Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

95-05 - Terms and Conditions for Permitted Uses and Construction Within Transit Easement Volume

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95-05 - Terms and Conditions for Permitted Uses and Construction Within Transit Easement Volume

LAST AMENDED
10/7/2021

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.

95-051 - Development of transit access facilities

LAST AMENDED
11/30/2017

All access facilities, including any light wells or sky lights required within a transit easement volume established pursuant to the provisions of Section 95-031 (Selection of transit easement at certain stations), or access and ancillary facilities required pursuant to the provisions of Section 95-032 (Determination of transit easement at other stations), shall be constructed and maintained by the Metropolitan Transportation Authority except for any #building# columns, footings or any other permitted obstructions allowed therein.

The subway entrance within the transit easement volume and any adjoining #public plaza# shall be at the same elevation as the adjoining sidewalk and shall be directly accessible to the public at all times. When such entrance is not located at the #street line#, it shall be visually prominent and directly accessible from a #street# by a paved pedestrian walk at least 20 feet in width and at the same elevation as the adjoining sidewalk. Such privately owned pedestrian walk shall be maintained by the owner. In order to provide natural light to the subway mezzanine level, at least 10 percent of the transit easement area at #curb level# shall be provided with light wells and skylights.

95-052 - Special access facilities for persons with disabilities at certain stations

LAST AMENDED
2/2/2011

For #zoning lots# subject to the provisions of Section 95-031 (Selection of transit easement at certain stations), special elevators for persons with disabilities may locate within a transit easement volume, provided stair and/or escalator access to the subway mezzanine are located within the same easement and in no event located within the public sidewalk adjacent to the #zoning lot#.

Such special elevators shall be designed by the Metropolitan Transportation Authority in consultation with the owner of the #zoning lot# and shall be integrated architecturally, including color and material, with the #buildings# on the #zoning lot# and with adjoining #public plaza# area. Design concept for such elevators shall be submitted to the City Planning Commission for certification.

95-053 - Weather protection

LAST AMENDED
2/2/2011

The stairs or escalators providing pedestrian access to the subway mezzanine, which are not covered at the entrance level, shall be weather protected by the #building# or portion thereof including an overhang, or by a roofed area provided by the owner of the #zoning lot# in accordance with the Metropolitan Transportation Authority requirements. Such overhang or roofed area shall cover either or both the stairway and the escalator which are uncovered at the ground level. Any overhang or roofed area shall be sufficient to cover the access facilities within the easement volume and may not otherwise obstruct the #public plaza#.

When the subway entrance is within an open #public plaza# area, a roof area shall be provided with either a glazed or translucent material for at least 50 percent of its surface area. The roofed area shall be no more than 15 feet above #curb level# and shall blend harmoniously with the #buildings# on the #zoning lot# and any adjoining #public plaza# or open area.

95-054 - Permitted uses and other constructions

LAST AMENDED
6/6/2024

Areas within the easement volume not used for circulation purposes may be developed in accordance with the Metropolitan Transportation Authority specifications, provided they do not interfere with pedestrian circulation and are made of removable structures. In no event shall such permitted #uses# be located within 10 feet of a pedestrian entrance to the subway at #curb level#.

In addition, any portion of the transit easement volume at #curb level# not to be covered for weather protection, may contain trees, benches or any obstructions permitted in a #public plaza# area. However, such elements shall not interfere with the pedestrian movement.

The Metropolitan Transportation Authority and the City Planning Commission may permit penetration of the transit easement volume above #curb level# by a #building# lobby, including #building# columns, where such lobby space serves as a part of the pedestrian circulation system and provides from it direct public access to the subway entrance within the easement volume.

Where construction within a transit easement volume is more than five feet in height above #curb level#, such construction proposal shall be submitted to the Commission for a review and certification to ensure that such construction relates harmoniously to the total development. When a transit easement volume is located within a #building#, it shall be open to the general public for the same hours of operation as the subway station.

#Building# columns or footings are permitted inside the transit easement volume, provided that the minimum clear distance between any columns is 12 feet and between the columns and any bounding walls of the transit easement volume is 10 feet. Where the width of an easement is greater than 20 feet, location of columns within the easement volume shall be established in consultation with the Metropolitan Transportation Authority. In all cases, the depth of columns or footings within the easement area or adjoining area shall be established in consultation with the Metropolitan Transportation Authority. Furthermore, vertical space between such columns shall be open and unobstructed from its base except for any construction permitted under the provisions of this Chapter.

95-055 - Knockout panel

LAST AMENDED
2/2/2011

Any underground walls constructed along the #front lot line# of a #zoning lot# in which transit easement volume is required by the Metropolitan Transportation Authority shall contain 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 indicated by the Metropolitan Transportation Authority.