Zoning Resolution

THE CITY OF NEW YORK
Zohran K. Mamdani, Mayor

CITY PLANNING COMMISSION
Sideya Sherman, Chair

93-65 - Transit Facilities

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LAST AMENDED
10/27/2010

(a) Any #development# or #enlargement# on a #zoning lot# that includes the southwest corner of West 40th Street and Eighth Avenue shall provide an easement for public access to the subway mezzanine or station as illustrated on Map 5 (Transit Facilities) in Appendix A of this Chapter. The easement shall accommodate a relocated subway entrance from the adjoining sidewalk to a location within the #development# or #enlargement#.

The Chairperson of the City Planning Commission shall certify that a plan has been submitted indicating the volume of the easement necessary for future construction of a subway entrance. Such plan shall be developed in consultation with, and with the approval of, the Transit Authority. The Chairperson may alternately certify that a plan has been submitted whereby the applicant agrees to provide the required easement, at the applicant's expense, within two years of request by the Transit Authority or by its designee.

An instrument establishing such transit easement, or agreement to provide one within two years of request by the Transit Authority, once certified, shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, indexed against the property in the form of a legal instrument providing notice of such certification. Such filing and recording of the instrument shall be a precondition for the filing for or issuance of any building permit for any #development# or #enlargement# on the #zoning lot#. The recording information shall be included on the certificate of occupancy for any #building#, or portion thereof, on the #zoning lot# issued after the recording date.

Floor space within any required transit easement shall be excluded from the definition of

#floor area#, and may be temporarily used by the owner of the #zoning lot# for any permitted #uses# until such time as required by the Transit Authority or by its designee for subway purposes. Improvements or construction of a temporary nature within the easement volume for such temporary #uses# shall be removed by the owner of the #zoning lot# prior to the time at which public use of the easement area is required. A minimum notice of six months in writing shall be given by the Transit Authority to the owner of the #zoning lot# in order to vacate the tenants of such temporary #uses#.

(b) For the locations listed in this paragraph, (b), floor space devoted to subway-related #uses# consisting of ventilation facilities and other facilities or services used or required in connection with the operation of a subway line or station, which are established pursuant to an easement or other agreement, shall be excluded from the definition of #floor area# in Section 12-10:.

(1) The volume bounded by Eleventh Avenue, a line 52 feet north of and parallel to West 33rd Street, the western boundary of the #public park#, and West 33rd Street, up to a height of 82 feet, as illustrated on Map 5.

(2) The volume bounded by Eleventh Avenue, West 36th Street, a line 95 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 36th Street, up to a height of 129 feet, as illustrated on Map 5.

(3) The tax lot located at Block 1051, Lot 2, existing on October 27, 2010, up to a height of 73 feet, as illustrated on the District Map in Appendix A of the #Special Clinton District#.

(4) The volume bounded by a line 37 feet east of and parallel to Eleventh Avenue, West 26th Street, a line 100 feet east of and parallel to Eleventh Avenue, and a line 95 feet south of and parallel to West 26th Street, up to a height of 60 feet, as illustrated on

the District Map in Appendix A of the #Special West Chelsea District#.

Any transit easement or other agreement for such subway-related #use# shall be filed and duly recorded in the Borough Office of the City Register of the City of New York, and indexed against the property.