C3 and C3A commercial districts.
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)

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 CBD. 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 A-3**, the most prevalent zoning category within the bonus area is general commercial. 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 A-3
Transit Improvement Bonus Program Area Zoning

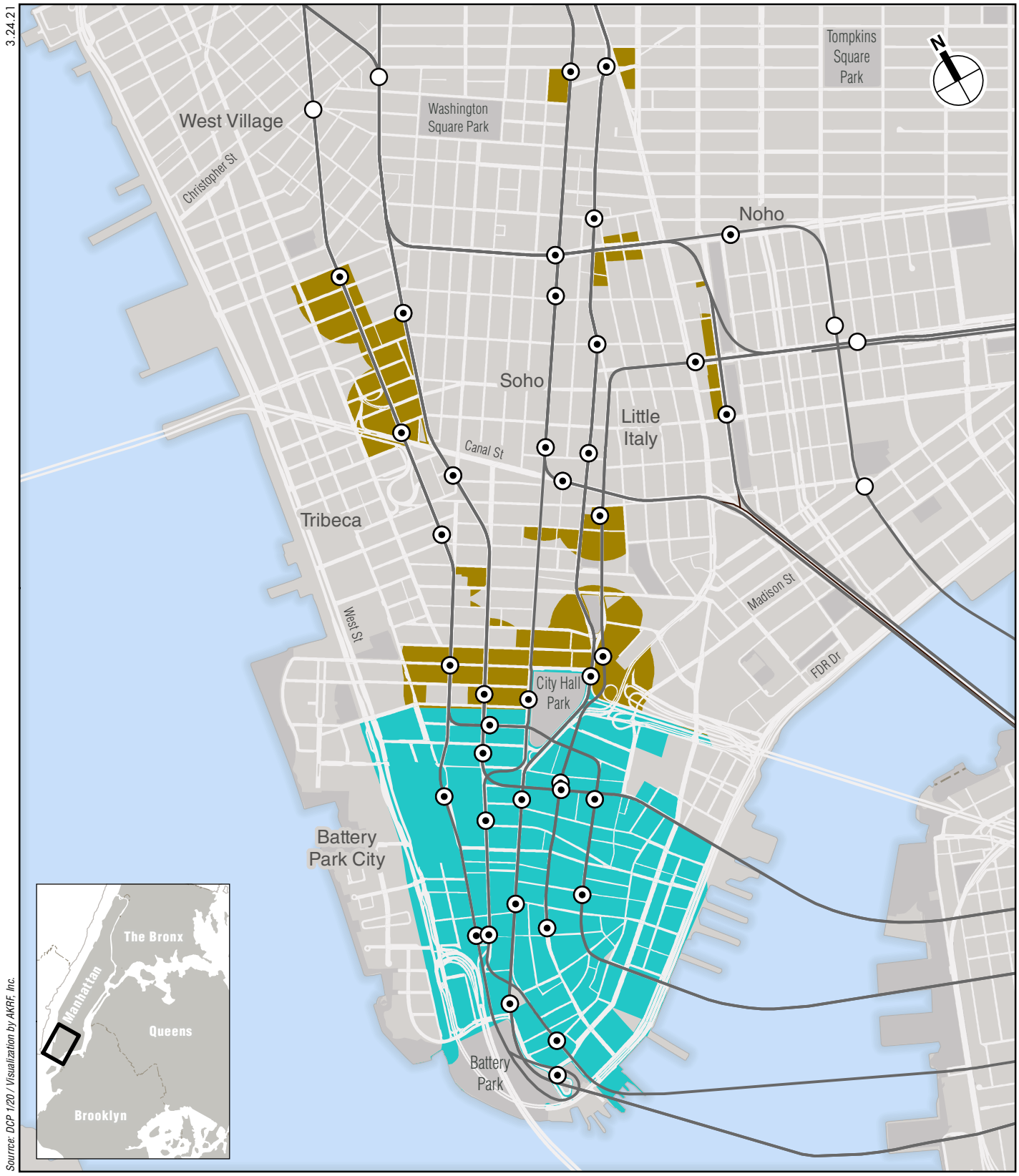
Zoning Type	Percent
High Density Residential (R9, R10)	9%
Neighborhood Commercial (C1, C2)	6%
General Commercial (C4–C6)	72%
Manufacturing (M1-6)	9%
Mixed-Use (MX)[1]	4%
Total	**100%**

Notes:
Percentages describe the proportional area of each applicable zoning district within the designated areas of applicability.
[1] R9 and R10 equivalent only.
Source: MapPLUTO 20v6

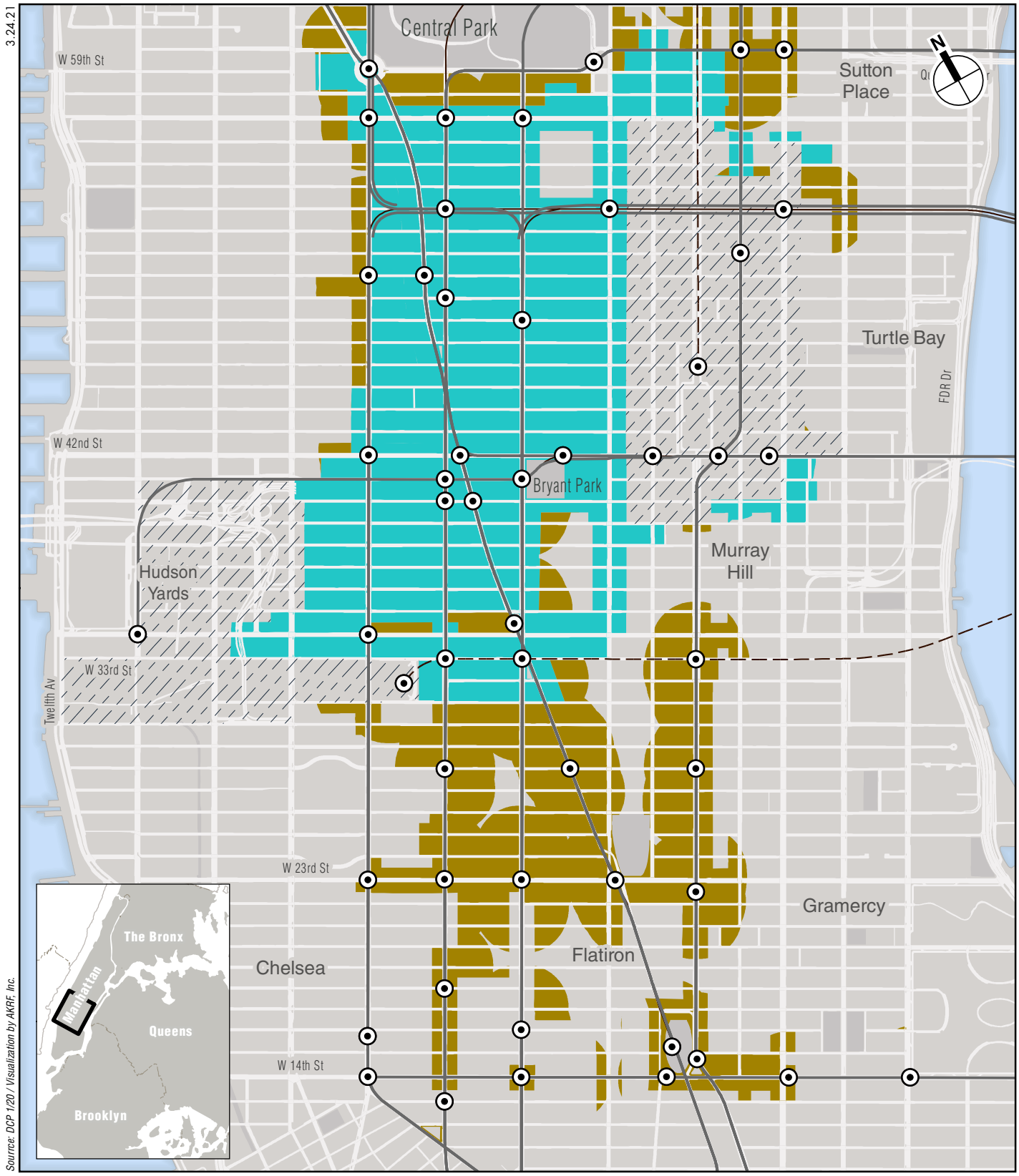
Maps indicating the geographic areas of eligibility and associated stations under the expanded zoning bonus mechanism are provided in **Figures A-4a through A-4h**.

E. 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.



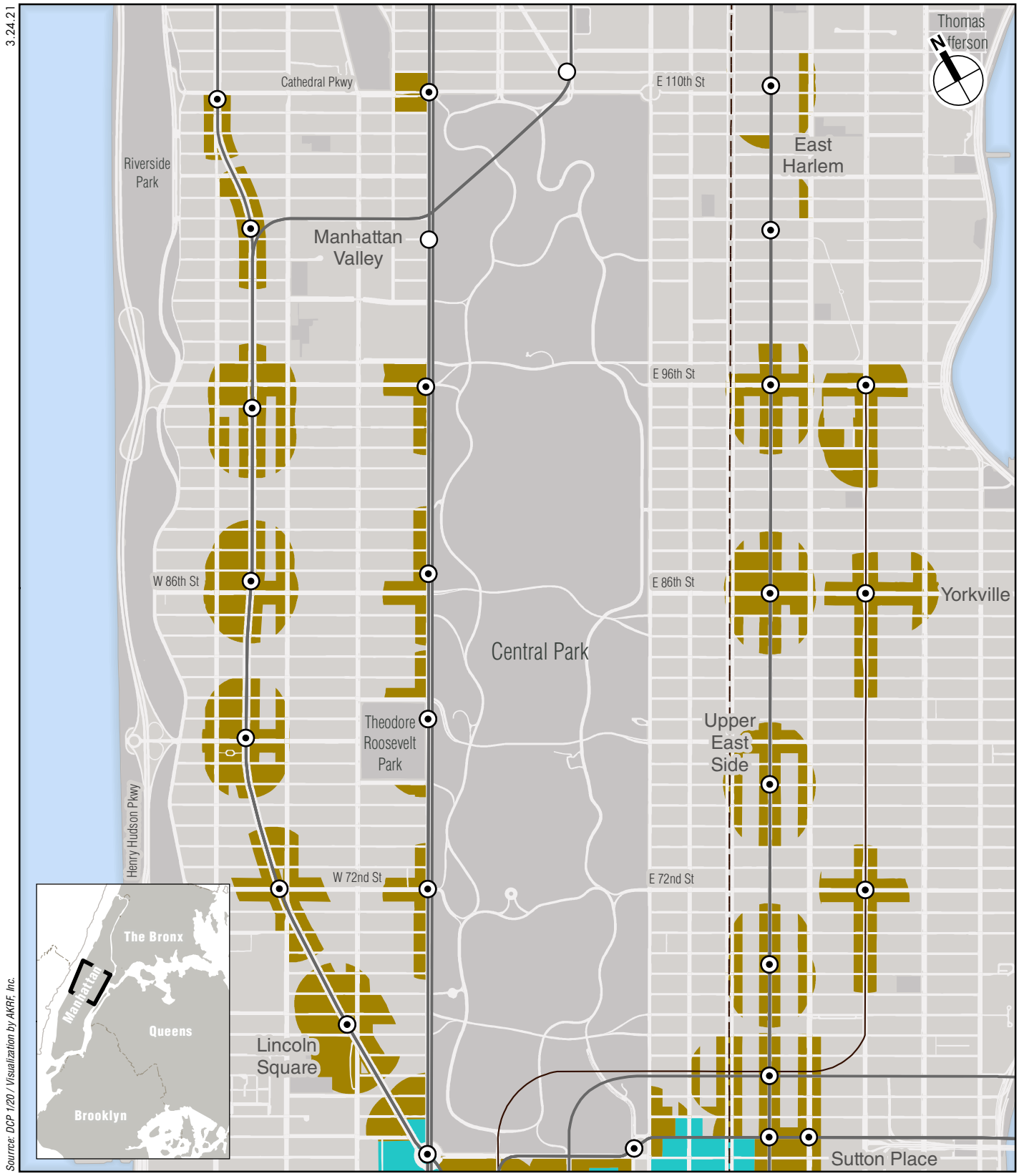
Lower Manhattan
Proposed Transit Improvement Bonus Area
Figure A-4a



Midtown Manhattan
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure A-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)

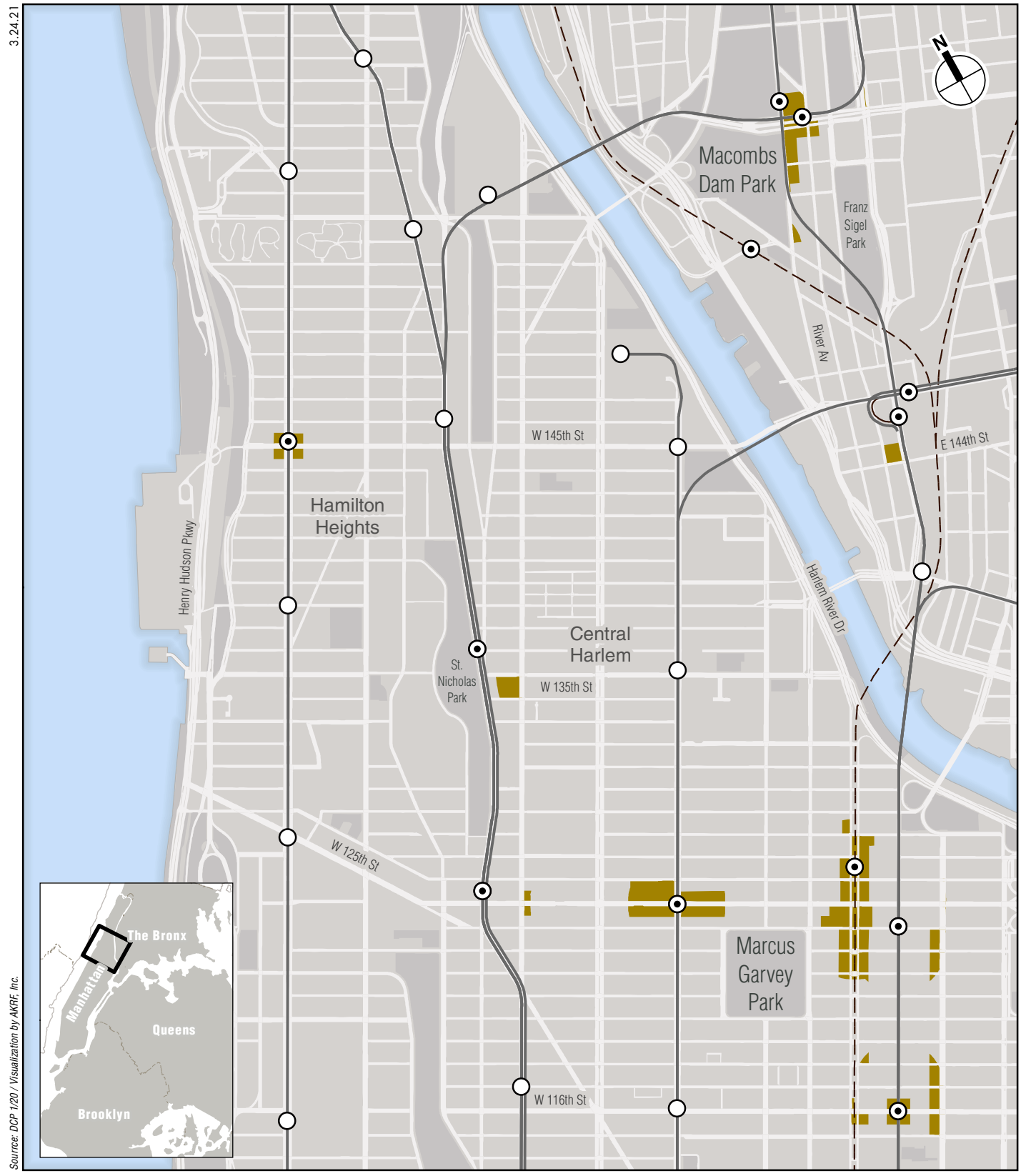
Outside Central Business District (500-foot station radius)

0 1,000 Feet

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

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

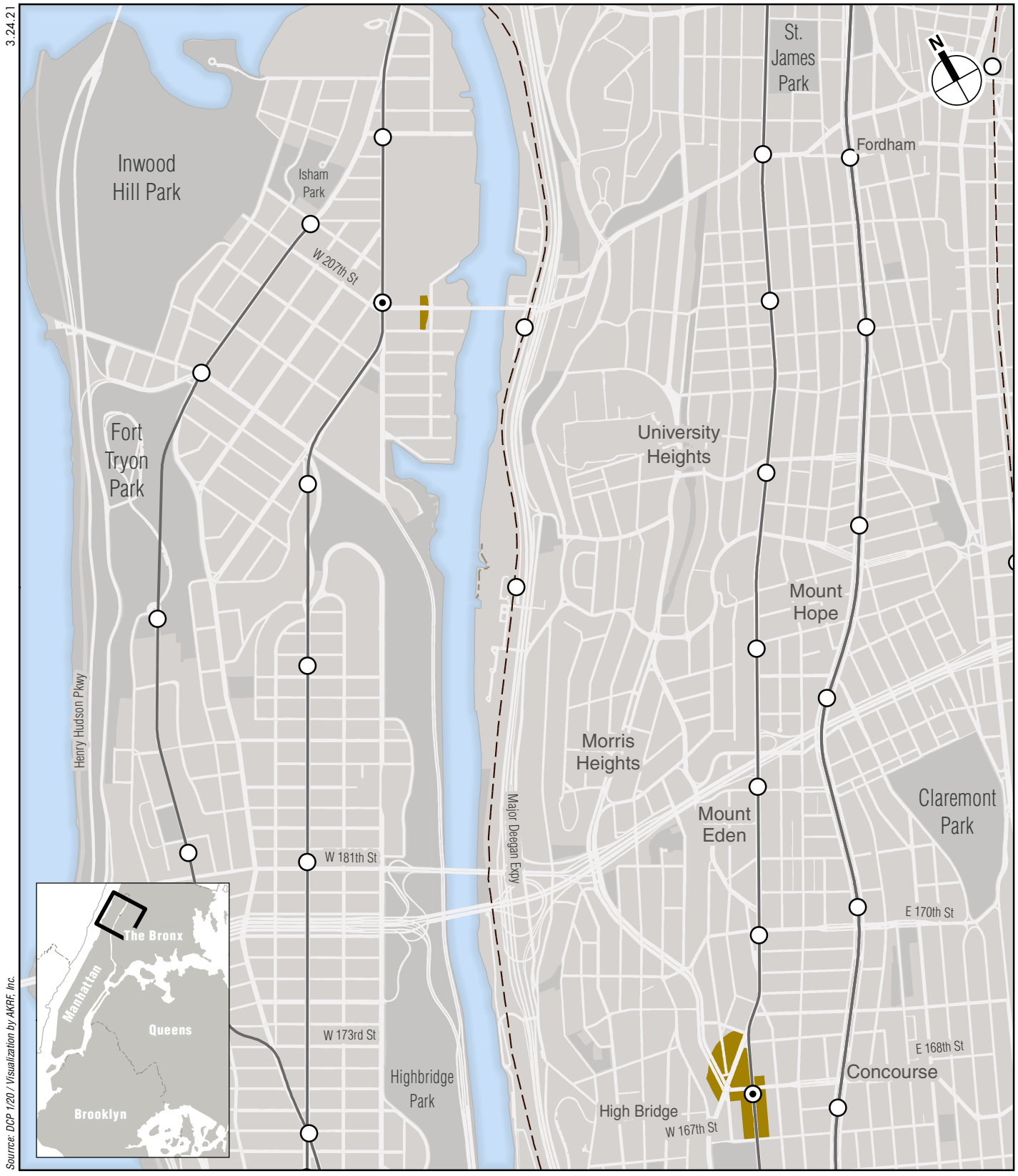
Figure A-4c



Harlem and The South Bronx
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure A-4d



MTA Station

Proposed Improvement Bonus Station

NYCT/SIR

LIRR/MNR

Proposed Transit Improvement Bonus Area

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

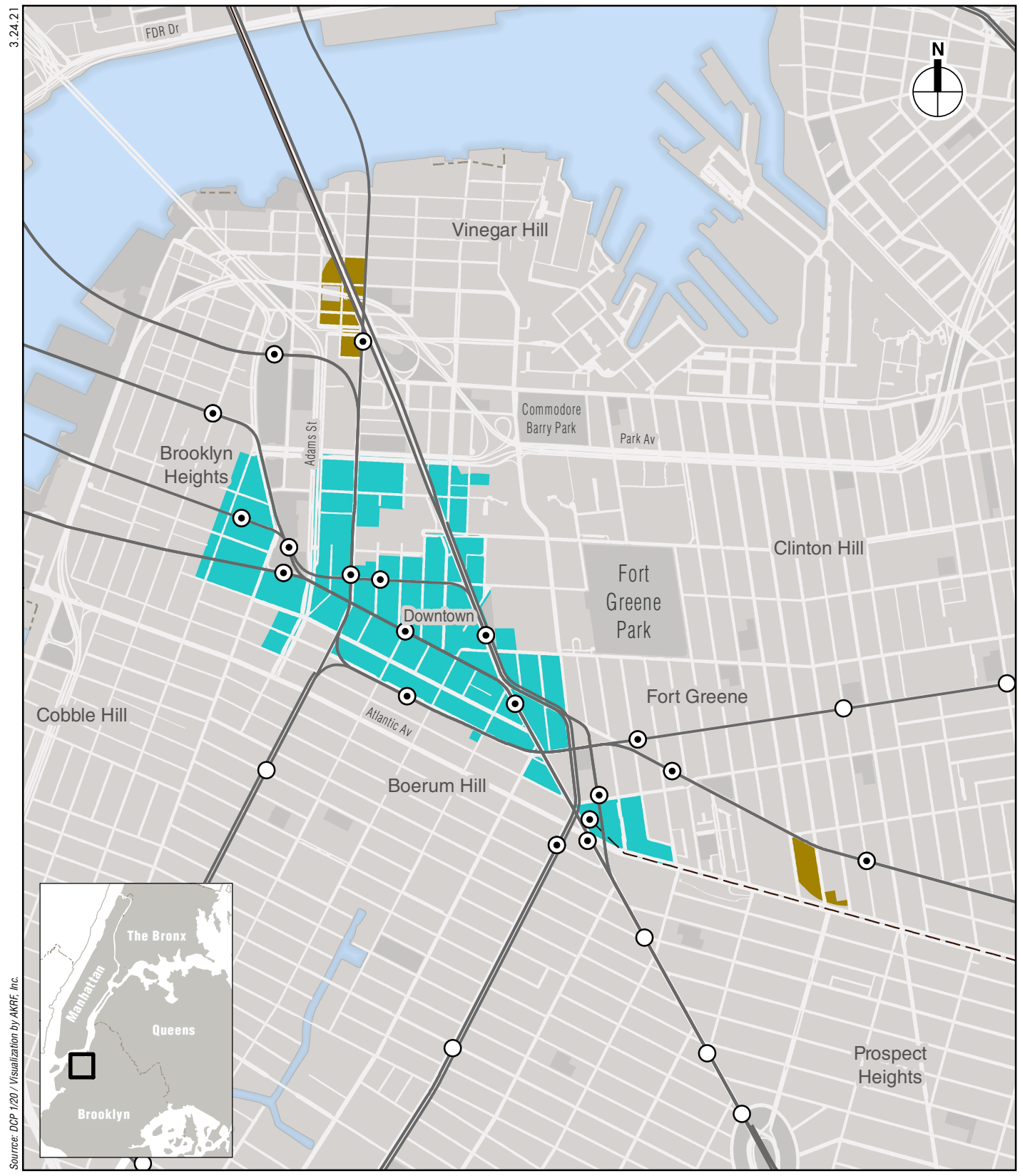
Outside Central Business District (500-foot station radius)

0 1,000 Feet

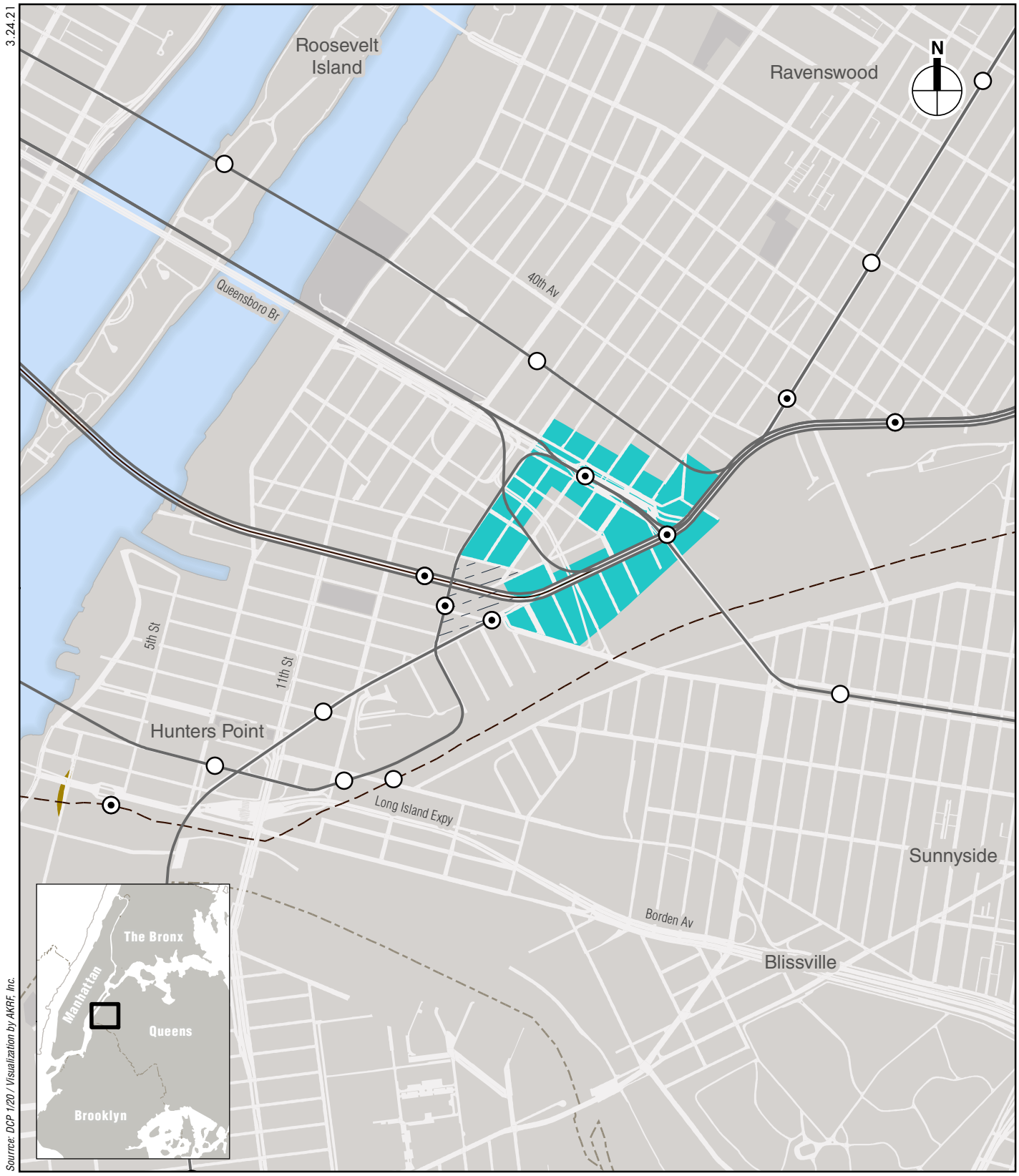
Inwood, Manhattan and The Bronx
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure A-4e



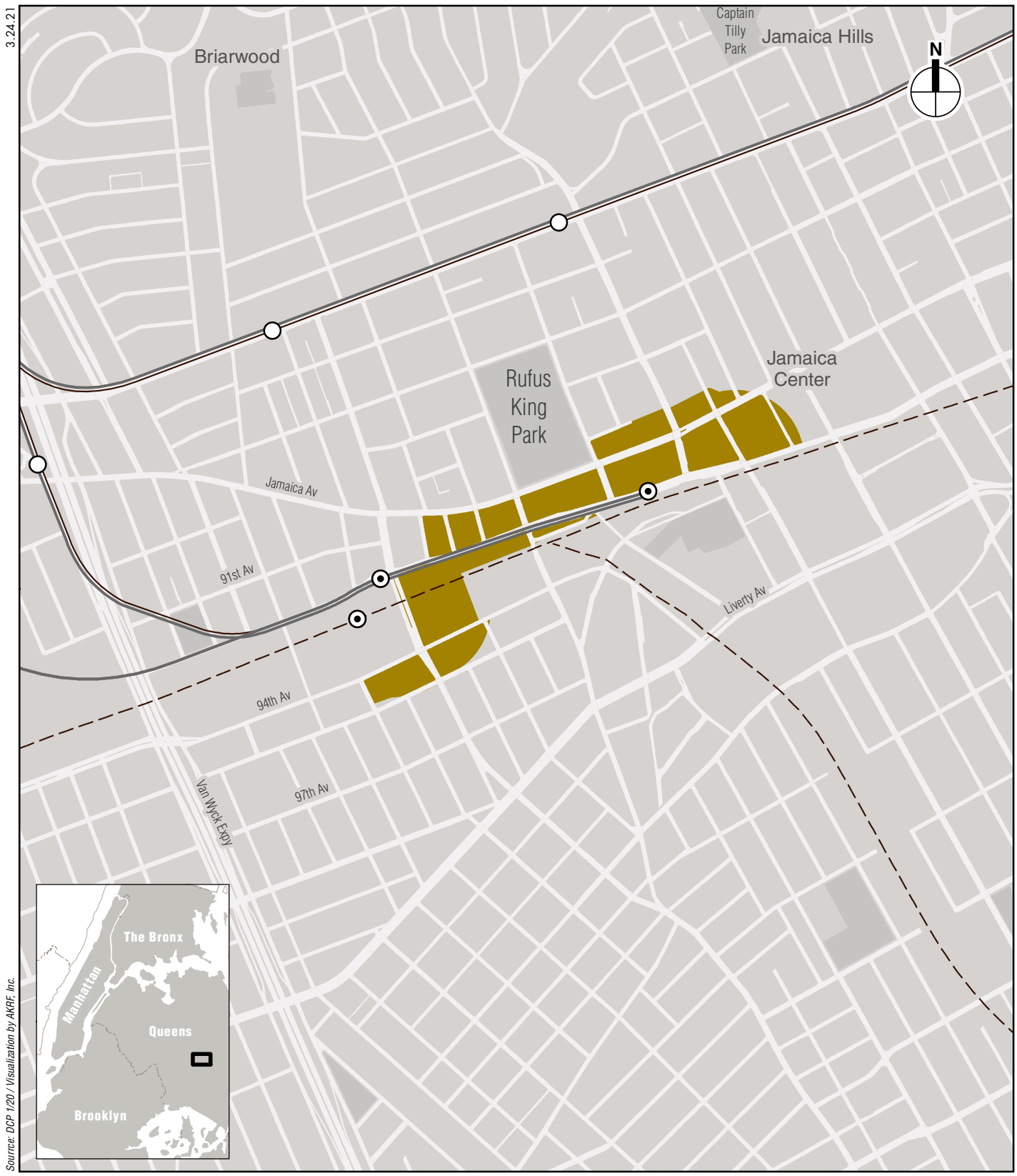
Downtown Brooklyn
Proposed Transit Improvement Bonus Area
Figure A-4f



Long Island City, Queens
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure A-4g



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 A-4h

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."[10] 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 the more optimal for station configuration and have fewer impediments to construction.

SUPPORT INTEGRATION OF TRANSIT EASEMENTS

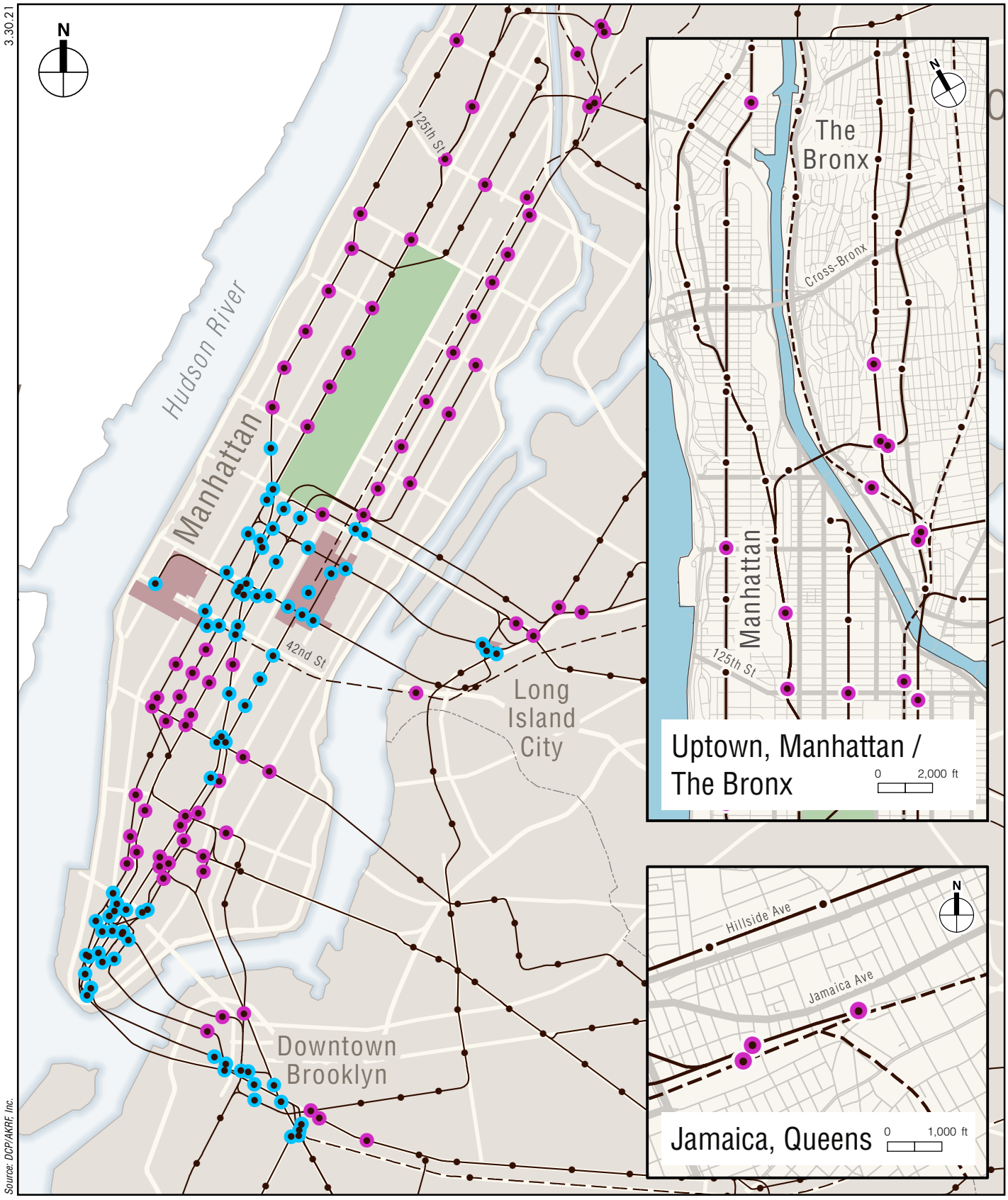
For sites that provide an easement, the Proposed Action seeks to align the construction of an easement with the design of the building. The Proposed Action includes set of relief to be made available to achieve that goal. The proposed provisions for development sites subject to a transit easement requirement 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 CBDs, as shown in **Figure A-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.

[10] https://new.mta.info/about-us/the-mta-network



Existing and Proposed Transit Bonus

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.

F. ANALYSIS FRAMEWORK

In accordance with the guidelines presented in the 2020 *CEQR Technical Manual*, the Proposed Action should be analyzed as a "generic action" because it would have wide application throughout the city and there are no known developments projected at this time. For such actions, a site-specific description or analysis is not appropriate. As described in the *CEQR Technical Manual*, generic analyses are conducted using the following methodology:

- **Identify Typical Cases:** Provide several descriptions similar to those in a localized action for cases that can reasonably typify the conditions and impacts of the entire proposal.
- **Identify a Range of Conditions:** A discussion of the range of conditions or situations under which the action may take place, so that the full range of impacts can be identified. As detailed below, this includes existing conditions, a future scenario without the Proposed Action, and a future scenario with the Proposed Action.

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.

REASONABLE WORST-CASE DEVELOPMENT SCENARIO

Because of the generic nature of the Proposed Action, there are no known or projected as-of-right development sites identified as part of the Proposed Action's Reasonable Worst-Case Development Scenario (RWCDS). To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical analysis sites ("prototype developments" or "prototype sites") have been identified to demonstrate the wide range of proposed regulations for sites that would be able to develop as-of-right in the future with the Proposed Action. These

prototypes represent a variety of possible development outcomes and are loosely based on real-world sites.

The analysis of the Proposed Action in this environmental review assesses the effects of the transit easement requirement and related zoning relief that would be granted as-of-right with the proposed text amendment in place, but it does not assess the proposed transit improvement bonus program that would be provided under the text amendment. Since a project pursuing this development bonus would be subject to discretionary review in the future With Action condition, it would require its own unique ULURP application and CEQR review. However, a separate "conceptual analysis" of the proposed transit improvement bonus program is included in this EAS (see Attachment H, "Conceptual Analysis") providing a qualitative analysis of the potential impacts that could result from the new discretionary action that would be created by the proposed text amendment. Three additional prototype developments were identified for the conceptual analysis as basis for that analysis, and are described in Attachment H, "Conceptual Analysis."

Development assumptions in the future without and with the Proposed Action reflect recent development patterns. The Proposed Action is not expected to change the rate of development in the affected mass transit stations areas, which is affected primarily by local real estate market conditions.

PROTOTYPICAL ANALYSIS

To assess the possible effects of the Proposed Action, a RWCDS was developed for the future without the Proposed Action (No Action condition) and the future with the Proposed Action (With Action condition) for each prototype site. As described for each prototype site below, the No Action condition represents likely development that would occur absent the Proposed Action. It also includes assumptions for transit easement provisions in cases where it is expected that the mass transit agency would pursue one either from the developer or the agency would build a station access point adjacent to the development site on the sidewalk. The With Action condition represents the projected development and transit easement volume on each site with the proposed zoning relief applied. The incremental difference between the No Action and With Action conditions serves as the basis for the analyses by which the potential environmental effects of the Proposed Action are evaluated.

In order to provide a robust analysis that both typifies and covers the range of conditions that would result from the Proposed Action, the nine prototype sites cover various combinations of zoning, lot type, lot size, and station type conditions. The prevalent station and zoning characteristics discussed in Section D, "Description of Project Area," were considered in developing the representative prototypes; however, several other factors were accounted for as well.

ZONING LOT IDENTIFICATION

To further inform the lot characteristics around station areas, a GIS analysis was conducted to identify zoning lots that, based on their size and development potential were most likely to be affected by the Proposed Action. Potential sites for redevelopment ("soft sites") were identified

based on typical CEQR soft site criteria. Based on this analysis, applicable station area "development" zoning lots were identified throughout the City.[11]

The zoning characteristics of these sites generally reflect the characteristics of the larger universe of lots surrounding mass transit station areas: medium/high density residential (especially those with commercial overlays) are the most prevalent districts followed by general commercial, low density residential and manufacturing. When categorized by lot size, smaller zoning lots (5,000 to 10,000 sf) are the most common group while medium lots (10,000 to 15,000 sf) and large lots (over 15,000 sf) are less common.

Building off of the prevalent characteristics identified in the zoning lot analysis, the zoning designation, lot type, station type, and easement type variables were considered holistically and nine prototypical analysis sites were chosen that would collectively cover the range of development types (both in the No Action and With Action condition), easement types and variety of zoning relief that would be provided in exchange for the easement volume. Overall, the transit easement prototypical analysis sites were developed to demonstrate:

- *Various easement arrangements in the No Action and With Action conditions.* A mix of With Action transit easement sizes (12-foot-by-20-foot and 35-foot-by-35-foot easements, as described in the following bullet), types (above-grade and below-grade), and locations were considered for the With Action condition. These were compared to different scenarios regarding the presence and location of easements in the No Action condition (since the mass transit agency would still pursue a transit easement absent the Proposed Action under certain conditions).
- *Transit easement sizes.* A 12-foot-by-20-foot easement size and a 35-foot-by-35-foot easement size were selected to represent the potential smallest and largest easements that might be needed to provide station access. A 12-foot-by-20-foot easement could provide sufficient space for either an elevator or stair, as well as the required fare control area (turnstiles). A 35-foot-by-35 foot easement could provide space for an elevator, stair, elevator machine room and fare control area (turnstiles).
- *Zoning districts with different types of provisions and density levels.* A variety of zoning groupings (i.e. low and medium/high density residential, low and medium/high density mixed residential and commercial, general commercial, manufacturing, etc.) were represented. Additionally, the effects of various provisions governing building bulk and setback on development (e.g. contextual districts, sky exposure plane, tower district) were considered.
- *Zoning districts with more restrictive provisions to account for sites that require more relief.* To account for a conservative but reasonable amount of zoning relief resulting from the Proposed Action, development in districts with more restrictive bulk provisions and developments in districts with higher parking requirements were considered.
- *Different types of development.* The inclusion of easement volumes on residential, mixed use (residential with ground floor commercial), commercial, and community facility developments were considered. Providing a range of potential uses that would occurred in an affected development further demonstrates the different types of zoning relief that would be needed to accommodate a transit easement, especially when applied to various restrictive zoning provisions,

[11] Some prototypical analysis sites were based on real locations, for the purpose of informing the technical analyses only. The prototypes do not represent any sites with current development plans.

- *A range of lot sizes and lot types.* To illustrate different scales of developments and their relationship to different types of easements, and demonstrate how an easement would impact development potential and building form, a range of lot sizes (5,000 sf, 10,000 sf, and 15,000 sf lots) and lot types (interior and corner lots) were evaluated.

As a result of this analysis, nine prototypical analysis sites were developed holistically to cover the full range of these variables and conditions. These prototypical analysis sites are summarized **Table A-4** and described in further detail below.

As discussed in Section C, "Description of the Proposed Action," in addition to the easement requirement, the Proposed Action includes an optional voluntary CPC Certification to facilitate an easement on a site that is not subject to the easement requirement. This optional certification would apply and provide zoning relief to developments on zoning lots in applicable districts with a lot area below 5,000 sf. This optional certification would also apply to conversions of any size on zoning lots within the same applicable districts, for which limited zoning relief would be provided. Because of the optional nature of this certification, and the limited number of available sites which could apply for this certification, small sites and very low density districts were not included in the prototypical analysis sites. The 10 prototype sites identified for CEQR analysis purposes prototypical analysis, which are based on sites that would be subject to the easement requirement, collectively cover the range of development types, easement types and variety of zoning relief that would be provided in exchange for the easement volume. The subsequent analyses contained in this Environmental Assessment Statement based on the prototype sites cover the extent of likely effects of the Proposed Action.

Table A-4
Prototypical Analysis Sites

Site	Development Type	Zoning District	Lot Area (sf)	Lot Type	Station Type	No Action			With Action		
						Easement	Built FAR	Height (ft)	Easement	Built FAR	Height (ft)
1	Medium density (contextual) residential	R6B	10,000	Interior	Below-grade	35'x35' (zoning lot)	2.00	55	35'x35'	2.00	65
2	Low density mixed-use	R5/C1-2	10,000	Interior	Above-grade	12'x20' (sidewalk)	1.65	33	35'x35'	1.65	45
3	Medium density (contextual) mixed-use	R7A/C2-4 (MIH)	5,000	Interior	Above-grade	12'x20' (zoning lot)	4.60	95	12'x20'	4.60	115
4	Medium density (contextual) mixed-use	R7A/C2-4 (MIH)	10,001	Interior	Above-grade	35'x35' (zoning lot)	4.19	95	35'x35'	4.60	115
5	High density (contextual) mixed-use	R9A/C1-5	10,000	Corner	Below-grade	None	7.52	135	35'x35'	7.52	145
6	Medium density (contextual) commercial	C4-3	5,000	Interior	Above-grade	None	3.40	110	12'x20'	3.40	90
7	High density commercial	C6-4	10,000	Interior	Below-grade	35'x35' (zoning lot)	10.00	206	35'x35'	10.00	206
8	Low Density Manufacturing/ General Services	C8-1	10,000	Corner	Above-grade	12'x20' (sidewalk)	2.4	95	35'x35'	2.4	60
9	Low Density Manufacturing/ General Services	M1-1	15,000	Corner	Above-grade	None	1.0	30	35'x35'	1.0	30

Note: [1] For the purposes of parking analysis, 10,001 sf lot was assumed.
Source: DCP

EXISTING CONDITIONS

It is assumed that the sites in the Existing Condition would be generally underbuilt and would be likely to be redeveloped under the No Action condition.

NO ACTION CONDITION

For this analysis, it is assumed that each prototypical development would generally maximize its development potential under the permitted FAR and bulk regulations for its underlying district; however, certain sites where an easement was assumed to be provided would not reach their full development potential given the challenges of providing an easement under current zoning regulations. For example, where easements are fully constructed with a functioning station connection, such vertical station elements are counted towards zoning floor area under current zoning regulations. Development outcomes in the No Action condition provide a baseline for analysis of the effect of the Proposed Action. The average dwelling unit (DU) size for the No Action developments is 1,000 zoning square feet (zsf) per DU for prototypical analysis sites in R5 districts (Site 2) and 850 zsf per DU for the remaining prototype sites which are in districts that are of a higher density than R5. For some prototypes, it was assumed that the mass transit agency would pursue an access easement on the zoning lot through an agreement with the developer or build the station access point on the sidewalk.

WITH ACTION CONDITION

Under the With Action condition, a transit easement volume (varying in size based on the prototype) would be provided on each prototypical site pursuant to the proposed transit easement requirement. To ensure that such sites and their development potential are not negatively impacted by the provision of an easement, a limited range of zoning relief would be made available to development on these sites. In the future with the Proposed Action, station entrances within the easement volume area at or above ground level would be exempt from zoning floor area calculations. Beyond floor area exemption, additional zoning modifications would be provided at each prototype site, based on their zoning district. As described in Section C, "Description of the Proposed Action," these modifications generally include:

- **Floor Area and Open Space Provisions:** To ensure that the accommodation of an easement does not reduce development potential, and to allow greater flexibility in locating an easement on a development site.
- **Height and Setback Modifications:** To facilitate the accommodation of all permitted floor area that is given to a site.
- **Parking Relief:** To address potential limitations created by the easement to provide required parking spaces.
- **Use Allowances:** To support compatible uses around station entrances that will enhance the quality of the pedestrian experience.
- **Streetscape Provisions:** To 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.

Average dwelling unit size assumptions for each prototype site are similar to the No Action condition.

Detailed descriptions and illustrative renderings of the No Action and With Action conditions on each of the nine prototypical analysis sites are provided below

PROTOTYPE 1: MEDIUM DENSITY RESIDENTIAL DEVELOPMENT IN AN R6B DISTRICT, ON 10,000 SF INTERIOR LOT, AT A BELOW-GRADE STATION.

As illustrated in **Figure A-6**, this prototype evaluates the effects of the Proposed Action on a residential multifamily development on small to medium sized lots in contextual residence districts with strict street wall regulations and higher parking requirements. The effects of the Proposed Action are measured from a site that is adjacent to a below-grade station.

R6B zoning districts are medium density contextual districts that permits a maximum FAR of 2.0 for residential uses and a maximum FAR of 2.0 for community facility uses. Commercial uses are not permitted in this district. Given that R6B is a contextual district, developments with a qualifying ground floor are subject to a maximum base height of 45 feet and a maximum building height of 55 feet. Pursuant to street wall requirements, the street wall shall be located no closer to the street line than the closest street wall of an existing adjacent building. Accessory off-street parking shall be provided for 50 percent of the total number of market-rate dwelling units.

The No Action condition reflects a five-story, approximately 20,800 gsf as-of-right residential development consisting of 22 DUs with an FAR of 2.0. Pursuant to parking requirements, eleven accessory off-street parking spaces would be provided. In compliance with height and setback regulations, the building would have a maximum height of 55 feet and a street wall no closer to the street line than the adjacent buildings. For the purposes of demonstrating the impacts of an easement, a 35-foot by 35-foot easement is assumed on this site in the No Action condition, which would count towards zoning floor area on the site.

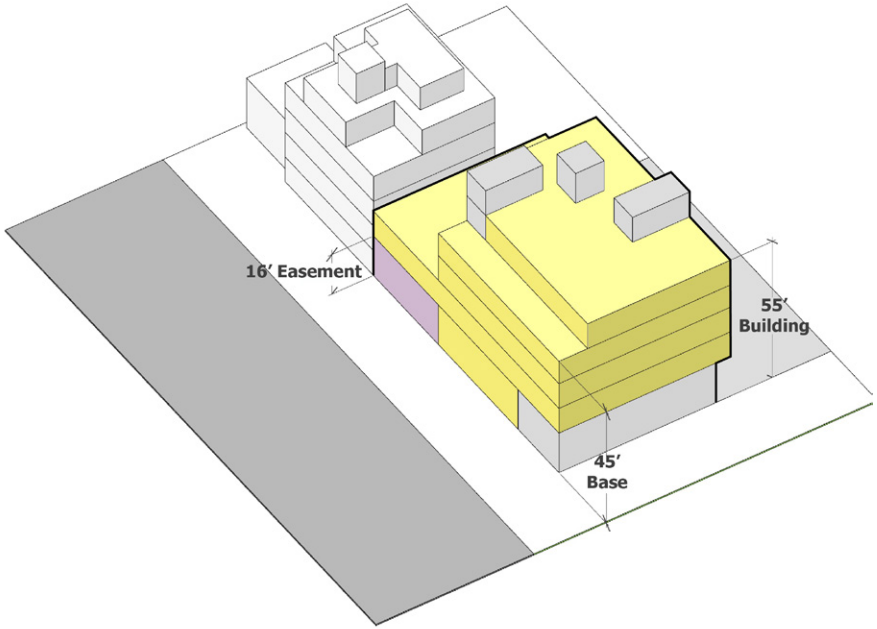
To demonstrate the effects of the Proposed Action on such a site, a 35-foot-by-35-foot transit easement is also assumed on the zoning lot in the With Action condition; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements;
- Waive all parking requirements;
- Allow commercial uses on the ground floor within 30 feet of the easement; and
- Modify height and setback to allow an increase height by one story on top of maximum height for easements service below-grade stations.

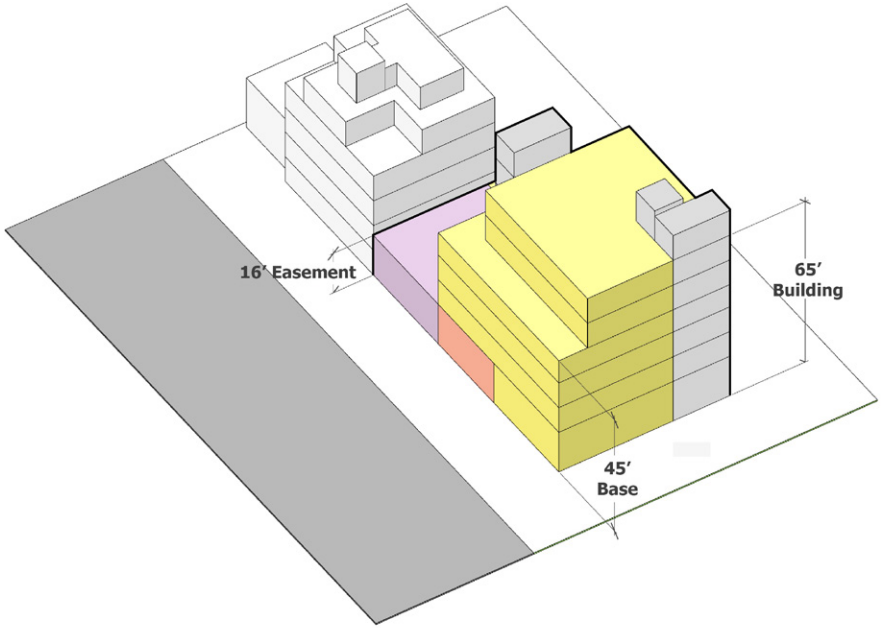
This zoning relief would result in a With Action development of 22,400 gsf (roughly 1,600 gsf larger than the No Action development), the majority of which would be residential use at 21,600 gsf with 23 DUs and 800 gsf of commercial use around the easement for the purposes of encouraging compatible uses around station entrances. The prototype site would be six-stories at 65 feet tall (compared to 55 feet tall in the No Action development), with a total FAR of 2.00. Given parking relief under the Proposed Action, no parking would be required or provided in the With Action condition. The proposed set of relief facilitated by the Proposed Action allows for a more flexible building envelope that enables the utilization of more efficient construction techniques.

Compared to the No Action condition, the With Action condition would result in an overall development increment of approximately 1,600 gsf, including 1 DU and 800 gsf of commercial

NO ACTION



WITH ACTION



	No Action	With Action	Increment
Maximum Allowable Zoning Floor Area	20,000 zsf (2.00 FAR)	20,000 zsf (2.00 FAR)	0 zsf
Built Zoning Floor Area	20,000 zsf (2.00 FAR)	20,000 zsf (2.00 FAR)	0 zsf
Residential	*18,800 zsf*	*19,300 zsf*	*500 zsf*
Commercial	*None*	*700 zsf*	*700 zsf*
Easement	*1,200 zsf*	*0 zsf*	*-1,200 zsf*
Built Gross Floor Area	20,800 gsf	22,400 gsf	1,600 gsf
Residential	*20,800 gsf*	*21,600 gsf*	*800 gsf*
Commercial	*None*	*800 gsf*	*800 gsf*
Maximum Height (feet)	45' base/55' building	45' base/65'. building	0' base/10' building
Dwelling Units	22	23	11
Parking Spaces	11	None	-11

Notes:
1) gsf – gross square feet; zsf - zoning square feet
2) gsf and zsf are rounded to the nearest 100 square feet.

Source: NYCDCP and WSP

Commercial Use
Residential Use
Office / Medical Office Use
Transit Easement
Rail (Non-Easement) Components
Parking / Vertical Circulation Elements

Prototypical Analysis Site 1:
R6B on a 10,000 sf Lot (Below-Grade Station)
No Action Condition vs. With Action Condition

space. The building height would increase by 10 feet (one story). There would be no change in overall FAR. Parking would decrease by 11 spaces.

PROTOTYPE 2: LOW DENSITY RESIDENTIAL MIXED-USE DEVELOPMENT IN A R5/C1-2 DISTRICT, ON 10,000 SF INTERIOR LOT, AT AN ABOVE-GRADE STATION.

As illustrated in **Figure A-7**, this prototype evaluates the effects of the Proposed Action on a residential mixed-use development on medium lots in low density districts that are adjacent to an above-grade station. The prototype demonstrates height and parking concerns at this density level, and also covers R5B bulk by assuming it is a predominantly built-up area (PBUA).[12]

R5 zoning districts are low density residence districts that permit a maximum FAR of 1.65 for residential uses and a maximum FAR of 2.0 for community facility uses. C1-2 commercial overlay districts are mapped within residential neighborhoods to serve local retail needs. C1-2 overlay districts allow neighborhood-serving commercial uses with a maximum FAR of 1.0. It is assumed that this prototype is within a PBUA, which is subject to R5B height rules. This prototype would have a maximum street wall height of 30 feet, above which no portion of the building or other structure shall penetrate a plane rising from the maximum street wall height of 30 feet (at 20 degrees to the horizontal) to a maximum building height of 33 feet. Since the prototype is located in a C1-2 overlay, there is no required front yard. Accessory off-street parking is required for 66 percent of the total number of market-rate dwelling units and 1 accessory parking space per 300 sf of commercial floor area which can be waived if the number of parking spaces is less than 15.

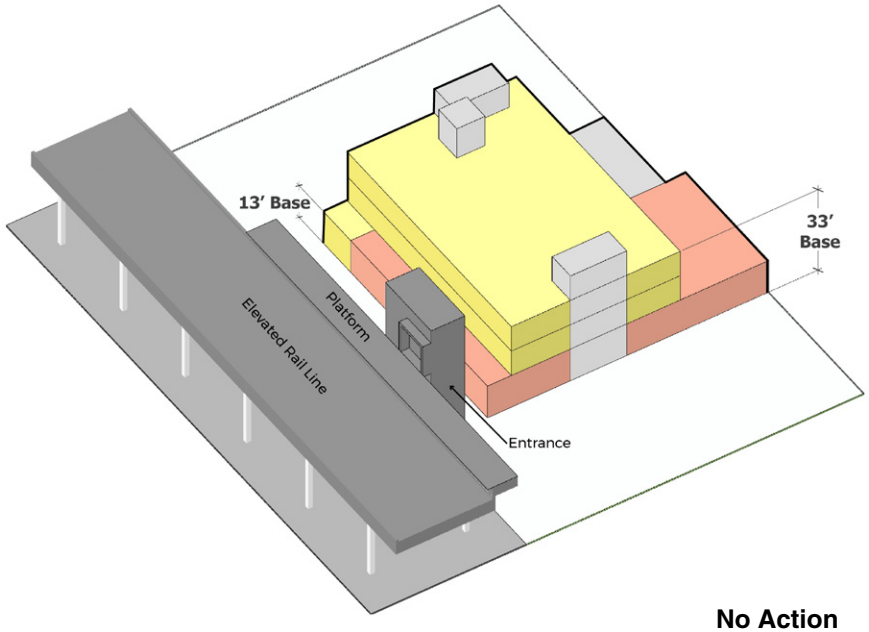
The No Action condition reflects a three-story, approximately 18,000-gsf as-of-right residential development consisting of nine DUs and 5,800 gsf of commercial space with and overall FAR of 1.65. A total of six required parking spaces would be provided. The building would have a maximum height of 33 feet and does not have a front yard requirement. Under the No Action condition, the MTA may decide to build a station access point, such as an elevator or sidewalk stair on the sidewalk; therefore, a 12-foot-by-20-foot area on the sidewalk/public right-of-way was assumed for this prototype. A 12-foot-by-20-foot area on the sidewalk/public right-of-way could accommodate an elevator or sidewalk stair that could connect to an existing mezzanine. A 12-foot-by-20-foot area on the sidewalk/public right-of-way could also accommodate an elevator that connects to an existing stair. The accommodation of an elevator or staircase on the sidewalk may require the relocation of underground utilities.

In the With Action condition, the MTA would pursue a worst-case scenario of a 35-foot-by-35-foot transit easement on the zoning lot. The assumption is that the zoning lot would not be adjacent to an existing mezzanine. Due to ADA code requirements, MTA cannot build an elevator far from other means of egress and hence it is assumed the need for building both an elevator and stair. The Proposed Action would provide the following zoning relief:

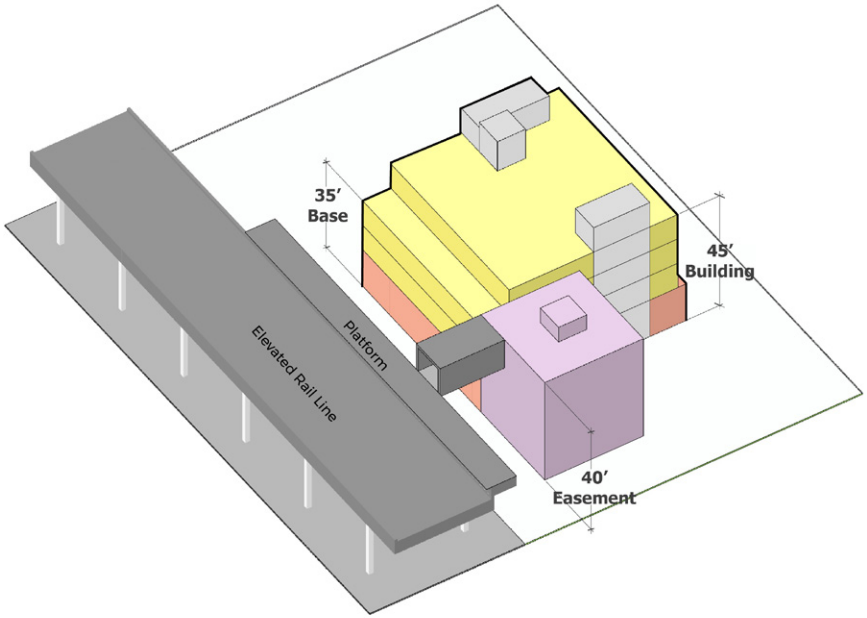
- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements;
- Waive the parking requirements;

[12] A PBUA as defined by ZR Section 12-10 is a block entirely within R4 or R5 districts, including a commercial district mapped within such residence districts, having a maximum area of four acres with buildings on zoning lots comprising 50 percent or more of the area of the block.

NO ACTION



WITH ACTION



	No Action	With Action	Increment
Maximum Allowable Zoning Floor Area	16,500 zsf (1.65 FAR)	16,500 zsf (1.65 FAR)	0 zsf
Built Zoning Floor Area	16,500 zsf (1.65 FAR)	16,500 zsf (1.65 FAR)	0 zsf
Residential	*11,600 zsf*	*13,600 zsf*	*2,000 zsf*
Commercial	*4,900 zsf*	*2,900 zsf*	*-2,000 zsf*
Easement	*None*	*0 zsf*	*0 zsf*
Built Gross Floor Area	18,000 gsf	17,800 gsf	-200 gsf
Residential	*12,200 gsf*	*14,400 gsf*	*2,200 gsf*
Commercial	*5,800 gsf*	*3,400 gsf*	*-2,400 gsf*
Maximum Height (feet)	13' base/33' building	35' base/45'. building	22' base/12' building
Dwelling Units	9	12	3
Parking Spaces	6	None	-6

Notes:
1) gsf – gross square feet; zsf - zoning square feet
2) gsf and zsf are rounded to the nearest 100 square feet.

Source: NYCDCP and WSP

Commercial Use
Residential Use
Office / Medical Office Use
Transit Easement
Rail (Non-Easement) Components
Parking / Vertical Circulation Elements

Prototypical Analysis Site 2:
R5 with a C1-2 Overlay on a 10,000 sf Lot
No Action Condition vs. With Action Condition

- Increase the maximum lot coverage from 55 percent to 65 percent; and
- Modify height and setback to allow a base height of up to 45 feet and a maximum building height of 55 feet after a 15-foot setback.

This zoning relief would result in a With Action condition development of approximately 17,800 gsf, with a majority being residential use at 14,400 gsf and 12 DUs, and the remaining 3,400 gsf being commercial use. The With Action building would be four stories with a max height of 45 feet and have an FAR of 1.65. Given parking relief under the Proposed Action, no parking would be required or provided in the With Action condition.

Compared to the No Action condition, the With Action condition would result in a slight overall decrease in development of 200 gsf, but would have a small increase in residential space including 3 DUs. There would be an overall decrease of approximately 2,400 gsf of commercial space. The building height would increase by 12 feet (one story) and no change in FAR. Parking would decrease by six spaces.

PROTOTYPE 3: MEDIUM DENSITY RESIDENTIAL MIXED-USE DEVELOPMENT IN A R7/C2-4 DISTRICT, ON 5,000 SF INTERIOR LOT, AT AN ABOVE-GRADE STATION.

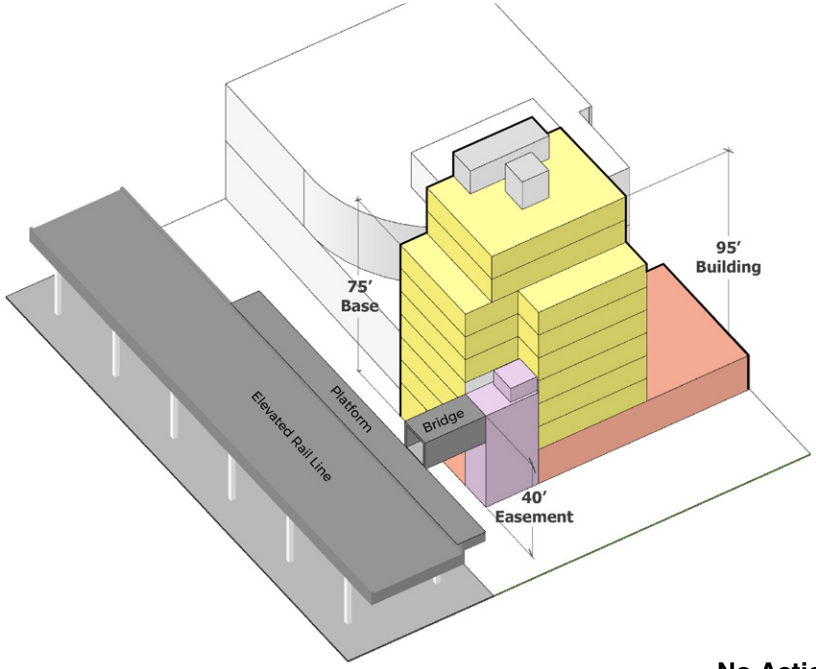
As illustrated in **Figure A-8**, this prototype is located in an R7/C2-4 zoning district in a Mandatory Inclusionary Housing (MIH) Area and evaluates the effects of the Proposed Action on a typical medium density residential and mixed-use development on smaller lots that are adjacent to an above-grade station. The prototype demonstrates the effect of the easement requirement on smaller building envelopes.

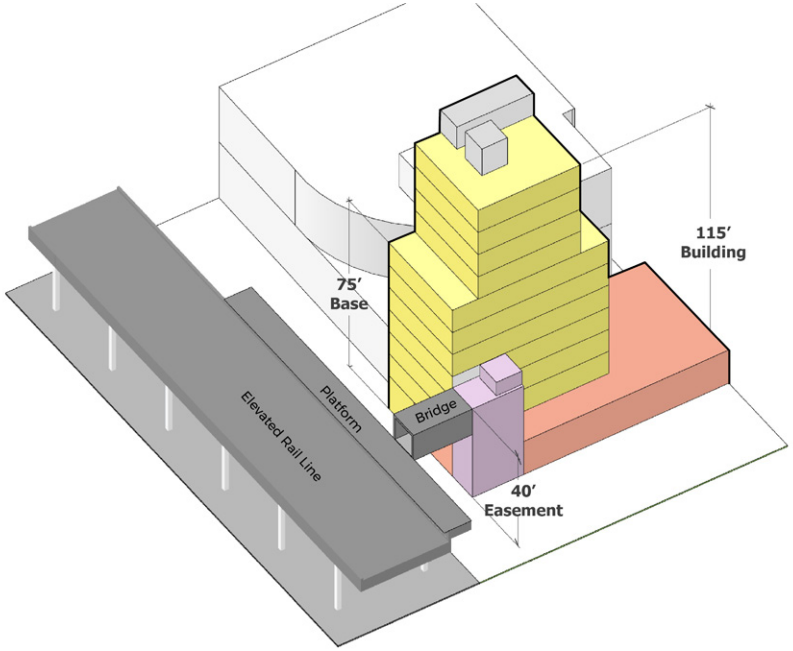
R7A zoning districts are medium density residence districts that permit a maximum FAR of 4.6 for residential uses when in an MIH area and a maximum FAR of 4.0 for community facility uses. C2-4 commercial overlay districts are mapped within residential neighborhoods and generally allow commercial uses that serve local retail needs with a maximum FAR of 2.0 when mapped over an R7A district. R7A districts are contextual districts, with a maximum base height of 75 feet and maximum building height of 95 feet (with a qualifying ground floor). At least 70 percent of the aggregate width of street walls must be located within eight feet of the street line. Accessory off-street parking is required for 30 percent of the total market-rate DUs in R7A districts and 1 accessory parking space per 1,000 sf of commercial floor area is required in C2-4 districts, but can be waived if fewer than 25 spaces are required.

The No Action condition reflects a nine-story, 25,400 gsf development, with 21,500 gsf of residential use and 3,900 gsf of commercial use, and an overall FAR of 4.60. It would consist of 23 DUs, of which six would be affordable. No parking spaces would be required and none would be provided. The building would have a maximum height of 95 feet and would have a street wall of 70 percent within eight feet of the street line. A reasonable easement size for a lot of this size would be 12 feet by 20 feet, and this prototype assumes an easement would be provided under the No Action condition to demonstrate the burden the easement could have on smaller lots.

In the With Action condition, the MTA would pursue a 12-foot-by-20-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements; and





	No Action	With Action	Increment
Maximum Allowable Zoning Floor Area	23,000 zsf (4.60 FAR)	23,000 zsf (4.60 FAR)	0 zsf
Built Zoning Floor Area	23,000 zsf (4.60 FAR)	23,000 zsf (4.60 FAR)	0 zsf
Residential	*19,200 zsf*	*19,700 zsf*	*500 zsf*
Commercial	*3,300 zsf*	*3,300 zsf*	*0 zsf*
Easement	*500 zsf*	*0 zsf*	*-500 zsf*
Built Gross Floor Area	25,400 gsf	25,800 gsf	400 gsf
Residential	*21,500 gsf*	*21,900 gsf*	*400 gsf*
Commercial	*3,900 gsf*	*3,900 gsf*	*0 gsf*
Maximum Height (feet)	75' base/95' building	75' base/115'. building	0' base/20' building
Dwelling Units	23	23	0
Parking Spaces	None	None	0

Notes:
1) gsf – gross square feet; zsf - zoning square feet
2) gsf and zsf are rounded to the nearest 100 square feet.

Source: NYCDCP and WSP

Commercial Use
Residential Use
Office / Medical Office Use
Transit Easement
Rail (Non-Easement) Components
Parking / Vertical Circulation Elements

Prototypical Analysis Site 3: R7A with a C2-4 Overlay (Mandatory Inclusionary Housing Area) on a 5,000 sf Lot
No Action Condition vs. With Action Condition

- Increase height by two additional stories on top of maximum height for above ground easements.

This zoning relief would result in a With Action development of 25,800 gsf (approximately 900 gsf smaller than the No Action development), with 21,900 gsf of residential use and 23 DUs, six of which would be affordable, and 3,900 gsf of commercial use. The With Action building would be 11-stories with a max height of 115 feet (compared to nine stories and 95 feet tall in the No Action condition), and have an FAR of 4.60.

Compared to the No Action condition, the With Action condition would result in an overall development decrease of approximately 400 gsf. There would be no change in the number of DUs or commercial space. The building height would increase by 20 feet (two stories) and have the same FAR.

PROTOTYPE 4: MEDIUM DENSITY RESIDENTIAL MIXED-USE DEVELOPMENT IN A R7A/C2-4 DISTRICT, ON 10,000 SF INTERIOR LOT, AT AN ABOVE-GRADE STATION.

As illustrated in **Figure A-9**, this prototype evaluates the effects of the Proposed Action on a residential mixed-use development on medium lots in medium density residence districts that are adjacent to an above-grade station. This prototype is located in an R7A/C2-4 zoning district in an MIH area, and represents a district with restrictive building envelope regulations. It assumes commercial use on the ground floor (extending to the rear yard) and below-grade parking.

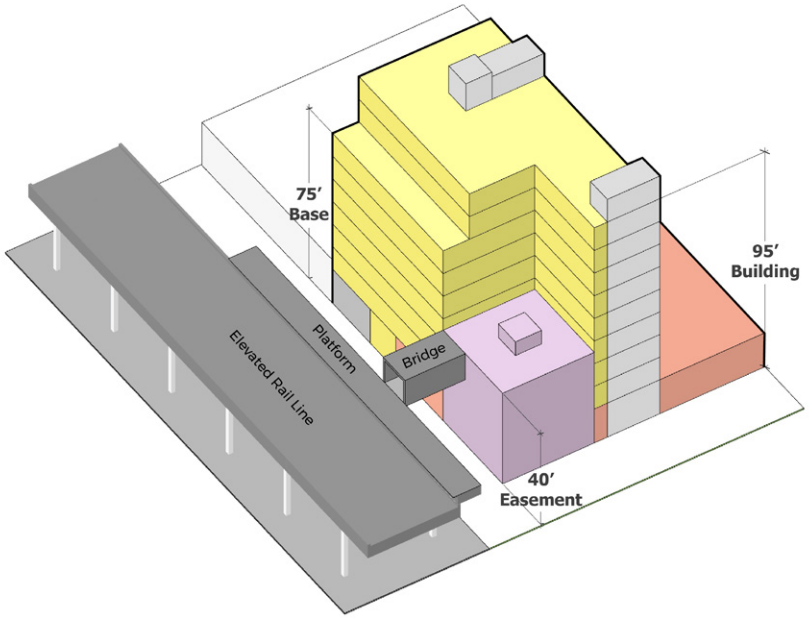
R7A zoning districts are medium density residence districts that permit a maximum FAR of 4.6 for residential uses when in an MIH area and a maximum FAR of 4.0 for community facility uses. C2-4 commercial overlay districts are mapped within residential neighborhoods and generally allow commercial uses that serve local retail needs with a maximum FAR of 2.0 when mapped over an R7A district. R7A districts are contextual districts, with a maximum base height of 75 feet and maximum building height of 95 feet (with a qualifying ground floor). At least 70 percent of the aggregate width of street walls must be located within eight feet of the street line. Accessory off-street parking is required for 30 percent of the total market-rate DUs in R7A districts and 1 accessory parking space per 1,000 sf of commercial floor area is required in C2-4 districts, but can we waived if fewer than 25 spaces are required.

The No Action condition reflects a nine-story, approximately 44,100-gsf as-of-right mixed-use development with residential use at 38,300 gsf with 40 DUs, 5,800 gsf of commercial use, and an FAR of 4.19. Seventeen required parking spaces would be provided below grade. The building would have a maximum height of 95 feet and would have a street wall of 70 percent within eight feet of the street line. A reasonable easement size for a lot of this size would be 35 feet by 35 feet, and this prototype assumes an easement would be provided in the No Action condition.

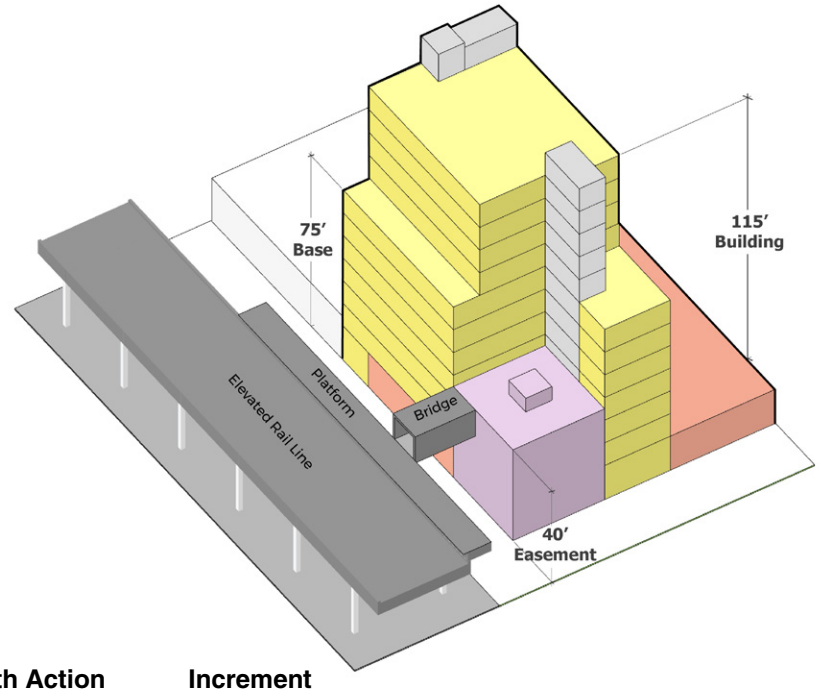
In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements;
- Waive the parking requirements; and
- Increase height by two additional stories on top of maximum height for above ground easements.

NO ACTION



WITH ACTION



	No Action	With Action	Increment
Maximum Allowable Zoning Floor Area	46,000 zsf (4.60 FAR)	46,000 zsf (4.60 FAR)	0 zsf
Built Zoning Floor Area	41,900 zsf (4.19 FAR)	46,000 zsf (4.60 FAR)	4,100 zsf
Residential	*34,500 zsf*	*39,600 zsf*	*5,100 zsf*
Commercial	*4,900 zsf*	*6,400 zsf*	*1,500 zsf*
Easement	*2,500*	*0 zsf*	*-2,500 zsf*
Built Gross Floor Area	44,100 gsf	51,500 gsf	7,400 gsf
Residential	*38,300 gsf*	*44,000 gsf*	*5,700 gsf*
Commercial	*5,800 gsf*	*7,500 gsf*	*1,700 gsf*
Maximum Height (feet)	75' base/95' building	75' base/115'. building	0' base/20' building
Dwelling Units	40	47	7
Parking Spaces	17	None	-17

Notes:
1) gsf – gross square feet; zsf - zoning square feet
2) gsf and zsf are rounded to the nearest 100 square feet.

Source: NYCDCP and WSP

Commercial Use
Residential Use
Office / Medical Office Use
Transit Easement
Rail (Non-Easement) Components
Parking / Vertical Circulation Elements

Prototypical Analysis Site 4: R7A with a C2-4 Overlay (Mandatory Inclusionary Housing Area) on a 10,000 sf Lot
No Action Condition vs. With Action Condition

This zoning relief would result in a With Action development of approximately 51,500 gsf (approximately 7,400 gsf larger than the No Action development), with 44,000 gsf of residential use and 47 DUs, 12 of which would be affordable, and 7,500 gsf of commercial use. The prototype building would be 11 stories with a max height of 115 feet (compared to nine stories and 95 feet tall in the No Action development), and have an FAR of 4.60.

Compared to the No Action condition, the With Action condition would result in an overall development increase of approximately 7,400 gsf, which would include 7 additional DUs (5 market-rate and 2 affordable) and 1,700 gsf of additional commercial space. The building height would increase by 20 feet (two stories) and the development would have an overall increase of 0.66 FAR. Parking would decrease by 17 spaces compared to the No Action condition.

PROTOTYPE 5: HIGH DENSITY RESIDENTIAL MIXED-USE DEVELOPMENT IN A R9A/C1-5 DISTRICT, ON 10,001 SF CORNER LOT, AT A BELOW-GRADE STATION.

As illustrated in **Figure A-10**, this prototype evaluates the effects of the Proposed Action on residential mixed-use developments on corner lots in high density districts that are adjacent to a below-grade station. Corner lots have special street wall locations and articulation rules that would be evaluated. The prototype demonstrates a high density mixed-use districts on the Upper West Side.

R9A zoning districts are medium density residence districts that permit a maximum FAR of 7.52 for residential uses (outside of MIH areas) and a maximum FAR of 7.50 for community facility uses. C1-5 commercial overlay districts are mapped within residential neighborhoods and generally allow commercial uses that serve local retail needs with a maximum FAR of 2.0 when mapped over an R9A district. R9A districts are contextual districts, with a maximum base height of 105 feet and maximum building height of 145 feet (on a wide street). The street wall must be located on the street line and extend along the entire street frontage. This prototypical site is located in the Manhattan Core; therefore, no parking is required.

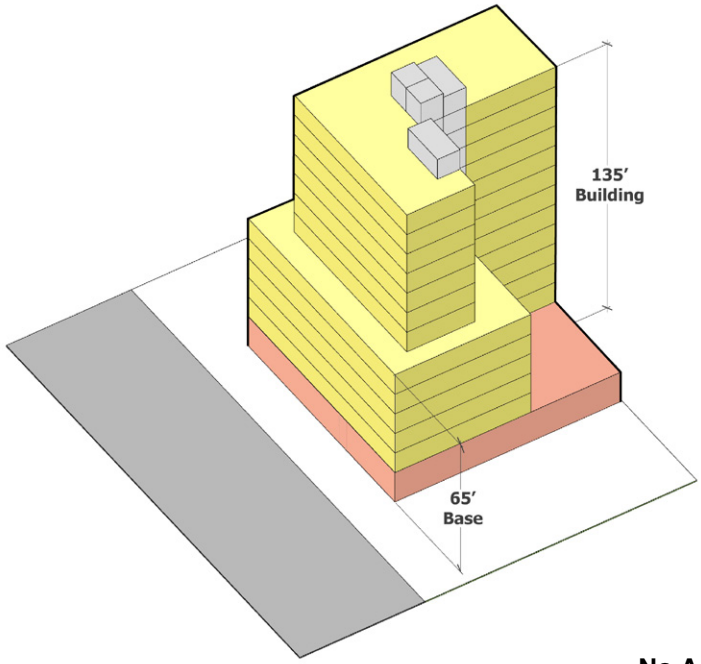
The No Action condition reflects a 13-story, approximately 84,000-gsf as-of-right residential mixed-use development with 75,600 gsf of residential use consisting of 80 DUs and 8,400 gsf of commercial space, with an overall FAR of 7.52. No parking spaces would be required or provided. The building would have a maximum height of 135 feet and would have a 15-foot setback above a 65-foot high base, which would be built to the street line. In this scenario, no easement is considered in the No Action condition as the sidewalk conditions may not be optimal for a transit easement.

In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

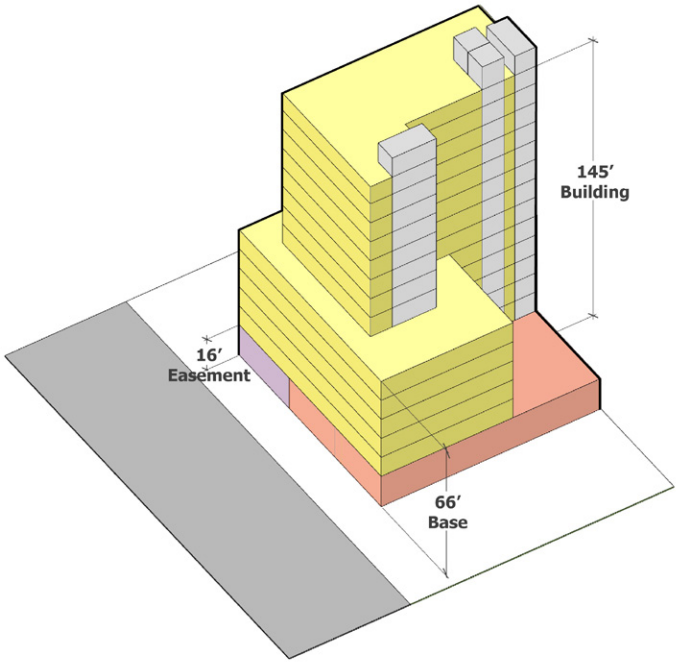
- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements;
- Increase height by one additional story on top of maximum height for easements serving below-grade stations.

This zoning relief would result in a With Action development of approximately 83,900 gsf, including 76,500 gsf of residential use with 81 DUs, and 7,400 gsf of commercial use. The prototype building would be 14 stories with a max height of 145 feet and have an FAR of 7.52.

NO ACTION



WITH ACTION



	No Action	With Action	Increment
Maximum Allowable Zoning Floor Area	75,200 zsf (7.52 FAR)	75,200 zsf (7.52 FAR)	0
Built Zoning Floor Area	75,200 zsf (7.52 FAR)	75,200 zsf (7.52 FAR)	0
Residential	*68,100 zsf*	*68,900 zsf*	*800 zsf*
Commercial	*7,100 zsf*	*6,300 zsf*	*-800 zsf*
Easement	None	*0 zsf*	*0 zsf*
Built Gross Floor Area	84,000 gsf	83,900 gsf	-100 gsf
Residential	*75,600 gsf*	*76,500 gsf*	*900 gsf*
Commercial	*8,400 gaf*	*7,400 gsf*	*-1,000 gsf*
Maximum Height (feet)	65' base/135' building	66' base/145'. building	1' base/10' building
Dwelling Units	80	81	1
Parking Spaces	None	None	0

Notes:
1) gsf – gross square feet; zsf - zoning square feet
2) gsf and zsf are rounded to the nearest 100 square feet.

Source: NYCDCP and WSP

Commercial Use
Residential Use
Office / Medical Office Use
Transit Easement
Rail (Non-Easement) Components
Parking / Vertical Circulation Elements

Prototypical Analysis Site 5: R9A with a C1-5 Overlay on a 10,000 sf Lot (Below-Grade Station)
No Action Condition vs. With Action Condition

Compared to the No Action condition, the With Action condition would have roughly the same amount of overall development; however, it would have increase of approximately 900 gsf (1 DU) of residential space and a decrease of approximately 1,000 gsf of commercial space. The building height would increase by 10 feet (one story). The development would have no change in overall FAR.

PROTOTYPE 6: MEDIUM DENSITY COMMERCIAL DEVELOPMENT IN A C4-3 DISTRICT, ON 5,000 SF INTERIOR LOT, AT AN ABOVE-GRADE STATION.

As illustrated in **Figure A-11**, this prototype evaluates the effects of the Proposed Action on a typical commercial development on smaller lots in medium density districts that are adjacent to an above-grade station. The prototype demonstrates concerns about high parking requirements and modifications to the sky exposure plane rules at this density level.

C4-3 zoning districts are medium density commercial districts mapped in regional commercial centers outside of CBDs, and permit a maximum FAR of 3.4 (R6 residence district equivalent) for commercial uses and a maximum FAR of 4.8 for community facility uses. C4-3 districts are non-contextual districts that are subject to sky exposure plane rules, which allow for a maximum front wall height of 60 feet and a 5.6 to 1 sky exposure plane slope (on a wide street) above this height. Accessory off-street parking is required at rate of 1 space per 400 sf of commercial office floor area.

The No Action condition reflects a seven-story, approximately 20,000-gsf as-of-right commercial development with an FAR of 3.40. A total of 43 accessory parking spaces would be required and provided on the ground floor. The building would have a maximum height of 110 feet and have no required set back; however, it would be subject to a sky exposure plane above 60 feet. In this scenario, no easement is considered as the sidewalk conditions may not be optimal for a transit easement.

In the With Action condition, the MTA would pursue a 12-foot-by-20-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

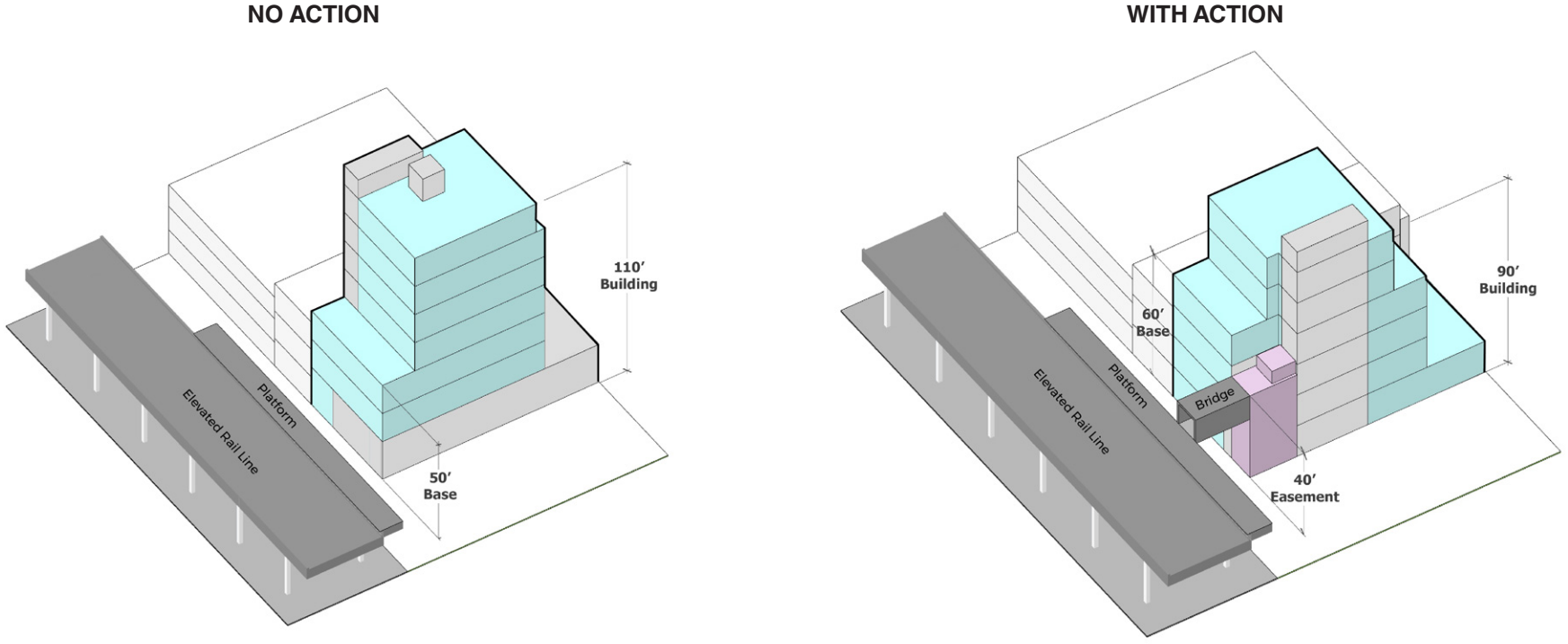
- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements; and
- Waive the parking requirements.

This would result in a With Action condition development with 20,000 gsf of commercial use. The With Action building would be six stories with a max height of 90 feet, and have a total FAR of 3.40.

Compared to the No Action condition, the With Action condition would have the same amount of overall development with no change in the overall FAR; however, the building height would decrease by 20 feet (one story). There would also be a decrease of 43 parking spaces compared to the No Action condition.

PROTOTYPE 7: HIGH DENSITY COMMERCIAL DEVELOPMENT IN A C6-4 DISTRICT, ON 10,000 SF INTERIOR LOT, AT A BELOW-GRADE STATION.

As illustrated in **Figure A-12**, this prototype evaluates the effects of the Proposed Action on a typical tower development on medium to large interior lots in high density districts (R8, R9, and R10 equivalent) that are adjacent to a below-grade station. This prototype is located in a C6-4



	No Action	With Action	Increment
Maximum Allowable Zoning Floor Area	17,000 zsf (3.40 FAR)	17,000 zsf (3.40 FAR)	0 zsf
Built Zoning Floor Area	17,000 zsf (3.40 FAR)	17,000 zsf (3.40 FAR)	0 zsf
Commercial	17,000 zsf	17,000 zsf	*0 zsf*
Easement	*None*	*0 zsf*	*0 zsf*
Built Gross Floor Area	20,000 gsf	20,000 gsf	0 gsf
Commercial	*20,000 gsf*	*20,000 gsf*	*0 gsf*
Maximum Height (feet)	50' base/110' building	60' base/90' building	10' base/-20' building
Parking Spaces	43	None	-43

Notes:
1) gsf – gross square feet; zsf - zoning square feet
2) gsf and zsf are rounded to the nearest 100 square feet.

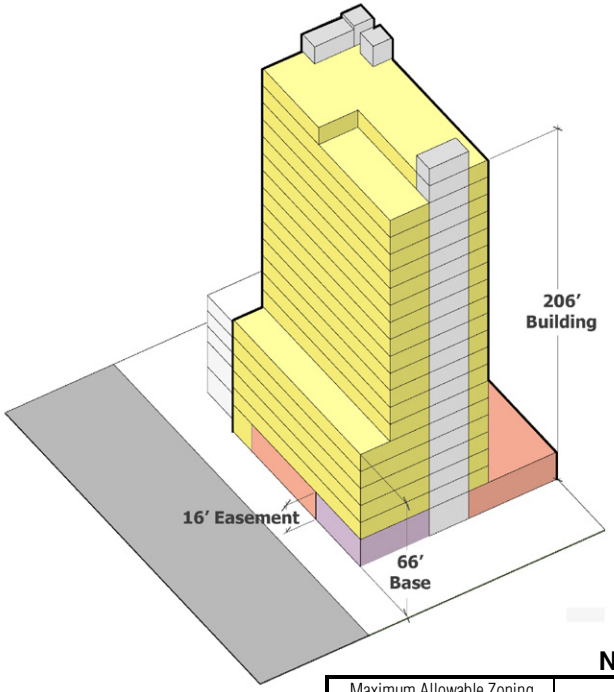
Source: NYCDCP and WSP

Commercial Use
Office / Medical Office Use
Rail (Non-Easement) Components
Residential Use
Transit Easement
Parking / Vertical Circulation Elements

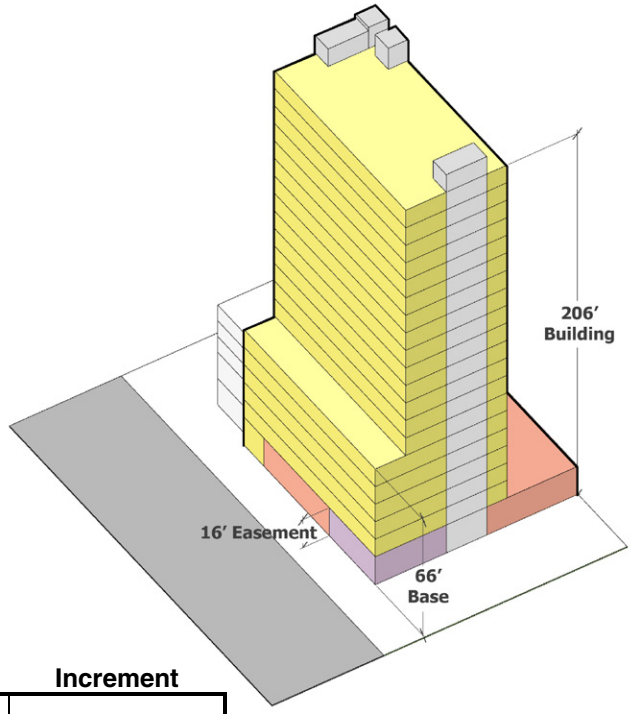
Prototypical Analysis Site 6:
C4-3 on a 5,000 sf Lot
No Action Condition vs. With Action Condition

Figure A-11

NO ACTION



WITH ACTION



	No Action	With Action	Increment
Maximum Allowable Zoning Floor Area	100,000 zsf (10.00 FAR)	100,000 zsf (10.00 FAR)	0
Built Zoning Floor Area	100,000 zsf (10.00 FAR)	100,000 zsf (10.00 FAR)	0
Residential	*92,700 zsf*	*93,900 zsf*	*1,200 zsf*
Commercial	*6,100 zsf*	*6,100 zsf*	*0 zsf*
Easement	*1,200 zsf*	*0 zsf*	*-1,200 zsf*
Built Gross Floor Area	110,100 gsf	111,500 gsf	1,400 gsf
Residential	*103,000 gsf*	*104,300 gsf*	*1,300 gsf*
Commercial	*7,100 gsf*	*7,200 gsf*	*100 gsf*
Maximum Height (feet)	66' base/206' building	66' base/206'. building	0' base/0' building
Dwelling Units	109	110	1
Parking Spaces	None	None	0

Notes:
1) gsf – gross square feet; zsf - zoning square feet
2) gsf and zsf are rounded to the nearest 100 square feet.

Source: NYCDCP and WSP

Commercial Use
Residential Use
Office / Medical Office Use
Transit Easement
Rail (Non-Easement) Components
Parking / Vertical Circulation Elements

Prototypical Analysis Site 7:
C6-4 on a 10,000 sf Lot (Below-Grade Station)
No Action Condition vs. With Action Condition

zoning district which is a high density commercial district mapped in CBDs, and permits a maximum FAR of 10.0 for commercial, residential (R10 equivalent) and community facility uses. In terms of height, this district has the option of using standard tower provisions, which allows a portion of a building to penetrate the sky exposure plane. Since this prototypical site is located in the Manhattan Core, no parking is required.

The No Action condition reflects a 20-story, approximately 110,100-gsf as-of-right mixed residential and commercial development, consisting of 103,000 gsf of residential space (109 DUs), 7,100 gsf of ground floor commercial use, with an overall FAR of 10.0. No parking spaces would be required or provided. The building would have a maximum height of 206 feet and would have sky exposure plane and tower rules. For a lot of this size, a 35-foot-by-35-foot easement is assumed to demonstrate the need for zoning relief.

In the With Action condition, the mass transit agency would pursue a 35-foot-by-35-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area; and
- Exempt easement volume from street wall requirements.

This zoning relief would result in a With Action development of 111,500 gsf, including 104,300 gsf of residential use with 110 DUs, and 7,200 gsf of ground floor commercial use. The With Action building would be 20 stories with a maximum building height of 206 feet, and have an FAR of 10.0.

Compared to the No Action condition, the With Action condition would have an approximately 1,400 gsf increase in overall development, which would be attributed to residential use and would result in an increase of one DU and there would be an increase of 100 gsf of commercial space; however, there would be no change in the overall FAR or building height.

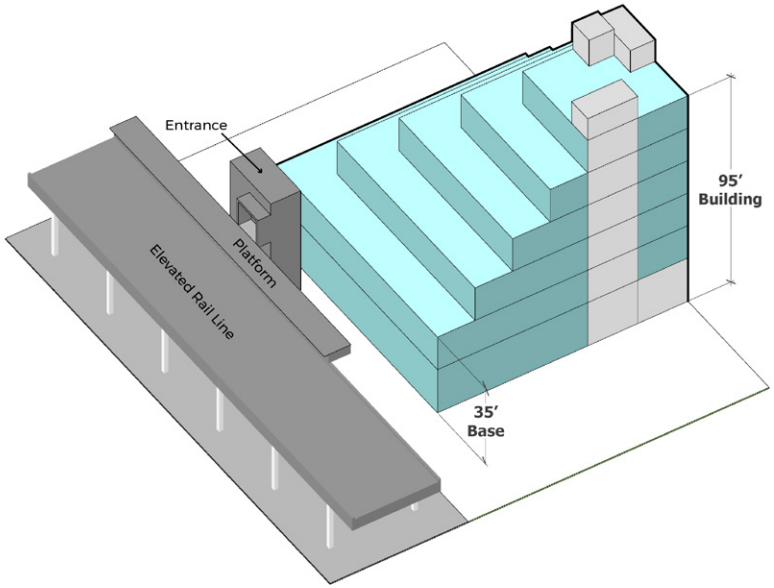
PROTOTYPE 8: LOW DENSITY MANUFACTURING/GENERAL SERVICES DEVELOPMENT IN A C8-1 DISTRICT, ON 10,000 SF CORNER LOT, AT AN ABOVE-GRADE STATION.

As illustrated in **Figure A-13**, this prototype evaluates the effects of the Proposed Action on a manufacturing/general services development on corner lots in low density districts that are adjacent to an above-grade station. This prototype was selected based on its prevalence near viaducts and commuter rails in parts of the city that are further away from the core.

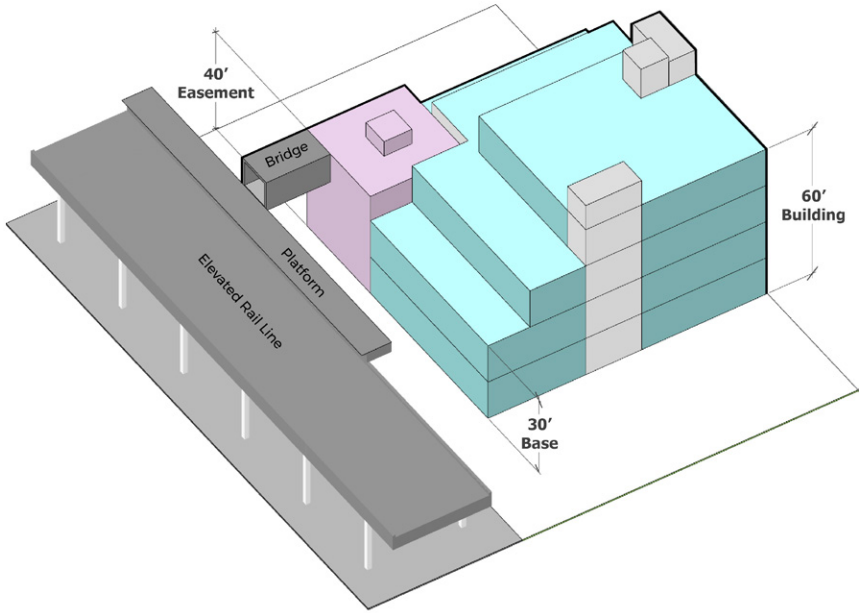
This prototype is located in a C8-1 zoning district, which is a general service commercial district that bridges commercial and manufacturing uses and is typically found in Staten Island, southern Brooklyn and eastern Queens. It has a maximum FAR of 1.0 for commercial uses and also allows a maximum FAR of 2.4 for certain community facility uses (including medical office). C8-1 zoning districts are non-contextual and are subject to sky exposure plane rules, which allow for a maximum front wall height of 30 feet and a 1-to-1 sky exposure plane above such height. Accessory off-street parking is required at rate of 1 space per 400 sf of medical office floor area, which can be waived if fewer than 15 spaces are required.

The No Action condition reflects a six-story, 28,200 gsf as-of-right development with community facility (assumed to be medical office) use, and an FAR of 2.40. Eighty accessory parking spaces would be required and would be provided on the ground floor. The building would have a maximum height of 95 feet and would follow sky exposure plane rules above 35 feet. Under the

NO ACTION



WITH ACTION



	No Action	With Action	Increment
Maximum Allowable Zoning Floor Area	24,000 zsf (2.40 FAR)	24,000 zsf (2.40 FAR)	0 zsf
Built Zoning Floor Area	24,000 zsf (2.40 FAR)	24,000 zsf (2.40 FAR)	0 zsf
Community Facility	24,000 zsf	24,000 zsf	*0 zsf*
Easement	None	0 zsf	*0 zsf*
Built Gross Floor Area	28,200 gsf	28,200 gsf	0 gsf
Community Facility	*28,200 gsf*	*28,200 gsf*	*0 gsf*
Maximum Height (feet)	35' base/95' building	45' base/60'. building	10' base/-35' building
Parking Spaces	80	None	-80

Notes:
1) gsf – gross square feet; zsf - zoning square feet
2) gsf and zsf are rounded to the nearest 100 square feet.

Source: NYCDCP and WSP

Commercial Use
Residential Use
Office / Medical Office Use
Transit Easement
Rail (Non-Easement) Components
Parking / Vertical Circulation Elements

Prototypical Analysis Site 8:
C8-1 on a 10,000 sf Lot
No Action Condition vs. With Action Condition

No Action condition, the MTA may decide to build a station access point, such as an elevator or sidewalk stair on the sidewalk; therefore, a 12-foot-by-20-foot area on the sidewalk/public right-of-way was assumed for this prototype. A 12-foot-by-20-foot area on the sidewalk/public right-of-way could accommodate an elevator or sidewalk stair that could connect to an existing mezzanine. A 12-foot-by-20-foot area on the sidewalk/public right-of-way could also accommodate an elevator that connects to an existing stair. The accommodation of an elevator or staircase on the sidewalk may require the relocation of underground utilities.

In the outskirts of the city, sidewalk and public right of way conditions may be more favorable to provide an easement or station entrance than they may be in the city core.

In the With Action condition, the MTA would pursue a worst-case scenario of a 35-foot-by-35-foot transit easement on the zoning lot. The assumption is that the zoning lot would not be adjacent to an existing mezzanine. Due to ADA code requirements, MTA cannot build an elevator far from other means of egress and hence it is assumed the need for building both an elevator and stair. However, with this transit easement requirement the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements; and
- Waive the parking requirements.

This zoning relief would result in a With Action condition development of 28,200 gsf of community facility (medical office) space with a max height of 60 feet, and have an FAR of 2.40.

Compared to the No Action condition, the With Action condition would have the same amount of overall development and no change in the overall FAR; however, as a result of the waiving of the parking requirements, the building height would decrease by 35 feet (two stories). There would also be a decrease of 80 parking spaces compared to the No Action condition.

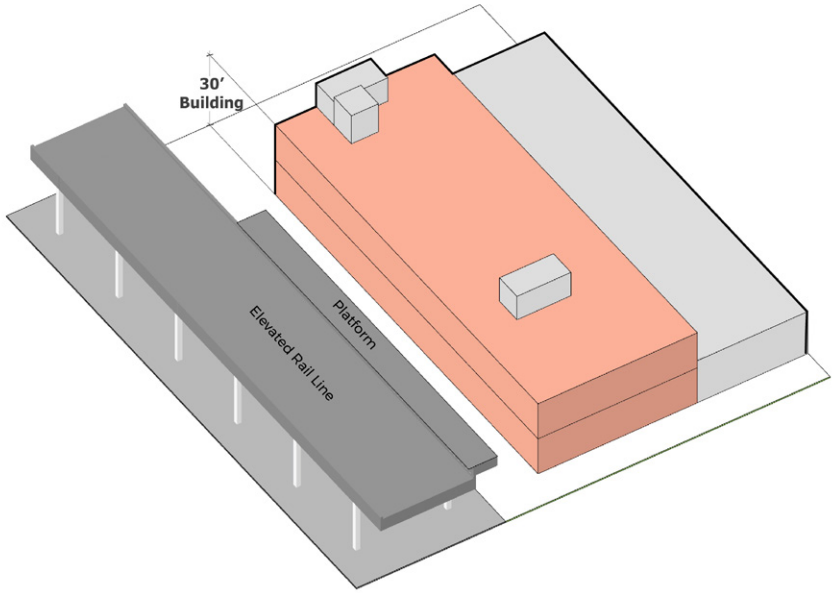
PROTOTYPE 9: LOW DENSITY MANUFACTURING/GENERAL SERVICES DEVELOPMENT IN AN M1-1 DISTRICT, ON A 15,000 SF CORNER LOT, AT AN ABOVE-GRADE STATION.

As illustrated in **Figure A-14**, this prototype evaluates the effects of the Proposed Action on a typical development on larger lots in low density manufacturing districts in an urban context that is adjacent to an above-grade station. The prototype demonstrates the high parking requirement at this density level and assumes a retail development would occur on the site for this analysis.

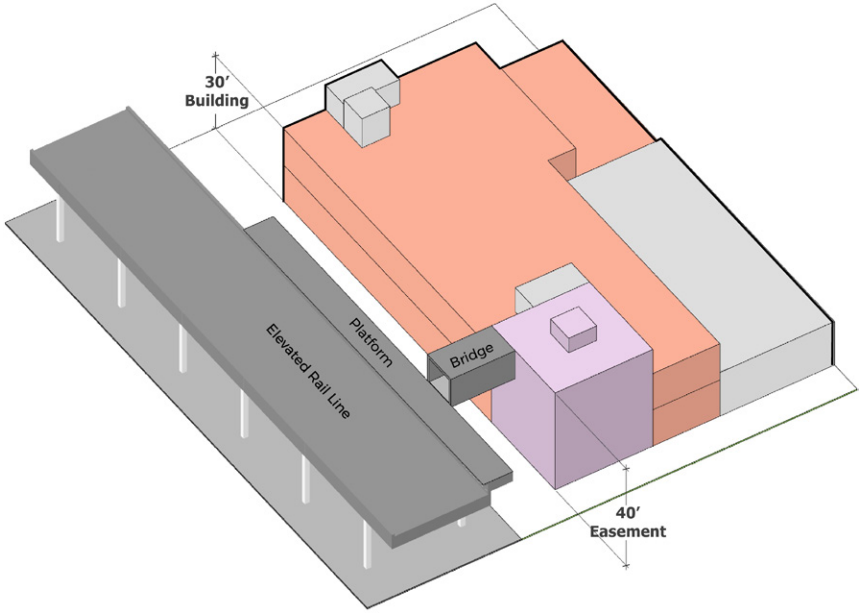
This prototype is located in a M1-1 zoning district, which is a light manufacturing designed for a wide range of industrial, commercial and limited community facility uses. This prototype site has a maximum FAR of 1.0 for manufacturing and commercial uses and also allows a maximum FAR of 2.4 for certain community facility uses. M1-1 zoning districts are non-contextual and are subject to sky exposure plane rules, which allow for a maximum front wall height of 30 feet and a 1-to-1 sky exposure plane above such height. Accessory off-street parking is required at rate of 1 space per 300 sf of retail floor area, which can be waived if fewer than 15 spaces are required.

The No Action condition reflects a two-story, 17,600-gsf as-of-right commercial (retail) development with a maximum height of 30 feet and an FAR of 1.00. A total of 50 parking spaces would be required and would be provided in the rear yard with an attended triple stacker parking system. It is assumed that the MTA would not pursue the construction of a new transit entrance on the sidewalk, as sidewalk conditions may not be optimal.

NO ACTION



WITH ACTION



	No Action	With Action	Increment
Maximum Allowable Zoning Floor Area	15,000 zsf (1.00 FAR)	15,000 zsf (1.00 FAR)	0 zsf
Built Zoning Floor Area	15,000 zsf (1.00 FAR)	15,000 zsf (1.00 FAR)	0 zsf
Commercial	15,000 zsf	15,000 zsf	*0 zsf*
Easement	None	0 zsf	*0 zsf*
Built Gross Floor Area	17,600 gsf	17,600 gsf	0 gsf
Commercial	*17,600 gsf*	*17,600 gsf*	*0 gsf*
Maximum Height (feet)	30' building	30' building	0' building
Parking Spaces	50	35	-15

Notes:
1) gsf – gross square feet; zsf - zoning square feet
2) gsf and zsf are rounded to the nearest 100 square feet.

Source: NYCDCP and WSP

Commercial Use
Residential Use
Office / Medical Office Use
Transit Easement
Rail (Non-Easement) Components
Parking / Vertical Circulation Elements

Prototypical Analysis Site 9:
M1-1 on a 5,000 sf Lot
No Action Condition vs. With Action Condition

Figure A-14

In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above ground level from zoning floor area;
- Exempt easement volume from street wall requirements; and
- Reduce the parking requirements.

This would result in a With Action development of 17,600 gsf of commercial. The With Action building would be two-stories with a max height of 30 feet, and have an FAR of 1.00. A total of 35 parking spaces would be provided.

Compared to the No Action condition, the With Action condition would have the same amount of overall development and no change in the overall FAR or building height. There would be a decrease of 15 parking spaces compared to the No Action condition.

CONCEPTUAL ANALYSIS

Under SEQRA, a conceptual analysis is warranted if a proposal creates new discretionary actions that are broadly applicable, even when projects seeking those discretionary actions will trigger a future, separate environmental review. SEQRA's goal is to incorporate environmental considerations into the decision-making process at the earliest possible opportunity. Thus, it is the lead agency's obligation to consider all possible environmental impacts of the new discretionary actions at the time it creates them, at least on a conceptual basis.

As the Proposed Action would modify the zoning text and create a new transit improvement bonus program including CPC Authorizations and a CPC Special Permit which would provide an FAR bonus and various bulk and height modifications in exchange for transit station access improvements that could be sought by applicants at a future date, an assessment of the potential environmental impacts that could result from this action is warranted. While these discretionary approvals would trigger environmental review at the time they are sought, the environmental effects of these approvals were analyzed conceptually, as a means of disclosing future potential significant adverse impacts. However, because it is not possible to predict whether a discretionary action would be pursued on any one site in the future, the RWCDS for the Proposed Action does not include consideration of specific development that would seek these actions. Instead, a Conceptual Analysis was conducted based on three prototypical developments and is provided in Attachment H, "Conceptual Analysis," to understand how the new discretionary actions could be utilized and to generically assess the potential environmental impacts that could result. Nevertheless, all potential significant adverse impacts related to these future discretionary actions would be disclosed through environmental review at the time of application.

ANALYSIS YEAR

The *CEQR Technical Manual* notes that for some actions where the build-out depends on market conditions and other variables, the build year cannot be determined with precision. In these cases, a 10-year build year is generally considered reasonable, as it captures a typical cycle of market conditions and generally represents the outer timeframe within which predictions of future development and retrofit work may usually be made without speculation. Therefore, an analysis year of 2030 has been identified for this environmental review.

G. ENVIRONMENTAL ASSESSMENT SCREENING

All environmental analyses were performed in accordance with the guidance contained in the *CEQR Technical Manual*. For categories in which the proposed project would not have the potential to result in any significant adverse impacts, no further analysis is necessary. Further assessments of Land Use, Zoning, and Public Policy; Shadows; Urban Design and Visual Resources; Transportation; Air Quality; and Noise are provided as part of this EAS.

The identification of potential environmental impacts is based upon the comparison of the No Action and With Action conditions. In certain technical areas (e.g., air quality, and noise) this comparison can be quantified and the severity of any potential impact rated in accordance with the *CEQR Technical Manual*. In other technical areas, (e.g., urban design and visual resources) the analysis is qualitative in nature. The methodology for each analysis is presented at the start of each technical analysis. As summarized below and in the attachments to this EAS, the Proposed Action would not result in any significant adverse environmental impacts.

LAND USE, ZONING, AND PUBLIC POLICY

See Attachment B, "Land Use, Zoning, and Public Policy."

SOCIOECONOMIC CONDITIONS

According to the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if an action may reasonably be expected to create substantial socioeconomic changes within the area affected by the action and would not occur in the absence of the action. Actions that would trigger a CEQR analysis include the following:

- Direct displacement of 500 or more residents or more than 100 employees.
- Direct displacement of a business that is uniquely significant because its products or services are dependent on its location; it is the subject of other regulations or publicly adopted plans aimed at its preservation because of its type or location; or it serves a population that is uniquely dependent on its services, in its particular location.
- The development of 200 residential units or more of 200,000 sf or more of commercial use that is markedly different from existing uses, development, and activities in the neighborhood. This type of development may lead to indirect residential or business displacement.
- The development of 200,000 sf or more of retail on a single development site, creating the potential to draw a substantial amount of sales from existing businesses within the study area. This type of development may lead to indirect business displacement due to market saturation.
- Impacts on a specific industry; for example, if a substantial number of residents or workers depend on the goods or services provided by the specific affected business, or if it would result in the loss or diminution of a certain product or service that is important within the City.

The Proposed Action is not in-and-of-itself expected to induce development where it would not otherwise have occurred absent the Proposed Action. Although the Proposed Action may allow developments to modify certain zoning restrictions related to bulk, height and parking, the overall amount, type, and location of development within the affected area would not increase substantially, as demonstrated through the analysis of the 10 representative prototypical analysis sites. Since the amount of residential and commercial development would be negligible in the With Action condition compared to the No Action condition, the Proposed Action is not anticipated to result in adverse impacts with respect to direct residential displacement, direct

business and institutional displacement, indirect residential displacement, indirect business and institutional displacement, or a specific industry. Therefore, the Proposed Action would not result in any significant adverse impacts on socioeconomic conditions, and no further analysis is warranted.

COMMUNITY FACILITES AND SERVICES

Community facilities, as defined under CEQR, include public or publicly funded schools, libraries, publicly funded child care centers, health care centers, and fire and police protection. A project can affect these facilities and services when it physically displaces or alters a community facility or causes a change in population that may affect the services delivered by a community facility, such as by creating a demand that could not be met by the existing facility. According to the *CEQR Technical Manual*, a detailed community facility analysis is conducted when a proposed action would have a direct or indirect effect on a community facility. The criteria for a detailed analysis of indirect effects on a community facility are as follows:

- Public Schools – 50 or more elementary/intermediate school students or 150 or more high school students.
- Libraries – More than five percent increase in ratio of residential units to library benches.
- Early Childhood Programs (Publicly Funded) – 20 or more eligible children under the age of six based on the number of low or low/moderate-income units.
- Health Care Facilities – Introduction of a sizeable new neighborhood.
- Fire and Police Protection – Introduction of a sizeable new neighborhood.

The Proposed Action is not in-and-of-itself expected to induce development where it would not otherwise have occurred absent the Proposed Action; therefore, the Proposed Action would not would not directly displace a community facility or introduce a new residential population that would result in increased demand for community facilities and services. The Proposed Action would also not affect the ability of the local police and fire departments to provide protection services. Therefore, the Proposed Action would not result in any adverse impacts on community facilities and services and no further analysis is necessary.

OPEN SPACE

The *CEQR Technical Manual* recommends performing an open space assessment if a proposed action would have a direct effect on an open space (i.e., displacement of an existing open space resource) or an indirect effect through increased population size. Indirect effects may occur when a population generated by a proposed action would be sufficiently large to noticeably diminish the ability of an area's open spaces to serve the future population. The Proposed Action is not expected to directly displace any open space resources, or induce any new residential development. Therefore, the Proposed Action would not result in any adverse impacts on open space and no further analysis is necessary.

SHADOWS

See Attachment C, "Shadows."

HISTORIC AND CULTURAL RESOURCES

Historic and cultural resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural and archeological value. This includes properties that have been designated or are under consideration for designation as New York City Landmarks (NYCL) or Scenic Landmarks, or are eligible for such designation; properties within New York City Historic Districts; properties listed on the State and/or National Register of Historic Places (S/NR-listed); and National Historic Landmarks. An assessment of architectural and/or archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or projects that require in-ground disturbance, unless such disturbance occurs in an area that has been previously excavated.

According to the *CEQR Technical Manual* guidelines, impacts on historic resources are considered on those sites affected by proposed actions and in the area surrounding identified development sites. The historic resources study area is therefore defined as the affected area, as well as an approximately 400-foot radius around the affected area. Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance, as compared to the No Action condition. The Proposed Action is a citywide action and is not intended to facilitate a specific development or project. As such, the Proposed Action would affect a variety of zoning districts in the city. However, the Proposed Action would not facilitate incremental ground disturbance in medium-to-high density districts (R6 through R10 districts) as these districts do not have front yard requirements and therefore a building in the existing and No Action conditions could be located at the street line. Additionally, most low-density districts (R1 through R5/commercial overlay districts) are not subject to the requirement established by the Proposed Action.

The potential for incremental ground disturbance is thus limited in scope to R5D districts that do not include a commercial overlay. These districts have front yard requirements and these requirements would not be altered in the With Action condition, except that development associated with the transit easement (i.e. a stair, an elevator) would be considered a permitted obstruction up to five feet within the front yard. A zoning analysis shows that this scenario would apply to 18 sites within all the R5D sites in the city, out of approximately 12,000 sites overall. Other permitted front yard obstructions are already allowed today pursuant to MTA override.

Moreover, as mentioned above, the Proposed Action itself would not induce development where it would not already occur as-of-right. The Proposed Action is intended solely to provide targeted zoning relief on zoning lots where it is determined that a transit easement is needed in order to facilitate increased accessibility within the public transportation system. The mechanism is triggered only when a property seeks to redevelop, and would not occur absent any redevelopment proposal. In sum, the Proposed Action does not grant any additional density and therefore would not incentivize or induce development where it would not otherwise occur on an as-of-right basis. Overall, no significant adverse impacts on archaeological resources are anticipated, and further analysis is not needed.

Architectural resources usually need to be assessed for actions that would result in new construction, demolition, or significant physical alteration to any building, structure, or object; a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; construction, including excavating vibration, subsidence, dewatering, and the possibility of falling objects; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; and introduction of significant new shadows or significant lengthening of the duration of existing

shadows over a historic landscape or a historic structure (if the features that make the structure significant depend on sunlight) to the extent that the architectural details that distinguish that resource as significant are obscured.

As mentioned above, the Proposed Action would affect specific zoning districts on a citywide basis. While some of these zoning districts may be situated in historic districts, include individual architectural resources, or be adjacent to architectural resources, the Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action. Therefore, there would be no incremental change in the potential for architectural resources to be directly impacted between the future No Action and With Action conditions.

In addition, privately owned properties that are NYCLs or in New York City Historic Districts would be protected under the New York City Landmarks Law that requires New York City Landmarks Preservation Commission (LPC) review and approval before any alteration or demolition can occur. LPC also reviews alterations to, or demolition of, City-owned NYCLs or properties in New York City Historic Districts but approval is advisory only.

The 2014 New York City Building Code, in Section BC 3309: Protection of Adjoining Property, provides for the protection of all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Further, Section BC 3309.4.4 requires that "historic structures that are contiguous to or within a lateral distance of 90 feet from the edge of the lot where an excavation is occurring" be monitored during the course of excavation work. In addition, the DOB *Technical Policy and Procedure Notice (TPPN) #10/88*, applies to NYCLs, properties within NYCHDs, and NR-listed properties. *TPPN #10/88* supplements the standard building protections afforded by the Building Code by requiring a monitoring program to reduce the likelihood of construction damage to adjacent NYCLs and NR-listed properties (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. Under the future No Action and With Action conditions, all properties adjacent to new construction activities would be offered some protection by the Building Code, and for NYCLs and NR-listed properties, *TPPN #10/88* would provide supplemental construction protections above the standard building protections afforded by the Building Code.

The Proposed Action would not result in a change in scale, visual prominence, or visual context of any architectural resource, nor would it screen or eliminate publicly accessible views of any architectural resources as the Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action. In addition, as described in Attachment C, "Shadows," the Proposed Action would not result in substantial incremental shadows being cast on sunlight-sensitive features of architectural resources

Overall, no significant adverse impacts on architectural resources is anticipated.

URBAN DESIGN AND VISUAL RESOURCES

See Attachment D, "Urban Design and Visual Resources."

NATURAL RESOURCES

A natural resources assessment is conducted when a natural resource is present on or near a project site and when an action involves the disturbance of that resource. The *CEQR Technical Manual* defines natural resources as water resources, including surface waterbodies and groundwater;

wetland resources, including freshwater and tidal wetlands; upland resources, including beaches, dunes, and bluffs, thickets, grasslands, meadows and old fields, woodlands and forests, and gardens and other ornamental landscaping; and built resources, including piers and other waterfront structures.

The Proposed Action would not result in significant adverse impacts to natural resources. The Proposed Action itself is not expected to induce development on sites where natural resources exist and where development would not have otherwise been possible. In addition, in many areas where natural resources exist, there are regulations that ensure their protection. These regulations include New York State Department of Environmental Conservation tidal and freshwater wetland regulations, the New York State Coastal Zone Management Program, and special zoning designations including Special Natural Area zoning. The Proposed Action would not eliminate and/or change the existing protections. As such, the Proposed Action would not result in significant adverse impacts to natural resources and no further analysis is warranted. No effects to natural resources, new incremental soil disturbance or effects to groundwater are anticipated, and the Jamaica Bay Watershed Form is not necessary for this generic proposal.

HAZARDOUS MATERIALS

A hazardous materials assessment determines whether a proposed action may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposures; (b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources.

The Proposed Action is a citywide action and is not intended to facilitate a specific development or project. As such, the Proposed Action would affect a variety of zoning districts in the city. However, the Proposed Action would not facilitate incremental ground disturbance in medium-to-high density districts (R6 through R10 districts) as these districts do not have front yard requirements and therefore a building in the existing and No Action conditions could be located at the street line. Additionally, most low-density districts (R1 through R5/commercial overlay districts) are not subject to the requirement established by the Proposed Action.

The potential for incremental ground disturbance is thus limited in scope to R5D districts that do not include a commercial overlay. These districts have front yard requirements and these requirements would not be altered in the With Action condition, except that development associated with the transit easement (i.e. a stair, an elevator) would be considered a permitted obstruction up to five feet within the front yard. A zoning analysis shows that this scenario would apply to 18 sites within all the R5D sites in the city, out of approximately 12,000 sites overall. Other permitted front yard obstructions are already allowed today pursuant to MTA override.

Moreover, as mentioned above, the Proposed Action itself would not induce development where it would not already occur as-of-right. The Proposed Action is intended solely to provide targeted zoning relief on zoning lots where it is determined that a transit easement is needed in order to facilitate increased accessibility within the public transportation system. The mechanism is triggered only when a property seeks to redevelop, and would not occur absent any redevelopment

proposal. In sum, the Proposed Action does not grant any additional density and therefore would not incentivize or induce development where it would not otherwise occur on an as-of-right basis.

Overall, no significant adverse impacts on hazardous materials are anticipated, and further analysis is not needed.

WATER AND SEWER INFRASTRUCTURE

The *CEQR Technical Manual* requires an assessment of the potential effects of a proposed action on the City's water supply, wastewater treatment, and stormwater management infrastructure to ensure that these systems have adequate capacity to accommodate land use or density changes. According to the *CEQR Technical Manual*, only projects that increase density or change drainage conditions on a large site require such an analysis. As the Proposed Action itself is not expected to induce development and any increase in density or drainage demand would be negligible, no further analysis is warranted and there would be no potential for Proposed Action's potential to adversely affect the City's water and sewer infrastructure.

SOLID WASTE AND SANITATION SERVICES

A solid waste assessment determines whether an action has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan or with State policy related to the City's integrated solid waste management system. The *CEQR Technical Manual* specifies that few projects generate substantial amounts of solid waste (50 tons a week or more) that would result in a significant adverse impact. The Proposed Action itself is not expected to induce development and thus would result in development that generates fewer than 50 tons a week. Therefore, no further analysis is required and the Proposed Action would not result in any significant adverse impacts to solid waste and sanitation services.

ENERGY

According to the *CEQR Technical Manual*, a detailed assessment of energy impacts would be limited to actions that could significantly affect the transmission or generation of energy or that generate significant consumption of energy. The entire City is served by energy suppliers and the Proposed Action is not expected to generate significant demand for energy. Therefore, no further analysis is required and the Proposed Project would not result in significant adverse impacts to the consumption or supply of energy.

TRANSPORTATION

See Attachment E, "Transportation."

AIR QUALITY

See Attachment F, "Air Quality."

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Increased greenhouse gas (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes to precipitation levels. According to the *CEQR Technical Manual*, a GHG emissions assessment is typically included only for larger projects undergoing an

Environmental Impact Statement (EIS), as well as certain cases when the project would undergo an EIS and would result in development of 350,000 sf or greater, is a City capital project, or includes large-scale power generation or has the potential to fundamentally change the City's solid waste management system. A GHG assessment has not been performed for the Proposed Action because it does not meet the criteria which would warrant assessment.

NOISE

See Attachment G, "Noise."

PUBLIC HEALTH

According to the *CEQR Technical Manual*, a public health assessment considers if a project will have adverse impacts on public health and, if so, identifies ways to mitigate these effects. A public health assessment is warranted if a project would result in significant unmitigated adverse impacts in the areas of air quality, water quality, hazardous materials, or noise. The Proposed Action would not result in significant adverse impacts in any of the areas that affect public health; therefore, a public health assessment is not warranted.

NEIGHBORHOOD CHARACTER

A neighborhood character assessment considers how elements of the environment combine to create the context and feeling of a neighborhood and how a project may affect that context and feeling. In order to determine a project's effects on neighborhood character, the elements that contribute to a neighborhood's context and feeling are considered together. These elements include land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise. According to the *CEQR Technical Manual*, an assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts in any of the technical areas presented above or when a project may have moderate effects on several of the elements that define a neighborhood's character. As indicated throughout this EAS, the proposed project would not result in significant adverse impacts in any of the elements that define neighborhood character; therefore, the proposed project would not result in significant adverse impacts on neighborhood character.

CONSTRUCTION

The Proposed Action is a generic action and there are no known development sites at this time. As described in Section C, "Description of the Proposed Action," the proposed text amendment would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for developments affected by the proposed transit easement requirement. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible and the difference in the size of development that would be allowed under the With Action condition as compared to No Action condition would be negligible and would not result in a markedly different construction timeline. Furthermore, the prototypical developments used for the environmental analysis are of the scale of projects that typically takes less than two years to complete in New York City, especially when compared against the No Action condition. Based on *CEQR Technical Manual* guidelines, where the duration of construction is expected to be short-term (less than two years), detailed construction assessment is not warranted. If the duration of construction is expected to be short-term, those

potential impacts are considered temporary. Further, all construction activities would be carried out in accordance with applicable building codes and regulations, and NYC Building Department permits.

In addition, any designated NYCL or S/NR-listed historic buildings located within 90 linear feet of a projected or potential new construction site would be subject to the protections of DOB's *TPPN #10/88*, which would ensure that any development resulting from the Proposed Action would not result in any significant adverse construction-related impacts to designated historic resources. As such, the Proposed Action would not result in significant adverse construction impacts. ✷

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 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 square feet (sf) within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related mass 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. Following 2020 *City Environmental Quality Review (CEQR) Technical Manual* guidance, this land use analysis evaluates the uses and development trends in the area that may be affected by the Proposed Action and determines whether the Proposed Action is compatible with those conditions or may affect them. Similarly, the analysis considers the Proposed Action's compliance with, and effect on, the area's zoning and other applicable public policies.

Overall, the assessment finds that the Proposed Action would not have any significant adverse impacts on land use, zoning, or public policy.

B. METHODOLOGY

Consistent with *CEQR Technical Manual* guidelines, the Proposed Action is analyzed in this EAS as a "generic action," because there are no known developments that are projected and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. According to the *CEQR Technical Manual*, generic actions are programs and plans that have wide application or affect the range of future alternative policies. Usually these actions affect the entire city or an area so large that a site-specific description or analysis is not appropriate. To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical analysis sites ("prototype developments" or "prototype sites") have been identified (see Attachment A, "Project Description").

The *CEQR Technical Manual* also notes that for some actions, where the build-out depends on market conditions and other variables, the build year cannot be determined with precision. In these cases, a 10-year build year is generally considered reasonable as it captures a typical cycle of market conditions and generally represents the outer timeframe within which predictions of future development may usually be made without speculation. Therefore, an analysis year of 2030 has been identified for this environmental review.

As described in the *CEQR Technical Manual*, generic analyses are conducted using the following methodology:

- Identify Typical Cases: provide several descriptions for cases that can reasonably typify the conditions and impacts of the entire proposal.
- Identify a Range of Conditions: provide a discussion of the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

The With Action condition therefore identifies the amount, type, and location of development that is expected to occur by 2030 as a result of the Proposed Action. The No Action condition identifies similar development projections for 2030 absent the Proposed Action. The incremental difference between the two conditions serves as the basis for the impact analyses.

Since the Proposed Action is a generic action applicable citywide, prototypical assumptions and groupings of information were prepared to better understand the extent of the physical effect of the action, instead of lot-by-lot descriptions typical of site-specific actions. Development projections consider the incremental increase in development facilitated by the action, and the prevalence and location of affected zoning districts across the city. Because the Proposed Action is not expected to induce development that would not otherwise occur in the future without the Proposed Action, the identification of soft sites is irrelevant.

STUDY AREAS

As detailed in Attachment A, "Project Description," 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 envelope, in all residence districts at or above R5 with commercial overlay and R5D, all commercial districts with a residential equivalent at or above R5 as well as C7 and C8, and all manufacturing districts. As discussed above, the Proposed Action is analyzed in this environmental review as a generic action. Because the Proposed Action would affect thousands of properties across numerous zoning districts and special districts, the possible effects of the Proposed Action are considered by means of prototypical analysis. Prototypical analysis sites are not necessarily representative of a specific lot, but rather reflect prevalent conditions and recent development trends as a basis for analysis. To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical analysis sites were identified, as detailed in Attachment A, "Project Description."

SOURCES

In accordance with the *CEQR Technical Manual*, the detailed analysis describes existing and anticipated future (i.e., No Action) conditions to a level necessary to understand the relationship of the Proposed Action to such conditions. The detailed analysis assesses any changes to these conditions that could be created by the Proposed Action in the 2030 analysis year. Existing land uses were identified through a GIS analysis of the DCP 2020 Primary Land Use Tax Lot Output (MapPLUTO 20v6). Other publications and approved environmental review documents that have been completed for similar citywide actions were also consulted. New York City Zoning Maps and the ZR were consulted to describe existing zoning districts and provided the basis for the zoning evaluation of the future No Action and With Action conditions. Applicable public policies were identified, and a public policy analysis was prepared to determine the potential for the Proposed Action to alter or conflict with applicable public policies.

C. EXISTING CONDITION

LAND USE

As detailed in **Table B-1**, the majority of lots in the applicable area within 50 feet of a mass transit station envelope are residential (approximately 23 percent of total lots), commercial (approximately 21 percent of total lots), and mixed residential and commercial (approximately 36 percent of total lots). Among residential buildings, one- and two-family buildings comprise the largest percentage of total lots (11 percent), followed by multi-family walkup buildings (nine percent) and multi-family elevator buildings (three percent). However, residential uses only comprise a 11 percent of total lot area and nine percent of total building area in the applicable area; for mixed residential and commercial buildings, the rates are approximately 19 percent of total lot area and approximately 29 percent of total building area (refer to **Table B-1**). This is likely due to a relatively high number of smaller residential and mixed residential and commercial buildings on smaller lots throughout the applicable area. While commercial properties represent approximately 21 percent of total lots, they represent 23 percent of total lot area and approximately 39 percent of total building area, likely due to the presence of large office buildings and other high-density commercial uses in the areas immediately adjacent to mass transit stations, particularly in Central Business Districts (CBDs).

Oher uses—industrial/manufacturing, transportation/utility, institutional, open space, and parking facilities—are less common in the applicable area, representing between approximately one and five percent of total lots apiece. Notably, while transportation/utility uses represent approximately five percent of total lots, they represent approximately 24 percent of the total lot area, likely due to the presence of large transportation hubs (e.g., railyards and airports) in the areas near mass transit stations. Vacant land comprises approximately four percent of total lots and approximately three percent of total lot area.

Table B-1
Existing Land Uses within 50 Feet of Station Envelopes

Land Use[1]	No. of Lots	Percentage of Total Lots	Lot Area (sf)[2]	Percentage of Total Lot Area	Building Area (sf)[3]	Percentage of Total Building Area
Residential	2,588	23.5%	4,039,500	11.1%	80,800,405	14.2%
One- & Two-Family Buildings	*1,255*	*11.5%*	*1,288,533*	*3.5%*	*2,571,734*	*0.5%*
Multi-Family Walkup Buildings	*979*	*9.0%*	*1,183,624*	*3.3%*	*6,908,623*	*1.2%*
Multi-Family Elevator Buildings	*354*	*3.2%*	*1,567,343*	*4.3%*	*71,320,048*	*12.5%*
Mixed Commercial/Residential Buildings	4,041	36.7%	6,735,481	18.6%	166,575,933	29.2%
Commercial/Office Buildings	2,283	20.7%	8,398,583	23.1%	224,255,519	39.4%
Industrial/Manufacturing	207	1.9%	709,446	2.0%	5,410,176	0.9%
Transportation/Utility	584	5.3%	8,830,341	24.3%	37,286,541	6.5%
Public Facilities & Institutions	401	3.6%	1,821,634	5.0%	45,769,890	8.0%
Open Space	172	1.6%	2,334,010	6.4%	7,997,634	1.4%
Parking Facilities	214	1.9%	824,014	2.3%	1,505,684	0.3%
Vacant Land	443	4.0%	1,041,461	2.9%	0	0.0%

Sources: MapPLUTO 20v6
Notes:
Totals may not sum due to rounding
[1] 79 tax lots within the study area do not include land use classifications and are not considered in the table.
[2] Lot Area estimated with ArcGIS and only includes the portions of tax lots within 50 feet of a station envelope.
[3] Building Area includes all building area on each tax lot.

PROTOTYPICAL ANALYSIS SITES

Attachment A, "Project Description," details the methodology used to develop the nine prototypical analysis sites for the Proposed Action. A summary of the nine prototypical analysis sites is provided below in **Table B-2**, and illustrative renderings are provided in Attachment A, "Project Description." As detailed in Attachment A, these sites are intended to demonstrate the wide range of proposed regulations for sites that would be able to develop as-of-right in the future with the Proposed Action. These prototypes represent a variety of possible development outcomes and are loosely based on real-world sites.

As detailed in **Table B-2**, the prototypical analysis sites are generally developed, typically with commercial buildings and/or parking facilities. A portion of one site (Site 1) contains vacant land. Five sites (Sites 1, 6, 7, 8, and 9) contain residential buildings, generally low-density, one- and two-family residences or walkup apartment buildings. One of the sites (Site 9) is located in an M1-1 manufacturing district, and the two residential buildings on the site are non-compliant.

Table B-2
Prototypical Analysis Sites—Existing Conditions

Site	Development Type	Zoning District	Lot Area (sf)	Lot Type	Station Type	Existing Use/Condition	Existing FAR
1	Medium density (contextual) residential	R6B	10,000	Interior	Below-grade	Residential (Multi-Family Walkup Buildings) / Mixed Commercial & Residential / Vacant Land	1.43
2	Low density mixed use	R5/C1-2	10,000	Interior	Above-grade	Parking Facilities	0.00
3	Medium density (contextual) mixed use	R7A/C2-4 (MIH)	5,000	Interior	Above-grade	Commercial / Parking Facilities	1.12
4	Medium density (contextual) mixed use	R7A/C2-4 (MIH)	10,000	Interior	Above-grade	Commercial	0.97
5	High density (contextual) mixed use	R9A/C1-5	10,000	Corner	Below-grade	Commercial	0.77
6	Medium density (contextual) commercial	C4-3	5,000	Interior	Above-grade	Commercial / Mixed Commercial & Residential	1.70
7	High density commercial	C6-4	10,000	Interior	Below-grade	Commercial / Mixed Commercial & Residential	4.15
8	Low Density Manufacturing/ General Services	C8-1	10,000	Corner	Above-grade	Mixed Commercial & Residential / Industrial & Manufacturing / Parking Facilities	1.15
9	Low Density Manufacturing/ General Services	M1-1	15,000	Corner	Above-grade	Residential (One- & Two-Family Buildings) / Mixed Commercial & Residential / Industrial & Manufacturing / Parking Facilities	0.81

Source: MapPLUTO 20v6

ZONING

As described in Attachment A, "Project Description," there are approximately 110 unique zoning districts and 45 special purpose districts in the applicable area within 50 feet of citywide mass transit stations. As shown on **Table B-3**, of the zoning district categories applicable to the easement requirement (excludes parkland and other zoning districts), medium/high density residence (R6–R10) and general commercial (C4–C6) districts are the most prevalent.

Manufacturing districts are also common, and low-density residence districts (R5, R5D), and MX zoning districts are less common.

Table B-3
Adjacent Zoning by Category

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)[1]	2%
General Commercial (C4–C6)	29%
Specialty Commercial (C7, C8)[2]	2%
Manufacturing	11%
Mixed-Use (MX)	2%
Other Zoning Districts	11%
Parkland	3%
Total	**100%**

Notes:
Percentages describe the proportional area of each zoning district within the 50-foot Station Area of all mass transit stations, Citywide.
[1] Excludes C1 and C2 commercial overlays.
[2] Excludes C3 and C3A commercial districts.
Source: Bytes of the Big Apple, NYC GIS Zoning Features

LOW-DENSITY RESIDENTIAL DISTRICTS (R3–R5)

Residential districts are the most prevalent zoning districts in New York City, accounting for about 75 percent of the city's zoned land area. The lowest density residential districts (R1 and R2) permit only single- and two-family residences; R3, R4, and R5 districts are general residence districts which permit all types of residential buildings, including small multi-family apartment buildings. R3 districts permit a maximum FAR of 0.50; maximum FARs in R4 and R5 districts range from 0.75 to 2.00. These districts generally include bulk regulations (e.g., minimum lot size, yards, maximum lot coverage) that are intended to result in new homes that match the character of low density neighborhoods; many districts also include contextual regulations which establish maximum building height limits. Zoning districts in this category that would be affected by the easement requirement created by the Proposed Action are limited to R5 districts when paired with a commercial overlay district and R5D districts.

MEDIUM- & HIGH-DENSITY RESIDENTIAL DISTRICTS (R6–R10)

Medium- and high-density communities occupy a substantial percentage of the applicable area within 50 feet of citywide mass transit station envelopes, with approximately 41 percent of all lots in medium- and high-density residential zoning districts (R6–R10). These areas include a high concentration of multi-family buildings, such as mid-rise apartment buildings served by elevators, as well as walk-up structures, and areas with large residential campuses. Maximum FARs in medium- and high-density residential districts range from 2.43 in R6 districts to 10.0 in R10 districts (or 12.0 when utilizing the Inclusionary Housing Bonus). In general districts (i.e., non-contextual districts), residential bulk may follow height factor regulations that favor tall buildings

set in large amounts of open space ("tower-in-a-park" buildings); alternatively, developments may follow Quality Housing bulk regulations, which are intended to match the character of older residential neighborhoods by favoring high lot coverage residential buildings built close to the street line. In contextual medium- and high-density districts, the Quality Housing regulations (e.g., wall location rules and building height limitations) are applied as mandatory.

COMMERCIAL DISTRICTS (C1–C8)

Approximately 35 percent of lots in the applicable area within 50 feet of citywide mass transit station envelopes are zoned for commercial uses (C1–C7). Most of these commercial zones play an important role in providing retail and services to local residents, and include a wide range of building types, from single-story retail stores to mixed-use developments and office buildings. In addition, in commercial zones, residential development is generally permitted by applying the regulations of an equivalent residential district. Maximum permitted FARs range from to 2.0 in C1 and C2 to up to 10.0 in C6 districts. In addition, some commercial districts are mapped in limited areas and are intended for special commercial needs. C3 districts are mapped along portions of the waterfront and allow only commercial uses related to boating and other waterfront recreational activities, as well as low-density residential uses. C7 districts are mapped in major regional amusement districts and permit entertainment and amusement facilities but no other commercial, community facility, or residential uses. C8 districts are mapped in heavy commercial and semi-industrial areas and permit all commercial and general service uses, but not residential uses. All zoning districts in this category would be affected by the Proposed Action except for C3 specialty commercial districts (C3 and C3A).

MANUFACTURING DISTRICTS (M1–M3)

Approximately 18 percent of the lots in the applicable area are zoned for manufacturing (M1–M3). Manufacturing districts are particularly common in waterfront areas, a result of New York City's history of working waterfront areas. Manufacturing districts include warehouses and factory buildings, as well as open uses such as construction material distributors, automobile dismantlers, or maritime facilities. In general, M2 and M3 districts permit heavy industrial uses, and M1 districts (generally used as buffers between M2 or M3 districts and commercial or residential areas) permit light manufacturing uses and warehouses. Commercial uses are generally permitted in manufacturing districts, although some commercial uses are not permitted in M2 and M3 districts. Residential uses are generally not permitted, however manufacturing districts may contain pockets of non-conforming residential buildings. Maximum permitted FARs are generally low (1.0 or 2.0). However, certain M1 and M2 districts located in dense industrial areas permit FARs of 5.0, or up to 10.0 in M1-6 districts, which are mainly mapped in central Manhattan.

MIXED-USE DISTRICTS (MX)

Approximately one percent of the lots in the applicable area are located in mixed-use (MX) districts. Mixed-use districts pair a light manufacturing district with a residential district to promote a balanced variety of uses. In mixed-use districts, residential and community facility development is generally controlled by the residential district regulations, while commercial and manufacturing development is controlled by the manufacturing district regulations.

PUBLIC POLICY

WATERFRONT REVITALIZATION PROGRAM

Projects that are located within the designated boundaries of New York City's Coastal Zone must be assessed for their consistency with the City's Waterfront Revitalization Program (WRP). The federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed development projects along coastlines. The program responded to City, State, and Federal concerns about the deterioration and inappropriate use of the waterfront. In accordance with the CZMA, New York State adopted its own Coastal Management Program (CMP), which provides for local implementation when a municipality adopts a local waterfront revitalization program (LWRP), as is the case in New York City.

The New York City WRP is the City's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYSDOS administers the program at the State level, and DCP administers it in the City. The WRP was revised and approved by the City Council in October 1999. In August 2002, NYSDOS and federal authorities (i.e., the U.S. Army Corps of Engineers [USACE] and the U.S. Fish and Wildlife Service [USFWS]) adopted the City's 10 WRP policies for most of the properties located within its boundaries.

In October 2013, the City Council approved revisions to the WRP in order to proactively advance the long-term goals laid out in *Vision 2020: The New York City Comprehensive Waterfront Plan*, (released in 2011). The changes solidify New York City's leadership in the area of sustainability and climate resilience planning as one of the first major cities in the U.S. to incorporate climate change considerations into its Coastal Zone Management Program. They also promote a range of ecological objectives and strategies, facilitate interagency review of permitting to preserve and enhance maritime infrastructure, and support a thriving, sustainable working waterfront. The NYSDOS approved the revisions to the WRP on February 3, 2016. The U.S. Secretary of Commerce concurred with the State's request to incorporate the WRP into the New York State CMP.

As the Proposed Action would include a zoning text amendment applicable to sites throughout the city within the Coastal Zone (see the Coastal Zone Boundary maps in **Appendix 2**), it must be assessed for its consistency with the policies of the City's WRP. In accordance with the guidance of the *CEQR Technical Manual*, a Consistency Assessment Form (CAF) was prepared for the Proposed Action, which is provided in **Appendix 2** and summarized in the "Future with the Proposed Action" section below.

HOUSING NEW YORK

On May 5, 2014, the City released *Housing New York*, a 10-year strategy to build and preserve affordable housing throughout New York City in coordination with strategic infrastructure improvements to foster a more equitable and livable New York City through extensive community engagement processes. The 2014 plan outlined more than 50 initiatives to support the administration's goal of building or preserving 200,000 units of high-quality affordable housing to meet the needs of more than 500,000 people by 2024. The 2014 plan outlined five guiding policies and principles to meet this goal: fostering diverse, livable neighborhoods; preserving the affordability and quality of the existing housing stock; building new affordable housing for all

New Yorkers; promoting homeless, senior, supportive, and accessible housing; and refining City financing tools and expanding funding sources for affordable housing. *Housing New York* further calls for 15 neighborhood studies to be undertaken in communities across the five boroughs that offer opportunities for affordable housing.

Subsequently, on October 24, 2017, the City released *Housing New York 2.0*, which increased the affordable housing goal to 300,000 units by 2026. The updated and expanded plan outlines six goals: (1) creating more homes for seniors; (2) helping New Yorkers buy a piece of their neighborhoods; (3) building a firewall against displacement; (4) protecting affordability at Mitchell-Lama buildings; (5) capitalizing on advances in technology and innovative design to expand modular building and micro-units; and (6) unlocking the potential of vacant lots.

VISION ZERO

The City's Vision Zero initiative seeks to eliminate all deaths from traffic crashes regardless of whether on foot, bicycle, or inside a motor vehicle. In an effort to drive these fatalities down, the New York City Department of Transportation (NYCDOT) and the New York Police Department (NYPD) developed a set of five plans, each of which analyzes the unique conditions of one New York City borough and recommends actions to address the borough's specific challenges to pedestrian safety. These plans pinpoint the conditions and characteristics of pedestrian fatalities and severe injuries; they also identify priority corridors, intersections and areas that disproportionately account for pedestrian fatalities and severe injuries, prioritizing them for safety interventions. The plans outline a series of recommended actions comprised of engineering, enforcement and education measures that intend to alter the physical and behavioral conditions on city streets that lead to pedestrian fatality and injury.

ONENYC

In April 2015, Mayor Bill de Blasio released *OneNYC*, a comprehensive plan for a sustainable and resilient city for all New Yorkers that speaks to the profound social, economic, and environmental challenges faced by the city. *OneNYC* is the update to the sustainability plan for the City started under the Bloomberg administration, previously known as *PlaNYC 2030: A Greener, Greater New York.* Growth, sustainability, and resiliency remain at the core of *OneNYC*, but with the poverty rate remaining high and income inequality continuing to grow, the de Blasio administration added equity as a guiding principle throughout the plan. In addition to the focuses of population growth, aging infrastructure, and global climate change, *OneNYC* brings new attention to ensuring the voices of all New Yorkers are heard and to cooperating and coordinating with regional counterparts. Since the 2011 and 2013 updates of *PlaNYC*, the City has made considerable progress towards reaching its original goals and completing initiatives. *OneNYC* includes updates on the progress towards the 2011 sustainability initiatives and 2013 resiliency initiatives and also sets additional goals and outlines new initiatives under the organization of four visions: growth, equity, resiliency, and sustainability.

The goals of the plan are to make New York City:

- A Growing, Thriving City—by fostering industry expansion and cultivation, promoting job growth, creating and preserving affordable housing, supporting the development of vibrant neighborhoods, increasing investment in job training, expanding high-speed wireless networks, and investing in infrastructure.

- A Just and Equitable City—by raising the minimum wage, expanding early childhood education, improving health outcomes, making streets safer, and improving access to government services.
- A Sustainable City—by reducing greenhouse gas emissions, diverting organics from landfills to attain Zero Waste, remediating contaminated land, and improving access to parks.
- A Resilient City—by making buildings more energy efficient, making infrastructure more adaptable and resilient, and strengthening coastal defenses.

In April 2019, Mayor Bill de Blasio released *OneNYC 2050*, a comprehensive strategy to secure the City against future challenges. In addition to the previous focuses of *OneNYC*, *OneNYC 2050* draws attention to inequity of rising rents, access to healthcare and education, and the need to further strengthen democracy in New York City. Among other issues, *OneNYC 2050* identifies the need for efficient mobility with the objective of enabling reliable, safe, and sustainable transportation options so that no New Yorker needs to rely on a car. To achieve these aims, the plan includes initiatives to modernize the City's mass transit network and increase subway accessibility. In particular, the plan outlines an initiative to use zoning tools to increase accessibility, and instructs DCP to work with the MTA to expand citywide the zoning tools that facilitate transit station improvements and provide for easements in private developments for elevator and/or stair access to stations. The plan further calls for regulations providing zoning relief to ensure that transit easements do not impair the value of privately owned sites.

As the *CEQR Technical Manual* has yet to be updated to address the approach of *OneNYC*, the *PlaNYC* sustainability assessment will continue to be utilized on large publicly-sponsored projects.

NEW YORK CITY FOOD RETAIL EXPANSION TO SUPPORT HEALTH PROGRAM

The New York City Food Retail Expansion to Support Health (FRESH) Program provides zoning incentives and discretionary tax incentives to promote the establishment and retention of neighborhood grocery stores in communities that lack full-line grocery stores. Portions of the study areas are located within FRESH-designated areas.

The FRESH program is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space that will be leased by a full-line grocery store operator in FRESH-eligible areas that meet the following criteria:

- Provide a minimum of 6,000 sf of retail space for a general line of food and non-food grocery products intended for home preparation, consumption and utilization;
- Provide at least 50 percent of a general line of food products intended for home preparation, consumption and utilization;
- Provide at least 30 percent of retail space for perishable goods that include dairy, fresh produce, fresh meats, poultry, fish, and frozen foods; and
- Provide at least 500 sf of retail space for fresh produce.

Financial incentives are available to eligible grocery store operators and developers to facilitate and encourage FRESH Food Stores in the designated area. These incentives include real estate tax reductions, sales tax exemptions, floor area bonuses, and mortgage recording tax deferrals.

BUSINESS IMPROVEMENT DISTRICTS

Business Improvement Districts (BIDs) are geographical areas where local stakeholders oversee and fund the maintenance, improvement, and promotion of their commercial districts. BIDs create vibrant, clean, and safe districts, and deliver services and improvements above and beyond those typically provided by the City, such as street cleaning and maintenance; public safety and hospitality; marketing and events; capital improvements; beautification; advocacy; and business development. BIDs help to brand their districts and market small businesses on their corridor, facilitating networking among merchants, host community events, and advocate for improvements to the district. BIDs also serve as a liaison between local businesses and stakeholders and the City government. In doing so, BIDs provide a collective voice for the neighborhood and help inform City policy based on their unique local knowledge. Each BID in the City is run by a not-for-profit organization, and BID programs and services are funded by a special assessment billed to property owners within a district. There are currently 76 BIDs in New York City, several of which contain the areas near mass transit stations to which the proposed text amendment applies.

INDUSTRIAL BUSINESS ZONES

New York City's Industrial Business Zones (IBZs) were established to protect existing manufacturing districts and encourage industrial growth citywide. In 2006, the City created 16 IBZs where expanded business services are available for industrial and manufacturing businesses; there are now 21 IBZs citywide, several of which contain the areas near mass transit stations to which the proposed text amendment applies. The designation fosters high-performing business districts by creating competitive advantages over locating in areas outside of New York City. The IBZs are supported by tax credits for relocating within them, zone-specific planning efforts, and direct business assistance from Industrial Providers of New York City Business Solutions Industrial and Transportation.

D. NO ACTION CONDITION

LAND USE

In the future without the Proposed Action, existing land use trends and development patterns in the areas near mass transit stations to which the proposed text amendment applies are expected to continue, albeit without the benefit of special zoning relief provided by the proposed text amendment.

PROTOTYPICAL ANALYSIS SITES

As discussed in Attachment A, "Project Description," for this analysis, it is assumed that each prototypical analysis site would be redeveloped in compliance with applicable zoning regulations. **Table B-4** summarizes the No Action development on each prototypical analysis site. The majority of the No Action developments are mixed-use developments containing residential and commercial (e.g., ground floor retail) space. The two largest developments would be located on Sites 5 and 7 (80 dwelling units [DUs] and 109 DUs, respectively), which are within high-density districts. On the two sites located within Mandatory Inclusionary Housing (MIH) districts—Sites 3 and 4—a portion of the residential space would be affordable units. Two of the sites (Sites 8 and 9) are within zoning districts that do not permit residential uses; in these districts, the No Action developments would only contain commercial and/or community facility space. On all prototypical development sites, the No Action developments would be constructed to comply with the height, yard, setback, and parking regulations of their respective underlying zoning districts

and would maximize the development within the permitted building envelope. Illustrative renderings of the No Action scenarios are provided in Attachment A, "Project Description."

Table B-4
Prototypical Analysis Sites—No Action Condition

Site	Zoning District	Lot Area (sf)	No Action Scenario	No Action FAR
1	R6B	10,000	Five-story residential development: 20,800 gsf, 22 DUs	2.00
2	R5/C1-2	10,000	Three-story, 18,000 gsf mixed-use development: 12,200 gsf residential, 9 DUs; 5,800 gsf commercial	1.65
3	R7A/C2-4 (MIH)	5,000	Nine-story, 25,400 gsf mixed-use development: 21,500 gsf residential, 23 DUs (6 affordable DUs); 3,900 gsf commercial	4.60
4	R7A/C2-4 (MIH)	10,000	Nine-story, 44,100-gsf mixed use development: 38,300 gsf residential, 40 DUs (11 affordable DUs), 5,800 gsf commercial use	4.19
5	R9A/C1-5	10,000	13-story, 84,000 gsf mixed use development: 75,600 gsf residential, 80 DUs; 8,400 gsf commercial	7.52
6	C4-3	5,000	Seven-story commercial development: 20,000-gsf	3.40
7	C6-4	10,000	20-story, 110,100 gsf mixed-use development: 103,000 gsf residential, 109 DUs; 7,100 gsf commercial	10.00
8	C8-1	10,000	Six-story, 28,200-gsf community facility (medical office) development	2.40
9	M1-1	15,000	Two-story, 17,600 gsf commercial development	1.00

As outlined on **Table B-5**, some of the No Action developments (Sites 1, 2, 3, 4, 7, and 8) are assumed to provide a transit easement to provide access to the adjacent mass transit station; on the other prototypical analysis sites (Sites 5, 6, and 9), it is assumed that the mass transit agency would not pursue transit easements in the No Action condition, as the site conditions may not be optimal for an easement.

Table B-5
Prototypical Analysis Sites—No Action Condition Easements

Site	Zoning District	Lot Area (sf)	No Action Scenario Easement
1	R6B	10,000	35 feet by 35 feet (on zoning lot)
2	R5/C1-2	10,000	12 feet by 20 feet (on sidewalk)[1]
3	R7A/C2-4 (MIH)	5,000	12 feet by 20 feet (on zoning lot)
4	R7A/C2-4 (MIH)	10,000	35 feet by 35 feet (on zoning lot)
5	R9A/C1-5	10,000	N/A
6	C4-3	5,000	N/A
7	C6-4	10,000	35 feet by 35 feet (on zoning lot)
8	C8-1	10,000	12 feet by 20 feet (on sidewalk) [1]
9	M1-1	15,000	N/A

Notes:
[1] Under the No Action condition, the MTA may decide to build a station access point, such as an elevator, on the sidewalk, particularly for above-ground stations; therefore, a 12-foot-by-20-foot area on the sidewalk/public right-of-way was assumed for this prototype site

ZONING AND PUBLIC POLICY

In the future without the Proposed Action, the zoning districts and public policies described above in the existing conditions section would continue to apply to development in the areas affected by the Proposed Action.

A recent text amendment—Zoning for Coastal Flood Resiliency Text Amendment—was certified in March 2021. This text amendment modifies Waterfront Zoning (Article VI, Chapter 2 of the New York City Zoning Resolution), which applies special regulations to properties on blocks adjacent to or intersected by the shoreline (defined as "waterfront blocks"). The amendment to the Waterfront Zoning regulations is intended to improve upon and make permanent the existing flood resilience zoning already in place in New York City's waterfront areas (based off of 2013 Flood Resilience Zoning Text and 2015 Special Regulations for Neighborhood Recovery), and to promote resilient buildings and reduce flood risks in these most vulnerable areas now and in the future. Furthermore, the text includes special provisions to help facilitate the city's long-term recovery from the COVID-19 pandemic and its associated economic effects by providing more time for existing nonconforming uses to reopen and for builders to undertake certain construction projects. If adopted, the amendment would modify regulations on sites where the Proposed Action is applicable that are also subject to Waterfront Zoning.

No other changes in public policy are anticipated absent the Proposed Action.

E. WITH ACTION CONDITION

LAND USE AND ZONING

The Proposed Action is not expected to induce new development where it would not occur in the future absent the Proposed Action, and land use trends and development patterns are expected to remain similar to No Action conditions in the future with the Proposed Action.

As detailed in Attachment A, "Project Description", 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 5,000 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**.

SYSTEM-WIDE EASEMENT REQUIRMENT

The proposed text amendment would create a system-wide easement 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 easements 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.[1] 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 wavier**: 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:

[1] Except for in R5 districts where the height increase would range from 5 feet to 12 feet depending on infill.

General Streetscape Provisions: Easement volumes would be excluded from general streetscape provisions, including ground floor regulations, transparency provisions, and planting requirements.

- **Curb Cuts:** For the safety of transit users, at new developments, 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 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 easement requirement, 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.

EXPANDED TRANSIT IMPROVEMENT BONUS

The proposed text amendment would also 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. As discussed in Attachment A, "Project Description," the proposed CPC Authorization providing a floor area bonus in exchange for transit station improvements is a discretionary action that would trigger environmental review at the time it is sought. However, because it is not possible to predict whether a discretionary action would be pursued on any one site in the future, the RWCDS for the Proposed Action does not include consideration of specific development that would seek this action. Therefore, the analysis of the prototypical analysis sites does not consider any site utilizing the new floor area bonus Authorization. A Conceptual Analysis was conducted to consider the expanded transit improvement bonus program and its related new discretionary actions, and is provided in Attachment H, "Conceptual Analysis."

PROTOTYPICAL ANALYSIS SITES

Similar to the No Action condition, in the With Action condition each prototypical analysis site would be redeveloped with a new building. However, as outlined below, the With Action developments would utilize the proposed zoning relief provided by the Proposed Action; in some cases, the Proposed Action would facilitate a transit easement where one is not likely to be provided under the No Action condition.

Table B-5 summarizes the With Action developments on the prototypical analysis, as well as the differences between the No Action and With Action developments, and additional details on the modifications that would be facilitated by the Proposed Action are provided below.

Table B-5
Prototypical Analysis Sites—With Action Condition

Site	Zoning District	Lot Area (sf)	With Action Scenario	With Action FAR	Change between No Action and With Action Scenarios
1	R6B	10,000	Six-story, 22,400-gsf mixed-use development: 21,600 gsf residential, 23 DUs; 800 gsf commercial	2.00	+1,600 gsf +1 story (+10 feet)
2	R5/C1-2	10,000	Four-story, 17,800-gsf mixed-use development: 14,400 gsf residential, 12 DUs; 3,400 gsf commercial	1.65	-200 gsf +1 story (+12 feet)
3	R7A/C2-4 (MIH)	5,000	11-story, 25,800-gsf mixed-use development: 21,900 gsf residential, 23 DUs (6 affordable DUs); 3,900 gsf commercial	4.60	400 gsf +2 stories (+20 feet)
4	R7A/C2-4 (MIH)	10,000	11-story, 51,500-gsf mixed-use development: 44,000 gsf residential, 47 DUs (12 affordable DUs), 7,500 gsf commercial use	4.60	+7,400 gsf +2 stories (+20 feet)
5	R9A/C1-5	10,000	14-story, 83,900-gsf mixed-use development: 76,500 gsf residential, 81 DUs; 7,400 gsf commercial	7.52	-100 gsf +1 story (+10 feet)
6	C4-3	5,000	Six-story commercial development: 20,000 gsf	3.40	No change to total gsf -1 story (-20 feet)
7	C6-4	10,000	20-story, 111,500 gsf mixed-use development: 104,300 gsf residential, 110 DUs; 7,200 gsf commercial	10.0	+1,400 gsf, no change to no. stories/height
8	C8-1	10,000	Four-story, 28,200-gsf community facility (medical office) development	2.40	No change to total gsf, -2 stories (-35 feet)
9	M1-1	15,000	Two-story, 17,600 gsf commercial development	1.00	No change to total gsf, no. stories/height

Prototype Site 1

In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements;
- Waive all parking requirements;
- Allow commercial uses on the ground floor within 30 feet of the easement; and
- Modify height and setback to allow an increase height by one story on top of maximum height for easements serving below-grade stations.

This would result in a With Action development of 22,400 gsf (approximately 1,600 gsf larger than the No Action development), the majority of which would be residential use at 22,400 gsf with 23 DUs and 800 gsf of commercial use around the easement for the purposes of encouraging compatible uses around station entrances. The prototype site would be five stories high at 65 feet tall (compared to 55 feet tall in the No Action development), with an FAR of 2.00.

Prototype Site 2

In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements;
- Waive the parking requirements;
- Increase the maximum lot coverage from 55 percent to 65 percent; and
- Modify height and setback to allow a base height of up to 35 feet and a maximum building height of 45 feet after a 10-foot setback.

This would result in a With Action condition development of 17,800 gsf (approximately 200 gsf smaller than the No Action development), with a majority being residential use at 14,400 gsf and 12 DUs, and the remaining 3,400 gsf would be for commercial use. The With Action building would be four stories tall with a max height of 45 feet (compared to three stories and 33 feet tall in the No Action condition) and an FAR of 1.65.

Prototype Site 3

In the With Action condition, the MTA would pursue a 12-foot-by-20-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements; and
- Increase height by two additional stories on top of maximum height for above ground easements.

This would result in a With Action development of 25,800 gsf (approximately 400 gsf larger than the No Action development), with 21,900-gsf of residential use and 23 DUs, six of which would be affordable, and 3,900 gsf of commercial use. The With Action building would be 11-stories with a max height of 115 feet (compared to nine stories and 95 feet tall in the No Action condition), and an FAR of 4.60.

Prototype Site 4

In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements;
- Waive the parking requirements; and
- Increase height by two additional stories on top of maximum height for above ground easements.

This would result in a With Action development of 51,500 gsf (approximately 7,400 gsf larger than the No Action development), with 44,000 gsf of residential use and 47 DUs, 12 of which would be affordable, and 7,500 gsf of commercial use. The prototype building would be 11 stories

tall with a max height of 115 feet (compared to nine stories high and 95 feet tall in the No Action development), and an FAR of 4.60.

Prototype Site 5

In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; this easement would not be provided in the No Action development. In addition, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements;
- Increase height by one additional story on top of maximum height for easements serving below-grade stations.

This would result in a With Action condition development of 83,900 gsf (roughly equal to the No Action development), including 76,500 gsf of residential use with 81 DUs, and 7,400 gsf of commercial use. The prototype building would be 14 stories tall with a max height of 145 feet (compared to 13 stories high and 135 feet tall in the No Action development), and an FAR of 7.52.

Prototype Site 6

In the With Action condition, the MTA would pursue a 12-foot-by-20-foot transit easement on the zoning lot; this easement would not be provided in the No Action development. In addition, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements; and
- Waive the parking requirements.

This would result in a With Action condition development 20,000-gsf of commercial use (roughly equal to the No Action development). The With Action building would be six stories tall with a max height of 90 feet (compared to seven stories high and 110 feet tall in the No Action development), and an FAR of 3.40.

Prototype Site 7

In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area; and
- Exempt easement volume from street wall requirements;

This would result in a With Action development of 111,500 gsf (approximately 1,400 gsf larger than the No Action development), including 104,300 gsf of residential use with 110 DUs, and 7,200 gsf of commercial use. The prototype building would be 20 stories tall with a max height of 206 feet (similar to the No Action development), and an FAR of 10.0.

Prototype Site 8

In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; however, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area;
- Exempt easement volume from street wall requirements; and
- Waive the parking requirements.

This would result in a With Action condition development of 28,200 gsf of community facility space (roughly equal to the No Action development). The prototype building would be four stories tall with a max height of 60 feet (compared to six stories high and 95 feet tall in the No Action development), and an FAR of 2.40.

Prototype Site 9

In the With Action condition, the MTA would pursue a 35-foot-by-35-foot transit easement on the zoning lot; this easement would not be provided in the No Action development. In addition, the Proposed Action would provide the following zoning relief:

- Exempt the portion of the easement volume located at and/or above the ground floor from zoning floor area; and
- Exempt easement volume from street wall requirements.
- Reduce the parking requirements.

This would result in a With Action development of 17,600 gsf of commercial use (equal to the No Action development). The With Action building would be two stories tall with a max height of 30 feet (similar to the No Action development), and an FAR of 1.00.

ASSESSMENT—LAND USE AND ZONING

As detailed above, the Proposed Action would not result in changes to land uses on the prototypical analysis sites as compared to the No Action scenarios except for a modest amount of ground floor commercial uses that would be allowed in certain cases to serve as a buffer between the easement and residential areas of the development. It is assumed that the nine prototypical analysis sites would maximize their development under the Proposed Action. Although the Proposed Action would not allow for increases in maximum permitted floor area on these sites, changes to building placement, setbacks, yards, lot coverage, and building heights would allow for the construction of slightly different buildings than under the No Action condition, resulting in minor changes to total square footages, lot coverage, and building heights. In addition, the zoning relief provided by the Proposed Action would include waivers of the parking requirements, and in many cases the With Action developments would not include parking which would be required in the No Action condition. In some cases, the proposed zoning relief would allow for transit easements where such easements would not likely be provided in the No Action condition (i.e., on Sites 5, 6, and 9); therefore, the Proposed Action would result in modified site plans that provide improved access to the adjacent mass transit stations. In particular, these easements would allow for ADA station access points to be moved off of sidewalks and onto the zoning lots, providing for better configured stations.

Overall, the Proposed Action would not result in any new land uses that are not permitted by underlying zoning except for a modest amount of ground floor commercial use that would be allowed adjacent to easement area in certain cases in residential districts (e.g., Site 1) to serve as a buffer between the easement and the residential area on the ground floor of the development. The Proposed Action would only apply to areas within 50 feet of mass transit station, except for some low-density residence districts that do not allow multi-family housing, 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.

In addition, the Proposed Action would provide for enhanced land use conditions by facilitating space for transit entrances and incentivizing transit station improvements, thereby supporting transit-oriented development. Expanding the transit easement requirement mechanism to a citywide scale would increase the rate and breadth at which station improvements and easement volumes are being provided within the transit system. Similarly, the proposed expansion of the transit improvement bonus to higher density areas throughout the city would accelerate transit improvements to stations in higher use areas by incentivizing developers to provide substantial transit station improvements in exchange for a significant FAR bonus and other zoning related modifications.

Therefore, the Proposed Action would not result in any significant adverse impacts to land use and zoning.

PUBLIC POLICY

WATERFRONT REVITALIZATION PROGRAM

See Section F, "Waterfront Revitalization Program Assessment."

HOUSING NEW YORK

As discussed above, the Proposed Action is not expected to induce development where it would not occur absent the Proposed Action, but is expected to align private development with improved station accessibility and facilitate transit station improvements. The Proposed Action would not prohibit the development of affordable housing in the applicable area within 50 feet of a mass transit station. On some sites, the zoning relief provided by the Proposed Action (including changes to building placement, setbacks, yards, lot coverage, and building heights) may allow for more residential floor area and additional dwelling units; in areas that are subject to MIH regulations, this would allow for additional affordable units. Therefore, the Proposed Action would not conflict with *Housing New York*.

VISION ZERO

As noted above, the Proposed Action is not expected to induce development where it would not occur absent the Proposed Action. The Proposed Action would not generate pedestrian or vehicular trips that would significantly worsen pedestrian or vehicular safety conditions in the applicable area within 50 feet of a mass transit station. Rather, the Proposed Action would result in enhanced pedestrian circulation conditions and support mass transit by facilitating transit station improvements and accessibility. Therefore, it would be consistent with Vision Zero.

ONENYC

The Proposed Action would support the goals identified by *OneNYC* that seek to promote transit-oriented development, improve access to existing transit, and provide reliable, safe, and sustainable transportation options. In particular, by applying the transit easement requirement (and related zoning relief) citywide, the Proposed Action would directly support the objectives of modernizing the City's mass transit network and increasing subway accessibility as outlined in

OneNYC 2050. The proposed zoning text amendment fulfils *OneNYC 2050's* initiative to use zoning tools to increase accessibility, facilitate transit station improvements, provide for easements in private developments for elevator and/or stair access to stations, and provide zoning relief to ensure that transit easements do not impair the value of privately owned sites.

NEW YORK CITY FOOD RETAIL EXPANSION TO SUPPORT HEALTH PROGRAM

As discussed above, the Proposed Action is not expected to induce development where it would not occur absent the Proposed Action, but is expected to align private development with improved station accessibility and incentivize transit station improvements. The Proposed Action would not prohibit the development of FRESH supermarkets in the applicable areas within 50 feet of a mass transit station, and as such, would not conflict with the City's FRESH Program.

BUSINESS IMPROVEMENT DISTRICTS

As discussed above, the Proposed Action is not expected to induce development where it would not occur absent the Proposed Action, but is expected to align private development with improved station accessibility and incentivize transit station improvements. The Proposed Action would not conflict with any BIDs in the applicable areas within 50 feet of a mass transit station.

INDUSTRIAL BUSINESS ZONES

As noted above, the Proposed Action is not expected to induce development where it would not occur absent the Proposed Action, but is expected to align private development with improved station accessibility and incentivize transit station improvements. The Proposed Action would not conflict with any IBZs in the applicable areas within 50 feet of a mass transit station.

F. WATERFRONT REVITALIZATION PROGRAM ASSESSMENT

As noted above, the Proposed Action must be assessed for its consistency with the policies of the WRP, as it affects zoning regulations in the City's Coastal Zone. The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. According to the *CEQR Technical Manual*, actions located within the designated boundaries of NYC Coastal Zone require an assessment of the action's consistency with the WRP. The WRP consistency review includes consideration and assessment of other local, state and federal laws and regulations governing disturbance and development within the Coastal Zone.

For generic or programmatic actions, the potential locations likely to be affected within the Coastal Zone boundary should be considered. Since the Proposed Action would affect thousands of properties across numerous zoning districts and special districts throughout the City, sites that are or would become subject to the provisions may be located in the boundaries of the Coastal Zone. Consequently, the Proposed Action's consistency with the WRP has been evaluated.

The WRP CAF, which is provided in **Appendix 2**, lists the WRP policies and indicates whether the Proposed Action would promote or hinder each policy, or if that policy would be not applicable. This section provides additional information for the policies that have been checked "promote" or "hinder" in the WRP CAF.

Policy 1: *Support and facilitate commercial and residential development in areas well-suited to such development.*

Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

Although the Proposed Action is not expected to induce development on a lot where development would not also be expected to occur under the No Action condition, it would align private development with improved station accessibility and incentivize transit station improvements. As described in Attachment A, "Project Description," upgrading existing mass transit stations is both physically challenging and expensive. Since most stations are below grade or elevated, they require elevators to make them accessible, and finding space for elevator shafts can be particularly challenging due to narrow platforms and sidewalks. By providing space for entrances through easement requirements and incentivizing transit station improvements such as additional entrances, the Proposed Action is expected to support and facilitate existing development patterns, including residential and commercial redevelopment in coastal zone areas. Therefore, the Proposed Action would be consistent with Policy 1.1.

Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

See response to Policy 1.1. The Proposed Action is not expected to induce development on a lot where development would not also be expected to occur under the No Action condition, and is not expected to substantially alter land use trends in the applicable area within 50 feet of a mass transit station envelope. However, the Proposed Action would align private development with improved station accessibility and would incentivize transit station improvements. Therefore, the Proposed Action would facilitate infrastructure improvements in the areas near MTA stations and support transit-oriented development, and would be consistent with Policy 1.3.

Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

As described below under Policy 6.2, while the proposed text amendments would introduce mechanisms that would provide relief from zoning regulations such as yard, height, setback, lot coverage, streetwall, and parking requirements for developments utilizing a transit easement volume certification requirement, these changes would not hinder the ability of developments to incorporate future adaptive strategies to mitigate future flood risks. In addition, given that these changes facilitated by the Proposed Action would be limited to sites located within 50 feet of a mass transit station, it is unlikely that such changes would significantly increase overall densities in areas likely to be exposed to future tidal flooding. Therefore, the proposed action would not hinder the achievement of Policy 1.5.

Policy 5: *Protect and improve water quality in the New York City Coastal Area*

Policy 5.1: Manage direct or indirect discharges to waterbodies.

The Proposed Action would facilitate space for transit entrances and incentivize transit station improvements by expanding the transit easement requirement mechanism to a citywide scale and expanding the transit improvement bonus eligibility to higher density areas throughout the city. These components of the text amendment are not expected to cause any direct or indirect impacts on water discharges, and would also not increase the amount of impervious surface significantly. In addition, the Proposed Action would not affect a property owner's responsibility to comply with regulations for discharge of wastewater into surface or groundwater set forth by the NYS

Department of Environmental Conservation under the State Pollutant Discharge Elimination System (SPDES). The proposal would therefore not hinder the achievement of Policy 5.1.

Policy 6: *Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.*

> *Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.*

Since the Proposed Action has citywide applicability, sites that are subject to the provisions of the text amendment may be located in a federally designated flood hazard area or state-designated erosion hazards area. The proposed provisions would not change any of the existing protections and development in a federally designated flood hazard area would continue to follow floodplain management statutes and regulations guiding construction and renovation of residential and non-residential structures, including the New York City Administrative Code, Title 28, Article 10: General Limitations on Occupancy and Construction within Special Flood Hazard Areas, §27-316 and §27:317. The Proposed Action would also not affect a property owner's responsibility to comply with the New York State Coastal Erosion Hazard Area statutes and regulations. The proposal would therefore not hinder the achievement of Policy 6.1.

> *Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.*

As outlined in The New York City Waterfront Revitalization Program Climate Change Adaptation Guidance document, for programmatic, non-site-specific actions (such as area-wide zoning text amendments), the general methodology approach should be utilized to assess a project's or action's consistency with Policy 6.2 of the WRP. The general methodology consists of the following steps:

> *1. Identify vulnerabilities and consequences. The goal of this first step is to assess the project's vulnerabilities to future coastal hazards and what potential consequences may be.*
>
> > *a. Assess the project area's exposure to current and future flood risk.*
> >
> > *b. Identify if the project or action would facilitate the development of any vulnerable, critical, or potentially hazardous features within areas exposed to flooding from Mean Higher High Water or 1% Annual Chance Flood by the 2050s under the 90th percentile of sea level rise projections.*
>
> *2. Identify adaptive strategies. The goal of Step 2 is to assess how the vulnerabilities and consequences identified in Step 1 are addressed through the project's design and planning. Step 2 assesses how applicable codes and regulations, planned flood damage reduction elements and adaptive measures, or likely future infrastructure investments (beyond the scope of the proposed project) would or would not reduce potential flood damage for any proposed vulnerable, critical, or potentially hazardous feature.*
>
> *3. Assess Policy consistency. The final step is to assess whether the project is consistent with Policy 6.2 of the WRP.*

As noted above, since the Proposed Action has citywide applicability, sites that are subject to the provisions of the text amendment may be located in future flood zones or areas that may be exposed to future tidal flooding. With climate change, the current floodplain is likely to expand in the future and the height of flooding to increase. In addition, very low-lying areas of the city may

be exposed to more regular tidal flooding. By providing space for entrances through easement requirements and incentivizing transit station improvements such as additional entrances, the Proposed Action is expected to support and facilitate existing development patterns, including redevelopment in areas exposed to current and future flooding.

While the proposed text amendments would introduce mechanisms that would provide relief from zoning regulations such as yard, height, setback, lot coverage, streetwall, and parking requirements for developments subject to a transit easement volume requirement, these changes would not hinder the ability of these developments to incorporate future adaptive strategies to mitigate future flood risks. In addition, given that these changes facilitated by the Proposed Action would not induce development compared to the No Action condition and would be limited to sites located within 50 feet of a mass transit station, it is unlikely that such changes would significantly increase overall densities in areas likely to be exposed to future tidal flooding. Therefore, the proposed action would not hinder the achievement of Policy 6.2.

***Policy** 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.*

> *Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.*
>
> *Policy 7.2: Prevent and remediate discharge of petroleum products.*

While the Proposed Action is not expected to induce development on sites where development would not otherwise be possible, it may affect areas where hazardous materials may be present. However, no new in-ground disturbance is anticipated in the With Action condition beyond what would be allowed under the No Action condition. The relief provided for lot coverage and yard regulations would not result in additional in-ground disturbance as these provisions only regulate the portion of the lot covered by a building when viewed directly from above. Regardless of the proposed yard and lot coverage provisions, developments can create cellar level space that covers the entirety of the property (beyond the boundaries established by lot coverage and yard provisions) under both the No Action and With Action conditions, and there would be no increment in terms allowable in-ground disturbance.

In addition, the Proposed Action would not affect a property owner's responsibility to comply with applicable regulatory requirements, including soil cleanup objectives set forth by Title 6 of the New York Codes, Rules and Regulations (6NYCRR) Part 375-6. Developments would also continue to follow additional Brownfield assistance programs, including the NYS Department of State's Brownfield Opportunity Areas Program and the NYC Mayor's Office of Environmental Remediation's NYC Brownfield Cleanup Program, where applicable. Therefore, no significant adverse impacts related to hazardous materials are anticipated, and the Proposed Action would not hinder the achievement of Policies 7.1 and 7.2.

***Policy 8:** Provide public access to, from, and along New York City's coastal waters.*

> *Policy 8.1: Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.*

While the Proposed Action would affect zoning regulations citywide and introduce mechanisms that would provide relief from zoning regulations such as yard, height, setback, lot coverage, streetwall, and parking requirements for developments subject to the transit easement volume

requirement, it is not expected to have a significant effect on physical, visual and recreational access to the waterfront. Under the text amendment, as there would be no changes to underlying waterfront zoning requirements, new development would continue to be consistent with the existing scale and design, preserve visual access to the waterfront, and protect visual corridors provided or defined by mapped streets that terminate at the shoreline. In addition, waterfront zoning regulations which require the provision of public access to the waterfront would continue to apply to private waterfront development. The Proposed Action would therefore not hinder the achievement of Policy 8.1.

Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

The Proposed Action would not change the underlying zoning districts, and waterfront zoning regulations which require the provision of public access would continue to apply to private waterfront development. The Proposed Action would only facilitate development where permitted under current zoning districts, and would therefore not hinder the achievement of Policy 8.2.

Policy 8.3. Provide visual access to the waterfront where physically practical.

The Proposed Action would not introduce incompatible visual or atmospheric elements to the waterfront. While the Proposed Action would affect zoning regulations citywide and introduce mechanisms that would provide relief from zoning regulations such as yard, height, setback, lot coverage, streetwall, and parking requirements for developments subject to a transit easement volume requirement, it is not expected to have a significant effect on visual access to the waterfront. Under the text amendment, there would be no changes to underlying waterfront zoning requirements, and new development would continue to respect the scale, design, and location of public projects and lands; preserve visual access to the waterfront; and protect visual corridors provided or defined by mapped streets that terminate at the shoreline. Therefore, the Proposed Action would not hinder the achievement of Policy 8.3.

Policy 9: *Protect scenic resources that contribute to the visual quality of the New York City coastal area.*

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The Proposed Action is not expected to have significant adverse contextual or visual impacts on existing visual resources. As noted above, the Proposed Action would affect zoning regulations citywide and introduce mechanisms that would provide relief from zoning regulations such as yard, height, setback, lot coverage, streetwall, and parking requirements for developments subject to a transit easement volume requirement. Although developments resulting from the proposed changes could alter the setting or visual context of existing historic resources in some locations, these alterations is not expected to result in significant adverse impacts. The Proposed Action would not alter the relationship of architectural resources to the streetscape, or change or obstruct public views of architectural resources. All significant elements of existing architectural resources would remain visible in view corridors on public streets. Further, no incompatible visual, audible, or atmospheric elements would be introduced by the Proposed Action to any historic resources. As such, the Proposed Action would not hinder the achievement of Policy 9.1.

Policy 9.2: Protect and enhance scenic values associated with natural resources.

Under the Proposed Action, visual quality and scenic resources would continue to be protected through historic preservation; natural resource protection; parks and open space planning and

acquisition; zoning special districts; and waterfront zoning controls on over-water development, areas for public viewing, and urban design standards that shape new development. The Proposed Action would therefore not facilitate new development that could potentially have adverse impacts on the scenic values associated with natural resources, and is not expected to hinder the achievement of Policy 9.2.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.

Policy 10.1: Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.

The Proposed Action would affect specific zoning districts on a citywide basis, and some of these districts may be situated in historic districts, or adjacent to historic resources. However, the Proposed Action is not expected to induce development where it would not occur absent the Proposed Action. There would be no incremental change in the potential for properties that are New York City Landmarks (NYCLs) or in New York City Historic Districts, or non-designated eligible sites, to be directly impacted between the future No Action and With Action conditions. The Proposed Action would not result in any physical direct impacts on architectural resources, and would not result in substantial incremental shadows being cast on sunlight-sensitive features of historic resources. Therefore, no significant adverse impact on historic resources is anticipated.

Under the Proposed Action, all projects involving historical and cultural resources would continue to comply with national, state, and local laws and regulations regarding designated historical resources. In particular, privately owned properties that are NYCLs or in New York City Historic Districts would continue be protected under the New York City Landmarks Law, and any designated NYCL or State and National Register (S/NR)-listed historic buildings located within 90 linear feet of a new construction site would be subject to the protections of DOB's *Technical Policy and Procedure Notice (TPPN) #10/88*. Therefore, the Proposed Action is not expected hinder the achievement of Policy 10.1.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

Since the Proposed Action has citywide applicability, sites that are subject to the provisions of the Proposed Action may be located on or in close proximity to archaeological in the areas near mass transit stations. While it may affect areas of archaeological sensitivity, no new in-ground disturbance is anticipated in the With Action condition beyond what would be allowed under the No Action condition. The relief provided for lot coverage and yard regulations would not result in additional in-ground disturbance as these provisions only regulate the portion of the lot covered by a building when viewed directly from above. Regardless of the proposed yard and lot coverage provisions, developments can create cellar level space that covers the entirety of the property (beyond the boundaries established by lot coverage and yard provisions) under both the No Action and With Action conditions, and there would be no increment in terms allowable ground disturbance. Under the Proposed Action, all projects involving historical and cultural resources would continue to comply with national, state, and local laws and regulations regarding designated historical resources, including those pertaining to the discovery, investigation, and recovery of archaeological resources. Therefore, the Proposed Action is not expected hinder the achievement of Policy 10.2.

Overall, the Proposed Action would not have any significant adverse impacts on land use, zoning, or public policy. ✷

Attachment C: Shadows

A. INTRODUCTION

As described in Attachment A, "Project Description," the Metropolitan Transportation Authority (MTA) together with the New York City Department of City Planning (DCP) is proposing a zoning text amendment (the "Proposed Action") in the New York City Zoning Resolution (ZR) to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement (the "System-wide Easement Requirement"), that would require developments on lots over 5,000 square feet (sf) within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related mass 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. This attachment assesses the potential shadow impacts resulting from the Proposed Action on publicly accessible open spaces and other sunlight-sensitive resources of concern.

Under the 2020 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a shadows assessment is required if the Proposed Action would result in new structures or additions to existing structures 50 feet or greater in height.

Due to the broad applicability of the Proposed Action, it is difficult to predict the sites where development would occur. Additionally, the Proposed Action is not 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, and general location of development within the affected area is not anticipated to change. Due to the generic nature of this action, there are no known or projected as-of-right development sites identified as part of the Proposed Action's Reasonable Worst-Case Development Scenario (RWCDS). To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical analysis sites were identified, as detailed in Attachment A, "Project Description." As the Proposed Action would result in increases in building heights compared to the No Action scenario on several of the prototypical analysis sites, some of which may be adjacent to or across the street from sunlight-sensitive resources, a shadows assessment was prepared, and is provided below.

As described below, this assessment concludes that the Proposed Action would not result in any significant adverse shadow impacts. The development of transit access improvements facilitated by the Proposed Action would not result in changes to development that would substantially reduce or completely eliminate sunlight exposure on a sunlight-sensitive resource. Therefore, significant adverse impacts related to shadows are unlikely to occur as a result of the Proposed Action.

B. DEFINITIONS AND METHODOLOGY

This analysis has been prepared in accordance with the guidelines of the *CEQR Technical Manual*.

DEFINITIONS

Incremental shadow is the additional, or new, shadow that a structure resulting from a proposed project would cast on a sunlight-sensitive resource.

Sunlight-sensitive resources are those that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. Such resources generally include:

- *Public open space* such as parks, beaches, playgrounds, plazas, schoolyards (if open to the public during non-school hours), greenways, and landscaped medians with seating. Planted areas within unused portions of roadbeds that are part of the Greenstreets program are also considered sunlight-sensitive resources.
- *Features of architectural resources that depend on sunlight for their enjoyment by the public.* Only the sunlight-sensitive features need be considered, as opposed to the entire resource. Such sunlight-sensitive features might include design elements that depend on the contrast between light and dark (e.g., recessed balconies, arcades, deep window reveals); elaborate, highly carved ornamentation; stained glass windows; historic landscapes and scenic landmarks; and features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as a historic landmark.
- *Natural resources* where the introduction of shadows could alter the resource's condition or microclimate. Such resources could include surface water bodies, wetlands, or designated resources such as coastal fish and wildlife habitats.

Non-sunlight-sensitive resources include, for the purposes of CEQR:

- *City streets and sidewalks* (except Greenstreets);
- *Private open space* (e.g., front and back yards, stoops, vacant lots, and any private, non-publicly accessible open space); and
- *Project-generated open space*, which cannot experience a significant adverse shadow impact from the project, according to CEQR, because without the project the open space would not exist. However, a discussion of how shadows would affect the new space may be warranted.

A significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources. Each case must be considered on its own merits based on the extent and duration of new shadow and an analysis of the resource's sensitivity to reduced sunlight.

METHODOLOGY

Following the guidelines of the *CEQR Technical Manual*, a preliminary screening assessment must first be conducted to ascertain whether a project's shadow could reach any sunlight-

sensitive resources at any time of year. The preliminary screening assessment consists of three tiers of analysis. The first tier of analysis determines a simple radius around the proposed building representing the longest shadow that could be cast. If there are sunlight-sensitive resources within this radius, the analysis proceeds to the second tier, which refines the area that could be affected by project shadow. This refinement accounts for the fact that shadows can never be cast between a certain range of angles south of the development site due to the path of the sun through the sky at the latitude of New York City.

If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by project shadow by looking at specific representative days in each season and determining the maximum extent of shadow over the course of each representative day.

If a third tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a detailed shadow analysis is required to determine the extent and duration of the incremental shadow resulting from the project. The detailed analysis provides the data needed to assess the shadow impacts. The effects of the new shadows on the sunlight-sensitive resources are described, and their degree of significance compared to shadows anticipated under No Action development is considered. The results of the analysis and assessment are documented with graphics, a table of incremental shadow durations, and narrative text.

To be conservative, a screening was performed to determine which prototypical analysis sites would result in structures taller than 50 feet in incremental height or increases in height at sites located adjacent to sunlight-sensitive resources. No other screening assessments were conducted before identifying analysis sites and preparing the detailed shadow impact assessment.

REPRESENTATIVE DAYS FOR ANALYSIS

Following the guidance of the *CEQR Technical Manual*, shadows on the summer solstice (June 21), winter solstice (December 21) and spring and fall equinoxes (March 21 and September 21, which are approximately the same in terms of shadow patterns) are modeled to represent the range of shadows over the course of the year. An additional representative day during the growing season is also modeled, generally the day halfway between the summer solstice and the equinoxes, i.e., May 6 or August 6, which have approximately the same shadow patterns.

TIMEFRAME WINDOW OF ANALYSIS

The shadow assessment considers shadows occurring between one and a half hours after sunrise and one and a half hours before sunset. At times earlier or later than this timeframe window of analysis, the sun is down near the horizon and the sun's rays reach the Earth at very tangential angles, diminishing the amount of solar energy and producing shadows that are very long, move fast, and generally blend with shadows from existing structures. Consequently, shadows occurring outside the timeframe window of analysis are not considered significant under CEQR and their assessment is not required.

DETERMINATION OF IMPACT SIGNIFICANCE

The determination of significance of shadow impacts on a sunlight-sensitive resource is based on (1) the information resulting from the detailed shadow analysis describing the extent and

duration of incremental shadows; and (2) an analysis of the resource's sensitivity to reduced sunlight. The goal of the assessment is to determine whether the effects of incremental shadows on a sunlight-sensitive resource are significant under CEQR.

A shadow impact occurs when the incremental shadow from a proposed project falls on a sunlight-sensitive resource or feature and reduces its direct sunlight exposure. Determining whether this impact is significant or not depends on the extent and duration of the incremental shadow and the specific context in which the impact occurs.

Per CEQR, a significant shadow impact generally occurs when an incremental shadow of 10 minutes or longer falls on a sunlight-sensitive resource and results in one of the following:

Vegetation:

- A substantial reduction in sunlight available to a sunlight-sensitive feature of the resource to less than the minimum time necessary for its survival (when there would be sufficient sunlight in the future without the proposed actions). In the growing season, 4 to 6 hours a day of sunlight is a minimum requirement.
- A reduction in direct sunlight exposure where the sensitive feature of the resource is already subject to substandard sunlight (i.e., less than the minimum time necessary for its survival).

Historic and Cultural Resources:

- A substantial reduction in sunlight available for the enjoyment or appreciation of the sunlight-sensitive features of a historic or cultural resource.

Open Space Utilization:

- A substantial reduction in the usability of open space as a result of increased shadows.

For Any Sunlight-Sensitive Feature of a Resource:

- Complete elimination of all direct sunlight on the sunlight-sensitive feature of the resource, when the complete elimination results in substantial effects on the survival, enjoyment, or—in the case of open space or natural resources—the use of the resource.

Pursuant to CEQR guidance, a shadow assessment is required only an action would: (a) result in new developments or enlargements (including the addition of rooftop mechanical equipment) that would result in an incremental increase of 50 feet or more compared to the No Action scenario, or (b) be located adjacent to, or across the street from, a sunlight-sensitive resource. However, when an action's incremental height increase is 10 feet or less and it is located adjacent to or across the street from a sunlight-sensitive resource, which is not a designated New York City Landmark (NYCL), listed on the State/National Registers of Historic Places (S/NR), or eligible for these programs, the lead agency may determine, in consultation with New York City Department of Parks and Recreation (NYC Parks), whether a shadow assessment is required.

PROTOTYPICAL ANALYSIS SITES

As detailed in Attachment A, "Project Description," the Proposed Action would result in changes to the building height and bulk configuration on the prototypical analysis sites as

compared to the No Action scenarios. In the With Action condition, it is expected that development on the prototypical analysis sites would receive certain zoning relief in exchange for providing a transit easement, some of which would result in an increase in building height compared to the No Action condition.

As shown in **Table C-1**, none of the prototypical analysis sites would result in building height increases of 50 feet or more. When compared to the No Action condition, the maximum height of development on Sites 6 through 9 would not change or would decrease and therefore do not require a shadows analysis. Sites 1 and 5 would increase by 10 feet and generally would not require a detailed shadow assessment. Site 2 would have a building height increase of 12 feet, while Sites 3 and 4) would have building height increases of 20 feet, the largest building height increases of all the prototypical development sites. Of the two sites with 20-foot building height increase, which are both located in R7A/C2-4 zoning districts, Site 4 was selected for detailed analysis since it has a larger lot size, building size and transit easement volume (which would result in a larger transit easement structure).

As shown in **Table C-1**, Prototypical Analysis Site 4 would increase by 20 feet. Due to its generic nature, it is not known whether Site 4 would be located adjacent to or across the street from a sunlight-sensitive resource. For conservative analysis purposes, it was assumed that Site 4 would be located adjacent to sunlight sensitive resources and would require a detailed assessment of their incremental shadow.

Table C-1
Prototypical Analysis Sites

Site	Development Type	Zoning District	Lot Area (sf)	Station Type	No Action			With Action			Increment	
					Easement	FAR	Height (ft)	Easement	FAR	Height (ft)	FAR	Height (ft)
1	Medium density (contextual) residential	R6B	10,000	Below-grade	35'x35'	2.00	55	35'x35'	2.00	65	0	10
2	Low density mixed-use	R5/C1-2	10,000	Above-grade	12'x20' (sidewalk)	1.65	33	35'x35'	1.65	45	0	12
3	Medium density (contextual) mixed-use	R7A/C2-4 (MIH)	5,000	Above-grade	12'x20'	4.60	95	12'x20'	4.60	115	0	20
4	Medium density (contextual) mixed-use	R7A/C2-4 (MIH)	10,000	Above-grade	35'x35'	4.19	95	35'x35'	4.60	115	0.41	20
5	High density (contextual) mixed-use	R9A/C1-5	10,000	Below-grade	None	7.52	135	35'x35'	7.52	145	0	10
6	Medium density (contextual) commercial	C4-3	5,000	Above-grade	None	3.40	110	12'x20'	3.40	90	0	-20
7	High density commercial	C6-4	10,000	Below-grade	35'x35'	10.00	206	35'x35'	10.00	206	0	0
8	Low Density Manufacturing/ General Services	C8-1	10,000	Above-grade	12'x20' (sidewalk)	2.4	95	35'x35'	2.4	60	0	-35
9	Low Density Manufacturing/ General Services	M1-1	15,000	Above-grade	None	1.0	30	35'x35'	1.0	30	0	0

Source: DCP

C. DETAILED ASSESSMENT

Per *CEQR Technical Manual* guidelines, a shadow analysis was performed for the two prototypical analysis sites identified above on four representative days of the year: March 21/September 21 (the equinoxes); May 6 (the midpoint between the summer solstice and the equinox, and equivalent to August 6); June 21 (the summer solstice and the longest day of the year); and December 21 (the winter solstice and shortest day of the year). These four representative days indicate the range of shadows over the course of the year. CEQR guidance defines the temporal limits of a shadow analysis period to fall from 1.5 hours after sunrise to 1.5 hours before sunset. As discussed above, the results of the shadows analysis show the incremental difference in shadow impact between the No Action and With Action conditions, the results of which are summarized in **Table C-2**.

Table C-2
Incremental Shadow Durations

	March 21 7:36 AM–4:29 PM	May 6 6:27 AM–5:18 PM	June 21 5:57 AM–6:01 PM	December 21 8:51 AM–2:53 PM
Prototypical Analysis Site 4				
Open Space 1	8:25 AM–9:35 AM Total: 1 hr 10 min	7:17 AM–9:08 AM Total: 1hr 53 min	6:55 AM–8:40 AM Total: 1hr 45 min	
Open Space 2		4:30 PM–5:18 PM Total: 48 min	4:57 PM–5:54 PM Total: 57 min	
Historic Resource 1		6:44 AM – 8:10 AM Total: 1hr 26 min	6:26 AM – 8:08 AM Total: 1hr 42 min	

PROTOTYPICAL ANALYSIS SITE 4

In the future with the Proposed Action, the building height of Site 4 would increase from 95 feet in the No Action condition to 115 feet in the With Action condition.

Historic Resource 1

Site 4 is assumed to be located northeast from a generic house of worship (Historic Resource 1), which is assumed to have historic significance and contain sunlight-sensitive features, which may include stained-glass windows and/or architectural design elements.

The Proposed Action would result in new incremental shadows on this historic resource on two of the four representative analysis days: May 6 and June 21. As shown in **Table C-2**, on May 6, action-generated shadows on the historic resource's sunlight-sensitive features would last for approximately 1 hour and 26 minutes. Incremental shadow on the historic resource would begin at 6:44 AM and would move in an eastern direction until 8:10 AM (see **Figure C-1**).

Additionally, as shown in **Table C-2**, on June 21, action-generated shadows on the historic resource's sunlight-sensitive features would last for approximately 1 hour and 42 minutes. Incremental shadow on the historic resource would begin at 6:26 AM and would move in an eastern direction until existing the historic resource at 8:08 AM (see **Figure C-2**).

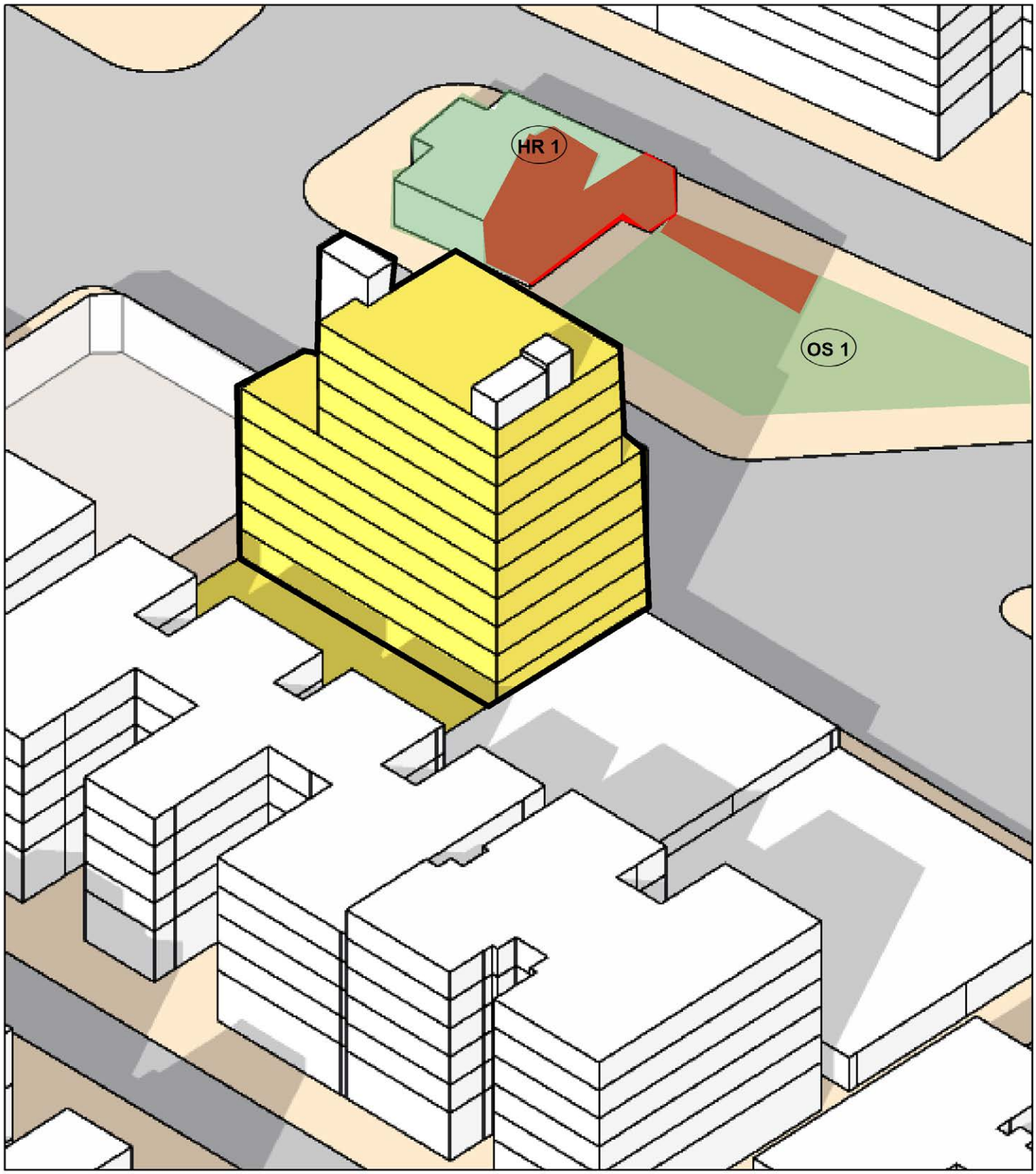
Assessment

On May 6 and June 21, the Proposed Action would result in incremental shadow coverage on Historic Resource 1. However, the sunlight-sensitive features of the historic resource would continue to receive direct sunlight. The action-generated shadows falling on the resource would move from west to east quickly and would only reach the eastern and southern areas of the building's façade. Action-generated shadows on Historic Resource 1 would not be cast on any of its sunlight-sensitive features, such as stained-glass windows, for an extended period of time during the analysis days. Therefore, the Proposed Action would not significantly affect the utilization of Historic Resource 1 nor the enjoyment of its architectural features.

Open Space 1

For conservative analysis purposes, Site 4 is assumed to be located across the street from a generic small, triangle shaped publicly accessible open space (Open Space 1) that is assumed to have bench seating surrounded by plantings.

3.5.21



Source: WSP

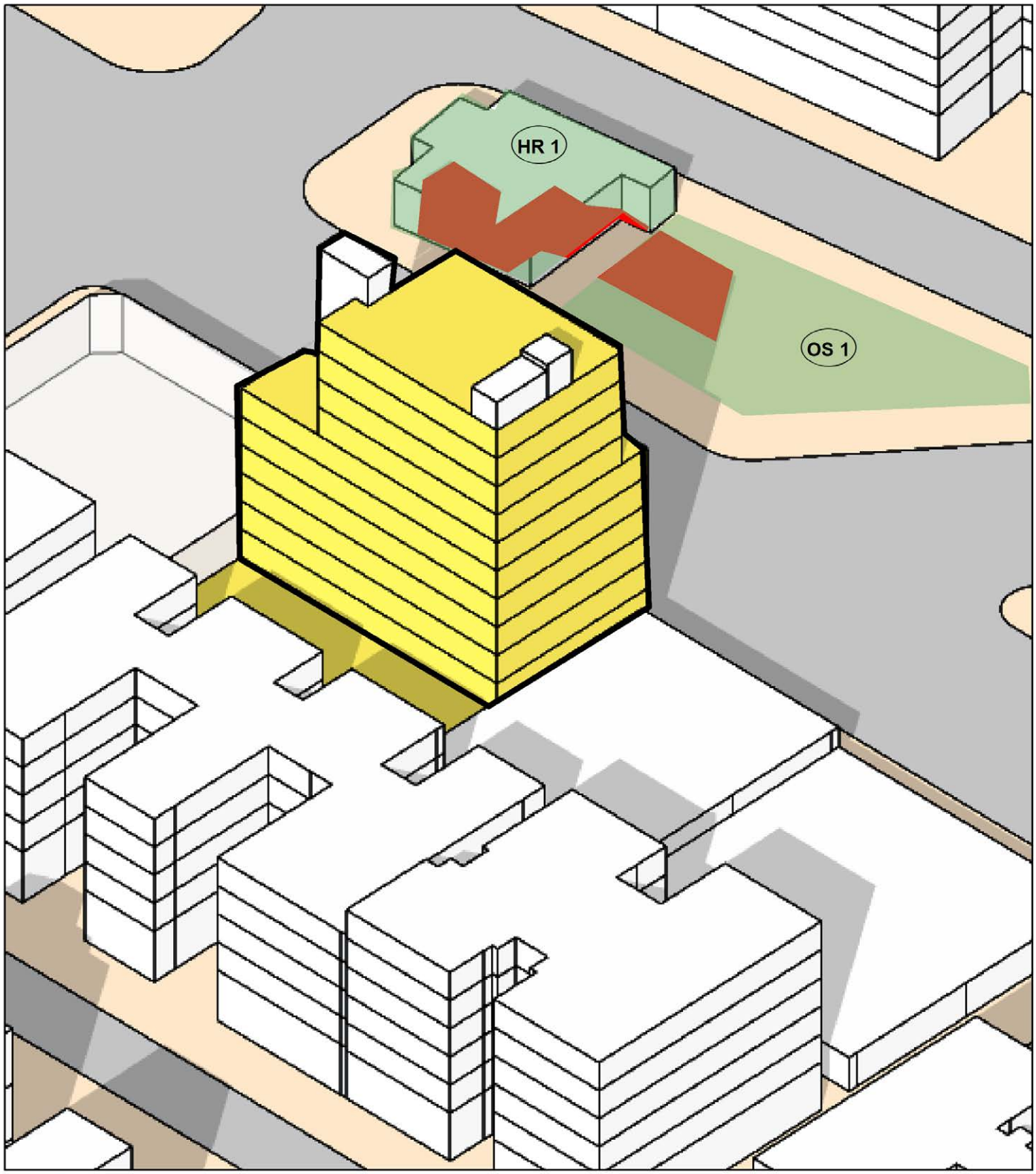
Incremental shadow on sunlight sensitive resource

Sunlight sensitive resource

Development Site

Prototypical Analysis Site 4
May 6 7:30 AM

Figure C-1



Prototypical Analysis Site 4
June 21 7:30 AM

The Proposed Action would result in new incremental shadows of varying duration and coverage on Open Space 1 on three of the four analysis days. As shown in **Table C-2**, on March 21, action-generated shadows on Open Space 1 would last for approximately 1 hour and 10 minutes. Shadow coverage during this time would generally be limited. Incremental shadow would enter the open space at 8:25 AM, affecting the northwestern portion of the park, and would move in an eastern direction until exiting the open space at 9:35 AM (see **Figures C-3 and C-4**).

On May 6, action-generated shadows on Open Space 1would last approximately just under two hours. The extent of new shadow coverage during this time would generally be limited. Incremental shadow would enter the open space at 7:17 AM, affecting the southwestern portion of the seating areas, and would move in a northeastern direction until exiting at 9:08 AM (see **Figure C-5**). Additionally, on June 21, action-generated shadow on the open space would last approximately 1 hour and 45 minutes. Shadow coverage during this time would generally be limited. Incremental shadows would enter at 6:55 AM, at the southern portion of the open space, and would move in a northeastern direction until exiting at 8:40 AM (see **Figure C-6**).

Assessment

On March 21, May 6, and June 21, incremental shadow from Site 4 would cover small portions of Open Space 1 in the morning. On each analysis day, the new shadow would exit the open space before noon, with a total duration of less than two hours. The open space would continue to receive substantial direct sunlight throughout the remainder of the representative analysis days. Incremental shadows cast by Site 4 would not result in significant adverse impacts. Additionally, any vegetation on open space 1 would continue to receive adequate direct sunlight (a minimum of four to six hours during the growing season) in the With Action condition.

Open Space 2

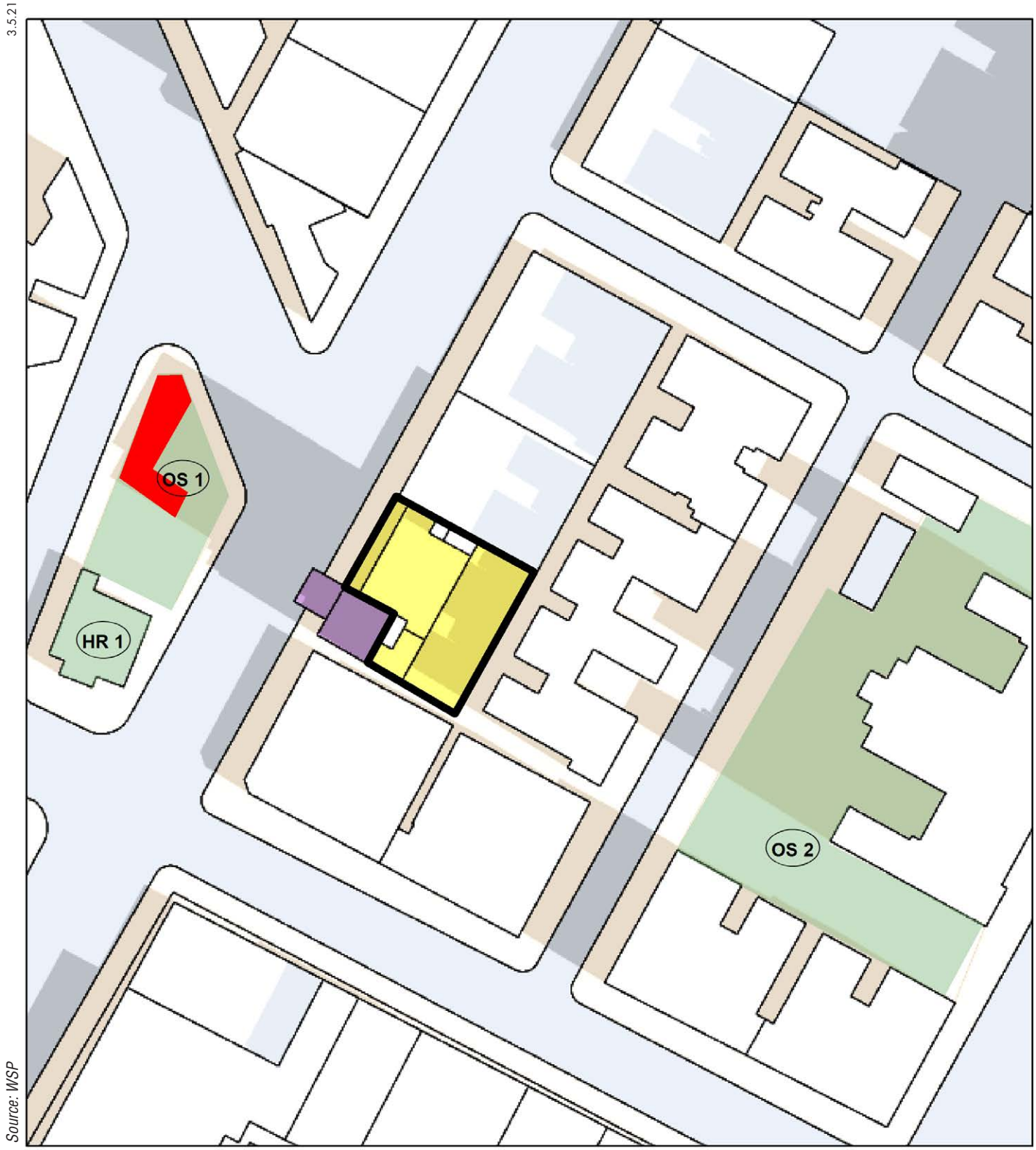
Site 4 is also assumed to be located across the street from a generic public school playground, which is assumed to have basketball courts, a soccer field surrounded by a running track, and playgrounds with multiple jungle gyms.

The Proposed Action would result in new incremental shadow of varying duration and coverage on this open space on two of the four representative analysis days: May 6 and June 21. As shown in **Table C-2**, on May 6, action-generated shadow on Open Space 2 would last for approximately 48 minutes. Incremental shadow would fall on Open Space 2 beginning at 4:30 PM and would move to the east until the end of the analysis period at 5:18 PM (see **Figure C-7**).

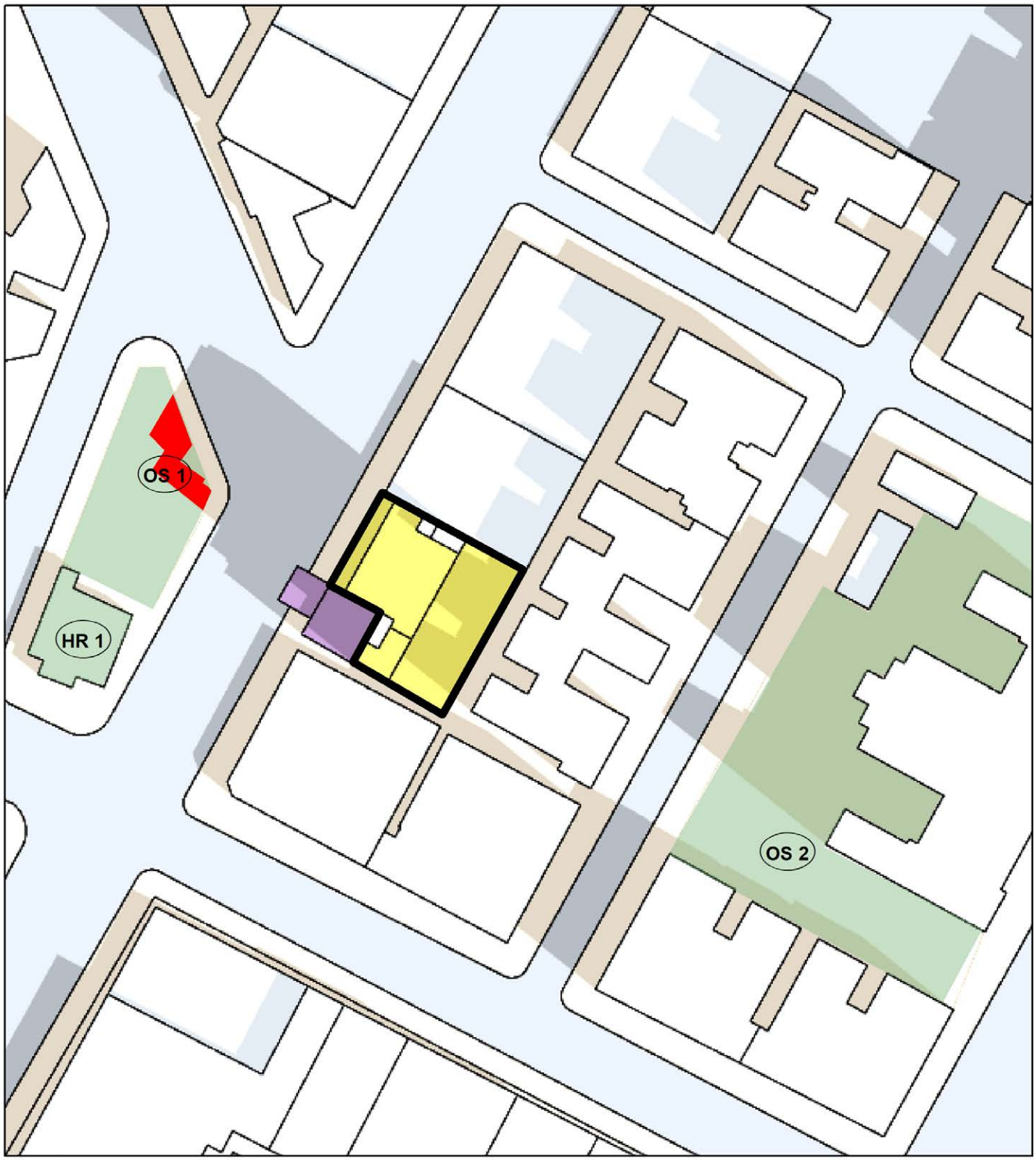
Additionally, on June 21, action-generated shadow on Open Space 2 would last approximately 57 minutes. Shadow coverage during this time would generally be limited. Incremental shadows would enter the open space at 4:57 PM, affecting small areas of the basketball courts and playgrounds, and would move in an eastern direction until existing the open space at 5:54 PM (see **Figure C-8**).

Assessment

On May 6 and June 21, incremental shadow cast by Site 4 would cover small portions of Open Space 2 in the late afternoon. Since the incremental shadow only covers small areas and the

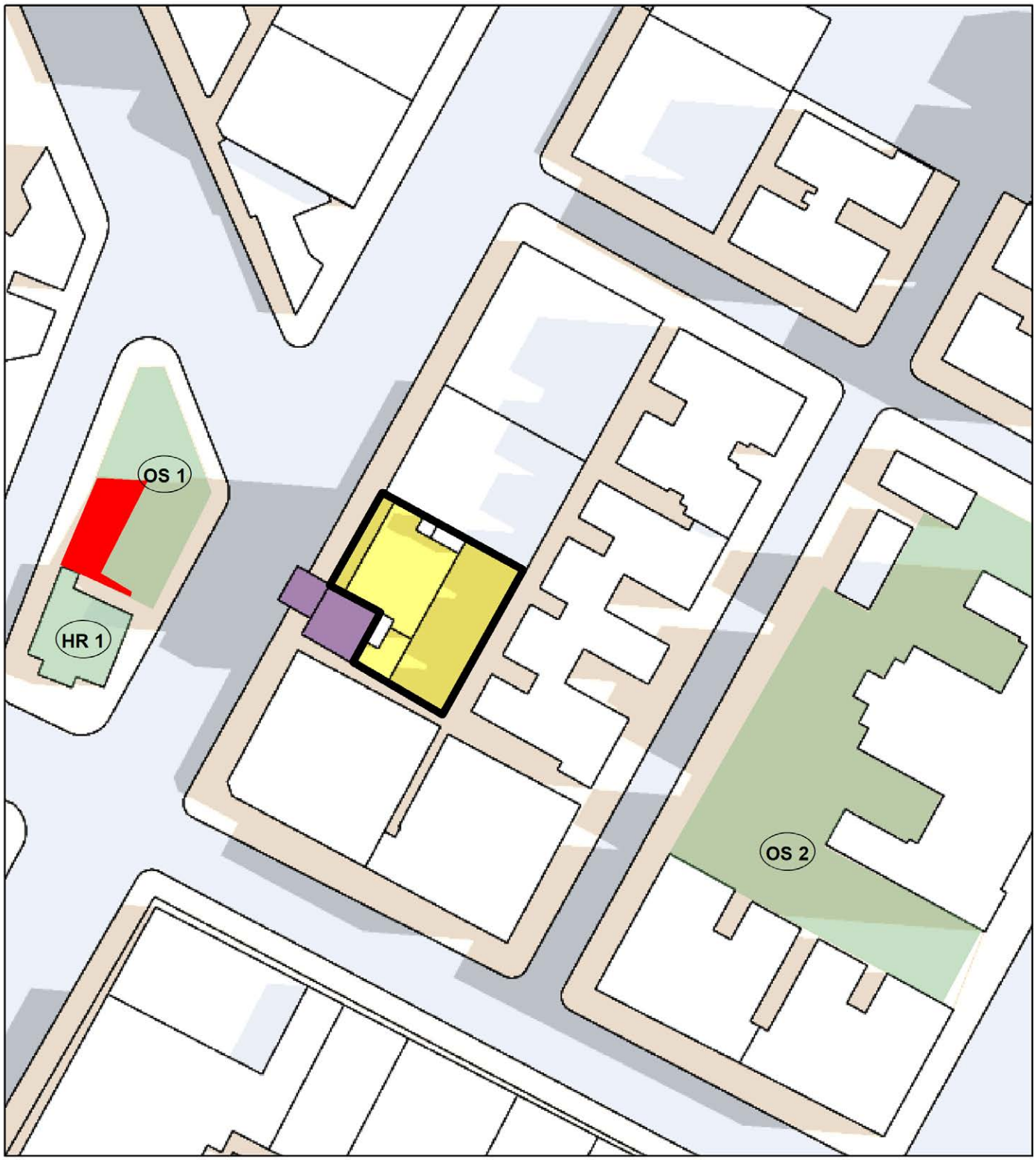


Prototypical Analysis Site 4
March 21 9:00 AM



Prototypical Analysis Site 4
March 21 9:30 AM

3.5.21



Source: WSP

Incremental shadow on sunlight sensitive resource

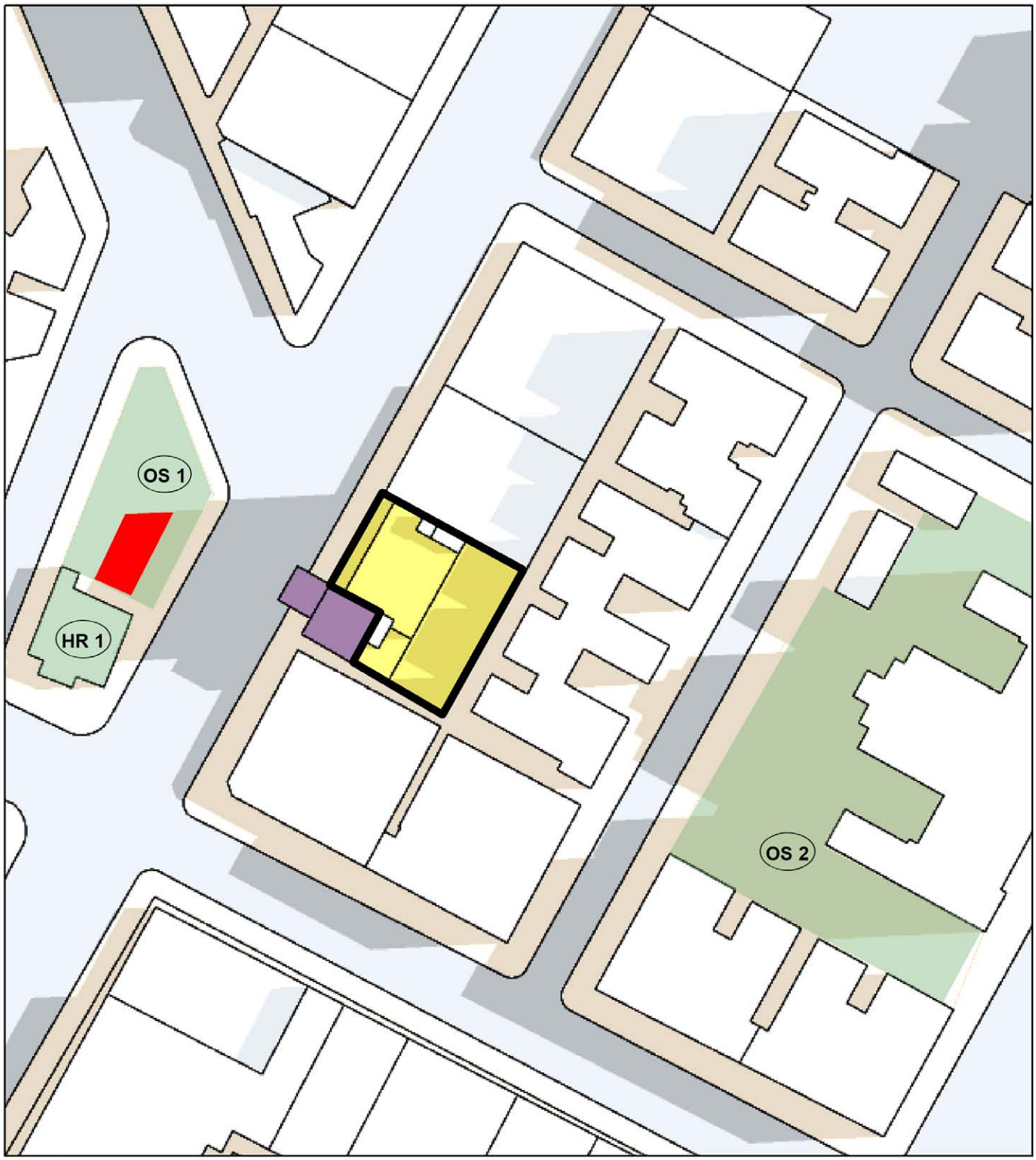
Sunlight sensitive resource

Development Site

Transit Easement

Prototypical Analysis Site 4
May 6 7:45 AM

3.5.21



Source: WSP

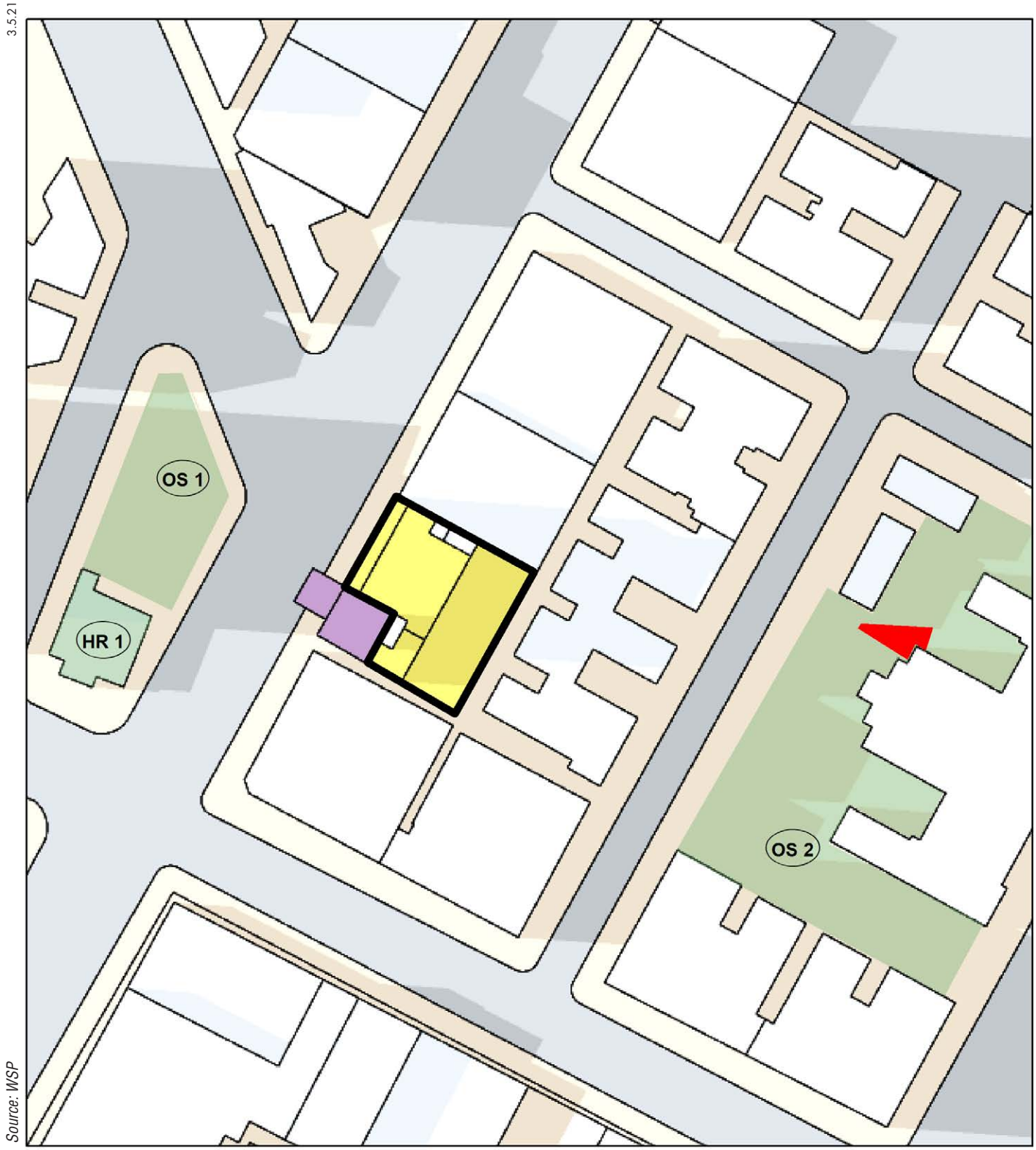
Incremental shadow on sunlight sensitive resource

Sunlight sensitive resource

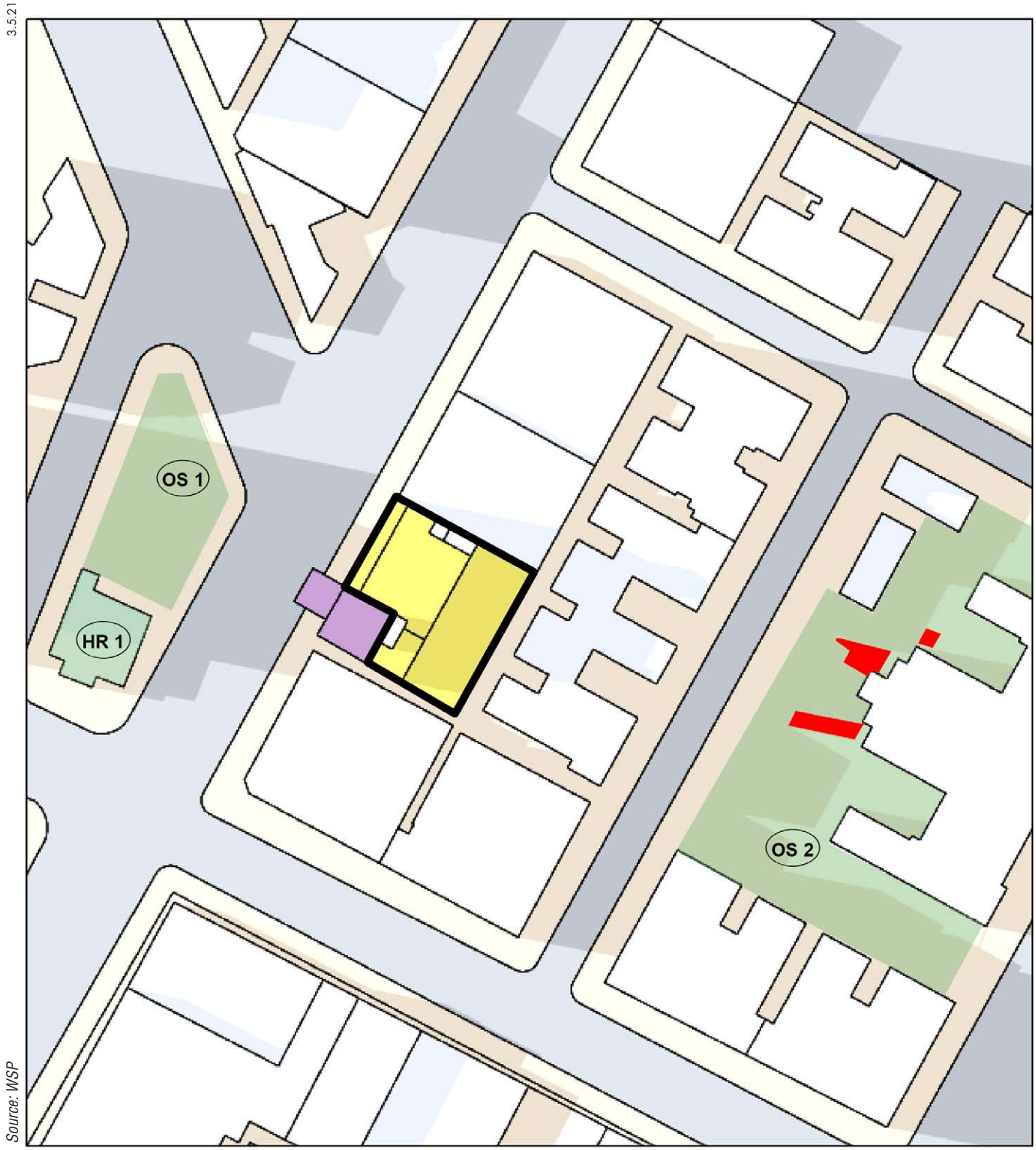
Development Site

Transit Easement

Prototypical Analysis Site 4
June 21 7:45 AM



Prototypical Analysis Site 4
May 6 5:00 PM



Prototypical Analysis Site 4
June 21 5:15 PM

open space would continue to receive substantial direct sunlight throughout the remainder of the representative analysis days, the incremental shadow would not result in significant adverse impacts. Any vegetation on open space would continue to receive adequate direct sunlight (a minimum of four to six hours during the growing season) in the future with the Proposed Action. Additionally, incremental shadow cast by Site 4 on the open space would be limited in size, and would not adversely affect public utilization or enjoyment of the resource's sunlight-sensitive features. Therefore, action-generated shadows from Site 4 would not result in significant adverse impacts to Open Space 1 or Open Space 2 on any of the representative analysis days.

D. CONCLUSION

The Proposed Action would not result in significant adverse shadow impacts. Overall, the proposed Action would generate limited incremental shadows on portions of sunlight-sensitive resources. All affected resources would continue to receive substantial direct sunlight throughout the representative analysis days and would not adversely affect public utilization or enjoyment of the resource's sunlight-sensitive features. Any vegetation in the affected resources would continue to receive adequate direct sunlight (a minimum of four to six hours during the growing season). The Proposed Action would no result changes to development that would substantially reduce or completely eliminate direct sunlight exposure. Therefore, significant adverse shadow impacts would not occur as a result of the Proposed Action. ✷

Attachment D: Urban Design and Visual Resources

A. INTRODUCTION

This attachment assesses the potential for the Proposed Action to affect urban design and visual resources. As defined in the 2020 *City Environmental Quality Review (CEQR) Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. A visual resource can include views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings, and natural resources.

The Metropolitan Transportation Authority (MTA) together with the New York City Department of City Planning (DCP) is proposing a zoning text amendment (the "Proposed Action") in the New York City Zoning Resolution (ZR) to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement (the "System-wide Easement Requirement"), that would require developments on lots over 5,000 square feet (sf) within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related mass 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.

Due to the broad applicability of the Proposed Action, it is difficult to predict the sites where development would be facilitated. Additionally, the Proposed Action is not 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. Due to the generic nature of this action, there are no known or projected as-of-right development sites identified as part of the Proposed Action's Reasonable Worst-Case Development Scenario (RWCDS). To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical analysis sites were identified, as detailed in Attachment A, "Project Description."

As described below, this preliminary assessment concludes that the Proposed Action would not result in any significant adverse impacts to urban design or visual resources. Development facilitated by the Proposed Action would be compatible with the urban design of the area surrounding the prototypical analysis sites and would not adversely impact the pedestrian experience. The Proposed Action would not result in changes to views of visual resources and would not alter significant view corridors. Therefore, no further analysis of urban design and visual resources is warranted.

B. METHODOLOGY

In accordance with the *CEQR Technical Manual*, this analysis considers the effects of the Proposed Action on the experience of a pedestrian in the study area. The assessment focuses on those project elements that have the potential to alter the built environment, or urban design, of a Prototypical Analysis Site, which are collectively formed by the following components:

- *Streets*. The arrangement and orientation of streets define location, flow of activity, street views, and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, streetlights, curb cuts, and street furniture also contribute to an area's streetscape.
- *Buildings*. A building's size, shape, setbacks, pedestrian and vehicular entrances, lot coverage and orientation to the street are important urban design components that define the appearance of the built environment.
- *Open Space*. Open space includes public and private areas, including parks and other landscaped areas, cemeteries, and parking lots.
- *Natural Features*. Natural features include vegetation and geologic, topographic, and aquatic features that are natural to the area.
- *View Corridors and Visual Resources*. Visual resources include significant natural or built features, including important view corridors, public parks, landmark structures or districts, or otherwise distinct buildings or groups of buildings.
- *Wind*. Channelized wind pressure from between tall buildings and downwashed wind pressure from parallel tall buildings may cause winds that affect pedestrian comfort and safety.

In accordance with the *CEQR Technical Manual*, a preliminary assessment of urban design and visual resources is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. Examples include projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built floor area beyond what would be allowed "as-of-right" or in the No Action condition. The Proposed Action would result in physical alterations, which are not allowed by existing zoning and would be observable by pedestrians. Therefore, development facilitated by the Proposed Action meets the threshold for a preliminary assessment of potential impacts to urban design and visual resources.

Per Section 230 of the *CEQR Technical Manual*, a study of wind conditions and their effect on pedestrian level safety may be warranted under certain circumstances for projects involving the construction of large buildings at locations that experience high wind conditions. The *CEQR Technical Manual* identifies west- and northwest-facing waterfronts in New York City as high wind locations. As noted above, owing to the generic nature of the Proposed Action, there are no known or projected as-of-right development sites identified as part of the Proposed Action's RWCDS. However, it is known that the Proposed Action would not affect sites located immediately adjacent to the waterfront where buildings or natural features do not attenuate waterfront winds, and it would not result in the construction of multiple, tall buildings of substantial size that could potentially create "channelization" or "downwash" effects that would affect pedestrian safety in the vicinity of the sites. Therefore, a pedestrian wind conditions analysis is not warranted for the Proposed Action.

STUDY AREA

According to the *CEQR Technical Manual*, the study area for urban design and visual resources is the area where an action may influence development patterns and the built environment. As discussed above, the Proposed Action is analyzed in this environmental review as a generic action. Because the Proposed Action could affect thousands of properties across numerous zoning districts and special districts, the possible effects of the Proposed Action are considered by means of prototypical analysis. Prototypical analysis sites are not necessarily representative of a specific lot, but rather reflect prevalent lot conditions and the range of potential changes to urban design and visual resource conditions as a basis for analysis. To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical analysis sites were identified, as detailed in Attachment A, "Project Description." The study area for the urban design and visual resources analysis consists of the 10 prototypical analysis sites and their immediate surroundings. A detailed assessment of these prototypical analysis sites is provided below.

C. DETAILED ASSESSMENT

EXISTING CONDITIONS

To assess the effects of the Proposed Action, nine sites were identified throughout New York City that are representative of typical sites in close proximity of mass transit stations that have the potential to accommodate a future transit easement to facilitate connection to the adjacent subway platform and provide accessibility per the American with Disabilities Act (ADA). These sites were chosen based on zoning lot size and the most prevalent zoning districts within major zoning categories. Based on an inventory of zoning lots throughout New York City that are adjacent to a mass transit station (with and without ADA-accessibility), it was found that smaller zoning lots (5,000–10,000 square feet [sf]) were the most common and typically mapped with a residential zoning district with a commercial overlay. Zoning lots between 10,000–15,000 sf were the least common, and lots greater than 15,000 sf were typically found within manufacturing zoning districts. As shown in **Table D-1**, the nine prototypical analysis sites include sites in low-density, medium-density, and high-density residential, commercial, and manufacturing areas of the city.

Table D-1
Prototypical Analysis Sites—Existing Conditions

Site	Development Type	Zoning District	Lot Area (sf)	Lot Type	Station Type	Existing Use/Condition	Existing Conditions – Surrounding Area	Existing FAR	Permitted FAR
1	Medium Density (Contextual) Residential	R6B	10,000	Interior	Below-grade	Three-story commercial/ residential building; one-story, single-family residence; and two, four-story multi-family walkup residential buildings	Three- to four-story, multi-family apartment buildings; two- to three-story, one- and two-family residences; and three-story, commercial/ residential buildings.	1.43	2.00
2	Low Density Mixed-Use	R5/C1-2 (PBUA)	10,000	Interior	Above-grade	Surface Parking	One-story, community facility building, one- to two-story commercial buildings; three- to four-story, commercial/ residential buildings; two- to four-story multi-family residential buildings; and one- to two-story semi-attached single-family homes.	0.00	1.65
3	Medium Density (Contextual) Mixed-Use	R7A/C2-4 (MIH)	5,000	Interior	Above-grade	One-story commercial building and surface parking	One- to two-story, community facility buildings; one-story commercial buildings; a landscaped plaza; and five- to 11-story, multi-family apartment buildings	1.12	4.60
4	Medium Density (Contextual) Mixed-Use	R7A/C2-4 (MIH)	10,000	Interior	Above-grade	One-story commercial building	One-story commercial buildings; one- to two-story community facility buildings; a six-story residential apartment building; four- to five- story residential apartment buildings; and two-story, attached single-family homes.	0.97	4.60
5	High Density (Contextual) Mixed-Use	R9A/C1-5	10,000	Corner	Below-grade	One-story commercial building	Five- to 12-story multi-family apartment buildings and a five-story school building	0.77	7.52
6	Medium Density (Contextual) Commercial	C4-3	5,000	Interior	Above-grade	Three-story commercial building and three-story commercial/ residential building	Two- to three-story commercial buildings;two- to four-story mixed commercial/ residential building; and four- to ten-story commercial office buildings.	1.70	4.80
7	High Density Commercial	C6-4	10,000	Interior	Below-grade	Five-story commercial/ residential building; Six-story commercial building; and Five-story commercial building	A 15-story multi-family residential tower; an 8-story commercial office building;and other high-rise mixed commercial/ residential buildings.	4.15	10.00

Table D-1 (cont'd)
Prototypical Analysis Sites—Existing Conditions

Site	Development Type	Zoning District	Lot Area (sf)	Lot Type	Station Type	Existing Use/Condition	Existing Conditions – Surrounding Area	Existing FAR	Permitted FAR
8	Low Density Manufacturing/ General Services	C8-1	10,000	Corner	Above-grade	Two-story manufacturing building; Two-story commercial/ residential building; and One-story parking facility	One- to two-story commercial and manufacturing buildings; one-story parking facilities; and a few surface parking lots.	1.15	2.40
9	Low Density Manufacturing/ General Services	M1-1	15,000	Corner	Above-grade	Two-story manufacturing building; Two-story single-family residence; and One-story parking facility	One- to two-story manufacturing and commercial buildings; three-story commercial/residential buildings; one-story auto-related/parking structures; a four-story school building; and a four-story one- and two-family attached residences.	0.81	2.40

Notes: PBUA – Predominantly Built-Up Area; MIH – Mandatory Inclusionary Housing
Sources: New York City Department of City Planning Zoning and Land Use Map (ZoLa) Online Map (https://zola.planning.nyc.gov/. Accessed October 2020); New York City Zoning Resolution (ZR)

PROTOTYPICAL ANALYSIS SITE 1

Site 1 is a 10,000-sf interior lot mapped with an R6B residential zoning district in a medium-density residential area of New York City. An underground NYCT subway line runs below the street the site fronts on, with a subway entrance located within 100 feet of the site. The site is developed with a three-story commercial/residential building and three residential buildings—a one-story, single-family residence and two, four-story multi-family residential buildings. The built FAR on the site is 1.43, when the underlying zoning regulations permit residential development at a maximum FAR of 2.00 with a maximum building height of 55 feet and a streetwall height limited to 45 feet.

The existing buildings adjacent to Site 1 include three- to four-story, multi-family apartment buildings and two- to three-story, one- and two-family residences. In addition, there are two, three-story, mixed-use buildings on the block, with commercial on the ground floor and residential uses above. The existing buildings adjacent and across from Site 1are built at FAR's ranging from 0.46 to 2.40. Most residential buildings along the street are set back five feet from the front lot line creating a continuous streetwall of approximately 30 to 40 feet in height. The existing residential buildings are built up to the side lot lines without any side yards. There are two commercial buildings, one- and two-story, in the surrounding area that follow the existing streetwall.

The topography throughout the study area is flat. The street pattern follows a regular grid plan, with most streets at right angles to each other. A typical block is approximately 400 feet long and 200 feet wide. Sidewalks in the study area are mostly 10 feet wide. There are street trees, although irregularly placed, throughout the study area

There are no open spaces/ natural features or visual resources within the study area of Site 1.

PROTOTYPICAL ANALYSIS SITE 2

Site 2 is a 10,000-sf interior lot mapped with an R5 zoning district and a C1-2 commercial overlay in a low-density residential neighborhood of New York City. The site fronts an elevated NYCT subway line, with an above-grade subway entrance within 200 feet. The site is currently used for surface parking, when the underlying zoning permits a residential building at a FAR of 1.65 with ground floor commercial limited to 1.00 FAR, which could result in a streetwall height of 30 to 40 feet with buildings set back at least 10 feet from the front lot line.

The existing buildings fronting the elevated rail line on both sides of the street include a one-story, community facility building, one- to two-story commercial buildings, three- to four-story, commercial/ residential buildings, and two-story multi-family residential buildings. The existing built FAR ranges from 0.90 to 3.72. Buildings along inner streets are predominantly one- to two-story semi-attached single-family houses and three- to four-story multi-family apartment buildings. The single-family houses are set back approximately 10 feet from the front lot line, and the multi-family buildings located closer to the street intersections are built up to the lot line.

The topography throughout the study area is flat. The street pattern follows a regular grid plan, with most streets at right angles to each other. A typical block is approximately 900 feet long and 200 feet wide. Sidewalks in the study area vary from 11 feet on side streets to 15 to 20 feet

along major streets and along the elevated rail line. There are street trees, although irregularly placed, throughout the study area

There are no open spaces/natural features or visual resources within the study area of Site 2.

PROTOTYPICAL ANALYSIS SITE 3

Site 3 is a 5,000-sf interior lot mapped with an R7A residential zoning district and a C2-4 commercial overlay in a medium-density, mixed-use area of New York City. In addition, the site is within an area designated for Mandatory Inclusionary Housing (MIH). The site fronts an elevated NYCT subway line and is within 150 feet of a subway entrance. The site is developed with a one-story commercial building and surface parking with a built FAR of 1.12, when the underlying R7A/C2-4 zoning district permits residential development at a maximum FAR of 4.60 (commercial FAR is limited to 2.0) that could result in an approximately 85- to 95-foot-tall residential building with commercial use on the ground floor and a streetwall height of 40 to 75 feet.

The existing buildings on lots fronting the elevated rail line include one- to two-story, community facility buildings and a one-story commercial building with a built FAR ranging from 0.80 to 1.22. Across the site is a City-owned landscaped plaza with benches along the periphery and a one-story restaurant located on the corner. The rest of the study area includes predominantly five- to 11-story, multi-family apartment buildings. Commercial uses are primarily located on the ground floor of buildings along main streets. There are standalone one-story commercial buildings located on the block south of Site 3. Most existing buildings in the study area are built up to the front lot line creating a continuous streetwall.

The topography throughout the study area is flat. The street pattern follows a regular grid plan on one side of the elevated rail line and a slightly irregular pattern on the other. A typical block is approximately 400 feet long and 200 feet wide. Sidewalks in the study area vary in width, ranging from 15 to 20 feet. There are ample street trees along the side streets; however, the streets along the elevated rail line lack street trees.

There are no open spaces/natural features or visual resources within the study area of Site 3.

PROTOTYPICAL ANALYSIS SITE 4

Site 4 is a 10,000-sf interior lot mapped with an R7A residential zoning district and a C2-4 commercial overlay in a medium-density, mixed-use area of New York City. The site fronts an elevated NYCT subway line and is within 150 feet of a subway entrance. The site is developed with a one-story commercial building built at an FAR of 0.97, when the underlying R7A/C2-4 zoning district permits residential development at a maximum FAR of 4.60 (commercial FAR is limited to 2.00) that could result in an approximately 85- to 95-foot-tall residential building with commercial use on the ground floor and a streetwall height of 40 to 75 feet.

The existing buildings on the lots fronting the elevated rail line include one-story commercial buildings, one- to two-story community facility buildings, and six-story residential apartment building. The rest of the study area is characterized by predominantly four- to five- story residential apartment buildings with FAR's ranging from 3.37 to 4.17. There are a small number of two-story, attached single-family houses in the study area as well. Most buildings

in the area are built up to the front lot lines creating a continuous streetwall, approximately 15 to 30 feet in height along the elevated rail line and 30 to 75 feet in height along the side streets.

The topography throughout the study area is flat. The street pattern follows a regular grid plan, with most streets at right angles to each other. A typical block is approximately 500 feet long and 200 feet wide. Sidewalks in the study area vary in width between 12 to 15 feet along main streets, and they are typically 10 feet wide along the side streets. There are street trees, although irregularly placed, throughout the study area.

There are no open spaces/natural features or visual resources within the study area of Site 4.

PROTOTYPICAL ANALYSIS SITE 5

Site 5 is a 10,000-sf corner lot mapped with an R9A residential zoning district and a C1-5 commercial overlay in a high-density predominantly residential area of New York City. An underground NYCT subway line runs below the street the site fronts on, with a subway entrance located approximately 300 feet of the site. The subway entrance is a stair located on the sidewalk. The site is developed with a one-story, commercial building at a 0.77 FAR, when the underlying R9A/C1-5 zoning district permits a residential development at a maximum FAR of 7.52 (commercial FAR is limited to 2.00) that could result in an approximately 135- to 145-foot-tall building with a streetwall height of 60 to 105 feet. Site 5 is adjacent to a school playground and a 12-story multi-family apartment building built at a FAR of 9.67.

The existing buildings on the block and in the study area include 5- to 12-story multi-family apartment buildings built up to the front lot lines creating a continuous streetwall of approximately 50 to 65 feet in height. There is a five-story school building on the block that is also built up to the lot lines.

The topography throughout the study area is flat. The street pattern follows a regular grid plan, with most streets at right angles to each other. A typical block is approximately 700 feet long and 200 feet wide. Sidewalks in the study area vary from 13 feet on side streets to 23 feet along major streets. There are street trees at regular intervals throughout the study area

There are no open spaces/natural features within the study area of Site 5. There is a large City-owned park 600 feet to the west of Site 5, however, because it is located at the same grade as the study area, only a thick tree canopy is visible at pedestrian level from the vicinity of Site 5. Further, across to the west of the site is an 11-story apartment building that is a New York City Landmark. This building is not considered a prominent visual resource in the area.

PROTOTYPICAL ANALYSIS SITE 6

Site 6 is a 5,000-sf interior lot mapped with a C4-3 commercial zoning district in a medium-density mixed-use area of New York City. The site fronts an elevated NYCT subway line, with an above-grade subway entrance within 100 feet. The site is currently developed with a three-story commercial building at 2.00 FAR and a three-story, commercial/residential building at a 1.40 FAR, when the underlying C4-3 zoning district permits commercial uses at a maximum FAR of 3.40 that could result in a building with a streetwall height of 60 feet. The maximum building height is not limited by the underlying zoning regulations on the site.

The existing buildings in the study area fronting the elevated rail line include two- to three-story commercial buildings at FAR's ranging from 2.00 to 2.93 with ground floor commercial

use and offices on upper floors, and three-story mixed commercial/ residential buildings with ground floor commercial and residential on upper floors. The site block not fronting the rail line is developed with 4- to 10-story commercial office buildings, and two- to four-story multi-family apartment buildings. All existing buildings are built up to the front lot lines creating a continuous streetwall.

The topography throughout the study area is flat. The street pattern follows a radial grid plan aligned with the main streets. A typical block is approximately 500 feet long and 200 feet wide. Sidewalks in the study area vary range in width from 13 to 15 feet. There are street trees, although irregularly placed, throughout the study area

There are no open spaces/ natural features or visual resources within the 400-foot study area of Site 6.

PROTOTYPICAL ANALYSIS SITE 7

Site 7 is a 10,000-sf interior lot mapped with a C6-4 commercial zoning district in a high-density commercial area of New York City. An underground NYCT subway line runs below the street the site fronts on, with a subway entrance located approximately 50 feet from the site within the ground floor of a building. The site is developed with three buildings—a five-story (3.38 FAR) commercial/residential building, a six-story (4.12 FAR) commercial office building, and a five-story (4.6 FAR) commercial office building. The underlying C6-4 zoning on the site permits development at a maximum FAR of 10.00 for residential, commercial and community facility uses that could result in a building with a streetwall height of up to 85 feet. The maximum building height is not limited by the underlying zoning regulations on the site.

The existing buildings adjacent to the site include a 15-story (12.03 FAR) multi-family residential tower and an 8-story (2.43 FAR) commercial office building. The existing buildings in the study area are predominantly high-rise commercial office buildings that are built up to the lot line creating a continuous and active streetwall.

The topography throughout the study area is flat. The street pattern follows a regular grid plan, with most streets at right angles to each other. A typical block is approximately 800 feet long and 200 feet wide. Sidewalks in the study area vary in width from 10 feet on side streets to 15 to 20 feet along major streets. There are few street trees throughout the study area

There are no open spaces/natural features or visual resources within the study area of Site 7

PROTOTYPICAL ANALYSIS SITE 8

Site 8 is a 10,000-sf corner lot mapped with a C8-1 commercial zoning district in a low-density mixed-use area of New York City. The site fronts an elevated NYCT subway line, with an above-grade subway entrance immediately adjacent to the site. The site is developed with a two-story (1.59 FAR) manufacturing building; a two-story (0.81 FAR) mixed-use use building with ground floor commercial and residential on upper floors; and one-story (0.85 FAR) enclosed parking facility. The underlying C8-1 zoning district on the site permits development at a maximum FAR of 1.00 for commercial and manufacturing uses and 2.40 for community facility uses that could result in a building with a streetwall height of 35 feet. The maximum building height is not limited by the underlying zoning regulations on the site.

The existing buildings adjacent on lots fronting the elevated rail line include one- to two-story commercial and manufacturing buildings, one-story parking facilities, and a few surface parking lots. The commercial and manufacturing buildings in the area are built up to the lot line creating a continuous streetwall along the elevated rail line and along main streets. Lots along the side streets are developed with predominantly three-story, attached one- and two-family residential buildings that are set back from the front lot lines.

The topography throughout the study area is flat. The study area has an irregular street pattern; however, most streets are aligned at right angles to each other. A typical block is approximately 400 feet long and 400 feet wide. Sidewalks in the study area are wide, typically at 20 feet. There are few street trees throughout the study area

There is a large open space within 200 feet of the site; however, it is not visible from the site. There are no other open spaces/natural features or visual resources within the study area of Site 8.

PROTOTYPICAL ANALYSIS SITE 9

Site 9 is a 15,000-sf corner lot mapped with a M1-1 manufacturing zoning district in a low-density mixed-use area of New York City. The site fronts an elevated NYCT subway line, with an above-grade subway entrance approximately 100 feet from the site. The site is developed with a two-story (0.79 FAR) manufacturing building, a two-story (1.50 FAR) single-family detached residence, and a one-story (1.00 FAR) enclosed parking facility. The underlying M1-1 zoning district on the site permits development at a maximum FAR of 1.00 for commercial and manufacturing uses, and 2.40 for community facility uses that could result in a streetwall height of 30 feet. The maximum building height is not limited by the underlying zoning regulations on the site.

The existing buildings on lots fronting the elevated rail line include one- to two-story manufacturing and commercial buildings, three-story mixed-use buildings with ground floor commercial and residential on upper floors, and one-story auto-related/ parking structures. Other uses in the area include a four-story school building and a few four-story one- and two-family attached residences, which are set back from the front lot line. Existing buildings along the elevated rail line are built up to the front lot line creating a continuous 15- to 30-foot-tall streetwall.

The topography throughout the study area is flat. The study area has an irregular street pattern; however, most streets are aligned at right angles to each other. A typical block is approximately 400 feet long and 400 feet wide. Sidewalks in the study area are wide, typically at 20 feet. Street trees in the study area are located mainly on the residential side streets.

There are no open spaces/natural features or visual resources within the study area of Site 9.

THE FUTURE WITHOUT THE PROPOSED ACTION (NO ACTION CONDITION)

Table D-2 summarizes the allowable development and easements for the nine Prototypical Sites under the No Action condition. Following the table is a more detailed description for each site.

Table D-2
Prototypical Analysis Sites—No Action Condition

Site	Zoning District	Lot Area (sf)	Lot Type	Station Type	No Action Development	No Action Easement
1	R6B	10,000	Interior	Below-grade	Five-story (55-foot) residential building with one level of below-grade parking	35'x35' Below-grade station easement on the zoning lot
2	R5/C1-2 (PBUA)	10,000	Interior	Above-grade	Three-story (33-foot) mixed-use building, with commercial use on the ground floor, residential use on upper floors and one level of below-grade parking	12'x20' Above-grade station access on the sidewalk/public ROW
3	R7A/C2-4 (MIH)	5,000	Interior	Above-grade	Nine-story (95-foot) mixed-use building, with commercial use on the ground floor and residential use on upper floors	12'x20' Above-grade station easement on the zoning lot
4	R7A/C2-4 (MIH)	10,000	Interior	Above-grade	Nine-story (95-foot) mixed-use building, with commercial use on the ground floor, residential use on upper floors and one level of below-grade parking	35'x35' Above-grade station easement on the zoning lot
5	R9A/C1-5	10,000	Corner	Below-grade	13-story (135-foot) mixed-use building, with commercial use on the ground floor and residential use on upper floors	No Easement
6	C4-3	5,000	Interior	Above-grade	Seven-story (110-foot) commercial office building, with attended parking at the ground level	No Easement
7	C6-4	10,000	Interior	Below-grade	20-story (206-foot) mixed-use building, with commercial use on the ground floor and residential use on upper floors	35'x35' Below-grade station easement on the zoning lot
8	C8-1	10,000	Corner	Above-grade	Six-story (95-foot) community facility (medical office) building. Attended parking at the ground level	12'x20' Above-grade station access on the sidewalk/public ROW
9	M1-1	15,000	Corner	Above-grade	Two-story (30-foot) commercial building, with covered, attended parking in the rear at ground level	No Easement

Notes: PBUA - Predominantly Built-Up Area; MIH – Mandatory Inclusionary Housing; AG – Above-Grade; BG – Below-Grade; ROW – Right of Way

PROTOTYPICAL ANALYSIS SITE 1

Under the No Action condition, Site 1 would be developed pursuant to the underlying R6B zoning district regulations resulting in a five-story, 55-foot, residential building, with a streetwall height of 45 feet, generally consistent with the existing 30- to 40-foot streetwall on the block. The building would include one level of below-grade parking, with entrance and exit on the front of the lot. A 35-foot-by-35-foot transit easement for a below-grade station would be provided on the zoning lot and, to accommodate the easement, the ground floor of the projected building would have a height of 16 feet. The transit easement wall would be built in line with the rest of the building's front wall and would not encroach upon the sidewalk.

PROTOTYPICAL ANALYSIS SITE 2

Under the No Action condition, Site 2 would be developed pursuant to the underlying R5/C1-2 zoning district regulations resulting in a three-story, 33-foot, mixed-use building with commercial use on the ground floor and residential use on upper floors. The projected building would have a streetwall height of 13 feet, which is lower than the maximum permitted by the underlying zoning, but consistent with the one- to two-story buildings along the elevated rail line. The required accessory parking spaces for the residential use would be provided in the

rear yard (commercial parking for lot 10,000 sf and less is waived). A 12-foot-by-20-foot transit access structure for an above-grade station would be provided on the sidewalk adjacent to the site, which would disrupt pedestrian flow by reducing the sidewalk width at that point, which is approximately 15- to 20-feet wide along the elevate rail line.

PROTOTYPICAL ANALYSIS SITE 3

Under the No Action condition, Site 3 would be developed pursuant to the underlying R7A/C2-4 zoning district and MIH regulations resulting in a nine-story, 95-foot, mixed-use building with retail use on the ground floor and residential use on the upper floors. The projected building would have a streetwall height of 75 feet, which is permitted by the underlying zoning, but would be significantly higher than the one- to two-story buildings along the elevated rail line. A 12-foot-by-20-foot easement for an above-grade station would be located on the zoning lot and the future transit structure would be built aligned with the rest of the building's streetwall and would not encroach upon the sidewalk. The future transit structure would likely connect to the station platform at the elevation of the elevated rail line.

PROTOTYPICAL ANALYSIS SITE 4

Under the No Action condition, Site 4 would be developed pursuant to the underlying R7A/C2-4 zoning district and MIH regulations resulting in a nine-story, 95-foot, mixed-use building with retail use on the ground floor and residential use on the upper floors. The projected building would have a streetwall height of 75 feet, which is permitted by the underlying zoning, but would be significantly higher than the typical one- to two-story built character along the elevated rail line. The building would include one level of below-grade parking, with entrance and exit on the front of the lot. A 35-foot-by-35-foot easement for an above-grade station would be located on the zoning lot and the future transit structure would be built aligned with the rest of the building's streetwall and would not encroach upon the sidewalk. The future transit structure would likely connect to the station platform at the elevation of the elevated rail line.

PROTOTYPICAL ANALYSIS SITE 5

Under the No Action condition, Site 5 would be developed pursuant to the underlying R9A/C1-5 regulations resulting in a 13-story, 135-foot, mixed-use building, with a streetwall height of 65 feet, which would be consistent with the approximately 50- to 65-foot existing streetwall. A transit easement would not be provided under this condition.

PROTOTYPICAL ANALYSIS SITE 6

Under the No Action condition, Site 6 would be developed pursuant to the underlying C4-3 regulations resulting in a seven-story, 110-foot, commercial office building with an attended parking system at the ground level. The projected building would be significantly taller than the 30- to 40-foot building heights along the elevated rail line. The projected building would have a street-wall height of 50 feet, which is permitted by the underlying zoning regulations but would be approximately 15 feet higher than the existing building along the elevated rail line. A transit easement would not be provided under this condition.

PROTOTYPICAL ANALYSIS SITE 7

Under the No Action condition, Site 7 would be developed pursuant to the underlying C6-4 tower regulations, resulting in a 20-story, 206-foot, mixed-use building with retail use on the ground floor and residential use on the upper floors, which would be similar to the high-rise buildings in the area. The projected building would have a streetwall height of 66 feet. A 35-foot-by-35-foot transit easement for a below-grade station would be provided on the zoning lot and to accommodate the easement, the ground floor of the projected building would be 16-feet in height. The built easement wall would be aligned with the rest of the building's front wall and would not encroach upon the sidewalk.

PROTOTYPICAL ANALYSIS SITE 8

Under the No Action condition, Site 8 would be developed pursuant to the underlying C8-1 regulations, resulting in a six-story, 95-foot, community facility (medical office) building, and an attended parking system at the ground level. The projected building would be significantly taller than the one- to two-story buildings in the area; however, it would have a streetwall height of 35 feet, which would be consistent with the existing streetwall height along the elevated rail and other streets in the area. A 12-foot-by-20-foot transit access structure for an above-grade would be provided on the sidewalk adjacent to the site, which would disrupt the pedestrian flow by reducing the sidewalk width at that point, which is approximately 20-feet wide along the elevated rail line.

PROTOTYPICAL ANALYSIS SITE 9

Under the No Action condition, Site 9 would be developed pursuant to the underlying M1-1 regulations, resulting in a two-story, 30-foot commercial building with an attended parking system at ground level. The projected building's height would be consistent with the 15- to 30-foot streetwall along the elevated rail line. A transit easement would not be provided under this condition.

FUTURE WITH THE PROPOSED ACTION (WITH ACTION CONDITION)

Similar to the No Action condition, in the With Action condition each prototypical analysis site would be redeveloped with a new building. However, as outlined below, the With Action developments would utilize the proposed zoning relief provided by the Proposed Action; in some cases, the Proposed Action would facilitate a transit easement where one is not likely to be provided under the No Action condition.

The following zoning relief would be available for all sites, regardless of the underlying zoning district:

- The portion of the transit easement volume provided at and/or above ground level on the zoning lot would be exempted from zoning floor area ;
- The transit easement would be exempt from complying with the underlying street-wall height requirements; and
- All parking requirements would be waived.

Table D-3 summarizes the With Action developments on the prototypical analysis sites, as well as the differences between the No Action and With Action developments, and additional

details on the modifications that would be facilitated by the Proposed Action are provided below.

PROTOTYPICAL ANALYSIS SITE 1

In addition to the zoning relief applicable to all sites on which a transit easement would be provided, the Proposed Action under the With Action condition would include the following modifications from the underlying R6B zoning district regulations: (1) commercial use would be permitted within 30 feet of the transit easement; and (3) modified building height of 65 feet, 10 feet/1 story more than the underlying regulations.

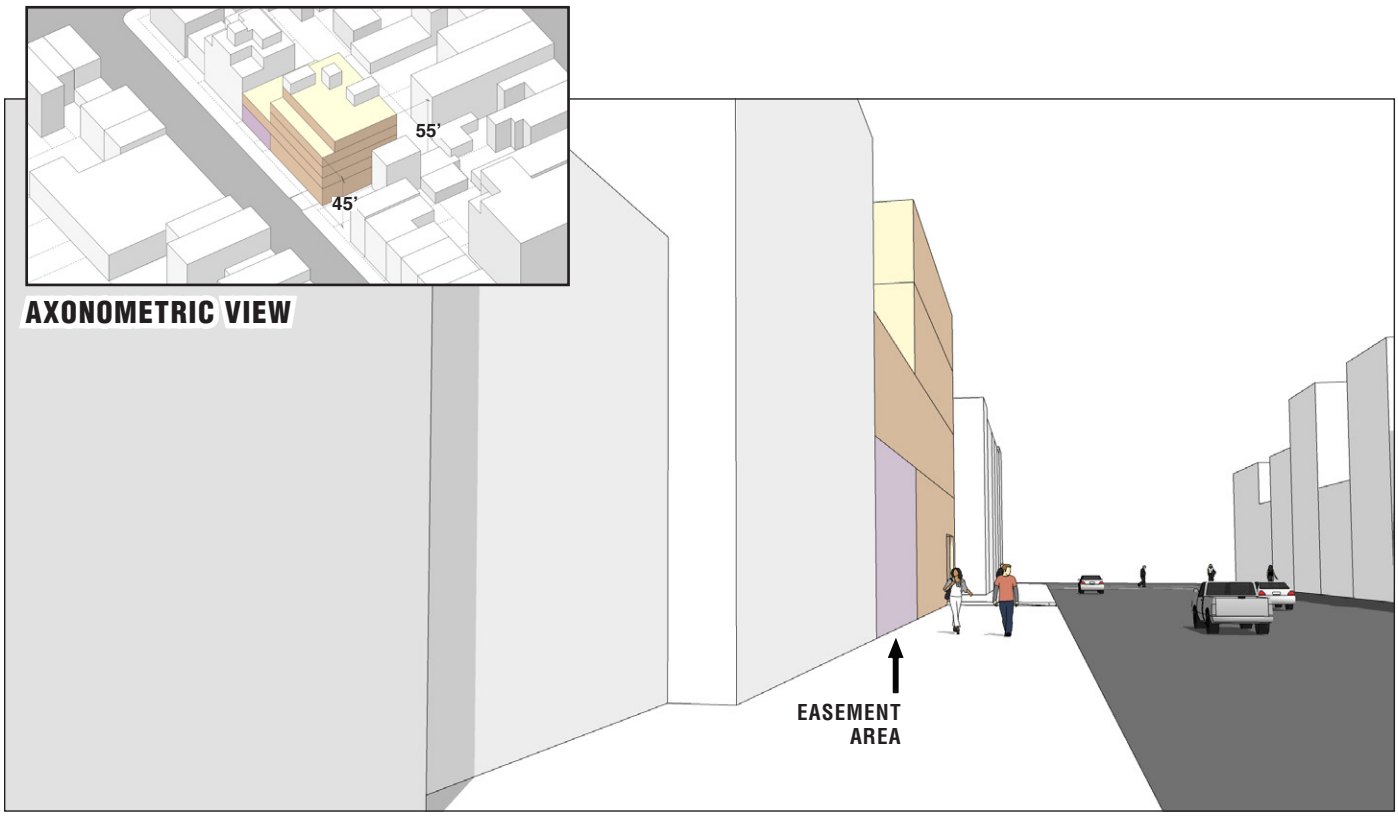
With the proposed zoning relief in place and pursuant to the underlying zoning regulations, Site 1 would be developed with a six-story, 65-foot, mixed-use building, with commercial use on the ground floor and residential use on the upper floors. The With Action building would be set back 5 feet from the front lot line to be consistent with the existing streetwall and have a base height of 45 feet. A 35-foot-by-35-foot transit easement for a below-grade station would be located on the zoning lot, built up to match the building's streetwall to a height of 16 foot. As shown in **Figure D-1**, the building resulting from the Proposed Action would be 10 feet taller as compared to the No Action condition, with a 10-foot higher front wall height. However, the With Action building would overall be similar in bulk and scale to the No Action building as well as the existing buildings on the block. Further, the permitted commercial use at the ground level under the With Action condition would be comparable to the existing ground uses on lots fronting the rail line.

PROTOTYPICAL ANALYSIS SITE 2

In addition to the zoning relief applicable to all sites on which a transit easement would be provided, the Proposed Action under the With Action condition would include the following zoning relief from the underlying R5/C1-2 zoning district regulations: (1) lot coverage would be increased to a maximum of 65 percent; and (2) modified base height of 35 feet and a maximum building height of 45 feet, after an initial setback of 10 feet.

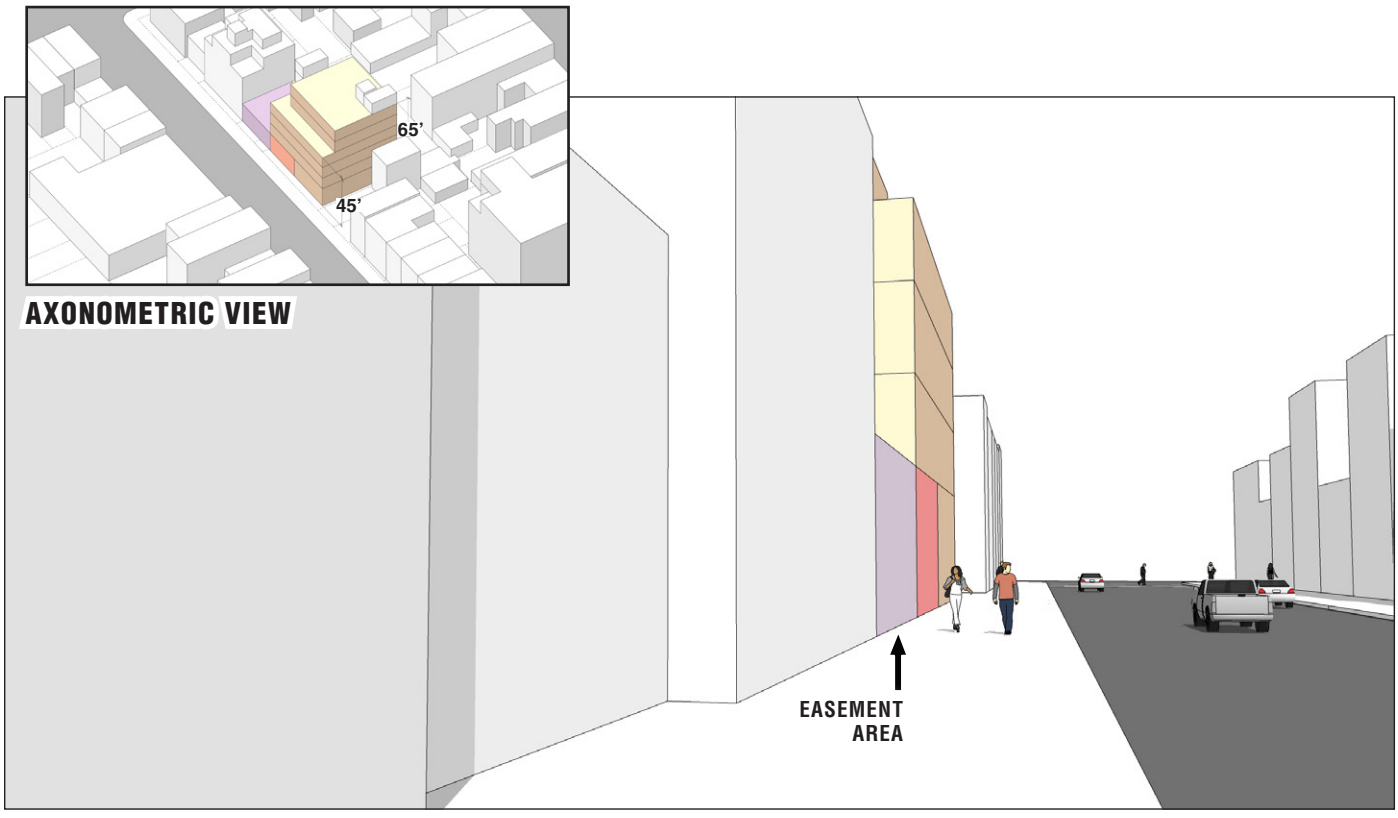
With the proposed zoning relief in place and pursuant to the underlying zoning regulations, Site 2 would be developed with a four-story, 45-foot, mixed-use building with retail use on the ground floor and residential use on upper floors. The With Action building would have a streetwall height of 35 feet. As shown in **Figure D-2**, the building resulting from the Proposed Action would be 12 feet taller than the No Action building, with a 22-foot higher streetwall. The increment in building height and streetwall height in the With Action condition would be noticeable at a pedestrian level; however, the excess height would not encroach existing pedestrian views. In addition, under the No Action condition a 12-foot-by-20-foot, 40-foot tall (46-feet including bulkhead)station access point would be located on the sidewalk adjacent to Site 2, which would likely constrain pedestrian flow on the sidewalk. As shown in **Figure D-2**, this condition would be resolved under the With Action condition, where the transit easement would be located on the zoning lot, improving the urban context around the site. In the With Action Condition, the future transit structure on the transit easement would align with the rest of the building's streetwall and would not encroach upon the sidewalk. The future transit structure would likely connect to the station platform at the elevation of the elevated rail line.

3.5.21



Source: WSP

No Action

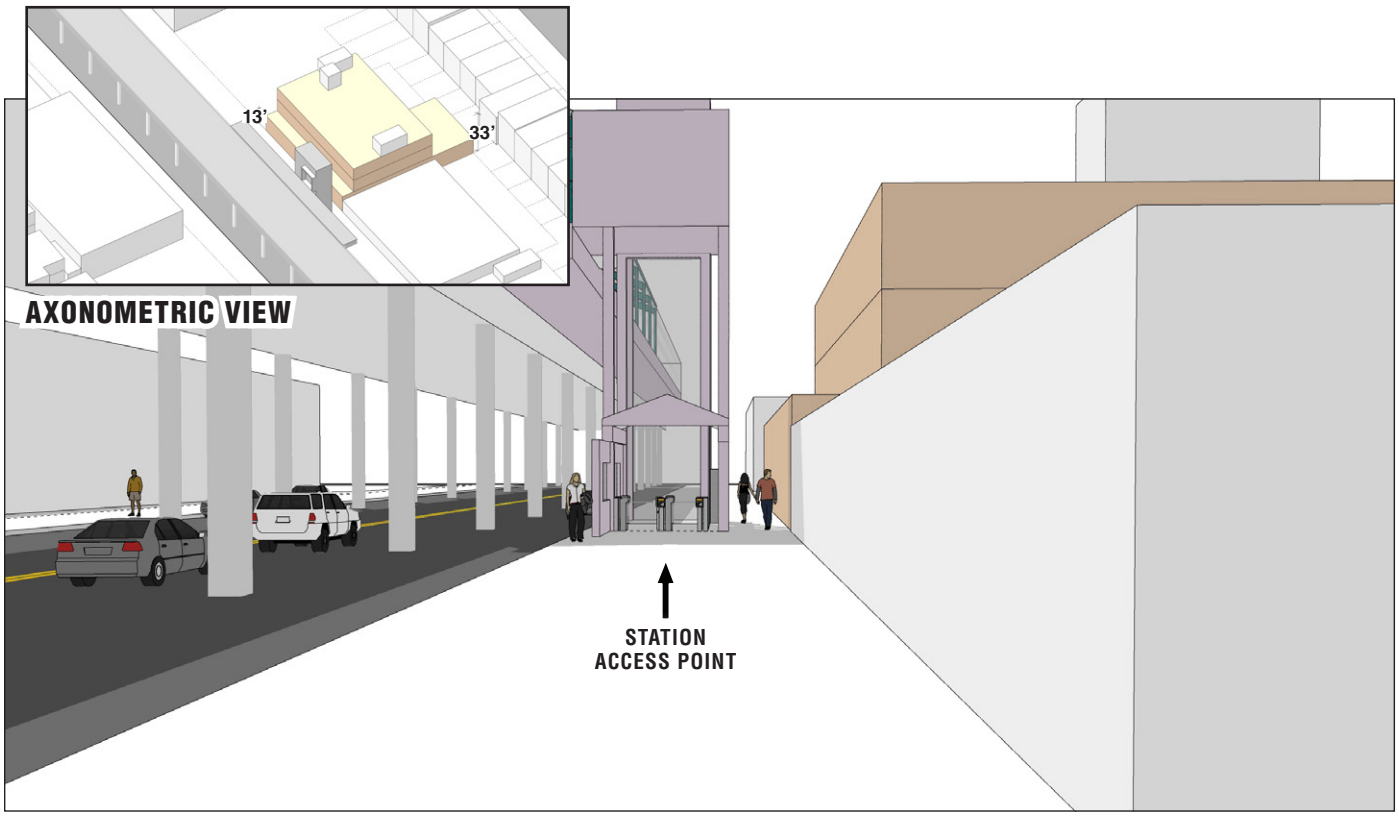


Source: WSP

With Action

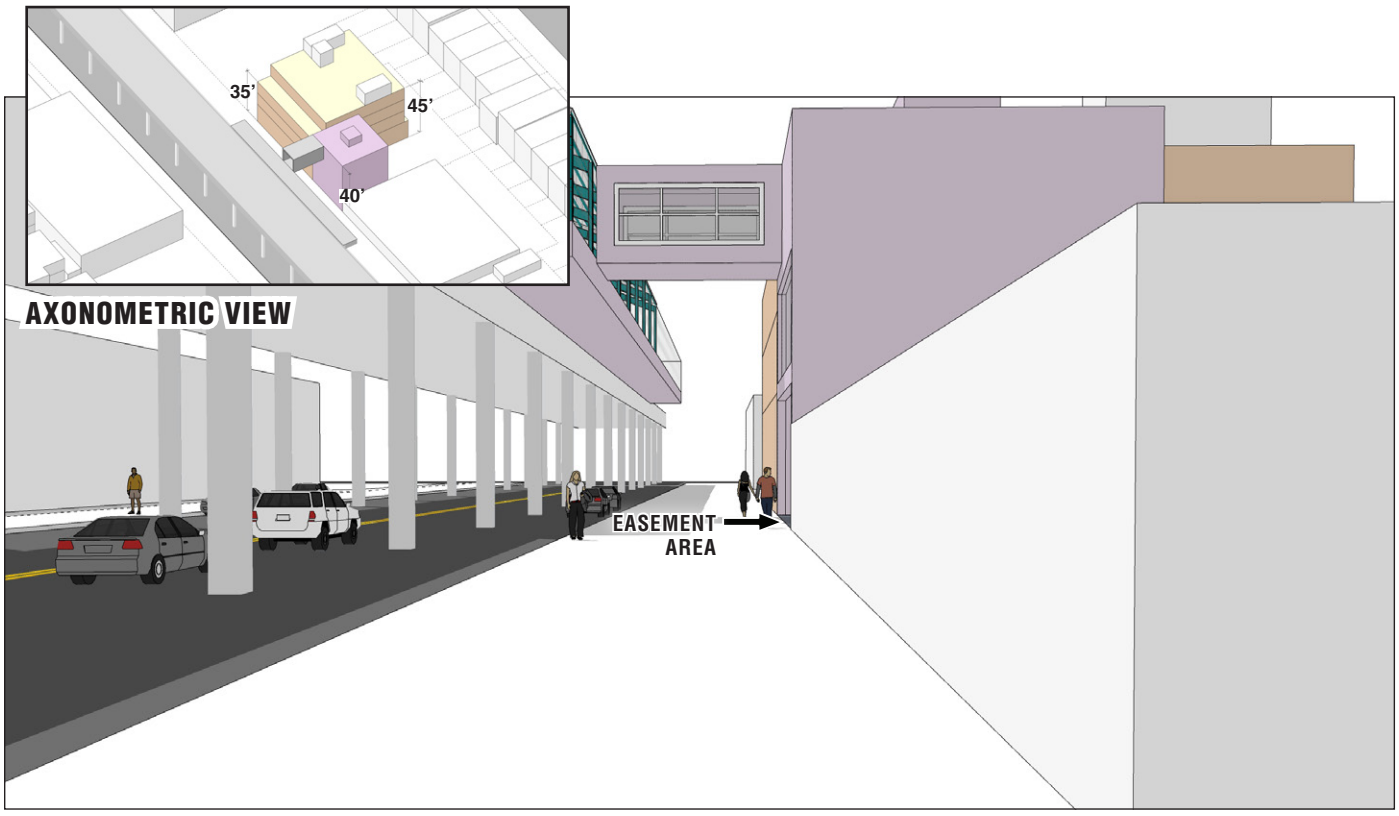
Illustrative Rendering of No Action vs. With Action Conditions:
Prototypical Analysis Site 1

3.5.21



Source: WSP

No Action



Source: WSP

With Action

Illustrative Rendering of No Action vs. With Action Conditions:
Prototypical Analysis Site 2

Table D-3
Prototypical Analysis Sites—With Action Conditon

Site	Zoning District	Lot Area (sf)	Lot Type	Station Type	With Action Development	No Action Condition Height/FAR/Easement	With Action Condition Height/FAR/Easement	Increment Height/ FAR/Easement
1	R6B	10,000	Interior	Below-grade	Six-story (65-foot) mixed-use building, with retail use on the ground floor and residential use on upper floors	55 Feet/ 2.0 FAR 35'x35' Below-grade station easement on the zoning lot	65 Feet/ 2.00 35'x35' Below-grade station easement on the zoning lot	+10 Feet/ +0.00 FAR No increment in easement
2	R5/C1-2 (PBUA)	10,000	Interior	Above-grade	Five-Story (55-foot) mixed-use building, with retail use on the ground floor and residential use on upper floors	33 Feet/ 1.65 FAR 12'x20' Above-grade station access on the sidewalk	45 Feet/ 1.65 FAR 35'x35' Above-grade station easement on the zoning lot	12 Feet/ +0.00 FAR 35'x35' Above-grade easement on the zoning lot, and No station access on sidewalk
3	R7A/C2-4 (MIH)	5,000	Interior	Above-grade	11-story (115-foot) mixed-use building, with retail use on the ground floor and residential use on upper floors	95 Feet/ 4.60 FAR 12'x20' Above-grade station easement on the zoning lot	115 Feet/ 4.60 FAR 12’x20’ Above-grade station easement on the zoning lot	+20 Feet/ +0.00 FAR No increment in easement
4	R7A/C2-4 (MIH)	10,000	Interior	Above-grade	11-story (115-foot) mixed-use building, with retail use on the ground floor and residential use on upper floors	95 Feet/ 4.19 FAR 35'x35' Above-grade station easement on the zoning lot	115 Feet/ 4.60 FAR 35'x35' Above-grade station easement on the zoning lot	+20 Feet/ +0.41 FAR No increment in easement
5	R9A/C1-5	10,000	Corner	Below-grade	14-story (145-foot) mixed-use building, with retail use on the ground floor and residential use on upper floors	135 Feet/ 7.52 FAR No easement	145 Feet/ 7.52 FAR 35'x35' Below-grade station easement on the zoning lot	+10 feet/ 0.00 FAR 35'x35' Below-grade station easement on the zoning lot
6	C4-3	5,000	Interior	Above-grade	Six-story (90-foot) commercial office building	110 Feet/ 3.409 FAR No easement	90 Feet/ 3.40 FAR 12’x20’ Above-grade station easement on the zoning lot	-20 Feet/ +0.00 FAR 12’x20’ Above-grade station easement on the zoning lot
7	C6-4	10,000	Interior	Below-grade	20-story (206-foot) mixed-use building, with retail use on the ground floor and residential use on upper floors	206 Feet/ 10.00 FAR 35’x35’ Below-grade station easement on the zoning lot	206 Feet/ 10.00 FAR 35’x35’ Below-grade station easement on the zoning lot	No change
8	C8-1	10,000	Corner	Above-grade	Four-story (60-foot) community facility (medical office) building	95 Feet/ 2.40 FAR 12'x20' Above-grade station access on the sidewalk	60 Feet/ 2.40 FAR 12'x20' Above-grade station easement on the zoning lot	-35 Feet/ 0.00 FAR 12’x20’ Above-grade easement on the zoning lot, and no station access on sidewalk
9	M1-1	15,000	Corner	Above-grade	Two-story (30-foot) commercial building	30 Feet/ 1.00 FAR No easement	30 Feet/ 1.00 FAR 35'x35' Below-grade easement on the zoning lot	0 Feet/ 0.00 FAR 35'x35' Below-grade easement on the zoning lot

PROTOTYPICAL ANALYSIS SITE 3

In addition to the zoning relief applicable to all sites on which a transit easement would be provided, the Proposed Action under the With Action condition would modify the R7A/C2-4 zoning district regulations by allowing an increase in the maximum permitted building height by two stories for sites on which a transit easement would be located.

With the proposed zoning modifications in place and pursuant to the underlying zoning regulations (including MIH provisions), Site 3 would be developed with an 11-story, 115-foot, mixed-use building with retail on the ground floor and residential use on the upper floors. The With Action building would have a streetwall height of 75 feet. As shown in in **Figure D-3**, although the building resulting from the Proposed Action would be 20 feet taller than the No Action building, the streetwall height would remain the same at 75 feet. Therefore, a pedestrian's experience would not be altered as a result of the Proposed Action. Further, both the No Action and With Action buildings would have similar bulk and a 12-foot-by-20-foot transit easement would be located on the zoning lot under both conditions. Similar to the No Action condition, the future transit structure in the With Action condition would also align with the rest of the building's streetwall and would not encroach upon the sidewalk, and it would connect to the station platform at the elevation of the elevated rail line.

PROTOTYPICAL ANALYSIS SITE 4

In addition to the zoning relief applicable to all sites on which a transit easement would be provided, the Proposed Action under the With Action condition would modify the R7A/C2-4 zoning district regulations by allowing an increase in the maximum permitted building height by two stories for sites on which a transit easement would be located.

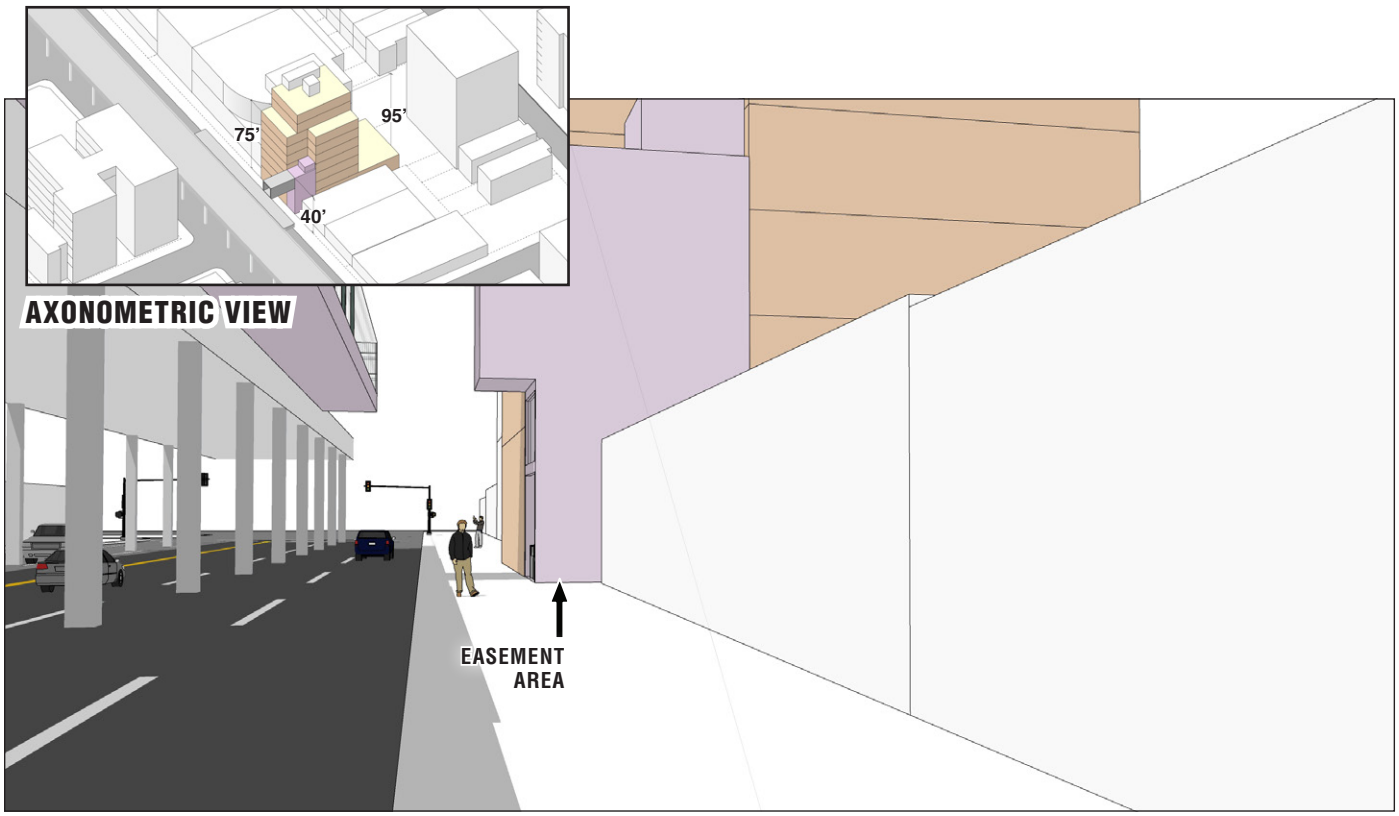
With the proposed zoning relief in place and pursuant to the underlying zoning regulations (including MIH provisions), Site 4 would be developed with an 11-story, 115-foot, mixed-use building with retail on the ground floor and residential use on the upper floors. The With Action building would have a streetwall height of 75 feet. As shown in in **Figure D-4**, although the building resulting from the Proposed Action would be 20 feet taller than the No Action building, the streetwall height would remain the same at 75 feet. Therefore, a pedestrian's experience would not be altered as a result of the Proposed Action. Further, both the No Action and With Action buildings would have similar bulk and a 35-foot-by-35-foot transit easement would be located on the zoning lot under both conditions. Like the No Action condition, the future transit structure would be aligned with the rest of the building's streetwall and would likely connect to the station platform at the elevation of the elevated rail line.

PROTOTYPICAL ANALYSIS SITE 5

In addition to the zoning relief applicable to all sites on which a transit easement would be provided, the Proposed Action, under the With Action condition, would modify the R9A/C1-5 zoning district regulations by allowing an increase in the maximum permitted building height by one story for sites on which a transit easement would be located.

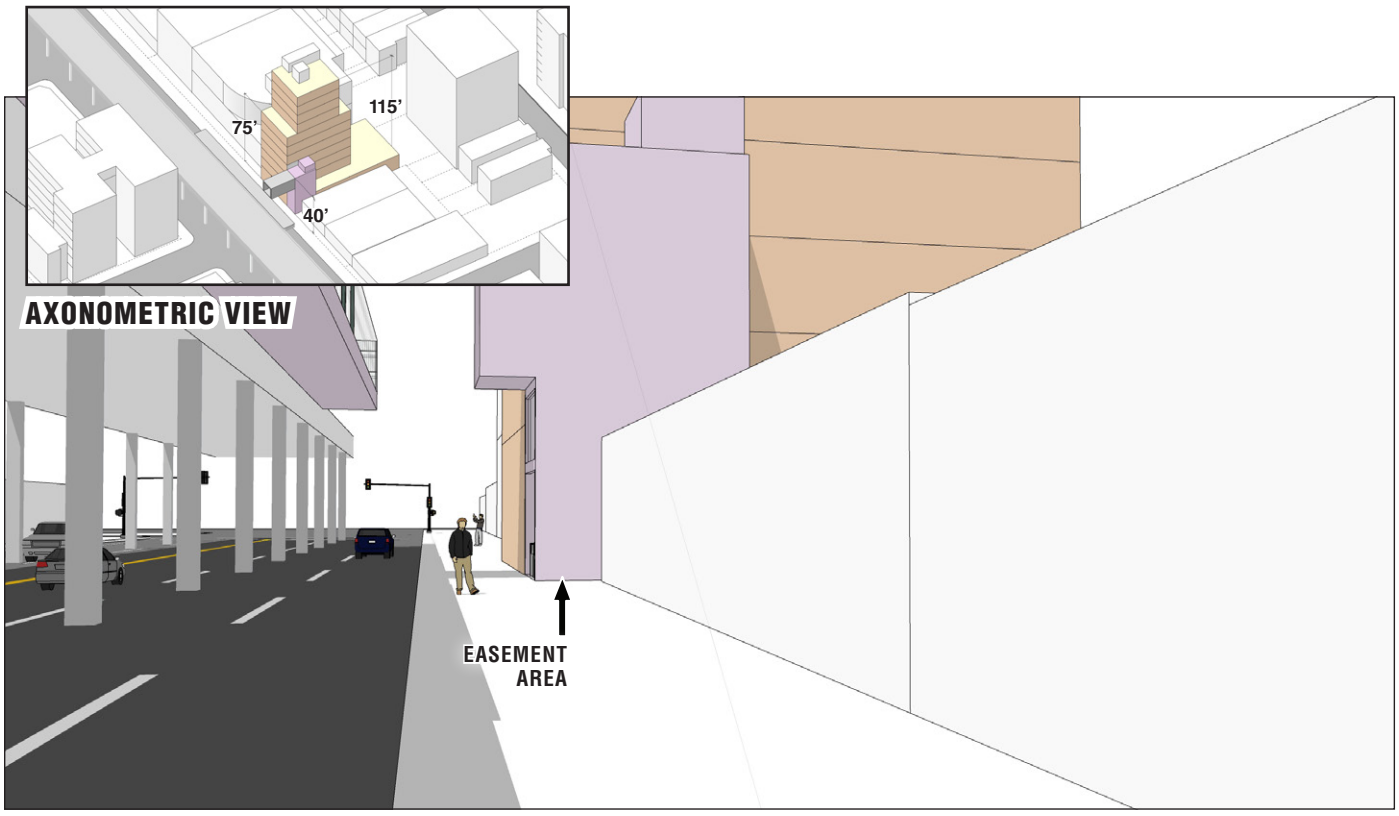
With the proposed zoning relief in place and pursuant to the underlying zoning regulations, Site 5 would be developed with a 14-story, 145-foot, mixed-use building with retail on the ground floor and residential use on the upper floors. The With Action building would have a

3.5.21



Source: WSP

No Action

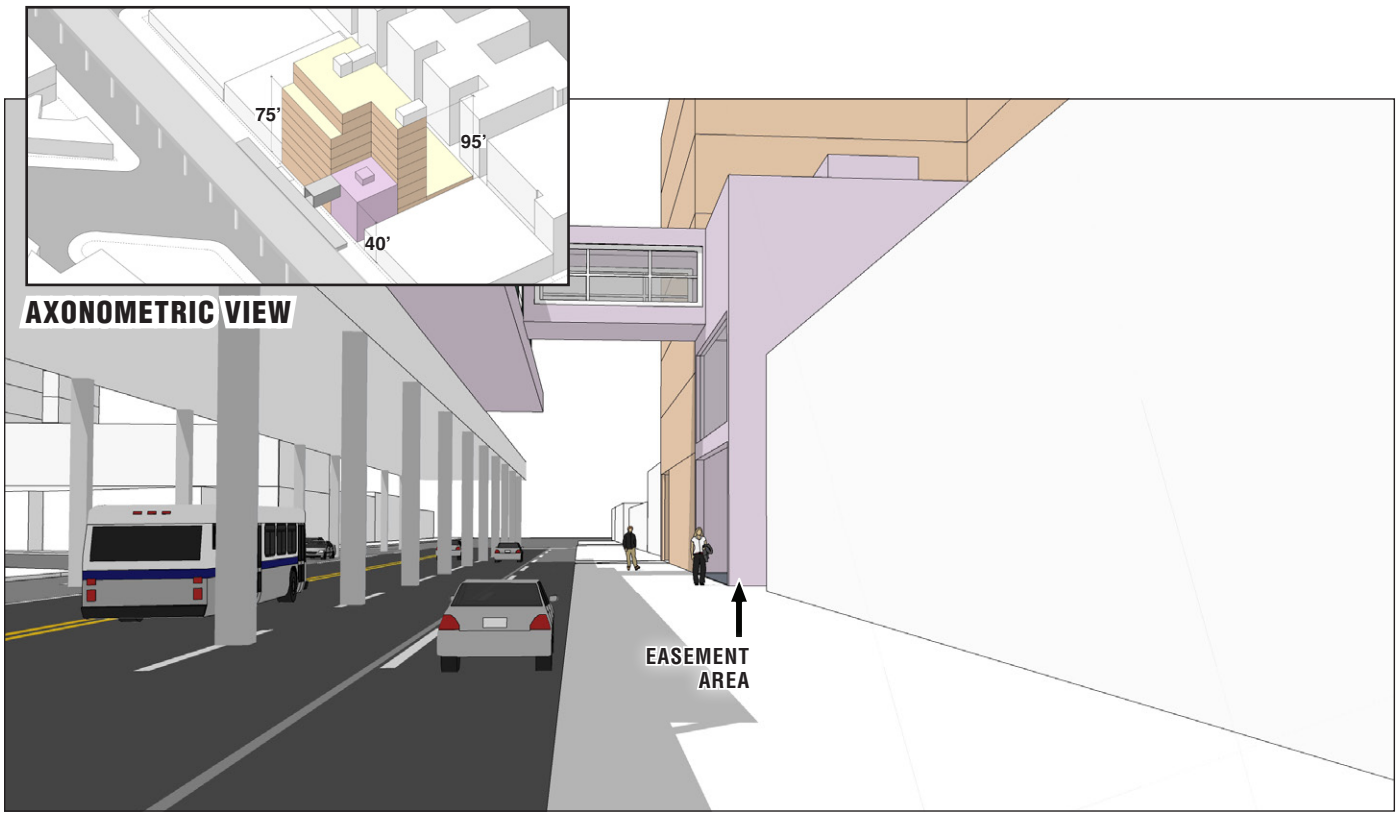


Source: WSP

With Action

Illustrative Rendering of No Action vs. With Action Conditions:
Prototypical Analysis Site 3

3.5.21



Source: WSP

No Action



Source: WSP

With Action

Illustrative Rendering of No Action vs. With Action Conditions:
Prototypical Analysis Site 4

streetwall height of 66 feet. As shown in in **Figure D-5**, the Proposed Action would result in a building that would be 10 feet taller than the No Action building; however, it would have as similar streetwall height as the building in the No Action condition. Therefore, a pedestrian's experience would not be altered as a result of the Proposed Action. In addition, in the With Action condition a 35-foot-by-35-foot transit easement for a below-grade station would be located on the zoning lot; however, the built easement would follow the projected building's streetwall and would not encroach upon the sidewalk. There would be no easement in the No Action Condition.

PROTOTYPICAL ANALYSIS SITE 6

The zoning relief applicable to all sites on which a transit easement would be provided would be applicable to sites mapped with a C4-3 zoning district. No additional zoning relief would be provided.

With the proposed zoning relief in place and pursuant to the underlying bulk regulations, Site 6 would be developed with a six-story, 90-foot, commercial office building. The With Action building would have a streetwall height of 60 feet. As shown in **Figure D-6**, the Proposed Action would result in a building that would be 20 feet shorter than the No Action building with a 10-foot higher streetwall height. However, the overall bulk of the building in the With Action condition would be similar to the building in the No Action condition and consistent with the existing buildings along the elevated rail line. The With Action condition would also include a 12-foot-by-20-foot transit easement for an above-grade station on the zoning lot; however, the easement would be provided entirely within the zoning lot lines and the future transit structure would be built up to match the projected building's streetwall. The future transit structure would likely connect to the station platform at the elevation of the elevated rail line.

PROTOTYPICAL ANALYSIS SITE 7

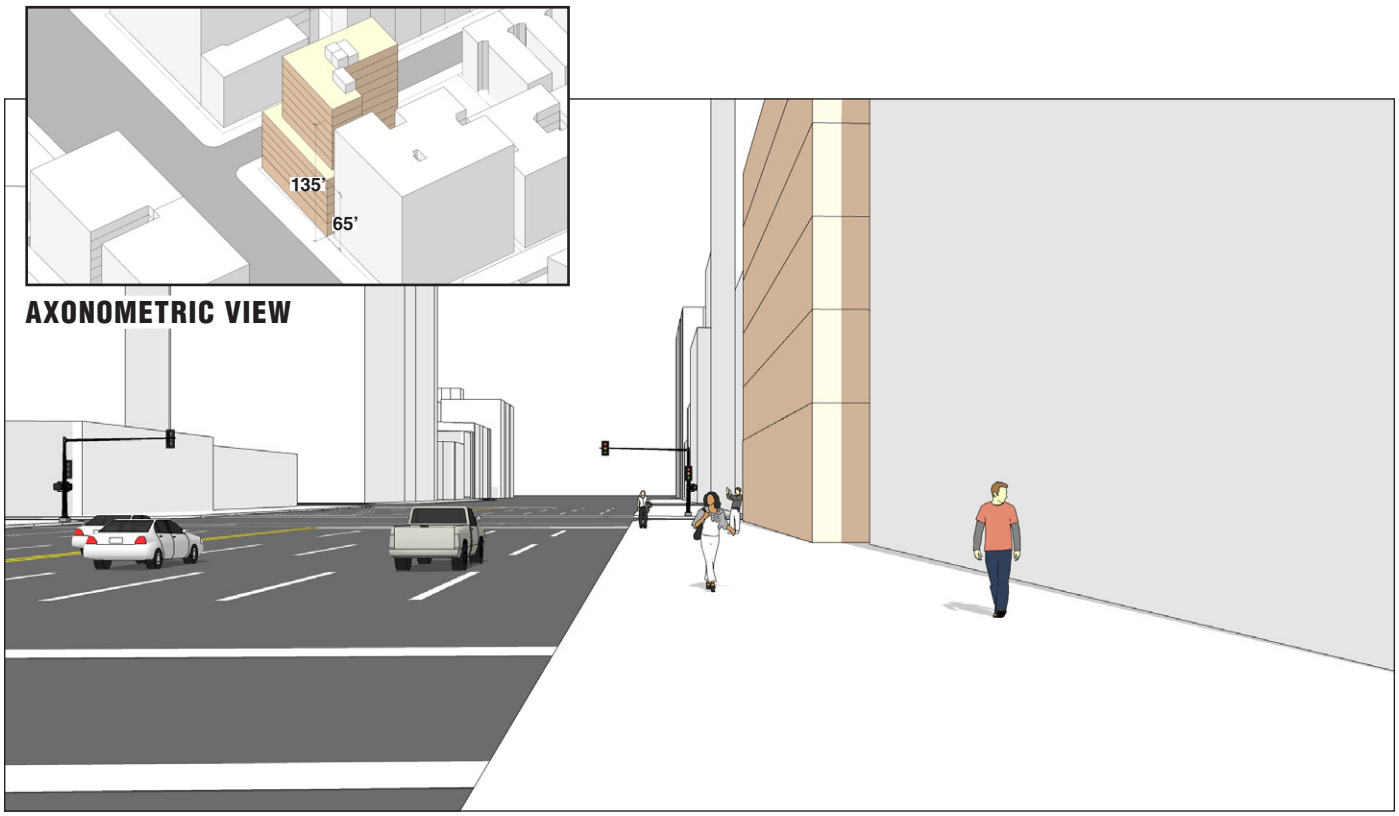
The zoning relief applicable to all sites on which a transit easement would be provided would be applicable to sites mapped with a C6-4 zoning district. No additional zoning modifications would be provided.

With the proposed zoning relies in place and pursuant to the underlying bulk regulations, Site 7 would be developed with a 20-story, 206-foot, mixed-use building with retail on the ground floor and residential use on the upper floors. The With Action building would have a streetwall height of 66 feet. As shown in **Figure D-7**, the building in both With Action and No Action conditions would have the same building height and streetwall height. Further, under both conditions a 35-foot-by-35-foot transit easement for a below-grade station would be provided on the zoning lot, which would be built up to match the projected building's streetwall to a height of 16 feet.

PROTOTYPICAL ANALYSIS SITE 8

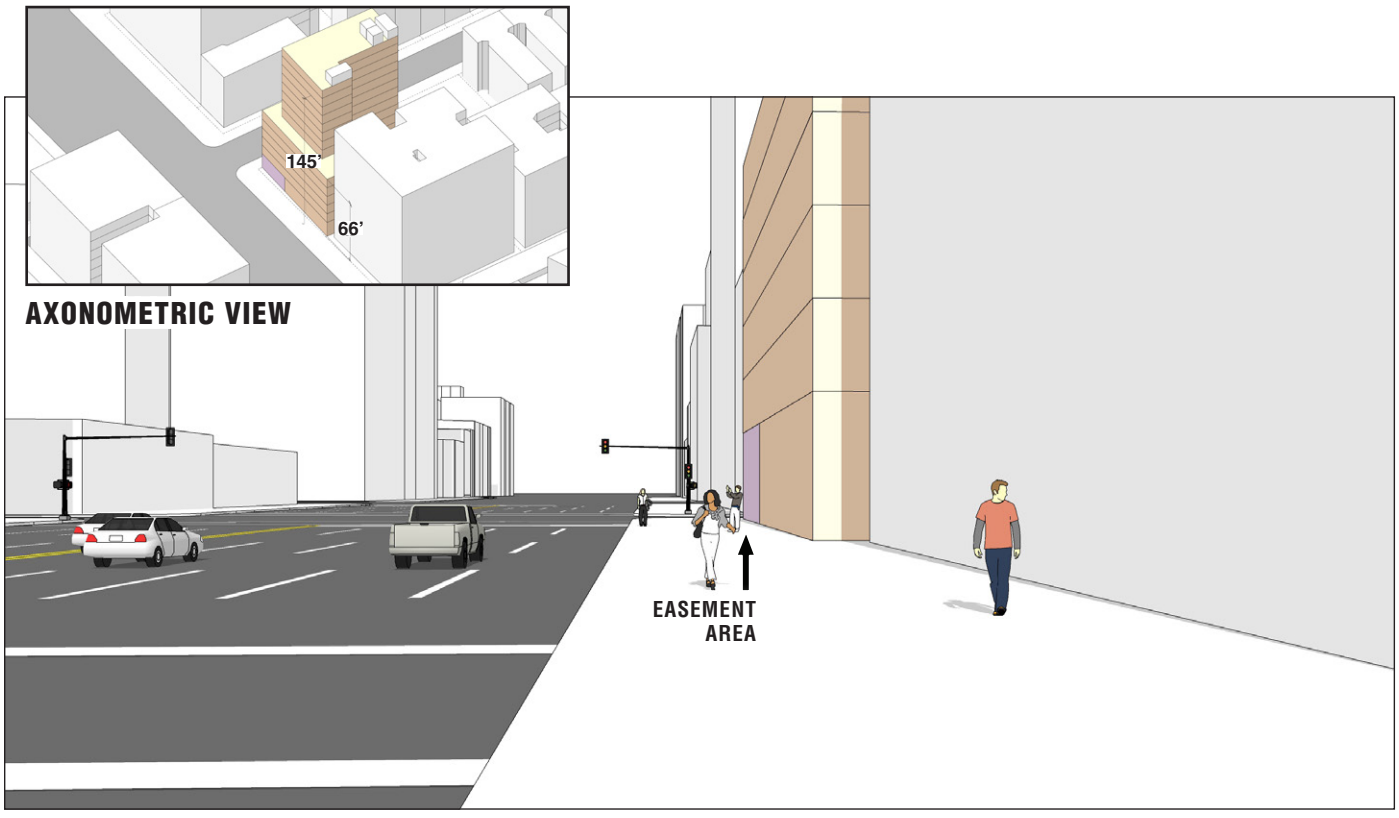
The zoning relief applicable to all sites on which a transit easement would be provided would be applicable to sites mapped with a C8-1 zoning district. No additional zoning modifications would be provided.

3.5.21



Source: WSP

No Action



Source: WSP

With Action

Illustrative Rendering of No Action vs. With Action Conditions:
Prototypical Analysis Site 5

3.5.21



Source: WSP

No Action

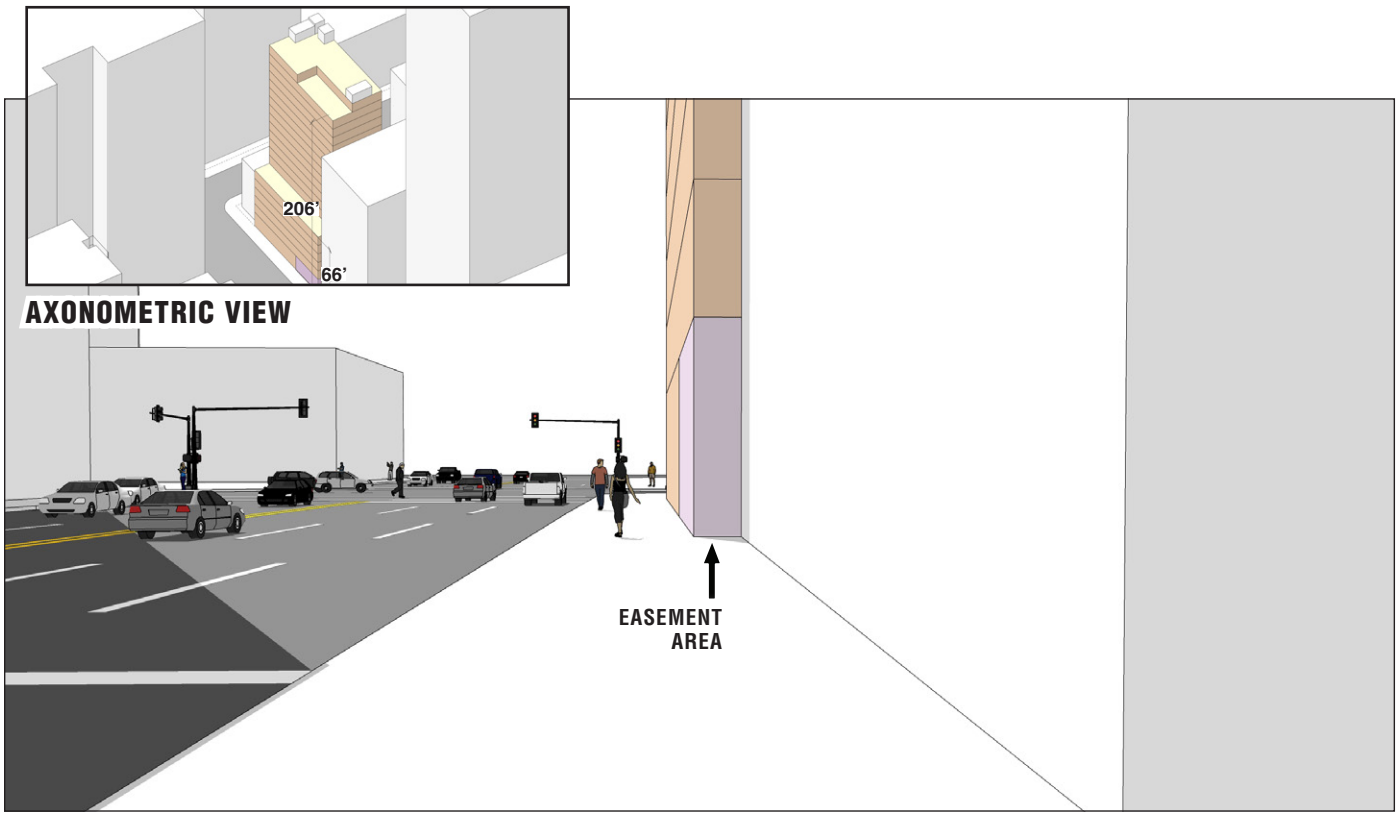


Source: WSP

With Action

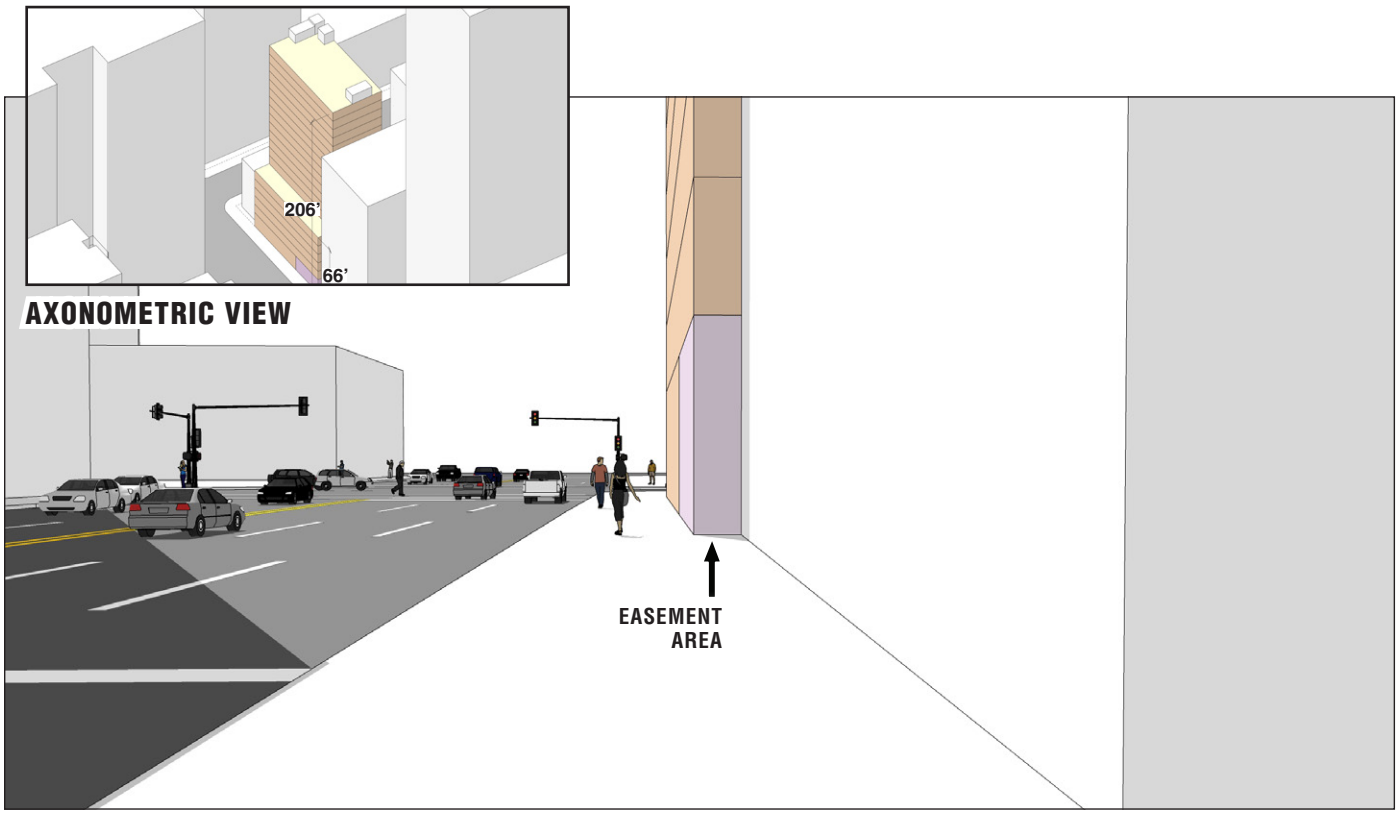
Illustrative Rendering of No Action vs. With Action Conditions:
Prototypical Analysis Site 6

3.5.21



Source: WSP

No Action



Source: WSP

With Action

Illustrative Rendering of No Action vs. With Action Conditions:
Prototypical Analysis Site 7

With the proposed zoning relief in place and pursuant to the underlying bulk regulations, Site 8 would be developed with a four-story, 60-foot, community facility building. The With Action building would have a streetwall height of 30 feet. As shown in **Figure D-8**, the Proposed Action would result in a building that would be significantly shorter (35 feet) than the No Action building with a 5-foot shorter streetwall height. The reduction in overall building height would be achieved by waiving of parking requirements in the With Action condition. Further, the With Action condition would include a 35-foot-by-35-foot transit easement for an above-grade station on the zoning lot, while under the No Action condition a 12-foot-by-20-foot above-grade transit access point would be located on the sidewalk adjacent to the site. The transit easement in the With Action condition would not constrain pedestrian traffic on the sidewalk as opposed to under the No Action condition.

PROTOTYPICAL ANALYSIS SITE 9

The zoning relief applicable to all sites on which a transit easement would be provided would be applicable to sites mapped with a M1-1 zoning district. No additional zoning modifications would be provided.

With the proposed zoning relief in place and pursuant to the underlying bulk regulations, Site 9 would be developed with a two-story, 30-foot, commercial building. The With Action building would have a streetwall height of 30 feet. As shown in **Figure D-9**, the building in the With Action and No Action conditions would have the same building height and streetwall height. Further, under both conditions a 35-foot-by-35-foot transit easement for an above-grade station would be provided on the zoning lot and the future transit structure would be built to align with the projected building's streetwall. The future transit structure would likely connect to the station platform at the elevation of the elevated rail line.

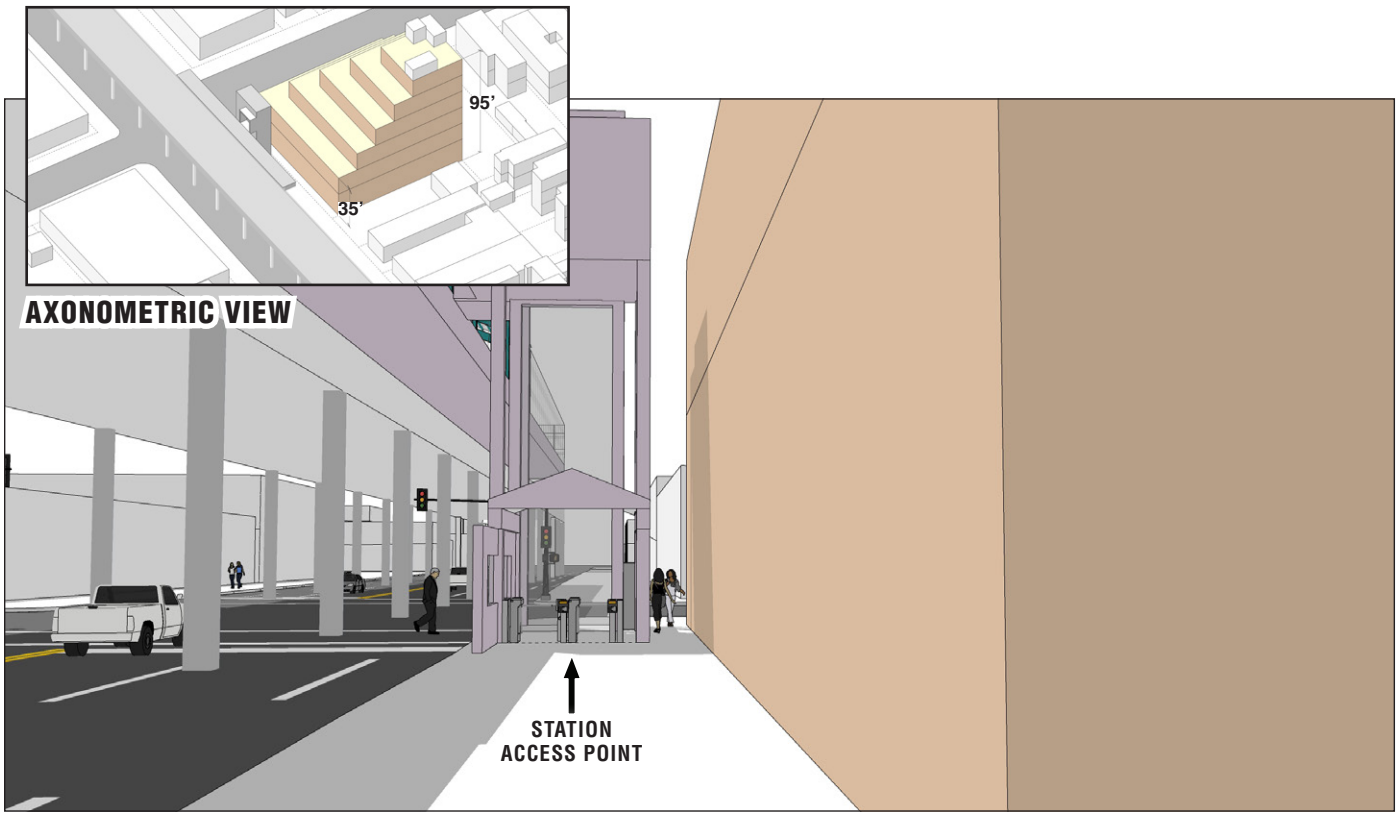
VISUAL RESOURCES ASSESSMENT

As described above, the waivers to bulk and parking regulations of the underlying zoning would not alter or result in significant changes to the built environment of each site's study area compared to the No Action condition. On certain sites the waivers could result in a building that has a taller overall height or streetwall height than the building that would be constructed in the No Action condition, but overall bulk would be similar. As all development in the With Action condition would be built within the lot lines and would largely be in keeping with total heights and streetwall heights in the study areas, it is not expected that the Proposed Action would obstruct any view corridors or views of visual resources. This is demonstrated in the evaluation of prototypical site analysis in this assessment.

As previously described, only one site, Prototypical Analysis Site 5, is located across from a historic resource. However, the historic building is not considered a prominent visual resource in the area. None of the other sites have any historic resources within their study areas.

In addition, only one site, Prototypical Analysis Site 3, has an open space resource, a landscaped plaza, within 400 feet of the site. The landscaped plaza is located across the street from the site on the other site of the elevated rail line and, therefore, any modifications to the bulk requirement on the site as a result of the Proposed Action would not result in a significant adverse visual impact on this open space resource. There is a large City-owned park just outside the study area of Prototypical Analysis Site 5; however, because it is located at the same grade

3.5.21



Source: WSP

No Action



Source: WSP

With Action

Illustrative Rendering of No Action vs. With Action Conditions:
Prototypical Analysis Site 8

3.5.21



Source: WSP

No Action



Source: WSP

With Action

Illustrative Rendering of No Action vs. With Action Conditions:
Prototypical Analysis Site 9

as the project site and study area, only a thick tree canopy is visible at pedestrian level, and the With Action development would not obstruct any pedestrian-level views to the open space that would not be obstructed by the development under the No Action condition. Neither development would be expected to obstruct views to the open space as each would be built within the existing lot lines and would be in keeping with existing streetwall heights.

D. CONCLUSION

Overall, the development anticipated in the With Action condition for each of the nine prototypical analysis sites would be compatible with the existing built character surrounding the sites, as well as the development in the No Action condition. The Proposed Action would require future development on zoning lots within New York City that are adjacent to mass transit station to provide a transit easement on the zoning lot, which would facilitate a future connection to the adjacent subway platform and provide ADA-accessibility to the station. To facilitate the provision of such an easement, certain zoning relief, such as maximum height, lot coverage, parking, etc. would be provided on such sites, resulting in future developments that do not entirely comply with the current underlying zoning regulations. However, the anticipated new developments would be built to conform to the existing streetwalls and, therefore, would not block existing pedestrian views. Furthermore, in some cases (Sites 2 and 8), the With Action condition would result in an improvement to the pedestrian experience, as the transit access improvements facilitated by the Proposed Action would located on the zoning lot instead of the sidewalk.

As the Proposed Action would not diminish or disturb the existing streetwall continuities and/or pedestrian features and experience within the areas surrounding each site, the Proposed Action is not expected to result in any significant adverse effects on the area's urban design or visual resources. ✷

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 access and other station improvements with new developments on adjacent sites.

In order to facilitate station access improvements out of the public right-of-way, the Proposed Action would create a City Planning Commission (CPC) Chair Certification that would require developers of properties adjacent to mass transit stations to first consult with the MTA on whether any easement would be needed on their property for vertical circulation into the adjacent station. If it is determined that a transit easement volume is required on a property, appropriate as-of-right zoning relief would be made available based on the provisions provided in the proposed text amendment.

According to the 2020 *City Environmental Quality Review (CEQR) Technical Manual*, the Proposed Action is analyzed as a "generic action" because it would have wide application throughout the city and there are no known developments projected at this time. 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 regulations, the overall amount, type, and location of development within the affected area is not anticipated to change.

Owing to the generic nature of this action, there are no known or projected as-of-right development sites identified as part of the Proposed Action's Reasonable Worst-Case Development Scenario (RWCDS). To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical developments ("prototypes" or "prototype sites") have been identified to demonstrate the wide range of proposed regulations for sites that would be able to develop as-of-right in the future with the Proposed Action. These prototypes represent a variety of possible development outcomes and are loosely based on real-world sites but are meant to generically represent conditions for each prototype. For purposes of the transportation assessment, travel demand factors for each prototype were developed based on the real-world location of each site with generally representative development programs for each prototype.

B. PRELIMINARY SCREENING

Table E-1 summarizes the development programs for the future without the Proposed Action (No Action condition) and the future with the Proposed Action (With Action condition) for the nine representative prototypical analysis sites.

Table E-1
Comparison of No Action and With Action Development Programs

Prototypical Analysis Sites	Parking Spaces	Residential – Market (DU)	Residential – Affordable (DU)	Local Retail (GSF)[2]	Office (GSF)	Community Facility (GSF)[1]
No Action						
Site 1	11	22				
Site 2	6	9		5,800		
Site 3	0	17	6	3,900		
Site 4	17	30	10	5,800		
Site 5	0	80		8,400		
Site 6	43				20,000	
Site 7	0	109		7,100		
Site 8	80					28,200
Site 9	50			17,600		
With Action						
Site 1	0	23		800		
Site 2	0	12		3,400		
Site 3	0	17	6	3,900		
Site 4	0	35	12	7,500		
Site 5	0	81		7,400		
Site 6	0				20,000	
Site 7	0	110		7,200		
Site 8	0					28,200
Site 9	35			17,600		

Notes: DU = dwelling unit; GSF = gross square feet
[1] Community facility use is assumed to be medical office space for environmental analysis purposes.
[2] Conservatively includes easement area (where applicable).

As shown in **Table E-2**, the With Action condition development increments for all nine prototypical analysis sites are negligible when compared to the No Action condition such that they would not exceed the minimum development density thresholds as defined by *CEQR Technical Manual* Table 16-1 requiring further detailed transportation analysis. Therefore, the Proposed Action is not expected to result in any significant adverse traffic, transit or pedestrian impacts. However, since there would be a reduction in the number of on-site parking spaces at some prototype analysis sites as a result of the Proposed Action, further parking assessment is warranted.

Table E-2
With Action Development Program Increments

Prototypical Analysis Sites	Increments					
	Parking Spaces	Residential – Market (DU)	Residential – Affordable (DU)	Local Retail (GSF)	Office (GSF)	Community Facility (GSF)
Site 1	-11	1		800		
Site 2	-6	3		-2,400		
Site 3	0	0	0	0		
Site 4	-17	5	2	1,700		
Site 5	0	1		-1,000		
Site 6	-43				0	
Site 7	0	1		100		
Site 8	-80					0
Site 9	-15			0		

Note: The above aggregate program increments would be below the minimum development density thresholds as defined in Table 16-1 of the 2020 *CEQR Technical Manual*.

C. PARKING ASSESSMENT

The *CEQR Technical Manual* states that if a quantified traffic analysis is not required, an assessment of parking supply and utilization is also typically not warranted. However, because the Proposed Action would include zoning relief to waive the parking requirements on development sites subject to the proposed transit easement requirement, a parking demand assessment was conducted to determine the potential for parking shortfalls and whether they would be considered significant per CEQR criteria. As stated in the *CEQR Technical Manual*, for proposed projects located in Parking Zones 1 and 2 (generally Manhattan and other central business district [CBD] areas), the inability of the proposed project or the surrounding area to accommodate the project's future parking demand is considered a parking shortfalls, but is generally not considered significant due to the magnitude of available alternative modes of transportation. For other areas in New York City, a parking shortfall that exceeds more than half the available on-street and off-street parking spaces within a ¼-mile of the project site may be considered significant. Additional factors, such as the availability and extent of transit in the area, proximity of the project to such transit, and patterns of automobile usage by area residents, could be considered to determine the significance of the identified parking shortfall. In some cases, if there is adequate parking supply within a ½-mile of the project site, the projected parking shortfall may also not necessarily be considered significant.

As detailed in the **Table E-1 and E-2**, three of the prototypical analysis sites (Sites 3, 5, and 7) would essentially have the same development programs under the No Action and With Action conditions and would not provide on-site parking under each condition. Because these sites would not result in any With Action increments or change in parking, no further parking assessments are warranted. For the remaining seven prototypical development sites, where parking spaces provided in the No Action condition would be eliminated under the With Action condition, a parking demand assessment, was conducted pursuant to the methodologies outlined in the *CEQR Technical Manual*, and is presented below.

TRANSPORTATION PLANNING ASSUMPTIONS

Weekday hourly travel and parking demand estimates for the No Action and With Action development programs were developed using the trip generation factors presented in **Table E-3**. These factors are based on information from the *CEQR Technical Manual*, travel demand surveys conducted by the New York City Department of Transportation (DOT), U.S. Census Data, and other approved EASs and EISs. The modal split, vehicle occupancy and some of the directional distribution factors vary depending on the location of each development site. The most recent U.S. Census 2014–2018 American Community Survey (ACS) auto ownership data were applied to forecast the residential parking demand where applicable.

Table E-3
Travel Demand Assumptions

Use	Office			Residential			Local Retail			Community Facility (Medical Office)		
Total	(1)			(2)			(1)			(2)		
Daily Person Trip	Weekday			Weekday			Weekday			Weekday		
	18.00			8.180			205.00			76.00		
	Trips / KSF			Trips / DU			Trips / KSF			Trips / KSF		
Trip Linkage	0%			0%			25%			0%		
Net	Weekday			Weekday			Weekday			Weekday		
Daily Person Trip	18.00			8.180			153.75			76.00		
	Trips / KSF			Trips / DU			Trips / KSF			Trips / KSF		
	AM	MD	PM	AM	MD	PM	AM	MD	PM	AM	MD	PM
Temporal	(2)			(2)			(1)			(2)		
	12.0%	11.0%	11.0%	9.0%	6.0%	8.0%	3.0%	19.0%	10.0%	11.0%	13.0%	9.0%
Direction	(3)			(6)(7)(8)			(3)(6)(8)			(2)		
In	96%	48%	5%	Varies by the development site location			50%	50%	50%	62%	47%	35%
Out	4%	52%	95%				50%	50%	50%	38%	53%	65%
Total	100%	100%	100%				100%	100%	100%	100%	100%	100%
Modal Split	(3)(4)			(5)			(2)(8)			(2)		
	AM	MD	PM	AM	MD	PM	AM	MD	PM	AM	MD	PM
	Varies by the development site location			Varies by the development site location			Varies by the development site location			Varies by the development site location		
Vehicle Occupancy	(4)			(5)			(2)(7)(8)			(2)		
Auto	Varies by the development site location			Varies by the development site location			Varies by the development site location			Varies by the development site location		

Sources:
(1) 2020 *CEQR Technical Manual*
(2) Based on NYCDOT mode choice surveys
(3) *25 Kent Avenue EAS* (2016)
(4) U.S. Census American Community Survey (ACS) 2012–2016 Five-Year Estimates – Reverse Journey-to-Work (RJTW) Data
(5) U.S. Census Bureau, ACS 2014–2018 Five-Year Estimates – Journey-to-Work (JTW) Data
(6) *Dutch Kills Rezoning and Related Actions FEIS* (2008)
(7) *M1 Hotels Text Amendment FEIS* (2018) – Appendix A.6, "Transportation"
(8) *980 Westchester Avenue EAS* (2020)

The No Action and With Action weekday maximum parking demand generated by the seven prototypical analysis sites are summarized in **Table E-4**. Discussions for each site are presented below.

Table E-4
No Action and With Action Parking Supply and Utilization

Prototypical Analysis Sites	No Action			With Action			Incremental Parking Shortfall
	On-Site Parking Spaces	Maximum Parking Demand	Available Spaces (Shortfall)	On-Site Parking Spaces	Maximum Parking Demand	Available Spaces (Shortfall)	
Site 1	11	9	2	0	9	(9)	(9)
Site 2	6	4	3	0	6	(6)	(6)
Site 4	17	12	5	0	14	(14)	(14)
Site 6	43	30	13	0	30	(30)	(30)
Site 8	80	44	36	0	44	(44)	(44)
Site 9	50	0	50	35	0	35	0
Note: (#) denotes parking shortfall							

Prototype Analysis Site 1

Site 1 is located in CEQR Parking Zone 2 in the Williamsburg neighborhood of Brooklyn. Based on the most recent U.S. Census ACS auto ownership data, the overall auto ownership rate in this study area is approximately 39 percent. Applying the overall auto ownership rate and travel demand factors to the No Action and With Action programs would result in parking demand of nine parking spaces under the No Action and condition and eight parking spaces under the With Action condition. The No Action development would include 11 on-site parking spaces, and thus the parking demand would be accommodated on-site under the No Action condition. However, under the With Action condition, the on-site parking spaces would be eliminated and would result in a maximum parking shortfall of nine spaces.

Prototype Development Site 2

Site 2 is located in CEQR Parking Zone 2 in the Astoria neighborhood of Queens. Based on the most recent U.S. Census ACS auto ownership data, the overall auto ownership rate in this study area is approximately 41 percent. Applying the overall auto ownership rate and travel demand factors to the No Action and With Action programs would result in a peak parking demand of five and six parking spaces under the No Action and With Action conditions, respectively. The No Action development would include six on-site parking spaces, and thus the parking demand would be accommodated on-site under the No Action condition. Under the With Action condition, the on-site parking spaces would be eliminated and would result in a parking shortfall of six spaces. The incremental on-site parking shortfall would be six spaces.

Prototype Development Site 4

Site 4 is located in the Highbridge neighborhood of the Bronx, which is outside of CEQR Parking Zones 1 and 2. Based on the most recent U.S. Census ACS auto ownership data, the overall auto ownership rate in this study area is approximately 30 percent. Applying the overall auto ownership rate and travel demand factors to the No Action and With Action programs would result in a peak parking demand of 12 parking spaces under the No Action and 14 parking spaces under the With Action condition. The No Action development would include 17 on-site parking spaces; therefore, the parking demand would be accommodated on-site under the No Action condition. Under the With Action condition, no parking would be provided, resulting in a parking shortfall of 14 spaces.

Prototype Development Site 6

Site 6 is located just outside of CEQR Parking Zone 2 in the Bushwick neighborhood of Brooklyn. Applying the travel demand factors to the No Action and With Action programs would result in a peak parking demand of 30 parking spaces under both the No Action and With Action conditions. The peak parking demand would occur during daytime hours. The No Action development would include 43 on-site parking spaces, and parking demand would be accommodated on-site under the No Action condition. Under the With Action condition, no on-site parking would be provided, resulting in a parking shortfall of up to 30 spaces.

Prototype Development Site 8

Site 8 is located outside of CEQR Parking Zones 1 and 2 in the Gravesend neighborhood of Brooklyn. Applying the travel demand factors to the No Action and With Action programs would result in a peak parking demand of 44 parking spaces under both No Action and With Action conditions. The peak parking demand would occur during daytime hours. The No Action development would provide 80 on-site parking spaces; therefore, parking demand would be accommodated on-site under the No Action condition. No parking would be provided under the With Action condition, resulting in an on-site parking shortfall of 44 spaces.

Prototype Development Site 9

Site 9 is also located in the Gravesend neighborhood of Brooklyn. The local retail use under both the No Action and With Action conditions would generate transient parking demand with the auto trips for this land use generally arriving and leaving within the same hour. Therefore, the resulting parking demand at the end of each hour would be negligible based on CEQR parking demand profiles. The No Action and the With Action development would provide 50 and 35 accessory on-site parking spaces, respectively, to accommodate these transient parking demands.

D. CONCLUSION

For Prototypes 1 through 8, the parking waivers that would be provided under the With Action condition would result in between zero and 44 on-site parking shortfalls as compared to the No Action condition. For Prototype 9, the parking demand at the end of each hour would be negligible based on the CEQR parking demand profiles; however, 35 on-site parking spaces would be provided to accommodate the transient parking demand. These parking shortfalls are less than the 85 parking spaces listed in the screening thresholds in Table 16-1 of the *CEQR Technical Manual* and are expected to be adequately accommodated by the on-street and off-street parking resources surrounding each development site. Additionally, all of these sites are also immediately adjacent to mass transit stations which would offer an alternative travel option. Furthermore, two out of the six parking analysis sites (Sites 1 and 2) are located within CEQR Parking Zones 1 and 2 as defined by the *CEQR Technical Manual*. As stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Parking Zones 1 and 2 does not constitute a significant adverse parking impact due to the magnitude of available alternative modes of transportation. Therefore, the potential parking shortfalls would not constitute significant adverse parking impacts. For the remaining four sites (Sites 4, 6, 8, and 9) that are located outside of CEQR Parking Zones 1 and 2, the identified maximum parking shortfalls would range from zero to 44 spaces. Since these sites are located in relatively low density residential neighborhoods, it is expected that there would be sufficient available parking surrounding each site to accommodate the on-site parking shortfalls. Therefore, no significant adverse parking impacts are expected as a result of the Proposed Action.

✷

A. INTRODUCTION

As described in Attachment A, "Project Description," the Metropolitan Transportation Authority (MTA) together with the New York City Department of City Planning (DCP) is proposing a zoning text amendment (the "Proposed Action") in the New York City Zoning Resolution (ZR) to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement (the "System-wide Easement Requirement"), that would require developments on lots over 5,000 square feet (sf) within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related mass 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. According to the 2020 *City Environmental Quality Review (CEQR) Technical Manual*, the Proposed Action is analyzed as a "generic action" because it would have wide application throughout the city and there are no known developments projected at this time. 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 regulations, the overall amount, type, and location of development within the affected area is not anticipated to change.

Owing to the generic nature of this action, there are no known or projected as-of-right development sites identified as part of the Proposed Action's Reasonable Worst-Case Development Scenario (RWCDS). To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical developments ("prototypes" or "prototype sites") have been identified to demonstrate the wide range of proposed regulations for sites that would be able to develop as-of-right in the future with the Proposed Action. These prototypes represent a variety of possible development outcomes and are loosely based on real-world sites but are meant to generically represent conditions for each prototype.

As discussed in Attachment E, "Transportation," the With Action condition development increments for all nine prototypical analysis sites are negligible when compared to the No Action condition. Therefore, the maximum projected hourly incremental traffic volumes generated by the Proposed Project would not exceed the carbon monoxide (CO) screening threshold defined in the *CEQR Technical Manual*. The incremental traffic volumes would also not exceed the particulate matter (PM emission screening threshold discussed in Chapter 17, Sections 210 and 311, of the *CEQR Technical Manual*. Therefore, no mobile source analysis was required.

Since development affected by the Proposed Action would include fossil fuel-fired heating and water systems, a stationary source analysis was conducted to evaluate the potential impact from

these sources on air quality. As discussed in detail below, the Proposed Action would not result in any significant adverse impacts on air quality.

As described in Attachment A, "Project Description," a site-specific description or analysis is not appropriate since the particular sites are not identified. Therefore, analysis of existing emission sources (e.g., industrial sources of emissions) cannot be performed. However, given that the prototypical analysis sites would be developed in the No Action condition, the difference between the No Action and With Action conditions would be minor; therefore, there would be no new or additional significant adverse impacts due to air emissions of air toxics. Therefore, no analysis is warranted.

B. METHODOLOGY FOR PREDICTING POLLUTANT CONCENTRATIONS

HEATING AND HOT WATER SYSTEMS

Stationary source analyses were conducted using the methodology described in the *CEQR Technical Manual* to assess air quality impacts associated with emissions from the proposed project's heating and hot water systems. It was conservatively assumed the all nine prototypical analysis sites would utilize No. 2 fuel oil when burning fossil fuels. The primary pollutants of concern when burning fuel oil are SO_2, NO_2, PM_{10} and $PM_{2.5}$.

Prototypical analysis sites that are anticipated under the RWCDS to have a negligible change (500 gsf or less) or an incremental reduction in total residential, community facility, and commercial space and no change or an increase in building height would not require analyses of heating and hot water systems since the Proposed Action would not result in any new or additional air quality impacts. As shown in **Table F-1**, this includes Prototypical Analysis Sites 2, 3, 5, and 9. For Prototypical Analysis Site 7, there would be only a minor increase in residential and commercial floor area and furthermore, unlike some of the prototypical analysis sites, the massing would not substantially change between the No Action and With Action condition.[1] Therefore, this site was not required to be evaluated for stationary source air quality impacts. The remaining four prototypical analysis sites (Sites 1, 4, 6, and 8) that are anticipated under the RWCDS to have an incremental increase in total residential, community facility, and commercial space or a decrease in building height between No Action and With Action were analyzed.

[1] Since the massing would not substantially change between the No Action and With Action condition, it is not anticipated that the heating and hot water systems stack(s) would be located on a different portion of the building.

Table F-1
Prototypical Analysis Sites

Site	No Action Condition		With Action Condition	
	Height	Gross Floor Area	Height	Gross Floor Area
1	50	20,800	65	22,400
2	33	18,000	45	17,800
3	95	25,400	115	25,800
4	95	44,100	115	51,500
5	135	84,000	145	83,900
6	110	20,000	90	20,000
7	206	110,150	206	111,500
8	95	28,200	60	28,200
9	30	17,600	30	17,600

Source: DCP
Notes:
1. The gross floor area does not include easement area.
2. Gross floor area is rounded to the nearest 100 square feet.

INITIAL SCREENING ANALYSIS

An initial screening was performed using the methodology described in Chapter 17, Section 322.1, of the *CEQR Technical Manual*. This analysis determines the threshold of development size below which the action would not have a significant adverse air quality impact. The screening is based on the distance from the development to the nearest building of similar or greater height. The screening procedure uses information regarding the type of fuel to be burned, the development type and maximum size, and the exhaust stack height to evaluate whether or not a significant adverse impact is possible.

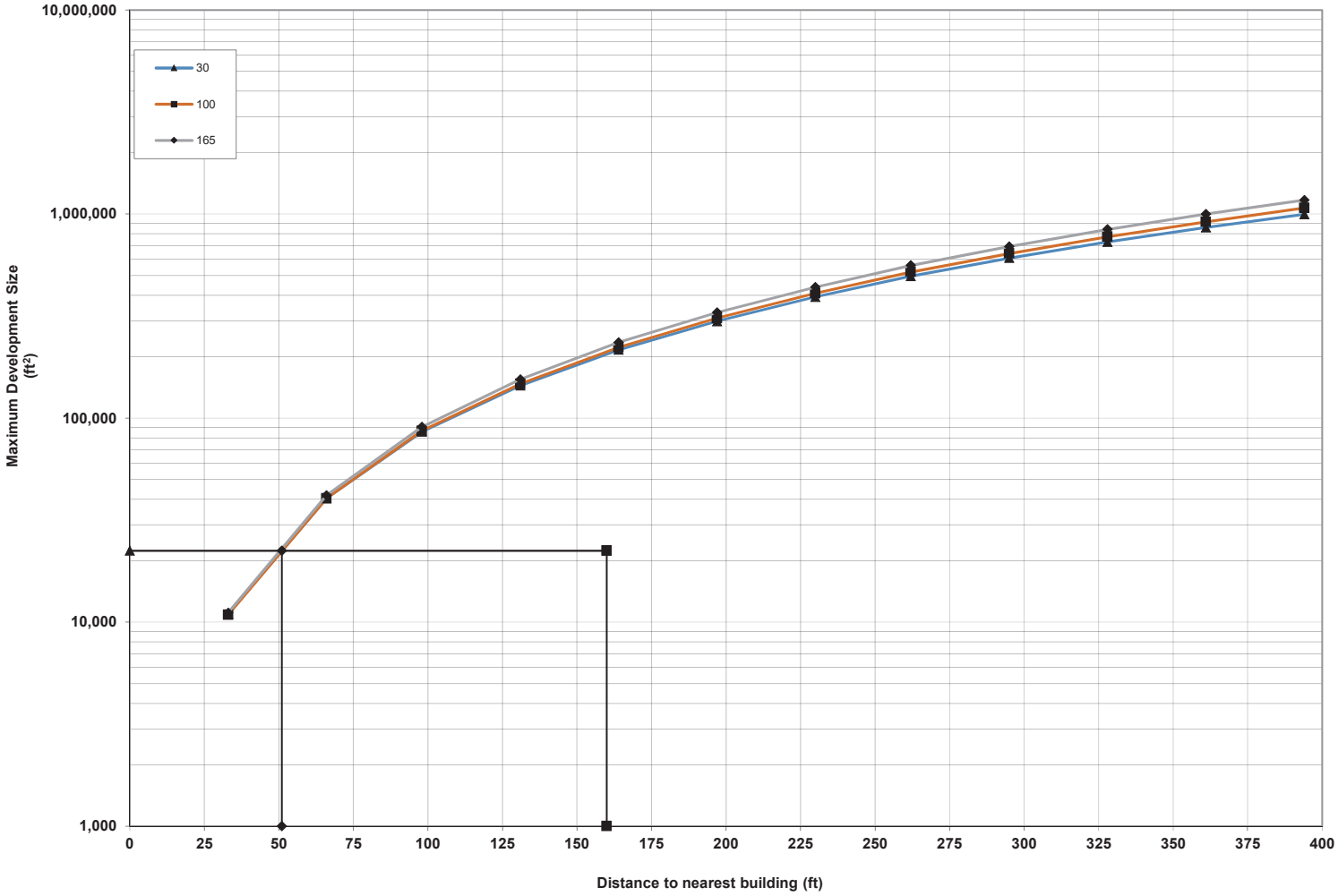
C. PROBABLE IMPACTS OF THE PROPOSED PROJECT

HEATING AND HOT WATER SYSTEMS

The results of the screening analysis are presented in **Figures F-1 through F-4**. The distance to the nearest building of similar or greater height was estimated be 160 feet for Prototypical Analysis Site 1 and 360 feet for Prototypical Analysis Site 6. For Prototypical Analysis Sites 4 and 8, no buildings of a similar height were identified within 400 feet; therefore, this distance was used as recommended in the *CEQR Technical Manual*. As shown in the figures, the distances to the nearest buildings of a similar or greater height are all greater than the minimum distances identified; therefore, no significant adverse air quality impact is anticipated. ✷

HVAC Screening Analysis
Site: Prototypical Analysis Site 1
Date: 2/12/2021
Pass

FIG App 17-5
SO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2



Stack Height: 68 ft
Distance to Nearest Building of Similar or Greater Height: 160 ft
Proposed Maximum SQFA: 22,375 sq. ft
Minimum Allowable Distance to Nearest Building: 51 ft

Notes:

HVAC Screening Analysis

Site: Prototypical Analysis Site 4

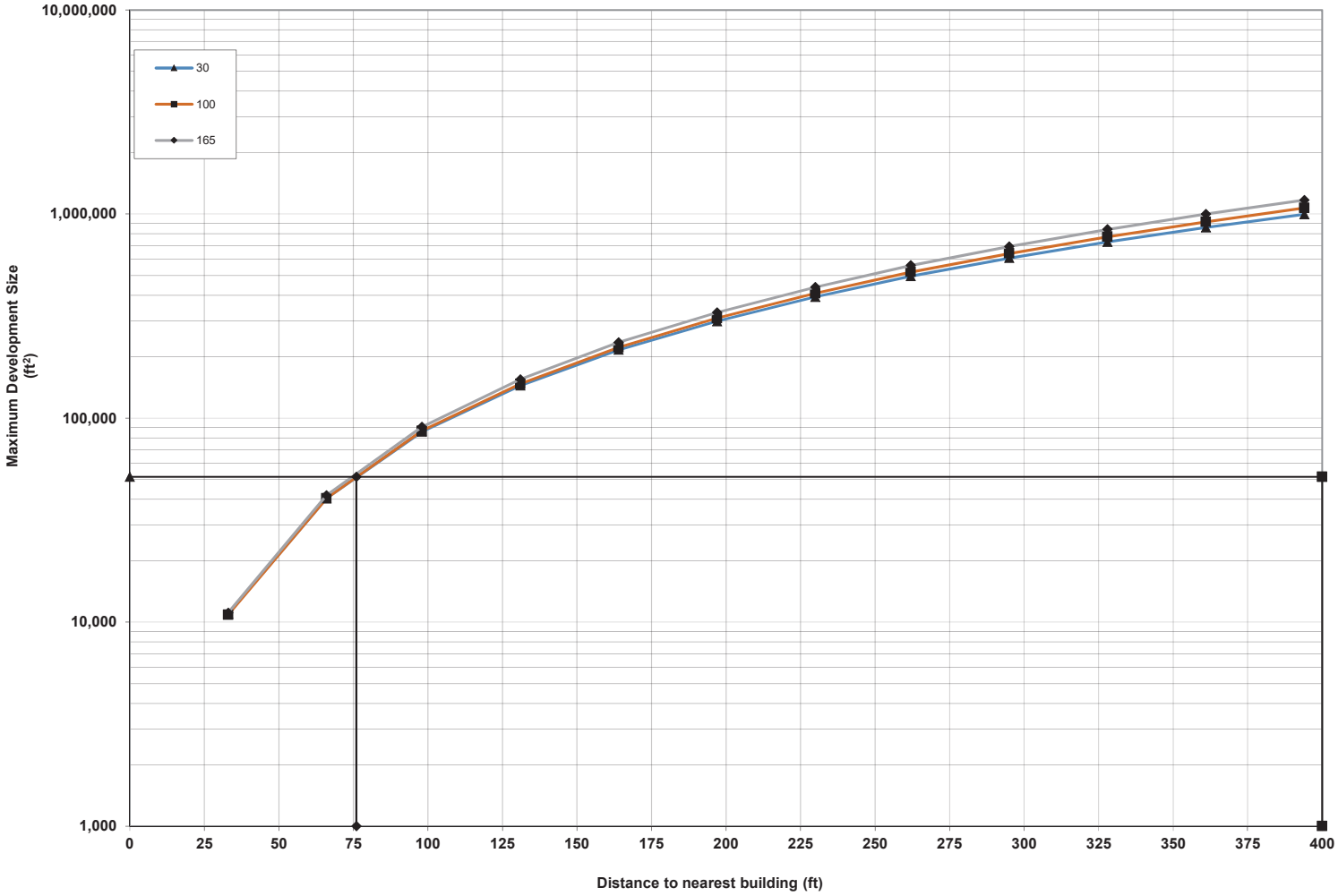
Date: 2/12/2021

Pass

FIG App 17-5

SO $_2$ BOILER SCREEN

RESIDENTIAL DEVELOPMENT - FUEL OIL #2



Stack Height: 118 ft

Distance to Nearest Building of Similar or Greater Height: 400 ft

Proposed Maximum SQFA: 51,525 sq. ft

Minimum Allowable Distance to Nearest Building: 76 ft

Notes:

HVAC Screening Analysis

Site: Prototypical Analysis Site 6

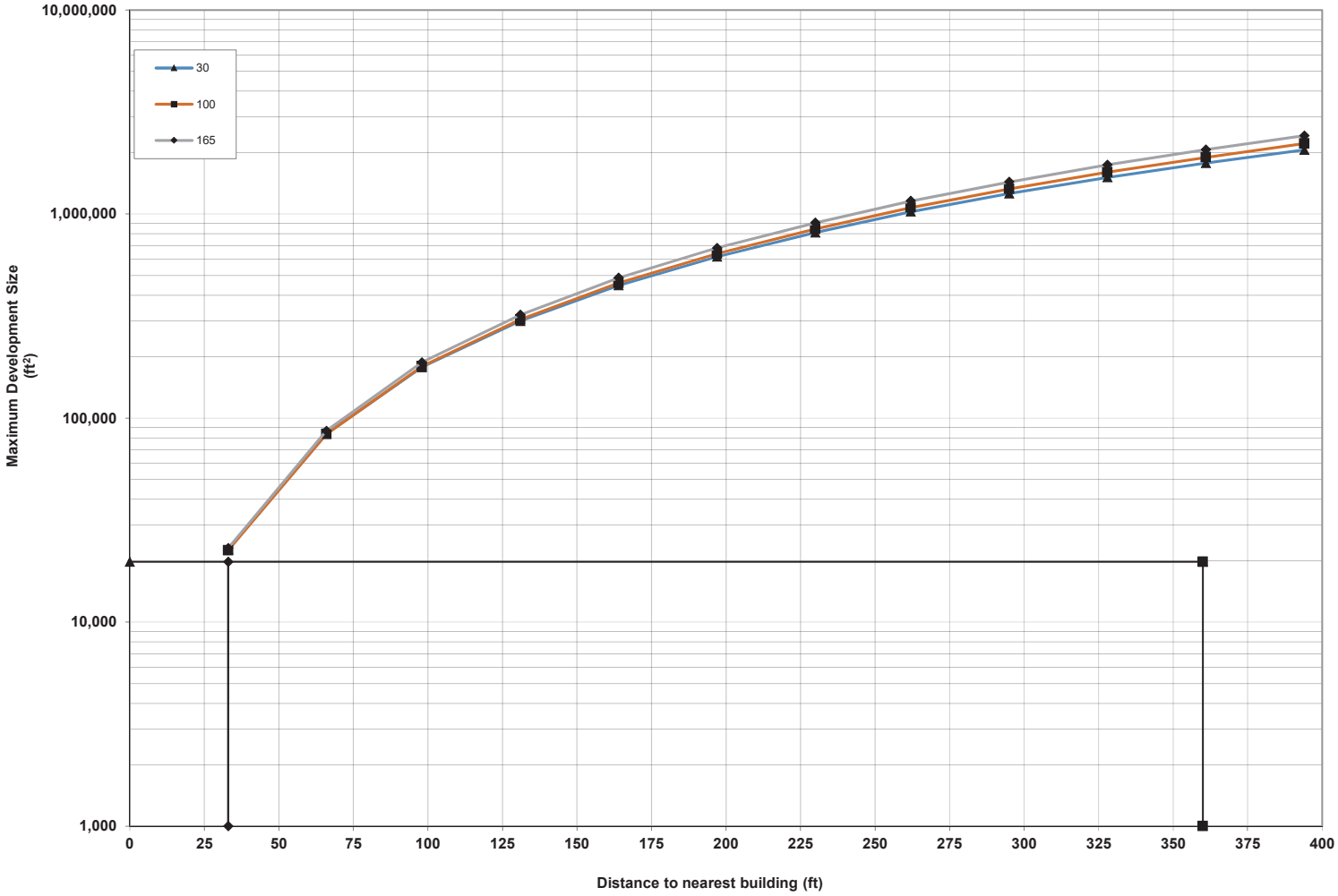
Date: 2/12/2021

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FIG App 17-6

SO_2 BOILER SCREEN

COMMERCIAL AND OTHER NON-RESIDENTIAL DEVELOPMENT - FUEL OIL #2



Stack Height: 93 ft

Distance to Nearest Building of Similar or Greater Height: 360 ft

Proposed Maximum SQFA: 19,740 sq. ft

Minimum Allowable Distance to Nearest Building: 33 ft

Notes:

HVAC Screening Analysis

Site: Prototypical Analysis Site 8

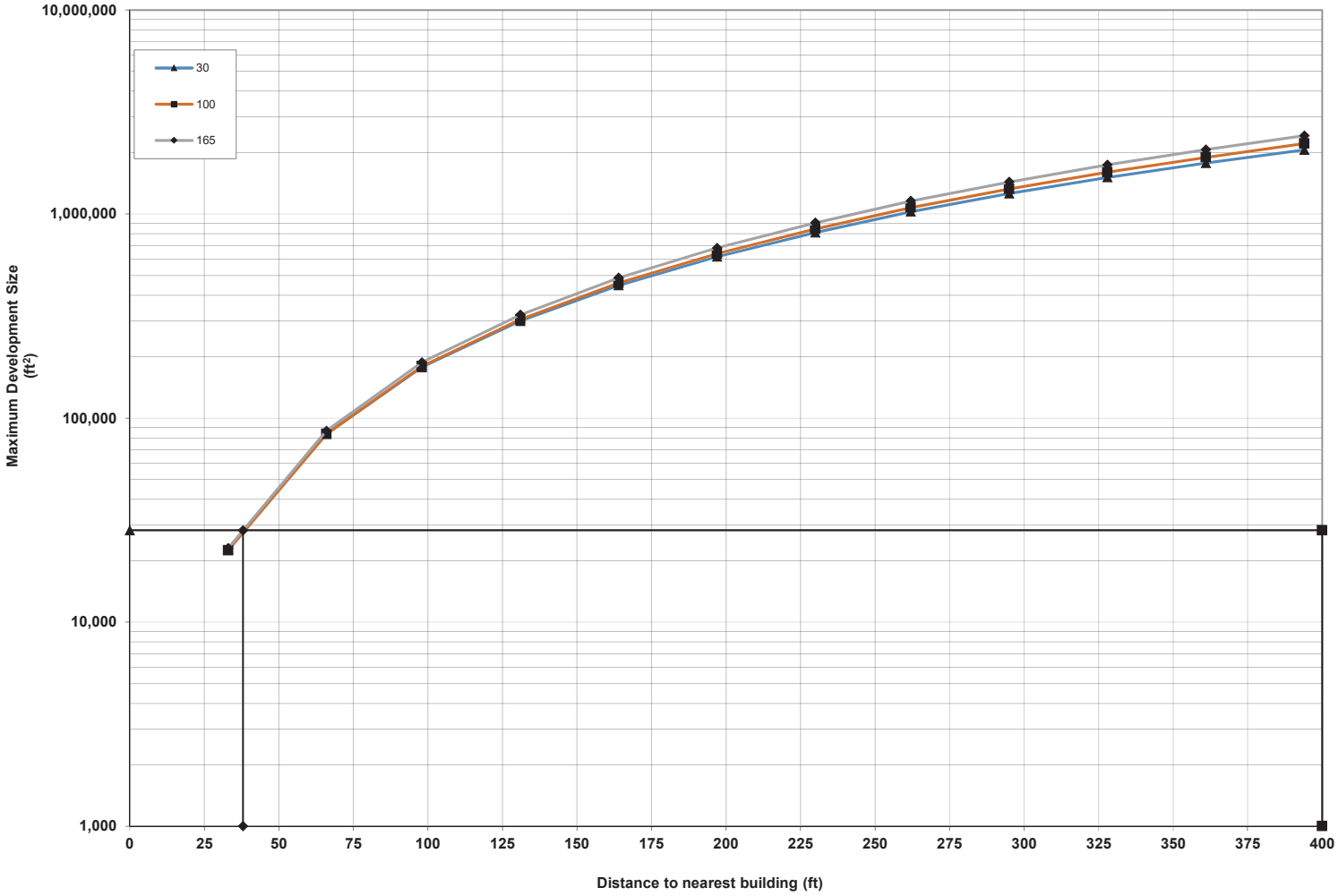
Date: 2/12/2021

Pass

FIG App 17-6

SO_2 BOILER SCREEN

COMMERCIAL AND OTHER NON-RESIDENTIAL DEVELOPMENT - FUEL OIL #2



Stack Height: 63 ft

Distance to Nearest Building of Similar or Greater Height: 400 ft

Proposed Maximum SQFA: 28,210 sq. ft

Minimum Allowable Distance to Nearest Building: 38 ft

Notes:

A. INTRODUCTION

This attachment assesses the potential for the Proposed Action to result in significant adverse noise impacts.

As described in Attachment A, "Project Description," the Metropolitan Transportation Authority (MTA) together with the New York City Department of City Planning (DCP) is proposing a zoning text amendment (the "Proposed Action") in the New York City Zoning Resolution (ZR) to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement (the "System-wide Easement Requirement"), that would require developments on lots over 5,000 square feet (sf) within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related mass 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.

According to the guidelines established in the 2020 *City Environmental Quality Review (CEQR) Technical Manual*, an initial noise impact screening considers whether a proposed action would generate any mobile or stationary source noise, or be located in an area with high ambient noise levels. A noise analysis examines an action for its potential effects on existing noise-sensitive receptors, and the effects of existing ambient noise on newly introduced noise receptors.

B. METHODOLOGY

In terms of mobile sources, the number of incremental vehicle trips generated by the Proposed Action would be lower than the threshold that would require any detailed analysis (see Attachment E, "Transportation"). Consequently, the Proposed Action would not result in sufficient traffic to have the potential to cause a significant noise impact (i.e., it would not result in a doubling of noise passenger car equivalents [Noise PCEs], which would be necessary to cause a 3 dBA[1] increase in noise levels). Therefore, significant adverse mobile source noise impacts would not be expected, and further assessment is not warranted.

In addition, the Proposed Development's mechanical systems (i.e., heating, ventilation, and air conditioning systems) would be designed to meet all applicable noise regulations (i.e., Subchapter 5, §24-227 of the New York City Noise Control Code and the New York City Department of Buildings [DOB] Code) to avoid producing levels that would result in any significant increase in

[1] A-weighted sound level, which is a decibel measurement that is weighted to account for those frequencies most audible to the human ear, as further defined in this section.

ambient noise levels. Therefore, significant adverse stationary source noise impacts would not be expected, and further assessment is not warranted.

The Proposed Action would not allow for development of noise-sensitive uses on lots where such uses would not otherwise be allowed; however, as a result of the Propose Action, some buildings developed in the With Action condition adjacent to above-grade rail lines could have a portion of a building façade be closer to a rail line than would be permitted in the No Action condition. This could potentially result in a higher level of noise exposure from the adjacent rail line. Consequently, the noise analysis is focused on the potential for the Proposed Action to result in increased noise levels resulting from these noise receptors being located closer to a prominent noise source (i.e., the above-grade rail line).

As described in Attachment A, "Project Description," the Proposed Action is analyzed as a "generic action" because it would have wide application throughout the city and there are no known developments projected at this time. To assess the possible effects of the Proposed Action, a RWCDS was developed for the future without the Proposed Action (No Action condition) and the future with the Proposed Action (With Action condition) for nine prototype analysis sites, which cover various combinations of zoning, lot type, lot size, and station type conditions.

The representative prototypical analysis sites identified for analysis of the Proposed Action include both sites adjacent to above-grade and below-grade rail. For those adjacent to below-grade rail (Sites 1, 5, and 7), there would be no line of sight between the rail line and the noise-sensitive uses, so there would be no potential for additional noise exposure as a result of the Proposed Action. For each of the representative sites that are adjacent to elevated rail and at which a noise-sensitive land use could be developed (Sites 2, 3, 4, 6, and 8), the noise analysis considers the maximum potential difference in distance from the rail line under the No Action and With Action conditions to determine the potential difference in noise exposure.

A-WEIGHTED SOUND LEVEL (dBA)

In order to establish a uniform noise measurement that simulates people's perception of loudness and annoyance, the decibel measurement is weighted to account for those frequencies most audible to the human ear. This is known as the A-weighted sound level, or "dBA," and it is the descriptor of noise levels most often used for community noise.

SOUND LEVEL DESCRIPTORS

Because the sound pressure level unit of dBA describes a noise level at just one moment and few noises are constant, other ways of describing noise that fluctuates over extended periods have been developed. One way is to describe the fluctuating sound heard over a specific time period as if it had been a steady, unchanging sound. For this condition, a descriptor called the "equivalent sound level," L_{eq}, can be computed. L_{eq} is the constant sound level that, in a given situation and time period (e.g., 1 hour, denoted by $L_{eq(1)}$, or 24 hours, denoted by $L_{eq(24)}$), conveys the same sound energy as the actual time-varying sound.

NEW YORK CEQR NOISE IMPACT EVALUATION CRITERIA

This study consults the following relative impact criteria to define a significant adverse noise impact, as recommended in the *CEQR Technical Manual*:

- If the No Action noise level is less than 60 dBA $L_{eq(1)}$, a 5 dBA $L_{eq(1)}$ or greater increase would be considered significant.

- If the No Action noise level is between 60 dBA $L_{eq(1)}$ and 62 dBA $L_{eq(1)}$, a resultant $L_{eq(1)}$ of 65 dBA or greater would be considered a significant increase.
- If the No Action noise level is equal to or greater than 62 dBA $L_{eq(1)}$, or if the analysis period is a nighttime period (defined in the CEQR criteria as being between 10:00 PM and 7:00 PM), the incremental significant impact threshold would be 3 dBA $L_{eq(1)}$.

Since the potential change in noise level resulting from reduced distance between a receptor and an above-grade rail line could occur during a nighttime period, a 3 dBA increase in noise level has been used as the threshold for potential significant noise impacts.

C. THE FUTURE WITHOUT THE PROPOSED ACTION (NO ACTION CONDITION)

In the No Action condition, residential, community facility, or commercial office development could occur adjacent to an above-grade rail line at Prototypical Analysis Sites 2, 3, 4, 6, and 8. Development at these sites in the No Action condition would not require discretionary approval and consequently would not require specific façade noise attenuation requirements, unless there is already an institutional control on the site such as an (E) Designation.

The other prototype sites are not adjacent to above-grade rail or do not permit noise-sensitive development, and therefore are not considered further.

D. FUTURE WITH THE PROPOSED ACTION (WITH ACTION CONDITION)

At the prototypical analysis sites at which residential, community facility, or commercial office development would occur adjacent to an above-grade rail line (i.e., Sites 2, 3, 4, 6, and 8), development in the With Action condition could result in a reduction of distance between noise-sensitive uses on some floors and the adjacent above-grade rail line as compared to that in the No Action condition. The greatest potential reduction would occur at Site 6, at which the horizontal distance from commercial office uses on the fourth floor to the rail line could be reduced from 36 feet in the No Action condition to 21 feet in the With Action condition. This reduction in distance would result in a 2.1 dBA increase in noise exposure from the rail line. This increase would be considered imperceptible to just noticeable, and would be below the 3 dBA threshold for significant noise impacts according to *CEQR Technical Manual* guidance. At the other prototypical analysis sites, the potential reduction in distance would be smaller, as would the associated increases in noise level. Consequently, the Proposed Action would not have the potential to result in a significant increase in noise level at any of the prototypical analysis sites or any development sites at which the proposed zoning text amendment could be applied. ✶

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 and enlargements on adjacent sites. In addition to modified regulations related to transit easements for developments and enlargements near mass transit stations that would be applicable system-wide (described in Attachment A, "Project Description"), the text amendment would create two separate CPC Authorizations and a Special Permit (the "Expanded Transit Improvement Program," also, collectively the "discretionary actions"):

- *CPC Authorization for Transit Improvement Bonus* – 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;
- *A CPC Authorization for Additional Relief or Other Modifications* - 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; and
- *A CPC Special Permit for Additional Relief* - would also create a Special Permit (for sites providing an easement or seeking a floor area bonus pursuant to the Authorization for Transit Improvement Bonus) 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.

These discretionary actions would grant a floor area bonus and/or a height increase to developers within certain zoning districts for applications that provide transit station improvements, including but not limited to accessibility improvements.

While the Proposed Action largely provides a future as-of-right zoning framework to achieve the stated land use objectives (particularly through the proposed easement requirement), the proposed new discretionary actions that may be pursued by applicants in the future. They would trigger environmental review at the time it is sought. Because it is not possible to predict whether a discretionary action would be pursued on any one site in the future, and the number and locations of sites that may utilize the future discretionary actions cannot be predicted with certainty, and because the applicability of the proposed zoning Authorization and Special Permit differ from that of the easement requirement, the RWCDS for the Proposed Action does not include consideration of specific developments that would seek this discretionary action (see Attachment A, "Project Description").

Accordingly, this attachment provides a conceptual analysis to generically assess potential environmental impacts that could result from development in accordance with the new discretionary actions that would permit a zoning floor area bonus and bulk and height modifications to developers who make a substantial subway station improvement. These new transit improvement bonus mechanisms would be subject to separate future discretionary approvals and any environmental impacts associated with such approvals would be assessed and disclosed pursuant to those environmental reviews, with a project-specific analysis beyond what is analyzed in this chapter on a conceptual and generic basis.

As outlined below, the conceptual analysis finds that development in accordance with discretionary actions under the proposed new Expanded Transit Improvement Bonus could result in any new significant adverse impacts as compared to the With Action condition analyzed for the Proposed Action.

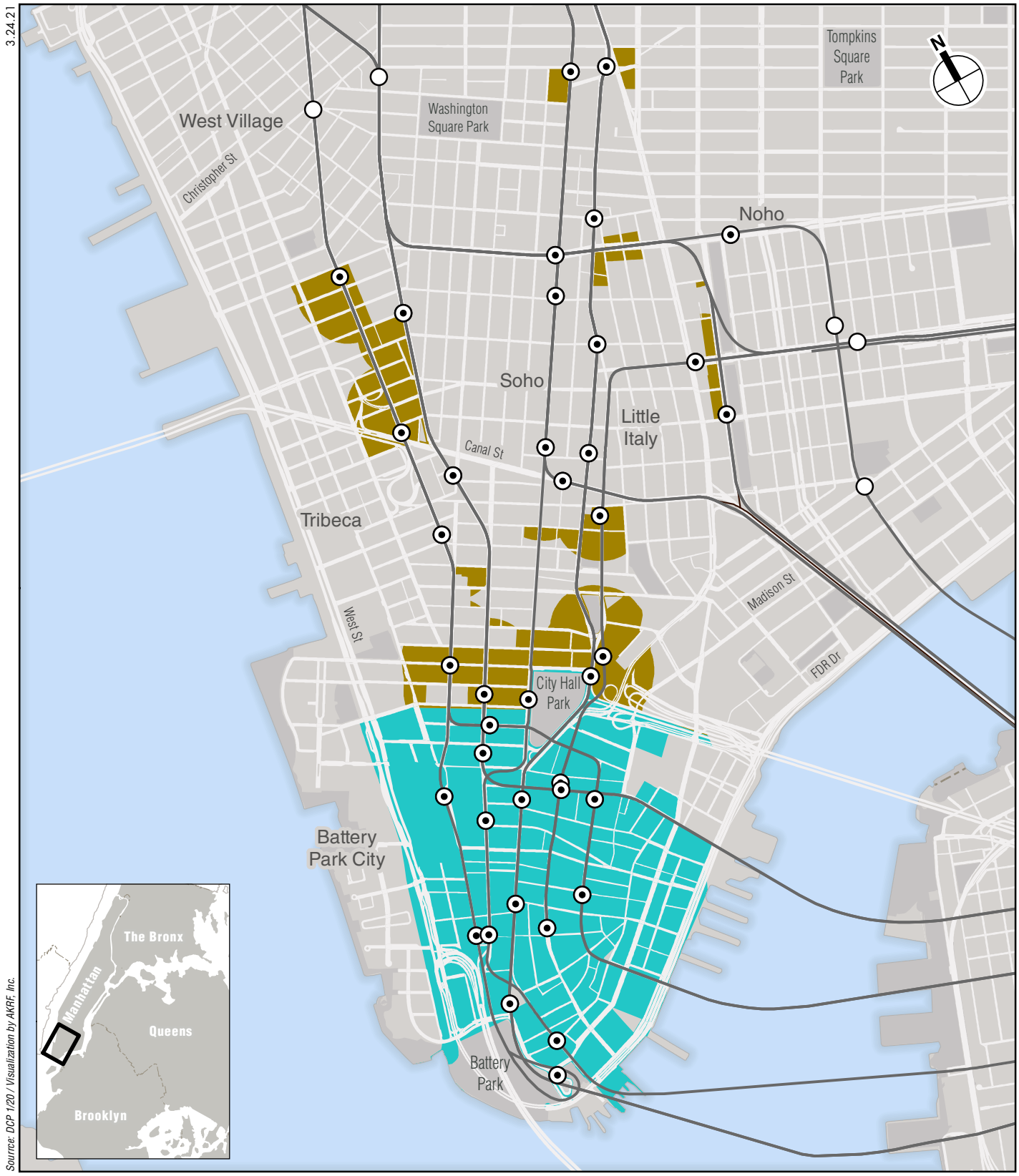
B. METHODOLOGY AND ANALYSIS FRAMEWORK

As described in Attachment A, "Project Description," the proposed new Expanded Transit Improvement Bonus Program would expand and expedite the existing program proposed CPC Authorization (Authorization for Transit Improvement Bonus) would make available a zoning floor area bonus of up to 20 percent of the maximum floor area ratio (FAR) or, through a separate CPC Authorization (Authorization for Additional Relief and Other Modifications), providing bulk, streetscape, and parking related modifications including a maximum building height increase of up to 25 percent beyond what is allowed by the underlying zoning to developers who make a substantial subway station improvement. The CPC Authorizations would also expedite the approvals compared to the exiting Special Permit (per ZR Section 74-634) since, while the Authorizations would continue to be subject to discretionary approval by CPC, they would not be subject City Council review.

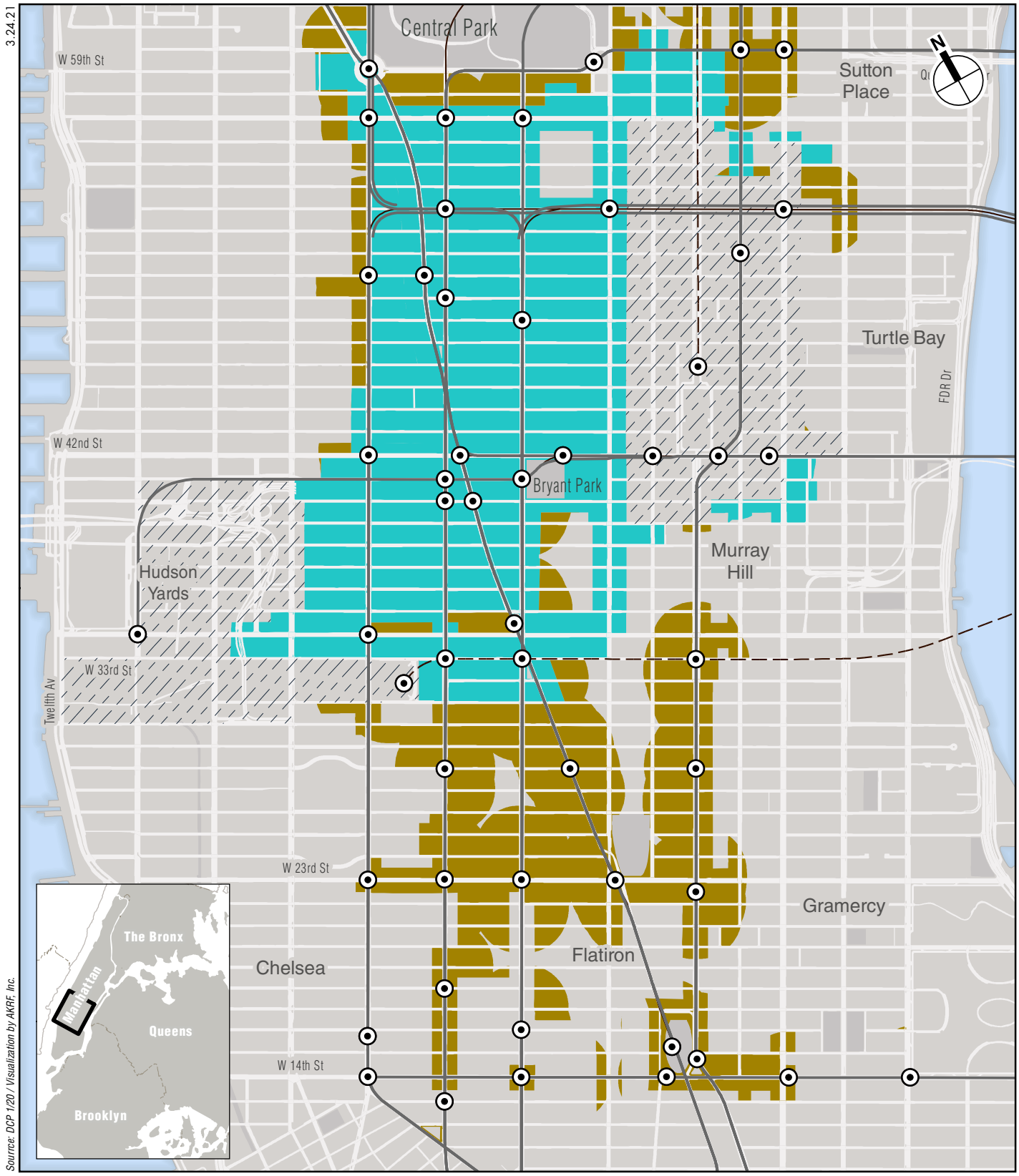
Additionally, a CPC Special Permit (Special Permit for Transit Improvement Bonus) would available for further height increases in exchange for transit accessibility improvements. However, as opposed to the Authorizations, the Special Permit would be subject to a full ULURP review. These new discretionary actions would apply to any R9 and R10 zoning districts, their commercial and special manufacturing/residential (MX) district equivalents, and high-density manufacturing districts (M1-6); in addition, the discretionary actions would apply to development projects with zoning lots that are directly adjacent to qualifying stations, as well as to any zoning lots within 500 feet of a station envelope or 1,500 of a station envelope within a central business district (CBD). This would allow improvements to be provided either on-site (for zoning lots adjacent to a subway station), or off-site for any zoning lot that is within the specified radius from a station. Maps indicating the geographic areas of eligibility and associated stations under the expanded zoning bonus mechanism are provided in **Figures H-1a through H-1h**.

To accommodate the additional floor area and any on-site station improvements, the CPC may also grant additional bulk modifications to such applications. Developments or enlargements pursuant to this discretionary action shall meet specific findings for the CPC to determine the amount of floor area bonus and the degree of additional zoning relief granted to the site.

This attachment provides a conceptual analysis of the potential effects of establishing the aforementioned new discretionary transit improvement bonus mechanisms and considers the potential for the proposed discretionary actions to result in significant adverse impacts. The conceptual analysis provided below is a qualitative assessment of the likely effects the new



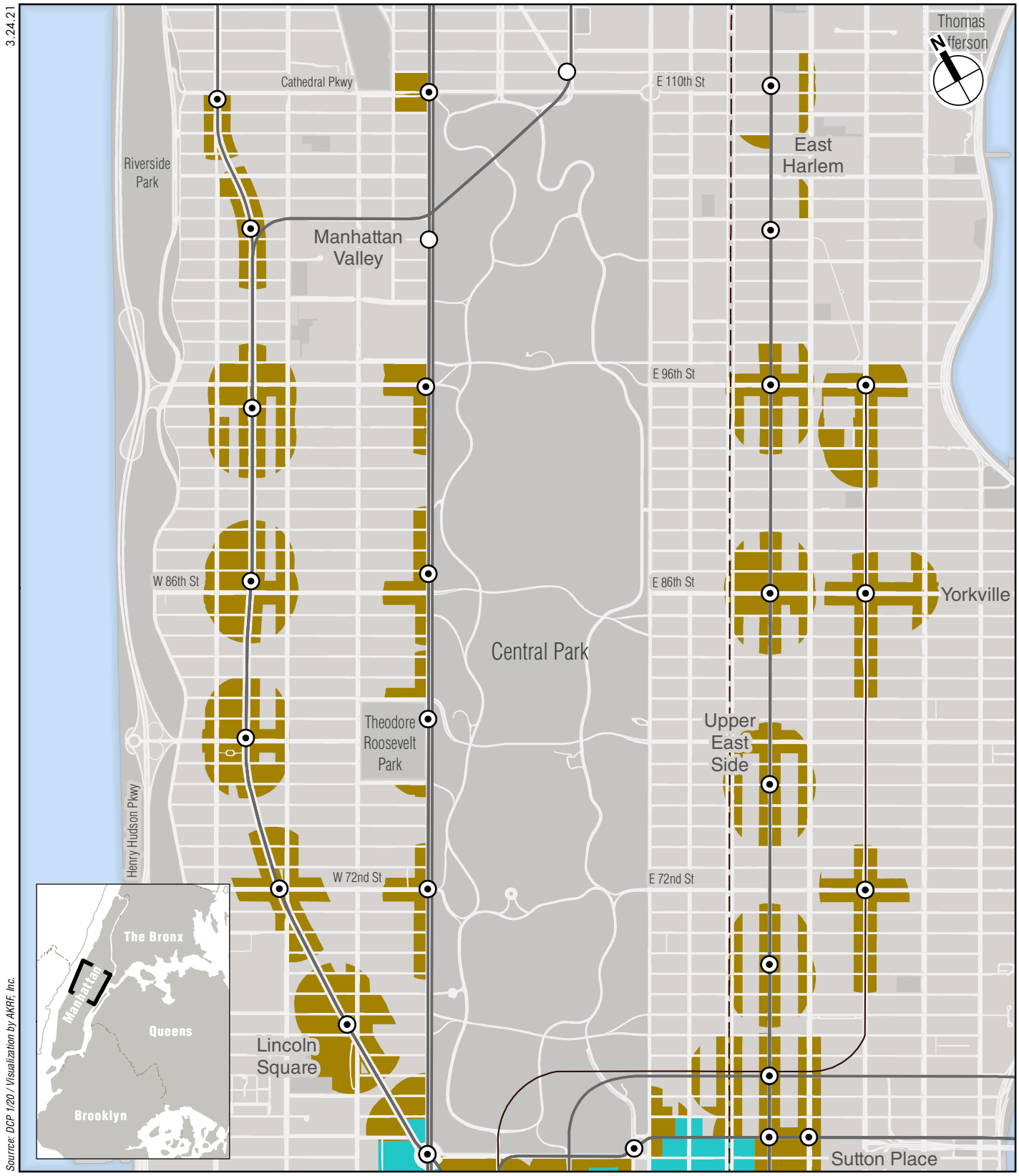
Lower Manhattan
Proposed Transit Improvement Bonus Area
Figure H-1a



Midtown Manhattan
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure H-1b



MTA Station

Proposed Improvement Bonus Station

NYCT/SIR

LIRR/MNR

Proposed Transit Improvement Bonus Area

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

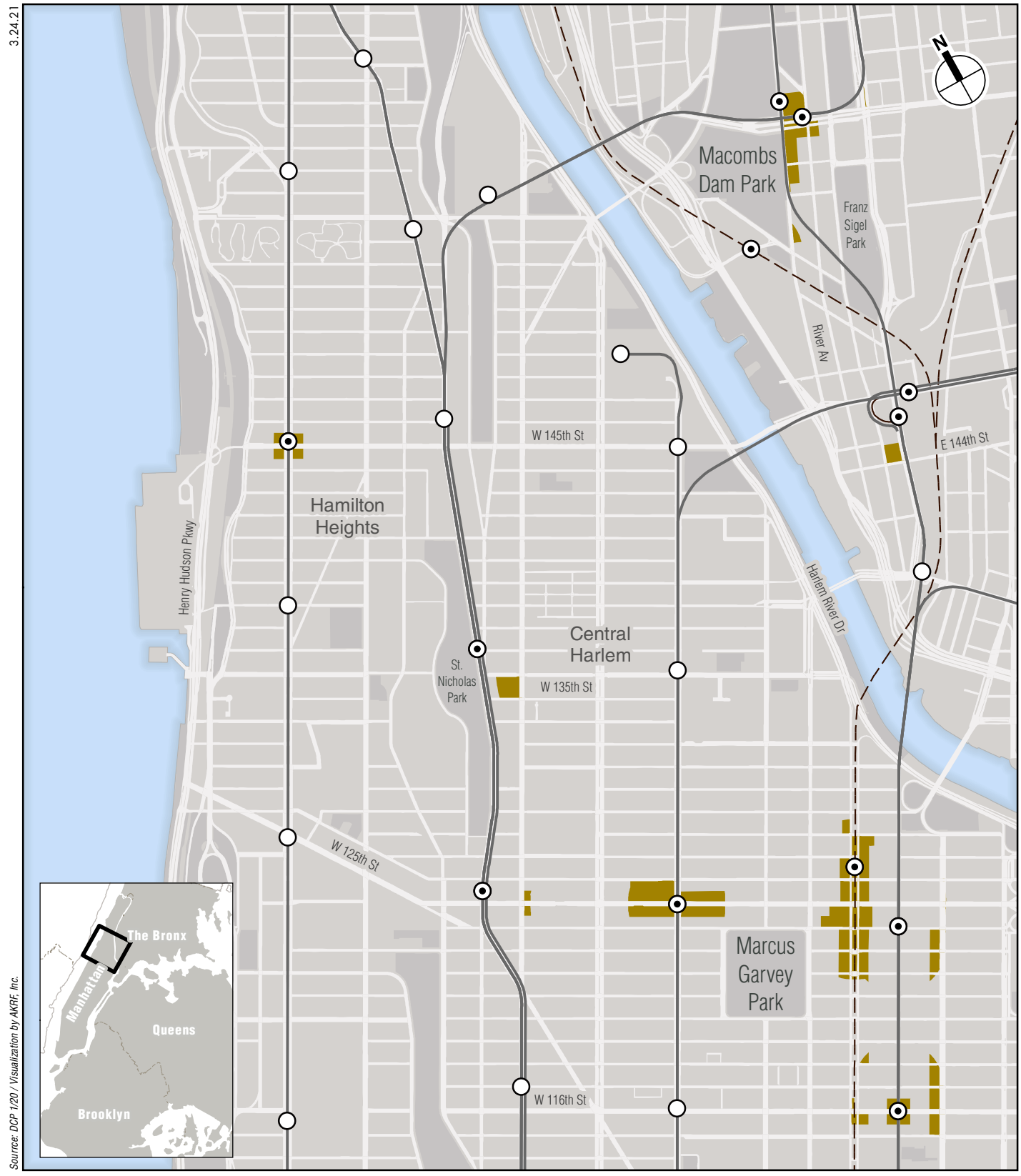
Outside Central Business District (500-foot station radius)

0 1,000 Feet

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

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

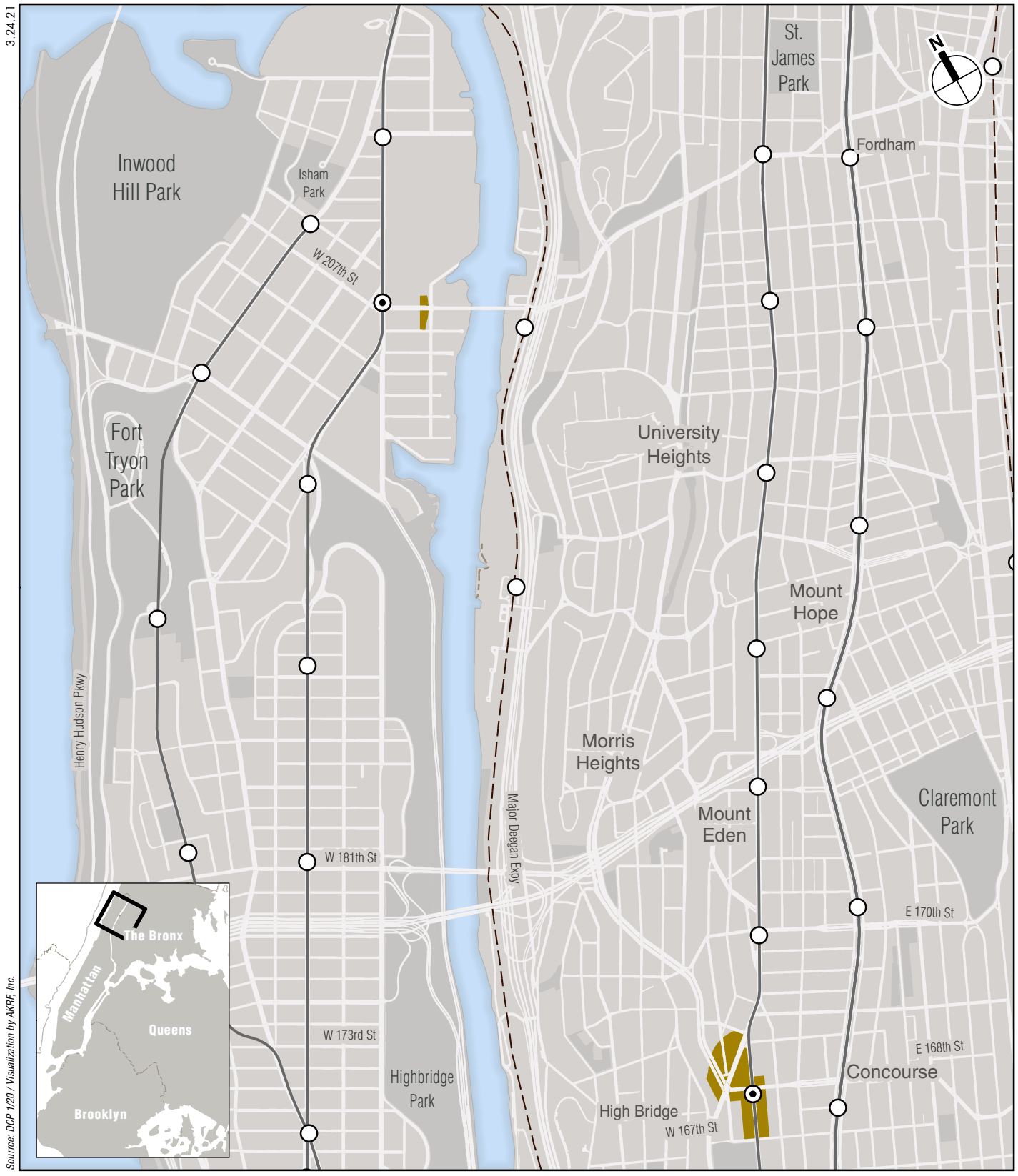
Figure H-1c



Harlem and The South Bronx
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure H-1d



MTA Station

Proposed Improvement Bonus Station

NYCT/SIR

LIRR/MNR

Proposed Transit Improvement Bonus Area

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

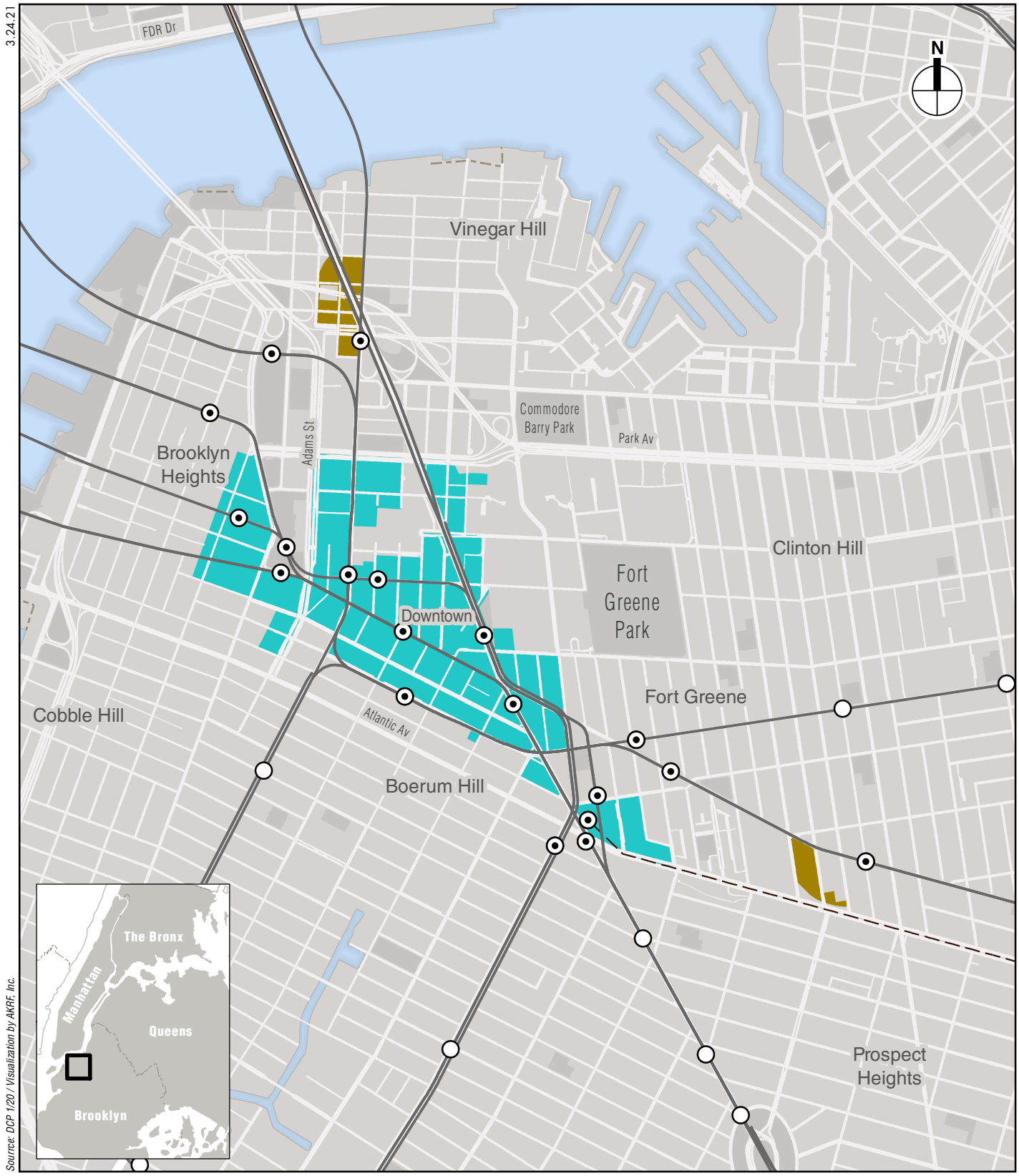
Outside Central Business District (500-foot station radius)

0 1,000 Feet

Inwood, Manhattan and The Bronx
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure H-1e



MTA Station

Proposed Improvement Bonus Station

NYCT/SIR

LIRR/MNR

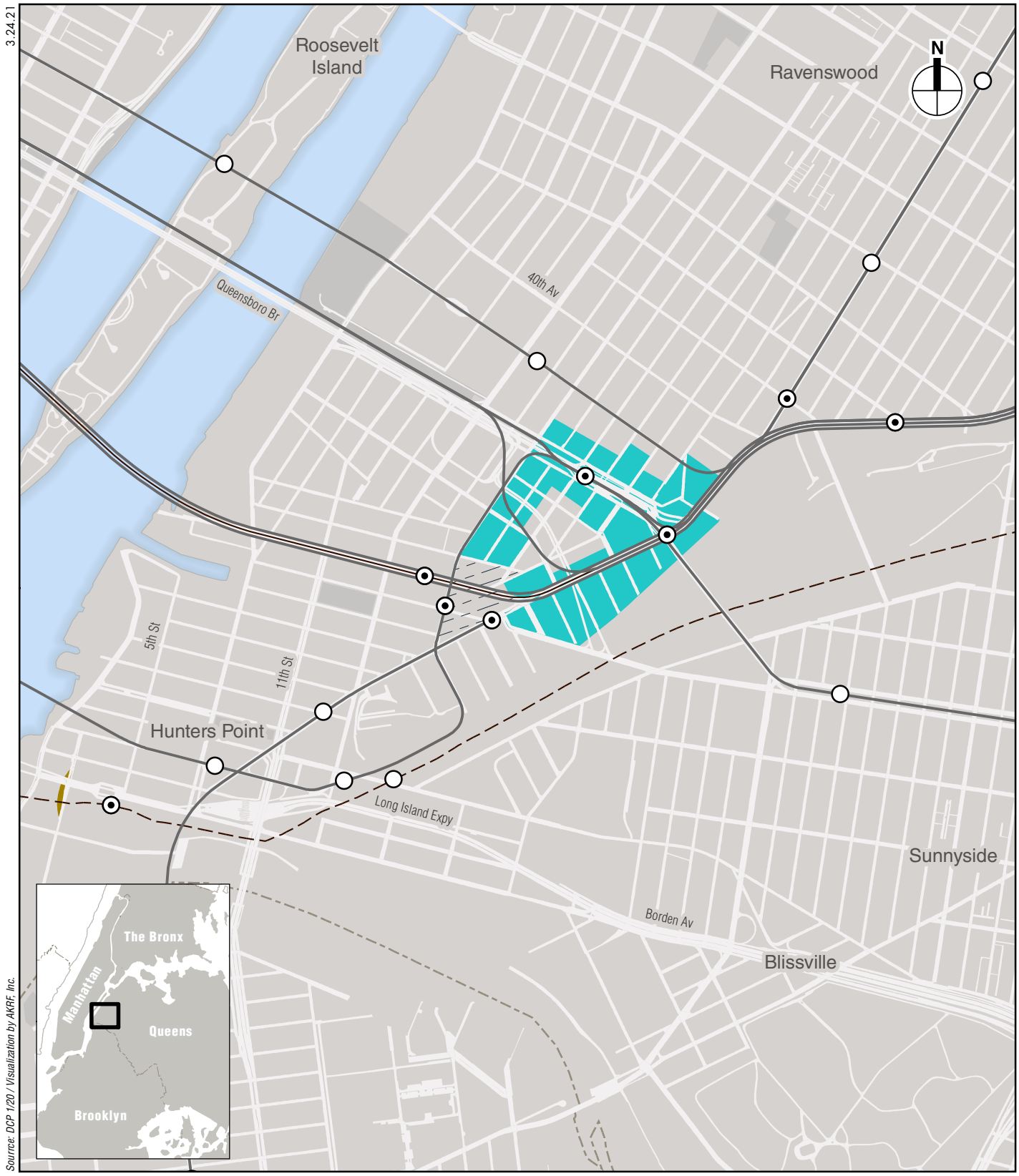
Proposed Transit Improvement Bonus Area

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 H-1f



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)

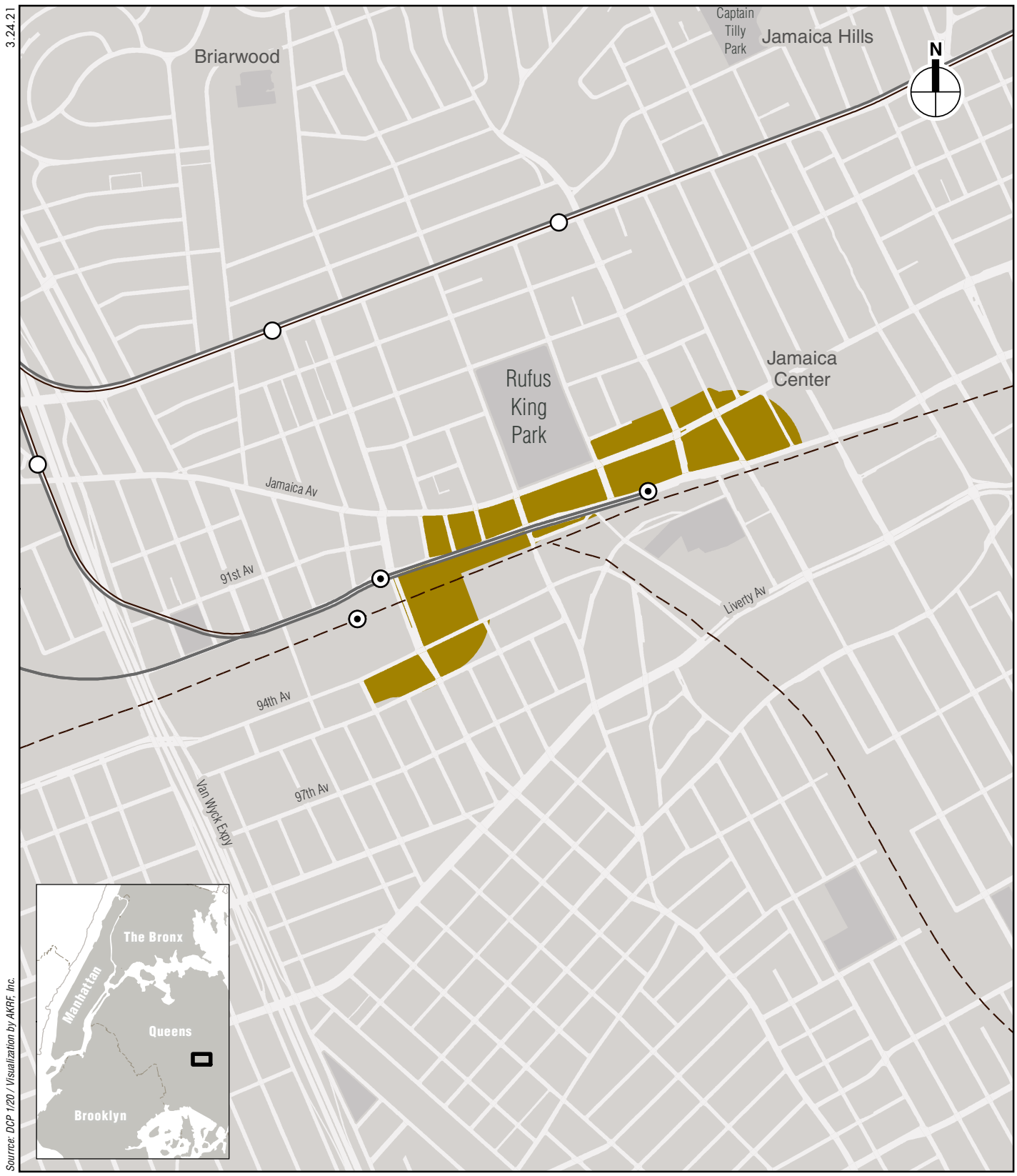
Excluded Area

0 1,000 Feet

Long Island City, Queens
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure H-1g



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

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure H-1h

discretionary actions; however, the application of any of the approvals would be a discretionary action subject to its environmental review as part of the public review process.

For the purposes of a conceptual analysis of the potential environmental effects of the new discretionary actions, three representative prototypical analysis sites ("conceptual prototype developments" or "conceptual prototype sites") have been identified to demonstrate a range of sites that would be able to utilize the new floor area bonus and additional zoning relief. These prototypes represent a variety of possible development outcomes and are based on real-world sites where the discretionary actions would be applicable; however, there are no known developments planned at these sites.

NO ACTION CONDITION

For the purpose of the conceptual analysis, the future without the new discretionary actions (CPC Authorizations and CPC Special Permit for a transit improvement bonus and/or additional modifications) represents the No Action condition. The prototypical analysis sites for the conceptual analysis were selected because they are considered "soft sites" that are more likely to be redeveloped (given existing floor area relative to future potential, and a current market indicative of an interest in future redevelopment). Therefore, for analysis purposes, it is assumed that these sites would be redeveloped as-of-right, absent the discretionary action. As discussed below, one prototypical analysis site is adjacent to a mass transit station and would be subject to the CPC easement requirement. Therefore, the No Action condition for the conceptual analysis assumes a baseline condition where the proposed easement requirement (and associated zoning relief) is in place.

WITH ACTION CONDITION

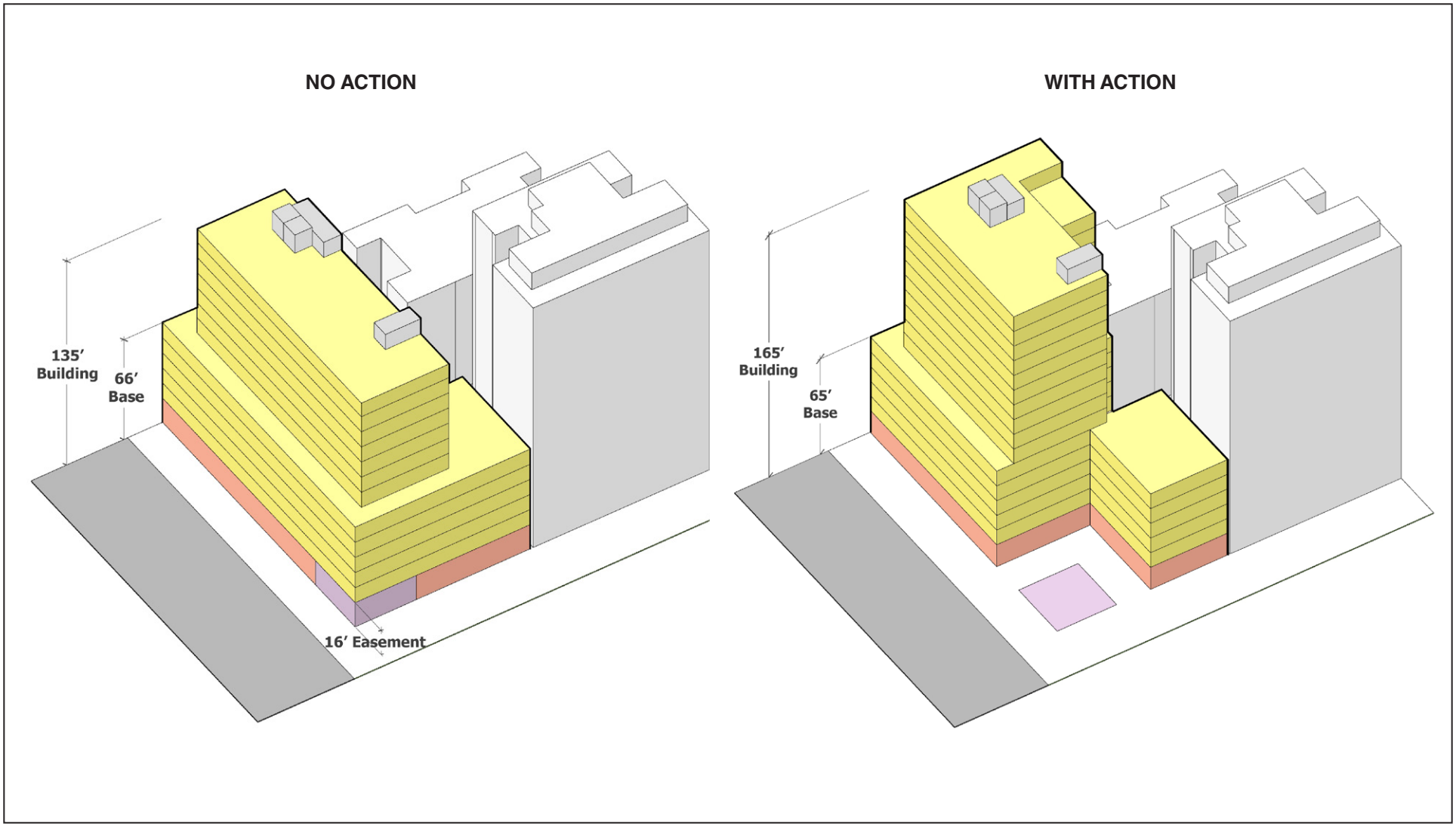
In the future with the discretionary approval it is assumed that a discretionary action would be sought by the developer to provide transit improvements in exchange for a floor area bonus and/or additional bulk modifications.

CONCEPTUAL PROTOTYPE SITES

The three prototypical analysis sites for the conceptual analysis of the proposed discretionary actions are listed in **Table H-1** and the conceptual prototype developments are depicted in **Figures H-2 to H-4**. For Site 1, there are three potential development scenarios that represent the various ways the transit improvement bonus program could be applied to a development that utilizes the proposed zoning Authorization or Special Permit mechanisms.

CONCEPTUAL PROTOTYPE SITE 1: R9A/C1-5 DISTRICT ON 17,000 SF CORNER LOT

As illustrated in **Figures H-2a through H-2c**, this prototype evaluates the effects of the both of the proposed CPC Authorizations and the CPC Special Permit on a typical development in an R9 district that is adjacent to a below-grade MTA station. The prototype is located in an R9A district with a C1-5 commercial overlay: the R9A district is a contextual district, which allows residential development up to a maximum FAR of 7.52, and the C1-5 overlay allows commercial development up to a maximum FAR of 2.0. For developments that include both residential and commercial space, the overall maximum FAR in the R9A/C1-5 district is 7.52. In addition, the

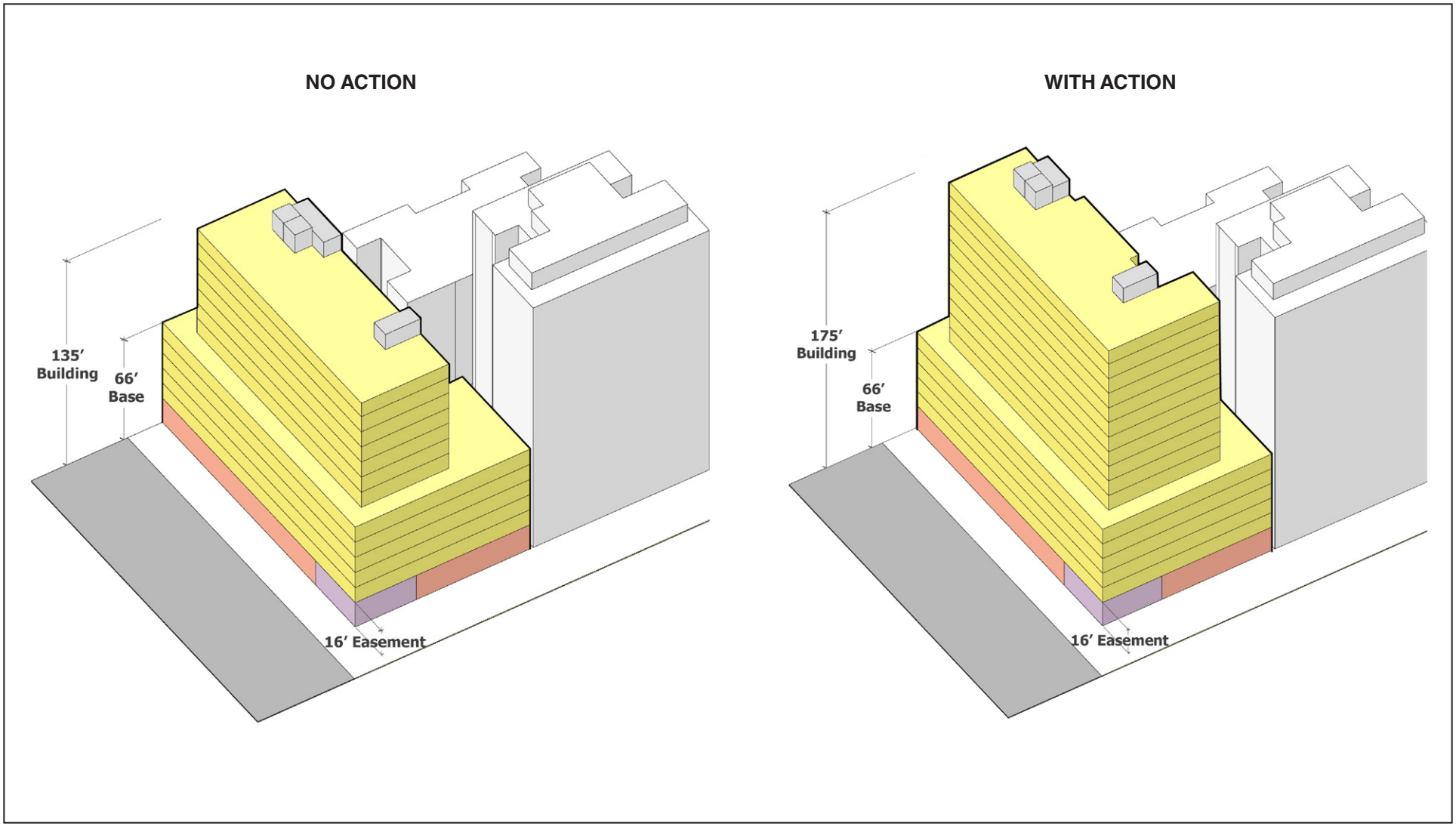


Source: NYCDCP and WSP

Commercial Use
Residential Use
Transit Easement
Parking / Vertical Circulation Elements

Conceptual Prototype Site 1: R9A/C1-5 on 17,000 SF Corner Lot
No Action vs. With Action Condition – Scenario 1a
(Future Development with Authorization for Relief or Other Additional Modifications)

Figure H-2a

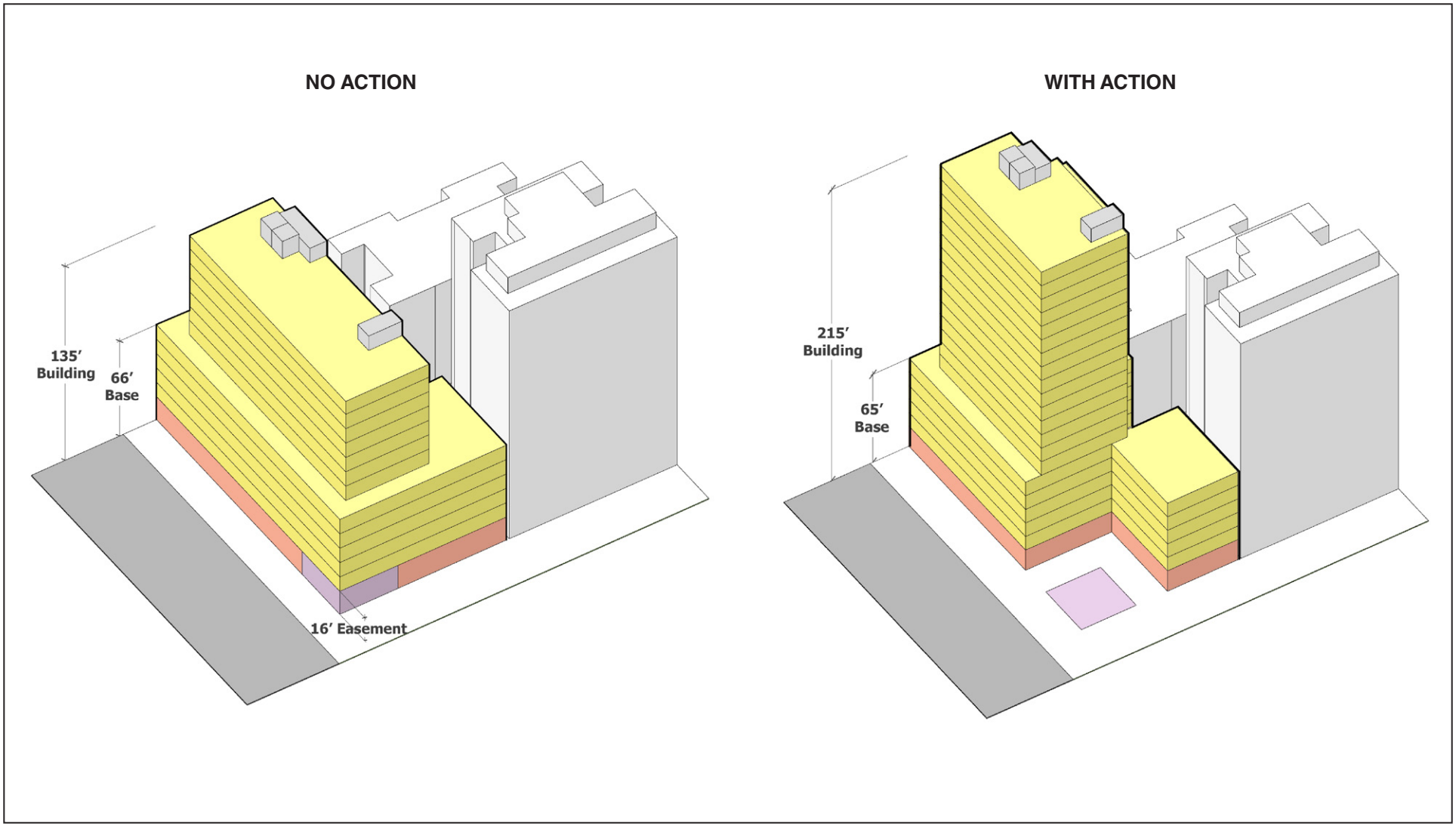


Source: NYCDCP and WSP

Commercial Use
Residential Use
Transit Easement
Parking / Vertical Circulation Elements

Conceptual Prototype Site 1: R9A/C1-5 on 17,000 SF Corner Lot
No Action vs. With Action Condition - Scenario 1b
(Future Development with Authorization for Transit Improvement Bonus)

Figure H-2b

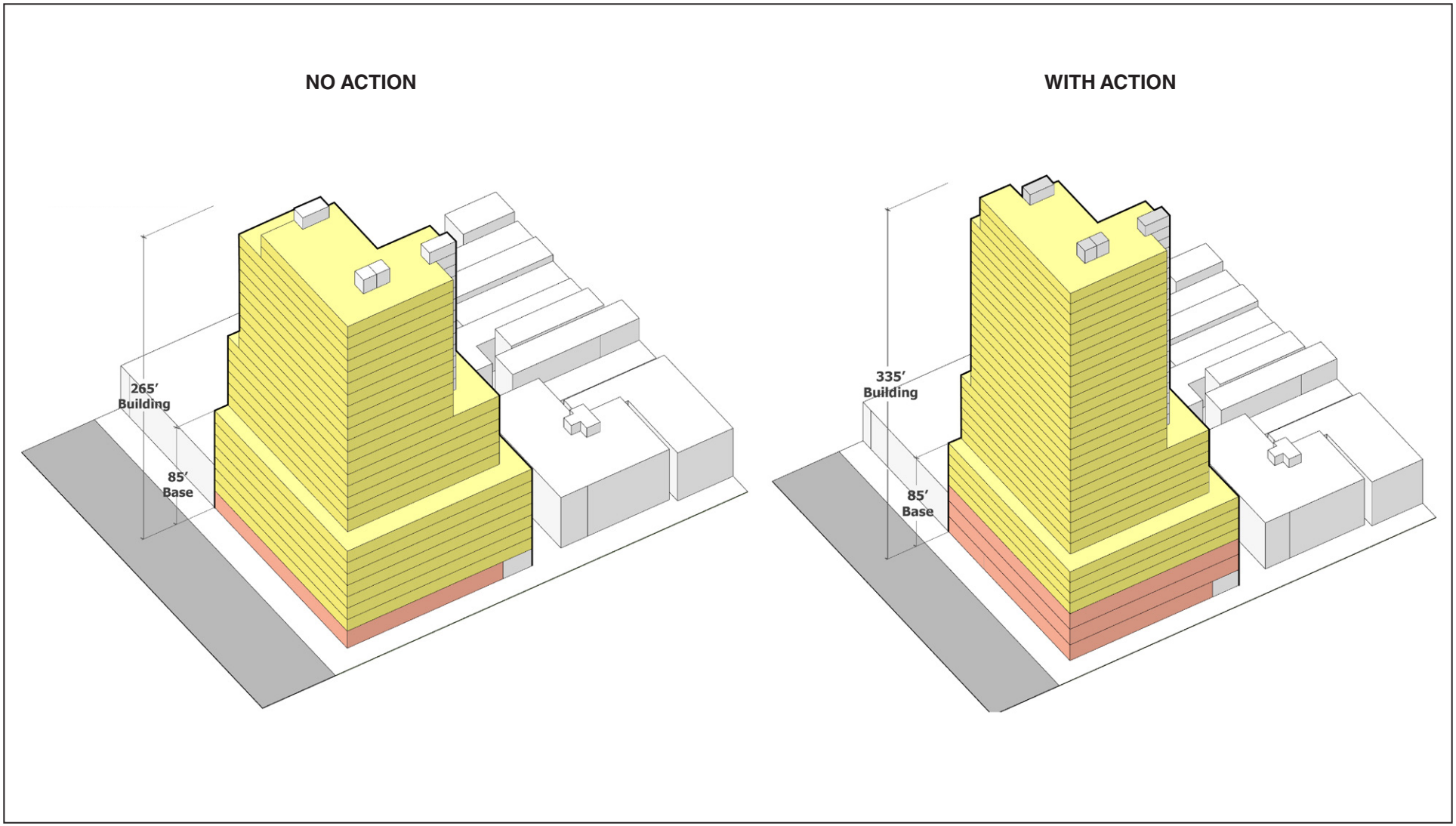


Source: NYCDCP and WSP

Commercial Use
Residential Use
Transit Easement
Parking / Vertical Circulation Elements

Conceptual Prototype Site 1: R9A/C1-5 on 17,000 SF Corner Lot
No Action vs. With Action Condition - Scenario 1c
(Future Development with Authorization for Transit Improvement Bonus and with Special Permit for Additional Modifications)

Figure H-2c



Source: NYCDCP and WSP

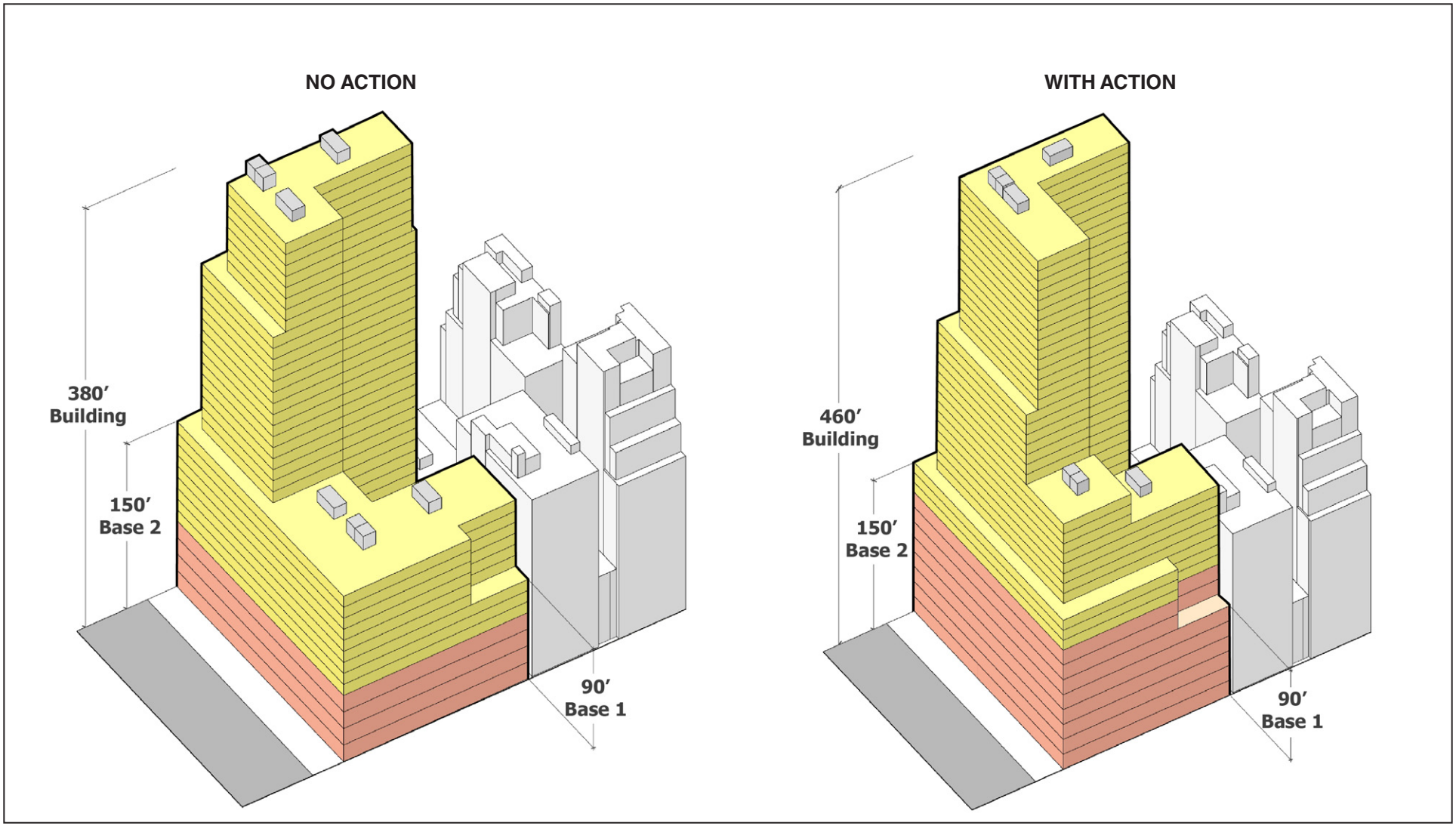
Commercial Use

Residential Use

Transit Easement

Parking / Vertical Circulation Elements

Conceptual Prototype Site 2: C6-4 on 21,700 SF Corner Lot
No Action vs. With Action Condition
(Future Development with Authorization for Transit Improvement Bonus)



Source: NYCDCP and WSP

Commercial Use
Residential Use
Transit Easement
Parking / Vertical Circulation Elements

Conceptual Prototype Site 3: C5-3 on 29,000 SF Corner Lot
No Action vs. With Action Condition
(Future Development with Authorization for Transit Improvement Bonus)

Figure H-4

contextual regulations apply a maximum building height of 145 feet[1] and require that the street wall be located entirely along the street line. The No Action condition reflects a 13-story, approximately 142,800-gross-square-foot (gsf) as-of-right mixed-use development consisting of 136 DUs and approximately 14,100 gsf of ground floor commercial space with an FAR of 7.52. The building would have a maximum height of 135 feet and would be set back from the street line by 10 feet above the sixth floor; the upper floors above the sixth floor would also be set back from the rear lot line by 40 feet. This No Action condition includes a transit access improvement as required by the easement certification regulations: a reasonable easement size for a lot of this size would be 35 feet by 35 feet.

Utilizing the new Authorization for Transit Improvement Bonus, the development would be able to receive a floor area bonus of up to 1.5 FAR, increasing the maximum total FAR to 9.02. The development would also be able to received street wall relief and additional height. Under the new Special Permit, a development would be able to receive an FAR bonus and additional height increases beyond what would be allowed under the Authorization. In order to demonstrate the variety of zoning bonuses that could be provided under the With Action condition, three different development scenarios were evaluated and are detailed in **Table H-1** and described below.

[1] Applicable to developments along wide streets outside of Inclusionary Housing Designated Areas or Mandatory Inclusionary Housing Areas.

Table H-1
Conceptual Prototype Sites –Transit Improvement Bonus Discretionary Actions

Site	Zoning District	Lot Area (sf)	Proximity to Transit Station	No Action			With Action			Increment		
				FAR	Height (ft) Base/Building	Development Program	FAR	Height (ft) Base/Building	Development Program	FAR	Height (ft) Base/Building	Development Program
1	R9A/C1-5 Overlay	17,000	Adjacent (35-ft x 35-ft easement)	7.52	66/135	Residential –136 DUs; Local Retail – 14,100 gsf	*Scenario 1a: Future Development with Authorization for Relief or Other Additional Modifications*					
							7.52	65/165	Residential – 138 DUs; Local Retail – 12,300 gsf	0	(1)/30	Residential – 2 DUs; Local Retail – (1,800 gsf)
							Scenario 1b: Future Development with Authorization for Transit Improvement Bonus					
							9.02	66/175	Residential –166 DUs; Local Retail – 14,100 gsf	1.5	0/40	Residential – 30 DUs; Local Retail – 14,100 gsf
							Scenario 1c: Future Development with Authorization for Transit Improvement Bonus and with Special Permit for Additional Modifications					
							9.02	65/215	Residential – 168 DUs; Local Retail – 12,300 gsf	1.5	(1)/70	Residential – 32 DUs; Local Retail – 1,800 gsf
2	C6-4	21,700	Within 500 feet	12.0	85/265	Residential – 288 DUs; Destination Retail – 18,500 gsf Parking – 46 spaces	*Future Development with Authorization for Transit Improvement Bonus*					
							14.4	85/335	Residential – 355 DUs; Destination Retail – 61,400 gsf Parking – 59 spaces	2.2	0/70	Residential – 67 DUs; Destination Retail – 42,900 gsf Parking – 13 spaces
3	C5-3	29,000	Within 500 feet	15.0	150/380	Residential – 409 DUs; Local Retail – 25,700 gsf Office – 77,000 gsf	*Future Development with Authorization for Transit Improvement Bonus*					
							18.0	150/460	Residential – 409 DUs; Local Retail – 26,700 gsf Office – 178,200 gsf	3.0	0/80	Residential – 409 DUs; Local Retail – 1,000 gsf Office – 101,200 gsf

Source: DCP

With Action Scenario 1a: Future Development with Authorization for Additional Relief and Other Modifications

Scenario 1a would demonstrate a development with a 20-foot wide open area around the easement which would serve as a buffer between the development and the transit easement area; the open area would also provide a transit plaza to improve pedestrian circulation and open space. This scenario demonstrates a bonus consisting of street wall relief and a height increase. Specifically, the authorization would allow for a height increase of up to 25 percent from the applicable maximum height of 145 feet under the R9A/C1-5 regulations, and would also allow for the street wall to be located beyond 15 feet from the easement area (which is beyond the as-of-right relief that would allow for the street wall to be located 15 feet from the edge).

This would result in a mixed-use development totaling approximately 142,700 gsf, (approximately the same size as the No Action development), including 138 DUs and approximately 12,000 gsf of ground floor local retail use. The development would have the same 10-foot setbacks from the street line above the eighth floor as the No Action development except for the southwestern corner of the building which would be cut away around the open area and the northwestern portion of the upper floors, which would also extend further to the rear lot line. This With Action development would have an FAR of 7.52, similar to the No Action condition.

Overall, this With Action development scenario would result in an increase of approximately 2 DUs and a decrease of 1,800 gsf of local retail space compared to the No Action condition. The maximum building height would increase by 30 feet: with the height relief provided by the authorization, the building would have a maximum height of 165 feet, which is below the 180-foot maximum height that would be permitted with the 25 percent increase (but higher than the 155-foot maximum that would be permitted under the required easement certification provisions). In addition, the With Action development's street wall would be located more than 15 feet from the edge of the easement area.

With Action Scenario 1b: Future Development with Authorization for Transit Improvement Bonus

This scenario reflects a development with a bonus consisting of a 20 percent increase in FAR and a height increase. This would result in a mixed-use development totaling approximately 171,100 gsf, (approximately 28,300 gsf larger than the No Action development), including 166 DUs and approximately 14,100 gsf of ground floor local retail use. The development would have the same 10-foot setbacks from the street line above the eighth floor as the No Action development except for the southern portion of the building would extend further towards the rear lot line. This With Action development would have an FAR of 9.02, a 1.5 FAR increase over the No Action condition.

Overall, this With Action development scenario would result in an increase of approximately 30 DUs and no change in local retail space compared to the No Action condition. The building base height would not change but the maximum building height would increase by 40 feet to 175 feet (below the 180-foot maximum height permitted, as discussed above).

With Action Scenario 1c: Future Development with Authorization for Transit Improvement Bonus and Special Permit for Additional Modification

Scenario 1c would demonstrate a development with a 20-foot wide open area around the easement which would serve as a buffer between the development and the transit easement area; the open area would also provide a transit plaza to improve pedestrian circulation and include public amenities such as seating. This scenario would also provide an FAR increase of 20 percent (1.5

FAR) and a larger height increase than that provided in Scenario 1b (i.e., a height increase greater than 25 percent from the applicable maximum height of 145 feet). This would result in a mixed-use development totaling approximately 171,100 gsf (approximately 28,300 gsf larger than the No Action development), including 168 DUs and approximately 12,000 gsf of ground floor local retail use. The development would have the same 10-foot setbacks from the street line above the eighth floor as the No Action development except for the southwestern corner of the building, which would be cut away around the open area. This With Action development would have an FAR of 9.02, a 1.5 FAR increase over the No Action condition.

Overall, this With Action development scenario would result in an increase of approximately 32 DUs and a decrease of 1,800 gsf of local retail space compared to the No Action condition. The building base height would decrease by 1 foot and the maximum building height would increase by 70 feet to 215 feet (above the 180-foot maximum height permitted by the authorization, as discussed above).

CONCEPTUAL PROTOTYPE SITE 2: C6-4 DISTRICT ON 21,700 SF CORNER LOT

This prototype evaluates the effects of the proposed Authorization for Transit Improvement Bonus on a typical development in an R10 equivalent district that is not adjacent to a station (and would therefore provide for off-site station improvements under the discretionary action). This prototype analysis site is located in aC6-4 district, a commercial district equivalent to an R10 district, which are typically found in CBDs such as Downtown Brooklyn. The C6-4 district permits a maximum of 10.0 FAR, with an additional 2.0 FAR permitted through Inclusionary Housing regulations. Development is subjected to tower regulations, which allow towers to penetrate a sky exposure plane, and the C6-4 district does not apply a maximum building height.

As illustrated in **Figure H-3**, the No Action condition reflects a 24-story, approximately 290,300-gsf as-of-right mixed-use development consisting of 288 DUs and approximately 18,500 gsf of ground floor commercial retail space with an FAR of 12.0. It is assumed that the No Action development would utilize the 2.0 FAR Inclusionary Housing (IH) bonus. The building would also contain 46 required parking spaces. The building would have a base height of 85 feet and would have a maximum building height of 265 feet after setting back from the street line by 10 to 15 feet above the building's base.

In the With Action condition, it is assumed that the development would utilize both the IH bonus (2.0 FAR) and the floor area bonus provided by the new transit improvement bonus (up to 2.4 FAR), increasing the maximum total FAR of up to 14.4. This would result in a With Action condition mixed-use development totaling approximately 349,200 gsf, (approximately 58,900 gsf larger than the No Action development). The With Action development would include 355 DUs and approximately 61,400 gsf of retail space. The retail space would be located on the ground floor and on the second and third floors. The With Action building would be 32 stories, with a height of 335 feet, and would have 10- to 15-foot setbacks from the street line above the base of the building, similar to the No Action condition. The building would also contain 59 required parking spaces.

Overall, the With Action development scenario would result in an increase of approximately 67 DUs and an increase of 42,900 gsf of retail space compared to the No Action condition. The building base height would not change compared to the No Action condition, but the maximum building height would increase by 70 feet.

CONCEPTUAL PROTOTYPE SITE 3: C5-3 DISTRICT, SPECIAL MIDTOWN DISTRICT, ON 29,000 SF CORNER LOT

This prototype evaluates the effects of the proposed transit improvement bonus program on a typical development in a district with a maximum FAR of 15.0 that is not adjacent to a station (and would therefore provide for off-site station improvements under the bonus program). This prototype analysis site is located in a C5-3 district in the Special Midtown District, a commercial district, which permits a maximum commercial FAR of 15.0; residential uses are also permitted under the regulations residential district equivalent (R10). In general C5-3 districts, floor area may be increased by a bonus for a public plaza; however, within the Special Midtown District, additional mechanisms to increase floor area are also available in some subdistricts.

As illustrated in **Figure H-4**, the No Action condition reflects a 36-story, approximately 489,000-gross-square-foot (gsf) as-of-right mixed-use development consisting of 409 DUs and approximately 77,000 gsf of commercial office space (on the the second, third, and fourth floors) and 25,700 gsf of retail (on the ground floor) with a total FAR of 15.0. The building would have a base height of 150 and a maximum building height of 380 feet. The tower would located on the northern portion of the base and would be set back from the street line by 10 to 15 feet above the 13th floor and then would set back another 10 to 15 feet above the 28th floor (at 310 feet).

Utilizing the new transit improvement bonus program, the development would be able to receive a floor area bonus of up to 3.0 FAR, increasing the maximum total FAR to 18.0. This would result in a With Action condition mixed-use development totaling approximately 591,300 gsf, (approximately 102,300 gsf larger than the No Action development). The With Action development would include roughly the same amount of residential space (409 DUs) as the No Action development; however, it would contain substantially more commercial space. The With Action commercial space, would occupy the majority of the first eight stories of the building, would contain approximately 178,200 gsf of office space and 26,700 of retail space. The With Action building would be 41 stories, with a base height 150 feet (same as the No Action condition) and a maximum building height of 460 feet. Similar to the No Action building, the tower would be set back from the street line by 10 to 15 feet above the base of the building, but it would have larger floorplates compared the No Action, which extend to the southern portion of the site until the tower would set back to the northern portion of the site above the 19th floor.

Overall, the With Action development scenario would result in an increase of approximately 101,200 gsf of commercial office space and 1,000 gsf of ground floor retail compared the No Action condition; however, there would be no change to the number of residential DUs. The building base height would not change compared to the No Action condition, but the maximum building height would increase by 80 feet.

C. TECHNICAL ANALYSIS

Although it is impossible to predict the precise impacts that would be realized by the utilization of the proposed new discretionary actions, a conceptual analysis is provided below for the purpose of understanding the probable range of impacts that may result with the proposed new discretionary actions. In general, the conclusions of this analysis are generally representative of the incremental development that would occur on the conceptual prototype sites under the proposed Authorization; however, any future development utilizing the discretionary actions would undergo their own discretionary review process at which time specific environmental impacts would be assessed and disclosed.

LAND USE

As described above, the discretionary actions would be applicable to zoning lots located within 500 feet of a transit station or within 1,500 feet of a station located in a CBD that are also in mapped high-density zoning districts, including R9 or R10 density level districts, (including their commercial, MX and manufacturing district equivalents). Areas that satisfy both of these conditions are largely concentrated in Manhattan, particularly in Lower Manhattan, Midtown, and the Upper East and West Sides. Outside of Manhattan, the CPC Authorization and Special Permit would also be applicable in sections of Downtown Brooklyn; Jamaica and Long Island City in Queens; and at three station complexes in the South Bronx.

On the three conceptual prototypical sites presented above, the proposed new discretionary actions would not result in changes to land uses as compared to the No Action scenarios. As these sites are all located in high-density zoning districts, in both the No Action and With Action scenarios, it is assumed that the conceptual prototype sites would maximize their development with large mixed-use buildings. The proposed new discretionary actions would allow for increases in maximum permitted floor area on these sites, which would result in additional residential and commercial floor area and larger buildings in the With Action condition. As noted above, to accommodate the additional floor area and on-site station improvements under the new Authorizations and Special Permit, the CPC may grant bulk modifications as well. This would result in the construction of different buildings than under the No Action condition, with changes to total square footages, lot coverage, setbacks, yards, and building heights. In the cases of all three conceptual prototype sites, the bonus floor area would be accommodated by building additional floors and sometimes by providing larger floor plates (extending into the rear of the site) on the upper floors.

Overall, the proposed new discretionary actions would not result in any new land uses that are not permitted by underlying zoning, although the bonus floor area would result in additional residential and/or commercial space as compared to the No Action scenario. These new discretionary actions would only be applicable to zoning lots located within 500 feet of a transit station or within 1,500 feet of a station located in a CBD that are also in mapped high-density zoning districts, and is not expected to substantially alter land use trends in these areas. Furthermore, the new discretionary actions would primarily be applicable in the highest-density areas of the City, such as in Lower Manhattan, Midtown Manhattan, Downtown Brooklyn, and Long Island City in Queens, which are appropriate for large mixed-use developments.

In addition, any development utilizing the discretionary actions would be required to meet findings that ensure the development is superior in design and harmonious with the surrounding area, such as: the development provides public benefits and transit rider access through station improvements; the development is compatible with the essential character, use or future growth of the surrounding area; the development will not obstruct light and air to surrounding streets and properties; and the development will not create traffic congestion or result in impacts to surface traffic and pedestrian flow. Therefore, as with the new easement requirement under the Proposed Action, the new discretionary actions 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 new discretionary actions.

Furthermore, the new discretionary actions would provide for enhanced land use conditions by incentivizing developers to make substantial transit station improvements, either on-site (for zoning lots adjacent to a subway station) or off-site for any zoning lot that is within the specified radius from a station, thereby supporting transit-oriented development. As with the proposed new

certification, the new discretionary actions would be consistent with, and supportive of, public policies that seek to promote transit-oriented development, including the objectives of modernizing the City's mass transit network, facilitating transit station improvements, and increasing subway accessibility as outlined in *OneNYC 2050*. Additionally, any site located in the New York Coastal Zone would be required as part of its environmental review to evaluate the project's consistency with the Waterfront Revitalization Program. Overall, the new discretionary actions are not expect to have any significant adverse impacts on land use, zoning, or public policy.

SOCIOECONOMIC CONDITIONS

According to the *CEQR Technical Manual*, a socioeconomic assessment should be conducted if an action may reasonably be expected to create substantial socioeconomic changes within the area affected by the action and would not occur in the absence of the action. Actions that would trigger a CEQR analysis include the following:

- Direct displacement of 500 or more residents or more than 100 employees.
- Direct displacement of a business that is uniquely significant because its products or services are dependent on its location; it is the subject of other regulations or publicly adopted plans aimed at its preservation because of its type or location; or it serves a population that is uniquely dependent on its services, in its particular location.
- The development of 200 residential units or more of 200,000 sf or more of commercial use that is markedly different from existing uses, development, and activities in the neighborhood. This type of development may lead to indirect residential or business displacement.
- The development of 200,000 sf or more of retail on a single development site, creating the potential to draw a substantial amount of sales from existing businesses within the study area. This type of development may lead to indirect business displacement due to market saturation.
- Impacts on a specific industry; for example, if a substantial number of residents or workers depend on the goods or services provided by the specific affected business, or if it would result in the loss or diminution of a certain product or service that is important within the City.

The new discretionary actions are not expected to induce development where it would not otherwise have occurred absent the Proposed Action. Although the new discretionary actions would allow for larger developments by providing a floor area bonus of up to 20 percent of the FAR as well as modification of zoning restrictions related to bulk, height and setback, lot coverage, yards and parking, the overall amount, type, and location of development within the affected area would not increase substantially, as demonstrated by the three conceptual prototype sites. The amount of incremental residential and/or commercial floor area on an individual site would be moderate (up to approximately 67 additional DUs [as on Site 2] and up to approximately 101,200 gsf of commercial space [as on Site 3]) in the With Action condition compared to the No Action condition. Therefore, the new discretionary actions are not anticipated to result in adverse impacts with respect to direct residential displacement; direct business and institutional displacement; indirect residential displacement; indirect business and institutional displacement; or a specific industry. It's not expected that an environmental review of an individual development applying for the new discretionary actions under the Proposed Action would result in significant adverse socioeconomic impacts. In the event that such impacts were anticipated they would be disclosed and mitigation measures would be considered.

COMMUNITY FACILITIES AND SERVICES

Community facilities, as defined under CEQR, include public or publicly funded schools, libraries, publicly funded child care centers, health care centers, and fire and police protection. A project can affect these facilities and services when it physically displaces or alters a community facility or causes a change in population that may affect the services delivered by a community facility, such as by creating a demand that could not be met by the existing facility. According to the *CEQR Technical Manual*, a detailed community facility analysis is conducted when a proposed action would have a direct or indirect effect on a community facility. The criteria for a detailed analysis of indirect effects on a community facility are as follows:

- *Public Schools* – 50 or more elementary/intermediate school students or 150 or more high school students.
- *Libraries* – More than five percent increase in ratio of residential units to library benches.
- *Early Childhood Programs (Publicly Funded)* – 20 or more eligible children under the age of six based on the number of low or low/moderate-income units.
- *Health Care Facilities* – Introduction of a sizeable new neighborhood.
- *Fire and Police Protection* – Introduction of a sizeable new neighborhood.

The new discretionary actions are not expected to induce development where it would not otherwise have occurred absent the Proposed Action; therefore, it would not would not directly displace a community facility or service (direct effect). As demonstrated by the conceptual prototype developments, the new discretionary actions would be expected to result in small to moderate increases in residential space (an incremental increase of 0 to 67 DUs). Given the limited areas to which the new discretionary actions would be applicable the limit to the number of developments that could realistically provide transit improvements to a given station, it is not expected introduce a substantial new residential population that would result in increased demand for community facilities and services (indirect effect) to given area. Therefore, it is not expected that an environmental review of an individual development applying for the new discretionary actions under the Proposed Action would result in a significant adverse impact to community facilities. In the event that such impacts were anticipated they would be disclosed and mitigation measures would be considered.

OPEN SPACE

The *CEQR Technical Manual* recommends performing an open space assessment if a proposed action would have a direct effect on an open space (i.e., displacement of an existing open space resource) or an indirect effect through increased population size. Indirect effects may occur when a population generated by a proposed action would be sufficiently large to noticeably diminish the ability of an area's open spaces to serve the future population. The new discretionary actions would not induce development where it would not otherwise have occurred absent the Proposed Action; therefore, it is not expected to directly displace any open space resources. Based on the shadows assessment of the conceptual prototype sites (see "Shadows" below), there would be no direct shadows cast on analyzed open spaces that would impair their usability. However, without site-specific details it is impossible to rule out conclusively any direct impacts; e.g., depending on proximity to an open space resource, a development with larger floorplates and/or additional floors would have the potential to cast shadows that impair that open space's usability.

In addition, as shown on the conceptual prototype developments, the new discretionary actions would result in additional residential and/or commercial floor area, which has the potential to introduce additional residents and/or workers that would generate demand for open space. The amount of new residents and/or workers introduced by the new discretionary actions to an individual development is expected to be low to moderate for the conceptual prototype sites. For example, on Conceptual Prototype Site 2, the prototype development with the highest residential increment, would introduce approximately 140 residents, and Conceptual Prototype Site 3, which is the prototype development with the highest commercial increment would introduce approximately 400 new workers. According to the *CEQR Technical Manual*, the conceptual prototype developments that would result from the proposed new discretionary actions would introduce populations that are below the *CEQR Technical Manual* thresholds (an increase of more than 200 residents or 500 employees) for an indirect effects analysis.

However, it is impossible to rule out conclusively any indirect impacts without project- and site-specific details (such as the amount of public open space in the area of a given development site). Each development utilizing either of the new Authorizations or the Special Permit would be subject to its own environmental review, and, if warranted, an analysis of potential direct and/or indirect open space impacts would be performed. In the event that open space impacts were anticipated, they would be disclosed and mitigation measures would be considered.

SHADOWS

The *CEQR Technical Manual* recommends performing a shadows assessment for any development that would result in a building taller than a No Action scenario by 50 feet or more; or of any height when the development is adjacent to a sunlight sensitive resource. As shown on the conceptual prototype sites, the new discretionary actions would have the potential to result in taller buildings that would exceed these thresholds.

A shadow analysis was performed for each of the three conceptual prototype sites. For Conceptual Prototype Site 1, With Action Scenario 1c was analyzed for shadows since it has the largest height increase of the three development scenarios. The shadows analysis was conducted according to CEQR guidelines, as described in detail in Attachment C, "Shadows." The results of the conceptual prototype shadows analysis show the incremental difference in shadows between the No Action and With Action conditions for each conceptual prototype analysis site, the results of which are summarized in **Table H-2** and described below. Detailed shadow cast figures are also provided in **Appendix 3** (see **Figures 3-1 through 3-11**).

Table H-2
Incremental Shadow Durations

	March 21 7:36 AM–4:29 PM	May 6 6:27 AM–5:18 PM	June 21 5:57 AM–6:01 PM	December 21 8:51 AM–2:53 PM
Conceptual Prototype Site 1				
Open Space 1	7:36 AM–8:05 AM Total: 29 min			8:51 AM–9:50 AM Total: 59 Min
Open Space 2	2:20 PM–3:17 PM Total: 57 min	1:59 PM–3:00 PM Total: 1 hr 1 min	2:00 PM–3:02 PM Total: 1 hr 2 min	
Conceptual Prototype Site 2				
Open Space 1				12:00 PM–1:20 PM Total: 1 hr 20 min
Historic Resource 1				9:30 AM–12:30 PM Total: 3 hr 00 min
Conceptual Prototype Site 3				
Open Space 1	2:25 PM–4:25 PM Total: 2 hr	3:08 PM–3:31 PM Total: 23 min		1:06 PM–1:18 PM Total: 12 min
Historic Resource 1	3:20 PM–4:29 PM Total: 1 hr 9 min			

CONCEPTUAL PROTOTYPE SITE 1

In the With Action condition, the building height of Site 1 would increase from 140 feet in the No Action condition to up to 215 feet (as in Scenario 1c).

Open Space 1

Site 1 is located approximately 300 feet east from a large, publicly accessible open space (Open Space 1). The Proposed Action would result in new incremental shadow on a relatively small portion of Open Space 1 on two analysis days. As shown in **Table H-2**, action-generated shadows on Open Space 1 would last for approximately a half-hour March 21 and for an hour on December 21. On both days, shadow coverage during this time would generally be limited, covering a small portion of Open Space 1 and would only occur in the morning before 10 AM.

Open Space 2

Site 1 is also located adjacent to a Greenstreet, a linear sunlight-sensitive resources located within the median of a wide street (Open Space 2). The Proposed Action would result in new shadow on a relatively small portion of Open Space 2 on three analysis days (March 21, May 6, and June 21 afternoons). As shown in **Table H-2**, action-generated shadow on Open Space 2 would last for approximately one hour on these days, and shadow coverage during this time would generally be limited, covering, at most, a portion of one planted median. On March 21, May 6, and June 21 incremental shadow would enter the open space at 2:20 PM, 1:59 PM, and 2:00 PM, respectively, and then continue to move east until falling off the resources one hour later.

CONCEPTUAL PROTOTYPE SITE 2

In the With Action condition, the building height of Site 2 would increase from 265 feet in the No Action condition to 335 feet.

Open Space 1

Site 2 is located approximately 500 south of a publicly accessible plaza featuring seating and landscaping (Open Space 1).

The Proposed Action would result in new incremental shadow on Open Space 1 one analysis day. As shown in **Table H-2**, on December 21, action-generated shadows on Open Space 1 would last for approximately 1 hour and 20 minutes. During this time, new shadow would pass over public seating areas and vegetation located in the center of the resource. On December 21, incremental shadow would enter the open space from the west at 12:00 PM, and then quickly grow to cover approximately ½-acre of Open Space 1. Shortly after, at approximately 1:20 PM, incremental shadow would exit the open space to the east.

Historic Resource 1

Site 2 is also located southeast from a designated landmark building (Historic Resource 1), which is assumed to have historic significance and contain sunlight-sensitive architectural design elements.

The Proposed Action would result in new incremental shadow on Historic Resource 1 on December 21. As shown in **Table H-2**, action-generated shadows on the historic resource's sunlight-sensitive features would last for approximately three hours on the winter solstice. Incremental shadow on the historic resource would begin at 9:30 AM and fall on a small portion of the resource project-facing façade. By 10:30 AM, the extent of new shadow would grow to cover the majority of the resources roof. The action-generated shadow would then move to the east and off the resource entirely by 12:30 PM.

CONCEPTUAL PROTOTYPE SITE 3

In the With Action condition, the building height of Site 3 would increase from 380 feet in the No Action condition to 460 feet.

Open Space 1

Site 3 is located south of a large, publicly accessible open space featuring benches and landscaping (Open Space 1). Development projected under the new discretionary action would result in new incremental shadow on Open Space 1 on three analysis days: March 21, May 6, and December 21. As shown in **Table H-2**, on the afternoon of March 21 action-generated shadows on Open Space 1 would last for approximately 2 hours (from 2:25 PM through 4:25 PM). During this time, new shadow would move east, across the park's center, and fall on seating areas and vegetation. On May 6 and December 21 new shadow on Open Space 1 would be very brief (23 and 12 minutes, respectively) and affect a smaller portion of the open space than on March 21. On both days, the extent on new shadow on the park would be relatively small, covering small portions of the park's edge.

Historic Resource 1

Site 3 is also located southwest from a landmark building (Historic Resource 1), which is assumed to have historic significance and contain sunlight-sensitive architectural design elements.

The Proposed Action would result in new incremental shadow on Historic Resource 1 on March 21. As shown in **Table H-2**, on the afternoon of March 21 action-generated shadows on Historic Resource 1 would last for approximately 1 hour and 9 minutes (from 3:20 PM through 4:29 PM.)

During this time, new shadow would fall on the historic resource's roof and a small portion of its west façade. New shadow would remain on the resource's façade briefly before moving east onto the roof, remaining there until the end of the analysis day.

ASSESSMENT

In the With Action condition, Conceptual Prototype Sites 1, 2, and 3 would each cast new incremental shadow on two sunlight-sensitive resources. Incremental shadow cast by Site 1 would fall on two publically accessible open space resources. Sites 2 and 3 would each cast incremental shadow on one open space resource and one historic resource.

As shown in **Table H-2**, new shadow cast on open space resources would be brief, lasting for one hour or less on the majority of analysis days. The open spaces would continue to receive substantial direct sunlight on other portions throughout the representative analysis days. New shadow cast by Sites 1, 2 and 3 would never prevent all direct sunlight from reaching one of the affected open spaces. The extent of new shadow would be generally small or relatively small compared to the resources' total area and would not adversely affect public utilization or substantially reduce the usability of any of the affected open spaces. Within the growing season, any vegetation within the open space resources would continue to receive adequate direct sunlight (a minimum of four to six hours). Therefore, action-generated shadows from Conceptual Prototype Site 1, 2, and 3 would not result in significant adverse impacts to an open space on any of the representative analysis days.

Sites 2 and 3 would also each cast new shadow on one adjacent historic resource. However, the sunlight-sensitive features of the historic resources would continue to receive direct sunlight. The majority of new shadow on the resources would fall on their roofs, where sunlight-sensitive architectural features that could be enjoyed by the public are less likely to be placed. Therefore, action-generated shadows from Conceptual Prototype Site 1, 2, and 3 would not significantly affect the utilization of a historic resource nor the enjoyment of its architectural features.

However, without site-specific details, such as the distance to sunlight-sensitive resources and/or other structures that would cast their own shadows, it is impossible to rule out conclusively any significant adverse shadows impacts. Each development utilizing the new discretionary actions would be subject to its own environmental review, and, if warranted, an analysis of potential shadows impacts would be performed. In the event that shadows impacts were anticipated, they would be disclosed and mitigation measures would be considered.

HISTORIC AND CULTURAL RESOURCES

An assessment of architectural and/or archaeological resources is usually needed for projects that are located adjacent to historic or landmark structures or projects that require in-ground disturbance, unless such disturbance occurs in an area that has been previously excavated. According to the *CEQR Technical Manual* guidelines, impacts on historic resources are considered on those sites affected by proposed actions and in the area surrounding identified development sites. Archaeological resources are considered only in those areas where new excavation or ground disturbance is likely and would result in new in-ground disturbance, as compared to the No Action condition.

ARCHAEOLOGICAL RESOURCES

Potential development sites utilizing the new discretionary actions may be located in areas of archeological concern. On the conceptual development sites, the discretionary actions would not result in new in-ground disturbance in the With Action condition beyond what would be allowed under the No Action. However, it is not possible to conclude where and to what extent additional in-ground disturbance might occur absent a site-specific application. As such, the possibility of significant impacts on archaeological resources cannot be eliminated. The potential for these impacts would need to be analyzed and disclosed at the time of application for any discretionary action.

ARCHITECTURAL RESOURCES

Development sites utilizing the new discretionary actions may be situated in historic districts, contain individual architectural resources, or be adjacent to architectural resources. The new Authorizations and Special Permit are not expected to induce development where it would not have occurred absent the Proposed Action, and privately owned properties that are NYCLs or in New York City Historic Districts would continue to be protected under the New York City Landmarks Law that requires New York City Landmarks Preservation Commission (LPC) review and approval before any alteration or demolition can occur. However, potential impacts to eligible historical resources that are not protected by local, state or national designations may be affected by development utilizing the new discretionary actions. Therefore, the potential for significant adverse impacts on historic resources cannot be ruled out. Each development utilizing the new discretionary actions would be subject to its own environmental review, and any potential impacts would be identified and disclosed, and mitigation measures would be considered, pursuant to a separate environmental review.

URBAN DESIGN AND VISUAL RESOURCES

Following *CEQR Technical Manual* guidance, an assessment of urban design and visual resources is warranted when an action has the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning. As demonstrated by the conceptual prototype sites, the new discretionary actions would result in physical alterations through increases in built floor area beyond what would be allowed "as-of-right" or in the No Action condition, as well as modification of street wall, yard, height, and setback requirements. Therefore, in each application, the new discretionary actions are expected to result in changes that are observable by pedestrians, and an assessment of urban design and visual resources is expected to be required.

As shown in **Table H-1** and depicted in **Figures H-2 through H-4**, with the proposed discretionary actions, the conceptual prototype sites would be developed with buildings that would be 30 to 80 feet taller than the No Action building; however, the base building height at all conceptual prototype sites would be similar to the No Action condition. With the exception of Site 1 for With Action Development Scenarios 1a and 1c, there would also be no change to the building footprint and thus there would be no change to the building street wall, and the pedestrian experience would not be altered as a result of the proposed new discretionary actions. For Site 1 under With Action Development Scenarios 1a and 1c, which is located adjacent to an mass transit station, modifications to the street wall would be provided so that the building could be cut back at the corner to facilitate a 20-foot open area buffer around the transit easement area. While this would alter the streetscape compared to the No Action condition, it would increase the circulation area and improve pedestrian flow at that corner, thereby providing an overall benefit to the

pedestrian experience. Therefore, there would be no significant adverse urban design and visual resources impact anticipated for the conceptual development sites. However, as the design and site-specific conditions are unique to each development, it is impossible to rule out the potential for significant adverse impacts, and future development utilizing the new discretionary actions would be subject to its own environmental review. In the event that the analysis of urban design and visual resources identifies potential significant adverse impacts, they would be disclosed and mitigation measures would be considered.

NATURAL RESOURCES

A natural resources assessment is conducted when a natural resource is present on or near a project site and when an action involves the disturbance of that resource. The *CEQR Technical Manual* defines natural resources as water resources, including surface waterbodies and groundwater; wetland resources, including freshwater and tidal wetlands; upland resources, including beaches, dunes, and bluffs, thickets, grasslands, meadows and old fields, woodlands and forests, and gardens and other ornamental landscaping; and built resources, including piers and other waterfront structures.

Developments utilizing the new discretionary actions are expected to be located in the highest-density developed areas of the City where there are limited natural resources, such as Lower Manhattan, Midtown, and the Upper East and West Sides; Downtown Brooklyn; or Jamaica and Long Island City in Queens. In the cases of the conceptual prototype sites, all three sites are currently developed with commercial buildings, and do not contain any natural resources and would be developed absent the discretionary approvals. The proposed new Authorization and Special Permit are not expected to induce development on sites where natural resources exist and where development would not have otherwise been possible. In addition, in many areas where natural resources exist, there would continue to be regulations that ensure their protection. These regulations include New York State Department of Environmental Conservation tidal and freshwater wetland regulations, the New York State Coastal Zone Management Program, and special zoning designations including Special Natural Area zoning. Each development utilizing the new discretionary actions would be subject to its own environmental review, and, in the unlikely event that the analysis identifies potential significant adverse impacts to natural resources, they would be disclosed and mitigation measures would be considered.

HAZARDOUS MATERIALS

A hazardous materials assessment determines whether a proposed action may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposures; (b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources.

The new discretionary actions are not expected to induce development where it would not have occurred absent the Proposed Action, and as demonstrated on the conceptual prototype sites, the new discretionary actions are not expected to result in in-ground disturbance beyond what would be allowed under the No Action condition. However, in general, development using the new

discretionary actions may occur in an area where hazardous may be present, and it is impossible to rule out conclusively any significant adverse impacts with respect to hazardous materials without project- and site-specific analysis. Each application for the new discretionary actions would be subject to a separate environmental review which would consider the need to undertake environmental remediation on the site. Analysis would be conducted at the time of the Authorization or Special Permit application and any possible impacts would be disclosed. If hazardous materials impacts were identified as part of that environmental review, the impact could be avoided by the adoption of an E-designation or by conducting a New York City Department of Environmental Protection (DEP)-approved Phase II Environmental Site Assessment (ESA) subsurface investigation and developing a DEP-approved Remedial Action Plan prior to the approval of the discretionary action.

WATER AND SEWER INFRASTRUCTURE

According to the *CEQR Technical Manual*, projects that increase density or change drainage conditions on a large site require analysis of the potential effects on the City's water supply, wastewater treatment, and stormwater management infrastructure. As shown on the conceptual prototype sites, the discretionary actions are expected to result in low to moderate increases in density, and this incremental development is not expected to have an exceptionally large demand for water (i.e., more than one million gallons per day). In addition, development utilizing the new discretionary actions are expected to occur in the highest-density developed areas of the City, which are in general served by the City's combined sewer system. In the cases of the conceptual prototype sites, all of which are located in combined sewer areas, the incremental development resulting from the discretionary actions on an each site would not exceed the *CEQR Technical Manual* thresholds warranting an analysis (1,000 residential units or 250,000 sf of commercial space or more in Manhattan, or 400 residential units or 150,000 sf of commercial space or more in the outer boroughs). Development utilizing the new discretionary actions are unlikely to result in substantial changes to drainage conditions and/or increases in impervious surface coverage as compared to the No Action condition. For each development utilizing the discretionary actions, if warranted, an analysis would be conducted at the time of the application. In the unlikely event that the analysis identifies potential significant adverse impacts, they would be disclosed and mitigation measures would be considered.

SOLID WASTE AND SANITATION SERVICES

A solid waste assessment determines whether an action has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan or with State policy related to the City's integrated solid waste management system. The *CEQR Technical Manual* specifies that few projects generate substantial amounts of solid waste (50 tons a week or more) that would result in a significant adverse impact.

The new discretionary actions themselves are not expected to induce development and incremental development on an individual site resulting from the new discretionary actions are unlikely to result in a net increase of more than 50 tons of solid waste per week. For each development utilizing the Authorization or Special Permit, if warranted, an analysis would be conducted at the time of the application. In the unlikely event that the analysis identifies potential significant adverse impacts to solid waste and sanitation services, they would be disclosed and mitigation measures would be considered.

ENERGY

According to the *CEQR Technical Manual,* a detailed assessment of energy impacts would be limited to actions that could significantly affect the transmission or generation of energy or that generate significant consumption of energy. The new discretionary actions are not expected to result in a significant increase in density and are therefore unlikely to result in a substantial net increase of energy demand compared to overall demand city-wide. The potential energy demand of any development utilizing the Authorization or Special Permit would be disclosed as part of the environmental review at the time of the application. For each development utilizing either of the new discretionary actions, if warranted, an analysis would be conducted at the time of the application. In the unlikely event that the analysis identifies potential significant adverse impacts to solid waste and sanitation services, they would be disclosed and mitigation measures would be considered.

TRANSPORTATION

The *CEQR Technical Manual* recommends a two-tier screening procedure for the preparation of a preliminary analysis to determine if quantified analyses of transportation conditions are warranted. This methodology begins with the preparation of a trip generation analysis to determine the volume of person and vehicle trips associated with a proposed project. The results are then compared with the *CEQR Technical Manual*-specified thresholds (Level 1 screening analysis) to determine whether a Level 2 screening analysis is warranted. If a proposed project would result in 50 or more peak hour vehicle trips, 200 or more peak hour transit trips, and/or 200 or more peak hour pedestrian trips, a Level 2 screening analysis would be warranted. For the Level 2 screening analysis, project generated trips would be assigned to specific intersections, transit routes, and pedestrian elements. If the results of this analysis show that a proposed project would generate 50 or more peak hour vehicle trips through an intersection, 50 or more peak hour bus riders on a bus route in a single direction, 200 or more peak hour subway trips at any given station, or 200 or more peak hour pedestrian trips per pedestrian element, then further quantified analyses may be warranted to evaluate the potential for significant adverse traffic, transit, pedestrians, and parking impacts.

Based on **Table H-1** above, **Table H-3** summarizes the With Action condition development increments for the three conceptual prototype sites.

Table H-3
Conceptual Prototype Sites – With Action Development Program Increments

Prototype Site	Parking Spaces	Residential (DU)	Local Retail (GSF)	Destination Retail (GSF)	Office (GSF)
Site 1 – Scenario 1a	0	2	-1,800		
Site 1 – Scenario 1b	0	30	0		
Site 1 – Scenario 1c	0	32	-1,800		
Site 2	13	67		42,900	
Site 3	0	0	1,000		101,200

Note: Site 1 has three potential scenarios that represent the various ways the bonus mechanism could be applied.
Source: DCP

As detailed in **Table H-3**, the With Action condition development increments for two conceptual sites (Site 1 [for all three development scenario] and Site 3), when compared to the No Action condition, would not exceed the minimum development density thresholds as defined by *CEQR*

Technical Manual Table 16-1 requiring further detailed transportation analysis[2]. For Site 2, since the With Action development increments would exceed the minimum development density thresholds, a Level 1 screening analysis was prepared to determine whether further detailed transportation analysis would be warranted. Consistent with the travel demand assumptions presented in Attachment E, "Transportation," trip generation factors for the Site 2 were developed based on information from the *CEQR Technical Manual*, U.S. Census Data, and other established sources and approved studies.

As summarized in **Table H-4**, under the No Action condition, Site 2 would generate 255, 272, and 317 person trips during the weekday AM, midday, and PM peak hours, respectively. Approximately 28, 37, and 38 vehicle trips would be generated during the same respective peak hours.

Table H-4
No Action Trip Generation Summary – Site 2

		Person Trip							Vehicle Trip			
Peak Hour	In/Out	Auto	Taxi	Subway	Railroad	Bus	Walk	Total	Auto	Taxi	Delivery	Total
AM	In	8	2	38	0	8	13	69	7	3	1	11
	Out	15	3	131	2	7	28	186	13	3	1	17
	Total	23	5	169	2	15	41	255	20	6	2	28
Midday	In	19	2	70	1	22	29	143	15	3	1	19
	Out	17	2	65	1	19	25	129	14	3	1	18
	Total	36	4	135	2	41	54	272	29	6	2	37
PM	In	21	3	105	1	19	33	182	17	3	0	20
	Out	19	2	64	1	22	27	135	15	3	0	18
	Total	40	5	169	2	41	60	317	32	6	0	38

As summarized in **Table H-5** under the With Action condition, Site 2 would generate 406, 608, and 668 person trips during the weekday AM, midday, and PM peak hours, respectively. Approximately 53, 88, and 91 vehicle trips would be generated during the same respective peak hours. The net incremental trips between the No Action and With Action conditions are shown in **Table H-6**.

Table H-5
With Action Trip Generation Summary – Site 2

		Person Trip							Vehicle Trip			
Peak Hour	In/Out	Auto	Taxi	Subway	Railroad	Bus	Walk	Total	Auto	Taxi	Delivery	Total
AM	In	22	3	58	1	27	30	141	17	5	2	24
	Out	26	5	169	2	19	44	265	22	5	2	29
	Total	48	8	227	3	46	74	406	39	10	4	53
Midday	In	54	7	119	1	72	74	327	39	6	2	47
	Out	45	6	107	1	59	63	281	33	6	2	41
	Total	99	13	226	2	131	137	608	72	12	4	88
PM	In	52	7	158	2	63	74	356	39	7	0	46
	Out	52	7	111	1	70	71	312	38	7	0	45
	Total	104	14	269	3	133	145	668	77	14	0	91

[2] All three conceptual prototype sites are located in Traffic Zone 1 (Manhattan, 110th Street and south; Downtown Brooklyn)

Table H-6
Net Increments – Trip Generation Summary – Site 2

Peak Hour	In/Out	Person Trip							Vehicle Trip			
		Auto	Taxi	Subway	Railroad	Bus	Walk	Total	Auto	Taxi	Delivery	Total
AM	In	14	1	20	1	19	17	72	10	2	1	13
	Out	11	2	38	0	12	16	79	9	2	1	12
	Total	25	3	58	1	31	33	151	19	4	2	25
Midday	In	35	5	49	0	50	45	184	24	3	1	28
	Out	28	4	42	0	40	38	152	19	3	1	23
	Total	63	9	91	0	90	83	336	43	6	2	51
PM	In	31	4	53	1	44	41	174	22	4	0	26
	Out	33	5	47	0	48	44	177	23	4	0	27
	Total	64	9	100	1	92	85	351	45	8	0	53

As summarized in **Table H-6**, the Site 2 development would generate 151, 336, and 351 incremental person trips during the weekday AM, midday, and PM peak hours, respectively. Approximately 25, 51, and 53 incremental vehicle trips would be generated during the same respective peak hours.

TRAFFIC

As shown in **Table H-6**, the incremental vehicle trips during the weekday midday and PM peak hours would be slightly greater than the CEQR analysis threshold of 50 peak hour incremental vehicle trips. Conceptual Prototype Site 2 would provide on-site parking spaces that are anticipated to accommodate some of the vehicle trips generated by the proposed project while the remaining vehicle trips would be accommodated by other parking resources in the surrounding area. The vehicle trips would therefore be dispersed to a larger area and would not concentrate near the project site such that no single intersection is anticipated to incur 50 or more incremental vehicle trips during the weekday midday and PM peak hours. Furthermore, since the incremental vehicle trips would be fewer than 50 incremental vehicle trips during the weekday AM peak hour, a detailed traffic analysis is not warranted, and the Site 2 proposed development is not anticipated to result in any significant adverse traffic impacts.

PARKING

The *CEQR Technical Manual* states that if a quantified traffic analysis is not required, an assessment of parking supply and utilization is also typically not warranted. Therefore, as a result of the traffic conclusions described above, a parking analysis is not required. Furthermore, Site 2 is located in CEQR Parking Zone 1 and as stated in the *CEQR Technical Manual*, a parking shortfall resulting from a project located in Parking Zones 1 and 2 does not constitute a significant adverse parking impact during the magnitude of available alternative modes of transportation. Therefore, Conceptual Prototype Site 2 would not result in any significant adverse parking impacts.

TRANSIT

As shown in **Table H-6**, the incremental transit trips would not exceed the CEQR analysis threshold of 200 peak hour transit trips. Therefore, a detailed transit analysis is not warranted, and the Site 2 proposed development is not anticipated to result in any significant adverse transit impacts.

PEDESTRIANS

For pedestrians, as presented in **Table H-6**, the incremental pedestrian trips would be greater than the CEQR analysis threshold of 200 peak hour pedestrian trips during weekday midday and PM peak hours. Based on the Conceptual Prototype Site 2 site plans, the pedestrian entrances would be located on two separate sides of the building such that pedestrian trips would be dispersed to both street frontages. As summarized in **Table H-6**, the highest peak hour pedestrian increment is approximately 350 person trips during the weekday PM peak hour. Assuming approximately the same trip assignment distribution to the two street frontages, the resulting pedestrian trip increment at each of the frontages would be approximately 175 person trips, which is below the CEQR analysis threshold of 200 peak hour pedestrian trips at a pedestrian element. While there would likely be a less evenly split trip assignment distribution, there would be on-site parking spaces to accommodate some of the project generated vehicle trips such that the corresponding person trips are assumed to access the building via in-building connections from the parking facility and further reduce the approximately 350 incremental person trips traversing the surrounding pedestrian elements. Therefore, it is anticipated that a Level 2 pedestrian trip assignment screening analysis would demonstrate that the incremental pedestrian trips would be adequately dispersed such that a quantified pedestrian analysis would not be warranted and the future development with discretionary actions at Conceptual Prototype Site 2 would not result in any significant pedestrian impacts.

Although the three prototype sites analyzed for this conceptual analysis are not anticipated to have the potential for significant adverse transportation impacts, the potential for such impacts cannot be ruled out for a new development utilizing the proposed new discretionary actions. As such, any application for a development utilizing the new discretionary actions would need to assess and, if warranted, disclose significant adverse transportation impact pursuant to a separate environmental review.

AIR QUALITY

HVAC ANALYSIS

Based on the transportation assessment conducted for the conceptual analysis sites, development using the new discretionary actions would not exceed the thresholds requiring a mobile source air quality analysis, and therefore no mobile source impacts are anticipated. However, development using the new discretionary actions could result in significant adverse stationary source air quality impacts on existing sensitive land uses due to emissions from the proposed heating, ventilation, and air conditioning (HVAC) systems. In particular, as the new developments utilizing the new Authorization or Special Permit are expected to occur in the highest-density developed areas of the City, there may be adjacent existing buildings that are taller than the development on an individual site.

An initial HVAC screening was performed for the conceptual prototype sites using the methodology described in Attachment F, "Air Quality." An HVAC screening was performed for all conceptual prototype developments except for Site 1 – Scenario 1a, since this development scenario would have no change in total development square footage and would have an increase in building height as compared the No Action condition. Therefore, Site 1 – With Action Scenario 1a did not require analyses of heating and hot water systems since the Proposed Action would not have the potential to result in any new or additional air quality impacts. For the other two development scenarios at Site 1 (Scenarios 1b and 1c) and for Conceptual Prototype Sites 2 and

3, an initial screening was performed. For Site 1 – Scenario 1b, the distance to the nearest building of similar or greater height was estimated be 150 feet. For Site 1 – Scenario 1c and for Sites 2 and 3, no buildings of a similar height were identified within 400 feet; therefore, a distance of 400 feet to the nearest receptor was assumed as recommended in the *CEQR Technical Manual*. As shown in the HVAC screening graphs (see **Appendix 3**, **Figures 3-12 through 3-16)**, the distances to the nearest buildings of a similar or greater height are all greater than the minimum distances identified, and there would be no potential for stationary source air quality impacts at these conceptual prototype sites.

INDUSTRIAL SOURCES

Nearby industrial facilities were examined to identify any potential for adverse impacts on future residents of the conceptual analysis sites from air toxics. All industrial and manufacturing uses within 400 feet of each site were considered for the air quality impact analysis.

Land use maps and aerial photographs were also reviewed to identify potential sources of emissions from manufacturing/industrial operations. A search of federal, state, and city compliance and permit data within the study area was conducted using DEP's Clean Air Tracking System (CATS) database.[3] For Sites 1 and 2, no permitted activities were identified based on the permit search and no other sources of emissions were identified in the land use review. Therefore, no significant impacts on sensitive uses on these sites are anticipated from industrial source emissions. For Site 3, six permitted sources with expired permits were identified within 400 feet of the site. Further review would be needed to determine whether these sources are still in operation.

ADDITIONAL SOURCES

The *CEQR Technical Manual* requires an analysis of projects that may result in a significant adverse impact due to certain types of new uses located near a "large" or "major" emissions source. Major sources are defined as those located at facilities that have a Title V or Prevention of Significant Deterioration air permit, while large sources are defined as those located at facilities that require a State Facility Permit. To assess the potential effects of these existing sources on the conceptual analysis sites, a review of existing permitted facilities was conducted. Sources of information reviewed included the DEC Title V and State Facility Permit websites. The review of major- and large-sources permits[4] found no such facilities within 1,000 feet of Site 1. Therefore no analysis is required, and no significant adverse impacts would occur on Site 1 from major or large stationary sources of emissions. For Site 2, one facility with a State Facility permit within 1,000 feet was identified. For Site 3, two facilities with a State Facility Permit within 1,000 feet were identified. Therefore, further analysis would be needed at these sites and the potential for significant adverse air quality impacts from large emission sources could not be ruled out.

Overall, it is impossible to rule out conclusively any significant adverse impacts with respect to air quality without project- and site-specific analysis. Each application for the new discretionary action would be subject to a separate environmental review which would consider potential air quality impacts. Analysis would be conducted at the time of the Authorization or Special Permit

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[3] DEP. *Clean Air Tracking System database*. https://a826-web01.nyc.gov/DEP.BoilerInformationExt· Accessed March 17, 2021.

[4] DEC. *Access to DEC Air Permits*. http://www.dec.ny.gov/chemical/32249.html. Accessed March 17, 2021.

application and any possible impacts would be disclosed. If air quality impacts were identified as part of that environmental review, the impact could be avoided by the adoption of an E-designation at the time the discretionary action was approved.

GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

Increased greenhouse gas (GHG) emissions are changing the global climate, which is predicted to lead to wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes to precipitation levels. According to the *CEQR Technical Manual,* a GHG emissions assessment is typically included only for larger projects undergoing an Environmental Impact Statement (EIS), as well as certain cases when the project would undergo an EIS and would result in development of 350,000 sf or greater, is a City capital project, or includes large-scale power generation or has the potential to fundamentally change the City's solid waste management system.

As shown on the conceptual prototype sites (incremental development of 28,200 gsf to 102,800 gsf), the new discretionary actions are unlikely to result in incremental development exceeding 350,000 square feet on a single site. Also, as described above in "Energy," it is not expected to result in a substantial net increase in energy demand. If warranted, an analysis would be conducted at the time of Authorization OR Special Permit application and, while unlikely, any possible impacts would be disclosed pursuant to a separate environmental review.

NOISE

It is impossible to predict the noise impacts that would occur as a result of the new discretionary actions without project- and site-specific details. Therefore, the potential for noise impacts would need to be considered at the time of application for an Authorization or Special Permit. The applicant would also have to prescribe to any (E) Designations related to noise on the parcel, if applicable. Any significant adverse noise impacts that could result from a development subject to the proposed discretionary action would be assessed and disclosed pursuant to a separate environmental review. If noise impacts were identified as part of that environmental review, the impact could be avoided by the adoption of an (E) Designation at the time the discretionary action was approved.

PUBLIC HEALTH

Following *CEQR Technical Manual* guidance, a public health assessment is warranted if a project would result in significant unmitigated adverse impacts in the areas of air quality, water quality, hazardous materials, or noise. As outlined above, these areas require project- and site-specific analysis which would performed at the time of application pursuant to a separate environmental review. If potential impacts were identified with regard to, hazardous materials, air quality and/or noise, the adoption of (E) Designations as part of those proposals would forestall any impacts related to those impact categories. Therefore, the new discretionary actions are unlikely to result in adverse significant adverse impacts to public health.

NEIGHBORHOOD CHARACTER

A neighborhood character assessment considers how elements of the environment combine to create the context and feeling of a neighborhood and how a project may affect that context and feeling. In order to determine a project's effects on neighborhood character, the elements that contribute to a neighborhood's context and feeling are considered together. These elements

include land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise. According to the *CEQR Technical Manual*, an assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts in any of the technical areas presented above or when a project may have moderate effects on several of the elements that define a neighborhood's character.

Developments utilizing any of the new discretionary actions, such as the conceptual prototype sites, would be unlikely to result in adverse impacts to neighborhood character, since they are largely allowed as-of-right. In particular, as discussed above, the development is expected to occur in areas with the highest-density zoning districts such as in Lower Manhattan, Midtown Manhattan, Downtown Brooklyn, and Long Island City in Queens, which are appropriate for large mixed-use developments, and large mixed-use buildings are expected in both the No Action and With Action scenario. The zoning allowances provided by new discretionary Authorization and Special Permit would not generate new land uses that would be incompatible with surrounding uses: in particular, as discussed above, any development utilizing the discretionary actions would be required to meet findings that ensure the development is superior in design and harmonious with the surrounding, such as: providing public benefits and pedestrian access through station improvements; being compatible with the essential character, use or future growth of the surrounding area; the development will not obstruct light and air to surrounding streets and properties; and the development will not create traffic congestion or result in impacts to surface traffic and pedestrian flow. The discretionary actions would provide for enhanced land use conditions by incentivizing developers to make substantial transit station improvements. Therefore, it is not anticipated that the use of the discretionary actions would result in significant adverse impacts to neighborhood character.

CONSTRUCTION

Based on *CEQR Technical Manual* guidelines, where the duration of construction is expected to be short-term (less than two years) a construction analysis is not warranted. As shown on the conceptual prototype sites, the new discretionary actions are not expected to result in new or significantly different buildings as compared to the No Action condition, and is therefore unlikely to require significant longer or different construction activities. However, without a project- and site-specific analysis, the potential for construction-related impacts cannot be ruled out. Each application for a new Authorization or Special Permit would be subject to a separate environmental review and, if warranted, a construction assessment would be performed. In the event that construction-related impacts were anticipated they would be disclosed and mitigation measures would be considered.

CONCLUSION

The conceptual analysis considers representative conceptual developments to determine the potential for significant adverse impacts that could result from a development pursuant to the new discretionary actions. Because the potential for significant adverse impacts is dependent on project- and site-specific conditions, it is difficult, in the absence of specific applications, to predict the full scope of potential impacts. As such, it is not possible to predict whether discretionary actions would be pursued on any one site in the future, and each action would require its own ULURP approvals. Any time a discretionary action is applied for, including the CPC Authorization Transit Improvement Bonus, CPC Authorization for Additional Relief or Other

Modifications, and Special Permit for Additional Modifications created under the Proposed Action, it would be subject to its own environmental review. ✷

APPENDIX 1
PROPOSED ZONING TEXT AMENDMENT

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
~~Subway station improvement~~ #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 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#

(2) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions)

(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 34th 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:

District	**Lot Area (in square feet)**
R5 R5D C1-1 C2-1 C3 C4-1 C1-2 C2-2 C4-2 C8-1 C1-3 C2-3 C4-2A C4-3 C7 C8-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	10,000 or less
R6 R7 R8 R9 R10 C1-4 C2-4 C4-4 C4-5D C8-3 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 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	15,000 or less

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 FORSECONDARY 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

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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

	Maximum #Floor Area Ratio# (FAR)				
Means for Achieving Permitted FAR Levels on a #Zoning Lot#	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[1,2]	1.0[1,3]	—	1.0[2]
C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0[1,2,7]	13.0[1,3]	14.0	16.0
D. Maximum ~~Special Permit~~ #Floor Area# Allowances by Authorization:(District-wide Incentives), ~~Subway station improvements - Section 74-634~~ #Mass Transit Station# Improvements – Section 66-51	1.6	2.0[1,6]	2.4[1]	2.8	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 ~~Special Permit~~ #Floor Area# Allowances by Authorization in Penn Center Subdistrict: #Mass Transit ~~Facility~~ Station# Improvement ~~- Section 74-634~~ Section 81-541	—	2.0	—	—	3.0
G. Maximum Total FAR with As-of-Right, District-wide and	—	12.0	—	—	18.0

Penn Center Subdistrict Incentives:					
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[4]	—	—	—
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 landmark - Section 74-711 or as-of-right	8.0	10.0	12.0	14.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes - Section 74-79	8.0	10.0	13.0[5]	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~~
	~~53rd Street/Lexington Avenue~~

~~51st Street/Lexington Avenue-53rd Street~~	
~~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 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#.

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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), ~~Subway station~~ #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 ~~subway station~~ #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).

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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

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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.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT

BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict				Hist-oric & Com m Core	South Street Seaport Subdistrict and all waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4	C5-5	C2-8	C4-6	C6-2A	C5-3	C6-9
Basic maximum FAR	6.02[1] 6.5[3]	10.0[2,3,4]	10.0[4] 15.0[2,3]	2.0[2] 6.5[3]	10.0[4] 15.0[2,3]	2.0[2] 3.4[3] 10.0[4]	3.4[2,3,4]	6.0[2] 6.02[4] 6.5[3]	10.0[4] 15.0[2,3]	15.0
Maximum as-of-right #floor area# bonus for #public plazas#	NA	2.0	3.0	NA	NA	NA	NA	NA	NA	NA
Maximum as-of-right #floor area# bonus for Inclusionary Housing (23-90)	NA	2.0	NA	NA	NA	NA	NA	NA	NA	NA

Maximum FAR with as-of-right #floor area# bonuses	6.02[1] 6.5[3]	12.0	18.0	2.0[2] 6.5[3]	15.0	2.0[2] 3.4[3] 10.0[4]	3.4	6.0[2] 6.02[4] 6.5[3]	15.0	15.0
Maximum ~~special permit~~ #floor area# bonuses by authorization and special permit: ~~subway station~~ #mass transit station# improvements and #covered pedestrian spaces#	NA	2.0	3.0	NA	3.0	~~NA~~ 2.0[8]	NA	NA	~~NA~~ 3.0[8]	~~NA~~ 3.0[8]
Maximum FAR with as-of-right, ~~and/or~~ authorization or special permit #floor area# bonuses	6.02[1] 6.5[3]	12.0	18.0	2.0[2] 6.5[3]	18.0	~~2.0~~ 2.4[2] ~~3.4~~ 4.08[3] ~~10.0~~ 12.0[4]	3.4	6.0[2] 6.02[4] 6.5[3]	~~15.0~~ 18.0	~~15.0~~ 18.0
Development rights (FAR) of a landmark lot for transfer purposes (74-79)	NA	10.0	15.0[5] 18.0[6]	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[7]	21.6[7]
Maximum FAR with transferred development rights from										

landmark #zoning lot# and as-of-right and special permit #floor area# bonuses	6.02[1] 6.5[3]	14.0	21.6	2.4[2] 7.8[3]	21.6	NA	3.4	8.02	21.6[7]	21.6[7]

[1] maximum #floor area ratio# and minimum #open space ratio# shall be determined in accordance with the provisions of Article II, Chapter 3

[2] for a #commercial# or, where permitted, #manufacturing use#

[3] for a #community facility use#

[4] for a #residential use#

[5] if receiving lot is located in a zoning district with a basic maximum FAR of less than 15

[6] if receiving lot is located in a zoning district with a basic maximum FAR of 15

[7] maximum FAR for receiving lots less than 30,000 square feet

[8] 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~~
~~Bowling Green~~	~~Lexington Avenue~~
~~Broad St~~	~~Nassau Street~~
~~Broadway-Nassau Street~~	~~8th Avenue~~
~~Fulton Street~~	~~Nassau Street/Broadway-7th Ave/ Lexington Ave~~
~~Brooklyn Bridge-City Hall~~	~~Lexington Avenue~~
~~Chambers Street~~	~~Nassau Street~~
~~Chambers Street~~	~~Broadway-7th Avenue~~
~~Chambers Street~~	~~8th Avenue~~
~~Park Place~~	~~Broadway-7th Avenue~~
~~World Trade Center~~	~~8th Avenue~~
~~City Hall~~	~~Broadway-60th Street~~
~~Cortlandt Street-WTC~~	~~Broadway-7th Avenue~~
~~Cortlandt Street~~	~~Broadway-60th Street~~
~~Rector Street~~	~~Broadway-7th Avenue~~
~~Rector Street~~	~~Broadway-60th Street~~
~~Wall Street~~	~~Broadway-7th Avenue~~
~~Wall Street~~	~~Lexington Avenue~~
~~Whitehall Street-South Ferry~~	~~Broadway-7th Avenue/ Broadway-60th Street~~

~~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

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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

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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

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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

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113-00
GENERAL PURPOSES

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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

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114-00
GENERAL PURPOSES

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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

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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

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116-00
GENERAL PURPOSES

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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.

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117-50
QUEENS PLAZA SUBDISTRICT

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117-52
Queens Plaza Subdistrict Special Bulk Regulations

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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

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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

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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.

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121-40
SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2

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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

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122-00
GENERAL PURPOSES

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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

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125-00
GENERAL PURPOSES

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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

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128-00
GENERAL PURPOSES

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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.

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ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

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Chapter 1
Special Coney Island District

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131-00
GENERAL PURPOSES

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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).

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Chapter 5
Special Bay Street Corridor District

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135-00
GENERAL PURPOSES

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135-04
Applicability

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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

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136-00
GENERAL PURPOSES

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136-01
General Provisions

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

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

* * *

Chapter 7
Special Coastal Risk District

* * *

137-10
GENERAL PURPOSES

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

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

* * *

Chapter 8
Special East Harlem Corridors District

138-00
GENERAL PURPOSES

* * *

138-01
General Provisions

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

* * *

138-20
SPECIAL BULK REGULATIONS

* * *

138-21
Floor Area Regulations

* * *

138-211
Special floor area regulations

* * *

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

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

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

* * *

ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Jerome Corridor District

141-00
GENERAL PURPOSES

* * *

141-01
General Provisions

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

* * *

Chapter 2
Special Inwood District

142-00
GENERAL PURPOSES

* * *

142-01
General Provisions

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

* * *

142-09
Off-street Relocation of Subway Station Entrances

For all #developments# or #enlargements# involving ground floor level construction on a #zoning lot# that is wholly or partially located within a Transit Easement Zone, as shown on Map 3 (Special Inwood District – Transit Easement Zones) in the Appendix to this Chapter, a transit easement volume may be ~~required~~ needed on such #zoning lot# for public access between the #street# and the adjacent above- or below-grade subway station, pursuant to the provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES). Such #zoning lots# that are wholly or partially within a Transit Easement Zone shall be considered a #primary transit-adjacent site#, as defined in Section 66-11 (Definitions).

~~(a) Transit Easement~~

~~Prior to filing any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) and the Chairperson of the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.~~

~~Within 60 days of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure to~~

~~certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.~~

~~When the MTA and the Chairperson indicate that a transit easement volume is required, the MTA shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.~~

~~The owner shall submit a site plan showing a proposed location of such transit easement volume that would provide access between the #street# and the adjacent subway station and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.~~

~~Legally enforceable instruments, running with the land, creating a transit easement volume, and setting forth the obligations of either the MTA or the owner and developer, their successors and assigns, to design and construct the improvement, shall be executed and recorded in a form acceptable to the MTA and the Chairperson. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.~~

~~(b) Construction and Maintenance~~

~~Where a transit easement volume is required pursuant to this Section, transit access improvements within such volume shall be constructed and maintained either by the MTA or the owner of the #zoning lot# with the #development# or #enlargement#.~~

~~(1) Where such mass transit improvement is constructed and maintained by the owner of the #development # or #enlargement#:~~

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

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

~~(iii) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and~~

(iv) no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvement is substantially complete and usable by the public.

(2) Where such mass transit improvement is constructed and maintained by the MTA:

(i) Where the construction of the improvement is not contemporaneous with the construction of the #development# or #enlargement#, any underground walls constructed along the #front lot line# adjacent to a below-grade subway station shall include a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA.

(ii) Temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume.

(iii) In the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

(c) Additional modifications

Where a transit easement volume is required pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall certify the following modifications in conjunction with such transit easement volume certification:

(1) the edge of the transit easement volume facing the #street# shall be considered a #street wall# for the purposes of applying the #street wall# location provisions set forth in Section 142-40 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, irrespective of whether such volume is incorporated into a #building#;

(2) for #zoning lots# adjacent to a below-grade subway station, the maximum height for the #building# set forth in Section 142-40, inclusive, shall be increased by 10 feet, and the maximum number of #stories#, if applicable, shall be increased by one, except where the provisions of Section 142-48 (Special Regulations for Certain Sites in Subdistricts C and F) are being utilized;

(3) the floor space contained within any transit easement volume required pursuant to this Section shall be excluded from the definition of #floor area#; and

(4) the street frontage of such transit easement volume shall be excluded for the purpose of applying the provisions of Section 142-14 (Ground Floor Level Requirements).

(d) Temporary Use

Any easement volume required on a #zoning lot# pursuant to paragraph (a) of this Section may be temporarily used for any permitted #commercial# or #community facility uses# until such time as required by the MTA for transit access improvements. The floor space allocated to such temporary #uses# within the transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.

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

(e) Termination of an easement volume

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

On any #zoning lot# which has been #developed# or #enlarged# in accordance with the provisions of this Section and on which termination of transit easement has been certified, pursuant to this paragraph, any floor space in a previously required transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously required volume is located within a #building#, the ground floor space shall be subject to the provisions of Section 142-14.

APPENDIX 2
WATERFRONT REVITALIZATION PROGRAM (WRP) FORM

FOR INTERNAL USE ONLY	WRP No. _____
Date Received: _____	DOS No. _____

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: Metropolitan Transportation Authority and New York City Department of City Planning

Name of Applicant Representative: Frank Ruchala Jr., Director of Zoning Division, DCP

Address: 120 Broadway, 31st Floor

Telephone: 212-720-3436 Email: fruchal@planning.nyc.gov

Project site owner (if different than above): N/A - Proposed Action is Citywide with broad applicability

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The Metropolitan Transportation Authority (MTA) together with the New York City Department of City Planning (DCP) is proposing a zoning text amendment (the "Proposed Action") in the New York City Zoning Resolution (ZR) to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement (the "System-wide Easement Requirement"), that would require developments on lots over 5,000 sf within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related transit agency on whether a transit easement volume is needed on site for future station access. This requirement would be accompanied by targeted zoning relief to minimize potential construction and design challenges. In addition, an optional Chair Certification would be created to facilitate the provision of a transit easement volume on other sites not subject to the requirement.

See Attachment A, "Project Description," for more details.

2. Purpose of activity

The Proposed Action would provide a citywide zoning framework that would create additional opportunities for providing accessibility improvements by aligning them with private development near station areas. The proposed transit easement certification would expand an existing process where developers of station-adjacent properties in certain areas are required to consult with MTA and DCP to determine whether an easement should be provided on the lot to facilitate station access improvements. Expanding this mechanism to a citywide scale would increase the rate and breadth at which these improvements and easement volumes are being provided within the transit system. Similarly, the proposed expansion of the transit improvement bonus to all high density throughout the city would further accelerate transit improvements to stations in higher use areas by incentivizing developers to provide substantial transit station improvements in exchange for a significant FAR bonus and other zoning related waivers.

C. PROJECT LOCATION

Borough: All Tax Block/Lot(s): Generic Action

Street Address: N/A

Name of water body (if located on the waterfront): All - See Figures 2-1a through 2-1q

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

- ☐ City Map Amendment
- ☐ Zoning Map Amendment
- ☑ Zoning Text Amendment
- ☐ Site Selection – Public Facility
- ☐ Housing Plan & Project
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____
- ☐ Zoning Certification
- ☐ Zoning Authorizations
- ☐ Acquisition – Real Property
- ☐ Disposition – Real Property
- ☐ Other, explain: _____
- ☐ Concession
- ☐ UDAAP
- ☐ Revocable Consent
- ☐ Franchise

Board of Standards and Appeals ☐ Yes ☑ No

- ☐ Variance (use)
- ☐ Variance (bulk)
- ☐ Special Permit
  (if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

Other City Approvals

- ☐ Legislation
- ☐ Rulemaking
- ☐ Construction of Public Facilities
- ☐ 384 (b) (4) Approval
- ☐ Other, explain: _____
- ☐ Funding for Construction, specify: _____
- ☐ Policy or Plan, specify: _____
- ☐ Funding of Program, specify: _____
- ☐ Permits, specify: _____

State Actions/Approvals/Funding

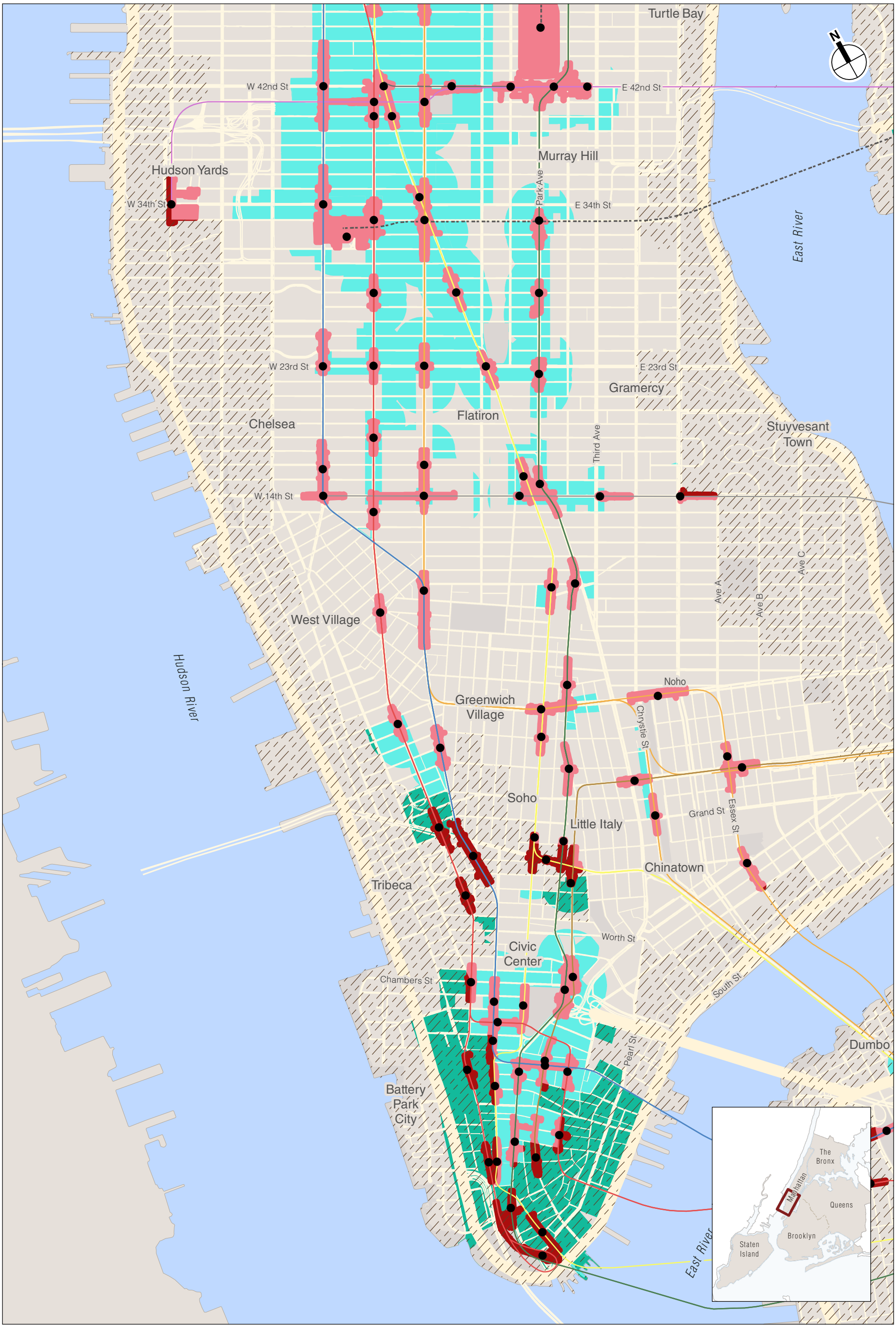
- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Federal Actions/Approvals/Funding

- ☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

3.30.21



Source: NYCDCP / AKRF, Inc.

0 1,000 Feet

- MTA STation with Affected Lots
- Coastal Zone
- Easement Certification Area - Inside Coastal Zone
- Easement Certification Area - Outside Coastal Zone
- Transit Improvement Bonus Area - Inside Coastal Zone
- Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1a

3.30.21

High Bridge
Concourse Village
Melrose
3rd Ave
Tinton Ave
St Anns Ave
W 155th St
River Ave
Convent Ave
W 145th St
Hamilton Heights
Harlem River
Willis Ave
E 138th St
Mott Haven
Central Harlem
W 135th St
Frederick Douglass Blvd
Hudson River
W 125th St
E 125th St
Bronx Kill
Amsterdam Ave
W 116th St
E 116th St
Manhattan Ave
Harlem Meer
East Harlem
E 106th St
Manhattan Valley
West End Ave
Third Av
East River
W 96th St
E 96th St
Reservoir
Carnegie Hill
Second Av
The Bronx
Manhattan
Queens
Brooklyn
Staten Island

Source: NYCDCP / AKRF, Inc.

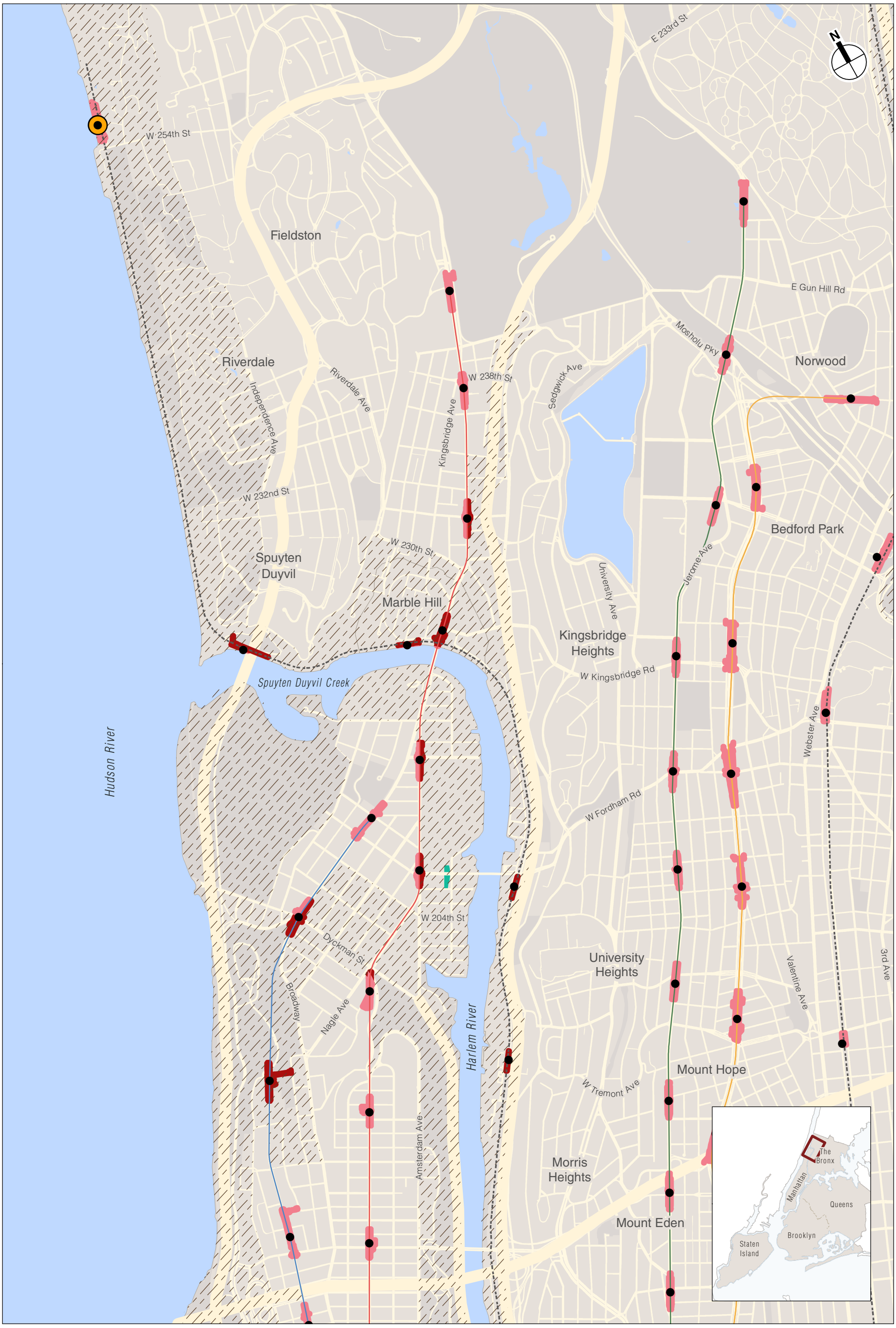
0 1,000 Feet

- MTA STation with Affected Lots
- Coastal Zone
- Easement Certification Area - Inside Coastal Zone
- Easement Certification Area - Outside Coastal Zone
- Transit Improvement Bonus Area - Inside Coastal Zone
- Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1b

3.30.21

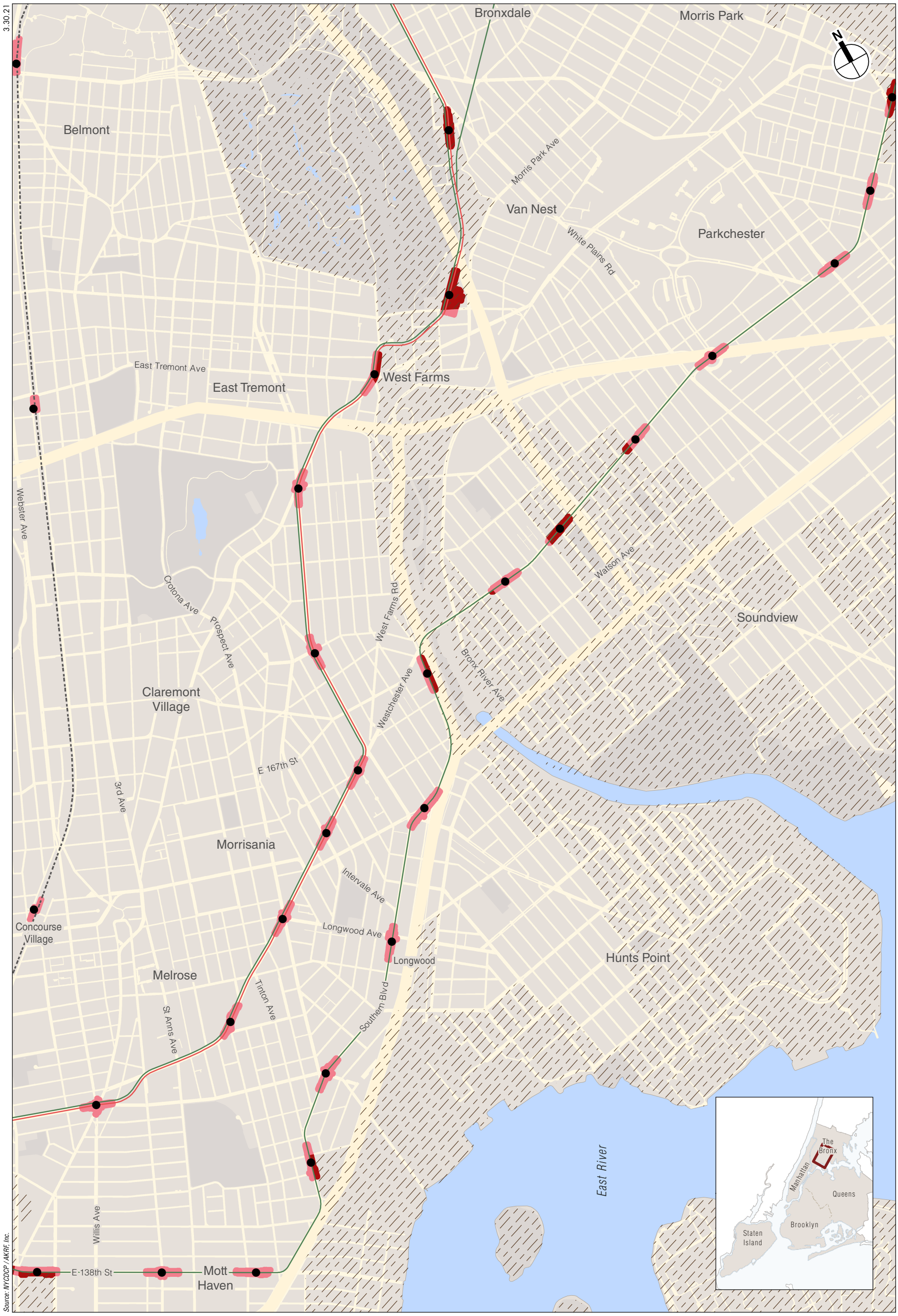


Source: NYCDCP / AKRF, Inc.

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1c

3.30.21



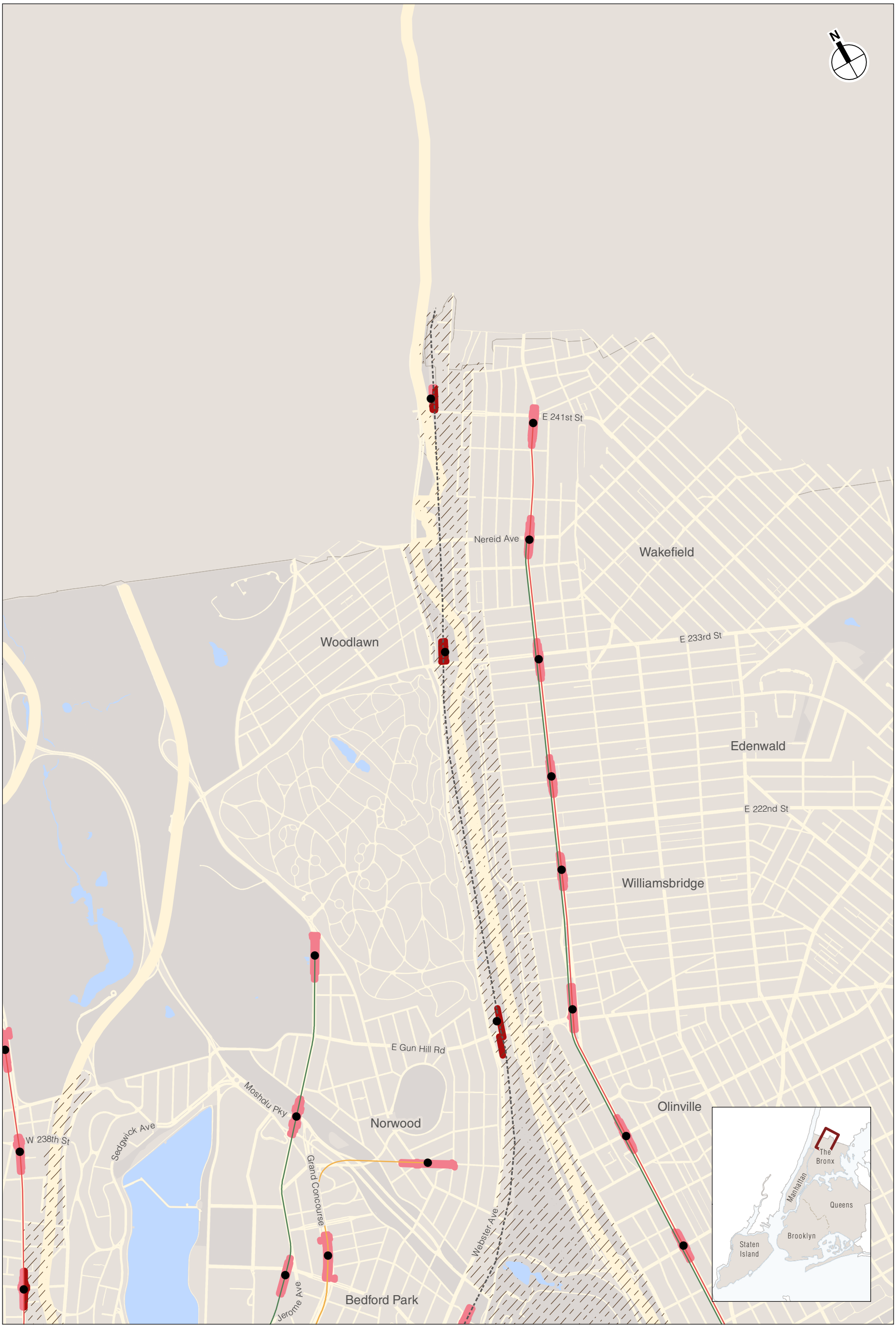
Source: NYCDCP / AKRF, Inc.

- MTA STation with Affected Lots
- Coastal Zone
- Easement Certification Area - Inside Coastal Zone
- Easement Certification Area - Outside Coastal Zone
- Transit Improvement Bonus Area - Inside Coastal Zone
- Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1d

3.30.21

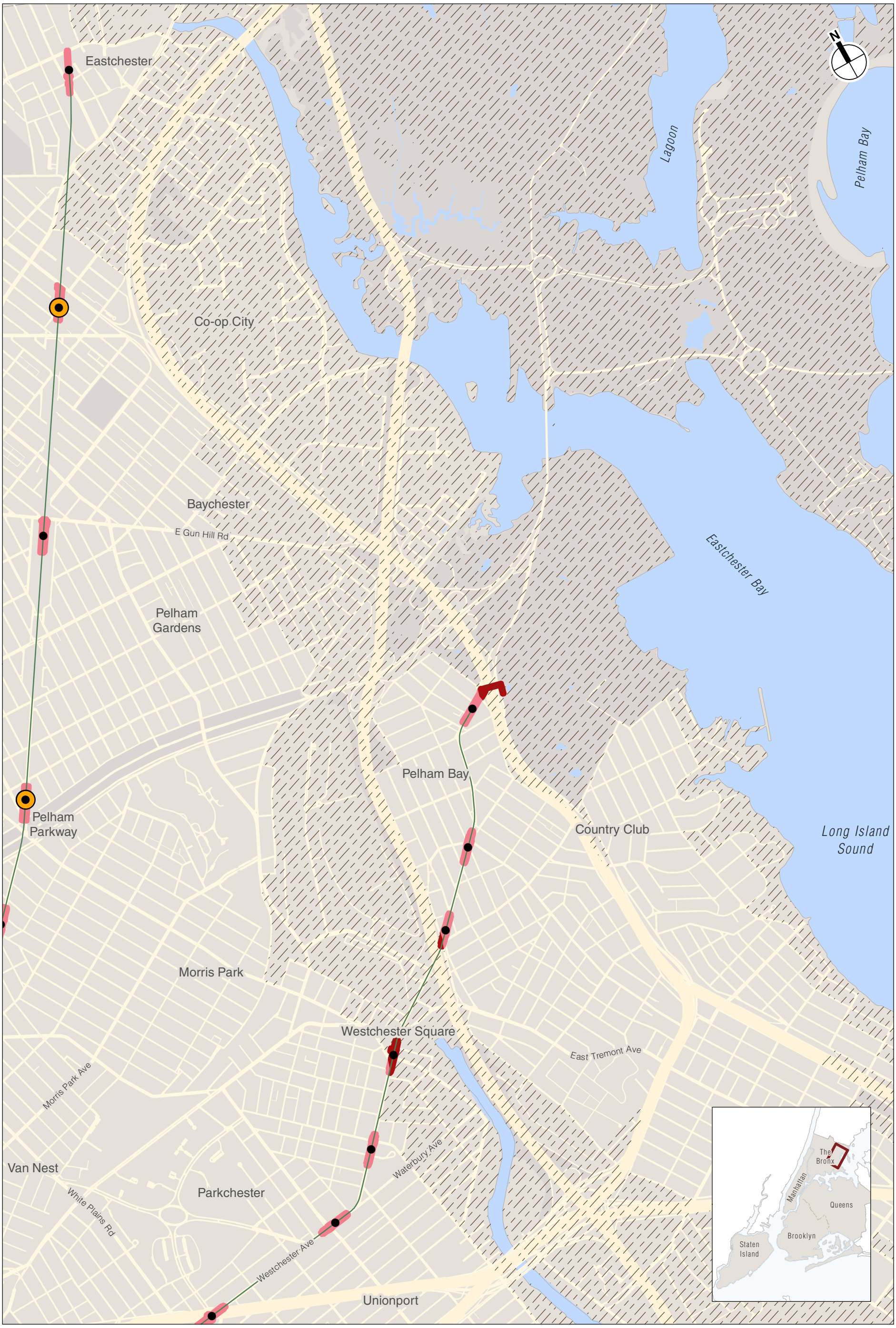


- MTA STation with Affected Lots
- Coastal Zone
- Easement Certification Area - Inside Coastal Zone
- Easement Certification Area - Outside Coastal Zone
- Transit Improvement Bonus Area - Inside Coastal Zone
- Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1e

3.30.21



Source: NYCDCP / AKRF, Inc.

● MTA STation with Affected Lots

◉ MTA Station with No Affected Lots

Coastal Zone

0 1,000 Feet

Easement Certification Area - Inside Coastal Zone

Easement Certification Area - Outside Coastal Zone

Transit Improvement Bonus Area - Inside Coastal Zone

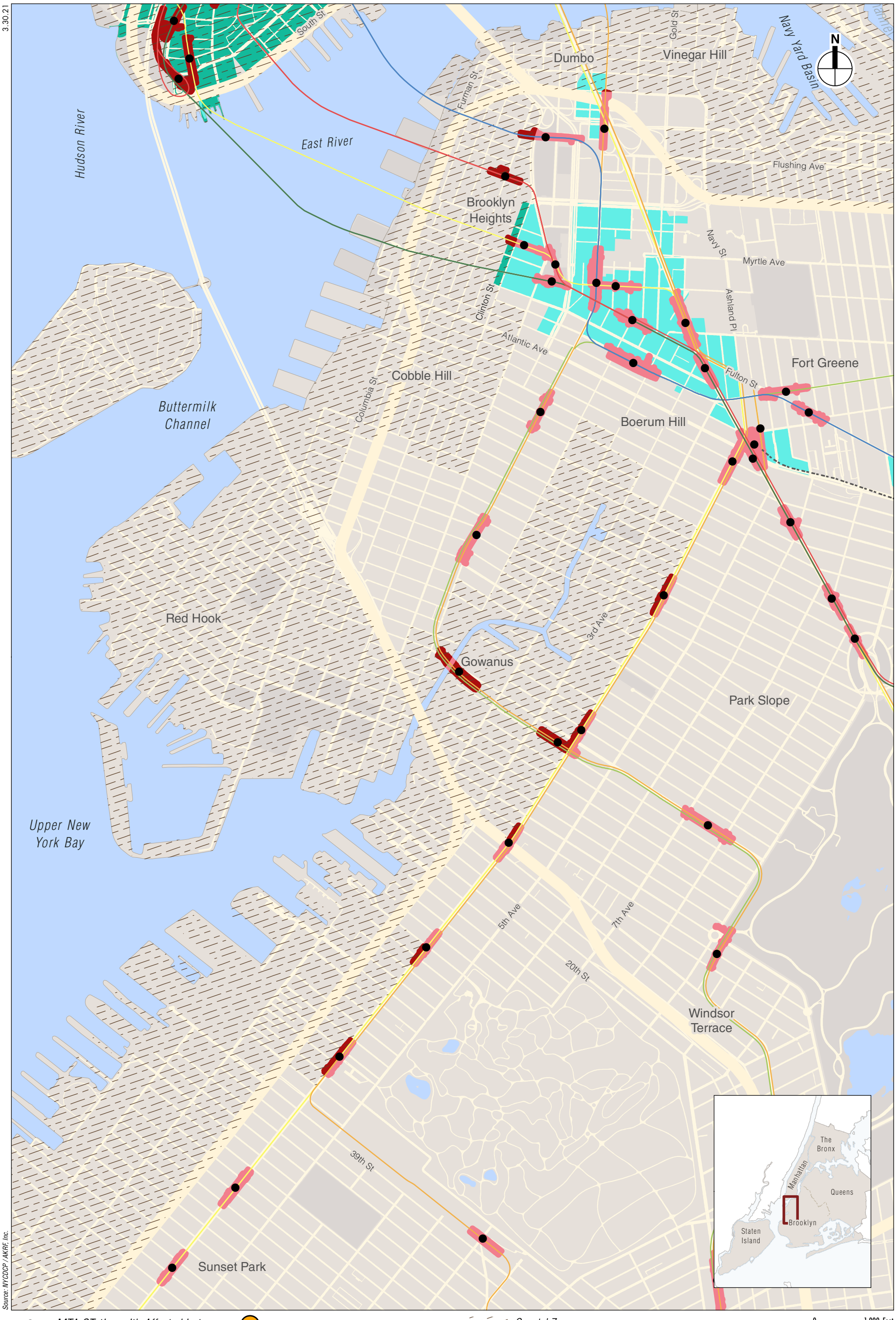
Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary

Figure 2-1f

3.30.21



Source: NYCDCP / AKRF, Inc.

- MTA STation with Affected Lots
- MTA Station with No Affected Lots
- Coastal Zone

0 1,000 Feet

- Easement Certification Area - Inside Coastal Zone
- Easement Certification Area - Outside Coastal Zone
- Transit Improvement Bonus Area - Inside Coastal Zone
- Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1g

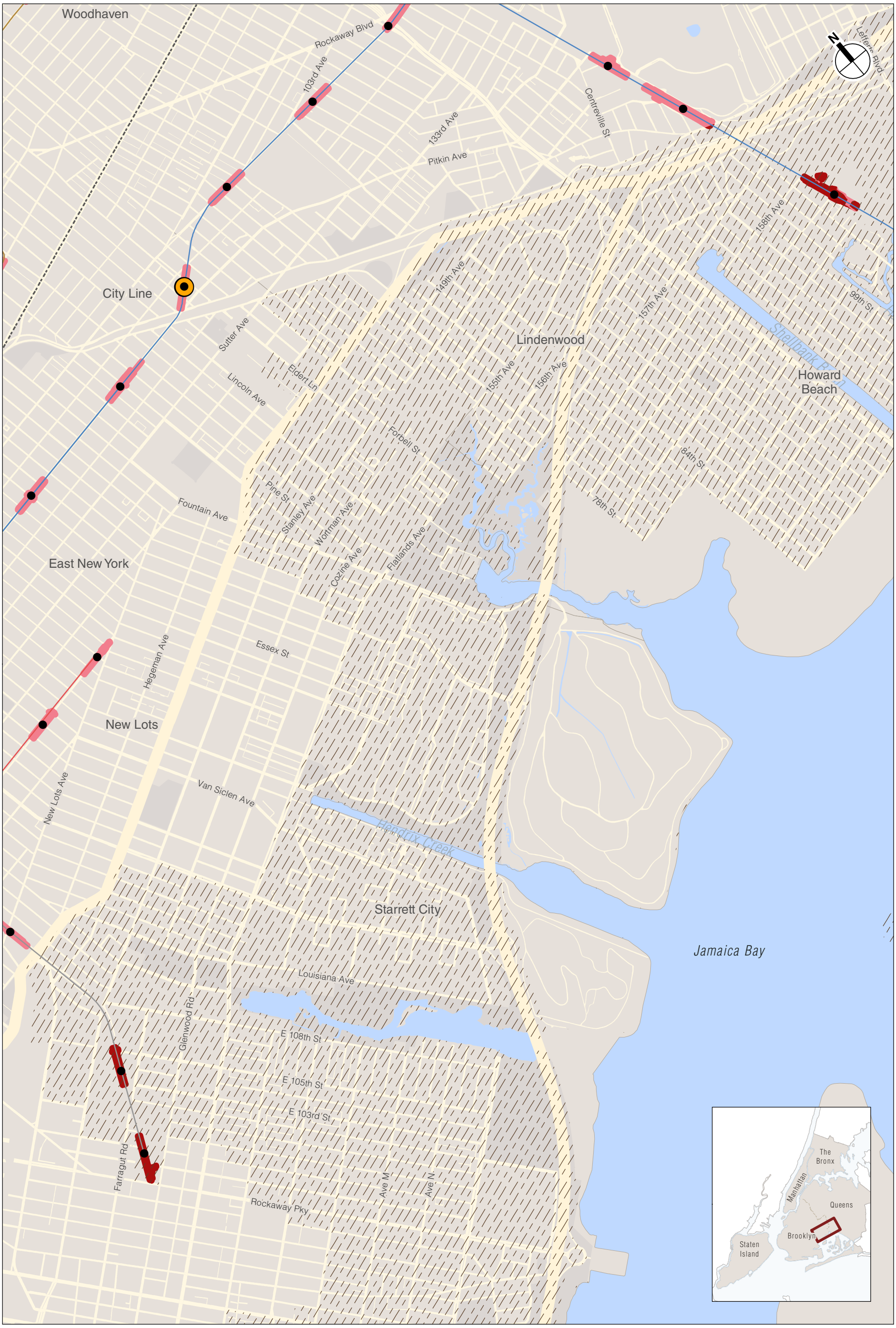
3.30.21



ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1h

3.30.21



Source: NYCDCP / AKRF, Inc.

- MTA STation with Affected Lots
- MTA Station with No Affected Lots
- Coastal Zone

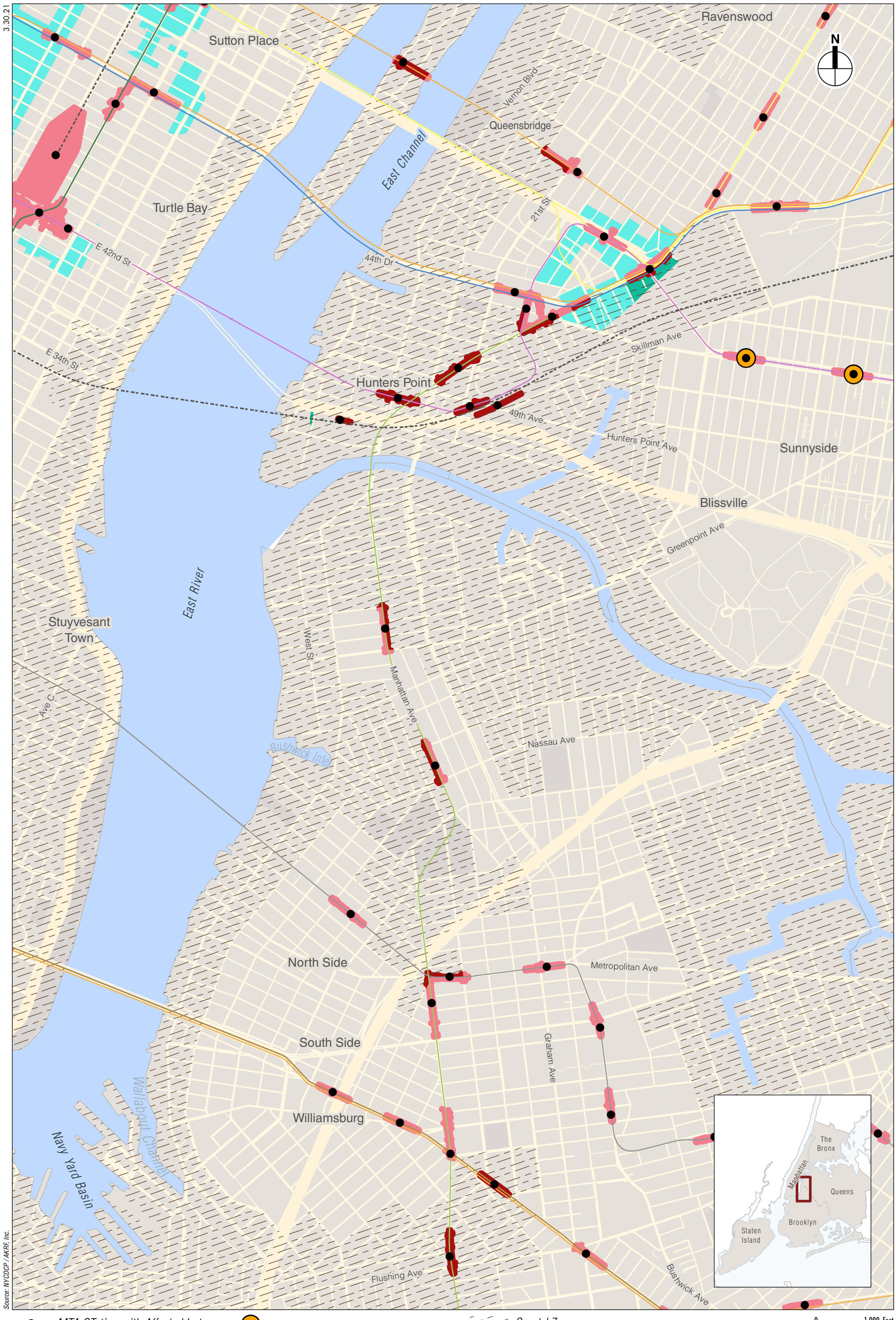
0 1,000 Feet

- Easement Certification Area - Inside Coastal Zone
- Easement Certification Area - Outside Coastal Zone
- Transit Improvement Bonus Area - Inside Coastal Zone
- Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1i

3.30.21



ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1j

3.30.21

East River
Flushing
Murray Hill
Northern Blvd
North Corona
114th St
Roosevelt Ave
Kissena Blvd
Union St
Main St
Holly Ave
43rd Ave
111th St
Oak Ave
Queensboro Hill
Booth Memorial Ave
153rd St
Corona
Corona Ave
Meadow Lake Dr
63rd Ave
64th Ave
108th St
Lefrak City
102nd St
99th St
Jewel Ave
136th St
70th Rd
Rego Park
Forest Hills
72nd Ave
141st St
150th St
73rd Ave
137th St
Kew Gardens Hills
147th St
Yellowstone Blvd
72nd Rd
68th Ave
Forest Hills Gardens
Austin St
Lefferts Blvd
Kew Gardens
N
The Bronx
Manhattan
Queens
Brooklyn
Staten Island

Source: NYCDCP / AKRF, Inc.

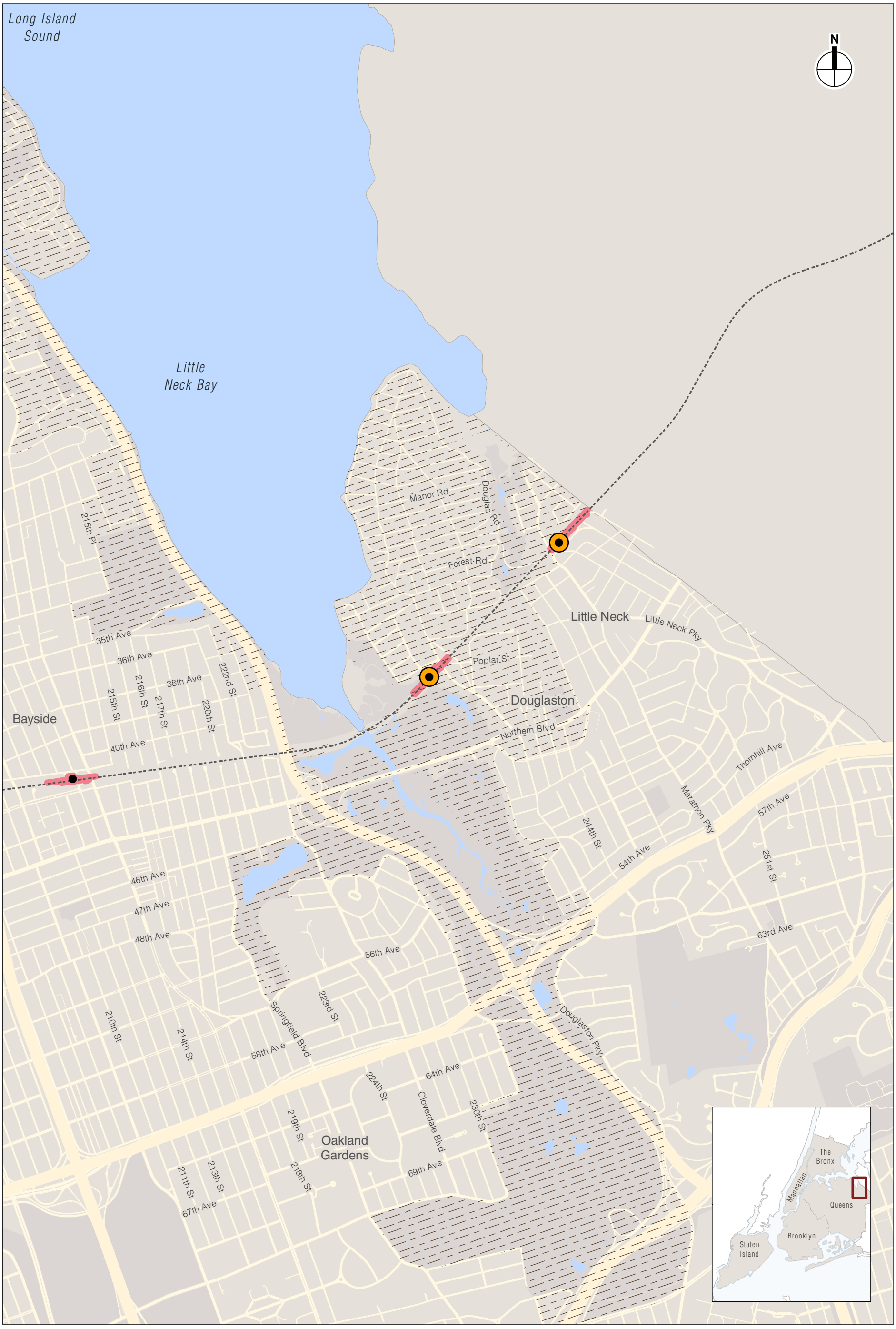
MTA STation with Affected Lots
MTA Station with No Affected Lots
Coastal Zone
0 1,000 Feet

Easement Certification Area - Inside Coastal Zone
Easement Certification Area - Outside Coastal Zone
Transit Improvement Bonus Area - Inside Coastal Zone
Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1k

3.30.21



Source: NYCDCP / AKRF, Inc.

- MTA STation with Affected Lots
- MTA Station with No Affected Lots
- Coastal Zone

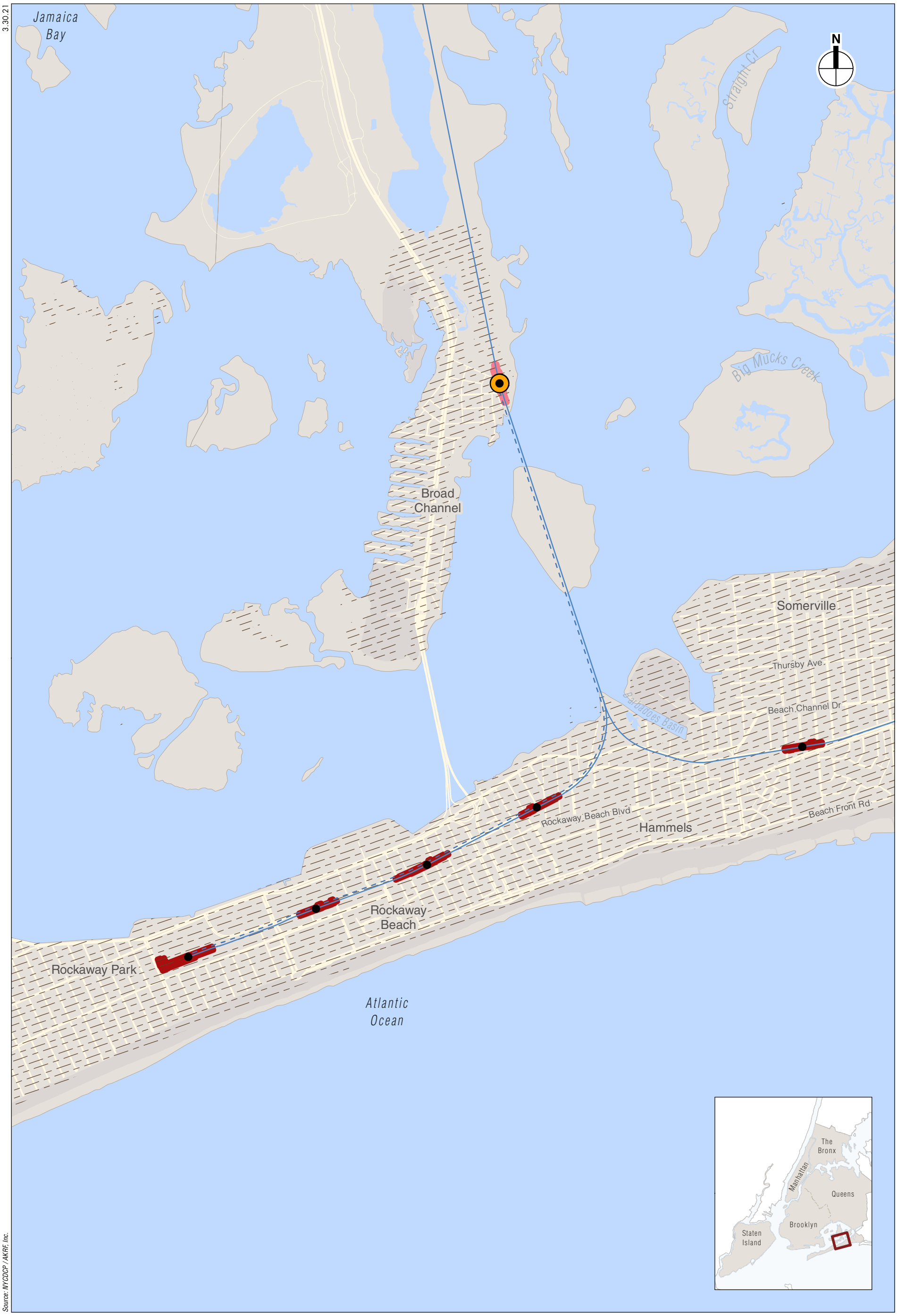
0 1,000 Feet

- Easement Certification Area - Inside Coastal Zone
- Easement Certification Area - Outside Coastal Zone
- Transit Improvement Bonus Area - Inside Coastal Zone
- Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1I

3.30.21



Source: NYCDCP / AKRF, Inc.

● MTA STation with Affected Lots

◉ MTA Station with No Affected Lots

Coastal Zone

0 1,000 Feet

Easement Certification Area - Inside Coastal Zone

Easement Certification Area - Outside Coastal Zone

Transit Improvement Bonus Area - Inside Coastal Zone

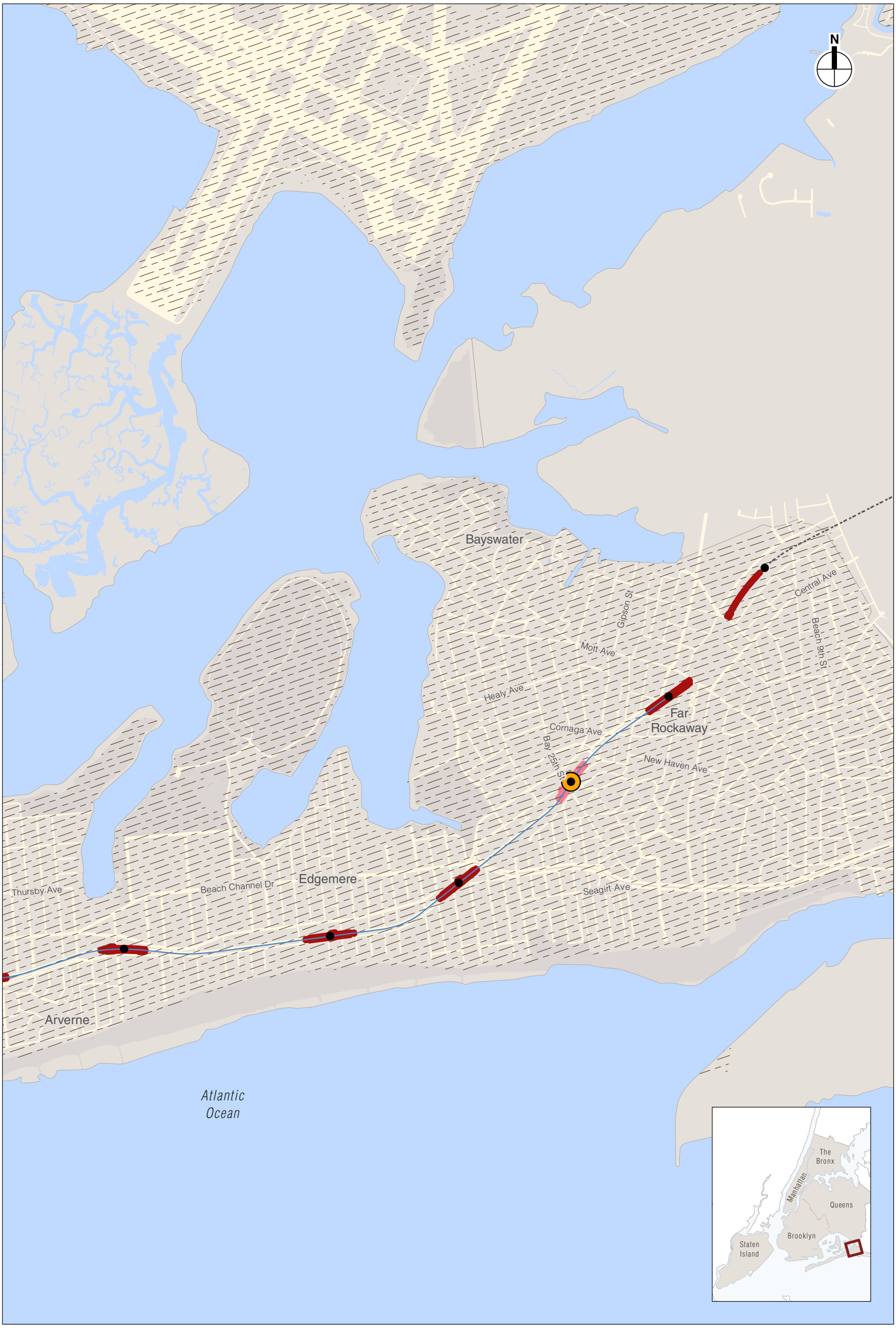
Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary

Figure 2-1m

3.30.21



ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1n

3.30.21

Kill Van Kull
Richmond Ter
St. George
Henderson Ave
New Brighton
Tompkinsville
Randall Manor
West Brighton
Upper New York Bay
Stapleton
Grymes Hill
Bay St
Vanderbilt Ave
Tompkins Ave
Clifton
Silver Lake
Fox Hills
Victory Blvd
Rosebank
Sunnyside
Shore Acres
Park Hill
Fingerboard Rd
Emerson Hill
Clove Rd
Mosel Ave
Concord
W Fingerboard Rd
Grasmere
Todt Hill
Richmond Rd
Mc Clean Ave
Arrochar
The Bronx
Manhattan
Queens
Brooklyn
Staten Island

Source: NYCDCP / AKRF, Inc.

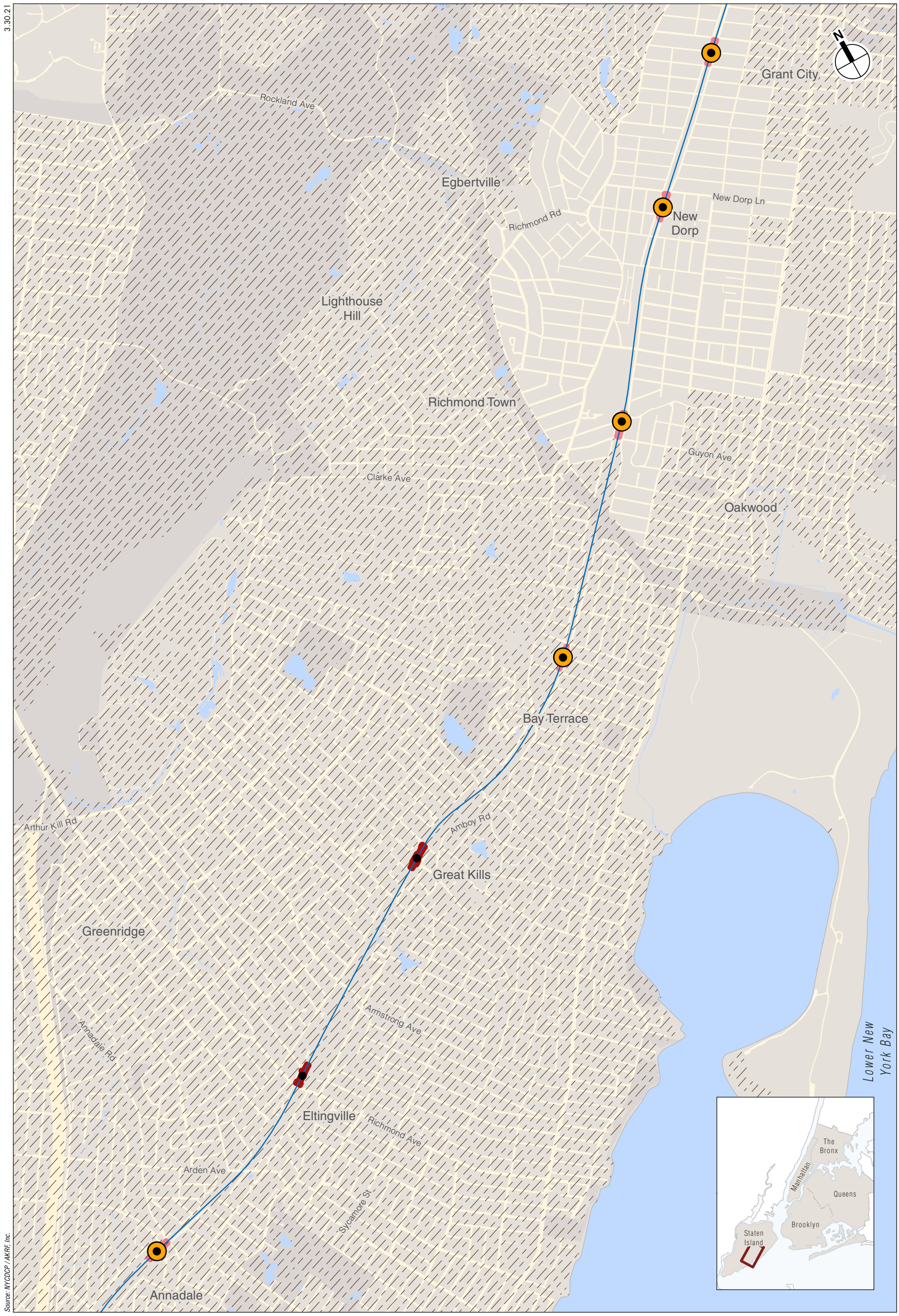
MTA STation with Affected Lots
MTA Station with No Affected Lots
Coastal Zone
0 1,000 Feet

Easement Certification Area - Inside Coastal Zone
Easement Certification Area - Outside Coastal Zone
Transit Improvement Bonus Area - Inside Coastal Zone
Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1o

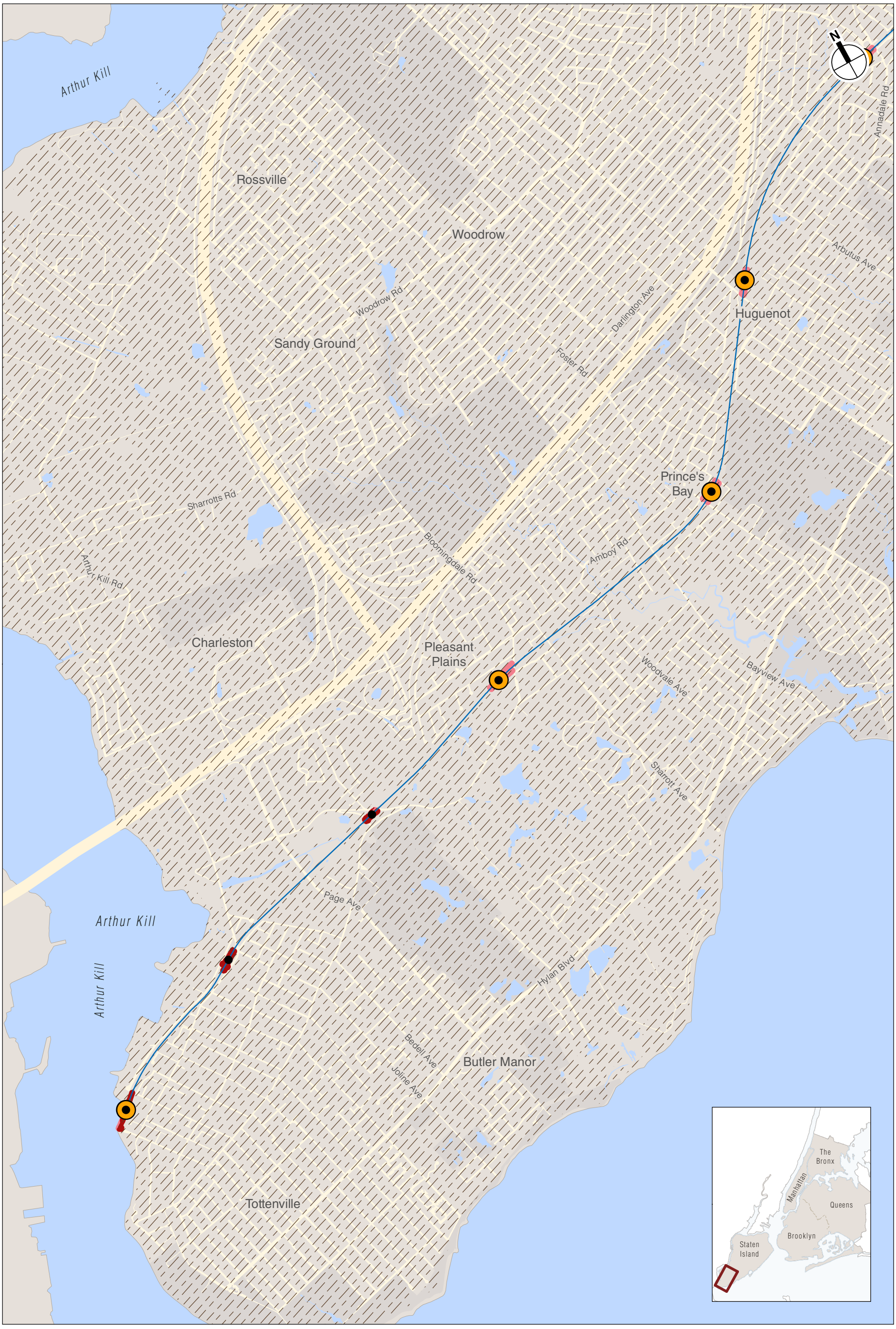
3.30.21



ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary
Figure 2-1p

3.30.21



Source: NYCDCP / AKRF, Inc.

● MTA STation with Affected Lots

◉ MTA Station with No Affected Lots

Coastal Zone

0 1,000 Feet

Easement Certification Area - Inside Coastal Zone

Easement Certification Area - Outside Coastal Zone

Transit Improvement Bonus Area - Inside Coastal Zone

Transit Improvement Bonus Area - Outside Coastal Zone

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Coastal Zone Boundary

Figure 2-1q

E. LOCATION QUESTIONS

1.	Does the project require a waterfront site?	☐ Yes	☑ No
2.	Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters?	☐ Yes	☑ No
3.	Is the project located on publicly owned land or receiving public assistance?	☐ Yes	☑ No
4.	Is the project located within a FEMA 1% annual chance floodplain? *(6.2)*	☑ Yes	☐ No
5.	Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)*	☑ Yes	☐ No
6.	Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).*	☑ Yes	☐ No

- ☑ Significant Maritime and Industrial Area (SMIA) (*2.1*)
- ☑ Special Natural Waterfront Area (SNWA) (*4.1*)
- ☑ Priority Martine Activity Zone (PMAZ) (*3.5*)
- ☑ Recognized Ecological Complex (REC) (*4.4*)
- ☑ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

For those policies checked Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

		Promote	Hinder	N/A
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☐	☐	☑
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☑	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☑
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	☑	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☐	☐	☑
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☐	☐	☐
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☐
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☐	☐	☐
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☐
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	☐	☐	☐
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☑
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☐
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☐
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☐
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☐
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☐
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☐	☐	☑
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☑
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☑
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☐	☐	☑
4.5	Protect and restore tidal and freshwater wetlands.	☐	☐	☑
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	☐	☐	☑
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	☐	☐	☑
4.8	Maintain and protect living aquatic resources.	☐	☐	☑

		Promote	Hinder	N/A
5	**Protect and improve water quality in the New York City coastal area.**	☑	☐	☐
5.1	Manage direct or indirect discharges to waterbodies.	☑	☐	☐
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	☐	☐	☑
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	☐	☐	☑
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	☐	☐	☑
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	☐	☐	☑
6	**Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.**	☑	☐	☐
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	☑	☐	☐
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone.	☑	☐	☐
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	☐	☐	☑
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	☐	☐	☑
7	**Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.**	☑	☐	☐
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	☑	☐	☐
7.2	Prevent and remediate discharge of petroleum products.	☑	☐	☐
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	☐	☐	☑
8	**Provide public access to, from, and along New York City's coastal waters.**	☑	☐	☐
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	☑	☐	☐
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	☑	☐	☐
8.3	Provide visual access to the waterfront where physically practical.	☑	☐	☐
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	☐	☐	☑

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	☐	☐	☑
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☑
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☑	☐	☐
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☑	☐	☐
9.2	Protect and enhance scenic values associated with natural resources.	☑	☐	☐
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☑	☐	☐
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☑	☐	☐
10.2	Protect and preserve archaeological resources and artifacts.	☑	☐	☐

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Noah Bernstein, AICP / AKRF, Inc.

Address: 440 Park Avenue South, 7th Floor New York, NY 10016

Telephone: (646) 522-6277 Email: nbernstein@akrf.com

Applicant/Agent's Signature: 

Date: 3/30/2021

APPENDIX 3
CONCEPTUAL ANALYSIS
SHADOWS AND AIR QUALITY FIGURES



Conceptual Analysis Site 1
March 21 7:45 AM



Conceptual Analysis Site 1
December 21 9:15 AM

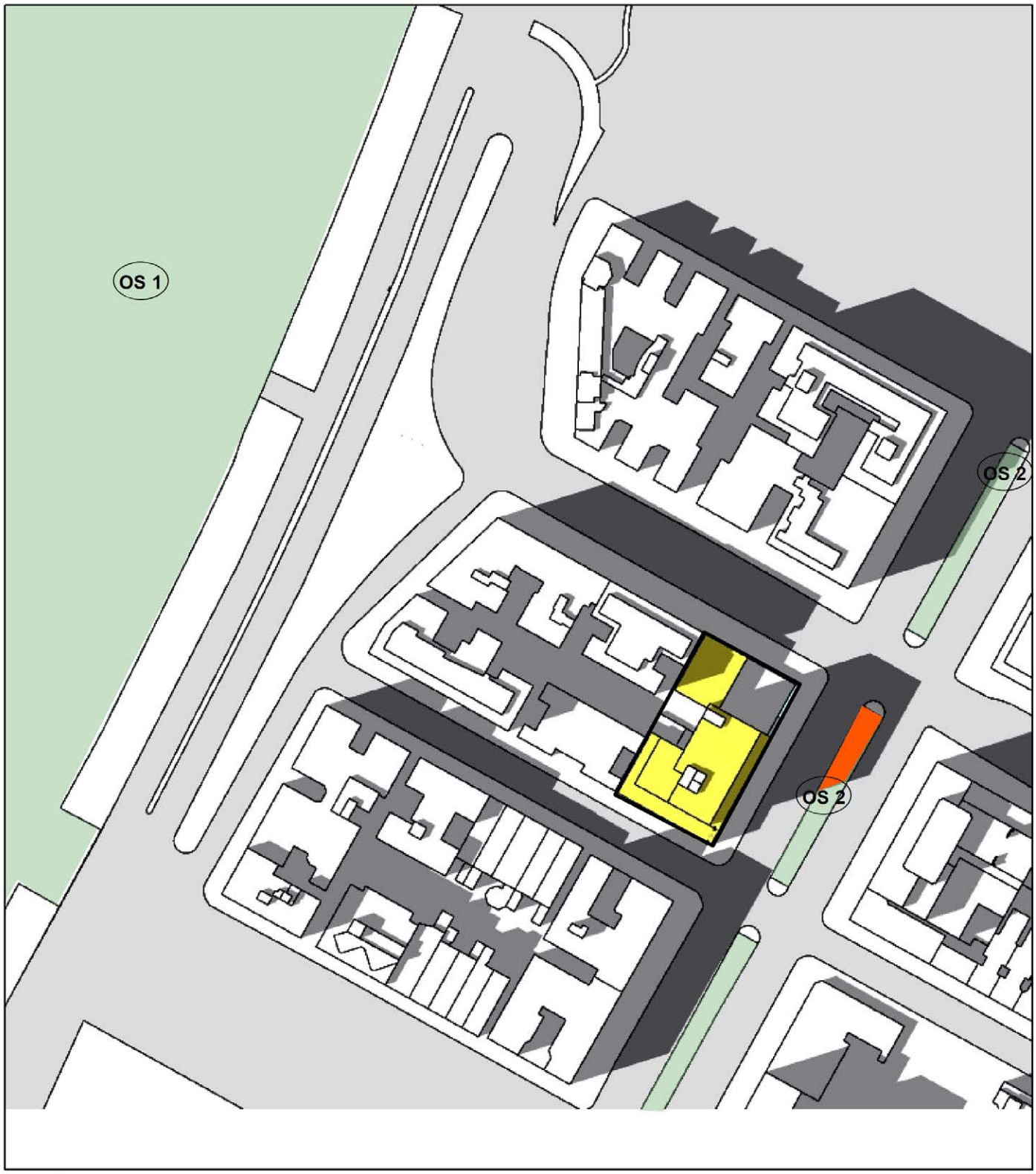
Figure 3-2



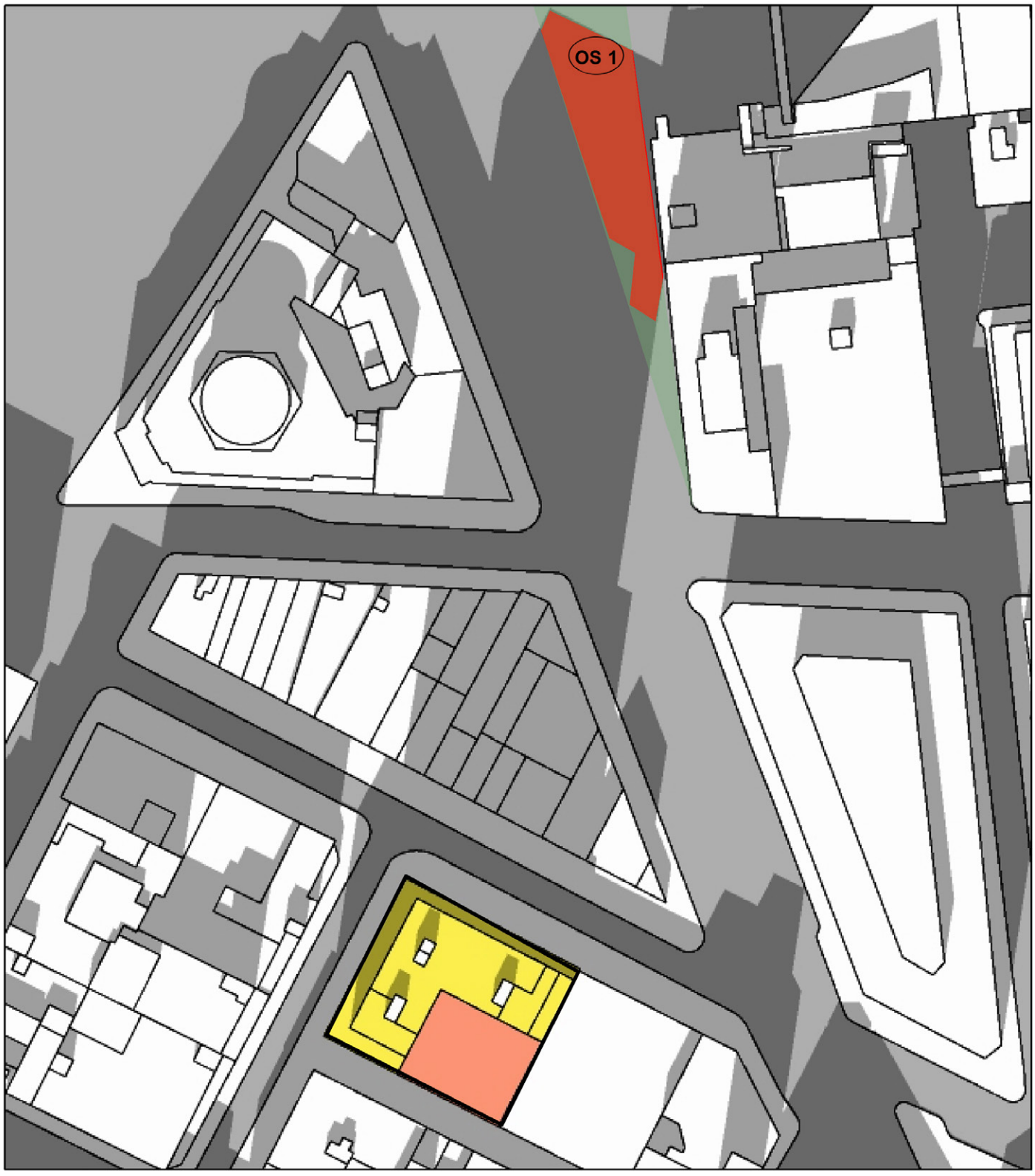
Conceptual Analysis Site 1
March 21 3:00 PM



Conceptual Analysis Site 1
May 6 2:30 PM

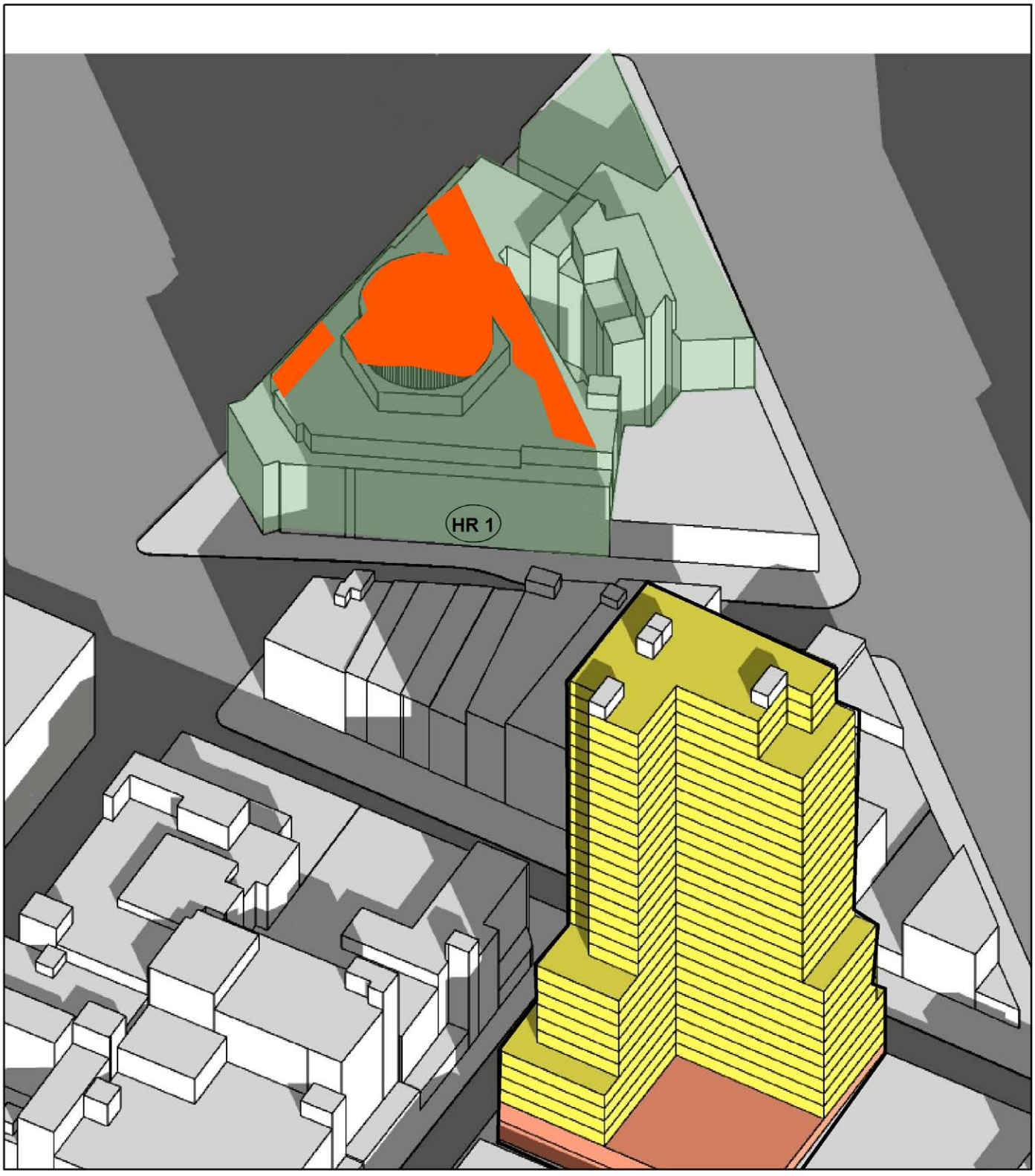


Conceptual Analysis Site 1
June 21 2:30 PM



Conceptual Analysis Site 2
December 21 12:30 PM

3.9.21



Source: WSP

Incremental shadow on sunlight sensitive resource

HR 1 Sunlight sensitive resource

Development Site

Conceptual Analysis Site 2
December 21 10:30 AM

3.9.21



Source: WSP

Incremental shadow on sunlight sensitive resource

OS 1 Sunlight sensitive resource

Development Site

Conceptual Analysis Site 3
March 21 3:15 PM

3.9.21



Source: WSP

Incremental shadow on sunlight sensitive resource

OS 1 Sunlight sensitive resource

Development Site

Conceptual Analysis Site 3
May 6 3:15 PM

3.9.21



Source: WSP

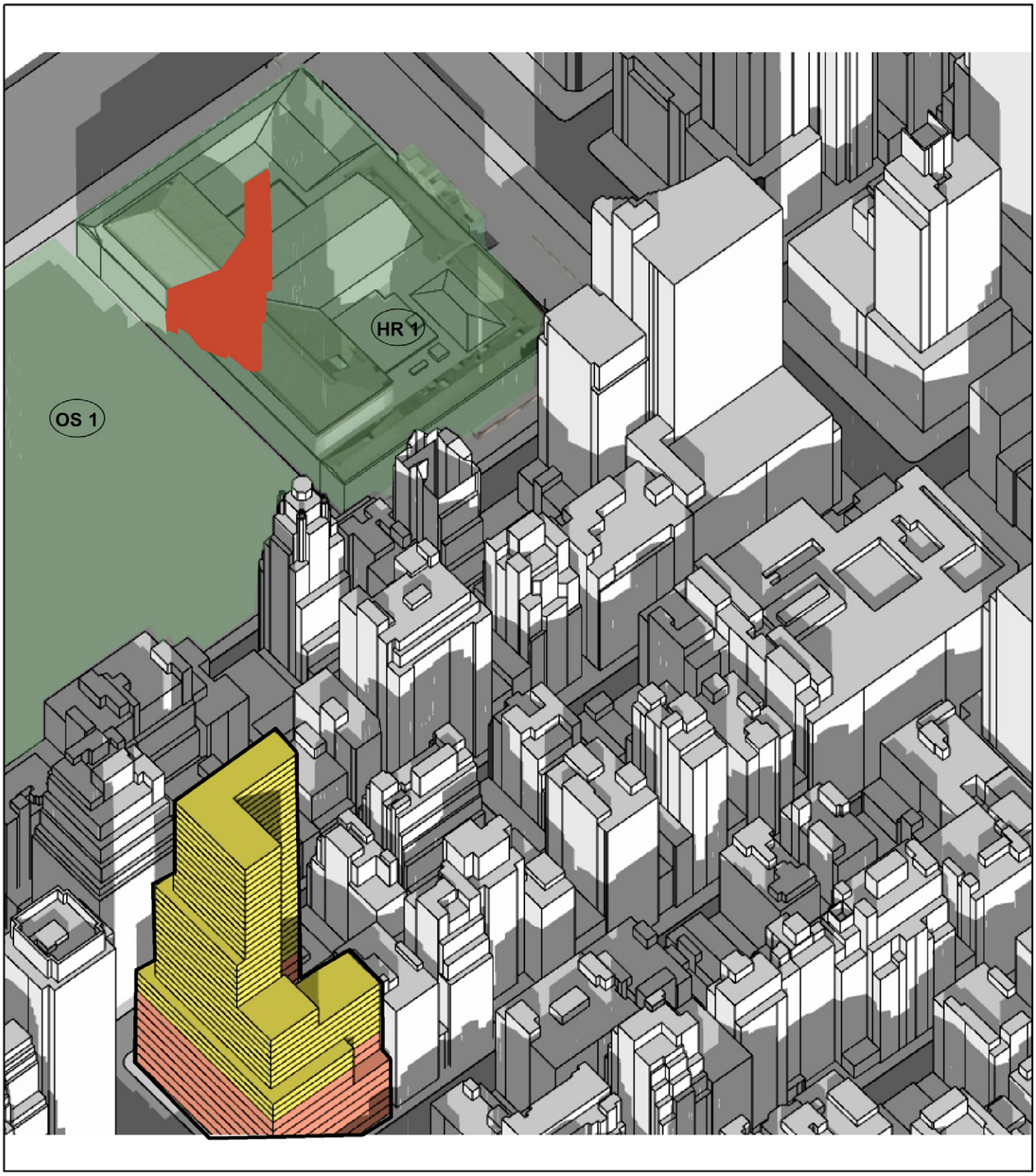
Incremental shadow on sunlight sensitive resource

OS 1 Sunlight sensitive resource

Development Site

Conceptual Analysis Site 3
December 21 1:10 PM

3.9.21



Source: WSP

Incremental shadow on sunlight sensitive resource

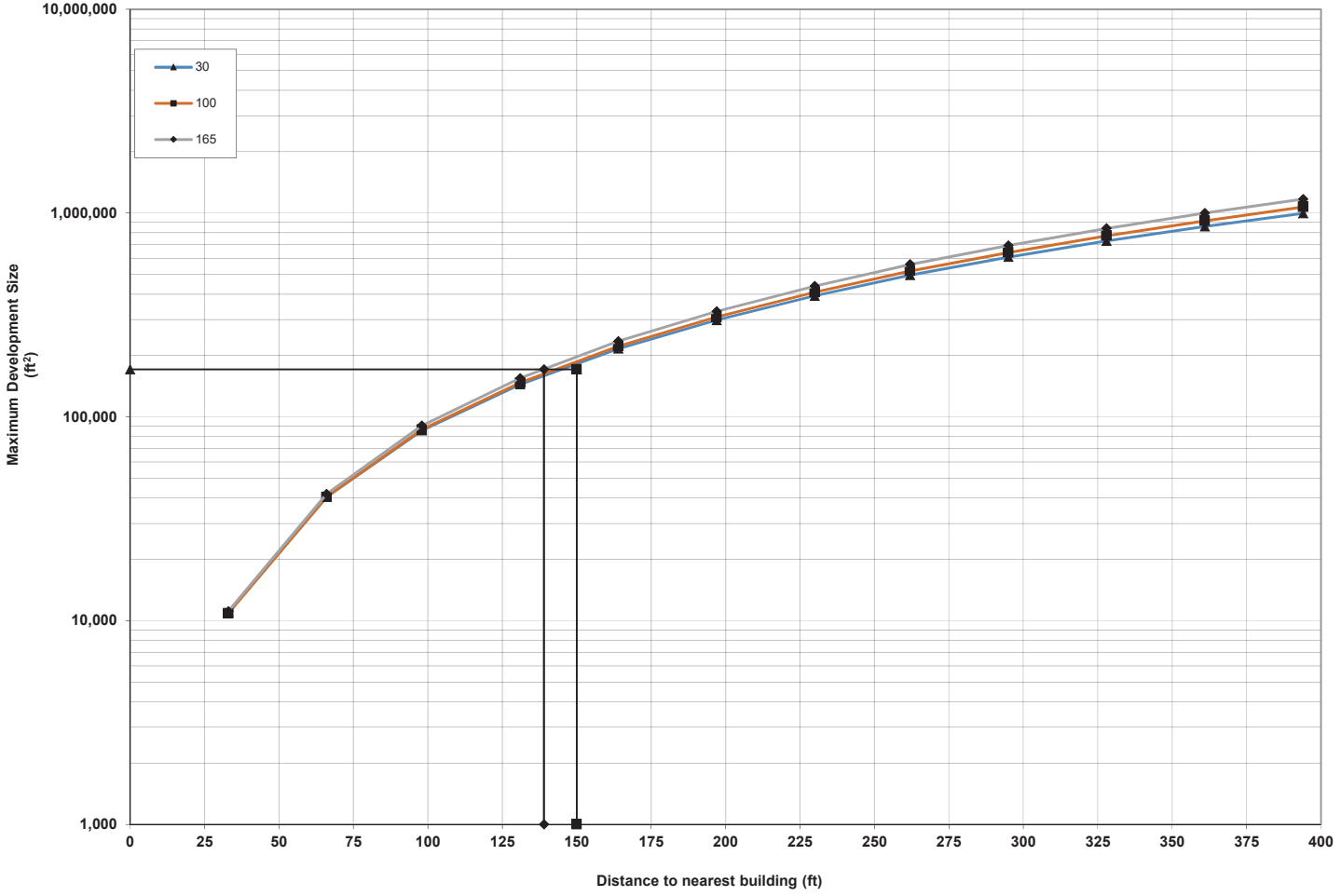
OS 1 Sunlight sensitive resource

Development Site

Conceptual Analysis Site 3
March 21 4:00 PM

HVAC Screening Analysis
Site: Site 1b
Date: 3/5/2021
Pass

FIG App 17-5
SO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2

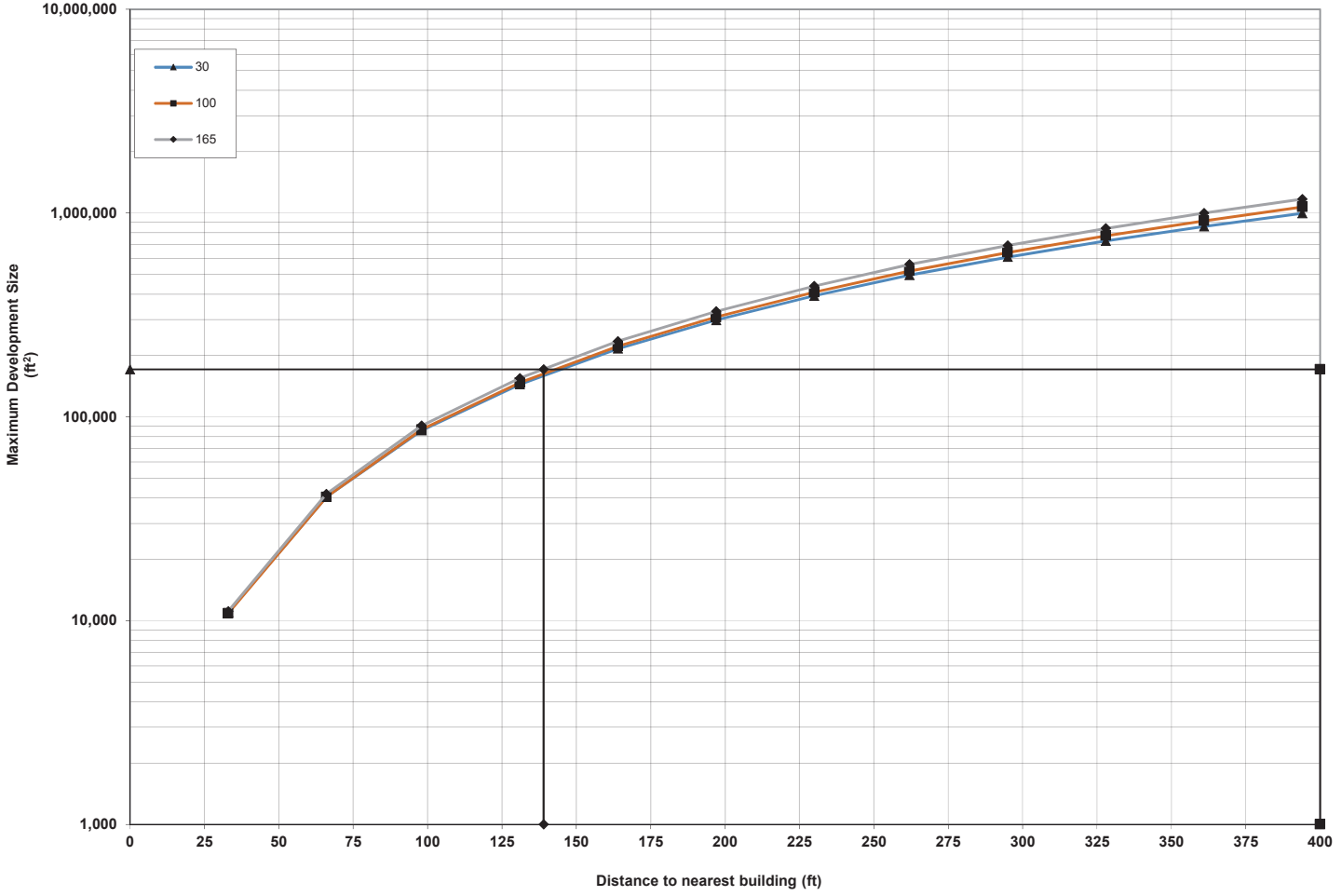


Stack Height: 178 ft
Distance to Nearest Building of Similar or Greater Height: 150 ft
Proposed Maximum SQFA: 171,075 sq. ft
Minimum Allowable Distance to Nearest Building: 139 ft

Notes:

HVAC Screening Analysis
Site: Site 1c
Date: 3/5/2021
Pass

FIG App 17-5
SO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2

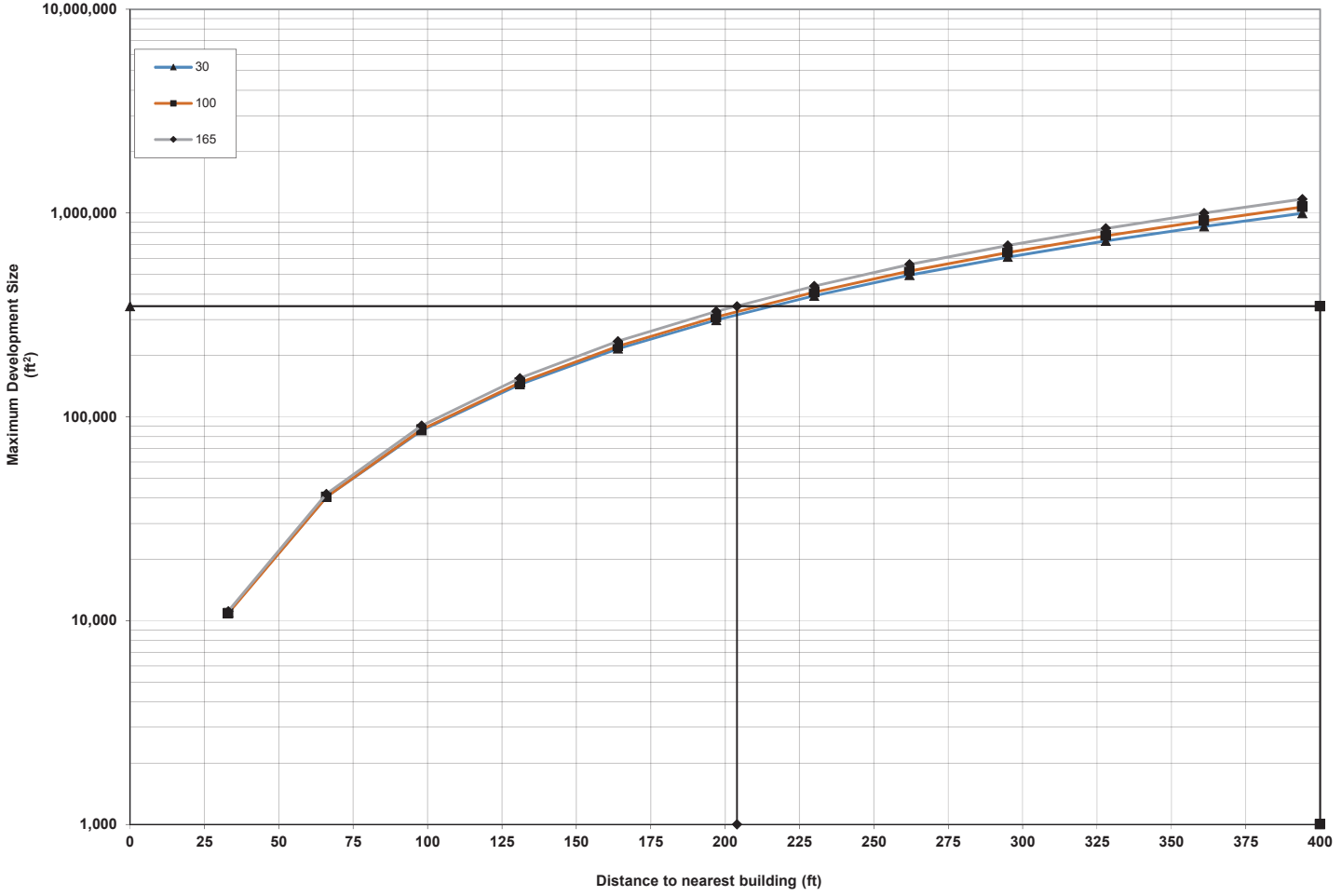


Stack Height: 218 ft
Distance to Nearest Building of Similar or Greater Height: 400 ft
Proposed Maximum SQFA: 171,075 sq. ft
Minimum Allowable Distance to Nearest Building: 139 ft

Notes:

HVAC Screening Analysis
Site: Site 2
Date: 3/17/2021
Pass

FIG App 17-5
SO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2

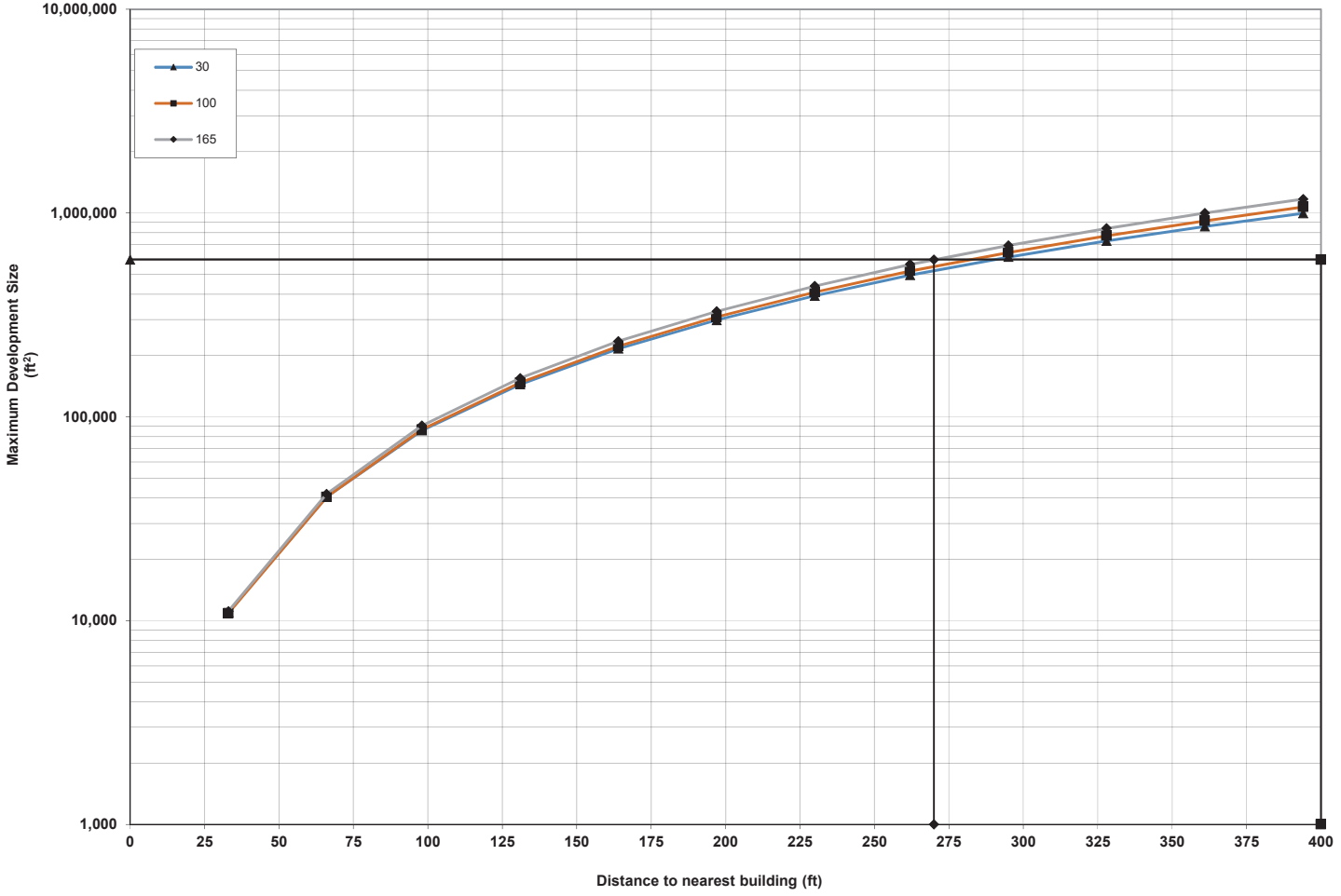


Stack Height: 338 ft
Distance to Nearest Building of Similar or Greater Height: 400 ft
Proposed Maximum SQFA: 349,157 sq. ft
Minimum Allowable Distance to Nearest Building: 204 ft

Notes:

HVAC Screening Analysis
Site: Site 3
Date: 3/5/2021
Pass

FIG App 17-5
SO_2 BOILER SCREEN
RESIDENTIAL DEVELOPMENT - FUEL OIL #2



Stack Height: 463 ft
Distance to Nearest Building of Similar or Greater Height: 400 ft
Proposed Maximum SQFA: 591,305 sq. ft
Minimum Allowable Distance to Nearest Building: 270 ft

Notes:

TECHNICAL MEMORANDUM 001
POTENTIAL CPC MODIFICATIONS
ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY
CEQR No. 21DCP136Y

ULURP No.: N210270 ZRY

August 27, 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 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 the site for future station access. This requirement would be established as a CPC Chair Certification and 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 and capacity-enhancing improvements. In addition to this Authorization, additional zoning relief on such sites may be pursuant to other discretionary actions.

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 2020 *City Environmental Quality Review* (CEQR).

The Environmental Assessment Statement (EAS) for the Proposed Action was prepared and the City Planning Commission (CPC) issued a Negative Declaration for the EAS on April 5, 2021. The land use application was referred out to all New York City Community Boards and Borough Presidents for review, and a CPC public hearing was held on June 23rd, 2021. Following the publication of the EAS, modifications to the Proposed Action have been identified as under consideration by the CPC (the "Potential CPC Modifications"). The Potential CPC Modifications, as detailed below, consist of changes to the proposed zoning text that would clarify applicability of the System-wide Easement Requirement and modify the process, timeline and requirements associated with this provision. They would also modify the applicability of the Expanded Transit Improvement Bonus Program, and clarify findings associated with the floor area bonus. Similarly, the CPC Modifications would provide clarifications for the special permit findings related for Additional Zoning Relief.

This Technical Memorandum examines whether the Potential CPC Modifications would change the findings of the original EAS, and concludes that since the Potential CPC Modifications would not alter the development assumptions in the Reasonable Worst Case Development Scenario (RWCDS) for the Proposed Action evaluated in the original EAS, they would not change the conclusions of the original EAS, which found no significant adverse impacts as pertains to the Proposed Action. Therefore, as described below, this Technical Memorandum concludes that, similar to the EAS, the Potential CPC Modifications would not result in any significant adverse environmental impacts.

B. DESCRIPTION OF THE POTENTIAL CPC MODIFICATIONS

The Potential CPC Modifications are provided in **Appendix 1**. Modifications to the Proposed Action would consist of the following changes:

SYSTEM-WIDE EASEMENT REQUIREMENT MODIFICATIONS

1) APPLICABILITY

Site Applicability

The Proposed Action, as referred out, would apply the System-wide Easement Requirement to zoning lots of at least 5,000 square feet and within 50 feet of a mass transit station. Such applicability does not, however, specify where an easement could be needed on an applicable zoning lot. The Potential CPC Modifications would clarify that an easement could be located only where it would provide a connection between the mass transit station and the portion of the zoning lot where new construction is occurring.

Enlargements

Under the Proposed Action, developments and enlargements involving ground floor level construction on applicable zoning lots would be subject to the System-wide Easement Requirement. Such applicability would subject enlargements of all types that involve ground floor level construction to the System-wide Easement Requirement. The Potential CPC Modifications would modify the proposed text to clarify that the System-wide Easement Requirement would only apply to ground floor level enlargements.

Vesting and Exemptions

The Potential CPC Modifications would specify that sites with a building permit or with active building permit applications at the New York City Department of Buildings (DOB) prior to the date of enactment of the proposal, would be exempted from the System-wide Easement Requirement. Additionally, sites with a CPC Special Permit or Authorization application that was approved, certified, or referred out by date of enactment would also be exempted from the System-wide Easement Requirement. This exemption would also apply to sites with New York City Board of Standards and Appeals (BSA) Special Permit or Variance applications as well as those with the New York City Landmarks Preservation Commission (LPC).

The Potential CPC Modifications would also exempt sites with existing easements created earlier by other zoning provisions from the proposed System-wide Easement Requirement. Such easements that were created by other zoning provisions are permanent and subject to recent design standards and would therefore not warrant additional consultation with the relevant transit agency.

2) PROCESS AND TIMELINE

Initial Determination

Under the Proposed Action, the transit agency and CPC Chairperson would need to make an initial determination for applicable developments or enlargements as to whether an easement is needed

on the zoning lot. Such determination would need to be completed within a 60-day period. The Potential CPC Modifications would reduce the time the transit agency is allotted to make an initial easement determination from 60 days to 30 days, and would modify the text so that such determinations would only involve the transit agency.

Application Review and Approval Process

Under the Proposed Action, if determined that a transit easement is needed on a site, a consultation process between the CPC Chairperson, the transit agency, and the owner of the site would follow to determine the appropriate dimensions and location of the easement. Upon submission of the site plan by the owner of the site, the CPC Chairperson and the transit agency would then have a 45-day review and comment period, after which an excavation permit would be granted. The execution and recordation of a legally enforceable instrument for creating the easement and setting forth other obligations and requirements would need to be completed prior to the issuance of a foundation permit, new building permit, or alternation permit by DOB.

Under the Potential CPC Modifications, the review and approval process would be modified to include the following steps:

- Upon determining the need for an easement, a 30-day period for the transit agency to recommend the type, dimensions, and general location of the easement;
- Upon submission of the site plan by the owner, a 30-day review period for the transit agency to either approve or enumerate comments;
- If revisions are warranted, a 15-day period for the transit agency to verify whether such comments have been addressed. Subsequent revisions to the site plan could be requested by the transit agency, and each submission would have a 15-day review period;
- Upon approval by the transit agency, certification of the site plan by the CPC Chairperson, allowing the owner to advance to DOB for a building permit; and
- Completion of the maintenance and operation portions of the easement agreement, prior to the issuance of a Temporary Certificate of Occupancy (TCO).

To further ensure expeditious MTA review, the Potential CPC Modifications would allow a landowner to proceed to file at DOB before approval of the site plan, under any of the following scenarios:

- If the size of an easement requested exceeds 25 percent of the width of any street frontage on the lot; or
- If the review period by the MTA exceeds any of the individual time limits stated above, or if the total review period of a site by the MTA exceeds 120 days.

Size Limits for Easements

Under the Proposed Action, an easement of any size could be needed on an applicable zoning lot. The Potential CPC Modification would modify the System-wide Easement Requirement to include an easement size limit based on a maximum linear frontage threshold of 25 percent at the ground floor street level. If the transit agency requests a larger easement, the transit agency would not be able to hold up the building permit process.

3) RELIEF AND REQUIREMENTS

Temporary Uses

For temporary uses within an easement volume, the Proposed Action would require that a six-month notice period be given by the transit agency to the building owner to vacate an easement volume of permitted temporary uses. The Potential CPC Modifications would increase this

minimum notice to be given by a transit agency to the owner of a building to vacate the easement volume to 12 months.

Curb Cut Requirement

Under the Proposed Action, curb cuts would be limited within 30 feet of an easement. Such a requirement could be overly restrictive and make it difficult for the transit agency to acquire easements on site. The Potential CPC Modification would remove the requirement that entrances and exits for accessory off-street parking be located more than 30 feet from an easement, since the goal of ensuring that curb cuts are safely located where easements are provided can be accomplished without such a provision.

Interaction between easement provisions and bonus

Under the Proposed Action, a process is established under the System-wide Easement Requirement if property owners want to build out the infrastructure in the easements themselves. The Potential CPC Modifications would clarify that where an easement volume is provided and where a transit access improvement is constructed and maintained within such volume by the owner of the development pursuant to the Expanded Transit Improvement Bonus Program, the bonus provisions would control for sites that are undertaking the bonus.

EXPANDED TRANSIT IMPROVEMENT BONUS PROGRAM MODIFICATIONS

1) APPLICABILITY AT HUDSON YARDS STATION

Under the Proposed Action, the Expanded Transit Improvement Bonus Program would cover any mass transit station that is within 500 feet or 1,500 feet from a site in an eligible zoning district. The Proposed CPC Modification would exclude the Hudson Yards Station from the bonus coverage area, due to its unique situation, by restricting access to the bonus at and around the station.

2) IMPROVEMENTS AND DETERMINATION OF FLOOR AREA BONUS

Under the Proposed Action, the Expanded Transit Improvement Bonus Program would allow for accessibility, capacity-enhancing, and environmental design upgrades. The Potential CPC Modifications would clarify that accessibility or capacity-enhancing improvements are a requirement for any bonus application, and that environmental design and beautification improvement may only be provided in addition to such improvements. Additionally, the Potential CPC Modifications would clarify that accessibility improvements be prioritized if a station is not currently accessible.

ADDDITIONAL DISCRETIONARY ACTION MODIFICATIONS

1) FINDINGS FOR SPECIAL PERMIT

Under the Proposed Action, the Special Permit would include a general finding that requires modifications result in a better site plan, an improvement to the station, or a building that is superior in design. With the Potential CPC Modifications, the finding would require that any modifications be necessary and needed to facilitate an easement, transit access, or additional floor area on the bonus site.

C. ENVIRONMENTAL ASSESSMENT OF THE POTENTIAL CPC MODIFICATIONS

As described in the EAS, due to the generic nature of the Proposed Action, there are no known or projected as-of-right development sites identified as part of the Proposed Action's Reasonable Worst-Case Development Scenario (RWCDS). To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical analysis sites ("prototype

developments" or "prototype sites") were identified to demonstrate the wide range of proposed regulations for sites that would be able to develop as-of-right in the future with the Proposed Action.

The analysis of the Proposed Action in the environmental review assessed the effects of the System-wide Easement Requirement and related zoning relief that would be granted as-of-right with the proposed text amendment in place, but it did not assess the proposed transit improvement bonus program that would be provided under the text amendment. Since a project pursuing this development bonus would be subject to discretionary review in the future With Action condition, it would require its own unique land use application and CEQR review. However, a separate "conceptual analysis" of the proposed transit improvement bonus program was included in this EAS (in Attachment H, "Conceptual Analysis") providing a qualitative analysis of the potential impacts that could result from the new discretionary action that would be created by the proposed text amendment. Three additional prototype developments were identified for the conceptual analysis as basis for that analysis.

As described above, the proposed zoning text changes under the Potential CPC Modifications would primarily result in clarifications to the zoning text that focus on process and timing, and would not alter the development assumptions in the RWCDS analyzed in the EAS for the proposed System-wide Easement Requirement. Some of the Potential CPC Modifications are related to clarifying development parameters for the System-wide Easement Requirement; however, these too would not alter the RWCDS, as explained below:

SYSTEM-WIDE EASEMENT REQUIREMENT MODIFICATIONS

SITE APPLICABILITY

This modification would require an easement to be located only where it would provide a connection between the mass transit station and the portion of the zoning lot where new construction is occurring. The prototypical developments in the RWCDS for the EAS already assume that the easement areas would be located such that they would provide a direct connection between the mass transit station and the development. Therefore, there would be no change to the RWCDS assumptions as a result of this modification.

ENLARGEMENTS

This modification would clarify that System-wide Easement Requirement would apply to enlargements only if they were ground floor level enlargements. The RWCDS for the EAS conservatively assumed all prototypical developments on the analysis sites to be new developments (as opposed to enlargements). Therefore, this proposed modification would not alter the RWCDS assumptions of the EAS.

SIZE LIMITS FOR EASEMENTS

This modification would provide a maximum linear frontage threshold of 25 percent at the ground floor street level. A transit agency could still request a larger easement, but it would not be able to hold up the building permit process. As described in Attachment A, "Project Description," of the EAS, the RWCDS was based on nine prototypical developments representing a combination of typical lot sizes and easement volumes for lots of at least 5,000 square feet (sf). Prototypical lot sizes were assumed to be either 5,000 sf, 10,000 sf, or 15,000 sf. The analyzed easement areas were selected based on two standard prototype sizes for station access improvements – a 12-foot-by-20-foot easement (an elevator-only access improvement with fare control area) and a larger 35-foot-by-35-foot easement (large enough for an elevator, stair, elevator machine room and fare control area). Prototypical Analysis Sites 3 and 6 are 5,000 sf lots (50 feet of frontage) with 12-foot-wide easement areas, representing approximately 25 percent of the linear frontage on the ground floor. Prototypical Analysis Site 9 is a 15,000 sf lot (150 feet of frontage) with a 35-foot-wide easement,

which represents a linear frontage of approximately 23 percent of the ground floor street level. Easements within these prototypical developments are at or just below the linear frontage threshold proposed under this modification.

Prototypical Analysis Sites 1, 2, 4, 5, 7 and 8 are 10,000 sf lots (100 feet of frontage) with 35-foot-wide easements, which represent 35 percent the ground floor linear frontage at these sites. While this is larger than the maximum threshold for a System-wide Easement Requirement under the proposed modification, a development would not be precluded from exceeding this threshold. Therefore, these prototypical developments still represent complying conditions under the Proposed Action, and the proposed modifications would not alter the RCWDS assumptions in the EAS.

CURB CUT REQUIREMENT

The modification to remove the requirement that curb cuts for parking be located at least 30 feet from the easement would not affect the RWCDS for the EAS since all the prototypical developments assumed that no parking would be provided under the With Action condition or assumed the same parking access location as under the No Action condition (and therefore were not affected by this requirement).

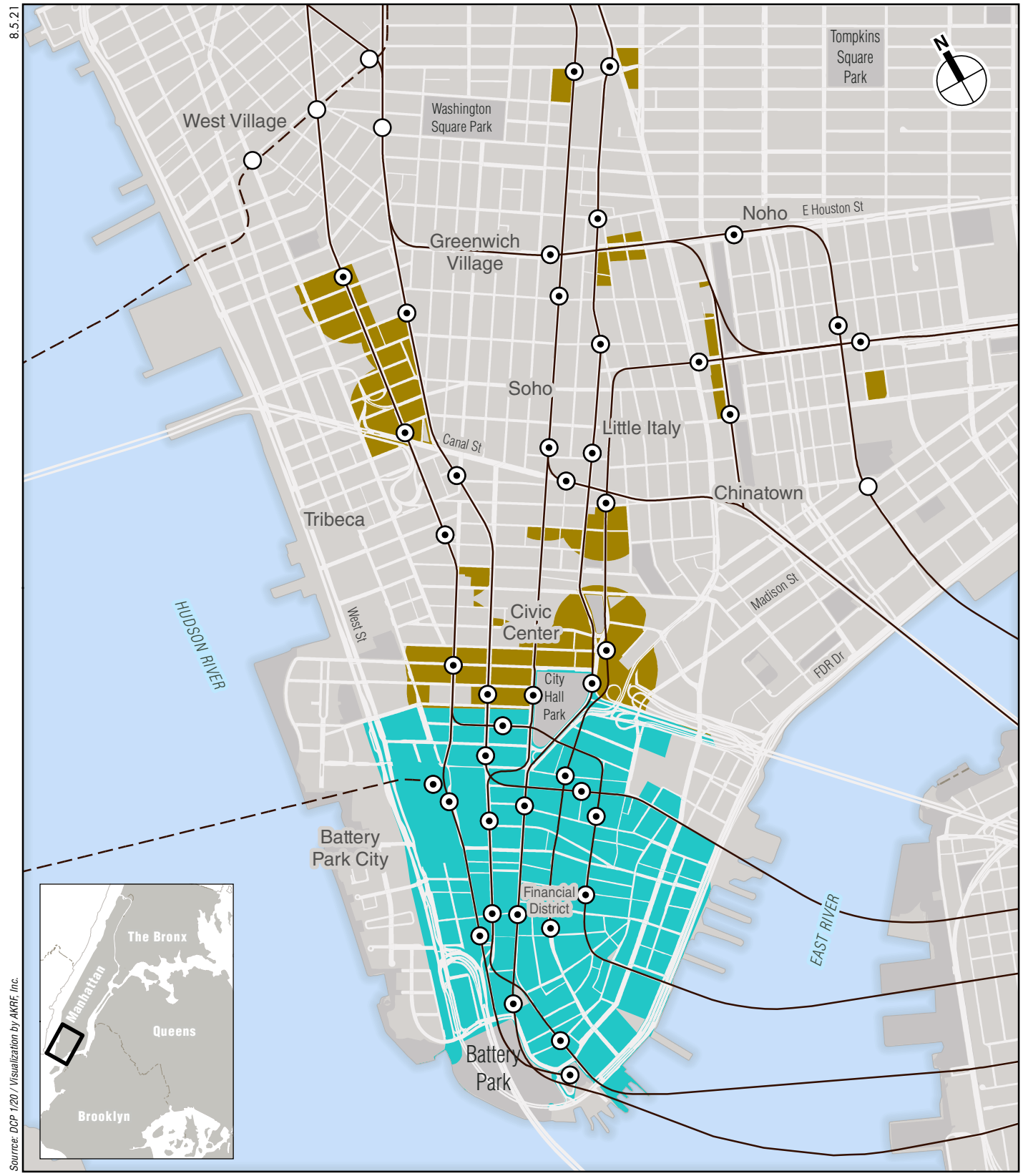
EXPANDED TRANSIT IMPROVEMENT BONUS PROGRAM MODIFICATIONS

Similar to the proposed System-wide Easement Requirement modifications, the proposed modifications to the Expanded Transit Improvement Bonus Program would be text clarifications and would not alter prototypal developments nor would it change the conclusions of the conceptual analysis included in the EAS. However, the proposed exclusion of Hudson Yards Station from the expanded program would result in changes to the transit improvement bonus figures (Figures A-4 and A-5) in Attachment A, "Project Description" of the EAS. Updated versions of these figures have been provided in this Technical Memorandum (see **Figures 1 and 2**) to reflect this proposed modification. These figures have also been updated to reflect the following corrections to the figures in the EAS:

- Port Authority Trans-Hudson (PATH) stations have been added.
- The Delancey Street/Essex Street subway station is shown as a Proposed Transit Improvement Bonus Station.
- Clarifications have been made to the Excluded Areas.

CONCLUSION

The Potential CPC Modifications would not alter the development assumptions in the Reasonable Worst Case Development Scenario (RWCDS) for the Proposed Action evaluated in the EAS; therefore, similar to the EAS, the Potential CPC Modifications would not result in any significant adverse environmental impacts.



Mass Transit Station

Proposed Improvement Bonus Station

NYCT/SIR

MNR/LIRR/PATH

Proposed Transit Improvement Bonus Area

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

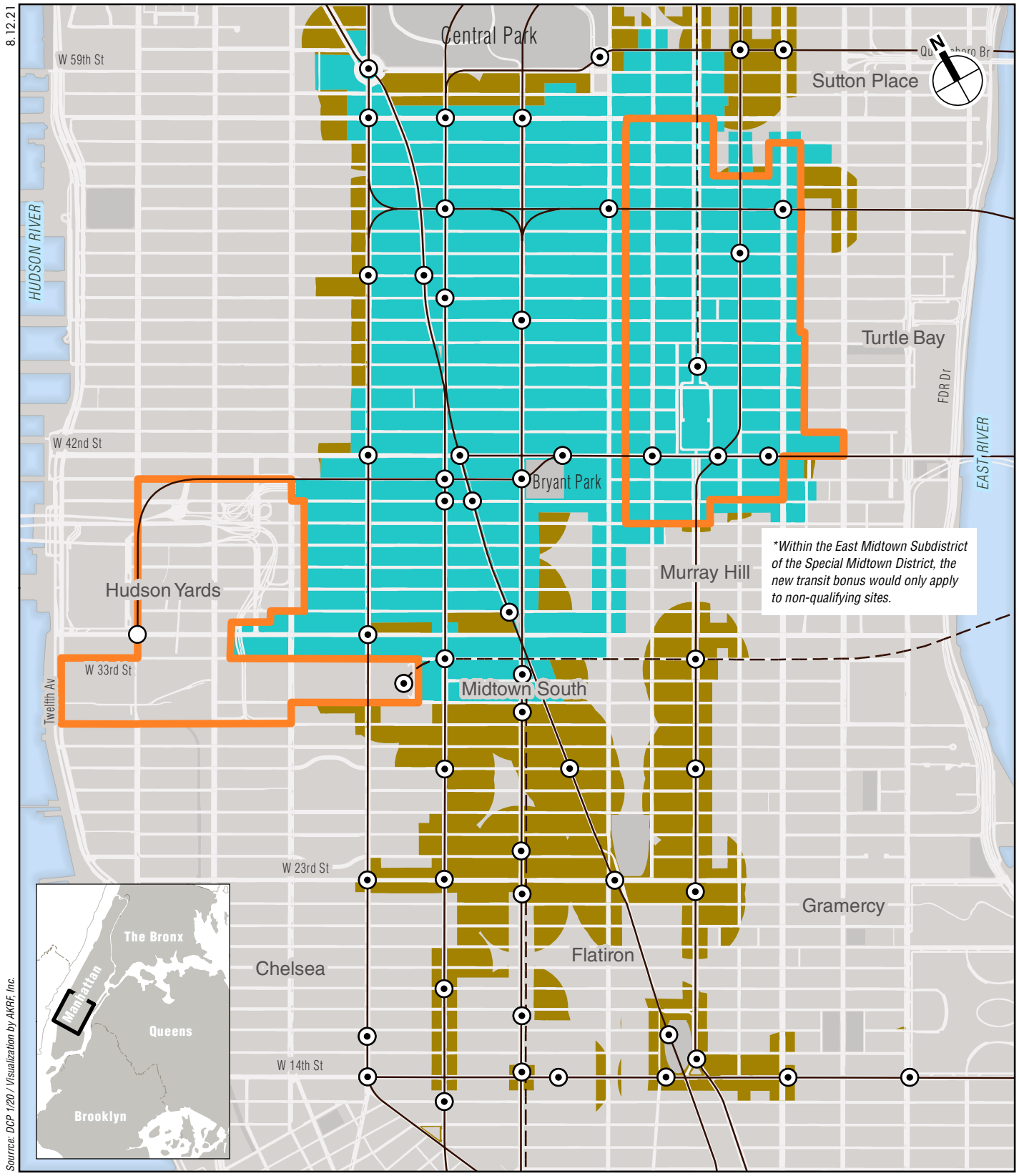
Outside Central Business District (500-foot station radius)

0 1,000 Feet

Lower Manhattan
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

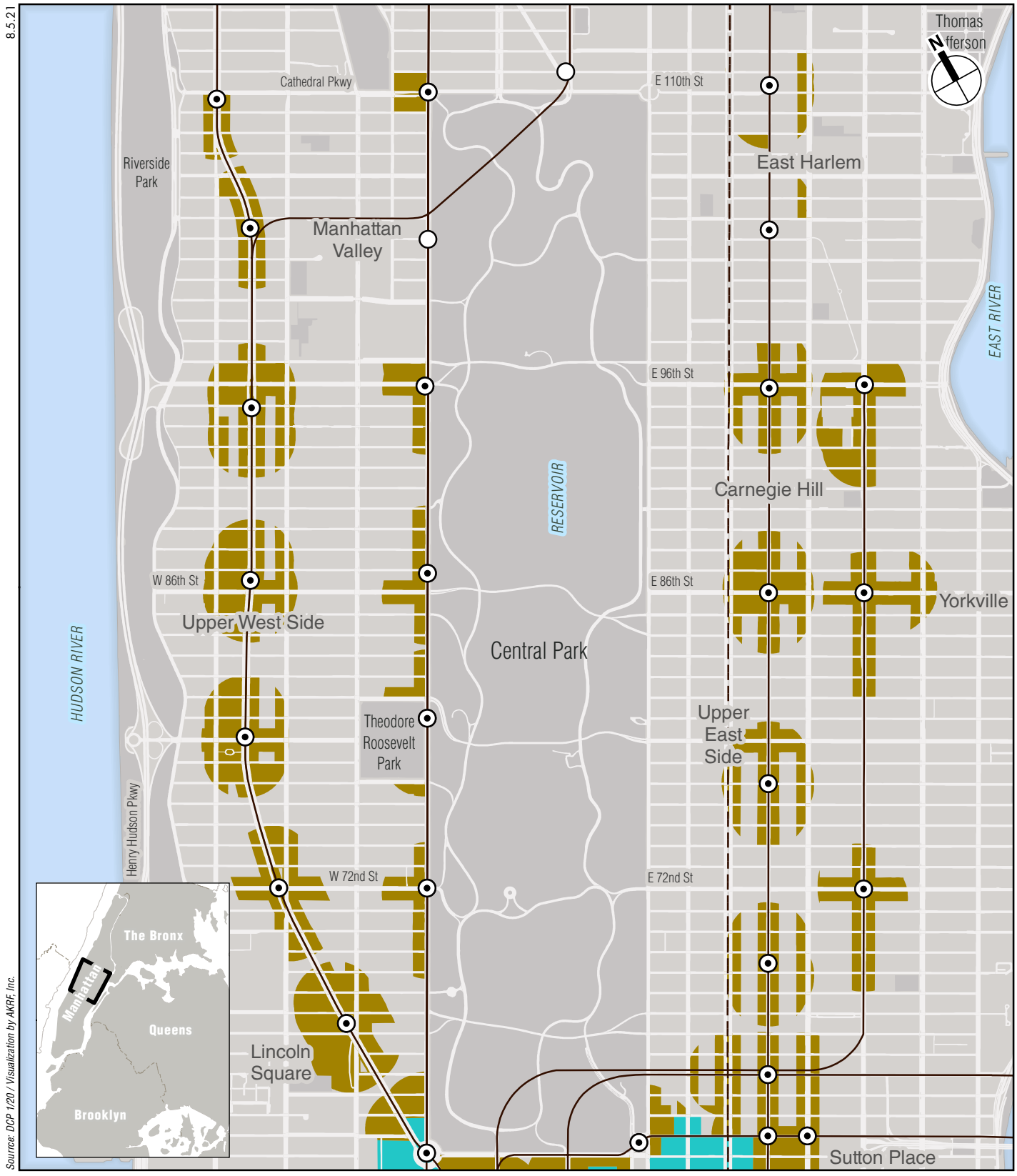
Figure 1a



Midtown Manhattan
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

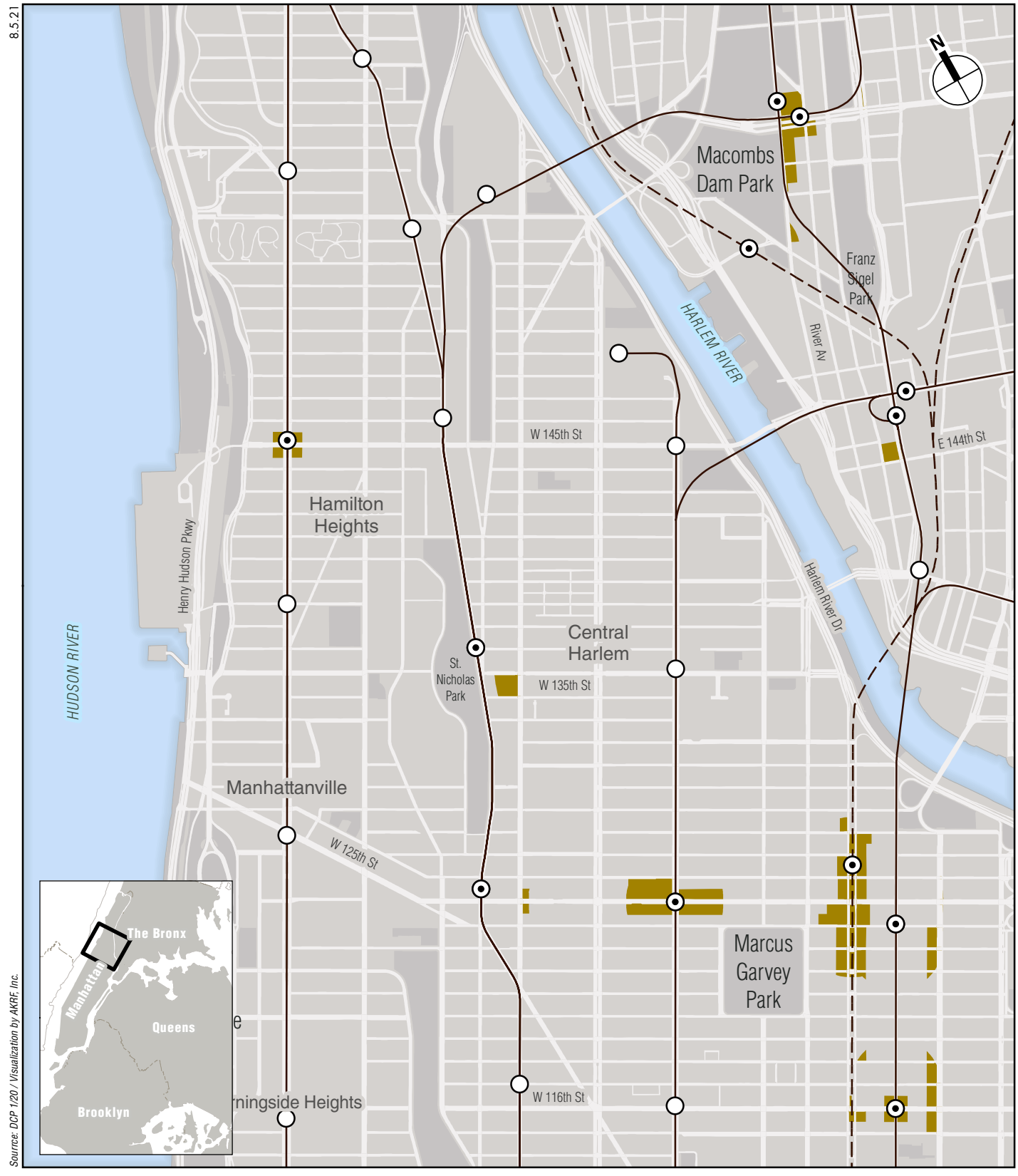
Figure 1b



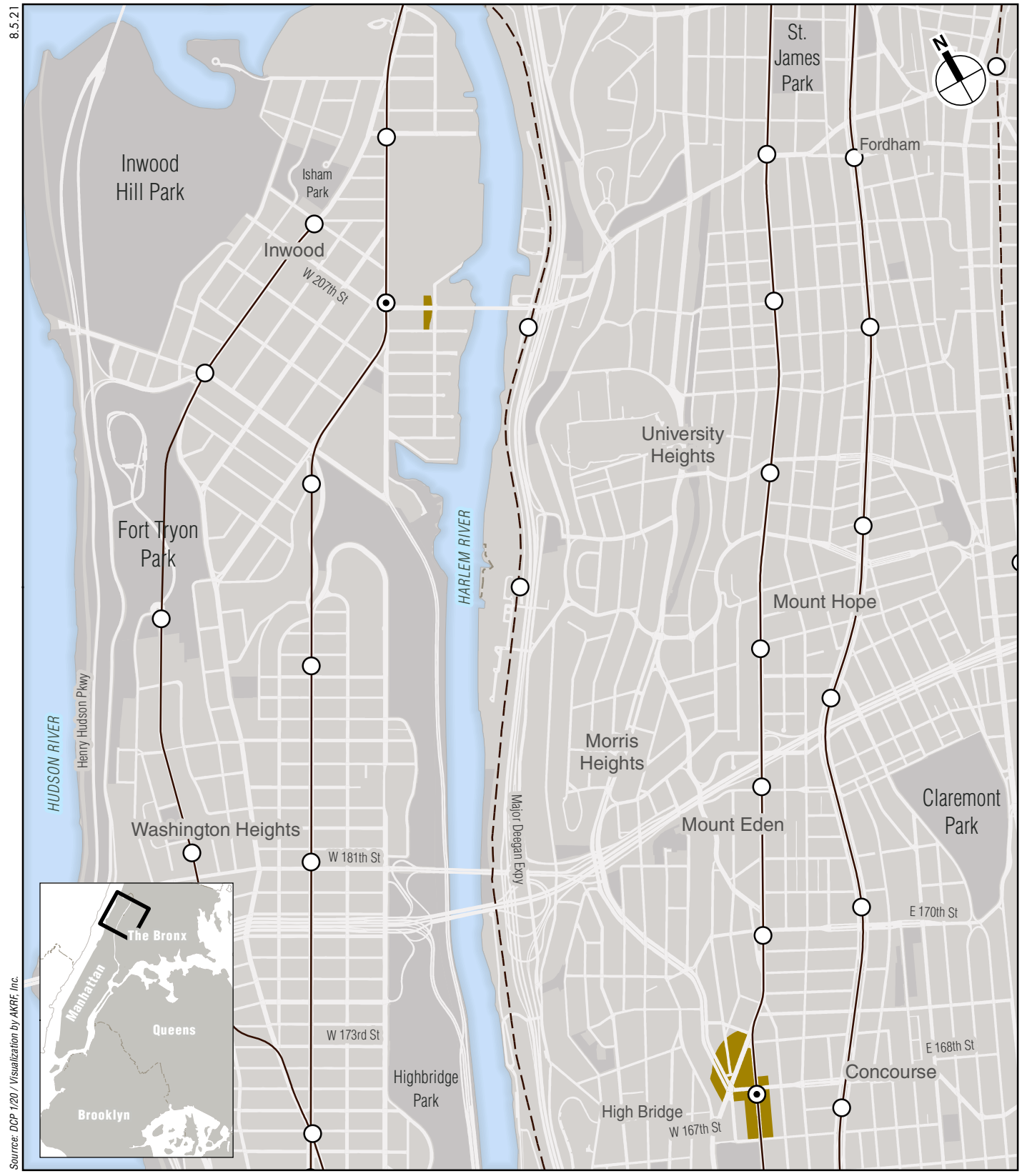
59th Street to 110th Street, Manhattan
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure 1c



Harlem and The South Bronx
Proposed Transit Improvement Bonus Area



Mass Transit Station

Proposed Improvement Bonus Station

NYCT/SIR

MNR/LIRR/PATH

Proposed Transit Improvement Bonus Area

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

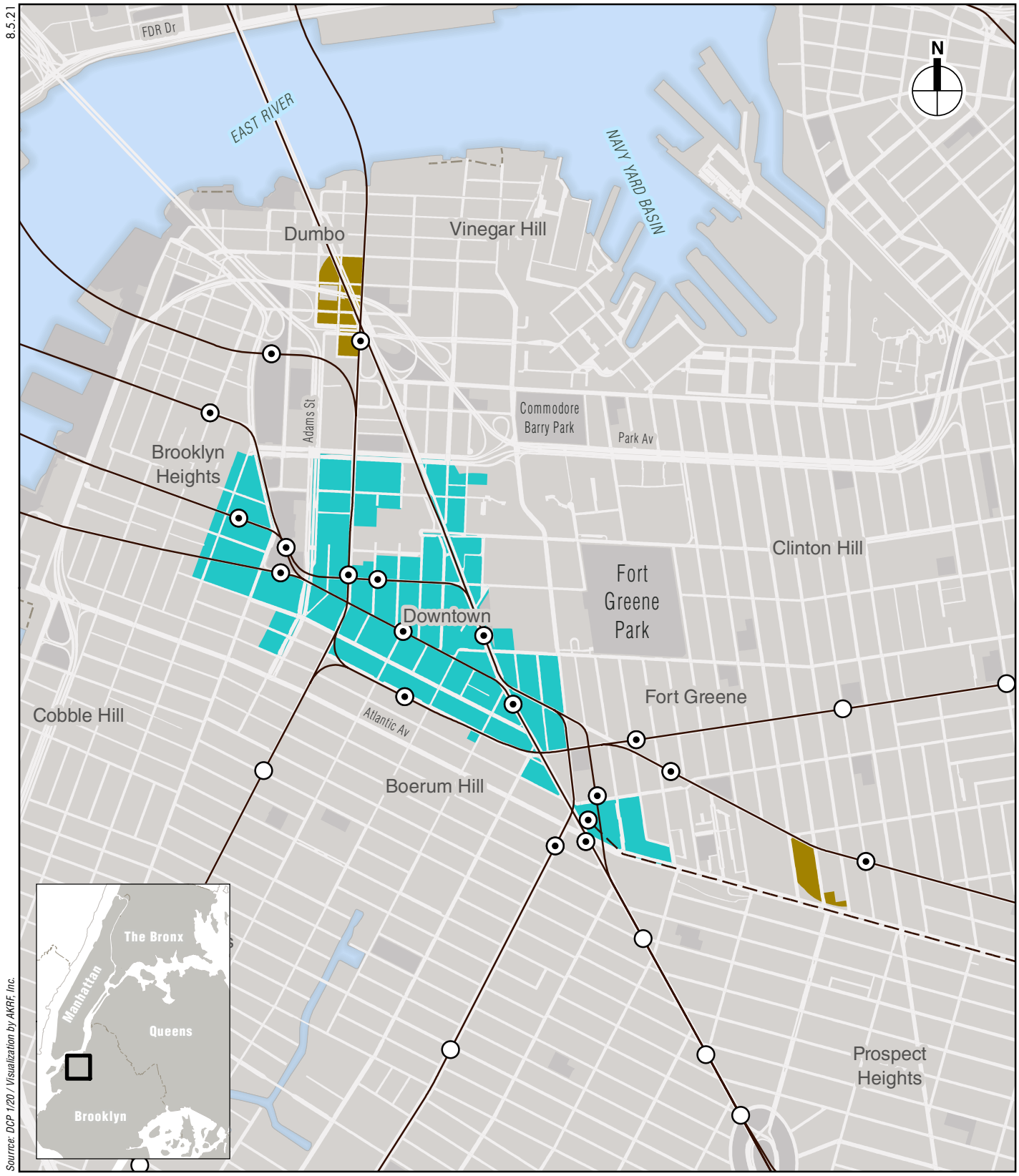
Outside Central Business District (500-foot station radius)

0 1,000 Feet

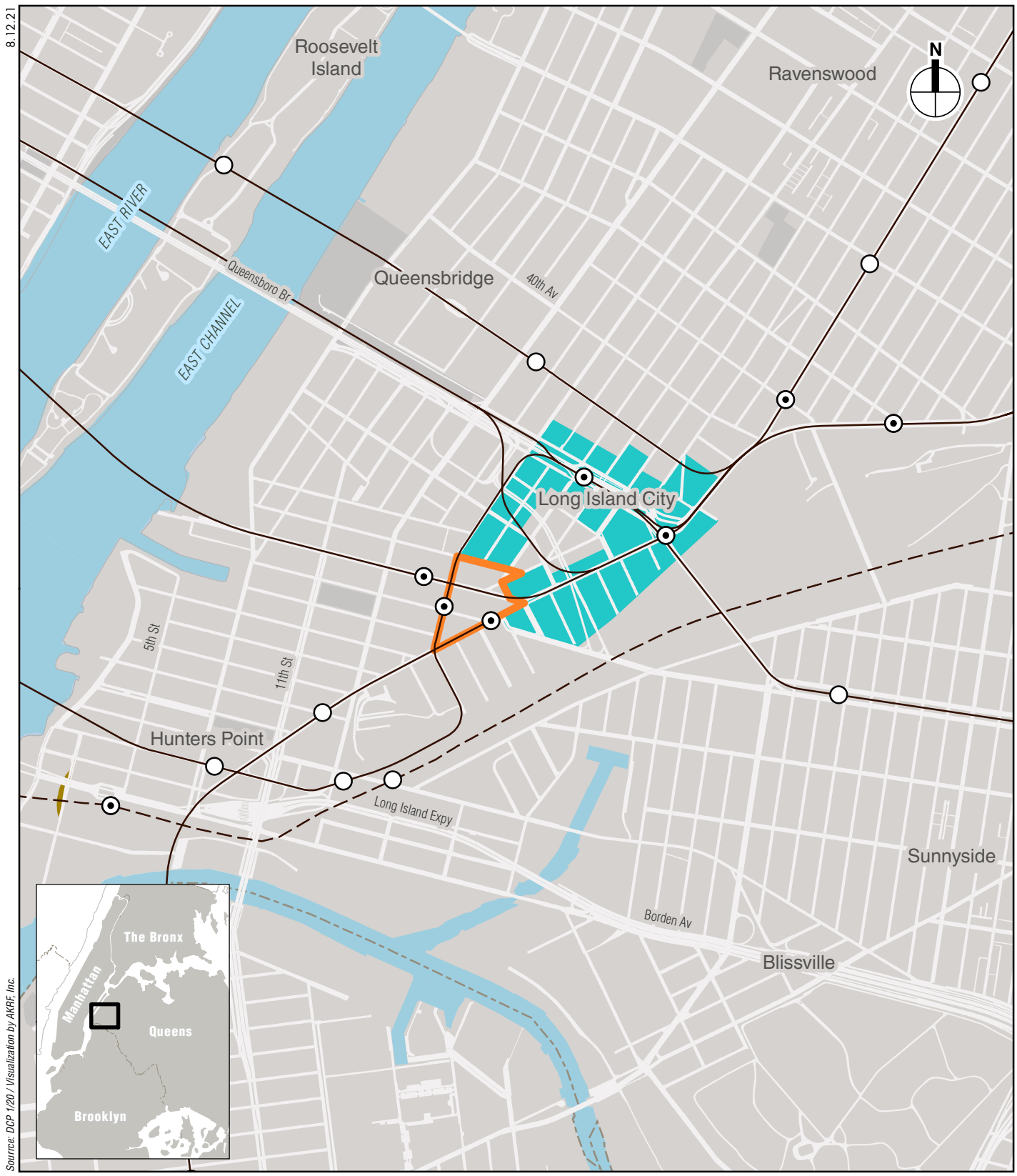
Inwood, Manhattan and The Bronx
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure 1e



Downtown Brooklyn
Proposed Transit Improvement Bonus Area



Mass Transit Station

Proposed Improvement Bonus Station

NYCT/SIR

MNR/LIRR/PATH

Proposed Transit Improvement Bonus Area

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

Outside Central Business District (500-foot station radius)

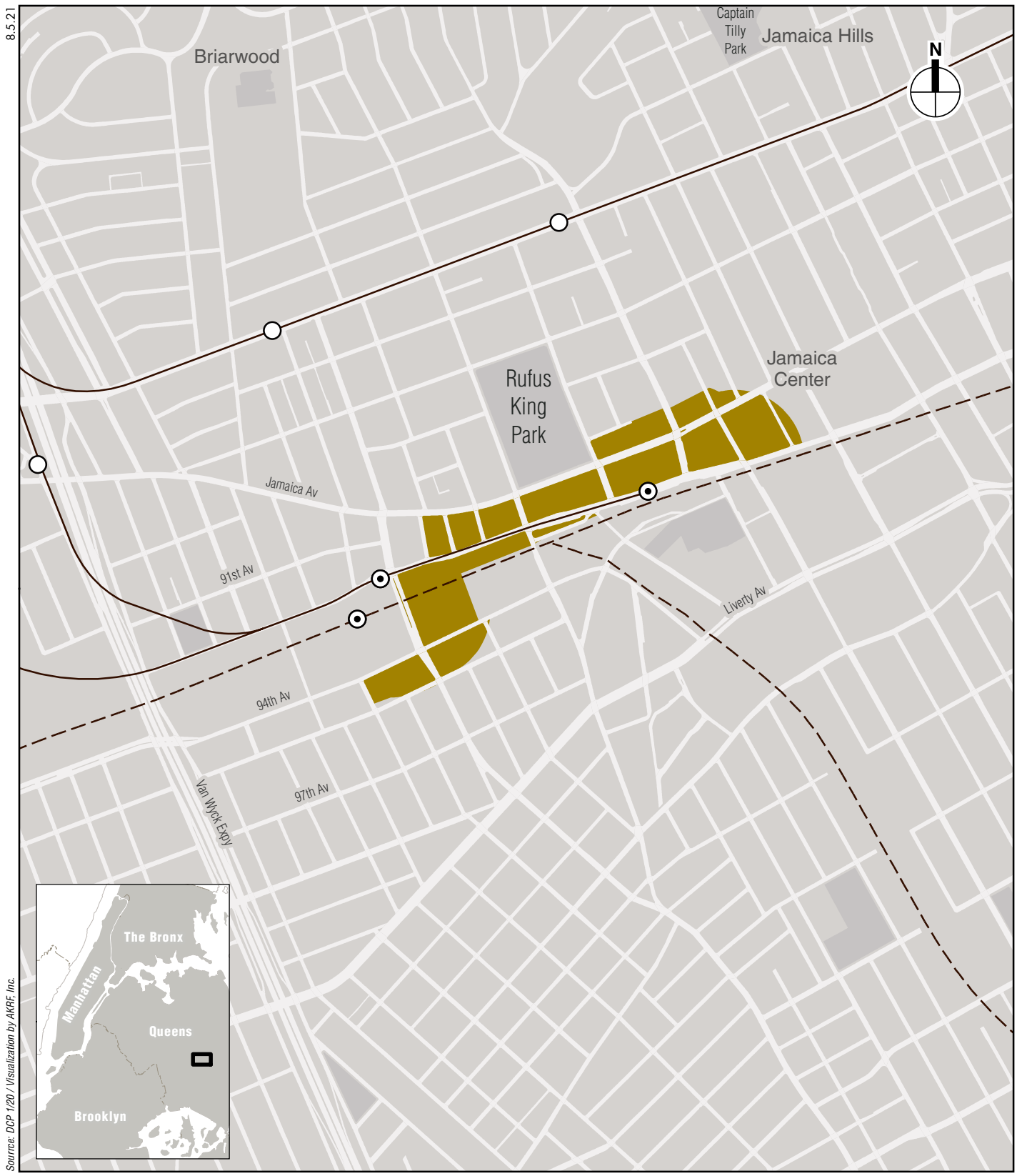
Excluded Area

0 1,000 Feet

Long Island City, Queens
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure 1g



Mass Transit Station

Proposed Improvement Bonus Station

NYCT/SIR

MNR/LIRR/PATH

Proposed Transit Improvement Bonus Area

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

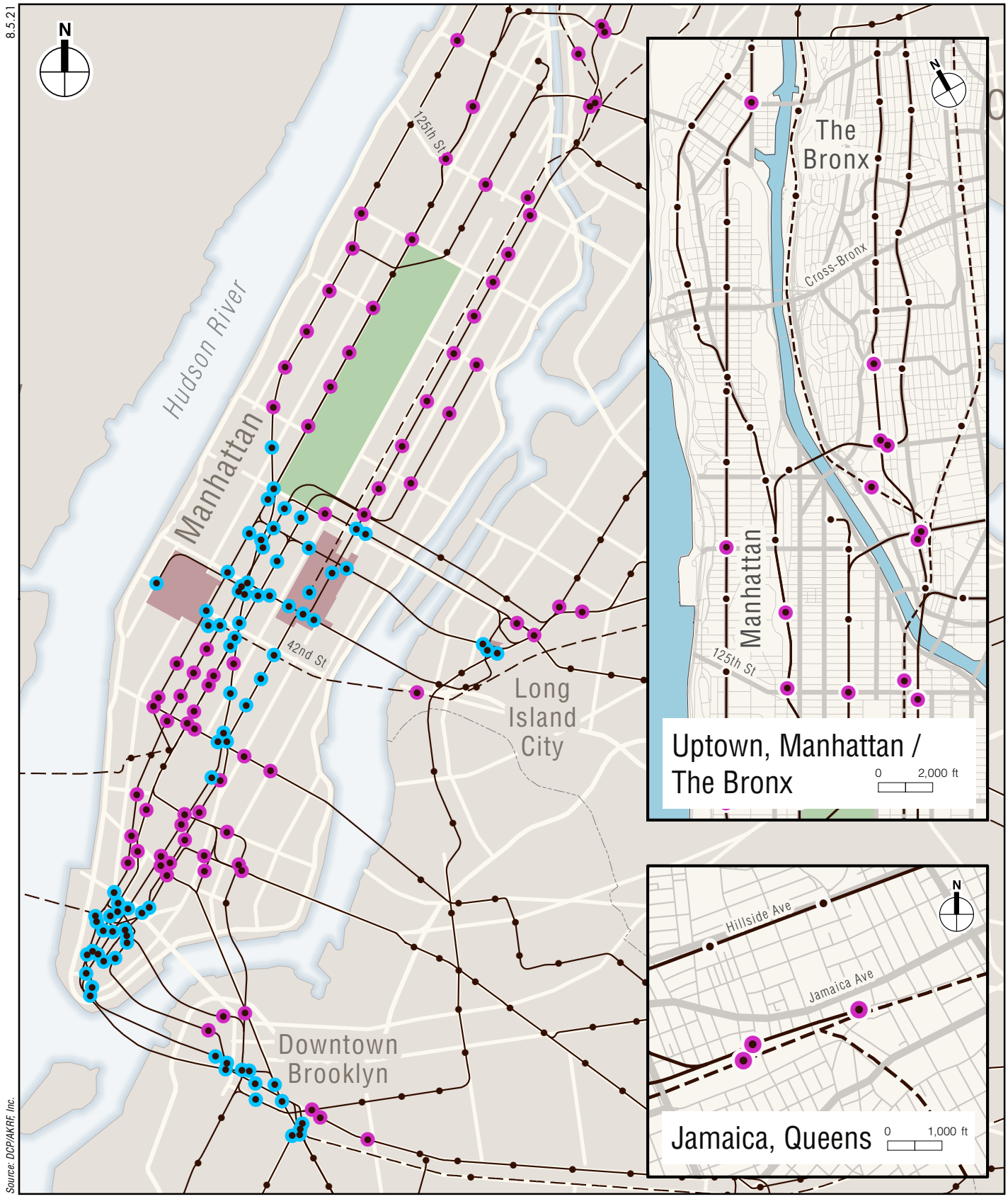
Outside Central Business District (500-foot station radius)

0 500 Feet

Jamaica, Queens
Proposed Transit Improvement Bonus Area

ELEVATE TRANSIT: ZONING FOR ACCESSIBILITY

Figure 1h



Existing and Proposed Transit Bonus

APPENDIX 1

CPC MODIFICATIONS TO THE PROPOSED ZONING TEXT

ELEVATE TRANSIT — ZONING FOR ACCESSIBILITY

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution.

ARTICLE II
RESIDENCE DISTRICT REGULATIONS

Chapter 3
Residential Bulk Regulations in Residence Districts

* * *

23-10
OPEN SPACE AND FLOOR AREA REGULATIONS

* * *

23-16
Special Floor Area and Lot Coverage Provisions for Certain Areas

* * *

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

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

* * *

ARTICLE III
COMMERCIAL DISTRICT REGULATIONS

Chapter 7
Special Urban Design Regulations

* * *

37-40
OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

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

A relocated subway stair or a subway stair that has been renovated in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE) may be counted as pedestrian circulation space pursuant to Section 37-50. In addition, for #developments or #enlargements# on such #zoning lots# where a relocated or renovated subway stair has been provided in accordance with the provisions of this Section, the special #use#, #bulk#, parking, and streetscape modifications set forth in Sections 66-22 (Special Use Regulations) through 66-25 (Special Streetscape Regulations) may be applied.

* * *

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

* * *

37-50
REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE

* * *

37-52
Types of Pedestrian Circulation Space

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

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

PROVISION OF PEDESTRIAN CIRCULATION SPACE ON CERTAIN TYPES OF LOTS

Type of Pedestrian Circulation Space	#Corner lot#	#Through lot#	#Interior lot#
Arcade	x	x	x
#Building# entrance recess area	x	x	x
Corner arcade	x		
Corner circulation space	x		
Relocation or renovation of subway stair	x	x	x
Sidewalk widening	x	x	x
~~Subway station improvement~~ #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, defined terms include those in Section 66-11 (Definitions).

* * *

ARTICLE VI
SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 2
Special Regulations Applying in the Waterfront Area

* * *

62-10
GENERAL PROVISIONS

* * *

62-13
Applicability of District Regulations

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

* * *

62-30
SPECIAL BULK REGULATIONS

* * *

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

* * *

62-324
Community facility and commercial uses in Residence Districts

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

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

* * *

62-325
Buildings in Commercial Districts

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

(a) no #floor area# bonuses shall be permitted except as permitted pursuant to the provisions of paragraph (c) of this Section; ~~and~~

(b) the #floor area ratio# on a #zoning lot# shall not exceed 10.0~~.~~; and

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

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

62-326
Buildings in Manufacturing Districts

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

* * *

Chapter 6
Special Regulations Applying Around Mass Transit Stations

[All text in this Chapter is new text]

66-00
GENERAL PURPOSES

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

(a) to support the long-term planning needs of mass transit stations and systemwide accessibility;

(b) to reduce pedestrian congestion on city streets in the vicinity of transportation nodes, by facilitating the provision of easements and moving transit station entrance infrastructure off the sidewalk;

(c) to offset potential burdens of such easement on development feasibility by providing zoning flexibility where easements are provided;

(d) to encourage well-designed development and pedestrian environment, including enhanced pedestrian circulation, around mass transit stations;

(e) to coordinate the present and future relationship of land uses around transit stations; and

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

66-10
GENERAL PROVISIONS

66-11
Definitions

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

Above-grade mass transit station

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

At or below-grade mass transit station

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

Central Business Districts

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

Clear path

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

(a) directly #abuts# an adjoining public sidewalk; and

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

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

Easement volume

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

(a) station access infrastructure, including but not limited to elevators, stairs, escalators, ramps or fare control areas; or

(b) ancillary facilities that are needed to support transit system functionality.

Eligible zoning districts

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

(a) R5D, R6, R7, R8, R9 or R10 Districts;

(b) #Commercial Districts# mapped within, or with an equivalent of an R5, R5D, R6, R7, R8, R9, or R10 District;

(c) M1 Districts paired with R6 through R10 Districts; or

(d) #Manufacturing Districts#.

Mass transit station

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

Primary transit-adjacent sites

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

Qualifying transit improvement sites

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

(a) located in one of the following zoning districts:

(1) R9 or R10 Districts;

(2) #Commercial Districts# mapped within, or with an equivalent of an R9 or R10 District;

(3) M1 Districts paired with an R9 or R10 District; or

(4) M1-6 Districts; and

(b) located wholly or partially within the following distance from a #mass transit station#:

(1) 500 feet for such #zoning lots# outside of #Central Business Districts#; or

(2) 1,500 feet for such #zoning lots# and #mass transit stations# within #Central Business Districts#.

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

Secondary transit-adjacent sites

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

Transit agency

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

Transit-adjacent sites

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

Transit volume

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

66-12
Applicability

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

the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

66-121
General Applicability

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

(a) For #transit-adjacent sites#

(1) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), inclusive, shall apply to all #developments# or #enlargements# on the lowest #story# of a #building# on #primary transit-adjacent sites#.

(2) The provisions of Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), inclusive, include optional provisions available to #developments# and #enlargements# on #secondary transit-adjacent sites#, #conversions# on #transit-adjacent sites#.

(3) The provisions of Section 66-40 (CONSTRUCTION, MAINTENANCE AND ADDITIONAL PROVISIONS), inclusive, shall apply to all #transit-adjacent sites# providing an #easement volume# pursuant to Section 66-20 or Section 66-30.

(b) For #qualifying transit improvement sites#

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

66-122
Limitations on applicability in certain areas

The provisions of this Chapter shall not apply as follows:

(a) The provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES) and Section 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES), shall not apply to the following areas within Special Purpose District:

(1) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;

(2) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or

(3) the #Special Transit Land Use District#.

(b) The provisions of 66-51 (Floor Area Bonus for Mass Transit Station Improvements) shall not apply:

(1) to the following areas within Special Purpose Districts:

(i) All subdistricts except 34th Street Corridor Subdistrict C and South of Port Authority Subdistrict E within #Special Hudson Yards District#;

(ii) The Court Square Subdistrict within #Special Long Island Mixed Use District#; or

(iii) #Qualifying sites# in the East Midtown Subdistrict within #Special Midtown District#, as defined in Section 81-613 (Definitions); or

(2) to the 34th Street - Hudson Yards Station.

66-123
Other limitations on applicability

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

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

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

(1) #developments# or #enlargements# on the lowest #story# of a #building# on #zoning lots# with an easement created pursuant to the provisions of this Resolution on or before [date of adoption], where such easement is providing transit station access infrastructure or ancillary facilities; or

(2) #developments# or #enlargements# on the lowest #story# of a #building# if, on or before [date of adoption]:

(i) an application has been filed with the Department of Buildings, and if, on or before [date of adoption], the Department of Buildings has approved an

application for a foundation, a new #building# or an alteration based on a complete zoning analysis showing zoning compliance for such #development# or #enlargement#. The application may be revised and retain vested status, provided that the #lot coverage# for the #development# or #enlargement# is not increased beyond the amount described in the approved application;

(ii) an application for a special permit or variance has either been approved or is pending before the Board of Standards and Appeals;

(iii) an authorization or special permit from the City Planning Commission has either been approved, certified or referred; or

(iv) an application for a Certificate of Appropriateness or other permits has either been approved or is pending before the Landmarks Preservation Commission.

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

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

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

66-20
SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES

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

Streetscape Regulations) respectively. Separate applicability is set forth within such Sections for #primary transit-adjacent sites# with #easement volumes# and for those with #clear paths#.

66-21
Determination and Certification for Transit Volumes

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

(a) Initial determination

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

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

(b) Determination of easement dimensions and location

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

After the size and general location of the #transit volume# has been determined by the #transit agency#, the owner shall submit for approval by the #transit agency# a site plan showing a proposed specific location of the #transit volume# that would be compatible

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

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

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

(1) where the size of the proposed #transit volume# exceeds 25 percent of the width of any #street# frontage on the #zoning lot#, as measured along the #street line#; or

(2) where the number of days associated with the determination and review periods by the #transit agency# exceeds any of the limits set forth in this paragraph, or a total review period of 120 days. The total review period shall only be inclusive of the duration of the #transit agency's# determination and review periods set forth in both paragraphs (a) and (b) of this Section.

(c) Chairperson certification

Upon approval of the site plan by the #transit agency#, a legally enforceable instrument, running with the land and setting forth the dimensions and location of a #transit volume#, shall be executed and recorded in a form acceptable to the #transit agency# and Chairperson of the City Planning Commission. The Chairperson shall be provided with a certified copy of the legally enforceable instrument, and upon receipt, shall certify the application and forward copies of such certification to the Commissioner of the Department of Buildings. Such certification shall be a precondition for the utilization of the remaining provisions of Section 66-20, inclusive, in any #development# or #enlargement# on a #zoning lot# where a #transit volume# is needed.

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

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

66-22
Special Use Regulations

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

66-221
Temporary uses

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

(a) in all districts, any #community facility use# without sleeping accommodations allowed by the underlying district;

(b) in #Residence Districts#, #uses# listed in Use Group 6A and 6C; or

(c) in #Commercial# and #Manufacturing Districts#, any #commercial# or #manufacturing use# allowed by the underlying district.

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

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

66-222
Special use allowances around easement volumes

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

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

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

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

(2) at the two lowest #stories# of a #building# on a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#.

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

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

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

66-23
Special Bulk Regulations

Where an #easement volume# is provided, the applicable #bulk# regulations of this Resolution shall be modified in accordance with the provisions of this Section. Where a #clear path# is provided, only the #street wall# provisions of Section 66-234 (Special street wall modifications) shall apply.

66-231
Special floor area modification

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

(a) #Floor area# exemption

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

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

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

66-232
Special open space, lot coverage and yard modifications

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

(a) Permitted obstructions

(1) #Easement volumes# in all zoning districts

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

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

Any #building# or portion of a #building# used for any permitted #commercial# or #community facility uses#, up to two #stories#, excluding #basements#, or 30 feet above #curb level, whichever is less, shall be considered a permitted obstruction in any #rear yard# or #rear yard equivalent# of a #zoning lot# with an #easement volume# serving an #above-grade mass transit station#. Any portion of a #building# containing residences or rooms used for living or sleeping purposes (other than a room in a hospital used for the care or treatment of patients, or #joint living-work quarters for artists#) shall not be a permitted obstruction.

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

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

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

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

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

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

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

66-234
Special street wall modifications

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

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

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

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

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

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

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

66-235
Special height and setback modifications

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

(a) Permitted obstructions

(1) #Easement volumes#

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

(2) Dormers

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

(b) Special height and setback provisions for R5 Districts

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

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

(2) In R5D Districts or #Commercial Districts# mapped within, or with a #residential# equivalent of an R5D District, the maximum #building# height shall be increased by 10 feet or one #story#, whichever is less.

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

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

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

66-24
Special Regulations for Accessory Off-Street Parking

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

(a) Parking space deduction

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

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

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

District	**Lot Area (in square feet)**
R5 R5D C1-1 C2-1 C3 C4-1 C1-2 C2-2 C4-2 C8-1 C1-3 C2-3 C4-2A C4-3 C7 C8-2 M1-1 M1-2 M1-3 M2-1 M2-2 M3-1	10,000 or less
R6 R7 R8 R9 R10 C1-4 C2-4 C4-4 C4-5D C8-3 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 M1-4 M1-5 M1-6 M2-3 M2-4 M3-2	15,000 or less

(c) Waiver of requirements where access would be forbidden

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

66-25
Special Streetscape Regulations

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

66-251
Ground floor level requirements

An #easement volume# shall be excluded from any ground floor level requirements of this Resolution, including, but not limited to, the location of such ground floor in relation to the

adjoining sidewalk level, the height of a #qualifying ground floor#, restrictions of types of #use#, the minimum depth for certain #uses#, maximum width for certain #uses#, minimum transparency requirement, and parking wrap and screening requirements.

66-252
Planting requirements

(a) Planting requirements for R5D Districts

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

(1) The #easement volume# shall be discounted from the area of a #front yard# for the purposes of applying the planting requirement of Section 23-451 (Planting requirement). Where planting is required within the #front yard# pursuant to Section 23-451 (Planting requirement), the area of the #easement volume# shall be discounted from the #street# frontage for the purposes of the #zoning lot# for the purposes of determining the minimum percentage of #front yard# to be planted; and

(2) Where planting strips are required along the entire length of the curb of the #street# pursuant to Section 26-42 (Planting Strips), such planting strips may be interrupted by utilities or paved areas providing public access to an #easement volume#.

(b) Planting requirements for #Quality Housing buildings#

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

66-26
Additional Modifications

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

66-30
SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES

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

66-31
Determination and Certification for Optional Transit Volumes

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

66-32
Special Modifications for Secondary Transit-adjacent Sites

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

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

(b) For #conversions# on all #transit-adjacent sites#, the following modifications shall apply as if such #conversion# was on a #primary transit-adjacent site#:

(1) #Use# modifications pursuant to Section 66-221 (Temporary uses);

(2) #Bulk# modifications pursuant to Section 66-231 (Special floor area modification), paragraph (a)(1) of Section 66-232 (Special open space, lot coverage and yard modifications), Section 66-234 (Special street wall modifications), and paragraph (a)(1) of Section 66-235 (Special height and setback modifications);

(3) Waiver provisions for required parking pursuant to paragraph (c) of Section 66-24 (Special Regulations for Accessory Off-Street Parking); and

(4) Streetscape modifications pursuant to Section 66-25 (Special Streetscape Regulations).

66-33
Additional Modifications

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

66-40
CONSTRUCTION, MAINTENANCE, AND ADDITIONAL PROVISIONS

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

66-41
Construction, Maintenance and Other Obligations

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

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

(1) the owner of #zoning lot# with the #development#, #enlargement# or #conversion# shall provide an #easement volume# that is designed and constructed in such a manner that would not inhibit the #transit agency's# functional requirements and ability to construct such transit access improvement at a future date;

(2) in the event that the construction of the improvement is not contemporaneous with the construction of the #development#, #enlargement# or #conversion#, any

underground walls constructed along the #front lot line# adjacent to an #at- or below-grade mass transit station# shall include one or more knockout panels, below #curb level# down to the bottom of the #easement volume#. The actual location and size of such knockout panels shall be determined through consultation with the #transit agency#;

(3) temporary construction access shall be granted to the #transit agency# on portions of the #zoning lot# outside of the #easement volume#, as needed, to enable construction within and connection to the #easement volume#; and

(4) in the event that the #transit agency# has approved of obstructions associated with the #development#, #enlargement# or #conversion# within the #easement volume#, such as #building# columns or footings, such construction and maintenance shall exclude any such obstructions within the #easement volume#.

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

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

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

(3) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and

(4) no temporary certificate of occupancy shall be granted by the Department of Buildings until the Chairperson of the City Planning Commission, acting in consultation with the #transit agency#, has certified that the improvement is substantially complete and usable by the public.

66-42
Termination of a Transit Volume

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

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

66-43
Annual Reporting

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

66-50
SPECIAL APPROVALS

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

For all applications pursuant to the provisions of Sections 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES), 66-30 (SPECIAL PROVISIONS FOR SECONDARY TRANSIT-ADJACENT SITES) or 66-51, additional modifications may be granted by the City Planning Commission, either by authorization or special permit, pursuant to Section 66-52 (Additional Modifications).

66-51
Additional Floor Area for Mass Transit Station Improvements

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

(a) #Floor area# bonus

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

(1) Where a #zoning lot# contains multiple #uses# with different #floor area ratios#, the bonus may be applied to any individual #use#, and the total of all #floor area ratios# shall not exceed 20 percent of the greatest #floor area ratio# permitted on the #zoning lot#;

(2) The #floor area# bonus may be used in combination with other #floor area# bonuses, provided that the maximum #floor area ratio# permitted through the combination of bonuses does not exceed 20 percent of the maximum #floor area ratio# otherwise permitted on the #zoning lot#. However, such 20 percent limitation shall not apply:

(i) where explicitly stated otherwise in a Special Purpose District; or

(ii) within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#;

(3) Within #Inclusionary Housing designated areas# or within R10 Districts outside of #Inclusionary Housing designated areas#, the #residential# #floor area ratio# used to calculate the maximum permitted #floor area# bonus shall be the maximum #residential# #floor area ratio# set forth in paragraph (a) or (b) of Section 23-154 (Inclusionary Housing), as applicable; and

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

(b) Conditions

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

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

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

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

(c) Application requirements

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

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

(2) At the time of application referral, the Commission shall be provided with the following application materials:

(i) a letter from the #transit agency# containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

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

(d) Findings

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

(1) the public benefit derived from the #mass transit station# improvements merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this authorization;

(2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the #mass transit station#; and

(3) where environmental design improvements are provided in addition to accessibility or capacity-enhancing improvements, measures to augment station beautification, walkability and passenger safety, or environmental noise or air quality, will constitute significant enhancements to the station environment.

(e) Additional requirements

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

(1) Prior to the granting of an authorization pursuant to this Section, the following requirements shall be met:

(i) To the extent required by the #transit agency#, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the #transit agency#. Where the #transit agency# deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the #transit agency#; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the #transit agency# stating that the drawings and other documents submitted by the applicant have been determined by such #transit agency# to be of sufficient scope and detail to describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the #transit agency# pursuant to the requirements of paragraph (e)(1) of this

Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# authorized pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the #transit agency#, where applicable, and such improvements are usable by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

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

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

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

66-52
Additional Modifications

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

66-521
Authorization for transit-adjacent sites or qualifying transit improvement sites

For #transit-adjacent sites# or #qualifying transit improvement sites#, the City Planning Commission may authorize the modification of applicable regulations of this Resolution, other

than #floor area ratio#, including the other modifications set forth within this Chapter, provided that the Commission determines that the conditions and limitations set forth in paragraph (a), the application requirements of paragraph (b) and the findings set forth in paragraph (c) of this Section are met.

(a) Conditions and limitations

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

(b) Application requirements

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

(c) Findings

The Commission shall find that:

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

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

(ii) where improvements to #mass transit stations# are provided, reasonably accommodate the additional #floor area# authorized pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);

(2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;

(3) any modifications to #bulk# regulations will not unduly obstruct access of light and air to surrounding #streets# and properties; and

(4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

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

66-522
Special permit for transit-adjacent sites or qualifying transit improvement sites

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

(a) Application requirements

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

(b) Findings

The Commission shall find that:

(1) such proposed modifications are necessary

(i) to facilitate an #easement volume#, including any associated access thereto; or

(ii) where improvements to #mass transit stations# are provided, to accommodate the additional #floor area# authorized pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Station Improvements);

(2) any modifications to #use# regulations will not be incompatible with or adversely affect the essential character, use or future growth of the surrounding area;

(3) any modifications to #bulk# regulations:

(i) will not unduly obstruct the access of light and air to surrounding #streets# and properties nor adversely affect the character of the surrounding area; and

(ii) will result in an improved distribution of #bulk# on the #zoning lot# that is harmonious with the surrounding area; and

(4) any modifications to #accessory# off-street parking or loading regulations will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow.

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

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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).

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81-06
Applicability of Article VII Provisions

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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

	Maximum #Floor Area Ratio# (FAR)				
Means for Achieving Permitted FAR Levels on a #Zoning Lot#	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	—	1.0[1,2]	1.0[1,3]	—	1.0[2]

Incentives), #Public plazas# - Section 81-23					
C. Maximum Total FAR with As-of-Right Incentives	8.0	11.0[1,2,7]	13.0[1,3]	14.0	16.0
D. Maximum ~~Special Permit~~ #Floor Area# Allowances by Authorization:(District-wide Incentives), ~~Subway station improvements - Section 74-634~~ #Mass Transit Station# Improvements – Section 66-51	1.6	2.0[1,6]	2.4[1]	2.8	3.0
E. Maximum Total FAR with District-wide and As-of-Right Incentives	~~8.0~~ 9.6	12.0	14.4	~~14.0~~ 16.8	18.0
F. Maximum ~~Special Permit~~ #Floor Area# Allowances by Authorization in Penn Center Subdistrict: #Mass Transit ~~Facility~~ Station# Improvement ~~- Section 74-634~~ Section 81-541	—	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[4]	—	—	—
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	—	2.4	—	—	—

in Eighth Avenue Corridor - Section 81-744(b)					
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~~ 9.6	14.4[8]	14.4	16.8	18.0
N. Maximum FAR of Lots Involving Landmarks:					
Maximum FAR of a lot containing non-bonusable landmark - Section 74-711 or as-of-right	8.0	10.0	12.0	14.0	15.0
Development rights (FAR) of a landmark lot for transfer purposes - Section 74-79	8.0	10.0	13.0[5]	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[8]	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~~ within R10 Districts outside of #Inclusionary Housing designated areas# the permitted #floor area# bonus shall be calculated in accordance with Section 66-51 (Additional Floor Area for Mass Transit Station Improvements)

[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)

[8] for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, such maximum #floor area ratio# shall only be permitted through combination with Inclusionary Housing

~~**81-29**~~
~~**Incentives by Special Permit for Provisions of Public Amenities**~~

~~**81-291**~~
~~**General provisions and procedures**~~

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

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

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

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

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

~~MIDTOWN SUBWAY STATIONS~~

~~Station~~	~~Line~~

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

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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)~~;

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81-43
Street Wall Continuity Along Designated Streets

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

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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#.

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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~~ Authorization #Floor Area# Allowances: (District-wide Incentives), ~~Subway station~~ #Mass transit station# improvements (Section ~~74-634~~ 66-51)	3.0
* * *	

* * *

81-64
Special Floor Area Provisions for Qualifying Sites

* * *

81-644
Special permit for transit improvements

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

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

(a) #Floor area# bonus

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

(b) Conditions

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

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

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

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

(c) Application requirements

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

(1) Prior to submitting an application for a special permit pursuant to this Section, the applicant shall submit a schematic or concept plan for the proposed improvement to the MTA and the Chairperson of the City Planning Commission. Such schematic or concept plan shall include such materials and information sufficient to provide the basis for the #transit agencies# to evaluate and determine the constructability of such proposed improvement.

(2) At the time of certification, the Commission shall be provided with the following application materials:

(i) a letter from the MTA containing a conceptual approval of the improvement, including a statement of any considerations regarding the construction and operation of the improvement;

(ii) all information and justification sufficient to provide the Commission with the basis for evaluating the benefits of such improvements to the general public; and

(iii) initial plans for the maintenance of the proposed improvements.

(d) Findings

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

(1) the public benefit derived from the improvements to a subway or rail mass transit facility merits the amount of additional #floor area# being granted to the proposed #development# pursuant to this special permit;

(2) for accessibility or capacity-enhancing improvements, newly created or expanded accessible routes for persons with physical disabilities, or measures to improve station ingress and egress routes or platform capacity, will constitute significant enhancements to connectivity from the pedestrian circulation network to and through the subway or rail mass transit facility; and

(3) where environmental design improvements are provided in addition to accessibility or capacity-enhancing improvements, measures to augment station

beautification, walkability and passenger safety, or environmental noise or air quality, will constitute significant enhancements to the station environment.

(e) Additional requirements

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

(1) Prior to the granting of a special permit pursuant to this Section, the following requirements shall be met:

(i) To the extent required by the MTA, the applicant shall execute an agreement, setting forth the obligations of the owner, its successors and assigns, to establish a process for design development and a preliminary construction schedule for the proposed improvement; construct the proposed improvement; establish a program for maintenance and capital maintenance; and establish that such improvements shall be accessible to the public during the hours of operation of the station or as otherwise approved by the MTA. Where the MTA deems necessary, such executed agreement shall set forth obligations of the applicant to provide a performance bond or other security for completion of the improvement in a form acceptable to the MTA; and

(ii) The City Planning Commission shall be provided with a final letter of approval from the MTA stating that the drawings and other documents submitted by the applicant have been determined by the MTA to be of sufficient scope and detail to fix and describe the size and character of the improvement as to architectural, structural, mechanical and electrical systems, materials, relationship to existing site conditions and such other conditions as may be appropriate, and that the construction of the improvement in accordance with such submission is feasible.

(2) Prior to obtaining a foundation permit or building permit from the Department of Buildings, a written declaration of restrictions, in a form acceptable to the Chairperson of the City Planning Commission, containing complete drawings of the improvement and setting forth the obligations of the owner as agreed upon with the MTA pursuant to the requirements of paragraph (e)(1) of this Section, shall be recorded against such property in the Borough Office of the City Register of the City of New York. Proof of recordation of the declaration of restrictions shall be submitted in a form acceptable to the Department of City Planning.

(3) No temporary certificate of occupancy shall be granted by the Department of Buildings for the portion of the #building# utilizing bonus #floor area# granted pursuant to the provisions of this Section until the required improvements have been substantially completed, as determined by the Chairperson, acting in consultation with the MTA, where applicable, and such improvements are usable

by the public. Such portion of the #building# utilizing bonus #floor area# shall be designated by the Commission in drawings included in the declaration of restrictions filed pursuant to this paragraph.

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

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

* * *

81-65
Special Floor Area Provisions for All Non-qualifying Sites

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

	Grand Central Core Area		Any Other Area	
Means for achieving permitted FAR on a #zoning lot# for all other sites	C5-3 C6-6	C5-2.5 C6-4.5	C5-3 C6-6	C5-2.5 C6-4.5
A. Basic Maximum FAR	15	12	15	12
B. Additional FAR for provision of a #public plaza# (Section 81-651)	--	--	1	1
C. Total as-of-right FAR	15	12	16	13
D. Additional FAR for ~~subway station~~ #mass transit station# improvements through authorization (Section 81-652)				

	3	2.4	3	2.4
E. Maximum FAR of a #landmark or other structure# for transfer purposes (Sections 74-79 and 81-653)	15	12	16	13
F. Maximum amount of transferable development rights from a landmark #zoning lot# that may be utilized on an #adjacent lot# (Sections 74-79 and 81-653)	No limit	2.4	No limit	2.4
G. Maximum FAR permitted on an #adjacent lot#	No limit	14.4	No limit	14.4

* * *

81-652
Floor area bonus for ~~subway station~~ mass transit station improvements

~~For #non-qualifying sites#, the City Planning Commission may permit an increase in the amount of #floor area ratio# permitted on such #zoning lots#, up to the amount specified in Row D of the table in Section 81-65 (Special Floor Area Provisions for All Non-qualifying Sites), as applicable, where subway station improvements are made in accordance with the provisions of Sections 81-292 (Subway station improvements) and Section 74-634 (Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan).~~

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

* * *

81-70
SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

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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).

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Chapter 3
Special Limited Commercial District

* * *

83-00
GENERAL PURPOSES

* * *

83-02
General Provisions

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

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

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

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

* * *

Chapter 6
Special Forest Hills District

* * *

86-00
GENERAL PURPOSES

* * *

86-02
General Provisions

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

Any special permit granted by the Board of Standards and Appeals before March 24, 2009, may be started or continued, in accordance with the terms thereof, or as such terms may be subsequently modified, pursuant to the regulations in effect at the time such special permit was

granted, subject to the provisions of Sections 11-42 (Lapse of Authorization or Special Permit Granted by the City Planning Commission Pursuant to the 1961 Zoning Resolution) and 11-43 (Renewal of Authorization or Special Permit).

* * *

Chapter 8
Special Hudson Square District

88-00
GENERAL PURPOSES

* * *

88-02
General Provisions

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

* * *

88-30
SPECIAL BULK REGULATIONS

* * *

88-31
Floor Area Regulations

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

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

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

88-311
Special floor area regulations in Subdistrict A

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

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

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

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

(a) a public school, subject to the jurisdiction of the New York City Department of Education, pursuant to an agreement accepted by the School Construction Authority; or

(b) a charter school, subject to the New York State Education Law, pursuant to an agreement with a charter school organization.

*** * ***

ARTICLE IX
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Lower Manhattan District

91-00
GENERAL PURPOSES

* * *

91-01
General Provisions

* * *

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

* * *

91-20
FLOOR AREA AND DENSITY REGULATIONS

* * *

91-22
Floor Area Increase Regulations

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

The provisions of paragraph (c) of Section 74-792 (Conditions and limitations), pertaining to the transfer of development rights from landmark sites, shall be subject to the restrictions on the

transfer of development rights (FAR) of a landmark "granting lot" as set forth in this table. Wherever there may be an inconsistency between any provision in Section 74-79 and the table, the provisions of the table shall apply.

MAXIMUM FLOOR AREA RATIOS AND FLOOR AREA BONUSES BY ZONING DISTRICT

BASIC AND MAXIMUM FLOOR AREA RATIOS (FAR)

Means for Achieving Permitted FAR Levels on a #Zoning Lot#	#Special Lower Manhattan District# except within Core or Subdistrict				Hist-oric & Com m Core	South Street Seaport Subdistrict and all waterfront #zoning lots#				
	R8	C6-4	C5-3 C5-5 C6-9	M1-4	C5-5	C2-8	C4-6	C6-2A	C5-3	C6-9
Basic maximum FAR	6.02[1] 6.5[3]	10.0[2,3,4]	10.0[4] 15.0[2,3]	2.0[2] 6.5[3]	10.0[4] 15.0[2,3]	2.0[2] 3.4[3] 10.0[4]	3.4[2,3,4]	6.0[2] 6.02[4] 6.5[3]	10.0[4] 15.0[2,3]	15.0
Maximum as-of-right #floor area# bonus for #public plazas#	NA	2.0	3.0	NA	NA	NA	NA	NA	NA	NA
Maximum as-of-right #floor area# bonus for Inclusionary Housing (23-90)	NA	2.0	NA	NA	NA	NA	NA	NA	NA	NA
Maximum FAR with as-of-right #floor area# bonuses	6.02[1] 6.5[3]	12.0	18.0	2.0[2] 6.5[3]	15.0	2.0[2] 3.4[3] 10.0[4]	3.4	6.0[2] 6.02[4] 6.5[3]	15.0	15.0
Maximum ~~special permit~~ #floor area# bonuses by										

authorization or special permit: ~~subway station~~ #mass transit station# improvements and #covered pedestrian spaces#	NA	2.0[8]	3.0	NA	3.0	~~NA~~ 2.0[9]	NA	NA	~~NA~~ 3.0[9]	~~NA~~ 3.0[9]
Maximum FAR with as-of-right, ~~and/or~~ authorization or special permit #floor area# bonuses	6.02[1] 6.5[3]	12.0[10]	18.0	2.0[2] 6.5[3]	18.0	~~2.0[2]~~ ~~3.4[3]~~ ~~10.0[4]~~ 12.0	3.4	6.0[2] 6.02[4] 6.5[3]	~~15.0~~ 18.0	~~15.0~~ 18.0
Development rights (FAR) of a landmark lot for transfer purposes (74-79)	NA	10.0	15.0[5] 18.0[6]	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[7]	21.6[7]
Maximum FAR with transferred development rights from landmark #zoning lot# and as-of-right and authorization or special permit #floor area# bonuses	6.02[1] 6.5[3]	14.0[10]	21.6	2.4[2] 7.8[3]	21.6	NA	3.4	8.02	21.6[7]	21.6[7]

[1] maximum #floor area ratio# and minimum #open space ratio# shall be determined

in accordance with the provisions of Article II, Chapter 3

[2] for a #commercial# or, where permitted, #manufacturing use#

[3] for a #community facility use#

[4] for a #residential use#

[5] if receiving lot is located in a zoning district with a basic maximum FAR of less than 15

[6] if receiving lot is located in a zoning district with a basic maximum FAR of 15

[7] maximum FAR for receiving lots less than 30,000 square feet

[8] for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51 (Additional Floor Area for Mass Transit Station Improvements), the maximum #floor area# bonus shall be 2.4 FAR

[9] only pursuant to Section 66-51

[10] for #zoning lots# utilizing a #floor area# bonus pursuant to Section 66-51, the maximum FAR may be increased through a combination with Inclusionary Housing, in accordance with the provisions of such Section.

* * *

91-25
Special Permit Bonuses for Increased Floor Area

* * *

91-251
~~Special permit for subway station improvements~~

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

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

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

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

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

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

~~91-252~~
Special permit for covered pedestrian space

*** * ***

Chapter 2
Special Park Improvement District

92-00
GENERAL PURPOSES

* * *

92-02
General Provisions

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

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

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

* * *

92-04
Special Bulk Provisions

92-041
Maximum Floor Area Ratio

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

* * *

Chapter 3
Special Hudson Yards District

93-00
GENERAL PURPOSES

* * *

93-02
General Provisions

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

* * *

93-20
SPECIAL FLOOR AREA REGULATIONS

* * *

93-22
Floor Area Regulations in Subdistricts B, C, D, E and F

* * *

93-222
Maximum floor area ratio in the 34th Street Corridor Subdistrict C

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

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

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

(b) any #floor area# increase above a #floor area ratio# of 12.0 shall be only pursuant to Section 93-31.

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

* * *

93-224
Maximum floor area ratio in the South of Port Authority Subdistrict E

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

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

* * *

Chapter 5
Special Transit Land Use District

95-00
GENERAL PURPOSES

* * *

95-02
General Provisions

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

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

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

* * *

95-05
Terms and Conditions for Permitted Uses and Construction Within Transit Easement Volume

The transit easement volume shall be used as an entrance/exit for public access to the subway and/or to provide better access of light and air to the subway station mezzanine, and for related uses. Illustrative of such purposes are light wells, stairs, ramps, escalators, elevators or, for #zoning lots# subject to the provisions of Section 95-032 (Determination of transit easements at other stations), ancillary facilities required to support the functioning of subways, including, but not limited to, emergency egress or ventilation structures.

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

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

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

* * *

Chapter 6
Special Clinton District

96-00
GENERAL PURPOSES

* * *

96-02
General Provisions

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

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

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

* * *

96-20
PERIMETER AREA

* * *

96-21
Special Regulations for 42nd Street Perimeter Area

* * *

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

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

* * *

96-22
Special Regulations for Eighth Avenue Perimeter Area

For #zoning lots#, or portions thereof, located in an area bounded by a line 150 feet west of Eighth Avenue, West 56th Street, Eighth Avenue and West 45th Street, excluding such area between West 49th and West 50th Streets, the #floor area ratio# permitted by the underlying district may be increased from 10.0 to 12.0 only pursuant to Section 23-90 (INCLUSIONARY HOUSING), except that any units for which a #floor area# increase has been earned pursuant to Section 23-90 shall be within the #Special Clinton District#. In addition, for #developments# or #enlargements# on #qualifying transit improvement sites#, a #floor area# bonus for #mass transit station# improvements may be authorized by the City Planning Commission pursuant to the provisions of Section 66-51 (Additional Floor Area for Mass Transit Improvement Bonus). Such

bonuses may be applied separately or in combination. For the purposes of this paragraph, defined terms additionally include those in Section 66-11 (Definitions).

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

* * *

Chapter 7
Special 125th Street District

97-00
GENERAL PURPOSES

* * *

97-02
General Provisions

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

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

* * *

97-40
SPECIAL BULK REGULATIONS

* * *

97-42
Additional Floor Area and Lot Coverage Regulations

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

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

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

* * *

Chapter 9
Special Madison Avenue Preservation District

99-00
GENERAL PURPOSES

* * *

99-02
General Provisions

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

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

* * *

99-04
Special Bulk Provisions

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

* * *

ARTICLE X
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Downtown Brooklyn District

101-00
GENERAL PURPOSES

* * *

101-02
General Provisions

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

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

* * *

101-20
SPECIAL BULK REGULATIONS

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

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

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

101-21
Special Floor Area and Lot Coverage Regulations

* * *

(c) In C6-4.5 Districts

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

(d) In C6-6 Districts

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

(e) In C6-9 Districts

In C6-9 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 18.0~~, and no #commercial# or #community facility floor area# bonuses shall be permitted~~. In addition, #residential floor area ratio# may be increased only pursuant to the applicable provisions of Section 23-154 (Inclusionary Housing)~~, and no other #residential floor area# bonuses shall be permitted~~.

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

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

~~**101-211**~~
~~**Special permit for subway station improvements**~~

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

~~Within the #Special Downtown Brooklyn District#, the City Planning Commission may grant, by special permit, a #floor area# bonus for #buildings# that provide subway station improvements, pursuant to the provisions of Section 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

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104-00
GENERAL PURPOSES

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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

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105-00
GENERAL PURPOSES

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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

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107-00
GENERAL PURPOSES

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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

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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.

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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).

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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

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113-00
GENERAL PURPOSES

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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

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114-00
GENERAL PURPOSES

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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.

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Chapter 6
Special Stapleton Waterfront District

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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

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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.

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117-50
QUEENS PLAZA SUBDISTRICT

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117-52
Queens Plaza Subdistrict Special Bulk Regulations

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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).

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Chapter 8
Special Union Square District

118-00
GENERAL PURPOSES

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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.~~

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ARTICLE XII
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Garment Center District

121-00
GENERAL PURPOSES

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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.

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121-40
SPECIAL BULK REGULATIONS WITHIN SUBDISTRICT A-2

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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).

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Chapter 2
Special Grand Concourse Preservation District

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122-00
GENERAL PURPOSES

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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.

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Chapter 5
Special Southern Hunters Point District

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125-00
GENERAL PURPOSES

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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).

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Chapter 8
Special St. George District

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128-00
GENERAL PURPOSES

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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.

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ARTICLE XIII
SPECIAL PURPOSE DISTRICTS

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Chapter 1
Special Coney Island District

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131-00
GENERAL PURPOSES

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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).

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Chapter 5
Special Bay Street Corridor District

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135-00
GENERAL PURPOSES

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135-04
Applicability

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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.

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Chapter 6
Special Downtown Far Rockaway District

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136-00
GENERAL PURPOSES

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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

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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.

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Chapter 8
Special East Harlem Corridors District

138-00
GENERAL PURPOSES

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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).

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138-20
SPECIAL BULK REGULATIONS

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138-21
Floor Area Regulations

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138-211
Special floor area regulations

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(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.

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ARTICLE XIV
SPECIAL PURPOSE DISTRICTS

Chapter 1
Special Jerome Corridor District

141-00
GENERAL PURPOSES

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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.

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Chapter 2
Special Inwood District

142-00
GENERAL PURPOSES

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142-01
General Provisions

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

* * *

142-09
Off-street Relocation of Subway Station Entrances

For all #developments# or #enlargements# involving ground floor level construction on a #zoning lot# that is wholly or partially located within a Transit Easement Zone, as shown on Map 3 (Special Inwood District – Transit Easement Zones) in the Appendix to this Chapter, a transit easement volume may be ~~required~~ needed on such #zoning lot# for public access between the #street# and the adjacent above- or below-grade subway station, pursuant to the provisions of Section 66-20 (SPECIAL PROVISIONS FOR PRIMARY TRANSIT-ADJACENT SITES). Such #zoning lots# that are wholly or partially within a Transit Easement Zone shall be considered a #primary transit-adjacent site#, as defined in Section 66-11 (Definitions).

~~(a) Transit Easement~~

~~Prior to filing any application with the Department of Buildings for an excavation permit, foundation permit, new building permit or alteration permit for a #development# or #enlargement#, the owner of the #zoning lot# shall file an application with the Metropolitan Transportation Authority (MTA) and the Chairperson of the City Planning Commission requesting a certification as to whether or not a transit easement volume is required on the #zoning lot#.~~

~~Within 60 days of receipt of such application, the MTA and the Chairperson shall jointly certify whether or not a transit easement volume is required on the #zoning lot#. Failure~~

to certify within the 60-day period will release the owner from any obligation to provide a transit easement volume on such #zoning lot#.

When the MTA and the Chairperson indicate that a transit easement volume is required, the MTA shall, in consultation with the owner of the #zoning lot# and the Chairperson, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

The owner shall submit a site plan showing a proposed location of such transit easement volume that would provide access between the #street# and the adjacent subway station and be compatible with the proposed #development# or #enlargement# on the #zoning lot# for joint approval and final certification by the MTA and the Chairperson. The MTA and the Chairperson shall comment on such site plan within 45 days of its receipt and may, within such 45-day period or following its expiration, permit the granting of an excavation permit while the location and size of the transit easement volume is being finalized. Upon joint approval of a site plan by the MTA and the Chairperson, copies of such certification shall be forwarded by the Chairperson to the Department of Buildings.

Legally enforceable instruments, running with the land, creating a transit easement volume, and setting forth the obligations of either the MTA or the owner and developer, their successors and assigns, to design and construct the improvement, shall be executed and recorded in a form acceptable to the MTA and the Chairperson. The execution and recording of such instruments shall be a precondition to the issuance of any foundation permit, new building permit, or alteration permit by the Department of Buildings allowing such #development# or #enlargement#.

(b) Construction and Maintenance

Where a transit easement volume is required pursuant to this Section, transit access improvements within such volume shall be constructed and maintained either by the MTA or the owner of the #zoning lot# with the #development# or #enlargement#.

(1) Where such mass transit improvement is constructed and maintained by the owner of the #development # or #enlargement#:

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

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

(iii) such improvement shall include #signs# to announce accessibility to the public. Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and

(iv) no temporary certificate of occupancy shall be granted by the Department of Buildings for the #building# until the Chairperson of the City Planning Commission, acting in consultation with the MTA, has certified that the improvement is substantially complete and usable by the public.

(2) Where such mass transit improvement is constructed and maintained by the MTA:

(i) Where the construction of the improvement is not contemporaneous with the construction of the #development# or #enlargement#, any underground walls constructed along the #front lot line# adjacent to a below-grade subway station shall include a knockout panel, not less than 12 feet wide, below #curb level# down to the bottom of the easement. The actual location and size of such knockout panel shall be determined through consultation with the MTA.

(ii) Temporary construction access shall be granted to the MTA on portions of the #zoning lot# outside of the transit easement volume, as necessary, to enable construction within and connection to the transit easement volume.

(iii) In the event that the MTA has approved of obstructions associated with the #development# or #enlargement# within the transit easement volume, such as building columns or footings, such construction and maintenance shall exclude any such obstructions within the transit easement volume.

(c) Additional modifications

Where a transit easement volume is required pursuant to paragraph (a) of this Section, the Chairperson of the City Planning Commission shall certify the following modifications in conjunction with such transit easement volume certification:

(1) the edge of the transit easement volume facing the #street# shall be considered a #street wall# for the purposes of applying the #street wall# location provisions set forth in Section 142-40 (SPECIAL HEIGHT AND SETBACK REGULATIONS), inclusive, irrespective of whether such volume is incorporated into a #building#;

(2) for #zoning lots# adjacent to a below-grade subway station, the maximum height for the #building# set forth in Section 142-40, inclusive, shall be increased by 10 feet, and the maximum number of #stories#, if applicable, shall be increased by one, except where the provisions of Section 142-48 (Special Regulations for Certain Sites in Subdistricts C and F) are being utilized;

(3) the floor space contained within any transit easement volume required pursuant to this Section shall be excluded from the definition of #floor area#; and

~~(4) the street frontage of such transit easement volume shall be excluded for the purpose of applying the provisions of Section 142-14 (Ground Floor Level Requirements).~~

~~(d) Temporary Use~~

~~Any easement volume required on a #zoning lot# pursuant to paragraph (a) of this Section may be temporarily used for any permitted #commercial# or #community facility uses# until such time as required by the MTA for transit access improvements. The floor space allocated to such temporary #uses# within the transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating #accessory# off-street parking, bicycle parking, or loading berths.~~

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

~~(e) Termination of an easement volume~~

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

~~On any #zoning lot# which has been #developed# or #enlarged# in accordance with the provisions of this Section and on which termination of transit easement has been certified, pursuant to this paragraph, any floor space in a previously required transit easement volume shall continue to be exempt from the definition of #floor area# and shall not be included for the purpose of calculating requirements for #accessory# off-street parking, bicycle parking or loading berths. However, where such previously required volume is located within a #building#, the ground floor space shall be subject to the provisions of Section 142-14.~~

* * *