

# Chapter 22 : ALTERNATIVES

---

## A. INTRODUCTION

In accordance with the City Environmental Quality Review (CEQR), this chapter presents and analyzes alternatives to the Proposed Action. As described in the 2014 *CEQR Technical Manual*, alternatives selected for consideration in an EIS are generally those which are feasible and have the potential to reduce or eliminate a Proposed Action's impacts considering the objectives and capabilities of the project sponsor.

This chapter considers ~~four~~ five alternatives to the Proposed Action: (1) the No Build Alternative, in which the Proposed Action is not adopted and current zoning regulations remain in place; (2) a Board of Standards and Appeals (BSA) Parking Special Permit Alternative, in which the Proposed Action would be modified to include a BSA special permit to allow public parking facilities with up to 150 spaces in residence districts; (3) a Removal of Basic Height Increases Alternative, in which the Proposed Action would be modified to eliminate the basic height increases proposed for all housing types except for Inclusionary Housing (IH) and Affordable Independent Residences for Seniors (AIRS); and (4) ~~a No Unmitigated Significant Adverse Impact Alternative, in which the Proposed Action would be modified so as to eliminate unmitigated significant adverse impacts; (Modification of Proposed Allowable Heights for Affordable Independent Residences for Seniors and Long Term Care Facilities in R3-2 and R4 districts; and 5) a Modified Text Amendment Alternative, in which the Proposed Action is modified with respect to the comments received since the issuance of the Draft Environmental Impact Statement. As discussed in the Mitigation Chapter, the Proposed Action could result in unmitigated significant adverse impacts on shadows, historic resources, hazardous materials and noise. Given the citywide applicability of the Proposed Action, it is not possible to identify an alternative that would mitigate the potential significant adverse impacts; and therefore, a No Unmitigated Significant Adverse Impact Alternative has not been included.~~

Among the alternatives considered, the Modified Text Amendment Alternative was added following the issuance of the Notice of Completion for the FEIS and is under particularly active consideration by the City Planning Commission. Upon completion of the environmental review process, it is possible that, in accordance with SEQRA and CEQR, the Modified Text Amendment Alternative may be selected for approval and implementation rather than the Proposed Action.

~~Other potential alternatives to the Proposed Action were considered, but were found not to substantively reduce the impacts of the Proposed Action while still meeting the project's stated purpose and need.~~

## B. PRINCIPAL CONCLUSIONS

~~The No Build Alternative would not meet the goals and objectives of the Proposed Action. The BSA Special Permit for Public Parking Facilities up to 150 Spaces in Residence Districts would not reduce or eliminate any unmitigated significant adverse impacts identified as part of this environmental review. Compared to the Proposed Action, the Removal of Basic Height Increases Alternative would be less likely to result in significant adverse shadow impacts, but the potential for significant adverse impacts would remain. As with the Proposed Action, shadow impacts under this alternative could not be mitigated. With height increases only for Inclusionary House and Affordable Independent Residences for Seniors, the Removal of Basic Height Increases Alternative would be less effective in meeting the goals and objectives of the Proposed Action.~~

### No Build Alternative

The No Build Alternative assumes no discretionary actions and that the Proposed Action would not be implemented. The Proposed Action's anticipated potential significant adverse impacts on shadows, hazardous material, historic resources, and noise would not occur under the No Build Alternative. In this alternative, the existing zoning

constraints that hamper the development of housing, and specifically affordable housing, would remain in place. The No Build Alternative would not meet the goals and objectives of the Proposed Action, which is to enable less costly and more efficient housing to be developed across all five boroughs of the city.

#### **BSA Parking Special Permit Alternative (Allow Public Parking Facilities up to 150 Spaces in Residence Districts)**

The BSA Special Permit Alternative would allow a means to develop additional off-street parking by discretionary action, in areas where the supply of parking is particularly constrained. This Special Permit would create a mechanism for the market to respond to demand for off-street parking, rather than the current situation in which the cost of developing off-street parking is bundled into the cost of developing affordable housing. The alternative would promote the goals and objectives and address some community concerns that the proposed provision to eliminate parking requirements for new income-restricted developments within the Transit Zone may exacerbate an already constrained parking supply. However, the alternative would not reduce or eliminate the Proposed Action's potential significant adverse impacts identified in the FEIS, including shadows, hazardous materials, historic resources, and noise.

#### **Removal of Basic Height Increases Alternative**

This Alternative would remove the basic height increases proposed under the Proposed Action which would reduce, but not eliminate, the Proposed Action's potential significant adverse impacts on shadows, and would not fully achieve the goal and objectives of the proposal. Under this alternative, it is likely that buildings would locate the bulk elsewhere where it's permitted on site, resulting in fewer ground floor setbacks, boxier buildings, and deeper floor plates that may result in different but slight shadows that would not otherwise be expected.

Additionally, reducing the permitted heights for a new building without Inclusionary Housing units or AIRS would, to a very limited extent, reduce the likelihood of incremental shadows being cast on sunlight-sensitive features of architectural resources and/or existing open spaces.

This Alternative would not reduce or eliminate the Proposed Action's potential significant adverse impacts on hazardous materials, historic resources, or noise identified in the FEIS.

#### **Modification of Proposed Allowable Heights for Affordable Independent Residences for Seniors (AIRS) in R3-2 and R4 Districts Alternative**

Under this alternative, the increase of 10' of height for new AIRS buildings in an R3-2 or R4 district would allow a building of up to 45', reducing the potential for the Proposed Action to have significant adverse impacts on shadows. Some new Affordable Independent Residences for Seniors would be able to fit their permitted FAR into a building with 45' permitted height, but others would still require a CPC Authorization in order to achieve a workable zoning envelope. Because this alternative would still require many AIRS in R3-2 and R4 districts to seek an authorization, it would not fully achieve the goals and objectives of this proposal.

Increasing the permitted heights for a new Affordable Independent Residences for Seniors building in R3-2 and R4 Districts by 10' over the No-Action scenario would, to a very limited extent, reduce the potential for the Proposed Action to have significant adverse shadow impacts including shadows being cast on sunlight-sensitive features of architectural resources and/or existing open spaces. This Alternative would not reduce or eliminate the Proposed Action's significant adverse impacts on hazardous materials, historic resources, or noise, which are unrelated to the height of Affordable Independent Residences for Seniors.

#### **Modified Text Amendment Alternative**

The Modified Text Amendment Alternative addresses comments received since the issuance of the Draft Environmental Impact Statement. Compared to the Proposed Action, this alternative would result in lower height

increases for developments on narrow streets in contextual R9 and R10 districts. This alternative would also eliminate the proposed allowance of rear yard encroachment for certain residential accessory uses on narrow streets, eliminate the proposed provision to allow certain long-term care facilities in R1 and R2 districts by Authorization rather than Special Permit, and set a minimum unit threshold for a building to utilize the more generous Inclusionary Housing zoning envelope. Given the similarity in overall development potential of the Modified Text Amendment Alternative and the Proposed Action, the potential significant adverse impacts of the Modified Text Amendment Alternative would be similar to those of the Proposed Action.

The Modified Text Amendment Alternative would likely reduce the potential for significant adverse impacts on shadows, including the likelihood of incremental shadows being cast on sunlight-sensitive features of historic resources and/or existing open spaces. However, it would not entirely eliminate the potential for significant adverse shadow impacts, nor would it eliminate or reduce the potential for significant adverse impacts on historic resources, hazardous materials and noise identified in the FEIS. Like the Proposed Action, the Modified Text Amendment Alternative would result in a modest increase in the overall amount of housing, and especially affordable and affordable senior housing, citywide. It would not alter major development patterns, but would make it easier to build more and better quality housing at a lower cost and with less public subsidy. Like the Proposed Action, the Modified Text Amendment Alternative would result in no significant adverse impacts in land use, zoning, or public policy, socioeconomic, community facilities, open space, urban design and visual resources, natural resources, water and sewer infrastructure, solid waste and sanitation services, energy systems, transportation, air quality, greenhouse gas emissions, public health, neighborhood character, or construction.

## **C. Alternatives**

### **C1. No Build Alternative**

Consideration of a No-Action (No-Build, As-of-Right) Alternative is required under CEQR. This ~~e-No Action (As-of-Right) A~~ alternative examines future conditions ~~within the proposed rezoning area but assumes the absence of~~ absent the Proposed Action and ~~This alternative~~ provides a baseline for the evaluation of impacts associated with the Proposed Action. As such, a description of the No-Action Alternative is included within each of the technical analysis areas covered in this document.

The No Build Alternative assumes none of the proposed components of this proposal occur and that no changes to existing zoning regulations would be made. This alternative would avoid the Proposed Action's significant adverse impacts on shadows, hazardous material, historic resources, and noise. However, in this alternative, the existing zoning constraints that hamper the development of housing, and specifically affordable housing, would remain in place. The No Build Alternative would not meet the goals and objectives of the Proposed Action, which is to enable less costly and more efficient housing to be developed across all five boroughs of the city.

### **C2. BSA Parking Special Permit to Allow Public Parking Facilities up to 150 Spaces in Residence Districts**

Comments received during the public scoping process in response to proposed changes to off-street parking requirements for affordable housing requested analysis of an alternative that would alleviate existing on-street parking constraints and address shortages in off-street parking supplies. An Alternative is proposed that would add a discretionary action to permit public parking facilities of up to 150 parking spaces in residence districts, in geographies that have been determined to have an undersupply of on- and/or off-street parking.

Prior to 1938, off-street parking was not permitted in residential buildings in residence districts; after 1950, parking was required in most residential buildings. In the intervening years, off-street parking was permitted, but not required, in residential buildings. As a result, neighborhoods with a large supply of older housing have a relatively low supply of off-street parking. While the Proposed Action would not result in significant, adverse transportation

impacts, the Department does recognize that there are existing parking constraints in some neighborhoods affected by this proposal. Within the Transit Zone, where parking would no longer be required under the Proposed Action for affordable and affordable senior housing, an Alternative is proposed that would create a discretionary process to allow publicly-accessible off-street parking in residential districts, where public parking is not currently permitted under zoning.

Under this alternative, a new BSA special permit would be established to help alleviate parking constraints by creating a new mechanism for building off-street public parking garages. Where there is a demonstrated shortage of on- and off-street parking, an applicant may be permitted by BSA Special Permit to build an off-street public parking garage, either free-standing, or within a building, in residence districts zoned R6 and higher. Where market demands for additional off-street parking exceed the cost of developing parking, a BSA Special Permit would enable a developer to provide up to 150 additional parking spaces to accommodate neighborhood need. It is expected that most BSA Special Permits sought would be in the context of a residential development that is already providing some parking, however, the Special Permits would also be available for a standalone facility.

#### *BSA Special Permit for Public Parking Alternative Compared with the Proposed Action*

Under existing conditions, accessory parking facilities may be occupied by monthly parkers who have units within the building for which the parking was provided, or elsewhere in the surrounding area. While these facilities are not technically considered public parking, they typically operate as open to the public.

In the alternative, it is expected that most affordable housing developments would be built in the Transit Zone without parking, and most mixed-income developments would provide the parking that is required for market-rate units. In occasional circumstances where there is the capacity to add more parking than is required for a residential building in the Transit Zone, an applicant may seek the BSA Special Permit to provide additional spaces to be used as off-street parking available to the public. Conditions where additional parking can be accommodated on site are rare, but occur when, for example, a builder has to excavate below-grade to fit required parking and has extra space within, or where stacked parking can be accommodated.

The traffic patterns associated with accessory parking facilities that operate as open to the public in the future with the Proposed Action are expected to be the same as those of existing accessory facilities that operate as open to the public throughout the city.

Unlike the Proposed Action, the alternative would allow a means to develop additional off-street parking by discretionary action, in areas where the supply of parking is particularly constrained. This Special Permit would create a mechanism for the market to respond to demand for off-street parking, rather than the current situation in which the cost of developing off-street parking is bundled into the cost of developing affordable housing. The Alternative promotes the goals and objectives of the Proposed Action that seek to reduce the costs associated with the development of affordable housing, and helps alleviate certain community concerns that the Proposed Action to eliminate parking requirements for new income-restricted developments within the Transit Zone would exacerbate an already constrained parking supply.

This Alternative would not ~~effectively avoid, reduce or eliminate~~ the Proposed Action's significant adverse impacts on shadows, hazardous materials, historic resources, and noise.

### **C3. Removal of Basic Height Increases (with no change to proposed height increases for Inclusionary Housing and Affordable Independent Residences for Seniors)**

This alternative would make the height changes that are part of the Proposed Action applicable only to Inclusionary Housing and Affordable Independent Residences for Seniors. The basic height changes proposed for all housing types would be removed.

The removal of these height increases would reduce the likelihood of the unmitigated significant, adverse shadows impacts that could occur as a result of the Proposed Action. As described in Chapter 7, the Proposed Action could

result in significant, adverse shadow impacts on sunlight-sensitive resources across the zoning districts where height changes are proposed. The most dramatic incremental increase in shadows would occur from buildings receiving additional height for providing Inclusionary Housing units or Affordable Independent Residences for Seniors.

Under this Alternative, the proposed basic height changes, ranging from 5' in R5D, R6B, R6A, R7A, R7D, R8A, R8X and R10A (wide street) districts, 10' in R9A and R10A (narrow street) districts and 15' in R9X districts over the no-action scenario would not apply only to Inclusionary Housing and Affordable Independent Residences for Seniors developed in these districts.

Only in rare cases would the incremental height proposed for market-rate residential buildings result in significant adverse shadows impacts. The vast majority (95 percent) of affected zoning districts would experience a height increase of only 5 feet under the Proposed Action, resulting in a very slight incremental increase in shadows and perceptible only briefly when cast across a sunlight-sensitive resource such as a publicly-accessible park. All other impacts, including noise, hazardous materials, and historic resources, would be the same under this Alternative relative to the Proposed Action.

Due to the inability to project specific development sites as part of this action, it is not possible to conclude where such shadows may occur so the likelihood of an impact cannot be ruled out. Given that such additional height has been demonstrated to be critical in supporting contemporary buildings, with adequate floor to ceiling heights and desirable ground floor retail space, the removal of basic height increases would result in an outcome that only partially achieves the goals and objectives of this proposal. There is no alternative that could be advanced to completely avoid such impacts without substantially compromising the Project's goals and objectives.

#### *Removal of Basic Height Increases Alternative Compared with the Proposed Action*

In the alternative, unlike in the Proposed Action, developments that do not include Inclusionary Housing or Affordable Independent Residences for Seniors would not be granted any height increases compared to the existing condition.

While most zoning districts affected by this component of the Proposed Action can accommodate their permitted FAR using a 'packing the bulk' strategy, the quality of this space is often undesirable, and may impact the marketability of ground floor retail space. This lack of flexibility not only results in the creation of inferior dwelling units, it results in inferior buildings, since the envelope cannot accommodate streetscape design measures such as façade articulation, and a nuanced relationship to the sidewalk depending on the district (such as a planted buffer in Residence Districts and a raised ground floor affording visual privacy to residents).

This Alternative would reduce the Proposed Action's potential to result in significant adverse impacts on shadows including the likelihood of incremental shadows being cast on sunlight-sensitive features of historic resources and/or existing open spaces, by reducing the permitted heights for a new building without Inclusionary Housing units or AIRS. However, the removal of basic height increases proposed under the Proposed Action would result in an overall outcome that only partially achieves the goals and objectives of this proposal. Moreover, the removal of the basic height changes increases the likelihood that buildings would locate the bulk elsewhere where it's permitted on site, resulting in fewer ground floor setbacks, boxier buildings, and deeper floor plates that may result in different but slight shadows that would not otherwise be expected.

This Alternative would not effectively avoid or mitigate the Proposed Action's significant adverse impacts on hazardous material, historic resources, or noise.

## **C4. Modification of Proposed Allowable Heights for Affordable Independent Residences for Seniors in R3-2 and R4 Districts**

Comments received during the public scoping process requested an analysis of an alternative that would consider reducing or eliminating the height increases proposed in lower-density multi-family districts. In response, an Alternative is proposed that would reduce the permitted heights for Affordable Independent Residences for Seniors in R3-2 and R4 districts from 65' (six stories) to 45' (four stories).

The removal of these height increases would reduce the likelihood of unmitigated adverse shadows impacts in R3-2 and R4 districts across the city. Due to the inability to project specific development sites as part of this action, it is not possible to conclude where such shadows may occur so the likelihood of an impact cannot be ruled out.

The reduction of these height increases would impede the ability of an AIRS development to fit all permitted floor area within the existing building envelope in cases such as zoning lots with a steep slope over one portion, thus resulting in more developers seeking a CPC authorization to accommodate their floor area, compared to the With Action scenario. The modified building envelope included in this Alternative would accommodate many of the height modifications sought by applications through the existing CPC authorization, but this Alternative would only partially achieve the goals and objectives of this proposal by continuing to hamper some development of affordable housing for seniors.

*Modification of Proposed Allowable Heights for AIRS in R3-2 and R4 Districts Alternative Compared with the Proposed Action*

The removal of 20' of height increases for new AIRS in an R3-2 or R4 district would mitigate the Proposed Action's significant adverse impacts on shadows. Some new Affordable Independent Residences for Seniors would be able to fit their permitted FAR into the alternative envelope with 45' height, but some number would still require a CPC Authorization in order to receive a workable zoning envelope. Therefore, this Alternative only partially achieves the goals and objectives of this proposal.

Increasing the permitted heights for new Affordable Independent Residences for Seniors buildings in R3-2 and R4 Districts by 10' over the No-Action would, to a very limited extent, reduce the likelihood of incremental shadows being cast on sunlight-sensitive features of historic resources and/or existing open spaces as compared to the Proposed Action.

This Alternative would not ~~effectively avoid~~ reduce or eliminate the Proposed Action's significant adverse impacts on, hazardous materials, historic resources, and noise.

## **C5. Modified Text Amendment Alternative<sup>21</sup>**

The Modified Text Amendment Alternative (the “Alternative”) intends to address comments received since the issuance of the Draft Environmental Impact Statement. The Modified Text Amendment Alternative would:

1. Increase the permitted heights in R9 and R10 contextual districts beyond 100 feet of a wide street for affordable housing developments in IH areas, and affordable senior housing developments by 30’. A “wide street” is defined in the Zoning Resolution as 75 feet or greater in mapped width.
2. Allow residential accessory spaces for Inclusionary Housing developments on the ground floor in the rear yard area only on wide streets and in commercial districts. Affordable Independent Residences for Seniors and Long Term Care Facilities would be permitted to have their residential accessory spaces on the ground floor in the rear yard area in all districts, as proposed in the Proposed Action.
3. Require new long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit (Section 74-901) regardless of lot size.

### ***Description of the alternative***

1. Reduce proposed allowable heights in R9 and R10 contextual districts on narrow streets for affordable senior housing developments in IH areas, and affordable senior housing developments.

The Modified Text Amendment Alternative would increase heights in R9 and R10 contextual districts beyond 100 feet of a wide street for affordable housing developments in IH areas, and Affordable Independent Residences for Seniors and Long Term Care Facilities, by 30’ as compared to the No-Action Scenario. This represents a 10’ reduction to the increase in R9 districts, and 20’ reduction to the increase in R10 districts, as compared to the Proposed Action.

This provision of the alternative responds to public concerns regarding the importance of retaining building height difference and proportion between wide and narrow streets, affecting light and air, and neighborhood character. The allowable heights proposed in the Modified Text Amendment Alternative would grant some design flexibility and enable more developments to fit their full FAR – both for market rate and affordable housing – into a well-designed building, but could continue to compel some developments to make tradeoffs in terms of high-quality design or residential units. Some developments may choose to provide fewer residential units in exchange for more building articulation and higher floor-to-ceiling heights, but, as described in the FEIS and as illustrated in Prototype Alternative 14, below, most developments would instead “pack the bulk”, fitting all permitted FAR into a boxy building with lower floor-to-ceiling heights. The existing permitted building heights and heights under the Modified Text Amendment Alternative are shown in Table Alternative 1 and Prototypes Alternative 14 and Alternative 21 below.

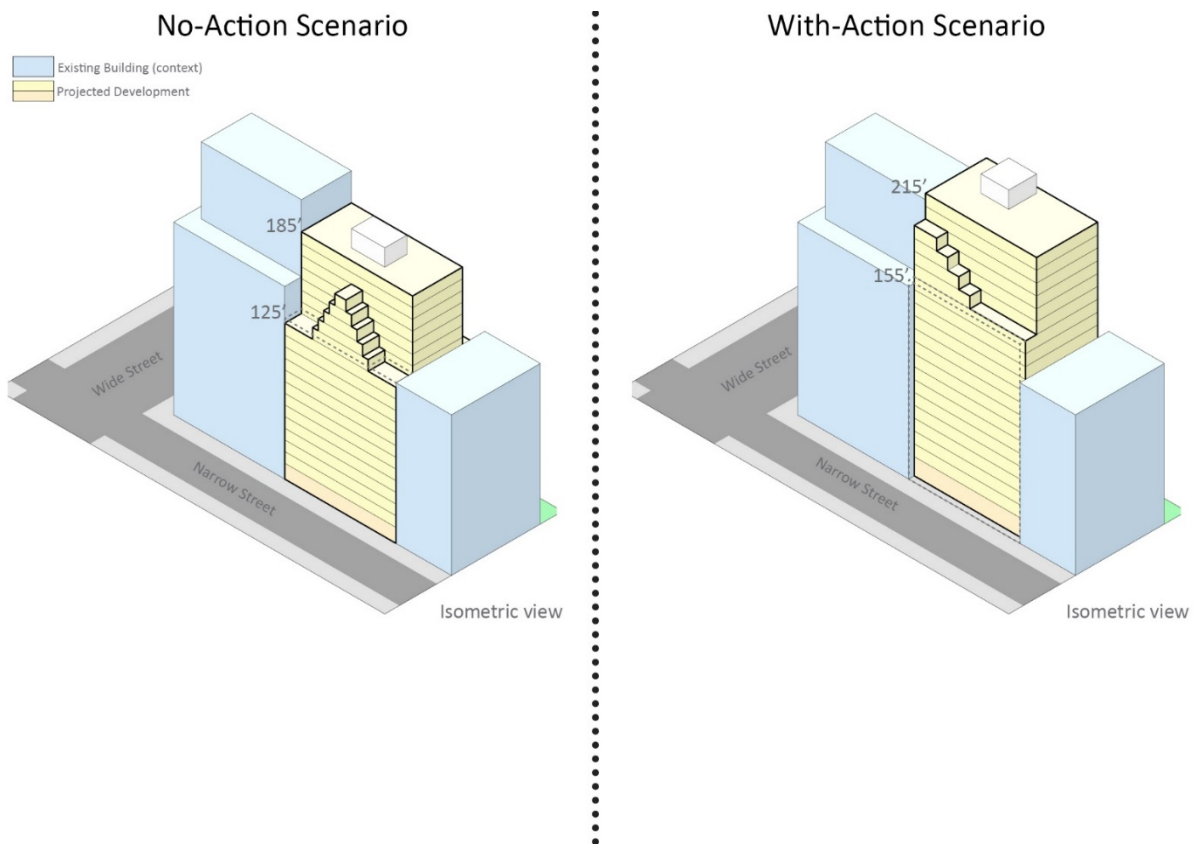
---

<sup>21</sup> Note: This entire section is new to the Alternative Chapter.

Table Alternative 1: Height changes

	Existing	Basic Modifications		IZ and senior Modifications	
	No-Action Scenario	Proposed Action	The Modified Text Amendment Alternative	Proposed Action	The Modified Text Amendment Alternative
R9A (narrow street)	135'	145'	145'	175'	165'
R9A (wide street)	145'	155'	155'	175'	175'
R9X (narrow street)	160'	175'	175'	205'	195'
R9X (wide street)	160'	175'	175'	205'	205'
R10A (narrow street)	185'	195'	195'	235'	215'
R10A (wide street)	210'	215'	215'	235'	235'

Prototype Alternative 14: C6-4A district (R10A equivalent commercial district), Inclusionary Housing, 100'x100' interior lot on narrow street

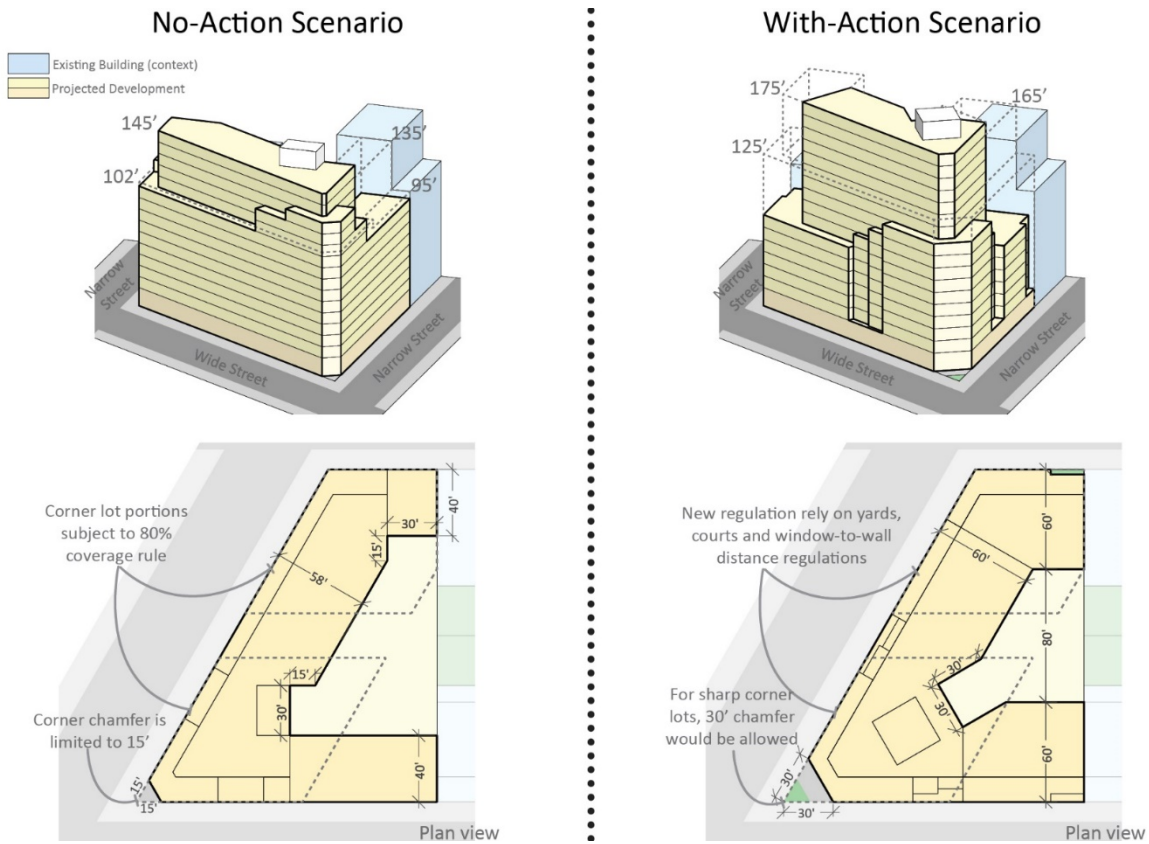




	No Action	With Action
<b>Lot Area (square feet)</b>	10,000 sq. ft.	10,000 sq. ft.
<b>Permitted FAR</b>	12.0	12.0
<b>Permitted Development Rights (square feet)</b>	120,000 sq. ft.	120,000 sq. ft.
<b>Ground Floor / Upper Story Height</b>	12' / 9'	15' / 10'
<b>Building Depth</b>	70'	65'
<b>Number of Stories/Overall Height</b>	20/185'	21/215'
<b>Floor Area that can be accommodated (square feet)</b>	112,300 sq. ft.	120,000 sq. ft.
<b>Remaining Floor Area (square feet)</b>	7,700 sq. ft.	0 sq. ft.
<b>Difference in Buildable Floor Area (percent increase over No Action)</b>		0 %
<b>Residential Gross Floor Area (square feet)</b>	124,750 sq. ft.	132,000 sq. ft.
<b>Commercial Gross Floor Area (square feet)</b>	124,750 sq. ft.	132,000 sq. ft.
<b>Total number of units (market-rate/affordable)</b>	147 (118/29) units	155(124/31) units
<b>Number of parking required (market-rate/affordable)</b>	0	0

In Prototype Alternative 14, an increase in 30 feet and 8 units would be achieved between the No-Action scenario and the Modified Text Amendment Alternative. Under the Proposed Action, as illustrated in Prototype 14 in the FEIS, an increase in 50 feet and 8 units would be achieved. Therefore, the Modified Text Amendment Alternative would result in a building that is 20' shorter, but that has the same number of units with lower floor-to-ceiling heights and less articulation, than would be developed under the Proposed Action.

*Prototype Alternative 21: C6-3A district (R9A equivalent commercial district), Inclusionary Housing with ground floor commercial, acutely angled corner lot on wide and narrow streets*



In the Modified Text Amendment Alternative, Prototype Alternative 21 illustrates an Inclusionary Housing development in an R9A equivalent district that has a permitted height of 175' on a wide street, and 165' beyond 100' of a wide street, as opposed to 155' and 145' in the No-Action Scenario. As illustrated in Prototype 21 in the FEIS, the Proposed Action would allow the same height increase of 30' as in the No-Action along a wide street. The Modified Text Amendment Alternative is increasing heights in R9A equivalent districts beyond 100' of a wide street by 30', from 135 feet under the No-Action scenario, to 165 feet.

2. Allow residential accessory spaces for Inclusionary Housing developments on the ground floor in the rear yard area only on wide streets and in commercial districts.

The Alternative would eliminate the provision of the Proposed Action to allow accessory residential uses, such as recreation space, laundry rooms, trash rooms and mechanical space, as permitted obstructions within the rear yard on the ground floor up to a height of 15', for Inclusionary Housing developments beyond 100 feet of a wide street in the residence districts where this permitted obstruction was applicable in the Proposed Action: in R6 and higher zoning districts, including commercial equivalents, and excluding "B" districts. This provision of the alternative intends to respond to public concerns about the neighborhood character and quality of life, disturbance to unobstructed rear yards, and reductions to open space, light and air even though the FEIS did not find any significant

adverse impacts with respect to neighborhood character, open space, air quality and/or public health. While there are other permitted rear yard obstructions such as parking garages and community facilities in the above mentioned districts, this component of the Modified Text Amendment Alternative responds to these concerns by limiting the proposed rear yard obstruction to affordable senior housing and long-term care facilities, which have the greatest need for common areas, and benefit from having these areas on the ground floor where they are most accessible to residents.

Non-residential uses are currently permitted today and would continue to be under the Modified Text Amendment Alternative. Additionally, similar to the With-Action Scenario, accessory residential uses, such as recreation space, laundry rooms, trash rooms and mechanical space, would be allowed as permitted obstructions within the rear yard on the ground floor up to a height of 15' for Affordable Independent Residences for Seniors and Long Term Care Facilities regardless of street width and the presence of a commercial district.

Because non-residential uses are permitted today, and because the Modified Text Amendment Alternative would still permit certain residential accessory uses in the ground floor-rear yard, this component of the Modified Text Amendment Alternative would not reduce or eliminate the Proposed Action's potential significant adverse impacts identified in the FEIS.

3. Require new long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit (Section 74-901) regardless of lot size.

The alternative would create one discretionary action, rather than two, to permit Long-Term Care Facilities, including nursing homes, in R1 and R2 Districts, regardless of lot size. Under this alternative, Long-Term Care Facilities would not be permitted by CPC Authorization on lots greater than 10 acres, and would instead be subject to CPC Special Permit under Section 74-901.

This alternative responds to public concerns that the long-term care facilities, and, specifically Continuing Care Retirement Communities, may be inconsistent with the neighborhood character of R1 and R2 districts and require a high level of scrutiny, by requiring applicants to go through ULURP regardless of lot size.

Under the Proposed Action, a conceptual analysis of the proposed CPC Authorization to allow Long-Term Care Facilities, including nursing homes, in R1 and R2 Districts on lots greater than 10 acres was completed, and a conceptual analysis of the proposed CPC Special Permit to allow these facilities on lots of 10 acres or less was completed. These analyses concluded that use of the CPC Authorization or CPC Special Permit may induce new development that could result in a potential for significant adverse impacts. Any such development would be considered in the environmental review of an individual application, and impacts and mitigations would be identified therein.

Under the Modified Text Amendment Alternative, allow Long-Term Care Facilities, including nursing homes, in R1 and R2 Districts on lots of any size would be subject to the CPC Special Permit. This would not change the potential for impacts.

### ***Alternative Compared with the Proposed Action***

Since the Modified Text Amendment Alternative modifies the permitted heights of certain, but not all, components of the Proposed Action, the impacts identified in the Proposed Action associated with height would be expected to be reduced but not entirely eliminated. These include: shadows impacts including incremental shadows being cast on sunlight-sensitive features of historic resources and/or existing open spaces. There would be no change in the likelihood of impacts associated with noise, hazardous materials and/or historic resources in the Modified Text Amendment Alternative over the Proposed Action. The potential significant adverse impacts of the Modified Text Amendment Alternative are discussed below.

## **Land Use, Zoning, and Public Policy**

Similar to the Proposed Action, no significant adverse impacts on land use, zoning, or public policy are anticipated in the future with the Modified Text Amendment Alternative. None of the components of the Modified Text Amendment Alternative, including reducing permitted heights for affordable and affordable senior housing on narrow streets in R9 and R10 contextual districts, modifying rear-yard ground floor residential accessory space, or requiring long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit regardless of lot size, would not directly displace any land uses in any of the affected zoning districts so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public policy. Similar to the Proposed Action, the Modified Text Amendment Alternative would not change the underlying zoning and permitted uses, it would not create land uses or structures that would be incompatible with the underlying zoning or conflict with public policies applicable to the affected districts or surrounding neighborhoods.

## **Socioeconomic Conditions**

Similar to the Proposed Action, the Modified Text Amendment Alternative would not result in significant adverse socioeconomic impacts. None of the components of the Modified Text Amendment Alternative, including increasing permitted heights for affordable and affordable senior housing on narrow streets in R9 and R10 contextual districts, modifying rear-yard ground floor residential accessory space, or requiring long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit regardless of lot size, would result in direct or indirect residential or business displacement.

## **Community Facilities and Services**

Increasing permitted heights for affordable and affordable senior housing on narrow streets in R9 and R10 contextual districts is not likely to change the overall number of new dwelling units, compared to the number that would be generated under the proposed action. There may be some developments that may choose to build fewer dwelling units in exchange for a better-designed building, but this reduction of new dwelling units at any given site would be very minimal. Modifying rear-yard ground floor residential accessory space permissions is not expected to result in any change to the overall number of units developed, nor would the alternative to require long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit regardless of lot size. Therefore, similar to the Proposed Action, the Modified Text Amendment Alternative would not result in direct or indirect impacts to community facilities, public schools, libraries, child care services, or police, fire, and health care services.

## **Open Space**

Similar to the Proposed Action, the Modified Text Amendment Alternative would not result in any significant adverse impacts on open space resources. The Modified Text Amendment Alternative would facilitate approximately the same number of housing units across the city, resulting in the same open space ratios. As discussed, a small number of sites in R9 and R10 contextual districts may result in fewer dwelling units in exchange for a better-designed building, but this reduction of new dwelling units at any given site would be very limited and is not likely to result in a change to the open space ratio under the Modified Text Amendment Alternative as compared to the Proposed Action.

Additionally, compared to the Proposed Action, this alternative would result in lower height increases for developments on narrow streets in contextual R9 and R10 districts which would, to a very limited extent, reduce the likelihood of significant adverse shadows impacts including incremental shadows being cast on sunlight-sensitive features of existing open spaces.

## Shadows

Similar to the Proposed Action, increasing the permitted heights in R9 and R10 contextual districts beyond 100 feet of a wide street for affordable housing developments in IH areas, and Affordable Independent Residences for Seniors and Long Term Care Facilities, may result in the potential for a significant shadow impact.

However, as compared to the Proposed Action, allowing height increases of 30' rather than 40' beyond 100' of a wide street for certain residential uses would, to a very limited extent, reduce the likelihood of significant adverse shadows impacts including incremental shadows being cast on sunlight-sensitive features of historic resources and/or existing open spaces.

## Historic and Cultural Resources

### Architectural Resources

The effects of the Modified Text Amendment Alternative would be the same as the Proposed Action with respect to Architectural Resources. Similar to the Proposed Action, the Modified Text Amendment Alternative would not result in any physical (direct) impacts on architectural resources, nor would it result in any significant adverse visual or contextual (indirect) impacts to architectural resources. Similar to the Proposed Action, the Modified Text Amendment Alternative would result in incremental shadows being cast on sunlight-sensitive features of historic resources. The duration and coverage of incremental shadows would be limited, and therefore, would not constitute a significant adverse impact on historic resources. The potential for this to occur would be slightly reduced under the Modified Text Amendment Alternative, where maximum permitted heights would be reduced over the Proposed Action for certain uses in R9 and R10 contextual districts on narrow streets.

### Archaeological Resources

The effects of the Modified Text Amendment Alternative would be the same as the Proposed Action with respect to Archaeological Resources. The archaeological resources assessment concluded that the Proposed Action could result in additional and/or deeper in-ground disturbance that could occur on sites where archaeological remains exist; however, this is expected to be limited to a few provision of the Proposed Action.

If such in-ground disturbance were to occur on sites that have the potential to yield archaeological remains, depending on the location of the resources on the site, the depth and location of building foundations, and the extent and location of grading activities, significant adverse impacts could occur. The extent of the potential impact is expected to be limited, because the Modified Text Amendment Alternative itself is not expected to induce development on sites where development would not have otherwise been possible, limiting the potential for additional in-ground disturbance.

### *Alternative changes to heights*

The removal or modification of height increases associated with the Modified Text Amendment Alternative would not reduce the likelihood of additional in-ground disturbance. Therefore, this component of the Modified Text Amendment Alternative will not mitigate or reduce the potential for a significant adverse impact to archeological resources.

### *Alternative treatment of shared accessory rear yard spaces*

While the Modified Text Amendment Alternative would eliminate the provision to allow residential accessory uses in the rear yard of certain types of development, other non-residential uses are currently permitted today and would continue to be under the Proposed Action and the Modified Text Amendment Alternative. Therefore, this component of the Modified Text Amendment Alternative would not reduce the potential for a significant adverse impact to archeological resources.

### *Alternative treatment of Discretionary Actions for Long-Term Care Facilities in R1 and R2 Districts*

It is expected that the use of the proposed CPC Special Permit is not likely to result in a change in the development of buildings that might have occurred by Authorization in the future with the Proposed Action. The potential for

significant adverse impacts associated with Long-Term Care Facilities in R1 and R2 districts cannot be ruled out. However, as described above, any such development would be considered in the environmental review of an individual application, and impacts and mitigations would be identified therein.

### **Urban Design and Visual Resources**

Similar to the Proposed Action, the Modified Text Amendment Alternative would promote new development that is consistent with existing uses, density, scale and bulk, and would not result in buildings or structures that would be substantially different in character or arrangement than those that currently exist in the neighborhood. Under the Modified Text Amendment Alternative, a small subset of buildings would be shorter than what would be permitted under the Proposed Action; however, conclusions with respect to urban design and visual resources would be the same.

Similar to the Proposed Action, the Modified Text Amendment Alternative would result in new buildings that are taller than what would be permitted. Buildings without affordable housing in high density areas (R6 and higher) would be permitted 5 to 15 feet of additional height, or up to one additional story, to accommodate design best practices and allow for more flexibility in terms of building layout.

Senior housing, and buildings qualifying under the existing voluntary Inclusionary Housing or future Mandatory Inclusionary Housing program would be permitted an additional height generally of 1 or 2 stories. Where, under the Proposed Action, certain buildings in R10A districts on narrow streets would 4 stories taller than is permitted today, the Modified Text Amendment Alternative would only permit an additional 2 stories compared to what is permitted today. The increase in permitted height for buildings with certain types of affordable housing is proposed in order to accommodate their full permitted floor area as well as the better design standards promoted for all buildings.

No significant adverse impacts related to urban design and visual resources are anticipated as a result of the Modified Text Amendment Alternative.

### **Natural Resources**

The effects of the Modified Text Amendment Alternative would be the same as the Proposed Action with respect to Natural Resources; and no significant adverse impacts would occur. Similar to the Proposed Action, the Modified Text Amendment Alternative would not result in any significant adverse impacts on open Natural Resources.

### **Hazardous Materials**

Similar to the Proposed Action, increasing permitted heights for affordable and affordable senior housing on narrow streets in R9 and R10 contextual districts, modifying rear-yard ground floor residential accessory space permissions and the requirement of long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit regardless of lot size would not affect the hazardous materials assessment and conclusions for the proposed action. The potential for the Modified Text Amendment Alternative to result in in-ground disturbance that could occur on sites where hazardous materials exist would be the same as that of the Proposed Action resulting in unavoidable hazardous materials impacts.

### **Water and Sewer Infrastructure**

Similar to the Proposed Action, increasing permitted heights for affordable and affordable senior housing on narrow streets in R9 and R10 contextual districts, modifying rear-yard ground floor residential accessory space permissions and the requirement of long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit regardless of lot size would not affect the Water and Sewer Infrastructure assessment and conclusions for the Proposed Action. Therefore, similar to the Proposed Action, the Modified Text Amendment Alternative would not result in significant adverse impacts on water and sewer infrastructure.

## **Solid Waste and Sanitation Services**

Similar to the Proposed Action, increasing permitted heights for affordable and affordable senior housing on narrow streets in R9 and R10 contextual districts, modifying rear-yard ground floor residential accessory space permissions and the requirement of long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit regardless of lot size would not affect the solid waste and sanitation services assessment and conclusions for the Proposed Action. Therefore, similar to the Proposed Action, the Modified Text Amendment Alternative would not result in significant adverse impacts on solid waste and sanitation services.

## **Energy**

The effects of the Modified Text Amendment Alternative would be the same as the Proposed Action with respect to Energy. Increasing permitted heights for affordable and affordable senior housing on narrow streets in R9 and R10 contextual districts, modifying rear-yard ground floor residential accessory space permissions and the requirement of long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit regardless of lot size would not affect the energy assessment and conclusions for the Proposed Action. Therefore, similar to the Proposed Action, the Modified Text Amendment Alternative would not result in significant adverse impacts on energy.

## **Transportation**

The effects of the Modified Text Amendment Alternative would be the same as the Proposed Action with respect to the Transportation. Increasing permitted heights for affordable and affordable senior housing on narrow streets in R9 and R10 contextual districts, modifying rear-yard ground floor residential accessory space permissions and the requirement of long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit regardless of lot size would not affect the transportation assessment and conclusions for the Proposed Action. Similar to the Proposed Action, the Modified Text Amendment Alternative would not result in significant adverse impacts on transportation.

## **Air Quality**

The effects of the Modified Text Amendment Alternative would be the same as the Proposed Action with respect to the Air Quality. Similar to the Proposed Action, increasing permitted heights for affordable and affordable senior housing on narrow streets in R9 and R10 contextual districts would not result in significant adverse impacts in air quality as represented in the alternative prototypes. Potential future developments analyzed in the prototypes would be taller than the surrounding buildings and pass the stationary source air quality screening in accordance to CEQR Technical Manual Figure 17-5. Modifying rear-yard ground floor residential accessory space permissions is not expected to result in any change to the overall number of units developed or the overall height of any individual development, nor would the alternative to require long-term care facilities in R1 and R2 districts to seek a City Planning Commission special permit regardless of lot size. Therefore, similar to the Proposed Action, the Modified Text Amendment Alternative would not result in any significant adverse air quality impacts.

## **Greenhouse Gas Emissions**

Similar to the Proposed Action, the Modified Text Amendment Alternative would not be inconsistent with the City's Greenhouse Gas (GHG) and climate change goals. Since this alternative would not facilitate development greater than 350,000 square feet on a single development site or involve other energy intense projects, there would be no significant adverse GHG emissions or climate change impacts as a result of the Modified Text Amendment Alternative.

## **Noise**

Similar to the Proposed Action, the Modified Text Amendment Alternative has the potential to introduce new sensitive receptors closer to existing train operations on elevated train tracks, potentially resulting in significant adverse noise impacts. The Modified Text Amendment Alternative would not affect the components of the Proposed Action that have the potential to result in these impacts. The Modified Text Amendment would not result in significant adverse noise impacts due to operations of any potential development.

## **Public Health**

The effects of the Modified Text Amendment Alternative would be the same as the Proposed Action with respect to the Public Health. The Modified Text Amendment Alternative would modify allowable heights for certain buildings in R9 and R10 contextual districts, restrict to the proposed allowance of accessory ground floor residential space for certain uses, and require a more stringent discretionary review procedure for long-term care facilities in single-family district. The Modified Text Amendment Alternative would not result in significant adverse impacts in air quality, water quality, and noise due to noise generated by any potential development. The Modified Text Amendment Alternative would potentially result in significant adverse impacts on hazardous materials and noise due to train operations on elevated tracks similar to the Proposed Action. However, similar to the Proposed Action, the potential for these impacts to occur is expected to be limited to significantly affect public health.

## **Neighborhood Character**

The effects of the Modified Text Amendment Alternative would be the same as the Proposed Action with respect to the Neighborhood Character. Modifications to allowable heights for certain buildings in R9 and R10 contextual districts would reduce the likelihood of a significant adverse impact on shadows, but it would not eliminate it. Similar to the Proposed Action, the Modified Text Amendment Alternative would result in significant adverse impacts with respect to noise, hazardous materials and historic resources, however, the combined effects would not raise the potential to significantly impact neighborhood character.

## **Construction**

The effects of the Modified Text Amendment Alternative would be the same as the Proposed Action with respect to Construction. Based on CEQR Technical Manual guidelines, where the duration of construction is expected to be short-term (less than two years) detailed construction assessment is not warranted. Similar to the Proposed Action, the Modified Text Amendment Alternative is not expected to result in any development where the duration of construction would be over two years. Therefore, the Modified Text Amendment Alternative would not result in significant adverse construction impacts.

## **Conclusions**

As described above, the Modified Text Amendment Alternative would result in the same significant, adverse impacts as the Proposed Action, although to a slightly lesser degree with respect to shadows. Compared to the Proposed Action, the Modified Text Amendment Alternative would have a reduced potential for significant adverse shadow impacts including incremental shadows being cast on sunlight-sensitive features of historic resources and/or existing open spaces.