NYCPLANNING
DEPARTMENT OF CITY PLANNING CITY OF NEW YORK

HOUSING NEW YORK:

ZONING FOR QUALITY AND AFFORDABILITY

~~DRAFT~~ FINAL SCOPE OF WORK

FOR AN ENVIRONMENTAL IMPACT STATEMENT

CEQR NO. 15DCP104Y

~~February 20, 2015~~

September 18, 2015

A. INTRODUCTION

This ~~Draft~~ Final Scope of Work (~~Draft~~ Final Scope) outlines the technical areas to be analyzed in the preparation of the Environmental Impact Statement (EIS) for the ***Zoning for Quality and Affordability*** text amendment proposal ("Proposed Action"), which would implement some of the key policy goals established in Mayor Bill de Blasio's ***Housing New York: A Five-Borough, Ten-Year Plan***.

The Housing New York plan, released in May 2014, is the City's plan to build and preserve affordable housing throughout New York City. The Plan discusses the city's on-going housing shortage and affordability crisis and lays out policy objectives and tools necessary to address the issue. The Plan points out that many of the City's zoning regulations are outdated and often inadvertently impede the production of new housing and calls for a review and reform of the regulations to facilitate and encourage increased production of new housing, particularly affordable housing.

Contemporary building practices, shifting patterns of automobile ownership, irregular lot conditions, and demographic changes, interacting with the existing regulatory framework, influence housing development in the city. Outdated zoning requirements often produce buildings which despite original intentions, are not consistent with existing community character, urban design principles or modern housing design standards, and unnecessarily increase the overall construction cost of housing which is already among the highest of all larger cities in the nation.

Since the release of the Housing Plan, the Department of City Planning (DCP), the Applicant, has conducted a review of the City's Zoning Resolution and has identified multiple building envelope and design constraints, obsolete use regulations, and parking requirements that merit revision. DCP is proposing a zoning text amendment to help facilitate the development of new housing, and particularly affordable housing. The proposed amendments can be classified in the following categories:

Promote Affordable Senior Housing and Care Facilities

Older New Yorkers are a diverse and rapidly growing segment of the city's population. The 2010 census documents that the population 65 years and over consisted of about 1 million people, and by 2040, this population is projected to increase to 1.4 million, or a 40 percent increase. Today, there are various housing and facility types available to seniors that offer specialized living arrangements targeted to accommodate elderly lifestyles and higher care needs. The growth in older New Yorkers has already resulted in an increased demand for services for long-term care. Given the high cost of care services, and, on average, low incomes of seniors, these housing types are typically supported through subsidies or funding-programs from the federal, state and/or city government. The dramatic increase of the post-World War II "baby boom" generation, now becoming elderly, also has an important impact on housing and service models, necessitating new housing types for smaller households that can meet the needs of aging residents who may have different lifestyles and different needs from those of previous older generations.

Notwithstanding the rising need for housing targeted to the older population, the Zoning Resolution has failed to keep pace, creating a poor match between contemporary housing types and zoning definitions and requirements. This creates unnecessary costs and likely deters needed investment.

Modernize Rules That Shape Buildings

Because of changing best practices for housing design, the rise of green technologies, and new construction methods including "block and plank" construction and modular construction, today's residential buildings typically have higher floor-to-floor heights than the buildings of 30 years ago, when many of the current building envelopes prescribed by zoning were established. Standards for retail space have also increased to provide an improved shopping environment and to allow space for modern ventilation and other mechanical systems. Especially when combined with the floor area bonus allowed through the Inclusionary Housing Program, these factors can make it difficult, and often times impossible, to accommodate the full amount of permitted residential floor area within the existing building envelope. These existing controls also limit overall design flexibility and often result in production of suboptimal housing units and buildings that do not include design and streetscape-improving elements that are typical of older apartment buildings in the city's residential neighborhoods. DCP is proposing zoning changes that would provide additional flexibility to these regulations to facilitate housing development, further encourage the use of the Inclusionary Housing Program, and improve the quality of both new housing and street-level commercial activity.

Reduce Unnecessary Parking Requirements for Affordable Housing

Studies of residential car ownership patterns have shown that, in "Inner Ring" neighborhoods that are located outside the Manhattan Core but are accessible to transit, employment centers, and services, per-unit parking requirements for affordable housing exceed car ownership rates among low-income households. Where off-street parking is built for affordable housing, spaces often go unused because even the few car-owning residents cannot pay monthly parking fees and thus park on-street. The construction of unnecessary parking spaces increases construction costs and may deter development or reduce the number of affordable units that can be produced. DCP is proposing appropriate reductions in parking requirements for affordable housing developments near multiple forms of public transit and where car ownership rates are lowest.

The City Planning Commission (CPC) has determined that an EIS for the Proposed Action will be prepared in conformance with City Environmental Quality Review (CEQR) guidelines, with DCP acting on behalf of the CPC as the lead agency. The environmental analyses in the EIS will assume a development period of ten years for the reasonable worst-case development scenario (RWCDS) for the Proposed Action, as defined herein, (i.e., analysis year of 2025). DCP will conduct a coordinated review of the Proposed Action with involved and interested agencies.

Responding to the State Environmental Quality Review Act (SEQRA) and its implementing regulations, New York City has established rules for its environmental review process known as CEQR. The CEQR process provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify and, when practicable, mitigate significant adverse environmental impacts. CEQR rules guide environmental review through the following steps:

- **Establishing a Lead Agency**. Under CEQR, the "lead agency" is the public entity responsible for conducting the environmental review. Usually, the lead agency is also the entity primarily

responsible for carrying out, funding, or approving the proposed project. The Department of City Planning (the "Department" or "DCP") acting as lead agency on behalf of the New York City Planning Commission (CPC) assumed lead agency status for the Proposed Action.

- **Determination of Significance**. The lead agency's first charge is to determine whether the proposed project might have a significant impact on the environment. To do so, DCP prepared an Environmental Assessment Statement (EAS). Based on the information contained in the EAS, DCP determined that the project might result in significant adverse environment impacts and issued a Positive Declaration on February 20, 2015.

- **Scoping.** Along with its issuance of a Positive Declaration, DCP issued a draft Scope of Work for the EIS on February 20, 2015. This draft scope was widely distributed to concerned citizens, public agencies, and other interested groups. "Scoping," or creating the scope of work, is the process of focusing the environmental impact analyses on the key issues that are to be studied. A public scoping meeting was held for the proposed project on March 25, 2015, and additional comments were accepted until April 30, 2015. Modifications to the draft Scope of Work for the project's draft Environmental Impact Statement (EIS) were made as a result of public and interested agency input during the scoping process. A Final Public Scoping Document for the project (which reflected comments made on the draft scope and responses to those comments, as well as updates to the project as the program was further refined), was issued on September 21, 2015.

- **Draft Environmental Impact Statement.** In accordance with the Final Public Scoping Document, a Draft Environmental Impact Statement (DEIS) was prepared. Upon review of the DEIS and determination that the document has fully disclosed the proposed Action, its potential environmental impacts, and recommended mitigation, the Department will issue a Notice of Completion. Once certified as complete, the DEIS will be circulated for public review.

- **Public Review.** Publication of the DEIS and issuance of the Notice of Completion signal the start of the public review period. During this time, which extends for a minimum of 30 days, the public has the opportunity to review and comment on the DEIS either in writing or at a public hearing convened for the purpose of receiving such comments. Where the CEQR process is coordinated with another City process that requires a public hearing, such as ULURP, the hearings may be held jointly. In any event, the lead agency must publish a notice of the hearing at least 14 days before it takes place and must accept written comments for at least 10 days following the close of the hearing. All substantive comments received at the hearing or during the comment period become part of the CEQR record and are summarized and responded to in the Final Environmental Impact Statement (FEIS).

- **Final Environmental Impact Statement.** After the close of the public comment period for the DEIS, the department acting on behalf of the CPC will prepare a Final Environmental Impact Statement (FEIS). This document will include a summary restatement of each substantive comment made about the DEIS and a response to each comment. Once the Department has determined that the FEIS is complete, it will issue a Notice of Completion and circulate the FEIS.

- **Findings.** To demonstrate that the responsible public decision-maker has taken a hard look at the environmental consequences of a proposed project, any agency taking a discretionary action regarding a project must adopt a formal set of written findings, reflecting its conclusions about the significant adverse environmental impacts of the proposed project, potential

alternatives, and potential mitigation measures. The findings may not be adopted until 10 days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the lead and involved agencies may take their actions (or take "no action").

~~***REQUIRED APPROVALS AND REVIEW PROCEDURES***~~

~~The proposed Zoning Text Amendment encompasses a discretionary action that is subject to review under Section 200 of the City Charter, and the City Environmental Quality review (CEQR) process.~~

~~***City Environmental Quality Review (CEQR) and Scoping***~~

~~The Proposed Action is classified as Type I, as defined under 6 NYCRR 617.4 and 43 RCNY 6-15, subject to environmental review in accordance with CEQR guidelines. An Environmental Assessment Statement (EAS) was completed on February 20, 2015. A Positive Declaration, issued on February 20, 2015, established that the Proposed Action may have a significant adverse impact on the environment, thus warranting the preparation of an EIS.~~

~~The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the Proposed Action. The process allows other agencies and the public a voice in framing the scope of the EIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope may do so and give their comments to the lead agency. The public, interested agencies, Community Boards, and elected officials, are invited to comment on the draft scope of work, either in writing or orally, at a public scoping meeting to be held on March 25, 2015 at Spector Hall, 22 Reade Street, New York , New York 10007, starting at 4 pm. Comments received during the Draft Scope's public hearing and written comments received up to ten days after the hearing (until 5:00 pm on April 6, 2015), will be considered and incorporated as appropriate into the Final Scope of Work (Final Scope).The lead agency will oversee preparation of the Final Scope, which will incorporate all relevant comments made on the Draft Scope, and revise the extent or methodologies of the studies, as appropriate, in response to comments made during scoping. The Draft EIS (DEIS) will be prepared in accordance with the Final Scope.~~

~~Once the lead agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for ten days after the public hearing to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will incorporate all substantive comments made on the DEIS, along with any revisions to the technical analysis necessary to respond to those comments. The FEIS will then be used by the decision makers to evaluate CEQR findings, which address project impacts and proposed mitigation measures, in deciding whether to approve the requested discretionary actions, with or without modifications.~~

B. DESCRIPTION OF PROPOSED ACTION

The New York City Department of City Planning (DCP), the Applicant, is proposing a zoning text amendment consisting of changes to various zoning provisions (the "Proposed Action") with citywide applicability. The Proposed Action includes the following three components:

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.
- 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.

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 – 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. 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, while maintaining current floor area maximums, 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

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 proximate to multiple options for public transportation, and in ~~within ½ mile walking distance from a subway station, and ot~~her 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 multi-family zoning ~~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.

Compared to what is allowed under current zoning regulations, the Proposed Action, as described above, has the potential to result in additional floor area, increased number of residential units, and taller buildings. It also has the potential to result in development on sites that would not under the current zoning be developed in the foreseeable future (e.g., on sites currently occupied by parking accessory to senior housing developments). The analysis year for the Proposed Action is 2025.

Background

The current affordable housing crisis is rooted in many factors. A household spending more than 30 percent of its gross annual income on rent is considered "rent-burdened." In 2012, almost 55 percent of all households living in rental units were "rent-burdened," which is more than an 11 percent increase from 2000. This decreased housing affordability is largely due to the increasing gap between rapidly growing population and slow new housing construction that is failing to catch up with the increased demand.

The senior population is finding New York City to be a more hospitable and preferred location in which to age-in-place. Young families and empty-nesters are finding the city's vibrant culture and transit-oriented lifestyle more attractive than the suburbs. People from every corner of the nation and globe continue to pour into the city, seeking opportunities for themselves and their families. As a result, the city grew to 8.4 million people by 2013 and the population is expected to continue to rise, surpassing 9 million residents

by 2040. This population growth is a reflection of the city's success in attracting and retaining people from all over the world, but it also brings with it a growing need for housing.

In addition, the supply of new housing in the city is constrained by the high cost of building. In many neighborhoods, land values are at record highs, so that developers face high upfront costs to acquire land for new buildings. The City is also one of the most expensive construction markets in the country. As the cost of building increases, housing developers respond by building fewer housing units, charging more to rent or buy a home, or both.

As described in the Purpose and Need section below, the current supply of rental units is not well suited for the city's changing households, partly due to existing zoning regulations. The city's residents are aging: DCP projects that the population aged 65 or older will increase by 175,000 from 2010 to 2020. Housing needs change over a household's life cycle. Some older adults need housing that provides special support services, while others prefer to 'age in place' in age-integrated settings. Many struggle to make ends meet because incomes frequently decline after retirement. To address these changes, the city must develop housing options that are affordable to older New Yorkers and that meet their special needs.

The city's households also are changing in size, and there is no longer a good match between the type and size of available apartments and the housing demands of modern households. There are 1.9 million one- and two-person households in the city (more than 60 percent of all the city's households), but only 1.25 million studios and one-bedroom apartments. Of course, some of the households will prefer to stay in, or move to, larger apartments. But the demand for smaller units also comes from individuals who would prefer to form their own household, but who are forced by high rents to live with roommates or family. When individuals can't afford studios and join up to rent multi-bedroom apartments, they also drive prices for those apartments out of the reach of families with children. To address these challenges, the city needs not only more housing, but also a mix of new housing types that reflects the diversity of New Yorkers' needs.

The boroughs of Manhattan, the Bronx, Brooklyn and Queens are unusual nationwide in having relatively low levels of car ownership, particularly in dense areas characterized by apartment buildings, and high levels of transit use for journeys to work (Staten Island more closely resembles the suburban norm). Research undertaken by DCP in recent years further clarifies the factors that are correlated with car ownership among households. The 2007 *Residential Parking Study* found that car ownership rises with income. Families (two or more persons living together, related by blood or marriage) are more likely to own cars than non-families. And, on average, car ownership rises the farther a household lives from the city's business core in Manhattan south of 60th Street.

DCPs 2013 *Inner Ring Parking Study* recommended that in light of these characteristics, zoning parking requirements need to be adjusted in a targeted manner, focused on the parts of the city and the specific populations for which car ownership is low. Parking requirements are intended to ensure that new housing does not result in community impacts from street congestion; where such effects are not a concern, parking need not be required.

C. PURPOSE AND NEED FOR PROPOSED ACTION

DCP has identified a number of areas where existing zoning regulations limit housing production, make housing production onerously costly and inefficient, or produce housing that is not in keeping with its neighbors or contemporary trends. These issues are described below.

Promote Affordable Senior Housing and Care Facilities

Older New Yorkers are a diverse and rapidly growing segment of the city's population. The 2010 census documents that the population 65 years and over consisted of 1,002,000 people and the Department of City Planning projects this population to increase to 1,410,000 in 2040 – an increase of 408,000 persons or 40.7 percent.[1] Overall, the total share of the population 65+ is projected to increase from 12.2 percent in 2010 to 15.6 percent in 2040. The bulk of the population increase is projected to occur in the next two decades with the aging of the post-World War II "baby-boomer" population, who began to reach their 60s in 2006. During the last decade, the senior population has increased by 12.4 percent, faster than both the City's total population (2.1 percent) and the population under 60 (0.2 percent). [2]

Figure 1: Projected New York City 65 and Over Population by Borough, 2010-2040

					CHANGE							
	2010	2020	2030	2040	2010-2020		2020-2030		2030-2040		2010-2040	
					Number	Percent	Number	Percent	Number	Percent	Number	Percent
NYC	1,002,208	1,177,215	1,364,178	1,409,708	175,007	17.5	186,963	15.9	45,530	3.3	407,500	40.7
Bronx	145,882	171,856	212,334	228,476	25,974	17.8	40,478	23.6	16,142	7.6	82,594	56.6
Brooklyn	294,610	351,609	408,424	428,845	56,999	19.3	56,815	16.2	20,421	5.0	134,235	45.6
Manhattan	214,153	250,806	278,043	277,444	36,653	17.1	27,237	10.9	-599	-0.2	63,291	29.6
Queens	288,219	325,300	370,214	377,060	37,081	12.9	44,914	13.8	6,846	1.8	88,841	30.8
Staten Island	59,344	77,644	95,163	97,883	18,300	30.8	17,519	22.6	2,720	2.9	38,539	64.9

Source: New York City Population Projections by Age/Sex & Borough, 2010-2040; NYC Department of City Planning, December 2013

Low income households are a significant portion of the older population. Sixty-one percent of all persons age of 65 or older in New York City have incomes at or below 80 percent of adjusted Area Median Income and are therefore eligible for housing assistance.

[1] New York City Population Projections by Age/Sex & Borough, 2010-2040; NYC Department of City Planning, December 2013
[2] Census 2010: Changes in the Elderly Population of New York City, 2000-2010; NYC Department for the Aging, July 2012

Figure 2: Persons 65 and over in households with income less than 80 percent of adjusted Area Median Income (AMI), as calculated by the US Department of Housing and Urban Development

	Total Persons 65 and Over in Households (Group Quarters removed)	<= 80 percent AMI (controlled for household size)	Percentage
Total (controlled for HH size)	958,799	584,653	61.0%
Bronx	137,274	94,782	69.0%
Brooklyn	278,617	191,402	68.7%
Manhattan	208,440	117,122	56.2%
Queens	277,427	154,016	55.5%
Staten Island	57,041	27,331	47.9%

Source: U.S. Census Bureau, 2008-2012 American Community Survey—Public Use Microdata Sample

Today, there are various housing and facility types available to seniors that offer specialized living arrangements targeted to accommodate lifestyles of the aging and higher care needs. The level of support and services ranges depending on the facility type and population served, but typically fall into two primary categories: 1) independent senior apartments and 2) ~~senior~~ long term care facilities. The growth in older New Yorkers has already resulted in an increased demand for services for long-term care; especially for social and health care services for less mobile or disabled individuals with chronic diseases. Given the high cost of care services, and low incomes of seniors, these housing types are typically supported through subsidies or funding-programs from the federal, state and/or city government. The dramatic increase of the post-World War II "baby boom" generation, now becoming elderly, also has an important impact on housing and service models, necessitating new housing types for smaller households that can meet the needs of senior residents who may have different lifestyles and different needs from those of past generations.

Independent senior apartments

Nearly all of the independent living residences in New York City are publicly assisted or operated by non-profit organizations that establish eligibility on the basis of income. The largest numbers of these units have historically been developed using HUD Section 202 funds, which have become extremely limited in recent years. The NYU Furman Center's Subsidized Housing Information Project inventories 209 facilities (approximately 16,400 units) subsidized through the HUD Section 202 Program for seniors. Many of these housing projects were constructed during the 1980s and 1990s, when funding sources were greater. In recent years, government funding and support has declined, as has the construction of new facilities, failing to keep up with the demand for housing created by the aging of the population.

Figure 3: HUD 202 Funded Affordable Senior Housing Facilities and Units

Borough	**Number of HUD 202 Facilities**	**Number of 202 Units**
Bronx	63	4,767
Brooklyn	57	4,678
Manhattan	64	4,186
Queens	20	2,410
Staten Island	5	392
Total HUD 202 Facilities	**209**	**16,433**

Source: Furman Center for Real Estate and Urban Policy Subsidized Housing Information Project (SHIP), 2014

~~***Senior***~~ *Long-term care facilities*

~~The New York State Department of Health licenses long-term care facilities, such as nursing homes, assisted living facilities and adult homes. DOH currently licenses 176 nursing homes (43,484 beds) and 77 assisted living facilities and adult homes (10,986 beds) in the city. Nursing homes offer the highest level of care and 24-hour nursing services, while assisted living are typically independent apartments with optional personal services and support. These include independent living arrangements with apartments or hotel-style suites where residency may also be age-restricted (per the Fair Housing Act), and residents~~

may have access to optional services such as congregate dining, transportation, housekeeping, social activities and limited health care. Most of these long term care facilities were constructed during the 1970s, when funding sources were at a peak. Since the 1970s, government funding and support has steeply declined, as has the construction of new facilities, failing to keep up with the demand for housing created by the aging of the population.

Figure 4: New York State Department of Health Licensed Long Term Care Facilities

Facility Type	**Number of Facilities**	**Number of Beds**
Adult Home	33	4,670
Adult Home/Assisted Living Program	19	3,771
Enriched Housing Program	16	1,658
EHP/ALP	9	887
Nursing Home	176	43,484
Total NYS DOH Licensed Long Term Care Facilities	**253**	**54,470**

Source: New York State Department of Health, Long Term Care Facilities, 2014

According to NYS DOH estimates of need, there is a shortage of 8,357 long term residential health care facility beds in New York City. The city also has half as many assisted living beds per capita as other urban counties in the state.

Figure 5: Comparison of Total Bed Numbers in Select Regions, by NYS County

			Total Number of Beds**		Ratio of 65+ persons to one bed	
County and NYC	65+ Pop*	percent of Total Pop*	Nursing Homes	Adult Care Facilities	Nursing Homes	Adult Care Facilities
Albany	42,314	13.9	1,905	952	22:1	44:1
Monroe	103,594	13.9	5,244	2,830	20:1	37:1
Nassau	204,681	15.3	7,608	4,005	27:1	51:1
Onondaga	65,578	14	3,011	1,637	22:1	40:1
Suffolk	201,793	13.5	8,361	4,478	24:1	45:1
Westchester	139,122	14.7	6,449	3,229	22:1	43:1
NYC	993,158	12.1	43,484	10,986	23:1	90:1

*Sources: *U.S. Census Bureau, 2010 Census Summary File 1;*
***NYSDOH website*

Although demand for appropriate affordable senior housing and long term care is very high, there are many factors that constrain the production of these housing types nationwide:

- Difficulty competing for public funding and subsidies
- High cost of health care and services
- High cost of construction, especially for specialized design requirements (senior apartments require additional accessibility and safety features which add to the costs) as well as for social, accessory and support spaces
- Other requirements from government oversight agencies

~~In New York City specifically, there are additional impediments that suppress the supply of senior housing:~~

- ~~High cost of land~~
- ~~Preference for higher value housing types (leading to displacement)~~
- ~~Obsolete and burdensome zoning regulations~~

~~The City believes it is essential to encourage this critical housing type today and in the future, and remove any unnecessary regulatory impediments that unfairly burden the creation of additional supply.~~

~~The Zoning Resolution currently refers to three categories of senior housing types, "non-profit residences for the elderly," "nursing homes and health related facilities," and "philanthropic or non-profit institutions with sleeping accommodations." Non-profit residence for the elderly (NPRFE) is a residential use in Use Group 2, while nursing homes and philanthropic or non-profit institutions with sleeping accommodations are community facilities in Use Group 3. Residential uses and community facility uses are subject to different bulk and density zoning regulations, while non-profit housing for the elderly, although categorized as a residential use, currently has more flexible bulk regulations, to accommodate and encourage housing for populations with limited incomes and special needs.~~

~~Section 23-147 establishes minimum required open space, open space ratio, maximum lot coverage and maximum floor area ratios for non-profit residences for the elderly. This section was originally adopted on January 23, 1969. The CPC report (Application No. CP-20554) states that the changes were made to "eliminate unintended hardships created by current regulations" and to "stimulate the development of housing for the elderly by the New York City Housing Authority and nonprofit sponsors using City, State or Federal financing". The former controls restricted density for seniors below what the CPC considered a density appropriate to the zoning district. The report states "Because of the high frequency of single occupancies and the absence of families with children, population in a building for the elderly is approximately one-third less than it is in an identical building tenanted by a mixed age group." The report also stated that housing used by the elderly was often in poor condition and redeveloped for other uses, displacing the elderly residents. To help to encourage the creation of a greater supply of housing for this age group, a 35 percent increase in permitted density and higher floor area ratios for R3-R7 zoning districts were approved. Seniors put very limited resource demands on neighborhoods; for example, they do not utilize school seats and they are typically unemployed or retired and therefore they do not add to transportation demand. However, at the time these density bonuses were not provided to R8 through R10 districts, even though the same land use rationale applies. In 1969, the only building controls that were then available in high-density districts were through height factor zoning, which was intended to produce 'tower-in-the-park' buildings. These buildings are taller with large amounts of surrounding open area, and at the time, it was thought that senior housing would not be well-suited to that building form. Since then, the City has adopted contextual zoning rules which provide a standard that is compatible with senior housing at a full range of building densities.~~

~~The City also enacted a 4 percent common space requirement for non-profit residences for the elderly, to ensure that space was provided for social and welfare facilities such as cafeterias, dining halls, community rooms and workshops. Initially, that requirement was proposed at 10 percent, but was adopted at 4 percent.~~

First enacted in 1989, Lower Density Contextual Zoning was intended to achieve, similar to medium and high-density contextual zoning, compatibility with the housing types prevailing in the city's lower-density (R3-R5) areas. From the start, it was recognized that the lower density contextual zoning building envelopes were incompatible with the Section 23-147 higher floor area ratios for non-profit residences for the elderly, and a City Planning Commission authorization (Section 23-631) was created to permit appropriate height and setback for these residential buildings through discretionary review. Since 1989, this authorization has been used 31 times, and represents a significant source of expense and delay to the applicants for affordable senior housing.

Section 24-111 establishes maximum floor area ratios for certain community facility uses, such as nursing homes, sanitariums and philanthropic or non-profit institutions with sleeping accommodations. This section was added to the Zoning Resolution in February 1973 (Application No. CP-22212). The floor area ratios in Section 24-111 were more or less matched with the underlying residential district FARs (which are lower than what is permitted for other community facilities), and, as a result of this action, zoning only allows the full community facility FAR of Section 24-11 for nursing homes, sanitariums and other philanthropic or non-profit institutions with sleeping accommodations through a special permit. This was a change from the 1961 Zoning Resolution, where nursing homes were originally permitted the full community facility FAR as-of-right.

The 1961 Zoning Resolution recognized the importance and need for residential institutions to support a growing population of vulnerable or ailing older persons by initially encouraging the construction of nursing homes. Changing family dynamics meant that seniors found themselves unable or unwilling to live with relatives, as had been more common in the past. Nursing homes were placed in the community facility category and allowed as-of-right to exceed the base residential floor area. In the 1960s, the city had 26,500 licensed nursing home beds, and the State Department of Health and Health and Hospitals Planning Council estimated that it would need 60,000 nursing home beds by 1975 to accommodate the increased need (in 2015 New York City has only 43,000 nursing home beds).

As a result of the zoning allowance for higher floor area, as well as other Federal and State initiatives including generous availability of financing and public payment options for residents, there was a massive expansion in the construction of nursing homes, health related facilities and domiciliary care facilities. By 1973, another 25,000 nursing home beds were approved by the state, 9,500 of which were under construction at the time of the 1973 text amendment. As described in the CPC report for the text amendment, this sudden influx of nursing homes, especially where they became concentrated in certain neighborhoods, were believed to have undesirable effects. First, it was believed that many of the institutions were developed out of character with surrounding residential development, generating traffic impacts and burdening supporting services in the area. In some neighborhoods, nursing home buildings were constructed on large lots that did not acknowledge or respect existing local streets or topography. Thus, Section 24-111 was adopted, to allow the full community facility FAR and bulk only by special permit. The special permit, now established in Section 74-902, allows the above described use of the full community facility FAR in 24-11 (previously allowed as of right) provided that the development will not be out of context and will not adversely impact neighborhood supporting services. Additional findings were created for R1 and R2 districts. Thus, the intent of this change in zoning was to ensure that neighborhoods had the opportunity to comment on proposed nursing homes or other health related facilities that exceeded the base residential floor area prior to their approval.

~~In 1974, shortly after adopting the floor area limitations for certain types of residential community facilities, the City Planning Commission also created a certification and several special permits for nursing homes (Application No. CP-22490A) based on the reaction to a proliferation of nursing homes that became concentrated in certain areas of the city. A CPC certification (Section 22-42) was created to address the proliferation of nursing homes, health related facilities and domiciliary care facilities (now an obsolete term) in certain communities identified by the Commission. The aim was to use the Commission to direct such facilities away from areas of "over concentration" to achieve a more balanced distribution throughout the city. In this report, the Commission references the concentration of nursing homes in the Rockaways in Queens, Community District 14, where at the time they estimated that there were almost 10,000 beds.~~

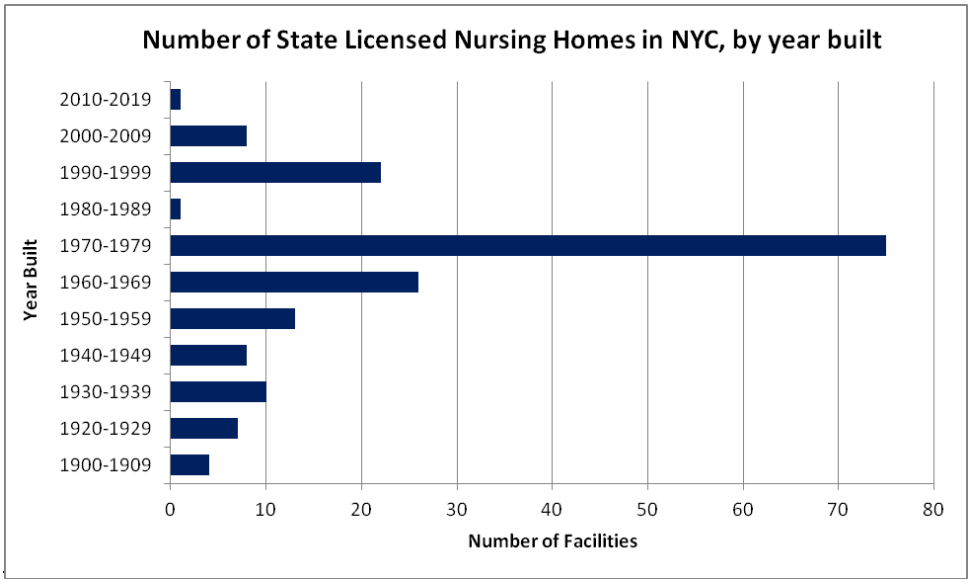
~~Section 22-42 requires any new or enlarged nursing home to be certified, as to whether it is in a community district that has more than the citywide average concentration of nursing homes. If the nursing home is proposing to locate or is already located in such a community district, it is subject to the special permit in 74-90 to demonstrate that the increase of nursing home beds will not have adverse impacts on traffic or neighborhood services. The applicant may also apply for a special permit under Section 74-902 to increase the bulk of the facility, in conformance with the maximum floor area ratio permitted in Section 24-11.~~

~~Since 1989 (when DCP's records are available on these certifications and special permits), there have been 54 applications under 22-42, and 49 certifications. Half of these applications were to enlarge or modify existing nursing homes. Nursing home applications in areas of concentration have never been turned down by the Commission, and the need to submit such applications represents a financial and time burden to both the Commission and the applicants. Of the 49 applications for a special permit pursuant to Section 74-902 to increase the bulk, no application has been denied by the Commission. Twenty of the 49 facilities were existing facilities aiming to renovate. Since 2000 (the last 14 years), New York City has seen the construction of only 9 new nursing homes including 1,500 new nursing home beds. The State currently estimates that to fulfill today's existing demand for nursing home beds, 9,500 beds would need to be constructed. This does not account for the future growth of the senior population that is projected.~~

~~Assisted living facilities file as Use Group 3 philanthropic or non-profit institutions with sleeping accommodations. They are not subject to the use special permit (74-90) but they are subject to the FAR special permit (74-902).~~

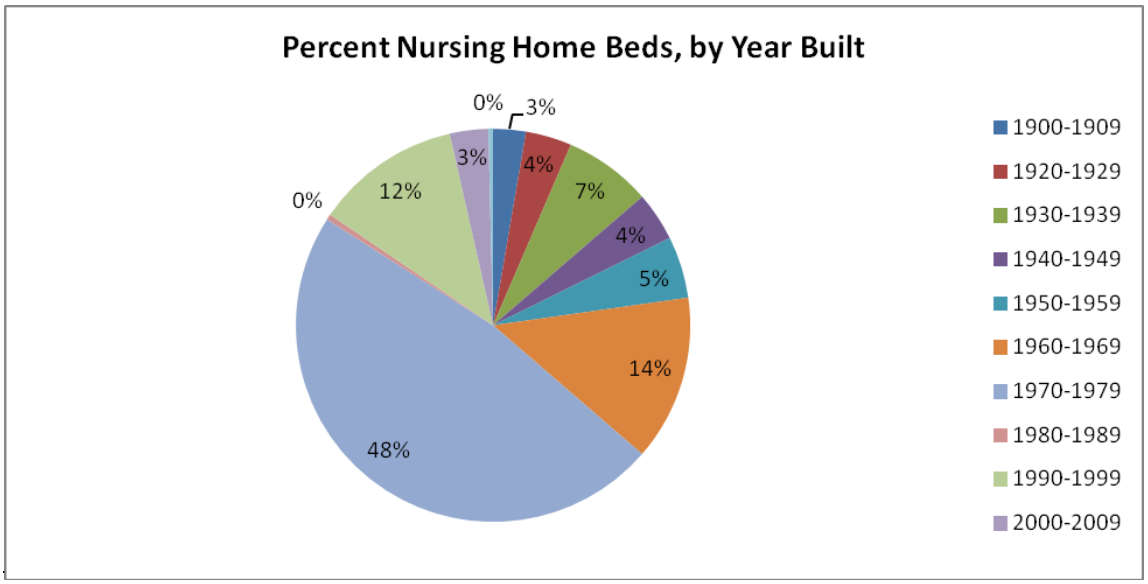
~~An analysis of New York State licensed nursing homes also shows that 62 percent of nursing homes were built in the 1960s and 1970s, with 48 percent having been constructed in the 1970s alone, and with a steep decline in nursing home construction in the 1980s (and after the creation of the 1973 Section 24-111 and Section 74-90 rules for this use).~~

~~Figure 6: Number of State Licensed Nursing Homes in NYC, by year built~~



~~Source: New York State Department of Health, Long Term Care Facilities, 2014~~

~~Figure 7: Percent Nursing Home Beds, by year built~~



~~Source: New York State Department of Health, Long Term Care Facilities, 2014~~

Today, the picture is very different for nursing homes, compared with the favorable funding environment of the early 1970's when the City Planning Commission voiced fears of overbuilding in certain communities. Financing and public funding is scarce, and suitable sites are difficult and expensive to procure.

The State Department of Health's Nursing Home licensure requirements have also evolved since the 1970s. The rules governing nursing homes and long term care facilities are found in the Rules and Regulations of the State of New York, Title 10. These rules include standards for nursing home construction, including requirements for residential units and support services and communal areas. A separate operating certificate is required that provides oversight regarding the operation and care provided by the operator of the nursing home. The DOH requirements exist to ensure both the quality of care and life for residents of nursing homes, and that nursing care services are aligned with community need. New York's Certificate of Need (CON) process provides Department of Health oversight in limiting investment in duplicate beds, services and medical equipment. All nursing homes and adult care facilities licensed by the state are subject to CON review; thus today, the State now serves a similar role that was originally sought by the 1973 certifications and special permits by the Commission. Criteria for the CON review are based on a number of factors, including population demographics, services utilization patters, epidemiology of selected diseases and conditions and access to services. The review is extensive and includes the following:

- Public need review
- Financial feasibility review
- Character and competence and programmatic review
- Architectural and Engineering Review
- Legal review

Assisted living emerged as a residential option for seniors well after the adoption of the current zoning framework. Thus "assisted living" is not referenced in the Zoning Resolution and the applicable regulatory framework is established by a 1997 Department of Buildings memorandum (http://www.nyc.gov/html/dob/downloads/pdf/tppn297.pdf) on the subject of "Residential Adult Care Facilities." This memorandum allows new assisted living facilities to file either as Use Group 2 residences or Use Group 3 philanthropic or non-profit institutions with sleeping accommodations; the latter is more common, due to the absence of unit density controls and low parking requirements. However, by filing under Use Group 3, assisted living facilities are subject to lower floor area ratios than the Use Group 2 non-profit residences for the elderly, although their residents are even less likely to place a burden on infrastructure and city facilities and services.

Continuing care retirement communities combine independent living with assisted living and nursing home care under a single contract that allows residents to move within a facility to increasing levels of care as their needs dictate. Like assisted living, continuing care retirement communities are not categorized by the Zoning Resolution. While State-regulated continuing care retirement communities exist elsewhere in New York State, none exist in New York City.

~~The city has difficulty supplying sufficient residences and care options for the current population of the elderly. Nursing homes are heavily regulated by the state and burdened by redundant special permit public review required by ULURP. However, nursing homes are still required to apply for special permits to locate or expand and, as such, are effectively penalized in the Zoning Resolution. This has major financial consequences for both new projects, and existing facilities that would like to renovate or expand. Although they are similar to other community facilities, such as hospitals, and are subject to similar licensing review and approvals by the State Department of Health, they are, in terms of zoning regulations one of the most highly restricted uses, yet the public benefits are positive and they have minimal impacts on neighborhoods. Even more than in affordable senior housing, the nursing home residents are single or in small households, they rarely own cars, and are not working. The existing certification and special permit rules that require all nursing homes to come before the City Planning Commission are outdated and no longer relevant. There is a significant need for new nursing home beds and facilities, and this process unnecessarily constrains the development of such projects. Nursing home construction is further constrained by financing and the availability of public funding sources to pay for medical services. Medicare reimbursement for senior care was trimmed 11.1 percent in 2014, and sequestration in 2013 reduced overall Medicare funding by 2 percent. Medicare and Medicaid funding comprise about three-quarters of industry revenue. An emphasis on aging-in-place, in-home managed care will also generate shifts in the industry. Facilities may expand the services they offer to diversify their revenue streams. Thus, over the next five years, modest growth is expected: the industry is expected to expand at an average annual rate of 3.8 percent annually, due largely to the accelerated aging of the population[3]. While the growing population of elderly will spur demand, lower government funding will limit supply and industry growth. Further, the release of nursing home licenses is also mediated and slowed through the Certificate of Need process.~~

~~As the city's population ages, it is equally important to make an appropriate range of options available so that seniors can access the level of care for their needs. The absence of specific and appropriate zoning regulations for assisted living and continuing care retirement communities likely deter investment and contribute to the undersupply of assisted living beds, and the absence in the city of CCRC's.~~

~~Given that current demand for affordable senior housing and long-term care far outstrips existing supply, in order to promote a more secure housing future for this rapidly growing population, the City aims to support and encourage the production of these housing types. Many areas of the Zoning Resolution pertaining to affordable senior housing and care facilities have not been updated in over three decades and refer to obsolete programs and terminology. By modernizing the regulations and removing outdated or redundant impediments, the City can better support the development of these housing types.~~

~~Interviews with architects, advocates, and developers of affordable senior housing and care facilities also suggest that mixed-use projects and changes in the senior demographic may result in different ways of configuring or mixing senior housing with other uses and housing types. Zoning should be flexible enough to accommodate both current and future models of housing and care for seniors. Building on the existing framework created for affordable senior housing and care facilities in the Zoning Resolution, the City intends to update that framework while providing greater flexibility to account for housing types of today and the future. The following list summarizes the primary issues that are addressed in the proposal:~~

[3] IBIS World Report 62311 Nursing Care Facilities in the US Industry Report, 2014

- ~~Outdated and obsolete definitions~~
- ~~Inconsistent FAR and bulk regulations~~
- ~~Density and unit size limits~~
- ~~Redundant certifications and special permits~~

~~Outdated and obsolete definitions~~

~~Obsolete zoning definitions do not recognize the range of industry models in affordable senior housing and care facilities that now exist, leading to ambiguity as to how regulations apply. For example, the Zoning Resolution does not include several categories of senior long-term care that are licensed by NYS DOH, such as assisted living facilities. Further, the term "non-profit residences for the elderly" is unnecessarily restricted to non-profit developers, where a range of owners or developer types should be able to create income-restricted senior housing.~~

~~Current zoning terms for senior housing and nursing homes:~~

~~TERM~~	~~SECTION~~	~~DESCRIPTION~~	~~Use Group~~
~~Non-profit residences for the elderly~~	~~12-10~~	~~A residence occupied at least 90 percent by elderly families, the head or spouse of which is sixty-two years of age or over, or by single elderly persons who are sixty-two years of age or over which offers specific services.~~	~~UG 2~~
~~Nursing homes and health-related facilities~~	~~22-13~~	~~A community facility, as defined in Section 10 NYCRR 700.2(a) of the New York State Hospital Code.~~	~~UG 3~~

~~Pursuant to 10 NYCRR 700.2(a), which is cited in Section 22-42, the State licenses various types of long term care facilities for senior residents.~~

~~Section 700.2(a)(4) defines a "health related facility" as a facility, institution, intermediate care facility, or a separate or distinct part thereof, providing therein lodging, board and social and physical care, including~~

but not limited to the recording of health information, dietary supervision and supervised hygienic services incident to such care to six or more residents not related to the operator by marriage or by blood within the third degree of consanguinity.

Section 700.2(a)(11) defines a "nursing home" as a facility, institution, or portion thereof, providing therein, by or under the supervision of a physician, nursing care and other health, health-related and social services as specified in this Chapter for 24 or more consecutive hours to three or more nursing home patients who are not related to the operator by marriage or by blood within the third degree of consanguinity, including, but not limited to, an infirmary section which is identifiable as a nursing home unit in a special area, wing or separate building of a public or voluntary home or of a general or special hospital.

Listed below are examples of other types of State-regulated facilities and programs:

ALP – Assisted Living Program – 18 NYCRR 485.2(s): An Assisted living program means an entity which is approved to operate pursuant to section 485.6(n) of this Part, and which is established and operated for the purpose of providing long-term residential care, room, board, housekeeping, personal care, supervision, and providing or arranging for home health services to five or more eligible adults unrelated to the operator. An "Assisted Living Program", which is available in some Adult Homes and Enriched Housing Programs (see definitions below), combines residential and home care services. It is designed as an alternative to nursing home placement for individuals who historically have been admitted to nursing facilities for reasons that are primarily social, rather than medical in nature.

AH – Adult Home – An adult home is established and operated for the purpose of providing long term residential care, room, board, housekeeping, personal care and supervision to five or more adults unrelated to the operator.

EHP – Enriched Housing Program – An enriched housing program is established and operated for the purpose of providing long-term residential care to five or more adults, primarily persons sixty-five years of age or older, in community-integrated settings resembling independent housing units. The program provides or arranges for the provision of room, board, housekeeping, personal care and supervision. An Enriched Housing Program is considered Use Group 2 (residential).

CCRC and *FFSCCRC- Continuing Care Retirement Community* (CCRCs) and *Fee-for-Service Continuing Care Retirement Community* (FFSCCRCs) are residential alternatives for adults that offer, under one contract, an independent living unit (an apartment or cottage), residential amenities and access to a continuum of long term care services, as residents' health and social needs change over time. Today, for zoning purposes, the individual components of a CCRC or FFSCCRC are considered separately. Independent Living units are considered Use Group 2 and do not require a Certification pursuant to Section 22-42.

These uses are broadly managed by the Division of Long Term Care of the State Department of Health; similar terminology exists nationally and represents the range of typical care options available to seniors throughout the United States.

In addition to failing properly to recognize contemporary senior housing types, the Zoning Resolution includes obsolete uses that no longer correspond to State-regulated categories. These include "domiciliary care facilities" and "sanitariums."

~~Inconsistent FAR and bulk regulations~~

~~FAR and bulk regulations are confusing and inconsistent across affordable senior housing and care facility types. In most cases, allowable floor area under Section 23-147 cannot be achieved without waivers because the allowable FAR is higher, but the permitted building envelope is based on the lower FAR permitted for non-senior housing. The FAR provided for non-profit residences for the elderly does not apply in all of the zoning districts where affordable senior housing is constructed. In addition, affordable senior housing in non-contextual districts is subject to open space requirements which do not allow for an efficient building form.~~

~~Density and unit size limits~~

~~Zoning regulations currently limit the maximum number of dwelling or rooming units for non-profit residences for the elderly by zoning district (23-221). However, density restrictions can prevent the creation of appropriately-sized senior housing units. The density requirements in the Zoning Resolution are not based on design best practices for affordable senior housing which call for small average unit sizes to reduce rents and simplify housekeeping. Affordable senior housing density differ from that of other housing in the high frequency of single occupancies and the absence of families with children; thus the population in a building for the elderly is less than it is in an identical building tenanted by a mixed-age group.~~

~~The Zoning Resolution also establishes a minimum unit size for non-profit residences for the elderly at 400 square feet in medium- and high-density contextual districts. The former is proposed to be eliminated for all housing, and is discussed in the "Modernize Rules That Shape Buildings" section below.~~

~~Additionally, the number of dwelling units that can be constructed on a given site is established through the applicable dwelling unit factor for non-profit residences for the elderly set forth in Section 23-221. Seniors are typically housed in smaller dwelling units, reflecting their small household sizes, the desirability of simplifying housekeeping for older residents, and the need to provide low-cost housing. However the density factors listed in Section 23-221 for non-profit residences for the elderly may unnecessarily restrict the creation of appropriately-sized affordable senior housing units. The effective minimum dwelling unit size established by other applicable laws and codes is approximately 275 square feet. Affordable senior housing is a highly-regulated housing type and requires a regulatory agreement with certain federal, state or city agencies. These agencies establish various minimum unit sizes and other design parameters for affordable senior housing; therefore zoning should not conflict with other applicable controls and the requirements of funding programs.~~

~~Mixing of Use Group 2 residential and Use Group 3 community facility uses~~

~~Currently, non-profit institutions with sleeping accommodations (NPISAs) and nursing homes and health related facilities (nursing homes are proposed to be renamed "long term care facilities") are listed in Use Group 3 of the Zoning Resolution and are generally governed by the community facility regulations set forth in Article II, Chapter 4. While the application of these provisions is fairly straightforward for stand-alone facilities, the regulations are confusing and complicated in instances when developers want to mix residential and community facilities such as long term care and NPISA uses. Since mixed facilities and~~

~~residences are becoming industry best practice, the impediments created by the Zoning Resolution should be removed. An example of this is a building that mixes affordable senior housing (a residential use) with assisted living facilities (a community facility use).~~

~~First, the Zoning Resolution does not address the application of density requirements when different uses have different requirements. For example, while residential uses have a maximum amount of dwelling units that are permitted on a zoning lot through a density calculation, community facility uses (including NPISAs) do not, creating ambiguity regarding which rules apply to buildings that accommodate both uses. Second, the Zoning Resolution currently does not specify how to allocate floor area to accessory spaces that serve multiple uses with different permitted floor areas. For example, a mixed residential and community facility building might integrate long term care or NPISA units into a predominantly residential story, meaning that both uses would utilize the common areas on the floor. If both residential and community facility uses are utilizing this space, practitioners are unsure how to attribute the floor area to each use from the total permitted FAR.~~

~~Finally, while NPISA generally are currently permitted an FAR that is comparable to that permitted for residences in Residence Districts, in certain zoning districts, Section 24-162 of the Zoning Resolution currently requires that the community facility portion of a mixed building be restricted to less FAR so as not to overwhelm the residential character of a building. For example, in an R6 or R7-1 district, while the permitted FAR for a stand-alone NPISA would be 2.43 or 3.44, respectively, in mixed buildings the NPISA component is limited to 1.0 FAR. While this restriction is understandable in mixed buildings containing community facility uses that may deviate substantially from the residential character of a building, it is needlessly restrictive for long term care and NPISAs as these uses are harmonious with, and functionally similar to, residential uses.~~

~~Unnecessary certifications and special permits~~

~~Today, the Zoning Resolution requires several certifications and special permits for nursing home facilities. The certification in Section 22-42 applies to both new buildings and enlargements or substantial renovations to existing buildings and requires that applicants demonstrate that the concentration of nursing home beds in the community district will not exceed the citywide average. If the construction of the new development or enlargement increases the concentration of nursing home beds above the citywide average, then the applicant must demonstrate that it meets the findings of the special permit in Section 74-90. This certification and special permit were developed as a reaction to historic conditions that saw a boom in nursing home construction in isolated areas during the 1970s. Today, the certification and special permit serves little purpose in protecting against community impacts, but do create a bureaucratic hurdle and increased time and expense to applicants. The concentration metric has no land use basis – given the size of community districts there is no reason to expect that a concentration of nursing homes above the citywide average would have a measurable impact. Moreover, the Commission lacks ongoing oversight of nursing homes, which the State DOH has, and must in any event defer to the DOH's judgment that the facility is in fact needed.~~

~~New York's Certificate of Need (CON)~~ ~~process provides Department of Health oversight in limiting investment in duplicate beds, services and medical equipment. All nursing homes and adult care facilities licensed by the State are subject to CON review. Thus today, the State now serves a similar role that was originally sought by the 1973 certifications and special permits by the Commission.~~

The New York State Department of Health licenses Long Term Care Facilities, such as nursing homes and assisted living facilities. Pursuant to 10 NYCRR Section 700.2(a)(11), the State defines a "nursing home" as a facility, institution, or portion thereof, providing therein, by or under the supervision of a physician, nursing care and other health, health-related and social services as specified in this Chapter for 24 or more consecutive hours to three or more nursing home patients who are not related to the operator by marriage or by blood within the third degree of consanguinity, including, but not limited to, an infirmary section which is identifiable as a nursing home unit in a special area, wing or separate building of a public or voluntary home or of a general or special hospital.

Listed below are examples of other types of State-regulated facilities and programs:

ALP – Assisted Living Program – 18 NYCRR 485.2(s): An Assisted living program means an entity which is approved to operate pursuant to section 485.6(n) of this Part, and which is established and operated for the purpose of providing long-term residential care, room, board, housekeeping, personal care, supervision, and providing or arranging for home health services to five or more eligible adults unrelated to the operator. An "Assisted Living Program", which is available in some Adult Homes and Enriched Housing Programs (see definitions below), combines residential and home care services. It is designed as an alternative to nursing home placement for individuals who historically have been admitted to nursing facilities for reasons that are primarily social, rather than medical in nature.

AH – Adult Home – An adult home is established and operated for the purpose of providing long-term residential care, room, board, housekeeping, personal care and supervision to five or more adults unrelated to the operator.

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CCRC and FFSCCRC- Continuing Care Retirement Community (CCRCs) and Fee-for-Service Continuing Care Retirement Community (FFSCCRCs) are residential alternatives for adults that offer, under one contract, an independent living unit (an apartment or cottage), residential amenities and access to a continuum of long-term care services, as residents' health and social needs change over time.

These uses are broadly managed by the Division of Long-Term Care of the State Department of Health; similar terminology exists nationally and represents the range of typical care options available to seniors throughout the United States.

DOH currently licenses 176 nursing homes (43,484 beds) and 77 assisted living facilities and adult homes (10,986 beds) in the city. Nursing homes offer the highest level of care and 24-hour nursing services, while assisted living are typically independent apartments with optional personal services and support. These include independent living arrangements with apartments or hotel-style suites where residency may also be age-restricted (per the Fair Housing Act), and residents may have access to optional services such as congregate dining, transportation, housekeeping, social activities and limited health care. Most of these Long Term Care Facilities were constructed during the 1970s, when funding sources were at a

peak. Since the 1970s, government funding and support has steeply declined, as has the construction of new facilities, failing to keep up with the demand for housing created by the aging of the population.

Figure 4: New York State Department of Health Licensed Long Term Care Facilities

Facility Type	Number of Facilities	Number of Beds
Adult Home	33	4,670
Adult Home/Assisted Living Program	19	3,771
Enriched Housing Program	16	1,658
EHP/ALP	9	887
Nursing Home	176	43,484
Total NYS DOH Licensed Long Term Care Facilities	253	54,470

Source: New York State Department of Health, Long Term Care Facilities, 2014

According to NYS DOH estimates of need for 2016, there is a shortage of 8,357 long-term residential health care facility beds in New York City. The city also has half as many assisted living beds per capita as other urban counties in the state.

Figure 5: Comparison of Total Bed Numbers in Select Regions, by NYS County

			Total Number of Beds**		Ratio of 65+ persons to one bed	
County and NYC	65+ Pop*	percent of Total Pop*	Nursing Homes	Adult Care Facilities	Nursing Homes	Adult Care Facilities

Albany	42,314	13.9	1,905	952	22:1	44:1
Monroe	103,594	13.9	5,244	2,830	20:1	37:1
Nassau	204,681	15.3	7,608	4,005	27:1	51:1
Onondaga	65,578	14	3,011	1,637	22:1	40:1
Suffolk	201,793	13.5	8,361	4,478	24:1	45:1
Westchester	139,122	14.7	6,449	3,229	22:1	43:1
NYC	993,158	12.1	43,484	10,986	23:1	90:1

Sources: *U.S. Census Bureau, 2010 Census Summary File 1;
**NYSDOH website

Although demand for appropriate long-term care is very high, there are many factors that constrain the production of these facility types:

- Difficulty competing for public funding and subsidies
- High cost of health care and services
- High cost of construction, especially for specialized design requirements (additional accessibility and safety features which add to the costs) as well as for social, accessory and support spaces
- Other requirements from government oversight agencies
- In New York City specifically, there are additional impediments that suppress the supply of senior housing:
- High cost of land
- Preference for higher value housing types (leading to displacement)
- Obsolete and burdensome zoning regulations

The City believes it is essential to encourage this critical housing type today and in the future, and remove any unnecessary regulatory impediments that unfairly burden the creation of additional supply.

Use Regulations for Affordable Independent Residences for Seniors and Long-Term Care Facilities

"Non-profit residence for the elderly" (NPRFE) is a residential use in Use Group 2: A residence occupied at least 90 percent by elderly families, the head or spouse of which is sixty-two years of age or over, or by single elderly persons who are sixty-two years of age or over which offers specific services.. "

Nursing homes and health-related facility" is a community facility use in Use Group 3, making reference to the applicable definitions in the New York State Hospital Code.

In 1974, the City Planning Commission created a certification and several special permits for nursing homes (Application No. CP-22490A) based on the reaction to a proliferation of nursing homes that became concentrated in certain areas of the city. A CPC certification (Section 22-42) was created to address the proliferation of nursing homes, health related facilities and domiciliary care facilities (now an obsolete term) in certain communities identified by the Commission. The aim was to use the Commission to direct such facilities away from areas of "over concentration" to achieve a more balanced distribution throughout the city. In this report, the Commission references the concentration of nursing homes in the Rockaways in Queens, Community District 14, where at the time they estimated that there were almost 10,000 beds.

Section 22-42 requires any new or enlarged nursing home to be certified, as to whether it is in a community district that has more than the citywide average concentration of nursing homes. If the nursing home is proposing to locate or is already located in such a community district, it is subject to the special permit in 74-90 to demonstrate that the increase of nursing home beds will not have adverse impacts on traffic or neighborhood services.

Assisted living emerged as a residential option for seniors well after the adoption of the current zoning framework. Thus "assisted living" is not referenced in the Zoning Resolution and the applicable regulatory framework is established by a 1997 Department of Buildings memorandum (http://www.nyc.gov/html/dob/downloads/pdf/tppn297.pdf) on the subject of "Residential Adult Care Facilities." This memorandum allows new assisted living facilities to file either as Use Group 2 residences or Use Group 3 philanthropic or non-profit institutions with sleeping accommodations; the latter is more common, due to the absence of unit density controls and low parking requirements. However, by filing under Use Group 3, assisted living facilities are subject to lower floor area ratios than the Use Group 2 non-profit residences for the elderly, although their residents are even less likely to place a burden on infrastructure and city facilities and services.

Continuing care retirement communities combine independent living with assisted living and nursing home care under a single contract that allows residents to move within a facility to increasing levels of care as their needs dictate. Like assisted living, continuing care retirement communities are not categorized by the Zoning Resolution. While State-regulated continuing care retirement communities exist elsewhere in New York State, none exist in New York City. Today, for zoning purposes, the individual components of a CCRC or FFSCCRC are considered separately. Independent Living units are considered Use Group 2.

Bulk regulations for Affordable Independent Residences for Seniors and Long Term Care Facilities

Section 23-147 establishes minimum required open space, open space ratio, maximum lot coverage and maximum floor area ratios for non-profit residences for the elderly. This section was originally adopted on January 23, 1969. The CPC report (Application No. CP-20554) states that the changes were made to "eliminate unintended hardships created by current regulations" and to "stimulate the development of housing for the elderly by the New York City Housing Authority and nonprofit sponsors using City, State or Federal financing". The former controls restricted density for seniors below what the CPC considered a density appropriate to the zoning district. The report states "Because of the high frequency of single occupancies and the absence of families with children, population in a building for the elderly is approximately one-third less than it is in an identical building tenanted by a mixed age group." The report also stated that housing used by the elderly was often in poor condition and redeveloped for other uses, displacing the elderly residents. To help to encourage the creation of a greater supply of housing for this age group, a 35 percent increase in permitted density and higher floor area ratios for R3-R7 zoning districts were approved. Seniors put very limited resource demands on neighborhoods; for example, they do not utilize school seats and they are typically unemployed or retired and therefore they do not add to transportation demand. However, at the time these density bonuses were not provided to R8 through R10 districts, even though the same land use rationale applies. In 1969, the only building controls that were then available in high-density districts were through height factor zoning, which was intended to produce 'tower-in-the park' buildings. These buildings are taller with large amounts of surrounding open area, and at the time, it was thought that senior housing would not be well-suited to that building form. Since then, the City has adopted contextual zoning rules which provide a standard that is compatible with senior housing at a full range of building densities.

The City also enacted a 4 percent common space requirement for non-profit residences for the elderly, to ensure that space was provided for social and welfare facilities such as cafeterias, dining halls, community rooms and workshops. Initially, that requirement was proposed at 10 percent, but was adopted at 4 percent.

First enacted in 1989, Lower Density Contextual Zoning was intended to achieve, similar to medium and high-density contextual zoning, compatibility with the housing types prevailing in the city's lower-density (R3-R5) areas. From the start, it was recognized that the lower density contextual zoning building envelopes were incompatible with the Section 23-147 higher floor area ratios for non-profit residences for the elderly, and a City Planning Commission authorization (Section 23-631) was created to permit appropriate height and setback for these residential buildings through discretionary review. Since 1989, this authorization has been used 31 times, and represents a significant source of expense and delay to the applicants for affordable independent residences for seniors.

Section 24-111 establishes maximum floor area ratios for certain community facility uses, such as nursing homes, sanitariums and philanthropic or non-profit institutions with sleeping accommodations. This section was added to the Zoning Resolution in February 1973 (Application No. CP-22212). The floor area ratios in Section 24-111 were matched with the underlying residential district FARs (which are lower than what is permitted for other community facilities), and, as a result of this action, zoning only allows the full community facility FAR of Section 24-11 for nursing homes, sanitariums and other philanthropic or non-profit institutions with sleeping accommodations through a special permit. This was a change from the

1961 Zoning Resolution, where nursing homes were originally permitted the full community facility FAR as-of-right.

The 1961 Zoning Resolution recognized the importance and need for residential institutions to support a growing population of vulnerable or ailing older persons by initially encouraging the construction of nursing homes. Changing family dynamics meant that seniors found themselves unable or unwilling to live with relatives, as had been more common in the past. Nursing homes were placed in the community facility category and allowed as-of-right to exceed the base residential floor area. In the 1960s, the city had 26,500 licensed nursing home beds, and the State Department of Health and Health and Hospitals Planning Council estimated that it would need 60,000 nursing home beds by 1975 to accommodate the increased need (in 2015 New York City has only 43,000 nursing home beds).

Bulk regulations and Special Permits under Section 74-902

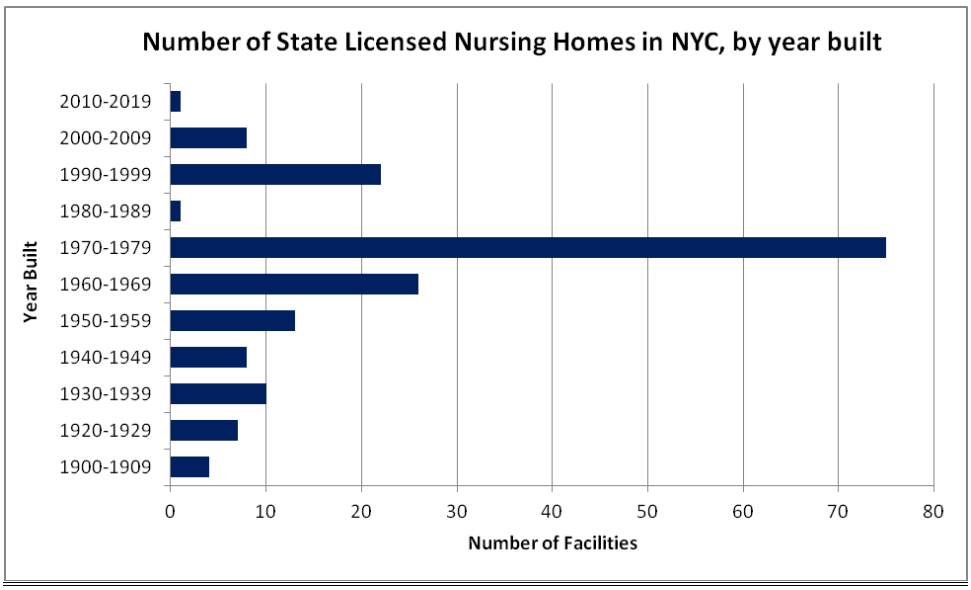
As a result of the zoning allowance for higher floor area, as well as other Federal and State initiatives including generous availability of financing and public payment options for residents, there was a massive expansion in the construction of nursing homes, health related facilities and domiciliary care facilities. By 1973, another 25,000 nursing home beds were approved by the state, 9,500 of which were under construction at the time of the 1973 text amendment. As described in the CPC report for the text amendment, this sudden influx of nursing homes, especially where they became concentrated in certain neighborhoods, were believed to have undesirable effects. First, it was believed that many of the institutions were developed out of character with surrounding residential development, generating traffic impacts and burdening supporting services in the area. In some neighborhoods, nursing home buildings were constructed on large lots that did not acknowledge or respect existing local streets or topography. Thus, Section 24-111 was adopted, to allow the full community facility FAR and bulk only by special permit. The special permit, now established in Section 74-902, allows the above described use of the full community facility FAR in 24-11 (previously allowed as of right) provided that the development will not be out of context and will not adversely impact neighborhood supporting services. Additional findings were created for R1 and R2 districts. Thus, the intent of this change in zoning was to ensure that neighborhoods had the opportunity to comment on proposed nursing homes or other health related facilities that exceeded the base residential floor area prior to their approval.

Expanding the Supply

Since 1989 (when DCP's records are available on these certifications and special permits), there have been 54 applications under 22-42, and 49 certifications. Half of these applications were to enlarge or modify existing nursing homes. Nursing home applications in areas of concentration have never been turned down by the Commission, and the need to submit such applications represents a financial and time burden to both the Commission and the applicants. Of the 49 applications for a special permit pursuant to Section 74-902 to increase the bulk, no application has been denied by the Commission. Twenty of the 49 facilities were existing facilities aiming to renovate. Since 2000 (the last 14 years), New York City has seen the construction of only 9 new nursing homes including 1,500 new nursing home beds. An analysis of New York State licensed nursing homes also shows that 62 percent of nursing homes were built in the 1960s

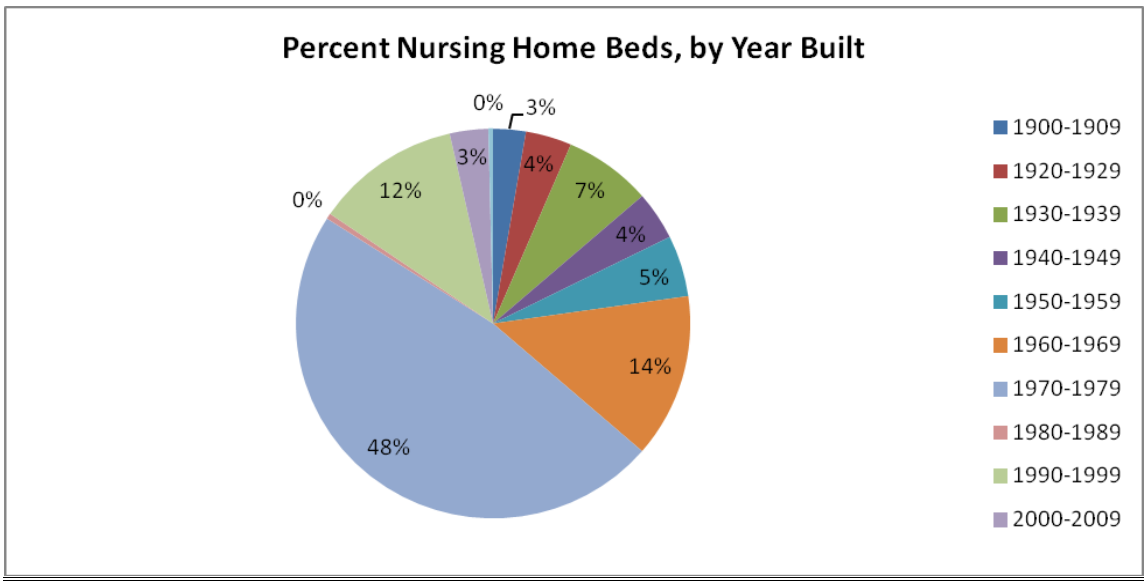
and 1970s, with 48 percent having been constructed in the 1970s alone, and with a steep decline in nursing home construction in the 1980s (and after the creation of the 1973 Section 24-111 and Section 74-90 rules for this use).

Figure 6: Number of State Licensed Nursing Homes in NYC, by year built



Source: New York State Department of Health, Long Term Care Facilities, 2014

Figure 7: Percent Nursing Home Beds, by year built



Source: New York State Department of Health, Long Term Care Facilities, 2014

Today, the picture is very different for nursing homes, compared with the favorable funding environment of the early 1970s when the City Planning Commission voiced fears of overbuilding in certain communities. Financing and public funding is scarce, and suitable sites are difficult and expensive to procure.

The State Department of Health's Nursing Home licensure requirements have also evolved since the 1970s. The rules governing nursing homes and Long Term Care Facilities are found in the Rules and Regulations of the State of New York, Title 10. These rules include standards for nursing home construction, including requirements for residential units and support services and communal areas. A separate operating certificate is required that provides oversight regarding the operation and care provided by the operator of the nursing home. The DOH requirements exist to ensure both the quality of care and life for residents of nursing homes, and that nursing care services are aligned with community need. New York's Certificate of Need (CON) (https://www.health.ny.gov/facilities/cons/) process provides Department of Health oversight in limiting investment in duplicate beds, services and medical equipment. All nursing homes and adult care facilities licensed by the state are subject to CON review; thus today, the State now serves a similar role that was originally sought by the 1973 certifications and special permits by the Commission. Criteria for the CON review are based on a number of factors, including population demographics, services utilization patters, epidemiology of selected diseases and conditions and access to services. The review is extensive and includes the following:

- Public need review
- Financial feasibility review
- Character and competence and programmatic review
- Architectural and Engineering Review
- Legal review

The city has difficulty supplying sufficient residences and care options for the current population of the elderly. Nursing homes are heavily regulated by the state and burdened by redundant special permit public review required by ULURP. However, nursing homes are still required to apply for special permits to locate or expand and, as such, are effectively penalized in the Zoning Resolution. This has major financial consequences for both new projects, and existing facilities that would like to renovate or expand. Although they are similar to other community facilities, such as hospitals, and are subject to similar licensing review and approvals by the State Department of Health, they are, in terms of zoning regulations one of the most highly restricted uses, yet the public benefits are positive and they have minimal impacts on neighborhoods. Even more than in affordable independent residences for seniors, the nursing home residents are single or in small households, they rarely own cars, and are not working.

The existing certification and special permit rules that require all nursing homes to come before the City Planning Commission are outdated and no longer relevant. There is a significant need for new nursing home beds and facilities, and this process unnecessarily constrains the development of such projects. Nursing home construction is further constrained by financing and the availability of public funding

sources to pay for medical services. Medicare reimbursement for senior care was trimmed 11.1 percent in 2014, and sequestration in 2013 reduced overall Medicare funding by 2 percent. Medicare and Medicaid funding comprise about three-quarters of industry revenue. An emphasis on aging-in-place, in-home managed care will also generate shifts in the industry. Facilities may expand the services they offer to diversify their revenue streams. Thus, over the next five years, modest growth is expected: the industry is expected to expand at an average annual rate of 3.8 percent annually, due largely to the accelerated aging of the population[4]. While the growing population of elderly will spur demand, lack of government funding will limit supply and industry growth. Further, the release of nursing home licenses is also mediated and slowed through the Certificate of Need process.

As the city's population ages, it is equally important to make an appropriate range of options available so that seniors can access the level of care for their needs. The absence of specific and appropriate zoning regulations for assisted living and continuing care retirement communities likely deter investment and contribute to the undersupply of assisted living beds, and the absence in the city of CCRCs.

Given that current demand for affordable independent residences for seniors and long-term care far outstrips existing supply, in order to promote a more secure housing future for this rapidly growing population, the City aims to support and encourage the production of these housing types. Many areas of the Zoning Resolution pertaining to affordable independent residences for seniors and Long Term Care Facilities have not been updated in over three decades and refer to obsolete programs and terminology. By modernizing the regulations and removing outdated or redundant impediments, the City can better support the development of these housing types.

Interviews with architects, advocates, and developers of affordable independent residences for seniors and Long Term Care Facilities also suggest that mixed-use projects and changes in the senior demographic may result in different ways of configuring or mixing senior housing with other uses and housing types. Zoning should be flexible enough to accommodate both current and future models of housing and care for seniors. Building on the existing framework created for affordable independent residences for seniors and Long Term Care Facilities in the Zoning Resolution, the City intends to update that framework while providing greater flexibility to account for housing types of today and the future. The following list summarizes the primary issues that are addressed in the proposal:

- Outdated and obsolete definitions
- Inconsistent FAR and bulk regulations
- Density and unit size limits
- Redundant certifications and special permits

[4] IBIS World Report 62311 Nursing Care Facilities in the US Industry Report, 2014

Outdated and obsolete definitions

Obsolete zoning definitions do not recognize the range of industry models in affordable independent residences for seniors and Long Term Care Facilities that now exist, leading to ambiguity as to how regulations apply. For example, the Zoning Resolution does not include several categories of long-term care that are licensed by NYS DOH, such as assisted living facilities. Further, the term "non-profit residences for the elderly" is unnecessarily restricted to non-profit developers, where a range of owners or developer types should be able to create income-restricted senior housing.

In addition to failing properly to recognize contemporary senior housing types, the Zoning Resolution includes obsolete uses that no longer correspond to State-regulated categories. These include "domiciliary care facilities" and "sanitariums."

Inconsistent FAR and bulk regulations

FAR and bulk regulations are confusing and inconsistent across affordable independent residences for seniors and Long Term Care Facility types. The additional FAR permitted for nonprofit residences for the elderly recognizes the difficulty of assembling sites within the funding constraints for affordable senior housing and the low land use impacts created by this population. However, in many cases, allowable floor area under Section 23-147 cannot be achieved without waivers because the allowable FAR is higher, but the permitted building envelope is based on the lower FAR permitted for non-senior housing. The additional FAR provided for non-profit residences for the elderly also does not apply in all of the zoning districts where affordable independent residences for seniors are constructed. In addition, affordable independent residences for seniors in non-contextual districts are subject to open space requirements which do not allow for an efficient building form.

While assisted living and nursing homes are subject to financing constraints in many cases comparable to affordable senior affordable senior housing, they are subject to floor area restrictions that in some zoning districts permit less floor area than is available to market-rate residences. These restrictions are a reflection of a long-past period in which state regulation was far more lax and some communities had a realistic fear of being overwhelmed by over-bulk facilities.

Density and unit size limits

Zoning regulations currently limit the maximum number of dwelling or rooming units for non-profit residences for the elderly by zoning district (23-221). However, density restrictions can prevent the creation of appropriately-sized senior housing units. The density requirements in the Zoning Resolution are not based on design best practices for affordable senior housing which call for small average unit sizes to reduce rents and simplify housekeeping. The density of affordable independent residences for seniors differs from that of other housing in the high frequency of single occupancies and the absence of families

with children; thus the population in a building for the elderly is less than it is in an identical building tenanted by a mixed-age group.

The Zoning Resolution also establishes a minimum unit size for non-profit residences for the elderly at 400 square feet in medium- and high-density contextual districts. Under the Proposed Action, unit size minimums will be eliminated for all housing, and is discussed in the "Modernize Rules That Shape Buildings" section below.

Additionally, the number of dwelling units that can be constructed on a given site is established through the applicable density factor for non-profit residences for the elderly set forth in Section 23-221. Seniors are typically housed in smaller dwelling units, reflecting their small household sizes, the desirability of simplifying housekeeping for older residents, and the need to provide low-cost housing. However the density factors listed in Section 23-221 for non-profit residences for the elderly may unnecessarily restrict the creation of appropriately-sized units for affordable independent residences for seniors. The effective minimum dwelling unit size established by other applicable laws and codes is approximately 275 square feet. Affordable senior housing is a highly-regulated housing type and requires a regulatory agreement with certain federal, state or city agencies. These agencies establish various minimum unit sizes and other design parameters for affordable independent residences for seniors; therefore zoning should not conflict with other applicable controls and the requirements of funding programs.

Mixing of Use Group 2 residential and Use Group 3 community facility uses

Currently, non-profit institutions with sleeping accommodations (NPISAs) and nursing homes and health related facilities (nursing homes are proposed to be renamed "Long Term Care Facilities") are listed in Use Group 3 of the Zoning Resolution and are generally governed by the community facility regulations set forth in Article II, Chapter 4. While the application of these provisions is fairly straightforward for stand-alone facilities, the regulations are confusing and complicated in instances when developers want to mix residential and community facilities such as long-term care and NPISA uses. Since mixed facilities and residences are becoming industry best practice, the impediments created by the Zoning Resolution should be removed. An example of this is a building that mixes affordable senior housing (a residential use) with assisted living facilities (a community facility use).

First, the Zoning Resolution does not address the application of density requirements when different uses have different requirements. For example, while residential uses have a maximum amount of dwelling units that are permitted on a zoning lot through a density calculation, community facility uses (including NPISAs) do not, creating ambiguity regarding which rules apply to buildings that accommodate both uses. Second, the Zoning Resolution currently does not specify how to allocate floor area to accessory spaces that serve multiple uses with different permitted floor areas. For example, a mixed residential and community facility building might integrate long-term care or NPISA units into a predominantly residential story, meaning that both uses would utilize the common areas on the floor. If both residential and community facility uses are utilizing this space, practitioners are unsure how to attribute the floor area to each use from the total permitted FAR.

Finally, while NPISA generally are currently permitted an FAR that is comparable to that permitted for residences in Residence Districts, in certain zoning districts, Section 24-162 of the Zoning Resolution

currently requires that the community facility portion of a mixed building be restricted to less FAR so as not to overwhelm the residential character of a building. For example, in an R6 or R7-1 district, while the permitted FAR for a stand-alone NPISA would be 2.43 or 3.44, respectively, in mixed buildings the NPISA component is limited to 1.0 FAR. While this restriction is understandable in mixed buildings containing community facility uses that may deviate substantially from the residential character of a building, it is needlessly restrictive for long-term care and NPISAs as these uses are harmonious with, and functionally similar to, residential uses.

Redundant certifications and special permits

Today, the Zoning Resolution requires several certifications and special permits for nursing home facilities. The certification in Section 22-42 applies to both new buildings and enlargements or substantial renovations to existing buildings and requires that applicants demonstrate that the concentration of nursing home beds in the community district will not exceed the citywide average. If the construction of the new development or enlargement increases the concentration of nursing home beds above the citywide average, then the applicant must demonstrate that it meets the findings of the special permit in Section 74-90. This certification and special permit were developed as a reaction to historic conditions that saw a boom in nursing home construction in isolated areas during the 1970s. Today, the certification and special permit serves little purpose in protecting against community impacts, but do create a bureaucratic hurdle and increased time and expense to applicants. The concentration metric has no land use basis – given the size of community districts there is no reason to expect that a concentration of nursing homes above the citywide average would have a measurable impact. Moreover, the Commission lacks ongoing oversight of nursing homes, which the State DOH has, and must in any event defer to the DOH's judgment that the facility is in fact needed.

New York's Certificate of Need (CON) process provides Department of Health oversight in limiting investment in duplicate beds, services and medical equipment. All nursing homes and adult care facilities licensed by the State are subject to CON review. Thus today, the State now serves a similar role that was originally sought by the 1973 certifications and special permits by the Commission.

MODERNIZE RULES THAT SHAPE BUILDINGS

The Zoning Resolution contains several layers of provisions that work to shape how the amount of floor area that a particular parcel possesses can be organized. Height limitations, yard regulations, lot coverage maximums, setback regulations and street wall location provisions, among other bulk regulations, combine to establish a theoretical maximum parameter that floor area must be contained within. This is referred to as the 'building (or bulk) envelope'.

Currently, medium- and high-density Residence Districts are regulated largely through two separate regimes with similar densities but very different building envelope controls: the original provisions established under the 1961 Zoning Resolution, known as "height factor"; and a program established in

1987 known as the Quality Housing Program (which includes optional "contextual" regulations and contextual zoning district designations).

Many of the major innovations in New York City's zoning history were reactions to the previous generation of building stock. This was true of the bulk regulations established in the original 1916 Zoning Resolution, the height factor regulations established in the 1961 Zoning Resolution, and the alternate subset of regulations contained within the Quality Housing Program.

In the post-World War II population boom years, housing in New York was in short supply, and the harsh setback requirements of the 1916 Zoning Resolution, which produced the 'wedding-cake' buildings of Midtown and Lower-Manhattan, were seen as heavy-handed obstacles to cost-effective housing production. In contrast, developments such as Stuyvesant Town (1947) extolled the potential of a set of regulations that could allow simple, unarticulated towers surrounded by lush open space, colloquially known as "tower-in-the-park" developments. Increasing the flexibility in the manner in which light and air was provided to the street level became the basis of height factor zoning.

While much of the focus of the public debate prior to 1961 was on the deleterious effects of the high-density buildings permitted in locations in Manhattan and Downtown Brooklyn, as well as wide boulevards in other areas, in the Bronx, Brooklyn and Queens the pre-1961 Zoning Resolution was criticized for producing a uniform landscape of six-story semi-fireproof apartment buildings. This prototype, which resulted from the interaction of the Zoning Resolution with the Building Code, which required buildings of seven stories or more to be fully fireproof, was viewed as a mediocre alternative to suburban living for the city's diminishing middle-class population.

Under the 1961 Zoning Resolution, floor area ratios (FAR) were created as a tool to cap development, especially in far-flung areas in the outer boroughs. In higher-density districts, FAR was allotted a sliding scale based on the amount of open space provided on the zoning lot. Short, squat buildings that provided little open space were discouraged by being given less FAR, while taller towers that provided a lot of open space at the ground level were encouraged through higher permissible FAR. This range of FAR worked in tandem with a simplified sky exposure plane that started at fixed heights instead of being based on street widths as was done previously. By lowering the height where the setback begins, and by introducing an initial setback distance, the regulations encouraged buildings to set back from the street line to take full advantage of the looser envelope and higher FAR.

While height factor zoning had the same goal as the original 1916 zoning - maximizing access to light and air -- the manner in which this was to be achieved was to basically invert the traditional form of development in New York, by encouraging tall towers set back from the sidewalk. The discord between the existing fabric and new height factor buildings quickly led to community objections over the deleterious effects the new Zoning Resolution was having on the essential character of many neighborhoods, and led the City Planning Commission to introduce special provisions to ensure development was more harmonious with its context. This began incrementally, first with the Special Park Improvement District in 1973, then with a Housing Quality Special Permit in 1976. This was followed by provisions for narrow zoning lots (the 'sliver law') in 1983, (which tied development on small lots to the width of the adjoining street), and the gradual creation of citywide contextual zoning districts between 1984 and 1987. All of these text amendments had the goal of trying to ensure that new developments or enlargements were consistent with the scale of the existing neighborhoods. Ironically, in many of these

neighborhoods the scale was set by the semi-fireproof or taller “wedding cake” residential buildings reviled by planners only a few years before.

Contextual zoning districts (and optional contextual regulations in zoning districts where “height factor” buildings or towers were still permitted) were meant to eliminate out-of-character development by creating a rigorous set of rules that would govern the shape of the building. These new regulations included: rules to bring the street wall back closer to the street; substantially larger lot coverages; hard caps on development heights; and minimum setbacks once a building reaches applicable district base heights. Letter suffixes after a zoning district (R7A, for example) denote the particular contextual designation, and the original demarcations of A, B, and X were meant as a loose means to categorize street types, with A and X districts designed for wide streets (75 feet or more) and B districts designed for narrow streets. Since 1987, several more districts and suffixes have been added, and contextual districts have been mapped throughout the city.

In many cases these provisions have been supplemented and modified by Special Purpose Districts that often create tailored regulations to respond to the unique character of a neighborhood. Since these have largely been established in the time period after contextual zoning, many Special Districts have replicated or slightly modified the contextual controls of the underlying districts.

While the regulatory environment, building construction practices, technology and market trends surrounding affordable and market rate housing construction in New York have greatly changed since 1987, the Quality Housing regulations that govern large aspects of this development have not kept pace. These changes have rendered many aspects of the regulations that govern the building envelope obsolete. As part of “Housing New York: A Five Borough, Ten Year Plan” issued in May of 2014, the City committed to study zoning and land use regulations, including height and setback regulations, to remove impediments to development. Eliminating these obstacles will in turn facilitate greater housing production, and thus bolster affordability.

Shortly after the release of the Housing Plan, the Citizens Housing & Planning Council (CHPC) released a study entitled “The Building Envelope Conundrum” which explains that since 1987, when contextual zoning regulations were established citywide, several changes in basic development assumptions have contributed to making the contextual envelope out of date. A combination of factors, namely rising floor-to-floor heights, new construction materials and techniques, an increasing prevalence of irregularly-shaped parcels and a growing number of policy initiatives that utilize floor area incentives or deductions, has left the building envelope so constrained in many zoning districts that a number of case studies in the report were unable to accommodate their permitted amount of floor area. The text amendment described below proposes several adjustments to the bulk envelope, (including heights, setbacks, and maximum lot coverage), in order to facilitate contemporary best practices in building design and construction.

While the regulations that comprise the building envelope are the principal means to shape development, other controls exist that complement and support these regulations. These include many provisions that have rarely, if ever, been amended, including court regulations, density controls, irregular lot provisions, Quality Housing design requirements, as well as dimensional requirements between buildings and lot lines and between other buildings. Since many of these regulations reflect the mindset of planners responding to the issues of their time, certain aspects of these regulations have also become antiquated over time.

Conversely, other regulations, such as ground floor retail, transparency and parking wrap requirements, have changed so frequently over the past few decades that the Zoning Resolution contains a confusing amount of small variations for similar provisions. Reflecting the preferences of the time, the provisions were incorporated into a number of underlying districts and Special Purpose Districts. The proposed text amendment addresses all of these various issues.

In addition to establishing development parameters, the Zoning Resolution has often been utilized as a means for achieving policy goals, especially by awarding or deducting floor area for the provision of amenities. This means of pursuing broad agendas through the allocation of development rights was established as early as the 1961 Zoning Resolution, where planners devised a floor area bonus for the provision of a public plaza as a way to address pedestrian congestion on Midtown streets. Similarly, community facility uses and non-profit residences for the elderly have historically been permitted higher FAR as a means of ensuring that ample numbers of these needed uses can be sustained throughout the city's neighborhoods. The same year that citywide contextual zoning was introduced, the City introduced the first Inclusionary Housing Program, which awarded a development bonus for the provision of affordable housing in R10 districts and their commercial equivalents. This program has subsequently been amended and expanded to apply to many medium- and high-density districts throughout the city that are mapped within Inclusionary Housing Designated Areas. Additionally, in recent years, floor area bonuses and deductions have been established for new policy goals, including Zone Green and FRESH, where thicker exterior building walls and fresh food stores in underserved areas are encouraged by adding the space associated with each of these amenities, respectively, to the total permitted amount of floor area in a development.

While careful thought has often gone into determining the policy goals and amount of additional floor area to award to a site's total development rights, a smaller amount of attention has recently been paid to whether the bulk envelopes that must accommodate this floor area need to be adjusted. This was not as necessary in many early bonus programs, as height factor districts that permit towers do not have maximum height limits and thus additional floor area could simply be added on top to make a taller building. However, since the creation of contextual zoning districts, the ability of their envelopes to accommodate this additional floor area has become increasingly strained as additional height allowances that increase in step with the additional floor area (be it for affordable housing, senior housing or the FRESH food stores program) have never been established. The inflexibility of the contextual envelope has placed an unnecessary burden on developers to seek height modifications either through discretionary actions or variances, and has blunted the efficacy of these more modern programs in achieving policy goals. To finally address this incongruity, while maintaining the original intent of the contextual districts, the proposed text amendment establishes alternate bulk envelopes for Inclusionary Housing Designated Areas and senior housing developments.

Over the course of the last year, DCP has engaged with a number of architects, affordable housing developers and housing advocacy groups to distill specific shortcomings in the contextual bulk regulations. These insights are grouped and further explained in the following categories: Changes in Best Practices; Other Key Constraints; Further constraints for Inclusionary and Senior Housing; Lack of design flexibility; and, Increasing prevalence of constrained sites.

Changes in best practices

In 1987, when contextual zoning was established throughout the city, the prevailing development patterns and construction methods of the time were taken into account to create the maximum base heights and overall building heights for each R6-R10 contextual zoning district in Section 23-633 of the Zoning Resolution. These assumptions included: that due to the high cost of construction, developers would provide only the minimum clearance in floor-to-ceiling heights required by the building code; that development would occur primarily on corner lots with avenue frontage (which had the added advantage of benefiting from higher permitted lot coverages, reduced front setbacks and no rear yard setbacks); and that substantial ground floor coverage would be allocated to commercial or community facility uses (at heights less than 15'). Under these assumptions the permitted floor area was easily accommodated in the proposed envelopes.

Since 1987, several factors have limited the ability of the envelope to continue to accommodate the permitted floor area. These include, but are not limited to the following: building code and other regulatory codes (including accessibility) that have, in effect required greater floor-to-floor heights; an increasing market demand for residential units with higher ceiling heights; increasing demand from retail tenants for higher ground floor spaces; new construction practices, including modular and 'block and plank' construction; and, a diminished supply of prototypical corner lots.

Quality Housing building envelopes were designed around the prevailing floor-to-floor height at the time, which was roughly 8'-8" - allowing a floor to ceiling height of 8' and a structural slab depth of 8". Since 1987, the prevailing accepted minimum floor-to-ceiling height for rental housing has increased so as to provide better quality interior spaces that afford more light and air. Taller ceiling heights are a return to some of the better aspects of New York's rich housing history. In fact, the taller ceiling heights associated with most pre-1960s housing continue to make them desirable dwelling units throughout the five boroughs. However, since the growth in floor-to-floor height was unforeseen in 1987, the original building envelopes were not crafted to accommodate them.

In addition to floor-to-ceiling heights growing, the space between floors has needed to increase as well, in large part to facilitate enhanced building safety, energy efficiency and accessibility measures. For example, since 1987 sprinkler systems have become more prevalent in residential buildings. Additional height between floors is needed to accommodate the sprinkler systems' pipes, which are typically run within the cavity between the ceiling and the bottom of the floor slab.

When these changes to floor and ceiling and floor thickness are combined, the result has been a shift to a typical minimum floor to floor height of 9'-4" in rental buildings, and 10'-8" in condo buildings. This is clearly incongruous with the original contextual assumptions and, while seemingly small, when multiplied over the number of stories in a building, can severely constrain the bulk envelope.

Since the adoption of contextual zoning regulations, new construction technology and practices, particularly in the affordable housing industry, have made the original assumptions increasingly obsolete.

One of the more pronounced changes in the construction industry has been the steady increase in pre-fabricated components or even modular units. To reduce construction costs, affordable housing developments often utilize a 'block and plank' structural system, which is comprised of, and thusly named for, pre-fabricated hollow-core concrete floor planks and concrete masonry unit (CMU) walls. Hollow-core planks are pre-engineered and have pre-set spans that correlate to their specific depths. For an 8" depth

slab, the maximum span is 30'. If two of these planks are placed together, the maximum effective depth of the building is 60'. For districts which allow, and whose ability to fit the permitted floor area were based on, 65 percent lot coverage (or a depth of 65' on a typical 100' deep lot) this effective construction depth cap becomes an artificial envelope that limits the full utilization of floor area.

Modular construction has similar difficulties being accommodated in the present system. Unlike conventional construction techniques, modular units are structurally independent and have built-in floor cavities to accommodate their mechanical systems. These require slightly more space than conventional systems so that the typical floor to floor height is roughly 10' in modular systems. This construction typology was not considered in 1987, and is inadvertently restricted because of its increased floor-to-floor heights.

When it was adopted, the Quality Housing Program established several requirements and incentives to promote an improved building stock in forthcoming contextual districts. These standards, set forth in Article II, Chapter 8 of the Zoning Resolution, included requirements for recreation space, laundry space and trash facilities, as well as, incentives to reduce the density fronting upon and provide natural light within residential corridors. In each case, the incentive to locate these amenities within the building was a floor area deduction, which allowed developers a sort of compensation for the rentable space these amenities would ordinarily occupy. Under the lower ceiling height assumptions of the late 1980s, these deductions could easily be accommodated within the bulk envelope and facilitated the creation of greater quality buildings.

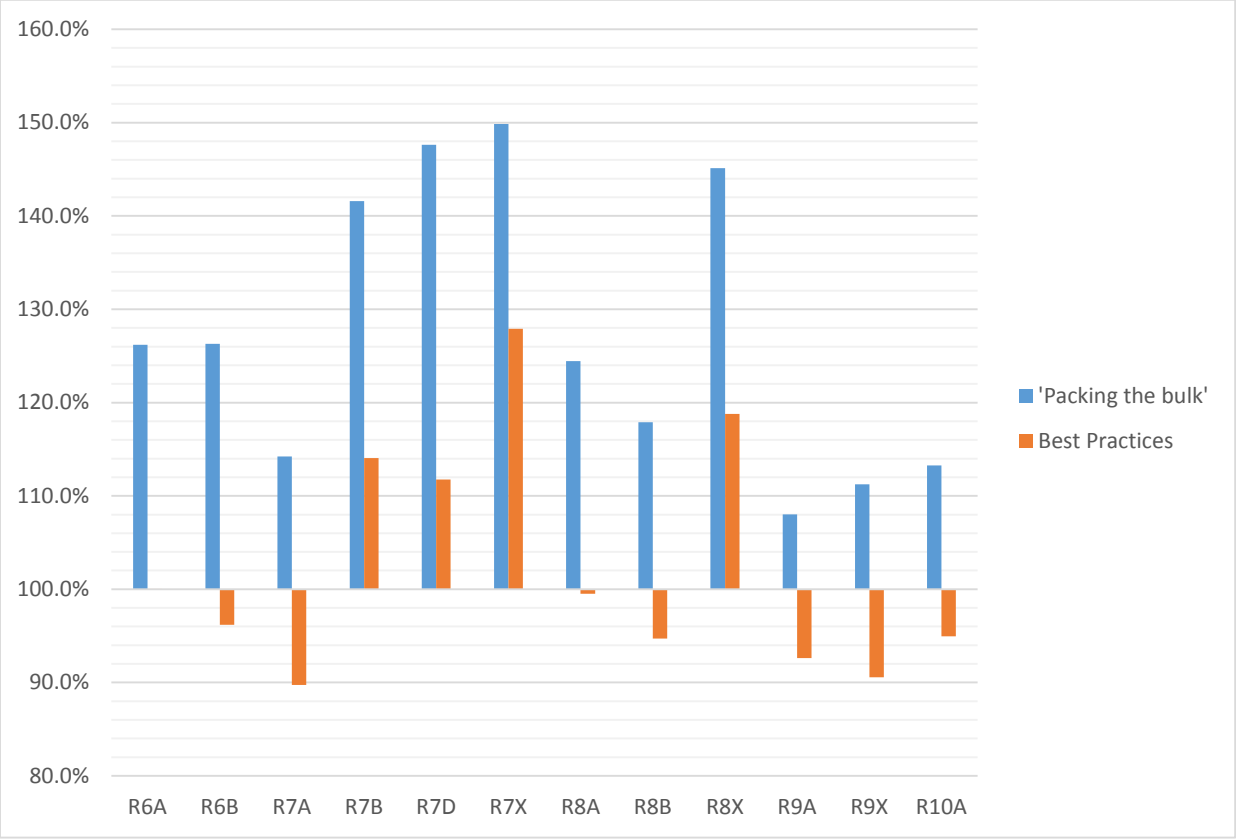
Since the establishment of Quality Housing, several other floor area deductions or bonuses have been created in order to further policy goals. These include a deduction for floor space occupied by bicycle parking spaces, a deduction for the portion of exterior walls thicker than 8", a bonus for the provision of fresh food stores in underserved areas, and the higher floor area permitted through participation in the Inclusionary Housing Program.

While these policy objectives are laudable, when modern floor to floor heights, construction practices and lot irregularities are applied, there is often insufficient room in the building envelope granted to accommodate these floor area bonuses or deductions. When the additional floor area permitted by the Inclusionary Housing Program is applied, this is particularly problematic, as the envelopes do not increase in step with the additional floor area. This undercuts the utility of the higher permitted floor area ratio and the efficacy in achieving the policy goal of fostering greater neighborhood economic integration.

To contend with limited flexibility in the building envelope, developers are often forced to choose between providing higher quality housing design features or sacrificing floor area. For example, on an interior lot, one may need to reduce the floor-to-floor heights, and increase the building depth in order to accommodate the permitted floor area, but this may increase construction costs while lowering the quality and expected value of the residential units. Sometimes the additional height needed is taken from the ground floor, lowering retail ceiling heights (and hurting the ability to tenant the space), or placing ground floor units at or near grade. Additionally, where these constraints are faced, building articulation measures such as recesses and courts, which increase the quality of living space and provide for light and air and planting at the street line, quickly become afterthoughts. These are all at the detriment of the streetscape, the residents of the building, and ultimately, the larger neighborhood.

The graph below illustrates the this conundrum, by comparing the percentage of floor area that can either be added, or is unable to be accommodated, into each contextual zoning district's respective envelope using inferior standards akin to the original Quality Housing assumptions on the one hand, and modern best practices on the other. These scenarios are compared on a prototypical 10,000 square foot interior lot on a narrow street. The inferior building assumes 9' floor to floor heights, a 10' ground floor, and maximized interior lot coverage in order to "pack" the allowable floor area into the permitted bulk envelope. The best practices scenario assumes a 15' ground floor (in order to elevate ground floor units off the street), 10' floor to floor heights above the ground floor, and slighter shallower building depth (60 percent coverage in R6A, R6B, R7A, R7B and R7D and 65 percent in the remaining districts). Both options assume 10 percent of the total floor space in the building is deducted from floor area for the combination of mechanical space, mandatory Quality Housing elements (such as recreation space, trash facilities, and laundry), and other small floor area exemptions (such as the additional wall thickness through Zone Green and the Quality Housing small density on the corridor exemption).

Figure 8: Bulk envelope capacity as a percentage of permitted floor area



As the chart shows, this slight adjustment in floor to floor heights and building depth can easily be the determinant in whether a new development can accommodate all of its permitted floor area. Additional

design features, like recesses in the façade, and other forms of articulation, are often infeasible as there is not even the flexibility to accommodate reasonable ceiling heights.

The maximum base heights and overall building heights associated with contextual zoning envelopes need to be modified to allow buildings designed to contemporary best practices (including floor to floor height, unit depth and a measure of façade articulation) to fit comfortably within their permitted envelope.

Other key constraints

In addition to the changes in Best Practices identified above, a number of other zoning regulations have been identified that make the construction of housing more costly and inefficient. These include the following:

Building setbacks

Setback regulations often bear no relation to construction standards and thus are overly cost-prohibitive. While the contextual setbacks of 15' on a wide street and 10' on a narrow street, set forth in Section 23-633 of the Zoning Resolution, work to bring light and air to the street, they bear no correlation to typical spanning distances in concrete or steel construction, requiring costly reinforcing and haphazardly-placed columns on lower floors to support the upper portions of the building above the maximum base heights. Furthermore, all contextual districts currently require a rear yard setback of 10' from the rear yard line. To deal with setbacks on both sides, developers often either shift the entire building towards the street to avoid the costly rear yard setback altogether (at the expense of having units front directly on the street) or maximize the permitted lot coverage to make a reasonably deep unit on the upper floors (at the expense of having extremely deep units on the lower floors).

Corner coverage requirements

In most R6-R10 contextual districts, buildings on corner lots are limited to a maximum lot coverage of 80 percent pursuant to Section 23-145. This regulation is another vestige of the 1980s construction era, when the frail economics of the time dictated simple slab buildings along the entire avenue frontage. It was not expected that a building would be designed to wrap a corner and abut any existing buildings along the side street frontage, and this is evident in the mathematics of the regulation. Even a 60 foot deep building on a prototypical 100 foot by 100 foot corner lot cannot be designed into an 'L' shape to wrap the corner as the resulting building would have a lot coverage of 84 percent. The depth on one portion of this building would have to reduced, decreasing the efficiency of the floor plate. Alternatively the building would leave a gap between the avenue portion and the buildings along the side street, potentially resulting in an unfortunate break in an otherwise continuous street wall. The rigidness of the provision becomes

especially apparent on acutely-angled corner lots as the inner court space quickly erodes workable building depths.

Provisions along district boundaries

In the process of increasing the permitted density in areas with prime transit access, DCP became aware of the potential problems the additional permitted height could pose when immediately juxtaposed next to lower density zoning districts, as one or two family homes could be in almost perpetual shadow of larger towers next door. In order to mitigate against this potential outcome, as part of the Downtown Jamaica Plan in 2007, DCP proposed that any portion of a building in an R6-R10 district within 25 feet of a district boundary of a R1-R5 districts could not exceed a height of 35 feet. In a sense, this 25 foot zone served as a transition area between the low and high-density districts, and prevented the lower density districts from being overwhelmed by the higher density heights. After the adoption of the Jamaica Plan, the agency extended the rule to have citywide applicability in Section 23-693 of the Zoning Resolution, and added R6B districts to the list of low density districts that trigger the rule.

While the goals of the 'transition rule' are sensible, the height at which the 25 foot zone along the district boundary is limited can be problematic. In higher-density districts, limiting a 25 foot zone to 35 feet in height greatly reduces the effective envelope where one can accommodate a building's permitted floor area. Additionally, since lower-density districts are often capped at a height of 35 feet, the zone is effectively extending the lower height and shifting the dramatic height difference towards the higher-density district rather than allowing the 25 foot zone to bridge the different lower and higher density heights with an interstitial height.

Additionally, prior to the establishment of the 'transition rule' several provisions with a similar intention were established along district boundaries between R6-R10 Residence Districts and adjoining R1-R5 Residence Districts and Commercial District equivalents. Many of these provisions, such as Section 23-51, require that an eight foot side yard be provided along the entire length of the side lot line of the higher-density district. These 8' side yard provisions do not sync well with the 25' rule (from a construction space perspective), and provide little additional light and air compared to the burden they place on an already-constrained envelope.

Further constraints for inclusionary and affordable senior housing

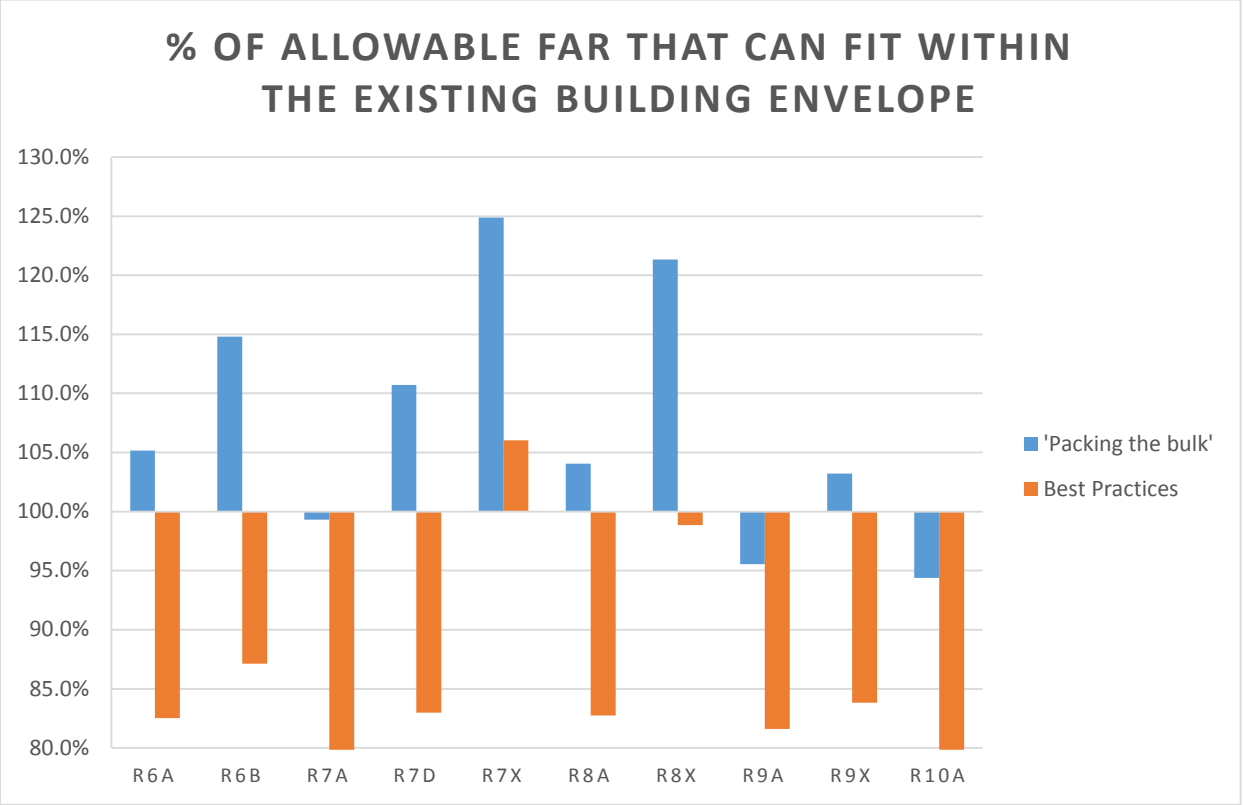
While the above regulations pose a difficulty for ordinary developments, these problems are compounded for developments containing affordable housing (including for seniors), mainly as a result of having a higher permitted development potential through an increased floor area ratio (FAR). Several existing regulations limit the ability to fully accommodate the permitted FAR for buildings participating in the Inclusionary Housing Program or providing affordable senior housing and care facilities. These include the following:

Difficulty fitting permitted floor area

Currently, developments providing affordable housing in Inclusionary Housing Designated Areas or affordable senior housing under the category of non-profit residences for the elderly are given additional development rights to offset the lower returns associated with the affordable units. However, while the additional FAR is a reasonable tradeoff, there is no additional height and other flexibility given to accommodate these development rights. When contemporary best practices assumptions are accounted for, the contextual envelopes are typically unable to accommodate the full amount of development rights allocated to a particular site without diminishing quality (squashing floor heights or elongating depths). This problem is particularly pronounced as density increases, and undermines the utility of the additional FAR.

The graph below illustrates the degree to which incorporating modern building design assumptions impacts the ability to accommodate permitted floor area in an Inclusionary Housing Designated Area by comparing the percentage of Inclusionary Housing floor area that can either be added, or is unable to be accommodated, into each contextual zoning district's respective envelope. One series of data sacrifices quality design by maximizing the amount of FAR that can be "packed" into the bulk envelope assuming an inferior set of assumptions - 9' floor to floor heights, a 10' ground floor, and maximized interior lot coverage. The second data set, meanwhile, assumes contemporary best practices, including a 15' ground floor (in order to elevate ground floor units off the street), 10' floor to floor heights above the ground floor, and slighter shallower building depth (60 percent coverage in R6A, R6B, R7A, ~~R7B~~ and R7D and 65 percent in the remaining districts). Both options assume 10 percent of the total floor space in the building is deducted from floor area for the combination of mechanical space, mandatory quality housing elements (such as recreation space, trash facilities, and laundry), and other small floor area exemptions (such as the additional wall thickness through Zone Green and the Quality Housing small density on the corridor exemption).

Figure 9: Bulk envelope capacity as a percentage of permitted floor area



As the chart shows, while most districts can accommodate the permitted FAR using a 'packing the bulk' strategy, the quality of this space would likely be undesirable, and may impact the marketability of market rate units (which could in turn undermine the necessary cross-subsidization of affordable units). In nearly every scenario, the existing contextual envelope is unable to accommodate the permitted Inclusionary Housing floor area when reasonable best practices are applied. 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 sizeable retail heights in Commercial Districts). Similar results are found using the additional floor area permitted under Section 23-147 for non-profit residences for the elderly.

Rather than continuing to utilize the standard contextual district heights for Inclusionary and affordable senior housing and care facilities, an alternate set of additional heights allowances should be established, and should roughly correlate to the increment of additional development rights allocated for the inclusion of these public priorities in each respective zoning district.

Restriction on accessory residential space in rear yards

In Residence Districts there is an allowance for portions of buildings containing accessory parking facilities and community facility uses to be considered as a permitted obstruction in the rear yard on the ground floor pursuant to Section 23-44, and Section 24-33 of the Zoning Resolution, respectively. The same

allowances are extended to commercial uses in Commercial Districts, in addition to the accessory parking and community facility allowance pursuant to Section 33-23. In addition to facilitating flexibility in building layouts, in community facility and commercial buildings, this allows a substantial amount of floor area to be utilized on the ground floor, creating more flexibility in the bulk envelope. Accessory residential uses, such as laundry rooms, recreation spaces, and trash rooms, (which are all required under Quality Housing), could be accommodated in the rear yard in a similar manner, which would add design flexibility to residential buildings participating in the Inclusionary Housing Program or providing affordable senior housing or care facilities.

Further constraints for narrow lots

In order to limit the outcrop of tall, narrow buildings that emerged in neighborhoods with strong street wall continuity, the 'sliver law' was established in 1983. For zoning lots in R7-2, R7D, R7X, R8, R9, and R10 Residence Districts and their Commercial equivalents with a width of less than 45 feet, this provision limits the height of the building to the width of the street or 100 feet, whichever is less. These provisions, which are set forth in Section 23-692, predate contextual zoning districts, and so at the time of their establishment, these regulations were a reasonable means to ensure predictable development in areas with strong neighborhood character. However, since establishment of Quality Housing and the citywide contextual zoning districts in 1987, many narrow lots have become subject to both contextual and sliver law regulations, which is oftentimes confusing, and with the added layer of height caps, the regulations become redundant. Additionally, where the sliver law height cap is lower than that of contextual districts, it limits the ability to accommodate the permitted floor area. This is especially critical for buildings participating in the Inclusionary Housing Program, where the increased amount of floor area makes the envelope even more constrained.

Inability to account for additional floor area in height factor zoning districts

While DCP has generally been moving towards applying contextual zoning regulations in the areas of new rezonings, there remain certain areas where it may not be appropriate to apply contextual zoning. For example, parcels located adjacent to rail lines and freeways~~, and within areas without a consistent height context~~ may continue to warrant non-contextual zoning designations.

Where these areas could facilitate greater housing production, ~~and might be appropriate to become an Inclusionary Housing Designated Area~~, there is not currently a simple mechanism to apply the ~~Inclusionary Housing~~ Affordable Independent Residences for Seniors and care facility floor area on top of the designated height factor floor area. Since non-contextual districts utilizing the height factor option currently assign floor area based on the amount of open space provided on the zoning lot, layering additional floor area on top of this sliding scale is not a simple endeavor. Additionally, the associated tower-in-the-park form is not necessarily the desired bulk outcome for the parcels. The current bulk requirements demand a tower-in-the-park building that is costly to build and not a good housing prototype for seniors.

Instead of requiring these parcels in non-contextual districts to utilize the Quality Housing option (which is available in all non-contextual R6-R10 districts), an alternate set of regulations is needed to allow these

non-contextual parcels the same FAR as a contextual district along with a new non-contextual envelope that evokes the flexibility found in Special Mixed Use Districts.

~~Similar issues exist with absorbing the added floor area for affordable senior housing and care facilities in non-contextual districts.~~

Unworkable envelope for lower-density affordable senior housing

Currently, in R3-R5 districts, like many other Residence Districts, a floor area incentive exists for developments comprised of non-profit residences for the elderly pursuant to Section 23-147. However, despite the additional floor area, very modest flexibility is available to modify the building envelope. In R3 districts, non-profit residences for the elderly may utilize the height and setback regulations of an R4 district (amounting to a 4 foot increase in perimeter wall and the same overall height limit of 35 feet) and in R5 districts other than R5D an alternate front setback is available (which consists of a sky exposure plane beginning at 27 feet and an overall height limit of 40 feet), all pursuant to Section 23-631. If these options prove infeasible, a City Planning Commission authorization is available in R3-2, R4 and R5 districts (other than R4A, R4B, R4-1, R5A, R5B and R5D districts) to modify the height and setback regulations for non-profit residences for the elderly, provided that the neighborhood character is not impaired by the additional height. This authorization has been utilized frequently, as the sloping envelopes of most lower-density districts limit the ability of the envelope to cost-effectively accommodate the permitted floor area. The requirement for the authorization represents a bureaucratic hurdle that limits the ability to produce affordable senior housing in these districts.

~~*Lack of floor area increment in certain R7 districts*~~

~~Typically, where affordable housing is provided in Inclusionary Housing Designated Areas, the maximum floor area ratio for the applicable zoning district is increased as compared to the same district maximum outside of Inclusionary Housing Designated Areas. However, there is currently no difference between the maximum floor area in R7X and R7-3 districts outside and within Inclusionary Housing Designated Areas.~~

Lack of overall building design flexibility

In addition to a constrained building envelope, many zoning regulations inadvertently limit design flexibility for architects and cumulatively diminish housing quality in the city's neighborhoods.

Unclear street wall regulations

Street wall location provisions in contextual districts, which are set forth in Section 23-633 for Residence Districts and Section 35-24 for mixed buildings in Commercial Districts, are intended to ensure that new developments will have a harmonious relationship to the existing neighborhood fabric. These provisions differ by district, and unfortunately often lack specificity with regard to permitted façade articulation. For example, in Residence Districts, permitted recesses are set forth for R8A, R8X, R9A, R10A, and R10X

districts while for all other R6-R10 contextual districts there are no corollary provisions. Similarly, in the Commercial District equivalents of R8, R9 and R10 districts where 100 percent of the street wall must be located on the street line, permitted recesses are stipulated, but it is unclear if smaller 6" or 12" undulations in the street wall for articulation measures such as structural expression would comply with these provisions. In either case this is problematic as articulation greatly enhances the visual interest in a building façade and the lack of clarity in many districts creates confusion in the design community as to whether these design measures are even permitted.

Additionally, in districts where street wall location provisions are stringent, such as in the 'B' suffix districts where buildings may be located no closer or no further than the adjoining building, it is unclear how façade articulation is accomplished if adjoining buildings are articulated. For example, if both adjoining buildings have bay window projections, it is unclear in the current zoning if a new development can mimic these articulation measures in a contemporaneous fashion.

Recess and projection regulations for all districts should be clearly stipulated to avoid confusion in the design community and signal the agency's desire for these classic building elements to re-emerge in new developments.

Line-up provisions

In many contextual districts, the location of a street wall is governed by that of adjoining or nearby buildings so that a reasonable degree of street wall continuity can be maintained amongst old and new buildings along the block front. The provisions of Section 23-633 (a)(1) govern R6A, R7A, R7D, R7X, R9D districts while the provisions of Section 23-633 (a)(2) govern R6B, R7B, and R8B districts. Both paragraphs establish permitted street wall location rules relative to the surrounding context; however the threshold of adjoining buildings to be included in making the permitted street wall location determination differs among the zoning districts. For example, in R6A, R7A, R7D, R7X and R9D districts a street wall can be located no closer to the street line than that of any building located within 150 feet of the development, whereas in 'B' suffix districts only the adjoining buildings are utilized to establish the permitted street wall location. One method should be utilized among all districts for consistency.

Additionally, in districts with line-up provisions (including R6A, R7A, R7D, R7X and R9D districts pursuant to Section 23-633 (a)(1), and R6B, R7B and R8B districts pursuant to Section 23-633 (a)(2)), a maximum range of applicability is established at 15' to avoid new buildings have to line-up with buildings set back far beyond the street line and the potentially unworkable building depths when rear yard requirements are accounted for. However, while the intention is good, the specific dimension of 15' may still be too inflexible. For example, many buildings that are set back from the street line within the ranges of 12-15' were constructed during the height factor era of zoning and are not necessarily in context with the remainder of the block. This has the effect of inadvertently forcing new developments to line-up with a non-contextual building.

Court regulations

Both outer and inner court regulations, set forth in Section 23-84 and Section 23-85, respectively, contain anachronisms in their dimensional requirements that impede building design.

Like height and setback regulations, the original outer court regulations established in 1961 may have been over reactive to those found in the typical pre-war buildings of the 1930s. Many of these court provisions have not been modified since their enactment.

Currently outer courts are subdivided into three categories: narrow outer courts; wide outer courts; and outer court recesses. Each of these categories establishes a minimum width requirement in relation to the depth of the court in order to ensure adequate light and air into the courtyard space. However, the width requirements that result from the application of the calculation are often excessive and often preclude the incorporation of courts into building design. As a result, modern buildings often do not have natural light in kitchens or bathrooms and, from an urban design perspective, many block fronts lack the visual interest that can be achieved through a well-designed outer court.

Inner courts have minimum dimensional requirements as well to ensure that legal windows fronting upon them have adequate light and air. However there is currently no allowance for smaller inner courts that only serve as light wells to kitchens and bathrooms (and have no legal windows fronting on them).

These nuances should be amended to facilitate the option of incorporating these quality design measures into apartment layouts.

Retail and other ground floor regulations

Many special district and even certain underlying commercial districts contain supplemental use, transparency and parking wrap regulations that govern the ground floor level of new buildings in order to foster a more dynamic streetscape. However, since many of these rules were established at different times, there contains slight variations and anomalies amongst them as newer regulations evolved and attempted to correct the shortcomings of the previous regulations. For example, transparency regulations have changed and now typically differ in the amount of glazing required and in the dimensional range in which the glazing is required. In the aggregate, the disparities in retail depth, transparency and parking wrap requirements found in the Zoning Resolution are confusing for practitioners.

Additionally, many of the older provisions have become obsolete with regard to contemporary building practices and thus impede cost-effective building design. Retail depth requirements that are out of sync with typical building depths, for example, require costly solutions to compensate for the resulting misalignment of the building's structural system or vertical circulation core.

The myriad range of regulations should be simplified into a single set of provisions, with ground floor level transparency requirements based on the provisions set forth in the Special Enhanced Commercial District (Section 132-32), which were derived from a DCP study of existing retail streets in the city.

Unnecessary window regulations

As part of the 1987 Quality Housing text amendment, double glazed windows were required in all Quality Housing buildings pursuant to Section 28-22. Since 1987, these regulations have been superseded by the Building Code, and the requirement has been an impediment to the use of higher-performing window types, such as triple-glazed windows.

In Special Mixed Use Districts, all new dwelling units are required to provide 35 dB(A) of window wall attenuation pursuant to Section 123-32, so as to minimize ambient noise levels to achieve an interior noise level of 45 dB(A) or less. However, this attenuation amount is overly conservative in many cases, as has been demonstrated by actual developments in MX districts, when field measurements are taken and actual site conditions are taken into account. Unlike noise (E) designations, which may be modified by the Mayor's Office of Environmental Remediation (OER) pursuant to Section 11-15, there is currently no mechanism available to reduce this costly window treatment to a level that would be appropriate for a particular development. This requirement also exists in some of the other Special Districts.

Unclear regulations for use locations within buildings

Pursuant to the underlying supplemental commercial use regulations, commercial uses in mixed-use buildings in C1, C2 and C3 districts are generally limited to the ground floor, below any upper story residential and community facility uses. In order to provide more flexibility in building design, the Special Mixed-Use District modified this underlying provision in Section 123-31 to allow commercial uses on the same story or a story higher than residential uses provided that there is separate access to the street and that there is no direct connection to the residential portion of the building at any story. However, the specific language within the zoning text of the Special District uses "non-residential uses" instead of "commercial uses" and therefore places the same restrictions on community facility uses. What was intended as a measure of flexibility is inadvertently more restrictive for community facility uses, as the underlying zoning allows residential uses and community facility uses to co-mingle on the same story without separation. After being drafted for the Special Mixed-Use District, this zoning text was subsequently incorporated into several other Special Districts, which all need to be corrected.

Outdated density factor and unit size requirements

A minimum dwelling unit size of 400 square feet was established in Section 28-21 as part of the 1987 Quality Housing text amendment, in order to prevent the creation of excessively-small apartment units. However, other regulatory mechanisms such as the NYC Building Code and the Housing Maintenance Code both contain minimum room size requirements that effectively establish de facto minimum dwelling unit sizes, and renders the zoning requirement as an additional redundant regulation. Additionally, in recent years the Citizens' Housing and Planning Council (CHPC) has actively pursued an initiative entitled "Making Room" which seeks to better align the city's variety of housing typologies with the needs of its households. As part of this initiative, CHPC highlighted a shortfall of small, efficient studio apartments for the growing number of single households. Subsequent design competitions and a City-led prototype of a 'micro-unit' apartment building have all been facilitated as part of this on-going discussion. Eliminating

minimum unit sizes would allow the development community to pioneer in exploring this new housing type, while the continuing application of density regulations would prevent the over-concentration of small units in any one building.

Additionally, the number of dwelling units that can be constructed on a given site is established through the applicable dwelling unit factor for the particular zoning district set forth in Section 23-22. This dwelling unit factor tends to decrease as the permitted FAR of the district increases, effectively allowing density to increase in step with building bulk. However, for R8-R10 Residence Districts, where one would expect the very highest permitted density, the dwelling unit factor increases and thus increases the required average unit size. Given the small average household size in the city's highest-density areas, this anomaly is unnecessary to protect against community impacts and should be corrected to allow a greater range of unit mixes. Finally, Section 23-22 also governs the amount of 'rooming units' that are permitted as part of particular development. This reference is to a housing type that has largely been made obsolete by City laws that prevent the creation of dwellings with shared kitchens and baths. Under current law, rooming-type units are created only as community facilities for which this provision is not relevant.

Additionally, separate density factors listed in Section 23-221 for non-profit residences for the elderly may unnecessarily restrict the creation of appropriately-sized affordable senior housing units.

Elevated ground floors

One of the finer aspects of historic New York housing typologies is their relationship between the ground floor and the street. In order to avoid apartments fronting directly upon the sidewalk, many ground floor units are elevated by as much as 5' above grade. Accessibility requirements have limited elevated ground floors, as accessible ramps are required from the public right of way into the building. In addition, the rigidity of the contextual envelope, including street wall location provisions (which in many circumstances may require a façade too close to the sidewalk to accommodate an exterior ramp) and outmoded height assumptions also limit the ability to provide an elevated ground floor, when desired. These impediments should be removed.

Quality Housing study areas

During the public review of the Quality Housing text amendment in 1987, several neighborhoods were skeptical about the merits of contextual zoning. They objected to contextual zoning (where Quality Housing would be mandatory), but also objected to the optional provisions that allow Quality Housing to be utilized in non-contextual R6-R10 districts. In response to these concerns, "study areas" were created that limited the applicability of the Quality Housing optional regulations on block fronts characterized by small homes. These 'study areas' were small geographies, scattered throughout the city and set forth in specific boundaries in Section 23-011 (c). <u>They include: portions of Soundview and Castle Hill (Bronx); Midwood and Brighton Beach (Brooklyn); Elmhurst/Corona, Forest Hills, and Flushing (Queens)</u>

Since 1987, many of these areas have been rezoned and community issues have been addressed. At present there is very little applicability of these regulations. Practitioners, and even residents, within the

few remaining areas of applicability are largely unaware of these obscure provisions. The study areas no longer have relevance and should be removed.

Increasing prevalence of constrained lots

Zoning regulations have generally been designed around ideal, rectilinear sites. The Manhattan grid established in the Commissioners' Plan of 1811, and widely copied throughout the city, first gave developers a predictable configuration of tax lots, and later gave planners an easy template to design zoning regulations around. The grid lent itself to a system devised on the strong delineation between wide and narrow streets, corner lots and interior lots and the prevalence of 100' deep lots. These basics have been the cornerstone of each successive set of height and setback regulations, but less attention has been placed on liberalizations for irregular sites, unusual geometries wrought by differing grids, changing topography and other site conditions.

Given the fixed supply of land in the city and the increasing demand for housing, easy-to-develop sites have become increasingly scarce since 1987. As unconventional sites become the new normal, building envelope controls will increasingly need to accommodate common types of irregularities. Street wall regulations, rear yard regulations, lot coverage maximums, court regulations, distance between buildings and distance between legal windows and lot line provisions, all combine to make development on lots with irregular depths and angles difficult.

Shallow lots

Since the majority of bulk regulations have been designed around prototypical lots, cost-effective design becomes problematic on irregular parcels, especially shallow lots. With fixed 30-foot rear yard requirements the provision of a practical building depth on a shallow interior lot can be difficult. For this reason, a rear yard relaxation was previously established for lots shallower than 70 feet deep in Section 23-52, which allows the required rear yard to be reduced by one foot for every foot the lot depth is less than 70 feet. For example, a 65 foot deep lot would have a reduced rear yard depth of 25 feet. However, helpful as this reduction is, it applies to a limited subset of irregular lots and provides no relief to many of the city's shallow lots, which are in the range of 80 feet to 95 feet in depth. Additionally, since this provision was established with rectangular shaped sites in mind, the language inadvertently disqualifies flag shaped zoning lots with a portion deeper than 70'. This should be amended so that the relaxation of rear yard rules can also apply to shallow portions of an irregularly-shaped lot.

Similar problems with rear yard requirements arise for shallow through lots. Prototypical through lots generally have to provide a 60' rear yard equivalent (in lieu of two, 30' rear yards that would abut on a two interior lots) and in contextual R6-R10 districts, this rear yard is required to be within 5' of centerline of the depth of the zoning lot, pursuant to Section 23-532. For shallow lots, two modifications of these provisions are available. First, for lots with a depth of less than 180', the contextual district provisions requiring the rear yard equivalent to be placed in the middle of the block can be modified to allow two alternative strategies for the placement of the rear yard equivalent (either placing it on the side lot line, or placing it in front of either building), giving architects more flexibility in designing for these odd situations. Second, for extremely shallow lots of 110' feet or less, no rear yard is required, pursuant to

Section 23-531. While these relaxations are well intended, a large number of shallow through lots currently is not afforded a reduction in rear yard equivalent, which, in many situations could result in an unworkable building depth. The reductions proposed for interior lots should be mimicked for through lots to provide an added measure of flexibility.

Acutely-angled lots

In high density commercial districts with a residential equivalent of R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X, street walls are required along 100 percent of the street line, except that a chamfer is allowed within 15' of the corner to allow for articulation. This restricts the ability of developers of acutely-angled lots to efficiently chamfer beyond 15' of the corner of the building and should be relaxed in these circumstances.

Irregular topography

To contend with parcels with sloping topography, the definition of base plane in Section 12-10 allows one to divide a building into multiple segments, each with a separate datum for measuring height, provided the street wall is at least 15 feet wide. Additionally, in situations where the slope is steeper than 10 percent between the front and rear of the building there can be a sloping base plane in order to establish height maximums. Architects and developers have noted that reducing this threshold would allow this useful provision to apply to a greater number of sloping sites.

Lots with multiple buildings

Currently, requirements governing minimum distances between buildings on the same zoning lot do not differentiate between one- and two-family homes and buildings with multiple dwellings. This is problematic because the state Multiple Dwelling Law also contains minimum distance between building regulations that are more liberal that the City's regulations in some instances and more restrictive in others. The lack of separation between multiple dwelling and one- and two-family homes within the Zoning Resolution creates an apparent contradiction with the State law that in turn has created confusion among practitioners. The regulations should be reorganized and any contradictions should be eliminated. Additionally, the current regulations for multiple dwellings are more restrictive than the Multiple Dwelling Law, requiring 60 feet between two buildings on the same zoning lot. This effectively limits the development potential of larger lots in the city.

Finally, if rear yard regulations on shallow lots are liberalized, provisions pertaining to the minimum distance between buildings on the same zoning lot and between legal windows and lot lines will need to be reduced as well for these constrained parcels.

Limited discretion to address unforeseen site circumstances

Despite potential modification, unforeseen site conditions may continue to make the height and setback regulations unworkable for certain extremely-irregular lots. If these are the result of irregular street grids, topography or subsurface conditions that affect multiple properties, the developer of the subject parcel may not be eligible for a variance as the 'uniqueness' requirement may not be able to be met.

REDUCE UNECCESSARY PARKING REQUIREMENTS FOR AFFORDABLE HOUSING

To aid in the fulfillment of the Mayor's Affordable Housing plan, DCP assessed car ownership rates and parking requirements across the city, and examined how parking requirements may affect the development of affordable housing.

In the Manhattan Core (Community Districts 1-8) and Long Island City, there is no required parking for any new housing. In the Special Downtown Brooklyn District, there is no required parking for any affordable housing. In other areas of the city, reduced requirements for off-street parking for affordable housing are specified by Section 25-25.

The Zoning Resolution currently provides five categories of reduced parking for affordable housing (Section 25-25, paragraphs (a) through (e)). The 1961 zoning text identified Public Housing as requiring fewer parking spaces per unit. Additional housing categories and parking requirements were added over time as new affordable housing programs were created, each citing the lower rates of car ownership among residents of low-income and senior housing. Subsequent amendments noted the high cost of providing parking and the resulting higher cost to produce affordable housing.

The applicability of most of the five categories that have been added to the Zoning Resolution since the 1960s is unclear due to obsolete or ambiguous references. The general practice of affordable housing developers is to apply category (c), which has the lowest requirements for non-age-restricted housing. Age-restricted housing filing as a non-profit residence for the elderly utilizes category (d), which has lower requirements.

Parking requirements today are defined by the underlying residential zoning district, inversely correlated with density. While low-density housing generally has higher car ownership, even near transit, than nearby apartment buildings, reflecting self-selection by drivers seeking easier parking conditions, there is relatively little difference among residents of apartment buildings in the same neighborhood, regardless of the zoning district. Since apartment buildings are concentrated in transit-accessible areas, transit access might be a better determinant of auto ownership and use. Neither the affordable housing categories, nor the age-restricted category, of Section 25-25 fully reflect the low level of car ownership in lower-income housing, particularly in areas well-served by transit.

Affordable housing generally qualifies for parking waivers based on a small number of required spaces (Section 25-26). However, many larger developments may still not yield the number of cars required to

justify the expense of providing the parking that is required for affordable housing. Furthermore, such waivers may not be utilized by non-profit residences for the elderly. The need to provide even a small number of spaces has proved to be a financial burden for developers, not justified by any parking impacts generated by such housing.

Construction costs for structured parking are high – up to $40,000 or even $50,000 per parking space[5]. Surface parking costs less, but occupies scarce land and itself carries substantial cost, and that could be better used for additional housing units or other uses. The cost of off-street parking is borne by the development, using funds that might otherwise produce additional affordable housing units, or reducing the amount of housing that can be provided on-site. In order to support the cost of providing the spaces, developers or property managers typically charge residents between $100 and $200 monthly to use the spaces. Low-income households are often unable or unwilling to pay to park off-street, choosing instead to park on-street for no cost and leaving the spaces built for them underutilized.

The tradeoffs associated with current parking requirements for low-income housing units are high, in the form of a reduced number of housing units provided on site, higher construction costs and taxpayer burden, and poorer quality design and construction.

To avoid the burden of providing costly off-street parking, many affordable housing developments on publicly-owned sites have waived required parking through zoning overrides. However, such overrides are not available on privately-owned sites. For these sites, reducing or eliminating parking requirements would enable more housing units to be built with the same amount of public subsidy, and would free up additional lot area for the development of these units.

Relationship between transit and auto ownership

Parking requirements for housing units and residences are currently aligned with the residential zoning district the development is built in, regardless of proximity to transit or other factors that influence car ownership and utilization. Data show that car ownership rates and utilization (as measured by commute mode) among all residents, including low-income residents, varies not only by density, but also by proximity to transit. Common land use and development patterns along transit corridors appear across the city's boroughs, with less variation in auto ownership and utilization that when compared with neighborhoods further from transit. That is, car ownership rates among low-income residents near transit in neighborhoods in Queens and in Brooklyn are more similar than car ownership rates among low-income residents far from transit in the same neighborhoods. These common patterns highlight the value of defining a geography that acknowledges the role that transit proximity plays in determining or facilitating lower car ownership.

The *Inner Ring Parking Study* on car ownership outside of the Manhattan Core has pointed toward the correlation between transit proximity and car ownership. However, as previously discussed, the Zoning Resolution does not distinguish parking requirements by proximity to transit. The geography defined in

[5] http://www.reinventingparking.org/2015/06/how-much-does-one-parking-spot-add-to.html

the Inner Ring study provided a natural starting point for developing a more comprehensive geography for analysis.

To define the geography for analysis, zoning district boundaries were supplied by DCP. Data were obtained from the New York State Department of Motor Vehicles in June 2014, providing car registrations at the address level. Data providing the size and location of existing affordable and senior housing developments was obtained from a variety of sources:

Affordable and some senior housing locations were obtained through the Furman Center's Subsidized Housing Information Project (SHIP), and were parsed to identify those that are assumed, based on tax subsidies received, to contain 100 percent affordable units, those that are mixed-income buildings, and those that provided units for seniors. An additional list of Section 202-funded senior housing sites was provided by HUD in April 2014. Public housing sites were provided by the New York City Housing Authority. Market rate housing was identified as all buildings with residential units, minus those identified as affordable or senior via the previously discussed datasets.

These data sources were combined for a comprehensive analysis of car ownership rates by zoning district, proximity to transit, and housing affordability. A Network Analysis was conducted in GIS to identify the tax blocks that fall within ½ mile walking distance from each MTA subway station. The latest available Public Use Microdata Areas (PUMAs) from 2010 were studied to further identify and include geographies outside of the ½ mile walking distance from a subway, where car ownership among low-income renters was low, and where rates of commuting to work by automobile were also low. The results of these analyses are shown in Figure 11 and Figure 12. Multifamily buildings (4 or more residential units, as identified by PLUTO 14v1) were selected within this assembled geography, and the total numbers of car registrations were calculated for each building.

The results of the analysis confirmed that, within the areas closer to transit, car ownership rates among both affordable and non-affordable housing developments were lower than the same type of housing further from transit. Furthermore, car ownership rates among residents of affordable housing were confirmed to be lower than car ownership rates among residents of non-affordable housing. These data are presented in Figure 10 below.

Figure 10: Cars per 100 Households (>3 dwelling units, all tenure)

	All housing since 2000	100 percent affordable since 1990	202-funded senior housing	Other ~~senior~~ long term care facilities
Near transit	32	18	5	1

Far from transit	54	39	11	1
Data sources: NYS DMV 2014; NYC DCP PLUTO 14v1; NYU Furman Center; NY State Department of Health				

Figure 11: Comparison of Renters' Access to Vehicle, All Renter Households vs. Low Income Renter Households

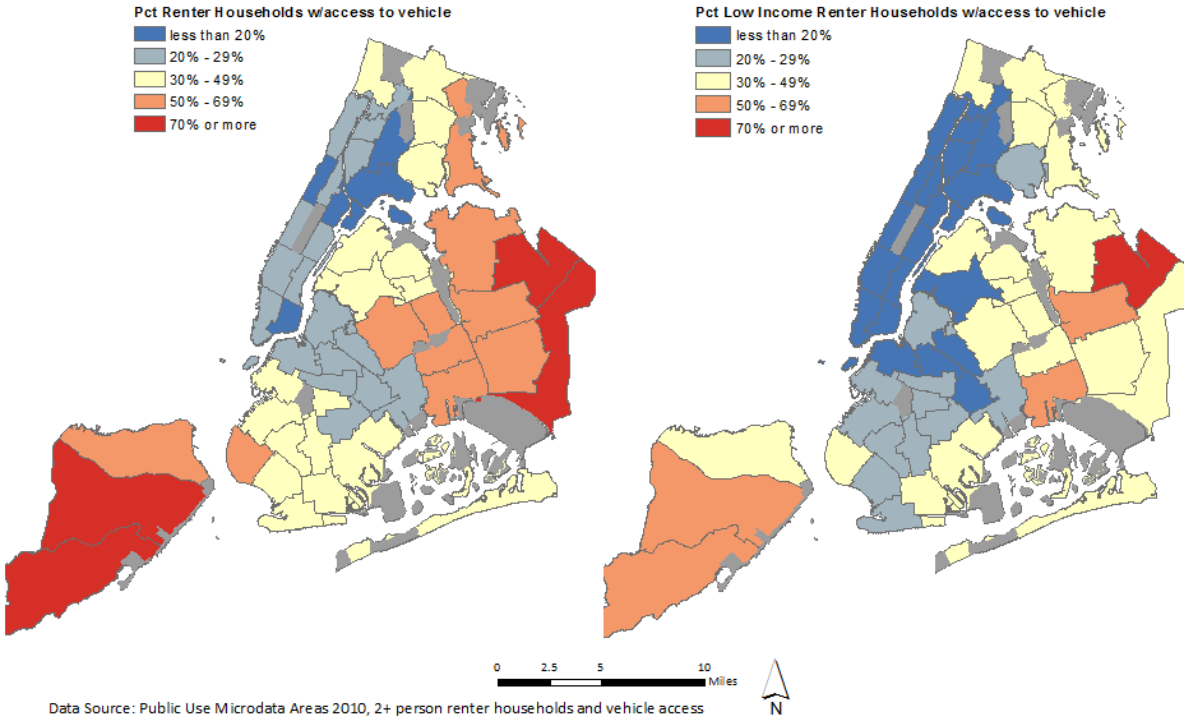
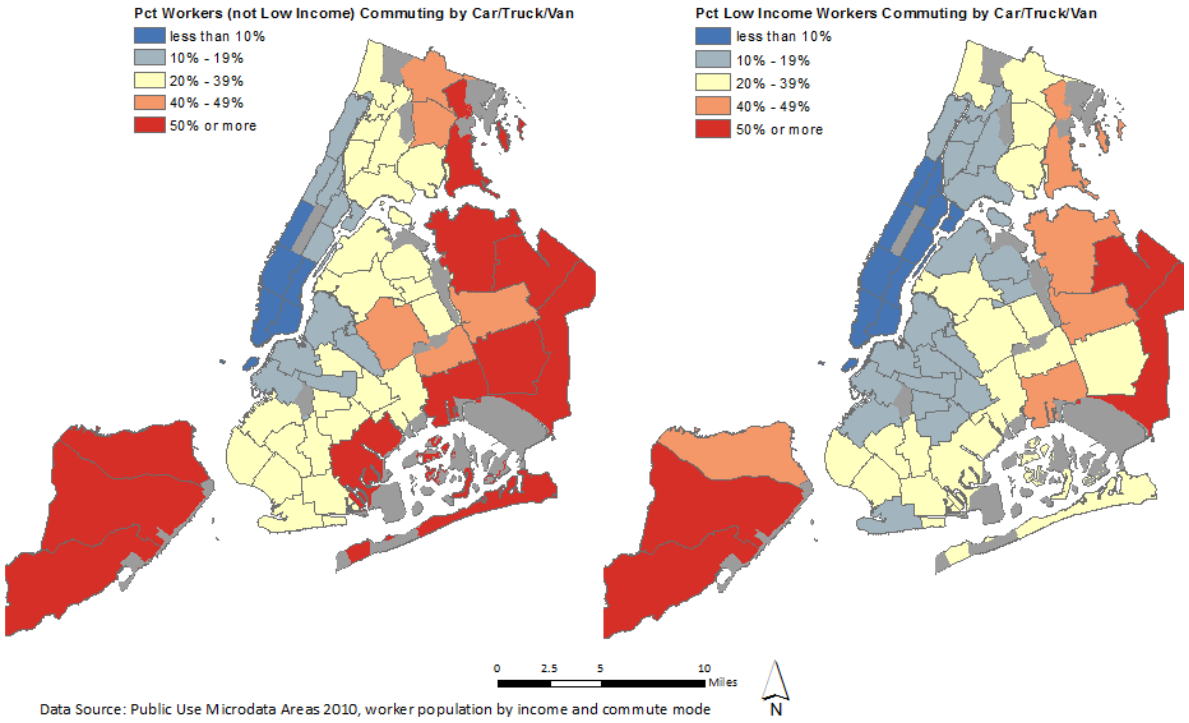


Figure 12: Comparison of Commuting by Car, Truck or Van, Non-Low Income vs. Low Income Workers



Obsolescence of Section 25-25 (a-e)

Section 25-25 outlines five affordable housing typologies, each with different parking requirements. The table recognizes that affordable housing generates fewer cars per household than housing that is not income-restricted, but the parking requirements are still high and fail to distinguish transit-served areas from areas that are not well served by transit and where auto ownership is higher. Moreover, the categories in the table are program-specific, and refer in many cases to housing programs or types of assistance that have not been active for many years. Because this section refers to outdated programs and can be confusing to interpret, most non-senior affordable housing developments adhere to "Column C" requirements for Public Housing Developments or Dwelling Units for Low Income Housing, which are the lowest of the group.

Developers of affordable senior housing apply parking regulations as defined under "Column D", for non-profit residences for the elderly or dwelling units for the Elderly, which requires parking at the lowest rates in the table. Nonetheless, these rates are substantially higher than demand suggests.

Furthermore, Columns A-E specify reduced parking requirements for affordable and independent housing for seniors built where permitted in single- and two-family zoning districts (R1, R2, R3-1, R3A, R3X, R4-1, R4A, R4B, R5A). The housing models for affordable and independent housing for seniors are not

consistent with single- and two-family development and the failure to exclude these districts creates confusion.

Figure 13: Parking spaces required for public, publicly-assisted and government-assisted housing developments or non-profit residences for the elderly (from Section 25-25)

Column A	Column B	Column C	Column D	Column E	
Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing Developments or Dwelling Units for Low Income Tenants	Non profit Residences for the Elderly or Dwelling Units for the Elderly	Gov't Assisted Housing District	Zoning District
80	65	50	***	80	R1, R2
80	65	50	35	80	R3, R4
70	56	42.5	31.5	70	R5
55	45	35	22.5	55	R5D, R6**
39	32	25	16	35	R6A, R6B, R7B
45	38	30	20	45	R7-1**
30	23	15	12.5	25	R7-2, R7A, R7D, R7X, R8B*
30	21	12	10	25	R8, R8A, R8X, R9, R10

**In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts*

*** For assisted housing projects in R6 or R7 - 1 Districts which are #Quality Housing buildings#, the applicable district parking requirements shall be as follows: R6 = R6A; R7-1 = R7A*

General issues for affordable housing

As shown in Figure 10, car ownership rates among low-income households are low, particularly among households close to transit.

Parking requirements are not often aligned to the actual car ownership rates of residents in the applicable housing type, nor do residents typically end up parking in the spaces provided as required. The cost to provide parking, i.e., the cost to build each individual parking space, often exceeds the value of the car parked in the space. Moreover, the fees to park, usually levied on a per-month basis and with market values ranging from $100 to $200 per month[6], are usually higher than what a low-income household is willing or able to pay for off-street parking. These fees are necessarily high in order for a developer to support the cost to build the parking, but result in the spaces going unused by the residents they were required for. Affordable housing and other housing built as part of the Inclusionary Housing Program often depends on public subsidy. While parking itself cannot be paid for by public subsidy, the overall development shares the burden of the cost to provide it. Since the market alone cannot support the construction of off-street parking for affordable housing, the funds used to provide the parking come from a source that might have otherwise spent money on the development of additional housing, or elsewhere within the housing project.

Parking also occupies significant physical space on a development site that might be better allocated towards additional housing units or amenities. A self-park facility, where the driver is able to park his or her own car in a space, typically requires about 300 square feet of surface area per parking space, to accommodate the car and access. While an attended facility typically requires closer to 200 square feet of surface area per parking space, since the car owner is not parking his or her own car, attended parking is more expensive to operate and, therefore, to park in. The cost to provide below-grade or structured facilities may be prohibitively high for a development depending on public subsidy and, thus, the development may not get built at all if it cannot reduce required parking.

Issues for affordable senior housing

As shown in Figure 10, car ownership rates are extremely low among residents of independent housing for seniors, where parking requirements are entirely mismatched with actual parking demand among residents. Moreover, while there are parking waivers available for some affordable housing developments

[6] DCP *Inner Ring Residential Parking Study*, 2013: http://www.nyc.gov/html/dcp/html/transportation/inner_ring.shtml

where only a small number of spaces are required, there are no waivers available when filing under "Column D" in the above table. Every development built under non-profit residences for the elderly or dwelling units for the elderly must provide its required parking, regardless of the size of the lot or the number of spaces. As with affordable housing, this adds considerable cost to the development and impedes the number of housing units that might be built for the same amount of public subsidy on the same lot.

Existing underutilized parking facilities

Under existing regulations, parking is required and determined by minimums, except where there are opportunities to waive out of required parking. As a result, many affordable developments generated large amounts of parking, built as surface parking lots or structured facilities. Low car ownership, proximity to multiple sources of public transportation, and the desire to create additional affordable housing units on an increasingly limited supply of land, and with limited funding, suggests that some of the previously-required parking area may be more appropriate for other use, including additional housing units, residential amenity space, open space, or services including offices or commercial uses. For example, affordable housing was developed on a site formerly used for open parking for New York City Housing Authority tenants as a consequence of a targeted zoning text amendment (Application No. N 100262 ZRM).

Required parking in mixed-income developments

Where market-rate housing is built as part of a mixed-income development, the profit generated from the market-rate units often cross-subsidizes the development of the low-income housing built as part of the same development. Where the developer is required to provide parking for market-rate units, and at a higher ratio per unit than the affordable units, additional expense is added to the development that might have otherwise reduced rents or sales prices or enabled the development of additional housing units, amenity space, open space, or other uses. Because the underlying zoning's off-street parking requirements do not distinguish between transit-served and auto-dependent areas, in many areas car ownership rates are lower among both market-rate and low-income residents than implied by the zoning requirement.

The Proposed Action

PROMOTE AFFORDABLE SENIOR HOUSING AND CARE FACILITIES

The proposal aims to facilitate the development of affordable senior housing and care facilities through various updates and refinements to the Zoning Resolution. The proposal would clarify the regulatory status of state-regulated ~~senior housing categories~~ long term care facilities and provide additional zoning flexibility to allow for new industry models in senior housing. The proposal includes changes to various areas of the Zoning Resolution and would:

- Update the definitions for affordable senior housing
- Update the floor area ratios for affordable senior housing
- Update definitions for New York State licensed ~~senior~~ long term care facilities
- Update floor area ratio for New York State licensed ~~senior~~ long term care facilities
- Remove obsolete definitions
- Remove density and unit size limits for affordable senior housing
- Provide a framework for mixing of Use Group 2 residences with certain Use Group 3 community facilities
- Revise permitted obstructions in rear yard to allow accessory social and amenity spaces to encroach in the rear yard
- Revise certifications and special permits for nursing homes

Update the definitions and use regulations for affordable senior housing

The definitions for affordable senior housing have not been updated in over 30 years. As a result, the definitions are outdated and inconsistent with the current practices.

As such, the proposal includes a new defined term “affordable independent ~~housing~~ residences for seniors” to replace “non-profit residences for the elderly”. This definition would be expanded to include both non-profit and for-profit developers, but the income restriction and age restriction would still apply

to this use, thus the population served would remain the same. This use type would be required to have a regulatory agreement with NYC HPD or another governmental agency, for a minimum term of 30 years and restrict residence to low-income households. Affordable independent residences for seniors would continue to be a residential use in Use Group 2. Under the proposal, this use would continue to be a residence that is occupied at least 90 percent by elderly families, the head or spouse of which is 62 years or older.

Update the floor area ratios for affordable senior housing

The Zoning Resolution establishes maximum floor area ratios for non-profit residences for the elderly in Section 23-147. These floor area ratios are higher than the underlying residential district floor area ratio limits to encourage and support this type of housing. Because of the high frequency of single occupancies and the absence of families with children, population in a building for the elderly is less than it is in an identical building tenanted by a mixed age group. To help to encourage the creation of a greater supply of housing for this age group, ~~a 35 percent increase in permitted density and~~ higher floor area ratios for R3-R7 zoning districts are permitted today. Seniors put very limited resource demands on neighborhoods; for example they do not utilize school seats and they are typically unemployed or retired and therefore they do not add to transportation demand. Thus the proposal would expand this rationale to a wider variety of zoning districts.

This type of housing also has a 4 percent accessory social and amenity space requirement, to allow for needed community or support spaces. Under the proposal, Quality Housing required indoor recreation space could also meet the 4 percent common area requirement. The higher floor area allowance also provides greater spatial flexibility to provide necessary, and sometimes required, accessory social amenity spaces. These spaces may consume between 4 and 10 percent of the building floor area, and are less common in general housing types. This category of housing would continue to be permitted in all multi-family residential zoning districts R3-R10, <u>but not in lower-density zoning districts limited to single- and two-family homes</u>.

This proposal also aims to ensure that affordable senior housing is distributed throughout the city; however the current Section 23-147 does not include all of the zoning districts where senior housing is permitted and where such housing is constructed. Thus, the proposal amends this section to allow the newly-defined affordable independent residences for seniors to utilize the maximum floor area in Section 23-147 or the maximum floor area in Inclusionary Housing Designated Areas set forth in Section 23-952, whichever is higher, consistent with the existing framework. The proposed FAR is listed in Figure 14. Those zoning districts with increased floor area are shown in the maps in the Appendix.

Figure 14: Existing and proposed maximum FAR for affordable senior housing

	23-147	**23-14**	**23-147**	
	Non-profit residences for the elderly (current)	**Residential (outside of IHDA)**	**Proposed for Affordable independent residences for seniors**	*Change*
District	**Max FAR**	**Max FAR**	**Max FAR**	
R3	0.95		0.95	0.00
R4	1.29		1.29	0.00
R5	1.95		1.95	0.00
R5B		1.35	~~**1.95**~~1.35	~~**0.60**~~0.00
R5D		2.00	**2.00**	0.00
R6	3.90		3.90	0.00
R6A	3.90		3.90	0.00
R6B	2.00		**2.20**	**0.20**
R7	5.01		5.01	0.00
R7A	5.01		5.01	0.00
R7B	3.90		3.90	0.00

R7D	5.01		**5.60**	**0.59**
R7X	5.01		**6.00**	**0.99**
R8		6.02	**7.20**	**1.18**
R8A		6.02	**7.20**	**1.18**
R8B		4.00	**4.00**	**0.00**
R8X		6.02	**7.20**	**1.18**
R9		7.52	**8.00**	**0.48**
R9A		7.52	**8.50**	**0.98**
R9D		9.00	**10.00**	**1.00**
R9X		9.00	**9.70**	**0.70**
R10*		10.00	**12.00**	**2.00**
R10A*		10.00	**12.00**	**2.00**
R10X*		10.00	**12.00**	**2.00**

**Under existing zoning, non-profit residences for the elderly would qualify for an Inclusionary Housing floor area bonus from 10 to 12 FAR*

In establishing this revision to the applicable floor area for Section 23-147, the proposal would also remove the specific open space ratios for non-contextual districts and lot coverages for contextual districts. The senior bulk requirements would reference the lot coverage and open space provisions in the underlying bulk regulations for enhanced consistency.

Seniors are typically housed in smaller dwelling units, reflecting their small household sizes, the desirability of simplifying housekeeping for older residents, and the need to provide low-cost housing. Consistent with best practices in senior housing design, the Proposed Action also would remove the density factors listed in Section 23-221 for non-profit residences for the elderly. There would be no minimum dwelling unit size. Already today, Section 23-23 exempts non-profit residences for the elderly from the minimum size of dwelling units in R3, R4 and R5 Districts. The effective minimum dwelling unit size established by other applicable laws and codes is about 275 square feet.

Update definitions for New York State licensed ~~senior~~ long term care facilities

The zoning definitions for ~~senior~~ long term care facilities are outdated and inconsistent with current terminology utilized by other City, State and Federal agencies that regulate and subsidize these housing types. The proposal would replace the nursing homes and health related facilities in Section 12-10 with a new term, ~~senior~~ "long-term care facilities", which would include State-licensed long term care facilities such as nursing homes, assisted living facilities, and certain continuing care retirement communities. This proposal is also consistent with national standards and represents the range of living environments typically provided for seniors who need varying levels of assistance and care. Nursing homes "and health related facilities" are currently considered Use Group 3, community facility uses in the Zoning Resolution. Other New York State licensed long term care facilities similar to nursing homes include assisted living facilities and continuing care retirement communities (CCRCs). Assisted living facilities and CCRCs are not currently defined in the Zoning Resolution and, as a result, confusion exists as to whether they are residential uses (US2) or community facility (UG3). Based on a review of Certificate of Occupancy forms for existing assisted living facilities (there are not currently any CCRCs in New York City), assisted living facilities generally filed as community facilities, Use Group 3.

Nursing homes are regulated in Section 10 NYCRR 700.2(a) (currently cited in Section 22-42) as "a facility, institution, or portion thereof, providing therein, by or under the supervision of a physician, nursing care and other health, health-related and social services as specified in this Chapter for 24 or more consecutive hours to three or more nursing home patients who are not related to the operator by marriage or by blood within the third degree of consanguinity, including, but not limited to, an infirmary section which is identifiable as a nursing home unit in a special area, wing or separate building of a public or voluntary home or of a general or special hospital."

Assisted Living Programs are licensed under 18 NYCRR 485.2 (s): "An Assisted living program means an entity which is approved to operate pursuant to Section 485.6(n), and which is established and operated for the purpose of providing long-term residential care, room, board, housekeeping, personal care, supervision, and providing or arranging for home health services to five or more eligible adults unrelated to the operator."

Continuing care retirement communities are "life care facilities" for adults that offer, under one contract, an independent living unit (an apartment or cottage), residential amenities and access to a continuum of long term care services, as residents' health and social needs change over time. CCRCs are required to have a Certificate of Authority from the State Commissioner of Health (per Public Health Code Article 46) and the New York State Department of Insurance. Under the Proposed Action, only certain continuing care retirement communities would be considered "~~senior~~ long term care facilities". To be considered a "~~senior~~ long term care facility" in use group 3, the CCRC must:

- Hold a Certificate of Authority with the State Health Commissioner

- Offer a life care contract (Type A) that includes unlimited enriched housing/assisted living care and unlimited skilled nursing facility services, along with independent housing and residential services and amenities. The resident's monthly fee cannot change due to a change in the level of covered health care required by the resident (except for normal operating costs and inflation adjustment). This means that the resident pays the same monthly fee in the skilled nursing facility as he or she paid in independent housing.

- Consist of one or more buildings (on adjacent or contiguous zoning lots or zoning lots that would be contiguous but for their separation by a street) where 50 percent of the total units and beds included in any CCRC, nursing home, and assisted living facility uses on the same lot (or contiguous lots) are allocated for exclusive nursing home or assisted living facility uses.

Update floor area ratio for New York State licensed ~~senior~~ long term care facilities

With the objective of rationalizing all affordable senior housing and care types, the proposal would also change the allowable floor area for ~~senior~~ long term care facilities. These are community facilities that also have high floor area utilization for support spaces such as clinical service, dining and common areas. Today, nursing homes are allowed higher community facility floor area through special permits, while undefined assisted living facilities sometimes utilize the non-profit residences for the elderly category. Because they are similarly low-impact uses, under the proposal both ~~senior~~ long term care and affordable senior housing would utilize the same floor area ratio maximums, per Section 23-147 or per the Inclusionary Housing Program, whichever is higher. By having the same set of bulk regulations for all the different housing types, developments are facilitated that have multiple options. The proposed maximum floor area ratios for ~~senior~~ long term care facilities outlined by zoning district are shown in Figure 15. These zoning districts are shown in the maps in the Appendix.

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Figure 15: Existing and proposed maximum FAR for senior care facilities

	24-111	**23-147 or 24-111**	
	Community Facility: UG 3 (Nursing Homes and Health Related) per 24-11 or 24-111	**Proposed for ~~Affordable independent residences for seniors and senior~~ long term care**	*Change*
District	**Max FAR**	**Max FAR**	

R1	0.50	0.50	0
R2	0.50	0.50	0
R3	0.50	0.95	0.45
R4	0.75	1.29	0.54
R5	1.27	1.95	0.68
R5B	1.27	~~**1.95**~~1. 35	~~0.68~~0.08
R5D	2.00	**2.00**	0.00
R6	2.43	3.90	1.47
R6A	3.00	3.90	0.90
R6B	2.00	**2.20**	0.20
R7	3.44	5.01	1.57
R7A	4.00	5.01	1.01
R7B	3.00	3.90	0.90
R7D	4.20	**5.60**	1.40
R7X	5.00	**6.00**	1.00
R8	6.02	**7.20**	1.18

R8A	6.02	**7.20**	1.18
R8B	4.00	**4.00**	0.00
R8X	6.00	**7.20**	1.20
R9	7.52	**8.00**	0.48
R9A	7.50	**8.50**	1.00
R9D	9.00	**10.00**	1.00
R9X	9.00	**9.70**	0.70
R10	10.00	**12.00**	2.00
R10A	10.00	**12.00**	2.00
R10X	10.00	**12.00**	2.00

When the underlying FARs are revised, several changes to Special Purpose Districts would be necessary so that affordable senior housing developments within these areas are permitted the same FAR as the underlying zoning districts. The specific Special Districts that would be revised ~~are in the table below~~ are listed at the end of this document in Appendix B.

Remove obsolete definitions

There are several terms in the Zoning Resolution that are no longer used and are therefore obsolete; these include domiciliary care facilities for adults and sanitariums listed in Use Group 3. Domiciliary care facility was previously a State defined category for institutional care; however, this type of care facility no longer exists and is no longer defined in State law. Today, the Zoning Resolution only allows domiciliary care facilities by special permit yet, because they do not exist, the permit has no applicability. Similarly,

sanitariums are not a State-regulated category. Thus, the proposal recommends that these outdated terms be removed, as they are obsolete references to facilities that are no longer in existence.

Provide a framework for mixing of Use Group 2 residences with certain Use Group 3 community facilities

Buildings that mix residences and certain community facilities such as affordable independent residences for seniors, ~~senior~~ long term care and non-profit institutions with sleeping accommodations (NPISAs) are becoming industry best practice. While the application of bulk provisions is fairly straightforward for stand-alone facilities, the regulations are confusing and complicated in instances when developers want to mix residential and these community facility uses; thus the impediments created by zoning should be removed. To resolve this confusion, the proposal would specify that density in mixed community facility and residential buildings would be calculated by subtracting any floor space allocated to affordable senior housing and ~~senior~~ long term care or NPISA use from the maximum permitted residential floor area, and dividing the remainder by the applicable dwelling unit factor of the residence district (set forth in Section 23-22). The proposed text amendment would require that in instances where floor space in a building is utilized by both residential and community facility uses with different permitted FARs, the percentage pertaining to each use would be determined by taking a pro rata share of these common areas based on the percentage that the use occupies in non-common areas of the building.

Finally, while nursing homes and NPISAs generally are currently permitted an FAR that is comparable to that permitted for residences in Residence Districts, in certain zoning districts, Section 24-162 of the Zoning Resolution currently requires that the community facility portion of a mixed building be restricted to less FAR so as not to overwhelm the residential character of a building. In R6 or R7-1 districts, while the permitted FAR for a stand-alone nursing home or NPISA would be 2.43 or 3.44, respectively, in mixed buildings the NPISA component is limited to 1.0 FAR. While this restriction is understandable in mixed buildings containing community facility uses that may deviate substantially from the residential character of a building, it is needlessly restrictive for ~~senior~~ long term care and NPISAs as these uses are harmonious with, and functionally similar to, residential uses. The proposed text amendment would also remove the applicability of these provisions for ~~senior~~ long-term care and NPISAs in R6 and R7-1 districts. In higher density districts, no such Community Facility FAR restriction exists today and that would remain unchanged.

The Quality Housing Program establishes a set of rules that includes minimum apartment sizes, recreation space requirements and incentives for developers to provide amenities such as laundry rooms and daylight in corridors. All of the Quality Housing Program rules and regulations are mandatory in contextual R6 through R10 districts. Thus in a building that combines Quality Housing residential floor area and ~~senior~~ long-term care or non-profit institution with sleeping accommodation Use Group 3 floor area, the floor area deductions are proposed to be computed on the combined floor area. For example, if there is daylight in the corridor, the whole corridor would be included and not just the part that is residential. The same would apply to shared recreation space provided that is available to all the residents. In contextual zoning districts, where the Quality Housing Program is mandatory, the Quality Housing program standards and floor area deductions would also be applicable to standalone Use Group 3 senior long-term care and

NPISAs. This is implied by the existing Section 24-012, but Article II, Chapter 8, to which wholly community facility developments are referred by this section, only has provisions applicable to residences.

These proposals would be located in a proposed new paragraph (c) in existing Section 24-011 (Exceptions to the bulk regulations of this Chapter).

Revise permitted obstructions in rear yard to allow accessory social and amenity spaces to encroach in the rear yard

Section 23-44 lists permitted obstructions in required rear yards or rear yard equivalents. The Proposed Action would add accessory social and welfare facilities in affordable independent residences for seniors and ~~senior~~ long term care facilities. No dwelling units would be permitted within the required yards. Quality Housing required recreation space could also meet the 4 percent common area requirement and be a permitted obstruction in the rear yard, as discussed below under "Modernize Rules That Shape Buildings".

~~*Revise certifications and special permits for nursing homes in 22-42, 74-90*~~

~~The proposal would remove the certification under Section 22-42 and special permit in Section 74-90, except that senior long-term care facilities would continue to require a special permit in R1 and R2 districts. These regulations do not provide a useful supplement to the State Department of Health's Nursing Home licensure requirements but, rather, create an unnecessary obstacle to the provision of needed services to seniors. Further, the findings in the zoning resolution are easily satisfied, given the benefits of these facilities to the city and the extremely low impacts of their senior residents.~~

~~The proposal would not change the allowable floor area for senior long term care facilities in R1 and R2 districts, as per Section 24-111. The proposal would create a single special permit to allow senior long term care facilities in R1 and R2 districts, and also to allow such facilities to apply for the higher Section 24-11 floor area.~~

Remove special permit 74-903 for domiciliary care facilities for adults

The proposed action would eliminate the special permit for domiciliary care facilities for adults. Domiciliary care facilities no longer exist and are no longer a category recognized or authorized by the NYS Department of Health. As per the proposal, this term would be removed from the Zoning Resolution, thus this permit has no applicability.

Modify CPC Special Permit to allow additional bulk for Long Term Care Facilities and certain community facilities in R1 and R2 Districts

Today, community facility uses are permitted as of right, and any Long-Term Care Facility is only permitted by Special Permit under Section 74-902. The proposal would require a Special Permit for any community facility use currently permitted as of right, as well as any Long Term Care Facility permitted under Section

74-901. A new Special Permit available under Section 74-902 would permit the allowable community facility FAR and lot coverage granted under Section 24-11.

Modify CPC Special Permit to allow additional bulk for certain community facility uses in R3-R9 Districts and certain Commercial Districts

Currently there is an existing Special Permit 74-903 for nursing home and health related facilities required in all residence districts and most commercial districts where such facilities are not permitted as of right under Section 22-42. As discussed above, the proposal would create separate use and bulk permits for Long-Term Care Facilities in R1 and R2 districts. It would also create a Special Permit to allow additional bulk for Long-Term Care Facilities or philanthropic or non-profit institutions with sleeping accommodations is proposed for R3-R9 districts.

~~The proposal would also remove the special permit in Section 74-903 for domiciliary care facilities for adults. This use is obsolete, and is proposed to be removed by this proposal; therefore this special permit would not have applicability.~~

MODERNIZE RULES THAT SHAPE BUILDINGS

The proposal is seeking to modify several building envelope and other controls to remove impediments to the construction of Housing in the city. Specifically the proposal aims to address the following through changes to the Zoning Resolution:

- General building envelope modifications;
- Enhanced building envelope modifications for Inclusionary and affordable senior housing;
- Improved design flexibility;
- Modifications for constrained lots

General building envelope modifications

Adjust height controls in moderate- and high-density districts

In order to facilitate more cost effective construction, improve design flexibility and bolster the quality of the city's housing supply, a revised set of assumptions for a prototypical building configuration are included in the proposal to reflect current best practices in residential design. These assumptions also are more akin to many of the historic standards that continue to make pre-1961 residences desirable.

First, the proposal ~~assumes~~ accommodates a ground floor height of 15' to facilitate taller retail spaces in commercial districts and elevated ground floor units in residential districts. Next, the proposal ~~assumes~~ accommodates a building depth of 60' in moderate-density districts (R6A, R7A, R7D) and a depth of 65' in high-density districts (R7X, R8A, R8X, R9A, R9X, and R10A) in order to ~~accommodate~~ allow block and plank construction in districts with a maximum height less than 14 stories. In residential districts, the proposal accommodates a building set back of 5' from the street line to provide planting and separation from the street line and to allow for façade articulation (in conjunction with street wall location provisions). Lastly, floor area exemptions are assumed for typical mechanical spaces, as permitted by the zoning definition of floor area; Quality Housing recreation space, laundry rooms, trash rooms and corridor density, as permitted pursuant to Article II, Chapter 8; and a 4" façade deduction pursuant to the Zone Green thick wall exemption, as permitted by the definition of floor area in Section 12-10, in districts with a maximum height below 14 stories (to correspond with block and plank construction, where 8" masonry walls are typically clad with rigid insulation and facade materials).

When these revised assumptions are applied to a prototypical building, the current bulk envelopes are often unable to accommodate the permitted floor area ratio. As discussed in the Purpose and Need section above, ~~without drastically~~ this is commonly reflected under current zoning in reduced the design quality (reduced floor to floor heights, increased building depths, no façade articulation, etc.)~~, as discussed in the Purpose and Need section above~~. To address these shortfalls and to build in the flexibility for architects to design buildings with façade articulation and quality ground floor spaces, the proposal includes increases to the maximum permitted base and overall heights. In many districts today, either the base height or the overall height is divisible by 10', meaning that a 15' ground floor would inherently be out of sync with the envelope. In many districts, simply adding 5' to either the maximum or overall height solves this problem and allows an additional story. In a few inherently constrained districts, another story in addition to the 5' (for a total of 15') is needed to provide sufficient flexibility in the new envelope. In order to limit potential misuse of these new heights (fitting additional stories into the larger envelope instead of providing more generous ceiling heights), the proposal is introducing a maximum number of permitted stories, which should roughly correlate to the number anticipated under the original Quality Housing proposal for each district. The specific proposal for each district is shown in Figure 16 below and the applicable zoning districts are shown in the maps in the Appendix.

In non-contextual zoning districts, this would also apply to applicable developments utilizing the Quality Housing regulations, where the underlying height factor regulations do not offer a clear method for calculating the permitted building form with the higher permitted floor area ratio.

In all cases, the additional proposed height must first be allocated to the ground floor, ensuring a "qualifying ground floor". A qualifying ground floor is one where the level of the finished floor of the second story above grade is 13 feet or more above the sidewalk – resulting in a building where the ground floor has sufficient height to provide quality ground floor retail or residential space. After the construction of a qualifying ground floor, the building may be permitted to achieve the full heights proposed in Figure XXXX below.

If a building does not provide a qualifying ground floor, permitted maximum overall heights as shown in Figure XXXX below are reduced by 5 feet – resulting, in most cases, to no change to permitted heights over the existing condition.

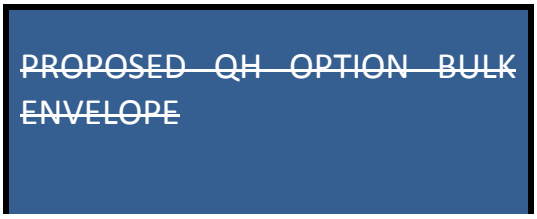
Figure 16: Existing and proposed maximum heights for contextual districts

	PROPOSED CONTEXTUAL BULK MODIFICATIONS			
	Maximum **Base Height**		Maximum **Overall Height**	
	Existing	Modified	Existing	Modified
R6B	40’	45’ (or 4 stories)	50’	55’ (or 5 stories)
R6A	60’	65’ (6 s)	70’	75’ (7 s)
R7B	60’	65’ (6 s)	75’	75’ (7 s)
R7A	65’	75’ (7 s)	80’	~~95’~~85’ (~~9~~8 s)
R7D	85’	85’ (8 s)	100’	105’ (10 s)
R7X	85’	95’ (9 s)	125’	125’ (12 s)
R8B	60’	65’ (6 s)	75’	~~85’~~75’ (~~8~~7 s)
R8A	85’	~~95’ (9s)~~ 105’ (10s)	120’	125’ (12 s)
R8X	85’	95’ (9 s)	150’	155’ (15 s)
~~R9A~~	~~95’~~	~~105’ (10 s)~~	~~135’~~	~~145’ (14 s)~~

~~R9X~~	~~120'~~	~~125' (12 s)~~	~~160'~~	~~175' (17 s)~~
~~R10A~~	~~125'~~	~~135' (13 s)~~	~~185'~~	~~195' (19 s)~~
R9A (narrow street)	95'	105' (10 stories)	135'	145' (14 stories)
R9A (wide street)	95'	105' (10 stories)	145'	155' (15 stories)
R9X	120'	125' (12 stories)	160'	175' (17 stories)
R10A (narrow street)	125'	135' (13 stories)	185'	195' (19 stories)
R10A (wide street)	125'	155' (15 stories)	210'	215' (21 stories)

In non-contextual districts utilizing the Quality Housing option, the proposal is generally seeking to make the district envelope comparable to that of a comparable 'A' zoning district. For example, a development on a wide street in an R6 district utilizing the Quality Housing option would have a Residential FAR equal to that of an R6A district, and thus it is rational that the proposed envelopes would be the same. The modified provisions are shown in Figure 17 below. The applicable zoning districts are shown in the maps in the Appendix.

Figure 17: Existing and proposed maximum heights for Quality Housing options



	~~Base~~	~~Overall~~
~~R6 narrow street~~	~~45' (or 4 stories)~~	~~55' (or 5 stories)~~
~~R6 wide street~~	~~65' (6 s)~~	~~75' (7 s)~~
~~R7 narrow street~~	~~65' (6 s)~~	~~75' (7 s)~~
~~R7 wide street~~	~~75' (7 s)~~	~~95' (9 s)~~
~~R8 narrow street~~	~~95' (9 s)~~	~~125' (12 s)~~
~~R8 wide street~~	~~105' (10 s)~~	~~145' (14 s)~~
~~R9 (narrow or wide street)~~	~~105' (10 s)~~	~~145' (14 s)~~
~~R10 narrow street~~	~~135' (13 s)~~	~~195' (19 s)~~
~~R10 wide street~~	~~155' (15 s)~~	~~195' (19 s)~~

HEIGHT CHANGES FOR QUALITY HOUSING BUILDINGS IN NON-CONTEXTUAL DISTRICTS				
-	Base Height		Overall Height	
District	Existing Max Height	Proposed Max Height	Existing Max Height	Proposed Max Height (stories)
R6 (narrow street)	45'	45'	55'	55' (5 stories)

R6 (wide street w/in Manhattan Core)	55’	55'	65’	65' (6 stories)
R6 (wide street outside Manhattan Core)	60’	65'	70’	75’ (7 stories)
R7 (wide street w/in Manhattan Core)	60’	65'	75’	75’ (7 stories)
R7 (wide street outside Manhattan Core)	65’	75'	80’	85’ (8 stories)
R8 (wide street w/in Manhattan Core)	85’	95'	120’	125’ (12 stories)
R8 (wide street outside Manhattan Core)	85’	95'	120’	145’ (14 stories)
R9 (narrow street)	95’	105'	135’	145’ (14 stories)
R9 (wide street)	102’	105’	145’	155’ (15 stories)
R10 (narrow street)	125’	135'	185’	195’ (19 stories)
R10 (wide street)	150’	155'	210’	215’ (21 stories)

In addition to the underlying changes, similar building envelope modifications would be made to many Special Districts, as well as to R5D, C4-4L and M1-6D districts, and Waterfront areas (subject to Article VI, Chapter 2), which all need to account for the new assumptions being established (15' ground floor and 10' floor to floor above).

Create more-efficient building setback rules

Currently, setbacks above the maximum base height are required on both the front and rear of the building. The combination of these setbacks poses a severe impediment to cost-effective construction, efficient upper story layouts and even an attractive streetscape.

Front setbacks in contextual zoning districts currently require upper stories above the maximum base height to set back 15 feet from the street wall of building base on narrow streets and 10 feet on wide streets. Since this is measured from the street wall, even if the building is set back 5 feet or 10 feet to create a separation from the sidewalk, the minimum 10 feet or 15 feet setback is still required. This gives little incentive to set the building back at ground floor to provide quality ground floor streetscapes as upper stories would be seriously constrained by the limited depth imposed by setbacks on two sides, not to mention the need to align vertical circulation cores with lower stories.

Rear yard setbacks require upper stories above the contextual base to set back 10 feet from the rear yard line, which is 30 feet from the rear lot line on an interior lot. No rear yard setback requirements apply on corner lots. Since the location of the rear yard setback is fixed, shifting the building towards the street can mean eliminating one costly setback for developers in districts with lax street wall location requirements – at the expense of the streetscape and the quality of ground floor units.

In order to remedy these complementary problems, the proposal includes modifications to both the front and rear yard setback requirements. First, the front setback would be measured from the street line of the building. In order to encourage a separation between the sidewalk and the building (and reduce costly structural reinforcing below setbacks) the front setback may be reduced by one foot for every foot that the building is set back from the property line, provided that a minimum setback of 5 feet must be provided from the street wall. For example, a building on a narrow street located on the street line would continue to require a 15 foot setback, whereas a building that was set back from the sidewalk by 5 feet would be able to reduce the setback above the base height to 10 feet (5 foot setback at grade + 10 foot setback above base = 15 foot total setback). Second, the proposal seeks to remove the rear yard setback requirement. The 60-foot rear yard (resulting from two 30' yards abutting each other) should suffice to ensure adequate light and air to rear-facing portions of buildings. The combination of these provisions would allow buildings to be designed to provide greater separation and plantings between ground floor units and adjoining sidewalks and would allow upper story units to be designed with much greater ease, cost effectiveness and efficiency.

These provisions would apply to all R6-R10 contextual districts as well as to Commercial and Manufacturing equivalents that utilize 10' and 15' setbacks along narrow and wide streets as part of an established envelope, including within Special Districts.

Remove unnecessary corner lot coverage restrictions

In order to facilitate more urbanistic approaches to corner lot design, namely in allowing a building to be designed to wrap around the corner without diminishing the depth of its floor plate, the proposal would allow 100 percent lot coverage for the residential portion of Quality Housing buildings, and eliminating lot coverage for interior lots that are within 100 feet of a corner and therefore do not have a required rear yard. This would likely only be achievable on lots of 5,000 square feet or less, which is a practical limit for a building designed with a single-loaded corridor on the inside face of the building that accesses units fronting upon adjoining streets to provide legal windows. Meanwhile, for lots with areas greater than 5,000 square feet, legal windows on the inside ring of a double loaded corridor would need to be provided with frontage upon a legal inner or outer court, which would typically reduce the effective lot coverage below 90 percent.

Modifying this provision would give more flexibility in how these courts are provided, which is especially important on angled corner lots.

When these modifications are made to the underlying districts, the corner lot provisions of several Special Districts would need to be modified as well, as they mimic (but also supersede) the underlying provisions. Some of these Special Districts also included 100 percent coverage allowances for small corner lots up to 5,000 square feet, which would now be unnecessary and can be eliminated~~. These Special Districts are listed below.~~ In addition, the Waterfront regulations set forth in Article VI, Chapter 2, would be modified in step with the underlying, as would C4-4L district provisions, and special provisions for Borough Park in Brooklyn, which are set forth in Section 23-146.

Provide a more balanced building transition rule

In order to establish a better transition along district boundaries between the maximum heights permitted within lower density R1-R6B Residence Districts and moderate- and higher-density R6-R10 Residence Districts, the text amendment is proposing to create an intermediate height within the 25 foot buffer zone. This would provide a better height transition between the two districts (rather than a prolongation of the lower density height) and would reduce the constraint on the higher density building envelope.

Specifically, within the applicable R6-R10 district, the height of a building within 25' of the district boundary adjoining an R1-R5 district, or an R6B district, would not be able to exceed the base height of the specific district, or a height of 75', whichever is less, as shown in the table below.

Figure 18: Existing and proposed maximum base heights in transition areas

	Modified Base Height	Permitted transition height
R6A	65’ (6 s)	65’ (6 s)
R7B	65’ (6 s)	65’ (6 s)
R7A	75’ (7 s)	75’ (7 s)
R7D	85’ (8 s)	75’ (7 s)
R7X	95’ (9 s)	75’ (7 s)
R8B	65’ (6 s)	~~75’ (7 s)~~ 65’ (6 s)
R8A	95’ (9 s)	75’ (7 s)
R8X	95’ (9 s)	75’ (7 s)
R9A	105’ (10 s)	75’ (7 s)
R9X	125’ (12 s)	75’ (7 s)
R10A	135’ (13 s)	75’ (7 s)

Enhanced building envelopes for inclusionary and affordable senior housing

While buildings providing affordable senior housing or care facilities, or affordable housing in Inclusionary Housing Designated Areas in R6-R10 districts currently receive increased floor area, the contextual

envelope does not change. As shown in the Purpose and Need section, this severely limits the ability of the building envelope to accommodate all of the permitted floor area without diminishing housing quality (including minimizing floor to floor heights, increasing floor plate depths, and limiting façade articulation).

Adjust height controls

In order to facilitate better the permitted Inclusionary and affordable senior housing or care facility floor area (and incidentally allow for better building design), the proposal would establish additional heights that would better correlate to the increased FAR allotted to each zoning district. Moderate density districts tend to need 1 - 2 additional stories in order to accommodate the higher permitted FAR, whereas higher density districts need 3 - 4 stories, depending on the district.

Since contextual districts have a rough proportional relationship between base heights and overall heights (which helps limit the perceptibility of upper stories from the sidewalk). The proposed additional heights for Inclusionary and affordable senior housing buildings are set forth by district in Figure 19 below.

In non-contextual zoning districts, this would also apply to applicable developments utilizing the Quality Housing regulations, where the underlying height factor regulations do not offer a clear method for calculating the permitted building form with the higher permitted floor area ratio.

In all cases, the additional proposed height must first be allocated to the ground floor, ensuring a "qualifying ground floor". A qualifying ground floor is one where the level of the finished floor of the second story above grade is 13 feet or more above the sidewalk – resulting in a building where the ground floor has sufficient height to provide quality ground floor retail or residential space. After the construction of a qualifying ground floor, the building may be permitted to achieve the full heights proposed below.

If a building does not provide a qualifying ground floor, permitted maximum overall heights as shown below are reduced by 5 feet.

Figure 19: Existing and proposed maximum heights for Inclusionary Housing, Affordable Independent Residences for Seniors, and Long term Care Facilities ~~and Senior Housing~~

PROPOSED INCLUSIONARY HOUSING BULK MODIFICATIONS	
Base Height	**Overall Height**

	Additional Height	Total Height	Additional Height	Total Height
~~R6B~~	~~0'~~	~~45' (or 4 stories)~~	~~10'~~	~~65' (or 6 stories)~~
R6A	0'	65' (6 s)	10'	85' (8 s)
R7A	0'	75' (7 s)	10'	105' (10 s)
R7D	10'	95' (9 s)	20'	125' (12 s)
R7X *(AIRS only)*	10'	105' (10 s)	20'	145' (14 s)
R8A	10'	105' (10 s)	20'	145' (14 s)
R8X	10'	105' (10 s)	20'	175' (17 s)
R9A	23'	125' (12 s)	30'	175' (17 s)
R9X	20'	145' (14 s)	30'	205' (20 s)
R10A	20'	155' (15 s)	40'	235' (23 s)

These increased heights would be available to developments providing affordable housing within Inclusionary Housing Designated Areas, as shown in the maps in the Appendix. Additionally, these provisions would be available to developments comprised of at least 20 percent affordable senior housing or long term care facilities – irrespective of whether they are within or outside of Inclusionary Housing Designated Areas. These enhanced height provisions would also apply to Special Districts that are also within Inclusionary Housing Designated Areas, or permit the increase in senior housing floor area.

Permit residential accessory uses on ground floors in rear yards

In order to facilitate greater envelope flexibility in accommodating the additional floor area allocated to affordable housing developments within Inclusionary Housing Designated Areas, the proposal would

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', which correlates with DCP's revised assumptions for ground floor heights. This option would be applicable to developments with 9 or more dwelling units, which correspond to the threshold at which recreation space is required in Quality Housing buildings, and would not be permitted in 'B' districts so as not to impair the character of these more-traditional neighborhoods. A similar provision is being proposed for developments providing affordable senior housing, which would give additional flexibility in accommodating accessory uses such as the facility's common space, dining areas, recreation space and other shared amenities.

If additional floor area can be absorbed on the ground floor, less pressure would be exerted on the bulk envelope. This in turn would provide more flexibility for designers to incorporate building articulation, sizable floor-to-ceiling heights and even potentially lower overall building heights.

In order to facilitate this allowance for Quality Housing required amenities, the daylighting standards for laundry and recreation space would be amended to facilitate sky-lit spaces (as an alternative to a community facility court).

Remove narrow lot restrictions

The sliver law, which is the colloquial name for special provisions that pertain to narrow buildings of less than 45 feet wide in R7-2, R7D, R7X, R8, R9, and R10 Residence Districts and their Commercial equivalents, restricts building heights generally to the width of the street they front upon, or a height of 100 feet, whichever is less. In contextual districts, this constitutes a redundant, and often more restrictive height cap. Since the provision bases permitted height on the width of the street and not the amount of permitted floor area, sliver law applicability drastically curtails the ability of narrow lot developments participating in the Inclusionary Housing Program to provide their full permitted floor area. Therefore, the proposal would eliminate sliver law applicability for these building types, and rely on the underlying Quality Housing envelopes to establish height caps, as is the case for wider buildings. This provision would apply ~~in both~~ only to developments participating in the Inclusionary Housing Program and providing affordable units on site. ~~Designated Areas, as well as to locations where affordable housing is provided off-site through the Inclusionary Housing Program~~.

~~*Create a new non-contextual building envelope for affordable housing (R6-R10)*~~

Create a new non-contextual building envelope for Affordable Independent Residences for Seniors and Long Term Care Facilities (R6-R8) on zoning lots adjacent to certain types of infrastructure

In order to maintain a non-contextual development option in areas of the city that warrant additional flexibility, such as parcels abutting rail lines and freeways, the proposal would create an alternative

building envelope for non-contextual R6-~~R10~~ R8 districts. The proposed alternative would be akin to the alternative heights established for non-contextual districts in Special Mixed Use Districts, and would be combined with Quality Housing maximum lot coverage and maximum floor area ratios.

Quality housing lot coverage is set forth in Section 23-145, and ranges from 65-70 percent for interior lots, depending on the district, and for corner lot (or corner lot portions of a larger lot), the percentage would be revised to 100 percent pursuant to this proposal (legal windows would continue to need to front on streets or legal open spaces like yards or courts). Quality Housing floor area ratios within Inclusionary Housing Designated Areas are currently set forth in Section 23-952.

~~This alternative envelope would also extend to senior housing developments in R6 –R10 non-contextual Residence Districts throughout the city (inside and outside of Inclusionary Housing Designated Areas). The proposed heights are set forth in Figure 20 below.~~

Figure 20: Proposed maximum heights for non-contextual building envelope for Affordable Independent Residences for Seniors and Long Term Care facilities adjacent to certain types of infrastructure

	PROPOSED ALTERNATE BULK ENVELOPE FOR NON-CONTEXTUAL R6-~~R10~~ R8 Districts	
	Base Height	Overall height
R6	65	115
R7	75	135
R8	105	215
~~R9~~	~~105~~	~~225~~
~~R10~~	~~155~~	~~355~~

Create new lower-density bulk envelope for affordable senior housing and care facilities (R3-R5)

The proposal would create a more workable as-of-right bulk envelope for affordable senior housing and care facilities in R3–R5 Residence Districts (where districts permit multiple dwellings) so that developers would not be required to obtain City Planning Commission (CPC) authorizations to accommodate the additional floor area allocated to these facilities. Specifically, the envelope would permit a height of 45' within 25' of the street line, and beyond 25', allow a maximum building height of 65'. Yard requirements of the underlying district would continue to apply..

This revised envelope would accommodate the majority of the height modifications sought by applicants through CPC authorization, but nonetheless, the existing authorization would remain available for unforeseen site circumstances.

Provide additional density for ***Affordable Independent Residences for Seniors*** in ~~***future***~~ R7X and R7-3 ~~***rezonings***~~

In order to ensure that all districts have a meaningful increase in floor area for the provision of affordable independent residences for seniors ~~affordable housing~~, as compared to the standard district floor area ratio, the proposal would increase the permitted FAR in R7X and R7-3 districts from 5.0 to 6.0 ~~in Inclusionary Housing Designated Areas mapped in the future~~. This change would also aid in filling a gap in incremental density increases between R7D (5.6) and R8A (7.2) districts. ~~The increased floor area ratio would also apply to affordable senior housing and care facilities provided in both currently mapped as well as prospective R7X and R7-3 districts.~~

Developments that utilize this provision for additional FAR ~~(whether as part of an affordable senior housing or Inclusionary Housing development)~~ would be permitted additional height in order to accommodate this additional floor area, as outlined above.

Encourage variety and better design flexibility

Provide greater clarity and design opportunities in street wall regulations

For all R6-R10 contextual Residence Districts, and their commercial equivalents in mixed buildings, the proposal would introduce new provisions to clearly stipulate permitted façade articulation.

Generally the proposal would permit three incrementally larger types of articulation. First, the proposal would clarify where the street wall must be located (pursuant to line-up provisions). This initial street wall location would allow for a 12” deviation to allow for minor articulation, such as structural expression. Secondly, the proposal would stipulate that wherever the street wall is located, in all districts, up to 50 percent of the street wall may project (within the limits of the property) or be recessed up to 3'. Finally, in A, D and X districts, up to 30 percent of the street wall would be permitted to be recessed to the minimum setback distance (unless located within an outer court). This 30 percent allowance for a deeper recess would not be cumulative with the 50 percent allowance.

In order to facilitate elevated ground floor units in Residence Districts, the proposal would stipulate that deeper recesses can be utilized to accommodate exterior ramps and provide handicap accessibility to the building lobby as described further below.

~~The following~~ Certain Special Districts mimic underlying contextual street wall provisions, and would be revised pursuant to underlying modifications, as would special street wall provisions for M1-6D districts and waterfront areas, set forth in Section 43-624 and Section 62-341, respectively.

Match line-up provision requirements to intent

The proposal would make several modifications to the contextual district street wall line-up provisions in order to simplify and clarify the existing regulations.

First, in R6A, R7A, R7D, R7X, and R9D districts, the proposal would reduce the dimension of eligible buildings to line-up with, from those within 150' on the same block to adjacent buildings. Second, in these districts, the proposal would reduce the eligible threshold of adjacent buildings to line-up with from 15' from the street line to 10' from the street line. At the same time, R6B, R7B and R8B districts would allow new developments up to 3' of setback regardless of the street wall of the adjacent buildings, in order to permit some articulation and architectural features between the building and the sidewalk. This would eliminate the potential of being forced to line-up with a non-contextual building. Finally, in these same districts, the proposal would add specificity to line-up provisions, such as how to determine the permitted street wall location when an adjoining building has multiple façade surfaces (such as a brownstone with bay windows).

Provide more-useable court regulations

In order to facilitate more frequent utilization of court provisions, the proposal would modernize many of the proportional and dimensional standards to make their implementation more feasible with contemporary building depths and construction practices.

For outer courts in R6-R10 districts, the proposal would modify the minimum width to depth ratio to 1:1 for narrow outer courts and outer court recesses (which are currently 1 1/3:1 and 2:1 respectively), and for outer courts wider than 30', the proposal would remove the requirement that the outer court width should equal depth. The latter revision would facilitate wide outer courts of any depth. Similarly, for inner courts in R6-R10 districts, the proposal would reduce inner court recess width to depth ratio to 1:1.

In order to greater facilitate design options, the proposal would establish a new 'small court' typology for R6-R10 districts with dimensions less than 30' so long as the court was entirely below a height of 75' and further provided that no legal windows front upon these spaces and a minimum dimension of 10' is maintained. This would create another viable mechanism for designers to incorporate windows into kitchen and bathroom layouts.

Clarify and simplify retail and other ground floor regulations

In order to simplify and standardize the array of disparate ground floor retail, transparency and parking wrap regulations in many Special Purpose Districts, the proposal is seeking to establish a single set of provisions.

Where retail depth requirements apply, the proposal would standardize the required depth to 30'. Additionally, the proposal would stipulate that this depth would apply to only 75 percent of the required ground floor level frontage, with 20' retail depth required for the remaining 25 percent of the required frontage. In all instances, structural columns and vertical circulation cores accessing upper story spaces would be permitted to obstruct the minimum retail depth.

Where transparency requirements apply, the proposal would utilize the standards of the Special Enhanced Commercial District and stipulate that transparency is required for 50 percent of the ground floor level street frontage, as measured between a height of 2' and 12' above the level of the adjoining sidewalk.

Where parking wrap requirements apply, the proposal would utilize the standards established in the Manhattan Core Parking text amendment. In Commercial Districts the ground floor would be required to be wrapped by floor area to a depth of 30', except for permitted entrances and exits to the facility. Parking above the ground floor could be screened by floor area, a false façade that emulates upper stories, or decorative screening. In Residence Districts with parking wrap requirements, parking could be screened by floor area, a planted buffer, false façade (a façade pattern that emulates the façade pattern of the portion of the building above the garage) or decorative screening at any level.

~~The~~ Certain Special Districts containing transparency, retail depth and parking wrap provisions ~~that~~ are proposed to be consolidated into a single set of provisions~~, are set forth in the table below~~ are listed at the end of this document in Appendix B. In addition, M1-6D districts, the Commercial equivalents of R7D and R9D districts, and buildings that provide fresh foods stores pursuant to FRESH, all contain supplemental retail provisions that would be revised accordingly.

Remove or modify unnecessary window regulations

The proposal would remove the requirement for double glazed windows from the Quality Housing regulations, as these regulations have been superseded by the Building Code. In Special Mixed Use Districts the proposal would establish a mechanism for property owners to modify the existing window wall attenuation requirement of 35 dB(A) through the Mayor's Office of Environmental Remediation, similar to the existing process for (E) designations found in Section 11-15.

A few other Special Districts also have double glazed window or window wall attenuation requirements. These ~~are listed below and~~ would be revised in accordance with the proposal for Quality Housing and Mixed-Use Districts, accordingly.

Clarify use location provisions

In Special Purpose Districts that incorrectly modified the underlying location of use provisions to allow "non-residential" uses on the same floor as or above residential uses so long as these uses are self-contained, the proposal would amend the phrase "non-residential" to "commercial", or additionally manufacturing in Special Mixed Use Districts, so that community facility uses can co-locate within the same corridor as residential uses. This is consistent with the underlying zoning regulations. These Special Districts are listed ~~in the table below~~ the end of this document in Appendix B

Modernize density factor and unit size requirements

In order to facilitate greater apartment mixes in building design, and allow viable small units, the proposal would strike the minimum unit size requirement from Quality Housing requirements. Density requirements would still apply, as would minimum room size requirements in the NYC Building Code and Housing Maintenance Code and the state Multiple Dwelling Law. These establish an effective minimum unit size of about 275 square feet for a studio apartment.

Additionally, in R8- R10 Residence Districts the proposal is seeking to revise the Dwelling Unit Factor to equal that of R6 and R7 districts (680 square feet), so that zoning districts that permit more floor area have comparable increases in maximum unit density. Finally, the proposal would eliminate rooming unit factors, which have no effective applicability. New rooming units, as defined by the Zoning Resolution as residences, are not permitted by other applicable laws. Existing rooming units would continue to be permitted to remain.

Consistent with best practices in senior housing design, the Proposed Action also would remove the density factors listed in Section 23-221 for non-profit residences for the elderly.

Other obsolete density provisions, including those with references to rooming units, would be reconciled. These Special Districts are listed ~~in the table below~~ the end of this document in Appendix B

Encourage elevated residential ground floors

In order to facilitate elevated ground floor residences, the proposal would create two provisions to better accommodate accessible ramps in contextual zoning envelopes. First, the proposal would incorporate into the Quality Housing regulations of Article II, Chapter 8 a floor area exemption of 100 square feet for each foot the ground floor is raised above curb level to accommodate an interior ramp in the residential lobby. Second, the text amendment's proposed revision to permitted recesses (allowing 30 percent of the street wall to recess to the permitted setback distance in most districts) would typically be large enough to now accommodate a ramp on the exterior of the building.

Eliminate Quality Housing study areas

The proposal would remove the Quality Housing Study Areas. Optional Quality Housing provisions would not be restricted in the geographies designated in Section 23-011 (c), where the existing restrictions have little, if any effect at present.

Flexibility for constrained lots

Provide improved yard and coverage regulations for shallow lots

In order to facilitate more-efficient construction on shallow zoning lots, the proposal would extend the applicability of rear yard reduction provisions to lots, or portions thereof, shallower than 95 feet in R6-R10 Residence Districts and their Commercial equivalents, and would allow a reduction of the rear yard requirement at the rate of 6 inches for every foot less than 95 feet. For example, an 85 foot deep lot would be able to reduce the rear yard requirement by 5 feet, allowing a maximum 60 foot deep building, rather than the current 55 feet, and a much more-efficient floor plate. Similar to the current provisions, no rear yard would be able to be reduced to less than 10 feet, and required minimum distances between legal windows and lot lines would still apply. The provision would be applicable to any lot, regardless of its date of creation. However, lots would be restricted from splitting formerly compliant lots in order to meet the 95 feet dimension.

With these changes to rear yard provisions, modifications to several other provisions are necessitated. First, the same reduction in rear yard requirements would need to be afforded to shallow through lots. This can be done by effectively mirroring the provision over the centerline of the block, and offering a rear yard equivalent reduction of 12 inches for every foot the through lot is less than 190 feet. For example, a 170 foot deep through lot would be able to reduce the required rear yard equivalent by 20 feet (to 40 feet). Additionally, with the rear yard being reduced, the interior lot coverage would need to be increased in a similar incremental scale for these shallow lots in order to effectively maximize the buildable depth. No rear yard equivalent would be permitted to be reduced to less than 40 feet, as the minimum distance between buildings on the same zoning lot regulations would still apply.

These modifications to rear yard regulations would also be made to the ~~following~~ certain Special Districts, as well as M1-6D districts, to establish consistency with the proposed underlying provisions.

Rationalize street wall requirements for acutely-angled sites

In R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X equivalent Commercial Districts, which have 100 percent street wall requirements pursuant to Section 35-24, the proposal would allow a reduction to 70 percent of each street frontage for corner lots with an interior angle of less than 75 degrees. This would allow the corner to be chamfered and the apartments to be configured in a more practical manner. Special provisions created for C4-4L would no longer be necessary and would be eliminated.

Provide additional flexibility for irregular topography

To provide an extra measure of flexibility for sites with irregular terrain, for zoning lots in R6-R10 Residence Districts and their Commercial equivalents, the proposal would modify the threshold at which a sloping base plane can be established to sites with a 5 percent grade change between the front and rear wall.

Update outdated distance between buildings regulations

Where rear yard and rear yard equivalent provisions are modified for shallow lots, the minimum distance between legal windows and lot lines and minimum distance between buildings requirements would need to be reduced to correlate with the applicable reduction in rear yards or rear yard equivalents. However, the minimum distance between legal windows and lot lines would not be permitted to be reduced to less than 20 feet, and the minimum distance between buildings on the same zoning lot would not be permitted to be reduced to less than 40 feet.

Additionally, the provisions that stipulate minimum distances between buildings on the same zoning lot would be clarified to delineate those that apply to single and two family homes and those that apply to multiple dwelling buildings. The provisions for the latter would be revised in R6-R10 Residence Districts and Commercial equivalents to mimic the provisions set forth in the state Multiple Dwelling Law, which stipulates portions of buildings below a height of 125’ shall be no closer to one another than 40’ and portions above shall be no closer than 80’.

~~The following~~ Certain Special Districts contain modifications to the underlying distance between building regulations that would be modified to now be consistent with the underlying. These Special Districts are listed ~~in the table below~~ the end of this document in Appendix B

Create a new discretionary action for unforeseen site circumstances

In order to create a means to modify building envelope regulations for unforeseen site irregularities, the proposal would establish a new discretionary action to help to ensure that irregular sites have a mechanism to accommodate the permitted floor area, especially if the particular irregularity affects adjoining sites (such as an irregular street grid) and might make the site ineligible for a variance (as uniqueness has to be demonstrated).

REDUCE UNECCESSARY PARKING REQUIREMENTS FOR AFFORDABLE HOUSING

Establish the Transit Zone

In order to facilitate zoning regulations applicable for a specific geography across a large portion of the city, a new defined term, the Transit Zone would be defined in the Zoning Resolution.

The Transit Zone would encompass ~~all~~ blocks within multi-family zoning districts (R3-2, R4, R5, R5B, R5D, R6-R10) that are roughly within a half mile walking distance of a subway station. It would also encompass portions of the New York City that may be outside this half-mile walking district, but where the Inner Ring Parking Study and 2010 PUMA data identified car ownership and utilization patterns that closely resemble the patterns observed in transit-rich areas. These areas include neighborhoods such as Hallets Point in Queens, Red Hook in Brooklyn, and Morrisania in the Bronx. The Transit Zone does not include some neighborhoods that may have zoning and proximity to transit as defined above, but where car ownership and utilization patterns are atypically high. Examples of such neighborhoods include Riverdale in the Bronx, Bay Ridge and other portions of South Brooklyn and Howard Beach in Queens. The Transit Zone is shown in the maps in the Appendix.

The Inner Ring study also demonstrated that car ownership rates in multifamily zoning districts (R3-2, R4, R5, R5B, R5D, and R6-R10 districts) are lower than car ownership rates in single family zoning districts. Multi-family affordable and senior housing is almost uniformly built in multi-family zoning districts. Upon confirmation of car ownership variation by proximity to transit demonstrated in Figure 21, the Transit Zone geography was further refined to include only those blocks zoned for multifamily housing and, in some locations, only high-density (R6 and higher) multi-family housing.

Figure 21: Cars per 100 Households (>3 dwelling units, all tenure)

	All housing since 2000	**100 percent affordable since 1990**	**202-funded senior housing**	**Other ~~senior~~ long term care facilities**
Within Transit Zone	25	20	5	1
Outside Transit Zone*	59	62**	11**	1**

** excludes MN Core, Long Island City, and Downtown Brooklyn where there are no parking requirements*

*** there were few new developments of these housing types in this geography*

Modify Section 25-25 (A-E) to remove obsolete definitions and requirements

In order to clarify and simplify parking requirements for affordable and senior housing, Section 25-25 would be modified to include only two categories: one for qualifying affordable housing units, and one for qualifying independent housing for seniors.

Columns A, B, C and E that apply to a variety of affordable housing typologies, would be condensed to a single set of off-street parking provisions for qualifying affordable housing units.

Current Column D would be updated to better reflect the type of affordable housing built for seniors, and would be updated with off-street parking provisions that are aligned with the demand for off-street parking.

Qualifying affordable housing would be defined as "affordable housing units" as defined in Section 23-911, whether or not those units are created pursuant to the Inclusionary Housing Program. This definition is similar to that used to qualify for a parking waiver in the Special Downtown Brooklyn District; this special provision would no longer be needed and would be eliminated.

Existing inconsistencies in reduced parking for affordable housing

Under existing regulations, where affordable housing is built in the Special St. George District in Staten Island, the parking requirements for these units is aligned with the parking requirements for market-rate units. The intent of the parking requirements for this Special District was to ensure that every unit of market-rate development was built with a parking space. The zoning text unintentionally included income-restricted units in this requirement and, as such, the parking requirements for these income-restricted units is unnecessarily high. Under the proposal, income-restricted housing units developed within the Special St. George District in Staten Island would have a parking requirement aligned with the relevant zoning district requirements of Section 25-25 of the Zoning Resolution.

Under existing regulations, where affordable housing is built in Queens Community Board 14 in zoning districts R6 and higher, the parking requirements are aligned with requirements for an R5 zoning district. The intent of the parking requirements in this area was to ensure that higher-density market-rate developments are built with a parking requirement of a medium-density district. The zoning text unintentionally included income-restricted units in this requirement and, as such, the parking requirements for these income-restricted units is unnecessarily high. Under the proposal, income-restricted housing units developed in Queens Community Board 14 would have a parking requirement aligned with the mapped zoning district requirements of Section 25-25 of the Zoning Resolution.

Off-street parking within the Transit Zone

Eliminate parking requirements for qualifying affordable housing within the Transit Zone

The proposal would eliminate parking requirements for qualifying affordable housing units within the Transit Zone. Car ownership rates among residents of low-income housing are lower than rates among residents of market-rate housing citywide, and especially near public transportation options. The provision of required parking is costly, and may be borne by the development using funds that could have

been used towards additional housing units or amenities. Without this requirement, more housing units could be built with the same amount of public subsidy.

Developments that include qualifying affordable housing units, and other units, would have the applicable requirements applied separately to each category of housing unit. Parking waivers for a small number of required spaces [Section 25-26] would be applied to the total of all required parking.

Eliminate parking requirements for independent housing for seniors in multifamily districts within the Transit Zone

The proposal would eliminate parking requirements for independent housing for seniors within the Transit Zone. Car ownership rates among residents of independent housing for seniors are extremely low, making it nearly impossible to justify the existing parking requirements and the lack of parking waivers available for these developments.

In conjunction with this modification, regulations in the Special Coney Island District would be modified to establish parking provisions for senior housing that align with the revisions to the underlying zoning regulations.

~~*Eliminate*~~ *Allow for the elimination of existing and previously required parking for non-profit residences for the elderly or dwelling units for the elderly within the Transit Zone*

Off-street parking required for many non-profit residences for the elderly and dwelling units for the elderly, especially those near transit, are underutilized as residents don't generate close to the number of cars for which there are parking spaces required. The proposal would allow such parking to be eliminated as-of-right.

Create a discretionary action to reduce required parking for non-affordable housing in a development that includes affordable housing within the Transit Zone

Under both existing and proposed regulations, any non-affordable housing units in a development generate parking at a higher ratio than do any affordable units within the same development. Car ownership rates are higher among market-rate households than low-income households, but the cost to provide parking is the same. In many developments, the profit generated from market-rate units cross subsidizes the development of affordable units within the same development, making the project financially feasible. Where significant parking is required, the developer is forced to cross-subsidize the parking, in addition to the affordable units, making it more difficult to support the project. This proposal would seek to ease the financial burden in cases where the parking for market-rate units can be reduced or eliminated without undue community impacts. Under the proposal, the reduction or elimination of parking requirements for market-rate units in a development that includes affordable housing would be allowed by a discretionary action. This would create a mechanism to scrutinize the appropriateness of future proposals on a case-by-case basis.

Create a discretionary action to remove existing affordable housing parking within the Transit Zone

Under existing regulations, parking is required and determined by minimums, except where there are opportunities to waive out of required parking. As a result, many affordable housing developments generated large amounts of parking, built as surface parking lots or structured facilities. Under the proposal, the removal of previously required parking within the Transit Zone would be allowed by a discretionary action. This would create a mechanism to scrutinize the appropriateness of future proposals on a case-by-case basis.

Off-street parking outside the Transit Zone

Modify parking requirement for qualifying affordable housing far from transit

The requirements for multifamily zoning districts would remain generally consistent with what is currently required under Column C of Section 25-25. There would not be reduced parking requirements for affordable housing in single- and two-family zoning districts (R1, R2, R3-1, R3A, R3X, R4-1, R4A, R4B, R5A). Affordable housing is not commonly developed in these districts due to the limitations on housing type.

~~*Eliminate parking requirements for independent housing for seniors in high density (R6 and higher) districts far from transit*~~

~~The proposal would seek to eliminate parking requirements for independent housing for seniors in R6 through R10 districts. Car ownership rates among residents of independent housing for seniors are extremely low, making it nearly impossible to justify the existing parking requirements and the lack of parking waivers available for these developments.~~

~~In conjunction with this modification, regulations in the Special St. George District would be modified to establish parking provisions for senior housing in the Special District that align with the revisions to the underlying zoning text.~~

Modify parking requirements for independent housing for seniors to 10 percent in ~~*low- and medium density*~~ multifamily zoning districts

The proposal would seek to reduce parking requirements for independent housing for seniors to 10 percent, or 1 space per 10 units, in ~~low- and medium-density~~ multi-family zoning districts (R3-2, R4, R5, R5B, ~~and~~ R5D, and R6 and higher districts). Car ownership rates among residents of independent housing for seniors are extremely low, making it nearly impossible to justify the existing parking requirements and the lack of parking waivers available for these developments. The 10 percent requirement for lower density districts reflects the small percentage of residents likely to have cars in these areas. The parking would be easily accommodated in open areas on the zoning lot.

Modify parking requirements for independent housing for seniors in single- and two-family zoning districts

Parking requirements for independent housing for seniors in single- and two-family zoning districts (R1, R2, R3-1, R3A, R3X, R4-1, R4A, R4B, R5A) would be modified to comply with the underlying residential district parking requirements for residential development.

Independent housing for seniors is not commonly developed in these districts due to the limitations on housing type.

Create a discretionary action to remove existing parking for affordable senior housing far from transit

Under existing regulations, parking is required and determined by minimums, except where there are opportunities to waive out of required parking. As a result, many senior housing developments generated large amounts of parking, mostly built as surface parking lots. Low car ownership rates and parking utilization on these lots indicates that some of this parking area may be more appropriate for other uses. Under the proposal, the removal of previously required parking at existing developments outside of the Transit Zone would be allowed by a discretionary action. This would create a mechanism to scrutinize the appropriateness of future proposals on a case-by-case basis.

D. ANALYSIS FRAMEWORK

Consistent with CEQR Technical Manual guidelines, the Proposed Action is analyzed in this EAS as a "generic action," because there are no known developments that are projected at this time and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. According to the CEQR Technical Manual, generic actions are programs and plans that have wide application or affect the range of future alternative policies. Usually these actions affect the entire city or an area so large that site-specific description or analysis is not appropriate. To produce a reasonable analysis of likely effect of the Proposed Action, 13 representative development prototypes have been identified (See Section H).

The CEQR Technical Manual also notes that for some actions, where the build-out depends on market conditions and other variables, the build year cannot be determined with precision. In these cases, a ten year build year is generally considered reasonable as it captures a typical cycle of market conditions and generally represents the outer timeframe within which predictions of future development may usually be made without speculation. Therefore, an analysis year of 2025 has been identified for this environmental review.

Development affected by the proposal is projected based on trends since 2000. While projections are typically modeled after trends of the previous decade, the lookback period here will be extended to 15 years to capture a broader sample of affordable and senior housing developments across the city. Accordingly, unless otherwise noted, development assumptions in the future with and without the action mirror recent historical development patterns.

As described in the CEQR Technical Manual, generic analyses are conducted using the following methodology:

- Identify Typical Cases: provide several descriptions similar to those in a localized action for cases that can reasonably typify the conditions and impacts of the entire proposal.

- Identify a Range of Conditions: A discussion of the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

- The Future With-Action scenario therefore identifies the amount, type, and location of development that is expected to occur by 2025 as a result of the Proposed Action. The Future No- Action scenario identifies similar development projections for 2025 absent the Proposed Action. The incremental difference between the two scenarios serves as the basis for the impact analyses.

This environmental review will consider any potential impacts resulting from the cumulative changes across New York City or in specific neighborhoods as a result of the Proposed Action, as well as those associated with the proposed discretionary actions, discussed as a conceptual analysis.

E. THE FUTURE WITHOUT THE PROPOSED ACTION (NO-ACTION CONDITION)

PROMOTE AFFORDABLE SENIOR HOUSING AND CARE FACILITIES

Affordable senior housing and care facilities represent a small amount of housing that are distributed across the city, thus it is anticipated that the development of such housing would continue at a pace comparable to that of the previous 15 years. Affordable senior housing development depends on public subsidy and market trends, where market-rate units are able to cross-subsidize the development of affordable units. Although demand for this housing type continues to grow, funding and regulatory constraints limit and slow potential growth in the industry, thus production is not anticipated to change but would keep pace with historical trends.

Update the definitions and use regulations for affordable senior housing

In the future without the Proposed Action, the existing zoning text containing outdated terminology for non-profit residences for the elderly would remain. This text would have no effect on future development because of its obsolescence, but would continue to confuse developers who may be uncertain as to whether these requirements apply.

Update floor area ratio maximum for affordable senior housing

In the future without the Proposed Action, Section 23-147 pertaining to non-profit residences for the elderly maximum floor area would remain unchanged. Development of affordable senior housing would continue at a slow pace.

Update definitions and use regulations for New York State licensed ~~senior~~ long term care facilities

In the future without the Proposed Action, the existing zoning text containing outdated terminology for nursing homes and health related facilities would remain. This would continue to confuse developers who may be uncertain as to whether these requirements apply to other health related facilities that are similar to this definition.

Update floor area ratio maximum for New York State licensed ~~senior~~ long term care facilities

In the future without the action, Section 24-111 pertaining to nursing home maximum floor area would remain unchanged, Section 23-147 would not apply to this use, and development of ~~senior~~ long term care facilities would continue at a slow pace.

Remove density and unit size limits for affordable senior housing

In the future without the Proposed Action, unit density for affordable senior housing would be determined by the density factors, unnecessarily limiting the density of affordable senior housing developments.

Provide a framework for mixing of Use Group 2 residences with certain Use Group 3 community facilities

In the future without the Proposed Action, in cases where use group 2 residences and certain use group 3 community facilities (~~senior~~ long term care and non-profit institutions with sleeping accommodations) wanted to mix in the same building or on the same zoning lot, the developer would not have clarity regarding merging the rules that apply to these different uses. It would continue to be unclear how density and shared common space floor area should be calculated in such buildings.

Remove obsolete definitions

In the future without the Proposed Action, the existing obsolete references to inactive types of community facilities (sanitariums, domiciliary care facilities) would remain. This text would have no effect on future development, as they are no longer utilized by applicants.

Revise permitted obstructions in rear yard to allow accessory social and amenity spaces to encroach in the rear yard

In the future without the Proposed Action, accessory social and amenity spaces would not be a permitted obstruction in the rear yard on the ground floor of an affordable independent residence for seniors ~~a senior housing~~ or ~~senior~~ long term care use. Such uses would therefore be more likely to place those spaces underground, or to minimize the floor area size of these spaces.

Revise certifications and special permits for nursing homes

In the future without the Proposed Action, the existing would continue to require certifications and special permits for new and existing nursing home development. These existing provisions would continue to unnecessarily burden nursing home development and discourage new or improvements to existing nursing homes. Nursing home development costs would be additionally burdened by the cost and time required to apply and complete these certifications, special permits and their requirements.

MODERNIZE RULES THAT SHAPE BUILDINGS

Housing development is distributed across the city, and it is anticipated that the development of such housing would continue at a pace comparable to that of the previous 15 years. More specific assessments are described below.

General building envelope modifications

Adjust height controls in moderate- and high-density districts

In the future without the Proposed Action, development would be expected to occur at the same pace that occurs today. Some sites would not be able to fully utilize the permitted FAR, or would develop the full FAR in a sub-optimal or inefficient building.

Create more-efficient building setback rules

In the future without the Proposed Action, the upper floors of residential buildings would be inefficient and costly to develop. In addition, buildings would be likely to be developed directly on the streetline in an attempt to minimize the effects of these provisions on their upper floors.

Remove unnecessary corner lot coverage restrictions

In the future without the Proposed Action, buildings on corner lots would develop their floor area in an inefficient manner because of the maximum coverage requirement. In addition, these buildings would not be able to fully wrap the corner like more-traditional corner buildings.

Provide a more balanced building transition rule

In the future without the Proposed Action, developments on lots affected by this provision would limit the scale of building portions next to the adjacent lower-density districts. This makes the efficient development of the site's permitted FAR in an efficient manner more difficult.

Enhanced building envelopes for inclusionary and affordable senior housing

Adjust height controls

In the future without the Proposed Action, developments attempting to utilize the higher floor areas associated with the Inclusionary Housing ~~program's higher floor area ratio~~ Program or Affordable Independent Residences for Seniors or long term care facilities would face difficulty in constructing the fully permitted square footage, or they would develop the available floor area in a sub-optimal or inefficient building.

In non-contextual zoning districts, this would also apply to applicable developments utilizing the Quality Housing regulations, where the underlying height factor regulations do not offer a clear method for calculating the permitted building form with the higher permitted floor area ratio.

Permit residential accessory uses on ground floors in rear yards

In the future without the Proposed Action, residential buildings would be able to include parking, community facility, or commercial space (in districts where permitted) in the rear yard area. However, buildings would not be able to include residential space in the rear yard area.

Remove narrow lot restrictions

In the future without the Proposed Action, developments on lots that are less than 45 feet wide would be restricted to the width of the street or, depending on the height of surrounding buildings, to the height of surrounding buildings. In districts where the maximum height limit is higher than this provision would allow, developments on narrow lots would have difficulty in fully utilizing their permitted floor area.

Create a new non-contextual building envelope for <u>certain types of</u> affordable housing (R6-R10)

In the future without the Proposed Action, developments using the Inclusionary Housing Program in non-contextual zoning districts would be required to utilize the Quality Housing regulations since the underlying height factor regulations do not offer a clear method for calculating the permitted building form with the higher permitted floor area ratio.

Create new lower-density bulk envelope for affordable senior housing and care facilities (R3-R5)

In the future without the Proposed Action, affordable senior developments in these zoning districts would not have an as-of-right building envelope to construct their fully permitted senior floor area. These developments would either have to utilize existing discretionary actions to receive a workable zoning envelope, or would have to develop less than their permitted floor area.

<u>Provide additional density for Affordable Independent Residences for Seniors in R7X and R7-3 districts</u>

~~In the future without the Proposed Action, future rezonings with these zoning districts would have no ability to develop additional floor area through the Inclusionary Housing Program than is permitted by the underlying district.~~

In the Future without the Proposed Action, there would be no incentive to develop Affordable Independent Residences for Seniors in R7X or R7-3 districts, as these developments would have no increased FAR over other types of residential developments.

Encourage variety and better design flexibility

Provide greater clarity and design opportunities in street wall regulations

In the future without the Proposed Action, developments would have a limited ability to provide building articulation because of unclear or strict regulations. This constraint often results in generally flat, uninteresting buildings.

Match line-up provision requirements to intent

In the future without the Proposed Action, developments located on blocks with deeply set back non-contextual buildings would be required to set back their front building wall far away from the street line to match this unintended context and therefore leads to buildings that are not in context with their overall surroundings.

Provide more-useable court regulations

In the future without the Proposed Action, developments have little incentive to utilize the existing court provisions because of their oversized requirements. This offers little incentive for building articulation and overall visual interest.

Clarify and simplify retail and other ground floor regulations

In the future without the Proposed Action, developments in areas with ground floor requirements would have overly restrictive or confusing design requirements that makes development excessively costly and, in some cases, does not match the context of the ground floors of existing buildings.

Remove or modify unnecessary window regulations

In the future without the Proposed Action, residential or mixed-use developments in MX districts would be required to provide windows designed for a pre-specified noise attenuation levels (35 dB(A)) that may be overly conservative, depending on the actual site conditions and the surrounding area. Developments

utilizing the Quality Housing regulations would be required to provide double-glazed windows whose requirements have been superseded by the Building Code.

Clarify use location provisions

In the future without the Proposed Action, mixed buildings in certain special districts would not be able to develop residential and community facility floor area at the same level because the use location provisions inadvertently restrict residential and non-residential floor area.

Modernize density factor and unit size requirements

In the future without the Proposed Action, residential buildings utilizing the Quality Housing regulations would not be able to include any residential units smaller than 400 square feet, limiting the overall diversity of units permitted. In addition, residential buildings in high-density zoning districts (R8 through R10) would not be permitted the same flexibility in overall unit mix found in medium density districts because of the increased density factor requirement.

Encourage elevated residential ground floors

In the future without the Proposed Action, developments that provided elevated ground floor residences would be penalized for providing accessible interior ramps or stairs since they would count as floor area. Those providing exterior ramps or stairs would either be restricted or have unclear regulations pertaining to providing ground floor recesses for such access.

Eliminate Quality Housing study areas

In the future without the Proposed Action, Quality Housing study areas would continue to be specified but would have little applicability, as the blockface conditions that trigger restrictions on contextual development are rarely, if ever found.

Flexibility for constrained lots

Provide improved yard and coverage regulations for shallow lots

In the future without the Proposed Action, buildings on shallow lots would be granted no relief for yard and coverage requirements that were designed for generic 100-foot-deep lots. This makes it difficult to fit all the permitted floor area in an efficient building and generally forces the building to be developed directly on the street line.

Rationalize street wall requirements for acutely-angled sites

In the future without the Proposed Action, buildings on acutely-angled corners in certain zoning districts would be granted no relief from existing street wall requirements making development on these lots inefficient.

Provide additional flexibility for irregular topography

In the future without the Proposed Action, buildings on sites with irregular topography would continue to utilize the existing topography provisions, which, in some instances, makes developments on these lots inefficient.

Update outdated distance between buildings regulations

In the future without the Proposed Action, developments on sites with multiple buildings would be required to comply with the existing overly-restrictive distance between building requirements which require a minimum of 60 feet between multi-family buildings on the same zoning lot. This makes infill development more difficult to undertake, or makes buildings taller as their footprint is limited to small areas of the zoning lot.

Create a new discretionary action for unforeseen site circumstances

In the future without the Proposed Action, developments with unforeseen lot configurations that exist over a number of sites would have no form of relief since existing variances from the Board of Standards and Appeals require the applicant to demonstrate uniqueness which would not exist in this case. Lots in these cases would therefore be required to comply with existing regulations and likely not develop their fully permitted floor area, or would have to do so in a costly or inefficient manner.

REDUCE UNECCESSARY PARKING REQUIREMENTS FOR AFFORDABLE HOUSING

Establish the Transit Zone

In the future without the Proposed Action there would be no Transit Zone defined in the Zoning Resolution.

Modify Section 25-25 (A-E) to remove obsolete definitions and requirements

In the future without the Proposed Action, the existing obsolete references to inactive categories of public-assisted housing would remain. This would continue to confuse developers of other types of affordable housing and the public who may be uncertain as to whether these reduced requirements apply.

Eliminate parking requirements for qualifying affordable housing within the Transit Zone

In the future without the Proposed Action, new affordable housing units would continue to be subject to the parking requirements as outlined in Section 25-25. Columns A, B, C, and E would continue to reference obsolete programs, and the majority of developments would be expected to apply under Column C, which has the lowest requirements by zoning district.

Eliminate parking requirements for independent housing for seniors in multifamily districts within the Transit Zone

In the future without the Proposed Action, parking would continue to be required citywide for new non-profit residences for the elderly at rates pursuant to Section 25-25, Column D. Parking would continue to be applied at a rate that greatly exceeds car ownership among senior households.

Allow for the elimination of ~~Eliminate~~ existing and previously required parking for non-profit residences for the elderly or dwelling units for the elderly within the Transit Zone

In the future without the Proposed Action, parking would continue to be required citywide for existing non-profit residences for the elderly at rates pursuant to Section 25-25, Column D. Existing parking lots would remain underutilized adjacent to senior housing.

Modify parking requirement for qualifying affordable housing far from transit

In the future without the Proposed Action, new affordable housing units would continue to be subject to the parking requirements as outlined in Section 25-25. Columns A, B, C, and E would continue to reference obsolete programs, and the majority of developments would be expected to apply under Column C, which has the lowest requirements by zoning district.

~~*Eliminate parking requirements for independent housing for seniors in high density (R6 and higher) districts far from transit*~~

~~In the future without the Proposed Action, parking would continue to be required citywide for new non-profit residences for the elderly at rates pursuant to Section 25-25, Column D. Parking would continue to be applied at a rate that greatly exceeds car ownership among senior households.~~

Modify parking requirements for independent housing for seniors to 10 percent in ~~low- and medium-density~~ multifamily zoning districts

In the future without the Proposed Action, parking would continue to be required citywide for new non-profit residences for the elderly at rates pursuant to Section 25-25, Column D. Parking would continue to be applied at a rate that greatly exceeds car ownership among senior households.

Modify parking requirements for independent housing for seniors in single- and two-family zoning districts

In the future without the Proposed Action, no new non-profit residences for the elderly would be expected to be built in single- and two-family zoning districts, rendering the reduced parking requirements unnecessary for this type of housing in these districts.

Correct inconsistencies in reduced parking for affordable housing

In the future without the Proposed Action, new income-restricted housing units in the Special St. George District in Staten Island and in Queens Community District 14 would be subject to parking requirements that are higher than zoning intended.

F. THE FUTURE WITH THE PROPOSED ACTION (WITH-ACTION CONDITION)

Introduction

The *Housing New York* plan lays out a set of strategies to preserve and create 200,000 units of affordable housing, with 120,000 units tapped for preservation, and the remaining 80,000 targeted for creation. Among the issues the housing plan identifies in facilitating the achievement of such goals is the need to modernize zoning regulations that are outdated and often impede the production of new affordable housing.

More recently, in the Mayor's State of the City address on February 3, 2015, another 160,000 market-rate units were announced to be developed over the next ten years. These new market rate units, in addition to the 80,000 new affordable units were pledged to be developed over the next ten years, amount to a total 240,000 new residential units anticipated through the next decade. Over the ten years between 2005 and 2014, New York City saw a total 188,000 new residential units constructed; the rate of development over the next decade is expected to increase by nearly 30%.

Since the release of *Housing New York*, the Department of City Planning, working with the Department of Housing Preservation and Development, communities, nonprofit housing groups, architects, developers, and other practitioners, has identified a set of zoning barriers that constrain new housing creation and add unnecessary costs, and strategies to address them, most of which are included in this proposal. At the same time, Housing New York identifies several initiatives in addition to zoning changes that will help in the production of more housing, and more affordable housing.

The Proposed Action is only expected to induce new development or affect the overall amount or type of development in a neighborhood on a very limited basis. The individual sites to which proposed action would apply would be located throughout the city's five boroughs but cannot be specifically identified for analysis purposes.

Most components of this proposal are not expected to induce development on a lot where development would not also be expected to occur as part of the No Action scenario. In most cases, any additional density expected as part of the With Action proposal is projected to fall well below any CEQR analysis thresholds. Exceptions to this general rule include the proposed as of right ability to develop a new building on an existing affordable senior parking facility within the Transit Zone, and the additional FAR allowed for Long-Term Care Facilities. The potential for density impacts associated with every component of the proposal are discussed in detail as part of the Environmental Assessment Statement.

The Proposed Action is, for the most part, intended to facilitate better housing within the existing density allowances. For residential buildings in most contextual zoning districts, an additional 5 feet are allowed to provide for more adequate ground floor height. In some districts, 10 or 15 feet of additional height are allowed, which would enable one additional story to accommodate the same amount of floor area permitted today.

The degree to which the Proposed Action is expected to modify building heights and bulk for market-rate buildings is limited and not likely to result in any new development or floor area over the no action scenario, in all but the tightest existing building envelopes. Furthermore, the additional heights and bulk

proposed as part of this action are not significant enough to result in the teardown or redevelopment of an existing building over what might happen in the future without the Proposed Action. There is no added economic incentive to demolish existing buildings.

Because the universe of zoning lots expected to be redeveloped under the No Action scenario is substantially the same as the universe of zoning lots expected to be redeveloped under the With Action scenario, no neighborhoods or areas within the city are expected to see a clustering of development as a result of the proposed action. Developable lots are widely dispersed across the city and the proposed action is not expected to enable development on a lot that would not have been developable in the future without the proposed action.

PROMOTE AFFORDABLE SENIOR HOUSING AND CARE FACILITIES

In the future with the Proposed Action (With-Action), the new definitions for affordable housing for seniors and ~~senior~~ long term care facilities would be adopted, the floor area ratio framework for these uses would be expanded to include all zoning districts and all affordable senior housing and long term care facility types, the density restrictions would be removed allowing senior housing to build more appropriate units, and the special permit for nursing homes would be removed. These proposed changes would remove regulatory impediments to the construction of these housing types and would reduce the cost of building senior housing.

Affordable senior housing and care is a very constrained industry with rigorous regulations, high costs and limited funding. Senior housing development depends on public subsidy to construct units and support services. Overall citywide, affordable housing and care units represent a small amount of housing and facilities that are distributed across the city; thus it is anticipated that with the Proposed Action, the development of such housing units would keep pace with production from the previous 15 years but with a small increase due to eased regulatory limits. Although demand for these housing and facility types continues to grow, funding and regulatory constraints limit and slow potential growth in the industry. Thus, production is not anticipated to change significantly but would keep pace with historical trends.

Update the definitions and use regulations for affordable senior housing

In the future with the Proposed Action, the existing outdated terminology for non-profit residences for the elderly would be replaced with affordable independent residences for seniors, facilitating a better match with the type of housing that is constructed today. There is no expected change in the number, type, or location of affordable housing developed across the city. The size, shape, or location of development is not expected to change in the With-Action scenario over the No-Action scenario.

Update floor area ratio maximum for affordable senior housing

In the future with the Proposed Action, changing the floor area ratio maximums in Section 24-147 would expand the current framework for FAR bonus to high-density districts in addition to the moderate-density districts. This could encourage the construction of affordable senior housing to be more widely distributed throughout the city, or to be included as a portion of another type of development. New developments may be slightly larger in certain districts but overall citywide, affordable housing and care units represent a small amount of housing that is distributed across the city. Thus it is anticipated that with the Proposed Action, the development of such housing units would keep pace with production from the previous 15 years but with a small increase due to eased regulatory limits and increased demand.

Update definitions for New York State licensed ~~senior~~ long term care facilities

In the future with the Proposed Action, the existing outdated terminology for nursing homes and health related facilities would replaced with ~~senior~~ long term care facilities, facilitating a better match with the type of community facilities that are constructed today. There is no expected change in the number, type, or location of ~~senior~~ long term care developed across New York City as a result of this change. The size, shape, and location of development are not expected to change in the With-Action scenario over the No-Action scenario.

Update floor area ratio maximum for New York State licensed ~~senior~~ long term care facilities

In the future with the Proposed Action, changing the floor area ratio maximums for ~~senior~~ long term care from Section 24-111 to Section 23-147 would result in certain districts having the same FAR maximum and other districts having a higher allowable FAR maximum. This might encourage the construction of ~~senior~~ long term care to be more widely distributed throughout the city, or to be included as a portion of another type of development. New developments might be slightly larger in certain districts but overall citywide, ~~senior~~ long term care facilities represent a small amount of residential community facility space distributed throughout the city. It is anticipated that with the Proposed Action, the development of such facilities would keep pace with production from the previous 15 years but with a small increase due to eased regulatory limits.

Remove obsolete definitions

In the future with the Proposed Action, the existing obsolete references to inactive types of community facilities (sanitariums, domiciliary care facilities) would be removed. This would have no effect on future development, as such terms are no longer utilized or recognized by applicants, New York City agencies or New York State agencies.

Remove density and unit size limits for affordable senior housing

In the future with the action, affordable senior housing would not be subject to a density factor or minimum unit size, allowing other regulatory authority to control density and appropriate unit sizes for this use. This would allow for a range of unit sizes, and for more affordable and more appropriately sized units for seniors. The minimum standard as per the Multiple Dwelling Law and other applicable codes would apply, which effectively limits these units to about 275 square feet.

Provide a framework for mixing of Use Group 2 residences with Use Group 3 community facilities

In the future with the action, there would be clarity about the application of rules when use group 2 residences and certain use group 3 community facilities (~~senior~~ long term care and non-profit institutions with sleeping accommodations) are mixed on the same zoning lot and therefore, these projects would be easier to develop. This would encourage the mixing of residences with residential-like community facilities, potentially allowing for a beneficial mix of uses.

Revise permitted obstructions in rear yard to allow accessory social and amenity spaces to encroach in the rear yard

In the future with the Proposed Action, accessory social and amenity spaces would be a permitted obstruction in the rear yard on the ground floor of ~~an affordable senior housing~~ an Affordable Independent Residence for Seniors or ~~senior~~ long term care use. Such uses would therefore be allowed to encroach into the rear yard, and therefore developers might be encouraged to include these spaces in a more attractive and functional configuration than is possible under current zoning.

~~**Revise certifications and special permits for nursing homes**~~

~~In the future with the Proposed Action, the existing zoning text requiring certifications and special permits for new and existing nursing home development would no longer exist, and nursing home development would occur as of right. It is not expected that this change would substantially affect the amount, type or location of future nursing home development. Instead, it would likely remove an unnecessary burden on nursing home development and encourage new facilities or improvements to existing nursing homes. New or renovated nursing homes would need less time to complete following the Certification of Need by the New York State Department of Health. Senior Long term care is a very constrained industry with rigorous regulations, high costs and limited funding. Overall citywide, long term care units represent a small amount of residential community facility space that is distributed across the city; thus it is anticipated that with the Proposed Action, the development of such facilities would keep pace with production from the previous 15 years but with a small increase due to eased regulatory limits and increased demand. Although demand for this facility type continues to grow, funding and regulatory constraints limit and slow potential growth in the industry, thus production is not anticipated to change but would keep pace with historical trends.~~

Remove special permit 74-903 for domiciliary care facilities for adults

Proposal's geographic applicability: n/a

In the future without the Proposed Action, no new domiciliary care facilities would be expected to be developed, and no special permit applications to develop them would be expected.

In the future with the Proposed Action, there would be no special permit for domiciliary care facilities for adults. No effects would be anticipated as a result of this change. Domiciliary care facilities no longer

exist and are no longer a category recognized or authorized by the NYS Department of Health. As per the proposal, this term would be removed from the Zoning Resolution, thus this permit has no applicability.

Modify CPC Special Permit to allow additional bulk for Long Term Care Facilities and certain community facilities in R1 and R2 Districts

In the future without the Proposed Action, certain community facility uses would be permitted as of right, and any Long-Term Care Facility would only be permitted by Special Permit under Section 74-902.

In the future with the Proposed Action in R1 and R2 districts, any community facility use permitted as of right, or any Long Term Care Facility permitted under Section 74-901, would have a Special Permit available under Section 74-902 to permit the allowable community facility FAR and lot coverage granted under Section 24-11.

Modify CPC Special Permit to allow additional bulk for certain community facility uses in R3-R9 Districts and certain Commercial Districts

In the future without the Proposed Action, there is an existing Special Permit 74-903 for nursing home and health related facilities required in all residence districts and most commercial districts where such facilities are not permitted as of right under Section 22-42.

In the future with the Proposed Action, separate use and bulk permits are proposed for Long-Term Care Facilities in R1 and R2 districts, as discussed separately in this document, and a Special Permit to allow additional bulk for Long-Term Care Facilities or philanthropic or non-profit institutions with sleeping accommodations is proposed for R3-R9 districts.

MODERNIZE RULES THAT SHAPE BUILDINGS

Housing development is distributed across the city, and it is anticipated that the development of such housing would continue at a pace comparable to that of the previous 15 years, but with a small increase due to eased regulatory limits and increased demand. More specific assessments are described below.

General building envelope modifications

Adjust height controls in moderate- and high-density districts

In the future with the Proposed Action, Quality Housing developments in medium- and high-density zoning districts would be able to utilize new height controls and therefore would be able to construct their permitted floor area in a more-efficient manner. As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed

over wide areas of the city, the location of development under the With-Action scenario would be the same as under the No-Action scenario.

Create more-efficient building setback rules

In the future with the Proposed Action, the upper floors of residential buildings would be able to be designed in a more-efficient manner. In those districts where it is permitted, the option to set the building off of the property line to create a more residential street character with ground floor plantings would more likely be chosen since there is no longer an inherent penalty in doing so. As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed over wide areas of the city, the location of development would remain unchanged under the With-Action scenario.

Remove unnecessary corner lot coverage restrictions

In the future with the Proposed Action, developments on corner lots would be able to utilize their floor area in a more-efficient manner because of the removal of the maximum corner coverage requirement. In addition, it is more likely that developments would wrap the corner with the building massing and therefore create a more-traditional corner building. . As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed over wide areas of the city, the location of development would remain unchanged under the With-Action scenario.

Provide a more balanced building transition rule

In the future with the Proposed Action, developments on lots affected by the existing provision would be able to include additional floor area in the transition area adjacent to the lower-density district, allowing for the full utilization of the development site's FAR in a more-efficient manner. As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed over wide areas of the city, the location of development would remain unchanged under the With-Action scenario.

Enhanced building envelopes for inclusionary and affordable senior housing

Adjust height controls

In the future with the Proposed Action, Quality Housing developments utilizing the Inclusionary Housing Program's higher FAR would be able to construct the full permitted floor area in a more-efficient building.

This would also apply to developments providing affordable senior housing or care facilities. As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed over wide areas of the city, the location of development would remain unchanged.

Permit residential accessory uses on ground floors in rear yards

In the future with the Proposed Action, developments in Inclusionary Housing Designated Areas participating in the program would be able to include residential accessory space on the ground floor in the rear yard area, extending the privilege currently given to community facility space and accessory parking, as well as commercial space, where permitted. Therefore, the amount, type and location of development would be unchanged.

Remove narrow lot restrictions

In the future with the Proposed Action, developments participating in the Inclusionary Housing Program on narrow lots would be permitted to develop to the height limit of the contextual zoning district or the underlying Quality Housing regulations. As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed over wide areas of the city, the location of development would remain unchanged.

Create a new non-contextual building envelope for ~~affordable housing~~ Affordable Independent Residences for Seniors and long term care facilities on zoning lots adjacent to certain types of infrastructure (R6-~~***R10***~~ ***R8***)

In the future with the Proposed Action, developments in non-contextual zoning districts that are providing ~~affordable senior housing or~~ long term care ~~facilities, or where the Inclusionary Housing program is expanded in the future,~~ would have a second building envelope option beyond the current Quality Housing building regulations, which would provide more overall flexibility. As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed over wide areas of the city, the location of development would remain unchanged.

Create new lower-density bulk envelope for affordable senior housing and care facilities (R3-R5)

In the future with the Proposed Action, developments in these zoning districts providing affordable senior housing or care facilities would be able to develop their full permitted floor area with an as-of-right zoning envelope. In most instances, this would alleviate the need for the development to receive a discretionary

approval from the City Planning Commission and therefore make this form of housing easier and less costly to build. . As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed over wide areas of the city, the location of development would remain unchanged.

Provide additional density for Affordable Independent Residences for Seniors in R7X and R7-3 districts

In the Future with the Proposed Action, a small additional number of Affordable Independent Residences for Seniors would be expected to develop in R7X and R7-3 zoning districts, as these districts would provide a 1.0 FAR incentive for doing so, consistent with how other zoning districts incentivize Affordable Independent Residences for Seniors.

Encourage variety and better design flexibility

Provide greater clarity and design opportunities in street wall regulations

In the future with the Proposed Action, developments would have a clearer means of providing building articulation. This would permit the construction of more varied buildings more in keeping with the character of existing more-traditional residential buildings. As this could affect the amount and shape of development, there may be some building form effects caused by the change, but the amount and location of development would be unchanged.

Match line-up provision requirements to intent

In the future with the Proposed Action, developments would be required to locate their front building wall in relation to their immediate context, and particularly those buildings that are not set far back from the street line. This would result in developments that are more contextual with their surroundings. As this could affect the shape of development, there may be some building form effects caused by the change, but the amount and location of development would be unchanged.

Provide more-useable court regulations

In the future with the Proposed Action, it is more likely that developments would take advantage of the court provisions and create buildings with more articulation and overall visual interest. These buildings

would be more in keeping with the character of existing more-traditional residential buildings. As this could affect the shape of development, there may be some building form effects caused by the change, but the amount and location of development would be unchanged.

Clarify and simplify retail and other ground floor regulations

In the future with the Proposed Action, developments in areas with ground floor requirements would be able to construct their ground floors in a more-efficient manner while also permitting the development of ground floors similar to those found in existing buildings on successful commercial streets. Rules would be consistent, rather than having small variations in different areas. The amount and location of development would be unchanged.

Remove or modify unnecessary window regulations

In the future with the Proposed Action, residential or mixed-use developments in MX districts would have a process to modify window-wall attenuation level requirements in instances where existing noise conditions in the surrounding area do not warrant the existing requirement. This would eliminate an unnecessary cost of construction. In Quality Housing buildings, developments would have greater flexibility in window choices. There would be no change to the amount, type or location of development.

Clarify use location provisions

In the future with the Proposed Action, mixed buildings in certain special districts would be able to develop residential and community facility floor area at the same level of the building. This would permit greater interactivity in such mixed buildings and would match the flexibility currently found in the underlying zoning districts. There would be no change to the amount, type or location of development.

Modernize density factor and unit size requirements

In the future with the Proposed Action, residential buildings utilizing the Quality Housing regulations would be able to provide a greater diversity of unit sizes in the overall building. In addition, residential buildings in high-density zoning districts (R8 through R10) would have the flexibility to provide a greater number of units in the same amount of residential floor area. As this could affect the amount of units in a building, there may be some density effects caused by the change, but the type and location of development would be unchanged.

Encourage elevated residential ground floors

In the future with the Proposed Action, it would be more likely that developments would provide elevated ground floor residences as there would be an incentive to provide the required access inside the building,

and greater ability to provide them outside the building in ground floor recess areas. Raising the ground floor units would likely result in buildings with greater overall visual interest. As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed over wide areas of the city, the location of development would remain unchanged.

Eliminate Quality Housing study areas

In the future with the Proposed Action, developments in the Quality Housing Study Areas would be permitted to utilize the Quality Housing building envelope option, and would continue to be able to utilize the Height Factor option. The amount, type, and location of development is not expected to change in the With-Action scenario over the No-Action scenario.

Flexibility for constrained lots

Provide improved yard and coverage regulations for shallow lots

In the future with the Proposed Action, developments on shallow lots would have greater opportunity to construct all their permitted floor area in a more-efficient manner. As this could affect the amount and type of development, there may be some density or building form effects caused by the change, but the location of development would be unchanged.

Rationalize street wall requirements for acutely-angled sites

In the future with the Proposed Action, developments on acutely-angled lots would have greater opportunity to construct all their permitted floor area in a more-efficient manner. . As this could affect the amount and type of development, there may be some density or building form effects caused by the change, but the location of development would be unchanged.

Provide additional flexibility for irregular topography

In the future with the Proposed Action, developments with irregular topography would have greater opportunity to construct their floor area in a more-efficient manner. . As this could affect the amount and type of development, there may be some density or building form effects caused by the change, but the type and location of development would be unchanged.

Update outdated distance between buildings regulations

In the future with the Proposed Action, developments on lots with multiple buildings would have a greater likelihood of fitting their permitted floor area in a more-efficient manner as building footprints would be able to be slightly larger. . As this could affect the amount and type of development, there may be some density or building form effects caused by the change, but the location of development would be unchanged.

Create a new discretionary action for unforeseen site circumstances

In the future with the Proposed Action, developments on lots with unforeseen configuration issues would have an opportunity for relief from building envelope controls that impede the construction of their permitted floor area. This would allow the development of the fully-permitted floor area on such sites in a more-efficient manner.

REDUCE UNECCESSARY PARKING REQUIREMENTS FOR AFFORDABLE HOUSING

Establish the Transit Zone

In the future with the Proposed Action, a Transit Zone would be defined through zoning text maps that identifies where parking regulations are modified for affordable and senior affordable housing.

Modify Section 25-25 (A-E) to remove obsolete definitions and requirements

In the future with the Proposed Action, the existing obsolete references to inactive categories of public-assisted housing would be clarified, facilitating a better understanding of parking allowances by developers of other types of affordable housing. There is no expected change in the number, type, or location of affordable housing developed across New York City.

Off-street parking within the Transit Zone

Eliminate parking requirements for qualifying affordable housing within the Transit Zone

In the future with the Proposed Action, there would be no parking required for affordable housing units built within the Transit Zone. Some residents may still choose to own cars, and their parking needs would be expected to be met on-street, representing no change over the No-Action scenario. Developments would not be required to provide parking for affordable units, but would still be permitted to do so if they

choose to provide parking, again representing no change over the No-Action scenario. The amount, type and location of development is not expected to change significantly in the With-Action scenario over the No-Action scenario, but the same amount of units could be built with less public subsidy when off-street parking is better aligned with demand and utilization rates. Alternatively, available public subsidies could be used to produce more affordable housing units, but the increment would be small and spread throughout the city.

Eliminate parking requirements for independent housing for seniors in multifamily districts within the Transit Zone

In the future with the Proposed Action, there would be no parking requirements for affordable independent housing for seniors within the transit zone. Car ownership rates among residents of independent housing for seniors are extremely low, and the few cars that are associated with these developments would be expected to find on-street parking nearby. The amount, type, and location of development is not expected to change significantly in the With-Action scenario over the No-Action scenario, but the same amount of units could be built with less public subsidy when parking is better aligned with demand. Alternatively, available public subsidies could be used to produce more affordable housing units, but the increment would be small and spread throughout the city.

~~Eliminate~~ ***Allow for the elimination of existing and previously required parking for non-profit residences for the elderly or dwelling units for the elderly within the Transit Zone***

In the future with the Proposed Action, a small number of developments containing Independent Affordable Housing for Seniors would be expected to construct infill development on their existing parking lots. Very few existing parking lots within the Transit Zone could accommodate 50 or more additional dwelling units, which is the number of units generally required for a HUD-financed project, and most projects would be expected to expand their buildings to include some additional community space to serve the existing residents. In the future with the Proposed Action, there may be some effects associated with the expansion of existing buildings that could result in density impacts.

Off-street parking outside the Transit Zone

Modify parking requirement for qualifying affordable housing far from transit

In the future with the Proposed Action, new affordable housing units would continue to be built in multifamily zoning districts, with parking requirements generally consistent with what is known under the No-Action scenario as Column C in Section 25-25. This represents no measurable change over the No-Action scenario, as most developers build today pursuant to Column C. The amount, type, and location of development are not expected to change in the With-Action scenario over the No-Action scenario.

~~***Eliminate parking requirements for independent housing for seniors in high density (R6 and higher) districts far from transit***~~

~~In the future with the Proposed Action, there would be no parking requirements for independent housing for seniors for R6 and higher density districts outside the transit zone. Car ownership rates among residents of independent housing for seniors in higher density districts are extremely low, and the few cars that are associated with these developments would be expected to find on-street parking nearby. Some developments may still choose to provide a small amount of parking based on residential demand, and shuttle bus service would continue to be an amenity sometimes provided to accommodate residents and staff. The amount, type, and location of development is not expected to change significantly in the With-Action scenario over the No-Action scenario, but the same amount of units could be built with less public subsidy when parking is better aligned with demand. Alternatively, available public subsidies could be used to produce more affordable housing units, but the increment is expected to be small and spread throughout the city.~~

Modify parking requirements for independent housing for seniors to 10 percent in ~~low- and medium-density~~ multifamily zoning districts

In the future with the Proposed Action, parking would be provided at a rate of 10 percent ~~in low- and medium-density~~ multifamily zoning districts outside the Transit Zone. Residential demand for parking would be met, and additional parking may be developed if a developer anticipates demand for such additional parking. The amount, type, and location of development is not expected to change significantly in the With-Action scenario over the No-Action scenario, but the same amount of units could be built with less public subsidy when parking is better aligned with demand. Alternatively, available public subsidies could be used to produce more affordable housing units, but the increment is expected to be small and spread throughout the city.

Modify parking requirements for independent housing for seniors in single- and two-family zoning districts

In the future with the Proposed Action, no new independent housing for seniors would be expected to be built in single- and two-family zoning districts, rendering reduced parking requirements unnecessary for this type of housing in these districts.

Correct inconsistencies in reduced parking for affordable housing

In the future with the Proposed Action, new income-restricted housing units would be subject to the requirements of Section 25-25 of the Zoning Resolution for their mapped zoning district.

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G. POSSIBLE DEVELOPMENT AND LIKELY EFFECTS OF THE PROPOSED ACTION

This section has been deleted and replaced with more extensive analysis of 27 Prototypes used to determine the effects of this Generic Action, shown below.

Prototype 1: R7A District, 100' x 100' interior lot on narrow street

This prototype, as shown in the illustrative example on the next page, utilizes a generic 100' x 100' interior lot on a narrow street in an R7A district. These assumptions were made because they represent the typical lot conditions found in medium density contextual districts throughout the city. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in Chapter xx, Project Description, on development:

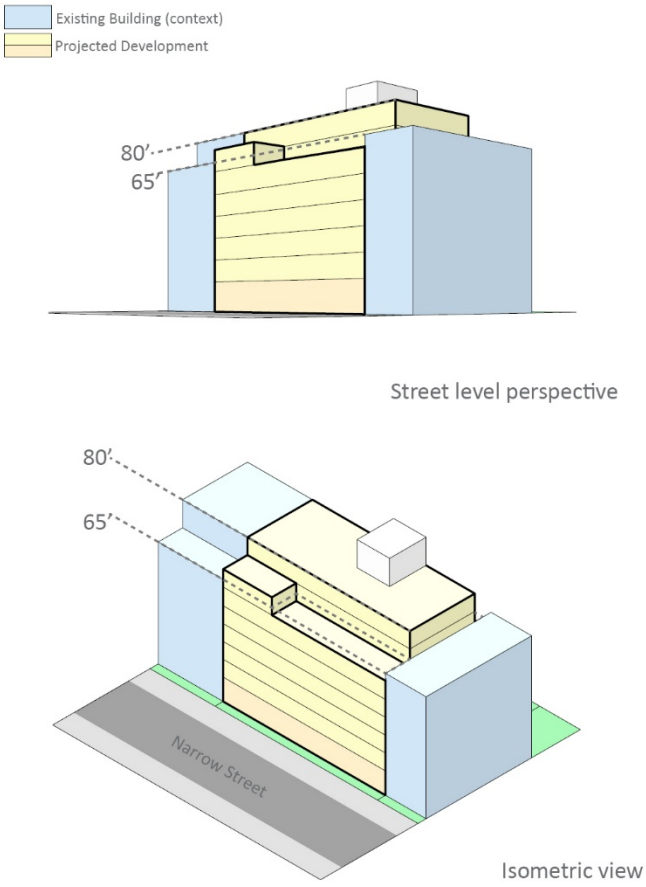
- Adjust height controls in moderate- and high-density districts
- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Encourage elevated residential ground floors

In the No-Action scenario, the 40,000 sq ft of zoning floor area permitted by the zoning district is accommodated in the existing building envelope, but doing so requires sub-optimal floor to floor heights, particularly on the ground floor. The building façade is flat with no articulation in order to allow for the maximum amount of floor area to fit within the envelope. The building accommodates 49 market-rate units, with a 30% parking requirement resulting in 15 spaces, which are allowed to be waived in an R7A district. The building is 60' deep and has a base height of 65' and a total height of 80', or 8 stories.

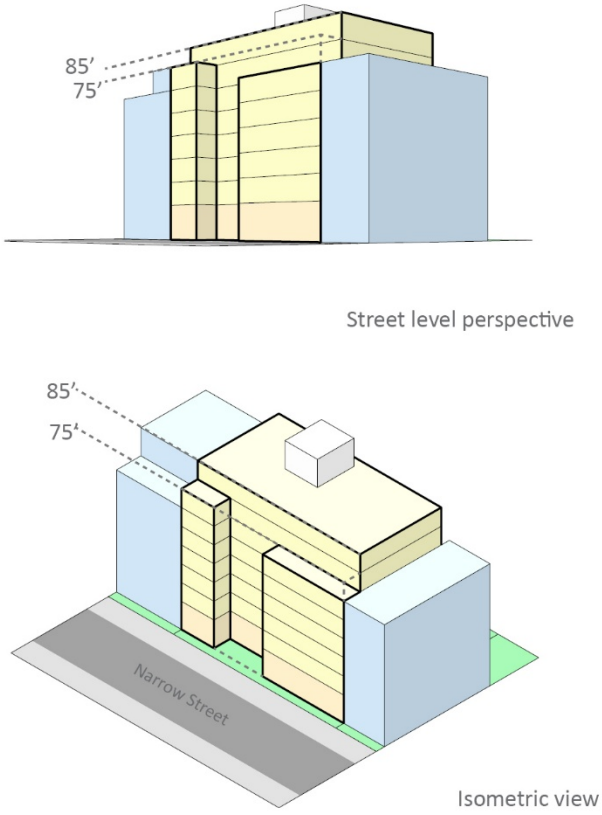
In the With-Action scenario, the floor area permitted by the zoning district is also accommodated, but the modified building envelope allows the use of contemporary best practices for residential uses, including more desirable floor-to-floor heights for residential units, while also permitting and encouraging a modest ground floor setback and a range of building articulation so the streetwall can provide some variety. The building is 60' deep and has a maximum base height of 75' and a total height of 85', or 8 stories. The building continues to accommodate 49 market-rate units, with a 30% parking requirement resulting in 15 spaces, which are allowed to be waived in an R7A district.

Incremental changes as a result of the with-action scenario include an additional 5' height and a modified building footprint on the lot. No additional number of stories, gross square footage or FAR is accommodated on the lot, but the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	4.0	4.0
Permitted Development Rights (square feet)	40,000 sq. ft.	40,000 sq. ft.
Ground Floor / Upper Story Height	13’ / 9’ -6”	15’ / 10’
Building Depth	60’	60’
Number of Stories/Overall Height	8/80’	8/85’
Floor Area that can be accommodated (square feet)	40,000 sq. ft.	40,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0%
Gross Floor Area (square feet)	44,000 sq. ft.	44,000 sq. ft.
Total number of units (market-rate/affordable)	49 (49/0) units	49 (49/0) units
Number of parking required (market-rate/affordable)	0 (0/0) spaces	0 (0/0) spaces

Prototype 2: R7A District, Inclusionary Housing, 100' x 100' interior lot on narrow street

This prototype, as shown in the illustrative example on the next page, utilizes a generic 100' x 100' interior lot on a narrow street in an R7A district where the Inclusionary Housing program exists. These assumptions were made because they represent the typical lot conditions found in contextual districts throughout the city and development in this district utilizing the Inclusionary Housing program has some of the greatest difficulty constructing the full permitted floor area which would result in sub-standard dwelling units and a building lacking traditional design features such as a front yard, raised ground floor and court yards. The prototypes also assumes that the prototypical lot would be located in the proposed Transit Zone. The prototype affords the opportunity to understand the effects of the following provisions of the Proposed Action on development:

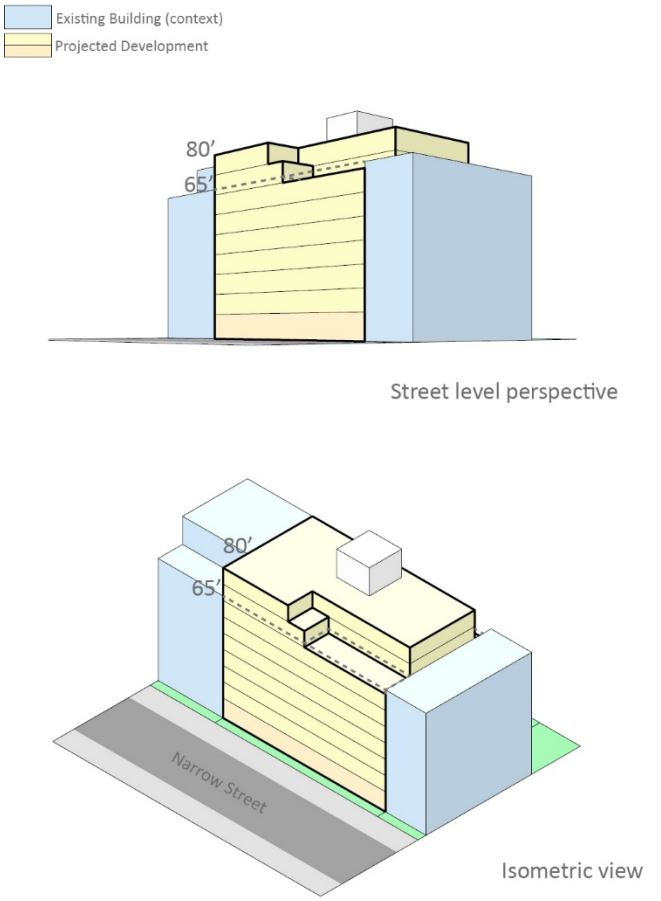
- Create more-efficient building setback rules
- Adjust height controls for Inclusionary Housing
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Encourage elevated residential ground floors

In the No-Action scenario, the higher floor area permitted by the zoning district under the Inclusionary Housing program could be fully accommodated in the existing building envelope, but with the use of numerous sub-optimal floor-to-floor heights and more-costly building construction techniques. In addition, the 45 market-rate units and 11 affordable units would generate 14 and 2 parking spaces, respectively. The building has a depth of 60' and reaches a maximum height of 80', or 9 stories.

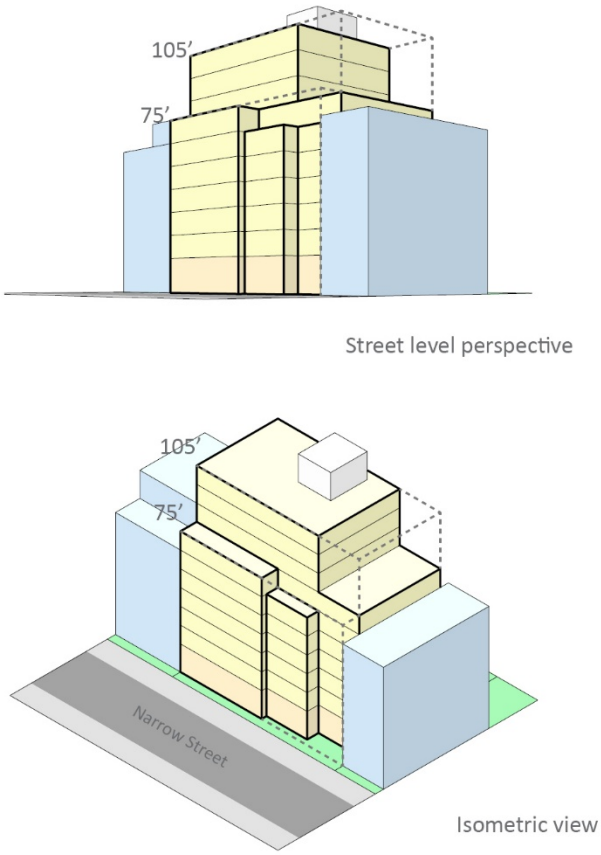
In the With-Action scenario, the higher floor area permitted under the Inclusionary Housing program can be fully accommodated in a development that utilizes contemporary best practices for residential buildings, including floor-to-floor heights and block-and-plank construction, while also permitting a range of building articulation. Assuming an average unit size of 900 square feet, the development would be permitted to utilize the modified requirements for parking and therefore provide 14 parking spaces for the 45 market-rate units and 0 parking spaces for the 11 affordable housing units. However, in an R7A district parking may be waived as of right for 15 or fewer spaces, so this development would not be expected to provide any parking in the With-Action scenario. The building depth is reduced to 60 feet. The building could reach a maximum height of 105 feet, representing an incremental increase of 25 feet over the No Action Scenario.

Incremental changes as a result of the with-action scenario include an additional 25' height, an additional 6 dwelling units, and a modified building footprint on the lot. There is an incremental increase of 5,682 gsf.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	4.6	4.6
Permitted Development Rights (square feet)	46,000 sq. ft.	46,000 sq. ft.
Ground Floor / Upper Story Height	10' -6" / 8' -8"	15' / 10'
Building Depth	60'	60'
Number of Stories/Overall Height	9/80'	10/105'
Floor Area that can be accommodated (square feet)	46,000 sq. ft.	46,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0%
Gross Floor Area (square feet)	50,600 sq. ft.	50,600 sq. ft.
Total number of units (market-rate/affordable)	56 (45/11) units	56 (45/11) units
Number of parking required (market-rate/affordable)	16 (14/2) spaces	0 (0/0) spaces

Prototype 3: R7A District adjoining an R4A District, Inclusionary Housing, 100' x 100' corner lot on wide and narrow streets

The prototype utilizes a generic 100' x 100' corner lot on a wide street in an R7A district adjoining a lower-density R4A district. These assumptions were chosen because they represent two zoning districts that are more likely to abut one another, resulting in utilization of the current and proposed transition rule. . The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

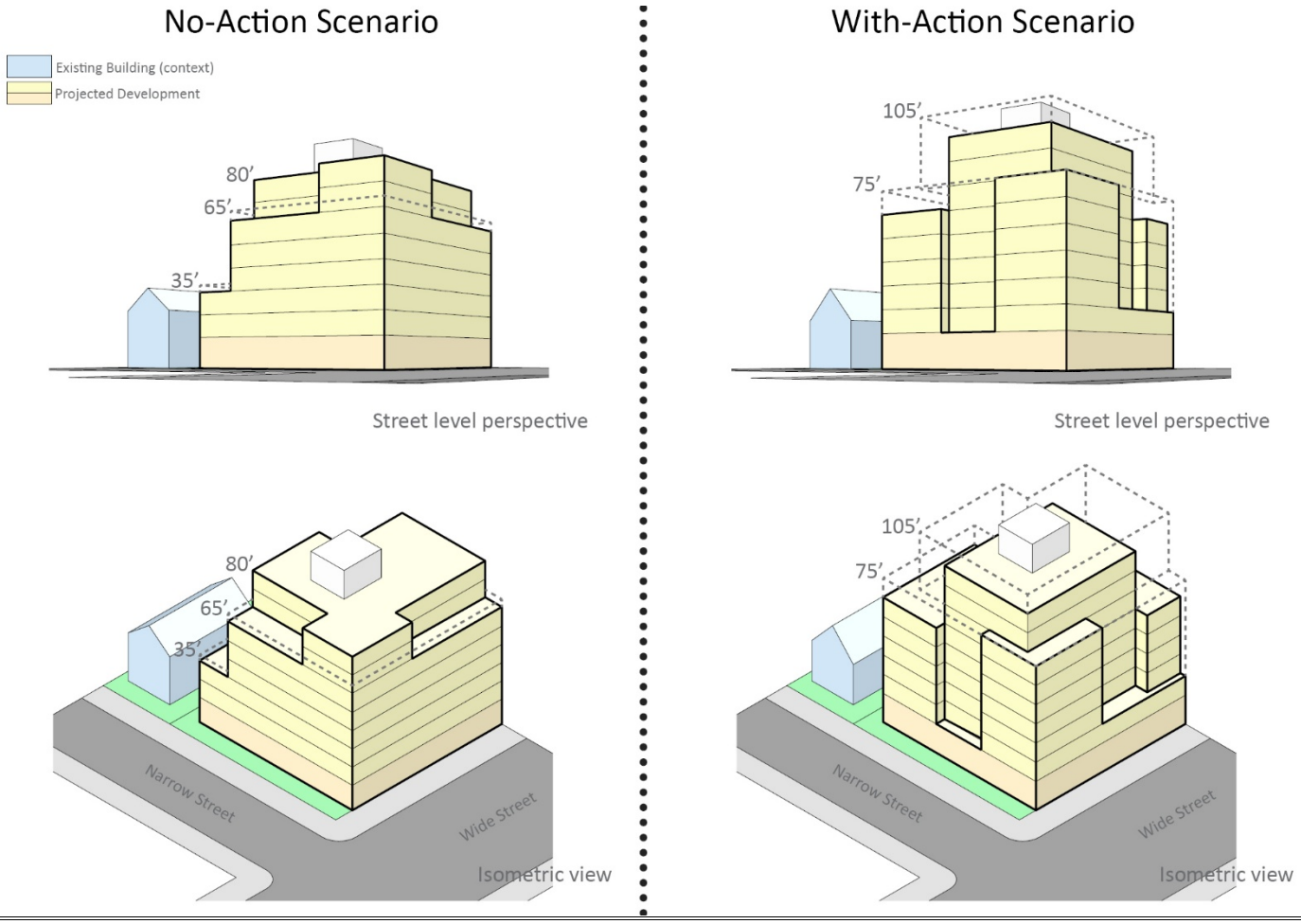
- Adjust height controls for Inclusionary Housing
- Create more-efficient building setback rules
- Remove unnecessary corner lot coverage restrictions
- Provide a more balanced building transition rule
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Provide more-useable court regulations
- Eliminate parking requirements for new low-income or Inclusionary Housing units within the Transit Zone

In the No-Action scenario, the development utilizes the existing building envelope and additionally adheres to the current transition rules that require buildings be significantly lowered and set away from specific lower density districts. The development is able to fit its permitted floor area in the existing building envelope, but doing so requires the building to pack as many dwelling units into the existing envelope, by providing sub-optimal floor to floor heights, particularly on the ground floor. The building is 60' deep and has a maximum height of 80', or 8 stories, with the portion of the building abutting the R4A district limited to 35', and built to 30' in this model to conform with the floor to ceiling heights found throughout the rest of the building. The building could accommodate approximately 56 dwelling units, 45 of which would be market-rate (with 14parking spaces) and 11 of which would be affordable (with 2 parking spaces). in order to fit all permitted floor area, the all available zoning building envelop must be filled and upper stories must be reduced to less than desirable height for dwelling purposes.

In the With-Action scenario, the development utilizes the modified building envelope regulations and additionally adheres to the modified transition rules that permit buildings to develop up to their permitted base height adjacent to specific lower density districts. With the expanded envelope, the development is able to fit its permitted floor area while utilizing best practices for residential buildings and a range of building articulation. The building is 60' deep and fits its allowable floor area with a height of 95', or 9 stories, although a maximum height of 105', or 10 stories, is permitted. The portion of the building abutting the R4A district rises to 65', more reflective of the R7A height allowance. The proposed action results in a building that is 25', or one story, taller, with higher quality ground floor lobby space. The building could accommodate approximately 56 dwelling units, 45 of which would be market-rate (with 14 parking spaces) and 11 of which would be affordable and therefore having no parking requirement. Because the number of parking spaces generated falls below the R7A 15 space threshold, the building is able to waive out of its parking requirement.

Incremental changes as a result of the with-action scenario include an additional 35' height adjacent to the R4A district and 15' height outside of the transition zone, a reduction of 16 parking spaces, and a modified building footprint on the lot. Other existing transition rules, such as street wall alignment and 8-

foot side yard along district boundaries, would be retained. No additional gross square footage or FAR is accommodated on the lot, but the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	4.6	4.6
Permitted Development Rights (square feet)	46,000 sq. ft.	46,000 sq. ft.
Ground Floor / Upper Story Height	13' / 9' -6"	15' / 10'
Building Depth	60'	60'
Number of Stories/Overall Height	8/80'	9 (10 permitted)/ 95' (105' permitted)
Floor Area that can be accommodated (square feet)	46,000 sq. ft.	46,000 sq. ft.

Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0%
Gross Floor Area (square feet)	50,600 sq. ft.	50,600 sq. ft.
Total number of units (market-rate/affordable)	56 (45/11) units	56 (45/11) units
Number of parking required (market-rate/affordable)	16 (14/2) spaces	0 (0/0) spaces

Prototype 4: R7A District, 100' x 85' shallow interior lot on narrow street

The prototype utilizes a shallow 100' wide x 85' interior lot on a wide street. These assumptions were chosen because they represent a reasonable worst case for residential lot depth in the city. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

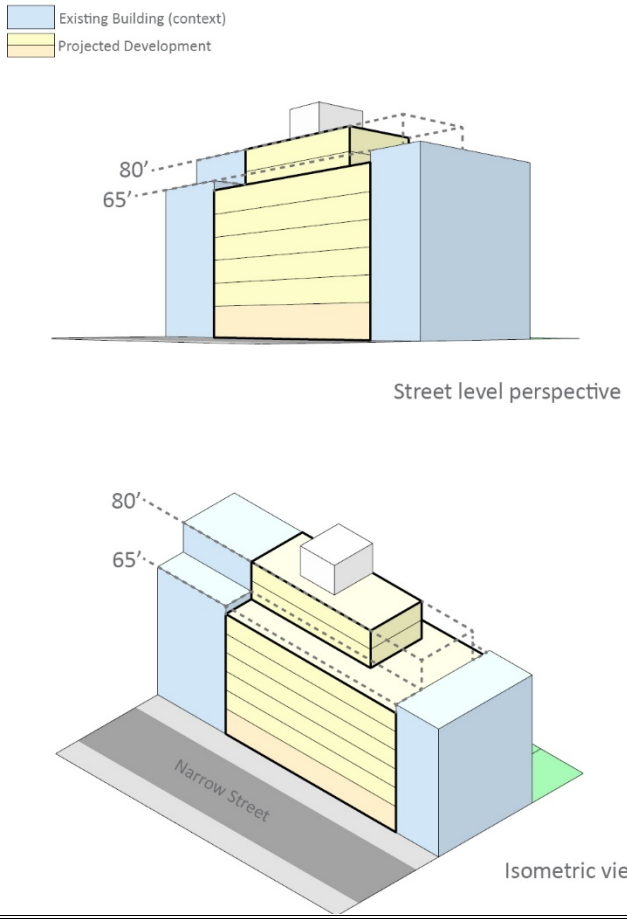
- Adjust height controls in moderate- and high-density districts
- Create more-efficient building setback rules
- Provide improved yard and coverage regulations for shallow lots

In the No-Action scenario, the development is required to provide a full 30 foot rear yard regardless of the shallow depth of the lot. In order to maximize the buildable portion of the lot, the building reaches only 55' depth and is located directly on the property line. The development is able to fit all its permitted floor area using the existing building envelope controls, however it is only accomplished with sub-optimal floor-to-floor heights, as well as floor plate depths, and there is little to no opportunity for building articulation. The building accommodates 42 market-rate units, with a 30% parking requirement resulting in 13 spaces. However, these parking spaces are allowed to waive in an R7A district.

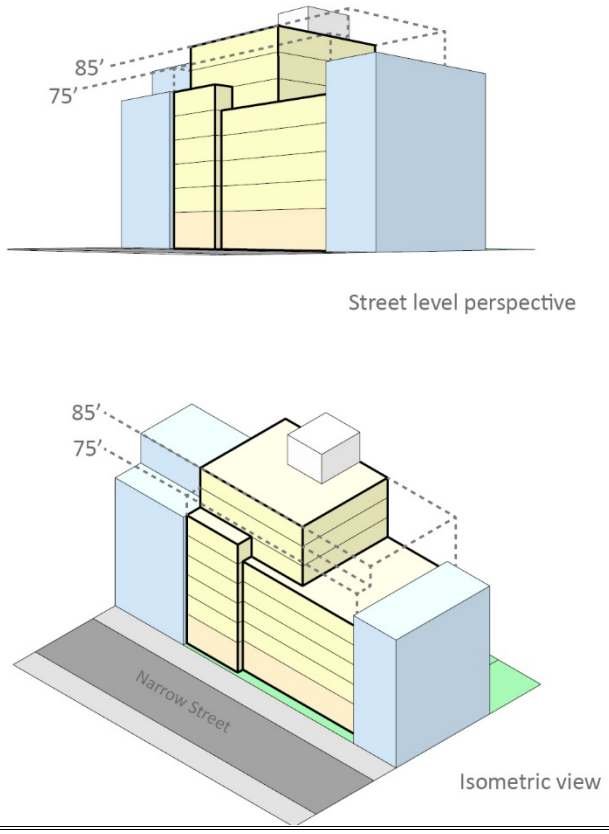
In the With-Action scenario, the development is permitted to reduce the depth of the required rear yard to 25 feet. This allows for a deeper floor plate depth more in line with typical residential construction. The development is able to fit all its permitted floor area using the modified building envelope controls. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to set the building off the property line and provide a variety of building articulation options. The building accommodates 42 market-rate units, with a 30% parking requirement resulting in 13 spaces, which are allowed to be waived in an R7A district.

Incremental changes as a result of the with-action scenario include an additional 5' of allowable height, and a modified building footprint on the lot. There is no change to the overall square footage or amount of allowable FAR on the site. Instead, the modified bulk envelope allows for more flexibility in building design Portions of the building footprint 3 feet deeper in the With-Action scenario over the No-Action scenario, to enable articulation and better design, but there is no incremental change to the development's square footage or number of units.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	8,500 sq. ft.	8,500 sq. ft.
Permitted FAR	4.0	4.0
Permitted Development Rights (square feet)	34,000 sq. ft.	34,000 sq. ft.
Ground Floor / Upper Story Height	13' / 9' -6"	15' / 10'
Building Depth	55'	55-58'
Rear Yard Depth	30'	25'
Number of Stories/Overall Height	8/80'	8/85'
Floor Area that can be accommodated (square feet)	34,000 sq. ft.	34,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0%
Gross Floor Area (square feet)	37,400 sq. ft.	37,400 sq. ft.
Total number of units (market-rate/affordable)	42 (42/0) units	42 (42/0) units

Number of parking required (market-rate/affordable)	0 (0/0) spaces	0 (0/0) spaces

Prototype 5: R7A District, 100' x 170' shallow through lot on wide and narrow streets

The prototype utilizes a 100' wide x 170' deep shallow through lot. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Adjust height controls in moderate- and high-density districts
- Create more-efficient building setback rules
- Provide improved yard and coverage regulations for shallow lots

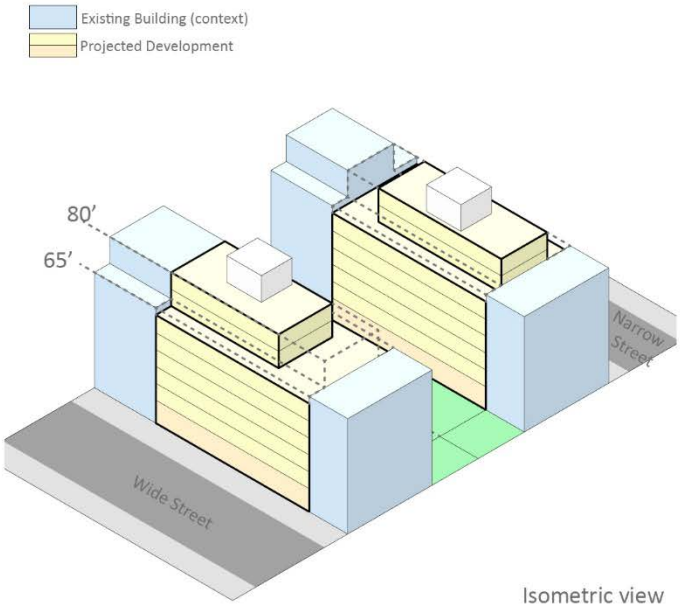
In the No-Action scenario, the development is required to provide a full 60 foot rear yard regardless of the depth of the lot. When rear yard requirements were designed, through lots were assumed to have a depth of 200', and a 60' rear yard was rationale given those dimensions. Under the No-Action scenario on a through lot with a depth of only 170', in order to maximize the buildable portions of the lot, the two buildings are located directly on the two property lines. The overall development is able to fit all its permitted floor area within the permitted 80' height using the existing building envelope controls, however it is only accomplished with sub-optimal floor-to-floor heights, as well as floor plate depths, and there is little to no opportunity for building articulation. The building accommodates 83 market-rate units, with a 50% parking requirement resulting in 42 spaces.

In the With-Action scenario, the development is permitted to reduce the depth of the required rear yard to 50 feet. This allows for a deeper floor plate depth more in line with typical residential construction. The development is able to fit all its permitted floor area using the modified building envelope controls, by achieving a height of 85'. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to set the building off the property line and provide a variety of building articulation options. The building accommodates 83 market-rate units, with a 50% parking requirement resulting in 42 spaces.

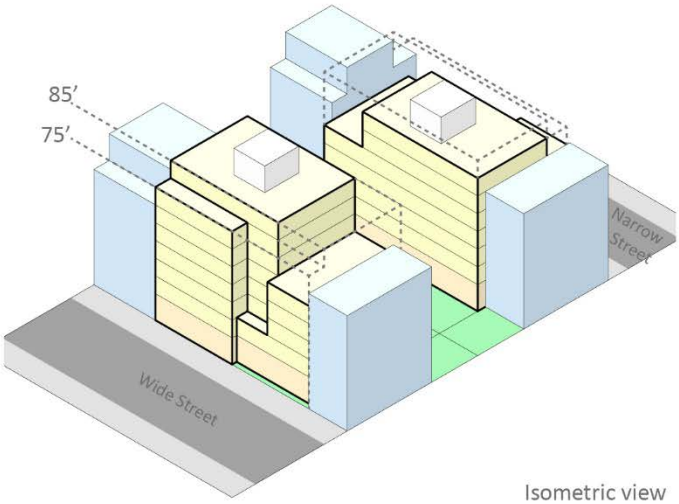
Incremental changes as a result of the with-action scenario include an additional 5' of allowable height, and a modified building footprint on the lot, utilizing the change in setback requirements and also the change in coverage regulations for shallow lots. No additional gross square footage or FAR is accommodated on the lot, but the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the 5' feet of permitted additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. As the proposed action simply makes it easier to fit the maximum allowable floor area permitted by the R7A zoning district, no density related impacts are analyzed as part of this EIS.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	17,000 sq. ft.	17,000 sq. ft.
Permitted FAR	4.0	4.0
Permitted Development Rights (square feet)	68,000 sq. ft.	68,000 sq. ft.
Ground Floor / Upper Story Height	13' / 9' -6"	15' / 10'
Building Depth	55'	55-58'
Rear Yard Depth	60'	50'
Number of Stories/Overall Height	8/80'	7-8/75'-85'
Floor Area that can be accommodated (square feet)	68,000 sq. ft.	68,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0%
Gross Floor Area (square feet)	74,800 sq. ft.	74,800 sq. ft.
Total number of units (market-rate/affordable)	83 (83/0) units	83 (83/0) units
Number of parking required (market-rate/affordable)	42 (42/0) spaces	42 (42/0) spaces

Prototype 6: R7D District, Affordable Independent Residences for Seniors, 100' x 100' interior lot on narrow street

The prototype utilizes a generic 100' x 100' interior lot on a narrow street in the Transit Zone. These assumptions were chosen because the R7D district experiences one of the highest percentage increases in permitted floor area for this use. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Update floor area ratio maximum for affordable independent residences for seniors
- Remove density limits for affordable senior housing
- Create more-efficient building setback rules
- Adjust Height Controls for Affordable Independent Residences for Seniors and Long-Term Care Facilities
- Permit residential accessory uses on ground floors in rear yards
- Eliminate parking requirements for affordable independent residences for seniors within the Transit Zone

In the No-Action scenario, the affordable senior housing development is able to fit the existing floor area permitted for the use in this zoning district utilizing the existing Quality Housing building envelope controls. The number of units in the affordable senior housing development is controlled by the existing dwelling unit factor and translates into a maximum of 71 units permitted. Since no waiver is available for affordable senior housing, the development would be required to provide 9 parking spaces for the 71 affordable senior units.

In the With-Action scenario, the affordable senior housing development is permitted a higher floor area ratio for the use, in line with the existing Inclusionary Housing Program's higher FAR. In this scenario, this represents a floor area increase of 11.8 percent. The development fully constructs this permitted floor area this by utilizing the enhanced envelope controls afforded to buildings taking part in the Inclusionary Housing Program or providing affordable senior housing or Long-Term Care facilities, and is able to provide additional accessory residential space and open space in the backyard instead of required parking. The development is able to utilize best practices for residential buildings for floor-to-floor heights and is also able to set the building off the property line and provide a variety of building articulation options.

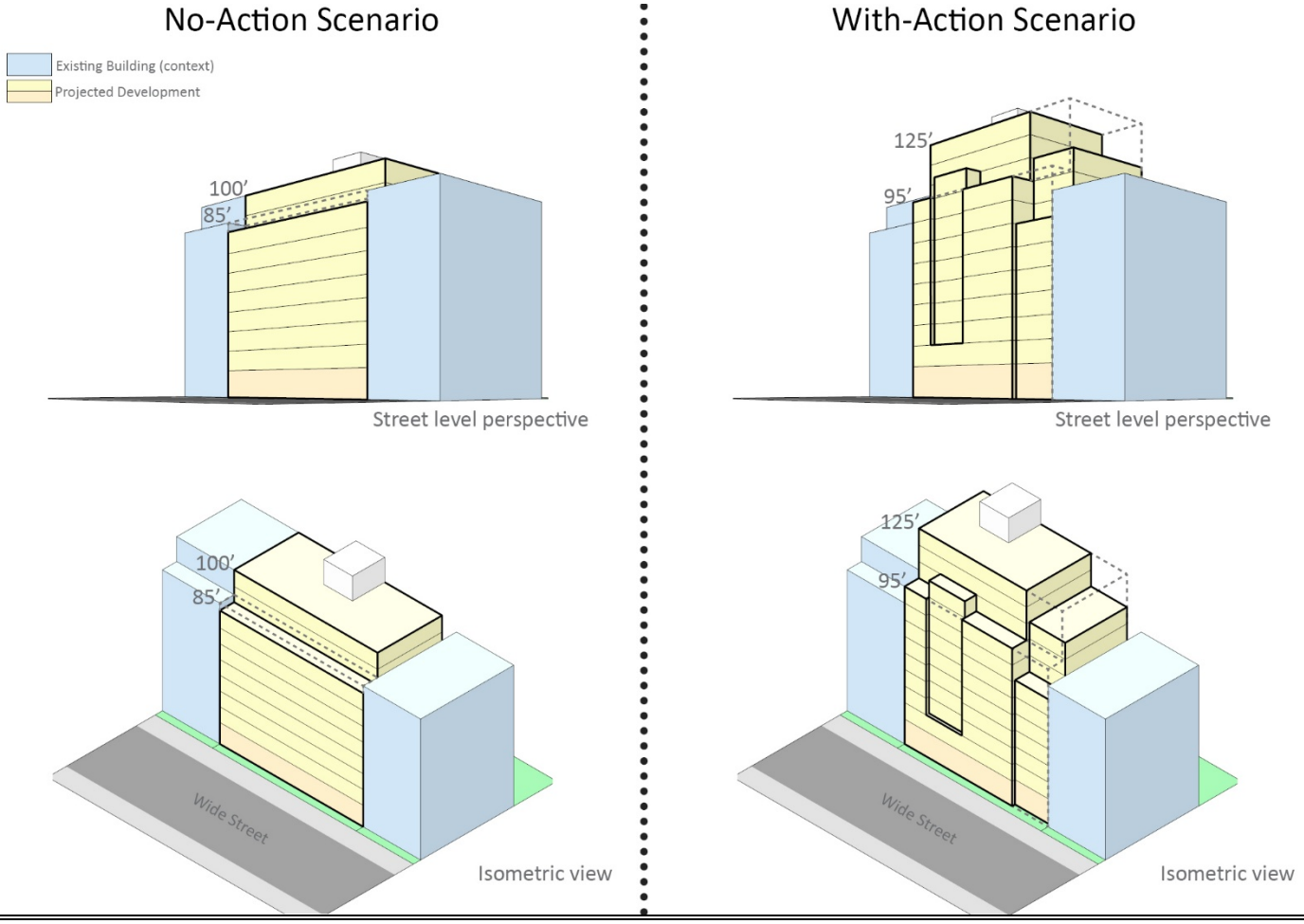
The number of units in the senior housing development is not restricted by a specific dwelling unit factor for the use but, based on comparable projects recently proposed or developed in the city which have an average unit size of approximately 650 square feet, the development would have approximately 95 units. The development would be permitted to utilize the modified requirements and therefore provide 0 parking spaces for the affordable senior units.

Incremental changes as a result of the with-action scenario include an additional 25' of allowable height, 24 additional dwelling units, a reduction of 8 parking spaces and a modified building footprint on the lot, and a modified building envelope with additional ground floor residential accessory space. There is an overall incremental increase of 8,995 gsf. The development is able to utilize the change in setback requirements and provide accessory residential uses in the rear yard in place of the parking that would have been required in the No Action scenario.

As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban

design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	5.01	5.6
Permitted Development Rights (square feet)	50,100 sq. ft.	56,000 sq. ft.
Ground Floor / Upper Story Height	13' / 9' -6"	15' / 10'
Building Depth	60'	55'
Number of Stories/Overall Height	10/100'	12/125'
Floor Area that can be accommodated (square feet)	50,100 sq. ft.	56,000 sq. ft.

Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		11.8%
Gross Floor Area (square feet)	52,605 sq. ft.	61,600 sq. ft.
Total number of units (market-rate/affordable)	71 (0/71) units	95 (0/95) units
Number of parking required (market-rate/affordable)	9	0

Prototype 7: R7X District, Affordable Independent Residences for Seniors, 100' x 100' interior lot on narrow street

The prototype utilizes a generic 100' x 100' interior lot on a narrow street in the Transit Zone, in an R7X District within an Inclusionary Housing Designated Area. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

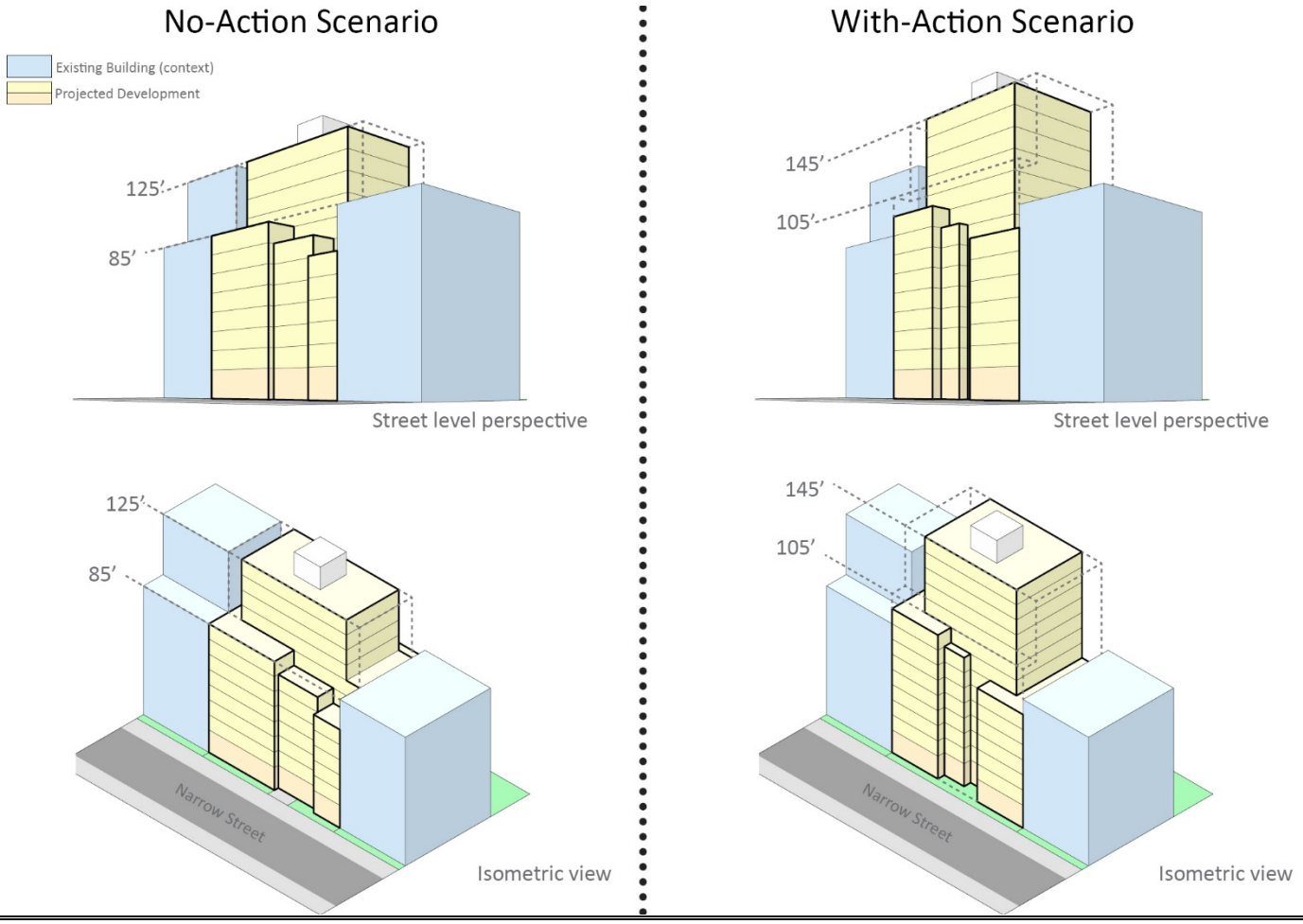
- Adjust Height Controls for Affordable Independent Residences for Seniors and Long-Term Care Facilities
- Permit residential accessory uses on ground floors in rear yards
- Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone

Under the No-Action scenario, the building has a maximum height of 125' and would reach 12 stories tall, with approximately 50,000 square feet of development potential. This building, occupied entirely by affordable independent residences for seniors, would be able to fit 70 units in order to comply with the dwelling unit factor of 710, and would require 9 total parking spaces.

In the With-Action scenario, a higher floor area of 6.0 is permitted for Affordable Independent Residences for Seniors. Assuming an average unit size of 650 square feet in the absence of a dwelling unit factor for this type of development, 102 total AIRS units could be provided. The development would be permitted to utilize the modified requirements for parking and therefore provide 0 parking spaces. The with-action scenario would enable more housing units to be built with less parking over the no-action. The building could reach a maximum height of 145 feet, or 14 stories, representing an incremental increase of 20 feet over the no action.

Incremental changes as a result of the with-action scenario include an additional 20' height, a reduction in parking spaces per unit, and an additional 32 affordable units for seniors. There is an incremental increase of 11,000 gsf.

As a result of the additional height facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. The proposed action would allow additional density for affordable independent residences for seniors. Therefore, density related impacts of this action is analyzed as part of this EIS.



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	5.0	6.0
Permitted Development Rights (square feet)	50,000 sq. ft.	60,000 sq. ft.
Ground Floor / Upper Story Height	15' / 10'	15' / 10'
Building Depth	60'	60'
Number of Stories/Overall Height	12/125'	14/145'
Floor Area that can be accommodated (square feet)	50,000 sq. ft.	60,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		20.0 %
Gross Floor Area (square feet)	55,000 sq. ft.	66,000 sq. ft.
Total number of units (market-rate/affordable)	70 (0/70) units	102 (0/102) units
Number of parking required (market-rate/affordable)	9 (0/9) spaces	0 (0/0) spaces

Prototype 8: R7-2 District, Affordable Independent Residences for Seniors, 200' x 100' corner lot on wide and narrow streets

The prototype utilizes a generic 200' x 100' corner lot on a wide street adjacent to a rail line. These assumptions were chosen because of the prevalence of the zoning district throughout the city. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Update floor area ratio maximum for affordable independent residences for seniors
- Remove density and unit size limits for affordable senior housing
- Permit residential accessory uses on ground floors in rear yards
- Create a new non-contextual building envelope for certain types of affordable housing (R6-R10)
- Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone

Two No-Action scenarios were modelled for this prototype to demonstrate the existing zoning framework. Under the No-Action Scenario 01, the affordable senior housing development does not utilize the Quality Housing regulations permitted in the zoning district because the building form would force units close to the rail line. Instead, the development utilizes the existing height factor building envelope controls allowed in non-contextual zoning districts which allow the building to be shifted away from the rail line. However, under these existing height factor regulations, the development would be forced into a smaller footprint with less practical floorplates for this housing type, because it is required to have a significant amount of open area to remain on the zoning lot. In order to maximize housing production under these conditions, the development consists of a 21-story tower in a zoning district with no height limit. The number of units in the affordable senior housing development is controlled by the existing dwelling unit factor and translates into a maximum of 141 units Eighteen parking spaces would be required for the 141 units.

Under No-Action Scenario 02, the affordable senior housing development utilizes the Quality Housing regulations. As shown in the Prototype, the resulting building is more contextual with its surroundings and floorplates are better suited to the programming needs of this type of housing, but a substantial portion of the building bulk is adjacent to the elevated rail, which adds cost and results in less desirable indoor space. Under this scenario, the development consists of an 80' tall building with 131 residential units with 16 parking spaces. In order to fit the parking on site, the development is built to a lower FAR and with fewer units than is permitted under zoning.

In the With-Action scenario, the affordable senior housing development is able to utilize best practices for residential buildings for floor-to-floor heights and is also able to set the building away from the rail line while providing a variety of building articulation options. The building reaches a maximum height of 125', or 12 stories, at the corner away from the elevated rail. The number of units in the affordable senior housing development is not restricted by a specific dwelling unit factor for the use but, based on comparable projects recently developed in the city which have an average unit size of approximately 650 square feet, the development would have approximately 170 units. No parking would be required for these units, freeing up lot area to accommodate the full permitted FAR and dwelling units, and facilitating the development of amenity space in the rear yard.

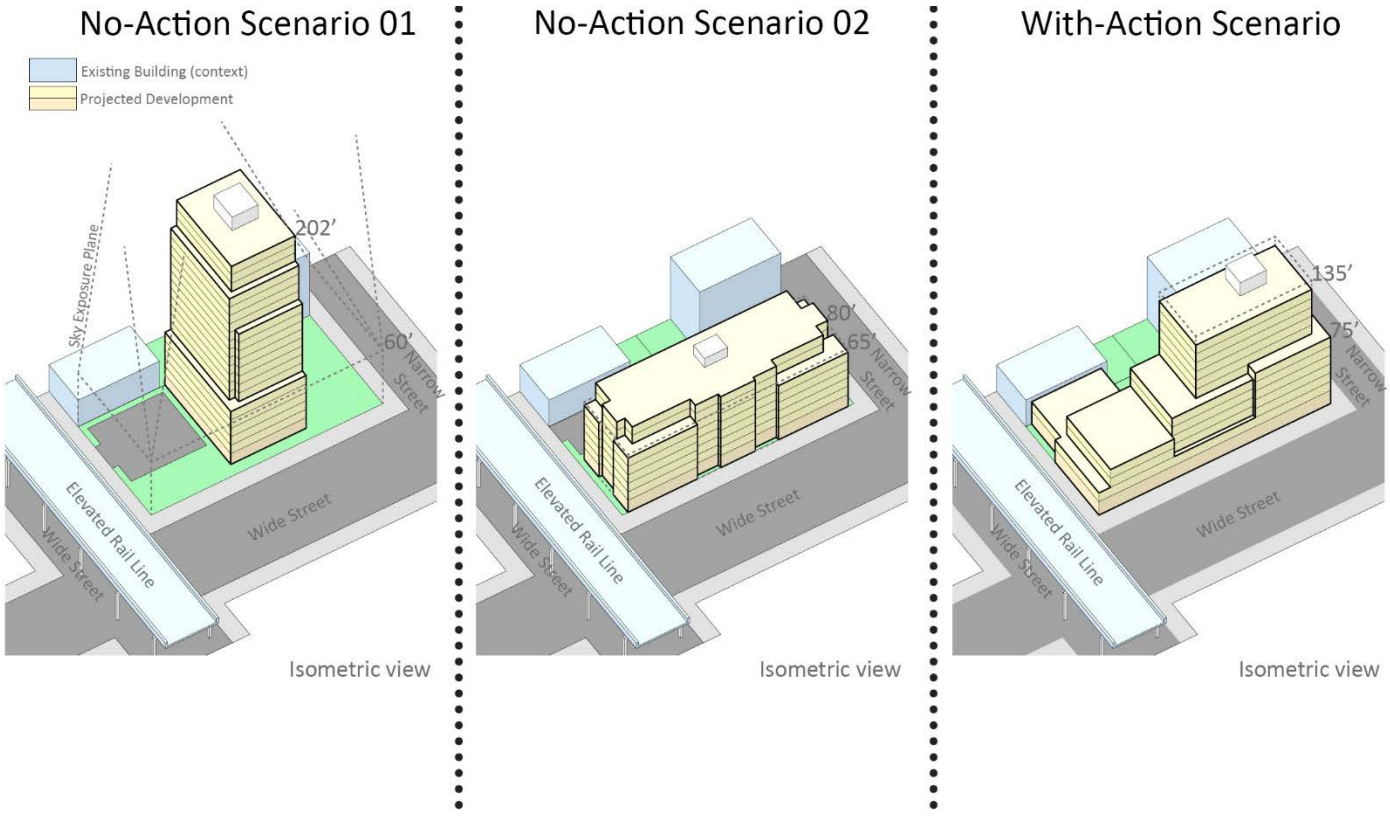
Incremental changes as a result of the with-action scenario over No-Action Scenario 01, include 18 fewer parking spaces, 30 additional affordable senior dwelling units, a building that is 77' shorter and with 6,010

additional gsf, and a modified building footprint on the lot that better relates to the adjacent elevated rail line.

Incremental changes as a result of the with-action scenario over No-Action Scenario 02, include 16 fewer parking spaces, 40 additional affordable senior dwelling units, a building that is 45' taller and with 25,160 additional gsf, and a modified building footprint on the lot that better relates to the adjacent elevated rail line

As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.



	No Action 01	No Action 02	With Action
Lot Area (square feet)	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Permitted FAR	5.01	5.01	5.01
Permitted Development Rights (square feet)	100,200 sq. ft.	100,200 sq. ft.	100,200 sq. ft.
Ground Floor / Upper Story Height	13' / 9' -6"	13' / 9' -6"	15' / 10'
Number of Stories/Overall Height	21 (no limit)/202'	8/80'	12 (13 permitted)/ 125' (135' permitted)
Floor Area that can be accommodated (square feet)	100,200 sq. ft.	76,500 sq. ft.	100,200 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	23,700 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)			0 %
Gross Floor Area (square feet)	105,210 sq. ft.	85,060 sq. ft.	110,220 sq. ft.
Total number of units (market-rate/affordable)	141 (0/141) units	131 (0/131) units	170 (0/170) units
Number of parking required (market-rate/affordable)	18 (0/18) spaces	16 (0/16) spaces	0 (0/0) spaces

Prototype 9: R7A District, Long-term Care Facility, 100' x 100' interior lot on narrow street

The prototype utilizes a generic 100' x 100' interior lot on a narrow street in an R7A district. These assumptions were chosen because of the significant increase in floor area permitted for this use under the Proposed Action. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Update floor area ratio maximum for Long-Term Care facilities
- Create more-efficient building setback rules
- Adjust Height Controls for Affordable Independent Residences for Seniors and Long-Term Care Facilities
- Permit residential accessory uses on ground floors in rear yards

In the No-Action scenario, the Long-Term Care facility development is able to fit the existing floor area permitted for the use in this zoning district utilizing the existing Quality Housing building envelope controls required in contextual zoning districts. The building is limited to a height of 80' and is able to fit the permitted 34,400 sq ft of floor area, in which approximately 66 beds for senior Long-Term Care would be available.

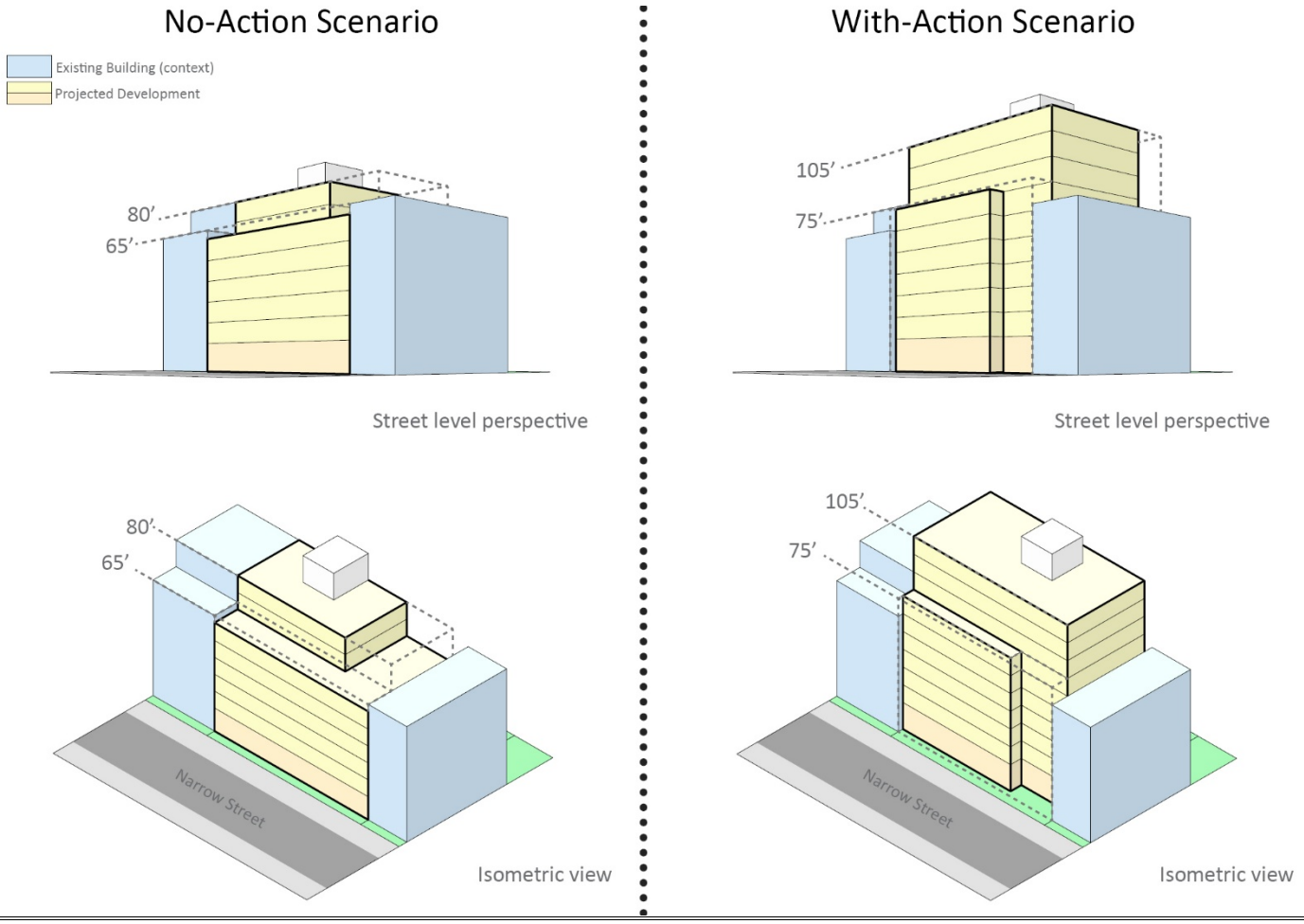
In the With-Action scenario, the Long-Term Care facility development is permitted a higher floor area ratio for the use, in line with the higher affordable senior housing FAR. The development fully accommodates this floor area by utilizing the Enhanced envelope controls afforded to buildings taking part in the Inclusionary Housing program or providing senior housing, and is able to achieve the permitted 50,100 sq ft of floor area. This amounts to 100 available beds. The development is able to utilize best practices for residential buildings for floor-to-floor heights, resulting in a building with a height of 105', and is also able to set the building off the property line and provide a variety of building articulation options.

Incremental changes as a result of the with-action scenario include 25' of additional allowable height, 44 additional beds for Long-Term Care, 18,990 additional gsf, and a modified building footprint on the lot. By utilizing the reduced setback requirement, the building has more flexibility in articulating the street wall without sacrificing floor area. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk. Currently, a corresponding higher floor area is permitted by special permit only (as per 74-902). Additional floor area would allow Long-Term Care facilities potentially to develop larger buildings with a greater number of beds as-of-right.

As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

While new or existing developments may be larger in certain districts citywide, Long-Term Care represents a small number of care units each year and it is distributed throughout the city. Households headed by seniors overall have far fewer density-related effects than other non-senior households. Seniors are generally retired from the workforce and therefore use fewer city services and infrastructure than the typical city resident. Senior residences generally have a high frequency of single occupancies and the absence of families with children. Seniors do not attend school, and therefore they do not occupy school seats and residents of affordable housing for seniors rarely own cars and do not add to traffic congestion.

Nevertheless, as a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	3.44	5.01
Permitted Development Rights (square feet)	34,400 sq. ft.	50,100 sq. ft.
Ground Floor / Upper Story Height	13' / 9'-6"	15' / 10'
Number of Stories/Overall Height	8/80'	10/105'
Floor Area that can be accommodated (square feet)	34,400 sq. ft.	50,100 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		45.6%
Gross Floor Area (square feet)	36,120 sq. ft.	55,110 sq. ft.

Total number of beds	66 beds	100 beds
Number of parking required (market-rate/affordable)	0	0

Prototype 10: R7A District, second building, 200' x 200' through lot on wide and narrow streets

The prototype utilizes a generic 200' x 100' lot on a wide street. These assumptions were chosen because they demonstrate a large enough lot where multiple buildings may be constructed to utilize the permitted floor area. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Adjust height controls in moderate- and high-density districts
- Update outdated distance between buildings regulations

In the No-Action scenario, the second building is unable to develop the fully-permitted floor area because the current minimum distance between building requirements do not allow for a viable building footprint on the corner of the lot. The amount of floor area in the second building is maximized through the use of sub-optimal building floor-to-floor heights, particularly on the ground floor. Even still, the development is unable to develop approximately 26,215 square feet of floor area on the zoning lot which is 16.4 percent of the total permitted, due to the stringent requirement that there be 60' between buildings. The resulting building achieves a floor area of 49,785 sq ft, with approximately 61 dwelling units. The building height is limited to 80'.

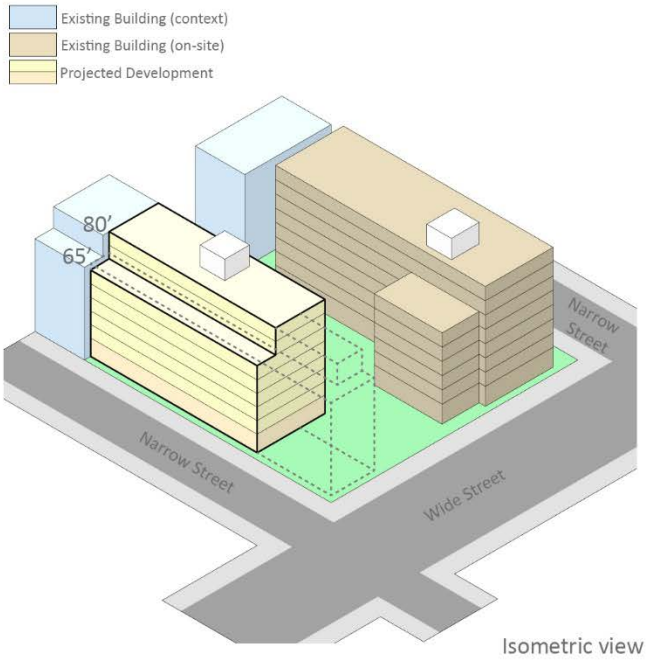
In the With-Action scenario, the distance between buildings requirements are reduced to 40', as permitted by the New York State Multiple Dwelling Law, allowing for a viable building footprint on the corner of the lot. The building envelope allows for a maximum height of 85' and a modest setback from the street. This allows the development to construct all the permitted floor area on the lot while providing building articulation at the façade, resulting in a building that is 76,000 sq ft, or approximately 93 dwelling units.

Incremental changes as a result of the with-action scenario include 5' of additional allowable height, 32 additional dwelling units on the lot, 26,215 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

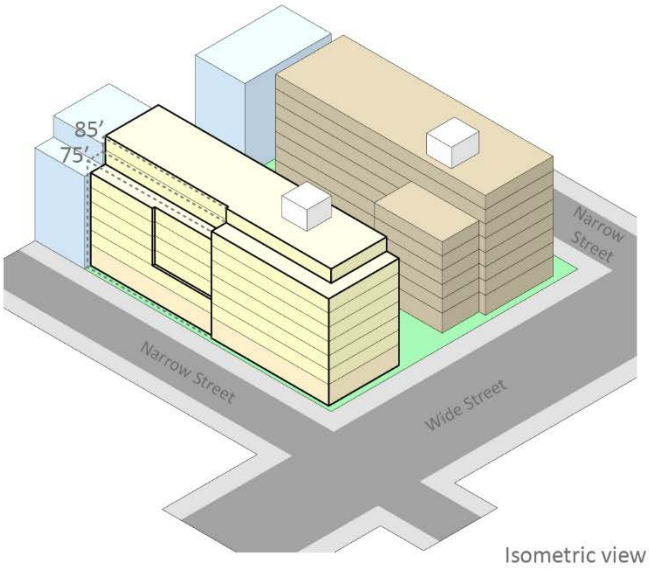
As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	40,000 sq. ft.	40,000 sq. ft.
Permitted FAR	4.0	4.0
Permitted Development Rights (square feet)	160,000 sq. ft.	160,000 sq. ft.
Existing Development	84,000 sq. ft.	84,000 sq. ft.
Remaining Permitted Floor Area	76,000 sq. ft.	76,000 sq. ft.
Ground Floor / Upper Story Height	13' / 9' -6"	15' / 10'
Building Depth	55'	55-57'
Number of Stories/Overall Height	8/80'	8/85'
Second Building Floor Area that can be accommodated (square feet)	49,785 sq. ft.	76,000 sq. ft.
Remaining Floor Area (square feet)	26,215 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		52.7%
Second Building Gross Floor Area (square feet)	54,763 sq. ft.	83,600 sq. ft.
Second Building Total number of units (market-rate/affordable)	61 (61/0) units	93 (93/0) units
Number of parking required (market-rate/affordable)	31 (31/0) spaces	47 (47/0) spaces

Prototype 11: R7A District, Affordable Independent Residences for Seniors, 200' x 200' through lot on wide and narrow streets

The prototype utilizes a generic 200' x 100' lot on a wide street within the Transit Zone. These assumptions were chosen because they represent a reasonable worst case scenario where the requirements for parking for the affordable independent residences for seniors have limited the ability of the lot to develop its full permitted floor area. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Adjust Height Controls for Affordable Independent Residences for Seniors and Long-Term Care Facilities
- Eliminate existing and previously required parking for non-profit residences for the elderly or dwelling units for the elderly within the Transit Zone

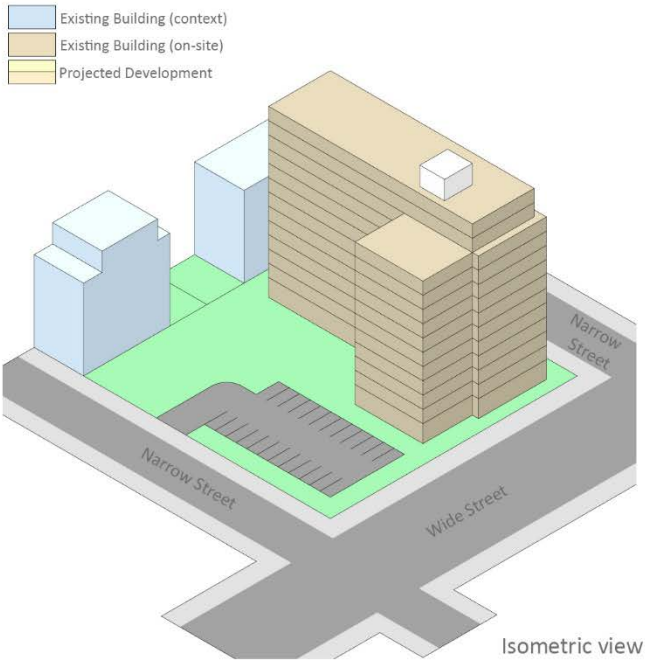
In the No-Action scenario, the affordable independent housing for seniors is required to provide 24 parking spaces. In order to minimize costs, the required parking is provided unenclosed on the zoning lot. However, this makes a significant portion of the site unbuildable and therefore the site is not able to develop its fully permitted floor area. In this instance, nearly half of the permitted floor area (47.5 percent, or 100,000 sq ft) is unable to be developed. The building accommodates approximately 192 units of affordable senior housing, assuming an average unit size of approximately 710 sq ft as required by the dwelling unit factor, with 24 required parking spaces. Much of the surface parking lot is underutilized, as only approximately 9 residents likely have cars.
In the With-Action scenario, the requirement for the parking for the affordable independent housing for seniors is removed. This frees up that portion of the lot for development utilizing the remaining unused floor area. The second building on the zoning lot is able to develop all the remaining permitted floor area utilizing contemporary best practices for affordable senior housing construction, resulting in a total 213,624 square feet, or approximately 291 affordable senior housing units, assuming an average unit size of approximately 650 sq ft. There would be no parking required for the new units.

Incremental changes as a result of the with-action scenario include infill development of a new building with approximately 199 additional dwelling units on the lot, 64,080 gsf, and a reduction of 24 previously required parking spaces.

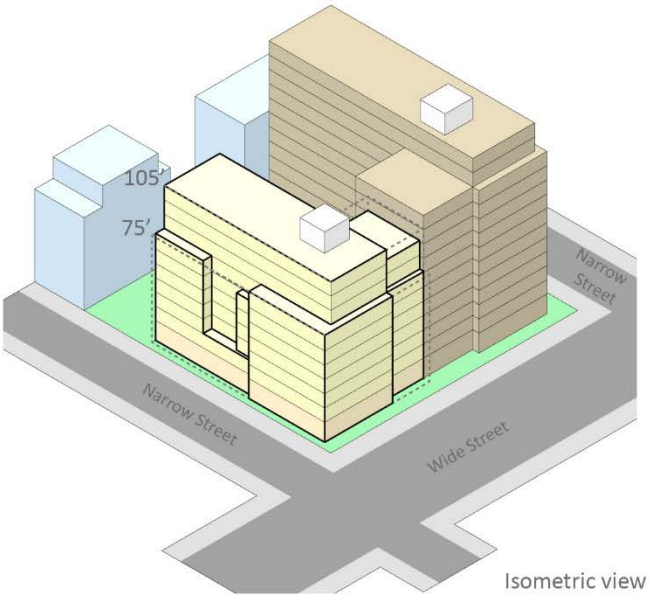
As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	40,000 sq. ft.	40,000 sq. ft.
Permitted FAR	5.01	5.01
Permitted Development Rights (square feet)	200,400 sq. ft.	200,400 sq. ft.
Existing Development	136,320 sq. ft.	136,320 sq. ft.
Remaining Floor Area	64,080 sq. ft.	64,080 sq. ft.
Ground Floor / Upper Story Height	N/A	14' / 10'
Building Depth	N/A	55
Number of Stories/Overall Height	N/A	10/105'
Floor Area that can be accommodated in new development (square feet)	N/A	64,080 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		50.1%
Gross Floor Area: Existing/New (square feet)	143,136/0 sq. ft.	213,624 sq. ft.
Total number of units (market-rate/affordable)	192 (0/192) units	291 (0/291) units
Number of parking required	24	0

Prototype 12: R10A District, 100' x 100' interior lot on wide street

The prototype utilizes a generic 100' x 100' interior lot on a wide street in an R10A district. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in the Project Description, on development:

- Adjust height controls in moderate- and high-density districts
- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Provide more-useable court regulations
- Encourage elevated residential ground floors

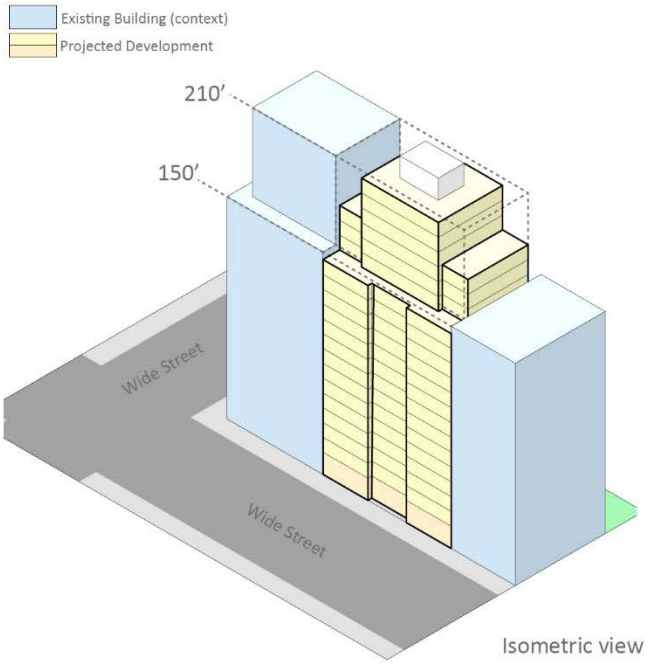
In the No-Action scenario, the 100,000 sq ft of floor area permitted by the zoning district is accommodated in the existing building envelope, but doing so requires sub-optimal floor to floor heights, particularly on the ground floor. The building façade is flat with little articulation in order to allow for the maximum amount of floor area to fit within the envelope. The building is 65' deep and has a base height of 150' and a total height of 210'. Assuming an average unit size of 850 sq ft in a very high density zoning district, the development would be expected to generate 129 market-rate units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

In the With-Action scenario, the floor area permitted by the zoning district is also accommodated, but the modified building envelope allows the use of contemporary best practices for residential uses, including floor-to-floor heights, while also permitting a range of building articulation. The building is 65' deep and has a maximum base height of 155' and a total height of 215', or 21 stories. The With-Action scenario allows an incremental increase of 5 feet, but no additional square footage or residential dwelling units. Assuming an average unit size of 850 sq ft in a very high density zoning district, the development would be expected to generate 129 market-rate units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

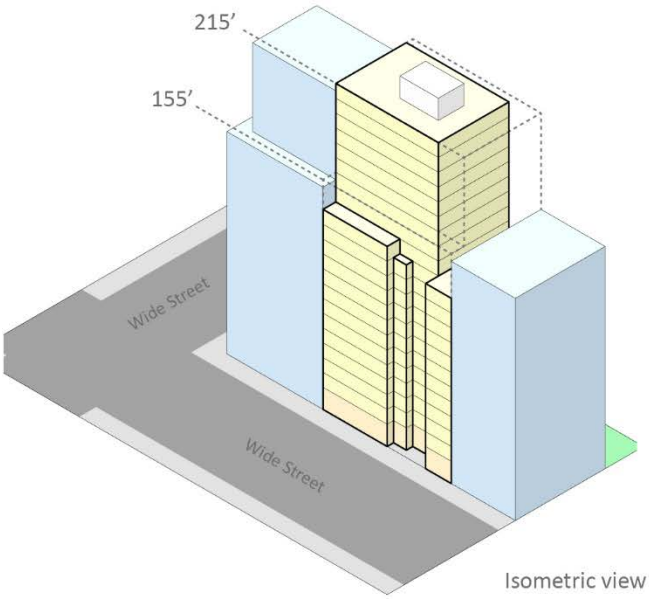
Incremental changes as a result of the with-action scenario include an additional 5' height. No additional gross square footage or FAR is accommodated on the lot, but the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk. By utilizing the reduced setback requirement and courts regulation, the building has more flexibility in articulating the street wall without sacrificing floor area and at the same time taking advantage of more efficient construction techniques. Changes to building design facilitated by the Proposed Action result in a better pedestrian experience at the sidewalk.

As a result of the additional height facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. As the proposed action does not increase the amount of allowable FAR or dwelling units, no density related impacts are analyzed as part of this EIS.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	10.0	10.0
Permitted Development Rights (square feet)	100,000 sq. ft.	100,000 sq. ft.
Ground Floor / Upper Story Height	15' / 10'	15' / 10'
Building Depth	65'	65'
Number of Stories/Overall Height	20/205'	21/215'
Floor Area that can be accommodated (square feet)	100,000 sq. ft.	100,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Gross Floor Area (square feet)	110,000 sq. ft.	110,000 sq. ft.
Total number of units (market-rate/affordable)	129 (129/0) units	129 (129/0) units
Number of parking required (market-rate/affordable)	0	0

Prototype 13: R10A District, Inclusionary Housing, 100' x 100' interior lot on wide street

The prototype utilizes a generic 100' x 100' interior lot on a wide street in an R10A district with Inclusionary Housing. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in the Project Description, on development:

- Adjust height controls for Inclusionary Housing
- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Provide more-useable court regulations
- Encourage elevated residential ground floors

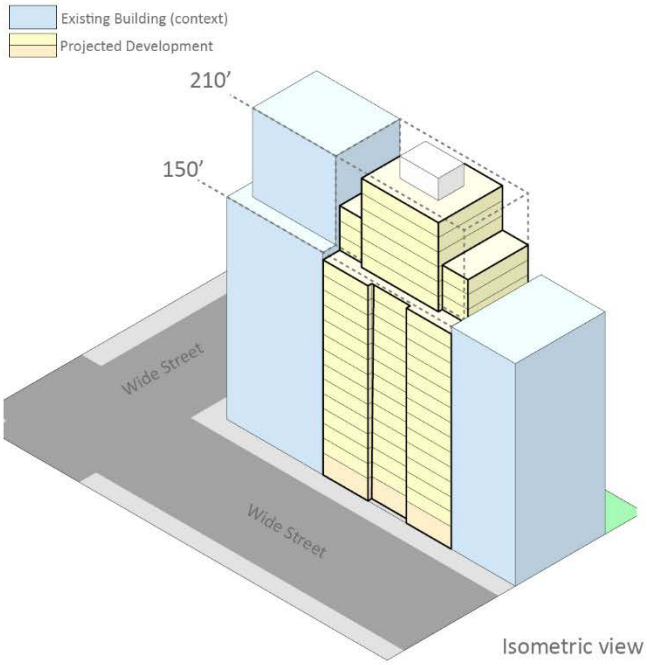
In the No-Action scenario, the building, participating in the IH program, has 12 FAR and 132,000 sq ft of gross floor area permitted by the zoning district and a maximum height of 210'. This floor area is accommodated in the existing building envelope, but doing so requires sub-optimal floor to floor heights, particularly on the ground floor. The building façade is flat with little articulation in order to allow for the maximum amount of floor area to fit within the envelope. The building is 70' deep and has a base height of 150' and a total height of 210'. Assuming an average unit size of 850 sq ft in a very high density zoning district, the development would be expected to generate 124 market-rate units and 31 affordable units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

In the With-Action scenario, the building, participating in the IH program, continues to have 12 FAR and 132,000 sq ft of gross floor area, but the maximum height is increased to 235'. This modified building envelope allows the use of contemporary best practices for residential uses, including floor-to-floor heights, while also permitting a range of building articulation. The building is 65' deep and has a maximum base height of 155' and a total height of 235', or 23 stories. Assuming an average unit size of 850 sq ft in a very high density zoning district, the development would be expected to generate 124 market-rate units and 31 affordable units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

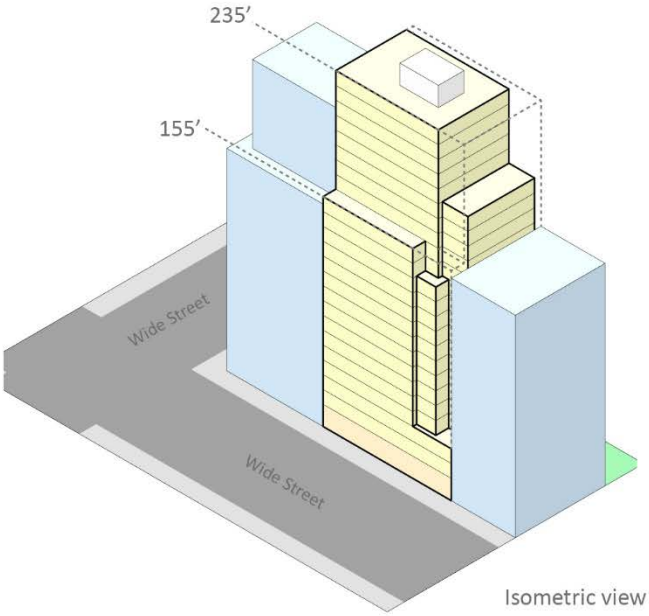
The With-Action scenario allows an incremental increase of 25 feet, but no additional square footage or residential dwelling units. Although no additional gross square footage or FAR is accommodated on the lot, the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the additional height facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. As the proposed action does not increase the amount of allowable FAR or dwelling units, no density related impacts are analyzed as part of this EIS.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	12.0	12.0
Permitted Development Rights (square feet)	120,000 sq. ft.	120,000 sq. ft.
Ground Floor / Upper Story Height	12' / 9' -5"	15' / 10'
Building Depth	70'	65'
Number of Stories/Overall Height	22/210'	23/235'
Floor Area that can be accommodated (square feet)	120,000 sq. ft.	120,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Gross Floor Area (square feet)	132,000 sq. ft.	132,000 sq. ft.
Total number of units (market-rate/affordable)	155 (124/31) units	155(124/31) units
Number of parking required (market-rate/affordable)	0	0

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

The prototype utilizes a generic 100' x 100' interior lot on a narrow street in a C6-4A district (R10A equivalent commercial district) with Inclusionary Housing. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in the Project Description, on development:

- Adjust height controls for Inclusionary Housing
- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Provide more-useable court regulations
- Encourage elevated residential ground floors

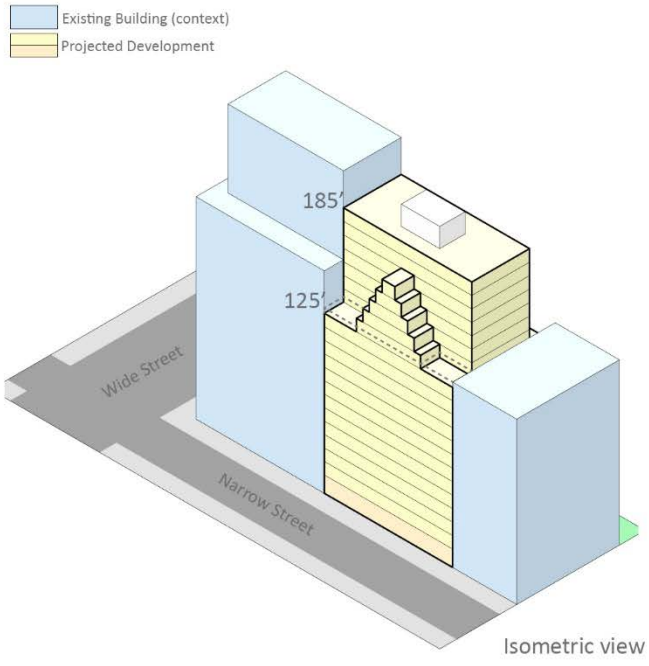
In the No-Action scenario, the building, participating in the IH program, has 12 FAR and 120,000 sq ft of gross floor area permitted by the zoning district and a maximum height of 185'. This floor area cannot be accommodated in the existing building envelope, and even with sub-optimal floor to floor heights, particularly on the ground floor, only 112,300 square feet of floor area is developed. The building façade is flat with little articulation in order to allow for the maximum amount of floor area to fit within the envelope. The building is 70' deep and has a base height of 125' and a total height of 185'. Assuming an average unit size of 850 sq ft in a very high density zoning district, the development would be expected to generate 118 market-rate units and 29 affordable units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

In the With-Action scenario, the building, participating in the IH program, continues to have 12 FAR and 120,000 sq ft of gross floor area, but the maximum height is increased to 235'. This modified building envelope allows the use of contemporary best practices for residential uses, including floor-to-floor heights, while also permitting a range of building articulation. The building is 65' deep and has a maximum base height of 155' and a total height of 235', or 23 stories. Assuming an average unit size of 850 sq ft in a very high density zoning district, the development would be expected to generate 124 market-rate units and 31 affordable units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

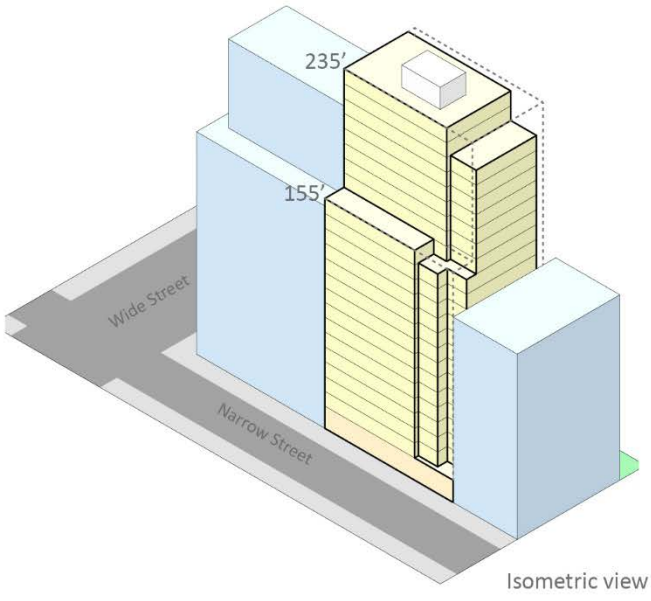
The With-Action scenario allows an incremental increase of 55 feet, 6 market rate units, and 2 affordable units, and 7,259 additional gsf overall. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the additional height facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	12.0	12.0
Permitted Development Rights (square feet)	120,000 sq. ft.	120,000 sq. ft.
Ground Floor / Upper Story Height	12' / 9'	15' / 10'
Building Depth	70'	65'
Number of Stories/Overall Height	20/185'	23/235'
Floor Area that can be accommodated (square feet)	112,300 sq. ft.	120,000 sq. ft.
Remaining Floor Area (square feet)	7,700 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Residential Gross Floor Area (square feet)	124,750 sq. ft.	132,000 sq. ft.
Commercial Gross Floor Area (square feet)	124,750 sq. ft.	132,000 sq. ft.
Total number of units (market-rate/affordable)	147 (118/29) units	155(124/31) units
Number of parking required (market-rate/affordable)	0	0

Prototype 15: R10A District, Inclusionary Housing, 40' x 100' interior lot on wide street

The prototype utilizes a 40' x 100' narrow interior lot on a wide street in an R10A Inclusionary Housing Designated area adjacent to 6-story residential buildings. These assumptions were chosen because they represent the greatest extent of change regarding the modifications to the provisions affecting narrow lots. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Create more-efficient building setback rules
- Adjust height controls for Inclusionary Housing
- Remove narrow lot restrictions

In the No-Action scenario, the development is restricted to the width of the adjacent wide street (in this case, 100 feet) because the lot is less than 45 feet wide and is located next to buildings that are less than 100 feet in height. The development takes part in the Inclusionary Housing Program but is not able to fit its permitted floor area, even with sub-optimal floor-to-floor heights and less-efficient residential units. The development would not be able to develop approximately 24,660 square feet of floor area. Assuming an average unit size of 850 sq ft in a very high density zoning district, the development would be expected to generate 25 market-rate units and 7 affordable units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less

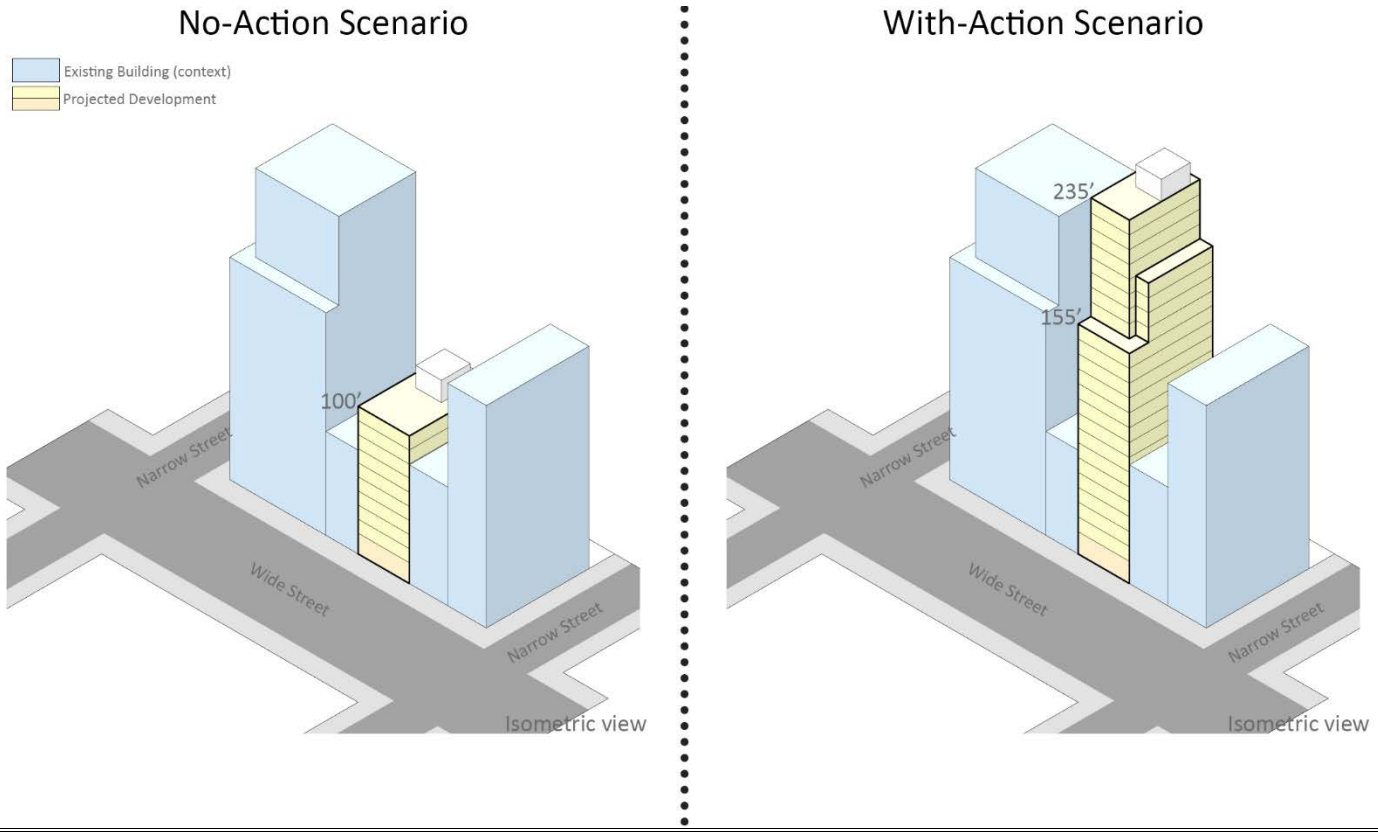
In the With-Action scenario, the narrow lot development takes part in the Inclusionary Housing Program and is therefore permitted to be developed to the height permitted by the underlying zoning district, regardless of the width of the adjacent wide street or height of the adjacent buildings. The development is able to construct its permitted floor area, utilizing best practices for residential buildings.

The With-Action scenario facilitates in an incremental height increase 135 feet in a district where such heights would be permitted as of right on a wider development site. The development is able to fit the floor area associated with the R10A zoning district, 48,000 sq ft. Assuming an average unit size of 850 sq ft in a very high density zoning district, the development would be expected to generate 50 market-rate units and 12 affordable units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

Incremental changes as a result of the with-action scenario include an additional 135' of building height, allowing for 25,674 additional gsf over the No-Action scenario, or approximately 30 additional dwelling units. There would be no parking change to the parking provided. Changes to building setback requirements facilitated by the Proposed Action enable the utilization of more efficient construction techniques.

While the proposed action will facilitate a change in building height or envelope for this development site, many underdeveloped narrow lots will have an opportunity to merge with an adjacent neighbor and develop to the full height permitted by the zoning district. However, since there will be cases where a merge is not possible, bulk-related impacts are also analyzed as part of this EIS. These impacts include: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.



	No Action	With Action
Lot Area (square feet)	4,000 sq. ft.	4,000 sq. ft.
Permitted FAR	12.0	12.0
Permitted Development Rights (square feet)	48,000 sq. ft.	48,000 sq. ft.
Ground Floor / Upper Story Height	13' / 9' -6"	15' / 10'
Building Depth	70'	65'
Number of Stories/Overall Height	10/100'	23/235'
Floor Area that can be accommodated (square feet)	24,660 sq. ft.	48,000 sq. ft.
Remaining Floor Area (square feet)	23,340 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		48.6%
Gross Floor Area (square feet)	27,126 sq. ft.	52,800 sq. ft.
Total number of units (market-rate/affordable)	32 (25/7) units	62(50/12) units

Number of parking required (market-rate/affordable)	0	0

Prototype 16: R10 District, Inclusionary Housing utilizing increased density allowance, 100' x 100' corner lot on wide and narrow streets

The prototype utilizes a generic 100' x 100' corner lot adjacent to both a wide and narrow street in an R10 district, participating in the Inclusionary Housing R10 Program. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in the Project Description, on development:

- Modernize density factor and unit size requirements for R8-R10 Quality Housing buildings

In the No-Action scenario, the building, participating in the IH program, has 12 FAR and 120,000 sq ft of gross floor area permitted by the zoning district. While an average unit size of 850 sq ft is typically assumed in the city's highest density districts, some large buildings may prefer to allocate more of their square footage to smaller studios and 1 bedroom apartments, resulting in a smaller average unit sizes. In the No-Action scenario, this building is prevented from doing so because of its dwelling unit factor. The maximum number of dwelling units permitted in the development is determined by dividing the maximum residential floor area by the dwelling unit factor for its zoning district which, in the case of R10 districts, is 790. This results in a maximum 152 allowable number of units, 30 of which would be affordable under the Inclusionary Housing R10 program. Because the development occurs in an R10 district on a zoning lot of less than 10,000 square feet, parking requirements are waived and none is provided.

In the With-Action scenario, the building, participating in the IH program, continues to have 12 FAR and 132,000 sq ft of gross floor area, but the dwelling unit factor is 680. This allows the development to include a broader range of unit sizes, including more studios and one bedroom units to accommodate demand within the city's highest density districts. The adjusted dwelling unit factor enables the same development to accommodate 176 total dwelling units, 35 of which would be affordable under the Inclusionary Housing R10 program. Because the development occurs in an R10 district on a zoning lot of less than 10,000 square feet, parking requirements are waived and none is provided.

Incremental changes as a result of the With-Action scenario include an additional 24 dwelling units.

As a result of the additional density facilitated by the proposed action, density related impacts are analyzed as part of this EIS.

	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	12	12
Permitted Development Rights (square feet)	120,000 sq. ft.	120,000 sq. ft.
Dwelling Unit Factor	790	680
Maximum Number of Units (market-rate/affordable)	152 (122/30) units	176 (141/35) units
Difference between No-Action and With-Action (percent change)		24 units (15.8%)
Gross Floor Area (square feet)	132,000 sq. ft.	132,000 sq. ft.
Number of parking required (market-rate/affordable)	0	0

Prototype 17: R8A District, Inclusionary Housing adjoining R6B District, 100' x 100' corner lot on wide and narrow streets

The prototype utilizes a generic 100' x 100' corner lot on a wide and narrow street in an R8A district adjoining a lower-density R6Bdistrict. These assumptions were chosen because they represent a likely scenario in the city with a great degree of difference between the permitted building forms in each zoning district. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Adjust height controls for Inclusionary Housing
- Create more-efficient building setback rules
- Remove unnecessary corner lot coverage restrictions
- Provide a more balanced building transition rule
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Provide more-useable court regulations

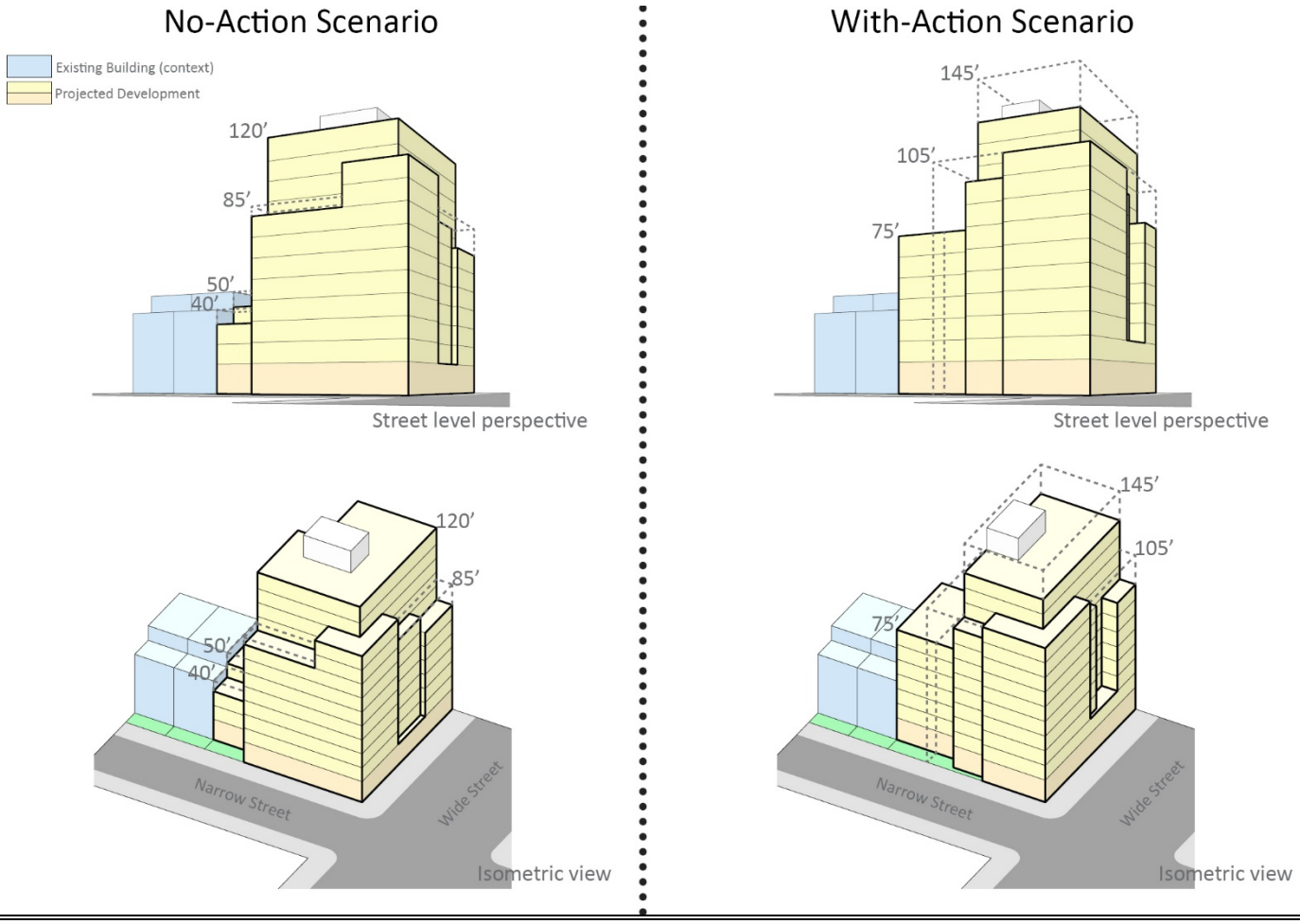
In the No-Action scenario, the development utilizes the existing building envelope and additionally adheres to the current transition rules that require buildings be significantly lowered and set away from specific lower density districts. The development is able to fit its permitted floor area in the existing building envelope, but doing so requires the building to pack as many dwelling units into the existing envelope, by providing sub-optimal floor to floor heights, particularly on the ground floor. The building is 60' deep and has a maximum height of 120', or 12 stories. The building could accommodate approximately 88 dwelling units, 70 of which would be market-rate and 18 of which would be affordable. Because the lot is 10,000 sq feet or less in an R8A district, no parking is required. The majority of the building's bulk is concentrated on one side of the lot.

In the With-Action scenario, the development utilizes the modified building envelope regulations and additionally adheres to the modified transition rules that permit buildings to develop up to their permitted base height adjacent to specific lower density districts. With the expanded envelope, the development is able to fit its permitted floor area while utilizing best practices for residential buildings and a range of building articulation. The building is 60' deep and fits its allowable floor area with a height of 125', or 20 stories, although a maximum height of 145', or 14 stories, is permitted. However, because greater bulk is allowed adjacent to the lower density district, the building does not need to max out its allowable height.

The proposed action results in a building that could be 25', or two stories, taller, with higher quality ground floor lobby space. The building could continue to accommodate approximately 88 dwelling units, 70 of which would be market-rate and 18 of which would be affordable, but these units would be laid out more efficiently within a more appropriate building envelope. Because the lot is 10,000 sq feet or less in an R8A district, no parking is required. The majority of the building's bulk is concentrated on one side of the lot.

Incremental changes as a result of the with-action scenario include an additional 25' height, a reduction of 16 parking spaces, and a modified building footprint on the lot. No additional gross square footage or FAR is accommodated on the lot, but the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. As the proposed action simply makes it easier to fit the maximum allowable floor area permitted by the R7A zoning district, no density related impacts are analyzed as part of this EIS.



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	7.2	7.2
Permitted Development Rights (square feet)	72,000 sq. ft.	72,000 sq. ft.
Ground Floor / Upper Story Height	14' / 9' -6"	15' / 10'
Building Depth	60'	60'
Number of Stories/Overall Height	12/120'	12(14 permitted)/ 125' (145' permitted)
Floor Area that can be accommodated (square feet)	72,000 sq. ft.	72,000 sq. ft.

Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Gross Floor Area (square feet)	79,200 sq. ft.	79,200 sq. ft.
Total number of units (market-rate/affordable)	88 (70/18) units	88 (70/18) units
Number of parking required (market-rate/affordable)	0	0

Prototype 18: R8A District, Inclusionary Housing, 100' x 85' shallow interior lot on wide street

The prototype utilizes a 100' wide x 85' shallow interior lot in an R8A district, with Inclusionary Housing. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Adjust height controls for Inclusionary Housing
- Create more-efficient building setback rules
- Provide improved yard and coverage regulations for shallow lots

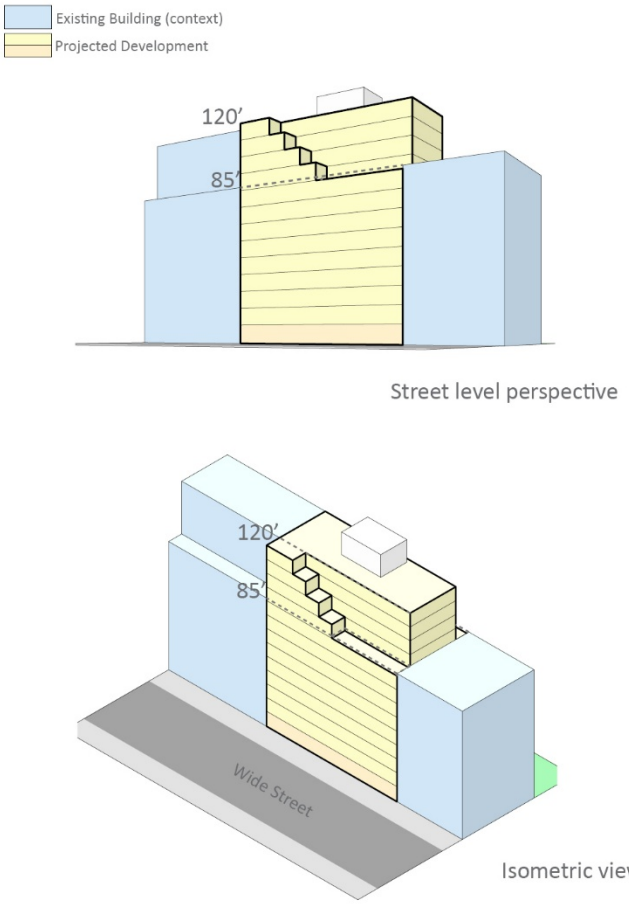
In the No-Action scenario, the development is required to provide a full 60 foot rear yard regardless of the depth of the lot. When rear yard requirements were designed, lots were assumed to have a depth of 100', and a 30' rear yard was rationale given those dimensions. Under the No-Action scenario on a lot with a depth of only 85', the development is forced to build a building with only 55' depth. Additionally, height limitations of 120' result in a building that is unable to fit its entire permitted 7.2 FAR, leaving 2,790 sq ft of allowable floor area undeveloped. The building is able to provide 71 total units; 57 market-rate, and 14 affordable units. No parking is required as the zoning lot is 10,000 sq ft or less.

In the With-Action scenario, the development is permitted to reduce the depth of the required rear yard to 25 feet. This allows for a deeper floor plate depth more in line with typical residential construction. The development is able to fit all its permitted floor area using the modified building envelope controls, by achieving a height of 145'. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to provide a variety of building articulation options. The building is able to provide 75 total units; 60 market-rate, and 15 affordable units. No parking is required as the zoning lot is 10,000 sq ft or less.

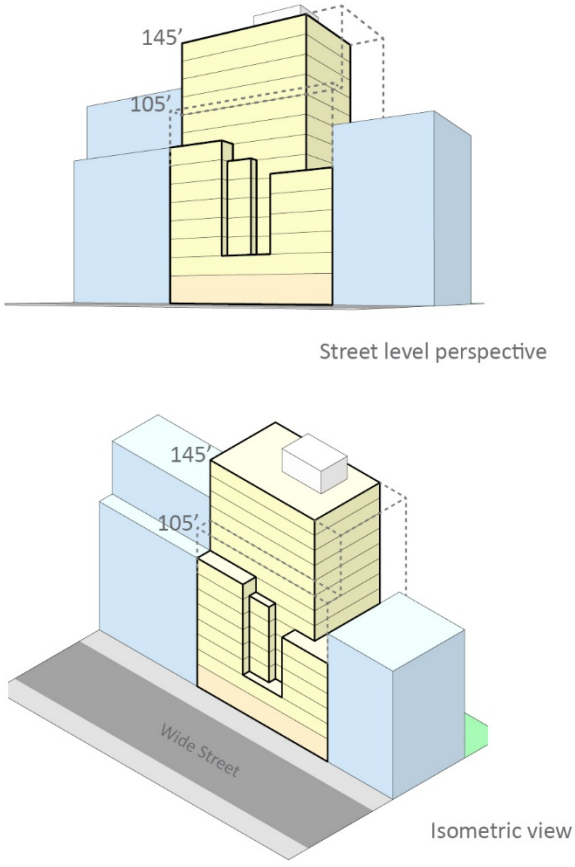
Incremental changes as a result of the with-action scenario include an additional 25' of allowable height, 4 additional dwelling units, 3,069 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the 25' feet of permitted additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. As the proposed action enables the development of additional dwelling units, density related impacts are analyzed as part of this EIS.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	8,500 sq. ft.	8,500 sq. ft.
Permitted FAR	7.2	7.2
Permitted Development Rights (square feet)	61,200 sq. ft.	61,200 sq. ft.
Ground Floor / Upper Story Height	10' / 9' -1"	15' / 10'
Building Depth	55'	60'
Number of Stories/Overall Height	13/120'	14/145'
Floor Area that can be accommodated (square feet)	58,410 sq. ft.	61,200 sq. ft.
Remaining Floor Area (square feet)	2,790 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		4.8 %
Gross Floor Area (square feet)	64,251 sq. ft.	67,320 sq. ft.
Total number of units (market-rate/affordable)	76 (61/15) units	79 (63/16) units
Number of parking required (market-rate/affordable)	0	0

Prototype 19: R8A, Inclusionary Housing, 100' x 170' shallow through lot on wide and narrow streets

The prototype utilizes a 100' wide x 170' shallow interior through lot in an R8A district, with Inclusionary Housing. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Adjust height controls for Inclusionary Housing
- Create more-efficient building setback rules
- Provide improved yard and coverage regulations for shallow lots
- Eliminate parking requirements for qualifying affordable housing within the Transit Zone

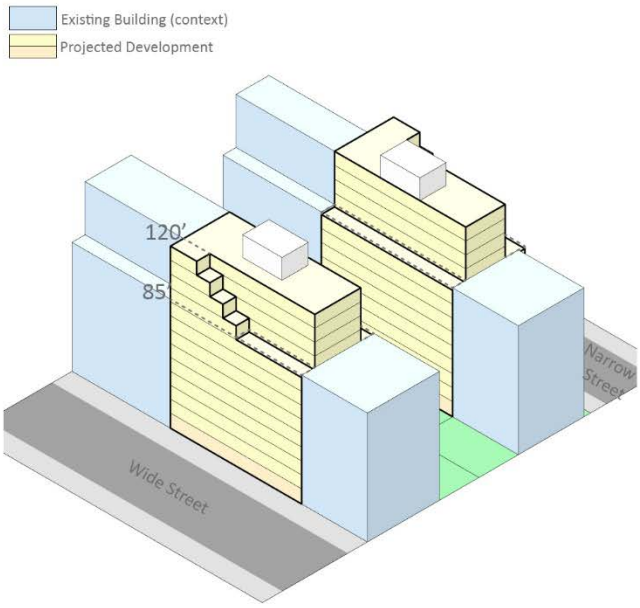
In the No-Action scenario, the development is required to provide a full 60 foot rear yard regardless of the depth of the lot. When rear yard requirements were designed, lots were assumed to have a depth of 200', and a combined 60' rear yard was rationale given those dimensions. Under the No-Action scenario on a lot with a depth of only 170', the development is forced to build a building with only 55' depth. Additionally, height limitations of 120' result in a building that is unable to fit its entire permitted 7.2 FAR, leaving 6,800 sq ft of allowable floor area undeveloped. The building is able to provide 141 total units; 113 market-rate, and 28 affordable units. Forty eight parking spaces are required; 45 required for the market-rate units, and 3 for the affordable units.

In the With-Action scenario, the development is permitted to reduce the depth of the required rear yard to 50 feet. This allows for a deeper floor plate depth more in line with typical residential construction. The development is able to fit all its permitted floor area using the modified building envelope controls, by achieving a height of 145'. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to provide a variety of building articulation options. The building is able to provide 150 total units; 120 market-rate, and 30 affordable units. Forty eight parking spaces are required; 48 for the market-rate units, and none for the affordable units.

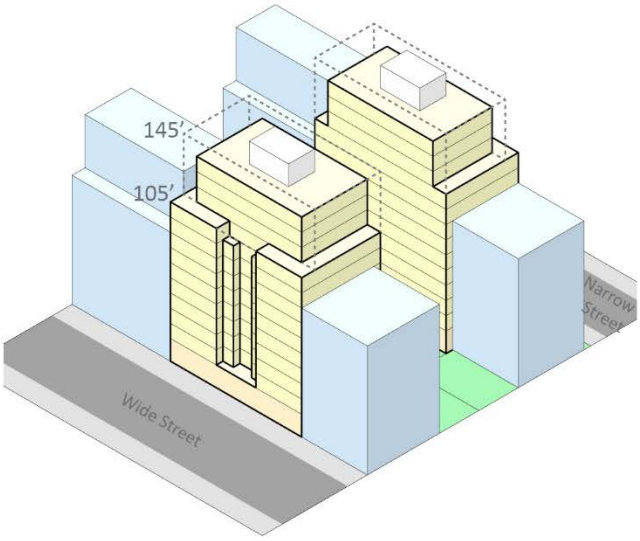
Incremental changes as a result of the with-action scenario include an additional 25' height, a reduction in parking spaces per unit (no change in overall parking provided), an additional 9 dwelling units, 7,480 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the 25' feet of permitted additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. As the proposed action enables the development of additional dwelling units, density related impacts are analyzed as part of this EIS.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	17,000 sq. ft.	17,000 sq. ft.
Permitted FAR	7.2	7.2
Permitted Development Rights (square feet)	122,400 sq. ft.	122,400 sq. ft.
Ground Floor / Upper Story Height	10' / 9' -3"	15' / 10'
Building Depth	55'	60'
Number of Stories/Overall Height	13/120'	13 (14 permitted)/ 135' (145' permitted)
Floor Area that can be accommodated (square feet)	115,600 sq. ft.	122,400 sq. ft.
Remaining Floor Area (square feet)	6,800 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		5.9 %
Gross Floor Area (square feet)	127,160 sq. ft.	134,640 sq. ft.
Total number of units (market-rate/affordable)	150 (120/30) units	158 (126/32) units
Number of parking required (market-rate/affordable)	52 (48/4) spaces	50 (50/0) spaces

Prototype 20: R8 District, Affordable Independent Residences for Seniors, 200' x 100' corner lot on wide and narrow streets

The prototype utilizes a generic 200' x 100' corner lot on wide and narrow streets adjacent to a rail line in an R8 non-contextual district. These assumptions were chosen because of the prevalence of the zoning district throughout the city. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Update floor area ratio maximum for affordable independent residences for seniors
- Remove density and unit size limits for affordable senior housing
- Create a new higher-density non-contextual building envelope for certain types of housing on zoning lots adjacent to certain types of infrastructure– Long-Term Care Facilities
- Eliminate parking requirements for affordable independent residences for seniors within the Transit Zone

In the No-Action scenario, there are two development options for non-profit residences for the elderly in a noncontextual district. The first, shown under No-Action Scenario 01, models a building utilizing the existing height factor building envelope controls allowed in non-contextual zoning districts, which provide no height limit and which allow the building to be shifted away from the rail line, and provides parking at grade next to the rail line. The second, shown under No-Action Scenario 02, models a building utilizing the Quality Housing regulations permitted in the zoning district. While this is a permitted envelope for this type of use, it is unlikely to be used, as the building form forces units close to the rail line. However, because this scenario is possible no matter how unlikely, both are analyzed for the purposes of this environmental review.

Under No-Action Scenario 01, Non-Profit Residences for the Elderly are permitted 6.02 FAR, and R8 zoning districts have a dwelling unit factor of 740. This limits the number of units that may be developed to 162, with a parking requirement of 16. There are no parking waivers available to Non-Profit Residences for the Elderly. With no height limit, the building develops to a height of 21 stories, with small floorplates ill-suited for this type of housing.

Under No-Action Scenario 02, Non-Profit Residences for the Elderly are permitted 6.02 FAR, and R8 zoning districts have a dwelling unit factor of 740. This limits the number of units that may be developed to 162, with a parking requirement of 16. There are no parking waivers available to Non-Profit Residences for the Elderly. Under the Quality Housing height limit of 120' in an R8 district, squeezing 13 stories into the development in order to maximize their FAR.

In the With-Action scenario, the Affordable Independent Residences for Seniors in an R8 district is allowed an FAR of 7.2, and is given a contextual building envelope that works with the existing built context of the rail line. The development is able to utilize best practices for residential buildings for floor-to-floor heights and is also able to set the residential units within the building away from the rail line while providing a variety of building articulation options. The building can achieve a maximum height of 215' or 21 stories, although the full height is not necessary for the development to fit its permitted FAR. The number of units for low income seniors is not restricted by a specific dwelling unit factor for the use but, based on comparable projects recently developed in the city which have an average unit size of approximately 650 square feet, the development would have approximately 243 units. No parking would be required for these units.

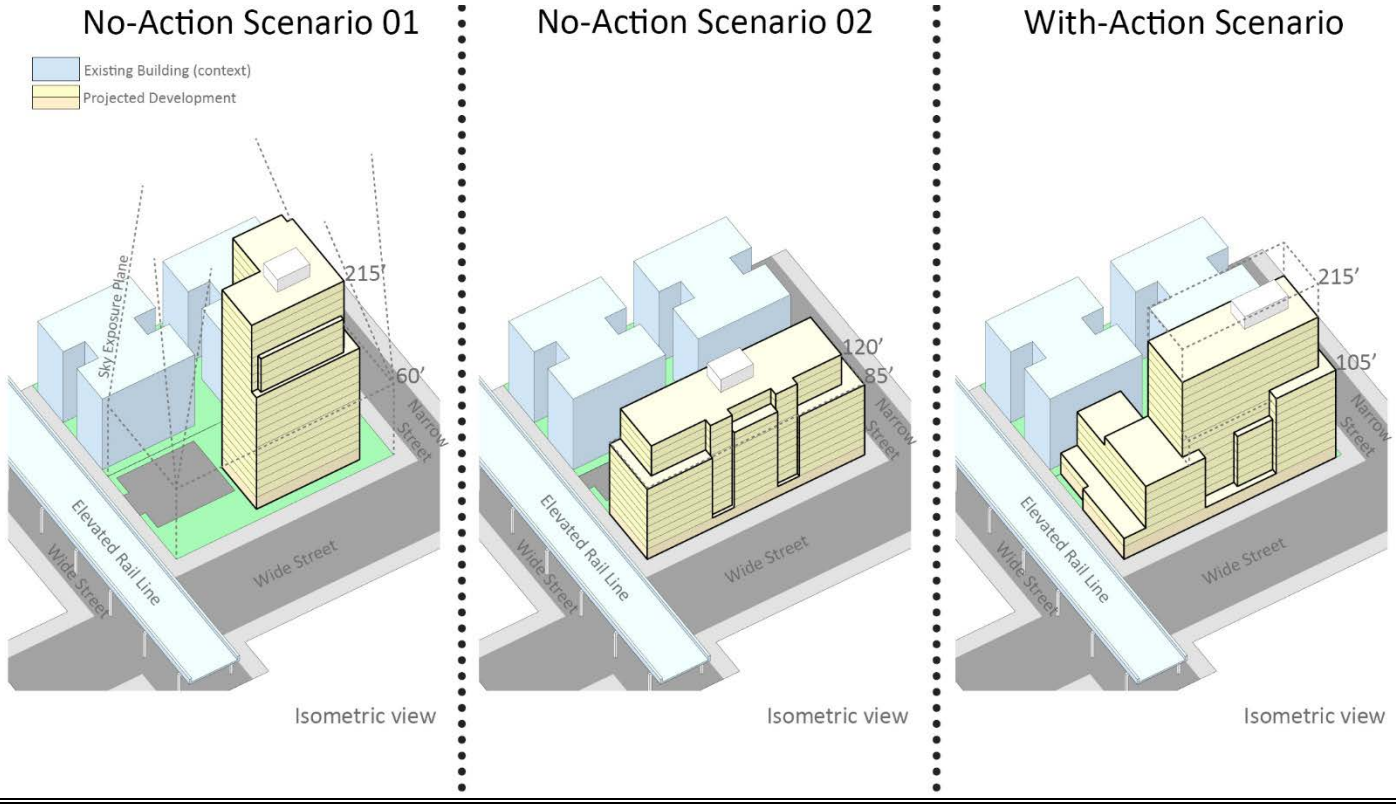
Incremental changes as a result of the with-action scenario over No-Action Scenario 01 include 16 fewer parking spaces, 81 additional affordable senior dwelling units, 31,980 additional gsf, and a modified building footprint that is more contextual with the surrounding neighborhood and accommodates larger floorplates for more efficient programming for this type of building.. The With-Action building is 50' shorter.

Incremental changes as a result of the with-action scenario over No-Action Scenario 02 include 16 fewer parking spaces, 81 additional affordable senior dwelling units, 45' additional height, 25,960 additional gsf, and a modified building footprint on the lot that better relates to the adjacent elevated rail line.

Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk. No parking would be required for these units, freeing up lot area to accommodate the full permitted FAR and dwelling units, and facilitating the development of amenity space in the rear yard.

As a result of the modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.



	No Action 01	No Action 02	With Action
Lot Area (square feet)	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Permitted FAR	6.02	6.02	7.2
Permitted Development Rights (square feet)	120,400 sq. ft.	120,400 sq. ft.	144,000 sq. ft.
Ground Floor / Upper Story Height	12' / 9' -6"	12' / 9'	15' / 10'
Building Depth	60'	55'	60'
Number of Stories/Overall Height	21 (no limit)/215'	13/120'	16 (21 permitted)/ 165' (215' permitted)
Floor Area that can be accommodated (square feet)	120,400 sq. ft.	120,400 sq. ft.	144,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)			19.6 %
Gross Floor Area (square feet)	126,420 sq. ft.	132,440 sq. ft.	158,400 sq. ft.
Total number of units (market-rate/affordable)	162 (0/162) units	162 (0/162) units	243 (0/243) units
Number of parking required (market-rate/affordable)	16 (0/16) spaces	16 (0/16) spaces	0 (0/0) spaces

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

The prototype utilizes an acutely angled lot in a C6-3A district with Inclusionary Housing and ground floor commercial uses adjacent to a wide street and a narrow street. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Rationalize street wall requirements for acutely-angled sites
- Remove unnecessary corner lot coverage restrictions
- Adjust height controls for Inclusionary Housing
- Eliminate parking requirements for qualifying affordable housing within the Transit Zone

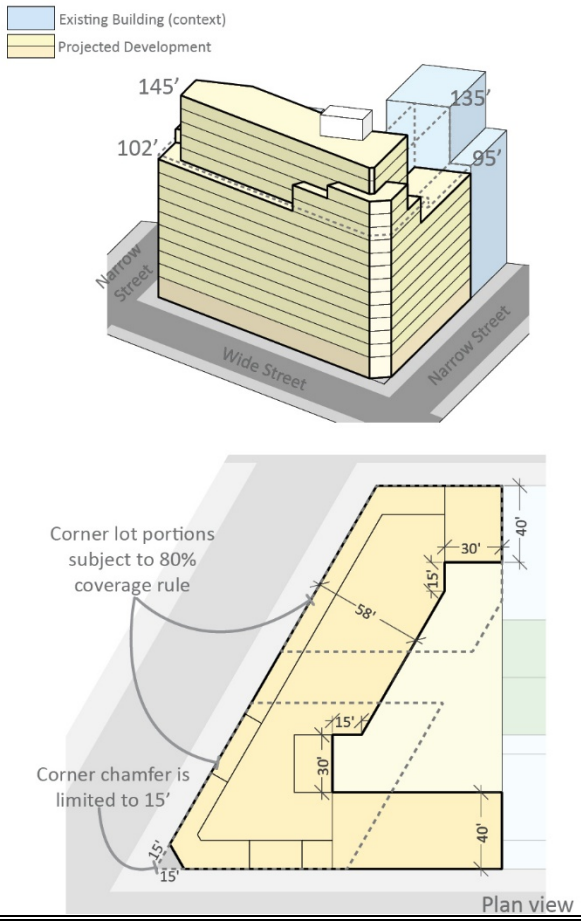
In the No-Action scenario, the site has a permitted FAR of 8.5, with 207,515 gross sq ft of residential, and 20,580 gross sq ft of commercial. Because of the 100% lot coverage requirement in this zoning district, coupled with the acutely angled lot, the building is allowed only within 15' of the corner to allow for articulation. This limited flexibility adds cost and complexity to the development of buildings on lots with angles of less than 75 degrees. The building is able to fit its full permitted floor area on site, with 231 dwelling units; 185 market-rate and 46 affordable. The development generates 80 parking spaces.

In the With-Action scenario, the site has the same permitted FAR of 8.5, with no change to the gross square footage or number of dwelling units. The number of required parking spaces is reduced to 74, as there is no parking requirement for affordable housing in a C6-3A district in the future with the proposed action.

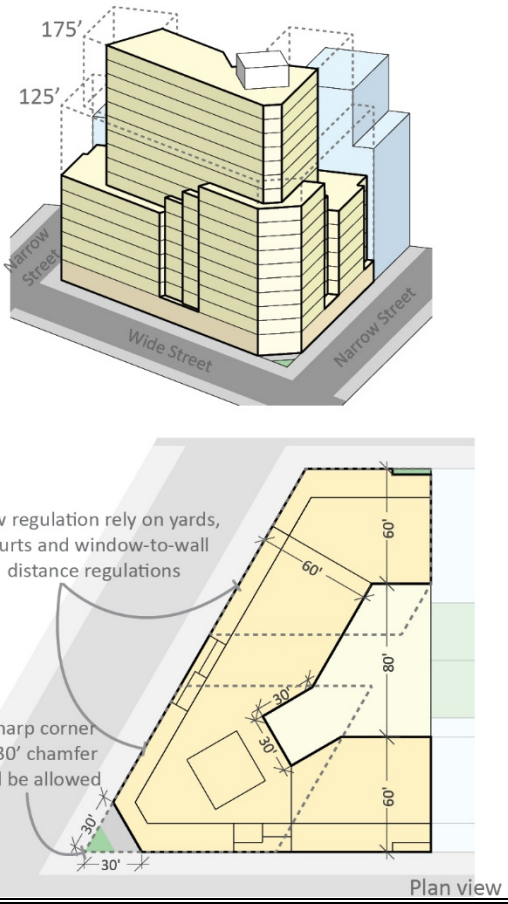
Incremental changes as a result of the with-action scenario include a modified building footprint on the lot that better relates to the adjacent elevated rail line, and 6 fewer parking spaces. No additional gross square footage or FAR is permitted on the lot, but the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	24,500 sq. ft.	24,500 sq. ft.
Permitted FAR	8.5	8.5
Permitted Development Rights (square feet)	208,250 sq. ft.	208,250 sq. ft.
Ground Floor / Upper Story Height	15' / 9' -3"	15' / 10'
Building Depth	40'-58'	60'
Number of Stories/Overall Height	15/145'	17/175'
Floor Area that can be accommodated (square feet)	208,250 sq. ft.	208,250 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Residential Gross Floor Area (square feet)	207,515 sq. ft.	207,515 sq. ft.
Commercial Gross Floor Area (square feet)	20,580 sq. ft	20,580 sq. ft
Total number of units (market-rate/affordable)	244 (195/49) units	244 (/49) units
Number of parking required (market-rate/affordable)	84 (78/6) spaces	78 (78/0) spaces

Prototype 22: R8 District, Affordable Independent Residences for Seniors, 200' x 100' interior lot on narrow street

The prototype utilizes a generic 200' x 100' interior lot on a narrow street. These assumptions were chosen because of the prevalence of the zoning district throughout the city. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Eliminate existing and previously required parking for non-profit residences for the elderly or dwelling units for the elderly within the Transit Zone
- Update floor area ratio maximum for affordable independent residences for seniors

In the No-Action scenario, an existing affordable senior housing development is underbuilt, encompassing only 85,470 out of 120,400 square feet of permitted development rights. The parking requirement of 10% for Non-Profit Residences for the Elderly in an R8 district added significant cost to the development and the developer was unable to finance structured parking at up to $50,000 per space. As a result, the developer provided surface parking, at the cost of lot area that could have been allocated to additional dwelling units. Fewer than 6 cars are registered to this development, and the majority of the 13 required parking spaces are unused by the residents for whom they were required. The development is located a couple of blocks from a subway station, and is adjacent to multiple public bus routes. The housing development also provides shuttle service to residents and staff, enabling additional mobility among a population that may be limited.

In the With-Action scenario, the Affordable Independent Residences for Seniors in an R8 district has no parking requirement. Additionally, this development is allowed an FAR of 7.2 and 20 feet of additional height, although neither is needed. As conditions of the original regulatory agreement, mortgage provisions, and other restrictions, the property owners seek HUD and HPD approval to modify a partial change in use on the site, in order to expand horizontally over the existing parking lot. Upon approval and upon the securing of public subsidy for the development and tenancy of additional units, the property owner is able to add 44 affordable dwelling units for seniors without the need to build higher or significantly alter the existing building's structure.

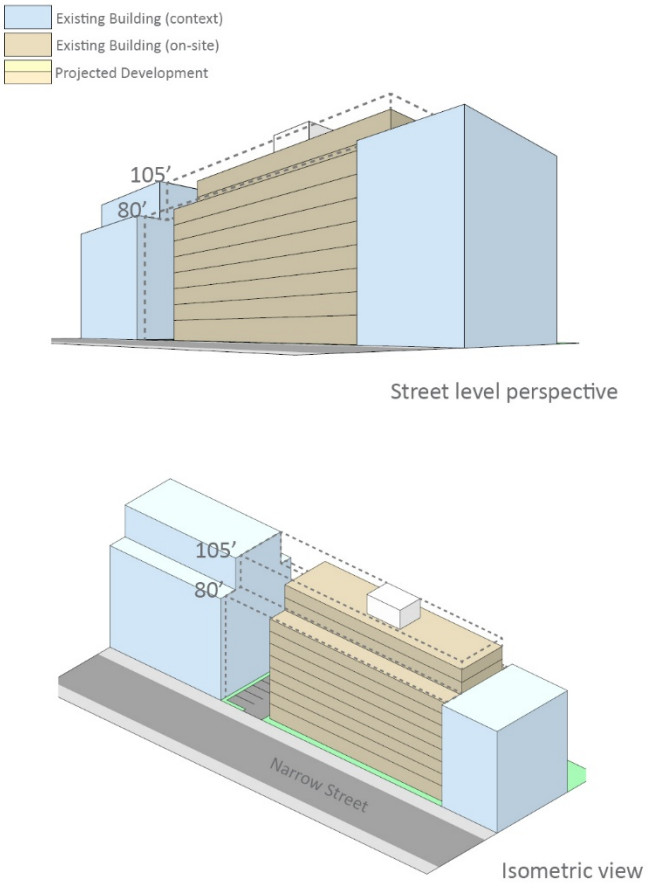
Residents of these 44 additional units may be pulled off of a housing waiting list for income- and age-restricted units. The 6 cars registered to the property would be expected to find on-street parking, or to park in another off-street facility nearby. Additional amenities and community space developed as required by the expanded building area would be provided.

Incremental changes as a result of the with-action scenario include 13 fewer parking spaces, 44 additional affordable senior dwelling units, 28,160 additional gsf, and a modified building footprint.

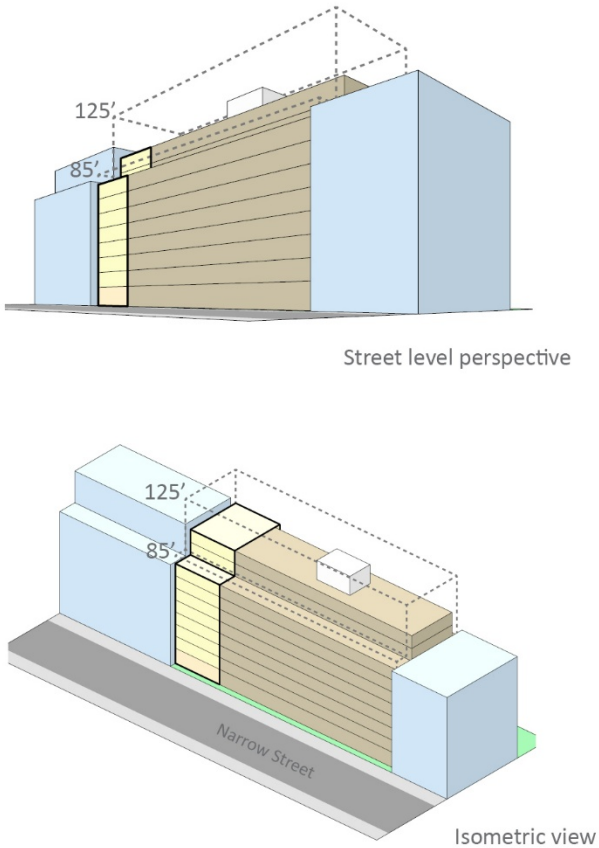
As a result of the modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	20,000 sq. ft.	20,000 sq. ft.
Permitted FAR	6.02	7.2
Permitted Development Rights (square feet)	120,400 sq. ft.	144,000 sq. ft.
Buildable Floor Area (square feet)	81,400 sq. ft.	103,300 sq. ft.
Number of Units	110	144
Ground Floor / Upper Story Height	12' / 9' -6"	12' / 9 '-6"
Number of Stories/Overall Height	10/100'	10/100'
Number of Parking Spaces	11	0
Remaining FA	39,000 sq. ft.	40,700 sq. ft.
Difference in buildable floor area (percent increase over No Action)		26.9 %
Gross Floor Area (square feet)	85,470 sq. ft.	113,630 sq. ft.
Total number of unit (market-rate/affordable)	131 (0/131) units	175 (0/175) units

Number of parking required (market-rate/affordable)	13 (0/13) spaces	0 (0/0) spaces

Prototype 23: R10A District, Long-term Care Facility, 100' x 100' interior lot on Wide Street

The prototype utilizes a generic 100' x 100' interior lot on a wide street in an R10A district, developed as a Long-Term Care facility. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in the Project Description, on development:

- Update floor area ratio maximum for Long-Term Care facilities
- Adjust Height Controls for Affordable Independent Residences for Seniors and Long-Term Care Facilities
- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Provide more-useable court regulations
- Encourage elevated residential ground floors

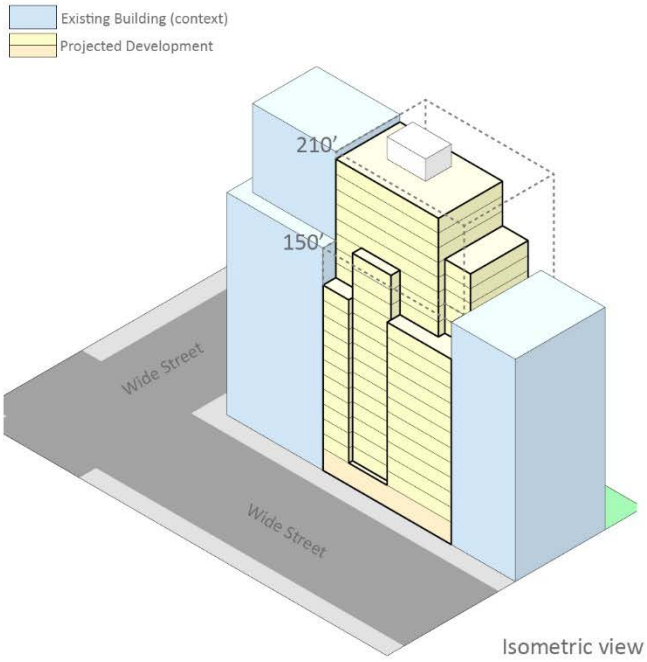
In the No-Action scenario, the building, developed as a Long-Term Care facility, has 10 FAR and 100,000 sq ft of gross floor area permitted by the zoning district and a maximum height of 210'. This floor area is accommodated in the existing building envelope, but doing so requires sub-optimal floor to floor heights. The building is 70' deep and has a base height of 150' and a total height of 210'. Assuming an average unit size or sq. ft. per bed allocation of 500 sq ft, the development would be expected to generate 210 beds for Long-Term Care residents. No parking would be required for a facility of this size.

In the With-Action scenario, the building is permitted to build to a maximum FAR of 12, with 120,000 sq ft of gross floor area, and the maximum height is increased to 235'. This modified building envelope allows the use of contemporary best practices for residential uses, including floor-to-floor heights, and provides the Long-Term Care facility with the same floor area ratio granted to Affordable Independent Residences for Seniors in this district. The building is 65' deep and has a maximum base height of 155' and a total height of 235', or 23 stories. Assuming an average unit size or sq ft per bed allocation of 500 sq ft, the development would be expected to generate 264 beds for Long-Term Care residents. No parking would be required for a facility of this size.

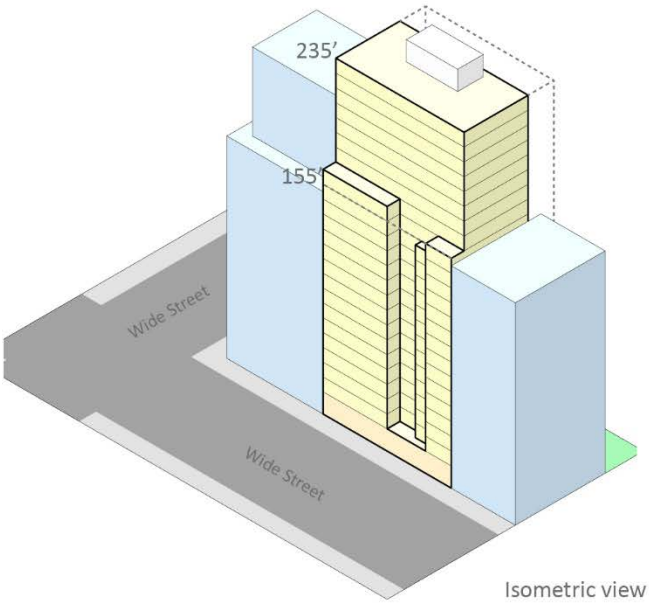
The With-Action scenario allows an incremental increase of 25 feet, 54 additional beds for Long-Term Care residents, and 27,000 additional gsf. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the additional height facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. As a result of the additional Long-Term Care beds permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	10.0	12.0
Permitted Development Rights (square feet)	100,000 sq. ft.	120,000 sq. ft.
Ground Floor / Upper Story Height	15' / 10'	15' / 10'
Building Depth	60'	60'
Number of Stories/Overall Height	20/205'	23/235'
Floor Area that can be accommodated (square feet)	100,000 sq. ft.	120,000 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Gross Floor Area (square feet)	105,000 sq. ft.	132,000 sq. ft.
Total number of beds	210 beds	264 beds
Number of parking required (market-rate/affordable)	0	0

Prototype 24: R4 District, Affordable Independent Residences for Seniors, 150' x 100' interior lot on narrow street, outside the Transit Zone

The prototype utilizes a generic 150' x 100' interior lot on a narrow street in an R4 district outside the Transit Zone. These assumptions were chosen because of the prevalence of this zoning district throughout the city, and the limited ability to fit the floor area permitted for this use today in an as-of-right manner. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Update floor area ratio maximum for affordable independent residences for seniors
- Create new lower-density bulk envelope for affordable senior housing and Long-Term Care facilities (R3-R5)
- Modernize density factor and unit size requirements for affordable independent residences for seniors
- Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone

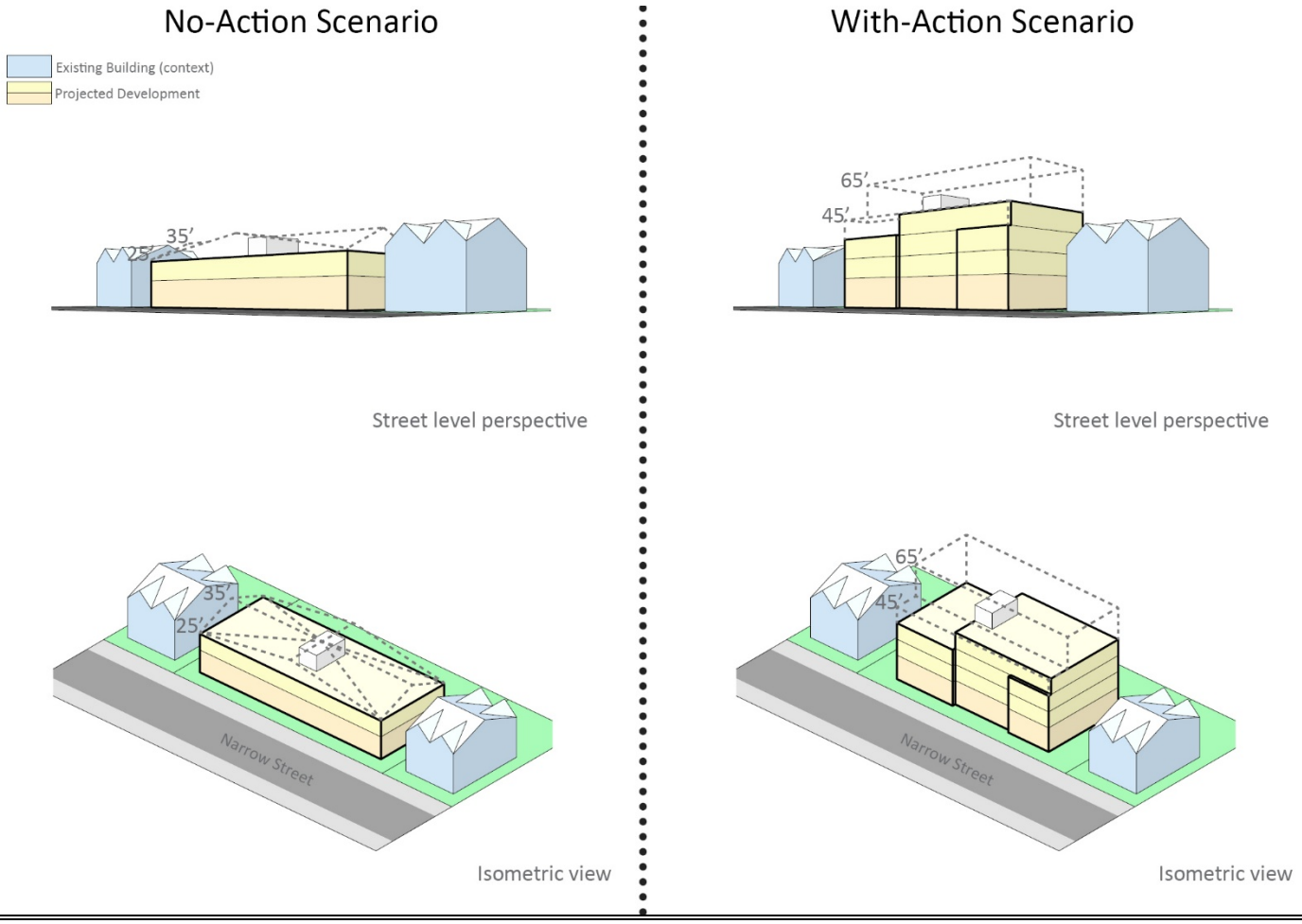
In the No-Action scenario, the affordable senior housing development is not able to fit the existing floor area permitted for the use in this zoning district even when utilizing sub-optimal building practices including lower floor-to-floor heights. Even with that, nearly half of the permitted floor area cannot be constructed on the site, in a building limited to 25' base height and 35' total height. The development would be permitted to apply for a discretionary approval from the City Planning Commission for a modified building envelope to permit the floor area. The as of right development would include 11,700 square feet, or roughly 19 senior housing units based on contemporary unit sizes of about 650 sq ft for this type of housing. There would be a 35 percent parking requirement, resulting in 7 parking spaces, likely exceeding demand based on an analysis of car ownership rates.

In the With-Action scenario, the affordable senior housing development is able to fit the existing floor area permitted for the use in this zoning district utilizing the Enhanced non-contextual envelope controls afforded to buildings providing senior housing in lower-density non-contextual zoning districts. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to set the building off the property line and provide a variety of building articulation options. The development would not require a discretionary review from the City Planning Commission, allowing as of right building to achieve up to 65' in height (although this scenario is able to fit the floor area with only 45' height). The with-action scenario would facilitate a building that is 19,350 square feet, or roughly 31 senior housing units. Assuming this development occurred far from transit, there would be a 10 percent parking requirement, resulting in 4 parking spaces that closely resemble parking demand based on car ownership rates.

Incremental changes as a result of the with-action scenario include 30' of additional allowable height, 4 fewer parking spaces, 16 additional affordable senior dwelling units, 8,032 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.



	No Action	With Action
Lot Area (square feet)	15,000 sq. ft.	15,000 sq. ft.
Permitted FAR	1.29	1.29
Permitted Development Rights (square feet)	19,350 sq. ft.	19,350 sq. ft.
Ground Floor / Upper Story Height	14' / 10'	15' / 10'
Number of Stories/Overall Height	2/24'	4/45'

Floor Area that can be accommodated (square feet)	11,700 sq. ft.	19,350 sq. ft.
Remaining Floor Area (square feet)	7,650 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		39.5 %
Gross Floor Area (square feet)	12,285 sq. ft.	20,317 sq. ft.
Total number of unit (market-rate/affordable)	19 (0/19) units	31 (0/31) units
Number of parking required (market-rate/affordable)	7 (0/7) spaces	3 (0/3) spaces

Prototype 25: R5 District, Affordable Independent Residences for Seniors, 150' x 100' interior lot on narrow street

The prototype utilizes a generic 150' x 100' interior lot on a narrow street in an R5 district. These assumptions were chosen because of the prevalence of this zoning district throughout the city, and the limited ability to fit the floor area permitted for this use today in an as-of-right manner. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Update floor area ratio maximum for affordable independent residences for seniors
- Create new lower-density bulk envelope for affordable senior housing and Long-Term Care facilities (R3-R5)
- Modernize density factor and unit size requirements for affordable independent residences for seniors and Long-Term Care facilities
- Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone

In the No-Action scenario, the affordable senior housing development is not able to fit the existing floor area permitted for the use in this zoning district even when utilizing sub-optimal building practices including lower floor-to-floor heights. Even with that, nearly half of the permitted floor area cannot be constructed on the site, in a building limited to 30' base height and 40' total height. The development would be permitted to apply for a discretionary approval from the City Planning Commission for a modified building envelope to permit the floor area. The as of right development would include 29,176 square feet. The dwelling unit factor for senior housing in an R5 District is 700, which limits this development's ability to provide smaller units per contemporary building practices. As a result, only 42 senior housing units would be permitted on the lot There would be a 31.5 percent parking requirement, resulting in 13 parking spaces, likely exceeding demand based on an analysis of car ownership rates.

In the With-Action scenario, the affordable senior housing development is able to fit the existing floor area permitted for the use in this zoning district utilizing the enhanced non-contextual envelope controls afforded to buildings providing senior housing in lower-density non-contextual zoning districts. The development is able to utilize best practices for residential buildings for floor to floor heights and is also

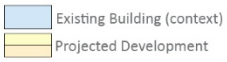
able to set the building off the property line and provide a variety of building articulation options. The development would not require a discretionary review from the City Planning Commission, allowing as of right building to achieve up to 65' in height. The with-action scenario would facilitate a building that is 29,250 square feet, or roughly 47 senior housing units. No parking spaces would be required for this development occurring within the Transit Zone.

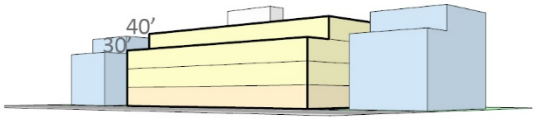
Incremental changes as a result of the with-action scenario include 30' of additional allowable height, 13 fewer parking spaces, 5 additional affordable senior dwelling units, and 1,536 additional gsf. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

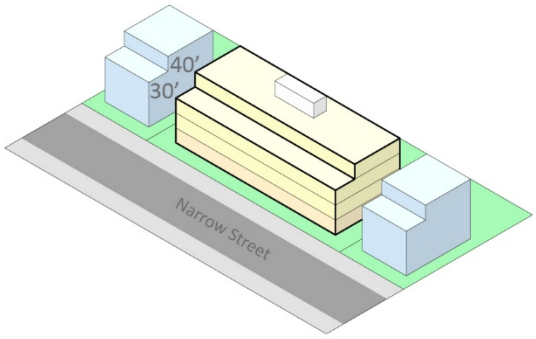
As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.

No-Action Scenario



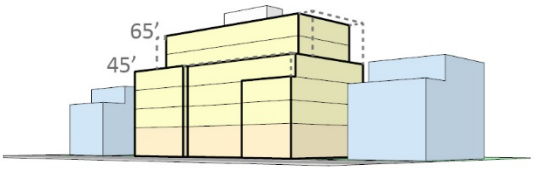


Street level perspective

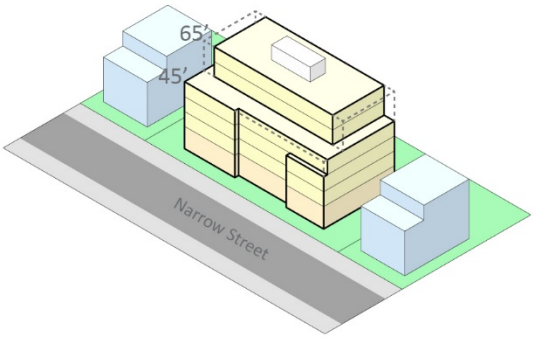


Isometric view

With-Action Scenario



Street level perspective



Isometric view

	No Action	With Action
Lot Area (square feet)	15,000 sq. ft.	15,000 sq. ft.
Permitted FAR	1.95	1.95
Permitted Development Rights (square feet)	29,250 sq. ft.	29,250 sq. ft.
Ground Floor / Upper Story Height	10' / 10'	15' / 10'
Building Depth	55'	55'
Number of Stories/Overall Height	4/40'	6/65'
Floor Area that can be accommodated (square feet)	27,787 sq. ft.	29,250 sq. ft.
Remaining Floor Area (square feet)	1,463 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		5.0 %
Gross Floor Area (square feet)	29,176 sq. ft.	30,712 sq. ft.
Total number of unit (market-rate/affordable)	42 (0/42) units	47 (0/47)
Number of parking required (market-rate/affordable)	13 (0/13) spaces	0 (0/0) spaces

Prototype 26: R5, Long-term Care Facility and Affordable Independent Residences for Seniors, 200'x200' corner lot on wide and narrow streets, outside of Transit Zone

The prototype utilizes a generic 200' x 200' through corner lot on wide and narrow streets in an R5 district, outside the Transit Zone. These assumptions were chosen because of the prevalence of this zoning district throughout the city, and the limited ability to fit the floor area permitted for this use today in an as-of-right manner. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Update floor area ratio maximum for Long-Term Care facilities
- Create new lower-density bulk envelope for affordable senior housing and Long-Term Care facilities (R3-R5)
- Remove dwelling unit controls for affordable independent residences for seniors and certain UG2 Long-Term Care Facilities
- Provide a framework for mixing of Use Group 2 residences with certain Use Group 3 community facilities

In the No-Action scenario, the Long-Term Care facility has 1.27 FAR and 50,800 sq ft of permitted development rights. In a non-contextual district, the building is subject to sky exposure plane regulations with minimal flexibility as-of-right, and is constructed to a height of 35'. The development can accommodate 107 beds for Long-Term Care, which require 11 parking spaces at a ratio of 1 space per 10 beds.

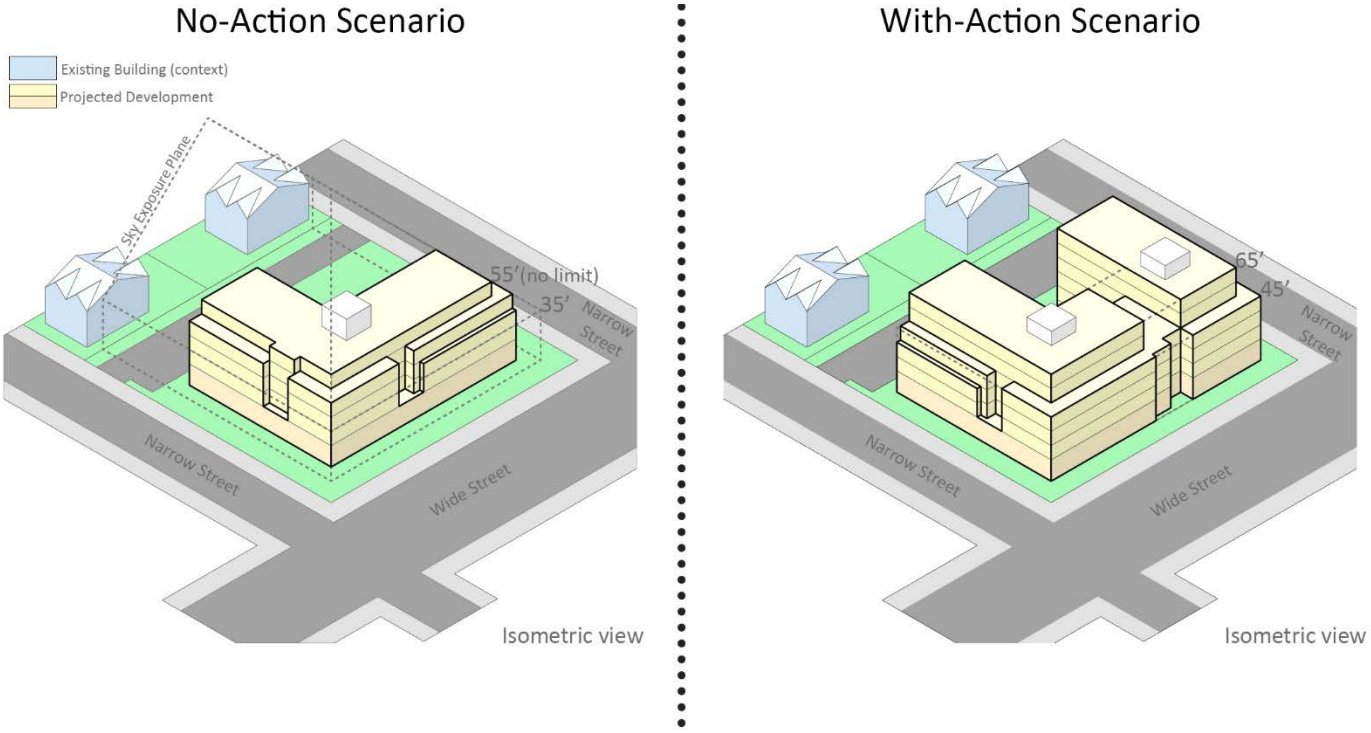
In the With-Action scenario, a building with Long-Term Care a combination of AIRS and Long-Term Care has 1.95 FAR and 78,000 sq ft, as well as new non-contextual envelope controls afforded to buildings providing Long-Term Care in lower-density non-contextual zoning districts. In this scenario, the developer chooses to mix Affordable Independent Residences for Seniors with Long-Term Care uses, reflecting contemporary building and programming practices. Assuming a ratio of 500 sq ft per LTC bed, and 650 square feet per AIRS unit, the facility can accommodate 107 beds for Long-Term Care residents and 50 affordable units for seniors. Long-Term Care facilities, or nursing homes, have a parking requirement of one space 10 beds, and 11 parking spaces are required for this use; the portion of the development allocated for AIRS requires 5 parking spaces outside of the Transit Zone, resulting in a total 16 parking spaces under the With-Action scenario.

Incremental changes as a result of the with-action scenario include 32,460 additional gross square footage, one additional story of height, 50 additional units of Affordable Independent Residences for Seniors, and 5 additional parking spaces. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban

design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.



	No Action	With Action
Lot Area (square feet)	40,000 sq. ft.	40,000 sq. ft.
Permitted FAR	1.27	1.95
Permitted Development Rights (square feet)	50,800 sq. ft.	78,000 sq. ft.
Ground Floor / Upper Story Height	15' / 10'	15' / 10'
Number of Stories/Overall Height	5/55'	6/65'
Floor Area that can be accommodated (square feet)	50,800 sq. ft.	78,000 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		53.5 %
Gross Floor Area of Long-term Care Facility (square feet)	53,340 sq. ft.	53,340 sq. ft.
Gross Floor Area of Affordable Independent Residences for Seniors (square feet)	0 sq. ft.	32,460 sq. ft.
Total number of Long-term Care Facility Beds	107 beds	107 beds

Total number of Affordable Independent Residences for Seniors Units	0	50 units
Number of parking required	11 spaces	16 spaces

Prototype 27: R4, Affordable Independent Residences for Seniors, 200'x200' steeply-sloping corner lot on wide and narrow streets, outside the Transit Zone

The prototype utilizes a generic 200' x 200' through corner lot on wide and narrow streets in an R4 district. About one third of the lot is on a steep slope, making it harder and more costly for this type of budget-constrained housing development. These assumptions were chosen because of the prevalence of this zoning district throughout the city, and the limited ability to fit the floor area permitted for this use today in an as-of-right manner. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Update floor area ratio maximum for affordable independent residences for seniors
- Create new lower-density bulk envelope for affordable senior housing and Long-Term Care facilities (R3-R5)
- Modernize density factor and unit size requirements for affordable independent residences for seniors and Long-Term Care facilities
- Provide additional flexibility for irregular topography
- Reduce parking requirements for Affordable Independent Residences for Seniors outside the Transit Zone

In the No-Action scenario, the affordable senior housing development is not able to fit the existing floor area permitted for the use in this zoning district even when utilizing sub-optimal building practices including lower floor-to-floor heights. Assuming sub-optimal building practices, nearly half of the permitted floor area cannot be constructed on the site when limited to 25' perimeter wall height and 35' total height. The as of right development would include 22,450 square feet, or roughly 36 senior housing units based on contemporary unit sizes of about 650 gross sq ft for this type of housing. There would be a 35 percent parking requirement, resulting in 13 parking spaces, likely exceeding demand based on an analysis of car ownership rates.

In the No-Action scenario, the development would be permitted to apply for a discretionary approval from the City Planning Commission for a modified building envelope to permit the floor area. A City Planning Commission authorization is available in R3-2, R4 and R5 districts (other than R4A, R4B, R4-1, R5A, R5B and R5D districts) to modify the height and setback regulations for non-profit residences for the elderly, provided that the neighborhood character is not impaired by the additional height. This authorization has been utilized frequently, as the sloping envelopes of most lower-density districts limit the ability of the envelope to cost-effectively accommodate the permitted floor area. The requirement for the authorization represents a bureaucratic hurdle that limits the ability to produce affordable independent residences for seniors in these districts.

In the With-Action scenario, the affordable senior housing development is able to fit the existing floor area permitted for the use in this zoning district utilizing the proposed non-contextual envelope controls afforded to buildings providing senior housing in lower-density non-contextual zoning districts. The development is able to comply with development guidelines and requirements for senior housing development for floor to floor heights and is also able to set the building off the property line and provide a variety of building articulation options. The development would not require a discretionary review from the City Planning Commission, allowing as of right building to achieve up to 65' in height. The with-action scenario would facilitate a building that is 51,600 square feet, or roughly 81 senior housing units. Assuming this development occurred outside of the Transit Zone, there would be a 10 percent parking

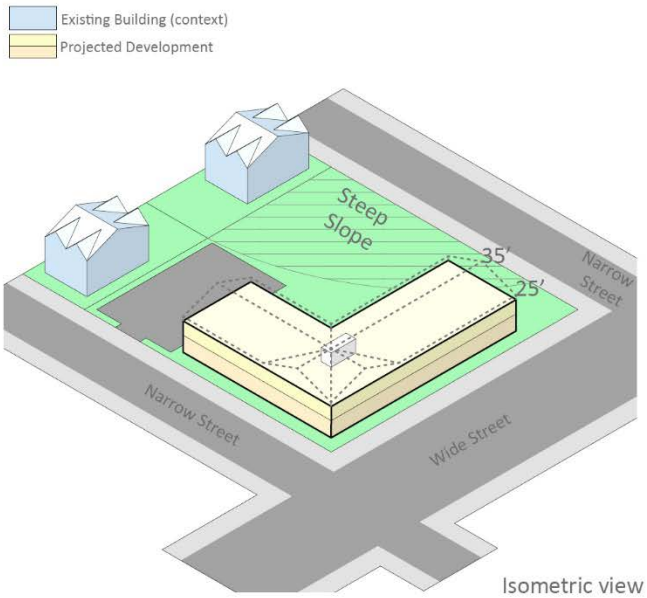
requirement, resulting in 9 parking spaces that closely align with parking demand based on car ownership rates.

Incremental changes as a result of the with-action scenario include 30' of additional allowable height, 4 fewer parking spaces, 51 additional affordable senior dwelling units, 33,110 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

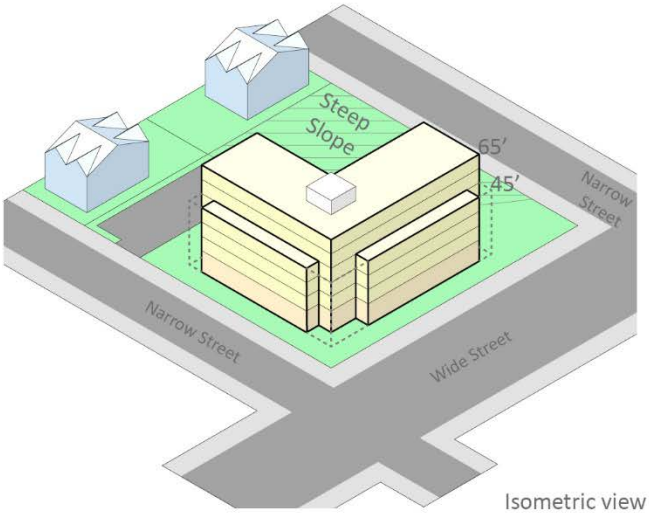
As a result of the additional height and modified building footprint facilitated by the proposed action, the following environmental impacts might be expected: shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

As a result of the additional dwelling units permitted by the proposed action, the following density-related environmental impacts might be expected: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	40,000 sq. ft.	40,000 sq. ft.
Permitted FAR	1.29	1.29
Permitted Development Rights (square feet)	51,600 sq. ft.	51,600 sq. ft.
Ground Floor / Upper Story Height	12' / 10'	15' / 10'
Number of Stories/Overall Height	2/22'	6/65'
Floor Area that can be accommodated (square feet)	22,450 sq. ft.	51,600 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		129.8 %
Gross Floor Area of Affordable Independent Residences for Seniors (square feet)	23,650 sq. ft.	56,760 s. ft.
Total number of Affordable Independent Residences for Seniors Units	36 units	87 units
Number of parking required	13 spaces	9 spaces

No Effects

The following components of this proposal have no potential for significant impact:

Promote Affordable Senior Housing and Care Facilities

Update the definitions for affordable independent residence for seniors

No effects would be anticipated as a result of this change. This change would replace the current definition, non-profit residences for the elderly in Use Group 2 with a new term affordable independent residences for seniors to better reflect current practice in the development of senior housing. This would not generate increases in senior housing, but simply would update the Zoning Resolution to reflect contemporary terminology.

Update the definitions for New York State licensed ~~senior~~ long term care facilities

No effects would be anticipated as a result of this change. This change would replace the current definition, nursing homes and health related facilities in Use Group 3 with the term ~~senior~~ long term care facilities to be consistent with New York State licensing programs for such facilities and the type of facilities that are built today in New York City. This would not generate an increase in units and would only update the Zoning Resolution to reflect contemporary terminology.

Remove obsolete terms

No effects would be anticipated as a result of this change. Sanitariums and domiciliary care facilities for adults are obsolete terms formerly used by the State to describe facility types that no longer exist and are no longer constructed. The removal of these terms would not affect development.

~~*Provide a framework for mixing of Use Group 2 residences with Use Group 3 community facilities*~~

~~No effects would be anticipated as a result of this change. This change proposes to clarify the regulations that apply to cases where Use Group 2 residences are mixed with certain Use Group 3 community facility uses (senior long term care and non-profit institutions with sleeping accommodations). These uses are permitted to mix today, but regulations do not provide guidance regarding the application of the separate rules applied to portions the same building. This would not induce new development or additional floor~~

~~area, but simply would provide clarity to developers. The uses would be permitted in separate buildings on the same zoning lot or on separate zoning lots.~~

Modify CPC Special Permit to allow additional bulk for Long Term Care Facilities and certain community facilities in R1 and R2 Districts

No change would result from proposed modifications which would retain and clarify the findings for the existing special permit for nursing homes in R1 and R2 single-family residential districts.

CPC Special Permit to allow additional bulk for certain community facility uses in R3-R9 Districts and certain Commercial Districts

The proposed change would remove the applicability of this special permit for long term care facilities, including nursing homes in R3-R10 districts. A modest increase in the number of facilities developed in the future with the proposed action would be expected over the future without the proposed action.

Remove special permit 74-903 for domiciliary care facilities for adults

No effects would be anticipated as a result of this change. Domiciliary care facilities no longer exist and are no longer a category recognized or authorized by the NYS Department of Health. As per the proposal, this term would be removed from the Zoning Resolution, thus this permit has no applicability.

Modernize Rules That Shape Buildings

~~***Permit residential accessory uses on ground floors in rear yards***~~

~~No effect would be anticipated as a result of this change. Developments today can already provide community facility and commercial space, as well as parking, in the rear yard area on the ground floor. Extending this privilege to accessory would therefore have no effect on development or building form.~~

Remove or modify unnecessary window regulations

No effect would be anticipated as a result of this change. The requirement for double glazed windows in the Quality Housing regulations is obsolete and is superseded by the Building Code. In the Special Mixed Use District and a few others, the proposal would establish a mechanism to modify the window wall attenuation requirement of 35dB(A) through the Mayor's Office of Environmental Remediation, similar to the existing process for (E) designations.

Clarify and simplify retail and other ground floor regulations

No effect would be anticipated as a result of this change that provides a usable set of ground floor regulations to replace the myriad of slightly-varied regulations found throughout the Zoning Resolution.

Clarify use location provisions

No effect would be anticipated as a result of this change that corrects a series of Special Districts that inadvertently restrict community facility and residential uses on the same floor. This change would bring these districts in line with the underlying zoning regulations.

Modernize density factor and unit size requirements – Quality Housing minimum unit size

No effect would be anticipated as a result of this change. By removing the 400 square foot minimum unit size from the Quality Housing regulations, developments would only be able to provide a greater diversity of unit types, while the overall total number of permitted residential units in the development would remain unchanged.

~~*Create a new non-contextual building envelope for affordable housing (R6-R10) – future Inclusionary Housing applicability*~~

~~No effect would be anticipated as a result of this change as there is no current applicability of an Inclusionary Housing Designated Area in a non-contextual zoning district. In the future, this would provide a new building envelope option for residential developments in non-contextual Inclusionary Housing designated areas. Any such future land use action would be subject to CEQR requirements.~~

~~*Provide additional density in future R7X and R7-3 rezonings*~~

~~The increase in density proposed for these districts through the Inclusionary Housing Program would only be applicable to future zoning changes. Thus, the proposed change has no effect and any such future use of the modified district would be done in accordance with CEQR regulations.~~

Eliminate Quality Housing study areas

In the future with the Proposed Action, developments in the limited remaining Quality Housing Study Areas would be permitted to utilize the Quality Housing building envelope option, and would continue to be able to utilize the Height Factor option. The study area restrictions have little, if any, applicability at present.

Reduce Unnecessary Parking Requirements for Affordable Housing

Establish the Transit Zone

The mapping and determination of a Transit Zone definition would not in and of itself have any environmental effects.

Modify Section 25-25 (A-E) to remove obsolete definitions and requirements

The Proposed Action would remove from Section 25-25 any references to obsolete programs that are unclear or are no longer in existence.

Modify parking requirement for qualifying affordable housing far from transit

The Proposed Action would remove from Section 25-25 any references to obsolete programs that are unclear or are no longer in existence. Most affordable housing developers apply today under 25-25(c), so the effect of removing 25-25(a)(b) and (e) pertaining to affordable housing would have no impact on development and would not affect the size, shape, location or quantity of any given housing type

Modify parking requirements for affordable housing in single- and two-family zoning districts

Affordable housing is not currently developed in single-family districts, so the alignment of affordable housing parking requirements with the underlying regulations would simply provide consistency in the Zoning Resolution and would not affect the nature of development.

Modify parking requirements for independent housing for seniors in single- and two-family zoning districts

Affordable senior housing is not currently developed in single-family districts, so the alignment of affordable housing parking requirements with the underlying regulations would simply provide consistency in the Zoning Resolution and would not affect the nature of development.

Density Effects

The following discussion addresses the components of this proposal where density-related impacts may be significant. Density related effects include land use, zoning and public policy; socioeconomic

conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.

Promote Affordable Senior Housing and Care Facilities

Update floor area ratio maximum for affordable independent residences for seniors

Density-related effects would be analyzed based on this change. As shown in Prototype 8, in selected zoning districts, pursuant to the proposed changes there would be increases to the permitted maximum floor area ratio (FAR) for affordable independent residences for seniors, particularly in higher-density zoning districts. This would expand the existing framework for higher or "bonus" floor area for affordable independent residences for seniors to all moderate and high density residential zoning district where affordable senior housing is developed. The proposed increases are listed in Figure 15. Additional floor area may allow affordable senior housing developments in the listed zoning districts to achieve a higher floor area, and has the potential to result in the development of larger buildings with a greater number of residential units. The generic example in prototype #8 shows what could be expected in a R7D and that there is a potential for some additional amount of floor area (11.8 percent increase) and increased number of units [20 unit increase] available on that generic site. While new or existing developments may be slightly larger in certain districts citywide, affordable senior housing represents a small amount of new housing each year and development it widely distributed across the city. This represents a small increase and would not be expected to displace other residents or commercial spaces. Citywide, since 2000 only 2,800 new affordable apartments for seniors have been constructed. Although demand for affordable senior housing is increasing, the development of affordable senior housing is driven by the availability of public funding and subsidy and the availability of appropriate (and affordable) land, all of which are currently scarce. Thus, development of affordable senior housing units is expected would keep pace with production from the previous 15 years but with a small increase due to eased regulatory limits and increased demand. This increase would be spread throughout the city.

Households headed by seniors overall have far fewer density-related effects than other non-senior households. Seniors are generally retired from the workforce and therefore use fewer city services and infrastructure than the typical city resident. Senior residences generally have a high frequency of single occupancies and the absence of families with children. Seniors do not attend school, and therefore they do not occupy school seats and residents of affordable housing for seniors rarely own cars and do not add to traffic congestion. While it is expected that the proposed changes would not have adverse development effects as per the CEQR impact categories because of the minimal density effects of senior households, potential effects will be evaluated based on the potential increased floor area and resulting additional units that may be produced. The proposed change to allow increased floor area may lead to some increase in additional units of affordable senior housing, for which effects will be analyzed with regards to all relevant impact categories, such as socioeconomics, community facilities, open space, water and sewer infrastructure, solid waste and sanitation, and transportation.

Update floor area ratio maximum for New York State-regulated ~~senior~~ long term care facilities

Density-related effects will be analyzed based on this change. As shown in Prototype 11, in selected zoning districts, pursuant to the proposed changes there would be increases to the as-of-right permitted maximum floor area ratio (FAR) for ~~senior~~ long term care facilities. Currently, a corresponding higher floor area is permitted by special permit only (as per 74-902). The proposed increases are listed in Figure 15. Additional floor area would allow ~~senior~~ long term care facilities potentially to develop larger buildings with a greater number of beds. The generic example in prototype #11 shows what could be expected in a R7A district and that there is a potential for additional floor area (15,700 square feet) and therefore an increased number of beds (66 bed increase) available on that generic site. While new or existing developments may be larger in certain districts citywide, ~~senior~~ long term care represents a small number of care units each year and it is distributed throughout the city.

In the generic example 66 new beds may be expected based on the Proposed Action at this site. This represents a small increase and would not be expected to displace other residents or commercial spaces. Although demand for ~~senior~~ long term care is increasing, the development of ~~senior~~ long term care is driven by the availability of funding, the availability of appropriate lots, and the issuance of licenses by the NYS Department of Health. Thus, development of ~~senior~~ long term care, which is currently very low, is expected would to keep pace with production from the previous 15 years but with a small increase due to eased regulatory limits and increased demand.

Households headed by seniors overall have far fewer density-related effects than other non-senior households. This is even truer for ~~senior~~ long term care facilities such as nursing homes and assisted living facilities where residents may be immobile or chronically ill. Seniors are generally retired from the workforce and therefore use fewer city services and infrastructure than the typical city resident. Senior residences generally have a high frequency of single occupancies and the absence of families with children. Seniors do not attend school, and therefore they do not occupy school seats and residents of long-term care facilities for seniors rarely own cars and do not add to traffic congestion. While it is expected that the proposed changes would not have adverse development effects as per the CEQR impact categories because of the minimal density effects of senior households, potential effects will be evaluated based on the potential increased floor area and resulting additional beds that may be produced. The proposed change to allow increased floor area may lead to some increase in additional beds of ~~senior~~ long term care, for which effects will be analyzed with regards to all relevant impact categories, such as socioeconomics, community facilities, open space, water and sewer infrastructure, solid waste and sanitation, and transportation.

Remove unnecessary zoning factors (Dwelling unit controls for affordable residences for seniors)

Density-related effects will be analyzed based on this change. Removing the density factor restriction will potentially allow more units per affordable senior housing development. This will be demonstrated in the generic examples, based on examples where discretionary actions were approved or proposed for higher density senior housing developments. Prototype 8 shows what could be expected in a R7D zoning district and that there is a potential for some additional amount of floor area (5,900 square feet) and increased number of units (8 more units may be expected) available on that generic site

Households headed by seniors overall have far fewer density-related effects than other non-senior households. Senior residences generally have a high frequency of single occupancies and the absence of families with children. Seniors do not attend school, and therefore they do not occupy school seats and residents of affordable housing for seniors rarely own cars and do not add to traffic congestion. While it is expected that the proposed changes would not have adverse development effects as per the CEQR impact categories because of the minimal density effects of senior households, potential effects will be evaluated based on the potential increased floor area and resulting additional units that may be produced. The proposed change to allow increased floor area may lead to some increase in additional units of ~~senior~~ long term care, for which effects will be analyzed with regards to all relevant impact categories, such as socioeconomics, community facilities, open space, water and sewer infrastructure, solid waste and sanitation, and transportation.

Provide additional density for Affordable Independent Residences for Seniors in R7X and R7-3

Density-related effects will be analyzed based on this change. Allowing a higher density for Affordable Independent Residences for Seniors in R7X and R7-3 districts than what is currently allowed will potentially allow more units per affordable senior housing development. This will be demonstrated in the generic examples.

Remove CPC certification and special permit for ~~nursing homes~~ long term care facilities in R3-R10 districts

This change would remove Section 22-42 which is a certification that applies to nursing homes remove the special permit in Section 74-90, and modify the special permit in Section 74-902, to allow nursing home development to occur as-of-right in R3-R10 districts. Removing this special permit is not expected to stimulate the development of nursing homes, as the development of nursing homes is controlled by the State's Certificate of Need process which issues licenses based on needs and services available in a community, and available funding or financing for such a project. However, because nursing homes would no longer be subject to discretionary review by certification and/or special permit, a CEQR analysis is required. The analysis will review the CEQR history of these certifications and special permits to determine if any impacts were identified through the discretionary review process.

Modernize Rules That Shape Buildings

General building envelope modifications

- *Adjust height controls in moderate- and high-density districts*
- *Create more-efficient building setback rules*
- *Remove unnecessary corner lot coverage restrictions*

- *Permit residential accessory uses on ground floors in rear yards*

- *Provide a more balanced building transition rule*

Most developments in NYC can construct the maximum permitted floor area within the current as-of-right Quality Housing building envelope, though this floor area may be accommodated in an expensive, inefficient manner. As demonstrated in Prototype 1, the No-Action and With-Action developments are both able to accommodate their full permitted floor area, though the No-Action building accomplishes this by utilizing sub-optimal building practices. This is similarly true in Prototype 3, which demonstrates a corner lot located next to a lower-density district.

However, in limited instances, or when buildings utilize best housing design practices today, some floor area may not be developed. Some examples were identified in the Citizens' Housing and Planning Council report, *The Building Envelope Conundrum.* While these sites would only be accommodating the floor area already permitted on the site and analyzed in previous environmental analyses, it is impossible to conclude at this time where and to what extent such additional development might occur. Therefore, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.

Enhanced building envelopes for inclusionary and affordable senior housing

Adjust height controls

Many developments participating in the Inclusionary Housing program can construct the maximum permitted floor area within the current as-of-right Quality Housing building envelope, though this floor area may be accommodated in an expensive, inefficient manner. However, as demonstrated in Prototype 2, developments in certain zoning districts are not able to develop the fully permitted FAR under the Inclusionary Housing Program, even with the use of sub-optimal building practices. ~~As shown in this prototype, 11.2 percent of the permitted floor area in the R7A district is unable to be accommodated utilizing the existing provisions.~~

In non-contextual zoning districts, this also applies to applicable developments utilizing the Quality Housing regulations, where the underlying height factor regulations do not offer a clear method for calculating the permitted building form with the higher permitted floor area ratio.

Under the Proposed Action, developments would be able to construct the full permitted floor area utilizing best practices. While these sites would only be accommodating the floor area already permitted on the site that was already analyzed in previous environmental analyses, it is impossible to conclude at this time where and to what extent such additional development might occur. Therefore, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.

Remove narrow lot restrictions

Developments on narrow lots in certain medium- and high-density zoning districts are unable to construct their full permitted floor area because of existing restrictions on buildings on lots less than 45 feet in width. As shown in Prototype 5, which represents a reasonable worst case in this regard, 48.6 percent of the permitted floor area cannot be constructed because of the existing provisions.

While the Proposed Action will make it easier to develop affordable housing through the Inclusionary Housing Program, it is unlikely to have density effects at a local level. However, since it is impossible to conclude at this time where and to what extent such additional development might occur, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.

~~*Create a new non-contextual building envelope for affordable housing (R6-R10) – Affordable senior housing and care applicability*~~

Create a new higher-density non-contextual building envelope for Affordable Independent Residences for Seniors and long term care facilities on zoning lots adjacent to certain types of infrastructure (R6-R8)

Affordable senior housing or care developments in non-contextual districts in some instances are unable to construct their fully permitted floor area because of existing height factor zoning regulations which require a significant amount of open area remain on the zoning lot. As shown in Prototype 9, a building utilizing these regulations would not be able to develop 15.7 percent of its full permitted floor area under the existing as-of-right provisions. While the contextual Quality Housing regulations would have permitted this floor area to be better accommodated, the building form poorly matches its context because of the existing rail line.

While the Proposed Action would make it easier to develop the full permitted FAR for affordable senior housing and care facilities in instances in non-contextual districts where the Quality Housing building option is not appropriate, it is unlikely to have density effects at a local level. As described above, seniors overall have far fewer density-related effects than other non-senior households. However, since it is impossible to conclude at this time where and to what extent such additional development might occur, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.

Create new lower-density bulk envelope for affordable senior housing and care facilities (R3-R5)

Affordable senior housing or care developments in certain lower-density zoning districts are unable to construct their full permitted floor area because of existing zoning regulations which do not include a building envelope that can accommodate this floor area. As shown in Prototype 10, only about half the permitted floor area can be constructed under the existing as-of-right provisions.

While the Proposed Action would make it easier to develop senior housing and care facilities, it is unlikely to have density effects at a local level. As described above, seniors overall have far fewer density-related

effects than other non-senior households. However, since it is impossible to conclude at this time where and to what extent such additional development might occur, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.

Encourage variety and better design flexibility

Modernize density factor and unit size requirements – density factor in R8 through R10 districts

Under the Proposed Action, residential developments in high-density zoning districts would be able to utilize the density factor already permitted in medium-density zoning districts. As shown in Prototype 3, this translates into a maximum 15.8 percent increase in the number of units permitted in a residential building and, in this instance, a maximum total increase of 24 units.

While the Proposed Action would permit additional units in buildings in these districts, it is unlikely that this would have much of an effect on most high-density developments in the city. Most recent construction in these districts is providing larger residential units and so is not coming into conflict with the density factor calculation. An analysis by DCP of new construction in Downtown Brooklyn, an area with R8-R10 equivalent zoning where new housing is reported in the media to be catering to small households, shows that buildings there are averaging nearly 900 square feet per residential unit. Given this, it is unlikely that the Proposed Action would have significant density effects at a local level. Most buildings would continue to provide residential units that are, on average, larger than currently required and it would only be in limited instances that buildings in high-density districts would utilize the greater flexibility afforded by this proposed change. However, since it is impossible to conclude at this time where and to what extent such additional development might occur, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.

Flexibility for constrained lots

Provide improved yard and coverage regulations for shallow lots

Under the Proposed Action, residential developments on shallow lots would be able to take advantage of modified yard and coverage regulations that better take into account their less-typical, shallow condition. As demonstrated in Prototypes 6 and 7, the No-Action and With-Action developments are both able to accommodate their full permitted floor area, though the No-Action building accomplishes this by utilizing sub-optimal building practices, with little design flexibility.

However, in limited unforeseen instances, or when buildings utilize best housing design practices today, some floor area may not be developed in the No-Action condition. While these sites would only be accommodating the floor area already permitted on the site and analyzed in previous environmental analyses, it is impossible to conclude at this time where and to what extent such additional development

might occur. Therefore, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.

Update outdated distance between buildings regulations

Under the Proposed Action, new residential developments on lots with multiple buildings would be able to be constructed closer to the other buildings than is currently permitted. This may afford the ability to provide a larger, more-efficient building floor plate than under today's conditions where the 60 foot distance requirement limits the buildable footprint of the lot.

As demonstrated in Prototype 12, there are instances where developments are not able to develop their fully permitted floor area in the No-Action condition, even with the use of sub-optimal building practices. As shown in the With-Action condition, the Proposed Action affords the opportunity to construct a higher percentage of the floor area permitted on the lot. In this instance, it leads to a 16.4 percent increase.

While the Proposed Action would make it easier to develop housing, it is unlikely to have density effects at a local level. The number and location of zoning lots with available floor area and sufficient area to construct a new building, even with the Proposed Action, is limited in medium- and high-density districts in the city. However, since it is impossible to conclude at this time where and to what extent such additional development might occur, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.

~~*Other building envelope provisions*~~

~~It is not expected that the following modifications to Building Envelopes would have no density effects:~~

- ~~Provide greater clarity and design opportunities in street wall regulations~~
- ~~Match line-up provision requirements to intent~~
- ~~Provide more-useable court regulations~~
- ~~Encourage elevated residential ground floors~~
- ~~Rationalize street wall requirements for acutely-angled sites~~
- ~~Provide additional flexibility for irregular topography~~

Reduce Unnecessary Parking for Affordable Housing

Eliminate parking requirements for qualifying affordable housing within the Transit Zone

The elimination of parking requirements for new affordable housing units within the Transit Zone has the potential to result in the development of additional dwelling units over the No-Action scenario. Although up to a quarter of affordable housing sites are currently (under the No-Action scenario) able to waive out of parking requirements due to lot size or space thresholds or mayoral overrides on city-owned sites, the

Proposed Action may enable the development of sites that were previously too difficult or costly to build with the parking requirement, or enable the development of a larger building with more units that could be accommodated with parking under the With-Action scenario.

The Proposed Action is expected to enable some new affordable housing developments to fit a modest additional amount of housing on site in the With-Action over No-Action scenario, on lot area where parking would have previously been located. While the Proposed Action would also make it easier to finance affordable housing at a broad citywide level by reducing the costs of development, it is unlikely to have density effects at a local level. However, since it is impossible to conclude at this time where and to what extent such additional development might occur, the possibility of density-related impacts, including the potential for a parking shortfall in areas outside of CEQR Zones 1 and 2, will be analyzed in the Environmental Impact Statement.

Eliminate parking requirements for independent housing for seniors in multifamily districts within the Transit Zone

The elimination of parking requirements for new affordable senior housing units within the Transit Zone has the potential to result in the development of additional dwelling units over the No-Action scenario. The Proposed Action may enable the development of sites that were previously too difficult or costly to build with the parking requirement, or enable the development of a larger building with more units that could be accommodated with parking under the With-Action scenario.

The Proposed Action is expected to enable some new affordable senior housing developments to fit a modest additional amount of housing on site in the With-Action over the No-Action scenario, on lot area where parking would have previously been located. For example, in Prototype 13 the removal of parking allows the full development of the permitted floor area. While the Proposed Action would also make it easier to finance senior housing at a broad citywide level by reducing the costs of development, it is unlikely to have density effects at a local level. However, since it is impossible to conclude at this time where and to what extent such additional development might occur, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement. There is no anticipated potential for a parking shortfall as a result of the Proposed Action given the very low car ownership patterns among current residents of affordable senior housing.

Permit elimination of ~~Eliminate~~ existing affordable senior parking within the Transit Zone

The proposal would allow for the redevelopment of existing senior parking lots, which may result in additional dwelling units that exceed CEQR thresholds for additional density. As demonstrated in Prototype 13, the redevelopment of the existing parking lot on the affordable senior housing site permits the full construction of the permitted floor area and leads to an overall 47.5 percent increase in the floor area constructed on the zoning lot. The number and location of existing senior housing parking lots with parking lots large enough to facilitate additional development is limited within the proposed Transit Zone, but the possibility of density- and bulk-related impacts cannot be ruled out and will be analyzed in the Environmental Impact Statement.

Modify parking requirements for independent housing for seniors to 10 percent in ~~low- and medium-density~~ multifamily zoning districts far from transit

The Proposed Action would result in a reduction of required parking for senior housing in ~~low- and medium-density~~ multifamily zoning districts far from transit, to 10 percent. The reduction would still require sufficient parking to accommodate residential demand, but would enable some additional units to be built over the No-Action scenario, and with a better site design, with the same amount of public subsidy.

While the Proposed Action would also make it easier to finance senior housing at a broad citywide level by reducing the costs of development, it is unlikely to have density effects at a local level. However, since it is impossible to conclude at this time where and to what extent such additional development might occur, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.

~~***Eliminate parking requirements for independent housing for seniors in high density (R6 and higher) districts far from transit***~~

~~The Proposed Action would result in the elimination of required parking for senior housing in higher density zoning districts far from transit. Car ownership rates among residents in this type of housing are extremely low, and the very limited demand for parking is expected to be met on-street or in any voluntarily provided parking. The Proposed Action would enable some additional units to be built over the No-Action scenario, and with a better site design, with the same amount of public subsidy.~~

~~While the Proposed Action would also make it easier to finance senior housing at a broad citywide level by reducing the costs of development, it is unlikely to have density effects at a local level. However, since it is impossible to conclude at this time where and to what extent such additional development might occur, the possibility of density-related impacts will be analyzed in the Environmental Impact Statement.~~

Building Form Effects

The following discussion addresses the components of this proposal where impacts related to building bulk and form may be significant. Building bulk and form related effects include shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

Promote Affordable Senior Housing and Care Facilities

The components of the proposal that are expected to have the potential to result in a significant adverse impact on building form for affordable senior housing and care facilities will be discussed under the Modernizes Rules That Shape Buildings section below.

Modernize Rules That Shape Buildings

General building envelope modifications

- *Adjust height controls in moderate- and high-density districts*
- *Create more-efficient building setback rules*
- *Remove unnecessary corner lot coverage restrictions*
- *Provide a more balanced building transition rule*
- Enhanced building envelopes for inclusionary ***~~and affordable senior housing~~ housing, affordable independent residences for seniors, and long term care facilities***
- *Adjust height controls*
- *Remove narrow lot restrictions*
- *Create a new non-contextual building envelope for Affordable Independent Residences for Seniors and long term care facilities on zoning lots adjacent to certain types of infrastructure (R6-~~R10~~ R8)*
- *Create new lower-density bulk envelope for affordable senior housing and care facilities (R3-R5)*
- *Provide a framework for mixing of Use Group 2 residences with Use Group 3 community facilities*

Encourage variety and better design flexibility

- *Provide greater clarity and design opportunities in street wall regulations*
- *Match line-up provision requirements to intent*

- *Provide more-useable court regulations*
- *Modernize density factor and unit size requirements*
- *Encourage elevated residential ground floors*

Flexibility for constrained lots

- *Provide improved yard and coverage regulations for shallow lots*
- *Rationalize street wall requirements for acutely-angled sites*
- *Provide additional flexibility for irregular topography*
- *Update outdated distance between buildings regulations*

The Proposed Action would result in modified building forms in developments throughout the city, as compared to the No-Action condition. This could include, as demonstrated in the various prototypes, buildings constructed to a range of higher heights, with greater articulation on the ground floor and above. These provisions, both individually and in concert, will be analyzed in the Environmental Impact Statement

Reduce Unnecessary Parking for Affordable Housing

Eliminate parking requirements for independent housing for seniors in multifamily districts within the Transit Zone

The proposal would allow for the redevelopment of existing senior parking lots, which may result in a built form that would otherwise not be developed under the No-Action scenario. The number and location of existing senior housing parking lots with parking lots large enough to facilitate additional development is limited within the proposed Transit Zone, but the possibility of building form -related impacts cannot be ruled out and will be analyzed in the Environmental Impact Statement.

CONCEPTUAL ANALYSIS OF THE DISCRETIONARY ACTIONS CREATED UNDER PROPOSED ACTION

Discretionary action to account for unforeseen site circumstances

The Proposed Action would include a provision for a discretionary action that would authorize deviations from the zoning requirements to account for unforeseen site circumstances that complicate the

development of a building. Circumstances may include topographical challenges, lot configuration challenges, or other characteristics that may occur across a neighborhood (and thus do not represent a unique hardship) but for which there is limited relief through the Zoning Resolution. Because it is not possible to predict whether an authorization would be pursued on any one site in the future, the RWCDS does not include specific development sites that would utilize the provision. Instead, a conceptual analysis will be provided to generically assess the potential environmental impacts that could result from the use of the proposed discretionary action.

Discretionary action to allow for the reduction or elimination of previously required parking for low-income units within the Transit Zone

The Proposed Action would include a provision for a discretionary action that would allow for the reduction or elimination of previously required parking for low-income units, within the Transit Zone. Because it is not possible to predict whether an action would be pursued on any one site in the future, the RWCDS does not include specific development sites that would achieve the reduction or elimination of existing parking. Instead, a conceptual analysis will be provided to generically assess the potential environmental impacts that could result from the reduction of, and development on, previously required parking for affordable and senior housing pursuant to the discretionary action.

Discretionary action to allow for the reduction or elimination of previously required parking for non-profit residences for the elderly or dwelling units for the elderly, outside of the Transit Zone

The Proposed Action would include a provision for a discretionary action that would allow for the reduction or elimination of previously required parking for "non-profit residences for the elderly" outside of the Transit Zone. Because it is not possible to predict whether such action would be pursued on any one site in the future, the RWCDS does not include specific development sites that would achieve the reduction or elimination of existing parking. Instead, a conceptual analysis will be provided to generically assess the potential environmental impacts that could result from the reduction of, and development on, previously required parking for senior housing pursuant to the Special Permits.

Discretionary action to reduce or eliminate required parking for market-rate units in a development that includes low-income units, within the Transit Zone

The Proposed Action would include a provision for an authorization that would allow for the reduction or elimination of required parking for market-rate units in a new development that includes low-income units within the Transit Zone. Because it is not possible to predict whether an authorization would be pursued on any one site in the future, the RWCDS does not include specific development sites that would achieve the reduction or elimination of existing parking. Instead, a conceptual analysis will be provided

to generically assess the potential environmental impacts that could result from the reduction of required parking for market-rate units as part of a development that includes low-income units.

Discretionary action to reduce or eliminate parking requirements for accessory group parking facilities within a Large-Scale Residential Development or a Large-Scale General Development

The Proposed Action would create a City Planning Commission Special Permit under Section 74-53 that would allow group parking facilities in large scale residential, community facility, or general developments, in conjunction with a bulk modification, to reduce or waive the number of required accessory residential parking spaces, including any spaces previously required for an existing building. Because it is not possible to predict whether an authorization would be pursued on any one site in the future, the RWCDS does not include specific development sites that would achieve the reduction or elimination of existing parking. Instead, a conceptual analysis will be provided to generically assess the potential environmental impacts that could result from the reduction of required parking within a large-scale development.

Discretionary action to allow a Continuing Care Retirement Community on a lot greater than 10 acres in R1 and R2 districts

The proposal includes revisions to Section 22-42 that would replace the existing certification with a City Planning Authorization for continuing care retirement communities (a subset of Long Term Care Facilities) in R1 and R2 districts on a zoning lot that is greater than 10 acres. Because it is not possible to predict whether an Authorization would be pursued on any specific site in the future, the RWCDS does not include specific development sites that would seek to cite a continuing care retirement community in the affected districts. Instead, a conceptual analysis will be provided to generically assess the potential environmental impacts that could result from such development.

H. PROPOSED SCOPE OF WORK FOR THE EIS:

As the Proposed Action would affect various areas of environmental concern and has been found to have the potential for significant adverse impacts, an EIS will be prepared. The EIS will analyze the reasonable worst case development scenario and the likely effects associated with the Proposed Action for all technical areas of concern. The EIS will be prepared in conformance with all applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules of Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York.

The EIS, following the guidance of the CEQR Technical Manual, will contain:

- A description of the Proposed Action and its environmental setting;
- A description of the representative development prototypes representing the likely reasonable worst case scenario;
- A statement of the environmental impacts of the Proposed Action, including its short- and long-term effects and typical associated environmental effects;
- An identification of any adverse environmental effects that cannot be avoided if the Proposed Action is implemented;
- A discussion of reasonable alternatives to the Proposed Action;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the Proposed Action should it be implemented; and
- A description of mitigation proposed to eliminate or minimize any significant adverse environmental impacts.

The specific technical areas to be included in the EIS, as well as their respective tasks and methodologies, are described below.

Task 1. Project Description

The first chapter of the EIS introduces the reader to the Proposed Action and sets the context in which to assess impacts. This chapter contains a description of the Proposed Action: its location; the background and/or history of the proposal; a statement of the purpose and need; a detailed description of the Proposed Action; and discussion of the approvals required, procedures to be followed, and the role of the EIS in the process. This chapter is the key to understanding the Proposed Action and its impact and gives the public and decision makers a base from which to evaluate the Proposed Action.

In addition, the project description chapter will present the planning background and rationale for the actions being proposed and summarize the likely effects of the Proposed Action for analysis in the EIS. The section on approval procedure will explain the ULURP and zoning text amendment processes, their timing, and hearings before the Community Board, the Borough President's Office, the CPC, and the New York City Council. The role of the EIS as a full disclosure document to aid in decision-making will be identified and its relationship to the discretionary approvals and the public hearings described.

Task 2. Land Use, Zoning and Public Policy

A land use analysis characterizes the uses and development trends in the area that may be affected by a proposed action, and determines whether a proposed action is either compatible with those conditions or whether it may affect them. Similarly, the analysis considers the action's compliance with, and effect on, the area's zoning and other applicable public policies. This chapter will analyze the potential impacts of the Proposed Action on land use, zoning, and public policy, pursuant to the methodologies presented in the *CEQR Technical Manual*.

Task 3. Socioeconomic Conditions

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area. This chapter will assess the Proposed Action's potential effects on the socioeconomic character. As the proposed action has citywide applicability, prototypical development scenarios will be used for analysis. The proposed action has the potential to result in an increased number of residential units citywide, and therefore would have the potential to create socioeconomic changes. The five principal issues of concern with respect to socioeconomic conditions are whether a proposed action would result in significant adverse impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on specific industries, pursuant to the CEQR Technical Manual. The Proposed Action warrants an assessment of socioeconomic conditions with respect to only one of these principal issues of concern—indirect residential displacement. The assessment for indirect residential displacement will begin with a preliminary assessment to determine if a detailed analysis is necessary, in conformance with the CEQR Technical Manual guidelines. Detailed analyses will be conducted only if the preliminary assessment cannot definitively rule out the potential for significant adverse impacts. The detailed assessments will be framed in the context of existing conditions and evaluations of the Future No-Action and With-Action conditions in 2025, including any population changes anticipated to take place by the analysis year of the Proposed Action.

Task 4. Community Facilities and Services

The demand for community facilities and services is directly related to the type and size of the new population generated by development resulting from the proposed action. If an action introduces less than 50 elementary and middle school age children, or 150 high school students, an assessment of school facilities is not required. For libraries, the CEQR screening threshold is the introduction of new residential units which would represent a 5 percent increase in dwelling units per branch. For child care, the threshold is the introduction of affordable housing units which would generate 20 or more eligible children under age six. Based on the likely effects of the Proposed Action, assessments for schools, libraries and child care facilities will be provided in the EIS in accordance with the CEQR Technical Manual.

According to the CEQR Technical Manual, a detailed analysis of police and fire protection services and health care facilities is required if a proposed action would (a) introduce a sizeable new neighborhood where one has not previously existed, or (b) would displace or alter a hospital or public health clinic, fire protection services facility, or police station. As the Proposed Action would not result in any of the above, no significant adverse impacts would be expected to occur, and a detailed analysis of police/fire services and health care facilities is not warranted.

Task 5. Open Space

Open space is defined as publicly or privately owned land that is publicly accessible and operates, functions, or is available for leisure, play, or sport, or set aside for the protection and/or enhancement of the natural environment. An analysis of open space is conducted to determine whether or not a proposed action would have direct effects resulting from the elimination or alteration of open space, increased noise or pollutant emissions, odors, or shadows on public open space; and/or an indirect effects resulting from overtaxing available open space. Based on the *CEQR Technical Manual*, an open space assessment is typically warranted if an action would directly affect an open space or if it would increase the population by more than:

- 350 residents or 750 workers in areas classified as “well-served areas;”
- 25 residents or 125 workers in areas classified as “underserved areas;”
- 200 residents or 500 workers in areas that are not within “well-served” or “underserved areas.”

The proposal is a citywide action that will result in development that may have direct or indirect effects on open space. Therefore, an open space assessment will be provided in the EIS.

Task 6. Shadows

The CEQR Technical Manual requires a shadows assessment for proposed actions that would result in new structures (or additions to existing structures) greater than 50 feet in height or located adjacent to or across the street from a sunlight-sensitive resource. Such resources include publicly accessible open spaces, important sunlight-sensitive natural features, or historic resources with sun-sensitive features.

The Proposed Action, compared to what is allowed under current zoning regulations, has the potential to result in taller buildings, in some cases over 50 feet, that may cast shadows over publicly-accessible open spaces, historic and cultural resources, and natural areas. Therefore, a shadow assessment, using

prototypical development scenarios, will be provided to determine how project-generated shadows would affect sunlight-sensitive resources. The shadow assessment would be coordinated with the open space, historic and cultural resources, and natural resources analyses and would be conducted in accordance with CEQR Technical Manual methodologies.

Task 7. Historic and Cultural Resources

Historic and cultural resources include archaeological (buried) resources and architectural (historic standing structure) resources. The CEQR Technical Manual identifies historic and cultural resources as districts, buildings, structures, sites, and objects of historical, aesthetic, cultural, and archaeological importance. Historic and cultural resources include designated New York City Landmarks (NYCLs) and Historic Districts; properties calendared for consideration as NYCLs by the New York City Landmarks Preservation Commission (LPC) or determined eligible for NYCL designation (NYCL-eligible); properties listed on the State and National Register of Historic Places (S/NR) or formally determined eligible for S/NR listing (S/NR- eligible), or properties contained within a S/NR listed or eligible district; properties recommended by the New York State Board for listing on the S/NR; National Historic Landmarks (NHLs); and potential historic resources (i.e., properties not identified by one of the programs listed above, but that appear to meet their eligibility requirements).

According to the CEQR Technical Manual, a historic and cultural resources assessment is required if there is the potential to affect either archaeological or architectural resources. The analysis will consider the potential of the proposed project to affect historic and cultural resources.

The Proposed Action could result in additional development which could result in significant effects to historic and cultural resources.

The historic and cultural resources assessment will analyze the potential for significant adverse impacts based on prototypical scenarios.

Task 8. Urban Design/Visual Resources

An area's urban components and visual resources together define the look and character of the neighborhood. The urban design characteristics of a neighborhood encompass the various components of buildings and streets in the area. These include building bulk, use and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. An area's visual resources are its unique or important public view corridors, vistas, or natural or built features. For the CEQR analysis purposes, this includes only views from public and publicly accessible locations and does not include private residences or places of business.

An analysis of urban design and visual resources is appropriate if a proposed project would a) result in buildings that have substantially different height, bulk, form, setbacks, size, scale, use or arrangement than exists in an area; b) change block form, demap an active street or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity or streetscape elements; or c) would result in above-ground development in an area that includes significant visual resources.

It is not possible to evaluate the impacts of any specific development, as the specific location of future development projects is unknown. Therefore, the urban design and visual resources assessment will be based on prototypical scenarios.

Task 9. Natural Resources

According to the CEQR Technical Manual, a natural resource is defined as a plant or animal species and any area capable of providing habitat for plant and animal species or capable of functioning to support environmental systems and maintain the city's environmental balance. Such resources include surface and groundwater, wetlands, dunes and beaches, grasslands, woodlands, landscaped areas, gardens, and build structures used by wildlife. According to the CEQR Technical Manual, an assessment of natural resources is appropriate if a natural resource exists on or near the site of the proposed action, or if an action involves disturbance of that resource. The Proposed Action has the potential to result in additional development which may be located near natural resources. Consequently, an analysis of natural resources will be provided in the EIS. ~~Also, since the Proposed Action may affect development near the Jamaica Bay Watershed, a "Jamaica Bay Watershed Form" will be prepared and submitted to the New York City Department of Environmental Protection (DEP).~~ The Jamaica Bay Watershed Form is only required for actual proposed development projects located in the Jamaica Bay Watershed. The Proposed Action involve citywide zoning text amendments; however, it does not facilitate a specific development project.

Task 10. Hazardous Materials

A hazardous materials assessment determines whether a proposed action may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. The potential for significant impacts related to hazardous materials can occur when: (a) elevated levels of hazardous materials exist on a site and the project would increase pathways to human or environmental exposures; (b) a project would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased; or (c) the project would introduce a population to potential human or environmental exposure from off-site sources. The Proposed Action has the potential to result in increased ground disturbance in areas where hazardous materials may be present. Accordingly, the chapter will include a discussion of the Proposed Action's potential to result in significant adverse hazardous materials impacts.

Task 11. Water and Sewer Infrastructure

A water and sewer infrastructure assessment determines whether a proposed action may adversely affect the city's water distribution or sewer system and, if so, assess the effects of such actions to determine whether their impact is significant. The CEQR Technical Manual outlines thresholds for analysis of an action's water demand and its generation of wastewater and storm water. Based on the likely effects of the Proposed Action, preliminary assessments of the action's effects on the water supply, and wastewater and storm water infrastructure will be provided in the EIS in accordance with the CEQR Technical Manual.

Task 12. Solid Waste and Sanitation Services

A solid waste assessment determines whether an action has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the City's Solid Waste Management Plan or with state policy related to the City's integrated solid waste management system. The Proposed Action would induce new development that would require sanitation services. According to the CEQR Technical Manual, if a project's generation of solid waste in the With-Action condition would not exceed 50 tons per week, it may be assumed that there would be sufficient public or private carting and transfer station capacity in the metropolitan area to absorb the increment, and further analysis generally would not be required. Because it could result in an increase in the number of residential units, the Proposed Action could also increase the demands on solid waste and sanitation transport and disposal services; therefore, an assessment of solid waste and sanitation services will be provided in the EIS.

Task 13. Energy

According to the CEQR Technical Manual, an EIS must include a discussion of the effects of the proposed action on the use and conservation of energy, if applicable and significant. In most cases, an action does not need a detailed energy assessment, but its operational energy is projected. A detailed energy assessment is limited to actions that may significantly affect the transmission or generation of energy. For other actions, in lieu of a detailed assessment, the estimated amount of energy that would be consumed annually as a result of the day-to-day operation of the buildings and uses resulting from an action is disclosed, as recommended in the CEQR Technical Manual.

Although significant adverse energy impacts are not anticipated, the EIS will consider projected operational energy consumption.

Task 14. Transportation

The objective of a transportation analysis is to determine whether a proposed action may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, the safety of all roadway users (pedestrians, bicyclists and motorists), on- and off-street parking, or goods movement. The Proposed Action could result in additional residential units which would generate additional vehicular travel and demand for parking, as well as additional subway and bus riders and pedestrian traffic. The Proposed Action would introduce 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, and would eliminate or reduce parking requirements within and outside of the Transit Zone. These modifications have the potential to affect the area's transportation systems, and therefore, a preliminary

screening analysis will be provided in the EIS in accordance with the CEQR Technical Manual. Based on the results of the preliminary assessment, a detailed assessment will be provided if warranted.

Task 15. Air Quality

Under CEQR, an air quality analysis determines whether a proposed action would result in stationary or mobile sources of pollutant emissions that could have a significant adverse impact on ambient air quality, and also considers the potential of existing sources of air pollution to impact the proposed uses.
Based on the projected likely effects of the Proposed Action, an air quality analysis that considers mobile and stationary sources will be provided in accordance with the CEQR Technical Manual.

Task 16. Greenhouse Gas Emissions

The CEQR Technical Manual notes that while the need for a greenhouse gas (GHG) emissions assessment is highly dependent on the nature of the project and its potential impacts, the GHG consistency assessment currently focuses on city capital projects, projects proposing power generation
or a fundamental change to the City's solid waste management system, and projects being reviewed in an EIS that would result in development of 350,000 square feet or more (or smaller projects that would result in the construction of a building that is particularly energy-intense, such as a data processing center or health care facility). The Greenhouse Gas Emissions chapter will note that the Proposed Action is not anticipated to result in any specific development that exceeds the 350,000 square feet development threshold

Task 17. Noise

The CEQR Technical Manual requires an assessment of the Proposed Action's potential effects on sensitive noise receptors (including residences, health care facilities, schools, open space, etc.) and the potential noise exposure at any new sensitive receptors introduced by the Proposed Action. Based on the projected likely effects of the Proposed Action, a noise assessment will be prepared in accordance with the CEQR Technical Manual.

Task 18. Public Health

According to the CEQR Technical Manual, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a proposed action, and if so, to identify measures

to mitigate such effects. According to the guidelines of the CEQR Technical Manual, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any of these technical areas, an analysis will be provided for the specific technical area or areas.

Task 19. Neighborhood Character

Neighborhood character is established by a number of factors, such as land use, zoning, and public policy; socioeconomic conditions; open space; urban design and visual resources; shadows; transportation; and noise. According to the guidelines of the CEQR Technical Manual, an assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts in one of the technical areas presented above, or when a project may have moderate effects on several of the elements that define a neighborhood's character.

Methodologies outlined in the CEQR Technical Manual will be used to provide an assessment of neighborhood character.

Task 20. Construction

Construction impacts, though temporary, can have a disruptive and noticeable effect on the adjacent community, as well as people passing through the area. Construction impacts are usually important when construction activity has the potential to affect transportation conditions, archaeological resources and the integrity of historic resources, community noise patterns, air quality conditions, and mitigation of hazardous materials.

This chapter of the EIS will provide a preliminary impact assessment following the guidelines in the *CEQR Technical Manual*. The preliminary assessment consider the potential construction-related effects of the Proposed Action and will evaluate the duration and severity of the disruption or inconvenience to nearby sensitive receptors. Where the duration of construction is expected to be short-term, any impacts resulting from such short-term construction generally do not require detailed assessment. Based on the projected likely effects of the Proposed Action, it is not expected that a detailed analysis of significant adverse construction impacts will be warranted.

Task 21. Mitigation

Where significant adverse impacts have been identified in the analyses discussed above, measures will be assessed to mitigate those impacts, to the extent practicable and feasible. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts.

Task 22. Alternatives

The purpose of an alternatives analysis is to examine reasonable and practicable options that avoid or reduce project-related significant adverse impacts while achieving the goals and objectives of the proposal. The specific alternatives to be analyzed are typically finalized with the lead agency as project impacts become clarified. A No Build Alternative, which describes the conditions that would exist if the proposed action was not implemented, is required, and will be analyzed.

The alternatives analysis will be qualitative or quantitative as appropriate. Where project-related significant adverse impacts are identified, a quantitative assessment will be conducted. The level of analysis will depend on an assessment of project impacts determined by the analysis connected with the appropriate tasks.

Task 23. Summary EIS Chapters

In accordance with CEQR guidelines, the EIS will include the following three summary chapters, where appropriate to the Proposed Action:

Unavoidable Adverse Impacts - which summarizes any significant adverse impacts that are unavoidable if the Proposed Action is implemented regardless of the mitigation employed (or if mitigation is not feasible).

Growth-Inducing Aspects of the Proposed Action - which generally refer to "secondary" impacts of a Proposed Action that trigger further development.

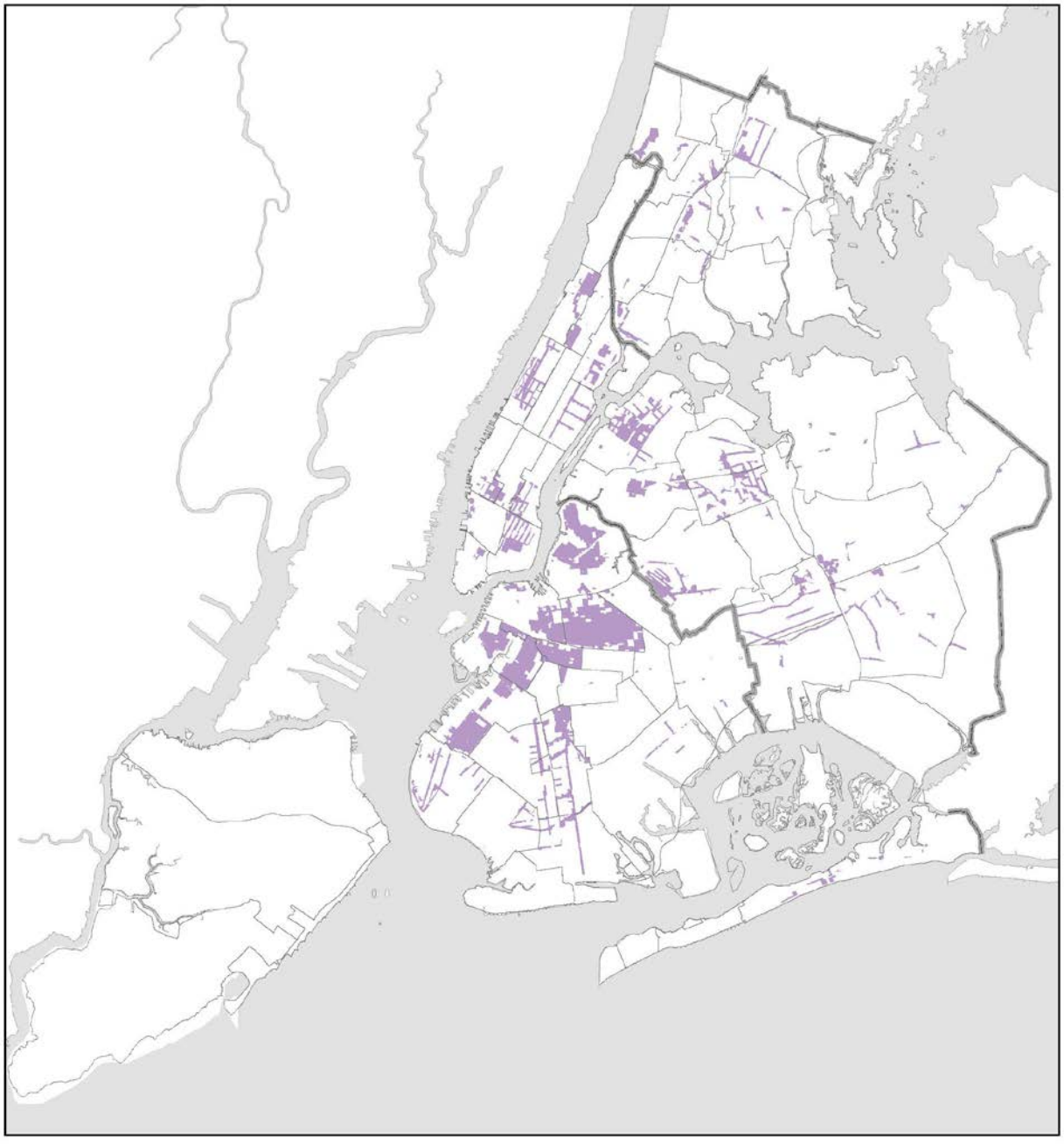
Irreversible and Irretrievable Commitments of Resources - which summarizes the Proposed Action and its impacts in terms of the loss of environmental resources (loss of vegetation, use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.

Task 24. Executive Summary

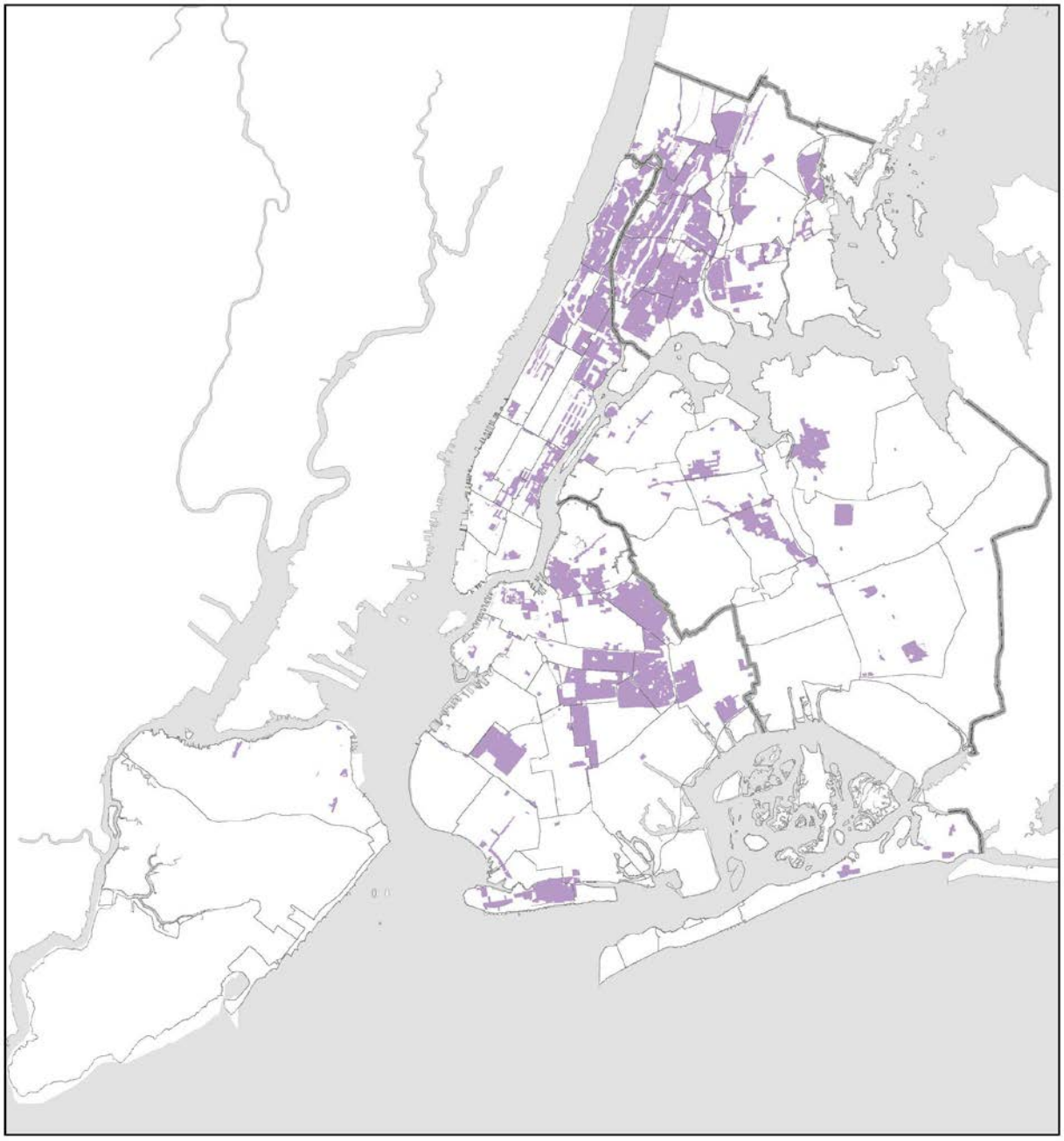
The executive summary will utilize relevant material from the body of the EIS to describe the Proposed Action, its environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Action. The executive summary will be written in enough detail to facilitate drafting of a notice of completion by the lead agency.

I. APPENDIX A: MAPS

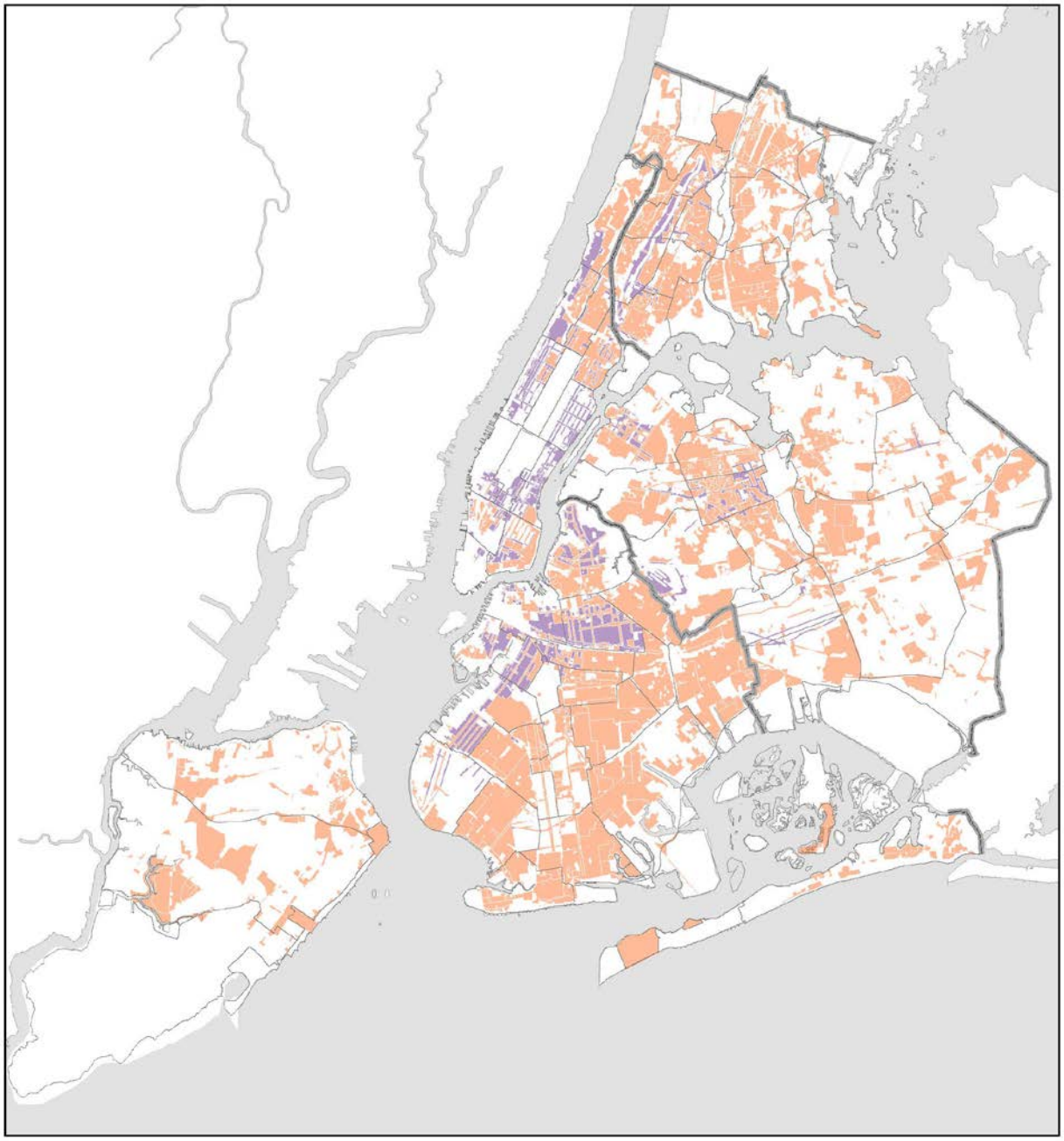
Map 1: Applicability of as-of-right height changes in contextual zoning districts



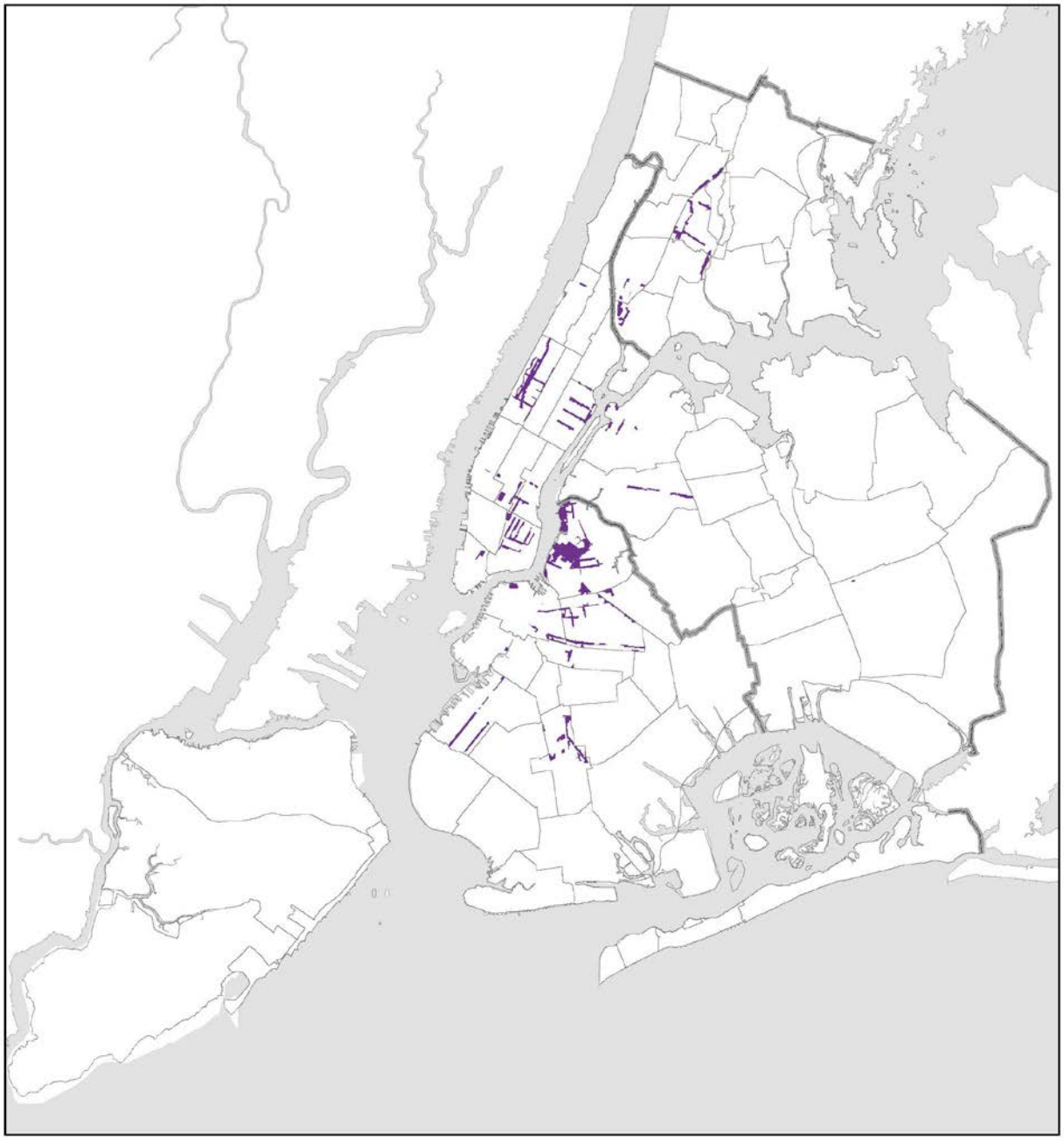
Map 2: Applicability of as-of-right height changes in non-contextual zoning districts



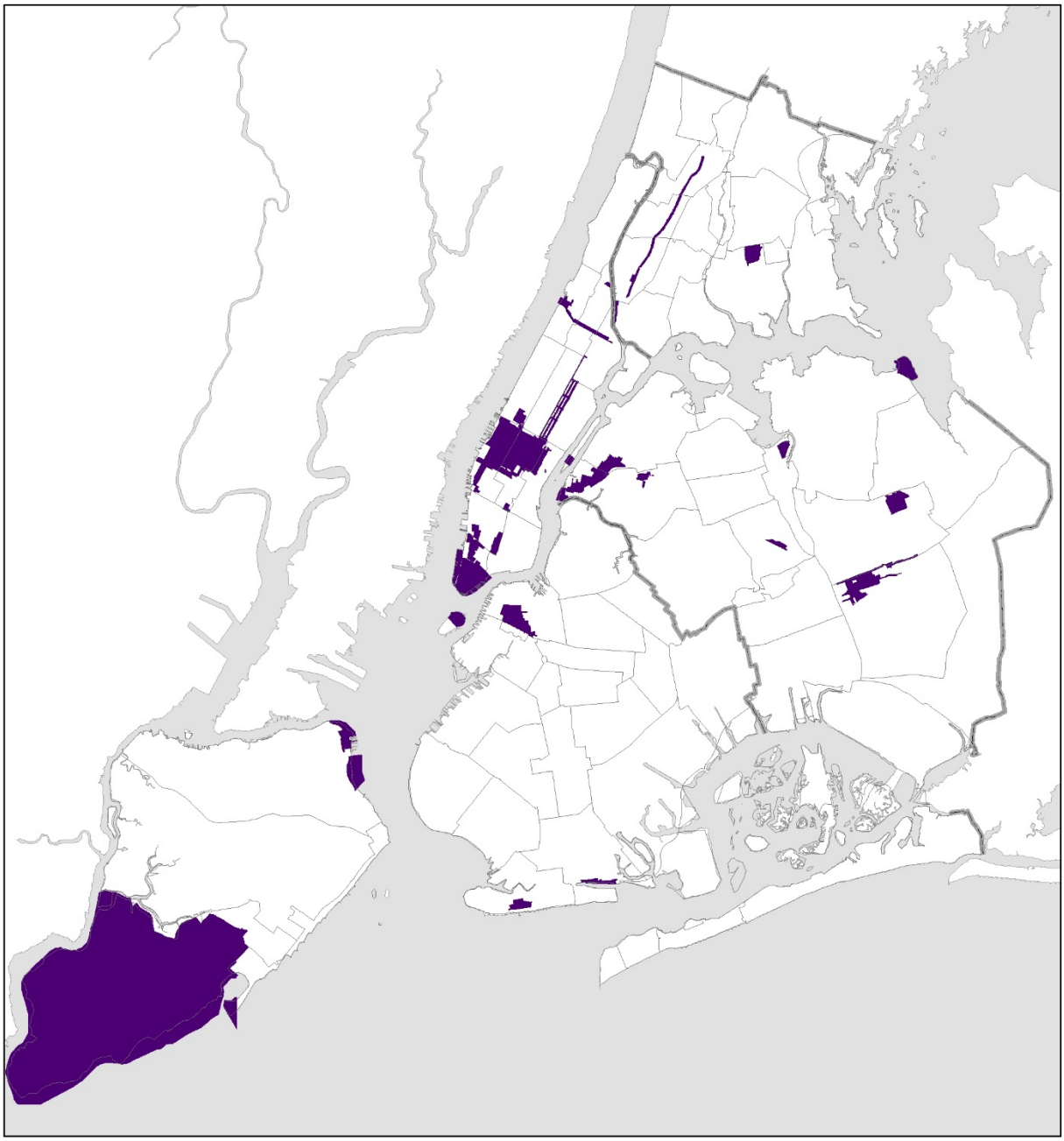
Map 3: Applicability of as-of-right FAR changes for Affordable Independent Residences for the Elderly and Long-Term Care Facilities (orange); Applicability of FAR changes for Long-Term Care Facilities (purple)



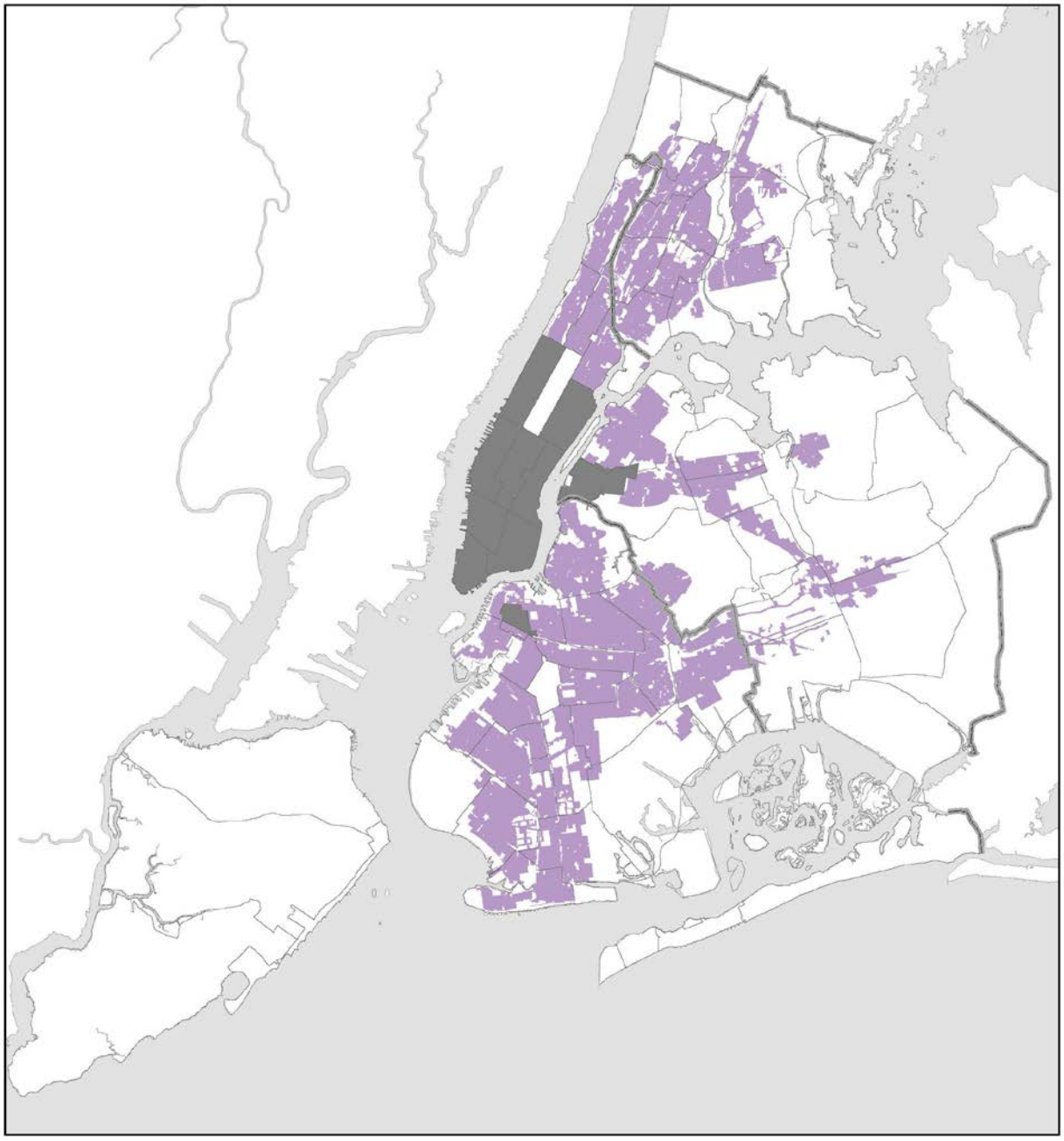
Map 4: Applicability to as-of-right changes within Inclusionary Housing Designated Areas, and R10 zoning districts with IH applicability



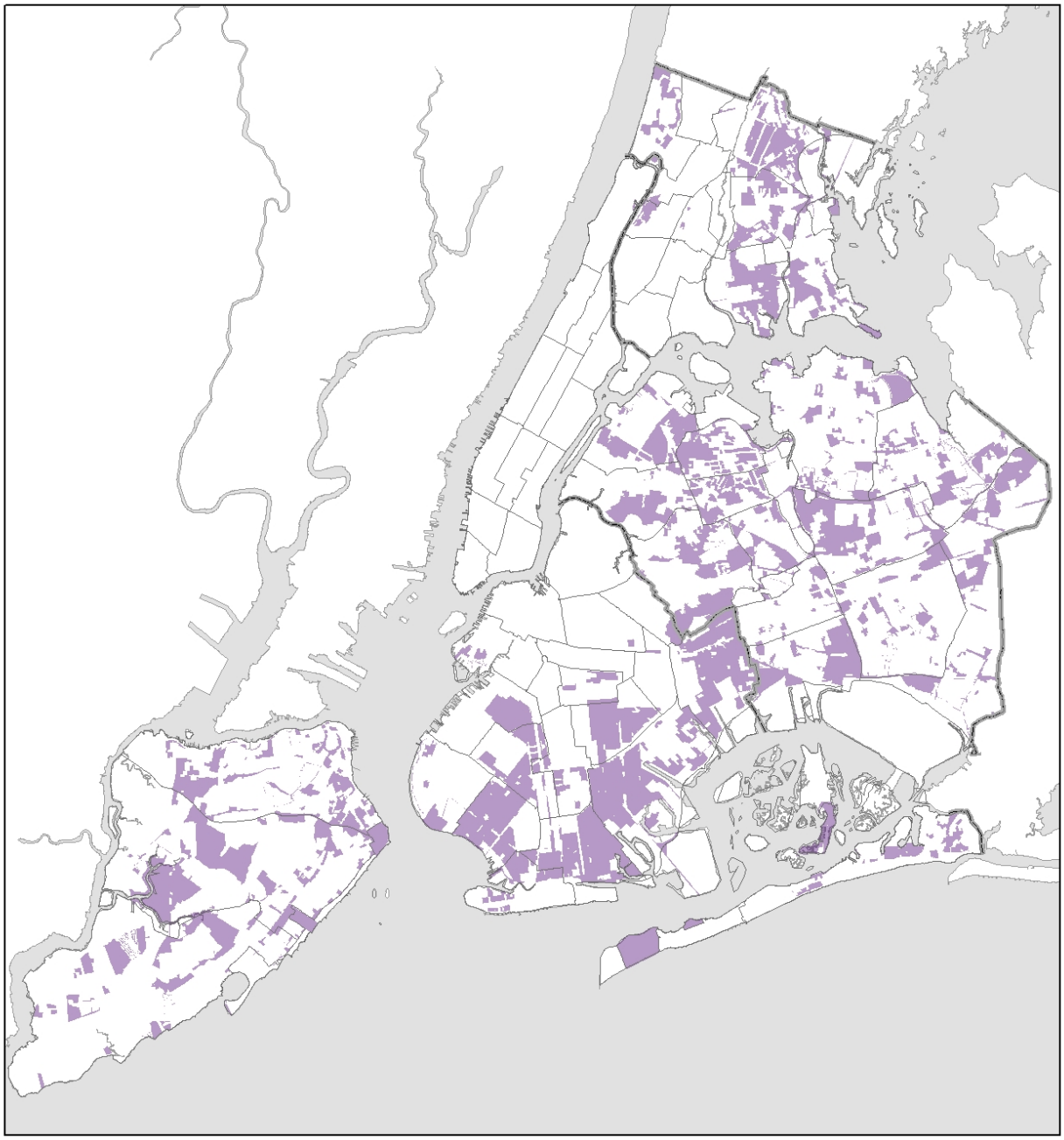
Map 5: Affected Special Districts



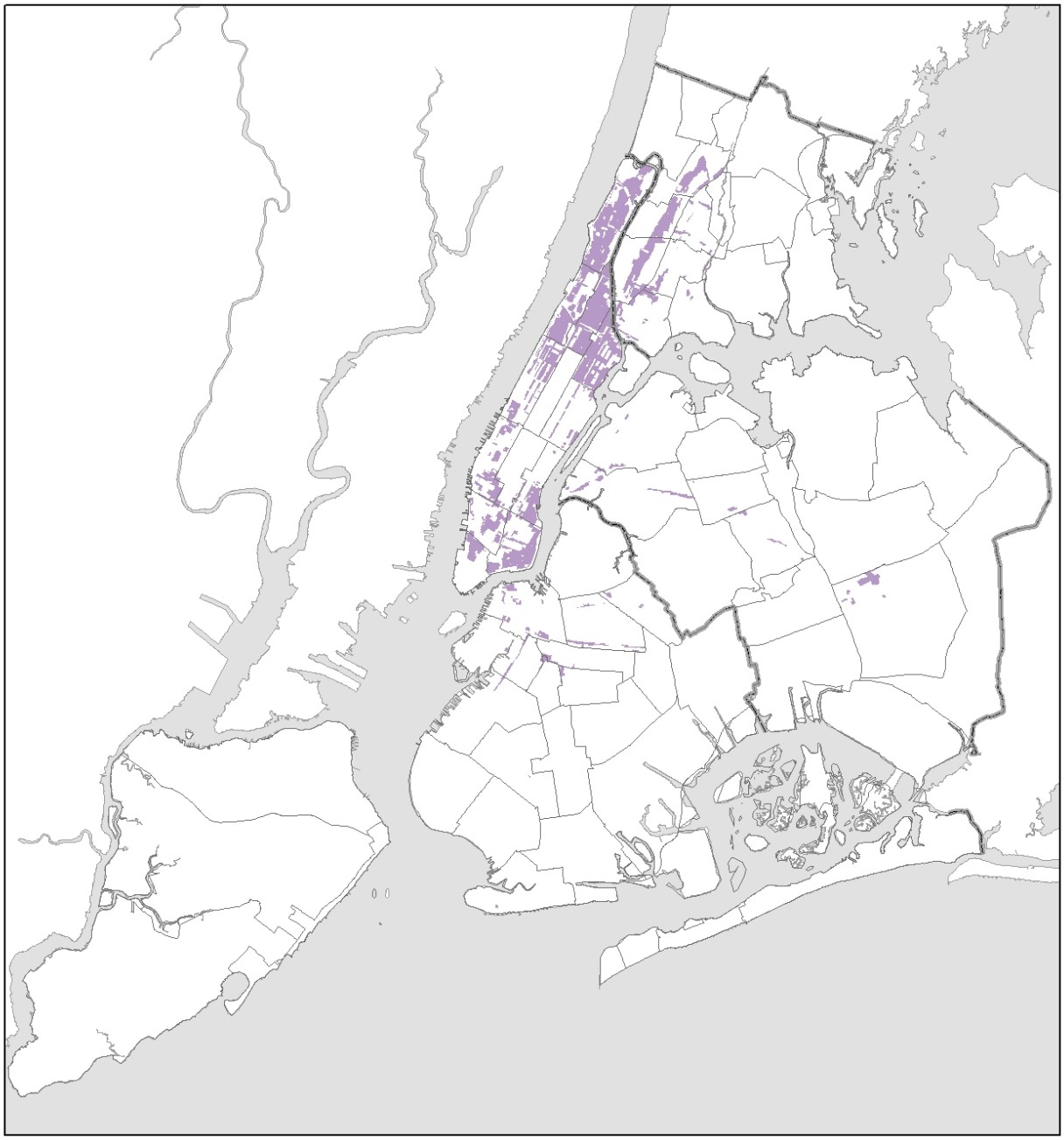
Map 6: Transit Zone (purple) and areas where no parking is required for affordable housing under existing conditions (grey)



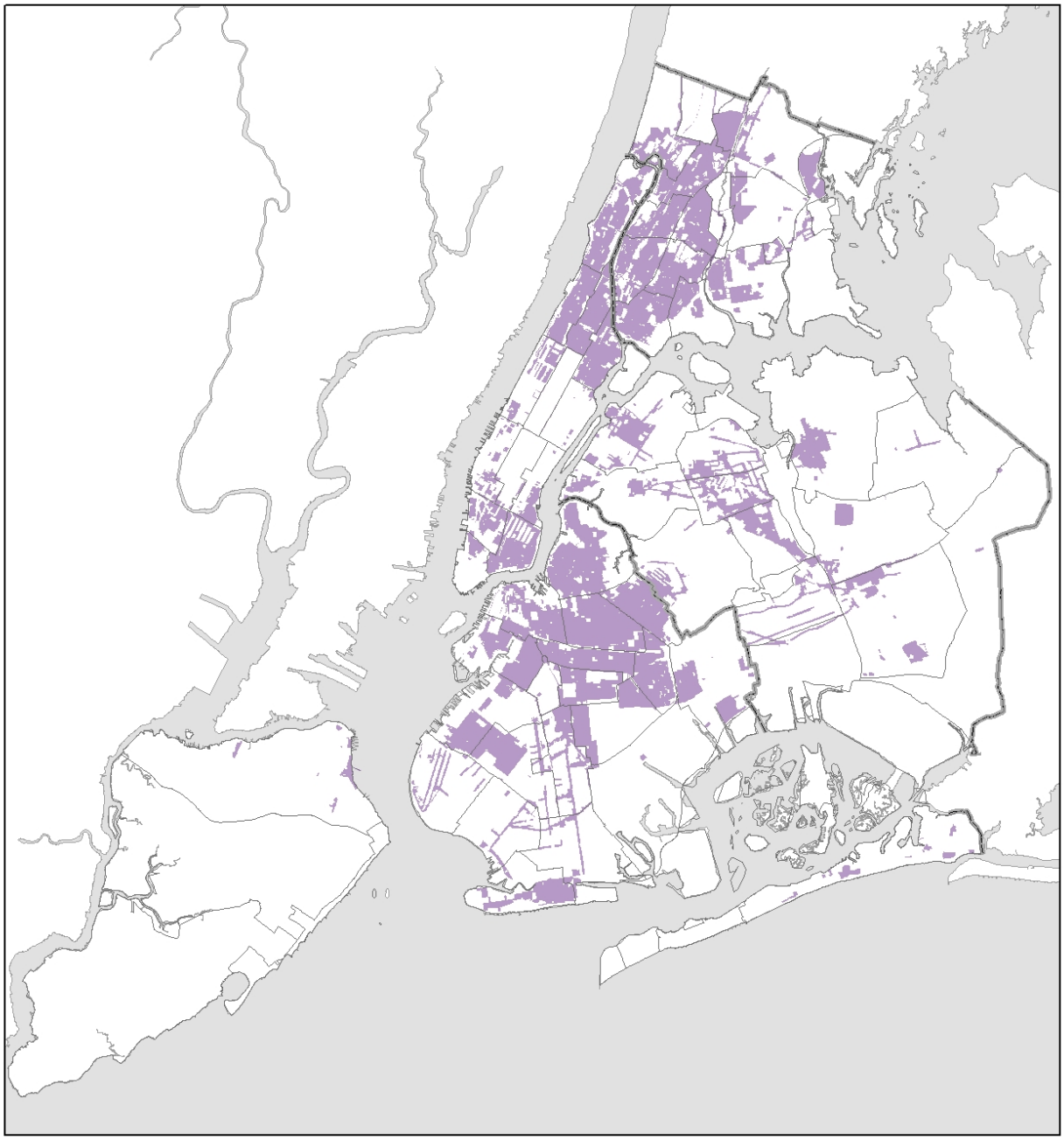
Map 7: Lower-Density Bulk Envelope for Affordable Independent Residences for Seniors and Long Term Care Facilities



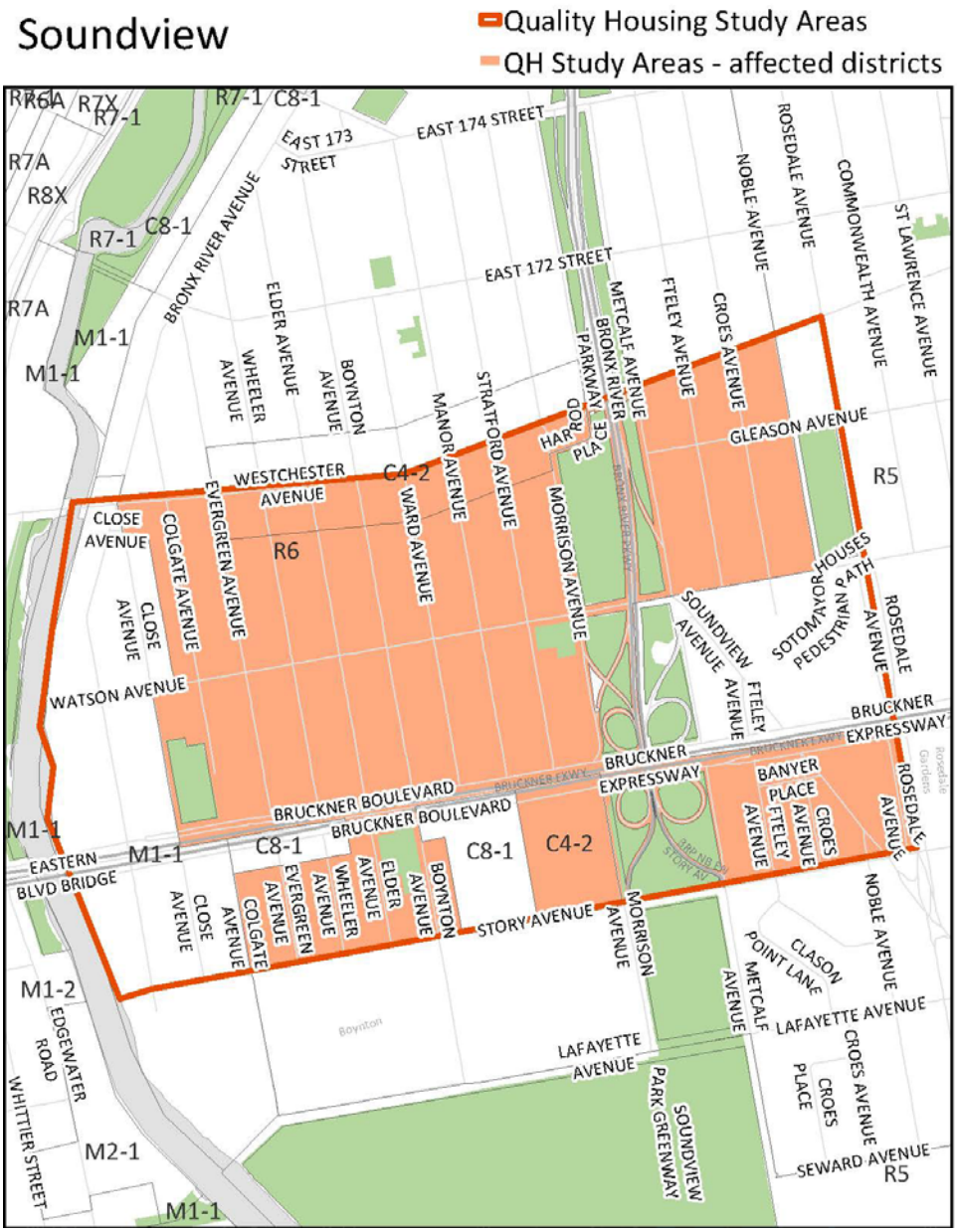
Map 8: Removal of Narrow Lot Restrictions



Map 9: Changes to Density Factor for Residential Buildings



Map 10: Quality Housing Study Areas



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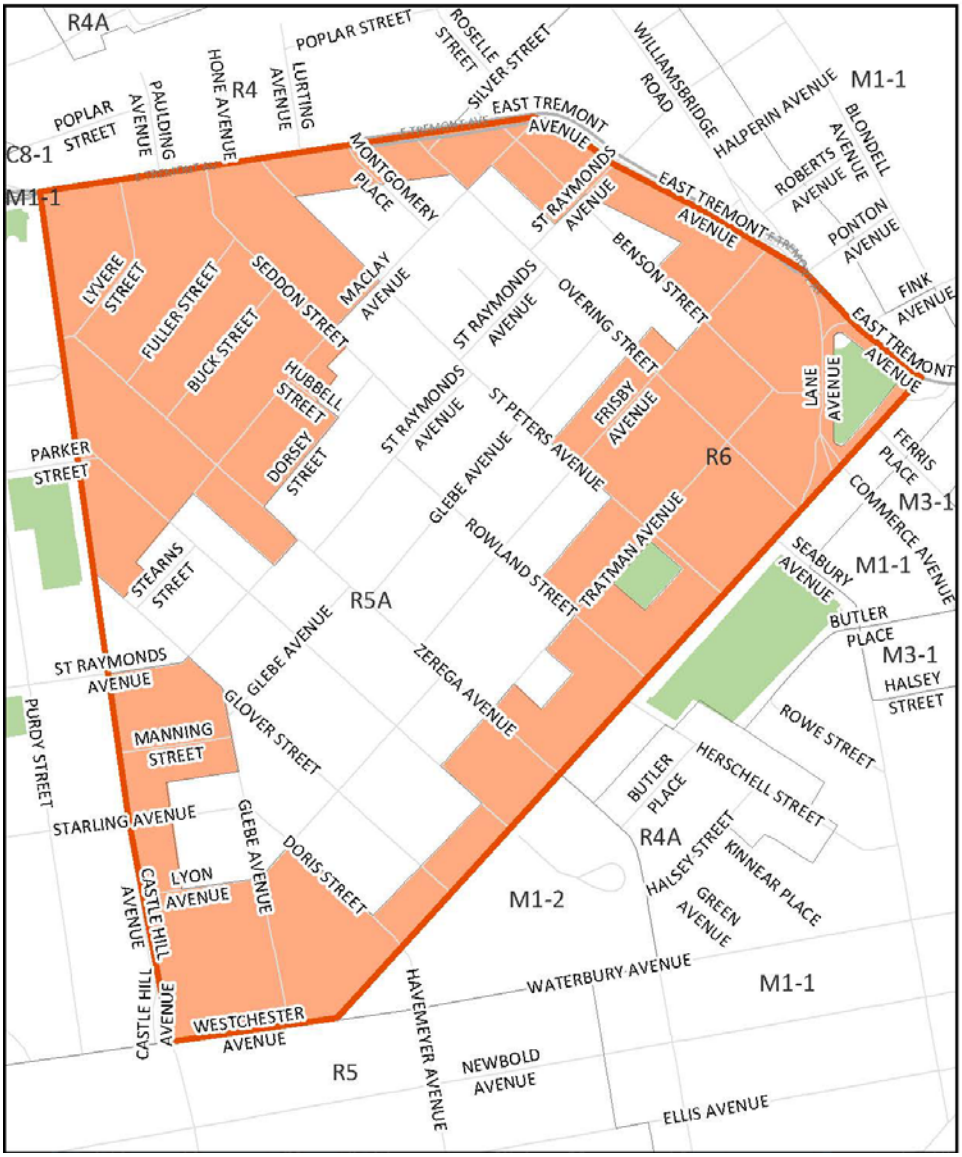
Castle Hill

Quality Housing Study Areas
QH Study Areas - affected districts



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Midwood

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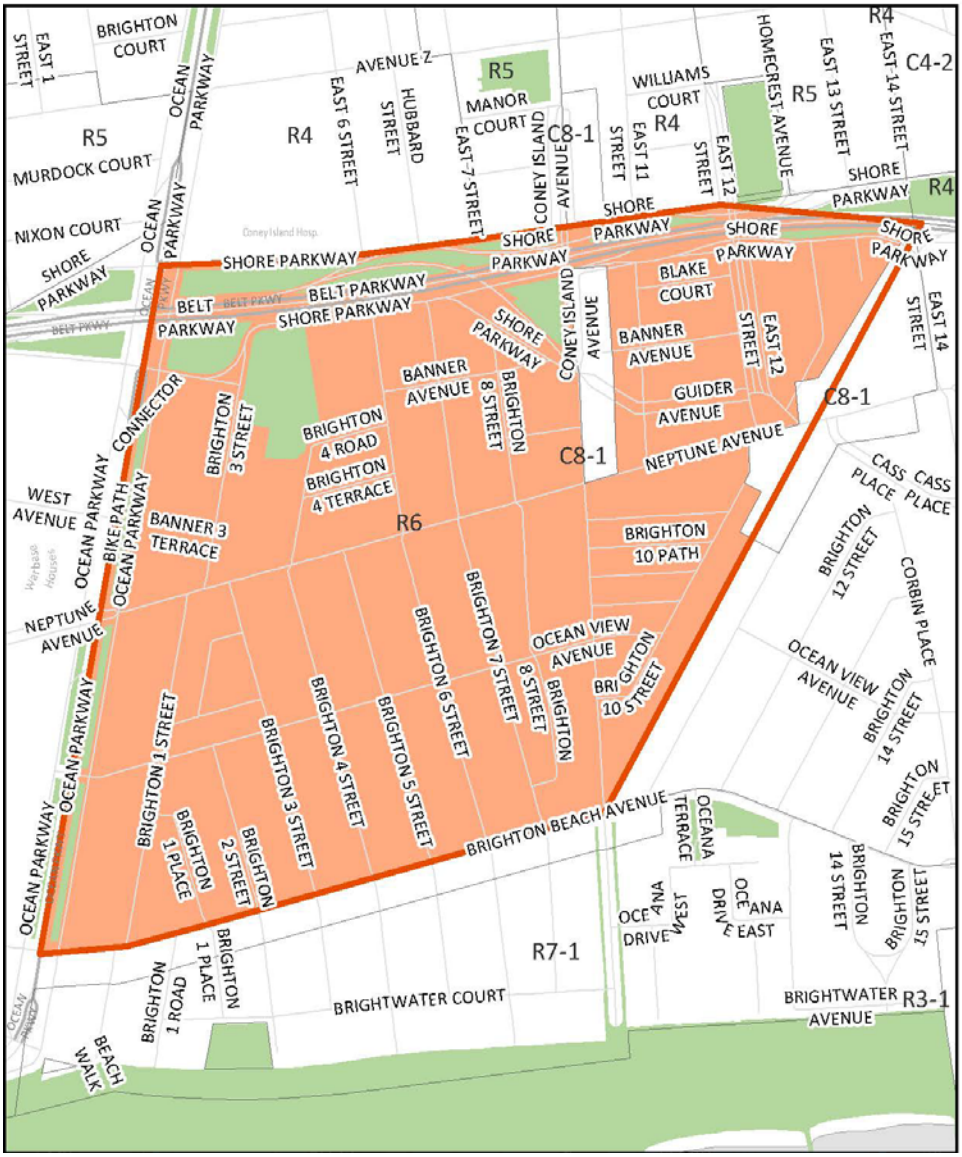
Brighton Beach

Quality Housing Study Areas
QH Study Areas - affected districts



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Elmhurst/ Corona

NYCPLANNING
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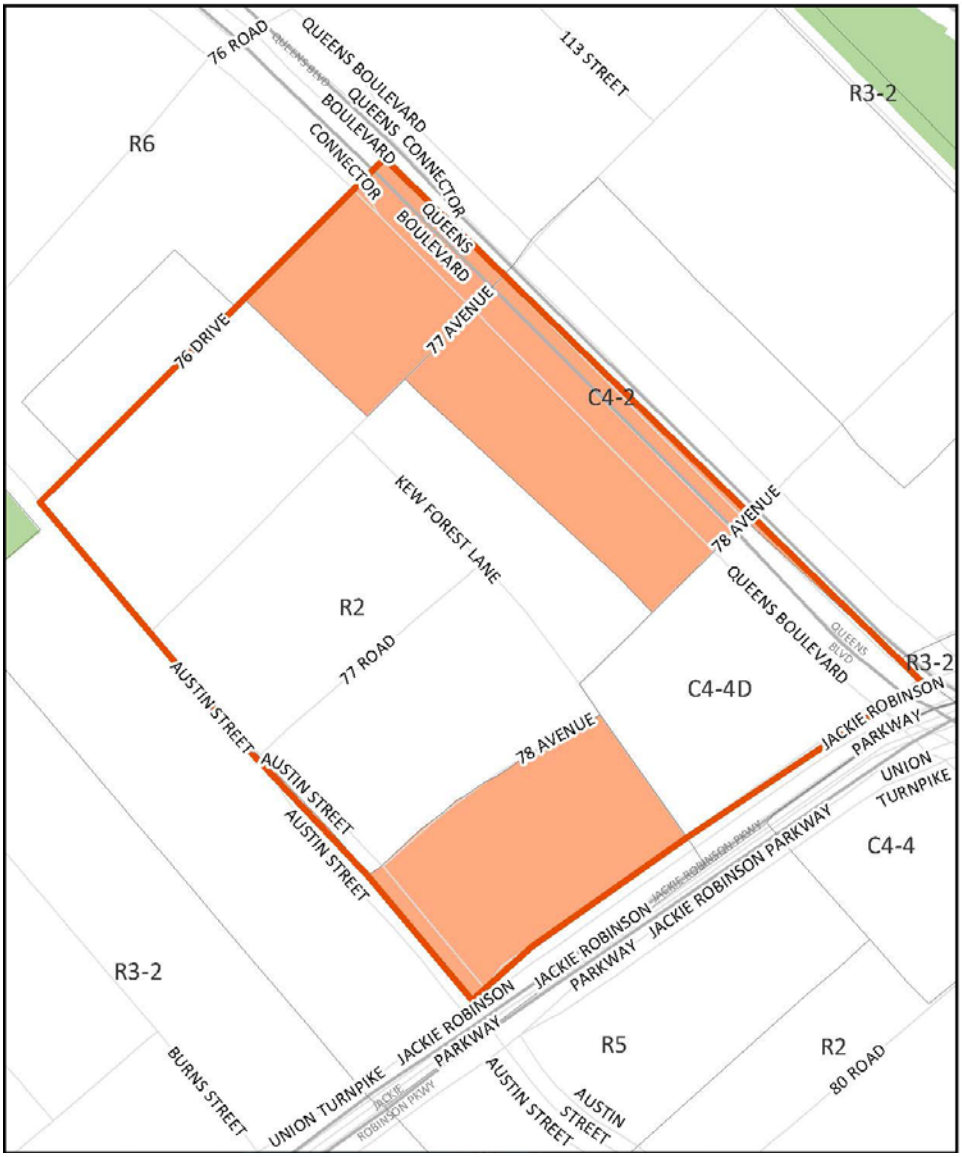
Forest Hills

Quality Housing Study Areas
QH Study Areas - affected districts



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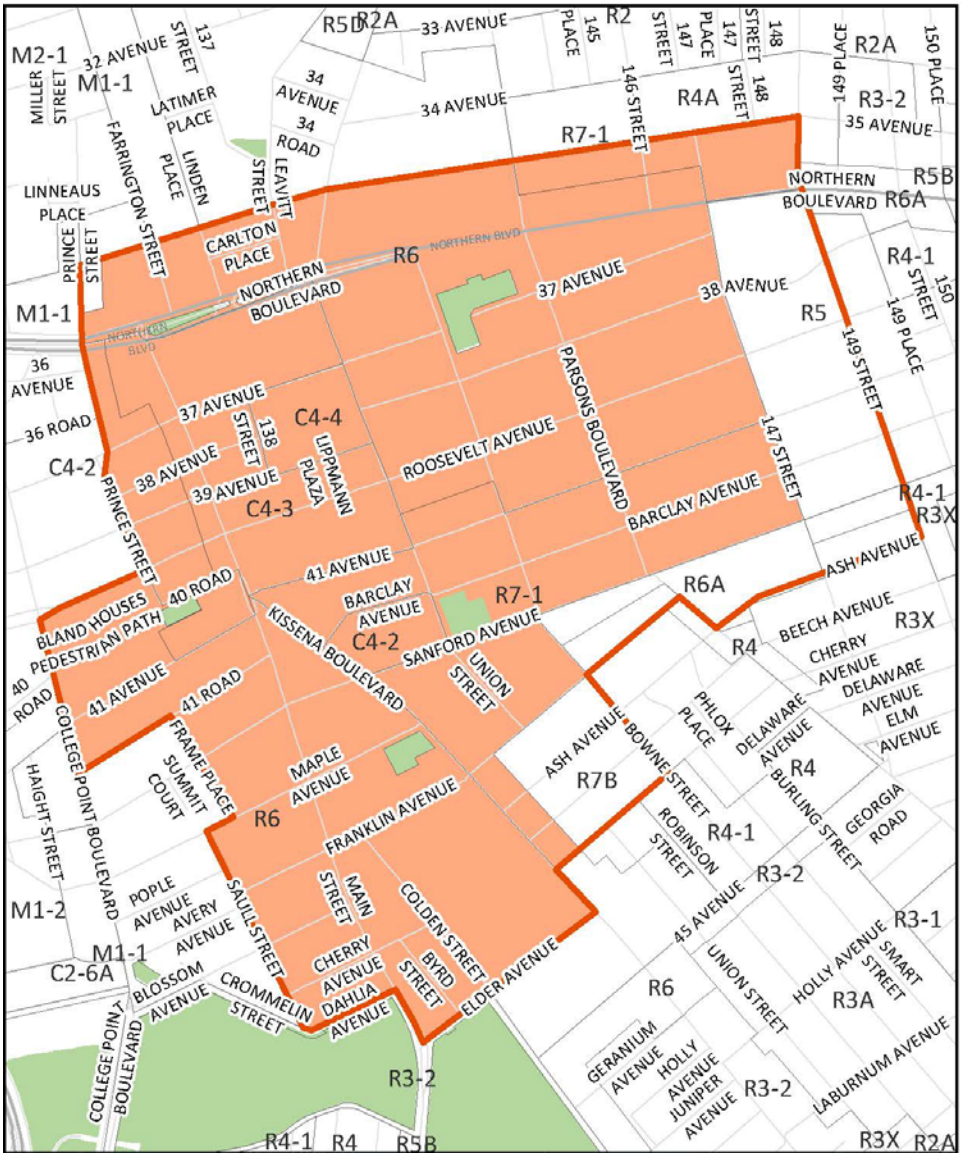
Flushing

Quality Housing Study Areas
QH Study Areas - affected districts



APPENDIX B: SPECIAL DISTRICT APPLICABILITY

Special District	Clarify allowable width for ground floor commercial use obstructions	Clarify and simplify ground floor use reqs	Remove unnecessary corner lot coverage restrictions	Update floor area ratio maximum for AIRS and LTC	Provide improved yard and coverage regulations for shallow lots	Adjust rear setback controls in mod- and high-density districts	Adjust height controls in moderate- and high-density districts for general residential uses	Adjust height controls for IH, AIRS and LTC	Changes to parking reqs for affordable and affordable senior housing
82 - Lincoln Square District									
84 - Battery Park City District									
88 - Hudson Square District	x	x			x	x	x	x	
93 - Hudson Yards District	x								
96 - Clinton District									
97 - 125th Street District	x		x						
98 - West Chelsea District			x				x	x	
104 - Manhattanville Mixed Use District			x				x		
109 - Little Italy District			x						
111 - Tribeca Mixed Use District			x				x	x	
118 - Union Square District									
86 - Forest Hills District	x								
115 - Downtown Jamaica District	x		x				x	x	
117 - Long Island City Mixed Use District			x				x		
124 - Willets Point District	x	x							
125 - Southern Hunters Point District									
87 - Harlem River Waterfront District	x	x							
112 - City Island District	x								

101 – Downtown Brooklyn District	x		x				x	x	x
131 - Coney Island District		x							
116 - Stapleton Waterfront District							x		
128 - St. George District	x	x	x				x		x
123 - Mixed Use District			x		x			x	
132 - Enhanced Commercial District	x	x							
62 - Waterfront				x			x	x	

Special District	Clarify use location regs that inadvertently prohibit mixing of residential and CF	Clarify use conversion regs that inadvertently prohibit CF	Clarify and simplify ground floor transparency requirements	Clarify ground floor commercial use depth requirements	Modify unnecessary window regulations	Align security gate requirements w/ Local Law	Remove unnecessary glazing requirement
82 - Lincoln Square District			x				
84 - Battery Park City District	x						
88 - Hudson Square District		x	x	x			
93 - Hudson Yards District	x		x	x		x	
96 - Clinton District			x				
97 - 125th Street District	x		x			x	
98 - West Chelsea District	x					x	
104 - Manhattanville Mixed Use District				x			
109 - Little Italy District					x		
111 - Tribeca Mixed Use District	x				x		
118 - Union Square District			x				x
86 - Forest Hills District	x		x	x		x	
115 - Downtown Jamaica District			x	x			
117 - Long Island City Mixed Use District	x		x				
124 - Willets Point District	x		x	x			
125 - Southern Hunters Point District	x					x	
87 - Harlem River Waterfront District	x		x	x			
112 - City Island District			x			x	

101 – Downtown Brooklyn District			x				
131 - Coney Island District	x		x	x		x	
116 - Stapleton Waterfront District			x	x			
128 - St. George District	x		x	x		x	
123 - Mixed Use District	x				x		
132 - Enhanced Commercial District			x	x			
62 - Waterfront			x				