Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

81-673 - Mass transit access

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LAST AMENDED
8/9/2017

(a) On #qualifying sites#

Where a #zoning lot# contains an easement volume for pedestrian access to a subway station or rail mass transit facility and such #zoning lot# is proposed to be #developed# or, where permitted, #enlarged# in accordance with the provisions for #qualifying sites#, such existing easement volume shall be preserved, or reconfigured in accordance with standards and terms approved by the Metropolitan Transportation Authority (MTA), as part of such #development# or #enlargement#. Any reconfiguration shall be constructed by the owner of the #development# or #enlargement#.

For such #developments# or, where permitted, #enlargements#, the owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility 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 of the City Planning Commission. 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.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. 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) On #qualifying sites# in the Grand Central Transit Improvement Zone Subarea or in the Other Transit Improvement Zone Subarea

For #developments# or, where permitted, #enlargements# involving ground floor level construction on #qualifying sites# in the Grand Central Transit Improvement Zone Subarea, or in the Other Transit Improvement Zone Subarea, as shown on Map 2 (East Midtown Subdistrict and Subareas) in Appendix A of this Chapter, in addition to the provisions of paragraph (a) of this Section, as applicable, a transit easement volume may be required on such #zoning lot# for public access between the #street# and a below-grade subway station or rail mass transit facility.

Prior to filing any applications 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 MTA and the Chairperson 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 owner shall submit a site plan showing a proposed location and size of the transit easement volume that would provide access between the #street# and the below-grade subway station or rail mass transit facility 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.

Legal instruments creating a transit easement volume shall be executed and recorded in a form acceptable to the City. 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#.

If a transit easement volume is required on the #zoning lot#, pursuant to the provisions of this Section, an off-street subway or rail mass transit access improvement may be constructed and maintained by either the owner of the #development# or #enlargement#, or the MTA, as follows:

(1) where such mass transit access improvement is constructed and maintained by the owner of the #development# or #enlargement#:

(i) such mass transit access shall be improved to the standards set forth in Section 81-48 and shall be approved by the MTA, and shall comply with the following:

(a) where the lobby of the #building# adjoins such mass transit access, in addition to mass transit access to the #street#, such mass transit access shall provide a direct connection to the lobby of the #building# that is open during normal business hours; and

(b) such mass transit access shall provide directional #signs# in accordance with the provisions of Section 81-412 (Directional signs). Such #signs# shall be exempt from the maximum #surface area# of non-#illuminated signs# permitted by Section 32-642 (Non-illuminated signs); and

(ii) 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 improvements are substantially complete and usable by the public.

(2) where such mass transit access improvement is constructed and maintained by the MTA:

(i) where construction of the transit easement volume by the MTA is not contemporaneous with the construction of the #development#:

(a) any underground walls constructed along the #front lot line# of a #zoning lot# 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 determined through consultation with the MTA; and

(b) 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; and

(ii) 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) In other locations

For portions of the #Special Midtown District# within the #Special Transit Land Use District#, where, as part of a #development# or #enlargement# involving ground floor level construction, a transit easement volume is required by the MTA to accommodate, whether singly or in any combination, light wells, stairs, ramps, escalators, elevators, passageways, or ancillary facilities required to support the functioning of subway station or rail mass transit facilities, including, but not limited to, emergency egress or ventilation structures, the MTA shall, in consultation with the owner of the #zoning lot# and the City Planning Commission, determine the appropriate type of transit easement and reasonable dimensions for such transit easement volume.

The floor space occupied by any transit easement volume required pursuant to this Section shall not count as #floor area#. Where access improvements are constructed by the owner of the #zoning lot#, each square foot of mass transit access may constitute three square feet of pedestrian circulation space required pursuant to Section 81-45 (Pedestrian Circulation Space), not to exceed 3,000 square feet.