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PRIVATE DEVELOPMENT/ PUBLIC TRANSIT: USING TRANSIT'S ZONING TOOL

Coordinating private development and public transit remains an important goal of New York zoning policy. Working as a full partner with the TA in the rehabilitation of subway stations, the Planning Commission must be aggressive in seeking benefits for the subways, lest important opportunities be lost.

by
ROSS SANDLER

In 1969, foreseeing an office building construction explosion, the Regional Plan Association (RPA) exhorted the city to coordinate private development with public transit in its publication *Urban Design Manhattan*. RPA sought new policies that would compel private developers to link concourses in their buildings directly with adjacent subways. RPA found only three New York City developments to point to as models: Rockefeller Center, Grand Central Terminal, and the World Trade Center. All three linked office elevators and internal concourses with public transit in an attractive and humanizing manner. These links accentuated the advantages of high density city living, made pedestrian travel from subway to the office easier and inviting, and brought to the walking portion of commuters' trips light, comfort, culture, and shopping.

RPA had recognized a critical flaw in the planning of public transit improvements in New York City. Opportunities to improve subway access and stations are rare, but can easily be taken advantage of when a developer plans new construction on the adjacent site. If the city misses its opportunity when old buildings

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come down and new ones go up, it misses the chance to expand subway access and station capacity to meet new density demands.

In the thirteen years following *Urban Design Manhattan's* publication, the City Planning Commission took a number of steps to adopt the RPA's concept. The most far reaching, however, was the enactment in May 1982 of a Special Midtown Zoning District by the commission and the Board of Estimate. Through design requirements and zoning bonuses, the Midtown District both compels and entices developers to include subway pedestrian improvements in their construction plans.

For example, when a development site within the Midtown District adjoins a subway stair entrance located in a public sidewalk, the developer *must* relocate the subway stair within the development lot, in accordance with specified design criteria. The developer receives no bonus for relocating the stair. On the other hand, up to a 20 percent bonus may be granted by special permit for a development that provides a major improvement to an adjacent subway station. (Seventeen subway stations lie within the Midtown District, five of which are the system's busiest.)

The justification for not allowing a bonus for relocating stairwells is based upon the relationship between real estate value and subways, as well as the effect of density on sidewalks, which is reduced by underground access. It is good policy to require buildings to provide such access simply because doing so makes good design and pedestrian sense, and it warrants no further bonus because it is basic to the subway's ability to meet Manhattan travel needs.

Only when developers do more by, say, offering a major subway station improvement, can they obtain bonuses. This is an explicit recognition that major subway station improvements that increase the capacity and appeal of the subway environment can relieve street-level crowding that would otherwise be worsened.

Connection-in-Waiting

The new Midtown District requirements have yet to be applied. Nonetheless, the first applicant for a bonus based on a major subway improvement showed just how much potential for subway enhancement exists within the new law.

The stations for the Lexington Avenue-53rd Street IND ("E" and "F" lines), and the Lexington Avenue local IRT at 51st Street are less than 200 feet apart. If they were linked, passengers could transfer between the West Side "E" and "F" lines and the East Side Lexington Avenue IRT. RPA identified this potential transfer as an important system need in *Urban Design Manhattan*, and the Transit Authority designed and bid construction of a narrow transfer passageway under the Lexington Avenue sidewalk in 1969 but was forced to pull back for lack of funds.

Between 1980 and 1982, Citicorp, and later Cadillac-Fairview, obtained development rights over the site from 52nd Street to 53rd Street on the east side of Lexington Avenue. Seeking a zoning bonus, Cadillac-Fairview offered the city an easement in the basement of the new building for the tunnel that would link the stations and also offered to construct the tunnel as part of its construction plans. The design accepted by City Planning and the Transit Authority included elevators, a wide

attractive passageway between the subway stations within the private development, the option of either a free or paid transfer, and attractive new subway station stairwells onto an open plaza at the north end of the uptown Lexington Avenue local station. The total cost of the new pedestrian tunnel and station links was estimated at approximately \$9 million, with half of these funds coming from the developer, in addition to the easements.

Unfortunately, Cadillac-Fairview withdrew its construction application in September 1982 because of financial difficulties and the softening of the office rental market. But the site remains assembled, plans for the subway link are still valid, and any future developer would surely renew interest in the subway transfer and zoning bonus available because of it.

Special Districts

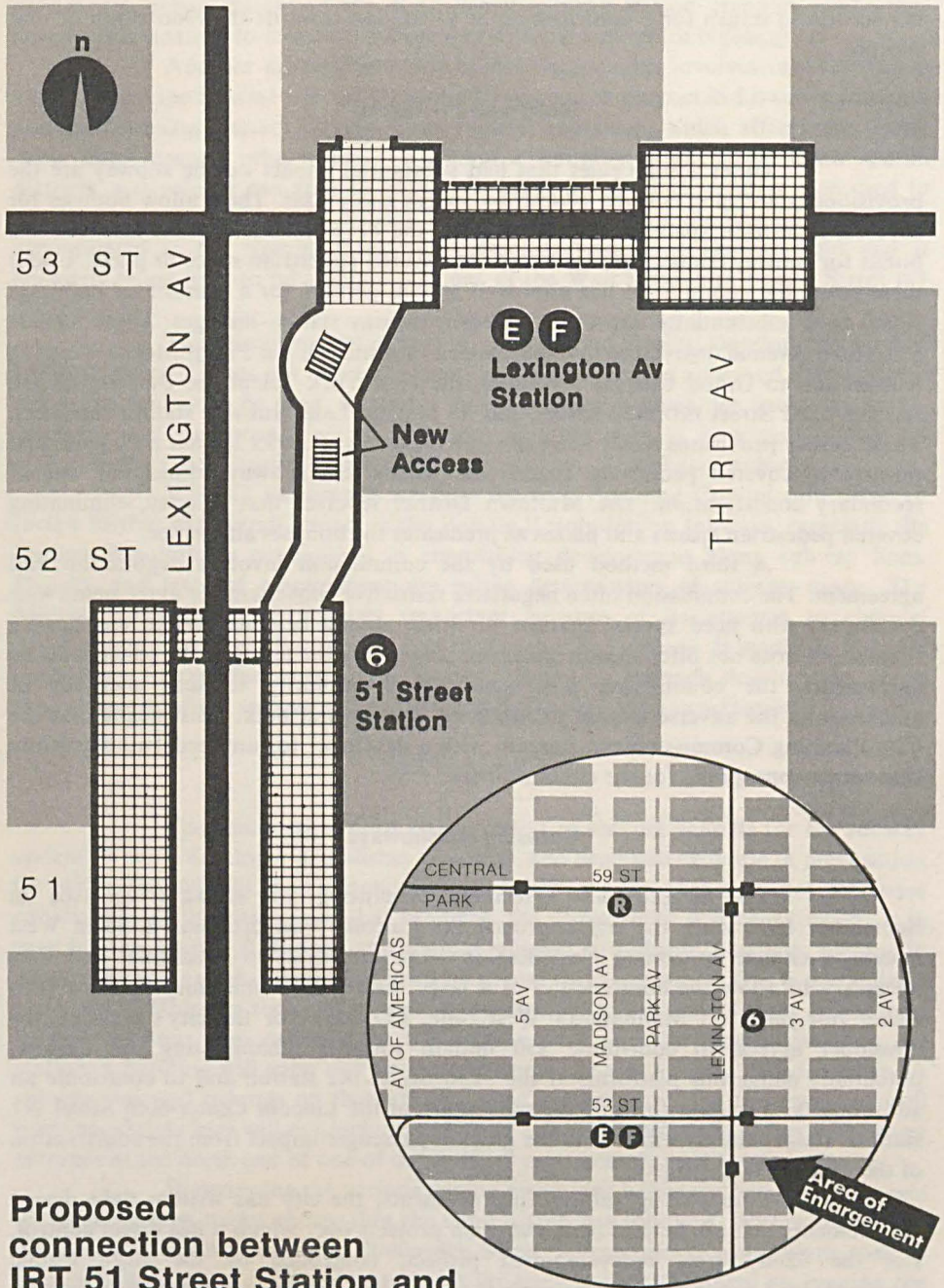
The available zoning bonus that nearly triggered the IND-IRT connection at 53rd Street contrasts sharply with the result of the past zoning at the 53rd Street IND station at Fifth and Madison avenues serving the same IND "E" and "F" lines. The Fisher Brothers Park Avenue Plaza comes within approximately 30 feet of the 53rd Street subway entrance at Madison Avenue. The Tishman-Speyer Building, now in the final stages of construction, is across the street from that station's stairwells. Up the avenue, the AT&T, Trump, and IBM buildings as well as 535 Madison Avenue are nearing completion. Though the coincident construction of these four buildings provides such a startling increase in density, only Fisher Brothers contributed to subway station rehabilitation, giving \$200,000 to study what could be done. The application of the RPA concept to these developments would have been much more useful and beneficial to the city. Instead the IND station remains inadequate, and the public has received only isolated covered pedestrian malls and plazas.

While the Midtown District is now the most explicitly helpful, the commission had sought to link station rehabilitation to new development throughout the 1970s. These efforts are not only precedents for the Midtown District, but, taken together, show how closely linked with subway improvement zoning has become.

Four special districts with limited geographical areas require a developer to relocate existing subway stairwells within the building line in return for a zoning bonus or a reduction in design constraints. These districts are Yorkville-East 86th Street, Lincoln Square, Fifth Avenue, and the Transit Land Use District.

The Special Transit Land Use District, a direct result of RPA's initial work, is a constellation of small, separated zoning districts stretching along the Second Avenue Subway route at proposed stations. Within the area surrounding stations, developers are required to include subway stair easements within any new developments. While the Second Avenue Subway has been deferred, four buildings still provide easement and access for the future line: 55, 175, and 199 Water Street, and 88 Pine Street.

The Special Lincoln Square District has also been used. In 1982 the commission allowed a bonus for a building one block from the Broadway-66th Street



**Proposed
connection between
IRT 51 Street Station and
IND Lexington Avenue Station**

IRT station in return for a contribution of \$1 million towards the renovation of that station.

Rules and Provisions

Other zoning rules that had substantial impact on the subway are the provisions concerning covered pedestrian spaces and plazas. These allow bonuses for covered pedestrian spaces and plazas within the development lot, but also allow a bonus for subway connections linked to the covered pedestrian space or plaza. Under these rules, the commission has approved special permits for a number of buildings which have substantially improved Midtown subway station linkages. These include 875 Third Avenue (IND-Third Avenue station mezzanine), the Philip Morris Building (connection to Grand Central Terminal), the New York Telephone Building (Sixth Avenue-42nd Street IND mezzanine), and 33 Maiden Lane (subway station entrance). These earlier provisions differ from the new Midtown District in that they gave first priority to covered pedestrian spaces and plazas; the subway connection was of secondary consideration. The Midtown District reverses that priority, eliminating covered pedestrian spaces and plazas as predicates for bonuses altogether.

A third method used by the commission involves negotiation and agreement. The commission often negotiates restrictive covenants or agreements with developers who need special permits or other zoning benefits. While the Zoning Resolution does not offer specific guidance concerning the terms of the covenants or agreements, the commission possesses implied authority to seek methods of ameliorating the adverse impact of increased density and bulk. This means that the City Planning Commission can bargain with a developer for any pedestrian amenity that seems appropriate for the circumstances.

Focusing on Subways

The largest such agreement benefitting the subways occurred in September 1982 when the city approved the Lincoln West proposal. Lincoln West sought a change in zoning classification from industrial to residential that was necessary to allow the construction of a large residential community over the 66th Street rail yards on Manhattan's West Side. In return for the city's consent, the developer agreed to contribute \$30 million towards rehabilitating the narrow, potentially dangerous platforms at the 72nd Street IRT station and to contribute an additional \$1.5 million towards the renovation of the Lincoln Center-66th Street IRT station. These stations will receive the greatest passenger impact from the construction of the Lincoln West project.

Emphasizing subway improvements, the city has written tight design requirements that are helpful to subways on projects over which it has direct control. For the 42nd Street redevelopment project, controlled by the city's Public Development Corporation, the commission established design requirements which go beyond those expressly set out in the Midtown District. These call for underground

concourses, rehabilitation of the 42nd Street subway station complex, and other design specifications to integrate the subway with the new office buildings.

Another method followed by the commission involves two districts in Manhattan—the Special Greenwich Street Development District in Lower Manhattan and the Housing Quality Development District provision, which affects the Upper West Side—among other areas. To obtain a building bonus under both special districts, a developer can elect to contribute cash to a fund; the cash is then used to purchase amenities within the district. In Lower Manhattan some \$2 million has been accumulated in the Special Greenwich Street Development District fund and is currently being used to rehabilitate portions of the Wall Street and Fulton Street IRT stations.

The second special provision, the Housing Quality Development section for R-10 districts, does not expressly mention subways among approved amenities for which the funds can be used. Instead it lists a number of amenities, including parks, benches, and bus stop shelters. The commission staff is now considering an amendment to the Housing Quality District provision to emphasize subway amenities.

With all its recent successes, the City Planning Commission needs to review further the overall impact of the Zoning Resolution on subways, especially the Zoning Resolution's consistency in channelling development along subway lines. Density and level of employment are prime determinates of subway usage. The Midtown District is particularly important because of its attempt to channel development into west Midtown, an area well served by subways. It would be of equal importance to examine whether the Zoning Resolution channels development along the extensions of the subway routes that feed the central Midtown District.

Full Partnership

The commission must be aggressive in seeking benefits for the subway system. When a developer demolishes buildings, and begins to excavate in preparation for laying the new building's foundation, possibilities open that were not otherwise conceivable. If the city misses that moment, the opportunity will pass forever. It is easy for the Transit Authority and the commission to fall into passivity, especially when developers appear with full-blown plans and short deadlines. This is particularly true even in Midtown today when a developer decides to build as-of-right rather than to seek a bonus. For example, at the north end of the 51st Street-Lexington IRT station, a building will soon rise on the site where the YWCA had its headquarters. A subway stairwell belongs on that site but none is there now. Yet the developer will build as-of-right and will not include a subway exit. The public will be left without an entrance at the north end of one of the system's most heavily used local platforms.

In reviewing the various zoning provisions helping subway stations, one is struck by how many approaches the commission has followed. Within such small districts as Lincoln Square and Greenwich Street, a developer can contribute cash to fund subway station improvements quite far from the development so long as the improved station is within the special district. Within the larger Midtown District, the

geographical area is limited to an adjacent station. But rehabilitation of an adjacent station can take place 800 or 1,000 feet away from the development site so long as some portion of the station is adjacent to the development site. This is in sharp contrast with zoning provisions under the covered pedestrian space and the plaza bonus provisions. There subway station improvements had to be linked directly to the development, not merely linked by an adjacent station.

The commission is justifiably concerned that it not appear to be selling zoning bonuses for pedestrian benefits instead of directly reducing impacts of the new construction. But the recent trend away from direct physical linkage for subway stations does make sense in terms of actual impacts. The Lincoln West contribution shows that even the adjacent station limitation in the Midtown District may be too restrictive.

With these various provisions, especially the Midtown District, the City Planning Commission becomes a full partner with the Transit Authority in the rehabilitation of subway stations. While it is always true that more could be done, especially with the Zoning Resolution requiring continual review, interpretation, and amendment, much has been done to establish standards and precedents. These precedents ought to be carried throughout Manhattan and the other boroughs.