

Joint Meeting for Ability & Access, Transportation, & the Land Use Committee

Community Board 7

Meeting Notes submitted by Cindy VandenBosch and John Fontillas

May 3, 2021

Presentation by the Department of City Planning on Elevate Transit: Zoning for Transit Accessibility (CEQR # 21DCP136Y)

This committee meeting was given a presentation by Amy Jin, Planner and Alex Sommer, Brooklyn Deputy from the New York City Department of City Planning (DCP) and Andy Ingelsby, Assistant Director, Government & Community Relations from The Metropolitan Transportation Authority (MTA) New York City Transit on CEQR#21DCP136Y, a proposed zoning text amendment entitled, "Zoning for Transit Accessibility," which was referred out in April of this year.

According to the presenters, this proposal will help the MTA work more efficiently with private developers to achieve system-wide accessibility more quickly. ADA accessible stations include many features to stations, such as the yellow tactile strips on platforms, handrails, and other elements like ramps, but this zoning text amendment focuses on vertical accessibility. The two major parts of the proposal include:

- 1) A system-wide easement requirement
- 2) An expanded transit improvement bonus in high density areas (does not apply to CB7)

Current context

Most stations pre-date 1950 and progress has been made regarding accessibility but most stations are not accessible.

- 136 of 493 subway or SIR stations are accessible / 132 out of 472 subway stations
- 25 of 39 LIRR and MNR stations within city limits in the MTA system are accessible

Many New Yorkers benefit from accessible stations, including people with disabilities, parents with young children, seniors, and people with temporary injuries.

The MTA made a historic commitment to accessibility in its last capital plan. Of the 8.4 million residents:

- 550,000 have an ambulatory disability
- 500,000 are under the age of 5
- 1.2 million residents 65+

From 2005 to 2015, the number of New Yorkers over the age of 65 grew by 19.2%, more than twice the rate of the total population (7.5%)

MTA has made a commitment in 2020-2024 capital program to the following:

- More than \$5B dedicated to making 77 stations accessible
- 43% of NYCT stations, serving over 60% of riders, will be accessible
- No subway rider will be more than 2 subway stations from an accessible station

Finding space for elevator shafts in and around spaces is particularly challenging, especially in outer borough, smaller scale neighborhoods. Challenges include narrow platforms, limited entry and exit passages, decades of highly complex utilities infrastructure, narrow sidewalks, limited clearance between buildings and stations, and most stations require more than one elevator to be accessible.

Existing transit-related zoning regulations help support accessibility in the following ways:

- Support 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

Zoning can ensure greater coordination between new developments and transit station needs and station access improvements where development is already occurring. Zoning also allows for better planning of station placement so that stations are located off the sidewalk.

Current limitations of easement provisions (an easement is a legal term that provides a legal right for another person or entity to a specific piece of private land for a specific, limited purpose, and in this case, public transit):

- A requirement that limits station-adjacent sites in very limited areas in the city to provide transit easement for future station access
- No general framework for transit easements outside of limited areas
- No general framework for facilitating a citywide consistent approach to transit easements outside of these limited areas
- MTA has missed opportunities to locate ADA access, particularly at complex stations

The goals of this proposal

Expand the easement requirement system-wide to better coordinate the present and future relationship of land uses around transit stations;

- a) All developments and enlargements on zoning lots of at least 5,000 square feet and within 50 feet of mass transit stations would be required to consult/file with the MTA and Chair of the CPC regarding the need for a transit easement.
- b) Applicable zoning districts include:
 - i) Residence districts at or above R5 and R5D districts
 - ii) Commercial districts with a residential equivalent at or above R5, as well as C7 and C8 districts

- iii) All manufacturing districts
- 2) Provide zoning flexibility to offset potential zoning burdens of an easement on development feasibility. To address potential issues and burdens imposed on development sites, the following set of relief would be provided:
 - a) Floor area and open space - Exclude easements from zoning floor area and allow as permitted obstructions.
 - b) Height and setback - Increase max permitted height by 10 or 20 feet, and provide street wall flexibility around easements.
 - c) Parking - Deduct 15 parking spaces and waive all requirements on small sites.
 - d) Use - Allow temporary uses within the easement and retail uses within 30 feet of the easement, and in the rear yard where such uses are provided on the second story
 - e) Streetscape - Exempt easements from streetscape requirements and restrict curb cuts within 20 feet of the easement.
- 3) Increase participation in the transit bonus program to support the provision of station improvements in high-density areas in the city (Does not apply to CD7)

The Timeline

This ZFA proposal is in public review from April 14 - June 14, 2021 and includes briefings with:

- 59 community boards
- 5 borough presidents
- 5 borough boards
- CPC
- City Council

The comment period ends on June 14th, 2021. This is a non ULURP item if we would like to provide comments, recommendations, or suggestions from CB7 during this period.

This ZFA proposal is not a replacement for the NYC MTA's accessibility capital improvement plan. It is meant to complement it.

Questions/comments from attendees

Has COVID affected the five-year capital improvement plan for accessibility?

The response from Andy Ingelsby from MTA NYCT was that they're still on schedule.

Can we expect a third accessible station within the district at 737 Fourth Avenue?

Totem (the developer) has had discussions with the MTA already about the easement volume and ratio for the station certification, but there was no variance granted to them for that easement. As part of that project, they're not given any floor area in exchange for that

easement. Also, point of clarification - the construction of the building at 737 Fourth Avenue is separate from the construction of the elevator by the MTA. They are on different timelines.

Can we open up the 34th Street entrance at the 36th Street station so we can have two entry points to increase accessibility?

Andy Ingelsby said he'd take it back to the stations department and provide a response about this request.

Is the 36th Street station in Sunset Park slated for accessibility improvements soon?

It is included in the capital plan by 2024, but it is not one of the eight stations in the most current immediate phase.

How much does an elevator cost?

To make a station ADA accessible with 2-3 elevators, a rough ballpark estimate is at least \$5M per elevator. Every station is different and costs can vary.

Once the easement exists for the ADA-accessible station at 737 Fourth Avenue, will it be moved up on the priority list?

That would certainly help move it up the priority list. There is a team dedicated to outside development that's working with them.

Can the 15th Street station on the F line in Windsor Terrace be made a priority for accessibility? It is busy and is an old station and there are five different entrances and exits. One should be considered. The nearest is the Church Avenue station on the F but it is not close to 15th Street and Prospect Park West.

Andy Ingelsby will take this request back. The plan is to add 70 stations so that customers can be within two stations for accessibility entrances and exits.

Is there a way to limit the duration by which the MTA is permitted to review? Is there a way to define that period because it can drag out for years?

The duration would be 60 days.

Question / comment regarding FAR incentives:

Nicholas Azadian expressed that there's no FAR bonus for our district. He noted any reasonable developer will not want to trade basement or 1st floor space because they'll try to maximize their retail to bring in the most amount of money. Can you bring that back in? If we want to help accessibility, we need to dangle a bigger carrot. 20% is fine, but I would suggest expanding it to smaller projects or something that's a better benefit. The parking requirement can be alleviated in other ways.

Amy Jin from DCP responded to this question explaining that this zoning change would mean that the MTA could determine whether or not an easement is required for the public good, and the developer would have to comply regardless of the incentives, but the floor area would be given back to them. It would be exempt from the overall calculations of their building.

Has there been a discussion about expanding the use of ramps in addition to or instead of elevators?

Yes, there are certain spatial and land requirements needed for the use of ramps and it's a station by station question in terms of layout, however Andy Ingelsby expressed that the Fort Hamilton Parkway station could be a potential candidate for this type of option.

Can we explore having ramps installed at Fort Hamilton Parkway station?

Andy Ingelsby will take this request back.

Can the MTA NYCT explore using mechanical lifts that are user-friendly and less expensive than elevators?

Yes, the MTA is exploring affordable options that are effective.

There were a few questions about opening currently closed stations

If currently closed entrances are opened, we have to make sure that those entrances don't automatically trigger ADA because we've gotten reports that if we open currently closed staircases, how will that affect ADA? These are some of the things they're working through.

Motion

Write two letters to Transit and DCP that supports the Zoning for Accessibility text changes with the following considerations:

1. MTA should consider use of ramps instead of elevators wherever possible to provide a non-mechanical means of providing access.
2. MTA shall also consider less expensive approaches to provide access such as stair lifts, platform lifts, inclined lifts, or other means that do not require significant expenditures or property to implement, where acceptable. If these means are provided, additional funds shall be provided to maintain the apparatus for the life of the development.
3. MTA and DCP should explore incentives for developers to motivate them to provide or allow for more effective accessibility to stations. Review additional incentives such as exempting easement floor area from zoning floor area, permitting additional height and setback variances in exchange for the easement, exempting required parking, allowing temporary uses within the easement and retail uses within 30 feet of the easement or larger zoning bonuses to increase possibility for developers to provide access.
4. MTA to provide early notification to Community Boards of pending negotiations with developers regarding potential easements.
5. Explore expanding the overlay zone beyond a 50 foot distance from the streetline. At some stations, suitable transit easements may lie beyond the 50' distance from the street corner. The zoning boundary should allow for additional sites at these locations, particularly at mezzanines under street intersections.
6. CB7 appeals to MTA to increase accessibility throughout the system as soon as possible, including accessibility at all stations. CB7 understands the funding limitations

that restrict the number of stations that can be improved, however, equal access to the city's primary public transit system is a civil right and must be given first priority in future capital improvement plans. These improvements should also consider accessibility for those citizens who are hearing or sight-impaired. A system-wide plan for accessibility with clear timelines, goals and objectives should be developed and made public for review.

David Estrada motioned to write letters in the format described above with the considerations discussed, Nicholas Azadian seconded. Representatives from all three committees approved the measure with unanimous consent.

Cindy VandenBosch - Ability and Access Committee

John Fontillas - Land Use Committee

Zachary Jasie - Transportation Committee