

ZONING FOR QUALITY AND AFFORDABILITY

Draft Environmental Impact Statement

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Carl Weisbrod, Chairman

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A public hearing on the Draft Environmental Impact Statement (DEIS) will be held at a later date to be announced. Advance notice will be given of the time and place of the hearing. Written comments on the DEIS are requested and will be received and considered by the Lead Agency until the 10th calendar day following the close of the public hearing.

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EXECUTIVE SUMMARY

A. INTRODUCTION

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

Zoning establishes limits on the use, size, and shape of buildings, with numerous zoning districts mapped in the city's diverse neighborhoods to reflect their varying density and character. These limits help give shape to neighborhoods and predictability to their future. But sometimes they also have unintended consequences, discouraging the very types of outcomes they were intended to encourage. This proposal aims to address several ways in which current regulations, drafted a generation ago, have in practice discouraged the affordability and quality of recent buildings.

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

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

B. PROMOTING AFFORDABILITY

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

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

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

Affordable Senior Housing

Older New Yorkers are a diverse and rapidly growing segment of the city's population. The 2010 census documents that the population 65 years and over consisted of about 1 million people, and by 2040, this population is projected to increase to 1.4 million, a 40 percent increase. In recent years, around the country, a wider range of housing and facility types have emerged for seniors that offer specialized living arrangements targeted to accommodate elderly lifestyles and higher care needs. The growth in older New Yorkers has already resulted in an increased demand for affordable senior housing and related long-term care facilities like nursing homes.

Affordable senior housing is designed specifically to meet the needs of seniors, with smaller individual units with more common areas and amenities for residents. Eligibility is limited by age and by income. The development of affordable senior housing normally requires public subsidies, and traditional federal capital funding for this type of housing has recently been eliminated. There have been approximately 3,500 affordable senior housing units constructed in the city since 2003. Under Housing New York, Mayor de Blasio has set a target of 5,000 new units in the next decade.

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

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

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

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

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

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

	Non-profit residences for the elderly	Residential	Proposed for Affordable Independent Residences for Seniors	Change
Zoning District	Max FAR	Max FAR	Max FAR	
R3-2	0.95		0.95	0.00
R4	1.29		1.29	0.00
R5	1.95		1.95	0.00
R5B	n/a	1.35	1.35	0.00
R5D	n/a	2.00	2.00	0.00
R6	3.90		3.90	0.00
R6A	3.90		3.90	0.00
R6B	2.00		2.20	0.20
R7	5.01		5.01	0.00
R7A	5.01		5.01	0.00
R7B	3.90		3.90	0.00
R7D	5.01		5.60	0.59
R7X	5.01		6.00	0.99
R8	n/a	6.02	7.20	1.18
R8A	n/a	6.02	7.20	1.18
R8B	n/a	4.00	4.00	0.00
R8X	n/a	6.02	7.20	1.18
R9	n/a	7.52	8.00	0.48
R9A	n/a	7.52	8.50	0.98
R9D		9.00	10.00	1.00
R9X		9.00	9.70	0.70
R10		10.00	12.00	2.00

R10A		10.00	12.00	2.00
R10X		10.00	12.00	2.00

Long-Term Care Facilities

Long-term care facilities are a group of uses that provide services to their residents at different levels of care. These include uses like assisted living facilities, nursing homes and certain continuing care retirement communities. Nursing homes offer the highest level of care and 24-hour nursing services, while assisted living facilities are typically independent apartments with optional personal services and support. Continuing care retirement communities combine independent living with assisted living and nursing care services under a single contract that allows residents to move within a facility to increasing levels of care as their needs dictate. All of these facilities can be made up of single or shared apartments or rooms with support spaces. All of these are licensed and regulated by the New York State Department of Health.

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

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

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

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

Floor area ratios – While community facility uses are generally permitted a higher as-of-right FAR than residential uses are in non-contextual residence districts, nursing homes are today only permitted the residential FAR associated with non-Quality Housing buildings. A special permit (Section 74-902) is required to use the higher permitted community facility FAR. The permit was created in the 1970s to consider whether the higher FAR would be out of context or would negatively impact neighborhood support services. Since then, 49 facilities have applied for this special permit, and all have been approved by the City Planning Commission. However, the permit adds costs, uncertainty, and time which make it more difficult to develop and maintain these facilities. To enable these facilities to be provided at an FAR commensurate with that allowed for housing, ZQA would allow the higher floor area ratio permitted for “affordable independent residences for seniors” (as described above) to all “long-term care facilities” in R3 through R10 districts as-of-right, **as shown in Table 0-2**. Long-term care facilities are similarly low-impact uses with a great deal of space devoted to support spaces such as clinical services and common areas. The higher, community facility FAR would remain available to these uses only by special permit.

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

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

	Existing FAR for Community Facility: UG 3 (Nursing Homes and Health Related) per 24-11 or 24- 111	Proposed FAR for Affordable Independent Residences for Seniors and Long-Term Care facilities	Change
District	Max FAR	Max FAR	
R3-2	0.50	0.95	0.45
R4	0.75	1.29	0.54
R5	1.27	1.95	0.68
R5B	1.27	1.27	0.00
R5D	2.00	2.00	0.00
R6	2.43	3.90	1.47
R6A	3.00	3.90	0.90
R6B	2.00	2.20	0.20
R7	3.44	5.01	1.57
R7A	4.00	5.01	1.01
R7B	3.00	3.90	0.90
R7D	4.20	5.60	1.40

R7X	5.00	6.00	1.00
R8	6.02	7.20	1.18
R8A	6.02	7.20	1.18
R8B	4.00	4.00	0.00
R8X	6.00	7.20	1.20
R9	7.52	8.00	0.48
R9A	7.50	8.50	1.00
R9D	9.00	10.00	1.00
R9X	9.00	9.70	0.70
R10	10.00	12.00	2.00
R10A	10.00	12.00	2.00
R10X	10.00	12.00	2.00

Mixing of Residences and Care Facilities

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

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

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

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

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

Special districts – The provisions for a number of special districts state that “non-residential” uses cannot be located on the same floor or above residential uses. These regulations inadvertently restrict community facility uses from being mixed with residential uses, which is in line with today’s best practices, and which is permitted by underlying zoning regulations. As such, ZQA proposes to modify these various special district requirements to match their original intent to only restrict the location of commercial and residential uses.

Affordable Senior and Long-term Care Facility Building Envelopes

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

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

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

- Remove an impediment to the creation of affordable senior housing or long-term care facilities on narrow sites by removing the special height restrictions placed on narrow lots (those that are less than 45 feet wide). Zoning today generally restricts the height on these sites to the width of the abutting street. The proposal would allow them to be developed to the maximum height permitted by the contextual envelope available in that zoning district.

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

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

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

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

MAXIMUM HEIGHTS FOR AIRS and LTC: NON-CONTEXTUAL DISTRICTS			
Zoning District	Maximum Base Height	Maximum Overall Height	Maximum Number of Stories
R6 (narrow street)	45'	55'	5
R6 (wide street w/in Manhattan Core)	55'	65'	6
R6 (wide street outside Manhattan Core)	65'	85'	8
R7 (wide street w/in Manhattan Core)	65'	75'	7
R7 (narrow street)	65'	75'	7
R7 (wide street outside Manhattan Core)	75'	105'	10
R8	105'	145'	14

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

Inclusionary Housing Building Envelopes

In specifically designated medium- and high-density areas, the Inclusionary Housing program promotes mixed-income housing. Like affordable senior housing and long-term care facilities, buildings participating in the Inclusionary Housing program are allowed a higher FAR than is permitted for other types of housing. However, for Inclusionary Housing areas in contextual zoning districts, zoning doesn’t provide enough room for this floor area all to fit in a high-quality building. This results in less participation in the existing Inclusionary Housing program, and

therefore less affordable housing. ZQA would address this problem by allowing buildings that provide on-site affordable housing through the Inclusionary Housing program to utilize the more flexible building envelope permitted for affordable senior housing and long-term care facilities (described above). More specifically, the proposal would:

- Permit a higher maximum height and number of stories to allow the full development of the permitted FAR in a high-quality building form. The additional height is based on the volume necessary to accommodate the higher permitted FAR through participation in the program, and differs in each zoning district, but in most contextual Inclusionary Housing districts this results in an increase in height permitting an additional 1 or 2 stories (10 to 20 feet).
- Allow increases in the maximum base heights in some zoning districts to maintain the current proportionality of the building envelope, which often serves to help hide the additional height above the base.
- Allow for the development of shared spaces on the ground floor in the rear yard area, so as to allow for more-efficient buildings. This would only be permitted in districts other “B” districts. This matches the flexibility already afforded to commercial or community facility uses or accessory off-street parking today.
- Remove an impediment to the creation of affordable housing on narrow sites by removing the special height restrictions placed on narrow lots (those that are less than 45 feet wide). Zoning today generally restricts the height on these sites to the width of the abutting street. The proposal would allow them to be developed to the maximum height permitted by the contextual envelope available in that zoning district.

Parking Requirements for Affordable Housing

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

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

ZQA proposes to modify parking requirements for affordable housing particularly in those areas that are served by a variety of public transportation options, and are generally within one-half mile of a subway station. These areas, described as the “Transit Zone” in the proposal, have car ownership rates that are among lowest in the city and encompass some of the city’s denser residential neighborhoods. Within this Transit Zone, parking for new affordable senior housing and affordable housing would become optional. This would also be true for new units that satisfy the affordable housing requirements of the Inclusionary Housing program. Existing affordable senior housing developments would be allowed to remove existing parking as-of-right, while other existing affordable housing could apply for a new Board of Standards and Appeals (BSA) special permit (Section 73-434) to remove previously provided

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

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

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

C. CHANGES FOR QUALITY

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

These regulations were established in 1987 to promote housing that fit better within the city's medium- and high-density neighborhoods than the previous "tower-in-the-park" model. They generally require buildings to be located close to the street, and include requirements for street walls and specific maximum heights. These rules have generally worked well to enable the creation of buildings that are mostly consistent with the general form of the surrounding neighborhood fabric. However, development under these rules has also demonstrated their shortcomings. These regulations have remained largely unchanged since they were first put in place and have not been updated to keep pace with other changing regulations, the rise of green technologies and other best practices for residential design and construction, and the increasing prevalence of irregular building sites. Because of these issues, these zoning controls now tend to limit design flexibility and too often result in buildings that are flat or dull, fail to enliven the pedestrian environment, and lack the variation and texture typical of older apartment buildings.

The proposal would maintain the essential contextual rules for residential buildings in medium- and high-density districts that work well today, but would make modifications to:

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

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

Ground Floors

The main interface between buildings and the public realm of the sidewalk takes place at the ground level. ZQA proposes a series of changes to the Quality Housing bulk regulations to promote better, more active ground floors in both residential and mixed-use buildings. Key to this is ensuring that enough space exists in the building envelope to provide a ground floor with sufficient height. For buildings with residential units on the ground floor, this would allow the units to be raised above street level, as is common in older apartment buildings. For buildings with retail

or other uses on the ground floor, it would allow sufficient height to provide a usable, high-quality space entered from the sidewalk at grade. Under the current Quality Housing requirements in medium- and high-density districts, both of these possibilities are discouraged by the current building envelope, which forces trade-offs between designing buildings that would contribute to their neighborhood at ground level, and accommodating the full permitted FAR.

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

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

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

Street Walls

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

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

Line-up provisions – The Quality Housing street wall regulations include separate street wall requirements for medium-density contextual districts, high-density contextual districts, and for the “B” districts. For medium-density districts, ZQA proposes to modify the existing line-up provisions, which allow buildings to be located no closer to the street line than any building within 150 feet, to instead require buildings to locate their street wall in relation to only directly adjacent buildings (similar to the rule in “B” districts). The current provision inadvertently allows buildings close to corners to line up with corner buildings when the rest of the buildings on the block are set away from the

property line. The proposal would also adjust the maximum setback from the property line to 10 feet (from 15 feet), so that buildings in these districts are not inadvertently required to line up with non-contextual buildings set far back from the street (such as buildings constructed under the alternate front setback provisions of height factor zoning). In these zoning districts and in “B” districts, greater clarity is provided as to how line-up provisions are determined for adjacent buildings with architectural features like bay windows. Finally, in the high-density districts, the proposal includes street wall requirements beyond 50 feet of a wide street, where no street wall requirements currently exist.

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

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

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

Corner Buildings

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

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

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

In addition, today, corner lots in medium and high-density districts located next to lower-density districts (R1 through R6B) have to comply with an additional “transition rule,” which makes wrapping the corner difficult. Today, within 25 feet of the lower-density district, the maximum height of a building is limited to the maximum permitted height of the lower-density districts – typically 35 feet. The intention of the rule was to provide a transition between the lower- and higher-density districts, but since the permitted height in this 25-foot-wide area is quite low, and leads

to inefficient structures, many buildings simply front on one street and leave an open area between the two buildings that again breaks the street wall in many neighborhoods. As a result, this provision also tends to emphasize the height difference between the lower and higher density districts, rather than providing an effective transition. To address this, ZQA proposes to allow the portions of buildings within that 25-foot zone to reach the maximum base height of the zoning district, or a height of 75 feet, whichever is less. This would better allow buildings to “wrap” the corner and provide for a more balanced transition between buildings.

Setback Requirements

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

Today, the front and rear setbacks of Quality Housing are measured differently. The front setback rules require upper stories above the maximum base height to set back 15 feet from the street wall of the building base on narrow streets and 10 feet on wide streets. Since this is measured from the street wall, even if the entire building is set back 5 feet or 10 feet from the street line to create a separation from the sidewalk, the minimum 10-foot or 15-foot setback is still required. This creates a strong disincentive to set the building back at ground level to provide planting and improved streetscapes, because upper stories can be seriously constrained by the limited depth imposed by the setbacks on both sides. Rear yard setbacks require upper stories above the contextual base to set back 10 feet from the rear yard line, which is 30 feet from the rear lot line on an interior lot. Since the location of the rear yard setback is fixed, shifting the building toward the street can also eliminate the need for a setback and the additional costs it entails – at the expense of the streetscape and the quality of ground floor units.

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

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

Building Envelopes and Number of Stories

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

Maximum Base heights – Buildings in contextual districts are subject to both minimum and maximum base heights intended to ensure the building relates well with the sidewalk and surrounding context. However, the maximum base heights in some districts end in a zero, allowing an average of 10 feet per story, which makes it difficult to

accommodate an active ground floor (as described in Section 1) since these spaces typically require more than 10 feet of height. As a result, many buildings skimp on ground-floor or upper-floor ceiling heights, or drop commercial ground floors below grade to accommodate higher ceilings, which can disrupt the quality and continuity of the street environment. In order to better accommodate more active ground floors, the maximum base heights applicable in some zoning districts would be increased by 5, consistent with the changes to maximum overall height described above.

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

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

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

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

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

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

HEIGHT CHANGES FOR ALL BUILDINGS IN CONTEXTUAL DISTRICTS		
	Base Height	Overall Height

Zoning District	Existing Max Height	Proposed Max Height	Existing Max Height	Proposed Max Height (stories)
R6B	40'	45' (4 stories)	50'	55' (5 stories)
R6A	60'	65' (6 stories)	70'	75' (7 stories)
R7B	60'	65' (6 stories)	75'	75' (7 stories)
R7A	65'	75' (7 stories)	80'	85' (8 stories)
R7D	85'	85' (8 stories)	100'	105' (10 stories)
R7X	85'	95' (9 stories)	125'	125' (12 stories)
R8B	60'	65' (6 stories)	75'	75' (7 stories)
R8A	85'	105' (10 stories)	120'	125' (12 stories)
R8X	85'	95' (9 stories)	150'	155' (15 stories)
R9A (narrow street)	95'	105' (10 stories)	135'	145' (14 stories)
R9A (wide street)	95'	105' (10 stories)	145'	155' (15 stories)
R9X	120'	125' (12 stories)	160'	175' (17 stories)
R10A (narrow street)	125'	135' (13 stories)	185'	195' (19 stories)
R10A (wide street)	125'	155' (15 stories)	210'	215' (21 stories)

Unit Size and Configuration

While the provisions of ZQA focused on quality primarily relate to improving the height and setback regulations for medium- and high-density buildings, the proposal also includes some changes that affect the interior configuration of buildings. These changes are intended to rationalize currently inconsistent regulations.

Zoning today regulates the number of units that are permitted in a residential building through a “density factor” calculation. The maximum number of units is determined by dividing the permitted residential floor area by a specified factor. This factor starts out quite high in the lowest-density zoning districts and gradually drops to 680 square feet in R6 and R7 districts, allowing for incrementally higher concentrations of dwelling units as overall permitted density increases. Thus, a 6,800 square foot residential building in an R6 district is permitted a maximum of 10 units (6800/680) all of which can be of varying sizes. However, after the R6 and R7 districts, the factor increases again to 740 for most R8 and R9 districts and to 790 in R10 and remaining R9 districts. Additionally, the Quality Housing regulations require no single residential unit be smaller than 400 square feet.

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

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

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

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

Irregular Site Conditions

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

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

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

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

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

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

D. OTHER CHANGES

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

E. ANALYTICAL FRAMEWORK

ANALYTICAL APPROACH TO THE EIS

This document uses methodologies, and follows and supplements the guidelines set forth in the *CEQR Technical Manual*, where applicable. These are considered to be the most appropriate technical analysis methods and guidelines for environmental impact assessment of projects in the city.

In conformance with standard CEQR methodology for the preparation of an EIS, this EIS contains:

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

- The identification and analysis of practicable mitigation to address any significant adverse impacts generated by the proposed project.

Consistent with *CEQR Technical Manual* guidelines, the Proposed Action is analyzed in this EIS as a “generic action,” because there are no known developments that are projected and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. According to the *CEQR Technical Manual*, generic actions are programs and plans that have wide application or affect the range of future alternative policies. Usually these actions affect the entire city or an area so large that site-specific description or analysis is not appropriate. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified, as described below in Section 2.H of this chapter. The With-Action scenario therefore identifies the amount, type, and location of development that is expected to occur by 2025 as a result of the Proposed Action. The No- Action scenario identifies similar development projections for 2025 absent the Proposed Action. The incremental difference between the two scenarios serves as the basis for the impact analyses.

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

METHODOLOGY FOR ANALYSIS

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

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

- Identify Typical Cases: provide several descriptions similar to those in a localized action for cases that can reasonably typify the conditions and impacts of the entire proposal.
- Identify a Range of Conditions: A discussion of the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

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

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

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

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

By making it easier and more cost effective to develop under the existing zoning framework, ZQA is expected to intensify existing development patterns as outlined in the new buildings analysis in Chapter 1, Project Description. The zoning districts where the most development has occurred over the previous 15 years are expected to see the most development in the Future With and Without the Proposed Action. This proposal is not expected to affect the marketability of a building in any single zoning district over another and thus is not expected to alter general market forces within any single neighborhood. The ZQA proposal is not in-and-of itself expected to induce development on sites where development would not have otherwise occurred. Nor is the type of development expected to differ in the future With versus Without the Proposed Action. However, in the aggregate, more housing units are expected to be developed citywide as a result of building flexibility and cost savings facilitated by this proposal.

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

ANALYSIS YEAR

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

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

F. PRINCIPAL CONCLUSIONS

Land Use, Zoning, and Public Policy

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

The Proposed Action would result in an overall increase in residential and community facility uses throughout the city, dispersed across the affected districts, when compared to conditions in the future without the Proposed Action. The Proposed Action would modify zoning regulations related to building envelopes, parking, and, in limited

instances, FAR, in a manner that is intended to promote affordable housing development, improve housing quality, and create pedestrian-friendly streets.

Socioeconomic Conditions

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

Direct Residential Displacement

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

Direct Business Displacement

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

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

Indirect Residential Displacement

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

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

Indirect Business Displacement

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

Adverse Effects on Specific Industries

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

Community Facilities and Services

Direct Impacts

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

Indirect Impacts

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

Public Schools

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

Libraries

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

Child Care Services

The Proposed Action would not result in significant adverse impacts to child care services. According to the *CEQR Technical Manual*, a significant adverse child care impact may result, warranting consideration of mitigation, if a Proposed Action would increase the study area's utilization rate by at least five percentage points and the resulting utilization rate would be 100 percent or more. Projects that would add residential units designed exclusively for seniors or single adults (HPD supportive housing), which account for a substantial percentage of the incremental increase in dwelling units, need not assess child care impacts. While it is possible that borough-wide increases would exceed the thresholds outlined in Table 6-1 of the *CEQR Technical Manual*, any potential impact is not expected to be significant, as the Proposed Action is not expected to generate substantial new non-senior units at a local level.

Police, Fire, and Health Care Services

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

Open Space

Direct Effects

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

Indirect Effects

The Proposed Action would not result in any significant adverse indirect open space impacts. Based on the preliminary assessment, the open space ratio in each of the Study Areas had an incremental decline of less than 1% between the No-Action scenario and the With-Action scenario. The Proposed Action would not result in significant increase in demand for existing open space facilities, and would not noticeably diminish the ability of an area's open space to serve the future population.

Shadows

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

Historic and Cultural Resources

Archaeological Resources

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

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

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

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

Architectural Resources

The Proposed Action would not result in any physical (direct) impacts on architectural resources. The Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing). There would be no increment change in the potential for properties that are NYCLs or in New York City Historic Districts, or non-designated eligible sites, to be directly impacted between the Future No-Action and With-Action conditions. Privately owned properties that are NYCLs or in New York City Historic Districts would also be protected under the New York City Landmarks Law that requires LPC review and approval before any alteration or demolition can occur. Since the Proposed Action is not in-and-of-itself expected to induce new construction activities where these would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing), the Proposed Action would not result in any significant adverse construction-related impacts to non-designated eligible sites. In addition, any designated NYCL or S/NR-listed historic buildings located within 90 linear

feet of a projected or potential new construction site would be subject to the protections of the New York City Department of Building's (DOB's) Technical Policy and Procedure Notice (TPPN) #10/88, ensuring that any development resulting from the Proposed Action would not result in any significant adverse construction-related impacts to designated historic resources.

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

Urban Design and Visual Resources

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

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

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

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

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

Natural Resources

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

Hazardous Materials

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

However, the extent of the potential impact is expected to be limited. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing, as discussed in Chapter 11), thereby limiting the potential for additional in-ground disturbance.

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

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

Water and Sewer Infrastructure

The Proposed Action would not result in significant adverse impacts on water and sewer infrastructure. In accordance with the *CEQR Technical Manual*, a screening analysis was conducted. Since the Proposed Action is a “Generic Action” and there are no specific development sites, to produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified and used for analysis, as described in Chapter 2, Analytical Framework.

Water Supply

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

Wastewater and Stormwater Conveyance and Treatment

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

Solid Waste and Sanitation Services

The Proposed Action would not result in any significant adverse impacts to solid waste and sanitation services. In accordance with the methodology outlined in the *CEQR Technical Manual*, a screening analysis was conducted to assess the potential of the Proposed Action to affect demand for solid waste and sanitation services.

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

Energy

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

Transportation

The Proposed Action would not result in a significant adverse impact on transportation. The *CEQR Technical Manual* provides a tiered analysis methodology to determine the potential for significant transportation related impacts. Since the Proposed Action is a “Generic Action” and there are no specific development sites, to produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified and used for analysis, as described in Chapter 2, Analytical Framework.

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

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

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

Air Quality

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

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

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

Greenhouse Gas Emissions

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

Noise

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

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

Prototypes 8 and 20 each model two No-Action scenarios that assume Long term care facilities or Affordable Independent Residents for Senior developments that utilize the existing height factor envelope, and the existing non-contextual envelope, and compares them to the With-Action envelope. This analysis identifies a noise impact associated with the shifting of bulk closer to the elevated rail line in the With Action scenario over the No Action height factor scenario. Although the height factor envelope provides a less desirable building model for the Affordable Independent Residences for Seniors, making development pursuant to height factor less likely than one with a Quality Housing envelope, there is the potential for a significant adverse noise impact.

Public Health

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

Neighborhood Character

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

Construction

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

Alternatives

As described in Chapter 1, "Project Description," the Proposed Action are necessary to facilitate the development of more housing, and especially more affordable housing, citywide. Each component of the proposal, acting in isolation and more often in concert with one another, would enable the less costly and more efficient construction of housing units in buildings that conform to contemporary best practices and fit in with existing neighborhood contexts. The No Build Alternative would not meet the goals and objectives of the proposed project. The BSA Special Permit for Public Parking Facilities up to 150 Spaces in Residence Districts would not reduce or eliminate any unmitigated significant adverse impacts identified as part of this environmental review. Compared to the Proposed Action, the Removal of Basic Height Increases Alternative would be less likely to result in significant adverse shadow impacts, but the potential for significant adverse impacts would remain. As with the Proposed Action, shadow impacts under this alternative could not be mitigated. With height increases only for Inclusionary House and Affordable Independent Residences for Seniors, the Removal of Basic Height Increases Alternative would be less effective in meeting the goals and objectives of the Proposed Action.

Mitigation

Shadows

The Proposed Action would potentially result in significant adverse shadow impacts. As described in Chapter 7, Shadows, based on the prototypical analysis, the duration and coverage of incremental shadows would be limited. The analysis showed that none of the prototypes would result in significant adverse shadows impacts; however, there is potential for significant adverse shadows impacts under certain circumstances where sunlight sensitive features of public open spaces and/or historic resources with sunlight sensitive features are directly located adjacent to potential development. Therefore, the Proposed Action would potentially result in incremental shadows being cast on sunlight sensitive features of historic resources and public open spaces based on prototypical analysis. Since there are no known development sites at this time, no practical mitigation measures could be identified. Therefore, the Proposed Action would result in unavoidable adverse shadows impacts.

Historic and Cultural Resources

Architectural Resources

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

Archaeological Resources

The Proposed Action would potentially result in significant adverse impacts to archaeological resources. The archaeological resources assessment concluded that the Proposed Action could result in additional in-ground

disturbance that could occur on sites where archaeological remains exist. If such in-ground disturbance were to occur on sites that have the potential to yield archaeological remains, depending on the location of the resources on the site, the depth and location of building foundations, and the extent and location of grading activities, significant adverse impacts could occur. However, the extent of the potential impact is expected to be limited, because the Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing which is discussed below) which would limit the potential for additional in-ground disturbance. Even though, more development is expected to occur citywide; only certain provisions of the Proposed Action have the potential to result in increased in-ground disturbance as described in Chapter 11, Historic and Cultural Resources. While the potential impacts of the provisions are expected to be limited, it is not possible to predict where and to what extent additional in-ground disturbance might occur and if any of the development sites with potential in-ground disturbance would contain any archaeological resources. Since there are no known development sites at this time, no practical mitigation measures could be identified. Therefore, the Proposed Action would result in unavoidable adverse impacts to archaeological resources.

Hazardous Material

The Proposed Action would potentially result in significant adverse hazardous materials impacts. In accordance with the methodology outlined in the *CEQR Technical Manual*, hazardous materials assessment was conducted. The assessment concluded that the Proposed Action could result in additional in-ground disturbance that could occur on sites where hazardous materials exist. However, the extent of the potential impact is expected to be limited, because the Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing which is discussed below) which would limit the potential for additional in-ground disturbance. Even though, more development is expected to occur citywide; only certain provisions of the Proposed Action have the potential to result in increased in-ground disturbance as described in Chapter 11, Hazardous Materials. While the potential impacts of the provisions are expected to be limited, it is not possible to predict where and to what extent additional in-ground disturbance might occur and if any of the development sites with potential in-ground disturbance would contain any hazardous materials. Since there are no known development sites at this time, no practical mitigation measures could be identified. Therefore, the Proposed Action would result in unavoidable hazardous materials impacts.

Noise

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

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

Prototypes 8 and 20 each model two No-Action scenarios that assume Long term care facilities or Affordable Independent Residents for Senior developments that utilize the existing height factor envelope, and the existing non-contextual envelope, and compares them to the With-Action envelope. This analysis identifies a noise impact associated with the shifting of bulk closer to the elevated rail line in the With Action scenario over the No Action height factor scenario. Although the height factor envelope provides a less desirable building model for the Affordable Independent Residences for Seniors, making development pursuant to height factor less likely than one with a Quality Housing envelope, there is the potential for a significant adverse noise impact. There are no practical mitigation measures identified and therefore, the Proposed Action would result in unavoidable noise impacts due to train operations on elevated train tracks.

Unavoidable Significant Adverse Impact

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

As described in Chapter 7 - Shadows, Chapter 8 - Historic Resources, Chapter 11 - Hazardous Materials, and Chapter 18 - Noise, the Proposed Action would result in potential significant adverse impacts with respect to shadows, historic resources, hazardous materials, and noise. However, as presented in Chapter 23, Mitigation, no practicable mitigation measures were identified which would reduce or eliminate these impacts. Therefore, the Proposed Action would result in the potential for unavoidable adverse impacts with respect to shadows, historic resources, hazardous materials and noise.

Growth Inducing Aspects of the Proposed Action

The City Environmental Quality Review (CEQR) Technical Manual indicates that an analysis of the growth-inducing aspects of a Proposed Action is appropriate when an action:

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

As discussed in Chapter 1, "Project Description," the proposal is a generic action with no particular development sites. Although the specific number and location of additional units resulting from the proposal cannot be derived, the Proposed Action is expected to induce new development and affect the overall amount or type of development in a neighborhood on a limited basis. Most components of this proposal are not expected to induce development on a lot where development would not also be expected to occur as part of the No Action scenario. Under the text amendment, underlying zoning districts would not be changed and the construction of residential and commercial uses would only be facilitated where permitted under current zoning districts. With a marginal increase in housing units, the type and distribution of development across the city is expected to intensify existing development patterns and facilitate development in zoning districts where the most development has occurred over the previous 15 years. Moreover, this proposal would not affect the marketability of a building in any single zoning district over another and thus would not alter general market forces within any single neighborhood. Therefore, the Proposed Action would not result in secondary impacts.

Irreversible and Irretrievable Commitments of Resources

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

Chapter 1 : PROJECT DESCRIPTION

A. ZONING FOR QUALITY AND AFFORDABILITY

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

Zoning establishes limits on the use, size, and shape of buildings, with numerous zoning districts mapped in the city's diverse neighborhoods to reflect their varying density and character. These limits help give shape to neighborhoods and predictability to their future. But sometimes they also have unintended consequences, discouraging the very types of outcomes they were intended to encourage. This proposal aims to address several ways in which current regulations, drafted a generation ago, have in practice discouraged the affordability and quality of recent buildings.

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

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

B. PROMOTING AFFORDABILITY

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

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

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

Affordable Senior Housing

Older New Yorkers are a diverse and rapidly growing segment of the city's population. The 2010 census documents that the population 65 years and over consisted of about 1 million people, and by 2040, this population is projected to increase to 1.4 million, a 40 percent increase. In recent years, around the country, a wider range of housing and facility types have emerged for seniors that offer specialized living arrangements targeted to accommodate elderly

lifestyles and higher care needs. The growth in older New Yorkers has already resulted in an increased demand for affordable senior housing and related long-term care facilities like nursing homes.

Affordable senior housing is designed specifically to meet the needs of seniors, with smaller individual units with more common areas and amenities for residents. Eligibility is limited by age and by income. The development of affordable senior housing normally requires public subsidies, and traditional federal capital funding for this type of housing has recently been eliminated. There have been approximately 3,500 affordable senior housing units constructed in the city since 2003. Under Housing New York, Mayor de Blasio has set a target of 5,000 new units in the next decade.

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

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

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

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

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

range of unit sizes, and for more affordable and more appropriately sized units for seniors, which are offset by the availability of community spaces.

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

	Non-profit residences for the elderly	Residential	Proposed for Affordable Independent Residences for Seniors	Change
Zoning District	Max FAR	Max FAR	Max FAR	
R3-2	0.95		0.95	0.00
R4	1.29		1.29	0.00
R5	1.95		1.95	0.00
R5B	n/a	1.35	1.35	0.00
R5D	n/a	2.00	2.00	0.00
R6	3.90		3.90	0.00
R6A	3.90		3.90	0.00
R6B	2.00		2.20	0.20
R7	5.01		5.01	0.00
R7A	5.01		5.01	0.00
R7B	3.90		3.90	0.00
R7D	5.01		5.60	0.59
R7X	5.01		6.00	0.99
R8	n/a	6.02	7.20	1.18
R8A	n/a	6.02	7.20	1.18
R8B	n/a	4.00	4.00	0.00
R8X	n/a	6.02	7.20	1.18
R9	n/a	7.52	8.00	0.48
R9A	n/a	7.52	8.50	0.98
R9D		9.00	10.00	1.00
R9X		9.00	9.70	0.70

R10		10.00	12.00	2.00
R10A		10.00	12.00	2.00
R10X		10.00	12.00	2.00

Long-Term Care Facilities

Long-term care facilities are a group of uses that provide services to their residents at different levels of care. These include uses like assisted living facilities, nursing homes and certain continuing care retirement communities. Nursing homes offer the highest level of care and 24-hour nursing services, while assisted living facilities are typically independent apartments with optional personal services and support. Continuing care retirement communities combine independent living with assisted living and nursing care services under a single contract that allows residents to move within a facility to increasing levels of care as their needs dictate. All of these facilities can be made up of single or shared apartments or rooms with support spaces. All of these are licensed and regulated by the New York State Department of Health.

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

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

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

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

requirements and instead allow all “long-term care facilities” in R3 through R10 districts, including nursing homes, as-of-right.

Floor area ratios – While community facility uses are generally permitted a higher as-of-right FAR than residential uses are in non-contextual residence districts, nursing homes are today only permitted the residential FAR associated with non-Quality Housing buildings. A special permit (Section 74-902) is required to use the higher permitted community facility FAR. The permit was created in the 1970s to consider whether the higher FAR would be out of context or would negatively impact neighborhood support services. Since then, 49 facilities have applied for this special permit, and all have been approved by the City Planning Commission. However, the permit adds costs, uncertainty, and time which make it more difficult to develop and maintain these facilities. To enable these facilities to be provided at an FAR commensurate with that allowed for housing, ZQA would allow the higher floor area ratio permitted for “affordable independent residences for seniors” (as described above) to all “long-term care facilities” in R3 through R10 districts as-of-right, **as shown in Table 0-2**. Long-term care facilities are similarly low-impact uses with a great deal of space devoted to support spaces such as clinical services and common areas. The higher, community facility FAR would remain available to these uses only by special permit.

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

Table 1-2 Existing and proposed maximum FAR for Long Term Care facilities

	Existing FAR for Community Facility: UG 3 (Nursing Homes and Health Related) per 24-11 or 24- 111	Proposed FAR for Affordable Independent Residences for Seniors and Long-Term Care facilities	Change
District	Max FAR	Max FAR	
R3-2	0.50	0.95	0.45
R4	0.75	1.29	0.54
R5	1.27	1.95	0.68
R5B	1.27	1.27	0.00
R5D	2.00	2.00	0.00
R6	2.43	3.90	1.47
R6A	3.00	3.90	0.90
R6B	2.00	2.20	0.20
R7	3.44	5.01	1.57
R7A	4.00	5.01	1.01
R7B	3.00	3.90	0.90

R7D	4.20	5.60	1.40
R7X	5.00	6.00	1.00
R8	6.02	7.20	1.18
R8A	6.02	7.20	1.18
R8B	4.00	4.00	0.00
R8X	6.00	7.20	1.20
R9	7.52	8.00	0.48
R9A	7.50	8.50	1.00
R9D	9.00	10.00	1.00
R9X	9.00	9.70	0.70
R10	10.00	12.00	2.00
R10A	10.00	12.00	2.00
R10X	10.00	12.00	2.00

Mixing of Residences and Care Facilities

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

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

The applicability of the Quality Housing program – The Quality Housing program includes requirements for recreation space and modest floor area incentives for amenities like laundry rooms and daylight in shared corridors. These requirements are mandatory in contextual R6 through R10 districts and for buildings in non-contextual districts that follow the optional Quality Housing regulations. However, while community facilities in these situations are required to follow the Quality Housing bulk regulations, it is unclear how these provisions are supposed to apply to community facility uses with residential attributes like long-term care facilities, or philanthropic or non-profit institutions with sleeping accommodations (NPISAs). ZQA would clarify that buildings containing these uses can calculate the various requirements and permitted floor area deductions available under Quality Housing based on the overall combined floor area. For example, if there is daylight in a corridor that provides access to long-term care

uses and residential uses, the whole corridor could be included and not just the part that is specifically a residential use.

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

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

Special districts – The provisions for a number of special districts state that “non-residential” uses cannot be located on the same floor or above residential uses. These regulations inadvertently restrict community facility uses from being mixed with residential uses, which is in line with today’s best practices, and which is permitted by underlying zoning regulations. As such, ZQA proposes to modify these various special district requirements to match their original intent to only restrict the location of commercial and residential uses.

Affordable Senior and Long-term Care Facility Building Envelopes

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

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

- Permit a higher maximum height and number of stories to allow the full development of the permitted FAR in a high-quality building form. The additional height would only be permitted in districts that allow a higher maximum floor area ratio for these uses than for other residential uses (generally, districts other than “B” districts). The additional height is based on the volume necessary to accommodate the higher permitted FAR for the use and differs in each zoning district, but in 95 percent of the city’s contextual districts this results in an increase in height not exceeding 1 or 2 stories (10 to 20 feet).
- Allow increases in the maximum base heights in some zoning districts to maintain the current proportionality of the building envelope, which often serves to conceal the additional height above the base from street-level view.
- Allow for the development of shared accessory spaces for affordable senior housing on the ground floor in the rear yard area, so as to allow for more efficient buildings. This would only be permitted in districts other

than “B” districts. This matches the flexibility already afforded to commercial or community facility uses or accessory off-street parking today.

- Remove an impediment to the creation of affordable senior housing or long-term care facilities on narrow sites by removing the special height restrictions placed on narrow lots (those that are less than 45 feet wide). Zoning today generally restricts the height on these sites to the width of the abutting street. The proposal would allow them to be developed to the maximum height permitted by the contextual envelope available in that zoning district.

Table 1-3: Proposed maximum heights for Inclusionary Housing and Affordable Independent Residences for Seniors and Long-Term Care Facilities with Qualifying Ground Floors (Contextual Districts)

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

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

Table 1-4 Proposed maximum heights for Inclusionary Housing and Affordable Independent Residences for Seniors and Long-Term Care Facilities with Qualifying Ground Floors (Non-Contextual Districts)

MAXIMUM HEIGHTS FOR AIRS and LTC: NON-CONTEXTUAL DISTRICTS			
Zoning District	Maximum Base Height	Maximum Overall Height	Maximum Number of Stories
R6 (narrow street)	45'	55'	5
R6 (wide street w/in Manhattan Core)	55'	65'	6
R6 (wide street outside Manhattan Core)	65'	85'	8
R7 (wide street w/in Manhattan Core)	65'	75'	7
R7 (narrow street)	65'	75'	7
R7 (wide street outside Manhattan Core)	75'	105'	10
R8	105'	145'	14

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

Inclusionary Housing Building Envelopes

In specifically designated medium- and high-density areas, the Inclusionary Housing program promotes mixed-income housing. Like affordable senior housing and long-term care facilities, buildings participating in the Inclusionary Housing program are allowed a higher FAR than is permitted for other types of housing. However, for Inclusionary Housing areas in contextual zoning districts, zoning doesn’t provide enough room for this floor area all to fit in a high-quality building. This results in less participation in the existing Inclusionary Housing program, and

therefore less affordable housing. ZQA would address this problem by allowing buildings that provide on-site affordable housing through the Inclusionary Housing program to utilize the more flexible building envelope permitted for affordable senior housing and long-term care facilities (described above). More specifically, the proposal would:

- Permit a higher maximum height and number of stories to allow the full development of the permitted FAR in a high-quality building form. The additional height is based on the volume necessary to accommodate the higher permitted FAR through participation in the program, and differs in each zoning district, but in most contextual Inclusionary Housing districts this results in an increase in height permitting an additional 1 or 2 stories (10 to 20 feet).
- Allow increases in the maximum base heights in some zoning districts to maintain the current proportionality of the building envelope, which often serves to help hide the additional height above the base.
- Allow for the development of shared spaces on the ground floor in the rear yard area, so as to allow for more-efficient buildings. This would only be permitted in districts other “B” districts. This matches the flexibility already afforded to commercial or community facility uses or accessory off-street parking today.
- Remove an impediment to the creation of affordable housing on narrow sites by removing the special height restrictions placed on narrow lots (those that are less than 45 feet wide). Zoning today generally restricts the height on these sites to the width of the abutting street. The proposal would allow them to be developed to the maximum height permitted by the contextual envelope available in that zoning district.

Parking Requirements for Affordable Housing

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

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

ZQA proposes to modify parking requirements for affordable housing particularly in those areas that are served by a variety of public transportation options, and are generally within one-half mile of a subway station. These areas, described as the “Transit Zone” in the proposal, have car ownership rates that are among lowest in the city and encompass some of the city’s denser residential neighborhoods. Within this Transit Zone, parking for new affordable senior housing and affordable housing would become optional. This would also be true for new units that satisfy the affordable housing requirements of the Inclusionary Housing program. Existing affordable senior housing developments would be allowed to remove existing parking as-of-right, while other existing affordable housing could apply for a new Board of Standards and Appeals (BSA) special permit (Section 73-434) to remove previously provided

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

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

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

C. CHANGES FOR QUALITY

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

These regulations were established in 1987 to promote housing that fit better within the city's medium- and high-density neighborhoods than the previous "tower-in-the-park" model. They generally require buildings to be located close to the street, and include requirements for street walls and specific maximum heights. These rules have generally worked well to enable the creation of buildings that are mostly consistent with the general form of the surrounding neighborhood fabric. However, development under these rules has also demonstrated their shortcomings. These regulations have remained largely unchanged since they were first put in place and have not been updated to keep pace with other changing regulations, the rise of green technologies and other best practices for residential design and construction, and the increasing prevalence of irregular building sites. Because of these issues, these zoning controls now tend to limit design flexibility and too often result in buildings that are flat or dull, fail to enliven the pedestrian environment, and lack the variation and texture typical of older apartment buildings.

The proposal would maintain the essential contextual rules for residential buildings in medium- and high-density districts that work well today, but would make modifications to:

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

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

Ground Floors

The main interface between buildings and the public realm of the sidewalk takes place at the ground level. ZQA proposes a series of changes to the Quality Housing bulk regulations to promote better, more active ground floors in both residential and mixed-use buildings. Key to this is ensuring that enough space exists in the building envelope to provide a ground floor with sufficient height. For buildings with residential units on the ground floor, this would allow the units to be raised above street level, as is common in older apartment buildings. For buildings with retail

or other uses on the ground floor, it would allow sufficient height to provide a usable, high-quality space entered from the sidewalk at grade. Under the current Quality Housing requirements in medium- and high-density districts, both of these possibilities are discouraged by the current building envelope, which forces trade-offs between designing buildings that would contribute to their neighborhood at ground level, and accommodating the full permitted FAR.

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

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

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

Street Walls

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

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

Line-up provisions – The Quality Housing street wall regulations include separate street wall requirements for medium-density contextual districts, high-density contextual districts, and for the “B” districts. For medium-density districts, ZQA proposes to modify the existing line-up provisions, which allow buildings to be located no closer to the street line than any building within 150 feet, to instead require buildings to locate their street wall in relation to only directly adjacent buildings (similar to the rule in “B” districts). The current provision inadvertently allows buildings close to corners to line up with corner buildings when the rest of the buildings on the block are set away from the

property line. The proposal would also adjust the maximum setback from the property line to 10 feet (from 15 feet), so that buildings in these districts are not inadvertently required to line up with non-contextual buildings set far back from the street (such as buildings constructed under the alternate front setback provisions of height factor zoning). In these zoning districts and in “B” districts, greater clarity is provided as to how line-up provisions are determined for adjacent buildings with architectural features like bay windows. Finally, in the high-density districts, the proposal includes street wall requirements beyond 50 feet of a wide street, where no street wall requirements currently exist.

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

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

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

Corner Buildings

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

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

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

In addition, today, corner lots in medium and high-density districts located next to lower-density districts (R1 through R6B) have to comply with an additional “transition rule,” which makes wrapping the corner difficult. Today, within 25 feet of the lower-density district, the maximum height of a building is limited to the maximum permitted height of the lower-density districts – typically 35 feet. The intention of the rule was to provide a transition between the lower- and higher-density districts, but since the permitted height in this 25-foot-wide area is quite low, and leads

to inefficient structures, many buildings simply front on one street and leave an open area between the two buildings that again breaks the street wall in many neighborhoods. As a result, this provision also tends to emphasize the height difference between the lower and higher density districts, rather than providing an effective transition. To address this, ZQA proposes to allow the portions of buildings within that 25-foot zone to reach the maximum base height of the zoning district, or a height of 75 feet, whichever is less. This would better allow buildings to “wrap” the corner and provide for a more balanced transition between buildings.

Setback Requirements

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

Today, the front and rear setbacks of Quality Housing are measured differently. The front setback rules require upper stories above the maximum base height to set back 15 feet from the street wall of the building base on narrow streets and 10 feet on wide streets. Since this is measured from the street wall, even if the entire building is set back 5 feet or 10 feet from the street line to create a separation from the sidewalk, the minimum 10-foot or 15-foot setback is still required. This creates a strong disincentive to set the building back at ground level to provide planting and improved streetscapes, because upper stories can be seriously constrained by the limited depth imposed by the setbacks on both sides. Rear yard setbacks require upper stories above the contextual base to set back 10 feet from the rear yard line, which is 30 feet from the rear lot line on an interior lot. Since the location of the rear yard setback is fixed, shifting the building toward the street can also eliminate the need for a setback and the additional costs it entails – at the expense of the streetscape and the quality of ground floor units.

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

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

Building Envelopes and Number of Stories

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

Maximum Base heights – Buildings in contextual districts are subject to both minimum and maximum base heights intended to ensure the building relates well with the sidewalk and surrounding context. However, the maximum base heights in some districts end in a zero, allowing an average of 10 feet per story, which makes it difficult to

accommodate an active ground floor (as described in Section 1) since these spaces typically require more than 10 feet of height. As a result, many buildings skimp on ground-floor or upper-floor ceiling heights, or drop commercial ground floors below grade to accommodate higher ceilings, which can disrupt the quality and continuity of the street environment. In order to better accommodate more active ground floors, the maximum base heights applicable in some zoning districts would be increased by 5, consistent with the changes to maximum overall height described above.

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

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

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

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

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

Table 1-5: Existing and proposed maximum heights for contextual districts

HEIGHT CHANGES FOR ALL BUILDINGS IN CONTEXTUAL DISTRICTS				
	Base Height		Overall Height	
Zoning District	Existing Max Height	Proposed Max Height	Existing Max Height	Proposed Max Height (stories)

R6B	40'	45' (4 stories)	50'	55' (5 stories)
R6A	60'	65' (6 stories)	70'	75' (7 stories)
R7B	60'	65' (6 stories)	75'	75' (7 stories)
R7A	65'	75' (7 stories)	80'	85' (8 stories)
R7D	85'	85' (8 stories)	100'	105' (10 stories)
R7X	85'	95' (9 stories)	125'	125' (12 stories)
R8B	60'	65' (6 stories)	75'	75' (7 stories)
R8A	85'	105' (10 stories)	120'	125' (12 stories)
R8X	85'	95' (9 stories)	150'	155' (15 stories)
R9A (narrow street)	95'	105' (10 stories)	135'	145' (14 stories)
R9A (wide street)	95'	105' (10 stories)	145'	155' (15 stories)
R9X	120'	125' (12 stories)	160'	175' (17 stories)
R10A (narrow street)	125'	135' (13 stories)	185'	195' (19 stories)
R10A (wide street)	125'	155' (15 stories)	210'	215' (21 stories)

Unit Size and Configuration

While the provisions of ZQA focused on quality primarily relate to improving the height and setback regulations for medium- and high-density buildings, the proposal also includes some changes that affect the interior configuration of buildings. These changes are intended to rationalize currently inconsistent regulations.

Zoning today regulates the number of units that are permitted in a residential building through a “density factor” calculation. The maximum number of units is determined by dividing the permitted residential floor area by a specified factor. This factor starts out quite high in the lowest-density zoning districts and gradually drops to 680 square feet in R6 and R7 districts, allowing for incrementally higher concentrations of dwelling units as overall permitted density increases. Thus, a 6,800 square foot residential building in an R6 district is permitted a maximum of 10 units (6800/680) all of which can be of varying sizes. However, after the R6 and R7 districts, the factor increases again to 740 for most R8 and R9 districts and to 790 in R10 and remaining R9 districts. Additionally, the Quality Housing regulations require no single residential unit be smaller than 400 square feet.

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

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

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

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

Irregular Site Conditions

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

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

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

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

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

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

D. OTHER CHANGES

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

E. BACKGROUND

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

In response to this crisis, Mayor De Blasio has made the creation and preservation of affordable housing a priority. The *Housing New York* plan, released in May 2014, is Mayor De Blasio’s five-borough, ten-year plan to build and preserve affordable housing throughout New York City. Increases to Capital Plan funding and 421-a reform are two recent accomplishments towards the fulfillment of the Mayor’s housing goals.

The need for more housing

Because of the technical requirements of dense development, scarcity of sites, cost of land, and high costs of materials and labor, producing new multifamily housing is expensive in New York City. This cost structure means that unsubsidized new construction occurs at housing prices that are accessible only to more affluent households. As a consequence, new housing cannot be created for lower-income New Yorkers through private investment alone.

Long-term population and employment projections show continued growth in the segments of the population and labor market that are driving current trends in housing demand, including continued increase in the number of households and workers at both higher and lower incomes. The current dynamics of the housing market, in which

the supply of housing is expanding only for households at higher income levels, would not support the needs of future growth. Expanding the availability of housing for households at a range of income levels, in neighborhoods around the city, is crucial to ensuring that populations can move to the city to prosper from its opportunities and meet the labor force needs of employers at a range of locations. Absent changes that increase the supply of housing sufficiently to respond to the demands created by these population changes, the long-term consequence of these trends is that the city's neighborhoods would become less economically diverse, and the workforce needed to power the city's economy would be unable to find adequate housing.

Many young families and empty-nesters are increasingly finding the city's vibrant culture and transit-oriented lifestyle more attractive than the suburbs. The senior population is finding New York City to be a more hospitable and preferred location in which to age-in-place. People from every corner of the nation and globe continue to pour into the city, seeking opportunities for themselves and their families. As a result, the city grew to 8.4 million people by 2013 and the population is expected to continue to rise, surpassing 9 million residents by 2040. This population growth is a reflection of the city's success in attracting and retaining people from all over the world, but it also brings with it a growing need for housing.

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

F. HOUSING PRODUCTION

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

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

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

One key initiative of *Housing New York* is the establishment of a Mandatory Inclusionary Housing program, which would require a share of new housing to be affordable in areas that are rezoned to support new housing production. As currently proposed, under that program, affordable housing would be required, not optional, when developers build in a newly rezoned area – whether rezoned as part of a City neighborhood plan or a private rezoning application.

NYC Ten Year Capital Strategy

City funding has also been increased to provide additional support for new development, as well as ensure key city agencies have the staff and resources to implement the plan, and for infrastructure investments needed to make land available for significant new housing opportunities. The Ten Year Capital Strategy, announced in May 2015, commits \$7.5 billion towards the construction and preservation of 200,000 units of affordable housing, and over \$1 billion for investments in neighborhoods where the city plans to permit greater density through zoning. An additional \$1.17 billion was committed to affordable housing infrastructure, recognizing that the anticipated new housing and population growth would require improvements to local infrastructure.

The Capital Strategy includes additional funding for schools and libraries, water and sewers, and transit and transportation improvements, to ensure that critical city resources can keep up with the growing population.

421-a

Most new construction built today is currently eligible for a property tax exemption under the City's Section 421-a program. In many, but not all, neighborhoods, this tax exemption is only available if the developer ensures that a portion of the project be dedicated to affordable housing. The program has been moderately successful at creating affordable housing; however, revisions were approved in June 2015 at the NY State Legislature to make 421-a more effective. The revised plan extends the length of tax abatements from 25 to 35 years, but requires that all new developments receiving the abatement include affordable housing. Moreover, the percent of units required to be affordable in order to receive the abatement was increased from 20 percent, to 25-30 percent depending on the incomes targeted.

The updated 421-a program alone is expected to double the number of affordable units produced over the next decade as compared to the previous, from 12,400 to 25,000 units.

Zoning for Quality and Affordability

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

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

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

The boroughs of Manhattan, the Bronx, Brooklyn and Queens are unusual nationwide in having relatively low levels of car ownership, particularly in dense areas characterized by apartment buildings, and high levels of transit use for

journeys to work (Staten Island more closely resembles the suburban norm). Research undertaken by DCP in recent years further clarifies the factors that are correlated with car ownership among households. The 2007 Residential Parking Study found that car ownership rises with income. Families (two or more persons living together, related by blood or marriage) are more likely to own cars than non-families. And, on average, car ownership rises the farther a household lives from the city's business core in Manhattan south of 60th Street.

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

Moreover, the costs of providing parking in New York City, and especially in the city's densest neighborhoods, is extremely high – up to \$40,000 or even \$50,000 per structured parking space¹. Surface parking costs less to build but occupies scarce land which could otherwise be developed as housing or other active uses. The high costs of required parking hamper project financing, especially where it involves affordable housing that is largely dependent on public subsidy.

These initiatives, individually and in concert, are expected to expand the landscape of affordable housing across the city. It is not possible to isolate the individual contribution that ZQA would have on the overall production of new housing in the context of every other initiative underway. Nevertheless, ZQA is expected to play a meaningful role in achieving the Mayor's Housing Plan production goals. While it is not in-and-of itself expected to induce development on sites where development would not have otherwise been possible, more development is expected to occur as a result of this proposal, in the aggregate, citywide. By making it easier and more cost effective to develop under the existing zoning framework, ZQA is expected to intensify existing development patterns. An analysis of building trends since 2000 provides some insight as to where the effects of this proposal may be felt across the five boroughs.

¹ <http://www.reinventingparking.org/2015/06/how-much-does-one-parking-spot-add-to.html>

G. RECENT BUILDING TRENDS

General residential development

Between January 1, 2000 and through the end of 2014, nearly 14,000 new buildings with at least 3 residential units have been issued Temporary or Final Certificates of Occupancy from the NYC Department of Buildings, resulting in nearly 190,000 new units. Over 2,800 of these buildings had at least 10 residential units, amounting to over nearly 170,000 housing units.

Temporary or Final Certificates of Occupancy issued

Table 1-6: Temporary or Final Certificates of Occupancy issued 2000-2014, Buildings with 10 or more Residential Units

Borough	Total New and Occupied Buildings	Total New Units
Brooklyn	1,075	40,850
Bronx	408	23,978
Manhattan	796	80,922
Queens	496	23,215
Staten Island	34	939
Grand Total	2,809	169,904
<i>Source: NYC PLUTO 15v1; NYC DOB Temporary or Final Certificate of Occupancy issued</i>		

The vast majority of the changes proposed as part of the Zoning for Housing Quality and Affordability proposal, and all of the changes with as-of-right applicability, would apply only to multifamily zoning districts, with the exception of a new as-of-right allowance for certain community facilities in two-family districts. The breakdown of development in these districts over the previous 15 years is shown below. Note that the sum of new development in the tables below are slightly lower than the 2,809 buildings and 169,904 units referenced above. Because the tables below reference zoning districts where development occurred, buildings with no information on zoning district were excluded.

Table 1-7: Temporary or Final Certificates of Occupancy issued 2000-2014, Buildings with 10 or more Residential Units, by zoning district

Borough	Total New and Occupied Buildings	Total New Units
Brooklyn	827	31,191
lower density (R3-R5B)	88	1,961
medium density (R5D-R8)	727	25,482
highest density (R9-R10)	12	3,748

Bronx	342	19,868
lower density (R3-R5B)	9	317
medium density (R5D-R8)	333	19,551
Manhattan	611	61,667
medium density (R5D-R8)	408	25,226
highest density (R9-R10)	203	36,441
Queens	390	13,652
lower density (R3-R5B)	79	2,115
medium density (R5D-R8)	311	11,537
Staten Island	29	779
lower density (R3-R5B)	26	590
medium density (R5D-R8)	3	189
Grand Total	2,199	127,157
<i>Source: NYC PLUTO 15v1; NYC DOB Temporary or Final Certificate of Occupancy issued</i>		

The table below further parses out new buildings and units by whether they were built in contextual or non-contextual districts, providing additional insight as to where this proposal is most likely to affect future development.

Table 1-8: New Development 2000-2014, Buildings with 10 or more Residential Units, Contextual and Non Contextual

Borough	Total New and Occupied Buildings	Total New Units
Brooklyn	827	31,191
contextual		
lower density (R3-R5B)	32	603
medium density (R5D-R8)	427	11,973
general residence or non-contextual		
lower density (R3-2, R4, R5)	56	1,358
medium density (R6-R8)	300	13,509
highest density (R9-R10)	12	3,748

Bronx	342	19,868
contextual		
lower density (R3-R5B)	1	10
medium density (R5D-R8)	47	2,628
general residence or non-contextual		
lower density(R3-2, R4, R5)	8	307
medium density (R6-R8)	286	16,923
Manhattan	611	61,667
contextual		
lower density (R3-R5B)	226	11,754
medium density (R5D-R8)	79	10,406
general residence or non-contextual		
medium density (R6-R8)	182	13,472
highest density (R9-R10)	124	26,035
Queens	390	13,652
contextual		
lower density (R3-R5B)	19	304
medium density (R5D-R8)	202	6,546
general residence or non-contextual		
lower density(R3-2, R4, R5)	60	1,811
medium density (R6-R8)	109	4,991
Staten Island	29	779
general residence or non-contextual		
lower density(R3-2, R4, R5)	26	590
medium density (R6-R8)	3	189
Grand Total	2,199	127,157

Source: NYC PLUTO 15v1; NYC DOB Temporary or Final Certificate of Occupancy issued

The table above demonstrates that the majority of recent development occurred in the city's non-contextual districts, although patterns vary by borough based on the prevalence of mapped contextual or non-contextual districts. The proposed changes affect contextual and non-contextual districts in different ways, as is discussed at length in this document.

Development with an affordable component

Only a fraction of new units built since 2000 are rent- and income-regulated affordable housing units. Roughly 472 buildings with 28,552 residential units built since 2000 have an affordability component, according to data aggregated by New York University's Furman Center, which "brings together multiple data sources to provide information on thousands of privately-owned, subsidized rental properties in New York City" (<http://datasearch.furmancenter.org/>). Data sources include NYC Department of Housing Preservation and Development, NYC Housing Development Corporation, the NYS Homes and Community Renewal, and the U.S. Department of Housing and Urban Development.

Table 1-9: Residential Development with Affordable Component 2000-2014

Any affordability program		
Borough	Total Buildings	Total Units
Bronx	129	8,225
Brooklyn	150	3,685
Manhattan	158	15,104
Queens	10	1,233
Staten Island	25	305
Total	472	28,552

Source: Subsidized Housing Information Project property-level data provided by the Furman Center, retrieved from <http://www.furmancenter.org/data/search> on 7/20/2015. Terms can be found at <http://www.furmancenter.org/data/disclaimer/>.

Looking only at buildings comprised entirely of affordable units, the numbers are smaller.

Table 1-10: Residential Development 2000-2014 comprised entirely of affordable units

Borough	Total Buildings	Total Units
Bronx	53	2319
Brooklyn	50	1891
Manhattan	35	1204
Queens	4	344

Staten Island	n/a	n/a
Total	142	5758

Source: *Subsidized Housing Information Project* property-level data provided by the Furman Center, retrieved from <http://www.furmancenter.org/data/search> on 7/20/2015. Terms can be found at <http://www.furmancenter.org/data/disclaimer/>.

Many factors contribute to housing development. Availability of developable sites, market values, mortgage rates, labor costs, public subsidy, zoning regulations and many more variables influence what type of housing gets built where. The Mayor's housing plan seeks to support sustained levels of new housing development to enable housing supply to keep pace more closely with demand, by reducing costs and barriers to construction. The Zoning for Quality and Affordability proposal is one part of a coordinated, multi-pronged effort to encourage the development of housing, and especially affordable housing, as well as preserve existing affordability and plan for neighborhoods.

Anticipating the effects of the Proposed Action

To describe the anticipated effects of the initiatives underway through *Housing New York*, development in the next decade may be benchmarked against trends of the previous decade. Some modest and unquantifiable amount of additional development is expected as a result of more funding and improved regulations proposed across the spectrum of agencies that influence housing production. The various components of the housing plan are designed to work together, in concert, making it difficult to isolate the anticipated effects of any single action, including the Zoning for Housing Quality and Affordability proposal.

While it is not possible to isolate the individual contribution that ZQA would have on the overall production of new housing in the context of every other initiative underway, as previously discussed, ZQA is expected to play a meaningful role in achieving the goals of the mayor's Housing Plan. By making it easier and more cost effective to develop quality buildings under the existing zoning framework, ZQA is expected to intensify to some degree existing development patterns highlighted in the above tables. With the exception of the proposed allowance of as-of-right development on certain existing affordable senior housing parking lots, the proposal is not expected to induce development on sites where none would otherwise be expected in the future. The ZQA proposal is not expected to dramatically alter existing market forces, but it would make development somewhat easier on constrained sites. Certain sites may be able to "unlock" development potential under ZQA that would have been difficult or costly to build absent this proposal.

Throughout this document, anticipated development expected as a result of the Proposed Action is characterized as "slight" or "modest" at any neighborhood level, given the inability to quantify projected development with any degree of precision. In any given location, a small local increase in housing units resulting from the reduced costs and design flexibility facilitated by the proposed is expected and, in the aggregate, these units would help meet the city's housing needs. Yet, fundamentally, the type and distribution of development across the city as a result of the Proposed Action is expected to track the historic trends outlined above and no significant changes to density or character are expected at any local neighborhood scale. Given the generic nature of this proposal, the Analytical Framework and Prototypes in Chapter 2 provide as detailed an explanation as possible of how development is expected to change as a result of the Proposed Action, in the context of other housing initiatives. While the Proposed Action would make incremental changes intended to support the achievement of broad *Housing New York* plan targets, other initiatives, in particular neighborhood planning studies that would result in local area rezonings, would increase permitted density in areas where it can be best accommodated. These rezonings would be separate from this proposed action, and subject to their own environmental review. Therefore, recent building trends can be considered a rough benchmark against which small incremental increases of development may be experienced at the neighborhood level as a result of the Zoning for Quality and Affordability proposal.

H. PURPOSE AND NEED

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

Promote Affordable Independent Residences for Seniors and Long-Term 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 – nearly 50 percent of whom are disabled. Furthermore, 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.² 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).³

² New York City Population Projections by Age/Sex & Borough, 2010-2040; NYC Department of City Planning, December 2013

³ Census 2010: Changes in the Elderly Population of New York City, 2000-2010; NYC Department for the Aging, July 2012

Table 1-11: Projected New York City 65 and Over Population by Borough, 2010-2040

Projected New York City 65 and Over Population by Borough, 2010-2040				
	<u>2010</u>	<u>2020</u>	<u>2030</u>	<u>2040</u>
NYC	1,002,208	1,177,215	1,364,178	1,409,708
Bronx	145,882	171,856	212,334	228,476
Brooklyn	294,610	351,609	408,424	428,845
Manhattan	214,153	250,806	278,043	277,444
Queens	288,219	325,300	370,214	377,060
Staten Island	59,344	77,644	95,163	97,883

CHANGE								
	<u>2010-2020</u>		<u>2020-2030</u>		<u>2030-2040</u>		<u>2010-2040</u>	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
NYC	175,007	17.5	186,963	15.9	45,530	3.3	407,500	40.7
Bronx	25,974	17.8	40,478	23.6	16,142	7.6	82,594	56.6
Brooklyn	56,999	19.3	56,815	16.2	20,421	5.0	134,235	45.6
Manhattan	36,653	17.1	27,237	10.9	-599	-0.2	63,291	29.6
Queens	37,081	12.9	44,914	13.8	6,846	1.8	88,841	30.8
Staten Island	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.

Table 1-12: 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) 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.

Non-Profit Residences for the Elderly

Nearly all of the independent living residences for seniors 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 diminished in recent years and are no longer available to support new capital construction. The NYU Furman Center’s Subsidized Housing Information Project inventories 209 total facilities (approximately 16,400 units) subsidized through the HUD Section 202 Program for seniors. Many of these buildings 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.

Table 1-13: 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

Long-Term Care Facilities

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

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

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

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

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.

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

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

Table 1-14: New York State Department of Health Licensed Long-Term Care Facilities in New York City

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

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

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

Table 1-15: 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*	Pct of Total Pop*	Nursing Homes	Adult Care Facilities	Nursing Homes	Adult Care Facilities
Albany	42,314	13.9	1,905	952	22:1	44:1
Monroe	103,594	13.9	5,244	2,830	20:1	37:1
Nassau	204,681	15.3	7,608	4,005	27:1	51:1
Onondaga	65,578	14	3,011	1,637	22:1	40:1
Suffolk	201,793	13.5	8,361	4,478	24:1	45:1

Westchester	139,122	14.7	6,449	3,229	22:1	43:1
NYC	993,158	12.1	43,484	10,986	23:1	90:1
Sources: *U.S. Census Bureau, 2010 Census Summary File 1; **NYSDOH website						

Although demand for appropriate Long-Term Care is very high, there are many factors that constrain the production of these facility types:

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

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

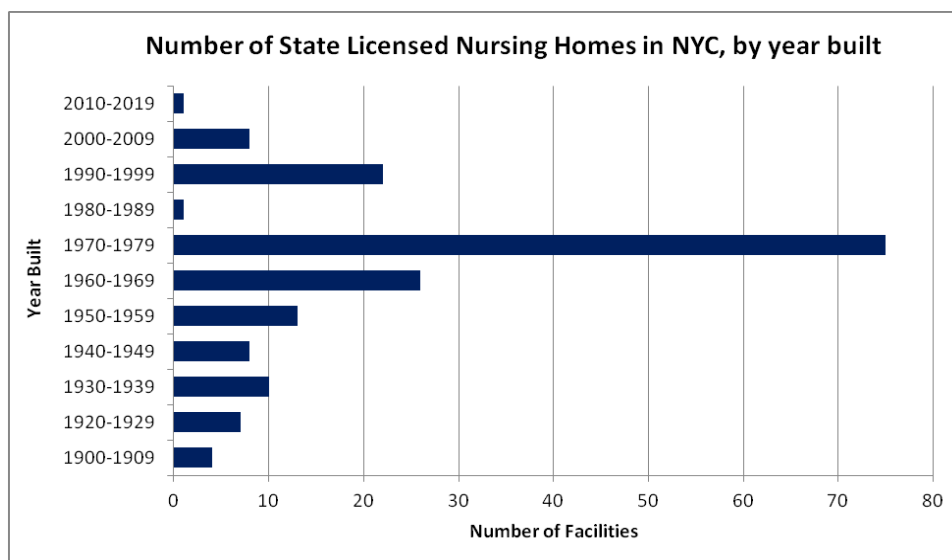
- High cost of land and limited availability of suitably configured sites
- Preference for higher value housing types (leading to displacement)
- Obsolete and burdensome zoning regulations

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

Expanding the supply of affordable senior housing and care facilities

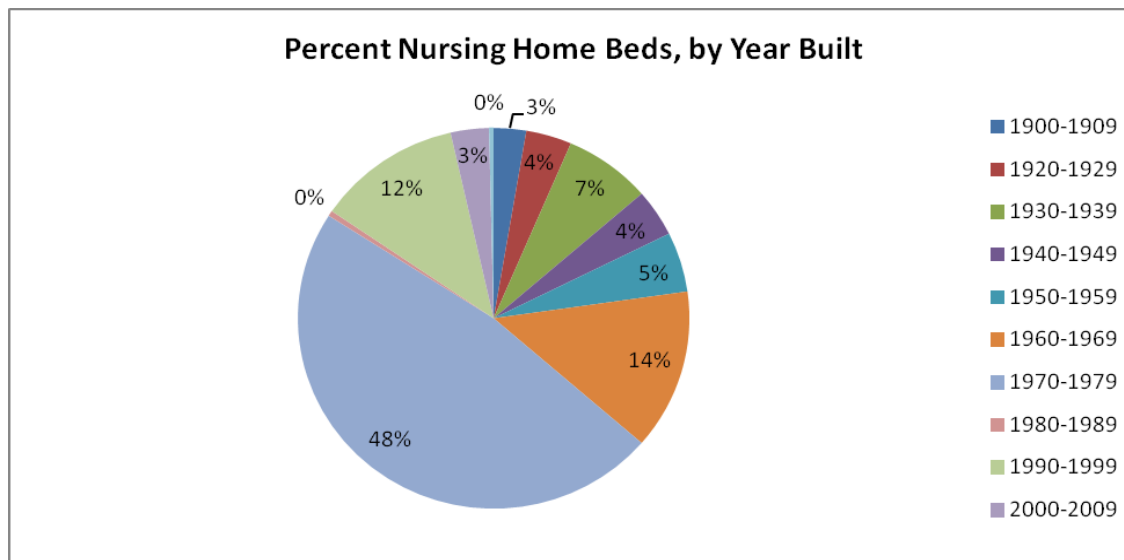
Since 1989 (when DCP's records are available on these certifications and special permits), there have been 54 applications under 22-42, and 49 certifications. Half of these applications were to enlarge or modify existing nursing homes. The need to submit such applications represents a financial and time 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 containing 1,500 new nursing home beds, as shown in the figures below.

Figure 1-1: Number of State Licensed Nursing Homes in NYC, by year built



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

Figure 1-2: Percent Nursing Home Beds, by year built



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

In the early 1970s, when the City Planning Commission voiced fears of overbuilding in certain communities, there was a favorable funding environment for nursing homes, large suitable sites were widely available in many neighborhoods, and land prices were low. Today, the picture is very different for nursing homes: financing and public funding is scarce, and suitable sites are difficult and expensive to procure.

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

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

The 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. 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 population⁴. While the growing population of elderly will spur demand, lack of government funding will limit supply and industry growth. Further, the release of nursing home licenses is also mediated and slowed through the Certificate of Need process.

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

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

Interviews with architects, advocates, and developers of Affordable Independent Residences for Seniors and Long-Term Care Facilities also suggest that mixed-use projects and changes in the senior demographic and funding environment may result in new and different ways of configuring or mixing senior housing with other uses and housing types. The following list summarizes the primary issues that are addressed in the proposal to accommodate both current and future models of housing and care for seniors:

- 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 for Affordable Independent Residences for Seniors and Long-Term Care Facilities that now exist, leading to ambiguity as to how regulations apply. For example, the Zoning Resolution does not include several categories of Long-Term Care that are licensed by NYS DOH, such as assisted living facilities. Further, the term “non-profit residences for the elderly” is unnecessarily restricted to non-profit developers, where, instead, any entity wishing to do so should be able to create income-restricted senior housing.

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

Inconsistent FAR and bulk regulations

FAR and bulk regulations are confusing and inconsistent across Affordable Independent Residences for Seniors and Long-Term Care Facility types, making it difficult for providers of this type of housing to figure the regulations governing different housing types in different districts.

The additional FAR permitted for nonprofit residences for the elderly recognizes the difficulty of assembling sites within the funding constraints for affordable senior housing and the low land use impacts created by this population. Zoning Resolution Section 23-147 established maximum floor area ratios, minimum required open space ratios for non-contextual districts, and minimum required open space and maximum lot coverage in contextual districts for non-profit residences for the elderly. However, in many cases, allowable floor area under Section 23-147 cannot be achieved without waivers because the allowable FAR is higher, but the permitted building envelope is based on the lower FAR permitted for non-senior housing. The additional FAR provided for non-profit residences for the elderly also does not apply in all of the zoning districts where Affordable Independent Residences for Seniors are

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

constructed, including R8-R10 districts. In addition, Affordable Independent Residences for Seniors in non-contextual districts are subject to open space requirements which do not allow for an efficient building form.

In lower density districts, affordable senior housing developments have an envelope that was intended, in 1989, to be compatible with the housing types prevailing in the city's lower-density (R3-R5) areas. Yet, 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 – an average of only slightly more than once a year – and represents a significant source of expense, delay, and uncertainty to the applicants for Affordable Independent Residences for Seniors.

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

Section 24-111 establishes maximum floor area ratios for certain community facility uses, such as nursing homes, sanitariums and philanthropic or non-profit institutions with sleeping accommodations. This section was added to the Zoning Resolution in February 1973 (Application No. CP-22212). The floor area ratios in Section 24-111 were matched with the underlying residential district FARs (which are lower than what is permitted for other community facilities, and in many cases also lower than the Quality Housing FARs later established for ordinary residences), 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.

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 efficiently sized senior housing units. The density requirements in the Zoning Resolution are not based on design best practices for affordable senior housing, which often call for small average unit sizes to reduce rents and simplify housekeeping. The household size for Affordable Independent Residences for Seniors differs from that of other housing, with a high frequency of single occupancies and the general absence of children; thus the population in a given number of units for the elderly is less than it is in an identical number of units tenanted by a mixed-age group.

The Zoning Resolution also establishes a minimum unit size for non-profit residences for the elderly at 400 square feet in medium- and high-density contextual districts. Under the Proposed Action, as discussed in the “Modernize Rules That Shape Buildings” section below, unit size minimums would be eliminated from the Zoning Resolution for all housing, with other regulations allowed to govern. Reducing the minimum unit size will not preclude the development of larger units, allowing facilities the flexibility to accommodate home health care aides and other operational needs.

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

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

Currently, non-profit institutions with sleeping accommodations (NPISAs) and nursing homes and health related facilities (nursing homes are proposed to be renamed “Long-Term Care Facilities”) are listed in Use Group 3 of the Zoning Resolution and are generally governed by the community facility bulk regulations set forth in Article II, Chapter 4. While the application of these provisions is fairly straightforward for stand-alone facilities, the regulations are confusing and complicated in instances when developers want to mix residential and community facilities such as Long-Term Care and NPISA uses. Since a variety of mixed facilities and residences are becoming industry best practice, the impediments created by the Zoning Resolution are increasingly important to remove. 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 provide clear direction for the application of density requirements when different uses have different requirements. For example, while residential uses have a maximum number of dwelling units that are permitted on a zoning lot through a density calculation, community facility uses (including NPISAs) do not, creating ambiguity regarding which rules apply to buildings that accommodate both uses. Second, the Zoning Resolution currently does not specify how to allocate floor area to accessory spaces that serve multiple uses with different permitted floor areas. For example, a mixed residential and community facility building might integrate Long-Term Care or NPISA units into a predominantly residential story, meaning that both uses would utilize the common areas on the floor. If both residential and community facility uses are utilizing this space, practitioners are unsure how to attribute the floor area to each use from the total permitted FAR.

Finally, while NPISAs generally are currently permitted an FAR that is comparable to that permitted for residences in Residence Districts, in certain zoning districts, Section 24-162 of the Zoning Resolution currently requires that the community facility portion of a mixed building be restricted to less FAR. This regulation was established with the intent of restricting the bulk of buildings subject to the full community facility FAR allowed for other uses, but has the effect of constraining the mixing NPISAs and similar facilities with residences. For example, in an R6 or R7-1 district, while the permitted FAR for a stand-alone NPISA would be 2.43 or 3.44, respectively, in mixed buildings the NPISA component is limited to 1.0 FAR. While this restriction is understandable in mixed buildings containing community facility uses that may deviate substantially from the residential character of a building, it is needlessly restrictive for Long-Term Care and NPISAs as these uses are harmonious with, and functionally similar to, residential uses.

Redundant certifications and special permits

Today, the Zoning Resolution requires several certifications and special permits for nursing home facilities. The certification in Section 22-42 applies to both new buildings and enlargements or substantial renovations to existing buildings and requires that applicants demonstrate that the concentration of nursing home beds in the community district will not exceed the citywide average. If the construction of the new development or enlargement increases the concentration of nursing home beds above the citywide average, then the applicant must demonstrate that it meets the findings of the special permit in Section 74-90. This certification and special permit were developed as a reaction to historic conditions that saw a boom in nursing home construction during the 1970s. Today, the certification and special permit serve little purpose in protecting against community impacts, which are not typically generated by these types of facilities today, but do create a bureaucratic hurdle and increased time and expense to applicants. The concentration metric does not assess the likelihood of any sort of impact; given the typical size of community districts, there is no reason to expect that having a greater share of nursing home beds than the citywide average would have a measurable impact on the quality of life within one. Moreover, the Commission lacks the capacity or authority to conduct ongoing oversight of nursing homes, which the State DOH has, and must in any event defer to the DOH’s judgment that the facility is in fact needed.

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

The following analysis reviews the history of certification approvals at the City Planning Commission, which do not require environmental review, and also the CEQR history of special permits to determine if any impacts were identified through the discretionary review process.

Since 2000, City Planning records show that a total of 34 nursing home projects, including existing and new facilities, applied to the City Planning Commission for either certification or a special permit.

From 2000 to 2014, 16 nursing homes and health related facilities were certified by the City Planning Commission pursuant to Zoning Resolution Section 22-42. The 16 applications for nursing homes were located in four of the five boroughs (none were certified in Staten Island). Of the 16 applications, all were certified by the City Planning Commission that they were not located in a Community District that exceeded the citywide average concentration of nursing home beds, and therefore could proceed as-of-right without a special permit. Seven out of 16 were new or replacement nursing homes and nine were enlargements, modernization or renovations of existing nursing homes.

This certification is based on the premise that the citywide average ratio of beds to population by community board is a reasonable benchmark for a discretionary approval of nursing homes. However, given that the population has increased and that the number of nursing home beds has not, the ratio has decreased over time – from a citywide ratio of 6.28 beds per thousand residents in 1995 to a ratio of 5.4 in 2013. This has the result of unnecessarily increasing the applicability of the special permit while continuing to discourage the creation of new needed nursing home beds.

Table 1-16: Special Permits 74-90 and 74-902

Section	Number of Projects
74-90 only	10
74-90 and 74-902	4
Total	14

From 2000 to 2014, 14 nursing homes and health related facilities were approved by the City Planning Commission pursuant to Zoning Resolution Section 74-90. Section 74-90 applies to nursing homes located in a Community District that exceeds the citywide average ratio of nursing home beds to population. Such a project must demonstrate that it meets certain findings, related to architectural scale, impacts on supporting neighborhood services, street capacity, and that any disadvantages of a potential increase to concentration would not exceed the benefits of the proposed use. All recorded applications for this permit were found by the City Planning Commission to meet these findings and were approved. All projects received a negative CEQR declaration. A small number (3 of 14) were subject to field testing for hazardous materials or archeological resources. The 14 applications were located in all five boroughs, with the majority of the applications were in Queens (6 of the 14). Four of the 14 nursing homes also applied for special permit 74-902 for an increase of bulk, to use the full community facility FAR per 24-11.

This requirement applies to both new nursing home construction and also to any nursing home enlargement, whether or not new beds are created. Only 4 of the 14 total 74-90 special permits filed were new projects or buildings; the remaining 10 were existing nursing homes that renovated or modernized their facilities requiring enlargement. In the City Planning Commission reports filed with the approvals for this permit, many facilities cited the problem of obsolete facilities that were inadequate both in terms of current consumer demands and the requirements of skilled nursing care. Some facilities were operating with regulatory waivers from the State for insufficient space prior to their application for renovation or expansion. For example, the bedroom sizes constructed historically often did not comply with the State's current regulations for minimum room sizes. Modernization of

facilities allows the facility to provide other rehabilitative or social amenity spaces such as therapy rooms and recreation spaces, which increases the level of care available to residences and in some cases reduces their need to travel outside of the facility for services. When new beds are proposed, the Department of Health also must approve the number of beds or increase of bed numbers through their Certificate of Need process.

New Nursing Home Facilities 74-902

From 2000 to 2014, eight nursing home facilities were approved by the City Planning Commission pursuant to Zoning Resolution Section 74-902. The eight applications were located in four of the five boroughs, with four of the eight applications pertaining to sites in Queens. In some cases both 74-902 and 74-90 permits were required in the event the facility was located in a Community District with a concentration of beds above the citywide average bed ratio.

Of the 8 projects, 3 were new facilities, while 5 were for expansions of existing facilities. Of the projects that only applied for 74-902 (not required to have special permit 74-90 and were certified pursuant to 22-42), 3 of 4 were new facilities. This suggests that some new facilities had difficulty achieving their programmatic and licensure requirements within the floor area provided by 24-11.

Applicants of 74-902 must demonstrate that it meets certain findings, related to architectural scale, impacts on supporting neighborhood services, and street capacity. All projects were approved with a negative declaration of environmental findings, with three subject to field testing for hazardous materials or archeological resources.

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 "contextual" regulations that are optional in residential districts without a letter suffix and mandatory in those with a letter suffix).

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 would in turn facilitate easier development.

Shortly after the release of Housing New York, 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 inadequate. 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.

In 1987, 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. While the envelope may accommodate all the floor area, it does so in a limited set of configurations that can add cost to construction and detract from the quality of the resulting building configuration. The inflexibility of the contextual envelope has spurred the need for height modifications either through discretionary actions or variances, and has blunted the efficacy of zoning incentives for affordable housing 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 identify specific shortcomings in the contextual bulk regulations. These insights are grouped and further explained below.

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: only the minimum clearance in floor-to-ceiling heights required by the building code would be provided; 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 Quality Housing 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. Green building systems such as radiant heating can further add to the vertical dimension required.

When these changes to floor and ceiling and floor thickness are combined, the result has been a shift to a typical floor to floor height of 9'-4" in rental buildings, and 10' 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 ability to accommodate floor area within 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 and hampers the development of affordable housing.

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, limiting instances where this type of construction could result in the cost-effective development of affordable housing.

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, an incentive to locate these amenities within the building was a floor area deduction, which offset the 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.

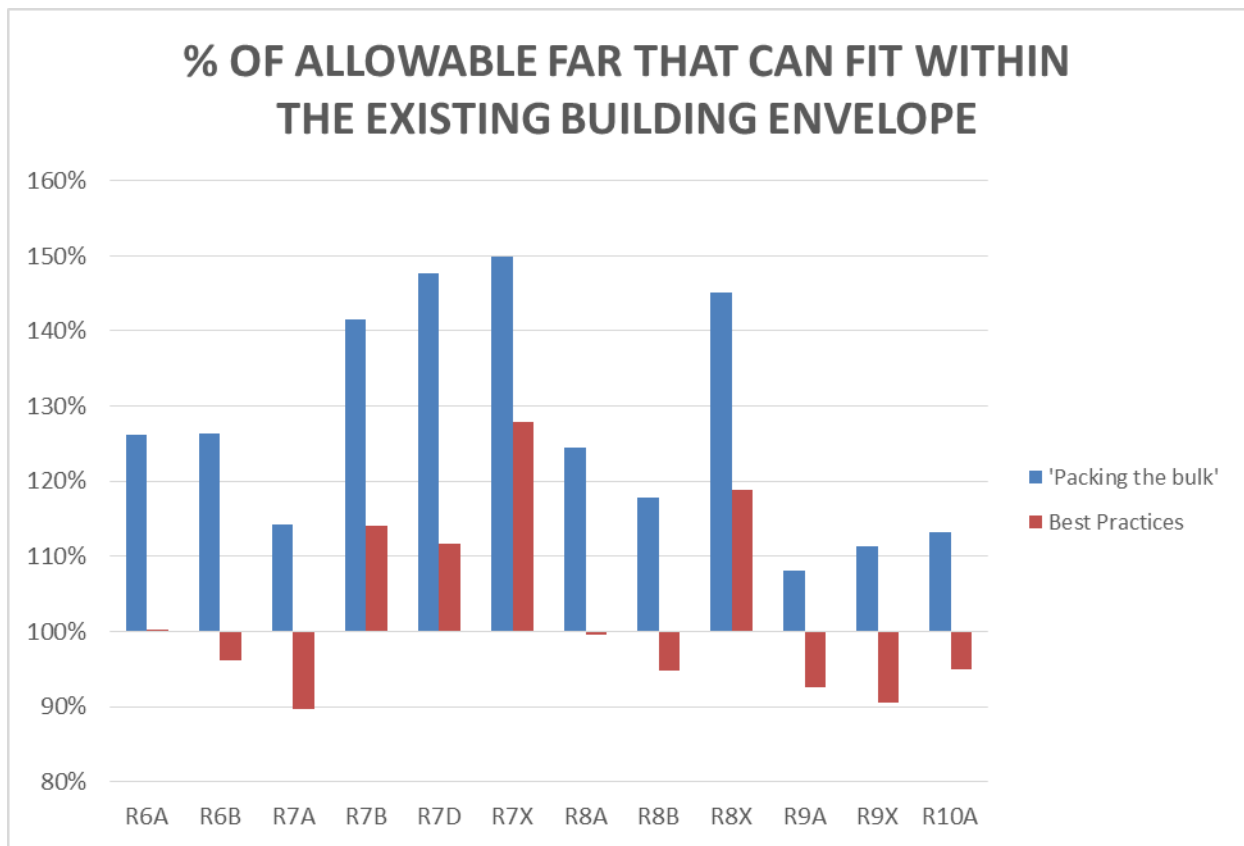
Since the establishment of Quality Housing, several other floor area deductions or bonuses have been created in order to further policy goals. These include a deduction for floor space occupied by bicycle parking spaces, a deduction for a portion of thicker, energy efficient exterior walls, a floor area exemption 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 incentives serve important policy objectives, 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 while achieving a desirable building. 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.

With limited flexibility in the building envelope, the outcome is inadequate, resulting in either higher quality housing design features but a building unable to maximize its permitted FAR, or a building that provides the full amount of floor area, including floor area allowed for the provision of affordable housing, but which is forced to sacrifice design. 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 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, are often sacrificed. 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 challenge, 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, 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 1-3: Bulk envelope capacity as a percentage of permitted floor area



As the figure above shows, this slight adjustment in floor to floor heights and building depth can easily be the determinant in whether a new building can accommodate 100 percent 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

While the contextual setback distances above the maximum base height 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 are not correlated to typical spanning distances in concrete or steel construction, and can require costly reinforcing and awkwardly-placed columns on lower floors to support the upper portions of the building above the maximum base heights. In addition, setbacks are measured from the building line, rather than the street line. Where buildings are set back from the street line, this effectively amounts to two setbacks rather than one. When combined with the rear yard setback of 10' required from the rear yard line, there is a perverse incentive to either shift the entire building towards the street to reduce the effect of or avoid altogether the rear yard setback (at the expense of having units front directly on the street) or maximize the permitted lot coverage to make a reasonably deep floor plate on the upper floors (at the expense of having unnecessarily 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 limited new construction that occurred frequently produced simple slab buildings along the 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 be 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 rigidity of the provision becomes especially apparent on acutely-angled corner lots as the inner court space quickly erodes workable building depths.

Provisions along zoning 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 an R1-R5 district 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 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 Housing and Affordable Independent Residences for Seniors

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 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 Independent Residences for Seniors and Long-Term Care Facilities. These include the following:

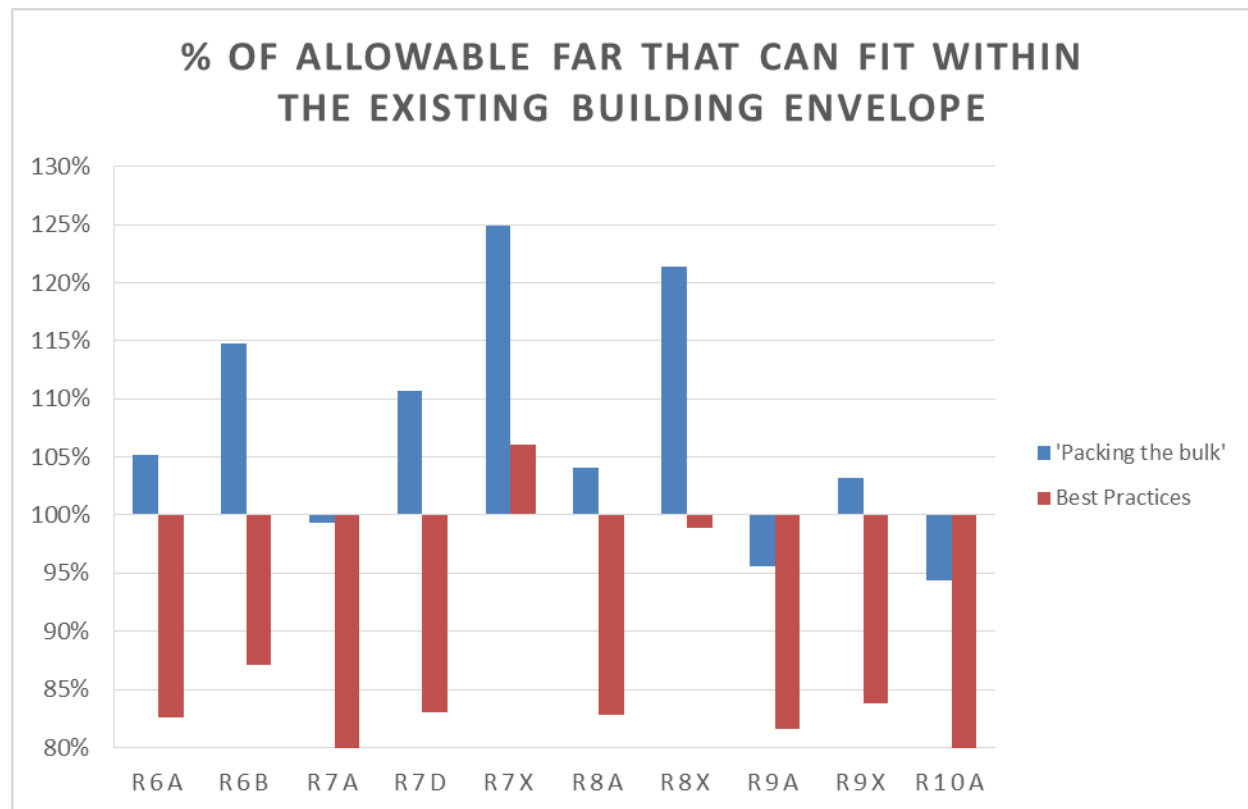
Difficulty fitting permitted floor area

Currently, developments providing affordable housing in Inclusionary Housing Designated Areas or Affordable Independent Residences for Seniors 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, , 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 1-4: Bulk envelope capacity as percentage of permitted floor area



As the figure above 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 Independent Residences for Seniors and Long-Term 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 Independent Residences for Seniors or Long-Term Care Facilities.

[Further constraints for narrow lots](#)

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

[Inability to account for additional floor area in height factor zoning districts](#)

While DCP has generally been moving towards applying contextual zoning regulations in the areas of new rezonings, there remain certain areas where it may not be appropriate to apply contextual zoning. For example, parcels located adjacent to rail lines and freeways may continue to warrant non-contextual zoning designations, but uses such as affordable senior housing may not be suited for the existing height-factor alternative.

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

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

[Unworkable envelope for lower-density Affordable Independent Residences for Seniors](#)

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 in a building that meets the needs of seniors (e.g., is served by elevators). The requirement for the authorization represents a procedural hurdle that limits the ability to produce Affordable Independent Residences for Seniors in these districts.

Lack of overall building design flexibility

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

Unclear street wall regulations

Street wall location provisions in contextual districts, which are set forth in Section 23-633 for Residence Districts and Section 35-24 for mixed buildings in Commercial Districts, are intended to ensure that new developments would 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, and 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 R7B and districts pursuant to Section 23-633 (a)(2)), a maximum range of applicability is established at 15' to avoid new buildings having 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 make it difficult to incorporate 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, slight variations and anomalies amongst them emerged as newer regulations were created 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 explore 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 density factor for the particular zoning district set forth in Section 23-22. In all zoning districts, the maximum number of dwelling units permitted in the development is determined by dividing the maximum residential floor area by the density factor for its zoning district.

This density 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 density 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 units for Affordable Independent Residences for Seniors.

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). They include: portions of Soundview and Castle Hill (Bronx); Midwood and Brighton Beach (Brooklyn); Elmhurst/Corona, Forest Hills, and Flushing (Queens), as shown in Appendix A.

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 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 established 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 would 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, 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 buildings on 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 builders 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 than 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 would 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 subject parcel may not be eligible for a variance as the 'uniqueness' requirement may not be able to be met.

Reduce parking requirements where appropriate for affordable housing

To aid in the fulfillment of the Mayor's Affordable Housing plan by addressing impediments to housing, 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. Low-density housing generally has higher car ownership, even near transit, than nearby apartment buildings, reflecting self-selection by drivers seeking easier parking conditions. However, 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 senior housing projects, not justified by any parking impacts generated by such housing.

Construction costs for structured parking are high – up to \$40,000 or even \$50,000 per parking space⁵. Surface parking costs less, but occupies scarce land and itself carries substantial cost, and that could be better used for additional housing units or other uses. The cost of providing 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, building owners typically charge residents a monthly fee to use the spaces. Fees of roughly \$300 per month would be required to support the cost of constructing a structured parking space. While residents of market-rate housing may in some neighborhoods be able and willing to pay such a fee, those low-income households that own cars are not, and frequently choose instead to park on-street for no cost, leaving the spaces built for them underutilized.

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

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

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

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 1-5 and Figure 1-6. 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.

Table 1-17: Cars per 100 Households (>3 dwelling units, all tenure)

	All housing since 2000	100 percent affordable since 1990	202-funded senior housing	Other 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 1-5: Comparison of Renters' Access to Vehicle, All Renter Households vs. Low Income Renter Households

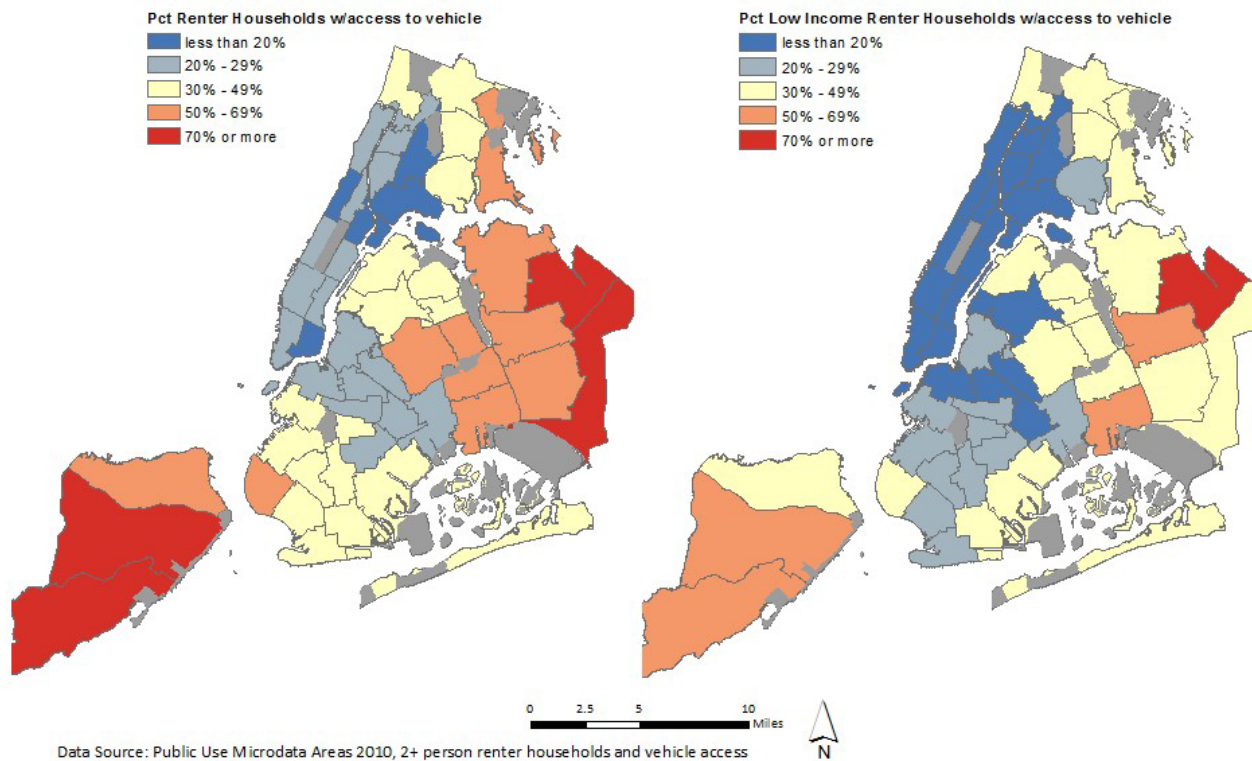
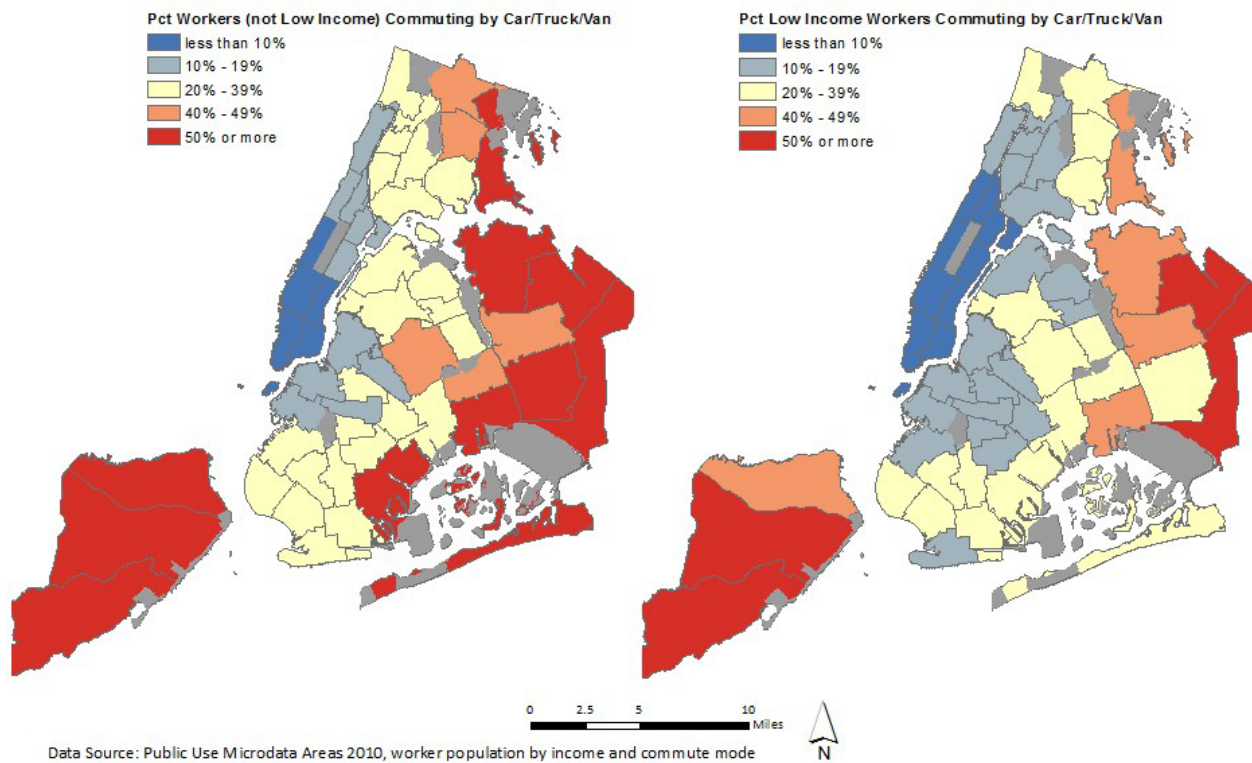


Figure 1-6: Comparison of Commuting by Car, Truck or Van, Non-Low Income vs. Low Income Workers



Obsolescence of Section 25-25 (a-e)

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

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

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

Table 1-18: 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

Issues for affordable housing

As shown in Table 14, car ownership rates among low-income households are low, particularly among households close to transit.

Parking requirements are often misaligned to the actual car ownership rates of low-income residents in the applicable housing type, and price sensitive residents with cars typically end up parking on street, rather than paying for off-street parking. The cost to provide parking, i.e., the cost to build each individual parking space, ranges from \$20,000 to \$50,000 per structured space,⁶ often exceeding 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 month⁷, 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 to support the cost to build the parking, but result in the spaces going unused by the residents they were required for.

A substantial portion of new affordable housing developments are eligible for parking waivers. However, roughly three-quarters of new affordable developments are not eligible to waive their parking, inflating the cost of the project. Affordable housing and other housing built as part of the Inclusionary Housing Program often depends on public subsidy. While parking itself cannot be paid for by public subsidy, the overall development shares the burden of the cost to provide it. Since the market alone cannot support the construction of off-street parking for affordable housing, the funds used to provide the parking come from a source that might have otherwise spent money on the development of additional housing, or elsewhere within the housing project.

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

Issues for affordable senior housing

As shown in Table 14, car ownership rates are extremely low among residents of affordable senior housing, where parking requirements are entirely mismatched with actual parking demand among residents. According to LiveOn, a senior housing advocacy group, in order to be eligible for residency in a HUD 202 building, which has historically been the funding program under which affordable senior housing is built in the city, applicants must qualify as “very low income”. This means that most tenants earn less than \$15,000 per year, making car ownership a highly unusual exception for households of these developments. Car registration data from the NYS Department of Motor Vehicles bears this out.

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

⁶ <http://www.reinventingparking.org/2015/06/how-much-does-one-parking-spot-add-to.html>

⁷ DCP *Inner Ring Residential Parking Study*, 2013:
http://www.nyc.gov/html/dcp/html/transportation/inner_ring.shtml

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.

Existing inconsistencies in reduced parking for affordable housing

Where affordable housing is built in the Special St. George District in Staten Island, the parking requirements for these units is aligned with the parking requirements for market-rate units. The intent of the parking requirements for this Special District was to ensure that every unit of market-rate development was built with a parking space. The zoning text unintentionally included income-restricted units in this requirement and, as such, the parking requirements for these income-restricted units is unnecessarily high.

Where affordable housing is built in Queens Community Board 14 in zoning districts R6 and higher, the parking requirements are aligned with requirements for an R5 zoning district. The intent of the parking requirements in this area was to ensure that higher-density market-rate developments are built with a parking requirement of a medium-density district. The zoning text unintentionally included income-restricted units in this requirement and, as such, the parking requirement for these income-restricted units is unnecessarily high.

I. THE PROPOSED ACTION

The Proposed Action would not change any underlying zoning districts, but would modify underlying regulations to facilitate more efficient and less costly development of all types of housing within each zoning district. A new set of discretionary actions consider how lot constraints and certain zoning regulations may unnecessarily hamper the development of housing units. As no areas are being rezoned under the Proposed Action, no changes to allowable floor area ratio (FAR) are proposed as part of this action, with the exception of the as-of-right FAR for Long-Term Care Facilities and Affordable Independent Residences for Seniors in specific zoning districts.

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

The following components of the proposal are considered for the future condition and comprise the analysis basis for this environmental review as outlined below.

Maps indicating the affected districts are in APPENDIX A. A table highlighting applicability within Special Districts can be found in Appendix C.

Promote Affordable Independent Residences for Seniors and Long-Term Care Facilities

The proposal aims to facilitate the development of Affordable Independent Residences for Seniors and Long-Term Care Facilities through various updates and refinements to the Zoning Resolution. The proposal would clarify the regulatory status of state-regulated Long-Term Care Facilities and provide additional zoning flexibility to allow for new industry models in senior housing. The proposal includes changes to various areas of the Zoning Resolution and would:

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

Update the definitions and use regulations for affordable senior housing

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

As such, the proposal includes a new defined term “Affordable Independent Residences for Seniors” to replace “non-profit residences for the elderly”. This definition would be expanded to include both non-profit and for-profit developers, but the income restriction and age restriction would still apply to this use, thus the population served would remain the same. This use type would be required to have a regulatory agreement with NYC HPD or another governmental agency, for a minimum term of 30 years and restrict residence to low-income households. Affordable Independent Residences for Seniors would continue to be a residential use in Use Group 2. Under the proposal, this use would continue to be a residence that is occupied at least 90 percent by elderly families, the head or spouse of which is 62 years or older.

Update the floor area ratios for Affordable Independent Residences for Seniors

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

This type of housing also has a 4 percent accessory social and amenity space requirement, to allow for needed community or support spaces. Under the proposal, Quality Housing required indoor recreation space could also meet the 4 percent common area requirement. The higher floor area allowance also provides greater spatial flexibility to provide necessary, and sometimes required, accessory social amenity spaces. These spaces may consume between 4 and 10 percent of the building floor area, and are less common in general housing types. This category of housing would continue to be permitted in all multi-family residential zoning districts R3-R10/.

This proposal also aims to ensure that Affordable Independent Residences for Seniors is distributed throughout the city; however the current Section 23-147 does not include all of the zoning districts where senior housing is permitted and where such housing is constructed. Thus, the proposal amends this section to allow the newly-defined Affordable Independent Residences for Seniors to utilize the maximum floor area in Section 23-147 or the maximum

floor area in Inclusionary Housing Designated Areas, whichever is higher, consistent with the existing framework. The proposed FAR is listed in Table 1-16.

Table 1-19: Existing and proposed maximum FAR for Affordable Independent Residences for Seniors

Existing ZR Section 23-147		Existing ZR Section 23-14	Proposed ZR Section 23-155	
Non-profit residences for the elderly		Residential	Proposed for Affordable Independent Residences for Seniors	Change
Zoning District	Max FAR	Max FAR	Max FAR	
R3-2	0.95		0.95	0.00
R4	1.29		1.29	0.00
R5	1.95		1.95	0.00
R5B	n/a	1.35	1.35	0.00
R5D	n/a	2.00	2.00	0.00
R6	3.90		3.90	0.00
R6A	3.90		3.90	0.00
R6B	2.00		2.20	0.20
R7	5.01		5.01	0.00
R7A	5.01		5.01	0.00
R7B	3.90		3.90	0.00
R7D	5.01		5.60	0.59
R7X	5.01		6.00	0.99
R8	n/a	6.02	7.20	1.18
R8A	n/a	6.02	7.20	1.18
R8B	n/a	4.00	4.00	0.00
R8X	n/a	6.02	7.20	1.18
R9	n/a	7.52	8.00	0.48
R9A	n/a	7.52	8.50	0.98

R9D	9.00	10.00	1.00
R9X	9.00	9.70	0.70
R10	10.00	12.00	2.00
R10A	10.00	12.00	2.00
R10X	10.00	12.00	2.00

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

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

[Update definitions for New York State licensed Long-Term Care Facilities](#)

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

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

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

Continuing care retirement communities are “life care facilities” for adults that offer, under one contract, an independent living unit (an apartment or cottage), residential amenities and access to a continuum of Long-Term Care services, as residents' health and social needs change over time. CCRCs are required to have a Certificate of Authority from the State Commissioner of Health (per Public Health Code Article 46) and the New York State

Department of Insurance. Under the Proposed Action, only certain continuing care retirement communities would be considered “Long-Term Care Facilities”. To be considered a “Long-Term Care Facility” in use group 3, the CCRC must:

- Hold a Certificate of Authority with the State Health Commissioner
- Offer a life care contract (Type A) that includes unlimited enriched housing/assisted living care and unlimited skilled nursing facility services, along with independent housing and residential services and amenities. The resident's monthly fee cannot change due to a change in the level of covered health care required by the resident (except for normal operating costs and inflation adjustment). This means that the resident pays the same monthly fee in the skilled nursing facility as he or she paid in independent housing.
- Consist of one or more buildings (on adjacent or contiguous zoning lots or zoning lots that would be contiguous but for their separation by a street) where 50 percent of the total units and beds included in any CCRC, nursing home, and assisted living facility uses on the same lot (or contiguous lots) are allocated for exclusive nursing home or assisted living facility uses.

Update floor area ratio for New York State licensed Long-Term Care Facilities

With the objective of rationalizing all Affordable Independent Residences for Seniors and Long-Term Care types, the proposal would also change the allowable floor area for Long-Term Care Facilities. These are community facilities that also have high floor area utilization for support spaces such as clinical service, dining and common areas. Today, nursing homes are allowed higher community facility floor area through special permits, while undefined assisted living facilities sometimes utilize the non-profit residences for the elderly category. Because they are similarly low-impact uses, under the proposal both Long-Term Care and Affordable Independent Residences for Seniors would utilize the same floor area ratio maximums, per Section 23-147 or per the Inclusionary Housing Program, whichever is higher. By having the same set of bulk regulations for all the different housing types, developments are facilitated that have multiple options. The proposed maximum floor area ratios for Long-Term Care Facilities outlined by zoning district are shown in Table 1-17.

Table 1-20: Existing and proposed maximum FAR for Long Term Care facilities

24-111		23-147	Change
Existing FAR for Community Facility: UG 3 (Nursing Homes and Health Related) per 24-11 or 24-111		Proposed FAR for Affordable Independent Residences for Seniors and Long-Term Care facilities	
District	Max FAR	Max FAR	
R3	0.50	0.95	0.45
R4	0.75	1.29	0.54
R5	1.27	1.95	0.68
R5B	1.27	1.27	0.00
R5D	2.00	2.00	0.00
R6	2.43	3.90	1.47

R6A	3.00	3.90	0.90
R6B	2.00	2.20	0.20
R7	3.44	5.01	1.57
R7A	4.00	5.01	1.01
R7B	3.00	3.90	0.90
R7D	4.20	5.60	1.40
R7X	5.00	6.00	1.00
R8	6.02	7.20	1.18
R8A	6.02	7.20	1.18
R8B	4.00	4.00	0.00
R8X	6.00	7.20	1.20
R9	7.52	8.00	0.48
R9A	7.50	8.50	1.00
R9D	9.00	10.00	1.00
R9X	9.00	9.70	0.70
R10	10.00	12.00	2.00
R10A	10.00	12.00	2.00
R10X	10.00	12.00	2.00

When the underlying FARs are revised, several changes to Special Purpose Districts would be necessary so that affordable senior housing developments within these areas are permitted the same FAR as the underlying zoning districts.

[Remove outdated and obsolete definitions](#)

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

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

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

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

The Quality Housing Program establishes a set of rules that includes minimum apartment sizes, recreation space requirements and incentives to provide amenities such as laundry rooms and daylight in corridors. All of the Quality Housing Program rules and regulations are mandatory in contextual R6 through R10 districts. Thus in a building that combines Quality Housing residential floor area and Long-Term Care or non-profit institution with sleeping accommodation Use Group 3 floor area, the floor area deductions are proposed to be computed on the combined floor area. For example, if there is daylight in the corridor, the whole corridor would be included and not just the part that is residential. The same would apply to shared recreation space provided that is available to all the residents. In contextual zoning districts, where the Quality Housing Program is mandatory, the Quality Housing program standards and floor area deductions would also be applicable to standalone Use Group 3 Long-Term Care and NPISAs. This is implied by the existing Section 24-012, but Article II, Chapter 8, to which wholly community facility developments are referred by this section, only has provisions applicable to residences.

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

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

Section 23-44 lists permitted obstructions in required rear yards or rear yard equivalents. The Proposed Action would add accessory social and welfare facilities in Affordable Independent Residences for Seniors, as well as for affordable housing participating in the Inclusionary Housing program. No dwelling units would be permitted within the required yards. Quality Housing required recreation space could also meet the 4 percent common area requirement and be a permitted obstruction in the rear yard, as discussed below under “Modernize Rules That Shape Buildings”.

Allow higher densities for Affordable Independent Residences for Seniors in R7X and R7-3 Districts

In order to ensure that all districts have a meaningful increase in floor area for the provision of Affordable Independent Residences for Seniors, as compared to the standard district floor area ratio, the proposal would increase the permitted FAR in R7X and R7-3 districts from 5.0 to 6.0 for these facilities. This change would also aid in filling a gap in incremental density increases between R7D (5.6) and R8A (7.2) districts.

Developments that utilize this provision for additional FAR would be permitted additional height in order to accommodate this additional floor area, as described elsewhere in this proposal.

[Revise certifications and special permits for Long-Term Care Facilities in ZR Sections 22-42, 74-90, and 24-111](#)

The proposal would remove the certification under Section 22-42 and special permit in Section 74-90, allowing Long-Term Care Facility uses as of right in all residential districts except R1 and R2 districts. The existing certification and special permit, intended to guard against the concentration of facilities in a neighborhood, do not provide a useful supplement to the State Department of Health's Nursing Home licensure requirements but, rather, create an unnecessary obstacle to the provision of needed services to seniors. Further, the findings in the zoning resolution are easily satisfied, given the benefits of these facilities to the city and the extremely low impacts of their senior residents.

The proposal would create a special permit to allow Long-Term Care Facilities in R1 and R2 districts, and another to allow such facilities to apply for the higher Section 24-11 floor area, but would not change the allowable floor area for Long-Term Care Facilities in R1 and R2 districts, as per Section 24-111.

The proposal also includes revisions to Section 22-42 that would replace the existing certification with a City Planning Authorization for continuing care retirement communities (a subset of Long-Term Care Facilities) in R1 and R2 districts on a zoning lot that is greater than 10 acres. The continuing care retirement community must also demonstrate that the design is consistent with neighborhood character and that an adequate buffer exists from nearby residences.

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

Modernize Rules that Shape Buildings

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

- General building envelope modifications
- Enhanced building envelope modifications for Inclusionary and Affordable Independent Residences for Seniors
- Improved design flexibility
- Modifications for constrained lots

[Adjust height controls in moderate- and high-density districts for general residential uses](#)

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

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

area in Section 12-10, in districts with a maximum height below 14 stories (to correspond with block and plank construction, where 8" masonry walls are typically clad with rigid insulation and facade materials).

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

In instances where the maximum height is increasing, the additional proposed height must first be allocated to the ground floor, ensuring a "qualifying ground floor". A qualifying ground floor is one where the level of the finished floor of the second story above grade is 13 feet or more above the sidewalk – resulting in a building where the ground floor has sufficient height to provide quality ground floor retail or elevated residential space. After the construction of a qualifying ground floor, the building may be permitted to achieve the full heights proposed in Tables 1-18 and 1-19 below.

If a building does not provide a qualifying ground floor, permitted maximum overall heights as shown in Tables 1-18 and 1-19 below are reduced by 5 feet – resulting, in most cases, to no change to permitted heights compared to the existing regulations. The two-foot difference between the height of the "qualifying ground floor" and the maximum height assumed in the design of the envelope allows for architectural flexibility and accommodates structural features above the ground floor such as transfer beams.

Table 1-21: Existing and proposed maximum heights for contextual districts

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

R8B	60'	65' (6 stories)	75'	75' (7 stories)
R8A	85'	105' (10 stories)	120'	125' (12 stories)
R8X	85'	95' (9 stories)	150'	155' (15 stories)
R9A (narrow street)	95'	105' (10 stories)	135'	145' (14 stories)
R9A (wide street)	95'	105' (10 stories)	145'	155' (15 stories)
R9X	120'	125' (12 stories)	160'	175' (17 stories)
R10A (narrow street)	125'	135' (13 stories)	185'	195' (19 stories)
R10A (wide street)	125'	155' (15 stories)	210'	215' (21 stories)

In non-contextual districts utilizing the Quality Housing option, the proposal is generally seeking to make the district envelope comparable to that of a comparable 'A' zoning district. For example, a development on a wide street in an R6 district utilizing the Quality Housing option would have a Residential FAR equal to that of an R6A district, and thus it is rational that the proposed envelopes would be the same. The modified provisions are shown in Table 19 below.

Table 1-22: Existing and proposed maximum heights for Quality Housing options in non-contextual zoning districts

HEIGHT CHANGES FOR QUALITY HOUSING BUILDINGS IN NON-CONTEXTUAL DISTRICTS				
	Base Height		Overall Height	
District	Existing Max Height	Proposed Max Height	Existing Max Height	Proposed Max Height (stories)
R6 (narrow street)	45'	45'	55'	55' (5 stories)
R6 (wide street w/in Manhattan Core)	55'	55'	65'	65' (6 stories)
R6 (wide street outside Manhattan Core)	60'	65'	70'	75' (7 stories)
R7 (wide street w/in Manhattan Core)	60'	65'	75'	75' (7 stories)

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

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

[Create more-efficient building setback rules](#)

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

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

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

In order to remedy these complementary problems, the proposal includes modifications to both the front and rear yard setback requirements. First, the front setback would be measured from the street line of the building. In order to encourage a separation between the sidewalk and the building (and reduce costly structural reinforcing below setbacks) the front setback may be reduced by one foot for every foot that the building is set back from the property line, provided that a minimum setback of 5 feet must be provided from the street wall. For example, a building on a narrow street located on the street line would continue to require a 15 foot setback, whereas a building that was set back from the sidewalk by 5 feet would be able to reduce the setback above the base height to 10 feet (5 foot

setback at grade + 10 foot setback above base = 15 foot total setback). Second, the proposal seeks to remove the rear yard setback requirement. The 60-foot rear yard (resulting from two 30' yards abutting each other) should suffice to ensure adequate light and air to rear-facing portions of buildings. The combination of these provisions would allow buildings to be designed to provide greater separation and plantings between ground floor units and adjoining sidewalks and would allow upper story units to be designed with much greater ease, cost effectiveness and efficiency.

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

Remove unnecessary corner lot coverage restrictions

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

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

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

Provide a more balanced building transition rule

In order to establish a better transition along district boundaries between the maximum heights permitted within lower density R1-R5 district, or an R6B districts, and moderate- and higher-density R6-R10 Residence Districts, the text amendment is proposing to create an intermediate height within the 25 foot buffer zone. This would provide a better height transition between the two districts (rather than a prolongation of the lower density height) and would reduce the constraint on the higher density building envelope.

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

Table 1-23: Proposed maximum base heights in transition areas

	PROPOSED TRANSITION HEIGHT MODIFICATIONS	
Zoning District	Modified Base Height	Permitted transition height (max stories)
R6A	65' (6 stories)	65' (6 stories)

R7B	65' (6 stories)	65' (6 stories)
R7A	75' (7 stories)	75' (7 stories)
R7D	85' (8 stories)	75' (7 stories)
R7X	95' (9 stories)	75' (7 stories)
R8B	65' (6 stories)	65' (6 stories)
R8A	95' (9 stories)	75' (7 stories)
R8X	95' (9 stories)	75' (7 stories)
R9A	105' (10 stories)	75' (7 stories)
R9X	125' (12 stories)	75' (7 stories)
R10A	135' (13 stories)	75' (7 stories)

[Adjust height controls for Inclusionary Housing and Affordable Independent Residences for Seniors and Long-Term Care Facilities](#)

While buildings providing Affordable Independent Residences for Seniors or care facilities, or affordable housing in Inclusionary Housing Designated Areas in R6-R10 districts currently receive increased floor area, the contextual envelope does not change. As shown in the Purpose and Need section, this severely limits the ability of the building envelope to accommodate all of the permitted floor area without diminishing housing quality (including minimizing floor to floor heights, increasing floor plate depths, and limiting façade articulation).

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

Since contextual districts have a rough proportional relationship between base heights and overall heights (which helps limit the perceptibility of upper stories from the sidewalk).

In instances where the maximum height is increasing, the additional proposed height must first be allocated to the ground floor, ensuring a “qualifying ground floor”. A qualifying ground floor is one where the level of the finished floor of the second story above grade is 13 feet or more above the sidewalk – resulting in a building where the ground floor has sufficient height to provide quality ground floor retail or residential space. After the construction of a qualifying ground floor, the building may be permitted to achieve the full heights proposed in Table 1-21, below.

If a building does not provide a qualifying ground floor, permitted maximum overall heights as shown in Table 1-21 are reduced by 5 feet.

Table 1-24: Proposed maximum heights for Inclusionary Housing and Affordable Independent Residences for Seniors and Long-Term Care Facilities with Qualifying Ground Floors

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

MAXIMUM HEIGHTS FOR AIRS and LTC: NON-CONTEXTUAL DISTRICTS			
Zoning District	Maximum Base Height	Maximum Overall Height	Maximum Number of Stories
R6 (narrow street)	45'	55'	5
R6 (wide street w/in Manhattan Core)	55'	65'	6
R6 (wide street outside Manhattan Core)	65'	85'	8
R7 (wide street w/in Manhattan Core)	65'	75'	7
R7 (narrow street)	65'	75'	7
R7 (wide street outside Manhattan Core)	75'	105'	10
R8	105'	145'	14

These increased heights would be available to developments providing affordable housing within Inclusionary Housing Designated Areas. Additionally, these provisions would be available to developments comprised of at least 20 percent Affordable Independent Residences for Seniors or Long-Term Care Facilities – irrespective of whether they are within or outside of Inclusionary Housing Designated Areas. These enhanced height provisions would also apply to Special Districts that are also within Inclusionary Housing Designated Areas, or permit the increase in senior housing floor area.

[Permit residential accessory uses on ground floors in rear yards for affordable developments in an IHDA mapped area, or an affordable independent residence for seniors](#)

In order to facilitate greater envelope flexibility in accommodating the additional floor area allocated to affordable housing developments within Inclusionary Housing Designated Areas and Affordable Independent Residences for Seniors, the proposal would allow accessory residential uses, such as recreation space, laundry rooms, trash rooms and mechanical space, as permitted obstructions within the rear yard on the ground floor up to a height of 15', which correlates with DCP's revised assumptions for ground floor heights. This option would be applicable to developments with 9 or more dwelling units, which correspond to the threshold at which recreation space is required in Quality Housing buildings, and would not be permitted in 'B' districts so as not to impair the character of these more-traditional neighborhoods. A similar provision is being proposed for developments providing Affordable Independent Residences for Seniors, which would give additional flexibility in accommodating accessory uses such as the facility's common space, dining areas, recreation space and other shared amenities.

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

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

[Remove narrow lot restrictions](#)

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

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

In order to maintain a non-contextual development option in areas of the city that warrant additional flexibility, such as parcels abutting rail lines and freeways, the proposal would create an alternative building envelope for non-contextual R6-R8 districts to facilitate the development of Affordable Independent Residences for Seniors and Long-Term Care Facilities. The proposed alternative would be combined with Quality Housing maximum lot coverage and maximum floor area ratios.

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

The proposed heights are set forth below.

Table 1-25: Proposed maximum heights for non-contextual building envelope for certain types of affordable housing on zoning lots adjacent to certain types of infrastructure

Proposed Alternate Bulk Envelops for Non-Contextual Districts Adjacent to Certain Types of Infrastructure			
Zoning District	Maximum Base Height	Maximum Overall Height	Maximum Number of Stories
R6	65'	115'	11
R7	75'	135'	13
R8	105'	215'	21

[Create new lower-density bulk envelope for Affordable Independent Residences for Seniors and Long-Term Care Facilities \(R3-R5\)](#)

The proposal would create a more workable as-of-right bulk envelope for Affordable Independent Residences for Seniors and Long-Term Care Facilities in R3-2, R4 and R5 Residence Districts (where districts permit multiple dwellings) eliminating the need to obtain a City Planning Commission (CPC) authorization to accommodate the additional floor area allocated to these facilities. Specifically, the envelope would permit a height of 45' within 25' of the street line, and beyond 25', allow a maximum building height of 65'. Yard requirements of the underlying district would continue to apply.

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

[Provide greater clarity and design opportunities in street wall regulations](#)

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

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

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

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

Match street wall line-up provision requirements to intent

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

First, in R6A, R7A, R7D, R7X, and R9D districts, and for Quality Housing buildings on wide streets in non-contextual R6 and R7 districts without a letter suffix, the proposal would reduce the dimension of eligible contextual buildings to line-up with, from those within 150' on the same block, to adjacent buildings. Second, in these districts, the proposal would reduce the eligible threshold of adjacent buildings to line-up with from 15' from the street line to 10' from the street line. This would eliminate the potential of unnecessarily being forced to line-up with a non-contextual building. Finally, in these same districts, the proposal would add specificity to line-up provisions, such as how to determine the permitted street wall location when an adjoining building has multiple façade surfaces (such as a brownstone with bay windows). In R6B, R7B and R8B districts, in the event that both adjacent neighbors are at the street wall, the development is able to be set back up to 3 feet. In all districts R6-R10, a new provision in zoning would clarify articulation that is permitted today.

Provide more-useable court regulations

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

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

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

Clarify and simplify retail and other ground floor regulations

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

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

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

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

The Special Districts containing transparency, retail depth and parking wrap provisions that are proposed to be consolidated into a single set of provisions, are set forth in Appendix C. In addition, M1-6D districts, the Commercial

equivalents of R7D and R9D districts, and buildings that provide fresh foods stores pursuant to FRESH, all contain supplemental retail provisions that would be revised accordingly.

[Remove or modify unnecessary window regulations](#)

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

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

[Clarify use location provisions](#)

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

[Update unit size requirements](#)

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

[Modernize density factor](#)

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

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

Other obsolete density provisions, including those with references to rooming units, would be reconciled. The specific Special Districts that would be affected are listed in Appendix C.

[Encourage elevated residential ground floors](#)

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

[Eliminate Quality Housing study areas](#)

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

[Provide improved yard and coverage regulations for shallow lots](#)

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

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

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

[Rationalize street wall requirements for acutely-angled sites](#)

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

[Provide additional flexibility for irregular topography](#)

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

[Update outdated distance between buildings regulations](#)

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

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

The Special Districts that would be affected by the proposed changes to distance between building regulations can be found in Appendix C.

[Create a new discretionary action for unforeseen site circumstances](#)

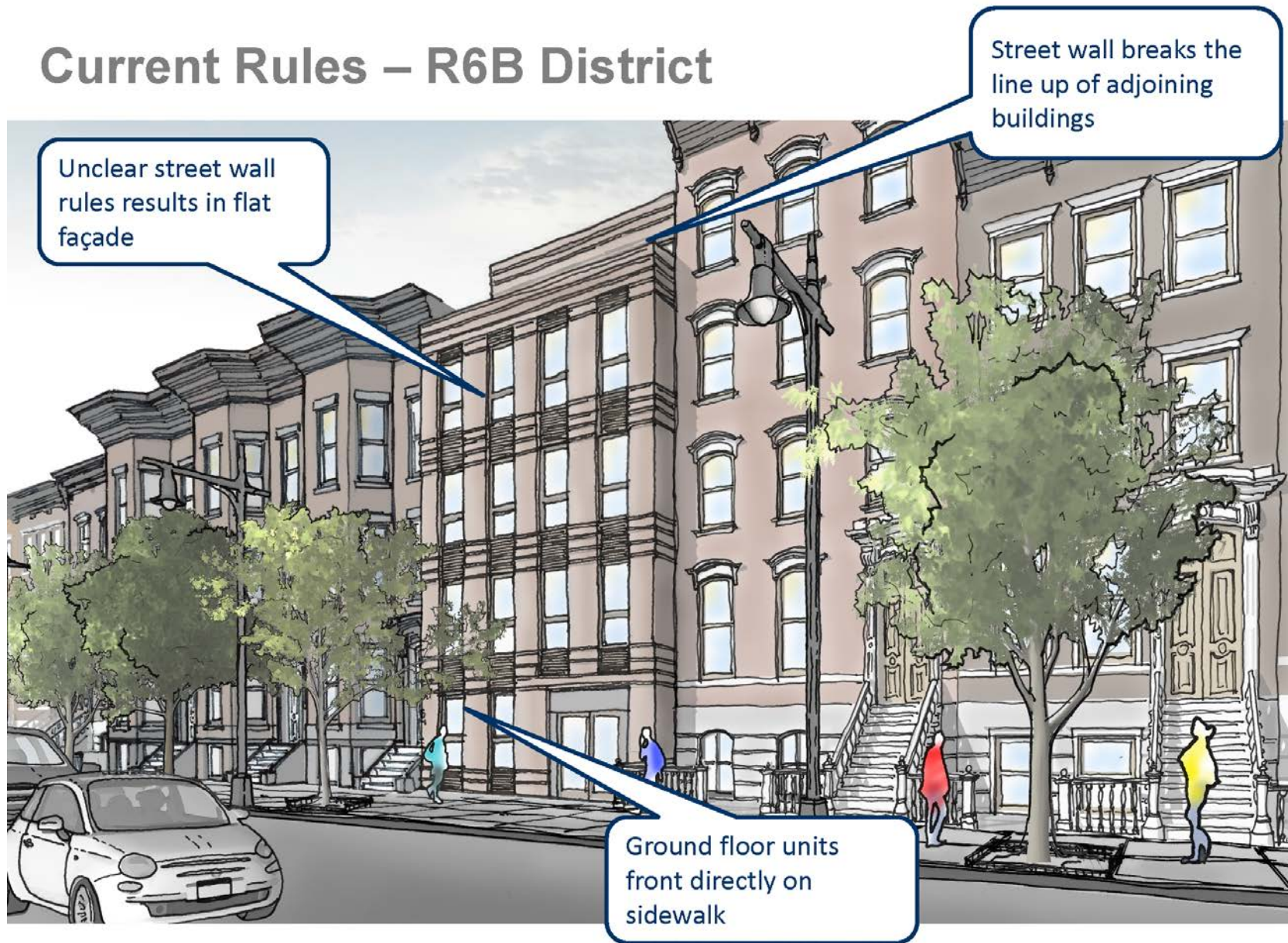
In order to create a means to modify building envelope regulations for unforeseen site irregularities, the proposal would establish a new discretionary action to help to ensure that irregular sites have a mechanism to accommodate

the permitted floor area, especially if the particular irregularity affects adjoining sites (such as an irregular street grid) and might make the site ineligible for a variance (as uniqueness has to be demonstrated).

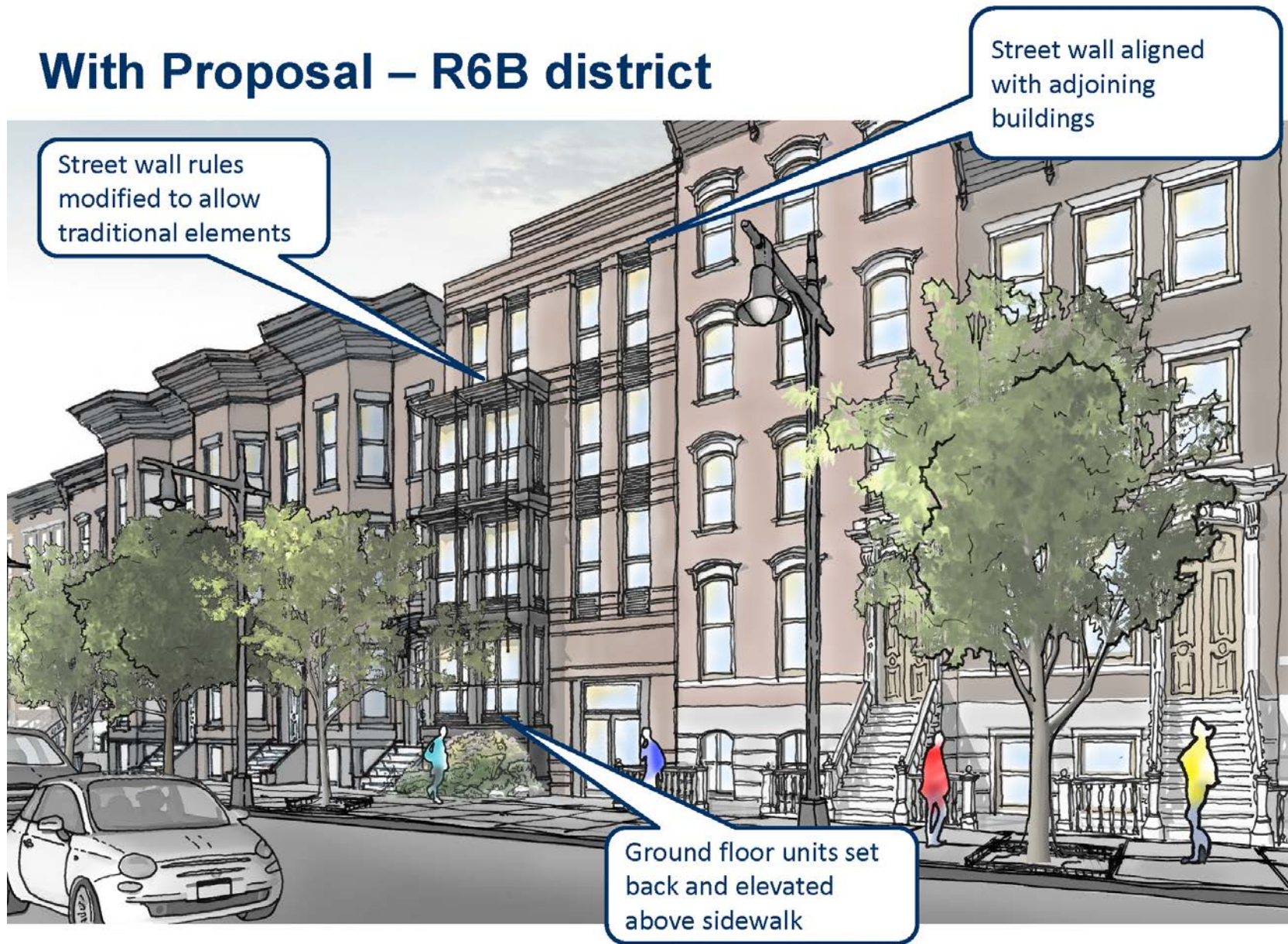
Combined Effects

The following graphics demonstrate the combined effects of the Proposed Action on building design.

Current Rules – R6B District



With Proposal – R6B district



Current Rules – R7A district

Restrictive envelope encourages flat facade

Street wall breaks the line up of adjoining buildings



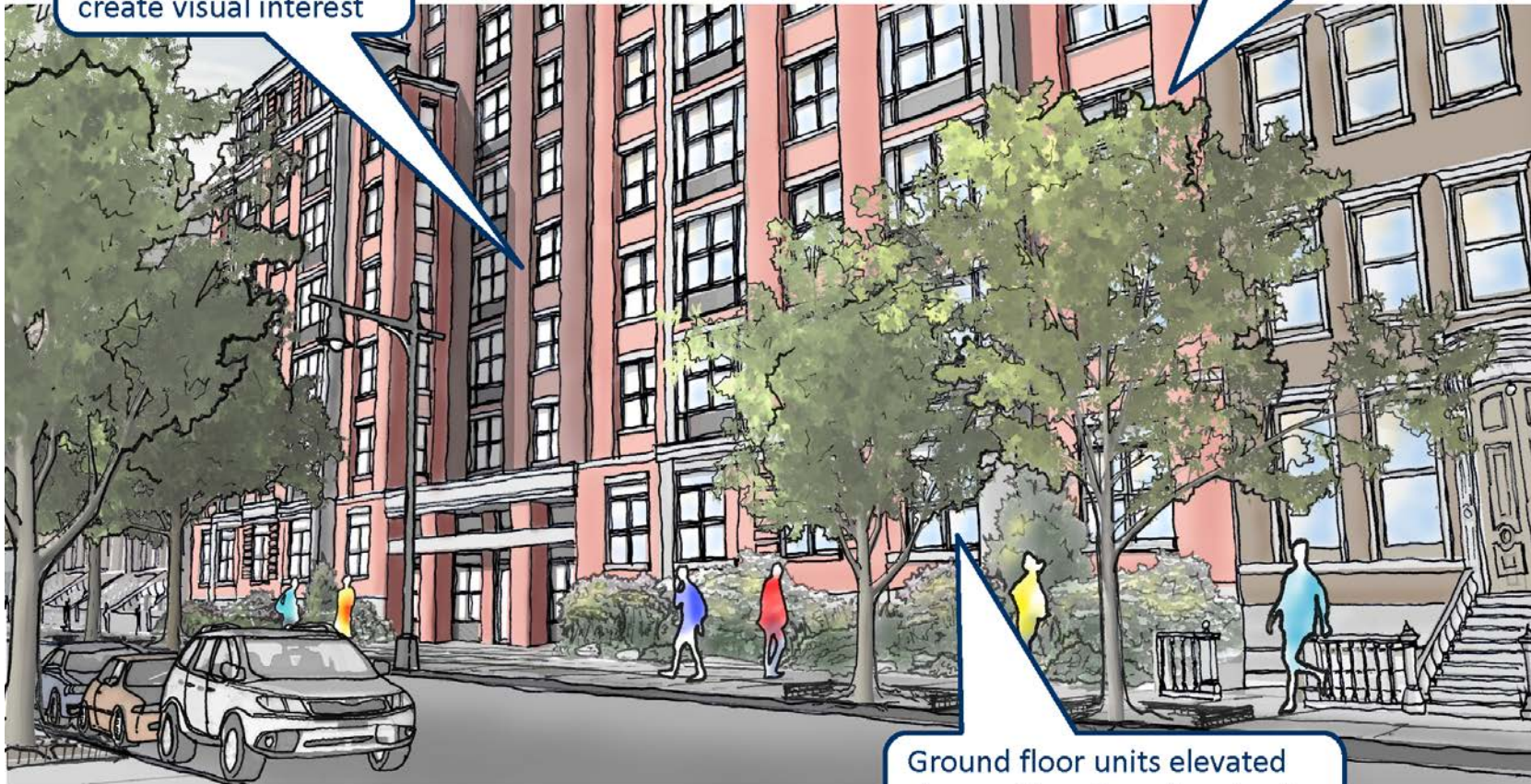
Ground floor units front directly on sidewalk at eye level

1

With Proposal – R7A district

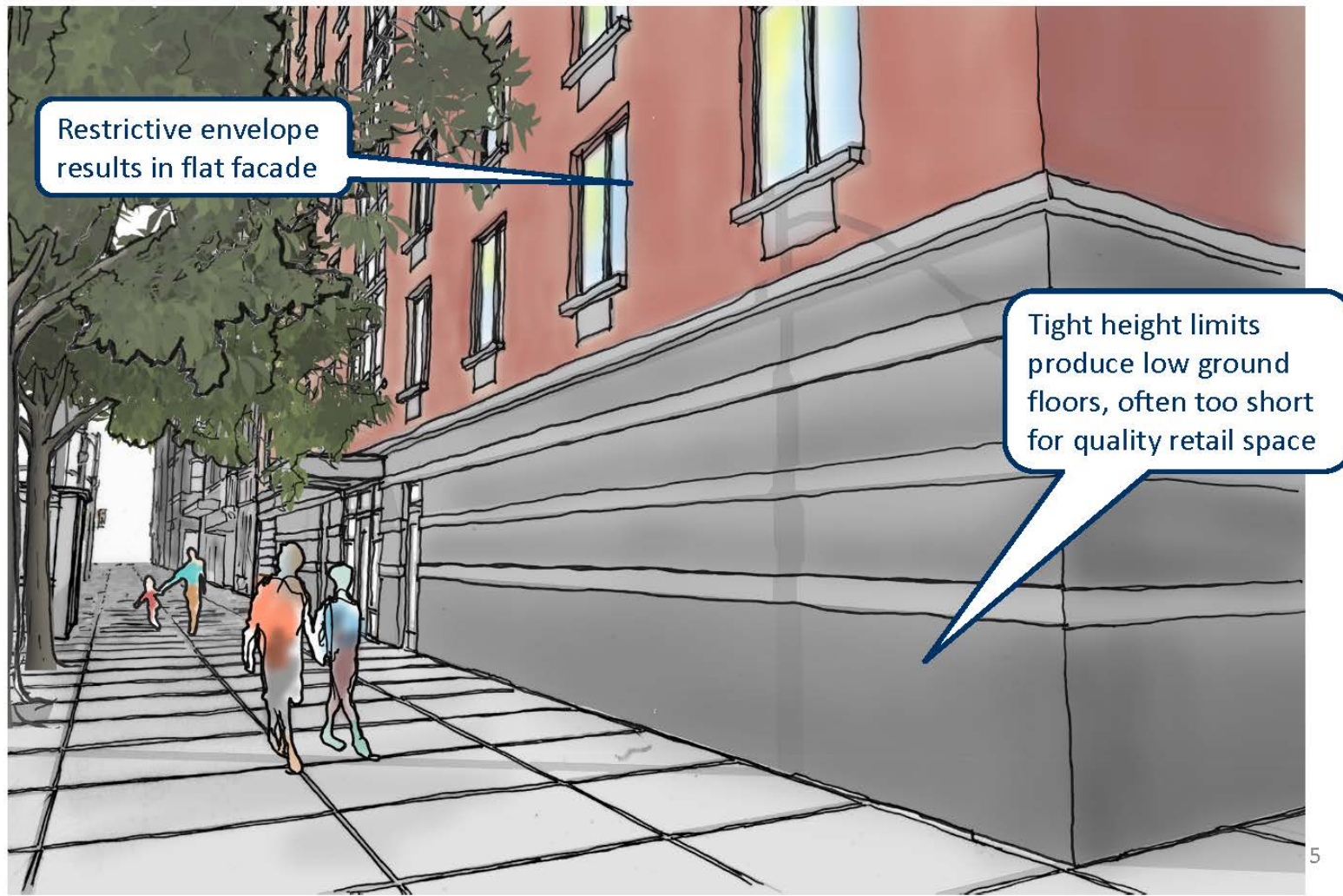
Flexible envelope
allows articulation to
create visual interest

Street wall aligned with
adjoining buildings



Ground floor units elevated
above sidewalk and set back
so planting can be provided.

Current Rules – R8A district



With Proposal – R8A district



Current Rules - R8A District



With Proposal – R8A district



Reduce parking requirements where appropriate for affordable housing

Establish the Transit Zone

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

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

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

Table 1-26: Cars per 100 Households (>3 dwelling units, all tenure)

CAR OWNERSHIP RATES				
	All housing built since 2000	100 percent affordable built since 1990	HUD-202 funded senior housing built since 1990	Other Long-Term Care Facilities built since 1990
Within Transit Zone	25	20	5	1
Outside Transit Zone*	59	62**	11**	1**
* excludes MN Core, Long Island City, and Downtown Brooklyn where there are no parking requirements				
** there were few new developments of these housing types in this geography				

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

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

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

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

Qualifying affordable housing would be defined as “income-restricted housing units”, a new defined term in Section 12-10. This definition encompasses the definition of “affordable housing unit” used to qualify for a parking waiver in the Special Downtown Brooklyn District; this special provision would no longer be needed and would be eliminated.

Off-street parking within the Transit Zone

[Eliminate parking requirements for qualifying affordable housing within the Transit Zone](#)

The proposal would eliminate parking requirements for qualifying affordable housing units within the Transit Zone. Car ownership rates among residents of low-income housing are lower than rates among residents of market-rate housing citywide, and especially near public transportation options. The provision of required parking is costly, and may be borne by the development using funds that could have been used towards additional housing units or amenities. Without this requirement, more housing units could be built with the same amount of public subsidy.

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

[Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone](#)

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

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

[Allow for the elimination of existing and previously required parking for non-profit residences for the elderly or dwelling units for the elderly within the Transit Zone](#)

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

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

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

[Create a discretionary action to remove existing affordable housing parking within the Transit Zone](#)

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

Off-street parking outside the Transit Zone

Modify parking requirement for qualifying affordable housing far from transit

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

Modify parking requirements for Affordable Independent Residences for Seniors to 10 percent in multifamily zoning districts

The proposal would reduce parking requirements for Affordable Independent Residences for Seniors to 10 percent, or 1 space per 10 units, in multifamily zoning districts (R3-2, R4, R5, R5B and R5D-R10 districts). Car ownership rates among residents of Affordable Independent Residences for Seniors are extremely low, making it nearly impossible to justify the existing parking requirements and the lack of parking waivers available for these developments. The 10 percent requirement for lower density districts reflects the small percentage of residents likely to have cars in these areas. The parking would be easily accommodated in open areas on the zoning lot.

Modify parking requirements for Affordable Independent Residences for Seniors in single- and two-family zoning districts

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

Affordable Independent Residences for Seniors is a housing type not commonly developed in these districts.

Create a discretionary action to remove existing parking for Affordable Independent Residences for Seniors

Under existing regulations, parking is required and determined by minimums, except where there are opportunities to waive out of required parking. As a result, many senior housing developments generated large amounts of parking, mostly built as surface parking lots. Low car ownership rates and parking utilization on these lots indicates that some of this parking area may be more appropriate for other uses. Under the proposal, the reduction of previously required parking at existing developments outside of the Transit Zone, to not less than the proposed underlying requirement of 10 percent of dwelling units, would be allowed by a discretionary action. This would create a mechanism to scrutinize the appropriateness of future proposals on a case-by-case basis.

Correct inconsistencies in reduced parking for affordable housing

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

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

J. DISCRETIONARY ACTIONS

BSA Special Permit for Quality Housing to account for unforeseen site circumstances

The Proposed Action includes a provision for a discretionary action that would permit developments on lots with unforeseen configuration issues the opportunity for relief from building envelope controls that impede the construction of their permitted floor area. This would allow the development of the fully-permitted floor area on such sites in a more-efficient manner. Circumstances may include topographical challenges, lot configuration challenges, or other characteristics that may occur across a neighborhood (and thus do not represent a unique hardship) but for which there is limited relief through the Zoning Resolution.

For sites that can demonstrate that physical conditions of the lot create practical difficulties in complying with Quality Housing bulk regulations and would adversely affect the building's layout or site plan, the special permit would permit a modification of a limited series of non-height regulations, including: lot coverage, yards, courts, street wall location, minimum distance between windows and walls or lot lines, and sloping base plane regulations.

Affordable housing developments, where at least 50 percent of its floor area is allocated for income-restricted housing units or Long-Term Care facility, would have a means of modifying the maximum base height, overall building height, and maximum number of stories permitted where the development site presents configuration issues. Where developments can demonstrate that physical conditions of the lot create practical difficulties in complying with Quality Housing bulk regulations and would adversely affect the building's layout or site plan, the special permit would allow modification of all bulk regulations except floor area, including: lot coverage, yards, courts, street wall location, minimum distance between windows and walls or lot lines, and sloping base plane regulations, as well as base height, setback distance, and maximum height. The Special Permit would restrict flexibility by limiting the maximum number of stories to those set in Section 23-664 (Enhanced height and setback regulations for certain buildings) for the applicable zoning district.

Because it is not possible to predict whether a BSA Special Permit would be pursued on any specific site in the future, the RWCDs does not include specific development sites that would utilize the provision. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from the use of the proposed discretionary action.

BSA Special Permit for the reduction of existing parking spaces for income-restricted housing units within the Transit Zone

The Proposed Action includes a provision for a discretionary action that would allow for the reduction or elimination of previously required parking for low-income units, within the Transit Zone. Because it is not possible to predict whether an action would be pursued on any specific site in the future, the RWCDs does not include specific development sites that would achieve the reduction or elimination of existing parking. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from the reduction of, and development on, previously required parking for affordable and senior housing pursuant to the discretionary action.

BSA Special Permit to reduce previously required parking for Affordable Independent Residences for Seniors, outside of the Transit Zone

The Proposed Action includes a provision for a discretionary action that would allow for the reduction of previously required parking for "non-profit residences for the elderly" outside of the Transit Zone. The proposed underlying parking requirement equal to 10 percent of dwelling units would continue to apply. Because it is not possible to predict whether such action would be pursued on any specific site in the future, the RWCDs does not include specific development sites that would achieve the reduction or elimination of existing parking. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from the reduction of, and development on, previously required parking for senior housing pursuant to the Special Permits.

BSA Special Permit for the reduction of parking spaces to facilitate affordable housing, within the Transit Zone

The Proposed Action includes a provision for a BSA Special Permit that would allow for the reduction or elimination of required parking for market-rate units in a new development that includes low-income units within the Transit Zone. Because it is not possible to predict whether a BSA Special Permit would be pursued on any specific site in the future, the RWCDs does not include specific development sites that would achieve the reduction or elimination of existing parking. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from the reduction of required parking for market-rate units as part of a development that includes low-income units.

CPC Special Permit for the reduction or waiver of parking requirements for accessory group parking facilities within a Large-Scale Residential Development or a Large-Scale General Development

The Proposed Action would create a City Planning Commission Special Permit under Section 74-53 that would allow group parking facilities in large scale residential, community facility, or general developments, in conjunction with a bulk modification, to reduce or waive the number of required accessory residential parking spaces, including any spaces previously required for an existing building.

In order to meet the findings, the development would need to be within the Transit Zone, and demonstrate that the reduction of parking spaces would facilitate the development of affordable housing units, that auto ownership patterns for the development's residents are minimal, that the reduction of parking spaces would not have undue adverse impacts, and that the reduction would result in a better site plan.

Because it is not possible to predict whether a CPC Special Permit would be pursued on any specific site in the future, the RWCDs does not include specific Large Scale developments that would achieve the reduction of required parking. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from increased bulk.

CPC Special Permit to allow Long-Term Care Facilities in R1 and R2 Districts

The Proposed Action would create a CPC Special Permit under Section 74-901 to permit Long-Term Care Facilities, including nursing homes in R1 and R2 Districts. Under the existing zoning, nursing homes in R1 and R2 districts are subject to discretionary review only when developing in a community district where there is a relative concentration of nursing home beds.

The Proposed action would not change the allowable floor area for Long-Term Care Facilities in R1 and R2 districts, as per Section 24-111, but would create a single special permit to allow Long-Term Care Facilities in R1 and R2 districts, and another special permit to allow such facilities to apply for the higher Section 24-11 floor area.

In order to meet the findings, the development would need to demonstrate that such use is compatible with the character or the future use or development of the surrounding area, and that the streets providing access to such use are adequate to handle the traffic generated by the use.

Because it is not possible to predict whether a CPC Special Permit would be pursued on any specific site in the future, the RWCDs does not include specific development sites that might receive the Special Permit for Long-Term Care Facilities in the affected districts. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from such development.

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

The Proposed Action would create a CPC Special Permit under Section 74-902 to permit certain community facilities in R1 and R2 Districts to modify their permitted bulk to the allowable community facility FAR and lot coverage as defined under Section 24-11.

In order to meet the findings, the development would need to demonstrate that the distribution of bulk on the zoning lot would not unduly obstruct light and air, that architectural and landscaping treatment and the height of the proposed buildings blends harmoniously with the surrounding area, that the proposed facility would not require any significant additions to the supporting services of the neighborhood, and that the street providing access to the development are adequate to handle the traffic.

Because this new CPC Special Permit is effectively a revision of an existing Special Permit with no substantive change, a conceptual analysis of this new discretionary action is not warranted.

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

The proposal modifies the existing Special Permit 74-902 (renumbered 74-903) for nursing home and health related facilities in all residence and most commercial districts where such facilities are not permitted as of right under Section 22-42. Under the Proposed Action, separate use and bulk permits are proposed for Long-Term Care Facilities in R1 and R2 districts, as discussed separately in this document, and a Special Permit to allow additional bulk for Long-Term Care Facilities or philanthropic or non-profit institutions with sleeping accommodations is proposed for R3-R9 districts.

In order to meet the findings of this Special Permit, the applicant must demonstrate that the distribution of bulk on the zoning lot would not unduly obstruct the access of light and air to adjoining properties or streets, and would result in satisfactory site planning and urban design relationships, and that the streets providing access to such uses would adequately handle the traffic generated by the project.

Because this new CPC Special Permit is effectively a revision of an existing Special Permit with no substantive change, a conceptual analysis of this new discretionary action is not warranted.

CPC Authorization to allow Continuing Care Retirement Communities on lots greater than 10 acres in R1 and R2 Districts

The proposal includes revisions to Section 22-42 that would replace the existing certification with a City Planning Authorization for continuing care retirement communities (a subset of Long-Term Care Facilities) in R1 and R2 districts on a zoning lot that is greater than 10 acres. The continuing care retirement community must also demonstrate that the design is consistent with neighborhood character and that an adequate buffer exists from nearby residences.

In order to meet the findings of the Authorization, the applicant must demonstrate that the design is consistent with neighborhood character and that an adequate buffer exists from nearby residences.

Because it is not possible to predict whether an Authorization would be pursued on any specific site in the future, the RWCDs does not include specific development sites that would seek to cite a continuing care retirement community in the affected districts. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from such development.

Chapter 2 : ANALYTICAL FRAMEWORK

A. OVERVIEW

This EIS has been prepared in accordance with 6 NYCRR 617.9(b) and Sections 6-08 and 6-12 of Executive Order No. 91 of 1977 as amended (City Environmental Quality Review [CEQR]). This chapter outlines the procedural framework utilized to comply with environmental review regulations and provides an overview of the analytical framework to guide the EIS technical analyses presented in subsequent chapters of this document.

B. CITY ENVIRONMENTAL QUALITY REVIEW PROCESS

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

- **Establishing a Lead Agency.** Under CEQR, the “lead agency” is the public entity responsible for conducting the environmental review. Usually, the lead agency is also the entity primarily responsible for carrying out, funding, or approving the proposed project. The Department of City Planning (the “Department” or “DCP”) acting as lead agency on behalf of the New York City Planning Commission (CPC) assumed lead agency status for the Proposed Action.
- **Determination of Significance.** The lead agency’s first charge is to determine whether the proposed project might have a significant impact on the environment. To do so, DCP prepared an Environmental Assessment Statement (EAS). Based on the information contained in the EAS, DCP determined that the project might result in significant adverse environment impacts and issued a Positive Declaration on February 20, 2015.
- **Scoping.** Along with its issuance of a Positive Declaration, DCP issued a draft Scope of Work for the EIS on February 20, 2015. This draft scope was widely distributed to concerned citizens, public agencies, and other interested groups. “Scoping,” or creating the scope of work, is the process of focusing the environmental impact analyses on the key issues that are to be studied. A public scoping meeting was held for the proposed project on March 25, 2015, and additional comments were accepted until April 30, 2015. Modifications to the draft Scope of Work for the project’s draft Environmental Impact Statement (EIS) were made as a result of public and interested agency input during the scoping process. A Final Public Scoping Document for the project (which reflected comments made on the draft scope and responses to those comments, as well as updates to the project as the program was further refined), was issued on September 21, 2015.
- **Draft Environmental Impact Statement.** In accordance with the Final Public Scoping Document, a Draft Environmental Impact Statement (DEIS) was prepared. Upon review of the DEIS and determination that the document has fully disclosed the proposed Action, its potential environmental impacts, and recommended mitigation, the Department will issue a Notice of Completion. Once certified as complete, the DEIS will be circulated for public review.
- **Public Review.** Publication of the DEIS and issuance of the Notice of Completion signal the start of the public review period. During this time, which extends for a minimum of 30 days, the public has the opportunity to review and comment on the DEIS either in writing or at a public hearing convened for the purpose of receiving such comments. Where the CEQR process is coordinated with another City process that requires a public hearing, such as ULURP, the hearings may be held jointly. In any event, the lead agency must publish a notice of the hearing at least 14 days before it takes place and must accept written

comments for at least 10 days following the close of the hearing. All substantive comments received at the hearing or during the comment period become part of the CEQR record and are summarized and responded to in the Final Environmental Impact Statement (FEIS).

- **Final Environmental Impact Statement.** After the close of the public comment period for the DEIS, the department acting on behalf of the CPC will prepare a Final Environmental Impact Statement (FEIS). This document will include a summary restatement of each substantive comment made about the DEIS and a response to each comment. Once the Department has determined that the FEIS is complete, it will issue a Notice of Completion and circulate the FEIS.
- **Findings.** To demonstrate that the responsible public decision-maker has taken a hard look at the environmental consequences of a proposed project, any agency taking a discretionary action regarding a project must adopt a formal set of written findings, reflecting its conclusions about the significant adverse environmental impacts of the proposed project, potential alternatives, and potential mitigation measures. The findings may not be adopted until 10 days after the Notice of Completion has been issued for the FEIS. Once findings are adopted, the lead and involved agencies may take their actions (or take “no action”).

C. ANALYSIS YEAR

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

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

D. ANALYTICAL APPROACH TO THE EIS

This document uses methodologies, and follows and supplements the guidelines set forth in the *CEQR Technical Manual*, where applicable. These are considered to be the most appropriate technical analysis methods and guidelines for environmental impact assessment of projects in the city.

In conformance with standard CEQR methodology for the preparation of an EIS, this EIS contains:

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

Consistent with *CEQR Technical Manual* guidelines, the Proposed Action is analyzed in this EIS as a “generic action,” because there are no known developments that are projected and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. According to the *CEQR Technical Manual*, generic actions are programs and plans that have wide application or affect the range of future alternative

policies. Usually these actions affect the entire city or an area so large that site-specific description or analysis is not appropriate. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified, as described below in Section 2.H of this chapter. The With-Action scenario therefore identifies the amount, type, and location of development that is expected to occur by 2025 as a result of the Proposed Action. The No- Action scenario identifies similar development projections for 2025 absent the Proposed Action. The incremental difference between the two scenarios serves as the basis for the impact analyses.

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

E. METHODOLOGY FOR ANALYSIS

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

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

- Identify Typical Cases: provide several descriptions similar to those in a localized action for cases that can reasonably typify the conditions and impacts of the entire proposal.
- Identify a Range of Conditions: A discussion of the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

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

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

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

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

By making it easier and more cost effective to develop under the existing zoning framework, ZQA is expected to intensify existing development patterns as outlined in the new buildings analysis in Chapter 1, Project Description.

The zoning districts where the most development has occurred over the previous 15 years are expected to see the most development in the Future With and Without the Proposed Action. This proposal is not expected to affect the marketability of a building in any single zoning district over another and thus is not expected to alter general market forces within any single neighborhood. The ZQA proposal is not in-and-of itself expected to induce development on sites where development would not have otherwise occurred. Nor is the type of development expected to differ in the future With versus Without the Proposed Action. However, in the aggregate, more housing units are expected to be developed citywide as a result of building flexibility and cost savings facilitated by this proposal.

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

F. EFFECT OF PROPOSED ACTION

As discussed in the description of the Proposed Action, this proposal would not result in any change to the underlying zoning districts, but would facilitate more efficient and less costly development of all types of housing, and especially affordable housing. A new set of discretionary actions consider how lot constraints and certain zoning regulations may unnecessarily hamper the development of housing units. As no areas are being rezoned under the Proposed Action, no changes to allowable floor area ratio (FAR) are anticipated as part of this action, with the exception of Affordable Independent Residences for Seniors and Long-Term Care Facilities in certain districts.

Across the city, the Proposed Action is only expected to induce new development or affect the overall amount or type of development in a neighborhood on a very limited basis. There are no known or projected as of right development sites, however, as noted, the individual sites to which Proposed Action would apply would be located throughout the city's five boroughs but cannot be specifically identified for analysis purposes.

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

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

Affordable Independent Residences for Seniors and Inclusionary Housing buildings are allowed additional floor area over market-rate units in most zoning districts today, and in the future, more districts would be given the FAR increase. For these buildings, additional flexibility would be allowed to fit all the permitted floor area. This would increase maximum heights for these buildings by 1 to 2 stories in most medium density districts, and 3 to 4 stories in the highest-density districts. In one district commonly mapped on side streets (R7B) no additional height is needed to fit the permitted FAR for Affordable Independent Residences for Seniors. In another (R8B), no additional FAR is proposed for Affordable Independent Residences for Seniors and thus no additional height is needed.

The Proposed Action to increase permitted building heights substantially increases the flexibility of an architect and developer to design buildings that are cost-effective, attractive from the sidewalk and from inside, and that incorporate contemporary best practices and building techniques. By allowing a certain amount of additional height to each affected zoning district, the building envelope may accommodate:

- better-designed ground floor retail space
- better urban design through increased façade articulation and use of the zoning’s court provisions
- higher floor-to-ceiling heights allowing for more light and air into residential apartments
- greater adoption of green technologies, which can reduce energy costs for tenants
- reduce housing construction costs by more easily accommodating less expensive building techniques such as block-and-plank construction

The degree to which the Proposed Action is expected to modify building heights and bulk for market-rate buildings is limited and not likely to result in any new development or floor area over the no action scenario, in all but the tightest existing building envelopes. Furthermore, the additional heights and bulk proposed as part of this action are not significant enough to result in the teardown or redevelopment of an existing building over what might happen in the future without the Proposed Action. Because the added bulk is either for affordable senior housing, which requires subsidy, or long-term care, which is difficult to finance due to the high cost of building and operating this type of facility in New York City, there is no added economic incentive to demolish existing buildings. Therefore, the prototypical scenarios modeled as part of this EIS assume the development of lots in both the No Action and the With Action scenarios.

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

Nevertheless, the Proposed Action is designed to make development of additional housing units more efficient and less costly and, as a result, some additional increment of housing units is projected as part of the Reasonable Worst Case Development Scenario. The prototypical analyses that follow in this report were chosen to illustrate cases where some additional dwelling units may be expected as a result of the Proposed Action.

Section 2G, Screening Analysis, of this chapter identifies each component of the proposal and indicates whether the Prototypical Analysis illustrating the effects of the component project a change in density or building form that may result in environmental impacts.

G. SCREENING ANALYSIS

Components of the proposal with no significant impact

The following components of this proposal have no potential for significant impact. For reasons described below, these components are not in and of themselves expected to have any potential for significant impact on development. They consist of proposals that would affect future mapped areas, which would be subject to their own environmental review at the time of the mapping action, updated definitions to replace terms no longer in use, and clarifications to the zoning resolution to align the language of existing regulations with their intent.

Promote Affordable Independent Residences for Seniors and Long-Term Care Facilities

- Update the definitions for Affordable Independent Residences for Seniors
- Update definitions and use regulations for New York State licensed Long-Term Care Facilities
- Remove terms no longer in use
- Remove special permit 74-903 for domiciliary care facilities for adults
- Modify CPC Special Permit to allow additional bulk for Long Term Care Facilities and certain community facilities in R1 and R2 Districts
- Modify CPC Special Permit to allow additional bulk for certain community facility uses in R3-R9 Districts and certain Commercial Districts

Modernize Rules That Shape Buildings

- Remove or modify unnecessary window noise attenuation regulations
- Clarify and simplify retail and other ground floor regulations
- Clarify use location provisions
- Eliminate Quality Housing study areas

Reduce parking requirements where appropriate for Affordable Housing

- Establish the Transit Zone
- Modify Section 25-25 (A-E) to remove obsolete definitions and requirements
- Modify parking requirement for qualifying affordable housing outside Transit Zone
- Modify parking requirements for affordable housing in single- and two-family zoning districts
- Modify parking requirements for Affordable Independent Residences for Seniors in single- and two-family zoning districts
- Correct inconsistencies in reduced parking for affordable housing

Analysis of components with no significant impact

Update the definitions and use regulations for Affordable Independent Residences for Seniors

Proposal's geographic applicability: n/a

In the future without the Proposed Action, the existing zoning text containing outdated terminology for non-profit residences for the elderly would remain. This text would have no effect on future development because of its obsolescence, but would continue to confuse housing providers who may be uncertain as to whether these requirements apply. In some cases, for-profit developers of affordable senior housing would need to partner with a non-profit to take advantage of the existing zoning benefits for this housing type.

In the future with the Proposed Action, the existing outdated terminology for non-profit residences for the elderly would be replaced with Affordable Independent Residences for Seniors, facilitating a better match with the type of housing that is constructed today. There would not be a need to reorganize the development entity and this may result in avoided time and cost. The economic benefits of this avoided time and cost are difficult to quantify but are not expected to have development-inducing effects.

Therefore, there is no expected change in the number, type, or location of affordable housing developed across the city. The size, shape, or location of development is not expected to change in the With-Action scenario over the No-Action scenario.

No effects would be anticipated as a result of this change. This change would replace the current definition, non-profit residences for the elderly in Use Group 2 with a new term Affordable Independent Residences for Seniors to better reflect current practice in the development of senior housing. This would not generate increases in senior housing, but simply would update the Zoning Resolution to reflect contemporary terminology.

Update definitions and use regulations for New York State licensed Long-Term Care Facilities

Proposal's geographic applicability: n/a

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

In the future with the Proposed Action, the existing outdated terminology for nursing homes and health related facilities would be replaced with Long-Term Care Facilities, reflecting definitions utilized by regulators in the New York State Department of Health. This change would facilitate a better match with the type of community facilities that are constructed today. There is no expected change in the number, type, or location of Long-Term Care Facilities developed across New York City as a result of this change. The size, shape, and location of development are not expected to change in the With-Action scenario over the No-Action scenario.

No effects would be anticipated as a result of this change. This change would replace the current definition, nursing homes and health related facilities in Use Group 3 with the term Long-Term Care Facilities to be consistent with New York State licensing programs for such facilities and the type of facilities that are built today in New York City. This would not generate an increase in units and would only update the Zoning Resolution to reflect contemporary terminology.

[Remove outdated and obsolete definitions](#)

Proposal's geographic applicability: n/a

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

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

No effects would be anticipated as a result of this change. Sanitariums and domiciliary care facilities for adults are terms formerly used by the State to describe facility types that no longer exist and are no longer constructed. The removal of these terms would not affect development.

[Remove special permit 74-903 for domiciliary care facilities for adults](#)

Proposal's geographic applicability: n/a

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

In the future with the Proposed Action, there would be no special permit for domiciliary care facilities for adults. No effects would be anticipated as a result of this change. Domiciliary care facilities no longer exist and are no longer a category recognized or authorized by the NYS Department of Health. As per the proposal, this term would be removed from the Zoning Resolution, thus this permit has no applicability.

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

In the future without the Proposed Action, in R1 and R2 districts certain community facility uses with sleeping accommodations would be permitted to utilize the full community facility FAR and lot coverage under Section 24-11 by CPC special permit granted under Section 74-901.

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

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

In the future without the Proposed Action, in R3-R9 districts and certain commercial districts, certain community facility uses with sleeping accommodations would be permitted to utilize the full community facility FAR and lot coverage under Section 24-11 by CPC special permit granted under Section 74-901.

In the future with the Proposed Action, a similar Special Permit is proposed to allow the full community facility FAR and lot coverage under Section 24-11 for Long-Term Care Facilities in lower density contextual districts, and philanthropic or non-profit institutions with sleeping accommodations in R3-R9 districts.

[Remove or modify window regulations](#)

Proposal's geographic applicability: Special Mixed Use Districts, Special Union Square District, the Special Little Italy District, and the Tribeca Mixed Use District

In the future without the Proposed Action, residential or mixed-use developments in MX districts would be required to provide windows designed for a pre-specified noise attenuation levels (35 dB(A)) that may be overly conservative, depending on the actual site conditions and the surrounding area. Developments utilizing the Quality Housing regulations would be required to provide double-glazed windows whose requirements have been superseded by the Building Code.

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

No effect would be anticipated as a result of this change. The requirement for double glazed windows in the Quality Housing regulations is obsolete and is superseded by the Building Code. In the Special Mixed Use Districts, Special Union Square District, the Special Little Italy District, and the Tribeca Mixed Use District, the proposal would establish a mechanism to modify the window wall attenuation requirement of 35dB(A) through the Mayor's Office of Environmental Remediation, similar to the existing process for (E) designations.

Clarify and simplify retail and other ground floor regulations

Proposal's geographic applicability: Special Districts: Lincoln Square District, Forest Hills District, Harlem River Waterfront District, Hudson Square District, Hudson Yards District, Clinton District, 125th Street District, Downtown Brooklyn District, Downtown Jamaica District, Stapleton Waterfront District, Long Island City Mixed Use District, Union Square District, Willets Point District, Southern Hunters Point District, St. George District, Coney Island District, Enhanced Commercial Districts

In the future without the Proposed Action, developments in applicable areas with ground floor requirements would have overly restrictive, inconsistent or confusing design requirements that may make development excessively costly and, in some cases, does not match the typical context of the ground floors of existing buildings with retail frontage. Slight variations in how façade transparency is calculated, parking wrap requirements, and retail depth requirements would continue to complicate development across the city.

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

No effect would be anticipated as a result of this change that provides a usable set of ground floor regulations to replace the myriad of slightly-varied regulations found throughout the Zoning Resolution.

Clarify use location provisions

Proposal's geographic applicability: Forest Hills District, Harlem River Waterfront District, West Chelsea District, 125th Street District, Long Island City Mixed Use District, Willets Point District, Southern Hunters Point District, Coney Island District, Mixed Use Districts.

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

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

No effect would be anticipated as a result of this change that corrects a series of Special Districts that inadvertently restrict community facility and residential uses on the same floor. This change would bring these districts in line with the underlying zoning regulations.

Eliminate Quality Housing study areas

Proposal's geographic applicability: Study areas: Portions of Soundview and Castle Hill (Bronx); Midwood and Brighton Beach (Brooklyn); Elmhurst/Corona, Forest Hills, and Flushing (Queens), as defined in Zoning Resolution section 23-011.

In the future without the Proposed Action, Quality Housing study areas would continue to be delineated. As specified by the applicable zoning, in R6 and R7 Districts within the study areas where 70 percent or more of the aggregate length of the block fronts containing residential uses are occupied by single-, two-, or three-family detached or semi-detached homes on both sides of the street, the optional Quality Housing bulk regulations would not apply. The block face conditions that trigger restrictions on contextual development are rarely, if ever found.

In the future with the Proposed Action, developments in the former Quality Housing Study Areas would be permitted to utilize the Quality Housing building envelope option without being required to demonstrate that the applicable block face conditions do not exist. Additionally, developments would continue to be able to utilize the basic, or "Height Factor" option. The amount, type, and location of development is not expected to change in the With-Action scenario over the No-Action scenario.

Establish the Transit Zone

Proposal's geographic applicability: n/a

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

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

The mapping and determination of a Transit Zone definition would not in and of itself have any environmental effects.

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

Proposal's geographic applicability: n/a

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

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

The Proposed Action would remove from Section 25-25 any references to obsolete programs that are unclear or are no longer active.

Modify parking requirement for qualifying affordable housing outside Transit Zone

Proposal's geographic applicability: all, outside Transit Zone

In the future without the Proposed Action, new affordable housing units would continue to be subject to the parking requirements as outlined in Section 25-25. Columns A, B, C, and E would continue to reference obsolete programs, and the majority of developments would be expected to apply under Column C, which has the lowest requirements by zoning district. Only approximately a dozen wholly affordable housing developments have been established outside the area proposed as the Transit Zone in the previous 15 years, and development in the future without the action would be expected to continue at this pace. These sites would be widely dispersed throughout the city, primarily in Queens and Staten Island.

In the future with the Proposed Action, new affordable housing units would continue to be built in multifamily zoning districts, with parking requirements generally consistent with what is known under the No-Action scenario as Column C in Section 25-25. This represents no measurable change over the No-Action scenario, as most affordable

housing today is built pursuant to Column C. Based on historical trends, approximately 10 wholly affordable housing developments would be expected to be developed outside of the Transit Zone in the future without the Proposed Action. These sites would be widely dispersed throughout the city, primarily in Queens and Staten Island. The amount, type, and location of development are not expected to change in the With-Action scenario over the No-Action scenario.

[Modify parking requirements for affordable housing in single- and two-family zoning districts](#)

Proposal's geographic applicability: R1, R2, R3-1, R3A, R3X, R4-1, R4A, R4B, R5A

In the future without the Proposed Action, no new affordable housing units are expected to be built in single- or two-family zoning districts. The reduced parking requirements specified in Section 25-25 of the Zoning Resolution have no practical relevance.

In the future with the Proposed Action, no new affordable housing units are expected to be built in single- or two-family zoning districts. There would no longer be reduced parking requirements for affordable housing in these districts.

Affordable housing is not currently developed in single- or two-family districts, so the alignment of affordable housing parking requirements with the underlying regulations would simply provide consistency in the Zoning Resolution and would not affect the amount, type or location of development.

[Modify parking requirements for Affordable Independent Residences for Seniors in single- and two-family zoning districts](#)

Proposal's geographic applicability: R1, R2, R3-1, R3A, R3X, R4-1, R4A, R4B, R5A

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

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

Affordable Independent Residences for Seniors are not currently developed in single- or two-family districts, so the alignment of affordable housing parking requirements with the underlying regulations would simply provide consistency in the Zoning Resolution and would not affect the nature of development.

[Correct inconsistencies in reduced parking for affordable housing](#)

Proposal's geographic applicability: Special St. George District and Queens Community Board 14

In the future without the Proposed Action, new income-restricted housing units would be subject to parking requirements that are higher than zoning intended.

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

Both geographies are outside the Transit Zone and would thus still require parking for affordable and affordable senior housing. However, the parking requirements would be better aligned with the needs of the residents for whom they apply.

Components of the Proposal with Potential Density Effects

The following components of this proposal have the potential for impacts related to density. Density related effects include land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise.

Promote Affordable Independent Residences for Seniors and Long-Term Care Facilities

- Update floor area ratio maximum for Affordable Independent Residences for Seniors
- Update floor area ratio maximum for New York State-regulated Long-Term Care Facilities
- Remove density factors for Affordable Independent Residences for Seniors and certain UG2 Long-Term Care Facilities
- Revise certifications and special permits for Long-Term Care Facilities in R3-R10 districts

Modernize Rules That Shape Buildings

- Adjust height controls in moderate- and high-density districts
- Create more-efficient building setback rules
- Remove unnecessary corner lot coverage restrictions
- Permit residential accessory uses on ground floors in rear yards for developments in an IHDA mapped area, or an affordable independent residence for seniors
- Provide a more balanced building transition rule
- Adjust height controls for inclusionary housing and Affordable Independent Residences for Seniors
- Remove narrow lot restrictions
- Create new lower-density bulk envelope for Affordable Independent Residences for Seniors and Long-Term Care Facilities (R3-R5)
- Modernize density factor in R8 through R10 districts
- Update unit size requirements
- Provide improved yard and coverage regulations for shallow lots
- Update outdated distance between buildings regulations

Reduce parking requirements where appropriate for Affordable Housing

- Eliminate parking requirements for qualifying affordable housing within the Transit Zone
- Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone
- Permit elimination of existing affordable senior parking within the Transit Zone
- Modify parking requirements for Affordable Independent Residences for Seniors to 10 percent in multifamily zoning districts outside the Transit Zone.

Components of the Proposal with Potential Building Form Effects

The following components of this proposal have the potential for impacts related to building bulk and form. Building bulk and form related effects include shadows; historic and cultural resource; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality.

Promote Affordable Independent Residences for Seniors and Long-Term Care Facilities

The components of the proposal that are intended to alter the bulk envelope of buildings with Affordable Independent Residences for Seniors or Long-Term Care Facilities are discussed under the “Modernize Rules that Shape Buildings” section below.

- Update floor area ratio maximum for New York State licensed Long-Term Care Facilities
- Update floor area ratio maximum for Affordable Independent Residences for Seniors and Long-Term Care Facilities
- Allow higher densities for Affordable Independent Residences for Seniors in R7X and R7-3 districts
- Provide a framework for mixing of Use Group 2 residences with certain Use Group 3 community facilities

Modernize Rules That Shape Buildings

- General building envelope modifications
- Adjust height controls in moderate- and high-density districts for general residential uses
- Create more-efficient building setback rules

- Remove unnecessary corner lot coverage restrictions
- Provide a more balanced building transition rule
- Enhanced building envelopes for inclusionary and affordable senior housing
- Remove narrow lot restrictions
- Adjust height controls for Inclusionary Housing
- Adjust height controls for AIRS and LTC facilities
- Create a new higher-density non-contextual building envelope for certain types of housing on zoning lots adjacent to certain types of infrastructure – Long-Term Care facilities
- Create new lower-density bulk envelope for Affordable Independent Residences for Seniors and Long-Term Care Facilities (R3-R5)
- Encourage variety and better design flexibility
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Provide more-useable court regulations
- Modernize density factor and unit size requirements
- Encourage elevated residential ground floors
- Flexibility for constrained lots
- Provide improved yard and coverage regulations for shallow lots
- Rationalize street wall requirements for acutely-angled sites
- Provide additional flexibility for irregular topography
- Update outdated distance between buildings regulations

Reduce Parking Requirements Where Appropriate for Affordable Housing

- Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone
- Eliminate parking requirements for qualifying affordable housing within the Transit Zone
- Permit elimination of existing affordable senior parking within the Transit Zone
- Modify parking requirements for Affordable Independent Residences for Seniors to 10 percent in multifamily zoning districts far from transit

Analysis of components with density effects and/or building form effects

The following discussion addresses the components of this proposal where density- or bulk-related impacts may be significant. Density related effects include land use, zoning and public policy; socioeconomic conditions; community facilities; open space; water and sewer infrastructure; solid waste and sanitation services; transportation; air quality; and noise. Building bulk and form related effects include shadows; historic and cultural resources; urban design and visual resources; neighborhood character; natural resources; hazardous materials; noise; and air quality. As this proposal requires a generic analysis of the effects of any single component, prototypical cases have been developed to analyze the reasonable worst-case scenarios in this proposal. Each component of the proposal that has the potential to result in impacts refers the reader to a prototypical case that has been modeled to show the effects of the No Action and With Action scenarios.

Promote Affordable Independent Residences for Seniors and Long-Term Care Facilities

The following components of the proposal have the potential to result in significant density-related adverse impacts. The components of the proposal that have the potential to result in significant building form-related adverse impacts for Affordable Independent Residences for Seniors and Long-Term Care facilities are discussed in the Modernize Rules That Shape Buildings section below.

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

Proposal's geographic applicability: R3-2, R4, R5, R6, R7-1, except R4A, R4B, R4-1, and R5D

In the future without the Proposed Action, in cases where Use Group 2 residences and certain Use Group 3 community facilities (Long-Term Care and non-profit institutions with sleeping accommodations) wanted to mix in

the same building or on the same zoning lot, the developer would not have clarity regarding merging the rules that apply to these different uses. It would continue to be unclear how to apply the Quality Housing requirements and floor area deductions to buildings that include these community facilities, as permitted in Zoning Resolution section 28-00. Additionally, it would continue to be unclear how to allocate shared common space to the maximum floor area ratio for each use.

In the future without the Proposed Action, these community facility uses in buildings that contain residences would continue to be subject to the limitations of Zoning Resolution section 24-162, which establishes maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts, even when those community facility uses have primarily residential attributes.

In the future with the action, the restrictions listed in section 24-162 would be removed. There would be clarity about the application of rules when use group 2 residences and certain use group 3 community facilities (Long-Term Care and non-profit institutions with sleeping accommodations) are mixed on the same zoning lot and therefore, these projects would be easier to develop. This would encourage the mixing of residences with residential-like community facilities, potentially allowing for a beneficial mix of uses. The Proposed Action would continue to limit the community facility floor area to the 24-111 FAR for NPISAs and the applicable senior housing FAR for Long-Term Care Facilities. The combination of NPISA and residence would be no larger in terms of floor area.

This change proposes to clarify the regulations that apply to cases where Use Group 2 residences are mixed with certain Use Group 3 community facility uses (Long-Term Care and non-profit institutions with sleeping accommodations). These uses are permitted to mix today, but regulations do not provide guidance regarding the application of the separate rules applied to portions the same building. This would not induce new development or additional floor area, but simply would provide clarity those wishing to build this type of housing. The uses would be permitted in separate buildings on the same zoning lot or on separate zoning lots. Clarifying the rules for Quality Housing deductions may result in slight increases in the overall bulk.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototype 26 illustrates the effects of mixing Use Group 2 and Use Group 3 within the same building.

As the Proposed Action could affect the shape of development, there may be some building form effects caused by the change, but the amount and location of development would be unchanged.

Update floor area ratio maximum for Affordable Independent Residences for Seniors

Proposal's geographic applicability: R5B, R6B, R7D, R7X, R7-3 R8-R10

In the future without the Proposed Action, Section 23-147 pertaining to non-profit residences for the elderly maximum floor area would remain unchanged. Development of NPRFEs would continue at its current pace. Data from the NYU Furman Center shows that a total of 38 HUD-202 senior housing projects were constructed between 2000 and 2010, out of a total number of 202 HUD-202 projects in New York City since 1990. Citywide, since 2000 only 2,800 new affordable apartments for seniors have been constructed. While there are other subsidy and regulatory programs that provide “non-profit residences for the elderly” in New York City, the HUD-202 program is a primary source, and the most comprehensive inventory of the past construction of NPRFE uses. HUD-202 projects since 2000 were built in all five boroughs, with the majority in the Bronx, Brooklyn and Manhattan. The number of units per project range from 6 to 109 units with an average of 67 units per building. The total number of units constructed in NYC during this 10 year period through the HUD 202 program was 2,532. The previous 10 year period, between 1990 and 1999, 5,273 HUD 202 units were constructed.

HUD 202 projects were built in a range of districts, but primarily in R6, R6A and R7-1/R7-2 districts throughout the city, where they are able to utilize the FAR incentive. It is expected that, in the future without the Proposed Action, Affordable Independent Residences for Seniors would continue to be developed in the zoning districts where they have an FAR incentive.

However, while non-profit residences for the elderly are permitted a higher maximum FAR than typical residential uses (non age- or income-restricted housing), NPRFE are given the same height limits as typical residential uses that have a lower maximum FAR. In many cases, non-profit residences for the elderly have been unable to construct the full FAR that they are permitted through zoning. In the future without the Proposed Action, there would continue to be a need for discretionary actions, each of which is subject to its own environmental review. These cases are detailed as part of this document, which describes City Planning Commission authorizations where such projects were permitted to exceed the height and setback regulations established in Section 23-631.

New HUD 202 projects are not being funded, and the only current source of funding for new Affordable Independent Residences for Seniors is HPD's SARA program. SARA production is dependent on future funding, but the Mayor's housing plan has set a goal of 500 new affordable units for seniors per year, or 5,000 over ten years, representing a modest increase over past HUD 202 housing production. In the future without the Proposed Action, SARA would be less effective due to obsolete and unworkable zoning provisions.

In the future with the Proposed Action, changing the floor area ratio maximums in Section 24-147 would expand the current framework for allowing higher FARs for Inclusionary Housing in high-density zoning districts, in addition to where the bonus is already available in moderate-density districts. This could encourage the construction of affordable senior housing to be more widely distributed throughout the city, or to be included as a portion of another building with a mix of other residential or non-residential uses. The specific districts where the Proposed Action would increase the allowable floor area permitted for non-profit residences for the elderly, include R6B, R7D, R7X, R7-3 and R8-R10. In these districts, Affordable Independent Residences for Seniors (currently non-profit residences for the elderly) would be permitted to build a higher FAR. Additionally, the building envelope would be expanded for this type of housing, allowing for more flexibility in how the FAR fits on site. These changes would obviate the need for many of the discretionary actions sought under the existing framework.

Although demand for affordable senior housing is increasing, the development of affordable senior housing is driven by the availability of public funding and subsidy and the availability of appropriate (and affordable) land, all of which are currently scarce. However, while the HUD-202 program is not currently funded, HPD's Senior Affordable Rental Apartments (SARA) program has been funded to make loans to non-profit and for-profit developers of affordable senior housing. The program provides project-based rental assistance for tenants age 62 and older earning up to 60% AMI, and would pay up to 30% of their income toward rent. As a result of these initiatives, the development of affordable senior housing is expected to proceed at the pace enabled by available funding, in the future with- and without the Proposed Action. In the future with the Proposed Action, the development of affordable senior housing units is expected to increase slightly due to eased regulatory constraints and lower development costs. This increase would be spread throughout the city, and it would be difficult to identify which specific units are the incremental units enabled by the regulatory changes of the Proposed Action.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 6, 8, 20, 22, 24, 25, and 27 model the increase in floor area ratios in high density residential districts for Affordable Independent Residences for Seniors.

The Proposed Action would result in additional FAR for affordable independent residences in high-density districts across the city, as compared to the No-Action condition. As a result, the potential for density related impacts is analyzed in this Environmental Impact Statement.

Households headed by seniors overall have far fewer density-related effects than other non-senior households. Seniors are generally retired from the workforce and therefore use fewer city services and infrastructure than the typical city resident. Senior residences generally have a high frequency of single occupancies and the absence of families with children. Seniors are not expected to have school-aged children, and therefore affordable senior housing does not create a demand for school seats and residents of affordable housing for seniors have low car ownership and generate few auto trips at peak times.

Nevertheless, the Proposed Action would result in additional FAR for affordable independent residences and Long-Term Care Facilities in high-density districts across the city, as compared to the No-Action condition. As a result, the potential for density related impacts is analyzed in this Environmental Impact Statement.

Update floor area ratio maximum for New York State licensed Long-Term Care Facilities

Proposal's geographic applicability: R3-R10

In the future without the action, Section 24-111 would continue to specify the maximum floor area ratio for nursing homes and assisted living facilities that qualified as Use Group 3 non-profit institutions with sleeping accommodations. Assisted living facilities that did not qualify as community facilities would be subject to the underlying floor area ratio for the applicable residence district. Development of Long-Term Care Facilities would continue at a slow pace. Data from the New York State Department of Health on state licensed Long-Term Care Facilities shows that a total of 19 licensed facilities were constructed between 2000 and 2014, out of a total number of 254 facilities that are currently licensed in New York City, since 1990. In zoning, the current terminology for this use is outdated and only refers to "nursing homes and health related facilities." The proposal recommends replacing this term with a new, broader term, "Long-Term Care Facilities" in order to recognize the range of such facilities that are constructed and licensed today. The data presented in this analysis includes the following state licensed Long-Term Care Facilities: nursing homes, assisted living programs, and enriched housing programs. Since 2000, Long-Term Care Facilities have been built in all five boroughs, with the majority in the Brooklyn, Queens and Manhattan. The number of beds per project range from 30 to 280 beds with an average of 133 beds/building. The total number of units constructed in NYC during this 15 year period was 2,524. The previous 15 year period, between 1980 and 1995, 6,740 licensed Long-Term Care beds (in 36 facilities) were constructed.

Long-Term Care Facilities were built in a range of districts, but primarily in R4, R6 and R7-1/R7-2 districts throughout the city. In current zoning, nursing homes and health related facilities are considered community facilities, but are not permitted the full community facility FAR (24-11) as-of-right; the as-of-right maximum FAR for nursing homes (24-111) is lower and similar to the underlying residential FAR. Nursing home and Long-Term Care Facilities have significant spatial programmatic requirements that are derived from the State's standards and market demand for amenities and services. Analysis of the floor plans of example project suggest that the average of such amenity and services spaces can be as much as 60 percent of the entire project, leaving less than half of the total facility available to sleeping quarters. Service and amenity spaces are also very costly to operate, yet enhance the quality of life for residents and the community. As a result of these substantial requirements, many such facilities are not able to construct or modernize without a discretionary zoning action that permits additional floor area beyond that of Section 24-111. At least 8 facilities applied for special permits for increase bulk pursuant to ZR 74-902 since 2000. This permit allows additional floor area as well as taller buildings to accommodate the additional floor area. The history of these permits is discussed in Section 1H, Purpose and Need, which describes City Planning Commission Certifications and Special Permits where such projects were permitted to exceed the height and setback regulations established in Section 74-902. In the future without the action, this would continue to be a common occurrence, adding costs to the development and enlargement of these facilities and delaying the availability of needed services.

The Proposed Action would increase the maximum floor area ratios for Long-Term Care Facilities in R3-2 to R10 districts, except R3-1, R3A, R3X, R4-1, R4A, R5A, R5B and R5D. This higher maximum FAR would be consistent with that for Affordable Independent Residences for Seniors (see table in Section 1I, Proposed Action). Since 2000, 2,060,691 square feet of floor area was constructed at State licensed Long-Term Care Facilities. This is a calculation of total floor area built, and may not only include Long-Term Care residential bedrooms, but also includes clinical service space, circulation, social accessory rooms, and other additional support spaces required for operation.

In the future with the Proposed Action to increase FAR and height limits as-of-right for Long-Term Care the City could expect to see a small increment of additional housing. Allowing a higher floor area ratio would permit new development on smaller lots, reducing land costs, or the enlargement of existing sites that are at the maximum FAR under the existing condition. While this in and of itself can be expected to be development inducing, the actual increment is likely to be driven more by funding than by zoning changes, since funding constraints establish the number of beds in Long-Term Care Facilities that are constructed.

The increase in development is expected to be scattered throughout the city, and it would be difficult to identify which specific Long-Term Care Facility beds represent the increment enabled by the Proposed Action. New developments might be slightly larger in certain districts but overall citywide, Long-Term Care Facilities represent a small amount of residential community facility space distributed throughout the city and the likelihood of any

development site favoring this type of housing over another is not expected to change in the future with or without the Proposed Action.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 9, 23 and 26 model the change in floor area ratio maximums for Long-Term Care Facilities.

The proposed change to allow increased floor area may lead to some increase in beds of Long-Term Care, for which effects are analyzed with regards to all density-related impact categories.

Remove density factors for Affordable Independent Residences for Seniors

Proposal's geographic applicability: R3-2, R4, R5, R6-R10 multifamily zoning districts

In the future without the Proposed Action, density factors for Affordable Independent Residences for Seniors would continue to apply. The effect of complying with density requirements in the Zoning Resolution are difficult to quantify, given requirements for common areas in these developments. Nevertheless, some nonprofit residences for the elderly have sought density waivers, indicating that the density requirements do sometimes conflict with best practices for affordable senior housing design, which call for small average unit sizes to reduce rents and simplify housekeeping. Recently, an application to rezone a City-owned site, and waive (through zoning override) the density factor, as well as parking and open space requirements, was approved for 67 income- and age-restricted units at 54-25 101st street in Corona, Queens (C 150125 ZMQ). HANAC, the project sponsor, sought an increase of one dwelling unit over what was permitted (66 DUs) under the existing density factor, and the override for this and other components of their application was approved. No such override is available for developments on privately-owned sites.

Owing to the Mayor's Affordable Housing Plan and the commitment to build more affordable senior housing, is expected that the overall rate development would increase slightly over the rate seen in the previous 15 years, when roughly 38 developments with 2,800 total units were constructed across the city, in the future without the Proposed Action. Zoning would continue to hamper the development of such housing, resulting in higher costs and less efficient construction based on contemporary best practices and unit size standards for this type of housing.

In the future with the Proposed Action, density factors for Affordable Independent Residences for Seniors would be removed, enabling developers of this type of housing to build units in the most efficient way for their program. Affordable senior housing would not be subject to a density factor or minimum unit size in zoning, allowing other regulations and programmatic needs to control unit density and appropriate unit sizes for this use. This would allow for a range of unit sizes, and for more affordable and more appropriately sized units for seniors, while being offset by more generous community spaces.

The Proposed Action is not expected to result in the development of additional buildings for Affordable Independent Residences for Seniors over the No Action. However, it is likely that the developments that would be built would house some number of additional units for low income seniors, as their unit sizes would not be limited by outdated zoning regulations.

In the future with the Proposed Action, more affordable senior developments are expected to take as-or-right advantage of density allowances, similar to those granted to the Corona development, which are only obtainable by Mayoral override and other waivers under the future without the action.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 16, 24, 25, 27 model the potential effect of the removal of density factors for Affordable Independent Residences for Seniors and certain Long-Term Care facilities.

Households headed by seniors overall have far fewer density-related effects than other non-senior households. Senior residences generally have a high frequency of single occupancies and the absence of families with children. Seniors who reside in this type of affordable housing do not have children who attend school, and therefore they do

not create a demand school seats. Residents of affordable housing for seniors rarely own cars and tend not to drive at peak times. While it is expected that the proposed changes would not have adverse development effects as per the CEQR impact categories because of the minimal density effects of senior households, potential effects are evaluated based on the additional units that may be produced as a result of the Proposed Action.

Revise certifications and special permits for Long-Term Care Facilities in R3-R10 districts

Proposal's geographic applicability: R3-R10

This change would remove Section 22-42, which is a certification that applies to nursing homes to determine whether a proposed development or enlargement is located in a community district of relative concentration; and also remove the special permit in Section 74-90, and modify the special permit in Section 74-902, to allow nursing home development to occur as-of-right in R3-R10 districts, regardless of the characteristics of the community district.

In the future without the Proposed Action, zoning would continue to require certifications and, in some cases, special permits for nursing home developments and enlargements. These existing provisions would continue to unnecessarily burden nursing home development and discourage new construction or enlargements to existing nursing homes. Nursing home development costs would be additionally burdened by the cost and time required to apply and complete these certifications, special permits and their requirements. Facilities for which a need had been certified by the New York State Department of Health would experience undue delays in serving their target populations.

In the future without the Proposed Action, nursing homes and other Long-Term Care Facilities wishing to develop or enlarge within a Community District where there is a relative concentration of facilities would be required to seek a Special Permit demonstrating that the proposed facility would have a use and bulk that fits within the surrounding community. This special permit was developed as a reaction to historic conditions that saw a boom in nursing home construction in certain areas during the 1970s. Today, and in the future without the Proposed Action, the special permit serves little purpose in protecting against community impacts, but does create a procedural hurdle and increased time and expense to applicants. The Commission would continue to lack ongoing oversight of nursing homes, which the State DOH has, and would thus continue to defer to the DOH's judgment that the facility is in fact needed. The State would continue to serve a similar role that was originally sought by the 1973 certifications and special permits by the Commission.

In the future with the Proposed Action, Long-Term Care Facilities seeking to develop in any residential district other than R1 or R2 would no longer need to seek a special permit if they are located in a community district with a relative concentration of nursing home beds. This would speed the development and enlargement of some nursing homes, and make but funding would remain the major constraint. Nursing homes in community districts that do not have a relative concentration of nursing home beds would no longer be subject to the 22-42 certification.

The development of nursing homes is controlled by the State's Certificate of Need process which issues licenses based on needs and services available in a community, and available funding or financing for such a project. Nursing homes would be developed and enlarged more quickly, speeding the delivery of needed services to seniors.

Based on historical trends and Special Permit applications since 2000, as outlined in Section 1H, Purpose and Need, it is expected that approximately 34 new or renovated nursing homes would be developed as a result of the Proposed Action, and would be expected to take less time to develop as a result of fewer barriers in the future with the Proposed Action. As a result of the ZQA proposal alone, new or renovated nursing homes would need less time to complete following the granting of a Certification of Need by the New York State Department of Health. Long-term care is a very constrained industry with rigorous regulations, high costs and limited funding.

Overall citywide, Long-Term Care units represent a small amount of residential community facility space that is distributed across the city. Given growing demand for this facility type, and decreased regulatory barriers, it is anticipated that, with the Proposed Action, a modest increase in development over historical trends would occur. Because nursing homes in community districts of relative concentration would no longer be subject to discretionary review, and because a modest amount of additional development is expected as a result of the Proposed Action, a CEQR analysis is required.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototype 9 models the potential effect of allowing the development of Long-Term Care facilities without needing to seek a special permit.

Households headed by seniors overall have far fewer density-related effects than other non-senior households. Senior residences generally have a high frequency of single occupancies and the absence of families with children. Seniors who reside in this type of affordable housing do not have children who attend school, and therefore they do not create a demand school seats. Residents of long-term care facilities rarely own cars and tend not to drive at peak times. While it is expected that the proposed changes would not have adverse development effects as per the CEQR impact categories because of the minimal density effects of senior households, potential effects are evaluated based on the additional units that may be produced as a result of the Proposed Action.

Modernize Rules That Shape Buildings

General building envelope modifications

Most developments in NYC can construct the maximum permitted floor area within the current as-of-right Quality Housing building envelope, though this floor area may be accommodated in an expensive, inefficient manner. As demonstrated in Prototype 1 among others, the No-Action and With-Action developments are both able to accommodate their full permitted floor area, though the No-Action building accomplishes this by utilizing sub-optimal building practices.

However, in limited instances, or when buildings utilize best housing design practices today, some floor area may not be developed. Some examples were identified in the Citizens' Housing and Planning Council report, *The Building Envelope Conundrum*⁸. While these sites would only be accommodating the floor area already permitted on the site and analyzed in previous environmental analyses, it is not possible to conclude where and to what extent such additional development might occur. Detailed descriptions of the proposal to modify general building envelopes are below.

Adjust height controls in moderate- and high-density districts for general residential uses

Proposal's geographic applicability: R5D-R10 contextual districts, excluding "B" districts

In the future without the Proposed Action, development would be expected to occur at the same pace that occurs today. Based on development trends over the previous 15 years as shown in Chapter 1, Project Description, and the Mayoral commitment to develop more housing in the future, over 1200 buildings would be expected to be developed in the affected zoning districts over the next 15 years. While most of them would be able to fit their permitted floor area within the existing building envelope, many would be forced to contend with significant constraints in designing the building. This would result in flat buildings with no façade articulation or setback from the street, minimum permitted floor to ceiling heights for residential units, and inadequate ground floor retail ceiling heights. These buildings would be expected to be widely dispersed across Manhattan, the Bronx, Queens and Brooklyn, and a small number would be expected on the north shore of Staten Island. A subset of buildings would be expected to be underbuilt, providing articulation, setbacks, and better floor to ceiling heights, but sacrificing floor area for the ability to do so. Some buildings would be forced into the least desirable situation, in which the full permitted floor area is not achieved despite sub-optimal design.

In the future with the Proposed Action, developments in moderate and high density zoning districts would be able to utilize new height controls and therefore would be able to construct their permitted floor area in a more efficient manner, resulting in taller buildings with better floor to ceiling heights and more appealing ground floor retail spaces.

This component of the proposal is expected to be wide reaching, affecting all new developments in widely mapped contextual districts across the city. Based on development trends of the previous 15 years outlined in Chapter 1, Project Description, roughly half of all new residential development is expected to occur in contextual zoning districts with the proposed height changes. Yet, as described in the Proposed Action, the effects of the height changes are modest for buildings without Inclusionary, affordable or senior housing. The benefits of the additional height for

⁸ Citizens Housing Planning Council, 2014, <http://chpcny.org/2014/06/building-envelope-conundrum/>

general residential uses include better ground floor retail and lobby spaces, and more desirable floor to ceiling heights, in line with development trends in the city's historic contextual neighborhoods.

The likelihood of more than a couple of developments on any single block, or several within a multi-block radius, is relatively low across the affected zoning districts. The city's medium- and high-density zoning districts are largely built out, and development sites are typically widely scattered across a neighborhood. Moreover, adjusting height controls for residential uses to allow them to better fit their permitted FAR is not expected to result in a substantial incremental increase in population within a neighborhood over the no action scenario at any individual site, so even where development sites may be adjacent to one another, the incremental increase in population remains limited. Because the Proposed Action is not allowing more density but, rather, enabling the current permitted densities to be better accommodated on a development site, it is not expected to result in a clustering of construction over the no action scenario.

Prototypical Analysis

Because it is not possible to identify specific development sites, prototypical sites have been chosen to illustrate the effects of the Proposed Action. Prototypes 1-5, 10, 12, 13, 14, and 23, demonstrate the effects of this Proposed Action.

As demonstrated in Prototype 1, the No-Action and With-Action developments are both able to accommodate their full permitted floor area, though the No-Action building accomplishes this by utilizing sub-optimal building practices.

However, in limited instances, or when buildings utilize best housing design practices today, some floor area may not be developed. While these sites would only be accommodating the floor area already permitted on the site and analyzed in previous environmental analyses, it is not possible to conclude where and to what extent such additional development might occur. Therefore, the possibility of building form and density-related impacts are analyzed in this Environmental Impact Statement.

Create more-efficient building setback rules

Proposal's geographic applicability: R6-R10

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

In the future with the Proposed Action, the upper floors of residential buildings would be able to be designed in a more-efficient manner. In those districts where it is permitted, the option to set the building off of the property line to create a more residential street character with ground floor plantings would more likely be chosen since there is no longer an inherent penalty in doing so.

It is expected that new buildings in the affected districts would take advantage of this provision where the existing setback requirements pose structural or economic challenges to development. As already discussed, it is not possible to identify development sites in the affected districts, but the effects of this action in isolation is modest.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 1-7, 9-15, 17-19 and 23, model developments that utilize the proposed changes to setbacks.

The Proposed Action would result in modified building forms in developments throughout the city, as compared to the No-Action condition. This could include, as demonstrated in the various prototypes, buildings constructed to a range of higher heights, with greater articulation on the ground floor and above. These provisions, both individually and in concert, are analyzed in this Environmental Impact Statement as potential building form related impacts.

Remove unnecessary corner lot coverage restrictions

Proposal's geographic applicability: R6-R10

In the future without the Proposed Action, buildings on high density corner lots would develop their floor area in an inefficient manner because of the maximum coverage requirement. In addition, these buildings would not be able to fully wrap the corner like more-traditional corner buildings. Rectangular city blocks typically have four corner lots; the vast majority in the affected districts are already built out and would not be expected to be redeveloped in the future without the Proposed Action. Undeveloped corner lots that might be developed are widely scattered across Manhattan, the Bronx, Queens, and Brooklyn, and a small number are in northern Staten Island.

In the future with the Proposed Action, undeveloped corner lots would be able to utilize their floor area in a more-efficient manner because of the removal of the maximum corner coverage requirement. In addition, it is more likely that these developments would wrap the corner with the building massing and therefore create a more-traditional corner building. An effect of the wrapping allowance would be higher floor to ceiling heights, and also somewhat shorter buildings, as the floor area would be allocated over a larger building footprint, allowing for improved street wall continuity. As this could affect the amount and type of development, there may be some density or building form effects caused by the change. As development is dispersed over wide areas of the city, the location of development would remain unchanged under the With-Action scenario.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 3, 17 and 21 model developments utilizing changes to corner lot coverage requirements.

The Proposed Action would result in modified building forms in developments throughout the city, as compared to the No-Action condition. This could include, as demonstrated in the various prototypes, buildings constructed to a range of higher heights, with greater articulation on the ground floor and above. These provisions, both individually and in concert, are analyzed in this Environmental Impact Statement as potential building form related impacts.

Permit residential accessory uses on ground floors in rear yards for affordable developments in an IHDA mapped area, or an affordable independent residence for seniors

Proposal's geographic applicability: R6-R10, excluding "B" districts

In the future without the Proposed Action, nonprofit residences for the elderly and affordable housing in IHDA mapped areas would be able to include parking, community facility, or commercial space (in districts where permitted) in the rear yard area. However, buildings would not be able to include residential accessory uses in the rear yard area, and there would continue to be no requirements that rear yards be planted or accessible to residents. Additionally, the 4 percent requirement for recreation space for NPRFEs and the Quality Housing recreation space requirement would continue to be unintentionally additive.

In the future with the Proposed Action, Quality Housing developments would be able to include residential accessory space on the ground floor in the rear yard area, extending the privilege currently given to community facility space and accessory parking, as well as commercial space, where permitted. Such uses would therefore be allowed to encroach into the rear yard, encouraging the provision of these spaces in a more attractive and functional configuration than is possible under current zoning.

Additionally, in the future with the Proposed Action, allowing the recreational space required by Quality Housing regulations, and currently exempted from floor area calculations, to count towards the 4 percent of recreational space required for Affordable Independent Residences for Seniors would clarify the treatment of exempted recreational space for senior housing. By making the requirement consistent across all types of multifamily residences, the Proposed Action avoids unnecessary costs. While the added costs are difficult to quantify, the cost savings are not expected to be development-inducing. Developments today can already provide community facility and commercial space, as well as parking, in the rear yard area on the ground floor. Extending this privilege to accessory would therefore have no effect on development or building form. Nevertheless, the cost and space savings may result in a slight amount of additional density, especially when utilized in concert with other components of this proposal, and thus are analyzed as part of this document.

Provide a more balanced building transition rule

Proposal's geographic applicability: R6-R10

In the future without the Proposed Action, developments on lots affected by this provision would be required to limit the scale of building portions next to the adjacent lower-density districts. Most of these buildings would be located on corner lots, since for interior lots any encroachment abutting a low-density district is limited by the required rear yard. Based on historical development trends and existing zoning districts, these buildings would be expected to be dispersed along high-density corridors in the neighborhoods in the north Bronx, in Astoria, Jackson Heights and Corona, Queens, along corridors like Jamaica Avenue and 101st Avenue in Queens, and areas including Kings Highway and Ocean Avenue in Brooklyn, on lots within 25' of a low density zoning district. Their ability to fit their permitted FAR would be hampered by existing limits to development adjacent to a low density district, and corner lot coverage requirements.

In the future with the Proposed Action and in concert with the proposed changes to corner lot coverage regulations, developments on lots affected by the existing provision would be able to incorporate permitted floor area in the transition area adjacent to the lower-density district, allowing for the full utilization of the development site's FAR in a more-efficient manner. While it is not possible to determine the precise locations of development in affected districts, new buildings could be expected to be developed in a more efficient manner in the future with the Proposed Action – especially where they occur on corner lots, with the revised regulations under the Proposed Action. As with the No-Action scenario, these buildings would be expected to be dispersed along high-density corridors in the neighborhoods in the north Bronx, in Astoria, Jackson Heights and Corona, Queens, along corridors like Jamaica Avenue and 101st Avenue in Queens, and areas including Kings Highway and Ocean Avenue in Brooklyn.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 3 and 17 model developments on higher-density lots adjacent to lower-density districts that utilize the proposed transition rule.

In limited instances, or when buildings utilize best housing design practices today, some floor area may not be developed. While these sites would only be accommodating the floor area already permitted on the site and analyzed in previous environmental analyses, it is not possible to conclude where and to what extent such additional development might occur. Therefore, the possibility of both building form and density-related impacts is analyzed in this Environmental Impact Statement.

Remove narrow lot restrictions

Proposal's geographic applicability: R7-2, R7D, R7X, R8, R9, and R10 Inclusionary Housing or Affordable Independent Residences for Seniors built pursuant to Quality Housing regulations

In the future without the Proposed Action, developments on narrow lots in certain medium- and high-density zoning districts would be unable to construct their full permitted floor area because of existing restrictions on buildings on lots less than 45 feet in width. As shown in Prototype 15, which represents a reasonable worst case on a wide street in this regard, 48.6 percent of the permitted floor area cannot be constructed because of the existing provisions.

In the future without the Proposed Action, Quality Housing developments on lots that are less than 45 feet wide would be restricted to the width of the street or, depending on the height of surrounding buildings, to the height of surrounding buildings. In districts where the maximum height limit for these buildings is higher than the existing regulations for narrow lots would allow, developments on narrow lots would have difficulty in fully utilizing their permitted floor area. Inclusionary housing developments or Affordable Independent Residences for Seniors would be unable to utilize their maximum permitted FAR, and height controls for narrow lots would continue to be an impediment to the development of new affordable housing.

It is not possible to quantify the number of development sites that would be unable to build to their maximum permitted FAR due to this redundant height control. However, based on development trends of the previous 15 years, it is expected that some small number of lots less than 45' wide and within an Inclusionary Housing Designated Area or R10 Inclusionary zoning district and participating in the IH program might be redeveloped in the future

without the Proposed Action. These would be primarily located in Manhattan and portions of the Bronx, and would be limited in height by the width of the street or the height of the lowest adjacent building.

In the future with the Proposed Action, Quality Housing developments participating in the Inclusionary Housing Program or building Affordable Independent Residences for Seniors on narrow lots less than 45' wide would be permitted to develop to the applicable height limit of the underlying district. Even with the combination of programs underway to develop more affordable housing, significant development and funding constraints remain, especially on narrow lots in the city's highest density districts. Therefore, only a small subset of the narrow lots in the affected districts, would be expected to utilize the modified zoning to reach their maximum height under Inclusionary Housing or AIRS, but zoning would no longer be an impediment to such development. Developments in Historic Districts would continue to be subject to Landmarks Preservation Commission review.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototype 15 models a narrow 40' x 100' interior lot on a wide street in an R10A district.

The Proposed Action could affect the amount and type of development by allowing buildings to reach their full FAR potential without requiring them to assemble sites. Therefore, there may be some density or building form effects caused by the change. These development sites would be limited to Affordable Independent Residences for Seniors, Inclusionary Housing Designated Areas or R10 districts where Inclusionary Housing is applicable.

Adjust height controls for Inclusionary Housing

Proposal's geographic applicability: R6-R10, excluding "B" districts

In the future without the Proposed Action, developments attempting to utilize the Inclusionary Housing program's higher floor area ratio could face difficulty in constructing the fully permitted square footage, or they would develop the available floor area in a sub-optimal or inefficient building. Given the commitment to build more affordable housing, it is expected the in the future Without the Proposed Action, the rate of development of Inclusionary Housing would increase to meet the Mayor's housing goals. Many would be expected to fit their permitted FAR within the building envelope; however, they would only be able to do so by providing sub-standard floor to ceiling heights, and boxy facades with no articulation or setbacks. A small subset would be expected to be underbuilt, unable to fit their permitted FAR within the building envelope, even with architectural modifications.

In the future with the Proposed Action and in concert with the various housing initiatives, more affordable housing developments would be able to construct the full permitted floor area utilizing best practices. Although funding would likely continue to be the primary barrier to the development of affordable housing in the future with the Proposed Action, a subset of those that would be developed in the future without the Proposed Action would be slightly larger and better able to fit their permitted floor area, while still ensuring adequate ground level floor to ceiling heights for commercial space or residential entryways.

While it is not possible to determine how many affordable housing developments would be able to construct their full permitted floor area in a more efficient building as a result of the proposal, it is expected that the change to the allowable building envelope for these buildings would encourage a small incremental number of new housing units in the future with the Proposed Action. This increment would be dispersed throughout the city's applicable zoning districts, and it is difficult to identify which specific units represent the increment.

Prototypical Analysis

Because it is not possible to identify specific development sites, prototypical sites has been chosen to illustrate the effects of the Proposed Action. Prototypes 17, 18, 19, 21 model sites demonstrating the effects of the proposed height changes for Inclusionary housing.

Under the Proposed Action, developments would be able to construct the full permitted floor area utilizing best practices. While these sites would only be accommodating the floor area already permitted on the site that was already analyzed in previous environmental analyses, it is not possible to conclude where and to what extent such

additional development might occur. Therefore, the possibility of density-related impacts is analyzed in this Environmental Impact Statement.

Adjust Height Controls for Affordable Independent Residences for Seniors and Long-Term Care Facilities

Proposal's geographic applicability: R6-R10, excluding "B" districts

In the future without the Proposed Action, zoning would not accommodate the permitted senior housing FAR. In some cases, discretionary actions would be available that enable developments to escape zoning constraints; in other cases, funding would not permit utilization of the full FAR in any case. While non-profit residences for the elderly would be permitted a higher maximum FAR than typical residential uses (non age- or income-restricted housing), both contextual and non-contextual senior housing developments would face development constraints: developments in contextual districts, and especially on interior lots with less flexibility than corner lots, would be hampered by a restrictive contextual building envelope that does not allow most to achieve their full permitted FAR.

Developments in non-contextual districts would be hampered by complex open-space requirements which mandate a tall building with a small floor plate that is inefficient, costly to build, and not appropriate for affordable senior housing and Long-Term Care Facilities. This problem would be expected to persist in the future without the Proposed Action.

Additionally, in non-contextual zoning districts, affordable senior housing or care developments in some instances would not have an efficient or workable alternative to the contextual envelope in the future without the Proposed Action, and would thus be unable to construct their fully permitted floor area.

In the future with the action, a more flexible building envelope would permit utilization of the full allowable FAR for these developments. Funding would remain a constraint but the achievement of the full permitted FAR is likely to happen in a greater percentage of cases. Other developments would avoid the time and cost of discretionary reviews, and have more resources to put towards more housing, or better services to residents.

In non-contextual districts, a workable contextual building envelope would be available in the future with the Proposed Action, making it easier to develop the full permitted FAR for AIRS and Long-Term Care Facilities where the Quality Housing building option is not appropriate.

The Mayor's Housing Plan, coupled with additional funding, will further work to increase the amount of affordable senior housing that gets developed. While such funding is expected in both the future with and without the Proposed Action, with the Proposed Action, a small increase in the number of units may be further facilitated by reduced development costs.

The combination of changes as part of this Proposed Action, including use definitions, FAR increases, changes to density factors, building envelope and parking requirements would, in combination, are expected to allow a greater number of affordable senior housing units to be built over the future without the Proposed Action.

Prototypical Analysis

Because it is not possible to identify specific development sites, prototypical sites has been chosen to illustrate the effects of the Proposed Action. Prototypes 6, 7, 9, 11, and 23 model sites demonstrating the effects of the Proposed Action.

Under the Proposed Action, developments would be able to construct the full permitted floor area utilizing best practices. While these sites would only be accommodating the floor area already permitted on the site that was already analyzed in previous environmental analyses, it is not possible to conclude where and to what extent such additional development might occur. Therefore, the possibility of density-related impacts is analyzed in this Environmental Impact Statement.

Create a new higher-density non-contextual building envelope for certain types of housing on zoning lots adjacent to certain types of infrastructure– Affordable Independent Residences for Seniors

Proposal's geographic applicability: R6-R8 (non-contextual districts)

In the future without the Proposed Action, AIRS developments in non-contextual zoning districts adjacent to elevated rail or other infrastructure would be required to utilize the Quality Housing regulations since the underlying height factor envelope and open space ratio is inappropriate for this housing type, requiring a tall, narrow building with a small footprint that is contrary to the ideal configuration for affordable senior housing. As shown in Prototype 8, a building utilizing these regulations would not be able to develop its full permitted floor area under the existing as-of-right provisions. While the contextual Quality Housing regulations would have permitted this floor area to be better accommodated, the building form poorly matches its context because of the existing rail line.

In the future with the Proposed Action, Affordable Independent Residences for Seniors in high-density non-contextual zoning lots adjacent to elevated rail lines or other elevated infrastructure would have a second building envelope option beyond the current Quality Housing building regulations, which would provide more overall flexibility. The locations of these developments would be expected to be dispersed and widespread across the city, in areas where such infrastructure exists. These include corridors zoned R6-R8 non-contextual along the MTA's elevated subway lines in parts of the Bronx, Queens, Brooklyn and Staten Island, elevated railroads such as the Metro North in Manhattan and the Bronx, and Long Island Railroad in Brooklyn and Queens, and corridors along elevated highways or highway cuts, such as the Cross Bronx Expressway and the Long Island Expressway.

Prototypical Analysis

Because it is not possible to identify specific development sites, prototypical sites has been chosen to illustrate the effects of the Proposed Action. Prototypes 8 and 20 model sites demonstrating the effects of the Proposed Action.

The Proposed Action would result in developments that are more appropriate to their surroundings. As this could affect the shape of development, there may be some building form effects caused by the change, but the amount and location of development on non-contextual zoning lots adjacent to infrastructure would be unchanged.

Create a new higher-density non-contextual building envelope for certain types of housing on zoning lots adjacent to certain types of infrastructure— Long-Term Care Facilities

Proposal's geographic applicability: R6-R8 (non-contextual districts)

In the future without the Proposed Action, certain community facilities including nursing homes, in non-contextual zoning districts adjacent to elevated rail or other infrastructure would be subject to the regular or alternate 1961 zoning envelopes which have a maximum height at the street line or front yard line, in some cases a required setback at the street line, and a sky exposure plane. The 1961 zoning envelopes have inconsistent results depending on the site. For example, a through-lot site can be much taller than an interior-lot site.

In the future with the Proposed Action, Long-Term Care Facilities in high-density non-contextual zoning districts adjacent to elevated rail lines or other elevated infrastructure would have the building envelope options available to Affordable Independent Residences for Seniors, which would provide more overall flexibility. This includes the envelope that is proposed for AIRS developments in R6-R8 districts and adjacent to infrastructure. The locations of these developments would be expected to be dispersed and widespread across the city, where such conditions exist. These include corridors zoned R6-R8 non-contextual along the MTA's elevated subway lines in parts of the Bronx, Queens, Brooklyn and Staten Island, elevated railroads such as the Metro North in Manhattan and the Bronx, and Long Island Railroad in Brooklyn and Queens, and corridors along elevated highways or highway cuts, such as the Cross Bronx Expressway and the Long Island Expressway.

Prototypical Analysis

Because it is not possible to identify specific development sites, prototypical sites has been chosen to illustrate the effects of the Proposed Action. Prototype 20 models a site adjacent to a rail line, demonstrating the effects of the Proposed Action.

The Proposed Action would result in developments that are more appropriate to their surroundings. As this could affect the shape of development, there may be some building form effects caused by the change, but the amount and location of development non-contextual zoning lots adjacent to infrastructure would be unchanged.

Create new lower-density bulk envelope for Affordable Independent Residences for Seniors

Proposal's geographic applicability: R3-2, R4 and R5, without letter or number suffix

In the future without the Proposed Action, non-profit residences for the elderly in would be unable to construct their full permitted floor area because underlying height and setback regulations do not accommodate this floor area. These developments would either have to utilize existing discretionary actions to receive a workable zoning envelope, or would have to develop less than their permitted floor area in an inefficient configuration. As a result of the unduly restrictive zoning, it would be expected that approximately a dozen applications for City Planning Commission authorization to permit NPRFEs to exceed the height and setback regulations in R3-2, R4 and R5 districts would be submitted over the next ten years.

In the future with the Proposed Action, developments in these zoning districts providing Affordable Independent Residences for Seniors would be able to develop their full permitted floor area with an as-of-right zoning envelope. In most instances, this would alleviate the need for the development to seek a discretionary approval from the City Planning Commission and therefore make this form of housing easier and less costly to build. It is therefore likely that the number of such developments in low-density districts would increase, but the increase would be limited by the availability of funding, even with the Mayor's Housing Plan. The increases would be expected to be dispersed across the city's low-density multifamily zoning districts and is not expected to be clustered in any one area.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 24, 25 and 27 model affordable senior housing developments in lower density non-contextual districts.

While the Proposed Action would make it easier to develop senior housing, it is unlikely to have density effects at a local level. As described above, seniors overall have far fewer density-related effects than other non-senior households. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of density-related impacts is analyzed in the Environmental Impact Statement.

Create new lower-density bulk envelope for Long-Term Care Facilities

Proposal's geographic applicability: R3-2, R4 and R5, without letter or number suffix

In the future without the Proposed Action, nursing homes and certain other community facilities would be subject to the 1961 zoning envelope which has a maximum height at the front yard line, a required setback, and a sky exposure plane. The 1961 zoning envelopes have inconsistent results depending on the site. For example, a through-lot site can be much taller than an interior-lot site.

In the future with the Proposed Action, Long-Term Care Facilities in the affected districts would be permitted to utilize the bulk regulations for Affordable Independent Residences for Seniors. Long-Term Care Facilities would be able to develop their full permitted floor area with an as-of-right zoning envelope that is sufficiently flexible to meet their needs. The increase in development would be facilitated by a combination of eliminating the use special permit and more as-of-right FAR. The change in the envelope would not have such an effect since the community facility envelope accommodates the current low as-of-right FAR. Because of the variety of factors that contribute to the development of these facilities, it is not possible to quantify the effects of this component of the proposal, but it is likely that the number of developments in the applicable districts would increase somewhat over the no action scenario

In the future with and without the Proposed Action, Long-Term Care Facilities in R3, R4 and R5 districts *with* a letter or number suffix would continue to utilize the existing community facility bulk regulations of ZR Section 24-00.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototype 26 models a lower-density non-contextual Long-Term Care facility.

While the Proposed Action would make it easier to develop Long-Term Care Facilities, it is unlikely to have density effects at a local level. As described above, seniors overall have far fewer density-related effects than other non-

senior households. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of density-related impacts is analyzed in the Environmental Impact Statement.

Encourage building variety and better design flexibility

Provide greater clarity and design opportunities in street wall regulations

Proposal's geographic applicability: R6-R10

In the future without the Proposed Action, developments would have a limited ability to provide building articulation because of unclear or strict regulations. This constraint often results in generally flat, uninteresting buildings. High density commercial districts with residential equivalents, would continue to have a 100% street wall requirement, forcing them to build at the street line.

In the future with the Proposed Action, developments would have a clearer means of providing building articulation. High density commercial districts and residential equivalents would be permitted up to 50% of their façade to be recessed up to 3' of the street wall, allowing the construction of more varied buildings more in keeping with the character of existing more-traditional residential buildings. The proposal would clarify where the street wall must be located (pursuant to line-up provisions). This initial street wall location would allow for a 12" deviation to allow for minor articulation, such as structural expression. Secondly, the proposal would stipulate that wherever the street wall is located, in all districts, up to 50 percent of the street wall may project (within the limits of the property) or be recessed up to 3'. Finally, in A, D and X districts, up to 30 percent of the street wall would be permitted to be recessed to the minimum setback distance (unless located within an outer court). This 30 percent allowance for a deeper recess would not be cumulative with the 50 percent allowance.

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

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 1, 2, 3, 12, 13, 14, 17 and 23 model this component of the Proposed Action.

As the Proposed Action could affect the amount and shape of development, there may be some building form effects caused by the change, but the amount and location of development would be unchanged.

Match street wall line-up provision requirements to intent

Proposal's geographic applicability: R6-R10 contextual districts, and for Quality Housing buildings on wide streets in non-contextual R6 and R7 districts without a letter suffix

In the future without the Proposed Action, developments located on contextually-zoned blocks with deeply set back non-contextual buildings would be required to comply with setback rules that exacerbate a condition of non-contextual buildings. By allowing buildings in some districts to set back their front building wall up to 15' from the street line, in order to match the street wall of an adjacent building, a contextually zoned block may develop in a non-contextual manner.

Also in the future without the Proposed Action, developments in the highest density commercial and equivalent residential districts (R9, R10) would continue to have no clarity in the zoning resolution as to the street wall and setback requirements for developments on narrow streets.

In the future with the Proposed Action, developments in R6A, R7A, R7B, R7D, and R7X districts would not need to set back more than 10' from the street wall, regardless of the setback of the adjacent buildings. This would result in developments that are more contextual with their surroundings. At the same time, R6B, R7B and R8B districts would allow new developments up to 3' of setback regardless of the street wall of the adjacent buildings, in order to permit some articulation and architectural features between the building and the sidewalk.

Also in the future with the Proposed Action, developments in the highest density residential districts (R9 and R10) would refer to the setback requirements of other “A” districts in the zoning resolution, providing guidance and clarity as to the street wall and setback requirements for developments on narrow streets.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 1, 2, 3, 12, 13, 14, 17 and 23 model this component of the Proposed Action.

As the Proposed Action could affect the amount and shape of development, there may be some building form effects caused by the change, but the amount and location of development would be unchanged.

Provide more-useable court regulations

Proposal’s geographic applicability: R6-R10

In the future without the Proposed Action, developments have limited flexibility to utilize the existing court provisions because of the need to use the full zoning envelope to accommodate permitted floor area. This limits building articulation and overall visual interest. Courts are limited to shallow and inflexible configurations.

In the future with the Proposed Action, court regulations are more flexible and create buildings with more articulation and overall visual interest. These buildings would be more in keeping with the character of existing more-traditional residential buildings.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 1, 2, 3, 12, 13, 14, 17 and 23 model this component of the Proposed Action.

As the Proposed Action could affect the amount and shape of development, there may be some building form effects caused by the change, but the amount and location of development would be unchanged.

Encourage elevated residential ground floors

Proposal’s geographic applicability: R6-R10

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

In the future with the Proposed Action, there would be an incentive to provide the required access inside the building, and greater ability to provide them outside the building in ground floor recess areas. The floor area exemption of 100 square feet for each foot the ground floor is raised above curb level to accommodate an interior ramp in the residential lobby, and the revision to permitted recesses that would typically be large enough to accommodate a ramp on the exterior of the building, would make it more likely that developments would provide elevated ground floor residences. Raising the ground floor units would likely result in buildings with greater overall visual interest.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 1, 2, 3, 12, 13, 14, 17 and 23 model this component of the Proposed Action.

As the Proposed Action could affect the amount and shape of development, there may be some building form effects caused by the change, but the amount and location of development would be unchanged.

Modernize density factor for R8-R10 Quality Housing buildings

Proposal's geographic applicability: R8-R10 Quality Housing

In the future without the Proposed Action, residential buildings in high-density zoning districts (R8 through R10) would not be permitted the same flexibility in overall unit mix within a building that is granted to developments in medium density districts, because of the increased density factor requirement. R8 districts would be limited to a Density factor of 740, and R9 and R10 districts to 790.

Under the Proposed Action, residential developments utilizing the Quality Housing regulations in high-density zoning districts would be able to utilize the 680 density factor already permitted in medium-density zoning districts. As a result, residential buildings utilizing the Quality Housing regulations would be able to provide a greater diversity of unit sizes in the overall building. At the same time, residential buildings in high-density zoning districts (R8 through R10) would have the flexibility to provide a greater number of units in the same amount of residential floor area.

While the Proposed Action would permit additional units in buildings in these districts, it is unlikely that this would have a significant effect on most high-density developments in the city. Most recent construction in these districts is providing a larger average dwelling unit size and so is not coming into conflict with the density factor calculation. An analysis by DCP of five residential buildings constructed since 2010 in Downtown Brooklyn, an area with R8-R10 equivalent zoning where new housing is reported in the media to be catering to small households, shows that buildings there have an average density factor of approximately 900 square feet, with average residential unit sizes at about 850 square feet. Given this, it is unlikely that the Proposed Action would have significant density effects at a local level. Most buildings would continue to provide residential units that are, on average, larger than currently required and it would only be in limited instances that buildings in high-density districts would utilize the greater flexibility afforded by this proposed change. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of density-related impacts is analyzed in this Environmental Impact Statement.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototype 16 models the effect of updating the density factor regulations for R8-R10 districts.

The modification to the density factor in high-density zoning districts may, in some cases, result in a modest number of additional units. Therefore, the potential for density-related impacts is analyzed as a result of this action.

Update unit size requirements

Proposal's geographic applicability: R6-R10 Quality Housing

In the future without the Proposed Action, residential buildings utilizing the R6-R10 Quality Housing regulations would not be able to include any residential units smaller than 400 square feet, limiting the overall diversity of units permitted.

In the future with the Proposed Action, residential units would no longer be limited to a minimum dwelling unit size of 400 square feet; instead, unit dimensions would refer to the NYC Building Code and Housing Maintenance Code and the state Multiple Dwelling Law. These establish an effective minimum unit size of about 275 square feet for a studio apartment.

As a result, residential buildings utilizing the Quality Housing regulations would be able to provide a greater diversity of unit sizes in the overall building. At the same time, and in concert with the changes to density factors, residential buildings in high-density zoning districts (R8 through R10) would have the flexibility to provide a greater number of units in the same amount of residential floor area.

While the Proposed Action would permit smaller units in Quality Housing buildings, it would not result in more units over the No Action scenario, because dwelling unit density is controlled by the density factor. In R8 through R10 districts, the effects of changes to the density factor are assessed separately.

By removing the 400 square foot minimum unit size from the Quality Housing regulations, developments would only be able to provide a greater diversity of unit types, while the overall total number of permitted residential units in the development would remain unchanged.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 8, 16 and 20 model the effects of updating unit size requirements for R6-R10 Quality Housing.

The modification to the unit sizes, in tandem with other changes proposed as part of this project, may occasionally result in a modest number of additional units. Therefore, the potential for density-related impacts is analyzed as a result of this action.

Provide improved yard and coverage regulations for shallow lots

Proposal's geographic applicability: R6-R10

In the future without the Proposed Action, buildings on shallow lots between 70' and 95' depth would be granted no relief for yard and coverage requirements that were designed for generic 100-foot-deep lots. This makes it difficult to fit all the permitted floor area in an efficient building and generally forces the building to be developed directly on the street line. On shallow through lots with a depth between 140' and 190', the same problem presents itself when two buildings are developed on opposite street frontages. There are relatively few development sites meeting these conditions, however, in the future without the Proposed Action, those that do would be expected to develop a sub-standard building in order to fit their permitted FAR; others would be expected to obtain variances to facilitate more efficient buildings on these lots as a result of their constraints.

In the future with the Proposed Action, developments on shallow lots would have greater opportunity to construct all their permitted floor area in a more efficient manner. Under the Proposed Action, residential developments on shallow lots would be able to take advantage of modified yard and coverage regulations that better take into account their less typical shallow condition, resulting in a modest increase in development on these sites.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 4, 5, 18 and 19 model the effects of the Proposed Action.

As demonstrated in Prototypes 4 and 5, the No-Action and With-Action developments are both able to accommodate their full permitted floor area, though the No-Action building accomplishes this by utilizing sub-optimal building practices, with little design flexibility. Nevertheless, it is expected that there are limited unforeseen instances when some floor area may not be developed in the No-Action condition.

Shallow lots and shallow through lots are found consistently across all neighborhoods in all five boroughs, making it impossible to conclude where and to what extent such additional development might occur. Therefore, although these sites would only be accommodating the floor area already permitted on the site and analyzed in previous environmental analyses, the possibility of density-related impacts is analyzed in this Environmental Impact Statement.

Rationalize street wall requirements for acutely-angled sites

Proposal's geographic applicability: R6-R10

In the future without the Proposed Action, buildings on acutely-angled corners in certain zoning districts would be granted little relief from existing street wall requirements making development on these lots inefficient, particularly in high-density commercial districts. The 100 percent street wall requirement in these districts makes it difficult to provide a chamfered corner in an acute angle, resulting in more costly development, and apartment layouts that are impractical.

While it is not possible to determine the number of development sites citywide on irregular lots in the affected districts, acutely angled lots are typically found along streets that cut diagonally across the standard grid. Some

limited number of new buildings would be expected to be constructed as of right in the future without the Proposed Action, while others might be expected to obtain variances to facilitate more efficient buildings on these lots as a result of their constraints.

In the future with the Proposed Action, developments on acutely-angled lots with corners of up to 75 degrees would have greater opportunity to construct all their permitted floor area in a more-efficient manner, and make some small number of sites more likely to be developed over the No-Action scenario.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototype 21 models the effects of the Proposed Action.

The Proposed Action would result in modified building forms in developments throughout the city, as compared to the No-Action condition. This could include, as demonstrated in the various prototypes, buildings constructed to a range of higher heights, with greater articulation on the ground floor and above. As this could affect the amount and type of development, there may be some density or building form effects caused by the change, but the location of development would be unchanged.

Provide additional flexibility for irregular topography

Proposal's geographic applicability: R6-R10

In the future without the Proposed Action, buildings on sites with irregular topography would continue to utilize the existing topography provisions, which, in some instances, makes developments on these lots inefficient. In the future without the Proposed Action, the threshold at which a sloping base plane can be established to sites with a 10 percent grade change between the front and rear wall. To make development feasible on lots with a slope of less than 10 percent, developers would continue 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.

In the future with the Proposed Action, developments with irregular topography would have greater opportunity to construct their floor area in a more-efficient manner. To provide an extra measure of flexibility for sites with irregular terrain, for zoning lots in R6-R10 Residence Districts and their Commercial equivalents, the proposal would modify the threshold at which a sloping base plane can be established to sites with a 5 percent grade change between the front and rear wall.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototype 27 models the effects of the Proposed Action.

The Proposed Action would result in modified building forms in developments throughout the city, as compared to the No-Action condition. This could include, as demonstrated in the various prototypes, buildings constructed to a range of higher heights, with greater articulation on the ground floor and above. As this could affect the amount and type of development, there may be some density or building form effects caused by the change, but the location of development would be unchanged.

Update outdated distance between buildings regulations

Proposal's geographic applicability: R6-R10

In the future without the Proposed Action, developments on zoning lots with multiple buildings would be required to comply with the existing overly restrictive distance between building requirements, as defined in Zoning Resolution Section 23-711. This section requires a minimum distance between a portion of a building with dwelling units and any other building on the same zoning lot. On zoning lots where two buildings have an average height of 50 or more feet, the minimum distance between legally required windows in the two buildings is 60 feet. This exceeds the requirements of the state Multiple Dwelling Law and makes infill development more difficult to undertake, or makes buildings taller as their footprint is limited to small areas of the zoning lot. The proposed change would make the treatment of multiple buildings on the same zoning lot more like that of buildings on separate zoning lots, within the constraints of state law. Zoning lots for which this update would apply include "height factor"

developments, where existing buildings are separated by an open space. There are not many zoning lots with this configuration and with the capacity to fit an additional building on site, given existing FAR allowances and the existing distance between building requirements. Few sites would be expected to accommodate infill development in the future without the Proposed Action.

In the future with the Proposed Action, the minimum distance between buildings between 25 and 125 feet tall would be reduced from 60 feet, to 40 feet, to bring zoning regulations in line with the Multiple Dwelling Law. This provision would extend to buildings 125 feet tall or higher when their aggregate lot coverage does not exceed 40 percent. This may enable infill development on sites with lot and floor area allowances, and may enable modest horizontal enlargements of existing buildings on lots with multiple buildings. As a result, there would be a greater likelihood of “height factor” zoning lots being able to configure and configure their permitted floor area in a more-efficient manner to facilitate construction of new buildings, where the amount of open space exceeds what is required. The change would also be necessary to make the proposed reduction in the required rear yard equivalent effective for shallow through lots where a building is developed on each street frontage.

The Proposed Action is expected to make it marginally easier to provide infill development on sites with the capacity for additional development, but the Proposed Action is not expected to result in widespread infill development over the No Action scenario. Additional constraints include FAR maximums, open space ratios, other uses, and funding limitations.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 10 models the development of a new building on a 200' x 200' corner lot with an existing building on site, in an R7A district.

As demonstrated in Prototype 10, there are instances where developments are not able to develop their fully permitted floor area in the No-Action condition, even with the use of sub-optimal building practices. As shown in the With-Action condition, the Proposed Action affords the opportunity to construct a higher percentage of the floor area permitted on the lot.

While the Proposed Action would make it easier to develop housing, it is unlikely to have density effects at a local level. The number and location of zoning lots with available floor area and sufficient area to construct a new building, even with the Proposed Action, is limited in medium- and high-density districts in the city. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of building form or density-related impacts is analyzed in this Environmental Impact Statement.

[Reduce parking requirements where appropriate for Affordable Housing](#)

Eliminate parking requirements for qualifying affordable housing within the Transit Zone

Proposal's geographic applicability: R3-2, R4, R5, R5B, R5D, R6-R10

In the future without the Proposed Action, new affordable housing units would continue to be subject to the parking requirements as outlined in Section 25-25. Columns A, B, C, and E would continue to reference obsolete programs, and the majority of developments would be expected to apply under Column C, which has the lowest requirements by zoning district. Waivers would be available to some developments with a small lot size or a small number of required parking spaces, as defined in Sections 25-241 and 25-26 in the Zoning Resolution. Developments on city-owned land would also utilize zoning overrides in some cases.

As outlined in Chapter 1E, Background, since 2000, approximately 142 new developments comprised entirely of affordable units have been constructed in New York City, amounting to nearly 6,000 total affordable units. An additional 330 buildings have been built that include some units that are income restricted. This number was derived through analysis of data collected and disseminated by New York University's Furman Center, which “brings together multiple data sources to provide information on thousands of privately-owned, subsidized rental properties in New York City” (<http://datasearch.furmancenter.org/>). Data sources include NYC Department of Housing Preservation

and Development, NYC Housing Development Corporation, the NYS Homes and Community Renewal, and the U.S. Department of Housing and Urban Development.

Of the roughly 472 developments containing affordable housing and built between 2000 and 2014, approximately 70 were built within geographies that have no current parking requirements, and would thus have no parking required in the future without the Proposed Action. These geographies include Manhattan CDs 1-8, of the Special Downtown Brooklyn District and Long Island City, Queens. Based on the site characteristics of historic development, the majority of new affordable housing developments in the future without the Proposed Action would be expected to have an option to waive their parking requirements, because the development would occur on a lot that is below the threshold for which parking is required, because the development would generate too few units to require parking, or because the development (on a city-owned site) was able to obtain a Mayoral override for the parking requirement. A developer may subdivide a lot in order to reduce its size below the threshold for which parking is required.

Mayoral overrides enable developments on city-owned sites to provide less parking than are otherwise required by zoning. About a dozen affordable housing developments on city-owned sites in recent years have been developed with parking overrides, citing excessive cost and/or loss of buildable or amenity space with the provision of parking. For example, the CPC report for the disposition of city-owned land to develop 455 residential units, commercial and community facility space as part of the Navy Green affordable housing development in Brooklyn (C 090446 HAK) notes: “the cost of providing onsite parking has the potential to either reduce the amount of open space on the site or, due to the high water table on the site, significantly increase the cost of providing the proposed affordable housing.”

Despite the existing widespread availability of waivers and overrides that enable affordable developments to avoid their parking requirement, many developments still do choose to provide some amount of parking. This is especially true on large lots, where developments can achieve their full FAR and still provide surface parking, and on lots with significant grade changes, allowing parking to be placed beneath the building but without any need to excavate. This would be expected to continue in the future without the Proposed Action but, for the purposes of this analysis, it is assumed that developments only provide parking if required.

The three-quarters of developments that would have no opportunity to waive or reduce their parking requirement would be expected to be developed in areas where car ownership rates are relatively low, particularly at the income levels characteristic of affordable housing, and near a subway station and other public transportation options. In the future without the Proposed Action, zoning would require parking to be provided for the affordable units. This parking would be costly to provide, especially in dense areas where land prices are at a premium. Structured parking allows developments to provide the maximum amount of floor area for affordable housing units, but industry sources offer a range as high as \$50,000 per structured space to build, and more commonly \$20,000 to \$40,000 per space⁹. By comparison, the public subsidy available to construct a low-income dwelling unit on private property under HPD’s Extremely Low & Low-Income Affordability (ELLA) Program is up to \$75,000. While ELLA funding cannot be directly spent on the construction of parking, those looking to build affordable housing must consider the spectrum of costs and subsidies associated with a project.

Surface parking is least expensive in terms of construction costs to develop, but land acquisition costs are high, and there is a significant opportunity cost in terms of the additional housing units that might have been built on the property instead of parking.

In order to support the cost of developing the parking spaces, monthly parking fees in the required off-street spaces would need to exceed what low-income residents would be willing or able to pay. A conservative analysis of construction costs for parking reveal breakeven monthly revenues that exceed what many low income residents can pay per month, including over \$300 for a self-park underground parking space¹⁰. As a result of these high prices, the

⁹ <http://www.reinventingparking.org/2015/06/how-much-does-one-parking-spot-add-to.html>

¹⁰ [Litman \(2012\) “VTPI Parking Cost, Pricing, and Revenue Calculator”](#)

car-owning residents for whom the spaces were required often find parking on-street, leaving the parking underutilized or occupied by nonresidents.

A small number of affordable housing projects are precluded from development because parking requirements make the development economically infeasible. Other developments provide fewer affordable housing units, or housing that is affordable only to a higher level of incomes than would have been possible, in order to accommodate required parking. This would be expected to continue in the future without the Proposed Action.

Mayor De Blasio's Housing Plan set a goal of increasing the number of affordable housing units constructed, and capital funding and resources at the NYC Department of Housing Preservation and Development has been increased accordingly. Absent the Proposed Action, any increase in funding to promote the development of more affordable housing would be impeded by parking requirements that increase costs and constrain lot area available for new housing.

Absent any changes to policy, this rate of development would be expected to continue over the next 15 years. However, given the changes to 421-a subsidy requirements, and additional funding available to develop affordable housing under the Mayor's Housing Plan, it is expected that the rate of development would increase over the previous 15 years. In the future with the Proposed Action, the cost to build affordable housing would be lower, and a greater number of sites may be developable. As discussed under the With-Action and No-Action scenarios, a substantial percentage of affordable developments occurring today within the proposed Transit Zone have no effective parking requirement once waivers are accounted for. However, sites where parking requirements would constrain development in the No Action scenario would be more easily developed for affordable housing in the future with the Proposed Action.

Although roughly one quarter of affordable housing sites within the Transit Zone are currently (under the No-Action scenario) able to waive out of parking requirements due to lot size or space thresholds or mayoral overrides on city-owned sites, the Proposed Action may enable the development of sites that were previously too difficult or costly to build with the parking requirement, or enable the development of a larger building with more units than could be accommodated with parking under the With-Action scenario.

The New York Housing Conference, an affordable housing policy and advocacy organization, cited cost savings of \$1 million for every new 100-unit building in an R7 district that would no longer be required to provide 25 parking spaces in the future with the Proposed Action¹¹. While public subsidies cannot be used to directly support the construction costs of parking, developers of affordable housing are typically significantly financially constrained, with very little money available outside of public subsidies to finance the project. Given the relatively inflexible budget of an affordable housing development project, and the minimal return on a parking investment, the savings associated with not having to provide parking are significant. The funds available to a developer of affordable housing could therefore be used to produce more affordable housing units or provide deeper affordability.

Owing to a combination of factors including the proposed changes to parking requirements, more affordable housing is therefore expected to be built throughout the Transit Zone. Absent future discretionary actions, each subject to its own environmental review, all affected sites are already zoned for multifamily residences. Some developments may have more, smaller units because they are not configured to waive the parking requirement; other sites may have more units because they no longer need to build parking, freeing up a portion of the lot for additional units. The effect of the Proposed Action is difficult to predict, but is expected to be widely spread throughout the Transit Zone.

Many future developments would be expected to include the same number of dwelling units as under the No Action scenario; however, they would be built with significant financial savings over the No Action scenario. Some portion of these developments might be expected to fit additional dwelling units on-site as a result of the With Action scenario, able to develop more units using the same amount of public subsidy as under the No Action scenario. Because funding is limited, and because there are significant costs that go into the development of affordable housing in addition to parking, the incremental increase in units at any given site as a result of the Proposed Action

¹¹ <http://www.thenyh.org/Less-Parking-More-Housing%20Handout.pdf>

is expected to be small. In many cases, the Proposed Action is expected to result in better building design and an increase in space dedicated to common areas, open space, and building amenities, rather than the on-site development of additional units over the no action scenario. However, depending on lot configurations, some sites may be expected to see an increase in the number of affordable units as a result of the Proposed Action. These are modeled in more detail in the prototypes referenced below.

In the future with the Proposed Action, residents of new affordable housing may still choose to own cars, and their parking needs would be expected to be met on-street or in existing off-street facilities, representing no change over the No-Action scenario since affordable housing residents generally cannot afford to pay parking fees that recover the cost of new parking.

The elimination of parking requirements for new affordable housing units within the Transit Zone has the potential to result in the development of additional dwelling units over the No-Action scenario. Future development sites that might have opted to provide surface parking under the no action scenario in order to avoid the substantial costs of structured parking, sacrificing buildable space for additional dwelling units would, under the With-Action scenario, be able to build to their full permitted FAR, resulting in more units on site.

Mayor De Blasio's Housing Plan set a goal of increasing the number of affordable housing units constructed, and capital funding and resources at the NYC Department of Housing Preservation and Development has been increased accordingly. In the future with the Proposed Action, the increase in funding to promote the development of more affordable housing under the Mayor's Housing Plan would be complemented by a the removal of parking requirements, reducing costs and facilitating more efficient construction of affordable housing. As a result, in the future with the Proposed Action, a modest increase in the amount of housing that gets developed throughout the city would be expected over the No-Action scenario, where increased funding would be available but where zoning would continue to hamper the development of affordable units. The amount, type and location of development is not expected to change significantly in the With-Action scenario over the No-Action scenario, but the same amount of units could be built with less public subsidy when off-street parking is better aligned with demand and utilization rates.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 3, 19 and 21 model the development of affordable housing units with a reduced parking requirement in the Transit Zone.

The elimination of parking requirements for new affordable housing units within the Transit Zone has the potential to result in the development of additional dwelling units over the No-Action scenario. Yet, while the Proposed Action would also make it easier to finance affordable housing at a broad citywide level by reducing the costs of development, it is unlikely to have density effects at a local level. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of density-related impacts is analyzed in this Environmental Impact Statement.

Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone

Proposal's geographic applicability: multifamily within Transit Zone: R3-2, R4, R5, R5B, R5D, R6-R10

In the future without the Proposed Action, parking would continue to be required citywide for new non-profit residences for the elderly at rates pursuant to Section 25-25, Column D. Parking would continue to be applied at a rate that greatly exceeds car ownership among senior households. Based exclusively on an analysis of HUD 202 funded senior housing buildings constructed between 2000 and 2012¹², approximately 100 developments would be expected in the future without the Proposed Action. However, despite a lack of current and anticipated future HUD 202 funding, the Mayor's Housing Plan seeks to increase the number of affordable senior housing units through alternative funding mechanisms in response to growing demand for these units. As a result, a modest increase over the rate of affordable senior housing development developed in the past would be expected in the future without

¹² Furman Center SHIP data, HUD 202 funded developments constructed between 2000 and 2012.

the Proposed Action. Nearly all of the new housing units would be required to provide parking. Only in cases where the development is city-owned, making a mayoral override for the parking requirements possible, would an affordable senior housing development be able to avoid its parking requirement. Senior households are expected to continue to have extremely low rates of car ownership, especially when they are located near transit, and the parking spaces that are provided are expected to be largely underutilized.

A survey of parking facilities associated with non-profit-residences for the elderly, conducted by the senior housing advocacy group LiveOn (formerly CSCS), revealed a parking utilization rate of about 30 percent among affordable senior housing developments in the proposed Transit Zone. This 30 percent utilization rate applies to the total number of parking spaces required, and amounts to an average of approximately 9 residentially-owned cars per development with parking. Approximately one-quarter of all developments that provided required parking had zero residents using the parking spaces on-site.

In the future with the Proposed Action, there would be no parking requirements for independent affordable housing for seniors within the transit zone. Car ownership rates among residents of Affordable Independent Residences for Seniors are expected to remain extremely low, and residents of new senior housing would not have access to heavily subsidized parking lots. The few residents of these developments with cars would be expected to find on-street parking nearby.

The distribution of affordable senior housing developments with parking are widely scattered within the Transit Zone. The Proposed Action is expected to enable some new affordable senior housing developments to fit a modest additional amount of housing on site in the With-Action over the No-Action scenario, on lot area where parking would have been required under the No-Action scenario. Given financial constraints of developing senior housing, the Proposed Action would, in many cases, be expected to facilitate the development of better common areas and more open space for residential recreation. However, the elimination of parking requirements, working in tandem with the removal of density standards and other components of this proposal, is designed to allow more, smaller units, without creating a parking constraint. The effect of the combined components of this proposal is expected to be a modest increase in the number of Affordable Independent Residences for Seniors, as supported by the Mayor's Housing Plan.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 6, 7, 8, 20, 24, 25 model the development of a new affordable independent housing for seniors with a reduced parking requirement in the Transit Zone.

The elimination of parking requirements for new affordable senior housing units within the Transit Zone has the potential to result in the development of additional dwelling units over the No-Action scenario. The Proposed Action may enable the development of sites that were previously too difficult or costly to build with the parking requirement, or enable the development of a larger building with more units that could be accommodated with parking under the With-Action scenario.

The Proposed Action is expected to enable some new affordable senior housing developments to fit a modest additional amount of housing on site in the With-Action over the No-Action scenario, on lot area where parking would have previously been located. While the Proposed Action would also make it easier to finance senior housing at a broad citywide level by reducing the costs of development, it is unlikely to have density effects at a local level. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of density-related impacts is analyzed in this Environmental Impact Statement. There is no anticipated potential for a parking shortfall as a result of the Proposed Action given the very low car ownership patterns among current residents of affordable senior housing.

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

Proposal's geographic applicability: multifamily within Transit Zone: R3-2, R4, R5, R5B, R5D, R6-R10

In the future without the Proposed Action, parking would continue to be required citywide for existing non-profit residences for the elderly at rates pursuant to Section 25-25, Column D. The roughly 65 parking lots within the Transit

Zone that are associated with HUD 202 senior housing developments would continue to exist with capacities that greatly exceed demand among residents.

In the future with the Proposed Action, a small number of developments containing Independent Affordable Housing for Seniors would be expected to construct infill development on their existing parking lots. HPD-financed projects typically require that there be at least 50 dwelling units associated with the development. LiveOn NY, a senior housing and policy advocacy group operating in NYC, produced a report in May 2015¹³ that surveyed 277 HUD Section 202 buildings across the city to determine to what extent they have underutilized surface parking lots that could be utilized differently to make additional affordable senior housing. Their survey concluded that 39 HUD Section 202 accessory parking lots, privately owned by non-profit senior housing providers, could feasibly be redeveloped to expand the number of affordable senior housing developments on-site, based solely on lot characteristics and current parking utilization and absent any funding or regulatory constraints.

In the future with the Proposed Action, roughly 2,000 additional units of affordable senior housing could be developed on these 39 sites in all 5 boroughs. Even with the current administration's commitment to develop more senior housing, funding and the lack of available development sites would remain as significant obstacles to the development of additional housing units in the future with the Proposed Action. Moreover, even with the elimination of parking requirements, the redevelopment of existing HUD 202 parking lots requires HUD and HPD approval. As conditions of the original regulatory agreement, mortgage provisions, and other restrictions, the property owners are required to seek HUD and HPD approval to modify a partial change in use on the site, in order to expand into an existing parking lot. Therefore, although some expansion and the creation of additional units is expected in the future with the Proposed Action, it is difficult to predict how many of the existing sites would be expected to construct additional housing in the foreseeable future.

In some cases, however, it is expected that affordable senior housing developments might expand to provide additional dwelling units. A development at 138th Street in the Bronx provides a direct example of what would be possible as of right in the future with the Proposed Action. The Tres Puentes project (15 DCP119X) sought and received a zoning text amendment to modify ZR Section 74-745 to permit a reduction or waiver for parking requirements for non-profit residences for the elderly. An existing parking lot providing accessory parking spaces to the existing 145-unit HUD-assisted senior housing development was underutilized, and the applicant proposed an enlargement to the development, facilitating 178 additional dwelling units for low-income seniors. As part of the CEQR process, the applicant had to complete an environmental impact statement analyzing the effect of the action. The EIS concluded that, based on existing parking demand and proximity to public transportation, the Tres Puentes project would not significantly increase parking demand. A negative declaration was issued for this application on April 20, 2015, stating no significant environmental effect and enabling the project to proceed. In the future with the Proposed Action, projects to develop affordable senior housing near public transportation and where car ownership rates are low, like the Tres Puentes project, would be allowed to proceed as-of-right. The LiveOn study described above identified 39 sites across the Transit Zone where such redevelopment may be possible, but there is no way to determine which sites would be expected to proceed with redevelopment. However, since the possibility of density and building form effects cannot be ruled out as a result of the Proposed Action, the effects of this component of the Proposed Action are analyzed as part of this EIS.

Prototypical Analysis

Because it is not possible to determine which, if any of the sites that LiveOn identified may actually be redeveloped given financial, regulatory, and other constraints, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 11 and 22 model the development of a new building or enlargement over previously required parking for Affordable Independent Residences for Seniors within the Transit Zone.

The proposal would allow for the redevelopment of existing senior parking lots, which may result in additional dwelling units and a modified building form. The number and location of existing senior housing parking lots with parking lots large enough to facilitate additional development is limited within the proposed Transit Zone, but the

¹³ http://www.liveon-ny.org/files/LiveOn-NY_Paving_The_Way_for_New_Senior_Housing.pdf

possibility of density- and bulk-related impacts cannot be ruled out and are analyzed in this Environmental Impact Statement.

Modify parking requirements for Affordable Independent Residences for Seniors to 10 percent in multifamily zoning districts outside the Transit Zone

Proposal's geographic applicability: R3-2, R4, R5, R5B, R5D, R6-R10

In the future without the Proposed Action, parking would continue to be required citywide for new non-profit residences for the elderly at rates pursuant to Section 25-25, Column D. Parking would continue to be applied at a rate that greatly exceeds car ownership among senior households. As previously discussed, based on historical development trends, very few of these housing types are expected to be built in the future without the Proposed Action.

In the future with the Proposed Action, parking would be provided at a rate of 10 percent in all multifamily zoning districts outside of the Transit Zone. Based on existing car ownership rates among developments in these geographies, residential demand for parking would continue to be met by off-street parking. The zoned densities in these districts are typically achievable while leaving open space for parking lots, and particularly in R3-2 and R4 districts, additional open parking may be accommodated if a developer anticipates demand for such additional parking. This change works in tandem with the revised building envelope to encourage an increased number of affordable senior housing developments in lower density districts, but the amount, type, and location of development is difficult to predict and is expected to be widely dispersed across all applicable zoning districts outside the Transit Zone across the city.

While the Proposed Action would also make it easier to finance senior housing at a broad citywide level by reducing the costs of development, it is unlikely to have density effects at a local level. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of density-related impacts is analyzed in this Environmental Impact Statement.

Prototypical Analysis

Because it is not possible to identify specific development sites, a prototypical site has been chosen to illustrate the effects of the Proposed Action. Prototypes 24, 26 and 27 model the development of a new building or enlargement utilizing the reduction in parking requirements for Affordable Independent Residences for Seniors outside of the Transit Zone.

The Proposed Action would result in a reduction of required parking for senior housing in low- and medium density multifamily zoning districts far from transit, to 10 percent. The reduction would still require sufficient parking to accommodate residential demand, but would enable some additional units to be built over the No-Action scenario, and with a better site design, with the same amount of public subsidy.

While the Proposed Action would also make it easier to finance senior housing at a broad citywide level by reducing the costs of development, it is unlikely to have density effects at a local level. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of density-related impacts is analyzed in this Environmental Impact Statement.

H. PROTOTYPICAL ANALYSIS: POTENTIAL DEVELOPMENT AND LIKELY EFFECTS OF THE PROPOSED ACTION

Some assumptions have been made for each prototype, to conservatively analyze the reasonable worst case development that might occur as a result of the Proposed Action.

Gross vs. Permitted Floor Area

All developments have a Floor Area Ratio (FAR) that determines the permitted development rights, or square footage that can be built. In addition to the permitted development rights per the FAR, there is some amount of additional square footage included in a development that is exempt from FAR calculations. This may include square footage allocated towards mechanical spaces, refuse storage, laundry rooms, and indoor recreation space for Quality Housing developments and extra wall thickness for energy efficient buildings. As a result of these floor area exemptions, the gross floor area is higher than the permitted development rights.

The Quality Housing Program is a mandatory housing program for almost all medium and high density contextual residence districts. The Program require certain amenities for residents, like laundry rooms and recreational space that could be exempted from zoning floor area calculation. As a result, Quality Housing buildings typically have larger floor area deductions than what are typically allowed for non-Quality Housing buildings such as residential buildings built under height factor or tower regulations or community facility buildings. Non-Quality Housing buildings have no requirements for residential amenities, and there are limited floor area such as mechanical spaces could be deducted from their gross floor area. For this EIS, it is assumed that 10 percent of Quality Housing building floor area and 5 percent of a non-Quality Housing building floor area would be deducted from gross floor area.

Unit Sizes

Once gross floor area is calculated for each prototype, assumptions are made with regard to space allocated towards private dwelling units and public or otherwise nonresidential space. In residential buildings with market rate and/or affordable units, the number of dwelling units is calculated by dividing gross square footage by 900. The 900 square feet assumption is based on contemporary development practices and includes square footage for each dwelling unit, plus 20 percent allocated towards non-dwelling area such as a lobby, hallways and recreation spaces, within the residential building. In the city's highest density districts, R9 and R10 that are widely mapped in the area south of 110th Street in Manhattan, Downtown Brooklyn and Long Island City, gross square footage is divided by 850, to account for unit sizes that are typically smaller, on average, than in other districts.

Affordable Independent Residences for Seniors typically have smaller residential units, with more square footage dedicated for common areas within. For these developments, gross square footage is divided by 650, which captures each individual unit plus 30 percent common area and other nonresidential space within the residential building. Nonresidential space may include (but is not limited to) community rooms, laundry rooms, and shared dining spaces.

Long-term care facilities are typically measured by bed, rather than dwelling unit, with significant space allocated towards common areas. For these developments, gross square footage is divided by 550, which captures individual bed areas plus 60 percent common areas. Non-bed square footage may be in the form of lobbies, treatment areas, cafeterias, and hallways.

Building Envelopes

The Proposed Action consists of several dozen discrete components, which are expected to be incorporated into future developments in combinations that facilitate more efficient and less costly buildings. Most developments would not be expected to utilize all components of the proposal in the future with the Proposed Action. The components that are incorporated into each prototype have been chosen based on lot conditions such as size and depth, existing zoning and building envelope conditions, and proposed building type.

The maximum permitted building envelope is depicted in the prototypes as a hashed line and is typically larger than the building depicted in the With-Action scenario image. One major component of this proposal is the adjustment of height controls in moderate- and high-density districts, and for inclusionary and senior housing developments. The adjustment of the building envelope is intended to allow for better articulation and more flexible building design

and layouts on a lot. Under existing conditions, the building envelope is so tight that it precludes any flexibility in building design and often results in undesirable interior conditions and difficulties complying with other regulatory requirements such as the Americans with Disabilities Act and fire and energy efficiency codes. In many cases, architects are forced to design buildings that are flush against the street wall, with no articulation, and with low floor-to-ceiling heights to accommodate the full permitted floor area within the envelope. Among other things, the proposal would allow some room within the envelope to design a building that interacts better with the street and has desirable quality living spaces within.

As a result of the proposed modified building envelope, developments under the With-Action scenario would have more flexibility in accommodating their full permitted floor area. As a result of this increased flexibility, the entirety of the permitted envelope would not be filled under the With-Action scenario, as opposed to the No-Action scenario where housing providers have no choice but to try to fit all of their floor area into a tight building envelope. The modest reduction in required setbacks and rear yard requirements will, in many cases, result in buildings that accommodate their full permitted floor area before reaching their maximum permitted height; FAR would limit the amount of development that can occur on a lot, rather than the building envelope.

Lot Sizes and Dimensions

For each prototype, a typical lot size and configuration was assumed, based on the prevalence of conditions across the city. A “standard” 100’ by 100’ lot represents the most easily developable site, thus making it an appropriate model to measure the incremental impacts of the Proposed Action. Except where the Proposed Action is specifically designed to affect development on unusual lots, such as those that are narrow, shallow, or adjacent to infrastructure or a lower-density district, R7A was determined to represent the reasonable worst case for the effects of the Proposed Action.

Zoning Districts

The prototypical zoning district chosen to represent many components of the Proposed Action is R7A. This district is widely mapped across the city and represents one of the most affected districts, both in terms of geographic applicability, and height increases relative to its current building envelope. Similar considerations were made for prototypes demonstrating the Proposed Action in higher- or lower-density areas.

Parking Requirements

Under No-Action Scenario, off-street parking requirements of existing zoning regulations are applied. Off-street parking spaces are required for most housing developments, except in very high density districts such as the area south of 110th street in Manhattan, Downtown Brooklyn and Long Island City. For contextual Quality Housing buildings in medium and high density districts, off-street parking is required at a rate of 40 to 50 percent of total number of dwelling units. In addition to these basic requirements, small housing developments can utilize either reduced or no parking requirements in these districts. For example, in R7A medium density residence districts and its commercial equivalent districts, parking requirements could be reduced from 50 percent of total number of dwelling units to 30 percent if a development occupies a lot less than 10,000 square feet in size. Off-street parking requirements could be completely waived if the resulting overall off-street parking requirement is less than 15 spaces. In R8A high density districts, parking requirements could be completely waived if a development occupies a lot of less than 10,000 square feet. There are also significantly reduced off-street parking requirements for a variety of affordable housing types including housing for low-income residents, government-subsidized housing and affordable senior housing to facilitate the construction of these necessary and often costly developments. Generally, under the existing framework, parking is required for between 40% and 70% of market rate units in the city’s medium and higher density zoning districts (R6-R10), 12% and 35% of affordable housing units, and 10% and 22.5% of affordable senior housing units.

Under the With-Action Scenario, off-street parking requirements for market-rate housing would remain the same as the existing requirements, at 40 to 70 percent, and the same reduction and waiver provisions with No-Action Scenario would be applied. Off-street parking requirements for affordable and senior housing are waived within the Transit Zone, and required outside the Transit Zone as described in this DEIS. The following Prototypes 1 through 27 are assumed to be located within the Transit Zone unless otherwise noted.

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

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

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

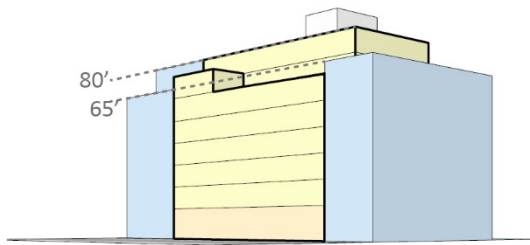
In the No-Action scenario, the 40,000 sq. ft. of zoning floor area permitted by the zoning district is accommodated in the existing building envelope, but doing so requires sub-optimal floor to floor heights, particularly on the ground floor. The building façade is flat with no articulation in order to allow for the maximum permitted amount of floor area to fit within the envelope. The building accommodates 49 market-rate units, with a 30% parking requirement (for zoning lots less than 10,000 sq. ft.) resulting in 15 spaces, which are allowed to be waived in an R7A district. The building is 60' deep and has a base height of 65' and a total height of 80', or 8 stories.

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

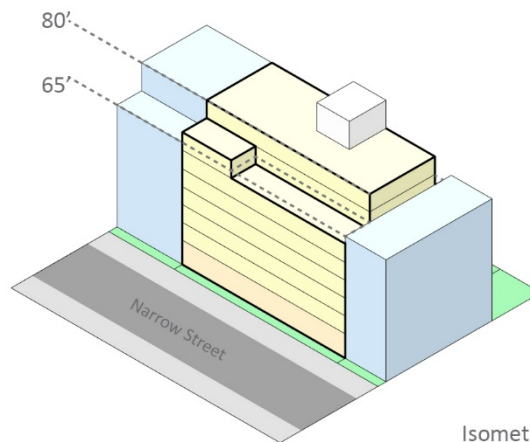
Incremental changes as a result of the with-action scenario include an additional 5' height and a modified building footprint on the lot. No additional number of stories, gross square footage or FAR is accommodated on the lot, but the changes to building design facilitated by the Proposed Action enable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

No-Action Scenario

Existing Building (context)
Projected Development

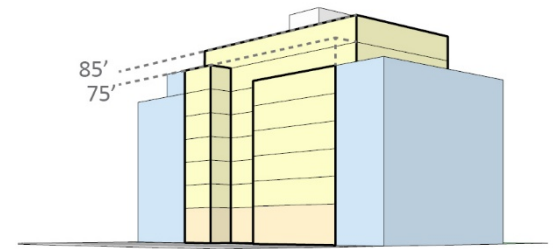


Street level perspective

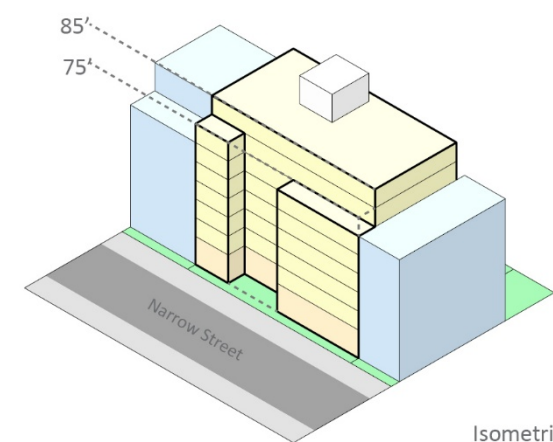


Isometric view

With-Action Scenario



Street level perspective



Isometric view

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

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

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

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

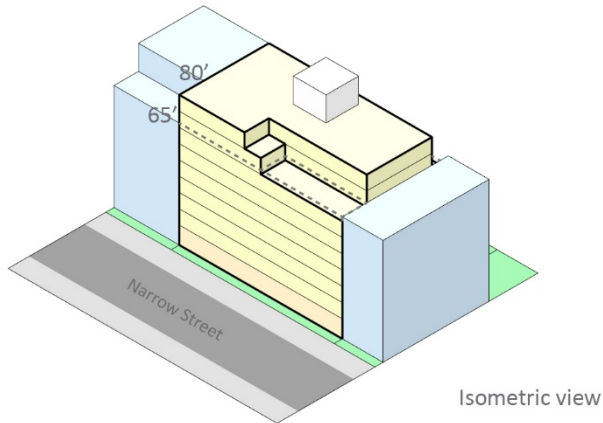
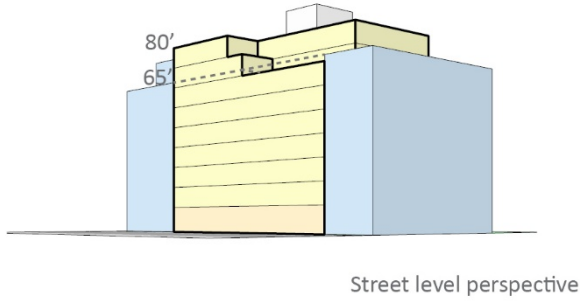
In the No-Action scenario, the higher floor area permitted by the zoning district under the Inclusionary Housing program could be fully accommodated in the existing building envelope, but with the use of numerous sub-optimal floor-to-floor heights and more-costly building construction techniques. In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

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

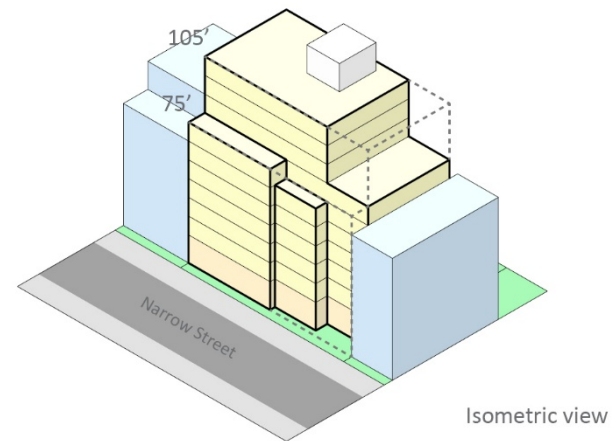
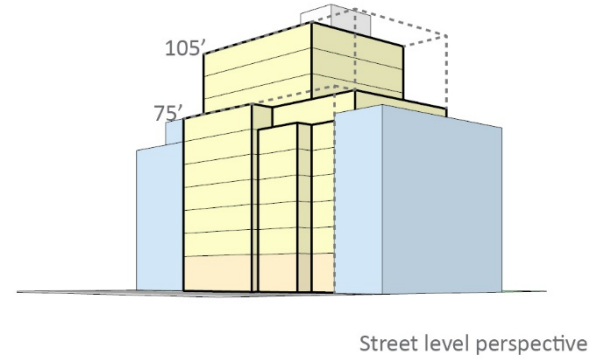
Incremental changes as a result of the with-action scenario include an additional 25' height, 16 fewer parking spaces, and a modified building footprint on the lot.

No-Action Scenario

Existing Building (context)
Projected Development



With-Action Scenario



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

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

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

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

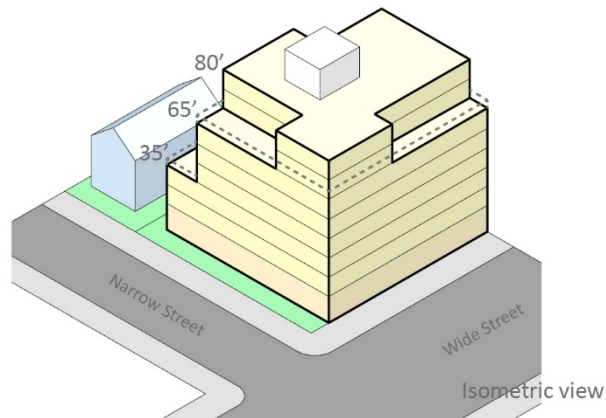
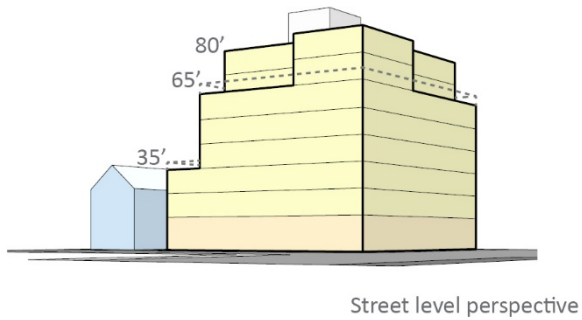
In the No-Action scenario, the development utilizes the existing building envelope and additionally adheres to the current transition rules that require buildings be significantly lowered and set away from specific lower density districts. The development is able to fit its permitted floor area in the existing building envelope, but doing so requires the building to pack as many dwelling units as possible into the existing envelope, by providing sub-optimal floor to floor heights, particularly on the street level. The building is 60' deep and has a maximum height of 80', or 8 stories, with the portion of the building abutting the R4A district limited to 35', and built to 30' in this model to conform with the floor to ceiling heights found throughout the rest of the building.

In the With-Action scenario, the development utilizes the modified building envelope regulations and additionally adheres to the modified transition rules that permit buildings to develop up to their permitted base height adjacent to specific lower density districts. With the expanded envelope, the development is able to fit its permitted floor area while utilizing best practices for residential buildings and a range of building articulation. The building is 60' deep and fits its allowable floor area with a height of 95', or 9 stories, although a maximum height of 105', or 10 stories, is permitted. The portion of the building adjacent to the R4A district rises to 65', more reflective of the R7A height allowance, while the existing 8 feet unobstructed open area requirement between the building and adjacent lot would remain. The Proposed Action results in a building that is 25', or one story, taller, with higher quality ground floor lobby space. The building could accommodate approximately 56 dwelling units, 45 of which would be market-rate (with 14 parking spaces) and 11 of which would be affordable and therefore having no parking requirement. Because the number of parking spaces generated falls below the R7A district's 15 space threshold, the building is able to waive out of its parking requirement.

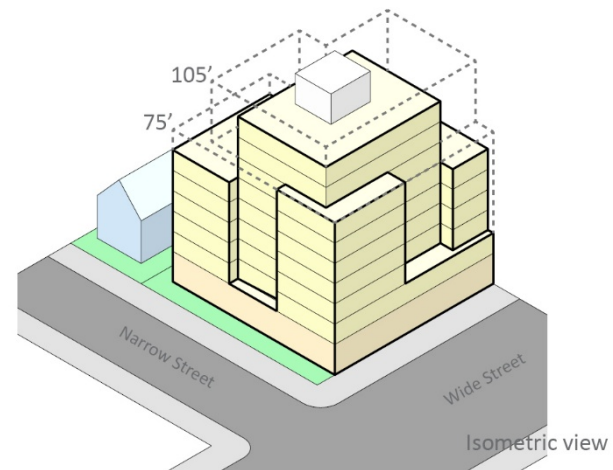
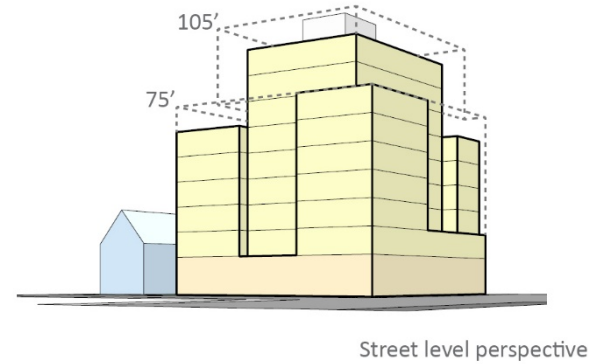
Incremental changes as a result of the with-action scenario include an additional 35' height adjacent to the R4A district and 15' height outside of the transition zone, a reduction of 16 parking spaces, and a modified building footprint on the lot. Other existing transition rules, such as street wall alignment and 8-foot side yard along district boundaries, would be retained. No additional gross square footage or FAR is accommodated on the lot, but the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

No-Action Scenario

Existing Building (context)
Projected Development



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	4.6	4.6
Permitted Development Rights (square feet)	46,000 sq. ft.	46,000 sq. ft.
Ground Floor / Upper Story Height	13' / 9' -6"	15' / 10'
Building Depth	60'	60'
Number of Stories/Overall Height	8/80'	9 (10 permitted)/ 95' (105' permitted)
Floor Area that can be accommodated (square feet)	46,000 sq. ft.	46,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0%
Gross Floor Area (square feet)	50,600 sq. ft.	50,600 sq. ft.
Total number of units (market-rate/affordable)	56 (45/11) units	56 (45/11) units
Number of parking required (market-rate/affordable)	16 (14/2) spaces	0 (0/0) spaces

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

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

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

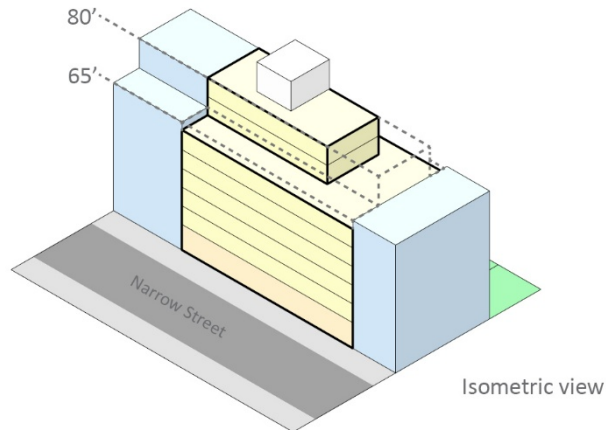
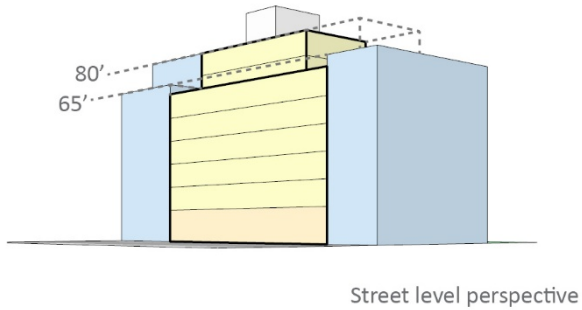
In the No-Action scenario, the development is required to provide a full 30 foot rear yard regardless of the shallow depth of the lot since the existing relief of rear yard requirement is available only to a lot shallower than 75 feet. In order to maximize the buildable portion of the lot, the building reaches only 55' depth and is located directly on the property line. The development is able to fit all its permitted floor area using the existing building envelope controls, however it is only accomplished with sub-optimal floor-to-floor heights, as well as floor plate depths, and there is little to no opportunity for building articulation. The building accommodates 42 market-rate units, with a 30% parking requirement resulting in 13 spaces. However, these parking spaces are allowed to be waived in an R7A district.

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

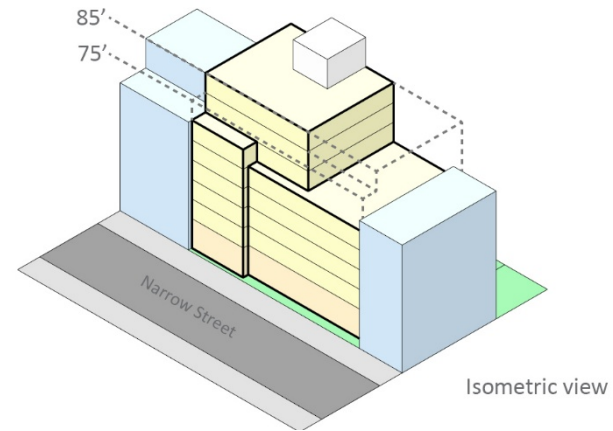
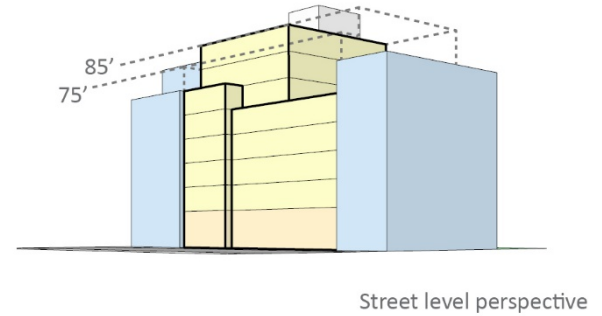
Incremental changes as a result of the with-action scenario include an additional 5' of allowable height, and a modified building footprint on the lot. There is no change to the overall square footage or amount of allowable FAR on the site. Instead, the modified bulk envelope allows for more flexibility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

No-Action Scenario

Existing Building (context)
Projected Development



With-Action Scenario



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

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

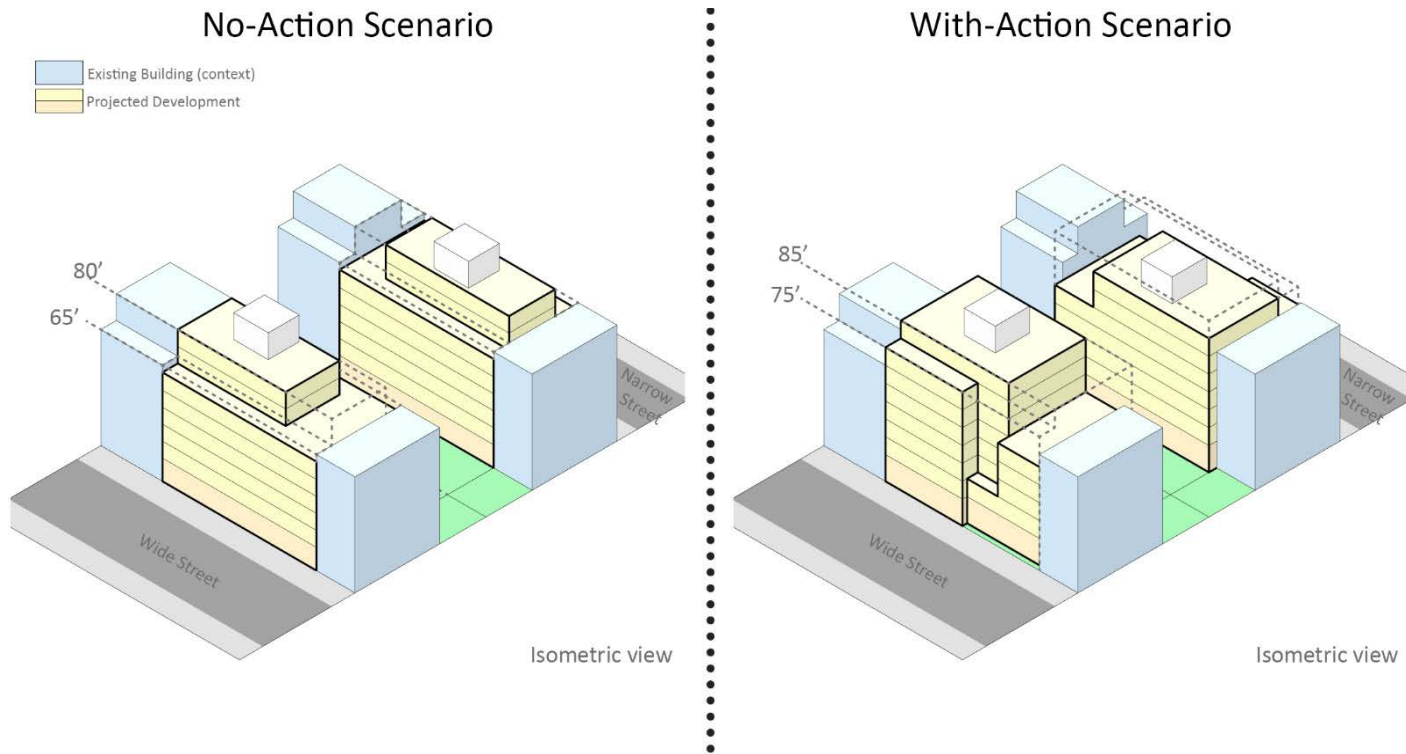
The prototype utilizes a 100' wide x 170' deep shallow through lot. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

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

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

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

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



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

Prototype 6: **narrow street**

R7D District, Affordable Independent Residences for Seniors, 100' x 100' interior lot on

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

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

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

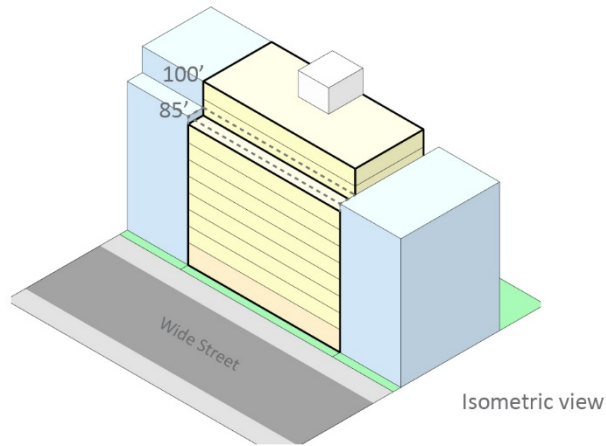
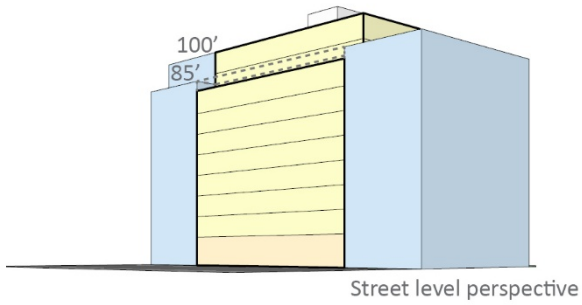
In the With-Action scenario, the affordable senior housing development is permitted a higher floor area ratio for the use, in line with the existing Inclusionary Housing Program's higher FAR. In this scenario, this represents a floor area increase of 11.8 percent. The development fully constructs this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

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

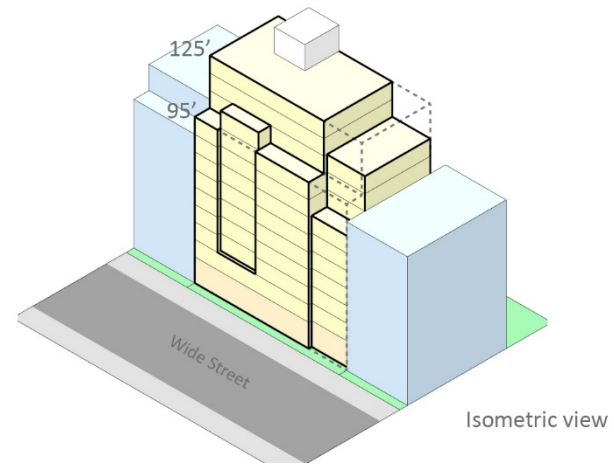
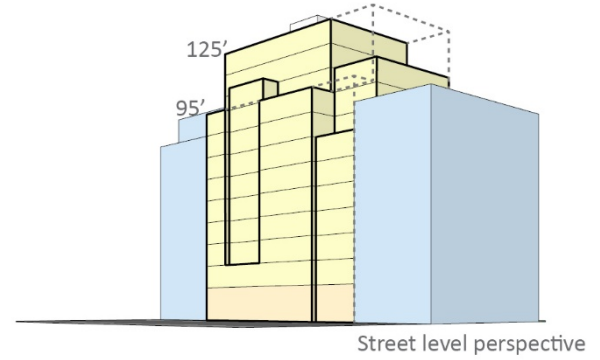
Incremental changes as a result of the with-action scenario include an additional 25' of allowable height, 24 additional dwelling units, a reduction of 9 parking spaces and a modified building footprint on the lot, and a modified building envelope with additional ground floor residential accessory space. There is an overall incremental increase of 8,995 gsf. The development is able to utilize the change in setback requirements and provide accessory residential uses in the rear yard in place of the parking that would have been required in the No Action scenario.

No-Action Scenario

Existing Building (context)
Projected Development



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	5.01	5.6
Permitted Development Rights (square feet)	50,100 sq. ft.	56,000 sq. ft.
Ground Floor / Upper Story Height	13' / 9' -6"	15' / 10'
Building Depth	60'	55'
Number of Stories/Overall Height	10/100'	12/125'
Floor Area that can be accommodated (square feet)	50,100 sq. ft.	56,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		11.8%
Gross Floor Area (square feet)	52,605 sq. ft.	61,600 sq. ft.
Total number of units (market-rate/affordable)	71 (0/71) units	95 (0/95) units
Number of parking required (market-rate/affordable)	9	0

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

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

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

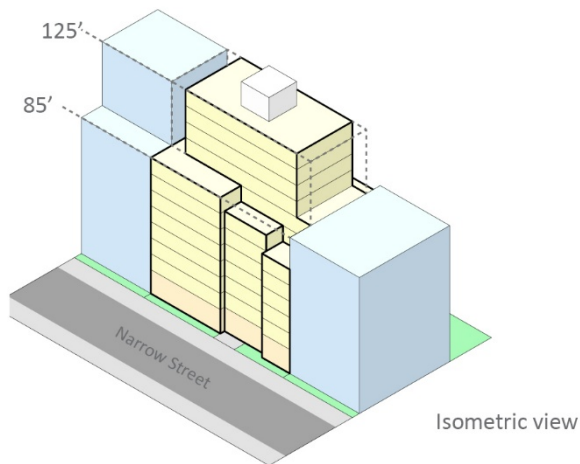
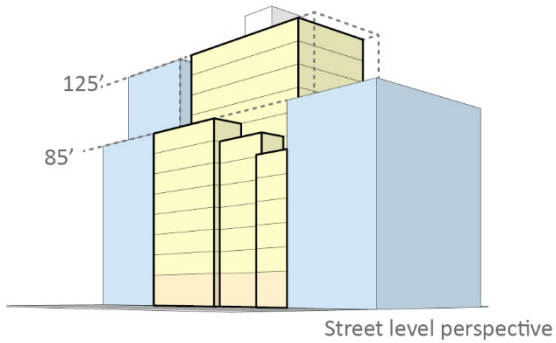
Under the No-Action scenario, the building has a maximum height of 125' and would reach 12 stories tall, with approximately 50,000 square feet of development potential. This building, occupied entirely by Affordable Independent Residences for Seniors, would be able to fit 70 units in order to comply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

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

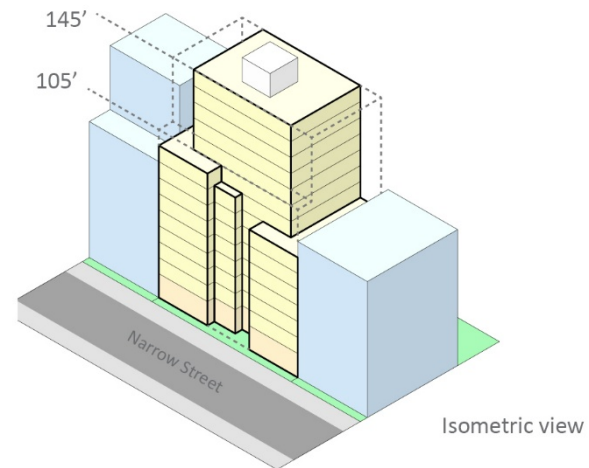
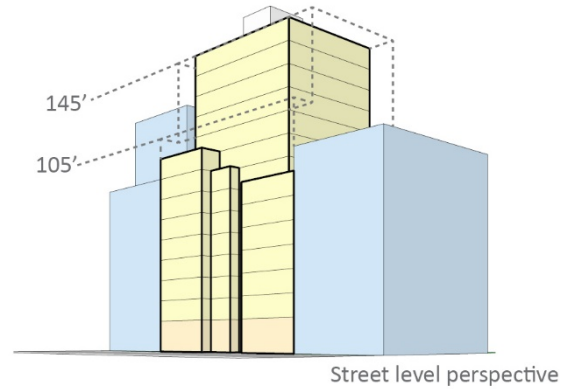
Incremental changes as a result of the with-action scenario include an additional 20' height, a reduction in parking spaces per unit, and an additional 32 affordable units for seniors. There is an incremental increase of 11,000 gsf.

No-Action Scenario

Existing Building (context)
Projected Development



With-Action Scenario



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

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

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

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

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

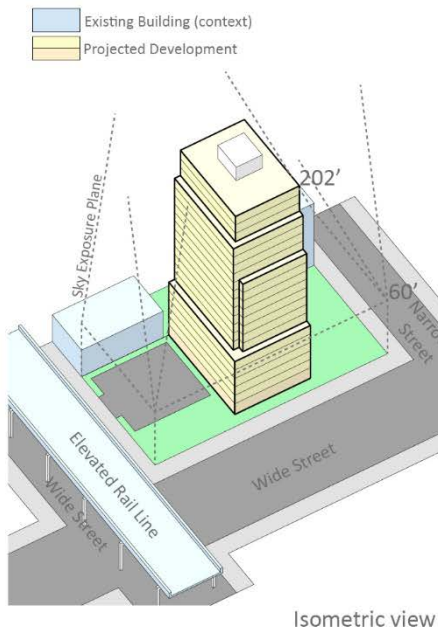
Under No-Action Scenario 02, the affordable senior housing development utilizes the Quality Housing regulations. As shown in the Prototype, the resulting building is more contextual with its surroundings and floorplates are better suited to the programming needs of this type of housing, but a substantial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

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

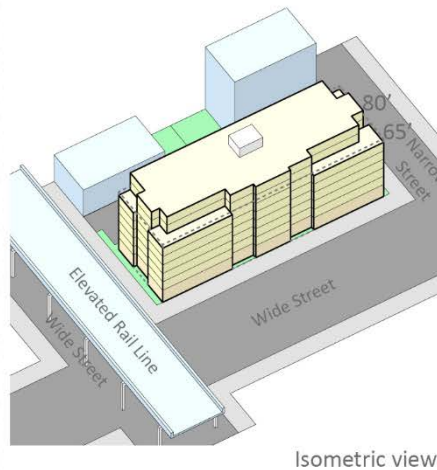
Incremental changes as a result of the with-action scenario over No-Action Scenario 01, include 18 fewer parking spaces, 30 additional affordable senior dwelling units, a building that is 77' shorter and with 6,010 additional gsf, and a modified building footprint on the lot that better relates to the adjacent elevated rail line.

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

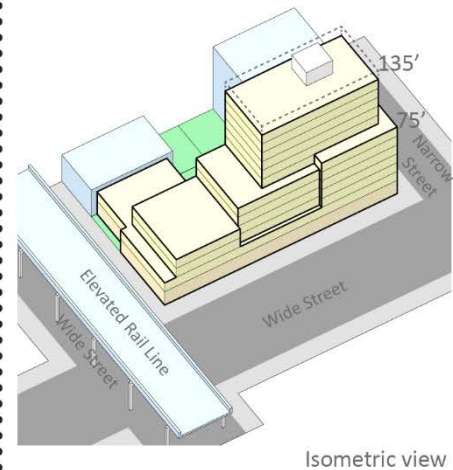
No-Action Scenario 01



No-Action Scenario 02



With-Action Scenario



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

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

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

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

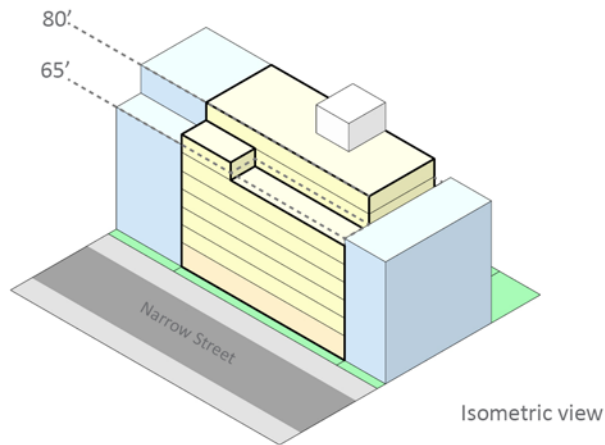
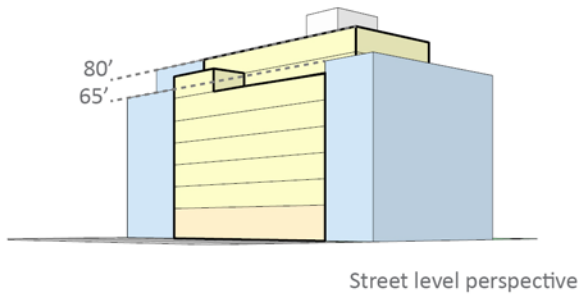
In the No-Action scenario, the Long-Term Care facility development is able to fit the existing floor area permitted for the use in this zoning district utilizing the existing Quality Housing building envelope controls required in contextual zoning districts. The building is limited to a height of 80' and is able to fit the permitted 40,000 sq. ft. of floor area, in which approximately 76 beds for senior Long-Term Care would be available.

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

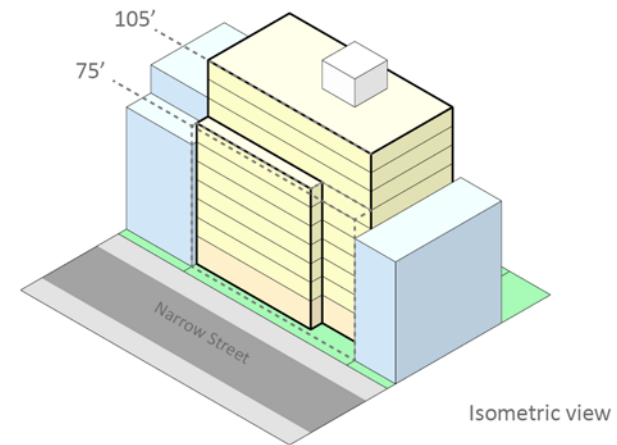
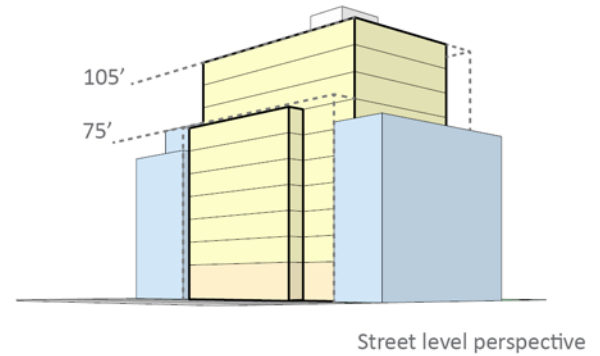
Incremental changes as a result of the with-action scenario include 25' of additional allowable height, 24 additional beds for Long-Term Care, 13,110 additional gsf, and a modified building footprint on the lot. By utilizing the reduced setback requirement, the building has more flexibility in articulating the street wall without sacrificing floor area. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk. Currently, a corresponding higher floor area is permitted by special permit only (as per 74-902). Additional floor area would allow Long-Term Care facilities potentially to develop larger buildings with a greater number of beds as-of-right.

No-Action Scenario

Existing Building (context)
Projected Development



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	4.0	5.01
Permitted Development Rights (square feet)	40,000 sq. ft.	50,100 sq. ft.
Ground Floor / Upper Story Height	13' / 9'-6"	15' / 10'
Number of Stories/Overall Height	8/80'	10/105'
Floor Area that can be accommodated (square feet)	40,000 sq. ft.	50,100 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		25.3 %
Gross Floor Area (square feet)	42,000 sq. ft.	55,110 sq. ft.
Total number of beds	76 beds	100 beds
Number of parking required (market-rate/affordable)	0	0

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

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

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

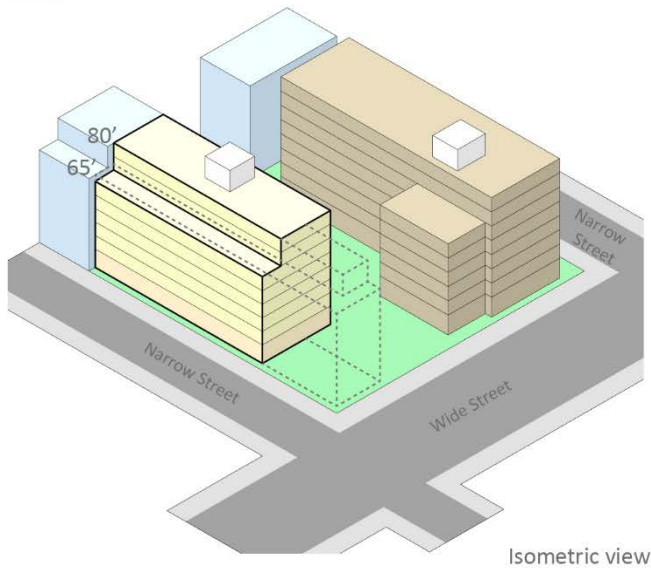
In the No-Action scenario, the second building is unable to develop the fully-permitted floor area because the current minimum distance between building requirements do not allow for a viable building footprint on the corner of the lot. The amount of floor area in the second building is maximized through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

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

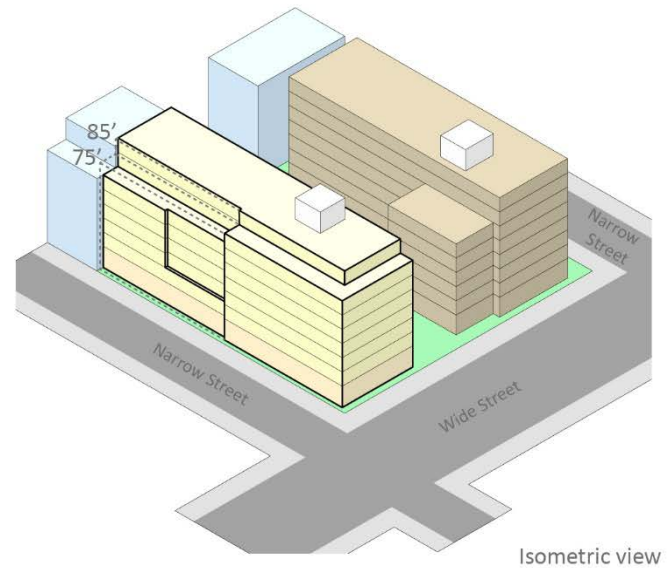
Incremental changes as a result of the with-action scenario include 5' of additional allowable height, 32 additional dwelling units on the lot, 26,215 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of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

No-Action Scenario

- Existing Building (context)
- Existing Building (on-site)
- Projected Development



With-Action Scenario



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

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

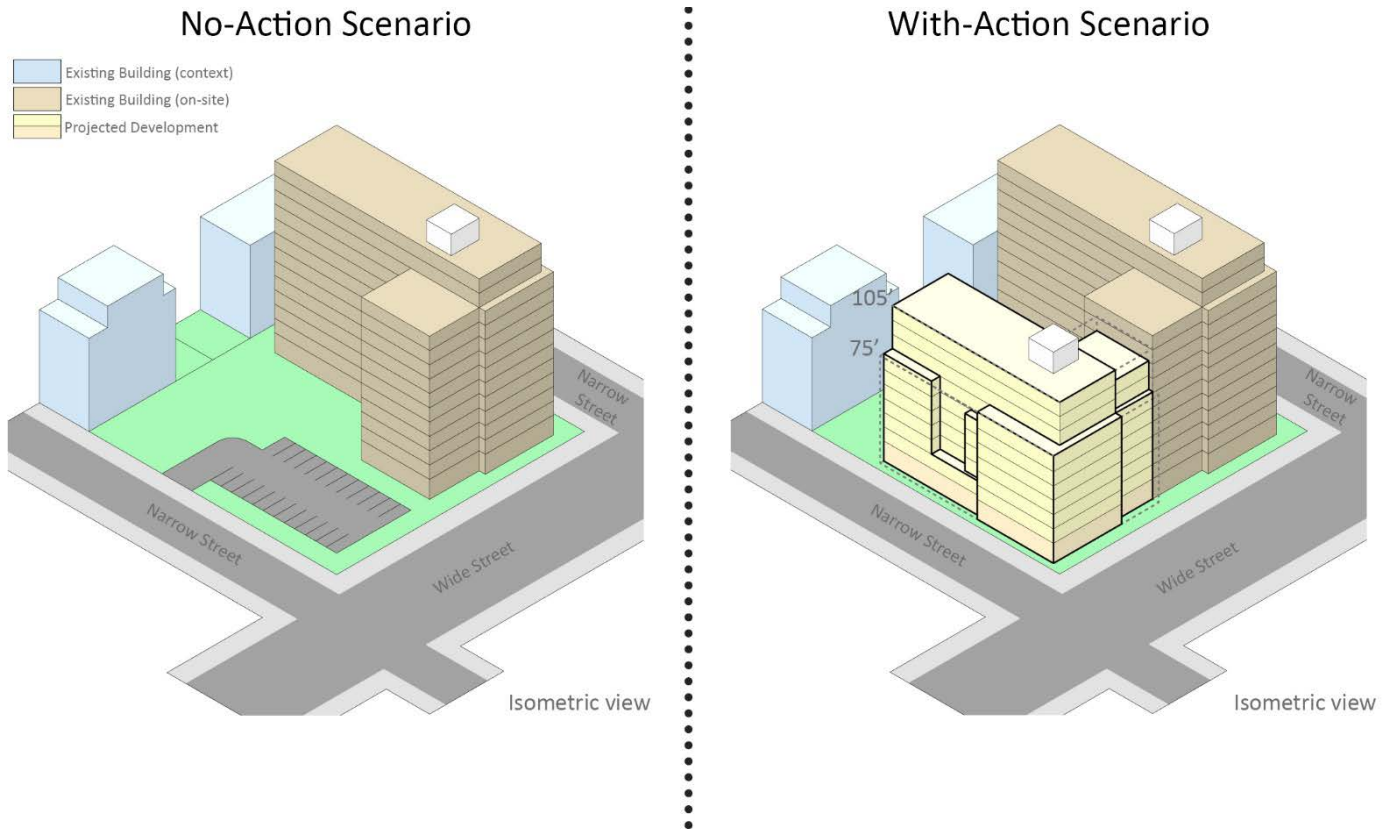
The prototype utilizes a generic 200' x 100' lot on a wide street within the Transit Zone. These assumptions were chosen because they represent a reasonable worst case scenario where the requirements for parking for the Affordable Independent Residences for Seniors have limited the ability of the lot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

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

In the No-Action scenario, the affordable independent housing for seniors is required to provide 24 parking spaces. In order to minimize costs, the required parking is provided unenclosed on the zoning lot. However, this makes a significant portion of the site unbuildable and therefore the site is not able to develop its fully permitted floor area. In this instance, nearly half of the permitted floor area (47.5 percent, or 100,000 sq. ft.) is unable to be developed. The building accommodates approximately 192 units of affordable senior housing, assuming an average unit size of approximately 710 sq. ft. as required by the dwelling unit factor, with 24 required parking spaces. Much of the surface parking lot is underutilized, as only approximately 9 residents likely have cars.

In the With-Action scenario, the requirement for the parking for the affordable independent housing for seniors is removed. This frees up that portion of the lot for development utilizing the remaining unused floor area. The second building on the zoning lot is able to develop all the remaining permitted floor area utilizing contemporary best practices for affordable senior housing construction, resulting in a total 213,624 square feet, or approximately 291 affordable senior housing units, assuming an average unit size of approximately 650 sq. ft. There would be no parking required for the new units.

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



	No Action	With Action
Lot Area (square feet)	40,000 sq. ft.	40,000 sq. ft.
Permitted FAR	5.01	5.01
Permitted Development Rights (square feet)	200,400 sq. ft.	200,400 sq. ft.
Existing Development	136,320 sq. ft.	136,320 sq. ft.
Remaining Floor Area	64,080 sq. ft.	64,080 sq. ft.
Ground Floor / Upper Story Height	N/A	14' / 10'
Building Depth	N/A	55
Number of Stories/Overall Height	N/A	10/105'
Floor Area that can be accommodated in new development (square feet)	N/A	64,080 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		50.1%
Gross Floor Area: Existing/New (square feet)	143,136/0 sq. ft.	143,136/70,488 sq. ft.
Total number of units (market-rate/affordable)	192 (0/192) units	291 (0/291) units
Number of parking required	24	0

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

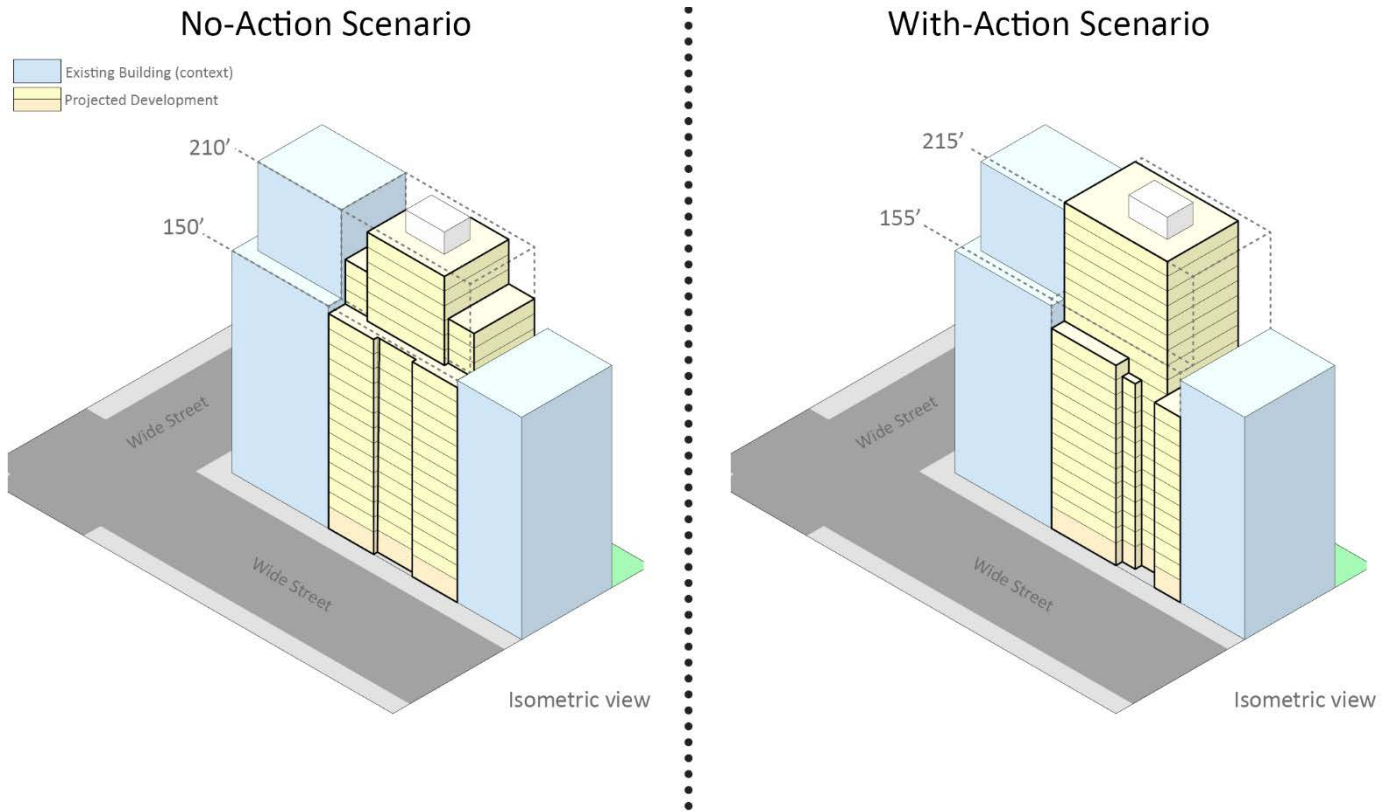
The prototype utilizes a generic 100' x 100' interior lot on a wide street in an R10A district. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in the Project Description, on development:

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

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

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

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



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

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

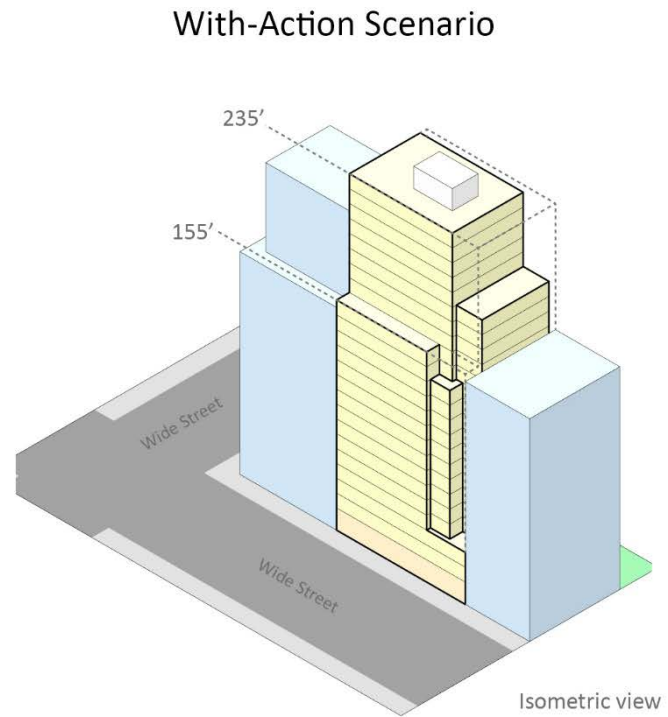
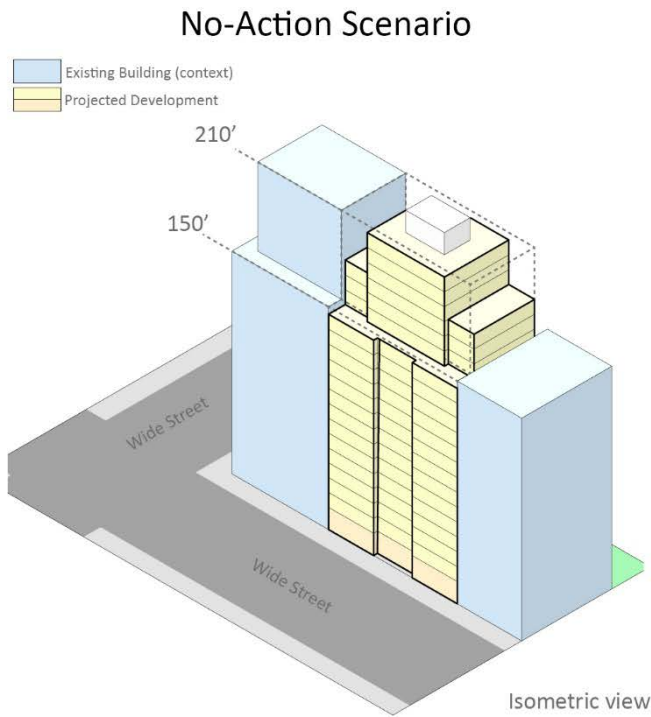
The prototype utilizes a generic 100' x 100' interior lot on a wide street in an R10A district with Inclusionary Housing. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in the Project Description, on development:

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

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

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

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



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

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

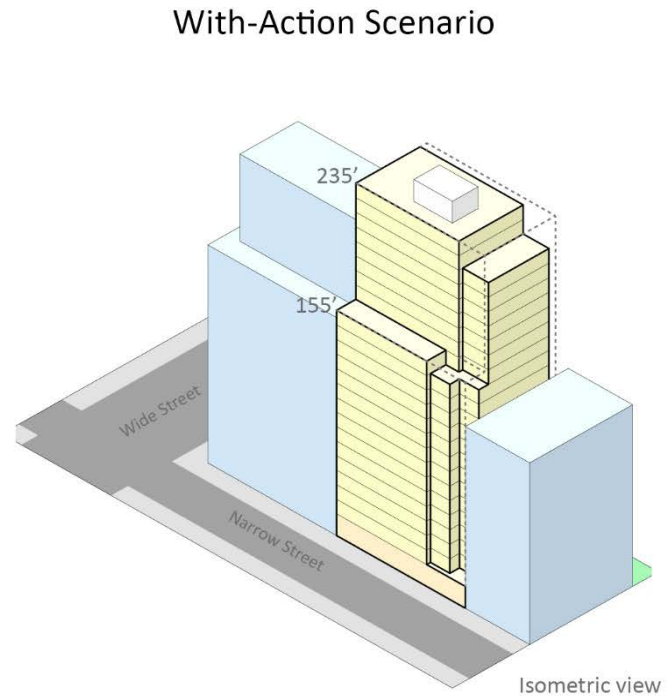
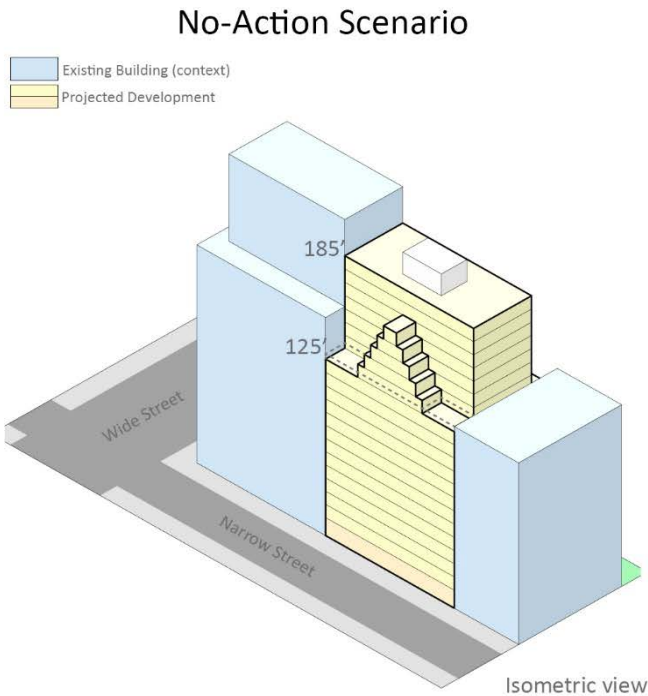
The prototype utilizes a generic 100' x 100' interior lot on a narrow street in a C6-4A district (R10A equivalent commercial district) with Inclusionary Housing. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in the Project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

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

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

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

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



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

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

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

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

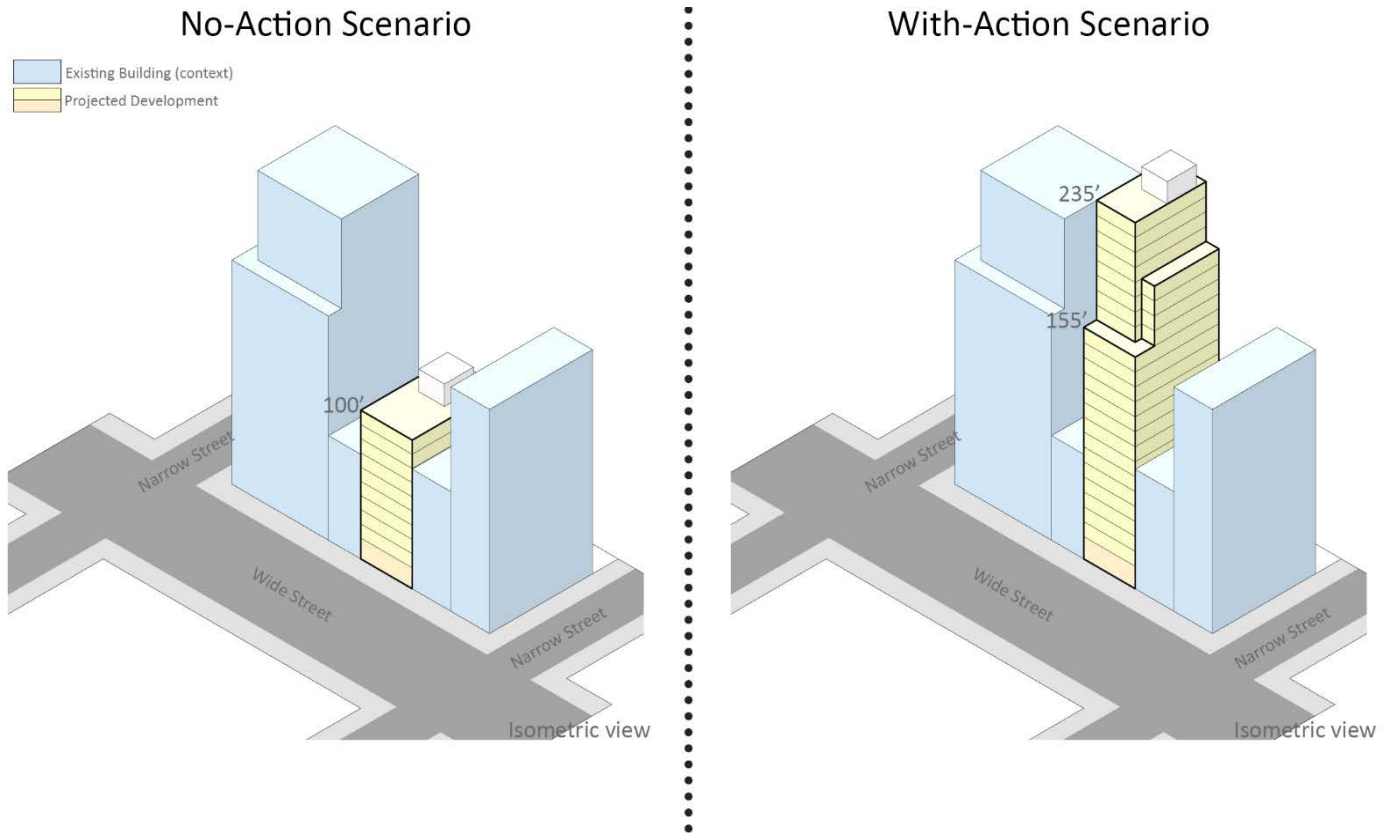
In the No-Action scenario, the development is restricted to the width of the adjacent wide street (in this case, 100 feet) because the lot is less than 45 feet wide and is located next to buildings that are less than 100 feet in height. The development takes part in the Inclusionary Housing Program but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

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

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

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

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



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

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

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

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

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

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

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

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

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

The prototype utilizes a generic 100' x 100' corner lot on a wide and narrow street in an R8A district adjoining a lower-density R6B district. These assumptions were chosen because they represent a likely scenario in the city with a great degree of difference between the permitted building forms in each zoning district. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

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

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

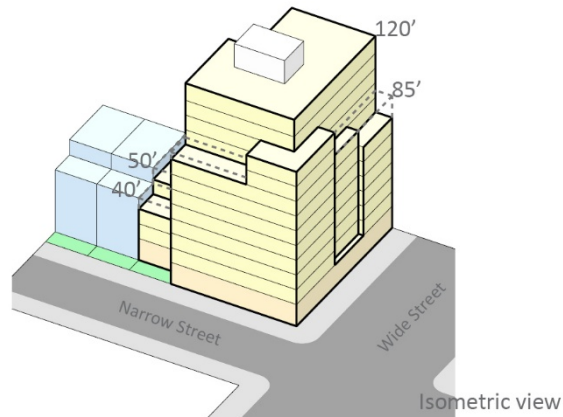
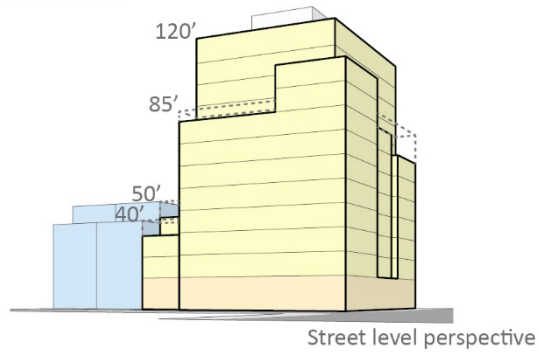
In the With-Action scenario, the development utilizes the modified building envelope regulations and additionally adheres to the modified transition rules that permit buildings to develop up to their permitted base height adjacent to specific lower density districts. With the expanded envelope, the development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

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

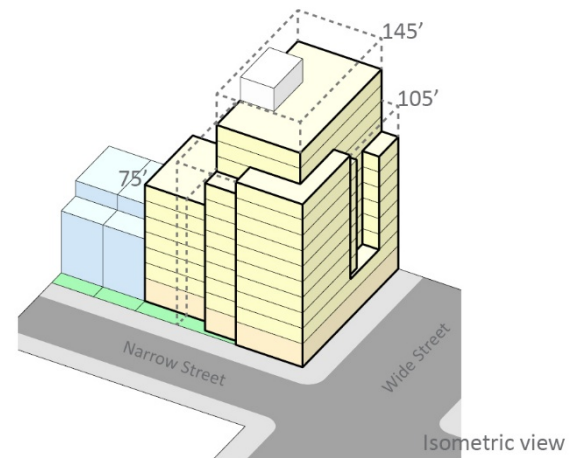
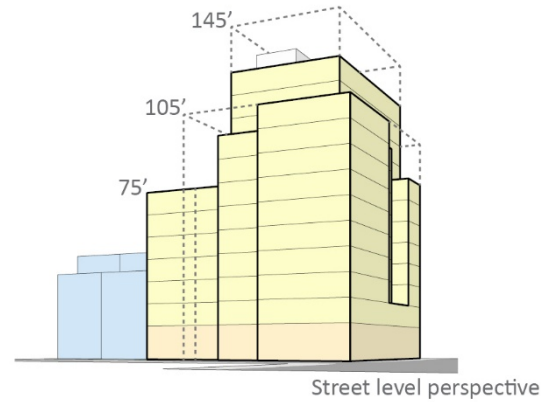
Incremental changes as a result of the with-action scenario include an additional 25' height, a reduction of 16 parking spaces, and a modified building footprint on the lot. No additional gross square footage or FAR is accommodated on the lot, but the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

No-Action Scenario

Existing Building (context)
Projected Development



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	7.2	7.2
Permitted Development Rights (square feet)	72,000 sq. ft.	72,000 sq. ft.
Ground Floor / Upper Story Height	14' / 9' -6"	15' / 10'
Building Depth	60'	60'
Number of Stories/Overall Height	12/120'	12(14 permitted)/ 125' (145' permitted)
Floor Area that can be accommodated (square feet)	72,000 sq. ft.	72,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Gross Floor Area (square feet)	79,200 sq. ft.	79,200 sq. ft.
Total number of units (market-rate/affordable)	88 (70/18) units	88 (70/18) units
Number of parking required (market-rate/affordable)	0	0

Prototype 18: R8A District, Inclusionary Housing, 100' x 85' shallow interior lot on wide street

The prototype utilizes a 100' wide x 85' shallow interior lot in an R8A district, with Inclusionary Housing. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Adjust height controls for Inclusionary Housing
- Create more-efficient building setback rules
- Provide improved yard and coverage regulations for shallow lots

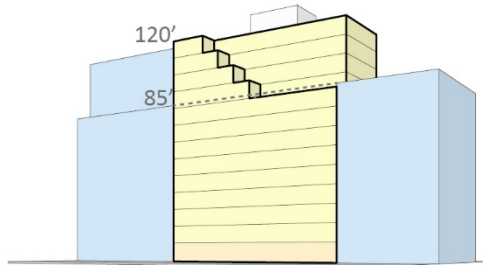
In the No-Action scenario, the development is required to provide a full 30 foot rear yard regardless of the depth of the lot. When rear yard requirements were designed, lots were assumed to have a depth of 100', and a 30' rear yard was rational given those dimensions. Under the No-Action scenario on a lot with a depth of only 85', the development is forced to build a building with only 55' depth. Additionally, height limitations of 120' result in a building that is unable to fit its entire permitted 7.2 FAR, leaving 2,790 sq. ft. of allowable floor area undeveloped. The building is able to provide 71 total units; 57 market-rate, and 14 affordable units. No parking is required as the zoning lot is 10,000 sq. ft. or less.

In the With-Action scenario, the development is permitted to reduce the depth of the required rear yard to 25 feet. This allows for a deeper floor plate more in line with typical residential construction. The development is able to fit all its permitted floor area using the modified building envelope controls, by achieving a height of 145'. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to provide a variety of building articulation options. The building is able to provide 75 total units; 60 market-rate, and 15 affordable units. No parking is required as the zoning lot is 10,000 sq. ft. or less.

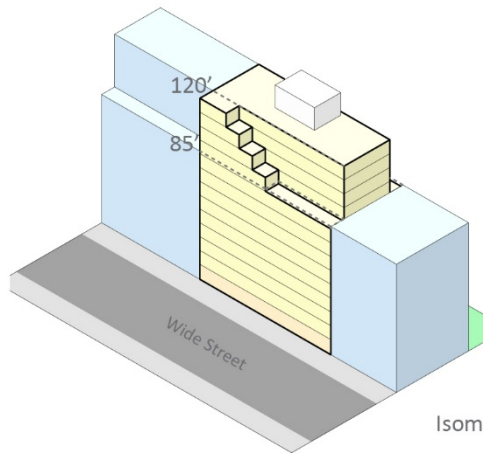
Incremental changes as a result of the with-action scenario include an additional 25' of allowable height, 3 additional dwelling units, 3,069 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while also resulting in a better pedestrian experience at the sidewalk.

No-Action Scenario

Existing Building (context)
Projected Development

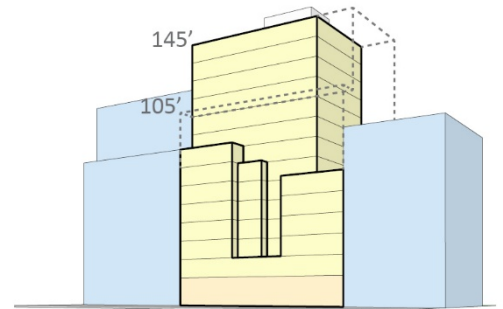


Street level perspective

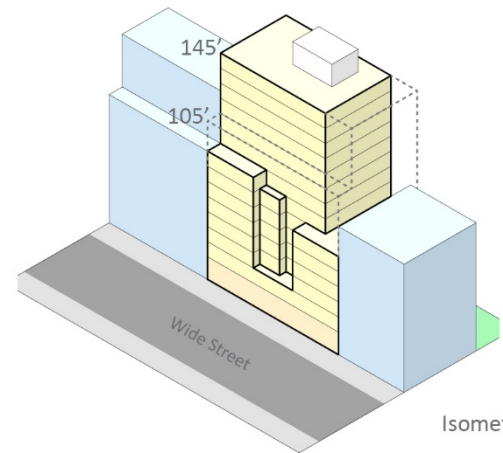


Isometric view

With-Action Scenario



Street level perspective



Isometric view

	No Action	With Action
Lot Area (square feet)	8,500 sq. ft.	8,500 sq. ft.
Permitted FAR	7.2	7.2
Permitted Development Rights (square feet)	61,200 sq. ft.	61,200 sq. ft.
Ground Floor / Upper Story Height	10' / 9' -1"	15' / 10'
Building Depth	55'	60'
Number of Stories/Overall Height	13/120'	14/145'
Floor Area that can be accommodated (square feet)	58,410 sq. ft.	61,200 sq. ft.
Remaining Floor Area (square feet)	2,790 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		4.8 %
Gross Floor Area (square feet)	64,251 sq. ft.	67,320 sq. ft.
Total number of units (market-rate/affordable)	76 (61/15) units	79 (63/16) units
Number of parking required (market-rate/affordable)	0	0

Prototype 19: **R8A District, Inclusionary Housing, 100' x 170' shallow through lot on wide and narrow streets**

The prototype utilizes a 100' wide x 170' shallow interior through lot in an R8A district, with Inclusionary Housing. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Adjust height controls for Inclusionary Housing
- Create more-efficient building setback rules
- Provide improved yard and coverage regulations for shallow lots
- Eliminate parking requirements for qualifying affordable housing within the Transit Zone

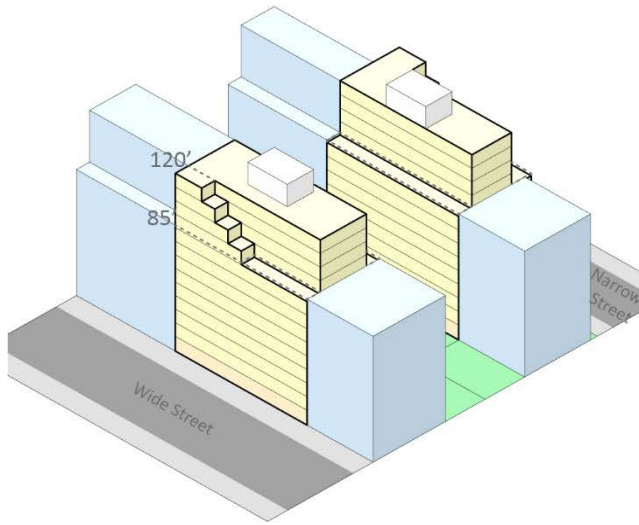
In the No-Action scenario, the development is required to provide a full 60 foot rear yard equivalent regardless of the depth of the lot. When rear yard requirements were designed, interior through lots were assumed to have a depth of 200', and a combined 60' rear yard was rational given those dimensions. Under the No-Action scenario on a lot with a depth of only 170', the development is forced to build two buildings with only 55' depth. Additionally, height limitations of 120' result in a development that is unable to fit its entire permitted 7.2 FAR, leaving 6,800 sq. ft. of allowable floor area undeveloped. The building is able to provide 150 total units; 120 market-rate, and 30 affordable units. Fifty two parking spaces are required; 48 required for the market-rate units, and 4 for the affordable units.

In the With-Action scenario, the development is permitted to reduce the depth of the required rear yard to 50 feet. This allows for a deeper floor plate depth more in line with typical residential construction. The development is able to fit all its permitted floor area using the modified building envelope controls, by achieving a height of 145'. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to provide a variety of building articulation options. The building is able to provide 158 total units; 126 market-rate, and 32 affordable units. Fifty parking spaces are required; 50 for the market-rate units, and none for the affordable units.

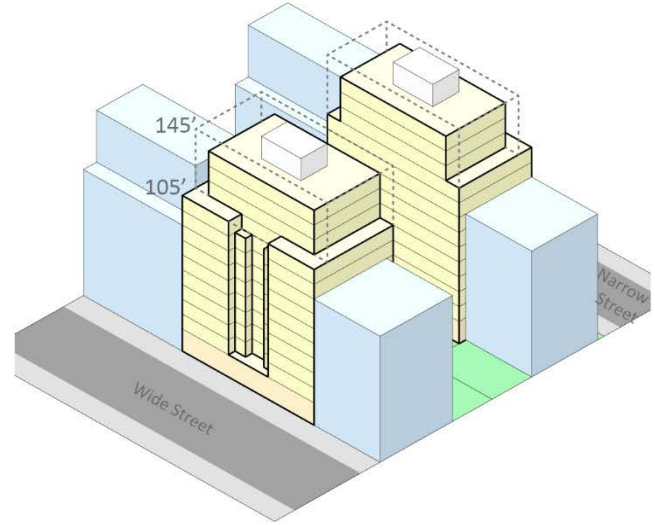
Incremental changes as a result of the with-action scenario include an additional 25' height, an increase of 2 parking spaces, an additional 8 dwelling units, 7,480 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

No-Action Scenario

Existing Building (context)
Projected Development



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	17,000 sq. ft.	17,000 sq. ft.
Permitted FAR	7.2	7.2
Permitted Development Rights (square feet)	122,400 sq. ft.	122,400 sq. ft.
Ground Floor / Upper Story Height	10' / 9' -3"	15' / 10'
Building Depth	55'	60'
Number of Stories/Overall Height	13/120'	13 (14 permitted)/ 135' (145' permitted)
Floor Area that can be accommodated (square feet)	115,600 sq. ft.	122,400 sq. ft.
Remaining Floor Area (square feet)	6,800 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		5.9 %
Gross Floor Area (square feet)	127,160 sq. ft.	134,640 sq. ft.
Total number of units (market-rate/affordable)	150 (120/30) units	158 (126/32) units
Number of parking required (market-rate/affordable)	52 (48/4) spaces	50 (50/0) spaces

Prototype 20: R8 District, Affordable Independent Residences for Seniors, 200' x 100' corner lot on wide and narrow streets

The prototype utilizes a generic 200' x 100' corner lot on wide and narrow streets adjacent to a rail line in an R8 non-contextual district. These assumptions were chosen because of the prevalence of the zoning district throughout the city. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Update floor area ratio maximum for Affordable Independent Residences for Seniors
- Remove density and unit size limits for affordable senior housing
- Create a new higher-density non-contextual building envelope for certain types of housing on zoning lots adjacent to certain types of infrastructure— Long-Term Care Facilities
- Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone

In the No-Action scenario, there are two development options for non-profit residences for the elderly in a non-contextual district. The first, shown under No-Action Scenario 01, models a building utilizing the existing height factor building envelope controls allowed in non-contextual zoning districts, which provide no height limit and which allow the building to be shifted away from the rail line, and provides parking at grade next to the rail line. The second, shown under No-Action Scenario 02, models a building utilizing the Quality Housing regulations permitted in the zoning district. While this is a permitted envelope for this type of use, it is unlikely to be used, as the building form forces units close to the rail line. However, because this scenario is possible no matter how unlikely, both are analyzed for the purposes of this environmental review.

Under No-Action Scenario 01, Non-Profit Residences for the Elderly are permitted 6.02 FAR, and R8 zoning districts have a dwelling unit factor of 740. This limits the number of units that may be developed to 162, with a parking requirement of 16. There are no parking waivers available to Non-Profit Residences for the Elderly. With no height limit, the building develops to a height of 21 stories, with small floorplates ill-suited for this type of housing.

Under No-Action Scenario 02, Non-Profit Residences for the Elderly are permitted 6.02 FAR, and R8 zoning districts have a dwelling unit factor of 740. This limits the number of units that may be developed to 162, with a parking requirement of 16. There are no parking waivers available to Non-Profit Residences for the Elderly. Under the Quality Housing height limit of 120' in an R8 district, squeezing 13 stories into the development in order to maximize their FAR.

In the With-Action scenario, the Affordable Independent Residences for Seniors in an R8 district is allowed an FAR of 7.2, and is given a contextual building envelope that works with the existing built context of the rail line. The development is able to utilize best practices for residential buildings for floor-to-floor heights and is also able to set the residential units within the building away from the rail line while providing a variety of building articulation options. The building can achieve a maximum height of 215' or 21 stories, although the full height is not necessary for the development to fit its permitted FAR. The number of units for low income seniors is not restricted by a specific dwelling unit factor for the use but, based on comparable projects recently developed in the city which have an average unit size of approximately 650 square feet, the development would have approximately 243 units. No parking would be required for these units.

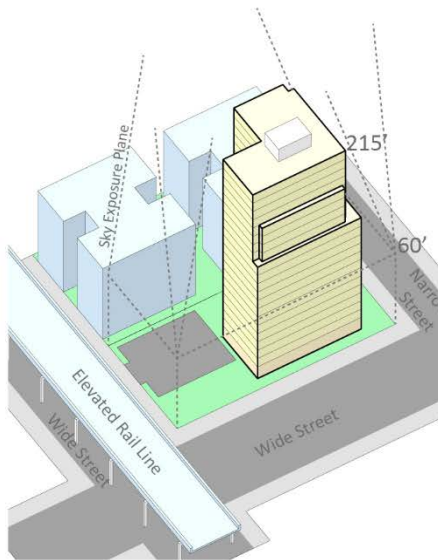
Incremental changes as a result of the With-Action scenario over No-Action Scenario 01 include 16 fewer parking spaces, 81 additional affordable senior dwelling units, 31,980 additional gsf, and a modified building footprint that is more contextual with the surrounding neighborhood and accommodates larger floorplates for more efficient programming for this type of building. The With-Action building is 50' shorter.

Incremental changes as a result of the with-action scenario over No-Action Scenario 02 include 16 fewer parking spaces, 81 additional affordable senior dwelling units, 45' additional height, 25,960 additional gsf, and a modified building footprint on the lot that better relates to the adjacent elevated rail line.

Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk. No parking would be required for these units, freeing up lot area to accommodate the full permitted FAR and dwelling units, and facilitating the development of amenity space in the rear yard.

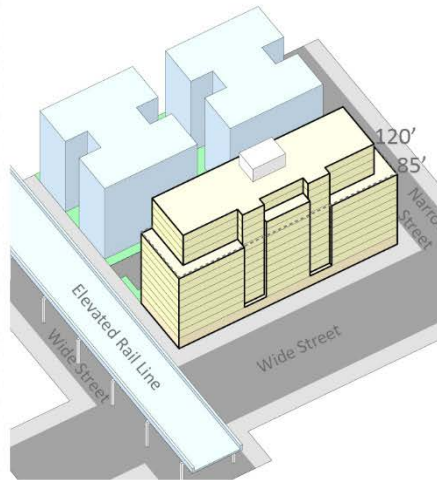
No-Action Scenario 01

Existing Building (context)
Projected Development



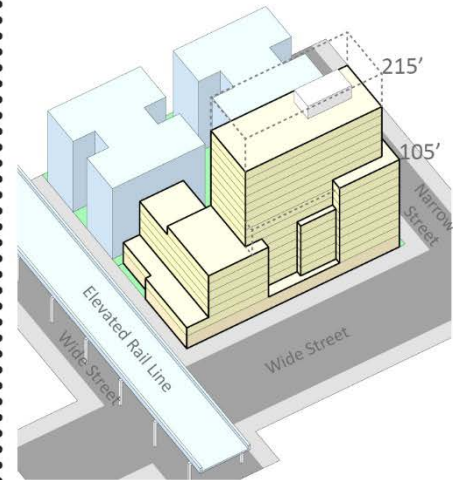
Isometric view

No-Action Scenario 02



Isometric view

With-Action Scenario



Isometric view

	No Action 01	No Action 02	With Action
Lot Area (square feet)	20,000 sq. ft.	20,000 sq. ft.	20,000 sq. ft.
Permitted FAR	6.02	6.02	7.2
Permitted Development Rights (square feet)	120,400 sq. ft.	120,400 sq. ft.	144,000 sq. ft.
Ground Floor / Upper Story Height	12' / 9' -6"	12' / 9'	15' / 10'
Building Depth	60'	55'	60'
Number of Stories/Overall Height	21 (no limit)/215'	13/120'	16 (21 permitted)/ 165' (215' permitted)
Floor Area that can be accommodated (square feet)	120,400 sq. ft.	120,400 sq. ft.	144,000 sq. ft.
Remaining Floor Area (square feet)	0 sq. ft.	0 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)			19.6 %
Gross Floor Area (square feet)	126,420 sq. ft.	132,440 sq. ft.	158,400 sq. ft.
Total number of units (market-rate/affordable)	162 (0/162) units	162 (0/162) units	243 (0/243) units
Number of parking required (market-rate/affordable)	16 (0/16) spaces	16 (0/16) spaces	0 (0/0) spaces

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

The prototype utilizes an acutely angled lot in a C6-3A district with Inclusionary Housing and ground floor commercial uses adjacent to a wide street and a narrow street. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

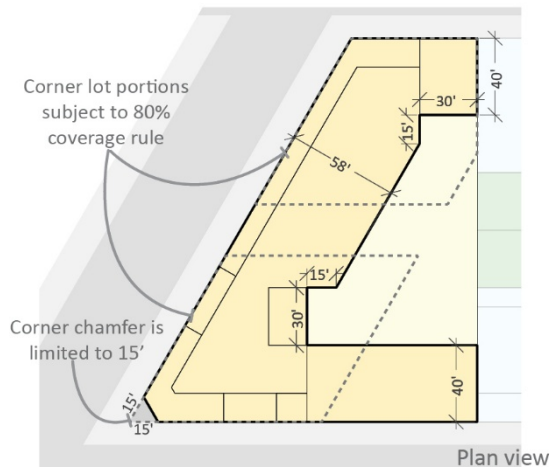
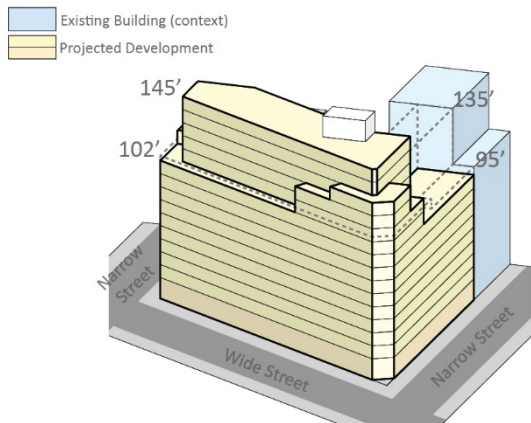
- Rationalize street wall requirements for acutely-angled sites
- Remove unnecessary corner lot coverage restrictions
- Adjust height controls for Inclusionary Housing
- Eliminate parking requirements for qualifying affordable housing within the Transit Zone

In the No-Action scenario, the site has a permitted FAR of 8.5, with 207,515 gross sq. ft. of residential, and 20,580 gross sq. ft. of commercial. Because of the 100% lot coverage requirement in this zoning district, coupled with the acutely angled lot, the building is allowed only within 15' of the corner to allow for articulation. This limited flexibility adds cost and complexity to the development of buildings on lots with angles of less than 75 degrees. The building is able to fit its full permitted floor area on site, with 244 dwelling units; 195 market-rate and 49 affordable. The development generates 84 parking spaces – 78 for the market rate units, and 6 for the affordable units.

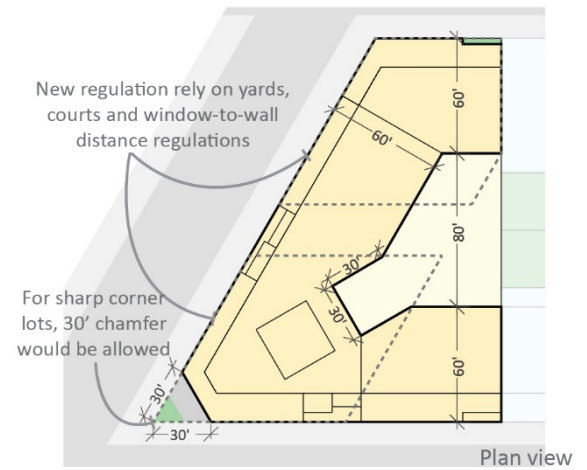
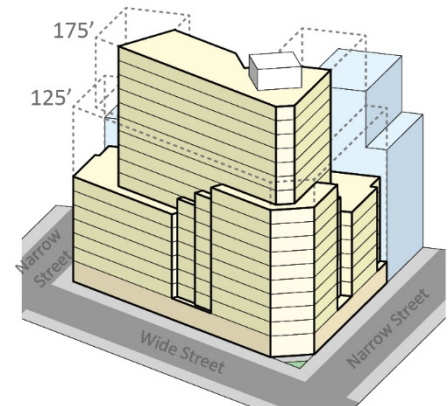
In the With-Action scenario, the site has the same permitted FAR of 8.5, with no change to the gross square footage or number of dwelling units. The number of required parking spaces is reduced to 78, as there is no parking requirement for affordable housing in a C6-3A district in the future with the Proposed Action.

Incremental changes as a result of the with-action scenario include a modified building footprint on the lot that better relates to the adjacent elevated rail line, and 6 fewer parking spaces. No additional gross square footage or FAR is permitted on the lot, but the changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	24,500 sq. ft.	24,500 sq. ft.
Permitted FAR	8.5	8.5
Permitted Development Rights (square feet)	208,250 sq. ft.	208,250 sq. ft.
Ground Floor / Upper Story Height	15' / 9' -3"	15' / 10'
Building Depth	40'-58'	60'
Number of Stories/Overall Height	15/145'	17/175'
Floor Area that can be accommodated (square feet)	208,250 sq. ft.	208,250 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		0 %
Residential Gross Floor Area (square feet)	207,515 sq. ft.	207,515 sq. ft.
Commercial Gross Floor Area (square feet)	20,580 sq. ft.	20,580 sq. ft.
Total number of units (market-rate/affordable)	244 (195/49) units	244 (/49) units
Number of parking required (market-rate/affordable)	84 (78/6) spaces	78 (78/0) spaces

Prototype 22: R8 District, Affordable Independent Residences for Seniors, 200' x 100' interior lot on narrow street

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

- Eliminate existing and previously required parking for non-profit residences for the elderly or dwelling units for the elderly within the Transit Zone
- Update floor area ratio maximum for Affordable Independent Residences for Seniors

In the No-Action scenario, an existing affordable senior housing development is underbuilt, encompassing only 85,470 out of 120,400 square feet of permitted development rights and developed with 131 residential units. The parking requirement of 10% for Non-Profit Residences for the Elderly in an R8 district added significant cost to the development and the developer was unable to finance structured parking at up to \$50,000 per space. As a result, the developer provided surface parking, at the cost of lot area that could have been allocated to additional dwelling units. Fewer than 6 cars are registered to this development, and the majority of the 13 required parking spaces are unused by the residents for whom they were required. The development is located a couple of blocks from a subway station, and is adjacent to multiple public bus routes. The housing development also provides shuttle service to residents and staff, enabling additional mobility among a population that may be limited.

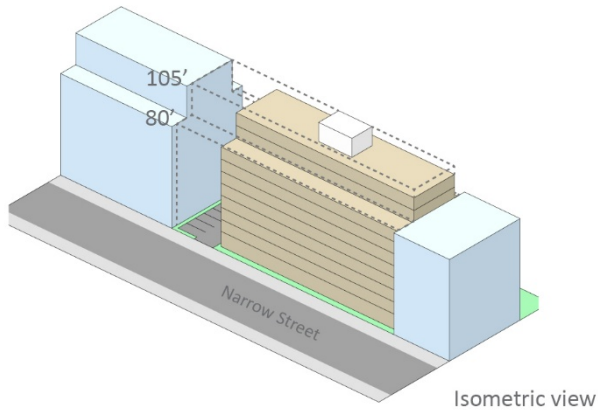
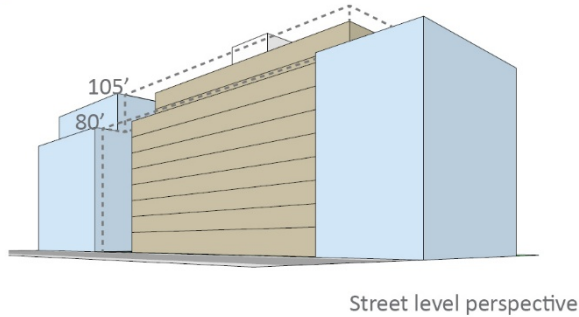
In the With-Action scenario, the Affordable Independent Residences for Seniors in an R8 district has no parking requirement. As conditions of the original regulatory agreement, mortgage provisions, and other restrictions, the property owners seek HUD and HPD approval to modify a partial change in use on the site, in order to expand horizontally over the existing parking lot. Upon approval and upon the securing of public subsidy for the development and tenancy of additional units, the property owner is able to add 44 affordable dwelling units for seniors, creating a total 175 units. Under the With-Action scenario, the development is allowed a FAR of 7.2 and 20 feet of additional height, but neither is utilized to complete the expansion, as the cost to add floors to the existing building would have been prohibitive.

Residents of these 44 additional units may be pulled off of a housing waiting list for income- and age-restricted units. The 6 cars registered to the property would be expected to find on-street parking, or to park in another off-street facility nearby. Additional amenities and community space developed as required by the expanded building area would be provided.

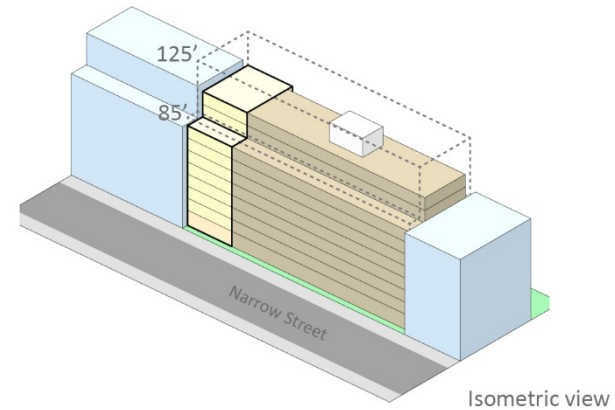
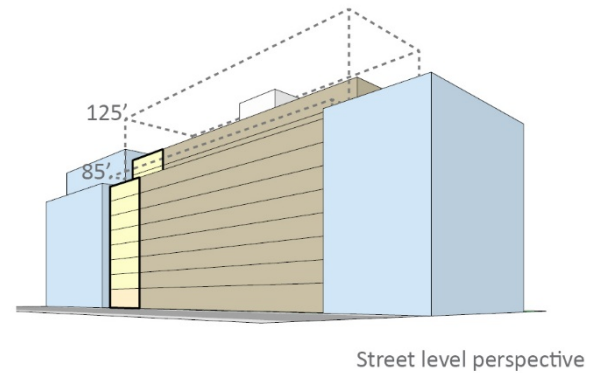
Incremental changes as a result of the with-action scenario include 13 fewer parking spaces, 44 additional affordable senior dwelling units, 28,160 additional gsf, and a modified building footprint.

No-Action Scenario

- Existing Building (context)
- Existing Building (on-site)
- Projected Development



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	20,000 sq. ft.	20,000 sq. ft.
Permitted FAR	6.02	7.2
Permitted Development Rights (square feet)	120,400 sq. ft.	144,000 sq. ft.
Buildable Floor Area (square feet)	81,400 sq. ft.	103,300 sq. ft.
Number of Units	110	144
Ground Floor / Upper Story Height	12' / 9' -6"	12' / 9' -6"
Number of Stories/Overall Height	10/100'	10/100'
Number of Parking Spaces	11	0
Remaining FA	39,000 sq. ft.	40,700 sq. ft.
Difference in buildable floor area (percent increase over No Action)		26.9 %
Gross Floor Area (square feet)	85,470 sq. ft.	113,630 sq. ft.
Total number of units (market-rate/affordable)	131 (0/131) units	175 (0/175) units
Number of parking required (market-rate/affordable)	13 (0/13) spaces	0 (0/0) spaces

Prototype 23: R10A District, Long-term Care Facility, 100' x 100' interior lot on Wide Street

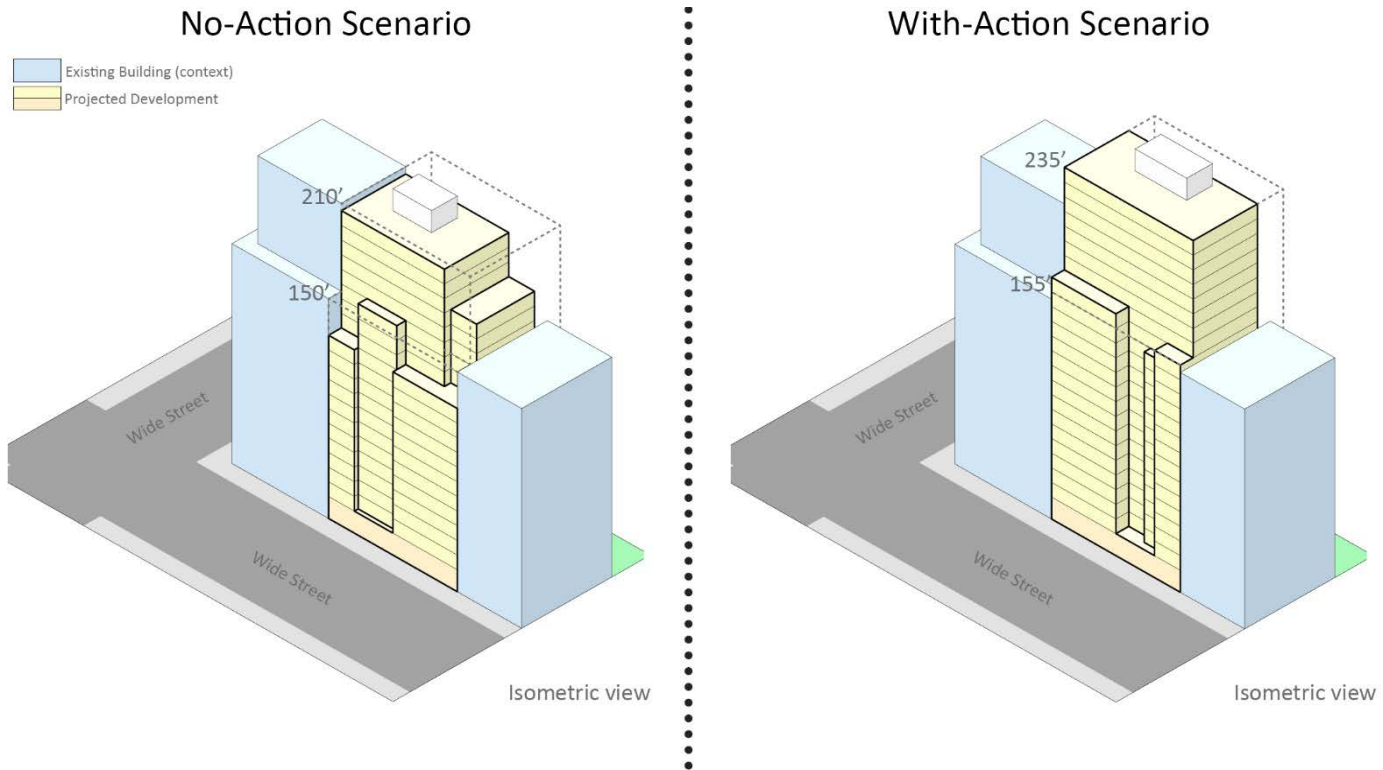
The prototype utilizes a generic 100' x 100' interior lot on a wide street in an R10A district, developed as a Long-Term Care facility. The prototype affords the opportunity to understand the effects of the following portions of the Proposed Action, as described in the Project Description, on development:

- Update floor area ratio maximum for Long-Term Care facilities
- Adjust Height Controls for Affordable Independent Residences for Seniors and Long-Term Care Facilities
- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Provide more-useable court regulations
- Encourage elevated residential ground floors

In the No-Action scenario, the building, developed as a Long-Term Care facility, has 10 FAR and 100,000 sq. ft. of gross floor area permitted by the zoning district and a maximum height of 210'. This floor area is accommodated in the existing building envelope, but doing so requires sub-optimal floor to floor heights. The building is 70' deep and has a base height of 150' and a total height of 210'. Assuming an average unit size or sq. ft. per bed allocation of 500 sq. ft., the development would be expected to generate 210 beds for Long-Term Care residents. No parking would be required for a facility of this size.

In the With-Action scenario, the building is permitted to build to a maximum FAR of 12, with 120,000 sq. ft. of gross floor area, and the maximum height is increased to 235'. This modified building envelope allows the use of contemporary best practices for residential uses, including floor-to-floor heights, and provides the Long-Term Care facility with the same floor area ratio granted to Affordable Independent Residences for Seniors in this district. The building is 65' deep and has a maximum base height of 155' and a total height of 235', or 23 stories. Assuming an average unit size or sq. ft. per bed allocation of 500 sq. ft., the development would be expected to generate 264 beds for Long-Term Care residents. No parking would be required for a facility of this size.

The With-Action scenario allows an incremental increase of 25 feet, 54 additional beds for Long-Term Care residents, and 27,000 additional gsf. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.



	No Action	With Action
Lot Area (square feet)	10,000 sq. ft.	10,000 sq. ft.
Permitted FAR	10.0	12.0
Permitted Development Rights (square feet)	100,000 sq. ft.	120,000 sq. ft.
Ground Floor / Upper Story Height	15' / 10'	15' / 10'
Building Depth	60'	60'
Number of Stories/Overall Height	20/205'	23/235'
Floor Area that can be accommodated (square feet)	100,000 sq. ft.	120,000 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		20 %
Gross Floor Area (square feet)	105,000 sq. ft.	132,000 sq. ft.
Total number of beds	210 beds	264 beds
Number of parking required (market-rate/affordable)	0	0

Prototype 24: R4 District, Affordable Independent Residence for Seniors, 150' x 100' interior lot on narrow street, outside the Transit Zone

The prototype utilizes a generic 150' x 100' interior lot on a narrow street in an R4 district outside the Transit Zone. These assumptions were chosen because of the prevalence of this zoning district throughout the city, and the limited ability to fit the floor area permitted for this use today in an as-of-right manner. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Update floor area ratio maximum for Affordable Independent Residences for Seniors
- Create new lower-density bulk envelope for affordable senior housing and Long-Term Care facilities (R3-R5)
- Modernize density factor and unit size requirements for Affordable Independent Residences for Seniors
- Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone

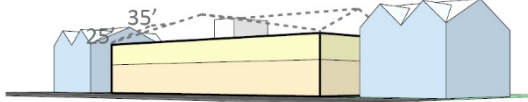
In the No-Action scenario, the affordable senior housing development is not able to fit the existing floor area permitted for the use in this zoning district even when utilizing sub-optimal building practices including lower floor-to-floor heights. Even with that, nearly half of the permitted floor area cannot be constructed on the site, in a building limited to 25' base height and 35' total height. The development would be permitted to apply for a discretionary approval from the City Planning Commission for a modified building envelope to permit the floor area. The as of right development would include 11,700 square feet, or roughly 19 senior housing units based on contemporary unit sizes of about 650 sq. ft. for this type of housing. There would be a 35 percent parking requirement, resulting in 7 parking spaces, likely exceeding demand based on an analysis of car ownership rates.

In the With-Action scenario, the affordable senior housing development is able to fit the existing floor area permitted for the use in this zoning district utilizing the enhanced non-contextual envelope controls afforded to buildings providing senior housing in lower-density non-contextual zoning districts. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to set the building off the property line and provide a variety of building articulation options. The development would not require a discretionary review from the City Planning Commission, allowing as of right building to achieve up to 65' in height (although this scenario is able to fit the floor area with only 45' height). The with-action scenario would facilitate a building that is 19,350 square feet, or roughly 31 senior housing units. Assuming this development occurred far from transit, there would be a 10 percent parking requirement, resulting in 4 parking spaces that closely resemble parking demand based on car ownership rates.

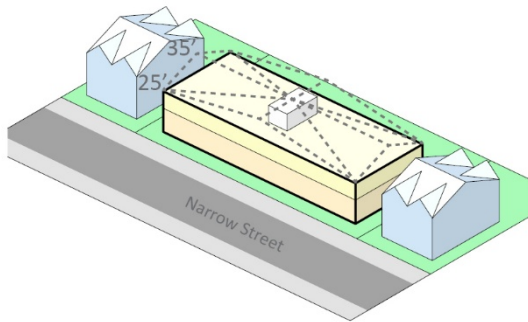
Incremental changes as a result of the with-action scenario include 30' of additional allowable height, 4 fewer parking spaces, 12 additional affordable senior dwelling units, 8,032 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

No-Action Scenario

Existing Building (context)
Projected Development

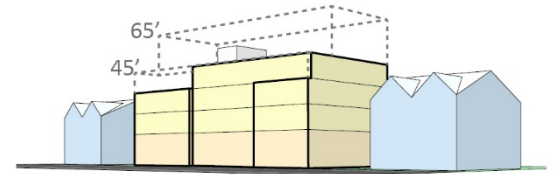


Street level perspective

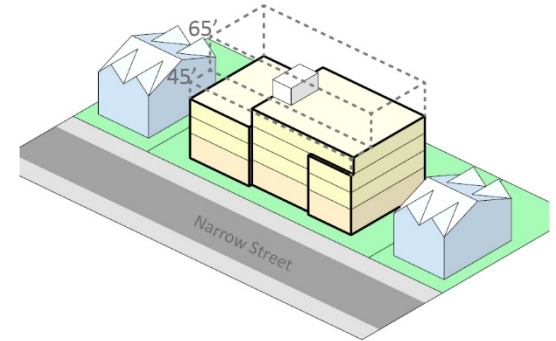


Isometric view

With-Action Scenario



Street level perspective



Isometric view

	No Action	With Action
Lot Area (square feet)	15,000 sq. ft.	15,000 sq. ft.
Permitted FAR	1.29	1.29
Permitted Development Rights (square feet)	19,350 sq. ft.	19,350 sq. ft.
Ground Floor / Upper Story Height	14' / 10'	15' / 10'
Number of Stories/Overall Height	2/24'	4/45'
Floor Area that can be accommodated (square feet)	11,700 sq. ft.	19,350 sq. ft.
Remaining Floor Area (square feet)	7,650 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		39.5 %
Gross Floor Area (square feet)	12,285 sq. ft.	20,317 sq. ft.
Total number of units (market-rate/affordable)	19 (0/19) units	31 (0/31) units
Number of parking required (market-rate/affordable)	7 (0/7) spaces	3 (0/3) spaces

Prototype 25: R5 District, Affordable Independent Residences for Seniors, 150' x 100' interior lot on narrow street

The prototype utilizes a generic 150' x 100' interior lot on a narrow street in an R5 district. These assumptions were chosen because of the prevalence of this zoning district throughout the city, and the limited ability to fit the floor area permitted for this use today in an as-of-right manner. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Update floor area ratio maximum for Affordable Independent Residences for Seniors
- Create new lower-density bulk envelope for affordable senior housing and Long-Term Care facilities (R3-R5)
- Modernize density factor and unit size requirements for Affordable Independent Residences for Seniors and Long-Term Care facilities
- Eliminate parking requirements for Affordable Independent Residences for Seniors within the Transit Zone

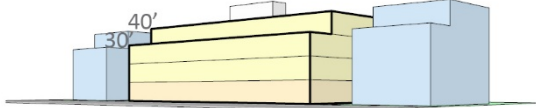
In the No-Action scenario, the affordable senior housing development is not able to fit the existing floor area permitted for the use in this zoning district even when utilizing sub-optimal building practices including lower floor-to-floor heights. Even with that, nearly half of the permitted floor area cannot be constructed on the site, in a building limited to 30' base height and 40' total height. The development would be permitted to apply for a discretionary approval from the City Planning Commission for a modified building envelope to permit the floor area. The as of right development would include 29,176 square feet. The dwelling unit factor for senior housing in an R5 District is 700, which limits this development's ability to provide smaller units per contemporary building practices. As a result, only 42 senior housing units would be permitted on the lot. There would be a 31.5 percent parking requirement, resulting in 13 parking spaces, likely exceeding demand based on an analysis of car ownership rates.

In the With-Action scenario, the affordable senior housing development is able to fit the existing floor area permitted for the use in this zoning district utilizing the enhanced non-contextual envelope controls afforded to buildings providing senior housing in lower-density non-contextual zoning districts. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to set the building off the property line and provide a variety of building articulation options. The development would not require a discretionary review from the City Planning Commission, allowing as of right building to achieve up to 65' in height. The with-action scenario would facilitate a building that is 29,250 square feet, or roughly 47 senior housing units. No parking spaces would be required for this development occurring within the Transit Zone.

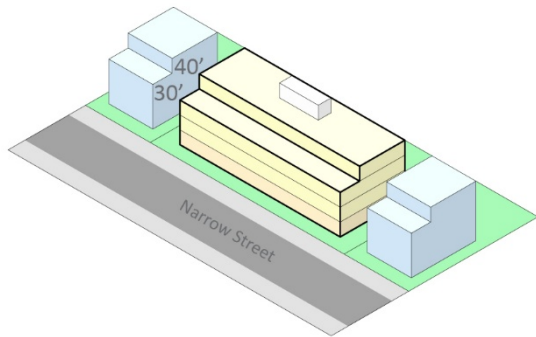
Incremental changes as a result of the with-action scenario include 30' of additional allowable height, 13 fewer parking spaces, 5 additional affordable senior dwelling units, and 1,536 additional gsf. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

No-Action Scenario

Existing Building (context)
Projected Development

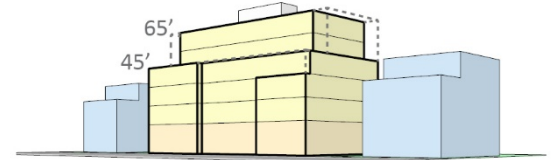


Street level perspective

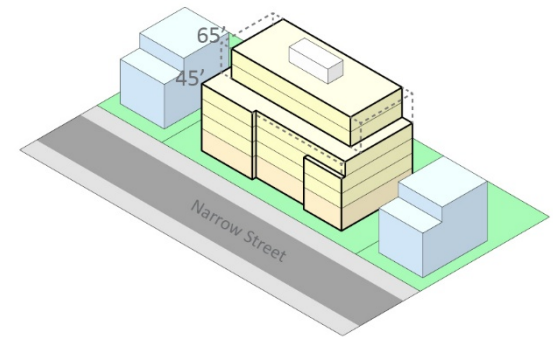


Isometric view

With-Action Scenario



Street level perspective



Isometric view

	No Action	With Action
Lot Area (square feet)	15,000 sq. ft.	15,000 sq. ft.
Permitted FAR	1.95	1.95
Permitted Development Rights (square feet)	29,250 sq. ft.	29,250 sq. ft.
Ground Floor / Upper Story Height	10' / 10'	15' / 10'
Building Depth	55'	55'
Number of Stories/Overall Height	4/40'	6/65'
Floor Area that can be accommodated (square feet)	27,787 sq. ft.	29,250 sq. ft.
Remaining Floor Area (square feet)	1,463 sq. ft.	0 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		5.0 %
Gross Floor Area (square feet)	29,176 sq. ft.	30,712 sq. ft.
Total number of units (market-rate/affordable)	42 (0/42) units	47 (0/47)
Number of parking required (market-rate/affordable)	13 (0/13) spaces	0 (0/0) spaces

Prototype 26: R5 District, Long-term Care Facility and Affordable Independent Residences for Seniors, 200'x200' corner lot on wide and narrow streets, outside of Transit Zone

The prototype utilizes a generic 200' x 200' through corner lot on wide and narrow streets in an R5 district, outside the Transit Zone. These assumptions were chosen because of the prevalence of this zoning district throughout the city, and the limited ability to fit the floor area permitted for this use today in an as-of-right manner. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

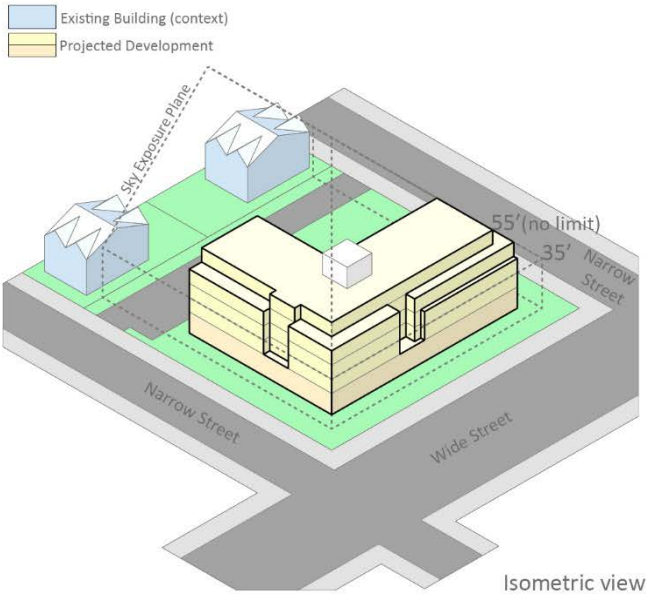
- Create more-efficient building setback rules
- Provide greater clarity and design opportunities in street wall regulations
- Match street wall line-up provision requirements to intent
- Update floor area ratio maximum for Long-Term Care facilities
- Create new lower-density bulk envelope for affordable senior housing and Long-Term Care facilities (R3-R5)
- Remove dwelling unit controls for Affordable Independent Residences for Seniors and certain UG2 Long-Term Care Facilities
- Provide a framework for mixing of Use Group 2 residences with certain Use Group 3 community facilities

In the No-Action scenario, the Long-Term Care facility has 1.27 FAR and 50,800 sq. ft. of permitted development rights. In a non-contextual district, the building is subject to sky exposure plane regulations with minimal flexibility as-of-right, and is constructed to a height of 35'. The development can accommodate 107 beds for Long-Term Care, which require 11 parking spaces at a ratio of 1 space per 10 beds.

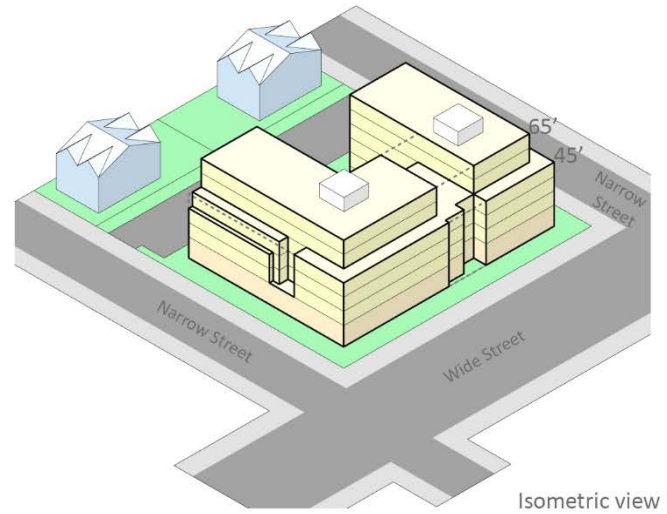
In the With-Action scenario, a building with Long-Term Care a combination of AIRS and Long-Term Care has 1.95 FAR and 78,000 sq. ft., as well as new non-contextual envelope controls afforded to buildings providing Long-Term Care in lower-density non-contextual zoning districts. In this scenario, the developer chooses to mix Affordable Independent Residences for Seniors with Long-Term Care uses, reflecting contemporary building and programming practices. Assuming a ratio of 500 sq. ft. per LTC bed, and 650 square feet per AIRS unit, the facility can accommodate 107 beds for Long-Term Care residents and 50 affordable units for seniors. Long-Term Care facilities, or nursing homes, have a parking requirement of one space 10 beds, and 11 parking spaces are required for this use; the portion of the development allocated for AIRS requires 5 parking spaces outside of the Transit Zone, resulting in a total 16 parking spaces under the With-Action scenario.

Incremental changes as a result of the with-action scenario include 32,460 additional gross square footage, one additional story of height, 50 additional units of Affordable Independent Residences for Seniors, and 5 additional parking spaces. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

No-Action Scenario



With-Action Scenario



	No Action	With Action
Lot Area (square feet)	40,000 sq. ft.	40,000 sq. ft.
Permitted FAR	1.27	1.95
Permitted Development Rights (square feet)	50,800 sq. ft.	78,000 sq. ft.
Ground Floor / Upper Story Height	15' / 10'	15' / 10'
Number of Stories/Overall Height	5/55'	6/65'
Floor Area that can be accommodated (square feet)	50,800 sq. ft.	78,000 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		53.5 %
Gross Floor Area of Long-term Care Facility (square feet)	53,340 sq. ft.	53,340 sq. ft.
Gross Floor Area of Affordable Independent Residences for Seniors (square feet)	0 sq. ft.	32,460 sq. ft.
Total number of Long-term Care Facility Beds	107 beds	107 beds
Total number of Affordable Independent Residences for Seniors Units	0	50 units
Number of parking required	11 spaces	16 spaces

Prototype 27: R4 District, Affordable Independent Residences for Seniors, 200'x200' steeply-sloping corner lot on wide and narrow streets, outside the Transit Zone

The prototype utilizes a generic 200' x 200' through corner lot on wide and narrow streets in an R4 district. About one third of the lot is on a steep slope, making it harder and more costly for this type of budget-constrained housing development. These assumptions were chosen because of the prevalence of this zoning district throughout the city, and the limited ability to fit the floor area permitted for this use today in an as-of-right manner. The prototype affords the opportunity to understand the effects of the following portions of the proposal on development:

- Update floor area ratio maximum for Affordable Independent Residences for Seniors
- Create new lower-density bulk envelope for affordable senior housing and Long-Term Care facilities (R3-R5)
- Modernize density factor and unit size requirements for Affordable Independent Residences for Seniors and Long-Term Care facilities
- Provide additional flexibility for irregular topography
- Reduce parking requirements for Affordable Independent Residences for Seniors outside the Transit Zone

In the No-Action scenario, the affordable senior housing development is not able to fit the existing floor area permitted for the use in this zoning district even when utilizing sub-optimal building practices including lower floor-to-floor heights. Assuming sub-optimal building practices, nearly half of the permitted floor area cannot be constructed on the site when limited to 25' perimeter wall height and 35' total height. The as of right development would include 22,450 square feet, or roughly 36 senior housing units based on contemporary unit sizes of about 650 gross sq. ft. for this type of housing. There would be a 35 percent parking requirement, resulting in 13 parking spaces, likely exceeding demand based on an analysis of car ownership rates.

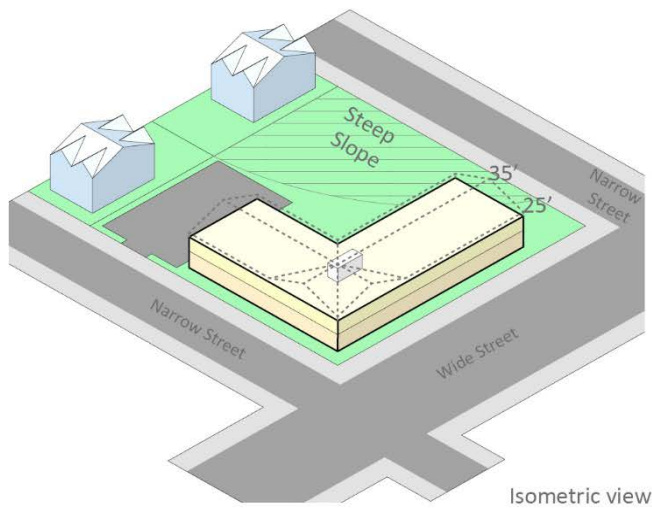
In the No-Action scenario, the development would be permitted to apply for a discretionary approval from the City Planning Commission for a modified building envelope to permit the floor area. A City Planning Commission authorization is available in R3-2, R4 and R5 districts (other than R4A, R4B, R4-1, R5A, R5B and R5D districts) to modify the height and setback regulations for non-profit residences for the elderly, provided that the neighborhood character is not impaired by the additional height. This authorization has been utilized frequently, as the sloping envelopes of most lower-density districts limit the ability of the envelope to cost-effectively accommodate the permitted floor area. The requirement for the authorization represents a bureaucratic hurdle that limits the ability to produce Affordable Independent Residences for Seniors in these districts.

In the With-Action scenario, the affordable senior housing development is able to fit the existing floor area permitted for the use in this zoning district utilizing the proposed non-contextual envelope controls afforded to buildings providing senior housing in lower-density non-contextual zoning districts. The development is able to comply with development guidelines and requirements for senior housing development for floor to floor heights and is also able to set the building off the property line and provide a variety of building articulation options. The development would not require a discretionary review from the City Planning Commission, allowing as of right building to achieve up to 65' in height. The with-action scenario would facilitate a building that is 51,600 square feet, or roughly 81 senior housing units. Assuming this development occurred outside of the Transit Zone, there would be a 10 percent parking requirement, resulting in 9 parking spaces that closely align with parking demand based on car ownership rates.

Incremental changes as a result of the with-action scenario include 30' of additional allowable height, 4 fewer parking spaces, 51 additional affordable senior dwelling units, 33,110 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

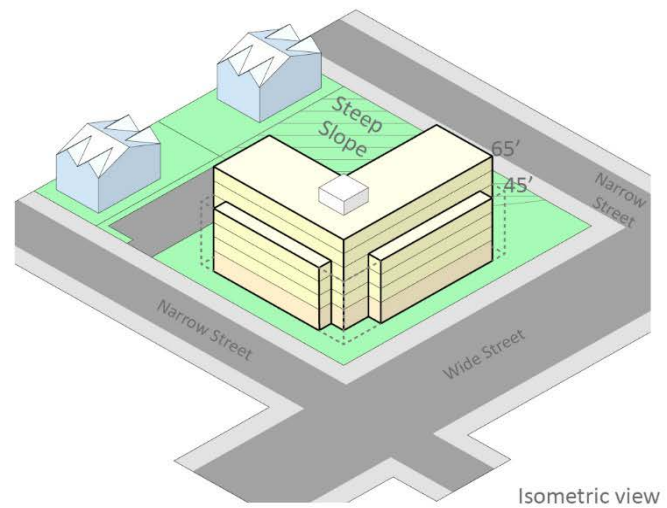
No-Action Scenario

Existing Building (context)
Projected Development



Isometric view

With-Action Scenario



Isometric view

	No Action	With Action
Lot Area (square feet)	40,000 sq. ft.	40,000 sq. ft.
Permitted FAR	1.29	1.29
Permitted Development Rights (square feet)	51,600 sq. ft.	51,600 sq. ft.
Ground Floor / Upper Story Height	12' / 10'	15' / 10'
Number of Stories/Overall Height	2/22'	6/65'
Floor Area that can be accommodated (square feet)	22,450 sq. ft.	51,600 sq. ft.
Difference in Buildable Floor Area (percent increase over No Action)		129.8 %
Gross Floor Area of Affordable Independent Residences for Seniors (square feet)	23,650 sq. ft.	56,760 s. ft.
Total number of Affordable Independent Residences for Seniors Units	36 units	87 units
Number of parking required	13 spaces	9 spaces

Chapter 3 : LAND USE, ZONING AND PUBLIC POLICY

A. INTRODUCTION

Under 2014 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a Proposed Action and determines whether the Proposed Action is compatible with those conditions or may affect them. Similarly, the analysis considers the Proposed Action's compliance with, and effect on, the area's zoning and other applicable public policies.

The Proposed Action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding definitions, use, bulk, parking, special permits and special districts. The proposal would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. As discussed above in the *Purpose and Need* section of Chapter 1, Project Description, these proposed zoning text changes are intended to promote the creation of higher quality and lower cost housing throughout the city by removing barriers that constrain housing production and raise costs, while encouraging better quality buildings that contribute to the fabric of neighborhoods. The land use impacts relate to the size, density, and parking requirements for general housing, inclusionary housing, and senior housing in moderate and high density residential districts. By addressing these barriers, the Proposed Action is expected to have beneficial effects with respect to land use that would increase the supply of affordable housing throughout the city, and would not result in significant adverse impacts to land use, zoning and public policy.

However, under CEQR, even when there is little potential for an action to be inconsistent with land use or zoning, a description of these issues is generally provided to establish conditions and provide information needed in other technical areas of the CEQR review. The land use analysis characterizes the uses and development trends in the area directly affected by the Proposed Action. This analysis is used to determine whether the Proposed Action would affect these uses and trends and whether it would be compatible with them. Similarly, a zoning analysis considers an action's effect on zoning in the area directly affected by the Proposed Action.

A description of the existing zoning regulations and the proposed changes to them is presented in Chapter 1, Project Description, and the likely effects of the proposed changes on future development are described in detail in Chapter 1G Potential Development and Likely Effects. The proposed zoning text is presented in its entirety in Appendix F. Graphics showing the areas of the City that would be affected by the Proposed Action are presented in Appendix A.

The Proposed Action is a citywide action and is not intended to facilitate a specific development or project. Accordingly, the analysis presented in this chapter is not site-specific, but instead, to the extent practicable, considers the types of developments that could occur as a result of the Proposed Action.

The following land use, zoning and public policy assessment provides a general description of the zoning districts affected by the Proposed Action and the predominant land use patterns within those zoning districts. Also, a description of any recent, relevant zoning actions and public policies that apply to the Proposed Action is provided. Following this description, the potential for the Proposed Action to result in impacts to land use, zoning and public policy is assessed.

B. PRINCIPAL CONCLUSIONS

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

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

C. METHODOLOGY

Consistent with *CEQR Technical Manual* guidelines, the Proposed Action is analyzed in this EIS as a “generic action,” because there are no known developments that are projected and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. According to the *CEQR Technical Manual*, generic actions are programs and plans that have wide application or affect the range of future alternative policies. Usually these actions affect the entire city or an area so large that site-specific description or analysis is not appropriate. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified (See Section 2E).

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

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

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

- Identify Typical Cases: provide several descriptions similar to those in a localized action for cases that can reasonably typify the conditions and impacts of the entire proposal.
- Identify a Range of Conditions: A discussion of the range of conditions or situations under which the action(s) may take place, so that the full range of impacts can be identified.

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

Since the Proposed Action is a generic action applicable citywide, prototypical assumptions and groupings of information were prepared to better understand the extent of the physical effect of the action, instead of lot-by-lot descriptions typical of site-specific actions. Development projections consider lot the incremental increase in development facilitated by the action, and the prevalence and location of affected zoning districts across the city. Because very little of the Proposed Action is expected to induce development that would not have otherwise occurred in the future without the Proposed Action, the identification of soft sites is irrelevant.

New York City Zoning Maps and the Zoning Resolution of the City of New York (ZR) were consulted to describe existing zoning districts in the study areas and provided the basis for the zoning evaluation of the future No-Action and With-Action conditions. Applicable public policies were identified, and a public policy analysis was prepared to determine the potential for the Proposed Action to alter or conflict with applicable public policies.

D. DETAILED ASSESSMENT

Existing Conditions

Land Use and Zoning

No adverse impacts related to land use, zoning or public policy are anticipated. In general, the proposed actions are expected to result in changes that are compatible with and supportive of the current land use trends, zoning and public policies. However, even though the proposal did not trigger environmental impacts on land use, zoning, or public policy on the CEQR form, analysis has been included in order to provide the background contextual information necessary to understand the overall effects of the proposal.

The proposed zoning text amendments would result in changes to the use, bulk and parking regulations included in the *Zoning Resolution* with regard to residential uses and long term care facilities. The proposal would affect zoning regulations on a citywide basis in all zoning districts, with some exceptions to be noted in this discussion, and would result in as of right changes to bulk in multifamily zoning districts: R3-2, R4, R5, and R6 through R10 districts and their commercial equivalents. Therefore, the directly affected area consists of the zoning districts listed above, which are the focus of this analysis.

As discussed in the *Description of the Proposed Action*, certain Special Districts are unaffected by the components of this proposal, where the intent of the Special District directly conflicts with any changes proposed as part of this action. For example, where height limits are fundamental to a Special District's goals and objectives, height changes as part of this proposal would not affect that Special District.

A breakdown of land area by affected zoning district is shown in Table 3-1 below. This table includes only those districts where changes as part of this proposal would apply, and excludes any land area not covered by this proposal.

Residence Districts

R1 and R2 districts are limited to single-family detached residences and have limited applicability to this proposal, which focuses on multifamily residential development. R3A, R3X, R3-1, R4A, R4B, R4-1 and R5A are low-density districts that mix single and two-family residence districts, while R3-2, R4, and R5 through R10 districts permit multiple dwellings (three units and larger). All residence districts permit residential and community facilities such as schools, libraries, houses of worship, medical offices, and hospitals. The Proposed Action has the most applicability in R3-2 districts and above. The Proposed Action does not change land use or the location of any zoning district, but modifies components of the use, bulk and parking regulations that pertain, to various degrees, to each residential zoning district.

Residence districts with A, B and X suffixes, as well as R3-1 and R4-1 districts, are categorized as "contextual" districts. These districts have relatively restrictive height and setback regulations and are intended to replicate the residential building types that commonly characterize different types of neighborhoods in the City, while allowing the same overall bulk and density as the non-contextual districts to which they are related. In the lower-density (R3 through R5) contextual districts, the restrictive zoning envelopes do not apply to community facilities.

R3-2

R3-2 districts are general residence districts that allow a variety of housing types, including low-rise attached houses, small multifamily apartment houses, and detached and semi-detached one- and two-family residences. It is the lowest density zoning district in which multiple dwellings are permitted. Because of their flexibility, R3-2 districts are mapped widely in all boroughs except Manhattan.

R4

R4 districts allow all types of housing at a slightly higher density than permitted in R3-2 districts. The floor area ratio (FAR) of 0.75, plus an attic allowance of up to 20% for inclusion of space under the pitched roof common to these districts, usually produces buildings with three stories instead of the two-story homes characteristic of R3 districts. Much of the residential development in North Corona in Queens and Arden Heights in Staten Island is typical of R4 districts.

R5

R5 districts allow a variety of housing at a higher density than permitted in R3-2 and R4 districts. The floor area ratio (FAR) of 1.25 typically produces three- and four-story attached houses and small apartment houses. R5 districts provide a transition between lower- and higher-density neighborhoods and are widely mapped in Brooklyn, Queens and the Bronx. Portions of Windsor Terrace and Ocean Parkway in Brooklyn are R5 districts.

R5A

R5A contextual districts, mapped in the northeast Bronx neighborhoods of Olinville and Williamsbridge, permit only one- and two-family detached residences with a maximum 1.1 floor area ratio (FAR). Similar to R4A districts, R5A districts are characterized by houses with two stories and an attic beneath a pitched roof, but the greater FAR and higher perimeter wall allow for somewhat larger buildings.

R5B

Although an R5B contextual district permits detached and semi-detached buildings, it is primarily a three-story row house district typical of such neighborhoods as Windsor Terrace and Bay Ridge in Brooklyn. The traditional quality of R5B districts is reflected in the district's height and setback, front yard and curb cuts regulations that maintain the character of the neighborhood.

R5D

R5D contextual districts, designed to encourage residential growth along major corridors in auto-dependent areas of the city, are mapped in portions of the Jamaica and Rockaway Park neighborhoods in Queens and on Williamsbridge Road in the northeast area of the Bronx.

R6

R6 zoning districts are widely mapped in built-up, medium-density areas in Brooklyn, Queens and the Bronx. The character of R6 districts can range from neighborhoods with a diverse mix of building types and heights to large-scale "tower in the park" developments such as Ravenswood in Queens and Homecrest in Brooklyn. Developers can choose between two sets of bulk regulations. Standard height factor regulations, introduced in 1961, produce small multifamily buildings on small zoning lots and, on larger lots, tall buildings that are set back from the street. Optional Quality Housing regulations produce high lot coverage buildings within height limits that often reflect the scale of older, pre-1961 apartment buildings in the neighborhood.

R6A

R6A is a contextual district where the Quality Housing bulk regulations are mandatory. These regulations produce high lot coverage, six- or seven-story apartment buildings set at or near the street line. Designed to be compatible with older buildings found in medium-density neighborhoods, R6A districts are mapped in the Bronx, Brooklyn and Queens. Parts of Kingsbridge in the Bronx and Williamsburg in Brooklyn are typical R6A areas.

R6B

R6B districts are often traditional row-house districts, which preserve the scale and harmonious streetscape of neighborhoods of four-story attached buildings developed during the 19th century. Many of these houses are set back from the street with stoops and small front yards that are typical of Brooklyn's "brownstone" neighborhoods, such as Park Slope, Boerum Hill and Bedford Stuyvesant.

R7

R7 districts are medium-density apartment house districts mapped in much of the Bronx as well as the Upper West Side in Manhattan and Brighton Beach in Brooklyn. The height factor regulations for R7 districts encourage lower apartment buildings on smaller zoning lots and, on larger lots, taller buildings with less lot coverage. As an alternative, developers may choose the optional Quality Housing regulations to build lower buildings with greater lot coverage. Regulations for residential development in R7-1 and R7-2 districts are essentially the same except that R7-2 districts, which are mapped primarily in upper Manhattan, have lower parking requirements.

R7A

The contextual Quality Housing regulations, which are mandatory in R7A districts, typically produce high lot coverage, seven- and eight-story apartment buildings, blending with existing buildings in many established neighborhoods. R7A districts are mapped along Prospect Park South and Ocean Parkway in Brooklyn, Jackson Heights in Queens, and in Harlem and along the avenues in the East Village in Manhattan.

R7B

In contextual R7B districts, the mandatory Quality Housing regulations are similar to those of R6B districts but the higher floor area ratio (FAR) and height limit generally produce six- to seven-story apartment buildings rather than the row houses typical of R6B districts. There are R7B districts in Brooklyn and throughout Queens, including portions of Rego Park. Parts of the East Village in Manhattan are also mapped R7B.

R7D

R7D districts promote new contextual development along transit corridors. Portions of Fulton Street and the Special Coney Island District in Brooklyn are mapped as R7D districts. Blocks that are mapped C4-5D have an R7D residential district equivalent.

R7X

R7X districts are also governed by contextual Quality Housing bulk regulations but the substantially higher floor area ratio (FAR) and maximum building height typically produce taller, bulkier buildings than in R7A and R7B districts. The flexibility of the R7X regulations is exemplified by the nine- to 13-story apartment buildings in the R7X districts mapped along major thoroughfares in Harlem in Manhattan and Jackson Avenue in Long Island City in Queens.

R8

Apartment buildings in R8 districts can range from mid-rise, eight- to ten-story buildings to much taller buildings set back from the street on large zoning lots. This high density residential district is mapped along the Grand Concourse in the Bronx and on the edge of Brooklyn Heights. R8 districts are also widely mapped in Manhattan neighborhoods, such as Washington Heights. New buildings in R8 districts may be developed under either height factor regulations or the optional Quality Housing regulations that often reflect the older, pre-1961 neighborhood streetscape.

R8A

The contextual Quality Housing bulk regulations, which are mandatory in R8A districts, typically result in high lot coverage 10- to 12-story apartment buildings, set at or near the street line. Limitations on the base height and maximum building height of new buildings ensure compatibility with existing buildings on the street. Parts of DUMBO in Brooklyn and West Chelsea in Manhattan are R8A districts.

R8B

R8B contextual districts are governed by Quality Housing bulk regulations. These districts are often traditional row-house districts, which preserve the scale and harmonious streetscape of neighborhoods of four- to seven -story attached buildings developed during the 19th century. Many of these houses are set back from the street with stoops and small front yards that are typical of the Upper East and Upper West Sides in Manhattan.

R8X

R8X contextual districts are governed by Quality Housing bulk regulations. R8X districts are similar to R8A districts but permit a higher building height that typically produces 14- to 16-story apartment buildings that replicate the building envelope of the older, traditional buildings in Prospect Heights and Park Slope that surround Grand Army Plaza.

R9

In R9 districts, which are mapped along several major thoroughfares in Manhattan, such as West 96th Street, new buildings can be developed under height factor regulations or the optional Quality Housing regulations as in R6 through R8 districts. The optional Quality Housing regulations in R9 districts are the same as the R9A regulations. Designed in part for institutional purposes (mainly hospitals), most R9 height factor buildings are developed pursuant

to the tower rules, which are applicable only in the city's higher-density areas, and commercial districts with an R9 residential district equivalent (C1-8, C2-7 and C6-3).

R9A

The contextual Quality Housing regulations, mandatory in R9A districts, typically result in high lot coverage, 14- to 15-story buildings set at or near the street line. Typical R9A buildings can be found in higher density Manhattan neighborhoods such as Chelsea and Tribeca. Often mapped as C1-8A or C2-7A commercial districts, which have an R9A residential district equivalent, these districts usually have apartments above one or two floors of retail and office uses.

R9D

Created to accommodate towers facing elevated rail lines, R9D districts produce tall buildings set back from the street line to minimize train noise for occupants of the buildings and maximize light and air for pedestrians at street level. Portions of the River Avenue corridor around 161st Street in the Bronx are mapped C6-3D which has an R9D residential district equivalent.

R9X

R9X contextual districts (and C1-8X, C2-7X and C6-3X districts with an R9X residential district equivalent), mapped only in Manhattan, are governed by Quality Housing regulations. With a floor area ratio (FAR) and height limit substantially higher than other R9 districts, R9X regulations produce the taller, bulkier 16- to 18-story apartment buildings characteristic of Chelsea and Murray Hill in Manhattan.

R10

R10 districts are mapped along portions of Fifth and Park Avenues in Manhattan; however, most buildings that conform to the R10 building envelope are found in commercial districts with a residential district equivalent of R10, the highest residential density in the city. Much of Midtown, Lower Manhattan and major avenues in Manhattan, as well as parts of Downtown Brooklyn and Long Island City, are mapped at R10 density. The floor area ratio (FAR) is 10.0. Developers may choose between Quality Housing regulations or tower regulations; height factor regulations are not applicable.

R10A

The Quality Housing contextual regulations, mandatory in R10A districts, typically produce the substantial apartment buildings set on the avenues and wide streets of Manhattan, such as West End Avenue and Broadway on the Upper West Side. Commercial districts which are R10A residential district equivalent, such as C4-6A districts on Broadway and C2-8A districts on some blocks of East 96th Street, are lined with large apartment houses with street level stores. Towers are not permitted in R10A districts.

R10X

R10X districts, and C6-4X districts which have an R10X residential district equivalent, are subject to Quality Housing regulations but instead of a maximum height, the portion of the building above the required setback is subject to tower regulations. A C6-4X district is mapped along Sixth Avenue in Chelsea.

Table 3-1: Zoning Districts (including commercial equivalents) affected by the proposal – Lot Area

Affected Zoning District ¹⁴	Total Lot Area (sq. ft.)	Percent total lot area ¹⁵	Percent total vacant lot area
Non-Contextual and General Residence districts	2,409,845,860	58.3%	4.0%
single- and two-family districts	384,601,032	9.3%	1.2%
R1-1	64,729,475	1.6%	0.5%
R1-2	123,920,126	3.0%	0.4%
R2	195,951,431	4.7%	0.3%
multi-family districts	2,025,244,828	49.0%	2.7%
R3-2	474,950,348	11.5%	1.1%
R4	346,931,668	8.4%	0.4%
R5	414,657,101	10.0%	0.4%
R6	415,936,703	10.1%	0.4%
R7	21,350,070	0.5%	0.1%
R7-1	105,151,432	2.5%	0.1%
R7-2	93,477,236	2.3%	0.1%
R7-3	2,673,097	0.1%	0.0%
R8	65,000,149	1.6%	0.1%
R9	6,942,363	0.2%	0.0%
R9-1	103,653	0.0%	0.0%
R10	77,847,365	1.9%	0.1%
R10H	223,643	0.0%	0.0%
Contextual districts	1,722,196,090	41.7%	3.2%
single- and two-family districts	1,235,236,236	29.9%	3.0%
R1-2A	9,817,212	0.2%	0.0%

¹⁴ Lot calculations source: PLUTO 15v1

¹⁵ Vacant lot area as classified by PLUTO 15v1 Land Use Code 11

R2A	206,494,373	5.0%	0.9%
R2X	5,088,399	0.1%	0.0%
R3-1	222,977,085	5.4%	0.7%
R3A	215,089,468	5.2%	0.5%
R3X	288,638,797	7.0%	0.7%
R4-1	146,024,563	3.5%	0.1%
R4A	93,425,824	2.3%	0.1%
R4B	34,616,790	0.8%	0.0%
R5A	13,063,725	0.3%	0.0%
multi-family districts	486,959,854	11.8%	0.2%
R5B	90,463,637	2.2%	0.0%
R5D	20,803,921	0.5%	0.0%
R6A	83,415,538	2.0%	0.1%
R6B	132,736,632	3.2%	0.1%
R7A	63,867,447	1.5%	0.1%
R7B	15,365,317	0.4%	0.0%
R7D	4,784,043	0.1%	0.0%
R7X	8,949,342	0.2%	0.0%
R8A	18,271,181	0.4%	0.0%
R8B	27,894,592	0.7%	0.0%
R8X	1,258,807	0.0%	0.0%
R9A	4,059,609	0.1%	0.0%
R9D	212,696	0.0%	0.0%
R9X	2,140,624	0.1%	0.0%
R10A	12,270,543	0.3%	0.0%
R10X	465,925	0.0%	0.0%
Grand Total	4,132,041,950	100.0%	7.2%

Table 3-2: Zoning Districts affected by the proposal – Building Area

Affected Zoning District	Total Building Area (sq. ft.)	Pct. Total Building Area	Total Residential Area (sq. ft.)	Pct. Total Res. Area	Total Commercial or Community Facility Area (sq. ft.)	Pct. Total Com. /CF Area	Total Res. Units	Pct. Total Res. Units
Non-Contextual and General Residence districts	3,160,632,382	65.63%	2,137,436,142	61.2%	1,022,987,082	77.3%	2,134,067	48.44%
single- and two-family districts	128,118,812	2.66%	117,241,727	3.4%	10,877,085	0.8%	63,300	6.77%
R1-1	6,828,904	0.14%	5,702,968	0.2%	1,125,936	0.1%	1,485	0.19%
R1-2	37,062,212	0.77%	34,171,600	1.0%	2,890,612	0.2%	14,961	1.71%
R2	84,227,696	1.75%	77,367,159	2.2%	6,860,537	0.5%	46,854	4.87%
multi-family districts	3,032,513,570	62.97%	2,020,194,415	57.9%	1,012,109,997	76.5%	2,070,767	41.66%
R3-2	209,540,933	4.35%	141,302,640	4.0%	68,226,293	5.2%	120,822	7.74%
R4	246,542,561	5.12%	200,179,295	5.7%	46,363,266	3.5%	184,208	9.13%
R5	410,746,705	8.53%	344,012,744	9.9%	66,715,545	5.0%	350,982	11.35%
R6	633,757,916	13.16%	483,045,393	13.8%	150,757,650	11.4%	512,119	8.70%
R7	52,764,174	1.10%	18,115,345	0.5%	34,585,920	2.6%	23,182	0.31%
R7-1	257,932,410	5.36%	218,755,644	6.3%	39,258,998	3.0%	240,672	1.74%
R7-2	252,514,963	5.24%	191,352,600	5.5%	61,259,955	4.6%	220,531	1.10%
R7-3	3,679,771	0.08%	1,522,906	0.0%	2,139,999	0.2%	1,620	0.02%
R8	236,181,737	4.90%	165,965,135	4.8%	70,045,370	5.3%	176,056	0.75%

R9	33,521,100	0.70%	16,192,770	0.5%	17,328,330	1.3%	15,869	0.07%
R9-1	529,688	0.01%	392,724	0.0%	136,964	0.0%	361	0.00%
R10	692,037,467	14.37%	237,169,437	6.8%	454,715,344	34.4%	222,839	0.76%
R10H	2,764,145	0.06%	2,187,782	0.1%	576,363	0.0%	1,506	0.00%
Contextual districts	1,655,252,790	34.37%	1,354,500,042	38.8%	300,477,196	22.7%	1,278,732	51.56%
single- and two-family districts	595,226,182	12.36%	543,834,502	15.6%	51,391,680	3.9%	429,002	35.26%
R1-2A	4,919,483	0.10%	4,259,575	0.1%	659,908	0.0%	2,137	0.19%
R2A	66,983,616	1.39%	62,227,480	1.8%	4,756,136	0.4%	41,415	4.62%
R2X	3,110,733	0.06%	2,960,835	0.1%	149,898	0.0%	1,019	0.12%
R3-1	103,391,917	2.15%	91,903,381	2.6%	11,488,536	0.9%	70,618	6.25%
R3A	94,631,209	1.96%	86,701,918	2.5%	7,929,291	0.6%	72,194	6.41%
R3X	110,329,261	2.29%	101,459,817	2.9%	8,869,444	0.7%	72,255	6.11%
R4-1	112,858,649	2.34%	103,103,969	3.0%	9,754,680	0.7%	91,607	6.04%
R4A	58,963,814	1.22%	53,862,244	1.5%	5,101,570	0.4%	46,415	3.14%
R4B	27,646,206	0.57%	25,915,312	0.7%	1,730,894	0.1%	20,451	1.88%
R5A	12,391,294	0.26%	11,439,971	0.3%	951,323	0.1%	10,891	0.50%
multi-family districts	1,060,026,608	22.01%	810,665,540	23.2%	249,085,516	18.8%	849,730	16.31%
R5B	94,993,738	1.97%	80,970,419	2.3%	14,023,319	1.1%	77,659	3.52%
R5D	24,230,711	0.50%	16,469,677	0.5%	7,761,034	0.6%	18,553	0.64%

R6A	145,872,411	3.03%	105,989,830	3.0%	39,836,658	3.0%	116,588	2.19%
R6B	209,385,915	4.35%	174,269,667	5.0%	35,057,365	2.6%	179,539	6.19%
R7A	171,284,054	3.56%	134,086,774	3.8%	37,179,715	2.8%	146,574	1.47%
R7B	45,148,480	0.94%	38,129,057	1.1%	7,019,423	0.5%	41,017	0.39%
R7D	6,958,710	0.14%	2,971,175	0.1%	3,987,535	0.3%	3,131	0.10%
R7X	19,399,472	0.40%	8,919,121	0.3%	10,480,351	0.8%	9,919	0.12%
R8A	77,674,202	1.61%	45,247,797	1.3%	32,273,224	2.4%	45,754	0.42%
R8B	114,066,585	2.37%	91,781,230	2.6%	22,285,355	1.7%	111,834	0.89%
R8X	5,293,456	0.11%	4,799,998	0.1%	493,458	0.0%	4,018	0.02%
R9A	24,798,246	0.51%	17,355,111	0.5%	7,443,135	0.6%	17,865	0.09%
R9D	214,348	0.00%	-	0.0%	214,348	0.0%	-	0.00%
R9X	13,080,358	0.27%	8,743,192	0.3%	4,337,166	0.3%	8,177	0.05%
R10A	102,991,156	2.14%	78,283,052	2.2%	24,708,104	1.9%	66,230	0.20%
R10X	4,634,766	0.10%	2,649,440	0.1%	1,985,326	0.2%	2,872	0.01%
Grand Total	4,815,885,172	100.00%	3,491,936,184	100.0%	1,323,464,278	100.0%	3,412,799	100.00%

Public Policy

This section describes public policies that are relevant to the Proposed Action, and the potential for the Proposed Action to result in significant adverse impacts to those public policies is assessed. Generally, the proposal supports and is driven by recent public policies such as Housing New York and One City Built to Last.

Public policies that apply to the Proposed Action are Housing New York, One City Built to Last, OneNYC, the City's Local Waterfront Revitalization Program (LWRP) and New York City Landmarks Law. No other public policies that apply to, or would be affected by, the Proposed Action have been identified.

Future No Action Condition

In the future without the action, the zoning districts and public policies described above in the existing conditions section would continue to apply to development in the areas affected by the Proposed Action. No changes in public policy are anticipated.

Future With Action Condition

Land Use and Zoning

Zoning establishes limits on the use, size, and shape of buildings, with numerous zoning districts mapped in the city's diverse neighborhoods to reflect their varying density and character. These limits help give shape to neighborhoods and predictability to their future. But sometimes they also have unintended consequences, discouraging the very types of outcomes they were intended to encourage. This proposal aims to address several ways in which these regulations, drafted a generation ago, have in practice discouraged the affordability and quality of recent buildings.

Affordability:

- Make it easier to provide the range of affordable senior housing and care facilities needed to meet the varied needs of an aging population, and to help seniors remain in their communities
- Enable Inclusionary Housing buildings, which provide mixed-income housing, to construct quality buildings that fit the full amount of housing they are allowed under zoning today
- Reduce unnecessarily high costs of building transit-accessible affordable housing, and make taxpayer dollars go further toward meeting our affordable housing goals

Quality:

- Change rules that lead to flat, dull apartment buildings, to accommodate and encourage façade articulation, courtyards, and other elements that provide visual variety and make the pedestrian experience more interesting
- Encourage better ground-floor retail spaces and residential units with adequate ceiling heights
- Maintain rules that work well today, including the essential rules of “contextual” zoning districts and lower-density zoning districts

The proposed changes to the current zoning regulations are discussed in Chapter 1: Description of the Proposed Action and their likely effects on future development are described in detail in Chapter 2: Projected Development/Likely Effects of the Proposed Action.

In the future with the Proposed Action, the effects of the proposal on high- and medium density districts, acting in combination with one another, are expected to facilitate more housing units in conjunction with other major city initiatives aimed at housing production. The Proposed Action would not result in the rezoning of any block or lot or facilitate a change in land uses that would not otherwise be permitted in the future without the Proposed Action. Any development facilitated by the Proposed Action would be expected to be compatible with existing land uses and consistent with existing development trends. Overall, the Proposed Action would not result in any significant adverse impacts to land use. The Proposed Action would have a positive effect on land use by facilitating vibrant streetscapes, better quality buildings, and more cost-effective housing development enabling more units that can

accommodate a population at a broad array of incomes. The following components have the potential to result in a modest shift in land uses in the future with the Proposed Action:

Higher Density Residential and Residential Equivalent Districts R5D, R6-R10

- **Revise certifications and special permits for Long-Term Care Facilities:** Given growing demand for this facility type, and increased funding to support development, it is anticipated that, with the Proposed Action in concert with other city initiatives, a modest increase in development over historical trends would occur. The effect of this may be a slight increase in the number of Long-Term Care facilities in the future with the Proposed Action, where other residential uses might otherwise be expected to occur absent the Proposed Action.
- **Permit residential accessory uses on ground floors in rear yards for affordable developments in an IHDA mapped area, or an affordable independent residence for seniors:** In the future with the Proposed Action, Quality Housing developments would be able to include residential accessory space on the ground floor in the rear yard area, extending the privilege currently given to community facility space and accessory parking, as well as commercial space, where permitted. Such uses would therefore be allowed within the rear yard, encouraging the provision of these spaces in a more attractive and functional configuration than is possible under current zoning. The effect of this may be a slight increase in residential square footage allocated in rear yards in the future with the Proposed Action, where other parking or community facility uses might otherwise be expected to occur absent the Proposed Action.
- **Adjust Height Controls for Affordable Independent Residences for Seniors and Long-Term Care Facilities:** In the future with the action, a more flexible building envelope would permit utilization of the full allowable FAR for these developments. Developments would be able to utilize new height controls and therefore would be able to construct their permitted floor area in a more efficient manner, resulting in slightly taller buildings with desirable floor to ceiling heights and more appealing ground floor retail spaces. Funding would remain a constraint on the overall amount of affordable senior housing that is built, but the achievement of the full permitted FAR is likely to happen in a greater percentage of cases. The effect of this may be a slight increase in the number of Affordable Independent Residences for Seniors or Long-Term Care facilities in the future with the Proposed Action, where other residential uses might otherwise be expected to occur absent the Proposed Action.
- **Create a new higher-density non-contextual building envelope for Affordable Independent Residences for Seniors and Long Term Care Facilities on zoning lots adjacent to certain types of infrastructure:** In the future with the Proposed Action, Affordable Independent Residences for Seniors in high-density non-contextual zoning lots adjacent to elevated rail lines or other elevated infrastructure would have a second building envelope option beyond the current Quality Housing building regulations, which would provide more overall flexibility to locate the building to minimize the effect of the adjoining infrastructure on residents. The effect of this may be a slight increase in the number of Affordable Independent Residences for Seniors or Long-Term Care facilities in the future with the Proposed Action, where other residential uses might otherwise be expected to occur absent the Proposed Action.
- **Update distance between buildings regulations to conform to regulations defined by the Multiple Dwelling Law.** The Proposed Action is expected to make it marginally easier to provide infill development on sites with the capacity for additional development. The effect of this may, very occasionally, result in new uses that could not otherwise be accommodated on the site in the future without the Proposed Action. The uses may include residential, commercial, or community facility, and would have to comply with all underlying zoning regulations.
- **Eliminate parking requirements for qualifying affordable housing and Affordable Independent Residences for Seniors within the Transit Zone:** The Transit Zone is an area characterized by good access to transit and low levels of car ownership. The elimination of parking requirements for new affordable housing units within the Transit Zone has the potential to result in the development of additional dwelling units over the No-Action scenario. The effect of this may be a slight increase in the amount of open space, amenity space, or the number of Affordable Independent Residences for Seniors in the future with the Proposed Action, where surface parking uses would otherwise be expected to occur absent the Proposed Action.

- Eliminate existing and previous requirements for parking, as of right within the Transit Zone, or by discretionary action elsewhere, for non-profit residences for the elderly or dwelling units for the elderly: By allowing for the redevelopment of existing underutilized parking facilities associated with non-profit residences for the elderly within the Transit Zone, there may be a slight increase in the amount of open space, amenity space, or the number of Affordable Independent Residences for Seniors in the future with the Proposed Action.

Medium Density Residential and Residential Equivalent Districts R3-2, R4, R5, R5B

- Revise certifications and special permits for Long-Term Care Facilities: Given growing demand for this facility type, and increased funding to support development, it is anticipated that, with the Proposed Action in concert with other city initiatives, a modest increase in development over historical trends would occur. The effect of this may be a slight increase in the number of Long-Term Care facilities in the future with the Proposed Action, where other residential uses might otherwise be expected to occur absent the Proposed Action.
- Create new lower-density bulk envelope for Affordable Independent Residences for Seniors and long-term care facilities: In the future with the Proposed Action, developments in these zoning districts providing Affordable Independent Residences for Seniors would be able to develop their full permitted floor area with an as-of-right zoning envelope. In most instances, this would eliminate the need for the development to seek a discretionary approval from the City Planning Commission and therefore make this form of housing easier and less costly to build. The effect of this may be a slight increase in the number of Affordable Independent Residences for Seniors or Long-Term Care facilities in the future with the Proposed Action, where other residential uses might otherwise be expected to occur absent the Proposed Action.
- Make FARs for Affordable Independent Residences for Seniors and long-term care facilities consistent with that for general residences, and remove density factors for Affordable Independent Residences for Seniors: In the future with the Proposed Action, developers of this type of housing would be better able to build units that meet the needs of their specific populations in the most efficient way. The effect of this may be a slight increase in the number of Affordable Independent Residences for Seniors or Long-Term Care facilities in the future with the Proposed Action, where other residential uses might otherwise be expected to occur absent the Proposed Action.
- Eliminate parking requirements for qualifying affordable housing and Affordable Independent Residences for Seniors within the Transit Zone: The Transit Zone is an area characterized by good access to transit and low levels of car ownership. The elimination of parking requirements for new affordable housing units within the Transit Zone has the potential to result in the development of additional dwelling units over the No-Action scenario. The effect of this may be a slight increase in the amount of open space, amenity space, or the number of Affordable Independent Residences for Seniors in the future with the Proposed Action, where surface parking uses would otherwise be expected to occur absent the Proposed Action.
- Eliminate existing and previous requirements for parking, as of right within the Transit Zone, or by discretionary action elsewhere, for non-profit residences for the elderly or dwelling units for the elderly: By allowing for the redevelopment of existing underutilized parking facilities associated with non-profit residences for the elderly within the Transit Zone, there may be a slight increase in the amount of open space, amenity space, or the number of Affordable Independent Residences for Seniors in the future with the Proposed Action.

Low Density Single- and Two-family Residential Districts

The Proposed Action is not expected to have a substantive effect on single-family zoning districts. As-of-right changes are extremely limited, and discretionary actions would be subject to their own independent environmental review with each application. The following components have the potential to result in a modest shift in land uses in the future with the Proposed Action:

- A Special Permit is created for Long-Term Care Facilities in R1 and R2 districts. , where such a special permit exists today for nursing homes. Under the proposed definitions, long -Term Care Facilities include state-licensed nursing homes, assisted living facilities and continuing care retirement communities. The effect of this may be a

slight decrease in the number of Long-Term Care facilities in the future with the Proposed Action, although the extent to which they are developed in these districts today is slight.

- A CPC Authorization is proposed to permit the development of a Continuing Care Retirement Community on a site of ten or more acres in an R1 or R2 district. As explained in the Conceptual Analysis in Appendix B, approval of any such development pursuant to authorization would be contingent upon completion of a separate environmental review. The effect of this may be a very modest increase in the number of CCRCs in the future with the Proposed Action, where other residential uses might otherwise be expected to occur absent the Proposed Action.
- In two-family lower density contextual districts (R3A, R3X, R3-1, R4A, R4B, R4-1, R5A) Long-Term Care Facilities are proposed to be as-of-right without additional certification or special permit processes that may apply today, with no change to community facility bulk regulations, which limit such facilities to the residential floor area ratio as-of-right. Few facilities are built in these districts, and even fewer in the small number of Community Boards with a high concentration. Nevertheless, given growing demand for this facility type, it is anticipated that, with the Proposed Action in concert with other city initiatives, a modest increase in development over historical trends would occur.

Conclusion – Zoning and Land Use

Future development facilitated by the Proposed Action would be expected to be compatible with existing land uses and consistent with existing development trends. The effects of the proposal, acting in combination with one another, are expected to facilitate more housing units spread widely across the city in conjunction with other major city initiatives aimed at encouraging housing production. The Proposed Action facilitates vibrant streetscapes, better quality buildings, and more cost-effective housing development enabling more units that can accommodate a population at a broad array of incomes.

Public Policy

NEW YORK CITY LANDMARKS LAW

The Landmark Preservation Commission (LPC) was created in 1965 under the New York City Landmarks Law, and is responsible for identifying and protecting the City's historic resources, which encompass districts, building, structures, sites and objects of historical, aesthetic, cultural, and archaeological importance. Resources which are designated as New York City Landmarks or are located in designated Historic Districts require LPC review and approval before any alteration can occur.

NEW YORK CITY LOCAL WATERFRONT REVITALIZATION PROGRAM

According to the *CEQR Technical Manual*, actions located within the designated boundaries of NYC Coastal Zone require an assessment of the action's consistency with the City's Local Waterfront Revitalization Program (WRP). The LWRP consistency review includes consideration and assessment of other local, state and federal laws and regulations governing disturbance and development within the Coastal Zone.

For generic or programmatic actions, the potential locations likely to be affected within the coastal zone boundary should be considered. Since the Proposed Action would be applicable to all zoning districts and boroughs, sites that are or would become subject to the provisions may be located in the boundaries of NYC Coastal Zone. Consequently, the Proposed Action's consistency with the WRP has been evaluated. The completed NYC WRP Consistency Assessment Form (Appendix D), was completed to identify the extent to which the Proposed Action may have an effect on the achievement of particular WRP policies and, ultimately, whether it is consistent with the WRP.

Based on the preliminary assessment, it was determined that the policies and sub-policies outlined below are applicable to the Proposed Action. Following is a discussion of the consistency of the Proposed Action with these policies. In summary, the Proposed Action would not substantially hinder the achievement of any of the applicable policies, and it is therefore consistent with the NYC Waterfront Revitalization Program.

Policy 1: Support and facilitate commercial and residential development in areas well-suited to such development.

1.1 Encourage commercial and residential redevelopment in appropriate coastal zone areas.

Although the Proposed Action is not expected to induce development on a lot where development would not also be expected to occur as part of the No Action scenario, it would facilitate more efficient and less costly development of all types of housing, particularly affordable housing, in areas where development potential already exists. As described in Chapter 1, “Project Description,” current zoning regulations limit housing production and make housing production onerously costly and inefficient. By making it easier and more cost effective to develop under the existing zoning framework, ZQA is expected to support and facilitate existing development patterns, including residential redevelopment in coastal zone areas. The proposal is also expected to support and facilitate commercial development in the city’s commercial zoning district equivalents. Therefore, the Proposed Action would support the achievement of Policy 1.

Policy 2: Support Water-Dependent and Industrial Uses in New York City Coastal Areas that are Well-Suited to their Continued Operation

Although it is difficult to predict the sites where development would be facilitated by the Proposed Action, the proposal would be applicable to all zoning districts and boroughs, including residential and commercial zoning districts in the designated Significant Maritime and Industrial Areas (SMIA). Despite the Proposed Action’s potential implications on SMIA, it is not expected to disrupt or hinder the continued operations of Water-Dependent and Industrial Uses in Coastal Areas. Under the text amendment, underlying zoning districts would not be changed and the marketability of a building in any single zoning district over another would not be affected. By reforming outdated zoning regulations, the Proposed Action would only facilitate the construction of residential and commercial uses where they are already permitted under current zoning districts. Since the general market forces in these areas would not be altered (with the exception of allowing as-of-right development over certain existing parking lots for affordable senior housing), it is expected that the proposal would not disrupt operations of these uses. The Proposed Action would therefore not hinder the achievement of Policy 2.

Policy 3: Promote the Use of City’s Waterways for Commercial and Recreational Boating and Water-Dependent Transportation

The Proposed Action is expected to facilitate the development of residential and commercial uses by reforming currently outdated zoning regulations. Under the text amendment, underlying zoning districts would not be changed and the marketability of a building in any single zoning district over another would not be affected. The Proposed Action would only facilitate the construction of residential and commercial uses where permitted under current zoning districts and would therefore not hinder the achievement of Policy 3.

Policy 4: Protect and Restore the Quality and Function of Ecological Systems Within the New York City Coastal Area

4.1 Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas

Since the Proposed Action has citywide applicability, sites that are subject to the provisions of the text amendment may be located in Special Natural Waterfront Areas. The proposed provisions would not change any of the existing protections, and the New York City Coastal Area would continue to be protected by State and Federal wetlands laws, including the NYS Freshwater Wetlands Act, the NYS Tidal Wetlands Act, and NYS Stream Protection Act, as well as the Federal Water Pollution Control Act (Clean Water Act) Section 401 Water Quality Certification, and the Federal Water Resources Development Act. The Proposed Action would therefore not facilitate new development that would adversely impact the ecological quality and component habitats and resources within the Special Natural Waterfront Areas. The Proposed Action is not expected to hinder the achievement of Policy 4.1.

4.2 Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.

Since the Proposed Action has citywide applicability, sites that are subject to the provisions of the text amendment may be located within the Ecologically Sensitive Maritime and Industrial Area. The proposed provisions would not change any of the existing protections and the New York City Coastal Area would continue to be protected by State and Federal wetlands laws, including the NYS Freshwater Wetlands Act, the NYS Tidal Wetlands Act, and NYS Stream Protection Act, as well as the Federal Water Pollution Control Act (Clean Water Act) Section 401 Water Quality

Certification, and the Federal Water Resources Development Act. The Proposed Action would therefore not facilitate new development that would adversely impact the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area. The Proposed Action is not expected to hinder the achievement of Policy 4.2.

4.3 Protect designated Significant Coastal Fish and Wildlife Habitats

Since the Proposed Action has citywide applicability, sites that are subject to the provisions of the text amendment may be located near Significant Coastal Fish and Wildlife Habitats. The proposed provisions would not change any of the existing protections and the New York City Coastal Area would continue to be protected by State and Federal wetlands laws, including the NYS Freshwater Wetlands Act, the NYS Tidal Wetlands Act, and NYS Stream Protection Act, as well as the Federal Water Pollution Control Act (Clean Water Act) Section 401 Water Quality Certification, and the Federal Water Resources Development Act. The Proposed Action would therefore not facilitate new development that could potentially destroy habitat through direct physical alteration, disturbance, pollution, or impairment of the viability of these habitats. The Proposed Action is not expected to hinder the achievement of Policy 4.3.

Policy 5: Protect and Improve Water Quality in the New York City Coastal Area.

5.1 Manage direct or indirect discharges to waterbodies.

The Proposed Action would modernize rules that shape buildings in the city through various updates and refinements to the Zoning Resolution, including the removal of density factors and changes to floor area ratio maximum for affordable independent residences for seniors, modifications to height, setback and lot coverage restrictions, and the elimination of parking requirements for affordable housing and affordable independent residences for seniors within the Transit Zone. These components of the text amendment are not expected to cause any direct or indirect impacts on water discharges, and would also not increase the amount of impervious surface significantly. In addition, the Proposed Action would not affect a property owner's responsibility to comply with regulations for discharge of wastewater into surface or groundwater set forth by the NYS Department of Environmental Conservation under the State Pollutant Discharge Elimination System (SPDES). The proposal would therefore not hinder the achievement of Policy 5.1.

Policy 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change

Since the Proposed Action has citywide applicability, sites that are subject to the provisions of the text amendment may be located in a federally designated flood hazard area or state-designated erosion hazards area. The proposed provisions would not change any of the existing protections and development in a federally designated flood hazard area would continue to follow floodplain management statutes and regulations guiding construction and renovation of residential and non-residential structures, including the New York City Administrative Code, Title 28, Article 10: General Limitations on Occupancy and Construction within Special Flood Hazard Areas, §27-316 and §27-317. The Proposed Action would also not affect a property owner's responsibility to comply with the New York State Coastal Erosion Hazard Area statutes and regulations. The proposal would therefore not hinder the achievement of Policy 6.

6.2 Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

With climate change, the current floodplain is likely to expand in the future and the height of flooding to increase. In addition, very low-lying areas of the city may be exposed to more regular tidal flooding. Since the Proposed Action has citywide applicability, sites that are subject to the provisions of the text amendment may be located in future flood zones or areas that may be exposed to future tidal flooding. By making it easier and more cost effective to develop under the existing zoning framework, ZQA is expected to support and facilitate existing development patterns, including redevelopment in areas exposed to current and future flooding. While the proposed text amendments would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities which may facilitate new development, these changes would not hinder the ability of these developments to incorporate future adaptive strategies to mitigate future flood risks. In addition it is unlikely that such increases in density would significantly increase overall

densities of residential uses or senior housing in areas likely to be exposed to future tidal flooding. Therefore the proposed action would not hinder the achievement of Policy 6.2.

Policy 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

7.2 Prevent and remediate discharge of petroleum products.

While the Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with some exceptions), more development is expected to occur citywide which has the potential to result in additional in-ground disturbance which could result in a hazardous materials impact if subject sites are contaminated by petroleum products. While, the Proposed Action has the potential to hinder the achievement of this policy because of potential hazardous materials impacts, this would not be considered a substantial hindrance due to the limited extent of the potential impact, and the fact that the Proposed Action itself is not expected to induce development on coastal Brownfields. In addition, the Proposed Action would not affect a property owner's responsibility to comply with soil cleanup objectives set forth by Title 6 of the New York Codes, Rules and Regulations (6NYCRR) Part 375-6. Developments would also continue to follow additional Brownfield assistance programs, including the NYS Department of State's Brownfield Opportunity Areas Program and the NYC Mayor's Office of Environmental Remediation's NYC Brownfield Cleanup Program. The Proposed Action would therefore not substantially hinder the achievement of Policy 7.2.

Policy 8: Provide Public Access To, From, And Along New York City's Coastal Waters.

8.1 Preserve, protect, maintain and enhance physical, visual and recreational access to the waterfront.

While the Proposed Action would affect zoning regulations citywide and result in changes to the height and bulk regulations, it is not expected to have significant adverse impacts on physical, visual and recreational access to the waterfront. Under the text amendment, there would be no changes to underlying waterfront zoning requirements, and new development would continue to be consistent with the existing scale and design, preserve visual access to the waterfront, and protect visual corridors provided or defined by mapped streets that terminate at the shoreline. The Proposed Action would therefore not hinder the achievement of Policy 8.1.

8.2 Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

The Proposed Action would not change the underlying zoning districts, and waterfront zoning regulations which require the provision of public access would continue to apply to private waterfront development. The Proposed Action would only facilitate the construction of residential and commercial uses where permitted under current zoning districts and would therefore not hinder the achievement of Policy 8.2.

8.3 Provide visual access to the waterfront where physically practical.

The Proposed Action would not introduce incompatible visual or atmospheric elements to the waterfront. While the Proposed Action would affect zoning regulations citywide and result in changes to the height and bulk regulations, it is not expected to have significant adverse impacts on visual access to the waterfront. Under the text amendment, there would be no changes to underlying waterfront zoning requirements, and new development would continue to respect the scale, design and location of public projects and lands, preserve visual access to the waterfront, and protect visual corridors provided or defined by mapped streets that terminate at the shoreline. An assessment of incremental shadow impacts provided in Chapter 7, Shadows, concluded that the Proposed Action could potentially result in incremental shadows being cast on sunlight sensitive features of existing open spaces, including open spaces located on the water, which may hinder the achievement of Policy 8.3. However, the duration and coverage of incremental shadows would be limited as described in Chapter 7, and therefore, the potential for the Proposed Action to hinder the achievement of this policy would not be substantial.

Policy 9: Protect Scenic Resources That Contribute To The Visual Quality Of The New York City Coastal Area.

9.1 Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The Proposed Action is not expected to have significant adverse contextual or visual impacts on existing historic resources. As mentioned above, the Proposed Action would affect zoning regulations citywide and result in changes to the height, bulk and parking requirements. Although, developments resulting from the proposed changes could alter the setting or visual context of existing historic resources, these alterations is not expected to result in significant adverse impacts. The Proposed Action would not alter the relationship of architectural resources to the streetscape, or change or obstruct public views of architectural resources. All significant elements of existing architectural resources would remain visible in view corridors on public streets. Further, no incompatible visual, audible, or atmospheric elements would be introduced by the Proposed Action to any historic resources. As such, the Proposed Action would not hinder the achievement of Policy 9.1.

9.2 Protect and enhance scenic values associated with natural resources.

Under the Proposed Action, visual quality and scenic resources would continue to be protected through historic preservation, natural resource protection, parks and open space planning and acquisition, zoning special districts, waterfront zoning (Article 6, Chapter 2 of the Zoning Resolution) controls on over-water development, areas for public viewing, and urban design standards that shape new development. The Proposed Action would therefore not facilitate new development that could potentially have adverse impacts on the scenic values associated with natural resources, and is not expected to hinder the achievement of Policy 9.2.

Policy 10: Protect, Preserve, And Enhance Resources Significant To The Historical, Archaeological, Architectural, And Cultural Legacy Of The New York City Coastal Area.

Since the Proposed Action has citywide applicability, sites that are subject to the provisions of the proposed Action may be located on or in close proximity to historical, archaeological, architectural and cultural resources in the Coastal Areas. Under the proposed provisions, all projects involving historical and cultural resources would continue to comply with national, state, and local laws and regulations regarding designated historical resources, specifically New York City Administrative Code §25-303, as well as those pertaining to the discovery, investigation, and recovery of archaeological resources. While the archaeological resources assessment provided in Chapter 8, Historic and Cultural Resources, found that the Proposed Action could result in some additional in-ground disturbance on sites where archaeological resources exist, the assessment concluded that the extent of the potential impact would be limited. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development on certain existing parking lots for affordable senior housing which would limit the potential for additional in-ground disturbance). Further, the architectural resources assessment provided in Chapter 8 concluded that the Proposed Action would not result in any physical impacts on architectural resources. Therefore, even though, the Proposed Action has the potential to hinder the achievement of Policy 10, as described above, since the extent of the potential impact would be limited and not significant, the Proposed Action would not substantially hinder the achievement of this policy.

HOUSING NEW YORK

Housing New York: A Five Borough Ten Year Plan, released in May 2014, is the Mayor's five-borough, ten-year plan to build and preserve affordable housing throughout New York City. The plan lays out a set of strategies to preserve and create 200,000 units of affordable housing. Among the issues it identifies is the need to modernize zoning regulations that are outdated and often impede the production of new affordable housing. The Proposed Action is directly implementing public policy goals established in the Housing New York Plan, and is therefore consistent with the overall strategy of Housing New York initiatives.

SUSTAINABILITY AND PLANYC

PlaNYC, the City's long-term sustainability plan, was adopted in 2007 and updated in April 2011. It was again updated in May 2015 and renamed OneNYC.

OneNYC

In April 2015, Mayor Bill de Blasio released OneNYC, a comprehensive plan for a sustainable and resilient city for all New Yorkers that speaks to the profound social, economic, and environmental challenges faced. OneNYC is the update to the sustainability plan for the City started under the Bloomberg administration, previously known as PlaNYC. Growth, sustainability, and resiliency remain at the core of OneNYC – but with the poverty rate remaining high and income inequality continuing to grow, the de Blasio administration added equity as a guiding principle throughout the plan. In addition to the focuses of population growth; aging infrastructure; and global climate change, OneNYC, brings new attention to ensuring the voices of all New Yorkers are heard and to cooperating and coordinating with regional counterparts. Since the 2011 and 2013 updates of PlanNYC, the City has made considerable progress towards reaching original goals and completing initiatives. OneNYC includes updates on the progress towards the 2011 sustainability initiatives and 2013 resiliency initiatives and also sets additional goals and outlines new initiatives under the organization of four visions- growth, equity, resiliency and sustainability.

Goals of the plan are to make New York City:

- A Growing, Thriving City by fostering industry expansion and cultivation, promoting job growth, creating and preserving affordable housing, supporting the development of vibrant neighborhoods, increasing investment in job training, expanding high-speed wireless networks, and investing in infrastructure.
- A Just and Equitable city by raising the minimum wage, expanding early childhood education, improving health outcomes, making streets safer, and improving access to government services.
- A Sustainable City by reducing greenhouse gas emissions, diverting organics from landfills to attain Zero Waste, remediating contaminated land, improving access to parks.
- A Resilient City by making buildings more energy efficient, making infrastructure more adaptable and resilient, strengthening coastal defenses.

As the *CEQR Technical Manual* has yet to be updated to address the approach of OneNYC, the PlaNYC sustainability assessment, as described below, would continue to be utilized on large publicly-sponsored projects.

PlaNYC

In 2011, the Mayor's Office of Long Term Planning and Sustainability released an update to PlaNYC: A Greener, Greater New York. PlaNYC represents a comprehensive and integrated approach to planning for New York City's future. It includes policies to address three key challenges that the City faces over the next twenty years: population growth; aging infrastructure; and global climate change. In the 2011 update, elements of the plan were organized into ten categories—housing and neighborhoods, parks and public space, brownfields, waterways, water supply, transportation, energy, air quality, solid waste, and climate change—with corresponding goals and initiatives for each category. As stated in the *CEQR Technical Manual*, a project is generally considered consistent with PlaNYC's goals if it includes one or more of the following elements:

- Land Use: pursue transit-oriented development; preserve and upgrade current housing; promote walkable destinations for retail and other services; reclaim underutilized waterfronts; adapt outdated buildings to new uses; develop underused areas to knit neighborhoods together; deck over rail yards, rail lines, and highways; extend the Inclusionary Housing Program in a manner consistent with such policy; preserve existing affordable housing; and redevelop brownfields.
- Open Space: complete underdeveloped destination parks; provide more multi-purpose fields; install new lighting at fields; create or enhance public plazas; plant trees and other vegetation; upgrade flagship parks; convert landfills into parkland; increase opportunities for water-based recreation; and conserve natural areas.
- Water Quality: expand and improve wastewater treatment plants; protect and restore wetlands, aquatic systems, and ecological habitats; expand and optimize the sewer network; build high level storm sewers; expand the amount of green, permeable surfaces across the City; expand the Bluebelt system; use "green" infrastructure to manage stormwater; be consistent with the Sustainable Stormwater Management Plan; build systems for on-site management of stormwater runoff; incorporate planting and stormwater management within parking lots; build green roofs; protect wetlands; use water-efficient fixtures; and adopt a water conservation program.
- Transportation: promote transit-oriented development; promote cycling and other sustainable modes of transportation; improve ferry services; make bicycling safer and more convenient; enhance pedestrian access and

safety; facilitate and improve freight movement; maintain and improve roads and bridges; manage roads more efficiently; increase capacity of mass transit; provide new commuter rail access to Manhattan; improve and expand bus service; improve local commuter rail service; and improve access to existing transit.

- Air Quality: promote mass transit; use alternative fuel vehicles; install anti-idling technology; use retrofitted diesel trucks; use biodiesel in vehicles and in heating oil; use ultra-low sulfur diesel and retrofitted construction vehicles; use cleaner-burning heating fuels; and plant street trees and other vegetation.
- Energy: exceed the energy code; improve energy efficiency in historic buildings; use energy efficient appliances, fixtures, and building systems; participate in peak load management systems, including smart metering; repower or replace inefficient and costly in-City power plants; build distributed generation power units; expand the natural gas infrastructure; use renewable energy; use natural gas; install solar panels; use digester gas for sewage treatments plants; use energy from solid waste; and reinforce the electrical grid.
- Natural Resources: plant street trees and other vegetation; protect wetlands; create open space; minimize or capture stormwater runoff; and redevelop brownfields.
- Solid Waste: promote waste prevention opportunities; increase the reuse of materials; improve the convenience and ease of recycling; create opportunities to recover organic material; identify additional markets for recycled materials; reduce the impact of the waste systems on communities; and remove toxic materials from the general waste system.

Conclusion – Public Policy

The Proposed Action is most closely related to the initiatives related to preserving and creating affordable housing, as have been articulated in detail in Housing New York and OneNYC. Other initiatives are less relevant to the Proposed Action, and, as discussed below and elsewhere in the EIS, the Proposed Action would not adversely affect Open Space, Natural Resources, Infrastructure, Energy, Construction, Transportation, Greenhouse Gas Emissions, and Air Quality, which are areas that relate to PlaNYC initiatives. Therefore, the Proposed Action is consistent with the overall strategy of PlaNYC's initiatives.

Chapter 4 : SOCIOECONOMIC CONDITIONS

A. INTRODUCTION

This chapter assesses whether the Proposed Action would result in significant adverse impacts to the socioeconomic conditions. As described in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, the socioeconomic character of an area includes its population, housing, and economic activities. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although some socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area. In some cases, these changes may be substantial but not adverse. The objective of the CEQR analysis is to disclose whether any changes created by the action would have a significant adverse impact compared to what would happen in the future without the action.

As described in Chapter 1, “Project Description,” under the reasonable worst-case development scenario (RWCDs), the Proposed Action is analyzed as a generic action, and therefore there is not a projected total amount of floor area, or a projected number of residential units, community facility uses, commercial uses, or parking spaces estimated as a result of the action. The Proposed Action would have no impact on existing or potential industrial/manufacturing space, auto-related space, hotel space, warehouse/storage space.

The five principal issues of concern with respect to socioeconomic conditions are whether a Proposed Action would result in significant adverse impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on specific industries, pursuant to the *CEQR Technical Manual*. Based on the CEQR Environmental Assessment Statement form, the proposal is not expected to trigger impacts based on any of the five categories. However, a preliminary screening analysis on the effects the proposal is analyzed because the proposed project would generate a net increase of 200 or more residential units citywide – a threshold at which a preliminary analysis is required.

The *CEQR Technical Manual* provides guidelines to determine whether a socioeconomic assessment is appropriate. An initial screening analysis of the Proposed Action has been prepared to determine whether a preliminary assessment of socioeconomic conditions is warranted. Based on the screening analysis, it has been determined that the components of the proposal, working on concert with one another, would likely result in a small incremental increase in residential units for most developments. Those components of the proposal that might facilitate the greatest number of units include the elimination of previously-required parking for Affordable Independent Residences for Seniors, resulting in infill development that would not otherwise be permitted in the future without the Proposed Action, and the removal of narrow lot restrictions for affordable housing, resulting in taller buildings than would be allowed in the future without the Proposed Action. Other components of the proposal, including the removal of density restrictions, removal of minimum unit size requirement, increase of FAR in certain zoning districts, and increased maximum height limits, are expected to facilitate more efficient and less costly development and result in a small incremental increase in dwelling units.

B. PRINCIPAL CONCLUSIONS

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

Direct Residential Displacement

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

Direct Business Displacement

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

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

Indirect Residential Displacement

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

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

Indirect Business Displacement

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

Adverse Effects on Specific Industries

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

C. METHODOLOGY

Under CEQR, the socioeconomic character of an area is defined by its population, housing, and economic activities. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of the area. In some cases, these changes may be substantial but not adverse. In other cases, these changes may be good for some groups but bad for others. The objective of the CEQR analysis is to disclose whether any changes created by the Proposed Action would have a significant impact compared with what would happen in the future without the Proposed Action (the “No-Action” condition).

The assessment of socioeconomic conditions usually distinguishes between the socioeconomic conditions of an area’s residents and businesses, although projects may affect both in similar ways. Direct displacement is defined as the involuntary displacement of residents, businesses, or institutions from the actual site of (or sites directly affected by) a Proposed Action. As the occupants of a particular site are usually known, the disclosure of direct displacement focuses on specific businesses and employment, and an identifiable number of residents and workers.

Indirect or secondary displacement is defined as the involuntary displacement of residents, businesses, or employees in an area adjacent or close to a project site, or projected development sites, that results from changes in socioeconomic conditions created by a Proposed Action. Examples include rising rents in an area that result from a new concentration of higher-income housing introduced by an action, which ultimately could make existing housing unaffordable to lower income residents; a similar turnover of industrial to higher-rent commercial tenancies induced by the introduction of a successful office project in an area; or the flight from a neighborhood that can occur if a proposed project creates conditions that break down the community (such as a highway dividing the area).

Even if a project does not directly or indirectly displace businesses, it may affect the operation of a major industry or commercial operation in the city. An example would be new regulations that prohibit or restrict the use of certain processes that are critical to certain industries. In these cases, CEQR review may assess the economic impacts of the project on the industry in question.

Because the Proposed Action is a “Generic Action” and there are no specific development sites, to produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified and used for analysis, as described in Chapter 2, Analysis Framework. The net incremental development levels associated with the 27 prototypes that are described in that chapter were evaluated according to the methodologies presented in the socioeconomic section of the *2014 CEQR Technical Manual*.

D. INITIAL SCREENING ANALYSIS

A socioeconomic assessment should be conducted if a project may be reasonably expected to create socioeconomic changes within the area affected by the project that would not be expected to occur without the project. The following circumstances would typically require a socioeconomic assessment:

1. The project would directly displace residential population to the extent that the socioeconomic character of the neighborhood would be substantially altered. Displacement of less than 500 residents would not typically be expected to alter the socioeconomic character of a neighborhood. For projects exceeding this threshold, assessments of the direct residential displacement, indirect residential displacement, and indirect business displacement are appropriate.
2. The project would directly displace more than 100 employees. For projects exceeding this threshold, assessments of direct business displacement and indirect business displacement are appropriate.
3. The project would directly displace a business that is unusually important because its products or services are uniquely dependent on its location; that, based on its type or location, is the subject of other regulations or publicly adopted plans aimed at its preservation; or that serves a population uniquely dependent on its services in its present location
4. The project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood. Such a project may lead to indirect displacement. Typically, projects that are small to moderate in size would not have significant socioeconomic effects unless they are likely to generate socioeconomic conditions that are very different from existing conditions in the area. Residential development of 200 units or less or commercial development of 200,000 square feet or less would typically not result in significant socioeconomic impacts. For projects exceeding these thresholds, assessments of indirect residential displacement and indirect business displacement are appropriate.
5. The project would add to, or create, a retail concentration that may draw a substantial amount of sales from existing businesses within the study area to the extent that certain categories of business close and vacancies in the area increase, thus resulting in a potential for disinvestment on local retail streets. Projects resulting in less than 200,000 square feet of retail on a single development site would not typically result in socioeconomic impacts. If the proposed development is located on multiple sites located across a project area, a preliminary analysis is likely only warranted for retail developments in excess of 200,000 sq. ft. that are considered regional-serving (not the type of retail that primarily serves the local population). For projects exceeding these thresholds, an assessment of the indirect business displacement due to market saturation is appropriate.

6. If the project is expected to affect conditions within a specific industry, an assessment is appropriate. For example, a citywide regulatory change that would adversely affect the economic and operational conditions of certain types of businesses or processes may affect socioeconomic conditions in a neighborhood: (1) if a substantial number of residents or workers depend on the goods or services provided by the affected businesses; or (2) if it would result in the loss or substantial diminishment of a particularly important product or service within the city. Since the range of possible types of projects that may require an analysis of specific industries varies, the lead agency, in consultation with the Mayor's Office of Environmental Coordination (MOEC), should provide guidance as to whether an analysis is warranted.

E. PRELIMINARY ASSESSMENT

Direct Residential Displacement

The Proposed Action is not expected to induce development on sites with existing residential uses, and is thus not expected to displace any residents.

The modest amounts of additional height and, in some cases, additional FAR, are not considered substantial enough to induce the redevelopment of an existing building, and thus would not directly displace any residential population. Under existing conditions and in the future without the Proposed Action, permitted residential floor area can generally be accommodated, albeit in buildings that are often inefficient, unnecessarily costly, and have a poor relationship to the street and public realm. Nonetheless, due to the city's population and employment growth, demand for this housing is strong and sales prices and rents have escalated faster than incomes in many communities. The Proposed Action, by improving efficiency and reducing costs, would contribute to meeting the housing goals of the Mayor's Housing Plan. Increased housing production at all income levels would help mitigate the cost of new and existing housing and stabilize real estate market conditions.

In the aggregate, the proposal is expected to result in more housing units available to a broad range of incomes, stabilizing neighborhoods and helping more people to age in place, thereby mitigating some direct displacement that might be experienced in the future without the Proposed Action.

Direct Business Displacement

The Proposed Action is not expected to induce development on sites that currently provide employment and is thus not expected to displace any businesses or employees.

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

Indirect Residential Displacement

The Proposed Action is unlikely to introduce more than 200 new residential units into a study area. Based on the prototypical analyses, the most units that might be generated at a development site as a result of the Proposed Action is 99. Clustering of multiple developments resulting in an incremental increase of more than 200 new residential units is unlikely, but cannot be ruled out. Therefore a preliminary assessment for the potential for indirect residential displacement is required.

The Proposed Action is designed to facilitate more efficient and less costly development, and in only one case is a site that would be undevelopable in the No Action scenario made developable as a result of the Proposed Action. This exception is existing parking lots for affordable senior housing; under the Proposed Action, previously required parking may be redeveloped as-of-right.

Growth-inducing components

According to the *CEQR Technical Manual*, residential development of 200 units or less or commercial development of 200,000 square feet or less would typically not result in significant socioeconomic impacts. Where the Proposed

Action would allow infill development of existing parking lots for affordable senior housing, a residential development of more than 200 units is possible. It is expected that any residential development occurring on an existing affordable senior housing parking lot would consist of new Affordable Independent Residences for Seniors, based on the regulatory conditions of HUD and HPD which govern the existing parking lots.

This as-of-right allowance under the Proposed Action would only be available in multifamily zoning districts in the Transit Zone, where neighborhood densities are high. Owing to this, and owing to the likelihood that such infill sites would be dispersed across the affected districts in the city, the development that might occur as a result of the Proposed Action is not likely to represent more than a 1% net increase in dwelling units or more than a 1% increase in new population over the study area. A study area is typically considered consist of the neighborhood in the ½ mile surrounding the development site.

Given that the proposal is citywide, any new development or increase in units that could be developed as a result of the Proposed Action is incremental in nature, and would not add a substantial number of units in any given location. The Prototypical Sites analyzed in Chapter 2H demonstrate that with any single development, a maximum of roughly 100 units might be expected to be incrementally created at any single location. This scale of incremental increase would only be expected on the few affordable senior lots where new development would be facilitated, and achieved, in the future with the Proposed Action.

Although the proposal does increase the density and floor area maximum for Affordable Independent Residences for Seniors and long term care facilities in certain zoning districts, the component of the Proposed Action is not expected to result in any development or cluster of developments exceeding the CEQR thresholds for significance.

The proposal modifies the density factor for residential buildings in R8, R9 and R10 districts. Residential developments utilizing the Quality Housing regulations in these high-density zoning districts would be able to utilize the 680 density factor already permitted in medium-density zoning districts. As a result, residential buildings utilizing the Quality Housing regulations would be able to provide a greater diversity of unit sizes in the overall building. At the same time, residential buildings in high-density zoning districts (R8 through R10) would have the flexibility to provide a greater number of units in the same amount of residential floor area.

While the Proposed Action would permit additional units in buildings in these districts, it is unlikely that this would have a significant effect on most high-density developments in the city. Most recent construction in these districts is providing a larger average dwelling unit size and so is not coming into conflict with the density factor calculation. An analysis by DCP of five residential buildings constructed since 2010 in Downtown Brooklyn, an area with R8-R10 equivalent zoning where new housing is reported in the media to be catering to small households, shows that buildings there have an average density factor of approximately 900 square feet, with average residential unit sizes at about 850 square feet. Given this, it is unlikely that the Proposed Action would have significant density effects at a local level. Most buildings would continue to provide residential units that are, on average, larger than currently required and it would only be in limited instances that buildings in high-density districts would utilize the greater flexibility afforded by this proposed change. The Proposed Action is therefore not expected to result in the introduction of a significant new population as a result of the changes to density factors.

Conclusions

Outside of these growth-inducing changes, incremental increases in dwelling units at any given site would not be expected to exceed 30-40 units, and even this increase would be limited to Affordable Independent Residences for Seniors in non-contextual districts adjacent to rail lines, where the proposed changes would allow a more efficient Quality Housing building and allow for more, smaller units and fewer parking spaces. For most buildings, both affordable and market rate, the incremental increase in dwelling units in new buildings as a result of the Proposed Action is in the single digits.

In the aggregate, the Proposed Action is expected to facilitate more housing units in conjunction with other major city initiatives aimed and housing production; at the very local level, the changes are not expected to result in a substantial new population. New York City is already very densely developed, and there are limited new development sites, thus any clusters of such new developments are also unlikely. Therefore, the Proposed Action would not have an effect that would not exceed any of the thresholds cited above.

While it is expected that the number of Affordable Independent Residences for Seniors and long term care facilities would increase as a result of the Proposed Action, these facilities would continue to have difficulty competing for development sites with market-rate housing and other more profitable uses. The proposed changes would make it easier for these facilities to compete for sites, but are not expected to significantly change real estate market conditions in any area. Significant funding limitations and the need for regulatory approval from government bodies would continue to constrain development in both the future with and without the Proposed Action. Additionally, given site constraints and market competition, these facilities would be widely scattered and would not be concentrated in any location. Because these facilities are economically marginal, they find competing for sites with market-rate housing and other more profitable uses difficult. The proposed changes would make it easier for these facilities to compete for sites but are not expected to significantly change real estate market conditions in any area.

The incremental increase in residential units as demonstrated in the prototypical analyses is slight for developments utilizing most of the components of the Proposed Action. As the Proposed Action is not likely to induce development, and is likely to affect construction that would be expected to occur in the future without the Proposed Action, no clustering or concentration of development is expected to result in an increment of more than 200 new dwelling units, other than in the few instances where funding, other zoning regulations, and regulatory conditions align to facilitate the redevelopment of affordable senior housing on existing parking lots. Therefore, the Proposed Action would not result in indirect displacement.

Indirect Business Displacement

According to the *CEQR Technical Manual*, in most cases, indirect displacement of businesses occurs when a project would markedly increase property values and rents throughout a study area, making it difficult for some categories of businesses to remain in the area. Additionally, indirect displacement of a business may occur if a project directly displaces any type of use that either directly supports businesses in the area or brings a customer base to the area for local businesses, or if it directly or indirectly displaces residents or workers who form the customer base of existing businesses in the area. The Proposed Action is not expected to result in any of these conditions.

Effect on Specific Industries

The Proposed Action may affect conditions within a specific industry, by facilitating the development of additional units of affordable housing and affordable senior housing and long-term care facilities. However, as the Proposed Action is expected to expand the industry, no adverse significant impacts are expected as described below.

The preliminary assessment for adverse effects on a specific industry considers the following questions:

- Would the action significantly affect business conditions in any industry or any category of businesses within or outside the study area?
- Would the action indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?

The Department of City Planning identified eight categories of community facilities that represent one or more "industries" in the 2002 North American Industry Classification System (NAICS), the most up-to-date categorization of businesses used for economic research purposes. These categories include the following uses (the equivalent NAICS categories follow in parentheses)

- Libraries, museums or non-commercial art galleries (Libraries and Archives, Museums)
- Nursing homes and health-related facilities; sanitariums; and philanthropic or non-profit institutions with sleeping accommodations. (Nursing and Residential Care Facilities)
- Ambulatory diagnostic or treatment facilities (Offices of Physicians, Offices of Dentists, Offices of Other Health Practitioners, Outpatient Care Centers)
- Philanthropic or non-profit institutions without sleeping accommodations (Individual and Family Services, Grantmaking and Giving Services, Social Advocacy Organizations, Civic and Social Organizations)
- Houses of worship (Religious Organizations)

- Colleges and universities (Colleges, Universities and Professional Schools)
- Hospitals and related facilities (Hospitals)
- Schools (Elementary and Secondary Schools, Child Day Care Services)

As described in Chapter 1: Project Description some new or expanded facilities falling under the “Nursing homes and health-related facilities; sanitariums; and philanthropic or non-profit institutions with sleeping accommodation” category may improve the design of their new or expanding building to take advantage of the new zoning rules. However, these shifts are expected to have a positive effect on their ability to serve clients or to undertake their charitable or philanthropic missions, as the zoning proposal is designed to facilitate more efficient development of some of these facilities. Community facilities in all of these categories are expected to provide similar services, to similar client populations, in the future with or without the Proposed Action.

Therefore, the action is not expected to result in an adverse change in economic conditions affecting any one of these industries. These changes would not likely reduce employment or impair the economic viability of any of the affected community facility industries. Consequently, significant adverse impacts on specific industries are not expected and a detailed analysis is not warranted.

F. CONCLUSION

Because the preliminary assessment did not identify the potential for significant socioeconomic impacts, no detailed assessments are warranted. The proposed rezoning would provide opportunities for new residential and community facility development without changing the socioeconomic character of any study area across the city’s affected zoning districts. The proposed zoning addresses a citywide initiative to reduce barriers to housing development and facilitate the construction of more affordable housing. The multiple components of the Proposed Action are expected to work on concert with one another to promote the efficient development of housing, and especially affordable housing, but is not likely to result in significant changes to the socioeconomic character of any individual neighborhood.

The Proposed Action would not displace any existing residents or businesses over the No Action scenario. The Proposed Action would also not affect real estate market conditions in a way that would result in indirect displacement of residents or businesses; on the contrary, the Proposed Action is expected to result in more affordable housing that would help house the city’s more vulnerable low income residents. As the Proposed Action does not have the potential to result in direct or indirect residential or business impacts or impacts on specific industries, no significant impacts are anticipated and further analysis is not warranted.

Chapter 5 : COMMUNITY FACILITIES AND SERVICES

A. INTRODUCTION

This chapter assesses the Proposed Action's potential effect on the community facilities. Community facilities, as defined under CEQR, include public or publicly funded schools, hospitals, libraries, day care centers, and fire and police protection. Direct effects occur when a particular action physically alters or displaces a community facility while indirect effects result from increases in population which create additional demand on service delivery.

The Proposed Action would permit moderate increases to the allowable residential bulk in limited areas for inclusionary housing, affordable senior housing and long term care facilities, and small increases to the allowable residential bulk in limited areas for general residential uses. Therefore, community facilities assessment is warranted.

B. PRINCIPAL CONCLUSIONS

Direct Impacts

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

Indirect Impacts

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

Public Schools

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

Libraries

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

Child Care Services

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

exceed the thresholds outlined in Table 6-1 of the *CEQR Technical Manual*, any potential impact is not expected to be significant, as the Proposed Action is not expected to generate substantial new non-senior units at a local level.

Police, Fire, and Health Care Services

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

C. METHODOLOGY

Because the proposal is a citywide action that would impact a variety of areas, this analysis addresses community facilities by examining prototypical cases, as described in Chapter 2, Analytical Framework. Accordingly, the analysis presented in this chapter is not site-specific, but instead, to the extent practicable, considers the types of developments that could occur as a result of the Proposed Action. In addition, the analysis addresses the range of conditions under which the Proposed Action would take place, so that the full range of impacts can be identified.

These prototypes have been developed and are described in detail in Chapter 2H. Eighteen of the 27 prototypes illustrating the effects of the proposal demonstrate a potential increase to the number of dwelling units or beds facilitated by the Proposed Action.

- Prototype 6: R7D District, Affordable Independent Residences for Seniors, 100' x 100' interior lot on narrow street (24 additional units)
- Prototype 7: R7X District, Affordable Independent Residences for Seniors, 100' x 100' interior lot on narrow street (32 additional units)
- Prototype 8: R7-2 District, Affordable Independent Residences for Seniors, 200' x 100' corner lot on wide and narrow streets (29/39 additional units)
- Prototype 9: R7A District, Long-term Care Facility, 100' x 100' interior lot on narrow street (34 additional beds)
- Prototype 10: R7A District, second building, 200' x 200' through lot on wide and narrow streets (32 additional units)
- Prototype 11: R7A District, Affordable Independent Residences for Seniors, 200' x 200' through lot on wide and narrow streets (99 additional units)
- Prototype 14: C6-4A district (R10A equivalent commercial district), Inclusionary Housing, 100'x100' interior lot on narrow street (8 additional units)
- Prototype 15: R10A District, Inclusionary Housing, 40' x 100' interior lot on wide street (30 additional units)
- Prototype 16: R10 District, Inclusionary Housing utilizing increased density allowance, 100' x 100' corner lot on wide and narrow streets (24 additional units)
- Prototype 18: R8A District, Inclusionary Housing, 100' x 85' shallow interior lot on wide street (3 additional units)
- Prototype 19: R8A, Inclusionary Housing, 100' x 170' shallow through lot on wide and narrow streets (8 additional units)
- Prototype 20: R8 District, Affordable Independent Residences for Seniors, 200' x 100' corner lot on wide and narrow streets (81 additional units)
- Prototype 22: R8 District, Affordable Independent Residences for Seniors, 200' x 100' interior lot on narrow street (44 additional units)
- Prototype 23: R10A District, Long-term Care Facility, 100' x 100' interior lot on Wide Street (54 additional beds)
- Prototype 24: R4 District, Affordable Independent Residences for Seniors, 150' x 100' interior lot on narrow street, outside the Transit Zone (12 additional units)

- Prototype 25: R5 District, Affordable Independent Residences for Seniors, 150' x 100' interior lot on narrow street (5 additional units)
- Prototype 26: R5 District, Long-term Care Facility and Affordable Independent Residences for Seniors, 200'x200' corner lot on wide and narrow streets, outside of Transit Zone (50 units)
- Prototype 27: R4, Affordable Independent Residences for Seniors, 200'x200' steeply-sloping corner lot on wide and narrow streets, outside the Transit Zone (51 additional units)

These prototypical cases are examples of individual developments and potential increase in density at a given site. At the citywide level, geographic analysis of the location of historic development suggest that new units tend to be widely scattered and not clustered in a given area, as show in Appendix A.

The Proposed Action is not expected to induce development where it would not otherwise occur in the No Action scenario, with the exception of the proposal to allow redevelopment of previously required parking for Affordable Independent Residences for Seniors within the Transit Zone, modeled in Prototypes 11 and 22, and, to a more limited degree, with the reduction in required minimum distance between buildings, modeled in Prototype 10.

The Proposed Action to allow as-of-right infill development on existing parking lots has the highest likelihood of generating an incremental increase in new units that exceeds CEQR thresholds for Community Facility and other density-related impacts. For each of the other components of the Proposed Action, the incremental increase in dwelling units facilitated as a result of the Proposed Action falls well below any CEQR thresholds. Significant clustering of development would have to occur in order to exceed thresholds that require analysis and such clustering is unlikely to occur given the dearth of development sites in the affected zoning districts.

Units created as a result of the Proposed Action would likely house a population that is expected to reside in New York City, regardless of the level of housing production. In the future without the Proposed Action, there would be more overcrowding, illegal units, and homelessness, but not fewer people or fewer school children. Moreover, as demonstrated in the prototypes, the development-inducing components of the proposal are unlikely to exceed thresholds at any individual site. Nevertheless, given the possibility that increased housing supply may lead to a small but unquantifiable incremental increase in population, the potential for impacts cannot be ruled out.

Based on the CEQR Technical Manual thresholds and the increments demonstrated for the prototypical development sites, the Proposed Action would not, trigger an analysis of hospitals, libraries, fire and police services, as none exceed the thresholds for detailed analysis or introduce a sizeable new neighborhood. Further, the highest estimated increases are for Affordable Independent Residences for Seniors, 90% of which are inhabited by households where the head of household is 65 years in age or older. Affordable senior housing densities 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 and rarely houses school-aged or a working population.

The potential for a clustering of effects as a result of the Proposed Action is also considered, to rule out the potential that multiple developments with small incremental increases in the number of dwelling units might occur within a study area, resulting in a new population that exceeds the thresholds outlined in the CEQR Technical Manual.

The objective of a community facilities and services analysis is to assess the potential of a Proposed Action to affect the provision of services provided by the public or publicly funded facilities referenced above. As set forth below, the Proposed Action would not result in significant adverse impacts to community facilities and services.

D. PRELIMINARY SCREENING

The purpose of the preliminary screening is to determine where a community facilities assessment is required. As recommended by the *CEQR Technical Manual*, a community facilities assessment is warranted if a project has the potential to result in either direct or indirect effects on community facilities. If a project would physically alter a community facility, whether by displacement of the facility or other physical change, this "direct" effect triggers the need to assess the service delivery of the facility and the potential effect that the physical change may have on that service delivery. New population added to an area as a result of an action would use existing services, which may

result in potential “indirect” effects on service delivery. Depending on the size, income characteristics, and age distribution of the new population, there may be effects on public schools or child care centers.

Direct Effects

The Proposed Action would not result in direct impacts to community facilities. The Proposed Action would not displace or otherwise directly affect any public schools, libraries, child care centers, health care facilities, or police and fire protection services facilities. Therefore, an analysis of direct effects is not warranted.

Indirect Effects

The *CEQR Technical Manual* includes thresholds that provide guidance in making an initial determination of whether a detailed analysis is necessary to determine potential impacts. Table 6-1 lists those *CEQR Technical Manual* thresholds for each community facility analysis area. If a proposal exceeds the threshold for a specific facility, a more detailed analysis is warranted. A preliminary screening analysis was conducted to determine if the Proposed Action would exceed established *CEQR Technical Manual* thresholds warranting further analysis.

Table 6-1 in the *CEQR Technical Manual* defines thresholds for detailed analysis as 50 or more elementary/middle school students (Public Schools) 20 or more children eligible for group child care and Head Start centers, more than 5% increase in ratio of residential units to library branches, or the introduction of a sizeable new neighborhood (Police/Fire Services and Health Care Facilities). Based on that screening, the Proposed Action does not warrant a detailed analysis on the indirect effects on public schools, publicly funded child care centers, libraries, health care facilities and police and fire service. However, for conservative analysis a qualitative discussion has been provided below.

E. INDIRECT EFFECTS ON PUBLIC SCHOOLS

This analysis assesses the potential effects of the Proposed Action on public elementary, intermediate, and high schools. According to the guidelines presented in the *CEQR Technical Manual*, CEQR analyzes potential impacts only on public schools operated by the DOE¹⁶; private and parochial schools within the study area are not included in the analysis of schools presented in this chapter.

The demand for community facilities and services is directly related to the type and size of the new population generated by development resulting from the Proposed Action. As outlined in Chapter 1, “Project Description,” the projected number of new units created as a result of the Proposed Action cannot be reasonably measured. The effects of the proposal are expected to be widespread and dispersed across the affected zoning districts in all five boroughs, and any incremental increase in residential units would be largely associated with Affordable Independent Residences for Seniors under the provision that would allow them to expand over existing parking. Nevertheless, as explained throughout this document, some small incremental increase in general residential units is expected to be facilitated by the Proposed Action. Although there are relatively few development sites remaining in any one neighborhood, and although the Proposed Action is generally not expected to induce development where it would not otherwise occur in the future without the Proposed Action, the potential for development that exceeds the CEQR threshold for a significant adverse impact on public schools cannot be immediately ruled out.

Following the methodologies in the *CEQR Technical Manual*, the study area for the analysis of elementary and intermediate schools is the community school district’s “sub-district” (“region,” or “school planning zone”) in which the project is located. As high school students may attend any high school in the City if they meet the admissions criteria, and high schools compete to attract students on the basis of specialized programs and overall reputation,

¹⁶ Pursuant to CEQR guidelines, the schools analysis does not consider charter schools.

high school capacity assessments are not performed for small, localized study areas. The *CEQR Technical Manual* states that the borough in which a project is located should serve as the study area for high school analyses.

According to the *CEQR Technical Manual*, a significant adverse impact may occur if a Proposed Action would result in: (1) a utilization rate of the elementary and/or intermediate schools that is equal to or greater than 100 percent in the future With-Action condition; and (2) an increase of five percent or more in the collective utilization rate between the No-Action and With-Action conditions.

Existing Conditions

Elementary Schools, Intermediate Schools, High Schools

There are approximately 2600 public schools across the city. School capacity varies widely.

Future without the Proposed Action

Elementary Schools, Intermediate Schools, High Schools

This proposal is only one piece of a comprehensive initiative to develop more housing citywide, and financial commitments have been made to ensure the infrastructure and service upgrades necessary to support an increase in housing units, both with and without this Proposed Action. Absent the Proposed Action, the number of school aged children is expected to increase citywide, as population continues to increase and as housing is developed under a series of initiatives designed to accommodate the growing population. As a result of the substantial increases in funding for services citywide, the school aged children expected as a result of the housing developed outside of this proposal are expected to be accommodated in the neighborhoods where the increases may otherwise be expected to have a significant adverse impact on public schools. The Department of Education, through its 5 year capital plan, forecasts future school needs based on projected future school enrollment and the housing pipeline. As the city's population grows, DOE would monitor school enrollment, forecast future needs, and allocate the available resources accordingly.

Future with the Proposed Action

Elementary Schools, Intermediate Schools, High Schools

While the Proposed Action would modify the bulk envelopes for many residential zoning districts, it would not alter the development rights for non-senior residential development. In most cases, the Proposed Action would enable the construction of a building that better fits is permitted floor area, providing more appropriate floor to ceiling heights and better street wall articulation. In a few cases, however, the Proposed Action would enable the full build-out of a development over what would have been feasible under the No-Action scenario, thereby resulting in a slight incremental increase of residential units and, thus, school-age children. The specific location of these developments is not possible to determine, but are expected to be widespread and dispersed across the city in recognition of the overall dearth of development sites large enough to generate an incremental increase that exceeds *CEQR Technical Manual* thresholds.

This Proposed Action is only one piece of a comprehensive initiative to develop more housing citywide, and financial commitments have been made to ensure the infrastructure and service upgrades necessary to support an increase in housing units, both with and without this Proposed Action. As a result of the substantial increases in funding for services citywide, the school aged children expected as a result of this Proposed Action are expected to be accommodated in the neighborhoods where the increases may otherwise be expected to have a significant adverse impact on public schools. The changes in development occurring as a result of the Proposed Action are not expected to alter significantly the distribution of future school enrollment, for reasons mentioned above. The Department of Education, through its 5 year capital plan, forecasts future school needs based on projected future school enrollment and the housing pipeline. As the city's population grows, DOE would monitor school enrollment, forecast future needs, and allocate the available resources accordingly.

F. INDIRECT EFFECTS ON PUBLICLY FUNDED CHILD CARE CENTERS

ACS provides subsidized child care in center-based group child care, family-based child care, informal child care, and Head Start programs. Publicly financed child care services are available for income-eligible children up through the age of 12. The CEQR analysis focuses on services for children under age six, as eligible children aged six through 12 are expected to be in school for most of the day.

Families eligible for subsidized child care must meet financial and social eligibility criteria established by ACS. In general, children in families that have incomes at or below 200 percent of the federal poverty level, depending on family size, are financially eligible, although in some cases eligibility can go up to 275 percent. The family must also have an approved “reason for care,” such as involvement in a child welfare case or participation in a “welfare-to-work” program. Head Start is a federally funded child care program that provides children with half-day and full-day early childhood education; program eligibility is limited to families with incomes at 130 percent or less than the federal poverty level.

The City’s affordable housing market is pegged to the Area Median Income (AMI), rather than the federal poverty level. Since family incomes at or below 200 percent of the federal poverty level fall under 80 percent of AMI, for the purposes of CEQR analysis, the number of housing units expected to be subsidized and targeted for incomes of 80 percent AMI or below is used as a proxy for eligibility. This provides a conservative assessment of demand, since eligibility for subsidized child care is not defined strictly by income, but also takes into account family size and other reasons for care (e.g., low-income parent(s) in school; low-income parent(s) training for work; or low-income parent(s) who is/are ill or disabled).

Since there are no locational requirements for enrollment in child care centers, and some parents or guardians choose a child care center close to their place of employment rather than their residence, the service area of these facilities can be quite large and are not subject to strict delineation on a map. According to the *CEQR Technical Manual*, if a project would result in demand for slots greater than the remaining slots for child care centers and if that demand would constitute an increase of five percentage points or more in the collective capacity of child care centers serving the study area, a significant adverse impact may result.

Existing Conditions

There are over 500 publicly funded child care centers across the city in the affected districts. While family-based child care facilities and informal care arrangements provide additional slots in the study area, these slots are not included in the quantitative analysis.

The Future without the Proposed Action

This proposal is only one piece of a comprehensive initiative to develop more housing citywide, and financial commitments have been made to ensure the infrastructure and service upgrades necessary to support an increase in housing units, both with and without this Proposed Action. Absent the Proposed Action, the number of children enrolled in publicly funded child care centers is expected to increase citywide, as population continues to increase and as affordable housing is developed under a series of initiatives designed to accommodate the growing population. As a result of the substantial increases in funding for services citywide, the young children expected as a result of the housing developed outside of this proposal are expected to be accommodated in the neighborhoods where the increases may otherwise be expected to have a significant adverse impact on publicly funded child care facilities. The ACS conducts needs assessments to inform their plans for the provision of affordable childcare. As the city’s population grows, ACS would monitor the need for affordable childcare.

The Future with the Proposed Action

While the Proposed Action would modify the bulk envelopes for many residential zoning districts, it would not be altering the development rights for non-senior residential development. In most cases, this action would enable the

construction of a building that better fits is permitted floor area, providing more appropriate floor to ceiling heights and better street wall articulation. In a few cases, however, the Proposed Action would enable the full build-out of a development over what would have been feasible under the No-Action scenario, thereby resulting in a slight incremental increase of affordable residential units and, thus, young children. The specific location of these developments is impossible to determine, but are expected to be widespread and dispersed across the city in recognition of the overall dearth of development sites large enough to generate an incremental increase that exceeds *CEQR Technical Manual* thresholds.

This proposal is only one piece of a comprehensive initiative to develop more housing citywide, and financial commitments have been made to ensure the infrastructure and service upgrades necessary to support an increase in housing units, both with and without this Proposed Action. As a result of the substantial increases in funding for services citywide, the increase in young children in families eligible for subsidized child care as a result of this Proposed Action are expected to be accommodated in the neighborhoods where the increases may otherwise be expected to have a significant adverse impact on publicly funded child care facilities. The changes in development occurring as a result of the Proposed Action are not expected to alter significantly the distribution of future school enrollment, for reasons mentioned above. Nevertheless, the ACS conducts needs assessments to inform their plans for the provision of affordable childcare and, as the city's population grows, ACS would monitor the need for affordable childcare.

Chapter 6 : OPEN SPACE

A. INTRODUCTION

This chapter assesses the Proposed Action's effect on open space resources. The *CEQR Technical Manual* defines open space as publicly accessible, publicly or privately owned land that is available for leisure, play, or sport that serves to protect or enhance the natural environment. The *CEQR Technical Manual* guidelines indicate that an open space analysis should be conducted if an action would result in a direct effect, such as the physical loss or alteration of public open space, or an indirect effect, such as when a substantial new population could place added demand on an area's open spaces.

The Proposed Action would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. The Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing); however, certain components of the action may have potential density effects where the Proposed Action would facilitate more units on an individual site over what would be expected under the No Action scenario. Therefore, an assessment on determining the likelihood of direct and/or indirect impacts on open space resources is warranted.

B. PRINCIPAL CONCLUSIONS

Direct Effects

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

Indirect Effects

The Proposed Action would not result in any significant adverse indirect open space impacts. Based on the preliminary assessment, the open space ratio in each of the Study Areas had an incremental decline of less than 1% between the No-Action scenario and the With-Action scenario. The Proposed Action would not result in significant increase in demand for existing open space facilities, and would not noticeably diminish the ability of an area's open space to serve the future population.

C. SCREENING ANALYSIS

Direct Effects

According to the *CEQR Technical Manual*, a proposed project would have a direct effect on open space resources if it would result in a physical loss of public open space, changes in the use of an open space so that it no longer serves the same user population, limits public access to an open space; or results in increased noise or air pollutant emissions, odors, or shadows that would temporarily or permanently affect usefulness of a public open space. No open space resources would be physically displaced as a result of the Proposed Action. The Proposed Action would

not result in any significant adverse air quality impacts or noise impacts on surrounding receptors. The Proposed Action could potentially result in shadow impacts under certain circumstances where sunlight sensitive features of open spaces are directly located adjacent to potential development.

Indirect Effects

If a project may add population to an area, demand for existing open space facilities would typically increase. As described in the *CEQR Technical Manual*, open space can be indirectly affected when the population generated by the Proposed Action would be sufficiently large to noticeably diminish the ability of an area's open space to serve the future population. As described in the *CEQR Technical Manual*, an assessment of indirect effects is typically conducted when a project would introduce more than 200 residents or 500 workers to an area; however, the thresholds for assessment may vary in certain areas of the city that are considered either underserved or well-served by open space. If a project is in an underserved area¹⁷, an open space assessment should be conducted if that project would generate more than 50 residents or 125 workers. If the project is located in a well-served area, an open space assessment should be conducted if that project would generate more than 350 residents or 750 workers in a well-served area.

Analytical Framework

The Proposed Action is a "Generic Action" and there are no known potential and/or projected development sites at this time. To produce a reasonable analysis of likely effects of the Proposed Action, 27 representative development prototypes have been established for analysis as described in Chapter 2, "Analytical Framework,". These Prototypes were developed to represent the typical floor area ratio, unit sizes, building envelopes, lot dimensions, zoning districts, and parking requirements of developments in low, medium and high density areas.

Since there are no specific development sites, the preliminary open space assessment first determined if any of the 27 prototypes exceed the thresholds listed above. Prototypes 10, 11, 15, 16, 20, 22, and 27 exceeded the threshold of 50 residents if located in underserved areas by open spaces (See Table 1 below). None of the 27 prototypes have exceeded the thresholds for well-served areas or areas that are neither well-served nor underserved. Therefore, the preliminary assessment is required to identify whether changes in residential population would noticeably diminish the ability of an area's open space to serve the future population for these seven prototypes.

Table 6-1: Increase in Residential Population by Prototypes

Prototype	Zoning District	Lot Dimensions	Number of Units		Increment (units)	Population	
			No Action Scenario	With Action Scenario		Residents ¹⁸	AIRS ¹⁹
Prototype 10	R7A	200' x 200'	61	93	32	85.44	
Prototype 11	R7A	200' x 200'	192	291	99		148.5

¹⁷ The *CEQR Technical Manual* defines underserved areas as areas of high population density in the City that are generally the greatest distance from parkland, where the amount of open space per 1,000 residents is currently less than 2.5 acres. Well-served areas are defined as having an open space ratio above 2.5, accounting for existing parks that contain developed recreational resources; or are located within 0.25 miles (approximately a ten-minute walk) from developed and publicly accessible portions of regional parks.

¹⁸ Based on average household size of 2.67 persons for New York City, American Community Survey 2013.

¹⁹ AIRS: Affordable Independent Residences for Seniors, based on 1.5 persons per units.

Prototype 15	R10A	40' x 100'	32	62	30	80.1	
Prototype 16	R10	200' x 100'	152	176	24	64.08	
Prototype 20	R8	200' x 100'	162	243	81		121.5
Prototype 22	R8	200' x 100'	131	175	44		66
Prototype 27	R4	200' x 200'	36	87	51		76.5

Referencing Table 6-1 above, Prototype 10 is estimated to have an increment of 85 residents, Prototype 11 is projected to have 149 additional senior residents, Prototype 15 is estimated to have an increase of 80 residents, Prototype 16 is expected to have an increment of 64 residents, Prototype 20 is assumed to have 122 additional senior residents, Prototype 22 is projected to have an increment of 66 senior residents and Prototype 27 is estimated to have 77 more senior residents.

Prototypical Study Areas

According to the *CEQR Technical Manual*, the first step in assessing potential open space impacts is to establish a study area to allow analysis of nearby open spaces and the population using those amenities. Study areas are generally defined by a reasonable walking distance that users would travel to reach local open space and recreation areas. For residents, this area is typically within a ½ mile radius from the project site, where they are assumed to walk about a 20 minute-distance to reach neighborhood open spaces. A refined study area is established from the outline of all census tracts with at least 50 percent of their area within the ½ mile perimeter surrounding the site. While the *CEQR Technical Manual* suggests that it may be appropriate to analyze two study areas – one for residential users and another for nonresidential users, such as workers – the Proposed Action primarily concerns residential districts and would not introduce any increase in worker population.

Five prototypical study areas (Study Areas A through E) have been established based on the seven prototypes that have exceeded the threshold for analysis for underserved areas. In establishing the study areas, the zoning designations, lot dimensions and configurations of the prototypes, as well as the locations of underserved areas were examined. Each prototype identified for analysis, has been located hypothetically in an underserved area based on its lot dimensions and zoning district designation. Since the prototypes 10 and 11, and 20 and 22 assume the same lot dimensions and zoning districts, only one study area has been established to analyze these two pairs; however, for conservative analysis, respective open space ratios have been calculated separately since the increase in residential population differ.

In addition, the cumulative impacts of the Proposed Action on open space resources have been considered. As described in Chapter 2, Analytical Framework, historical development trends suggest that the clustering of development sites is unlikely. The potential for more than a couple of developments on any single block, or several within a multi-block radius, is relatively low across the affected zoning districts. Moreover, adjusting height controls for residential uses to allow them to better fit their permitted FAR is not expected to result in a substantial incremental increase in population within a neighborhood over the no action scenario. For a conservative assessment however, the potential for clusters of developments resulting from the Proposed Action was evaluated. Based on the same criteria and assumptions used in establishing the study areas of the 7 prototypes mentioned above, the preliminary spatial analysis determined that there was a potential for prototypes 10 and 22 to occur within a certain proximity. However, potential for other prototypes to cluster did not exist. A sixth prototypical study area (Study Area F) has been established to assess the potential cumulative impacts.

Inventory of Open Space Resources

Typically for open space analysis, all publicly accessible open spaces and recreational facilities are identified and inventoried. Since the study areas prototypical, even though, real data has been used for analysis, open space resources are not identified. For analysis, each open space resources are given an identification number.

Adequacy of Open Space Resources

In accordance with the *CEQR Technical Manual*, the adequacy of open space in the prototypical study areas is assessed quantitatively using a ratio of usable open space acreage to the study area population – the open space ratio. The open space ratio provides a measure of open space available per 1,000 residents or workers in the study area. It is assumed that the Proposed Action would not introduce a population increase in workers.

Comparison to Guidelines

The adequacy of open space in each study area is quantitatively assed using the open space ratio. To assess the adequacy of open space resources, open space ratios are compared with planning goals set by the New York City Department of City Planning. In New York City, the median ratio at the Citywide Community District level is 1.5 acres of open space per 1,000 residents. The optimal benchmark for residential populations in large-scale plans and proposals is a ratio of 2.5 acres per 1,000 residents as it represents an area that is well-served by open spaces. While the City does not consider these ratios as its open space policy for every neighborhood, the ratios are benchmarks that demonstrate how well an area is served by its open space.

Impact Assessment

According the *CEQR Technical Manual*, a significant adverse impact may occur if a project would reduce the open space ratio by more than 5 percent in areas that are currently below the city's median community district open space ratio of 1.5 acres per 1,000 residents, or where there would be a direct displacement/alteration of existing open space within the study area that has a significant adverse effect on existing users. In areas that are extremely lacking in open space, a reduction as small as 1 percent may be considered significant, depending on the area of the city. In areas that are well-served by open space, a greater change in the open space ratio may be tolerated.

D. PRELIMINARY ASSESSMENT

PROTOTYPICAL STUDY AREA A



Existing Condition

Based on 2010 Census data, Study Area A had a total of 47,123 residents in 2010 (see **Table 6-2**). Study Area A contains 5 publicly accessible open spaces covering approximately 3.39 acres (see **Table 6-3**).

Table 6-2: 2010 Residential Population of Study Area A

Census Tract	Residential Population
1	1,054
2	4,090
3	3,928
4	3,611
5	3,633
6	3,492
7	8,278
8	2,876
9	4,591
10	5,539
11	6,031
Total	47,123
Source: U.S. Census Bureau, Census 2010	

Table 6-3: Existing Open Space Resources within Study Area A

Park Number	Total Acres
1	1.10
2	0.69
3	0.83
4	0.35
5	0.43
Total	3.39
Source: NYC DoITT GIS data, 2015	

The analysis of open space resources considers the ratio of total open space resources per 1,000 residents. With a total of 3.39 acres of open space in Study Area A, and a total residential population of 47,123 residents, the study area has a total open space ratio of 0.072 acres per 1,000 residents. This would be less than the City's planning goal of 2.5 acres of open space per 1,000 residents and the city's median community district open space ratio of 1.5 acres per 1,000 residents. As mentioned above, the Study Area is located in an underserved area and is expected to have a ratio lower than the city average.

Future No-Action Condition

The assessment of the future without the Proposed Action examines conditions that are expected to occur in the Study Area by the 2025 build year without the Proposed Action. The capacity of open space resources to serve future populations in the Study Area is examined using quantitative factors. Based on the Department of City Planning's population projections (using building permit data from the Department of Buildings, pipeline projects, and recently rezoned areas), Study Area A's population is expected to increase by 3,475, bringing its population from 47,123 to 50,598 in 2025. The Study Area's acreage of open spaces would remain constant and would continue to be open for public use.

With an increasing population size, and a constant total amount of 3.39 acres of open space in the Study Area, the open space ratio of useable open space acreage to the residential population would decline relative to the existing conditions scenario. The overall open space ratio would decrease from 0.072 per 1,000 residents to 0.067 per 1,000 residents. Since the No-Action scenario assumes the future without the Proposed Action for the year that it would be completed, the decrease in overall open space ratio is an outcome of current and projected development trends and population growth.

Future With-Action Condition

It is anticipated that Prototype 10 would result in a net increment of 32 residential units on its prototypical development site. Based on the 2010 average household size of 2.67 persons for New York City in 2013, the additional dwelling units would add an estimated 85.44 residents to the Study Area, bringing the study area's residential population from 50,598 to 50,683 in 2025.

Prototype 11 is expected to result in a net increment of 99 units of Affordable Independent Residences for Seniors. Based on the 2010 average household size of 2.67 persons for New York City in 2013, the additional dwelling units would add an estimated 148.5 residents to the study area, bringing the study area's residential population from 50,598 to 50,746 in 2025. As described in the beginning of the Chapter, the Proposed Action would not introduce or eliminate any publicly accessible open space. The total amount of open space in the Study Area would therefore remain at 3.39 acres.

In the future with the Proposed Action, the decrease in the open space ratio for Study Area A would be insignificant compared to the future without the Proposed Action. With Prototype 10, the overall open space ratio would decline from 0.067 acres per 1,000 residents in the No-Action scenario to 0.0669 acres per 1,000 residents in the With-Action scenario. With Prototype 11, the overall open space ratio would have an insignificant decline from 0.067 acres per 1,000 residents in the No-Action scenario to 0.0668 acres per 1,000 residents in the With-Action scenario. In both scenarios, the open space ratio would remain lower than the City's planning goal of 2.5 acres of open space per 1,000 residents and the Citywide Community District median open space ratio of 1.5 acres per 1,000 residents.

Determining Impact Significance

In the scenario with Prototype 10, the overall open space ratio would have a decline of 0.17%, from 0.067 acres per 1,000 residents in the No-Action scenario to 0.0669 acres per 1,000 residents in the With-Action scenario. In the scenario with Prototype 11, the overall open space ratio would have a decline of 0.29%, from 0.067 acres per 1,000 residents in the No-Action scenario to .0668 acres per 1,000 residents in the With-Action scenario. Since these change in open space ratio between No-Action and With-Action are significantly lower than 1%, Prototype 10 and 11 are not expected to have an effect that is sufficient to significantly increase demand for existing open space facilities and noticeably diminish the ability of an area's open space to serve the future population. Considering the

minimal change on the demand and use of open space in the Study Area, a detailed analysis of open space effects on residents is not warranted.

PROTOTYPICAL STUDY AREA B



Existing Condition

Based on 2010 Census data, Study Area B had a total of 82,948 residents in 2010 (see **Table 6-4**).

Table 6-4: 2010 Residential Population of Study Area B

Census Tract	Residential Population
1	4195
2	7813
3	8767
4	3971
5	12774
6	6270
7	10218
8	11174
9	10590
10	3633
11	3543
Total	82,948
Source: U.S. Census Bureau, Census 2010	

Study Area B contains 2 publicly accessible open spaces approximating 4.74 acres (see **Table 6-5**). With a total of 4.74 acres of open space, and a total residential population of 82,948 residents, the Study Area has an existing open space ratio of 0.057 acres per 1,000 residents. The existing area's ratio is less than the City's planning goal of 2.5 acres of open space per 1,000 residents and the median community district open space ratio of 1.5 acres per 1,000 residents. As mentioned, the Study Area is currently located in an underserved area and is expected to have a ratio lower than the city average.

Table 6-5: Existing Open Space Resources within Study Area B

Park Number	Total Acres
1	3.34
2	1.39

Total	4.74
Source: NYC DoITT GIS data, 2015	

Future No-Action Condition

Study Area B's population is expected to increase by 220, bringing the Study Area population from 82,948 to 83,168 residents by 2025. The Study Area's acreage of open spaces would remain constant and would continue to be open for public use.

With an increasing population size, and a constant total amount of 4.47 acres of open space in the Study Area, the open space ratio would decline relative to the existing conditions scenario. The overall open space ratio would decrease from 0.057 acres per 1,000 residents to 0.0569 acres per 1,000 residents. Since the No-Action scenario assumes the future without the Proposed Action for the year that it would be completed, the decrease in overall open space ratio is an outcome of current and projected development trends and population growth.

Future With-Action Condition

It is anticipated that Prototype 15 would result in a net increment of 30 residential units on the project site. Based on the 2010 average household size of 2.67 persons for New York City in 2013, the additional dwelling units would add an estimated 80.1 residents to the study area, bringing the study area's residential population from 83,168 to 83,248 in 2025. As described above, the proposed project would not introduce or eliminate any publicly accessible open space. The total amount of open space in the Study Area would therefore remain at 4.74 acres.

In the future with the proposed prototype, the open space ratio for Study Area B would decrease from the No-Action condition. With Prototype 15, the overall open space ratio would decline from 0.05699 acres per 1,000 residents in the No-Action scenario to 0.05694 acres per 1,000 residents in the With-Action scenario. As with the No-Action scenario, the open space ratio would remain lower than the City's planning goal of 2.5 acres of open space per 1,000 residents and the city's median community district open space ratio of 1.5 acres per 1,000 residents.

Determining Impact Significance

The overall open space ratio would have an incremental decline of 0.096%, from .05699 acres per 1,000 residents in the No-Action scenario to 0.05694 acres per 1,000 residents in the With-Action scenario. Since this change in open space ratio between No-Action and With-Action is significantly lower than 1%, Prototype 15 is not expected to have an effect that is sufficient to significantly increase demand for existing open space facilities and noticeably diminish the ability of an area's open space to serve the future population. Considering the minimal change on the demand and use of open space in the Study Area, a detailed analysis of open space effects on residents is not warranted.

PROTOTYPICAL STUDY AREA C





Existing Condition

Based on 2010 Census data, Study Area C had a total of 93,062 residents in 2010 (see **Table 6-6**).

Table 6-6: 2010 Residential Population of Study Area C

Census Tract	Residential Population
1	8767
2	12774
3	6270
4	1938
5	10218
6	11174
7	12444
8	10590
9	15344
10	3543
Total	93,062
Source: U.S. Census Bureau, Census 2010	

Study Area C contains 3 publicly accessible open spaces approximating 7.57 acres (see **Table 6-7**). With a total of 4.74 acres of open space and a total residential population of 93,062 residents, the Study Area has an existing open space ratio of 0.0813 acres per 1,000 residents. The existing area's ratio is less than the City's planning goal of 2.5 acres of open space per 1,000 residents and the median community district open space ratio of 1.5 acres per 1,000 residents. Similar to Study Areas A and B, Study Area C is currently located in an underserved area and is expected to have a ratio lower than the city average.

Table 6-7: Existing Open Space Resources within Study Area C

Park Number	Total Acres
1	3.34
2	1.40
3	2.82

Total	7.57
Source: NYC DoITT GIS data, 2015	

Future No-Action Condition

Study Area C's population is expected to increase by 233, bringing the Study Area population from 93,062 to 93,295 residents by 2025. The Study Area's acreage of open spaces would remain constant and would continue to be open for public use.

With an increasing population size, and a constant total amount of 7.57 acres of open space in the Study Area, the open space ratio would decline relative to the existing conditions scenario. The overall open space ratio would decrease from 0.0813 acres per 1,000 residents to 0.0811 acres per 1,000 residents. Since the No-Action scenario assumes the future without the Proposed Action for the year that it would be completed, the decrease in overall open space ratio is an outcome of current and projected development trends and population growth.

Future With-Action Condition

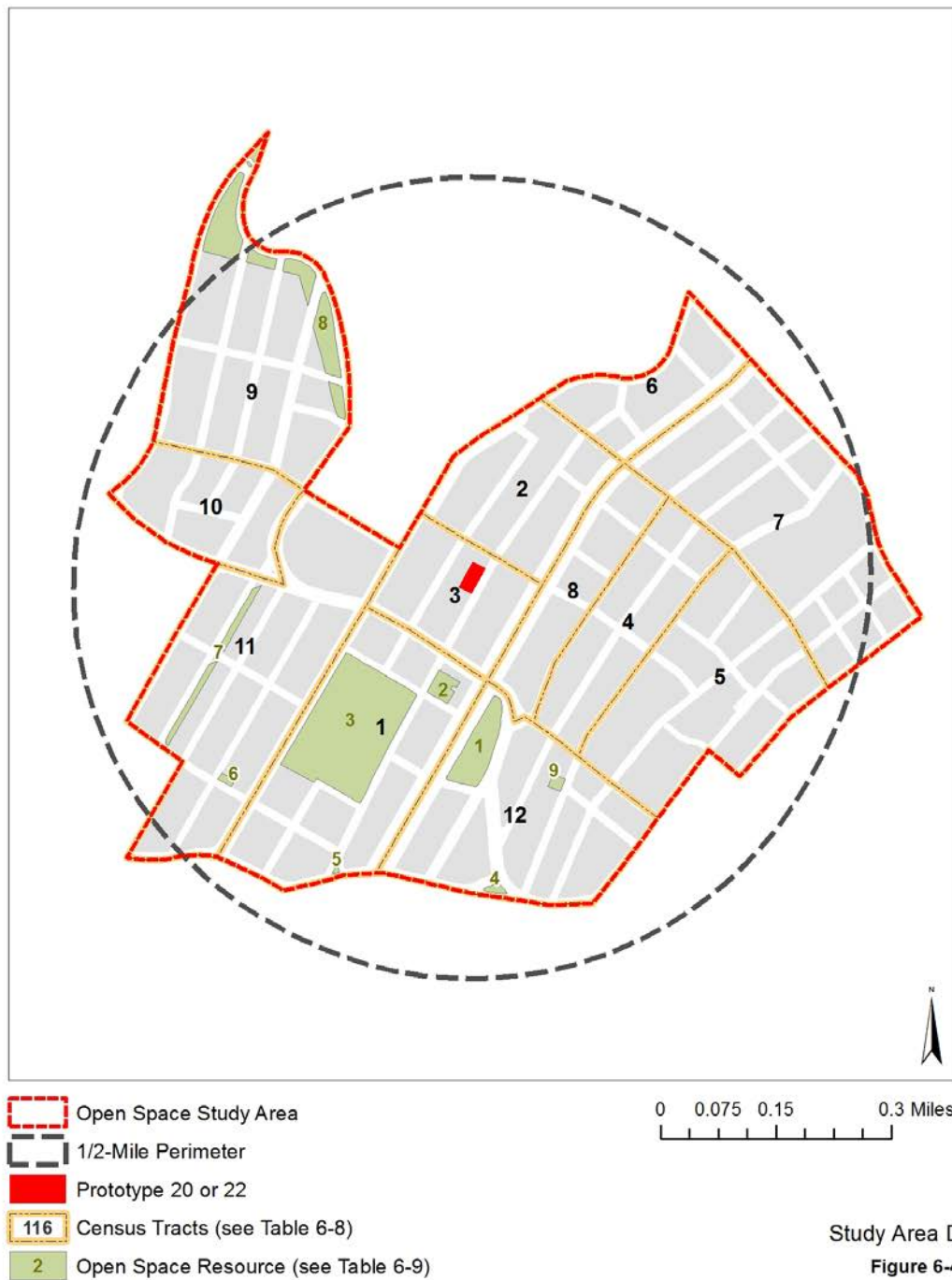
It is anticipated that Prototype 16 would result in a net increment of 24 residential units on the project site, adding approximately 64 residents to the study area and increasing the study area's residential population from 93,295 to 93,375 in 2025. As described above, the Proposed Action would not introduce or eliminate any publicly accessible open space. The total amount of open space in the Study Area would therefore remain at 7.57 acres

In the future with the Proposed Action, the open space ratio for Study Area C would decrease from the No-Action conditions. With Prototype 15, the overall open space ratio would have a decline from 0.0813 acres per 1,000 residents in the No-Action scenario to 0.0811 acres per 1,000 residents in the With-Action scenario. As with the No-Action scenario, the open space ratio would remain lower than the City's planning goal of 2.5 acres of open space per 1,000 residents and the city's median community district open space ratio of 1.5 acres per 1,000 residents.

Determining Impact Significance

The overall open space ratio would have an incremental decline of 0.086%, from 0.0813 acres per 1,000 residents in the No-Action scenario to 0.0811 acres per 1,000 residents in the With-Action scenario. Since this change in open space ratio between No-Action and With-Action is significantly lower than 1%, Prototype 16 is not expected to have an effect that is sufficient to significantly increase demand for existing open space facilities and noticeably diminish the ability of an area's open space to serve the future population. Considering the minimal change on the demand and use of open space in the Study Area, a detailed analysis of open space effects on residents is not warranted.

PROTOTYPICAL STUDY AREA D



Existing Condition

Based on 2010 Census data, Study Area D had a total of 61,757 residents in 2010 (see Table 6-8).

Table 6-8: 2010 Residential Population of Study Area D

Census Tract	Residential Population
1	4593
2	4478
3	3794
4	4397
5	6863
6	3347
7	6652
8	4386
9	7040
10	4037
11	6942
12	5228
Total	61,757
Source: U.S. Census Bureau, Census 2010	

Study Area D contains 9 publicly accessible open spaces approximating 21.27 acres (see **Table 6-9**). With a total of 21.27 acres of open space and a total residential population of 61,757 residents, the Study Area has an existing open space ratio of 0.342 acres per 1,000 residents. The existing area's ratio is less than the City's planning goal of 2.5 acres of open space per 1,000 residents and the median community district open space ratio of 1.5 acres per 1,000 residents. Similar to other Study Areas, Study Area C is currently located in an underserved area and is expected to have a ratio lower than the city average.

Table 6-9: Existing Open Space Resources within Study Area D

Park Number	Total Acres
1	2.49

2	0.62
3	11.55
4	0.16
5	0.04
6	0.12
7	1.01
8	4.98
9	0.19
Total	21.27
Source: NYC DoITT GIS data, 2015	

Future No-Action Condition

Study Area D's population is expected to increase by 494, bringing the Study Area population from 61,757 to 62,251 residents by 2025. The Study Area's acreage of open spaces would remain constant and would continue to be open for public use.

With an increasing population size, and a constant total amount of 21.27 acres of open space in the Study Area, the open space ratio of useable open space acreage to the residential population would decline relative to the existing scenario. The overall open space ratio would decrease from 0.342 acres per 1,000 residents to 0.340 acres per 1,000 residents. Since the No-Action scenario assumes the future without the Proposed Action for the year that it would be completed, the decrease in overall open space ratio is an outcome of current and projected development trends and population growth.

Future With-Action Condition

It is anticipated that Prototype 22 would result in a net increment of 44 units of Affordable Independent Residences for Seniors on the project site, adding approximately 66 residents and increasing the study area's residential population from 61,757 to 62,317 in 2025.

Prototype 20 is expected to result in a net increment of 81 units of Affordable Independent Residences for Seniors, adding approximately 121.5 residents to the study area and bringing the study area's residential population from 61,757 to 62,372 in 2025. As described in the beginning of the Chapter, Prototypes 22 and 20 would not introduce or eliminate any publicly accessible open space. The total amount of open space in the Study Area would therefore remain at 21.27 acres.

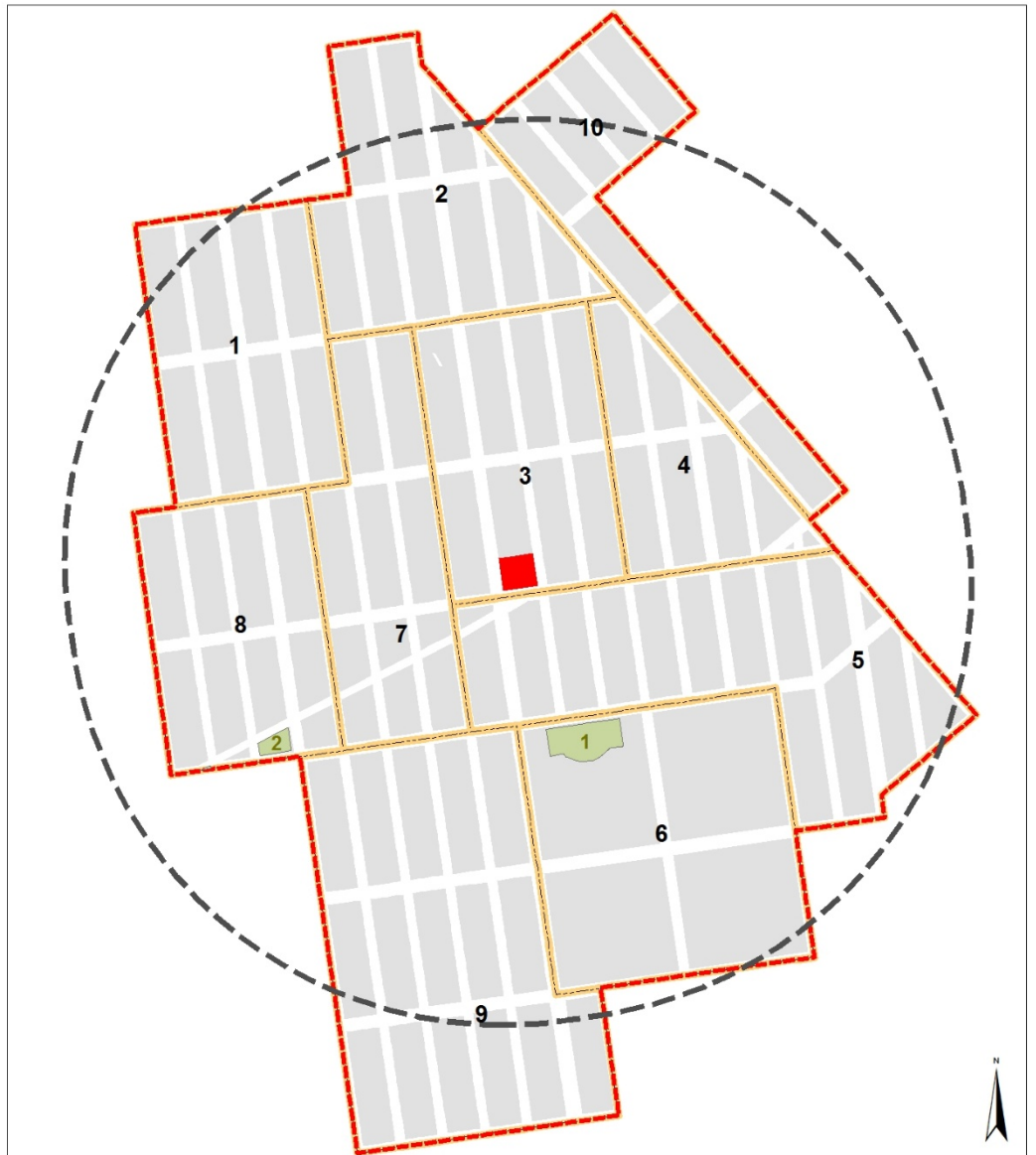
In the future with the Proposed Action, the open space ratio for Study Area D would decrease from the No-Action condition. With Prototype 22, the overall open space ratio would decline from 0.340 acres per 1,000 residents in the No-Action scenario to 0.3396 acres per 1,000 residents in the With-Action scenario. With Prototype 20, the overall open space ratio would have a decline from 0.340 acres per 1,000 residents in the No-Action scenario to 0.3393 acres per 1,000 residents in the With-Action scenario. In both scenarios, the open space ratio would remain lower than the City's planning goal of 2.5 acres of open space per 1,000 residents and the city's median community district open space ratio of 1.5 acres per 1,000 residents.

Impact Significance

In the scenario with Prototype 22, the overall open space ratio would have an insignificant incremental decline of 0.11%, from 0.340 acres per 1,000 residents in the No-Action scenario to 0.3396 acres per 1,000 residents in the With-Action scenario. In the scenario with Prototype 20, the overall open space ratio would have an insignificant incremental decline of 0.17%, from .340 acres per 1,000 residents in the No-Action scenario to 0.3393 acres per 1,000 residents in the With-Action scenario. Since these change in open space ratio between No-Action and With-Action are significantly lower than 1%, Prototype 22 and 20 are not expected to have an effect that is sufficient to significantly increase demand for existing open space facilities and noticeably diminish the ability of an area's open space to serve the future population. Considering the minimal change on the demand and use of open space in the Study Area, a detailed analysis of open space effects on residents is not warranted.

PROTOTYPICAL STUDY AREA E





- Open Space Study Area
- 1/2-Mile Perimeter
- Prototype 27
- 116 Census Tracts (see Table 6-10)
- 2 Open Space Resource (see Table 6-11)

0 0.075 0.15 0.3 Miles

Study Area E
Figure 6-5

Existing Condition

Based on 2010 Census data, Study Area E had a total of 28,315 residents in 2010 (see **Table 6-10**).

Table 6-10: 2010 Residential Population of Study Area D

Census Tract	Residential Population
1	1654
2	2451
3	2419
4	1314
5	3384
6	5443
7	2657
8	2918
9	4551
10	1524
Total	28,315
Source: U.S. Census Bureau, Census 2010	

Study Area E contains 2 publicly accessible open spaces approximating 2.5 acres (see **Table 6-11**). With a total of 2.5 acres of open space and a total residential population of 28,315 residents, the Study Area has an existing open space ratio of 0.088 acres per 1,000 residents. The existing area's ratio is less than the City's planning goal of 2.5 acres of open space per 1,000 residents and the median community district open space ratio of 1.5 acres per 1,000 residents.

Table 6-11: Existing Open Space Resources within Study Area D

Park Number	Total Acres
1	2.00
2	0.49
Total	2.5
Source: NYC DoITT GIS data, 2015	

Future No-Action Condition

Based on building permit data from the Department of Buildings, pipeline projects, and rezoned areas where continuing growth is expected, Study Area E's population is expected to increase by 2,918, bringing the Study Area population from 28,315 to 31,233 residents by 2025. The Study Area's acreage of open spaces would remain constant and would continue to be open for public use.

With an increasing population size, and a constant total amount of 2.5 acres of open space in the Study Area, the open space ratio of useable open space acreage to the residential population would decline relative to the existing conditions scenario. The overall open space ratio would decrease from 0.088 acres per 1,000 residents to 0.080 acres per 1,000 residents. Since the No-Action scenario assumes the future without the Proposed Action for the year that it would be completed, the decrease in overall open space ratio is an outcome of current and projected development trends and population growth.

Future With-Action Condition

It is anticipated that Prototype 27 would result in a net increment of 51 units of Affordable Independent Residences for Seniors on the project site, adding approximately 77 residents to the study area and bringing the study area's residential population from 31,233 to 31,310 in 2025. As described above, the Proposed Action would not introduce or eliminate any publicly accessible open space. The total amount of open space in the Study Area would therefore remain at 2.5 acres

In the future with the Proposed Action, the open space ratio for Study Area E would decrease from the No-Action condition. With Prototype 27, the overall open space ratio would decline from 0.0798 acres per 1,000 residents in the No-Action scenario to 0.0796 acres per 1,000 residents in the With-Action scenario. As with the No-Action scenario, the open space ratio would remain lower than the City's planning goal of 2.5 acres of open space per 1,000 residents and the city's median community district open space ratio of 1.5 acres per 1,000 residents.

Impact Significance

The overall open space ratio would have an incremental decrease of 0.24%, from .0798 acres per 1,000 residents in the No-Action scenario to 0.0796 acres per 1,000 residents in the With-Action scenario. Since this change in open space ratio between No-Action and With-Action is significantly lower than 1%, Prototype 27 is not expected to have an effect that is sufficient to significantly increase demand for existing open space facilities and noticeably diminish the ability of an area's open space to serve the future population. Considering the minimal change on the demand and use of open space in the Study Area, a detailed analysis of open space effects on residents is not warranted.

PROTOTYPICAL STUDY AREA F





Existing Condition

Based on 2010 Census data, Study Area F had a total of 87,881 residents in 2010 (see **Table 6-12**).

Table 6-12: 2010 Residential Population of Study Area F

Census Tract	Residential Population
1	5370
2	2644
3	6427
4	3876
5	10149
6	3778
7	5248
8	7917
9	3673
10	10330
11	3329
12	2175
13	4864
14	5619
15	3068
16	6
17	6023
18	3385
Total	87,881
Source: U.S. Census Bureau, Census 2010	

Study Area F contains 9 publicly accessible open spaces approximating 65.87 acres (see **Table 6-13**). With a total of 65.87 acres of open space and a total residential population of 87,881 residents, the Study Area has an existing open space ratio of 0.75 acres per 1,000 residents. The existing area's ratio is less than the City's planning goal of 2.5 acres of open space per 1,000 residents and the median community district open space ratio of 1.5 acres per 1,000

residents. Similar to other Study Areas, Study Area C is currently located in an underserved area and is expected to have a ratio lower than the city average.

Table 6-13: Existing Open Space Resources within Study Area F

Park Number	Total Acres
1	0.19
2	0.81
3	1.03
4	0.75
5	0.07
6	0.07
7	3.86
8	0.06
9	0.18
10	0.41
11	0.14
12	0.15
13	0.05
14	0.70
15	0.48
16	0.26
17	1.55
18	27.05
19	2.13
20	1.42
21	23.07
22	0.63

23	0.73
24	0.09
Total	65.87
Source: NYC DoITT GIS data, 2015	

Future No-Action Condition

Study Area F's population is expected to increase by 494, bringing the Study Area population from 87,881 to 90,537 residents by 2025. The Study Area's acreage of open spaces would remain constant and would continue to be open for public use.

With an increasing population size, and a constant total amount of 65.87 acres of open space in the Study Area, the open space ratio would decline relative to the existing conditions scenario. The overall open space ratio would decrease from 0.75 acres per 1,000 residents to 0.73 acres per 1,000 residents. Since the No-Action scenario assumes the future without the Proposed Action for the year that it would be completed, the decrease in overall open space ratio is an outcome of current and projected development trends and population growth.

Future With-Action Condition

It is anticipated that Prototype 10 would result in a net increment of 32 residential units on the project site adding approximately 85 residents. Prototype 22 is expected to result in a net increment of 44 units of Affordable Independent Residences for Seniors, adding approximately 66 residents to the study area. The combined incremental increase of Prototype 10 and Prototype 22 would bring the study area's residential population from 90,537 in the No-Action Condition to 90,688 in the With-Action Condition in 2025. As described in the beginning of the Chapter, Prototypes 10 and 22 would not introduce or eliminate any publicly accessible open space. The total amount of open space in the Study Area would therefore remain at 65.87 acres.

In the future with the Proposed Action, the open space ratio for Study Area F would decrease insignificantly from the No-Action condition. With Prototype 10 and 22, the overall open space ratio would decline from 0.727 acres per 1,000 residents in the No-Action scenario to 0.726 acres per 1,000 residents in the With-Action scenario. In both scenarios, the open space ratio would remain lower than the City's planning goal of 2.5 acres of open space per 1,000 residents and the median community district open space ratio of 1.5 acres per 1,000 residents.

Determining Impact Significance

The overall open space ratio would have an insignificant incremental decrease of 0.17%, from .0727 acres per 1,000 residents in the No-Action scenario to 0.0726 acres per 1,000 residents in the With-Action scenario. Since this change in open space ratio between No-Action and With-Action is significantly lower than 1%, the cluster of Prototypes is not expected to have an effect that is sufficient to significantly increase demand for existing open space facilities and noticeably diminish the ability of an area's open space to serve the future population. Considering the minimal change on the demand and use of open space in the Study Area, a detailed analysis of open space effects on residents is not warranted.

Chapter 7 : SHADOWS

A. INTRODUCTION

This chapter assesses the potential for the Proposed Actions to result in incremental shadows long enough to reach any nearby publicly accessible open spaces or other sunlight-sensitive resources.

The *CEQR Technical Manual* defines that shadow is the condition that results when a building or other built structure blocks the sunlight that would otherwise directly reach a certain area, space or feature. An incremental shadow is an additional or new shadow that a building or other built structure resulting from a proposed project would cast on a sunlight-sensitive resource during the year. Sunlight-sensitive resources of concern are those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. Such resources generally include: (a) publicly accessible open spaces, (b) architectural resources with shadow sensitive features such as stained glass windows and façade elements that depend on direct sunlight for visual character, and (c) natural resources such as wetland and surface water bodies that are the habitat of vegetation or animals that depend on direct sunlight to live and/or grow.

According to the *CEQR Technical Manual*, the following features are not considered to be sunlight-sensitive resources: (a) city streets and sidewalks, except when improved as part of the New York City's Greenstreets program, (b) architectural resources that do not have sunlight-sensitive features, and (c) private open spaces such as front and back yards, stoops, and other open spaces that are not accessible to the general public. Additionally, paved areas on public open spaces, such as handball and basketball courts with no seating areas and no vegetation, are not considered sunlight-sensitive.

A significant adverse shadow impact occurs when the incremental shadow added by a proposed project falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources.

The Proposed Action would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities, and therefore, a shadows assessment is warranted.

B. PRINCIPAL CONCLUSIONS

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

C. METHODOLOGY

According to the *CEQR Technical Manual*, the longest shadow a structure would cast in New York City, except for periods close to dawn or dusk, is 4.3 times its height. For projects or actions resulting in structures less than 50 feet tall, a shadow assessment is generally not necessary, unless the site is adjacent to a park, historic resource, or important natural feature.

First step in assessing the potential shadow impacts is a preliminary screening assessment to determine if shadows resulting from an action could reach any sunlight-sensitive resources at any time of the year. The *CEQR Technical Manual* defines sunlight-sensitive resources as those resources that depend on sunlight or for which direct sunlight is necessary to maintain the resource's usability or architectural integrity. The following are considered to be sunlight-sensitive resources:

- *Public open space* (e.g., parks, playgrounds, plazas, schoolyards, greenways, and landscaped medians with seating). Planted areas within unused portions or roadbeds that are part of the Greenstreets program are also considered sunlight-sensitive resources. The use of vegetation in an open space establishes its sensitivity to shadows. This sensitivity is assessed for both (1) warm-weather dependent features, like wading pools and sandboxes, or vegetation that could be affected by loss of sunlight during the growing season (i.e., March through October); and (2) features, such as benches, that could be affected by a loss of winter sunlight. Uses that rely on sunlight include: passive use, such as sitting or sunning; active use, such as playfields or paved courts; and such activities as gardening, or children's wading pools and sprinklers. Where lawns are actively used, the turf requires extensive sunlight. Vegetation requiring direct sunlight includes the tree canopy, flowering plants, and plots in community gardens. Generally, four to six hours a day of sunlight, particularly in the growing season, is a minimum requirement.
- *Features of historic architectural resources that depend on sunlight for their enjoyment by the public.* Only the sunlight-sensitive features are considered, as opposed to the entire architectural resource. Sunlight-sensitive features include the following: design elements that are part of a recognized architectural style that depends on the contrast between light and dark (e.g., deep recesses or voids, such as open galleries, arcades, recessed balconies, deep window reveals, and prominent rustication); elaborate, highly carved ornamentation; stained glass windows; exterior building materials and color that depend on direct sunlight for visual character (e.g., the polychromy [multicolored] features found on Victorian Gothic Revival or Art Deco facades); historic landscapes, such as scenic landmarks, including vegetation recognized as an historic feature of the landscape; and structural features for which the effect of direct sunlight is described as playing a significant role in the structure's importance as an historic landmark.
- *Natural resources where the introduction of shadows could alter the resource's condition or microclimate.* Such resources could include surface water bodies, wetlands, or designated resources, such as coastal fish and wildlife habitats.

According to the *CEQR Technical Manual*, the preliminary screening assessment consists of three tiers of analysis. The first tier determines a simple radius (4.3 times the height of a building) around the proposed buildings representing the longest shadow that could be cast. If there are sunlight-sensitive resources within the radius, the analysis proceeds to the second tier, which reduces the area that could be affected by project-generated shadows by accounting for a specific range of angles that can never receive shade in New York City due to the path of the sun in the northern hemisphere. If the second tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a third tier of screening analysis further refines the area that could be reached by new shadows by looking at specific representative days of the year and determining the maximum extent of shadow over the course of each representative day. If the third tier of analysis does not eliminate the possibility of new shadows on sunlight-sensitive resources, a detailed shadow analysis is required to determine the extent and duration of the incremental shadow resulting from the project. However, for a conservative approach, no screening assessment was conducted and therefore, this shadows assessment includes a detailed shadow impact assessment.

In accordance with the *CEQR Technical Manual*, shadows on sunlight-sensitive resources of concern were modeled for four representative days of the year. For the New York City area, the months of interest for an open space resource encompass the growing season (i.e., March through October) and one month between November and February representing a cold-weather month (usually December). Representative days for the growing season are generally the March 21st vernal equinox (or the September 21st autumnal equinox, which is approximately the same), the June 21st summer solstice, and a spring or summer day halfway between the summer solstice and equinoxes,

such as May 6th or August 6th (which are approximately the same). For the cold-weather months, the December 21st winter solstice is included to demonstrate conditions when open space users rely most heavily on available sunlight warmth. As these months and days are representative of the full range of possible shadows, they are also used for assessing shadows on sunlight-sensitive historic and natural resources. The *CEQR Technical Manual* defines the temporal limits of a shadow analysis period to fall from an hour and a half after sunrise to an hour and a half before sunset.

The detailed analysis provides the data needed to assess the shadow impacts. The effects of the new shadows on the sunlight-sensitive resources are described, and their degree of significance is considered. The result of the analysis and assessment are documented with graphics, a table of incremental shadow durations, and narrative text. As described in the *CEQR Technical Manual*, an incremental shadow is generally not considered significant when its duration is no longer than ten minutes at any time of year and the resource continues to receive substantial direct sunlight. A significant shadow impact generally occurs when an incremental shadow of ten minutes or longer falls on a sunlight-sensitive resource and results in one of the following:

- *Vegetation*: a substantial reduction in sunlight available to sunlight-sensitive features of the resource to less than the minimum time necessary for its survival (when there would be sufficient sunlight in the future without the project) or a reduction in direct sunlight exposure where the sensitive feature of the resource is already subject to substandard sunlight (i.e., less than the minimum time necessary for its survival).
- *Historic and cultural resources*: a substantial reduction in sunlight available for the enjoyment or appreciation of the sunlight-sensitive features of an historic or cultural resource.
- *Open space utilization*: a substantial reduction in the usability of open space as a result of increased shadow, including information regarding anticipated new users and the open space's utilization rates throughout the affected time periods.
- *For any sunlight-sensitive feature of a resource*: complete elimination of all direct sunlight on the sunlight-sensitive feature of the resource, when the complete elimination results in substantial effects on the survival, enjoyment, or, in the case of open space or natural resources, the use of the resource.

In general, a significant adverse shadow impact occurs when the incremental shadow added by a proposed action falls on a sunlight-sensitive resource and substantially reduces or completely eliminates direct sunlight exposure, thereby significantly altering the public's use of the resource or threatening the viability of vegetation or other resources.

According to the 2014 *CEQR Technical Manual*, five representative days during the growing season, as well as one representative day of cold-weather conditions, were analyzed. The growing season representative days include: 1) the spring and fall equinoxes (March 20th and September 22nd, respectively) where shadow sweeps follow approximately the same path on these two days and the length of a shadow would be about the middle of the longest and the shortest days in the year; 2) summer solstice (June 20th) which is the longest day and the length of a shadow would be the shortest in the year, and; 3) May 6th and August 6th where shadow sweeps follow approximately the same path on these two days and the shadow length is about halfway between summer solstice and the spring or fall equinoxes. The winter solstice (December 21st) was used as a representative day for cold weather conditions. The winter solstice is the shortest day and a shadow would be the longest in the year.

In accordance with the *CEQR Technical Manual*, this shadow analysis depicts the "worst case" Scenario for shadows from a prototypical building that may result from the Proposed Action. Since the allowable building envelope generally allows for multiple configurations of a building with the same floor area, a "worst case" scenarios is modeled for a shadows assessment that combines the worst possible features, in terms of casting shadows, of all possible configurations. In accordance with the *CEQR Technical Manual*, the building envelope depicting the worst case includes maximum possible extent of the building envelope, and all rooftop mechanical equipment.

Prototypes and Prototypical Neighborhoods

The Proposed Action is a "Generic Action," and there are no known potential or projected development sites and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative

development prototypes have been identified as described in Chapter 2, Analytical Framework. These prototypes were used to create prototypical neighborhoods as described below. Since many of the prototypes include similar height/setback changes, they were grouped for analysis as described in Table 1, below.

Prototypical Neighborhood 1 represents a generic neighborhood typically seen in medium density areas in the outer boroughs, and is assumed to include two prototypical developments (Prototype 1 and Prototype 3), an open space and a historic resource. In medium density areas, R7A districts are typically mapped along wide avenues while some R7A districts are mapped along narrow street sections that are build-out with large and high lot coverage buildings predating the 1961 Zoning Resolution. The bulk and density of these older residential buildings are similar to those permitted under R7A bulk regulations.

Prototypical Neighborhood 2 represents a generic neighborhood typically seen in medium density areas in the outer boroughs, and is assumed to include a prototypical development (Prototype 11) and an open space. In these areas, R7A districts are typically mapped along wide avenues while some R7A districts are mapped along narrow street sections that are build-out with large and high lot coverage buildings predating the 1961 Zoning Resolution. Prototype 11 assumes that an existing Non-profit Residences for the Elderly (to be redefined as Affordable Independent Residences for Seniors under the Proposed Action).

Prototypical Neighborhood 3 represents a generic neighborhood typically seen in high density residential neighborhoods in Manhattan, and is assumed to include a prototypical development (Prototype 12) and an open space. In these areas, R10A districts are typically mapped along wide avenues and narrow street sections are typically mapped with moderate density preservation districts such as R8B districts. Some R10A districts are mapped along narrow street sections that are build-out with large and high lot coverage buildings predating the 1961 Zoning Resolution. However, these areas along narrow streets mapped with R10A districts are most likely be fully build-out with large residential buildings.

Prototypical Neighborhood 4 represents a generic high-density residential neighborhood typically seen in Manhattan, and is assumed to include two prototypical developments (Prototype 13, and Prototype 15) and open space. In these areas, R10A districts are typically mapped along wide avenues and narrow street sections are typically mapped with moderate density districts such as R8B districts. Some R10A districts are mapped along narrow street sections that are build-out with large and high lot coverage buildings predating the 1961 Zoning Resolution. These areas along narrow streets mapped with R10A districts are most likely be fully build-out with large residential buildings.

Prototypical Neighborhood 5 represents a generic neighborhood typically seen in high density commercial areas in Midtown and Lower Manhattan, and is assumed to include a prototypical development (Prototype 14) and a historic resource. To assess potential shadow impacts from the proposed height and setback changes for an Inclusionary Housing development in contextual R10A district along narrow streets, where the largest incremental height change is proposed under the Proposed Action, it was necessary to assemble a high density contextual neighborhood such as an area mapped with C6-4A districts. As described in Prototypical Neighborhood 4, residential R10A districts are primarily mapped along wide street and when they are mapped in an area along narrow street beyond 100 feet from a wide street, they are most likely be build-out and it is not reasonable to project or assume a development in these areas. On the other hand, high density contextual commercial districts that are R10A equivalent districts are mapped along narrow streets in wider (but still very limited) areas and contain some potential residential or mixed-use development sites.

Prototypical Neighborhood 6 represents a generic neighborhood typically seen in medium to high density areas in the outer boroughs, and is assumed to include a prototypical development (Prototype 17) and a historic resource. In these areas, higher density districts are mapped along a wide street and narrow street sections are typically mapped with low to medium density districts such as R6B and R7B districts. In this prototypical neighborhood, a high density R8A district is mapped along both sides of a wide north-south avenue and areas beyond 100 feet from the avenue is mapped with lower density R6B districts.

Prototypical Neighborhood 7 represents a generic R4 neighborhood typically seen in low density areas in the outer boroughs and is assumed to include a prototypical development (Prototype 24) and an open space. These neighborhoods are typically not easily accessible to public transit and build-out with single- or two-family homes and

small walk-up multi-family apartments. Larger institutional buildings such as schools and medical facilities are scattered throughout the neighborhood.

Table 7-1: Shadows Assessment Matrix

Prototype	Title	Detailed Analysis Required	Representing Prototype	Prototypical Neighborhood
Prototype 1	R7A district, 100' x 100' interior lot on narrow street	Yes	-	1
Prototype 2	R7A district, Inclusionary Housing, 100' x 100' interior lot on narrow street	Yes	3	n/a
Prototype 3	R7A district adjoining an R4A District, Inclusionary Housing, 100' x 100' corner lot on wide and narrow streets	Yes	-	1
Prototype 4	R7A district, 100' x 85' shallow interior lot on narrow street	Yes	1	n/a
Prototype 5	R7A district, 100' x 170' shallow interior through lot on wide and narrow streets	Yes	1	n/a
Prototype 6	R7D District, Affordable Independent Residences for Seniors, 100' x 100' interior lot on narrow street	Yes	3	n/a
Prototype 7	R7X District, Inclusionary Housing Designated Area, 100' x 100' interior lot on narrow street	Yes	3	n/a
Prototype 8	R7-2 District, Affordable Independent Residences for Seniors, 200' x 100' corner lot on wide and narrow streets	No	n/a	n/a
Prototype 9	R7A District, Long-term Care Facility, 100' x 100' interior lot on narrow street	Yes	3	n/a
Prototype 10	R7A District, second building, 200' x 200' through lot on wide and narrow streets	Yes	1	n/a
Prototype 11	R7A District, parking reduction for Affordable Independent Residences for Seniors, 200' x 200' through lot on wide and narrow streets	Yes	-	2
Prototype 12	R10A District, 100' x 100' interior lot on wide street	Yes	-	3
Prototype 13	R10A District, Inclusionary Housing, 100' x 100' interior lot on wide street	Yes	-	4
Prototype 14	R10A/equivalent commercial district, Inclusionary Housing, narrow street, 100'x100'	Yes	-	5
Prototype 15	R10A District, Inclusionary Housing (R10 program), 40' x 100' interior lot on wide street	Yes	-	4
Prototype 16	R10 District, Inclusionary Housing (R10 Program) utilizing increased density allowance, 100' x 100' corner lot on wide and narrow streets	No	n/a	n/a
Prototype 17	R8A District, Inclusionary Housing adjoining R6B District, 100' x 100' corner lot on wide and narrow streets	Yes	-	6
Prototype 18	R8A District, Inclusionary Housing, 100' x 85' shallow interior lot on wide street	Yes	17	n/a
Prototype 19	R8A, Inclusionary Housing, 100' x 170' shallow through lot on wide and narrow streets	Yes	17	n/a
Prototype 20	R8 District, Affordable Independent Residences for Seniors, 200' x 100' corner lot on wide and narrow streets	No	n/a	n/a
Prototype 21	C6-3A District (R9A equivalent commercial district), Inclusionary Housing with ground floor commercial, acutely angled corner lot on wide and narrow streets	Yes	13	n/a
Prototype 22	R8 District, Affordable Independent Residences for Seniors, 200' x 100' interior lot on narrow street	Yes	16	n/a
Prototype 23	R10A District, Long-term Care Facility, 100' x 100' interior lot on Wide Street	Yes	13	n/a
Prototype 24	R4 District, Affordable Independent Residences for Seniors, 150' x 100' interior lot on narrow street outside the Transit Zone	Yes	26	n/a
Prototype 25	R5 District, Affordable Independent Residences for Seniors, 150' x 100' interior lot on narrow street	Yes	22	n/a
Prototype 26	R5 District, Long-term Care Facility and Affordable Independent Residences for Seniors, 200' x 200' on wide and narrow streets	Yes	26	7
Prototype 27	R4 District, Affordable Independent Residences for Seniors, 200' x 200' corner/through lot on wide and narrow streets on steep topography.	Yes	26	n/a

D. DETAILED ANALYSIS

The following section summarizes the result of detailed shadow assessments. A full set of incremental shadow diagrams are included at the end of this chapter.

Table 7-2: Incremental Shadow by Prototype

Note: According to *CEQR Technical Manual*, "worst case" building envelopes, as opposed to "reasonable worst case" envelopes, are used to render shadows and are shown in Chapter 2H. These "worst case" massings are generally 10 to 20 percent over-built than permitted FAR.

Analysis Group	Prototype	Title	Analysis Day	March 21/Sept. 21	May 6/August 6	June 21	December 21
				7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM
Group 1	Prototype 1	R7A district, 100' x 100' interior lot on narrow street	Shadow enter - exit time	HR01 7:36AM - 10:58AM	-	-	HR01 8:51AM - 11:02AM
			Incremental shadow duration	HR01 3 hrs 22 mins	-	-	HR01 2 hrs 11 mins
Group 1	Prototype 3	R7A district adjoining an R4A District, Inclusionary Housing, 100' x 100' corner lot on wide and narrow streets	Shadow enter - exit time	HR01 7:36AM - 8:06AM OS01 7:36AM - 1:09PM	HR01 6:27AM - 8:09AM	HR01 5:57AM - 7:58AM	OS01 8:51AM - 2:37PM
			Incremental shadow duration	HR01 30 mins OS01 5 hrs 33 mins	HR01 1 hr 42 mins	HR01 2 hrs 1 mins	OS01 5 hrs 46 mins
Group 2	Prototype 11	R7A District, parking reduction for Affordable Independent Residences for Seniors, 200' x 200' through lot on wide and narrow streets	Shadow enter - exit time	OS02 7:48AM - 12:30PM	-	-	OS02 8:51AM - 09:42AM OS02 11:12AM - 2:32PM
			Incremental shadow duration	OS02 4 hrs 42 mins	-	-	OS02 51 mins OS02 3 hrs 20 mins
Group 3	Prototype 12	R10A District, 100' x 100' interior lot on wide street	Shadow enter - exit time	OS03 1:34PM - 2:51PM	-	-	OS03 10:45AM - 1:04PM
			Incremental shadow duration	OS03 1 hr 17 mins			OS03 2 hrs 19 mins
Group 4	Prototype 13	R10A District, Inclusionary Housing, 100' x 100' interior lot on wide street	Shadow enter - exit time	OS03 12:26PM - 12:29PM OS03 12:49 - 2:51PM	-	-	OS03 10:45AM - 1:04PM
			Incremental shadow duration	OS03 3 mins OS03 2 hrs 2 mins	-	-	OS03 2 hrs 19 mins
Group 5	Prototype 14	C6-4A (R10A equivalent commercial district), Inclusionary Housing, narrow street, 100'x100'	Shadow enter - exit time	HR02 12:44PM - 4:29PM	HR02 12:15PM - 4:54PM	HR02 12:18PM - 5:06PM	-
			Incremental shadow duration	HR02 3 hrs 45 mins	HR02 4 hrs 39 mins	HR02 4 hrs 48 mins	-
Group 4	Prototype 15	R10A District, Inclusionary Housing (R10 program), 40' x 100' interior lot on wide street	Shadow enter - exit time	OS03 12:27PM - 3:44PM	-	-	OS03 12:14PM - 1:35PM
			Incremental shadow duration	OS03 3 hrs 17 mins	-	-	OS03 1 hr 21 mins
Group 6	Prototype 17	R8A District, Inclusionary Housing adjoining R6B District, 100' x 100' corner lot on wide and narrow streets	Shadow enter - exit time	HR03 12:00PM - 4:35PM	HR03 1:40PM - 3:11PM	-	HR03 10:48AM - 2:53PM
			Incremental shadow duration	HR03 4 hrs 35 mins	HR03 1 hr 31 mins	-	HR03 4 hrs 5 mins
Group 7	Prototype 24	R4 District, Affordable Independent Residences for Seniors, 150' x 100' interior lot on narrow street outside the Transit Zone	Shadow enter - exit time	OS04 7:36AM - 8:38AM	OS04 6:27AM - 7:47AM	OS04 5:57AM - 6:59AM	OS04 8:51 - 9:30AM
			Incremental shadow duration	OS04 1 hr 2 mins	OS04 1 hr 20 mins	OS04 1 hr 2 mins	OS04 39 mins

Note: All times are Eastern Standard Time; Daylight Savings Time was not accounted for per *CEQR Technical Manual* guidelines.

Table indicates the entry and exit times and total duration of incremental shadow for each potential sunlight-sensitive resource.

Prototypical Neighborhood 1: R7A District, Prototype 1 and Prototype 3

Open Space 1:

This open space (OS 01) is a generic 1.75 acre publicly accessible open space typically seen in New York City's neighborhoods where R7A districts are mapped. OS 01 functions as a playground with multiple jungle-gyms, bench seating and also contains planting areas, a multi-purpose sports field, basketball and wall tennis fields.

The proposed Action would result in new incremental shadows of varying duration and coverage on Spring/Fall equinoxes (March 21/September 21, respectively) and on winter solstice (December 21). Incremental shadows would last for a total of approximately 5 hours and 33 minutes (from 7:36AM to 1:09PM) on March 21/September 21, and approximately 5 hours and 46 minutes (from 8:51AM to 2:37PM) on December 21.

On March 21/September 21, as Figure 7-1 shows, an incremental shadow from Prototype 3 would be generally limited to the southernmost portions of OS 01 during the early morning and early afternoon. At 7:36AM, when the analysis timeframe begins, the incremental shadow is covering a small southwestern portion of OS01. The incremental shadow moves along the southern boundary of OS1 and it gets shorter toward noon. By 1:09PM, the incremental shadow would exit OS 01 completely.

There is no incremental shadow on OS 01 on May 6/August 6 and June 21.

On December 21, as 7-4 shows, incremental shadows from either or both Prototype 1 and Prototype 3 would reach OS 01 during the most of analysis timeframe. The incremental shadow from Prototype 1 enters OS 01 by 8:51AM, when the analysis timeframe starts, and moves along the southernmost edge of OS 01 until it completely exit the open space at 11:02AM. The incremental shadow from Prototype 1 enters OS 01 by 8:51AM and reaches the northernmost portion of the open space. The incremental shadow moves through the middle of the open space and gets shorter as time nears noon. The incremental shadow completely exists OS 01 by 2:37PM, just before the analysis timeframe ends at 2:53PM.

Assessment

During the early spring and early fall seasons, around spring and fall equinoxes, when direct sunlight is mostly appreciated by open space users, an incremental shadow from Prototype 3 would be limited to the southernmost section of the open space. The area could potentially feature sunlight sensitive resources including seating areas and planting areas. Since the incremental shadow would be limited and the shadow moves from east to west throughout the day, these potential sunlight sensitive resources would not suffer from a significant loss of direct sunlight. Furthermore, the open space would continue to receive adequate sunlight (at least the four to six hours minimum in accordance with the *CEQR Technical Manual*) during the plant growth season and the health of vegetation would not be significantly affected.

During the summer season, around summer solstice, there would be no incremental shadows from Prototype 1 and Prototype 3.

During the cold winter season, around winter solstice, when shadows would be stretched farthest from their origin, there would be notable incremental shadow coverage. However, the open space would continue to receive direct sunlight as such stretched shadows move from east to west quickly throughout the day and the open space would be affected by the incremental shadows for a limited amount of time during the day. Incremental shadows during the cold winter season is not expected to significantly affect the utilization or enjoyment of open space resources. . Further, the potential amount of heat one could gain from direct sunlight during New York City's cold season would be limited. In addition, existing vegetation is not expected to be affected by incremental shadows, as the December 21 analysis day falls outside of the plant growing season defined by the *CEQR Technical Manual*. Therefore, the incremental shadows that could result from the Proposed Action are not anticipated to adversely impact the usability of OS 01.

Historic Resource:

This historic resource (HR 01) is assumed to be a generic house of worship typically seen in New York City's neighborhoods where R7A districts are mapped. HR 01 is also assumed to have a historic significance and contain sunlight sensitive features which may include stained glasses and/or architectural design elements.

The Proposed Action would result in new incremental shadows of varying duration and coverage on all of representative analysis days. Incremental shadows would last for a total of approximately 3 hours and 22 minutes (from 7:36AM to 10:58AM) on March 21/September 21, approximately 1 hour and 42 minutes (from 6:27AM to 8:09AM) on May 6/August 6, approximately 2 hours and 1 minutes (from 5:57AM to 7:58AM) on June 21, and approximately 2 hours and 11 minutes on December 21.

On March 21/September 21, as shown, incremental shadows from Prototype 1 would reach facades of HR 01 during the early morning. At 7:36AM, when the analysis timeframe begins. The incremental shadow reaches small portions of east and south facades of the historic resource. The small incremental shadow moves through the east façade of HR 01 until 10:58AM when the incremental shadow complete exit HR 01.

On May 6/August 6, as shown, incremental shadows from Prototype 3 reaches the east façade of HR 01 by 6:27AM, when the analysis timeframe starts, and moves toward the northern edge of the eastern façade. By 8:09AM, the incremental shadow completely exits HR 01.

On June 21, as shown,, incremental shadows from Prototype 3 reaches the east façade of HR 01 by 5:57AM, when the analysis timeframe starts. The incremental shadow moves toward the ground level of HR 01 and it completely exits HR 01 by 7:58 AM.

On December 21, as shown, incremental shadows from Prototype 1 touches on the roof top of the historic resource. The incremental shadow moves toward the northern section of HR 01 and completely exists by 11:02AM.

Assessment

During the early spring and early fall seasons, around spring and fall equinoxes, incremental shadows from both Prototype 1 and Prototype 3 would cover limited portions of the south and east facades of HR 01 for limited amount of time in the early morning. As shadows are not static and move from east to west throughout the day, sunlight sensitive features on the façade of historic and architectural resources is not expected to suffer from a significant loss of direct sunlight as a result of the Proposed Action.

During the summer season, around summer solstice, an incremental shadow from Prototype 3 covers a large portion of the east façade of HR 01 very early in the morning, when these historic and architectural resources are typically not being enjoyed by users of such resources. By 8:00AM, the incremental shadow is almost comply out of the façade. Sunlight sensitive features on HR 01 is not expected to suffer from significant loss of direct sunlight.

During the cold winter season, around winter solstice, when shadows would be stretched farthest from their origin, the south and east facades of HR 01 were mostly covered by shadows from surrounding buildings and there were very limited incremental shadow from both Prototype 01 and Prototype 03. Sunlight sensitive features on HR 01 is not expected to suffer from significant loss of direct sunlight.

The detailed shadow analysis for this prototypical neighborhood concluded that although there is potential for incremental shadows being cast on sunlight sensitive features of historic resources and public open spaces, the duration and coverage of incremental shadows would be limited; and therefore, the Proposed Action is not expected to result in significant adverse shadow impacts.

Figure 7-1



March 21 (September 21)

Sweep (8:00AM - 1:00PM)

Each grid cell on open space represents approximately 10' x 10' land area

Potential incremental shadow

XX ## Shadow sensitive resource

Prototype

Worst case building envelop

Figure 7-2



Figure 7-3



June 21

Sweep (6:00AM - 7:00AM)

Each grid cell on open space represents approximately 10' x 10' land area

Potential incremental shadow

XX ## Shadow sensitive resource

Prototype

Worst case building envelop

Figure 7-4



December 21

Sweep (9:00AM - 2:00PM)

Each grid cell on open space represents approximately 10' x 10' land area

Potential incremental shadow

XX ## Shadow sensitive resource

Prototype

Worst case building envelop

Prototypical Neighborhood 2: R7A District, Prototype 11

Open Space:

This open space (OS 02) is assumed to be a generic small publicly accessible open space that is 0.18 acres in size. OS 02 is assumed to function as a playground with multiple jungle-gyms and bench seating and also contain planting areas.

The proposed Action would result in new incremental shadows of varying duration and coverage on Spring/Fall equinoxes (March 21/September 21, respectively), and on winter solstice (December 21). Incremental shadows would last for a total of approximately 4 hours and 42 minutes (from 7:48AM to 12:30PM) on March 21/September 21, and a total of approximately 4 hours and 11 minutes (from 8:51AM to 9:42AM and from 11:12AM to 2:32PM) on December 21.

On March 21/September 21, as shown, an incremental shadow from Prototype 11 would reach the southwest corner of OS 02 at 7:48, shortly after the analysis timeframe starts, and moves through the south end portion of the open space until it completely exists from OS 02 at 12:30PM.

There is no incremental shadow on OS 01 on May 6/August 6 and June 21.

On December 21, as **Error! Reference source not found.** shows, an incremental shadow from Prototype 11 reaches the open space by 8:51, when the analysis timeframe starts, and goes completely behind a shadow cast by the existing building on the southern portion of the same zoning lot by 9:42AM. The incremental shadow again reaches OS 02 at 11:12AM and a thin but long north-south of shadow moves through the middle of the open space until it completely exist OS 02 at 2:32PM, just before the analysis timeframe ends at 2:53PM.

Assessment:

During the early spring and early fall seasons, around spring and fall equinoxes, when direct sunlight is mostly appreciated by open space users, an incremental shadow from Prototype 11 would be limited to the southernmost section of the open space. The area could potentially feature sunlight sensitive resources including seating areas and planting areas. Since the incremental shadow would be limited and the shadow moves from east to west throughout the day, these potential sunlight sensitive resources would not suffer from a significant loss of direct sunlight. Furthermore, the open space would continue to receive adequate sunlight during the plant growth season (at least the four to six hours minimum specified in the *CEQR Technical Manual*) and the health of vegetation would not be significantly affected.

During the summer season, around summer solstice, there would be no incremental shadows from Prototype 11. Sunlight sensitive features on Open Space 02 would not suffer from significant loss of direct sunlight.

During the cold winter season, around winter solstice, when shadows would be stretched farthest from their origin, there would be notable incremental shadow coverage. However, the open space would continue to receive direct sunlight as such stretched shadows move from east to west quickly throughout the day and each seating area would only be affected by the incremental shadows for limited amount of time in a day. The incremental shadow in cold winter season, when temperatures is cold and the use of open space would not be as high (compared to warmer months), would not significantly affect the utilization or enjoyment of this open space resource. The potential amount of heat one could gain from direct sunlight during New York City's cold season would be limited. Furthermore, any vegetation would not be affected by incremental shadows, as the December 21 analysis day falls outside of the plant growing season defined by the *CEQR Technical Manual*. Therefore, the incremental shadows that could result from the Proposed Action are not anticipated to adversely impact the usability of OS 02. Therefore, the Proposed Action is not expected to result in significant adverse shadow impacts.


Figure 7-5




March 21 (September 21)

Sweep (8:00AM - 12:00PM)

Each grid cell on open space represents approximately 10' x 10' land area

 Potential incremental shadow

 Shadow sensitive resource

 Prototype


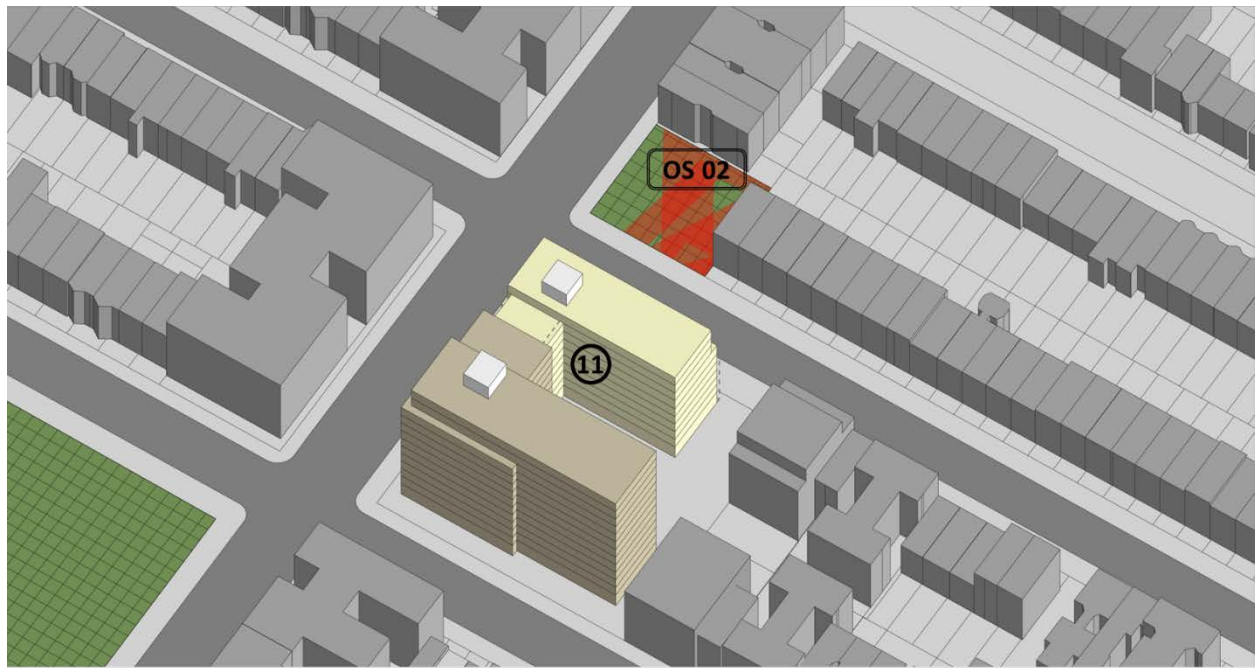
 Worst case building envelop

Figure 7-6



December 21

Sweep (9:00AM, 12:00PM - 2:00PM)

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Prototypical Neighborhood 3: R10A District, Prototype 12

Open Space:

This open space (OS 03) is assumed to be a generic 1.65 acre publicly accessible open space typically seen in New York City's neighborhoods where high density residence districts such as R10A districts are mapped. OS 03 is assumed to function as a playground with multiple jungle-gyms, bench seating and contain planting areas, a multi-purpose sports field and basketball and wall tennis fields.

The Proposed Action would result in new incremental shadows of varying duration and coverage on Spring/Fall Equinoxes (March 21/September 21, respectively) and on Winter Solstice (December 21). Incremental shadows would last for a total of approximately 1 hour and 17 minutes (from 1:34PM to 2:51PM) on March 21/September 21, and approximately 2 hours and 19 minutes (from 10:45AM to 1:04PM) on December 21.

On March 21/September 21, as shown, a small incremental shadow from Prototype 12 would reach the southeast section of OS 03 at 1:34PM, move toward east, and then exit by 2:51PM.

There is no incremental shadow on OS 01 on May 6/August 6 and June 21.

On December 21, as shown, a small incremental shadow from Prototype 12 reaches the open space at 10:45AM near the northwest edge of OS 03, moves toward east through the northwestern section and almost completely exits OS 03 by 1:00PM.

Assessment:

During the early spring and early fall seasons, around spring and fall equinoxes, when direct sunlight is mostly appreciated by open space users, an incremental shadow from Prototype 12 would be limited to cover about 10' by 10' area and quickly blend into shadows from surrounding buildings. The impacted area could potentially feature sunlight sensitive resources including seating areas and planting areas. Since the incremental shadow would be limited and the shadow moves from east to west throughout the day, these potential sunlight sensitive resources would not suffer from a significant loss of direct sunlight. Furthermore, the open space would continue to receive adequate sunlight during the plant growth season (at least the four to six hours minimum specified in the *CEQR Technical Manual*) and the health of vegetation would not be significantly affected.

During the summer season, around summer solstice, there would be no incremental shadow from Prototype 12. Sunlight sensitive features on Open Space 03 would not suffer from significant loss of direct sunlight due to the Proposed Action.

During the cold winter season, around winter solstice, when shadows would be stretched farthest from their origin, a significant portion of OS 03 is already in shadow from surrounding buildings. The incremental shadow from Prototype 12 would be the largest in size among all of analysis dates. However, such stretched shadow would move from east to west quickly throughout the shadow in and exit timeframe and each potential seating area within the impacted area would only be affected by the incremental shadows for limited amount of time in a day. The incremental shadow in cold winter season, when temperatures is cold and the use of open space would not be as high (compared to warmer months), would not significantly affect the utilization or enjoyment of this open space resource. The potential amount of heat one could gain from direct sunlight during New York City's cold season would be limited. Furthermore, any vegetation would not be affected by incremental shadows, as the December 21 analysis day falls outside of the plant growing season defined by the *CEQR Technical Manual*. Therefore, the incremental shadows that could result from the Proposed Actions are not anticipated to adversely impact the usability of OS 03.

Therefore, the Proposed Action is not expected to result in significant adverse shadow impacts.

Figure 7-7



March 21 (September 21)

2:00PM

Each grid cell on open space represents approximately 10' x 10' land area

Potential incremental shadow

XX ## Shadow sensitive resource

Prototype

Worst case building envelop

Figure 7-8



Prototypical Neighborhood 4: R10A District, Prototype 13 and Prototype 15

Open Space:

As described above, OS 03 is assumed to be a generic 1.65 acre publicly accessible open space typically seen in New York City's neighborhoods where high density residence districts such as R10A districts are mapped. OS 03 functions as a playground with multiple jungle-gyms, bench seating and also contains planting areas, a multi-purpose sports field and basketball and wall tennis fields.

The Proposed Action would result in new incremental shadows of varying duration and coverage on Spring/Fall Equinoxes (March 21/September 21, respectively) and on Winter Solstice (December 21). Incremental shadows would last for a total of approximately 3 hours and 18 minutes (from 12:26PM to 3:44PM) on March 21/September 21, and approximately 2 hours and 50 minutes (from 10:45AM to 1:35PM) on December 21.

On March 21/September 21, as shown, a small incremental shadow from Prototype 13 reaches the southeast section of OS 03 at 12:26PM. A small incremental shadow from Prototype 15 reaches approximately the lower middle section of OS 03 at 12:37. These two incremental shadows moves toward the eastern section of the open space and their size slightly increase as time nears the middle of the afternoon. By 2:51PM, the incremental shadow from Prototype 13 completely exits OS 03. The incremental shadow from Prototype 15 completely exists OS 03 by 3:44PM.

There is no incremental shadow on OS 01 on May 6/August 6 and June 21.

On December 21, as shown, an incremental shadow from Prototype 13 reaches OS 03 at 10:44AM near the northwestern corner of the open space. The incremental shadow moves along the northern boundary of OS 03 and completely exists the open space by 1:04PM. An incremental shadow from Prototype 15 reaches OS 03 near the northwest corner of OS03 at 12:14PM and moves along the northern boundary of OS 03 toward the middle of the open space. The incremental shadow completely exits OS 03 by 1:35PM.

Assessment:

During the early spring and early fall seasons, around spring and fall equinoxes, when direct sunlight is mostly appreciated by open space users, incremental shadows from Prototype 13 and 15 would cover limited portions of lower western section of OS 03 in early afternoon. The impacted area could potentially feature sunlight sensitive resources including seating areas and planting areas. Since the incremental shadow would be limited and the shadow moves from east to west throughout the day, these potential sunlight sensitive resources would not suffer from a significant loss of direct sunlight. Furthermore, the open space would continue to receive adequate sunlight during the plant growth season (at least the four to six hours minimum specified in the *CEQR Technical Manual*) and the health of vegetation would not be significantly affected.

During the summer season, around summer solstice, there would be no incremental shadow from both Prototype 13 and Prototype 15. Sunlight sensitive features on Open Space 03 would not suffer from significant loss of direct sunlight due to the Proposed Action.

During the cold winter season, around winter solstice, when shadows would be stretched farthest from their origin, a significant portion of OS 03 is already in shadow from surrounding buildings. The incremental shadow from Prototype 13 and Prototype 15 would be limited to the northwestern section of OS 03. Such stretched shadow would move from east to west quickly throughout the shadow in and exit timeframe and each potential seating area within the impacted area would only be affected by the incremental shadows for limited amount of time in a day. The incremental shadow in cold winter season, when temperatures is cold and the use of open space would not be as high (compared to warmer months), would not significantly affect the utilization or enjoyment of this open space resource. The potential amount of heat one could gain from direct sunlight during New York City's cold season would be limited. Furthermore, any vegetation would not be affected by incremental shadows, as the December 21 analysis day falls outside of the plant growing season defined by the *CEQR Technical Manual*. Therefore, the incremental shadows that could result from the Proposed Actions are not anticipated to adversely impact the usability of OS 03.

Therefore, the Proposed Action is not expected to result in significant adverse shadow impacts.

Figure 7-9



March 21 (September 21)

Sweep (1:00PM - 3:00PM)

Each grid cell on open space represents approximately 10' x 10' land area





-  Potential incremental shadow
-  Shadow sensitive resource
-  Prototype
-  Worst case building envelop

Figure 7-10



December 21

Sweep (11:00AM - 1:00PM)

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Prototypical Neighborhood 5: C6-4A District, Prototype 14

Historic Resource:

This historic resource (HR 02) is assumed to be a generic house of worship typically seen in New York City's high density commercial/residential mixed-use districts. HR 02 is assumed to have a historic significance and contains sunlight sensitive features including stained glasses and sunlight-sensitive architectural design elements.

The Proposed Action would result in new incremental shadows of varying duration and coverage on three representative analysis days. Incremental shadows would last for a total of approximately 3 hours and 45 minutes (from 12:44 to 4:29PM) on March 21/September 21, approximately 4 hours and 39 minutes (from 12:15PM to 4:54PM) on May 6/August 6, and approximately 4 hours and 48 minutes (from 12:18PM to 5:06PM) on June 21.

On March 21/September 21, as shown, an incremental shadow from Prototype 14 would reach the rooftop on the western section of the house of worship building at 12:44PM and it moves through, mostly over the roof, toward the eastern frontage of HR 02. The incremental shadow reaches the easternmost section of HR 02 by 4:29PM, when the analysis timeframe ends.

On May 6/August 6, as shown, an incremental shadow from Prototype 14 would reach the western section of HR 02 and moves toward east, mostly over the roof, until the analysis timeframe ends at 4:54PM.

On June 21, as shown, an incremental shadow from Prototype 14 reaches the upper west corner of the south façade of HR 02 at 12:18PM and moves toward east, mostly over the roof and its small portion covering the south façade until shortly after 4:00PM when the incremental shadow completely exists the south façade.

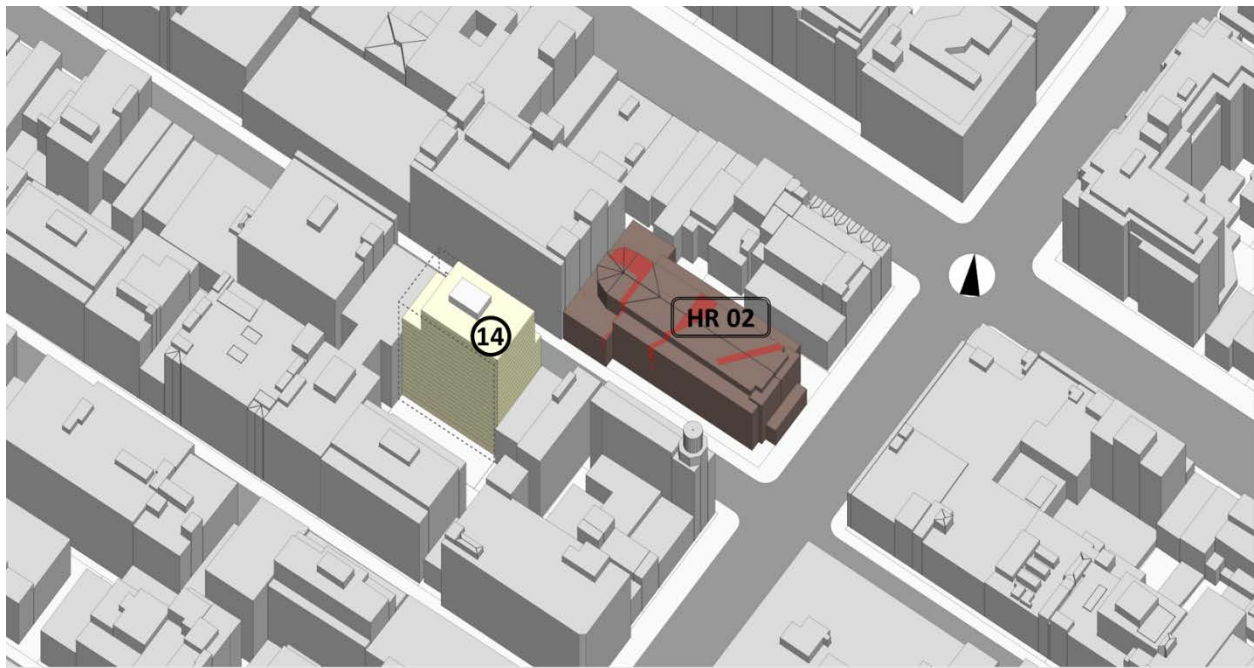
Assessment

During the early spring and early fall seasons, around spring and fall equinoxes, a small incremental shadow from Prototype 14 would cover limited portion of the south facades of HR 02 for almost entire afternoon. However, since incremental shadow is thin and limited, surface area of a building façade with sunlight sensitive features would typically be limited, and shadows move from east to west throughout the day, sunlight sensitive features on the façade of historic and architectural resources would not suffer from a significant loss of direct sunlight for a prolonged time period as a result of the proposed action.

During the summer season, around summer solstice, a small incremental shadow from Prototype 14 covers a small portion of the south façade of HR 02 in the afternoon. However, sunlight sensitive features on the façade of historic and architectural resources would not suffer from a significant loss of direct sunlight for a prolonged time period as a result of the proposed action, since incremental shadow is thin and limited, surface area of a building façade with sunlight sensitive features would typically be limited, and a shadow move from east to west throughout the day.

During the cold winter season, around winter solstice, when shadows would be stretched farthest from their origin, almost entire HR 02 is under existing shadows from surrounding buildings. Sunlight sensitive features on HR 01 would not suffer from significant loss of direct sunlight. Therefore, the Proposed Action is not expected to result in significant adverse shadow impacts.

Figure 7-11



March 21 (September 21)

Sweep (1:00PM - 4:00PM)

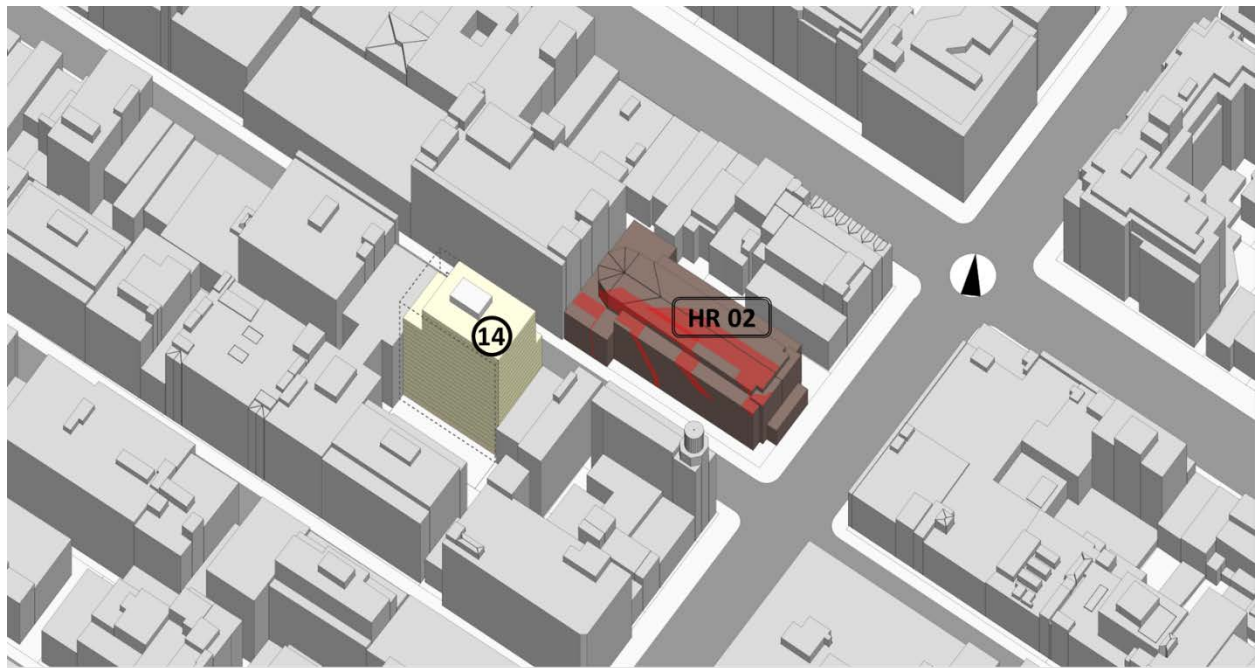
Potential incremental shadow

XX ## Shadow sensitive resource

Prototype


Worst case building envelop


Figure 7-12



May 6 (August 6)

Sweep (1:00PM - 4:00PM)

 Potential incremental shadow

 Shadow sensitive resource

 Prototype


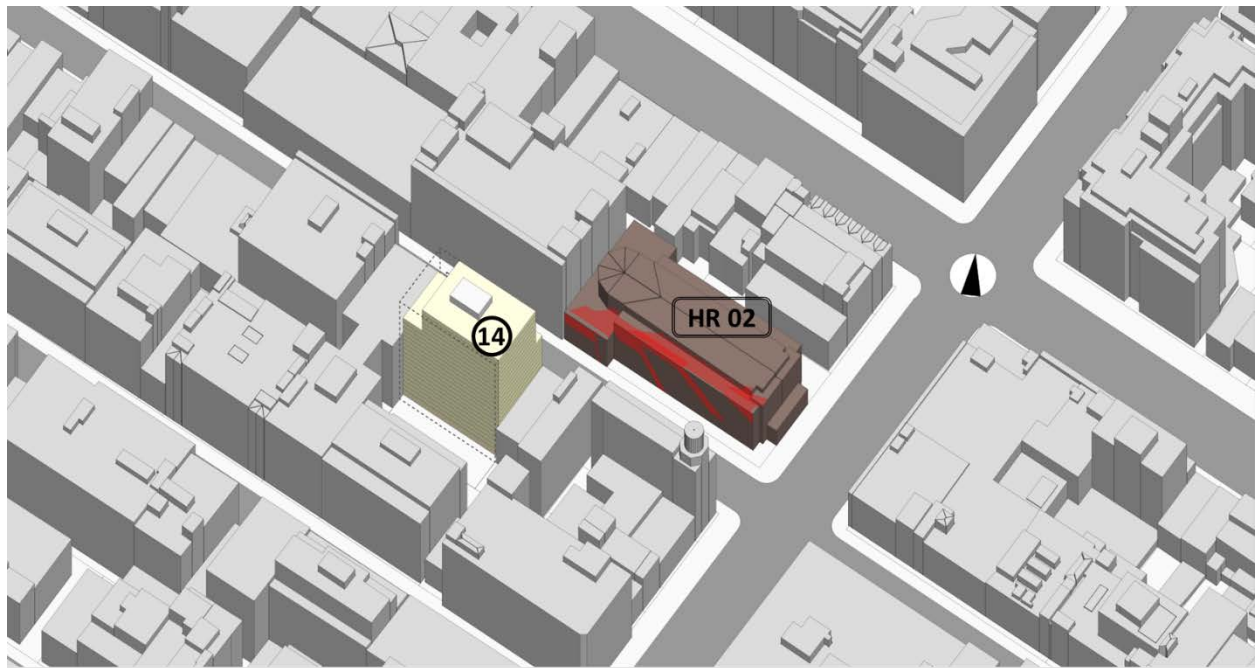
 Worst case building envelop

Figure 7-13



June 21

Sweep (1:00PM - 5:00PM)



Prototypical Neighborhood 6: R8A District, Prototype 17

Historic Resource:

This historic resource (HR 03) is assumed to be a generic house of worship typically seen in New York City's medium to high density areas outside of Manhattan. HR 03 is assumed to have a historic significance and contain architectural features including stained glasses and other sunlight-sensitive architectural design elements.

The Proposed Action would result in new incremental shadows of varying duration and coverage on three representative analysis days. Incremental shadows would last for a total of approximately 4 hours and 35 minutes (from 12:00AM to 4:35PM) on March 21/September 21, approximately 1 hours and 31 minutes (from 1:40 to 3:11PM) on May 6/August 6, and approximately 4 hours and 5 minutes (from 10:48AM to 2:53PM) on December 21.

On March 21/September 21, as **Error! Reference source not found.** shows, an incremental shadow from Prototype 17 would reach the south façade of HR 03 at 12:00PM and moves through the façade toward the upper east corner of the façade. By 4:00PM, the incremental shadow completely exits the façade but still covers a small area on the roof of HR 03.

On May 6/August 6, as **Error! Reference source not found.** shows, an incremental shadow from Prototype 17 would reach the lower east portion of the south façade of HR 03 at 1:40PM. The incremental shadow continues to cover the lower portion and completely exits the façade by 3:11PM.

On December 21, as **Error! Reference source not found.** shows, an incremental shadow from Prototype 17 would reach the lower west portion of the south façade of HR 03 at 10:48AM and reaches approximately the middle portion of the façade by 12:00PM. By 1:00PM, the incremental shadow would reach the lower east portion of the south façade and it completely exits the façade at 2:04PM while the incremental shadow continue to cover a portion of the roof of HR 03 until 2:53PM, when the analysis timeframe ends.

Assessment:

During the early spring and early fall seasons, around spring and fall equinoxes, a small incremental shadow from Prototype 17 would cover limited portion of the south facades of HR 03 in the early afternoon. Sunlight sensitive features on the façade of historic and architectural resources would not suffer from a significant loss of direct sunlight for a prolonged time period as a result of the proposed action, since the surface area of a building façade with sunlight sensitive features would typically be limited, and shadows move from east to west throughout the day.

During the late spring and mid-summer seasons, a small incremental shadow from Prototype 17 covers a small portion of the lower south façade portion of HR 03 in short period in the afternoon. Sunlight sensitive features on the façade of historic and architectural resources would not suffer from a significant loss of direct sunlight for a prolonged time period as a result of the proposed action, since incremental shadow is thin and limited, surface area of a building façade with sunlight sensitive features would typically be limited, and a shadow move from east to west throughout the day.

During the early summer season, around summer solstice, there would be no incremental shadow from Prototype 12. Sunlight sensitive features on Open Space 03 would not suffer from significant loss of direct sunlight due to the Proposed Action.

During the cold winter season, around winter solstice, when shadows would be stretched farthest from their origin, almost entire HR 02 is under existing shadows from surrounding buildings. Sunlight sensitive features on HR 01 would not suffer from significant loss of direct sunlight. Therefore, the Proposed Action is not expected to result in significant adverse shadow impacts.

Figure 7-14



March 21 (September 21)

Sweep (1:00PM - 3:00PM)

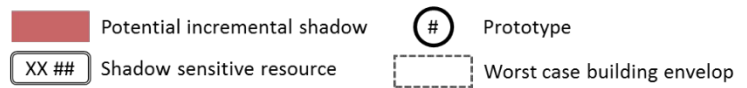




Figure 7-15




May 6 (August 6)

Sweep (2:00PM - 3:00PM)

 Potential incremental shadow

 Shadow sensitive resource

 Prototype


 Worst case building envelop

Figure 7-16



December 21

Sweep (11:00PM - 2:00PM)

Potential incremental shadow

Shadow sensitive resource

Prototype

Worst case building envelop

Prototypical Neighborhood 7: R4 District Prototype 24

Open Space:

This open space (OS 04) is assumed to be a generic 3.57 acre publicly accessible open space typically seen in New York City's neighborhoods where R4 districts are mapped. OS 04 is assumed to function as a playground with multiple jungle-gyms, bench seating and contain planting areas, a multi-purpose sports field, and basketball and wall tennis fields.

The proposed Action would result in new incremental shadows of varying duration and coverage on all of representative analysis days. Incremental shadows would last for a total of approximately 1 hour and 2 minutes (from 7:36AM to 8:38AM) on March 21/September 21, approximately 1 hour and 20 minutes (from 6:27AM to 7:47AM) on May 6/August 6, approximately 1 hour and 2 minutes (from 5:57AM to 6:59AM) on June 21, and 39 minutes (from 8:51AM to 9:30AM).

On March 21/September 21, as shown, an incremental shadow from Prototype 24 covers a portion of the southeast section of OS 04 by 7:36AM, when the analysis timeframe starts. The incremental shadow moves toward east and completely exits the open space by 8:38AM.

On May 6, as shown an incremental shadow from Prototype 24 covers a portion of the southeast section of OS 04 by 6:27AM, when the analysis timeframe starts. The incremental shadow moves toward east and completely exits the open space by 7:47AM.

On June 21, as Figure 7-19 shows, an incremental shadow from Prototype 24 covers a portion of the southeast section of OS 04 by 5:57AM, when the analysis timeframe starts. The incremental shadow moves toward east and completely exits the open space by 6:59AM.

On December 21, as shown, an incremental shadow from Prototype 24 covers a portion of the southeast section of OS 04 by 8:51PM. The incremental shadow moves toward east and completely exits the open space by 9:30AM.

Assessment

During the early spring and early fall seasons, around spring and fall equinoxes, when direct sunlight is mostly appreciated by open space users, an incremental shadow from Prototype 24 would cover a limited portions of lower south section of OS 04 in early morning. The impacted area could potentially feature sunlight sensitive resources including seating areas and planting areas. Since the incremental shadow would be limited and the shadow moves from east to west throughout the day, these potential sunlight sensitive resources would not suffer from a significant loss of direct sunlight. Furthermore, the open space would continue to receive adequate sunlight during the plant growth season (at least the four to six hours minimum specified in the *CEQR Technical Manual*) and the health of vegetation would not be significantly affected.

During the summer season, around summer solstice, an incremental shadow from Prototype 24 would cover a limited portions of lower south section of OS 04 in early morning. The impacted area could potentially feature sunlight sensitive resources including seating areas and planting areas. Since the incremental shadow would be limited and the shadow moves early in the morning, these potential sunlight sensitive resources would not suffer from a significant loss of direct sunlight. Furthermore, the open space would continue to receive adequate sunlight during the plant growth season (at least the four to six hours minimum specified in the *CEQR Technical Manual*) and the health of vegetation would not be significantly affected.

During the cold winter season, around winter solstice, when shadows would be stretched farthest from their origin, the incremental shadow from Prototype 24 would be limited to the middle section of OS 04. Such stretched shadow would move to east quickly and each potential seating area within the impacted area would only be affected by the incremental shadows for limited amount of time in a day. The incremental shadow in cold winter season, when temperatures is cold and the use of open space would not be as high (compared to warmer months), would not significantly affect the utilization or enjoyment of this open space resource. The potential amount of heat one could gain from direct sunlight during New York City's cold season would be limited. Furthermore, any vegetation would

not be affected by incremental shadows, as the December 21 analysis day falls outside of the plant growing season defined by the *CEQR Technical Manual*. Therefore, the incremental shadows that could result from the Proposed Actions are not anticipated to adversely impact the usability of OS 03. Therefore, the Proposed Action is not expected to result in significant adverse shadow impacts.

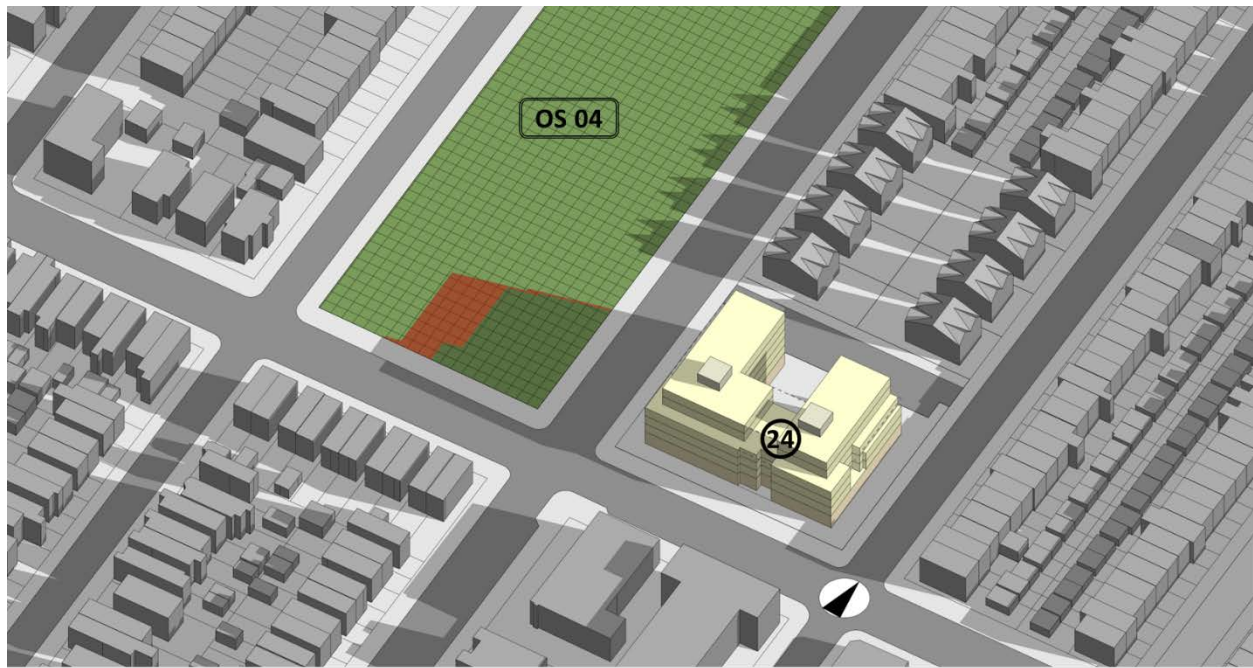
Figure 7-17



Figure 7-18



Figure 7-19



June 21

6:00AM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Figure 7-20



Shadow Impact Assessment

Detailed shadow impact assessments are included on the following pages.

Analysis Group 1: Prototypes 1 and 3

Note: According to CEQR Technical Manual, "worst case" building envelopes, opposed to "reasonable worst case" envelopes modeled and shown in Prototype Chapter, are used to render shadows. These "worst case" massings are generally 10 to 20 percent over-built than permitted FAR.

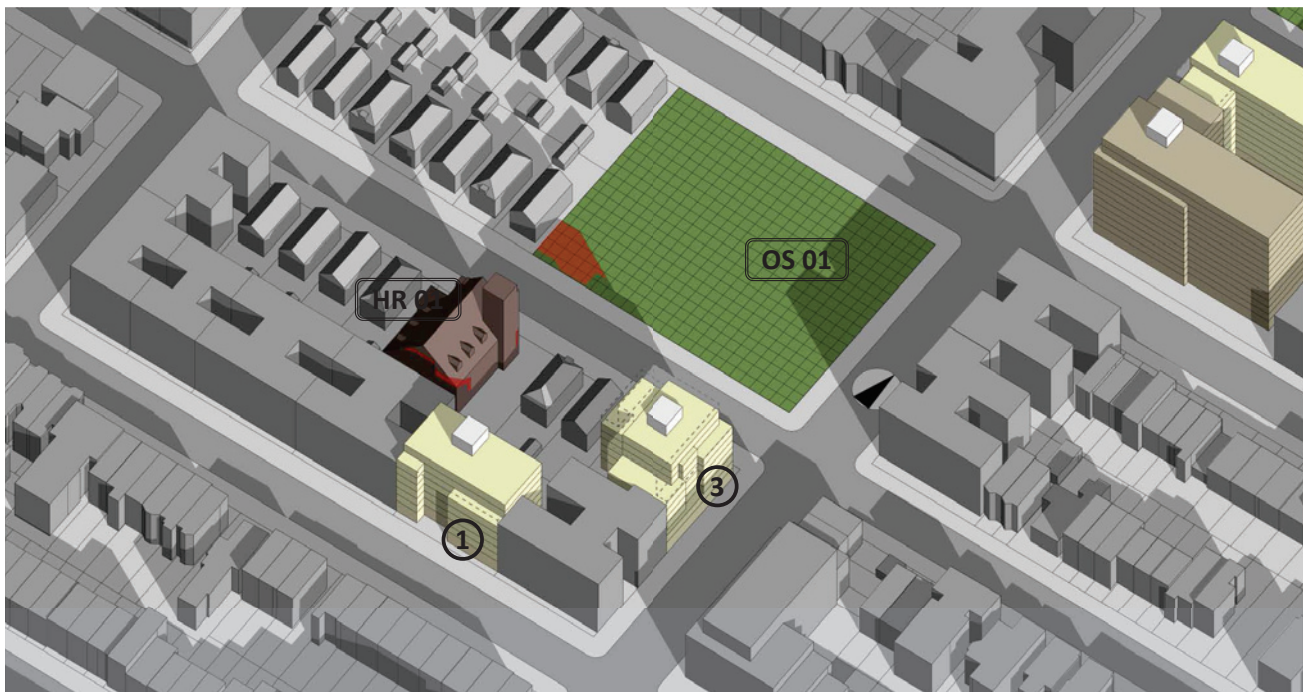
				March 21/Sept. 21	May 6/August 6	June 21	December 21
Analysis Group	Prototype	Title	Analysis Day	7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM
Group 1	Prototype 1	R7A district, 100' x 100' interior lot on narrow street	Shadow enter - exit time	HR01 7:36AM - 10:58AM	-	-	HR01 8:51AM - 11:02AM
			Incremental shadow duration	HR01 3 hrs 22 mins	-	-	HR01 2 hrs 11 mins
Group 1	Prototype 3	R7A district adjoining an R4A District, Inclusionary Housing, 100' x 100' corner lot on wide and narrow streets	Shadow enter - exit time	HR01 7:36AM - 8:06AM OS01 7:36AM - 1:09PM	HR01 6:27AM - 8:09AM	HR01 5:57AM - 7:58AM	OS01 8:51AM - 2:37PM
			Incremental shadow duration	HR01 30 mins OS01 5 hrs 33 mins	HR01 1 hr 42 mins	HR01 2 hrs 1 mins	OS01 5 hrs 46 mins

Analysis Group 1: Prototypes 1 and 3

March 21 (September 21)

Incremental Shadow Start and End:
7:36AM - 1:09PM



Analysis Group 1: Prototypes 1 and 3





March 21 (September 21)

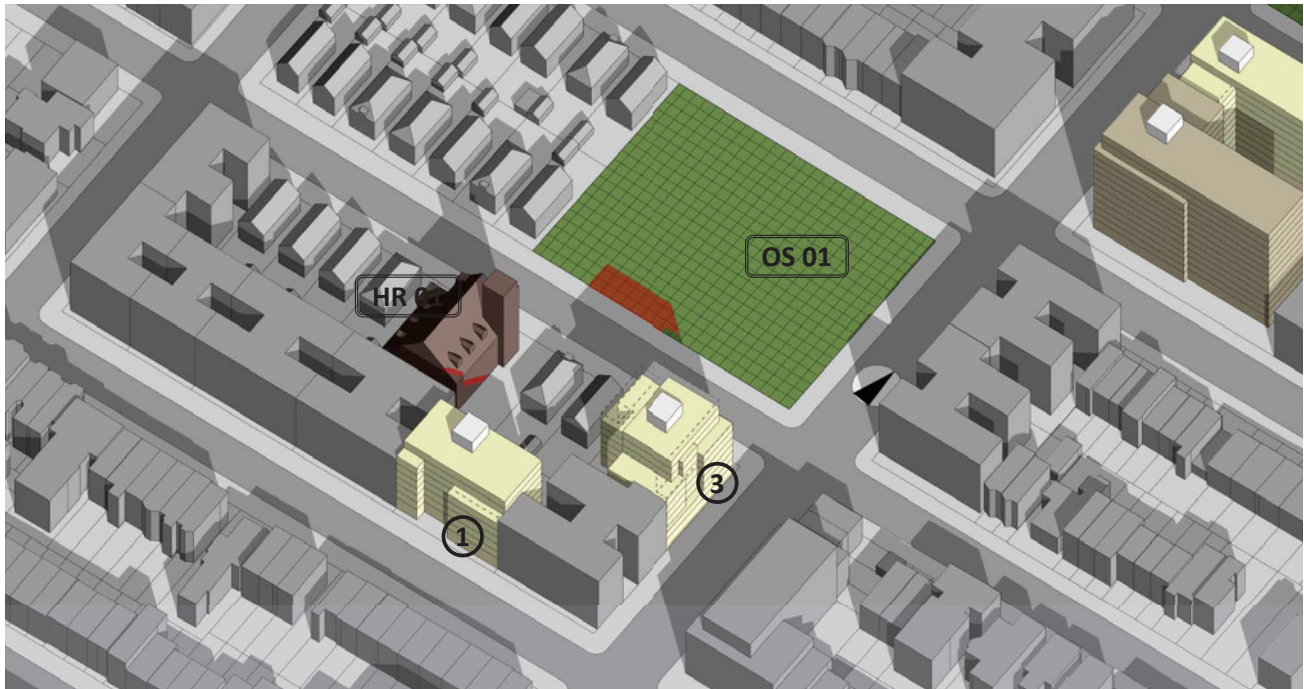
8:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



March 21 (September 21)

9:00AM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource

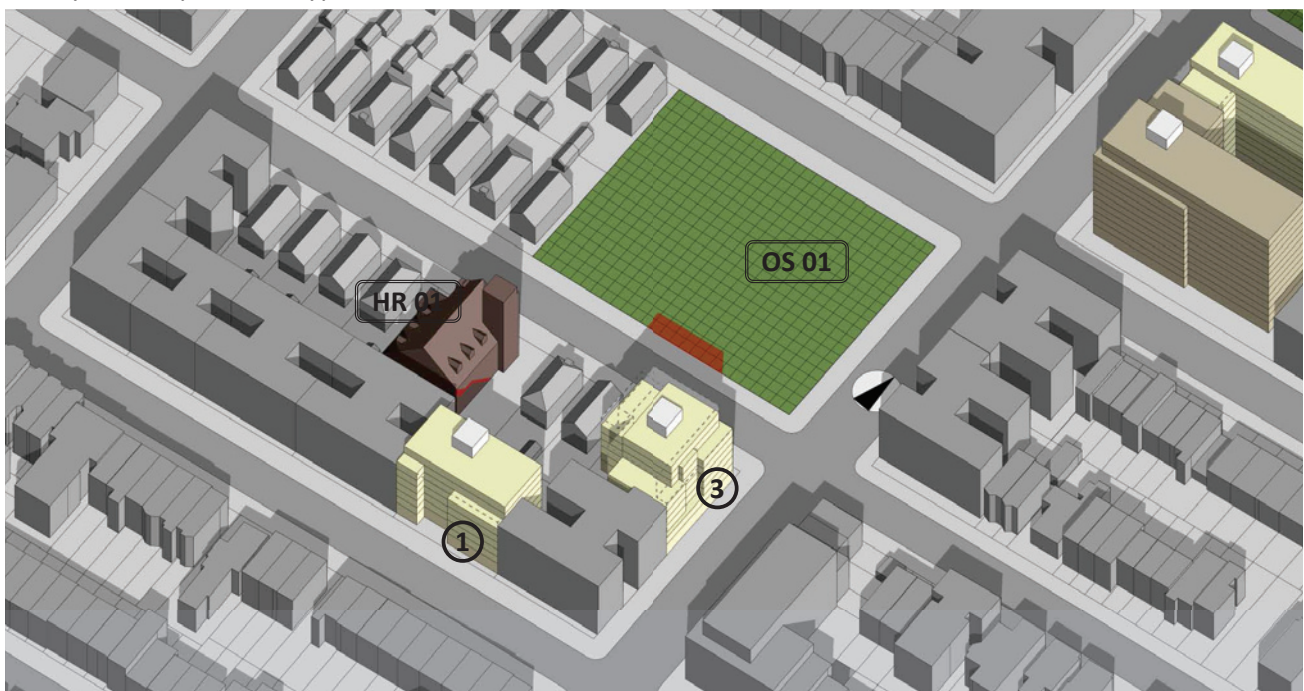


Prototype



Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



March 21 (September 21)

10:00AM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



March 21 (September 21)

11:00AM

Each grid cell on open space represents approximately 10' x 10' land area

Potential incremental shadow
XX ## Shadow sensitive resource

Prototype
 Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



March 21 (September 21)

12:00PM

Each grid cell on open space represents approximately 10' x 10' land area

Potential incremental shadow
XX ## Shadow sensitive resource

Prototype
 Worst case building envelop

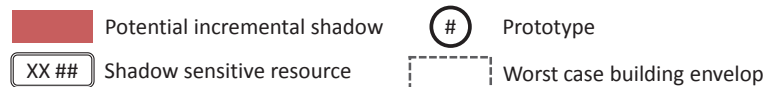
Analysis Group 1: Prototypes 1 and 3



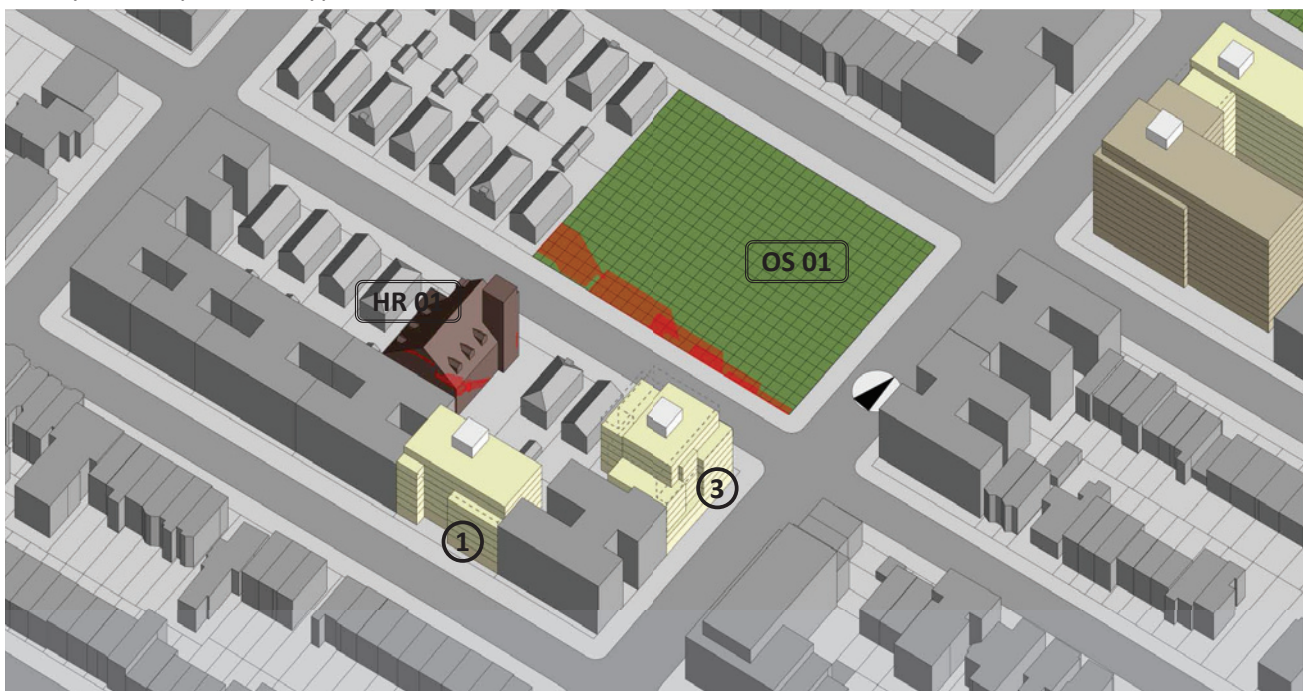
March 21 (September 21)

1:00PM

Each grid cell on open space represents approximately 10' x 10' land area



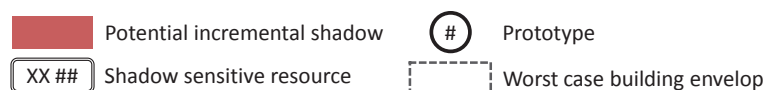
Analysis Group 1: Prototypes 1 and 3



March 21 (September 21)

Sweep (8:00AM - 1:00PM)

Each grid cell on open space represents approximately 10' x 10' land area



Analysis Group 1: Prototypes 1 and 3

May 6 (August 6)

Incremental Shadow Start and End:
6:27AM - 8:09AM



Analysis Group 1: Prototypes 1 and 3





May 6

7:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



May 6

8:00AM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource

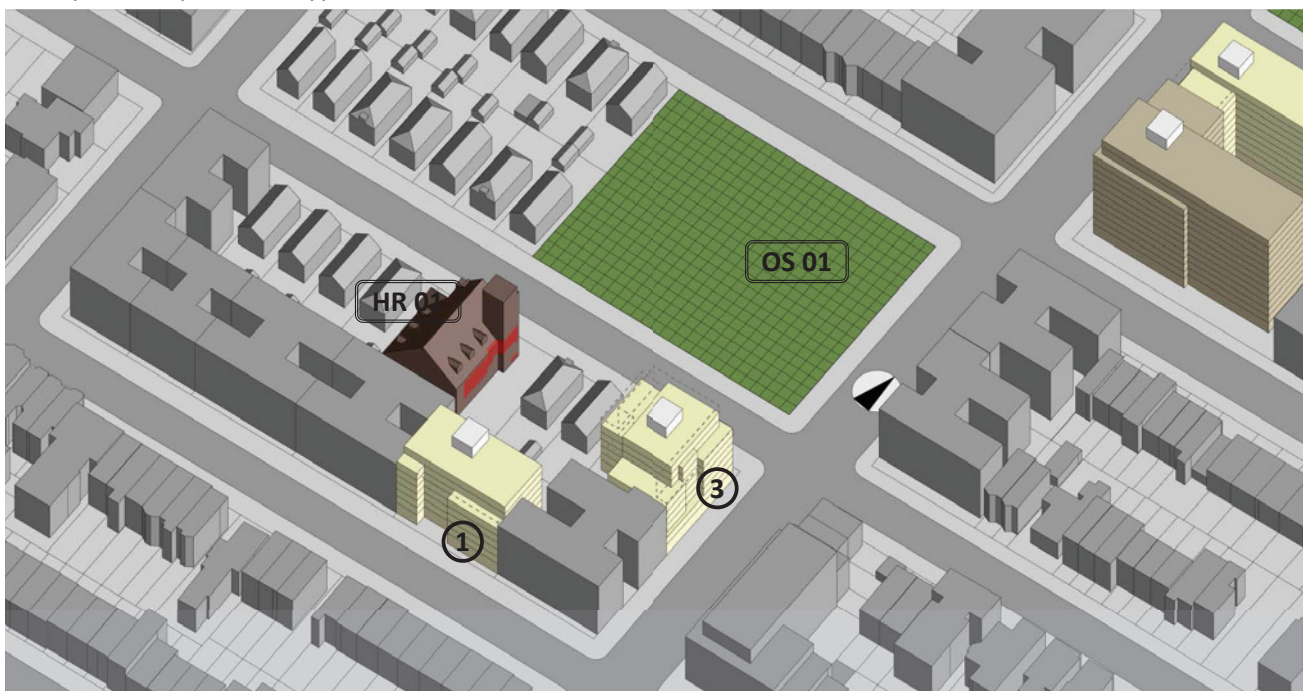


Prototype



Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



May 6

Sweep (7:00AM - 8:00AM)

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



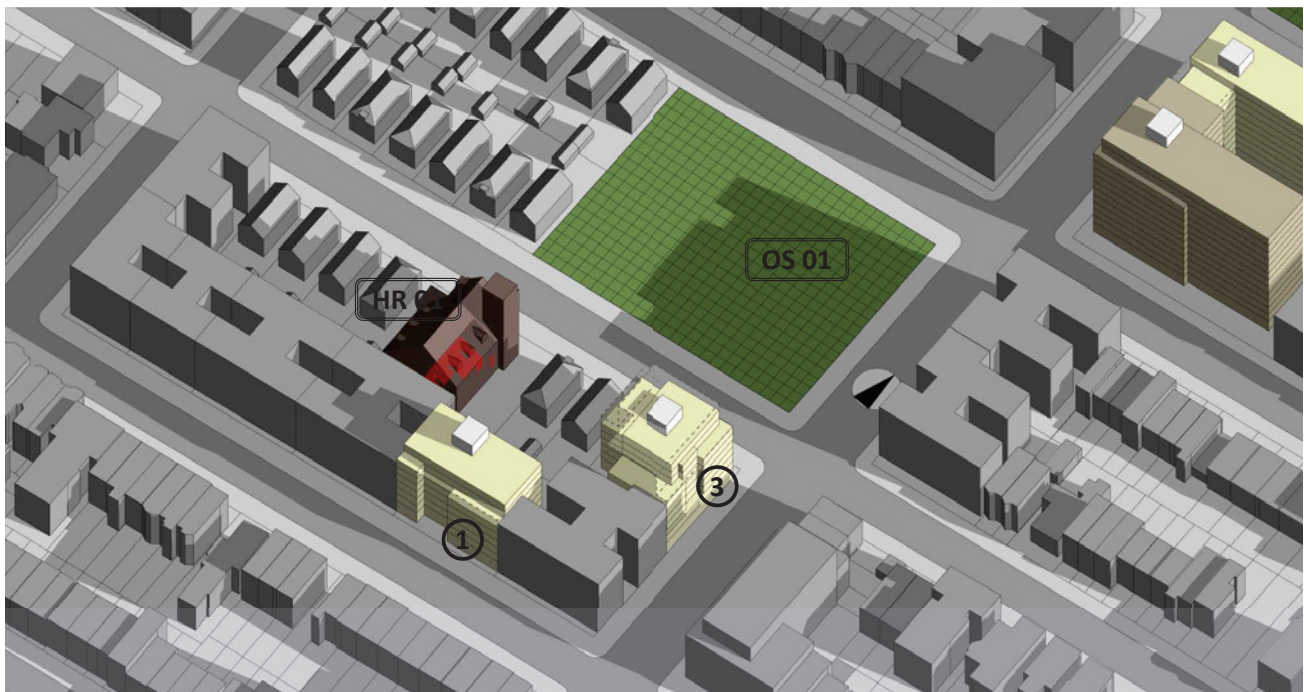
Worst case building envelop

Analysis Group 1: Prototypes 1 and 3

June 21

Incremental Shadow Start and End:
5:57AM - 7:58AM



Analysis Group 1: Prototypes 1 and 3





June 21

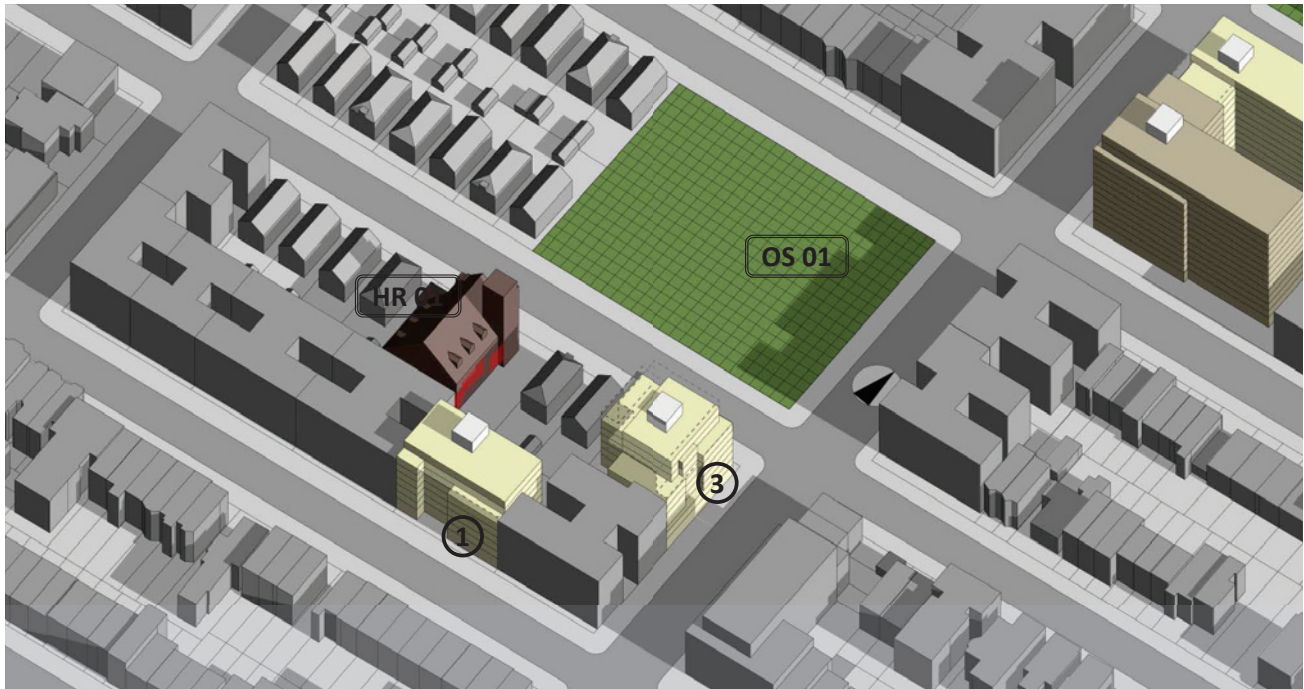
6:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



June 21

7:00AM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource

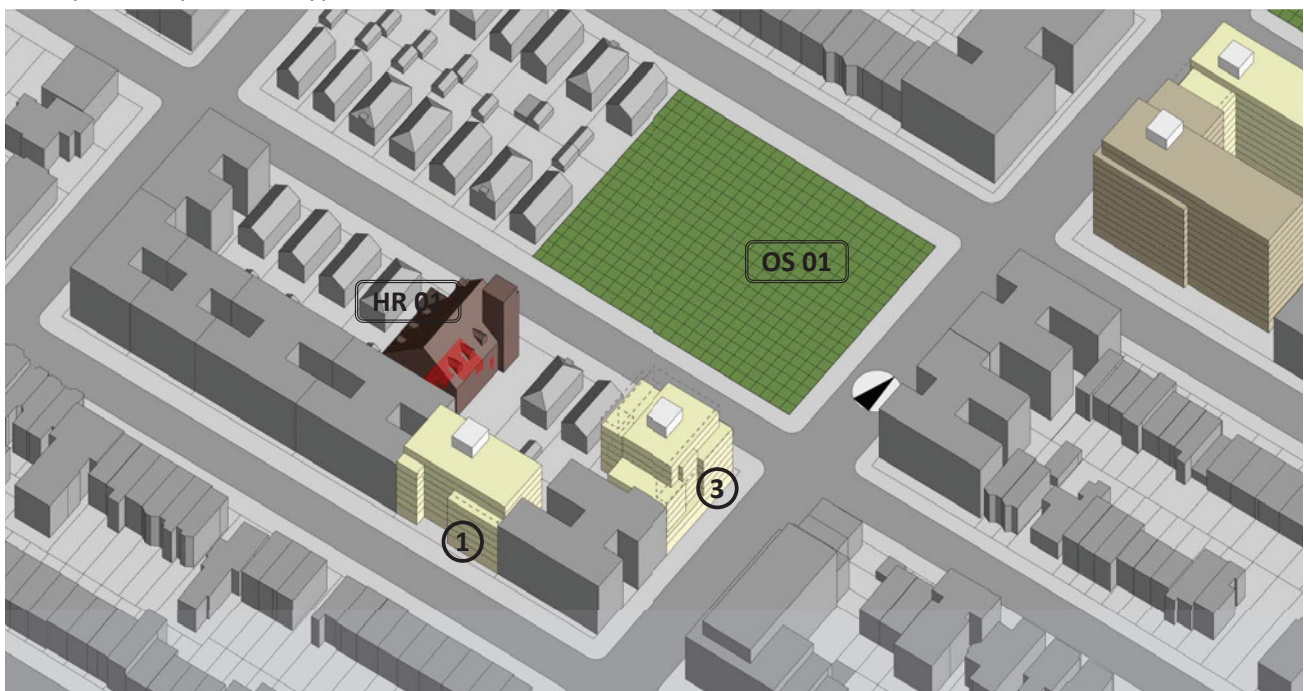


Prototype



Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



June 21

Sweep (6:00AM - 7:00AM)

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



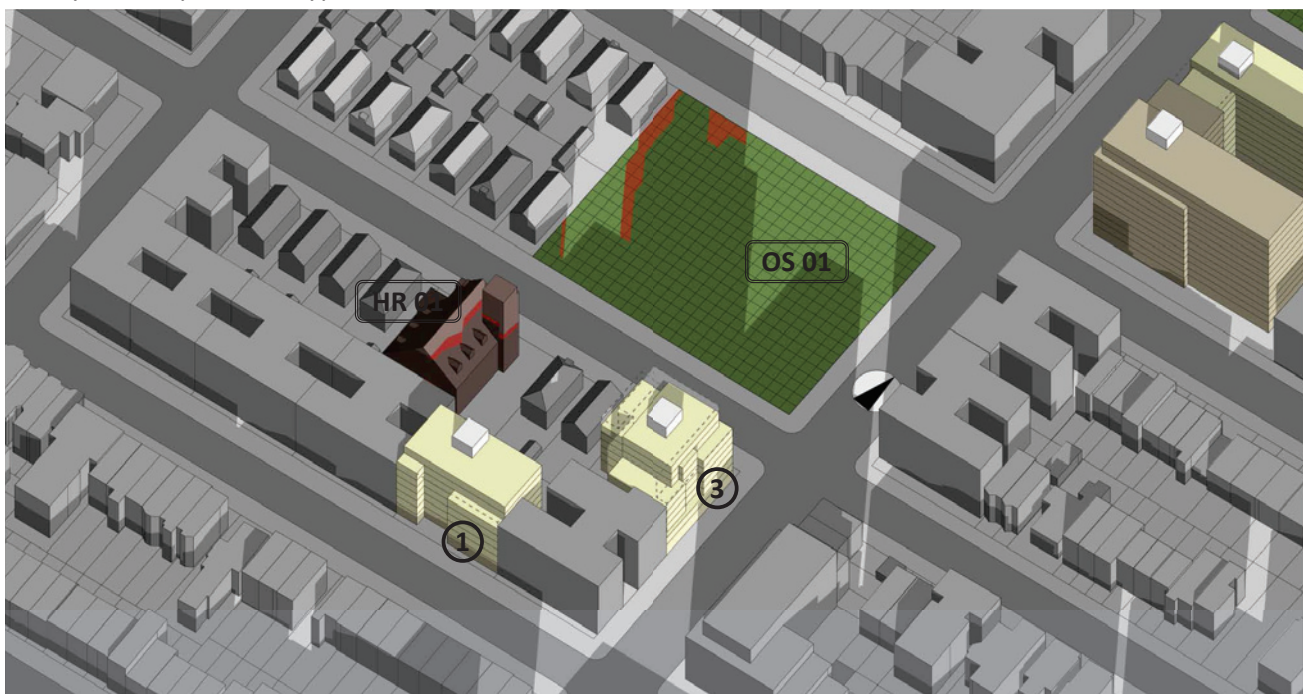
Worst case building envelop

Analysis Group 1: Prototypes 1 and 3

December 21

Incremental Shadow Start and End:
8:51AM - 2:37PM



Analysis Group 1: Prototypes 1 and 3





December 21

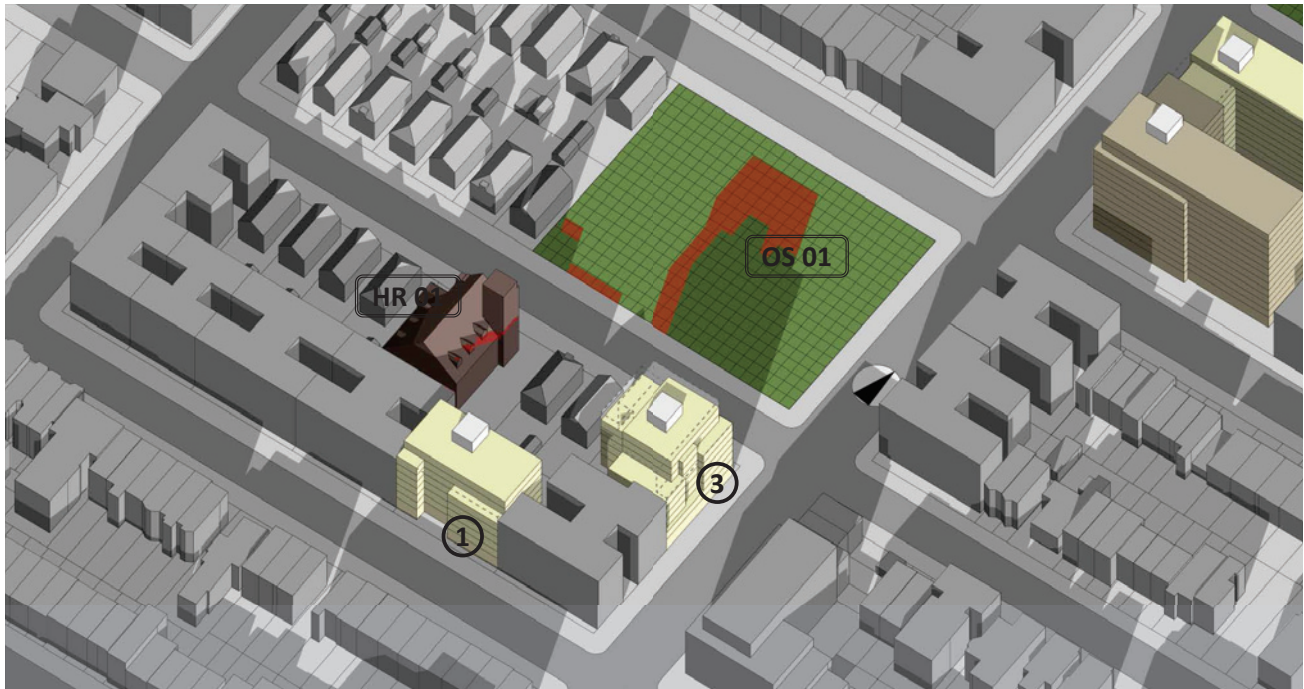
9:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



December 21

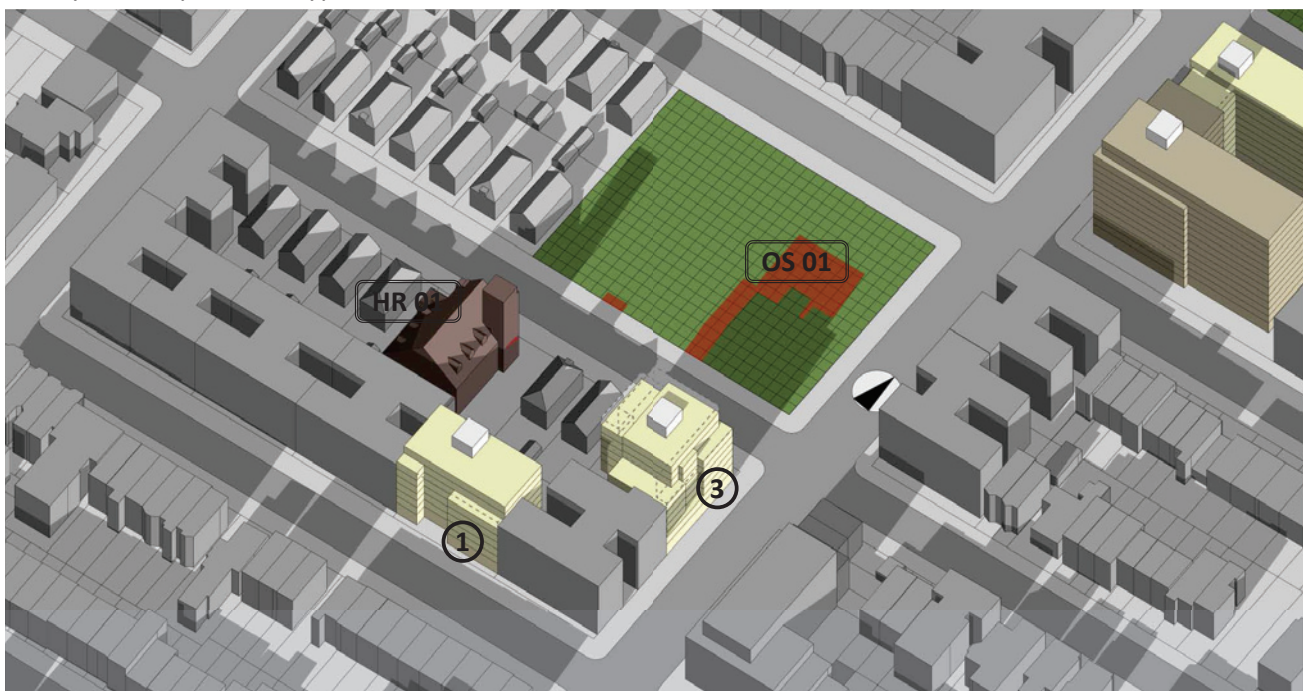
10:00AM

Each grid cell on open space represents approximately 10' x 10' land area

Potential incremental shadow
XX ## Shadow sensitive resource

Prototype
 Worst case building envelop

Analysis Group 1: Prototypes 1 and 3



December 21

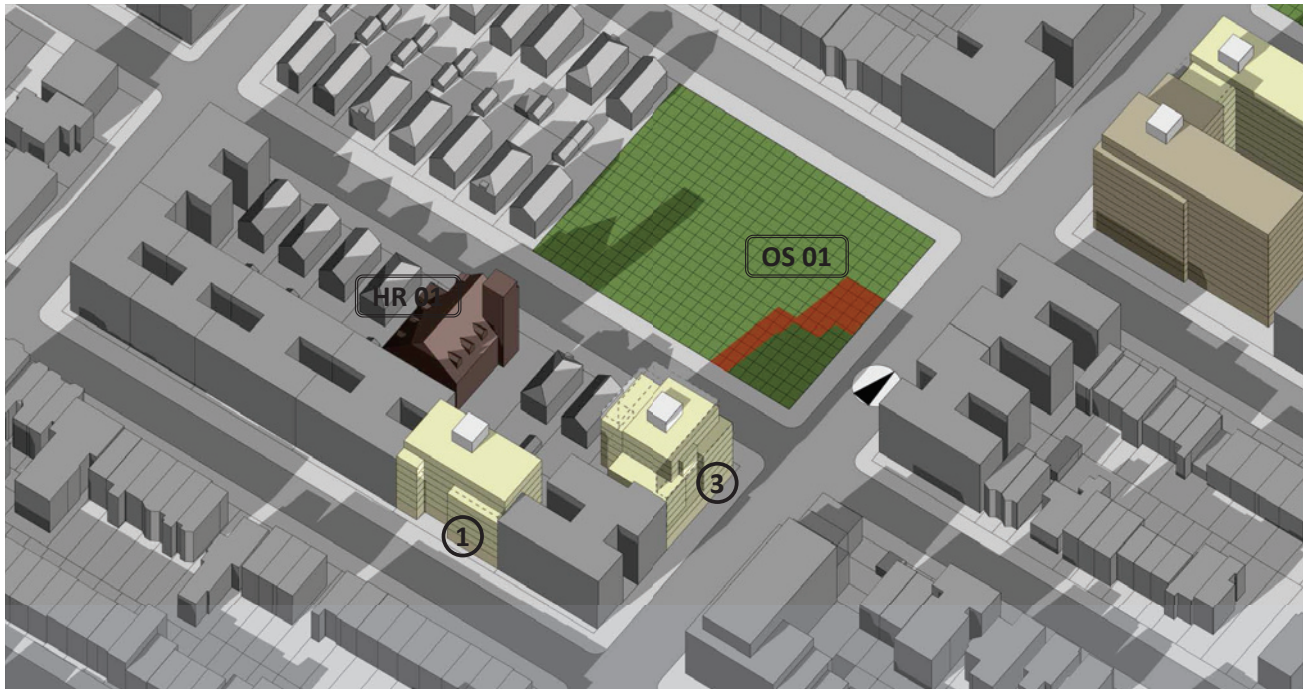
11:00AM

Each grid cell on open space represents approximately 10' x 10' land area

Potential incremental shadow
XX ## Shadow sensitive resource

Prototype
 Worst case building envelop

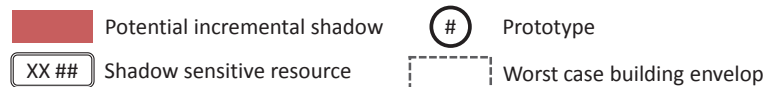
Analysis Group 1: Prototypes 1 and 3



December 21

12:00PM

Each grid cell on open space represents approximately 10' x 10' land area



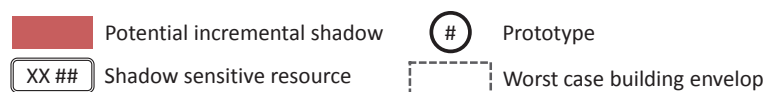
Analysis Group 1: Prototypes 1 and 3



December 21

1:00PM

Each grid cell on open space represents approximately 10' x 10' land area



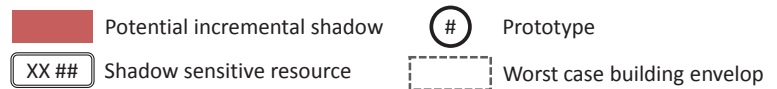
Analysis Group 1: Prototypes 1 and 3



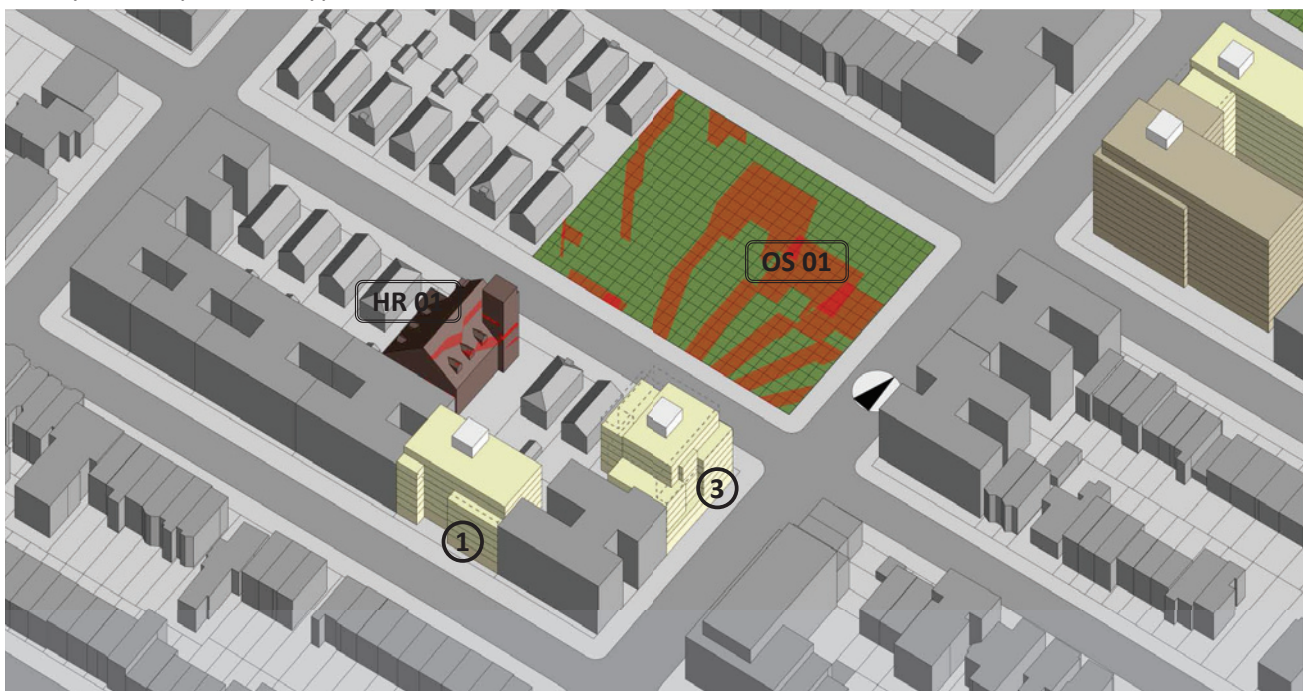
December 21

2:00PM

Each grid cell on open space represents approximately 10' x 10' land area



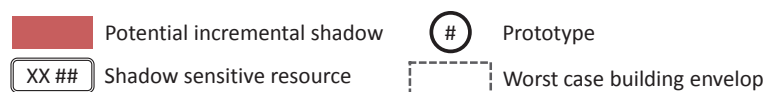
Analysis Group 1: Prototypes 1 and 3



December 21

Sweep (9:00AM - 2:00PM)

Each grid cell on open space represents approximately 10' x 10' land area



Analysis Group 2: Prototype 11

Note: According to CEQR Technical Manual, "worst case" building envelopes, opposed to "reasonable worst case" envelopes modeled and shown in Prototype Chapter, are used to render shadows. These "worst case" massings are generally 10 to 20 percent over-built than permitted FAR.

				March 21/Sept. 21	May 6/August 6	June 21	December 21
Analysis Group	Prototype	Title	Analysis Day	7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM
Group 2	Prototype 11	R7A District, parking reduction for Affordable Independent Residences for Seniors, 200' x 200' through lot on wide and narrow streets	Shadow enter - exit time	OS02 7:48AM - 12:30PM	-	-	OS02 8:51AM - 09:42AM OS02 11:12AM - 2:32PM
			Incremental shadow duration	OS02 4 hrs 42 mins	-	-	OS02 51 mins OS02 3 hrs 20 mins

March 21 (September 21)

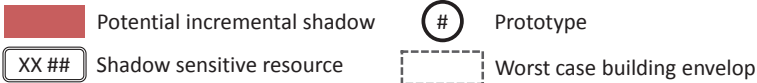
Incremental Shadow Start and End:
7:48AM - 12:30PM



March 21 (September 21)

8:00AM

Each grid cell on open space represents
approximately 10' x 10' land area



Analysis Group 2: Prototype 11



March 21 (September 21)

9:00AM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 2: Prototype 11



March 21 (September 21)

10:00AM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 2: Prototype 11



March 21 (September 21)

11:00AM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 2: Prototype 11



March 21 (September 21)

12:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop


Analysis Group 2: Prototype 11





March 21 (September 21)


Sweep (8:00AM - 12:00PM)

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow

 Shadow sensitive resource

 Prototype

 Worst case building envelop

Analysis Group 2: Prototype 11

December 21

Incremental Shadow Start and End:

8:51AM - 9:42AM

11:12AM - 2:32PM


Analysis Group 2: Prototype 11




December 21

9:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

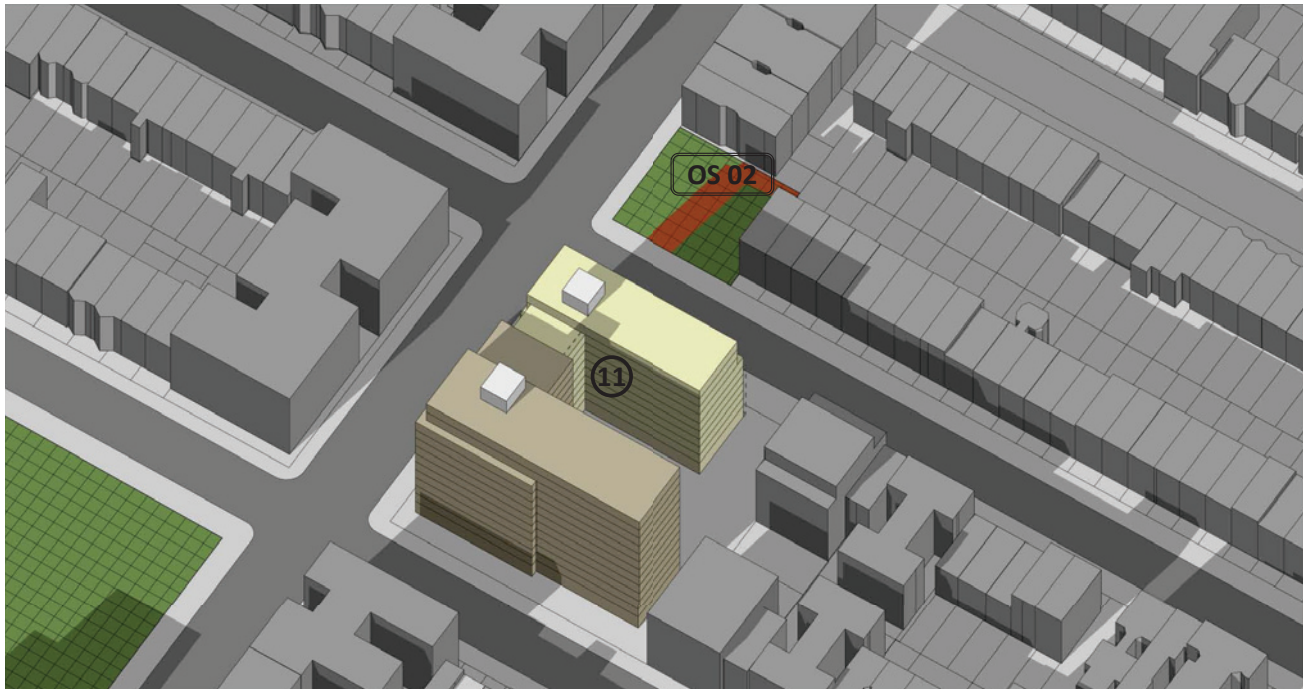
 Potential incremental shadow

 Shadow sensitive resource

 Prototype

 Worst case building envelop

Analysis Group 2: Prototype 11



December 21

12:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 2: Prototype 11



December 21

1:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource

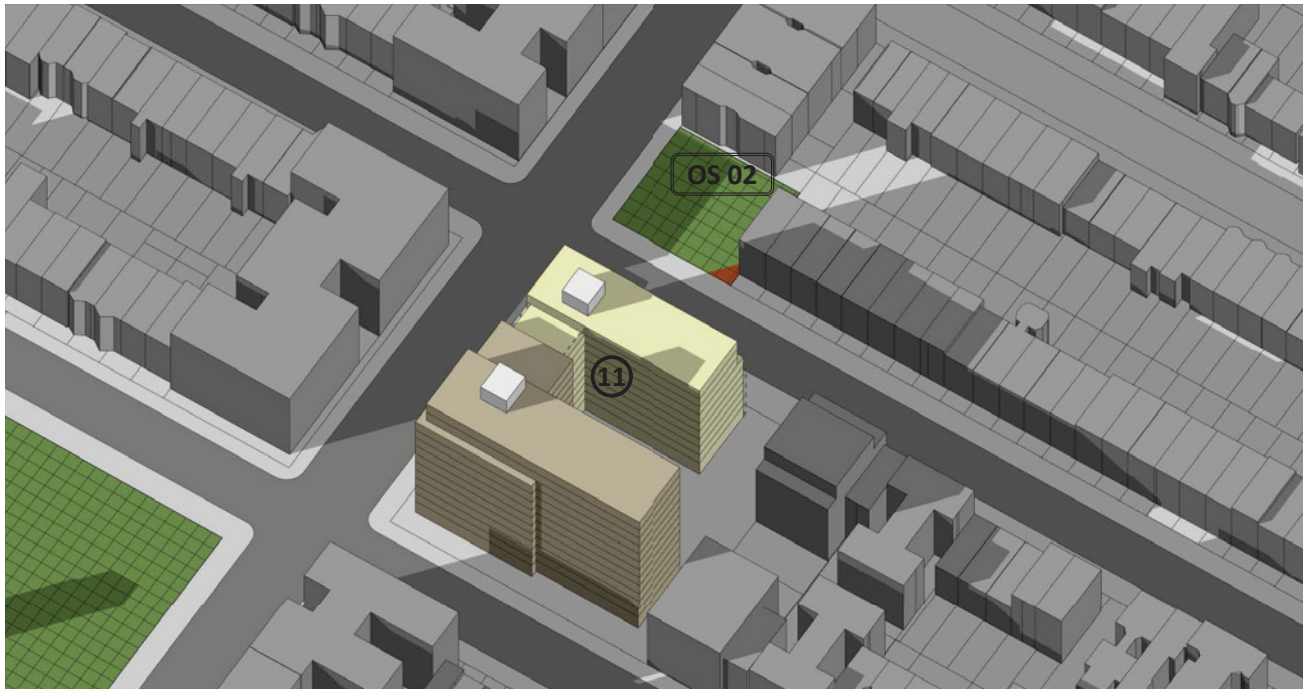


Prototype



Worst case building envelop

Analysis Group 2: Prototype 11



December 21

2:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 2: Prototype 11



December 21

Sweep (9:00AM, 12:00PM - 2:00PM)

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 3: Prototype 12

Note: According to CEQR Technical Manual, "worst case" building envelopes, opposed to "reasonable worst case" envelopes modeled and shown in Prototype Chapter, are used to render shadows. These "worst case" massings are generally 10 to 20 percent over-built than permitted FAR.

				March 21/Sept. 21	May 6/August 6	June 21	December 21
Analysis Group	Prototype	Title	Analysis Day	7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM
Group 3	Prototype 12	R10A District, 100' x 100' interior lot on wide street	Shadow enter - exit time	OS03 1:34PM - 2:51PM	-	-	OS03 10:45AM - 1:04PM
			Incremental shadow duration	OS03 1 hr 17 mins			OS03 2 hrs 19 mins

Analysis Group 3: Prototype 12

March 21 (September 21)

Incremental Shadow Start and End:
1:34PM - 2:51PM



Analysis Group 3: Prototype 12





March 21 (September 21)

2:00PM

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

Analysis Group 3: Prototype 12

December 21

Incremental Shadow Start and End:
10:45AM - 1:04PM

Analysis Group 3: Prototype 12



December 21

11:00AM

Each grid cell on open space represents
approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 3: Prototype 12



December 21

12:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 3: Prototype 12



December 21

1:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 3: Prototype 12



December 21

Sweep (11:00AM - 1:00PM)

Each grid cell on open space represents
approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 4: Prototype 13 and Prototype 15

Note: According to CEQR Technical Manual, "worst case" building envelopes, opposed to "reasonable worst case" envelopes modeled and shown in Prototype Chapter, are used to render shadows. These "worst case" massings are generally 10 to 20 percent over-built than permitted FAR.

				March 21/Sept. 21	May 6/August 6	June 21	December 21
Analysis Group	Prototype	Title	Analysis Day	7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM
Group 4	Prototype 13	R10A District, Inclusionary Housing, 100' x 100' interior lot on wide street	Shadow enter - exit time	OS03 12:26PM - 12:29PM OS03 12:49 - 2:51PM	-	-	OS03 10:45AM - 1:04PM
			Incremental shadow duration	OS03 3 mins OS03 2 hrs 2 mins	-	-	OS03 2 hrs 19 mins
Group 4	Prototype 15	R10A District, Inclusionary Housing (R10 program), 40' x 100' interior lot on wide street	Shadow enter - exit time	OS03 12:27PM - 3:44PM	-	-	OS03 12:14PM - 1:35PM
			Incremental shadow duration	OS03 3 hrs 17 mins	-	-	OS03 1 hr 21 mins

Analysis Group 4: Prototype 13 and Prototype 15

March 21 (September 21)

Incremental Shadow Start and End:
12:26PM - 3:44PM


Analysis Group 4: Prototype 13 and Prototype 15




March 21 (September 21)

1:00PM

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow

 Shadow sensitive resource

 Prototype

 Worst case building envelop

Analysis Group 4: Prototype 13 and Prototype 15



March 21 (September 21)

2:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 4: Prototype 13 and Prototype 15



March 21 (September 21)

3:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop


Analysis Group 4: Prototype 13 and Prototype 15




March 21 (September 21)

Sweep (1:00PM - 3:00PM)

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow

 Shadow sensitive resource

 Prototype

 Worst case building envelop

Analysis Group 4: Prototype 13 and Prototype 15

December 21

Incremental Shadow Start and End:
10:44AM - 1:35PM



Analysis Group 4: Prototype 13 and Prototype 15





December 21

11:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

Analysis Group 4: Prototype 13 and Prototype 15



December 21

12:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 4: Prototype 13 and Prototype 15



December 21

1:00PM

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 4: Prototype 13 and Prototype 15



December 21

Sweep (11:00AM - 1:00PM)

Each grid cell on open space represents approximately 10' x 10' land area



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

Analysis Group 5: Prototype 14

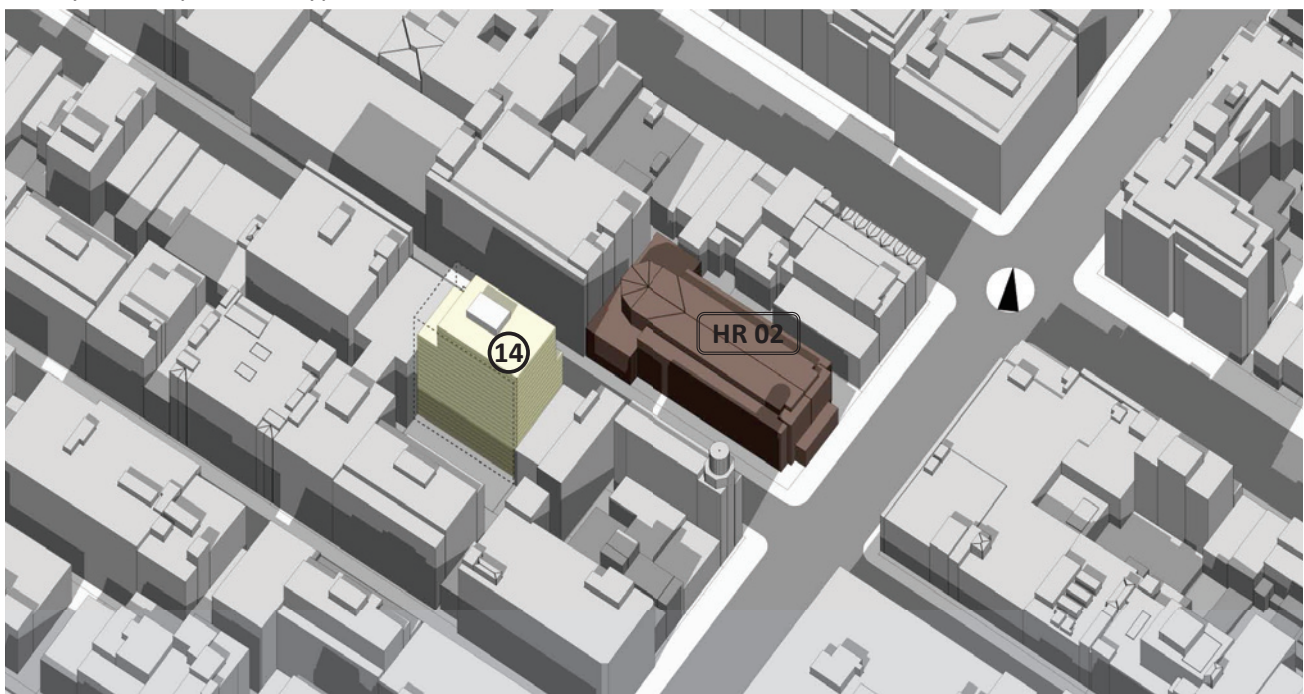
Note: According to CEQR Technical Manual, "worst case" building envelopes, opposed to "reasonable worst case" envelopes modeled and shown in Prototype Chapter, are used to render shadows. These "worst case" massings are generally 10 to 20 percent over-built than permitted FAR.

			Analysis Day	March 21/Sept. 21	May 6/August 6	June 21	December 21
Analysis Group	Prototype	Title		7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM
Group 5	Prototype 14	C6-4A (R10A equivalent commercial district), Inclusionary Housing, narrow street, 100'x100'	Shadow enter - exit time	HR02 12:44PM - 4:29PM	HR02 12:15PM - 4:54PM	HR02 12:18PM - 5:06PM	-
			Incremental shadow duration	HR02 3 hrs 45 mins	HR02 4 hrs 39 mins	HR02 4 hrs 48 mins	-

March 21 (September 21)

Incremental Shadow Start and End:
12:44PM - 4:29PM

Analysis Group 5: Prototype 14



March 21 (September 21)

1:00PM



Potential incremental shadow



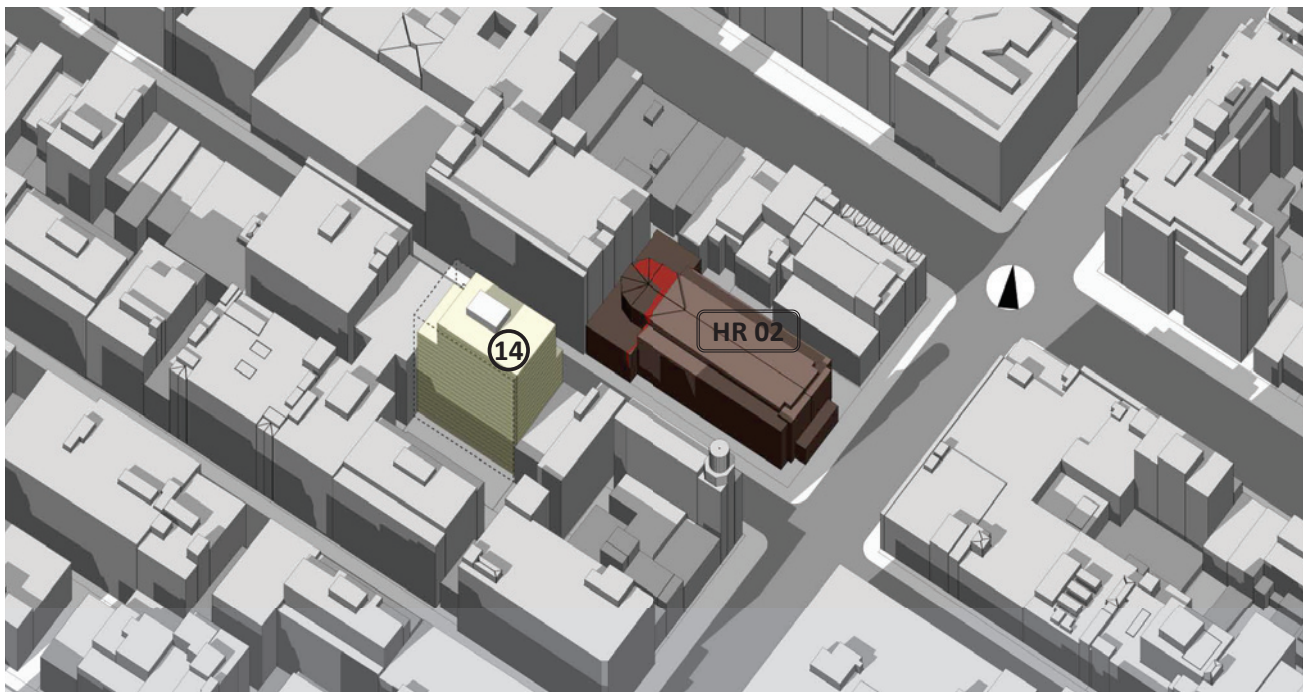
Shadow sensitive resource



Prototype

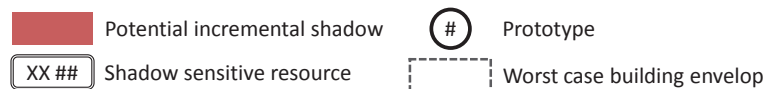
Worst case building envelop

Analysis Group 5: Prototype 14

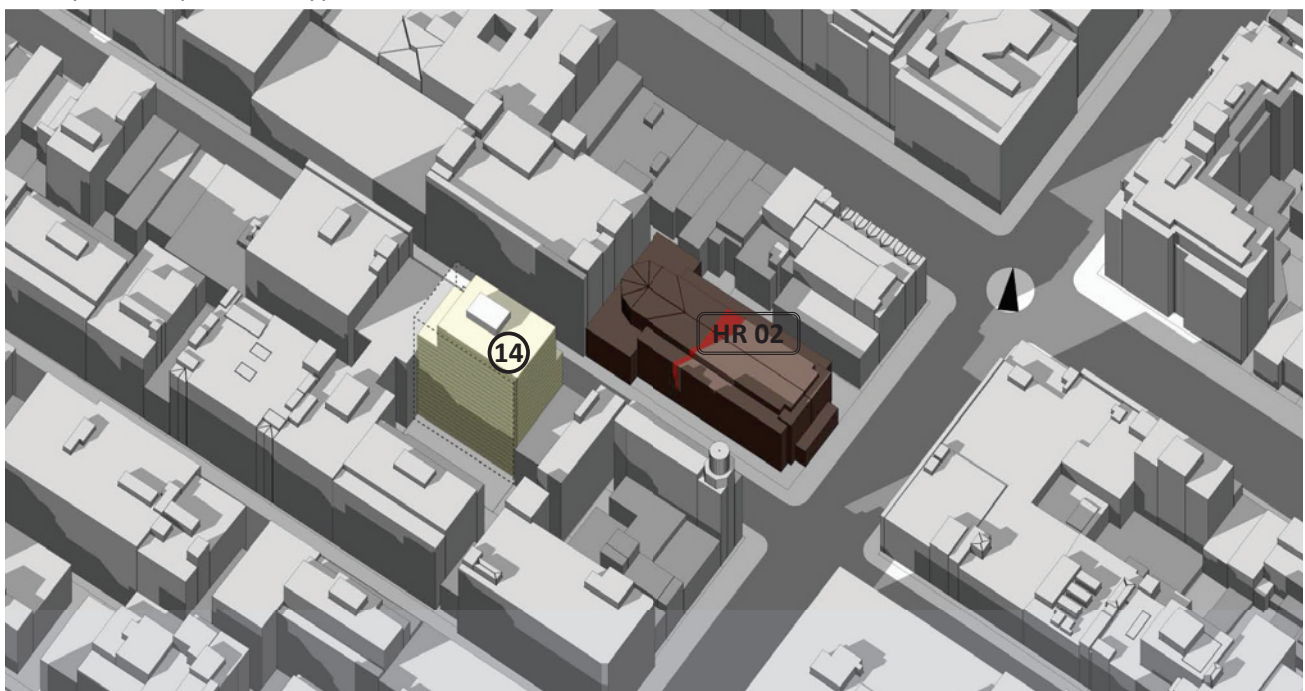


March 21 (September 21)

2:00PM

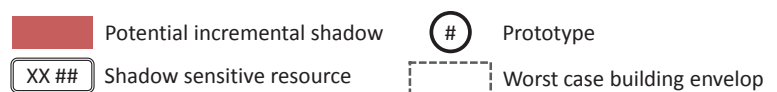


Analysis Group 5: Prototype 14

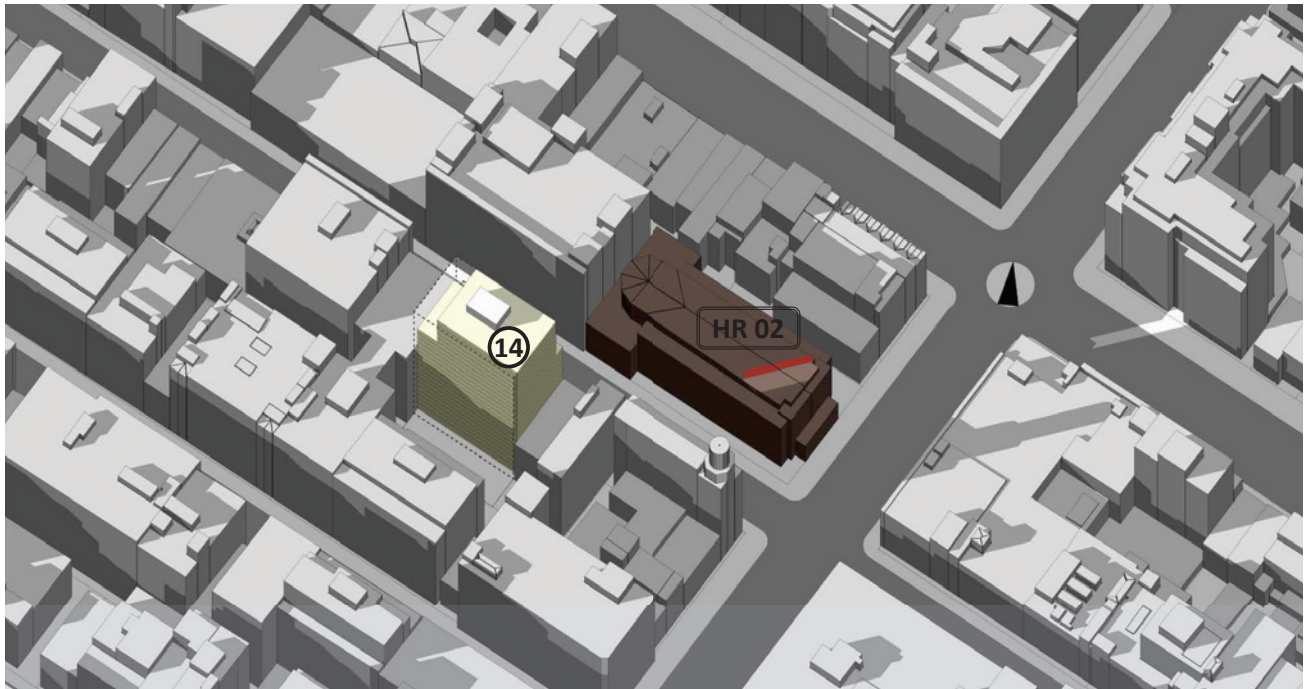


March 21 (September 21)

3:00PM

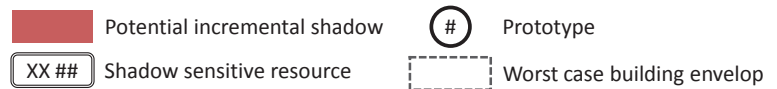


Analysis Group 5: Prototype 14

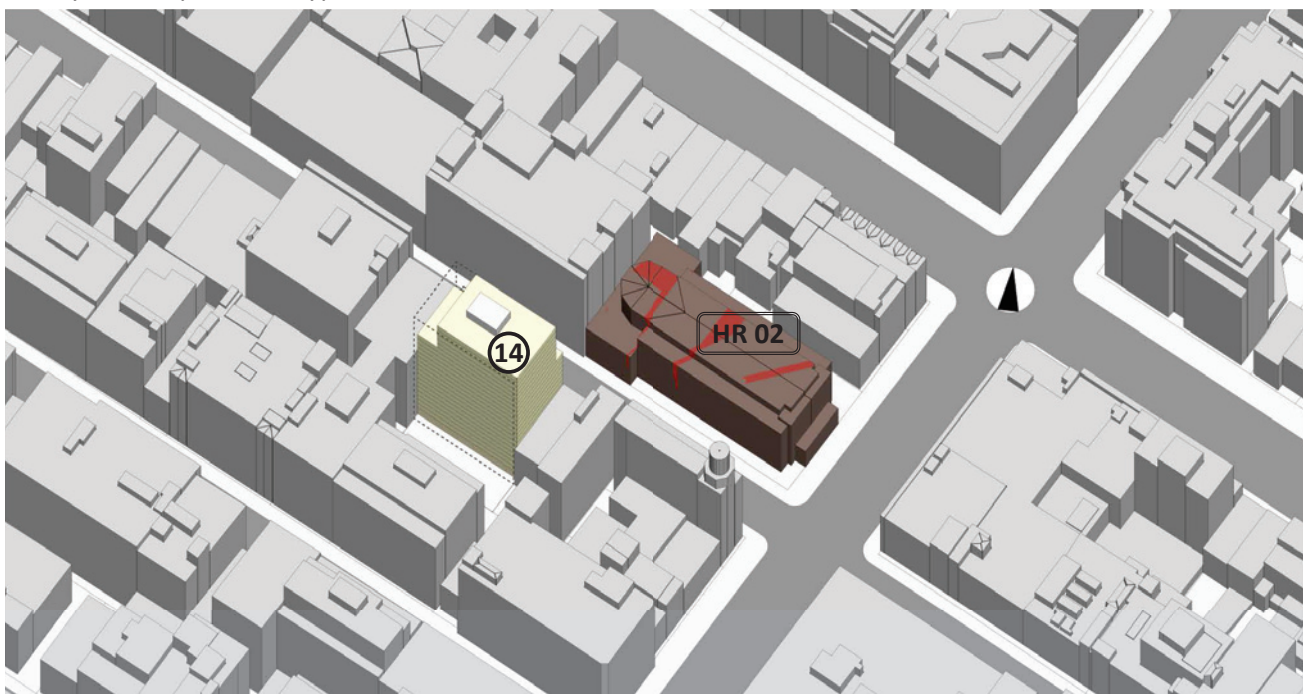


March 21 (September 21)

4:00PM

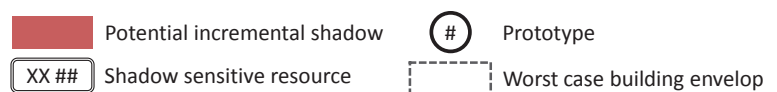


Analysis Group 5: Prototype 14



March 21 (September 21)

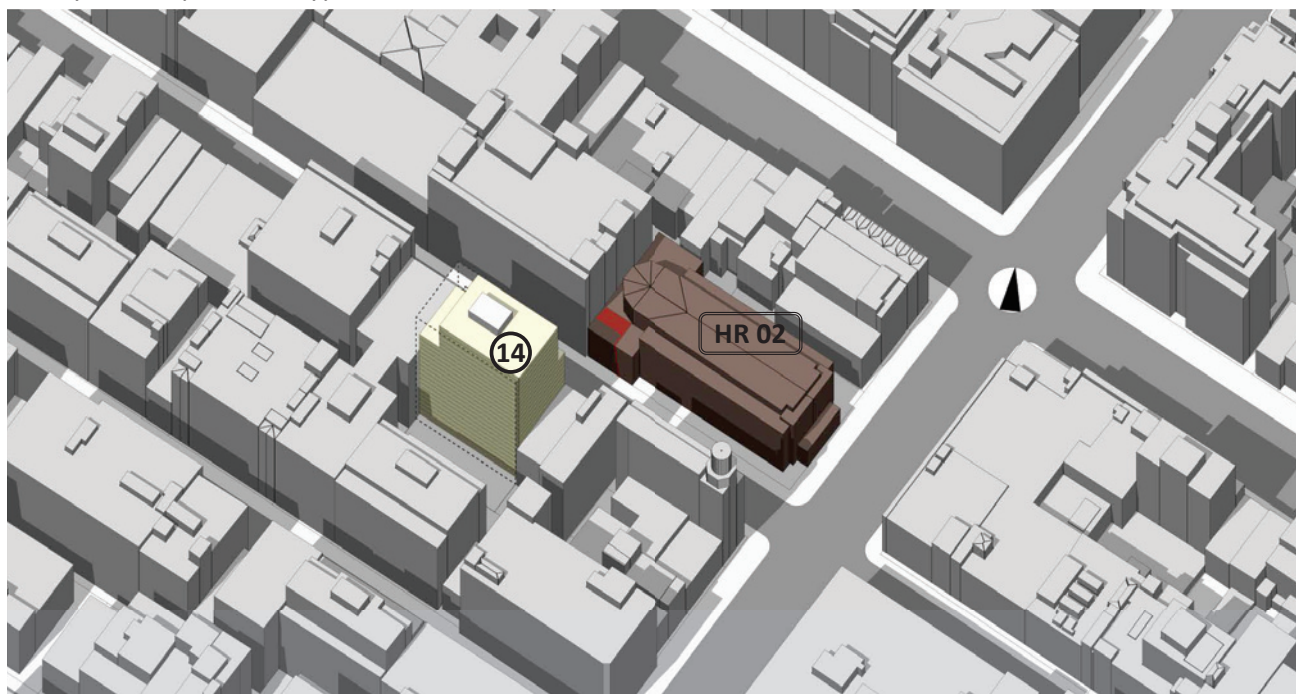
Sweep (1:00PM - 4:00PM)



May 6 (August 6)

Incremental Shadow Start and End:
12:15PM - 4:54PM

Analysis Group 5: Prototype 14



May 6 (August 6)

1:00PM



Potential incremental shadow



Shadow sensitive resource

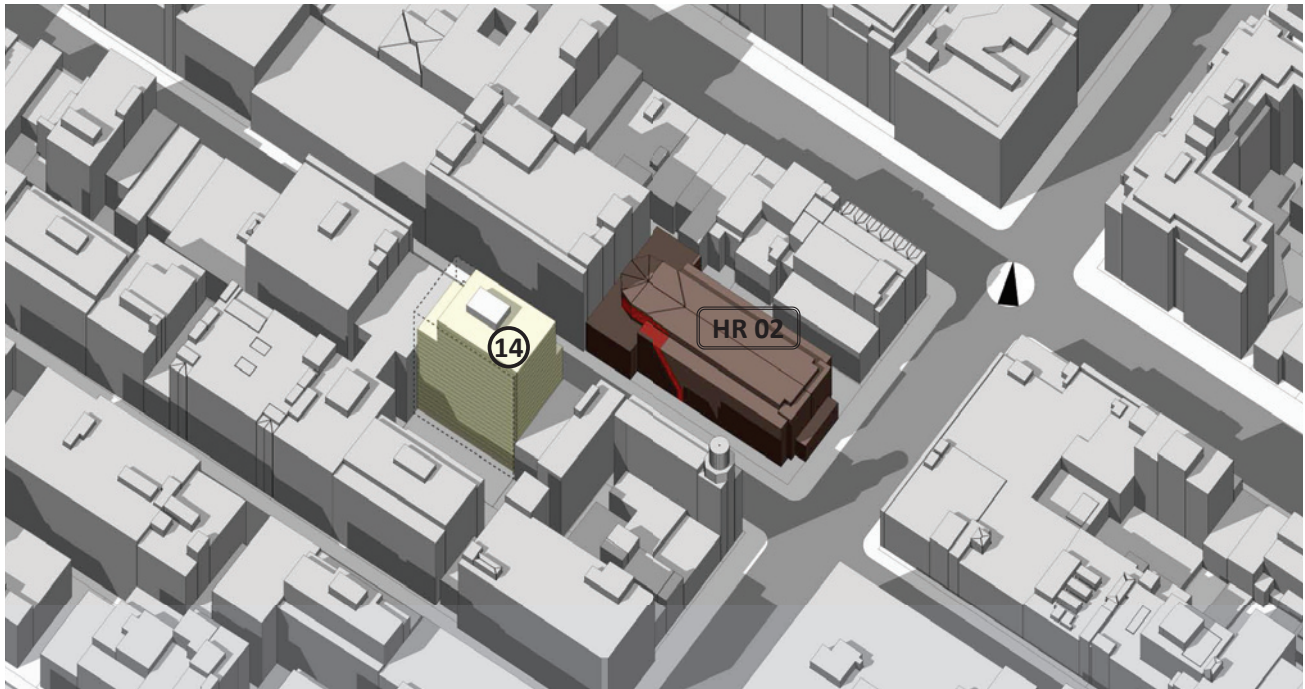


Prototype



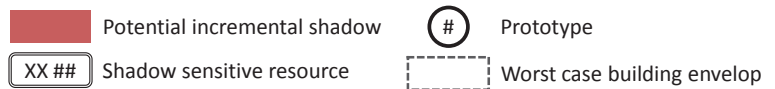
Worst case building envelop

Analysis Group 5: Prototype 14

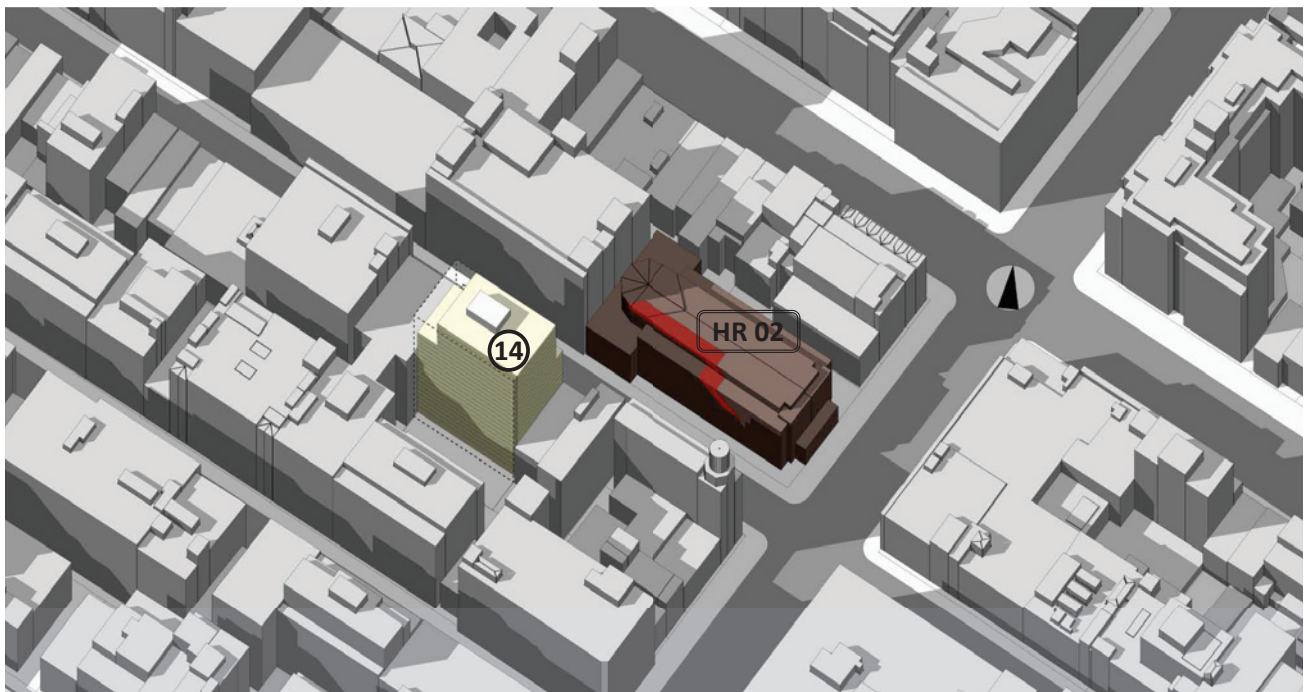


May 6 (August 6)

2:00PM

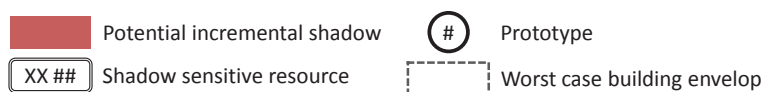


Analysis Group 5: Prototype 14

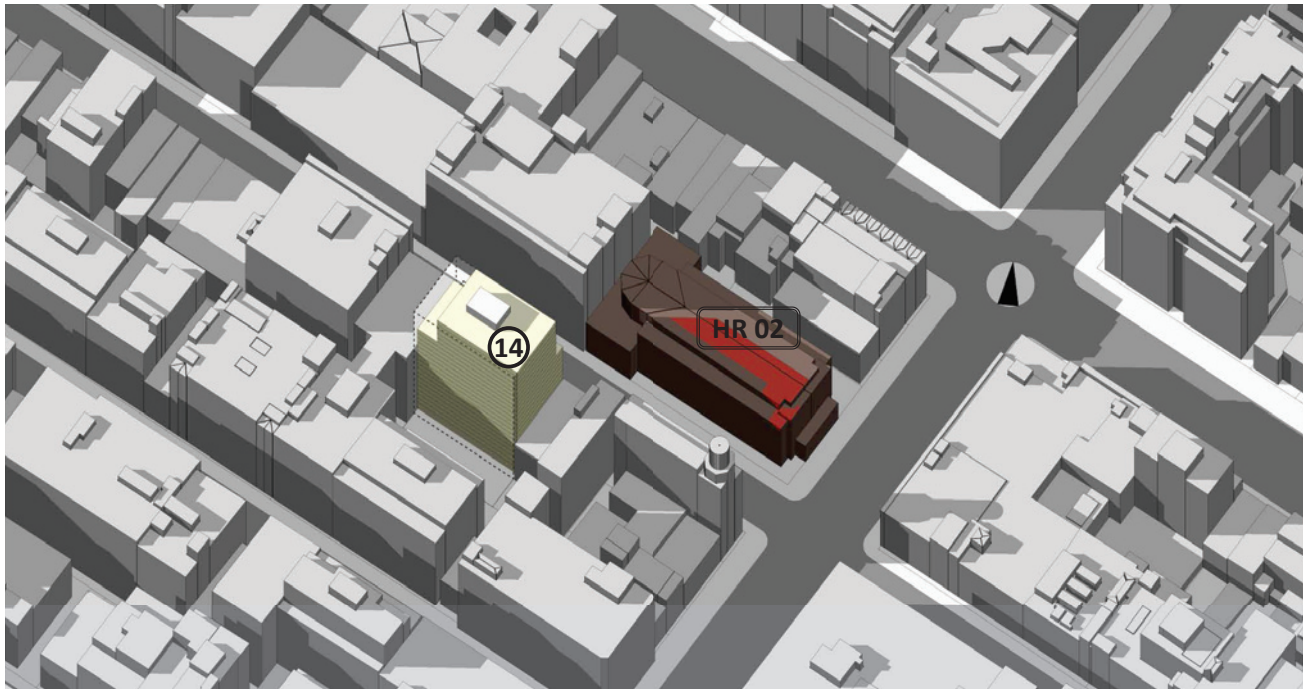


May 6 (August 6)

3:00PM

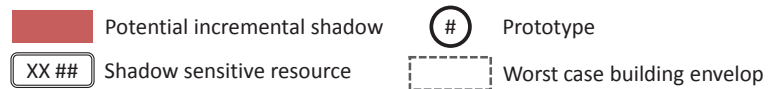


Analysis Group 5: Prototype 14

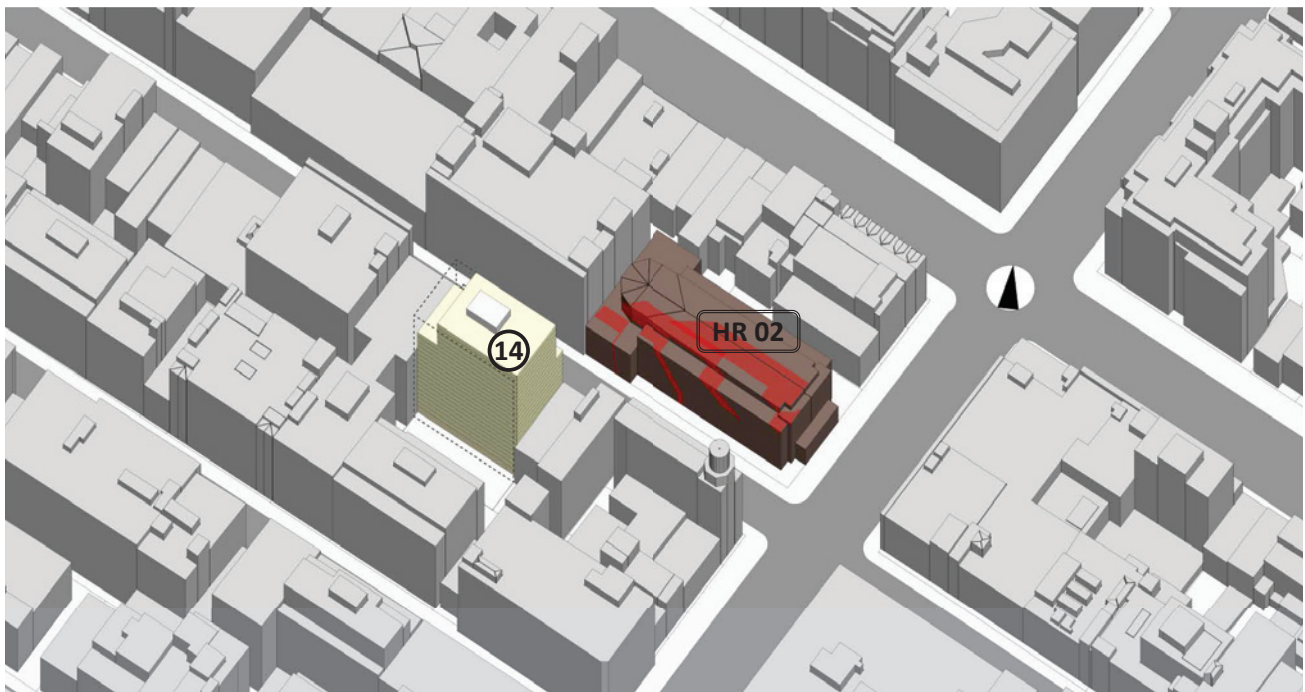


May 6 (August 6)

4:00PM

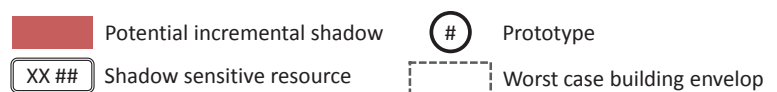


Analysis Group 5: Prototype 14



May 6 (August 6)

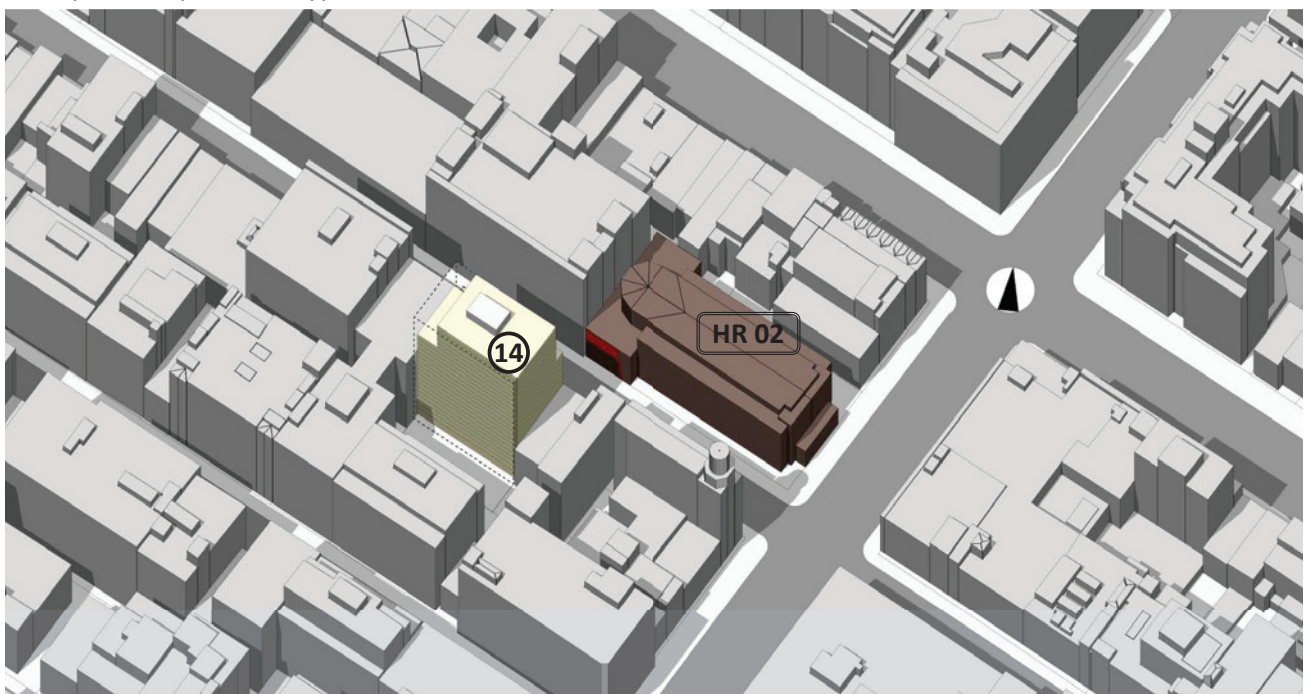
Sweep (1:00PM - 4:00PM)



June 21

Incremental Shadow Start and End:
12:18PM - 5:06PM

Analysis Group 5: Prototype 14



June 21

1:00PM



Potential incremental shadow



Shadow sensitive resource

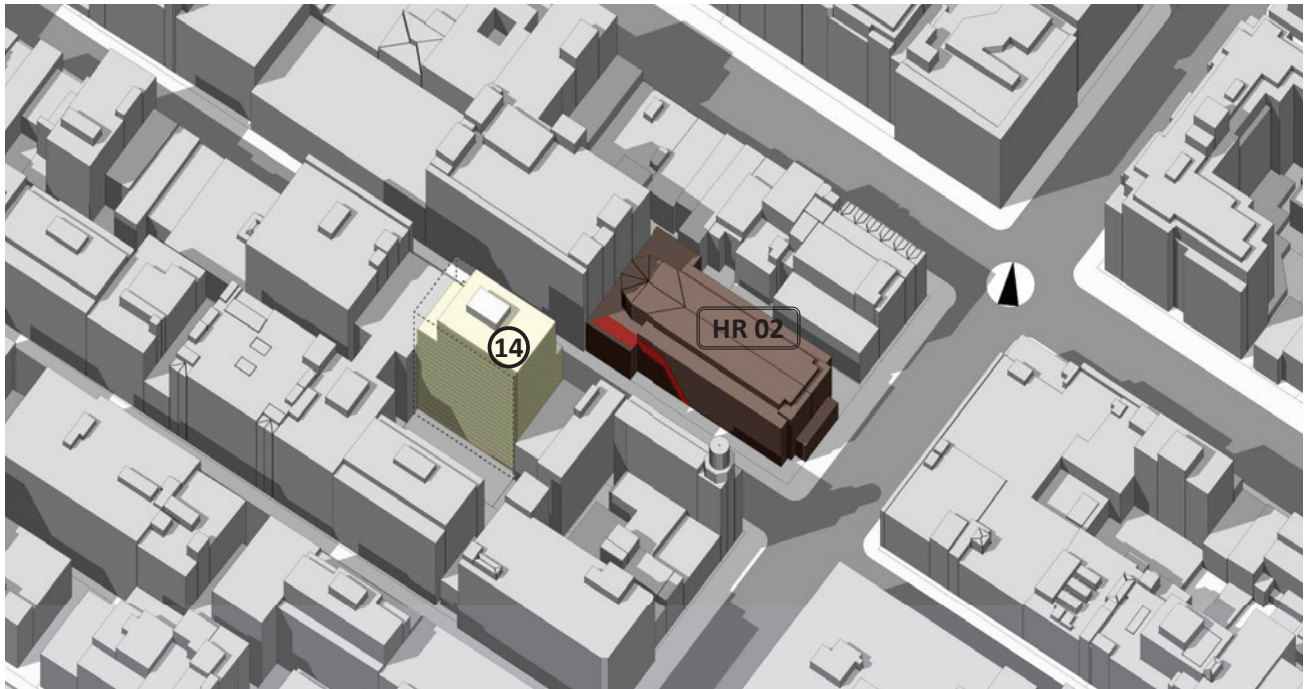


Prototype



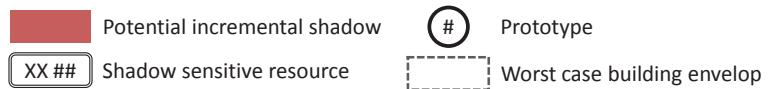
Worst case building envelop

Analysis Group 5: Prototype 14

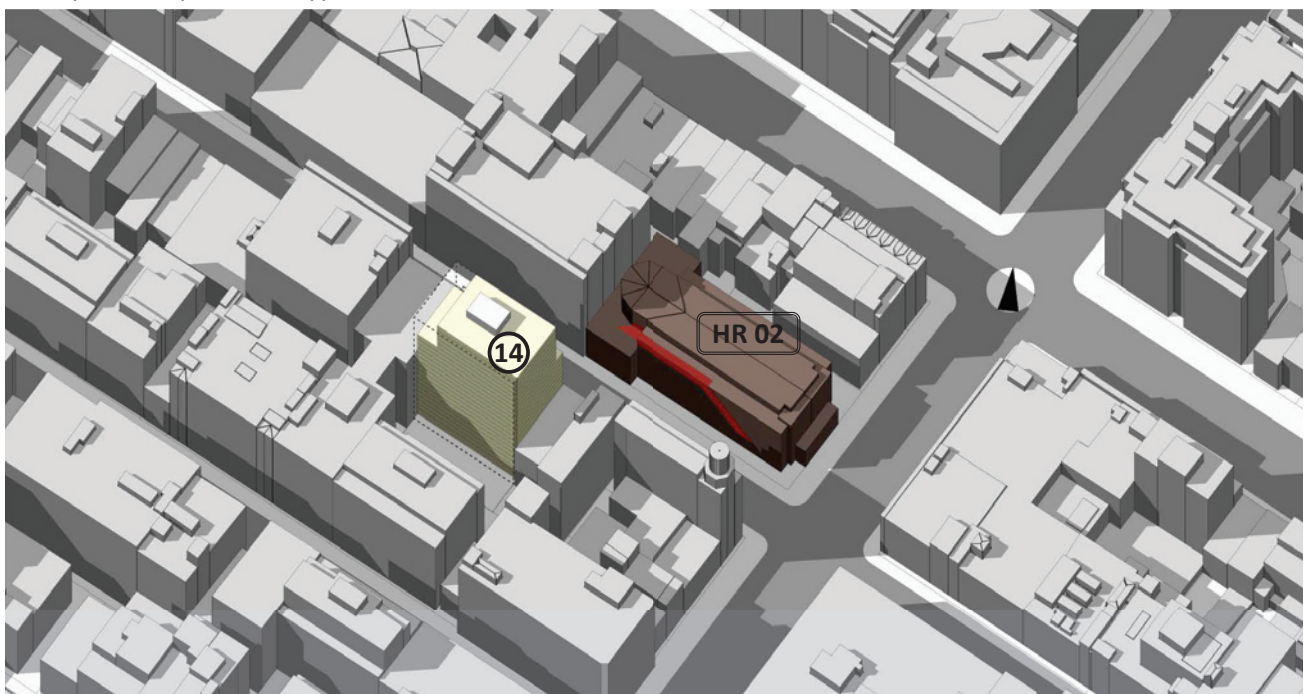


June 21

2:00PM

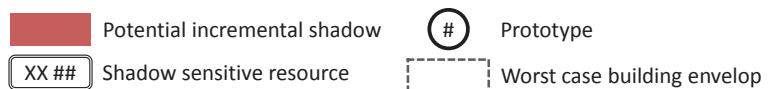


Analysis Group 5: Prototype 14

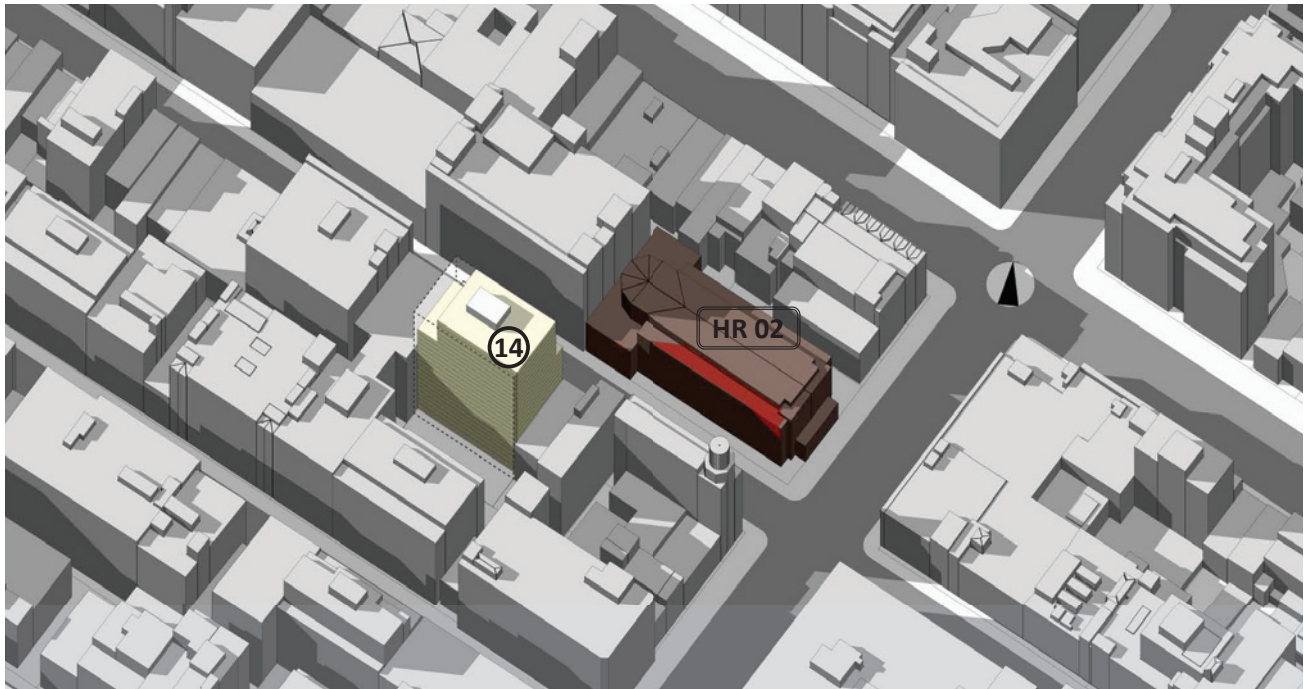


June 21

3:00PM

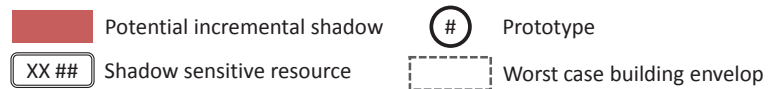


Analysis Group 5: Prototype 14

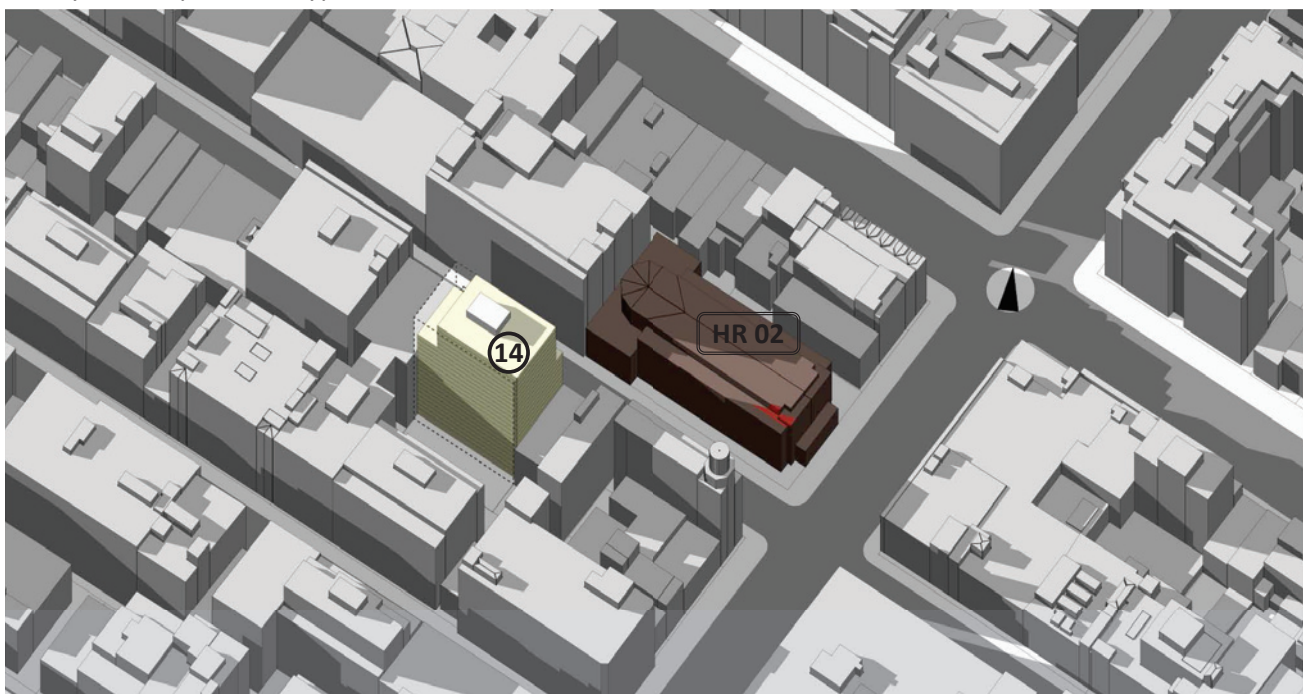


June 21

4:00PM

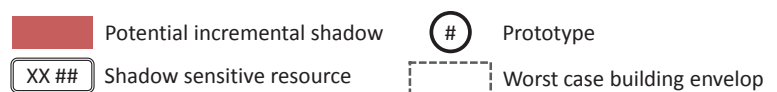


Analysis Group 5: Prototype 14

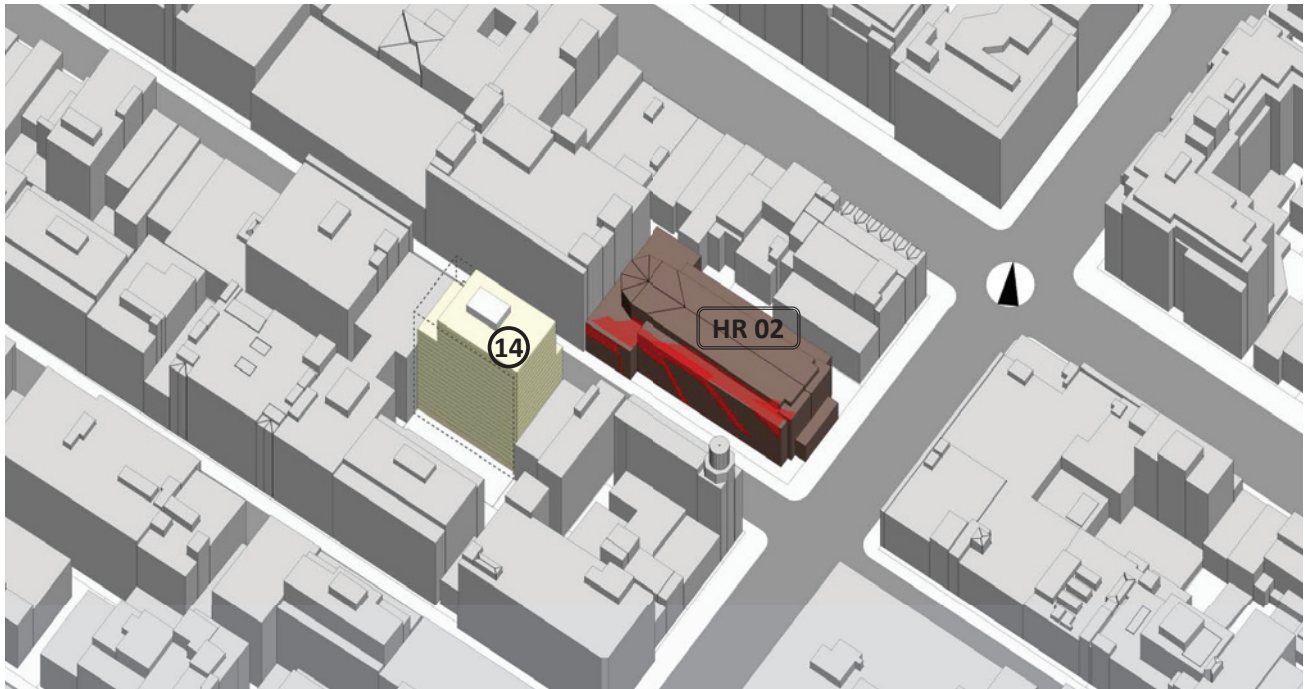


June 21

5:00PM



Analysis Group 5: Prototype 14



June 21

Sweep (1:00PM - 5:00PM)



Potential incremental shadow



Shadow sensitive resource



Prototype



Worst case building envelop

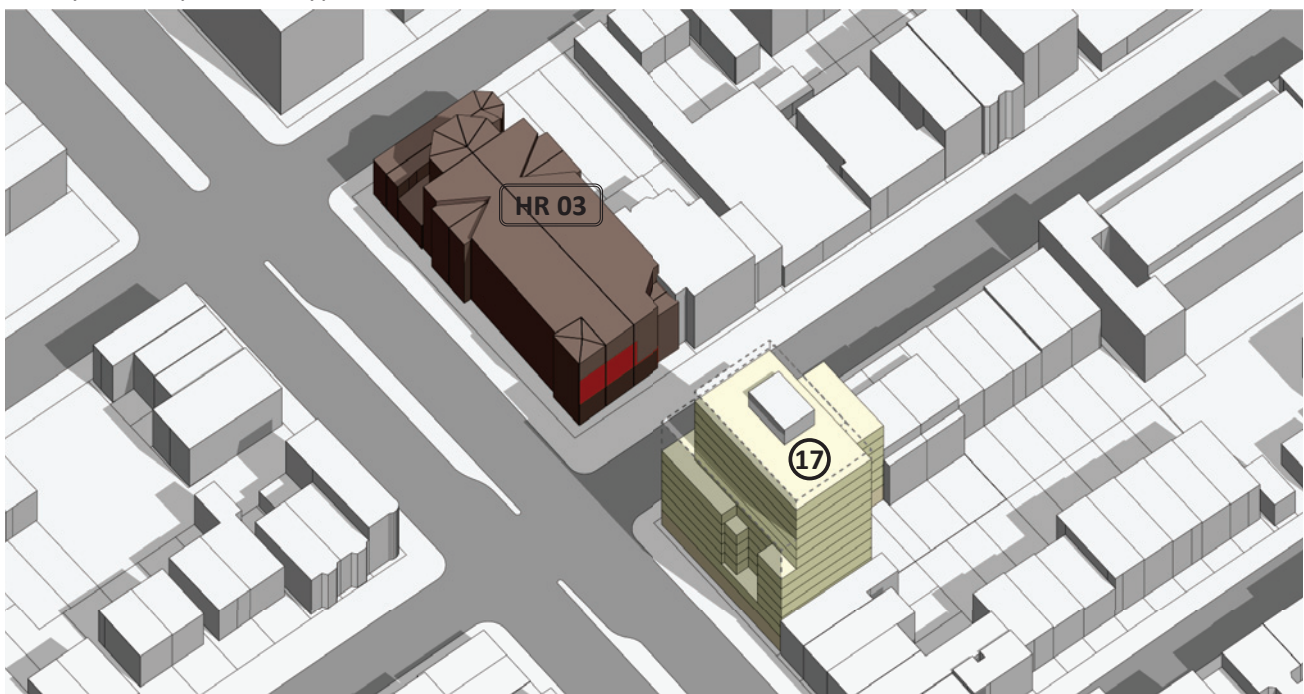
Analysis Group 6: Prototype 17

Note: According to CEQR Technical Manual, "worst case" building envelopes, opposed to "reasonable worst case" envelopes modeled and shown in Prototype Chapter, are used to render shadows. These "worst case" massings are generally 10 to 20 percent over-built than permitted FAR.

				March 21/Sept. 21	May 6/August 6	June 21	December 21
Analysis Group	Prototype	Title	Analysis Day	7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM
Group 6	Prototype 17	R8A District, Inclusionary Housing adjoining R6B District, 100' x 100' corner lot on wide and narrow streets	Shadow enter - exit time	HR03 12:00PM - 4:35PM	HR03 1:40PM - 3:11PM	-	HR03 10:48AM - 2:53PM
			Incremental shadow duration	HR03 4 hrs 35 mins	HR03 1 hr 31 mins	-	HR03 4 hrs 5 mins

March 21 (September 21)

Incremental Shadow Start and End:
12:00PM - 4:35PM



March 21 (September 21)

1:00PM



Potential incremental shadow

XX ##

Shadow sensitive resource

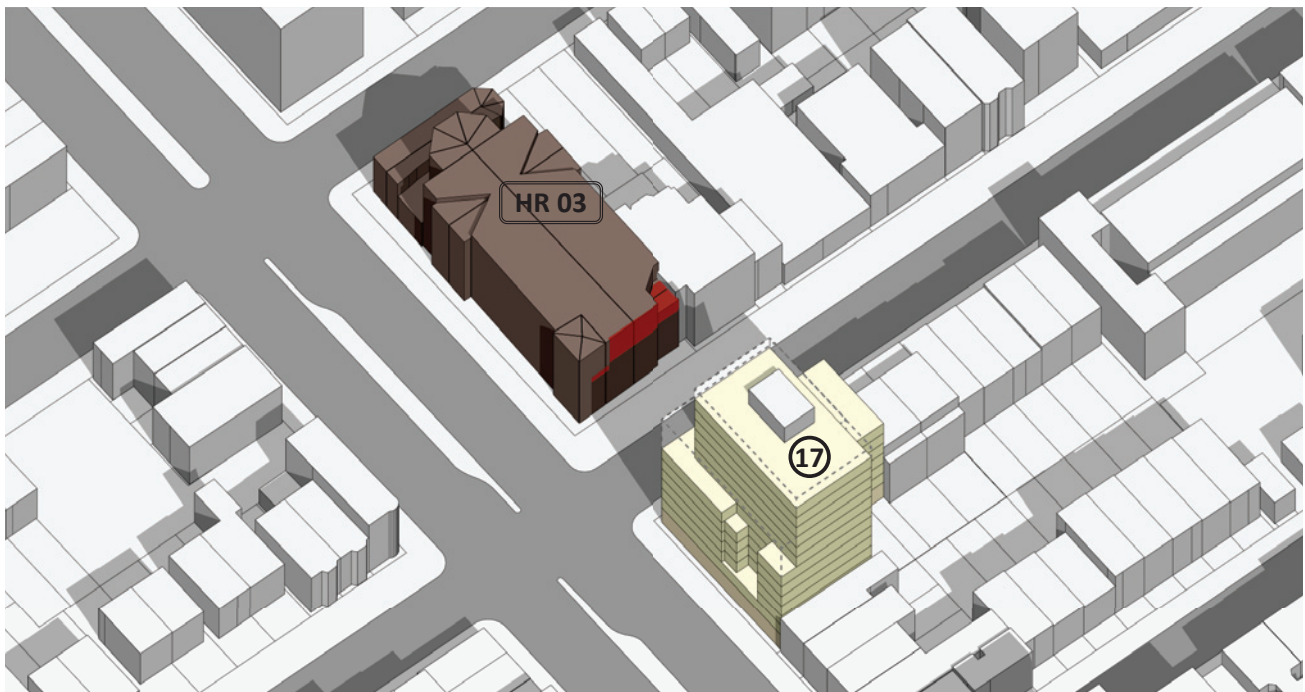


Prototype



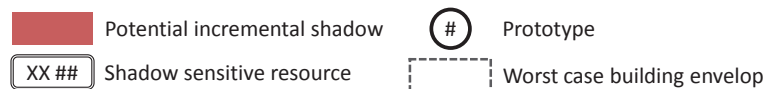
Worst case building envelop

Analysis Group 6: Prototype 17

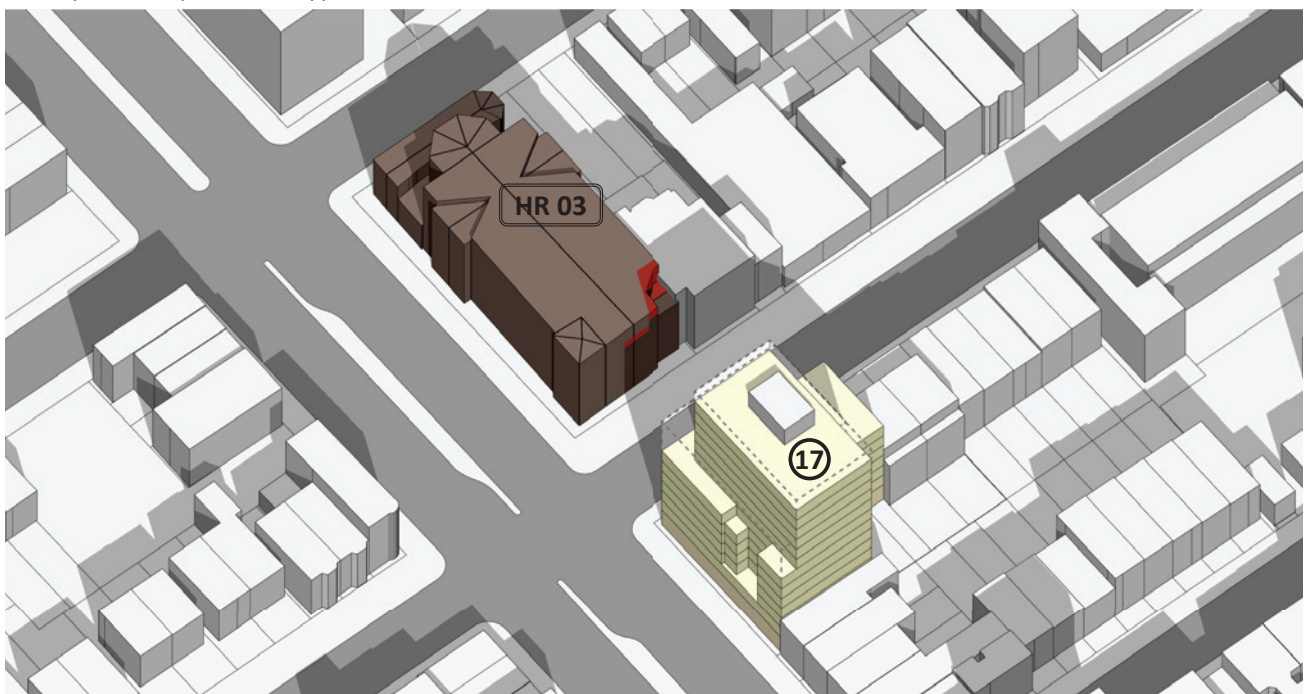


March 21 (September 21)

2:00PM

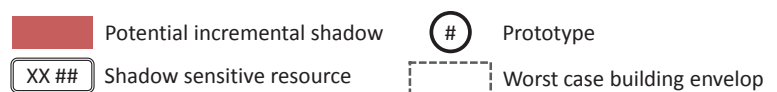


Analysis Group 6: Prototype 17

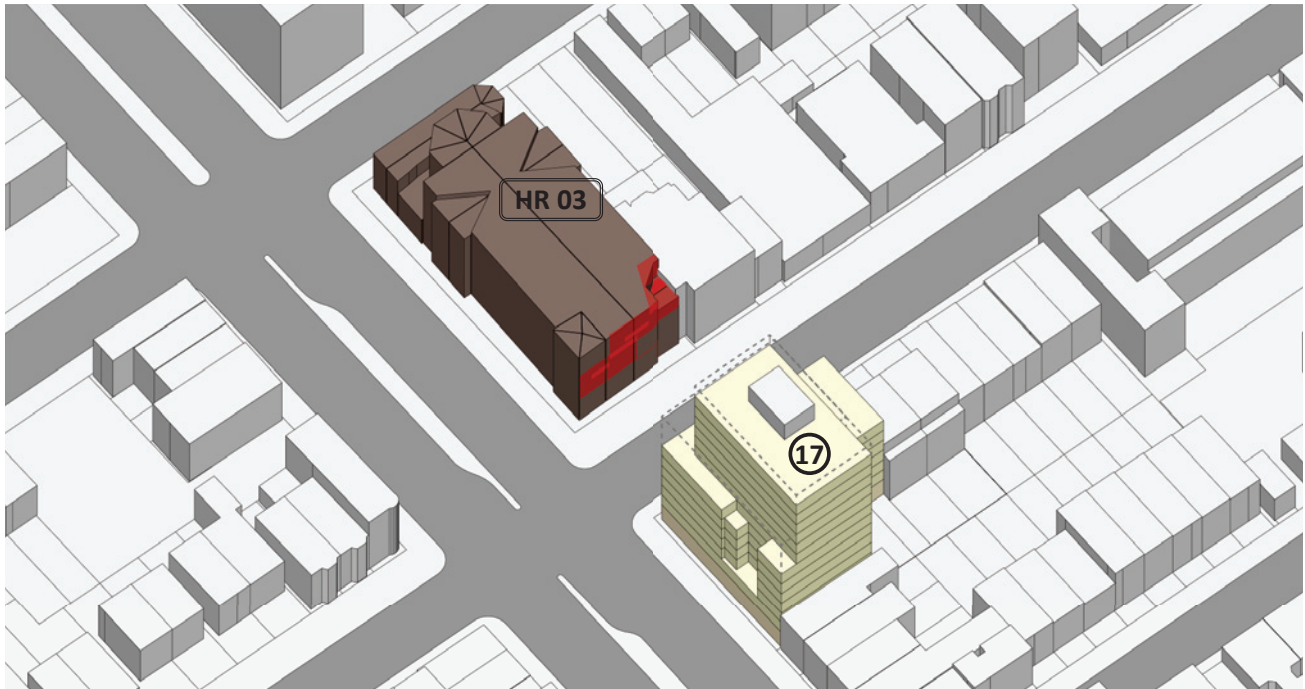


March 21 (September 21)

3:00PM



Analysis Group 6: Prototype 17



March 21 (September 21)

Sweep (1:00PM - 3:00PM)



Potential incremental shadow



Shadow sensitive resource



Prototype



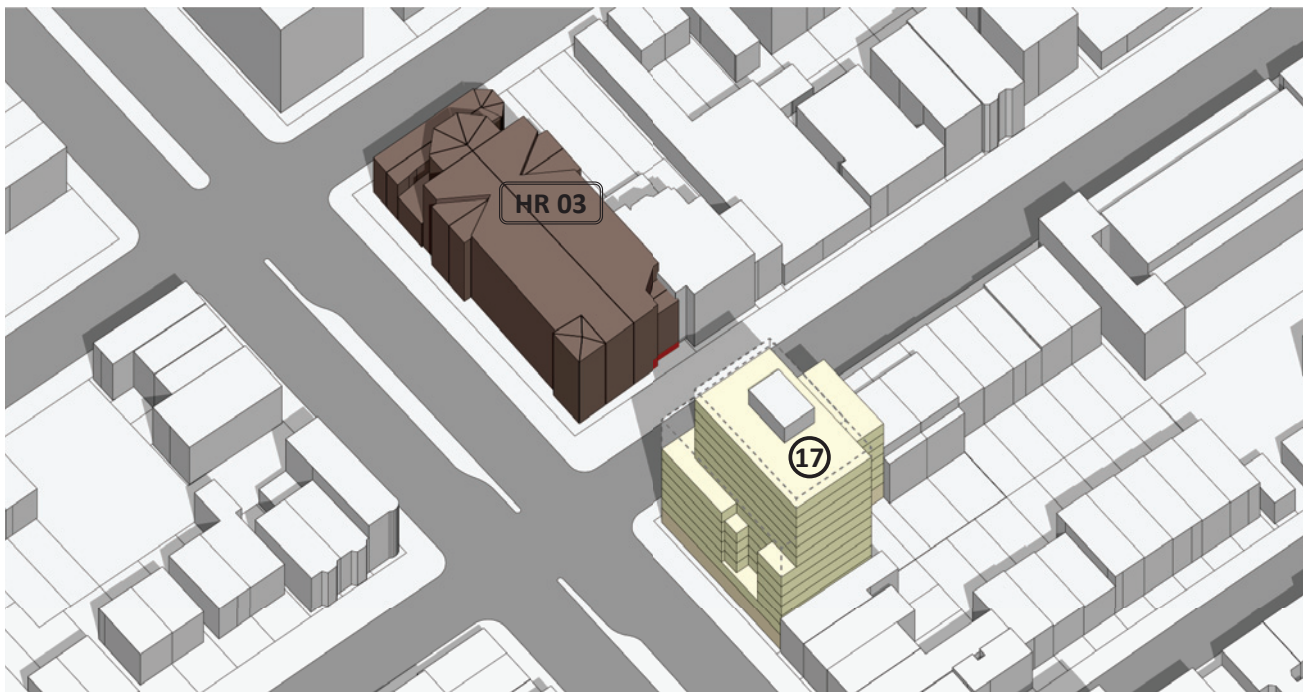
Worst case building envelop

Analysis Group 6: Prototype 17

May 6 (August 6)

Incremental Shadow Start and End:
1:40PM - 3:11PM

Analysis Group 6: Prototype 17



May 6 (August 6)

2:00PM



Potential incremental shadow

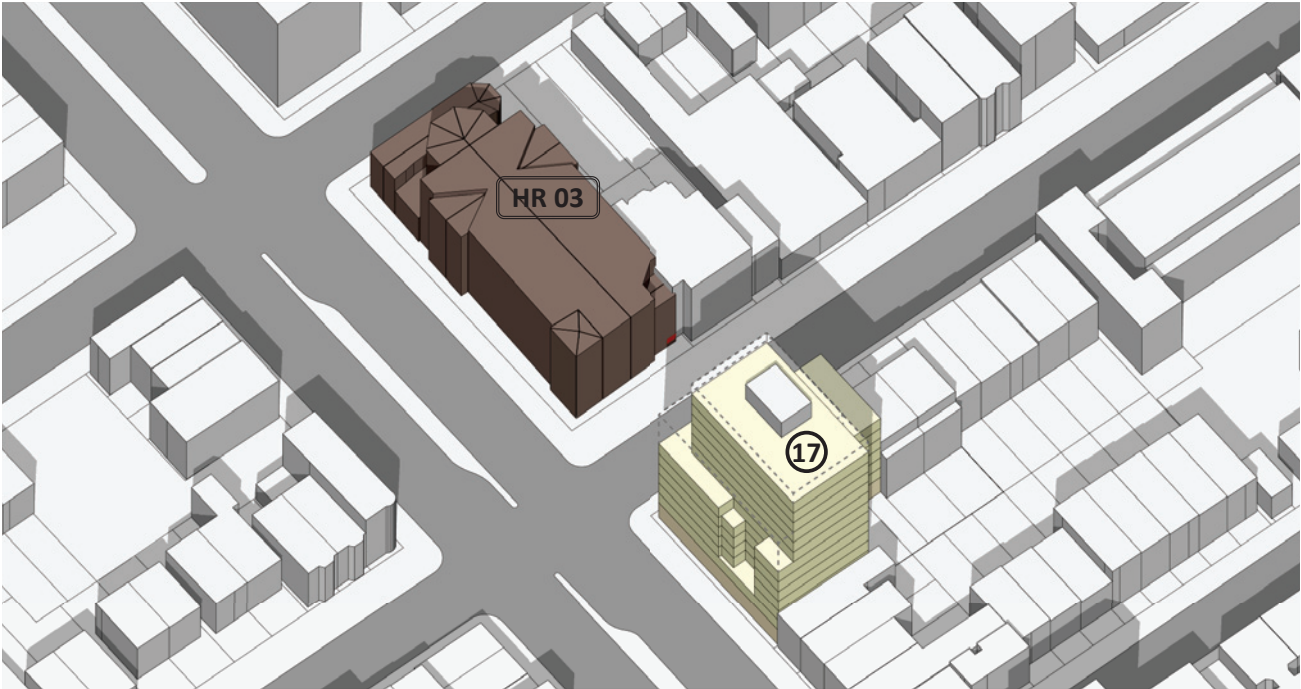


Prototype



Worst case building envelop

Analysis Group 6: Prototype 17

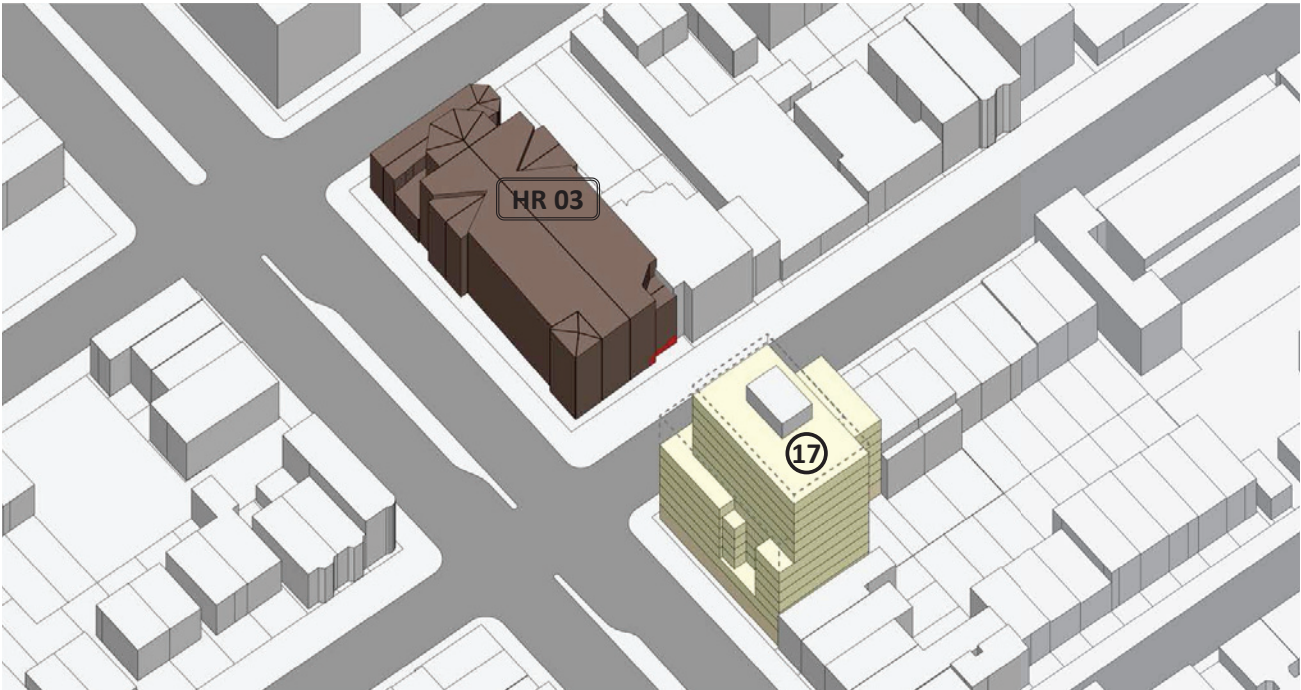


May 6 (August 6)

3:00PM

- Potential incremental shadow
- XX ## Shadow sensitive resource
- # Prototype
- Worst case building envelop

Analysis Group 6: Prototype 17



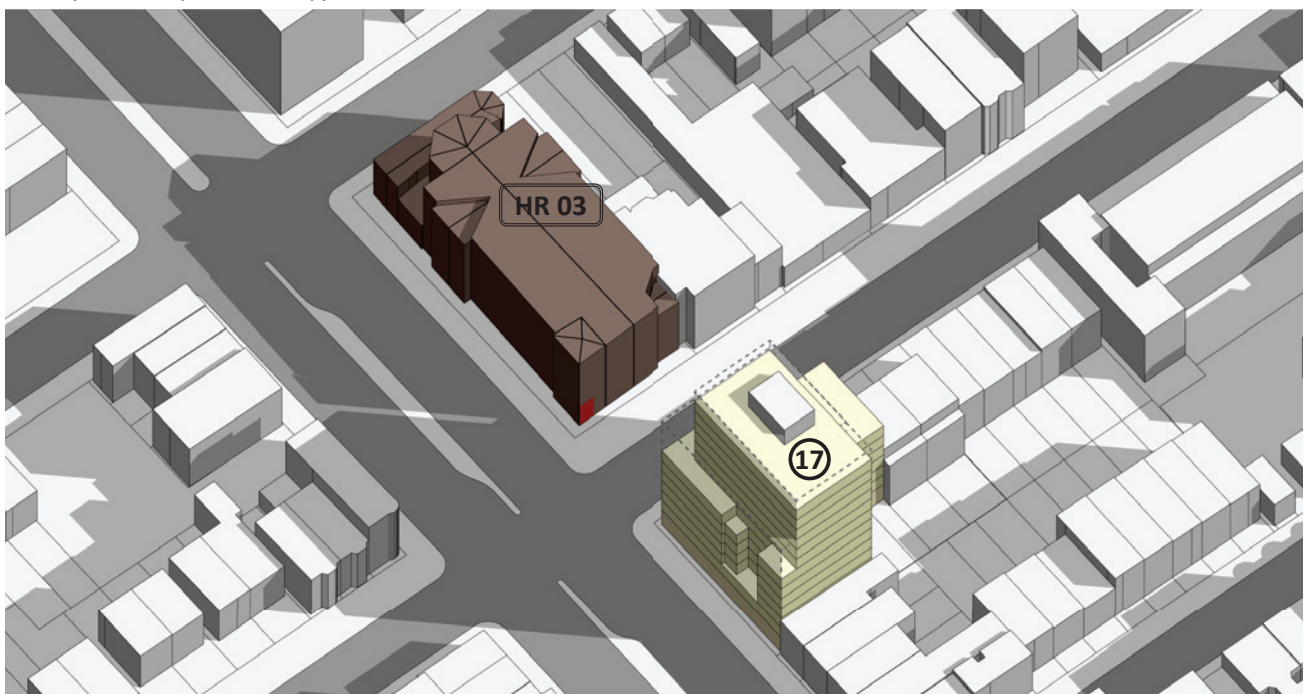
May 6 (August 6)

Sweep (2:00PM - 3:00PM)

- Potential incremental shadow
- XX ## Shadow sensitive resource
- # Prototype
- Worst case building envelop

December 21

Incremental Shadow Start and End:
10:48AM - 2:53PM



December 21

11:00AM



Potential incremental shadow

XX ##

Shadow sensitive resource

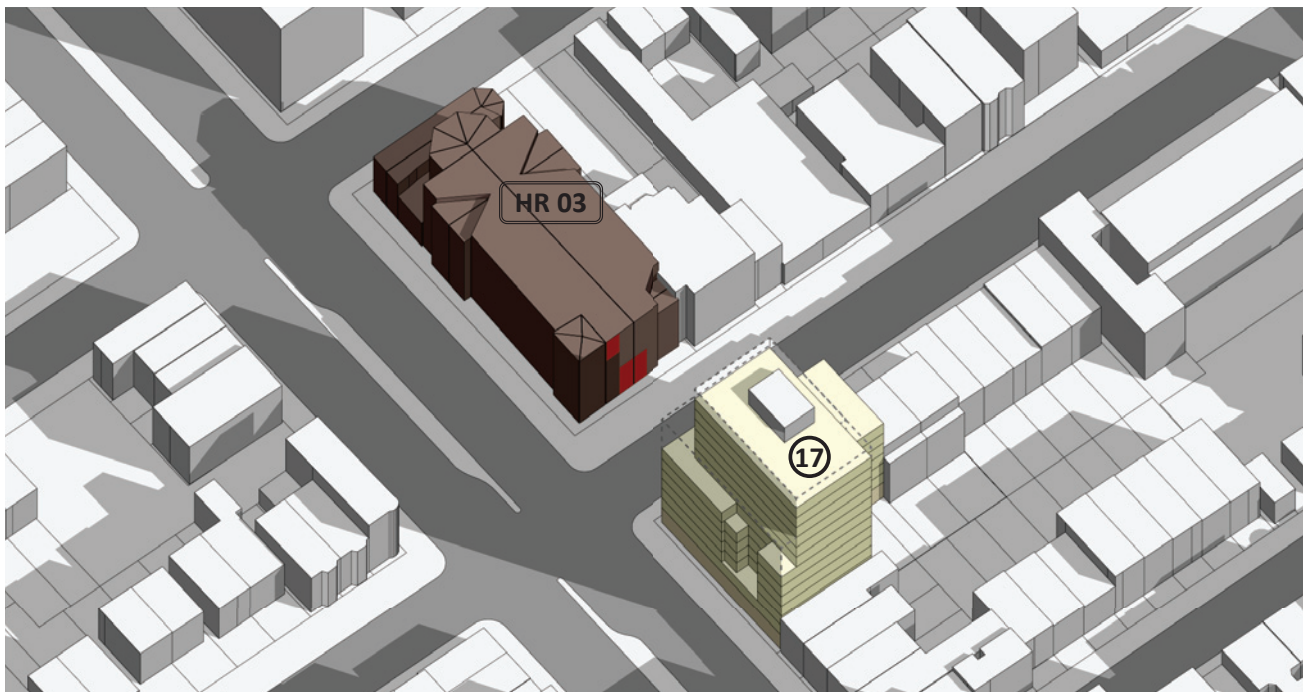


Prototype



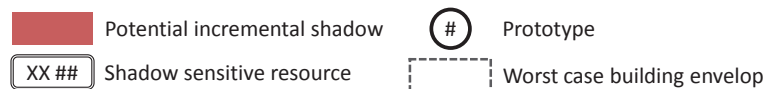
Worst case building envelop

Analysis Group 6: Prototype 17

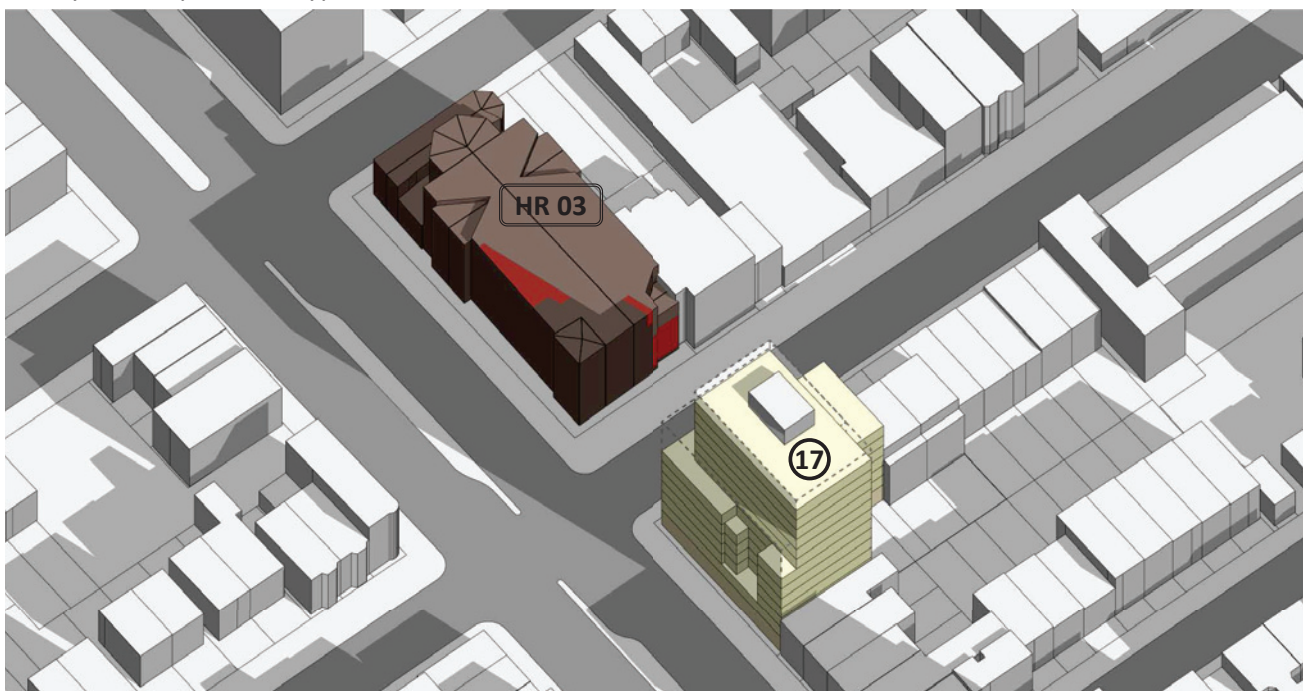


December 21

12:00PM

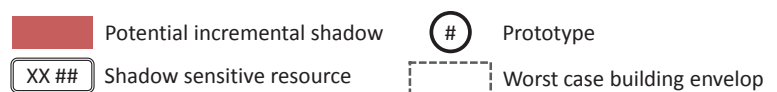


Analysis Group 6: Prototype 17

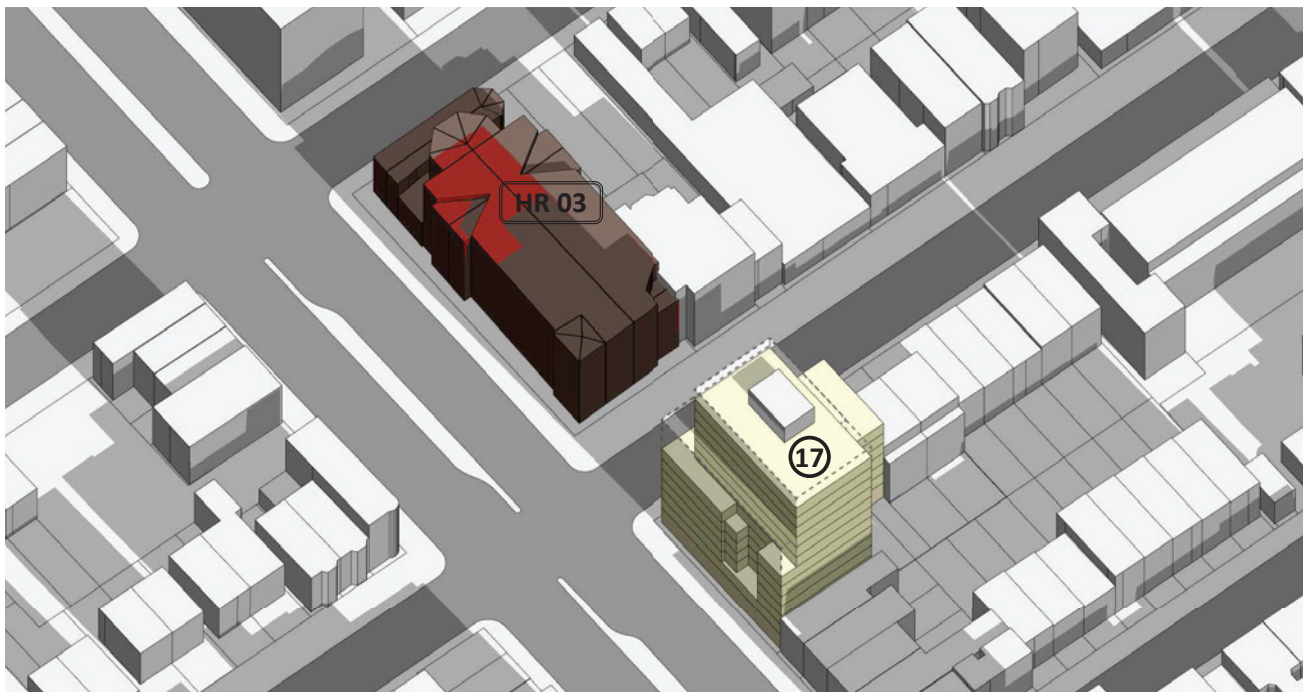


December 21

1:00PM

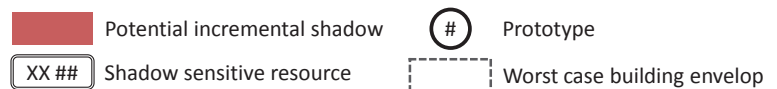


Analysis Group 6: Prototype 17

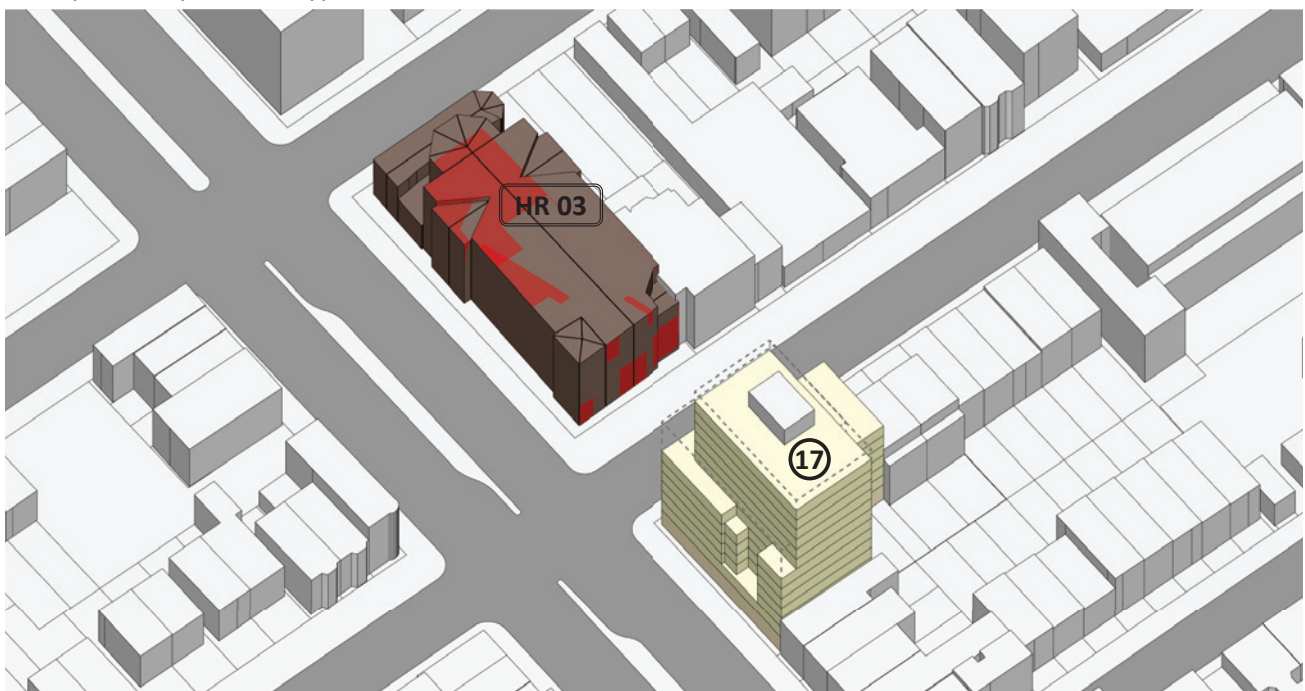


December 21

2:00PM

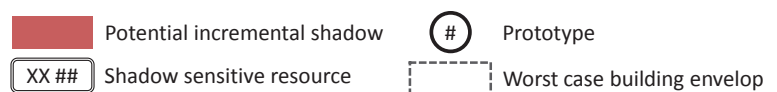


Analysis Group 6: Prototype 17



December 21

Sweep (11:00PM - 2:00PM)



Analysis Group 7: Prototype 24

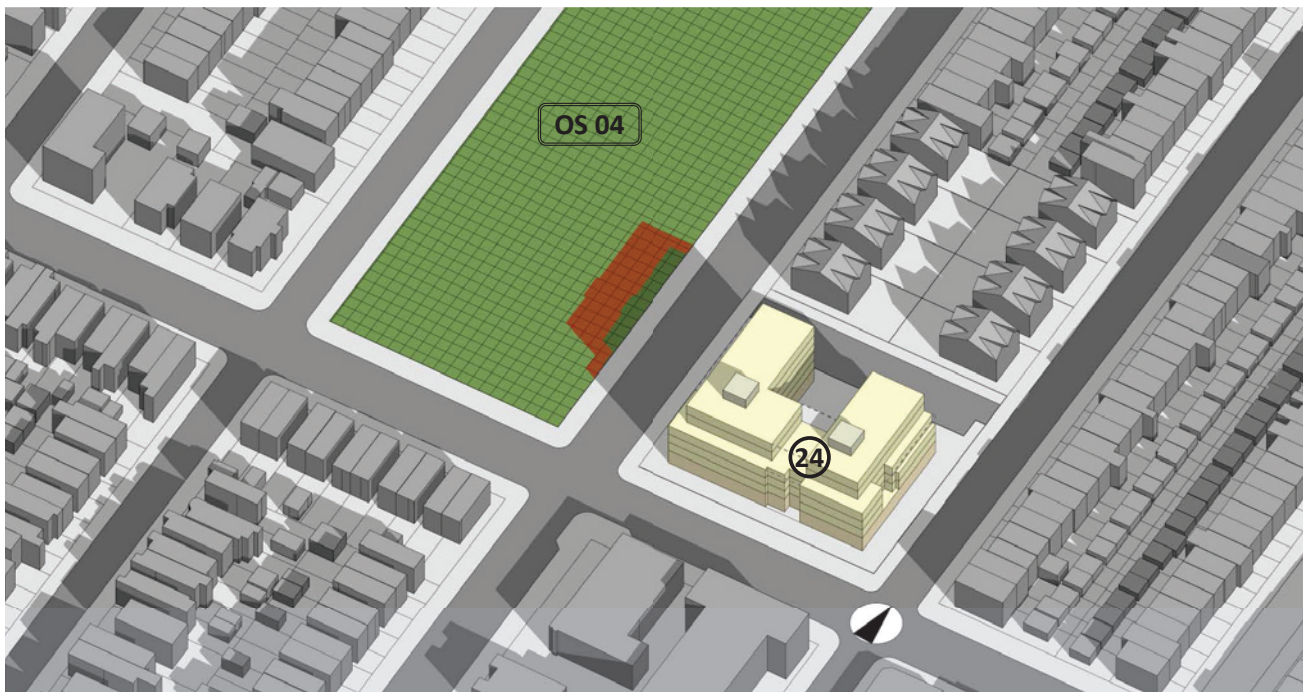
Note: According to CEQR Technical Manual, "worst case" building envelopes, opposed to "reasonable worst case" envelopes modeled and shown in Prototype Chapter, are used to render shadows. These "worst case" massings are generally 10 to 20 percent over-built than permitted FAR.

				March 21/Sept. 21	May 6/August 6	June 21	December 21
Analysis Group	Prototype	Title	Analysis Day	7:36 AM – 4:29 PM	6:27 AM – 5:18 PM	5:57 AM – 6:01 PM	8:51 AM – 2:53 PM
Group 7	Prototype 24	R4 District, Affordable Independent Residences for Seniors, 150' x 100' interior lot on narrow street outside the Transit Zone	Shadow enter - exit time	OS04 7:36AM - 8:38AM	OS04 6:27AM - 7:47AM	OS04 5:57AM - 6:59AM	OS04 8:51 - 9:30AM
			Incremental shadow duration	OS04 1 hr 2 mins	OS04 1 hr 20 mins	OS04 1 hr 2 mins	OS04 39 mins

March 21 (September 21)

Incremental Shadow Start and End:
7:36AM - 8:38AM



Analysis Group 7: Prototype 24





March 21 (September 21)

8:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

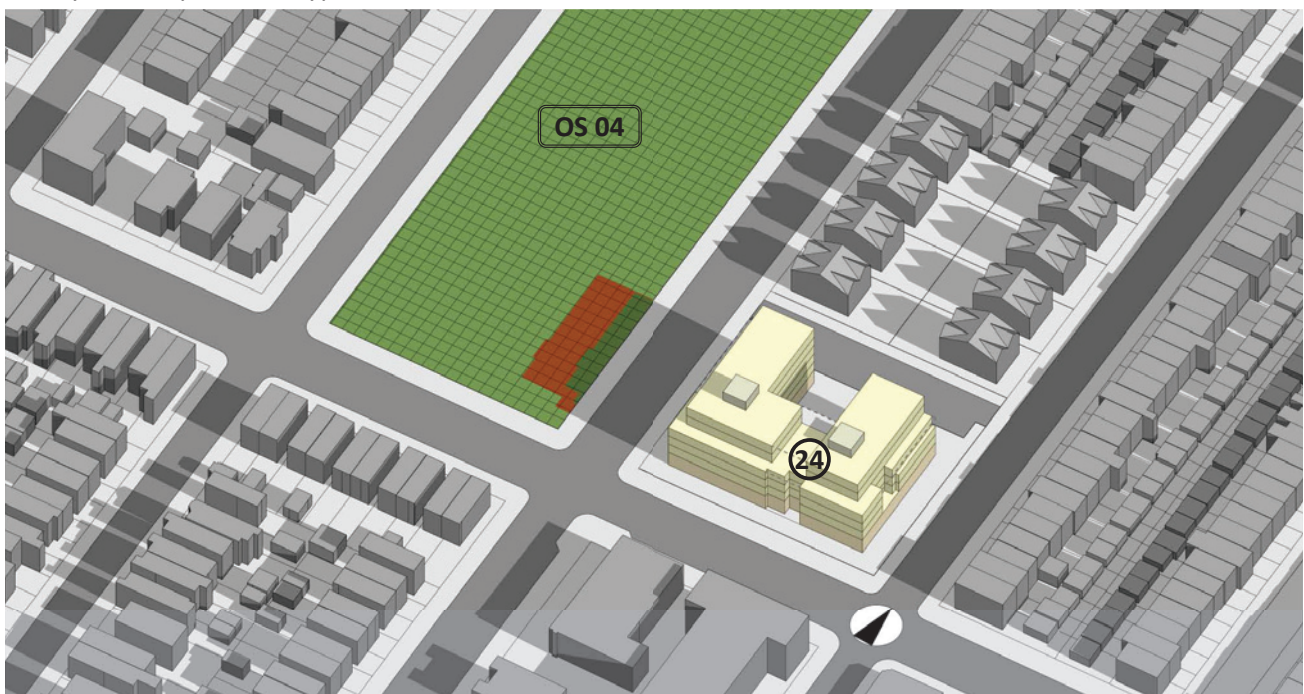
 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

May 6 (August 6)

Incremental Shadow Start and End:
6:27AM - 7:47AM



Analysis Group 7: Prototype 24





May 6 (August 6)

7:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

June 21

Incremental Shadow Start and End:
5:57AM - 6:59AM



Analysis Group 7: Prototype 24





June 21

6:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

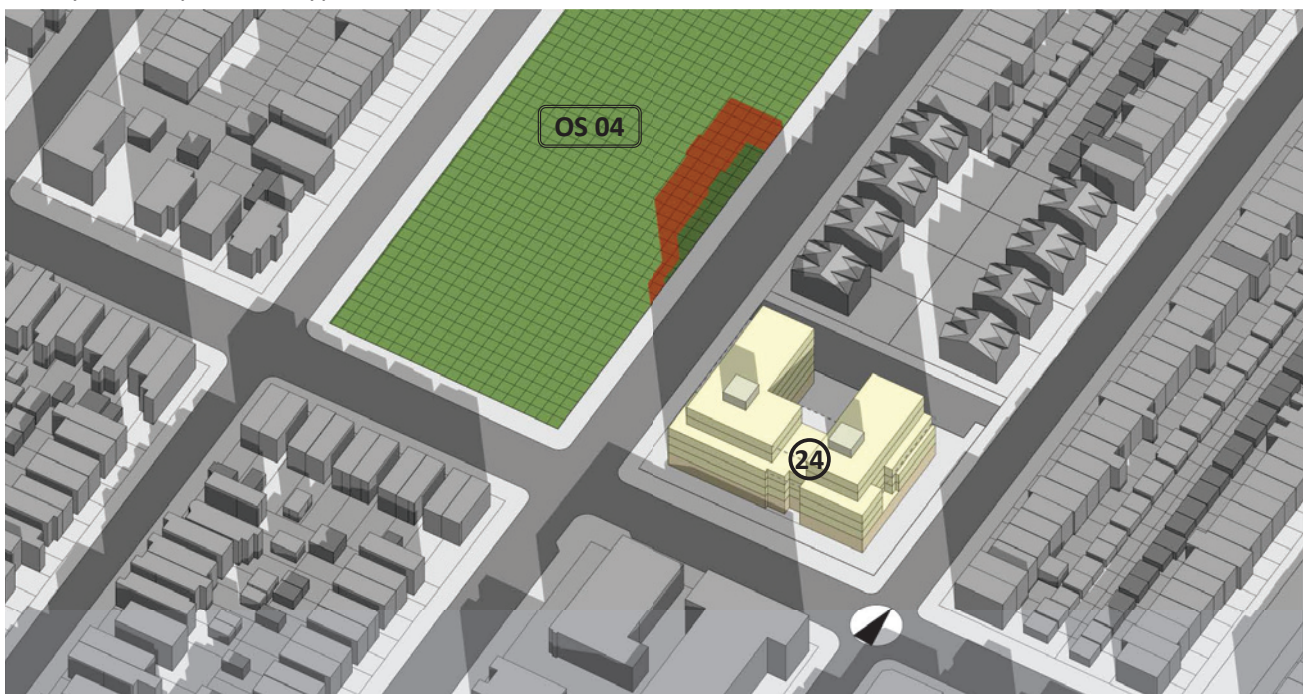
 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

December 21

Incremental Shadow Start and End:
8:51AM - 9:30AM



Analysis Group 7: Prototype 24





December 21

9:00AM

Each grid cell on open space represents
approximately 10' x 10' land area

 Potential incremental shadow
 Shadow sensitive resource

 Prototype
 Worst case building envelop

Chapter 8 : HISTORIC AND CULTURAL RESOURCES

A. INTRODUCTION

This chapter assesses the Proposed Action's effect on historic and cultural resources. Historic and cultural resources include both architectural and archaeological resources. The *CEQR Technical Manual* identifies historic and cultural resources as districts, structures, sites, and objects of historic, aesthetic, cultural, and archaeological importance. This includes designated New York City Landmarks (NYCLs) and Historic Districts (NYCHDs); properties calendared for consideration as landmarks by the New York City Landmarks Preservation Commission (LPC); properties listed in the State/National Registers of Historic Places (S/NR) or contained within a district listed in or formally determined eligible for S/NR listing; and, properties designated by the New York State Historic Preservation Office (SHPO) within the Office of Parks, Recreation and Historic Preservation (OPRHP) as eligible for listing on the S/NR; National Historic Landmarks (NHL), and properties not identified by one of the programs or agencies listed above, but that meet their eligibility requirements.

An assessment of historic/archaeological resources is usually needed for projects that are located adjacent to listed or eligible historic or landmark structures or within historic districts, or projects that require in-ground disturbance, unless such disturbance occurs in an area that has already been excavated.

B. PRINCIPAL CONCLUSIONS

Archaeological Resources

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

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

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

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

Architectural Resources

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

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

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

C. SCREENING ANALYSIS

Archaeological Resources

Archeological resources usually need to be assessed for actions that would result in any in-ground disturbance. In-ground disturbance is any disturbance to an area not previously excavated and includes new excavation deeper and/or wider than previous excavations on the same site. For any action that would result in new ground disturbance, assessment of both prehistoric and historic archaeological resources is appropriate.

The Proposed Action would not change any of the existing zoning designations; however, it would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing, and is discussed in this document), however, more development is expected to occur as a result citywide which has the potential to result in additional in-ground disturbance. Consequently, additional assessment of the Proposed Action to result in impacts to archaeological and architectural resources is required.

Architectural Resources

Architectural resources usually need to be assessed for actions that would result in new construction, demolition, or significant physical alteration to any building, structure, or object; a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; construction, including excavating vibration, subsidence, dewatering, and the possibility of falling objects; additions to or significant removal, grading, or replanting of significant historic landscape features; screening or elimination of publicly accessible views; and introduction of significant new shadows or significant lengthening of the duration of existing shadows on an historic landscape or on an historic structure of the features that make the structure significant depend on sunlight.

As mentioned above, the Proposed Action would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. While the Proposed Action is not expected to have direct impacts on architectural resources, it could potentially cause indirect impacts, including new shadows on the physical features of historic structures. An assessment on architectural resources is therefore warranted.

D. ARCHEOLOGICAL RESOURCES

As mentioned above, the Proposed Action would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. The following components of the Proposed Action is expected to result in increased or new in-ground disturbance:

- Remove unnecessary corner lot coverage restrictions
- Match street wall line-up provision requirements to intent
- Provide improved yard and coverage regulations for shallow lots
- Update outdated distance between buildings regulations
- Reduce parking requirements where appropriate for affordable housing
- Eliminate parking requirements for qualifying affordable housing within the Transit Zone
- Create new lower-density bulk envelope for Long Term Care Facilities

If such in-ground disturbance occurs on sites where archaeological remains exist, significant adverse impacts could occur. Consequently, additional assessment of the potential for these provisions of the Proposed Action to result in impacts to archaeological resources has been conducted.

[Remove unnecessary corner lot coverage restrictions](#)

The removal of the maximum corner coverage requirement would allow future developments on undeveloped corner lots to wrap the corner with the building massing and create a more-traditional corner building. One of the effects of this provision would be that the floor area would be more likely to occupy a larger building footprint than would be expected in the future without the Proposed Action, increasing the potential for additional in-ground disturbance in the future with the Proposed Action.

This provision would effect R6-R10 zoning districts citywide. Undeveloped corner lots that might be developed are widely scattered across the city. The location of development would remain unchanged under the future with Proposed Action scenario; however, the potential for floor area to be allocated over a larger building footprint cannot be eliminated.

[Match street wall line-up provision requirements to intent](#)

This provision would allow future developments to set back 10 feet from the street wall regardless of the setback of the adjacent buildings instead of 15 feet from the street line as it currently is applied. Since the future buildings can be located closer to the street line, there is potential for additional or deeper in-ground disturbance.

This provision would affect Quality Housing buildings in R6-R10 zoning districts citywide. Even though, the amount and location of development would remain unchanged under the future with Proposed Action scenario, the potential for increased in-ground disturbance cannot be eliminated.

[Provide improved yard and coverage regulations for shallow lots](#)

In the future without the Proposed Action, buildings on shallow lots between 70' and 95' depth would be required to provide the full rear yard depending on the underlying zoning district. On shallow through lots with a depth between 140' and 190', the same problem presents itself when two buildings are developed on opposite street frontages. There are relatively few development sites meeting these conditions, however, in the future without the Proposed Action, those that do would be expected to develop a sub-standard building in order to fit their permitted FAR; others would be expected to obtain variances to facilitate more efficient buildings on these lots as a result of their constraints.

In the future with the Proposed Action, the developments on shallow lots would be permitted to reduce the depth of the required rear yard and would be able to set the build off the property line and provide a variety of building articulation options which would result in additional in-ground disturbance over the future without the Proposed Action.

This provision would effect R6-R10 zoning districts citywide. Shallow lots and shallow through lots are found consistently across all neighborhoods in all five boroughs, making it impossible to conclude where and to what extent such additional in-ground disturbance might occur.

Update outdated distance between buildings regulations

In the future without the Proposed Action, developments on zoning lots with multiple buildings would be required to comply with the existing distance between building requirements. On zoning lots where two buildings have an average height of 50 or more feet, the minimum distance between legally required windows in the two buildings is 60 feet. This exceeds the requirements of the state Multiple Dwelling Law and makes infill development more difficult to undertake, or makes buildings taller as their footprint is limited to small areas of the zoning lot.

In the future with the Proposed Action, the minimum distance between buildings between 25 and 125 feet tall would be reduced from 60 feet, to 40 feet, to bring zoning regulations in line with the Multiple Dwelling Law. This provision would extend to buildings 125 feet tall or higher when their aggregate lot coverage does not exceed 40 percent. This may enable infill development on sites with lot and floor area allowances, and may enable modest horizontal enlargements of existing buildings on lots with multiple buildings.

The number and location of zoning lots with available floor area and sufficient area to construct a new building is limited in medium- and high-density districts (R6-R10) in the city. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of additional in-ground disturbance cannot be eliminated.

Reduce parking requirements where appropriate for Affordable Housing

In the future without the Proposed Action, current parking requirements for affordable housing remain the same and any new affordable housing units would continue to provide the required parking.

In the future with the Proposed Action, elimination or reduction of existing and future parking requirements for affordable housing is likely to enable the development of sites that were previously too difficult or costly to build, or enable the development of a larger building with more units. In the future with the Proposed Action, this provision would also allow for the redevelopment of existing senior housing parking lots which is likely to result in additional and/or deeper in-ground disturbance. The number and location of existing senior housing parking lots with parking lots large enough to facilitate additional development is limited within the proposed Transit Zone. Also, as described in Chapter 2, "*Analytical Framework*," the LiveOn study identified 39 sites across the Transit Zone where such redevelopment may be possible, but it is not possible to determine which sites would be expected to proceed with redevelopment. Since it is not possible to conclude where and to what extent additional development might occur, the possibility of additional in-ground disturbance cannot be eliminated.

Create new lower-density bulk envelope and for Long Term Care Facilities

In the future with the Proposed Action, Long Term Care Facilities would be given additional FAR which would result in additional development. While Long Term Care Facilities would be getting more FAR, the height requirements would be more restricted compared to the No Action scenario. Since, the height would be more restricted, developments are likely to cover a larger footprint which would increase the potential for in-ground disturbance. This provision would effect R3-2, R4 and R5 zoning district without letter or number suffix (R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D).

E. ARCHITECTURAL RESOURCES

Architectural Resources

As described above, architectural resources are defined as properties or districts listed on the Registers or determined eligible for such listing, NHLs, NYCLs and NYCHDs, and properties that have been found by the LPC to appear eligible for designation, considered for designation by LPC at a public hearing, or calendared for consideration at such a hearing.

The assessment of the Proposed Action's potential effect on architectural resources accounts for both direct physical impacts and indirect impacts. *Direct impacts* include demolition of a resource and alterations to a resource that cause it to become a different visual entity. A resource could also be damaged by construction activities such as blasting, pile driving, falling objects, subsidence, collapse, or damage from construction machinery unless proper protection measures are put in place. Construction activity that would occur within 90 feet of an architectural resource, as defined in the New York City Department of Buildings (DOB) Technical Policy and Procedure Notice (TPPN) #10/88, may cause such damage.

Indirect impacts are contextual or visual impacts that could result from project construction or operation. As described in the *CEQR Technical Manual*, indirect impacts could result from blocking significant public views of a resource; isolating a resource from its setting or relationship to the streetscape; altering the setting of a resource; introducing incompatible visual, audible, or atmospheric elements to a resource's setting; or introducing shadows over a historic landscape or an architectural resource with sun-sensitive features that contribute to that resource's significance (i.e., a church with stained-glass windows). Significant adverse direct or indirect impacts can occur if a project would cause a change in the quality of a property that qualifies it for S/NR listing or for designation as a NYCL.

According to the *CEQR Technical Manual*, to account for potential physical, visual and contextual impacts, an architectural resources study area should be defined, and any potentially eligible architectural resources that may be affected by the Proposed Action should be identified through a combination of field surveys and documentary research for the study area. The study area is typically defined as the project area and the area within approximately 400 feet of the project area. However, as mentioned above, the Proposed Action is a citywide "Generic Action" and there are no known development sites. Therefore, a specific architectural resources study area, for the purposes of identifying, investigating, site surveying and documenting of architectural resources, has not been defined.

Existing Condition

Based on the National Register of Historic Places (NR), there are over 700 historic sites in New York City that are listed as places worthy of preservation. The U.S. Secretary of the Interior has established criteria of eligibility for listing on the National Register of Historic Places which New York State has adopted for use in identifying significant historic resources for environmental review. To be considered eligible for the National Register, a property must represent a significant part of the history, architecture, archaeology, engineering, or culture of an area, and it must have the characteristics that make it a good representative of properties associated with that aspect of the past.

More specifically, districts, sites, buildings, structures, and objects more than 50 years of age are eligible for the National Register if they possess integrity of location, design, setting, materials, workmanship, feeling, and association, and: 1) are associated with events that have made a significant contribution to the broad patterns of history (Criterion A); 2) are associated with significant people (Criterion B); 3) embody distinctive characteristics of a type, period, or method of construction, represent the work of a master, possess high artistic value, or that represent a significant and distinguishable entity whose components may lack individual distinction (Criterion C); or 4) may yield [archaeological] information important in prehistory or history. Official determinations of eligibility are made by the New York State Office of Parks, Recreation and Historic Preservation and criteria for listing on the National Register are in the Code of Federal Regulations, Title 36, Part 63.

It should be noted that even if a property is excluded from eligibility for the National or State Register(s), it may be eligible for designation under the New York City Landmarks Law, which has different criteria for eligibility from those of the National Register. According to LPC, there are more than 33,000 landmark properties in New York City, most of which are located in 114 historic districts and 20 historic district extensions in all five boroughs. The total number of protected sites also includes 1,347 individual landmarks, 117 interior landmarks and 10 scenic landmarks. LPC designates historically significant properties in the City as NYCLs and/or Historic Districts, following the criteria provided in the Local Laws of the City of New York, New York City Charter, Administrative Code, Title 25, Chapter 3. Buildings, properties, or objects are eligible for landmark status when a part is at least 30 years old. Eligible properties typically contribute to the heritage, or cultural characteristics of the city, state, or nation, and are generally classified as one of four types of landmarks: individual landmark, interior landmark, scenic landmark, and historic district.

Properties that are NYCLs are protected under the NYCL Law, which requires LPC review and approval before any alteration or demolition of those resources can occur. All properties within LPC-designated historic districts also require LPC permit and approval prior to new construction, addition, enlargement, or demolition. This approval process would ensure that development under a Proposed Action would not have an adverse impact on these resources. Additionally, historic resources that are listed in the S/NR are given a measure of protection from the effects of federally sponsored, or federally assisted projects under Section 106 of the National Historic Preservation Act, and are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the New York State Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process. Private property owners using private funds can, however, alter or demolish their S/NR-listed or S/NR-eligible properties without such a review process.

The New York City Building Code also provides some measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to designated NYC Landmarks and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, the New York City Department of Buildings' (DOB Technical Policy and Procedure Notice (TPPN) #10/88 applies. TPPN #10/88 supplements the standard building protections afforded by the Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent NYCL-designated or S/NR-listed resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed.

While designated historically significant properties in the City are protected under local, state, and national laws, eligible historical resources that are not designated landmarks are not subject to the same laws and review process. According to the *CEQR Technical Manual*, potential historic resources can be considered significant if they meet the criteria for listing on the S/NR, established by the U.S. Secretary of the Interior, or criteria for local designation set forth in the New York City Landmarks Law. Although a typical environmental review considers a project's impacts on eligible sites for landmark designation, potential significant historical resources that are not currently designated as landmarks are not protected by local, state and national laws that provide measures to preserve properties.

Future No-Action Condition

In the future without the Proposed Action, the status of historic resources could change. S/NR-eligible architectural resources could be listed in the Registers, and properties found eligible or calendared for consideration for designation as NYCLs could be designated. It is also possible, given the Proposed Action's analysis year of 2025, that additional sites could be identified as eligible historic resources in this time frame. It is also possible that some architectural resources could deteriorate, while others could be restored. In the future without the Proposed Action, the local, state and federal procedures and protections described in the existing conditions above would continue to apply.

Future With-Action Condition

The Proposed Action would affect zoning regulations citywide and result in changes to the height, bulk, and parking regulations. Although, it is expected to be limited, the Proposed Action has the potential to result in more development citywide when compared to the Future No-Action Condition.

Historic resources can be directly affected by physical destruction, demolition, damage, or alterations. Direct impacts also include changes to an architectural resource that cause it to become a different visual entity, such as a new location, design, materials, or architectural features. A resource could also be damaged by construction activities such as blasting, pile driving, falling objects, subsidence, collapse, or damage from construction machinery unless proper protection measures are put in place. Any new construction taking place on any site adjacent to or within 90 feet of individual landmarks or historic districts has the potential to cause damage to those historic resources from ground-borne construction vibrations.

As mentioned above, privately owned properties that are NYCLs or in New York City Historic Districts would continue to be protected under the New York City Landmarks Law, which requires LPC review and approval before any alteration or demolition can occur. Also, the New York City Building Code would continue to provide measures of protection for all properties against accidental damage from adjacent construction by requiring that all buildings, lots, and service facilities adjacent to foundation and earthwork areas be protected and supported. Additional protective measures apply to LPC-designated Landmarks and S/NR-listed historic buildings located within 90 linear feet of a proposed construction site. For these structures, the DOB's Technical Policy and Procedure Notice (TPPN) #10/88 applies. TPPN #10/88 supplements the standard building protections afforded by the Building Code by requiring, among other things, a monitoring program to reduce the likelihood of construction damage to adjacent LPC-designated or S/NR-listed resources (within 90 feet) and to detect at an early stage the beginnings of damage so that construction procedures can be changed. As such, the Proposed Action would not result in any significant adverse physical impacts to architectural resources.

Similarly, historic resources that are listed in the S/NR are given a measure of protection from the effects of federally sponsored, or federally assisted projects under Section 106 of the National Historic Preservation Act, and are similarly protected against impacts resulting from state-sponsored or state-assisted projects under the New York State Historic Preservation Act. Although preservation is not mandated, federal agencies must attempt to avoid adverse impacts on such resources through a notice, review, and consultation process.

While eligible historical resources that are not protected by local, state or national designations may be affected by the Proposed Action, the potential for direct impacts on these resources is not a result of the Proposed Action and would also exist in the future No-Action scenario. Since the Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing), there would be no increment in the potential for eligible sites to be directly impacted between the Future No-Action and With-Action conditions. The Proposed Action would therefore not result in an incremental impact on non-designated eligible historic properties and sites.

According to the *CEQR Technical Manual*, contextual impacts may occur to architectural resources under certain conditions. Possible impacts to architectural resources may include isolation of the property from, or alteration of, its setting or visual relationships with the streetscape. This includes changes to the resource's visual prominence so that it no longer conforms to the streetscape in terms of height, footprint, or setback; is no longer part of an open setting; or can no longer be seen as part of a significant view corridor. Significant indirect impacts can occur if the Proposed Action would cause a change in the quality of a property that qualifies it for listing on the S/NR or for designation as a NYCL.

The Proposed Action is not expected to have significant adverse contextual or visual impacts on existing historic resources. As mentioned above, the Proposed Action would affect zoning regulations citywide and result in changes to the height, bulk and parking requirements. Although, developments resulting from the proposed changes could alter the setting or visual context of existing historic resources, these alterations is not expected to result in significant adverse impacts. The Proposed Action would not alter the relationship of architectural resources to the streetscape, or change or obstruct public views of architectural resources. All significant elements of existing architectural resources would remain visible in view corridors on public streets. Further, no incompatible visual, audible, or atmospheric elements would be introduced by the Proposed Action to any historic resources. As such, the Proposed Action is not expected to result in any significant adverse indirect impacts on historic architectural resources.

While, the Proposed Action would potentially result in incremental shadows being cast on historic resources, as discussed in Chapter 7, Shadows, the duration and coverage of incremental shadows would be limited; however, the potential for shadow impacts cannot be eliminated.

Chapter 9 : URBAN DESIGN AND VISUAL RESOURCES

A. INTRODUCTION

This section considers the potential of the Proposed Action to affect urban design and visual resources. As defined in the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space. A visual resource can include views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings, and natural resources. Since the Proposed Action could result in the potential for a pedestrian to observe, from the street level, a physical alteration beyond what is allowed by existing zoning, a preliminary assessment of urban design and visual resources is warranted.

Per the 2014 *CEQR Technical Manual*, the analysis for this chapter should focus on where the Proposed Action may influence land use patterns and the built environment. Because the proposal is a citywide action that would impact a variety of areas and contexts, this analysis addresses urban design and visual resources by examining prototypical cases in the context of example neighborhood study areas, the Future without the Proposed Action (the No-Action condition) and the Future with the Proposed Action (With-Action condition) in the 2025 analysis year.

The Proposed Action would result in changes to the use, bulk and parking regulations for residential uses and specified community facilities in certain zoning districts in the Zoning Resolution on a city-wide basis with the objective of improving the design quality of buildings and lowering the cost of housing. This would have the result of improving urban design considerations throughout the city, by providing architects and designers more opportunities to articulate buildings in a manner similar to the historic context. Existing zoning controls limit overall design flexibility and often result in buildings that do not include design and streetscape-improving elements that are typical of older apartment buildings in the city's residential neighborhoods. The proposed zoning changes that would provide additional flexibility to these regulations to generally facilitate housing development and enhance the quality of both new housing and street-level commercial activity. Thus the Proposed Action is intended to reinforce and improve existing neighborhood character citywide through additional growth opportunities and improved regulations for street walls, courtyards, and ground floor transparency.

The following components of the proposal are analyzed for their effects on urban design and visual resources.

General bulk controls

- Adjust height controls in moderate- and high-density districts
- Create more-efficient building setback rules
- Remove unnecessary corner lot coverage restrictions
- Provide a more balanced building transition rule
- Enhanced building envelopes for inclusionary and affordable senior housing
- Update floor area ratio maximum for Affordable Independent Residences for Seniors and long-term care facilities
- Permit residential accessory uses on ground floors in rear yards
- Remove narrow lot restrictions
- Create a new non-contextual building envelope for affordable housing (R6-R10A)
- Create new lower-density bulk envelope for affordable senior housing and care facilities (R3-R5)

Encourage variety and better design flexibility

- Provide greater clarity and design opportunities in street wall regulations
- Match line-up provision requirements to intent
- Provide more-useable court regulations
- Remove or modify unnecessary window regulations
- Clarify use location provisions
- Modernize density factor and unit size requirements

- Encourage elevated residential ground floors
- Eliminate Quality Housing study areas

Flexibility for constrained lots

- Provide improved yard and coverage regulations for shallow lots
- Rationalize street wall requirements for acutely-angled sites
- Provide additional flexibility for irregular topography
- Update outdated distance between buildings regulations
- Create a new discretionary action for unforeseen site circumstances

B. PRINCIPAL CONCLUSIONS

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

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

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

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

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

C. METHODOLOGY

As defined in the *CEQR Technical Manual*, urban design is the totality of components that may affect a pedestrian's experience of public space and this analysis considers the effects of the Proposed Action on the experience of a pedestrian in the rezoning and study areas. Urban Design assessments focus on those project elements that have

the potential to alter the built environment, or urban design, of the rezoning area, which is collectively formed by the following components:

- Street Pattern and Streetscape—the arrangement and orientation of streets define location, flow of activity, street views, and create blocks on which buildings and open spaces are arranged. Other elements including sidewalks, plantings, street lights, curb cuts, and street furniture also contribute to an area's streetscape.
- Buildings—building size, shape, setbacks, pedestrian and vehicular entrances, lot coverage and orientation to the street are important urban design components that define the appearance of the built environment.
- Open Space—open space includes public and private areas that do not include structures, including parks and other landscaped areas, cemeteries, and parking lots.
- Natural Features—natural features include vegetation, and geologic and aquatic features that are natural to the area.
- View Corridors and Visual Resources—visual resources include significant natural or built features, including important views corridors, public parks, landmarks structures or districts, or otherwise distinct buildings.

Given that this is a citywide text amendment, natural features, built or natural visual resources, according to the definitions in the *CEQR Technical Manual*, may exist in areas affected by the Proposed Action. However, the Proposed Action would not affect the street hierarchy or reconfigure blocks. Therefore, this chapter analyzes the urban design characteristics of prototypical example buildings in the context of specific study areas, which include the streetscape, buildings, open spaces.

D. STUDY AREAS

In accordance with the *2014 CEQR Technical Manual*, the analysis begins with a preliminary assessment to determine whether the changes to the pedestrian environment are sufficiently significant to require greater explanation and further study in the form of a detailed analysis. Examples include projects that would potentially obstruct view corridors, compete with icons in the skyline, or make substantial alterations to the streetscape of an area by noticeably changing the scale of buildings.

The Proposed Action would permit moderate increases to the allowable residential bulk in limited areas for inclusionary housing, affordable senior housing and long term care facilities, and small increases to the allowable residential bulk in limited areas for general residential uses. Since these increases consist primarily of medium- and high-density residential districts, the focus for the preliminary assessment was therefore limited to study areas of this type.

Because the nature of a generic action precludes the analysis of a Primary and Secondary study area as are typically assessed in this chapter, 5 prototypical neighborhoods were created as study areas in order to examine the effects the Proposed Action would have on the urban design character on representative areas of the city. These prototypical neighborhoods include: a prototypical R7A neighborhood, a prototypical R8A neighborhood, a prototypical R10A neighborhood, a prototypical C6-4A (R10A Equivalent) neighborhood, and a prototypical R4 neighborhood. Each study area was selected on the basis that the Proposed Action would allow an increase in height, a shift in building footprint, or a wholly new development, which could have the potential for a pedestrian to observe, from the street level, a physical alteration beyond what is allowed by existing zoning.

Since the urban design and visual resources analysis is a site specific-based technical analysis, the anticipated development on prototypical study areas forms the basis for this preliminary assessment.

E. PRELIMINARY ASSESSMENT

According to the *CEQR Technical Manual*, a preliminary assessment is appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following: (1) projects or actions that permit the modification of yard, height, and setback requirements; and (2)

projects or actions that result in an increase in built floor area beyond what would be allowed as-of-right or in the Future without the Proposed Action. Beyond a preliminary assessment, a detailed analysis may be needed for projects or actions that potentially obstruct view corridors, compete with icons in the skyline, or make substantial alteration to the streetscape of a neighborhood by noticeably changing the scale of buildings. Detailed assessments are generally appropriate for all area-wide rezonings that include an increase in permitted floor area or changes in height and setback requirements. Therefore, a detailed assessment is provided below.

F. DETAILED ASSESSMENT

Prototypical neighborhoods

Study Area A consists of a generic neighborhood typically seen in medium density areas. In these areas, R7A districts are typically mapped along wide avenues and narrow street sections are typically mapped with lower density districts such as R3, R4 and 5 districts. Some R7A districts are mapped along narrow street sections that are build-out with large and high lot coverage buildings predating the 1961 Zoning Resolution. The bulk and density of these older residential buildings are similar to those permitted under R7A bulk regulations. Prototypical buildings 1, 3 and 11 are modeled as development sites in this neighborhood. Study Area A is assumed to have been recently rezoning, and Prototype 11 assumes that an existing Non-profit Residences for the Elderly was constructed under the non-contextual bulk regulations of R7-2 districts, making the existing building a legal non-complying building. Surrounding larger buildings predates the 1961 Zoning Resolution but their bulk and density is similar to those permitted under R7A bulk regulations.

Study Area B consists of a generic neighborhood typically seen in medium to high density areas outside of Manhattan. In these areas, higher density districts are mapped along a wide street and narrow street sections are typically mapped with low to medium density districts such as R6B and R7B districts. In this prototypical neighborhood, a high density R8A district is mapped along both sides of a wide north-south avenue and areas beyond 100 feet from the avenue is mapped with lower density R6B districts.

Study Area C consists of the same generic high-density residential neighborhood typically seen in Manhattan. In these areas, R10A districts are typically mapped along wide avenues and narrow street sections are typically mapped with moderate density districts such as R8B districts. Some R10A districts are mapped along narrow street sections that are build-out with large and high lot coverage buildings predating the 1961 Zoning Resolution. These areas along narrow streets mapped with R10A districts are most likely be fully build-out with large residential buildings.

Study Area D consists of a generic neighborhood typically seen in high density commercial areas in Midtown and Lower Manhattan. To assess potential Urban Design impacts from the proposed height and setback changes for an Inclusionary Housing development in contextual R10A district along narrow streets, where the largest incremental height change is proposed under the Proposed Action, it was necessary to assemble a high density contextual neighborhood such as an area mapped with C6-4A districts. As described in Prototypical Neighborhood C, residential R10A districts are primarily mapped along wide street and when they are mapped in an area along narrow street beyond 100 feet from a wide street, they are most likely be build-out and it is not reasonable to project or assume a development in these areas. High density contextual commercial districts that are R10A equivalent districts are mapped along narrow streets in wider (but still very limited) areas and contain some potential residential development sites.

Study Area E consists of a generic neighborhood typically seen in low density areas. R4 districts allow detached and multi-family housing that typically produces buildings with two stories, plus a third under a pitched roof.

Existing Condition

Study Area A: R7A zoning district

Description

This prototypical R7A neighborhood is populated by a mix of housing types. Many older residential buildings were built prior to a recent rezoning from R7-2 to R7A. Examples of R7A neighborhoods include Bedford Stuyvesant, Prospect Park South, and Flatbush, in Brooklyn. In order to model the effects of the proposed change to the transition rule, this Prototypical Neighborhood has been modelled adjacent to an R4A residential district. This study area models the effect of developments based on Prototypes 1, 3 and 11.

Street Pattern and Streetscape

Under existing conditions, there are no issues with pedestrian and vehicular flow. The neighborhood is laid out in a standard city grid pattern, comprised primarily with one-way streets, and with sidewalks on both sides.

Buildings

Under existing conditions, there are a variety of building types existing within the R7A neighborhood. The majority match the use and bulk that defines an R7A district, and are contextual buildings built pursuant to Quality Housing regulations, which are mandatory in R7A districts. Most are 7 or 8 story buildings with high lot coverages, built to the street wall. Buildings are typically up to 80 feet tall, with a base height of 40 to 65 feet tall before setting back (10 feet on a narrow street, 15 feet on a wide street) to achieve their maximum height. These bulk regulations result in a building envelope that is tight for the permitted FAR. As a result, sacrifices to the building design are often made in order to fit all of the permitted density.

These sacrifices include sub-optimal floor to floor heights, particularly on the ground floor. Along corridors where there is a commercial overlay, the ground floor commercial spaces tend to have low floor-to-ceiling heights, in order to accommodate all permitted FAR within the relatively tight building envelope. Along residential side streets with no commercial overlay, ground floor residential uses are at-grade, resulting in windows on the sidewalk that are often closed with blinds or shades to provide privacy for residents within. Furthermore, in order to fit all permitted floor area, building facades typically lack the articulation and design features common on older, historic buildings, despite the Quality Housing contextual intentions of better integrating new buildings into the existing fabric. While the regulations require that all open areas between the street wall and the street line be planted, a tight envelope forces many buildings onto the street line, leaving no open space between the street wall and the street line.

Because of the tight building envelope, many of the compliant buildings are boxy and provide little articulation or ground floor setback, because such design treatments would consume portions of the building envelope that would otherwise be allocated for housing. These sacrifices result in fewer planted spaces between the street wall and street line, and produce buildings that, despite their contextual zoning, have bland facades that are conspicuous among the more historic buildings in the neighborhood.

Open Space

The neighborhood has a large park occupying half a full block, across the street from a historic resource (church) and two development sites. There is another smaller park across the street from an existing parking lot for an affordable senior housing building. Adjacent to the affordable senior housing building is a large parking lot, accessory to the housing.

Natural Features

There are no unique natural features defining the overall visual character of this neighborhood.

View Corridors and Visual Resources

There is one historic resource in this neighborhood, a church location on the same block as two of the development sites. There are no other significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources in this neighborhood.

Study Area B: Prototypical R8A Neighborhood

Description

This prototypical study area is an R8A zoning district mapped for Inclusionary Housing, adjacent to an R6B district. This neighborhood represents a likely scenario in the city where there is a great degree of difference between the permitted building forms of two adjacent zoning districts. An example of this condition occurs along Fourth Avenue, in Brooklyn's Park Slope neighborhood. This study area models the effect of development based on Prototype 17.

Street Pattern and Streetscape

Under existing conditions, there are no issues with pedestrian and vehicular flow. The neighborhood is laid out in a standard city grid pattern, comprised primarily with one-way streets, and with sidewalks on both sides.

Buildings

Under existing conditions, the R8A zoning district is mapped primarily along wide streets, with developments in this district occurring on both wide and narrow streets. Midblock sections beyond the mapped R8A district are zoned R6B.

Buildings in R8A districts have contextual Quality Housing bulk regulations, typically resulting in high lot coverage 10-12 story apartment buildings set at or near the street line. Limitations on the base height and maximum building height of new buildings ensure compatibility with existing buildings on the street.

The FAR in R8A districts is 6.02, with a bonus for Inclusionary Housing that allows up to 7.2 FAR. Buildings are permitted a base height of 60 to 85 feet, with a maximum height of 120 feet regardless of whether they provide Inclusionary Housing. Above the base height, buildings must be set back to a depth of 10 feet on a wide street, and 15 feet on a narrow street. On wide streets, the street wall must extend along the entire width of a zoning lot, and at least 70 percent of the street wall must be within eight feet of the street line.

The transition rule requires that any portion of an R8A (or other high density) building built within 25 feet of a building in an adjacent R6B district must comply with R6B height and setback regulations. This has the effect of profoundly reducing the geographic applicability of the R8A district in this prototypical neighborhood for all buildings abutting the R6B district, limiting the portion of the building within 25' of this district to a maximum height of 50 feet and forcing the bulk elsewhere on site.

The transition rule exacerbates the existing condition of a building envelope that is too tight to fit the permitted FAR allowed under the Inclusionary Housing program, resulting in low participation rates in the IH program among new developments.

Open Space

There are no public or private areas such as parks, yards, cemeteries, parking lots, or privately owned public spaces in this study area.

Natural Features

There are no unique natural features defining the overall visual character of this study area.

View Corridors and Visual Resources

There is one historic resource in this neighborhood, a house of worship typically seen in New York City's medium to high density areas outside of Manhattan. This house of worship has historic significance and contains architectural features including stained glasses and other sunlight-sensitive architectural design elements.

Study Area C: Prototypical R10A Neighborhood

Description

Study Area 3 consists of a high-density residential neighborhood typically seen in Manhattan. In these areas, R10A districts are typically mapped along wide avenues and narrow street sections are typically mapped with moderate density districts such as R8B districts. Some R10A districts are mapped along narrow street sections that are build-

out with large and high lot coverage buildings predating the 1961 Zoning Resolution. These areas along narrow streets mapped with R10A districts are most likely be fully build-out with large residential buildings. This study area models the effects of development based on Prototypes 13 and 15.

Street Pattern and Streetscape

Under existing conditions, there are no issues with pedestrian and vehicular flow. The neighborhood is laid out in a standard city grid pattern, comprised primarily with one-way streets, and with sidewalks on both sides.

Buildings

Under existing conditions, the R10A zoning district is a contextual district with a Quality Housing requirement. The district typically produces substantial apartment buildings set on the avenues and wide streets of high density areas. Towers are not permitted in this district.

Quality Housing contextual regulation produce large, high lot coverage buildings set at or near the street line, maintaining the high street wall found along Manhattan's major streets and avenues. On the wide streets, the base height is 125 or 150 feet, with a maximum building height of 210 feet. On the narrow streets, the base height before setback is 60 to 125 feet, with a maximum height of 185 feet.

This prototypical neighborhood is modelled with primarily wide streets, and most buildings are thus assumed to achieve a maximum height of 210 feet.

This results in a relatively tight building envelope, resulting in sub-optimal floor to floor heights, particularly on the ground floor. Along corridors where there is a commercial overlay, the ground floor commercial spaces tend to have low floor-to-ceiling heights, in order to accommodate all permitted FAR within the relatively tight building envelope. Along residential side streets with no overlay, ground floor residential uses are at-grade, resulting in windows on the sidewalk that are often closed with blinds or shades to provide privacy for residents within. Furthermore, in order to fit all permitted floor area, building facades typically lack the articulation and design features common on older, historic buildings, despite the Quality Housing contextual intentions of better integrating new buildings into the existing fabric. While the regulations require that all open areas between the street wall and the street line be planted, a tight envelope forces many buildings onto the street line, leaving no open space between the street wall and the street line.

Residential and mixed residential and commercial buildings can receive a residential floor area bonus for the creation or preservation of affordable housing, on-site or off-site, pursuant to the voluntary Inclusionary Housing Program, granting them an FAR of up to 12.0. No extra height or other bulk modifications are associated with this IH FAR bonus.

Additional constraints apply to narrow lots, under the 'Sliver Law'. On lots 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. However, if a narrow lot is adjacent to a lot with a building that exceeds these heights, the narrow lot is permitted to develop to a height that matches its neighbor. These narrow lot restrictions predate contextual zoning districts and were, at the time of their establishment, a reasonable means to ensure predictable development in areas with strong neighborhood character. As a result, there are a handful of buildings in the existing condition that are substantially shorter than the majority of buildings in the neighborhood, and which may only be redeveloped as taller buildings when their adjacent neighbor achieves more height.

Because of the tight building envelope, many of the compliant buildings are boxy and provide little articulation or ground floor setback, resulting in fewer planted spaces between the street wall and street line, and producing buildings that, despite their contextual zoning, have facades that stand out in their blandness from the more historic buildings in the neighborhood.

Open Space

The neighborhood has a large park occupying half a full block. There are no other public or private areas such as parks, yards, cemeteries, parking lots, or privately owned public spaces in this study area.

Natural Features

There are no unique natural features defining the overall visual character of this study area.

View Corridors and Visual Resources

There are no significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources in this neighborhood.

Study Area D: Prototypical C6-4A Neighborhood

Description

This study area consists of a generic neighborhood typically seen in high density residential neighborhoods in Manhattan. In these areas, R10A equivalent districts are typically mapped along wide avenues and narrow street sections are typically mapped with moderate density preservation districts such as R8B districts. Some R10A districts are mapped along narrow street sections that are build-out with large and high lot coverage buildings predating the 1961 Zoning Resolution. However, these areas along narrow streets mapped with R10A districts are most likely be fully build-out with large residential buildings. This study area models the effect of development based on Prototype 14.

Street Pattern and Streetscape

Under existing conditions, there are no issues with pedestrian and vehicular flow. The neighborhood is laid out in a standard city grid pattern, comprised primarily with one-way streets, and with sidewalks on both sides.

Buildings

Under existing conditions, this R10A zoning district equivalent is a contextual district with a Quality Housing requirement. The district typically produces substantial apartment buildings set on the avenues and wide streets of high density areas. Towers are not permitted in this district.

Quality Housing contextual regulation produce large, high lot coverage buildings set at or near the street line, maintaining the high street wall found along Manhattan's major streets and avenues. On the wide streets, the base height is 125 or 150 feet, with a maximum building height of 210 feet. On the narrow streets, the base height before setback is 60 to 125 feet, with a maximum height of 185 feet.

This prototypical neighborhood is modelled with primarily narrow streets, and most buildings are thus assumed to achieve a maximum height of 185 feet.

This results in a relatively tight building envelope, resulting in sub-optimal floor to floor heights, particularly on the ground floor. Along corridors where there is a commercial overlay, the ground floor commercial spaces tend to have low floor-to-ceiling heights, in order to accommodate all permitted FAR within the relatively tight building envelope. Along residential side streets with no overlay, ground floor residential uses are at-grade, resulting in windows on the sidewalk that are often closed with blinds or shades to provide privacy for residents within. Furthermore, in order to fit all permitted floor area, building facades typically lack the articulation and design features common on older, historic buildings, despite the Quality Housing contextual intentions of better integrating new buildings into the existing fabric. While the regulations require that all open areas between the street wall and the street line be planted, a tight envelope forces many buildings onto the street line, leaving no open space between the street wall and the street line.

Residential and mixed residential and commercial buildings can receive a residential floor area bonus for the creation or preservation of affordable housing, on-site or off-site, pursuant to the voluntary Inclusionary Housing Program, granting them an FAR of up to 12.0. No extra height or other bulk modifications are associated with this IH FAR bonus.

Because of the tight building envelope, many of the compliant buildings are boxy and provide little articulation or ground floor setback, resulting in fewer planted spaces between the street wall and street line, and producing buildings that, despite their contextual zoning, have facades that stand out in their blandness from the more historic buildings in the neighborhood.

Open Space

There are no public or private areas such as parks, yards, cemeteries, parking lots, or privately owned public spaces in this study area.

Natural Features

There are no unique natural features defining the overall visual character of this study area.

View Corridors and Visual Resources

There is one historic resource in this neighborhood, a church located across the street from one development site. There are no other significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources in this neighborhood.

Study Area E: Prototypical R4 Neighborhood

Description

This study area consists of a generic neighborhood typically seen in low density areas of the city. The contextual zoning district allows one- and two-family detached residences, and is characterized by houses with two stories and an attic beneath a pitched roof. This study area models the effect of a development based on Prototype 24.

Street Pattern and Streetscape

Under existing conditions, there are no issues with pedestrian and vehicular flow. The neighborhood is laid out in a standard city grid pattern, comprised primarily with one-way streets, and with sidewalks on both sides.

Buildings

This prototypical neighborhood is in a lower-density multifamily housing district, with an FAR of 0.75 plus a 20% attic allowance for space under the pitched roofs commonly found in an R4 district. Buildings are typically 3 stories tall (including the attic space), with a perimeter wall of up to 25 feet before being set back to the maximum building height of 35 feet. Front yards must be 10 feet deep or, if deeper, a minimum of 18 feet to accommodate parking in the front within a side lot ribbon. Detached houses must have two side yards that total at least 13 feet and each must be at least 5 feet wide. Semi-detached buildings need one side yard with a minimum width of 8 feet. The maximum street wall length of a building on a single zoning lot is 185 feet.

Non-profit residences for the elderly have bulk requirements that make it difficult to construct as of right. The sloped roof envelopes of the city's lower density districts limit the ability of non-profit residences for the elderly to be accommodated in a cost-effective way. A City Planning Commission Authorization under Section 23-631 may be obtained to modify the height and setback regulations for these facilities, provided that the neighborhood character is not impaired by the additional height, and the Authorization is frequently utilized. The impractical building envelope, resulting in the need to obtain a CPC Authorization, represents a bureaucratic hurdle that inhibits the development of non-profit residences for the elderly. Nevertheless, for the purposes of this analysis, an Affordable Independent Residence for Seniors is assumed to exist at this site but is unable to build to its full FAR as-of-right.

Open Space

There is a full-block park across the street from the development site modelled in this study area.

Natural Features

There are no unique natural features defining the overall visual character of this study area, in addition to the previously mentioned open space.

View Corridors and Visual Resources

There are no significant natural or built features, including views of the waterfront, public parks, landmark structures or districts, otherwise distinct buildings or groups of buildings, or natural resources in this neighborhood.

The Future without the Proposed Action (No-Action Condition)

Images illustrating the Future without the Proposed Action are depicted in Section G of this chapter.

Study Area A: Prototypical R7A Neighborhood

Street Pattern and Streetscape

In the Future without the Proposed Action, no change to the street pattern or streetscape would be expected.

Buildings

In the Future without the Proposed Action, development sites within the study area would be expected to be developed pursuant to existing zoning regulations, with new buildings constructed to similar heights and bulks as other recently developed buildings. There would be no change to the shape, type, size or location of buildings would be expected. Two developments would be expected.

In the No-Action scenario modelling Prototype 1, the 40,000 sq. ft. of zoning floor area permitted by the zoning district is accommodated in the existing building envelope, but doing so requires sub-optimal floor to floor heights, particularly on the ground floor. The building façade is flat with no articulation in order to allow for the maximum amount of floor area to fit within the envelope. The building is 60' deep and has a base height of 65' and a total height of 80', or 8 stories.

In the No-Action scenario modelling Prototype 3, the development utilizes the existing building envelope and additionally adheres to the current transition rules that require buildings be significantly lowered and set away from specific lower density districts. The development is able to fit its permitted floor area in the existing building envelope, but doing so requires the building to pack as many dwelling units as possible into the existing envelope, by providing sub-optimal floor to floor heights, particularly on the ground floor. The building is 60' deep and has a maximum height of 80', or 8 stories, with the portion of the building abutting the R4A district limited to 35', and built to 30' in this model to conform with the floor to ceiling heights found throughout the rest of the building. In order to fit all permitted floor area, all the available zoning building envelope must be filled and upper stories must be reduced to less than desirable height for dwelling purposes.

In the No-Action scenario modelling Prototype 11, the affordable senior housing continues to require 24 parking spaces. In order to minimize costs, the required parking is provided unenclosed on the zoning lot. Much of the surface parking lot is underutilized, as only approximately 9 residents likely have cars.

From a pedestrian standpoint, buildings would continue to be built to the street wall with little façade articulation and few ground floor setbacks with plantings. The parking lot associated with the affordable senior housing would continue to detract from streetwall continuity.

Open Space

In the Future without the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future without the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future without the Proposed Action, no changes to view corridors or visual resources would be expected.

Study Area B: Prototypical R8A Neighborhood

Street Pattern and Streetscape

In the Future without the Proposed Action, no change to the street pattern or streetscape would be expected.

Buildings

In the Future without the Proposed Action, development sites within the study area would be expected to be developed pursuant to existing zoning regulations, with new buildings constructed to similar heights and bulks as other recently developed buildings. There would be no change to the shape, type, size or location of buildings would be expected. One development site would be expected in the foreseeable future.

In the No-Action scenario modelled on Prototype 17, the development utilizes the existing building envelope and additionally adheres to the current transition rules that require buildings be significantly lowered and set away from specific lower density districts. The development is able to fit its permitted floor area in the existing building envelope, but doing so requires the building to pack as many dwelling units into the existing envelope, by providing sub-optimal floor to floor heights, particularly on the ground floor. The building is 60' deep and has a maximum height of 120', or 12 stories. Because the lot is 10,000 sq. feet or less in an R8A district, no parking is required. The majority of the building's bulk is concentrated on one side of the lot.

From a pedestrian standpoint, buildings would continue to be built to the street wall with little façade articulation and few ground floor setbacks with plantings.

Open Space

In the Future without the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future without the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future without the Proposed Action, no changes to view corridors or visual resources would be expected.

Study Area C: Prototypical R10A Neighborhood

Street Pattern and Streetscape

In the Future without the Proposed Action, no change to the street pattern or streetscape would be expected.

Buildings

In the Future without the Proposed Action, development sites within the study area would be expected to be developed pursuant to existing zoning regulations, with new buildings constructed to similar heights and bulks as other recently developed buildings. There would be no change to the shape, type, size or location of buildings would be expected. Two development sites would be expected.

In the No-Action scenario, the building, modelled on Prototype 13, participates in the IH program, has 12 FAR and 132,000 sq ft of gross floor area permitted by the zoning district and a maximum height of 210'. This floor area is accommodated in the existing building envelope, but doing so requires sub-optimal floor to floor heights, particularly on the ground floor. The building façade is flat with little articulation in order to allow for the maximum amount of floor area to fit within the envelope. The building is 70' deep and has a base height of 150' and a total height of 210'. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

In the No-Action scenario, development modelled on Prototype 15 is restricted to the width of the adjacent wide street (in this case, 100 feet) because the lot is less than 45 feet wide and is located next to buildings that are less than 100 feet in height. The development takes part in the Inclusionary Housing Program but is not able to fit its permitted floor area, even with sub-optimal floor-to-floor heights and less-efficient residential units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

From a pedestrian standpoint, buildings would continue to be built to the street wall with little façade articulation and few ground floor setbacks with plantings.

Open Space

In the Future without the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future without the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future without the Proposed Action, no changes to view corridors or visual resources would be expected.

Study Area D: Prototypical C6-4A Neighborhood

Street Pattern and Streetscape

In the Future without the Proposed Action, no change to the street pattern or streetscape would be expected.

Buildings

In the Future without the Proposed Action, development sites within the study area would be expected to be developed pursuant to existing zoning regulations, with new buildings constructed to similar heights and bulks as other recently developed buildings. There would be no change to the shape, type, size or location of buildings would be expected.

One development site would be expected. In the No-Action scenario, the building, modelled on Prototype 14 and participating in the IH program, has 12 FAR and 120,000 sq. ft. of gross floor area permitted by the zoning district and a maximum height of 185'. This floor area cannot be accommodated in the existing building envelope, even with sub-optimal floor to floor heights, particularly on the ground floor. The building façade is flat with little articulation in order to allow for the maximum amount of floor area to fit within the envelope. The building is 70' deep and has a base height of 125' and a total height of 185'. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq. ft. or less.

From a pedestrian standpoint, buildings would continue to be built to the street wall with little façade articulation and few ground floor setbacks with plantings.

Open Space

In the Future without the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future without the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future without the Proposed Action, no changes to view corridors or visual resources would be expected.

Study Area E: Prototypical R4 Neighborhood

Street Pattern and Streetscape

In the Future without the Proposed Action, no change to the street pattern or streetscape would be expected.

Buildings

In the Future without the Proposed Action, development sites within the study area would be expected to be developed pursuant to existing zoning regulations, with new buildings constructed to similar heights and bulks as other recently developed buildings. There would be no change to the shape, type, size or location of buildings would be expected. On development site, an affordable independent residence for seniors, would be expected to be developed.

In the No-Action scenario, the affordable senior housing development, modelled on Prototype 24, is not able to fit the existing floor area permitted for the use in this zoning district even when utilizing sub-optimal building practices including lower floor-to-floor heights. Even with that, nearly half of the permitted floor area cannot be constructed on the site, in a building limited to 25' base height and 35' total height. The development would be permitted to apply for a discretionary approval from the City Planning Commission for a modified building envelope to permit the floor area. There would be a 35 percent parking requirement, resulting in parking that likely exceeds demand based on an analysis of car ownership rates.

From a pedestrian standpoint, the building would be shorter than its neighbors, as the attic allowance is not functional for this type of development. As a result of the restrictive building envelope, the building would be flat and have little façade articulation to provide visual interest.

Open Space

In the Future without the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future without the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future without the Proposed Action, no changes to view corridors or visual resources would be expected.

The Future with the Proposed Action (With-Action Condition)

Images illustrating the Future with the Proposed Action are depicted in Section G of this chapter.

Study Area A: Prototypical R7A Neighborhood

Street Pattern and Streetscape

No changes are expected to the street pattern or streetscape as a result of the Proposed Action.

Buildings

The prototypical neighborhood demonstrates the urban design impacts associated with the Proposed Action by modelling a study area using the prototypes discussed in Chapter 2H.

Three sites would be redeveloped in the Future with the Proposed Action. These sites are modelled after Prototypes 1, 3, and 11, and include a residential building on a 100' x 100' lot on a narrow street, a residential building on a 100' x 100' corner lot on wide and narrow streets, adjacent to a lower-density R4A district, and an Affordable Independent Residence for Seniors on a 200' x 200' through lot on wide and narrow streets, with a parking lot that gets redeveloped under the With Action Scenario.

In the With-Action scenario modelling Prototype 1, the floor area permitted by the zoning district is also accommodated, but the modified building envelope allows the use of contemporary best practices for residential uses, including more desirable floor-to-floor heights for residential units, while also permitting and encouraging a modest ground floor setback and a range of building articulation so the streetwall can provide some variety. The building is 60' deep and has a maximum base height of 75' and a total height of 85', or 8 stories.

In the With-Action scenario modelling Prototype 3, the development utilizes the modified building envelope regulations and additionally adheres to the modified transition rules that permit buildings to develop up to their permitted base height adjacent to specific lower density districts. With the expanded envelope, the development is able to fit its permitted floor area while utilizing best practices for residential buildings and a range of building articulation. The building is 60' deep and fits its allowable floor area with a height of 95', or 9 stories, although a maximum height of 105', or 10 stories, is permitted. The portion of the building abutting the R4A district rises to 65', more reflective of the R7A height allowance. The Proposed Action results in a building that is 25', or one story, taller, with higher quality ground floor lobby space.

Under the Proposed Action, residential buildings developed pursuant to Prototypes 1 and 3 would achieve 5 additional feet over the Future without the Proposed Action, for a total height of 85 feet, or 8 stories. From the sidewalk, these 5 additional feet are imperceptible. The pedestrian experience is improved through the construction of greater floor-to-ceiling heights in ground floor retail space, resulting in a better look and feel upon entering a store, and larger windows. In residential buildings, ground floor units are elevated a couple of feet above grade, resulting in windows that are higher than would be expected in the future without the Proposed Action. This allows for more privacy for the residents within, and a more interesting and varied streetscape for pedestrians who no longer find closed blinds and curtains. Buildings are also set back slightly from the street with required planting between the street wall and the street line, and facades may be better articulated, as a result of a more flexible building envelope. The Proposed Action, in combination, are expected to have a beneficial effect on how buildings

interact with pedestrians on the sidewalk. The additional height at the top of the building is offset by improvements on the ground that promote a more active and dynamic streetscape.

Under the Proposed Action, an existing affordable independent residence for seniors is permitted to redevelop its parking lot for additional housing, demonstrating the effects of one of the few development-inducing components of this proposal. The removal of parking frees up that portion of the lot for development utilizing the remaining unused floor area, resulting in the construction of approximately 339 affordable senior housing units within a 10-story building. While this building achieves a height that is still less than the adjacent senior housing building, it is 20 feet, or 2 stories, taller than the residential buildings developed pursuant to the contextual R7A zoning.

The extra height affords the development the room to provide more affordable units for seniors, while also allowing for optimal floor to ceiling heights and façade articulation that enhances the pedestrian experience at the sidewalk level. Setbacks require planting, and where there was a parking lot in the Future without the Proposed Action, there is now a building to provide visual interest for passersby.

Open Space

In the Future with the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future with the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future with the Proposed Action, no changes to view corridors or visual resources would be expected.

[Study Area B: Prototypical R8A Neighborhood](#)

Street Pattern and Streetscape

No changes are expected to the street pattern or streetscape as a result of the Proposed Action.

Buildings

In the Future with the Proposed Action, existing development sites would be redeveloped and utilize the changes in allowable height and bulk. There would be no change in the number or location of development sites expected in the Future with the Proposed Action.

One site would be redeveloped in the Future with the Proposed Action. This site is modelled after Prototype 17, a residential building on a 100' x 100' lot on a wide and narrow street adjacent to a lower-density R6B district.

In the Future with the Proposed Action, the FAR in R8A districts remains at 6.02. General residential buildings are permitted a base height of up to 105 feet, or 10 stories, with a maximum height of 125 feet, or 12 stories. Buildings that include Inclusionary Housing or AIRS are permitted a base height of up to 140 feet, with a maximum height of 145 feet, or 14 stories, in order to fit their permitted FAR within the building envelope.

In the Future with the Proposed Action, the transition rule requires that any portion of an R8A building built within 25 feet of a building in an adjacent R6B district must “step up” to the full R8A height and setback, with a proposed transition height of 75 feet, or 7 stories, before achieving the maximum 95 feet, or 9 stories, permitted in an R8A district under the proposal.

The Proposed Action results in a building that could be 25', or two stories, taller, with higher quality ground floor lobby space. Because the lot is 10,000 sq feet or less in an R8A district, no parking is required. The majority of the building's bulk is concentrated on one side of the lot.

The pedestrian experience is improved through the construction of greater floor-to-ceiling heights in ground floor retail space, resulting in a better look and feel upon entering a store, and larger windows. In residential buildings, ground floor units are elevated a couple of feet above grade, resulting in windows that are higher than would be expected in the future without the Proposed Action. This allows for more privacy for the residents within, and a more interesting and varied streetscape for pedestrians who no longer find closed blinds and curtains. Buildings are also set back slightly from the street with required planting between the street wall and the street line, and facades

may be better articulated, as a result of a more flexible building envelope. The Proposed Action, in combination, are expected to have a beneficial effect on how buildings interact with pedestrians on the sidewalk. The additional height at the top of the building is offset by improvements on the ground that promote a more active and dynamic streetscape.

Open Space

In the Future with the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future with the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future with the Proposed Action, no changes to view corridors or visual resources would be expected.

Study Area C: Prototypical R10A Neighborhood

Street Pattern and Streetscape

No changes are expected to the street pattern or streetscape as a result of the Proposed Action.

Buildings

In the Future with the Proposed Action, existing development sites would be redeveloped and utilize the changes in allowable height and bulk. There would be no change in the number or location of development sites expected in the Future with the Proposed Action.

Two sites would be redeveloped in the Future with the Proposed Action. These sites are modelled after Prototypes 13 and 15. Prototype 13 models a residential building with Inclusionary Housing on a 100' x 100' interior lot on a wide street; and Prototype 15 models a residential building with Inclusionary Housing, on a 40' x 100' interior lot on a wide street.

In the With-Action scenario modelling Prototype 13, the building, participating in the IH program, continues to have 12 FAR but the maximum height is increased to 235'. This modified building envelope allows the use of contemporary best practices for residential uses, including floor-to-floor heights, while also permitting a range of building articulation. The building is 65' deep and has a maximum base height of 155' and a total height of 235', or 23 stories.

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

In the With-Action scenario modelling Prototype 15, the narrow lot development takes part in the Inclusionary Housing Program and is therefore permitted to be developed to the height permitted by the underlying zoning district, regardless of the width of the adjacent wide street or height of the adjacent buildings. The development is able to construct its permitted floor area, utilizing best practices for residential buildings.

This facilitates an incremental height increase of 135 feet in a district where such heights would be permitted as of right on a wider development site. The development is able to fit the floor area associated with the R10A zoning district, 48,000 sq ft.

For both developments under the With Action scenario, the pedestrian experience is improved through the construction of greater floor-to-ceiling heights in ground floor retail space, resulting in a better look and feel upon entering a store, and larger windows. In residential buildings, ground floor units are elevated a couple of feet above grade, resulting in windows that are higher than would be expected in the future without the Proposed Action. This allows for more privacy for the residents within, and a more interesting and varied streetscape for pedestrians who no longer find closed blinds and curtains. Buildings are also set back slightly from the street with required planting between the street wall and the street line, and facades may be better articulated, as a result of a more flexible

building envelope. The Proposed Action, in combination, are expected to have a beneficial effect on how buildings interact with pedestrians on the sidewalk.

The additional height at the top of the building is offset by improvements on the ground that promote a more active and dynamic streetscape. In the case of Prototype 13, the additional height is almost imperceptible from the sidewalk, and does not fundamentally alter the look or feel of the skyline. The height increase permitted under Prototype 15 is more substantial, but is again in relative context to the neighborhood character. Where under the No-Action scenario the building is forced to maintain a height that is substantially lower than other buildings in the study area, under the With-Action scenario is permitted to achieve a height that is in keeping with the neighborhood context.

Open Space

In the Future with the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future with the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future with the Proposed Action, no changes to view corridors or visual resources would be expected.

Study Area D: Prototypical C6-4A Neighborhood

Street Pattern and Streetscape

No changes are expected to the street pattern or streetscape as a result of the Proposed Action.

Buildings

In the Future with the Proposed Action, existing development sites would be redeveloped and utilize the changes in allowable height and bulk. There would be no change in the number or location of development sites expected in the Future with the Proposed Action.

One site would be redeveloped in the Future with the Proposed Action. This site is modelled after Prototype 14, which depicts a residential building with Inclusionary Housing, on a 100' x 100' interior lot on a narrow street.

In the With-Action scenario, the building, modelled on Prototype 41 and participating in the IH program, continues to have 12 FAR and 120,000 sq ft of gross floor area, but the maximum height is increased to 235'. This modified building envelope allows the use of contemporary best practices for residential uses, including floor-to-floor heights, while also permitting a range of building articulation. The building is 65' deep and has a maximum base height of 155' and a total height of 235', or 23 stories. Assuming an average unit size of 850 sq ft in a very high density zoning district, the development would be expected to generate 124 market-rate units and 31 affordable units. No parking would be expected, as parking may be waived in R10A districts on zoning lots of 10,000 sq ft or less.

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

The pedestrian experience is improved through the construction of greater floor-to-ceiling heights in ground floor retail space, resulting in a better look and feel upon entering a store, and larger windows. In residential buildings, ground floor units are elevated a couple of feet above grade, resulting in windows that are higher than would be expected in the future without the Proposed Action. This allows for more privacy for the residents within, and a more interesting and varied streetscape for pedestrians who no longer find closed blinds and curtains. Buildings are also set back slightly from the street with required planting between the street wall and the street line, and facades may be better articulated, as a result of a more flexible building envelope. The Proposed Action, in combination, are expected to have a beneficial effect on how buildings interact with pedestrians on the sidewalk. The additional height at the top of the building is offset by improvements on the ground that promote a more active and dynamic streetscape.

Open Space

In the Future with the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future with the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future with the Proposed Action, no changes to view corridors or visual resources would be expected.

Study Area E: Prototypical R4 Neighborhood

Street Pattern and Streetscape

No changes are expected to the street pattern or streetscape as a result of the Proposed Action.

Buildings

In the Future with the Proposed Action, existing development sites would be redeveloped and utilize the changes in allowable height and bulk. There would be no change in the number or location of development sites expected in the Future with the Proposed Action.

One site would be redeveloped in the Future with the Proposed Action. This site is modelled after Prototype 24, which depicts an Affordable Independent Residence for Seniors on a 150' by 100' interior lot on a narrow street, outside the Transit Zone.

In the With-Action scenario, the affordable senior housing development is able to fit the existing floor area permitted for the use in this zoning district utilizing the Enhanced non-contextual envelope controls afforded to buildings providing senior housing in lower-density non-contextual zoning districts. The development is able to utilize best practices for residential buildings for floor to floor heights and is also able to set the building off the property line and provide a variety of building articulation options. The development would not require a discretionary review from the City Planning Commission, allowing as of right building to achieve up to 65' in height (although this scenario is able to fit the floor area with only 45' height). The with-action scenario would facilitate a building that is 19,350 square feet, or roughly 31 senior housing units. Assuming this development occurred far from transit, there would be a 10 percent parking requirement, resulting in 4 parking spaces that closely resemble parking demand based on car ownership rates.

Incremental changes as a result of the with-action scenario include 30' of additional allowable height, 4 fewer parking spaces, 16 additional affordable senior dwelling units, 8,032 additional gsf, and a modified building footprint on the lot. Changes to building design facilitated by the Proposed Action enable the utilization of more efficient construction techniques while resulting in a better pedestrian experience at the sidewalk.

Open Space

In the Future with the Proposed Action, no changes to open space would be expected.

Natural Features

In the Future with the Proposed Action, no changes to natural features would be expected.

View Corridors and Visual Resources

In the Future with the Proposed Action, no changes to view corridors or visual resources would be expected.

CONCLUSION

As described above, and as shown in the accompanying images, the current streetscapes, existing buildings and land uses within the prototypical study areas are varied, and represent the typical variation in neighborhoods citywide. New development under Proposed Action would not alter an entrenched, consistent urban context, obstruct a natural or built visual corridor or be inconsistent with the existing character and building forms typically seen in the area. The Proposed Action would not alter block forms, and would encourage enhanced streetscapes and a better

pedestrian experience overall. The potential new development would allow design flexibility to all residential buildings for the variation and texture of articulation that typify older buildings throughout the city, and enhance the urban design character of New York City's neighborhoods. Clarified regulations for street walls, greater flexibility with courts, and consistent transparency and design requirements at the ground floor would improve general urban design character and would promote pedestrian friendly street environment.

It is not expected that the Proposed Action and projected and potential development pursuant to the Proposed Action would have significant adverse impacts on the urban design and visual resources. There would be no changes to the topography, natural features, street hierarchy, block shapes, or building arrangements. Consequently, the Proposed Action is not expected to have a significant adverse impact on urban design and therefore no further analysis is necessary.

G. STUDY AREA IMAGES



Study Area A
View 02 – No Action



Study Area A
View 02 –With Action



Study Area A
View 04 – No Action



Study Area A
View 04 – With Action





Study Area C

View 03 – No Action: With IH



Study Area C

View 03 – With Action: With IH



Study Area D
View 01 – No Action



Study Area D
View 01 – With Action





Chapter 10 : NATURAL RESOURCES

A. INTRODUCTION

The purpose of this chapter is to evaluate the potential impacts of the Proposed Action on natural resources in New York City. According to the *CEQR Technical Manual*, a natural resource is identified as plant and animal species, and any area capable of providing habitat for plant and animal species or capable of functioning support ecological systems and maintain the City's environmental balance. A natural resources assessment considers species in the context of surrounding environment, habitat, or ecosystem and examines a Proposed Action's potential to impact those resources.

B. PRINCIPAL CONCLUSIONS

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

C. SCREENING ANALYSIS

According to the screening thresholds in the *CEQR Technical Manual*, an adverse impact on a natural resource might occur if there is the presence of a natural resource on or near the site of the action, and action involves the disturbance of that resource. The Proposed Action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding definitions, use, bulk, parking, special permits and special districts as described in *Chapter 1, "Project Description."* The proposed text amendments would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities but the underlying zoning districts would remain the same. The Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing); however, certain components of the action may result in additional in-ground disturbance where the Proposed Action would facilitate more units on an individual site over what would be expected under the No Action scenario.

Even though, more development is expected to occur as a result citywide, the Proposed Action itself is not expected to induce development on sites where natural resources exist and where development would not have otherwise been possible. In addition, in many areas where natural resources exist, there are regulations that ensure their protection. These regulations include New York State Department of Environmental Conservation tidal and freshwater wetland regulations, the New York State Coastal Zone Management Program, and special zoning designations including Special Natural Area zoning. The Proposed Action would not eliminate and/or change the existing protections. As such, the Proposed Action would not result in significant adverse impacts to natural resources and a detailed analysis is not warranted.

Chapter 11 : HAZARDOUS MATERIALS

A. INTRODUCTION

The goal of the hazardous materials assessment is to determine whether a Proposed Action would lead to a potential increased exposure of hazardous materials to people or the environment or whether the increased exposure would lead to significant public health impacts or environmental damage. As described in the *CEQR Technical Manual*, a hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic).

According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when hazardous materials exist on a site; and an action would increase pathways to their exposure; or an action would introduce new activities or processes using hazardous materials and the risk of human or environmental exposure is increased.

B. PRINCIPAL CONCLUSIONS

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

However, the extent of the potential impact is expected to be limited. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing, as discussed in Chapter 11), thereby limiting the potential for additional in-ground disturbance.

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

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

C. SCREENING ANALYSIS

The Proposed Action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding definitions, use, bulk, parking, special permits and special districts as described in *Chapter 1, "Project Description."* The Proposed Action would not change any of the existing zoning

designations; however, it would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing, and is discussed in this document), however, more development is expected to occur as a result citywide which has the potential to result in additional in-ground disturbance. Hazardous materials usually need to be assessed for actions that would result in any in-ground disturbance. In-ground disturbance is any disturbance to an area not previously excavated and includes new excavation deeper and/or wider than previous excavations on the same site. Therefore, the Proposed Action has the potential to result in hazardous materials impacts and, in accordance with the *CEQR Technical Manual*, further assessment is provided.

D. HAZARDOUS MATERIALS ASSESSMENT

As mentioned above, hazardous materials usually need to be assessed for actions that would result in any in-ground disturbance. The following components of the Proposed Action is expected to result in increased or new in-ground disturbance:

- Remove unnecessary corner lot coverage restrictions
- Match street wall line-up provision requirements to intent
- Provide improved yard and coverage regulations for shallow lots
- Update outdated distance between buildings regulations
- Reduce parking requirements where appropriate for affordable housing
- Eliminate parking requirements for qualifying affordable housing within the Transit Zone
- Create new lower-density bulk envelope for Long Term Care Facilities

If such in-ground disturbance occurs on sites where hazardous materials exist, significant adverse impacts could occur. Consequently, additional assessment of the potential for these provisions of the Proposed Action to result in impacts to archaeological resources has been conducted.

[Remove unnecessary corner lot coverage restrictions](#)

The removal of the maximum corner coverage requirement would allow future developments on undeveloped corner lots to wrap the corner with the building massing and create a more-traditional corner building. One of effects of this provision would be that the floor area may be allocated over a larger building footprint which increases the potential for additional in-ground disturbance in the future with the Proposed Action.

This provision would effect R6-R10 zoning districts citywide. Undeveloped corner lots that might be developed are widely scattered across Manhattan, the Bronx, Queens, and Brooklyn, and a small number are in northern Staten Island. The location of development would remain unchanged under the future with Proposed Action scenario; however, the potential for floor area to be allocated over a larger building footprint cannot be eliminated.

[Match street wall line-up provision requirements to intent](#)

This provision would allow future developments to set back 10 feet from the street wall regardless of the setback of the adjacent buildings instead of 15 feet from the street line as it currently is applied. Since the future buildings can be located closer to the street line, there is potential for additional or deeper in-ground disturbance.

This provision would affect Quality Housing buildings in R6-R10 zoning districts citywide. Even though, the amount and location of development would remain unchanged under the future with Proposed Action scenario, the potential for increased in-ground disturbance cannot be eliminated.

[Provide improved yard and coverage regulations for shallow lots](#)

In the future without the Proposed Action, buildings on shallow lots between 70' and 95' depth would be required to provide the full rear yard depending on the underlying zoning district. On shallow through lots with a depth between 140' and 190', the same problem presents itself when two buildings are developed on opposite street

frontages. There are relatively few development sites meeting these conditions, however, in the future without the Proposed Action, those that do would be expected to develop a sub-standard building in order to fit their permitted FAR; others would be expected to obtain variances to facilitate more efficient buildings on these lots as a result of their constraints.

In the future with the Proposed Action, the developments on shallow lots would be permitted to reduce the depth of the required rear yard and would be able to set the build off the property line and provide a variety of building articulation options which would result in additional in-ground disturbance over the future without the Proposed Action.

This provision would effect R6-R10 zoning districts citywide. Shallow lots and shallow through lots are found consistently across all neighborhoods in all five boroughs, making it impossible to conclude where and to what extent such additional in-ground disturbance might occur.

Update outdated distance between buildings regulations

In the future without the Proposed Action, developments on zoning lots with multiple buildings would be required to comply with the existing distance between building requirements. On zoning lots where two buildings have an average height of 50 or more feet, the minimum distance between legally required windows in the two buildings is 60 feet. This exceeds the requirements of the state Multiple Dwelling Law and makes infill development more difficult to undertake, or makes buildings taller as their footprint is limited to small areas of the zoning lot.

In the future with the Proposed Action, the minimum distance between buildings between 25 and 125 feet tall would be reduced from 60 feet, to 40 feet, to bring zoning regulations in line with the Multiple Dwelling Law. This provision would extend to buildings 125 feet tall or higher when their aggregate lot coverage does not exceed 40 percent. This may enable infill development on sites with lot and floor area allowances, and may enable modest horizontal enlargements of existing buildings on lots with multiple buildings.

The number and location of zoning lots with available floor area and sufficient area to construct a new building is limited in medium- and high-density districts (R6-R10) in the city. However, since it is not possible to conclude where and to what extent such additional development might occur, the possibility of additional in-ground disturbance cannot be eliminated.

Reduce parking requirements where appropriate for Affordable Housing

In the future without the Proposed Action, current parking requirements for affordable housing remain the same and any new affordable housing units would continue to provide the required parking.

In the future with the Proposed Action, elimination or reduction of existing and future parking requirements for affordable housing is likely to enable the development of sites that were previously too difficult or costly to build, or enable the development of a larger building with more units. In the future with the Proposed Action, this provision would also allow for the redevelopment of existing senior housing parking lots which is likely to result in additional and/or deeper in-ground disturbance. The number and location of existing senior housing parking lots with parking lots large enough to facilitate additional development is limited within the proposed Transit Zone. Also, as described in Chapter 2, Analytical Framework the LiveOn study identified 39 sites across the Transit Zone where such redevelopment may be possible, but it is not possible to determine which sites would be expected to proceed with redevelopment. Since it is not possible to conclude where and to what extent additional development might occur, the possibility of additional in-ground disturbance cannot be eliminated.

Create new lower-density bulk envelope and for Long Term Care Facilities

In the future with the Proposed Action, Long Term Care Facilities would be given additional FAR which would result in additional development. While Long Term Care Facilities would be getting more FAR, the height requirements would be more restricted compared to the No Action scenario. Since, the height would be more restricted, developments are likely to cover a larger footprint which would increase the potential for in-ground disturbance. This provision would effect R3-2, R4 and R5 zoning district without letter or number suffix (R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D).

Conclusion

If development were to occur in areas with no potential hazardous materials contamination, there would be no potential for impacts. However, if development were to occur in potentially contaminated areas, depending on a variety of factors - such as the location of any in-ground hazardous materials on the site, the depth and location of building foundations, the extent and location of grading activities - the following effects could occur:

- Development may occur within contaminated portions of a site, but may not result in grading or foundation work that would result in ground disturbance in areas that might be characterized by hazardous materials contamination. In addition, if only portions of a site contain hazardous materials, development may occur on those portion which do not contain such materials. In addition, development may act as a barrier, the effect of which would be to cap-off, or contain existing hazardous materials in place and prevent migration.
- Development may disturb hazardous materials on the site, resulting in a significant adverse impact. Since development resulting from the Proposed Action would be as-of-right, there would be no mechanism for the city to conduct or require a program to test for hazardous materials contamination, or to mandate the remediation of such materials. Therefore, any such impact would remain unmitigated.
- In addition, development may disturb hazardous materials on the site, resulting in a significant adverse impact to construction workers. Since development resulting from the Proposed Action would be as-of-right, there would be no mechanism for the city to require a worker health and safety plan (HASP) for removal or treatment of such materials. Therefore, any such impact would remain unmitigated.

Chapter 12 : WATER AND SEWER INFRASTRUCTURE

A. INTRODUCTION

This chapter assesses the potential effects of the Proposed Action on the City's water supply, wastewater treatment, and stormwater management infrastructure in order to assure that these systems have adequate capacity to accommodate land use or density changes. According to City Environmental Quality Review (CEQR) Technical Manual, only projects that increase density or change drainage conditions on a large site require an infrastructure analysis. The Proposed Action would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. These changes warrant an assessment on determining the likelihood of impacts on water and sewer infrastructure.

B. PRINCIPAL CONCLUSIONS

The Proposed Action would not result in significant adverse impacts on water and sewer infrastructure. In accordance with the *CEQR Technical Manual*, a screening analysis was conducted. Since the Proposed Action is a "Generic Action" and there are no specific development sites, to produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified and used for analysis, as described in Chapter 2, Analytical Framework.

Water Supply

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

Wastewater and Stormwater Conveyance and Treatment

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

C. SCREENING ANALYSIS

The Proposed Action is a "Generic Action", and there are no known developments at this time. To produce a reasonable analysis of the likely effects of the Proposed Action, 27 Prototypes were established as described in Chapter 2, Analytical Framework. In accordance with the methodology outlined in the *CEQR Technical Manual*, a screening analysis of the potential for the Proposed Action to affect the adequacy of the City's infrastructure systems has been performed.

Water Supply

A preliminary water supply assessment would be required if a project results in an exceptionally large demand of more than one million gallons of water per day, including power plants, large cooling systems, or large developments. A preliminary water supply assessment would also be necessary if the project is located in an area that experiences low water pressure.

The Proposed Action is not expected to result in an exceptionally large demand of more than one million gallons of water per day and does not involve the development of a power plant, large cooling system, or large developments. As discussed in the description of the Proposed Action, most components of this proposal are not expected to induce development on a lot where development would not also be expected to occur as part of the No Action scenario. While the individual sites to which the Proposed Action would apply would be located throughout the city's five boroughs, and may potentially include areas that experience low water pressure, any incremental density is expected to fall well below the threshold. Therefore, the Proposed Action would not result in significant adverse impacts of water supply, and a preliminary assessment is not warranted.

Wastewater and Stormwater Conveyance and Treatment

Although most projects would not require a preliminary assessment on wastewater and stormwater conveyance and treatment, the *CEQR Technical Manual* indicates that a preliminary assessment would be needed if a project is located in a combined sewer area and would exceed the following incremental development of residential units or commercial space above the predicted No-Action condition:

- (a) 1,000 residential units or 250,000 sf of commercial space or more in Manhattan; or
- (b) 400 residential units or 150,000 sf of commercial space or more in the Bronx, Brooklyn, Staten Island, or Queens.

A preliminary assessment would also be needed if a project located in a separately sewered area and would exceed:

- (a) 25 residential units or 50,000 sq. ft. of commercial public and institution/community facility use in R1, R2, or R3 Zoning Districts;
- (b) 50 residential units or 100,000 sq. ft. of commercial public and institution/community facility use in R4, and R5 Zoning Districts; and
- (c) 100 residential units or 100,000 sq. ft. of commercial public and institution/community facility use in all remaining zoning designations, including C, M, and Mixed-use districts.

Analysis may also be warranted if a project is located in a partially sewered or currently unsewered area; or involves development on a site five acres or larger where the amount of impervious surface would increase; or involve development on a site one acre or larger where the amount of impervious surface would increase, and located in either 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, and Westchester Creek; or involves construction of a new stormwater outfall that requires federal and/or state permits.

As mentioned above, the Proposed Action is a "Generic Action," and there are no known potential or projected sites of right development sites and, due to the Proposed Action's broad applicability, it is difficult to predict the sites where development would be facilitated. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified for analysis. Prototypical analysis shows that the incremental development that may occur at any one prototypical development site would fall well below the thresholds described above except for the two prototypes. Prototypes 26 and 27 are assumed to be located in R4 and R5 zoning districts consecutively and would have an increment of 50 and 51 residential units, respectively, which are at or slightly above the 50 residential unit threshold if located in a separately sewered area. While it is difficult to predict the sites where the development may be facilitated by the Proposed Action, there is potential for some development at or above the thresholds to be located in a separately sewered area; however the effect of such minor incremental development is expected to be insignificant due to the following reasons:

- The Proposed Action is only expected to induce new development or affect the overall amount or type of development in a neighborhood on a very limited basis. While the individual sites to which the Proposed Action would apply would be located throughout the city's five boroughs but cannot be specifically identified for analysis purposes, most components of this proposal are not expected to induce development on a lot where development would not also be expected to occur as part of the No Action scenario.
- Separated sewer areas are primarily located along the waterways and account for less than 20% of the city.

- Partially sewerred and unsewerred areas are even less prevalent than separated sewer areas.
- In a scenario where either Prototype 26 or 27 would potentially be developed in a separated sewer area or a partially or unsewerred area, the construction of new sanitary sewers would be coordinated with the New York City Department of Environmental Protection and are heavily regulated under their site connection approval process.

Chapter 13 : SOLID WASTE AND SANITATION SERVICES

A. INTRODUCTION

This chapter examines the Proposed Action's effects on solid waste and sanitation services. According to the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, a solid waste and sanitation services assessment is intended to determine whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or otherwise be inconsistent with the city's Solid Waste Management Plan or with state policy related to the city's integrated solid waste management system. Most projects would not have the potential to generate sufficient waste to warrant a detailed solid waste analysis.

B. PRINCIPAL CONCLUSIONS

The Proposed Action would not result in any significant adverse impacts to solid waste and sanitation services. In accordance with the methodology outlined in the *CEQR Technical Manual*, a screening analysis was conducted to assess the potential of the Proposed Action to affect demand for solid waste and sanitation services.

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

C. SCREENING ANALYSIS

According to the *CEQR Technical Manual*, projects with a generation rate of less than 50 tons (100,000 pounds) of solid waste per week would not result in a significant adverse impact to the City's waste management capacity, and do not warrant detailed analysis. According to *CEQR Technical Manual*, approximately 2,500 units would generate about 100,000 pounds solid waste per week.

The Proposed Action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding definitions, use, bulk, parking, special permits and special districts as described in *Chapter 1, "Proposed Action."* The proposed text amendments would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities but the underlying zoning districts would remain the same. The Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing); however, certain components of the action may have potential density effects where the Proposed Action would facilitate more units on an individual site over what would be expected under the No Action scenario.

The Proposed Action is a "Generic Action," and there are no known potential or projected development sites and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified, as described in *Chapter 2, "Analytical Framework."* As solid

waste/sanitation services is a density-based technical analysis, these representative development prototypes form the basis for the assessment of solid waste and sanitation services.

Based on the prototypical analysis, the maximum incremental increase that may occur at any one prototypical development site is 99 units, which is not a substantial amount of development to raise the need for a solid waste and sanitation services assessment. As indicated above, according to the *CEQR Technical Manual*, it takes approximately 2,500 residential units for a project to exceed this threshold for a detailed analysis. None of the 27 prototypes analyzed would result in a net increase of more than 50 tons of solid waste per week. As such, the Proposed Action would not result in any significant adverse impacts to solid waste and sanitation services; and a detailed analysis is not warranted.

Chapter 14 : ENERGY

A. INTRODUCTION

Energy analyses focus on an actions' consumption of energy as well as the relevant effects on energy transmission as a result of an action. All new structures and alteration projects requiring heating and cooling systems are subject to the New York State Energy Conservation Code, reflecting State and City energy policies. According to the *CEQR Technical Manual*, a detailed assessment of energy impacts would be limited to projects that may significantly affect the transmission or generation of energy. Most actions resulting in new construction would not create significant energy impacts, and, as such, do not require a detailed energy assessment.

B. PRINCIPAL CONCLUSIONS

The Proposed Action would not result in a significant adverse impact on energy systems. In accordance with the *CEQR Technical Manual*, a screening analysis of the potential for the Proposed Action to affect demand for energy has been provided based on prototypical development sites. The screening analysis concluded that the incremental development that may occur at any one prototypical development would not be significant enough to affect energy systems. Therefore, the incremental energy consumption resulting from any of the 27 prototypes would be insignificant.

C. SCREENING ANALYSIS

According to the *CEQR Technical Manual*, in most cases, a project does not need a detailed energy assessment but its operational energy consumption is calculated. The incremental demand caused by most projects results in incremental supply, and consequently, an individual project's energy consumption often would not create a significant impact on energy supply. Consequently, a detailed assessment of energy impacts would be limited to projects that may significantly affect the transmission or generation of energy.

The Proposed Action would modify and replace existing text, add new text, and reorganize and renumber various sections of the *Zoning Resolution* regarding definitions, use, bulk, parking, special permits and special districts as described in *Chapter 1, "Project Description."* The proposed text amendments would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities but, while certain regulations would be modified, the underlying zoning districts would remain the same. The Proposed Action is not in-and-of-itself expected to induce development where it would not have occurred absent the Proposed Action (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing); however, certain components of the action is expected to result in more units on an individual site over what would be expected under the No Action scenario.

These changes would not require a detailed energy assessment, and no significant adverse impact to energy supply or services would expected to occur. The Proposed Action is a "generic action" and there are no known potential or projected development sites, and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated, and therefore, the calculation of an operational energy consumption has not been provided. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified, as described in *Chapter 2, "Analytical Framework."* Based on the prototypical analysis, the maximum incremental increase that may occur at any one prototypical development site is 99 units which is not a substantial amount of development. Therefore, the incremental energy consumption resulting from any of the 27 prototypes would be insignificant. As such, the Proposed Action would not result in a significant adverse impacts on energy systems; and a detailed energy assessment is not warranted.

Chapter 15 : TRANSPORTATION

A. INTRODUCTION

This chapter assesses the potential effects of the Proposed Action on the City's transportation system that includes traffic and parking operations, public transportation facilities, pedestrian elements, and the safety of all roadway users (pedestrians, bicyclists and motorists). According to City Environmental Quality Review Technical Manual (*"CEQR Technical Manual"*), projects that increase density require a transportation analysis. The Proposed Action would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. Consistent with the guidance presented in the *CEQR Technical Manual*, these changes warrant an assessment to determine the likelihood of impacts on the City's traffic and parking operations, public transportation facilities, pedestrian elements, and transportation related safety.

B. PRINCIPAL CONCLUSIONS

The Proposed Action would not result in a significant adverse impact on transportation. The *CEQR Technical Manual* provides a tiered analysis methodology to determine the potential for significant transportation related impacts. Since the Proposed Action is a "Generic Action" and there are no specific development sites, to produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified and used for analysis, as described in Chapter 2, Analytical Framework.

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

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

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

C. ANALYSIS METHODOLOGY

Since the Proposed Action is a "Generic Action" and there are no specific development sites, to produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified and used for analysis, as described in Chapter 2, Analysis Framework. The net incremental development levels associated with the 27 prototypes that are described in that chapter were evaluated according to the methodologies presented in the 2014 *CEQR Technical Manual*.

First, the prototypes that screen out for impacts based on development densities were identified. For those prototypes that do not screen out of the potential for impacts based on density, a trip generation analysis was conducted to determine the expected volumes of peak-hour pedestrian, vehicular, and transit based trips. Additional

analyses were conducted to evaluate the potential for impacts if two or more prototypes are developed in close proximity with one another.

D. PRELIMINARY SCREENING ANALYSIS

The Proposed Action aim to facilitate the development of projects that include the following land uses:

- General Residential Dwelling Units (G)
- Inclusionary Housing (IH)
- Affordable Inclusionary Residence for Seniors (AIRS)
- Long-Term Care Facility (LTC)

For transportation planning purposes, the first two uses (General Residential Dwelling Units and Inclusionary Housing) are both classified as residential in nature, while the second two uses (Affordable Inclusionary Residences for Seniors and Long-Term Care Facilities) are classified as community facility uses. Although they are classified in zoning as residential uses, Affordable Independent Residences for Seniors are considered community facility uses for reasons described below.

Each of these two broad land use classifications have markedly different peak hour trip generating characteristics. Residential development peak hour trips are made primarily by the persons living in the developments. The community facility uses affected by the Proposed Action (i.e., the AIRS and LTC uses) are also occupied by persons that live at these facilities, but the majority of these occupants do not commute to work. The peak hour trips associated with the AIRS and LTC developments are generally not made by the occupants of the facilities, but rather are primarily made by those that work at the facilities (generally providing services to the facility occupants), and by visitors. While AIRS developments do not typically have more employees associated with them than do general residential buildings (i.e. custodial staff and property manager), and while they do not typically experience visitor patterns different from those at general residential buildings, the low car ownership rates among AIRS residents are more closely aligned with those at Long-Term Care facilities than general residential buildings and, thus, are analyzed in the same category for the purposes of this chapter only.

Were they to be analyzed as residential developments with residential utilization patterns in spite of their lower rates of car ownership, each of the AIRS developments as modelled by the development prototypes in this document would also fall below the preliminary screening threshold for residential use shown in Table 16-1 of the *CEQR Technical Manual*.

According to the thresholds in Table 16-1 of the *CEQR Technical Manual*, a transportation analysis is not required in any area of the City for residential developments of less than 100 incremental units, or for community facility developments of less than 15,000 gross square feet. Developments below these thresholds generate only marginal numbers of new trips, and do not have the potential to result in significant impacts on traffic operations, public transportation facilities, pedestrian elements, the safety of all roadway users (pedestrians, bicyclists and motorists), or on-and off-street parking facilities.

In order to assess the potential for transportation related project impacts, each of the prototypical development scenarios listed in Chapter 2 was first evaluated to determine if they screen out for impacts based on development densities. The net development increments associated with each of the 27 prototype developments are displayed in Table 15-1. For the General Residential and Inclusionary Housing prototypes, the increments are expressed in “net dwelling units”. For the Long Term Care and Affordable Inclusionary Housing for Seniors (community facility) prototypes, the increments are expressed in “net gross square feet” (GSF). As indicated in TABLE 15-1, the development increments associated with each of the new residential and community facility prototypes are expected to be modest, ranging from no incremental development density (Prototypes 1, 2, 3, 4, 5, 12, 13, 17, and 21) to a maximum increment of 32 additional residential dwelling units (Prototype 10) and 70,488 additional GSF of community facility space (Prototype 11).

Table 15-1: Development Increments

Prototype	Type	Net Residential Units	Net AIRS Units	Net LTC Beds	Net GSF
1	G	0	--	--	0
2	IH	0	--	--	0
3	IH	0	--	--	0
4	G	0	--	--	0
5	G	0	--	--	0
6	AIRS	--	24	--	8,995
7	AIRS	--	32	--	11,000
8	AIRS	--	29	--	5,010
9	LTC	--	--	24	13,110
10	G	32	--	--	28,837
11	AIRS	--	99	--	70,488
12	G	0	--	--	0
13	IH	0	--	--	0
14	IH	8	--	--	7,250
15	IH	30	--	--	25,674
16	IH	24	--	--	0
17	IH	0	--	--	0
18	IH	3	--	--	3,069
19	IH	8	--	--	7,480
20	AIRS	--	81	--	31,980
21	IH	0	--	--	0
22	AIRS	--	44	--	28,160
23	LTC	--	--	54	27,000
24	AIRS	--	12	--	8,032
25	AIRS	--	5	--	1,536
26	LTC	--	--	50	32,460
27	AIRS	--	51	--	33,110

	: < "100 Residential Unit" Threshold.
	: < "15,000 GSF Community Facility" Threshold.
	: > "15,000 GSF Community Facility" Threshold.

*Note: Trip Generation/Screening Variable in **Bold** ("Net Residential Units" for General and Inclusionary Housing, and "Net GSF" for AIRS and LTC Uses).*

According to the *CEQR Technical Manual* (Table 16-1), even in the most sensitive areas of the City, for development levels that are below 100 residential dwelling units, or below 15,000 square feet of community facility space, there is generally no potential for significant transportation related impacts and further numerical analysis is generally not needed. These minimum development levels were determined by applying typical travel demand factors (i.e., daily person trips, temporal distribution, modal split, vehicle occupancy, etc.) for each of the land uses, up to a development density at which vehicle, transit, and pedestrian trip generation would not likely cause significant

adverse impacts, based on a review of prior Environmental Assessment Statements (EASs) and Environmental Impact Statements (EISs) conducted under the CEQR process. The 100 residential unit and 15,000 gross square feet of community facility development densities generally result in fewer than 50 peak hour vehicle trips, 200 peak hour subway/rail or bus transit riders and 200 peak hour pedestrian trips, and significant adverse impacts are generally considered unlikely.

The information presented in Table 15-1 indicates of the 15 General Residential and Inclusionary Housing prototypes, nine (9) of these (Prototypes 1, 2, 3, 4, 5, 12, 13, 17, and 21) would have no increase in density and therefore do not have the potential to create significant transportation impacts. The remaining six (6) of these (Prototypes 10, 14, 15, 16, 18 and 19) would have increments of less than 100 net units, and based on the *CEQR Technical Manual* Table 16-1 do not have the potential to create significant transportation impacts.

The information presented in Table 15-1 also indicates that the Community Facility Prototypes (Prototypes 6, 7, 8, 9, 24, and 25) would have increments of less than 15,000 GSF, and similarly do not have the potential to create significant impacts based on the *CEQR Technical Manual* Table 16-1.

Based on these density-related screening thresholds, only Community Facility Prototypes 11, 20, 22, 23, 26 and 27 exceed the 15,000 square foot threshold and require additional analysis.

E. LEVEL ONE SCREENING ANALYSIS

Developments that exceed the thresholds identified in Table 16-1 of the *CEQR Technical Manual* warrant a trip generation analysis to determine expected volumes of peak hour pedestrian, vehicular, and transit based trips. Except in unusual circumstances, a further quantified analyses would typically not be needed if a proposed development would result in fewer than the following incremental trips:

- Traffic and Parking: 50 peak hour vehicle trips
- Subway/Rail or Bus: 200 peak hour transit trips, or 50 peak hour bus trips in a single direction on a single route
- Pedestrian Elements: 200 peak hour pedestrian trips.

As discussed above, Prototypes 11, 20, 22, 23, 26 and 27 exceed the 15,000 square foot threshold identified in Table 16-1 of the *CEQR Technical Manual* and require additional analysis. These prototypes, and the NYC boroughs in which each of these could locate, are summarized below:

- Prototypes 11 is an Affordable Independent Residences for Seniors developed in R7A zoning districts. R7A districts are mapped in portions of Brooklyn, Queens, Bronx, and Manhattan.
- Prototypes 20 and 22 are both Affordable Independent Residences for Seniors developed in R8 zoning districts. R8 districts are also mapped in portions of Brooklyn, Queens, Bronx, and Manhattan.
- Prototype 23 is a Long Term Care facility developed in R10 zoning districts. R10 districts are limited to portions of Manhattan.
- Prototypes 26 and 27 are Long Term Care facilities and Affordable Independent Residences for Seniors developed in R4 and R5 zoning districts, respectively. R4 and R5 districts are mapped in portions of Brooklyn, Queens, Bronx, and Staten Island.

For the Affordable Inclusionary Residence for Seniors (AIRS), and for the Long Term Care Facility (LCF) prototypes identified above, a daily weekday and Saturday trip rate of 3.7 person trips per unit has been provided by NYCDOT based on survey data collected at a number of these facilities. The Peak Hour temporal distribution is summarized in Table 15-2.

Table 15-2: AIRS and LTC Peak Hour Temporal Distribution

	Temporal	% In	% Out
AM Peak Hour	0.13	0.74	0.26

MD Peak Hour	0.14	0.38	0.62
PM Peak Hour	0.08	0.25	0.75

The auto use characteristics based on place of residence (“journey-to-work”) and based on workplace location (“reverse-journey-to-work”), along with average auto ownership characteristics for household in each of the five boroughs of New York City, are summarized below in Table 15-3.

Table 15-3: NYC Auto Use and Occupancy Rates

	At Home (JTW)		At Workplace (RJTW)		
	% Auto	Occupancy	% Auto	Occupancy	Average Autos/Household
Bronx	28%	1.30	46%	1.27	0.53
Brooklyn	24%	1.32	39%	1.29	0.56
Manhattan	9%	1.53	14%	1.33	0.25
Queens	39%	1.28	53%	1.22	0.92
Staten Island	64%	1.20	74%	1.18	1.48

As noted above, the peak hour trips associated the Affordable Inclusionary Residences for Seniors (AIRS) and the Long-Term Care Facilities (LTC) uses are primarily made by those that work at the facilities. Therefore, the auto use rates for “journey to work at workplace”, or “reverse-journey-to-work” (RJTW) were used to project the auto trips associated with these uses.

In order to account for the possibility that these prototypes may be constructed in different boroughs, and to provide a reasonably conservative projection of new vehicle trips, the borough with the highest auto use rate in which a particular prototype could be located, was used to model the incremental vehicle trips.

Table 15-4 shows the person and auto trip generation estimates for each of the prototypes that do not pass the preliminary screening analysis. As indicated, the prototype with the largest number of vehicle trips is Prototype 11 when located in the borough of Queens, with a maximum of 51 person trips and 22 auto trips per hour.

Table 15-4: Peak Hour Trip Generation

Prototype	Type	Net Net SF	Net Units	BORO	Daily PTR	Highest PK HR %	Highest PK HR PT	Trip Type	% Auto	Persons /Auto	Highest PK HR AT
11	AIRS	70,488	99	QN	3.7	0.14	51	RJTW	53%	1.22	22
20	AIRS	31,980	81	QN	3.7	0.14	42	RJTW	53%	1.22	18
22	AIRS	28,160	44	QN	3.7	0.14	23	RJTW	53%	1.22	10
23	LTC	27,000	54	MN	3.7	0.14	28	RJTW	14%	1.33	3
26	AIRS	32,460	50	SI	3.7	0.14	26	RJTW	74%	1.18	16
27	AIRS	33,110	51	SI	3.7	0.14	26	RJTW	74%	1.18	17

Notes: G: General Residential

PTR: Person Trip Rate

IH: Inclusionary Housing

BORO: NYC Borough in which Prototype be can Located

AIRS: Affordable Inclusionary Housing for Seniors

PK HR: Peak Hour

LTC: Long Term Care Facility

PK HR PT: Peak Hour Person Trips

PK HR AT: Peak Hour Auto Trips

Traffic and Parking

As discussed above, the *CEQR Technical Manual* Level One screening threshold for traffic and parking is 50 incremental vehicles per hour during any peak hour. The information presented in Table 15-4 indicates that each of the prototypes that exceed the Preliminary Screening thresholds (Prototypes 11, 20, 22, 23, 26, and 27) are projected to generate between 3 and 22 vehicle trips in the highest peak hour period. Therefore, based on the criteria published in the *CEQR Technical Manual*, there is no potential for significant traffic or parking impacts and no further analysis is warranted.

Transit and Pedestrians

As discussed above, the *CEQR Technical Manual* Level One screening thresholds for transit (subway and bus service) and pedestrian elements (sidewalks, street corners, and crosswalks) are each 200 trips per hour (or 50 bus trips in one direction). The information presented in Table 15-4 indicates that each of the prototypes that exceed the Preliminary Screening thresholds (Prototypes 11, 20, 22, 23, 26, and 27) are projected to generate between 23 and 51 person trips in the highest peak hour period. Therefore, based on the criteria published in the *CEQR Technical Manual*, there is no potential for significant transit or pedestrian impacts and no further analysis is warranted.

F. CLUSTERS/CUMULATIVE ANALYSIS

Generally, any project induced vehicular, transit, or pedestrian trips are most concentrated adjacent to the project site, and generally disperse into smaller increments as the distance from the project site increases. In order for traffic or pedestrian volumes to superimpose completely, any potential development clustering would have to occur on the same block front, and as the distance between potential developments increases, the cumulative effects of project generated traffic and pedestrian volumes decreases.

Furthermore, the potential for prototype to cluster and create significant project impacts is limited for the following reasons:

- Affordable Inclusionary Residences for Seniors and Long-Term Care Facilities are not likely to locate in close proximity with one another. The development of this type of housing is constrained by regulatory approvals and funding, and development sites are typically limited to publicly owned sites, making the clustering of such development unlikely. Moreover, these facilities would be distributed across areas with existing demands for senior housing and services, and it is not likely that more than two of these facilities would be developed in close proximity to one another.
- The majority of properties that could support the development of the various prototypes identified in this document are already developed, and the Proposed Action (generally providing only modest increases in density) would not result in multiples of these developed properties within close proximity of each other to be assembled, demolished, and redeveloped in response to the Proposed Action.

A quarter-mile radius study area was chosen to evaluate the potential for multiple prototypes to combine and create the potential for project impacts. This is a conservative geography for analysis because each of the prototypes generate relatively small numbers of vehicle trips and the probability that substantial numbers of project generated vehicles associated with prototypes located more than a half mile from each other to overlap, is low. It is important to note that the analysis presented below is also conservative, as it assumes that 100 percent of the traffic associated with each of the prototypes that could locate within a +/- 10-block area, would be added to the same intersection location. In actuality, any potential prototype developments would be dispersed throughout the typical study area, and the traffic generated by each of these would generally disperse in different directions.

First, each of the potential development sites matching prototypes resulting in more than 10 net units or beds were mapped based on property lot and zoning requirements. A series of quarter-mile (+/- 5-block) radius study areas were chosen for detailed analysis where the potential sites available for clustering are the greatest. While every possible general residential or inclusionary housing prototype resulting in a net addition of at least 10 units was permitted to cluster, only two of the AIRS or LTC prototypes were allowed to be mapped in any single cluster. Based on a review of the potential development sites, the boroughs with the greatest number of such sites are Manhattan and Queens. While there are also prototypical sites in Brooklyn, the Bronx, and Staten Island, these are more dispersed, and there are only limited opportunities for clustering.

It is important to note that the locations where prototypes could be developed were chosen simply based on the zoning and property dimension requirements associated with each of the prototypes. Most if not all of these properties are likely developed with ongoing uses and no regard was given as to the likely redevelopment of any of these properties. They are included here only in order to represent a worst-case scenario to evaluate the potential for prototypes locating in clusters to result in significant transportation impacts.

The worst case clustering of the 27 prototypes in each of the five boroughs of New York City, based on the assumptions presented above, are presented in Exhibits 15-1 through 15-5. The corresponding trip generation estimates are presented in Tables 15-5 through 15-10.

Figure 15-1

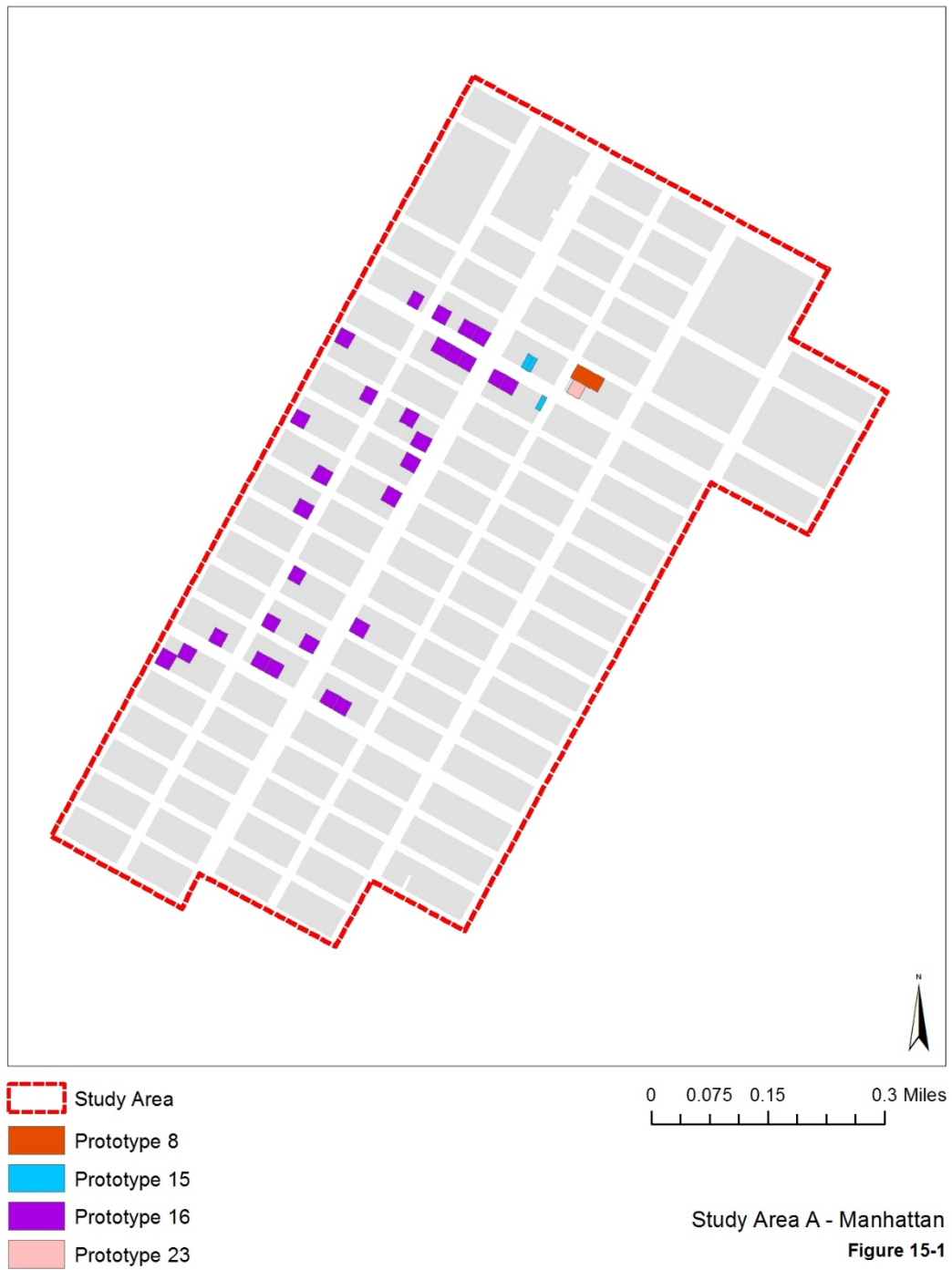


Figure 15-2

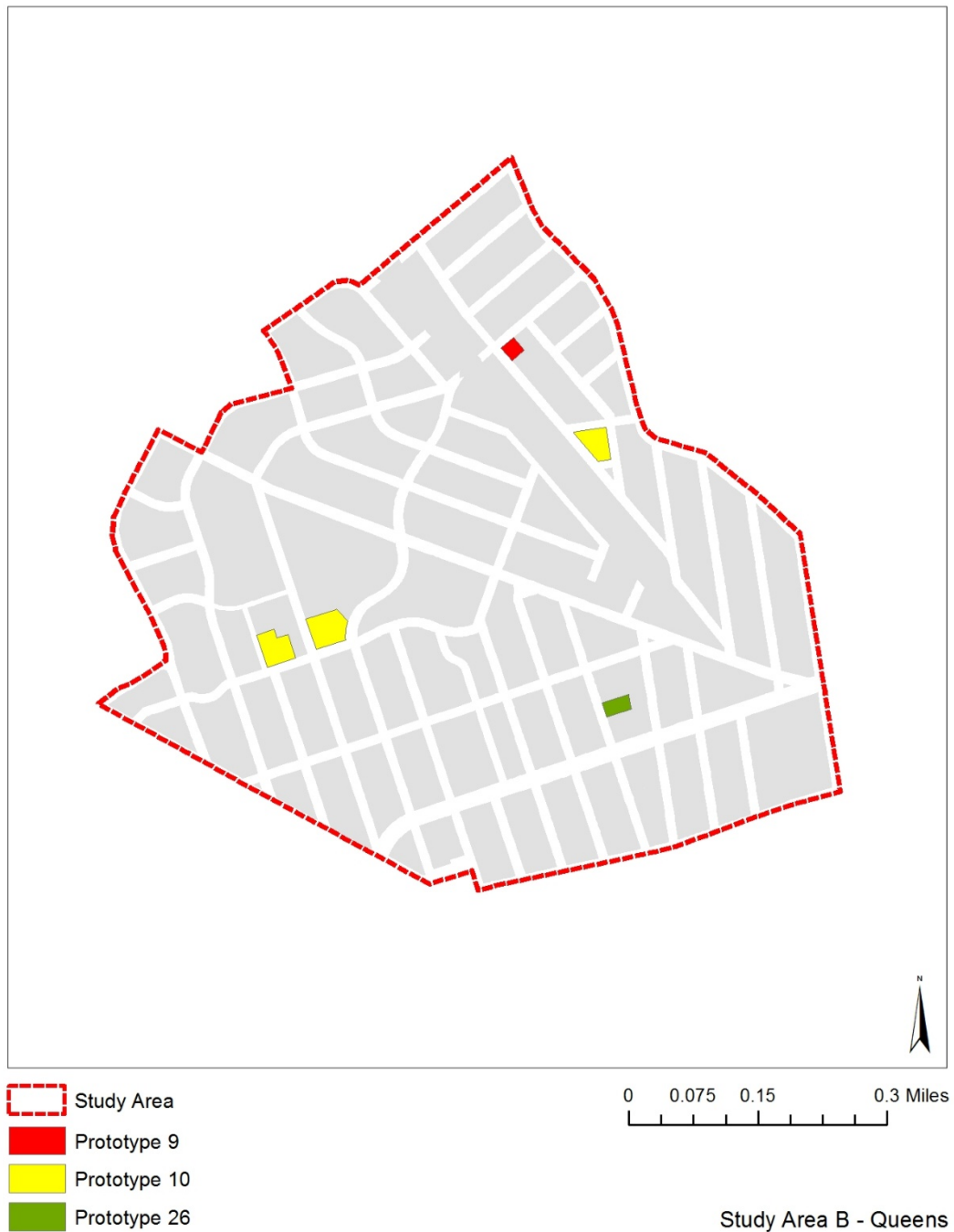
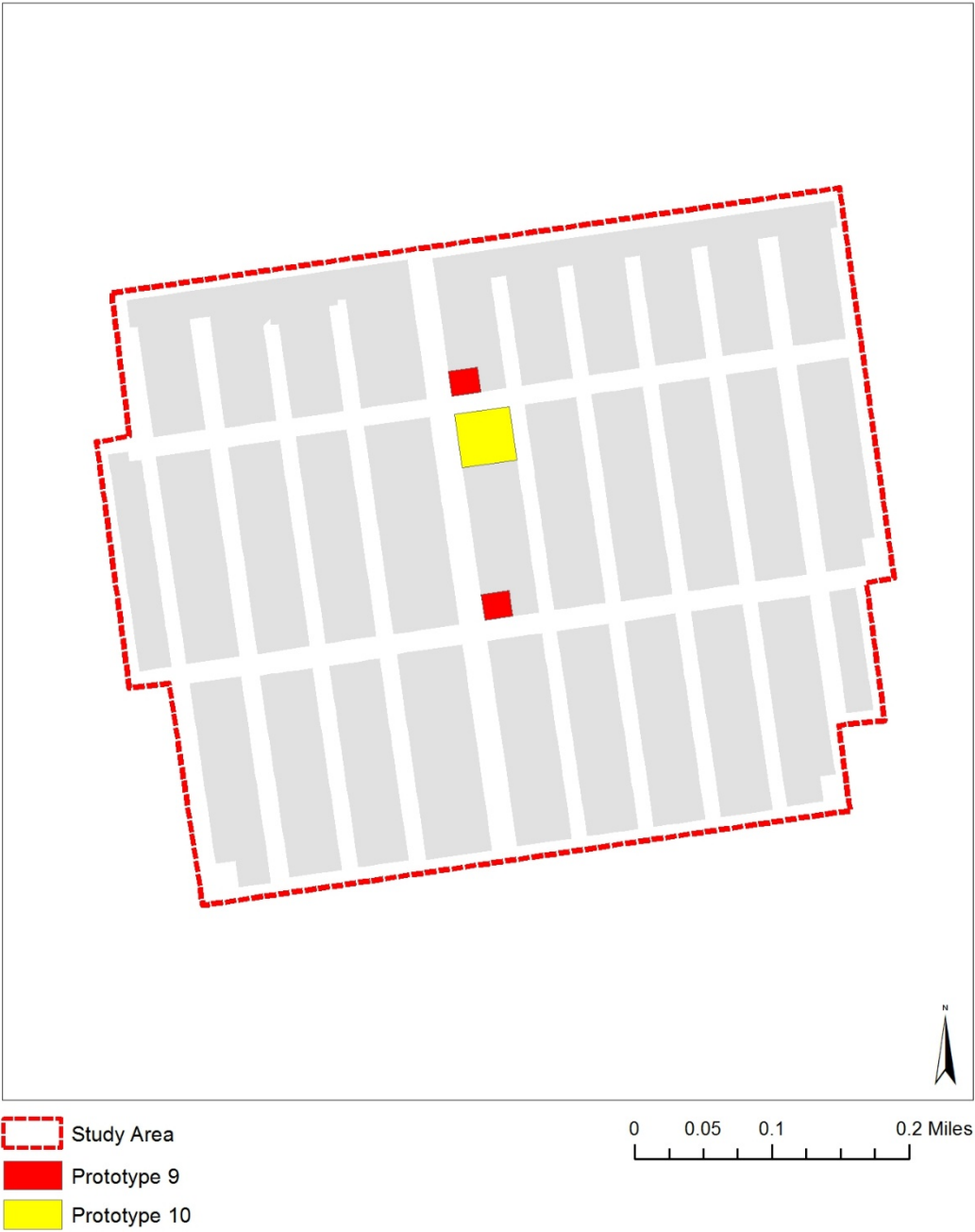
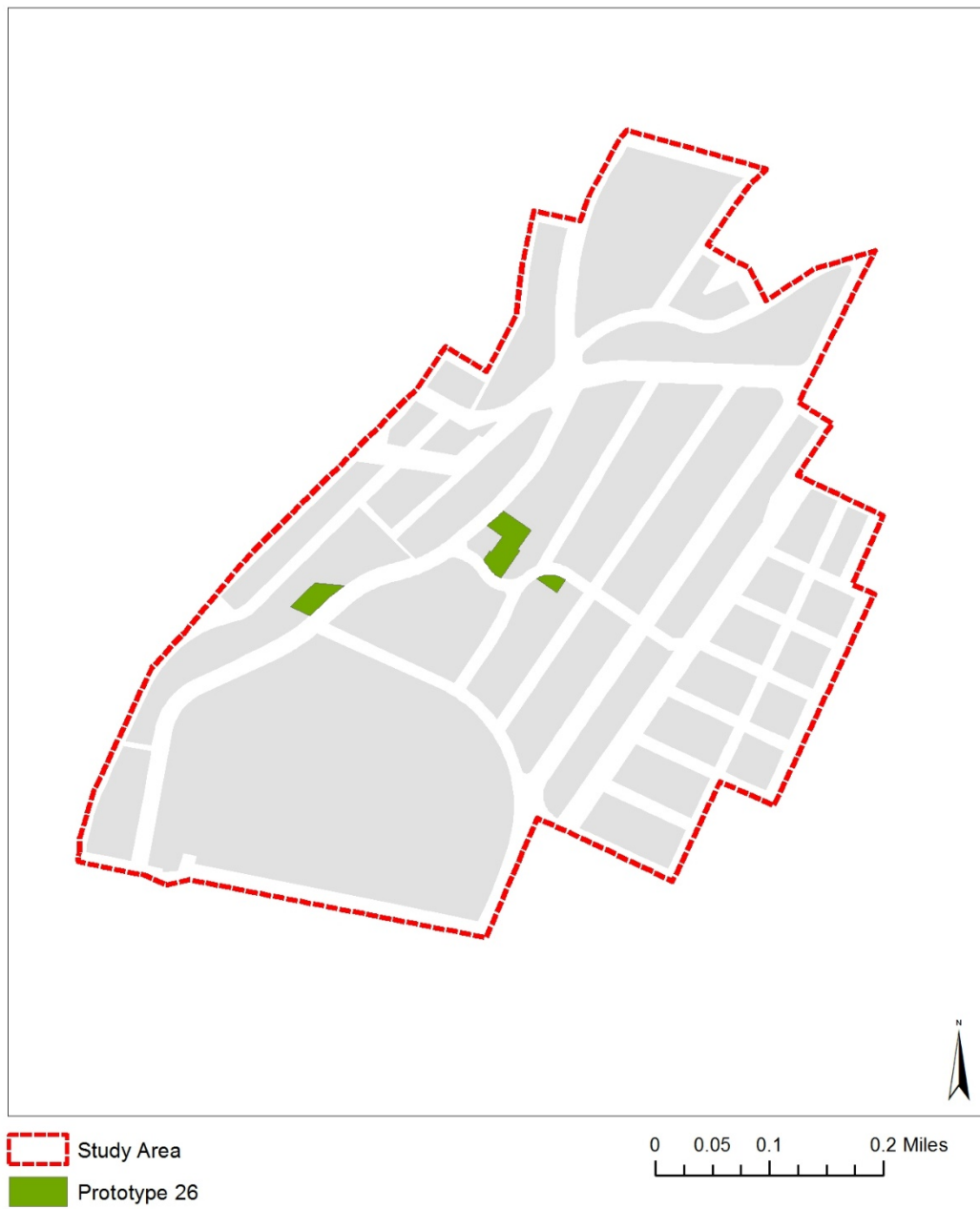


Figure 15-3



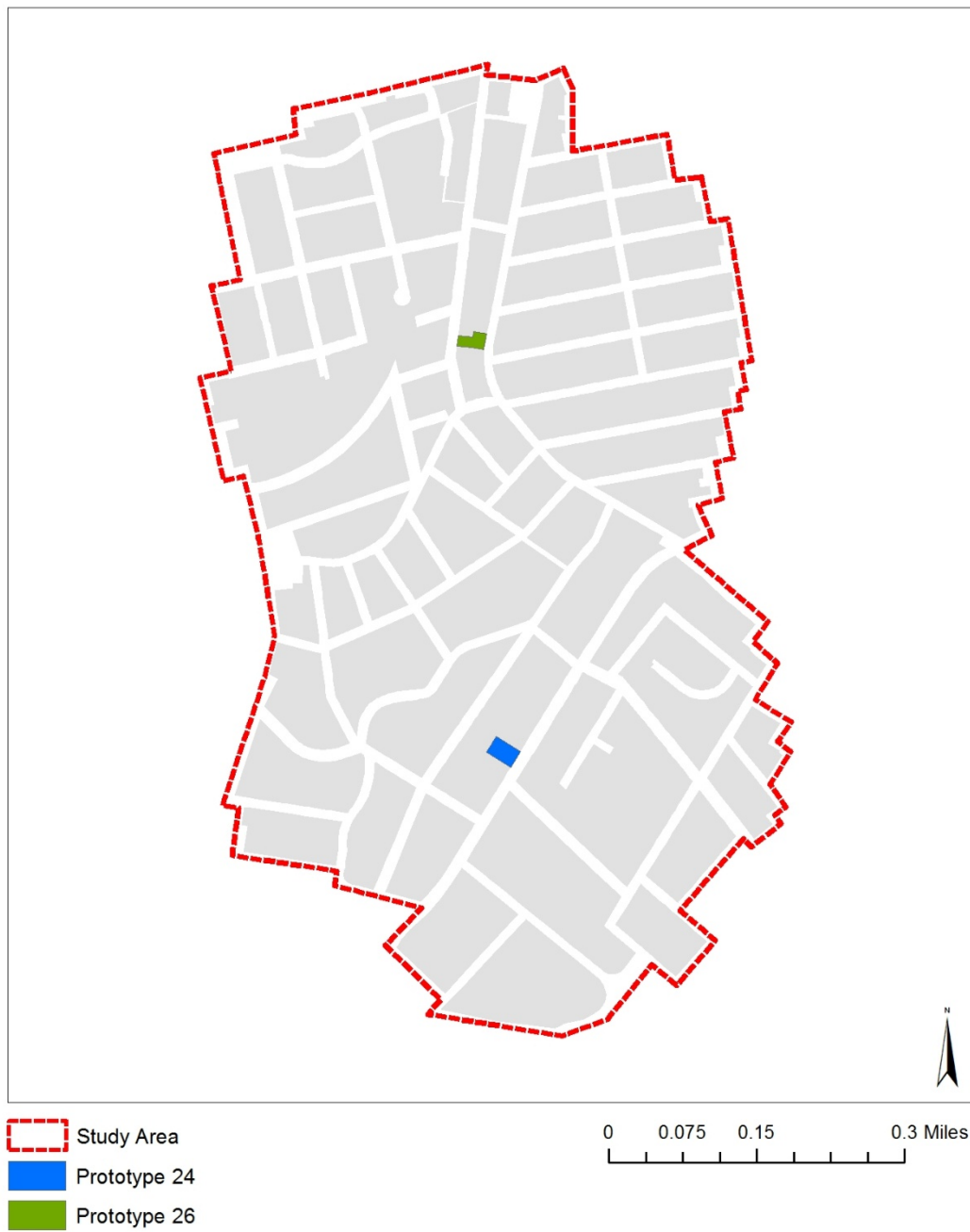
Study Area C - Brooklyn
Figure 15-3

Figure 15-4



Study Area D - Bronx
Figure 15-4

Figure 15-5



Study Area E - Staten Island

Figure 15-5

Table 15-5: Worst Case Manhattan Cluster Scenario Vehicle Trip Generation

Prototype	Type	Cluster	Net SQ FT	Net Units	BORO	Daily PTR	Peak Hour %	Peak Hour Person Trips	Trip Type	% Auto	Persons /Auto	Peak Hour Auto Trips
8	AIRS	1	5,010	29	MN	3.7	0.14	15	RJTW	14%	1.33	2
15	IH	3	25,674	90	MN	8.075	0.11	80	JTW	9%	1.53	4
16	IH	29	0	696	MN	8.075		618	JTW	9%	1.53	34
23	LTC	1	27,000	54	MN	3.7	0.14	22	RJTW	14%	1.33	3
Total				869				735				43

The Manhattan study area shown in Exhibit 15-1 was chosen based on the presence of multiple opportunities for general residential and inclusionary housing, and the presence of two opportunities for the development of AIRS and/or LTC prototypes. The condition shown in Exhibit 15-1 represents the worst case clustering of potential development sites for the borough of Manhattan. As stated above these locations were chosen simply based on the zoning and property dimension requirements associated with each of the prototypes and no regard was given as to the likely redevelopment of any of these properties. They are included here only in order to represent a worst-case scenario to evaluate the potential for prototypes locating in clusters to result in significant transportation impacts. As indicated in Table 15-5, the total vehicle trips (43 vehicles per hour) are under the 50 vehicle per hour *CEQR Technical Manual* Level One Screen threshold for potential traffic and parking impacts, but the person trips (735 person trips per hour) exceed the *CEQR Technical Manual* Level One Pedestrian/Transit Screening threshold of 200 pedestrian/transit trips per hour. Therefore, in this case it was necessary to proceed to the *CEQR Technical Manual* Level Two screening analysis requiring an assignment of the pedestrian trips to sidewalks, crosswalks, and street corners. As shown in Exhibit 15-1, worst case location for the potential for pedestrian impacts is in the northern section of the clustering example. An analysis of the potential pedestrian trips (walk-only, subway, and bus) is presented below in Table 15-6.

Table 15-6: Worst Case Manhattan Cluster Scenario Pedestrian Trip Generation

Prototype	Type	Cluster	Net SQ FT	Net Units	BORO	Daily PTR	Peak Hour %	Peak Hour Person Trips	Trip Type	% Auto	Persons /Auto	Peak Hour Auto Trips
8	AIRS	1	5,010	29	MN	3.7	0.14	15	RJTW	14%	1.33	2
15	IH	2	25,674	60	MN	8.075	0.11	53	JTW	9%	1.53	3
16	IH	4	0	96	MN	8.075	0.11	85	JTW	9%	1.53	5
23	LTC	1	27,000	54	MN	3.7	0.14	22	RJTW	14%	1.33	3
Total				239				175				13

The information presented in Table 15-6 indicates that even if 100 percent of the pedestrian trips on the north side of the northernmost block were to be assigned to the same pedestrian and/or transit element, the total number of

pedestrian and/or transit trips at that test location would be below 200, indicating that there is no potential for impacts related to the pedestrian/transit environment.

Table 15-7: Worst Case Queens Cluster Scenario Trip Generation

Prototype	Type	Cluster	Net SQ FT	Net Units	BORO	Daily PTR	Peak Hour %	Peak Hour Person Trips	Trip Type	% Auto	Persons /Auto	Peak Hour Auto Trips
9	LTC	2	18,990	68	QN	3.7	0.14	25	RJTW	53%	1.22	11
10	G	3	28,837	96	QN	8.075	0.11	85	JTW	39%	1.28	26
Total				164				110				37

In contrast with Manhattan, which contains numerous properties located near to one another matching the criteria for residential and inclusionary housing prototypes, these opportunities are more limited in Queens. The conditions shown in Exhibit 15-2 represent worst case clustering of potential development sites throughout the borough of Queens. The worst case cluster includes three opportunities for General Residential Prototype 10 development and two long term care facility (Prototypes 9 and 26) developments. As indicated in Table 15-7, the worst case cluster would generate 37 peak vehicles per hour, which is under the 50 vehicle trip per hour threshold for traffic and parking impacts. The peak hour person trips (110 per peak hour) are also under the 200 trip per hour thresholds for potential pedestrian and transit system impacts.

Table 15-8: Worst Case Staten Island Cluster Scenario Trip Generation

Prototype	Type	Cluster	Net SQ FT	Net Units	BORO	Daily PTR	Peak Hour %	Peak Hour Person Trips	Trip Type	% Auto	Persons /Auto	Peak Hour Auto Trips
24	AIRS	1	8,032	12	SI	3.7	0.14	6	RJTW	74%	1.18	4
26	LTC	1	32,460	65	SI	3.7	0.14	26	RJTW	74%	1.18	16
Total				77				32				20

Table 15-9: Worst Case Bronx Cluster Scenario Trip Generation

Prototype	Type	Cluster	Net SQ FT	Net Units	BORO	Daily PTR	Peak Hour %	Peak Hour Person Trips	Trip Type	% Auto	Persons /Auto	Peak Hour Auto Trips
26	LTC	2	32,460	130	BX	3.7	0.11	52	RJTW	46%	1.27	19
Total				130				52				19

The Staten Island study area shown in Exhibit 15-3 and the Bronx study area shown in Exhibit 15-4 were chosen based on the presence opportunities for general residential and inclusionary housing, and the presence of two opportunities for the development of AIRS and/or LTC prototypes. There are few properties in Staten Island and the

Bronx located near to one another matching the criteria for residential and inclusionary housing prototypes, and therefore the reasonable worst case clustering study areas for both boroughs depict two AIRS and/or LTC developments. As indicated in Tables 15-8 and 15-9, the number of vehicle trips corresponding to both the Staten Island and Bronx worst case study areas is under the 50 vehicle trip per hour threshold for the potential for traffic and parking impacts, and the person trips are less than the 200 trip per hour thresholds for potential pedestrian and transit system impacts.

Table 15-10: Worst Case Brooklyn Cluster Scenario Trip Generation

Prototype	Type	Cluster	Net SQ FT	Net Units	BORO	Daily PTR	Peak Hour %	Peak Hour Person Trips	Trip Type	% Auto	Persons /Auto	Peak Hour Auto Trips
9	LTC	2	18,990	68	BK	3.7	0.11	28	RJTW	39%	1.29	8
10	G	1	28,837	32	BK	8.075	0.14	36	JTW	24%	1.32	7
Total				100				64				15

The Brooklyn study area shown in Exhibit 15-5 was chosen based on the presence of multiple opportunities for general residential and inclusionary housing, and the presence of two opportunities for the development of AIRS and/or LTC prototypes. Similar to Staten Island and the Bronx, opportunities for residential and inclusionary housing prototypes to cluster with each other are limited. The conditions shown in Exhibit 15-2 represent reasonable worst case clustering of potential development sites throughout the borough of Brooklyn. The worst case cluster includes one general residential (Prototype 10) and two long term care facility (Prototype 9) developments. As indicated in Table 15-10, the corresponding number of vehicle trips is under the 50 vehicle trip per hour threshold, and the person trips are less than the 200 trip per hour thresholds for potential pedestrian and transit system impacts.

The total number of vehicle trips associated with each of the typical worst case cluster identified in Exhibits 15-1 through 15-4 are summarized below in Table 15-11.

Table 15-11: Potential Clustering Peak Hour Vehicle Trips

Location	Peak Hour Vehicle Trips	Peak Hour Person Trips
Manhattan	12	175 (1)
Queens	34	110
Bronx	19	52
Staten Island	21	32
Brooklyn	15	64

Note (1): Worst Case Maximum Peak Hour Person Trips on any Pedestrian or Transit Element.

The information presented in Table 15-11 indicates that each of the prototype clusters are projected to generate less than 50 incremental vehicles per hour during any peak hour, and less than 200 pedestrian/transit trips per hour (since the total person trips are less than 200 per hour) at any single location. These are each below the screening thresholds presented in the CEQR Technical Manual. Therefore, the proposed actions do not have the potential to create significant transportation systems impacts and no further analysis is warranted.

Chapter 16 : AIR QUALITY

A. INTRODUCTION

The potential for air quality impacts from the Proposed Action is examined in this chapter. According to the City Environmental Quality Review (CEQR) Technical Manual, air quality impacts can be either direct or indirect. Direct impacts result from emissions generated by stationary sources from a prototype, such as emissions from on-site fuel combustion for heat and hot water systems (“stationary sources”). Indirect impacts are caused by off-site emissions associated with a project, such as emissions from on-road vehicle trips (“mobile sources”) generated by the Proposed Action.

B. PRINCIPAL CONCLUSIONS

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

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

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

C. SCREENING ANALYSIS

The Proposed Action is a “Generic Action,” and there are no known potential or projected development sites and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified, as described in Chapter 2, Analytical Framework. The screening analysis was performed to assess air quality impacts associated with emissions from heat and hot water systems for all prototypes. The methodology described in the *2014 CEQR Technical Manual* was used for the analysis.

The screening methodology determines the threshold distance between the HVAC stack and the nearest sensitive receptor of similar or greater height beyond which the action would not have a significant adverse impact. The screening procedures consider the different type of fuel to be used, the maximum development size, type of development and the heat and hot water systems exhaust stack height to evaluate whether a significant adverse impact may occur. The screening distance is assumed to be 400 feet if there are no buildings of similar or taller than the proposed prototype, indicating that the Proposed Action would facilitate the development of the tallest building in the neighborhood.

Based on aforementioned parameters, if the distance between the HVAC stack and the nearest receptor of similar or greater height is less than the threshold distance as per in the *2014 CEQR Technical Manual* figures, the potential for significant adverse air quality impacts is identified, and a detail analysis involving a refined dispersion model is needed. Otherwise, if the prototype passes the screening analysis, no further analysis would be required.

Since information on the heat and hot water systems was not available for the citywide action, the distance between the boiler stack and the nearest receptor of similar or greater height is assumed to be the distance between the roof edges of two buildings as a worst-case analysis for screening. The receptors for the screening analysis were placed at either the nearest

existing building or at the nearest proposed potential development site with equal or similar height. It was assumed that No. 2 fuel oil would be used in all prototypes heat and hot water systems for conservative analysis. If the screen for oil passes then there is no restriction in the type of fuel. The primary pollutants of concern are SO₂ and PM which are described below. The exhaust stacks were assumed to be located 3 feet above the roof (as per the *2014 CEQR Technical Manual*) and placed on the highest tier for buildings with different tier configurations. For sources that did not pass the screening analyses, a refined modeling analysis was performed.

Mobile Sources Screening

The Proposed Action has the potential to increase traffic volumes on streets within and surrounding rezoning area and could result in localized increases in CO and PM levels (these pollutants are described below). Therefore, a mobile source screening analysis was conducted for each prototype to determine the potential for CO and PM impact in accordance to 2014 *CEQR Technical Manual* guidelines.

Based on the traffic screening analysis provided in Chapter 15, Transportation, the number of incremental trips generated by the Proposed Action associated with each prototype would be lower than the 2014 *CEQR Technical Manual* carbon monoxide (CO)-based screening threshold of 140 auto trips per hour at an intersection as well as the minimum screening threshold of 12 heavy-duty diesel vehicles (HDDV) for fine particulate matter (PM_{2.5}). The minimum thresholds throughout the city were chosen for conservative purpose. Consequently, the Proposed Action would not result in significant adverse mobile source air quality impacts, and no further analysis is warranted.

Stationary Sources

A stationary source analysis was conducted to evaluate potential impacts from the proposed prototypes heat and hot water systems. All prototypes were subjected to an assessment to determine whether or not an air quality analysis is warranted. If the prototype indicated that no change in floor area, density or height between the No-Action and the With-Action scenarios, it is concluded that there would be no stationary source air quality impacts and no further analysis is warranted. All prototypes with floor area, density or height changes would be subject to HVAC screening analysis. For the prototypes that did not pass screening analysis, a detail analysis is conducted to determine whether or not a potential for air quality impact may occur. The pollutant analyzed includes SO₂, NO₂, PM₁₀ and PM_{2.5} as described below.

The screening analysis was performed to evaluate whether potential air quality impacts from the heat and hot water systems associated with each prototype could potentially impact other existing or project sensitive receptors nearby. The analysis was conducted based on the floor area, stack height and the distance to the nearest sensitive receptor as described above.

A total of 22 prototypes (Prototypes 1-9, 11-18, 20, 21, 23-25 and 27) would facilitate the development of the tallest building in the neighborhood, therefore, the distance between to the nearest receptors of similar or greater height is assumed to be 400 feet. These prototypes all passed the screening analysis using No. 2 fuel oil as the fuel type. No further detailed analyses are warranted and no significant impacts would be anticipated for these prototypes. The screens are available in APPENDIX E.

A total of 4 prototypes (Prototypes 10, 19, 22 and 26) failed the screening analysis using No. 2 fuel oil as the fuel type. The distance to the nearest receptors of similar or greater height for these prototypes are presented in Table 4. It needs to be pointed out that in Prototype 26, there would be two stacks located on the Long-term Care Facility and the Affordable Independent Residences for Seniors separately. According to the prototype illustration, the screening distance used for analysis would be the distance between the highest tiers for of the two buildings, which is 30 feet. The screens are available in APPENDIX E. Therefore, each of these prototypes required a refined modeling analysis with No. 2 fuel oil.

Using the stack height and gross square footage associated with each prototype, the minimum distance (screening distance) required between the building's exhaust stack and the nearest building façade of equal or greater height was determined. The screening analysis is summarized below (see Table 3):

Table 16-1: HVAC Screening Results

Prototype No.	Stack Height (ft)	Gross Area (gsf)	Minimum Distance to Nearest Building (ft)	Minimum Screening Distance (ft)	Screening Result
1	88	44,000	400	69	PASS
2	108	50,600	400	73	PASS
3	98	50,600	400	75	PASS
4	88	37,400	400	63	PASS
5	88	74,800	400	92	PASS
6	128	61,600	400	81	PASS
7	148	66,000	400	84	PASS
8	128	110,220	400	111	PASS
9	108	55,110	400	77	PASS
10	88	83,600	70	98	FAIL
11	137	213,624	400	157	PASS
12	218	110,000	400	110	PASS
13	238	132,000	400	122	PASS
14	238	132,000	400	122	PASS
15	238	52,800	400	75	PASS
17	128	79,200	400	93	PASS
18	148	67,320	400	85	PASS
19	138	134,640	50	123	FAIL
20	168	158,400	400	134	PASS
21	158	207,515	400	155	PASS
22	101.5	113,630	40	116	FAIL
23	238	132,000	400	122	PASS
24	48	20,317	400	46	PASS
25	68	30,712	400	57	PASS
26A ¹	68	53,340	30 ³	77	FAIL
26B ²	68	32,460	30 ³	59	FAIL
27	68	56,760	400	79	PASS

Note:

⁽¹⁾ Prototype 26 Building A refers to the Long-term Care Facility Development in the same parcel as Prototype 26 Building B.

⁽²⁾ Prototype 26 Building B refers to the Affordable Independent Residences for Seniors in the same parcel as Prototype 26 Building A.

⁽³⁾ The distance between the highest tiers of Building A and Building B is 30 feet for Prototype 26.

Source: Figure 17-5, 2014 *2014 CEQR Technical Manual* Appendix.

D. DETAILED ANALYSIS

Methodology

The Proposed Action is a “Generic Action,” and there are no known potential or projected development sites and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified, as described in Chapter 2, Analytical Framework.

Ambient air quality is affected by air pollutants produced by both motor vehicles and stationary sources. According to the *CEQR Technical Manual*, mobile source and stationary source analyses are required to determine the potential air quality impacts from the Proposed Action. Emissions from motor vehicles are referred to as mobile source emissions, while emissions from fixed facilities, such as the HVAC system of building, are referred to as stationary source emissions. Pollutants relevant to both mobile source and stationary source are listed below:

Pollutants for Analysis

Ambient concentrations of carbon monoxide (CO) are predominantly influenced by mobile source emissions. Particulate matter (PM), volatile organic compounds (VOCs), and nitrogen oxides (nitric oxide (NO) and nitrogen dioxide (NO₂), collectively referred to as NO_x) are emitted from both mobile and stationary sources. Fine PM is also formed when emissions of NO_x, sulfur oxides (SO_x), ammonia, organic compounds, and other gases react or condense in the atmosphere. Emissions of sulfur dioxide (SO₂) are associated mainly with stationary sources. On-road diesel vehicles currently contribute very little to SO₂ emissions since the sulfur content of on-road diesel fuel, which is federally regulated, is extremely low. Ozone is formed in the atmosphere by complex photochemical processes that include NO_x and VOCs. Ambient concentrations of CO, PM, NO₂, SO₂, ozone, and lead are regulated by the U.S. Environmental Protection Agency (EPA) under the Clean Air Act, and are referred to as ‘criteria pollutants’; emissions of VOCs, NO_x, and other precursors to criteria pollutants are also regulated by EPA.

Carbon Monoxide

CO, a colorless and odorless gas, is produced in the urban environment primarily by the incomplete combustion of gasoline and other fossil fuels. In urban areas, approximately 80 to 90 percent of CO emissions are from motor vehicles. CO concentrations can diminish rapidly over relatively short distances; elevated concentrations are usually limited to locations near crowded intersections, heavily traveled and congested roadways, parking lots, and garages. Consequently, CO concentrations must be analyzed on a local (microscale) basis.

Nitrogen Oxides, VOCs, and Ozone

NO_x are of principal concern because of their role, together with VOCs, as precursors in the formation of Ozone. Ozone is formed through a series of chemical reactions that take place in the atmosphere in the presence of sunlight. In addition to being a precursor to the formation of Ozone, NO₂ (one component of NO_x) is also a regulated pollutant.

Particulate Matter —PM₁₀ and PM_{2.5}

PM is a broad class of air pollutants that includes discrete particles of a wide range of sizes and chemical compositions, as either liquid droplets (aerosols) or solids suspended in the atmosphere. The constituents of PM are both numerous and varied, and they are emitted from a wide variety of sources.

As described below, PM is regulated in two size categories: particles with an aerodynamic diameter of less than or equal to 2.5 micrometers (PM_{2.5}), and particles with an aerodynamic diameter of less than or equal to 10 micrometers (PM₁₀, which includes PM_{2.5}). PM_{2.5} has the ability to reach the lower regions of the respiratory tract, delivering with it other compounds that adsorb to the surfaces of the particles, and is also persistent in the atmosphere. PM_{2.5} is mainly derived from combustion material that has volatilized and then condensed to form primary PM (often soon after the release from a source) or from precursor gases reacting in the atmosphere to form secondary PM.

Gasoline-powered and diesel-powered vehicles, especially heavy duty trucks and buses operating on diesel fuel, are a significant source of respirable PM, most of which is PM_{2.5}; PM concentrations may, consequently, be locally at elevated near roadways. The Proposed Action would not result in traffic exceeding the PM_{2.5} vehicle emissions screening analysis thresholds as defined in *2014 CEQR Technical Manual* Chapter 17, Sections 210 and 311.

Sulfur Dioxide

SO₂ emissions are primarily associated with the combustion of sulfur-containing fuels (oil and coal). Due to the federal and State restrictions on the sulfur content in diesel fuel for on-road and non-road vehicles, no significant quantities are emitted from vehicular sources. Vehicular sources of SO₂ are not significant and therefore, analysis of SO₂ from mobile and/or non-road sources was not warranted.

Noncriteria Pollutants

In addition to the criteria pollutants discussed above, noncriteria pollutants may be of concern. Noncriteria pollutants are emitted by a wide range of man-made and naturally occurring sources.

Federal ambient air quality standards do not exist for noncriteria pollutants but the New York State Department of Environmental Conservation (NYSDEC) has issued standards for certain noncriteria pollutant. The NYSDEC guidance thresholds represent ambient levels that are considered safe for public exposure.

The citywide Action would not introduce new sensitive receptors on existing manufacturing-zoned areas, auto related or dry cleaning facilities. Therefore, an analysis to examine the potential for impacts to the Proposed Action from industrial emissions was not warranted.

Emission Estimates and Stack Parameters

Prototypes that did not pass the screening analysis were subsequently analyzed using a refined dispersion model, the EPA AERMOD dispersion model. AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatments of the boundary layer theory, understanding of turbulence and dispersion, and includes handling of terrain interactions.

The AERMOD model calculates pollutant concentrations from one or more points (e.g., exhaust stacks) based on hourly meteorological data for five years (2010-2014), and has the capability to calculate pollutant concentrations at locations where the plume from the exhaust stack is affected by the aerodynamic wakes and eddies (downwash) produced by nearby structures. The analyses of potential impacts from exhaust stacks were made assuming stack tip downwash, urban dispersion and surface roughness length, and elimination of calms. AERMOD can be run with and without building downwash (the downwash option accounts for the effects on plume dispersion created by the structure the stack is located on, and other nearby structures). Therefore, the analysis was performed using the AERMOD model under with downwash and without downwash scenario respectively.

For the refined analysis, the exhaust stacks for the heat and hot water systems were assumed to be located at distance of 10 feet away from the edge of the roof closest to the nearest receptor in consistent with building code §[1501.4] 27-859. The refined dispersion modeling analysis was performed for PM_{2.5}, PM₁₀, NO₂ and SO₂. The analysis was then performed using calculated emission rates for fuel oil.

The AERMOD analysis was performed by utilizing a unitary emission rate (1 gram/second) as the input. The estimated emissions based on total floor area were converted into grams/second and multiplied by the modeled unitary concentrations to determine the worst-case impact. The resulted concentrations were added to background concentrations and then compared to the National Ambient Air Quality Standards (NAAQS) and *de minimis* criteria in order to determine any potential for significant adverse impact.

Fuel consumption was estimated based on procedures outlined in the *2014 CEQR Technical Manual* as discussed above. Using worst-case assumptions the type of fuel was Oil No. 2. Emission factors from the fuel oil sections of EPA's AP-42 were used to calculate emission rates for the proposed prototype's heat and hot water systems.

Receptor Placement

Discrete receptors (*i.e.*, locations at which concentrations are calculated) were modeled along the existing and proposed building façades to represent potentially sensitive locations such as operable windows and air intake vents. Rows of receptors at spaced intervals on the modeled buildings were analyzed at multiple elevations.

Background Concentrations

To estimate the maximum expected pollutant concentration at a given location (receptor), the predicted impacts must be added to a background value that accounts for existing pollutant concentrations from other sources that are not directly accounted for in the model (see Table 1). To develop background levels, the latest available maximum concentration measured at the most representative NYSDEC ambient monitoring station was used considering the proposed development is city-wide. The concentration measured over the latest available 5-year period (2010-2014) was used for annual average NO₂ and 1-hour NO₂ background concentration, while the latest available 5-year period (2008-2012) was used for 3-hour average SO₂ background concentration and the latest available 3-year period (2012-2014) was used for 1-Hour SO₂ and 24-hour PM₁₀ background concentration.

PM_{2.5} impacts are assessed on an incremental basis and compared with the PM_{2.5} *de minimis* criteria, without considering the annual background. Therefore the annual PM_{2.5} background is not presented in the table. The PM_{2.5} 24-hour average background concentration of 25.7 µg/m³ based on the 2012 to 2014 average of 98th percentile concentrations measured at the Botanical Garden (Pfizer Lab) monitoring station was used to establish the *de minimis* value for the 24-hour increment, consistent with the guidance provided in the 2014 CEQR Technical Manual.

Table 16-2: Background Pollutant Concentrations

Pollutant	Average Period	Location	Concentration (µg/m ³)	NAAQS (µg/m ³)
NO ₂	1-hour ¹	Botanical Garden, Bronx	109	188
	Annual ²	IS 52, Bronx	40.6	100
SO ₂	1-hour ³	Botanical Garden, Bronx	58	197
	3-hour ⁴	Botanical Garden, Bronx	162	1,300
PM ₁₀	24-Hour ⁵	PS 19, Manhattan	45	150
PM _{2.5}	24-hour	Botanical Garden, Bronx	25.7	35

Notes:

⁽¹⁾ The 1-Hour NO₂ background concentration is based on the maximum 98th percentile 1-Hour NO₂ concentration averaged over five years of data, from 2010–2014.

⁽²⁾ Annual average NO₂ background concentration is based on the 5-year highest value from 2010–2014.

⁽³⁾ The 1-Hour SO₂ background concentration is based on the maximum 99th percentile concentration averaged over three years of data, from 2012–2014.

⁽⁴⁾ The 3-hour SO₂ background concentration is based on the 5-year highest second-highest measured value from 2008–2012.

⁽⁵⁾ The 24-Hour PM₁₀ is based on the 3-year highest second-highest value from 2012–2014.

Source: New York State Air Quality Report Ambient Air Monitoring System, NYSDEC, 2010-2014.

DETERMINING THE SIGNIFICANCE OF AIR QUALITY IMPACTS

The *City Environmental Quality Review (CEQR) Technical Manual* state that the significance of a predicted consequence of a project (i.e., whether it is material, substantial, large or important) should be assessed in connection with its setting (e.g., urban or rural), its probability of occurrence, its duration, its irreversibility, its geographic scope, its magnitude, and the number of people affected. In terms of the magnitude of air quality impacts, any action predicted to increase the concentration of a criteria air pollutant to a level that would exceed the concentrations defined by the NAAQS (see Table 2) would be deemed to have a potential significant adverse impact. Similarly, for non-criteria pollutants, predicted exceedance of the DAR-1 guideline concentrations would be considered a potential significant adverse impact.

Table 16-3: National Ambient Air Quality Standards (NAAQS)

Pollutant	Primary		Secondary	
	ppm	µg/m ³	ppm	µg/m ³
Carbon Monoxide (CO)				
8-Hour Average ⁽¹⁾	9	10,000	N/A	
1-Hour Average ⁽¹⁾	35	40,000		
Lead				
Rolling 3-Month Average ⁽²⁾	N/A	0.15	N/A	0.15
Nitrogen Dioxide (NO ₂)				
1-Hour Average ⁽³⁾	0.100	188	N/A	
Annual Average	0.053	100	0.053	100
Ozone (O ₃)				
8-Hour Average ^(4,5)	0.075	150	0.075	150
Respirable Particulate Matter (PM ₁₀)				
24-Hour Average ⁽¹⁾	N/A	150	N/A	150
Fine Respirable Particulate Matter (PM _{2.5})				
Annual Mean ⁽⁶⁾	N/A	12	N/A	15
24-Hour Average ⁽⁷⁾	N/A	35	N/A	35
Sulfur Dioxide (SO ₂) ⁽⁸⁾				
1-Hour Average ⁽⁹⁾	0.075	196	N/A	N/A
Maximum 3-Hour Average ⁽¹⁾	N/A	N/A	0.50	1,300
Notes: ppm – parts per million (unit of measure for gases only) µg/m ³ – micrograms per cubic meter (unit of measure for gases and particles, including lead) NA – not applicable All annual periods refer to calendar year. Standards are defined in ppm. Approximately equivalent concentrations in µg/m ³ are presented. ⁽¹⁾ Not to be exceeded more than once a year. ⁽²⁾ EPA has lowered the NAAQS down from 1.5 µg/m ³ , effective January 12, 2009. ⁽³⁾ 3-year average of the annual 98th percentile daily maximum 1-hr average concentration. Effective April 12, 2010. ⁽⁴⁾ 3-year average of the annual fourth highest daily maximum 8-hr average concentration. ⁽⁵⁾ EPA has proposed lowering the primary and secondary standards further to within the range 0.065-0.070 ppm. EPA will take final action on the proposed standards by Oct. 1, 2015. ⁽⁶⁾ 3-year average of annual mean. EPA has lowered the primary standard from 15 µg/m ³ , effective March 2013. ⁽⁷⁾ Not to be exceeded by the annual 98th percentile when averaged over 3 years. ⁽⁸⁾ EPA revoked the 24-hour and annual primary standards, replacing them with a 1-hour average standard. Effective August 23, 2010. ⁽⁹⁾ 3-year average of the annual 99th percentile daily maximum 1-hr average concentration. Source: 40 CFR Part 50: National Primary and Secondary Ambient Air Quality Standards.				

In order to maintain concentrations lower than the NAAQS in attainment areas, or to ensure that concentrations would not be significantly increased in non-attainment areas, threshold levels have been defined for certain pollutants; any action predicted to increase the concentrations of these pollutants above the thresholds would be deemed to have a potential significant adverse impact, even in cases where violations of the NAAQS are not predicted.

PM_{2.5} De Minimis Criteria

The *City Environmental Quality Review (CEQR) Technical Manual* state that Predicted 24-hour maximum PM_{2.5} concentration increase of more than half the difference between the 24-hour background concentration and the 24-hour standard; or Predicted annual average PM_{2.5} concentration increments greater than 0.3 µg/m³ at any receptor location for stationary sources.

The policy states that such a project would be deemed to have a potentially significant adverse impact if the project's maximum impacts are predicted to increase PM_{2.5} concentrations by more than 0.3 µg/m³ averaged annually or more than 4.65 µg/m³ on a 24-hour basis.

FUTURE WITHOUT THE PROPOSED ACTION

In the future without the Proposed Action, it is assumed that the current uses, bulk and floor area for each prototype would remain. Some development for each prototype would occur on an as-of-right basis in the future without the Proposed Action. Thus, no stationary source analysis is included for the No-Action condition.

FUTURE WITH THE PROPOSED ACTION

The With Action scenario for associated with all other 26 prototypes (Prototypes 1-15, 17-27) would introduce some changes in floor area and/or bulk regulation between the No-Action and the With-Action scenarios. Therefore, air screening analysis would be provided for these prototypes. Prototypes that did not pass the screening analysis would be subsequently analyzed using a refined dispersion model, the EPA AERMOD dispersion model. Prototype 16 would introduce no change in floor area or bulk between the No-Action and the With-Action scenarios. Therefore, an analysis for this prototype is not warranted in the air quality analysis.

Individual Heat and Hot Water Systems

Refined Dispersion Analysis

The screening analysis results show that a total of 4 prototypes (Prototype 10, 19, 22 and 26) required a refined modeling analysis to determine the potential for air quality impacts. For detail analysis, the exhaust stacks for the heat and hot water systems were assumed to be located at distance of 10 feet away from the edge of the building closest to the nearest receptor consistent with building code §[1501.4] 27-859.

The analysis assumed a unitary emission rate input. The estimated emissions based on total floor area were converted into grams/second and multiplied by the modeled unitary concentrations to determine the worst-case impact. The resulted concentrations were added to background concentrations and then compared to the National Ambient Air Quality Standards (NAAQS). PM_{2.5} impacts are assessed on an incremental basis and compared with the PM_{2.5} *de minimis* criteria, consistent with the guidance provided in the *2014 CEQR Technical Manual*.

As indicated above, for Prototype 26, there would be two stacks located on the Long-term Care Facility and the Affordable Independent Residences for Seniors separately, which would introduce a project-on-project impact analysis.

The detail analysis was performed using the AERMOD model under with and without downwash scenario respectively. The results of both scenarios are summarized in Table 4. Generally, as shown in the table, higher concentrations result from the without downwash scenario. It was determined that these prototypes all passed the refined analysis for No. 2 fuel oil. Therefore, no restrictions are required and no significant adverse impacts are predicted for these prototypes.

Table 16-1: Maximum Modeled Concentration (µg/m3)

Pollutant			NO ₂		SO ₂		PM ₁₀	PM _{2.5}	
Averaging Period			1-Hour	Annual	1-Hour	3-Hour	24-Hour	24-Hour	Annual
Maximum Modeled Conc. ¹	Pro 10		22.9 / 9.4	0.7 / 0.3	0.3 / 0.1	0.2 / 0.1	1.7 / 0.5	1.51 / 0.41	0.07 / 0.03
	Pro 19		26.8 / 22.6	0.5 / 0.3	0.3 / 0.3	0.3 / 0.2	1.6 / 0.7	1.46 / 0.61	0.05 / 0.03
	Pro 22		38.1 / 24.8	0.3 / 0.2	0.5 / 0.3	0.5 / 0.2	3.7 / 0.8	3.31 / 0.73	0.03 / 0.02
	Pro 26	BLDG A on BLDG B	26.3 / 7.8	0.6 / 0.3	0.3 / 0.1	0.3 / 0.1	1.5 / 0.5	1.38 / 0.45	0.06 / 0.03
		BLDG B on BLDG A	31.3 / 11.9	0.6 / 0.4	0.3 / 0.2	0.3 / 0.1	1.8 / 0.7	1.58 / 0.66	0.06 / 0.05
Background			109	40.6	58	162	45	25.7	N/A
Total Conc. ²	Pro 10		131.9 / 118.4	41.3 / 40.9	58.3 / 58.1	162.2 / 162.1	46.7 / 45.5	N/A	N/A
	Pro 19		135.8 / 131.6	41.1 / 40.9	58.3 / 58.3	162.3 / 162.2	46.6 / 45.7	N/A	N/A
	Pro 22		147.1 / 133.8	40.9 / 40.8	58.5 / 58.3	162.5 / 162.2	48.7 / 45.8	N/A	N/A
	Pro 26	BLDG A on BLDG B	135.3 / 116.8	41.2 / 40.9	58.3 / 58.1	162.3 / 162.1	46.5 / 45.5	N/A	N/A
		BLDG B on BLDG A	140.3 / 120.9	41.2 / 41	58.3 / 58.2	162.3 / 162.1	46.8 / 45.7	N/A	N/A
NAAQS / De Minimis ³			188	100	197	1310	150	4.65*	0.3*
Note:									
(1) Detail analysis was performed using the AERMOD model under with downwash and without downwash scenarios respectively. The higher concentrations in bold font are modeled from without downwash scenario.									

⁽²⁾ The higher total concentrations in bold font are modeled from without downwash scenario.

⁽³⁾ The PM_{2.5} *de minimis* criteria is 4.65 µg/m³ for the 24-Hour period, which is half the difference between the NAAQS of 35

µg/m³ and the ambient monitored background of 25.7 µg/m³, and 0.3 µg/m³ for the annual period.

The Proposed Action would not result in any significant adverse air quality impacts for stationary source. Based on the prototypical analysis, 4 of 27 prototypes require detail analysis, 22 of 27 prototypes require screening analysis. One Prototype (prototype 16) does not require any analysis because the action would introduce no change in floor area or bulk between the No-Action and the With-Action scenarios. The prototypical analyses showed that there would be no potential significant adverse air quality impacts from fossil fuel-fired heat and hot water systems associated with each prototype. Therefore, the Proposed Action would not result in significant adverse air quality impacts due to stationary sources.

Chapter 17 : GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

A. INTRODUCTION

As noted in the *City Environmental Quality Review (CEQR) Technical Manual*, increased concentrations of greenhouse gases (GHGs) are changing the global climate, resulting in wide-ranging effects on the environment, including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale, the environmental effects of climate change are also likely to be felt at the local level. Through PlaNYC, New York City's long-term sustainability program, the City advances sustainability initiatives and goals to both greatly reduce GHG emissions and increase the City's resilience to climate change. The New York City Climate Protection Act, enacted as Local Law 22 of 2008, established the goal to reduce citywide GHG emissions to 30 percent below 2005 levels by 2030 (the "GHG reduction goal"). This goal was developed for the purpose of planning for an increase in population of almost one million residents while achieving significant greenhouse gas reductions.

B. PRINCIPAL CONCLUSIONS

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

C. SCREENING

As mentioned above, the City has established sustainability initiatives and goals for greatly reducing GHG emissions and for adapting to climate change in the City. Generally, a GHG emissions assessment is only conducted for larger projects undergoing an EIS or other energy-intense project as they have a greater potential to be inconsistent with the City's GHG reduction goal to a degree considered significant. More specifically, a GHG consistency assessment is typically warranted for city capital projects subject to environmental review; or a project that proposes either power generation (not including emergency backup power, renewable power, or small-scale cogeneration); or regulations and other actions that fundamentally change the City's solid waste management system by changing solid waste transport mode, distances, or disposal technologies. In addition, a project conducting an EIS that would also result in development of 350,000 square feet or greater would also warrant an assessment.

As described in Chapter 2, Analytical Framework, based on prototypical analysis, the Proposed Action would not facilitate development greater than 350,000 square feet on a single development site or involve other energy intense projects, and a GHG consistency assessment is not warranted. The Proposed Action would not be inconsistent with the City's emissions reduction goals, as defined in the CEQR Technical Manual. Also, as described in Chapter 14, Energy, the Proposed Action would not result in significant adverse impact on energy consumption.

Chapter 18 : NOISE

A. INTRODUCTION

This chapter assesses the potential for the Proposed Action to result in significant adverse noise impacts. Noise in an urban area comes from many sources. Some sources are activities essential to the health, safety, and welfare of a city's inhabitants, such as noise from emergency vehicle sirens, sanitation trucks, and construction and maintenance equipment. Other sources, such as train and traffic noise, are essential by products of maintaining the viability of a city as a place to live and do business. With respect to noise, the goal of CEQR is to determine both (1) a proposed project's potential effects on sensitive noise receptors, and (2) the effects of ambient noise levels on new sensitive uses introduced by the proposed project.

B. PRINCIPAL CONCLUSIONS

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

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

Prototypes 8 and 20 each model two No-Action scenarios that assume Long term care facilities or Affordable Independent Residents for Senior developments that utilize the existing height factor envelope, and the existing non-contextual envelope, and compares them to the With-Action envelope. This analysis identifies a noise impact associated with the shifting of bulk closer to the elevated rail line in the With Action scenario over the No Action height factor scenario. Although the height factor envelope provides a less desirable building model for the Affordable Independent Residences for Seniors, making development pursuant to height factor less likely than one with a Quality Housing envelope, there is the potential for a significant adverse noise impact.

C. METHODOLOGY

The assessment is concerned with both mobile and stationary noise sources. Mobile sources are those that move in relation to a noise-sensitive receptor. They include automobiles, buses, trucks, aircraft, and trains. Stationary sources of noise do not move in relation to a noise-sensitive receptor. Typical stationary noise sources of concern include machinery or mechanical equipment associated with industrial and manufacturing operations; building heating, ventilating, and air conditioning (HVAC) systems; speakers for public address and concert systems; playground noise; and spectators at concerts or sporting events. An action could raise noise levels either by introducing new stationary noise sources (such as outdoor playgrounds or rooftop air conditioning compressors) or by increasing mobile source noise (generally by generating additional traffic). Similarly, an action could introduce new residences or other sensitive receptors that would be subject to noise from either stationary or mobile sources.

The Proposed Action is a "Generic Action," and there are no known potential or projected development sites and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. To produce a reasonable analysis of likely effect of the Proposed Action, 27 representative development prototypes have been identified, as described in Chapter 2, Analytical Framework. Therefore, these prototypes form the basis for analysis.

Mobile Source

For most projects, an analysis may be employed using a logarithmic equation called the proportional modelling to determine the noise increment between no action and with action traffic condition. Proportional modeling is typically used to determine locations with the potential for having significant noise impacts. Vehicular traffic volumes would be converted into Noise Passenger Car Equivalent (Noise PCE) values, for which one medium-duty truck is assumed to generate the noise equivalent of 13 cars, and one heavy-duty truck is assumed to generate the noise equivalent of 47 cars, and one bus is assumed to generate the noise equivalent of 18 cars. Using this analysis, the prediction of the noise increment based on trips generated by each prototype can be assessed. For 25 out of the 27 prototypes, no mobile source analysis is warranted because the traffic generated by the Proposed Action would not have the potential to double the noise PCE. Two of the prototypes (Prototypes 8 and 20) are located in close proximity to elevated rail lines or other infrastructure, noise emissions from train operations or other vehicular operation have the potential to impact the sensitive land uses as illustrated by the prototypes. As described in Chapter 1, Project Description, the action would also have a potential to inadvertently put some senior housing or long term care units closer to the elevated train track in both the No Action and With Action Scenarios. Therefore, potential noise impacts from the elevated noise source to the sensitive receptor at these two prototype represented would be warranted.

Stationary Source

The Proposed Action has the potential to result in additional residential development. All rooftop mechanical equipment, including air conditioner compressors, for any potential development would have to be enclosed and would have to comply with New York City Noise Code requirements, which would limit noise levels generated by such equipment to 65 dBA during the daytime (7AM to 10 PM) and 55 dBA during the nighttime (10 PM to 7AM). Therefore, the Proposed Action would not result in significant adverse stationary source noise impact. No additional analysis is warranted.

D. MOBILE SOURCE NOISE ASSESSMENT

Future No-Action Condition

In the future without the Proposed Action, it is assumed that the existing roadway condition for each prototype would remain the same in the future without action condition. Moreover, the mobile source noise characteristics for each prototype would remain the same between the future without action and the existing condition. Thus, no mobile source analysis is warranted for the No-Action condition.

According to the *CEQR Technical Manual*, a noise analysis may be warranted if the With-Action development would introduce a new noise-sensitive location in an area with high ambient noise levels. As illustrated in Chapter 1, Proposed Action, With-Action Scenario for Prototype 8 and 20, the development would introduce new senior housing within 1,500 feet of an existing rail line with a direct line of sight from the proposed receptor to an elevated train track. A screening assessment of train noise is provided to determine whether or not a noise impact is expected for the two proposed No Action Scenarios.

Future With-Action Condition

In coordination with the traffic studies, traffic volumes should be estimated for the expected hour or hours with the greatest noise level change at sensitive receptors likely to be most affected by the proposed project. The method for assigning noise passenger car equivalent (Noise PCE) values to vehicle types are discussed in the methodology section of this chapter. If existing Noise PCE values are increased by 100 percent or more due to a proposed project (which is equivalent to an increase of 3 dB(A) or more), a detailed analysis is warranted. Conversely, if existing Noise PCE values are not increased by 100 percent or more, it is likely that the proposed project would not cause a significant adverse vehicular noise impact. As discussed in the Chapter 15 Transportation, for each prototype proposed by the ZQA, the projected auto volume are not expected to be doubled between the No action and the with action scenarios. Moreover, medium truck, heavy truck and bus volumes, with 13 Noise PCE, 47 Noise PCE, and 18 Noise PCE respectively, are not projected to be increased between the No Action and With Action Scenario.

Therefore, the noise total PCE values are not projected to be doubled between the No Action and With Action Scenarios. In conclusion, no vehicular mobile source noise impact is expected and no further analysis is warranted.

As illustrated in Prototypes 8 and 20, noise generated from train pass-bys on elevated train track is expected to be the dominant noise source for the proposed Affordable Independent Residences for Seniors and long term care facility. Distances differences between the elevated track and the senior housing or long term care facilities would determine whether or not an impact is expected. The noise level of 90 dBA at 15 feet was considered in this analysis. The distances between the train track and the closest sensitive receptor are illustrated below:

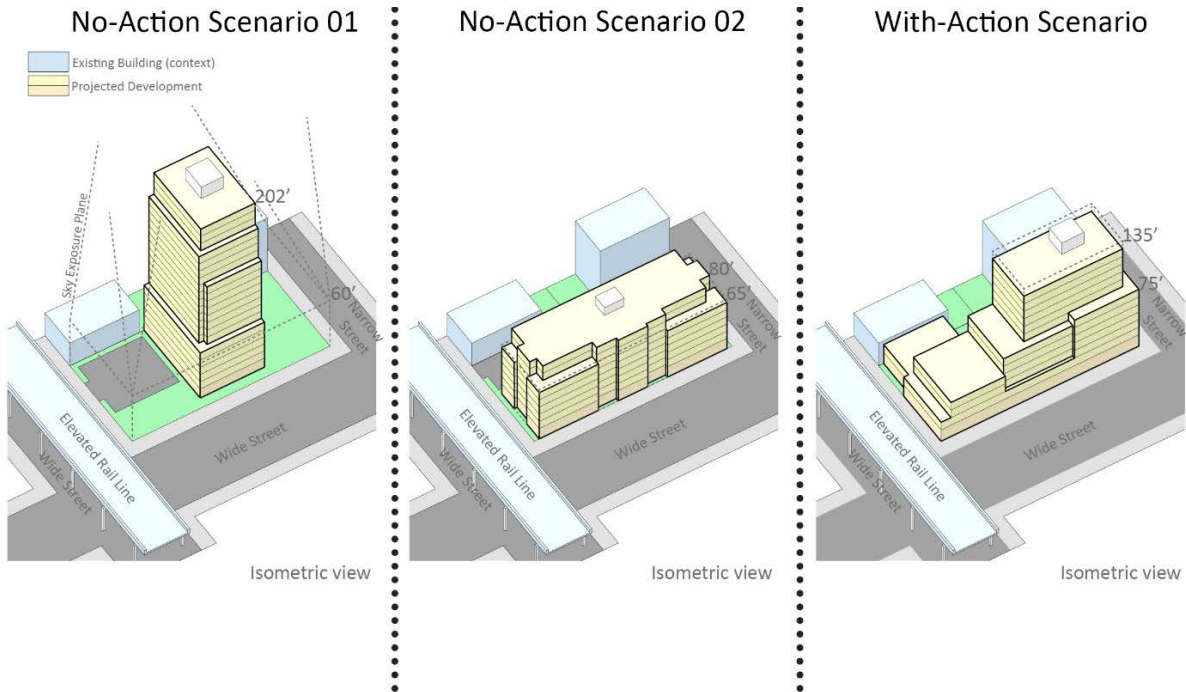


Table 18-1: Distances between senior housing and elevated rail line, Prototype 8

Prototype 8	Distance (ft)
No Action Scenario 1	100
No Action Scenario 2	32
With Action	27

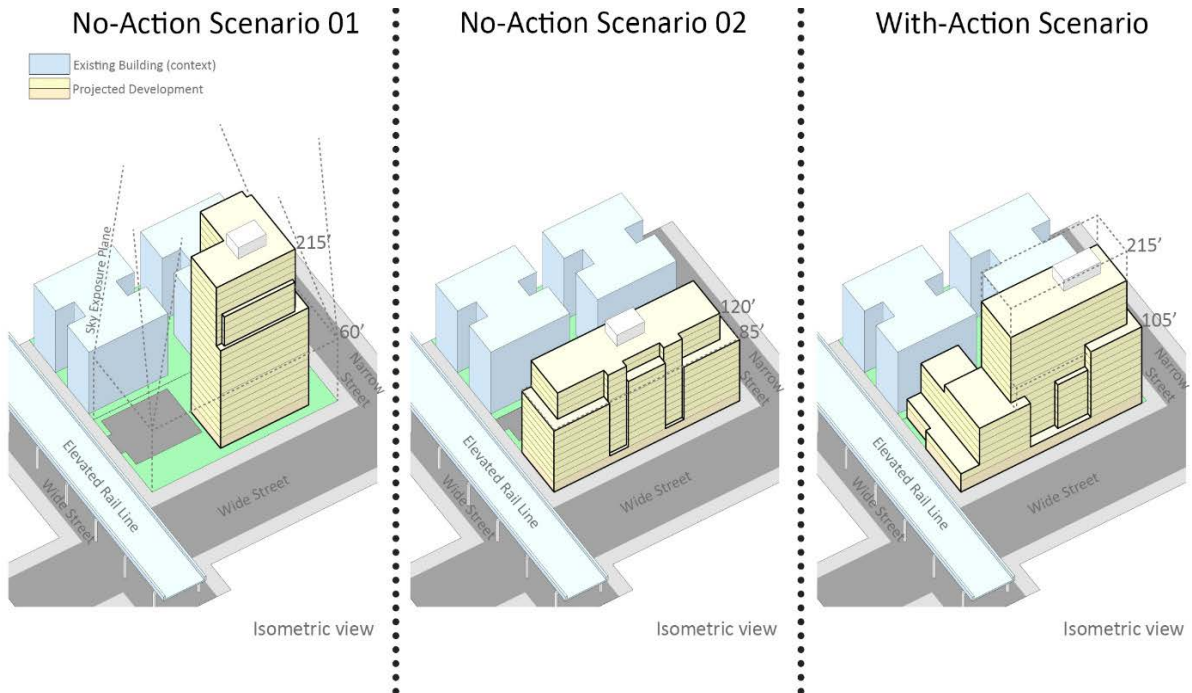


Table 18-2: Distances between senior housing and elevated rail line, Prototype 20

Prototype 20	Distance (ft)
No Action Scenario 1	107
No Action Scenario 2	27
With Action	27

As indicated by Table 1 for Prototype 8, the distance between the elevated train track and the closest receptor is expected to decrease by 73 feet between the No Action Scenario 1 and the With Action Scenario. As a result, a 6 dBA increase is expected between No Action Scenario 1 and With Action Scenario because the noise sensitive receptor would be closer to the elevated train track. Therefore, a significant adverse impact is expected between No Action Scenario 1 and With Action Scenario.

As indicated by Table 1 for Prototype 8, the distance between the elevated train track and the closest receptor is expected to decrease by 5 feet between the No Action Scenario 2 and the With Action Scenario. As a result, a 0.7 dBA increase is expected between No Action Scenario 1 and With Action Scenario. Therefore, a significant adverse impact is not expected between No Action Scenario 2 and With Action Scenario.

As indicated by Table 2 for Prototype 20, the distance between the elevated train track and the closest receptor is expected to decrease by 80 feet between the No Action Scenario 1 and the With Action Scenario. As a result, a 6 dBA increase is expected between No Action Scenario 1 and With Action Scenario because the noise sensitive receptor would be closer to the elevated train track. Therefore, a significant adverse impact is expected between No Action Scenario 1 and With Action Scenario.

As indicated by Table 2 for Prototype 20, the distance between the elevated train track and the closest receptor would remain the same between the no action scenario 2 and with action scenarios. Therefore, a significant adverse impact is not expected between No Action Scenario 2 and With Action Scenario. The impacted area would be located along MTA's elevated subway lines in parts of the Bronx, Queens, Brooklyn and Staten Island, elevated railroads such as the Metro North Railroad in Manhattan and the Bronx, and Long Island Railroad in Brooklyn and Queens, and corridors along elevated highways or highway cuts, such as the Cross Bronx Expressway and Long Island Expressway.

Despite the noise increment generated by placing noise sensitive receptor closer to an elevated train track or similar infrastructure, the potential for a significant adverse impact on noise is highly unlikely. In the future without the Proposed Action, Affordable Independent Residences for Seniors and Long Term Care Facilities adjacent to certain types of infrastructure in non-contextual R6-R8 districts would have two building envelope options: Quality Housing, and Height Factor. The significant adverse noise impact would only be expected to occur in the Future with the Proposed Action if the Future without the Proposed Action included a height factor building housing Affordable Independent Residences for Seniors or a long Term Care facility.

This type of building is not well suited for senior housing development. The relatively small floor plates associated with height-factor buildings subject to open space ratios don't conform to the best practices in Affordable Independent Residences for Seniors and Long Term Care Facilities development today. These types of housing require larger elevators to accommodate a substantial disabled population, and seek to develop buildings that can accommodate residential units and shared community spaces on a single floor. At the same time, the current Quality Housing envelope doesn't work for these types of facilities when located near features like an elevated rail line. Given the unworkable envelopes for Affordable Independent Residences for Seniors and Long Term Care Facilities under these conditions, lots in R6-R8 zoning districts adjacent to certain types of infrastructure would be unlikely to see Affordable Independent Residences for Seniors and Long Term Care Facilities development, and they would instead be expected to develop with other uses that can be accommodated by their permitted envelopes.

Chapter 19 : PUBLIC HEALTH

A. INTRODUCTION

The City Environmental Quality Review (CEQR) Technical Manual defines as its goal with respect to public health “to determine whether adverse impacts on public health may occur as a result of a proposed project, and if so, to identify measures to mitigate such effects.”

According to the *CEQR Technical Manual*, for most proposed projects, a public health analysis is not necessary. Where no significant unmitigated adverse impact is found in other *CEQR* analysis areas, such as air quality, water quality, hazardous materials, or noise, no public health analysis is warranted. If, however, an unmitigated significant adverse impact is identified in one of these analysis areas, the lead agency may determine that a public health assessment is warranted for that specific technical area.

B. PRINCIPAL CONCLUSIONS

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

C. SCREENING ANALYSIS

Hazardous Materials

While the Proposed Action would potentially result in significant adverse hazardous materials impacts due to the potential for additional in-ground disturbance, as presented in *Chapter 11, “Hazardous Materials,”* the extent of this potential impact is expected to be limited. Because, the Proposed Action itself would not induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing which is discussed below). If development were to occur in potentially contaminated areas, depending on a variety of factors - such as the location of any in-ground hazardous materials on the site, the depth and location of building foundations, the extent and location of grading activities, impacts could occur. If development were to occur in areas with no potential hazardous materials contamination, there would be no potential for impacts. As described in detail in Chapter 1, Project Description, the Proposed Action, and Chapter 2, Analytical Framework, no areas are being rezoned under the Proposed Action, and no changes to allowable floor area ratio (FAR) are anticipated as part of this action, with the exception of Affordable Independent Residences for Seniors and Long-Term Care Facilities in certain districts. Across the city, the Proposed Action is only expected to induce new development or affect the overall amount or type of development in a neighborhood on a very limited basis. As described, the potential for additional in-ground disturbance is very limited and that it is expected that any potential impacts would not be sufficiently large or widespread to raise the potential for significant adverse public health impacts.

Noise

While the Proposed Action would not result in any significant adverse noise impacts due to vehicular operations, it would potentially result in adverse impacts due to train operations on elevated tracks or similar infrastructure. Despite the noise increment that may be generated by placing noise sensitive receptor closer to an elevated train track or similar infrastructure, the potential for a significant adverse noise impact is unlikely, as described in Chapter 18, Noise. Further, according to the *CEQR Technical Manual*, noise thresholds are based on quality of life considerations and not on public health considerations.

Therefore, the Proposed Action would not result in significant adverse impacts on public health, and a detailed public health assessment is not warranted.

Chapter 20 : NEIGHBORHOOD CHARACTER

A. INTRODUCTION

This chapter assesses the Proposed Action's potential effects on neighborhood character. The *City Environmental Quality Review (CEQR) Technical Manual*, defines neighborhood character as an amalgam of the various elements that give neighborhoods their distinct personality. These elements can include land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation and/or noise but not all of these elements contribute to neighborhood character in all cases. For neighborhood character, CEQR considers how those elements combine to create the context and feeling of a neighborhood, and how an action would affect that context.

According to the *CEQR Technical Manual*, neighborhood character impacts are rare, and it would be unusual that, in the absence of a significant adverse impact in any of the relevant technical areas, a combination of moderate effects to the neighborhood would result in an impact to neighborhood character. Moreover, a significant impact identified in one of the technical areas that contribute to a neighborhood's character is not automatically equivalent to a significant impact on neighborhood character, but rather serves as an indication that neighborhood character should be examined.

B. PRINCIPAL CONCLUSIONS

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

C. METHODOLOGY

The *CEQR Technical Manual* states that an assessment of neighborhood character is needed when a proposed project has the potential to result in significant adverse impacts in any of the following technical areas: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise. An assessment may also be appropriate if the project would result in a combination of moderate effects to several elements that cumulatively may affect neighborhood character. According to the *CEQR Technical Manual*, a "moderate" effect is generally defined as an effect considered reasonably close to the significant adverse impact threshold for a particular technical analysis area.

The Proposed Action is a "Generic Action," and there are no known potential or projected development sites and, due to its broad applicability, it is difficult to predict the sites where development would be facilitated by the Proposed Action. To produce a reasonable analysis of likely effects of the Proposed Action, 27 representative development prototypes have been established to assess the potential for significant adverse impacts in those technical areas mentioned above. As described in the relevant chapters of this EIS, based on prototypical analysis, the Proposed Action would not result in significant adverse impacts in most technical analysis areas, but has the potential to result in significant impacts in the areas of shadows, noise, hazardous materials, and historic and cultural resources. Based on the methodology provided in the *CEQR Technical Manual*, a screening analysis was conducted to determine the Proposed Action's effects on neighborhood character.

D. SCREENING ANALYSIS

Land Use

Development resulting from a Proposed Action could alter neighborhood character if it introduces new land uses, conflicts with land use policy or other public plans for the area, changes land use character, or generates significant land use impacts. As described in Chapter 1, Project Description, the Proposed Action would affect zoning regulations on a citywide basis, and would result in changes to the use, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities; however the underlying zoning districts would remain the same. The Proposed Action would not introduce new land uses that would conflict with the existing land uses or change the land use character. The proposed text changes would not affect the neighborhood character, but rather encourage better quality buildings that contribute to the fabric of neighborhoods.

Socioeconomic Conditions

Changes in socioeconomic conditions have the potential to affect neighborhood character when they result in substantial direct or indirect displacement or addition of population, employment, or businesses; or substantial differences in population or employment density. The Proposed Action would not displace any existing residents or businesses over the No Action scenario. The Proposed Action would also not affect real estate market conditions in a way that would result in indirect displacement of residents or businesses; on the contrary the Proposed Action is expected to result in more affordable housing that would help house the city's more vulnerable low income residents.

The Proposed Action would provide opportunities for new residential and community facility development without changing the socioeconomic character of any study area across the city's affected zoning districts. The proposed zoning addresses a citywide initiative to reduce barriers to housing development and facilitate the construction of more affordable housing. The multiple components of the Proposed Action are expected to work on concert with one another to promote the efficient development of housing, and especially affordable housing, but is not likely to result in significant changes to the character of any individual neighborhood.

Open Space

According to the *CEQR Technical Manual*, for an action to affect neighborhood character with respect to open space, it would need to result in the encroachment and loss of open space, or the imposition of noise, air pollutant emissions, odors, or shadows on public open space that may alter its usability. As described in Chapter 6, Open Space, the Proposed Action would not result in direct physical loss of open space resources nor would it result in significant increase in demand for existing open spaces facilities that would diminish the ability of the open space to serve the existing and future population in neighborhood. While there is potential for incremental shadows being cast on sunlight sensitive features of existing public open space, this would not significantly impact neighborhood character.

Historic and Cultural Resources

The Proposed Action would not result in substantial direct changes to a historic resource or substantial changes to public views of a resource, nor would it result in significant adverse impacts to historic resources.

Therefore, there is a potential to affect neighborhood character. While the Proposed Action would not result in any significant adverse visual or contextual (indirect) impacts to architectural resources, there is potential for incremental shadows being cast on sunlight-sensitive features of historic resources. However, the potential for incremental shadow impact is limited, as described in Chapter 7, Shadows, and it would not significantly impact neighborhood character.

Urban Design and Visual Resources

In developed areas, urban design changes have the potential to affect neighborhood character by introducing substantially different building bulk, form, size, scale, or arrangement. Urban design changes may also affect block forms, street patterns, or street hierarchies, as well as streetscape elements such as street walls, landscaping, curb

cuts, and loading docks. Visual resource changes could affect neighborhood character if they directly alter key visual features such as unique and important public view corridors and vistas, or block public visual access to such features.

The proposed zoning changes would provide additional flexibility to the existing regulations to facilitate housing development and enhance the quality of both new housing and street-level commercial activity. Thus, the Proposed Action is intended to reinforce and improve existing neighborhood character citywide through additional growth opportunities and improved regulations for street walls, courtyards, and ground floor transparency.

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

Shadows

As described in Chapter 7, Shadows, the Proposed Action would potentially result in incremental shadows being cast on sunlight sensitive features of historic resources and public open spaces; however, the duration and coverage of incremental shadows would be limited and would not significantly impact neighborhood character.

Transportation

Changes in traffic and pedestrian conditions can affect neighborhood character in a number of ways. For traffic to have an effect on neighborhood character, it must be a contributing element to the character of the neighborhood (either by its absence or its presence), and it must change substantially as a result of the action. The Proposed Action would not result in changes in traffic patterns; changes in roadway classifications; changes in vehicle mixes, substantial increases in traffic volumes on residential streets; or significant traffic impacts, nor would it result in substantially different pedestrian activity and circulation. Therefore, the Proposed Action would not affect neighborhood character.

Noise

The Proposed Action would not result in significant adverse noise impacts due to vehicular operations; however, it would potentially result in significant adverse noise impacts due to train operations on elevated train tracks. Although, it is highly unlikely, the potential for impact exists because the Proposed Action may introduce noise sensitive receptors closer to an elevated train line, as described in Chapter 18, Noise. This would not significantly impact neighborhood character.

Chapter 21 : CONSTRUCTION

A. INTRODUCTION

According to the *CEQR Technical Manual*, construction activities, although temporary in nature, can sometimes result in significant adverse impacts. Construction impacts may be analyzed for any project that involves construction or induce construction.

B. PRINCIPAL CONCLUSIONS

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

C. SCREENING ANALYSIS

The Proposed Action is a “Generic Action,” and there are no known development sites at this time. As described in *Chapter 1, Project Description*, the Proposed Action would affect zoning regulations on a citywide basis and would result in changes to the height, bulk, and parking regulations for multi-family residential, inclusionary housing, affordable senior housing and long term care facilities. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing), however, more development is expected to occur as a result citywide.

To produce a reasonable analysis of likely effect of the action, 27 representative development prototypes have been identified, as described in Chapter 2, Analytical Framework. Based on the prototypical analysis, the maximum development size that may occur at any one prototypical development site is approximately 215,000 gross square feet. The construction of development that is less than 250,000 gross square feet typically takes less than two years to complete in New York City. Based on *CEQR Technical Manual* guidelines, where the duration of construction is expected to be short-term (less than two years), detailed construction assessment is not warranted. If the duration of construction is expected to be short-term, those potential impacts are considered temporary. Further, all construction activities would be carried out in accordance with applicable building codes and regulations, and NYC Building Department permits. In addition, as discussed in Chapter 8, Historic and Cultural Resources, any designated NYCL or S/NR-listed historic buildings located within 90 linear feet of a projected or potential new construction site would be subject to the protections of the New York City Department of Building’s (DOB’s) Technical Policy and Procedure Notice (TPPN) #10/88, which would ensure that any development resulting from the Proposed Action would not result in any significant adverse construction-related impacts to designated historic resources. As such, the Proposed Action would not result in significant adverse construction impacts.

Chapter 22 : ALTERNATIVES

A. INTRODUCTION

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

This chapter considers four alternatives to the Proposed Action: (1) the No Build Alternative, in which the Proposed Action is not adopted and current zoning regulations remain in place; (2) a BSA Parking Special Permit Alternative, in which the Proposed Action would be modified to include a BSA special permit to allow public parking facilities with up to 150 spaces in residence districts; (3) a Removal of Basic Height Increases Alternative, in which the Proposed Action would be modified to eliminate the basic height increases proposed for all housing types except for Inclusionary Housing and Affordable Independent Residences for Seniors; and (4) a No Unmitigated Significant Adverse Impact Alternative, in which the Proposed Action would be modified so as to eliminate unmitigated significant adverse impacts. Other potential alternatives to the Proposed Action were considered, but were found not to substantively reduce the impacts of the proposed project while still meeting the project's stated purpose and need.

B. PRINCIPAL CONCLUSIONS

As described in Chapter 1, "Project Description," the Proposed Action are necessary to facilitate the development of more housing, and especially more affordable housing, citywide. Each component of the proposal, acting in isolation and more often in concert with one another, would enable the less costly and more efficient construction of housing units in buildings that conform to contemporary best practices and fit in with existing neighborhood contexts. The No Build Alternative would not meet the goals and objectives of the proposed project. The BSA Special Permit for Public Parking Facilities up to 150 Spaces in Residence Districts would not reduce or eliminate any unmitigated significant adverse impacts identified as part of this environmental review. Compared to the Proposed Action, the Removal of Basic Height Increases Alternative would be less likely to result in significant adverse shadow impacts, but the potential for significant adverse impacts would remain. As with the Proposed Action, shadow impacts under this alternative could not be mitigated. With height increases only for Inclusionary House and Affordable Independent Residences for Seniors, the Removal of Basic Height Increases Alternative would be less effective in meeting the goals and objectives of the Proposed Action.

C. No Build Alternative

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

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

D. BSA Special Permit to Allow Public Parking Facilities up to 150 Spaces in Residence Districts

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

Prior to 1938, off-street parking was not permitted in residential buildings in residence districts; after 1950, parking was required in most residential buildings. In the intervening years, off-street parking was permitted, but not required, in residential buildings. As a result, neighborhoods with a large supply of older housing have a relatively low supply of off-street parking. While the Proposed Action would not result in significant, adverse transportation impacts, the Department does recognize that there are existing parking constraints in some neighborhoods affected by this proposal. Within the Transit Zone, where parking would no longer be required under the Proposed Action for affordable and affordable senior housing, an Alternative is proposed that would create a discretionary process to allow publicly-accessible off-street parking in residential districts, where public parking is not currently permitted under zoning.

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

BSA Special Permit for Public Parking Alternative Compared with the Proposed Project

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

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

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

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

This Alternative would not effectively avoid or mitigate the proposed project's significant adverse impacts on shadows, hazardous materials, historic resources, and noise.

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

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

The removal of these height increases would reduce the likelihood of the unmitigated significant, adverse shadows impacts that could occur as a result of the Proposed Action. As described in Chapter 7, the Proposed Action could result in significant, adverse shadow impacts on sunlight-sensitive resources across the zoning districts where height changes are proposed. The most dramatic incremental increase in shadows would occur from buildings receiving additional height for providing Inclusionary Housing units or Affordable Independent Residences for Seniors.

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

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

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

Removal of Basic Height Increases Alternative Compared with the Proposed Project

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

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

This Alternative would mitigate the proposed project's significant adverse impacts on shadows, by reducing the permitted heights for a new building without Inclusionary Housing units or AIRS. However, the removal of basic height increases would result in an overall outcome that only partially achieves the goals and objectives of this proposal. Moreover, the removal of the basic height changes increases the likelihood that buildings would locate the bulk elsewhere where it's permitted on site, resulting in fewer ground floor setbacks, boxier buildings, and deeper floor plates that may result in different but slight shadows that would not otherwise be expected.

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

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

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

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

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

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

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

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

Chapter 23 : MITIGATION

A. INTRODUCTION

In accordance with the *City Environmental Quality Review (CEQR) Technical Manual*, where significant adverse impacts are identified, mitigation measures to reduce or eliminate the impacts to the fullest extent practicable are developed and evaluated. As described in Chapter 7 - Shadows, Chapter 8 - Historic Resources, Chapter 11 - Hazardous Materials, and Chapter 18 - Noise, the Proposed Action would result in potential significant adverse impacts with respect to shadows, historic and cultural resources, hazardous materials, and noise. However, no feasible mitigation measures have been identified as discussed below.

B. PRINCIPAL CONCLUSIONS

Shadows

The Proposed Action would potentially result in significant adverse shadow impacts. As described in Chapter 7, Shadows, based on the prototypical analysis, the duration and coverage of incremental shadows would be limited. The analysis showed that none of the prototypes would result in significant adverse shadows impacts; however, there is potential for significant adverse shadows impacts under certain circumstances where sunlight sensitive features of public open spaces and/or historic resources with sunlight sensitive features are directly located adjacent to potential development. Therefore, the Proposed Action would potentially result in incremental shadows being cast on sunlight sensitive features of historic resources and public open spaces based on prototypical analysis. Since there are no known development sites at this time, no practical mitigation measures could be identified. Therefore, the Proposed Action would result in unavoidable adverse shadows impacts.

Historic and Cultural Resources

Architectural Resources

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

Archaeological Resources

The Proposed Action would potentially result in significant adverse impacts to archaeological resources. The archaeological resources assessment concluded that the Proposed Action could result in additional in-ground disturbance that could occur on sites where archaeological remains exist. If such in-ground disturbance were to occur on sites that have the potential to yield archaeological remains, depending on the location of the resources on the site, the depth and location of building foundations, and the extent and location of grading activities, significant adverse impacts could occur. However, the extent of the potential impact is expected to be limited, because the Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing which is discussed below) which would limit the potential for additional in-ground disturbance. Even though, more development is expected to occur citywide; only certain provisions of the Proposed Action have the potential to result in increased in-ground disturbance as described in Chapter 11, Historic and Cultural Resources. While the potential impacts of the provisions are expected to be limited, it is not possible to predict where and to what extent additional in-ground disturbance might occur and if any of the development sites with potential in-ground disturbance would contain any archaeological resources. Since there are no known development sites at this time, no practical mitigation measures could be identified. Therefore, the Proposed Action would result in unavoidable adverse impacts to archaeological resources.

Hazardous Material

The Proposed Action would potentially result in significant adverse hazardous materials impacts. In accordance with the methodology outlined in the *CEQR Technical Manual*, hazardous materials assessment was conducted. The assessment concluded that the Proposed Action could result in additional in-ground disturbance that could occur on sites where hazardous materials exist. However, the extent of the potential impact is expected to be limited, because the Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing which is discussed below) which would limit the potential for additional in-ground disturbance. Even though, more development is expected to occur citywide; only certain provisions of the Proposed Action have the potential to result in increased in-ground disturbance as described in Chapter 11, Hazardous Materials. While the potential impacts of the provisions are expected to be limited, it is not possible to predict where and to what extent additional in-ground disturbance might occur and if any of the development sites with potential in-ground disturbance would contain any hazardous materials. Since there are no known development sites at this time, no practical mitigation measures could be identified. Therefore, the Proposed Action would result in unavoidable hazardous materials impacts.

Noise

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

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

Prototypes 8 and 20 each model two No-Action scenarios that assume Long term care facilities or Affordable Independent Residents for Senior developments that utilize the existing height factor envelope, and the existing non-contextual envelope, and compares them to the With-Action envelope. This analysis identifies a noise impact associated with the shifting of bulk closer to the elevated rail line in the With Action scenario over the No Action height factor scenario. Although the height factor envelope provides a less desirable building model for the Affordable Independent Residences for Seniors, making development pursuant to height factor less likely than one with a Quality Housing envelope, there is the potential for a significant adverse noise impact. There are no practical mitigation measures identified and therefore, the Proposed Action would result in unavoidable noise impacts due to train operations on elevated train tracks.

Chapter 24 : UNAVOIDABLE SIGNIFICANT ADVERSE IMPACTS

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

As described in Chapter 7 - Shadows, Chapter 8 - Historic Resources, Chapter 11 - Hazardous Materials, and Chapter 18 - Noise, the Proposed Action would result in potential significant adverse impacts with respect to shadows, historic resources, hazardous materials, and noise. However, as presented in Chapter 23, Mitigation, no practicable mitigation measures were identified which would reduce or eliminate these impacts. Therefore, the Proposed Action would result in the potential for unavoidable adverse impacts with respect to shadows, historic resources, hazardous materials and noise.

Chapter 25 : GROWTH INDUCING ASPECTS OF THE PROPOSED ACTION

This chapter provides an assessment of the potential growth-inducing aspects of the Proposed Action. These generally refer to “secondary” impacts that could trigger further development. The City Environmental Quality Review (CEQR) Technical Manual indicates that an analysis of the growth-inducing aspects of a Proposed Action is appropriate when an action:

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

As discussed in *Chapter 1, “Project Description,”* the proposal is a generic action with no particular development sites. Although the specific number and location of additional units resulting from the proposal cannot be derived, the Proposed Action is expected to induce new development and affect the overall amount or type of development in a neighborhood on a limited basis. Most components of this proposal are not expected to induce development on a lot where development would not also be expected to occur as part of the No Action scenario. Under the text amendment, underlying zoning districts would not be changed and the construction of residential and commercial uses would only be facilitated where permitted under current zoning districts. With a marginal increase in housing units, the type and distribution of development across the city is expected to intensify existing development patterns and facilitate development in zoning districts where the most development has occurred over the previous 15 years. Moreover, this proposal would not affect the marketability of a building in any single zoning district over another and thus would not alter general market forces within any single neighborhood. Therefore, the Proposed Action would not result in secondary impacts.

Chapter 26 : IRREVERSIBLE AND IRRETRIEVABLE COMMITMENTS OF RESOURCES

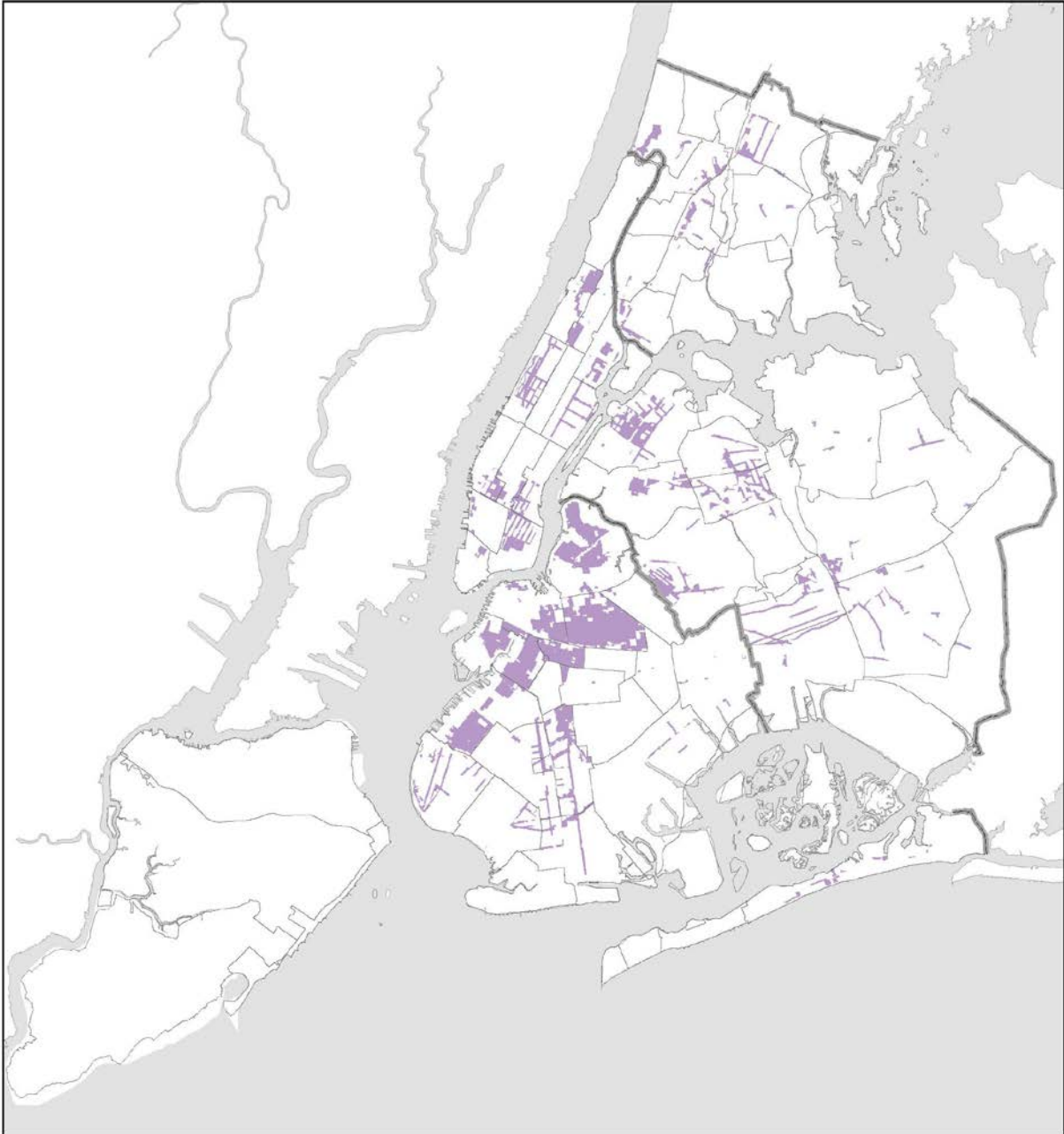
There are several resources, both natural and built, that would be expended in the construction and operation of any development that may result of the Proposed Action. These resources include the building materials used in construction of the project; energy in the form of natural gas, petroleum products,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

As described in Chapter 1, Project Description, and Chapter 2, Analytical Framework, the Proposed Action is a “Generic Action” and there are no specific development sites at this time. The Proposed Action itself is not expected to induce development on sites where development would not have otherwise been possible (with the exception of one component allowing as-of-right development over certain existing parking lots for affordable senior housing, and is discussed in this document), however, more development is expected to occur as a result citywide which would require consumption of resources.

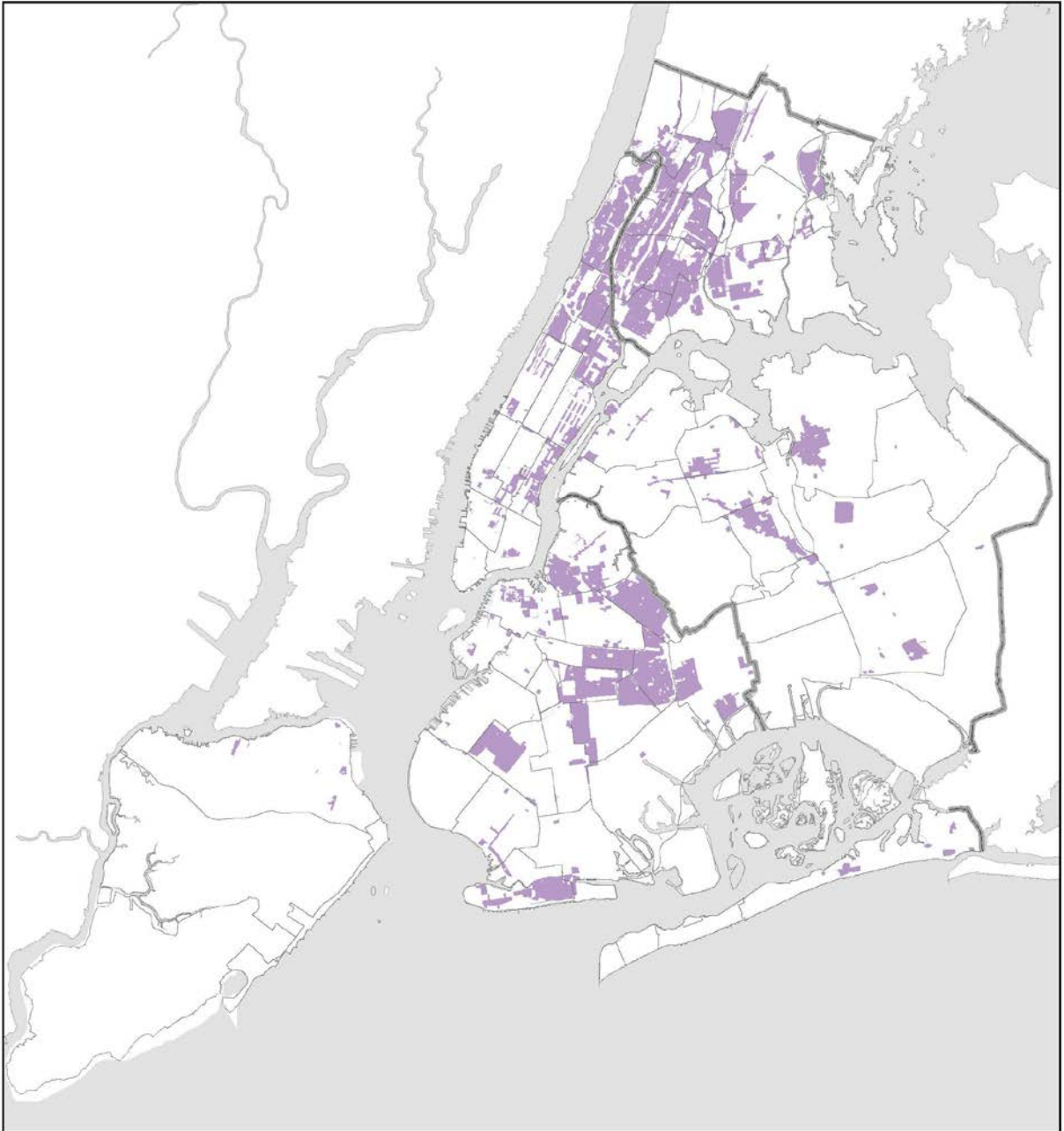
The Proposed Action constitutes an irreversible and irretrievable commitment of potential development sites as a land resource, thereby rendering land use for other purposes infeasible.

APPENDIX A: MAPS

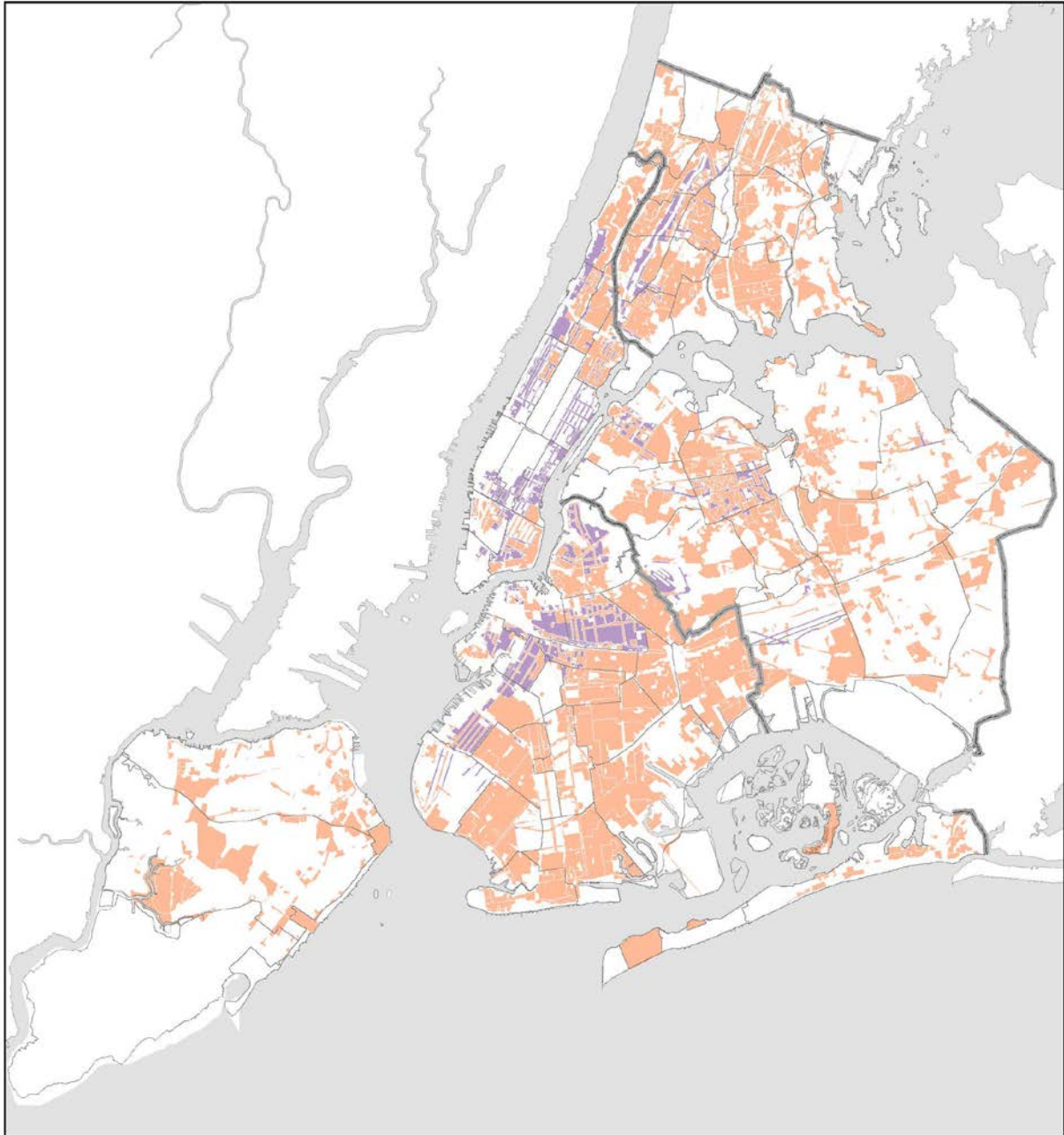
Map 1: Applicability of as-of-right height changes in contextual zoning districts



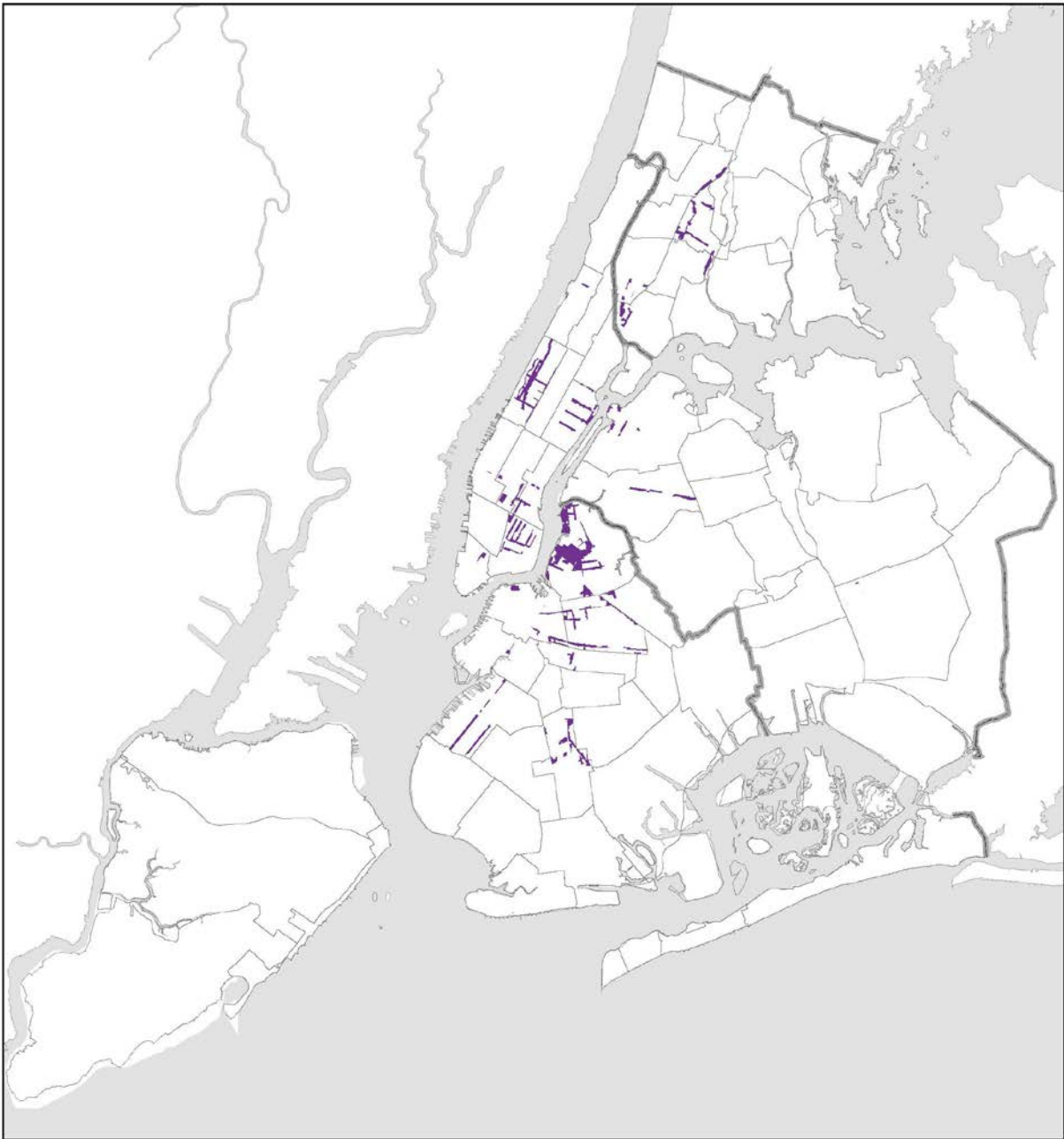
Map 2: Applicability of as-of-right height changes in non-contextual zoning districts



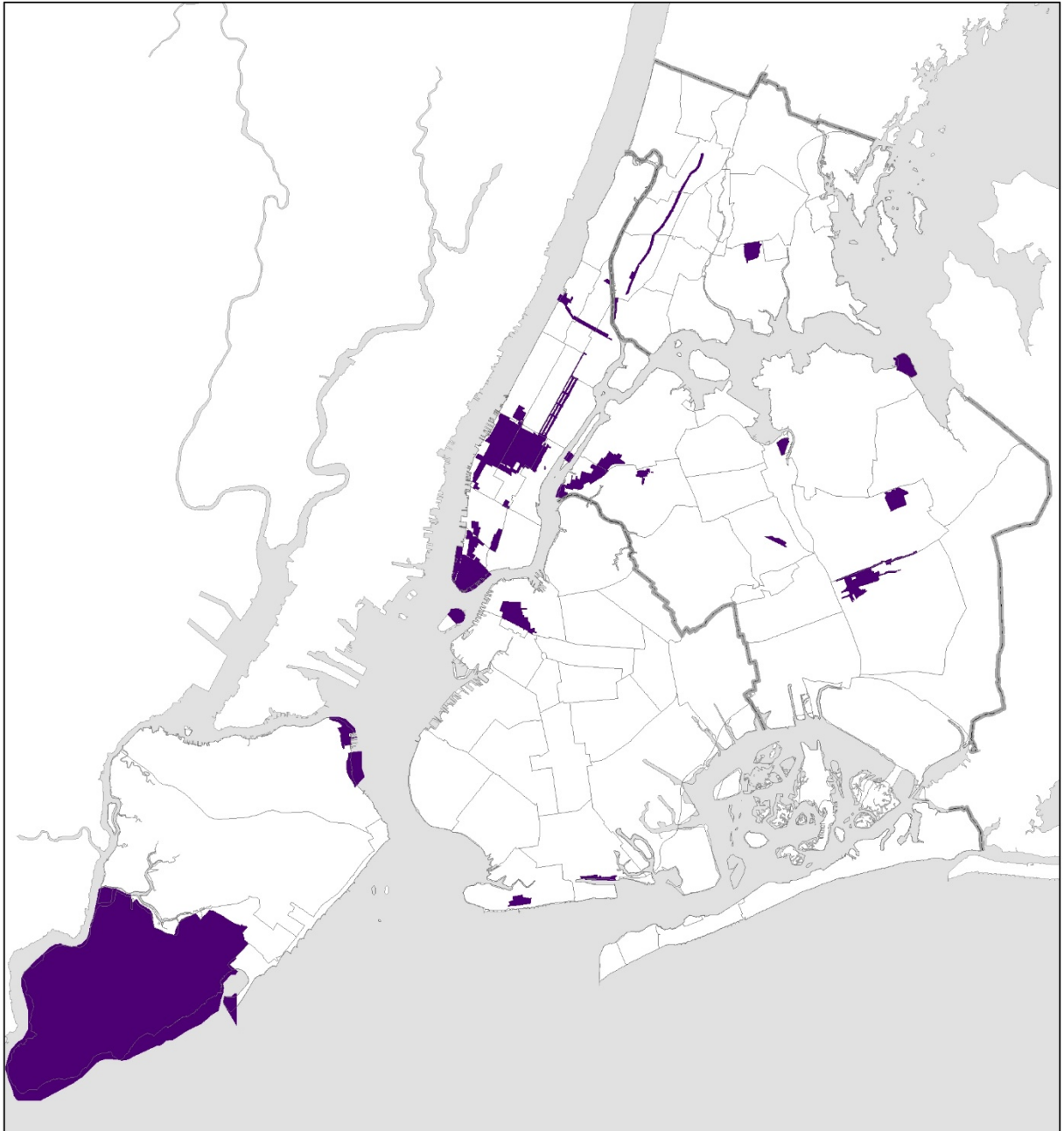
Map 3: Applicability of as-of-right FAR changes for Affordable Independent Residences for the Elderly and Long-Term Care Facilities (orange); Applicability of FAR changes for Long-Term Care Facilities (purple)



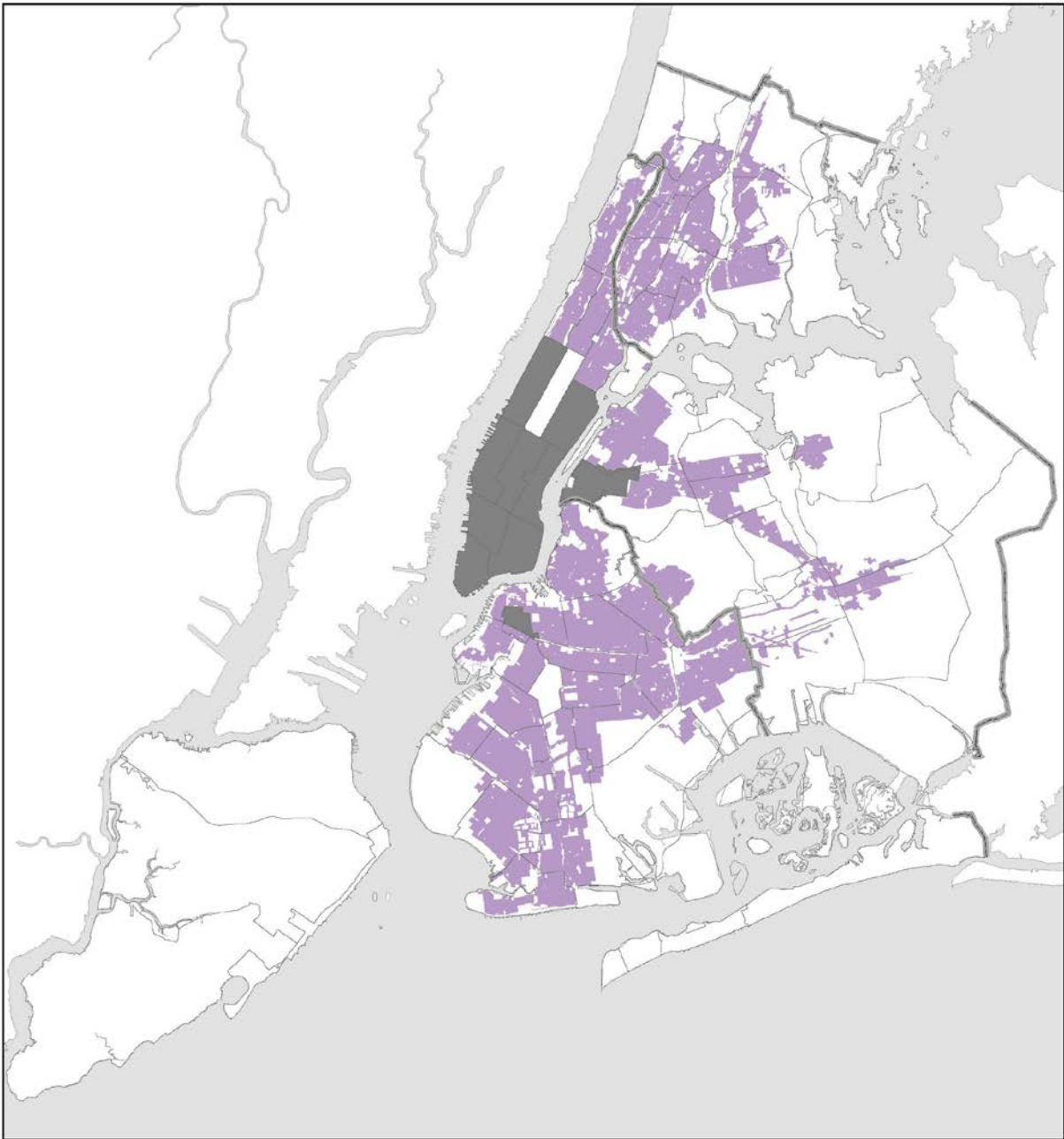
Map 4: Applicability to as-of-right changes within Inclusionary Housing Designated Areas, and R10 zoning districts with IH applicability



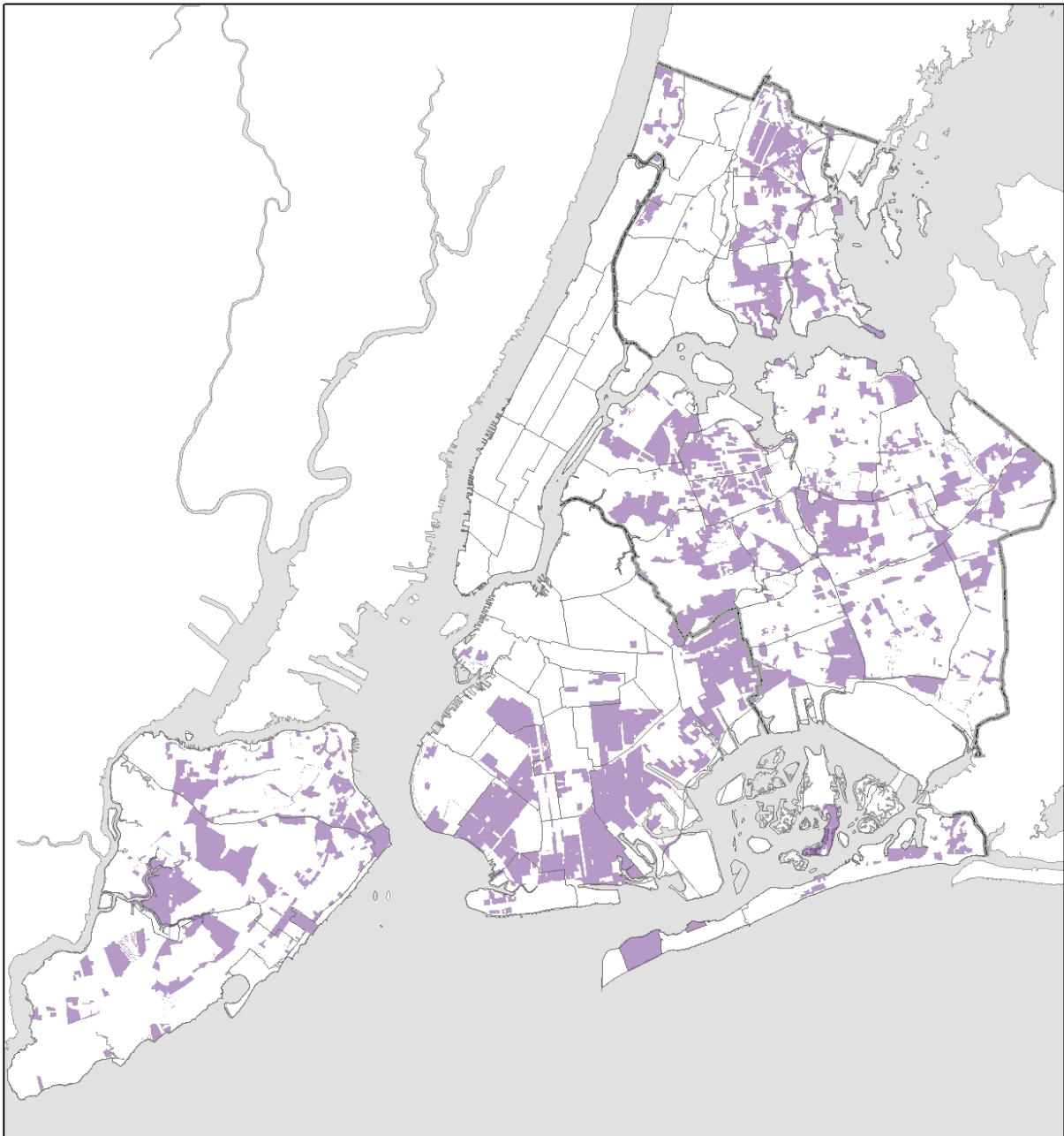
Map 5: Affected Special Districts



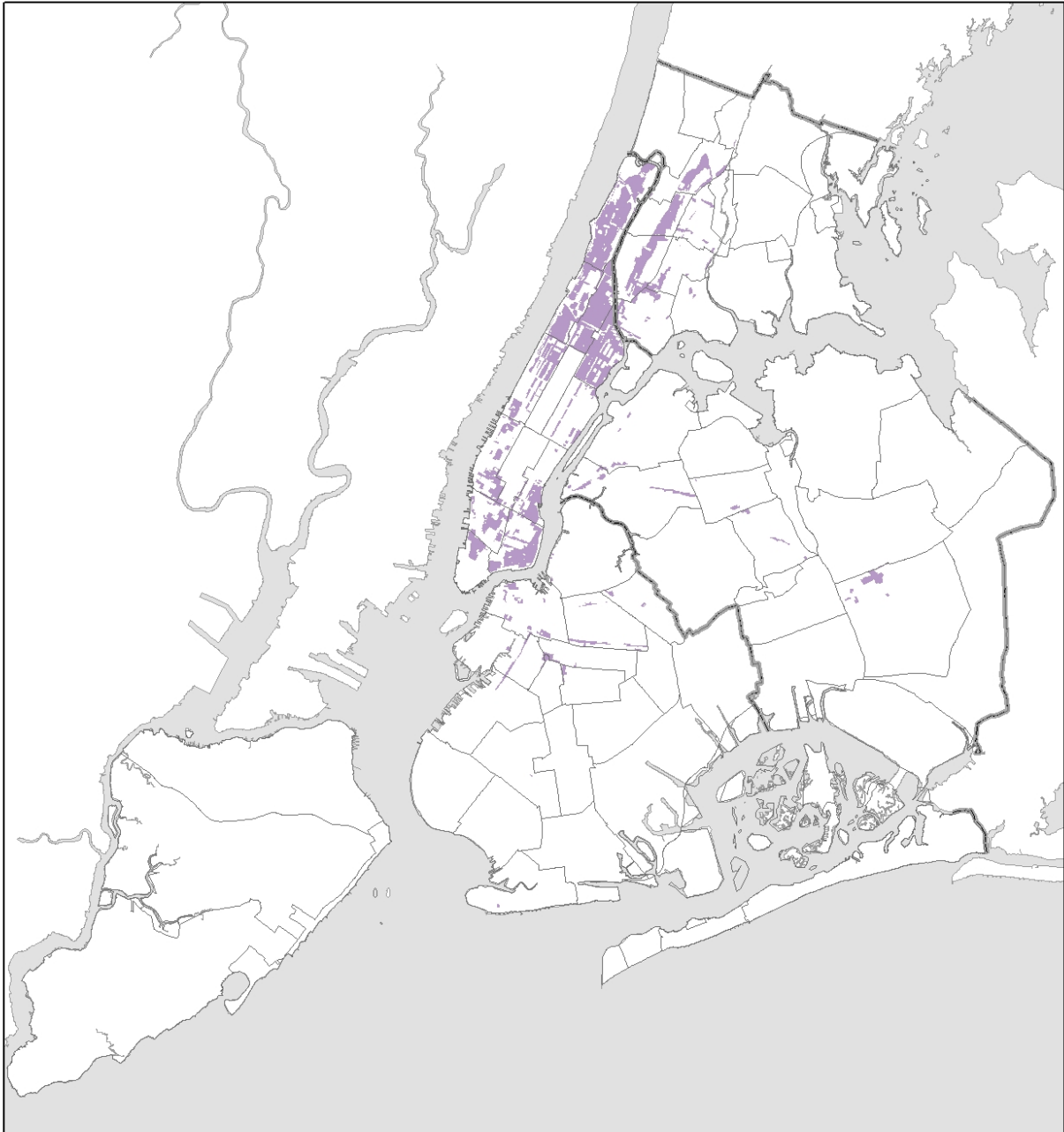
Map 6: Transit Zone (purple) and areas where no parking is required for affordable housing under existing conditions (grey)



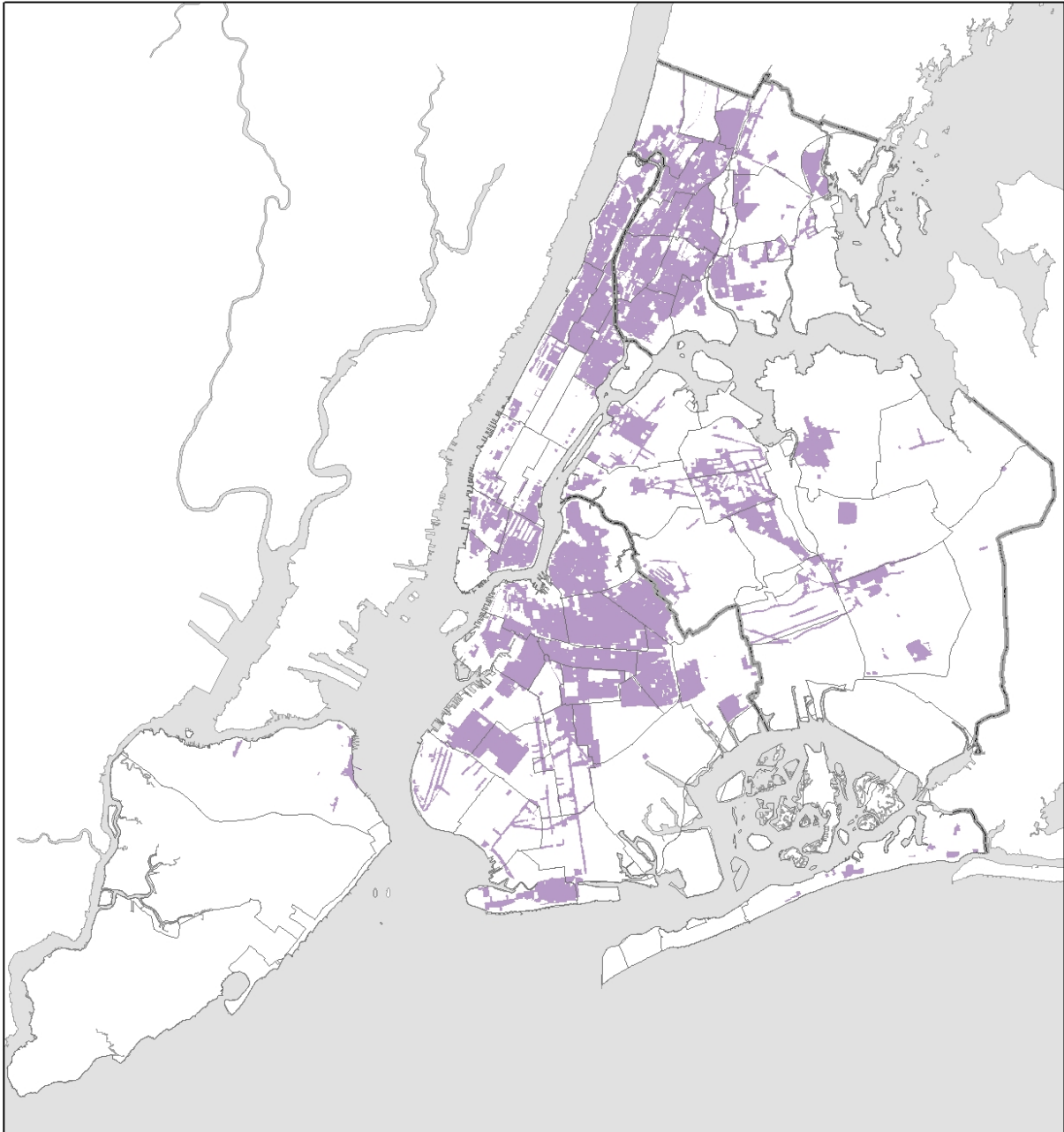
Map 7: Lower-Density Bulk Envelope for Affordable Independent Residences for Seniors and Long Term Care Facilities



Map 8: Removal of Narrow Lot Restrictions



Map 9: Changes to Density Factor for Residential Buildings



Map 10: Quality Housing Study Areas

Soundview

Quality Housing Study Areas

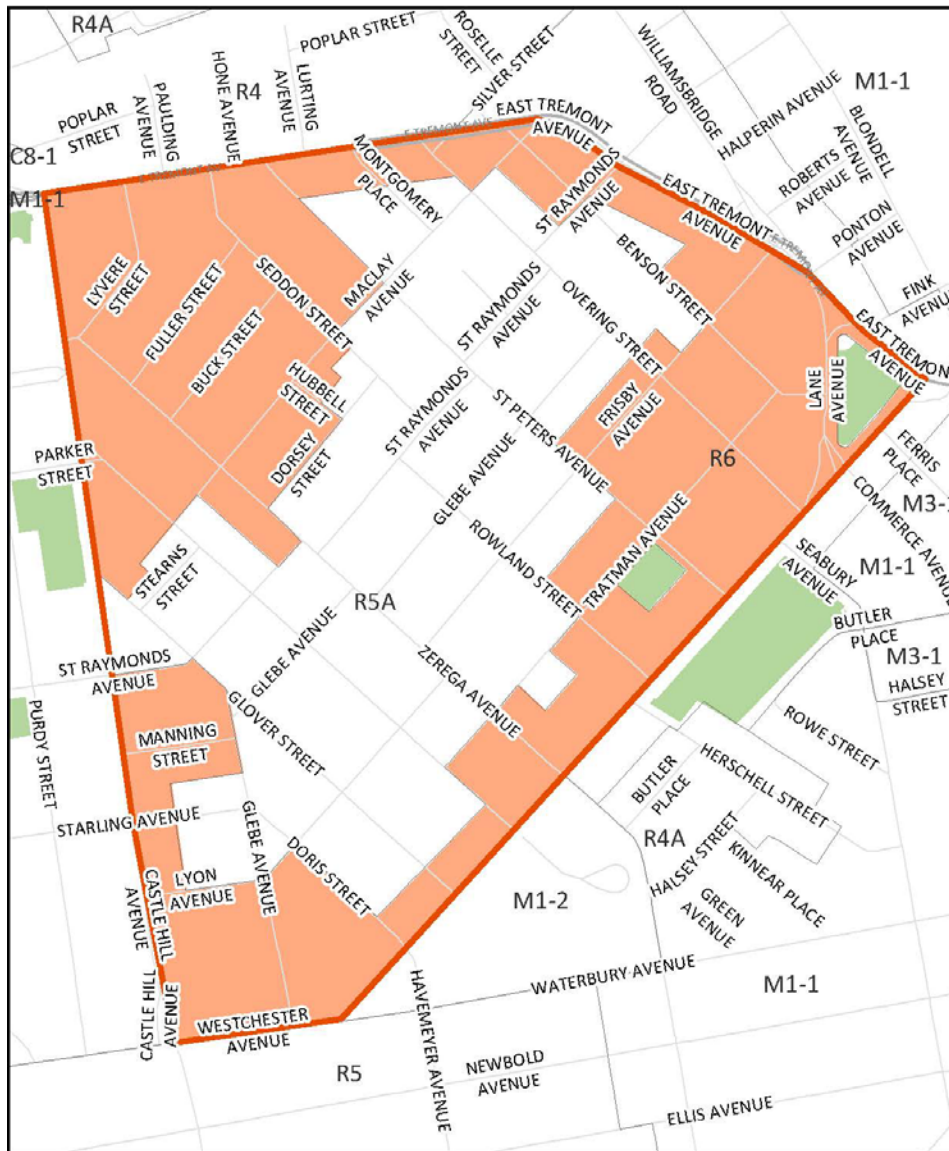
QH Study Areas - affected districts



Castle Hill

Quality Housing Study Areas

QH Study Areas - affected districts



Midwood

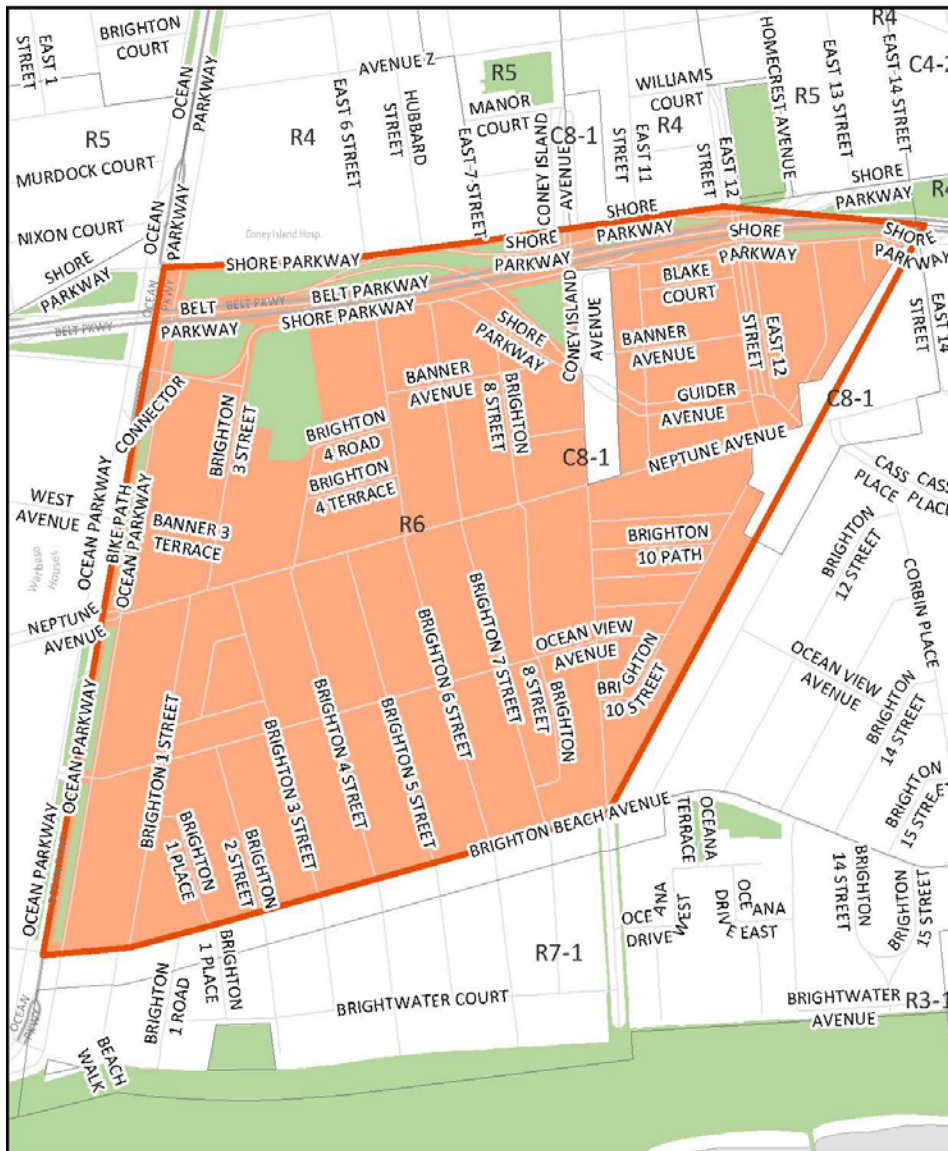
Quality Housing Study Areas

QH Study Areas - affected districts



Brighton Beach

- Quality Housing Study Areas
- QH Study Areas - affected districts



Elmhurst/ Corona

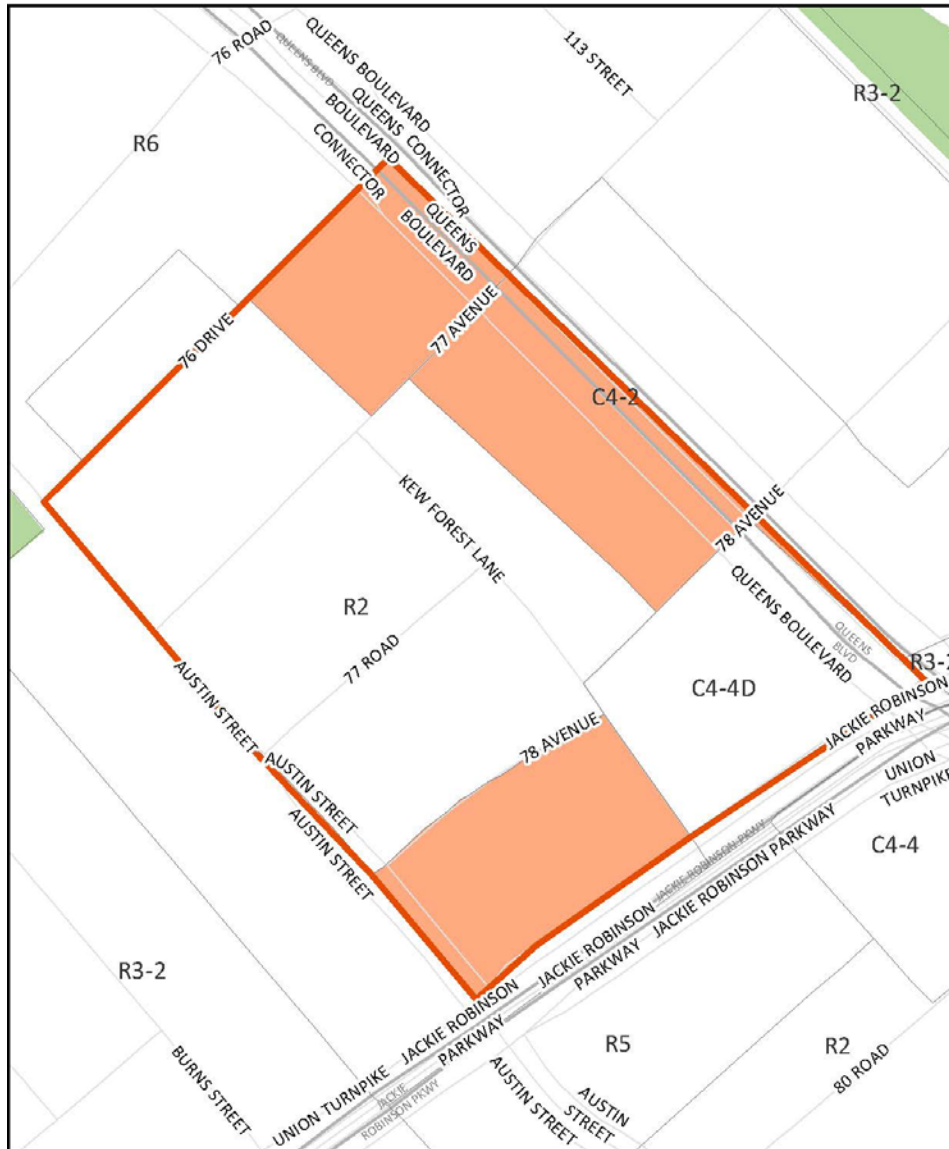
Quality Housing Study Areas

QH Study Areas - affected districts



Forest Hills

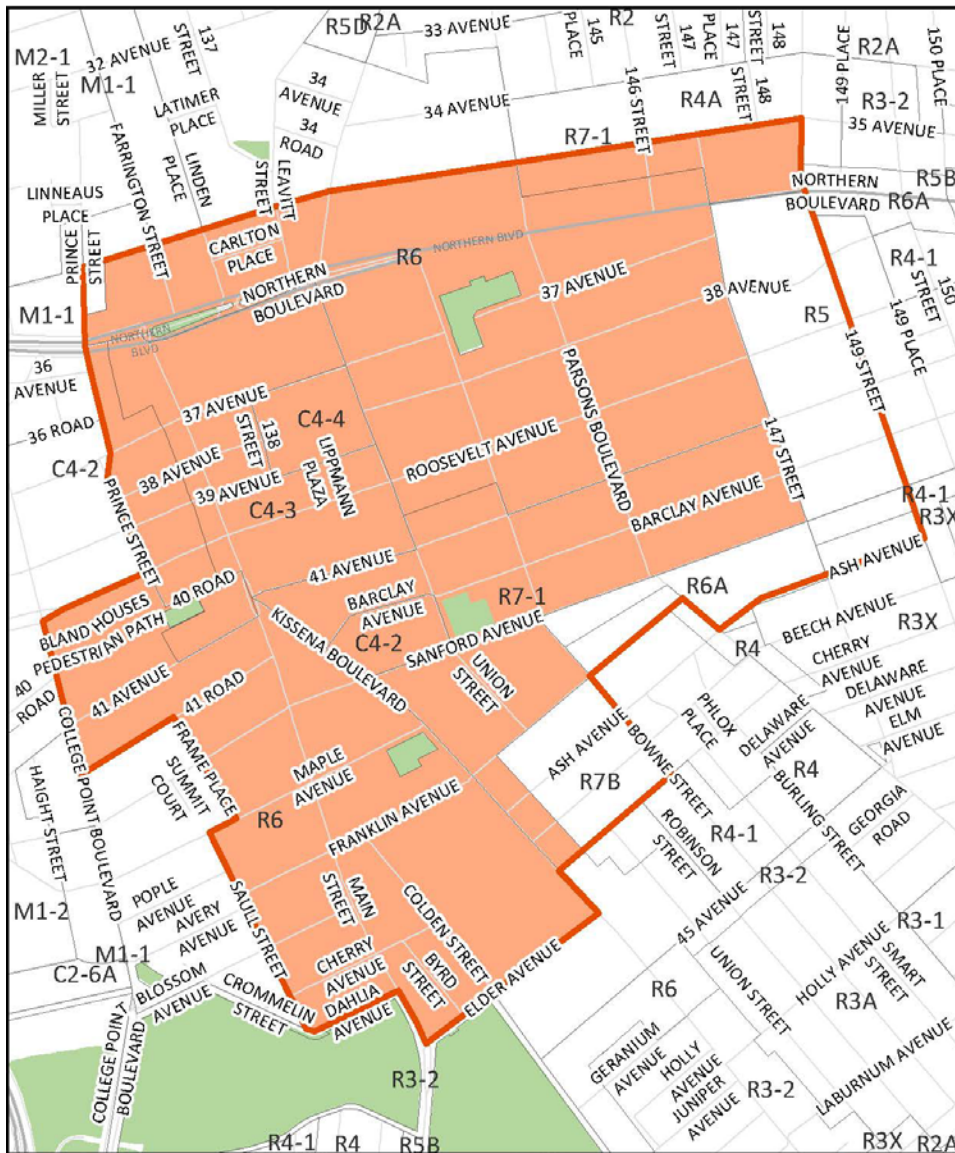
- Quality Housing Study Areas
- QH Study Areas - affected districts



Flushing

 Quality Housing Study Areas

- QH Study Areas - affected districts



APPENDIX B: CONCEPTUAL ANALYSIS OF THE DISCRETIONARY ACTIONS CREATED UNDER THE PROPOSED ACTION

INTRODUCTION

The purpose of this analysis is to consider the potential for significant, adverse impacts that could result from future utilization of the proposed BSA Special Permits, CPC Special Permit and CPC Authorization. The analyses rely on prototypical scenarios that are representative of the types of developments that are expected to seek the proposed discretionary actions. The potential effects of these discretionary actions are analyzed conceptually in this appendix.

Because it is not possible to predict whether the discretionary actions would be pursued on any one site in the future, and each action would require its own ULURP approvals, any time a discretionary action is applied for it would be subject to its own environmental review to ensure an accurate analysis of the future conditions and development in the area. However, it should be noted that the discretionary actions are not anticipated to be widely used.

The conclusions of the conceptual analyses find that, should any future application be submitted for the use of the use of the discretionary actions, there are several impact areas that may experience similar or slightly different environmental effects as compared to the proposed action, such as historic resources, shadows, hazardous materials, or, less likely, noise. The potential impacts would be site specific and in the absence of specific applications, difficult to predict. Provided below are conceptual analysis of the potential impacts that could result from future utilization of the proposed BSA Special Permit for Quality Housing to account for unforeseen site circumstances (ZR Section 73-623), BSA Special Permit for the reduction of existing parking spaces for income-restricted housing units in the transit zone (ZR Section 74-434), BSA Special Permit for the reduction of existing parking spaces for Affordable Independent Residences for Seniors outside the transit zone (ZR Section 74-435), BSA Special Permit for the reduction of parking spaces to facilitate affordable housing within the Transit Zone (ZR Section 73-433), CPC Special Permit for the reduction or waiver of parking requirements for accessory group parking facilities within a Large-Scale Residential Development or a Large-Scale General Development (ZR Section 74-532), CPC Special permit to allow Long Term Care and certain community facilities in R1 and R2 districts (ZR Section 74-901), CPC Authorization to allow a Continuing Care Retirement Community on a lot greater than 10 acres in R1 and R2 Districts (ZR Section 22-42).

The following prototypical sites were determined to be representative of the types of sites that would be expected to apply under the Proposed Action. Prototypical sites are numbered and grouped for environmental analysis purposes where appropriate.

Conceptual Analysis for BSA Special Permit for Quality Housing to account for unforeseen site circumstances

As described in Chapter 1, Project Description sites with significant, but not unique, constraints such as topography or irregular lot configurations, may not qualify for a BSA variance. The BSA variance findings require applicants to demonstrate uniqueness, which is difficult to demonstrate when site constraints are not limited to a single lot in the vicinity. Lots in these cases are required to comply with existing regulations and thus are often unable to be developed to their fully permitted floor area, or are only able to be developed in a costly or inefficient manner.

The following prototypical Site 1, represents a likely instance where the BSA Special Permit could be sought to redevelop a site with significant, but not unique, constraints. Given the frequency of the lot conditions modelled for this prototype, this example is representative of the types of projects that are expected to utilize the special permit.

Site 1: An applicant is seeking to build a 4.0 FAR mixed residential and commercial development in Brooklyn Community Board 3 within a C4-4L zoning district (R7A equivalent) within the Transit Zone. A diagonal street cuts

across the street grid, resulting in several blocks of irregularly shaped lots, including the development site. The developer seeks a BSA Special Permit for relief from certain bulk regulations due to its irregularly shaped site, since it cannot prove uniqueness in the context of several nearby lots with the same condition.

Site 1 is a 4,950 square foot vacant lot, triangularly shaped by with 80 feet of direct street frontage with one 90 degree angle and two 45 degree angles. The lot is adjacent to a developed lot that is nearly symmetrical, and the situation of triangular lots and other irregularly shaped lots is repeated along the avenue, which cuts diagonally through the otherwise regular street grid.

The maximum lot coverage requirement for an interior lot in this district is 65 percent, and, given the triangular configuration of the lot, it is difficult to develop a functional building with no more than 65 percent lot coverage. The property owner is seeking to develop a building with a 3330 sq. ft. footprint, resulting in 67 percent lot coverage with a triangular rear yard. This additional building depth would enable the building to provide residential units with a double-loaded corridor, and an elevator core. The proposed development would be 65 feet tall, or 6 stories, with no setback in order to maintain the floor plan without providing a setback. The development would contain retail on the ground floor utilizing the 15 foot ceiling heights.

In order to meet the findings, the applicant must demonstrate that there are physical conditions that create practical difficulties in complying with the bulk regulations for a Quality Housing building, that the practical difficulties have not been created by the owner or by a predecessor in title, that the proposed modifications would not unduly obstruct light and air to the adjoining properties or street, that the proposed scale and placement of the development relates harmoniously with the surrounding buildings, and that the requested modification is the least amount necessary.

For purposes of this conceptual analysis it is assumed hypothetically that the applicant meets the findings of the BSA Special Permit.

Should any future application be submitted for the use of the Special Permit, there are several impact areas that may experience different effects as compared to the proposed action, such as historic resources, hazardous materials, and shadows. These potential impacts would be site specific and are difficult to predict with any certainty. Absent the ability to identify specific sites and development proposals to which the new Special Permit would apply, a conservative assumption is that there would be a modest increase in the overall amount of development throughout the city as a result of the new provisions.

As described, the Special Permit could result in a different building envelope and height as compared to what would be expected as of right. The change has the potential to affect urban design and neighborhood character by facilitating the development of buildings that are better integrated into their surroundings, and by facilitating more efficient construction and a more rational allocation of permitted floor area.

It is expected that the use of the proposed BSA Special Permit is likely to result in a modest increase in the number of buildings that are able to develop to their full permitted FAR, but is not expected to result in widespread changes to the overall amount, type, or location of development. Most sites with conditions that make development difficult would still be redeveloped in the future, but would be unable to utilize construction best practices to design optimal buildings. The new findings proposed with the Special Permit would result in a more logical and rational design of buildings, taking into consideration factors such as topography and lot shape.

Future applications could have site specific effects, including shadows, historic resources, hazardous materials, and noise, to the same extent as under the Proposed Action without any overall change in the nature or extent of the impacts. These site specific impacts are considered further below:

SHADOWS

A shadow assessment considers actions that result in new shadows long enough to reach a publicly accessible open space or historic resource (except within an hour and a half of sunrise or sunset). For actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important natural feature (if the features that make the structure significant depend on sunlight). According to the *CEQR Technical Manual*, some open spaces contain facilities that are not sunlight sensitive, and do

not require a shadow analysis including paved areas (such as handball or basketball courts) and areas without vegetation.

The proposed BSA Special Permit for Quality Housing could facilitate development that would cast sufficient shadows to impact sun-sensitive resources. Absent specific development proposals, it is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse shadows impacts, including those related to a net increase in building height and/or bulk, resulting from use of the BSA Special Permit. In some instances, the development induced by the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

HISTORIC AND CULTURAL RESOURCES

Historic resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural and archaeological importance. This includes properties that have been designated or are under consideration as New York City Landmarks or Scenic Landmarks or are eligible for such designation; properties within New York City Historic Districts; properties listed or formally determined eligible for the State and/or National Register of Historic Places; and National Historic Landmarks. According to the *CEQR Technical Manual* guidelines, a study area defined by a radius of 400 feet from the boundaries of the project site is typically adequate to assess potential impacts on historic/architectural resources.

The proposed BSA Special Permit for Quality Housing could facilitate development that would affect historic and cultural resources. Absent specific development proposals, it is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to historic resources, including those related to the exterior appearances or context of architectural resources or new ground disturbance in archeological sensitive areas, resulting from use of the BSA Special Permits. In some instances, the development that requires the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

HAZARDOUS MATERIALS

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site, and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

In addition, in connection to previous rezoning actions, (E) designations have been placed related to Hazardous Materials in many parts of the directly affect area.

The proposed BSA Special Permit for Quality Housing could facilitate development that would have the potential to disturb existing hazardous materials and/or increase pathways to their exposure. Absent specific development proposals, it is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts due to hazardous materials, including those related to new ground disturbance, resulting from use of the BSA Special Permits. In some instances, the development induced by the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

NOISE

The purpose of a noise analysis is to determine both (1) a Proposed Action's potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient noise levels on new sensitive uses introduced by the Proposed Action. The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor

vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building heating, ventilating and air conditioning systems) and construction noise.

The proposed BSA Special Permit for Quality Housing could facilitate development that would introduce noise sources to sensitive receptors. Absent specific development proposals, it is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permits approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse noise impacts, including those related to new noise sources and/or sensitive receptors such as residential uses, resulting from use of the BSA Special Permits. In some instances, the development that requires the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

CONCLUSION

Future applications could have site specific effects, including shadows, historic resources, hazardous materials, and noise, to the same extent as under the Proposed Action without any overall change in the nature or extent of the impacts. These potential impacts would be site specific and are difficult to predict with any certainty. Absent the ability to identify specific sites and development proposals to which the new Special Permit would apply, a conservative assumption is that there would be a modest increase in the overall amount of development throughout the city as a result of the new provisions.

As described, the Special Permit could result in a different building envelope and height as compared to what would be expected as of right. The change has the potential to effect urban design and neighborhood character by facilitating the development of buildings that are better integrated into their surroundings, and by facilitating more efficient construction and a more rational allocation of permitted floor area.

Conceptual Analyses for BSA Special Permits for the reduction of existing parking spaces

BSA Special Permit for the reduction of existing parking spaces for income-restricted housing units within the Transit Zone

Currently in zoning, low-income housing units are subject to off-street parking requirements that do not match with car ownership rates. The Proposed Action would remove the parking requirement for new low-income units within the Transit Zone, and proposes a provision for a discretionary action that would allow for the reduction or elimination of previously required parking for low-income units, within the Transit Zone.

The following prototypical Site 2 is an instance where the BSA Special Permit could be sought to redevelop parking spaces that were required for low-income residential units prior to the date of adoption of the proposed text amendment.

Site 2: Affordable housing development in Manhattan Community Board 11 within an R7-2 zoning district in the Transit Zone. The development has 1600 existing low-income housing units with 315 enclosed accessory parking spaces, and is seeking to convert 150 of its existing parking spaces into an expanded laundry center, community room and childcare center for the development's residents.

Site 2, developed in 1974 with 1600 units for low-income households retains two existing below-grade parking garages. One garage has 150 parking spaces, the other has 165 spaces. Two hundred and forty spaces were required at the time of development pursuant to the 15% parking requirement per ZR Section 25-25 Column C for an R7-2 district. The property owner is seeking to redevelop the smaller parking garage into a roughly 45,000 square feet of laundry facility, community gathering space, and a childcare center for building residents. Since this development is in the Transit Zone, under the Proposed Action, there would be no parking requirement for new low-income housing units; however, any parking spaces required at the time of building development could only be eliminated by discretionary action. Because the property owner is seeking to reduce the current parking from 315 to 165 spaces - 75 fewer spaces than required under pre-adoption zoning - the property owner applies for the BSA Special Permit to allow for the reduction of previously required parking for low-income units within the Transit Zone.

In this scenario, the operators of the housing development seek the BSA Special Permit to reduce the parking requirement to 165 spaces. Combined utilization among residents with cars in the two on-site garages is roughly 50 percent, with some car-owning households choosing to park on-street nearby rather than pay the \$100 monthly parking fee for an off-street space. The 1600 low-income households have a car ownership rate of 12 percent, significantly lower than at the time the development was built in the 1970s. The development is approximately ½ mile from the subway, with regular and select bus service operating along a nearby avenue every 5 minutes on weekdays.

In order to meet the findings of the BSA Special Permit, the applicant must demonstrate that the existing parking would facilitate an improved site plan; would not cause traffic congestion; and would not have undue adverse effects on residents, businesses or community facilities in the surrounding area.

Future applications could have site specific effects, including shadows, historic resources, hazardous materials, and noise, to the same extent as under the Proposed Action without any overall change in the nature or extent of the impacts.

Future applications can also be expected to add population to a neighborhood when existing parking spaces are redeveloped for housing. Therefore, in addition to shadows, historic resources, hazardous materials, and noise, the following density-related impact categories are assessed for the purposes of analyzing the proposed BSA Special Permits: Socioeconomics, Open Space, Urban Design and Visual Resources, Transportation, Air Quality and Neighborhood Character

These impacts are analyzed in the following section, as part of a combined analysis for the BSA Special Permit for the reduction of existing parking spaces for income-restricted housing, and the BSA Special Permit for the reduction of existing parking spaces for Affordable Independent Residences for Seniors, below.

BSA Special Permit for the reduction of existing parking spaces for Affordable Independent Residences for Seniors, outside of the Transit Zone

The Proposed Action would include a provision for a discretionary action that would allow for the reduction or elimination of previously required parking for “non-profit residences for the elderly” outside of the Transit Zone, depending on the zoning district. In multifamily zoning districts, where parking would be required for 10 percent of units in a new development, previously required parking could be reduced to 10 percent by BSA Special Permit. Because it is not possible to predict whether such action would be pursued on any specific site in the future, the RWCDs does not include specific development sites that would achieve the reduction of existing parking. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from the reduction of, and development on, previously required parking for senior housing pursuant to the Special Permits.

The following prototypical Site 3 is an instance where the BSA Special Permit could be sought to develop in the future over parking space that exist as a result of the parking requirement prior to 2015.

Site 3: Affordable independent residence for seniors development in an R6 zoning district in Bronx Community Board 9, outside of the Transit Zone. The development has 145 existing HUD-assisted non-profit residences for the elderly with 33 accessory parking spaces in surface parking lot, and plans to build an additional 113 units.

Site 3, developed in 1978 with 145 units of non-profit residences for the elderly residential units retains an existing parking ratio of 22.5 percent, or 33 spaces, as required by zoning in an R6 district. Only four of the current households in the development have a car and parks on-site. Under the proposal, there would be a 10 percent accessory parking requirement for new senior housing developments, and the BSA Special Permit for the reduction of the number of required existing parking spaces would be available.

In this scenario, the operators of the existing 145-unit housing development propose to build a new 12-story structure on the lot, adding 113 units of Affordable Independent Residences for Seniors. Combined, the resulting development would have a new total of 258 units. The developers seek the BSA Special Permit to eliminate 7 previously required parking spaces, reducing the existing parking to 26 spaces and resulting in an overall parking ratio of 10 percent, as required for new developments.

The development currently has an active shuttle bus service available to transport residents and staff to the public transportation and shopping. Service would be expanded to accommodate the increase in demand.

In order to meet the findings of the BSA Special Permit, the applicant must demonstrate that the existing parking facility was underutilized by the residents for whom it was built, and that such reduction would not have undue adverse effects on residents, businesses or community facilities in the surrounding area.

Future applications can also be expected to add population to a neighborhood when existing parking spaces are redeveloped for housing. Therefore, in addition to shadows, historic resources, hazardous materials, and noise, the following density-related impact categories are assessed for the purposes of analyzing the proposed BSA Special Permits: Socioeconomics, Open Space, Urban Design and Visual Resources, Transportation, Air Quality and Neighborhood Character.

SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area is comprised of the area's population, housing and economic activity. A preliminary assessment pursuant to the *CEQR Technical Manual* identifies whether a proposed project may adversely affect the socioeconomic character of the area by directly or indirectly changing any of these elements. The Proposed Action, as detailed in Attachment A, "Project Description" would maintain the existing land use and the underlying zoning, and the Proposed Action would have a widespread and dispersed effect on the type, location, or amount of development throughout the city.

Pursuant to the *CEQR Technical Manual*, the preliminary assessment of socioeconomic conditions focuses on whether the proposed project could:

- generate a net increase of 200 or more residential units;
- generate a net increase of 200,000 or more square feet of commercial space;
- directly displace more than 500 residents;
- directly displace more than 100 employees; or
- affect conditions in a specific industry.

The Proposed BSA Special Permits could facilitate development that would generate a net increase of 200 or more residential units, or a net increase of 200,000 or more square feet of commercial space. Owing to the numerous constraints in addition to zoning that influence development of any given project, is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. Approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse socioeconomic impacts, including those related to a net increase in residential units or commercial square footage, resulting from use of the Special Permits. In some instances, the development that requires the Special Permits would be subject to other discretionary approvals also subject to environmental review. The environmental assessment of any induced development would identify any impacts and mitigation measures, consistent with SEQRA requirements.

Even with the City's commitment to develop more affordable and affordable senior housing, funding and the lack of available development sites would remain as significant obstacles to the development of additional housing units in the future with the Proposed Action. Moreover, even with the discretionary elimination of previously required parking, the redevelopment of existing parking lots requires HUD and HPD approval. As conditions of the original regulatory agreement, mortgage provisions, and other restrictions, the property owners are required to seek HUD and HPD approval to modify a partial change in use on the site, in order to expand into an existing parking lot. Therefore, although some expansion and the creation of additional units is expected in the future with the Proposed Action, it is difficult to predict how many existing sites would be expected to construct additional housing in the foreseeable future.

OPEN SPACE

Open space is defined as publicly or privately owned land that is publicly accessible and has been designated for leisure, play or sport, or conservation land set aside for protection and/or enhancement of the natural environment.

An open space assessment may be necessary if a Proposed Action could potentially have a direct or indirect effect on open space resources in the project area. A direct impact would “encroach on, or cause a loss of, open space,” affect the facilities within an open space so that the open space no longer serves the same user population, or limit public access to an open space. Other direct affects include the imposition of noise, air pollutant emissions, odors, or shadows on public open space that may alter its usability. Use of the BSA Special Permits would not directly affect any existing public open space or recreational resources in the area.

An indirect effect may occur when the population generated by a Proposed Action would be sufficient to noticeably diminish the ability of an area’s open space to serve the existing or future population. According to the guidelines established in the *CEQR Technical Manual*, an action that would add fewer than 200 residents or 500 employees, or a similar number of other users to an area is typically not considered to have indirect effects on open space.

The proposed BSA Special Permits for a reduction of the required number of existing parking spaces could facilitate development that would indirectly affect open space. Absent specific development proposals, it is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. A Special Permit’s approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to open space resources, including those related to a net increase in residential or non-residential population, resulting from use of the BSA Special Permits. In some instances, the development that requires the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

SHADOWS

A shadow assessment considers actions that result in new shadows long enough to reach a publicly accessible open space or historic resource (except within an hour and a half of sunrise or sunset). For actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important natural feature (if the features that make the structure significant depend on sunlight). According to the *CEQR Technical Manual*, some open spaces contain facilities that are not sunlight sensitive, and do not require a shadow analysis including paved areas (such as handball or basketball courts) and areas without vegetation.

The proposed BSA Special Permits for a reduction of the required number of existing parking spaces could facilitate development that would cast sufficient shadows to impact sun-sensitive resources. Absent specific development proposals, it is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permit’s approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse shadows impacts, including those related to a net increase in building height and/or bulk, resulting from use of the BSA Special Permits. In some instances, developments requiring the BSA Special Permit would be subject to other discretionary approvals also subject to environmental review.

HISTORIC AND CULTURAL RESOURCES

Historic resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural and archaeological importance. This includes properties that have been designated or are under consideration as New York City Landmarks or Scenic Landmarks or are eligible for such designation; properties within New York City Historic Districts; properties listed or formally determined eligible for the State and/or National Register of Historic Places; and National Historic Landmarks. According to the *CEQR Technical Manual* guidelines, a study area defined by a radius of 400 feet from the boundaries of the project site is typically adequate to assess potential impacts on historic/architectural resources.

The proposed BSA Special Permits for a reduction of the required number of existing parking spaces could facilitate development that would affect historic and cultural resources. Absent specific development proposals, it is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permit’s approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to historic resources, including those related to the exterior appearances or context of architectural resources or new ground disturbance in archeological sensitive areas, resulting from use of the BSA Special Permits. In some instances, the development

requiring the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

URBAN DESIGN AND VISUAL RESOURCES

An area's urban components and visual resources together define the look and character of the neighborhood. The urban design characteristics of a neighborhood encompass the various components of buildings and streets in the area. These include building bulk, use and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. An area's visual resources are its unique or important public view corridors, vistas, or natural or built features. For the CEQR analysis purposes, this includes only views from public and publicly accessible locations and does not include private residences or places of business.

An analysis of urban design and visual resources is appropriate if a Proposed Project would a) result in buildings that have substantially different height, bulk, form, setbacks, size, scale, use or arrangement than exists in an area; b) change block form, demap an active street or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity or streetscape elements; or c) would result in above-ground development in an area that includes significant visual resources.

The proposed BSA Special Permits for a reduction of the required number of existing parking spaces could facilitate development that would affect the pedestrian perspective of an area's urban design and visual resources. Absent specific development proposals, it is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse urban design and visual resources impacts, including those related to building form, streetscape, and/or views as experienced by pedestrians, resulting from use of the BSA Special Permits. In some instances, developments that require the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

HAZARDOUS MATERIALS

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site, and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

In addition, in connection to previous rezoning actions, (E) designations have been placed related to Hazardous Materials in many parts of the city.

The proposed BSA Special Permits for a reduction of the required number of existing parking spaces could facilitate development that would have the potential to disturb existing hazardous materials and/or increase pathways to their exposure. It is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts due to hazardous materials, including those related to new ground disturbance, resulting from use of the BSA Special Permits. In some instances, the development induced by the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

TRANSPORTATION

The objective of the transportation analysis is to determine whether a Proposed Action may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists, and vehicles), on-and off-street parking or goods movement.

The *CEQR Technical Manual* identifies minimum development densities that have the potential to result in significant adverse impacts to traffic conditions and therefore require a detailed traffic analysis. As shown in Table 16-1 of the

CEQR Technical Manual, actions with a single or multiple land uses which may result in fewer than 50 peak hour vehicle trips are generally unlikely to cause significant adverse impacts.

According to the general thresholds used by the MTA New York City Transit (NYCT) specified in the *CEQR Technical Manual*, detailed transit analysis is not required if a Proposed Action would result in less than 200 peak hour rail or bus transit riders at a particular facility. In addition, a detailed pedestrian analysis is not required if a Proposed Action would result in less than 200 peak hour pedestrian trips.

The proposed BSA Special Permits for a reduction of the required number of existing parking spaces could facilitate development that would generate an increase of 50 peak hour vehicle trips, 200 peak hour rail or bus transit riders, and/or 200 peak hour pedestrian trips. It is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits.

Nevertheless, even with the current administration's commitment to develop more affordable and affordable senior housing, funding and the lack of available development sites would remain as significant obstacles to the development of additional housing units in the future with the Proposed Action. Moreover, even with the discretionary elimination of previously required parking, the redevelopment of existing parking lots requires HUD and HPD approval. As conditions of the original regulatory agreement, mortgage provisions, and other restrictions, the property owners are required to seek HUD and HPD approval to modify a partial change in use on the site, in order to expand into an existing parking lot. Therefore, although some expansion and the creation of additional units is expected in the future with the Proposed Action, it is difficult to predict how many existing sites would be expected to construct additional housing in the foreseeable future.

The BSA Special Permits approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse transportation impacts, including those related to an increase in residential units or commercial square footage, resulting from use of the BSA Special Permits. Under the proposed new BSA Special Permits, the BSA may allow a reduction of off-street parking spaces only if such a reduction would facilitate an improved site plan, would not cause traffic congestion, and would not have undue adverse effects on residents, businesses or community facilities in the surrounding area. The environmental review conducted in support of such a reduction would also have to consider the development that would be facilitated by such a reduction. If the environmental review finds a potential for adverse impacts that could, individually or in combination, be considered significant, the BSA would have the authority to prescribe the necessary mitigation to offset and/or minimize those adverse effects including those that would address impacts that contribute to serious traffic congestion or would unduly inhibit vehicular and pedestrian movement.

In some instances, the development that requires the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

AIR QUALITY

According to the guidelines provided in the *CEQR Technical Manual*, air quality analyses are conducted in order to assess the effect of an action on ambient air quality (i.e., the quality of the surrounding air), or effects on the project because of ambient air quality. Air quality can be affected by "mobile sources," pollutants produced by motor vehicles, and by pollutants produced by fixed facilities, i.e., "stationary sources." As per the *CEQR Technical Manual*, an air quality assessment should be carried out for actions that can result in either significant mobile source or stationary source air quality impacts.

The proposed BSA Special Permits for a reduction of the required number of existing parking spaces could facilitate development that would substantively increase the number of motor vehicles and/or introduce fixed emission sources to sensitive receptors. It is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permits approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to ambient air quality, including those related to motor vehicles and/or new or existing stationary sources, resulting from use of the BSA Special Permits. In some instances, the development that requires the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

NOISE

The purpose of a noise analysis is to determine both (1) a Proposed Action's potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient noise levels on new sensitive uses introduced by the Proposed Action. The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building heating, ventilating and air conditioning systems) and construction noise.

The proposed BSA Special Permits for a reduction of the required number of existing parking spaces could facilitate development that would introduce noise sources to sensitive receptors. It is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. The BSA Special Permits approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse noise impacts, including those related to new noise sources and/or sensitive receptors such as residential uses, resulting from use of the BSA Special Permits. In some instances, the development that requires the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

NEIGHBORHOOD CHARACTER

Neighborhood character is an amalgam of various elements that give neighborhoods their distinct "personality." According to the CEQR Technical Manual, a preliminary assessment may be appropriate if a project has the potential to result in any significant adverse impacts on any of the following impact categories: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise.

The proposed BSA Special Permits for a reduction of the required number of existing parking spaces could facilitate development that would affect neighborhood character. It is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permits. Generally, the effect on neighborhood character is expected to be a positive one as a result of the proposed discretionary actions, by facilitating the development of development that improves the pedestrian experience and increases the number of residential units and other uses.

The BSA Special Permits approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to neighborhood character resulting from use of the BSA Special Permits. Under the proposed new BSA Special Permits, the BSA may allow a reduction of off-street parking spaces only if such a reduction would facilitate an improved site plan, would not cause traffic congestion, and would not have undue adverse effects on residents, businesses or community facilities in the surrounding area. This allows the BSA, when appropriate, to prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

In some instances, the development induced by the BSA Special Permits would be subject to other discretionary approvals also subject to environmental review.

CONCLUSION

Under the proposed new BSA Special Permits, the BSA may allow a reduction of off-street parking spaces only if such a reduction would not have undue adverse effects on residents, businesses or community facilities in the surrounding area. This allows the BSA, when appropriate, to prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. As a result, it is not expected that a reduction in parking allowed under the BSA Special Permits is itself going to result in any significant adverse impacts.

Use of the BSA Special Permits may induce new development, the location, nature and size of which cannot be predicted. This development could result in a potential for significant adverse impacts. Any induced development would be considered in the environmental review of an individual BSA Special Permits application, and impacts and mitigations would be identified therein.

Conceptual Analysis for the BSA Special Permit for the reduction of parking spaces to facilitate affordable housing, within the Transit Zone

The Proposed Action would include a provision for a BSA Special Permit that would allow for the reduction or elimination of required parking for market-rate units in a new development where at least 20 percent of the dwelling units are for low-income households within the Transit Zone. Because it is not possible to predict whether an authorization would be pursued on any specific site in the future, the RWCDs does not include specific development sites that would achieve the reduction or elimination of existing parking. Instead, a conceptual analysis is provided to generically assess the potential environmental impacts that could result from the reduction of required parking for market-rate units as part of a development that includes low-income units.

The following prototypical Site 4 is an instance where the Special Permit could be sought to reduce the parking requirement for market-rate units that are developed as part of a mixed-income development.

Site 4: A new mixed-income development on a 35,800 square foot lot in an R6A zoning district in Brooklyn Community Board 1, within the Transit Zone. The development is proposing to include 210 dwelling units, 105 of which would be affordable, 105 of which would be market rate. There would be no parking requirement for the affordable units, but parking would be required for 50 percent of the market rate units, resulting in 53 parking spaces.

Site 4 is seeking a BSA Special Permit to reduce the amount of required parking to 20 percent for the market-rate units developed as part of a mixed-income rental development. The development is planned to include 210 total dwelling units, half of which would be have rental restrictions based on income and half of which would be market-rate rentals. Because the development is occurring within the Transit Zone, no parking would be required for the 105 affordable units under the Proposed Action. However, absent the proposed discretionary action to reduce the amount of parking required for the market-rate units, 53 parking spaces would be required for the market rate units, assuming the development was built pursuant to Quality Housing regulations.

A very conservative cost estimate for the construction of structured parking assumes \$20,000 per space, resulting in a cost of \$1,060,000 to develop the 53 spaces below grade. Mixed-income developments rely substantially on public subsidy to fund the overall project. In order to finance the parking construction, property owners are often forced to charge upwards of \$300 per parking space on a monthly basis. Based on car ownership rates among residents of new renter-occupied market-rate housing the surrounding neighborhood, and given the availability of on-street parking and improvements in public transportation through the offering of year-round ferry service from India Street in Brooklyn CB1, only 21% percent of market-rate households in this development are expected to own cars. This amounts to approximately 22 cars associated with the market-rate units in the development. As a result of these factors, rates necessary to recoup the cost of parking construction are unlikely to be achieved in this neighborhood, making it difficult for the developer to obtain necessary financing for the project.

Under the Proposed Action, a BSA Special Permit would be available to waive or reduce required parking for market rate units if such a reduction would facilitate the development of a mixed-income building. To meet the findings, the developer must demonstrate that the reduction from 50 percent to 20 percent would facilitate the development by improving its financial feasibility; would not cause traffic congestion; and would not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

The developer is able to demonstrate that the waiver would improve the project's financial feasibility by eliminating the need to excavate below grade to provide the parking spaces, and that the few households within the development that would be expected to own cars would be able to find parking on-street without undue adverse impacts.

Prototypes 2 and 3 analyzed situations where the reduction in parking for affordable housing resulting in the parking required for market-rate housing falling below the waiver threshold, effectively eliminating the market-rate parking requirement as of right. As a result of those analyses, no density related impacts could be expected. Future applications could have site specific effects, including shadows, historic resources, hazardous materials, and noise, to the same extent as under the Proposed Action without any overall change in the nature or extent of the impacts. Nevertheless, these impacts are analyzed below:

SHADOWS

A shadow assessment considers actions that result in new shadows long enough to reach a publicly accessible open space or historic resource (except within an hour and a half of sunrise or sunset). For actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important natural feature (if the features that make the structure significant depend on sunlight). According to the *CEQR Technical Manual*, some open spaces contain facilities that are not sunlight sensitive, and do not require a shadow analysis including paved areas (such as handball or basketball courts) and areas without vegetation.

The proposed BSA Special Permit that would allow for the reduction or elimination of required parking to facilitate affordable housing could enable development that would cast sufficient shadows to impact sun-sensitive resources. It is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permit. The BSA Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse shadows impacts, including those related to a net increase in building height and/or bulk, resulting from use of the BSA Special Permit. In some instances, the development induced by the BSA Special Permit would be subject to other discretionary approvals also subject to environmental review.

HISTORIC AND CULTURAL RESOURCES

Historic resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural and archaeological importance. This includes properties that have been designated or are under consideration as New York City Landmarks or Scenic Landmarks or are eligible for such designation; properties within New York City Historic Districts; properties listed or formally determined eligible for the State and/or National Register of Historic Places; and National Historic Landmarks. According to the *CEQR Technical Manual* guidelines, a study area defined by a radius of 400 feet from the boundaries of the project site is typically adequate to assess potential impacts on historic/architectural resources.

The proposed BSA Special Permit that would allow for the reduction or elimination of required parking to facilitate affordable housing could facilitate development that would affect historic and cultural resources. It is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permit. The BSA Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to historic resources, including those related to the exterior appearances or context of architectural resources or new ground disturbance in archeological sensitive areas, resulting from use of the BSA Special Permit. In some instances, the development that requires the BSA Special Permit would be subject to other discretionary approvals also subject to environmental review.

HAZARDOUS MATERIALS

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site, and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

In addition, in connection to previous rezoning actions, (E) designations have been placed related to Hazardous Materials throughout the city.

The proposed BSA Special Permit that would allow for the reduction or elimination of required parking to facilitate affordable housing could enable development that would have the potential to disturb existing hazardous materials and/or increase pathways to their exposure. It is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permit. The BSA Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts due to hazardous materials, including those related to new ground disturbance, resulting from use of the BSA Special Permit. In some instances, the development induced by the BSA Special Permit would be subject to other discretionary approvals also subject to environmental review.

NOISE

The purpose of a noise analysis is to determine both (1) a Proposed Action's potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient noise levels on new sensitive uses introduced by the Proposed Action. The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building heating, ventilating and air conditioning systems) and construction noise.

The proposed BSA Special Permit that would allow for the reduction or elimination of required parking to facilitate affordable housing could enable development that would introduce noise sources to sensitive receptors. It is not possible to predict the size, nature and location of development that could be induced by the BSA Special Permit. The BSA Special Permit approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse noise impacts, including those related to new noise sources and/or sensitive receptors such as residential uses, resulting from use of the BSA Special Permit. In some instances, the development that requires the BSA Special Permit would be subject to other discretionary approvals also subject to environmental review.

Conceptual Analysis for the CPC Special Permit for the reduction or waiver of parking requirements for accessory group parking facilities within a Large-Scale Residential Development or a Large-Scale General Development

The Proposed Action would create a City Planning Commission Special Permit under Section 74-532 that would allow group parking facilities in large scale residential, community facility, or general developments, in conjunction with a bulk modification, to reduce or waive the number of required accessory residential parking spaces, including any spaces previously required for an existing building.

In order to meet the findings, the development would need to be within the Transit Zone, and demonstrate that the reduction of parking spaces would facilitate the development of affordable housing units, that auto ownership patterns for the development's residents are minimal, that the reduction of parking spaces would not have undue adverse impacts, and that the reduction would result in a better site plan.

Because it is not possible to predict whether a CPC Special Permit would be pursued on any specific site in the future, the RWCDs does not include specific Large Scale developments that would achieve the reduction of required parking. The following prototypical Site 5 is an instance where the Special Permit could be sought to reduce the parking requirement for market-rate units that are developed as part of a mixed-income development.

Site 5: Affordable housing development within a Large Scale Development in Bronx Community Board 6 within an R7-2 zoning district within the Transit Zone. The development has 1533 existing low-income housing units with 300 enclosed accessory parking spaces, and is seeking to replace the existing parking with additional housing units.

Site 5, developed in 1981 with 1533 units of low-income residential units retains an existing parking garage with 300 enclosed spaces, 233 of which were required pursuant to a 15% parking requirement per Column C for an R7-2 district. The property owner is seeking to redevelop the parking garage into a new mixed-use building, with 291 dwelling units, and roughly 8,000 sq. ft. each of retail and community facility use. Since this development is in the Transit Zone, under the Proposed Action, there would be no parking requirement for new low-income housing units, and the BSA Special Permit for the reduction or elimination of previously required parking spaces for low-income households would be available. However, since the City Planning Commission could not approve a large-scale general development that does not comply with zoning, the applicant proposes to utilize the parking waiver that is available through the General Large-Scale Development special permit.

In this scenario, the operators of the housing development seek the CPC Special Permit to develop 291 new low-income units, increasing the total size of the development to 1844 units. Under the Proposed Action, the new dwelling units would have no parking requirement, but discretionary approval is required for the elimination of previously required spaces.

The parking garage on the site was originally designed for up to 300 parking spaces, but the garage was never fully opened because its lower level was deemed unsafe immediately after it was built in 1980. The facility was closed completely in 2012 due to structural and personal safety issues; the 50 cars registered to the site were able to find parking nearby, on street or in another facility belonging to the large-scale development.

In order to meet the findings of the CPC Special Permit, the applicant must demonstrate that the reduction in parking would facilitate the development of affordable housing units, that the anticipated automobile ownership patterns for residents are minimal and that such a reduction is warranted, that the reduction would not have undue adverse impacts on residents, businesses or community facilities in the surrounding area, and that the reduction of spaces would result in a better site plan with better quality open areas.

As demonstrated in Chapter 2, Analytical Framework, the reduction or elimination of off-street parking is unlikely to have density-related effects, but, since future applications can also be expected to add population to a neighborhood when existing parking spaces are redeveloped for housing, the following density-related impact categories are assessed for the purposes of analyzing the proposed BSA Special Permits: Socioeconomics, Open Space, Urban Design and Visual Resources, Transportation, Air Quality and Neighborhood Character.

Future applications could also have site specific effects, including shadows, historic resources, hazardous materials, and noise, to the same extent as under the Proposed Action without any overall change in the nature or extent of the impacts.

SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area is comprised of the area's population, housing and economic activity. A preliminary assessment pursuant to the *CEQR Technical Manual* identifies whether a proposed project may adversely affect the socioeconomic character of the area by directly or indirectly changing any of these elements. The Proposed Action, as detailed in Attachment A, "Project Description" would maintain the existing land use and the underlying zoning, and the Proposed Action would have a widespread and dispersed effect on the type, location, or amount of development throughout the city.

Pursuant to the *CEQR Technical Manual*, the preliminary assessment of socioeconomic conditions focuses on whether the proposed project could:

- generate a net increase of 200 or more residential units;
- generate a net increase of 200,000 or more square feet of commercial space;
- directly displace more than 500 residents;
- directly displace more than 100 employees; or
- affect conditions in a specific industry.

The Proposed CPC Special Permit could facilitate development that would generate a net increase of 200 or more residential units, or a net increase of 200,000 or more square feet of commercial space. It is not possible to predict the size, nature and location of development that could be induced by the CPC Special Permit. Approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse socioeconomic impacts, including those related to a net increase in residential units or commercial square footage, resulting from use of the Special Permits. In some instances, the development that requires the Special Permits would be subject to other discretionary approvals also subject to environmental review. The environmental assessment of any induced development would identify any impacts and mitigation measures, consistent with SEQRA requirements.

OPEN SPACE

Open space is defined as publicly or privately owned land that is publicly accessible and has been designated for leisure, play or sport, or conservation land set aside for protection and/or enhancement of the natural environment. An open space assessment may be necessary if a Proposed Action could potentially have a direct or indirect effect on open space resources in the project area. A direct impact would "encroach on, or cause a loss of, open space," affect the facilities within an open space so that the open space no longer serves the same user population, or limit

public access to an open space. Other direct affects include the imposition of noise, air pollutant emissions, odors, or shadows on public open space that may alter its usability. Use of the CPC Special Permit would not directly affect any existing public open space or recreational resources in the area.

An indirect effect may occur when the population generated by a Proposed Action would be sufficient to noticeably diminish the ability of an area's open space to serve the existing or future population. According to the guidelines established in the *CEQR Technical Manual*, an action that would add fewer than 200 residents or 500 employees, or a similar number of other users to an area is typically not considered to have indirect effects on open space.

The proposed CPC Special Permit for a reduction of the required number of existing parking spaces could facilitate development that would indirectly affect open space. It is not possible to predict the size, nature and location of development that could be induced by the CPC Special Permit. A Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to open space resources, including those related to a net increase in residential or non-residential population, resulting from use of the CPC Special Permit. In some instances, the development that requires the CPC Special Permit would be subject to other discretionary approvals also subject to environmental review.

SHADOWS

A shadow assessment considers actions that result in new shadows long enough to reach a publicly accessible open space or historic resource (except within an hour and a half of sunrise or sunset). For actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important natural feature (if the features that make the structure significant depend on sunlight). According to the *CEQR Technical Manual*, some open spaces contain facilities that are not sunlight sensitive, and do not require a shadow analysis including paved areas (such as handball or basketball courts) and areas without vegetation.

The proposed CPC Special Permit for a reduction of the required number of existing parking spaces could facilitate development that would cast sufficient shadows to impact sun-sensitive resources. It is not possible to predict the size, nature and location of development that could be induced by the CPC Special Permit. The CPC Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse shadows impacts, including those related to a net increase in building height and/or bulk, resulting from use of the CPC Special Permit. In some instances, the development induced by the CPC Special Permit would be subject to other discretionary approvals also subject to environmental review.

HISTORIC AND CULTURAL RESOURCES

Historic resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural and archaeological importance. This includes properties that have been designated or are under consideration as New York City Landmarks or Scenic Landmarks or are eligible for such designation; properties within New York City Historic Districts; properties listed or formally determined eligible for the State and/or National Register of Historic Places; and National Historic Landmarks. According to the *CEQR Technical Manual* guidelines, a study area defined by a radius of 400 feet from the boundaries of the project site is typically adequate to assess potential impacts on historic/architectural resources.

The proposed CPC Special Permit for a reduction of the required number of existing parking spaces could facilitate development that would affect historic and cultural resources. It is not possible to predict the size, nature and location of development that could be induced by the CPC Special Permit. The CPC Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to historic resources, including those related to the exterior appearances or context of architectural resources or new ground disturbance in archeological sensitive areas, resulting from use of the CPC Special Permit. In some instances, the development that requires the CPC Special Permit would be subject to other discretionary approvals also subject to environmental review.

URBAN DESIGN AND VISUAL RESOURCES

An area's urban components and visual resources together define the look and character of the neighborhood. The urban design characteristics of a neighborhood encompass the various components of buildings and streets in the area. These include building bulk, use and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. An area's visual resources are its unique or important public view corridors, vistas, or natural or built features. For the CEQR analysis purposes, this includes only views from public and publicly accessible locations and does not include private residences or places of business.

An analysis of urban design and visual resources is appropriate if a Proposed Project would a) result in buildings that have substantially different height, bulk, form, setbacks, size, scale, use or arrangement than exists in an area; b) change block form, demap an active street or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity or streetscape elements; or c) would result in above-ground development in an area that includes significant visual resources.

The proposed CPC Special Permit for a reduction of the required number of existing parking spaces could facilitate development that would affect the pedestrian perspective of an area's urban design and visual resources. It is not possible to predict the size, nature and location of development that could be induced by the CPC Special Permit. The CPC Special Permit's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse urban design and visual resources impacts, including those related to building form, streetscape, and/or views as experienced by pedestrians, resulting from use of the CPC Special Permit. In some instances, the development that requires the CPC Special Permit would be subject to other discretionary approvals also subject to environmental review.

TRANSPORTATION

The objective of the transportation analysis is to determine whether a Proposed Action may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists, and vehicles), on-and off-street parking or goods movement.

The *CEQR Technical Manual* identifies minimum development densities that have the potential to result in significant adverse impacts to traffic conditions and therefore require a detailed traffic analysis. As shown in Table 16-1 of the *CEQR Technical Manual*, actions with a single or multiple land uses which may result in fewer than 50 peak hour vehicle trips are generally unlikely to cause significant adverse impacts.

According to the general thresholds used by the MTA New York City Transit (NYCT) specified in the *CEQR Technical Manual*, detailed transit analysis is not required if a Proposed Action would result in less than 200 peak hour rail or bus transit riders at a particular facility. In addition, a detailed pedestrian analysis is not required if a Proposed Action would result in less than 200 peak hour pedestrian trips.

The proposed CPC Special Permit for a reduction of the required number of existing parking spaces could facilitate development that would generate an increase of 50 peak hour vehicle trips, 200 peak hour rail or bus transit riders, and/or 200 peak hour pedestrian trips. It is not possible to predict the size, nature and location of development that could be induced by the CPC Special Permit.

Nevertheless, even with the City's commitment to develop more affordable and affordable senior housing, funding and the lack of available development sites would remain as significant obstacles to the development of additional housing units in the future with the Proposed Action.

The CPC Special Permit approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse transportation impacts, including those related to an increase in residential units or commercial square footage, resulting from use of the CPC Special Permit. Under the proposed new CPC Special Permit, the CPC may allow a reduction of off-street parking spaces only if such a reduction would facilitate the development of income-restricted housing units, where the anticipated automobile patterns for residents are minimal, where the reduction would not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area, and where the reduction would result in a better site plan with better quality open spaces. The environmental review conducted in support of such a reduction would also have to consider the development that would be facilitated by such a reduction. If the environmental

review finds a potential for adverse impacts that could, individually or in combination, be considered significant, the CPC would have the authority to prescribe the necessary mitigation to offset and/or minimize those adverse effects including those that would address impacts that contribute to serious traffic congestion or would unduly inhibit vehicular and pedestrian movement.

In some instances, development that requires the CPC Special Permit would be subject to other discretionary approvals also subject to environmental review.

AIR QUALITY

According to the guidelines provided in the *CEQR Technical Manual*, air quality analyses are conducted in order to assess the effect of an action on ambient air quality (i.e., the quality of the surrounding air), or effects on the project because of ambient air quality. Air quality can be affected by “mobile sources,” pollutants produced by motor vehicles, and by pollutants produced by fixed facilities, i.e., “stationary sources.” As per the *CEQR Technical Manual*, an air quality assessment should be carried out for actions that can result in either significant mobile source or stationary source air quality impacts.

The proposed CPC Special Permit for a reduction of the required number of existing parking spaces could facilitate development that would substantively increase the number of motor vehicles and/or introduce fixed emission sources to sensitive receptors. It is not possible to predict the size, nature and location of development that could be induced by the CPC Special Permit. The CPC Special Permit approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to ambient air quality, including those related to motor vehicles and/or new or existing stationary sources, resulting from use of the CPC Special Permit. In some instances, the development that requires the CPC Special Permit would be subject to other discretionary approvals also subject to environmental review.

NOISE

The purpose of a noise analysis is to determine both (1) a Proposed Action’s potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient noise levels on new sensitive uses introduced by the Proposed Action. The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building heating, ventilating and air conditioning systems) and construction noise.

The proposed CPC Special Permit for a reduction of the required number of existing parking spaces could facilitate development that would introduce noise sources to sensitive receptors. It is not possible to predict the size, nature and location of development that could be induced by the CPC Special Permit. The CPC Special Permit approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse noise impacts, including those related to new noise sources and/or sensitive receptors such as residential uses, resulting from use of the CPC Special Permit. In some instances, the development that requires the CPC Special Permit would be subject to other discretionary approvals also subject to environmental review.

NEIGHBORHOOD CHARACTER

Neighborhood character is an amalgam of various elements that give neighborhoods their distinct “personality.” According to the *CEQR Technical Manual*, a preliminary assessment may be appropriate if a project has the potential to result in any significant adverse impacts on any of the following impact categories: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise.

The proposed CPC Special Permit for a reduction of the required number of existing parking spaces could facilitate development that would affect neighborhood character. It is not possible to predict the size, nature and location of development that could be induced by the CPC Special Permit. Generally, the effect on neighborhood character is expected to be a positive one as a result of the proposed discretionary actions, by facilitating the development of development that improves the pedestrian experience and increases the number of residential units and other uses.

The CPC Special Permit approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to neighborhood character resulting from use of the CPC Special Permit. Under the proposed new CPC Special Permit, the CPC may allow a reduction of off-street parking spaces only if such a reduction would facilitate the development of income-restricted housing units, where the anticipated automobile patterns for residents are minimal, where the reduction would not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area, and where the reduction would result in a better site plan with better quality open spaces. This allows the CPC, when appropriate, to prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

In some instances, the development induced by the CPC Special Permit would be subject to other discretionary approvals also subject to environmental review.

CONCLUSION

Under the proposed new CPC Special Permit, the CPC may allow a reduction of off-street parking spaces only if such a reduction would facilitate the development of income-restricted housing units, where the anticipated automobile patterns for residents are minimal, where the reduction would not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area, and where the reduction would result in a better site plan with better quality open spaces. This allows the CPC, when appropriate, to prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. As a result, it is not expected that a reduction in parking allowed under the CPC Special Permit is itself going to result in any significant adverse impacts.

Use of the CPC Special Permit may induce new development, the location, nature and size of which cannot be predicted. This development could result in a potential for significant adverse impacts. Any induced development would be considered in the environmental review of an individual CPC Special Permit application, and impacts and mitigations would be identified therein.

Conceptual Analysis for the CPC Special permit to allow Long Term Care and certain community facilities in R1 and R2 districts

Under the Proposed Action, Long Term Care Facilities in R1 and R2 districts become subject to discretionary review regardless of the relative concentration of nursing home beds in the community district. Under current zoning, nursing homes in any zoning district would be required to obtain a special permit for the use if located in a community district with a relative concentration of nursing home beds.

The Proposed Action would not change the allowable floor area for Long Term Care Facilities in R1 and R2 districts, as per Section 24-111, but would create a single special permit to allow the Long Term Care Facilities use in R1 and R2 districts, and another special permit to allow such facilities to apply for the higher Section 24-11 floor area, (this is not a change from existing zoning).

Because it is not possible to predict whether a CPC Special Permit would be pursued on any specific site in the future, the RWCDs does not include specific development sites that would obtain the Special Permit for Long Term Care Facilities in the affected districts. The following prototypical Site 6 is an instance where the Special Permit could be sought to develop such a facility in an R1 or R2 district.

Site 6: Long Term Care Facility on a 70,000 sq. ft. corner lot in Queens Community District 13 within an R2 zoning district. The applicant seeks to build a 55-bed assisted living facility with 0.44 FAR, with a two-story 31,000 sq. ft. building.

The owner of Site 6 is seeking to develop a 55-bed assisted living facility on a 70,000 square foot lot. Since this proposed use is in an R2 zoning district, it would be required to apply for a Special Permit under proposed Section 74-901 and adhere to the bulk regulations of the underlying residential district.

In the future without the Proposed Action, this development would be permitted as of right. In the future with the Proposed Action, the operators of the proposed development seek the CPC Special Permit to develop 55 beds in a

facility with roughly 12,100 square feet of sleeping area, and 19,000 square feet of area dedicated for shared meals, amenities, and medical services on site, as required by the state license. In order to meet the open space ratio requirements, the building is required to build on two floors, providing a ground floor dedicated to community space, and a second floor with sleeping accommodations and 3,400 sq. ft. of common area. Five parking spaces would be required and thus eligible to waive, but the applicant plans to provide 15 spaces, to accommodate staff needs and shuttles provided to the residents.

In order to meet the findings of the CPC Special Permit, the applicant would need to demonstrate that such use is compatible with the character or the future use or development of the surrounding area, and that the streets providing access to such use are adequate to handle the traffic generated by the use.

Based on the above analysis, it is expected that the use of the proposed CPC Special Permit is likely to result in a modest decrease in the development of buildings that might have occurred as-of-right in the future without the Proposed Action. Very few of these facilities are developed in R1 and R2 districts today, and the proposed CPC Special Permit is unlikely to be utilized. No significant adverse effects of the Proposed Action to allow them only by Special Permit are expected, however, a future application would need to review each impact area that may experience different effects as compared to the Proposed Action.

Conceptual Analysis for the CPC Authorization to allow a Continuing Care Retirement Community on a lot greater than 10 acres in R1 and R2 Districts

The proposal includes revisions to Section 22-42 that would replace the existing certification with a City Planning Authorization for continuing care retirement communities (a subset of Long Term Care Facilities) in R1 and R2 districts on a zoning lot that is greater than 10 acres.

Because it is not possible to predict whether an Authorization would be pursued on any specific site in the future, the RWCDs does not include specific development sites that would seek to site a continuing care retirement community in the affected districts. Instead, a conceptual analysis of the following Prototypical Site 7 is provided to generically assess the potential environmental impacts that could result from such development.

Site 7: Continuing Care Retirement Community on a 40 acre lot in Staten Island Community District 3 within an R1 zoning district. The applicant seeks to build a facility with 700 nursing home beds, 100 assisted living units, and 440 independent living units.

Under the Proposed Action, an applicant seeks to develop a Continuing Care Retirement Community comprised of two separate buildings on a 40 acre lot, for 1240 total residents. The CCRC model includes a mix of independent living units, assisted living units, and nursing home beds, allowing residents to transition through the facility as their care needs change.

In order to meet the findings of the Authorization, the applicant must demonstrate that the design is consistent with neighborhood character and that an adequate buffer exists from nearby residences.

The surrounding neighborhood within the R1 district is primarily comprised of single-family homes. However, there is another large medical facility on 12 acres adjacent to the development site. The proposed development is designed for only 15 percent lot coverage, leaving substantial open space between the proposed six-story buildings and the lot boundaries. The development proposed 680 parking spaces, half of which would be structured below grade, and half surface parking, to accommodate residents, visitors and staff.

While the proposed action would add population to a neighborhood by allowing independent living units in R1 and R2 districts, where they would not be permitted in the Future Without the Proposed Action. However, by virtue of the required site size, the independent living uses may be buffered from other single family homes off the zoning lot. Conceptually, the main impact of the independent living units compared with the assisted living and nursing home beds is that the independent living residents are more likely to own cars. However, the large site size allows for a combination of parking options and the discretionary action findings would address any traffic impacts. Nevertheless, as described below, density-related impacts are analyzed as part of this analysis.

Future applications could have site specific effects, including shadows, historic resources, hazardous materials, and noise, to the same extent as under the Proposed Action without any overall change in the nature or extent of the impacts.

Future applications can also be expected to add population to a neighborhood when existing parking spaces are redeveloped for housing. Therefore, in addition to shadows, historic resources, hazardous materials, and noise, the following density-related impact categories are assessed for the purposes of analyzing the proposed CPC Authorization: Socioeconomics, Open Space, Urban Design and Visual Resources, Transportation, Air Quality and Neighborhood Character

SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area is comprised of the area's population, housing and economic activity. A preliminary assessment pursuant to the *CEQR Technical Manual* identifies whether a proposed project may adversely affect the socioeconomic character of the area by directly or indirectly changing any of these elements. The Proposed Action, as detailed in Attachment A, "Project Description" would maintain the existing land use and the underlying zoning, and the Proposed Action would have a widespread and dispersed effect on the type, location, or amount of development throughout the city.

Pursuant to the *CEQR Technical Manual*, the preliminary assessment of socioeconomic conditions focuses on whether the proposed project could:

- generate a net increase of 200 or more residential units;
- generate a net increase of 200,000 or more square feet of commercial space;
- directly displace more than 500 residents;
- directly displace more than 100 employees; or
- affect conditions in a specific industry.

The Proposed CPC Authorization could facilitate development that would generate a net increase of 200 or more residential units, or a net increase of 200,000 or more square feet of commercial space. The CPC Authorization may permit a net increase of 200 or more residential units. Approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse socioeconomic impacts, including those related to a net increase in residential units or commercial square footage, resulting from use of the Authorization. In some instances, the development that requires the Authorizations would be subject to other discretionary approvals also subject to environmental review. The environmental assessment of any induced development would identify any impacts and mitigation measures, consistent with SEQRA requirements.

OPEN SPACE

Open space is defined as publicly or privately owned land that is publicly accessible and has been designated for leisure, play or sport, or conservation land set aside for protection and/or enhancement of the natural environment. An open space assessment may be necessary if a Proposed Action could potentially have a direct or indirect effect on open space resources in the project area. A direct impact would "encroach on, or cause a loss of, open space," affect the facilities within an open space so that the open space no longer serves the same user population, or limit public access to an open space. Other direct affects include the imposition of noise, air pollutant emissions, odors, or shadows on public open space that may alter its usability. Use of the CPC Authorization would not directly affect any existing public open space or recreational resources in the area.

An indirect effect may occur when the population generated by a Proposed Action would be sufficient to noticeably diminish the ability of an area's open space to serve the existing or future population. According to the guidelines established in the *CEQR Technical Manual*, an action that would add fewer than 200 residents or 500 employees, or a similar number of other users to an area is typically not considered to have indirect effects on open space.

The proposed CPC Authorization could facilitate development that would indirectly affect open space. It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization. The Authorization's approval requires the completion of its own environmental review, specific to the proposed

development. That review would consider the possibility of any significant adverse impacts to open space resources, including those related to a net increase in residential or non-residential population, resulting from use of the CPC Authorization. In some instances, the development that requires the CPC Authorization would be subject to other discretionary approvals also subject to environmental review.

SHADOWS

A shadow assessment considers actions that result in new shadows long enough to reach a publicly accessible open space or historic resource (except within an hour and a half of sunrise or sunset). For actions resulting in structures less than 50 feet high, a shadow assessment is generally not necessary unless the site is adjacent to a park, historic resource, or important natural feature (if the features that make the structure significant depend on sunlight). According to the *CEQR Technical Manual*, some open spaces contain facilities that are not sunlight sensitive, and do not require a shadow analysis including paved areas (such as handball or basketball courts) and areas without vegetation.

The proposed CPC Authorization to allow a CCRC in an R1 or R2 district on a lot greater than 10 acres could facilitate development that would cast sufficient shadows to impact sun-sensitive resources. It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization. The CPC Authorization's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse shadows impacts, including those related to a net increase in building height and/or bulk, resulting from use of the CPC Authorization. In some instances, the development induced by the CPC Authorization would be subject to other discretionary approvals also subject to environmental review.

HISTORIC AND CULTURAL RESOURCES

Historic resources are defined as districts, buildings, structures, sites and objects of historical, aesthetic, cultural and archaeological importance. This includes properties that have been designated or are under consideration as New York City Landmarks or Scenic Landmarks or are eligible for such designation; properties within New York City Historic Districts; properties listed or formally determined eligible for the State and/or National Register of Historic Places; and National Historic Landmarks. According to the *CEQR Technical Manual* guidelines, a study area defined by a radius of 400 feet from the boundaries of the project site is typically adequate to assess potential impacts on historic/architectural resources.

The proposed CPC Authorization could facilitate development that would affect historic and cultural resources. It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization. The CPC Authorization's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to historic resources, including those related to the exterior appearances or context of architectural resources or new ground disturbance in archeological sensitive areas, resulting from use of the CPC Authorization. In some instances, the development that requires the CPC Authorization would be subject to other discretionary approvals also subject to environmental review.

URBAN DESIGN AND VISUAL RESOURCES

An area's urban components and visual resources together define the look and character of the neighborhood. The urban design characteristics of a neighborhood encompass the various components of buildings and streets in the area. These include building bulk, use and type; building arrangement; block form and street pattern; streetscape elements; street hierarchy; and natural features. An area's visual resources are its unique or important public view corridors, vistas, or natural or built features. For the CEQR analysis purposes, this includes only views from public and publicly accessible locations and does not include private residences or places of business.

An analysis of urban design and visual resources is appropriate if a Proposed Project would a) result in buildings that have substantially different height, bulk, form, setbacks, size, scale, use or arrangement than exists in an area; b) change block form, demap an active street or map a new street, or affect the street hierarchy, street wall, curb cuts, pedestrian activity or streetscape elements; or c) would result in above-ground development in an area that includes significant visual resources.

The proposed CPC Authorization could facilitate development that would affect the pedestrian perspective of an area's urban design and visual resources. It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization within the existing R1 and R2 districts across the city. The requirement that the lot be at least 10 acres and within a single-family district makes it likely that the existing urban design and visual resources of the neighborhood are characterized by a low density building fabric lacking streetwall continuity. The requirement that no building approved shall be closer than 200 feet from the nearest residence ensures that the low-density scale of the neighborhood would not be significantly and adversely affected by the Proposed Action.

The CPC Authorization's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse urban design and visual resources impacts, including those related to building form, streetscape, and/or views as experienced by pedestrians, resulting from use of the CPC Authorization. In some instances, the development that requires the CPC Authorization would be subject to other discretionary approvals also subject to environmental review.

HAZARDOUS MATERIALS

A hazardous material is any substance that poses a threat to human health or the environment. Substances that can be of concern include, but are not limited to, heavy metals, volatile and semi volatile organic compounds, methane, polychlorinated biphenyls and hazardous wastes (defined as substances that are chemically reactive, ignitable, corrosive, or toxic). According to the *CEQR Technical Manual*, the potential for significant impacts from hazardous materials can occur when: a) hazardous materials exist on a site, and b) an action would increase pathways to their exposure; or c) an action would introduce new activities or processes using hazardous materials.

In addition, in connection to previous rezoning actions, (E) designations have been placed related to Hazardous Materials in many parts of the directly affect area.

In general, R1 and R2 districts are not as likely to have hazardous materials issues as other zoning districts. Nevertheless, the proposed CPC Authorization could facilitate development that would have the potential to disturb existing hazardous materials and/or increase pathways to their exposure. It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization. The CPC Authorization's approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts due to hazardous materials, including those related to new ground disturbance, resulting from use of the CPC Authorization. In some instances, the development induced by the CPC Authorization would be subject to other discretionary approvals also subject to environmental review.

TRANSPORTATION

The objective of the transportation analysis is to determine whether a Proposed Action may have a potential significant impact on traffic operations and mobility, public transportation facilities and services, pedestrian elements and flow, safety of all roadway users (pedestrians, bicyclists, and vehicles), on-and off-street parking or goods movement.

The *CEQR Technical Manual* identifies minimum development densities that have the potential to result in significant adverse impacts to traffic conditions and therefore require a detailed traffic analysis. As shown in Table 16-1 of the *CEQR Technical Manual*, actions with a single or multiple land uses which may result in fewer than 50 peak hour vehicle trips are generally unlikely to cause significant adverse impacts.

According to the general thresholds used by the MTA New York City Transit (NYCT) specified in the *CEQR Technical Manual*, detailed transit analysis is not required if a Proposed Action would result in less than 200 peak hour rail or bus transit riders at a particular facility. In addition, a detailed pedestrian analysis is not required if a Proposed Action would result in less than 200 peak hour pedestrian trips.

The proposed CPC Authorization could facilitate development that would generate an increase of 50 peak hour vehicle trips, 200 peak hour rail or bus transit riders, and/or 200 peak hour pedestrian trips. It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization.

The definition of a CCRC requires that the development consist of one or more buildings (on adjacent or contiguous zoning lots or zoning lots that would be contiguous but for their separation by a street) where 50 percent of the total units and beds included in any CCRC, nursing home, and assisted living facility uses on the same lot (or contiguous lots) are allocated for exclusive nursing home or assisted living facility uses. Residents of nursing homes and assisted living facilities have limited physical mobility, and are thus very unlikely to own cars. As a result, only the 50 percent or fewer beds or units developed as part of a CCRC may be allocated towards independent living, whose residents have car ownership rates that more closely resemble those of the general population.

The CPC Authorization approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse transportation impacts, including those related to an increase in residential units or commercial square footage, resulting from use of the CPC Authorization. Under the proposed new CPC Authorization, the CPC may allow a reduction of off-street parking spaces only if such a reduction would facilitate the development of income-restricted housing units, where the anticipated automobile patterns for residents are minimal, where the reduction would not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area, and where the reduction would result in a better site plan with better quality open spaces. The environmental review conducted in support of such a reduction would also have to consider the development that would be facilitated by such a reduction. If the environmental review finds a potential for adverse impacts that could, individually or in combination, be considered significant, the CPC would have the authority to prescribe the necessary mitigation to offset and/or minimize those adverse effects including those that would address impacts that contribute to serious traffic congestion or would unduly inhibit vehicular and pedestrian movement.

In some instances, the development that requires the CPC Authorization would be subject to other discretionary approvals also subject to environmental review.

AIR QUALITY

According to the guidelines provided in the *CEQR Technical Manual*, air quality analyses are conducted in order to assess the effect of an action on ambient air quality (i.e., the quality of the surrounding air), or effects on the project because of ambient air quality. Air quality can be affected by “mobile sources,” pollutants produced by motor vehicles, and by pollutants produced by fixed facilities, i.e., “stationary sources.” As per the *CEQR Technical Manual*, an air quality assessment should be carried out for actions that can result in either significant mobile source or stationary source air quality impacts.

The proposed CPC Authorization could facilitate development that would substantively increase the number of motor vehicles and/or introduce fixed emission sources to sensitive receptors. It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization. The CPC Authorization approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to ambient air quality, including those related to motor vehicles and/or new or existing stationary sources, resulting from use of the CPC Authorization. In some instances, the development that requires the CPC Authorization would be subject to other discretionary approvals also subject to environmental review.

NOISE

The purpose of a noise analysis is to determine both (1) a Proposed Action’s potential effects on sensitive noise receptors, including the effects on the level of noise inside residential, commercial, and institutional facilities (if applicable) and (2) the effects of ambient noise levels on new sensitive uses introduced by the Proposed Action. The principal types of noise sources affecting the New York City environment are mobile sources (primarily motor vehicles), stationary sources (typically machinery or mechanical equipment associated with manufacturing operations or building heating, ventilating and air conditioning systems) and construction noise.

The proposed CPC Authorization could facilitate development that would introduce noise sources to sensitive receptors. It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization. The CPC Authorization approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse noise impacts, including those related to new noise sources and/or sensitive receptors such as residential uses, resulting from use

of the CPC Authorization. In some instances, the development that requires the CPC Authorization would be subject to other discretionary approvals also subject to environmental review.

NEIGHBORHOOD CHARACTER

Neighborhood character is an amalgam of various elements that give neighborhoods their distinct “personality.” According to the CEQR Technical Manual, a preliminary assessment may be appropriate if a project has the potential to result in any significant adverse impacts on any of the following impact categories: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; or noise.

The proposed CPC Authorization could facilitate development that would affect neighborhood character. It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization. Generally, the effect on neighborhood character is expected to be a positive one as a result of the proposed discretionary actions, by facilitating the development of development that improves the pedestrian experience and increases the number of residential units and other uses.

The CPC Authorization approval requires the completion of its own environmental review, specific to the proposed development. That review would consider the possibility of any significant adverse impacts to neighborhood character resulting from use of the CPC Authorization.

It is not possible to predict the size, nature and location of development that could be induced by the CPC Authorization within the existing R1 and R2 districts across the city. The requirement that the lot be at least 10 acres and within a single-family district makes it likely that the existing urban design and visual resources of the neighborhood are characterized by a low density building fabric lacking streetwall continuity. The requirement that no building approved shall be closer than 200 feet from the nearest residence ensures that the low-density scale of the neighborhood would not be significantly and adversely affected by the Proposed Action.

Moreover, under the proposed new CPC Authorization, the CPC may authorize such development only if the applicant can demonstrate that the proposed facility, including the scale and placement of buildings, would not impair the essential character of the surrounding area; and that an adequate buffer exists between the proposed facility and nearby residences. In order to make such a finding, the CPC may consider proposed building access, orientation and landscaping. This allows the CPC, when appropriate, to prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

In some instances, the development induced by the CPC Authorization would be subject to other discretionary approvals also subject to environmental review.

CONCLUSION

Under the proposed new CPC Authorization, the CPC may allow the development of a Continuing Care Retirement Community on a large lot in an R1 or R2 district only when they can find that the proposed facility, including the scale and placement of the buildings, would not impair the essential character of the surrounding area, and when an adequate buffer exists between the proposed facility and nearby residences. This allows the CPC, when appropriate, to prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. As a result, it is not expected that development allowed under the CPC Authorization would result in any significant adverse impacts.

Use of the CPC Authorization may induce new development, the location, nature and size of which cannot be predicted. This development could result in a potential for significant adverse impacts. Any induced development would be considered in the environmental review of an individual CPC Authorization application, and impacts and mitigations would be identified therein.

APPENDIX C: SPECIAL DISTRICT APPLICABILITY

Special District	Clarify allowable width for ground floor commercial use obstructions	Clarify and simplify ground floor use reqs	Remove unnecessary corner lot coverage restrictions	Update floor area ratio maximum for AIRS and LTC	Provide improved yard and coverage regulations for shallow lots	Adjust rear setback controls in mod- and high-density districts	Adjust height controls in moderate- and high-density districts for general residential uses	Adjust height controls for IH, AIRS and LTC	Changes to parking reqs for affordable and affordable senior housing
82 - Lincoln Square District									
84 - Battery Park City District									
88 - Hudson Square District	x	x			x	x	x	x	
93 - Hudson Yards District	x								
96 - Clinton District									
97 - 125 th Street District	x		x						
98 - West Chelsea District			x				x	x	
104 - Manhattanville Mixed Use District			x				x		
109 - Little Italy District			x						
111 - Tribeca Mixed Use District			x				x	x	
118 - Union Square District									
86 - Forest Hills District	x								
115 - Downtown Jamaica District	x		x				x	x	
117 - Long Island City Mixed Use District			x				x		
124 - Willets Point District	x	x							
125 - Southern Hunters Point District									
87 - Harlem River Waterfront District	x	x							
112 - City Island District	x								

101 – Downtown Brooklyn District	x		x				x	x	x
131 - Coney Island District		x							
116 - Stapleton Waterfront District							x		
128 - St. George District	x	x	x				x		x
123 - Mixed Use District			x		x			x	
132 - Enhanced Commercial District	x	x							
62 - Waterfront				x			x	x	

Special District	Clarify use location regs that inadvertently prohibit mixing of residential and CF	Clarify use conversion regs that inadvertently prohibit CF	Clarify and simplify ground floor transparency requirements	Clarify ground floor commercial use depth requirements	Modify unnecessary window regulations	Align security gate requirements w/ Local Law	Remove unnecessary glazing requirement
82 - Lincoln Square District			x				
84 - Battery Park City District	x						
88 - Hudson Square District		x	x	x			
93 - Hudson Yards District	x		x	x		x	
96 - Clinton District			x				
97 - 125 th Street District	x		x			x	
98 - West Chelsea District	x					x	
104 - Manhattanville Mixed Use District				x			
109 - Little Italy District					x		
111 - Tribeca Mixed Use District	x				x		
118 - Union Square District			x				x
86 - Forest Hills District	x		x	x		x	
115 - Downtown Jamaica District			x	x			
117 - Long Island City Mixed Use District	x		x				
124 - Willets Point District	x		x	x			
125 - Southern Hunters Point District	x					x	
87 - Harlem River Waterfront District	x		x	x			
112 - City Island District			x			x	

101 – Downtown Brooklyn District			x				
131 - Coney Island District	x		x	x		x	
116 - Stapleton Waterfront District			x	x			
128 - St. George District	x		x	x		x	
123 - Mixed Use District	x				x		
132 - Enhanced Commercial District			x	x			
62 - Waterfront			x				

APPENDIX D: WRP

Date Received: _____

DOS no.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

6. Will the proposed project require the preparation of an environmental impact statement?
Yes _____ No _____ If yes, identify Lead Agency:

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

C. COASTAL ASSESSMENT

Location Questions:

Yes

No

1. Is the project site on the waterfront or at the water's edge?

2. Does the proposed project require a waterfront site?

3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?

Policy Questions

Yes

No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)

5. Is the project site appropriate for residential or commercial redevelopment? (1.1)

6. Will the action result in a change in scale or character of a neighborhood? (1.2)

Policy Questions cont'd
Yes No

7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)

8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)

9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)

10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)

11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)

12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)

13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)

14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)

15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)

16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)

17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)

18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)

19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)

20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)

21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)

22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)

23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)

24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)

25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)

26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)

27. Will any activity associated with the project generate nonpoint source pollution? (5.2)

28. Would the action cause violations of the National or State air quality standards? (5.2)

Policy Questions cont'd**Yes No**

29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)

30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)

31. Would the proposed action have any effects on surface or ground water supplies? (5.4)

32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)

33. Would the action result in any construction activities that would lead to erosion? (6)

34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)

35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)

36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)

37. Would the proposed project affect a non-renewable source of sand ? (6.3)

38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)

39. Would the action affect any sites that have been used as landfills? (7.1)

40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)

41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)

42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)

43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)

44. Would the action result in the provision of open space without provision for its maintenance? (8.1)

45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)

46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)

47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)

48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)

49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)

50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)

Policy Questions cont'd**Yes No**

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

D. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: _____

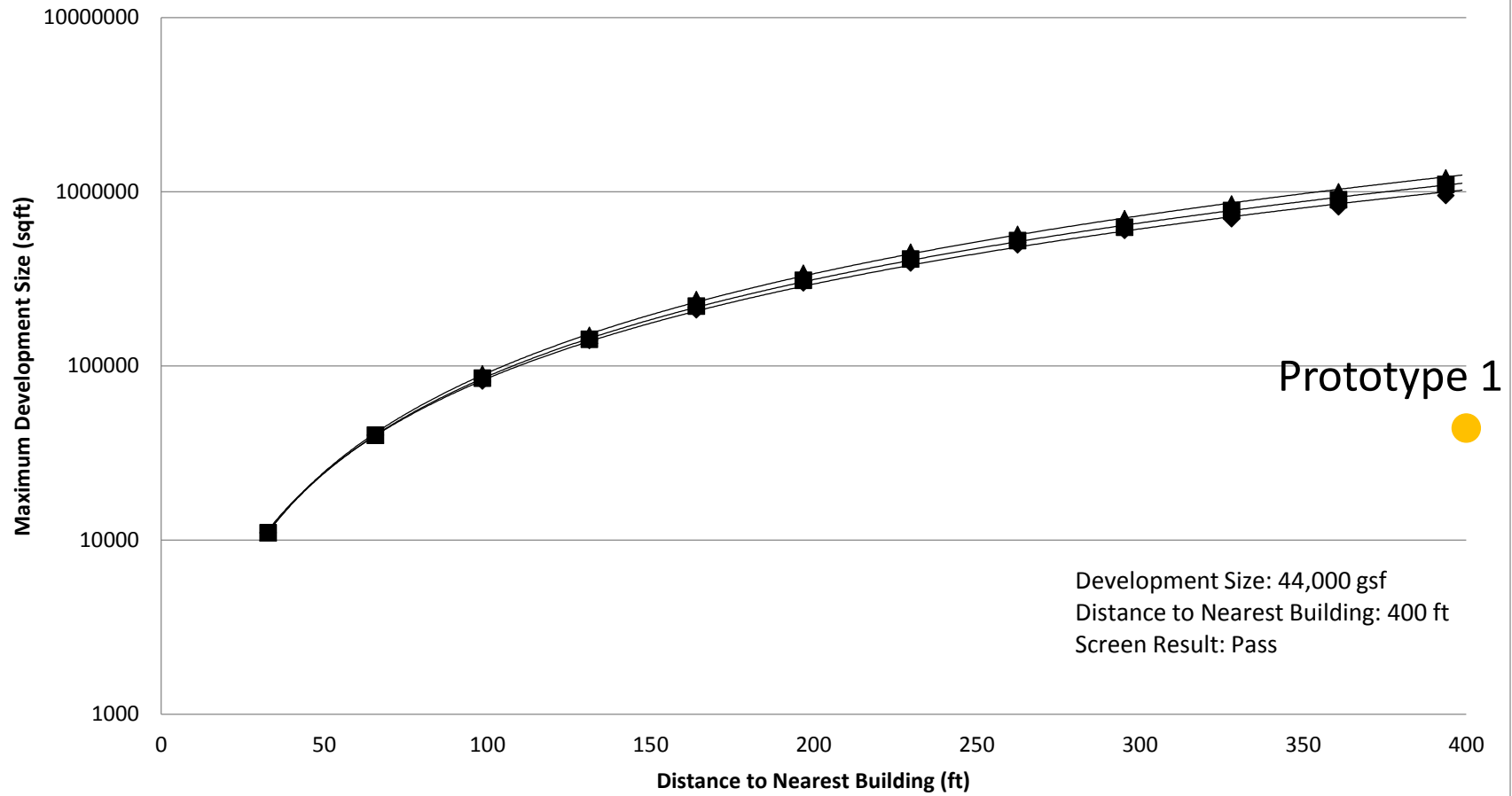
Address: _____

_____ Telephone _____

Applicant/Agent Signature: _____ Date: _____

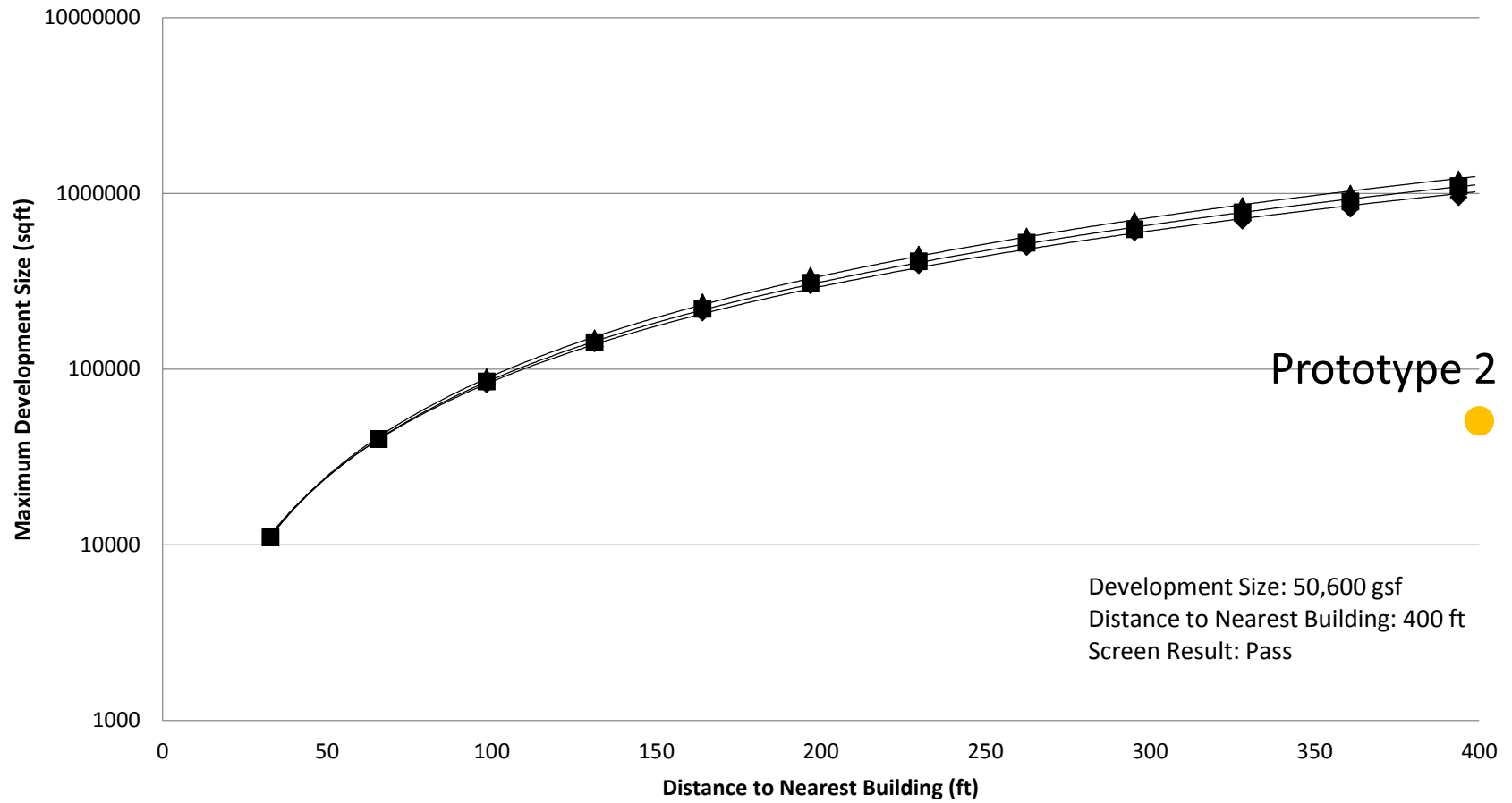
APPENDIX E: AIR SCREENING

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



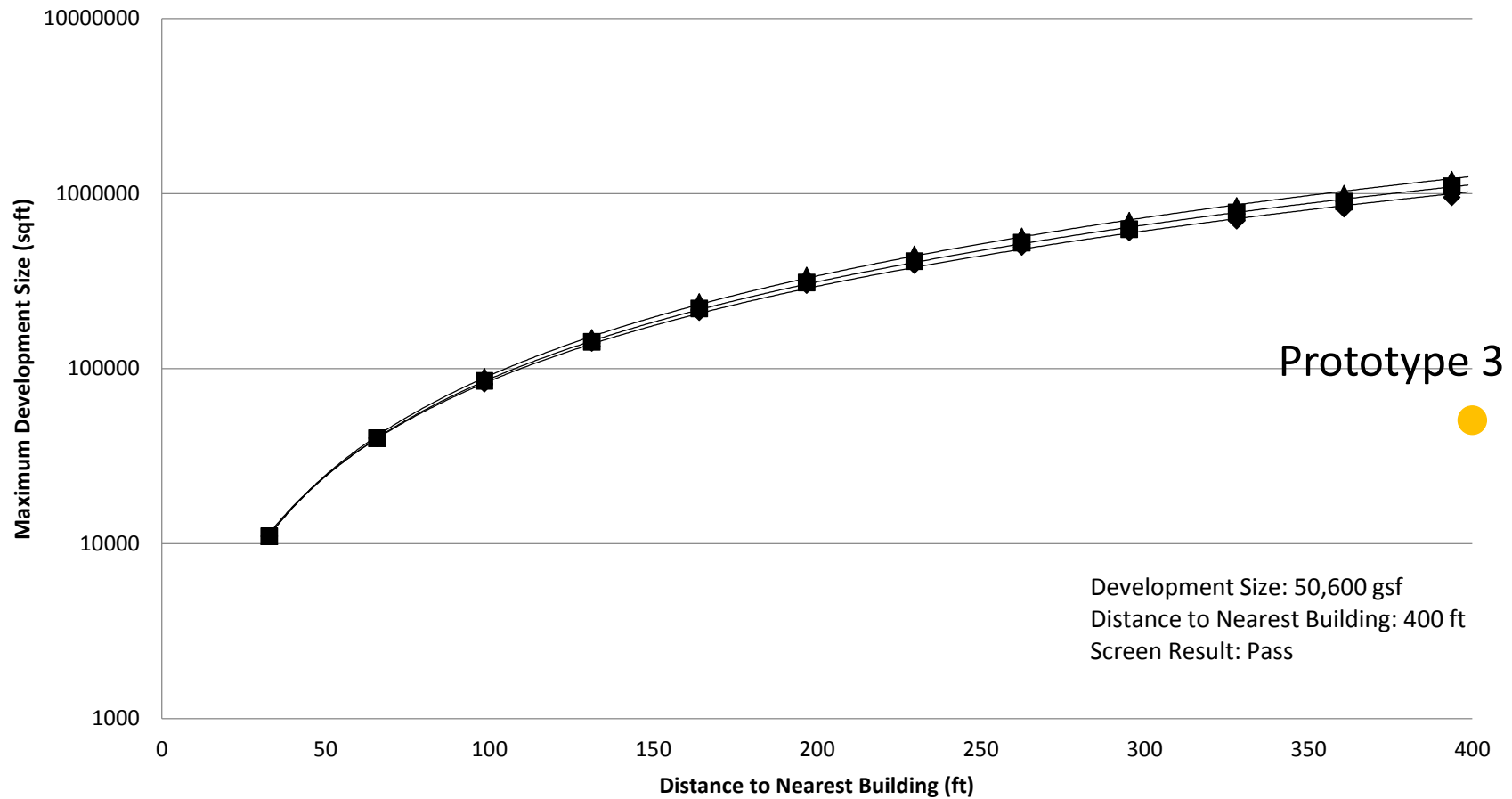
Screening Analysis for Prototype 1

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



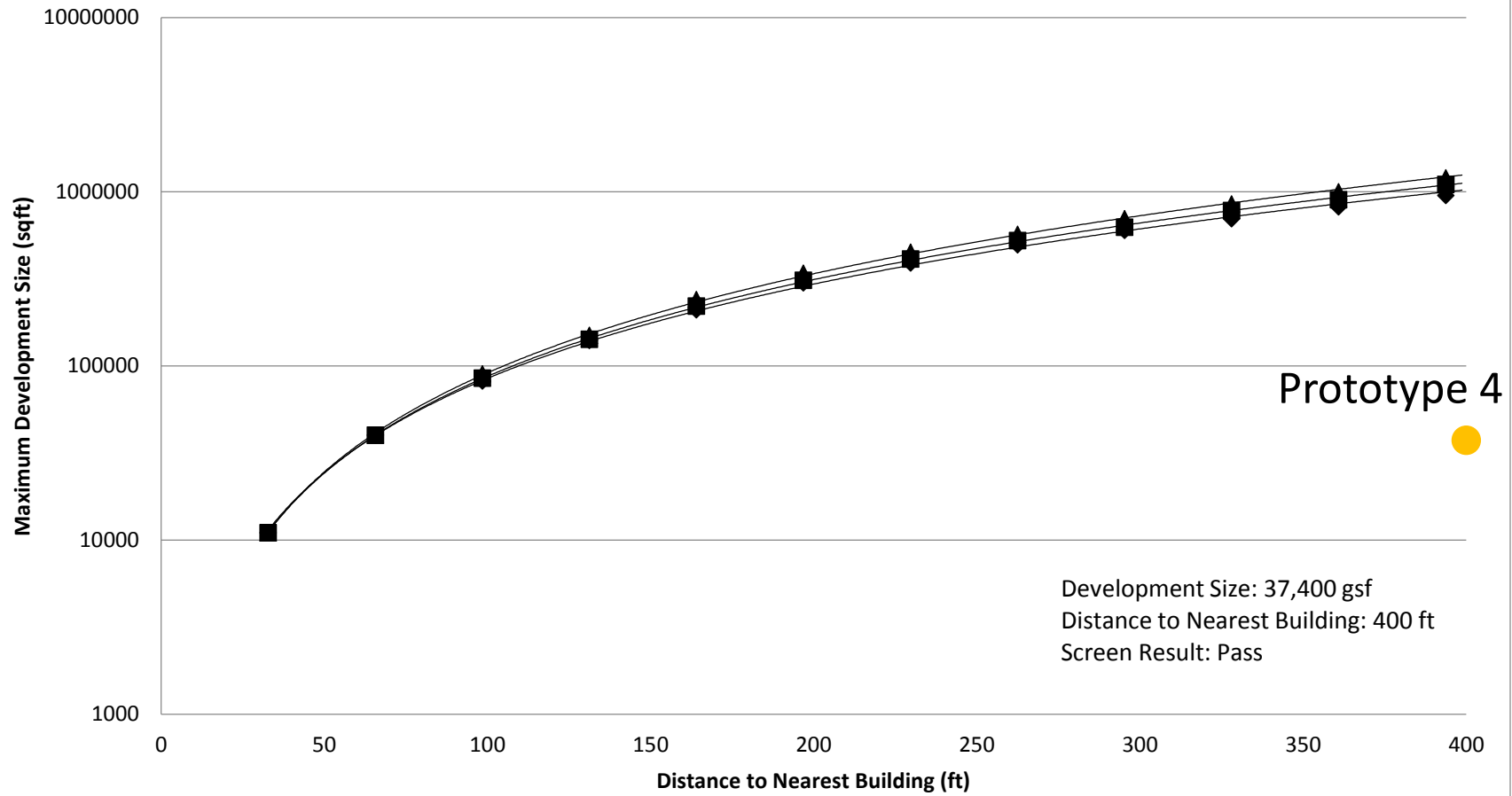
Screening Analysis for Prototype 2

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



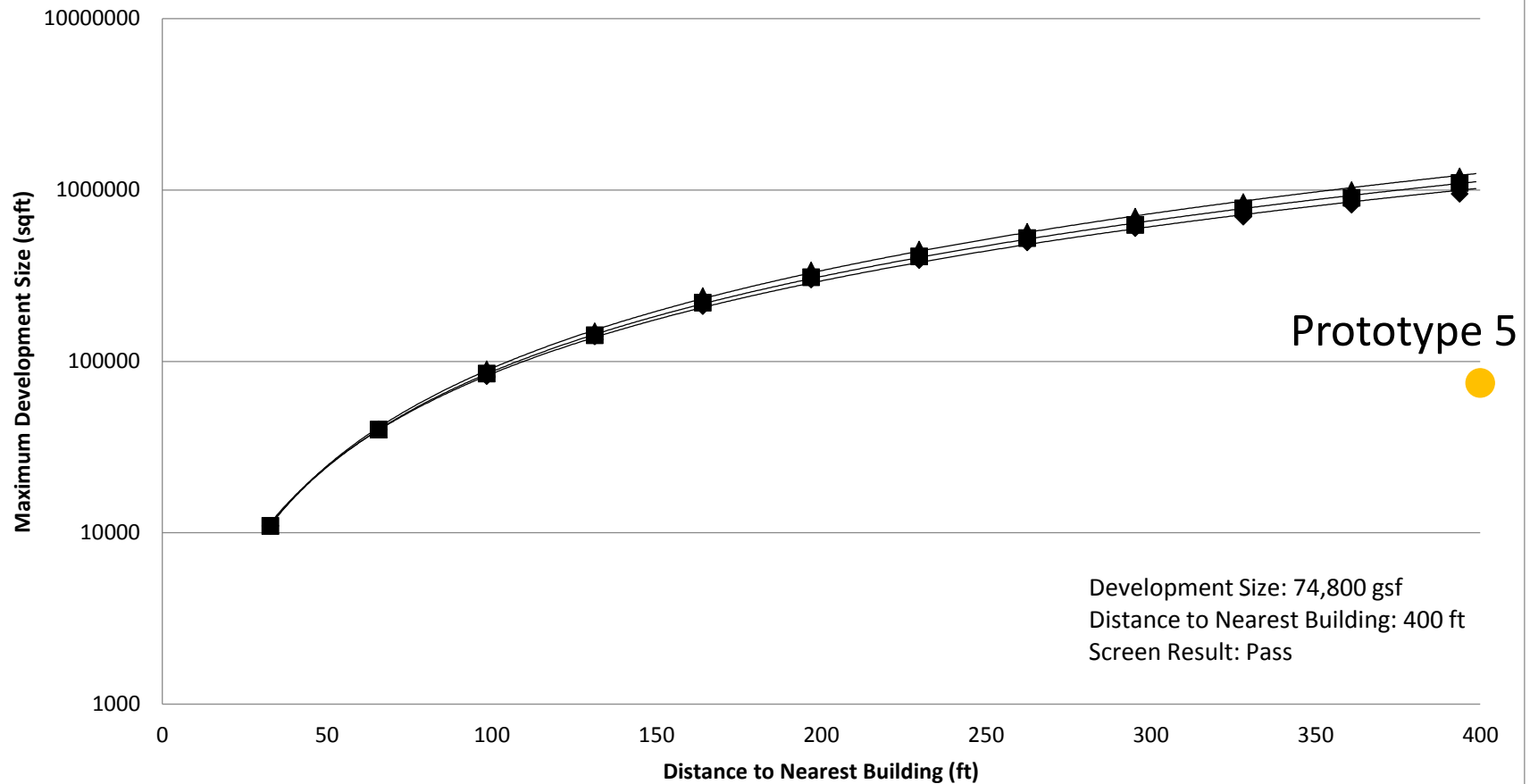
Screening Analysis for Prototype 3

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



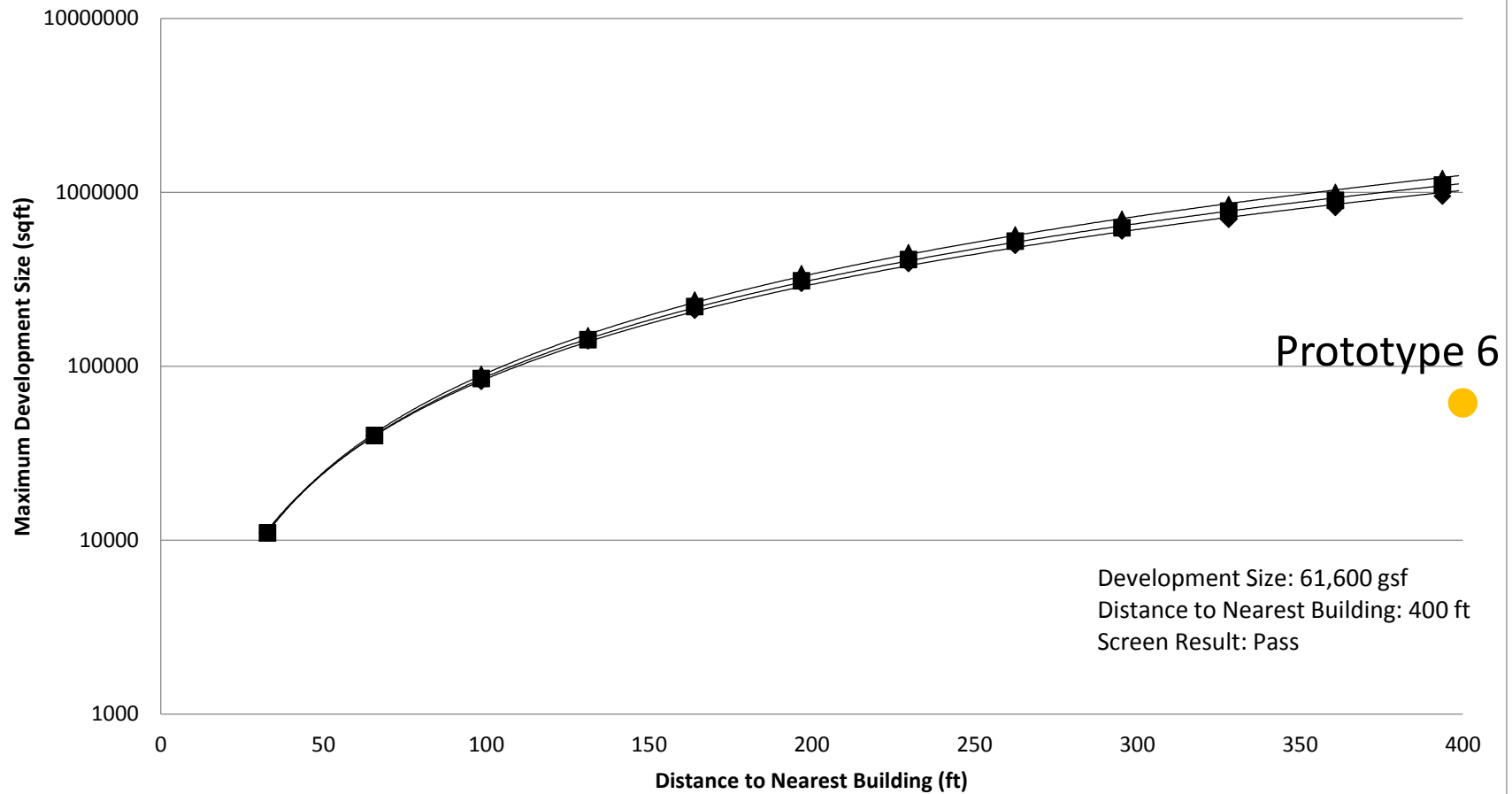
Screening Analysis for Prototype 4

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



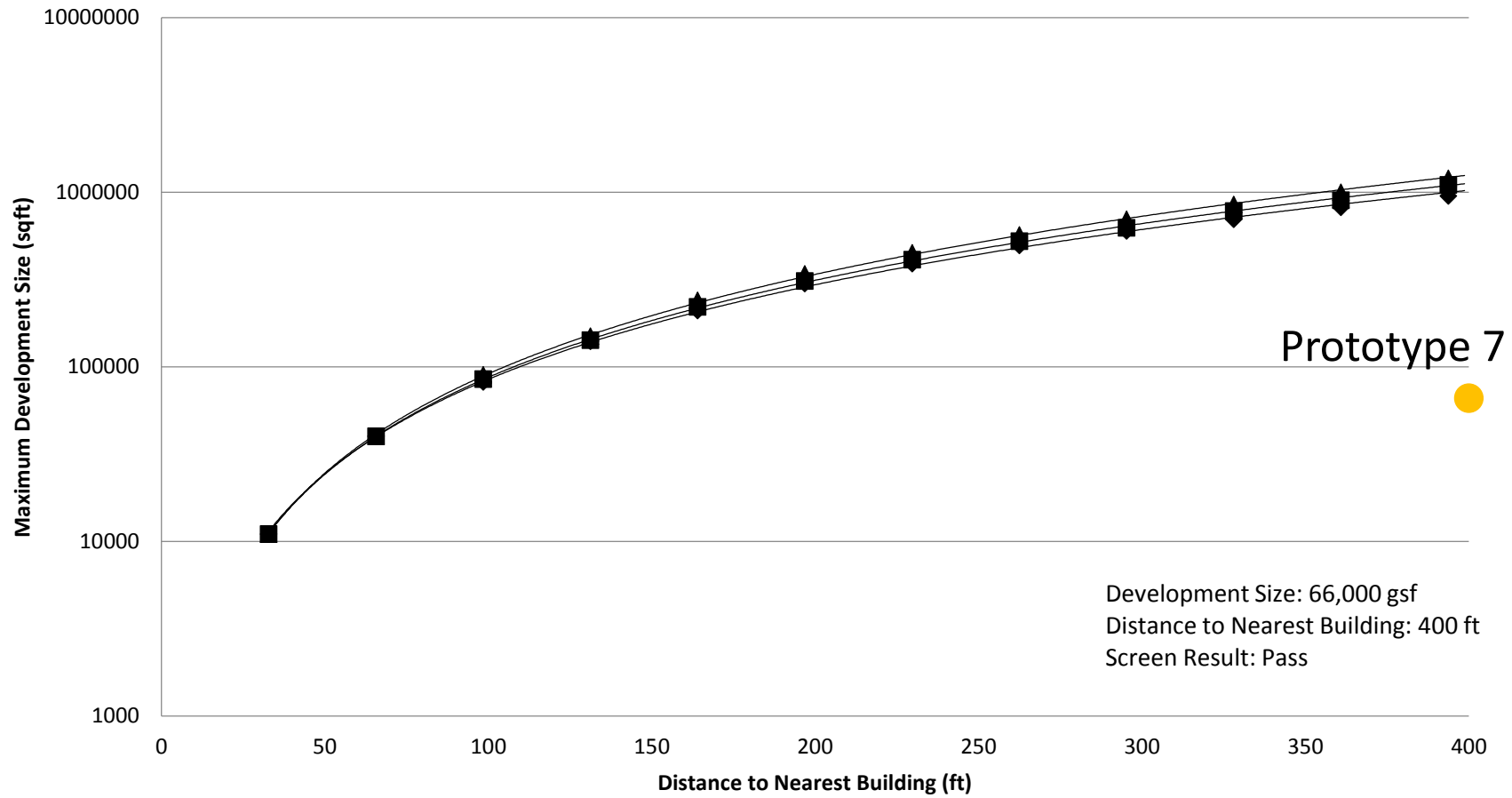
Screening Analysis for Prototype 5

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



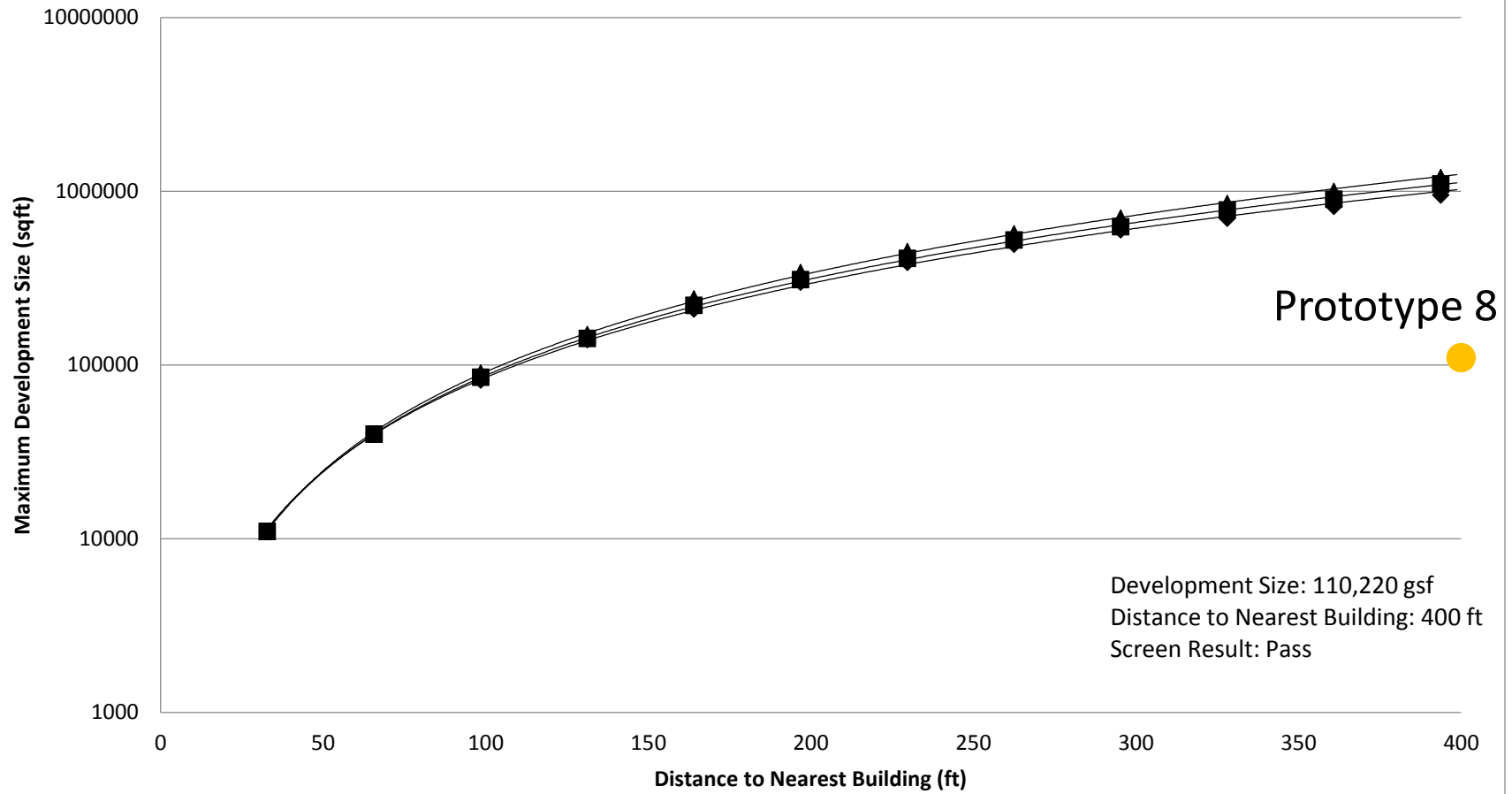
Screening Analysis for Prototype 6

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



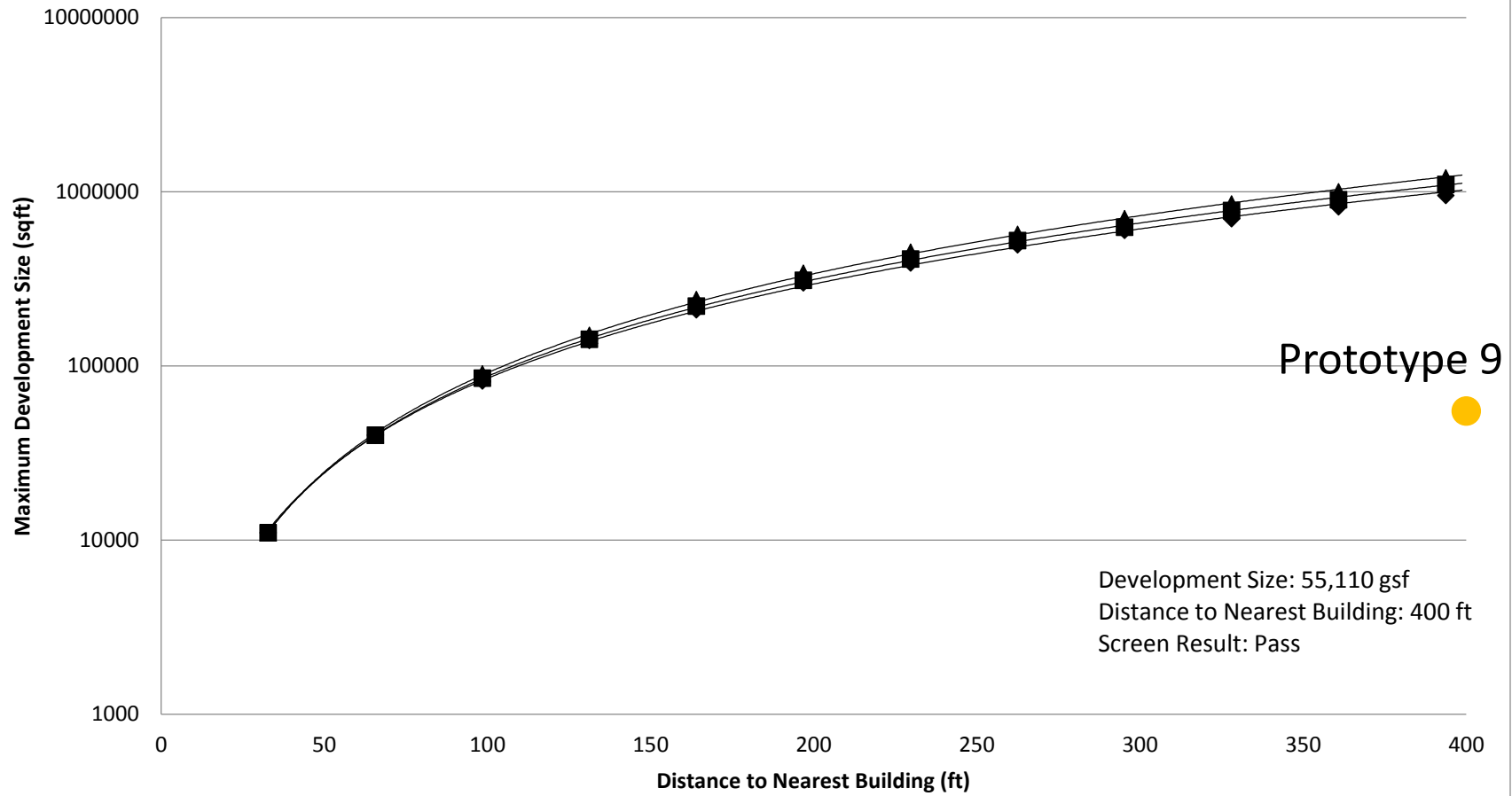
Screening Analysis for Prototype 7

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



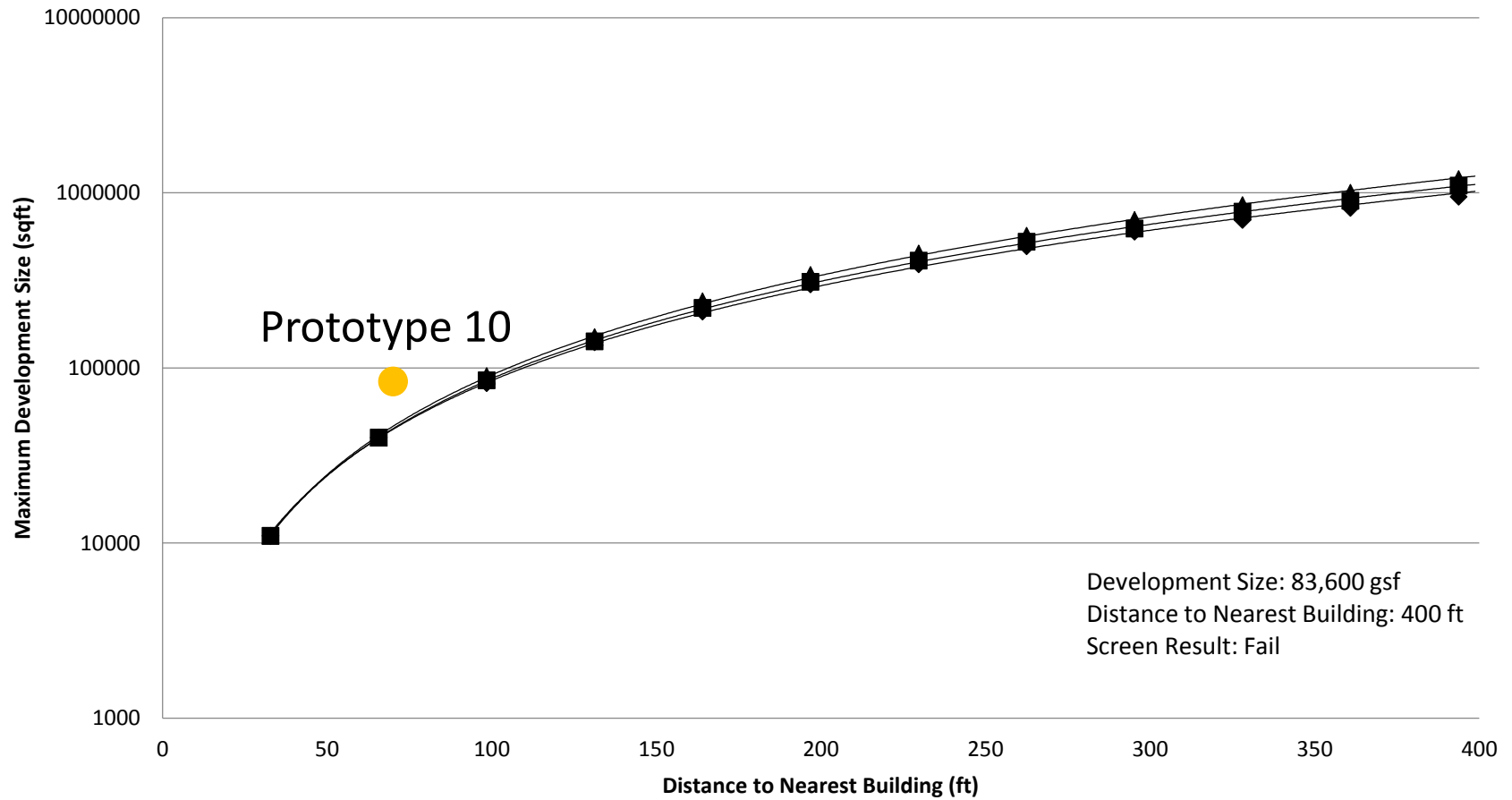
Screening Analysis for Prototype 8

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



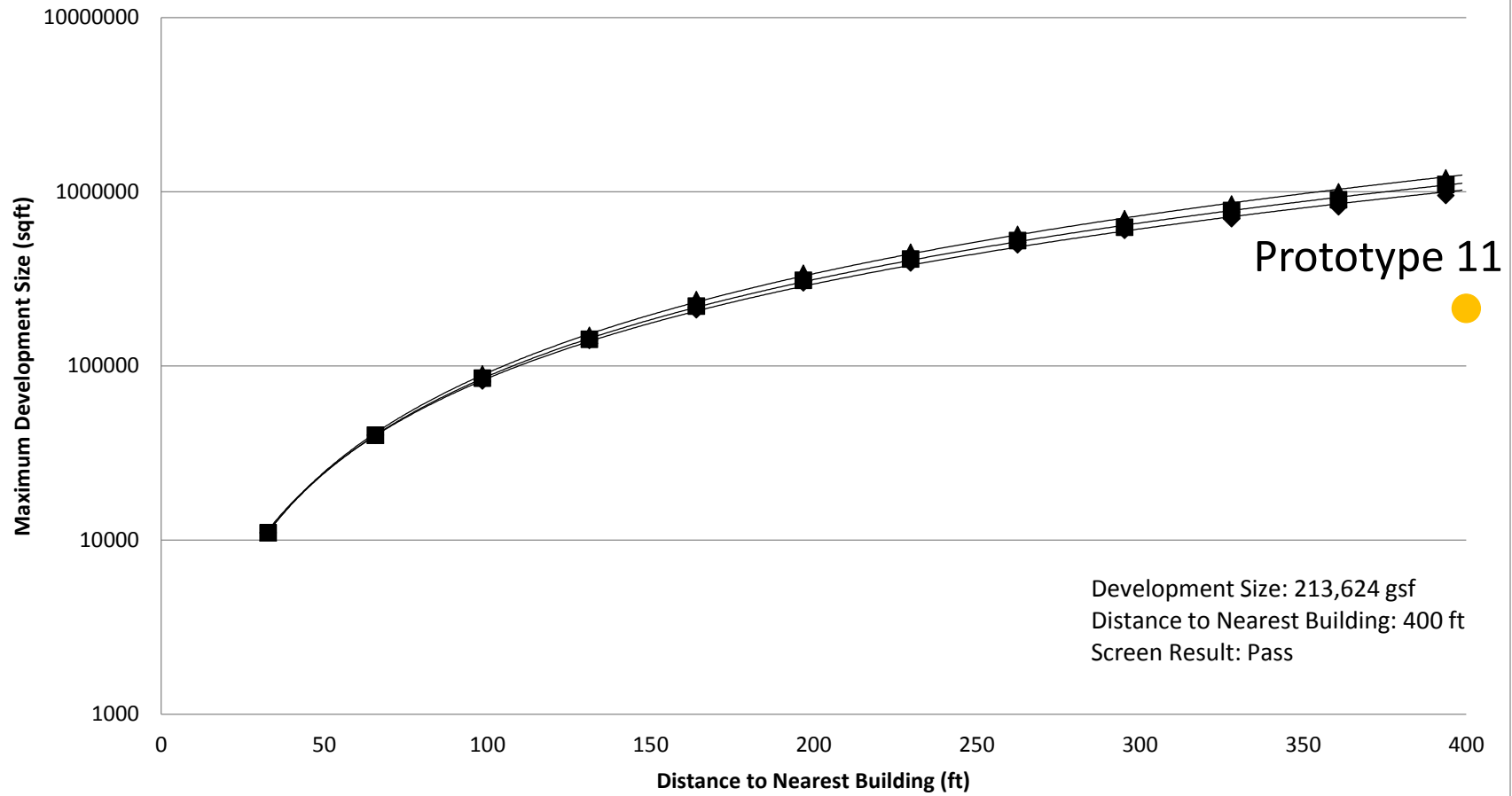
Screening Analysis for Prototype 9

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



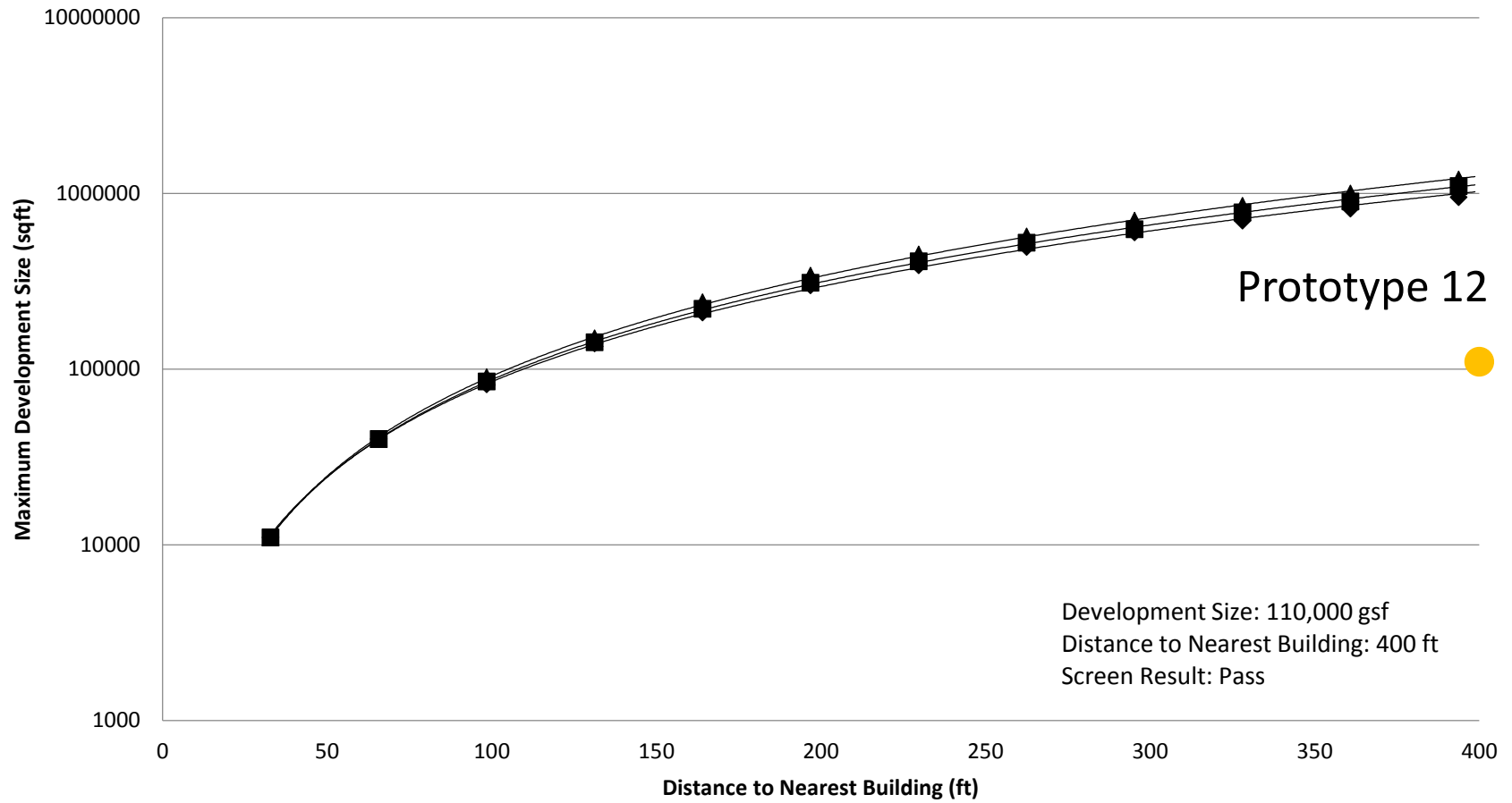
Screening Analysis for Prototype 10

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



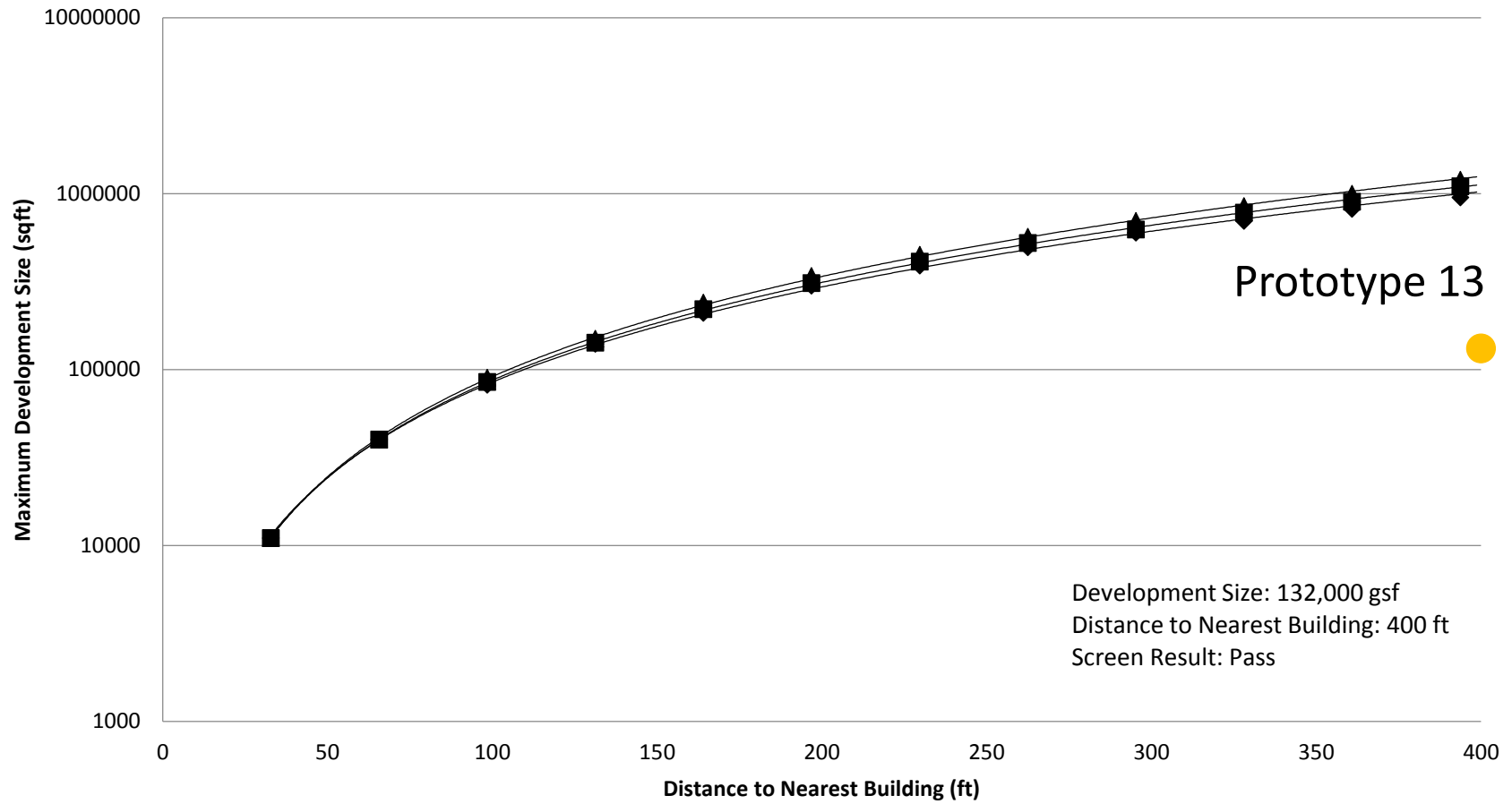
Screening Analysis for Prototype 11

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



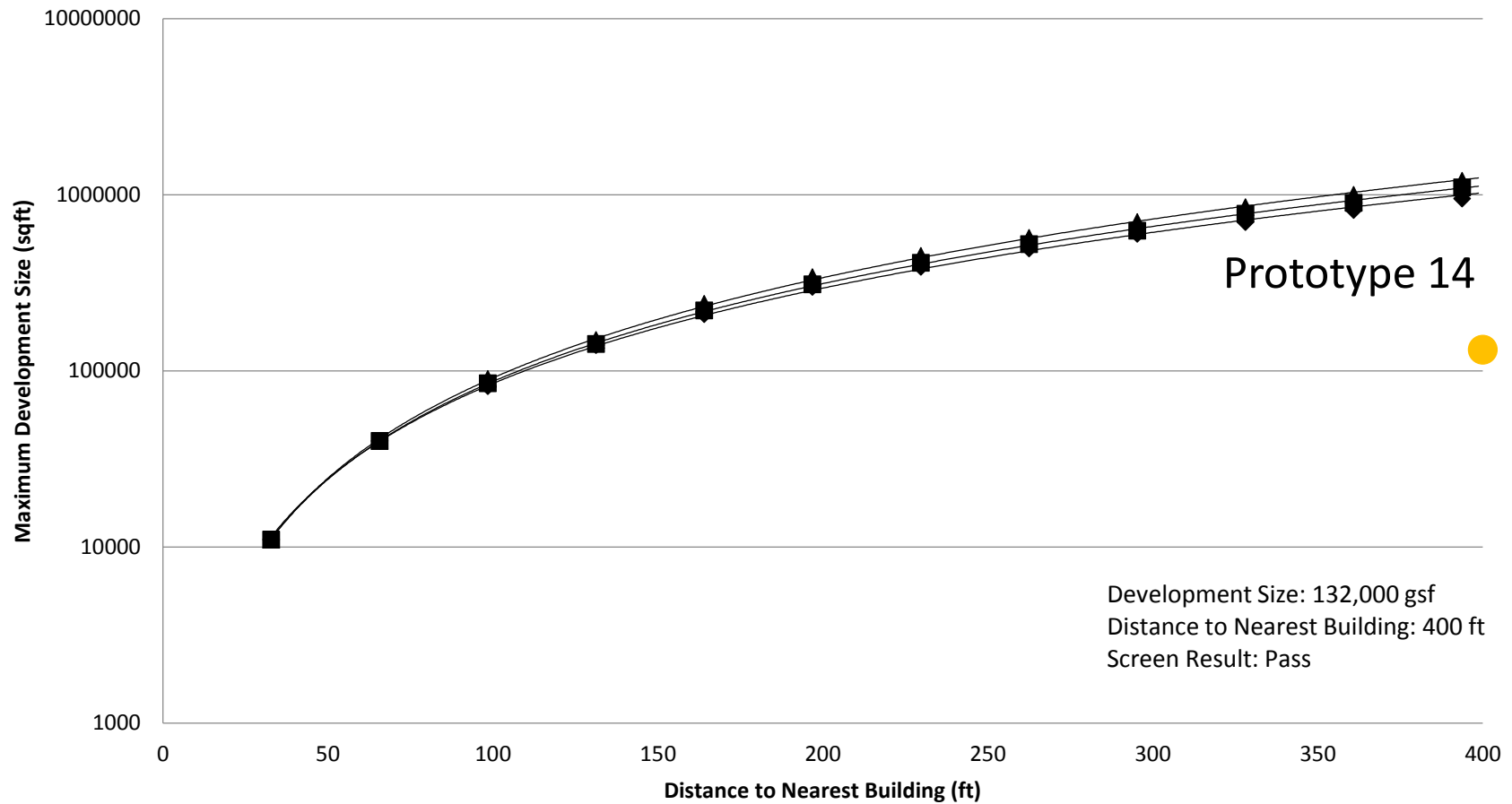
Screening Analysis for Prototype 12

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



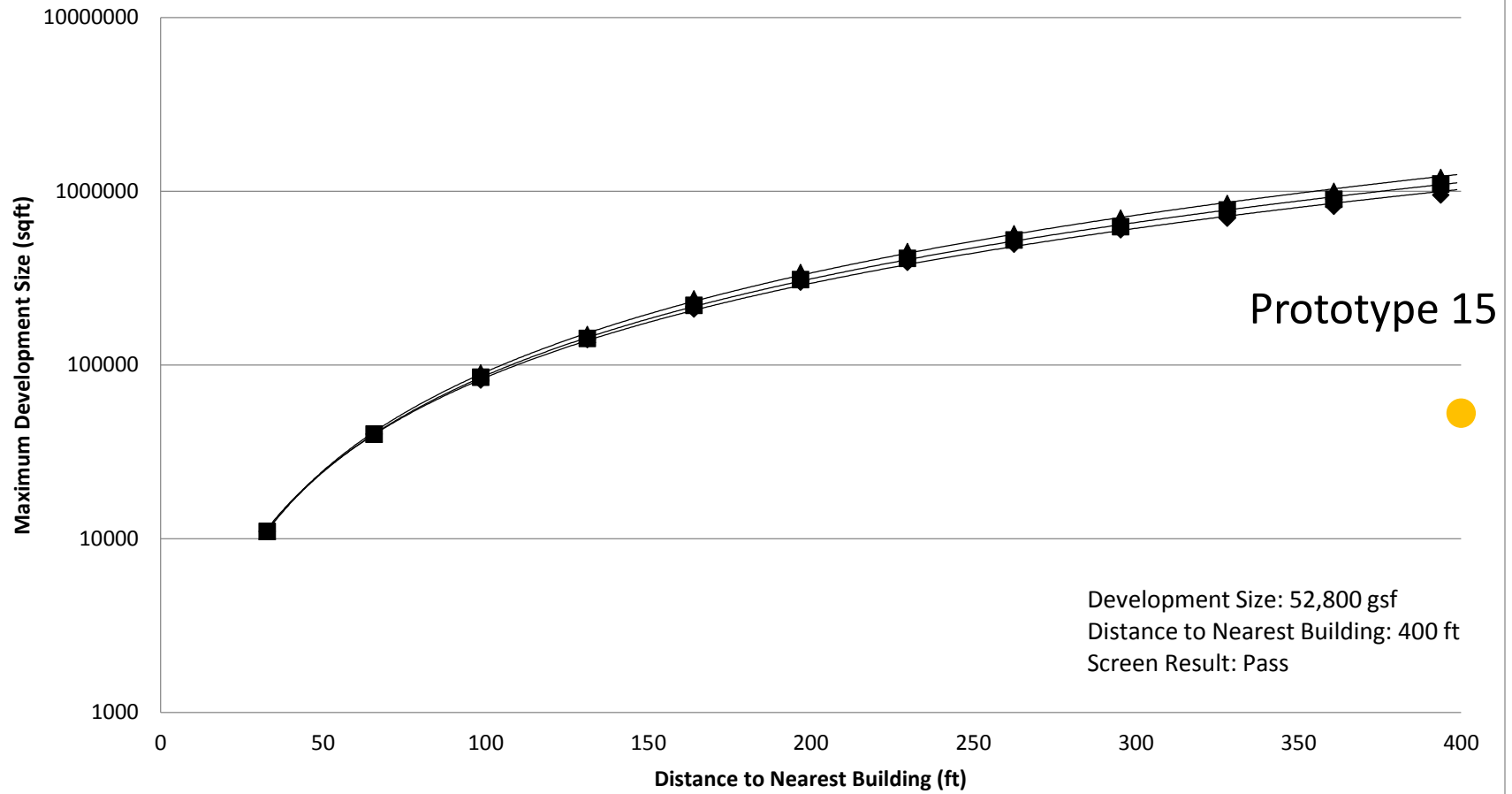
Screening Analysis for Prototype 13

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



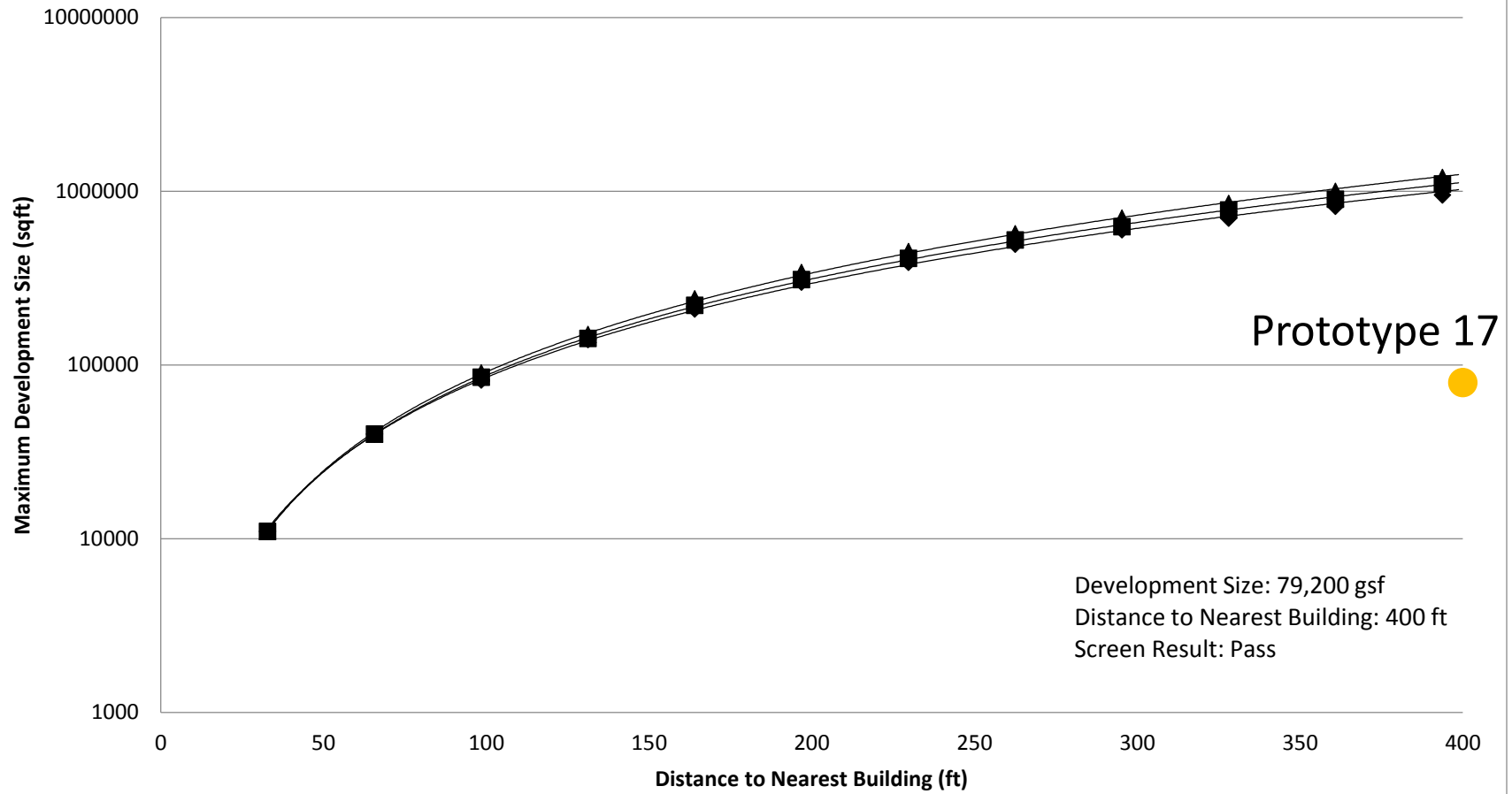
Screening Analysis for Prototype 14

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



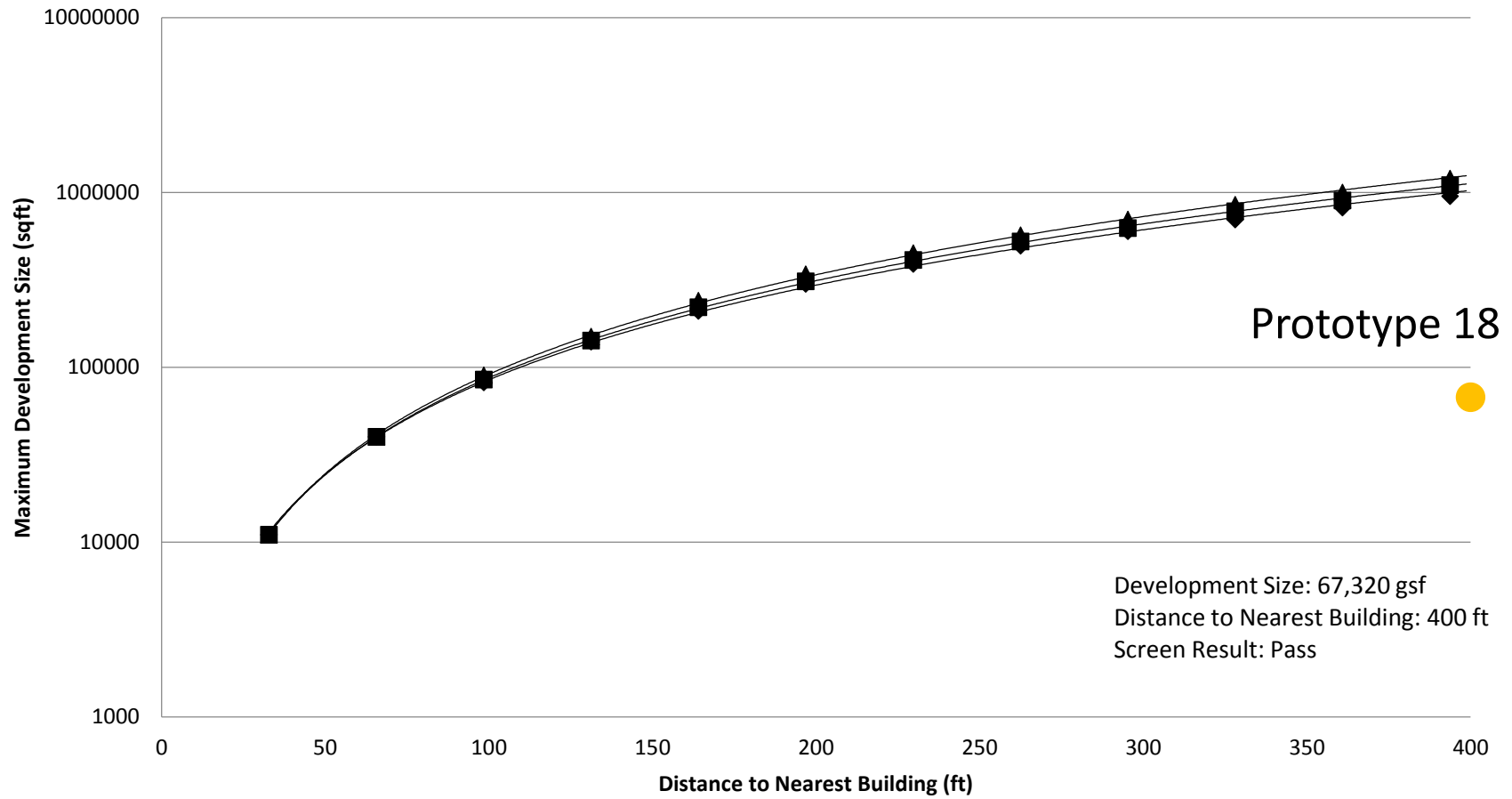
Screening Analysis for Prototype 15

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



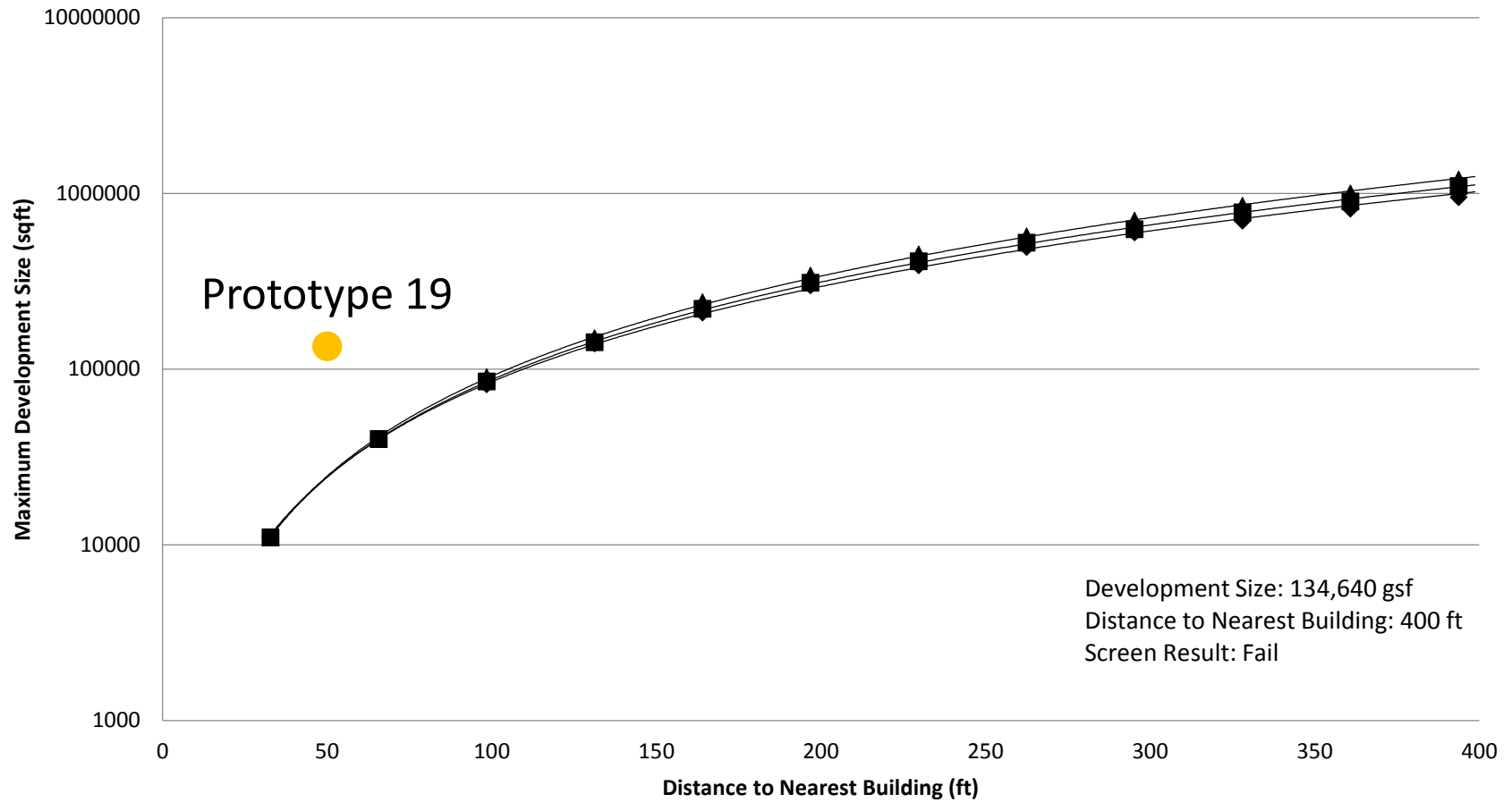
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Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



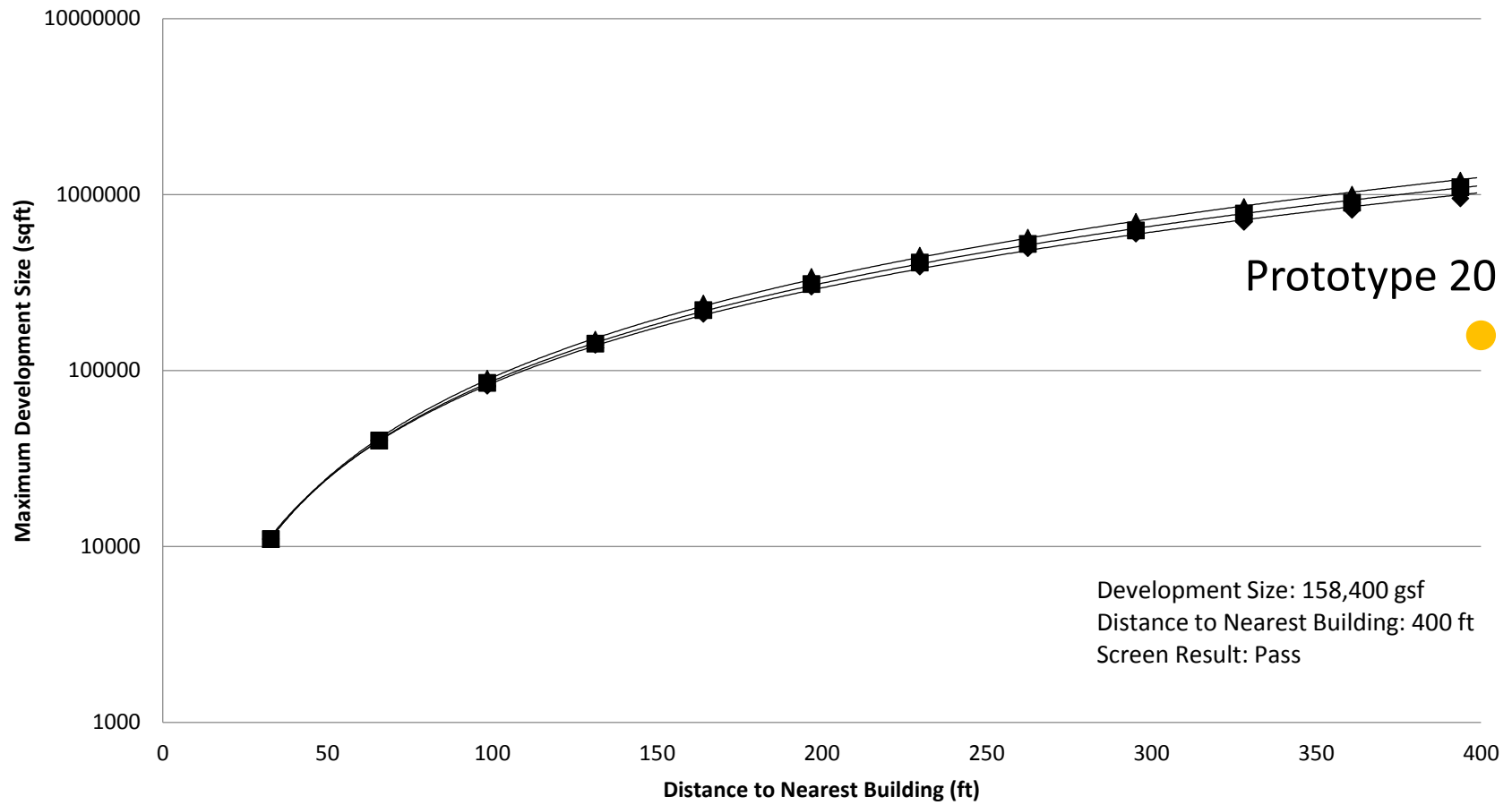
Screening Analysis for Prototype 18

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



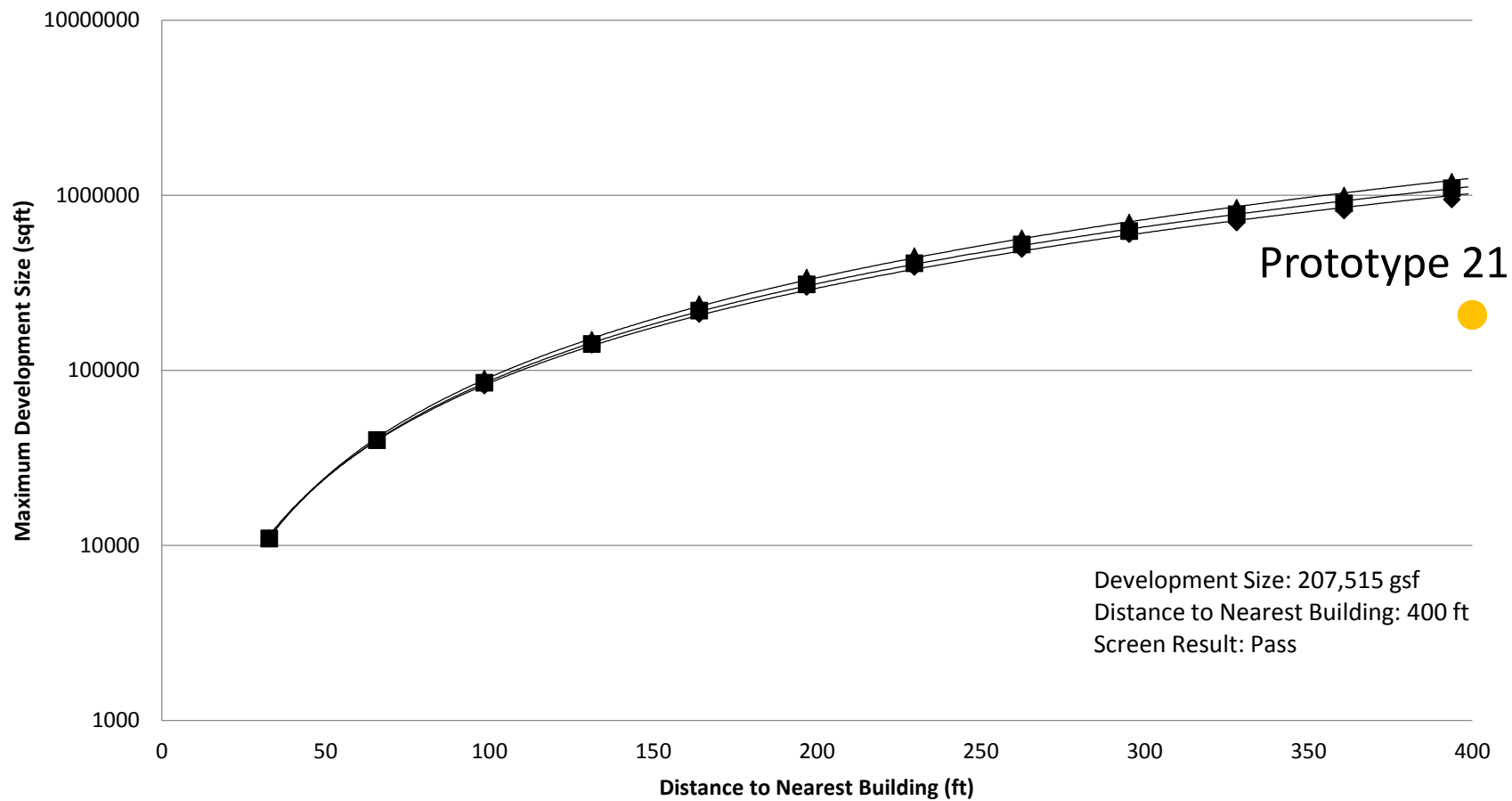
Screening Analysis for Prototype 19

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



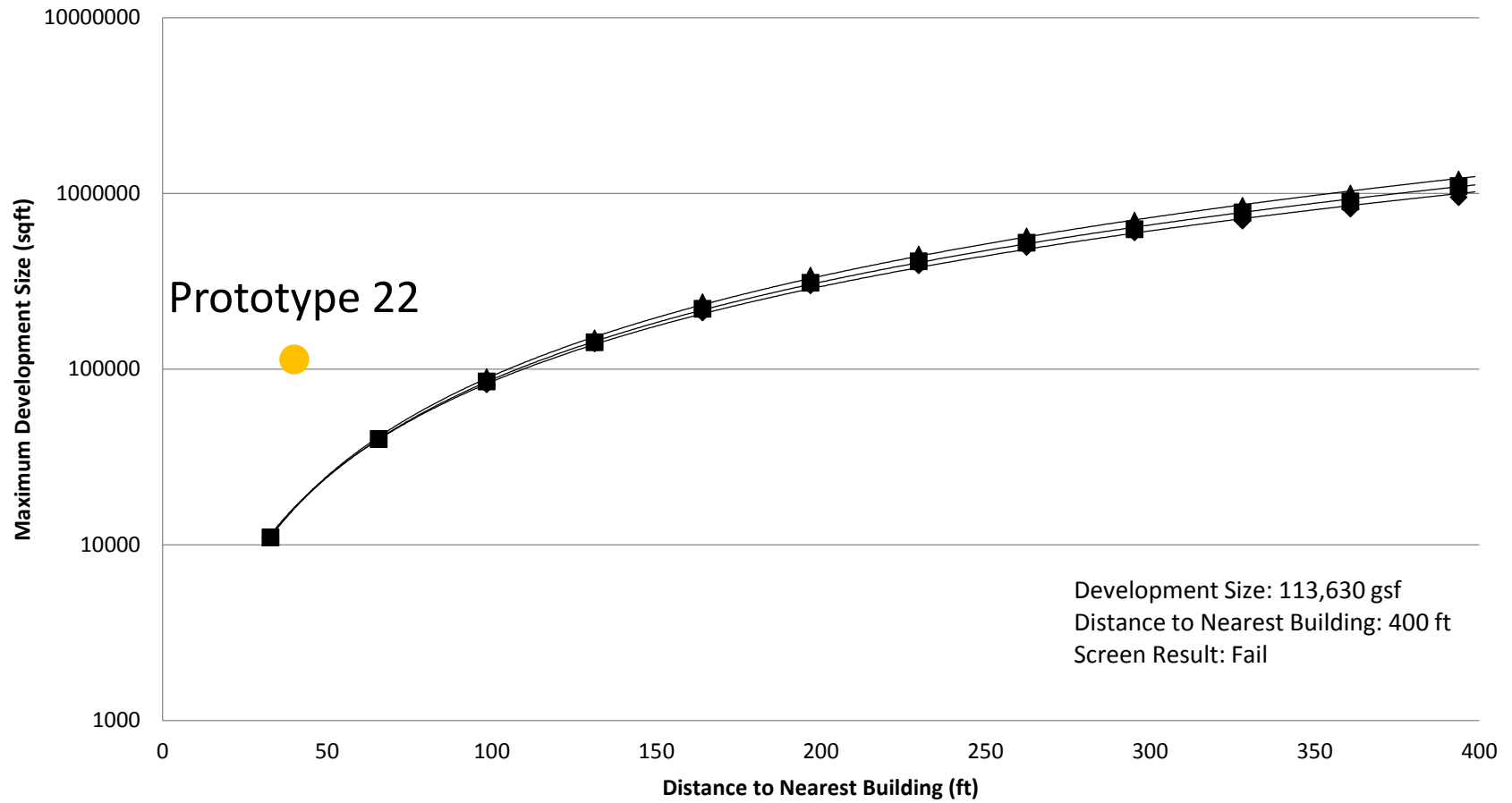
Screening Analysis for Prototype 20

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



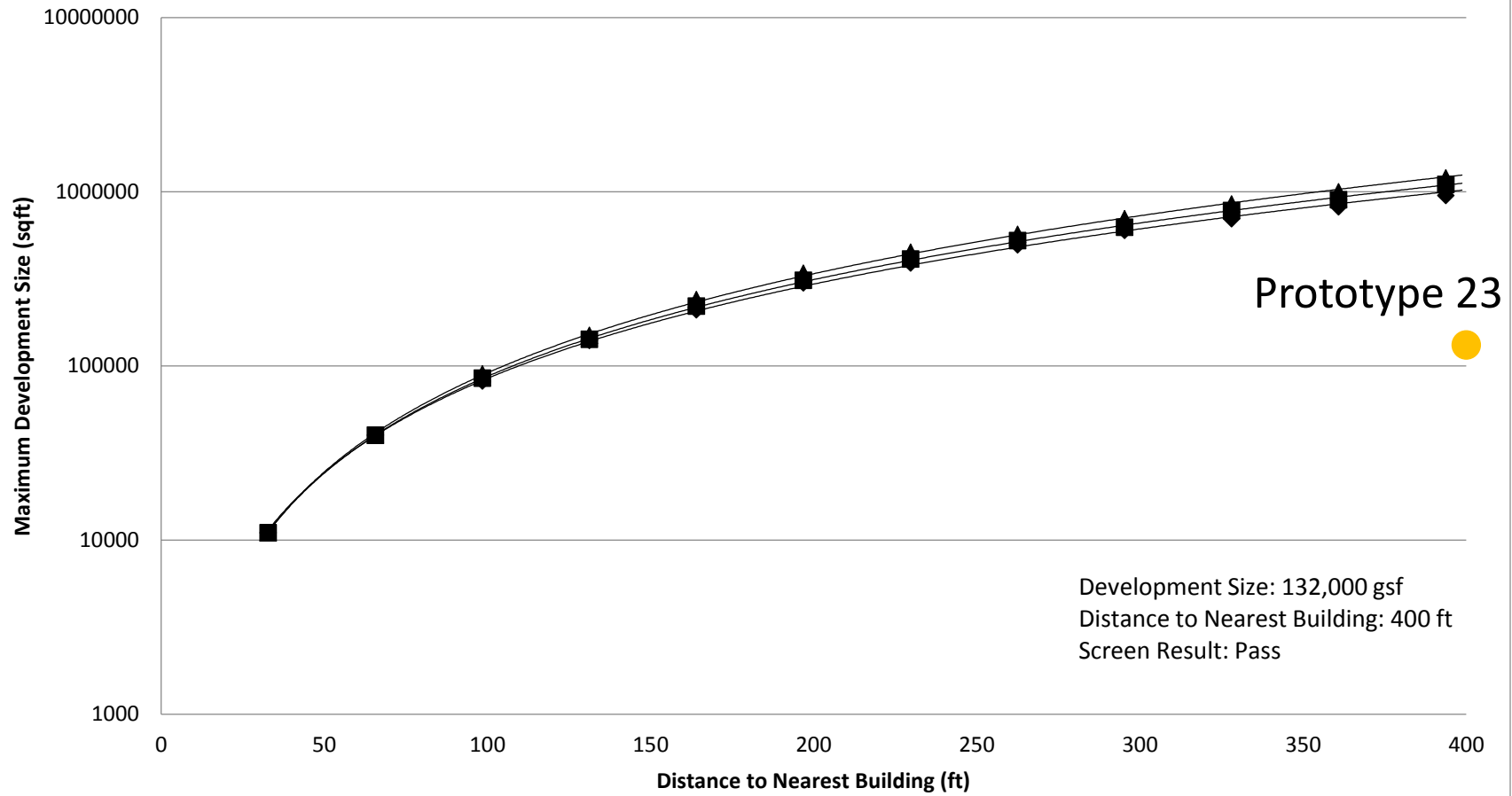
Screening Analysis for Prototype 21

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



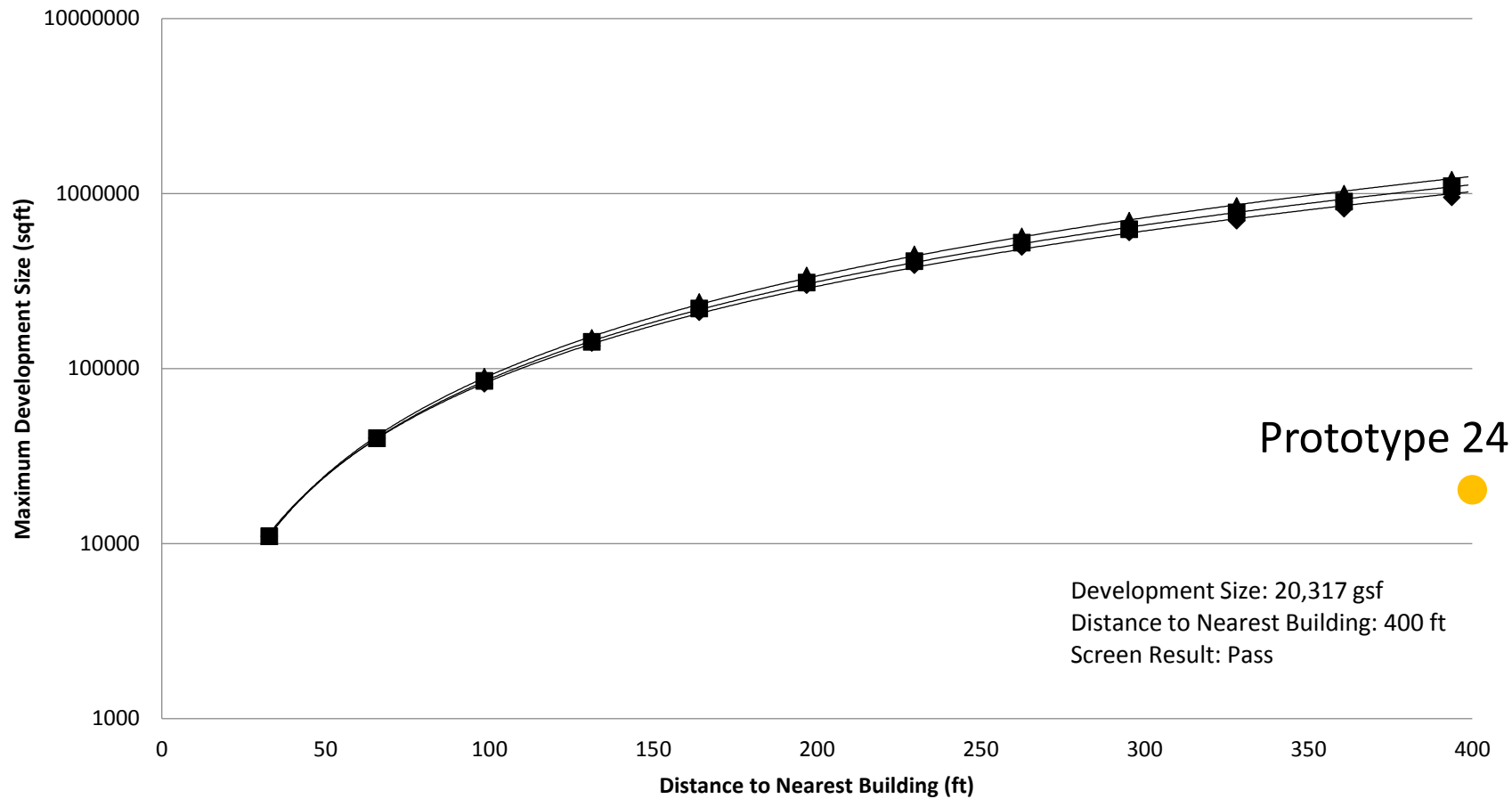
Screening Analysis for Prototype 22

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



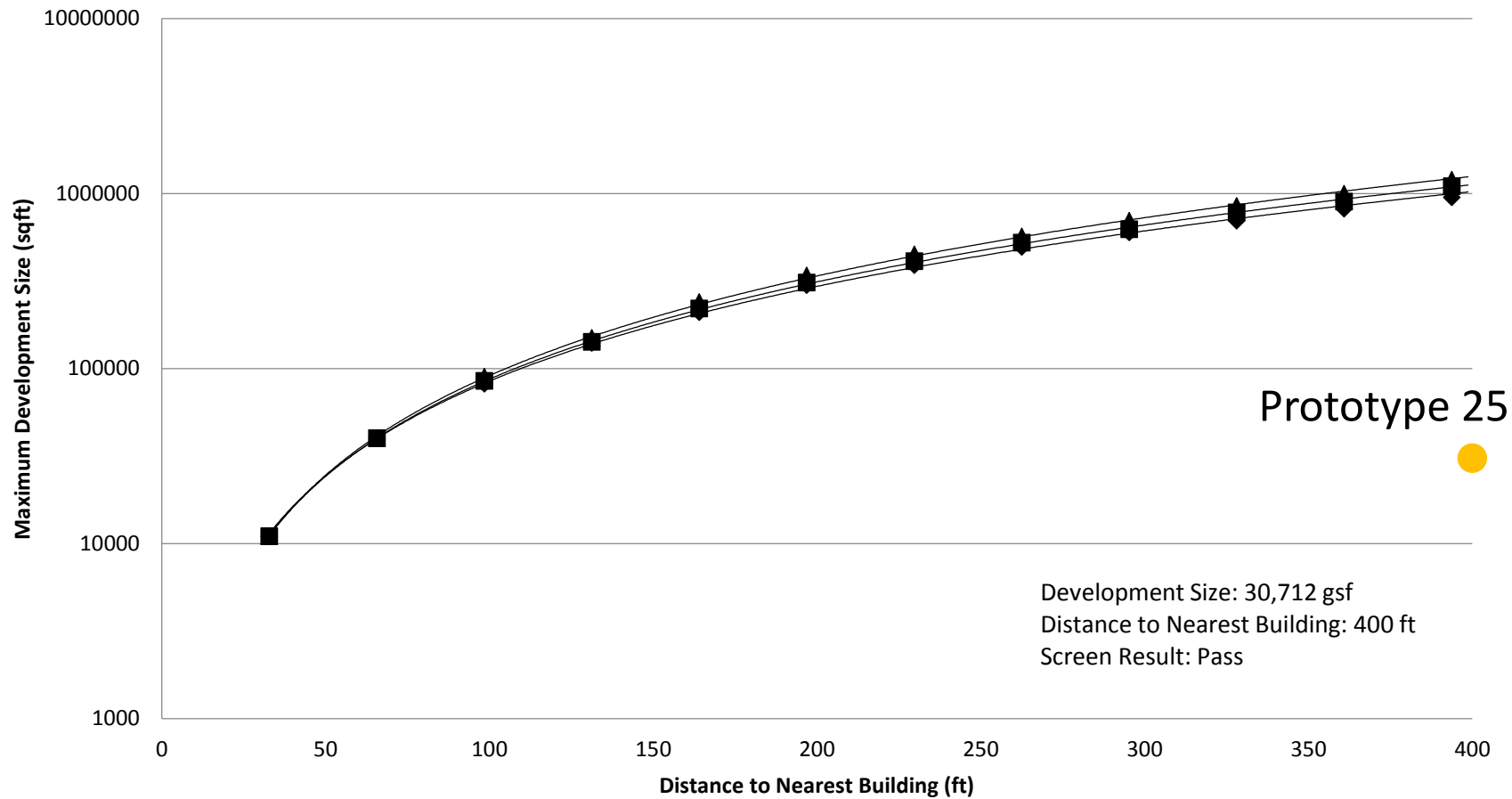
Screening Analysis for Prototype 23

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



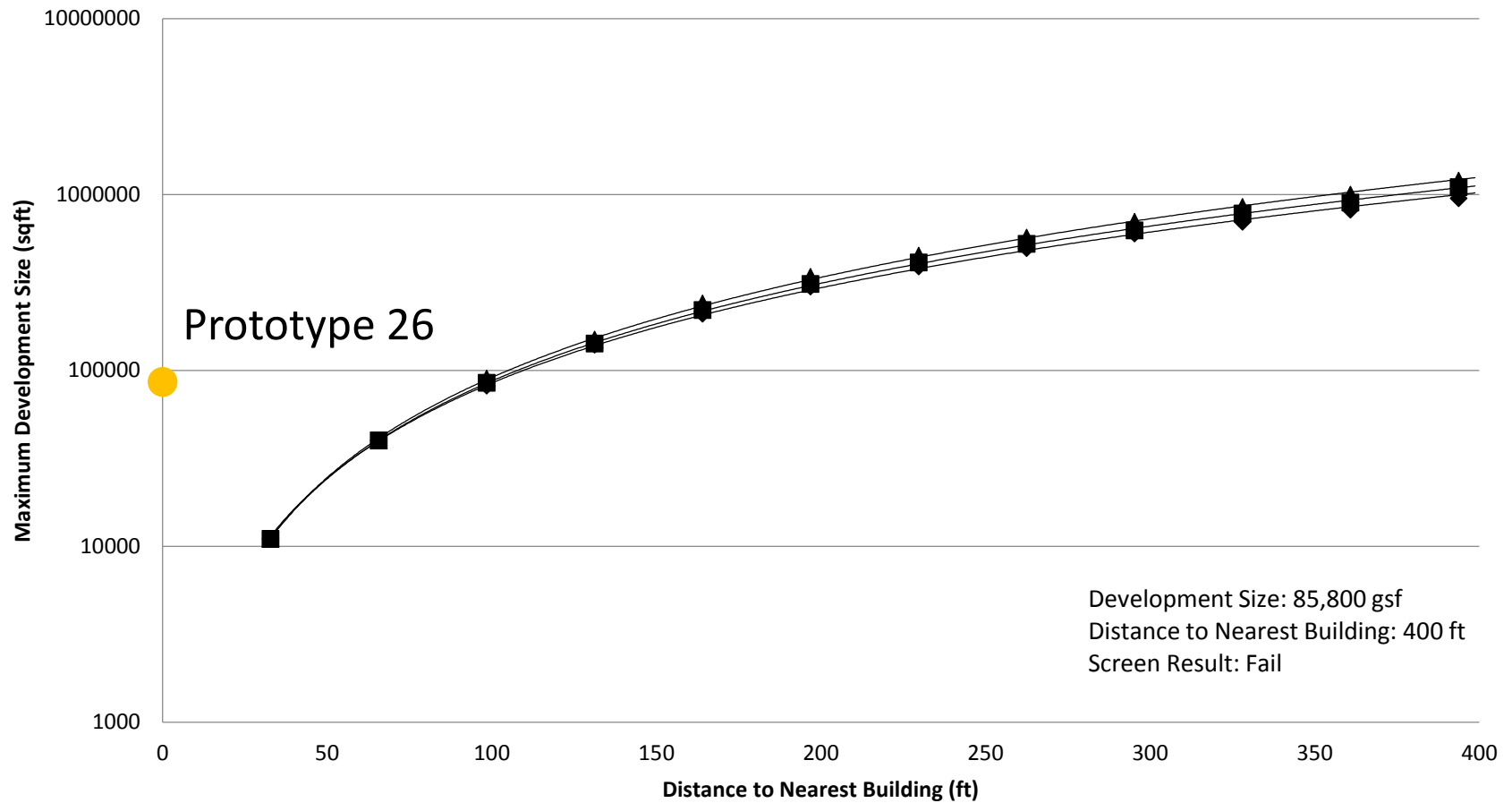
Screening Analysis for Prototype 24

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



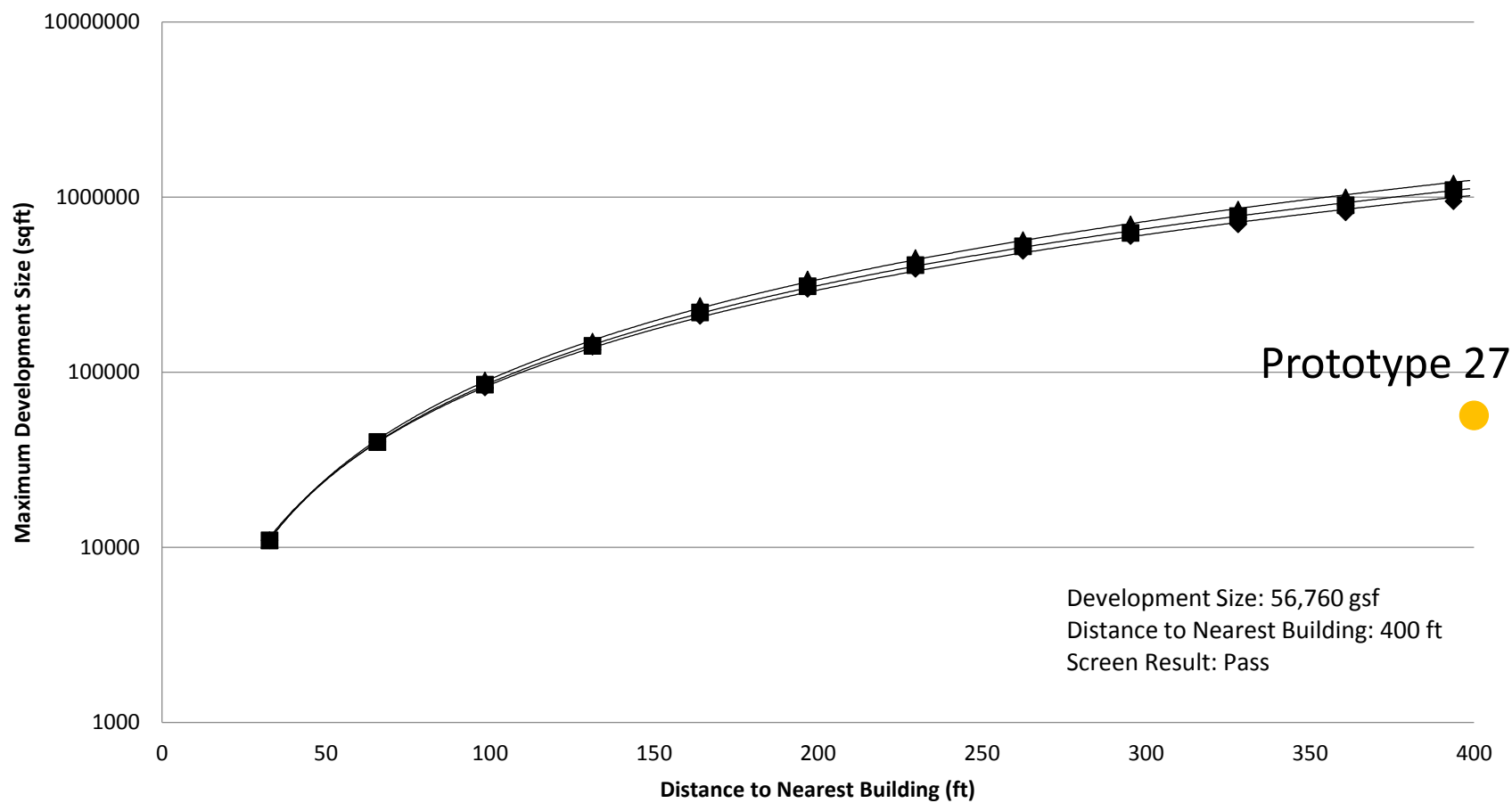
Screening Analysis for Prototype 25

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



Screening Analysis for Prototype 26

Sulphur Dioxide Boiler Screen for Residential Development #2 Fuel Oil Figure 17-5



Screening Analysis for Prototype 27

APPENDIX F: PROPOSED ZONING TEXT AMENDMENT

ZONING FOR QUALITY AND AFFORDABILITY TEXT AMENDMENT

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter within # # is defined in Section 12-10;

* * * indicates where unchanged text appears in the Zoning Resolution

Article I - General Provisions

Chapter 1

Title, Establishment of Controls and Interpretation of Regulations

* * *

11-00

Title

* * *

11-01

Long Title

A Resolution regulating the height and bulk of buildings and other structures, regulating and determining the area of yards, courts and other open spaces, and the density of population, and regulating and restricting the location of trades and industries and the location of buildings designed for specific uses within the City of New York, and for such purposes dividing the City into districts.

11-02

Short Title

This Resolution shall be known and may be cited as the Zoning Resolution of the City of New York.

* * *

11-20

INTERPRETATION OF PROVISIONS

* * *

11-23

Demolition and Replacement

The alteration of an existing #building# resulting in both the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development# for the purposes of the following provisions. The provisions of this Section shall apply notwithstanding the provisions of Article V (Non-Conforming Uses and Non-Complying Buildings). However, these provisions shall not apply where the #building# to be replaced is a #single-# or #two-family residence# utilizing the provisions of Article V.

Section 23-03	(Street Tree Planting in Residence Districts)
Section 23-04	(Planting Strips in Residence Districts)
Section 33-03	(Street Tree Planting in Commercial Districts)
Section 37-35	(Parking Wrap and Screening Requirements Retail Continuity)
Section 37-40	(OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR)
Section 81-42	(Retail Continuity along Designated Streets)
Section 81-46	(Off-Street Relocation or Renovation of a Subway Stair)
Section 81-72	(Use Regulations Modified)
Section 82-12	(Mandatory Off-Street Relocation of a Subway Stair)
Section 82-23	(Street Wall Transparency)
Section 91-12	(Uses on Designated Retail Streets)
Section 91-41	(Regulations for Designated Retail Streets)
Section 91-43	(Off-Street Relocation or Renovation of a Subway Stair)
Section 93-14	(Ground Floor Level Requirements)
Section 93-65	(Transit Facilities)
Section 93-66	(Open Area Requirements in the Large-Scale Plan Subdistrict A)

Section 93-70	(PUBLIC ACCESS REQUIREMENTS FOR SPECIAL SITES)
Section 95-03	(Transit Easement)
Section 95-04	(Certification of Transit Easement Volume)
Section 95-08	(Special Use Regulations)
Section 97-12	(Arts and Entertainment Use Requirement)
Section 97-22	(Uses Not Permitted on the Ground Floor of Buildings)
Section 97-23	(Transparency Requirements)
Section 98-14	(Ground Floor Use and Transparency Requirements on Tenth Avenue)
Section 98-53	(Required Open Areas on the East Side of the High Line)
Section 98-54	(Transparency Requirements on the East Side of the High Line)
Section 98-60	(SPECIAL ACCESS REGULATIONS FOR CERTAIN ZONING LOTS)
Section 101-11	(Special Ground Floor Use Regulations)
Section 101-12	(Transparency Requirements)
Section 101-43	(Off-street Relocation or Renovation of a Subway Stair)
Section 108-30	(MODIFICATION OF STREET TREE REQUIREMENTS)
Section 109-132	(Treatment of the ground level wall)
Section 109-21	(Use Regulations)
Section 109-33	(Special Front Wall Regulations)
Section 115-14	(Transparency Requirement in C4-5X and C6 Districts)
Section 116-12	(Mandatory Ground Floor Use and Frontage Requirements)
Section 116-13	(Transparency Requirements)
Section 117-31	(Special Use Regulations)

Section 117-42	(Special Bulk and Use Regulations in the Court Square Subdistrict)
Section 117-44	(Mandatory Subway Improvements)
Section 117-45	(Developer's Notice)
Section 117-513	(Transparency requirement)
Section 117-553	(Mandatory sidewalk widening) and ground floor uses), paragraph (b)
Section 118-40	(ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS)
Section 118-60 <u>118-50</u>	(OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT)
Section 119-112	(Tier I tree planting requirements)
Section 119-216	(Tier II tree planting requirements)
Section 122-50	(SPECIAL PROVISIONS FOR PLANTING STRIPS)
Section 124-30	(MANDATORY IMPROVEMENTS)
Section 124-40	(PUBLICLY ACCESSIBLE OPEN SPACE REQUIREMENTS)
Section 126-21	(Street Tree Planting)

* * *

Article I - General Provisions

Chapter 2

Construction of Language and Definitions

* * *

12-10

DEFINITIONS

Words in the text or tables of this Resolution which are *#italicized#* shall be interpreted in accordance with the provisions set forth in this Section.

* * *

Adult physical culture establishments

An “adult physical culture establishment,” is any establishment, club or business by whatever name designated which offers or advertises or is equipped or arranged so as to provide as part of its services, massages, body rubs, alcohol rubs, baths or other similar treatment, by members of the opposite sex, except for activities which are excluded below or defined under *#physical culture or health establishment#* in Section 12-10 and which are, therefore, not included within the definition of an *#adult physical culture establishment#*:

- (1) treatment by a licensed physician, a licensed chiropractor, a licensed osteopath, a New York licensed masseur or masseuse, a licensed practical nurse or a registered professional nurse;
- (2) electrolysis treatment by a licensed operator of electrolysis equipment;
- (3) hospitals, ~~nursing home~~ *#long-term care facilities#*, or ambulatory diagnostic or treatment health care facilities listed in Use Group 4 ;
- (4) barbershops or beauty parlors which offer massage to the scalp, the face, the neck or shoulders only; and
- (5) athletic facilities of an educational institution including an alumni club, or of a philanthropic or charitable institution.

* * *

Affordable independent residence for seniors

An “affordable independent residence for seniors” is a *#building#* containing *#residences#*, or portion thereof, in which at least 90 percent of the *#dwelling units#* are each occupied by at least one person who is 62 years of age or over; where, except for a *#super’s unit#*, all of the *#dwelling units#* are *#income-restricted housing units#* used for class A occupancy as defined in the New York State Multiple Dwelling Law. For the purposes of this definition, *#super’s unit#*, shall be as defined in Section 23-911 (General definitions).

An #affordable independent residence for seniors# may consist of one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#, and shall contain related #accessory# social and welfare facilities primarily for #residents#, such as cafeterias or dining halls, community rooms, workshops and other essential service facilities, which may also be made available to the community. Floor space in an amount not less than four percent of the total #floor area# of such #affordable independent residence for seniors# shall be allocated to such #accessory# facilities. Such floor space may occupy #floor area# or #cellar# space, and may include indoor recreation space provided in accordance with Section 28-31 (Required Recreation Space) for #Quality Housing buildings#. In no event shall the floor space occupied by lobbies, passageways, storage space or other spaces normally provided in #residential buildings# be attributed to the #floor area# of the #accessory# social and welfare facilities.

An #affordable independent residence for seniors# shall also include a #building used, enlarged or developed# prior to [date of adoption] as a non-profit residence for the elderly.

* * *

Base plane

The “base plane” is a plane from which the height of a #building or other structure# is measured as specified in certain Sections. For #buildings#, portions of #buildings# with #street walls# at least 15 feet in width, or #building segments# within 100 feet of a #street line#, the level of the #base plane# is any level between #curb level# and #street wall line level#. Beyond 100 feet of a #street line#, the level of the #base plane# is the average elevation of the final grade adjoining the #building# or #building segment#, determined in the manner prescribed by the Building Code of the City of New York for adjoining grade elevation. In either case, in the #flood zone#, either the #base flood elevation# may be the level of the #base plane# or #building# height may be measured from the #flood-resistant construction elevation#, as provided in Article VI, Chapter 4. For the purposes of this definition, #abutting buildings# on a single #zoning lot# may be considered a single #building#. In addition, the following regulations shall apply:

(a) Within 100 feet of a #street line#:

- (1) The level of the #base plane# for a #building# or #building segment# without a #street wall# shall be determined by the average elevation of the final grade adjoining such #building# or #building segment#.

* * *

- (4) As an option, on sites which slope from the #street wall line level# to the #rear wall line level# by at least ~~ten~~ five percent to the horizontal, the level of the #base plane# may extend in a sloping plane from such #street wall line level# to such #rear wall line level#. When a sloping #base plane# is thus established, the average elevation of the final grade at the #rear wall line# shall not be lower than the #rear wall line level#.

* * *

Floor area

“Floor area” is the sum of the gross areas of the several floors of a #building# or #buildings#, measured from the exterior faces of exterior walls or from the center lines of walls separating two #buildings#. In particular, #floor area# includes:

- (a) #basement# space, except as specifically excluded in this definition;

* * *

- (f) floor space in open or roofed ~~terraces~~, bridges, breeze ways or porches, if more than 50 percent of the perimeter of such ~~terrace~~, breeze way, or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;

* * *

- (n) floor space in exterior balconies or in open or roofed terraces if more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony; and

* * *

However, the #floor area# of a #building# shall not include:

- (1) #cellar# space, except where such space is used for dwelling purposes. #Cellar# space used for retailing shall be included for the purpose of calculating requirements for #accessory# off-street parking spaces, #accessory# bicycle parking spaces and #accessory# off-street loading berths;

* * *

- (5) floor space in open or roofed ~~terraces~~, bridges, breeze ways or porches, provided that not more than 50 percent of the perimeter of such ~~terrace~~, bridges, breeze ways, or porch is enclosed, and provided that a parapet not higher than 3 feet, 8 inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure;

* * *

- (10) floor space in exterior balconies or in open or roofed terraces provided that not more than 67 percent of the perimeter of such balcony or terrace is enclosed and provided that a parapet not higher than 3 feet, 8

inches, or a railing not less than 50 percent open and not higher than 4 feet, 6 inches, shall not constitute an enclosure. A sun control device that is accessible for purposes other than for maintenance shall be considered a balcony;

* * *

Height factor

The “height factor” of a #zoning lot# is equal to the total #floor area# of a #building# divided by its #lot coverage#. If two or more #buildings# are located on the same #zoning lot#, the #height factor# is the sum of their #floor areas# divided by the sum of their #lot coverages#.

~~The #height factor# is thus equal to the number of #stories#, if the #building# were erected without setbacks. In computing a #height factor#, a fraction of .5 or more may be considered a whole number, and smaller fractions shall be disregarded.~~

For example, a #zoning lot# with a #residential building# containing 60,000 square feet of #floor area# and a #lot coverage# of 5,000 square feet has a #height factor# of 12, and a #zoning lot# with two #residential buildings# containing a total of 80,000 square feet of #floor area# and 10,000 square feet of total #lot coverage# has a #height factor# of 8.

In computing a #height factor#, a fraction of .5 or more may be considered a whole number, and smaller fractions shall be disregarded.

* * *

Income-restricted housing unit

An “income-restricted housing unit” is a #dwelling unit# that complies with the definition of #affordable housing unit# set forth in Section 23-911 (General definitions), or any other #dwelling unit# with a legally binding restriction on household income at or below 80 percent of the #income index#, as prescribed by a City, State, or Federal agency, law, or regulation, for a period of not less than 30 years. For the purposes of this definition, #income index# shall be as defined in Section 23-911 (General definitions).

Any #dwelling unit# for which the applicable number of required #accessory# off-street parking spaces was established pursuant to the provisions of Section 25-25 (Modification of Requirements for Public, Publicly-Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly) as such Section existed between December 15, 1961 and [date of adoption] shall be considered an #income-restricted housing unit#. In addition, #dwelling units# in public housing developments owned by the New York City Housing Authority for which the applicable number of required #accessory# off-street parking spaces was established pursuant to the zoning regulations in effect between July 20, 1950 and December 15, 1961 shall be considered #income-restricted housing units#.

* * *

Long-term care facility

A “long-term care facility” is a #community facility use# that has secured appropriate certificate of authority or licensure by the New York State Department of Health and shall include:

- (a) nursing homes or assisted living facilities as defined in the Public Health Law; and
- (b) continuing care retirement communities, consisting of independent living #dwelling units# in addition to nursing home beds and assisted living facilities as defined in the New York State Public Health Law. Such continuing care retirement communities may be located in one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#. All such continuing care retirement communities shall:
 - (1) offer a life care contract that includes unlimited long-term care services along with housing for independent living and #residential# services and amenities; and
 - (2) include fewer independent living #dwelling units# than the combined number of assisted living #dwelling units# or #rooming units# and nursing home beds on such same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street#. For the purposes of this calculation, the number of such assisted living #dwelling units# or #rooming units# shall be the number of such units in the State-licensed assisted living facilities or assisted living #residences#; and the number of such nursing home beds shall be the number of authorized State-licensed nursing home beds, as applicable. For the purposes of this definition, the term #rooming units# shall be as defined in the New York City Housing Maintenance Code.

However, if a continuing care retirement community does not comply with conditions (1) or (2) above, the independent living #dwelling units# shall be considered a #residential use#.

* * *

Lot coverage

“Lot coverage” is that portion of a #zoning lot# which, when viewed directly from above, would be covered by a #building# or any part of a #building#. However, for purposes of computing a #height factor#, any portion of such #building# covered by a roof which qualifies as #open space#, or any terrace, balcony, breeze way, or porch or portion thereof not included in the #floor area# of a #building#, shall not be included in #lot coverage#.

For example, a #zoning lot# of 20,000 square feet consists of one portion, 100 feet by 100 feet, as a #corner lot# portion, and another portion, 100 feet by 100 feet, as an #interior lot# portion. In a district that allows 70 percent coverage of the #interior lot# portion, that portion can have a #lot coverage# of 7,000 square feet, while the #corner lot# portion which is allowed 100 ~~80~~ percent coverage can have a #lot coverage# of 10,000 ~~8,000~~ square feet.

When a #height factor# is not computed for a #residential building# or #residential# portion of a #building#, obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#, except that the portion of any balcony which does not project from the face of the #building# shall be counted as #lot coverage#.

~~When a #height factor# is not computed for a #residential building# or #residential# portion of a #building#, the portion of any balcony which does not project from the face of the #building# shall be counted as #lot coverage#, but other obstructions permitted pursuant to Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall not be included in #lot coverage#.~~

* * *

~~Non-profit residence for the elderly~~

~~A “non-profit residence for the elderly” is 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, and which:~~

- ~~(a) — contains housekeeping, semi housekeeping or non housekeeping units especially designed for elderly persons or families; and~~
- ~~(b) — consists of one or more #buildings# on the same or contiguous #zoning lots#, or on lots which would be contiguous but for their separation by a #street# and contains related #accessory# social and welfare facilities primarily for residents which may also be made available to the community, such as cafeterias, or dining halls, community rooms, workshops and other essential service facilities provided that these facilities shall occupy #floor area# or #cellar# space in an amount not less than four percent of the total #floor area# of the #non-profit residence for the elderly#. In no event shall the floor space occupied by lobbies, passageways, storage space or other spaces normally provided in usual #residential buildings# be considered as a part of the #floor area# attributable to the Social and Welfare facilities; and~~
- ~~(c) — is either:~~
 - ~~(1) — owned by or constructed for the New York City Housing Authority, or~~
 - ~~(2) — constructed with the assistance of mortgage financing or other financial assistance insured by or procured through or with the assistance of a municipal, State, or Federal governmental agency, and is maintained on a non-profit basis by a charitable organization or its wholly owned subsidiary incorporated pursuant to the provisions of the New York State Not For Profit Corporation Law.~~

~~However, any #non-profit residence for the elderly# to which seed money has been advanced under Article II of the State Private Housing Finance Law prior to January 23, 1969 shall have the option to be continued under the provisions of the Zoning Resolution as amended on January 23, 1969 or under the provisions of the Zoning Resolution as effective just prior thereto.~~

~~In the Borough of Manhattan in R7-2 Districts, the definition of a #non-profit residence for the elderly# shall also apply to projects reserved for the elderly for a period of not less than 40 years approved under Article 2 and 5 of the State Private Housing Finance Law provided the project is operated by a sponsor or co-sponsor which is a non-profit organization. The certificate of occupancy shall bear the designation “Non-profit residence for the elderly,” as defined in Section 12-10 of the Zoning Resolution.~~

* * *

Predominantly built-up area

A “predominantly built-up area” is a #block# entirely within R4 or R5 Districts, including a #Commercial District# mapped within such #Residential Districts#, having a maximum area of four acres with #buildings# on #zoning lots# comprising 50 percent or more of the area of the #block#. However, a #predominantly built-up area# shall not include a #block# which is located partly in a R4A, R4-1, R4B, R5B or R5D District.

All such #buildings# shall have certificates of occupancy or other evidence acceptable to the Commissioner of Buildings issued not less than three years prior to the date of application for a building permit. Special optional regulations applying only to #zoning lots# of not more than 1.5 acres in a #predominantly built-up area# are set forth in the following Sections:

Section 23-143	(Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) <u>Optional regulations for predominantly built-up areas</u>
Section 23-22	(Required Lot Area per Dwelling Unit, Lot Area per Room or Floor Area per Room) <u>Maximum Number of Dwelling Units</u>
Section 23-44	(Permitted Obstructions in Required Yards or Rear Yard Equivalents)
Section 23-631	(Height and setback in R1, R2, R3, R4 and R5 Districts) <u>General provisions</u>
Section 25-22	(Requirements Where Individual Parking Facilities are Provided)
Section 25-23	(Requirements Where Group Parking Facilities are Required)

The regulations applicable to a #predominantly built-up area# shall not apply to any #zoning lot# occupied as of October 21, 1987, by a #single-# or #two-family detached# or #semi-detached residence# where 75 percent or more of the aggregate length of the #block# fronts in #residential use#, on both sides of the #street# facing each other, are occupied by such #residences# as of October 21, 1987. However, the regulations applicable to a #predominantly built-up area# may apply to such #zoning lots# where 75 percent or more of the aggregate length of the #block# fronts facing each other, on both sides of the #street#, is comprised of #zoning lots# occupied as of October 21, 1987, by #commercial# or #manufacturing uses#.

Furthermore, the regulations applicable to a #predominantly built-up area# shall continue to apply in the #Special

Coney Island Mixed Use District# and the #Special Ocean Parkway District#, and in areas subject to the provisions of paragraph (c) of Section 23-16 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn Special Provisions for Certain Areas).

* * *

Quality Housing building

A “Quality Housing building” is a #building#, #developed#, #enlarged#, #extended# or #converted#, pursuant to the Quality Housing Program. The Quality Housing Program consists of specific #bulk# requirements set forth for #Quality Housing buildings# in Article II, Chapter 3 and Article III, Chapter 5. Where a #building# adheres to such #bulk# requirements, which, depending on the requirements for the zoning district, may be required or may be an option, additional standards and requirements are set forth in Article II, Chapter 8 that apply in conjunction with such #bulk# provisions for #Quality Housing buildings#.

* * *

Residence, or residential

A “residence” is one or more #dwelling units# or #rooming units#, including common spaces such as hallways, lobbies, stairways, laundry facilities, recreation areas or storage areas. A #residence# may, for example, consist of one-family or two-family houses, multiple dwellings, boarding or rooming houses, or #apartment hotels#. However, #residences# do not include:

- (a) such transient accommodations as #transient hotels#, #motels# or #tourist cabins#, or #trailer camps#;
- (b) #non-profit hospital staff dwellings#; or
- (c) student dormitories, fraternity or sorority student houses, monasteries or convents, ~~sanitariums, nursing homes~~ #long-term care facilities#, or other living or sleeping accommodations in #community facility buildings# or portions of #buildings# used for #community facility uses#.

“Residential” means pertaining to a #residence#.

* * *

Transit Zone

The “Transit Zone” is the area within the boundaries shown in Appendix I where special parking provisions apply.

* * *

Article I - General Provisions

Chapter 3

Comprehensive Off-Street Parking and Loading Regulations in the Manhattan Core

13-00

GENERAL PURPOSES

The provisions of this Chapter establish comprehensive regulations for off-street parking in the #Manhattan Core#, as defined in Section 12-10.

These regulations reflect best practices to address sustainability goals, while accommodating the parking needs of residents and businesses in a balanced manner.

* * *

13-20

SPECIAL RULES FOR MANHATTAN CORE PARKING FACILITIES

All #accessory# off-street parking facilities, automobile rental establishments, and #public parking lots developed#, #enlarged# or #extended# in the #Manhattan Core# after May 8, 2013, shall comply with the applicable provisions of this Section, inclusive.

* * *

13-22

Applicability of Enclosure and Screening Requirements

(a) Screening

In addition to the screening provisions of paragraph (a)(1) of Section 13-221 (Enclosure and screening requirements), the ground floor #use# provisions of the following Sections shall apply:

- (1) Sections 32-431 (Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts) and 32-432 (Ground floor use in Community Board 7, Borough of Manhattan);
- (2) ~~Section 37-35 (Retail Continuity)~~ Section 32-435 (Ground floor use in High Density Commercial Districts);

* * *

(b) Transparency

The transparency provisions of paragraph (a)(2) of Section 13-221 shall not apply to portions of ground floor level #street walls# that are subject to the following Sections:

- (1) Section ~~32-435 (Ground floor use in High Density Commercial Districts)~~ 37-37 (Street Wall Articulation);

* * *

13-221

Enclosure and screening requirements

- (a) #Accessory# off-street parking facilities

All #accessory# off-street parking spaces shall be located within a #completely enclosed building#, with the exception of parking spaces #accessory# to a hospital, as listed in Use Group 4, and as provided in Section 13-45 (Special Permits for Additional Parking Spaces). In addition, such parking facilities shall comply with the following provisions:

- (1) Screening

Any portion of an #accessory# off-street parking facility, ~~except for entrances and exits~~, that is located above #curb level# shall comply with the applicable parking wrap and screening provisions set forth in Section 37-35. ~~be located behind permitted #commercial#, #community facility# or #residential floor area# so that no portion of such facility is visible from adjacent public sidewalks or #publicly accessible open areas#. Such #floor area# shall have a minimum dimension of 30 feet, as measured perpendicular to the #street wall# of the #building#.~~

~~——— Alternatively, for parking facilities, or portions thereof, fronting upon a #narrow street# within a #Residence District#, off-street parking facilities may be screened by a densely planted buffer strip, with a depth of at least 10 feet.~~

- (2) Transparency

Portions of ground floor #commercial# and #community facility uses# screening the parking facility in accordance with the provisions of paragraph (a) ~~(1) of this Section~~ of Section 37-35 shall be glazed with transparent materials in accordance with Section 37-34. ~~which may include #show windows#, transom windows or glazed portions of doors. Such transparent materials may be provided anywhere on the portion of the ground floor level #street wall# occupied by such #uses#, except that:~~

- ~~(i) ——— the maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet; and~~

(ii) ~~transparent materials shall occupy at least 50 percent of the surface area of such ground floor level #street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers; and shall have a minimum width of two feet.~~

However, for #buildings# where the #base flood elevation# is higher than the level of the adjoining sidewalk, all such transparency requirements shall be measured from ~~a height of one foot above the height of the #base flood elevation#~~ the level of the #flood-resistant construction elevation#, as defined in Section 64-11, instead of the level of the adjoining sidewalk.

* * *

Article I - Residence District Regulations

Chapter 5

Residential Conversion within Existing Buildings

15-00

GENERAL PURPOSES

Special regulations for the conversion of non-residential floor area to residences have been established in order to promote and protect public health, safety and general welfare. These goals include, among others, the following specific purposes:

- (a) to permit owners to increase the return on their investment in appropriate existing buildings by authorizing the conversion to residences without requiring such residences to conform to the provisions of Article II of this Resolution;
- (b) to reduce the deleterious effects on commercial and manufacturing uses caused by the reduction of land and floor area available to such uses permitted under the provisions of this Chapter by providing relocation incentives for such uses;
- (c) to protect important job-producing industries, particularly those with a unique social or economic relationship to the surrounding community;
- (d) to provide sufficient space for commercial and manufacturing activities which are an integral part of New York City's economy;
- (e) to provide for adequate returns to property owners by allowing more profitable residential use with a limited mix of commercial and manufacturing uses;
- (f) to provide a new housing opportunity of a type and at a density appropriate to these Community Districts;
- (g) to ensure the provision of safe and sanitary housing units in converted buildings; and
- (h) to ensure the provision of adequate amenities in conjunction with residential development.

15-01

Applicability

* * *

15-012

Applicability within C6-1G, C6-2G, M1-5A, M1-5B or M1-6D Districts

#Conversions# in #buildings#, or portions thereof, in C6-1G or C6-2G Districts shall be permitted only by special permit pursuant to Section 74-782 (Residential conversion within C6-1G, C6-2G, C6-2M, C6-4M, M1-5A, M1-5B, M1-5M and M1-6M Districts).

Except as specifically set forth in Sections 15-013 and ~~15-026~~ 15-024, the provisions of this Chapter are not applicable in M1-5A or M1-5B Districts.

* * *

15-02

General Provisions

15-021

Special use regulations

* * *

- (f) In C8 and M1 Districts, no new #dwelling units# are permitted. However, within such districts in the following areas:

* * *

Such a determination of #residential# occupancy on June 4, 1981 shall be deemed to permit #residential use# as-of-right for such #dwelling units#.

~~The provisions of Section 15-025 (Double glazed windows) shall not apply to #dwelling units# permitted pursuant to this paragraph (f). All #dwelling units# permitted pursuant to this paragraph (f) shall be required to have double glazed windows.~~

* * *

15-024

Notice of filing to create dwelling units

~~Within ten days of filing an application with the Department of Buildings for an alteration permit for #dwelling units#, a duplicate copy of such application shall be sent to the Department of City Planning by the applicant for information purposes.~~

15-025

Double glazed windows

All ~~#dwelling units#~~ in ~~#buildings#~~ which contain one or more ~~#uses#~~ listed in Section 15-60 (REFERENCED COMMERCIAL AND MANUFACTURING USES) and ~~#converted#~~ under the provisions of this Chapter shall be required to have double glazing on all windows. However, ~~#dwelling units#~~ occupied by ~~#residential#~~ tenants on September 1, 1980, in Manhattan Community Districts 1, 2, 3, 4, 5 and 6, or in Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, shall not be required to have double glazed windows.

15-024 ~~15-026~~

Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings

* * *

15-10

REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN RESIDENTIAL AND COMMERCIAL DISTRICTS, EXCEPT C6-2M AND C6-4M DISTRICTS

* * *

15-111

Number of permitted dwelling units

* * *

In addition, the following provisions shall apply:

* * *

The density provisions of this Section may be replaced by the regulations of Section ~~15-026~~ 15-024 for ~~#dwelling units#~~ that are registered Interim Multiple Dwellings or are covered by the New York City Loft Board pursuant to Article 7C of the New York State Multiple Dwelling Law or that the Loft Board determines were occupied for ~~#residential use#~~ on September 1, 1980.

* * *

15-20

REGULATIONS GOVERNING RESIDENTIAL CONVERSIONS WITHIN EXISTING BUILDINGS IN C6-2M, C6-4M, M1-5M AND M1-6M DISTRICTS

- (a) The ~~#lot area#~~ requirements of the following Sections are hereby superseded and replaced with the requirements of Sections 15-21 and 15-22 for the ~~#conversion#~~ of non-~~#residential floor area#~~ to ~~#residences#~~:

Sections 23-20 through 23-26 (DENSITY REGULATIONS);

Section 24-20 (APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES));

Section 35-40 (APPLICABILITY OF DENSITY REGULATIONS ~~TO MIXED BUILDINGS~~); and

* * *

15-40 AUTHORIZATION

15-41 Enlargements of Converted Buildings

In all #Commercial# and #Residence Districts#, for #enlargements# of #buildings converted# to #residences#, the City Planning Commission may authorize:

- (a) a waiver of the requirements of Section 15-12 (Open Space Equivalent) for the existing portion of the #building# #converted# to #residences#; and
- (b) the maximum #floor area ratio# permitted pursuant to Section 23-151 ~~23-142~~ for the applicable district without regard for #height factor# or #open space ratio# requirements.

* * *

15-50 SPECIAL PERMIT

* * *

15-60 REFERENCED COMMERCIAL AND MANUFACTURING USES

The following #uses# shall be applicable to Sections 15-021, ~~15-025~~, 15-212 and 73-53.
In Use Group 7B:

* * *

Article II - Residence District Regulations

Chapter 2 Use Regulations

* * *

22-10 USES PERMITTED AS-OF-RIGHT

* * *

22-12 Use Group 2

R3 R4 R5 R6 R7 R8 R9 R10

Use Group 2 consists of all other types of #residences#.

A. #Residential uses#

#Residences# of all kinds, including #apartment hotels# and ~~#non-profit residences for the elderly#~~
#affordable independent residences for seniors#, except that:

- (1) in R3A, R3X, R4A and R5A Districts, #residential uses# shall be limited to #single-# or #two-family detached residences# except that in R3A Districts single- or two-family #zero lot line buildings# are also permitted;
- (2) in R3-1 and R4-1 Districts, #residential uses# shall be limited to #single-# or #two-family residences detached# or #semi-detached# except that in R4-1 Districts single- or two-family #zero lot line buildings# are also permitted;
- (3) in R4B Districts, #residential uses# shall be limited to #single-# or #two-family residences# in #detached#, #semi-detached#, #attached#, or #zero lot line buildings#.

#Residences# shall also include #rooming units# existing as of [date of adoption].

B. #Accessory uses#

* * *

22-13 Use Group 3

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 3 consists of community facilities that:

- (1) may appropriately be located in #residential# areas to serve educational needs or to provide other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent industrial or general service #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

A. #Community facilities#

Colleges or universities¹, including professional schools but excluding business colleges or trade schools

College or school student dormitories and fraternity or sorority student houses¹

~~Domiciliary care facilities for adults^{2,3} under the jurisdiction of the New York State Board of Social Welfare which have secured certification by such agency~~

Libraries, museums or non-commercial art galleries

#Long-term care facilities#²

Monasteries, convents or novitiates, without restrictions as to use for living purposes or location in relation to other #uses#

#Non-profit hospital staff dwellings# located on the same #zoning lot# as the non-profit or voluntary hospital and related facilities or on a separate #zoning lot# that is immediately contiguous thereto or would be contiguous but for its separation by a #street# or a #street# intersection

~~Nursing homes and health-related facilities³ as defined in Section 10 NYCRR 700.2(a) of the New York State Hospital Code, each of which have secured certification by the appropriate governmental agency. Nursing homes and health-related facilities are not permitted within the boundaries of any Community District in which one or more of the conditions set forth in Section 22-42 (Certification of Certain Community Facility Uses) applies except by special permit as set forth in Section 74-90~~

Philanthropic or non-profit institutions with sleeping accommodations^{3,4}

~~Sanitariums³~~

#Schools#

B. #Accessory uses#

¹ Not permitted in R1 or R2 Districts as-of-right

² In R1 and R2 Districts, subject to the provisions of Section 22-42 (Long-Term Care Facilities).

² ~~Permitted only by special permit by the City Planning Commission pursuant to Section 74-903~~

³ ~~Nursing homes, health related facilities, domiciliary care facilities for adults and sanitariums that are proprietary facilities are not permitted in R1 or R2 Districts~~

⁴³ The number of persons employed in central office functions shall not exceed 50, and the amount of #floor area# used for such purposes shall not exceed 25 percent of the total #floor area#, or, in R8, R9 or R10 Districts, 25,000 square feet, whichever is greater

* * *

22-14

Use Group 4

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

Use Group 4 consists primarily of community facilities that:

- (1) may appropriately be located in #residential# areas to provide recreational, religious, health and other essential services for the residents; or
- (2) can perform their activities more effectively in a #residential# environment, unaffected by objectionable influences from adjacent medium and heavy industrial #uses#; and
- (3) do not create significant objectionable influences in #residential# areas.

Those open #uses# of land which are compatible with a #residential# environment are also included.

A. #Community facilities#

* * *

B. Open #uses#

Agricultural #uses#, including greenhouses, nurseries, or truck gardens, provided that no offensive odors

or dust are created, and that there is no sale of products not produced on the same #zoning lot#

* * *

Railroad or transit rights-of-way³

* * *

³ Use of #railroad or transit air space# is subject to the provisions of Section 22-41 (Air Space over a Railroad or Transit ~~Rights-of-Way~~ Right-of-way or Yard)

* * *

22-20

USES PERMITTED BY SPECIAL PERMIT

* * *

22-22

By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

* * *

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~Domiciliary care facilities for adults~~

* * *

R1 R2

#Long-term care facilities#, except as provided in Section 22-42 (Long-Term Care Facilities).

* * *

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~Nursing home and health related facilities in Community Districts in which the conditions set forth in Section 22-42 (Certification of Certain Community Facility Uses) apply. However, proprietary nursing homes, proprietary health related facilities and proprietary domiciliary care facilities for adults are not permitted in R1 and R2 Districts and the special permit provisions shall not apply to such facilities~~

* * *

22-40

SUPPLEMENTARY USE REGULATIONS

* * *

22-42

Certification of Certain Community Facility Uses

Long-Term Care Facilities

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

R1 R2

In all ~~Residence Districts~~, for any nursing homes and health related facilities or ~~enlargement~~, ~~extension~~ or change in ~~use~~ thereof, the City Planning Commission shall certify to the Department of Buildings, prior to the filing of any plans by the applicant for a building permit for such ~~use~~, that none of the following conditions applies to the Community District within which such ~~use~~ or ~~enlargement~~, ~~extension~~ or change in such ~~use~~ is to be located:

- (a) ~~the ratio between the number of beds for such uses in existence, under construction or approved toward construction by the appropriate Federal or State governmental agency, to the population of the Community District compared to such ratio for other Community Districts shows a relative concentration of facilities covered in this Section in the affected district; or~~
- (b) ~~a scarcity of land for general community purposes exists; or~~
- (c) ~~the incidence of construction of facilities for the last three years warrants review over these facilities because they threaten to disrupt the land use balance in the community.~~

If the Commission finds that one or more of the conditions set forth in this Section applies to the Community District within which such ~~use~~ or ~~enlargement~~, ~~extension~~ or change in such ~~use~~ is to be located, a special permit pursuant to Section 74-90 shall be required.

In the districts indicated, on the same or contiguous zoning lots, or on lots that would be contiguous but for their separation by a street, with a lot area of at least ten acres, the City Planning Commission may authorize long-term care facilities, provided that the permitted floor area ratio for such use shall not exceed that permitted for residential uses under the applicable district regulations, and that no building on such zoning lots shall be located closer than 200 feet from the nearest residence on adjoining zoning lots.

In order to authorize such long-term care facility, the Commission shall find that:

- (a) the proposed facility, including the scale and placement of buildings, will not impair the essential character of the surrounding area; and
- (b) an adequate buffer exists between the proposed facility and nearby residences. In order to make such finding, the Commission shall consider proposed building access, orientation and landscaping.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

On #zoning lots# with a #lot area# of less than ten acres, and on #zoning lots# with a #lot area# of more than ten acres that do not meet the conditions for the City Planning Commission authorization specified in this Section, #long-term care facilities# are subject to the City Planning Commission special permit provisions of Section 74-901 (Long-term care facilities in R1 and R2 districts and certain commercial districts).

* * *

Article II - Residence District Regulations

Chapter 3

Residential Bulk Regulations in Residence Districts

23-00

APPLICABILITY AND GENERAL PURPOSES

23-01

Applicability of ~~This~~ this Chapter

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any ~~#building or other structure#, other than a #community facility building# or the #community facility# portion of a #building#~~ #residential building or other structure#, or to the #residential# portion of a #building or other structure# used for both #residential and #community facility uses#. The #bulk# regulations of Article II, Chapter 4, shall apply to any #zoning lot# or portion of a #zoning lot# containing a #community facility building# or to the #community facility# portion of a #building# used for both #residential# and #community facility uses#, except as set forth in Section 24-012 (Exceptions to the bulk regulations of this Chapter). In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments# or #residential uses# in #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961 or January 1, 1977, as applicable, shall be subject to the provisions of Article I ~~Article 1~~, Chapter 5 (Residential Conversions within Existing Buildings), unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

23-011

Quality Housing Program

R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building or other structure# shall comply with the ~~applicable district~~ #bulk# regulations for #Quality Housing buildings# set forth in this Chapter and any #building# containing #residences# shall also comply with the requirements of Article II, Chapter 8 (Quality Housing Program). However, the provisions of Article II, Chapter 8, shall not apply to #buildings converted# pursuant to Article I, Chapter 5.

In R5D Districts, only certain requirements of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

R6 R7 R8 R9 R10

- (b) In the districts indicated without a letter suffix, the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied to #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to all of the requirements of the Quality Housing Program. Such #buildings# may be subsequently #enlarged# only pursuant to the Quality Housing Program. In these districts, the Quality Housing #bulk# regulations may apply to #developments# or #enlargements# on #zoning lots# with existing #buildings# to remain, if:
- (1) the existing #buildings# contain no #residences# and the entire #zoning lot# will comply with the #floor area ratio# and density standards applicable to #Quality Housing buildings#; or
 - (2) the existing #buildings# contain #residences#, and:
 - (i) such #buildings# comply with the maximum base heights and maximum #building# heights listed in the tables in Sections 23-662 23-633 or 35-24 for the applicable district, and the entire #zoning lot# will comply with the #floor area ratio#, and #lot coverage# ~~and density~~ standards applicable to #Quality Housing buildings#; or
 - (ii) for #developments# or #enlargements# on #zoning lots# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for senior#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#:
 - a. the entire #zoning lot# will comply with the #floor area ratio# set forth in Section 23-154 (Inclusionary Housing) or Section 23-155 (Affordable independent residences for seniors), as applicable;

- b. the entire #zoning lot# will comply with the #lot coverage# for the applicable zoning district set forth in Section 23-153 (For Quality Housing buildings); and either
- c. the entire #zoning lot# will comply with the height and setback requirements of the applicable zoning district set forth in paragraph (a) of Section 23-664 (Modified height and setback requirements for certain buildings); or
- d. in R6 through R8 districts, where the #zoning lot# is located within 150 feet of: an elevated rail line; open railroad right of way; a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land; or an elevated #street# located on a bridge that prohibits direct vehicular access, the entire #zoning lot# will comply with the height and setback requirements of the applicable zoning district set forth in paragraph (b) of Section 23-664. Such 150 foot measurement shall be measured perpendicular from the edge of such infrastructure.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

R6 R7 R8 R9 R10

(c) In the districts indicated without a letter suffix, the optional Quality Housing #bulk# regulations permitted as an alternative pursuant to paragraph (b) of this Section, shall not apply to:

- (1) Article VII, Chapter 8 (Large Scale Residential Developments);
- (2) Special Purpose Districts, ~~except the following:~~

However, such optional Quality Housing #bulk# regulations are permitted as an alternative to apply in the following Special Purpose Districts:

#Special 125th Street District#;

#Special Downtown Brooklyn District#;

* * *

- (3) ~~#zoning lots# in R6 or R7 Districts within the study areas set forth in this paragraph, (c)(3), and occupied, as of August 14, 1987, by a #single #, #two # or three #family detached# or #semi-detached residence# where 70 percent or more of the aggregate length of the #block# fronts in #residential use# on both sides of the #street# facing each other are occupied by such #residences#. For any #building# on such #zoning lot#, the #floor area ratio# and density requirements of the underlying district shall apply. On a #narrow street# that intersects with a~~

~~#wide street#, the 70 percent #residential use# requirement on a #narrow street# shall be measured from a distance of 100 feet from its intersection with a #wide street#.~~

The study areas are:

~~In the Borough of The Bronx:~~

~~Soundview Area~~

~~The area bounded by Story Avenue, the Bronx River, Westchester Avenue, Bronx River Avenue and Rosedale Avenue.~~

~~Castle Hill Area~~

~~The area bounded by Castle Hill Avenue, Westchester Avenue and East Tremont Avenue.~~

~~In the Borough of Brooklyn:~~

~~Midwood Area~~

~~The area bounded by Avenue M, Coney Island Avenue, Avenue O, and a line midway between East 10th Street and Coney Island Avenue.~~

~~Brighton Beach Area~~

~~The area bounded by Shore Parkway, NYCTA Brighton Right of Way, Brighton Beach Avenue and Ocean Parkway.~~

~~In the Borough of Queens:~~

~~Elmhurst/Corona Area~~

~~The area bounded by Roosevelt Avenue, 114th Street, 34th Avenue and 112th Street.~~

~~Forest Hills Area~~

~~The area bounded by Queens Boulevard, Union Turnpike, Austin Street and 76th Road.~~

~~Flushing Area~~

~~The area bounded by 35th Avenue, 149th Street, Northern Boulevard, 147th Street, Ash Avenue, Parsons Boulevard, Franklin Avenue, Bowne Avenue, Cherry Avenue, Kissena Boulevard, Elder Avenue, Main Street, Dahlia Avenue, Saull Street, Maple Avenue, Frame Place, 41st Avenue, College Point Boulevard, Roosevelt Avenue and Prince Street.~~

R6 R7 R8 R9 R10

- (d) In the districts indicated, for #Quality Housing buildings#, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for Quality Housing buildings on irregular sites).

R6 R7 R8 R9 R10

- (e) In the districts indicated, where a Special Purpose District modifies the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, the additional provisions for #Quality Housing buildings# set forth in Article II, Chapter 8 shall continue to apply. In addition, where any Special Purpose District that requires elements of Article II, Chapter 8 to apply to non- #Quality Housing buildings#, all associated #floor area# exemptions shall apply.

23-012

Lower density growth management areas

For areas designated as #lower density growth management areas# pursuant to Section 12-10 (DEFINITIONS), the underlying district regulations shall apply. Such regulations are superseded or supplemented as set forth in the following Sections:

Section 11-45	(Authorizations or Permits in Lower Density Growth Management Areas)
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Section 23-14 23-141	(Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts <u>Open Space and Floor Area Regulations in R1 through R5 Districts</u>)
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Section 23-32	(Minimum Lot Area or Lot Width for Residences)
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Section 23-462	(Side yards for all other residential buildings <u>containing residences</u>)
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Section 23-532	(Required rear yard equivalents)
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Section 23-634	(Height and setback in R1 through, R2, R3, R4 and R5 Districts)
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23-10

OPEN SPACE AND FLOOR AREA REGULATIONS

In all districts, as indicated, the #open space# and #floor area# for a #building or other structure# shall be as set forth in Section 23-10 (OPEN SPACE AND FLOOR AREA REGULATIONS), inclusive.

The regulations for permitted obstructions in required #open space# for all districts are set forth in Section 23-12. The regulations for balconies for all districts are set forth in Section 23-13.

#Open space# and #floor area# regulations applicable to R1 through R5 Districts are set forth in Section 23-14. #Open space# and #floor area# regulations applicable to R6 through R10 Districts are set forth in Section 23-15.

Special #open space# and #floor area# provisions are set forth in Sections 23-16 (Special Floor Area and Lot Coverage Provisions for Certain Areas) for tower-on-a-base #buildings# in R9 Districts, as well as for certain areas in Community District 7 and Community District 9 in the Borough of Manhattan, and Community District 12 in the Borough of Brooklyn. Additional provisions are set forth in Sections 23-17 (Existing Public Amenities for which Floor Area Bonuses Have Been Received) and 23-18 (Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations).

* * *

23-14

~~Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio~~

Open Space and Floor Area Regulations in R1 through R5 Districts

R1 R2 R3 R4 R5 ~~R6 R7 R8 R9 R10~~

In the districts indicated ~~In all districts, as indicated, except as otherwise provided in Section 23-17 (Special Provisions for Zoning Lots Divided by District Boundaries)~~, for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

In R1 and R2 Districts without a letter suffix, the #floor area# and #open space# provisions of Section 23-141 shall apply. In R1 and R2 Districts with a letter suffix, as well as R3, R4 and R5 Districts, the provisions of Section 23-142 shall apply.

In R4 and R5 Districts without a letter suffix, the provisions of Section 23-143 shall apply to #buildings# utilizing the optional provisions for a #predominantly built-up area#. In R3-2, R4 and R5 Districts without a letter suffix, the provisions of Section 23-144 shall apply to #buildings# providing #affordable independent residences for seniors#.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section.

inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, for #zoning lots# providing #affordable independent residences for seniors# and other #residential uses#, the sum of all #floor area# allocated to #uses# other than #affordable independent residences for seniors# on the #zoning lot# shall not exceed the maximum #floor area ratio# permitted for #residential uses# set forth in Sections 23-142 or 23-143, as applicable.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be proportionately attributed to such #uses#, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

In addition to complying with the provisions of this Section, all #zoning lots# shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units ~~or Rooming Units~~) as well as all other applicable #bulk# regulations as set forth in this Chapter.

23-141

Open space and floor area regulations ~~in R1, R2, R3, R4 or R5 Districts~~ in R1 and R2 Districts without a letter suffix

~~R1 R2 R3 R4 R5~~

In the districts indicated, except R1-2A, R2A and R2X Districts, the minimum required #open space ratio# shall be 150.0, and the maximum #floor area ratio# shall be 0.50.

Except as otherwise provided in paragraph (a) of Section 23-147 (For non-profit residences for the elderly), in the districts indicated, the minimum required #open space# or #open space ratio#, the maximum #lot coverage# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following tables:

(a)

District	Minimum Required #Open Space Ratio#	Maximum #Floor Area Ratio#
R1 * R2 *	150.0	0.50

* ~~R1 2A, R2A and R2X~~ are subject to the provisions of paragraph (b) of this Section

(b)

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R1-2A	30	70	.50
R2A	30	70	.50
R2X	governed by #yard# requirements		.85
R3-1 R3-2	35	65	.50
R3A R3X	governed by #yard# requirements		.50
R4	45	55	.75
R4A R4-1	governed by #yard# requirements		.75
R4B	55	45	.90
R5	55	45	1.25
R5A	governed by #yard# requirements		1.10
R5B	55	45	1.35
R5D	60*	40*	2.00

* ——— For #corner lots#, the maximum #lot coverage# shall be 80 percent and the minimum required #open space# shall be 20 percent

In addition, the following rules shall apply:

- (1) — In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in the table in this paragraph, (b), may be increased by up to 20 percent provided that any such increase in #floor area# is located directly under a sloping roof which rises at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet.
- (2) — In R3, R4A and R4-1 Districts in #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.
- (3) — In R3, R4 and R5 Districts, the permitted #floor area# of a #single # or #two family detached# or #semi-detached residence developed# after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located,

wholly or partly, in the ~~#side lot ribbon#~~ pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).

(4) — In R1-2A Districts and in R3, R4A and R4-1 Districts within ~~#lower density growth management areas#~~, the permitted ~~#floor area#~~ of a ~~#single # or #two-family detached# or #semi-detached residence#~~ may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the ~~#side lot ribbon#~~ pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442, except that in R1-2A Districts, such parking spaces need not be located in the ~~#side lot ribbon#~~.

(5) — In R2A Districts, the permitted ~~#floor area#~~ may be increased by up to 300 square feet for a detached garage located in a ~~#rear yard#~~, except where a parking space is provided within a ~~#building# containing #residences#~~.

(e) — The maximum ~~#floor area ratio#~~ and ~~#lot coverage#~~ and the minimum required ~~#open space#~~ for any ~~#zoning lot#~~ utilizing the special optional regulations of a ~~#predominantly built-up area#~~ are set forth in the following table:

District	Maximum #Lot Coverage# (in percent)	Minimum Required #Open Space# (in percent)	Maximum #Floor Area Ratio#
R4	55	45	1.35
R5	55	45	1.65

(d) — In R3 Districts, except for ~~#zoning lots#~~ containing ~~#single #, #two #, or three #family residences#~~, 50 percent of the required ~~#open space#~~ on a ~~#zoning lot#~~, except such ~~#open space#~~ in a ~~#front yard#~~, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed ~~#accessory# off-street parking spaces~~ or open or enclosed ~~#accessory# off-street loading berths~~.

(e) — In R4 and R5 Districts, except for ~~#zoning lots#~~ containing ~~#single #, #two # or three #family residences#~~, 33 percent of the required ~~#open space#~~ on a ~~#zoning lot#~~, except such ~~#open space#~~ in a ~~#front yard#~~ or, in R5D Districts, open area between the ~~#street line#~~ and ~~#street wall#~~ of a ~~#building#~~ or its prolongation, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed ~~#accessory# off-street parking spaces~~, or open or enclosed ~~#accessory# off-street loading berths~~.

23-142

In R6, R7, R8 or R9 Districts

Open space and floor area regulations in R1 and R2 Districts with a letter suffix as well as R3 through R5 Districts

~~R6 R7 R8 R9~~ R1 R2 R3 R4 R5

In the districts indicated, except R1 and R2 Districts without a letter suffix, the maximum #lot coverage#, minimum #open space# and maximum #floor area ratio# shall be as set forth in the following table:

<u>District</u>	<u>Maximum #Lot Coverage# (in percent)</u>	<u>Minimum Required #Open Space# (in percent)</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R1-2A</u>	<u>30</u>	<u>70</u>	<u>.50</u>
<u>R2A</u>	<u>30</u>	<u>70</u>	<u>.50</u>
<u>R2X</u>	<u>Not applicable, governed by #yard# requirements</u>		<u>.85</u>
<u>R3-1 R3-2</u>	<u>35</u>	<u>65</u>	<u>.50</u>
<u>R3A R3X</u>	<u>Not applicable, governed by #yard# requirements</u>		<u>.50</u>
<u>R4</u>	<u>45</u>	<u>55</u>	<u>.75</u>
<u>R4A R4-1</u>	<u>Not applicable, governed by #yard# requirements</u>		<u>.75</u>
<u>R4B</u>	<u>55</u>	<u>45</u>	<u>.90</u>
<u>R5</u>	<u>55</u>	<u>45</u>	<u>1.25</u>
<u>R5A</u>	<u>Not applicable, governed by #yard# requirements</u>		<u>1.10</u>
<u>R5B</u>	<u>55</u>	<u>45</u>	<u>1.35</u>
<u>R5D</u>	<u>60*</u>	<u>40*</u>	<u>2.00</u>

* For #corner lots#, the maximum #lot coverage# shall be 80 percent and the minimum required #open space# shall be 20 percent

In addition, the following rules shall apply:

- (a) In R2X, R3, R4, R4A and R4-1 Districts, except R3, R4A and R4-1 Districts within #lower density growth management areas#, the #floor area ratio# in the table in this Section, may be increased by up to 20 percent provided that any such increase in #floor area# is located directly under a sloping roof which

risers at least three and one half inches in vertical distance for each foot of horizontal distance and the structural headroom of such #floor area# is between five and eight feet.

- (b) In R3, R4A and R4-1 Districts in #lower density growth management areas#, the #floor area ratio# in the table in this Section may be increased by up to 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.
- (c) In R3, R4 and R5 Districts, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence developed# after June 30, 1989, may be increased by up to 300 square feet if at least one enclosed #accessory# off-street parking space is provided in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12 (Permitted Obstructions in Open Space), paragraph (e), 23-441 (Location of garages in side yards of corner lots) or 23-442 (Location of garages in side yards of other zoning lots).
- (d) In R1-2A Districts and in R3, R4A and R4-1 Districts within #lower density growth management areas#, the permitted #floor area# of a #single-# or #two-family detached# or #semi-detached residence# may be increased by up to 300 square feet for one parking space and up to 500 square feet for two parking spaces provided such spaces are in a garage located, wholly or partly, in the #side lot ribbon# pursuant to Sections 23-12, paragraph (e), 23-441 or 23-442, except that in R1-2A Districts, such parking spaces need not be located in the #side lot ribbon#.
- (e) In R2A Districts, the permitted #floor area# may be increased by up to 300 square feet for a detached garage located in a #rear yard#, except where a parking space is provided within a #building# containing #residences#.
- (f) In R3 Districts, except for #zoning lots# containing #single-#, #two-#, or three-#family residences#, 50 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard#, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces or open or enclosed #accessory# off-street loading berths.
- (g) In R4 and R5 Districts, except for #zoning lots# containing #single-#, #two-# or three-#family residences#, 33 percent of the required #open space# on a #zoning lot#, except such #open space# in a #front yard#, or in R5D Districts, the open area between the #street line# and #street wall# of a #building# or its prolongation, shall have a minimum dimension of 12 feet and shall not be used for driveways, private streets, open or enclosed #accessory# off-street parking spaces, or open or enclosed #accessory# off-street loading berths.

Except as otherwise provided in the following Sections:

~~Section 23-144 (In designated areas where the Inclusionary Housing Program is applicable)~~

~~Section 23-145 (For Quality Housing buildings)~~

~~Section 23-146 (Optional provisions for certain R5 and R6 Districts in Brooklyn)~~

~~Section 23-147 (For non-profit residences for the elderly);~~

~~Section 23-148 (For tower-on-a-base buildings in R9 Districts); and~~

~~Section 23-149 (Special floor area regulations for certain sites in Community District 9, Borough of Manhattan).~~

~~In the districts indicated, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be as set forth in the following table for #zoning lots# with the #height factor# indicated in the table.~~

~~MINIMUM REQUIRED OPEN SPACE RATIO~~

~~AND MAXIMUM FLOOR AREA RATIO~~

~~R6 through R9 Districts~~

	In R6 Districts		In R7 Districts		In R8 Districts		In R9 Districts	
	Min. Req. #open space ratio#	Max. #floor area ratio#	Min. Req. #open space ratio#	Max. #floor area ratio#	Min. Req. #open space ratio#	Max. #floor area ratio#	Min. Req. #open space ratio#	Max. #floor area ratio#
For #zoning lots# with a #height factor# of								
1	27.5	0.78	15.5	0.87	5.9	0.94	1.0	0.99
2	28.0	1.28	16.0	1.52	6.2	1.78	1.4	1.95
3	28.5	1.62	16.5	2.01	6.5	2.51	1.8	2.85
4	29.0	1.85	17.0	2.38	6.8	3.14	2.2	3.68
5	29.5	2.02	17.5	2.67	7.1	3.69	2.6	4.42
6	30.0	2.14	18.0	2.88	7.4	4.15	3.0	5.08
7	30.5	2.23	18.5	3.05	7.7	4.55	3.4	5.65
8	31.0	2.30	19.0	3.17	8.0	4.88	3.8	6.13

9	31.5	2.35	19.5	3.27	8.3	5.15	4.2	6.54
10	32.0	2.38	20.0	3.33	8.6	5.38	4.6	6.85
11	32.5	2.40	20.5	3.38	8.9	5.56	5.0	7.09
12	33.0	2.42	21.0	3.41	9.2	5.71	5.4	7.30
13	33.5	2.43	21.5	3.42	9.5	5.81	5.8	7.41
14	34.0	2.43	22.0	3.44	9.8	5.92	6.2	7.52
15	34.5	2.43	22.5	3.42	10.1	5.95	6.6	7.52
16	35.0	2.42	23.0	3.41	10.4	5.99	7.0	7.52
17	35.5	2.42	23.5	3.40	10.7	6.02	7.4	7.52
18	36.0	2.40	24.0	3.38	11.0	6.02	7.8	7.46
19	36.5	2.39	24.5	3.36	11.3	6.02	8.2	7.41
20	37.0	2.38	25.0	3.33	11.6	6.02	8.6	7.35
21	37.5	2.36	25.5	3.30	11.9	5.99	9.0	7.25

23-143
For high buildings in R6, R7, R8 or R9 Districts
Optional regulations for predominantly built-up areas

R6 R7 R8 R9
R4 R5

In the districts indicated without a letter suffix, the maximum #floor area ratio# and #lot coverage# and the minimum required #open space# for any #zoning lot# utilizing the special optional regulations of a #predominantly built-up area# are set forth in the following table:

<u>Maximum</u> <u>#Lot Coverage#</u>	<u>Minimum Required</u> <u>#Open Space#</u>	<u>Maximum #Floor</u> <u>Area Ratio#</u>
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<u>District</u>	<u>(in percent)</u>	<u>(in percent)</u>	
<u>R4</u>	<u>55</u>	<u>45</u>	<u>1.35</u>
<u>R5</u>	<u>55</u>	<u>45</u>	<u>1.65</u>

Except as otherwise provided in paragraph (a) of Section 23-147 (For non-profit residences for the elderly), in the districts indicated, for #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

——— OPEN SPACE RATIO FOR HIGH BUILDINGS

<u>District</u>	<u>Minimum Required #Open Space Ratio# at #Height Factor# of 21</u>	<u>Additional Required #Open Space Ratio# for each Additional #Height Factor#</u>
<u>R6</u>	<u>37.5</u>	<u>0.5</u>
<u>R7</u>	<u>25.5</u>	<u>0.5</u>
<u>R8</u>	<u>11.9</u>	<u>0.3</u>
<u>R9</u>	<u>9.0</u>	<u>0.4</u>

For such #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.*

*——— The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{-1}{F.A.R.} = \frac{O.S.R.}{-100} + \frac{-1}{H.F.}$$

23-144

**In designated areas where the Inclusionary Housing Program is applicable
Affordable independent residences for seniors**

R3-2 R4 R5

In the districts indicated, except R4A, R4B, R4-1, R5A, R5B and R5D Districts, the maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in the following table. #Open space# and #lot coverage# shall be governed by the #yard# requirements of the applicable district.

In R5D Districts, the #open space# and #floor area# regulations set forth in Section 23-142 (Open space and floor area regulations in other R1 and R2 Districts and R3 through R5 Districts) shall apply to #affordable independent residences for seniors#.

MAXIMUM FLOOR AREA RATIO FOR
AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS
IN R3-2, R4 AND R5 DISTRICTS

<u>Districts</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R3-2</u>	<u>0.95</u>
<u>R4</u>	<u>1.29</u>
<u>R5</u>	<u>1.95</u>

~~In #Inclusionary Housing designated areas#, the maximum permitted #floor area ratios# shall be as set forth in Section 23-952 (Floor area compensation in Inclusionary Housing designated areas). The locations of such areas are specified in APPENDIX F (Inclusionary Housing Designated Areas) of this Resolution.~~

~~23-145~~

~~For Quality Housing buildings~~

~~R6 R7 R8 R9 R10~~

~~In the districts indicated, the maximum #residential lot coverage# and the maximum #floor area ratio# for a #zoning lot# where #Quality Housing buildings# are #developed# or #enlarged# shall be as set forth in the following table. The maximums for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.~~

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO
FOR
QUALITY HOUSING BUILDINGS
(in percent)

District	Maximum #Lot Coverage#		Maximum #Floor Area Ratio#
	#Corner Lot#	#Interior Lot# or #Through Lot#	
R6	80	60	2.20
R6**	80	60	2.43
R6* R6A R7B	80	65	3.00
R6B	80	60	2.00
R7	80	65	3.44
R7* R7A	80	65	4.00
R7D	80	65	4.20
R7X	80	70	5.00
R8 R8A R8X	80	70	6.02
R8*	80	70	7.20
R8B	80	70	4.00
R9 R9A	80	70	7.52
R9D R9X	80	70	9.00
R10	100	70	10.00

23-146

Optional provisions for certain R5 and R6 Districts in Brooklyn

R5-R6

Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway in Community Board 12, in the Borough of Brooklyn, special optional regulations as set forth in this Section are applicable for #zoning lots# containing #buildings# used exclusively as

one, two or three family residences, provided such zoning lot complies with all of the provisions of this Section. Except as modified by the express provisions of this Section, the regulations of R5 and R6 Districts remain in effect.

(a) Floor area, lot coverage, open space, density and height factor regulations

The regulations of Article II, Chapter 3, relating to floor area ratio, open space, density and height factor are hereby made inapplicable. In lieu thereof, the maximum floor area ratio for a corner lot shall not exceed 1.65 and the maximum floor area ratio for an interior or through lot shall not exceed 1.8 in R5 Districts and 1.95 in R6 Districts. Notwithstanding the definition of floor area in Section 12-10, the lowest story shall be included in the definition of floor area, and floor space used for accessory off street parking spaces shall be included in the definition of floor area unless such spaces are located in a cellar. The lot coverage for a corner lot shall not exceed 55 percent and the lot coverage for an interior or through lot shall not exceed 60 percent in R5 Districts and 65 percent in R6 Districts.

(b) Building height

No building shall exceed a height of 35 feet above curb level, or three stories, whichever is less. The regulations of Article II, Chapter 3, relating to height and setback, are hereby made inapplicable.

(c) Front yards

In R5 Districts, the following front yard regulations are applicable. A front yard shall be provided with a depth of not less than five feet, provided that for corner lots, one front yard with a depth of not less than 10 feet is required. If the depth of the front yard exceeds 10 feet, such front yard shall have a depth of not less than 18 feet. In R6 Districts, a front yard is not required.

(d) Side yards

In R5 Districts, the following side yard regulations shall apply:

- (1) Where an existing building on an adjacent zoning lot is located on the common side lot line, no side yard is required. However, if an open area extending along such common side lot line is provided, it shall be at least eight feet wide.
- (2) Where an existing building on an adjacent zoning lot is located less than eight feet from, but not on, the common side lot line, a side yard at least four feet wide is required. However, in no case shall the distance between a new or enlarged building and an existing building across a common side lot line on an adjacent zoning lot be less than eight feet.
- (3) Where an adjacent zoning lot is vacant or where an existing building on an adjacent zoning lot is located more than eight feet from the common side lot line, a side yard at least four feet wide is required.

(4) — In R6 Districts, a #side yard# is not required. However, when a #building# is 62 feet in depth or more, an eight foot #side yard# or an #outer court# as set forth in paragraph (f) of this Section is required.

(5) — Notwithstanding the provisions of paragraphs (d)(1) and (d)(3), #detached# one-, #two-# and three #family residences# on #corner lots# shall provide #side yards# of five feet and 20 feet. #Semi-detached# one-, #two-# and three #family residences# on #corner lots# shall provide one #side yard# of 20 feet.

(e) — #Rear yards#

#Single-# or #two-family residences# consisting of #detached#, #semi-detached# or #zero lot line buildings# may project up to ten feet into a required #rear yard# or #rear yard equivalent#, provided that there is a #side yard# of at least eight feet for such #semi-detached# or #zero lot line buildings#, and that the total width of #side yards# for a #detached building# is at least eight feet.

(f) — #Outer court# and minimum distance between #legally required windows# and walls or #lot lines#

In R6 Districts, the #outer court# provisions of Section 23-84 are modified as follows: an #outer court# shall have a minimum width of 10 feet and a depth of not more than twice the width.

Where a #building# is attached, along a common #side lot line#, to a portion of an existing or new #building# on an adjacent #zoning lot#, there may be a joint #outer court# across such common #side lot line# with a minimum width of 10 feet. The requirements of Section 23-86 are hereby made inapplicable.

(g) — Off-street parking in R5 and R6 Districts

No #accessory# off-street parking is required in R5 and R6 Districts.

23-147

For non-profit residences for the elderly

R3 R4 R5 R6 R7

(a) — In the districts indicated, except R5D Districts, the minimum required #open space ratio# and the maximum #floor area ratio# for #non-profit residences for the elderly# shall be as set forth in the following table:

Maximum #Floor Area Ratio#	Minimum #Open Space Ratio#	Districts
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0.95	66.5	R3
1.29	39.4	R4
1.95	23.1	R5
3.90	17.7	R6
5.01	12.8	R7

In ~~R5D Districts~~, the ~~#open space#~~ and ~~#floor area#~~ regulations set forth in Section 23-141 shall apply to ~~#non-profit residences for the elderly#~~.

However, in R6 or R7 Districts, the minimum required ~~#open space ratio#~~ shall not apply to ~~#non-profit residences for the elderly#~~ that are ~~#Quality Housing buildings#~~. Such ~~#buildings#~~ shall be subject to the requirements of R6A or R7A Districts, respectively, as set forth in paragraph (b) of this Section.

~~R6A R6B R7A R7B R7D R7X~~

(b) — In the districts indicated, the maximum ~~#lot coverage#~~ and the maximum ~~#floor area ratio#~~ for ~~#non-profit residences for the elderly#~~ shall be as set forth in the following table:

~~MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO
FOR
NON-PROFIT RESIDENCES FOR THE ELDERLY
(in percent)~~

Maximum #Lot Coverage#		Maximum #Floor Area Ratio#	District
#Corner Lot#	#Interior Lot# or #Through Lot#		
80	65	3.90	R6A R7B
80	60	2.00	R6B
80	70	5.01	R7A R7D R7X

23-148

~~For tower-on-a-base buildings in R9 Districts~~

~~In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower on a base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 80 percent on a #corner lot# and 70 percent on an #interior lot#.~~

23-149

Special floor area regulations for certain sites in Community District 9, Borough of Manhattan

~~Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-145 (For Quality Housing buildings).~~

23-15

Maximum Floor Area Ratio in R10 Districts

Open Space and Floor Area Regulations in R6 through R10 Districts

~~R10~~

R6 R7 R8 R9 R10

In the districts indicated, for any #zoning lot#, the minimum required #open space# or #open space ratio# shall not be less than set forth in this Section, and the maximum #lot coverage# shall not exceed the #lot coverage# as set forth in this Section. Any given #lot area# or area of #open space# shall be counted only once in determining the #floor area ratio#, the amount of #open space# or the #open space ratio#.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building# shall comply with the #floor area ratio# and #lot coverage# regulations for #Quality Housing buildings# set forth in Sections 23-153 (For Quality Housing buildings).

In R6, R7, R8, R9 and R10 Districts without a letter suffix, #buildings# containing #residences# may be #developed# or #enlarged# pursuant to the basic #floor area# and #open space# regulations set forth in Section 23-151 (Basic regulations for R6 through R9 Districts) or 23-152 (Basic regulations for R10 Districts), as applicable, or the regulations for #Quality Housing buildings# set forth in Section 23-153.

All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8.

The applicable #floor area ratio# for the district may be increased for #developments# or #enlargements# providing #affordable housing# or #affordable independent residences for seniors#, pursuant to Sections 23-154 (Inclusionary Housing) or 23-155 (Affordable independent residences for seniors), as applicable.

Special #lot coverage# provisions for shallow #zoning lots#, and #interior# or #through lots# within one hundred feet of corners or located along the short dimension of the #block# are set forth in Sections 23-156 (Special lot coverage provisions for certain interior lots).

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum #floor area ratio# for each #use# shall be as set forth in the applicable provisions of this Section.

inclusive, or Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS), inclusive, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

However, for #zoning lots# providing #affordable independent residences for seniors# and other #residential uses#, the total #floor area# allocated to #uses# other than #affordable independent residences for seniors# on the #zoning lot# shall not exceed the maximum #floor area ratio# permitted for #residential uses# set forth in Sections 23-151, or 23-153, as applicable. Furthermore, for such #zoning lots# providing #affordable independent residences for seniors# and other #residential uses# within R10 Districts or within Inclusionary Housing Designated Areas, the maximum #floor area ratio# on the #zoning lot# shall not exceed the #floor area ratio# for the Inclusionary Housing Program set forth in Section 23-154, as applicable, and the maximum #floor area ratio# allocated to #affordable independent residences for seniors# shall not exceed the base #floor area ratio# specified in such Section, as applicable, except where such #affordable independent residences for seniors# meet the definition of #affordable housing# set forth in Section 23-911. #Zoning lots# with #buildings# used exclusively for #affordable independent residences for seniors# within R10 Districts or within Inclusionary Housing Designated Areas shall remain subject to the maximum #floor are ratios# set forth in 23-155.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

In addition to complying with the provisions of this Section, all #zoning lots# shall be subject to the provisions set forth in Section 23-22 (Maximum Number of Dwelling Units) as well as all other applicable #bulk# regulations as set forth in this Chapter.

In the district indicated, except in #Inclusionary Housing designated areas#, the #floor area ratio# on a #zoning lot# shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall 10.0.

23-151

Basic regulations for R6 through R9 Districts

R6 R7 R8 R9

In the districts indicated without a letter suffix, the minimum required #open space ratio# and the maximum #floor area ratio# for any #zoning lot# shall be determined by the #height factor# of such #zoning lot# as set forth in this Section.

MINIMUM REQUIRED OPEN SPACE RATIO

AND MAXIMUM FLOOR AREA RATIO

R6 through R9 Districts

	<u>In R6 Districts</u>		<u>In R7 Districts</u>		<u>In R8 Districts</u>		<u>In R9 Districts</u>	
<u>For #zoning lots# with a #height factor# of</u>	<u>Min. Req. #open space ratio#</u>	<u>Max. #floor area ratio#</u>	<u>Min. Req. #open space ratio#</u>	<u>Max. #floor area ratio#</u>	<u>Min. Req. #open space ratio#</u>	<u>Max. #floor area ratio#</u>	<u>Min. Req. #open space ratio#</u>	<u>Max. #floor area ratio#</u>
<u>1</u>	<u>27.5</u>	<u>0.78</u>	<u>15.5</u>	<u>0.87</u>	<u>5.9</u>	<u>0.94</u>	<u>1.0</u>	<u>0.99</u>
<u>2</u>	<u>28.0</u>	<u>1.28</u>	<u>16.0</u>	<u>1.52</u>	<u>6.2</u>	<u>1.78</u>	<u>1.4</u>	<u>1.95</u>
<u>3</u>	<u>28.5</u>	<u>1.62</u>	<u>16.5</u>	<u>2.01</u>	<u>6.5</u>	<u>2.51</u>	<u>1.8</u>	<u>2.85</u>
<u>4</u>	<u>29.0</u>	<u>1.85</u>	<u>17.0</u>	<u>2.38</u>	<u>6.8</u>	<u>3.14</u>	<u>2.2</u>	<u>3.68</u>
<u>5</u>	<u>29.5</u>	<u>2.02</u>	<u>17.5</u>	<u>2.67</u>	<u>7.1</u>	<u>3.69</u>	<u>2.6</u>	<u>4.42</u>
<u>6</u>	<u>30.0</u>	<u>2.14</u>	<u>18.0</u>	<u>2.88</u>	<u>7.4</u>	<u>4.15</u>	<u>3.0</u>	<u>5.08</u>
<u>7</u>	<u>30.5</u>	<u>2.23</u>	<u>18.5</u>	<u>3.05</u>	<u>7.7</u>	<u>4.55</u>	<u>3.4</u>	<u>5.65</u>
<u>8</u>	<u>31.0</u>	<u>2.30</u>	<u>19.0</u>	<u>3.17</u>	<u>8.0</u>	<u>4.88</u>	<u>3.8</u>	<u>6.13</u>
<u>9</u>	<u>31.5</u>	<u>2.35</u>	<u>19.5</u>	<u>3.27</u>	<u>8.3</u>	<u>5.15</u>	<u>4.2</u>	<u>6.54</u>
<u>10</u>	<u>32.0</u>	<u>2.38</u>	<u>20.0</u>	<u>3.33</u>	<u>8.6</u>	<u>5.38</u>	<u>4.6</u>	<u>6.85</u>
<u>11</u>	<u>32.5</u>	<u>2.40</u>	<u>20.5</u>	<u>3.38</u>	<u>8.9</u>	<u>5.56</u>	<u>5.0</u>	<u>7.09</u>
<u>12</u>	<u>33.0</u>	<u>2.42</u>	<u>21.0</u>	<u>3.41</u>	<u>9.2</u>	<u>5.71</u>	<u>5.4</u>	<u>7.30</u>
<u>13</u>	<u>33.5</u>	<u>2.43</u>	<u>21.5</u>	<u>3.42</u>	<u>9.5</u>	<u>5.81</u>	<u>5.8</u>	<u>7.41</u>
<u>14</u>	<u>34.0</u>	<u>2.43</u>	<u>22.0</u>	<u>3.44</u>	<u>9.8</u>	<u>5.92</u>	<u>6.2</u>	<u>7.52</u>

<u>15</u>	<u>34.5</u>	<u>2.43</u>	<u>22.5</u>	<u>3.42</u>	<u>10.1</u>	<u>5.95</u>	<u>6.6</u>	<u>7.52</u>
<u>16</u>	<u>35.0</u>	<u>2.42</u>	<u>23.0</u>	<u>3.41</u>	<u>10.4</u>	<u>5.99</u>	<u>7.0</u>	<u>7.52</u>
<u>17</u>	<u>35.5</u>	<u>2.42</u>	<u>23.5</u>	<u>3.40</u>	<u>10.7</u>	<u>6.02</u>	<u>7.4</u>	<u>7.52</u>
<u>18</u>	<u>36.0</u>	<u>2.40</u>	<u>24.0</u>	<u>3.38</u>	<u>11.0</u>	<u>6.02</u>	<u>7.8</u>	<u>7.46</u>
<u>19</u>	<u>36.5</u>	<u>2.39</u>	<u>24.5</u>	<u>3.36</u>	<u>11.3</u>	<u>6.02</u>	<u>8.2</u>	<u>7.41</u>
<u>20</u>	<u>37.0</u>	<u>2.38</u>	<u>25.0</u>	<u>3.33</u>	<u>11.6</u>	<u>6.02</u>	<u>8.6</u>	<u>7.35</u>
<u>21</u>	<u>37.5</u>	<u>2.36</u>	<u>25.5</u>	<u>3.30</u>	<u>11.9</u>	<u>5.99</u>	<u>9.0</u>	<u>7.25</u>

For #zoning lots# with #height factors# greater than 21, the minimum required #open space ratio# shall be as set forth in the following table:

OPEN SPACE RATIO FOR HIGH BUILDINGS

<u>District</u>	<u>Minimum Required #Open Space Ratio# at #Height Factor# of 21</u>	<u>Additional Required #Open Space Ratio# for each Additional #Height Factor#</u>
<u>R6</u>	<u>37.5</u>	<u>0.5</u>
<u>R7</u>	<u>25.5</u>	<u>0.5</u>
<u>R8</u>	<u>11.9</u>	<u>0.3</u>
<u>R9</u>	<u>9.0</u>	<u>0.4</u>

For such #zoning lots#, the maximum #floor area ratio# shall be such as can be attained at the required #open space ratio# for the #height factor#.*

* The #floor area ratio# attainable at a given #height factor# and a given #open space ratio# may be computed from the following formula:

$$\frac{1}{\text{F.A.R.}} \equiv \frac{\text{O.S.R.}}{100} \pm \frac{1}{\text{H.F.}}$$

23-152

Basic regulations for R10 Districts

In R10 Districts, the #floor area ratio# on a #zoning lot# shall not exceed 10.0.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0.

23-153

For Quality Housing buildings

R6 R7 R8 R9 R10

In the districts indicated, for #developments# and #enlargements# of #Quality Housing buildings#, the maximum #floor area ratio# and maximum #residential lot coverage# for #interior lots# or #through lots# shall be as set forth in the following table. The maximum #residential lot coverage# for a #corner lot# shall be 100 percent.

The maximums for #zoning lots#, or portions thereof, located within 100 feet of a #wide street# in R6, R7 or R8 Districts without a letter suffix outside the #Manhattan Core#, shall be as designated by the same district with an asterisk. In an R6 District inside the #Manhattan Core# located within 100 feet of a #wide street#, the maximums shall be indicated by the same district with a double asterisk.

MAXIMUM LOT COVERAGE AND FLOOR AREA RATIO
FOR QUALITY HOUSING BUILDINGS
(in percent)

<u>District</u>	<u>Maximum #Lot Coverage# for an #Interior Lot# or #Through Lot#</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R6</u>	<u>60</u>	<u>2.20</u>
<u>R6**</u>	<u>60</u>	<u>2.43</u>
<u>R6* R6A R7B</u>	<u>65</u>	<u>3.00</u>
<u>R6B</u>	<u>60</u>	<u>2.00</u>
<u>R7</u>	<u>65</u>	<u>3.44</u>

<u>R7* R7A</u>	<u>65</u>	<u>4.00</u>
<u>R7D</u>	<u>65</u>	<u>4.20</u>
<u>R7X</u>	<u>70</u>	<u>5.00</u>
<u>R8 R8A R8X</u>	<u>70</u>	<u>6.02</u>
<u>R8*</u>	<u>70</u>	<u>7.20</u>
<u>R8B</u>	<u>70</u>	<u>4.00</u>
<u>R9 R9A</u>	<u>70</u>	<u>7.52</u>
<u>R9D R9X</u>	<u>70</u>	<u>9.00</u>
<u>R10</u>	<u>70</u>	<u>10.00</u>

23-154

Inclusionary Housing

For #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, the maximum #floor area ratio# permitted in R10 Districts outside of #Inclusionary Housing designated areas# shall be as set forth in paragraph (a) of this Section, and the maximum #floor area ratio# in the #Inclusionary Housing designated areas# existing on (date of adoption) shall be as set forth in paragraph (b) of this Section. Special provisions for certain areas are set forth in paragraph (c) of this Section. The maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings) for the applicable zoning district. For the purpose of this Section, defined terms include those set forth in Section 12-10 and Section 23-911.

(a) R10 Districts outside of #Inclusionary Housing designated areas#

The #residential floor area ratio# of a #compensated zoning lot# may be increased from a base #floor area ratio# of 10.0 to a maximum #floor area ratio# of 12.0 at the rate set forth in this Section, if such #compensated zoning lot# provides #affordable housing# that is restricted to #low income floor area#.

For each square foot of #floor area# provided for a type of #affordable housing# listed in the table in this Section, the #floor area# of the #compensated zoning lot# may be increased by the number of square feet set forth in the table of this paragraph (a), as applicable. Any #generating site# for which #public funding# has been received within the 15 years preceding the #regulatory agreement date#, or for which

#public funding# is committed to be provided subsequent to such date, shall be deemed to be provided with #public funding#.

OPTIONS

<u>Without #public funding#</u>	<u>#New construction affordable housing# or</u>	<u>3.5</u>
	<u>#substantial rehabilitation affordable housing#</u>	
	<u>#Preservation affordable housing#</u>	<u>2.0</u>
<u>With #public funding#</u>	<u>#New construction affordable housing#,</u>	<u>1.25</u>
	<u>#substantial rehabilitation affordable housing#</u>	
	<u>or #preservation affordable housing#</u>	

(b) #Inclusionary Housing designated areas#

The #residential floor area# of a #zoning lot# may not exceed the base #floor area ratio# set forth in the table in this Section, except that such #floor area# may be increased on a #compensated zoning lot# by 1.25 square feet for each square foot of #low income floor area# provided, up to the maximum #floor area ratio# specified in the table of this paragraph (b), as applicable. However, the amount of #low income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, or any #floor area# increase for the provision of a #FRESH food store#, on the #compensated zoning lot#.

Maximum #Residential Floor Area Ratio#

<u>District</u>	<u>Base #floor area ratio#</u>	<u>Maximum #floor area ratio#</u>
<u>R6B</u>	<u>2.00</u>	<u>2.20</u>
<u>R6¹</u>	<u>2.20</u>	<u>2.42</u>
<u>R6² R6A R7-2¹</u>	<u>2.70</u>	<u>3.60</u>
<u>R7A R7-2²</u>	<u>3.45</u>	<u>4.60</u>
<u>R7-3</u>	<u>3.75</u>	<u>5.0</u>
<u>R7D</u>	<u>4.20</u>	<u>5.60</u>
<u>R7X</u>	<u>3.75</u>	<u>5.00</u>
<u>R8</u>	<u>5.40</u>	<u>7.20</u>

<u>R9</u>	<u>6.00</u>	<u>8.00</u>
<u>R9A</u>	<u>6.50</u>	<u>8.50</u>
<u>R9D</u>	<u>7.5</u>	<u>10.0</u>
<u>R9X</u>	<u>7.3</u>	<u>9.70</u>
<u>R10</u>	<u>9.00</u>	<u>12.00</u>

¹ for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

² for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

(c) Special provisions for certain areas

(1) Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

Within a #large-scale general development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph (c)(1) inclusive, modify the provisions of paragraph (b) of this Section:

- (i) The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to paragraph (b) of this Section;
- (ii) However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (c)(1)(ii). If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income households# and #low income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (c)(1), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(2) Special provisions for #large-scale general developments# in Community District 1 in the Borough of Queens

Special provisions shall apply to #zoning lots# within a #large-scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

- (i) For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in paragraph (b) of this Section shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low-income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate-income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (c)(2)(i), inclusive, #low income floor area# may be considered #moderate income floor area#; and
- (ii) The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (c)(2)(i) of this Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 74-743 (Special provisions for bulk modification).

(3) Special provisions for #compensated zoning lots#

Special provisions shall apply to #compensated zoning lots# located within:

- (i) R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or
- (ii) the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

23-155

Affordable independent residences for seniors

R6 R7 R8 R9 R10

In the districts indicated, for #buildings# complying with the height and setback regulations for #Quality Housing buildings# set forth in Section 23-66, the maximum #floor area ratio# for #affordable independent residences for seniors# shall be as set forth in the following table, and the maximum #lot coverage# shall be as set forth in Section 23-153 (For Quality Housing buildings), as applicable.

For #buildings# in R6, R7, R8, R9 or R10 Districts without a letter suffix utilizing the basic #bulk# regulations, the maximum #floor area ratio# and #open space ratio# for #affordable independent residences for seniors# shall be as set forth for #residential uses# in Sections 23-151 (Basic regulations for R6 through R9 Districts) and 23-152 (Basic regulations for R10 Districts), as applicable.

MAXIMUM
FLOOR AREA RATIO FOR
AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS
IN QUALITY HOUSING BUILDINGS

<u>District</u>	<u>Maximum #Floor Area Ratio#</u>
<u>R6 R6A R7B</u>	<u>3.90</u>
<u>R6B</u>	<u>2.20</u>
<u>R7 R7A</u>	<u>5.01</u>
<u>R7D</u>	<u>5.60</u>
<u>R7X</u>	<u>6.00</u>
<u>R8 R8A R8X</u>	<u>7.20</u>
<u>R8B</u>	<u>4.00</u>
<u>R9</u>	<u>8.00</u>
<u>R9A</u>	<u>8.50</u>
<u>R9X</u>	<u>9.70</u>
<u>R9D</u>	<u>10.00</u>
<u>R10 R10A R10X</u>	<u>12.00</u>

23-156

Special lot coverage provisions for certain interior or through lots

R6 R7 R8 R9 R10

In the districts indicated, the maximum #lot coverage# set forth in 23-153 (For Quality Housing buildings), may be increased for shallow #zoning lots# in accordance with paragraph (a) of this Section, and may be increased for #interior# or #through lots# within one hundred feet of corners or located along the short dimension of the #block#, in accordance with paragraphs (b) of this Section.

- (a) Shallow #zoning lots#

The maximum #lot coverage# for shallow #interior# or #through lots# may be increased as follows:

(1) For shallow #interior lots#

In the districts indicated, if an #interior lot#, or portion thereof, was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a #building permit#, and is less than 95 feet deep at any point, the maximum #lot coverage# of such #zoning lot# may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 95 feet.

(2) For shallow #through lots#

In the districts indicated, if a #through lot#, or portion thereof was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a #building permit#, and is less than 190 feet deep at any point, the maximum #lot coverage# of such #zoning lot# may be increased by one percent for every five feet the depth of such #zoning lot#, or portion thereof, is less than 190 feet.

(3) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraphs (a) and (b) of this Section, the special #lot coverage# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

(4) For #zoning lots# with shallow portions

Where a portion of a #zoning lot# is less than 95 feet for an #interior lot#, or 190 feet for a #through lot#, an adjusted maximum #lot coverage# shall be established for the #zoning lot# by multiplying the maximum percent of #lot coverage# permitted for each portion of the #zoning lot# established pursuant to paragraphs (a) and (b) of this Section by the #lot area# of such portion. The sum of the areas of #lot coverage# thus obtained shall be the maximum area of #lot coverage# for the #zoning lot#. Such maximum area of #lot coverage#, divided by the #lot area# of the #zoning lot#, shall be the adjusted maximum percent of #lot coverage# for the #zoning lot#.

(5) Maximum coverage

In no event shall the maximum #lot coverage# of an #interior lot# or #through lot# exceed 80 percent. Shallow portions of a #zoning lot# creating an adjusted maximum #lot coverage# pursuant to paragraph (d) of this Section may exceed such maximum, so long as the entire #zoning lot# complies with such maximum.

(b) Within one hundred feet of corners or along the short dimension of the #block#

The maximum #lot coverage# for #interior# or #through lots#, or portions thereof, within one hundred feet of the corner, or located along the short dimension of the #block#, may be increased as follows:

- (1) Within one hundred feet of the corner

In the districts indicated, for #interior# or #through lots#, or portions thereof, within 100 feet of the point of intersection of two #street lines# intersecting at an angle of 135 degrees or less, the maximum #lot coverage# shall be 100 percent.

- (2) Along the short dimension of the block

In the districts indicated, whenever a #front lot line# of an #interior# or #through lot# coincides with all or part of a #street line# measuring less than 230 feet in length between two intersecting #streets#, the maximum #lot coverage# for such #zoning lot#, or portion thereof, shall be 100 percent within 100 feet of such #front lot line#.

23-16

Special Floor Area and Lot Coverage Provisions for Certain Areas ~~Existing Public Amenities for Which Floor Area Bonuses Have Been Received~~

The #floor area ratio# provisions of Sections 23-14 (Open Space and Floor Area Regulations in R1 through R5 Districts) and 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts), inclusive, shall be modified for certain areas, as follows:

- (a) For tower-on-a-base buildings in R9 Districts

In R9 Districts, for #zoning lots# where #buildings# are #developed# or #enlarged# pursuant to the tower-on-a-base provisions of Section 23-651, the maximum #floor area ratio# shall be 7.52, and the maximum #lot coverage# shall be 100 percent on a #corner lot# and 70 percent on an #interior lot#.

- (b) For R10 Districts in Community District 7 in the Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, in R10 Districts, except R10A or R10X Districts, the maximum #floor area ratio# shall be 10.0.

- (c) For R8 Districts in Community District 9 in the Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program and are subject to the #floor area# regulations set forth in Section 23-153 (For Quality Housing buildings).

(d) Optional provisions for certain R5 and R6 Districts in Community District 12 in the Borough of Brooklyn

Within the area bounded by 39th Street, Dahill Road, Ditmas Avenue, McDonald Avenue, Bay Parkway, 61st Street and Fort Hamilton Parkway in Community Board 12, in the Borough of Brooklyn, special optional provisions are established for #zoning lots# containing #buildings# used exclusively as #single-#, #two-# or three-#family residences#, as set forth in this Section, inclusive. Except as modified by the express provisions of this Section, the regulations of R5 and R6 Districts remain in effect.

(1) #Floor area#, #lot coverage#, #open space#, density and #height factor# regulations

Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to #floor area ratio#, #open space#, density and #height factor# are hereby made inapplicable. In lieu thereof, the maximum #floor area ratio# for a #corner lot# shall not exceed 1.65 and the #floor area ratio# for an #interior# or #through lot# shall not exceed 1.8 in R5 Districts and 1.95 in R6 Districts. Notwithstanding the definition of #floor area# in Section 12-10, the lowest #story# shall be included in the definition of #floor area#, and floor space used for #accessory# off-street parking spaces shall be included in the definition of #floor area# unless such spaces are located in a #cellar#. The #lot coverage# for a #corner lot# shall not exceed 55 percent and the #lot coverage# for an #interior# or #through lot# shall not exceed 60 percent in R5 Districts and 65 percent in R6 Districts.

(2) #Building# height

No #building# shall exceed a height of 35 feet above #curb level#, or three #stories#, whichever is less. Where the optional provisions of this Section are applied, the regulations of Article II, Chapter 3, relating to height and setback, are hereby made inapplicable, except that the provisions of Section 23-62 (Permitted Obstructions) shall apply.

(3) #Front yards#

In R5 Districts, the following #front yard# regulations are applicable. A #front yard# shall be provided with a depth of not less than five feet, provided that for #corner lots#, one #front yard# with a depth of not less than 10 feet is required. If the depth of the #front yard# exceeds 10 feet, such #front yard# shall have a depth of not less than 18 feet. In R6 Districts, a #front yard# is not required.

(4) #Side yards#

In R5 Districts, the following #side yard# regulations shall apply:

- (i) Where an existing #building# on an adjacent #zoning lot# is located on the common #side lot line#, no #side yard# is required. However, if an open area extending along such common #side lot line# is provided, it shall be at least eight feet wide.

- (ii) Where an existing #building# on an adjacent #zoning lot# is located less than eight feet from, but not on, the common #side lot line#, a #side yard# at least four feet wide is required. However, in no case shall the distance between a new or #enlarged building# and an existing #building# across a common #side lot line# on an adjacent #zoning lot# be less than eight feet.
- (iii) Where an adjacent #zoning lot# is vacant or where an existing #building# on an adjacent #zoning lot# is located more than eight feet from the common #side lot line#, a #side yard# at least four feet wide is required.
- (iv) In R6 Districts, a #side yard# is not required. However, when a #building# is 62 feet or more in depth, an eight foot #side yard# or an #outer court# as set forth in paragraph (d)(6) of this Section is required.
- (v) Notwithstanding the provisions of paragraphs (d)(1) and (d)(3), #detached single-#, #two-# and three-#family residences# on #corner lots# shall provide #side yards# of five feet and 20 feet. #Semi-detached single-#, #two-# and three-#family residences# on #corner lots# shall provide one #side yard# of 20 feet.

(5) #Rear yards#

#Single-# or #two-family residences# consisting of #detached#, #semi-detached# or #zero lot line buildings# may project up to ten feet into a required #rear yard# or #rear yard equivalent#, provided that there is a #side yard# of at least eight feet for such #semi-detached# or #zero lot line buildings#, and that the total width of #side yards# for a #detached building# is at least eight feet.

(6) #Outer court# and minimum distance between #legally required windows# and walls or #lot lines#

In R6 Districts, the #outer court# provisions of Section 23-84 are modified as follows: an #outer court# shall have a minimum width of 10 feet and a depth of not more than twice the width.

Where a #building# is attached, along a common #side lot line#, to a portion of an existing or new #building# on an adjacent #zoning lot#, there may be a joint #outer court# with a minimum width of ten feet across such common #side lot line#. The requirements of Section 23-86 (Minimum Distance Between Legally Required Windows and Walls and Lot Lines) are hereby made inapplicable.

(7) Off-street parking in R5 and R6 Districts

No #accessory# off-street parking is required in R5 and R6 Districts.

- (a) ~~Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity~~

~~In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.~~

- (b) ~~Nighttime closing of existing public open areas~~

~~In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).~~

- (c) ~~Elimination or reduction in size of existing public amenities~~

~~In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).~~

Regulations Applying in Special Situations

23-17

Existing Public Amenities for Which Floor Area Bonuses Have Been Received ~~Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) Elimination or reduction in size of non-bonused open area on a #zoning lot# containing a bonused amenity

In all districts, any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

- (b) Nighttime closing of existing public open areas

In all #Residence Districts#, the City Planning Commission may, upon application, authorize the closing during certain nighttime hours of an existing #publicly accessible open area# for which a #floor area# bonus has been received, pursuant to Section 37-727 (Hours of access).

(c) Elimination or reduction in size of existing public amenities

In all districts, no existing #publicly accessible open area#, #arcade# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size except by special permit of the City Planning Commission, pursuant to Section 74-761 (Elimination or reduction in size of bonused public amenities).

~~In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different minimum required #open space ratios#, different maximum #floor area ratios# or different #lot coverages# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.~~

23-18

Special Provisions for Zoning Lots Divided by District Boundaries or Subject to Different Bulk Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, whenever a #zoning lot# is divided by a boundary between districts or is subject to #bulk# regulations resulting in different minimum required #open space ratios#, different maximum #floor area ratios# or different #lot coverages# on portions of the #zoning lot#, the provisions set forth in Article VII, Chapter 7, shall apply.

23-20

DENSITY REGULATIONS

23-21

Required Floor Area per Dwelling Unit ~~or Floor Area per Rooming Unit~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

This Section shall apply to existing #buildings# in which the number of ~~#rooming units#~~ or #dwelling units# is increased as well as to all new #development#.

Any given #floor area# shall be counted only once in meeting the #floor area# requirements.

In all districts, as indicated, the #floor area# requirement per #dwelling unit# ~~or #rooming unit#~~ shall not be less than as set forth in this Section, except as provided in Sections 23-24 (Special Provisions for Buildings Used

~~Partly for Non-Residential~~ Containing Multiple Uses) or Section 23-25 (Special Provisions for Existing Small Zoning Lots).

23-22

Maximum Number of Dwelling Units ~~or Rooming Units~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the maximum number of ~~#dwelling units# or #rooming units#~~ shall equal the maximum ~~#residential floor area#~~ permitted on the ~~#zoning lot#~~ divided by the applicable factor in the following table. In R1 through R5 Districts, ~~no #rooming units# shall be permitted and~~ any ~~#dwelling unit#~~ shall be occupied by only one ~~#family#~~. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one ~~#dwelling unit# or #rooming unit#~~.

For the purposes of this Section, where a ~~#floor area ratio#~~ is determined pursuant to Section 23-151 (Basic regulations for R6 through R9 Districts) ~~Sections 23-142 or 23-143~~, notwithstanding the ~~#height factor#~~ of the ~~#zoning lot#~~, the maximum ~~#residential floor area ratio#~~ shall be 2.43 in an R6 District within 100 feet of a ~~#wide street#~~, 3.44 in an R7 District, and 6.02 in an R8 District. In an R6 District beyond 100 feet of a ~~#wide street#~~, the maximum ~~#residential floor area ratio#~~ shall be as specified in Section 23-151 ~~Sections 23-142 or 23-143~~, or 2.2, whichever is greater.

For #affordable independent residences for seniors#, there shall be no applicable #dwelling unit# factor.

For #zoning lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, special provisions are set forth in Section 23-24 (Special Provisions for Buildings Containing Multiple Uses) to determine the maximum number of #dwelling units# permitted.

FACTOR FOR DETERMINING MAXIMUM NUMBER OF DWELLING UNITS ~~OR ROOMING UNITS~~

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R1-1	4,750	
R1-2	2,850	
R2, R2A	1,900	
R2X	2,900	

R3-1 R3-2*	625	
R3A	710	
R3-2 R4 R4-1 R4B	870	
R3X	1,000	
R4A	1,280	
R4** R5** R5B	900	
R5, R5D	760	
R5A	1,560	
R5B***	1,350	
R6 R7 <u>R8 R9 R10</u> R8B	680	500
R8 R8A R8X R9 R9A	740	530
R9-1 R9X R10	790	600

* for #single-# and #two-family detached# and #semi-detached residences#

** for #residences# in a #predominantly built-up area#

*** for #zoning lots# with less than 40 feet of #street# frontage and existing on the effective date of establishing such districts on the #zoning maps#

~~23-221~~

~~Maximum number of dwelling units or rooming units for non-profit residences for the elderly~~ **~~R3-2 R4 R5 R6 R7~~**

~~In the districts indicated, except R4-1, R4A, R4B and R5A Districts, the maximum number of #dwelling units# or, where permitted, #rooming units# for #non-profit residences for the elderly#, shall equal the maximum #residential floor area# permitted on the #zoning lot# divided by the applicable factor in the following table. No #rooming units# shall be permitted in R3-2, R4 or R5 Districts. Fractions equal to or greater than three-quarters resulting from this calculation shall be considered to be one #dwelling unit# or #rooming unit#.~~

~~FACTOR FOR DETERMINING MAXIMUM NUMBER
OF DWELLING UNITS OR ROOMING UNITS~~

District	Factor for #Dwelling Units#	Factor for #Rooming Units#
R3-2	680	
R4 R5B	680	
R5 R5D	700	
R6 R7	710	570

23-23

Minimum Size of Dwelling Units

R3 R4 R5

- (a) In the districts indicated, for all #buildings# other than #affordable independent residences for seniors
~~non-profit residences for the elderly~~#, each #dwelling unit# shall contain at least 300 square feet of #floor
area#.

R3 R4A R4-1

- (b) In the districts indicated, for all two-family #detached# and, where permitted, two-family #semi-
detached# and #zero lot line buildings#, one #dwelling unit# shall contain at least 925 square feet.

Regulations Applying in Special Situations

23-24

Special Provisions for Buildings Containing Multiple Uses ~~Used Partly for Non-Residential Uses~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~In all districts, as indicated, if a #building# is used partly for #residences# and partly for non #residential uses#
(other than #community facility uses#, the provisions for which are set forth in Article II, Chapter 4); For #zoning
lots# with #buildings# containing multiple #uses# or multiple #buildings# with different #uses#, the maximum
number of #dwelling units# or #rooming units# permitted on the #zoning lot# shall equal the total #residential
floor area# permitted on the #zoning lot# after deducting any non-#residential floor area# and any #floor area#
allocated to #affordable independent residences for seniors#, divided by the applicable factor in Section 23-22~~

(Maximum Number of Dwelling Units ~~or Rooming Units~~). Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be proportionately attributed to such #uses#, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

23-25
Special Provisions for Existing Small Zoning Lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, notwithstanding the provisions of Section 23-22 (Maximum Number of Dwelling Units ~~or Rooming Units~~), one #single-family detached residence# or, where permitted, one #single-family residence#, may be built upon a #zoning lot# consisting entirely of a tract of land that was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit.

* * *

23-30
LOT AREA AND LOT WIDTH REGULATIONS

* * *

Regulations Applying in Special Situations

* * *

23-35
Special Provisions for Zoning Lots Containing Certain Community Facility Uses in Lower Density Growth Management Areas

In R1, R2, R3-1, R3A, R3X, R4-1 and R4A Districts in #lower density growth management areas#, the minimum #lot area# and #lot width# regulations of this Section shall apply to any #zoning lot# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or #long-term care facilities# ~~nursing homes as defined in the New York State Hospital Code~~; and

* * *

23-40
YARD REGULATIONS

Definitions and General Provisions

* * *

23-44

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following obstructions shall be permitted within a required #yard# or #rear yard equivalent#:

(a) In any #yard# or #rear yard equivalent#:

* * *

(b) In any #rear yard# or #rear yard equivalent#:

- (1) Balconies, unenclosed, subject to the provisions of Section 23-13;
- (2) Breezeways;
- (3) Fire escapes;
- (4) Greenhouses, non-commercial, #accessory#, limited to one #story# or 15 ~~14~~ feet in height above adjoining grade, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard#;
- (5) Parking spaces, off-street, #accessory#, for automobiles or bicycles, provided that:
 - (i) if #accessory# to a #single-# or #two-family residence#, the height of a #building# containing such parking spaces shall not exceed ten feet in height above the adjoining grade and such #building# shall be #detached# from such #residence#. Furthermore, if located in an R1 District, such #building# may not be nearer than five feet to a #rear lot line# or #side lot line#. In R2A Districts, detached garages shall be included in #lot coverage#. In addition, solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard#;
 - (ii) if #accessory# to any other kind of #building# containing #residences#, the height of a #building#, or portion thereof, containing such parking spaces within the #rear yard#, shall not exceed ten feet above adjoining grade, including the apex of a pitched roof in R3, R4 or R5 Districts, or 15 ~~fourteen~~ feet above #curb level# or #base plane#, as applicable, in R6, R7, R8, R9 or R10 Districts. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured

perpendicular to the roof surface, shall be permitted upon the roof of such #accessory building# within the #rear yard#;

* * *

(9) any portion of a #building# used for #accessory residential uses#, for #Quality Housing buildings# on #zoning lots# in R6 through R10 Districts, other than R6B, R7B, or R8B Districts, providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#, provided that the height of such #building# portion does not exceed one #story#, or 15 feet above the adjoining grade, whichever is less. Such space shall be accessible to all residents of the #building#. No #dwelling unit#, or portion thereof, shall be permitted in a #rear yard# or #rear yard equivalent#. In addition, decks, parapet walls, roof thickness, skylights, vegetated roofs, and weirs, as set forth in Section 23-62 (Permitted Obstructions), and solar energy systems, limited to 18 inches in height, as measured perpendicular to the roof surface, shall be permitted upon the roof of such portion of a #building# within the #rear yard#.

However, no portion of a #rear yard equivalent# which is also a required #front yard# or required #side yard# may contain any obstructions not permitted in such #front yard# or #side yard#.

* * *

Basic Regulations - Side Yards

23-46

Minimum Required Side Yards

* * *

23-462

Side yards for all other buildings containing residences

R3-2 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, except as set forth in Section 23-461 (Side yards for single- or two-family residences) or Section 23-49 (Special Provisions for Side Lot Line Walls), #side yards# shall be provided for all #zoning lots# with #buildings# containing #residences# as provided in this Section:

* * *

R6 R7 R8 R9 R10

- (c) In the districts indicated, no #side yards# are required. However, if any open area extending along a #side lot line# is provided at any level, it shall have a minimum width of eight feet, measured perpendicular to the #side lot line#, and extend along the entire #side lot line#, except where a #court# is provided in accordance with the applicable provisions of Section 23-60. ~~measure at least eight feet wide for the entire length of the #side lot line#~~ Obstructions permitted pursuant to paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in such open areas.

* * *

Rear Yards

23-52

Special Provisions for Shallow Interior Lots

R3 R4 R5 R6 R7 R8 R9 R10

R3 R4 R5

- (a) In the districts indicated, if an #interior lot#:

(1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(2) is less than 70 feet deep at any point;

the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be ten feet.

R6 R7 R8 R9 R10

- (b) In the districts indicated, if an #interior lot#, or portion thereof:

(1) was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961, and on the date of application for a building permit; and

(2) is less than 95 feet deep at any point;

the depth of a required #rear yard#, or portion thereof, for such #interior lot#, may be reduced by six inches for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 95 feet. However, in no event shall the minimum depth of a #required yard#, or portion thereof, be reduced to less than ten feet.

- (c) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraph (b) of this Section, in R6 through R10 Districts, the special #rear yard# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

~~In the districts indicated, if an #interior lot#:~~

~~(a) — was owned separately and individually from all other adjoining tracts of land, both on December 15, 1961 and on the date of application for a building permit; and~~

~~(b) — is less than 70 feet deep at any point;~~

~~the depth of a required #rear yard# for such #interior lot# may be reduced by one foot for each foot by which the maximum depth of such #zoning lot# is less than 70 feet. On any #interior lot# with a maximum depth of 50 feet or less, the minimum depth of a required #rear yard# shall be ten feet.~~

23-53

Special Provisions for Through Lots

* * *

23-532

Required rear yard equivalents

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, except for #Quality Housing buildings# in R6 through R10 districts, the provisions for which are set forth in Section 23-533 as indicated, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

* * *

However, in #lower density growth management areas# and in ~~R5D, R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X~~ Districts, and for #Quality Housing buildings# in other R6 through R10 Districts, on any #through lot# at least 180 feet in maximum depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

23-533

Required rear yard equivalents for Quality Housing buildings

R6 R7 R8 R9 R10

For #Quality Housing buildings# in R6 through R10 districts, on any #through lot# that is 110 feet or more in maximum depth from #street# to #street#, a #rear yard equivalent# consisting of an open area with a minimum depth of 60 feet, midway (or within ten feet of being midway) between the two #street lines# upon which such #through lot# fronts, shall be provided.

However, for #through lots# with a depth of 190 feet or less an open area with a minimum depth equivalent to the depth required pursuant to Section 23-534 (Special Provisions for Shallow Through Lots), may be provided. Additionally, for #through lots# with a depth of 180 feet or less, one of the following #rear yard equivalents# may be provided as an alternative:

- (a) two open areas, each adjoining and extending along the full length of a #street line# and each with a minimum depth of 30 feet measured from such #street line#, except the depth of such required open area along one #street line# may be decreased, provided that a corresponding increase in the depth of the open area along the other #street line# is made; or
- (b) an open area adjoining and extending along the full length of each #side lot line# with a minimum width of 30 feet measured from each such #side lot line#, except that the width of such required open area along one #side lot line# may be decreased, provided that a corresponding increase in the depth of the open area along the other #street line# is made. If an open area along a #side lot line# is provided, it shall be at least eight feet.

Any such #rear yard equivalent# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

23-534

Special Provisions for Shallow Through Lots

R6 R7 R8 R9 R10

- (a) In the districts indicated, if a #through lot#, or portion thereof:
 - (1) is less than 190 feet deep at any point; and
 - (2) was less than 190 deep, both on December 15, 1961 and on the date of application for a building permit;

the depth of a required #rear yard equivalent#, or portion thereof, for such #through lot#, may be reduced by one foot for each foot by which the depth of a #zoning lot#, or portion thereof, is less than 190 feet. However, in no event shall the minimum depth of a required #rear yard equivalent#, or portion thereof, provided between two or more #buildings# on a single #zoning lot# be reduced to less than 40 feet, and in

no event shall the minimum depth of other required #yard#, or portions thereof, be reduced to less than 20 feet.

(b) Special provisions for #zoning lots# created after December 15, 1961

Notwithstanding the provisions of paragraph (a) of this Section, in R6 through R10 Districts, the special #lot coverage# provisions of this Section may be applied to a #zoning lot# created after December 15, 1961, or portion thereof, provided that the shallow lot condition was in existence on December 15, 1961, and, subsequently, such shallow lot condition on the #zoning lot#, or portion thereof, has neither increased nor decreased in depth.

* * *

23-54

Other Special Provisions for Rear Yards

* * *

23-543

For zoning lots with multiple rear lot lines

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, for #zoning lots# with multiple #rear lot lines#, if a #rear yard# extends from a #rear lot line# away from the #street line# which is used to determine such #rear lot line#, the following rules shall apply along such #rear lot line#:

- (a) In all districts, a #rear yard# with a minimum depth of 30 feet shall be provided where such #rear lot line# coincides with a #rear lot line# of an adjoining #zoning lot#, except as modified in Section 23-52 (Special Provisions for Shallow Interior Lots).

* * *

23-544

In certain districts

R2X

In the district indicated, a #residential building# may extend ten feet into a required #rear yard# or #rear yard equivalent# pursuant to the provisions of Section 23-631 (General provisions Height and setback in R1, R2, R3, R4 or R5 Districts).

* * *

23-60

HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

23-61

~~Definitions~~ Applicability

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~Words in italics are defined in Section 12-10 (DEFINITIONS) or, if applicable exclusively to this Section, in this Section.~~

In all districts, as indicated, height and setback regulations for a #building or other structure# shall be as set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback regulations applicable to R1 through R5 Districts are set forth in Section 23-63. #Buildings# in R5D districts shall also comply with additional provisions set forth in Article II, Chapter 8.

Height and setback regulations applicable to R6 through R10 Districts are set forth in Sections 23-64 (Basic Height and Setback Requirements), 23-65 (Tower Regulations) and 23-66 (Height and Setback Requirements for Quality Housing Buildings), as applicable.

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in Sections 23-62 and 23-66. In R6, R7, R8, R9 or R10 Districts without a letter suffix, a #building# may be #developed# or #enlarged# pursuant to the basic height and setback requirements of Sections 23-62, 23-64 or 23-65, as applicable, or pursuant to the #bulk# regulations for #Quality Housing buildings#. All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8, as applicable.

Special height and setback provisions are set forth in Sections 23-67 (Special Height and Setback Provisions for Certain Areas) for #zoning lots# adjoining a #public park#, as well as for certain areas in Community Districts 7, 4 and 9 in the Borough of Manhattan. Additional provisions are set forth in Sections 23-68 (Special Provisions for Zoning Lots Divided by District Boundaries) and 23-69 (Special Height Limitations).

23-62

Permitted Obstructions

In all #Residence Districts#, except as provided in Section 23-621 (Permitted obstructions in certain districts), the obstructions listed in paragraphs (a) through (r) in this Section shall be permitted to penetrate a maximum height limit or #sky exposure plane# set forth in Sections 23-63 (Height and Setback Requirements in R1 Through R5 Districts ~~Maximum Height of Walls and Required Setbacks~~), 23-64 (Basic Height and Setback Requirements ~~Alternate Front Setbacks~~), 23-66 (Height and Setback Requirements for Quality Housing Buildings) or 23-69 (Special Height Limitations):

- (a) Awnings and other sun control devices, provided that when located at a level higher than the first #story#, excluding a #basement#, all such awnings and other sun control devices:

* * *

- (c) #Building# columns, having an aggregate width equal to not more than 20 percent of the #aggregate width of street walls# of a #building#, to a depth not exceeding 12 inches, in an #initial setback distance#, optional front open area, or any other required setback distance or open area set forth in Sections 23-63, 23-64, ~~or 23-65~~ (Tower Regulations) or 23-66;

- (d) Chimneys or flues, with a total width not exceeding 10 percent of the #aggregate width of street walls# of a #building# at any level;

* * *

23-621

Permitted obstructions in certain districts

R2A R2X R3 R4 R4A R4-1 R5A

- (a) In the districts indicated, permitted obstructions are limited to chimneys, exterior wall thickness, flag poles or aerials, parapet walls, roof thickness, skylights, solar energy systems and vegetated roofs pursuant to Section 23-62. However, in R3-2, and R4 Districts, except R4A, R4B and R4-1 Districts, elevator or stair bulkheads, roof water tanks and #accessory# mechanical equipment provided pursuant to paragraph (g) of Section 23-62 shall be permitted for #buildings# containing #affordable independent residences for seniors#.

* * *

R6 R7 R8 R9 R10 R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (c) In the districts indicated, for #Quality Housing building#, and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, the permitted obstructions set forth in Section 23-62 shall apply to any #building or other structure#, except that within a required front setback distance above a maximum base height, the following rules shall apply:

* * *

23-63

~~Maximum Height of Walls and Required Setbacks~~ Height and Setback Requirements in R1 Through R5 Districts

R1 R2 R3 R4 R5 ~~R6 R7 R8 R9 R10~~

In the districts indicated, the height and setback of a #building or other structure# shall be as set forth in Section 23-631 (General provisions). Additional provisions pertaining to required side and rear setbacks are set forth in Section 23-632 (Required side and rear setbacks).

~~In all districts, as indicated, the maximum height of a front wall or of any other portion of a #building or other structure# shall be set forth in this Section, except as otherwise provided in Sections 23-62 (Permitted Obstructions), 23-64 (Alternate Front Setbacks), 23-65 (Tower Regulations), 23-692 (Height limitations for narrow buildings or enlargements), 23-693 (Special provisions applying adjacent to R1 through R6B Districts) or 74-85 (Special Height and Setback Regulations).~~

23-631

Height and setback in R1, R2, R3, R4 and R5 Districts General provisions

Height and setback regulations for R1 through R5 Districts are set forth in this Section. Such maximum heights may only be penetrated by permitted obstructions set forth in Section 23-62.

R1 R2

- (a) In the districts indicated, except R1-2A, R2A and R2X Districts, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

* * *

R1-2A R2A R2X R3 R4 R4A R4-1 R5A

- (b) In the districts indicated, the height and setback of a #building or other structure# shall be as set forth herein except where modified pursuant to paragraphs (h) and ~~(i)~~ (j) of this Section.

For the purposes of this Section, where #base planes# of different elevations apply to different portions of a #building or other structure#, each such portion of the #building# may be considered to be a separate #building#. Furthermore, for the purposes of this Section, #building segments# may be considered to be separate #buildings# and #abutting semi-detached buildings# may be considered to be one #building#.

* * *

Above these heights, sloping planes control the maximum height of the #building or other structure# requiring either a setback or a pitched roof. These planes start at the maximum permitted height of the perimeter walls and meet at a ridge line of 35 feet above the #base plane#. The exact locations of these planes are flexible and are determined in the steps set forth in paragraphs (b)(1) through (b)(5), as follows:

- (1) At a height of 35 feet above and parallel to the #base plane#, a plane is projected above the area enclosed by and including the perimeter walls of the #building or other structure#. A second

plane (the perimeter wall plane) is projected in the same manner at a height of 21 or 25 feet above the #base plane#. (See Figure A)

* * *

- (5) The perimeter walls are then extended vertically beyond the perimeter wall plane, up to the heights defined by the sloping planes generated in paragraph (4). (See Figure E). The perimeter walls of the #building or other structure#, the sloping planes and the perimeter wall extensions define the #building# envelope. (See Figure F). ~~The #building# envelope may be penetrated above the maximum permitted perimeter wall height by those items set forth in Section 23-621 (Permitted obstructions in certain districts).~~ Those items listed in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and roofed porches and porticoes subject to all applicable provisions, may penetrate the #building# envelope below the maximum permitted perimeter wall height. Eaves may extend the roof lines 18 inches beyond the exterior walls.

* * *

R4B

- (c) In the district indicated, no portion of the #building or other structure#, including the apex of a roof, shall penetrate a plane 24 feet in height above the #base plane# ~~except for permitted obstructions as set forth in Section 23-62.~~

R5

- (d) In the district indicated, except R5A, R5B and R5D Districts, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal. On #corner lots#, the 30 foot maximum #street wall# height shall apply to only one #street# frontage. #Buildings or other structures# which utilize the optional regulations of Section ~~23-143~~ 23-141 applying to a #predominantly built-up area# shall be subject to the height and setback regulations for an R5B District. The provisions of this paragraph may be modified pursuant to ~~Section 23-62 and~~ paragraphs (h) and (j) ~~(i)~~ of this Section.

R5B

- (e) In the district indicated, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 33 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 30 feet. Above such height, no portion of the #building or other structure# shall penetrate a plane rising from the maximum #street wall# height, at 20 degrees to the horizontal, to a maximum height of 33 feet above the #base plane#. On #corner lots#, the 30 foot maximum #street wall#

height shall apply to only one #street# frontage. The provisions of this paragraph may be modified pursuant to ~~Section 23-62 and~~ paragraph (h) of this Section.

R5D

- (f) In the district indicated, no portion of a #building or other structure# shall penetrate a plane 45 feet, or four stories, whichever is less, 40 feet above the #base plane#. However, where the level of the finished floor of the second #story# above grade in such #building or other structure# is less than 13 feet above the level of the adjoining sidewalk, the maximum height of such #building# shall be reduced to 40 feet.

* * *

- (h) The height and setback regulations of this Section are modified as follows:

- (1) In R3-1 and R3-2 Districts, #single-# or #two-family detached residences# on #zoning lots# of at least 9,500 square feet in area and at least 100 feet of frontage along a #street# may use the height and setback regulations applicable in an R2 District.
- ~~(2) In R3 and R4A Districts, #non-profit residences for the elderly# may use the height and setback regulations applicable in an R4 District.~~
- ~~(3) In R5 Districts, except R5A and R5D Districts, as an alternative front setback regulation for #non-profit residences for the elderly#, no portion of the #building or other structure# shall penetrate a #sky exposure plane# which begins at a height of 27 feet above an #initial setback distance# of 10 feet and rises over the #zoning lot# at a slope of one foot of vertical distance for each foot of horizontal distance to a maximum height of 40 feet above the #base plane#. On #corner lots#, the #sky exposure plane# shall apply to only one #street# frontage. The provisions of this subparagraph may be modified pursuant to Section 23-62 and paragraph (i) of this Section.~~
- ~~(2)(4)~~ In the #Special Ocean Parkway District#, the #Special Coney Island Mixed Use District#, and the #Special Hunters Point Mixed Use District#, for #buildings or other structures# subject to the regulations of an R5 District other than an R5D District, no portion of a #building or other structure#, including the apex of a roof, may penetrate a plane 40 feet above the #base plane#. In addition, the maximum height of a #street wall# above the #base plane# shall be 32 feet. Above such height, a setback of 15 feet is required. Within the setback distance, no portion of the #building or other structure#, including the apex of a roof, may penetrate a plane rising from the maximum #street wall# height at 20 degrees to the horizontal. On #corner lots#, the 32 foot maximum #street wall# height shall apply to only one #street# frontage.

In these special districts, for #developments# or #enlargements# which utilize the optional regulations applicable to a #predominantly built-up area#, the maximum height of a #building# containing #residences# shall not exceed 32 feet above the #base plane#. Furthermore, for such #developments# or #enlargements# with pitched roofs, the midpoint of such pitched roof shall not

exceed a height of 32 feet above the #base plane#. The provisions of this paragraph may be modified pursuant to ~~Section 23-62~~ and paragraph (j) of this Section.

~~(3)~~(5) In accordance with Section 78-31 (Location of Buildings, Distribution of Bulk and Open Space and Modification of Height and Setback), #buildings# within a #large-scale residential development# may use the alternate height and setback regulations set forth in Section 78-31, paragraphs (b)(1) through (b)(3).

R3-2 R4 R5

- (i) In the districts indicated, except R4A, R4B, R4-1, R5A, R5B and R5D Districts, as an alternative to the provisions set forth in paragraph (b) and (d) of this Section for #developments# or #enlargements# where at least 20 percent of the #floor area# of the #zoning lot# is allocated to #affordable independent residences for seniors#, the following provisions may be applied: Within 25 feet of a #street line#, no portion of the #building or other structure# shall exceed a height of 45 feet, and beyond 25 feet of a #street line#, no portion of a #building or other #structure# shall exceed a height of 65 feet or six stories, whichever is less.
- (j) In the districts indicated, except R4A, R4B, R4-1, R5A, R5B and R5D Districts, the City Planning Commission may authorize a #building or other structure# that penetrates the height and setback regulations set forth in paragraphs (b), ~~and (d)~~ or (i) of this Section, except for #buildings# utilizing the optional regulations for #predominantly built-up areas#. As a condition for granting such authorizations, the Commission shall find that:
 - (1) by concentrating permitted #floor area# in a #building# or #buildings# of greater height the preservation of an existing #building#, topography, vegetation, or view corridors having environmental, historic or aesthetic value to the public will be assured, and that such preservation would not be possible by careful siting of lower #buildings# containing the same permitted #floor area#; ~~or, for #non-profit residences for the elderly#, the additional #floor area# permitted is accommodated in an efficient manner;~~
 - (2) such modification is the least modification required to achieve the purpose for which it is granted;

* * *

23-632

Front setbacks in districts where front yards are not required Required side and rear setbacks

Side and rear setbacks shall be provided as specified in this Section. Permitted obstructions in required side and rear setbacks are set forth in paragraph (a) of this Section. Required side and rear setbacks for tall buildings in certain R1 through R5 Districts are set forth in paragraph (b) and required side and rear setbacks for #buildings# containing non-#residential uses# in certain R1 through R5 Districts are set forth in paragraph (c) of this Section.

(a) Permitted Obstructions in required side and rear setbacks

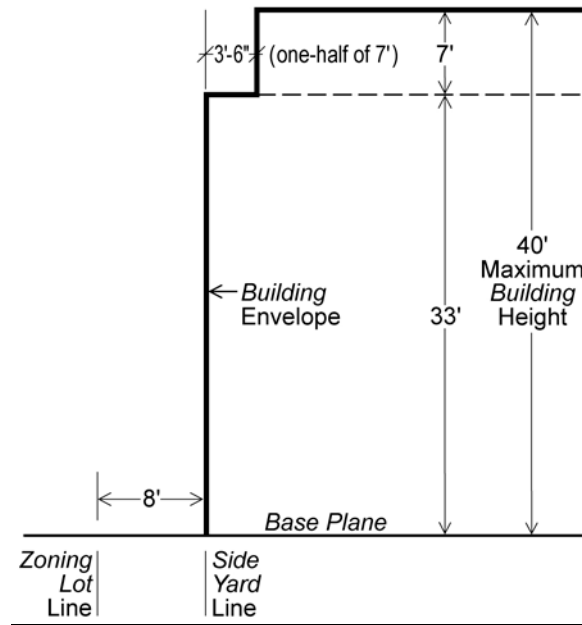
Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over any open areas required by the provisions of this Section. In addition, awnings and other sun control devices, decks, exterior wall thickness, parapet walls not more than four feet in height, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, are permitted as set forth in Section 23-62 (Permitted Obstructions). Chimneys or flues shall also be permitted, provided that the total width does not exceed 10 percent of the width of the #building's# walls facing such open area.

(b) Required side and rear setbacks for tall buildings in certain low bulk districts

R1 R2 R3 R4 R5

In R1 and R2 Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 30 feet above the mean level of adjacent natural grade shall be set back from such #side yard# line or #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 30 feet above the mean level of adjacent natural grade.

In R3, R4 and R5 Districts, except R5A and R5D Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 33 feet above the level of the #base plane# shall be set back from such #side yard# line or such #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 33 feet above the level of the #base plane# (see illustration of Side Yard Setback). However, the following modifications may be applied to #buildings# containing #affordable independent residences for seniors#: no #rear yard# setback need be provided; and for a #side yard#, the resultant setback required by the calculation above need not exceed a depth of ten feet, as measured from the #building# wall fronting such #side yard#.



Side Yard Setback

(R5 example)

(c) Required side and rear setbacks for permitted non-residential uses in low bulk districts

R1 R2 R3 R4 R5

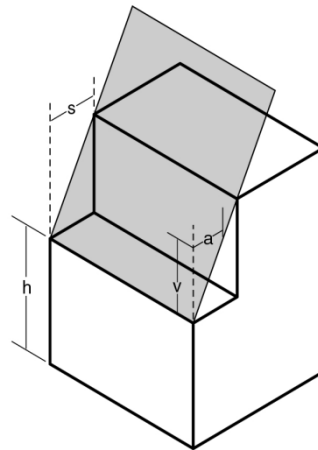
In the districts indicated, except R5D Districts, no portion of any #building# used for permitted non-#residential uses# which is more than 30 feet or more than three #stories#, whichever is less, above the level of a #side yard# or #rear yard#, shall be nearer to a #side lot line# or #rear lot line# bounding such #yard# than a distance equal to the height above yard level of such portion of the #building#.

R6 R7 R8 R9 R10

(a) ~~In the districts indicated, except for #Quality Housing buildings#, and except as set forth in paragraph (b) of this Section, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in the following table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:~~

~~MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS~~

		Maximum Height of a Front Wall or other portion of a #Building or other structure# wit hin the #Initial Setback Distance#	Height above #Street Line# (in feet)	#Sky Exposure Plane#			
#Initial Setback Distance# (in feet)				Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
				On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#			Vertical Distance	Hori- zontal Distance	Vertical Distance	Hori- zontal Distance
R6 or R7 Districts							
20	15	60 feet or six #stories#, whichever is less	60	2.7 to 1	5.6 to 1		
R8 R9 or R10 Districts							
20	15	85 feet or nine #stories#, whichever is less	85	2.7 to 1	5.6 to 1		



a - Horizontal distance s - Initial setback distance
 h - Height of sky exposure plane above street line v - Vertical distance
 Sky Exposure Plane

SKY EXPOSURE PLANE **R6 R7 R8 R9 R10 Districts**

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

(b) ~~In the districts indicated, for all #buildings or other structures#, and for #Quality Housing buildings# in other R6, R7, R8, R9 or R10 Districts, the provisions of this Section and Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall be inapplicable. In lieu thereof, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) shall apply.~~

23-633

Street wall location and height and setback regulations in certain districts

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

~~In the districts indicated, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#. The provisions of Sections 23-64 (Alternate Front Setbacks) and 23-65 (Tower Regulations) shall not apply, except as otherwise set forth for #buildings# in R9D and R10X Districts.~~

(a) ~~#Street wall# location~~

~~R6A R7A R7D R7X R9D~~

- (1) ~~In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# shall be located no closer to the #street line# than the closest #street wall# of an existing #building# to such #street line#, located on the same #block#, and within 150 feet of such #building#. However, a #street wall# need not be located further from the #street line# than 15 feet. On #corner lots#, these #street wall# location provisions shall apply along only one #street line#.~~

~~R6B R7B R8B~~

- (2) ~~In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7 Districts without a letter suffix, the #street wall# of a #building# on a #zoning lot# with at least 50 feet of frontage along a #street line# shall be located no closer to the #street line# than the #street wall# of an adjacent existing #building#. On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located no closer to nor further from the #street line# than the #street wall# of an adjacent existing #building#. For all #zoning lots#, the #street wall# need not be located further from a #street line# than 15 feet. On #corner lots#, the #street wall# along one #street line# need not be located further from the #street line# than five feet.~~

~~R8A R8X R9A R9X R10A R10X~~

- (3) ~~In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, the following #street wall# location provisions shall apply along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street#:~~
- ~~(i) the #street wall# shall extend along the entire #street# frontage of a #zoning lot#;~~
 - ~~(ii) at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in the table in this Section or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line# provided any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#; and~~
 - ~~(iii) the #street wall# location provisions of paragraph (a)(3) of this Section, inclusive, shall not apply to houses of worship.~~

~~No #street wall# location provisions shall apply along any #narrow street# beyond 50 feet of their intersection with a #wide street#.~~

~~For the purposes of applying the provisions of paragraph (a) of this Section, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of~~

~~Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.~~

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

(b) ~~Setback regulations~~

~~In the districts indicated, for all #buildings or other structures#, and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, setbacks are required for all portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section. Such setbacks shall be provided in accordance with the following regulations:~~

- ~~(1) At a height not lower than the minimum base height or higher than the maximum base height specified in the table in this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.~~
- ~~(2) On #narrow streets#, where a #street wall# is required to be located further than 10 feet from a #street line# in accordance with paragraph (a) of this Section, the depth of the required setback above the minimum base height may be reduced one foot for every foot that the #street wall# is required to be located beyond 10 feet of the #street line#, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.~~
- ~~(3) These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of Section 23-621 may penetrate a required setback area.~~
- ~~(4) In R9D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height between grade level and 25 feet, a setback with a depth of at least 20 feet shall be provided from the #street line# fronting on such elevated rail line. The depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided.~~

(c) ~~Maximum #building# height~~

~~No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section, except as otherwise provided below:~~

~~R9D R10X~~

~~In the districts indicated, any #building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be included in tower coverage. Such tower or towers may exceed a height limit of 85 feet above the #base plane# provided:~~

- ~~(1) — at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;~~
- ~~(2) — the base of such tower complies with the #street wall# location provisions of paragraph (a) of this Section and the setback provisions of paragraph (b) of this Section; and~~
- ~~(3) — the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.~~
- ~~(4) — In R9D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (c)(4), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.~~
- ~~(5) — In R9D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.~~

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

~~(d) — Additional regulations~~

~~In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, the following additional regulations shall apply:~~

- (1) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraph (a) of this Section.
- (2) On #through lots# which extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of paragraph (a) of this Section shall be mandatory along only one #street# frontage.
- (3) The #street wall# location and minimum base height provisions of paragraph (a) of this Section shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.
- (4) The minimum base height provisions of paragraph (a) of this Section shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.
- (5) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# in the manner prescribed in this Section.
- (6) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:
 - (i) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.
 - (ii) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.
 - (iii) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

- (7) ~~In R9D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).~~

**MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT**

District ⁵	Minimum Base Height	Maximum Base Height	Maximum #Building or other Structure# Height
R6B	30	40	50
R6 ²	30	45	55
R6 ¹ inside #Manhattan Core#	40	55	65
R6 ¹ outside #Manhattan Core# R6A	40	60	70
R7 ¹ inside #Manhattan Core# R7 ² R7B	40	60	75
R7 ¹ outside #Manhattan Core# R7A	40	65	80
R7D	60	85	100
R7X	60	85	125
R8B	55	60	75
R8 ²	60	80	105
R8 ¹ R8A	60	85	120
R8X	60	85	150

R9 ² R9A ²	60	95	135
R9A-R9 ¹	60	102	145
R9D	60	85 ⁴	— ³
R9X ²	60	120	160
R9X ¹	105	120	170
R10 ² R10A ²	60	125	185
R10 ¹ R10A ¹	125	150	210
R10X	60	85	— ³

¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#

² For #zoning lots# on a #narrow street# except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#

³ #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance with paragraph (c) of this Section

⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet

⁵ Where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

23-634

Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of this Section.

The front ~~#building#~~ wall of all ~~#buildings#~~ on a ~~#zoning lot#~~ with any frontage on a ~~#wide street#~~, shall extend along the entire ~~#wide street#~~ frontage of the ~~#zoning lot#~~ without a setback for a height of 125 feet above the ~~#curb level#~~ or the full height of the ~~#building#~~, whichever is less. Above a height of 125 feet, the front ~~#building#~~ wall may be set back at least 10 feet on a ~~#wide street#~~ or 15 feet on a ~~#narrow street#~~. Above a height of 150 feet, the front ~~#building#~~ wall shall be set back at least 10 feet. These mandatory front ~~#building#~~ wall requirements also apply to all ~~#buildings#~~ along all ~~#street lines#~~ of ~~#narrow streets#~~ within 50 feet of their intersection with the ~~#street lines#~~ of ~~#wide streets#~~. For the next 20 feet along the ~~#street line#~~ of a ~~#narrow street#~~, the mandatory front ~~#building#~~ wall requirements are optional. The height and setback regulations of the underlying district shall apply along ~~#street lines#~~, or portions thereof, not subject to the front ~~#building#~~ wall requirements.

Front wall recesses are permitted above the level of the second ~~#story#~~ ceiling or 23 feet above ~~#curb level#~~, whichever is less, provided that the aggregate width of all recesses at the level of any ~~#story#~~ does not exceed 50 percent of the width of the front wall. The depth of such recess shall not exceed 10 feet. No front wall recesses are permitted within 20 feet of the intersection of two ~~#street lines#~~.

Front wall openings are permitted below the level of the second ~~#story#~~ ceiling, for entrances only.

The preceding ~~#street wall#~~ location provisions shall not apply along any ~~#street#~~ frontage of a ~~#zoning lot#~~ occupied by existing ~~#buildings#~~ whose ~~#street walls#~~ remain unaffected by alterations or ~~#enlargements#~~ to such existing ~~#buildings#~~.

However, the provisions of this Section shall not apply to any ~~#building#~~ for which the City Planning Commission has granted a special permit pursuant to Section 74-95 (Housing Quality) nor shall it apply to any ~~#building#~~ located within the ~~#Special Lincoln Square District#~~ or within the former West Side Urban Renewal Area excluding frontages along Central Park West or to the ~~#block#~~ bounded by Frederick Douglass Circle, Cathedral Parkway, Manhattan Avenue, West 109th Street and Central Park West. On application, the City Planning Commission may grant special authorization for minor modifications of the mandatory front wall provisions of this Section involving an ~~#enlargement#~~, upon a showing of compelling necessity. Such authorization, however, may in no event include modification of permitted ~~#floor area#~~ regulations.

23-635

Special bulk regulations for certain sites in Community District 4, Borough of Manhattan

Within the boundaries of Community District 4 in the Borough of Manhattan, excluding the ~~#Special Clinton District#~~, for ~~#developments#~~ or ~~#enlargements#~~ in R8 Districts without a letter suffix, on ~~#zoning lots#~~ larger than 1.5 acres that include ~~#residences#~~ for which ~~#public funding#~~, as defined in Section 23-911 (General definitions) is committed to be provided, the City Planning Commission may authorize modifications of height and setback regulations, provided the Commission finds that such modifications will facilitate the provision of such ~~#residences#~~, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of ~~#buildings#~~ on the ~~#zoning lot#~~ or nearby properties, ~~#open space#~~ or ~~#streets#~~. Prior to issuing a building permit for any ~~#development#~~ or ~~#enlargement#~~ utilizing modifications granted by this

~~authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

23-636

Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan

~~Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program.~~

23-64

Alternate Front Setbacks Basic Height and Setback Requirements

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, the height and setback of a #building or other structure# shall be as set forth in Section 23-641 (Front setbacks), or 23-642 (Alternate front setbacks). In R9 and R10 districts, towers are permitted in accordance with the provisions of Section 23-65.

R6 R7 R8 R9 R10

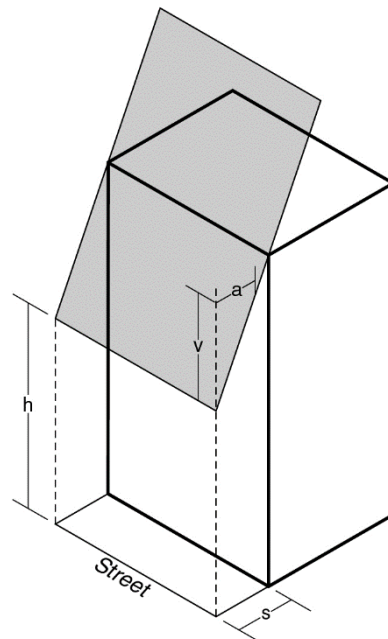
(a) ~~In the districts indicated, except for #Quality Housing buildings#, and except as set forth in paragraph (b) of this Section, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 23-63 (Maximum Height of Front Wall and Required Front Setbacks) shall not apply. The minimum depth of such an open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the following table, and the #sky exposure plane# shall be measured from a point above the #street line#.~~

~~In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.~~

ALTERNATE REQUIRED FRONT SETBACKS

Alternate #Sky Exposure Plane#

			Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)			
Depth of Optional Front Open Area (in feet)			On #Narrow Street#		On #Wide Street#	
On #Narrow Street#	On #Wide Street#	Height above #Street Line# (in feet)	Vertical Distance	Horizontal Distance	Vertical Distance	Horizontal Distance
R6 or R7 Districts						
15	10	60	3.7	to 1	7.6	to 1
R8 R9 R10 Districts						
15	10	85	3.7	to 1	7.6	to 1



a - Horizontal distance
 h - Height of sky exposure plane above street line
 s - Depth of the optional front open area
 v - Vertical distance
 Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

(b) ~~In the districts indicated, for all #buildings or other structures#, the provisions of this Section shall be inapplicable.~~

23-641

Front setbacks

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the following table, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above the #street line# set forth in the following table. Above such specified maximum height and beyond the #initial setback distance#, the #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table , except as otherwise provided in Section 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations).

MAXIMUM HEIGHT OF FRONT WALL AND REQUIRED FRONT SETBACKS

<u>#Initial Setback Distance#</u> (in feet)		<u>Maximum Height of a Front Wall or other portion of a #Building or other structure# within the #Initial Setback Distance#</u>	<u>Height above #Street Line# (in feet)</u>	<u>#Sky Exposure Plane#</u> <u>Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)</u>			
				<u>On #Narrow Street#</u>		<u>On #Wide Street#</u>	
<u>On #Narrow Street#</u>	<u>On #Wide Street#</u>			<u>Vertical Distance</u>	<u>Horizontal Distance</u>	<u>Vertical Distance</u>	<u>Horizontal Distance</u>
<u>R6 or R7 Districts</u>							
<u>20</u>	<u>15</u>	<u>60 feet or six #stories#, whichever is less</u>	<u>60</u>	<u>2.7</u>	<u>to 1</u>	<u>5.6</u>	<u>to 1</u>

R8 R9 or R10 Districts

20

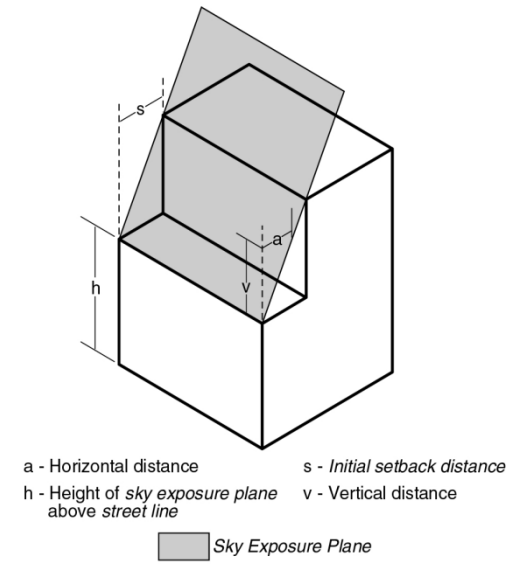
15

85 feet or
nine
#stories#,
whichever is
less

85

2.7 to 1

5.6 to 1



SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

23-642

Alternate Front Setbacks

R6 R7 R8 R9 R10

In the districts indicated without a letter suffix, if an open area is provided along the entire length of the #front lot line# with the minimum depth set forth in the following table, the provisions of this Section may apply in lieu of the provisions of Section 23-641 (Front Setbacks). The #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table, except as otherwise provided in Section 23-62 (Permitted Obstructions) or 23-65 (Tower Regulations).

In R9 or R10 Districts, the provisions of this Section shall be inapplicable to any #development# or #enlargement# with more than 25 percent of the total #floor area# of the #building# in #residential use#.

ALTERNATE REQUIRED FRONT SETBACKS

Alternate #Sky Exposure Plane#

Slope over #Zoning Lot# (expressed as a ratio of vertical distance to horizontal distance)

Depth of Optional Front Open Area
(in feet, measured perpendicular to #street line#)

Height above #Street Line# (in feet)

On #Narrow Street#

On #Wide Street#

On #Narrow Street#

On #Wide Street#

Vertical Distance

Horizontal Distance

Vertical Distance

Horizontal Distance

R6 or R7 Districts

15

10

60

3.7 to 1

7.6 to 1

R8 R9 R10 Districts

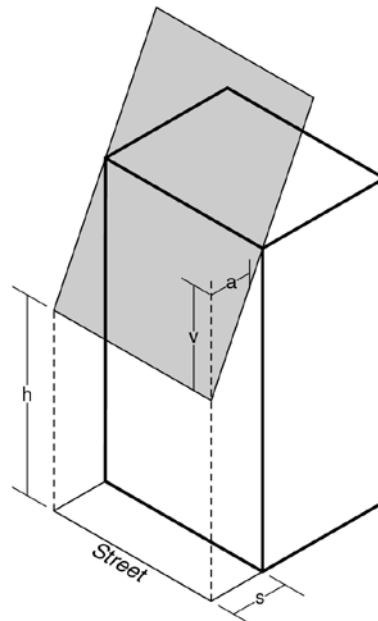
15

10

85

3.7 to 1

7.6 to 1



a - Horizontal distance

h - Height of sky exposure plane above street line

s - Depth of the optional front open area

v - Vertical distance

 Sky Exposure Plane

ALTERNATE SKY EXPOSURE PLANE
R6 R7 R8 R9 R10 Districts

Supplementary Regulations

23-65

Tower Regulations

R9 R10

In the districts indicated without a letter suffix, except for #Quality Housing buildings#, and except as set forth in paragraph (c) of this Section, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot#, or for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table below, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. Such portions of #buildings# that penetrate a #sky exposure plane# are hereinafter referred to as towers.

* * *

- (a) Applicability of tower-on-a-base regulations

* * *

- (c) Inapplicability of tower regulations

The provisions of this Section 23-65 shall not apply to any #building# located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such #public park#.

(1) ~~located wholly or partly in a #Residence District#, that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#; or~~

(2) ~~located in a R9A, R9X, R10A or R10X District.~~

23-651

Tower-on-a-base

Any #development# or #enlargement# that meets the location and #floor area# criteria of paragraph (a) of Section 23-65 and includes a tower shall be constructed as a tower-on-a-base, in accordance with the regulations set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.

- (a) Tower regulations

- (1) At any level above a #building# base (referred to hereinafter as a "base"), any portion or portions of a #building# (referred to hereinafter as a "tower") shall occupy in the aggregate:

* * *

- (2) Any tower located above a base shall not be subject to the provisions of Sections ~~23-63 (Maximum Height of Walls and Required Setbacks)~~ 23-64 (Basic Height and Setback Requirements).

- (3) At least 55 percent of the total #floor area# permitted on the #zoning lot# shall be located in #stories# located either partially or entirely below a height of 150 feet.

* * *

~~A tower proposed pursuant to Section 23-65 (Tower Regulations) that has been granted a special permit by the City Planning Commission prior to February 9, 1994, may be started or continued pursuant to that special permit.~~

* * *

23-66

~~Required Side and Rear Setbacks~~ Height and Setback Requirements for Quality Housing Buildings

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

In the districts indicated, the #street wall# location provisions of Sections 23-661 and the height and setback provisions of Section 23-662 shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 23-662 may be increased pursuant to either the provisions of Section 23-663 (Tower regulations in R9D and R10 Districts) or 23-664 (Modified height and setback regulations for certain buildings), as applicable. Additional provisions are set forth in Section 23-665.

~~In all districts, as indicated, side and rear setbacks shall be provided as specified in this Section. Unenclosed balconies, subject to the provisions of Section 23-13 (Balconies), are permitted to project into or over any open areas required by the provisions of this Section. In addition, awnings and other sun control devices, decks, exterior wall thickness, parapet walls, roof thickness, solar energy systems up to four feet high, vegetated roofs, and weirs, are permitted as set forth in Section 23-62 (Permitted Obstructions).~~

23-661

~~Required side and rear setbacks for tall residential buildings in low bulk districts~~ Street wall location

~~R6 R7 R8 R9 R10~~

In the districts indicated, the #street wall# location provisions of paragraphs (a), (b) or (c) of this Section shall apply to all #Quality Housing buildings#, as applicable. Additional articulation provisions are set forth in paragraph (d) of this Section.

R6A R7A R7D R7X R9D

- (a) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #wide streets# in R6 or R7 Districts without a letter suffix, the #street wall# shall be located no closer to the #street line# than the #street wall# of either adjacent existing #buildings#. Where an adjacent #building# has #street walls# located at varying depths from the #street line#, the #street wall# of the #development# or #enlargement# shall not be located closer to the #street line# than the furthest #street wall# portion of such adjacent #building# whose width comprises at least 25 percent of the #aggregate width of street wall#. However, a #street wall# need not be located farther than ten feet from the #street line#. On #corner lots#, these #street wall# location provisions shall apply along only one #street line#.

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the #street wall# location provision of this paragraph (a).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (d) of this Section.

R6B R7B R8B

- (b) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# on #narrow streets# in R6 and R7 Districts without a letter suffix, the #street wall# of a #building# on a #zoning lot# with at least 50 feet of frontage along a #street line# shall be located no closer to the #street line# than the #street wall# of either adjacent existing #buildings#. On #zoning lots# with less than 50 feet of frontage along a #street line#, the #street wall# shall be located neither closer to nor farther from the #street line# than the #street wall# of either adjacent existing #buildings#. In either case, where an adjacent #building# has #street walls# located at varying depths from the #street line#, the #street wall# of the #development# or #enlargement# shall not be located closer to the #street line# than the farthest #street wall# portion of such adjacent #building# whose width comprises at least 25 percent of the #aggregate width of street wall#. However, for all #zoning lots#, the #street wall# need not be located farther than 15 feet from a #street line#, and need not be closer than three feet to the #street line#. On #corner lots#, the #street wall# along one #street line# need not be located farther from the #street line# than five feet.

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the #street wall# location provision of this paragraph (b).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (d) of this Section.

R8A R8X R9A R9X R10A R10X

- (c) In the districts indicated, for all #buildings#, and for #Quality Housing buildings# in R8 or R9 Districts without a letter suffix, and in other R10 Districts, the following #street wall# location provisions shall apply.

- (1) Along #wide streets# and along #narrow streets# within 50 feet of their intersection with a #wide street# the #street wall# shall extend along the entire #street# frontage of a #zoning lot#. At least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and extend to at least the minimum base height specified in Section 23-662 (Maximum height of buildings and setback regulations), or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.
- (2) Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

Any #street wall# may be divided into different segments, and located at varying depths from the #street line#, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, provided that each portion complies with the #street wall# location provision of this paragraph (c).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (d) of this Section.

R6 R7 R8 R9 R10

- (d) #Street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of twelve inches, or extends beyond the #street line#. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular from the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

R1 R2 R5

~~In R1 and R2 Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 30 feet above the mean level of adjacent natural grade shall be set back from such #side yard# line or #rear yard line# for a distance equal to one half the height of that portion of the #building or other structure# which is higher than 30 feet above the mean level of adjacent natural grade.~~

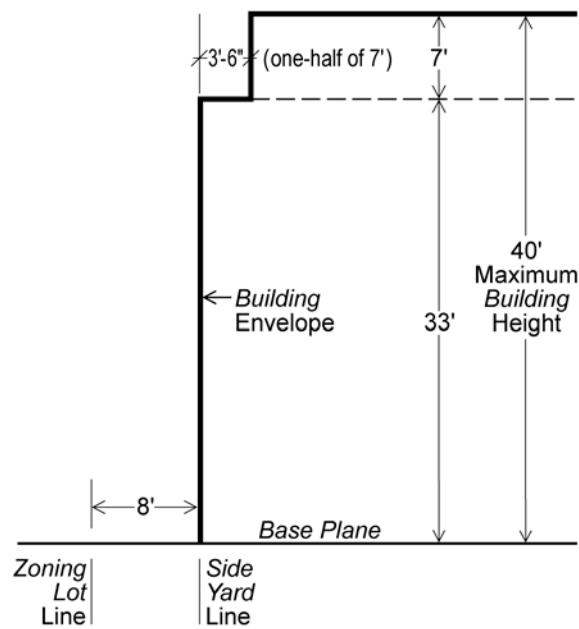
~~In an R5 District, except R5A and R5D Districts, any portion of a #building or other structure# bounding a #side yard# or a #rear yard# which is more than 33 feet above the level of the #base plane# shall be set back from such~~

~~#side yard# line or such #rear yard line# for a distance equal to one-half the height of that portion of the #building or other structure# which is higher than 33 feet above the level of the #base plane# (see illustration of Side Yard Setback).~~

The following are permitted to project into any open area required under the provisions of this Section:

- (a) ~~parapet walls not more than four feet high; and~~
- (b) ~~chimneys or flues with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.~~

[REMOVE DIAGRAM]



Side Yard Setback
(R5 example)

23-662

Required side and rear setbacks for permitted non-residential uses in low bulk districts

Maximum height of buildings and setback regulations

R6 R7 R8 R9 R10

In the districts indicated, height and setback regulations for #Quality Housing buildings# are set forth in this Section. Definitions applicable to Sections 23-66, and 35-65, inclusive, are set forth in paragraph (a) of this Section. The height of a #Quality Housing building or other structure# shall not exceed the maximum height limit specified for the applicable district in paragraph (b) of this Section, or the maximum number of permitted #stories#, whichever is less, except as further provided elsewhere in this Chapter. A setback is required for all

portions of #buildings or other structures# that exceed the maximum base height specified for the applicable district in paragraph (b), and shall be provided in accordance with paragraph (c) of this Section.

(a) Definitions

Excluded districts

For the purposes of Sections 23-66, and 35-65, inclusive, “excluded districts” shall refer to #developments# or #enlargements# of #Quality Housing buildings# within R7B, R8B, R9D or R10X Districts, or within R6 and R7 Districts located within the #Manhattan Core# or located on #narrow streets# beyond 100 feet of an intersection with a #wide street# outside the #Manhattan Core#.

Non-qualifying ground floor

For the purposes of Sections 23-66, and 35-65, inclusive, “non-qualifying ground floor” shall refer to a ground floor of a #development# or #enlargement# that does not meet the requirements for a #qualifying ground floor#.

Qualifying ground floor

For the purposes of Sections 23-66, and 35-65, inclusive, “qualifying ground floor” shall refer to the ground floor of a #development# or #enlargement#, on a #zoning lot#, or portion thereof, located within an R6 through R10 District, other than an #excluded district#, where the level of the finished floor of the second #story# above grade in a #Quality Housing building# is 13 feet or more above the level of the adjoining sidewalk.

(b) Building heights and permitted number of stories

For #developments# or #enlargements# of #Quality Housing buildings#, the minimum and maximum base height, maximum height of a #building or other structure#, and maximum number of #stories# permitted shall be as set forth in Table 1 below for the applicable zoning district. Separate maximum #building# heights are set forth within such Table for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

TABLE 1
MINIMUM BASE HEIGHT, MAXIMUM BASE HEIGHT,
MAXIMUM BUILDING HEIGHT AND MAXIMUM NUMBER OF STORIES

<u>FOR CONTEXTUAL DISTRICTS</u>

<u>District</u>	<u>Minimum Base Height</u>	<u>Maximum Base Height</u>	<u>Maximum Height of #Building or other Structures# with #non- qualifying ground floors#</u>	<u>Maximum Height of #Building or other Structures# with #qualifying ground floors#</u>	<u>Maximum Number of #Stories#</u>
<u>R6B</u>	<u>30</u>	<u>45</u>	<u>50</u>	<u>55</u>	<u>5</u>
<u>R6A</u>	<u>40</u>	<u>65</u>	<u>70</u>	<u>75</u>	<u>7</u>
<u>R7B</u>	<u>40</u>	<u>65</u>	<u>75⁵</u>	<u>75⁵</u>	<u>7</u>
<u>R7A</u>	<u>40</u>	<u>75</u>	<u>80</u>	<u>85</u>	<u>8</u>
<u>R7D</u>	<u>60</u>	<u>85</u>	<u>100</u>	<u>105</u>	<u>10</u>
<u>R7X</u>	<u>60</u>	<u>95</u>	<u>120</u>	<u>125</u>	<u>12</u>
<u>R8B</u>	<u>55</u>	<u>65</u>	<u>75⁵</u>	<u>75⁵</u>	<u>7</u>
<u>R8A</u>	<u>60</u>	<u>105</u>	<u>120</u>	<u>125</u>	<u>12</u>
<u>R8X</u>	<u>60</u>	<u>95</u>	<u>150</u>	<u>155</u>	<u>15</u>
<u>R9A²</u>	<u>60</u>	<u>105</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R9A¹</u>	<u>60</u>	<u>105</u>	<u>150</u>	<u>155</u>	<u>15</u>
<u>R9D</u>	<u>60</u>	<u>85⁴</u>	<u>N/A³</u>	<u>N/A³</u>	<u>N/A</u>
<u>R9X²</u>	<u>60</u>	<u>125</u>	<u>170</u>	<u>175</u>	<u>17</u>
<u>R9X¹</u>	<u>105</u>	<u>125</u>	<u>170</u>	<u>175</u>	<u>17</u>
<u>R10A²</u>	<u>60</u>	<u>135</u>	<u>190</u>	<u>195</u>	<u>19</u>
<u>R10A¹</u>	<u>125</u>	<u>155</u>	<u>210</u>	<u>215</u>	<u>21</u>
<u>R10X</u>	<u>60</u>	<u>85</u>	<u>N/A³</u>	<u>N/A³</u>	<u>N/A</u>

FOR NON-CONTEXTUAL DISTRICTS					
<u>District</u>	<u>Minimum Base Height</u>	<u>Maximum Base Height</u>	<u>Maximum Height for #Building or other Structures# with #non- qualifying ground floors#</u>	<u>Maximum Height for #Building or other Structures# with #qualifying ground floors#</u>	<u>Maximum Number of #Stories#</u>
<u>R6²</u>	<u>30</u>	<u>45</u>	<u>55⁵</u>	<u>55⁵</u>	<u>5</u>
<u>R6¹ inside #Manhattan Core#</u>	<u>40</u>	<u>55</u>	<u>65⁵</u>	<u>65⁵</u>	<u>6</u>
<u>R6¹ outside #Manhattan Core#</u>	<u>40</u>	<u>65</u>	<u>70</u>	<u>75</u>	<u>7</u>
<u>R7¹ inside #Manhattan Core# R7²</u>	<u>40</u>	<u>65</u>	<u>75⁵</u>	<u>75⁵</u>	<u>7</u>
<u>R7¹ outside #Manhattan Core#</u>	<u>40</u>	<u>75</u>	<u>80</u>	<u>85</u>	<u>8</u>
<u>R8² R8¹ inside #Manhattan Core#</u>	<u>60</u>	<u>95</u>	<u>120</u>	<u>125</u>	<u>12</u>
<u>R8¹ outside #Manhattan Core#</u>	<u>60</u>	<u>95</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R9²</u>	<u>60</u>	<u>105</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R9¹</u>	<u>60</u>	<u>105</u>	<u>150</u>	<u>155</u>	<u>15</u>
<u>R10²</u>	<u>60</u>	<u>135</u>	<u>190</u>	<u>195</u>	<u>19</u>
<u>R10¹</u>	<u>125</u>	<u>155</u>	<u>210</u>	<u>215</u>	<u>21</u>

¹ For #zoning lots# or portions thereof within 100 feet of a #wide street#

- ² For #zoning lots# on a #narrow street# except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lot# beyond 100 feet of the #street line#
- ³ #Buildings or other structures# may exceed a maximum base height of 85 feet in accordance Section 23-663 (Tower regulations in R9D and R10X districts)
- ⁴ For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet
- ⁵ For #zoning lots# in #excluded districts#, the maximum height of a #building or other structure# is the same for #developments# or #enlargements# with #qualifying ground floors# or #non-qualifying ground floors#.

(c) Setback requirements

For all #Quality Housing buildings#, a setback shall be provided in accordance with the following regulations:

- (1) At a height not lower than the minimum base height or higher than the maximum base height specified for the applicable district in paragraph (b) of this Section, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#.
- (2) The depth of such required setback may be reduced one foot for every foot that the #street wall# is located beyond the #street line#, but in no event shall a setback of less than five feet in depth be provided, except as otherwise set forth in this Section. To allow #street wall# articulation, where a #street wall# is divided into different segments, and located at varying depths from the #street line#, such permitted setback reduction may be applied to each #street wall# portion separately.
- (3) Notwithstanding the provisions of paragraph (c)(2) above, the depth of such setbacks may include the depth of recesses or #outer courts# in the #street wall# of the #building# base, provided that the aggregate width of any such recessed portion of a #street wall# with a setback less than five feet, as applicable, does not exceed 30 percent of the #aggregate width of street wall# at any level.
- (4) These setback provisions are optional for any #building# wall that either is located beyond 50 feet of a #street line#, or oriented so that lines drawn perpendicular to it, in plan, would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of Section 23-621 may penetrate a required setback area.

- (5) In R9D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height between grade level and 25 feet, a setback with a depth of at least 20 feet shall be provided from the #street line# fronting on such elevated rail line. The depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided.

~~R1 R2 R3 R4 R5~~

~~In the districts indicated, except R5D Districts, no portion of any #building# used for permitted non #residential uses# which is more than 30 feet or more than three #stories#, whichever is less, above the level of a #side yard# or #rear yard#, shall be nearer to a #side lot line# or #rear lot line# bounding such #yard# than a distance equal to the height above yard level of such portion of the #building#.~~

~~The following are permitted to project into any open area required under the provisions of this Section:~~

- ~~(a) — parapet walls not more than four feet high; and~~
- ~~(b) — chimneys or flues with a total width not exceeding 10 percent of the width of the #building's# walls facing such open area.~~

23-663

Required rear setbacks for tall buildings in other districts ~~Tower regulations in R9D and R10X Districts~~ R9D R10X

In the districts indicated, any #Quality Housing building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be counted towards tower coverage. Such tower may exceed a height limit of 85 feet above the #base plane# provided the base of such tower complies with the applicable #street wall# location and height and setback provisions of Sections 23-661 and 23-662, respectively, and provided that the tower portion complies with the following, as applicable:

- (a) at all levels, such tower shall be set back from the #street wall# of a base at least 15 feet along a #narrow street# and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;
- (b) the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower;

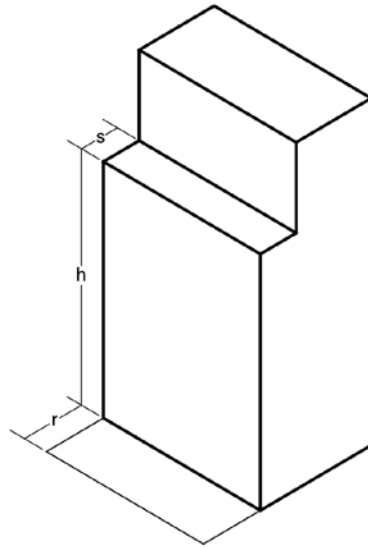
- (c) In R9D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of between 50 percent and 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph (d), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building#, perpendicular to each tower face. Required setback areas may overlap; and
- (d) In R9D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel to, or within 45 degrees of being parallel to, such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

~~R6 R7 R8 R9 R10~~

- ~~(a) — In the districts indicated, except as provided in paragraph (b) of this Section, no portion of a #building or other structure# more than 125 feet above yard level shall be nearer to a #rear yard line# than 20 feet. However, this provision shall not apply to any portion of a #building# that qualifies as a tower under the provisions of Section 23-65 (Tower Regulations).~~

~~In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 23-532, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraphs (b) or (c) of Section 23-532, the requirements of this Section shall not apply.~~

[REMOVE IMAGE]



h - Height of wall above rear yard
 r - Depth of required rear yard
 s - Depth of required rear yard setback

REAR SETBACK

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

(b) ~~In the districts indicated, for all #buildings or other structures#, and for #Quality Housing buildings# in other R6 through R10 Districts, no portion of a #building or other structure# that exceeds the applicable maximum base height specified in Section 23-633 (Street wall location and height and setback regulations in certain districts) shall be nearer to a #rear yard line# than 10 feet.~~

~~In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 23-532, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraph (b) of Section 23-532, the requirements of this Section shall not apply.~~

23-664

Modified height and setback regulations for certain buildings

R6 R7 R8 R9 R10

In the districts indicated, for #development# or #enlargements# of #Quality Housing buildings# on #zoning lots# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or for #developments# or #enlargements# where at least 20 percent of the #floor area# of the #zoning lot# contains #affordable independent residences for seniors#, the provisions of this Section shall apply.

(a) For certain #Quality Housing buildings# in all districts

For all such #developments# or #enlargements# of #Quality Housing buildings#, the maximum base and #building# heights, and maximum number of #stories# established in Section 23-662 shall be modified by Table 1 below. Separate maximum #building# heights are set forth within such Table for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

TABLE 1
MODIFIED MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT
FOR CERTAIN QUALITY HOUSING BUILDINGS

<u>FOR CONTEXTUAL DISTRICTS</u>				
<u>District</u>	<u>Maximum Base Height</u>	<u>Maximum Height for #Building or other Structures# with #non-qualifying ground floors#</u>	<u>Maximum Height for #Building or other Structures# with #qualifying ground floors#</u>	<u>Maximum Number of #Stories#</u>
<u>R6A</u>	<u>65</u>	<u>80</u>	<u>85</u>	<u>8</u>
<u>R7A</u>	<u>75</u>	<u>100</u>	<u>105</u>	<u>10</u>
<u>R7D</u>	<u>95</u>	<u>120</u>	<u>125</u>	<u>12</u>
<u>R7X¹</u>	<u>105</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R8A</u>	<u>105</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R8X</u>	<u>105</u>	<u>170</u>	<u>175</u>	<u>17</u>
<u>R9A</u>	<u>125</u>	<u>170</u>	<u>175</u>	<u>17</u>
<u>R9X</u>	<u>145</u>	<u>200</u>	<u>205</u>	<u>20</u>
<u>R10A</u>	<u>155</u>	<u>230</u>	<u>235</u>	<u>23</u>
<u>FOR NON-CONTEXTUAL DISTRICTS</u>				

<u>District</u>	<u>Maximum Base Height</u>	<u>Maximum Height for #Building or other Structures# with #non-qualifying ground floors#</u>	<u>Maximum Height for #Building or other Structures# with #qualifying ground floors#</u>	<u>Maximum Number of #Stories#</u>
<u>R6² outside #Manhattan Core#</u>	<u>65</u>	<u>80</u>	<u>85</u>	<u>8</u>
<u>R7² outside #Manhattan Core#</u>	<u>75</u>	<u>100</u>	<u>105</u>	<u>10</u>
<u>R8</u>	<u>105</u>	<u>140</u>	<u>145</u>	<u>14</u>
<u>R9</u>	<u>125</u>	<u>170</u>	<u>175</u>	<u>17</u>
<u>R10</u>	<u>155</u>	<u>230</u>	<u>235</u>	<u>23</u>

¹ In R7X Districts, the modified base heights, maximum #building# heights and number of stories are permitted only for #buildings# containing #affordable independent residences for seniors#.

² For #zoning lots# or portions thereof within 100 feet of a #wide street#

(b) Alternative regulations for certain #Quality Housing buildings# in non-contextual districts

As an alternative to the provisions of paragraph (a) of this Section, for #Quality Housing buildings# containing #affordable independent residences for seniors# in R6 through R8 Districts without a letter suffix, the #street wall# location and height and setback provisions of Sections 23-661 and 23-662 need not apply to #buildings# on #zoning lots# that are located within 150 feet of: an elevated rail line; an open railroad right of way; a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land; or an elevated #street# located on a bridge that prohibits direct vehicular access. Such 150 foot measurement shall be measured perpendicular from the edge of such infrastructure.

In lieu thereof, the height of a #building or other structure#, or portion thereof, within ten feet of a #wide street# or 15 feet of a #narrow street#, shall not exceed the maximum base height specified for the applicable zoning district in Table 2 of this Section. Beyond ten feet of a #wide street# and 15 feet of a #narrow street#, the height of the #building or other structure# shall not exceed the maximum #building# height specified for the applicable district in such Table, or the maximum number of #stories#, whichever is less.

TABLE 2
ALTERNATIVE MAXIMUM BASE HEIGHT
AND MAXIMUM BUILDING HEIGHT
FOR CERTAIN QUALITY HOUSING BUILDINGS
IN NON-CONTEXTUAL DISTRICTS

<u>District</u>	<u>Maximum Base Height</u>	<u>Maximum #Building or other Structure# Height</u>	<u>Maximum Number of #Stories#</u>
<u>R6</u>	<u>65</u>	<u>115</u>	<u>11</u>
<u>R7</u>	<u>75</u>	<u>135</u>	<u>13</u>
<u>R8</u>	<u>105</u>	<u>215</u>	<u>21</u>

23-665

Additional regulations

R6 R7 R8 R9 R10

In the districts indicated, for all #Quality Housing buildings#, the following additional regulations shall apply:

- (a) Existing #buildings# may be vertically #enlarged# by up to one #story# or 15 feet without regard to the #street wall# location requirements of Section 23-661.
- (b) On #through lots# which extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements Section 23-661 shall be mandatory along only one #street# frontage.
- (c) The #street wall# location and minimum base height provisions of Sections 23-661 and 23-662, respectively, shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.
- (d) The minimum base height provisions of Section 23-662 shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.

- (e) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# in the manner prescribed in Section 23-661.
- (f) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the #street wall# location and minimum base height regulations of Sections 23-661 and 23-662, respectively, or as modified in any applicable Special District, shall be modified as follows:
- (1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of Section 23-661, or as modified in any applicable Special District.
- (2) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.
- (3) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of Section 23-661, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.
- (g) In R9D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).
- (h) For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 23-661 and 23-662, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

Regulations Applying in Special Situations

23-67

Special Height and Setback Provisions for Certain Areas ~~Relating to Specified Streets~~

23-671

Special provisions for zoning lots directly adjoining public parks

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Sections 23-63 (Height and Setback in R1 through R5 Districts Maximum Height of Front Wall and Required Front Setbacks), 23-64 (Basic Height and Setback Requirements) and 23-66 (Height and Setback Requirements for Quality Housing) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

23-672

Special provisions for certain streets in Community District 6 in the Borough of Brooklyn

In Community District 6 in the Borough of Brooklyn, the following #streets# shall be considered #narrow streets# for the purposes of applying height and setback regulations: ~~Second, Carroll and President Streets, between Smith and Hoyt Streets; First Place, Second Place, Third Place and Fourth Place.~~

23-672

Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, except R10A or R10X Districts, utilizing the basic height and setback requirements of Section 23-64 (Basic Height and Setback Requirements) shall also comply with the provisions of this Section.

The front #building# wall of all #buildings# on a #zoning lot# with any frontage on a #wide street#, shall extend along the entire #wide street# frontage of the #zoning lot# without a setback for a height of 125 feet above the #curb level# or the full height of the #building#, whichever is less. Above a height of 125 feet, the front #building# wall may be set back at least 10 feet on a #wide street# or 15 feet on a #narrow street#. Above a height of 150 feet, the front #building# wall shall be set back at least 10 feet. These mandatory front #building# wall requirements also apply to all #buildings# along all #street lines# of #narrow streets# within 50 feet of their intersection with the #street lines# of #wide streets#. For the next 20 feet along the #street line# of a #narrow street#, the mandatory front #building# wall requirements are optional. The height and setback regulations of the underlying district shall apply along #street lines#, or portions thereof, not subject to the front #building# wall requirements.

Front wall recesses are permitted above the level of the second #story# ceiling or 23 feet above #curb level#, whichever is less, provided that the aggregate width of all recesses at the level of any #story# does not exceed 50 percent of the width of the front wall. The depth of such recess shall not exceed 10 feet. No front wall recesses are permitted within 20 feet of the intersection of two #street lines#.

Front wall openings are permitted below the level of the second #story# ceiling, for entrances only.

The preceding #street wall# location provisions shall not apply along any #street# frontage of a #zoning lot# occupied by existing #buildings# whose #street walls# remain unaffected by alterations or #enlargements# to such existing #buildings#.

However, the provisions of this Section shall not apply to any #building# for which the City Planning Commission has granted a special permit pursuant to Section 74-95 (Modifications of Housing Quality Special Permits) nor shall it apply to any #building# located within the #Special Lincoln Square District# or within the former West Side Urban Renewal Area, excluding frontages along Central Park West or to the #block# bounded by Frederick Douglass Circle, Cathedral Parkway, Manhattan Avenue, West 109th Street and Central Park West. On application, the City Planning Commission may grant special authorization for minor modifications of the mandatory front wall provisions of this Section involving an #enlargement#, upon a showing of compelling necessity. Such authorization, however, may in no event include modification of permitted #floor area# regulations.

23-673

Special bulk regulations for certain sites in Community District 4, Borough of Manhattan

Within the boundaries of Community District 4 in the Borough of Manhattan, excluding the #Special Clinton District#, for #developments# or #enlargements# in R8 Districts without a letter suffix, on #zoning lots# larger than 1.5 acres that include #residences# for which #public funding#, as defined in Section 23-911 (General definitions) is committed to be provided, the City Planning Commission may authorize modifications of height and setback regulations, provided the Commission finds that such modifications will facilitate the provision of such #residences#, and such modifications will not unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# on the #zoning lot# or nearby properties, #open space# or #streets#. Prior to issuing a building permit for any #development# or #enlargement# utilizing modifications granted by this authorization, the Department of Buildings shall be furnished with written notice of a commitment from the appropriate funding agency for the provision of such #public funding#.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

23-674

Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the Quality Housing Program. However, the alternate height and setback regulations set forth in paragraph (b) of Section 23-664 (Modified height and setback regulations for certain buildings) shall not apply to #developments# or #enlargements# on #zoning lots# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#.

* * *

23-69

Special Height Limitations

* * *

23-692

Height limitations for narrow buildings or enlargements

R7-2 R7D R7X R8 R9 R10

In the districts indicated, portions of #buildings# with #street walls# less than 45 feet in width shall not be permitted above the following heights:

- (a) For #interior lots#, and for #through lots#, which shall be treated as two separate #interior lots# of equal depth for the purposes of determining the height limitations of this Section, a height equal to the width of the #street# on which such #street walls# front or 100 feet, whichever is less;

* * *

- (d) ~~Where such #street walls abut# an existing #building# with #street walls# that exceed the height permitted in paragraphs (a), (b) or (c) of this Section, such new #street walls# may reach the height of the tallest of such #abutting building# walls if they front on a #wide street#, or the lowest of such #abutting building# walls if they front on a #narrow street#, provided such new #street walls# are fully contiguous at every level with such #abutting street walls#.~~

The heights permitted in paragraphs (a), (b) or (c) of this Section may be exceeded, if:

- (1) On a #wide street#, such portion of a #building# with a #street wall# less than 45 feet in width #abuts# an existing #building# with a #street wall# that exceeds such permitted heights. Such new #street walls# may reach the height of such #abutting building#, or where there are two #abutting buildings# that exceed such heights, such new #street wall# may reach the height of the tallest of such #abutting buildings#; or
- (2) On a #narrow street#, such #street walls abut# two existing #buildings# with #street walls# that both exceed the heights permitted. Such new #street walls# may reach the height of the lowest of such #abutting building#; and
- (3) such new #street walls# shall be fully contiguous at every level with such #abutting street walls#.

In addition, the following rules shall apply:

- (1) The front height and setback regulations and any height limitations of the underlying district shall apply, except that the alternate front setback and tower regulations of Sections 23-64~~2~~, 23-65, 24-53, 24-54, 33-44 and 33-45 shall not apply. In the event of a conflict between the underlying regulations and the regulations of this Section, the more restrictive shall apply.

* * *

- (6) ~~#Quality Housing buildings#~~ shall be exempt from the provisions of this Section provided the width of the ~~#street wall#~~ at the maximum base height required by specified in the applicable table in Sections 23-66~~33~~ or 35-24 35-65 is at least 45 feet. For such ~~#buildings#~~, a ~~#street wall#~~ that is less than 45 feet wide may be constructed above such base. For the purposes of this paragraph (6), ~~#abutting buildings#~~ on a single ~~#zoning lot#~~ shall not be considered a single ~~#building#~~. However, where all the requisite structural framing and all enclosing walls and roofs were completed for an ~~#enlargement#~~, in accordance with a building permit issued prior to a September 11, 2007 Board of Standards and Appeals (67-07-A) ruling that resulted in the ~~#enlargement#~~ being ineligible for a certificate of occupancy, ~~#abutting buildings#~~ on a single ~~#zoning lot#~~ may be considered a single ~~#building#~~ provided such ~~#zoning lot#~~ is formed prior to August 2, 2011.
- ~~(7) The provisions of this Section shall not apply to #Quality Housing buildings# on #zoning lots# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of such #zoning lot# is allocated to such #use#.~~

23-693

Special provisions applying adjacent to R1 through R6B Districts

R6 R7 R8 R9 R10

In the districts indicated, the ~~#development#~~ or ~~#enlargement#~~ of a ~~#building#~~, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District, shall: not exceed a height of 75 feet, or the applicable maximum base height of the district set forth in either Section 23-662 (Maximum height of buildings and setback regulations), or 23-664 (Modified height and setback regulations for certain buildings), whichever is less.

- (a) ~~not exceed a height of 35 feet where such adjoining district is an R1, R2, R3, R4 or R5 District; and~~
- (b) ~~comply with the height and setback regulations of an R6B District where such adjoining district is an R6B District.~~

23-70

MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT

23-71

Minimum Distance between Buildings on a Single Zoning Lot

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum distance between the portion of a #building# containing #residences# and any other #building# on the same #zoning lot# shall be as provided in this Section.

However, these provisions do not apply:

- (a) to the extent that such two #buildings# are separated from each other by a #rear yard equivalent# as set forth in Section 23-532 (Required rear yard equivalents) or 23-533 (Required rear yard equivalents for Quality Housing buildings), as applicable; or
- (b) to space between a #single-family#, #two-family#, or three-family #residence# and a garage #accessory# thereto.

23-711

Standard minimum distance between buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

The minimum distance between #single-# and #two-family residences# and any other #building#, or portion thereof, on the same #zoning lot# in R1 through R5 Districts shall be set forth in paragraph (a) of this Section. The minimum distance between #buildings# with three or more #dwelling units# and any other #building#, or portion thereof, on the #zoning lot# in R3 through R5 Districts, as well as the minimum distance between all #building#, or portions thereof, in R6 through R10 Districts shall be as set forth in paragraph (b). Additional provisions are set forth in paragraph (c) of this Section.

For the purpose of this Section, #abutting buildings# on a single #zoning lot# may be considered a single #building#. If two or more portions of a #building# are not connected or not #abutting# at a particular level, such separated portions shall comply with the provisions of paragraph (a) or paragraph (b)(1) of this Section, as applicable. In applying the provisions of paragraphs (a) and (b)(1) of this Section, the height of such separated portions shall be measured from the roof of the connecting or #abutting# portion of such #building#, as applicable, instead of from the #base plane# or #curb level#, as applicable.

For the purposes of this Section, wall condition shall be defined as follows:

“wall to wall” is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;

“wall to window” is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;

“window to window” is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.

(a) For single- and two-family residences

For #single-# and #two- family residences# in R1 through R5 Districts, ~~In all districts, as indicated,~~ the required minimum distance between the portion of a #building# containing #dwelling units# and any other #building# on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing #building# walls. Such minimum distance shall be, in feet, as indicated in the ~~following~~ table below, and shall be measured perpendicular to the #building# wall or window, as applicable.

Wall Condition [*]	Maximum #Building# Height above #Base Plane# or #Curb Level#, as Applicable (in feet)				
	25	35	40	50	Over 50
Wall to Wall	20	25	30	35	40
Wall to Window	30	35	40	45	50
Window to Window	40	45	50	55	60

~~*~~ Wall condition shall be defined as:

~~"wall to wall" is a condition where two walls of #buildings# face each other, and neither wall contains a #legally required window#;~~

~~"wall to window" is a condition where two walls of #buildings# face each other, and one wall contains a #legally required window# and the other wall does not contain a #legally required window#;~~

~~"window to window" is a condition where two walls of #buildings# face each other, and both walls contain a #legally required window#.~~

(b) For #buildings# with three or more #dwelling units# in R3 through R5 Districts and all #buildings# in R6 through R10 Districts

For #buildings# with three or more #dwelling units# in R3 through R5 Districts, and for all #buildings# in R6 through R10 Districts, the provisions of this paragraph (b) shall apply. Where two or more portions of a #building#, including #abutting# portions thereof, are not connected at a particular level above grade, such separated portions shall comply with paragraph (b)(1) of this Section. Where there are multiple

#buildings# on a single #zoning lot# that do not connect at any level, such #buildings# shall comply with paragraph (b)(2) of this Section.

(1) For separated portions of a #building#

The required minimum distance between the portion of a #building# containing #dwelling units# and any other portion of the #building#, including #abutting# portions thereof, as applicable, on the same #zoning lot# shall vary according to the height of such #buildings# and the presence of #legally required windows# in facing #building# walls. Such minimum distance shall be as indicated in the table below, and shall be measured perpendicular to the #building# wall or window, as applicable.

<u>Wall Condition</u>	<u>Maximum #Building# Height above Roof of Connecting Portion (in feet)</u>				
	<u>25</u>	<u>35</u>	<u>40</u>	<u>50</u>	<u>Over 50</u>
<u>Wall to Wall</u>	<u>20</u>	<u>25</u>	<u>30</u>	<u>35</u>	<u>40</u>
<u>Wall to Window</u>	<u>30</u>	<u>35</u>	<u>40</u>	<u>40</u>	<u>40</u>
<u>Window to Window</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>	<u>40</u>

(2) Two or more #buildings# on a single #zoning lot#

The minimum distance between two or more #buildings# on the same #zoning lot# that are not connected at any level shall be 40 feet, as measured between the closest points of such #buildings#, for portions of #buildings# lower than 125 feet, as measured from the #base plane# or #curb level#, as applicable.

Portions of such #buildings# higher than 125 feet shall be at least 80 feet apart, as measured between the closest points of such #buildings#. However, such minimum distance need not exceed 40 feet if such portions of #buildings# above a height of 125 feet do not exceed, in aggregate, a #lot coverage# of 40 percent, or for lots of less than 20,000 square feet, the percentage set forth in the table below:

AGGREGATED LOT COVERAGE OF PORTIONS OF
BUILDINGS ON A SMALL ZONING LOT

<u>Area of #Zoning Lot#</u>	<u>Maximum Percent of</u>
-----------------------------	---------------------------

<u>(in square feet)</u>	<u>#Coverage#</u>
<u>10,500 or less</u>	<u>50</u>
<u>10,501 to 11,500</u>	<u>49</u>
<u>11,501 to 12,500</u>	<u>48</u>
<u>12,501 to 13,500</u>	<u>47</u>
<u>13,501 to 14,500</u>	<u>46</u>
<u>14,501 to 15,500</u>	<u>45</u>
<u>15,501 to 16,500</u>	<u>44</u>
<u>16,501 to 17,500</u>	<u>43</u>
<u>17,501 to 18,500</u>	<u>42</u>
<u>18,501 to 19,999</u>	<u>41</u>

(c) In addition, the following rules shall apply:

~~(a) the minimum distances set forth in this table shall be provided at the closest point between #buildings#;~~

~~(b)~~ (1) any portion of a #building# that qualifies as a #building segment# may be treated as a separate #building# for the purposes of determining the minimum distance required between such #building segment# and another #building# or #building segment#;

~~(c)~~ (2) where #buildings# of different heights face each other, the average of the heights of such #buildings# shall determine the minimum distance required between them;

~~(d)~~ (3) projections having a maximum height of 25 feet above adjoining grade, a maximum depth of five feet, and an aggregate width not exceeding 25 percent of the #building# wall from which they project, may penetrate the minimum spacing requirements. However, such projections shall not be permitted in open spaces provided pursuant to paragraph (b)(2) of this Section;

~~(e) portions of #buildings# above 125 feet that exceed, in aggregate, a #lot coverage# of 40 percent, shall be spaced at least 80 feet apart;~~

- (f) (4) in R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, the provisions of this paragraph; ~~(f) (c)(5);~~ shall apply to any #zoning lot# with two or more #buildings# where at least 75 percent of the #floor area# of one #building# is located beyond 50 feet of a #street line# and the #private road# provisions do not apply. For the purposes of this paragraph, any #building# containing #residences# with no #building# containing #residences# located between it and the #street line# so that lines drawn perpendicular to the #street line# do not intersect any other #building# containing #residences# shall be considered a “front building,” and any #building# containing #residences# with at least 75 percent of its #floor area# located beyond the #rear wall line#, or prolongation thereof, of a “front building” shall be considered a “rear building.” The minimum distances set forth in the table in this Section shall apply, except that a minimum distance of 45 feet shall be provided between any such front and rear #buildings#; and
- (g) (5) for #buildings# existing on April 30, 2012, the minimum distances set forth in the table in this Section, and any #non-complying# distance greater than eight feet, may be reduced by up to eight inches of exterior wall thickness, provided the added wall thickness has a thermal resistance (R-value) of at least 1.5 per inch. A #non-complying# distance of eight feet or less shall be limited to a total reduction of one inch of wall thickness for each foot of such existing distance between buildings. However, such projections shall not be permitted in open spaces provided pursuant to paragraph (b)(2) of this Section.

* * *

23-80

COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS

* * *

23-84

Outer Court Regulations

* * *

23-841

Narrow outer courts

R1 R2 R3 R4 R5 ~~R6 R7 R8 R9 R10~~

- (a) In the districts indicated, ~~In all districts, as indicated,~~ if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least one and one-third the depth of such #outer court#.

However, in R3, R4 or R5 Districts, for #single-# and #two-family residences#, three #stories# or less in height, the width of such #outer court# shall be at least equal to the depth of such #outer court#.

R6 R7 R8 R9 R10

- (b) In the districts indicated, if an #outer court# is less than 30 feet wide, the width of such #outer court# shall be at least equal to the depth of such #outer court#.

However, the depth of an #outer court# may exceed its width in a small #outer court#, provided that:

- (1) at least 50 percent of the walls bounding such small #outer court# have a maximum height of 75 feet or less, as measured from the lowest level to the highest level of such #outer court#. Such maximum height limit shall also extend to the area within 10 feet of such court opening;
- (2) the area of such small #outer court# shall not be less than 200 square feet and no dimension shall be less than 10 feet;
- (3) no small #outer court# shall be permitted below the level of the first #story#; and
- (4) no #legally required windows# shall face onto such small #outer court# or any #outer court recess# thereof.

23-842

Wide outer courts

R1 R2 R3 R4 R5 ~~R6 R7 R8 R9 R10~~

- (a) In the districts indicated, ~~In all districts, as indicated,~~ if an #outer court# is 30 feet or more in width, the width of such #outer court# must be at least equal to the depth of such #outer court#, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

- (b) In the districts indicated, if an #outer court# is 30 feet or more in width, an #outer court# may extend to any depth.

23-843

Outer court recesses

R1 R2 R3 R4 R5 ~~R6 R7 R8 R9 R10~~

- (a) In the districts indicated, ~~In all districts, as indicated,~~ the width of an #outer court recess# shall be at least twice the depth of the recess, except that such width need not exceed 60 feet.

R6 R7 R8 R9 R10

(b) In the districts indicated, the width of an #outer court recess# shall be at least equal to the depth of such #outer court recess#, except that such width need not exceed 30 feet

23-844

Modification of court and side yard regulations in the area of the former Bellevue South Urban Renewal Plan in the Borough of Manhattan

In the Borough of Manhattan, in the area designated by the former Bellevue South Urban Renewal Plan, for a #development# or #enlargement# on a #zoning lot# that adjoins a #zoning lot# including a #building# containing #residences# with #non-complying courts# along the common #side lot line#, the #court# regulations of Section 23-80 and the open area requirements of paragraph (c) of Section 23-462 (Side yards for all other ~~residential~~ buildings containing residences) may be modified to allow an open area at least eight feet wide to extend along a portion of the #side lot line#.

23-85

Inner Court Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #inner courts# shall be in compliance with the provisions of this Section.

23-851

Minimum dimensions of inner courts

For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.

R1 R2 R3 R4 R5 ~~R6 R7 R8 R9 R10~~

(a) In all districts, as indicated, the area of an #inner court# shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet. ~~For the purposes of this Section, that portion of an open area not part of an #inner court# and over which, when viewed directly from above, lines perpendicular to a #lot line# may be drawn into such #inner court#, shall be considered part of such #inner court#.~~ In R1, R2 and R3 Districts, the area of an #inner court# shall not be less than 200 square feet and the minimum dimension of such #inner court# shall not be less than 12 feet.

R6 R7 R8 R9 R10

(b) In all districts, as indicated, the area of an #inner court#, shall not be less than 1,200 square feet, and the minimum dimension of such #inner court# shall not be less than 30 feet.

However, the area and dimensions of an #inner court# may be reduced for a small #inner court#, provided that:

- (1) At least 50 percent of the walls bounding such small #inner court# have a maximum height of 75 feet or less, as measured from the lowest level to the highest level of such #inner court#. Such maximum height limit shall also extend to the area within 10 feet of such court opening;
- (2) the area of such small #inner court# shall not be less than 200 square feet and no dimension shall be less than 10 feet;
- (3) no #legally required windows# shall face onto such small #inner court# or any #inner court recess# thereof.

23-852

Inner court recesses

R1 R2 R3 R4 R5 ~~R6 R7 R8 R9 R10~~

- (a) In the districts indicated, ~~In all districts, as indicated,~~ the width of an #inner court recess# shall be at least twice the depth of the recess. However, if the recess opening is 60 feet or more in width, this provision shall not apply.

R6 R7 R8 R9 R10

- (b) In the districts indicated, the width of an #inner court recess# shall be at least equal to the depth of the #inner court recess#, except that such width need not exceed 30 feet.

* * *

23-86

Minimum Distance Between Legally Required Windows and Walls or Lot Lines

* * *

23-861

General provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except as otherwise provided in Section 23-862 (Minimum distance between legally required windows and lot lines on small corner lots in R9 or R10 Districts) or Section 23-863 (Minimum distance between legally required windows and any wall in an inner court), the minimum distance between a #legally required window# and:

- (a) any wall;

(b) a #rear lot line#, or vertical projection thereof; or

(c) a #side lot line#, or vertical projection thereof;

shall be 30 feet, measured in a horizontal plane at the sill level of, and perpendicular to, such window for the full width of the rough window opening; provided, however, that a #legally required window# may open on any #outer court# meeting the requirements of Section 23-84, except for small #outer courts# in R6 through R10 Districts, the provisions for which are set forth in paragraph (b) of Section 23-841 (Narrow outer courts).

However, for shallow #interior lots# in R6 through R10 Districts, the minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, may be reduced to equal the #rear yard# depth required pursuant to the provisions of Section 23-52 (Special Provisions for Shallow Interior Lots).
However, in no event shall such minimum distance between a #legally required window# and a #rear lot line#, or vertical projection thereof, be less than 20 feet.

In R3, R4 and R5 Districts, the minimum dimension between a #legally required window# and a #side lot line# shall be 15 feet. Such 15 foot dimension shall be measured in a horizontal plane perpendicular to the #side lot line# or vertical projection thereof. Furthermore, such area with a 15 foot dimension shall be open to the sky from ground level up for the entire length of the #side lot line#. Only air conditioning condensation units, chimneys, downspouts, eaves, exterior wall thickness, gutters, open #accessory# off-street parking spaces, ramps for access by the ~~disabled~~ ~~handicapped~~, and steps shall be permitted obstructions in such open area, subject to the conditions set forth in paragraph (a) of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents), and provided such obstructions will not reduce the minimum width of the open area by more than three feet.

* * *

23-863

Minimum distance between legally required windows and any wall in an inner court

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, the minimum horizontal distance between a #legally required window# opening on an #inner court# and any wall opposite such window on the same #zoning lot# shall not be less than 30 feet, ~~nor shall any such wall be nearer to such window than a distance equal to one half the total height of such wall above the sill level of such window. Such minimum distance need not exceed 60 feet.~~ However, such provisions shall not apply to small #inner courts#, the provisions for which are set forth in paragraph (b) of Section 23-851 (Minimum dimensions of inner courts).

Such minimum distance shall be measured in a horizontal plane at the sill level of, and perpendicular to, the #legally required window# for the full width of the rough window opening, between such window and a projection of such wall onto such horizontal plane.

* * *

23-89

Open Area Requirements for Residences

* * *

23-892

In R6 through R10 Districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X

- (a) — In the districts indicated, and for #Quality Housing buildings# in R6 through R10 Districts without a letter suffix, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground pursuant to the provisions of Section 28-23 (Planting Areas). ~~, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.~~

~~R6 R7 R8 R9 R10~~

- (b) — ~~In the districts indicated without a letter suffix, on #zoning lots# containing a #Quality Housing building#, the entire area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building# within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between #commercial uses# and the #street line#.~~

* * *

23-90

INCLUSIONARY HOUSING

23-91

Definitions

For the purposes of this Section, inclusive, matter in italics is defined either in Section 12-10 (DEFINITIONS) or in this Section.

23-911

General definitions

The following definitions shall apply throughout Section 23-90 (INCLUSIONARY HOUSING), inclusive:

* * *

Affordable housing unit

An “affordable housing unit” is:

- (a) a #dwelling unit#, other than a #super’s unit#, that is used for class A occupancy as defined in the Multiple Dwelling Law and that is or will be restricted, pursuant to a #regulatory agreement#, to occupancy by:
 - (1) #low income households#;
 - (2) where permitted by paragraph (c) of Section 23-154 (Inclusionary Housing) 23-953 (Special floor area compensation provisions in specified areas), either #low income households# or a combination of #low income households# and #moderate income households# or #middle income households#; or
 - (3) upon #resale# of #homeownership affordable housing units#, other #eligible buyers#, as applicable;

* * *

Compensated zoning lot

A “compensated zoning lot” is a #zoning lot# that contains a #compensated development# and receives an increased #floor area ratio#, pursuant to the provisions of Section 23-154 (Inclusionary Housing) and Section 23-90, inclusive.

* * *

Floor area compensation

“Floor area compensation” is any additional #residential floor area# permitted in a #compensated development#, pursuant to the provisions of Section 23-154 (Inclusionary Housing) and Section 23-90, inclusive.

* * *

23-92

General Provisions

The Inclusionary Housing Program is established to promote the creation and preservation of housing for residents with varied incomes in redeveloping neighborhoods and thus to promote the general welfare. The requirements of this program are set forth in Section 23-90 (INCLUSIONARY HOUSING), inclusive.

Wherever the provisions of Section 23-90, inclusive, provide that approval is required, #HPD# may specify the form of such approval in the #guidelines#.

23-93

Applicability

23-931

Lower income housing plans approved prior to July 29, 2009

* * *

The #floor area ratio# of a #compensated development# may be increased in exchange for #lower income housing#, pursuant to a #lower income housing plan#, as both terms were defined by Section 23-93 prior to July 29, 2009, provided such #lower income housing# complies with all applicable provisions of Section 23-90 (INCLUSIONARY HOUSING) in effect prior to July 29, 2009, except as provided in this Section. Where such a #compensated development# is located in an R10 District outside of #Inclusionary Housing designated areas#, the provisions of paragraph (a) of Section 23-154 (Inclusionary Housing) ~~Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)~~ shall not apply, and Section 23-941 (In R10 Districts other than Inclusionary Housing designated areas) as such Section existed prior to July 29, 2009, shall apply.

* * *

23-932

R10 districts

The Inclusionary Housing Program shall apply in all R10 Districts located in #Inclusionary Housing designated areas#, subject to the provisions of paragraph (b) of Section 23-154 (Inclusionary Housing) ~~Section 23-952~~. The Inclusionary Housing Program shall apply in all other R10 Districts, subject to the provisions of paragraph (a) of Section 23-154 ~~Section 23-951 (Floor area compensation in R10 Districts other than Inclusionary Housing designated areas)~~, as applicable.

* * *

23-95

Compensated Zoning Lots

The #residential floor area ratio# of a #compensated zoning lot# may be increased in accordance with the applicable provisions of Section 23-154 (Inclusionary Housing).

23-951

~~Floor area compensation in R10 Districts other than Inclusionary Housing designated areas~~

The ~~#residential floor area ratio#~~ of a ~~#compensated zoning lot#~~ may be increased from 10.0 to a maximum of 12.0 at the rate set forth in this Section, if such ~~#compensated zoning lot#~~ provides ~~#affordable housing#~~ that is restricted to ~~#low income floor area#~~.

For each square foot of ~~#floor area#~~ provided for a type of ~~#affordable housing#~~ listed in the table in this Section, the ~~#floor area#~~ of the ~~#compensated zoning lot#~~ may be increased by the number of square feet set forth in the table, as applicable. Any ~~#generating site#~~ for which ~~#public funding#~~ has been received within the 15 years preceding the ~~#regulatory agreement date#~~, or for which ~~#public funding#~~ is committed to be provided subsequent to such date, shall be deemed to be provided with ~~#public funding#~~.

OPTIONS

Without #public funding#	#New construction affordable housing# or #substantial rehabilitation affordable housing#	3.5
	#Preservation affordable housing#	2.0
With #public funding#		1.25
	#New construction affordable housing# , #substantial rehabilitation affordable housing# or #preservation affordable housing#	

23-952

Floor area compensation in Inclusionary Housing designated areas

The provisions of this Section shall apply in ~~#Inclusionary Housing designated areas#~~ set forth in APPENDIX F of this Resolution.

The ~~#residential floor area#~~ of a ~~#zoning lot#~~ may not exceed the base ~~#floor area ratio#~~ set forth in the table in this Section, except that such ~~#floor area#~~ may be increased on a ~~#compensated zoning lot#~~ by 1.25 square feet for each square foot of ~~#low income floor area#~~ provided, up to the maximum ~~#floor area ratio#~~ specified in the table. However, the amount of ~~#low income floor area#~~ required to receive such ~~#floor area compensation#~~ need not exceed 20 percent of the total ~~#floor area#~~, exclusive of ground floor non ~~#residential floor area#~~, or any ~~#floor area#~~ increase for the provision of a ~~#FRESH food store#~~, on the ~~#compensated zoning lot#~~.

————— Maximum ~~#Residential Floor Area Ratio#~~

District	Base #floor area ratio#	Maximum #floor area ratio#
R6B	2.00	2.20
R6 ⁺	2.20	2.42

R6²-R6A-R7-2¹	2.70	3.60
R7A-R7-2²	3.45	4.60
R7-3	3.75	5.0
R7D	4.20	5.60
R7X	3.75	5.00
R8	5.40	7.20
R9	6.00	8.00
R9A	6.50	8.50
R9D	7.5	10.0
R9X	7.3	9.70
R10	9.00	12.00

¹— for #zoning lots#, or portions thereof, beyond 100 feet of a #wide street#

²— for #zoning lots#, or portions thereof, within 100 feet of a #wide street#

23-953

Special floor area compensation provisions in specified areas

(a) — Optional provisions for #large-scale general developments# in C4-6 or C5 Districts

— Within a #large-scale general development# in a C4-6 or C5 District, the special optional regulations as set forth in this paragraph, (a), inclusive, modify the provisions of Section 23-952 (Floor area compensation in Inclusionary Housing designated areas):

(1) The #residential floor area# of a #development# or #enlargement# may be increased by 0.833-square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to Section 23-952;

(2) — However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified in this paragraph, (a)(2). If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor

area# is at least 10 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #middle income households# and #low income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non #residential floor area#, on the #zoning lot#.

For the purposes of this paragraph, (a), inclusive, #low income floor area# may be considered #moderate income floor area# or #middle income floor area#, and #moderate income floor area# may be considered #middle income floor area#.

(b) — Special provisions for #large scale general developments# in Community District 1 in the Borough of Queens

— Special provisions shall apply to #zoning lots# within a #large scale general development# that contains R6B, R7A and R7-3 Districts within an #Inclusionary Housing designated area#, as follows:

(1) — For #zoning lots#, or portions thereof, that are located within R6B, R7A or R7-3 Districts, the base #floor area ratio# set forth in Section 23-952 shall not apply. No #residential development# or #enlargement# shall be permitted unless #affordable floor area# is provided pursuant to the provisions of this paragraph. The amount of #low income floor area# provided shall equal no less than 10 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store# and the amount of #moderate income floor area# provided shall equal no less than 15 percent of the #floor area# on such #zoning lot#, excluding any ground floor #non-residential floor area#, #floor area# within a #school#, or any #floor area# increase resulting from the provision of a #FRESH food store#. For the purposes of this paragraph (b)(1), inclusive, #low income floor area# may be considered #moderate income floor area#; and

(2) — The amount of #affordable floor area# utilizing #public funding# that may count toward satisfying the #affordable floor area# required in paragraph (b)(1) of this Section shall be determined in accordance with procedures prescribed by the City Planning Commission pursuant to the provisions of Section 24-243 (Special provisions for bulk modification).

(c) — Special provisions for #compensated zoning lots#

— Special provisions shall apply to #compensated zoning lots# located within:

(1) — R6, R7-3 and R8 Districts on #waterfront blocks# in #Inclusionary Housing designated areas# within Community District 1, Borough of Brooklyn, as set forth in Section 62-352; or

(2) — the #Special Hudson Yards District#, #Special Clinton District# and #Special West Chelsea District#, as set forth in Sections 93-23, 96-21 and 98-26, respectively.

23-954-23-951

Height and setback for compensated developments in Inclusionary Housing designated areas

In #Inclusionary Housing designated areas#, the #compensated development# shall comply with the height and setback regulations of Sections 23-66 (Height and Setback Requirements for Quality Housing Buildings) or 35-65 23-633 (Street wall location and height and setback regulations in certain districts) or 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts), as applicable, except that:

- (a) in #Special Mixed Use Districts#, the #compensated development# shall comply with the provisions of paragraphs (a) or (b) of Section 123-662 (All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations), as applicable. However, where the #Residence District# designation is an R6 District without a letter suffix, the #compensated development# shall comply with the height and setback regulations of Section 23-66 ~~Section 23-633~~, regardless of whether the #building# is #developed# or #enlarged# pursuant to the Quality Housing Program;

* * *

Article II - Residence District Regulations

Chapter 4

Bulk Regulations for Community Facilities in Residence Districts

24-00

APPLICABILITY, GENERAL PURPOSES AND DEFINITIONS

24-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #zoning lot# or portion of a #zoning lot# located in any #Residence District# which contains any #community facility building#, or to the #community facility# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility uses#, except where specifically modified by the provisions of this Chapter.

The #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# in any #Residence District# which contains a #residential building#, or to the #residential# portion of any #building# located in any #Residence District# which is used for both #residential# and #community facility uses#, except where specifically modified by the provisions of this Chapter.

In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale community facility developments# or to #community facility uses# in #large-scale residential developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

24-011

Quality Housing Program

~~Exceptions to the bulk regulations of this Chapter~~

~~R1 R2 R3 R4 R5~~

The applicability of the Quality Housing Program to #community facility buildings# or portions of #buildings# containing #community facility uses# is set forth in this Section, except as modified in Section 24-012 (Exceptions to the bulk regulations of this Chapter).

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #community facility building# or portion thereof shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. In all other R6, R7, R8, R9 or R10 Districts, if the #residential# portion of a #building# containing a #community facility use# is #developed# or #enlarged# pursuant to the Quality Housing Program, the entire #building# shall comply with the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3.

Special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 24-013 (Special Provisions for Certain Community Facility Uses).

#Quality Housing buildings# shall comply with the additional provisions set forth in Article II, Chapter 8 (The Quality Housing Program). In R5D Districts, certain provisions of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).

~~(a) — #Buildings# used partly for #community facility uses#~~

~~— Except as provided in paragraph (b) of this Section, in R3A, R3X, R3-1, R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# that contains any #building# that is used partly for #community facility use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility use# and partly for #residential use# only where:~~

~~(1) — such #community facility use# has received tax exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or~~

~~(2) — such #building# has received an authorization pursuant to Section 24-04 (Modifications of Bulk Regulations in Certain Districts).~~

~~(b) — #Buildings# containing certain #community facility uses# in #lower density growth management areas#~~

~~(1) — In the districts indicated, in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:~~

~~(i) — ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use~~

~~Group 4), except where such #zoning lot# contains #buildings# used for hospitals or nursing homes as defined in the New York State Hospital Code; or~~

~~(ii) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.~~

~~(2) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply, except that:~~

~~(i) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to prohibit parking spaces of any kind within a #front yard#;~~

~~(ii) in lieu of Sections 23-46 (Minimum Required Side Yards) and 23-66 (Required Side and Rear Setbacks), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and~~

~~(iii) for child care services in R1 and R2 Districts, the provisions of paragraph (9) in the definition of #floor area# in Section 12-10, pertaining to #floor area# exclusions for the lowest story of a #residential building#, shall not apply.~~

24-012

Exceptions to the bulk provisions of this Chapter

Quality Housing Program

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

(a) #Buildings# used partly for #community facility uses#

Except as provided in paragraph (b) of this Section, in R3A, R3X, R3-1, R4A, R4-1, R4B or R5B Districts, the #bulk# regulations of this Chapter shall apply only to a #zoning lot# or portion of a #zoning lot# that contains a #community facility building#, and the #bulk# regulations of Article II, Chapter 3, shall apply to any #zoning lot# or portion of a #zoning lot# that contains any #building# that is used partly for #community facility use# and partly for #residential use#. In such districts, the #bulk# regulations of this Chapter may apply to the #community facility# portion of a #building# that is used partly for #community facility use# and partly for #residential use# only where:

(1) such #community facility use# has received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law; or

(2) such #building# has received an authorization pursuant to Section 24-04 (Modifications of Bulk Regulations in Certain Districts).

(b) #Buildings# containing certain #community facility uses# in #lower density growth management areas#

(1) In R1 through R5 Districts in #lower density growth management areas#, the #bulk# regulations of this Chapter shall not apply to any #zoning lot# containing #buildings# used for:

(i) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or #long-term care facilities#; or

(ii) child care service as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, but where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of #floor area# permitted for #community facility use# on the #zoning lot#.

(2) In lieu thereof, the #residential bulk# regulations of Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply, except that:

(i) the provisions of Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be modified to prohibit parking spaces of any kind within a #front yard#;

(ii) in lieu of Sections 23-46 (Minimum Required Side Yards) and 23-66 (Required Side and Rear Setbacks), Sections 24-35 (Minimum Required Side Yards) and 24-55 (Required Side and Rear Setbacks) shall apply; and

(iii) for child care services in R1 and R2 Districts, the provisions of paragraph (9) in the definition of #floor area# in Section 12-10, pertaining to #floor area# exclusions for the lowest story of a #residential building#, shall not apply.

(c) Special Provisions for Certain #Community Facility Uses#

Special provisions for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3, are set forth in Section 24-013.

(d) #Quality Housing buildings#

For #Quality Housing buildings#, the provisions of Section 24-011 shall apply, except that:

- (1) for #community facility buildings# in Community District 7 and Community District 8 in the Borough of Manhattan, special #floor area ratios# are set forth in Section 24-10 (FLOOR AREA AND LOT COVERAGE REGULATIONS);
- (2) for houses of worship in R8A, R8X, R9A, R9X, R10A and R10X Districts as well as for such #uses# in #Quality Housing buildings# in other R8 through R10 Districts, the #street wall# location provisions of Section 23-661 need not apply; and
- (3) All obstructions listed in Section 24-33 (Permitted Obstructions in Required Yards or Rear Yard Equivalents) shall be permitted in required #yards# or #rear yard equivalents# for #community facility buildings# or portions of #buildings# containing #community facility uses#.

~~In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #community facility building# or portion thereof shall comply with the applicable provisions of Article II, Chapter 8. In R5D Districts, certain provisions of Article II, Chapter 8, shall apply as set forth in Section 28-01 (Applicability of this Chapter).~~

~~In other R6, R7, R8, R9 or R10 Districts, any #community facility# portion of a #Quality Housing building# shall comply with the applicable provisions of Article II, Chapter 8.~~

24-013

Special provisions for certain community facility uses

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) In R1 and R2 Districts

In R1 and R2 Districts, where a #long-term care facility# is authorized by the City Planning Commission pursuant to the provisions of Section 22-42, or permitted pursuant to Section 74-901, the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (a) of Section 24-111 (Maximum floor area ratio for certain community facility uses), except as permitted by the City Planning Commission pursuant to Section 74-902.

(2) In R3 through R5 Districts

In R3 through R5 districts, except R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D districts,

the #bulk# regulations of Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings# containing #long-term care facilities#. However, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

In R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 24-111, except as permitted by the City Planning Commission pursuant to Section 74-903.

(3) In R6 through R10 districts

In R6 through R10 districts, the #bulk regulations# for #Quality Housing buildings# in Article II, Chapter 3 applicable to #affordable independent residences for seniors#, inclusive, shall apply to #buildings# containing #long-term care facilities#.

In R6 through R10 districts without letter suffixes, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

(1) In R1 and R2 Districts

In R1 and R2 Districts the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations, shall not exceed the applicable #floor area ratio# of paragraph (a) of Section 24-111, except as permitted by the City Planning Commission pursuant to Section 74-902.

(2) In R3 through R5 Districts and R6 through R10 Districts without a letter suffix

In R3 through R5 Districts and R6 through R9 Districts without a letter suffix, the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations, shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 24-111, except as permitted by the City Planning Commission pursuant to Section 74-903. In addition, for #zoning lots# in R3-2, R4, R5, R6 and R7-1 Districts, except for R4A, R4B, R4-1, R5D and R6B Districts, with #buildings# containing both #residential uses# and philanthropic or non-profit institutions with sleeping accommodations, the provisions of Section 24-162 shall not apply. In lieu thereof, the provisions of Section 24-161 shall apply.

In R10 Districts without a letter suffix, the maximum #floor area ratio# for a #community facility building#, or portion thereof, that contains a philanthropic or non-profit institution with sleeping accommodations shall be as set forth in 24-11.

In R6 through R10 Districts without a letter suffix, the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, may be applied.

(3) In R6 through R10 Districts with a letter suffix

In R6 through R10 Districts with a letter suffix, the #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3 shall apply, inclusive.

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3 in R6 through R10 Districts with a letter suffix, or the height and setback regulations for #Quality Housing buildings# in Article II, Chapter 3 in R6 through R10 Districts without a letter suffix, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

* * *

24-10

FLOOR AREA AND LOT COVERAGE REGULATIONS

In all districts the #floor area# and #lot coverage# regulations of this Section 24-10, inclusive, shall apply as follows:

For any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility use# shall not exceed the #floor area ratio# and #lot coverage# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), except as otherwise provided in the following Sections:

Section 24-111 (Maximum floor area ratio for certain community facility uses)

Section 24-112 (Special floor area ratio provisions for certain areas)

Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards))

Section 24-14 (Floor Area Bonus for a Public Plaza)

Section 24-15 (Floor Area Bonus for Arcades)

Section 24-17 (Special Provisions for Zoning Lots Divided by District Boundaries).

The #floor area# and #lot coverage# regulations set forth in Sections 24-11 through 24-17, inclusive, shall not apply to any #building# containing a #community facility use# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts. In lieu thereof, any such #building# in such districts shall comply with the #floor area# and #lot coverage# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, except that in R8B Districts within Community District 8, Borough of Manhattan, the maximum #floor area ratio# shall be 5.10, and in R10A and R10X Districts within Community District 7, Borough of Manhattan, the maximum #floor area ratio# shall not exceed 10.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

24-11

Maximum Floor Area Ratio and Percentage of Lot Coverage

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~In all districts, as indicated, In R1 through R5 Districts, and in R6 through R10 Districts without a letter suffix, for any #zoning lot#, the maximum #floor area ratio# and maximum percent of #lot coverage# for a #community facility use# shall not exceed the #floor area ratio# and #lot coverage# set forth in the table in this Section, except as otherwise provided in the following Sections:~~

~~Section 24-13 (Floor Area Bonus for Deep Front and Wide Side Yards)~~

~~Section 24-14 (Floor Area Bonus for a Public Plaza)~~

~~Section 24-15 (Floor Area Bonus for Arcades)~~

~~Section 24-17 (Special Provisions for Zoning Lots Divided by District Boundaries).~~

Any given #lot area# shall be counted only once in determining the #floor area ratio#.

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# in an R9 or R10 District shall not exceed 12.0.

~~In R9A, R9D, R9X, R10A and R10X Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a Public Plaza) and 24-15 (Floor Area Bonus for Arcades) shall not apply and the maximum #floor area ratio# shall not exceed that set forth in the following table:~~

MAXIMUM FLOOR AREA AND MAXIMUM LOT COVERAGE

#Lot coverage# (percent of #lot area#)

#Floor Area Ratio#	#Corner Lot#	#Interior Lot# or #Through Lot#	District
1.00	60	55	R1
1.00	60	55	R2
1.00	60	55	R3
2.00	60	55	R4
2.00	60	55	R5 R5A R5B
4.80	70	65	R6
3.00	80	60	R6A
2.00	80	60	R5D R6B
4.80	70	65	R7-1
6.50	70	65	R7-2
4.00	80	65	R7A
3.00	80	65	R7B
4.20	80	65	R7D
5.00	80	70	R7X
6.50	75	65	R8
6.50	80	70	R8A
4.00	80	70	R8B *

6.00	80	70	R8X
10.00	75	65	R9
7.50	80	70	R9A
9.00	80	70	R9D
9.00	80	70	R9X
10.00	75	65	R10
10.00	100	70	R10A-R10X

* ~~In R8B Districts, within the boundaries of Community Board 8 in the Borough of Manhattan, the maximum #floor area ratio# on a #zoning lot# containing #community facility uses# exclusively shall not exceed 5.10~~

However, the #floor area ratios# listed in this table shall not apply to #community facility uses# that are subject to the provisions of Section 24-111 (Bulk regulations for certain community facility uses).

~~Within the boundaries of Community District 7 in the Borough of Manhattan, all #zoning lots# in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum #floor area ratio# of 10.0.~~

In R9 or R10 Districts, the bonus provisions of Sections 24-14 (Floor Area Bonus for a Public Plaza) or 24-15 (Floor Area Bonus for Arcades) shall apply only to a #development# or #enlargement# with 25 percent or less of the total #floor area# of the #building# in #residential use#.

24-111

Maximum floor area ratio for certain community facility uses

The provisions of this Section shall apply to #zoning lots# with #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

R1 R2

- (a) In the districts indicated, for any #zoning lot# containing #community facility uses# other than those #uses# for which a permit is required pursuant to Sections 22-21 (By the Board of Standards and Appeals), 73-12 (Community Facility Uses in R1, R2, R3A, R3X, R3-1, R4A, R4B, or R4-1 ~~R1 or R2~~ Districts) and 73-13 (Open Uses in R1 or R2 Districts), or where #bulk# modification is authorized pursuant to Section 74-901 (Long-term Care Facilities in R1 and R2 Districts and certain Commercial Districts ~~Bulk modifications for certain community facility uses~~), the maximum #floor area ratio# shall

not exceed the #floor area# permitted for #residential uses# by the applicable district regulations. The provisions of this paragraph shall not apply to #buildings# for which plans were filed with the Department of Buildings prior to November 15, 1972, including any subsequent amendments thereof.

R3 R4 R5 R6 R7 R8 R9

- (b) In R3 through R9 districts, the maximum #floor area ratio# on a #zoning lot# for philanthropic or non-profit institutions with sleeping accommodations, and in R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D Districts, the maximum #floor area ratio# on a #zoning lot# for #long-term care facilities# shall be as set forth in the table in this Section. Such maximum #floor area ratio# may be modified by special permit of the City Planning Commission pursuant to Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

~~In the districts indicated, the maximum #floor area ratio# on a #zoning lot# for the following #community facility uses# as listed in Use Group 3:~~

- ~~(1) — nursing homes, health related facilities or domiciliary care facilities for adults, each of which have secured certification by the appropriate governmental agency;~~
- ~~(2) — sanitariums; or~~
- ~~(3) — philanthropic or non profit institutions with sleeping accommodations;~~

~~shall be as set forth in the table in this Section, except where such #floor area ratio# is modified pursuant to Section 74-902 (Bulk modifications for certain community facility uses).~~

~~The provisions of paragraph (b) of this Section are not applicable in R8B Districts in Community Board 8 in the Borough of Manhattan.~~

MAXIMUM FLOOR AREA RATIO FOR CERTAIN COMMUNITY FACILITY USES

District	Maximum #Floor Area Ratio# Permitted
R3	0.50
R4	0.75
R5 R5A R5B	1.27
R5D-R6B	2.00

R6	2.43
R6A R7B	3.00
R7	3.44
R7D	4.20
R7X	5.00
R7A R8B	4.00
R8 R8A	6.02
R8X	6.00
R9	7.52
R9A	7.50
R9D	9.00
R9X	9.00

24-112

Special floor area ratio provisions for certain areas

The #floor area ratio# provisions of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage), inclusive, shall be modified for certain areas, as follows: Within the boundaries of Community District 7 in the Borough of Manhattan, all #zoning lots# in R10 Districts shall be limited to a maximum #floor area ratio# of 10.0.

24-113-24-112

Existing public amenities for which floor area bonuses have been received

* * *

24-13

Floor Area Bonus for Deep Front and Wide Side Yards

R3 R4 R5

In the districts indicated, except R5D Districts, the maximum #floor area ratio# set forth in Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) may be increased to the #floor area ratio# set forth in the table in this Section, if #yards# are provided as follows:

* * *

However, the provisions of this Section shall not apply to ~~nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and~~ philanthropic or non-profit institutions with sleeping accommodations and #long-term care facilities#.

* * *

24-16

Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

~~In all districts, as indicated, In R1 through R5 Districts, and in R6 through R10 Districts without a letter suffix,~~ the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential uses#.

24-161

Maximum floor area ratio for zoning lots containing community facility and residential uses

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D ~~R6 R6A R6B R7-2 R7A R7B R7D R7X~~ R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and in R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #community facility# and #residential uses# shall be the base #floor area ratio# set forth in Section 23-154 (Inclusionary Housing) ~~Section 23-952~~ for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable income housing# pursuant to Section 23-90 (INCLUSIONARY HOUSING).

24-162

Maximum floor area ratios and special floor area limitations for zoning lots containing residential and community facility uses in certain districts

R3-2 R4 R5 R6 R7-1

In the districts indicated, except R4A, R4B, R4-1, ~~and R5D, R6A and R6B~~ Districts, the provisions of this Section shall apply to any #zoning lot# containing #community facility# and #residential use#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations, as set forth in Section 24-013 (Special Provisions for Certain Community Facility Uses).

* * *

24-163

Open space ratio for residential portion

~~R1 R2 R3 R4 R5~~ R6 R7 R8 R9

In the districts indicated, the #zoning lots# containing #residences# shall have a minimum #open space ratio# as required under the provisions of Article II, Chapter 3. For the purposes of this Section:

* * *

24-164

Location of open space for residential portion

R1 R2 R3 R4 R5 R6 R7 R8 R9

(a) — In the districts indicated, the #open space# required for the #residential# portion of the #building# under the provisions of Article II, Chapter 3, may be at a level higher than 23 feet above #curb level#. Such #open space# may be provided at ground floor level or upon the roof of the #community facility# portion of such #building#, provided that the level of any #open space# may not be higher than two and one half feet below the sill level of any #legally required window# opening on such roof area, in the #residential# portion of such #building#. #Open space# located on the roof of a #community facility building# separated by open area from #residential# or #mixed buildings# on the same #zoning lot# may not be at a level higher than 23 feet above #curb level#. For the purposes of this Section paragraph, (a), #abutting buildings# on a single #zoning lot# may be considered to be a single #building#.

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

(b) — ~~In the districts indicated, and in other R6, R7, R8, R9 or R10 Districts, the provisions of Section 28-30 (RECREATION SPACE AND PLANTING AREAS) shall apply to #Quality Housing buildings#.~~

* * *

24-20

APPLICABILITY OF DENSITY REGULATIONS TO ZONING LOTS CONTAINING BOTH RESIDENTIAL AND COMMUNITY FACILITY USES

In all districts, the maximum number of #dwelling units# ~~or #rooming units#~~ on a #zoning lot# containing both #community facility# and #residential uses# shall be as set forth in Section 23-24 (Special Provisions for Buildings Containing Multiple Uses). ~~equal the maximum #residential floor area# permitted on such #zoning lot# determined in accordance with the provisions set forth in Section 24-16 (Special Provisions for Zoning Lots Containing Both Community Facility and Residential Uses) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).~~

24-30

YARD REGULATIONS

General Provisions

24-31

Applicability of Yard Regulations

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #yards# shall be provided as set forth in Sections 24-30 (YARD REGULATIONS) and 24-40 (SPECIAL PROVISIONS FOR ZONING LOTS DIVIDED BY DISTRICT BOUNDARIES), inclusive. However, in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building# shall comply with the #yard# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3.

For #zoning lots# with #residential# and #community facility uses#, #front yards# shall be provided pursuant to Article II, Chapter 3, where applicable, and #side yards# and #rear yards# shall be provided in accordance with this Chapter. Section 23-463 (Maximum aggregate width of street walls) shall apply to #zoning lots# with #residential# and #community facility uses#.

For the #residential# portion of a #building# with both #residential# and #community facility uses#, the required #residential rear yard# shall be provided at the floor level of the lowest #story# used for #dwelling units# or #rooming units#, where any window of such #dwelling units# or ~~#rooming units#~~ faces onto such #rear yard#.

* * *

24-33

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all #Residence Districts#, the following obstructions shall be permitted when located within a required #yard# or #rear yard equivalent#:

- (a) In any #yard# or #rear yard equivalent#:

* * *

- (b) In any #rear yard# or #rear yard equivalent#:

- (1) Balconies, unenclosed, subject to the provisions of Section 24-165;

* * *

- (5) Greenhouses, #accessory#, non-commercial, limited to one #story# or 15 ~~14~~ feet in height above natural grade level, whichever is less, and limited to an area not exceeding 25 percent of a required #rear yard# or #rear yard equivalent# on a #zoning lot#;

- (6) Parking spaces, off-street, #accessory# to a #community facility use#, provided that the height of an #accessory building#, or portion of a #building# used for such purposes, shall not exceed 15 ~~14~~ feet above #curb level#. However, such #accessory building# or portion of a #building# shall not be a permitted obstruction in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts;

* * *

24-38

Special Provisions for Through Lots

* * *

24-381

Excepted through lots

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a)——In all districts, as indicated, no #rear yard# regulations shall apply to any #through lots# that extend less

than 110 feet in maximum depth from #street# to #street#. However, in R5D Districts, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion which is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.

~~R5D R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

(b) ~~— In the districts indicated, for all #buildings# and for #Quality Housing buildings# in other R6, R7, R8, R9 and R10 Districts, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions, and such #zoning lot# occupies the entire #block# frontage of a #street#.~~

24-382

Required rear yard equivalents

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, on any #through lot# 110 feet or more in maximum depth from #street# to #street#, one of the following #rear yard equivalents# shall be provided:

* * *

However, in R5D, ~~R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A and R10X~~ Districts, and for #Quality Housing buildings# in other R6 through R10 Districts on any #through lot# at least 180 feet in depth from #street# to #street#, a #rear yard equivalent# shall be provided only as set forth in paragraph (a) of this Section.

* * *

24-50

HEIGHT AND SETBACK REGULATIONS

In all districts the height and setback regulations of this Section 24-50, inclusive, shall apply as follows:

Height and setback regulations applicable to R1 through R5 Districts, except R5D districts, are set forth in Section 24-521 (Front setbacks in districts where front yards are required). In R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS).

In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, any #building# shall comply with the height and setback regulations for #Quality Housing buildings# set forth in

Article II, Chapter 3. In R6, R7, R8, R9 or R10 Districts without a letter suffix, if the #residential# portion of a #building# containing a #community facility use# is #developed# or #enlarged# pursuant to the Quality Housing Program, the entire #building# shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3. For other #buildings# in R6 through R10 districts without a letter suffix utilizing the provisions of this Chapter, height and setback regulations are set forth in Sections 24-522 (Front setbacks in districts where front yards are not required), 24-53 (Alternate Front Setbacks) and 24-54 (Tower Regulations), as applicable.

In all districts, supplemental provisions are set forth in Section 24-55 (Required Side and Rear Setbacks), 24-56 (Special Height and Setback Provisions for Certain Areas), 24-57 (Modifications of Height and Setback Regulations), 24-58(Special Provisions for Zoning Lots Divided by District Boundaries) and 24-59 (Special Height Limitations), respectively.

* * *

Basic Regulations

24-52

Maximum Height of Walls and Required Setbacks

* * *

24-521

Front setbacks in districts where front yards are required

R1 R2 R3 R4 R5

In the districts indicated, except R5D Districts, where #front yards# are required, the front wall or any other portion of a #building or other structure# shall not penetrate the #sky exposure plane# set forth in the following table:

* * *

24-522

Front setbacks in districts where front yards are not required

R6 R7 R8 R9 R10

- (a) In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, except for #Quality Housing buildings# and except as set forth in paragraph (b) of this Section, if the front wall or other portion of a #building or other structure# is located at the #street line# or within the #initial setback distance# set forth in the table in this Section, the height of such front wall or other portion of a #building or other structure# shall not exceed the maximum height above #curb level# set forth in the table. Above such specified maximum height and beyond the #initial setback distance#, the

#building or other structure# shall not penetrate the #sky exposure plane# set forth in the table:

* * *

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

(b) ~~— In the districts indicated, for all #buildings or other structures#, the provisions of this Section, Section 24-53 (Alternate Front Setbacks) and Section 24-54 (Tower Regulations) shall not apply. In lieu thereof, the provisions of Section 23-633 (Street wall location and height and setback regulations in certain districts) shall apply.~~

24-523

Special height and setback regulations

~~R5D R8 R10~~

(a) ~~— Community District 7, Manhattan~~

~~— Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, except R10A or R10X Districts, shall comply with the requirements of Section 23-634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).~~

(b) ~~— Community District 9, Manhattan~~

~~— Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of the Quality Housing Program.~~

(c) ~~— R5D Districts~~

~~— In R5D Districts, all #buildings or other structures# shall comply with the height and setback requirements set forth in Section 23-60 (HEIGHT AND SETBACK REGULATIONS).~~

24-53

Alternate Front Setbacks

~~R6 R7 R8 R9 R10~~

(a) ~~— In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#.~~

~~except for #Quality Housing buildings# and except as set forth in paragraph (b) of this Section, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in the following table, the provisions of Section 24-52 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such an open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 24-51 (Permitted Obstructions) or 24-54 (Tower Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in the table, and the #sky exposure plane# shall be measured from a point above the #street line#.~~

* * *

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

~~(b) In the districts indicated, for all #buildings or other structures#, the provisions of this Section shall not apply.~~

24-54 Tower Regulations

R7-2 R8 R9 R10

(a) In the districts indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, ~~except for #Quality Housing buildings#, and except as set forth in paragraph (b) of this Section, any portion or portions of #buildings# which in the aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in this Section, may penetrate an established #sky exposure plane# in accordance with the provisions of this Section. (Such portion of a #building# that penetrates a #sky exposure plane# is hereinafter referred to as a tower.)~~

* * *

(b) Inapplicability of tower regulations

R7-2 R8 R9 R10

~~(1) In the districts indicated, the provisions of this Section shall not apply to any #development# or #enlargement# located wholly or partly in a #Residence District# that is within 100 feet of a #public park# with an area of one acre or more, or a #street line# opposite such a #public park#.~~

~~R8A R8B R8X R9A R9D R9X R10A R10X~~

~~(2) In the districts indicated, for all #buildings or other structures#, the provisions of this Section shall not apply.~~

* * *

24-55

Required Side and Rear Setbacks

* * *

24-55.2

Required rear setbacks for tall buildings

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) In all districts, ~~as indicated without a letter suffix, for #buildings# other than #Quality Housing buildings#, except as provided in paragraph (b) of this Section,~~ no portion of a #building# more than 125 feet above yard level shall be nearer to a #rear yard line# than 20 feet. However, this provision shall not apply to any portion of a #building# that qualifies as a tower under the provisions of Section 24-54.

* * *

~~R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9D R9X R10A R10X~~

- (b) ~~In the districts indicated, for all #buildings# and for #Quality Housing buildings# in other R6 through R10 Districts, no portion of a #building# that exceeds the maximum base height specified in the table in Section 23-633 shall be nearer to a #rear yard line# than 10 feet.~~

~~In the case of a #through lot# on which a #rear yard equivalent# is provided as set forth in paragraph (a) of Section 24-382, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. If a #rear yard equivalent# is provided as set forth in paragraph (b) of Section 24-382, the requirements of this Section shall not apply.~~

Regulations Applying in Special Situations

24-56

Special Height and Setback Provisions for Certain Areas ~~Zoning Lots Directly Adjoining Public Parks~~

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

- (a) For Zoning Lots Directly Adjoining Public Parks

In all districts, as indicated, a #public park# with an area of between one and fifteen acres shall be considered a #wide street# for the purpose of applying the regulations set forth in Section 24-52 (Maximum Height of ~~Front~~ Walls and Required ~~Front~~ Setbacks) to any #building or other structure# on a #zoning lot# adjoining such #public park#. However, the provisions of this Section shall not apply to a #public park# more than 75 percent of which is paved.

(b) Community District 7, Manhattan

Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in R10 Districts, shall comply with the requirements of Section 23-672 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).

(c) Community District 9, Manhattan

Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to the #residential bulk# regulations of Section 23-675 (Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan).

* * *

24-59

Special Height Limitations

* * *

24-592

Height limitations for narrow buildings or enlargements

R7-2 ~~R7D R7X~~ R8 R9 R10

In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply to portions of #buildings# with #street walls# less than 45 feet in width.

~~24-593~~

~~Special provisions applying along district boundaries~~

~~R6 R7 R8 R9 R10~~

~~In the districts indicated, the requirements for R6B Districts in Section 23-633 (Street wall location and height~~

~~and setback regulations in certain districts) shall apply to any portion of a #building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District, if the #building# that contains such portion is:~~

~~(a) within an R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X District; or~~

~~(b) within an R6, R7, R8, R9 or R10 District, without a letter suffix, and any portion of the #zoning lot# is #developed# or #enlarged# pursuant to the Quality Housing Program.~~

* * *

Article II - Residence District Regulations

Chapter 5

Accessory Off-Street Parking and Loading Regulations

Off-street Parking Regulations

25-00

GENERAL PURPOSES AND DEFINITIONS

* * *

25-02

Applicability

* * *

25-021

Applicability of regulations to non-profit hospital staff dwellings

~~Except as modified in Sections 25-16 (Maximum Spaces for Other than Single Family Detached Residences) and 25-212 (Parking requirements applicable to non-profit hospital staff dwellings), the district regulations of this Chapter applicable to #residences# shall apply to #non-profit hospital staff dwellings#, and the district regulations of this Chapter applicable to #community facility uses# shall not apply to such #use#. In all districts, the regulations of this Chapter applicable to #community facility uses# shall not apply to #non-profit hospital staff dwellings#. In lieu thereof, the regulations applicable to #residences# shall apply, as follows:~~

- ~~(a) the regulations of an R5 District shall apply to #non-profit hospital staff dwellings# located in R1, R2 and R3 Districts;~~
- ~~(b) the regulations of an R6 District shall apply to #non-profit hospital staff dwellings# located in R4 and R5 Districts; and~~
- ~~(c) the regulations of an R10 District shall apply to #non-profit hospital staff dwellings# located in R6 through R10 Districts.~~

* * *

25-025

Applicability of regulations to Quality Housing

On any #zoning lot# containing #residences# in R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts or their #commercial# equivalents, and on any #zoning lot# in other districts containing a

~~#Quality Housing building#~~, all ~~#accessory#~~ off-street parking spaces shall comply with the provisions of Section 28-50 28-40 (PARKING FOR QUALITY HOUSING).

* * *

25-027

Applicability of regulations in Community District 14, Queens

In Community District 14 in the Borough of Queens, R6 and R7 Districts shall be subject to the ~~#accessory#~~ off-street parking regulations of an R5 District, except that such requirement shall not apply to any ~~#development#~~ located within an urban renewal area established prior to August 14, 2008, or #income-restricted housing units# as defined in Section 12-10 (DEFINITIONS).

For the purposes of this Section, the ~~#floor area#~~ of a ~~#building#~~ shall not include floor space used for ~~#accessory#~~ off-street parking spaces provided on any ~~#story#~~ located below 33 feet above the ~~#base plane#~~.

* * *

25-10

PERMITTED ACCESSORY OFF-STREET PARKING SPACES

* * *

25-16

Maximum Spaces for Other than Single-Family Detached Residences

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, the provisions of this Section shall apply to all ~~#dwelling units#~~ ~~or #rooming units#~~ in ~~#buildings#~~ containing ~~#residences#~~ other than ~~#Quality Housing buildings#~~ and ~~#single-family detached residences#~~, except as provided in Section 25-17 (Modification of Maximum Spaces for Other than Single-Family Detached Residences).

~~The provisions of this Section applicable to #residences# in the districts set forth in the following table shall apply as set forth in the table to #non-profit hospital staff dwellings#:~~

~~APPLICABILITY OF PROVISIONS TO NON-PROFIT HOSPITAL STAFF DWELLINGS~~

~~District whose Regulations are Applicable
to #Non-profit Hospital Staff Dwellings#~~

~~District in which #Non-profit
Hospital Staff Dwelling# is Located~~

R5	R1 R2 or R3
R6	R4 or R5
R10	R6 R7 R8 R9 or R10

25-161

In R3, R4 or R5 Districts

R3 R4 R5

In the districts indicated, not more than two off-street parking spaces shall be provided for each #dwelling unit#, and not more than one off-street parking space shall be provided for each #rooming unit#.

* * *

25-20

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES

25-21

General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all #dwelling units# or #rooming units# created after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #dwelling unit# or #rooming unit#:

Section 25-22	(Requirements Where Individual Parking Facilities Are Provided)
Section 25-23	(Requirements Where Group Parking Facilities Are Provided)
Section 25-24	(Modification of Requirements for Small Zoning Lots)
Section 25-25	(Modification of Requirements for <u>Income-Restricted Housing Units or Affordable Independent Residences for Seniors</u> Public Housing or Housing for Elderly)

For #dwelling units# or #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.

~~For the purposes of these Sections, three #rooming units# shall be considered the equivalent of one #dwelling unit#.~~

For the purposes of calculating the number of required parking spaces for any #building# containing #residences#, any fraction of a space 50 percent or greater shall be counted as an additional space.

In the event that the number of #accessory# off-street parking spaces required under the provisions of these Sections exceeds the maximum number of spaces permitted under the provisions of Section 25-16 (Maximum Spaces for Other than Single-Family Detached Residences), the Commissioner of Buildings shall reduce the required number of spaces to the maximum number permitted.

25-211

Application of requirements to conversions and certain enlargements

* * *

R1 R2 R3 R4 R5 R6 R7-1 R7A R7B R7D R7X

- (c) In the districts indicated, the requirements of Section 25-21 (General Provisions) shall not apply to #dwelling units# ~~or #rooming units#~~ created by the change of non-#residential uses# to #residential uses# on #zoning lots# with less than 5,000 square feet of #lot area#.

R7-2 R8 R9 R10

- (d) In the districts indicated, no #accessory# off-street parking is required for the creation of additional #dwelling units# ~~or #rooming units#~~ within existing #buildings#.

~~25-212~~

~~Parking requirements applicable to non-profit hospital staff dwellings~~

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~In all districts, as indicated, the provisions of Sections 25-21 to 25-28, inclusive, relating to Required Accessory Off-Street Parking Spaces for Residences, shall apply as set forth in this Section to #non-profit hospital staff~~

~~dwellings#. The district regulations of Sections 25 21 to 25 28, inclusive, applicable to #non-profit hospital staff dwellings# are determined in accordance with the following table and are the same as the regulations applicable to #residences# in the districts indicated in the table.~~

District Whose Regulations are Applicable	District
R5	R1 R2 R3
R6	R4 R5
R10	R6 R7 R8 R9 R10

* * *

25-23

Requirements Where Group Parking Facilities Are Provided

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, where #group parking facilities# are provided, for all new #residences#, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #residences# set forth in the following table. Such spaces shall be kept available to the residents of the #building#, in accordance with the provisions of Section 25-41 (Purpose of Spaces and Rental to Non-Residents).

PARKING SPACES REQUIRED WHERE GROUP PARKING FACILITIES ARE PROVIDED

Percent of Total #Residences#	District
100*	R1 R2 R3 R4A R4-1
100	R4 R4B R5A
85	R5
70**	R6

66	R5B R5D
60**	R7-1
50**	R6A R6B R7-2 R7A R7B R7D R7X R8B***
40	R8 R9 R10

<u>District</u>	<u>Percent of Total #Residences#</u>
<u>R1 R2 R3 R4A R4-1</u>	<u>100¹</u>
<u>R4 R4B R5A</u>	<u>100</u>
<u>R5</u>	<u>85</u>
<u>R6</u>	<u>70²</u>
<u>R5B R5D</u>	<u>66</u>
<u>R7-1</u>	<u>60²</u>
<u>R6A R6B R7-2 R7A R7B R7D</u> <u>R7X R8B³</u>	<u>50²</u>
<u>R8 R9 R10</u>	<u>40</u>

¹ In R1, R2, R3, R4A and R4-1 Districts within #lower density growth management areas#, 1.5 #accessory# off-street parking spaces shall be provided for each #dwelling unit#. However, in such districts in the Borough of Staten Island, two #accessory# off-street parking spaces shall be provided for each #single-family residence#, three #accessory# off-street parking spaces shall be provided for each #two-family residence#, and for all other #residences#, #accessory# off-street parking spaces shall be provided for at least 150 percent of the total number of #dwelling units# within such #residences#

² In R6 or R7 Districts for #residences# created pursuant to the Quality Housing Program, #accessory# off-street parking spaces shall be provided for at least 50 percent of the total number of such #residences#

³ In the borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts

In a #predominantly built-up area# where #group parking facilities# are provided, #accessory# parking spaces shall be provided for at least that percentage of the total number of #dwelling units# set forth in the following table:

<u>Percent of Total #Residences#</u>	<u>District</u>
66	R4 R5
<u>District</u>	<u>Percent of Total #Residences#</u>
R4 R5	66

25-231

Modification of requirements to facilitate affordable housing

Within the #Transit Zone#, the Board of Standards and Appeals may permit a reduction in the requirements set forth in Section 25-23 in accordance with the provisions of Section 73-433 (Reduction of parking spaces to facilitate affordable housing).

25-24

Modification of Requirements for Small Zoning Lots

* * *

25-241

Reduced requirements

R6 R7 R8 R9 R10

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is as set forth in the following table:

REDUCED REQUIREMENTS FOR

SMALL ZONING LOTS

Parking Spaces Required as a Percent of Total #Dwelling Units#		
<u>#Lot Area#</u>		<u>District</u>
10,000 square feet or less	50	R6 R7-1* R7B
	30	R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30	R7-2
	20	R8** R9 R10

<u>Parking Spaces Required as a Percent of Total #Dwelling Units#</u>		
<u>#Lot Area#</u>	<u>District</u>	
<u>10,000 square feet or less</u>	<u>R6 R7-1¹ R7B</u>	<u>50</u>
	<u>R7-1 R7A R7D R7X</u>	<u>30</u>
<u>10,001 to 15,000 square feet</u>	<u>R7-2</u>	<u>20</u>
	<u>R8² R9 R10</u>	<u>20</u>

¹ Within #lower density growth management areas# in Community District 10, Borough of the Bronx

² In R8B Districts, the parking requirements may not be reduced.

* * *

for Seniors Public, Publicly-Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly

The requirements set forth in Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified for #income-restricted housing units#, as defined in Section 12-10 (DEFINITIONS), and further modified where such #income-restricted housing units# are located in an #affordable independent residence for seniors#, in accordance with the provisions of this Section, inclusive. For the purposes of this Section, not more than one #dwelling unit# reserved for occupancy by a superintendent in a #building# otherwise comprised of #income-restricted housing units# shall also be considered an #income-restricted housing unit#.

~~R1 R2 R3 R4 R5 R6 R7 R8 R9 R10~~

~~In all districts, as indicated, #accessory# off-street parking spaces shall be provided for at least that percentage of the total number of #dwelling units# in each category as set forth in the following table, for:~~

- ~~(a) — all #dwelling units# in publicly assisted housing developments approved by the City Planning Commission which limit maximum tenant income and receive cash and/or interest subsidies under Federal mortgage programs;~~
- ~~(b) — all #dwelling units# in publicly assisted housing developments approved by the City Planning Commission which limit maximum tenant income and receive rent subsidy contracts under Federal rent subsidy programs, other than such developments owned by or constructed for the New York City Housing Authority which have received "plan" and "project" approval prior to June 30, 1975; and #non-profit residences for the elderly# or #dwelling units# for the elderly;~~
- ~~(c) — all #dwelling units# in low rent public housing developments owned by or constructed for the New York City Housing Authority or other public authority and receiving cash subsidies, or #dwelling units# in new housing developments approved by the City Planning Commission that are reserved for low income tenants for a period of not less than 40 years at rentals equivalent to rentals in low rent public housing developments receiving cash subsidies;~~
- ~~(d) — #non-profit residences for the elderly# or #dwelling units# in a publicly assisted or public housing development that are reserved for elderly tenants for a period of not less than 40 years and that comply with the appropriate space requirements for related #accessory# social and welfare facilities set forth in the definition of a #non-profit residence for the elderly# in Section 12-10 (DEFINITIONS); and~~
- ~~(e) — all government assisted #dwelling units# or #rooming units# in developments which receive New York City or New York State assistance to reduce total development cost by \$10,000 or 10 percent, whichever is less, and limit maximum tenant income to the income limits established by the United States Department of Housing and Urban Development for New York City mortgagors assisted under Section 235 of the National Housing Act, as amended.~~

~~PARKING SPACES REQUIRED FOR PUBLIC, PUBLICLY ASSISTED AND GOVERNMENT ASSISTED HOUSING DEVELOPMENTS OR~~

~~NON-PROFIT RESIDENCES FOR THE ELDERLY~~

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
80	65	50.0	***	80	R1-R2
80	65	50.0	35.0	80	R3-R4
70	56	42.5	31.5	70	R5
55	45	35.0	22.5	55	R5D-R6**
39	32	25.0	16.0	35	R6A-R6B R7B
45	38	30.0	20.0	45	R7-1**
30	23	15.0	12.5	25	R7-2-R7A R7D-R7X R8B*
30	21	12.0	10.0	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:

District	Applicable District Parking Requirement
R6	R6A

R7-1

R7A

~~*** A non-profit residence for the elderly# is not a permitted use# in R1 or R2 Districts. See Section 22-12 (Use Group 2)~~

25-251

Income-restricted housing units

Regulations applicable to income-restricted housing units#, except where such units are located in an affordable independent residence for seniors#, are set forth in this Section.

Within the Transit Zone# no accessory# off-street parking spaces shall be required for income-restricted housing units# developed after (date of enactment). Existing required or permitted accessory off-street parking spaces for income-restricted housing units# existing prior to (date of enactment) shall continue to be subject to the applicable zoning district regulations in effect prior to (date of enactment), except that the Board of Standards and Appeals may waive or modify such requirements in accordance with the provisions of Section 73-434 (Reduction of existing parking spaces for income-restricted housing units).

Outside the Transit Zone#, accessory# off-street parking spaces shall be provided for at least that percentage of the total number of income-restricted housing units# as set forth in the following table:

<u>District</u>	<u>Parking requirement per income-restricted housing unit# (Percent)</u>
<u>R3-2 R4</u>	<u>50.0</u>
<u>R5 R5B</u>	<u>42.5</u>
<u>R5D</u>	<u>35.0</u>
<u>R6 R7B</u>	<u>25.0</u>
<u>R7-1 R7-2 R7A R7D R7X R8B¹</u>	<u>15.0</u>
<u>R8 R8A R8X R9 R10</u>	<u>12.0</u>

¹In the Borough of Brooklyn, R8B Districts are subject to the parking requirements applicable in R8 Districts

25-252

Affordable Independent Residences for Seniors

Within the #Transit Zone# no #accessory# off-street parking spaces shall be required for #income-restricted housing units# in an #affordable independent residence for seniors#. Outside the #Transit Zone#, #accessory# off-street parking spaces shall be provided for at least ten percent of the total number of #dwelling units# in an #affordable independent residence for seniors# developed after (date of enactment).

Existing required or permitted accessory off-street parking spaces for #income-restricted housing units# in #affordable independent residences for seniors# outside of the #Transit Zone# existing prior to (date of enactment) shall continue to be subject to the applicable zoning district regulations in effect prior to (date of enactment), except that the Board of Standards and Appeals may waive or modify such requirements in accordance with the provisions of Section 73-435 (Reduction of existing parking for affordable residences for seniors).

25-26

Waiver of Requirements for Small Number of Spaces

R4B R5B R5D R6 R7 R8 R9 R10

In the districts indicated, the requirements set forth in Section 25-21 (General Provisions) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in this Section, ~~except that the requirements shall not be waived for #non-profit residences for the elderly#.~~

However, the following provisions shall apply:

- (a) in R5D Districts, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on June 29, 2006, and on the date of application for a building permit; and
- (b) in R6 and R7 Districts in #lower density growth management areas# in Community District 10 in the Borough of the Bronx, the provisions of this Section, inclusive, shall only apply to #zoning lots# existing both on March 25, 2003, and on the date of application for a building permit.

25-261

For developments or enlargements

R4B R5B R5D R6 R7 R8 R9 R10

For #developments# in R4B and R5B Districts, and for #developments# and #dwelling units# within #enlarged# portions of #buildings# in R5D, R6, R7, R8 R9 and R10 Districts, the maximum number of #accessory# off-street parking spaces for which requirements are waived is set forth in the following table:

Maximum number of spaces waived	District
1	R4B R5B R5D
5	R6 R7-1 R7B
15	R7-2 R7A R7D R7X R8 R9 R10

District	Maximum number of spaces waived
<u>R4B R5B R5D</u>	<u>1</u>
<u>R6 R7-1 R7B</u>	<u>5</u>
<u>R7-2 R7A R7D R7X R8 R9 R10</u>	<u>15</u>

* * *

25-30
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR PERMITTED NON-RESIDENTIAL USES

25-31
General Provisions

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

REQUIRED OFF-STREET PARKING SPACES FOR NON-RESIDENTIAL USES

Type of #use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - District

FOR COMMUNITY FACILITY USES:

* * *

Philanthropic or non-profit institutions with sleeping accommodations; ~~#Long-term care facilities# all types of nursing homes, health related facilities, domiciliary care facilities or sanitariums~~

None required - R7-2 R7A R7D R7X R8 R9 R10
1 per 10 beds - R1 R2 R3 R4 R5
1 per 20 beds - R6 R7-1 R7B

* * *

25-33
Waiver of Requirements for Spaces below Minimum Number

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

In all districts, as indicated, except for the #uses# listed in Section 25-331 (Exceptions to application of waiver provisions), the parking requirements set forth in Sections 25-31 (General Provisions) or 25-32 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to permitted non-#residential uses# if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces	Districts
10	R1 R2 R3 R4 R5
25	R6 R7-1 R7B
40	R7-2 R7A R7D R7X R8 R9 R10
Number of Spaces	Districts
<u>R1 R2 R3 R4 R5</u>	<u>10</u>

R6 R7-1 R7B 25

R7-2 R7A R7D R7X R8 R9 R10 40

* * *

25-50

RESTRICTIONS ON LOCATION OF ACCESSORY OFF-STREET PARKING SPACES

* * *

25-52

Off-Site Spaces for Residences

* * *

25-521

Maximum distance from zoning lot

R3 R4 R5 R6 R7 R8 R9 R10

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

Maximum Distance from Zoning Lot	District
---	---------------------

600 feet	R3 R4 R5 R6 R7-1 R7B
----------	----------------------

1,000 feet	R7-2 R7A R7D R7X R8 R9 R10
------------	----------------------------

<u>District</u>	<u>Maximum Distance from Zoning Lot</u>
-----------------	---

<u>R3 R4 R5 R6 R7-1 R7B</u>	<u>600 feet</u>
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<u>R7-2 R7A R7D R7X R8 R9 R10</u>	<u>1,000 feet</u>
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* * *

25-80

BICYCLE PARKING

* * *

25-81

Required Bicycle Parking Spaces

25-811

Enclosed bicycle parking spaces

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

**REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL OR
COMMUNITY FACILITY USES**

Type of #Use#	Bicycle Parking Spaces
	Required in Relation to Specified Unit of Measurement

FOR RESIDENTIAL USES

Use Group 1	None required
Use Group 2	1 per 2 #dwelling units#
<u>#Affordable independent residences for seniors#</u> #Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in Section 25-25(d)	1 per 10,000 square feet of #floor area#

* * *

25-85

Floor Area Exemption

R1 R2 R3 R4 R5 R6 R7 R8 R9 R10

* * *

MAXIMUM BICYCLE PARKING SPACES
EXCLUDED FROM FLOOR AREA

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement
---------------	--

FOR RESIDENTIAL USES

#Affordable independent residences for seniors# #Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in Section 25-25(d)	1 per 2,000 square feet of #floor area#
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* * *

Article II - Residence District Regulations

Chapter 8

The Quality Housing Program

28-00

GENERAL PURPOSES

The Quality Housing Program is established to foster the provision of multifamily housing and certain #community facilities# that:

- (a) are ~~is~~ compatible with existing neighborhood scale and character;
- (b) provides on-site ~~recreation~~ amenity spaces to meet the needs of the residents ~~its occupants~~; and
- (c) ~~is~~ are designed to promote the security and safety of the residents.

28-01

Applicability of this Chapter

The Quality Housing Program is a specific set of standards and requirements that, in conjunction with the #bulk# provisions for #Quality Housing buildings# set forth in Article II, Chapter 3, and Article III, Chapter 5, as applicable, apply to for #buildings# containing #residences#, #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, or some combination thereof, as follows:-

- (a) In R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, all such #buildings# shall comply with the Quality Housing Program standards and requirements as set forth in this Chapter. ~~In R5D Districts, only the requirements set forth in Sections 26-41 (Street Tree Planting), 28-2321 (Refuse Storage and Disposal), 28-33 (Planting Areas) and 28-53 (Location of Accessory Parking) shall apply.~~
- (b) In other R6, R7, R8, R9 or R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and 34-112, ~~#residential developments#, #residential enlargements#, where permitted, all #developments# and #enlargements# of such #buildings# electing to use the optional~~ utilizing the Quality Housing #bulk# regulations in Article II, Chapter 3, shall comply with the Quality Housing Program standards and requirements set forth in this Chapter.
- (c) In R5D Districts, only the requirements set forth in Sections 28-12 (Refuse Storage and Disposal), 28-23 (Planting Areas) and 28-43 (Location of Accessory Parking) shall apply.
- (d) In R6 through R10 Districts, and in the equivalent #Commercial Districts# listed in Sections 34-111 and

34-112, for #developments# and #enlargements# of #community facility buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, or portions of #buildings# containing such #uses#, where such #building# utilizes the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3 in R6 through R10 Districts with a letter suffix, or the height and setback regulations for #Quality Housing buildings# in Article II, Chapter 3 in R6 through R10 Districts without a letter suffix, the Quality Housing Program standards and requirements of this Chapter shall apply, except that the provisions of Sections 28-12 (Refuse Storage and Disposal) shall be optional .

- (e) The provisions of Article VII, Chapter 8 (Large-Scale Residential Developments), are not applicable to #Quality Housing buildings#.
- (f) The provisions of this Chapter shall not apply to #dwelling units converted# pursuant to Article I, Chapter 5, unless such #conversions# meet the requirements for #residential developments# of Article II (Residence District Regulations).

28-02

Definitions

Vertical circulation core

A "vertical circulation core" is an elevator core (consisting of one or more elevators) or a central stairwell in a non-elevator #building#.

Dwelling unit

For the purposes of applying the provisions of this Chapter to philanthropic or non-profit institutions with sleeping accommodations and to #long-term care facilities#, the term #dwelling unit# shall include #dwelling units# and #rooming units#, as set forth in the Housing Maintenance Code.

28-03

Quality Housing Program Elements

The Quality Housing Program consists of four components: ~~neighborhood impact,~~ #building# interior, recreation space and planting, ~~and safety and security, and parking requirements.~~

~~The neighborhood impact component controls the effect of the #Quality Housing building# on the neighborhood and includes mandatory #bulk# regulations.~~

The #building# interior component ~~sets a minimum size of a #dwelling unit#, mandates~~ sets forth special refuse storage and disposal systems, and encourages laundry facilities and daylight in corridors.

The recreation and planting component establishes minimum space standards for indoor and outdoor recreation space and requires planting of open areas between the front #building# wall and the #street#.

The safety and security component encourages fewer #dwelling units# per corridor.

The parking component screens #accessory# parking spaces from the public realm.

Each #Quality Housing building# shall comply with the mandatory requirements of this Chapter.

28-10

NEIGHBORHOOD IMPACT

28-11

Bulk Regulations

The #bulk# regulations for #Quality Housing buildings# are set forth in the provisions applicable to the Quality Housing Program in Article II, Chapter 3; Article II, Chapter 4; Article III, Chapter 4 and Article III, Chapter 5.

28-10 28-20

BUILDING INTERIOR

28-11 28-21

Elevated Ground Floor Units

Size of Dwelling Units

A #dwelling unit# shall have an area of at least 400 square feet of #floor area#.

For all #Quality Housing buildings# with entryways at #curb level# that accommodate ramps, stairs, or lifts to #dwelling units# that are elevated above #curb level# on the first #story# of the #building#, up to 100 square feet of such entryways may be excluded from the definition of #floor area# for each foot of difference between the floor level of such #dwelling units# and #curb level#. However, no more than a maximum of 500 square feet may be excluded from the definition of #floor area# for each #building#.

28-22

Windows

All windows in the #residential# portion of a #development# or #enlargement# shall be double glazed.

28-12 28-23

Refuse Storage and Disposal

In R6 through R10 Districts, ~~#developments#~~, with nine or more ~~#dwelling units#~~ ~~or #rooming units#~~ per ~~#vertical circulation core#~~, and ~~#enlargements#~~, ~~#extensions#~~ or ~~#conversions#~~ that result in nine or more ~~#dwelling units#~~ ~~or #rooming units#~~ per ~~#vertical circulation core#~~, shall comply with the provisions of this Section.

In R5D Districts, ~~#developments#~~ with nine or more ~~#dwelling units#~~ per ~~#zoning lot#~~, and ~~#enlargements#~~, ~~#extensions#~~ or ~~#conversions#~~ that result in nine or more ~~#dwelling units#~~ per ~~#zoning lot#~~, shall comply with the provisions of this Section. Such provisions shall also apply to any ~~#zoning lot#~~ with less than nine units where such ~~#zoning lot#~~ and any adjacent ~~#zoning lot#~~ with a total of nine or more ~~#dwelling units#~~ are ~~#developed#~~ or ~~#enlarged#~~ under common ownership or control.

The storage of refuse shall occur entirely within an enclosed area on the ~~#zoning lot#~~ and appropriate locations within the ~~#zoning lot#~~ shall be delineated for this purpose: at least one for ~~#residential uses#~~, #long-term care facilities#, and philanthropic or non-profit institutions with sleeping accommodations, as applicable, and at least one for other #community facility# and ~~#commercial uses#~~. ~~#Residential#~~ storage and removal locations shall be provided at the rate of 2.9 cubic feet per ~~#dwelling unit#~~ ~~or 1.15 cubic feet per #rooming unit#~~.

A refuse disposal room of not less than twelve square feet with no dimension less than three feet shall be provided on each ~~#story#~~ that has entrances to ~~#dwelling units#~~ ~~or #rooming units#~~. Twelve square feet of floor space allocated to such refuse disposal storage room shall be excluded from the definition of ~~#floor area#~~ per #story#.

28-13 28-24

Laundry Facilities

If the ~~#building#~~ provides the following, then that portion of the laundry room which is used to meet these minimum requirements shall be excluded from the definition of ~~#floor area#~~:

- (a) at least one washing machine per 20 ~~#dwelling units#~~ ~~or #rooming units#~~ and at least one dryer per 40 ~~#dwelling units#~~ ~~or #rooming units#~~;
- (b) such machines are located in a room or rooms with an additional three square feet of unobstructed floor space equipped with chairs and tables for folding laundry for each machine provided;
- (c) such rooms have at least one exterior wall with windows, or ceilings with skylights, measuring not less than 9.5 percent of the total floor space of the rooms; ~~and~~
- (d) ~~such windows meet the applicable requirements of Section 24-60 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND LOT LINES)~~ where windows are provided to meet such requirement, they face a #street#, #yard# or #court# that meets the applicable regulations set

forth in Article II, Chapter 3; and-

- (e) where skylights are provided to meet such requirement, they are located in a #yard# or #court# that meets the regulations set forth in Article II, Chapter 3, and are unobstructed from their lowest level to the sky, except by permitted obstructions set forth in Section 23-87 (Permitted Obstructions in Courts).

28-14 28-25

Daylight in Corridors

Fifty percent of the square footage of a corridor may be excluded from the definition of #floor area# if a window with a clear, non-tinted, glazed area of at least 20 square feet is provided in such corridor, provided that such window:

- (a) shall be directly visible from at least 50 percent of the corridor or from the #vertical circulation core#. This standard shall be achieved when a visually unobstructed straight line can be drawn between such corridor, elevator or stairwell, and the window; and
- (b) is located at least 20 feet from a wall or a #side# or #rear lot line# measured in a horizontal plane and perpendicular to the rough window opening facing a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3.

28-20 28-30

RECREATION SPACE AND PLANTING AREAS

28-21 28-31

Required Recreation Space

All #developments# with nine or more #dwelling units#, and #enlargements#, #extensions# or #conversions# that result in nine or more #dwelling units#, with nine or more #dwelling units# or #rooming units#, shall provide at least the minimum amount of recreation space as set forth in the table in this Section.

The amount of recreation space required is expressed as a percentage of the total #residential floor area# or #community facility floor area# allocated to #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as applicable, of the #development#, #enlargement#, #extension# or #conversion#, and may be aggregated in one type, indoors or outdoors.

The floor space of indoor recreation space provided in accordance with the standards set forth in Section 28-32 28-22 (Standards for Recreation Space), not exceeding the amount required in the table, shall be excluded from the definition of #floor area#.

Minimum Required Recreation Space (as a percentage of the #residential floor area#)	District
3.3	R6 R7
2.8	R8 R9 R10

District	Minimum Required Recreation Space (as a percentage of the #residential floor area# or applicable #community facility floor area#)
R6 R7	3.3
R8 R9 R10	2.8

28-22 28-32

Standards for Recreation Space

- (a) All recreation space shall be accessible to the residents of the #building#. In a mixed use #building#, the recreation space shall be accessible only from the #residential# portion of the #building#, or the #community facility# portion of a #building# allocated to #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as applicable.
- (b) The minimum dimension of any recreation space shall be 15 feet. The minimum size of any outdoor recreation space shall be 225 square feet, and the minimum size of any indoor recreation space shall be 300 square feet.
- (c) Outdoor recreation space shall be open to the sky except that #building# projections, not to exceed seven feet in depth, may cover up to ten percent of the outdoor recreation space, provided that the lowest level of the projection is at least ten feet above the level of the outdoor recreation space.
- (d) Any indoor recreation room located in a #story# shall have at least one exterior wall with windows, or ceiling with skylights, that measure not less than 9.5 percent of the total floor space of the room ~~and such windows shall meet the applicable requirements of Section 24-60 (COURT REGULATIONS AND MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES).~~ Where windows are provided to meet such requirement, they shall face a #street#, #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3. Where skylights are provided to meet such requirement, they shall be: located in a #yard# or #court# that meets the applicable regulations set forth in Article II, Chapter 3 and shall be unobstructed from their lowest level to the sky, except for permitted obstructions set forth in Section 23-87 (Permitted Obstructions in Courts).

28-23 28-33

Planting Areas

~~The area of the #zoning lot# between the #street line# and the #street wall# of the #building# shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, pursuant to the provisions of Section 23-892 (In R6 through R10 Districts).~~

The area of the #zoning lot# between the #street line# and all #street walls# of the #building# and their prolongations shall be planted at ground level, or in raised planting beds that are permanently affixed to the ground, except that such plantings shall not be required at the entrances to and exits from the #building#, within driveways accessing off-street parking spaces located within, to the side, or rear of such #building#, or between non-#residential uses# other than philanthropic or non-profit institutions with sleeping accommodations and #long-term care facilities# and the #street line#. No #zoning lot# shall be altered in any way that will either create a new #non-compliance# or increase the degree of #non-compliance# with the provisions of this Section.

28-30 28-40

SAFETY AND SECURITY

28-31 28-41

Density per Corridor

If the number of #dwelling units# or ~~#rooming units#~~ served by a #vertical circulation core# and corridor on each #story# does not exceed the number set forth in the following table, 50 percent of the square feet of the corridor serving such #dwelling units# ~~or #rooming units#~~ on such #story# may be excluded from the definition of #floor area#.

#Dwelling units# with entrance doors on more than one corridor (duplex and triplex units), may count each entrance door as a fraction of the total number of doors to such #dwelling unit# when determining the number of #dwelling units# served per corridor.

DENSITY OF
DWELLING UNITS PER CORRIDOR

Number of #Dwelling Units# and #Rooming Units# Served by a Corridor per #Story#	District
11	R6-R7

10	R8
8	R9 R10

<u>District</u>	<u>Number of #Dwelling Units# Served by a Corridor per #Story#</u>
<u>R6 R7</u>	<u>11</u>
<u>R8</u>	<u>10</u>
<u>R9 R10</u>	<u>8</u>

28-40 28-50

PARKING FOR QUALITY HOUSING

Except as modified by the provisions of this Section, #accessory# off-street parking shall be provided as set forth in the applicable underlying district regulations.

28-41 28-51

Screening

All open #accessory# off-street #group parking facilities# shall be screened from #dwelling units#, adjacent #zoning lots# and #streets# in accordance with paragraph (a) of Section 25-66.

28-42 28-52

Special Regulations for Off-Site Accessory Parking

Off-site #accessory# parking spaces may be unenclosed, provided that the #zoning lot# on which such spaces are located does not contain a #residential use#.

28-43 28-53

Location of Accessory Parking

On-site #accessory# off-street parking shall not be permitted between the #street line# and the #street wall# of a #building# or its prolongation.

However, on #through lots# measuring less than 180 feet in depth from #street# to #street#, #accessory# off-street parking may be located between the #street line# and any #street wall# located beyond 50 feet of such #street line#.

* * *

Article III - Commercial District Regulations

Chapter 2 Use Regulations

* * *

32-30 USES PERMITTED BY SPECIAL PERMIT

* * *

32-32 By the City Planning Commission

In the districts indicated, the following #uses# are permitted by special permit of the City Planning Commission, in accordance with standards set forth in Article VII, Chapter 4, or as otherwise indicated in this Section.

* * *

~~C1 C2 C3 C4 C5 C6~~ ~~Domiciliary care facilities for adults~~

* * *

C1 C2 ~~C3 C4 C5 C6~~ #Long-term care facilities# in C1 and C2 districts mapped within R1 and R2 Districts, except as provided in Section 22-42 (Long-Term Care Facilities). ~~Nursing homes and health related facilities in Community Districts in which the conditions set forth in Section 22-42 (Certification of Certain Community Facility Uses) apply.~~

* * *

32-40 SUPPLEMENTARY USE REGULATIONS

* * *

32-42 Location within Buildings

* * *

32-423

Limitation on ground floor location

C4 C5

In the districts indicated, #uses# in the Use Groups listed in the following table and marked with asterisks in the Use Group listing shall be located only as follows and as set forth in the following table:

- (a) on a floor above or below the ground floor; or
- (b) on the ground floor, but not within 50 feet of any #street wall# of the #building# and with no #show window# facing on the #street#.

Use Group in Which Limitation Applies	District
8, 9 or 12	C4
6, 9 or 11	C5
<u>District</u>	<u>Use Group in Which Limitation Applies</u>
<u>C4</u>	<u>8, 9 or 12</u>
<u>C5</u>	<u>6, 9 or 11</u>

32-43

Ground Floor Use in Certain Locations

32-431

Ground floor use in C1-8A, C1-9A, C2-7A, C2-8A, C4-6A and C4-7A Districts

C1-8A C1-9A C2-7A C2-8A C4-6A C4-7A

In the districts indicated, and in C1 and C2 Districts mapped within R9A and R10A Districts, #uses# within #stories# that have a floor level within five feet of #curb level# fronting on a #wide street# shall be limited to non-#residential uses# except for Type 1 lobbies, and entryways to subway stations provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). ~~or lobby space for #residential use#.~~

~~Such lobbies shall not occupy more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#. Non-#residential use# shall have a depth of at least 15 feet from the #street wall#. Such minimum depth requirement may be reduced, however, where necessary, to accommodate a vertical circulation core, or structural columns associated with upper #stories# of the #building#. No more than 8,000 square feet shall be devoted to Use Group 6B within #stories# that have a floor level within five feet of #curb level#.~~

The provisions of Section 32-512 (For corner lots) shall not apply.

The provisions of this Section shall not apply within Community Board 7, Borough of Manhattan.

32-432

Ground floor use in Community Board 7, Borough of Manhattan

Within the boundaries of Community Board 7 in the Borough of Manhattan, when a #development#, #enlargement# or change of #use# is located in an R10 equivalent #Commercial District#, #uses# within #stories# that have a floor level within five feet of #curb level# fronting on a #wide street# shall be limited to non-#residential uses#, except for Type 1 lobbies, and entryways to subway stations provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). ~~except lobby space.~~

32-433

Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island

C1 C2 C4

In all C1, C2 and C4 Districts in the Borough of Staten Island, ground floor #uses# shall conform with the provisions of this Section.

(a) Ground floor level #use# requirements

All #uses# on the ground floor of a #building# shall be limited to non-#residential uses# except for Type 1 lobbies, and entrances and exits to #accessory# parking spaces provided in accordance with the applicable provisions of Section 37-33 (Maximum Width of Certain Uses). Such non-#residential uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses)

In addition, enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted on the ground floor, provided they comply with the provisions of Section 37-35 (Parking Wrap and Screening Requirements).

~~All #uses# on the ground floor of a #building# shall be limited to non-#residential uses# and have a depth of at least 30 feet from the #street wall# of the #building#, except that:~~

- (1) ~~— #residential# lobbies, and an associated vertical circulation core, as well as entrances to #accessory# parking spaces, shall be permitted on the ground floor, provided such lobbies and entrances conform to the frontage requirements of paragraph (b) of this Section;~~
- (2) ~~— enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted on the ground floor, provided they are located beyond 30 feet of the #street wall# of the #building#; and~~
- (3) ~~— where a #commercial district# is mapped along an entire #block# front, and a #zoning lot# includes #street# frontage along such #block# front, and also includes #street# frontage along a #block# front that is not mapped as a #commercial district# in its entirety, non-#residential uses# shall be required only within 30 feet of the #street wall# facing the #block# front mapped in its entirety as a #commercial district#.~~

The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining #street#.

(b) ~~—~~ Ground floor frontage requirements

~~— Non-#residential uses# shall extend along the entire width of the ground floor of the #building#, except as follows:~~

- (1) ~~— in C1 and C2 Districts mapped within R1, R2 and R3 Districts, and in C4 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#; and~~
- (2) ~~— in C1 and C2 Districts mapped within R4, R5 and R6 Districts, #residential# lobbies and entrances to #accessory# parking spaces shall be permitted, provided that:~~
 - (i) ~~— for #zoning lots# with a #street# frontage of less than 60 feet, such lobbies and entrances do not occupy more than 50 percent of the #street wall# width along such frontage, or 20 feet, whichever is less. In addition, an entrance to #accessory# parking spaces shall not exceed a width of 15 feet; and~~
 - (ii) ~~— for #zoning lots# with a #street# frontage equal to or greater than 60 feet, such lobbies and entrances do not occupy more than 25 percent of the #aggregate width of street wall# of the #building#.~~

(b)(e) #Non-conforming buildings#

#Buildings# containing #non-conforming residential uses# on the ground floor shall be permitted to

~~#enlarge#~~ without regard to the ~~#use#~~ regulations of this Section, provided that such ~~#enlargement#~~ complies with the provisions of the ~~#residential yard#~~ regulations set forth in Section 23-40.

32-434

Ground floor use in C4-5D and C6-3D Districts and in certain C2 Districts

C4-5D C6-3D

In the districts indicated and in C2 Districts mapped within R7D or R9D Districts, ~~#uses#~~ within ~~#stories#~~ that have a floor level within five feet of ~~#curb level#~~ shall be limited to non-~~#residential uses#~~ which shall extend along the entire width of the ~~#building#~~, except for Type 1 lobbies, entrances and exits to ~~#accessory#~~ off-street parking facilities, and entrances to subway stations provided in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses). ~~and lobbies, entrances to subway stations and ~~#accessory#~~ parking spaces, provided such lobbies and entrances do not occupy, in total, more than 25 percent of the ~~#street wall#~~ width of the ~~#building#~~ or more than 20 linear feet of ~~#street wall#~~ frontage on a ~~#wide street#~~ or 30 linear feet on a ~~#narrow street#~~, whichever is less.~~ Such non-~~#residential uses#~~ shall comply with the have a minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses) ~~of 30 feet from the ~~#street wall#~~ of the ~~#building#~~.~~ In C6-3D Districts, a vertical circulation core shall be permitted within such minimum 30 foot depth.

Enclosed parking spaces, or parking spaces within a ~~#building#~~, including such spaces ~~#accessory#~~ to ~~#residences#~~, shall be permitted to occupy ~~#stories#~~ that have a floor level within five feet of ~~#curb level#~~ provided they comply with the provisions of Section 37-35 (Parking Wrap and Screening Requirements) ~~are located beyond 30 feet of the ~~#street wall#~~ of the ~~#building#~~.~~ However, loading Loading berths serving any permitted ~~#use#~~ in the ~~#building#~~ may occupy up to 40 feet of such ~~#street#~~ frontage and, if such ~~#building#~~ fronts on both a ~~#wide street#~~ and a ~~#narrow street#~~, such loading berth shall be located only on a ~~#narrow street#~~.

~~In C6-3D Districts, each ground floor level ~~#street wall#~~ of a ~~#commercial#~~ or ~~#community facility use#~~ shall be glazed with materials which may include ~~#show windows#~~, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level ~~#street wall#~~, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or ~~#base plane#~~, whichever is higher. Not less than 50 percent of the area of each such ground floor level ~~#street wall#~~ shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials. However, where the ~~#street wall#~~ or portion thereof fronts an elevated rail line or is located within 50 feet of a ~~#street wall#~~ that fronts an elevated rail line, the glazing requirement of the area of the ground floor level ~~#street wall#~~ may be reduced from 70 percent to 50 percent, and not less than 35 percent of the area of each such ground floor level ~~#street wall#~~ shall be glazed with transparent materials and up to 15 percent of such area may be glazed with translucent materials. Furthermore, all security gates installed after September 30, 2009, that are swung, drawn or lowered to secure ~~#commercial#~~ or ~~#community facility#~~ premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the ~~#street#~~, except that this provision shall not apply to entrances or exits to parking garages.~~

In C4-5D and C6-3D Districts, and in C2 Districts mapped within R7D or R9D Districts, each ground floor level

~~#street wall# in a #building developed# or #enlarged# on the #buildings# developed after October 11, 2012, or portions of #buildings enlarged# on the ground floor level after October 11, 2012, shall comply with the glazing provisions set forth in Section 37-34 (Minimum Transparency Requirements). Section 132-30 (SPECIAL TRANSPARENCY REGULATIONS), inclusive. Such provisions shall apply in such districts to #building# frontages on Fulton Street in the Borough of Brooklyn and to frontages on Webster Avenue in the Borough of the Bronx. However, these provisions shall not apply to #buildings# on #zoning lots# with a width of less than 20 feet, provided such #zoning lot# existed on October 11, 2012.~~

32-435

Ground floor use in High Density Commercial Districts

The regulations of this Section shall apply to any #development# occupied by #predominantly residential use#, constructed after April 21, 1977, located on any #zoning lot# within C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8 Districts, or C1 and C2 Districts mapped within R9 or R10 Districts. However, this Section shall not apply within any Special Purpose District nor shall it apply to any #Quality Housing building#, except as otherwise set forth herein.

An application to the Department of Buildings for a permit respecting any #development# shall include a plan and an elevation drawn to a scale of at least one-sixteenth inch to a foot of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #signs#, other than #advertising signs#, #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

(a) Definitions

For the purposes of this Section, the following definitions shall be applicable.

Contiguous block

For the purposes of this Section, inclusive, a "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the #development#.

Contiguous lot

For the purposes of this Section, inclusive, a "contiguous lot" is a #zoning lot# which shares a common #side lot line# with the #zoning lot# of the #development#.

Development

For the purposes of this Section, inclusive, in addition to the definition of "development" pursuant to Section 12-10 (DEFINITIONS), "development" shall also include an #enlargement# involving an increase in #lot coverage#.

Predominantly residential use

For the purposes of this Section, inclusive, a "predominantly residential use" means a #building# having a #residential floor area# in excess of 50 percent of the total #building floor area#.

(b) Applicability of Article II, Chapter 6

In C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6 (Special Urban Design Guidelines - Streetscape), shall apply to any #development# occupied by #predominantly residential use#, except as modified by the provisions of this Section. The purpose of these modifications is to make the regulations of Article II, Chapter 6, applicable to #Commercial Districts#.

(c) Retail Continuity

For #buildings# with front #building# walls that are at least 50 feet in width and front upon a #wide street#, a minimum of 50 percent of the width of such front #building# wall shall be occupied at the ground floor level by #commercial uses#, as permitted by district regulations.

In C1-8, C1-9, C2-7, C2-8, C4-6 Districts, and C1 or C2 Districts mapped within R9 or R10 Districts, #uses# which occupy such 50 percent of the front #building# wall shall be limited to those listed in Use Groups 6A, 6C and 6F, excluding banks and loan offices, except that in C4-6 Districts only, such #uses# may additionally include those listed in Use Groups 8A, 8B and 10A. All #uses# permitted by the underlying district regulations are permitted in the remaining 50 percent of the front #building# wall.

Such requirement of #commercial uses# for a minimum of 50 percent of the front #building# wall may be waived, or additional #uses# permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that an adequate supply of such #uses# already exists at the ground floor level in the surrounding area.

The Commission may require that an application for such certification of additional #uses# for a completed #building#, where #floor area# has been designated for occupancy for such #commercial uses#, establish that a good faith effort has been made to secure tenancy by such #uses#.

(d) Ground floor transparency and articulation

When any #building# wall which is five feet or more in height adjoins a sidewalk, a #public plaza# or an #arcade#, ground floor level transparency shall be provided in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

In addition, any portion of such #building# wall, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 12 feet in height, shall be covered with ivy or similar planting or contain artwork or be treated so as to provide visual relief. Plants shall be planted in soil

having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Design Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

(e) Sign regulations

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8 and C4-6 Districts, and C1 or C2 Districts mapped within R9 or R10 Districts, all #signs#, other than #advertising signs# and window #signs#, shall be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above #curb level#. Where there is a grade change of at least 1.5 feet in 100 along the portion of the #street# upon which the #development# fronts, such signage band may be staggered along such #street#.

When a #building# on a #contiguous lot# or #contiguous block# contains #accessory# business #signs# within a coordinated horizontal band along its #street# frontage, the signage strip along the #development# shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Section. Such modifications will be permitted when the Commission finds that such modifications will enhance the design quality of the #street wall#.

* * *

32-44

Air Space over a Railroad or Transit Right-of-way or Yard

* * *

32-442

Use of railroad or transit air space

C1 C2 C3 C4 C5 C6 C7 C8

* * *

(c) Notwithstanding the above, the #High Line#, as defined in Section 98-01, shall be governed by the provisions of Section ~~98-17~~ 98-16 (Air Space Over a Railroad or Transit Right of Way or Yard).

* * *

32-45

Certification of Certain Community Facility Uses

~~C1 C2 C3 C4 C5 C6~~

~~In all districts, as indicated, for any nursing homes and health-related facilities or #enlargement#, #extension# or change in #use# thereof, the City Planning Commission shall certify to the Department of Buildings, prior to the filing of any plans by the applicant for a building permit for such #use#, that none of the following conditions applies to the Community District within which such #use#, or #enlargement#, #extension# or change in such #use#, is to be located:~~

- ~~(1) — the ratio between the number of beds for such #uses# in existence, under construction or approved toward construction by the appropriate Federal or State governmental agency, to the population of the Community District compared to such ratio for other Community Districts shows a relative concentration of facilities covered in this Section in the affected district;~~
- ~~(2) — a scarcity of land for general community purposes exists; or~~
- ~~(3) — the incidence of construction of facilities for the last three years warrants review over these facilities because they threaten to disrupt the land use balance in the community.~~

~~If the Commission finds that one or more of the conditions set forth in this Section applies to the Community District within which such #use#, or #enlargement#, #extension# or change in such #use#, is to be located, a special permit pursuant to Section 74-90 shall be required.~~

* * *

Article III - Commercial District Regulations

Chapter 3

Bulk Regulations for Commercial or Community Facility Buildings in Commercial Districts

33-00

APPLICABILITY, DEFINITIONS AND GENERAL PROVISIONS

33-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial use# and partly for #community facility use#, on any #zoning lot# or portion of a #zoning lot# located in any #Commercial District#, including all #developments# or #enlargements#. As used in this Chapter, the term "any #building#" shall therefore not include a #residential building# or a #mixed building#, the #bulk# regulations for which are set forth in Article III, Chapter 4, and Article III, Chapter 5, respectively. In addition, the #bulk# regulations of this Chapter, or of specified sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross reference.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying to #large-scale residential developments#, #community facility uses# in #large-scale residential developments# or #large-scale community facility developments# are set forth in Article VII, Chapter 8.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Sections 33-12, paragraph (c), 33-13, paragraph (b) and 33-15, paragraph (a).

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential floor area#, to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

33-011

Quality Housing Program

The applicability of the Quality Housing Program to #commercial buildings#, #community facility buildings# or #buildings# used partly for #commercial use# and partly for #community facility use# is set forth in this Section.

In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article III, Chapter 5. Special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 33-012 (Special Provisions for Certain Community Facility Uses).

33-012

Special Provisions for Certain Community Facility Uses

The provisions of this Section shall apply to #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, where a #long-term care facility# is authorized by the City Planning Commission pursuant to the provisions of Section 22-42, or permitted pursuant to Section 74-901, the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902.

(2) #Commercial Districts# with a residential equivalent of an R3 through R5 District

In C1 or C2 Districts mapped within R3 through R5 Districts, except R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D Districts, or in C3 or C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 pertaining to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. However, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable residential #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, R5A and R5D Districts, the #bulk# regulations of this Chapter shall apply to #community facility buildings#, or the #community facility# portion of a #building# containing #long term care facilities#, as applicable. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (d) or (e) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), as applicable, except as permitted by the City Planning Commission pursuant to Section 74-903.

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 District

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the applicable #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, pertaining to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. However, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) are modified by Section 35-65.

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable residential #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraph (b) of Section 33-121, except as permitted by the City Planning Commission pursuant to Section 74-902.

(2) #Commercial Districts# with a residential equivalent of an R3 through R10 District

In C1 or C2 Districts mapped within R3 through R9 Districts, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (d) or (e) of Section 33-121, except as permitted by the City Planning Commission pursuant to Section 74-903.

In other #Commercial Districts# with a residential equivalent of an R3 through R9 Districts the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in paragraphs (a) and (b) of Section 33-123, as applicable, except as permitted by the City Planning Commission pursuant to Section 74-903.

In C1 or C2 Districts mapped within R10 Districts or in #Commercial Districts# with a residential equivalent of an R10 District, the maximum #floor area ratio# for a #building# that contains a philanthropic or non-profit institution with sleeping accommodations shall not exceed the #floor area ratio# set forth in the Tables of Sections 33-121 or 33-123, as applicable.

In R6 through R10 Districts without a letter suffix, the height and setback regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, may be applied. However, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) are modified by Section 35-65.

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, as modified by Section 35-65, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for #Quality Housing buildings# in Section 35-65, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

* * *

**33-10
FLOOR AREA REGULATIONS**

* * *

**33-12
Maximum Floor Area Ratio**

C1 C2 C3 C4C5 C6 C7 C8

In all districts, as indicated, for any #zoning lot#, the maximum #floor area ratio# shall not exceed the #floor area

ratio# set forth in this Section, except as otherwise provided in the following Sections:

* * *

Any given lot area shall be counted only once in determining #floor area ratio#.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

Except where authorized by express provisions of this Resolution, the maximum #floor area ratio# shall not exceed the amount set forth in this Section by more than 20 percent.

In addition, the following limitations on maximum permitted #floor area# shall apply:

* * *

33-121

In districts with bulk governed by Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for a #zoning lot# containing a #commercial# or #community facility use#, the maximum #floor area ratio# is determined by the #Residence District# within which such #Commercial District# is mapped and shall not exceed the maximum #floor area ratio# set forth in the following table:

* * *

In addition, the following provisions shall apply:

- (a) For #zoning lots# containing both #commercial uses# and #community facility uses#, the total #floor area# used for #commercial uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial uses# set forth in Column A.

* * *

- (b) In C1 and C2 Districts mapped within R1 and R2 Districts, the maximum #floor area ratio# for #community facility uses# on a #zoning lot# containing both #commercial uses# and #community facility uses# is 0.50 unless it is increased pursuant to the special permit provisions of Section 74-902 ~~74-901~~ (Certain community facility uses in R1 and R2 Districts and certain Commercial Districts.)

* * *

- (d) In C1 and C2 Districts mapped within R3, R4, R5, R6, R7, R8 and R9 Districts, for any #zoning lot# containing ~~nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and philanthropic or non-profit institutions with sleeping accommodations, or in C1 and C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, R5A and R5D districts, for any #zoning lot# containing #long-term care facilities#~~, the total #floor area# for all such #community facility uses# shall not exceed the amount as set forth in paragraph (b) of Section 24-111 unless modified pursuant to Section ~~74-902-74-903~~.
- (e) The maximum #floor area ratio# for any #zoning lot# used partly for #commercial uses# and partly for ~~#long-term care facilities# in C1 and C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, R5A and R5D districts, nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums or and~~ philanthropic or non-profit institutions with sleeping accommodations in C1 or C2 Districts mapped within R3 through R9 Districts, ., shall not exceed the amount permitted for a #zoning lot# containing #commercial uses# as set forth for the applicable #Residence District# within which such #Commercial District# is mapped in Column A. However, for the districts in which the allowable #floor area ratio#, as set forth in paragraph (b) of Section 24-111, or, for #Quality Housing buildings#, as set forth in Section 23-153, exceeds the amount permitted for a #zoning lot# containing #commercial uses#, as set forth in Column A, the provisions of paragraph (b) of Section 24-111 or Section 23-153, as applicable, shall be used to compute the maximum #floor area# permissible for the #zoning lot# unless modified pursuant to Section ~~74-902~~ 74-903.

* * *

33-123

Community facility buildings or buildings used for both community facility and commercial uses in all other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C8

In the districts indicated, the maximum #floor area ratio# for a #zoning lot# containing #community facility uses#, or for a #zoning lot# containing both #commercial# and #community facility uses#, shall not exceed the #floor area ratio# set forth in the following table:

* * *

For #zoning lots# containing both #commercial uses# and #community facility uses#, the total #floor area# used for #commercial uses# shall not exceed the amount permitted for #zoning lots# containing only #commercial uses# in Section 33-122.

In addition, the following provisions shall apply:

- (a) In all ~~Commercial Districts~~ except ~~C7 and C8 Districts, or districts with a residential equivalent of an R10 District,~~ for any ~~zoning lot~~ containing ~~nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and~~ philanthropic or non-profit institutions with sleeping accommodations, the total ~~floor area~~ used for ~~such the~~ ~~community facility use~~ shall not exceed the amount as set forth in paragraph (b) of Section 24-111 (Maximum floor area ratio for certain community facility uses), ~~or, for Quality Housing buildings,~~ as set forth in Section 23-153, applying the equivalent ~~Residential District~~ (indicated in Section 34-112) for the ~~Commercial District~~ in which such ~~use~~ is located, unless modified pursuant to Section ~~74-903~~ ~~74-902~~.
- (b) The maximum ~~floor area ratio~~ for any ~~zoning lot~~ used partly for ~~commercial use~~ and partly for ~~nursing homes, health-related facilities, domiciliary care facilities for adults, sanitariums and~~ philanthropic or non-profit institutions with sleeping accommodations ~~in Commercial Districts other than C8 Districts, or districts with a residential equivalent of an R10 District,~~ shall not exceed the amount permitted for a ~~zoning lot~~ containing ~~commercial uses~~ by the applicable district regulations. However, for the districts in which the allowable ~~floor area ratio~~, as set forth in paragraph (b) of Section 24-111, ~~or, for Quality Housing buildings,~~ as set forth in Section 23-153, exceeds the amount permitted for a ~~zoning lot~~ containing ~~commercial uses~~, the provisions of paragraph (b) of Section 24-111 ~~or Section 23-153, as applicable,~~ shall be used to compute the maximum ~~floor area~~ permissible for the ~~zoning lot~~ unless modified pursuant to Section ~~74-903~~ ~~74-902~~.

* * *

33-20

YARD REGULATIONS

* * *

33-23

Permitted Obstructions in Required Yards or Rear Yard Equivalents

In all ~~Commercial Districts~~, the following obstructions shall be permitted when located within a required ~~yard~~ or ~~rear yard equivalent~~:

- (a) In any ~~yard~~ or ~~rear yard equivalent~~:

* * *

- (b) In any ~~rear yard~~ or ~~rear yard equivalent~~:

- (1) Balconies, unenclosed, subject to the provisions of Section 24-~~166~~ ~~165~~;

* * *

33-40

HEIGHT AND SETBACK REGULATIONS

Definitions and General Provisions

All #buildings# in #commercial districts# shall comply with the height and setback regulations set forth in this Section, inclusive. However, the height and setback regulations of this Section, inclusive, shall not apply in C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts. In lieu thereof, all #buildings# in such districts shall comply with the applicable height and setback regulations for #Quality Housing buildings# set forth in Article III, Chapter 5.

* * *

33-43

Maximum Height of Walls and Required Setbacks

* * *

33-431

In C1 or C2 Districts with bulk governed by surrounding Residence District

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

- (a) In the districts indicated, for #buildings other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure# shall be determined by the #Residence District# within which such #Commercial District# is mapped and, except as otherwise set forth in this Section, shall be as set forth in the following table:

* * *

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

- (b) ~~In the districts indicated, when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R10A or R10X Districts, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.~~

33-432

In other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6 C7 C8

- (a) In the districts indicated, for #buildings other than #Quality Housing buildings#, the maximum height of a front wall and the required front setback of a #building or other structure#, except as otherwise set forth in this Section, shall be as set forth in the following table:

* * *

~~C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

- (b) ~~In the districts indicated, the height and setback regulations of Sections 33-43 through 33-457, inclusive, shall not apply. In lieu thereof, the provisions of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.~~

33-433

Special height and setback regulations

- (a) Within the boundaries of Community District 7 in the Borough of Manhattan, all #buildings or other structures# located in an R10 equivalent #Commercial Districts# without a letter suffix shall comply with the requirements of Section 23-~~672~~ 634 (Special height and setback regulations in R10 Districts within Community District 7, Borough of Manhattan).
- (b) Within the boundaries of Community District 9 in the Borough of Manhattan, all #buildings# located in R8 Districts north of West 125th Street shall be #developed# or #enlarged# pursuant to Section 23-674 (Special height and setback regulations for certain sites in Community District 9, Borough of Manhattan)~~the #residential bulk# regulations of the Quality Housing Program.~~
- (c) In C1 or C2 Districts mapped within R5D Districts, all #buildings or other structures# shall comply with the applicable height and setback requirements of Section 23-60.

* * *

33-44

Alternate Front Setbacks

C1 C2 C3 C4 C5 C6 C7 C8

In all districts as indicated, for #buildings other than #Quality Housing buildings#, if an open area is provided along the full length of the #front lot line# with the minimum depth set forth in this Section, the provisions of Section 33-43 (Maximum Height of Walls and Required Setbacks) shall not apply. The minimum depth of such open area shall be measured perpendicular to the #front lot line#. However, in such instances, except as otherwise provided in Sections 33-42 (Permitted Obstructions), 33-45 (Tower Regulations) or 85-04 (Modifications of Bulk Regulations), no #building or other structure# shall penetrate the alternate #sky exposure plane# set forth in this Section, and the #sky exposure plane# shall be measured from a point above the #street line#.

* * *

33-45

Tower Regulations

* * *

33-451

In certain specified Commercial Districts

C4-7 C5-2 C5-3 C5-4 C5-5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

* * *

Unenclosed balconies, subject to the provisions of Section 24-~~166~~165 (Balconies in R3 through R10 Districts), are permitted to project into or over open areas not occupied by towers.

* * *

33-49

Special Height and Setback Limitations

* * *

~~33-493~~

~~Special provisions along certain district boundaries~~

~~C1-6A C1-7A C1-8A C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

~~In the districts indicated, and in C1 and C2 Districts mapped within R6A, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, the #development# or #enlargement# of a #building#, or portions thereof, within 25 feet of an R1, R2, R3, R4, R5 or R6B District shall comply with the requirements for R6B Districts in Section 23-633 (Street wall location and height and setback regulations in certain districts).~~

* * *

Article III - Commercial District Regulations

Chapter 4

Bulk Regulations for Residential Buildings in Commercial Districts

34-00

APPLICABILITY AND DEFINITIONS

34-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #zoning lot# containing only #residential buildings# in any #Commercial District# in which such #buildings# are permitted. Where a #residential building# and one or more #buildings# containing non-#residential uses# are on a single #zoning lot#, the #bulk# regulations of Article III, Chapter 5, shall apply. In addition, the #bulk# regulations of this Chapter or of specified Sections thereof also apply in other provisions of this Resolution where they are incorporated by cross reference.

However, in C3A Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for R3A Districts in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply to #residential buildings#.

In C4-4L Districts, the #bulk# regulations of this Chapter shall not apply to any #residential building#. In lieu thereof, the #bulk# regulations for C4-4L Districts in Article III, Chapter 5 (Bulk Regulations for Mixed Buildings in Commercial Districts), shall apply to #residential buildings#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 34-112.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article 1, Chapter 5 (Residential Conversions within Existing Buildings), unless such #conversions# meet the requirements for new #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

34-011

Quality Housing Program

- (a) In C1 and C2 Districts mapped within R6 through R10 Districts ~~#Residence Districts#~~ with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, #residential buildings# shall comply with applicable #bulk# regulations for #Quality Housing buildings# set forth in Article II, Chapter 3, except as modified by Section 34-20 (EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS). In addition, #Quality Housing buildings# shall comply with all of the requirements of Article II, Chapter 8 (Quality Housing Program).
- (b) In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix or other #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix ~~the districts listed in paragraph (a) without a letter suffix, and in C5-2, C5-3, C5-4, C5-5, C6-1, C6-1A, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts,~~ the #bulk# regulations applicable to #Quality Housing buildings# set forth in paragraph (a) of this Section may, as an alternative, be applied to a #building# under the same conditions set forth in Sections 23-011 and 34-112. ~~In addition, all #Quality Housing buildings# shall comply with Section 34-233 (Special provisions applying along district boundaries).~~
- (c) In #Commercial Districts#, for #Quality Housing buildings#, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for Quality Housing buildings on irregular sites).

* * *

34-10

APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

34-11

General Provisions

* * *

34-112

Residential bulk regulations in other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

In the districts indicated, the applicable #bulk# regulations are the #bulk# regulations for the #Residence

Districts# set forth in the following table:

Districts	Applicable #Residence District#
C3	R3-2
C4-1	R5
C4-2 C4-3 C6-1A	R6
C4-2A C4-3A	R6A
C1-6 C2-6 C4-4 C4-5 C6-1	R7 <u>2</u>
C1-6A C2-6A C4-4A C4-5A	R7A
C4-5D	R7D
C4-5X	R7X
C1-7 C4-2F C6-2	R8
C1-7A C4-4D C6-2A	R8A
C1-8 C2-7 C6-3	R9
C1-8A C2-7A C6-3A	R9A
C6-3D	R9D
C1-8X C2-7X C6-3X	R9X
C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9	R10
C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A	R10A
C6-4X	R10X

* * *

34-20

EXCEPTIONS TO APPLICABILITY OF RESIDENCE DISTRICT CONTROLS

* * *

34-22

Modification of Floor Area and Open Space Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, the #floor area# and #open space# regulations as set forth in Section 23-10 (OPEN SPACE AND FLOOR AREA REGULATIONS), inclusive, ~~Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio) and 23-15 (Maximum Floor Area Ratio in R10 Districts)~~, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

* * *

34-225

Floor area increase for Inclusionary Housing in C4-7 Districts within Community District 7, Borough of Manhattan

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Provisions for Certain Areas), in ~~the~~ C4-7 Districts within Community District 7 in the Borough of Manhattan, the maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-154 and total #floor area# permitted on a #zoning lot# under the provisions of Section 23-15 (Maximum Floor Area Ratio in R10 Districts) may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).

* * *

34-23

Modifications of Yard Regulations

* * *

34-233

Special provisions applying along district boundaries

C1 C2 C3 C4 C5 C6

- (a) In the districts indicated, if a #Commercial District# boundary coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District and a #side lot line# of any adjoining #zoning lot# in

such #Commercial District#, a #front yard# is required for ~~the portion of any #residential building# on~~ such #zoning lot# in the #Commercial District# within 25 feet of the district boundary. The depth of such #front yard# shall be equal to the required depth of a #front yard# in the adjacent #Residence District#.

C1 C2 C3 C4 C5 C6

- (b) In the districts indicated, along such portion of the boundary of a #Commercial District# that coincides with a #side lot line# of a #zoning lot# in an R1, R2, R3, R4 or R5 District, an open area not higher than #curb level# with a width of at least eight feet is required for a #residential building# on a #zoning lot# within the #Commercial District#.

In addition, the provisions of paragraph (e) of Section 34-24 shall apply to such #building#.

34-24

Modification of Height and Setback Regulations

C1 C2 C3 C4 C5 C6

In the districts indicated, the height and setback regulations set forth in Article II, Chapter 3, and made applicable to such districts in Section 34-11 (General Provisions), are modified as set forth in this Section.

C1 C2 C3 C4 C5 C6

- (a) Application of sky exposure planes

* * *

C4-2F C4-4 C4-5 C4-6 C4-7 C5 C6

- (d) Special provisions for narrow #buildings#

In the districts indicated, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall apply, subject to the additional rules and exceptions therein, only to #Quality Housing buildings#. However, in such districts, the #street wall# location provisions of paragraph (4) of such Section shall not apply shall not apply to #buildings or other structures# except for #Quality Housing buildings#.

C1 C2 C3 C4 C5 C6

- (e) Special provisions applying along district boundaries

The portion of a #Quality Housing building# located within 25 feet of the boundary of an R1, R2, R3, R4, R5 or R6B District shall comply with the provisions of Section 23-693 (Special provisions applying

~~adjacent to R1 through R6B Districts) requirements for R6B Districts in paragraphs (b) and (c) of Section 23-633 (Street wall location and height and setback regulations in certain districts).~~

C1 C2 C4 C5 C6

(f) For #Quality Housing buildings#

In the districts indicated, for #buildings# utilizing the #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing buildings) shall be modified by the provisions of Section 35-65.

* * *

Article III - Commercial District Regulations

Chapter 5

Bulk Regulations for Mixed Buildings in Commercial Districts

35-00

APPLICABILITY AND DEFINITIONS

35-01

Applicability of this Chapter

The #bulk# regulations of this Chapter apply to any #mixed building# located on any #zoning lot# or portion of a #zoning lot# in any #Commercial District# in which such #building# is permitted. The #bulk# regulations of this Chapter shall also apply in any #Commercial District# where there are multiple #buildings# on a single #zoning lot# and such #zoning lot# contains a #residential use# and either a #commercial use# or a #community facility use#. In addition, the #bulk# regulations of this Chapter, or of specified Sections thereof, also apply in other provisions of this Resolution where they are incorporated by cross-reference.

However, in C3A Districts, except for #community facility uses# that have received tax-exempt status from the New York City Department of Finance, or its successor, pursuant to Section 420 of the New York State Real Property Tax Law, or its successor, the #bulk# regulations of this Chapter shall not apply, and the #bulk# regulations for R3A Districts of Article II, Chapter 3, shall apply to any #building# that is used partly for #community facility use# and partly for #residential use#.

Existing #buildings or other structures# that do not comply with one or more of the applicable #bulk# regulations are #non-complying buildings or other structures# and are subject to the regulations set forth in Article V, Chapter 4.

Special regulations applying only in Special Purpose Districts are set forth in Articles VIII, IX, X, XI, XII and XIII.

All C6-1A Districts shall comply with the regulations of C6-1 Districts except as set forth in Section 35-23.

In Manhattan Community Districts 1, 2, 3, 4, 5 and 6, Brooklyn Community Districts 1, 2, 6 and 8, and Queens Community Districts 1 and 2, the #conversion# of non-#residential floor area# to #residences# in #buildings# erected prior to December 15, 1961, or January 1, 1977, as applicable, shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion within Existing Buildings), unless such #conversions# meet the requirements for #residential development# of Article II (Residence District Regulations).

Special regulations applying in the #waterfront area# are set forth in Article VI, Chapter 2.

Special regulations applying in the #flood zone# are set forth in Article VI, Chapter 4.

35-011

Quality Housing Program

- (a) In C1 and C2 Districts mapped within R6 through R10 Districts with a letter suffix, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter, and the applicable provisions of Article II, Chapter 8 (Quality Housing Program). ~~any #residential# portion of a #building# shall comply with all of the regulations of Article II, Chapter 8 (Quality Housing Program), and the entire #building# shall comply with the provisions of Sections 28-33 (Planting Areas) and 28-50 (PARKING FOR QUALITY HOUSING).~~ In C1 and C2 Districts mapped within R5D Districts, only those regulations of Article II, Chapter 8, as set forth in Section 28-01 (Applicability of this Chapter), shall apply.
- (b) In C1 and C2 Districts mapped within R6 through R10 Districts without a letter suffix and in other #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix ~~the districts listed in paragraph (a), without a letter suffix, and in C5-2, C5-3, C5-4, C5-5, C6-1, C6-1A, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts,~~ the #bulk# regulations applicable to #Quality Housing buildings# may, as an alternative, be applied ~~to the #residential# portion of a #building#~~ under the same conditions set forth in Sections 23-011, 35-22 and 35-23, provided that:
- (1) the entire #building# complies with the #bulk# regulations for #Quality Housing buildings# set forth in this Chapter in Article III, Chapter 5; and
 - (2) the entire #building# complies with the applicable provisions of Article II, Chapter 8 (Quality Housing Program).
- (c) In C1 through C6 Districts, special regulations are set forth for #buildings# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations in Section 35-012 (Special Provisions for Certain Community Facility Uses).
- (d) In #Commercial Districts#, for #Quality Housing buildings#, the applicable #bulk# regulations of this Chapter may be modified for #zoning lots# with irregular site conditions or site planning constraints by special permit of the Board of Standards and Appeals, pursuant to Section 73-623 (Bulk modifications for Quality Housing buildings on irregular sites).

35-012

Special Provisions for Certain Community Facility Uses

The provisions of this Section shall apply to #zoning lots# with #mixed buildings# containing #long-term care

facilities#, or philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3.

(a) #Buildings# containing #long-term care facilities#

(1) #Commercial Districts# with a residential equivalent of an R1 or R2 District

In C1 and C2 Districts mapped within R1 and R2 Districts, where a #long-term care facility# is authorized by the City Planning Commission pursuant to the provisions of Section 22-42, or permitted pursuant to Section 74-901, the #bulk# regulations of this Chapter shall apply. The maximum #floor area ratio# for such #long-term care facilities# shall not exceed the applicable #floor area ratio# of paragraph (b) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), except as permitted by the City Planning Commission pursuant to Section 74-902.

(2) #Commercial Districts# with a residential equivalent of an R3 through R5 District

In C1 and C2 Districts mapped within and R3 through R5 Districts, except R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D districts, or in C3 or C4-1 Districts, the #bulk# regulations of Article II, Chapter 3 pertaining to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portion thereof, containing #long-term care facilities#. However, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply pursuant to the special permit in Section 74-903 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable residential #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, R5A and R5D Districts, the applicable #bulk# regulations of this Chapter shall apply to #mixed buildings# containing #long term care facilities#. The maximum #floor area ratio# for such #long-term care facilities# shall be as set forth for certain #community facility uses# in paragraphs (d) and (e) of Section 33-121 (In districts with bulk governed by Residence District bulk regulations), , as applicable, except as permitted by the City Planning Commission pursuant to Section 74-903.

(3) #Commercial Districts# with a residential equivalent of an R6 through R10 district

In C1 or C2 Districts mapped within R6 through R10 Districts, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District, the applicable #bulk# regulations for #Quality Housing buildings# in Article II, Chapter 3, pertaining to #affordable independent residences for seniors#, inclusive, shall apply to #buildings#, or portions thereof, containing #long-term care facilities#. However, the provisions of Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) are modified by Section 35-65.

The #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used to determine the applicable residential #bulk# regulations of Article II, Chapter 3.

In C1 or C2 Districts mapped within R6 through R10 Districts without a letter suffix, or in #Commercial Districts# with a residential equivalent of an R6 through R10 District without a letter suffix, the City Planning Commission may permit the #bulk# regulations of this Chapter to apply to such #long-term care facilities# pursuant to the special permit in Section 74-903.

(b) #Buildings# containing philanthropic or non-profit institutions with sleeping accommodations

The maximum #floor area ratio# for the portion of a #mixed building# that contains a philanthropic or non-profit institution with sleeping accommodations shall be as set forth in paragraph (b) of Section 33-012 (Special Provisions for Certain Community Facility Uses).

In addition, for #buildings# in C1 or C2 Districts mapped within R6 and R7-1 Districts, except for R6A and R6B Districts, containing both #residential uses# and philanthropic or non-profit institutions with sleeping accommodations, the provisions of Section 35-311 (Maximum floor area and special provisions for mixed buildings or zoning lots containing community facility use in certain districts) shall not apply. In lieu thereof, the provisions of Section 35-31 (Maximum Floor Area Ratio) shall apply.

(c) Applicability of Quality Housing Program elements

For all #buildings# containing #long-term care facilities# that utilize the #bulk# regulations for #affordable independent residences for seniors# in Article II, Chapter 3, as modified by Section 35-65, and for #buildings# containing philanthropic or non-profit institutions with sleeping accommodations that utilize the height and setback regulations for #Quality Housing buildings# in Section 35-65, the Quality Housing Program, and the associated mandatory and optional program elements, shall apply to such #uses#, as modified by paragraph (d) of Section 28-01 (Applicability of this Chapter).

* * *

35-20

APPLICABILITY OF RESIDENCE DISTRICT BULK REGULATIONS

* * *

35-22

Residential Bulk Regulations in C1 or C2 Districts Whose Bulk is Governed by Surrounding Residence District

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the #bulk# regulations for the #Residence Districts# within which such #Commercial Districts# are mapped apply to #residential# portions of #buildings#, except:

- (a) when such districts are mapped within R1 or R2 Districts, the #bulk# regulations for R3-2 Districts shall apply; and
- (b) when such districts are mapped within R6, R7, R8, R9 or R10 Districts, the height and setback regulations of 23-66 (Height and Setback Requirements for Quality Housing Buildings) Sections 23-60 through 23-65, inclusive, shall be modified for #Quality Housing buildings# by the provisions of ~~not apply to #Quality Housing buildings#. In lieu thereof, Section 35-24 35-65 (Height and Setback Provisions for Quality Housing Buildings Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.~~

35-23

Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3 C4 C5 C6

- (a) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, for #Quality Housing buildings# the height and setback regulations of 23-66 (Height and Setback Requirements for Quality Housing Buildings) Sections 23-60 through 23-65, inclusive, shall not apply. In lieu thereof, be modified by the provisions of Section 35-24 35-65 (Height and Setback Requirements for Quality Housing Buildings Special Street Wall Location and Height and Setback Regulations in Certain Districts) shall apply.

~~The provisions of Section 23-692 (Height limitations for narrow buildings or enlargements) shall not apply in C4-2F, C4-4, C4-5, C4-6, C4-7, C5 or C6 Districts, except that such provisions shall apply to #Quality Housing buildings#.~~

In C4-2F, C4-4, C4-5, C4-6, C4-7, C5 or C6 Districts, the provisions of Section 23-692 (Height limitations for narrow buildings or enlargements), shall apply, subject to the additional rules and exceptions therein, only to #Quality Housing buildings#. However, in such districts, the #street wall# location provisions of paragraph (4) of such Section shall not apply.

Furthermore, in C4-2 Districts in the Borough of Staten Island, the #residential# portion of a #mixed building# and #residential buildings# on #zoning lots# subject to the provisions of this Chapter shall be subject to the #bulk# regulations for #Quality Housing buildings#.

Applicable
#Residence
District#

District#

R3-2	C3
R3A	C3A
R5	C4-1
R6	C4-2 C4-3 C6-1A
R7	C1-6 C2-6 C4-4 C4-5 C6-1
R8	C1-7 C4-2F C6-2
R9	C1-8 C2-7 C6-3
R10	C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

<u>District</u>	<u>Applicable #Residence District#</u>
<u>C3</u>	<u>R3-2</u>
<u>C3A</u>	<u>R3A</u>
<u>C4-1</u>	<u>R5</u>
<u>C4-2 C4-3 C6-1A</u>	<u>R6</u>
<u>C1-6 C2-6 C4-4 C4-5 C6-1</u>	<u>R7-2</u>
<u>C1-7 C4-2F C6-2</u>	<u>R8</u>
<u>C1-8 C2-7 C6-3</u>	<u>R9</u>
<u>C1-9 C2-8 C4-6 C4-7 C5 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9</u>	<u>R10</u>

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A
C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X

- (b) In the districts indicated, the #bulk# regulations for #residential# portions of #buildings# are the #bulk# regulations for the #Residence Districts# set forth in the following table. However, the height and setback regulations of 23-66 (Height and Setback Requirements for Quality Housing Buildings) ~~Sections 23-60 through 23-65~~, inclusive, shall be modified by the provisions of ~~not apply. In lieu thereof, Section 35-24 35-65 shall apply.~~

Applicable
~~#Residence District#~~

District

R6A	C4-2A C4-3A
R7A	C1-6A C2-6A C4-4A C4-4L C4-5A
R7D	C4-5D
R7X	C4-5X
R8A	C1-7A C4-4D C6-2A
R9A	C1-8A C2-7A C6-3A
R9D	C6-3D
R9X	C1-8X C2-7X C6-3X
R10A	C1-9A C2-8A C4-6A C4-7A C5-1A C5-2A C6-4A
R10X	C6-4X

District

Applicable #Residence
District#

<u>C4-2A C4-3A</u>	<u>R6A</u>
<u>C1-6A C2-6A C4-4A C4-4L C4-5A</u>	<u>R7A</u>

<u>C4-5D</u>	<u>R7D</u>
<u>C4-5X</u>	<u>R7X</u>
<u>C1-7A C4-4D C6-2A</u>	<u>R8A</u>
<u>C1-8A C2-7A C6-3A</u>	<u>R9A</u>
<u>C6-3D</u>	<u>R9D</u>
<u>C1-8X C2-7X C6-3X</u>	<u>R9X</u>
<u>C1-9A C2-8A C4-6A C4-7A</u> <u>C5-1A C5-2A C6-4A</u>	<u>R10A</u>
<u>C6-4X</u>	<u>R10X</u>

35-24

~~Special Street Wall Location and Height and Setback Regulations in Certain Districts~~

~~C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

~~In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, for all #buildings or other structures#, and for #Quality Housing buildings# in other #Commercial Districts#, #street wall# location and height and setback regulations are set forth in this Section. The height of all #buildings or other structures# shall be measured from the #base plane#.~~

(a) — Permitted obstructions

~~C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

~~In the districts indicated, and in other C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).~~

(b) — #Street wall# location

~~C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5X~~

- (1) ~~In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. The remaining 30 percent of the #aggregate width of street walls# may be located beyond eight feet of the #street line#.~~

~~Existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less.~~

~~For #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#.~~

~~Where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.~~

~~C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D~~

- (2) ~~In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1 or C2 Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#.~~

- (i) ~~The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Table A of this Section for #buildings# in contextual districts, or Table B for #buildings# in non-contextual districts, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection.~~

~~In C1 or C2 Districts when mapped within R9D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be~~

~~unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.~~

- (ii) ~~Recesses, not to exceed three feet in depth from the #street line#, shall be permitted on the ground floor where required to provide access to the #building#.~~

~~Above a height of 12 feet above the #base plane#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(2)(i) of this Section.~~

- (iii) ~~Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.~~

~~No #street wall# location rules shall apply along #narrow streets# beyond 50 feet of their intersection with a #wide street#.~~

~~For the purposes of applying the provisions of paragraph (b) of this Section, where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.~~

~~C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

- (3) ~~In the districts indicated, and for #Quality Housing buildings# in other C4, C5 or C6 Districts with a residential equivalent of an R8, R9 or R10 District, the #street wall# location requirements shall be as set forth in paragraph (b)(2), inclusive, of this Section, except that a #street wall# with a minimum height of 12 feet shall be required on a #narrow street line# beyond 50 feet of its intersection with a #wide street#, and shall extend along such entire #narrow street# frontage of the #zoning lot#.~~

~~In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.~~

~~In C6-3D Districts, to allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street~~

~~line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.~~

~~C4-4L~~

~~(4) — In C4-4L Districts, the #street wall# location provisions of paragraph (b)(1) of this Section shall apply along any #street# that does not contain an elevated rail line. For #zoning lots# bounded by a #street# containing an elevated rail line, the following regulations shall apply along the frontage facing the elevated rail line.~~

~~(i) — A sidewalk widening shall be provided along the entire #zoning lot# frontage of such #street# containing an elevated rail line. Such sidewalk widening shall have a depth of five feet, be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk, and be accessible to the public at all times. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying all regulations of this Section, inclusive.~~

~~(ii) — At least 70 percent of the #aggregate width of street walls# shall be located at the #street line# of the #street# containing the elevated rail line and extend to at least the minimum base height, or the height of the #building#, whichever is less, up to the maximum base height.~~

~~(c) — Setback regulations~~

~~C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L
C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

~~In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, for all #buildings#, and for #Quality Housing buildings# in other #Commercial Districts#, setbacks are required for all portions of #buildings or other structures# that exceed the maximum base height specified in the table in this Section. Such setbacks shall be provided in accordance with the following regulations:~~

~~(1) — At a height not lower than the minimum base height or higher than the maximum base height specified in Table A of this Section for #buildings# in contextual districts, and Table B for #buildings# in non-contextual districts, a setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#.~~

~~(2) — These setback provisions are optional for any #building# wall that is either located beyond 50 feet~~

of a #street line# or oriented so that lines drawn perpendicular to it in plan would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#. Furthermore, dormers provided in accordance with the provisions of paragraph (a) of this Section may penetrate a required setback area.

- (3) — In C6 3D Districts, for #buildings or other structures# on #zoning lots# that front upon an elevated rail line, at a height not lower than 15 feet or higher than 25 feet, a setback with a depth of at least 20 feet shall be provided from any #street wall# fronting on such elevated rail line, except that such dimensions may include the depth of any permitted recesses in the #street wall# and the depth of such setback may be reduced by one foot for every foot that the depth of the #zoning lot#, measured perpendicular to the elevated rail line, is less than 110 feet, but in no event shall a setback less than 10 feet in depth be provided above the minimum base height.
- (i) — The setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#.
- (ii) — Where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.
- (4) — In C4 4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the setback provisions of this paragraph, (c), are modified as follows:
- (i) — a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 30 feet or three #stories#, whichever is less, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is less; and
- (ii) — dormers shall not be a permitted obstruction within such setback distance.

(d) — Maximum #building# height

No #building or other structure# shall exceed the maximum #building# height specified in Table A of this Section for contextual districts, or Table B for non-contextual districts, except as provided in this paragraph, (d), inclusive.

C6 3D C6 4X

- (1) — In the districts indicated, any #building# or #buildings#, or portions thereof, which in the

aggregate occupy not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 33-454) above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to paragraph (a) of this Section shall not be included in tower #lot coverage#. Such tower or towers may exceed a height limit of 85 feet above the #base plane#, provided:

- (i) — at all levels, such tower is set back from the #street wall# of a base at least 15 feet along a #narrow street#, and at least 10 feet along a #wide street#, except such dimensions may include the depth of any permitted recesses in the #street wall#;
- (ii) — the base of such tower complies with the #street wall# location provisions of paragraph (b) of this Section, and the setback provisions of paragraph (c) of this Section; and
- (iii) — the minimum coverage of such tower above a height of 85 feet above the #base plane# is at least 33 percent of the #lot area# of the #zoning lot#; however, such minimum coverage requirement shall not apply to the highest 40 feet of such tower.

In C6-3D Districts, the highest four #stories#, or as many #stories# as are located entirely above a height of 165 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower face. Required setback areas may overlap.

In C6-3D Districts, for towers fronting on elevated rail lines, the outermost walls of each #story# located entirely above a height of 85 feet shall be inscribed within a rectangle. The maximum length of any side of such rectangle that is parallel or within 45 degrees of being parallel to such elevated rail line shall be 125 feet, or 75 percent of the frontage of the #zoning lot# along such elevated rail line, whichever is less.

C4-4L

- (2) — In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building# height shall be 100 feet or ten #stories#, whichever is less.

- (e) — Additional regulations

~~C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4D C4-4L
C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3D C6-3X C6-4A C6-4X~~

~~In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other #Commercial Districts#, the following additional provisions shall apply:~~

- ~~(1) — Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location requirements of paragraph (b) of this Section.~~
- ~~(2) — On #through lots# that extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of paragraph (b) shall be mandatory along only one #street# frontage. However, in C4-4L Districts, such #street wall# location regulations shall apply along the frontage of any #street# containing an elevated rail line.~~
- ~~(3) — The #street wall# location and minimum base height provisions of paragraph (b) shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.~~
- ~~(4) — The minimum base height provisions of paragraph (b) shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.~~
- ~~(5) — The City Planning Commission may, upon application, authorize modifications in the required #street wall# location of a #development# or #enlargement# if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development# or #enlargement# in the manner prescribed in this Section.~~
- ~~(6) — For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:~~
 - ~~(i) — The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of this Section, or as modified in any applicable Special District.~~
 - ~~(ii) — The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of this Section, provided that such height not exceed 150 feet and provided that such #zoning~~

~~lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.~~

- (ii) ~~The location of the #street wall# of any #building# may vary between the #street wall# location requirements of this Section, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.~~

- (7) ~~In C6-3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).~~

- (8) ~~For the purposes of applying the #street wall# location regulations of paragraph (b), any #building# wall oriented so that lines perpendicular to it would intersect a #street line# at an angle of 65 degrees or less shall not be considered a #street wall#.~~

TABLE A
HEIGHT AND SETBACK FOR BUILDINGS
OR OTHER STRUCTURES
IN CONTEXTUAL DISTRICTS

District ⁵	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
C1 or C2 mapped in R6B	30	40	50
C1 or C2 mapped in R6A C4-2A C4-3A	40	60	70
C1 or C2 mapped in R7B	40	60	75
C1 or C2 mapped in R7A C1-6A C2-6A C4-4A C4-4L C4-5A	40	65	80
C1 or C2 mapped in R7D C4-5D	60	85	100
C1 or C2 mapped in R7X C4-5X	60	85	125

C1 or C2 mapped in R8B	55	60	75
C1 or C2 mapped in R8A C1-7A C4-4D C6-2A	60	85	120
C1 or C2 mapped in R8X	60	85	150
C1 or C2 mapped in R9A ² C1-8A² C2-7A² C6-3A²	60	95	135
C1 or C2 mapped in R9A ⁺ C1-8A⁺ C2-7A⁺ C6-3A⁺	60	102	145
C1 or C2 mapped in R9D C6-3D	60	85 ⁴	— ³
C1 or C2 mapped in R9X ² C1-8X² C2-7X² C6-3X²	60	120	160
C1 or C2 mapped in R9X ⁺ C1-8X⁺ C2-7X⁺ C6-3X⁺	105	120	170
C1 or C2 mapped in R10A ² C1-9A² C2-8A² C4-6A² C4-7A² C5-1A² C5-2A² C6-4A²	60	125	185
C1 or C2 mapped in R10A ⁺ C1-9A⁺ C2-8A⁺ C4-6A⁺ C4-7A⁺ C5-1A⁺ C5-2A⁺ C6-4A⁺	125	150	210
C1 or C2 mapped in R10X C6-4X	60	85	— ³

⁺ ——— For #zoning lots# or portions thereof within 100 feet of a #wide street#

² ——— For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street

line#

³ ~~Buildings#~~ may exceed a maximum base height of 85 feet in accordance with paragraph (d) of this Section

⁴ ~~For #buildings or other structures# that front upon an elevated rail line, the maximum base height shall be 25 feet~~

⁵ ~~Where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway~~

TABLE B
HEIGHT AND SETBACK FOR BUILDINGS
IN NON-CONTEXTUAL DISTRICTS

District ³	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
C1 or C2 mapped in R6 ² C4 2 ² C4 3 ²	30	45	55
C1 or C2 mapped in R6 ¹ inside #Manhattan Core# C4 2 ¹ inside #Manhattan Core# C4 3 ¹ inside #Manhattan Core#	40	55	65
C1 or C2 mapped in R6 ¹ outside #Manhattan Core# C4 2 ¹ outside #Manhattan Core# C4 3 ¹ outside #Manhattan Core#	40	60	70
C1 or C2 mapped in R7 ² C1 or C2 mapped in R7 ¹ inside #Manhattan	40	60	75

Core#			
C1-6²-C1-6¹ inside #Manhattan Core#			
C2-6²-C2-6¹ inside #Manhattan Core#			
C4-4²-C4-4¹ inside #Manhattan Core#			
C4-5²-C4-5¹ inside #Manhattan Core#			
C6-1²-C6-1¹ inside #Manhattan Core#			
 C1 or C2 mapped in R7 ¹ outside #Manhattan Core#	40	65	80
C1-6¹ outside #Manhattan Core#			
C2-6¹ outside #Manhattan Core#			
C4-4¹ outside #Manhattan Core#			
C4-5¹ outside #Manhattan Core#			
C6-1¹ outside #Manhattan Core#			
 C1 or C2 mapped in R8 ²	60	80	105
C1-7²-C4-2F²-C6-2²			
 C1 or C2 mapped in R8 ¹	60	85	120
C1-7¹-C4-2F¹-C6-2¹			
 C1 or C2 mapped in R9 ²	60	95	135
C1-8²-C2-7²-C6-3²			
 C1 or C2 mapped in R9 ¹	60	102	145
C1-8¹-C2-7¹-C6-3¹			
 C1 or C2 mapped in R10 ²	60	125	185
C1-9²-C2-8²-C4-6²-C4-7²-C5²-C6-4²-C6-5²-C6-6²-C6-7²-C6-8²-C6-9²			
 C1 or C2 mapped in R10 ¹	125	150	210
C1-9¹-C2-8¹-C4-6¹-C4-7¹-C5¹-C6-4¹-C6-5¹-C6-6¹-C6-7¹			
C6-8¹-C6-9¹			

¹——— For #zoning lots# or portions thereof within 100 feet of a #wide street#

²——— For #zoning lots# on a #narrow street#, except portions of such #zoning lots# within a distance of 100 feet from an intersection with a #wide street# and, for #zoning lots# with only #wide street# frontage, portions of such #zoning lots# beyond 100 feet of the #street line#

³ ~~Where the New York City Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway~~

35-30

APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS

35-31

Maximum Floor Area Ratio

C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# subject to the provisions of this Chapter.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#.

Notwithstanding the provisions for R10 Districts in Community District 7 in the Borough of Manhattan set forth in Section 23-16 (Special Provisions for Certain Areas)-However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, the such maximum #residential floor area ratio# may be increased pursuant to the provisions of Sections 23-154 and 23-90 (INCLUSIONARY HOUSING).

In #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1 and R6 Districts without a letter suffix in Community District 1, Brooklyn, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be the base #floor area ratio# set forth in Section 23-154 23-952 for the applicable district.

However, in #Inclusionary Housing designated areas# mapped within C4-7, C5-4, C6-3D and C6-4 Districts, the maximum base #floor area ratio# for #zoning lots# containing #residential# and #commercial# or #community facility uses# shall be either the base #floor area ratio# set forth in Section 23-154 23-952 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, or the maximum #floor area ratio# for #commercial uses# in such district, whichever is lesser.

The maximum base #floor area ratio# in #Inclusionary Housing designated areas# may be increased to the maximum #floor area ratio# set forth in Section 23-154 23-952 only through the provision of #affordable housing# pursuant to Section 23-90, inclusive.

Where #floor area# in a #building# is shared by multiple #uses#, the #floor area# for such shared portion shall be attributed to each #use# proportionately, based on the percentage each #use# occupies of the total #floor area# of the #zoning lot# less any shared #floor area#.

A non-#residential use# occupying a portion of a #building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations on maximum #floor area ratio# shall not apply to such change of #use#.

35-311

Maximum floor area and special provisions for mixed buildings or zoning lots with multiple buildings containing community facility use in certain districts

C1 C2

In C1 and C2 Districts mapped within R6 Districts without a letter suffix, except R6A and R6B Districts, and in R7-1 Districts, the provisions of this Section shall apply to any #zoning lot# where #residential# and #community facility uses# are located within the same #building#. However, this Section shall not apply to #buildings# containing #residences# and philanthropic or non-profit residences with sleeping accommodations, as set forth in Section 35-03 (Special Provisions for Certain Community Facility Uses).

* * *

~~35-32~~

~~Modification of Lot Coverage Regulations~~

~~In C4 4L Districts, the maximum #residential lot coverage# provisions of Sections 23-145 (For Quality Housing buildings) and 23-147 (For non-profit residences for the elderly) are modified, as follows:~~

- ~~(a) — for #through lots# with a maximum depth of 180 feet or less, the maximum #residential lot coverage# shall be 80 percent; and~~
- ~~(b) — #corner lots# shall not be subject to a maximum #residential lot coverage# where such #corner lots# are:~~
 - ~~(1) — 5,000 square feet or less in area; or~~
 - ~~(2) — 7,500 square feet or less in area and bounded by #street lines# that intersect to form an angle of less than 65 degrees, where one such #street# contains an elevated rail line.~~

* * *

35-35

Floor Area Bonus for a Public Plaza or Arcade

C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6

In the districts indicated, and in C1 and C2 Districts mapped within R9 or R10 Districts, #floor area# bonus provisions for #public plazas# and #arcades# shall apply as set forth in this Section. Any #floor area# bonus for a #public plaza# or #arcade# permitted under the applicable district regulations for any #residential#, #commercial# or #community facility# portion of a #building# may be applied, provided that any given #public plaza# or #arcade# shall be counted only once in determining a bonus.

C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A

- (a) Prohibition of #public plaza# and #arcade# bonuses

* * *

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

- (c) In the districts indicated, except C6-4X Districts, if more than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, then for each square foot of #public plaza# provided in accordance with Section 37-70, inclusive, the total #floor area# permitted on that #zoning lot# under the provision of Section 23-152 (Basic regulations for R10 Districts) ~~23-15 (Maximum Floor Area Ratio in R10 Districts)~~ may be increased by six square feet.

C4-6 C4-7 C5-1 C5-2 C5-4 C6-4 C6-5 C6-8

- (d) In the districts indicated, if 50 percent or less of the #floor area# on the #zoning lot# is occupied by #residential uses#, then the provisions of Sections 33-13 and 33-14 shall apply.

C5-3 C5-5 C6-1 C6-2 C6-3 C6-6 C6-7 C6-9

- (e) In the districts indicated, the provisions of Sections 33-13 and 33-14 shall apply.

C6-4X

- (f) In the district indicated, if all #dwelling units# in the #building# are located above a height of 60 feet above the #base plane#, then the bonus provisions of Section 33-13 shall apply.

* * *

35-40

APPLICABILITY OF DENSITY REGULATIONS

C1 C2 C3 C4 C5 C6

In the districts indicated, the maximum number of #dwelling units# or ~~#rooming units#~~ on a #zoning lot# shall equal the maximum #residential floor area# permitted for the #zoning lot# determined in accordance with the provisions set forth in Section 35-30 (APPLICABILITY OF FLOOR AREA AND OPEN SPACE REGULATIONS) divided by the applicable factor in Section 23-20 (DENSITY REGULATIONS).

Illustrative Examples

The following examples, although not part of the Zoning Resolution, are included to demonstrate the application of density regulations to #mixed buildings#.

* * *

For a #mixed building# in a C4-6 District #developed# with a #public plaza# where less than 50 percent of the #floor area# on the #zoning lot# is occupied by #residential uses#, the maximum permitted #commercial# FAR is 4.08 (3.4 plus a 20 percent increase for a #public plaza#), the maximum permitted #community facility# FAR is 12.0 (10.0 plus a 20 percent increase for a #public plaza#), and the maximum permitted #residential# FAR is 10.0, provided the total FAR for all #uses# on the #zoning lot# does not exceed 12.0, pursuant to Section 35-30. On a 20,000 square foot #zoning lot developed# with 7.0 FAR of #community facility use# and no #commercial use#, the maximum #residential floor area ratio# permitted on such #zoning lot# is 5.0. The maximum number of #dwelling units# permitted on the #zoning lot# is ~~147~~ 126 (20,000 x 5 divided by a factor of ~~680~~ 790, pursuant to Section 23-22).

35-50

MODIFICATION OF YARD REGULATIONS

In #mixed buildings# with differing #yard# or #rear yard equivalent# requirements for different #uses#, the applicable #residential yard# and #rear yard equivalent# regulations shall apply at the lowest #story# containing #dwelling units# with windows facing onto such #residential yard# or #rear yard equivalent#, as applicable.

35-51

Modification of Front Yard Requirements

C1 C2 C3 C4 C5 C6

In the districts indicated, no #front yard# shall be required, except that the provisions of paragraph (a) of Section

34-233 (Special provisions applying along district boundaries) shall apply to portions of a #zoning lot# within 25 feet of a #Commercial District# boundary which coincides with a #side lot line# of a #zoning lot# in an R1 through R5 District when #residential uses# are located on the first #story# of a #building#.

* * *

35-60

MODIFICATION OF HEIGHT AND SETBACK REGULATIONS

35-61

~~Height and Setback Regulations~~

Applicability

C1 C2 C3 C4 C5 C6

In the districts indicated, height and setback regulations are modified for #mixed buildings# in 35-60 (MODIFICATION OF HEIGHT AND SETBACK REGULATIONS), inclusive.

Height and setback modifications applicable to C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts are set forth in Section 35-62.

Height and setback modifications applicable to C1 or C2 Districts mapped within R6 through R10 Districts, and #Commercial Districts# with a residential equivalent of R6 through R10 Districts, are set forth in Sections 35-63 (Basic Height and Setback Modifications), 35-64 (Special Tower Regulations for Mixed Buildings) and 35-65 (Height and Setback Requirements for Quality Housing Buildings), as applicable.

In C1 or C2 Districts mapped within R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9D, R9X, R10A or R10X Districts, and in C1-6A, C1-7A, C1-8A, C1-8X, C1-9A, C2-6A, C2-7A, C2-7X, C2-8A, C4-2A, C4-3A, C4-4A, C4-4D, C4-4L, C4-5A, C4-5D, C4-5X, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3D, C6-3X, C6-4A or C6-4X Districts, all #buildings# shall comply with the #bulk# regulations for #Quality Housing buildings# set forth in Sections 23-62 (Permitted Obstructions) and 23-66 (Height and Setback Requirements for Quality Housing Buildings), as modified by Section 35-65. In C1 or C2 Districts mapped in R6 through R10 Districts without a letter suffix, or in other #Commercial Districts# with a residential equivalent of an R6 through R10 District, the #residential# portion of a #building# may be #developed# or #enlarged# pursuant to the basic height and setback requirements of Sections 23-62, 23-64 (Basic Height and Setback Requirements) or 23-65 (Tower Regulations), as modified by Sections 35-63 and 35-64, as applicable, or the entire #building# may #developed# or #enlarged# pursuant to the #bulk# regulations for #Quality Housing buildings#. All #Quality Housing buildings# shall also comply with additional provisions set forth in Article II, Chapter 8, as applicable.

~~In the districts indicated, height and setback regulations are modified as follows:~~

- (a) ~~Except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements), no #front yard# is required for any portion of a #building# in a #Commercial District#. Therefore, in applying the height and setback regulations, a #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#.~~
- (b) ~~In cases where the provisions of Section 34-233, paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#.~~
- (c) ~~In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be applied.~~
- (d) ~~In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be applied.~~
- (e) ~~In C3A Districts, the height and setback regulations applicable to R3A Districts shall apply.~~
- (f) ~~In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 23-64 (Alternate Front Setbacks) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#.~~

35-62

~~Maximum Height of Front Wall in Initial Setback Distance~~

Commercial Districts with an R1 through R5 Residential Equivalent

C1 C2 C3 C4 ~~C5-C6~~

~~In the districts indicated, except in C1 or C2 Districts mapped within R2A, R2X, R3, R4 or R5 Districts and except in C3A Districts, the maximum height of a front wall within the #initial setback distance# shall be the maximum height of a front wall permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height.~~

In C1 or C2 Districts mapped within R1 through R5 Districts, and C3 and C4-1 Districts, height and setback regulations are modified as follows:

- (a) No #front yard# is required for any portion of a #building# in a #Commercial District#, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements). Therefore, in applying the height and setback regulations in districts where the height of #buildings or other structures# is governed by #sky exposure planes#, such #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. The maximum height of a front wall within the #initial setback distance# permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height;

- (b) In cases where the provisions of Section 34-233, paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#;
- (c) In C1 or C2 Districts mapped within R3 or R4A Districts, the height and setback regulations applicable to R4 Districts, except R4A and R4B Districts, may be applied;
- (d) In C1 or C2 Districts mapped within R4, R4B or R4-1 Districts, the height and setback regulations applicable to an R5B District may be applied; and
- (e) In C3A Districts, the height and setback regulations applicable to R3A Districts shall apply.

35-63

Basic Height and Setback Modifications

C1 C2 C4 C5 C6

In C1 or C2 Districts mapped within R6 through R10 District without a letter suffix, and in #Commercial Districts# with a residential equivalent of R6 through R10 without a letter suffix, height and setback regulations are modified as follows:

- (a) No #front yard# is required for any portion of a #building# in a #Commercial District#, except as otherwise provided in Section 35-51 (Modification of Front Yard Requirements). Therefore, in applying the height and setback regulations in districts where the height of #buildings or other structures# is governed by #sky exposure planes#, such #sky exposure plane# (which in a #Residence District# would be measured from a point above the #front yard line#) may be measured from a point above the #street line#. The maximum height of a front wall within the #initial setback distance# shall be the maximum height for front walls permitted in the applicable district for a #residential#, #commercial# or #community facility building#, whichever permits the greatest maximum height;
- (b) In cases where the provisions of Section 34-233, paragraph (a), apply, as set forth in Section 35-51, the #sky exposure plane# is measured from a point above the #front yard line#; and
- (c) In C1-8, C1-9, C2-7 or C2-8 Districts, or in C1 or C2 Districts mapped within R9 or R10 Districts, the provisions of Section 23-642 (Alternate Front Setbacks) shall not apply to any #development# or #enlargement# with more than 25 percent of its total #floor area# occupied by #residential use#.

35-63-35-64

Special Tower Regulations for Mixed Buildings

C1 C2 C4 C5 C6

In the districts indicated without a letter suffix, when a #mixed building# is subject to tower regulations, the #residential# tower regulations of paragraphs (a) and (b) or the #commercial# tower regulations of paragraph (c)

of this Section shall apply to the entire #building#.

* * *

- (c) In C4-7, C5-2, C5-3, C5-4, C5-5, C6-4, C6-5, C6-6, C6-7, C6-8 or C6-9 Districts, the tower regulations applicable to any #mixed building# shall be the regulations set forth in Section 33-45.

However, in C4-7, C5-2, C5-4, C6-4, C6-5 or C6-8 Districts, when no more than two #stories# of a #mixed building# are occupied by non-#residential uses#, the tower regulations applicable to the #residential# portion of such #mixed building# may be governed by Section 23-652 (Standard tower regulations) or, for towers on small lots, the percentages set forth in Section 23-65 (Tower Regulations).

All #uses# within such #mixed building# shall comply with the provisions of Section 32-42.

~~The tower regulations shall not apply in C1 or C2 Districts mapped within R9A, R9X, R10A or R10X Districts, or in C1-8A, C1-8X, C1-9A, C2-7A, C2-7X, C2-8A, C4-6A, C4-7A, C5-1A, C5-2A, C6-2A, C6-3A, C6-3X, C6-4A or C6-4X Districts.~~

35-65

Height and Setback Requirements for Quality Housing Buildings

C1 C2 C4 C5 C6

In the districts indicated, the #street wall# location provisions of Sections 35-651 and the height and setback provisions of Section 35-652, shall apply to #Quality Housing buildings#. In certain districts, the heights set forth in Section 35-652 may be increased pursuant to either the provisions of Section 35-653 (Tower regulations) or 35-654 (Enhanced height and setback regulations for certain buildings), as applicable. Additional provisions are set forth in Section 35-655. The height of all #buildings or other structures# shall be measured from the #base plane#.

In all such districts, the permitted obstructions provisions of Section 33-42 shall apply to any #building or other structure#. In addition, a dormer may be allowed as a permitted obstruction pursuant to paragraph (c)(1) of Section 23-621 (Permitted obstructions in certain districts).

35-651

Street wall location

In the districts indicated, the #street wall# location provisions of paragraphs (a), (b) or (c) of this Section shall apply to all #Quality Housing buildings#, as applicable. Additional articulation provisions are set forth in paragraph (d) of this Section.

C1-6A C2-6A C4-2A C4-3A C4-4A C4-5A C4-5X

(a) In the districts indicated, and in C1 or C2 Districts when mapped within R6A, R6B, R7A, R7B or R7X Districts, and for #Quality Housing buildings# in other #Commercial Districts# with a residential equivalent of an R6 or R7 District, at least 70 percent of the #aggregate width of street walls# shall be located within eight feet of the #street line# and shall extend to at least the minimum base height specified in Section 35-652 and 23-662, or the height of the #building#, whichever is less. Up to 30 percent of the #aggregate width of street walls# may be recessed beyond eight feet of the #street line#, provided that any such recesses deeper than 10 feet along a #wide street# or 15 feet along a #narrow street# are located within an #outer court#.

Existing #buildings# may be horizontally #enlarged# without regard to #street wall# location provisions, provided the amount of new #floor area# does not exceed 50 percent of the amount of #floor area# existing on June 29, 1994, and the #enlarged# portion of the #building# does not exceed one #story# or 15 feet in height, whichever is less.

For #zoning lots# bounded by more than one #street line#, these #street wall# location provisions shall be mandatory along only one #street line#.

Where only one #street line# is coincident with the boundary of a #Commercial District# mapped along an entire #block# front, the #street wall# location provisions shall apply along such coincident #street line#. For all other #zoning lots#, the #street wall# location provisions shall apply along at least one #street line#.

Any #street wall# may be divided into different segments, and located at varying depths, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, so long as each portion complies with the #street wall# location provision of this paragraph (a).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (e) of this Section.

C1-7A C1-8A C1-8X C1-9A C2-7A C2-7X C2-8A C4-4D C4-5D C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-3X C6-4A C6-4X

(b) In the districts indicated, and in C1 or C2 Districts when mapped within R7D, R8A, R8B, R8X, R9A, R9X, R10A or R10X Districts, and for #Quality Housing buildings# in other C1, C2, C4, C5 or C6 Districts with a residential equivalent of an R8, R9 or R10 District, the following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#.

(1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652 and 23-662, or the height of the #building#, whichever is less. However, to allow articulation of #street walls# at the intersection of two #street lines#, the #street wall# may be located anywhere

within an area bounded by the two #street lines# and a line connecting such #street lines# at points 15 feet from their intersection, or, for #corner lots# with an angle of 75 degrees or less, at points 30 feet from their intersection.

In C6-4X Districts, #public plazas# are only permitted to front upon a #narrow street line# beyond 50 feet of its intersection with a #wide street line#. The #street wall# location provisions of this Section shall not apply along any such #street line# occupied by a #public plaza#.

- (2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is less, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.
- (3) Where a continuous sidewalk widening is provided on the #zoning lot#, along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

Any #street wall# may be divided into different segments, and located at varying depths, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, so long as each portion complies with the #street wall# location provision of this paragraph (b).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (e) of this Section.

C4-4L

- (c) In C4-4L Districts, the #street wall# location provisions of paragraph (a) of this Section shall apply along any #street# that does not contain an elevated rail line. For #zoning lots# bounded by a #street# containing an elevated rail line, the following regulations shall apply along the frontage facing the elevated rail line.
 - (1) A sidewalk widening shall be provided along the entire #zoning lot# frontage of such #street# containing an elevated rail line. Such sidewalk widening shall have a depth of five feet, be improved to Department of Transportation standards for sidewalks, be at the same level as the adjoining public sidewalk, and be accessible to the public at all times. A line parallel to and five feet from the #street line# of such #street# containing an elevated rail line, as measured within the #zoning lot#, shall be considered the #street line# for the purpose of applying all regulations of this Section, inclusive.

- (2) At least 70 percent of the #aggregate width of street walls# shall be located at the #street line# of the #street# containing the elevated rail line and extend to at least the minimum base height, or the height of the #building#, whichever is less, up to the maximum base height.

Any #street wall# may be divided into different segments, and located at varying depths, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, so long as each portion complies with the #street wall# location provision of this paragraph (c).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (e) of this Section.

C6-3D

- (d) In the districts indicated, and in C1 or C2 Districts when mapped within R9D Districts, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. In addition, the provisions of paragraphs (f)(2) through (f)(5) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply.

The following #street wall# location provisions shall apply along #wide streets#, and along #narrow streets# within 50 feet of their intersection with a #wide street#.

- (1) The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in Section 35-652, or the height of the #building#, whichever is less. To allow articulation of #street walls# at the intersection of two #street lines#, up to 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# may be unoccupied by a #building#. However, where one such #street line# fronts an elevated rail line, a minimum of 25 percent and a maximum of 50 percent of the area bounded by the two #street lines# and lines parallel to and 50 feet from such #street lines# shall be unoccupied by a #building#.
- (2) Above a height of 15 feet above the #base plane#, or the height of the first #story#, whichever is less, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#, provided any such recesses deeper than 10 feet along a #wide street#, or 15 feet along a #narrow street#, are located within an #outer court#. Furthermore, no recesses shall be permitted within 30 feet of the intersection of two #street lines# except to articulate the #street walls# as set forth in paragraph (b)(1) of this Section.

- (3) Where a continuous sidewalk widening is provided along the entire #block# frontage of a #street#, the boundary of the sidewalk widening shall be considered to be the #street line# for the purposes of this Section.

Along #narrow streets# beyond 50 feet of their intersection with a #wide street#, the #street wall# provisions of paragraph (a) of this Section shall apply.

Any #street wall# may be divided into different segments, and located at varying depths, to allow for #building# recesses, projections, #outer courts# and other forms of articulation, so long as each portion complies with the #street wall# location provision of this paragraph (d).

Recesses and projections beyond the #street wall# locations established in this paragraph are permitted only in accordance with paragraph (e) of this Section.

C1 C2 C4 C5 C6

- (e) #Street wall# articulation, including, but not limited to, window recesses and structural expression on the #building# facade, shall be permitted to project or recess beyond the #street wall# locations established in paragraphs (a), (b) or (c) of this Section, provided such articulation does not exceed a depth or projection of twelve inches, or extends beyond the #street line#. In addition, to accommodate other forms of #street wall# articulation, such as bay windows, and facade recesses, up to 50 percent of the #aggregate width of street wall#, at any level, may recess or project beyond such #street wall# location provisions of this Section, provided that no such recess or projection exceeds a depth of three feet, as measured perpendicular from the #street wall#, or portion thereof. No projection shall extend beyond the #street line#, except where encroachments into the public right-of-way are permitted by the New York City Administrative Code.

35-652

Maximum height of buildings and setback regulations

C1 C2 C4 C5 C6

In the districts indicated, a #Quality Housing buildings or other structure# shall not exceed the district height limit, or the maximum number of permitted #stories#, whichever is lower, specified in the Table in Section 23-662 (Maximum height of buildings and setback regulations) for the #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts), except as modified in paragraph (b) below or as further provided in this Chapter. Separate maximum #building# heights are set forth within such Table for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

A setback is required for all portions of #buildings or other structures# that exceed the maximum base height specified for the applicable residential equivalent in such Table in Section 23-662, and shall be provided in

accordance with the regulations set forth in Section 23-662 for the applicable #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent, except as modified in paragraph (a) below.

(a) Setback modifications

- (1) In C6-3D Districts, the provisions for R9D Districts set forth in 23-662 shall apply, except that:
 - (i) The setback provisions of paragraph (c) of this Section are optional where a #building# wall is within the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#; and
 - (ii) Where such #building# is adjacent to a #public park#, such setback may be provided at grade for all portions of #buildings# outside of the area bounded by two intersecting #street lines# and lines parallel to and 70 feet from such #street lines#, provided that any area unoccupied by a #building# shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times.
- (2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line, the following shall apply:
 - (i) a setback with a depth of at least 15 feet from the #street line# of the #street# containing the elevated rail line shall be provided at a height not lower than the minimum base height of either 25 feet or two #stories#, whichever is less, and not higher than the maximum base height of either 65 feet or six #stories#, whichever is less; and
 - (ii) dormers shall not be a permitted obstruction within such setback distance.

(b) Maximum height modifications

- (1) In C6-3D and C6-4X Districts, the maximum base heights for the applicable residential equivalents may be exceeded in accordance with the tower regulations of Section 35-653 (Tower regulations).
- (2) In C4-4L Districts, for #zoning lots# bounded by a #street# containing an elevated rail line and within 125 feet of such #street#, the maximum #building# height for a #building# with a #qualifying ground floor# shall be 105 feet or ten #stories#, whichever is less. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 100 feet.

35-653

Tower regulations

C6-3D C6-4X

In the districts indicated, any #building or other structure#, or portions thereof, which in the aggregate occupies not more than 40 percent of the #lot area# of a #zoning lot# (or, for #zoning lots# of less than 20,000 square feet, the percentage set forth in the table in Section 23-651), above a height of 85 feet above the #base plane#, is hereinafter referred to as a tower. Dormers permitted within a required setback area pursuant to Section 23-621 (Permitted obstructions in certain districts) shall not be included in tower coverage. Such tower may exceed a height limit of 85 feet above the #base plane# provided the base of such tower complies with the applicable provisions of Section 32-241 (Street wall location) and this Section, and provided that the tower portion complies with the provisions of paragraphs (a), (b) and (c) of Section 23-663 (Tower regulations).

35-654

Modified height and setback regulations for certain buildings

C1 C2 C4 C5 C6

In the districts indicated, for #development# or #enlargements# of #Quality Housing buildings# on #zoning lots# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#, the provisions of this Section shall apply.

For all such #Quality Housing buildings#, the maximum base and #building# heights established in Sections 35-652 (Maximum height of buildings and setback regulations) and 23-662 shall be modified in accordance with the Table in paragraph (a) of Section 23-664 for the #Residence District# within which such #Commercial Districts# are mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). Separate maximum #building# heights are set forth within such Table for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#.

However, for C4-4L Districts, the maximum #building height# shall be increased to 115 feet for #buildings# with #qualifying ground floors#, or eleven #stories#, whichever is less for #buildings# with #non-qualifying ground floors#. For #buildings# with #non-qualifying ground floors#, the maximum height shall be reduced to 110 feet.

For such #Quality Housing buildings# containing #affordable independent residences for seniors# in C1 or C2 districts mapped within R6 through R8 districts without a letter suffix or in other #Commercial Districts# with a residential equivalent of an R6 through R8 district without a suffix, the #street wall# location and height and setback provisions of 35-651 and 35-652 need not apply to #buildings# on #zoning lots# that are located within 150 feet of: an elevated rail line; an open railroad right of way; a limited-access expressway, freeway, parkway, or highway, all of which prohibit direct vehicular access to abutting land; or an elevated #street# located on a bridge that prohibits direct vehicular access. Such 150 foot measurement shall be measured perpendicular from the edge of such infrastructure. In lieu thereof, the alternative height and setback regulations set forth in paragraph (b) of Section 23-664 shall apply.

35-655

Additional regulations

C1 C2 C4 C5 C6

In the districts indicated, for #Quality Housing buildings#, the following additional provisions shall apply:

- (a) Existing #buildings# may be vertically enlarged by up to one #story# or 15 feet without regard to the #street wall# location requirements of Section 35-651.
- (b) On #through lots# that extend less than 180 feet in maximum depth from #street# to #street#, the #street wall# location requirements of Section 35-651 shall be mandatory along only one #street# frontage. However, in C4-4L Districts, such #street wall# location regulations shall apply along the frontage of any #street# containing an elevated rail line.
- (c) The #street wall# location and minimum base height provisions of Sections 35-651 and 35-652, respectively, shall not apply along any #street# frontage of a #zoning lot# occupied by #buildings# whose #street wall# heights or widths will remain unaltered.
- (d) The minimum base height provisions of Section 35-652 shall not apply to #buildings developed# or #enlarged# after February 2, 2011, that do not exceed such minimum base heights, except where such #buildings# are located on #zoning lots# with multiple #buildings#, one or more of which is #developed#, #enlarged# or altered after February 2, 2011, to a height exceeding such minimum base heights.
- (e) The City Planning Commission may, upon application, authorize modifications in the required #street wall# location of a #development# or #enlargement# if the Commission finds that existing #buildings#, or existing open areas serving existing #buildings# to remain on the #zoning lot#, would be adversely affected by the location of the #street walls# of the #development# or #enlargement# in the manner prescribed in this Section.
- (f) For any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, the minimum base height and #street wall# location regulations of this Section, or as modified in any applicable Special District, shall be modified as follows:
 - (1) The minimum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is lower than the minimum base height required, up to the minimum base height requirements of Section 35-652, or as modified in any applicable Special District.
 - (2) The maximum base height of a #street wall# may vary between the height of the #street wall# of an adjacent #building# before setback, if such height is higher than the maximum base height allowed, and the maximum base height requirements of Section 35-652, provided that such height not exceed 150 feet and provided that such #zoning lot# is located within the area bounded by West 22nd Street, a line 100 feet west of Fifth Avenue, a line midway between West 16th Street and West 17th Street, and a line 100 feet east of Sixth Avenue.

(3) The location of the #street wall# of any #building# may vary between the #street wall# location requirements of Section 35-651, or as modified in any applicable Special District, and the location of the #street wall# of an adjacent #building# fronting on the same #street line#.

(g) In C6-3D Districts, where a #building# on an adjacent #zoning lot# has #dwelling unit# windows located within 30 feet of a #side lot line# of the #development# or #enlargement#, an open area extending along the entire length of such #side lot line# with a minimum width of 15 feet shall be provided. Such open area may be obstructed only by the permitted obstructions set forth in Section 33-23 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

(h) For the purposes of applying the #street wall# location regulations of paragraph (b), any #building# wall oriented so that lines perpendicular to it would intersect a #street line# at an angle of 65 degrees or less shall not be considered a #street wall#.

(i) For the purposes of applying the #street wall# location as well as the height and setback provisions of Sections 35-651 and 35-652, respectively, where the Administrative Code establishes restrictions on the location of #buildings# on lots fronting upon and within 30 feet of Eastern Parkway in Community Districts 8 and 9 in the Borough of Brooklyn, lines drawn 30 feet north of and 30 feet south of, and parallel to, Eastern Parkway shall be considered the northern and southern #street lines# of Eastern Parkway.

* * *

Article III - Commercial District Regulations

Chapter 6

Accessory Off-Street Parking and Loading Regulations

* * *

36-00

GENERAL PURPOSES AND DEFINITIONS

Off-Street Parking Regulations

* * *

36-02

Applicability of District Regulations

* * *

36-021

Applicability of regulation to non-profit hospital staff dwellings

~~Except as modified in Sections 36-313 (Application of requirements to non-profit hospital staff dwellings in C1 or C2 Districts with bulk governed by surrounding Residence District) or 36-314 (Application of requirements to non-profit hospital staff dwellings in other Commercial Districts), the district regulations applicable to #residences#, as set forth in this Chapter, shall apply to #non-profit hospital staff dwellings#, and the district regulations applicable to #community facility uses#, as set forth in this Chapter, shall not apply to such #use#. Except as modified in Section 36-314, the regulations of this Chapter applicable to #residences# in C4-2 Districts shall apply to #non-profit hospital staff dwellings# in C8 Districts. In all districts, the regulations of this Chapter applicable to #community facility uses# shall not apply to #non-profit hospital staff dwellings#. In lieu thereof, the regulations applicable to #residences# shall apply, as follows:~~

- ~~(a) the regulations of a C4-1 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R1, R2 and R3 Districts, and to C3 Districts;~~
- ~~(b) the regulations of a C4-2 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R4 and R5 Districts, and to C4-1 and C8-1 Districts; and~~
- ~~(c) the regulations of a C4-7 District shall apply to #non-profit hospital staff dwellings# located in C1 or C2 Districts mapped within R6 through R10 Districts, and to C1-6, C1-7, C1-8, C1-9, C2-6, C2-7, C2-8, C4-2, C4-3, C4-4, C4-5, C4-6, C4-7, C5, C6, C8-2, C8-3, and C8-4 Districts.~~

* * *

36-026
Applicability of regulations to Quality Housing

On any #zoning lot# containing a #Quality Housing building#, all #accessory# off-street parking spaces shall comply with the provisions of Section ~~28-50~~ 28-40 (PARKING FOR QUALITY HOUSING), inclusive.

* * *

36-20
REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR COMMERCIAL OR COMMUNITY FACILITY USES

36-21
General Provisions

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided in conformity with the requirements set forth in the table in this Section for all #developments# after December 15, 1961, for the #commercial# or #community facility uses# listed in the table. If an #enlargement# results in a net increase in the #floor area# or other applicable unit of measurement specified in the table, the same requirements set forth in the table shall apply to such net increase in the #floor area# or other specified unit of measurement. In addition, all other applicable requirements of this Chapter shall apply as a condition precedent to the #use# of such #development# or #enlargement#.

* * *

**REQUIRED OFF-STREET PARKING SPACES FOR COMMERCIAL
OR COMMUNITY FACILITY USES**

Type of #Use#

Parking Spaces Required in Relation
to Specified Unit of Measurement - Districts

* * *

FOR COMMUNITY FACILITY USES

* * *

Philanthropic or non-profit institutions with sleeping accommodations; #long-term care facilities# ~~all types of nursing homes or sanitariums~~

None required - C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6
C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6

1 per 10 beds - C1-1 C1-2 C2-1 C2-2 C3 C4-1 C4-2

1 per 20 beds - C1-3 C2-3 C4-2A C4-3

* * *

36-23
Waiver of Requirements for Spaces below Minimum Number

* * *

36-231
In districts with high, medium, or low parking requirements

C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3 C7 C8-1 C8-2

In the districts indicated, except for the #uses# listed in Section 36-233 (Exceptions to application of waiver provisions), and except as otherwise provided in Section 36-27 (Waiver for Certain Small Zoning Lots), the parking requirements set forth in Sections 36-21 (General Provisions) or 36-22 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements) shall not apply to #commercial uses# in parking requirement category A, B, B1, C, D, E, or H, or to permitted #community facility uses#, if the total number of #accessory# off-street parking spaces required for all such #uses# on the #zoning lot# is less than the number of spaces set forth in the following table:

Number of Spaces	Districts
10	C1-1 C2-1 C3 C4-1

15	C1-2 C2-2 C4-2 C8-1
25	C1-3 C2-3 C4-2A C4-3 C7 C8-2

<u>Districts</u>	<u>Number of Spaces</u>
<u>C1-1 C2-1 C3 C4-1</u>	<u>10</u>
<u>C1-2 C2-2 C4-2 C8-1</u>	<u>15</u>
<u>C1-3 C2-3 C4-2A C4-3 C7 C8-2</u>	<u>25</u>

* * *

36-30

REQUIRED ACCESSORY OFF-STREET PARKING SPACES FOR RESIDENCES WHEN PERMITTED IN COMMERCIAL DISTRICTS

36-31

General Provisions

C1 C2 C3 C4 C5 C6

In all districts, as indicated, #accessory# off-street parking spaces, open or enclosed, shall be provided for all #dwelling units# ~~or #rooming units#~~ created constructed after December 15, 1961, in accordance with the provisions of the following Sections and the other applicable provisions of this Chapter, as a condition precedent to the #use# of such #dwelling unit# ~~or #rooming unit#~~:

Section 36-32	(Requirements Where Individual Parking Facilities Are Provided)
Section 36-33	(Requirements Where Group Parking Facilities Are Provided)
Section 36-34	(Modification of Requirements for Small Zoning Lots)
Section 36-35	(Modification of Requirements for <u>Income-Restricted Housing Units or Affordable Independent Residences for Seniors</u> Public Housing or Non-profit Residences for Elderly)

Section 36-37 (Special Provisions for a Single Zoning Lot with Uses Subject to Different Parking Requirements)

Section 36-39 (Special Provisions for Zoning Lots Divided by District Boundaries)

For #dwelling units# or #rooming units# constructed pursuant to the zoning regulations in effect after July 20, 1950, and prior to December 15, 1961, off-street parking spaces #accessory# to such #dwelling units# or #rooming units# cannot be removed if such spaces were required by such zoning regulations, unless such spaces would not be required pursuant to the applicable zoning regulations currently in effect.

~~For the purposes of these Sections, three #rooming units# shall be considered the equivalent of one #dwelling unit#.~~

36-311

Application of requirements to conversions in C1 or C2 Districts

C1 C2

- (a) In the districts indicated, where such districts are mapped within R1, R2, R3, R4, R5, R6 or R7 Districts, except R7-2 Districts, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# ~~or #rooming units#~~ created by #conversions# on #zoning lots# with less than 5,000 square feet of #lot area#.
- (b) In the districts indicated, where such districts are mapped within R7-2, R8, R9 or R10 Districts, the requirements of Section 36-31 shall not apply to the additional #dwelling units# ~~or #rooming units#~~ created by #conversions# on #zoning lots# of any size.

36-312

Application of requirements to conversions in C3, C4, C5 and C6 Districts

C3 C4-1 C4-2 C4-3

- (a) In the districts indicated, the requirements of Section 36-31 (General Provisions) shall not apply to the additional #dwelling units# ~~or #rooming units#~~ created by #conversions# on #zoning lots# with less than 5,000 square feet of #lot area#.

C4-4 C4-5 C4-6 C4-7 C5 C6

- (b) In the districts indicated, no #accessory# off-street parking is required for additional #dwelling units# ~~or #rooming units#~~ created by #conversion# within #buildings# existing prior to December 15, 1961.

36-313

Application of requirements to non-profit hospital staff dwellings in C1 or C2 Districts with bulk governed by surrounding Residence Districts

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, the regulations of Sections 36-31 to 36-39, inclusive, relating to Required Accessory Off-Street Parking Spaces for Residences When Permitted in Commercial Districts, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of these Sections applicable to #non-profit hospital staff dwellings# are determined by the #Residence District# within which such #Commercial Districts# are mapped in accordance with the following table, and are the same as the regulations applicable to #residences# in the districts indicated in the right hand column of the table.

DISTRICT REGULATIONS APPLICABLE TO
NON-PROFIT HOSPITAL STAFF DWELLINGS

#Residence District# within which C1 or C2 District is Mapped	District Whose Regulations are Applicable
R1-R2-R3	C4-1
R4-R5	C4-2
R6-R7-R8-R9-R10	C4-7

36-314

Application of requirements to non-profit hospital staff dwellings in other Commercial Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C3-C4 C5-C6 C8

In the districts indicated, the regulations of Section 36-31 to 36-39, inclusive, relating to Required Accessory Off-Street Parking Spaces for Residences When Permitted in Commercial Districts, shall apply as set forth in this Section to #non-profit hospital staff dwellings#. The district regulations of these Sections applicable to #non-profit hospital staff dwellings# are determined in accordance with the following table, and are the same as the regulations applicable to #residences# in the districts indicated in the table.

Districts	Districts Whose Regulations Are Applicable
-----------	---

C3	C4-1
C4-1 C8-1	C4-2
C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6 C8-2 C8-3 C8-4	C4-7

* * *

36-34

Modification of Requirements for Small Zoning Lots

* * *

36-341

Reduced requirements in C1 or C2 Districts governed by surrounding Residence District bulk regulations

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is determined by the #Residence District# within which such #Commercial District# is mapped, in accordance with the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

#Lot Area#	Parking Spaces Required as a Percent of Total #Dwelling Units#	District within which C1 or C2 District is Mapped
10,000 square feet or less	50	R6 R7-1 * R7B
	30	R7-1 R7A R7D R7X
10,001 to 15,000 square feet	30	R7-2

<u>#Lot Area#</u>	<u>District within which C1 or C2 District is Mapped</u>	<u>Parking Spaces Required as a</u>
		<u>Percent of Total #Dwelling Units#</u>
<u>10,000 square feet or less</u>	<u>R6 R7-1¹ R7B</u>	<u>50</u>
	<u>R7-1 R7A R7D R7X</u>	<u>30</u>
<u>10,001 to 15,000 square feet</u>	<u>R7-2</u>	<u>30</u>
	<u>R8² R9 R10</u>	<u>20</u>

¹ In C1 or C2 Districts mapped within R7-1 Districts within #lower density growth management areas# in Community District 10, Borough of the Bronx

² In R8B Districts, the parking requirements may not be reduced

36-342

Reduced requirements in other C1 or C2 Districts or in C4, C5 or C6 Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated, for #zoning lots# of 10,000 or 15,000 square feet or less, the number of required #accessory# off-street parking spaces is as set forth in the following table:

REDUCED REQUIREMENTS FOR SMALL ZONING LOTS

<u>#Lot Area#</u>	<u>Parking Spaces</u>	<u>District</u>
	<u>Required as a Percent of Total #Dwelling Units#</u>	
10,000 square feet or less	50	C4-2 C4-3

10,001 to 15,000 square feet	30	C1-6 C2-6 C4-4 C4-5 C6-1
	20	C1-7 C1-8 C1-9 C2-7 C2-8 C4-6 C4-7 C5 C6-2 C6-3 C6-4 C6-5 C6-6 C6-7 C6-8 C6-9

<u>#Lot Area#</u>	<u>District</u>	<u>Parking Spaces Required as a</u> <u>Percent of Total #Dwelling</u> <u>Units#</u>
<u>10,000 square feet</u> <u>or less</u>	<u>C4-2 C4-3</u>	<u>50</u>
<u>10,001 to 15,000</u> <u>square feet</u>	<u>C1-6 C2-6 C4-4 C4-5 C6-1</u>	<u>30</u>
	<u>C1-7 C1-8 C1-9 C2-7 C2-8</u> <u>C4-6 C4-7 C5 C6-2 C6-3</u> <u>C6-4 C6-5 C6-6 C6-7 C6-8</u> <u>C6-9</u>	<u>20</u>

* * *

36-35

Modification of Requirements for Income-Restricted Housing Units or Affordable Independent Residences for Seniors ~~Public Housing or Non-profit Residences for the Elderly~~

C1 C2 C3 C4 C5 C6

In the districts indicated, the number of required #accessory# off-street parking spaces is as set forth in Section 25-25 (Modifications of Requirements for Income-Restricted Housing Units or Affordable Independent Residences for Seniors ~~Public, Publicly Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly~~) for the applicable #Residence District#, as determined in accordance with Section 35-22 or 35-23. For the purpose of determining the number of required #accessory# off-street parking spaces for such #residences# in C4-4, C4-5 and C6-1 Districts, the regulations of an R7B District shall apply, except that for assisted housing projects in #Quality Housing buildings# in such districts, the number of required #accessory# off-street parking spaces for such #residences# shall be in accordance with an R7A District. For C1-6 and C2-6 Districts, the number of required #accessory# off-street parking spaces for such #residences# shall be in accordance with an R7-2 District.

36-36

Waiver of Requirements for Small Number of Spaces

C1 C2 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) shall be subject to the waiver provisions of this Section, ~~except that the waiver provisions shall not apply to #non-profit residences for the elderly#.~~

* * *

36-362

In other C1 or C2 Districts or in C4, C5 or C6 Districts

C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-2 C4-3 C4-4 C4-5 C4-6 C4-7 C5 C6

In the districts indicated, the requirements set forth in Section 36-31 (General Provisions) shall be waived if the required number of #accessory# off-street parking spaces resulting from the application of such requirements is no greater than the maximum number as set forth in the following table:

Maximum Number of Spaces Waived	Districts
5	C4-2 C4-3
15	C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6
<u>Districts</u>	<u>Maximum Number of Spaces Waived</u>
<u>C4-2 C4-3</u>	<u>5</u>
<u>C1-6 C1-7 C1-8 C1-9 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6</u>	<u>15</u>

* * *

36-40

RESTRICTIONS ON LOCATION AND USE OF ACCESSORY OFF-STREET PARKING SPACES

* * *

36-42

Off-Site Spaces for Residences

* * *

36-421

Maximum distance from zoning lot

C1 C2 C3 C4 C5 C6

In the districts indicated, all such spaces shall not be further than the distance set forth in the following table from the nearest boundary of the #zoning lot# occupied by the #residences# to which they are #accessory#.

Maximum Distance from the #Zoning Lot#	District
600 feet	C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3
1,000 feet	C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6
District	Maximum Distance from the #Zoning Lot#
<u>C1-1 C1-2 C1-3 C2-1 C2-2 C2-3 C3 C4-1 C4-2 C4-3</u>	<u>600 feet</u>
<u>C1-4 C1-5 C1-6 C1-7 C1-8 C1-9 C2-4 C2-5 C2-6 C2-7 C2-8 C4-4 C4-5 C4-6 C4-7 C5 C6</u>	<u>1,000 feet</u>

* * *

OFF-STREET LOADING REGULATIONS

* * *

36-70

BICYCLE PARKING

* * *

36-71

Required Bicycle Parking Spaces

36-711

Enclosed bicycle parking spaces

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, enclosed #accessory# bicycle parking spaces shall be provided for at least that amount specified for the applicable #use# set forth in the table in this Section.

For the purposes of calculating the number of required bicycle parking spaces, any fraction of a space 50 percent or greater shall be counted as an additional space. For #residences#, the #accessory# bicycle parking requirement shall be calculated separately for separate #buildings# or #building segments#.

Where any #building# or #zoning lot# contains two or more #uses# having different bicycle parking requirements as set forth in the table, the bicycle parking requirements for each type of #use# shall apply to the extent of that #use#.

Where an enclosed #accessory group parking facility# is provided, the required number of bicycle parking spaces for the #use# to which such facility is #accessory# shall be the amount set forth for such #use# in the table, or one for every 10 automobile parking spaces that are enclosed within a #building or other structure# or located on the roof of a #building#, whichever will require a greater number of bicycle parking spaces.

REQUIRED BICYCLE PARKING SPACES FOR RESIDENTIAL, COMMUNITY FACILITY OR COMMERCIAL USES

Type of #Use#	Bicycle Parking Spaces Required in Relation to Specified Unit of Measurement
FOR RESIDENTIAL USES	

Use Group 1	None required
Use Group 2	1 per 2 #dwelling units#
<u>#Affordable Independent Residences for Seniors#</u> #Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in Section 36-35(d)-----	1 per 10,000 square feet of #floor area#

* * *

36-75

Floor Area Exemption

C1 C2 C3 C4 C5 C6 C7 C8

In all districts, as indicated, space provided for enclosed #accessory# bicycle parking spaces pursuant to the standards of this Section shall be excluded from the calculation of #floor area#, provided that:

- (a) the space excluded from #floor area# does not exceed an amount equal to 15 square feet multiplied by the number of required spaces or, if spaces are waived pursuant to paragraphs (a), (b), (c) or (d) of Section 36-711 (Enclosed bicycle parking spaces), the number that would have been required but for the waiver or, if spaces are not required because the #building# was constructed prior to April 22, 2009, the number that would be required if such #building# were newly-constructed; and
- (b) the #accessory# bicycle parking spaces provided meet the standards for required bicycle parking of Section 36-73 (Restrictions on Operation, Size and Location of Bicycle Parking Spaces).

Notwithstanding the provisions of paragraph (a) of this Section, for the #uses# listed in the table, the amount of space that may be excluded from the calculation of #floor area# shall not exceed an amount equal to 15 square feet multiplied by the number of spaces set forth in the table.

MAXIMUM BICYCLE PARKING SPACES
EXCLUDED FROM FLOOR AREA

Type of #Use#	Maximum Bicycle Parking Spaces Excluded from #Floor Area# in Relation to Specified Unit of Measurement

FOR RESIDENTIAL USES	
<u>#Affordable Independent Residences for Seniors#</u> #Non-profit residences for the elderly# or #dwelling units# for the elderly as specified in Section 36-35 (d)-----	1 per 2,000 square feet of #floor area#

* * *

Article III - Commercial District Regulations

Chapter 7

Special Urban Design Regulations

37-00

GENERAL PURPOSES

Special urban design regulations are set forth in this Chapter to improve the quality of the streetscape and to promote a lively and engaging pedestrian experience along commercial streets in various neighborhoods.

The provision of this Chapter shall apply as follows:

- (a) Section 37-10 sets forth applicability of Article II, Chapter 6 to #zoning lots# accessed by #private roads# in C1 or C2 Districts mapped within R3, R4 or R5 Districts;
- (b) Section 37-20, inclusive, sets forth special regulations for #lower density growth management area# in the Borough of Staten Island;
- (c) Section 37-30, inclusive, sets forth special streetscape provisions that apply in conjunction with provisions specified in the supplemental use provisions of Article III, Chapter 2, special provisions for certain areas in Article VI, or in Special Purpose Districts in Articles VIII through XIII;
- (d) Section 37-40, inclusive, sets forth provisions for relocating or renovating subway stairs in certain areas;
- (e) Section 37-50, inclusive, sets forth requirements for pedestrian circulation spaces that apply in conjunction with provisions specified in certain Special Purpose Districts;
- (f) Section 37-60, inclusive, sets forth provisions for #plazas#, #residential plazas# and #urban plazas# created prior to October 17, 2007;
- (g) Section 37-70, inclusive, sets forth provisions for #public plazas#;
- (h) Section 37-80 sets forth provisions for #arcades#; and
- (i) Section 37-90, inclusive, sets forth provisions for certain open parking areas.

* * *

37-30

SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS **STREETSCAPE**

37-31

Applicability

This Section, inclusive, specifies #ground floor level# requirements that establish consistent minimum depths for certain #uses#, maximum widths for certain #uses#, minimum transparency, and parking wrap and screening requirements that apply as required by specific #ground floor level# requirements set forth for certain #Commercial Districts# in the supplemental #use# provisions of Section 32-40, inclusive; for certain #Manufacturing Districts# in Section 42-485; for #zoning lots# subject to the off-street parking regulations in the #Manhattan Core# in Article I, Chapter 3; for #zoning lots# subject to the special provisions for waterfront areas and FRESH food stores in Article VI, Chapters 2 and 3, respectively; and for #zoning lots# subject to the provisions of certain Special Purpose Districts.

However, the ground floor depth requirements for certain #uses# and minimum transparency requirements of Sections 37-32 and 37-34, respectively, shall not apply to:

- (a) #zoning lots# in #Commercial Districts# with a #lot width# of less than 20 feet, as measured along the #street line#, provided such #zoning lots# existed on (date of adoption) and on the date of application for a building permit; or
- (b) any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4.

The regulations of Sections 37-30 through 37-37, inclusive, shall apply to any #development# occupied by #predominantly residential use#, constructed after April 21, 1977, located on any #zoning lot# within C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 or C6-8 Districts, or C1 and C2 Districts mapped within R9 or R10 Districts. However, Sections 37-30 through 37-37, inclusive, shall not apply within any Special Purpose District nor shall it apply to any #Quality Housing building#, except as otherwise set forth therein.

An application to the Department of Buildings for a permit respecting any #development# shall include a plan and an elevation drawn to a scale of at least one sixteenth inch to a foot of the new #building# and #buildings# on #contiguous lots# or #contiguous blocks# showing #signs#, other than #advertising signs#, #arcades#, #street wall# articulation, curb cuts, #street# trees, sidewalk paving, central refuse storage area and such other necessary information as may be required by the Commissioner of Buildings.

37-311

Definitions

The following definitions shall apply throughout Section 37-30 (SPECIAL GROUND FLOOR LEVEL STREETSCAPE PROVISIONS FOR CERTAIN AREAS), inclusive.

Ground floor level

For the purposes of Section 37-30, inclusive, the “ground floor level” shall refer to a #building’s# lowest #story#.

Primary street frontage

For the purposes of Section 37-30, inclusive, a “primary street frontage” shall be the portion of the #ground floor level street# frontage along:

- (a) a #wide street#;
- (b) a narrow #street# where a #Commercial District# is mapped along an entire #block# frontage; or
- (c) a #narrow street# within 50 feet of a #wide street#.

Secondary street frontage

For the purposes of Section 37-30, inclusive, a “secondary street frontage” shall be a #ground floor level street frontage#, or portion thereof, subject to the provisions of Section 37-30, inclusive, that is not a #primary street frontage#.

37-32

Ground Floor Depth Requirements for Certain Uses

Definitions

The minimum depth for required ground floor non-#residential uses#, as applicable, shall be as set forth in this Section, except as set forth in Section 37-31 (Applicability).

Required #ground floor level# non-#residential uses# along a #primary street frontage# or a designated retail street specified in a Special Purpose District, as applicable, shall have a minimum depth of 30 feet, as measured perpendicular to the #ground floor level street wall#. However, such minimum depth requirement may be reduced where necessary to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

Contiguous block

For the purposes of Sections 37-30 through 37-37, inclusive, a "contiguous block" is a #block# containing one or more #zoning lots# separated by a #narrow street# from the #block# containing the #development#.

Contiguous lot

For the purposes of Sections 37-30 through 37-37, inclusive, a "contiguous lot" is a #zoning lot# which shares a

~~common #side lot line# with the #zoning lot# of the #development#.~~

Development

~~For the purposes of Sections 37-30 through 37-37, inclusive, in addition to the definition of “development” pursuant to Section 12-10 (DEFINITIONS), “development” shall also include an #enlargement# involving an increase in #lot coverage#.~~

Predominantly residential use

~~For the purposes of Sections 37-30 through 37-37, inclusive, a "predominantly residential use" means a #building# having a #residential floor area# in excess of 50 percent of the total #building floor area#.~~

37-33

Maximum Width of Certain Uses

Applicability of Article II

The widths of #residential# lobbies, entrances and exits to #accessory# off-street parking facilities, and entryways to subway stations shall be as set forth in this Section.

(a) Ground floor lobbies

(1) Type 1

Where Type 1 lobby provisions apply, lobbies accessing #uses# not permitted on the #ground floor level# shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the #street wall# width of the #building# or more than 20 linear feet of #street wall# frontage on a #wide street# or 30 linear feet on a #narrow street#, whichever is less. However, the width of such lobbies need not be less than 10 feet.

(2) Type 2

Where Type 2 lobby provisions apply, lobbies accessing #uses# not permitted on the #ground floor level# shall be permitted, provided that the width of such lobbies, in total, does not exceed 25 percent of the #street wall# width of the #building# or more than 40 linear feet of #street wall#, whichever is less. However, the width of such lobbies need not be less than 20 feet.

(b) Entrances and exits to #accessory# parking facilities

Entrances and exists to #accessory# off-street parking facilities, where permitted on the #ground floor level#, or portion thereof, shall not exceed a #street wall# width equal to the sum of five feet plus the maximum curb cut width for the applicable district. Where no specified maximum curb cut width is set

forth for the district, the curb cuts regulations for #buildings# containing #residences# in R6 through R8 Districts with a letter suffix in paragraph (e) of Section 25-631 shall be applied.

(c) Entryways to subway stations

Entrances to subway stations may be provided on the #ground floor level# of a #building# without restriction in #street wall# width.

~~In C1-8, C1-9, C2-7, C2-8, C4-6, C4-7, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6 (Special Urban Design Guidelines—Streetscape), shall apply to any #development# occupied by #predominantly residential use#, except as modified by the provisions of Sections 37-34 to 37-37, inclusive, relating to Modifications to the Applicability of Article II, Chapter 6. The purpose of these modifications is to make the regulations of Article II, Chapter 6, applicable to #Commercial Districts#.~~

37-34

Minimum Transparency Requirements

Modifications to Applicability of Article II, Chapter 6

The #ground floor level street wall# along a #primary street frontage# or a designated retail street set forth in a Special Purpose District, as applicable, shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors, except as set forth in Section 37-31 (Applicability).

Such transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers; and shall have a minimum width of two feet. The maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet.

However, such transparency requirements shall not apply to portions of the #ground floor level# occupied by: entrances or exits to #accessory# off-street parking facilities and #public parking garages#, where permitted; entryways to required loading berths, where permitted; entryways to subway stations, as applicable; or doors accessing emergency egress stairwells and passageways.

~~In C1-8, C1-9, C2-7, C2-8, C4-6, C5-1, C5-2, C5-4, C6-3, C6-4, C6-5 and C6-8 Districts, or C1 or C2 Districts mapped within R9 or R10 Districts, the regulations of Article II, Chapter 6, applicable to #developments# occupied by a #predominantly residential use# are modified by the provisions of Sections 37-35 (Retail Continuity), 37-36 (Sign Regulations) and 37-37 (Street Wall Articulation).~~

Parking Wrap and Screening Requirements**Retail Continuity**

All #accessory# off-street parking spaces on the #ground floor level# of a #buildings# shall be wrapped by #floor area# in accordance with paragraph (a) or, where applicable, screened in accordance with applicable provisions of paragraph (b) of this Section.

(a) Along primary street frontages

For #ground floor levels#, or portions thereof, fronting along a #primary street frontage# or a designated retail street set forth in a Special Purpose District, as applicable, any portion of an #accessory# off-street parking facility that is located above #curb level#, except for permitted entrances and exits, shall be located behind permitted #commercial#, #community facility# or #residential floor area# so that no portion of such facility is visible from adjacent public sidewalks or publicly accessible areas. Such #floor area# shall have a minimum dimension of 30 feet, as measured perpendicular to the #street wall# of the #building#.

(b) Along secondary street frontages

For #ground floor levels#, or portions thereof, fronting along a #secondary street frontage# or 50 feet beyond a designated retail street set forth in a Special Purpose District, as applicable, off-street parking facilities, or portions thereof, may either be wrapped by #floor area# in accordance with paragraph (a) of this Section, or be designed in a manner that:

- (1) any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;
- (2) opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and
- (3) a total of at least 50 percent of such exterior #building# wall, or portion thereof, with adjacent parking spaces consists of opaque materials which may include permitted #signs#, graphic or sculptural art, or living plant material.

For #buildings# with front #building# walls that are at least 50 feet in width and front upon a #wide street#, a minimum of 50 percent of the width of such front #building# wall shall be occupied at the ground floor level by #commercial uses#, as permitted by district regulations.

In C1-8, C1-9, C2-7, C2-8, C4-6 Districts, and C1 or C2 Districts mapped within R9 or R10 Districts, #uses# which occupy such 50 percent of the front #building# wall shall be limited to those listed in Use Groups 6A, 6C and 6F, excluding banks and loan offices, except that in C4-6 Districts only, such #uses# may additionally include those listed in Use Groups 8A, 8B and 10A. All #uses# permitted by the underlying district regulations are

permitted in the remaining 50 percent of the front #building# wall.

Such requirement of #commercial uses# for a minimum of 50 percent of the front #building# wall may be waived, or additional #uses# permitted, upon certification by the City Planning Commission to the Commissioner of Buildings that an adequate supply of such #uses# already exists at the ground floor level in the surrounding area.

The Commission may require that an application for such certification of additional #uses# for a completed #building#, where #floor area# has been designated for occupancy for such #commercial uses#, establish that a good faith effort has been made to secure tenancy by such #uses#.

37-36

Sign Regulations

In addition to the applicable district regulations in C1-8, C1-9, C2-7, C2-8 and C4-6 Districts, and C1 or C2 Districts mapped within R9 or R10 Districts, all #signs#, other than #advertising signs# and window #signs#, shall be located in a horizontal band not higher than three feet, the base of which is located not higher than 17 feet above #curb level#. Where there is a grade change of at least 1.5 feet in 100 along the portion of the #street# upon which the #development# fronts, such signage band may be staggered along such #street#.

When a #building# on a #contiguous lot# or #contiguous block# contains #accessory# business #signs# within a coordinated horizontal band along its #street# frontage, the signage strip along the #development# shall be located at the same elevation as the adjacent band, but in no event higher than 17 feet above #curb level#. Where coordinated horizontal bands exist on two #contiguous lots# or #contiguous blocks# on both sides of the #development#, the signage strip shall be located at the same elevation as one adjacent band, or between the elevations of the two. For the purpose of this Section, the elevation is measured from the #curb level# to the base of the signage strip.

The City Planning Commission may, by certification to the Commissioner of Buildings, allow modifications of the requirements of this Section. Such modifications will be permitted when the Commission finds that such modifications will enhance the design quality of the #street wall#.

37-37

Street Wall Articulation

When any #building# wall which is five feet or more in height adjoins a sidewalk, a #public plaza# or an #arcade#, at least 50 percent of the total surface area of such wall between #curb level# and 12 feet above #curb level# or to the ceiling of the ground floor, whichever is higher, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#.

Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of two feet.

In addition, any portion of such #building# wall, 50 feet or more in width, which contains no transparent element between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 12 feet in height, shall be covered with ivy or similar planting or contain artwork or be treated so as to provide visual relief. Plants shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches. If artwork is being used, approval by the New York City Design Commission shall be obtained prior to the certificate of occupancy being issued for the #development#.

37-38

Sidewalk Widening in Certain Districts

C6-3D

In the district indicated, and in C1 or C2 Districts mapped within an R9D District, for #developments# or #enlargements# on #zoning lots# fronting upon #wide streets#, or fronting upon #narrow streets# that include an elevated rail line, sidewalks, with a minimum depth of 20 feet measured perpendicular to the curb of the #street#, shall be provided along such entire #street# frontages of the #zoning lot#. In locations where the width of the sidewalk within the #street# is less than 20 feet, a sidewalk widening shall be provided on the #zoning lot# so that the combined width of the sidewalk within the #street# and the sidewalk widening equals 20 feet. However, existing #buildings# to remain on the #zoning lot# need not be removed in order to comply with this requirement. All sidewalk widenings shall be improved to Department of Transportation standards for sidewalks, shall be at the same level as the adjoining public sidewalks, and shall be accessible to the public at all times. In addition, the provisions of paragraphs (f)(2) through (f)(5) of Section 37-53 (Design Standards for Pedestrian Circulation Spaces) shall apply.

* * *

37-40

OFF-STREET RELOCATION OR RENOVATION OF A SUBWAY STAIR

Where a #development# or an #enlargement# is constructed on a #zoning lot# of 5,000 square feet or more of #lot area# that fronts on a portion of a sidewalk containing a stairway entrance or entrances into a subway station located within the #Special Midtown District# as listed in Section 81-46, the #Special Lower Manhattan District# as listed in Section 91-43, the #Special Downtown Brooklyn District# as listed in Section 101-43, the #Special Long Island City Mixed Use District# as described in Section 117-44, the #Special Union Square District# as listed in Section ~~118-60~~ 118-50 and those stations listed in the following table, the existing entrance or entrances shall be relocated from the #street# onto the #zoning lot#. The new entrance or entrances* shall be provided in accordance with the provisions of this Section.

* * *

Article IV - Manufacturing District Regulations

Chapter 2 Use Regulations

* * *

42-40

SUPPLEMENTARY USE REGULATIONS AND SPECIAL PROVISIONS APPLYING ALONG DISTRICT BOUNDARIES

* * *

42-48

Supplemental Use Regulations in M1-6D Districts

All permitted #uses# in M1-6D Districts, as set forth in Section 42-10 (USES PERMITTED AS-OF-RIGHT), shall comply with the provisions set forth in this Section, inclusive.

* * *

42-485

Streetscape provisions

On #narrow streets#, for #zoning lots# with #street# frontage of 50 feet or more, ground floor #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B shall ~~have a depth of at least 30 feet from the #street wall# and shall~~ extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#. Such #uses# shall extend to a depth in accordance with the provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, provided that lobbies shall comply with the provisions for Type 2 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses). ~~lobbies, or entrances to parking spaces, except that lobbies shall be limited to a total width of 40 feet. No minimum 30 foot depth requirement shall apply where a reduction in such depth is necessary in order to accommodate a #residential# lobby or vertical circulation core.~~

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided ~~they are located beyond 30 feet of the #street wall#~~ that such spaces are wrapped by #floor area# or screened in accordance with the provisions of Section 37-35, as applicable.

For any #development# or #enlargement# that includes a ground floor #street wall#, each ground floor #street wall# occupied by #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency). ~~with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparency shall occupy at least 50 percent of the surface area of that portion of the ground floor #street wall# located between a height of two feet~~

and twelve feet, or the height of the ground floor ceiling, whichever is higher, above the level of the adjoining sidewalk. The lowest point of any such required transparency shall not be higher than four feet above the level of the adjoining sidewalk, with the exception of transom windows, and the minimum width of any such required transparency shall be two feet. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, the transparency requirements of this Section shall not apply to that portion of the ground floor level #street wall# occupied by an entrance to a parking facility.

* * *

Article IV - Manufacturing District Regulations

Chapter 3

Bulk Regulations

* * *

43-60

SUPPLEMENTARY REGULATIONS

* * *

43-62

Bulk Regulations in M1-6D Districts

43-621

Floor area regulations in M1-6D Districts

- (a) The maximum #floor area ratio# for #zoning lots# shall be 10.0, and no #floor area# bonuses shall apply, except as modified for #Inclusionary Housing designated areas, as set forth in paragraph (b) of this Section.
- (b) In #Inclusionary Housing designated areas#

For M1-6D Districts mapped within an #Inclusionary Housing designated area#, the provisions of Section 23-90 (INCLUSIONARY HOUSING) applicable to R10 Districts without a letter suffix shall apply, as modified in this Section:

- (1) for #zoning lots# that do not contain #residences#, the maximum #floor area ratio# shall be 10.0; and
- (2) the maximum base #floor area ratio# for #zoning lots# containing #residences# shall be 9.0 plus an amount equal to 0.25 times the non-#residential floor area ratio# provided on the #zoning lot#, up to 10.0. Such #floor area ratio# may be increased to a maximum of 12.0 only through the provision of #affordable housing#, pursuant to Section 23-90, inclusive.

* * *

43-623

Density in M1-6D Districts

The provisions of 35-40 (APPLICABILITY OF DENSITY REGULATIONS TO MIXED BUILDINGS) shall apply. The applicable factor shall be ~~790~~ 680.

43-624

Height and setback in M1-6D Districts

In M1-6D Districts, the height and setback provisions of this Section shall apply to all #buildings#.

(a) Rooftop regulations

(1) Permitted obstructions

The provisions of Section 33-42 shall apply to all #buildings#, except that elevator or stair bulkheads, roof water tanks, cooling towers or other mechanical equipment (including enclosures) may penetrate a maximum height limit or #sky exposure plane#, provided that either the product, in square feet, of the #aggregate width of street walls# of such obstructions facing each #street# frontage, times their average height, in feet, shall not exceed a figure equal to eight times the width, in feet, of the #street wall# of the #building# facing such frontage; or provided that the #lot coverage# of all such obstructions does not exceed 20 percent of the #lot coverage# of the #building#, and the height of all such obstructions does not exceed 40 feet.

In addition, ~~on #narrow streets#~~, a maximum base height or #sky exposure plane# may be penetrated, as follows:

(i) Structural columns

Structural columns may penetrate a maximum height limit or #sky exposure plane#, provided that such columns are one story or less in height, have a #street wall# no greater than 30 inches in width, and are spaced not less than 15 feet on center.

(ii) Dormers

~~(a) — On any #street# frontage, dormers may be provided in accordance with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts). the aggregate width of all dormers at the maximum base height shall not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.~~

~~(b) — The aggregate width of dormers at the maximum base height facing the #rear~~

~~yard line# or #rear yard equivalent# shall not exceed 60 percent of the length of the wall of the #building# facing a #rear yard line# at the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such rear dormers shall be decreased by one percent of the width of the #building# wall facing the #rear lot line#, at the level of the highest #story# entirely below the maximum base height.~~

~~Where two rear setbacks are provided as set forth in paragraph (b)(3)(ii) of this Section, the aggregate width of rear dormers, measured separately within each setback, shall not exceed 60 percent of the length of #building# wall facing a #rear yard line# at the highest #story# entirely below each rear setback. For each foot of height that a dormer is above the level of a setback, the aggregate width of dormers within such setback shall be decreased by one percent of the width of the highest #story# entirely below such setback.~~

~~In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.~~

(2) Screening requirements for mechanical equipment

For all #developments# and #enlargements#, and #conversions# of #non-residential buildings# to #residences#, all mechanical equipment located on any roof of a #building or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

(1) #Street wall# location

The #street wall# shall be located on the #street line# and extend along the entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in paragraph (b)(2) of this Section. On the ground floor, recesses shall be permitted where required to provide access to the #building#, provided such recesses do not exceed three feet in depth as measured from the #street line#.

Above the level of the second #story#, up to 30 percent of the #aggregate width of street walls# may be recessed beyond the #street line#. However, no recesses shall be permitted within 20 feet of an adjacent #building# and within 30 feet of the intersection of two #street lines#.

(2) Base height

(i) Along #wide streets#

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and, and may rise to a maximum base height of 155 feet.

(ii) Along #narrow street#

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 85 feet, and may rise to and a maximum base height of 135 feet. However, for #buildings# providing #affordable housing# pursuant to the provisions of Section 23-90, inclusive, the maximum base height may be increased to a height of 155 feet.

As an alternative, the minimum and maximum base heights applicable to a #wide street# may apply along a #narrow street# to a distance of 100 feet from a #wide street#.

(3) Required setbacks and maximum #building# heights

(i) Along #wide streets#

~~The provisions of this paragraph, (b)(3)(i), shall apply to~~ For #buildings#, or portions thereof, located on #wide streets# and on #narrow streets# within 100 feet of a #wide street#, ~~the portion of such #building# above a height of 155 feet shall be set back from the #street wall# of the #building# at least 10 feet along a #wide street# and at least 15 feet along a #narrow street#, except such dimensions may include the depth of any permitted recesses in the #street wall#. The maximum height of such #buildings# shall be 290 feet. In addition, the gross area of each of either the highest two or three #stories# of such #building# shall not exceed 80 percent of the gross area of the #story# directly below such highest two or three #stories#.~~

(ii) Along #narrow streets#

~~The provisions of this paragraph, (b)(3)(ii), shall apply to~~ For all #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet of a #wide street#, ~~no portion of such #building or other structure# shall penetrate a #sky exposure plane# which begins at a height of 125 feet above the #narrow street line# and rises over the #zoning lot# with a slope of four feet of vertical distance for every foot of horizontal distance. The maximum height of such #buildings#, shall be 210 feet.~~

However, any portion of such #building or other structure# that is located beyond 15 feet of the #street line# may penetrate such #sky exposure plane#, provided such portion does

not exceed a height of 210 feet, or, for ~~#buildings#~~ providing ~~#affordable housing#~~ pursuant to the provisions of Section 23-90, inclusive, or ~~#affordable independent residences for seniors#~~, where at least 20 percent of the ~~#floor area#~~ of the ~~#zoning lot#~~ is allocated to such ~~#use#~~, the maximum ~~#building#~~ height and maximum number of ~~#stories#~~ set forth in paragraph (a) of Section 23-664 for an R10 Districts. Separate maximum ~~#building#~~ heights are set forth within such Section for ~~#developments#~~ or ~~#enlargements#~~ with ~~#qualifying ground floors#~~ and for those with ~~#non-qualifying ground floors#~~, as defined in Section 23-662. In addition, the gross area of each of the top two ~~#stories#~~ of a ~~#building#~~ may not be greater than 80 percent of the gross area of the ~~#story#~~ directly below such top two ~~#stories#~~.

~~In addition, for #buildings# containing #residences#, no portion of such #building# exceeding a height of 125 feet shall be nearer to a #rear yard line# than ten feet. Alternatively, a pair of setbacks may be provided in accordance with the following:~~

~~(a) — a setback of five feet from the #rear yard line# shall be provided between a height of 85 feet and 125 feet; and~~

~~(b) — a setback of ten feet from the #rear yard line# shall be provided between a height of 125 and 165 feet.~~

~~However the heights of such setbacks shall be vertically equidistant from a height of 125 feet.~~

~~In the case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#.~~

(4) Maximum length of ~~#building#~~ wall

The maximum length of any ~~#story#~~ located entirely above a height of 150 feet shall not exceed 150 feet. Such length shall be measured in plan view by inscribing within a rectangle the outermost walls at the level of each ~~#story#~~ entirely above a level of 150 feet.

43-625

Yard regulations in M1-6D Districts

In M1-6D Districts, the provisions of Section 43-20 (YARD REGULATIONS) shall apply, except that ~~#residential#~~ portions of a ~~#building#~~ shall provide a ~~#rear yard#~~ with a minimum depth of 30 feet at any level not higher than the floor level of the lowest ~~#story#~~ containing ~~#dwelling units#~~ with a ~~#window#~~ opening upon such ~~#rear yard#~~. On any ~~#through lot#~~ that is 110 feet or more in depth from ~~#street#~~ to ~~#street#~~, a ~~#rear yard equivalent#~~ shall be provided within 15 feet of the centerline of the ~~#through lot#~~ or ~~#through lot#~~ portion. In the

case of a #through lot# on which a #rear yard equivalent# is provided, the requirements of this Section shall apply as if such #rear yard equivalent# were two adjoining #rear yards#. For shallow #zoning lots#, a reduction in the required #rear yard# or #rear yard equivalent# may be applied pursuant to the provisions applicable for an R10 District set forth in Section 23-51 (Special Provisions for Shallow Interior Lots) or 23-52 (Special Provisions for Shallow Through Lots), as applicable.

43-626

Courts in M1-6D Districts

#Residential# portions of #buildings# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS), inclusive.

* * *

Article VI - Special Regulations Applicable to Certain Areas

Chapter 2

Special Regulations Applying in the Waterfront Area

62-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to guide development along the City's waterfront and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to maintain and reestablish physical and visual public access to and along the waterfront;
- (b) to promote a greater mix of uses in waterfront developments in order to attract the public and enliven the waterfront;
- (c) to encourage water dependent uses along the City's waterfront;
- (d) to create a desirable relationship between waterfront development and the water's edge, public access areas and adjoining upland communities;
- (e) to preserve historic resources along the City's waterfront; and
- (f) to protect natural resources in environmentally sensitive areas along the shore.

62-10

GENERAL PROVISIONS

* * *

62-13

Applicability of District Regulations

* * *

62-133

Applicability of the Quality Housing Program

* * *

#Developments# that provide a #shore public walkway#, in accordance with the requirements of Section 62-60

(DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS), shall be deemed to have met the requirements for recreation space specified in Section ~~28-20~~ ~~28-30~~ (RECREATION SPACE AND PLANTING AREAS). Also, for the purposes of Section ~~28-23~~ ~~28-33~~ (Planting Areas), the boundary of an #upland connection# located within a private drive shall be considered a #street line#.

* * *

62-135

Applicability of bulk regulations to long-term care facilities

For #buildings# containing #long-term care facilities#, the applicable provisions of 24-013, 33-012 and 35-012 shall apply, except as modified by the #bulk# regulations of Section 62-30 (SPECIAL BULK REGULATIONS), inclusive. For the purposes of applying #floor area ratio# and #lot coverage#, the regulations applicable to #affordable independent residences for seniors# set forth in Section 62-323 (Affordable independent residences for seniors) shall apply.

* * *

62-30

SPECIAL BULK REGULATIONS

* * *

62-32

Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks

62-321

Residential uses in R3, R4 and R5 Districts

The maximum #floor area ratio# and #lot coverage# for #residential buildings# or #residential# portions of #buildings# in R3, R4 and R5 Districts shall be in accordance with the applicable district regulations, except as provided in Section 62-323 (~~Non-profit residences for the elderly~~ Affordable independent residences for seniors in R3, R4, R5, R6 and R7 Districts).

62-322

Residential uses in R1, R2, R6, R7, R8, R9 and R10 Districts

For #residential buildings# or #residential# portions of #buildings# in R1, R2, R6, R7, R8, R9 and R10 Districts, the applicable regulations of Section 23-14 (~~Minimum Required Open Space, Open Space Ratio, Maximum Lot~~

~~Coverage and Maximum Floor Area Ratio~~ Open Space and Floor Area Regulations in R1 through R5 Districts)
~~through or Section 23-15 (Maximum Floor Area Ratio in R10 Districts~~ Open Space and Floor Area Regulations
in R6 through R10 Districts), inclusive, shall not apply. In lieu thereof, the maximum #floor area ratio# and #lot
coverage# on a #zoning lot# shall be as specified in the following table, except as provided for in Sections 23-154
23-952 (Floor area compensation in Inclusionary Housing designated areas Inclusionary Housing), 62-323 (~~Non-~~
~~profit residences for the elderly~~ Affordable independent residences for seniors in R3, R4, R5, R6 and R7 Districts)
and 62-35 (Special Bulk Regulations in Certain Areas Within Community District 1, Brooklyn):

* * *

- ¹ In #Inclusionary Housing designated areas#, the #floor area ratio# has been modified, pursuant to
Section ~~23-952~~ 23-154 (Floor area compensation in Inclusionary Housing designated areas
Inclusionary Housing) or Section 62-35 (Special Bulk Regulations in Certain Areas within
Community District 1, Brooklyn), inclusive
- ² In R10 Districts, the #floor area ratio# may be increased to a maximum of 12.0, pursuant to Section
~~23-951~~ 23-154 (Floor area compensation in R10 Districts other than Inclusionary Housing
designated areas)

62-323

~~Non-profit residences for the elderly~~ Affordable independent residences for seniors in R3, R4, R5, R6 and R7 Districts

In the districts indicated in the following table, the maximum #floor area ratio# ~~for #affordable independent residences for seniors# shall be as set forth in Sections 23-144 and 23-155, as applicable, and the maximum #lot coverage# for #non-profit residences for the elderly# on a #zoning lot# shall be as specified in the following~~ Table:

~~MAXIMUM FLOOR AREA RATIO AND MAXIMUM LOT COVERAGE~~ ~~FOR NON-PROFIT RESIDENCES FOR THE ELDERLY~~ AFFORDABLE INDEPENDENT RESIDENCES FOR SENIORS IN R3, R4, R5, R6 AND R7 DISTRICTS

District	Maximum #Floor Area Ratio#	Maximum #Lot Coverage# (in percent)
R3	.95	55
R4	1.29	55

R5	4.95	60
R5D R6B	2.00	60
R6 R6A R7B	3.90	65
R7 R7A R7D R7X	5.04	70
<u>R8 R9 R10</u>		<u>70</u>

Where different maximum percentages of #lot coverage# apply to #residential# and #community facility uses#, the higher #lot coverage# shall be applied to any level containing both such #uses#. Furthermore, the maximum percent of #lot coverage# for #community facility uses# located below the level of #residential uses# need not be lower than the maximum percent of #lot coverage# permitted for such #residential uses#.

* * *

62-34

Height and Setback Regulations On Waterfront Blocks

* * *

62-341

Developments on land and platforms

All #developments# on portions of a #zoning lot# landward of the #shoreline# or on #platforms# shall be subject to the height and setback provisions of this Section. However, when the seaward view from all points along the #shoreline# of a #zoning lot# is entirely obstructed by existing elevated roads, bridges or similar structures which are less than 50 feet above mean high water and within 200 feet of the #shoreline#, #developments# shall be exempt from the requirements of this Section. Height and setback regulations for #developments# on #piers# and #floating structures# are set forth in Sections 62-342 and 62-343.

- (a) For the purposes of applying the height and setback regulations of this Section, the following provisions shall apply:

* * *

- (3) Measurement of height

The height of all #buildings or other structures# on #waterfront blocks# shall be measured from

the #base plane#, except where modified by the provisions of Article VI, Chapter 4. For #buildings# with pitched roofs, maximum #building# height shall be measured to the midpoint of such pitched roof, except for #buildings# subject to Section 23-631 (~~Height and setback Requirements in R1, R2, R3, R4 or through R5 Districts~~ General provisions).

(4) Permitted obstructions

The obstructions permitted pursuant to Sections 23-62, 24-51, 33-42 or 43-42 and, where applicable, Sections 64-331, 64-332 or 64-432 shall apply. In addition, the following regulations regarding permitted obstructions shall apply:

- (i) Within an #initial setback distance#, a dormer may exceed a maximum base height specified in Table A of this Section or penetrate a required setback area above a maximum base height specified in ~~paragraph (d) Table C~~ of this Section, provided that such dormer complies with the provisions of paragraph (c)(1) of Section 23-621. ~~on any #street# frontage the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the width of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the width of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See Illustration of Dormer)~~

* * *

(d) Medium and high density contextual districts

R6A R6B R7A R7B R7D R7X R8A R8B R8X R9A R9X R10A

C1-6A C1-7A C1-8A C1-8X C1-9A C2-6A C2-7A C2-7X C2-8A C4-2A C4-3A C4-4A C4-4L C4-5A C4-5D C4-5X C4-6A C4-7A C5-1A C5-2A C6-2A C6-3A C6-4A

In the districts indicated, and in C1 and C2 Districts mapped within such #Residence Districts#, the height and setback regulations of ~~Sections 23-60, 24-50 and 35-24 shall not apply. In lieu thereof, the height and setback regulations set forth in this Section shall apply.~~ of Section 23-662 shall apply. For #Commercial Districts#, the applicable #Residence District# within which such #Commercial District# is mapped, or the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts) shall be used in applying such provisions. In addition, in all applicable districts, for #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or for #developments# or #enlargements# where at least 20 percent of the #floor area# of the #zoning lot# contains #affordable independent residences for seniors#, the height and setback provisions of Section 23-664 shall apply. Separate maximum #building# heights are set forth within the Tables of Sections 23-662 and 23-664 for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662.

(1) — ~~Maximum #building# height~~

~~No #building or other structure# shall exceed the maximum #building# heights specified in Table C of this Section.~~

~~A setback is required for all portions of #buildings or other structures# that exceed the specified maximum base height for the applicable district, and shall be provided in accordance with paragraph (d)(2) of this Section.~~

(2) — ~~Setback provisions~~

~~Except for dormers permitted in accordance with paragraph (a)(4)(i) of this Section, setbacks are required for all portions of #buildings or other structures# that exceed the maximum base heights specified in Table C of this Section. Such setbacks shall be provided in accordance with the following provisions:~~

- ~~(i) — #Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table C of this Section. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table C.~~
- ~~(ii) — These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to it would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.~~

TABLE C
HEIGHT AND SETBACK FOR ALL BUILDINGS AND OTHER STRUCTURES
IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS

District	Minimum Base Height	Maximum Base Height	Maximum Height of #Buildings or other Structures#
R6B C1 or C2 mapped within R6B	30	40	50
R6A C1 or C2 mapped within R6A C4-2A C4-3A	40	60	70
R7B C1 or C2 mapped within R7B	40	60	75
R7A C1 or C2 mapped within R7A C1-6A C2-6A C4-4A C4-4L C4-5A	40	65	80
R7D C1 or C2 mapped within R7D C4-5D	60	85	100
R7X C1 or C2 mapped within R7X C4-5X	60	85	125
R8B C1 or C2 mapped within R8B	55	60	75
R8A C1 or C2 mapped within R8A C1-7A C4-4D C6-2A	60	85	120
R8X C1 or C2 mapped within R8X	60	85	150

R9A*	60	95	135
C1 or C2 mapped within R9A*			
C1 8A* C2 7A* C6 3A*			
R9A**	60	102	145
C1 or C2 mapped within R9A**			
C1 8A** C2 7A** C6 3A**			
R9X*	60	120	160
C1 or C2 mapped within R9X*			
C1 8X* C2 7X*			
R9X**	105	120	170
C1 or C2 mapped within R9X**			
C1 8X** C2 7X**			
R10A*	60	125	185
C1 or C2 mapped within R10A*			
C1 9A* C2 9A* C4 6A* C4 7A* C5 1A*			
C5 2A* C6 4A*			
R10A**	125	150	210
C1 or C2 mapped within R10A**			
C1 9A** C2 8A** C4 6A** C4 7A** C5 1A** C5 2A** C6 4A**			

*—— Denotes district mapped on #narrow street#

**—— Denotes district mapped on #wide street#

* * *

62-60

DESIGN REQUIREMENTS FOR WATERFRONT PUBLIC ACCESS AREAS

#Waterfront public access areas# required pursuant to Section 62-52 (Applicability of Waterfront Public Access Area Requirements) shall comply with the provisions of this Section, inclusive.

* * *

62-62

Design Requirements for Shore Public Walkways and Supplemental Public Access Areas

The design requirements of this Section shall apply to #shore public walkways# and #supplemental public access areas#, except as modified by Section 62-57 (Requirements for Supplemental Public Access Areas).

* * *

(c) Planting

* * *

(2) Screening buffer

* * *

(iii) No screening buffer shall be required:

- (a) adjacent to a private drive, a #street# or at the entrances to #buildings#; or
- (b) for a #commercial# or #community facility use# ~~where at least 70 percent of the area of the #building# facade, within a height of 10 feet, located~~ within a distance of 15 feet from the sidewalk or #waterfront public access area#, that is glazed with windows, transoms or glazed portions of doors in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements). ~~Not less than 50 percent of the entire area of such #commercial# or #community facility use# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.~~

* * *

Article VI - Special Regulations Applicable to Certain Areas

Chapter 3

Special Regulations Applying to FRESH Food Stores

63-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations that guide the development of FRESH food stores to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) encourage a healthy lifestyle by facilitating the development of FRESH food stores that sell a healthy selection of food products;
- (b) provide greater incentives for FRESH food stores to locate in neighborhoods underserved by such establishments;
- (c) encourage FRESH food stores to locate in locations that are easily accessible to nearby residents; and
- (d) strengthen the economic base of the City, conserve the value of land and buildings, and protect the City's tax revenues.

* * *

63-20

SPECIAL BULK AND PARKING REGULATIONS

* * *

63-22

Authorization to Modify Maximum Building Height

For #buildings# containing a #FRESH food store#, the City Planning Commission may authorize modifications to Sections ~~35-24~~ 35-65 (~~Special Street Wall Location and Height and Setback Regulations in Certain Districts~~) (Height and Setback Requirements for Quality Housing Buildings) and 123-66 (Height and Setback Regulations) to allow the applicable maximum #building# height to be increased by up to 15 feet, provided that the first #story# occupied by a #FRESH food store# has a minimum finished floor to finished ceiling height of 14 feet, and provided that such finished ceiling height is at least 14 feet above the #base plane# or #curb level#, as applicable.

* * *

63-23

Special Transparency Requirements

For all #FRESH food stores#, the ground floor level of the #street wall# fronting upon a principal #street# shall be glazed in accordance the provisions of Section 37-34 (Minimum Transparency Requirements). ~~with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. No less than 50 percent of the area of such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.~~

Furthermore, for #buildings# with frontage on two or more #streets#, the Chairperson of the City Planning Commission may certify that the glazing requirements of this Section shall only be applicable to the #street wall# fronting upon the principal #street#, as determined by the Chairperson.

In addition, the Chairperson of the City Planning Commission may, by certification, allow a reduction in the glazing requirements of this Section, provided that the Chairperson finds that such #mixed building#, or #mixed use building# as defined in Section 123-11, is a recipient of #public funding# as defined in Section 23-911 (General definitions). ~~Such reduced glazing may occupy no less than 50 percent of the area of such ground floor level #street wall# and shall be glazed with transparent materials.~~

63-24

Security Gates

~~All security gates installed between the #street wall# and the #street line# after December 9, 2009, that are swung, drawn or lowered to secure #FRESH food store# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.~~

63-25- 63-24

Required Accessory Off-street Parking Spaces in Certain Districts

* * *

Article VI - Special Regulations Applicable to Certain Areas

Chapter 4

Special Regulations Applying in Flood Hazard Areas

64-00

GENERAL PURPOSES

The provisions of this Chapter establish special regulations which are designed to encourage flood-resilient building practices for new and existing buildings and in so doing to promote and protect public health, safety and general welfare. These general goals include, among others, the following purposes:

- (a) to facilitate the development and alteration of buildings in flood zones consistent with the latest flood-resistant construction standards of the Federal government and the New York City Building Code;
- (b) to enable buildings to be constructed pursuant to flood-resistant standards with a comparable amount of usable interior space to what is generally permitted within the applicable zoning district;
- (c) to mitigate the effects of elevated and flood-proofed buildings on the streetscape and pedestrian activity;
- (d) to expedite the recovery of neighborhoods that experienced a high concentration of damage to single- and two-family residences from Hurricane Sandy within the Neighborhood Recovery Areas specified in Appendix A of this Chapter; and
- (e) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

* * *

64-33

Special Height and Setback Regulations

64-331

Permitted obstructions for multi-family buildings in R3-2 and R4 Districts

The provisions of this Section shall apply without requiring a #building# to comply with #flood-resistant construction standards# as established in paragraph (a) of Section 64-12 (Applicability).

In R3-2 and ~~R4 R-4~~ Districts, for all #buildings#, or portions thereof, subject to Section 23-60 (HEIGHT AND SETBACK REGULATIONS), except #single-# and #two-family residences#, elevator or stair bulkheads (including shafts, and vestibules not larger than 60 square feet in area providing access to a roof), roof water tanks and #accessory# mechanical equipment (including enclosures), other than solar or wind energy systems, shall be

considered permitted obstructions to height and setback regulations, provided that:

* * *

Appendix A

Special Regulations for Neighborhood Recovery

* * *

64-A30

SPECIAL BULK REGULATIONS FOR THE RECONSTRUCTION OF BUILDINGS EXISTING ON OCTOBER 28, 2012

* * *

64-A31

Special Regulations for Minimum Required Open Space, Maximum Lot Coverage and Maximum Floor Area

64-A312

Floor area

R2X R3 R4 R4-1 R4A

In the districts indicated, the #floor area ratio# set forth in ~~the table in paragraph (b) of Section 23-141~~ 23-142 ~~(Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts)~~ (Open space and floor area regulations in R1 and R2 Districts with a letter suffix as well as R3 through R5 Districts) may be increased by 20 percent provided that any such increase in #floor area# is located in any portion of a #building# covered by a sloping roof that rises at least seven inches in vertical distance for each foot of horizontal distance.

* * *

64-A32

Special Regulations for Maximum Number of Dwelling Units and Minimum Size of Dwelling Units

64-A321

Maximum number of dwelling units

R1 R2 R3 R4 R5 R6

In the districts indicated, the provisions of Section 23-22 (Maximum Number of Dwelling Units ~~or Rooming Units~~) shall not apply. In lieu thereof, not more than one #single-family detached residence# or, where permitted

in the applicable zoning district pursuant to Section 22-12 (Use Group 2), one #two-family detached residence#, may be reconstructed. However, any #two-family detached residence# may only be reconstructed if such #zoning lot# contained two or more #dwelling units# on October 28, 2012, as indicated on the certificate of occupancy or upon approval by the Board of Standards and Appeals pursuant to Section 64-A71 (Special Permit for Establishing Non-conformance).

* * *

64-A36

Special Height and Setback Regulations

R1 R2 R3 R4 R5 R6

In the districts indicated, the height and setback regulations of the applicable district shall not apply. In lieu thereof, all #buildings# shall be subject to the height and setback provisions set forth in paragraph (b) of Section 23-631 (General Provisions ~~Height and setback in R1, R2, R3, R4 and R5 Districts~~), except that the maximum height of a perimeter wall before setback shall be 19 feet, the maximum height of a ridge line shall be 25 feet and all heights shall be measured from the #flood-resistant construction elevation#. In no event shall any #building# exceed two #stories#, except that attic space providing structural headroom of less than eight feet shall not be considered a #story# for the purposes of this Section.

* * *

Article VII - Administration

Chapter 3

Special Permits by the Board of Standards and Appeals

* * *

73-10

SPECIAL PERMIT USES

* * *

73-12

Community Facility Uses in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts

* * *

73-122

College or school student dormitories or fraternity or sorority student houses

The Board of Standards and Appeals may permit college or school student dormitories or fraternity or sorority student houses in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# does not exceed the maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (~~Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio~~ Open Space and Floor Area Regulations in R1 through R5 Districts);

* * *

73-123

Non-commercial clubs

The Board of Standard and Appeals may permit non-commercial clubs, except swimming pool clubs or clubs with swimming pools located less than 500 feet from any #lot line#, in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that such #use# complies with the minimum required #open space ratio# and maximum #floor area ratio#

for #residential use# as set forth in Section 23-14 (~~Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio~~ Open Space and Floor Area Regulations in R1 through R5 Districts);

* * *

73-40

MODIFICATIONS OF USE OR PARKING REGULATIONS

* * *

73-43

~~Reduction of Parking Spaces for Houses of Worship or Places of Assembly~~

The Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) ~~for houses of worship or places of assembly~~, in accordance with the applicable provisions of Sections 73-431 through 73-435 and 73-432 for the reduction of parking spaces.

* * *

73-433

Reduction of parking spaces to facilitate affordable housing

In all districts in the #Transit Zone#, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for #dwelling units# in a #development# or #enlargement# that includes at least 20 percent of all #dwelling units# as #income-restricted housing units# as defined in Section 12-10 (DEFINITIONS), provided that the Board finds that such waiver or reduction:

- (a) will facilitate such #development# or #enlargement# by improving its financial feasibility;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-434

Reduction of existing parking spaces for income-restricted housing units

For #zoning lots# within the #Transit Zone# containing #income-restricted housing units# existing on the (date of enactments), and subject to the restrictions of Section 25-251 (Income-restricted housing units except in affordable independent residences for seniors), the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of #accessory# off-street parking spaces required for such #income-restricted housing units#, provided that the Board finds that such waiver or reduction:

- (a) will facilitate an improved site plan;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning lot#, the availability of parking in the surrounding area, and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

73-435

Reduction of existing parking spaces for affordable independent residences for seniors

For #zoning lots# outside the #Transit Zone# containing #affordable independent residences for seniors# existing on the (date of enactments), and subject to the restrictions of Section 25-252 (Affordable independent residences for seniors) the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required for such #affordable independent residences for seniors#, provided that the Board finds that such waiver or reduction:

- (a) will facilitate an improved site plan;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

Any permitted reduction shall be in compliance with the parking requirement percentages for the applicable zoning district set forth in the table in Section 25-252.

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning#, the availability of parking in the surrounding area, and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

73-60

MODIFICATIONS OF BULK REGULATIONS

* * *

73-62

Modification of Bulk Regulations for Buildings Containing Residences

* * *

73-623

Bulk modifications for Quality Housing buildings on irregular sites

For #developments# or #enlargements# of #Quality Housing buildings#, the Board of Standards and Appeals may modify certain #bulk# regulations in accordance with paragraph (a), provided that the findings in paragraph (b) of this Section are met.

(a) The Board may modify the following underlying #bulk# regulations for #Quality Housing buildings#, whether individually or in any combination:

- (1) for all #Quality housing buildings#, the applicable #lot coverage#, #yards#, #courts#, #street wall# location, setback requirements, minimum distance between windows and walls or #lot lines#, and sloping #base plane# regulations; or
- (2) for #Quality Housing buildings# in which at least 50 percent of its #residential floor area# is #income-restricted housing units#, or at least 50 percent of its total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the maximum base height, overall building height, and maximum number of #stories# permitted, provided that in no event shall such #building# heights or number of #stories# exceed those set forth in paragraph (a) of Section 23-664 (Enhanced height and setback regulations for certain buildings) for the applicable zoning district.

(b) In granting such special permit for #bulk# modifications, the Board shall find that:

- (a) there are physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or topographical features that create practical difficulties in complying with the #bulk# regulations for #Quality Housing buildings# and would adversely affect the #building# configuration or site plan;
- (b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;

- (c) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#;
- (d) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with surrounding #buildings#; and
- (e) the requested modification is the least amount necessary to relieve such practical difficulties.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

Article VII - Administration

Chapter 4

Special Permits by the City Planning Commission

* * *

74-50

OFF-STREET PARKING ESTABLISHMENTS

* * *

74-53

Accessory Group Parking Facilities for Uses in Large-Scale Residential Developments or Large-Scale Community Facility Developments or Large-Scale General Developments

74-531

Additional parking spaces or roof parking for accessory group parking facilities

The City Planning Commission may permit #group parking facilities accessory# to #uses# in #large-scale residential developments# or #large-scale community facility developments# or #large-scale general developments# with more than the prescribed maximum number of parking spaces set forth in Sections 25-12, 36-12 and 44-12 (Maximum Size of Accessory Group Parking Facilities) or may permit modifications of the applicable provisions of Sections 25-11, 36-11 and 44-11 (General Provisions) so as to permit off-street parking spaces #accessory# to such #uses# to be located on the roof of a #building#.

* * *

74-532

Reduction or waiver of parking requirements for accessory group parking facilities

The City Planning Commission may, in conjunction with an application for a #large-scale residential development# or #large-scale general development# in the #transit zone# seeking a #bulk# modification, reduce or waive the number of required #accessory residential# off-street parking spaces, including any spaces previously required for an existing #building#, provided that the Commission finds that:

- (1) where the applicant is seeking a reduction of parking spaces required by Section 25-23 (Requirements Where Group Parking Facilities Are Provided), such reduction will facilitate the development of #income-restricted housing units#, as defined in Section 12-10 (DEFINITIONS), in such #large-scale residential development# or #large-scale general development#;

- (2) the anticipated rates of automobile ownership for residents of such #large-scale residential development# or #large-scale general development# are minimal and that such reduction or waiver is warranted;
- (3) such reduction of parking spaces will not have undue adverse impacts on the residents, businesses or community facilities in the surrounding area; and
- (4) such reduction of parking spaces will result in a better site plan with better quality open areas.

In determining the amount of parking spaces to reduce or waive, the Commission may take into account current automobile ownership patterns for an existing #building# containing #residences# on the #zoning lot#, as applicable.

The City Planning Commission may prescribe additional conditions and safeguards to minimize adverse effects on the surrounding area.

* * *

74-63

Bus Stations

* * *

74-634

Subway station improvements in Downtown Brooklyn and in Commercial Districts of 10 FAR and above in Manhattan

The City Planning Commission may grant, by special permit, a #floor area# bonus not to exceed 20 percent of the basic maximum #floor area ratio# permitted by the underlying district regulations, and may waive or modify the provisions of Article III, Chapter 7 (Special Regulations), and the #street wall# continuity provisions of Sections 81-43 (Street Wall Continuity Along Designated Streets), 91-31 (Street Wall Regulations) or 101-47 (Special Street Wall Location Regulations) for #developments# or #enlargements# located on #zoning lots# where major improvements to adjacent subway stations are provided in accordance with the provisions of this Section. For the purposes of this Section, "adjacent" shall mean that upon completion of the improvement, the #zoning lot# will physically adjoin a subway station mezzanine, platform, concourse or connecting passageway. Subway stations where such improvements may be constructed are those stations located within the #Special Midtown District# as listed in Section 81-292 (Subway station improvements), the #Special Lower Manhattan District# as listed in Section 91-43 (Special Permit for Subway Station Improvements), the #Special Downtown Brooklyn District# as listed in Section 101-211 (Special permit for subway station improvements), the #Special Union Square District# as listed in Section ~~118-60~~ 118-50 and those stations listed in the following table:

* * *

74-70

NON-PROFIT HOSPITAL STAFF DWELLINGS

* * *

74-74

Large-Scale General Development

* * *

74-743

Special provisions for bulk modification

(a) For a #large-scale general development#, the City Planning Commission may permit:

- (1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #large-scale general development# without regard for #zoning lot lines# or district boundaries, subject to the following limitations:

* * *

- (4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (~~In R6, R7, R8 or R9 Districts~~ Open space and floor area regulations in other R1 and R2 Districts and R3 through R5 Districts) for the applicable district without regard for #height factor# or #open space ratio# requirements, provided that the #large-scale general development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community Districts 2 or 7 in Manhattan or located within a C4-4 District within the boundaries of Queens Community District 7 and that a minimum of 50 percent of the required #open space# is provided within the #large-scale general development#. Required #open space# for the purposes of this paragraph, (a)(4), shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio#, pursuant to Section 23-142 for the applicable district;

* * *

74-80

TRANSIENT HOTELS

* * *

74-81

Affordable Independent Residences for Seniors ~~Non-profit Residences for the Elderly~~

The related ~~#accessory#~~ social and welfare facilities minimum requirement, as set forth in Section 12-10 (DEFINITIONS – Affordable Independent Residences for Seniors ~~Non-profit Residence for the Elderly~~) may be reduced or waived in any #affordable independent residence for seniors# ~~#non-profit residence for the elderly#~~ as to which the City Planning Commission makes the following findings:

- (a) the proposed #affordable independent residence for seniors# ~~#non-profit residence for the elderly#~~ is an addition to or ~~#enlargement#~~ or expansion of an existing #affordable independent residence for seniors# ~~#non-profit residence for the elderly#~~ and is located on a ~~#zoning lot#~~ no portion of which is more than 1,500 feet from the existing #affordable independent residence for seniors# ~~#non-profit residence for the elderly#~~;
- (b) both #affordable independent residence for seniors# ~~#non-profit residences for the elderly#~~ will be owned, operated and maintained by the same sponsoring organization;
- (c) the existing #affordable independent residence for seniors# ~~#non-profit residence for the elderly#~~ contains related social and welfare facilities which will be used to adequately and conveniently service tenants of both the existing and proposed #affordable independent residence for seniors# ~~#non-profit residences for the elderly#~~.

The Commission may prescribe appropriate conditions and safeguards to enhance the character and purposes of the project.

* * *

74-90

USE AND BULK MODIFICATIONS FOR CERTAIN COMMUNITY FACILITY USES

~~In all #Residence# and #Commercial Districts# except C7 and C8 Districts, which are in the Community Districts within which, pursuant to Section 22-42 (Certification of Certain Community Facility Uses), nursing homes and health-related facilities are not permitted as of right, the City Planning Commission may permit the #development#, #extension# or #enlargement# or change of #use# involving such nursing homes and health-related facilities where such #uses# are not permitted as of right, provided that the Commission finds:~~

- (a) ~~that the architectural landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography of the surrounding area;~~
- (b) ~~that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;~~
- (c) ~~that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby~~

~~or provision has been made to handle such traffic;~~

- ~~(d) — that the disadvantages to the community imposed by the concentration of these facilities in the Community District are outweighed by the benefits derived from the proposed #use#; and~~
- ~~(e) — that in R1 and R2 Districts, such facilities are not proprietary nursing homes, proprietary health-related facilities or proprietary domiciliary care facilities for adults.~~

~~The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.~~

~~Where such #use# is authorized by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Sections 74-901 or 74-902.~~

~~Special permits granted by the Commission under Sections 74-901 or 74-902 on or before January 10, 1974, shall not require further approval or action pursuant to this Section or Sections 22-42 or 32-45.~~

~~In the event amendment CP-22490 is not held invalid by the courts, it shall be effective insofar as limiting vested rights is concerned but shall be superseded in all other respects by amendments CP-22490(A) and CP-22566.~~

74-901

Long-Term Care Facilities in R1 and R2 Districts and certain Commercial Districts

Pursuant to Section 22-22, the City Planning Commission may permit #long-term care facilities# in R1 and R2 districts, and in C1 and C2 districts mapped within such #Residence Districts#, provided that the following findings are made:

- (a) that such #use# is compatible with the character or the future use or development of the surrounding area;
- (b) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The City Planning Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Where such #use# is authorized by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902.

74-901-74-902

Certain community facility uses in R1 and R2 Districts and certain Commercial Districts

In R1 and R2 Districts, and in C1 and C2 Districts mapped within such #Residence Districts# for any #development#, #extension# or #enlargement# or change of #use# involving any #community facility uses# permitted as-of-right pursuant to the provisions of Section 22-13 (Use Group 3) or 22-14 (Use Group 4), or #long-term care facilities# for which a special permit has been granted pursuant to Section 74-901, other than domiciliary care facilities for adults or those for which a permit is required by the Board of Standards and Appeals pursuant to Sections 73-12 (Community Facility Uses in R1 or R2 Districts) or 73-13 (Open Uses in R1 or R2 Districts), the City Planning Commission may permit the allowable #community facility floor area ratio# and #lot coverage# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to all such #uses#, provided that the following findings are made:

- (a) that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air in and to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;
- (b) that the architectural and landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography and the surrounding area;
- (c) that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and
- (d) that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

To minimize traffic congestion in the area, the Commission may require where necessary off-street parking facilities and #accessory# off-street loading berths beyond the amount required by the district regulations.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

74-902-74-903

Certain community facility uses in R3 to R9 Districts and certain Commercial Districts

The City Planning Commission may permit the #community facility floor area ratio# and the #community facility bulk# provisions to apply to a #development#, #extension# or #enlargement#, or change of #use# containing #long-term care facilities# or philanthropic or non-profit institutions with sleeping accommodations, as set forth in paragraph (a), provided that the findings in paragraph (b) of this Section are met.

(a) The Commission may permit:

- (1) In R3 through R9 Districts, and in C1 or C2 Districts mapped within an R3 through R9 District or #Commercial Districts# with an R3 through R9 District residential equivalent, the #community facility floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to #buildings# containing philanthropic or non-profit institutions with sleeping accommodations, as listed in Use Group 3;
- (2) In R3A, R3X, R3-1, R4A, R4B, R4-1, and R5A Districts, and in C1 or C2 Districts mapped within R3A, R3X, R3-1, R4A, R4B, R4-1, and R5A Districts, the #community facility floor area ratio# of Section 24-11 to apply to #buildings# containing #long-term care facilities#, as listed in Use Group 3;
- (3) In R3 through R5 Districts, except R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D Districts, and in C1 or C2 Districts mapped within an R3 through R5 District, except R3A, R3X, R3-1, R4A, R4B, R4-1, R5A, and R5D Districts, the #bulk# regulations of Article II, Chapter 4, Article III, Chapter 3, or Article III, Chapter 5, as applicable, and the #community facility floor area ratio# of Section 24-11, to apply to #buildings# containing #long-term care facilities#; or
- (4) In R6 through R10 Districts without a letter suffix, and in C1 or C2 Districts mapped within an R6 through R10 District without a letter suffix or in #Commercial Districts# with an R6 through R10 District equivalent without a letter suffix, the #bulk# regulations of Article II Chapter 4, Article III, Chapter 3, or Article III, Chapter 5, as applicable, and the #community facility floor area ratio# of Section 24-11, as applicable, to apply to #buildings# containing #long-term care facilities#.

(b) In order to grant such a special permit for #community facility floor area ratio# or #community facility bulk#, as applicable, the Commission shall find that:

- (1) the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area; and
- (2) the #streets# providing access to such-#use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.

The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.

The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

~~In R3, R4, R5, R6, R7, R8 and R9 Districts, and in all #Commercial Districts# except C7 or C8 Districts, the City Planning Commission may permit the allowable #community facility floor area ratio# of Section 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) to apply to any #development#, #extension# or #enlargement#, or change of #use# involving nursing homes, health-related facilities, sanitariums or philanthropic or non-profit institutions as listed in Use Group 3, each of which have secured certification by the appropriate governmental agency; and in R3, R4, R5, R6 and R7 Districts, and in #Commercial Districts# with the equivalent #residential floor area ratio#, the Commission may permit the allowable #floor area ratio# of Section 23-147 (For non-profit residences for the elderly) to apply to domiciliary homes for adults which have secured certification by the appropriate governmental agency, provided the following findings are made:~~

- ~~(a) — that the distribution of #bulk# on the #zoning lot# will not unduly obstruct the access of light and air to adjoining properties or public #streets#, and will result in satisfactory site planning and satisfactory urban design relationships of #buildings# to adjacent #streets# and the surrounding area;~~
- ~~(b) — that the proposed facility will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made; and~~
- ~~(c) — that the #streets# providing access to such #use# will be adequate to handle the traffic generated thereby or provision has been made to handle such traffic.~~

~~The Commission may request a report from appropriate governmental agencies with respect to #community facility uses# requesting a special permit under this Section.~~

~~To minimize traffic congestion in the area, the Commission may require, where necessary, off street parking facilities and #accessory# off street loading berths beyond the amount required by the district regulations.~~

~~The Commission may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.~~

74-903

Special permits for domiciliary care facilities for adults

~~In all #Residence# and #Commercial Districts#, except C7 and C8 Districts, the City Planning Commission may permit the #development#, #extension# or #enlargement#, or change of #use# involving domiciliary care facilities for adults, provided that the Commission finds:~~

- ~~(a) — that there is a program for residents including a maintenance and security plan for the facility;~~
- ~~(b) — that there is a plan designating #open space# recreation areas for the use of the residents of the facility;~~

- (c) ~~that the architectural landscaping treatment and the height of the proposed #building# containing such #uses# blends harmoniously with the topography of the surrounding area;~~
- (d) ~~that the proposed facilities will not require any significant additions to the supporting services of the neighborhood or that provision for adequate supporting services has been made;~~
- (e) ~~that the #streets# providing access to such #use# are adequate to handle the traffic generated thereby or provision has been made to handle such traffic; and~~
- (f) ~~that in R1 and R2 Districts, such facilities are not proprietary domiciliary care facilities for adults.~~

~~The Commission may prescribe appropriate conditions or safeguards to minimize the adverse effect of any #use# permitted under this Section on the character of the surrounding area.~~

~~Where such #use# is authorized by the Commission, it may be eligible for #bulk# modification, pursuant to the provisions of Section 74-902 (Certain community facility uses in R3 to R9 Districts and certain Commercial Districts).~~

74-91

Modification of Public Plazas

In all districts, the City Planning Commission may permit modification of the provisions of Section 37-70 (PUBLIC PLAZAS) affecting the eligibility of #public plazas# for bonus #floor area#, provided that such modification shall not include any modification of Sections 23-15 (~~Maximum Floor Area Ratio in R10 Districts~~ Open Space and Floor Area Regulations in R6 through R10 Districts), 24-14 or 33-13 (Floor Area Bonus for a Public Plaza).

Any modification shall be conditioned upon the Commission finding that the usefulness and attractiveness of the #public plaza# will be assured by the proposed layout and design and that such modification will result in a superior urban design relationship with surrounding #buildings# and open areas.

The Commission may prescribe appropriate conditions and controls to enhance the relationship of such #public plazas# to surrounding #buildings# and open areas.

* * *

Article VII - Administration

Chapter 7

Special Provisions for Zoning Lots Divided by District Boundaries

77-00

GENERAL PROVISIONS

77-01

Applicability of This Chapter

Whenever any #zoning lot# is located in two or more districts in which different #uses# are permitted, or in which different #use#, #bulk#, #accessory# off-street parking and loading, or other regulations apply, the provisions of this Chapter shall apply.

* * *

77-20

BULK REGULATIONS

* * *

77-28

Height and Setback Regulations

For #zoning lots# divided by district boundaries in which all applicable height and setback regulations include the use of #sky exposure planes#, the height and setback regulations of each #street# frontage of the #zoning lot# shall be determined by multiplying the quantitative requirements set forth in the regulations of the Chapters, which are applicable to each portion of such #street# frontage, by the percentage of such #street# frontage to which such regulations apply. The sum of the products obtained shall be the controlling requirements for the #zoning lot#.

In determining the percentage of such #street# frontage, the percentage shall be based on the total frontage of the #zoning lot# along such #street#.

However, if any portion of such #zoning lot# is located within a #Limited Height District#, the provisions of Sections 23-691, 24-591, 33-491 or 43-49 (Limited Height Districts) shall apply to such portion of the #zoning lot#.

For all other #zoning lots#, each portion of such #zoning lot# shall be regulated by the height and setback provisions applicable to the district in which such portion of the #zoning lot# is located.

In R2X, R3, R4 or R5 Districts, for #residential# portions of #buildings#, each portion of the #zoning lot# shall be governed by the height and setback regulations specified for the district in which it is located, as set forth in Article II, Chapter 3.

For the purposes of defining a #building# envelope pursuant to paragraph (b) of Section 23-631 (General Provisions~~Height and setback in R1, R2, R3, R4 and R5 Districts~~), apex points may be located on a zoning district boundary which divides a #building#.

Furthermore, if any portion of a #zoning lot# is located in an R2X, R3, R4, R4A or R4-1 District, the height and setback regulations specified for such district may apply to the entire #zoning lot# provided that such district comprises more than 50 percent of such #zoning lot#, and the greatest distance from the mapped district boundary to any #lot line# of such #zoning lot# in the district in which less than 50 percent of its area is located does not exceed 25 feet. Such distance shall be measured perpendicular to the mapped district boundary.

* * *

Article VIII - Special Purpose Districts

Chapter 1

Special Midtown District

81-00

GENERAL PURPOSES

The “Special Midtown District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Midtown Manhattan by improving the working and living environments;
- (b) to stabilize development in Midtown Manhattan and provide direction and incentives for further growth where appropriate;
- (c) to control the impact of buildings on the access of light and air to the streets and avenues of Midtown;
- (d) to link future Midtown growth and development to improved pedestrian circulation, improved pedestrian access to rapid transit facilities, and avoidance of conflicts with vehicular traffic;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the quality that makes Midtown vital;
- (f) to continue the historic pattern of relatively low building bulk in midblock locations compared to avenue frontages;
- (g) to improve the quality of new development in Midtown by fostering the provision of specified public amenities in appropriate locations;
- (h) to preserve, protect and enhance the character of the Theater Subdistrict as the location of the world's foremost concentration of legitimate theaters and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (i) to strengthen and enhance the character of the Eighth Avenue Corridor and its relationship with the rest of the Theater Subdistrict and with the Special Clinton District;
- (j) to create and provide a transition between the Theater Subdistrict and the lower-scale Clinton community to the west;
- (k) to preserve, protect and enhance the scale and character of Times Square, the heart of New York City's entertainment district, and the Core of the Theater Subdistrict, which are characterized by a unique

combination of building scale, large illuminated signs and entertainment and entertainment-related uses;

- (l) to preserve, protect and enhance the character of Fifth Avenue as the showcase of New York and national retail shopping;
- (m) to preserve the midblock area north of the Museum of Modern Art for its special contribution to the historic continuity, function and ambience of Midtown;
- (n) to protect and strengthen the economic vitality and competitiveness of the Grand Central Subdistrict by facilitating the development of exceptional and sustainable buildings within the Vanderbilt Corridor and enabling improvements to the pedestrian and mass transit circulation network;
- (o) to ensure that development within the Vanderbilt Corridor occurs on sites that meet sound site planning criteria and therefore can accommodate additional density as appropriate;
- (p) to protect and enhance the role of Grand Central Terminal as a major transportation hub within the City, to expand and enhance the pedestrian and mass transit circulation network connecting Grand Central Terminal to surrounding development, to minimize pedestrian congestion and to protect the surrounding area's special character;
- (q) to expand the retail, entertainment and commercial character of the area around Pennsylvania Station and to enhance its role as a major transportation hub in the city;
- (r) to provide freedom of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms without the need for special development permissions or "negotiated zoning"; and
- (s) to promote the most desirable use of land and building development in accordance with the District Plan for Midtown and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

81-06

Applicability of Article VII Provisions

81-061

Applicability of Chapter 3 of Article VII

Within the #Special Midtown District#, the following provisions regarding special permits by the Board of Standards and Appeals for #non-complying buildings# shall not be applicable:

Section 73-621

(Enlargement, change of use, or Extension within ~~or Conversion of B~~ buildings)

~~Containing Residential Uses)~~

Section 73-63 (Enlargement of Non-Residential Buildings)

Section 73-64 (Modifications for Community Facility Uses)

* * *

81-067

Modification of provisions for minimum base height and street wall location in Historic Districts

Within the Special Midtown District, for any #zoning lot# located in a Historic District designated by the Landmarks Preservation Commission, any applicable provisions relating to minimum base height and #street wall# location requirements as modified in Sections 81-43 (Street Wall Continuity Along Designated Streets), 81-621 (Special street wall requirements) pertaining to the Grand Central Subdistrict, 81-75 (Special Street Wall and Setback Requirements) pertaining to the Theater Subdistrict, 81-83 (Special Street Wall Requirements) pertaining to the Fifth Avenue Subdistrict, and 81-90 (SPECIAL REGULATIONS FOR PRESERVATION SUBDISTRICT) pertaining to mandatory #street walls# may be modified pursuant to ~~Sections 23-633 (Street wall location and height and setback regulations in certain districts) and 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts)~~ Sections 23-66 and 35-65 (Height and Setback Requirements for Quality Housing Buildings).

* * *

81-20

BULK REGULATIONS

* * *

81-23

Floor Area Bonus for Public Plazas

* * *

81-231

Existing plazas or other public amenities

- (a) Elimination or reduction in size of existing #publicly accessible open area# or other public amenities

No existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section ~~74-763~~ 74-761 (Elimination or reduction in size of ~~existing~~ bonused public amenities).

* * *

81-60

SPECIAL REGULATIONS FOR THE GRAND CENTRAL SUBDISTRICT

* * *

81-63

Transfer of Development Rights from Landmark Sites

* * *

81-634

Transfer of development rights by certification

Within the Grand Central Subdistrict, the City Planning Commission may allow by certification:

* * *

- (b) in conjunction with such transfer of development rights, modification of the provisions of Sections 77-02 (Zoning Lots not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements), as follows:

For any "receiving lot," whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, ~~#floor area#, or #dwelling units# or #rooming units#~~ permitted by the applicable district regulations which allow a greater ~~#floor area ratio#~~ may be located on a portion of such "receiving lot" within a district which allows a lesser ~~#floor area ratio#~~, provided that the amount of such ~~#floor area#, or #dwelling units# or #rooming units#~~ to be located on the side of the district boundary permitting the lesser ~~#floor area ratio#~~ shall not exceed 20 percent of the basic maximum ~~#floor area ratio#~~ or number of ~~#dwelling units# or #rooming units#~~ of the district in which such ~~#bulk#~~ is to be located.

81-635

Transfer of development rights by special permit

* * *

- (a) The Commission may permit:

* * *

- (2) modifications of the provisions of Sections 77-02 (Zoning Lots Not Existing Prior to Effective Date or Amendment of Resolution), 77-21 (General Provisions), 77-22 (Floor Area Ratio) and 77-25 (Density Requirements) for any ~~#zoning lot#~~, whether or not it existed on December 15, 1961, or any applicable subsequent amendment thereto, ~~#floor area#, or #dwelling units# or~~

~~#rooming units#~~ permitted by the district regulations which allow a greater #floor area ratio# may be located within a district that allows a lesser #floor area ratio#;

* * *

81-70

SPECIAL REGULATIONS FOR THEATER SUBDISTRICT

* * *

81-74

Special Incentives and Controls in the Theater Subdistrict

* * *

81-746

Additional provisions for zoning lots divided by district or subdistrict core boundaries

* * *

- (b) Notwithstanding any other provisions of this Resolution, for any #zoning lot# which is divided by a boundary of the Theater Subdistrict Core as defined in Section 81-71 (General Provisions) and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Theater Subdistrict Core, the applicable underlying #bulk# regulations shall be modified, as follows:
- (1) #floor area#, including bonus #floor area#, or #dwelling units# ~~or #rooming units#~~, permitted by the applicable district regulations on that portion of the #zoning lot# within the Theater Subdistrict Core may be located on the portion of the #zoning lot# outside the Core, provided that the number of such #rooms#, if any, to be located outside of the Core shall not exceed the number permitted by the applicable district regulations; and
 - (2) #floor area#, including bonus #floor area#, or #dwelling units# ~~or #rooming units#~~, permitted by the applicable district regulations on that portion of the #zoning lot# outside of the Theater Subdistrict Core shall not be located on the portion of the #zoning lot# within the Core.
- (c) Notwithstanding any other provisions of this Resolution, for any #zoning lot# located wholly within the Theater Subdistrict and outside of the Theater Subdistrict Core that is divided by a boundary of the Eighth Avenue Corridor as defined in Section 81-71 and for which the basic maximum #floor area ratio# as set forth in Section 81-211 is the same for both the portion within and the portion outside of the Eighth Avenue Corridor, #floor area#, including bonus #floor area#, or #dwelling units# ~~or #rooming units#~~, permitted by the applicable district regulations may be located on either side of the Eighth Avenue Corridor boundary.

* * *

Article VIII - Special Purpose Districts

Chapter 2

Special Lincoln Square District

82-00

GENERAL PURPOSES

The "Special Lincoln Square District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the character of the #Special Lincoln Square District# area as the location of a unique cultural and architectural complex - an attraction which helps the City of New York to achieve preeminent status as a center for the performing arts, and thus conserve its status as an office headquarters center and a cosmopolitan residential community;
- (b) to improve circulation patterns in the area in order to avoid congestion arising from the movements of large numbers of people; improvement of subway stations and public access thereto; including convenient transportation to, from and within the district; and provision of arcades, open spaces, and subsurface concourses;
- (c) to help attract a useful cluster of shops, restaurants and related amusement activities which will complement and enhance the area as presently existing;
- (d) to provide an incentive for possible development of the area in a manner consistent with the foregoing objectives which are an integral element of the Comprehensive Plan of the City of New York;
- (e) to encourage a desirable urban design relationship of each building to its neighbors and to Broadway as the principal street; and
- (f) to promote the most desirable use of land in this area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

* * *

82-10

MANDATORY DISTRICT IMPROVEMENTS

* * *

82-12

Mandatory Off-Street Relocation of a Subway Stair

Where a #development# is constructed on a #zoning lot# that fronts on a sidewalk containing a stairway entrance into the West 59th Street (Columbus Circle) or the West 66th Street subway station and such #zoning lot# contains 5,000 square feet or more of #lot area#, the existing entrance shall be relocated from the #street# onto the #zoning lot# in accordance with the provisions of Sections ~~37-42 (Standards for Relocation, Design and Hours of Public Accessibility)~~ 37-41 (Standards for Location, Design and Hours of Public Accessibility) and ~~37-43 (Administrative Procedure for a Subway Stair Relocation)~~ 37-42 (Administrative Procedure for a Subway Stair Relocation or Renovation).

* * *

82-20

SPECIAL USE AND SIGN REGULATIONS

* * *

82-23

Street Wall Transparency

When the front #building# wall or #street wall# of any #building developed# after February 9, 1994, is located on Broadway, Columbus Avenue or Amsterdam Avenue, ~~at least 50 percent of the total surface area of the #street wall# between #curb level# and 12 feet above #curb level#, or to the ceiling of the first #story#, whichever is higher, shall be transparent. Such transparency shall begin not higher than 2 feet, 6 inches above #curb level#.~~ glazing shall be provided in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements).

* * *

82-30

SPECIAL BULK REGULATIONS

* * *

82-36

Special Tower Coverage and Setback Regulations

The requirements set forth in Sections 33-45 (Tower Regulations) or ~~35-63~~ 35-64 (Special Tower Regulations for Mixed Buildings) for any #building#, or portion thereof, that qualifies as a "tower" shall be modified as follows:

* * *

- (c) In Subdistrict A, the provisions of paragraph (a) of Section ~~35-63~~ 35-64, as modified by paragraphs (a) and (b) of this Section, shall apply to any #mixed building#.

* * *

82-60

EXISTING PUBLICLY ACCESSIBLE OPEN AREAS OR OTHER PUBLIC AMENITIES

No existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized shall be eliminated or reduced in size, except by special permit of the City Planning Commission, pursuant to Section ~~74-763~~ 74-761 (Elimination or reduction in size of ~~existing~~ bonused public amenities).

Any existing open area for which a #floor area# bonus has not been utilized that occupies the same #zoning lot# as an existing #publicly accessible open area# or other public amenity, open or enclosed, for which a #floor area# bonus has been utilized, may be reduced in size or eliminated only upon certification of the Chairperson of the City Planning Commission that all bonused amenities comply with the standards under which such #floor area# bonus was granted.

* * *

Article VIII - Special Purpose Districts

Chapter 3

Special Limited Commercial District

83-00

GENERAL PURPOSES

The "Special Limited Commercial District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve, protect, and enhance the character of Historic Districts as the location of many of the city's most valued cultural assets;
- (b) to improve circulation patterns in the areas in order to avoid congestion arising from the movements of large numbers of people;
- (c) to help attract a useful cluster of shops, restaurants, cultural attractions and related activities which will complement and enhance the areas as presently existing; and
- (d) to promote the most desirable use of land in these areas and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues.

* * *

83-03

Use Group "LC"

Use Group "LC" comprises #residential uses# listed in Use Groups 1 and 2, and a group of specially related #uses# selected from Use Groups 3, 4, 5, 6, 8 and 9 to provide for the special needs, comfort, convenience, enjoyment, education and recreation of the residents of the surrounding communities and of the many visitors who are attracted to its activities.

* * *

B. Community Facilities

* * *

Philanthropic or non-profit institutions with or without sleeping accommodations, including ~~nursing homes or sanitariums~~ #long-term care facilities#, provided that the number of persons employed in central

office functions shall not exceed 50, and the amount of #floor area# used for central office purposes shall not exceed 25 percent of the total #floor area# or 25,000 square feet, whichever is greater

Proprietary hospitals and related facilities, except animal hospitals

Proprietary ~~nursing homes or sanitariums~~ #long-term care facilities#

* * *

Article VIII - Special Purpose Districts

Chapter 4

Special Battery Park City District

84-00

GENERAL PURPOSES

The "Special Battery Park City District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include among others, the following specific purposes:

- (a) to strengthen the business core of Lower Manhattan by improving the working environment;
- (b) to provide major additional space for expansion of office uses and their ancillary facilities;
- (c) to broaden the regional choice of residence by introducing new housing in the vicinity of the major employment center of Lower Manhattan;
- (d) to achieve a harmonious visual and functional relationship with adjacent areas;
- (e) to create an environment which will be lively and attractive and provide daily amenities and services for the use and enjoyment of the working population and the new residents;
- (f) to take maximum advantage of the beauty of the Hudson River waterfront, thereby best serving the downtown business community, the new residential population and providing regional recreation as well; and
- (g) to promote the most desirable use of land and direction of building development in the Lower Manhattan area.

* * *

84-10

ZONE A GENERAL DISTRICT REGULATIONS

* * *

84-11

General Provisions

Except as expressly modified by the provisions of this Chapter, the regulations applying to an R10 District shall apply in subzones A-1, A-2, A-3, A-5 and A-6 of the #Special Battery Park City District#.

Notwithstanding any other provision of this Resolution, ~~#developments#~~ and ~~#enlargements#~~ may only be constructed in subzone A-4 in accordance with certifications given by the City Planning Commission. ~~#Residential open space#~~ in subzone A-4 shall be subject to the provisions of Sections 12-10 and 23-12 (Permitted Obstructions in Open Space). For every ~~#dwelling unit#~~ there shall be a minimum of 55.0 square feet of ~~#open space#~~, and for every ~~#rooming unit#~~ there shall be a minimum of 44.0 square feet of ~~#open space#~~. All other provisions of this Chapter with respect to Zone A shall not apply to ~~#developments#~~ or ~~#enlargements#~~ in subzone A-4 unless otherwise indicated.

84-12

Use Regulations

In the areas indicated as permitted ~~#commercial#~~ locations in Appendices 2.3 and 3.3, the ~~#use#~~ regulations applying in a C2 District shall apply, except as provided in Sections 84-031 (Special permit uses), 84-032 (Uses not permitted), 84-121 (Uses along Esplanade) and this Section.

In the case of a ~~#mixed building#~~ containing ~~#residential#~~ and ~~#commercial uses#~~ ~~non-#residential uses#~~, ~~#residential uses#~~ are permitted on the same ~~#story#~~ as a ~~#commercial use#~~ ~~non-#residential use#~~, provided no access exists between such ~~#uses#~~ at any level containing ~~#residences#~~ and provided any ~~#commercial uses#~~ ~~non-#residential uses#~~ are not located over any ~~#residences#~~. However, such ~~#commercial use#~~ ~~non-#residential uses#~~ may be located over ~~#residences#~~ by authorization of the City Planning Commission upon finding that sufficient separation of ~~#residences#~~ from ~~#commercial uses#~~ ~~non-#residential uses#~~ exists within the ~~#building#~~.

* * *

84-13

Bulk Regulations

* * *

The provisions of Sections ~~23-533~~ 23-532 (Required rear yard equivalents) and 24-11 (Maximum Floor Area Ratio and Percentage of Coverage), and Article VII, Chapter 8 (Special Regulations Applying to Large Scale Residential Developments) and Chapter 9 (Special Regulations Applying to Large Scale Community Facility Development), are not applicable.

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCE BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) may be modified by the Battery Park City Authority. Prior to the granting of any such modification, the Authority shall make the following findings:

* * *

Article VIII - Special Purpose Districts

Chapter 5

Special United Nations Development District

85-00

GENERAL PURPOSES

The "Special United Nations Development District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the character of the Special United Nations Development District adjacent to the headquarters of the United Nations, an attraction which helps the City of New York to maintain its preeminent status as a center for international organizations, as an office headquarters center and a cosmopolitan residential community;
- (b) to facilitate the continued growth of the programs and activities of the United Nations and to help assure the retention of the United Nations headquarters in the City of New York;
- (c) to encourage the provision of suitable office facilities for the United Nations, missions of member nations of the United Nations, and for non-governmental organizations related to the United Nations, in an attractive environment within a reasonable distance of the United Nations;
- (d) to encourage the provision of housing suitable for personnel of delegations and members of the United Nations staff within a reasonable distance of the United Nations;
- (e) to encourage the provision of hotel accommodations in the immediate vicinity of the United Nations suitable for visiting heads of state and other dignitaries attending the United Nations;
- (f) to encourage the provision of community facilities, meeting rooms, and other facilities suitable for United Nations related uses and purposes;
- (g) to alleviate vehicular and pedestrian traffic congestion in the vicinity of the United Nations;
- (h) to promote coordinated redevelopment of the area contiguous to the United Nations in a manner consistent with the foregoing objectives which are an integral element of the comprehensive plan of the City of New York;
- (i) to provide freedom of architectural design in accommodating facilities for the United Nations and supporting activities within multi-use structures which produce more attractive and economic development; and

- (j) to promote the most desirable use of land in this area in accordance with a well-considered plan to promote the special character of the district and its peculiar suitability for uses related to the United Nations and thus to conserve the value of land and buildings, and thereby protect the city's tax revenues.

* * *

85-04

Modifications of Bulk Regulations

* * *

In no event shall the maximum #floor area ratio# for the #Special United Nations Development District#, taken as a whole, exceed 15.0. The #floor area ratio# of a #residential building# or the #residential# portion of a #mixed building# shall not exceed the maximum #floor area ratio# set forth in Sections 34-112, ~~23-15~~ 23-152, and 35-31-~~and 35-32~~.

* * *

For a #residential building# or the #residential# portions of any mixed-#use building# located on the north side of 44th Street within the #Special United Nations Development District#, the provisions of Section ~~23-533~~ 23-532 (Required rear yard equivalents) and Section 23-711 (Standard minimum distance between buildings) shall not apply. Notwithstanding anything in this Resolution to the contrary, the minimum distance between a #residential# portion of a #building# and any other #building# on the same #zoning lot# within the #Special United Nations Development District# shall be not less than 28 feet.

For any #building# containing #residences# within the #Special United Nations Development District#, the applicable density requirements may be modified, but in no event shall there be less than 395 square feet of #residential floor area# per #dwelling unit# ~~or 300 square feet of #residential floor area# per #rooming unit#~~.

* * *

Article VIII - Special Purpose Districts

Chapter 6

Special Forest Hills District

86-00

GENERAL PURPOSES

The “Special Forest Hills District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity of Forest Hills. The general goals include, among others, the following specific purposes:

- (a) ensure that the form of new buildings is compatible with and relates to the built character of the Forest Hills neighborhood;
- (b) preserve, protect and promote the special character of Austin Street as a regional shopping destination;
- (c) create a graduated transition from the lower-scale character of Austin Street to the higher-scale character of Queens Boulevard;
- (d) support a broad and vibrant mix of commercial and residential uses throughout the Special District;
- (e) enhance the pedestrian setting of Austin Street through appropriate ground floor uses and structural requirements;
- (f) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

* * *

86-10

SPECIAL USE REGULATIONS

86-11

Ground Floor Uses Along Designated Streets

Along the portions of Austin Street and 71st Avenue specified on the map in the Appendix to this Chapter as Retail Continuity Streets, #uses# within #stories# that have a floor level within five feet of #curb level#, ~~and within 30 feet of the #street wall#~~, shall be limited to #commercial# or #community facility uses# permitted by the underlying district and the provisions of Section 86-12 (Modification of Uses on Austin Street) and shall extend to a minimum depth in accordance with the provisions set forth in Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

~~The~~ Such ground floor #street# frontage of a #development# or #enlargement# constructed after March 24, 2009, shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations and #accessory# parking spaces provided in accordance with applicable provisions of Section 37-33 (Maximum Width of Certain Uses). ~~In no event shall the length of #street# frontage occupied by lobby space exceed, in total, 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less.~~

* * *

86-13

Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit ~~#dwelling units# or #rooming units#~~ on the same #story# as a ~~#commercial use# non-#residential use#~~ provided no access exists between such #uses# at any level containing ~~#dwelling units# or #rooming units#~~ and provided any ~~#commercial uses# non-#residential uses#~~ are not located directly over any ~~#dwelling units# or #rooming units#~~.

Such ~~#commercial uses# non-#residential uses#~~, however, may be located over ~~#dwelling units# or #rooming units#~~ by authorization of the City Planning Commission upon a finding that there is sufficient separation of ~~#residential uses#~~ from ~~#commercial uses# non-#residential uses#~~ within the #building#.

86-14

Transparency Requirements

For #developments# or #enlargements# constructed after March 24, 2009, the ground floor #street wall# bounding any #commercial# or #community facility use#, other than a #school#, shall be glazed in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements). ~~glazed with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors.~~

For such ~~#community facility uses#~~, the glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area.

For ~~#commercial uses#~~, such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.

86-15

Security Gates

For all ~~#commercial# or #community facility uses#~~ located on the ground floor, any security gates installed after

~~March 24, 2009, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or any publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.~~

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86-20

SPECIAL BULK REGULATIONS

* * *

86-23

Height and Setback Regulations

~~#Buildings or other structures# within the Special District shall comply with the height and setback regulations of Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts)~~ 35-65 (Height and Setback Requirements for Quality Housing Buildings), except as modified by this Section.

* * *

86-40

SPECIAL OFF-STREET PARKING AND LOADING REGULATIONS

* * *

86-43

Modification of Parking Requirement Waivers

The waiver provisions of Article III, Chapter 6 (Accessory Off-Street Parking and Loading Regulations), inclusive, shall be modified within the #Special Forest Hills District#, as follows:

- (a) For any #development# or #enlargement# containing #residences#, the waiver modification provisions set forth in Section 36-362 ~~(For developments or enlargements in In~~ other C1 or C2 Districts or in C4, C5 or C6 Districts), inclusive, shall not apply.

* * *

Article VIII - Special Purpose Districts

Chapter 7

Special Harlem River Waterfront District

87-00

GENERAL PURPOSES

The "Special Harlem River Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) maintain and reestablish physical and visual public access to and along the waterfront;
- (b) create a lively and attractive built environment that will provide amenities and services for the use and enjoyment of area residents, workers and visitors;
- (c) promote the pedestrian orientation of ground floor uses in appropriate locations, and thus safeguard a traditional quality of higher density areas of the City;
- (d) encourage well-designed development that complements the built character of the neighborhood;
- (e) take advantage of the Harlem River waterfront and provide an open space network comprised of parks, public open space and public access areas;
- (f) provide flexibility of architectural design within limits established to assure adequate access of light and air to streets and public access areas, and thus encourage more attractive and economic building forms; and
- (g) promote the most desirable use of land and building development in accordance with the District Plan for the Harlem River waterfront.

* * *

87-10

SPECIAL USE REGULATIONS

* * *

87-12

Location of Commercial Space

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit ~~#residential uses#~~ on the same ~~#story#~~ as a ~~#commercial use# non-residential use#~~, provided no access exists between such ~~#uses#~~ at any level containing ~~#residences#~~ and provided any ~~#commercial uses# non-residential uses#~~ are not located directly over any ~~#residential use#~~. However, such ~~#commercial uses# non-residential uses#~~ may be located over a ~~#residential use#~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~#residential uses#~~ from ~~#commercial uses# non-residential uses#~~ exists within the ~~#building#~~.

87-13

Streetscape Regulations

(a) Ground floor ~~#use#~~

All ~~ground floor #uses#~~ facing a ~~#shore public walkway#, mapped parkland or an #upland connection#~~ shall comply with the minimum depth requirements of 37-32 (Ground Floor Depth Requirements for Certain Uses). For the purposes of applying such provisions, ~~#shore public walkways#, mapped parkland or an #upland connection#~~ shall be considered designated retail streets. ~~have a depth of at least 25 feet from #building# walls facing a #shore public walkway#, mapped parkland or an #upland connection#.~~ Lobbies and entrances shall comply with the provisions for Type 1 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses) ~~may not occupy more than 20 feet or 25 percent of such #building# wall width, whichever is less.~~ The level of the finished ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjacent public sidewalk or other publicly accessible area.

For ~~#buildings#~~ on Parcels 1 through 6, as shown on Map 1 in the Appendix to this Chapter, that face a ~~#shore public walkway#, mapped parkland or #upland connection#~~, not less than 20 percent of the ground floor level ~~#floor area#~~ of such portions of ~~#buildings#~~, ~~to a depth of 25 feet~~, shall consist of ~~#uses#~~ from Use Groups 6A, 6C, 6F, 8A, 8B and 10A, as set forth in Article III, Chapter 2.

(b) Transparency

Any ~~#building#~~ wall containing ground floor level ~~#commercial# and #community facility uses#~~ that faces a ~~#shore public walkway#, mapped parkland or an #upland connection#~~, shall be glazed ~~with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors.~~ Such glazing shall occupy at least 70 percent of the area of each such ground floor level ~~#building#~~ wall, measured to a height of ten feet above the level of the adjoining public sidewalk or other publicly accessible area or ~~#base plane#, whichever is higher.~~ Not less than 50 percent of the area of each such ground floor level ~~#building#~~ wall shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials in accordance with the transparency requirements set forth in Section 37-34 (Minimum Transparency Requirements). For the purposes of applying such provisions, ~~#shore public walkways#, mapped parkland or an #upland connection#~~ shall be considered designated retail streets.

(c) ~~Security gates~~

~~All security gates that are swung, drawn or lowered to secure #commercial# or #community facility uses# shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.~~

* * *

87-20

SPECIAL FLOOR AREA REGULATIONS

* * *

87-21

Special Residential Floor Area Regulations

The base #floor area ratio# for any #zoning lot# containing #residences# shall be 3.0. Such base #floor area ratio# may be increased to a maximum of 4.0 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that the height and setback regulations of Section ~~23-954~~ 23-951 (Height and setback for compensated developments in Inclusionary Housing designated areas) and 23-664 (Modified height and setback requirements for certain buildings) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

* * *

87-50

SPECIAL PARKING REGULATIONS

* * *

(d) Design requirements for enclosed off-street parking facilities

All enclosed off-street parking facilities shall be located either entirely below the level of any #street# or open area accessible to the public upon which such facility fronts or, when located above grade, in compliance with the following provisions:

- (1) The provisions of this paragraph, (d)(1), shall apply to facilities facing a #shore public walkway#, an #upland connection#, mapped parkland, or the northern #street line# of 138th Street.

~~Such facilities shall be located at~~ At every level above grade, off-street parking facilities shall be wrapped by #floor area in accordance with the provisions of paragraph (a) of Section 37-35

(Parking Wrap and Screening Requirements). For the purposes of applying such provisions, #shore public walkways#, mapped parkland or an #upland connection# and East 138th Street shall be considered designated retail streets. behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 25 feet as and measured from any #building# wall facing a #shore public walkway#, or facing that portion of an #upland connection# or mapped parkland located west of the #Parcel 1 building line# so that no portion of such parking facility is visible from the #shore public walkway#, #upland connection# or mapped parkland. All such parking facilities shall be exempt from the definition of #floor area#.

On Parcel 6, as shown on Map 1 in the Appendix to this Chapter, the ground floor of a #building# within 60 feet of the intersection of Exterior Street and East 138th Street shall be wrapped by #floor area in accordance with the provisions of paragraph (a) of Section 37-35 ~~occupied to a depth of 25 feet with #commercial#, #community facility# or #residential floor area#~~ so that no portion of a parking facility is visible from such portion of Exterior Street or East 138th Street.

- (2) The provisions of this paragraph, (d)(2), shall apply to facilities not facing a #shore public walkway#, or that portion of an #upland connection# or mapped parkland located west of the #Parcel 1 building line#, or the northern #street line# of East 138th Street.

Such facilities shall be ~~designed so that~~ screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35.

- (i) ~~any non horizontal parking deck structures are not visible from the exterior of the #building# in elevation view;~~
- (ii) ~~opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and~~
- (iii) ~~a total of at least 50 percent of such exterior #building# wall with adjacent parking spaces consists of opaque materials which may include permitted #signs#, graphic or sculptural art, or living plant material.~~

* * *

Article VIII - Special Purpose Districts

Chapter 8

Special Hudson Square District

88-00

GENERAL PURPOSES

The “Special Hudson Square District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) support the growth of a mixed residential, commercial and industrial neighborhood by permitting expansion and new development of residential, commercial and community facility uses while promoting the retention of commercial uses and light manufacturing uses;
- (b) recognize and enhance the vitality and character of the neighborhood for workers and residents;
- (c) encourage the development of buildings compatible with existing development;
- (d) regulate conversion of buildings while preserving continued manufacturing or commercial use;
- (e) encourage the development of affordable housing;
- (f) promote the opportunity for workers to live in the vicinity of their work;
- (g) retain jobs within New York City; and
- (h) promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings, and thereby protect City tax revenues.

* * *

88-10

SUPPLEMENTAL USE REGULATIONS

* * *

88-11

Residential Use

#Residential use# shall be permitted in accordance with the provisions of this Section.

* * *

(b) ~~#Residential use#~~ by certification

~~#Residential use#~~ shall be permitted on a ~~#zoning lot#~~ that, on March 20, 2013, was occupied by one or more ~~#qualifying buildings#~~, only upon certification by the Chairperson of the City Planning Commission that the ~~#zoning lot#~~, as it existed on March 20, 2013, will contain at least the amount of #commercial# or #manufacturing floor area# ~~non-#residential floor area#~~ that existed within such ~~#qualifying buildings#~~ on the ~~#zoning lot#~~ on March 20, 2013, subject to the following:

- (1) #commercial# or #manufacturing floor area# ~~non-#residential floor area#~~ that is preserved within existing ~~non-#qualifying buildings#~~ on the ~~#zoning lot#~~ through restrictive declaration may count towards meeting the requirements of this certification; and
- (2) ~~#floor area#~~ from ~~#community facility uses#~~ with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, #commercial# or #manufacturing floor area# ~~non-#residential floor area#~~ converted to ~~#residential#~~ vertical circulation space and lobby space need not be replaced as #commercial# or #manufacturing floor area# ~~non-#residential floor area#~~.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of #commercial# or #manufacturing floor area# ~~non-#residential floor area#~~ that existed within such ~~#qualifying buildings#~~ on March 20, 2013, on the ~~#zoning lot#~~. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change of ~~#use#~~ from #commercial# or #manufacturing floor area# ~~non-#residential#~~ to ~~#residential#~~, or for any ~~#development#~~ containing ~~#residences#~~.

88-12

Community Facility Use

* * *

(b) ~~#Community facilities#~~ with sleeping accommodations shall be permitted on a ~~#zoning lot#~~ that, on March 20, 2013, was occupied by one or more ~~#qualifying buildings#~~, only upon certification by the Chairperson of the City Planning Commission that the ~~#zoning lot#~~ will contain at least the amount of #commercial# or #manufacturing floor area# ~~non-#residential floor area#~~ that existed within ~~#qualifying buildings#~~ on the ~~#zoning lot#~~ on March 20, 2013, subject to the following:

- (1) #commercial# or #manufacturing floor area# ~~non-#residential floor area#~~ that is preserved within existing ~~non-#qualifying buildings#~~ on the ~~#zoning lot#~~ through restrictive declaration may count towards meeting the requirements of this certification; and

- (2) #floor area# from #community facility uses# with sleeping accommodations shall not count towards meeting the requirements of this certification.

However, #commercial# or #manufacturing floor area# ~~non #residential floor area#~~ converted to vertical circulation and lobby space associated with a #community facility# with sleeping accommodations need not be replaced as #commercial# or #manufacturing floor area# ~~non #residential floor area#~~.

A restrictive declaration acceptable to the Department of City Planning shall be executed and recorded, binding the owners, successors and assigns to maintain the amount of #commercial# or #manufacturing floor area# ~~non #residential floor area#~~ that existed within such #qualifying buildings# on March 20, 2013, on the #zoning lot#. Such restrictive declaration shall be recorded in the Office of the City Register. A copy of such declaration shall be provided to the Department of Buildings upon application for any building permit related to a change of #use# from #commercial# or #manufacturing# ~~non #residential#~~ to #community facility uses# with sleeping accommodations, or for any #development# containing #community facility uses# with sleeping accommodations.

- (c) Ground floor #community facility uses# shall be subject to the streetscape provisions set forth in Section 88-131.

* * *

88-13

Commercial Use

* * *

88-131

Streetscape provisions

For #zoning lots# with #street# frontage of 50 feet or more, the location of certain #uses# shall be subject to the following #use# requirements.

- (a) For #uses# located on the ground floor or within five feet of #curb level#, #uses# limited to Use Groups 6A, 6C, 7B, 8A, 8B, 9A, 10A, 12A and 12B, ~~shall have a depth of at least 30 feet from the #building# wall facing the #street# and~~ shall extend along a minimum of 50 percent of the width of the #street# frontage of the #zoning lot#, and shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).
- (b) The remainder of the #street# frontage of the #zoning lot# may be occupied by any permitted #uses#, lobbies or entrances to parking spaces, except that lobbies shall comply with the standards for Type 2 lobbies set forth in Section 37-33 (Maximum Width of Certain Uses) ~~be limited to a total width of 40 feet per #street# frontage. The 30 foot minimum depth requirement shall not apply where a reduction in such depth is necessary in order to accommodate a #residential# lobby or vertical circulation core.~~

- (c) In Subdistrict A of this Chapter, for portions of a #building# bounding a #public park#, the ground floor #use# requirements of paragraph (a) of this Section shall apply to 100 percent of the width of the #street# frontage of the #zoning lot#, and #residential# lobbies and #schools# shall be permitted #uses# on the ground floor for purposes of compliance with paragraph (a).

For #zoning lots# with #street# frontage of less than 50 feet, no special ground floor #use# requirements shall apply.

Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor, provided they are wrapped by #floor area# or screened located beyond 30 feet from the #building# wall facing the #street# in accordance with the provisions set forth in Section 37-35 (Parking Wrap and Screening Requirements).

Any ground floor #street wall# of a #development# or #enlargement# that contains #uses# listed in Use Groups 1 through 15, not including #dwelling units#, shall be glazed ~~with transparent materials which may include #show windows#, transom windows or glazed portions of doors, provided such transparent materials have a minimum width of two feet. Such transparency shall occupy at least 50 percent of the surface area of each such ground floor #street wall# between a height of two feet, and 12 feet or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. The lowest level of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the #curb level#, with the exception of transom windows. In addition, the maximum width of a portion of the ground floor level #street wall# without transparency shall not exceed ten feet. However, where an entrance to a parking facility is provided, the requirements of this Section shall not apply to that portion of the ground floor #street wall# occupied by such an entrance.~~ in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements).

* * *

88-30

SPECIAL BULK REGULATIONS

Except as modified in this Chapter, the following bulk regulations shall apply:

- (a) For #developments#, #enlargements#, or changes of #use# containing #residences#, the #bulk# regulations of an R10 District, as set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), shall apply;
- (b) For #developments#, #enlargements#, or changes of #use# containing #manufacturing#, #commercial# or #community facility uses#, the #bulk# regulations set forth in Article IV, Chapter 3 (Bulk Regulations for Manufacturing Districts), shall apply.

For the purposes of applying the regulations of this Section, Greenwich Street shall be a #wide street#.

* * *

88-33

Height and Setback

In the #Special Hudson Square District#, the height and setback regulations of the underlying districts shall not apply. In lieu thereof, the provisions of this Section shall apply to all #buildings#.

(a) Rooftop regulations

* * *

(1) Permitted obstructions

* * *

In addition, dormers may penetrate a maximum base height provided that such dormers comply with the provisions of paragraph (c) of Section 23-621 (Permitted obstructions in certain districts) ~~on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. For each foot of height above the maximum base height, the aggregate width of all such dormers shall be decreased by one percent of the #street wall# width of the highest #story# entirely below the maximum base height.~~

(2) Screening requirements for mechanical equipment

For all #developments#, #enlargements# and #conversions# of #commercial# or #manufacturing floor area# ~~non-#residential floor area#~~ to #residences#, all mechanical equipment located on any roof of a #building# or other structure# shall be fully screened on all sides. However, no such screening requirements shall apply to water tanks.

(b) Height and setback

* * *

(2) Base height

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 125 feet and a maximum base height of ~~150~~ 155 feet.

On #narrow streets#, beyond 50 feet of their intersection with a #wide street#, the #street wall# of a #building# shall rise without setback to a minimum base height of 60 feet, or the height of the #building#, whichever is less, up to a maximum base height of ~~125~~ 135 feet.

* * *

(3) Required setbacks and maximum #building# heights

* * *

(ii) Along #narrow streets#

~~The provisions of this paragraph, (b)(3)(ii), shall apply to~~ For #buildings#, or portions thereof, located on #narrow streets# beyond 100 feet from their intersection with a #wide street#, the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for an R10 District. For #developments# or #enlargements# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#, such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (a) of Section 23-664 for such districts' applicable residential equivalent. Separate maximum #building# heights are set forth within such Sections for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662.

The portion of such #building# above a height of 125 feet shall be set back from the #street wall# of the #building# at least 15 feet, except such dimensions may include the depth of any permitted recesses in the #street wall#.

~~The maximum height of such #buildings# shall be 185 feet. However, for #buildings# that include #floor area compensation# pursuant to Sections 88-32 and 23-90 (Inclusionary Housing) for the provision of an amount of #low income floor area# not less than 20 percent of the #residential floor area# on the #compensated zoning lot#, the maximum height of such #building# shall be 210 feet where such #building# is on a #block# with a depth between #narrow streets# of more than 180 feet, and the maximum height of such #building# shall be 230 feet where such #building# is on a #block# where the depth between #narrow streets# is less than 180 feet~~

For #buildings# containing #residences#, all portions of such #building# exceeding a height of 125 feet above the level of the #residential rear yard# shall be set back no less than ten feet from a #rear yard line#. No setback shall be required for #buildings# that include #Floor area compensation# pursuant to Sections 88-32 and 23-90 for the provision of an amount of #low income floor area# not less than 20 percent of the #residential floor area# on the #compensated zoning lot#.

* * *

88-332

Courts

Those portions of #buildings# that contain #residences# shall be subject to the court provisions applicable in R10 Districts as set forth in Section 23-80 (~~Court Regulations, Minimum Distance between Windows and Walls or Lot Lines and Open Area Requirements~~ COURT REGULATIONS, MINIMUM DISTANCE BETWEEN WINDOWS AND WALLS OR LOT LINES AND OPEN AREA REQUIREMENTS), inclusive.

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88-40

YARD REGULATIONS

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88-41

Rear Yard Regulations for Shallow Through Lots

For #through lots# or #through lot# portions of #zoning lots# located beyond 100 feet of a #wide street#, where the maximum depth of such #through lot# between #narrow streets# is ~~180~~ 190 feet or less, any required #rear yard equivalent# shall be provided in accordance with the provisions set forth in 23-533 (Required rear yard equivalents for Quality Housing buildings) ~~as an open area with a minimum depth of 60 feet, midway (or within ten feet of being midway) between the two #narrow street lines# upon which such #through lot# fronts.~~

* * *

Article IX - Special Purpose Districts

Chapter 1

Special Lower Manhattan District

* * *

91-00

GENERAL PURPOSES

The "Special Lower Manhattan District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) encourage development of a 24-hour community through the conversion of older commercial buildings to residential use;
- (b) facilitate maximum design flexibility of buildings and enhance the distinctive skyline and streetscape of Lower Manhattan;
- (c) improve public use and enjoyment of the East River waterfront by creating a better physical and visual relationship between development along the East River and the waterfront area, public access areas and the adjoining upland community;
- (d) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities;
- (e) restore, preserve and assure the use of the South Street Seaport Subdistrict as an area of small historic and restored buildings, open to the waterfront and having a high proportion of public spaces and amenities, including a South Street Seaport Environmental Museum, with associated cultural, recreational and retail activities;
- (f) establish the Historic and Commercial Core to protect the existing character of this landmarked area by promoting development that is harmonious with the existing scale and street configuration; and
- (g) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

* * *

91-05

Applicability of the Quality Housing Program

Within the #Special Lower Manhattan District#, #buildings# containing #residences# may be #developed# or

~~#enlarged#~~ in accordance with the provisions of Article II, Chapter 8 (The Quality Housing Program), except that the ~~#bulk#~~ regulations for #Quality Housing buildings# set forth in Article II, Chapter 3 and modified by Article III, Chapter 5, of Section 28-11 shall be superseded by the ~~#bulk#~~ regulations of this Chapter. Recreation space required pursuant to Section ~~28-30~~ 28-20 (RECREATION SPACE AND PLANTING AREAS) shall be in addition to any recreation space required pursuant to this Chapter.

* * *

91-20

FLOOR AREA AND DENSITY REGULATIONS

* * *

91-23

Floor Area Increase for Provision of Recreation Space

In C5-3, C5-5 and C6-9 Districts, the ~~#residential floor area ratio#~~ of a ~~#zoning lot#~~ may be increased to 12.0, provided that recreation space, for the ~~#residential#~~ occupants of the ~~#building#~~ on such ~~#zoning lot#~~, is provided in an amount not less than ~~13 square feet for each #rooming unit#~~, 16.25 square feet for each ~~#dwelling unit#~~ or a total area of at least 5,000 square feet, whichever is greater.

* * *

Article IX - Special Purpose Districts

Chapter 3

Special Hudson Yards District

93-00

GENERAL PURPOSES

The “Special Hudson Yards District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to facilitate and guide the development of an environmentally beneficial, transit-oriented business and residence district by coordinating high density development with expanded mass transit facilities, extended and improved subway lines, improved pedestrian access to mass transit facilities, improved pedestrian circulation and avoidance of conflicts with vehicular traffic;
- (b) to control the impact of buildings on the access of light and air to the streets and avenues of the Hudson Yards area and the surrounding neighborhoods;
- (c) to provide an open space network comprised of public parks, public open space and public access areas through the establishment of a large-scale plan and other controls and incentives;
- (d) to preserve the pedestrian orientation of ground floor uses, and thus safeguard a traditional quality of the City;
- (e) to preserve the low- and medium scale residential character of the Hell’s Kitchen area;
- (f) to provide a transition between the Hudson Yards District and the Clinton community to the north;
- (g) to provide a transition between the Hudson Yards District and the Garment Center to the east;
- (h) to provide a transition between the Hudson Yards District and the West Chelsea area to the south;
- (i) to promote the use of the Jacob K. Javits Convention Center to the west by creating an active and attractive business district that facilitates pedestrian access to the Center;
- (j) to provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms;
- (k) to provide a transition between the Hudson Yards District and the Hudson River to the west;
- (l) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations;

- (m) to promote the most desirable use of land and building development in accordance with the District Plan for the Hudson Yards and thus conserve the value of land and buildings and thereby protect the City's tax revenues; and
- (n) to limit the amount of off-street parking based on regulations that address the anticipated needs of residents, workers and visitors to the Hudson Yards Area, consistent with the objective of creating an area with a transit- and pedestrian-oriented neighborhood character.

* * *

93-05

Applicability of District Regulations

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93-053

Applicability of ~~Chapter 3~~ of Article VII, Chapter 3

The following special permits by the Board of Standards and Appeals shall not be applicable:

Section 73-16 (Public Transit, Railroad or Electric Utility Substations) shall not apply to electrical utility substations. In lieu thereof, such #uses# shall be allowed within the #Special Hudson Yards District# upon authorization of the City Planning Commission pursuant to Section ~~93-19~~ 93-18 (Authorization for Electrical Utility Substations)

Section 73-62 (Modification of Bulk Regulations for Residential Buildings)

Section 73-63 (Enlargement of Non-Residential Buildings)

Section 73-64 (Modifications for Community Facility Uses).

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93-10

USE REGULATIONS

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93-12

Special Residential Use Regulations

* * *

93-123

Location of residential use within buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit ~~#residential uses#~~ on the same ~~#story#~~ as a ~~#commercial use#, non-#residential use#~~ provided no access exists between such ~~#uses#~~ at any level containing ~~#dwelling units#~~ and provided any ~~#commercial uses# non-#residential uses#~~ are not located directly over any ~~#story#~~ occupied in whole or in part by ~~#dwelling units#~~. However, such ~~#commercial uses# non-#residential uses#~~ may be located over such a ~~#story#~~ occupied by ~~#dwelling units#~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~#residential uses#~~ from ~~#commercial uses# non-#residential uses#~~ exists within the ~~#building#~~.

* * *

93-13

Special Office Use Regulations

93-131

Certification for office use

The provisions of this Section shall apply to all ~~#developments#~~ or ~~#enlargements#~~ in the ~~#Hudson Yards Redevelopment Area#~~, with the exception of Subdistrict F.

(a) No temporary certificate of occupancy from the Department of Buildings may be issued for any portion of a ~~#development#~~ or ~~#enlargement#~~ in the ~~#Hudson Yards Redevelopment Area#~~ that includes Use Group 6B offices ~~#developed#~~ or ~~#enlarged#~~ after January 19, 2005, until the Chairperson of the Department of City Planning certifies to the Commissioner of Buildings that:

- (1) such ~~#development#~~ or ~~#enlargement#~~ does not utilize any ~~#floor area#~~ increases pursuant to Sections ~~23-90 (INCLUSIONARY HOUSING), 93-30 (SPECIAL FLOOR AREA REGULATIONS), 23-154 (Inclusionary Housing), inclusive,~~ or 96-25 (Floor Area Bonus for New Legitimate Theater Use); or
- (2) such ~~#development#~~ or ~~#enlargement#~~ utilizes ~~#floor area#~~ increases pursuant to Sections ~~23-90~~23-154, 93-30, inclusive, or 96-25, and will not result in a total amount of Use Group 6B office ~~#floor area#~~ ~~#developed#~~ or ~~#enlarged#~~ after January 19, 2005, within the ~~#Hudson Yards Redevelopment Area#~~ of over 20 million square feet.

* * *

(b) Where the Chairperson of the Department of City Planning determines that the amount of office ~~#floor area#~~ in any ~~#development#~~ or ~~#enlargement#~~ will result in a total amount of Use Group 6B office ~~#floor area#~~ ~~#developed#~~ or ~~#enlarged#~~ after January 19, 2005, within the ~~#Hudson Yards Redevelopment Area#~~ of over 20 million square feet, no building permit from the Department of Buildings shall be issued for any ~~#development#~~ or ~~#enlargement#~~ that includes Use Group 6B offices constructed after January 19, 2005, until the Chairperson certifies to the Commissioner of Buildings that:

- (1) such #development# or #enlargement# does not utilize any #floor area# increases pursuant to Sections ~~23-90~~ 23-154, 93-30, inclusive, or 96-25; or
- (2) such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections ~~23-90~~ 23-154, 93-30, inclusive, or 96-25, and will not result in a total amount of Use Group 6B office #floor area# #developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet.

* * *

- (c) Where the Chairperson of the Department of City Planning determines that the amount of office #floor area# in any #development# or #enlargement# will result in a total amount of Use Group 6B office #floor area# developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area# of over 25 million square feet, and where such #development# or #enlargement# utilizes #floor area# increases pursuant to Sections ~~23-90~~ 23-154, 93-30, inclusive, or 96-25, such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission pursuant to Section 93-132.

* * *

93-132

Authorization for office use

The provisions of this Section shall apply to all #developments# or #enlargements# in the #Hudson Yards Redevelopment Area#, with the exception of Subdistrict F.

Where the amount of Use Group 6B office #floor area# in a #development# or #enlargement# will result in over 25 million square feet of such #use developed# or #enlarged# after January 19, 2005, within the #Hudson Yards Redevelopment Area#, and such #development# or #enlargement# utilizes increased #floor area# pursuant to Sections ~~23-90 (INCLUSIONARY HOUSING)~~ 23-154 (Inclusionary Housing), 93-30 (SPECIAL FLOOR AREA REGULATIONS), inclusive, or 96-25 (Floor Area Bonus for New Legitimate Theater Use), such #development# or #enlargement# shall be permitted only upon authorization of the City Planning Commission that:

* * *

93-14

Ground Floor Level Requirements

The following provisions relating to retail continuity and transparency requirements shall apply to all subdistricts in the #Special Hudson Yards District#, except that the provisions of this Section shall not apply along the northern #street# frontage of West 35th through West 39th Streets within 100 feet of Eleventh Avenue, as shown on Map 2 (Mandatory Ground Floor Retail) in Appendix A of this Chapter. However, any #zoning lot# fronting

on such #streets# and partially within 100 feet of Eleventh Avenue may, as an alternative, apply the provisions of this Section to the entire West 35th, West 36th, West 37th, West 38th or West 39th Street frontage of the #zoning lot#.

- (a) Retail continuity along designated streets in Subdistricts A, B, C, D and E

Map 2 in Appendix A of this Chapter specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 50 percent of the #building's street# frontage, as indicated on Map 2.

~~#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line# shall be limited to #commercial uses# permitted by the underlying district, but not including #uses# listed in Use Groups 6B, 6E, 7C, 7D, 8C, 8D, 9B, 10B, 11 or 12D. Such #uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). Where a sidewalk widening is required, such #uses# shall be within 50 feet of the sidewalk widening line.~~

A #building's street# frontage shall be allocated exclusively to such #uses#, except for lobby space, entryways, entrances to subway stations, other subway-related #uses# as described in Section 93-65 (Transit Facilities), or within the Eastern Rail Yard Subarea A1 where such retail continuity requirements are applicable to #building# walls facing certain public access areas, pursuant to Section 93-71, as follows:

* * *

- (4) a combination of retail #uses# and public access areas so as to satisfy ~~the 50 foot~~ such depth requirement for retail continuity.

~~In no event shall the~~ The length of #street# frontage (exclusive of any portion of such #street# frontage allocated to entrances to subway stations and other subway-related #uses#) occupied by lobby space or entryways shall comply with the applicable provisions for Type 2 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that exceed, in total, 40 feet or 25 percent of the #building's# total #street# frontage, whichever is less, except that the width of a lobby need not be less than 20 feet; and within the Eastern Rail Yard Subarea A1, the width of a lobby located on a #building# wall facing the eastern boundary of the outdoor plaza may occupy 120 feet or 25 percent of such #building# wall, whichever is less.

- (b) Retail continuity along designated streets in Subdistrict F

Map 4 (Subdistrict F: Mandatory Ground Floor Requirements) in Appendix B specifies locations where the special ground floor #use# and transparency requirements of this Section apply. Such regulations shall apply along either 100 percent or 70 percent of the #building's street# frontage, as indicated for each location on Map 4.

* * *

The remaining portion of the #street wall# may be occupied by #uses# listed in this Section, or by lobby space, mechanical space or entrances to #accessory# parking garages, provided that:

- (i) the maximum width of a single lobby frontage shall comply with the provisions for Type 2 lobbies set forth in Section 37-33. ~~be 40 feet, or 25 percent of the #street wall#, whichever is less.~~ A maximum of two such lobbies shall be permitted along a single #street wall# frontage, provided that the minimum distance between such lobbies shall not be less than 120 feet; and
 - (ii) the maximum width of a #street wall# occupied by an entrance to #accessory# parking spaces shall not exceed 35 feet.
- (c) Transparency requirements along designated streets in Subdistricts A, B, C, D, E and F

For any #development# or ground floor #enlargement# fronting on #streets# designated on Map 2 in Appendix A of this Chapter, glazing shall be provided in accordance with the provisions set forth in paragraph (c) of this Section.

Each ground floor level #street wall# of a #commercial# or #community facility use#, as set forth in this Section, shall be glazed in accordance with Section 37-34 (Minimum Transparency Requirements) ~~with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, or public access area, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.~~

* * *

93-15

Security Gates

~~All security gates installed after January 19, 2005, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.~~

93-16-93-15

Public Parking Facilities

* * *

93-17-93-16

Modification of Sign Regulations

* * *

- (a) Subdistricts A, B, C, D and E

Within Subdistricts A, B, C, D and E, the underlying #sign# regulations shall apply, except that #flashing signs# shall not be allowed within 100 feet of Hudson Boulevard, its northerly prolongation to West 39th Street and its southerly prolongation to West 33rd Street. Within the Pennsylvania Station Subarea B4, the provisions of Section ~~93-171~~ 93-161 (Special permit for signs within the Pennsylvania Station Subarea) shall apply. The following modifications to the underlying #sign# regulations shall apply in the Eastern Rail Yard Subarea A1:

* * *

- (3) Along the #ERY High Line#, the #sign# regulations as set forth in Section ~~93-17~~ 93-16, paragraph (b)(1), shall apply. In addition, no #flashing signs# above the level of the #High Line bed# shall be located within 150 feet of and facing the #ERY High Line#.

* * *

~~93-171~~ 93-161

Special permit for signs within the Pennsylvania Station Subarea

* * *

~~93-18~~ 93-17

Non-Conforming Uses in Large-Scale Plan Subdistrict A

* * *

~~93-19~~ 93-18

Authorization for Electrical Utility Substations

* * *

93-20

FLOOR AREA REGULATIONS

* * *

93-222

Maximum floor area ratio in the 34th Street Corridor Subdistrict C

* * *

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5, pursuant to Sections 93-31 (District Improvement Fund Bonus) and ~~23-90 (INCLUSIONARY HOUSING)~~ 23-154 (Inclusionary Housing), as modified by Section 93-23 (Modifications of Inclusionary Housing Program), as follows:

- (a) the #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase, pursuant to Section 93-31, there is a #floor area# increase of six square feet, pursuant to Section ~~23-90~~ 23-154, as modified by Section 93-23; and

* * *

93-223

Maximum floor area ratio in Hell's Kitchen Subdistrict D

- (a) Subareas D1 and D2

* * *

The #floor area ratio# of any #building# containing #residences# may be increased from 6.5 pursuant to Section 93-31 (District Improvement Fund Bonus) or through the transfer of #floor area# from the #Phase 2 Hudson Boulevard and Park# as set forth in Section 93-32, and pursuant to Section ~~23-90 (INCLUSIONARY HOUSING)~~ 23-154 (Inclusionary Housing), as modified by Section 93-23, as follows:

- (1) The #residential floor area ratio# may be increased from 6.5 to a maximum of 12.0 only if for every five square feet of #floor area# increase pursuant to Sections 93-31 or 93-32 there is a #floor area# increase of six square feet, pursuant to Section ~~23-90~~ 23-154, as modified by Section 93-23.

* * *

93-23

Modifications of Inclusionary Housing Program

Subdistrict C (34th Street Corridor) and Subareas D1 and D2 of Subdistrict D (Hell's Kitchen) of the #Special Hudson Yards District# and Area P2 of the #Special Garment Center District#, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-154 (Inclusionary Housing), and Section 23-90 (INCLUSIONARY

HOUSING), inclusive, applicable as modified within the Special Districts. The underlying provisions of Sections 23-154 and 23-90 shall only be applicable in Subdistrict F as modified by Section 93-233 (Floor area increase for affordable housing in Subdistrict F).

* * *

93-232

Floor area increase in Subdistricts B, C, D and E, and Preservation Area P2

Within Subdistricts B, C, D and E, and Preservation Area P2, the provisions of ~~Section 23-952 (Floor area compensation in Inclusionary Housing designated areas)~~ Section 23-154 (Inclusionary Housing) shall not apply. In lieu thereof, the #floor area# compensation provisions of this Section shall apply. In accordance with the provisions set forth in Section 93-22 (Floor Area Regulations in Subdistricts B, C, D, E and F) or 121-31 (Maximum Permitted Floor Area), the maximum permitted #residential floor area ratio# on a #zoning lot# with #developments# or #enlargements# that provide #affordable housing# pursuant to the Inclusionary Housing Program may be increased, as follows:

* * *

93-233

Floor area increase for affordable housing in Subdistrict F

* * *

(b) such #building# shall comply with the provisions of:

- (1) Section ~~23-954~~ 23-955 (Additional requirements for compensated developments), paragraphs (b) and (c);

* * *

93-30

SPECIAL FLOOR AREA REGULATIONS

93-31

District Improvement Fund Bonus

* * *

- (a) a letter from the applicant for such permit dated no earlier than 30 days prior to issuance thereof, stating whether as of such date the applicant anticipates filing an application to increase the applicable basic

maximum #floor area ratio# pursuant to the provisions of this Section and/or Section ~~23-90-23-154~~, as modified by Section 93-23; or

- (b) an application for a bonus from such applicant to increase the applicable basic maximum #floor area ratio# pursuant to the provisions of this Section and/or Section ~~23-90-23-154~~, as modified by Section 93-23.

* * *

93-32

Floor Area Regulations in the Phase 2 Hudson Boulevard and Park

* * *

- (a) Transfer of floor area by certification

* * *

Where, as a result of the transfer of #floor area# pursuant to this paragraph, (a), the amount of #floor area# on a receiving site is less than the maximum allowable as specified for the applicable subarea in Row B in the table in Section 93-21 and Row C in the table in Section 93-22, any additional #floor area#, up to the maximum #floor area ratio# permitted on the receiving site as specified in such rows, may be achieved only through contributions to the #Hudson Yards District Improvement Fund# pursuant to Section 93-31 (District Improvement Fund Bonus), an increase in #floor area# pursuant to paragraph (b) of this Section or Section 93-33 (Special Regulations for Residual Portions of Zoning Lots Partially Within the Phase 2 Hudson Boulevard and Park), or the Inclusionary Housing Program pursuant to Section ~~23-90-23-154~~, as modified by Section 93-23.

* * *

93-50

SPECIAL HEIGHT AND SETBACK REGULATIONS

* * *

93-55

Special Height and Setback Regulations in the South of Port Authority Subdistrict E

- (a) #Zoning lots# with Eighth Avenue frontage

* * *

- (1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 or ~~35-63~~ 35-64, as applicable, may penetrate the #sky exposure plane#;

* * *

Article IX - Special Purpose Districts

Chapter 4

Special Sheepshead Bay District

94-00

GENERAL PURPOSES

The "Special Sheepshead Bay District," established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others the following specific purposes:

- (a) to promote and strengthen the unique character of the "Special Sheepshead Bay District" area as a prime location for waterfront-related commercial and recreational development and to help attract a useful cluster of shops, restaurants and related activities, which will complement and enhance the area as presently existing;
- (b) to encourage the provision of housing with appropriate amenities in areas suitable for residential development;
- (c) to improve vehicular and pedestrian circulation patterns by requiring limited curb cuts and uniform sidewalk widening, and encouraging the provision of public open space and other amenities as a related part of new development;
- (d) to provide an incentive for redevelopment of the area in a manner consistent with the foregoing objectives which are integral elements of the Comprehensive Plan of the City of New York; and
- (e) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenues.

* * *

94-10

SPECIAL REQUIREMENTS FOR BUILDING HEIGHT AND SETBACKS

The height and setback regulations set forth in Sections 23-631 (~~Height and setback in R1, R2, R3, R4 and R5 Districts General Provisions~~), 34-24 (Modification of Height and Setback Regulations) and ~~35-61 35-62 (Height and Setback Regulations-Commercial Districts with an R1 through R5 Residential Equivalent)~~, shall not apply to #buildings# in the #Special Sheepshead Bay District#. In lieu thereof, height and setback regulations set forth in this Section shall apply. For #buildings# in #Residence Districts#, #building# height is measured from the #base plane#. For #buildings# in #Commercial Districts#, #building# height is measured from #curb level#.

* * *

Article IX - Special Purpose Districts

Chapter 6

Special Clinton District

96-00

GENERAL PURPOSES

The "Special Clinton District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. Because of the unique geographical location of the Clinton community, situated between the waterfront on the west and a growing central business district on the east, it is necessary to provide specific programs and regulations which will assure realization of community and city-wide goals.

These goals include, among others, the following:

- (a) to preserve and strengthen the residential character of the community;
- (b) to permit rehabilitation and new construction within the area in character with the existing scale of the community and at rental levels which will not substantially alter the mixture of income groups presently residing in the area;
- (c) to preserve the small-scale character and variety of existing stores and activities and to control new commercial uses in conformity with the existing character of the area;
- (d) to recognize the unique character of the eastern edge of the District as an integral part of the Theater Subdistrict within the Special Midtown District as well as the Special Clinton District;
- (e) to provide an appropriate transition from the mixed-use character along Eighth Avenue to the lower-scale residential character of the Clinton community on the narrow streets;
- (f) to relate the unique character of the 42nd Street Perimeter Area to the adjacent #Special Hudson Yards District#;
- (g) to provide amenities, such as street trees, to improve the physical environment;
- (h) to restrict demolition of buildings that are suitable for rehabilitation and continued residential use; and
- (i) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

96-10

PRESERVATION AREA

* * *

96-102

Lot coverage regulations

* * *

Any #development# containing #residential uses# shall provide a minimum of 20 percent of the #lot area# of a #zoning lot# as usable, landscaped open area for occupants of #dwelling units# ~~or #rooming units#~~ in the #development#.

* * *

96-105

Dwelling unit regulations

(a) #Dwelling unit# distribution

For #developments#, #enlargements#, #extensions# or #conversions# of an existing #building# to a #residential use#, the density requirements of the underlying districts shall be inapplicable. In lieu thereof, the required #lot area per dwelling unit# of a #development#, #enlargement#, #extension# or #conversion# of an existing #building# to a #residential use# shall not be less than 168 square feet and the number of two-bedroom units on a #zoning lot# shall not be less than 20 percent.

* * *

The City Planning Commission, by special permit, may modify the two-bedroom unit distribution requirement and the density requirement of this Section for a ~~#non-profit residence for the elderly#~~ #affordable independent residence for seniors# or for a #residence# substantially for elderly persons with disabilities, under jurisdiction of a State or City agency, provided that the following findings are made:

* * *

96-107

Special regulations for community facility uses

#Developments#, #enlargements# or #extensions# of #community facility uses# or #conversions# of an existing #building# to a #community facility use#, are permitted on #zoning lots# containing existing #buildings# with #residential uses# only pursuant to the provisions of this Section. The City Planning Commission, by special permit, may permit #developments#, #enlargements# or #extensions# of #community facility uses#, provided that the Commission makes the following findings:

* * *

~~This special permit shall be in addition to any special permits required for nursing homes, health related facilities #long term care facilities# and domiciliary care facilities for adults, pursuant to the provisions of Section 74-90.~~

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

* * *

96-20

PERIMETER AREA

* * *

96-21

Special Regulations for 42nd Street Perimeter Area

The provisions of this Section shall apply in all #Commercial Districts# within the area bounded by the following:

* * *

(b) #Floor area# regulations

(1) #Floor area# regulations in Subarea 1

In Subarea 1 of the 42nd Street Perimeter Area as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0, and may be increased to a maximum of 12.0 only in accordance with the provisions of Section ~~23-90~~ 23-154 ~~(INCLUSIONARY HOUSING)~~ (Inclusionary Housing), except that any units for which a #floor area# increase has been earned, pursuant to Section ~~23-90~~ 23-154 shall be within the #Special Clinton District#.

(2) #Floor area# regulations in Subarea 2

In Subarea 2 of the 42nd Street Perimeter Area, as shown in Appendix A, the basic #floor area ratio# on a #zoning lot# shall be 10.0. However, the #floor area ratio# on a #zoning lot# containing #residential use# may exceed 10.0 to a maximum of 12.0 only in accordance with the provisions of Section ~~23-90~~ 23-154, except that any units for which a #floor area# increase has been earned pursuant to Section ~~23-90~~ 23-154 shall be within the #Special Clinton District#. For #zoning lots# containing #developments# or #enlargements# that have fully utilized the Inclusionary Housing Program, the maximum permitted #floor area ratio# may be increased from 12.0 to 15.0 for new legitimate theater use in accordance with the provisions of Section 96-25 (Floor Area Bonus for New Theater Use).

* * *

(c) Retail continuity requirements

For #buildings developed# or portions of #buildings enlarged# after August 17, 1990, where the ground floor level of such #development# or the #enlarged# portion of the #building# fronts upon West 42nd Street, between 9th and 12th Avenues:

- (1) at least 50 percent of the #street# frontage of #stories# that have a floor level within five feet of #curb level# shall be limited to Use Groups 4A, 6A, 6C, 10A, 11, 12A and 12B; and
- (2) ~~at least 50 percent of the length of the facade of such #street wall# fronting on West 42nd Street shall be glazed with transparent material to a height of not less than 16 feet above #curb level#.~~
The lowest point of such glazed area shall not be higher than four feet above #curb level#. in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).

* * *

96-30

OTHER AREAS

* * *

96-31

Special Regulations in R8 Districts

* * *

- (b) In R8A Districts in Western Subarea C2, including #Commercial Districts# mapped within such R8A Districts, the following special regulations shall apply:

- (1) Inclusionary Housing Program
 - (i) R8A Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated areas#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 5.4, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 7.2 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-154 (Inclusionary Housing) and Section 23-90. However, any units for which a #floor area# increase has

been earned, pursuant to Section ~~23-90~~ 23-154, shall be located within the #Special Clinton District#.

(ii) Optional provisions for #affordable housing#

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, 11th Avenue, West 53rd Street and 10th Avenue, the special optional regulations as set forth in paragraph (b)(1)(ii) of this Section, may modify the provisions of Section ~~23-952 (Floor area compensation in Inclusionary Housing designated areas)~~ 23-154.

The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to ~~Section 23-952~~ Section 23-154. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

* * *

96-32

Special Regulations in R9 Districts

In R9 Districts in Western Subarea C2, the provisions of ~~Section 23-633 (Street wall location and height and setback regulations in certain districts)~~ Section 23-66 (Height and Setback Requirements for Quality Housing Buildings) for R9A Districts shall apply to all #buildings or other structures#. In #Commercial Districts# mapped within R9 Districts in Western Subarea C2, the provisions of ~~Section 35-24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts)~~ Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) for C2-7A Districts shall apply to all #buildings or other structures#. Notwithstanding the provisions of paragraph (c) of Section 23-011 (Quality Housing Program), in all such R9 Districts and #Commercial Districts# mapped within such R9 Districts, the provisions of paragraph (b) of Section 23-011 shall apply.

(a) Inclusionary Housing Program

- (1) R9 Districts in Other Areas, west of Tenth Avenue, shall be #Inclusionary Housing designated areas# pursuant to Section 12-10 (DEFINITIONS) for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District.

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed a base #floor area ratio# of 6.0, except that such base #floor area ratio# may be increased to a maximum #floor area ratio# of 8.0 through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in 23-154 (Inclusionary Housing) and Section 23-90. However, any units for which a #floor area# increase has been earned pursuant to Section ~~23-90~~ 23-154 shall be located within the #Special Clinton District#.

- (2) Optional provisions for #large-scale general developments# within Western Subarea C2

For #developments# or #enlargements# located within the #blocks# bounded by West 51st Street, 11th Avenue, West 53rd Street and 10th Avenue, the special optional regulations as set forth in paragraph (a)(2) of this Section, may modify the provisions of ~~Section 23-952 (Floor area compensation in Inclusionary Housing designated areas)~~ Section 23-154.

The #residential floor area# of a #development# or #enlargement# may be increased by 0.833 square feet for each one square foot of #moderate income floor area#, or by 0.625 square feet for each one square foot of #middle income floor area#, provided that for each square foot of such #floor area compensation#, there is one square foot of #floor area compensation#, pursuant to ~~Section 23-952~~ Section 23-154. However, the amount of #affordable housing# required to receive such #floor area compensation# need not exceed the amounts specified as follows. If #affordable housing# is provided for both #low income# and #moderate income households#, the amount of #moderate income floor area# need not exceed 15 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#. If #affordable housing# is provided for both #low income households# and #middle income households#, the amount of #middle income floor area# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#, provided that the amount of #low income floor area# is at least 10 percent of the total #floor area#, exclusive of ground floor non-#residential floor area#, on the #zoning lot#.

* * *

96-34

Special Regulations in Northern Subarea C1

In Area C1-1, within Northern Subarea C1, as shown on the map in Appendix A, the following special

Inclusionary Housing regulations, #use# and special permit regulations shall apply:

(a) Inclusionary Housing Program

* * *

Within such #Inclusionary Housing designated area# the following special regulations shall apply. The #residential floor area# of the #zoning lot# may be increased by 1.25 square feet for each square foot of #low income floor area# provided, or by 0.625 square feet for each one square foot of #middle income floor area# provided, up to the maximum #floor area# set forth in Section 23-154 (Inclusionary Housing). However, the amount of #low income floor area# plus half the amount of #middle income floor area# required to receive such #floor area compensation# need not exceed 20 percent of the total #floor area#, exclusive of ground floor non-#residential floor area# on the #compensated zoning lot#, provided that no more than 8,000 square feet of #middle income floor area# may be included within this calculation.

* * *

96-40

MODIFICATION OF GENERAL LARGE-SCALE DEVELOPMENT PROVISIONS

For parcels within the #blocks# bounded by West 50th Street, Tenth Avenue, West 56th Street and Eleventh Avenue, within a #general large-scale development# that occupies #zoning lots# on more than one #block#, the City Planning Commission may permit the modification of #open space# required pursuant to ~~Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio)~~ Section 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts) as part of a special permit, pursuant to Section 74-743 (Special provisions for bulk modifications), provided the Commission finds that:

* * *

Article IX- Special Purpose Districts

Chapter 7

Special 125th Street District

97-00

GENERAL PURPOSES

The “Special 125th Street District” established in this Resolution is designed to promote and protect the public health, safety, general welfare and amenity. The general goals include, among others, the following specific purposes:

- (a) to preserve, protect and promote the special character of 125th Street as Harlem’s “Main Street” and the role of 125th Street as Upper Manhattan’s premier mixed use corridor;
- (b) to guide development on the 125th Street corridor;
- (c) to expand the retail and commercial character of 125th Street;
- (d) to provide incentives for the creation of visual and performing arts space and enhance the area’s role as a major arts, entertainment and cultural destination in the City;
- (e) to support mixed use development throughout the 125th Street corridor, including residential uses, and to provide incentives for the production of affordable housing;
- (f) to ensure that the form of new buildings is compatible and relates to the built character of the 125th Street corridor;
- (g) to enhance the pedestrian environment through appropriate ground floor uses and regulations;
- (h) to promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City’s revenue.

* * *

97-20

LOCATION AND ACCESS REGULATIONS

* * *

97-21

Location of and Access to Arts and Entertainment Uses

Any arts and entertainment ~~uses~~ listed in Section 97-11 that are provided in order to comply with the requirements of Section 97-12 (Arts and Entertainment Use Requirement) or Section 97-422 (Floor area bonus for visual or performing arts uses) shall be subject to the following location and access requirements:

The designated ~~uses~~ listed in Section 97-11 may be located anywhere throughout a ~~building~~ that fronts on 125th Street, subject to the following conditions:

- (a) any such designated ~~uses~~ within the Core Subdistrict required pursuant to Section 97-12 shall be accessed from 125th Street; and
- (b) any ~~residential use~~ shall be located on a floor wholly above any commercial use ~~non-residential use~~; or
- (c) any commercial use ~~non-residential use~~ may be permitted on the same ~~story~~ as a ~~residential use~~, provided that:
 - (1) no access exists between commercial uses ~~non-residential uses~~ and ~~residential uses~~ at any level; and
 - (2) commercial uses ~~non-residential uses~~ are not located directly over any ~~residential uses~~.

Such commercial use ~~non-residential use~~, however, may be located over a ~~residential use~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~residential uses~~ from commercial uses ~~non-residential uses~~ exists within the ~~building~~.

* * *

97-221

Access to non-ground floor uses

The maximum ground floor ~~street~~ frontage on 125th Street allocated to entranceways or lobby space for non-ground floor ~~uses~~ listed in Section 97-22 shall be as set forth for Type 1 lobbies in Section 37-33 (Maximum Width of Certain Uses), except that for ~~developments~~ or ~~enlargements~~ with at least 200 linear feet fronting on 125th Street, the Type 2 lobby regulations shall apply.

Additionally, within the Core Subdistrict the ~~residential~~ portion of a ~~development~~ or ~~enlargement~~ may be accessed from an entrance on 125th Street only if such ~~development~~ or ~~enlargement~~ does not front upon a ~~street~~ other than 125th Street.

~~For non-ground floor ~~uses~~ listed in Section 97-22 with access from 125th Street, the following requirements shall apply:~~

- (a) ~~Within the Core Subdistrict the #residential# portion of a #development# or #enlargement# may be accessed from an entrance on 125th Street only if such #development# or #enlargement# does not front upon a #street# other than 125th Street.~~
- (b) ~~The width of the ground floor #street# frontage on 125th Street allocated to an entranceway or lobby space shall be no more than 25 linear feet or 40 percent of such #street# frontage, whichever is less, except that an entranceway or lobby space need not be less than 20 feet.~~
- (c) ~~For a #development# or #enlargement# with more than one entranceway or lobby on 125th Street for non-ground floor #uses#, each entranceway or lobby for #uses# listed in Section 97-22 shall be no more than 25 linear feet and, in the aggregate, shall not exceed 40 percent of such ground floor frontage.~~
- (d) ~~For #developments# or #enlargements# with at least 200 linear feet fronting on 125th Street, the width of #street# frontage on 125th Street allocated to entranceways or lobby space for such #uses# shall be no more than 40 linear feet.~~

97-23

Transparency Requirements

For all #uses#, other than houses of worship, libraries and primary rehearsal spaces, located on the ground floor of #developments# and #enlargements# that front upon that portion of 125th Street located within the #Special 125th Street District#, the ground floor #street wall# shall be glazed in accordance with the provisions set forth in Section 37-34 (Minimum Transparency Requirements). ~~with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 12 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.~~

97-24

Security Gates

~~Within the #Special 125th Street District#, all security gates installed after April 30, 2008, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking garages.~~

* * *

97-40

SPECIAL BULK REGULATIONS

* * *

97-42

Floor Area Bonuses

The maximum #floor area ratio# may be increased by a #floor area# bonus, pursuant to Sections 23-154 (Inclusionary Housing) 23-90 (INCLUSIONARY HOUSING), inclusive, or 97-422 (Floor area bonus for visual or performing arts uses), which may be used concurrently.

97-421

Inclusionary Housing

Within the #Special 125th Street District#, C4-4D, C4-7 and C6-3 Districts shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90 (INCLUSIONARY HOUSING), inclusive, and this Section, applicable within the Special District. Within such #Inclusionary Housing designated areas#, the #residential floor area ratio# may be increased by an Inclusionary Housing bonus, pursuant to the provisions of Sections 23-154 (Inclusionary Housing) 23-90, inclusive.

* * *

97-43

Special Lot Coverage Regulations

The maximum #lot coverage# for #residential use# in C6-3 Districts within the #Special 125th Street District# shall be 70 percent for #interior# or #through lots# and ~~80~~ 100 percent for #corner lots#.

~~Within the Special District, there shall be no maximum #lot coverage# applied to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.~~

97-44

Special Height and Setback Regulations

Within the #Special 125th Street District#, the underlying height and setback regulations shall be modified in accordance with the provisions of this Section, inclusive.

~~The provisions of paragraph (b) of Section 23-663 (Required rear setbacks for tall buildings in other districts) shall not be applicable within the Special District.~~

* * *

Article IX - Special Purpose Districts

Chapter 8

Special West Chelsea District

98-00

GENERAL PURPOSES

The "Special West Chelsea District" established in this Resolution, is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others, the following specific purposes:

- (a) to encourage and guide the development of West Chelsea as a dynamic mixed use neighborhood;
- (b) to encourage the development of residential uses along appropriate avenues and streets;
- (c) to encourage and support the growth of arts-related uses in West Chelsea;
- (d) to facilitate the restoration and reuse of the High Line elevated rail line as an accessible, public open space through special height and setback regulations, High Line improvement bonuses and the transfer of development rights from the High Line Transfer Corridor;
- (e) to ensure that the form and use of new buildings relates to and enhances neighborhood character and the High Line open space;
- (f) to create and provide a transition to the lower-scale Chelsea Historic District to the east;
- (g) to create and provide a transition to the Hudson Yards area to the north; and
- (h) to promote the most desirable use of land in the area and thus to conserve the value of land and buildings, and thereby protect the City's tax revenues, consistent with the foregoing purposes.

* * *

98-02

General Provisions

The provisions of this Chapter shall apply to any #zoning lot#, or portion thereof, within the #Special West Chelsea District#, except that the provisions of Sections 98-11 (Special Regulations for Developments and Enlargements Above, Beneath or Adjacent to the High Line) and ~~98-17~~ 98-16 (Air Space over a Railroad or Transit Right-of-way or Yard) shall also apply to any #zoning lot# south of the #Special West Chelsea District# over which the #High Line# passes. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control.

However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

* * *

98-10

SPECIAL USE AND PARKING REGULATIONS WITHIN THE SPECIAL WEST CHELSEA DISTRICT

* * *

98-12

Modification of Use Regulations in C6 Districts

* * *

98-122

Location within buildings

In any C6 District in the #Special West Chelsea District#, the provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit #commercial uses# ~~non #residential uses#~~ on the same #story# as a #residential use# or on a #story# higher than that occupied by #residential uses#, provided that the #commercial uses# ~~non #residential uses#~~:

- (a) are located in a portion of the #building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (b) are not located directly over any portion of a #building# containing #dwelling units#, except this limitation shall not preclude the location of:
 - (1) ~~#residential#~~ lobby space below or on the same #story# as #commercial uses# ~~non #residential uses#~~; or
 - (2) a #commercial use# that fronts on the #High Line# and is located within five feet of the level of the #High Line bed#.

* * *

98-15

Security Gates

~~All security gates installed after June 23, 2005, that are swung, drawn, or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the façade area covered by such gate, when viewed from the #street#, except that this provision shall not apply to entrances or exits to parking facilities.~~

~~98-16~~ 98-15

Signs

* * *

~~98-17~~ 98-16

Air Space Over a Railroad or Transit Right-of-way or Yard

* * *

~~98-18~~ 98-17

Parking Regulations in Subarea H

* * *

~~98-19~~ 98-18

Lighting

* * *

98-20

FLOOR AREA AND LOT COVERAGE REGULATIONS

* * *

98-22

Maximum Floor Area Ratio and Lot Coverage in Subareas

For all #zoning lots#, or portions thereof, located in Subareas A through J, the maximum #floor area ratios#, #open space ratios# and #lot coverages# of the applicable underlying district shall not apply. In lieu thereof, the maximum #floor area ratio# permitted for #commercial#, #community facility# and #residential uses#, separately or in combination, shall be as specified in the table in this Section. For #residential use#, the maximum #lot coverage# shall be 70 percent for #interior# or #through lots# and 80 percent for #corner lots#, except that no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less. For the #conversion# to #dwelling units# of non-#residential floor area# where the total #residential floor area# on the #zoning lot# will exceed the applicable basic maximum #floor area ratio# specified in the table in this

Section, such excess #residential floor area# shall only be permitted pursuant to Section 98-26 (Modifications of Inclusionary Housing Program).

* * *

98-40

SPECIAL YARD, HEIGHT AND SETBACK, AND MINIMUM DISTANCE BETWEEN BUILDINGS REGULATIONS

98-41

Special Rear Yard Regulations

The #yard# regulations of the underlying district shall apply, except as modified in this Section. In all districts, no #rear yard# regulations shall apply to any #zoning lot# that includes a #through lot# portion that is contiguous on one side to two #corner lot# portions and such #zoning lot# occupies the entire #block# frontage of the #street#. Where a #rear yard equivalent# is required by either Section 23-532 (Required rear yard equivalents) or Section 43-28 (Special Provisions for Through Lots), it shall be provided only as set forth in paragraph (a) of either Section, as applicable. However, in M1-5 Districts, a #building# existing prior to January 22, 2015, may be #enlarged# pursuant to Section 43-28, paragraph (b), provided that such #building# is on a #zoning lot# located entirely within 150 feet of the west side of the #High Line#. Where a #rear yard equivalent# is required by Section 23-533 (Required rear yard equivalents for Quality Housing buildings), the alternatives for #through lots# with a depth of 190 feet or less shall not apply.

98-42

Special Height and Setback Regulations

* * *

98-423

Street wall location, minimum and maximum base heights and maximum building heights

The provisions set forth in paragraph (a) of this Section shall apply to all #buildings or other structures#. Such provisions are modified for certain subareas as set forth in paragraphs (b) through (g) of this Section.

* * *

(a) For all #buildings#

(1) #Street wall# location provisions

On #wide streets#, and on #narrow streets# within 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along such entire #street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this

Section. On #narrow street# frontages, beyond 50 feet of their intersection with a #wide street#, the #street wall# shall be located on the #street line# and extend along at least 70 percent of the #narrow street# frontage of the #zoning lot# up to at least the minimum base height specified in the table in this Section.

* * *

(2) Maximum #building# heights

(i) For C6-2A and C6-3A Districts

In C6-2A and C6-3A, the maximum base height, maximum #building# height and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for the residential equivalent of an R8A and R9A District, respectively. For #developments# or #enlargements# providing #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#, such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (a) of Section 23-664 for such districts' applicable residential equivalent. Separate maximum #building# heights are set forth within such Sections for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662.

(ii) For all other districts

All portions of #buildings or other structures# that exceed the applicable maximum base height specified in the table in this Section shall provide a setback at a height not lower than the applicable minimum base height. A setback with a depth of at least 10 feet shall be provided from any #street wall# fronting on a #wide street#, and a setback with a depth of at least 15 feet shall be provided from any #street wall# fronting on a #narrow street#, except such dimensions may include the depth of permitted recesses in the #street wall#.

No #building or other structure# shall exceed the maximum #building# height specified in the table in this Section.

* * *

Minimum and Maximum Base Height and Maximum Building Height
by District or Subarea

District or Subarea	Minimum Base Height (in feet)	Maximum Base Height (in feet)	Maximum #Building# Height
---------------------	-------------------------------------	-------------------------------------	---------------------------------

				(in feet)
C6-2A		60	85	120
C6-3A		60	102	145
M1-5		50	95	135
Subarea A	within 50 feet of a #wide street#	60	85	_____ ¹
	between 50 and 100 feet of a #wide street#	15	85	_____ ¹
	for #zoning lots# with only #narrow street# frontage	40	60	_____ ¹
Subarea B		60	95	135
Subarea C	for #zoning lots# with only #narrow street# frontage	60	110	110
	for #zoning lots# with Tenth Avenue frontage	105 ²	125 ²	125 ²
	for #zoning lots# with Eleventh Avenue frontage	125 ²	145 ²	145 ²
Subarea D		60	90	250 ¹
Subarea E		60	105 ³	120 ³
Subarea F		60 ²	80 ²	80 ²
Subarea G	for #zoning lots# with only #narrow street# frontage	60	95	95
	for #zoning lots# with #wide street# frontage	105 ²	120 ²	120 ²
Subarea H		60 ⁴	85 ⁴	_____ ⁴
Subarea I	within 300 feet of Tenth Avenue between W. 16th St. & W. 17th St.	60	85	120 ⁵
	all other areas	60	105	135
Subarea J	Midblock Zone	NA	110 ⁶	130 ⁶
	Ninth Avenue Zone	NA	130 ⁶	135 ⁶
	Tenth Avenue Zone	NA	185 ⁶	230 ⁶

* * *

SPECIAL HEIGHT AND SETBACK, OPEN AREA AND TRANSPARENCY REGULATIONS FOR ZONING LOTS ADJACENT TO THE HIGH LINE

* * *

98-53

Required Open Areas on the East Side of the High Line

* * *

(a) Open area requirements

All required open areas shall:

* * *

- (5) for open area screening, required open areas may be screened from the public areas of the #High Line# by a wall, fence, or plantings extending not higher than eight feet above the average elevation of the open area. All screening materials must be substantially transparent. For the purposes of this Section, substantially transparent screening is defined as transparent, or non-opaque, in an evenly distributed fashion for at least 75 percent of its area. Chain link fences and razor wire shall not be permitted. Vegetated screening, such as shrubs, vines and other plantings, may be opaque if completely covered by vegetation, provided that any underlying surface is substantially transparent.

In addition, such screening material shall be maintained in good condition at all times, may be interrupted by normal entrances and/or exits, and shall have no signs hung or attached thereto, other than those permitted in Section ~~98-16~~ 98-15.

* * *

98-70

SUPPLEMENTAL REGULATIONS

* * *

In addition, Section 93-90, paragraph (d)(3), is modified as follows:

No portion of the #low income housing# required under this Section shall qualify to:

- (a) increase the #floor area ratio# pursuant to the provisions of the #Special West Chelsea District#, #Special Hudson Yards District#, #Special Garment Center District#, #Special Clinton District# or Section 23-154 ~~23-90~~; or

- (b) satisfy an eligibility requirement of any real property tax abatement or exemption program with respect to any #multiple dwelling# that does not contain such #low income housing#.

* * *

Appendix E

Special Regulations for Zoning Lots Utilizing the High Line Improvement Bonus and Located Partially Within Subareas D, E, G or I

* * *

- (b) Requirements for issuance of certificates of occupancy pursuant to paragraph (c) of Section 98-25:

* * *

- (2) Stairway and Elevator Access Work pursuant to paragraph (c)(3) of Section 98-25:

* * *

- (ii) The Stairway and Elevator Access Work shall consist of one stairway and one elevator located directly adjacent to or below the #High Line#. Except as approved by the Chairperson of the City Planning Commission pursuant to paragraph (a)(1)(iii) of this Appendix, #curb level# entrances to such access facilities must be located at the #street line#. Such access facilities shall be harmonious with the design of the #High Line# on the #zoning lot# and shall be visible and identifiable as #High Line# access facilities when viewed from Tenth Avenue. Such access facilities may be unenclosed or enclosed. When such access facilities are enclosed and located at the #street line#, any wall or façade separating the access facility from the #street# shall be substantially glazed and fully transparent from ground level to the full height of the access facility. Any wall or façade separating the access facility from the #High Line# shall be substantially glazed and fully transparent from the level of the #High Line bed# to the full height of the access facility. Stairways shall have a clear path of not less than six feet in width. Such access facilities shall be identified with signage placed at the #High Line# level and at street level that is consistent with guidelines specified in the signage plan as authorized by the City Planning Commission pursuant to the provisions of Section ~~98-16~~ 98-15.

* * *

Article X - Special Purpose Districts

Chapter 1

Special Downtown Brooklyn District

101-00

GENERAL PURPOSES

The "Special Downtown Brooklyn District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to strengthen the business core of Downtown Brooklyn by improving the working and living environments;
- (b) to foster development in Downtown Brooklyn and provide direction and incentives for further growth where appropriate;
- (c) to create and provide a transition between the Downtown commercial core and the lower-scale residential communities of Fort Greene, Boerum Hill, Cobble Hill and Brooklyn Heights;
- (d) to encourage the design of new buildings that are in character with the area;
- (e) to preserve the historic architectural character of development along certain streets and avenues and the pedestrian orientation of ground floor uses, and thus safeguard the vitality of Downtown Brooklyn;
- (f) to improve the quality of development in Downtown Brooklyn by fostering the provision of specified public amenities in appropriate locations;
- (g) to improve visual amenity by establishing special sign regulations within the Fulton Mall and Atlantic Avenue Subdistricts; and
- (h) to promote the most desirable use of land and building development for Downtown Brooklyn and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

101-10

SPECIAL USE REGULATIONS

101-11

Special Ground Floor Use Regulations

Map 2 (Ground Floor Retail Frontage), in Appendix E of this Chapter, specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# within #stories# that have a floor level within five feet of #curb level#, and within 50 feet of the #street line#, shall be limited to #commercial uses# listed in Use Groups 5, 6A, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C, where such #uses# are permitted by the underlying district. In addition, libraries, museums and non-commercial art galleries shall be permitted. A #building's street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses). However, loading berths serving any permitted #use# in the #building# may occupy up to 40 feet of such #street# frontage provided such #street# frontage is not subject to curb cut restrictions as shown on Map 5 (Curb cut restrictions) in Appendix E of this Chapter.

~~In no event shall the length of #street# frontage occupied by lobby space or entryways exceed, in total, 30 feet or 50 percent of the #building's# total #street# frontage, whichever is less.~~

* * *

101-12

Transparency Requirements

Map 3 (Ground Floor Transparency Requirements) in Appendix E of this Chapter specifies locations where the following transparency requirements apply.

For any #buildings developed# after June 28, 2004, or portions of #buildings enlarged# on the ground floor level after June 28, 2004, each ground floor #street wall# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements).~~with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk. Where such glazed area is required to occupy at least 70 percent of the area of the ground floor #street wall#, up to 20 percent of the area of the ground floor #street wall# may be glazed with translucent materials. #Show windows# shall have a sill height not more than 2 feet, 6 inches above #curb level#.~~

~~For all locations specified on Map 3 in Appendix E of this Chapter, security gates installed after June 28, 2004, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.~~

* * *

101-20

SPECIAL BULK REGULATIONS

101-21

Special Floor Area and Lot Coverage Regulations

R7-1 C6-1 C6-4.5

(a) In R7-1 Districts

In R7-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings# pursuant to Sections ~~23-151 23-142, 23-143~~ and ~~23-154 23-144~~ shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 4.0, ~~except that for #non-profit residences for the elderly# the maximum #floor area ratio# shall be 5.01~~. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# ~~#non-profit residences for the elderly#~~, the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 ~~80~~ percent.

(b) In C6-1 Districts

In C6-1 Districts, the #floor area ratio# and #open space ratio# provisions applicable to #residential buildings# and #residential# portions of #mixed buildings#, pursuant to Sections ~~23-151 23-142, 23-143~~ and ~~23-154 23-144~~, shall not apply. In lieu thereof, the maximum #floor area ratio# for #residential buildings# or #residential# portions of #mixed buildings# shall be 3.44, ~~except that for #non-profit residences for the elderly# the maximum #floor area ratio# shall be 5.01~~. The maximum #lot coverage# for #residential buildings# or #residential# portions of #mixed buildings# shall be 65 percent for #interior lots#, except that for #affordable independent residences for seniors# ~~#non-profit residences for the elderly#~~, the maximum #lot coverage# for #interior lots# shall be 70 percent. For all #residential buildings# or #residential# portions of #mixed buildings#, the maximum #lot coverage# for #corner lots# shall be 100 ~~80~~ percent. For #Quality Housing buildings#, the underlying #floor area ratio# and #lot coverage# regulations shall apply.

(c) In C6-4.5 Districts

In C6-4.5 Districts, the maximum permitted #floor area ratio# for #commercial# or #community facility uses# shall be 12.0. No #floor area# bonuses for #commercial# or #community facility uses# shall be permitted.

* * *

101-222

Standard height and setback regulations

C2-4 / R7-1

C6-4.5

~~C5-4 C6-1 C6-4~~

In the districts indicated, except C6-1A Districts, a #building or other structure# shall not exceed the applicable maximum #building# height set forth in the table in this Section. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

MAXIMUM BASE HEIGHTS AND MAXIMUM BUILDING HEIGHTS
IN C2-4/R7-1, C5-4, C6-1 AND C6-4 DISTRICTS

District	Maximum Base Height		Maximum #building# Height	
	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#	Beyond 100 feet of a #wide street#	Within 100 feet of a #wide street#
C2-4/R7-1	85	85	160	160
C5-4 C6-1 C6-4	125	150	185	210
C6-4.5	125	150	250	250

C5-4 C6-4

In the districts indicated, the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for an R10 District. For #development# or #enlargements# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#, such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (a) of Section 23-664 for an R10 District. Separate maximum #building# heights are set forth within such Sections for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662. Furthermore, any portion of a #building or other structure# that exceeds the applicable maximum base height shall be set back at least 10 feet from a #wide street line# and at least 15 feet

from a #narrow street line#.

* * *

101-30

SPECIAL PROVISIONS WITHIN HEIGHT LIMITATION AREAS

The provisions of this Section shall apply within the Flatbush Avenue Extension and Schermerhorn Street Height Limitation Areas, as shown on Map 6 in Appendix E of this Chapter.

* * *

(b) Schermerhorn Street Height Limitation Area

* * *

(3) #Rear yard# modification

The provisions of Section 23-532 (Required rear yard equivalents) or 23-533 (Required rear yard equivalents for Quality Housing buildings), as applicable, shall not apply to any #through lot#. In lieu thereof, an open area with a minimum depth of 60 feet, midway, or within 10 feet of being midway between the two #street lines# upon which such #through lot# fronts, shall be provided. Such #rear yard# shall be unobstructed from its lowest level to the sky, except as provided in Section 23-44 (Permitted Obstructions in Required Yards or Rear Yard Equivalents).

* * *

101-50

OFF-STREET PARKING AND OFF-STREET LOADING REGULATIONS

The provisions of Article II, Chapter 5, and Article III, Chapter 6 (ACCESSORY OFF-STREET PARKING AND LOADING REGULATIONS), shall apply, except ~~as modified in this Section, inclusive.~~

that the #accessory# parking requirements of Section 25-23 (Requirements Where Group Parking Facilities Are Provided) shall be modified to require #accessory# off-street parking spaces for at least 20 percent of the total number of new #dwelling units#. However, such modification shall not apply in R6B Districts.

101-51

Minimum Parking Requirements

~~The provisions of this Section shall apply to all districts within the #Special Downtown Brooklyn District#, except R6B Districts.~~

~~(a) The #accessory# parking requirements of Section 25-23 (Requirements Where Group Parking Facilities~~

~~Are Provided) shall be modified to require #accessory# off-street parking spaces for at least 20 percent of the total number of new #dwelling units#.~~

- ~~(b) — There shall be no minimum parking requirement for #affordable housing units# as defined in Section 23-91, or for #dwelling units# eligible for reduced parking pursuant to Section 25-25 (Modification of Requirements for Public, Publicly Assisted and Government Assisted Housing or for Non-profit Residences for the Elderly).~~

* * *

101-80

SPECIAL PERMITS

101-81

Special Permit for Use and Bulk Modifications for Cultural Use in Certain C6-2 Districts

In order to support a concentration of cultural #uses# and public open spaces in the C6-2 District bounded by Flatbush Avenue, Hanson Place, St. Felix Street and Lafayette Avenue, for #buildings# intended to be occupied in whole or in part by cultural #uses#, the City Planning Commission may permit the maximum #community facility floor area ratio# to be increased from 6.5 to 7.0, may permit modifications of the special #street wall# location regulations of Section 101-41, and the height and setback regulations of Section ~~23-641~~ ~~23-632~~ as applied to the #residential# portion of a #building#, and modifications of applicable #sign# regulations in accordance with this Section.

* * *

Article X - Special Purpose Districts

Chapter 4

Special Manhattanville Mixed Use District

104-00

GENERAL PURPOSES

The “Special Manhattanville Mixed Use District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) encourage the development of a mixed use neighborhood that complements a revitalized community-oriented waterfront;
- (b) support a variety of community facility, commercial and manufacturing uses;
- (c) provide opportunities for the expansion of large academic, scientific and mixed use facilities in a manner that benefits the surrounding community;
- (d) strengthen the retail and service character and economic vitality of the neighborhood by encouraging active ground floor uses along Broadway, West 125th Street and 12th Avenue;
- (e) facilitate the maximum amount of design flexibility while fulfilling the goals of the mixed use district;
- (f) improve the physical appearance of the streetscape by providing and coordinating harmonious open space, sidewalk amenities and landscaping within a consistent urban design;
- (g) strengthen the visual corridors along West 125th Street and other east-west corridors that connect the community to the waterfront;
- (h) expand local employment opportunities;
- (i) recognize, preserve and promote the existing historic transportation infrastructure of the neighborhood;
- (j) promote the most desirable use of land in this area and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

* * *

104-10

SPECIAL USE REGULATIONS

The #use# regulations of the underlying C6 Districts are modified in Sections 104-11 through 104-18, inclusive.

* * *

104-12

Community Facility Use Modifications

The #community facility use# regulations of the underlying C6-1 and M1-2 Districts are modified, as follows:

- (a) in Subdistrict A, a #community facility use# with sleeping accommodations, as listed in this Section, may locate in the same #building#, or #abut# a #building# containing a #use# listed in Section 104-132 (Use Groups 16, 17 and 18), only in accordance with the certification provisions of Section 104-14:

College or school student dormitories or fraternity or sorority student houses

~~Domiciliary care facilities for adults~~

#Long-term care facilities#

Monasteries, convents or novitiates

Non-profit hospital staff dwellings without restriction as to location on the same #zoning lot#

Non-profit or voluntary hospitals and related facilities

~~Nursing homes and health-related facilities~~

Philanthropic or non-profit institutions with sleeping accommodations;

- (b) in Subdistrict B, #uses# listed in Use Groups 3 and 4 permitted in the underlying M1-2 District, pursuant to Sections 42-10 (Uses Permitted As-of-Right) and 74-921 (Use Group 3A and 4A community facilities), shall be limited to 5,000 square feet of #floor area# per establishment.

* * *

104-15

Ground Floor Use and Frontage Regulations

For the purposes of this Section, ground floor level shall mean the floor of a #building#, the level of which is located at, or within five feet of, the finished level of the adjacent sidewalk, or the adjacent #mandatory widened sidewalk#, as applicable. In the locations specified on Map 6 (Ground Floor Use and Frontage) in Appendix A of this Chapter, the ground floor #use# and frontage regulations of this Section shall apply to any #development# or

change of #use# located on the ground floor level of a #building or other structure#, or any #enlargement# that increases the #floor area# of the ground floor level of a #building# by more than 25 percent.

A minimum of 75 percent of the length of a #street wall# on the ground floor level shall be limited to #uses# listed in Section 104-16 (Use Group MMU) and shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses) measured to a depth of at least 30 feet from the #street wall#, or the depth of the #building#, whichever is less, shall be limited to #uses# listed in Section 104-16 (Use Group MMU). Such #uses# shall be located at the #street wall#. In no event shall the length of #street# frontage occupied solely by lobby space or entryways exceed, in total, 40 feet.

* * *

104-20

SPECIAL BULK REGULATIONS

* * *

104-21

Maximum Floor Area Ratio, Open Space Ratio and Lot Coverage for Residential Uses

In Subdistricts A and C, the #bulk# regulations for #residential use# are modified in accordance with the provisions of this Section.

For all #zoning lots#, or portions thereof, the maximum #floor area ratio#, #open space ratio# and #lot coverage# regulations shall not apply. In lieu thereof, the provisions of this Section shall apply.

In Subdistrict A, the maximum #floor area ratio# for #residential use# shall be 3.44.

In Subdistrict C, the maximum #floor area ratio# for #residential use# shall be 6.02.

For #interior# or #through lots#, or portions thereof, the maximum #lot coverage# shall not exceed 70 percent. For #corner lots#, the maximum #lot coverage# shall be 100 percent. ~~shall not exceed 80 percent. However, there shall be no maximum #lot coverage# for any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.~~

The provisions of Section 23-70 (MINIMUM REQUIRED DISTANCES BETWEEN TWO OR MORE BUILDINGS ON A SINGLE ZONING LOT) shall not apply.

* * *

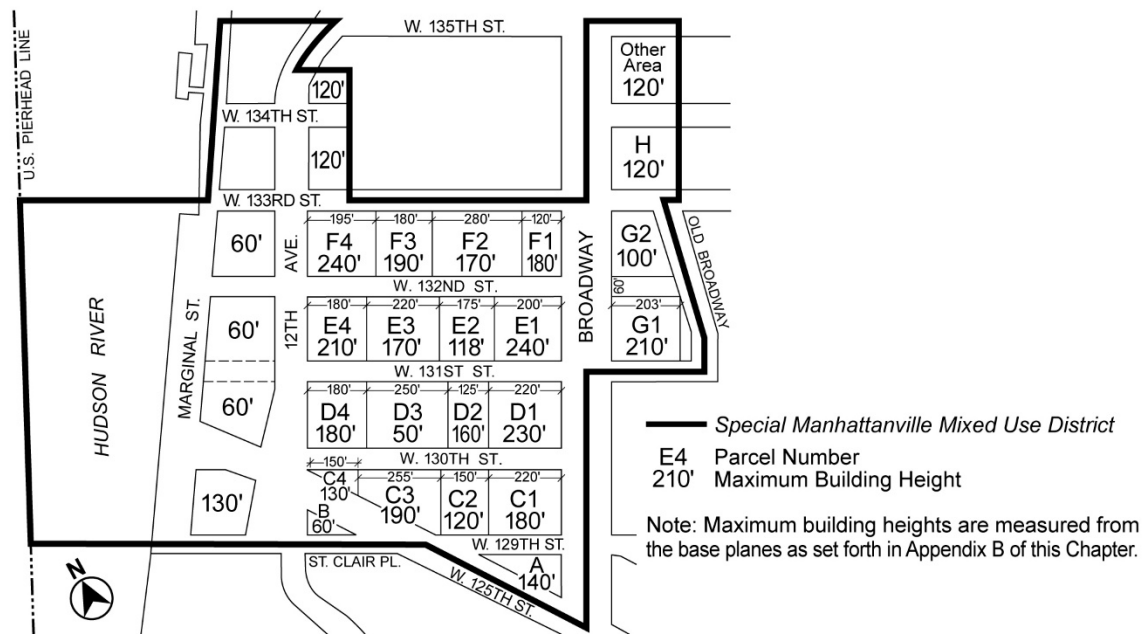
Appendix A

Special Manhattanville Mixed Use District Plan

* * *

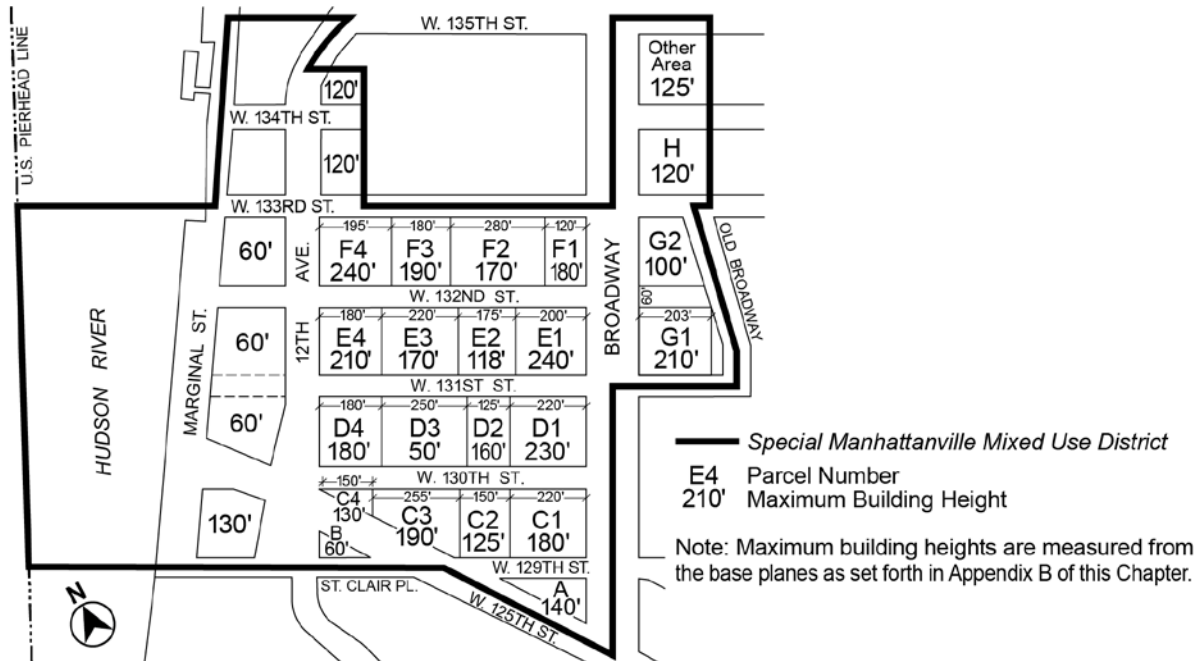
Map 5 - Parcel Designation and Maximum Building Heights

[TO BE REMOVED]



Map 5 - Parcel Designation and Maximum Building Heights

[TO BE ADDED]



Article X - Special Purpose Districts

Chapter 5

Special Natural Area District

105-00

GENERAL PURPOSES

The "Special Natural Area District" (hereinafter also referred to as the "Special District"), established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas;
- (b) to preserve land having qualities of exceptional recreational or educational value to the public;
- (c) to protect aquatic, biologic, botanic, geologic and topographic features having ecological and conservation values and functions;
- (d) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (e) to preserve hillsides having unique aesthetic value to the public; and
- (f) to promote the most desirable use of land and the direction of building development in accordance with a well-considered plan, to promote stability of residential development, to promote the character of the district and its peculiar suitability for particular uses, to conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

105-90

FUTURE SUBDIVISION

* * *

105-94

Special Natural Area Districts Specified

* * *

105-944

Special Fort Totten Natural Area District-4

(a) General purposes

* * *

(d) Special regulations

* * *

(2) Special height regulations

In order to preserve the unique character of the Special District and to protect the views of and to the water within the Special District, Section 23-631 (General Provisions ~~Height and setback in R1, R2, R3, R4 and R5 Districts~~) shall apply except that the maximum height for any #development# or #enlargement# shall be 32 feet or three #stories#, whichever is less.

* * *

Article X - Special Purpose Districts

Chapter 7

Special South Richmond Development District

107-00

GENERAL PURPOSES

The "Special South Richmond Development District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following purposes:

- (a) to guide future development in accordance with the Land Use Plan for South Richmond and the Capital Improvement Plan for the Special District area;
- (b) to promote balanced land use and development of future land uses and housing in the Special District area, including private and public improvements such as schools, transportation, water, sewers, drainage, utilities, open space and recreational facilities, on a schedule consistent with the City's Capital Improvement Plan and thereby provide public services and facilities in the most efficient and economic manner, and to ensure the availability of essential public services and facilities for new development within the area;
- (c) to avoid destruction of irreplaceable natural and recreational resources such as lakes, ponds, watercourses, beaches and natural vegetation and to maintain the natural ecological balance of the area with minimum disruption of natural topography, trees, lakes and other natural features; and
- (d) to promote the most desirable use of land in the South Richmond area and thus to conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

107-40

SPECIAL USE, BULK AND PARKING REGULATIONS

107-41

Type of Residence

* * *

107-411

Affordable independent residences for seniors ~~Non-profit residences for the elderly in Area SH~~

In Area SH, as shown on the District Plan (Map 4 in Appendix A) of this Chapter, any #development# or #enlargement# comprised of #affordable independent residences for seniors# ~~#non-profit residences for the elderly#~~ shall be permitted upon certification of the Chairperson of the City Planning Commission that:

- (a) such #development# or #enlargement# will contain not more than 250 #dwelling units# of #affordable independent residences for seniors# ~~#non-profit residences for the elderly#~~, individually or in combination with other #developments# or #enlargements# within Area SH that have received prior certification pursuant to this Section;
- (b) a site plan has been submitted showing a detailed plan demonstrating compliance with the provisions of this Chapter; and
- (c) such #residences# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-142-23-144 (Open space and floor area regulations in R1 and R2 Districts with a letter suffix as well as R3 through R5 Districts) ~~Open space and floor area regulations in R1, R2, R3, R4 or R5 Districts~~, as modified by this Chapter. The provisions of Section 23-144 23-147 (Affordable independent residences for seniors) ~~(For non-profit residences for the elderly)~~ shall not apply.

Any #development# or #enlargement# that results in a total of more than 250 #dwelling units# of #affordable independent residences for seniors# ~~#non-profit residences for the elderly#~~ in Area SH shall be permitted only upon authorization of the City Planning Commission, pursuant to Section 107-672 (In Area SH).

107-412

Special bulk regulations for certain community facility uses in lower density growth management areas

The #bulk# regulations of this Chapter applicable to #residential buildings# shall apply to all #zoning lots# in #lower density growth management areas# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or #long-term care facilities# ~~nursing homes~~ as defined in the New York State Hospital Code; or
- (b) child care services as listed under the definition of #school# in Section 12-10 (DEFINITIONS), except where such #zoning lot# contains #buildings# used for houses of worship or, for #zoning lots# that do not contain #buildings# used for houses of worship, where the amount of #floor area# used for child care services is equal to 25 percent or less of the amount of # floor area# permitted for #community facility use# on the #zoning lot#.

107-42

Minimum Lot Area and Lot Width for Residences

* * *

107-421

Minimum lot area and lot width for zoning lots containing certain community facility uses

In R1, R2, R3A, R3X, R3-1, R4A and R4-1 Districts, the provisions of this Section shall apply to #zoning lots# containing #buildings# used for:

- (a) ambulatory diagnostic or treatment health care facilities, as listed in Section 22-14 (Use Group 4), except where such #zoning lot# contains #buildings# used for hospitals or #long-term care facilities# ~~nursing homes~~ as defined in the New York State Hospital Code; and

* * *

107-60

AUTHORIZATIONS

* * *

107-67

Uses and Bulk Permitted in Certain Areas

* * *

107-672

In Area SH

The City Planning Commission may authorize #developments# that will result in more than 250 #dwelling units# of #affordable independent residences for seniors# ~~#non-profit residences for the elderly#~~ in Area SH, as shown on the District Plan (Map 4 in Appendix A), provided such #developments# comply with the #use# and #bulk# regulations of R3-2 Districts, except that the maximum #floor area ratio#, maximum #lot coverage# and minimum required #open space# shall be as set forth for R3-2 Districts in Section 23-1424 (Open space and floor area regulations in R1; and R2; Districts with a letter suffix as well as R3, R4 and through R5 Districts), as modified by this Chapter. The provisions of Section 23-1447 (Affordable independent residences for seniors ~~For non-profit residences for the elderly~~) shall not apply.

* * *

Article X - Special Purpose Districts

Chapter 9

Special Little Italy District

109-00

GENERAL PURPOSES

The "Special Little Italy District" established in this Resolution is designed to promote and protect public health, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to preserve and strengthen the historical and cultural character of the community;
- (b) to protect the scale of storefronts and character of the existing retail uses along Mulberry Street and other major shopping streets so that Little Italy will remain a unique regional shopping area, and thereby strengthen the economic base of the City;
- (c) to preserve the vitality of street life by reducing conflict between pedestrian and vehicular traffic;
- (d) to permit rehabilitation and new development consistent with the residential character and scale of the existing buildings in the area;
- (e) to provide amenities, such as public open space, and street trees, to improve the physical environment;
- (f) to discourage the demolition of noteworthy buildings which are significant to the character of the area; and
- (g) to promote the more desirable use of land in the area and thus to preserve the value of land and buildings, and thereby protect and strengthen the City's tax revenues, consistent with the foregoing purposes.

* * *

109-02

General Provisions

In harmony with the general purposes and intent of this Resolution and the general purposes of the #Special Little Italy District# and in accordance with the provisions of this Chapter, certain specified regulations of the districts on which the #Special Little Italy District# are superimposed are made inapplicable, and special regulations are substituted therefore in this Chapter.

Except as modified by the express provisions of this Special District, the regulations of the underlying zoning district remain in effect. For the purposes of this Chapter, the provisions of Sections 23-15 ~~23-14~~, 23-20 and 33-

13 are made inapplicable.

* * *

109-10
PRESERVATION AREA (Area A)

The provisions of this Section shall apply within Area A (Preservation Area) as shown on the District Plan (Appendix A).

* * *

109-12
Bulk Regulations

* * *

109-122
Lot coverage, through lot and rear yard regulations

Within Area A, the maximum #lot coverage# for a #zoning lot# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	<u>100.70</u>
#Interior lot#	60
#Through lot#, except as provided below	60

* * *

109-30
HOUSTON STREET CORRIDOR (Area B)

The provisions of this Section are applicable within Area B, as shown on the District Plan (Appendix A).

* * *

109-32
Bulk Regulations

The #bulk# regulations of the underlying district shall apply to the Houston Street Corridor (Area B), except as set forth in this Section.

* * *

109-322

Lot coverage regulations

For any #zoning lot# within Area B, the maximum #lot coverage# shall not exceed the following percentages:

Lot Type	Maximum #Lot Coverage# (in percent)
#Corner lot#	<u>100</u> 80
#Interior# or #through lot#	70

* * *

109-37

Noise Attenuation

For any #residential# or #commercial use# in a #development# within Area B:

- (a) window wall attenuation of 35 dB(A) for #residential uses# or 30 dB(A) for #commercial uses#, shall be provided. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy; and
- (b) alternative means of ventilation shall be provided, such as, but not limited to, central air conditioning or the provision of air conditioning sleeves, with such alternative means to conform to the provisions of Sections 27-752 to 27-756 of the Building Code of the City of New York.

* * *

Article XI - Special Purpose Districts

Chapter 1

Special Tribeca Mixed Use District

111-00

GENERAL PURPOSES

The "Special Tribeca Mixed Use District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to retain adequate wage, job producing, stable industries within the Tribeca neighborhood;
- (b) to protect light manufacturing and to encourage stability and growth in the Tribeca neighborhood by permitting light manufacturing and controlled residential uses to coexist where such uses are deemed compatible;
- (c) to provide housing opportunity of a type and at a density appropriate to this mixed use zone;
- (d) to ensure the provision of safe and sanitary housing units in converted buildings; and
- (e) to promote the most desirable use of land and building development in accordance with the Plan for Lower Manhattan as adopted by the City Planning Commission.

* * *

111-10

SPECIAL USE REGULATIONS

* * *

111-13

Additional Use Regulations

* * *

- (e) Environmental conditions for Area A2
 - (1) All #developments# or #enlargements# shall be subject to Ambient Noise Quality Zone Regulations*. #Uses# listed in Use Group 11A shall be subject to the performance standards of an M1 District.

- (2) All new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation in order to maintain an interior noise level of 45dB(A), or less, with windows closed. Therefore, an alternate means of ventilation is required. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy.

* Ambient Noise Quality Regulations for an M2 District as set forth in the Noise Control Code for the City of New York, Article VI(B)

111-20

SPECIAL BULK PROVISIONS FOR AREAS A1 THROUGH A7

* * *

(b) Area A2

The underlying regulations applicable to a C6-3 District shall apply to #developments# and #enlargements#, except as set forth herein.

* * *

(12) #Open space# and #lot coverage# regulations

The #open space# and #lot coverage# regulations of Article II, Chapters 3 and 4, and Article III, Chapter 5, for a #residential building#, or the #residential# portion of a #mixed building#, are not applicable. In lieu thereof, the maximum permitted #lot coverage# on a ~~#zoning interior lots#~~ and #through lots# shall not exceed 80 percent of the #lot area#. The maximum permitted #lot coverage# on #corner lots# shall be 100 percent of the #lot area#. However, any permitted obstruction on a #zoning lot# pursuant to Sections 23-44, 24-12 or 33-23 shall not count as #lot coverage#.

(3) #Yard#, #court# and minimum distance between #buildings# regulations

The #yard# and #court# regulations of a C6-3 District shall apply, except that on a #through lot# the provisions of paragraphs (b) and (c) of Sections 23-532 ~~23-533~~ and 24-382 (Required rear

yard equivalents) and 23-71 (Minimum Distance between Buildings on a Single Zoning Lot) shall not apply. On any single #zoning lot# within Area A2, if a #development# or #enlargement# results in two or more #buildings# or portions of #buildings# detached from one another at any level, such #buildings# or portions of #buildings# shall at no point be less than eight feet apart.

* * *

(c) Area A3

The regulations applicable to a C6-3A District shall apply to #developments# and #enlargements#, except as set forth herein.

(1) Height and setback regulations

The height and setback regulations of Section 35-65 (Height and Setback Requirements for Quality Housing Buildings) ~~24 (Special Street Wall Location and Height and Setback Regulations in Certain Districts)~~ shall not apply. In lieu thereof, the following height and setback regulations shall apply:

* * *

(d) Area A4, A5, A6 and A7

* * *

(4) Applicability of Inclusionary Housing Program

R8A Districts within Area A6 shall be #Inclusionary Housing designated areas#, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, applicable as modified within the Special District. The base #floor area ratio# for any #zoning lot# containing #residences# shall be 5.4. Such base #floor area ratio# may be increased to a maximum of 7.2 through the provision of #affordable housing# pursuant to the provisions for #Inclusionary Housing designated areas# in Section 23-90, except that the height and setback regulations of Section ~~23-664-23-954~~ (~~Height and setback for compensated developments in Inclusionary Housing designated areas~~) shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

* * *

The following is applicable to all existing #loft dwellings#, created prior to October 13, 2010, within the #Special Tribeca Mixed Use District#.

- (a) All #loft dwellings# shall have one or more windows which open into a #street# or a #yard# with a minimum depth of 30 feet.
- (b) (1) The minimum #floor area# contained within a #loft dwelling# shall be not less than 2,000 square feet, except that:

* * *

- (2) The minimum #loft dwelling# size and #yard# requirement may be replaced by the requirements of Section 15-024~~6~~ (Special bulk regulations for certain pre-existing dwelling units, joint living-work quarters for artists and loft dwellings) for #loft dwellings#:

* * *

No #building# that meets the density requirements of paragraph (c) of this Section may subsequently add additional units or quarters except in accordance thereof. No #building# to which the regulations of Section 15-024~~6~~ have been applied may subsequently add additional units or quarters except in accordance with the requirements of paragraph (c).

* * *

Article XI - Special Purpose Districts

Chapter 2

Special City Island District

112-00

GENERAL PURPOSES

The "Special City Island District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to promote and strengthen the unique character of the Special City Island District for nautical and waterfront activities by limiting permitted uses to those which complement and enhance the existing character of the Special District;
- (b) to maintain the existing low-rise residential and commercial character of the district by regulating the height of buildings;
- (c) to maintain and protect the environmental quality and "village" character of City Island Avenue by imposing special controls on building setbacks and signs; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

* * *

112-07

Special Use Regulations

* * *

112-074

Ground floor use restrictions on certain blocks

For all #buildings# fronting on City Island Avenue between Bay Street and Carroll Street, only non-#residential uses# shall be permitted on the ground floor level or within #stories# that have a floor level within five feet of #curb level#, except for #residential# Type 1 lobbies provided in accordance with 37-33 (Maximum Width of Certain Uses).

* * *

112-10

SPECIAL BULK REGULATIONS

* * *

112-104

Special transparency requirements along City Island Avenue

For #buildings# with ground floor #commercial# or #community facility uses# fronting upon City Island Avenue, the provisions of ~~this Section~~ 37-34 (Minimum Transparency Requirements) shall apply to any #street wall# of such #building# facing City Island Avenue. ~~At least 50 percent of the total surface area of such wall between #curb level# and 12 feet above #curb level#, or to the ceiling of the ground floor, whichever is less, or to the full height of the wall if such wall is less than 12 feet in height, shall be transparent. The lowest point of any transparency that is provided to satisfy this requirement shall not be higher than two feet, six inches above #curb level#.~~

~~In addition, solid security gates that are swung, drawn or lowered to secure #commercial# or #community facility uses# shall be prohibited. All security gates installed after September 30, 2003, shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#.~~

* * *

112-11

Special Parking Regulations

* * *

112-112

Accessory parking and floor area requirements for eating or drinking establishments

* * *

For eating or drinking establishments, the provisions of Sections 36-23 or 44-23 (Waiver of Requirements for Spaces below Minimum Number) or Sections 52-41 (General Provisions) with respect only to #enlargements# or #extensions# to provide off-street parking spaces, 73-43 (Reduction of Parking Spaces ~~for Houses of Worship or Places of Assembly~~) and 73-45 (Modification of Off-Site Parking Provisions) are hereby made inapplicable. For eating or drinking establishments with frontage on City Island Avenue, if less than 15 #accessory# off-street parking spaces are required, all such parking spaces shall be waived.

* * *

Article XI - Special Purpose Districts

Chapter 3

Special Ocean Parkway District

113-00

GENERAL PURPOSES

The "Special Ocean Parkway District" established in this Resolution is designed to promote and protect public health, safety, general welfare and amenity. These general goals include among others the following specific purposes:

- (a) to promote and strengthen the scenic landmark designation of Ocean Parkway by requiring landscaping along Ocean Parkway;
- (b) to maintain the existing scale and character of the community by limiting the bulk of permitted community facilities;
- (c) to protect the environmental quality of and improve circulation within the District by requiring enclosed parking for all uses along Ocean Parkway and by requiring off-street loading for certain community facilities throughout the District; and
- (d) to promote the most desirable use of land in this area and thus to conserve the value of land and thereby protect the City's tax revenue.

* * *

113-50

THE SUBDISTRICT

* * *

113-503

Special bulk regulations

For #single-# and #two-family detached# and #semi-detached residences#, and for #zoning lots# containing both #community facility# and #residential uses#, certain underlying district #bulk# regulations are set forth in Article II, Chapter 3 (Bulk Regulations for Residential Buildings in Residence Districts), except as superseded by those set forth in Sections 113-51 through 113-55, inclusive. The regulations applicable to a #predominantly built-up area# shall not apply in the Subdistrict.

For #community facility buildings#, the #bulk# regulations of Article II, Chapter 3, are superseded by those set forth in Sections 113-51 (Maximum Permitted Floor Area Ratio), 113-542 (Minimum required front yards), 113-

543 (Minimum required side yards), 113-544 (Minimum required rear yards) and 113-55 (Height and Setback Regulations). The provisions of Sections 24-01 (Applicability of this Chapter), 24-012 ~~24-011~~ (Exceptions to the bulk regulations of this Chapter), paragraph (a), and 24-04 (Modification of Bulk Regulations in Certain Districts), pertaining to R4-1 Districts, shall not apply in the Subdistrict.

* * *

113-52

Density Regulations

The regulations set forth in Section 23-22 (Maximum Number of Dwelling Units ~~or Rooming Units~~) pertaining to R4-1 Districts shall apply.

* * *

113-54

Yard Regulations

* * *

113-544

Minimum required rear yards

One ~~#rear yard#~~ with a depth of not less than 20 feet shall be provided on any ~~#zoning lot#~~ except a ~~#corner lot#~~. The provisions of Section 23-52 (Special Provisions for Shallow Interior Lots) shall be inapplicable. The provisions of Section 23-53 (Special Provisions for Through Lots) pertaining to R4 Districts shall apply except that the provisions in Section ~~23-533~~ 23-532 (Required rear yard equivalents) shall be modified to require 40 feet instead of 60 feet in paragraph (a), or 20 feet instead of 30 feet in paragraphs (b) and (c).

* * *

113-55

Height and Setback Regulations

The height and setback regulations of a ~~#building or other structure#~~ in the Subdistrict shall be those as set forth ~~applicable to R4A Districts in Section 23-631 (General provisions), for #buildings or other structures# in R4A Districts~~, except that paragraph (b)(2) shall be modified as follows:

Each perimeter wall of the ~~#building or other structure#~~ may have one or more apex points directly above it on the 35 foot high plane. (See Section 23-631, Figure B).

* * *

Article XI - Special Purpose Districts

Chapter 5

Special Downtown Jamaica District

115-00

GENERAL PURPOSES

The "Special Downtown Jamaica District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Downtown Jamaica community. These general goals include, among others, the following specific purposes, to:

- (a) strengthen the business core of Downtown Jamaica by improving the working and living environments;
- (b) foster development in Downtown Jamaica and provide direction and incentives for further growth where appropriate;
- (c) encourage the development of affordable housing;
- (d) expand the retail, entertainment and commercial character of the area around the transit center and to enhance the area's role as a major transportation hub in the City;
- (e) provide transitions between the downtown commercial core, the lower-scale residential communities and the transportation hub;
- (f) improve the quality of development in Downtown Jamaica by requiring the provision of specified public amenities in appropriate locations;
- (g) encourage the design of new buildings that are in character with the area;
- (h) enhance the pedestrian environment by relieving sidewalk congestion and providing pedestrian amenities; and
- (i) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect the City's tax revenues.

* * *

115-10

SPECIAL USE REGULATIONS

* * *

115-13

Ground Floor Use, Frontage and Major Building Entrance Regulations in C4-5X and C6 Districts

On designated #streets#, as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, the special ground floor #use#, frontage and major #building# entrance regulations of this Section shall apply to any #building# or other structure# fronting on such #streets#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of the level of the adjoining sidewalk, ~~and within 30 feet of the #street line#~~, shall be limited to #community facility uses# without sleeping accommodations; as listed in Section 115-15 (Modification of Use Regulations in M1-4 Districts), and #uses# listed in Use Groups 5, 6A, 6B, 6C, 6D, 7A, 7B, 8A, 8B, 8D, 9, 10, 11, 12A, 12B and 12C. A #building's street# frontage shall be allocated exclusively to such #uses#, except for Type 2 lobby space, entryways or entrances to subway stations provided in accordance with 37-33 (Minimum Width of Certain Uses). Such non-#residential uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor Depth Requirements for Certain Uses).

~~In no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed, in total, 30 feet, or 50 percent of the #building's# total #street# frontage, whichever is less.~~

For #buildings developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon such designated #street#, such #development# or #enlargement# shall provide a major #building# entrance onto such #street#. However, #developments# or #enlargements# on #zoning lots# with frontage on more than one designated #street#, may provide a major #building# entrance on only one designated #street#.

115-14

Transparency Requirement in C4-5X and C6 Districts

For #buildings developed# or #enlarged# after September 10, 2007, where the ground floor of such #development# or #enlarged# portion of the #building# fronts upon designated #streets# as shown on Map 2 (Ground Floor Use and Transparency and Curb Cut Restrictions) in Appendix A of this Chapter, each ground floor #street wall# shall be glazed in accordance with 37-34 (Minimum Transparency Requirements) ~~with transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk.~~

* * *

115-20

SPECIAL BULK REGULATIONS

115-21

Floor Area Ratio, Open Space and Lot Coverage

* * *

(c) #Lot coverage#

In C4 and C6 Districts, for #residential buildings# or the #residential# portion of a #mixed building#, the maximum #lot coverage# shall be ~~100~~ 80 percent on a #corner lot# and 70 percent on an #interior# or #through lot#. ~~However, no #lot coverage# provisions shall apply to any #zoning lot# comprising an entire #block# or to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.~~

115-211

Special Inclusionary Housing regulations

* * *

(b) Maximum #floor area ratio#

The maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# set forth in the table in this Section, except that such base #floor area ratio# may be increased to the maximum #floor area ratio#, set forth in Section 23-~~154~~ 952 (Inclusionary Housing), through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90, inclusive.

* * *

(d) Height and setback

The height and setback regulations of ~~paragraph (a) of Section 23-~~664~~ 954~~ (Modified height and setback regulations for certain buildings) shall not apply. In lieu thereof, the special height and setback regulations of Section 115-23, inclusive, of this Chapter shall apply.

* * *

115-23

Height and Setback Regulations

* * *

115-233

Street wall height

C4 C6

Except in the locations indicated on Map 4 (Street Wall Height) in Appendix A of this Chapter, the minimum and maximum heights before setback of a #street wall# required pursuant to Section 115-232 (Street wall location), shall be as set forth in the following table:

District	Minimum #Street Wall# Height	Maximum #Street Wall# Height
C4-4A	40 feet	65 <u>75</u> feet
C4-5X	40 feet	85 <u>95</u> feet
C6	40 feet	60 feet

Any portion of a #building# that exceeds the maximum height of a #street wall# shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

In the locations indicated on Map 4, required #street walls# shall rise without setback to the minimum height specified for that location on Map 4 or the height of the #building#, whichever is less. Any portion of a #building# that exceeds the maximum #street wall# height specified for that location shall be set back at least 10 feet from a #wide street line# and at least 15 feet from a #narrow street line#.

However, in the locations indicated on Map 4 where no maximum #street wall# height or setback is required, #street walls# required pursuant to Section 115-232 shall rise without setback to a minimum height of 40 feet or the height of the #building#, whichever is less. Above a height of 40 feet, no setbacks are required for any portion of the #building#.

115-234

Maximum building height

C4 C6

In C4-4A and C4-5X Districts, the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for the applicable residential equivalent set forth in the tables in Section 35-23 (Residential Bulk Regulations in Other C1 or C2 Districts or in C3, C4, C5 or C6 Districts). For #developments# or #enlargements# providing either #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or #affordable independent residences for seniors#, where at least 20 percent of the #floor area# of the #zoning lot# is allocated to such #use#, such maximum heights and number of #stories# may be modified in accordance with the provisions of paragraph (a) of Section 23-664 for such districts' applicable residential equivalent. Separate maximum #building# heights are set forth within such Sections for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662. ~~no #building or other structure# shall exceed a height of 80 feet.~~

~~In C4-5X Districts, no #building or other structure# shall exceed a height of 125 feet.~~

In C6-2 and C6-3 Districts, no #building or other structure# shall exceed a height of 250 feet. In C6-4 Districts, no #building or other structure# shall exceed a height of 290 feet. However, no maximum #building# height limitation shall apply on Block 9993, shown on Map 5 (Maximum Building Height) in Appendix A of this Chapter, if such #block# is #developed# or if a #building# on such #block# is #enlarged#, pursuant to the Jamaica Gateway Urban Renewal Plan.

* * *

115-30

MANDATORY IMPROVEMENTS

* * *

115-32

Refuse Storage, Recreation Space and Planting Areas

All #buildings# containing #residences# shall provide refuse storage space, recreation space and planting areas in accordance with the provisions of Sections ~~28-12~~ ~~28-23~~ (Refuse Storage and Disposal) and ~~28-20~~ ~~28-30~~ (RECREATION SPACE AND PLANTING AREAS), whether or not they are #Quality Housing buildings#.

* * *

Article XI – Special Purpose Districts

Chapter 6

Special Stapleton Waterfront District

116-00

GENERAL PURPOSES

The "Special Stapleton Waterfront District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include among others, the following specific purposes:

- (a) encourage design of development that is in character with the neighborhood and surrounding community;
- (b) maintain and reestablish physical and visual public access to and along the waterfront;
- (c) strengthen the traditional town center of Stapleton by allowing the development of residential and commercial uses;
- (d) encourage the creation of a lively and attractive environment that will provide daily amenities and services for the use and enjoyment of the working population and the new residents;
- (e) take maximum advantage of the beauty of the New York Harbor waterfront, thereby best serving the business community, the residential population and providing regional recreation; and
- (f) promote the most desirable use of land and thus conserve and enhance the value of land and buildings, and thereby protect City tax revenues.

* * *

116-10

SPECIAL USE REGULATIONS

Within the #Special Stapleton Waterfront District#, the following special #use# regulations shall apply. The #use# regulations of the underlying C4-2A District shall be modified by Sections 116-101 through 116-13, inclusive.

* * *

116-12

Mandatory Ground Floor Use and Frontage Requirements

The provisions of Section 32-433 (Ground floor use in C1, C2 and C4 Districts in the Borough of Staten Island) shall not apply in the #Special Stapleton Waterfront District#. However, on designated #streets# and #mandatory

front building wall lines# in Subareas B3 and C, as shown on Map 2 in the Appendix to this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building developed# or #enlarged# after October 25, 2006.

~~#Uses# located on the ground floor level; or within two feet of the as-built level of the adjoining sidewalk; shall be exclusively limited to the permitted non-#residential uses# permitted by the underlying district regulations, as modified by the special #use# provisions of this Chapter. A #building's# ground floor frontage shall be allocated exclusively to such #uses#, and shall have a depth of at least 30 feet from the #street wall# of the #building# and Such ground floor #uses# shall extend along the entire width of the #building#, except for lobbies or entrances to #accessory# parking spaces, and shall have a depth provided in accordance with Section 37-32 (Ground Floor Depth Requirements for Certain Uses).~~

In no event shall lobbies and entrances to #accessory# parking spaces occupy more than 50 percent of the #building's# total frontage along such #street# or #mandatory front building wall line#, or 35 feet, whichever is less. However, the total length of such frontage occupied by such lobbies and entrances need not be less than 25 feet.

116-13

Transparency Requirements

Within the #Special Stapleton Waterfront District#, the transparency requirements of ~~this~~ Section 37-34 (Minimum Transparency Requirements) shall apply to any #development# or an #enlargement# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line# and where non-#residential uses# are located on the ground floor level or within two feet of the as-built level of the adjoining sidewalk.

~~At least 50 percent of a #building's# front #building# wall surface shall be glazed and transparent at the ground floor level. For the purpose of the glazing requirements, the #building's street wall# surface at the ground floor level shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less. The lowest point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above the as-built level of the adjoining sidewalk.~~

116-20

SPECIAL BULK REGULATIONS

The special #bulk# regulations of this Section shall apply within the #Special Stapleton Waterfront District#.

* * *

116-23

Special Height and Setback Regulations

The special height and setback regulations set forth in this Section shall apply.

* * *

116-233

Maximum building height

Within the #Special Stapleton Waterfront District#, the maximum height of a #building or other structure# with a #non-qualifying ground floor#, as defined in Section 23-662 (Maximum height of buildings and setback regulations), shall not exceed 50 feet, and the maximum height of a #building or other structure# with a #qualifying ground floor#, as defined in Section 23-662, shall not exceed 55 feet. ~~except~~ However, in Subarea B2, ~~where~~ the maximum height of a #building or other structure# shall not exceed 60 feet.

* * *

Article XI - Special Purpose Districts

Chapter 7

Special Long Island City Mixed Use District

117-00

GENERAL PURPOSES

The "Special Long Island City Mixed Use District" established in this Resolution is designed to promote and protect the public health, safety and general welfare of the Long Island City community. These general goals include, among others, the following specific purposes:

- (a) support the continuing growth of a mixed residential, commercial and industrial neighborhoods by permitting expansion and development of residential, commercial, community facility and light manufacturing uses where adequate environmental standards are assured;
- (b) encourage the development of moderate to high density commercial uses within a compact transit-oriented area;
- (c) strengthen traditional retail streets in Hunters Point by allowing the development of new residential and retail uses;
- (d) encourage the development of affordable housing;
- (e) promote the opportunity for people to work in the vicinity of their residences;
- (f) retain jobs within New York City;
- (g) provide an opportunity for the improvement of Long Island City; and
- (h) promote the most desirable use of land and thus conserve the value of land and buildings and thereby protect City tax revenues.

* * *

117-02

General Provisions

In harmony with the general purposes and content of this Resolution and the general purposes of the #Special Long Island City Mixed Use District#, the regulations of this Chapter shall apply within the #Special Long Island

City Mixed Use District#. The regulations of all other Chapters of this Resolution are applicable, except as modified, supplemented or superseded by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, the provisions of this Chapter shall control. However, in #flood zones#, in the event of a conflict between the provisions of this Chapter and the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas), the provisions of Article VI, Chapter 4, shall control.

* * *

- (b) For #mixed use buildings#, #dwelling units# ~~or #rooming units#~~ shall be located on a #story# or #stories# above the highest #story# occupied, in whole or in part, by a #commercial# or # manufacturing use# ~~non-#residential use#~~. #Commercial# or #manufacturing uses# ~~Non-#residential uses#~~ may, however, be located on the same #story#, or on a #story# higher than that occupied by #dwelling units# or ~~#rooming units#~~, provided that the #commercial# or #manufacturing uses#: ~~non-#residential uses#~~:
- (1) are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
- (2) are not located directly over any portion of the #building# containing #dwelling units# ~~or #rooming units#~~.

* * *

117-50

QUEENS PLAZA SUBDISTRICT

* * *

117-51

Queens Plaza Subdistrict Special Use Regulations

* * *

117-512

Ground floor use and frontage regulations

On designated #streets# in the Queens Plaza Subdistrict, as shown on Map 2 in Appendix C of this Chapter, the special ground floor #use# and frontage regulations of this Section shall apply to any #building or other structure# fronting on such #streets#.

#Uses# within #stories# on the ground floor or with a floor level within five feet of #curb level# shall be limited exclusively to permitted #commercial#, #manufacturing# or #community facility uses# ~~permitted by the designated district regulations except~~ as modified by the special #use# provisions of Sections 117-51 and 117-511. ~~A #building's# ground floor frontage shall be allocated exclusively to such #uses#, except for lobby space or~~

entrance space.

In no event shall the length of #street# frontage occupied by lobby space, entrance space and/or a #building# entrance recess exceed in total 50 percent of the #building's# total #street# frontage or 30 feet, whichever is less. However, the total length of #street# frontage occupied by lobby space and/or entrance space need not be less than 25 feet.

* * *

117-513

Transparency requirement

Within the Queens Plaza Subdistrict, the transparency requirements of ~~this Section~~ Section 37-34 (Minimum Transparency Requirements) shall apply to all #developments# and to #enlargements# where the #enlarged# portion of the ground floor of the #building# is within eight feet of the #street line#. ~~Transparency requirements shall not apply to any #building# where the ground floor is occupied by #uses# listed in Use Groups 16 or 17.~~ However, the provisions establishing the maximum width of ground floor level #street wall# without transparency shall not apply. In lieu thereof, any portion of such #building# wall that is 50 feet or more in length and contains no transparent element between #curb level# and 14 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 14 feet in height, shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.

The transparency requirements of this Section shall not apply to any #building# where the ground floor is occupied by #uses# listed in Use Groups 16 or 17.

~~At least 50 percent of a #building's street wall# surface shall be glazed and transparent at the ground floor level. For the purpose of the glazing requirements, the #building's street wall# surface at the ground floor level shall be measured from the floor to the height of the ceiling or 14 feet above grade, whichever is less. The lowest point at any point of any transparency that is provided to satisfy the requirements of this Section shall not be higher than four feet above #curb level#. Door or window openings within such walls shall be considered as transparent. Such openings shall have a minimum width of two feet.~~

~~In addition, the remaining portion of such #building# wall that is 50 feet or more in length and contains no transparent element between #curb level# and 14 feet above #curb level# or the ceiling of the ground floor, whichever is higher, or to its full height if such wall is less than 14 feet in height, shall be covered with vines or similar planting or contain artwork or be treated so as to provide visual relief. Plantings shall be planted in soil having a depth of not less than 2 feet, 6 inches, and a minimum width of 24 inches.~~

* * *

117-52

Queens Plaza Subdistrict Special Bulk Regulations

* * *

117-523

Lot coverage and open space ratio requirements

- (a) #Lot coverage# requirements for #residential buildings#

In the Queens Plaza Subdistrict, where the designated #Residence District# is an R7 or R9 District, the provisions of Sections 23-15142 (Basic regulations for R6 through R9 Districts ~~In R6, R7, R8 or R9 Districts~~) through 23-144, inclusive, regulating minimum required #open space ratios# and maximum #floor area ratios#, shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #Quality Housing buildings#, shall comply with the #lot coverage# requirements set forth for the designated district in Section 23-15345 (For Quality Housing buildings). ~~or Section 23-147 for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R7 Districts without a letter suffix, shall comply with the provisions for R7A Districts, as set forth in Section 23-147.~~

Where the designated district is an R7-3 District, the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100.80 percent on a #corner lot#.

- (b) #Lot coverage# and #open space ratio# requirements for #mixed use buildings#

#Lot coverage# and #open space ratio# requirements shall not apply to any portion of a #mixed use building# in the Queens Plaza Subdistrict.

* * *

117-55

Mandatory Plan Elements for the Queens Plaza Subdistrict

117-552

Central refuse storage area

The provisions of Section ~~28-23~~ 28-12 (Refuse Storage and Disposal) shall apply.

* * *

117-60

DUTCH KILLS SUBDISTRICT

In the #Special Long Island City Mixed Use District#, the special regulations of Sections 117-60 through 117-64, inclusive, shall apply within the Dutch Kills Subdistrict.

* * *

117-63

Special Bulk Regulations in the Designated Districts

* * *

117-631

Floor area ratio and lot coverage modifications

* * *

- (b) Maximum #floor area ratio# and #lot coverage# for #residential uses#

* * *

- (2) M1-3/R7X designated district

- (i) Inclusionary Housing Program

* * *

- (ii) Maximum #floor area ratio#

Within such #Inclusionary Housing designated area#, the maximum #floor area ratio# for any #zoning lot# containing a #residential use# shall not exceed the base #floor area ratio# of 3.75, except that such base #floor area ratio# may be increased to the maximum #floor area ratio# of 5.0, as set forth in Section 23-~~154.952~~ (Inclusionary Housing), through the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90.

* * *

117-634

Maximum building height for mixed use buildings in designated R5 Districts

The provisions regarding the maximum height of #mixed use buildings# within 25 feet of a #street line#, as set

forth in Section 123-661 (Mixed use buildings in Special Mixed Use Districts with R3, R4 or R5 District designations), shall be modified in the Dutch Kills Subdistrict, where the designated Residence District is an R5 District, as follows:

- (a) in designated R5B Districts, no #building or other structure# shall exceed a height of 33 feet within 25 feet of a #street line#;
- (b) in designated R5D Districts, no #building or other structure# shall exceed a height of ~~40~~ 45 feet within 25 feet of a #street line#.

* * *

Article XI - Special Purpose Districts

Chapter 8

Special Union Square District

118-00

GENERAL PURPOSES

The "Special Union Square District" established in this Resolution is designated to promote and protect public health, safety, general welfare and amenity. These general goals include, among others, the following specific purposes:

- (a) to promote a revitalized mixed-use area around Union Square by encouraging controlled development on vacant and under-utilized sites within the District;
- (b) to stimulate such growth while providing guidelines which will ensure urban design compatibility between new development, existing buildings and Union Square and which will preserve and enhance the special character of the Square;
- (c) to stabilize the area through residential development and thereby encourage active utilization of Union Square Park;
- (d) to enhance the retail and service nature and economic vitality of 14th Street by mandating appropriate retail and service activities;
- (e) to improve the physical appearance and amenity of the streets within the District by establishing streetscape and signage controls which are compatible to Union Square Park;
- (f) to improve access, visibility, security and pedestrian circulation in and around the 14th Street/Union Square Station; and
- (g) to promote the most desirable use of land in this area and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

118-10

USE REGULATIONS

* * *

118-12

Sign Regulations

On #street walls# fronting on 14th Street, no #sign# may be located more than 25 feet above #curb level#.

#Signs# on #street walls# fronting on all other #streets# within the Special District shall be subject to the provisions of paragraph (e) of Section 32-345 (Ground floor use in High Density Commercial Districts) ~~37-36- (Sign Regulations)~~.

#Flashing signs# are not permitted within the Special District.

118-20 BULK REGULATIONS

118-21 Floor Area Regulations

The maximum #floor area ratio# permitted on property bounded by:

* * *

- (b) Broadway, a line midway between East 13th Street and East 14th Street, south prolongation of the center line of Irving Place and Irving Place, East 15th Street, Union Square East, Fourth Avenue, and East 14th Street is 10.0, except as provided in Section ~~118-70~~ 118-60 (SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT).

In no event, shall the commercial #floor area ratio# exceed 6.0.

* * *

118-22 Residential Density Regulations

The density regulations of Section ~~23-230~~ (DENSITY REGULATIONS) shall not apply. Instead, for every 750 square feet of #residential floor area# permitted on a #zoning lot#, there shall be no more than one #dwelling unit#.

However, the conversion of non-#residential buildings# to #residential use# shall be subject to the provisions of Article I, Chapter 5 (Residential Conversion of Existing Non-Residential Buildings).

* * *

118-30 STREET WALL, HEIGHT AND SETBACK REGULATIONS

The location and height above #curb level# of the #street wall# of any #development# or #enlargement# shall be as shown in the District Plan (Appendix A). However, if a #development# or #enlargement# is adjacent to one or more existing #buildings# fronting on the same #street line#, the #street wall# of such #development# or #enlargement# shall be located neither closer to nor further from the #street line# than the front wall of the adjacent #building# which is closest to the same #street line#.

#Street wall# recesses are permitted below the level of the second #story# ceiling for subway stair entrances required under Section ~~118-50~~ ~~118-60~~ (OFF STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT). Such recesses shall be no longer than 15 feet and no deeper than eight feet or the width or length of the relocated subway stair, whichever is greater.

* * *

118-40

ENTRANCE AND STREET WALL TRANSPARENCY REQUIREMENTS

All #developments# and #enlargements# that front on 14th Street, Union Square East, Union Square West and 17th Street shall be subject to the requirements set forth below.

* * *

118-43

Street Wall Transparency

When the #street wall# of any #development# or #enlargement# is located on 14th Street, Union Square East, Union Square West or 17th Street, ~~at least 50 percent of the total surface area of such #street wall# shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements) transparent between #curb level# and 12 feet above #curb level# or the ceiling of the ground floor, whichever is higher. Such transparency must begin not higher than four feet above #curb level#.~~

118-50

ADDITIONAL REQUIREMENTS

118-51

Double Glazed Windows

~~All new #dwelling units# in #developments#, #enlargements# or changes of #use# shall be required to have double glazing on all windows and shall provide alternate means of ventilation.~~

118-60

118-50

OFF-STREET RELOCATION OF A SUBWAY STAIR WITHIN THE SPECIAL UNION SQUARE DISTRICT

* * *

~~118-70~~

118-60

SUBWAY STATION IMPROVEMENTS WITHIN THE SPECIAL UNION SQUARE DISTRICT

* * *

Article XI - Special Purpose Districts

Chapter 9

Special Hillside Preservation District

119-00

GENERAL PURPOSES

The "Special Hillside Preservation District" (hereinafter also referred to as the "Special District") established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following special purposes:

- (a) to reduce hillside erosion, landslides and excessive storm water runoff associated with development by conserving vegetation and protecting natural terrain;
- (b) to preserve hillsides having unique aesthetic value to the public;
- (c) to guide development in areas of outstanding natural beauty in order to protect, maintain and enhance the natural features of such areas; and
- (d) to promote the most desirable use of land and to guide future development in accordance with a comprehensive development plan, and to protect the neighborhood character of the district.

* * *

119-20

PROVISIONS REGULATING TIER II SITES

* * *

119-21

Tier II Requirements

119-211

Lot coverage, floor area and density regulations

The area of a #private road# shall be excluded from the area of the #zoning lot# for the purposes of applying the applicable requirements of Sections 23-14 (Open Space and Floor Area Regulations in R1 through R5 Districts ~~Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio~~) or Section 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts) as modified by this Section, and Sections 23-21 (Required Floor Area per Dwelling Unit ~~or Floor Area per Rooming Unit~~) and 33-10 (FLOOR

AREA REGULATIONS). For the purposes of this Section, the area of the #private road# shall include the area of the paved roadbed plus a seven-foot wide area adjacent to and along the entire length of the required curbs.

The maximum permitted percentage of #lot coverage# on a #zoning lot# shall be determined by Table I or Table II of this Section, as applicable.

* * *

119-212
Height and setback regulations

The height and setback regulations set forth in Sections 23-63 ~~634~~ (Height and setback in R1 Through R5 Districts R1, R2, R3, R4 and R5 Districts), 23-64 ~~632~~ (Basic Height and Setback Requirements Front setbacks in districts where front yards are not required), 34-24 (Modification of Height and Setback Regulations), and 35-62 ~~4~~ (Height and Setback Regulations Commercial Districts with an R1 through R5 Residential Equivalents) and 35-63 (Basic Height and Setback Modifications) shall not apply to #buildings or other structures# on #Tier II sites# within the #Special Hillside Preservation District#. In lieu thereof, the height and setback regulations set forth in this Section shall apply.

No portion of a #building or other structure# shall penetrate a plane drawn parallel to the #base plane# at a height that is shown in Table III of this Section. For #buildings# with pitched roofs, height shall be measured to the midpoint of such pitched roof. For the purposes of this Section, the #base plane#, which is a plane from which the height of a #building or other structure# is measured in R2X, R3, R4 and R5 Districts, shall also be established in accordance with the provisions of Section 12-10 (DEFINITIONS) for #buildings or other structures# in R1, R2 and R6 Districts.

TABLE III
MAXIMUM HEIGHT OF A BUILDING OR OTHER STRUCTURE

#Residence District#*	Maximum Height above #Base Plane#
R1 R2 R3 R4**	36 feet
R5**	60 feet
R6	70 feet

* or #Residence District# equivalent when the #zoning lot# is located within a #Commercial District#

** #buildings# that utilize the regulations of Section 23-1431, applying to a #predominantly built-up area#, shall not exceed a maximum height of 32 feet above the #base plane#.

* * *

Article XII - Special Purpose Districts

Chapter 1

Special Garment Center District

121-00

GENERAL PURPOSES

The "Special Garment Center District" established in this Resolution is designed to promote and protect public health, safety, and general welfare. These general goals include, among others, the following specific purposes:

- (a) to retain adequate wage and job producing industries within the Garment Center;
- (b) to preserve apparel production and showroom space in designated areas of the Garment Center;
- (c) to limit conversion of manufacturing space to office use in designated areas of the Garment Center;
- (d) to recognize the unique character of the western edge of the Special District as integral to the adjacent #Special Hudson Yards District#;
- (e) to establish an appropriate visual character for wide streets within the Garment Center; and
- (f) to promote the most desirable use of land within the district, to conserve the value of land and buildings, and thereby protect the City's tax revenues.

* * *

121-30

SPECIAL BULK REGULATIONS WITHIN PRESERVATION AREA P-2

The following special #bulk# regulations shall apply within Preservation Area P-2, as shown in Appendix A of this Chapter.

* * *

121-32

Height of Street Walls and Maximum Building Height

- (a) Height of #street walls#

* * *

(b) Maximum #building# height

Above a height of 90 feet or the height of the adjacent #street wall# if higher than 90 feet, no portion of a #building or other structure# shall penetrate a #sky exposure plane# that begins at a height of 90 feet above the #street line#, or the height of the adjacent #street wall# if higher than 90 feet, and rises over the #zoning lot# at a slope of four feet of vertical distance for each foot of horizontal distance to a maximum height limit of 250 feet, except as provided below:

- (1) any portion of the #building or other structure developed# or #enlarged# pursuant to the tower regulations of Sections 33-45 (Tower Regulations) or 35-64~~3~~ (Special Tower Regulations for Mixed Buildings), as applicable, may penetrate the #sky exposure plane#, provided no portion of such #building or other structure# exceeds the height limit of 250 feet; and

* * *

Article XII - Special Purpose Districts

Chapter 3

Special Mixed Use District

123-00

GENERAL PURPOSES

The "Special Mixed Use District" regulations established in this Chapter of the Resolution are designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) to encourage investment in mixed residential and industrial neighborhoods by permitting expansion and new development of a wide variety of uses in a manner ensuring the health and safety of people using the area;
- (b) to promote the opportunity for workers to live in the vicinity of their work;
- (c) to create new opportunities for mixed use neighborhoods;
- (d) to recognize and enhance the vitality and character of existing and potential mixed use neighborhoods; and
- (e) to promote the most desirable use of land in accordance with a well-considered plan and thus conserve the value of land and buildings and thereby protect City tax revenues.

* * *

123-20

SPECIAL USE REGULATIONS

* * *

123-21

Modification of Use Groups 2, 3 and 4

The #uses# listed in Use Group 2, and the following #uses# listed in Use Groups 3 and 4: college or school student dormitories and fraternity or sorority student houses, ~~#long-term care facilities#, domiciliary care facilities for adults, nursing homes and health-related facilities,~~ philanthropic or non-profit institutions with sleeping accommodations, monasteries, convents or novitiates, #non-profit hospital staff dwellings# without restriction on location, and non-profit or voluntary hospitals, may only locate in the same #building# as, or share a common wall with a #building# containing, an existing #manufacturing# or #commercial use#, upon certification by a

licensed architect or engineer to the Department of Buildings that such #manufacturing# or #commercial use#:

- (a) does not have a New York City or New York State environmental rating of "A", "B" or "C" under Section 24-153 of the New York City Administrative Code for any process equipment requiring a New York City Department of Environmental Protection operating certificate or New York State Department of Environmental Conservation state facility permit; and
- (b) is not required, under the City Right-to-Know Law, to file a Risk Management Plan for Extremely Hazardous Substances.

* * *

123-30

SUPPLEMENTARY USE REGULATIONS

123-31

Provisions Regulating Location of Uses in Mixed Use Buildings

In #Special Mixed Use Districts#, in any #building# or portion of a #building# occupied by #residential uses#, ~~#commercial# or #manufacturing uses# non-#residential uses#~~ may be located only on a #story# below the lowest #story# occupied by #dwelling units# ~~or #rooming units#~~, except that this limitation shall not preclude the:

- (a) extension of a permitted #business sign#, #accessory# to such non-#residential use#, to a maximum height of two feet above the level of a finished floor of the second #story#, but in no event higher than six inches below the lowest window sill on the second #story#;
- (b) location of ~~#commercial# or #manufacturing uses# non-#residential uses#~~ on the same #story#, or on a #story# higher than that occupied by #dwelling units# ~~or #rooming units#~~, in #buildings# in existence on or prior to December 10, 1997, that are partially #converted# to #residential use# pursuant to paragraph (a) of Section 123-67 (Residential Conversion), or were previously so #converted# pursuant to Article I, Chapter 5 (Residential Conversion within Existing Buildings); or
- (c) location of ~~#commercial# or #manufacturing uses# non-#residential uses#~~ on the same #story#, or on a #story# higher than that occupied by #dwelling units# ~~or #rooming units#~~, provided that the ~~#commercial# or #manufacturing uses# non-#residential uses#~~:
 - (1) are located in a portion of the #mixed use building# that has separate direct access to the #street# with no access to the #residential# portion of the #building# at any #story#; and
 - (2) are not located directly over any portion of a #building# containing #dwelling units# ~~or #rooming units#~~.

123-32

Environmental Conditions

In #Special Mixed Use Districts#, all new #dwelling units# shall be provided with a minimum 35dB(A) of window wall attenuation to maintain an interior noise level of 45dB(A) or less, with windows closed, and shall provide an alternate means of ventilation. However, upon application to the Office of Environmental Remediation (OER) by the owner of the affected #building#, consistent with its authority under the provisions of Section 11-15 (Environmental Requirements) with respect to (E) designations, OER may modify the requirements of this Section, based upon new information, additional facts or updated standards, as applicable, provided that such modification is equally protective. In such instances, OER shall provide the Department of Buildings with notice of such modification, stating that it does not object to the issuance of a building permit, or temporary or final certificate of occupancy.

* * *

123-60

SPECIAL BULK REGULATIONS

* * *

123-63

Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Only Residential Buildings in R6, R7, R8 and R9 Districts

Where the designated #Residence District# is an R6, R7, R8 or R9 District, the minimum required #open space ratio# and maximum #floor area ratio# provisions of Section 23-151~~142~~ (Basic regulations for R6 through R9 Districts), ~~23-143 and paragraph (a) of Section 23-147~~ shall not apply. In lieu thereof, all #residential buildings#, regardless of whether they are required to be #developed# or #enlarged# pursuant to the Quality Housing Program, shall comply with the maximum #floor area ratio# and #lot coverage# requirements set forth for the designated district in Section 23-153~~45~~ (For Quality Housing buildings), or ~~paragraph (b) of Section 23-155~~ 47 (Affordable independent residences for seniors), as applicable. ~~for #non-profit residences for the elderly#. For purposes of this Section, #non-profit residences for the elderly# in R6 and R7 Districts without a letter suffix, shall comply with the provisions for R6A or R7A Districts, respectively, as set forth in paragraph (b) of Section 23-147.~~

Where the designated district is an R7-3 District, the maximum #floor area ratio# shall be 5.0 and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 ~~80~~ percent on a #corner lot#.

Where the designated district is an R9-1 District, the maximum #floor area ratio# shall be 9.0, and the maximum #lot coverage# shall be 70 percent on an #interior# or #through lot# and 100 ~~80~~ percent on a #corner lot#.

The provisions of this Section shall not apply on #waterfront blocks#, as defined in Section 62-11. In lieu thereof, the applicable maximum #floor area ratio# and #lot coverage# requirements set forth for #residential uses# in

Section 62-30 (SPECIAL BULK REGULATIONS) through 62-32 (Maximum Floor Area Ratio and Lot Coverage on Waterfront Blocks), inclusive, shall apply.

However, in #Inclusionary Housing designated areas#, as listed in the table in this Section, the maximum permitted #floor area ratio# shall be as set forth in Section 23-~~154~~952 (Inclusionary Housing). The locations of such districts are specified in [APPENDIX F](#) of this Resolution.

* * *

123-64

Maximum Floor Area Ratio and Lot Coverage Requirements for Zoning Lots Containing Mixed Use Buildings

For #zoning lots# containing #mixed use buildings#, the following provisions shall apply.

- (a) Maximum #floor area ratio#

* * *

- (3) #Residential uses#

Where the #Residence District# designation is an R3, R4 or R5 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Sections-23-14, inclusive, and ~~23-141~~, in accordance with the designated #Residence District#.

Where the #Residence District# designation is an R6, R7, R8, R9 or R10 District, the maximum #floor area ratio# permitted for #residential uses# shall be the applicable maximum #floor area ratio# permitted for #residential uses# under the provisions of Section 123-63, in accordance with the designated #Residence District#.

- (4) Maximum #floor area# in #mixed use buildings#

The maximum total #floor area# in a #mixed use building# shall be the maximum #floor area# permitted for either the #commercial#, #manufacturing#, #community facility# or #residential use#, as set forth in this Section, whichever permits the greatest amount of #floor area#.

However, in #Inclusionary Housing designated areas#, except within Waterfront Access Plan BK-1, the maximum #floor area ratio# permitted for #zoning lots# containing #residential# and #commercial#, #community facility# or #manufacturing uses# shall be the base #floor area ratio# set forth in Section 23-~~154~~952 (Inclusionary Housing) for the applicable district. Such base #floor area ratio# may be increased to the maximum #floor area ratio# set forth in such Section only through the provision of #affordable housing#, pursuant to Section 23-90, inclusive.

* * *

123-65

Special Yard Regulations

* * *

123-652

Special yard regulations for mixed use buildings

No #front yards# or #side yards# are required in #Special Mixed Use Districts#. However, if any open area extending along a #side lot line# is provided at any level, such open area shall have a minimum width of eight feet; except, if the #mixed use building# contains no more than two #dwelling units#, the open area extending along a #side lot line# may be less than eight feet in width at the level of the #dwelling unit#. For a #residential# portion of a #mixed use building#, the required #rear yard# shall be provided at the floor level of the lowest #story# containing #dwelling units# ~~or #rooming units#~~ where any window of such #dwelling units# ~~or #rooming units#~~ faces onto such #rear yard#.

* * *

123-66

Height and Setback Regulations

* * *

123-662

All buildings in Special Mixed Use Districts with R6, R7, R8, R9 and R10 District designations

In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District, the height and setback regulations of Sections 23-60 and 43-40 shall not apply. In lieu thereof, all #buildings or other structures# shall comply with the height and setback regulations of this Section.

(a) Medium and high density non-contextual districts

- (1) In #Special Mixed Use Districts# where the designated #Residence District# is an R6, R7, R8, R9 or R10 District without a letter suffix, ~~except an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District~~, the height of a #building or other structure#, or portion thereof, located within ten feet of a #wide street# or 15 feet of a #narrow street#, may not exceed the maximum base height specified in Table A of this Section, except for dormers permitted in accordance with paragraph (c) of this Section. Beyond ten feet of a #wide street# and 15 feet of a

~~#narrow street#~~, the height of a ~~#building or other structure#~~ shall not exceed the maximum ~~#building#~~ height specified in Table A. However, a ~~#building or other structure#~~ may exceed such maximum ~~#building#~~ height by four ~~#stories#~~ or 40 feet, whichever is less, provided that the gross area of each ~~#story#~~ located above the maximum ~~#building#~~ height does not exceed 80 percent of the gross area of that ~~#story#~~ directly below it.

* * *

(b) Medium and high density contextual districts

In ~~#Special Mixed Use Districts#~~ where the ~~#Residence District#~~ designation is an R6A, R6B, R7A, R7B, R7D, R7X, R8A, R8B, R8X, R9A, R9X, R10A or R10X District, the height and setback provisions of Section 23-662 shall apply. Where the #Residence District# designation is an R10X District, a tower may be provided in accordance with the provisions of Section 23-663. In addition, in all applicable districts, for #developments# or #enlargements# providing #affordable housing# pursuant to the Inclusionary Housing Program, as set forth in Section 23-90, inclusive, or for #developments# or #enlargements# where at least 20 percent of the #floor area# of the #zoning lot# contains #affordable independent residences for seniors#, the height and setback provisions of Section 23-664 shall apply. Separate maximum #building# heights are set forth within the Tables of Sections 23-662 and 23-664 for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662. ~~no #building or other structure# shall exceed the maximum #building# height specified in Table B of this Section.~~

~~Setbacks are required for all portions of #buildings# that exceed the maximum base height specified in Table B. Such setbacks shall be provided in accordance with the following provisions:~~

- ~~(1) — #Building# walls facing a #wide street# shall provide a setback at least ten feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B. #Building# walls facing a #narrow street# shall provide a setback at least 15 feet deep from such wall of the #building# at a height not lower than the minimum base height specified in Table B.~~
- ~~(2) — These setback provisions are optional for any #building# wall that is either located beyond 50 feet of a #street line# or oriented so that lines drawn perpendicular to such #building# wall would intersect a #street line# at an angle of 65 degrees or less. In the case of an irregular #street line#, the line connecting the most extreme points of intersection shall be deemed to be the #street line#.~~
- ~~(3) — Required setback areas may be penetrated by dormers in accordance with paragraph (c) of this Section.~~
- ~~(4) — Where the #Residence District# designation is an R10X District, no maximum #building# height shall apply. However, the minimum coverage of any portion of a #building# that exceeds the permitted maximum base height shall be 33 percent of the #lot area# of the #zoning lot#. Such minimum #lot# coverage requirement shall not apply to the highest four #stories# of the #building#.~~

TABLE B
HEIGHT AND SETBACK FOR ALL BUILDINGS
IN MEDIUM AND HIGH DENSITY CONTEXTUAL DISTRICTS
(in feet)

District	Minimum Base Height	Maximum Base Height	Maximum #Building# Height
R6B	30	40	50
R6A	40	60	70
R7B	40	60	75
R7A	40	65	80
R7D	60	85	100
R7X	60	85	125
R8A	60	85	120
R8B	55	60	75
R8X	60	85	150
R9A**	60	95	135
R9A*	60	102	145
R9X**	60	120	160
R9X*	105	120	170
R10A**	60	125	185
R10A*	125	150	210

~~* That portion of a district which is within 100 feet of a #wide street#~~

~~** That portion of a district on a #narrow street# except within a distance of 100 feet from its intersection with a #wide street#~~

~~*** #Buildings# may exceed a maximum base height of 85 feet in accordance with paragraph (b)(4) of this Section~~

(c) Permitted obstructions and dormer provisions

Obstructions shall be permitted pursuant to Sections 23-62, 24-51 or 43-42. In addition, in all districts, within a required setback area, a dormer may be provided in accordance with the provisions of paragraph (c)(1) of Section 23-621. ~~exceed a maximum base height specified in Tables A or B of this Section and thus penetrate a required setback area, provided that, on any #street# frontage, the aggregate width of all dormers at the maximum base height does not exceed 60 percent of the length of the #street wall# of the highest #story# entirely below the maximum base height. At any level above the maximum base height, the length of a #street wall# of a dormer shall be decreased by one percent for every foot that such level of dormer exceeds the maximum base height. (See illustration of Dormer in Section 62-341).~~

However, all #buildings or other structures# on #waterfront blocks#, as defined in Section 62-11, shall comply with the height and setback regulations set forth for the designated #Residential District# as set forth in Section 62-34 (Height and Setback Regulations on Waterfront Blocks), inclusive.

* * *

Article XII - Special Purpose Districts

Chapter 4

Special Willets Point District

124-00

GENERAL PURPOSES

The “Special Willets Point District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) transform Willets Point into a diverse and sustainable community that enhances connections to its surroundings through a unique combination of uses;
- (b) create a retail and entertainment destination that catalyzes future growth and strengthens Flushing’s role as a nexus of economic, social and cultural activity;
- (c) encourage a mix of uses that complement sporting venues within Flushing Meadows-Corona Park;
- (d) maximize utilization of mass transit, reducing the automobile dependency of the redevelopment;
- (e) create a livable community combining housing, retail and other uses throughout the district;
- (f) create a walkable, urban streetscape environment with publicly accessible open spaces;
- (g) encourage the pedestrian orientation of ground floor uses;
- (h) build upon the diversity of the Borough of Queens as well as the proximity of regional transportation facilities, including the Van Wyck and Whitestone Expressways, LaGuardia and JFK Airports and the Long Island Railroad;
- (i) provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (j) promote the most desirable use of land and building development in accordance with the District Plan and Urban Renewal Plan for Willets Point and thus improve the value of land and buildings and thereby improve the City’s tax revenues.

* * *

124-10

SPECIAL USE REGULATIONS

The ~~use~~ regulations of the underlying district are modified as set forth in this Section, inclusive.

124-11

Regulation of Residential Uses

124-111

Location of residential use within buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) shall be modified to permit ~~dwelling units or rooming units~~ on the same ~~story~~ as a commercial use ~~non-residential use~~ provided no access exists between such ~~uses~~ at any level containing ~~dwelling units or rooming units~~ and provided any commercial uses ~~non-residential uses~~ are not located directly over any ~~dwelling units or rooming units~~. However, such commercial uses ~~non-residential uses~~ may be located over ~~dwelling units or rooming units~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~residential uses~~ from commercial uses ~~non-residential uses~~ exists within the ~~building~~.

* * *

124-14

Retail Continuity

The following regulations shall apply within Area A, as shown on Map 1 in the Appendix to this Chapter, to all portions of ~~buildings~~ with frontage on 126th Street, the ~~primary retail street~~, ~~the retail streets~~, ~~connector streets~~ and, in the event that a utility easement is retained on the ~~block~~ bounded by Roosevelt Avenue and 126th Street, along the frontage of the publicly accessible open space required by paragraph (d) of Section 124-42.

(a) Ground floor ~~uses~~

~~Uses~~ within ~~stories~~ on the ground floor or with a floor level within five feet of ~~base flood elevation~~ shall be limited to ~~commercial uses~~ permitted by the underlying district, ~~but not including except uses listed in Use Groups 6B, 6E, 8C, 8D, 9B, 10B or 12D, as provided in Article III, Chapter 2.~~ A ~~building's~~ frontage shall be allocated exclusively to such ~~uses~~, except for Type 2 lobby space or entryways provided in accordance with Section 37-33 (Maximum Width of Certain Uses), parking pursuant to Section 124-50, inclusive, and vehicular access pursuant to Section 124-53 (Curb Cut Restrictions). Such ~~uses~~ shall have a minimum depth of 50 feet measured from any ~~street wall~~ facing 126th Street, the ~~primary retail street~~ or ~~connector streets~~.

~~In no event shall the length of such frontage occupied by lobby space or entryways exceed, in total, 40 feet or 25 percent of the building's frontage, whichever is less, except that the width of a lobby need not be less than 20 feet.~~

* * *

(d) Transparency

For any #building#, or portion thereof, #developed# or #enlarged# after November 13, 2008, each ground floor #street wall# shall be glazed in accordance with 37-34 (Minimum Transparency Requirements) ~~with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 70 percent of the area of each such ground floor #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk or public access area. Not less than 50 percent of such glazed area shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.~~

However, in locations where such ground floor #street wall# above the level of the adjoining sidewalk or public access area is below #base flood elevation#, the required glazed area shall occupy an area measured from #base flood elevation# ~~to a height 10 feet above #base flood elevation#.~~

* * *

124-50

OFF-STREET PARKING REGULATIONS

Off-street parking shall be provided for all required parking spaces and loading berths as specified by the underlying district, except as modified by the special regulations of this Section, inclusive.

124-51

Use and Location of Parking Facilities

The provisions of this Section shall apply to all off-street parking spaces within the #Special Willets Point District#.

Floor space used for parking shall be exempt from the definition of #floor area#.

Parking facilities with over 225 parking spaces shall provide adequate reservoir space at the vehicular entrances to accommodate either ten automobiles or five percent of the total parking spaces provided in such facility, whichever amount is greater, but in no event shall such reservoir space be required for more than 50 automobiles.

- (a) All off-street parking spaces shall be located within facilities that, except for entrances and exits, are located:
 - (1) entirely below the level of any #street# or publicly accessible open space upon which such facility, or portion thereof, fronts;

- (2) in a #cellar# no more than four feet above grade within Area B, as shown on Map 1 in the Appendix to this Chapter, provided that the #street wall# is set back at least four feet from the #street line# except for projections permitted pursuant to Section 124-22, paragraph (a)(3), and planted areas are provided pursuant to Section 124-22, paragraph (a)(5), and further provided that 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials;
- (3) at every level above-grade, ~~wrapped by~~ behind any #floor area# provided in accordance with paragraph (a) of Section 37-35 (Parking Wrap and Screening Requirements) ~~containing permitted #commercial#, #community facility# or #residential uses#, at least 25 feet from any #street wall# or public access area; or~~
- (4) above-grade and adjacent to a #street wall# or public access area, and screened in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35 (Parking Wrap and Screening Requirements) ~~provided that any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view and opaque materials are located in the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck and a total of at least 50 percent of such #street wall# with adjacent parking spaces consists of opaque materials.~~ A parking structure so screened shall be permitted only in the following locations:
 - (i) except within #blocks# that bound the intersection of 126th Street and Northern Boulevard or 126th Street and Roosevelt Avenue, a parking facility may be located adjacent to a #street wall# facing 126th Street above a height of 35 feet and limited to a height of 85 feet, ~~provided that no less than 60 percent and no more than 70 percent of the surface area of the portion of such #street wall# with adjacent parking spaces consists of one or more of the following: #signs#, graphic or sculptural art, or living plant material.~~ At least ~~30~~ 25 feet of #floor area# containing permitted #commercial#, #community facility# or #residential uses# shall separate such parking spaces from any other adjacent #street#;
 - (ii) a parking facility may be located adjacent to a #street wall# limited to a height of 85 feet on a #block# that bounds the intersection of 126th Street and Northern Boulevard, provided that such #street wall# is on Northern Boulevard and is more than 100 feet from 126th Street, ~~and provided that no less than 60 percent and no more than 70 percent of the surface area of the portion of such #street wall# with adjacent parking spaces consists of one or more of the following: #signs#, graphic or sculptural art, or living plant material.~~ At least ~~30~~ 25 feet of #floor area# containing permitted #commercial#, #community facility# or #residential uses# shall separate such parking spaces from adjacent #residential#, #connector# or #primary retail streets#;
 - (iii) a parking facility not on a #block# that bounds the intersection of 126th Street and Northern Boulevard may be located adjacent to a #street wall# limited to a height of 40 feet facing Northern Boulevard, provided that such #street wall# with adjacent parking

spaces is on Northern Boulevard and is more than 100 feet from 126th Street. At least 30
25 feet of #floor area# containing permitted #commercial#, #community facility# or
~~#residential-uses#~~ shall separate such parking spaces from any other adjacent #street#;

(iv) a parking facility may be located adjacent to a #street wall# on a #block# that bounds the intersection of 126th Street and Roosevelt Avenue, provided that such #street wall# with adjacent parking spaces is more than 100 feet from 126th Street, Roosevelt Avenue and at least 3025 feet from any #connector street#;

(v) a parking facility may be located adjacent to a #street wall# limited to a height of 40 feet facing the eastern boundary of the #Special Willets Point District#, within 200 feet of such eastern boundary, so that such parking facility is not visible from a #connector street#. At least 3025 feet of permitted #floor area# containing #commercial#, #community facility# or #residential-uses# shall separate such parking spaces from adjacent #residential# and #connector streets#; and

(vi) a parking facility may be located adjacent to a #street wall# where such #street wall# is on a #service street#, provided that at least 3025 feet of #floor area# containing permitted #commercial#, #community facility# or #residential-uses# shall separate such parking spaces from adjacent #residential#, #connector#, #retail# or #primary retail streets#.

(b) All parking facilities with parking spaces adjacent to an exterior #building# wall that is not a #street wall# shall provide screening in accordance with the provisions set forth in paragraphs (b)(1) through (b)(3) of Section 37-35 of such exterior wall so that ~~any non-horizontal parking deck structures are not visible from the exterior of the #building# in elevation view and opaque materials are located in the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck and a total of at least 50 percent of such exterior #building# wall with adjacent parking spaces consists of opaque materials.~~

* * *

Article XII - Special Purpose Districts

Chapter 5

Special Southern Hunters Point District

125-00

GENERAL PURPOSES

The "Special Southern Hunters Point District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) encourage well-designed buildings that complement the built character of the Hunters Point neighborhood;
- (b) maintain and reestablish physical and visual public access to and along the waterfront;
- (c) broaden the regional choice of residences by introducing new affordable housing;
- (d) achieve a harmonious visual and functional relationship with the adjacent neighborhood;
- (e) create a lively and attractive built environment that will provide daily amenities and services for the use and enjoyment of area residents, workers and visitors;
- (f) take maximum advantage of the beauty of the East River waterfront and provide an open space network comprised of public parks, public open space and public access areas;
- (g) provide flexibility of architectural design within limits established to assure adequate access of light and air to the street, and thus to encourage more attractive and economic building forms; and
- (h) promote the most desirable use of land in accordance with the district plan for Southern Hunters Point, thus conserving the value of land and buildings, thereby protecting the City's tax revenues.

* * *

125-10

USE REGULATIONS

* * *

125-13

Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit ~~#dwelling units# or #rooming units#~~ on the same ~~#story#~~ as a ~~#commercial use# non-#residential use#~~, provided no access exists between such ~~#uses#~~ at any level containing ~~#dwelling units# or #rooming units#~~ and provided any ~~#commercial uses# non-#residential uses#~~ are not located directly over any ~~#dwelling units# or #rooming units#~~. However, such ~~#commercial uses# non-#residential uses#~~ may be located over ~~#dwelling units# or #rooming units#~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~#residential uses#~~ from ~~#commercial uses# non-#residential uses#~~ exists within the ~~#building#~~.

125-14

Security Gates

All security gates that are swung, drawn or lowered to secure ~~#commercial# or #community facility#~~ premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the ~~#street# or any publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.~~

125-20

FLOOR AREA REGULATIONS

* * *

125-22

Newtown Creek Subdistrict

In the Newtown Creek Subdistrict, the maximum ~~#floor area ratio#~~ shall be 2.75, and may be increased only as set forth in this Section.

* * *

(b) ~~#Floor area#~~ increase for Inclusionary Housing

- (1) Within the ~~#Special Southern Hunters Point District#~~, the Newtown Creek Subdistrict shall be an ~~#Inclusionary Housing designated area#~~, pursuant to Section 12-10 (DEFINITIONS), for the purpose of making the Inclusionary Housing Program regulations of Section 23-90, inclusive, and this Section, applicable within the Special District.
- (2) In the Newtown Creek Subdistrict, for ~~#developments#~~ that provide a publicly accessible private street and open area that comply with the provisions of paragraph (a) of this Section, the ~~#floor area ratio#~~ for any ~~#zoning lot#~~ with ~~#buildings#~~ containing ~~#residences#~~ may be increased from 3.75 to a maximum ~~#floor area ratio#~~ of 5.0 through

the provision of #affordable housing#, pursuant to the provisions relating to #Inclusionary Housing designated areas# in Section 23-90 (INCLUSIONARY HOUSING), except that:

- (i) the height and setback regulations of paragraph (a) of Section 23-~~664~~⁹⁵⁴ (Modified height and setback regulations for certain buildings) shall not apply. In lieu thereof, the special height and setback regulations of Section 125-30, inclusive, of this Chapter shall apply; and

* * *

Article XII - Special Purpose Districts

Chapter 8

Special St. George District

128-00

GENERAL PURPOSES

The "Special St. George District" established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include among others, the following specific purposes:

- (a) build upon St. George's existing strengths as a civic center, neighborhood and transit hub by providing rules that will bolster a thriving, pedestrian-friendly business and residence district;
- (b) establish zoning regulations that facilitate continuous ground floor retail and the critical mass needed to attract and sustain a broader mix of uses;
- (c) require a tall, slender building form that capitalizes on St. George's hillside topography and maintains waterfront vistas;
- (d) encourage the reuse and reinvestment of vacant office buildings;
- (e) accommodate an appropriate level of off-street parking while reducing its visual impact; and
- (f) promote the most desirable use of land and building development in accordance with the District Plan for St. George and thus conserve the value of land and buildings and thereby protect the City's tax revenues.

* * *

128-10

USE REGULATIONS

128-11

Ground Floor Uses on Commercial Streets

Map 2 (Commercial Streets) in the Appendix to this Chapter specifies locations where the special ground floor #use# regulations of this Section apply.

#Uses# on the ground floor of a #building# shall be limited to #commercial uses#, except for Type 1 lobbies and entrances to #accessory# parking spaces provided in accordance with Section 37-33 (Maximum Width of Certain Uses). Such #commercial uses# shall comply with the minimum depth provisions of Section 37-32 (Ground Floor

Depth Requirements for Certain Uses). In addition, ~~#accessory# parking spaces, including such spaces~~ ~~#accessory# to #residences#, shall be permitted on the ground floor, provided they comply with the provisions of~~ Section 37-35 (Parking Wrap and Screening Requirements). The level of the finished floor of such ground floor shall be located not higher than two feet above nor lower than two feet below the as-built level of the adjoining ~~#street#~~.

~~#Commercial uses# shall have a depth of at least 30 feet from the #street wall# of the #building# facing the #commercial street# and shall extend along the entire width of the #building# except for lobbies and entrances to #accessory# parking spaces, provided such lobbies and entrances do not occupy more than 25 percent of the #street wall# width of the #building#. Enclosed parking spaces, or parking spaces covered by a #building#, including such spaces #accessory# to #residences#, shall be permitted to occupy the ground floor provided they are located beyond 30 feet of the #street wall# of the #building# facing the #commercial street#.~~

128-12

Transparency Requirements

Any ~~#street wall# of a #building developed# or #enlarged# after October 23, 2008, where the ground floor level of such #development# or #enlarged# portion of the #building# contains #commercial# or #community facility uses#, excluding #schools#, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements) transparent materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazed area shall occupy at least 50 percent of the area of each such ground floor #street wall# measured to a height of 10 feet above the level of the adjoining sidewalk or public access area.~~

For the purposes of this Section, Bank Street shall be considered a ~~#street#~~. However, this Section shall not apply to a stadium ~~#use#~~ within the North Waterfront Subdistrict.

128-13

Location of Uses in Mixed Buildings

The provisions of Section 32-422 (Location of floors occupied by commercial uses) are modified to permit ~~#dwelling units# or #rooming units#~~ on the same ~~#story#~~ as a ~~#commercial use# non-#residential use#~~ provided no access exists between such ~~#uses#~~ at any level containing ~~#dwelling units# or #rooming units#~~ and provided any ~~#commercial uses# non-#residential uses#~~ are not located directly over any ~~#dwelling units# or #rooming units#~~. However, such ~~#commercial use# non-#residential uses#~~ may be located over ~~#dwelling units# or #rooming units#~~ by authorization of the City Planning Commission upon a finding that sufficient separation of ~~#residential uses#~~ from ~~#commercial uses# non-#residential uses#~~ exists within the ~~#building#~~.

128-14

Security Gates

Within the ~~#Special St. George District#~~, all security gates that are swung, drawn or lowered to secure

~~#commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street# or publicly accessible area, except that this provision shall not apply to entrances or exits to parking garages.~~

128-20

FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

* * *

128-22

Maximum Lot Coverage

In C4-2 Districts within the Upland Subdistrict, the underlying #open space ratio# provisions shall not apply. In lieu thereof, the maximum permitted #lot coverage# for a #residential building#, or portion thereof, shall be 70 percent for an #interior# or #through lot# and 100 ~~80~~ percent for a #corner lot#. ~~However, no maximum #lot coverage# shall apply to any #corner lot# of 5,000 square feet or less.~~

* * *

128-30

HEIGHT AND SETBACK REGULATIONS

* * *

128-33

Maximum Base Height

The maximum height of a #building or other structure# before setback shall be as specified on Map 3 (Minimum and Maximum Base Heights) in the Appendix to this Chapter. Where a maximum base height of 65 ~~60~~ feet applies as shown on Map 3, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35. When a #building# fronts on two intersecting #streets# for which different maximum base heights apply, the higher base height may wrap around to the #street# with the lower base height for a distance of up to 100 feet. All portions of #buildings or other structures# above such maximum base heights shall provide a setback at least ten feet in depth measured from any #street wall# facing a #wide street# and 15 feet in depth from any #street wall# facing a #narrow street#.

* * *

128-34

Maximum Building Height

In C4-2 Districts within the Upland Subdistrict, for #buildings# that are not #developed# or #enlarged# pursuant to the tower provisions of Section 128-35 (Towers), the maximum height of a #building or other structure# and the maximum number of #stories# shall be as set forth in Section 23-662 (Maximum height of buildings and setback regulations) for a residential equivalent of an R6 District. Separate maximum #building# heights are set forth within such Section for #developments# or #enlargements# with #qualifying ground floors# and for those with #non-qualifying ground floors#, as defined in Section 23-662. ~~the maximum height of a #building or other structure# shall be 70 feet, except that~~ However, on Bay Street where there is a maximum base height of 85 feet, the maximum height of a #building or other structure# also shall be 85 feet.

In C4-2 Districts within the Upland Subdistrict for #buildings# that are #developed# or #enlarged# pursuant to the tower provisions of Section 128-35, the maximum height of the tower portion of a #building# shall be 200 feet, and the height of all other portions of the #building# shall not exceed the applicable maximum base height. Where a maximum base height of 65 ~~60~~-feet applies as shown on Map 3 in the Appendix to this Chapter, such maximum base height shall be reduced to 40 feet for #zoning lots developed# or #enlarged# pursuant to the tower provisions of Section 128-35.

128-35 Towers

The tower provisions of this Section shall apply, as an option, to any #zoning lot# with a #lot area# of at least 10,000 square feet. Any portion of a #building developed# or #enlarged# on such #zoning lots# that exceeds the applicable maximum base height shall be constructed as either a point tower or a broad tower, as follows:

(a) Point tower

(1) Tower #lot coverage# and maximum length

Each #story# located entirely above a height of ~~70~~ 75 feet shall not exceed a gross area of 6,800 square feet. The outermost walls of each #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 85 feet.

(2) Tower top articulation

The highest three #stories#, or as many #stories# as are located entirely above a height of ~~70~~ 75 feet, whichever is less, shall have a #lot coverage# of at least 50 percent of the #story# immediately below such #stories#, and a maximum #lot coverage# of 80 percent of the #story# immediately below such #stories#. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least four feet, and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of such respective tower face. For the purposes of this paragraph, (a)(2), each tower shall have four tower faces, with each face being the side of a rectangle within which the outermost walls of the highest #story# not subject to the reduced #lot coverage# provisions have been inscribed. The required setbacks shall be measured from the outermost walls of the #building# facing each tower

face. Required setback areas may overlap.

(b) Broad tower

Each #story# located entirely above a height of ~~70~~ 75 feet shall not exceed a gross area of 8,800 square feet. The outermost walls of each such #story# shall be inscribed within a rectangle, and the maximum length of any side of such rectangle shall be 135 feet. The upper #stories# shall provide setbacks with a minimum depth of 15 feet measured from the east facing wall of the #story# immediately below. Such setbacks shall be provided at the level of three different #stories#, or as many #stories# as are located entirely above a height of ~~70~~ 75 feet, whichever is less. For towers with at least six #stories# located entirely above a height of ~~70~~ 75 feet, the lowest level at which such setbacks may be provided is 100 feet, and the highest #story# shall be located entirely within the western half of the tower.

(c) Orientation of all towers

The maximum length of the outermost walls of any side of each #story# of a #building# facing the #shoreline# that is entirely above a height of ~~70~~ 75 feet shall not exceed 80 feet. For the purposes of this Section, the #street line# of St. Marks Place shall be considered to be a line parallel to the #shoreline#, and any side of such rectangle facing St. Marks Place from which lines perpendicular to the #street line# of St Marks Place may be drawn, regardless of intervening structures, properties or #streets#, shall not exceed 80 feet.

(d) Location of all towers

Any portion of a #building# that exceeds a height of ~~70~~ 75 feet shall be no closer to a #side lot line# than eight feet, and any #story# of a #building# that is entirely above a height of ~~70~~ 75 feet shall be located within 25 feet of a #street line# or sidewalk widening line, where applicable.

(e) Maximum tower height

The maximum height of any #building# utilizing the tower provisions of this Section shall be 200 feet. The height of the tower portion of the #building# shall be measured from the #base plane#.

(f) Tower and base integration

All portions of a #building# that exceed the applicable maximum base height set forth in Section 128-33 shall be set back at least 10 feet from the #street wall# of a #building# facing a #wide street# and at least 15 feet from the #street wall# of a #building# facing a #narrow street#. However, up to 50 percent of the #street wall# of the portion of the #building# located above a height of ~~70~~ 75 feet need not be set back from the #street wall# of the #building#, and may rise without setback from grade, provided such portion of the #building# is set back at least 10 feet from a #wide street line# or sidewalk widening line, where applicable, and at least 15 feet from a #narrow street line# or sidewalk widening line, where applicable.

(g) Tower exclusion areas

No #building or other structure# may exceed a height of ~~70~~ 75 feet within the areas designated on Map 4 (Tower Restriction Areas) in the Appendix to this Chapter.

* * *

128-50

PARKING REGULATIONS

* * *

128-51

Required Off-Street Parking and Loading

In C4-2 Districts, the following special regulations shall apply:

(a) #Residential uses#

One off-street parking space shall be provided for each #dwelling unit# created after October 23, 2008, including any #dwelling units# within #buildings converted# pursuant to Article 1, Chapter 5 (Residential Conversion within Existing Buildings), except that the provisions of Section 25-25 (Modification of Requirements for Income-Restricted Housing Units or Affordable Independent Residences for Seniors) shall apply to #income-restricted housing units#. However, where the total number of required spaces is five or fewer or, for #conversions#, where the total number of required spaces is 20 or fewer, no parking shall be required, except that such waiver provision shall not apply to any #zoning lot# subdivided after October 28, 2008. The provisions of Section 73-46 (Waiver of Requirements for Conversions) shall apply to #conversions# where more than 20 parking spaces are required.

* * *

128-54

Location of Accessory Off-Street Parking Spaces

No open parking areas shall be located between the #street wall# of a #building# and the #street line#, and no open parking area shall front upon a #commercial street#. All open parking areas, regardless of the number of parking spaces, shall comply with the perimeter screening requirements of Section 37-921.

All off-street parking spaces within structures shall be located within facilities that, except for entrances and exits, are:

(a) entirely below the level of each #street# upon which such facility fronts; or

- (b) located, at every level above-grade, behind #floor area# or screening in accordance with the provisions of 37-35 (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, #commercial streets# designated on Map 2 in Appendix A of this Chapter shall be considered designated retail streets ~~behind #commercial#, #community facility# or #residential floor area# so that no portion of such parking facility is visible from adjoining #streets#.~~ The minimum depth of any such #floor area# shall be 30 feet, except that such depth may be reduced to 15 feet where the #street wall# containing such #floor area# fronts upon a #street# with a slope in excess of 11 percent; and
- (c) no parking shall be permitted on the roof of such facilities.

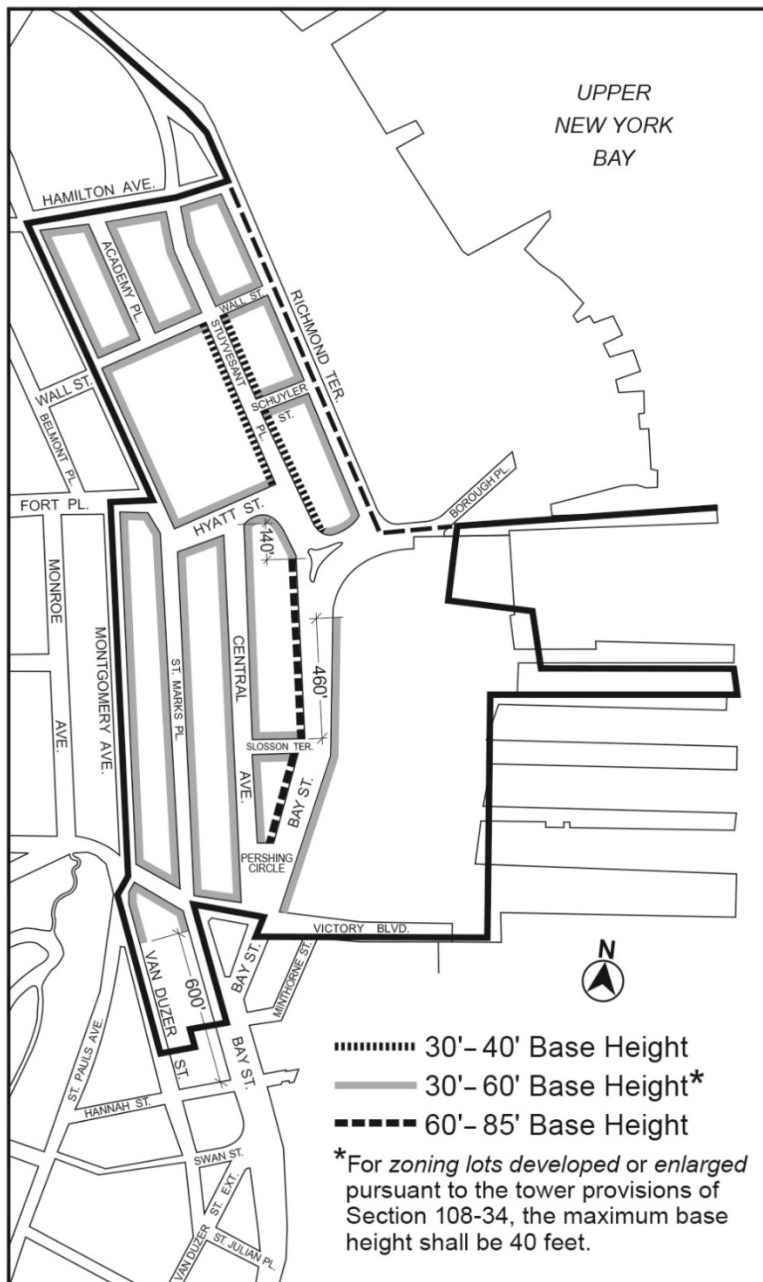
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Appendix Special St. George District Plan

* * *

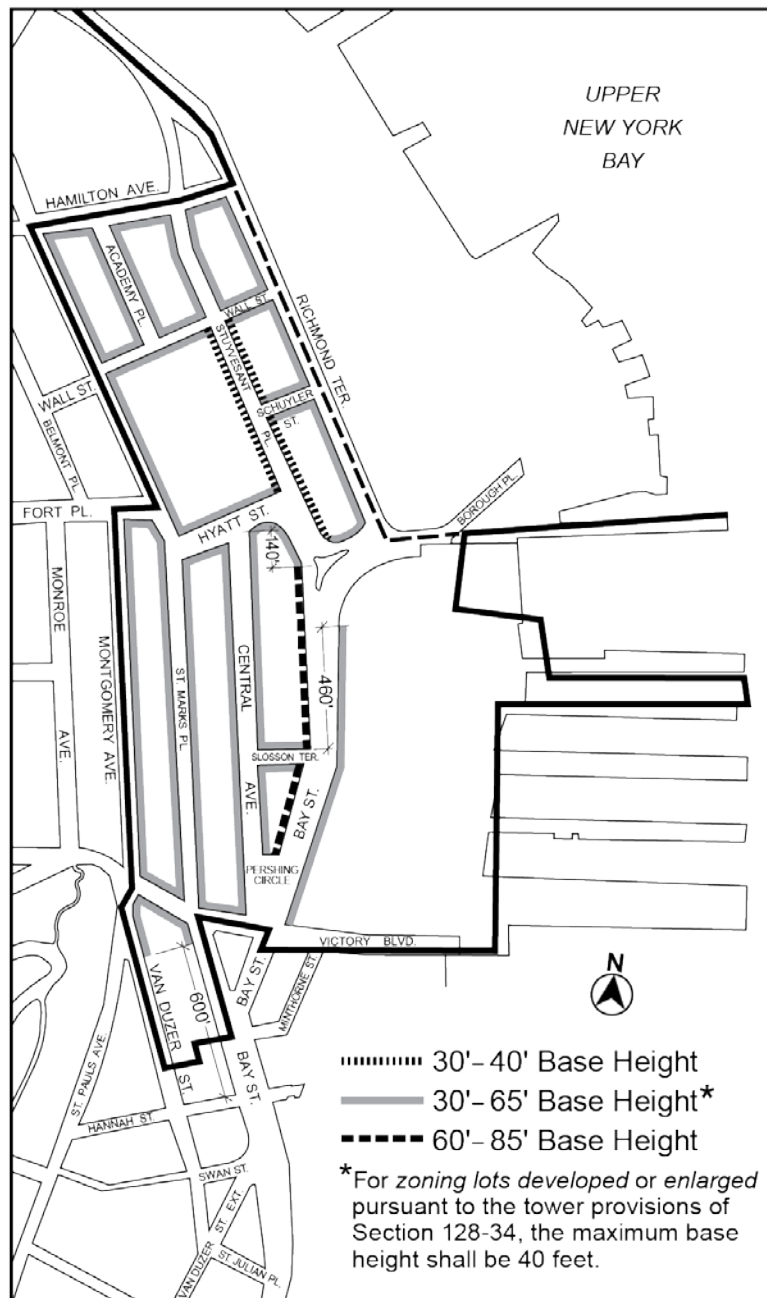
Map 3 – Minimum and Maximum Base Heights

[TO BE REMOVED]



Map 3 – Minimum and Maximum Base Heights

[TO BE ADDED]



Article XIII - Special Purpose Districts

Chapter 1

Special Coney Island District

131-00

GENERAL PURPOSES

The “Special Coney Island District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) preserve, protect and enhance the character of the existing amusement district as the location of the city’s foremost concentration of amusements and an area of diverse uses of a primarily entertainment and entertainment-related nature;
- (b) facilitate and guide the development of a year-round amusement, entertainment and hotel district;
- (c) facilitate and guide the development of a residential and retail district;
- (d) provide a transition to the neighboring areas to the north and west;
- (e) provide flexibility for architectural design that encourages building forms that enhance and enliven the streetscape;
- (f) control the impact of development on the access of light and air to streets, the Boardwalk and parks in the district and surrounding neighborhood;
- (g) promote development in accordance with the area’s District Plan and thus conserve the value of land and buildings, and thereby protect the City’s tax revenues.

* * *

131-10

SPECIAL USE REGULATIONS

* * *

131-13

Special Use Regulations in Subdistricts

131-131

Coney East Subdistrict

The #use# regulations of the underlying C7 District are modified as set forth in this Section. The locations of the mandatory ground floor #use# regulations of paragraphs (b), (c), (d) and (f) of this Section are shown on the #streets#, or portions of #streets#, specified on Map 2 in the Appendix to this Chapter. #Transient hotels# and Use Groups A, B and C, as set forth in Sections 131-11 through 131-123, inclusive, and #public parking garages#, shall be the only #uses# allowed in the Coney East Subdistrict, and shall comply with the following regulations:

* * *

(f) Depth of ground floor #uses#

All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of a #building#, located on #streets#, or portions of Streets#, shown on Map 2. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

* * *

131-132

Coney North and Coney West Subdistricts

In the Coney North and Coney West Subdistricts, #uses# allowed by the underlying district regulations shall apply, except as modified in this Section for #uses# fronting upon #streets# specified on Map 2 (Mandatory Ground Floor Use Requirements) in the Appendix to this Chapter. For the purposes of this Section, the “building line” shown on Parcel F on Map 2 shall be considered a #street line# of Ocean Way or Parachute Way, as applicable. Furthermore, an open or enclosed ice skating rink shall be a permitted #use# anywhere within Parcel F in the Coney West Subdistrict.

(a) Mandatory ground floor level #uses# along certain #streets#

* * *

(1) Riegelmann Boardwalk

Only #uses# listed in Use Groups A, B and C and #transient hotels# located above the ground floor level are permitted within 70 feet of Riegelmann Boardwalk, except that a #transient hotel# lobby may occupy up to 30 feet of such ground floor frontage along Riegelmann Boardwalk. Use Group C #uses# shall be limited to 2,500 square feet of #floor area# and 30 feet of #street# frontage for each establishment. All other establishments shall be limited to 60 feet of #street# frontage, except that for any establishment on a corner, one #street# frontage may extend up to 100 feet. All ground floor #uses# within #buildings# shall have a depth of at least 15 feet measured from the #street wall# of the #building#. However, such minimum depth requirement may be reduced where necessary in order to accommodate vertical circulation cores or structural columns associated with upper #stories# of the #building#.

(2) #Streets# other than Riegelmann Boardwalk

* * *

All ground floor #commercial uses# within #buildings# shall have a depth of at least 50 feet measured from the #street wall# of the #building#. Such minimum 50 foot depth requirement may be reduced where necessary in order to accommodate a #residential# lobby, ~~and~~ vertical circulation cores or structural columns associated with upper #stories# of the #building#.

* * *

131-14

Location of Uses within Buildings

The provisions of Section 32-42 are modified to permit:

- (a) #residential uses# on the same #story# as a #commercial use# ~~non #residential use#~~ or directly below a #commercial use# ~~non #residential use#~~, provided no access exists between such #uses# at any level containing #residences#, and separate elevators and entrances from the #street# are provided; and

* * *

131-15

Transparency

Each ground floor level #street wall# of a #commercial# or #community facility use# other than a #use# listed in Use Group A, as set forth in Section 131-121, shall be glazed in accordance with the provisions of Section 37-34 (Minimum Transparency Requirements). ~~with materials which may include #show windows#, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 70 percent of the area of each such ground floor level #street wall#, measured to a height of 10 feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher. Not less than 50 percent of the area of each such ground floor level #street wall# shall be glazed with transparent materials and up to 20 percent of such area may be glazed with translucent materials.~~

However, in the Coney East Subdistrict and along Riegelmann Boardwalk and boundary of KeySpan Park in the Coney West Subdistrict, in lieu of the transparency requirements of this Section, at least 50 ~~70~~ percent of the area of the ground floor level #street wall# of a #commercial use#, measured to a height of 12 ~~10~~ feet above the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher, may be designed to be at least 50 ~~70~~ percent open during seasonal business hours.

131-16

Security Gates

~~All security gates installed after July 29, 2009, that are swung, drawn or lowered to secure #commercial# or #community facility# premises shall, when closed, permit visibility of at least 75 percent of the area covered by such gate when viewed from the #street#. However, this provision shall not apply to entrances or exits to parking garages, or to any #use# fronting upon Riegelmann Boardwalk, provided that security gates at such locations that permit less than 75 percent visibility when closed shall be treated with artwork.~~

131-16 ~~131-17~~

Authorization for Use Modifications

* * *

131-30

FLOOR AREA, LOT COVERAGE AND YARD REGULATIONS

The #floor area ratio# regulations of the underlying districts shall be modified as set forth in this Section, inclusive.

* * *

131-32

Coney West, Coney North and Mermaid Avenue Subdistricts

* * *

131-321

Special floor area regulations for residential uses

R7A R7D R7X

* * *

(d) Height and setback

For all #zoning lots#, or portions thereof, located in the Coney West or Coney North Subdistricts, the height and setback regulations of Section 23-664 (Modified height and setback regulations for certain buildings) ~~23-954~~ shall not apply. In lieu thereof, the height and setback regulations of this Chapter shall apply.

* * *

131-324

Lot coverage

~~For #residential uses# in the Coney North and Coney West Subdistricts, no maximum #lot coverage# shall apply to any #corner lot#.~~

~~For #residential uses# in the Mermaid Avenue Subdistrict, no maximum #lot coverage# shall apply to any #zoning lot# comprising a #corner lot# of 5,000 square feet or less.~~

~~Furthermore, in~~ In the #Special Coney Island District#, the level of any #building# containing #accessory# parking spaces or non-#residential uses# shall be exempt from #lot coverage# regulations.

131-40

HEIGHT AND SETBACK REGULATIONS

The underlying height and setback regulations shall not apply. In lieu thereof, the height and setback regulations of this Section shall apply. The height of all #buildings or other structures# shall be measured from the #base plane#.

* * *

131-421

Coney East Subdistrict, south side of Surf Avenue

The following regulations shall apply along the south side of Surf Avenue and along those portions of #streets# intersecting Surf Avenue located north of a line drawn 50 feet north of and parallel to the northern #street line# of Bowery and its westerly prolongation.

* * *

(b) #Building# base

(1) Surf Avenue, west of West 12th Street

* * *

~~For #buildings# located west of West 12th Street that provide a tower in accordance with the requirements of paragraph (d) of this Section, at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall not exceed a height of 45 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 60 feet but not more than 65 feet. Furthermore, any~~ Any portion of a #street wall# which exceeds a height of 60 feet shall be located within 150 feet of the intersection of two #street lines# and shall coincide with the location of a tower. Towers shall comply with the location requirements of paragraph (d) of this Section.

* * *

131-423

Along all other streets

The following regulations shall apply along Wonder Wheel Way, Bowery, and all other #streets#, and portions thereof, located south of a line drawn 50 feet north of and parallel to the northern #street# line of Bowery and its westerly prolongation.

* * *

(b) Maximum height

The #street wall# of a #building#, or portion thereof, shall rise to a minimum height of 20 feet and a maximum height of 40 feet before setback. The maximum height of a #building or other structure# shall be 60 feet, provided any portion of a #building# that exceeds a height of 40 feet shall be set back from the #street wall# of the #building# at least 20 feet.

West of West 12th Street, along the northern #street line# of Bowery, the maximum #building# height shall be 40 feet. If a tower is provided along the Surf Avenue portion of the #block#, 40 percent of the #aggregate width of street walls# may rise above the maximum #street wall# height of 40 feet, provided that and such portion is of the #aggregate width of street walls# shall be located within 150 feet of the intersection of two #street lines# and shall coincide with that portion of the #street wall# along Surf Avenue that rises to a height of between 60 to 65 feet, pursuant to the provisions of paragraph (b)(1) of Section 131-421. However, where the portion of the #block# that fronts on Surf Avenue is #developed# or #enlarged# pursuant to the special regulations for Use Group A in paragraph (c)(3) of Section 131-421 (Coney East Subdistrict, south side of Surf Avenue), the #street wall# may rise after a setback of 20 feet to a maximum height of 60 feet for the entire length of the Bowery #street line#, or may extend beyond the 40 percent of the #aggregate width of street wall# for the length of the #street wall# of such Use Group A #development# or #enlargement# which fronts along Surf Avenue, whichever is less.

131-43

Coney West Subdistrict

* * *

131-431

Coney West District, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of

Surf Avenue.

* * *

(b) #Building# base

A #street wall# fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. ~~For #buildings# that exceed a height of eight #stories# or 85 feet, at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall not exceed a height of six #stories# or 65 feet, whichever is less, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least eight #stories# or 80 feet, whichever is less.~~ However, on the #block# front bounded by West 21st Street and West 22nd Street, the minimum height of a #street wall# shall be 40 feet and the maximum height of a #street wall# shall be six #stories# or 65 feet, whichever is less, before a setback is required.

* * *

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that ~~up to 60 percent of the #aggregate width of street walls# facing Surf Avenue such #street walls# are~~ shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. ~~The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet.~~ All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-434 (Coney West Subdistrict towers).

131-432

Along all other streets, other than Riegelmann Boardwalk

The following regulations shall apply along all other #streets# in the Coney West Subdistrict, except within 70 feet of Riegelmann Boardwalk.

* * *

(c) Transition heights

Beyond 100 feet of Surf Avenue, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that:

- (1) above the maximum base height, ~~#street walls# are up to 60 percent of the #aggregate width of street walls#, measured separately, facing Ocean Way and along all other #streets#, other than~~

~~Riegelmann Boardwalk, shall be set back a minimum distance of 10 feet from the #street line#. The remaining portion of such #aggregate width of street walls# facing Ocean Way, and along all other #streets# other than Riegelmann Boardwalk, shall be set back a minimum distance of 15 feet from the #street line#, except that for #blocks# north of the Ocean Way #street line#, along a minimum of one #street line# bounding the #block# (except for Surf Avenue), at least 40 percent of the ~~the remaining portion of such #aggregate width of street walls#~~ shall remain open to the sky for a minimum depth of 100 feet from the #street line#;~~

* * *

131-434

Coney West Subdistrict towers

All #stories# of a #building# or portions of other structures located partially or wholly above an applicable transition height shall be considered a “tower” and shall comply with the provisions of this Section.

* * *

(b) Maximum length and height

* * *

Where #affordable housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that either: ~~the tower complies with either paragraph (b)(1) or (b)(2) of this Section.~~

- (1) The outermost wall of all tower #stories# ~~are shall be~~ inscribed within a rectangle where no side of such rectangle exceeds a length of 100 feet; or
- (2) The outermost wall of all tower #stories# below a height of 120 feet ~~are shall be~~ inscribed within a rectangle where no side of such rectangle exceeds a length of 130 feet, and above such height, ÷ above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet. ~~Above~~ In addition, above a height of 120 feet, the maximum floor plate shall be 80 percent of the #story# immediately below such height, or 6,800 square feet, whichever is greater. Such reduced #lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

* * *

131-44

Coney North Subdistrict

* * *

131-441

Coney North Subdistrict, Surf Avenue

The regulations of this Section shall apply along Surf Avenue. The #street wall# location provisions of paragraph (a) of this Section shall also apply along #streets# intersecting Surf Avenue within 50 feet of Surf Avenue, and the #building# base regulations of paragraph (b) of this Section shall also apply along #streets# within 100 feet of Surf Avenue.

* * *

(b) #Building# base

The #street wall# of a #building# base fronting on Surf Avenue shall rise without setback to a minimum height of six #stories# or 65 feet, or the height of the #building#, whichever is less, and a maximum height of eight #stories# or 85 feet, whichever is less, before a setback is required. However, on the portion of the #block# bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.

~~For #buildings# that exceed a height of eight #stories# or 85 feet, at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall not exceed a height of 65 feet without setback, and at least 40 percent of the #aggregate width of street walls# facing Surf Avenue shall rise without setback to a height of at least 80 feet, but not more than 85 feet. However, on the portion of the #block# bounded by Stillwell Avenue and West 15th Street, for #buildings# that exceed a height of 85 feet, all #street walls# of such #building# facing Surf Avenue shall rise without setback to a height of 85 feet.~~

* * *

(c) Transition height

Above the maximum base height, a #street wall# may rise to a maximum transition height of nine #stories# or 95 feet, whichever is less, provided that such #street walls# are up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. ~~The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet.~~ All portions of #buildings or other structures# that exceed a transition height of 95 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

131-442

Along all other streets, other than Stillwell Avenue

The following regulations shall apply along all other #streets# in the Coney North Subdistrict, other than Stillwell Avenue.

* * *

(c) Transition height

In all portions of #blocks# located beyond 100 feet of Surf Avenue, a #street wall# may rise above the maximum base height to a maximum transition height of eight #stories# or 85 feet, whichever is less, provided that such #street walls# are up to 60 percent of the #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 10 feet from the Surf Avenue #street line#. ~~The remaining portion of such #aggregate width of street walls# facing Surf Avenue shall be set back a minimum distance of 15 feet.~~ All portions of #buildings or other structures# that exceed a transition height of 85 feet shall comply with the tower provisions of Section 131-444 (Coney North Subdistrict towers).

* * *

131-444

Coney North Subdistrict towers

All #stories# of a #building# or portions of other structures located partially or wholly above a height of 85 feet within 175 feet of Surf Avenue and above a height of 65 feet beyond 175 feet of Surf Avenue shall be considered a “tower” and shall comply with the provisions of this Section.

* * *

(b) Maximum length and height

* * *

Where #affordable housing# is provided pursuant to Section 131-321 (Special floor area regulations for residential uses), the maximum height of a #building# shall be increased to 270 feet, provided that either: the tower portion of such #building# complies with either paragraph (b)(1) or (b)(2) of this Section.

- (1) The outermost wall of all tower #stories# are ~~shall be~~ inscribed within a rectangle, where no side of such rectangle shall exceed a length of 100 feet; or
- (2) The outermost wall of all tower #stories#, below a height of 120 feet, are ~~shall be~~ inscribed within a rectangle, where no side of such rectangle shall exceed a length of 130 feet, and above such height, ; above a height of 120 feet, no side of such rectangle shall exceed a length of 100 feet. In addition, above ~~Above~~ a height of 120 feet, the maximum floorplate shall be 80 percent of the #story# immediately below such height or 6,800 square feet, whichever is greater. Such reduced

#lot coverage# shall be achieved by one or more setbacks on each face of the tower, where at least one setback on each tower face has a depth of at least five feet and a width that, individually or in the aggregate, is equal to at least 10 percent of the width of each respective tower face.

* * *

131-47

Design Requirements for Ground Level Setbacks

Wherever a #building# base below a tower is set back from the #street line#, and the #building# walls bounding such setback area are occupied by non-#residential uses#, such setback area shall comply with the provisions of this Section. Where two such setback areas adjoin one another at the intersection of two #streets#, the combined area of such spaces shall determine the applicability of such provisions.

* * *

(c) Wall treatments

All ground floor level #building# walls bounding such setback area not otherwise subject to the transparency requirements of Section 131-15, shall comply with the provisions of either paragraphs (c)(1) or (c)(2) of this Section.

- (1) If such #building# wall is a #street wall# wider than 10 feet, such #street wall# shall comply with the provisions of Section 131-15.
- (2) All other #building# walls shall comply with one of the following provisions:
 - (i) such #building# walls shall be glazed with transparent materials in accordance with the transparency provisions of Section 37-34 (Minimum Transparency Requirements), except that such transparency shall be measured from ~~which may include show windows, glazed transoms or glazed portions of doors. Such glazing shall occupy at least 50 percent of the area of each such ground floor level #building# wall, measured to a height of 10 feet above~~ the level of the adjoining sidewalk, public access area or #base plane#, whichever is higher; or
 - (ii) such #building# walls shall be articulated with artwork or landscaping to a height of at least ten feet.

* * *

131-50

OFF-STREET PARKING AND LOADING REGULATIONS

The special provisions of this Section shall apply to all off-street parking spaces and loading facilities within the #Special Coney Island District#.

* * *

131-52

Use and Location of Parking Facilities

The following provisions shall apply to all parking facilities:

* * *

- (c) All off-street parking facilities shall be located within facilities that, except for entrances and exits, are:
- (1) entirely below the level of any #street# or #publicly accessible open area# upon which such facility, or portion thereof, fronts; or
 - (2) wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements). For the purpose of applying such provisions, Surf Avenue, Stillwell Avenue, Ocean Way, Parachute Way, and the Riegelmann Boardwalk shall be considered designated retail streets, and the wrapping provisions of paragraph (a) shall apply to such #street# frontages at all levels above grade. located, at every level above grade, behind #commercial#, #community facility# or #residential floor area# with a minimum depth of 15 feet as measured from the #street wall# of the #building#, so that no portion of such parking facility is visible from adjoining #streets# or publicly accessible open spaces. All such parking facilities shall be exempt from the definition of #floor area#. However, in the Coney East Subdistrict, the provisions of this paragraph, (c)(2), need not apply on the north side of Surf Avenue above the level of the ground floor, on Parcel 2 beyond 70 feet of Riegelmann Boardwalk, or on the east side of that portion of West 16th Street beyond 50 feet of Surf Avenue and Wonder Wheel Way, provided that:
 - (i) ~~any non horizontal parking deck structures shall not be visible from the exterior of the #building# in elevation view;~~
 - (ii) ~~opaque materials are located on the exterior #building# wall between the bottom of the floor of each parking deck and no less than three feet above such deck; and~~
 - (iii) ~~a total of at least 50 percent of such exterior #building# wall with adjacent parking spaces consists of opaque materials which may include #signs#, graphic or sculptural art, or living plant material.~~

* * *

Article XIII - Special Purpose Districts

Chapter 2

Special Enhanced Commercial District

132-00

GENERAL PURPOSES

The “Special Enhanced Commercial District,” established in this Resolution, is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the promotion and maintenance of a lively and engaging pedestrian experience along commercial avenues and the following specific purposes:

- (a) in “Special Enhanced Commercial District” 1, to enhance the vitality of emerging commercial districts ensuring that a majority of the ground floor space within buildings is occupied by commercial establishments that enliven the pedestrian experience along the street;
- (b) in “Special Enhanced Commercial District” 2, to enhance the vitality of well-established commercial districts by ensuring that ground floor frontages continue to reflect the multi-store character that defines such commercial blocks;
- (c) in “Special Enhanced Commercial District” 3, to enhance the vitality of well-established commercial districts by limiting the ground floor presence of inactive street wall frontages;
- (d) in “Special Enhanced Commercial District” 4, to enhance the vitality of commercial districts by limiting the ground floor presence of inactive street wall frontages; and
- (e) to promote the most desirable use of land in the area and thus preserve, protect and enhance the value of land and buildings and thereby protect City tax revenues.

* * *

132-20

SPECIAL USE REGULATIONS

* * *

132-21

Applicability of Use Regulations

* * *

In addition, in all ~~#Special Enhanced Commercial Districts#~~, the applicable special ~~#use#~~ provisions indicated in the table in Section 132-13 shall not apply to any ~~#community facility building#~~ used exclusively for either a ~~#school#~~, as listed in Use Group 3, or a house of worship, as listed in Use Group 4.

* * *

132-22

Mandatory Ground Floor Uses

In the applicable ~~#Special Enhanced Commercial Districts#~~ indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the ~~#ground floor level street walls#~~ of ~~#buildings#~~ fronting along a ~~#designated commercial street#~~. For ~~#buildings#~~ fronting along multiple ~~#streets#~~, the required percentage of ~~#ground floor level street wall#~~ allocated to certain ~~#uses#~~, as set forth in this Section, shall apply only to the portion of the ~~#building's ground floor level#~~ fronting upon a ~~#designated commercial street#~~.

- (a) Minimum percentage of ~~#commercial uses#~~

Mandatory ~~#commercial use#~~ regulations shall apply to an area of a ~~#building's ground floor level#~~ defined by an aggregate width equal to at least 50 percent of a ~~#building's street wall#~~ along a ~~#designated commercial street#~~ and a depth equal to at least 30 feet, as measured from the ~~#street wall#~~ along the ~~#designated commercial street#~~. Such an area on the ~~#ground floor level#~~ shall be occupied by ~~#commercial uses#~~ listed in Use Groups 5, 6A, 6C excluding banks and loan offices, 7B, 8A, 8B or 9A.

* * *

- (c) Other permitted ~~#uses#~~

In the applicable ~~#Special Enhanced Commercial Districts#~~, ~~the following #uses#~~ Type 1 lobbies, entrances and exits to #accessory# parking facilities and entryways to subway stations, where applicable, shall be permitted on the ~~#ground floor level#~~ of a ~~#building#~~ along a ~~#designated commercial street#~~, in accordance with the provisions of Section 37-33 (Maximum Width of Certain Uses). ~~only as follows:~~

- (1) ~~—— #residential# lobbies, and an associated vertical circulation core, shall be permitted on the #ground floor level#, provided that such lobbies comply with the maximum width provisions of paragraph (c) of Section 132-24 (Maximum Width Restrictions). In addition, the 30 foot depth requirement for #commercial uses# set forth in paragraph (a) of this Section, where applicable, may be encroached upon where necessary to accommodate a vertical circulation core associated with such #residential# lobby; and~~

- (2) ~~—#accessory# off-street parking spaces and entrances and exits shall be permitted on the #ground floor level#, provided that such off-street parking spaces and associated entrances and exits comply with the provisions of Section 132-40 (SPECIAL PARKING REGULATIONS).~~

132-23

Minimum Number of Establishments

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

For #zoning lots# with a #lot width# of 50 feet or more, as measured along the #street line# of the #designated commercial street#, a minimum of two non-#residential# establishments shall be required for every 50 feet of #street# frontage. In addition, each such #ground floor level# establishment shall comply with the minimum depth requirements of Section 37-32 (Ground Floor Depth Requirements for Certain Uses). ~~have an average depth equal to at least 30 feet, as measured from the #street wall# along the #designated commercial street#. However, such depth requirement may be reduced where necessary in order to accommodate a vertical circulation core associated with a #residential# lobby.~~

132-24

Maximum Street Wall Width

In the applicable #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the #ground floor level# of all #buildings# with #street# frontage along a #designated commercial street#.

- (a) Banks and loan offices

In the applicable #Special Enhanced Commercial Districts#, within 30 feet of a #building's street wall# along a #designated street#, the maximum #street wall# width of a bank or loan office, as listed in Use Group 6C, on a #ground floor level# shall not exceed 25 feet.

- (b) Other non-#residential# establishments

In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any non-#residential ground floor level# establishment, other than a bank or loan office, shall not exceed 40 feet, as measured along the #street line# of a #designated commercial street#.

- (c) ~~—#Residential# lobbies~~

~~—In the applicable #Special Enhanced Commercial Districts#, the maximum #street wall# width of any~~

~~#ground floor level residential# lobby shall not exceed 25 feet, as measured along the #street line# of a #designated commercial street#.~~

132-30

SPECIAL TRANSPARENCY REGULATIONS

The special transparency regulations of this Section, inclusive, shall apply to #buildings# in the #Special Enhanced Commercial Districts# indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), except as otherwise provided in Section 132-31.

132-31

Applicability of Transparency Regulations

In #Special Enhanced Commercial Districts#, the special transparency provisions indicated in the table in Section 132-13 shall apply to #developments# and to #buildings enlarged# on the #ground floor level#, where such #ground floor level# fronts on a #designated commercial street#, except that such provisions shall not apply:

- (a) to #zoning lots# in #Commercial Districts# with a width of less than 20 feet, as measured along the #street line# of a #designated commercial street#, provided such #zoning lots# existed on:
 - (1) November 29, 2011, for #Special Enhanced Commercial District# 1;
 - (2) June 28, 2012, for #Special Enhanced Commercial Districts# 2 and 3; and
 - (3) October 11, 2012, for #Special Enhanced Commercial District# 4;
- ~~(b) to any #community facility building# used exclusively for either a #school#, as listed in Use Group 3, or a house of worship, as listed in Use Group 4; and~~
- ~~(c)~~(b) in #Special Enhanced Commercial Districts# 1 and 4, to #buildings# in #Residence Districts# where the #ground floor level# contains #dwelling units# ~~or #rooming units#.~~

132-32

Ground Floor Level Transparency Requirements

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the special transparency regulations of ~~this Section 37-34 (Minimum Transparency Requirements)~~ shall apply to the #ground floor level street walls# of #buildings# fronting along a #designated commercial street#. ~~For #buildings# fronting along multiple #streets#, the required percentage of #ground floor level street wall# allocated to transparent materials, as set forth in this~~

~~Section, shall apply only to the portion of the #building's ground floor level# fronting upon a #designated commercial street#.~~

~~The #ground floor level street wall# shall be glazed with transparent materials which may include #show windows#, transom windows or glazed portions of doors. Such transparent materials may be provided anywhere on such #ground floor level street wall#, except that:~~

- ~~(a) — transparent materials shall occupy at least 50 percent of the surface area of such #ground floor level street wall# between a height of two feet and 12 feet, or the height of the ground floor ceiling, whichever is higher, as measured from the adjoining sidewalk. Transparent materials provided to satisfy such 50 percent requirement shall:~~
 - ~~(1) — not begin higher than 2 feet, 6 inches, above the level of the adjoining sidewalk, with the exception of transom windows, or portions of windows separated by mullions or other structural dividers; and~~
 - ~~(2) — have a minimum width of two feet; and~~
- ~~(b) — the maximum width of a portion of the #ground floor level street wall# without transparency shall not exceed ten feet.~~

~~However, where an entrance to an off-street parking facility is permitted on a #designated commercial street# in accordance with the provisions of Section 132-43 (Curb Cut Requirements), the transparency requirements of this Section shall not apply to the portion of the #ground floor level street wall# occupied by such entrance.~~

132-40

SPECIAL PARKING REGULATIONS

* * *

132-42

Locations of Parking Spaces

In the applicable #Special Enhanced Commercial Districts#, as indicated in the table in Section 132-13 (Applicability of Special Use, Transparency and Parking Regulations), the following provisions shall apply to the ground floor of all #buildings# with #street# frontage along a #designated commercial street#.

All off-street parking spaces shall be located within a #completely enclosed building#, and shall be wrapped by #floor area# or screened in accordance with the provisions of Section 37-35 (Parking Wrap and Screening Requirements), as applicable.

~~Enclosed, off-street parking spaces shall be permitted on the ground floor of a #building# only where they are located beyond 30 feet of such #building's street wall# along a #designated commercial street#. Entrances to such~~

spaces along a #designated commercial street# shall be permitted only where a curb cut is allowed in accordance with the provisions of Section 132-43.

* * *

Article XIII - Special Purpose Districts

Chapter 3

Special Southern Roosevelt Island District

133-00

GENERAL PURPOSES

The “Special Southern Roosevelt Island District” established in this Resolution is designed to promote and protect public health, safety and general welfare. These general goals include, among others, the following specific purposes:

- (a) providing opportunities for the development of an academic and research and development campus in a manner that benefits the surrounding community;
- (b) allowing for a mix of residential, retail and other commercial uses to support the academic and research and development facilities and complementing the urban fabric of Roosevelt Island;
- (c) establishing a network of publicly-accessible open areas that take advantage of the unique location of Roosevelt Island and that integrate the academic campus into the network of open spaces on Roosevelt Island and provide a community amenity;
- (d) strengthening visual and physical connections between the eastern and western shores of Roosevelt Island by establishing publicly-accessible connections through the Special District and above-grade view corridors;
- (e) encouraging alternative forms of transportation by eliminating required parking and placing a maximum cap on permitted parking;
- (f) providing flexibility of architectural design within limits established to assure adequate access of light and air to the street and surrounding waterfront open areas, and thus to encourage more attractive and innovative building forms; and
- (g) promoting the most desirable use of land in this area and thus conserving the value of land and buildings, and thereby protecting the City’s tax revenues.

* * *

133-20

SPECIAL BULK REGULATIONS

Within the #development parcel#, the special #bulk# regulations of this Section, inclusive, shall apply.

133-21

Floor Area Ratio

The #floor area# provisions of ~~Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio)~~, Section 23-15 (Open Space and Floor Area Regulations in R6 through R10 Districts) shall be modified to permit a maximum #residential floor area ratio# of 3.44 without regard to a #height factor#. In addition, the maximum permitted #floor area ratio# for a Use Group 17B research, experimental or testing laboratory shall be 3.40.

133-22

Lot Coverage

The #open space ratio# requirements of ~~Section 23-14 (Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio)~~ Section 23-15 (Open Space and Floor, Area Regulations in R6 through R10 Districts) and the #lot coverage# requirements of Sections ~~23-14~~ 23-15 and 24-11 (Maximum Floor Area Ratio and Percentage of Lot Coverage) shall not apply. In lieu thereof, the aggregate #lot coverage# for all #buildings# shall comply with the following requirements.

- (a) The maximum #lot coverage# from the #base plane# to a height that is 20 feet above the #base plane# shall be 70 percent.
- (b) The maximum #lot coverage# from a height that is more than 20 feet above the #base plane# to a height that is 60 feet above the #base plane# shall be 60 percent.
- (c) The maximum #lot coverage# from a height that is more than 60 feet above the #base plane# to a height that is 180 feet above the #base plane# shall be 45 percent.
- (d) The maximum #lot coverage# above a height of 180 feet above the #base plane# shall be 25 percent.

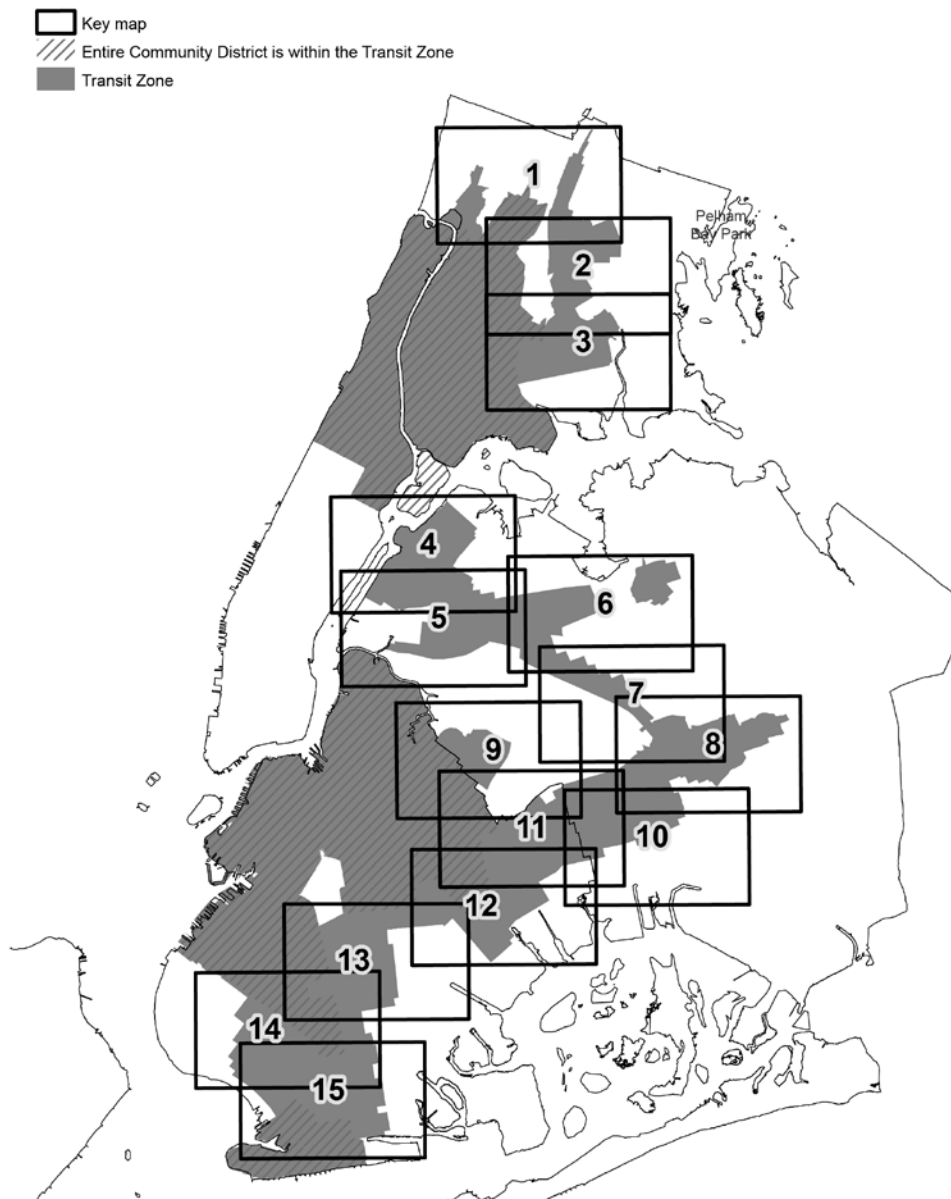
The City Planning Commission may authorize an increase in the maximum #lot coverage# as set forth in paragraph (c) of this Section to up to 55 percent, upon finding that such increase is necessary to achieve the programmatic requirements of the development, and will not unduly restrict access of light and air to publicly-accessible areas and #streets#.

* * *

Appendix I: Transit Zone

The #Transit Zone# includes all of Manhattan Community Districts 9, 10, 11 and 12; Bronx Community Districts 1, 2, 3, 4, 5, 6 and 7; and Brooklyn Community Districts 1, 2, 3, 4, 6, 7, 8, 9, 12, 13 and 16. Portions of other Community Districts in a #Transit Zone# are shown on the maps in this APPENDIX.

[New map to be added]



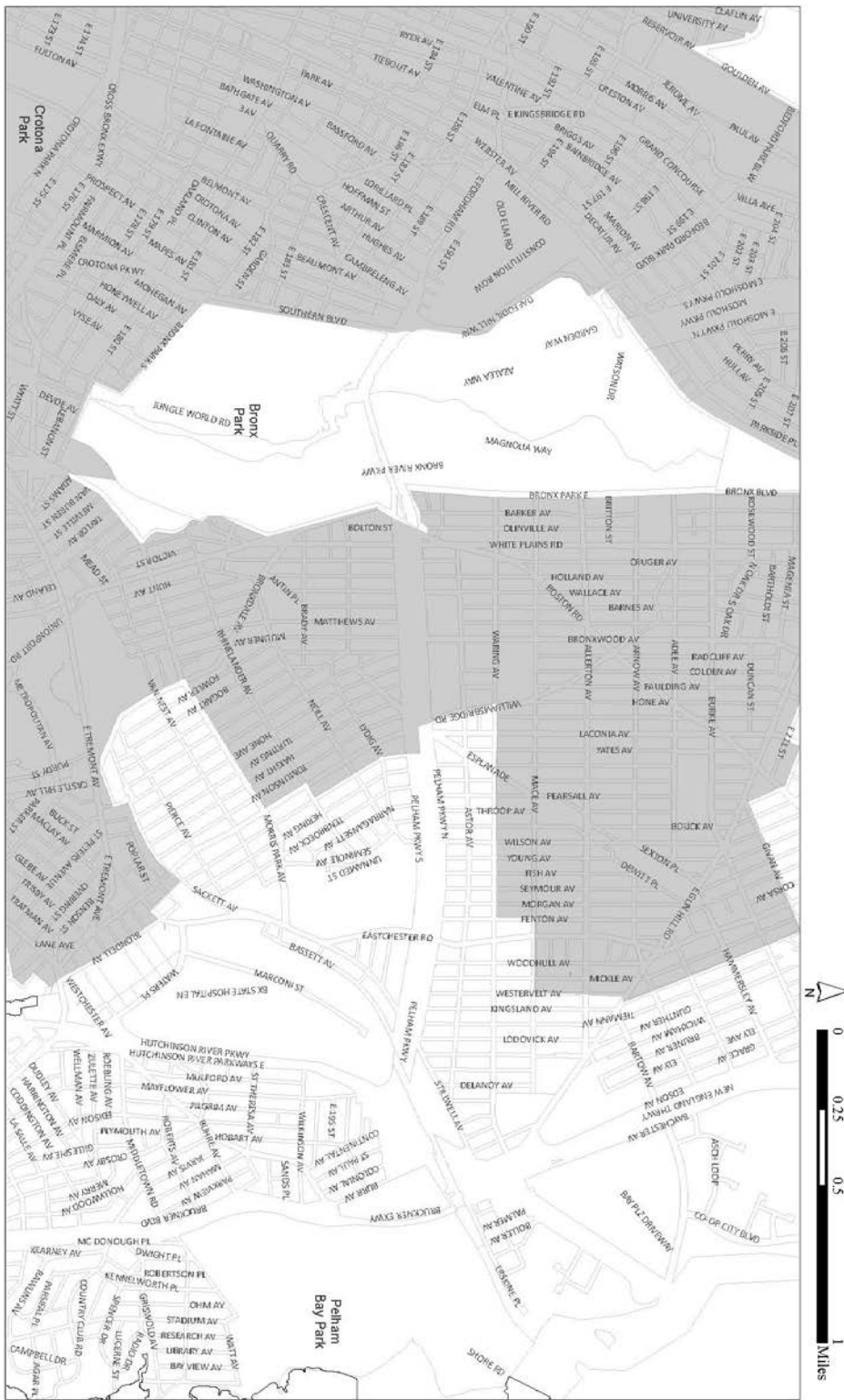
Key Map 1

[New map to be added]



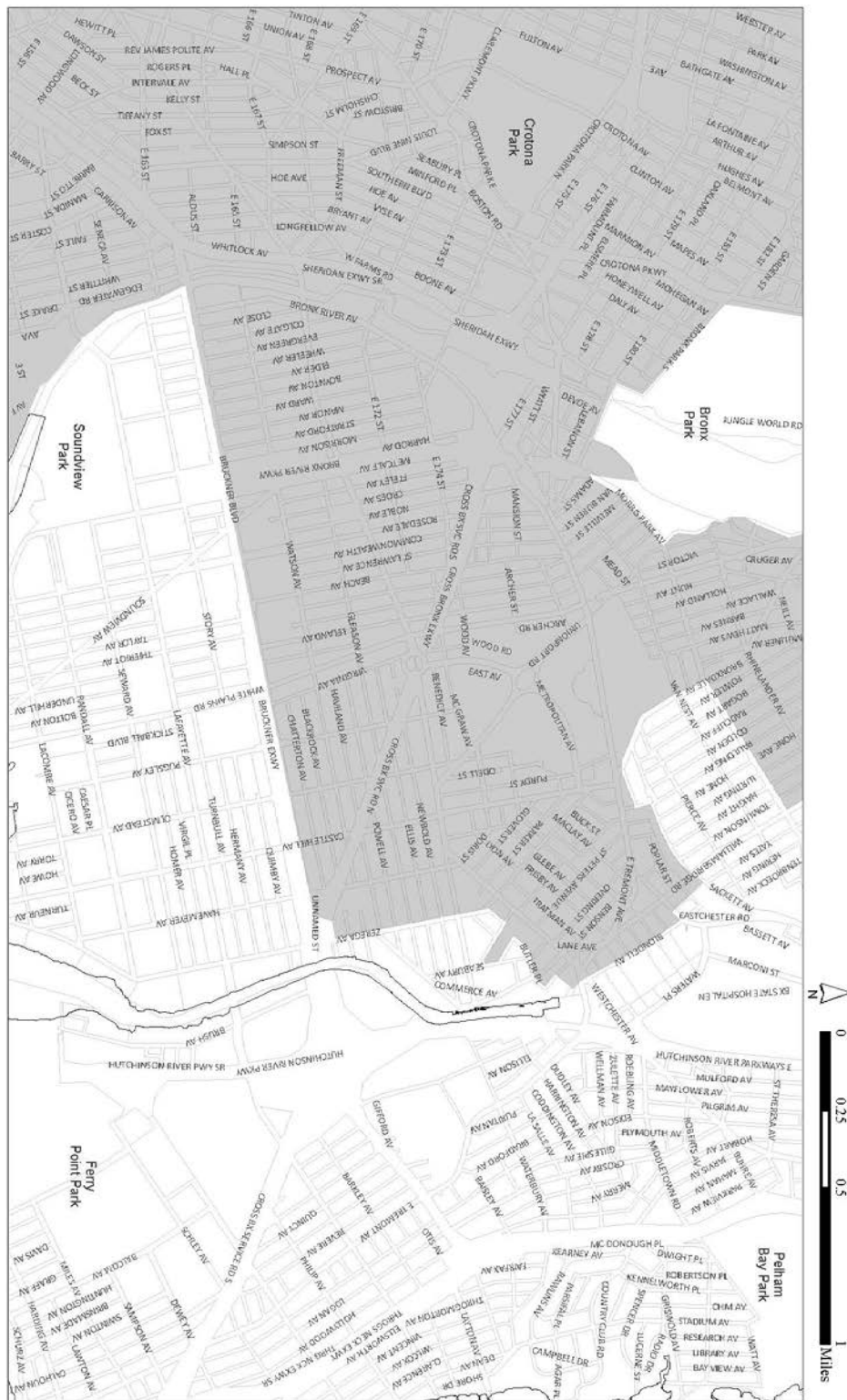
Key Map 2

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Key Map 3

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Key Map 4

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Key Map 5

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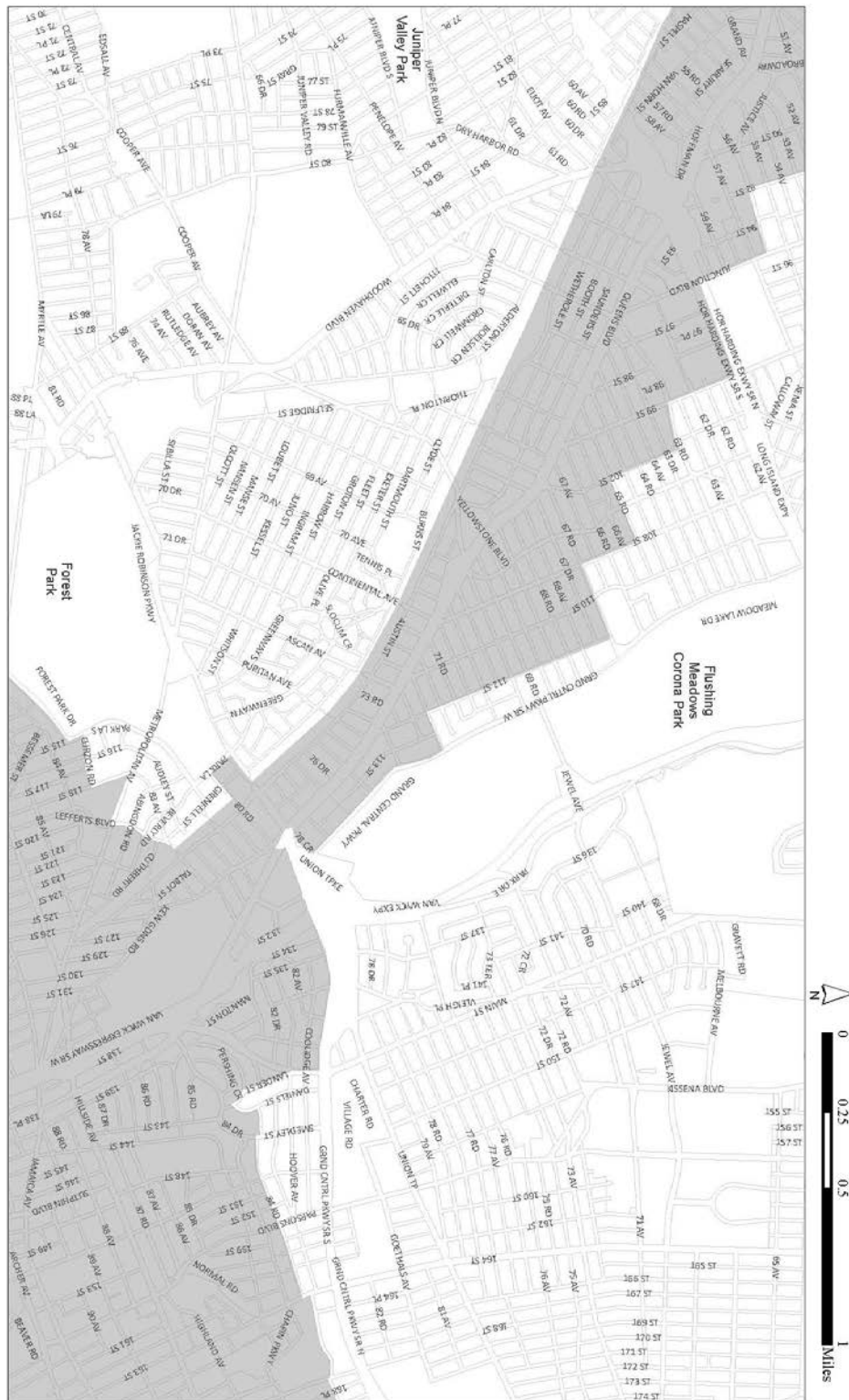
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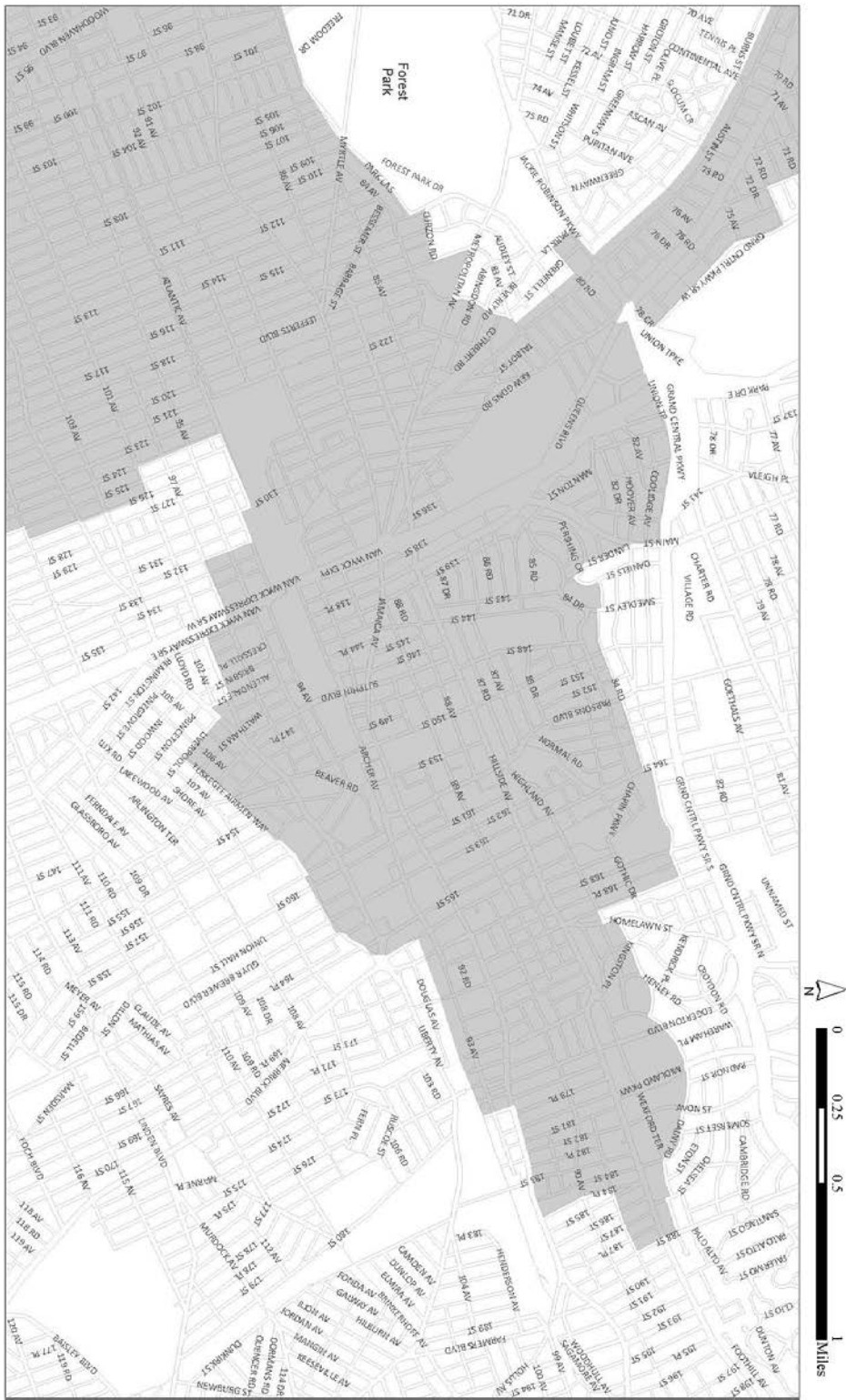
Key Map 7

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Key Map 8

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Key Map 9

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Key Map 10

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Key Map 11

[New map to be added]



Key Map 12

[New map to be added]



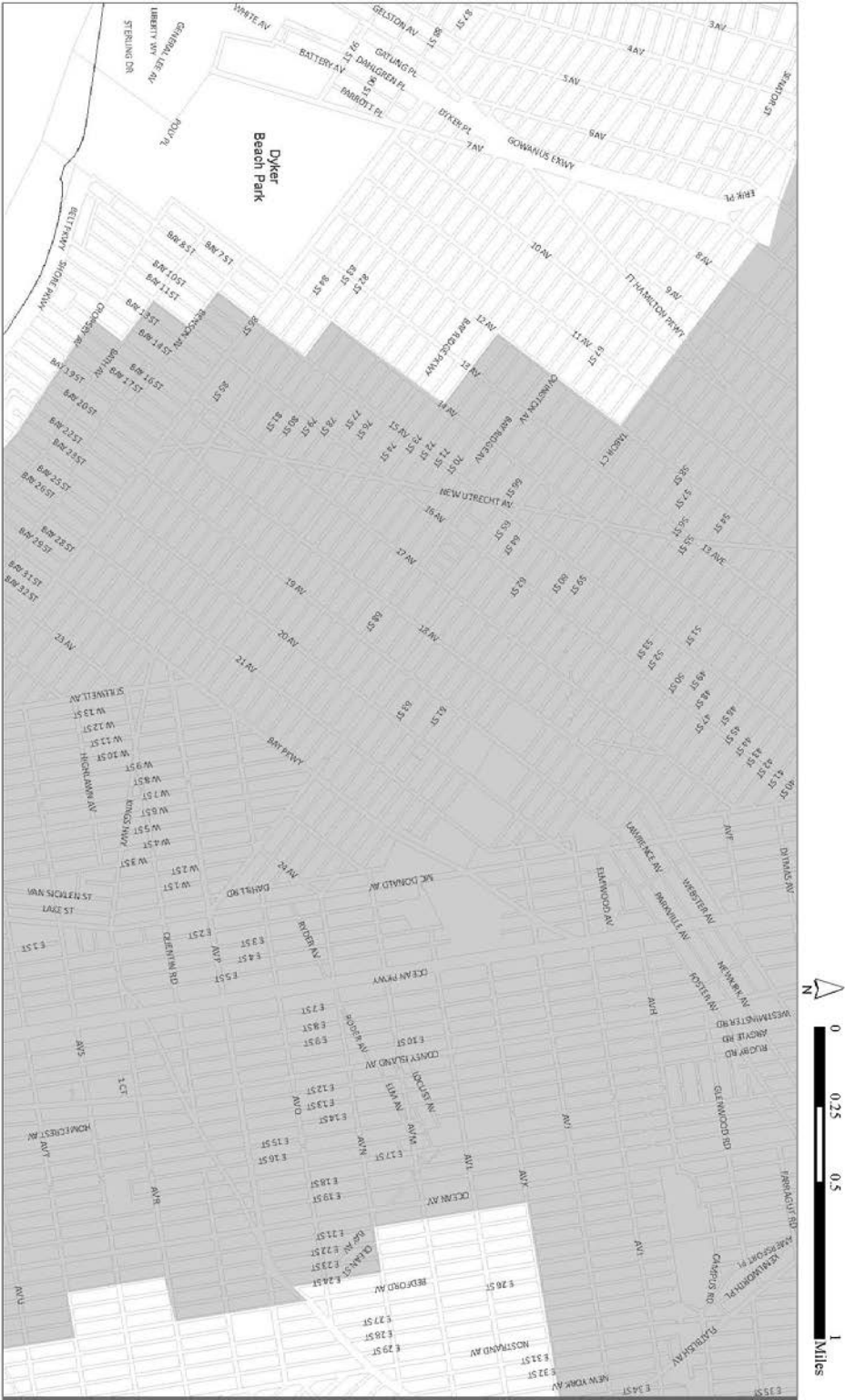
Key Map 13

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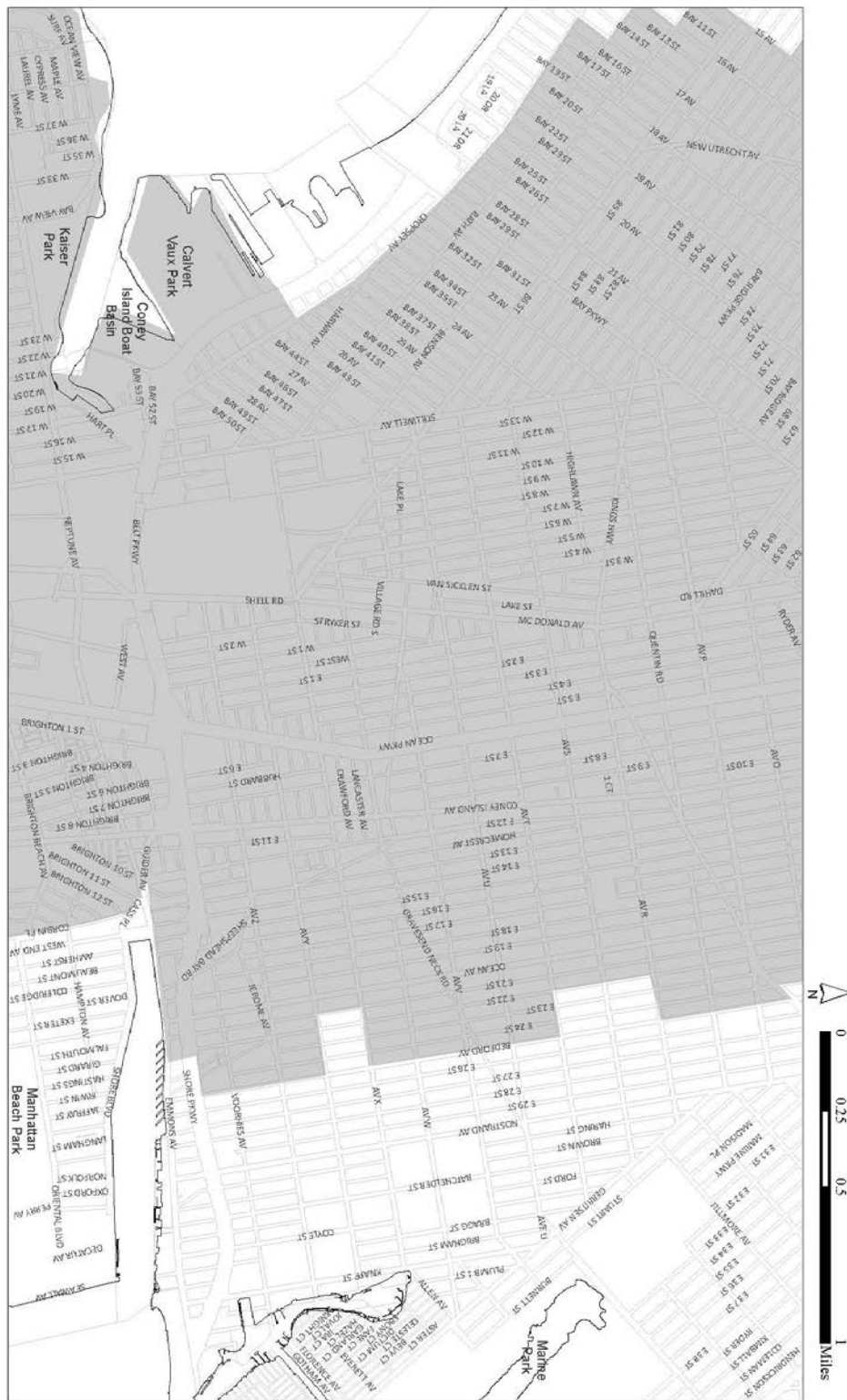
Key Map 14

[New map to be added]



Key Map 15

[New map to be added]



END