Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

37-40 - OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

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37-40 - OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

LAST AMENDED
10/7/2021

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.

STATION	LINE
The Bronx	

161st Street**	Grand Concourse
Manhattan	
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

* 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

** Access stairways to elevated portions of a station complex are exempt from this requirement

37-41 - Standards for Location, Design and Hours of Public Accessibility

LAST AMENDED
10/17/2007

In addition to the standards set forth in the current station planning guidelines as issued by New York City Transit, the following standards shall also apply:

(a) Location

The relocated or renovated entrance shall be immediately adjacent to, and accessible without any obstruction from, a public sidewalk or pedestrian circulation space as defined in Section 37-50. Any such pedestrian circulation space shall have a minimum horizontal dimension equal to the width of the relocated stairs or the minimum width of the pedestrian circulation space, whichever is greater.

The relocated or renovated entrance may be provided within a #building# but shall not be enclosed by any doors. The area occupied by a relocated or renovated entrance within a #building# shall not be counted toward the #floor area# of the #enlargement# or #development#.

(b) Design standards

The relocated or renovated entrance shall have a stair width of at least eight feet for each run.

Where two or more existing stairway entrances are being relocated or renovated as part of the same #development# or #enlargement#, the new entrance or entrances shall have total stair widths equal to or greater than the sum of the stair widths of those existing stairway

entrances, but in no case may any stair be less than eight feet in width.

The relocated entrance may be relocated within a #public plaza#, provided that the minimum width of each stair is 10 feet and the queuing area of the relocated entrance is unobstructed and contiguous to a sidewalk or a sidewalk widening. A relocated entrance within a #public plaza# is a permitted obstruction, but shall not be subject to the percentage limit on permitted obstructions for a #public plaza#.

For a relocated entrance only, the entrance shall have a queuing space at the top and bottom of the stairs that is at least eight feet wide and 15 feet long. Such queuing space may overlap with a #public plaza# or an #arcade# in accordance with the provisions of Sections 37-53 (Design Standards for Pedestrian Circulation Spaces) or 37-80 (ARCADES).

No stairway shall have more than 14 risers without a landing, and each landing shall have a minimum width equal to the width of the stairs, and a minimum length of five feet.

Throughout the entire stairway entrance, including passageways, the minimum clear, unobstructed height shall be at least 7 feet, 6 inches from finished floor to finished ceiling, including all lighting fixtures and #signs#.

The entire entrance area, including passageways, shall be free of obstructions of any kind, except for projecting information signage.

The relocated entrance shall connect to an existing or proposed subway passageway, or shall connect, via an underground passageway, to a mezzanine area of the subway station.

The below-grade portion of a relocated entrance may be constructed within the #street#.

(c) Hours of public accessibility

The relocated or renovated entrance shall be accessible to the public during the hours when the connected mezzanine area is open to the public or as otherwise approved by New York City Transit.

37-42 - Administrative Procedure for a Subway Stair Relocation or Renovation

LAST AMENDED
2/2/2011

For any #development# or #enlargement# that is subject to the requirements for the relocation of a subway stair entrance or counts a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), inclusive, no plan shall be approved by the Department of Buildings and no excavation permit or building permit shall be issued, unless the following criteria are met:

(a) for a relocated entrance, such plan includes a stair relocation plan and related documents that require:

(1) construction of the new stair entrance in accordance with such plan;

(2) demolition of above-ground elements of the existing entrance;

(3) sealing of the existing entrance at the sidewalk level; and

(4) maintenance of the work performed on the relocated or renovated entrance; or

(b) for a renovated entrance, such plan includes a renovation plan and related documents that require:

(1) renovation of the entrance in accordance with such plan; and

(2) maintenance of the work performed on the renovated entrance; and

(c) such plan and related documents bear New York City Transit's approval; and

(d) such plan is accompanied by a certified copy of an agreement, as recorded between New York City Transit and the owner for an easement on the #zoning lot# for subway-related use of the new stair entrance and for public access via such entrance to the subway station, which agreement has been recorded against the #zoning lot# in the Office of the Register of the City of New York and is accompanied by the Register's receipt of recordation; and

(e) no permanent certificate of occupancy shall be issued for the #building# either altered or #developed#, as set forth in Section 37-40, or #enlarged#, that is subject to the subway stair relocation requirement or is counting a renovated subway stair as pedestrian circulation space in accordance with the provisions of Section 37-50, inclusive, unless and until all of the work required under paragraph (a) or (b) of this Section has been completed and New York City Transit has so certified in writing to the Department of Buildings.

37-43 - Modification of Requirements for a Relocated or Renovated Subway Stair

LAST AMENDED
6/6/2024

The Chairperson of the City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of Sections 32-351 (Ground floor use in high-density areas) and 37-41 (Standards for Location, Design and Hours of Public Accessibility) or 37-70 (PUBLIC PLAZAS) if the relocated subway stair cannot be accommodated without modification to these provisions.

37-44 - Waiver of Requirements

LAST AMENDED
10/17/2007

The provisions of Section 37-40 (OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR) may be waived by joint certification of New York City Transit and the Chairperson of the City Planning Commission that major construction problems or operating design considerations render the stair relocation infeasible. In such event, the stair relocation requirement may be satisfied by retention of the existing stair and the provision on the #zoning lot# of an open area, qualifying under the provisions of Section 37-50 (REQUIREMENTS FOR PEDESTRIAN CIRCULATION SPACE), that accommodates pedestrian traffic passing the existing stair entrance.