ZONING FOR QUALITY AND AFFORDABILITY TEXT AMENDMENT

ENVIRONMENTAL ASSESSMENT STATEMENT

CEQR NO. 15DCP104Y

Lead Agency:
New York City Planning Commission

Prepared by:
NYC Department of City Planning

February 20, 2015

ZONING FOR QUALITY AND AFFORDABILITY TEXT AMENDMENT

ENVIRONMENTAL ASSESSMENT STATEMENT

CEQR NO. 15DCP104Y

Table of Contents

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME Zoning for Quality and Affordability Text Amendment

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
15DCP104Y	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
Pending	

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
NYC Department of City Planning			NYC Department of City Planning		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Robert Dobruskin, AICP			Beth Lebowitz		
ADDRESS EARD, 22 Reade Street, 4TH Floor			ADDRESS Zoning, 22 Reade Street, 3rd Floor		
CITY New York	STATE NY	ZIP 10007	CITY New York	STATE NY	ZIP 1007
TELEPHONE 212-720-3423	EMAIL rdobrus@planning.nyc.gov		TELEPHONE 212-720-3263	EMAIL blebowi@planning.nyc.gov	

3. *Action Classification and Type*

SEQRA Classification

☐ UNLISTED ☒ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

Action Type (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

☐ LOCALIZED ACTION, SITE SPECIFIC ☐ LOCALIZED ACTION, SMALL AREA ☒ GENERIC ACTION

4. *Project Description*

See attachment A, Project Description

Project Location

BOROUGH Citywide	COMMUNITY DISTRICT(S)	STREET ADDRESS
TAX BLOCK(S) AND LOT(S) Citywide Text Amendment		ZIP CODE
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY		ZONING SECTIONAL MAP NUMBER

5. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☐ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☒ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☐ OTHER, explain:	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

☐ LEGISLATION ☐ FUNDING OF CONSTRUCTION, specify:

☐ RULEMAKING
☐ CONSTRUCTION OF PUBLIC FACILITIES
☐ 384(b)(4) APPROVAL
☐ OTHER, explain:
☐ POLICY OR PLAN, specify:
☐ FUNDING OF PROGRAMS, specify:
☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

6. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

☒ SITE LOCATION MAP ☐ ZONING MAP ☐ SANBORN OR OTHER LAND USE MAP
☐ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
☐ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): Citywide Text Amendment
Waterbody area (sq. ft.) and type:
Roads, buildings, and other paved surfaces (sq. ft.):
Other, describe (sq. ft.):

7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): Citywide Text Amendment
NUMBER OF BUILDINGS:
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.):
HEIGHT OF EACH BUILDING (ft.):
NUMBER OF STORIES OF EACH BUILDING:

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant:
The total square feet not owned or controlled by the applicant:

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☐ YES ☐ NO **See Attachment A, Project Description**
If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length)
VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2025 **See Draft Scope of Work**
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N.A.
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☐ YES ☒ NO IF MULTIPLE PHASES, HOW MANY? N.A.
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N.A.

9. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☒ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☐ OTHER, specify:

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS - See Draft Scope of Work

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures				
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)				
Gross floor area (sq. ft.)				
Manufacturing/Industrial	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
Publicly Accessible Open Space	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," describe:				
POPULATION				
Residents	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify number:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Briefly explain how the number of residents was calculated:				
Businesses	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification				
Maximum amount of floor area that can be developed				
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project				
Attach any additional information that may be needed to describe the project. If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.				

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☒	☐
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
o If "yes," complete a PlaNYC assessment and attach. **See Draft Scope of Work**		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
o If "yes," complete the Consistency Assessment Form. **See Draft Scope of Work**		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☒	☐
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
o Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
o Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
o Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. **See Draft Scope of Work** If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
o If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
o If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	☐	☐
ii. Indirect Residential Displacement		
o Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
o If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
o If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. Direct Business Displacement		
o Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐

	YES	NO
o Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve, enhance, or otherwise protect it?	☐	☐
iv. Indirect Business Displacement		
o Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
o Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. Effects on Industry		
o Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
o Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	☐	☐
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects **See Draft Scope of Work**		
i. Child Care Centers		
o Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☒	☐
o If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent? **To be provided in the EIS**	☐	☐
o If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. Libraries		
o Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6) **To be provided in the EIS**	☐	☐
o If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
o If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iii. Public Schools		
o Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☒	☐
o If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent? **To be provided in the EIS**	☐	☐
o If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iv. Health Care Facilities		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
o If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
o Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
o If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☒	☐
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	☒	☐
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☒	☐
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	☒	☐
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☒	☐
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following: **See Draft Scope of Work**		

	YES	NO
o If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	☐	☐
o If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5 percent?	☐	☐
o If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	☐	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☒	☐
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☒	☐
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year. **See Draft Scope of Work**		
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☒	☐
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☒	☐
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. **See Draft Scope of Work**		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☒	☐
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☒	☐
(c) If "yes" to either of the above, please provide the information requested in Chapter 10. **See Draft Scope of Work**		
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☒	☐
o If "yes," list the resources and attach supporting information on whether the project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
o If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions. **See Draft Scope of Work**		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12 **See Draft Scope of Work**		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☒	☐
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☐
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☐
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☐
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☐
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☐
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☐	☐
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13 **See Draft Scope of Work**		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☐

	YES	NO
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☐
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☐
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☐
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☐
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☐
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	☐
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☐
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14 **See Draft Scope of Work**		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week):		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☐
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☐
o If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☐
12. *ENERGY*: CEQR Technical Manual Chapter 15 **See Draft Scope of Work**		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs):		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☐
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16 **See Draft Scope of Work**		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☒	☐
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
o Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	☐	☐
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☒	☐
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☒	☐
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☐
(c) Does the proposed project involve multiple buildings on the project site?	☐	☐
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☐
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☐
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒

	YES	NO
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	☐
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☐
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☒	☐
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☒	☐
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☐
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☒	☐
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☒	☐
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. **See Draft Scope of Work**		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. **See Draft Scope of Work**		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22 **See Draft Scope of Work**		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	☐	☐
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☐
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☐
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☐
o The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☐
o Closure of a community facility or disruption in its services?	☐	☐
o Activities within 400 feet of a historic or cultural resource?	☐	☐
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☐
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☐
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
Beth Lebowitz, Director, Zoning Division		February 20, 2015

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☒	☐
Socioeconomic Conditions	☒	☐
Community Facilities and Services	☒	☐
Open Space	☒	☐
Shadows	☒	☐
Historic and Cultural Resources	☒	☐
Urban Design/Visual Resources	☒	☐
Natural Resources	☒	☐
Hazardous Materials	☒	☐
Water and Sewer Infrastructure	☒	☐
Solid Waste and Sanitation Services	☒	☐
Energy	☒	☐
Transportation	☒	☐
Air Quality	☒	☐
Greenhouse Gas Emissions	☒	☐
Noise	☒	☐
Public Health	☒	☐
Neighborhood Character	☒	☐
Construction	☒	☐

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☒ YES ☐ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☒ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☐ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	NYC Department of City Planning
NAME	DATE
Robert Dobruskin	February 20, 2015

SIGNATURE Robert Dobruskin

ATTACHMENT A

PROJECT DESCRIPTION

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

Promote Affordable Senior Housing and Care Facilities: Older New Yorkers are a diverse and rapidly growing segment of the city's population. There is an increasing need for a range of housing and long-term care options for our seniors, yet zoning has failed to keep pace with evolving models in senior housing. The Proposed Action would promote affordable senior housing and long term care facilities through various updates and refinements to the zoning resolution, as follows:

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

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

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

- General building envelope modifications: In medium- and higher-density districts, allow sufficient flexibility to accommodate best practices for affordable construction and good design, while maintaining current floor area maximums, including:
    - Height: Increase maximum heights (by 5' to 15') to ensure all permitted floor area can fit and allow better design

    - Setbacks: Measure upper floor setback from street line, removing penalty for buildings that set back at the street level, allowing better interior layouts and reducing construction cost
    - Corner Lots: Loosen lot coverage and other requirements that make housing construction unnecessarily difficult, especially on irregularly shaped lots

- Enhanced building envelope modifications for Inclusionary and affordable senior housing and care facilities: Where zoning allows additional floor area for affordable housing for seniors or Inclusionary Housing, provide enough flexibility to fit all permitted floor area with good design, including:
    - Height: Increase maximum height (by 1 to 2 stories in R6-R8 districts, and 3 to 4 stories in R9-R10 districts) to fit all floor area without sacrificing quality of housing
    - Amenity Spaces: Allow ground-floor accessory residential amenity spaces to be located in the rear yard, where parking garages or community facilities are allowed today
    - Non-contextual districts: In non-contextual zoning districts (which do not have overall height limits), establish more flexible height limits for senior housing and future Inclusionary Housing developments

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

- Modifications for constrained lots: Most existing controls are designed to work with flat, rectangular lots, and do not work well on irregularly-shaped or sloped sites, including:
    - Yards and Lot Coverage: Allow proportionate reductions in requirements where lots are shallow, acutely-angled, or sloped
    - Distance Between Buildings: Reduce “tower-in-the-park”-era requirements to be consistent with the State’s Multiple Dwelling Law requirements
    - Relief for Unusual Conditions: Allow modification on a case-by-case basis, through discretionary review

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

Reduce Unnecessary Parking Requirements for Affordable Housing: The cost of providing off-street parking can hamper the production of affordable housing. In transit-accessible neighborhoods, low-income households own far fewer cars, and frequently don't use the parking that has been provided. The proposal would define a "Transit Zone" in portions of the city that encompasses zoning districts that allow multi-family housing 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.

PURPOSE AND NEED FOR PROPOSED ACTION

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

PROMOTE AFFORDABLE SENIOR HOUSING AND CARE FACILITIES

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

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

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

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

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

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

[2] Census 2010: Changes in the Elderly Population of New York City, 2000-2010; NYC Department for the Aging, July 2012

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

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

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

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

Independent senior apartments

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

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

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

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

Senior long-term care facilities

The New York State Department of Health licenses senior long term care facilities, such as nursing homes, assisted living facilities and adult homes. DOH currently licenses 176 nursing homes (43,484 beds) and 77 assisted living facilities and adult homes (10,986 beds) in the city. Nursing homes offer the highest level of care and 24-hour nursing services, while assisted living and adult homes are typically independent apartments with optional personal services and support. These include independent living arrangements with apartments or hotel-style suites where residency may also be age-restricted (per the Fair Housing Act), and residents may have access to optional services such as congregate dining, transportation, housekeeping, social activities and limited health care. Most of these long term care facilities were constructed during the 1970s, when funding sources were at a peak. Since the 1970s, government funding and support has steeply declined, as has the construction of new facilities, failing to keep up with the demand for housing created by the aging of the population.

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

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

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

According to NYS DOH estimates of need, today, there is already a shortage of 8,700 nursing home beds in New York City. The city also has half as many assisted living beds per capita as other urban counties in the state.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

As a result of the zoning allowance for higher floor area, as well as other Federal and State initiatives including generous availability of financing and public payment options for residents, there was a massive expansion in the construction of nursing homes, health related facilities and domiciliary care facilities. By 1973, another 25,000 nursing home beds were approved by the state, 9,500 of which were under construction at the time of the 1973 text amendment. As described in the CPC report for the text amendment, this sudden influx of nursing homes, especially where they became concentrated in certain neighborhoods, were believed to have undesirable effects. First, it was believed that many of the institutions were developed out of character with surrounding residential development, generating traffic impacts and burdening supporting services in the area. In some neighborhoods, nursing home buildings were constructed on large lots that did not acknowledge or respect existing local streets or topography. Thus, Section 24-111 was adopted, to allow the full community facility FAR and bulk

only by special permit. The special permit, now established in Section 74-902, allows the above described use of the full community facility FAR in 24-11 (previously allowed as of right) provided that the development will not be out of context and will not adversely impact neighborhood supporting services. Additional findings were created for R1 and R2 districts. Thus, the intent of this change in zoning was to ensure that neighborhoods had the opportunity to comment on proposed nursing homes or other health related facilities that exceeded the base residential floor area prior to their approval.

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

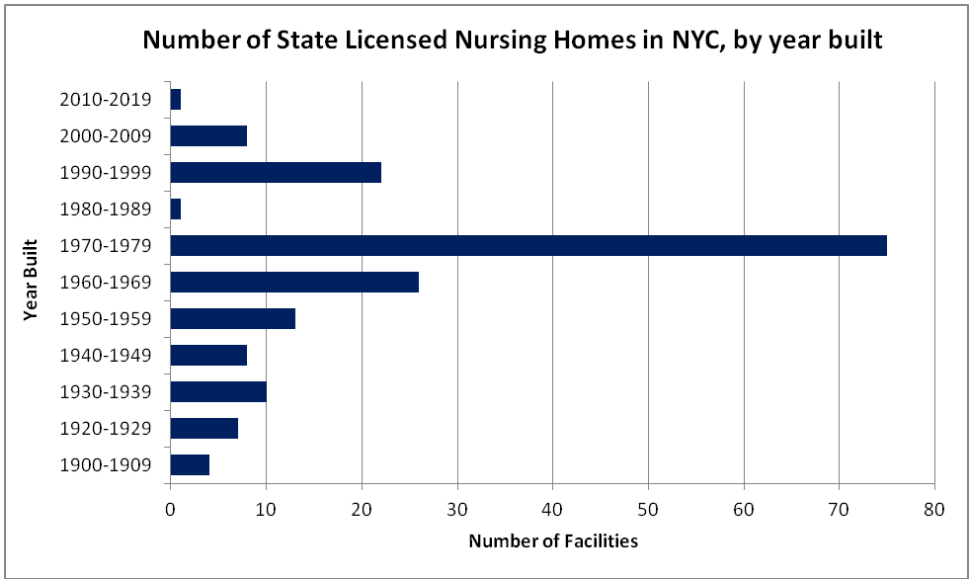
Section 22-42 requires any new or enlarged nursing home to be certified, as to whether it is in a community district that has more than the citywide average concentration of nursing homes. If the nursing home is proposing to locate or is already located in such a community district, it is subject to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

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

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

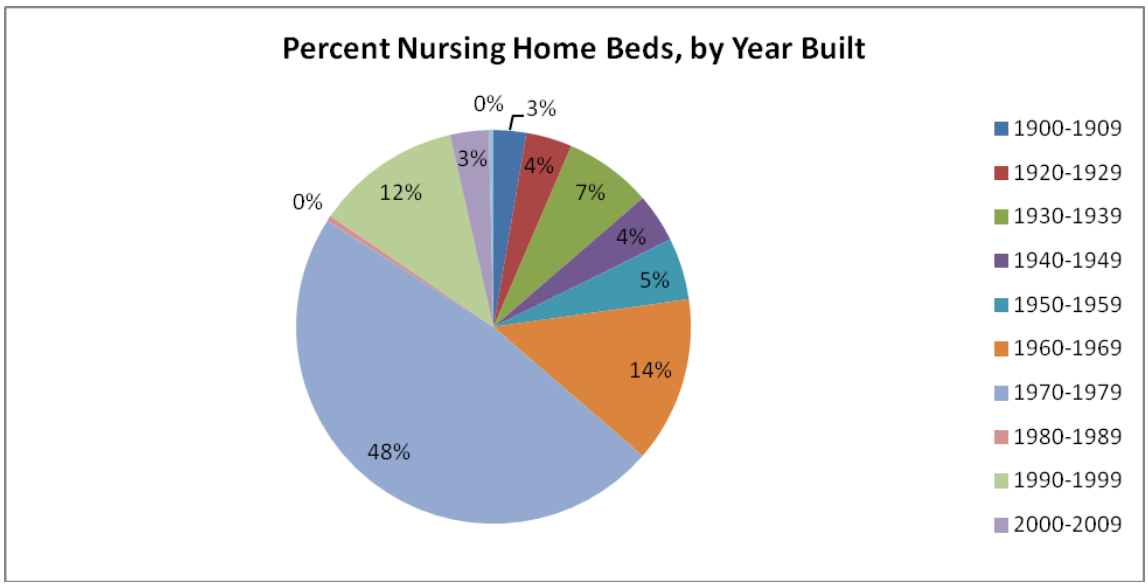
An analysis of New York State licensed nursing homes also shows that 62 percent of nursing homes were built in the 1960s and 1970s, with 48 percent having been constructed in the 1970s alone, and with a steep decline in nursing home construction in the 1980s (and after the creation of the 1973 Section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

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



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

Figure 7: Percent Nursing Home Beds, by year built



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

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

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

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

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

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

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

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

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

Interviews with architects, advocates, and developers of affordable senior housing and care facilities also suggest that mixed-use projects and changes in the senior demographic may result in different ways of configuring or mixing senior housing with other uses and housing types. Zoning should be flexible enough to accommodate both current and future models of housing and care for seniors. Building on the existing framework created for affordable senior housing and care facilities in the Zoning Resolution, the City intends to update that framework while

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

providing greater flexibility to account for housing types of today and the future. The following list summarizes the primary issues that are addressed in the proposal:

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

Outdated and obsolete definitions

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

Current zoning terms for senior housing and nursing homes:

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

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

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

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

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

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

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

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

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

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

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

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

Inconsistent FAR and bulk regulations

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

Density and unit size limits

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

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

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

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

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

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

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

Unnecessary certifications and special permits

Today, the Zoning Resolution requires several certifications and special permits for nursing home facilities. The certification in Section 22-42 applies to both new buildings and enlargements or substantial renovations to existing buildings and requires that applicants demonstrate that the concentration of nursing home beds in the community district will not exceed the citywide average. If the construction of the new development or enlargement increases the concentration of nursing home beds above the citywide average, then the applicant must demonstrate that it meets the findings of the special permit in Section 74-90. This certification and special permit were developed as a reaction to historic conditions that saw a boom in nursing home construction in isolated areas during the 1970s. Today, the certification

and special permit serves little purpose in protecting against community impacts, but do create a bureaucratic hurdle and increased time and expense to applicants. The concentration metric has no land use basis – given the size of community districts there is no reason to expect that a concentration of nursing homes above the citywide average would have a measurable impact. Moreover, the Commission lacks ongoing oversight of nursing homes, which the State DOH has, and must in any event defer to the DOH's judgment that the facility is in fact needed.

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

MODERNIZE RULES THAT SHAPE BUILDINGS

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

Currently, medium- and high-density Residence Districts are regulated largely through two separate regimes with similar densities but very different building envelope controls: the original provisions established under the 1961 Zoning Resolution, known as "height factor"; and a program established in 1987 known as the Quality Housing Program (which includes optional "contextual" regulations and contextual zoning district designations).

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

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

While much of the focus of the public debate prior to 1961 was on the deleterious effects of the high-density buildings permitted in locations in Manhattan and Downtown Brooklyn, as well as wide boulevards in other areas, in the Bronx, Brooklyn and Queens the pre-1961 Zoning Resolution was criticized for producing a uniform landscape of six-story semi-fireproof apartment buildings. This prototype, which resulted from the interaction of the Zoning

Resolution with the Building Code, which required buildings of seven stories or more to be fully fireproof, was viewed as a mediocre alternative to suburban living for the city's diminishing middle-class population.

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

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

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

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

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

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

While the regulations that comprise the building envelope are the principal means to shape development, other controls exist that complement and support these regulations. These include many provisions that have rarely, if ever, been amended, including court regulations, density controls, irregular lot provisions, Quality Housing design requirements, as well as dimensional requirements between buildings and lot lines and between other buildings. Since many of these regulations reflect the mindset of planners responding to the issues of their time, certain aspects of these regulations have also become antiquated over time. Conversely, other regulations, such as ground floor retail, transparency and parking wrap requirements, have changed so frequently over the past few decades that the Zoning Resolution contains a confusing amount of small variations for similar provisions. Reflecting the preferences of the time, the provisions were incorporated into a number of underlying districts and Special Purpose Districts. The proposed text amendment addresses all of these various issues.

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

bonuses and deductions have been established for new policy goals, including Zone Green and FRESH, where thicker exterior building walls and fresh food stores in underserved areas are encouraged by adding the space associated with each of these amenities, respectively, to the total permitted amount of floor area in a development.

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

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

Changes in best practices

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

Since 1987, several factors have limited the ability of the envelope to continue to accommodate the permitted floor area. These include, but are not limited to the following: building code and other regulatory codes (including accessibility) that have, in effect required greater floor-to-floor heights; an increasing market demand for residential units with higher ceiling heights; increasing

demand from retail tenants for higher ground floor spaces; new construction practices, including modular and 'block and plank' construction; and, a diminished supply of prototypical corner lots.

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

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

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

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

One of the more pronounced changes in the construction industry has been the steady increase in pre-fabricated components or even modular units. To reduce construction costs, affordable housing developments often utilize a 'block and plank' structural system, which is comprised of, and thusly named for, pre-fabricated hollow-core concrete floor planks and concrete masonry unit (CMU) walls. Hollow-core planks are pre-engineered and have pre-set spans that correlate to their specific depths. For an 8" depth slab, the maximum span is 30'. If two of these planks are placed together, the maximum effective depth of the building is 60'. For districts which allow, and whose ability to fit the permitted floor area were based on, 65 percent lot coverage (or a depth of 65' on a typical 100' deep lot) this effective construction depth cap becomes an artificial envelope that limits the full utilization of floor area.

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

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

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

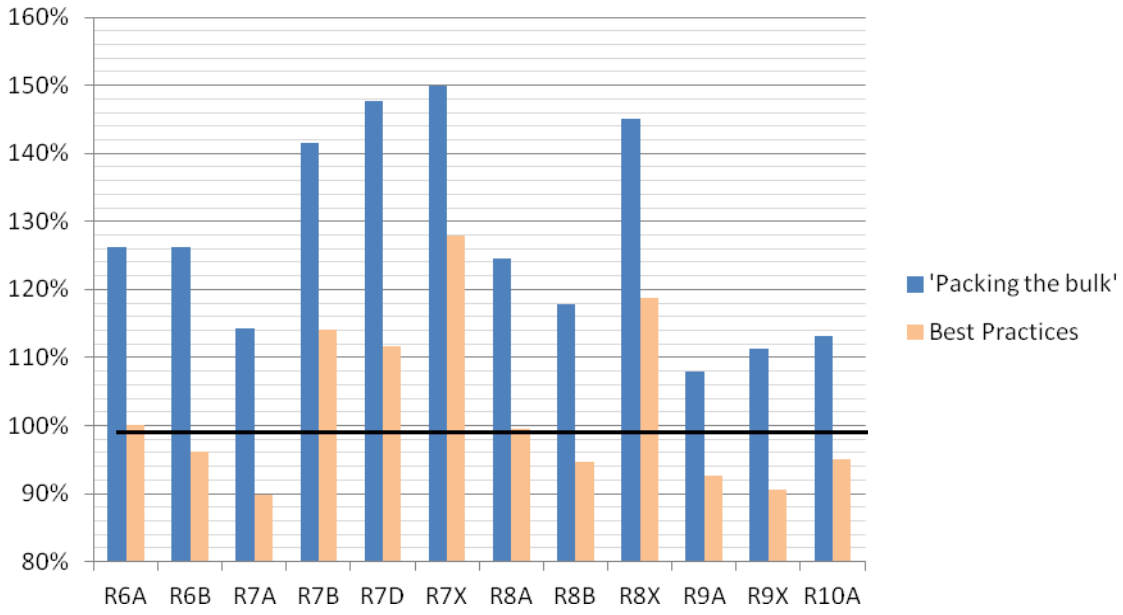
While these policy objectives are laudable, when modern floor to floor heights, construction practices and lot irregularities are applied, there is often insufficient room in the building envelope granted to accommodate these floor area bonuses or deductions. When the additional floor area permitted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

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

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

mechanical space, mandatory Quality Housing elements (such as recreation space, trash facilities, and laundry), and other small floor area exemptions (such as the additional wall thickness through Zone Green and the Quality Housing small density on the corridor exemption).

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



As the chart shows, this slight adjustment in floor to floor heights and building depth can easily be the determinant in whether a new development can accommodate all of its permitted floor area. Additional design features, like recesses in the façade, and other forms of articulation, are often infeasible as there is not even the flexibility to accommodate reasonable ceiling heights.

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

Other key constraints

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

Building setbacks

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

Corner coverage requirements

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

Provisions along district boundaries

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

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

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

Further constraints for inclusionary and affordable senior housing

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

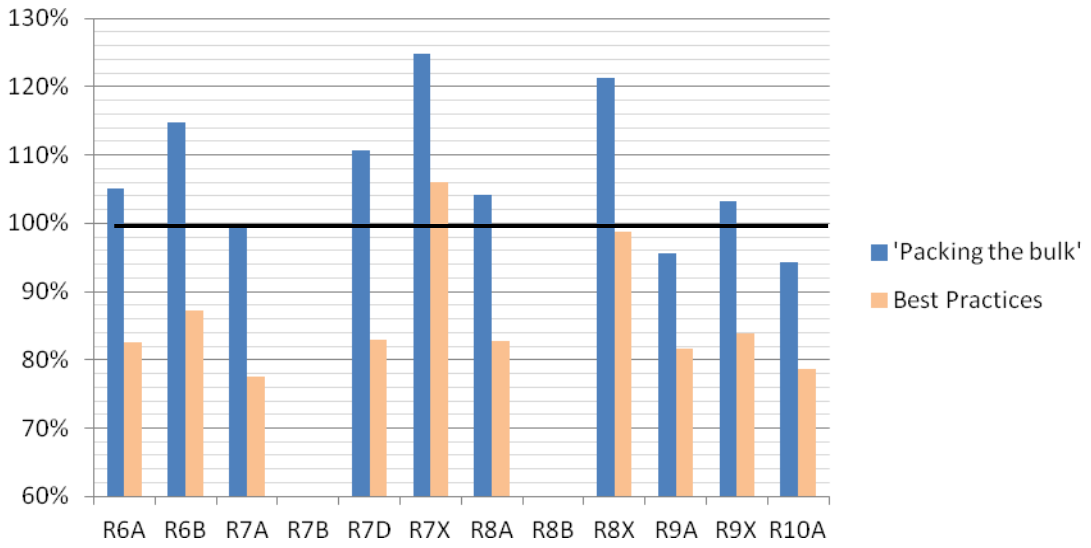
Difficulty fitting permitted floor area

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

The graph below illustrates the degree to which incorporating modern building design assumptions impacts the ability to accommodate permitted floor area in an Inclusionary Housing Designated Area by comparing the percentage of Inclusionary Housing floor area that can either be added, or is unable to be accommodated, into each contextual zoning district's respective envelope. One series of data sacrifices quality design by maximizing the amount of FAR that can be "packed" into the bulk envelope assuming an inferior set of assumptions - 9' floor to floor heights, a 10' ground floor, and maximized interior lot coverage. The second data

set, meanwhile, assumes contemporary best practices, including a 15' ground floor (in order to elevate ground floor units off the street), 10' floor to floor heights above the ground floor, and slighter shallower building depth (60 percent coverage in R6A, R6B, R7A, R7B and R7D and 65 percent in the remaining districts). Both options assume 10 percent of the total floor space in the building is deducted from floor area for the combination of mechanical space, mandatory quality housing elements (such as recreation space, trash facilities, and laundry), and other small floor area exemptions (such as the additional wall thickness through Zone Green and the Quality Housing small density on the corridor exemption).

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



As the chart shows, while most districts can accommodate the permitted FAR using a 'packing the bulk' strategy, the quality of this space would likely be undesirable, and may impact the marketability of market rate units (which could in turn undermine the necessary cross-subsidization of affordable units). In nearly every scenario, the existing contextual envelope is unable to accommodate the permitted Inclusionary Housing floor area when reasonable best practices are applied. This lack of flexibility not only results in the creation of inferior dwelling units, it results in inferior buildings, since the envelope cannot accommodate streetscape design measures such as façade articulation, and a nuanced relationship to the sidewalk depending on the district (such as a planted buffer in Residence Districts and a sizeable retail heights in Commercial Districts). Similar results are found using the additional floor area permitted under Section 23-147 for non-profit residences for the elderly.

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

Restriction on accessory residential space in rear yards

In Residence Districts there is an allowance for portions of buildings containing accessory parking facilities and community facility uses to be considered as a permitted obstruction in the rear yard on the ground floor pursuant to Section 23-44, and Section 24-33 of the Zoning Resolution, respectively. The same allowances are extended to commercial uses in Commercial Districts, in addition to the accessory parking and community facility allowance pursuant to Section 33-23. In addition to facilitating flexibility in building layouts, in community facility and commercial buildings, this allows a substantial amount of floor area to be utilized on the ground floor, creating more flexibility in the bulk envelope. Accessory residential uses, such as laundry rooms, recreation spaces, and trash rooms, (which are all required under Quality Housing), could be accommodated in the rear yard in a similar manner, which would add design flexibility to residential buildings participating in the Inclusionary Housing Program or providing affordable senior housing or care facilities.

Further constraints for narrow lots

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

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

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

Where these areas could facilitate greater housing production, and might be appropriate to become an Inclusionary Housing Designated Area, there is not currently a simple mechanism to apply the Inclusionary Housing floor area on top of the designated height factor floor area. Since non-contextual districts utilizing the height factor option currently assign floor area based on

the amount of open space provided on the zoning lot, layering additional floor area on top of this sliding scale is not a simple endeavor. Additionally, the associated tower-in-the-park form is not necessarily the desired bulk outcome for the parcels.

Instead of requiring these parcels in non-contextual districts to utilize the Quality Housing option (which is available in all non-contextual R6-R10 districts), an alternate set of regulations is needed to allow these non-contextual parcels the same FAR as a contextual district along with a new non-contextual envelope that evokes the flexibility found in Special Mixed Use Districts.

Similar issues exist with absorbing the added floor area for affordable senior housing and care facilities in non-contextual districts. The current bulk requirements demand a tower-in-the-park building that is costly to build and not a good housing prototype for seniors.

Unworkable envelope for lower-density affordable senior housing

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

Lack of floor area increment in certain R7 districts

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

<u>Lack of overall building design flexibility</u>

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

Unclear street wall regulations

Street wall location provisions in contextual districts, which are set forth in Section 23-633 for Residence Districts and Section 35-24 for mixed buildings in Commercial Districts, are intended to ensure that new developments will have a harmonious relationship to the existing neighborhood fabric. These provisions differ by district, and unfortunately often lack specificity with regard to permitted façade articulation. For example, in Residence Districts, permitted recesses are set forth for R8A, R8X, R9A, R10A, and R10X districts while for all other R6-R10 contextual districts there are no corollary provisions. Similarly, in the Commercial District equivalents of R8, R9 and R10 districts where 100 percent of the street wall must be located on the street line, permitted recesses are stipulated, but it is unclear if smaller 6" or 12" undulations in the street wall for articulation measures such as structural expression would comply with these provisions. In either case this is problematic as articulation greatly enhances the visual interest in a building façade and the lack of clarity in many districts creates confusion in the design community as to whether these design measures are even permitted.

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

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

Line-up provisions

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

'B' suffix districts only the adjoining buildings are utilized to establish the permitted street wall location. One method should be utilized among all districts for consistency.

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

Court regulations

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

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

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

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

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

Retail and other ground floor regulations

Many special district and even certain underlying commercial districts contain supplemental use, transparency and parking wrap regulations that govern the ground floor level of new buildings in order to foster a more dynamic streetscape. However, since many of these rules

were established at different times, there contains slight variations and anomalies amongst them as newer regulations evolved and attempted to correct the shortcomings of the previous regulations. For example, transparency regulations have changed and now typically differ in the amount of glazing required and in the dimensional range in which the glazing is required. In the aggregate, the disparities in retail depth, transparency and parking wrap requirements found in the Zoning Resolution are confusing for practitioners.

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

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

Unnecessary window regulations

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

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

Unclear regulations for use locations within buildings

Pursuant to the underlying supplemental commercial use regulations, commercial uses in mixed-use buildings in C1, C2 and C3 districts are generally limited to the ground floor, below any upper story residential and community facility uses. In order to provide more flexibility in building design, the Special Mixed-Use District modified this underlying provision in Section 123-31 to allow commercial uses on the same story or a story higher than residential uses provided that there is separate access to the street and that there is no direct connection to the residential portion of the building at any story. However, the specific language within the zoning text of the Special District uses "non-residential uses" instead of "commercial uses" and

therefore places the same restrictions on community facility uses. What was intended as a measure of flexibility is inadvertently more restrictive for community facility uses, as the underlying zoning allows residential uses and community facility uses to co-mingle on the same story without separation. After being drafted for the Special Mixed-Use District, this zoning text was subsequently incorporated into several other Special Districts, which all need to be corrected.

Outdated density factor and unit size requirements

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

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

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

Elevated ground floors

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

Quality Housing study areas

During the public review of the Quality Housing text amendment in 1987, several neighborhoods were skeptical about the merits of contextual zoning. They objected to contextual zoning (where Quality Housing would be mandatory), but also objected to the optional provisions that allow Quality Housing to be utilized in non-contextual R6-R10 districts. In response to these concerns, "study areas" were created that limited the applicability of the Quality Housing optional regulations on block fronts characterized by small homes. These 'study areas' were small geographies, scattered throughout the city and set forth in specific boundaries in Section 23-011 (c).

Since 1987, many of these areas have been rezoned and community issues have been addressed. At present there is very little applicability of these regulations. Practitioners, and even residents, within the few remaining areas of applicability are largely unaware of these obscure provisions. The study areas no longer have relevance and should be removed.

Increasing prevalence of constrained lots

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

Given the fixed supply of land in the city and the increasing demand for housing, easy-to-develop sites have become increasingly scarce since 1987. As unconventional sites become the new normal, building envelope controls will increasingly need to accommodate common types of irregularities. Street wall regulations, rear yard regulations, lot coverage maximums, court

regulations, distance between buildings and distance between legal windows and lot line provisions, all combine to make development on lots with irregular depths and angles difficult.

Shallow lots

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

Similar problems with rear yard requirements arise for shallow through lots. Prototypical through lots generally have to provide a 60' rear yard equivalent (in lieu of two, 30' rear yards that would abut on a two interior lots) and in contextual R6-R10 districts, this rear yard is required to be within 5' of centerline of the depth of the zoning lot, pursuant to Section 23-532. For shallow lots, two modifications of these provisions are available. First, for lots with a depth of less than 180', the contextual district provisions requiring the rear yard equivalent to be placed in the middle of the block can be modified to allow two alternative strategies for the placement of the rear yard equivalent (either placing it on the side lot line, or placing it in front of either building), giving architects more flexibility in designing for these odd situations. Second, for extremely shallow lots of 110' feet or less, no rear yard is required, pursuant to Section 23-531. While these relaxations are well intended, a large number of shallow through lots currently is not afforded a reduction in rear yard equivalent, which, in many situations could result in an unworkable building depth. The reductions proposed for interior lots should be mimicked for through lots to provide an added measure of flexibility.

Acutely-angled lots

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

Irregular topography

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

Lots with multiple buildings

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

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

Limited discretion to address unforeseen site circumstances

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

REDUCE UNECCESSARY PARKING REQUIREMENTS FOR AFFORDABLE HOUSING

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

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

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

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

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

Affordable housing generally qualifies for parking waivers based on a small number of required spaces (Section 25-26). However, many larger developments may still not yield the number of cars required to justify the expense of providing the parking that is required for affordable housing. Furthermore, such waivers may not be utilized by non-profit residences for the elderly. The need to provide even a small number of spaces has proved to be a financial burden for developers, not justified by any parking impacts generated by such housing.

The cost of off-street parking is borne by the development, using funds that might otherwise produce additional affordable housing units, or reducing the amount of housing that can be provided on-site. In order to support the cost of providing the spaces, developers or property managers typically charge residents between $100 and $200 monthly to use the spaces. Low-income households are often unable or unwilling to pay to park off-street, choosing instead to park on-street for no cost and leaving the spaces built for them underutilized.

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

amount of public subsidy, and would free up additional lot area for the development of these units.

Relationship between transit and auto ownership

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

The *Inner Ring Parking Study* on car ownership outside of the Manhattan Core has pointed toward the correlation between transit proximity and car ownership. However, as previously discussed, the Zoning Resolution does not distinguish parking requirements by proximity to transit. The geography defined in the Inner Ring study provided a natural starting point for developing a more comprehensive geography for analysis.

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

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

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

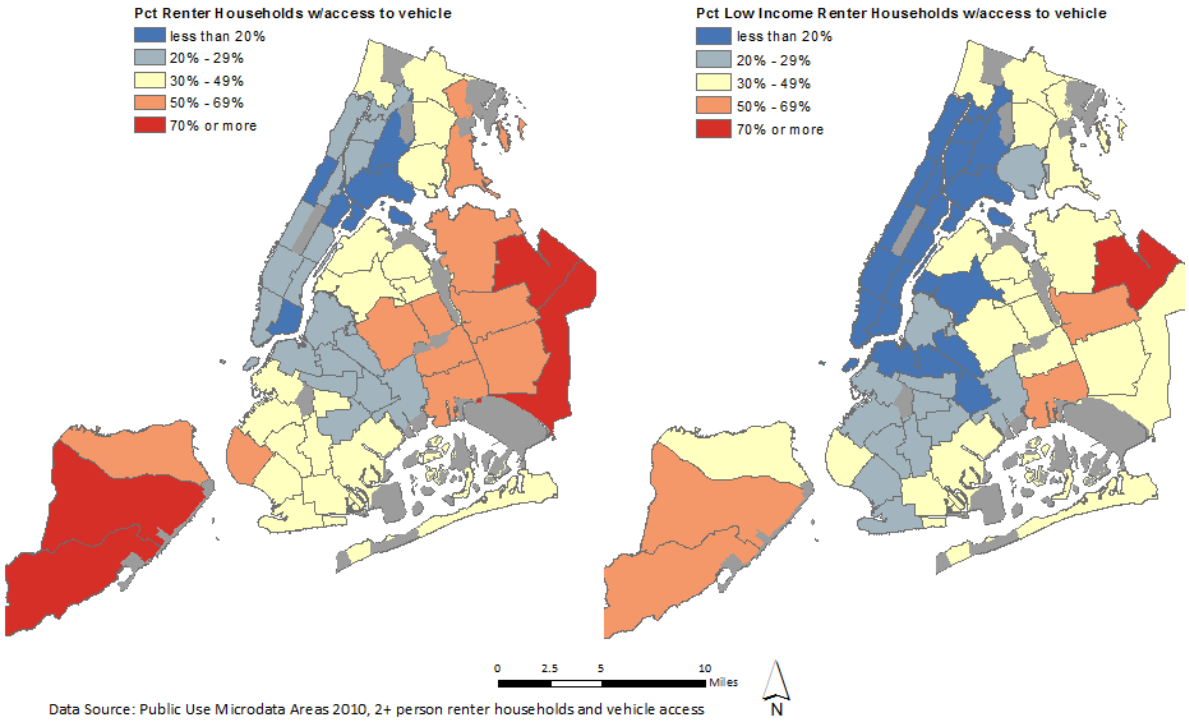
The results of the analysis confirmed that, within the areas closer to transit, car ownership rates among both affordable and non-affordable housing developments were lower than the same type of housing further from transit. Furthermore, car ownership rates among residents of affordable housing were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

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

	All housing since 2000	100 percent affordable since 1990	202-funded senior housing	Other senior long term care facilities
Near transit	32	18	5	1
Far from transit	54	39	11	1

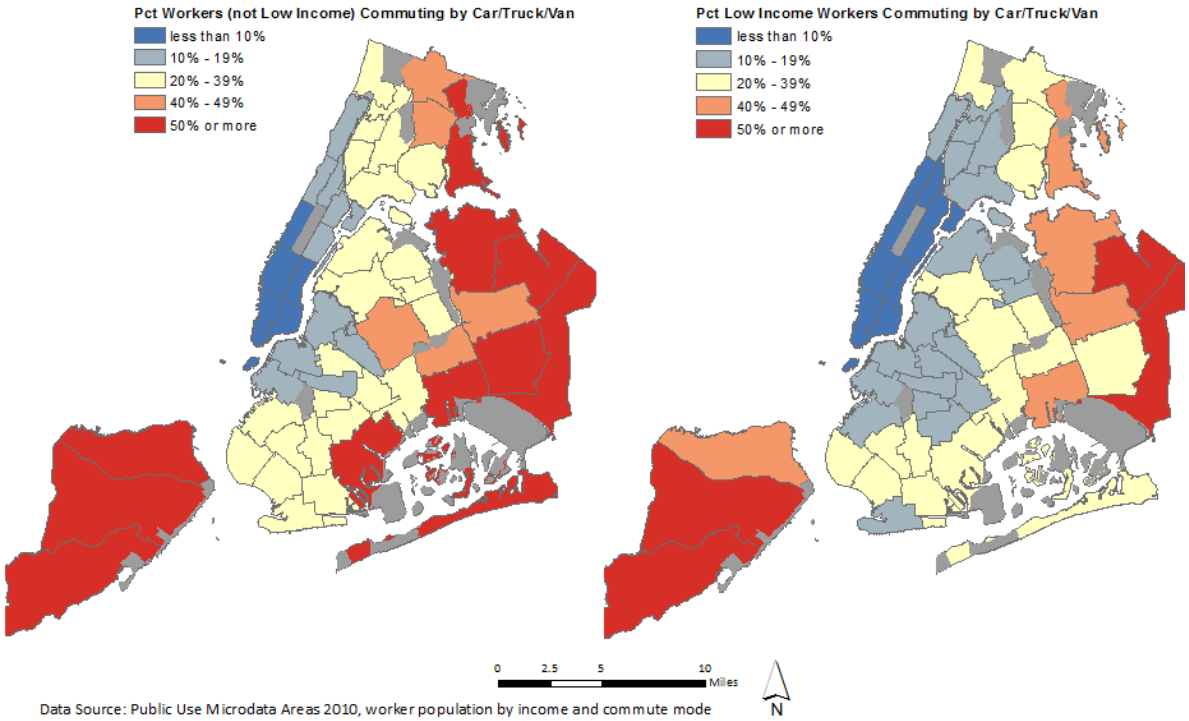
Data sources: NYS DMV 2014; NYC DCP PLUTO 14v1; NYU Furman Center; NY State Department of Health

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



Data Source: Public Use Microdata Areas 2010, 2+ person renter households and vehicle access

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



Data Source: Public Use Microdata Areas 2010, worker population by income and commute mode

Obsolescence of Section 25-25 (a-e)

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

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

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

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

Column A	Column B	Column C	Column D	Column E	
Publicly Assisted Housing	Federal Rent Subsidy Programs	Public Housing Developments or Dwelling Units for Low Income Tenants	Non profit Residences for the Elderly or Dwelling Units for the Elderly	Gov't Assisted Housing District	Zoning District
80	65	50	***	80	R1, R2
80	65	50	35	80	R3, R4
70	56	42.5	31.5	70	R5

55	45	35	22.5	55	R5D, R6**
39	32	25	16	35	R6A, R6B, R7B
45	38	30	20	45	R7-1**
30	23	15	12.5	25	R7-2, R7A, R7D, R7X, R8B*
30	21	12	10	25	R8, R8A, R8X, R9, R10

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

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

General issues for affordable housing

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

Parking requirements are not often aligned to the actual car ownership rates of residents in the applicable housing type, nor do residents typically end up parking in the spaces provided as required. The cost to provide parking, i.e., the cost to build each individual parking space, often exceeds the value of the car parked in the space. Moreover, the fees to park, usually levied on a per-month basis and with market values ranging from $100 to $200 per month[4], are usually higher than what a low-income household is willing or able to pay for off-street parking. These fees are necessarily high in order for a developer to support the cost to build the parking, but result in the spaces going unused by the residents they were required for. Affordable housing and other housing built as part of the Inclusionary Housing Program often depends on public subsidy. While parking itself cannot be paid for by public subsidy, the overall development shares the burden of the cost to provide it. Since the market alone cannot support the construction of off-street parking for affordable housing, the funds used to provide the parking come from a source that might have otherwise spent money on the development of additional housing, or elsewhere within the housing project.

Parking also occupies significant physical space on a development site that might be better allocated towards additional housing units or amenities. A self-park facility, where the driver is able to park his or her own car in a space, typically requires about 300 square feet of surface

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

area per parking space, to accommodate the car and access. While an attended facility typically requires closer to 200 square feet of surface area per parking space, since the car owner is not parking his or her own car, attended parking is more expensive to operate and, therefore, to park in. The cost to provide below-grade or structured facilities may be prohibitively high for a development depending on public subsidy and, thus, the development may not get built at all if it cannot reduce required parking.

Issues for affordable senior housing

As shown in Figure 10, car ownership rates are extremely low among residents of independent housing for seniors, where parking requirements are entirely mismatched with actual parking demand among residents. Moreover, while there are parking waivers available for some affordable housing developments where only a small number of spaces are required, there are no waivers available when filing under "Column D" in the above table. Every development built under non-profit residences for the elderly or dwelling units for the elderly must provide its required parking, regardless of the size of the lot or the number of spaces. As with affordable housing, this adds considerable cost to the development and impedes the number of housing units that might be built for the same amount of public subsidy on the same lot.

Existing underutilized parking facilities

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

Required parking in mixed-income developments

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

ATTACHMENT B

Additional Technical Information for EAS Part II: Technical Analysis

The Proposed Action, as described in Attachment A, has the potential to result in additional floor area, increased number of residential units, and taller buildings citywide than the current zoning permits. It also has the potential to result in development on sites that would not under the current zoning be developed in the foreseeable future. Therefore, consistent with the guidelines of the *CEQR Technical Manual*, assessments for the following impact categories will be provided in the Environmental Impact Statement, as described in the Draft Scope of Work.

1. Land Use, Zoning and Public Policy
2. Socioeconomic Conditions
3. Community Facilities and Services
4. Open Space
5. Shadows
6. Historic and Cultural Resources
7. Urban Design and Visual Resources
8. Natural Resources
9. Hazardous Materials
10. Water and Sewer Infrastructure
11. Solid Waste and Sanitation Services
12. Energy
13. Transportation
14. Air Quality
15. Greenhouse Gas Emissions and Climate Change
16. Noise
17. Public Health
18. Neighborhood Character
19. Construction