



Community Board 12 - Manhattan Washington Heights & Inwood

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Eleazar Bueno, Chairperson
Ebenezer Smith, District Manager

May 28, 2021

Hon. Marisa Lago, Chair
New York City Department of City Planning
120 Broadway
31st Floor
New York, NY 10271

Hon. Patrick Foye, Chairman & CEO
Metropolitan Transit Authority
2 Broadway
New York, NY 10004

Re: Resolution supporting the elevate transit: Zoning for Accessibility Citywide Zoning Text Amendment.

Dear Chair Lago & Chairman Foye:

At the General Meeting on Tuesday, May 25, 2021, Community Board 12, Manhattan passed the following resolution with a unanimous vote of 33 in favor, 0 opposed, 0 abstentions, and 0 not voting, supporting the Elevate Transit: Zoning for Accessibility Zoning Text Amendment proposed by the Metropolitan Transportation Authority and the Department of City Planning.

Whereas: The Metropolitan Transportation Authority (the "MTA") together with the New York City Department of City Planning ("DCP") propose a zoning text amendment (the "Proposed Action" or "Zoning Text Amendment N 210270 ZRY") to the New York City Zoning Resolution (the "ZR") to establish a framework for coordinating the siting and provision of transit station improvements with new developments on adjacent sites, create an expanded transit improvement bonus program (the "Expanded Transit Improvement Bonus Program") that would grant a floor area bonus for developments within all R9 and R10 zoning districts that provide transit station improvements, including accessibility improvements, and grant, according to a Special Permit and a City Planning Commission Authorization, additional zoning relief, such as for floor area, open space, height, setback, parking, use, and streetscape, on such sites according to other discretionary actions. The Proposed Action was referred out for public review by DCP on April 5, 2021. The deadline for community boards to submit comments is June 14, 2021; and

Whereas: Most New York City Transit, Staten Island Railroad ("SIR"), Long Island Railroad ("LIRR"), and Metro-North ("MN") stations were built before 1950. Currently, only 136 of 493 subway and SIR stations or 28% and 25 of 39 or 64% of LIRR and MN stations with City limits are accessible. 550,000 of New York City's approximately 8.4 million residents have a mobility disability, 1.5 million residents are 65 years of age or older, and the number of residents 65 and older grew by 19.2% from 2005 to 2015; and

Whereas: Challenges to station accessibility include narrow platforms and sidewalks, complex underground utility infrastructure, limited exit, and egress passages, limited clearance between buildings and stations, and most stations require more than one elevator to achieve full accessibility. The existing transit-related zoning regulations that foster more accessible stations include easements and transit bonus mechanisms. Easements require private sites adjacent to stations to provide a space for future station access if required by the MTA. The transit bonus mechanism provides zoning bonuses to private sites in high-density zoning districts that provide significant station improvements, like elevators and entrances; and

Hon. Marisa Lago, Chair, and Hon. Patrick Foye, Chairman

Re: Resolution supporting the elevate transit: Zoning for Accessibility Citywide Zoning Text Amendment.

May 28, 2021

Page 2

- Whereas: Easement provisions exist in extremely limited areas of the City, there is no framework for coordinating easements outside of these limited areas and the MTA has missed many opportunities to locate station access, compliant with the Americans with Disabilities, in coordination with new construction projects. The transit bonus mechanism is only available in the highest density districts of the City, only applicable to zoning lots adjacent to the station, and adds time and risk to the development schedule; and
- Whereas: The MTA's 2020-2024 Capital Program dedicates \$5 billion to make 77 stations accessible, increasing the percentage of accessible stations systemwide to 43%. Subway stations located in Washington Heights and Inwood that are included in MTA's 2020-2024 plan are the 168th Street #1 station, the 181st Street A station, and the Dyckman Street #1 station; and
- Whereas: The Proposed Action would allow the MTA to work more efficiently with private developers to achieve accessibility sooner. It would modify existing easement requirements (the "Modified Easement Requirements") to create a system-wide easement requirement applicable to all developments and enlargements on zoning lots citywide of 5,000 square feet or more that are within 50 feet of a mass transit station and are located in Residential zoning districts at or above R5 with a commercial overlay, R5D zoning districts, Commercial zoning districts with a Residential equivalent of R5 or higher, C7 and C8 zoning districts, and all Manufacturing zoning districts. For projects on these sites, consultation with the MTA and the Chair of the City Planning Commission will be required to assess the need for a transit easement; and
- Whereas: The transit bonus program (the "Transit Bonus Program") is currently concentrated in midtown Manhattan, the Financial District, and Downtown Brooklyn. The Proposed Action would expand coverage of the Transit Bonus Program, simplify the discretionary review and approval process, and incentivize new transit improvements for significant station improvements through a new floor area bonus of up to 20% and, according to a special permit, a height increase bonus of up to 25%. The expanded Transit Bonus Program would apply to projects on sites located in R9 and R10 zoning districts, their Commercial and MX zoning district equivalents, and M1-6 manufacturing districts that are on zoning lots within 500 feet of a station, or 1,500 feet of a station if the site is within a Central Business District including Midtown, the Garment Center, Hudson Yards, Lower Manhattan, Long Island City and Downtown Brooklyn; and
- Whereas: The Modified Easement Requirements would apply to all stations in Washington Heights and Inwood, but the expanded Transit Bonus Program would only apply to certain sites near the 207th Street #1 station, east of 10th Avenue; and
- Whereas: Representatives of DCP and the MTA presented the Proposed Action to CB12-M's Land Use Committee ("Land Use" or the "Committee") at its regularly scheduled May 5, 2021, Committee Meeting. The Chair of CB12-M's Traffic and Transportation Committee attended the meeting. The Committee acknowledged that the Proposed Action is particularly meaningful to CB12-M given the recent passing of former CB12-M Board member Edith Prentiss, a legendary New York City advocate for people with disabilities and a resident of Washington Heights; and
- Whereas: Edith passed away on March 16, 2021. She was fierce and effective with her advocacy, helping to get elevators installed at subway stations across the city, including Manhattan Community District 12's Dyckman Street #1 station, helping to provide free shuttle bus rides for residents when

Hon. Marisa Lago, Chair, and Hon. Patrick Foye, Chairman

Re: Resolution supporting the elevate transit: Zoning for Accessibility Citywide Zoning Text Amendment.

May 28, 2021

Page 3

subway elevators were being replaced, arguing for more accessible taxis, and testifying in the name of stronger legislation around disability rights on countless occasions; now, therefore, be it

Resolved: In memory of the late Edith Prentiss, Community Board 12-Manhattan supports the Elevate Transit: Zoning for Accessibility Zoning Text Amendment proposed by the Metropolitan Transportation Authority and the Department of City Planning.

Sincerely,



Eleazar Bueno
Chairperson

cc: Hon. Bill de Blasio, Mayor
Hon. Jumaane Williams, Public Advocate
Hon. Scott M. Stringer, Comptroller
Hon. Brian Benjamin, State Senator
Hon. Robert Jackson, State Senator
Hon. Gale Brewer, Manhattan Borough President

Hon. Al Taylor, Assembly Member
Hon. Carmen De La Rosa, Assembly Member
Hon. Ydanis Rodriguez, Council Member
Hon. Mark Levine, Council Member