



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

February 20, 2015

POSITIVE DECLARATION

Project Identification

Zoning for Quality and Affordability Text Amendment
CEQR No. 15DCP104Y
ULURP No. Pending
SEQRA Classification: Type I

Lead Agency

City Planning Commission
22 Reade Street
New York, NY 10007
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Name, Description and Location of Proposal:

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

1. *Promote Affordable Senior Housing and Care Facilities:* Older New Yorkers are a diverse and rapidly growing segment of the city's population. There is an increasing need for a range of housing and long-term care options for our seniors, yet zoning has failed to keep pace with evolving models in senior housing. The proposed action would promote affordable senior housing and long term care facilities through various updates and refinements to the zoning resolution, as follows:
 - Modernize zoning definitions: Accommodate today's housing models and recognize regulated housing and facility types by removing obsolete definitions and updating definitions for affordable senior housing and long-term care facilities.
 - Rationalize Floor Area Ratios: Establish consistent floor area ratios and corresponding building heights for affordable senior housing and long-term care facilities to facilitate more and better housing for seniors.
 - Allow flexibility for different types of affordable senior housing and care facilities: Relax density restrictions that may prevent the creation of appropriately sized units by removing the density factor and minimum unit size requirement.
 - Reduce administrative obstacles: Eliminate certifications and special permits for nursing homes.

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

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

- General building envelope modifications: In medium- and higher-density districts, allow sufficient flexibility to accommodate best practices for affordable construction and good design, including:
 - Height: Increase maximum heights (by 5' to 15') to ensure all permitted floor area can fit and allow better design.
 - Setbacks: Measure upper floor setback from street line, removing penalty for buildings that set back at the street level, allowing better interior layouts and reducing construction cost.
 - Corner Lots: Loosen lot coverage and other requirements that make housing construction unnecessarily difficult, especially on irregularly shaped lots.
- Enhanced building envelope modifications for Inclusionary and affordable senior housing and care facilities: Where zoning allows additional floor area for affordable housing for seniors or Inclusionary Housing, provide enough flexibility to fit all permitted floor area with good design, including:
 - Height: Increase maximum height (by 1 to 2 stories in R6-R8 districts, and 3 to 4 stories in R9-R10 districts) to fit all floor area without sacrificing quality of housing.
 - Amenity Spaces: Allow ground-floor accessory residential amenity spaces to be located in the rear yard, where parking garages or community facilities are allowed today.
 - Non-contextual districts: In non-contextual zoning districts (which do not have overall height limits), establish more flexible height limits for senior housing and future Inclusionary Housing developments.
- Improved design flexibility: Allow flexibility for the variation and texture that typify older buildings in many neighborhoods, including:
 - Street Wall: Update and clarify regulations to support traditional types of building variation.
 - Court Yards: Allow greater flexibility to enable visual interest and a range of building configurations.
 - Ground Floors: Make transparency and design requirements consistent in various zoning and special districts.

- Mix of Unit Sizes: Make consistent the unit density standards for all medium- and high-density districts, allowing smaller units to be mixed in with larger ones.
- Modifications for constrained lots: Most existing controls are designed to work with flat, rectangular lots, and do not work well on irregularly-shaped or sloped sites, including:
 - Yards and Lot Coverage: Allow proportionate reductions in requirements where lots are shallow, acutely-angled, or sloped.
 - Distance Between Buildings: Reduce “tower-in-the-park”-era requirements to be consistent with the State’s Multiple Dwelling Law requirements.
 - Relief for Unusual Conditions: Allow modification on a case-by-case basis, through discretionary review.

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

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

Inside the Transit Zone:

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

Outside the Transit Zone:

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

This component of the proposed action is primarily applicable to multi-family R3-2 through R10 residence districts, as well as their residential equivalents in commercial and

manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. In addition, a portion of the proposed action affects the development of affordable senior housing and care facilities in single- and two-family zoning districts between R1 and R5.

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

Statement of Significant Effect:

On behalf of the City Planning Commission, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Action may have a significant effect on the quality of the environment as detailed in the following environmental impacts, and that an environmental impact statement will be required:

1. The action, as proposed, may result in significant adverse impacts related to land use, zoning, and public policy in the vicinity of the affected area.
2. The action, as proposed, may result in significant adverse impacts related to socioeconomic conditions in the vicinity of the affected area.
3. The action, as proposed, may result in significant adverse impacts on community facilities and services in the vicinity of the affected area.
4. The action, as proposed, may result in significant adverse impacts on publicly accessible open space in the vicinity of the affected area.
5. The action, as proposed, may result in significant adverse shadow impacts in the vicinity of the affected area.
6. The action, as proposed, may result in significant adverse impacts on historic and cultural resources in the affected area.
7. The action, as proposed, may result in significant adverse impacts on urban design and visual resources in the vicinity of the affected area.
8. The action, as proposed, may result in significant adverse impacts on natural resources in the vicinity of the affected area.
9. The action, as proposed, may result in significant adverse impacts related to hazardous materials in the vicinity of the affected area.
10. The action, as proposed, may result in significant adverse impacts on water and sewer infrastructure in the vicinity of the affected area.
11. The action, as proposed, may result in significant adverse impacts on solid waste and sanitation services.
12. The action, as proposed, may result in significant adverse impacts on energy.
13. The action, as proposed, may result in significant adverse impacts to transportation in the vicinity of the affected area.
14. The action, as proposed, may result in significant adverse impacts to air quality in the vicinity of the affected area.
15. The action, as proposed, may result in significant adverse impacts to greenhouse gases in

the vicinity of the affected area.

16. The action, as proposed, may result in significant adverse noise impacts in the vicinity of the affected area.
17. The action, as proposed, may result in significant adverse impacts related public health.
18. The action, as proposed, may result in significant adverse impacts on neighborhood character in the vicinity of the affected area.
19. The action, as proposed, may result in significant adverse construction-related impacts.

Supporting Statement:

The above determination is based on an Environmental Assessment Statement prepared for the actions which finds that:

1. Land Use, Zoning and Public Policy - The Proposed Action includes a series of zoning text amendments with citywide applicability. The Proposed Action could result in additional floor area, increased number of residential units, and taller buildings citywide than the current zoning permits.
2. Socioeconomic Conditions – The Proposed Action could result in an increased number of residential units citywide, and therefore would have the potential to create socioeconomic changes.
3. Community Facilities – The Proposed Action would not result in the direct displacement of any existing community facilities or services. However, the Proposed Action could result in an increased number of residential units citywide and, therefore would have the potential to result in indirect effects on public schools, libraries, and child care.
4. Open Space – The Proposed Action could have a direct effect on open space resources by shadow casting; and may also have indirect effects due to an increased demand for use of publicly accessible spaces by the additional number of residential units that would be created by the Proposed Action.
5. Shadows – The Proposed Action would allow greater building heights in the affected areas citywide. Shadows cast by the new buildings that could be developed as the result could affect publicly accessible open spaces and sunlight-sensitive architectural resources.
6. Historic and Cultural Resources – The Proposed Action may affect designated historic landmarks and/or buildings that may be eligible for designation. In addition, the Proposed Action may result in additional in-ground disturbance; and therefore has the potential to affect archaeological resources that may be present.
7. Urban Design and Visual Resources – The Proposed Action and subsequent potential development would result in physical changes beyond the bulk and form currently permitted as-of-right; therefore, these changes could affect a pedestrian's experience of public space and may alter the urban design character and visual resources.
8. Natural Resources – The Proposed Action could result in additional development that may be located within the Jamaica Bay Watershed, and therefore would have the potential to affect natural resources.
9. Hazardous Materials – The Proposed Action could result in additional in-ground disturbance which has the potential to result in hazardous materials impacts.
10. Water and Sewer Infrastructure – Because it could result in an increase in the number of residential units, the Proposed Action could also result in additional demand on

infrastructure, including water supply and storm water management.

11. Solid Waste and Sanitation – Because it could result in an increase in the number of residential units, the Proposed Action could also increase the demands on solid waste and sanitation transport and disposal services.
12. Energy – Although it could result in an increase in the number of residential units, the Proposed Action would not affect the transmission or generation of energy. The Proposed Action could, however, result in increased amount of energy consumption.
13. Transportation – The Proposed Action has the potential to affect traffic, parking, ridership on mass transit facilities and pedestrian movements due to the increased number of residential units.
14. Air Quality – The Proposed Action would result in increased number of residential units and taller buildings, which may affect air quality.
15. Greenhouse Gas Emissions (GHG) – The Proposed Action would result in additional development that could increase the amount of greenhouse gas emissions citywide, and therefore it may affect the City's GHG reduction goal.
16. Noise – The Proposed Action could introduce new sensitive receptors (residential units) in the vicinity of heavily trafficked roadways.
17. Public Health – A public health assessment may be warranted if unmitigated significant adverse impacts are identified for air quality, water quality, hazardous materials, or noise.
18. Neighborhood Character – The Proposed Action has the potential to alter certain constituent elements of neighborhood character, including land use, zoning and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources, shadows; transportation; and noise.
19. The Draft Environmental Impact Statement (DEIS) to be prepared for the Proposed Actions will identify and describe any other potential effects on the environment.


Public Scoping:


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

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

This determination has been prepared in accordance with Article 8 of the Environmental Conservation Law.

Should you have any questions pertaining to this Positive Declaration, you may contact the Project Manager, Evren Ulker-Kacar, AICP, at (212) 720-3419.


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Environmental Assessment & Review Division
New York City Department of City Planning


Date