



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

February 20, 2015

**PUBLIC NOTICE OF A SCOPING MEETING
DRAFT ENVIRONMENTAL IMPACT STATEMENT
(CEQR No. 15DCP104Y)**

Notice is hereby given that pursuant to Section 5-07 of the Rules of Procedure for Environmental Review (CEQR) and 6 NYCRR 617.8 (State Environmental Quality Review) that the New York City Department of City Planning (DCP), acting on behalf of the City Planning Commission (CPC) as CEQR lead agency, has determined that a Draft Environmental Impact Statement (DEIS) is to be prepared for the Zoning for Quality and Affordability Text Amendment (CEQR No. 15DCP104Y).

The CEQR lead agency hereby requests that the applicant prepare or have prepared, at their option, a Draft Environmental Impact Statement (DEIS) in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review).

A public scoping meeting has been scheduled for Wednesday, March 25th, 2015, at 4 pm and will be held at Spector Hall, 22 Reade Street, New York, New York, 10007. Written comments will be accepted by the lead agency until 5pm on Monday, April 6 2015.

The New York City Department of City Planning (DCP), the Applicant, is proposing zoning text amendments (the "Proposed Action") with citywide applicability. The Proposed Action includes the following three components:

1. *Promote Affordable Senior Housing and Care Facilities:* Older New Yorkers are a diverse and rapidly growing segment of the city's population. There is an increasing need for a range of housing and long-term care options for our seniors, yet zoning has failed to keep pace with evolving models in senior housing. The proposed action would promote affordable senior housing and long term care facilities through various updates and refinements to the zoning resolution, as follows:
 - Modernize zoning definitions: Accommodate today's housing models and recognize regulated housing and facility types by removing obsolete definitions and updating definitions for affordable senior housing and long-term care facilities.

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- Rationalize Floor Area Ratios: Establish consistent floor area ratios and corresponding building heights for affordable senior housing and long-term care facilities to facilitate more and better housing for seniors.
- Allow flexibility for different types of affordable senior housing and care facilities: Relax density restrictions that may prevent the creation of appropriately sized units by removing the density factor and minimum unit size requirement.
- Reduce administrative obstacles: Eliminate certifications and special permits for nursing homes.

This component of the proposed action is applicable to multi-family R3-2 through R10 residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts.

2. *Modernize Rules That Shape Buildings*: Because of changing regulations, the rise of green technologies, and other best practices for construction, it can be costly or impossible to fit the permitted floor area within the building envelopes allowed under existing height and setback regulations. These same zoning controls also limit design flexibility and too often result in buildings that are flat or dull, fail to enliven the pedestrian environment, and lack the variation and texture typical of older apartment buildings. The proposed action would modernize rules that shape buildings in the city through various updates and refinements to the Zoning Resolution, as follows:

- General building envelope modifications: In medium- and higher-density districts, allow sufficient flexibility to accommodate best practices for affordable construction and good design, including:
 - Height: Increase maximum heights (by 5' to 15') to ensure all permitted floor area can fit and allow better design.
 - Setbacks: Measure upper floor setback from street line, removing penalty for buildings that set back at the street level, allowing better interior layouts and reducing construction cost.
 - Corner Lots: Loosen lot coverage and other requirements that make housing construction unnecessarily difficult, especially on irregularly shaped lots.
- Enhanced building envelope modifications for Inclusionary and affordable senior housing and care facilities: Where zoning allows additional floor area for affordable housing for seniors or Inclusionary Housing, provide enough flexibility to fit all permitted floor area with good design, including:
 - Height: Increase maximum height (by 1 to 2 stories in R6-R8 districts, and 3 to 4 stories in R9-R10 districts) to fit all floor area without sacrificing quality of housing.
 - Amenity Spaces: Allow ground-floor accessory residential amenity spaces to be located in the rear yard, where parking garages or community facilities are allowed today.

- Non-contextual districts: In non-contextual zoning districts (which do not have overall height limits), establish more flexible height limits for senior housing and future Inclusionary Housing developments.
- Improved design flexibility: Allow flexibility for the variation and texture that typify older buildings in many neighborhoods, including:
 - Street Wall: Update and clarify regulations to support traditional types of building variation.
 - Court Yards: Allow greater flexibility to enable visual interest and a range of building configurations.
 - Ground Floors: Make transparency and design requirements consistent in various zoning and special districts.
 - Mix of Unit Sizes: Make consistent the unit density standards for all medium- and high-density districts, allowing smaller units to be mixed in with larger ones.
- Modifications for constrained lots: Most existing controls are designed to work with flat, rectangular lots, and do not work well on irregularly-shaped or sloped sites, including:
 - Yards and Lot Coverage: Allow proportionate reductions in requirements where lots are shallow, acutely-angled, or sloped.
 - Distance Between Buildings: Reduce “tower-in-the-park”-era requirements to be consistent with the State’s Multiple Dwelling Law requirements.
 - Relief for Unusual Conditions: Allow modification on a case-by-case basis, through discretionary review.

This component of the proposed action is primarily applicable to R5D to R10 residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. In addition, a portion of the proposed action affects the development of affordable senior housing and care facilities in R3-2, R4, and R5 zoning districts.

3. *Reduce Unnecessary Parking Requirements for Affordable Housing:* The cost of providing off-street parking can hamper the production of affordable housing. In transit-accessible neighborhoods, low-income households own far fewer cars, and frequently don’t use the parking that has been provided. The proposal would define a “Transit Zone” in portions of the city that encompasses zoning districts that allow multi-family housing within ½ mile walking distance from a subway station, and other areas with lower rates of car ownership and utilization. The proposal would include different rules within and outside this zone, as follows:

Inside the Transit Zone:

- Affordable Housing: Eliminate parking requirements for new low-income or Inclusionary Housing units.
- Senior Housing: Eliminate parking requirement for new affordable senior housing units, and allow existing affordable senior housing developments to reduce or eliminate their parking.

- **Reductions Allowed on a Case-by-Case Basis:** Through discretionary review, allow new buildings to reduce required parking to enable mixed-income development, or existing affordable buildings with underutilized parking to reduce or eliminate requirements.

Outside the Transit Zone:

- **Affordable Housing:** Simplify existing reduced parking requirements, applying most-common existing parking category to all new developments, except in single-family districts.
- **Senior Housing:** Reduce parking requirement for new low-income senior housing in medium-density districts and eliminate requirement in high-density districts. Allow existing low-income senior housing to reduce parking by BSA special permit.

This component of the proposed action is primarily applicable to multi-family R3-2 through R10 residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. In addition, a portion of the proposed action affects the development of affordable senior housing and care facilities in single- and two-family zoning districts between R1 and R5.

The analysis year for this proposal is 2025.

Copies of the Draft Scope of Work and the Environmental Assessment Statement may be obtained from the Environmental Assessment and Review Division, New York City Department of City Planning, 22 Reade Street, 4E, New York, New York 10007, Robert Dobruskin, AICP, Director (212) 720-3423; or from the Office of Sustainability, 100 Gold Street, 2nd Floor, New York, New York 10038, Nilda Mesa, Director (212) 788-7772. The Draft Scope of Work and scoping protocol will also be made available for download at www.nyc.gov/planning. Public comments are requested with respect to issues to be addressed in the draft environmental impact statement.

Housing New York: Zoning for Quality and Affordability



The crisis of affordable housing

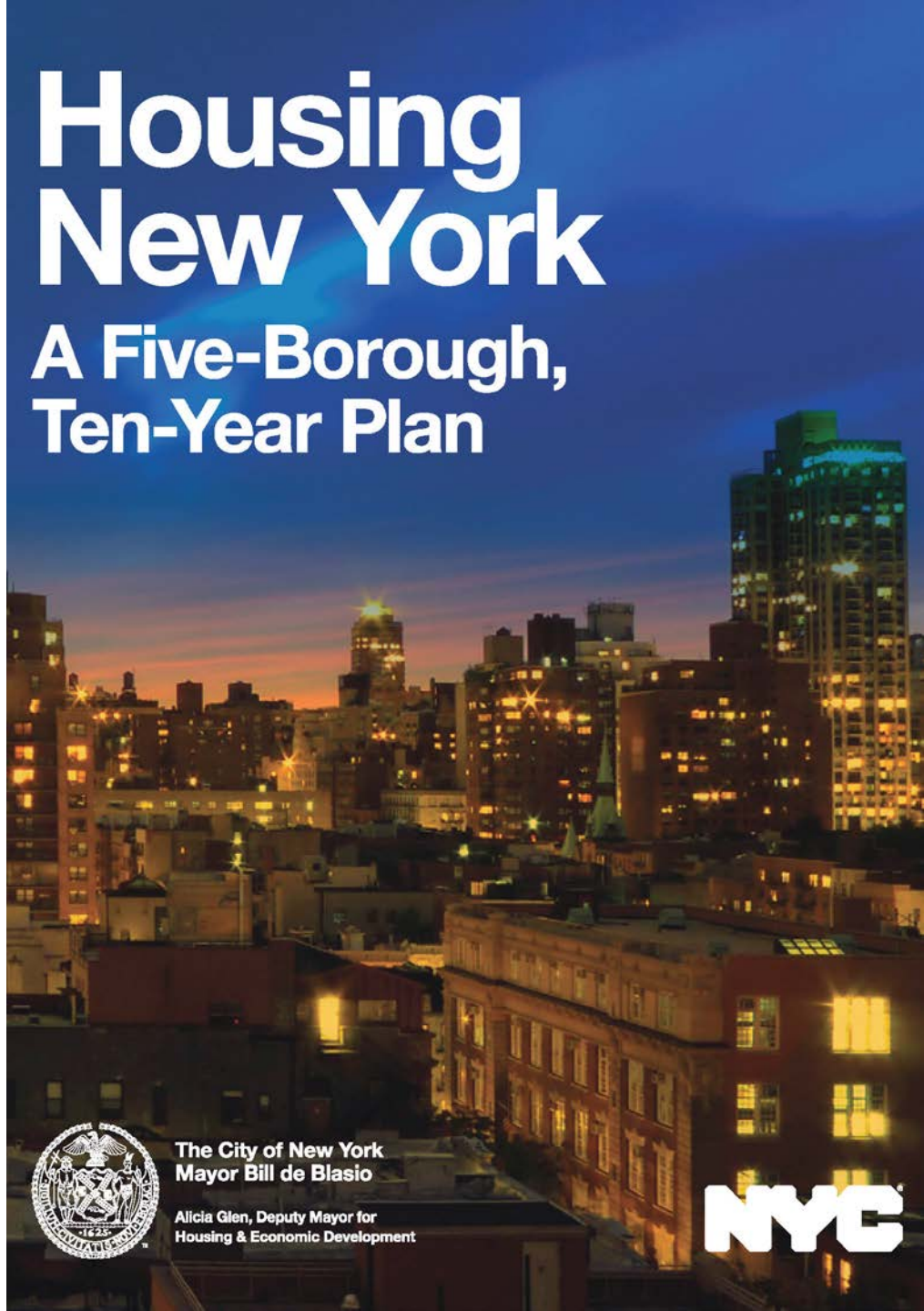
In May 2014, Mayor De Blasio released “*Housing New York*,” a five-borough, ten-year plan to preserve or create 200,000 units of affordable housing.

This plan identifies ways that the Zoning Resolution can be updated to better promote the creation of affordable housing and foster diverse, livable neighborhoods.

The proposed changes would modernize the Zoning Resolution to better promote housing affordability and higher-quality buildings.

Housing New York

A Five-Borough, Ten-Year Plan



The City of New York
Mayor Bill de Blasio

Alicia Glen, Deputy Mayor for
Housing & Economic Development





Key Goals

- **Remove barriers**
that constrain housing production and raise costs
- **Encourage better quality buildings**
that contribute to the fabric of neighborhoods
- **Promote senior housing**
to address the affordable housing needs of an aging population
- **Reduce unnecessary parking requirements for affordable housing**
to avoid excessive costs that hamper the creation of affordable and senior housing

Housing New York

A Five-Borough, Ten-Year Plan



The City of New York
Mayor Bill de Blasio

Alicia Glen, Deputy Mayor for
Housing & Economic Development

NYC

Part 1:

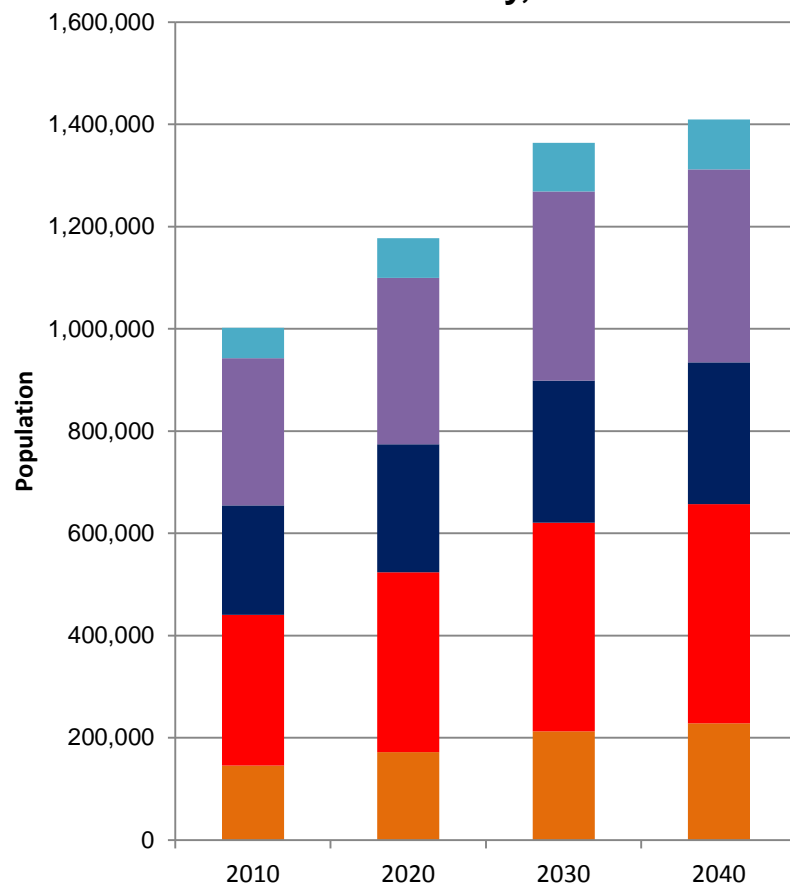
Promote Senior Housing

Older New Yorkers are a diverse and rapidly growing segment of the city's population. There is an increasing need for a range of housing and long-term care options for our seniors. Zoning has failed to keep pace with evolving models for senior housing and care facilities.

New York City's population is rapidly aging, and the need for affordable senior housing far exceeds the supply

- **Aging Population:** Population 65 years and older is projected to increase 40% by 2040. The aging baby boomer demographic will create a wider range of ages in the elderly population, with a variety of specialized housing needs.
- **Shortage of Senior Housing:** New York State Department of Health estimates a current shortage of 8,700 nursing home beds in NYC, while the city has half as many assisted living units per capita as other counties in the State. In HPD senior housing lotteries, there are 60 applicants per unit.
- **Need to Increase Production of Senior Housing:** City can promote a more secure housing future for this rapidly growing population through increased production of senior housing and care facilities.
- **Outdated Zoning:** Zoning has long allowed greater floor area for senior housing, but rules have failed to keep pace with evolving models for senior housing and care facilities.

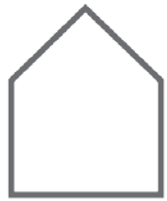
Projected Population 65 and over in New York City, 2010-2040



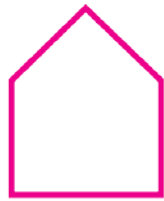
By modernizing categories and allowing for mixed configurations, zoning can enable the City to better address the diverse needs of seniors

TYPES

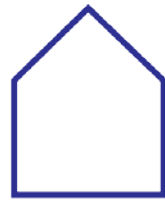
SPECTRUM OF HOUSING TYPES



MARKET RATE HOUSING



INCLUSIONARY AFFORDABLE HOUSING



AFFORDABLE SENIOR HOUSING



ASSISTED LIVING PROGRAM



NURSING HOME



CONFIGURATIONS

OPTIONS FOR MIXED HOUSING WITH AN AFFORDABLE COMPONENT

OPTIONS FOR MIXING VARIOUS REGULATED, INCOME-RESTRICTED AND MARKET-RATE HOUSING TYPES



OPTIONS MIXED SENIOR LONG TERM CARE

OPTIONS FOR MIXING VARIOUS STATE LICENSED CARE FACILITY TYPES



CONTINUING CARE RETIREMENT COMMUNITY

Promote affordable senior housing and care facilities

- **Modernize zoning definitions:** Accommodate today's housing models and recognize regulated housing types.
- **Rationalize Floor Area Ratios:** Establish consistent floor area ratios and corresponding building heights to facilitate more and better housing for seniors
- **Allow flexibility for different types of senior housing:** Relax density restrictions that may prevent the creation of appropriately sized units.
- **Reduce administrative obstacles:** Eliminate redundant special permits that burden nursing home development



Village Center for Care, Manhattan
Licensed Nursing Home
Photo courtesy of Perkins Eastman



Part 2:

Modernize rules that shape buildings

Because of changing regulations, the rise of green technologies, and other best practices for construction, it can be costly or impossible to fit the permitted floor area within the existing building limitations – particularly for affordable housing. These same zoning controls also limit design flexibility and too often result in buildings that are flat or dull, fail to enliven the pedestrian environment, and lack the variation and texture typical of older apartment buildings.

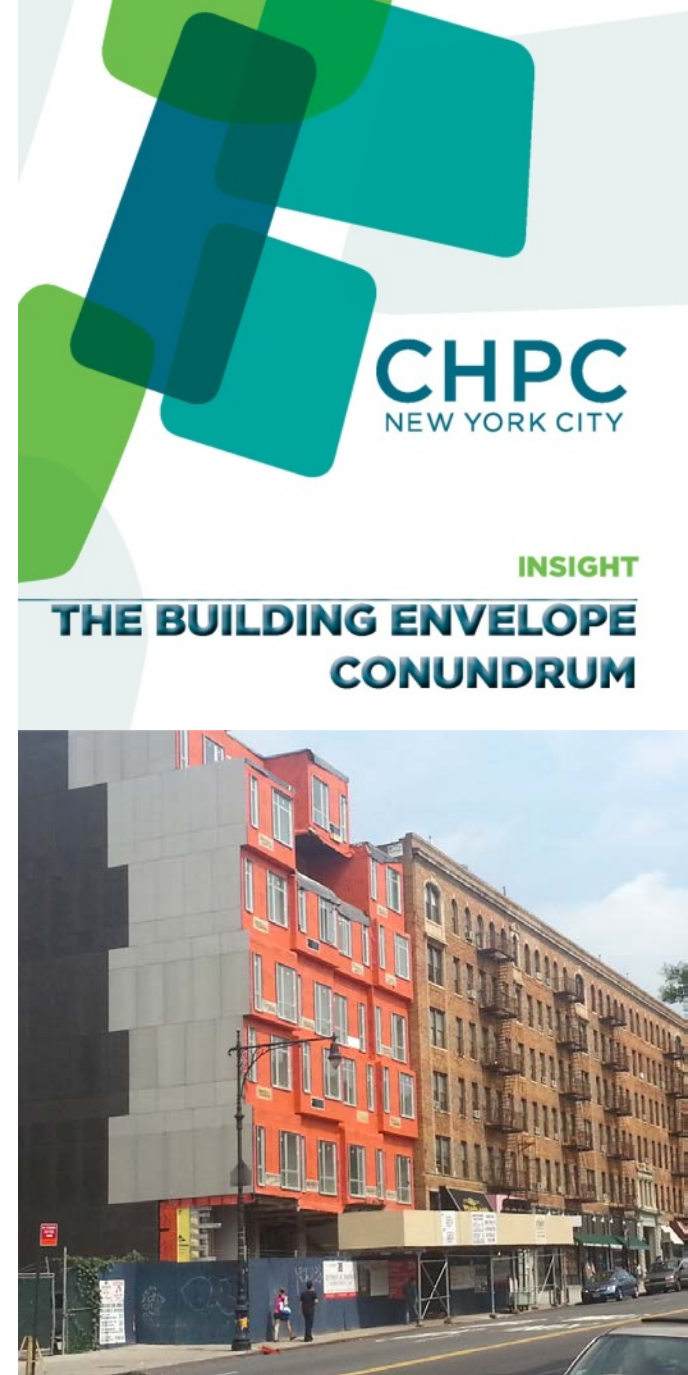


Existing “contextual” building envelope controls make new housing difficult and expensive to build

Current “Contextual Zoning” was established in 1987 to promote mid-rise housing that fit better within neighborhoods than the previous “tower-in-the-park” model. But since the 1980s, regulations and building practices have changed:

Changes in Building Practices include:

- Increased requirements for fire prevention, building codes, and other regulations
- Increase in typical floor-to-floor heights, closer to historic norms
- New construction practices, such as “block and plank” and modular construction
- More irregularly shaped sites being developed

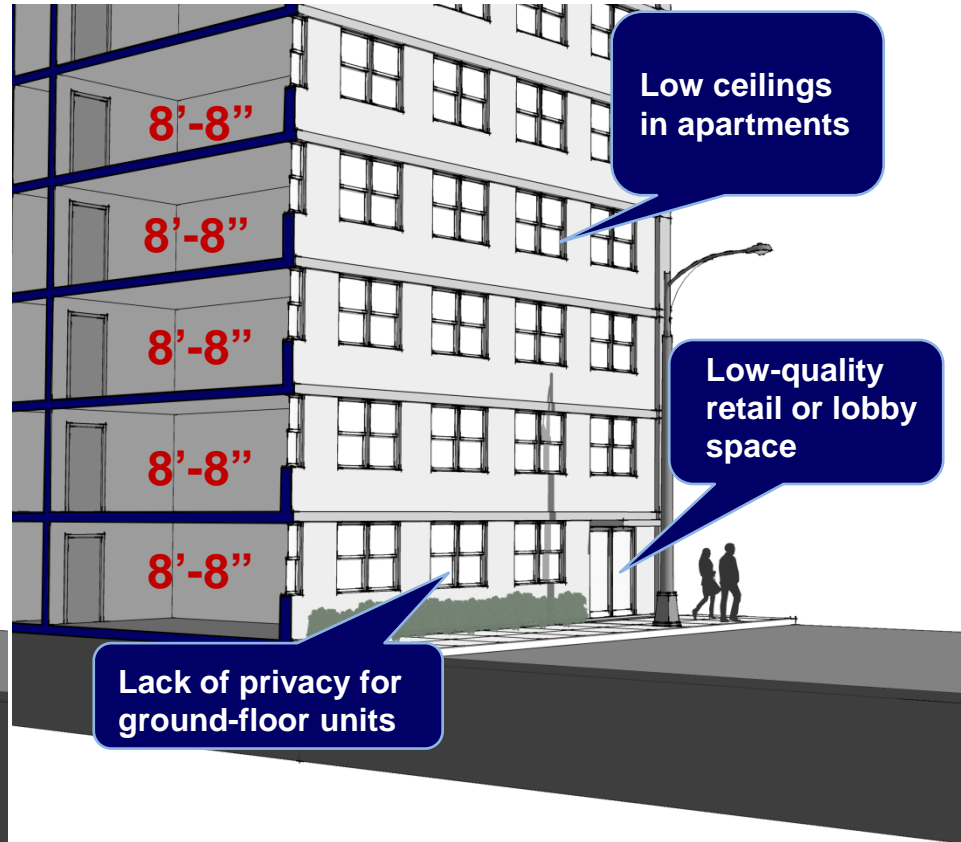
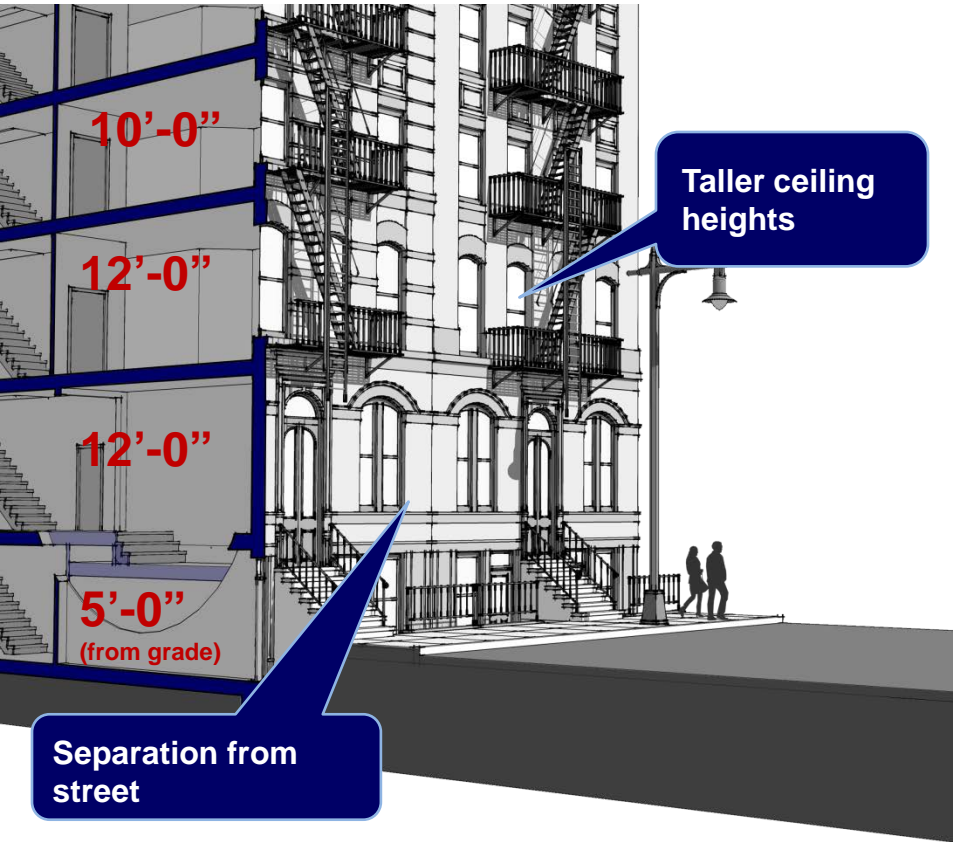


Modular construction, Inwood



Obsolete 1987 controls increase costs and often lead to poor housing design

The tightness of contextual zoning controls constrain housing production and raise costs, and too often results in buildings that are flat and relate poorly to the street.

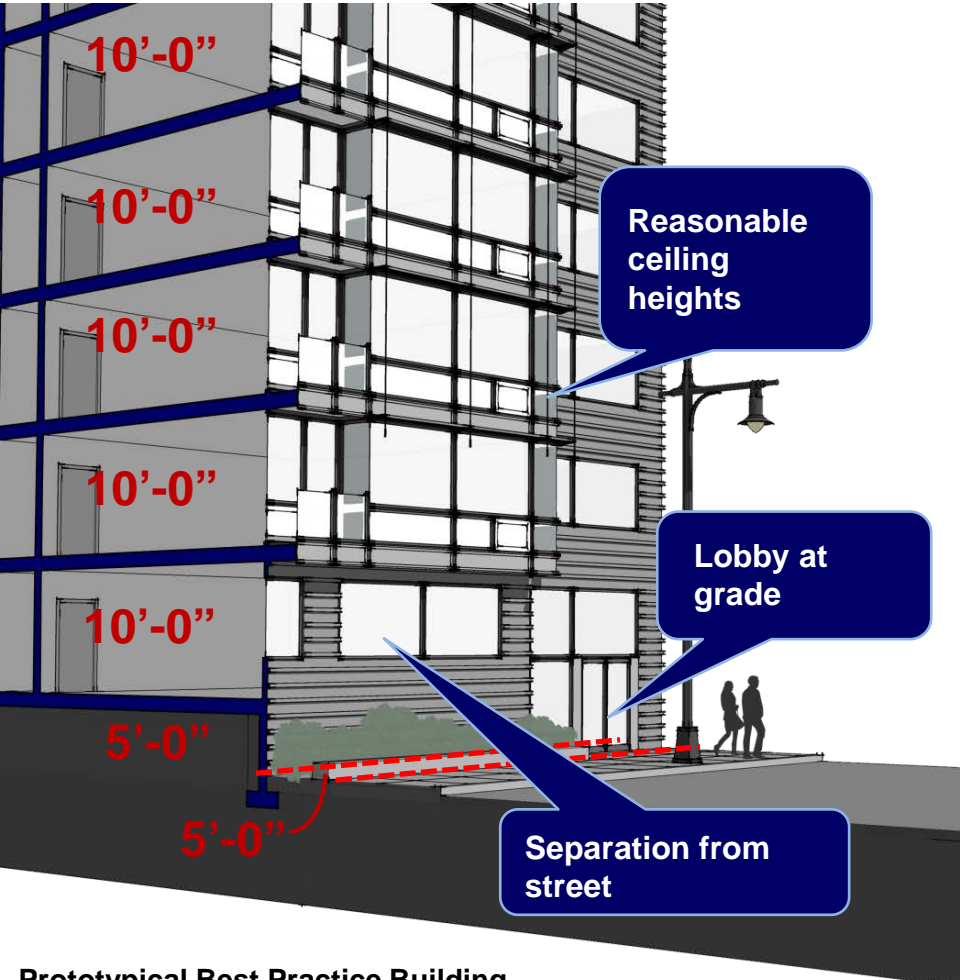


1910 ~ Typical Historic Building

1987 Prototypical 'Contextual Zoning' Building

Accommodate improved exterior and interior building design

Update zoning to allow today's best practices for design and construction of housing



Prototypical Best Practice Building

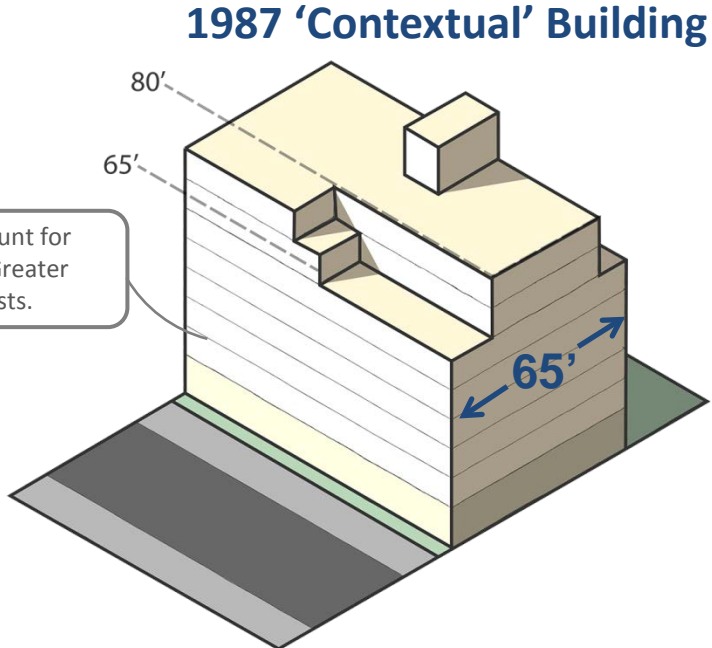
Recent Construction - Brooklyn

New Construction Methods

Accommodate 'block and plank' construction, which, because of pre-cast concrete planks, creates a fixed maximum building depth roughly 60' deep.

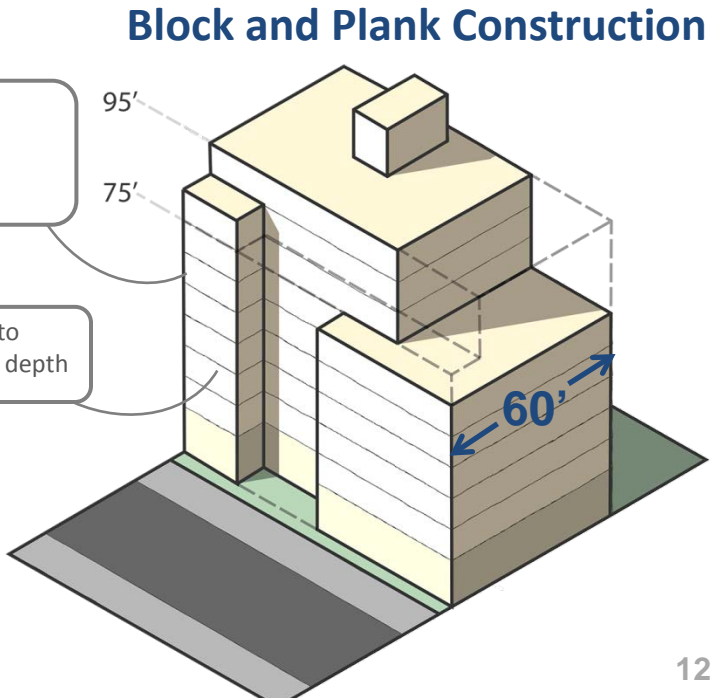


1987 assumptions did not account for block and plank construction. Greater building depth can increase costs.



Block and plank construction has a maximum effective depth of 60', as hollow core pre-cast planks are engineered to specific depths.

Limited additional height required to accommodate building of standard depth



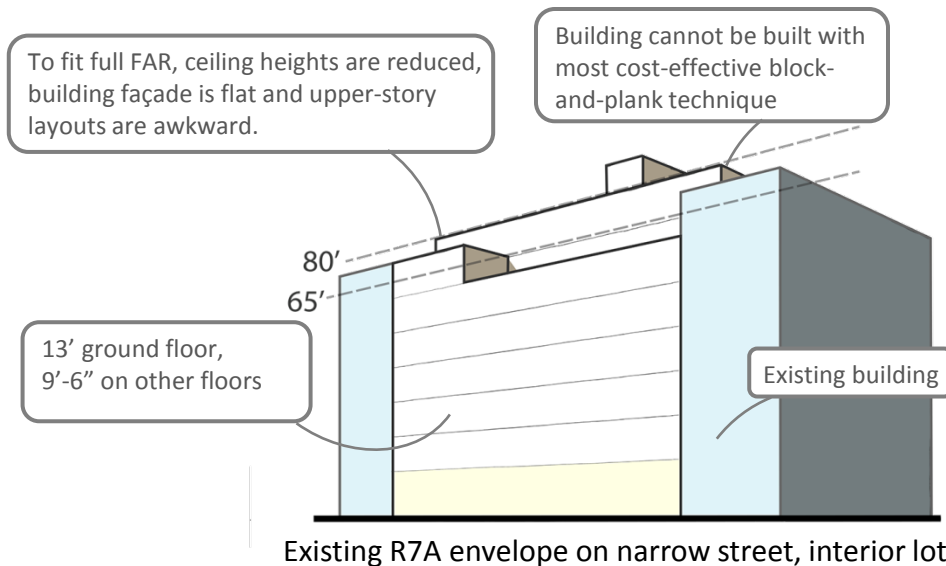


Modify Building Envelope

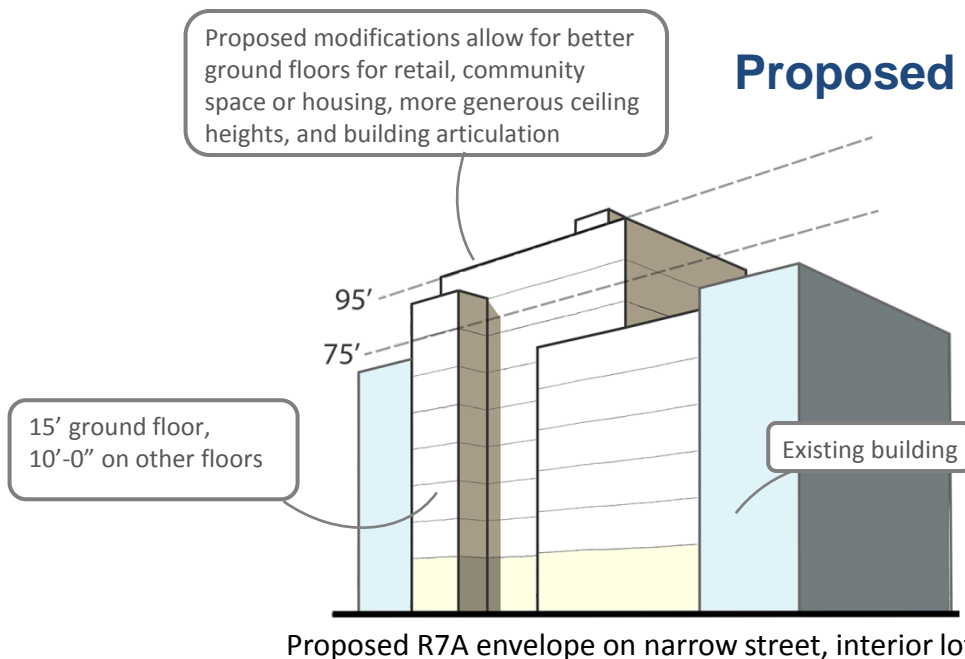
In medium- and higher-density districts, allow sufficient flexibility to accommodate best practices for affordable construction and good design, while maintaining current floor area maximums.

- **Height:** Increase maximums (5' to 15') to ensure all permitted floor area can fit and allow better design
- **Setbacks:** Measure upper floor setback from street line, removing penalty for buildings that set back at the street level, allowing better interior layouts and reducing construction cost.
- **Corner Lots:** Loosen lot coverage and other requirements that make housing construction unnecessarily difficult, especially on irregularly shaped lots

Existing



Proposed



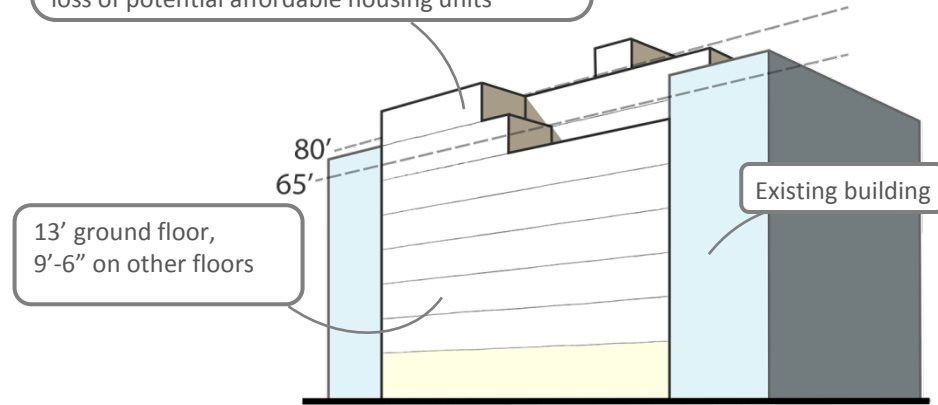
Additional Flexibility for Senior and Inclusionary Housing

Where zoning allows additional floor area for affordable housing for seniors or Inclusionary Housing, provide enough flexibility to fit all permitted floor area with good design

- **Height:** Increase maximum height (by 1 to 2 stories in R6-R8 districts, and 3 to 4 stories in R9-R10 districts) to fit all floor area without sacrificing quality of housing
- **Amenity Spaces:** Allow ground-floor accessory residential amenity spaces to be located in the rear yard, where parking garages or community facilities are allowed today
- **Non-contextual Districts:** In non-contextual zoning districts (which do not have overall height limits), establish more flexible height limits for senior housing and future Inclusionary Housing developments

Despite reduced ceiling heights and flat facade, the additional permitted floor area cannot be accommodated. This results in a loss of potential affordable housing units

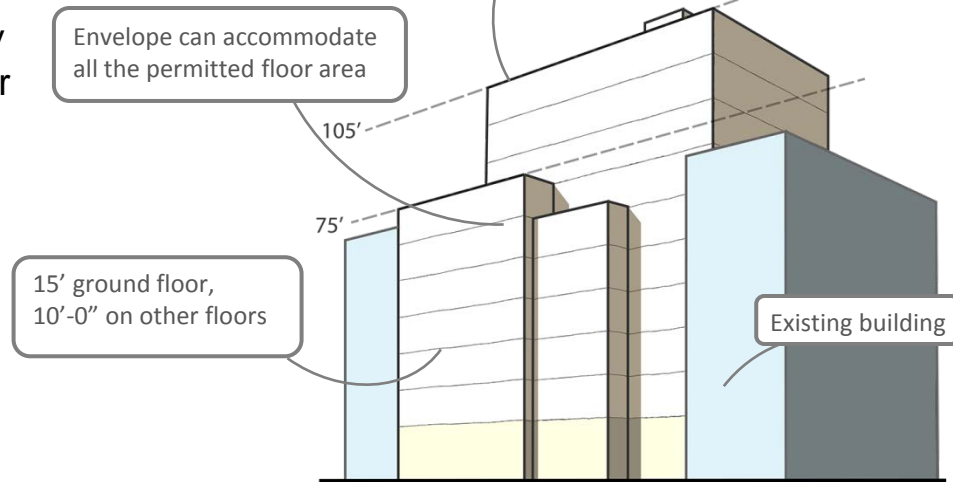
Existing



Existing R7A envelope on narrow street, interior lot

Proposed modifications allow for better ground floors for retail, community space or housing, more generous ceiling heights, and building articulation

Proposed



Proposed R7A envelope on narrow street, interior lot

Encourage variety and better design

Allow flexibility for the variation and texture that typify older buildings in many neighborhoods

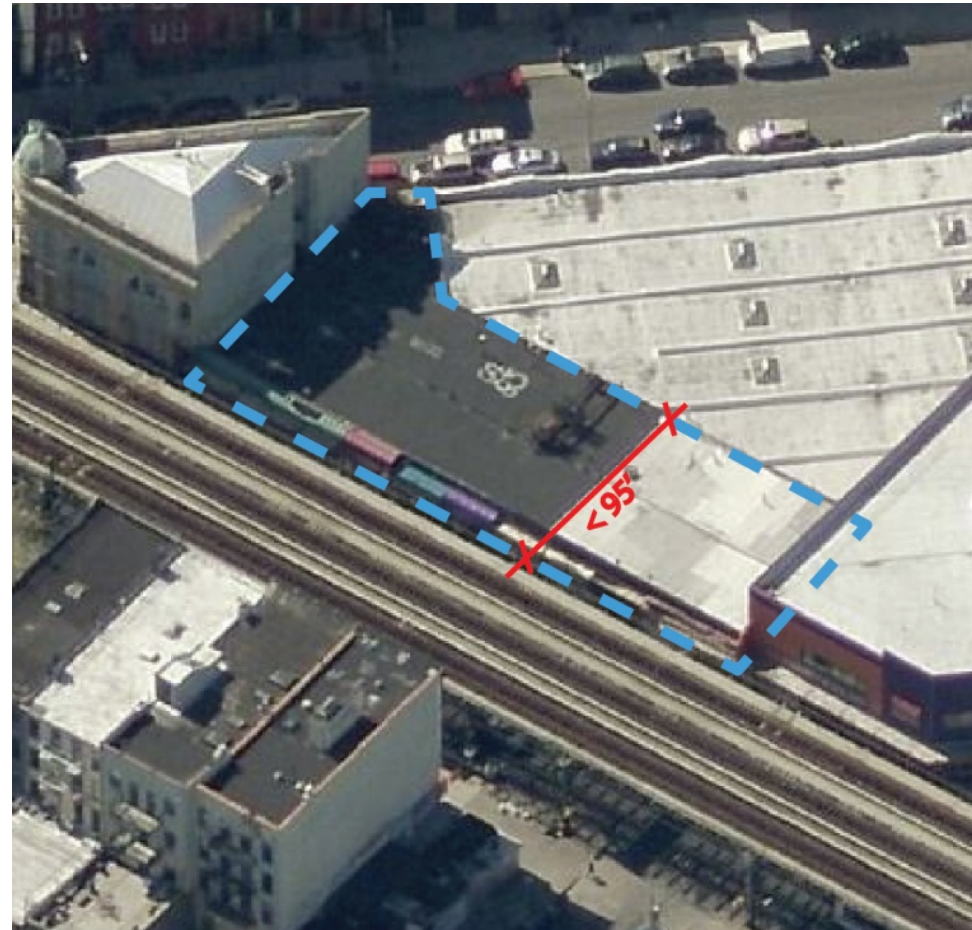
- **Street Wall:** Update and clarify regulations to support traditional types of building variation
- **Court Yards:** Allow greater flexibility to enable visual interest and a range of building configurations
- **Ground Floors:** Make transparency and design requirements consistent
- **Mix of Unit Sizes:** Make consistent the unit density standards for all medium- and high-density districts, allowing smaller units to be mixed in with larger ones



Flexibility for constrained lots

Most existing controls are designed to work with flat, rectangular lots, and do not work well on irregularly-shaped or sloped sites

- **Yards and Lot Coverage:** Allow proportionate reductions in requirements where lots are shallow, acutely-angled, or sloped
- **Distance Between Buildings:** Reduce “tower-in-the-park”-era requirements to be consistent with the State’s Multiple Dwelling Law requirements
- **Relief for Unusual Conditions:** Allow modification on a case-by-case basis, through discretionary review



Part 3:

Reduce unnecessary parking requirements for affordable housing

The cost of providing off-street parking can hamper the production of affordable housing. In transit-accessible neighborhoods, low-income households own many fewer cars, and frequently don't use the parking that has been provided.



Unnecessary parking requirements hamper the production of affordable housing

- **Low-income households have low rates of car ownership:** This is particularly true in areas accessible to transit. When off-street parking is provided, low-income households frequently do not use it.
- **Parking requirements impose unrecoverable costs on affordable housing:** It can cost as much as \$20,000-\$50,000 per space to build off-street parking. Even if low-income residents were to use off-street parking, they cannot pay significant fees for it. This makes the funding of affordable housing more difficult, or may reduce the amount of housing that can be built.



Cars per 100 Households (>3 dwelling units, all tenure)

	All Housing (since 2000)	100% Affordable Units (since 1990)	HUD 202 Senior Housing	State-licensed Senior Long Term Care
Near Transit	32	18	5	1
Far from Transit	54	39	11	1

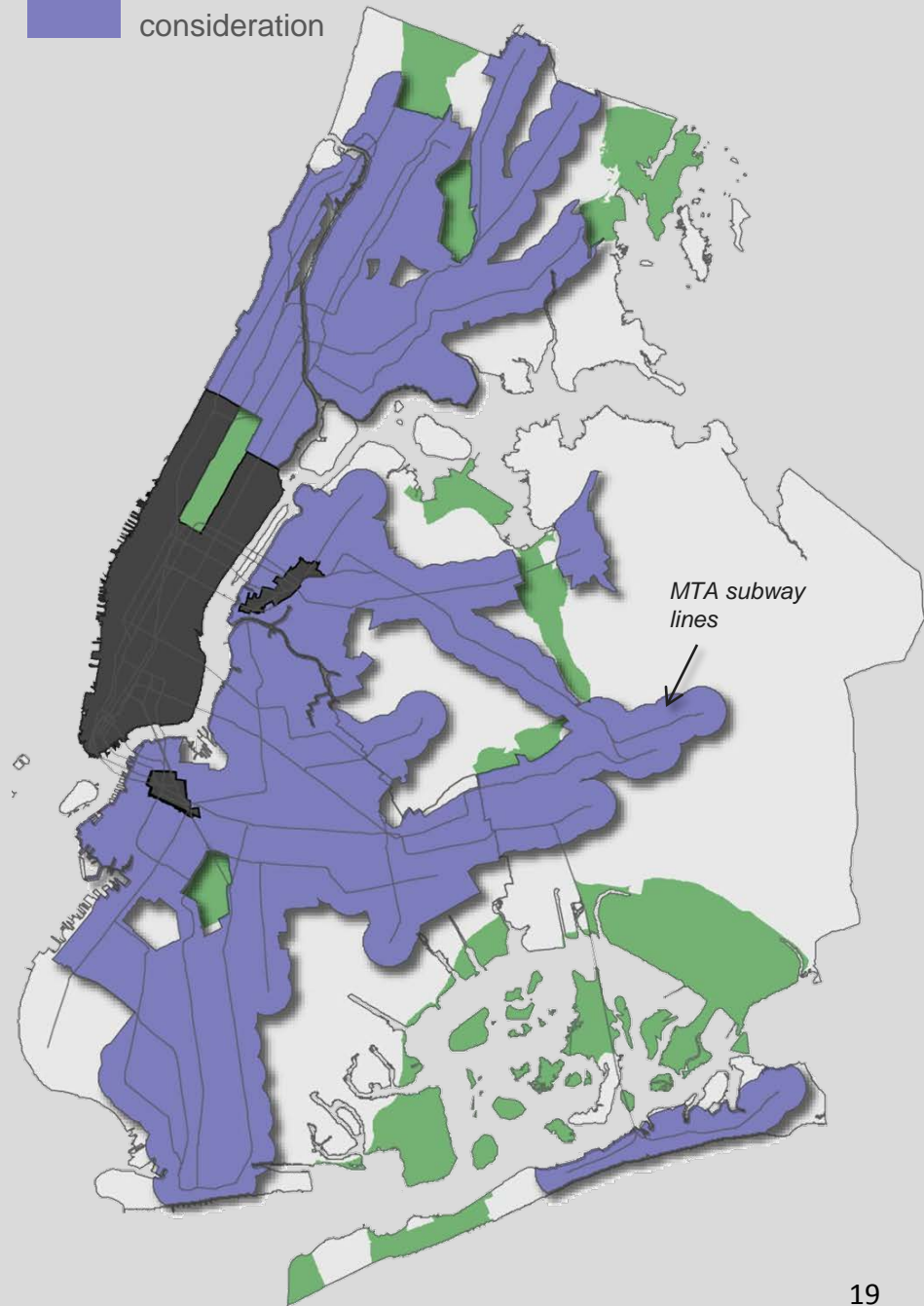


IN TRANSIT ZONE: Eliminate parking requirements for affordable housing near transit

- **Affordable Housing:** Eliminate parking requirements for new low-income or Inclusionary Housing units
- **Senior Housing:** Eliminate parking requirement for new affordable senior housing units, and allow existing affordable senior housing developments to reduce or eliminate their parking
- **Reductions Allowed on a Case-by-Case Basis:** Through discretionary review, allow new buildings to reduce required parking to enable mixed-income development, or existing affordable buildings with underutilized parking to reduce or eliminate requirements

Transit Zone would encompass zoning districts that allow multi-family housing within ½ mile walking distance from a subway station, and other areas with lower rates of car ownership and utilization.

Transit Zone under consideration



OUTSIDE TRANSIT ZONE: Simplify or reduce parking requirements in other areas

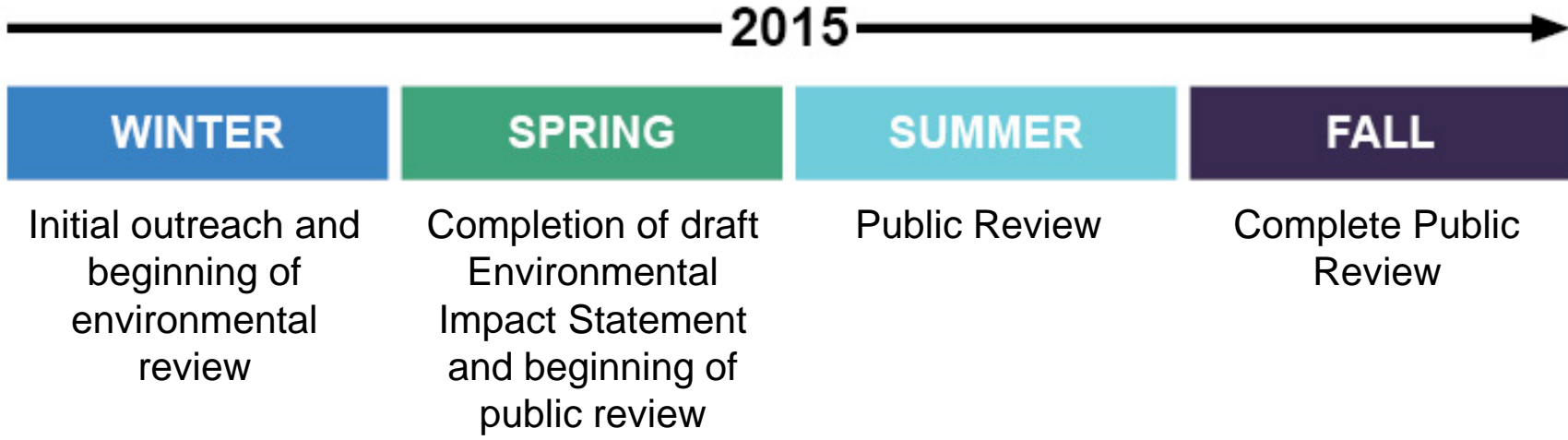
- **Affordable Housing:** Simplify existing reduced parking requirements, applying most common category to all new developments, except in single-family districts
- **Senior Housing:** Reduce parking requirement for new low-income senior housing in medium-density districts and eliminate requirement in high-density districts. Allow existing low-income senior housing to reduce parking by BSA special permit



What is the process?

The proposed changes to the Zoning Resolution will go through the City’s environmental and land use review processes. During this process, there will be public hearings and opportunities for recommendations from all Community Boards, Borough Presidents, and Borough Boards, after which the proposed changes will go to the City Planning Commission and City Council for public hearings and votes.

Zoning Text Amendments to enter Public Review in Spring 2015



How can I get more information?

For more information about this proposal or to submit comments and questions, visit:

NYC Department of City Planning Website

Online: www.nyc.gov/DCP/AHOUSING

Or contact DCP at

Email: AHOUSING@planning.nyc.gov