



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

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**NOTICE OF COMPLETION OF
THE FINAL ENVIRONMENTAL IMPACT STATEMENT**

Zoning for Quality and Affordability Text Amendment

Project Identification

CEQR No. 15DCP104Y
ULURP No. N160049ZRY
SEQRA Classification: Type I

Lead Agency

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Pursuant to City Environmental Quality Review (CEQR), Mayoral Executive Order No. 91 of 1977, CEQR Rules of Procedure of 1991 and the regulations of Article 8 of the State Environmental Conservation Law, State Environmental Quality Review Act (SEQRA) as found in 6 NYCRR Part 617, a Final Environmental Impact Statement (FEIS) has been prepared for the action described below. Copies of the FEIS are available for public inspection at the office of the undersigned. The proposal involves actions by the City Planning Commission and Council of the City of New York pursuant to Uniform Land Use Review Procedures (ULURP). A public hearing on the Draft Environmental Impact Statement (DEIS) was held on December 16, 2015. Written comments on the DEIS were requested and were received by the Lead Agency until December 28, 2015. The FEIS incorporates responses to the public comments received on the DEIS.

A. INTRODUCTION

As part of the City's coordinated efforts under Housing New York – the Mayor's ten-year, five-borough housing plan – the Department of City Planning is proposing a set of targeted changes to zoning regulations to support the creation of new affordable housing and encourage better residential buildings.

Zoning establishes limits on the use, size, and shape of buildings, with numerous zoning districts mapped in the city's diverse neighborhoods to reflect their varying density and character. These limits help give shape to neighborhoods and predictability to their future. But sometimes they also have unintended consequences,

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discouraging the very types of outcomes they were intended to encourage. This proposal aims to address several ways in which current regulations, drafted a generation ago, have in practice discouraged the affordability and quality of recent buildings.

Since the release of Housing New York, the Department of City Planning, working with the Department of Housing Preservation and Development (HPD), communities, nonprofit housing groups, architects, affordable housing developers, and other practitioners, has identified a set of zoning changes that would address the needs of affordable housing, aid efficient use of housing subsidies, and encourage higher-quality residential buildings in the city's medium- and high-density neighborhoods.

The Zoning for Quality and Affordability text amendment (ZQA) serves numerous goals of Housing New York, including making the city more affordable to a wide range of New Yorkers and fostering diverse, livable communities with buildings that contribute to the character and quality of neighborhoods. While the various elements of the proposal work together to achieve these goals, they are described separately below, starting with changes that serve to promote affordability, followed by changes designed to encourage better buildings that contribute to the quality of neighborhoods.

PROMOTING AFFORDABILITY

In order to make zoning work better with financial and other programs to create more affordable housing for a wider range of New Yorkers, ZQA proposes modifications to the rules affecting various forms of affordable housing identified in the Zoning Resolution. The primary categories of changes under the proposal would:

- Make it easier to provide the range of affordable senior housing and care facilities needed to meet the varied needs of an aging population, and to help seniors remain in their communities;
- Enable Inclusionary Housing buildings, which provide mixed-income housing, to construct high-quality buildings that fit the full amount of housing they are allowed under zoning; and
- Free up resources to create more affordable housing by enabling cost-effective, transit-accessible affordable housing, through modifications to parking requirements

Specific changes to the rules for affordable senior housing and long-term care facilities are detailed in the sections below, followed by changes related to the height and setback regulations for Inclusionary Housing buildings, and changes to parking requirements for various forms of affordable housing.

Affordable Senior Housing

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, a 40 percent increase. In recent years, around the country, a wider range of housing and facility types have emerged for 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 affordable senior housing and related long-term care facilities like nursing homes.

Affordable senior housing is designed specifically to meet the needs of seniors, with smaller individual units with more common areas and amenities for residents. Eligibility is limited by age and by income. The development of affordable senior housing normally requires public subsidies, and traditional federal capital

funding for this type of housing has recently been eliminated. There have been approximately 3,500 affordable senior housing units constructed in the city since 2003. Under Housing New York, Mayor de Blasio has set a target of 5,000 new units in the next decade.

Today in zoning this use is defined as a “non-profit residence for the elderly,” a Use Group 2 residence. The use requires a funding agreement with a city or state agency, and at least 90 percent of the space must be occupied by an elderly family, the head of which is 62 years or older. In addition, a minimum of 4 percent of the space must be dedicated to shared facilities for residents, like cafeterias and community rooms. If the use meets these various requirements, it is permitted a higher floor area ratio than a typical residence in many low- and medium- density zoning districts and a slightly lower “dwelling units factor” in low-density districts that allows a slightly greater number of units to be included in the building than would be for ordinary residences.

This zoning framework has not been updated in over 40 years, and housing advocates and affordable senior housing providers have pointed out a number of ways in which it unnecessarily limits the creation of these facilities. This is particularly important at a time when new development models may be necessary to replace the traditional federally funded approach to creating affordable senior housing. ZQA proposes a number of changes to make it easier to construct and maintain these facilities, in order to help seniors remain in their communities throughout the city. Specifically the proposal would update the following:

Definitions – The zoning definition “non-profit residence for the elderly” would be replaced by “affordable independent residence for seniors.” This change would allow a wider range of non-profit and for-profit entities to provide affordable senior housing. However, the existing age restrictions described above would remain in place. Incomes would be restricted to seniors making less than 80 percent of area median income. The zoning would require a regulatory agreement from a City or State agency with a minimum term of 30 years, to be consistent with typical requirements of public agencies providing housing subsidies. The requirement for shared facilities would be retained, but the proposal would clarify that the recreation space required under the Quality Housing program can count toward this requirement.

Floor area ratio – Zoning today specifies a higher FAR (by approximately 20%) for “non-profit residences for the elderly” as compared to other residences in most low- and medium-density zoning districts. These provisions were established to promote the use and recognize its low-impact nature as compared to other residences. However, this pattern does not extend to all zoning districts where affordable senior housing is permitted and where it is constructed. This includes high-density districts (R8 through R10) and a number of medium-density contextual zoning districts that did not exist when the original framework was put in place more than 40 years ago. In order to support the creation of affordable senior housing in neighborhoods throughout the city, ZQA would provide a higher FAR for “affordable independent residences for seniors” in those zoning districts, and maintain the existing higher FARs where they currently exist. As shown in Table 0-1, the new floor area ratios would generally be 20 percent higher than what is permitted for other residences, in line with the existing framework, and generally consistent with the FAR permitted through the Inclusionary Housing program.

Unit density controls – Zoning regulates the maximum number of units permitted in a building through a “dwelling unit factor,” by which total floor area is divided to determine the maximum number of units permitted. Today, “non-profit residences for the elderly” are granted a different, generally lower, factor than other residences in some low- and medium-density districts, but it is inconsistent. Allowing higher unit counts is consistent with the fact that low-income seniors typically live in smaller dwelling units, reflecting their smaller household size, incomes, and the desirability of simplified housekeeping. However, the lower dwelling unit factors only exist in certain zoning districts, and even these are not always consistent with current best practices or the standards of various regulating agencies. Under ZQA, affordable senior housing would not be

subject to a dwelling unit factor, allowing other regulations and programmatic needs to control unit density and appropriate unit sizes for this use. This would allow for a broader range of unit sizes, and for more affordable and more appropriately sized units for seniors, which are offset by the availability of community spaces.

Table 0-1: Existing and proposed maximum FAR for Affordable Independent Residences for Seniors

	Non-profit residences for the elderly	Residential	Proposed for Affordable Independent Residences for Seniors	Change
Zoning District	Max FAR	Max FAR	Max FAR	
R3-2	0.95		0.95	0.00
R4	1.29		1.29	0.00
R5	1.95		1.95	0.00
R5B	n/a	1.35	1.35	0.00
R5D	n/a	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	n/a	6.02	7.20	1.18
R8A	n/a	6.02	7.20	1.18
R8B	n/a	4.00	4.00	0.00
R8X	n/a	6.02	7.20	1.18
R9	n/a	7.52	8.00	0.48
R9A	n/a	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

Long-Term Care Facilities

Long-term care facilities are a group of uses that provide services to their residents at different levels of care. These include uses like assisted living facilities, nursing homes and certain continuing care retirement communities. Nursing homes offer the highest level of care and 24-hour nursing services, while assisted living facilities are typically independent apartments with optional personal services and support. Continuing care retirement communities combine independent living with assisted living and nursing care services under a single contract that allows residents to move within a facility to increasing levels of care as their needs dictate.

All of these facilities can be made up of single or shared apartments or rooms with support spaces. All of these are licensed and regulated by the New York State Department of Health.

Most of the city's existing facilities were developed in the 1970s when funding sources were at a peak. However, since the 1970s, government funding and support has steeply declined and the construction of new facilities has not kept up with the demands of the city's aging population. The State Department of Health estimates an unmet need of 8,300 long-term care facility beds in New York City today. The city has half as many assisted living units per capita as other counties in New York State.

Zoning today impedes the creation of these community facility uses by referring to outdated state programs, limiting the as-of-right FAR to less than what is permitted for affordable senior housing or even other community facilities, and imposing layers of land use review that are not required for other uses. These issues make it difficult to renovate or expand existing facilities or provide new ones. ZQA proposes a number of changes to make it easier to construct and maintain these facilities as appropriate in each zoning district in order to help seniors remain in their communities throughout the city. Specifically, the proposal would update:

Definitions – the proposal creates a new defined term, “long-term care facility,” to replace obsolete terms and account for the wide range of care facilities licensed by the State Department of Health. This would be a Use Group 3 community facility use and would replace the current “nursing homes and health-related facilities” use. The broader term will also account for assisted living facilities and continuing care retirement communities, which are not clearly categorized in zoning today. Long-term care facilities will be required to secure the necessary certificate of authority or licensure from the State Department of Health under the applicable state programs for either nursing homes, assisted living facilities, or continuing care retirement communities.

Requirements for Nursing Homes – Zoning today requires certifications and special permits to develop or renovate nursing homes. The certification requirement (current Section 22-42) applies both to new buildings and enlargements or substantial renovations of 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 nursing home would increase the concentration in the Community District above the citywide average, then the applicant must also apply for a City Planning Commission special permit (Section 74-90), and demonstrate that the new facility would not negatively impact traffic or neighborhood support services. These requirements were put in place in the 1970s to address concerns about excessive levels of nursing home construction in limited areas of the city. Today, the State's licensing process for nursing homes includes a Certificate of Need requirement, intended to limit investment in duplicative or unnecessary facilities and services, and now serves a similar purpose to the 1970s-era requirement in the Zoning Resolution. These zoning requirements now create an unnecessary obstacle for renovating or building new nursing home facilities by increasing costs, uncertainty, and the time needed for review. Therefore, in order to make it easier to provide these uses, ZQA would remove these requirements and instead allow all “long-term care facilities” in R3 through R10 districts, including nursing homes, as-of-right.

Floor area ratios – While community facility uses are generally permitted a higher as-of-right FAR than residential uses are in non-contextual residence districts, nursing homes are today only permitted the residential FAR associated with non-Quality Housing buildings. A special permit (Section 74-902) is required to use the higher permitted community facility FAR. The permit was created in the 1970s to consider whether the higher FAR would be out of context or would negatively impact neighborhood support services. Since then, 49 facilities have applied for this special permit, and all have been approved by the City Planning Commission. However, the permit adds costs, uncertainty, and time which make it more difficult to develop and maintain these facilities. To enable these facilities to be provided at an FAR commensurate with that allowed for

housing, ZQA would allow the higher floor area ratio permitted for “affordable independent residences for seniors” (as described above) to all “long-term care facilities” in R3 through R10 districts as-of-right, *as shown in Table 0-2*. Long-term care facilities are similarly low-impact uses with a great deal of space devoted to support spaces such as clinical services and common areas. The higher, community facility FAR would remain available to these uses only by special permit.

R1 and R2 districts – In these low-density, single-family zoning districts, long-term care facilities would only be permitted through discretionary actions intended to ensure the facility is compatible with the area’s character. For large campus-like sites over 10 acres, a City Planning Commission authorization would be required (Section 22-42). For smaller sites, a Commission special permit (Section 74-901) would be necessary.

Table 0-2 Existing and proposed maximum FAR for Long Term Care facilities

	Existing FAR for Community Facility: UG 3 (Nursing Homes and Health Related) per 24-11 or 24-111	Proposed FAR for Affordable Independent Residences for Seniors and Long-Term Care facilities	Change
District	Max FAR	Max FAR	
R3-2	0.50	0.95	0.45
R4	0.75	1.29	0.54
R5	1.27	1.95	0.68
R5B	1.27	1.27	0.00
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

Mixing of Residences and Care Facilities

Contemporary facilities for seniors, in New York and nationwide, often look to provide a mix of uses on the same site so as to allow a “spectrum of care” for residents. This allows seniors to stay within the same facility (and neighborhood) as they age, by providing independent living, assisted living, and nursing home levels of care in the same building. Existing zoning is based on older models for senior facilities, where different uses were isolated in separate buildings. These current rules are unclear and make the mixing of uses difficult.

To make it easier to mix affordable senior housing and long-term care facilities on the same zoning lot in line with today’s best practices, ZQA would allow both uses the same maximum FAR and require that they utilize the same building envelope in certain low-density districts, and the “Quality Housing” building envelope in medium- and high-density districts (as described further in the next section). To further bring zoning into line with contemporary best practices, ZQA includes other changes to make it easier to mix these uses together, as well as with other residential and related community facility uses. These include changes to:

The applicability of the Quality Housing program – The Quality Housing program includes requirements for recreation space and modest floor area incentives for amenities like laundry rooms and daylight in shared corridors. These requirements are mandatory in contextual R6 through R10 districts and for buildings in non-contextual districts that follow the optional Quality Housing regulations. However, while community facilities in these situations are required to follow the Quality Housing bulk regulations, it is unclear how these provisions are supposed to apply to community facility uses with residential attributes like long-term care facilities, or philanthropic or non-profit institutions with sleeping accommodations (NPISAs). ZQA would clarify that buildings containing these uses can calculate the various requirements and permitted floor area deductions available under Quality Housing based on the overall combined floor area. For example, if there is daylight in a corridor that provides access to long-term care uses and residential uses, the whole corridor could be included and not just the part that is specifically a residential use.

Mixing restrictions – While nursing homes and NPISAs are currently permitted FAR that is comparable to what is permitted for residential uses, in R6 and R7-1 districts, zoning further restricts the amount of community facility use permitted on a zoning lot that contains residential uses. While the permitted FAR for a stand-alone nursing home would be 2.43 (in R6) or 3.44 (in R7-1), in a building with residential floor area, the nursing home would be restricted to 1.0 FAR. This restriction was intended for other types of community facilities for which substantially higher FARs are allowed in these districts than is allowed for residences, but is needlessly restrictive for long-term care facilities and NPISAs, which are harmonious with and function similarly to residential uses, and would be allowed as-of-right only the same FAR available to affordable independent residences for seniors. To better accommodate use mixing, the restriction applicable in R6 and R7-1 districts would be made applicable only to other types of community facility uses.

Number of units – Zoning regulates the maximum number of units permitted in a building today through a dwelling unit factor; however, it is unclear today how this should be calculated in buildings that have a mix of residential and community facility uses. These rules would be modified so that the number of regular residential units is calculated by first excluding the floor area of affordable senior housing, long-term care facilities, and NPISAs. This would provide clarity on the mixing of uses and ensure that the maximum number of regular residential units is not distorted by the provision of these other uses.

Special districts – The provisions for a number of special districts state that “non-residential” uses cannot be located on the same floor or above residential uses. These regulations inadvertently restrict community facility uses from being mixed with residential uses, which is in line with today’s best practices, and which is

permitted by underlying zoning regulations. As such, ZQA proposes to modify these various special district requirements to match their original intent to only restrict the location of commercial and residential uses.

Affordable Senior and Long-term Care Facility Building Envelopes

As described above, zoning allows a higher maximum FAR for affordable senior housing and long-term care facilities as a way to promote the uses in neighborhoods throughout the city. However, some zoning rules that regulate the size and shape of buildings make it difficult to develop that full permitted floor area in a high-quality building. In order to make it easier to develop these uses, ZQA proposes a series of modifications to the building envelope controls that apply to these two uses. The proposed changes are different in different zoning districts, as described below.

R6 through R10 contextual districts – As shown in Table 0-3, ZQA would accommodate the higher FAR permitted for both these uses (generally about 20 percent higher than for ordinary residences) by permitting limited additional height for buildings that provide affordable senior housing or long-term care facilities in these zoning districts, where building envelopes include a maximum building height and (through ZQA; see ‘Building Envelopes and Number of Stories’ below) number of stories. For buildings that provide at least 20 percent of their floor area as either affordable senior housing or long-term care facilities, the proposal would:

- Permit a higher maximum height and number of stories to allow the full development of the permitted FAR in a high-quality building form. The additional height would only be permitted in districts that allow a higher maximum floor area ratio for these uses than for other residential uses (generally, districts other than “B” districts). The additional height is based on the volume necessary to accommodate the higher permitted FAR for the use and differs in each zoning district, but in 95 percent of the city’s contextual districts this results in an increase in height not exceeding 1 or 2 stories (10 to 20 feet).
- Allow increases in the maximum base heights in some zoning districts to maintain the current proportionality of the building envelope, which often serves to conceal the additional height above the base from street-level view.
- Allow for the development of shared accessory spaces for affordable senior housing on the ground floor in the rear yard area, so as to allow for more efficient buildings. This would only be permitted in districts other than “B” districts. This matches the flexibility already afforded to commercial or community facility uses or accessory off-street parking today.
- Remove an impediment to the creation of affordable senior housing or long-term care facilities on narrow sites by removing the special height restrictions placed on narrow lots (those that are less than 45 feet wide). Zoning today generally restricts the height on these sites to the width of the abutting street. The proposal would allow them to be developed to the maximum height permitted by the contextual envelope available in that zoning district.

Table 0-3: Proposed maximum heights for Inclusionary Housing and Affordable Independent Residences for Seniors and Long-Term Care Facilities with Qualifying Ground Floors (Contextual Districts)

MAXIMUM HEIGHTS FOR IH, AIRS and LTC: CONTEXTUAL DISTRICTS			
Zoning District	Maximum Base Height	Maximum Overall Height	Maximum Number of Stories
R6A	65'	85'	8
R7A	75'	105'	10
R7D	95'	125'	12
R7X (<i>AIRS only</i>)	105'	145'	14
R8A	105'	145'	14
R8X	105'	175'	17
R9A	125'	175'	17
R9X	145'	205'	20
R10A	155'	235'	23

R6 through R10 non-contextual districts – In non-contextual districts, two sets of building envelope controls exist: a “height factor” option, which allows tall buildings which are set back from the street and surrounded by open space; and a contextual Quality Housing option, which encourages buildings closer to the street and subjects them to height limits as shown in Table 0-4. To receive the higher floor area permitted for affordable senior housing and long-term care facilities, the proposal would require they utilize the applicable Quality Housing option, subject to the same modifications described above for R6 through R10 contextual districts. However, sites located close to infrastructure that poses a significant barrier condition, like highways or elevated train lines, would be permitted a more flexible, alternative Quality Housing building envelope, so that the units in the affordable senior housing or long-term care facility can be shifted away from this infrastructure. In addition, today, sites with existing buildings are only able to utilize the optional Quality Housing regulations if the existing buildings on the site comply with the contextual height and setback requirements. ZQA would allow sites with affordable senior housing or long-term care facilities to comply based on the higher permitted heights described above.

Table 0-4 Proposed maximum heights for Inclusionary Housing and Affordable Independent Residences for Seniors and Long-Term Care Facilities with Qualifying Ground Floors (Non-Contextual Districts)

MAXIMUM HEIGHTS FOR AIRS and LTC: NON-CONTEXTUAL DISTRICTS			
Zoning District	Maximum Base Height	Maximum Overall Height	Maximum Number of Stories
R6	65'	85'	8
R7	75'	105'	10
R8	105'	145'	14

R3-2, R4 and R5 non-contextual districts – In these low-density multi-family districts, affordable senior housing is permitted a higher FAR, but affordable senior housing is restricted to the district's maximum height of 35 feet as-of-right, with lower maximum perimeter wall heights (community facilities, such as nursing homes, are not subject to this height limit today). These height restrictions make the construction of apartment buildings served by elevators – an indispensable feature for senior housing – impractical. In environments of this density, both within the city and in nearby communities, these uses are typically developed as elevator buildings that are 4 to 6 stories in height (45 to 65 feet). Buildings providing affordable senior housing must therefore apply for a City Planning Commission authorization to be granted a building envelope that accommodates this 4-6 story form. While the Commission has never turned down such an application, these requirements add costs and time to the project, as described in Chapter 1. To make it easier to construct affordable senior housing in these districts, ZQA would permit them to be developed using a special as-of-right building envelope that would permit a maximum height of 45 feet close to the street and a maximum height of 65 feet for portions of lots more than 25 feet from the street. Long-term care facilities would also be subject to this new building envelope. Yard requirements would continue to apply. The current Commission authorization would remain for sites that require additional flexibility.

Inclusionary Housing Building Envelopes

In specifically designated medium- and high-density areas, the Inclusionary Housing program promotes mixed-income housing. Like affordable senior housing and long-term care facilities, buildings participating in the Inclusionary Housing program are allowed a higher FAR than is permitted for other types of housing. However, for Inclusionary Housing areas in contextual zoning districts, zoning doesn't provide enough room for this floor area all to fit in a high-quality building. This results in less participation in the existing Inclusionary Housing program, and therefore less affordable housing. ZQA would address this problem by allowing buildings that provide on-site affordable housing through the Inclusionary Housing program to utilize the more flexible building envelope permitted for affordable senior housing and long-term care facilities (described above). More specifically, the proposal would:

- Permit a higher maximum height and number of stories to allow the full development of the permitted FAR in a high-quality building form. The additional height is based on the volume necessary to accommodate the higher permitted FAR through participation in the program, and differs in each zoning district, but in most contextual Inclusionary Housing districts this results in an increase in height permitting an additional 1 or 2 stories (10 to 20 feet).

- Allow increases in the maximum base heights in some zoning districts to maintain the current proportionality of the building envelope, which often serves to help hide the additional height above the base.
- Allow for the development of shared spaces on the ground floor in the rear yard area, so as to allow for more-efficient buildings. This would only be permitted in districts other “B” districts. This matches the flexibility already afforded to commercial or community facility uses or accessory off-street parking today.
- Remove an impediment to the creation of affordable housing on narrow sites by removing the special height restrictions placed on narrow lots (those that are less than 45 feet wide). Zoning today generally restricts the height on these sites to the width of the abutting street. The proposal would allow them to be developed to the maximum height permitted by the contextual envelope available in that zoning district.

Parking Requirements for Affordable Housing

Existing requirements for accessory off-street parking make it harder to meet the city’s need for affordable housing. Off-street parking, particularly in structured facilities, is quite expensive to construct – costing as much as \$30,000 to \$50,000 per space. Residents of affordable housing cannot pay the fees necessary to recoup the cost of constructing these spaces, approximately \$200-\$300 per month, and in many instances these provided spaces sit empty, as the limited number of low-income residents who do own cars park them on street. In less-dense areas, parking may be provided as surface parking that costs less to build, but nonetheless takes up considerable space that might otherwise be used for housing, open space, or other uses. In addition, data collected by the Department of City Planning and verified by affordable housing providers show that lower-income households own fewer cars, with low-income seniors owning extremely few. This is particularly true for locations in the city that are well served by transit. By imposing a cost that cannot be covered by project revenues, these requirements for parking therefore make the financing of affordable housing more difficult and they reduce the amount of affordable housing that can be built with available funding. ZQA therefore proposes modifications to the existing parking requirements for affordable housing in certain portions of the city, as described further below.

Zoning today generally recognizes the lower car ownership rates of affordable housing residents with a lower parking requirement for affordable senior housing and other forms of affordable housing. About half as many parking spaces are required for affordable housing as for other forms of housing. Buildings where only a small number of spaces are required can waive out of parking requirements altogether. The parking requirements for affordable senior housing are today set even lower (about 1/3 the rate for other forms of housing). However, affordable senior housing does not currently have a waiver option. No parking is required for any housing in the Manhattan Core (Manhattan Community Districts 1-8, except for Roosevelt Island) or Long Island City, and no parking is required for affordable housing in Downtown Brooklyn.

ZQA proposes to modify parking requirements for affordable housing particularly in those areas that are served by a variety of public transportation options, and are generally within one-half mile of a subway station. These areas, described as the “Transit Zone” in the proposal, have car ownership rates that are among lowest in the city and encompass some of the city’s denser residential neighborhoods. Within this Transit Zone, parking for new affordable senior housing and affordable housing would become optional. This would also be true for new units that satisfy the affordable housing requirements of the Inclusionary Housing program. Existing affordable senior housing developments would be allowed to remove existing parking as-of-right, while other existing affordable housing could apply for a new Board of Standards and Appeals (BSA) special permit (Section 73-

434) to remove previously provided parking that is not needed. In addition, through a separate BSA special permit, new buildings could apply to reduce or eliminate their parking requirements to facilitate a mixed-income development (Section 73-433), provided there would not be an adverse effect on the surrounding area. Comparable modifications would be permitted by the City Planning Commission as part of a General Large Scale Development special permit.

Outside of the Transit Zone, parking requirements for new affordable senior housing would be lowered to 10 percent, to reflect car ownership rates the Department's analysis found at existing developments. However, developments requiring a small number of spaces would be able to waive out of the requirement, which is already allowed for other types of housing (for example, in R6 districts, a maximum of 5 spaces can be waived). Existing affordable senior housing buildings outside the transit zone could reduce their parking amounts to the 10 percent figure if spaces are not needed, through a new Board of Standards and Appeals (BSA) special permit. Parking requirements for other affordable housing in multi-family zoning districts outside the Transit Zone would remain unchanged.

The proposal includes no changes to the as-of-right parking requirements for market-rate housing.

CHANGES FOR QUALITY

In order to encourage better buildings that contribute to the fabric of their neighborhoods, ZQA proposes a series of modifications to the rules for housing in medium- and high density zoning districts. These changes predominantly modify the Quality Housing regulations that are required in contextual zoning districts and are optional in non-contextual districts.

These regulations were established in 1987 to promote housing that fit better within the city's medium- and high-density neighborhoods than the previous "tower-in-the-park" model. They generally require buildings to be located close to the street, and include requirements for street walls and specific maximum heights. These rules have generally worked well to enable the creation of buildings that are mostly consistent with the general form of the surrounding neighborhood fabric. However, development under these rules has also demonstrated their shortcomings. These regulations have remained largely unchanged since they were first put in place and have not been updated to keep pace with other changing regulations, the rise of green technologies and other best practices for residential design and construction, and the increasing prevalence of irregular building sites. Because of these issues, these zoning controls now tend to 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 proposal would maintain the essential contextual rules for residential buildings in medium- and high-density districts that work well today, but would make modifications to:

- Encourage better ground-floor retail spaces and residential units with adequate ceiling heights raised off of the street
- Change rules that lead to flat, dull apartment buildings, to accommodate and encourage façade articulation, courtyards, and other elements that provide visual variety and make the pedestrian experience more interesting
- Better address irregular site conditions that are not well considered by zoning rules today

Specific changes are detailed in the sections below, starting with ground floors and rising to upper levels of the building, followed by regulations affecting unit size and configuration, and rules for irregular site conditions.

Ground Floors

The main interface between buildings and the public realm of the sidewalk takes place at the ground level. ZQA proposes a series of changes to the Quality Housing bulk regulations to promote better, more active ground floors in both residential and mixed-use buildings. Key to this is ensuring that enough space exists in the building envelope to provide a ground floor with sufficient height. For buildings with residential units on the ground floor, this would allow the units to be raised above street level, as is common in older apartment buildings. For buildings with retail or other uses on the ground floor, it would allow sufficient height to provide a usable, high-quality space entered from the sidewalk at grade. Under the current Quality Housing requirements in medium- and high-density districts, both of these possibilities are discouraged by the current building envelope, which forces trade-offs between designing buildings that would contribute to their neighborhood at ground level, and accommodating the full permitted FAR.

To address this, ZQA would allow the maximum height of Quality Housing buildings to be increased by 5 feet if the second level of the building begins at a height of at least 13 feet. The proposed allowance would be applicable in all contextual zoning districts except R7B and R8B, their non-contextual equivalent and commercial equivalent districts, which already allow sufficient height for these features. This additional height would allow for a raised ground floor residential unit or a better ground floor retail space, while retaining sufficient flexibility to accommodate construction issues above the ground floor, such as the need for limited additional height for transfer beams at setbacks. While the elements of the proposal relating to building quality are generally applicable in R6 through R10 districts, this height allowance would also be extended to the R5D zoning district to encourage better ground floors in that district.

Another factor making it more difficult to provide raised residential units at ground level in today's buildings is the need to provide accessibility. To accommodate this, the proposal would allow interior ramps in the residential lobby a floor area exemption of 100 square feet for each foot the ground floor is raised above curb level. (Changes to the street wall and court regulations described in the next section would be sufficient to accommodate a ramp on the exterior of the building.)

To better promote active ground floors, ZQA also tries to simplify and improve the ground-floor use requirements that exist in many special districts and certain commercial zoning districts, which vary in small but numerous ways. These requirements typically include minimum depth requirements to promote usable ground floor spaces, requirements for transparency and limits on the width of ground floor lobbies, and parking wrap requirements. Today, these requirements all slightly differ from one another, making compliance with them challenging for practitioners. In order to promote better retail spaces, the proposal would replace this myriad of confusing regulations with a new set of model ground floor requirements based on the regulations applicable in the Special Enhanced Commercial District.

Street Walls

After the ground floor itself, the main way a building interacts with the public realm is through its street wall – generally that area of the building between the ground and the top of the building's base. Older buildings typically had a great variety of building articulation in the street wall including bay windows, court yards, and other architectural features. Quality Housing regulations today include rules that regulate where the street wall can be located, how much design flexibility is permitted for building articulation, and what kind of articulation (like courts) is permitted.

While these regulations have achieved a degree of consistency in streetwalls, there are certain instances where the existing regulations are producing results that contradict their original intent. Sometimes the existing rules are forcing the street wall to be lined up with non-contextual buildings, or are instead allowing buildings to be built at the property line where small setbacks may be more in keeping with the surrounding context. In other instances, the allowances for building articulation are unclear, while in others they restrict more traditional design features, all of which inadvertently make building facades appear flat or dull when compared to older buildings. ZQA proposes a series of modifications to these various street wall regulations to better ensure that buildings can contribute positively to their neighborhood context. More specifically, the proposal would modify:

Line-up provisions – The Quality Housing street wall regulations include separate street wall requirements for medium-density contextual districts, high-density contextual districts, and for the “B” districts. For medium-density districts, ZQA proposes to modify the existing line-up provisions, which allow buildings to be located no closer to the street line than any building within 150 feet, to instead require buildings to locate their street wall in relation to only directly adjacent buildings (similar to the rule in “B” districts). The current provision inadvertently allows buildings close to corners to line up with corner buildings when the rest of the buildings on the block are set away from the property line. The proposal would also adjust the maximum setback from the property line to 10 feet (from 15 feet), so that buildings in these districts are not inadvertently required to line up with non-contextual buildings set far back from the street (such as buildings constructed under the alternate front setback provisions of height factor zoning). In these zoning districts and in “B” districts, greater clarity is provided as to how line-up provisions are determined for adjacent buildings with architectural features like bay windows. Finally, in the high-density districts, the proposal includes street wall requirements beyond 50 feet of a wide street, where no street wall requirements currently exist.

Articulation – In order to provide greater clarity as to how a street wall can be articulated, ZQA includes new rules for building articulation. Window recesses and structural expression would be permitted within depths or projections of 12 inches from the street wall. Deeper recesses or projections, for larger architectural features like bay windows and building courts, would be allowed for a limited percentage of the street wall’s overall width.

Court regulations – in order to permit more flexibility for courts and courtyards, which are typical features of older apartment buildings in the city, ZQA would create more flexible court regulations for buildings in R6 through R10 districts that would support the availability of light and air. For outer courts, the proposal would modify the required width-to-depth ratio to 1:1 for courts less than 30 feet wide, and allow courts that are 30 feet or wider to have no depth restrictions. It would also create a new class of small (inner and outer) courts to accommodate courts with non-legally required windows, such as those found in kitchens or bathrooms.

Commercial districts – High-density commercial districts generally require new buildings on a wide street to be located directly on the street line. While this requirement has supported an active retail environment, it has also produced unnecessarily flat buildings. ZQA would provide some limited flexibility to allow for ground-level articulation along wide streets. In high-density commercial districts, the proposal also includes street wall requirements beyond 50 feet of a wide street, where today no street wall requirements exist. The proposal would also require that wholly residential buildings in commercial districts comply with the more stringent street wall regulations of commercial districts, rather than those of the comparable residential district, and would remove the special line-up provision for narrow buildings in commercial districts that inadvertently forces these buildings to line up with adjacent buildings even when this is contradictory to the prevailing condition of the commercial environment.

Corner Buildings

Older apartment buildings in the city on corner lots tend to “wrap” the corner, providing a consistent street wall along both street frontages. Zoning today makes it difficult, if not impossible, to match this condition in new buildings. ZQA seeks to address this issue to allow for better corner buildings.

Typical “wrapped” corner buildings were effectively made unbuildable by the 1987 Quality Housing regulations, which limited the lot coverage on corners to a maximum of 80 percent. (Traditional corner buildings generally have lot coverages of 85 to 90 percent.) As a result, recent buildings on corners tend to front on only one street and leave open spaces along their lot lines, effectively breaking the street wall in many neighborhoods. The 1987 Quality Housing proposal did not identify a rationale for prohibiting corner buildings exceeding a coverage of 80 percent; rather, it was not believed that anyone would try to build traditional corner buildings again.

Since 1987, DCP has updated these corner provisions in many Special Districts to allow for more traditional corner lot buildings, but has never done so for the citywide Quality Housing regulations. Therefore, to allow better corner buildings in R6 through R10 districts, ZQA proposes to increase the maximum permitted corner lot coverage for “Quality Housing” buildings from 80 percent to 100 percent within 100 feet of a corner. All currently applicable court and yard regulations would continue to apply. The coverage requirements for other interior lots would remain unchanged.

In addition, today, corner lots in medium and high-density districts located next to lower-density districts (R1 through R6B) have to comply with an additional “transition rule,” which makes wrapping the corner difficult. Today, within 25 feet of the lower-density district, the maximum height of a building is limited to the maximum permitted height of the lower-density districts – typically 35 feet. The intention of the rule was to provide a transition between the lower- and higher-density districts, but since the permitted height in this 25-foot-wide area is quite low, and leads to inefficient structures, many buildings simply front on one street and leave an open area between the two buildings that again breaks the street wall in many neighborhoods. As a result, this provision also tends to emphasize the height difference between the lower and higher density districts, rather than providing an effective transition. To address this, ZQA proposes to allow the portions of buildings within that 25-foot zone to reach the maximum base height of the zoning district, or a height of 75 feet, whichever is less. This would better allow buildings to “wrap” the corner and provide for a more balanced transition between buildings.

Setback Requirements

Above the maximum base heights in Quality Housing buildings, specified minimum setbacks are required in the front and rear of the building before it can continue to rise to its maximum permitted height. The intent of these setback requirements was to keep as much of the building’s upper bulk away from the street and surrounding areas, and to mimic the front setbacks found in older apartment buildings. However, as currently written, these separate requirements are inadvertently working in concert to force many residential buildings to be built directly at the property line so as to avoid the required rear yard setback. This is particularly an issue for residential buildings where a ground-level setback with planting would be more appropriate and in keeping with its context. The current requirements are also inadvertently making buildings less efficient and more costly to construct.

Today, the front and rear setbacks of Quality Housing are measured differently. The front setback rules require upper stories above the maximum base height to set back 15 feet from the street wall of the building base on

narrow streets and 10 feet on wide streets. Since this is measured from the street wall, even if the entire building is set back 5 feet or 10 feet from the street line to create a separation from the sidewalk, the minimum 10-foot or 15-foot setback is still required. This creates a strong disincentive to set the building back at ground level to provide planting and improved streetscapes, because upper stories can be seriously constrained by the limited depth imposed by the setbacks on both sides. 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. Since the location of the rear yard setback is fixed, shifting the building toward the street can also eliminate the need for a setback and the additional costs it entails – at the expense of the streetscape and the quality of ground floor units.

In order to remedy these complementary problems, ZQA first proposes to remove the rear yard setback requirement for Quality Housing buildings. The typical 30-foot rear yard (often totaling 60 feet of open area, where two 30 foot yards abut each other) would continue to ensure adequate light and air to rear-facing portions of buildings. Secondly, in order to accommodate a separation between the sidewalk and the building (and reduce costly structural reinforcing below the setback) ZQA would allow the front setback to be reduced by one foot for every foot that the building is set back from the property line. A setback of 5 feet must be provided from the street wall, to maintain architectural articulation. 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 upper level setback to 10 feet from the street wall (5 foot setback at grade + 10 foot upper level setback = 15 foot total setback).

The combination of these provisions would allow buildings to provide greater separation and plantings between ground floor units and adjoining sidewalks, and would allow upper story units to be designed with greater variety, cost effectiveness and efficiency.

Building Envelopes and Number of Stories

Buildings in contextual zoning districts, and other Quality Housing buildings, are subject to base and maximum height provisions that define the overall shape of a building. These regulations are generally sufficient to allow high-quality residential buildings, but in some instances improvements to the regulations are warranted to further their original intent. More specifically, the proposal would make adjustments to:

Maximum Base heights – Buildings in contextual districts are subject to both minimum and maximum base heights intended to ensure the building relates well with the sidewalk and surrounding context. However, the maximum base heights in some districts end in a zero, allowing an average of 10 feet per story, which makes it difficult to accommodate an active ground floor (as described in Section 1) since these spaces typically require more than 10 feet of height. As a result, many buildings skimp on ground-floor or upper-floor ceiling heights, or drop commercial ground floors below grade to accommodate higher ceilings, which can disrupt the quality and continuity of the street environment. In order to better accommodate more active ground floors, the maximum base heights applicable in some zoning districts would be increased by 5, consistent with the changes to maximum overall height described above.

Stories - The maximum height requirements are all measured in feet, but the current rules offer little guidance as to the number of stories that can be developed in a new building. In order to better ensure that buildings cannot use the additional flexibility created through this proposal to create additional floors, for instance by decreasing ceiling heights, ZQA adds a maximum number of stories that can be constructed in a contextual zoning district. The proposed number of stories differs in each zoning district based on the maximum permitted height, but generally corresponds with the maximum height, accommodating additional height for the ground floor – thus the maximum number of stories permitted in an R7B district (max height 75 feet) would be seven stories.

Maximum height in R9 and R10 districts - In the highest-density contextual districts, it is difficult for buildings to fit their full permitted floor area in a well-designed building. The existing building envelope offers little room for articulation and many resultant buildings have flat, dull facades and deep floor plates. To promote better buildings in these limited, high-density districts, ZQA would increase the applicable maximum building heights by 5 or 10 additional feet, as necessary to accommodate comparable design flexibility as compared to other districts. The maximum number of permitted stories in these districts would be based on these adjusted heights.

Optional Quality Housing bulk regulations – In non-contextual districts, two sets of building envelope controls exist. First, a “height factor” option that allows tall buildings set back from the street and surrounded by open space, and a contextual Quality Housing option that encourages buildings closer to the street and subjects them to maximum base and overall heights. These Quality Housing base and overall heights are mostly similar to the heights permitted in comparable contextual districts, but are sometimes slightly misaligned, reflecting their creation at different times. ZQA generally seeks to better align the “Quality Housing” optional regulations on wide streets with the comparable “A” zoning districts, and align the narrow street regulations with the comparable “B” zoning districts, as they typically have the same permitted FAR. For example, a building on a wide street in an R6 district utilizing the Quality Housing option has the same FAR as that of an R6A district, and so the proposal gives it the same zoning envelope option. The proposal would also match the maximum number of stories and the allowance for additional height to facilitate improved ground floors.

Study Areas – When the Quality Housing program was established in 1987, certain non-contextual areas of the city were restricted from using the new building controls. Instead, the existing tower-in-the-park zoning regulations were the only permitted building form. Many of these “study areas” have since been rezoned to contextual districts and had this restriction removed, but it is still applicable in some limited geographies. The proposal would fully remove this restriction on the contextual Quality Housing option.

Special Districts – In some Special Districts, the building envelope controls mimic the controls of a comparable contextual zoning district. For consistency, when the Special District does not include any special FAR or building envelope rules, ZQA would adjust the maximum building envelopes to bring them in line with the changes proposed for the Quality Housing option.

Table 0-5: Existing and proposed maximum heights for contextual districts

HEIGHT CHANGES FOR ALL BUILDINGS IN CONTEXTUAL DISTRICTS				
	Base Height		Overall Height	
Zoning District	Existing Max Height	Proposed Max Height	Existing Max Height	Proposed Max Height (stories)
R6B	40'	45' (4 stories)	50'	55' (5 stories)
R6A	60'	65' (6 stories)	70'	75' (7 stories)
R7B	60'	65' (6 stories)	75'	75' (7 stories)
R7A	65'	75' (7 stories)	80'	85' (8 stories)
R7D	85'	85' (8 stories)	100'	105' (10 stories)
R7X	85'	95' (9 stories)	125'	125' (12 stories)
R8B	60'	65' (6 stories)	75'	75' (7 stories)
R8A	85'	95' (9 stories)	120'	125' (12 stories)
R8X	85'	95' (9 stories)	150'	155' (15 stories)
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)	150'	155' (15 stories)	210'	215' (21 stories)

Unit Size and Configuration

While the provisions of ZQA focused on quality primarily relate to improving the height and setback regulations for medium- and high-density buildings, the proposal also includes some changes that affect the interior configuration of buildings. These changes are intended to rationalize currently inconsistent regulations. Zoning today regulates the number of units that are permitted in a residential building through a “density factor” calculation. The maximum number of units is determined by dividing the permitted residential floor area by a specified factor. This factor starts out quite high in the lowest-density zoning districts and gradually drops to 680 square feet in R6 and R7 districts, allowing for incrementally higher concentrations of dwelling units as overall permitted density increases. Thus, a 6,800 square foot residential building in an R6 district is permitted a maximum of 10 units (6800/680) all of which can be of varying sizes. However, after the R6 and R7 districts, the factor increases again to 740 for most R8 and R9 districts and to 790 in R10 and remaining R9 districts. Additionally, the Quality Housing regulations require no single residential unit be smaller than 400 square feet.

Some housing advocates have pointed out that the 400 square foot requirement limits the ability to provide some smaller units in a building, balancing them out with larger units to better serve a more-varied population. ZQA therefore would remove this 400 square foot minimum unit size requirement to provide greater flexibility in the sizes of units. The Building Code and other regulations would effectively limit the minimum size of any unit, and the “density factor” requirement would continue to limit the total number of units that can be provided in a building.

In addition, ZQA would change the increasing density factors in R8 through R10 districts to make them consistent with what is already required in R6 and R7 districts – 680 square feet. Though most buildings today are providing larger units in these high density areas and are well below the maximum number of units they are permitted to build today, there is no rationale for requiring larger average unit sizes today in the city’s highest density residential districts. This change would allow buildings in these districts greater flexibility to provide a somewhat smaller average unit size if they choose to do so.

Zoning today includes a number of different regulations affecting windows in residential units. The “Quality Housing” program and a few special districts, such as the Special Union Square District, require residential windows to be made of double-paned glass. These were meant to improve the quality of spaces for tenants at the time these regulations were enacted, but are now a minimum standard needed to comply with energy standards in the City’s Building Code. Additionally, these double-paned glass requirements also may make it difficult to provide windows of higher standards, like triple-paned glass. Therefore, ZQA proposes to remove these various double-pane window requirements.

Additionally, in Special Mixed Use (MX) districts, zoning today requires special sound-attenuated windows for any residential units. The requirements were designed to address MX districts located next to loud places like highways, but as written, the windows are required in any MX district, even in places where such noise conditions don’t exist. These requirements have been found to be add unnecessary cost in locations where the windows are not needed. To better account for the varied conditions of the city’s MX districts, the proposal would allow the City’s Office of Environmental Remediation to modify the sound-attenuated window requirement based on site conditions through a process similar to what already exists for sites with (E) designations.

Irregular Site Conditions

There is a wide variety of site conditions that exist in the city today - shallow lots, angled streets, varying topography, or sites with multiple buildings - to name a few. While the Manhattan grid results in many regular sites, irregular conditions prevail in many locations in the outer boroughs. Most zoning rules that shape residential buildings were designed with regular site conditions in mind – lots were assumed to be rectangular, with little topography or other irregularity. Because of this, construction on these irregular lots is not well considered in zoning, often making it unnecessarily difficult, and leading to buildings that are forced directly onto the property line with little room for design articulation. ZQA proposes a series of modifications to zoning rules for R6 through R10 districts to better address these irregular site conditions and allow for better buildings on them.

Shallow lots – Zoning rules for rear yards and lot coverage were designed with the assumption that most lots in the city are 100 feet deep. Over time, some limited changes were made to address much-shallower lots (ranging between 50 and 70 feet deep), but the dimensions in between must continue to utilize regulations based on an assumption of 100-foot lot depth. This causes many problems for lots that are only slightly shallow (90-95 feet deep), and generally forces new buildings to be located directly on the street line. ZQA proposes a comprehensive framework that adjusts rear yard and lot coverage requirements in concert with lot depth.

Shallow lots would be permitted to provide a shallower rear yard with the change in the requirement based on the depth of the lot. The permitted coverage on interior lots would be permitted to increase in relationship to this. The proposed changes would result in more regular buildings that are more consistent with existing, older buildings.

Acutely-angled sites – Quality Housing rules that require street walls along entire street lines in high-density commercial districts offer little flexibility for sites that are located on acutely-angled streets that cut into the more typical rectangular grid. This sometimes forces inefficient building configurations and poor street-level conditions in the building. ZQA would provide greater flexibility in street wall location for buildings that are located on acutely-angled sites.

Sloping sites – Similar to shallow lots, zoning today provides some flexibility for steeply- sloping sites, but makes no accommodations for sites with more limited topography changes. Today, sites that have slopes of greater than 10 percent can utilize a sloping base plane to determine maximum base and building heights. ZQA proposes to modify this allowance to 5 percent, to better address these topographic conditions.

Distance between buildings – The rules that regulate the minimum distance between multiple apartment buildings on a single are from the original 1961 Zoning Resolution, and are in keeping with the large-scale tower-in-the-park developments of the time. Under today’s rules, multiple buildings on a single lot that are not connected must be separated by a minimum of 60 feet (the width of a typical narrow street). In some instances, these vast separations make it difficult to construct new, efficient buildings on a lot with existing structures. ZQA would reduce this 60 foot separation requirement to 40 feet to be in line with the required separation in the New York State Multiple Dwelling Law.

BSA special permit – Lastly, ZQA proposes a new BSA special permit for Quality Housing buildings on irregular sites, to allow limited modifications to the rules that shape residential buildings to address more unusual constrained site conditions that cannot be addressed as of right. Where it finds that practical difficulties exist and that relief would not have an adverse effect on surroundings, the BSA would be able to modify a limited number of requirements, including lot coverage and streetwall location requirements, to address difficult site conditions. In addition, in order to accommodate the needs of developments including predominantly affordable housing, buildings with more than 50 percent of their residential floor area devoted to affordable housing would have additional flexibility to address difficult site conditions.

OTHER CHANGES

In addition to the proposed changes described above, ZQA includes modifications to the language of the Zoning Resolution to make its provisions clearer to the reader and remove obsolete terms. Specifically, the proposal removes a series of obsolete uses including “domiciliary care facilities” and “sanitariums,” and removes references to “rooming units”, which are no longer permitted by State or other City law. The proposal also includes a major reorganization of the residential bulk regulations found in Article II, Chapter 3 in order to separate the regulations for R1 through R5 districts from the regulations for R6 through R10 districts, and better organizes the various FAR and height and setback controls for these medium- and high-density zoning districts. More limited organizational changes are made to the community facility bulk regulations of Article II, Chapter 4, and the commercial zoning district regulations found in Article III, Chapters 2 through 5.

B. ANALYTICAL FRAMEWORK

ANALYTICAL APPROACH TO THE ENVIRONMENTAL IMPACT STATEMENT

This document uses methodologies, and follows and supplements the guidelines set forth in the City Environmental Quality Review (CEQR), where applicable. These are considered to be the most appropriate technical analysis methods and guidelines for environmental impact assessment of projects in the city.

In conformance with standard CEQR methodology the Environmental Impact Statement contains:

- A description of the proposed project and its environmental setting;
- The identification and analysis of any significant adverse environmental impacts of the proposed project;
- An identification of any significant adverse environmental impacts that cannot be avoided if the proposed project is developed;
- A discussion of reasonable alternatives to the proposed project;
- An identification of irreversible and irretrievable commitments of resources that would be involved in the proposed project should it be developed; and
- The identification and analysis of practicable mitigation to address any significant adverse impacts generated by the proposed project.

Consistent with *CEQR Technical Manual* guidelines, the Proposed Action is analyzed in this EIS as a “generic action,” because there are no known developments that are projected 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, 27 representative development prototypes have been identified. The 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 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 also considers 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.

METHODOLOGY FOR ANALYSIS

Development affected by the proposal is projected based on trends since 2000. While projections are typically modeled after trends of the previous decade, the look-back period here has been 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.

As this is a generic action with no specific development sites identified as a result of the Proposed Action, quantifying the effect of the proposal on development is impossible. While each component of this proposal is designed to act in combination with others to facilitate more cost-effective development, this proposal is not in-and-of-itself expected to *induce* development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing). However, certain components of the proposal may have potential density effects where the Proposed Action would facilitate more units on an individual site over what would be expected under the No Action scenario. Owing to the generic nature of this action, there are no known or projected as of right development sites identified as part of a Reasonable Worst Case Development Scenario. While the specific number and location of additional units facilitated by the Proposed Action cannot be predicted, attempts have been made to determine whether any clusters of increased development might be expected as a result of the Proposed Action.

As part of identifying a reasonable worst case development scenario, the initiatives outlined in *Housing New York* are assumed to be active in the Future With and Without the Proposed Action. The pace of development over the previous 15 years expected to accelerate in the future; Zoning for Quality and Affordability is expected to allow for housing development with fewer constraints.

The only attempt to quantify the effect of the Proposed Action is when development is made possible as a result of the Proposed Action, rather than made easier. This is expected to occur on existing affordable senior housing sites in the Transit Zone where, in the future with the Proposed Action but *not* in the future without the Proposed Action, development would be possible. In all other cases development is expected both with and without the Proposed Action. The specific type, size, and shape of development would be different.

In some cases, the Proposed Action only affects a certain category of development sites, such as irregular lots, or zoning districts that are mapped in only a few neighborhoods across the city. In these cases, the potential for clustering of development as a result of the Proposed Action is considered more closely. Elsewhere throughout the city, development sites are assumed to be widely dispersed – reflecting a reality that contributes to the challenges of new housing production in New York City today.

By making it easier and more cost effective to develop under the existing zoning framework, ZQA is expected to intensify existing development patterns as outlined in the new buildings analysis in the Environmental Impact Statement. The zoning districts where the most development has occurred over the previous 15 years are expected to see the most development in the Future With and Without the Proposed Action. This proposal is not expected to affect the marketability of a building in any single zoning district over another and thus is not expected to alter general market forces within any single neighborhood. The ZQA proposal is not in-and-of itself expected to induce development on sites where development would not have otherwise occurred. Nor is the type of development expected to differ in the future With versus Without the Proposed Action. However, in

the aggregate, more housing units are expected to be developed citywide as a result of building flexibility and cost savings facilitated by this proposal.

The effectiveness of this proposal and all of the components within would rely heavily on the other components of the Mayor's Housing Plan. Absent additional funding, a mandatory inclusionary housing program, 421-a reform, and a host of other initiatives called for in *Housing New York*, the effects of Zoning for Quality and Affordability would be minimal. For the purposes of this environmental review and in order to provide a reasonable worst-case scenario under the Proposed Action, the other components of the Mayor's Housing Plan are assumed to be active during ZQA's projected development period.

ANALYSIS YEAR

CEQR requires analysis of the project's effects on its environmental setting. Since typically proposed projects, if approved, would be completed and become operational at a future date, the action's environmental setting is not the current environment but the environment as it would exist at project completion and operation, in the future. Therefore, future conditions must be projected. This prediction is made for a particular year, generally known as the "analysis year" or the "build year," which is the year when the proposed project would be substantially operational.

For generic 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.

C. PRINCIPAL CONCLUSIONS

Land Use, Zoning, and Public Policy

No significant adverse impacts on land use, zoning, or public policy are anticipated in the future with the Proposed Action. The Proposed Action would not directly displace any land uses in any of the affected zoning districts so as to adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with land uses, zoning, or public policy. As the Proposed Action would not change the underlying zoning and permitted uses, it would not create land uses or structures that would be incompatible with the underlying zoning or conflict with public policies applicable to the affected districts or surrounding neighborhoods.

The Proposed Action would result in an overall increase in residential and community facility uses throughout the city, dispersed across the affected districts, when compared to conditions in the future without the Proposed Action. The Proposed Action would modify zoning regulations related to building envelopes, parking, and, in limited instances, FAR, in a manner that is intended to promote affordable housing development, improve housing quality, and create pedestrian-friendly streets.

Socioeconomic Conditions

The Proposed Action would not result in significant adverse socioeconomic impacts. The following summarizes the conclusions for each of the five CEQR areas of socioeconomic concern.

Direct Residential Displacement

The modest amounts of additional height and, in some cases, additional FAR, are not considered substantial enough to induce the redevelopment of an existing building, and thus would not directly displace any residential population.

Direct Business Displacement

A preliminary assessment concludes that the Proposed Action would not result in significant adverse impacts due to direct business displacement. The Proposed Action is not expected to induce development on sites that currently provide employment and is thus not expected to displace any businesses or employees.

The Proposed Action aims to encourage higher quality ground floor retail spaces as part of mixed use residential buildings, enabling greater opportunities for businesses to enter local markets.

Indirect Residential Displacement

A preliminary assessment concludes that the Proposed Action would not result in significant adverse impacts due to indirect residential displacement.

The Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing). In the aggregate, the Proposed Action is expected to facilitate more housing units in conjunction with other major city initiatives aimed at housing production; at the very local level, the changes are not expected to result in a substantial new population. New York City is already very densely developed, and there are limited new development sites, thus any clusters of such new developments are also unlikely. Therefore, the Proposed Action would not have an effect that would exceed the CEQR thresholds for potential impacts relating to indirect residential displacement.

Indirect Business Displacement

A preliminary assessment finds that the Proposed Action would not result in significant adverse impacts due to indirect business displacement. The proposed project would not introduce new uses to a zoning district, and therefore would not introduce a new trend or residential population that could alter economic patterns.

Adverse Effects on Specific Industries

A screening-level assessment concludes that the Proposed Action would not result in any significant adverse impacts due to effects on specific industries. No businesses are expected to be directly displaced by the Proposed Action, nor are the proposed changes expected to reduce employment or impair the economic viability of any of the affected community facility industries.

Community Facilities and Services

Direct Impacts

The Proposed Action would not result in direct impacts to community facilities. The Proposed Action would not result in physical alteration or displacement of any community facilities, therefore no direct effects to existing community facilities are expected as a result of the Proposed Action.

Indirect Impacts

The Proposed Action would not result in significant adverse indirect impacts on community facilities. Based on the CEQR Technical Manual screening methodology, detailed analysis of public schools, child care, health care centers, fire and police services are not warranted, although they are discussed qualitatively. As described below, the Proposed Action would not result in a significant adverse impacts on community facilities.

Public Schools

The Proposed Action would not result in significant adverse impacts to public schools. Projects that would add new residential units under the Proposed Action that would be designed exclusively for seniors or single adults (HPD supportive housing), which account for a substantial percentage of the incremental increase in dwelling units, need not assess public school impacts. While it is possible that borough-wide increases would exceed the thresholds outlined in Table 6-1 of the *CEQR Technical Manual*, any potential impact is not expected to be significant, as the Proposed Action is not expected to generate substantial new non-senior units at a local level.

Libraries

The Proposed Action would not result in significant adverse impacts to libraries. Based on the increments demonstrated in the prototypical analyses, the population is not expected to increase by more than five percent in any catchment area, and therefore, no detailed analysis is warranted.

Child Care Services

The Proposed Action would not result in significant adverse impacts to child care services. According to the *CEQR Technical Manual*, a significant adverse child care impact may result, warranting consideration of mitigation, if a Proposed Action would increase the study area's utilization rate by at least five percentage points and the resulting utilization rate would be 100 percent or more. Projects that would add residential units designed exclusively for seniors or single adults (HPD supportive housing), which account for a substantial percentage of the incremental increase in dwelling units, need not assess child care impacts. While it is possible that borough-wide increases would exceed the thresholds of the *CEQR Technical Manual*, any potential impact is not expected to be significant, as the Proposed Action is not expected to generate substantial new non-senior units at a local level.

Police, Fire, and Health Care Services

The Proposed Action would not result in significant adverse impacts to police, fire, and health care services. The *CEQR Technical Manual* recommends a detailed analysis of indirect impacts on police, fire, and health care services in cases where a Proposed Action would create a sizeable new neighborhood where none existed before. The affected areas are zoning districts citywide where residential and community facilities are permitted today, and would continue to be under the Proposed Action. They are neighborhoods already served by existing police, fire, and health care services. Therefore, the Proposed Action would not create a neighborhood where none existed before, and a detailed analysis of indirect effects on these community facilities is not warranted.

Open Space

Direct Effects

The Proposed Action would not result in any significant adverse direct impact on open space resources. The Proposed Action would not result in the physical loss of, or alteration to, existing public open space resources. The Proposed Action, however, would potentially result in incremental shadows being casted on sunlight sensitive features of existing open spaces. The duration and coverage of incremental shadows would be limited, and therefore would not constitute a significant adverse impact on open space resources.

Indirect Effects

The Proposed Action would not result in any significant adverse indirect open space impacts. Based on the preliminary assessment, the open space ratio in each of the Study Areas had an incremental decline of less than 1% between the No-Action scenario and the With-Action scenario. The Proposed Action would not result in

significant increase in demand for existing open space facilities, and would not noticeably diminish the ability of an area's open space to serve the future population.

Shadows

The Proposed Action would potentially result in significant adverse shadow impacts. In accordance with the methodology outlined in the *CEQR Technical Manual*, a detailed shadow analysis was conducted to assess the extent and duration of the incremental shadow resulting from the Proposed Action. The detailed shadow analysis concluded that the Proposed Action would potentially result in incremental shadows being cast on sunlight sensitive features of historic resources and public open spaces based on prototypical analysis. Although the duration and coverage of incremental shadows would be limited, the Proposed Action could potentially result in significant adverse shadow impacts under limited conditions. Even though none of the prototypes showed significant adverse shadows impacts, some provisions of the Proposed Action could potentially result in shadow impacts under certain circumstances where sunlight sensitive features of public open spaces and historic resources are directly located adjacent to potential development.

Historic and Cultural Resources

Archaeological Resources

The Proposed Action would potentially result in significant adverse impacts to archaeological resources. The archaeological resources assessment concluded that the Proposed Action could result in additional and/or deeper in-ground disturbance that could occur on sites where archaeological remains exist; however this is expected to be limited to a few provision of the Proposed Action.

In particular, the provision to remove unnecessary corner lot coverage restrictions would allow future developments on undeveloped corner lots and create larger building footprints with increased potential for additional in-ground disturbance in the future. The provision to allow future buildings to be located closer to the street line would also create potential for additional or deeper in-ground disturbance. In the future with the Proposed Action, developments on shallow lots would be permitted to reduce the depth of the required rear yard. Since shallow lots and shallow through lots are found consistently across all neighborhoods in all five boroughs, it is not possible to disregard the possibility of additional in-ground disturbance.

The proposal to reduce minimum distance between buildings could enable infill development on sites with lot and floor area allowances, and potentially cause additional in-ground disturbance. The elimination or reduction of existing and future parking requirements for affordable housing is also likely to facilitate additional development resulting in potential new in-ground disturbance. In the future with the Proposed Action, Long Term Care Facilities would be given additional FAR, and potentially result in greater heights, larger building footprints, and greater potential for in-ground disturbance.

While the potential impacts of the provisions described above are expected to be limited, it is not possible to conclude where and to what extent additional in-ground disturbance might occur. As such, the possibility of significant impacts on archaeological resources cannot be eliminated.

Architectural Resources

The Proposed Action would not result in any physical (direct) impacts on architectural resources. The Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing). There would be no increment change in the potential for properties that are NYCLs or in New York City Historic Districts, or non-designated eligible sites, to be directly impacted

between the Future No-Action and With-Action conditions. Privately owned properties that are NYCLs or in New York City Historic Districts would also be protected under the New York City Landmarks Law that requires LPC review and approval before any alteration or demolition can occur. Since the Proposed Action is not in-and-of-itself expected to induce new construction activities where these would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing), the Proposed Action would not result in any significant adverse construction-related impacts to non-designated eligible sites. In addition, any designated NYCL or S/NR-listed historic buildings located within 90 linear feet of a projected or potential new construction site would be subject to the protections of the New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88, ensuring that any development resulting from the Proposed Action would not result in any significant adverse construction-related impacts to designated historic resources.

The Proposed Action would not result in any significant adverse visual or contextual (indirect) impacts to architectural resources; however it would result in incremental shadows being cast on sunlight-sensitive features of historic resources. The duration and coverage of incremental shadows would be limited, and therefore, would not constitute a significant adverse impact on historic resources.

Urban Design and Visual Resources

The Proposed Action would promote new development that is consistent with existing uses, density, scale and bulk, and would not result in buildings or structures that would be substantially different in character or arrangement than those that currently exist in the neighborhood.

The Proposed Action would result in new buildings that are taller than would be permitted under the existing framework. Buildings without affordable housing in high density areas (R6 and higher) would be permitted 5 to 15 feet of additional height, or up to one additional story, to accommodate design best practices and allow for more flexibility in terms of building layout. Senior housing, and buildings qualifying under the existing voluntary Inclusionary Housing or future Mandatory Inclusionary Housing program would be permitted an additional height generally of 1 or 2 stories, except in R10A districts on narrow streets, which would be permitted up to an additional 4 stories. The increase in permitted height for buildings with certain types of affordable housing is proposed in order to accommodate their full permitted floor area as well as the better design standards promoted for all buildings. The provision to remove unnecessary corner lot coverage restrictions would increase the likelihood of development on corner lots with larger building footprints, resulting in an increased potential for additional in-ground disturbance in the future.

Where only 5 feet of additional height is proposed, the height would be permitted only for buildings providing at least 13 feet between the ground floor and the 2nd floor; in districts where more than 5 feet is proposed, the building may only achieve the full proposed height by building a qualifying ground floor. This ensures that the taller buildings are offset by better ground floor retail spaces and an improved sidewalk experience, with increased building articulation, including attributes like elevated ground floor residential lobbies, courtyards, and limited setbacks that allow for more planting along the sidewalk. In combination, the proposed changes are expected to result in more interesting buildings for pedestrians on the sidewalk, and better living spaces for building residents.

The Proposed Action would result in very little new development that would not have occurred in the future without the Proposed Action, with the exception of infill development permitted on the existing parking lots accessory to affordable senior housing. Even where some additional FAR is being permitted in the Future with the Proposed Action, the increase is not expected to be great enough to change local development markets. It is

not possible to determine where the effects of the Proposed Action would result in a slight increase in development that would not have otherwise occurred without the Proposed Action.

Therefore, no significant adverse impacts related to urban design and visual resources are anticipated as a result of the Proposed Action.

Natural Resources

The Proposed Action would not result in significant adverse impacts to natural resources. In accordance with the methodology outlined in the *CEQR Technical Manual*, a screening analysis was conducted to assess the potential of the Proposed Action to affect natural resources. The analysis concluded that even though, more development is expected to occur as a result citywide, the Proposed Action itself would not induce development on sites where natural resources exist and development would not have otherwise been possible. The Proposed Action would not eliminate and/or change the existing State or local protections.

Hazardous Materials

The Proposed Action would potentially result in significant adverse hazardous materials impacts. In accordance with the methodology outlined in the *CEQR Technical Manual*, hazardous materials assessment was conducted. The assessment concluded that the Proposed Action could result in additional in-ground disturbance that could occur on sites where hazardous materials exist.

However, the extent of the potential impact is expected to be limited. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing), thereby limiting the potential for additional in-ground disturbance.

The provision to allow future buildings to be located closer to the street line would create potential for additional or deeper in-ground disturbance. In the future with the Proposed Action, developments on shallow lots would be permitted to reduce the depth of the required rear yard. Since shallow lots and shallow through lots are found consistently across all neighborhoods in all five boroughs, it impossible to disregard the possibility of additional in-ground disturbance.

The proposal to reduce minimum distance between buildings could enable infill development on sites with lot and floor area allowances, and potentially cause additional in-ground disturbance. The elimination or reduction of existing and future parking requirements for affordable housing is also likely to facilitate additional development resulting in potential new in-ground disturbance. In the future with the Proposed Action, Long Term Care Facilities and Affordable Independent Residences for Seniors would be given additional FAR, and potentially result in greater in-ground disturbance. While the potential impacts of the provisions described above are expected to be limited, it is not possible to predict where and to what extent additional in-ground disturbance might occur and if any of the development sites with potential in-ground disturbance would contain any hazardous materials. Therefore, the Proposed Action has the potential to result in hazardous materials impacts. These potential impacts would be unmitigated.

Water and Sewer Infrastructure

The Proposed Action would not result in significant adverse impacts on water and sewer infrastructure. In accordance with the *CEQR Technical Manual*, a screening analysis was conducted. Since the Proposed Action is a “Generic Action” and there are no specific development sites, to produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified and used for analysis and the analysis is based on these prototypes.

Water Supply

The Proposed Action would not result in significant adverse impacts on water supply. The screening analysis concluded that the effects of the Proposed Action would not be great enough to warrant a preliminary analysis of water supply, and therefore would not result in significant adverse impacts to water supply.

Wastewater and Stormwater Conveyance and Treatment

The Proposed Action would not result in significant adverse impacts on wastewater and stormwater conveyance and treatment. The preliminary assessment shows that the incremental development that may occur at any one prototypical development site would fall well below the CEQR thresholds except for the two prototypes. However, the increment is insignificant to result in any significant adverse impacts on wastewater and stormwater conveyance and treatment.

Solid Waste and Sanitation Services

The Proposed Action would not result in any significant adverse impacts to solid waste and sanitation services. In accordance with the methodology outlined in the *CEQR Technical Manual*, a screening analysis was conducted to assess the potential of the Proposed Action to affect demand for solid waste and sanitation services. The Proposed Action is a “Generic Action,” and there are no known potential or projected development sites and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified. Based on the prototypical analysis, the incremental development that may occur at any one prototypical development site is 0 to 99 residential units which is not a substantial amount of development to raise the need for a solid waste and sanitation services assessment. As indicated above, according to the *CEQR Technical Manual*, it takes approximately 2,500 residential units for a project to exceed this threshold for a detailed analysis. None of the 27 prototypes analyzed would result in a net increase of more than 50 tons of solid waste per week. As such, the Proposed Action would not result in any significant adverse impacts to solid waste and sanitation services; and a detailed analysis is not warranted.

Energy

The Proposed Action would not result in a significant adverse impact on energy systems. In accordance with the *CEQR Technical Manual*, a screening analysis of the potential for the Proposed Action to affect demand for energy has been provided based on prototypical development sites. The screening analysis concluded that the incremental development that may occur at any one prototypical development would not be significant enough to affect energy systems.

Transportation

The Proposed Action would not result in a significant adverse impact on transportation. The *CEQR Technical Manual* provides a tiered analysis methodology to determine the potential for significant transportation related impacts. Based on the methodology in the *CEQR Technical Manual*, any effects on parking availability are expected to be small and incremental.

Since the Proposed Action is a “Generic Action” and there are no specific development sites, to produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified and used for analysis, as described in Chapter 2, Analytical Framework.

Nine of the 27 prototypes are projected to result in no increases in density and therefore do not have the potential to result in significant transportation related impacts based on the guidance provided in the *CEQR Technical Manual*. A total of 12 of the 27 prototypes are projected to result in increases in density but would result in net incremental development levels that are less than the minimum thresholds requiring a transportation assessment as defined in the *CEQR Technical Manual* and therefore do not have the potential to cause significant transportation impacts.

A total of six of the 27 prototypes do not screen out of the potential for traffic and parking impacts based on net incremental development levels described above. Based on the screening procedures analyses presented in the *CEQR Technical Manual*, these prototypes are projected to generate vehicle, pedestrian, and transit trip levels that are below the thresholds that could cause significant transportation impacts. Accordingly, development levels represented by these six remaining prototypes do not have the potential to cause significant transportation impacts.

It is possible that two or more of the prototypes could be developed in close proximity to one another. Based on the development densities and the peak hour trip generation characteristics associated with each of the prototypes, it was determined that none of the 27 prototypes (developed individually, or in reasonable combinations with one another), are expected to result in impacts to the transportation network.

Air Quality

The Proposed Action would not result in any significant adverse air quality impacts.

Mobile Sources

The Proposed Action would not result in significant adverse air quality impacts due to mobile sources. Based on the traffic screening criteria provided in *CEQR Technical Manual*, the Proposed Action would not exceed the thresholds for requiring a mobile source air quality analysis, and therefore, no further analysis is warranted.

Stationary Sources

The Proposed Action would not result in any significant adverse air quality impacts due to stationary sources. Based on the prototypical analysis, 4 of 27 prototypes require detailed analysis and 22 of 27 prototypes require screening analysis. One prototype does not require any analysis because the action would introduce no change in floor area or bulk between the No-Action and the With-Action scenarios. The prototypical analysis showed that there would be no potential significant adverse air quality impacts from fossil fuel-fired heat and hot water systems associated with any prototype.

Greenhouse Gas Emissions

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

Noise

The Proposed Action would not result in significant adverse noise impacts due to operations of any potential development. The Proposed Action has the potential to introduce new sensitive receptors closer to existing train operations on elevated train tracks, therefore, the Proposed Action would potentially result in significant adverse noise impacts. However, in accordance with the City Environmental Quality Review (CEQR) Technical Manual, screening analysis was conducted. The screening analysis concluded, based on prototypical development sites that two of the 27 prototypes have the potential to result in significant adverse noise impacts. These two prototypes each model two No-Action scenarios that assume Long term care facilities or Affordable Independent Residents for Senior developments that utilize the existing height factor envelope, and the existing non-contextual envelope, and compares them to the With-Action envelope. This analysis identifies a noise impact associated with the shifting of bulk closer to the elevated rail line in the With Action scenario over the No Action height factor scenario. Although the height factor envelope provides a less desirable building model for the Affordable Independent Residences for Seniors, making development pursuant to height factor less likely than one with a Quality Housing envelope, there is the potential for a significant adverse noise impact.

Public Health

The Proposed Action would not result in significant adverse impacts on public health. As described in preceding chapters of this Environmental Impact Statement, the Proposed Action would not result in significant adverse impacts in air quality, water quality, and noise due to noise generated by any potential development. The Proposed Action would potentially result in significant adverse impacts on hazardous materials and noise due to train operations on elevated tracks; therefore, screening analysis was conducted. The screening analysis concluded that while the Proposed Action has the potential result in unmitigated adverse impacts in hazardous materials due to potential for additional in-ground disturbance, and noise due to train operation on elevated tracks, the potential for these impacts to occur is expected to be limited to significantly affect public health. Therefore, no further analysis is warranted.

Neighborhood Character

The Proposed Action would not result in significant adverse impacts on neighborhood character. A screening analysis of neighborhood character concluded the Proposed Action would not result in significant adverse impacts on the following technical areas that comprise the elements that make up neighborhood character: land use, urban design and visual resources, socioeconomic conditions, and transportation. While the Proposed Action would result in significant adverse impacts with respect to noise, shadows and historic resources, the combined effects would not raise the potential to significantly impact neighborhood character.

Construction

The Proposed Action would not result in significant adverse construction impacts. Based on CEQR Technical Manual guidelines, where the duration of construction is expected to be short-term (less than two years) detailed construction assessment is not warranted. Based on the screening analysis, the Proposed Action is not expected to result in any development where the duration of construction would be over two years.

Alternatives

No Build Alternative

The No Build Alternative assumes no discretionary actions and that the Proposed Action would not be implemented. The Proposed Action's anticipated potential significant adverse impacts on shadows, hazardous material, historic resources, and noise would not occur under the No Build Alternative. In this alternative, the existing zoning constraints that hamper the development of housing, and specifically affordable housing, would remain in place. The No Build Alternative would not meet the goals and objectives of the Proposed Action, which is to enable less costly and more efficient housing to be developed across all five boroughs of the city.

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

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

Removal of Basic Height Increases Alternative

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

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

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

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

Under this alternative, the increase of 10' of height for new AIRS buildings in an R3-2 or R4 district would allow a building of up to 45', reducing the potential for the Proposed Action to have significant adverse impacts on shadows. Some new Affordable Independent Residences for Seniors would be able to fit their

permitted FAR into a building with 45' permitted height, but others would still require a CPC Authorization in order to achieve a workable zoning envelope. Because this alternative would still require many AIRS in R3-2 and R4 districts to seek an authorization, it would not fully achieve the goals and objectives of this proposal. Increasing the permitted heights for a new Affordable Independent Residences for Seniors building in R3-2 and R4 Districts by 10' over the No-Action scenario would, to a very limited extent, reduce the potential for the Proposed Action to have significant adverse shadow impacts including shadows being cast on sunlight-sensitive features of architectural resources and/or existing open spaces. This Alternative would not reduce or eliminate the Proposed Action's significant adverse impacts on hazardous materials, historic resources, or noise, which are unrelated to the height of Affordable Independent Residences for Seniors.

Modified Text Amendment Alternative

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

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

Mitigation

Shadows

The Proposed Action would potentially result in significant adverse shadow impacts. Based on the prototypical analysis, the duration and coverage of incremental shadows would be limited. The analysis showed that none of the prototypes would result in significant adverse shadows impacts; however, there is potential for significant adverse shadows impacts under certain circumstances where sunlight sensitive features of public open spaces and/or historic resources with sunlight sensitive features are directly located adjacent to potential development. Therefore, the Proposed Action would potentially result in incremental shadows being cast on sunlight sensitive features of historic resources and public open spaces based on prototypical analysis. Since there are no known development sites at this time, no practical mitigation measures could be identified. Therefore, the Proposed Action would result in unavoidable adverse shadows impacts.

Historic and Cultural Resources

Architectural Resources

The Proposed Action would not result in any physical (direct) impacts on architectural resources.

Archaeological Resources

The Proposed Action would potentially result in significant adverse impacts to archaeological resources. The archaeological resources assessment concluded that the Proposed Action could result in additional in-ground disturbance that could occur on sites where archaeological remains exist. If such in-ground disturbance were to occur on sites that have the potential to yield archaeological remains, depending on the location of the resources on the site, the depth and location of building foundations, and the extent and location of grading activities, significant adverse impacts could occur. However, the extent of the potential impact is expected to be limited, because the Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing which is discussed below) which would limit the potential for additional in-ground disturbance. Even though, more development is expected to occur citywide; only certain provisions of the Proposed Action have the potential to result in increased in-ground disturbance. While the potential impacts of the provisions are expected to be limited, it is not possible to predict where and to what extent additional in-ground disturbance might occur and if any of the development sites with potential in-ground disturbance would contain any archaeological resources. Since there are no known development sites at this time, no practical mitigation measures could be identified. Therefore, the Proposed Action would result in unavoidable adverse impacts to archaeological resources.

Hazardous Materials

The Proposed Action would potentially result in significant adverse hazardous materials impacts. In accordance with the methodology outlined in the *CEQR Technical Manual*, hazardous materials assessment was conducted. The assessment concluded that the Proposed Action could result in additional in-ground disturbance that could occur on sites where hazardous materials exist. However, the extent of the potential impact is expected to be limited, because the Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing which is discussed below) which would limit the potential for additional in-ground disturbance. Even though, more development is expected to occur citywide; only certain provisions of the Proposed Action have the potential to result in increased in-ground disturbance. While the potential impacts of the provisions are expected to be limited, it is not possible to predict where and to what extent additional in-ground disturbance might occur and if any of the development sites with potential in-ground disturbance would contain any hazardous materials. Since there are no known development sites at this time, no practical mitigation measures could be identified. Therefore, the Proposed Action would result in unavoidable hazardous materials impacts.

Noise

The Proposed Action would not result in significant adverse noise impacts due to operations of any potential development. The Proposed Action has the potential to introduce new sensitive receptors closer to existing train operations on elevated train tracks, therefore, the Proposed Action would potentially result in significant adverse noise impacts.

In accordance with the City Environmental Quality Review (CEQR) Technical Manual, screening analysis was conducted. The screening analysis concluded, based on prototypical development sites that two of the 27 prototypes have the potential to result in significant adverse noise impacts.

These two prototypes each model two No-Action scenarios that assume Long term care facilities or Affordable Independent Residents for Senior developments that utilize the existing height factor envelope, and the existing non-contextual envelope, and compares them to the With-Action envelope. This analysis identifies a noise impact associated with the shifting of bulk closer to the elevated rail line in the With Action scenario over the No Action height factor scenario. Although the height factor envelope provides a less desirable building model for the Affordable Independent Residences for Seniors, making development pursuant to height factor less likely than one with a Quality Housing envelope, there is the potential for a significant adverse noise impact. There are no practical mitigation measures identified and therefore, the Proposed Action would result in unavoidable noise impacts due to train operations on elevated train tracks.

Conceptual Analysis

The conceptual analysis of the proposed discretionary actions concludes that future applications that utilize the proposed discretionary actions have the potential to result in the same significant adverse impacts as the proposed action, specifically historic resources, shadows, hazardous materials, and noise. Because the potential for significant adverse impacts is dependent on site-specific conditions, it is difficult to predict the potential for impacts in the absence of specific applications.

It is not possible to predict whether discretionary actions would be pursued on any one site in the future, and each action would require its own ULURP approvals. Any time a discretionary action is applied for it would be subject to its own environmental review.

Unavoidable Significant Adverse Impact

According to the City Environmental Quality Review (CEQR) Technical Manual, unavoidable significant adverse impacts are those that would occur if a proposed project or action is implemented regardless of the mitigation employed, or if mitigation is infeasible.

As described in Environmental Impact Statement, the Proposed Action would result in potential significant adverse impacts with respect to shadows, historic resources, hazardous materials, and noise. However, no practicable mitigation measures were identified which would reduce or eliminate these impacts. Therefore, the Proposed Action would result in the potential for unavoidable adverse impacts with respect to shadows, historic resources, hazardous materials and noise.

Growth Inducing Aspects of the Proposed Action

The CEQR Technical Manual indicates that an analysis of the growth-inducing aspects of a Proposed Action is appropriate when an action:

- Adds substantial new land use, new residents, or new employment that could induce additional development of a similar kind or of support uses, such as retail establishments to serve new residential uses; and/or
- Introduces or greatly expands infrastructure capacity.

The Proposed Action is a generic action with no particular development sites. Although the specific number and location of additional units resulting from the proposal cannot be derived, the Proposed Action is expected to induce new development and affect the overall amount or type of development in a neighborhood on a limited basis. 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. Under the text amendment, underlying zoning districts would not be changed and the construction of residential and commercial uses would only be facilitated where permitted under current zoning districts. With a marginal increase in housing units, the type and distribution of development across the city is expected to intensify existing development patterns and facilitate development in zoning districts where the most development has occurred over the previous 15 years. Moreover, this proposal would not affect the marketability of a building in any single zoning district over another and thus would not alter general market forces within any single neighborhood. Therefore, the Proposed Action would not result in secondary impacts.

Irreversible and Irretrievable Commitments of Resources

There are several resources, both natural and built, that would be expended in the construction and operation of any development that may result of the Proposed Action. These resources include the building materials used in construction of the project; energy in the form of natural gas, petroleum products, and electricity consumed during construction and operation of the building; and the human effort required to develop, construct, and operate various components of any potential development. They are considered irretrievably committed because their reuse for some other purpose would be impossible or highly unlikely. The Proposed Action constitutes an irreversible and irretrievable commitment of potential development sites as a land resource, thereby rendering land use for other purposes infeasible.

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cc: Carl Weisbrod, Chairman
City Planning Commissioners
All Borough Presidents
All Borough Boards
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