

ZONING FOR ACCESSIBILITY

APRIL 2021

New York City Department of City
Planning
Metropolitan Transportation
Authority, New York City Transit



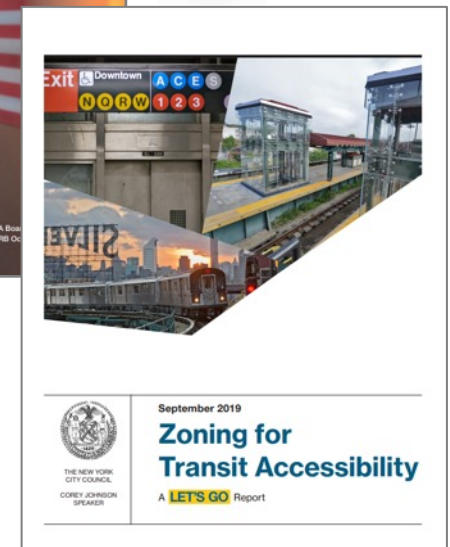
Elevate Transit: Zoning for Accessibility

A collaborative plan by MTA and City of New York

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

The proposal includes

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



Current Accessibility Status

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

- **Only 136** out of **493** subway or SIR stations are accessible
- **25** out of **39 LIRR and MNR** stations within city limits in the MTA system are accessible

ADA accessible stations:

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



New Yorkers would benefit from more accessible transit stations

People with
disabilities

Parents with
young children

Seniors

People with
temporary injuries

A subway ride that should
take minutes can take hours

Many New Yorkers are Impacted by a Lack of Elevators

Of the 8.4 Million NYC residents there are:

- 550,000 Residents with an Ambulatory Disability
- 500,000 children under 5
- 1.2 Million Residents 65+

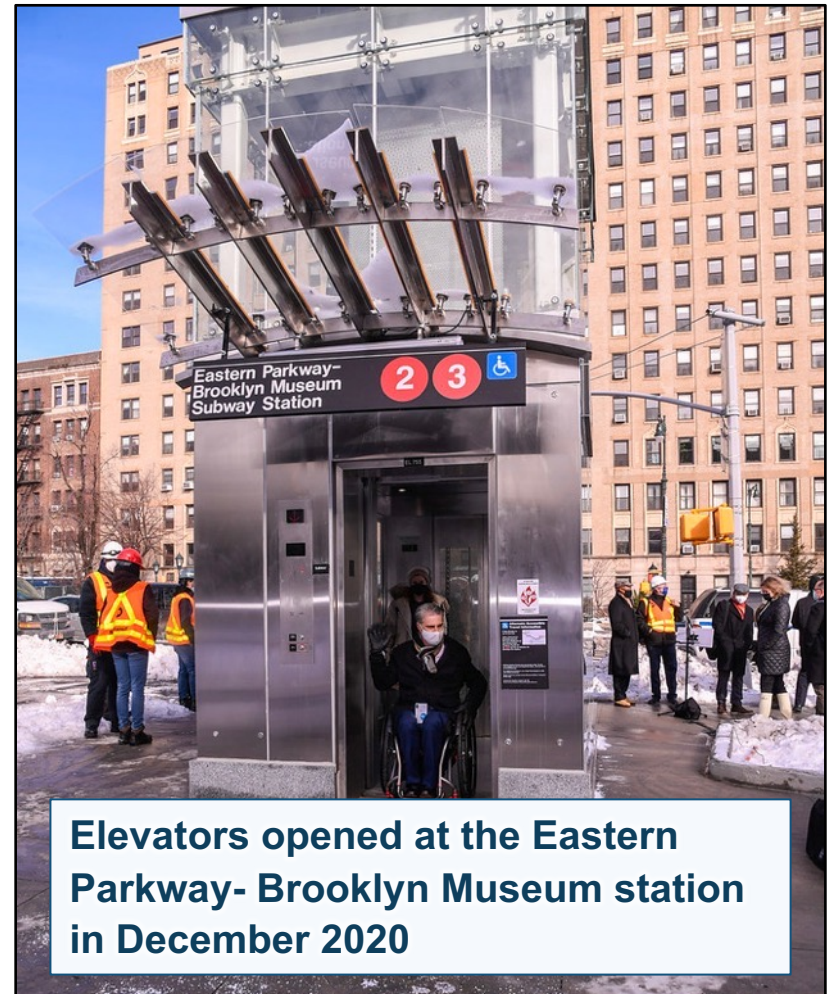
From 2005 to 2015, the number of New Yorkers over 65 grew by 19.2 percent

- More than twice the rate of the total population (7.5 percent)



2020-2024 MTA Capital Program

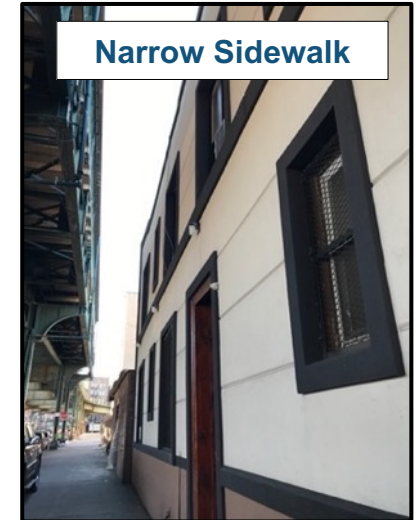
- More than \$5 billion dedicated to making 77 stations accessible.
- 43% of New York City Transit stations, serving over 60% of riders, will be fully accessible
- No subway rider will be more than 2 stations away from an accessible station



Elevator Construction is Challenging

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

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



Existing Zoning Regulations Support Accessibility

Existing transit-related zoning regulations result in benefits like more accessible stations:

- Support the development of transit improvements, such as elevators and new entrances
- Improve street and sidewalk environment by moving entrances off sidewalks
- Help align private development with improved station accessibility through better configured stations
- Speed up delivery of transit improvements

An easement at the 28th Street station in Manhattan moves the station entrance out of the right-of-way



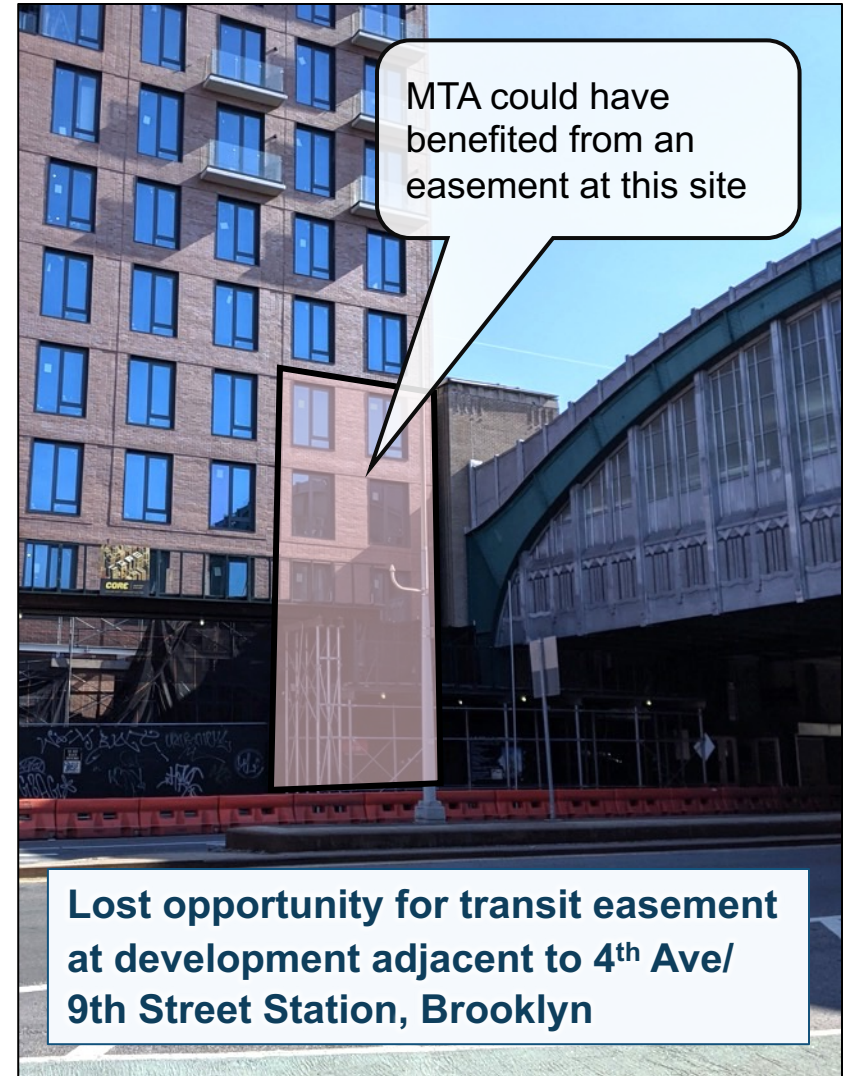
Existing Zoning Regulations: Easement Provisions

Easement Provisions

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

Limitations

- Exists in **very limited areas** in the city
- No general framework for facilitating transit easements outside of these limited areas
- MTA has missed opportunities to locate ADA access, particularly at complex stations



Existing Zoning Regulations: Transit Bonus Mechanisms

Transit Bonus Mechanisms

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

Limitations

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



Zoning for Accessibility

A citywide zoning framework that creates more opportunities to increase accessibility in the transit system

Goals of the Proposal

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

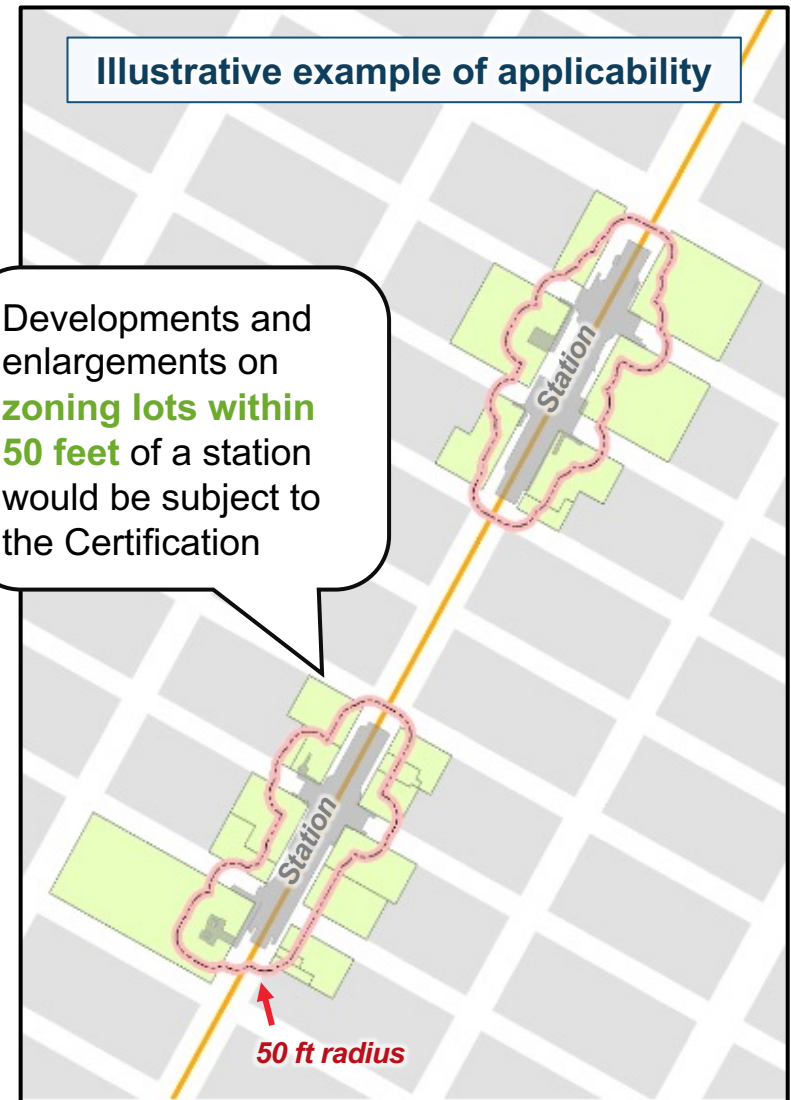
- I. **Expand the easement requirement system-wide** to better coordinate the present and future relationship of land uses around transit stations;
- II. **Provide zoning flexibility** to offset potential zoning burdens of an easement on development feasibility; and
- III. **Increase participation in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

System-wide Easement Requirement

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

APPLICABLE ZONING DISTRICTS

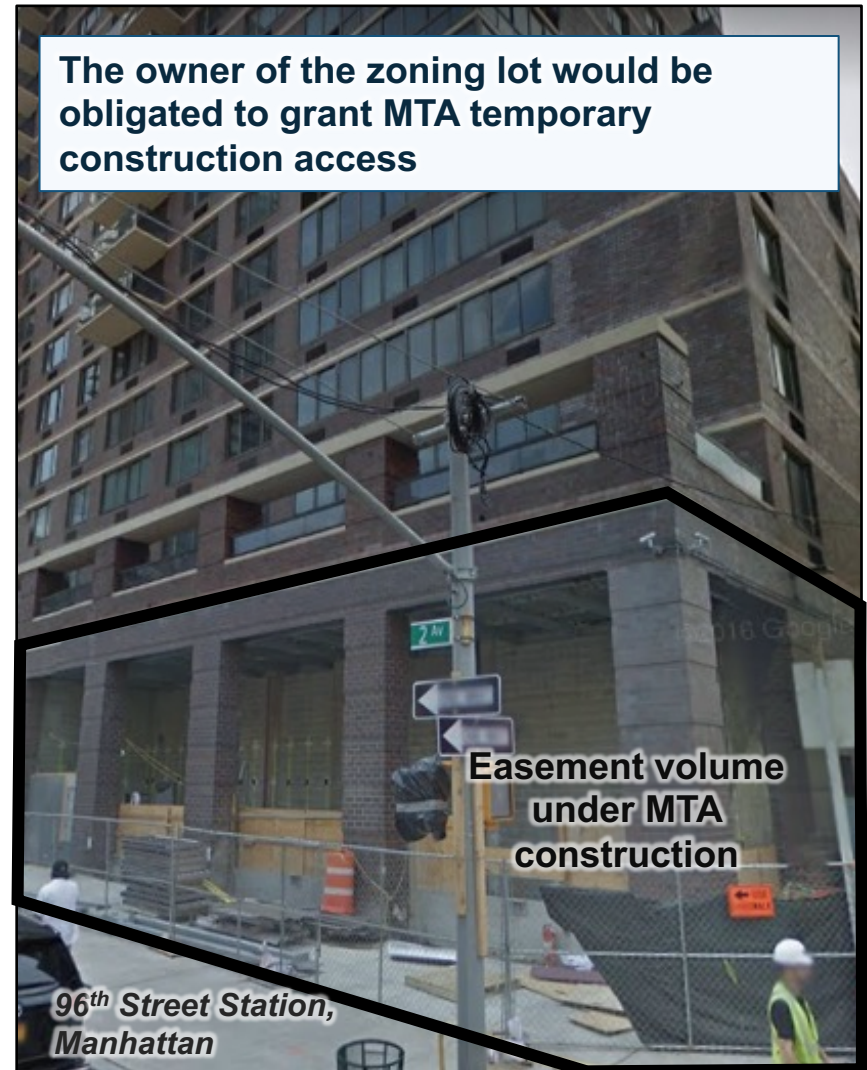
- **Residence Districts:** All districts at or above R5 (with commercial overlay) and R5D districts
- **Commercial Districts:** All districts with a residential equivalent at or above R5, as well as C7 and C8 districts
- **Manufacturing Districts:** All districts



Construction and Maintenance

If determined that a transit easement volume is needed, the owner of the zoning lot would be obligated to

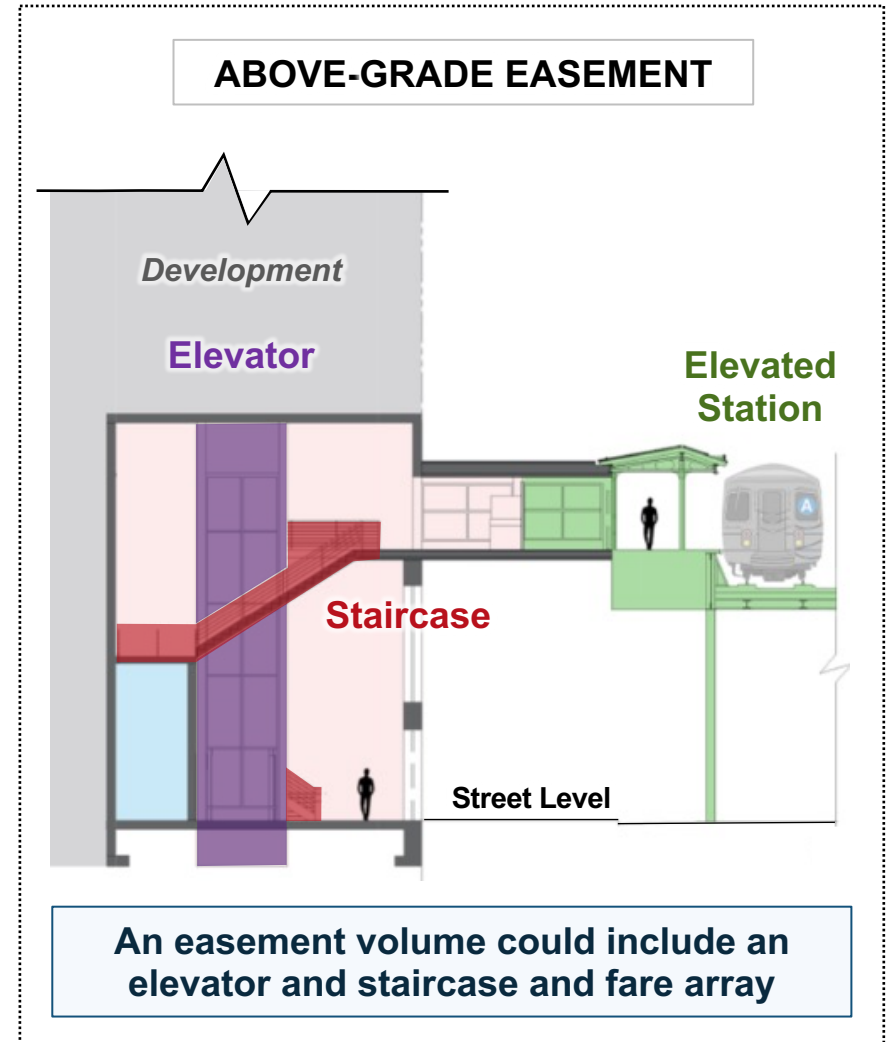
- provide a **transit easement** for station improvements. Construction of such improvements **would not be a requirement**; and
- provide a **knockout panel** where needed and grant MTA **temporary construction access**.



Transit Easements

The shape of an easement can vary:

- **Elevation** – an easement can take up multiple floors, whether it is serving an underground, at-grade or elevated station
- **Size** – size of an easement may differ, depending on the vertical circulation elements that are needed
- **Type** – easements may be used to accommodate other station needs, including substations



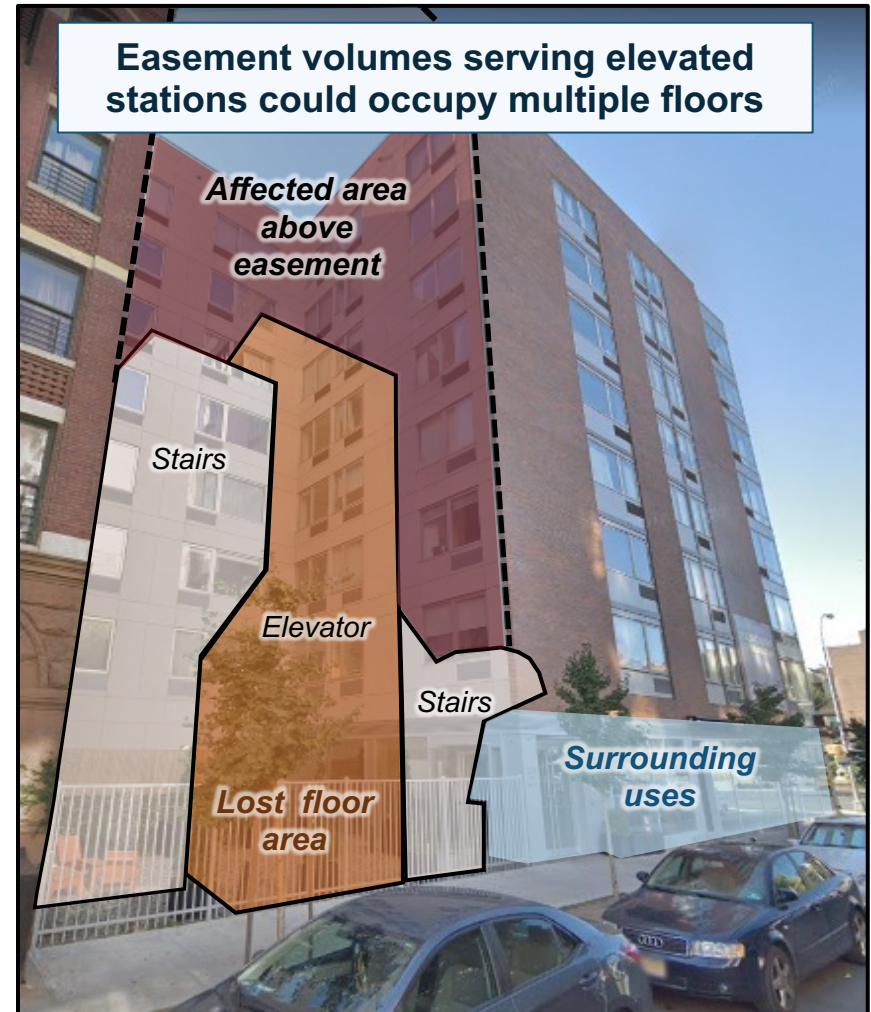
Potential Issues on Development Sites

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

They can

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

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



Zoning Relief for Easements

To address potential issues and additional burdens imposed on development sites, the following set of relief would be provided:

- I. Floor Area and Open Space
- II. Height and Setback
- III. Parking
- IV. Use
- V. Streetscape



Floor Area and Open Space

Maintain developable floor space and flexibility for locating easements

Floor area

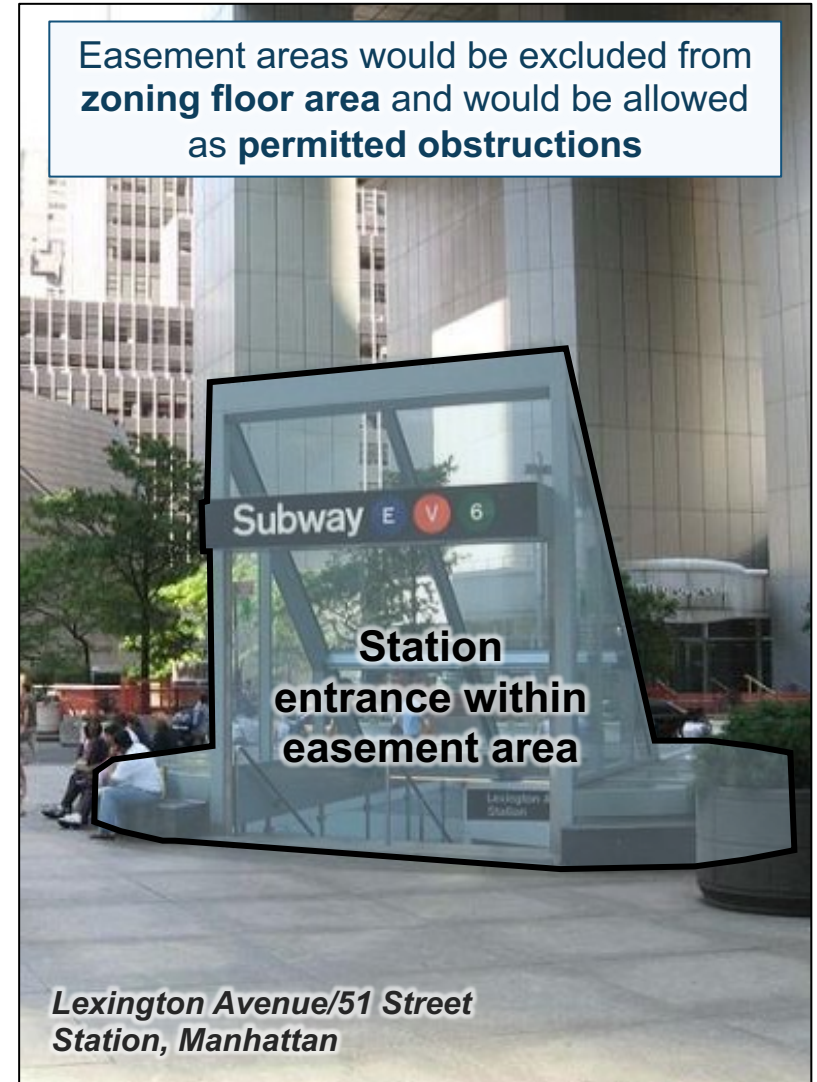
- Maintain buildable floor space on a development site by excluding easement areas from **zoning floor area**

Permitted obstruction

- Provide greater flexibility in locating easement areas by treating such volumes as **permitted obstructions**

Lot coverage

- Allow easement areas to be integrated more easily within buildings by **increasing maximum lot coverage** in certain districts



Height and Setback

Offset burdens of easement areas on development potential

Maximum height

- Allow total buildable floor space to be accommodated on sites by increasing maximum heights by **10 feet**, and where an above-grade easement is provided in R7 districts and above, by **20 feet**

Street wall

- Create better flow around easements by allowing additional street wall flexibility within **15 feet** of easement areas



Parking

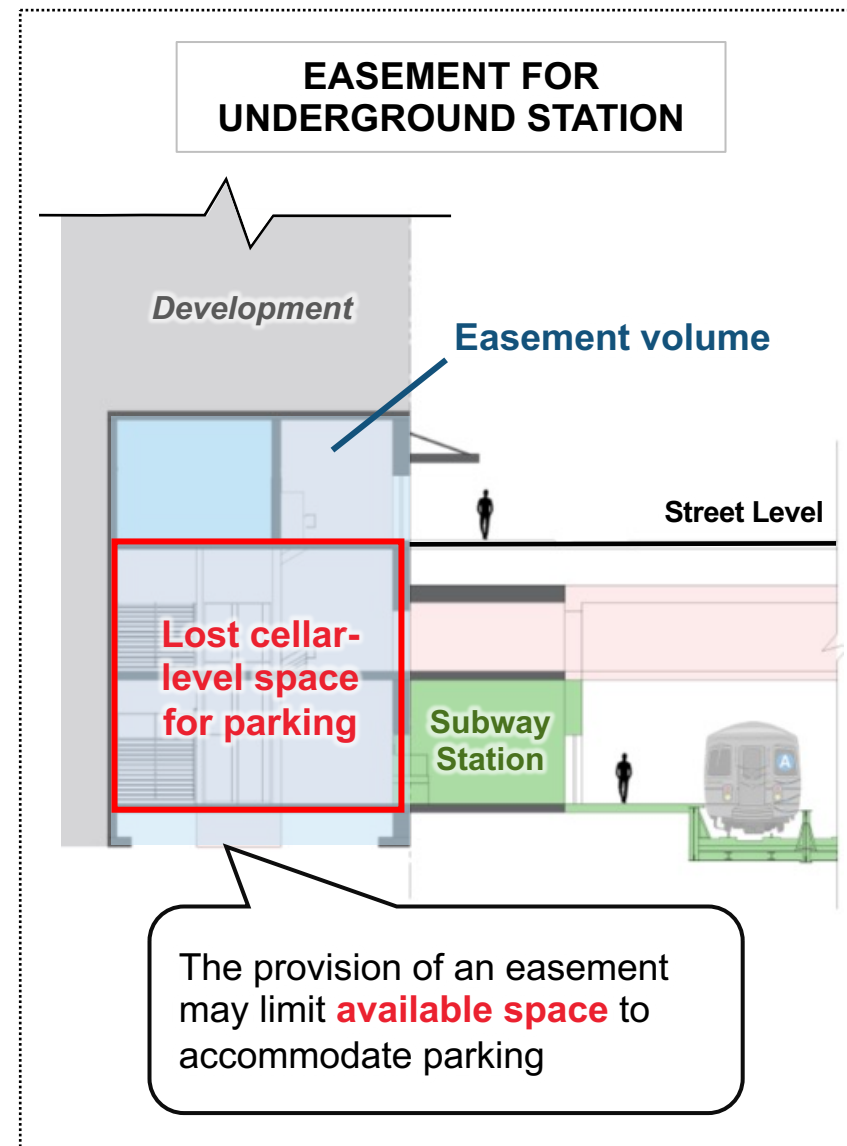
Limit potential conflict with parking spaces

Parking spaces

- Avoid potential conflict between easement area and parking by **deducting 15 parking spaces** from total number of required spaces
- Address greater site constraints on small sites by applying **parking waivers** to sites with small lot areas

PARKING WAIVERS

- **10,000 sf waiver** for applicable districts with higher parking requirements:
R5, R5D, C1-1, C1-2, C1-3, C2-1, C2-2, C2-3, C3, C4-1, C4-2, C4-3, C7, C8-1, C8-2, M1-1, M1-2, M1-3, M2-1, M2-2 and M3-1
- **15,000 sf waiver** for all other applicable districts with lower parking requirements



Use

Enhance sidewalk environment around easement areas

Temporary uses

- Activate unused easement areas by allowing **permitted non-residential uses**, as well as **local retail uses** in **residence districts**, within such space if left unimproved

Commercial uses

- Promote compatible uses around easements by allowing local retail uses **within 30 feet of easement areas** in **residence districts**
- Facilitate the accommodation of commercial floor space by allowing greater flexibility to locate **commercial uses on the second floor**



SECOND-FLOOR COMMERCIAL USES

- Allow local retail use within 30 feet of above grade easement areas in **Residence Districts** and commercial uses in **C1, C2, and C3 Districts**
- Allow second-floor commercial uses to **extend into the rear yard**

Streetscape

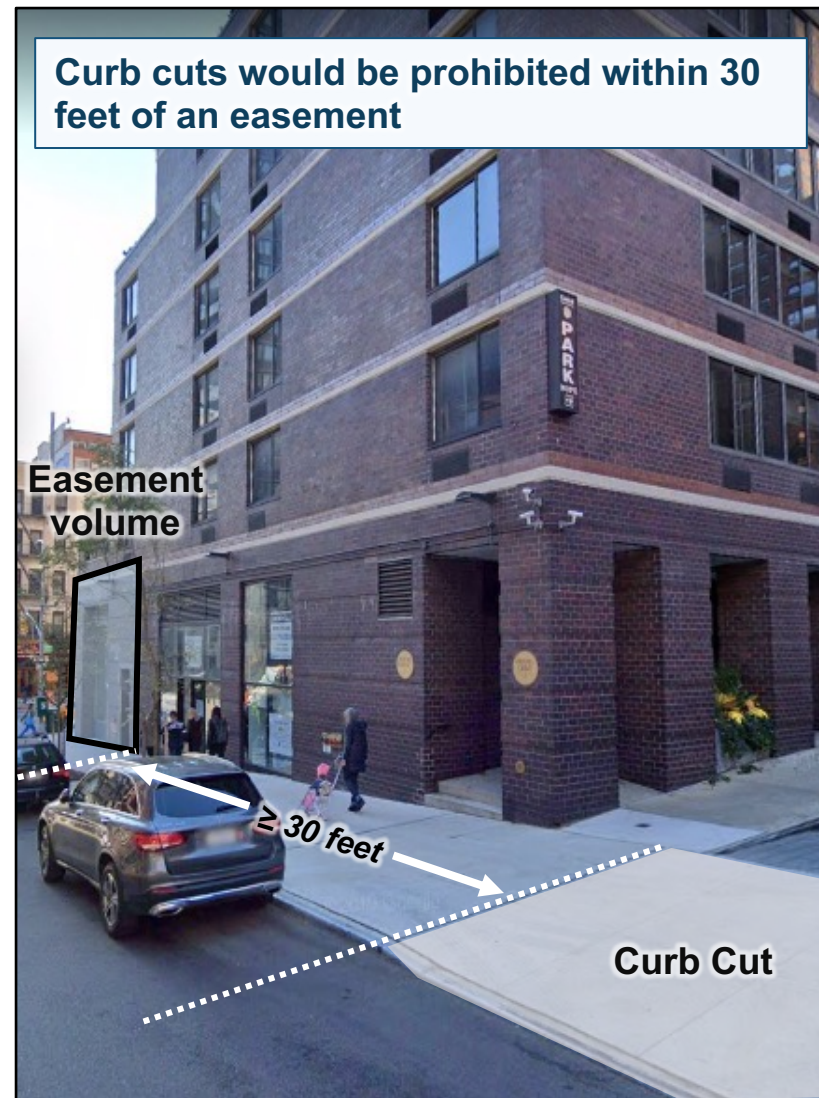
Align streetscape features with station entrances

Ground floor use and planting

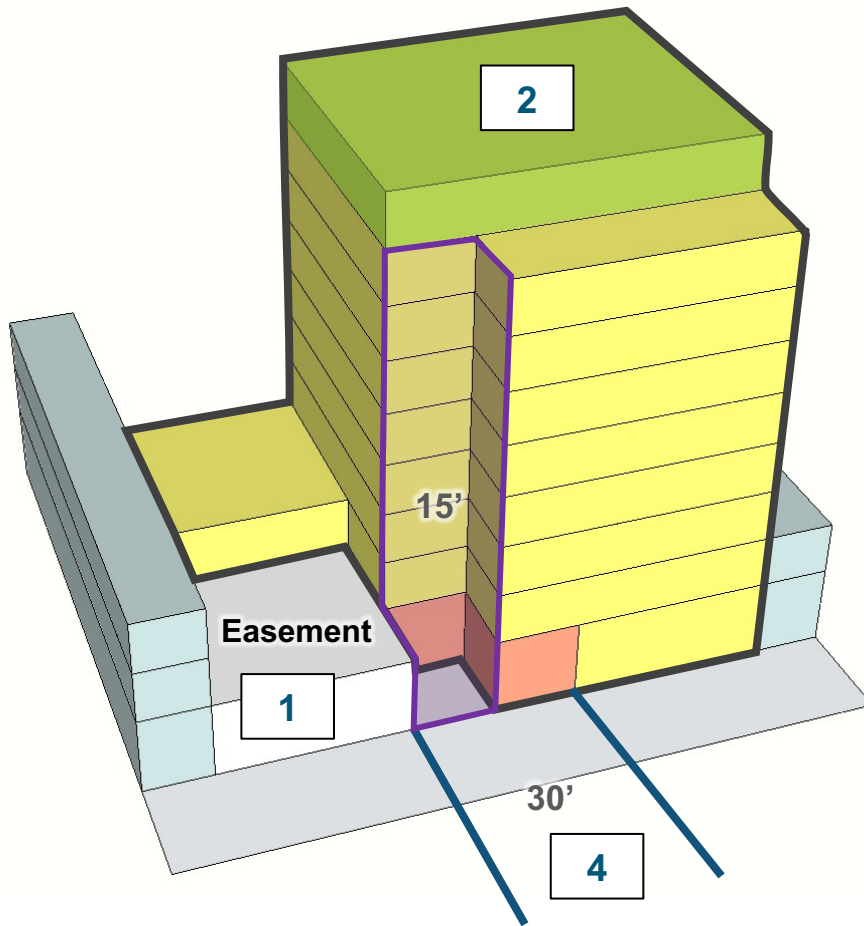
- Facilitate station entrance design by excluding easement areas from **ground floor use regulations** and **planting requirements**

Curb cut

- Ensure safety of transit riders entering and leaving station entrances by restricting curb cuts within **30 feet of an easement**



Summary of Zoning Relief for Easements

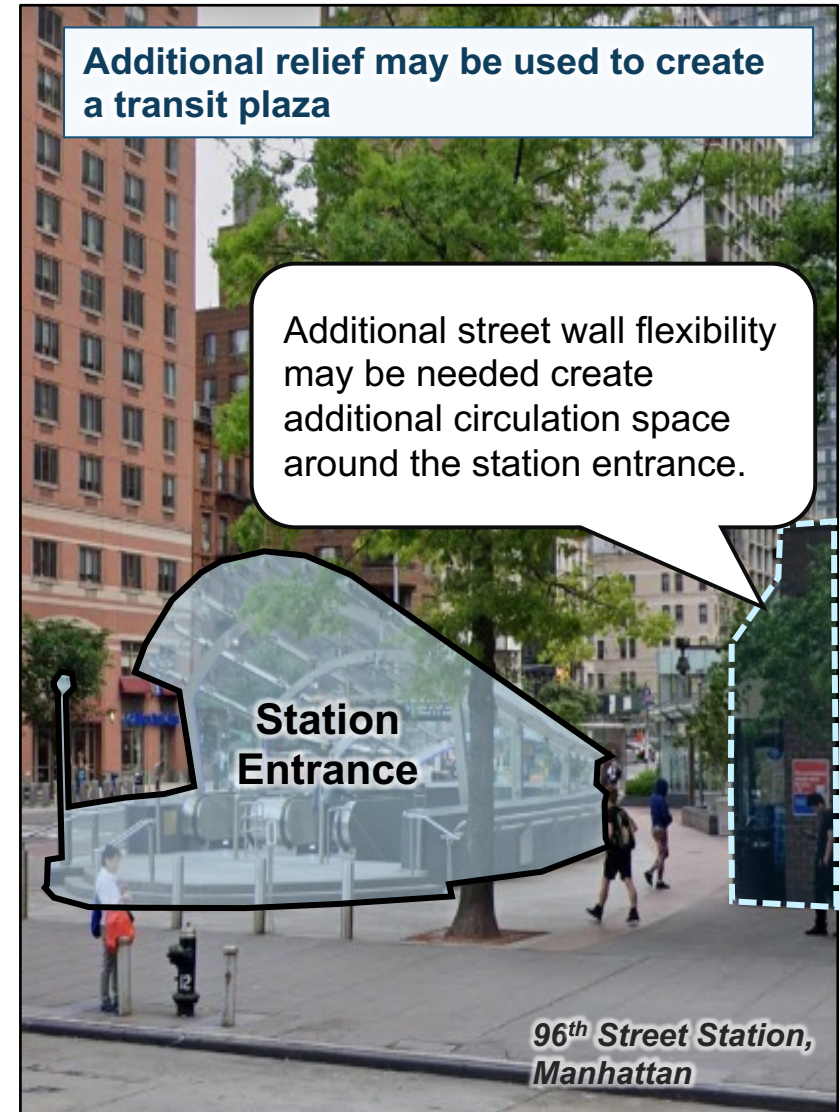


1. Exclude easements from **zoning floor area** and allow as **permitted obstructions**. Increase maximum lot coverage in certain districts
2. Increase **maximum permitted height** by 10 or 20 feet, and provide **street wall flexibility** around easements
3. Deduct 15 **parking spaces** and waive all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

Additional Relief to Address Unique Sites

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

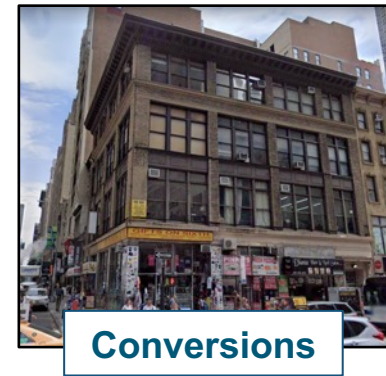
- Pursuant to an Authorization, allow additional bulk modifications, including a **height increase of up to 25%**, as well as other use, parking, loading, and streetscape relief
- Pursuant to a Special Permit, **grant further height increases** subject to additional discretionary review and approval



Optional Easements and Clear Paths Within 50' of Transit Stations

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

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

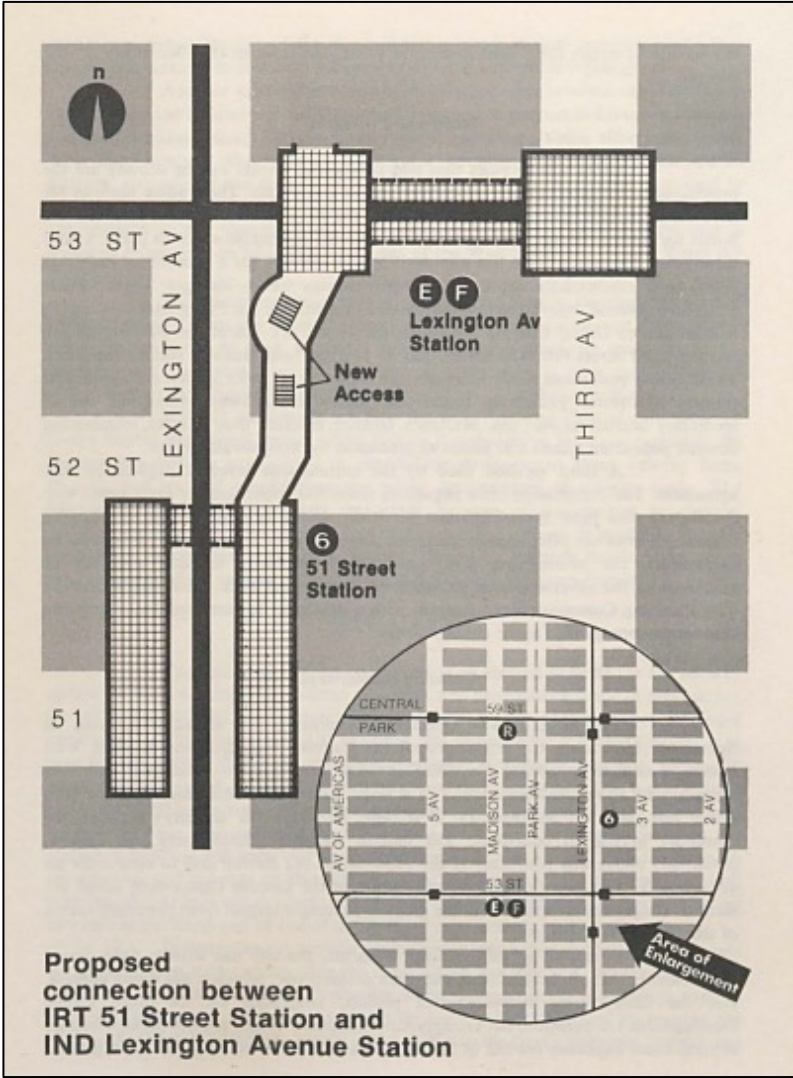


Existing Transit Bonus Mechanism

An incentive program that grants a floor area bonus of up to 20% for **significant station improvements** in high-density area.

Limitations

- **Only available in the highest density areas** in the city and typically only available to station-adjacent sites.
- **Procedural barriers** to participation

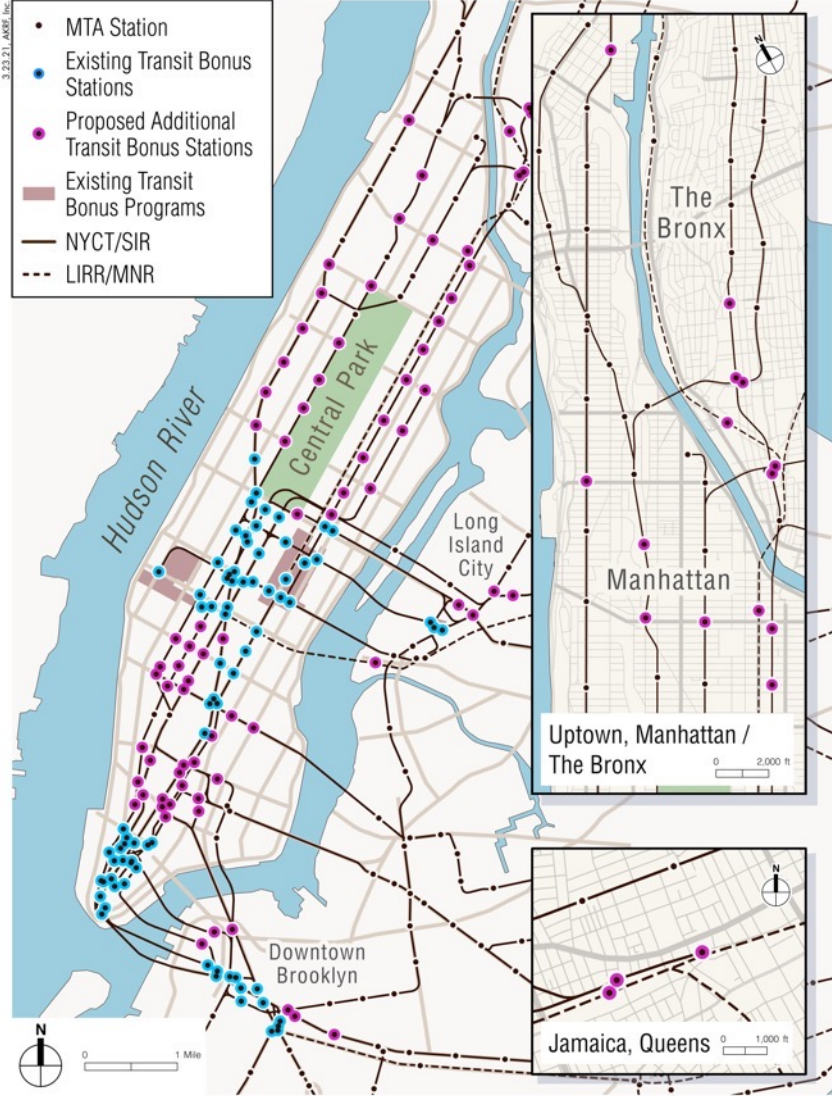


Expanded Transit Bonus Program

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

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

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

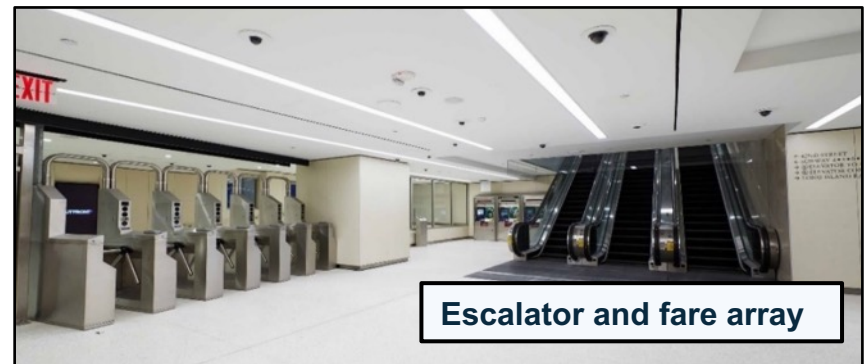
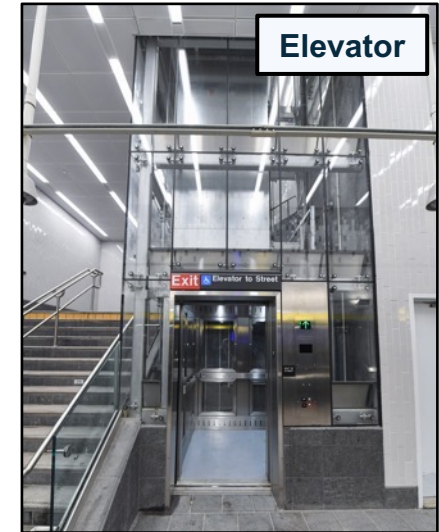
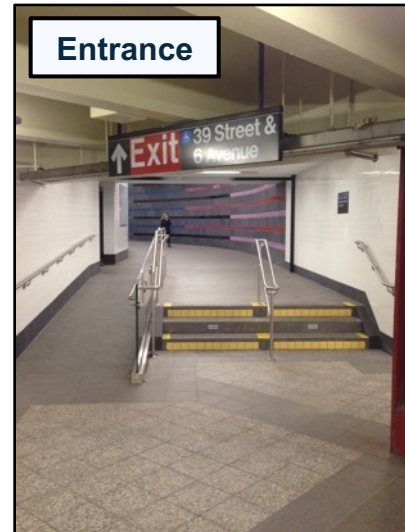


Floor Area Bonus and Improvements

Floor Area Bonus

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

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



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

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

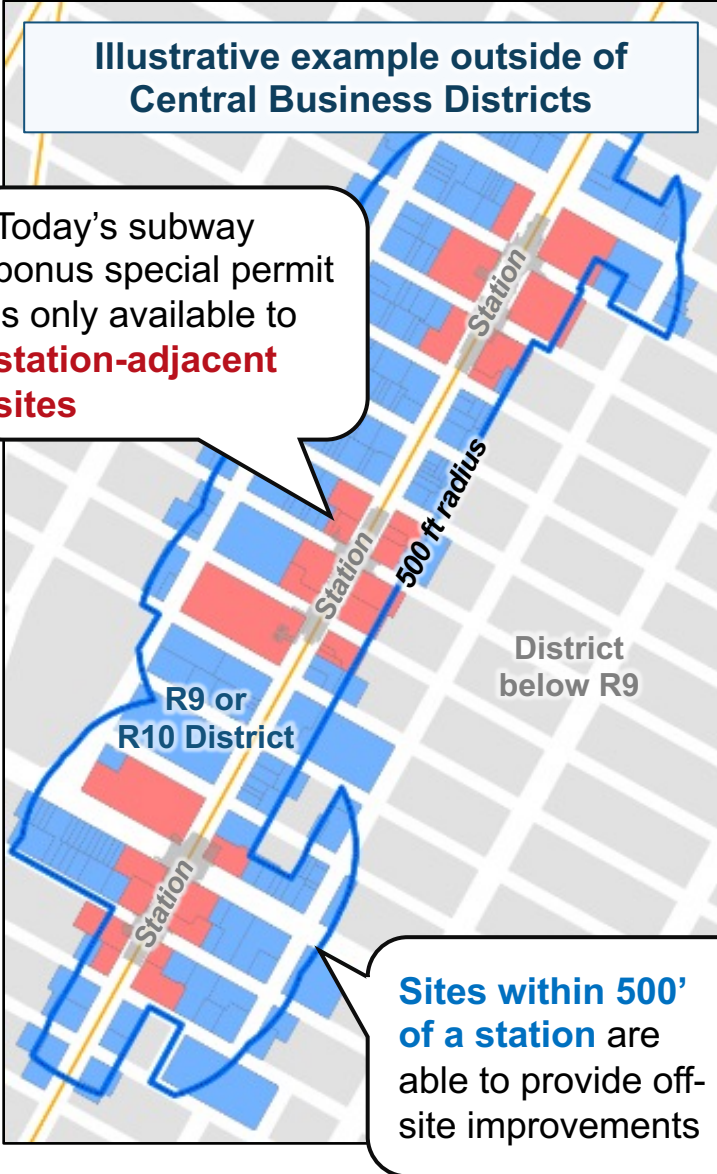
Expanded Coverage

Applicability

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

CENTRAL BUSINESS DISTRICTS

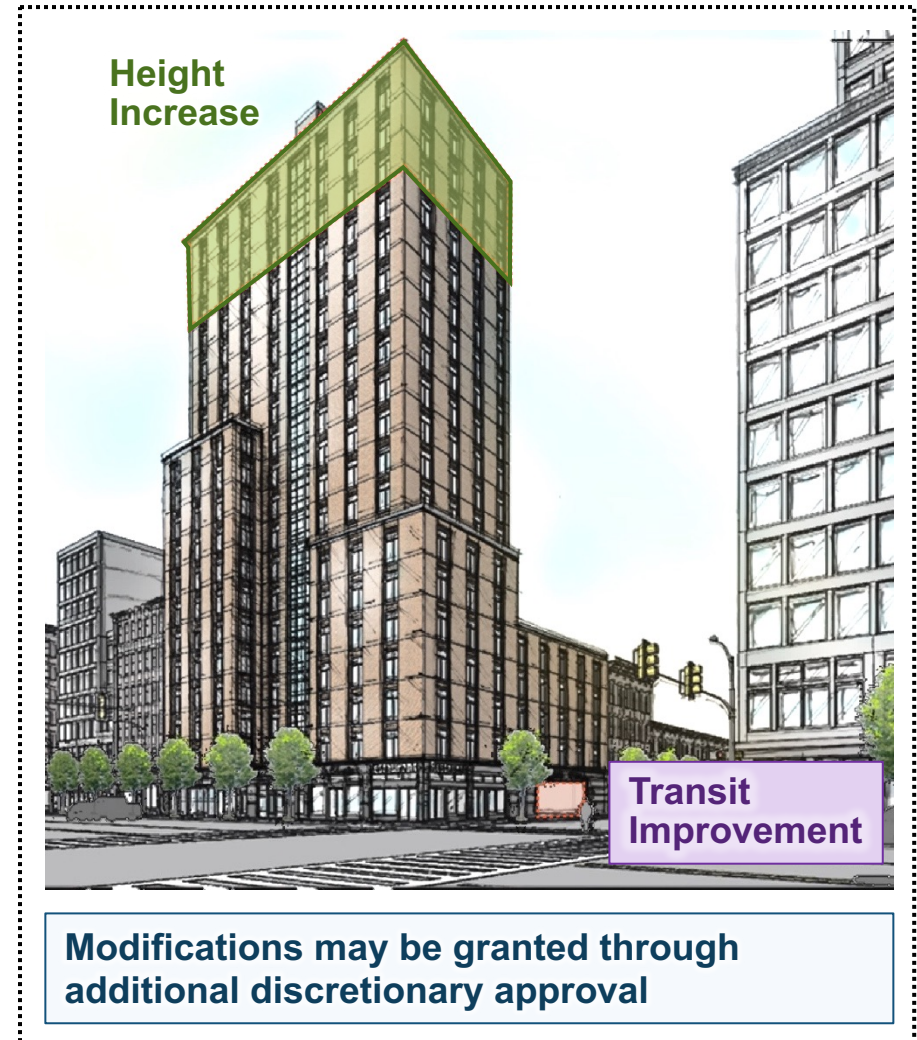
Midtown, Garment Center, Hudson Yards, Lower Manhattan, Long Island City and Downtown Brooklyn



Additional Discretionary Approvals

Modifications

- Pursuant to an Authorization, grant a **height increase of up to 25%** as well as other use, bulk, parking, loading, and streetscape relief to accommodate bonus floor area and transit improvements
- Pursuant to a Special Permit, **grant further height increases** subject to additional discretionary review and approval



Modifications may be granted through additional discretionary approval

System-wide Easement Requirement

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

Expanded Transit Improvement Bonus Program

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

APPENDIX

Zoning for Accessibility and the MTA Capital Program

Zoning for Accessibility would support the work of the MTA Capital Program

Easements

- 94% of MTA stations in the city would be eligible for the easement
- Reduces time and cost for future investments in each station

Transit Bonuses

- 14 of the 70 stations targeted for ADA improvements in the 2020-24 Capital Program are in the proposed bonus area
- Expands the total number of stations where CP improvements are expected to occur



Elevator Maintenance

MTA Maintained elevators

- Elevators in easements
- Elevators built by a developer outside of their building

Privately Maintained Elevators

- Account for small number of elevators built through ZFA.
- **Binding legal agreements** will ensure elevators are properly maintained
- Elevators must meet or exceed **reliability standards** of MTA elevators—currently 96.5%
- Developers provide funding to replace elevator at the end of useful life
- Developers must respond to any elevator outage within **two hours**
- Elevators **monitored remotely** by the MTA

