



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Carl Weisbrod, *Director*
Department of City Planning

February 20, 2015

Nilda Mesa, Director
New York City Mayor's Office of Sustainability
100 Gold Street, 2nd Floor
New York, NY 10038

NOTICE OF LEAD AGENCY DETERMINATION AND REVIEW

Re: Zoning for Quality and Affordability Text Amendment
CEQR No. 15DCP104Y
ULURP No. Pending
Citywide
Type I Action

Dear Ms. Mesa:

The above-referenced application involves a discretionary action subject to City Planning Commission (CPC) approval. This action is subject to review under City Environmental Quality Review (CEQR), Executive Order No. 91, and the State Environmental Quality Review Act (SEQRA), 6 NYCRR 617.

Pursuant to Sections 5.03 and 5.05 of the Rules of Procedure for City Environmental Quality Review (CEQR) as adopted June 26, 1991, the Department of City Planning, acting on behalf of the CPC, is assuming lead agency status for this application and is initiating the CEQR review.

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

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

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

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

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

- General building envelope modifications: In medium- and higher-density districts, allow sufficient flexibility to accommodate best practices for affordable construction and good design, including:
 - Height: Increase maximum heights (by 5' to 15') to ensure all permitted floor area can fit and allow better design.
 - Setbacks: Measure upper floor setback from street line, removing penalty for buildings that set back at the street level, allowing better interior layouts and reducing construction cost.
 - Corner Lots: Loosen lot coverage and other requirements that make housing construction unnecessarily difficult, especially on irregularly shaped lots.
- Enhanced building envelope modifications for Inclusionary and affordable senior housing and care facilities: Where zoning allows additional floor area for affordable housing for seniors or Inclusionary Housing, provide enough flexibility to fit all permitted floor area with good design, including:

- Height: Increase maximum height (by 1 to 2 stories in R6-R8 districts, and 3 to 4 stories in R9-R10 districts) to fit all floor area without sacrificing quality of housing.
- Amenity Spaces: Allow ground-floor accessory residential amenity spaces to be located in the rear yard, where parking garages or community facilities are allowed today.
- Non-contextual districts: In non-contextual zoning districts (which do not have overall height limits), establish more flexible height limits for senior housing and future Inclusionary Housing developments.
- Improved design flexibility: Allow flexibility for the variation and texture that typify older buildings in many neighborhoods, including:
 - Street Wall: Update and clarify regulations to support traditional types of building variation.
 - Court Yards: Allow greater flexibility to enable visual interest and a range of building configurations.
 - Ground Floors: Make transparency and design requirements consistent in various zoning and special districts.
 - Mix of Unit Sizes: Make consistent the unit density standards for all medium- and high-density districts, allowing smaller units to be mixed in with larger ones.
- Modifications for constrained lots: Most existing controls are designed to work with flat, rectangular lots, and do not work well on irregularly-shaped or sloped sites, including:
 - Yards and Lot Coverage: Allow proportionate reductions in requirements where lots are shallow, acutely-angled, or sloped.
 - Distance Between Buildings: Reduce “tower-in-the-park”-era requirements to be consistent with the State’s Multiple Dwelling Law requirements.
 - Relief for Unusual Conditions: Allow modification on a case-by-case basis, through discretionary review.

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

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

multi-family housing within ½ mile walking distance from a subway station, and other areas with lower rates of car ownership and utilization. The proposal would include different rules within and outside this zone, as follows:

Inside the Transit Zone:

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

Outside the Transit Zone:

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

This component of the proposed action is primarily applicable to multi-family R3-2 through R10 residence districts, as well as their residential equivalents in commercial and manufacturing districts, as applicable. These changes would also be reflected in Special Districts and special areas that include these zoning districts. In addition, a portion of the proposed action affects the development of affordable senior housing and care facilities in single- and two-family zoning districts between R1 and R5.

The analysis year for this proposal is 2025.

An Environmental Assessment Statement is attached. Please contact Evren Ulker-Kacar, AICP of the Department of City Planning at (212) 720-3419 if you have any questions regarding the application.

Sincerely,



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cc: Jacquelyn Harris
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