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Memorandum

# City of Yes for Housing Opportunity Revised Technical Memorandum 002

**CEQR No: 24DCP033Y**

**ULURP No: N240290ZRY**

PREPARED FOR

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The New York City Department of City  
Planning  
120 Broadway, 31st Floor  
New York, NY 10271-3100

PREPARED BY

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**One Penn Plaza  
Suite 715  
New York, NY 10119-0800**

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3, 2024

## Introduction

This Technical Memorandum assesses whether the proposed NYC City Council modifications to the City of Yes for Housing Opportunity (CHO) proposal would result in any significant adverse environmental impacts that were not previously identified in the September 2024 *City of Yes for Housing Opportunity Final Environmental Impact Statement (FEIS)* (CEQR No. 24DCP033Y).

Specifically, the City Council is proposing modifications to the following proposals:

- › 1.1 More Floor Area for Affordable and Supportive Housing
- › 1.2 Small and Shared Apartments
- › 1.3 Eliminate Obstacles to Quality Housing Development
- › 1.4 Conversions
- › 2.1 Low Density Basic
- › 2.2 Low-Density Plus: “Missing Middle” Housing
- › 2.3 Accessory Dwelling Units
- › 3.1 Maintain and Extend a Comprehensive Set of Transit Geographies
- › 3.2 Reduce, Simplify, and Streamline Parking Requirements
- › 4.3 Allowances for Irregular and Challenged Sites
- › 4.9 Clarify and Simplify Railroad Right-of-Way Regulations
- › 4.10 Simplify and Expand the Landmark TDR Program
- › 4.14 Minor Changes to Enable Improved Building Design and Function
- › Additional Modifications pertaining to Special Districts

These modifications are referred to as the Proposed Action with the City Council Modifications throughout this Technical Memorandum and are described below. The modified zoning text can be found on the Zoning Application Portal<sup>1</sup> or in the legislation details on the City Council website (File #LU 0181-2024)<sup>2</sup>.

This Technical Memorandum analyzes whether the Proposed Action with the City Council Modifications would change any of the conclusions identified in the September 2024 *City of Yes for Housing Opportunity FEIS*. As set forth below, this Technical Memorandum concludes that the City Council Modifications would not result in any new or greater significant adverse impacts not already identified in the FEIS.

## Background

The Department of City Planning is proposing a package of zoning text amendments (the “Proposed Action”) with citywide applicability to provide a broader range of

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<sup>1</sup> <https://zap.planning.nyc.gov/projects/2023Y0427>

<sup>2</sup> <https://legistar.council.nyc.gov/LegislationDetail.aspx?ID=6888427&GUID=4B132BCA-7483-462C-8588-B6B921596C48&Options=ID%7CText%7C&Search=>

housing opportunities across the City (ULURP No. N240290ZRY). The Proposed Action seeks to enable more housing and wider variety of housing types in all neighborhoods citywide, from the lowest-density districts to the highest, to address the housing shortage and high cost of housing in New York City. Incremental changes across a wide geography can create a significant amount of housing and affordable housing without resulting in dramatic change to neighborhoods.

To create more housing and more types of housing, the Proposed Action comprises project components in four broad categories: Medium- and High-Density proposals in R6-R10 districts and equivalents; Low-Density proposals in R1-R5 districts and equivalents; Parking proposals, which span the full range of districts and densities; and assorted other changes in line with project goals. In general, these changes would apply in underlying zoning districts, Special Districts, and other geographies that modify underlying zoning, with limited adjustments to reflect planning goals in specific areas. As such, the Proposed Action would affect all 59 community districts in the City.

The Draft Environmental Impact Statement (DEIS) for the Proposed Action was accepted as complete on April 26, 2024, by DCP, acting on behalf of the City Planning Commission (CPC) as lead agency. The public hearing on the DEIS was held on July 10, 2024, at the City Planning Commission Hearing Room, Lower Concourse, 120 Broadway, New York, NY, 10271 at 10:00 AM. The public hearing was accessible to view and participate in both in-person and remotely via NYC Engage. The period for submitting written comments remained open through 5:00 PM on July 22, 2024. The Notice of Completion for the Final Environmental Impact Statement (FEIS) was issued on September 13, 2024 (CEQR No. 24DCP033Y). The FEIS incorporated responses to the public comments received on the DEIS and additional analyses conducted after the completion of the DEIS.

Since the issuance of the FEIS, modifications were made by the CPC, as described in Technical Memorandum 01, issued on September 24, 2024. The NYC City Council has now identified potential additional modifications. The potential City Council Modifications are summarized below.

## **Description of City Council Modifications**

The City Council has identified modifications to the CHO zoning text amendment that would amend certain provisions described within this section.

The City Council has proposed several modifications consisting of: 1) Changing the amount of required off-street accessory parking in a three-tiered approach, rather than uniformly citywide; 2) Changing the geographic applicability of ancillary dwelling units and qualifying sites; 3) Creating affordability incentives for the qualifying sites program and adding additional affordability requirements to certain UAP developments; 4) Various changes to the allowed dwelling unit factor, lot coverage, side yards, heights, and setbacks, depending on the lot size and underlying zoning district and changes to types of discretionary actions. None of these changes would increase density or otherwise affect the amount, type, or

location of future development beyond what was analyzed in the 2024 FEIS's Analytical Framework.

Each numbered section below corresponds to the provisions of CHO that are described in the FEIS issued on September 13, 2024. Numbered sections in the FEIS but not included within this Technical Memorandum are not proposed to be modified by the City Council.

## **1: Medium- and High-Density Proposals**

As described in the September 2024 FEIS, CHO would increase housing opportunities in these areas by increasing affordable and supportive floor area ratios (FARs) in all medium- and high-density districts, expanding eligibility for the City's adaptive reuse regulations to a broader range of buildings such as struggling office districts, enabling small and shared apartment models to take pressure off family-sized units, and simplifying infill regulations for campuses and other zoning lots with existing buildings.

### **1.1 More Floor Area for Affordable and Supportive Housing**

As described in the FEIS, CHO would build off of the existing preferential FARs for Affordable Independent Residences for Seniors (AIRS) in most medium- and high-density districts by holding market-rate FAR constant while increasing FARs for all forms of affordable and supportive housing to the higher AIRS FAR—this is referred to as the "Universal Affordability Preference" (UAP) framework.

This would be achieved through the following components:

- › 1.1a: For districts with an existing preferential FAR for AIRS, hold market-rate FAR constant while increasing FARs for all forms of affordable and supportive housing to the higher AIRS FAR;
- › 1.1b: For districts without an existing preferential FAR for AIRS or where the AIRS preference is small, provide a new preferential FAR for AIRS and other affordable and supportive housing types that is 20 percent above the FAR for market-rate residential;
- › 1.1c: Replace Inclusionary Housing Designated Areas (IHDA) and the R10 Inclusionary Housing (R10 IH) program with the preferential FAR framework;
- › 1.1d: Equalize FARs for Mandatory Inclusionary Housing (MIH) districts where FARs proposed for UAP are higher;
- › 1.1e: Where necessary, adjust building envelopes to accommodate permitted FAR;
- › 1.1f: Allow supportive housing to be classified as either Use Group (UG) 2 or UG 3; and
- › 1.1g: Modify the ZR 74-903 Special Permit to an Authorization for supportive housing.

### **1.1c Replace IHDA and R10 IH with the preferential FAR framework**

To streamline New York City's residential zoning and significantly expand opportunities for affordable housing at a wider variety of lower incomes, the Proposed Action would replace the IHDA and R10 IH programs with the preferential zoning framework described above. Specifically, CHO proposed to replace IHDA and R10 IH with a framework to increase FARs for affordable and supportive housing while lowering required Average Mean Income (AMI) levels to 60 percent and enabling income averaging.

The Proposed Action with the City Council Modifications would additionally require that for developments with 10,000 sf or more of UAP affordable floor area, 20% of UAP units would be set aside for families with incomes at 40% AMI. The City Council Modifications would have the effect of larger developments having less flexibility in how they income average to achieve 60% AMI, but this is not expected to affect housing production as these larger developments are likely able to accommodate these requirements in their financing structure.

### **1.1e Adjust Building Envelopes to Accommodate FARs**

The Proposed Action with the City Council Modifications would reduce the proposed R6 and R7 narrow and R8B zoning districts maximum height by 10 feet. See **Table 1** for proposed building envelopes, with changes highlighted in green.

Furthermore, for zoning lots in R6-R10 zoning districts adjacent to R1-R5 districts, the City Council modifications reestablish 'transition area' height limits ranging from 45' to 85'. The required transition area width and maximum building height depend on the development site's lot width, what low density district the site is adjacent to, and whether it contains a qualifying residential site.

These Council Modifications would modestly reduce proposed heights in specific zoning districts across the City and building envelopes for certain types of housing. This would result in marginal increases or no change from the existing regulations before the CHO proposal for adjusting building envelopes.

**Table 1 Current and Proposed Building Envelopes**

	Current		CHO Proposal		City Council Modifications <sup>1</sup>	
	Base Height	Max Height	Base Height	Max Height	Base Height	Max Height
R6B	45	55	45	65	45	65
R6 narrow	65	85	65	95	65	85
R6 wide outside of MN Core	65	85	65	95	65	95
R6A	65	85	65	95	65	95
R7 narrow or in MN Core	75	95	85	115	85	105
R7 wide outside MN Core	75	105	85	115	85	115
R7A	75	95	85	115	85	115
R7B	65	75	65	95	65	95
R7D	95	115	95	125	95	125
R7X	105	145	105	145	105	145
R8B	65	75	85	105	85	95
R8 wide outside MN Core	105	145	125	175	125	175
R8 narrow or in MN Core	105	145	105	145	105	145
R8A	105	145	105	145	105	145
R8X	105	175	105	175	105	175
R9 narrow	125	165	135	185	135	185
R9 wide	125	175	135	185	135	185
R9A narrow	125	165	135	185	135	185
R9A wide	125	175	135	185	135	185
R9X narrow	145	195	155	215	155	215
R9X wide	145	205	155	215	155	215
R10 narrow	155	215	155	235	155	235
R10 wide	155	235	155	235	155	235
R10A narrow	155	215	155	235	155	235
R10A wide	155	235	155	235	155	235

Notes:

<sup>1</sup> Building heights highlighted in green indicate those that have been modified under the City Council Modifications.

### **1.1g: Modify the ZR 74-903 Special Permit to a new Authorization for supportive housing**

CHO proposed to retain the ability for supportive housing to seek higher FARs in R6, R7-2, and R9 districts while reducing the required action from a special permit (ZR 74-903) to an authorization. The Proposed Action with City Council Modifications would remove this part of the proposal, resulting in such supportive housing continuing to need the existing special permit.

Therefore, the modifications would reflect a continuation of existing regulations before the CHO proposal for supportive housing.

### **Additional Modifications Related to Proposal 1.1**

The CPC adopted modifications that are described in Technical Memorandum 001, issued on September 24, 2024. The CPC modifications resulted in the removal of the CHO-proposed sunset provision for the ability to developers to generate offsite bonuses for use in R10 districts. The CPC modification maintained the ability for affordable housing to generate off-site bonus for use in R10 areas at the proposed 1:1 ratio rather than sunseting this allowance after 10 years. The City Council Modifications would also remove the 10-year sunset provision for the UAP off-site option in IHDAs. This would enable sites within the UAP offsite geography to utilize offsite UAP beyond the originally proposed 10-year period.

The City Council Modifications also made changes to the administrative regulations that are not expected to have any effect on development patterns.

## **1.2 Small and Shared Apartments**

CHO's Small and Shared Housing proposals seek to bring back and increase access to housing types that serve the young, the old, and the marginally housed. These are developments with small basic units for the increasing number of New Yorkers who wish to live alone but currently cannot because of lack of availability or affordability or are shared housing models with private bedrooms and common kitchens or other facilities. In low-density districts, Dwelling Unit Factor (DUF) is a main obstacle to development of two-family houses in two-family districts and small apartment buildings in districts that allow multiple dwellings.

This would be achieved through the following components:

- › 1.2a: Eliminate DUF within the Inner Transit Zone (including the Manhattan core);
- › 1.2b: Reduce and simplify DUF outside the Inner Transit Zone;
- › 1.2c: Eliminate DUF within one- and two-family buildings; and
- › 1.2d: Remove zoning obstacles to small and shared housing models for affordable, supportive, and privately financed projects.

The City Council Modifications would affect Proposals 1.2a and 1.2b by changing the geographies in which the DUF is eliminated or simplified.

The proposed City Council Modifications do not change the elimination of the DUF for new buildings and for conversions of buildings to residential in Manhattan Core (CDs 1-8) and Downtown Brooklyn, and for one- and two- family buildings. However, outside of the Manhattan Core and Downtown Brooklyn, the DUF would be equalized in all districts to 680 square feet for multifamily buildings as opposed to the 500 sf proposed by CHO (see **Figure 1** and **Table 2**), and would be eliminated for conversions of community facilities. A DUF of 680 would apply to existing buildings.

Maintaining the elimination of the DUF within the Manhattan Core and Downtown Brooklyn area would allow for small and shared apartments in a portion of the City, as proposed in CHO. Reduction and simplification of the DUF in other areas may still provide opportunities for more, small apartments, but would likely preclude buildings entirely of smaller units. This slight increase to the proposed DUF would still enable districts to produce building types nominally allowed today in most cases.

**Table 2 City Council Modified Dwelling Unit Factor for Multi-Family Buildings Outside Core and Downtown Brooklyn**

	<b>Current DUF</b>	<b>CHO Proposal</b>	<b>City Council Modifications<sup>3</sup></b>
R1, R2, R3-1, R3A, R3X, R4-1, R4B, R4A, R5A	--	500	680
R3-2, R4	870	500	680
R4 <sup>1</sup> , R5 <sup>1</sup> , R5B	900	500	680
R5, R5D	760	500	680
R5B <sup>2</sup>	1,350	500	680
R6, R7, R8, R9, R10	680	500	680

Notes:

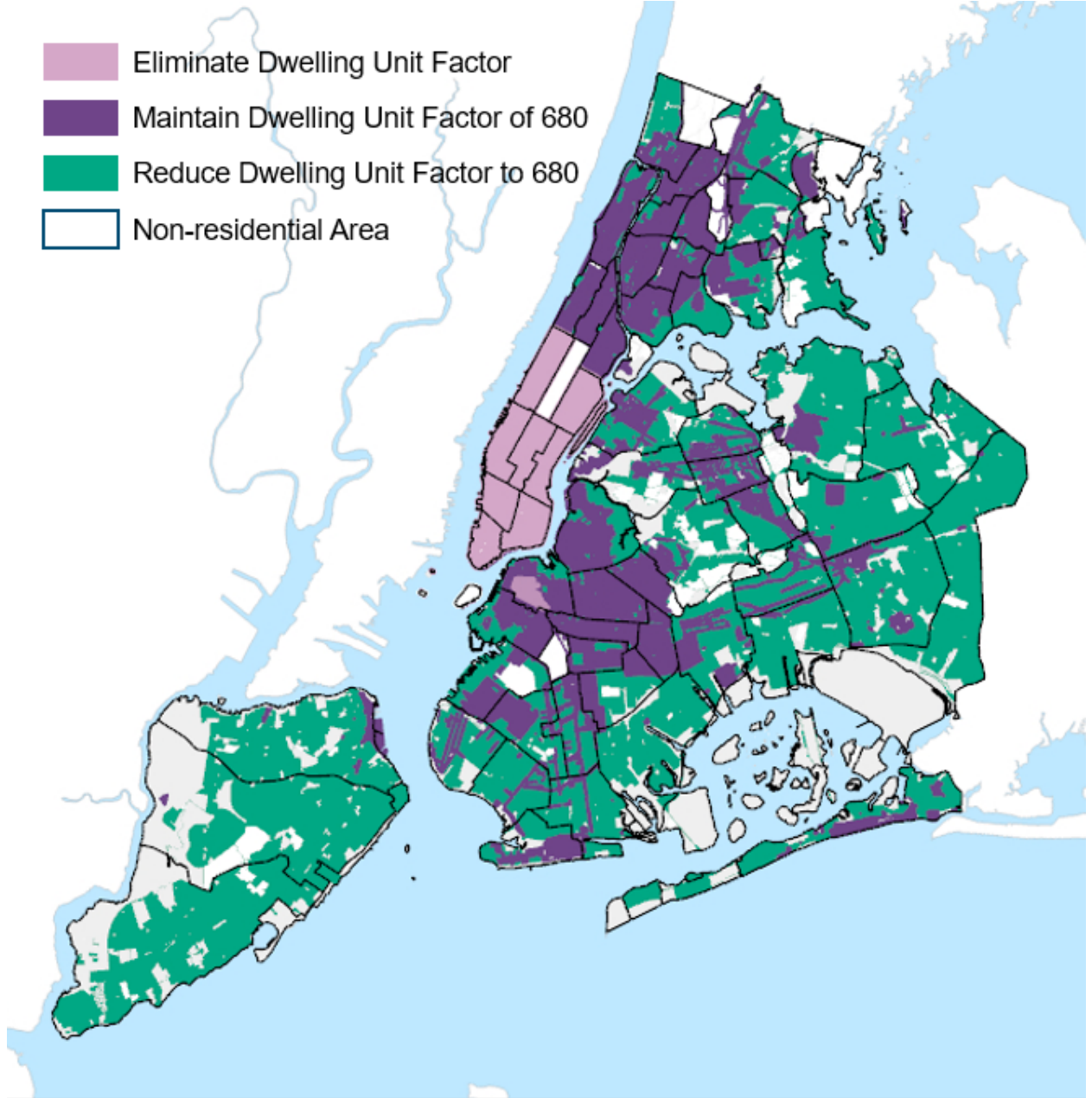
<sup>1</sup> For residences in a predominantly built-up area

<sup>2</sup> 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

<sup>3</sup> Dwelling unit factors highlighted in green indicate those that have been modified under the City Council Modifications.



**Figure 1 City Council Modifications to Dwelling Unit Factor – Area of Applicability**



Source: NYC Department of City Planning

### **1.3 Eliminate Obstacles to Quality Housing Development**

CHO proposed to make changes to height and setback regulations to encourage greater predictability in non-contextual districts and reduce the unnecessary complexity produced by outdated Height Factor regulations. It proposed to do so through the following components:

- › 1.3a: Remove obstacles to Quality Housing development on sites with existing buildings;
- › 1.3b: Remove obstacles to Quality Housing development on irregular lots and lots where development is challenged by nearby infrastructure and other obstructions;
- › 1.3c: Provide more flexible envelopes in Waterfront Areas to enable a broader range of development, including affordable housing; and
- › 1.3d: Eliminate the “sliver law” for developments that utilize Quality Housing regulations, regardless of district.

**1.3a: Remove Obstacles to Quality Housing Development on Sites with Existing Buildings – Infill Proposals**

To provide more opportunities for infill development, the CHO proposed to (1) replace complex infill “mixing rules” and restrictive open space and height regulations with a simpler regime based on FAR, infill height limits, and lot coverage maximums and (2) reduce distance-between-buildings requirements to harmonize zoning regulations with the state standards in the Multiple Dwelling Law.

Among other things, CHO proposed to reduce the distance between buildings for single- and two-family homes on a single zoning lot from 20 feet to 10 feet. The City Council Modifications would increase this distance to 15 feet in order to preserve the equivalent of side yards.

CHO also proposed to replace open space ratio, an unnecessarily complicated formula that determines the amount of required open space on a height factor zoning lot, with simpler yard regulations and lot coverage maximums that are more predictable and easier for practitioners and government administrators. The City Council Modifications would adjust these maximums to a more tiered structure. See **Table 3** for modified lot coverage maximums, with changes shown in green.

The City Council Modifications also provide that infill cannot be located in the middle of a campus more than 100 feet from a street. Also, to further preserve open spaces on existing campuses, recreational areas including play equipment, court game facilities, ball fields, or fixed outdoor tables would not be eligible for infill or would need to be replaced in kind and size.

**Table 3 Proposed Modifications to lot coverage maximums for Infill Development**

<b>Eligible Site Size</b>	<b>CHO Proposed Lot Coverage Maximums</b>	<b>City Council Modified Lot Coverage Maximum<sup>1</sup></b>
Less than 30,000sf	80%	80%
30,000 sf to 1.5 acres	80%	65%
1.5 acres and greater	50%	50%

Notes:

<sup>1</sup> Lot coverage maximums for infill development highlighted in green indicate those that have been modified under the City Council Modifications.

### **1.3b: Remove Obstacles to Quality Housing Development on Irregular Lots and Lots Where Development is Challenged by Nearby Infrastructure and Other Obstructions – Flexible Quality Housing Envelopes for Difficult Sites**

The City Council Modifications would revise CHO by limiting the availability of CHO's proposed height increases on campuses in order to ensure that heights of new buildings are consistent with the heights of existing buildings.

CHO proposed that, on medium- and high-density campuses, new developments on sites above 40,000 sf receive a proposed 25% increase in height to provide greater flexibility for building envelopes. The City Council modifications will limit this height increase to either 25% or the height of existing buildings, whichever is lower.

These City Council Modifications would modestly reduce proposed heights of certain infill developments.

## **1.4 Conversions**

CHO's conversion proposal seeks to extend and improve the existing framework in Article I, Chapter 5 of the Zoning Resolution, which provides relaxed bulk regulations for conversions of non-residential buildings built before 1977 or 1961 to residential use within defined geographies. CHO would do this by:

- › 1.4a: Changing the cutoff date for conversion from 1961 or 1977 to 1990;
- › 1.4b: Expanding the geographic applicability of the adaptive reuse regulations citywide;
- › 1.4c: Enabling conversion to a wider variety of housing types, including rooming units, supportive housing, and dormitories; and
- › 1.4d: Eliminating outdated restrictions on conversions to residential uses in C6-1G, C6-2G, C6-2M and C6-4M commercial districts.

The City Council Modifications would create an incentive for providing outdoor recreation space over indoor space by requiring only 2% of total floor area be recreation space if it is located outdoors and 3% if located indoors.

## **2: Low-Density Proposals**

CHO would increase housing opportunities in these areas by adjusting zoning regulations to ensure that two- and multi-family districts genuinely allow two- and multi-family housing nominally permitted, by reintroducing modest three- to five-story apartment buildings in low-density commercial districts and on large sites near transit, and by newly enabling owners of one- and two-family houses to add an ADU if they choose.

### **2.1 Low Density Basic (aka District Fixes)**

The Low-Density Basic proposals seek to adjust zoning regulations in R1 through R5 districts to provide additional flexibility for existing buildings (and homeowners) and

ensure that each district can support new development nominally allowed today—such as two-family residences in two-family districts and small multi-family developments in districts that allow multi-family. CHO would make generally minor adjustments to:

- › 2.1a: Provide additional FAR and adjust floor area rules;
- › 2.1b: Adjust perimeter height limits and building envelopes;
- › 2.1c: Adjust yard, open space, and court requirements;
- › 2.1d: Increase flexibility to provide off-street parking where required or voluntarily provided; and
- › 2.1e: Relax minimum lot size and width restrictions.

### **2.1a Provide Additional FAR and Adjust Floor Area Rules**

The CHO proposal included increases to FARs across low-density districts to provide flexibility for existing buildings and new development alike.

The City Council Modifications would restrict additional FAR to lots smaller than 4,000 sf to disincentivize teardowns and atypically large single-family homes in all single-family and two-family districts.

CHO proposed that for R1 through R3 Districts in Community Districts 11, 14 and 15 in Brooklyn, the maximum floor area ratio for standard zoning lots would be increased to 1.0. The City Council Modifications removed this proposal north of Avenue H in Community District 14.

### **2.1c Adjust Yard, Open Space, and Court Requirements**

The CHO proposal included adjustments to yard and open space requirements to relieve constraints on new development and create space for viable building footprints. The City Council Modifications would make various lot coverage and yard requirement adjustments:

- › Reducing the lot coverage maximum to 40% in R1 and R2 Districts and 50% in R3 districts.
- › Modifying the yard requirements as follows:
  - In all districts, maintain a 30ft. rear yard for lots 40 feet or less in width with attached or semi-detached buildings
  - R1 districts would require two 8-foot side yards
  - R2 districts would require two 5-foot side yards
  - R3 through R5 districts would require a 5-foot side yard and a minimum of 8 feet of separation between buildings for semi-detached and lot line buildings
  - R3-2, R4, R4B, R5, R5B, and R5D districts would require no side yards unless the adjoining lot has a side yard, then 8 feet of separation between buildings would be required

- › Obstructions in the rear-yard would be limited to 33% for single- or two-family residences

### **2.1e Relax Minimum Lot Area and Width Restrictions**

CHO proposed to reduce minimum lot area requirements in low-density districts to better reflect prevalent lot widths and sizes in these districts and to remove obstacles to developing the types of housing these districts nominally allow. The City Council Modifications would revise lot areas and lot widths to disincentivize subdivisions when lots are combined. **Table 4** and **Table 5** show the minimum lot sizes and widths as proposed by CHO and with City Council Modifications in green.

**Table 4 Proposed Action with City Council Modifications Minimum Lot Sizes for Low-Density Districts**

		<b>Allowed Housing Typology</b>	<b>Current Minimum Lot Size</b>	<b>CHO Proposed Minimum Lot Size</b>	<b>City Council Modification Proposed Minimum Lot Size<sup>1</sup></b>
<b>Single-Family Districts</b>	R1-1	1-family detached	9,500	4,750	7,125
	R1-2	1-family detached	5,700	4,750	4,750
	R1-2A	1-family detached	5,700	4,750	4,750
	R2X	1-family detached	2,850	2,850	2,850
	R2	1-family detached	3,800	2,850	2,850
	R2A	1-family detached	3,800	2,850	2,850
<b>Two-Family Districts</b>	R3-1	1 & 2-family detached or zero lot-line	3,800	2,375	2,850
		Any other permitted	1,700	1,700	1,700
	R3A	1 & 2-family detached or zero lot-line	2,375	2,375	2,375
	R3X	1 & 2-family detached	3,325	2,850	2,850
	R4-1	1 & 2-family detached or zero lot-line	2,375	2,375	2,375
		Any other permitted	1,700	1,700	1,700
	R4A	1 & 2-family detached	2,850	2,375	2,375
	R4B	1 & 2-family detached or zero lot-line	2,375	2,375	2,375
Any other permitted		1,700	1,700	1,700	
R5A	1 & 2-family detached	2,850	2,375	2,375	
<b>Multi-Family Districts</b>	R3-2	1 & 2-family detached or zero lot-line	3,800	2,375	2,850
		Any other permitted	1,700	1,700	1,700
	R4	1 & 2-family detached or zero lot-line	3,800	2,375	2,850
		Any other permitted	1,700	1,700	1,700
	R5	1 & 2-family detached or zero lot-line	3,800	2,375	2,850
		Any other permitted	1,700	1,700	1,700
R5B	1 & 2-family detached or zero lot-line	2,375	2,375	2,375	
	Any other permitted	1,700	1,700	1,700	
R5D	1 & 2-family detached	2,375	2,375	2,375	
	Any other permitted	1,700	1,700	1,700	

Notes:

<sup>1</sup> Minimum lot sizes highlighted in green indicate those that have been modified under the City Council Modifications.

**Table 5 Proposed Action with City Council Modifications Minimum Lot Widths for Low-Density Districts**

		<b>Allowed Housing Typology</b>	<b>Current Minimum Lot Width</b>	<b>CHO Proposed Minimum Lot Width</b>	<b>City Council Modification Proposed Minimum Lot Width<sup>1</sup></b>
<b>Single-Family Districts</b>	R1-1	1-family detached	100	50	75
	R1-2	1-family detached	60	50	50
	R1-2A	1-family detached	60	50	50
	R2X	1-family detached	30	30	30
	R2	1-family detached	40	30	30
	R2A	1-family detached	40	30	30
<b>Two-Family Districts</b>	R3-1	1 & 2-family detached or zero lot-line	40	25	30
		Any other permitted	18	18	18
	R3A	1 & 2-family detached or zero lot-line	25	25	25
	R3X	1 & 2-family detached	35	30	30
	R4-1	1 & 2-family detached or zero lot-line	25	25	25
		Any other permitted	18	18	18
	R4A	1 & 2-family detached	30	25	25
	R4B	1 & 2-family detached or zero lot-line	25	25	25
Any other permitted		18	18	18	
R5A	1 & 2-family detached	30	25	25	
<b>Multi-Family Districts</b>	R3-2	1 & 2-family detached or zero lot-line	40	25	30
		Any other permitted	18	18	18
	R4	1 & 2-family detached or zero lot-line	40	25	30
		Any other permitted	18	18	18
	R5	1 & 2-family detached or zero lot-line	40	25	30
		Any other permitted	18	18	18
	R5B	1 & 2-family detached or zero lot-line	25	25	25
Any other permitted		18	18	18	
R5D	1 & 2-family detached	25	25	25	
		Any other permitted	18	18	18

Notes:

<sup>1</sup> Minimum lot widths highlighted in green indicate those that have been modified under the City Council Modifications.

## 2.2 Low-Density Plus: “Missing Middle” Housing

The Missing Middle proposals are aimed at enabling multi-family housing on opportune sites within the full range of low-density districts, bringing back building forms that were commonly built in many of these areas prior to passage of the city’s

current zoning resolution in 1961 and that continue to define built context to this day.

To reintroduce these building forms, add housing, and support a diversity of housing types in low-density areas, CHO establishes the following changes in low-density commercial districts and on “qualifying sites” and campuses in low density areas.

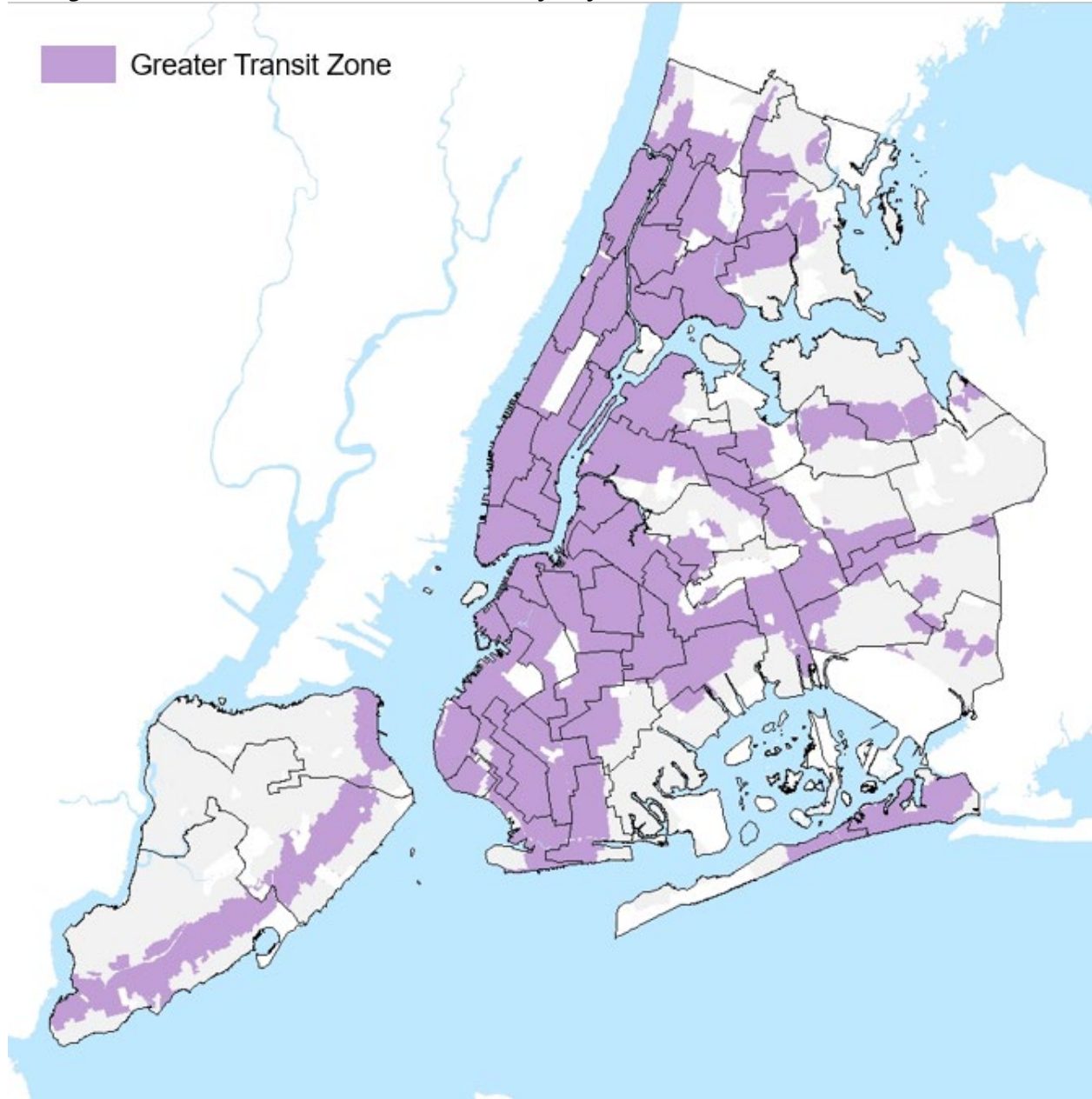
- › 2.2a: For low-density commercial districts, the Proposed Action would
  - Provide additional residential FAR and height and
  - Provide a preferential FAR for mixed developments.
- › 2.2b: For Qualifying Sites, CHO would:
  - Define Qualifying Site criteria, including location within the Greater Transit Zone, a minimum lot size of 5,000 sf, and frontage on a wide street or short dimension of a block
  - Define alternate criteria for sites with community facilities, including location within the Greater Transit Zone or, outside the Greater Transit Zone, a minimum lot size of 5,000 sf and an existing community facility use.
  - Modify use regulations to allow multi-family housing on Qualifying Sites within one- and two-family districts; and
  - Provide additional FAR and adjustments to height and setback regulations.
- › 2.2c: For low-density campuses, the Proposed Action would:
  - Define campus as a 1.5-acre or full block site;
  - Replace restrictive yard and open space requirements with a 50-percent lot coverage maximum; and
  - Provide new height limits for infill developments in R3-2, R4, and R5 districts.

All together, low-density housing types that would be facilitated on qualifying sites by CHO include Town Center, Transit Oriented Development (TOD), infill on low density campuses, and special criteria for development on community facility sites. Qualifying sites for TOD are predicated on location within the Greater Transit Zone. Proposed Council Modifications to the Greater Transit Zone are described under Section 3.1 Maintain and Extend a Comprehensive Set of Transit Geographies and shown below in **Figure 2**.

The City Council Modifications also instituted affordability requirements for certain qualifying sites. Within the proposed maximum residential FARs, qualifying residential sites with more than 50,000 sf of permitted residential floor area would be required to provide permanently affordable housing at an average of 80% AMI to receive a 20% increase over the market-rate FAR cap.



**Figure 2 Greater Transit Zone as defined by City Council Modifications**



Source: NYC Department of City Planning

### **2.2a Low-Density Commercial Districts (aka Town Center)**

CHO would enable mixed use development in low-density commercial districts to provide new housing while supporting local retail and business districts and, in many areas, reinforcing built context. These changes include providing additional FAR and building height and incentivizing mixed-use developments, also known as Town

Center development. Qualifying Sites for Town Center Development would require a C overlay or MX district within a R1 through R5 district.

The City Council Modifications would exclude certain areas where the existing context does not match that of a low-density commercial district by:

- › Exclude areas within C-overlays that consist of a discontinuous isolated commercial overlay mapping
- › Exclude areas where 50% or more of the block front consists of lots improved with one- or two-family homes

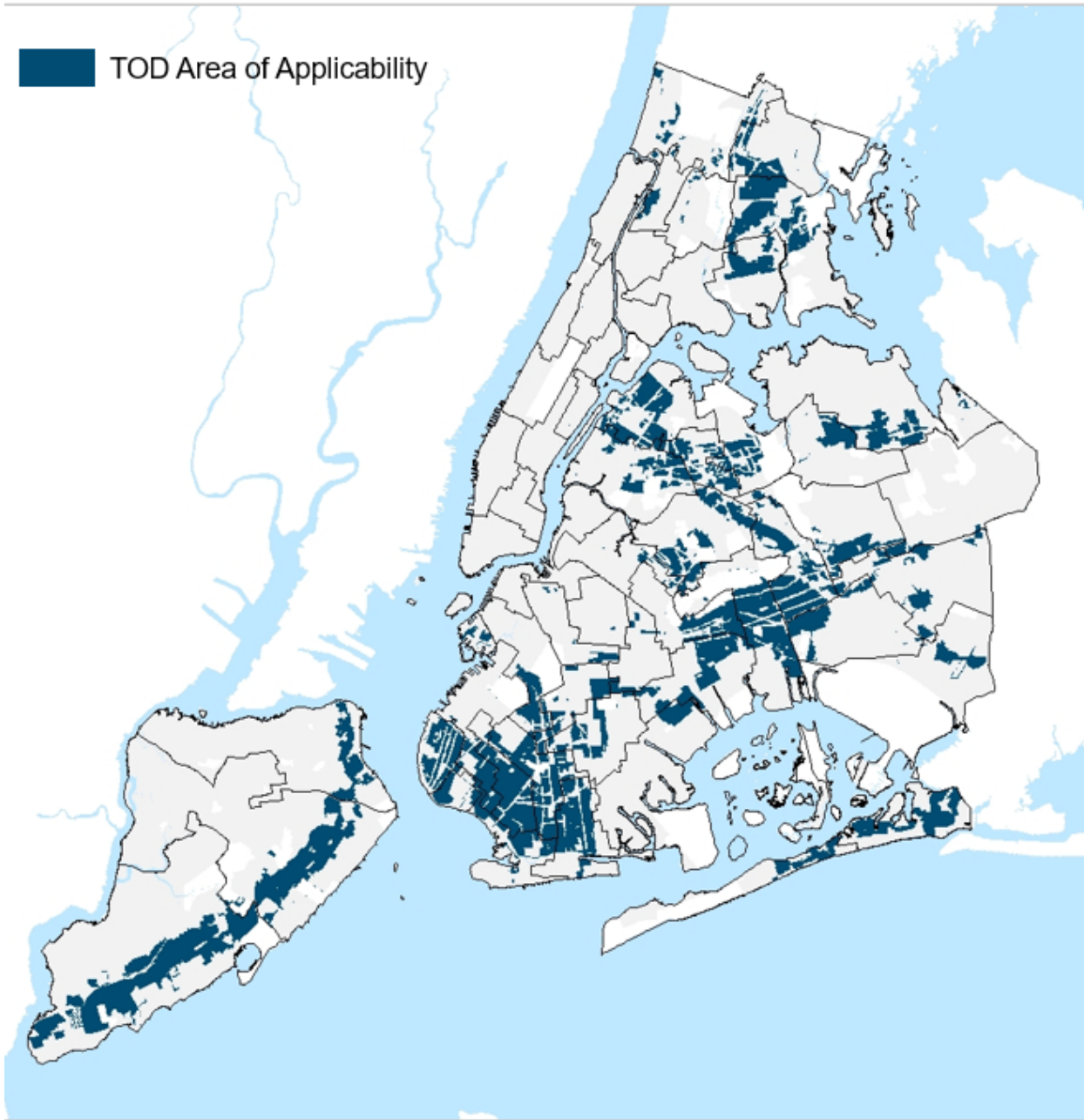
This would have the effect of reducing Town Center applicability to locations where the existing context reflects that of a low-density commercial district. These modifications are in line with the intention of the proposal and would slightly reduce the applicability of Town Center. However, areas where Town Center applicability was removed may still be eligible for other development if they meet qualifying site criteria, as described below.

### **2.2b Qualifying Sites**

CHO defined Qualifying Sites to enable transit-oriented housing development (or TOD) within low-density districts. CHO also defined criteria necessary for sites to take advantage of the relaxed bulk regulations provided to Qualifying Sites. These requirements include location within the Greater Transit Zone (see **Figure 3**)—that is, the Inner Transit Zone and Outer Transit Zone—and a zoning lot area of at least 5,000 square feet. To qualify, these sites would have to front on a wide street or along the short dimension of a block. The City Council Modifications would remove sites within R1 and R2 districts from the definition of a qualifying site. Other modifications by City Council that change the geography of the Transit Zone also affect this proposal as mentioned above. See Section 3.1 Maintain and Extend a Comprehensive Set of Transit Geographies.

CHO also proposed to provide higher residential FARs for sites with community facilities to facilitate mixed and infill developments on such sites anywhere in the City. City Council Modifications would limit this portion of the proposal to community facilities existing prior to the date of adoption.

**Figure 3 City Council Modifications to Transit Oriented Development Applicability**



Source: NYC Department of City Planning

### **2.2c Allow Infill on Low-Density Campuses**

In low-density districts, CHO would replace restrictive yard requirements and height limits that apply to existing buildings with a simpler regime that allows infill development on campuses of at least 1.5 acres or with full-block control.

The City Council modifications would limit heights on low-density campuses. New developments would not receive the proposed 10-foot increase in heights unless existing buildings that remain after development meet or exceed that additional height. As with medium and high-density campus infill development, the City Council Modifications also provide that, infill cannot be located in the middle of a campus more than 100 feet from a street.

## **2.3 Accessory Dwelling Units**

The Accessory Dwelling Unit (ADU) proposal seeks to enable an ADU on a zoning lot with a one- or two-family residence. To support the creation of ADUs in lower density areas, CHO would:

- › 2.3a: Define a new type of residence called an “accessory dwelling unit” (defined as “ancillary dwelling unit” in ZR 12-10) or “ADU” with a size limit of 800 square feet;
- › 2.3b: Provide ADU-specific relief from various provisions that limit the number of dwelling units on a zoning lot and parking requirements, and in conjunction with other low-density initiatives, provide generally applicable allowances for FAR, height and setback, yard requirements, distance-between-building requirements, and new non-compliances in R1 through R5 districts to accommodate an ADU on typical zoning lots with one- and two-family residences.

### **2.3a Define “Accessory Dwelling Unit”**

The City Council Modifications would change the definition of ADU to include the fire-access requirement that a rear-yard ADU be accessible directly from a side yard that is at least five feet wide. This would match fire code requirements.

For single- and two-family homes to be eligible to add an ADU, at the time occupancy of a new ADU, either the primary dwelling or the ADU on the property must be the primary residence of the property owner. This would not apply to subsequent homeowners who purchase the property in order to limit barriers to obtaining mortgages and avoid displacement of renters.

### **2.3b Provide Relief from Various Zoning Regulations that Apply to Dwelling Units**

The City Council Modifications would restrict the locations in which ADUs could be developed. These changes include:

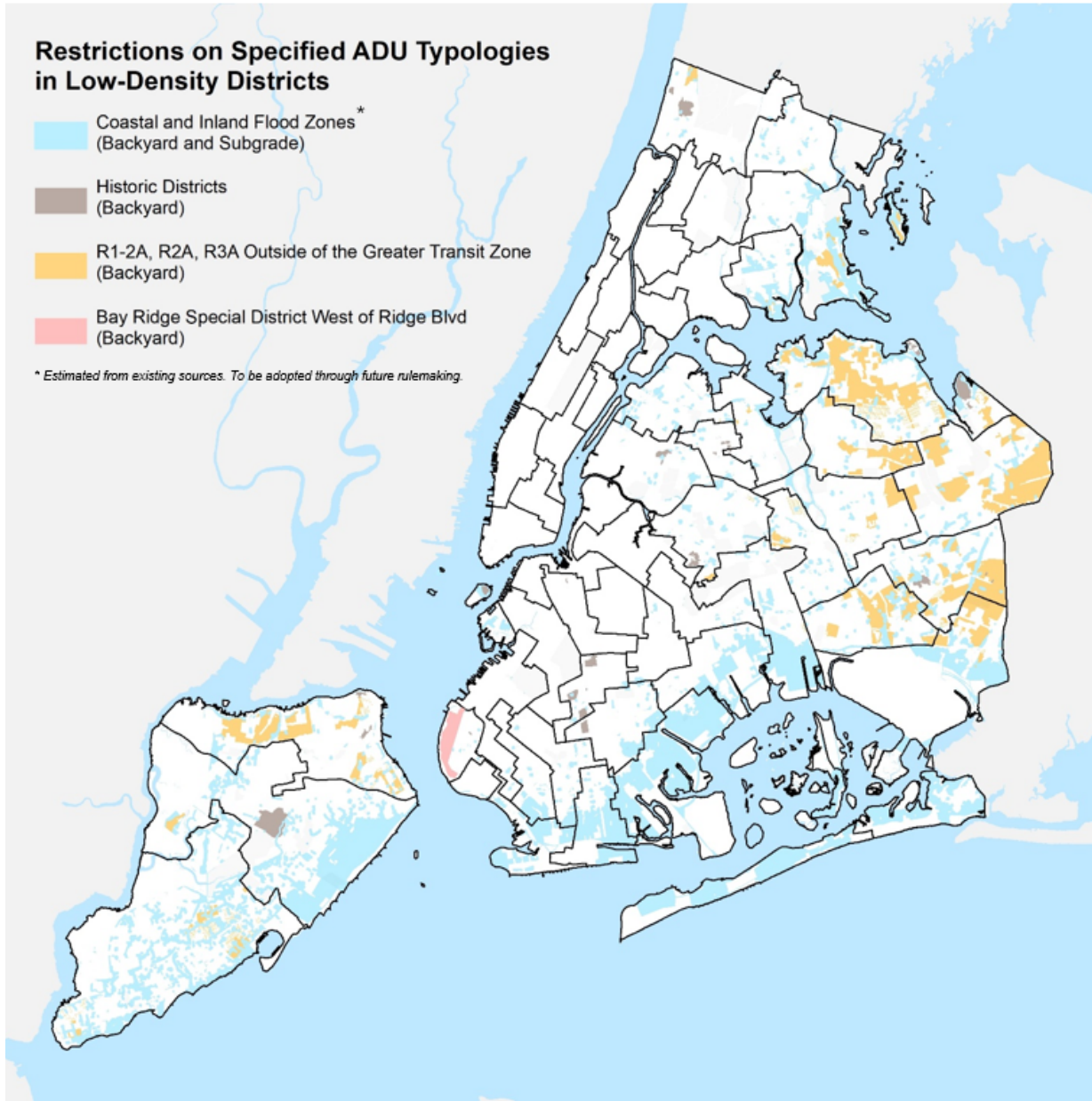
- › Restrict detached and attached (aka “backyard”) ADU typologies in historic districts
- › Restrict detached and attached ADU typologies in R1-2A, R2A, and R3A low density-contextual districts except where these districts are within the greater transit zone
- › Restrict subgrade, detached, and attached ADU typologies in areas within the coastal or stormwater flood zone. The flood zones would be determined by the

existing coastal flood zone in the building code and in new flood maps to be adopted showing the 2050 (moderate) inland stormwater flood zone and the 2080 100 year coastal floodplain. In these geographies interior ADUs would still be allowed.

- › Restrict detached ADUs to one-story (15 feet in height) unless parking is provided below the ADU. This would prevent two-story ADUs but would continue to allow ADUs on a second floor of a garage.

See **Figure 4** for a summary of modifications to restrict ADU typologies in low density districts. These modifications would limit opportunities to construct ADUs in the areas of the City that are most sensitive environmentally or have zoning or other regulations that require specific low-density, contextual development patterns.

**Figure 4 Council Modification Restrictions to ADU Typologies in Low Density Districts**



Source: NYC Department of City Planning, Flood Hazard Mapper, City Stormwater Flood Maps

### **3: Parking Proposals**

Residential parking regulations set minimum numbers of required parking spaces based on zoning district and number of dwelling units, as modified by relevant geographies, housing type, and other factors such as lot size. CHO proposed to increase housing opportunities by reducing existing conflicts between housing and parking on development sites across the city and simplifying the suite of exemptions and discretionary actions for existing residential developments.

### 3.1 Maintain and Extend a Comprehensive Set of Transit Geographies

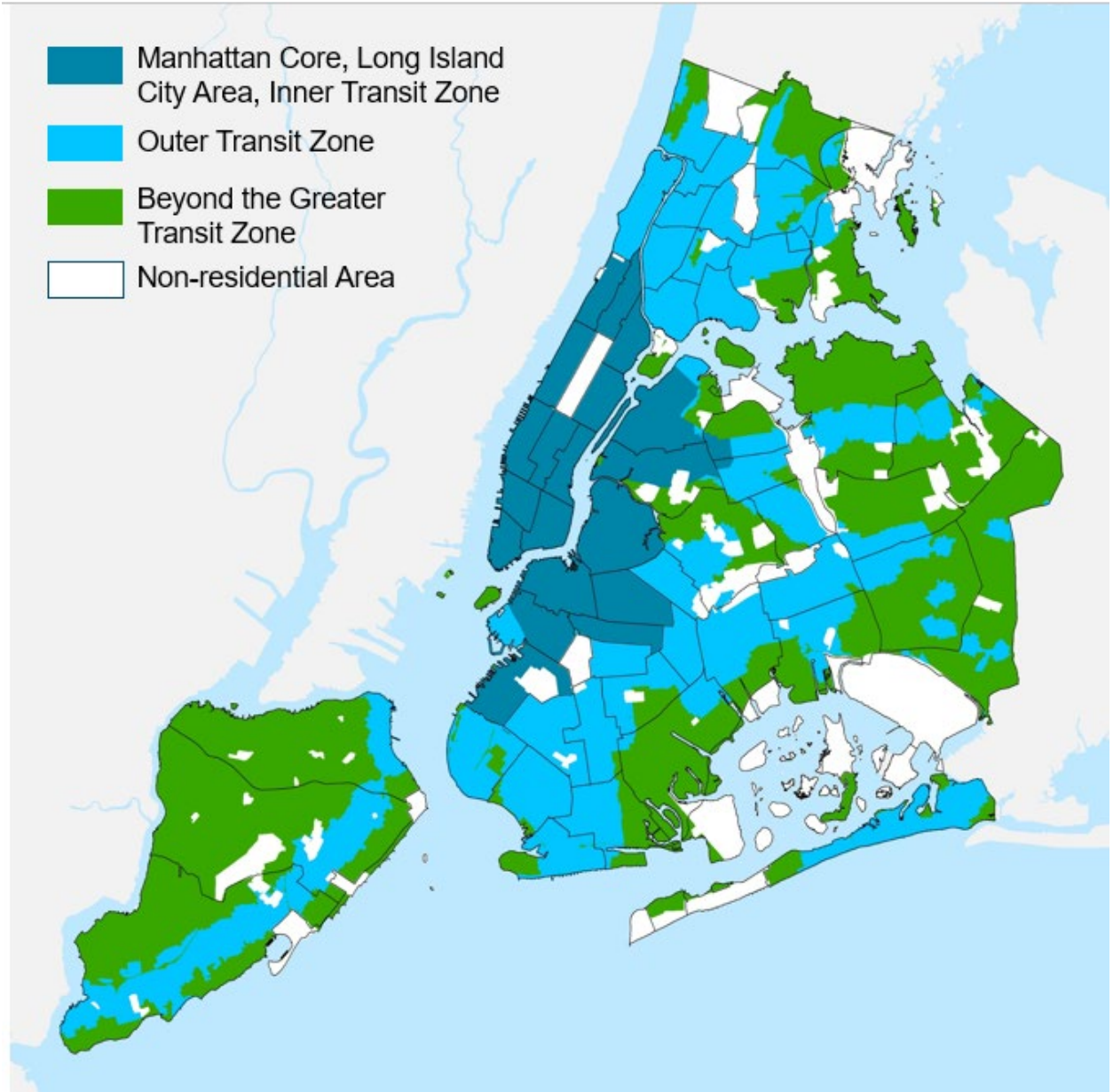
CHO proposed to build upon existing geographies established in the Zoning Resolution, such as the Manhattan Core and Appendix I Transit Zone, to remove parking requirements that may impede housing creation.

Whereas CHO as approved by the City Planning Commission would lift all parking mandates for new residential developments citywide, the City Council Modifications would establish three geographies, each with different parking regulations (See **Figure 5**). Below is a description of the boundaries of geographies, and Section 3.2 describes the parking regulations for those geographies.

- › **Inner Transit Zone**- Represents areas that have excellent access to transit. Broadly, the Inner Transit Zone would consist of the western most areas of Brooklyn and Queens, and Upper Manhattan south of 155<sup>th</sup> Street.
- › Specifically, the Inner Transit Zone would include Roosevelt Island in Manhattan Community District 8 plus the areas within the boundaries of the existing Zoning Resolution Appendix I map within the following areas:
  - Brooklyn Community Districts 1, 2, 3, 7, and 8
  - Brooklyn Community District 6 northeast of Hamilton Avenue
  - Manhattan Community Districts 9, 10, and 11
  - Queens Community Districts 1 and 2, as well as the portions of Community Districts 3 and 4 west of 83rd Street and Baxter Avenue and north of Woodside Avenue, in Queens
- › **Outer Transit Zone**- Represents areas with good access to transit that are not in the Inner Transit Zone. Broadly, the Outer Transit Zone includes areas adjacent to the Inner Transit Zone that are well served by bus, commuter rail, and subway, making them less automobile-dependent than neighborhoods farther from transit. The Outer Transit Zone also includes other areas within a half mile from the subway, Staten Island Railroad, Metro North, and the Long Island Rail Road stations; however, in areas served by Metro North and the Long Island Rail Road with less convenient access to Manhattan Core jobs and where service frequency is lower and travel costs are higher, the radius was reduced from a half-mile to a quarter-mile distance from those stations.
- › Specifically, the Outer Transit Zone includes all areas within the boundaries of the existing Zoning Resolution Appendix I map that are outside the Inner Transit Zone. The Outer Transit Zone also includes blocks that are wholly or partially within a half-mile of a mass transit station; however, for the following stations, the radius is a quarter-mile: the Bellerose, Belmont, Douglaston, Far Rockaway, Floral Park, Hollis, Inwood, Laurelton, Little Neck, Locust Manor, Queens Village, Rosedale and St. Albans Long Island Railroad stations; and the Riverdale, Spuyten Duyvil, Wakefield or Woodlawn Metro-North stations.

- › **Beyond the Greater Transit Zone**- All areas of New York City outside the Manhattan Core, Long Island City area, Inner Transit Zone and Outer Transit Zone (collectively known as the Greater Transit Zone)

**Figure 5 Transit Geographies as Modified by the City Council**



Source: New York City Department of City Planning



### 3.2 Reduce, Simplify, and Streamline Parking Requirements

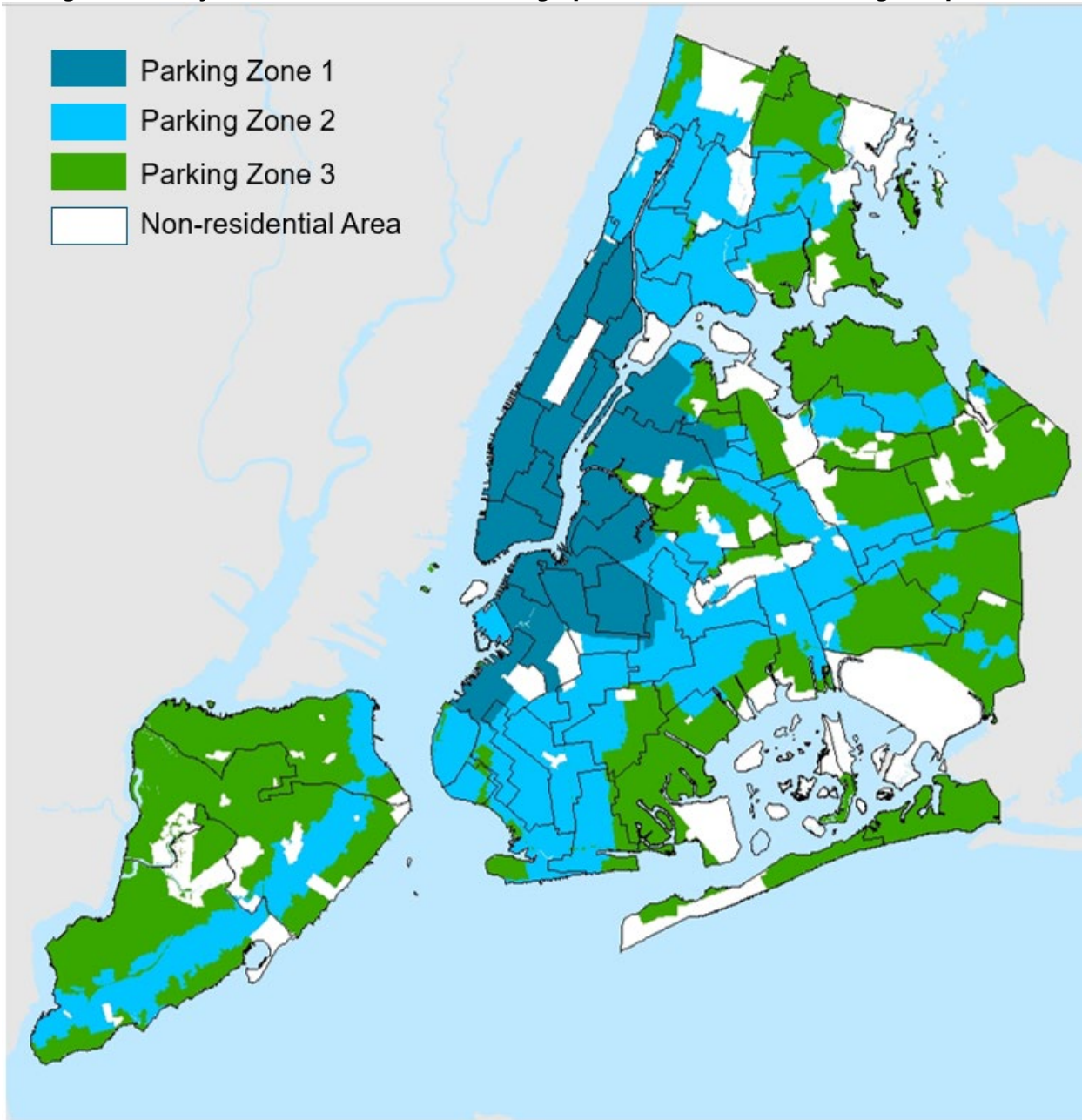
CHO proposed to eliminate parking requirements for new residential developments citywide.

The City Council Modifications would include parking requirements for the Outer Transit Zone and Beyond the Greater Transit Zone, all of which would be either less than or similar to existing requirements, as described below (see **Figure 6**).

- › **Inner Transit Zone**- No parking requirement for new residential dwellings. Shown as parking zone 1 in **Figure 6** below.
- › **Outer Transit Zone**- Restores reduced parking requirements for new residential dwellings, ranging from 12 to 35% of units within districts that largely permit multifamily development, with 50 to 100% unit-to-parking-space requirement for districts that largely permit one- and two-family homes. No parking requirements would exist for qualifying affordable housing, qualifying senior housing, ADUs, Town Center buildings, or dwellings created through conversion. There are no parking requirements for Transit-Oriented Development buildings with fewer than 75 units. Certain small or narrow lots have waivers or reductions in parking requirements. Shown as parking zone 2 in **Figure 6** below.
- › **Beyond the Greater Transit Zone** - Restores parking requirements similar to those that exist today but partially reduced and regularized, which include 100% unit-to-parking-space requirement in most low-density districts and 50% unit-to-parking-space requirement for low-density multifamily, while maintaining requirements similar to the existing zoning resolution in high density districts. Parking requirements for qualifying affordable housing would range from 12 to 50% based on zoning districts. No parking requirements would exist for ADUs or dwellings created through conversion. There are no parking requirements for Town Center and Transit-Oriented Development buildings with fewer than 75 units. Certain small or narrow lots have waivers or reductions in parking requirements. Shown as parking zone 3 in **Figure 6** below.
- › Portions of Bronx Community District 12, Queens Community District 14, and portions of Queens Community Districts 3 and 4 east of Junction Boulevard that are within the Outer Transit Zone will use parking regulations associated with Beyond the Greater Transit Zone (shown as parking zone 3 in **Figure 6** below), except for when calculating parking requirements for qualifying affordable housing and qualifying senior housing.

The City Council Modifications would also reestablish a system of parking waivers, which would have been unnecessary with CHO as proposed because there were no residential parking requirements. Where relevant, some parking waiver thresholds would be increased relative to the existing zoning resolution to foster housing production in smaller buildings that face the most site-specific and cost-related barriers in constructing new parking.

**Figure 6 City Council Modified Transit Geographies and Areas with Parking Exceptions**



Source: New York City Department of City Planning

Furthermore, citywide parking exemptions for community facility uses would be limited to houses of worship, as opposed to all community facility uses seeking to do infill development.

The City Council Modifications would also restore a permit structure for removal of parking. New or existing residential buildings in the Inner Transit Zone could seek an authorization to remove or reduce parking and those in the Outer Transit Zone or beyond the Greater Transit Zone would require a special permit. BSA special permits

for removing or reducing parking for affordable and senior housing within the Greater Transit Zone were also restored. Public use of residential accessory parking facilities as proposed would be limited to the Inner Transit Zone.

Below are table summaries of the parking requirements and waivers by zoning district for the Outer Transit Zone and beyond the Greater Transit Zone, the two geographies where the City Council Modifications added requirements (See **Table 6** and **Table 7**).

**Table 6 City Council Modifications to Parking Requirements for Multi-family buildings in the Outer Transit Zone**

<b>District</b>	<b>Parking Per Market Rate Unit (in percent)</b>	<b>Parking Per Affordable, ADU, or Senior Unit (in percent)</b>	<b>Maximum waiver (in spaces)<sup>1, 2</sup></b>
R1, R2	100	0	0
R3-1, R3A, R3X, R4-1, R4A, R4B, R5A	50	0	0 <sup>3</sup>
R3-2, R4	35	0	5
R5	35	0	10
R5B, R5D	25	0	10
R6, R7-1, R7-2	25	0	15
R7A, R7B	15	0	15
R7-3, R7D, R7X	15	0	25
R8	12	0	30
R9	12	0	40
R10	12	0	50
R11	12	0	60
R12	12	0	75

Notes:

<sup>1</sup> For qualifying residential sites in R1 through R5 Districts, accessory off-street parking spaces shall be waived where the number of dwelling units is 75 or less.

<sup>2</sup> For zoning lots in R7-2, R8, R9, R10, R11 or R12 Districts, the parking requirements shall be waived where the lot area is 10,000 square feet or less.

<sup>3</sup> For zoning lots existing on where the lot width is 25 feet or less, no parking shall be required. In addition, irrespective of the lot width of the zoning lot, in R4B Districts, one accessory off-street parking space may be waived.

**Table 7 City Council Modifications to Parking Requirements for Multi-family buildings Beyond the Greater Transit Zone**

District	Parking Per Market Rate Unit (in percent)	Parking Per Income Restricted Unit (in percent)	Parking for Senior Units (in percent)	Parking Per ADU (in percent)	Maximum waiver (in spaces)
R1, R2	100	50	10	0	0
R3A, R3-1, R3X R4-1, R4B, R4A, R5A	100	50	10	0	0 <sup>5</sup>
R3-2	50	50	10	0	1
R4	50	50	10	0	3
R5, R5B, R5D	50	25	10	0	5
R6	50	25	10	0	10
R7-1, R7B	50 <sup>1</sup>	12	10	0	10
R7A, R7D, R7X	50 <sup>1</sup>	12	10	0	15
R7-2, R7-3	50 <sup>2</sup>	12	10	0	15
R8, R9, R10, R11, R12	40 <sup>3</sup>	12	10	0	15

Notes:

<sup>1</sup> For zoning lots in R7-1, R7A, R7B, R7D and R7X Districts, the parking requirement per standard dwelling unit shall be reduced to 30 percent where the lot area is 10,000 square feet or less.

<sup>2</sup> For zoning lots in R7-2 and R7-3 Districts, the parking requirement per standard dwelling unit shall be reduced to 30 percent where the lot area is between 10,001 and 15,000 square feet and waived where the #lot area# is 10,000 square feet or less.

<sup>3</sup> For zoning lots in R8, R9, R10, R11 and R12 Districts, the parking requirement per standard #dwelling unit# shall be reduced to 20 percent where the lot area is between 10,001 and 15,000 square feet and waived where the lot area is 10,000 square feet or less.

<sup>4</sup> For qualifying residential sites in R1 through R5 Districts, accessory off-street parking spaces shall be waived where the number of dwelling units is 75 or less.

<sup>5</sup> For zoning lots where the lot width is 25 feet or less, no parking shall be required. In addition, irrespective of the lot width of the zoning lot, in R4B Districts, one #accessory# off-street parking space shall be waived.

**4: Other Initiatives**

CHO includes a range of other proposals intended to facilitate more housing and a broader range of housing types by removing obstacles, simplifying overcomplicated zoning, and updating regulations conceived in the last century to address a very different set of circumstances.

### **4.3 Allowances for Irregular and Challenged Sites**

CHO proposed to extend relief to irregular and challenged sites for which compliance with underlying zoning regulations may be difficult, in many cases frustrating the planning goals and the provision of public benefits. To do this, CHO would:

- › 4.3a: Provide setback and height relief for sites near elevated infrastructure such as above-ground trains, bridges, and elevated streets;
- › 4.3b: Increase tower coverage maximums for small lots in districts subject to tower regulations; and
- › 4.3c: Provide noncompliance allowances for buildings seeking to comply with the Americans with Disabilities Act (ADA), provide rooftop recreation space, and other beneficial alterations that existing noncompliance regulations do not permit.
- › 4.3d: Create new discretionary actions to provide bulk relief for challenged sites

#### **4.3d: Create new discretionary actions to provide bulk relief for challenged sites**

The City Council Modifications would remove the proposed authorization for irregular sites and maintain the existing special permit, which could be sought to modify bulk regulations for sites with irregular site conditions or proximate infrastructure when subject to maximum height caps. This means that irregular sites can still seek relief but would continue to need to obtain a special permit.

### **4.9 Clarify and Simplify Railroad Right-of-Way Regulations**

CHO proposed to reduce or eliminate approval procedures for developments that construct over a railroad right-of-way and/or use floor area generated by the railroad right-of-way or former railroad right-of-way.

The proposed City Council Modifications would reinstate the currently required special permit in place of the proposed authorization for sites 1.5 acres or greater for developments or enlargements on zoning lots where the lot area includes an existing or former railroad right-of-way. The Chair certification proposed by CHO would still apply wherever a development builds on or over an existing railroad right-of-way or includes floor area from such right-of-way on sites up to 1.5 acres.

### **4.10 Simplify and Expand the Landmark Transfer of Development Rights (TDR) Program**

CHO proposed to ease restrictions on the ability of designated landmarks to transfer unused development rights to zoning lots in the immediate vicinity by expanding the program to historic districts and lower density areas and extend existing transfer opportunities to other zoning lots on the same zoning block as the landmark zoning lot, or across the street or an intersection from that block. It also proposes to allow

transfers by authorization for those that require limited bulk modifications on receiving sites, or certifications for transfers that do not require bulk modifications.

The City Council Modifications would modify the framework for TDR approvals:

- › Certifications for TDR would continue to be available where the receiving site does not require any bulk modifications. For C and M districts with 15 FAR allowances, the Chair certification would be available for transfers of up to 30% of the floor area of the receiving site.
- › Authorizations for TDRs would be available for receiving sites with bulk modifications up to an increased height of 25% over the maximum height in the underlying district.
- › A Special Permit would be reinstated for TDRs where height increases exceed 25%. For C and M districts with 15 FAR allowances; a special permit would also enable transfer of additional floor area above the certification threshold of 30%.

In districts where transfers are allowed to a receiving site for up to a 20% floor area increase, the City Council Modifications also clarify that this is an aggregate cap on floor area transfers from all potential transferring sites.

#### **4.14 Minor Changes to Enable Improved Building Design and Function**

CHO would address zoning issues that can make it difficult to design high quality buildings for their residents. This would include issues that limit outdoor area on roofs or balconies, as well as other building services.

The City Council Modifications would change the proposal so that in all districts, lots 40 feet or less in width with attached or semi-detached buildings would be required to provide a 30-foot rear yard and multifamily development would not be allowed a one-story extension in the rear-yard.

#### **Additional Modifications pertaining to Special Districts**

CHO modified various special purpose districts to ensure they also reflect its overall goals. This included applying the UAP program and removing the earlier inclusionary housing provisions. In addition, the CHO modified parking and bulk regulations to better align with the underlying rules for elements like street walls.

The proposed City Council Modifications would also change how CHO applies in Special Districts. See **Table 8** below for a description of each of these modifications by district.

**Table 8 City Council Modifications to Special Districts**

<b>Special District</b>	<b>Modification Description</b>
Limited Height Districts	Remove limited height provisions only for UAP buildings
Special Natural Area Districts (SNAD)	Retain certification for development, enlargement, or site alterations in SNAD Districts
Special Clinton District	Maintain 20% two-bedroom requirement in preservation area Lower UAP height by 10 feet along narrow streets in Preservation area of Special Clinton District
Special Chelsea District	Lower UAP height by 10 feet in Subdistrict F
Special Madison Avenue Preservation District	Remove provision for successive setbacks above 170 feet only for UAP buildings
Special Little Italy District	To limit significant height increases, limit bulk increases on corner lots in R7A Districts
Special Park Improvement District	Ensure that street walls do not have articulation up to minimum heights
Special 125 <sup>th</sup> Street District	Maintain height exceptions along 125 <sup>th</sup> Street
Fixed Height and Daylight equivalency controlled buildings	Modifications to allow these buildings to access options available for rear yard equivalents
Special Bay Ridge District	Exclude the lots that include Visitation Academy (8902 Ridge Blvd, Brooklyn) in the Special Bay Ridge District from qualifying site applicability. Restrict detached and attached ADU typologies within the Bay Ridge Special District west of Ridge Boulevard or southwest of Marine Avenue.
Long Island City Special District	Remove the Dutchkills low-density MX-district from the definition of a qualifying residential site

### **Likely Effects of City Council Modifications**

The City Council Modifications can be grouped into subcategories to describe their likely effects to density and building form as outlined below. Overall, these modifications would not require new environmental analysis nor change the conclusion of the FEIS.

## **City Council Modifications with Potential Density and Building Form Effects**

The following City Council Modifications have the potential to reduce incremental density created by the proposal and reduce the amount of incremental change in building form:

- › Reduce the proposed R6 and R7 narrow and R8B zoning district maximum heights (Proposal 1.1e)
- › Changes to side yard requirements and lot coverage for infill development and to preserve recreational open spaces (Proposal 1.3a)
- › Reduce proposed heights of certain medium- and high-density infill developments (Proposal 1.3b)
- › Adjustment to additional FAR, yard, open space, minimum lot area, and minimum lot width requirements as it relates to district fixes (Proposal 2.1a, 2.1c, and 2.1e)
- › Exclude Town Center development applicability in isolated C overlays and blocks that do not have a commercial presence (Proposal 2.2a)
- › Exclude TOD development applicability in R1 and R2 districts and on specific sites and reduce applicability around specific transit stations (Proposal 2.2b)
- › Reduce proposed heights of certain low-density infill developments (Proposal 2.2c)
- › Remove applicability of the ADU proposal in certain geographies for certain types of ADUs including in historic districts, R1-R3 contextual districts, flood prone areas (Proposal 2.3b)
- › Revise framework for transit zones (Proposal 3.1)
- › Additional modifications pertaining to special districts

The City Council Modifications that would remove the applicability of Town Center, TOD (including modifications to transit zones), and ADU proposals from geographic areas or zoning districts would result in full removal of, or lessened opportunities for housing production related to those typologies and would result in lessened or eliminated potential for the impacts described in the FEIS in these locations. However, these types of developments would still be allowed in other locations in the City and would have effects as described in the FEIS.

The City Council Modifications that would, in specific cases, modestly reduce proposed heights; increase lot coverage, yard requirements, minimum lot width and area requirements, would result in smaller building bulk for certain districts, fewer subdivisions in certain districts, lower feasibility for infill development, and some limitations to the ability for a homeowner to add an ADU to their property. It is possible that these changes may slightly reduce the overall number of units created and create less change in building form on certain sites. Many new developments would still achieve different footprints and coverages compared to the future without the action and would have effects similar to those described in the FEIS.



### **City Council Modifications with Only Building Form Effects**

The following City Council modifications have the potential to reduce the amount of incremental change in building form:

- › Minor changes to rear yard and extension rules (Proposal 4.14)

This City Council Modification would modestly change rear yard requirements but would result in little to no reduction of impacts described in the FEIS. Many new developments would still achieve different footprints and coverages compared to the future without the action and would have effects similar to those described in the FEIS.

### **City Council Modifications with Only Potential Density Effects**

The following City Council Modifications have the potential to reduce incremental density created by the proposal, but are not expected to have building form effects:

- › Introduce a homeowner occupancy requirement for ADUs (Proposal 2.3a)
- › Modifications to parking regulations (Proposal 3.2)

The City Council Modifications to create a homeowner occupancy requirement for ADUs would limit the number of properties that could create an ADU. In 2023, an assessment based on the NYC Housing and Vacancy Survey found that approximately 81% of single-family homes were occupied by the homeowner and 96% of two-family buildings had one unit occupied by the homeowner in New York City<sup>3</sup>. Therefore, it is expected that there could be a small reduction in the number of ADUs over what was analyzed in the With-Action condition due to this modification.

The City Council Modifications to proposed parking regulations (Proposal 3.1 and 3.2) would maintain the elimination of parking requirements in a portion of the City with the best transit access. City Council modifications would reinstate parking requirements at lower levels within certain areas with access to transit and maintain parking requirements similar to what exists today in the rest of the City, with some exclusions for certain types of development and waivers for small to moderately sized developments. These modifications would not change the height, lot coverage or bulk allowances of new developments. In many cases, even with the City Council Modifications, sites can still potentially reduce conflicts between housing production and parking inclusion in developments, similar to conditions studied in the FEIS. However, in the Outer Transit Zone and Beyond the Greater Transit Zone, where parking will still be required for many types of development, in some cases, it will continue to not be feasible to construct more housing either due to economic or physical challenges of providing parking. Therefore, housing production potential is expected to decrease over what was analyzed in the With-Action condition due to these modifications.

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<sup>3</sup> <https://comptroller.nyc.gov/reports/spotlight-new-york-citys-homeowner-housing-market/>

## **Council Modifications with No Density or Building Form Effects**

The following City Council modifications are not expected to have density or building form effects. These include the following modifications to affordability, unit size, and district fix proposals:

- › Removal of 10-year sunset period for UAP off-site option in VIH areas (Proposal 1.1)
- › Requirement that developments with greater than 10,000 sf of UAP floor area set aside 20% of units for families with incomes of 40% AMI (Proposal 1.1c)
- › Modification to the geographies in which the DUF is eliminated and a small increase to the proposed unified DUF elsewhere in the City (Proposals 1.2a and 1.2b)
- › Creation for an incentive for outdoor recreation space for conversions (Proposal 1.4)
- › Restriction of additional FAR for single family homes for district fixes only to small lots (Proposal 2.1a)
- › Require that large qualifying sites include 20% of units to be permanently affordable at 80% AMI (Proposal 2.2)

Changes to affordability requirements and the sunset provision for UAP are not expected to affect housing production or change the assumptions for the total income restricted housing units analyzed in the FEIS. The FEIS included assumptions for income restricted units in line with the 485-x tax incentive and is therefore inclusive of this modification. This would not require new analysis nor result in a change to the conclusions presented in the FEIS.

Changes to the DUF framework would not affect density or building form in a manner that would have environmental effects. The assumptions used in the FEIS around average unit sizes and household sizes, as guided in the *CEQR Technical Manual*, would not change with this modification and therefore it would not require new environmental analysis nor change the conclusion of the FEIS.

## **City Council Modifications to Discretionary Actions**

The following City Council Modifications change the framework of discretionary actions proposed in CHO:

- › Revert the proposed authorization for supportive housing back to a special permit as exists today (Proposal 1.1g)
- › Revert the proposed authorization for irregular sites back to a special permit (Proposal 4.3d)
- › Revert the proposed authorization for RROW back to a special permit for sites 1.5 acres or greater (Proposal 4.9)
- › Modify the landmark TDR transfer framework to reinstate a special permit for large bulk modifications, require an authorization when there are some bulk

modifications, and a certification where no bulk modifications are required (Proposal 4.10)

- › As described above, modifications to parking requirements would also require the restoration of a permit structure for removal of parking (Proposal 3.2).

These special permits would remain future discretionary actions and would require environmental review of site-specific and density-related conditions at the time of a future application. The modification would not require new environmental analysis nor change the conclusion of the FEIS.

## **Framework for Analysis**

To assess the City Council Modifications' effects on future housing production, changes to applicability and bulk for proposals were integrated into the model used for future citywide estimates of housing production as described in Chapter 2, Analytical Framework of the FEIS. In all cases, the City Council Modifications would result in fewer incremental dwelling units than analyzed in the FEIS.

The incremental dwelling units studied in the September 2024 *City of Yes for Housing Opportunity FEIS* ("September 2024 FEIS") under the high market scenario was 109,000 units citywide. Technical Memorandum 01, issued on September 24, 2024, analyzed modifications that reduced the estimated citywide number slightly to approximately 106,000 units. City Council Modifications, including the CPC Modifications, are estimated to result in 82,100 units under the high market scenario, or approximately 23,900 fewer units than initially estimated. There would also be fewer affordable units under the proposal with City Council Modifications than previously estimated, mostly related to changes to the parking proposal.

## **Environmental Assessment of the City Council Modifications**

Due to the City Council Modifications' reduction in incremental Dwelling Units in both the Representative Neighborhoods and citywide compared to what was studied in the September 2024 FEIS, the City Council Modifications would not result in changes to the conclusions of any technical areas analyzed in the September 2024 FEIS. Further, where significant adverse impacts were identified under the Proposed Action, the City Council Modifications would generally result in either similar or reduced impacts. As under the Proposed Action, the Proposed Action with the City Council Modifications would not result in significant adverse impacts in the following technical areas:

- Land Use, Zoning and Public Policy
- Socioeconomic Conditions
- Water and Sewer Infrastructure
- Solid Waste and Sanitation Services

- Energy
- Air Quality
- Greenhouse Gas Emissions and Climate Change
- Public Health
- Neighborhood Character

For density-related technical areas—including socioeconomic conditions, community facilities and services, open space, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, greenhouse gas emissions and climate change, and construction—the Proposed Action with the City Council Modifications would have similar or slightly reduced effects as it would result in reductions in dwelling units Citywide and across Representative Neighborhoods compared to the Proposed Action. However, the extent of the reduction under the Proposed Action with the City Council Modifications compared to the Proposed Action is not expected to decrease to a degree in which the Proposed Action with the City Council Modifications would avoid density-related adverse impacts already identified in the FEIS. Therefore, the assessment conducted in the FEIS is conservative and representative of the effects across density-related technical areas and the Proposed Action with the City Council Modifications would not result in any new or greater significant adverse impacts not already identified in the FEIS.

For site-specific technical areas—including land use, zoning and public policy; shadows, historic and cultural resources, urban design and visual resources, natural resources, hazardous materials, air quality, noise, public health, and neighborhood character—the Proposed Action with the City Council Modifications would generally result in similar residential development as projected under the Proposed Action and would continue to provide opportunities for new housing, including affordable housing, albeit fewer compared to those projected under the Proposed Action. While the Proposed Action with the City Council Modifications would result in less development compared to the Proposed Action, the extent of the reduction under the Proposed Action with the City Council Modifications compared to the Proposed Action is not expected to decrease to a degree in which the Proposed Action with the City Council Modifications would avoid site-specific adverse impacts already identified in the FEIS. Therefore, the assessment conducted in the FEIS is conservative and representative of the effects across site-specific technical areas and the Proposed Action with the City Council Modifications would not result in any new or greater significant adverse impacts not already identified in the FEIS.

### **Land Use, Zoning and Public Policy**

Like the Proposed Action, the Proposed Action with the City Council Modifications would not result in any significant adverse impacts and would generally result in the same or similar effects to land use, zoning, and public policy. The Proposed Action with the City Council Modifications would not adversely affect surrounding land uses, nor would it generate land uses that would be incompatible with existing

zoning and land uses. Furthermore, the Proposed Action with the City Council Modifications would not result in development that conflicts with adopted public policies. The Proposed Action with the City Council Modifications would generally result in similar residential development projected under the Proposed Action and would continue to provide opportunities for new housing, including affordable housing, albeit fewer compared to those projected under the Proposed Action. Therefore, no significant adverse impacts to land use, zoning, or public policy are anticipated under the Proposed Action with the City Council Modifications.

### **Socioeconomic Conditions**

Like the Proposed Action, the Proposed Action with the City Council Modifications would not result in significant adverse impacts due to changes in socioeconomic conditions. The Proposed Action with the City Council Modifications would result in either the same or similar effects as the Proposed Action with respect to direct and indirect residential and business displacement, and, like the Proposed Action, would not adversely affect specific industries. The Proposed Action with the City Council Modifications would have similar effects as the Proposed Action with respect to indirect residential displacement, as the Proposed Action with the City Council Modifications would not result in an increase of incremental DUs, but instead would result in reductions in dwelling units compared to the Proposed Action. The September 2024 FEIS concluded that the incremental new population would not result in significant adverse impacts. As such, as the Proposed Action with the City Council Modifications is expected to result in an over 20,000 unit reduction of incremental residential units citywide (under the high market scenario) compared to the Proposed Action, no significant adverse impacts to socioeconomic conditions are anticipated under the Proposed Action with the City Council Modifications.

### **Community Facilities and Services**

Similar to the Proposed Action, the Proposed Action with the City Council Modifications is not expected to result in significant adverse impacts related to indirect effects on libraries, fire/police services, and health care facilities, and public intermediate and high schools, nor would it result in significant adverse impacts related to direct effects on any community facilities or services. However, at the Representative Neighborhood level, it is anticipated that the Proposed Action with the City Council Modifications would result in similar significant adverse impacts related to indirect effects on early childhood programs and public elementary schools as those identified in the September 2024 FEIS. Compared to the Proposed Action, the Proposed Action with the City Council Modifications would result in less demand on schools, libraries, and publicly funded early childhood programs citywide; however, due to the Proposed Action with the City Council Modifications' modest reductions in dwelling units compared to the Proposed Action, the Proposed Action with the City Council Modifications would result in similar findings. The effects of the Proposed Action with the City Council Modifications on community facilities and services are discussed below.

### **Early Childhood Programs**

Similar to the Proposed Action, the Proposed Action with the City Council Modifications has the potential to result in significant adverse impacts on early childhood programs. As detailed in the September 2024 FEIS, the collective utilization rate for early childhood program facilities would be above 100 percent, and the change in utilization between the No-Action and With-Action conditions would be above 5 percent for one of the 18 Representative Neighborhoods: Representative Neighborhood 6. As such, it was determined in the FEIS that the potential for impacts on early childhood programs due to the Proposed Action could not be ruled out. Compared to the Proposed Action, the Proposed Action with the City Council Modifications would result in a reduction in project-generated affordable dwelling units—and thus, early childhood program eligible children—at Representative Neighborhood 6. Although the Proposed Action with the City Council Modifications may result in fewer eligible children, as with the Proposed Action, significant adverse impacts on early childhood programs cannot be ruled out.

### **Schools**

As under the Proposed Action, impacts on public intermediate and high schools are not anticipated. As described in the September 2024 FEIS, while public high schools in Staten Island would have a collective utilization rate greater than 100 percent, the change in utilization would not be greater than 5 percentage points, indicating a significant adverse impact. As the Proposed Action with the City Council Modifications would result in fewer incremental dwelling units citywide, no changes to this impact determination are anticipated.

Under the Proposed Action, the potential for public elementary school impacts were identified for one Community School District (CSD), in which Representative Neighborhoods 1 and 11 are located. As detailed in the September 2024 FEIS, the collective utilization rate for public elementary schools in the impacted City Council under With-Action conditions would be greater than 100 percent and the Proposed Action would introduce 1,123 incremental students over the No-Action condition, resulting in a significant adverse impact on public elementary schools in this CSD. The reduction in incremental dwelling units—and thus, project-generated elementary students—due to the Proposed Action with the City Council Modifications would be small at the CSD level when spread out citywide. However, it is not expected that either the CSD's elementary school utilization rate would decrease to a degree in which the Proposed Action with the City Council Modifications would avoid significant adverse impacts related to public elementary schools. As such, it is anticipated that the Proposed Action with the City Council Modifications would result in a significant adverse impact to public elementary schools in the identified CSD, as under the Proposed Action.

## **Libraries**

Like the Proposed Action, the Proposed Action with the City Council Modifications would not result in significant adverse impacts on public libraries. The Proposed Action with the City Council Modifications would have virtually the same effects as the Proposed Action with respect to indirect effects on public libraries, as the Proposed Action with the City Council Modifications would not result in an increase of incremental DUs, but instead would result in a reduction in dwelling units compared to the Proposed Action. As detailed above, at the Representative Neighborhood level, changes to incremental DUs are expected to be modest. Citywide, the Proposed Action with the City Council Modifications is expected to result in over 20,000 fewer incremental residential units (under the high market scenario) compared to the Proposed Action. With this overall reduction in dwelling units—and thus, reduction in project-generated population—the branch libraries would serve fewer residents and the holdings per resident ratios would increase with the Proposed Action with the City Council Modifications. Similar to the Proposed Action, each of the libraries with catchment area population increases attributable to the Proposed Action with the City Council Modifications will continue to be below the 5 percent threshold where a noticeable change in delivery of library services could occur, and as such would not be considered a significant adverse impact on library services. Further, as under the Proposed Action, many of the residents generated by the Proposed Action with the City Council Modifications within the catchment areas for each of the affected libraries will also reside in the catchment areas for other nearby libraries. Additionally, residents in the study area would have access to the entire New York Public Library (NYPL) system through the interlibrary loan system and could have volumes delivered directly to their nearest library branch. Residents would also have access to libraries near their place of work. Furthermore, it is anticipated that the trend toward increased electronic research, the SimplyE mobile application, and the interlibrary loan system would make space for increased patron capacity and programs to serve a growth in population. Therefore, like the Proposed Action, the Proposed Action with the City Council Modifications would not result in a noticeable change in the delivery of library services and there would be no significant adverse impacts related to library services.

## **Open Space**

Like the Proposed Action, the Proposed Action with the City Council Modifications could result in the potential for direct and indirect significant adverse open space impacts. Because the Proposed Action with the City Council Modifications, like the Proposed Action, would apply Citywide, and specific development locations are not known, it is not possible to know the exact location of future development, relative to nearby open space resources that may be affected by shadows and noise. While the Proposed Action with the City Council Modifications, like the Proposed Action, aims to create a modest amount of new housing in every neighborhood throughout the City, particularly in neighborhoods that already have low open space ratios or are in a Walk to Park gap area, the addition of new residents and demand on existing open space resources could exacerbate conditions, and for some

neighborhood typologies, has the potential to result in adverse impacts due to indirect effects to open space. While the Proposed Action with the City Council Modifications would result in fewer incremental dwelling units and less residential population compared to the Proposed Action, the extent of the reduction in project-generated dwelling units and residential population under the Proposed Action with the City Council Modifications compared to the Proposed Action is not expected to decrease to a degree in which the Proposed Action with the City Council Modifications would avoid significant adverse open space impacts. As such, it is anticipated that the Proposed Action with the City Council Modifications would result in similar or slightly reduced impacts to open space resources identified under the Proposed Action. Therefore, it is anticipated that the Proposed Action with the City Council Modifications would result in significant adverse impact to open space resources, as under the Proposed Action.

### **Shadows**

The Proposed Action with the City Council Modifications, like the Proposed Action, could result in significant adverse shadow impacts. While in most cases the Proposed Action with the City Council Modifications, like the Proposed Action, is not expected to result in significant adverse shadow impacts, due to the non-site specific nature of the Proposed Action with the City Council Modifications it is possible that at some locations in the city, new development could be located in configuration adjacent to open spaces, historic, and/or natural resources with sunlight-sensitive features such that incremental shading could affect the resource's condition or the public's enjoyment of the resource. While the Proposed Action with the City Council Modifications would result in less development compared to the Proposed Action, the extent of the reduction under the Proposed Action with the City Council Modifications compared to the Proposed Action is not expected to decrease to a degree in which the Proposed Action with the City Council Modifications would avoid significant adverse shadow impacts. As such, the Proposed Action with the City Council Modifications, as under the Proposed Action, could result in significant adverse shadow impacts.

### **Historic and Cultural Resources**

The Proposed Action with the City Council Modifications, as under the Proposed Action, could potentially result in significant adverse impacts to archaeological resources if in-ground disturbance occurs on sites where archaeological remains exist. Similar to the Proposed Action, the Proposed Action with the City Council Modifications could potentially result in direct impacts to architectural resources as well as indirect impacts, including changes in visual context. While the Proposed Action with the City Council Modifications would result in less development compared to the Proposed Action, this reduction is not expected to decrease to a degree in which the Proposed Action with the City Council Modifications would avoid significant adverse impacts on archaeological and/or architectural resources. As such, the Proposed Action with the City Council Modifications could result in



significant adverse impacts on architectural and archaeological resources, as under the Proposed Action.

### **Urban Design and Visual Resources**

The Proposed Action with the City Council Modifications, like the Proposed Action, could potentially result in significant adverse impacts to visual resources. As under the Proposed Action, there is potential for development under the Proposed Action with the City Council Modifications to change or obstruct public views of visual resources in some instances, depending on the orientation of the development site to the visual resource. While it is anticipated that significant elements of visual resources would remain visible in view corridors on public streets under the Proposed Action with the City Council Modifications, the possibility that this may not be the case cannot be ruled out. Further, while the Proposed Action with the City Council Modifications would result in less development compared to the Proposed Action, the extent of the reduction under the Proposed Action with the City Council Modifications compared to the Proposed Action is not expected to decrease to a degree in which the Proposed Action with the City Council Modifications would avoid significant adverse impacts on visual resources. As such, similar to the Proposed Action, the Proposed Action with the City Council Modifications could result in significant adverse impacts to visual resources.

In terms of urban design, like the Proposed Action, the Proposed Action with the City Council Modifications would result in the modification of yard, height, and setback requirements and an increase in built floor area beyond what would be allowed as-of-right or in the future absent the proposal. It is anticipated that like the Proposed Action, any allowable increase in the height or bulk of new buildings under the Proposed Action with the City Council Modifications would be compatible with other buildings of similar height and size that exist in the surrounding neighborhoods. It is not expected that the Proposed Action with the City Council Modifications would result in buildings that would be substantially different in character or arrangement than those that currently exist in the surrounding neighborhoods. It is also not expected that the Proposed Action with the City Council Modifications would result in any major changes to block shapes, street patterns or hierarchies. Furthermore, new residential development that would be facilitated by the Proposed Action with the City Council Modifications, as under the Proposed Action, is expected to occur on lots where residential development would have occurred within the No-Action condition (with the exception of newly available conversion sites due to the Proposed Action) and would therefore be consistent with expected uses of the surrounding neighborhood. Therefore, like the Proposed Action, the Proposed Action with the City Council Modifications is not expected to result in significant adverse impacts to urban design.

### **Natural Resources**

Like the Proposed Action, the Proposed Action with the City Council Modifications could result in significant adverse impacts to natural resources. Overall, as under the

Proposed Action, future development sites within the Representative Neighborhoods under the Proposed Action with the City Council Modifications would be composed largely of landcover and habitats that have been created or significantly altered by humans, including buildings, pavement, and other unvegetated/impervious surfaces interspersed with limited areas of landscaping that do not support significant areas of naturally vegetated habitats. Naturally vegetated habitats, including various wooded, tidal wetland, and freshwater wetland community types occur largely within parkland and other public or municipally owned lands, and therefore would not be subject to clearing or development under the Proposed Action with the City Council Modifications, as under the Proposed Action. With respect to wildlife, given that that the expected landcover and habitat types at future development sites would replicate existing conditions, a similar fauna of urban-adapted, generalist species that can tolerate disturbed / developed conditions and high levels of human presence and activity would continue under the Proposed Action with the City Council Modifications, similar to the Proposed Action.

However, while the likelihood of impacts to natural resources is low in both the Proposed Action and Proposed Action with the City Council Modifications, the exact extent of effects to natural resources is unknown, due to the non-site-specific nature of the proposal and because it not possible to determine exactly where and to what extent natural resources would be affected by future development. Without an assessment of specific development sites, the, extent, character, and quality of natural resources cannot be definitively demonstrated. As such, the possibility of adverse effects to natural resources due to the Proposed Action with the City Council Modifications cannot be eliminated, as under the Proposed Action. Since development resulting from the Proposed Action with the City Council Modifications would be as-of-right, there would be no mechanism for the City to reduce or eliminate such impacts to resources that are not already protected under City, state, and federal regulations.

Therefore, similar to the Proposed Action, while it is unlikely the Proposed Action with the City Council Modifications would result in adverse impacts to natural resources, due to the non-site-specific nature of the proposal the potential for adverse impacts to natural resources cannot be ruled out, as under the Proposed Action.

## **Hazardous Materials**

Similar to the Proposed Action, the Proposed Action with the City Council Modifications could result in significant adverse impacts associated with hazardous materials. As under the Proposed Action, impacts are likely to be limited under the Proposed Action with the City Council Modifications considering the slight incremental increase of exposure to potentially contaminated subsurface hazardous materials compared to No-Action conditions. As development under the Proposed Action with the City Council Modifications would occur as-of-right, significant adverse impacts associated with hazardous materials could occur, as under the Proposed Action.

## **Water and Sewer Infrastructure**

Like the Proposed Action, the Proposed Action with the City Council Modifications would not result in significant adverse impacts related to water demand or sanitary and stormwater infrastructure. The Proposed Action with the City Council Modifications would place a similar or slightly reduced amount of demand on the City's water supply and wastewater treatment systems as compared to the Proposed Action, and the Proposed Action with the City Council Modifications would result in generally the same or slightly reduced effects as compared to the Proposed Action related to stormwater drainage and management. However, by restricting basement, detached, and attached ADU typologies within blocks projected to be affected by the 2050 (moderate) inland stormwater flooding or 2080 future coastal floodplains under the Proposed Action with the City Council Modifications, fewer future sensitive uses would be at risk of stormwater- or coastal flooding-related impacts as compared to the Proposed Action which would have permitted basement, detached, and attached ADUs within these geographies. Other proposed City Council Modifications would limit lot coverages, decrease the change to yard requirements, thereby influencing building form that could influence stormwater flows.

City Council Modifications that have the effect of decreasing density may also decrease sanitary flows. The City Council Modifications, similar to the Proposed Action, would not lead to exceedances of the City's Wastewater Resources Recovery Facilities (WRRFs) operational capacities, and sewer certification reviews would also continue to protect system capacity. Therefore, as under the Proposed Action, the Proposed Action with the City Council Modifications is not expected to result in significant adverse effects to citywide water demand or sanitary and stormwater flows.

## **Solid Waste and Sanitation Services**

Significant adverse impacts would not occur under the Proposed Action or the Proposed Action with the City Council Modifications. The Proposed Action with the City Council Modifications would result in less demand for the City's Solid Waste Sanitation services as compared to the Proposed Action. While solid waste generated by both the Proposed Action and the Proposed Action with the City Council Modifications would increase as compared to No-Action conditions, the Proposed Action with the City Council Modifications would generate a similar or slightly reduced amount of solid waste as compared with the Proposed Action. Like the Proposed Action, this would not overburden available waste management capacity and would not conflict with, or require any amendment to, the City's solid waste management objectives as stated in the solid waste management plan (SWMP). Therefore, no significant impacts related to solid waste generation and sanitation services are anticipated under the Proposed Action with the City Council Modifications, as under the Proposed Action.

## **Energy**

Significant adverse impacts related to energy systems would not occur under the Proposed Action or the Proposed Action with the City Council Modifications. The Proposed Action with the City Council Modifications would place somewhat less demand on energy as compared to the Proposed Action because it would result in fewer incremental dwelling units. The Proposed Action with the City Council Modifications would result in a negligible decreased demand of energy per year as compared with the Proposed Action and would generate an incremental increase in energy demand that would be minor when compared with the overall demand within Consolidated Edison's (Con Edison's) New York City and Westchester County service area. Therefore, similar to the Proposed Action, no significant adverse energy impacts would occur under the Proposed Action with the City Council Modifications. Further, any new development resulting from the Proposed Action with the City Council Modifications would be required to comply with the New York City Energy Conservation Code (NYCECC), which governs performance requirements of heating, ventilation, and air condition systems, as well as the exterior building envelope of new buildings. In compliance with this code, new development under the Proposed Action with the City Council Modifications must meet standards for energy conservation, which include requirements related to energy efficiency and combined thermal transmittance.

## **Transportation**

With the Proposed Action with the City Council Modifications, the number of action-generated vehicle, transit, and pedestrian trips and the demand for on-street and off-street parking would be generally comparable to, or slightly less than, the numbers of trips and the parking demand that would be generated by the Proposed Action. While the incremental demand caused by the Proposed Action with the City Council Modifications would likely be able to be accommodated by existing transportation services and infrastructure, as under the Proposed Action the potential for significant adverse transportation impacts cannot be ruled out. As described above, the Proposed Action with the City Council Modifications would result in fewer incremental dwelling units—and thus, person trips—compared to the Proposed Action; however, the extent of the reduction in project-generated dwelling units and person trips under the Proposed Action with the City Council Modifications compared to the Proposed Action is not expected to decrease significantly to a degree in which the Proposed Action with the City Council Modifications would avoid significant adverse transportation impacts. As such, at the Representative Neighborhood scale, it is anticipated that the Proposed Action with the City Council Modifications would have similar, if not slightly reduced, impacts at the same identified Representative Neighborhoods where the potential for significant adverse traffic, subway, bus, and pedestrian impacts could not be ruled out under the Proposed Action. As such, like the Proposed Action, the potential for significant adverse transportation impacts under the Proposed Action with the City Council Modifications cannot be ruled out.

## **Air Quality**

Similar to the Proposed Action, the Proposed Action with the City Council Modifications is not expected to result in significant adverse air quality impacts related to project-generated vehicle trips, parking facilities, and emissions from HVAC and hot water systems. As under the Proposed Action, while total volumes of vehicular trips generated by the Proposed Action with the City Council Modifications may rise above the CEQR thresholds for further assessment in certain Representative Neighborhoods, total vehicular volumes generated by the Proposed Action with the City Council Modifications would be less compared to the Proposed Action, and these trips would be distributed to many roadways. As such, like the Proposed Action, project-generated vehicular trips under the Proposed Action with the City Council Modifications are not expected to exceed either of the CEQR mobile source thresholds, for CO or PM<sub>2.5</sub>, at any single intersection. As such, similar to the Proposed Action, no mobile source emission impacts under the Proposed Action with the City Council Modifications are anticipated at any of the 18 Representative Neighborhoods, and citywide, and the Proposed Action with the City Council Modifications is not expected to adversely impact air quality levels due to vehicle trip increments, as under the Proposed Action.

Similar to the Proposed Action, the Proposed Action with the City Council Modifications is expected to reduce parking requirements. However, unlike the Proposed Action, which would have lifted parking mandates for new residential development citywide, the Proposed Action with the City Council Modifications would establish three geographies, each with different parking regulations, which are described in greater detail above in Section 3, "Parking Proposals." While the Inner Transit Zone would not require parking requirements for new residential dwellings, the Outer Transit Zone would restore reduced parking requirements, ranging from 12 to 50 percent of units of multifamily development, with 100 percent unit-to-parking requirements for one- and two-family homes. Additionally, Beyond the Greater Transit Zone would restore parking requirements similar to those that exist in existing zoning but would be partially reduced and regularized. While not to the same extent as those under the Proposed Action, parking capacities would decrease as a result of the Proposed Action with the City Council Modifications, and therefore, significant adverse impacts to air quality levels due to parking facilities are not anticipated under the Proposed Action with the City Council Modifications.

Further, as described in the September 2024 FEIS, the New York City Council enacted Local Law 154, intended to reduce GHG emissions through limiting the use of fossil fuels in future building construction. This law requires expansion of electric alternatives over those of natural gas and fuel oil. The law takes effect in phases and is expected to require all buildings to use electric HVAC and hot water systems by 2028. Therefore, future development under both the Proposed Action and Proposed Action with the City Council Modifications will need to comply with Local Law 154 and will likely use electric HVAC and hot water systems. As no local air quality impacts are expected from electric units, no impacts related to HVAC and hot water

systems are anticipated as a result of the Proposed Action with the City Council Modifications.

## **Greenhouse Gas Emissions and Climate Change**

Like the Proposed Action, the Proposed Action with the City Council Modifications would not result in significant adverse impacts associated with greenhouse gas (GHG) emissions and climate change. The Proposed Action with the City Council Modifications would be consistent with the applicable City GHG emissions reduction goals and would not change or be in conflict with any of the existing city, state, and federal protections related to flood resiliency and climate change, and therefore no significant adverse impacts related to GHG emissions or climate change are anticipated as a result of the Proposed Action with the City Council Modifications, as under the Proposed Action.

Under the Proposed Action with the City Council Modifications, it is anticipated that new construction would comply with Local Laws 97 (the "Climate Mobilization Act") and 154. Overall, GHG emissions from the Proposed Action with the City Council Modifications would depend on how far New York State energy generation would advance towards reducing fossil fuel use and GHG.

In addition, similar to the Proposed Action, the Proposed Action with the City Council Modifications would be consistent with the goal of pursuing transit-oriented development. In medium- and high-density areas, the Proposed Action with the City Council Modifications would continue to allow buildings to add additional floor area as under the Proposed Action; this would result in more housing units closer to transit. In low-density districts, the Proposed Action with the City Council Modifications would increase housing opportunities by reintroducing modest 3- to 5-story apartment buildings in low-density commercial districts and on large sites near transit. For new units located near transit, it is expected that vehicle trips would be reduced and therefore, the Proposed Action with the City Council Modifications would be consistent with the City's GHG reduction goals. However, compared to the Proposed Action, the geography of the areas eligible for transit-oriented development would be slightly reduced.

In addition, similar to the Proposed Action, the removal of off-street parking mandates in the Inner Transit Zone and reduction of off-street parking mandates in the Outer Transit Zone may indirectly discourage car ownership and lead to fewer auto trips under the Proposed Action with the City Council Modifications.

Overall, the Proposed Action with the City Council Modifications is consistent with the goal of reducing Citywide GHG emissions by 40 percent by 2030 and 80 percent by 2050 compared to 2005 levels.

Additionally, the Proposed Action with the City Council Modifications is not anticipated to result in significant adverse impacts to climate change resiliency. While the Proposed Action with the City Council Modifications would result in changes to the height, bulk, and parking regulations of residential zoning districts and their commercial equivalents, these changes would not hinder the ability of

these developments to incorporate future adaptive strategies to mitigate future flood risks. Such strategies include Zoning for Flood Resiliency and flood resilient building codes that require new developments to comply with Appendix G of New York City's building code, which sets flood-resistant construction standards. Additionally, the Proposed Action with the City Council Modifications would not allow ADUs in Special Coastal Risk Districts (SCRD) as well as within blocks projected to be affected by the 2050 (moderate) inland stormwater flooding or 2080 future coastal flooding. The purpose of these standards is to protect public health, safety and welfare, and to reduce losses from flood conditions in flood hazard areas. Therefore, significant adverse impacts due to climate change are not anticipated from the Proposed Action with the City Council Modifications, as under the Proposed Action.

### **Noise**

Similar to the Proposed Action, the Proposed Action with the City Council Modifications could result in significant adverse noise impacts. The noise effects with the Proposed Action with the City Council Modifications would be similar to or slightly less than the Proposed Action and are not expected to result in significant adverse noise impacts on existing sensitive receptors. However, similar to the Proposed Action, at new noise-sensitive receptors facilitated by the Proposed Action with the City Council Modifications, higher interior noise levels than the interior noise limit provided by the *CEQR Technical Manual* cannot be ruled out. As such, significant adverse noise impacts on new, project-generated sensitive receptors could not be ruled out, as under the Proposed Action.

### **Public Health**

Neither the Proposed Action nor the Proposed Action with the City Council Modifications would result in significant adverse public health impacts. Similar to the Proposed Action, the Proposed Action with the City Council Modifications would not result in unmitigated significant adverse impacts related to air quality or water quality. However, as described above, the potential for both the Proposed Action and the Proposed Action with the City Council Modifications to result in significant adverse impacts related to hazardous materials (due to increases in-ground disturbances) and noise (due to the potential for development sites to be located near highly trafficked roadways, rail lines, within aircraft paths, or near other stationary sources of noise), respectively, could not be ruled out. As such, like the Proposed Action, the Proposed Action with the City Council Modifications could result in significant adverse unmitigated impacts related to hazardous materials and noise. However, the potential for these impacts to occur is expected to be limited and would not significantly affect public health. As under the Proposed Action, the Proposed Action with the City Council Modifications is expected to result in a little more housing everywhere, resulting in new housing development that is up to current Building Code and could result in higher quality housing alleviating public health concerns. Therefore, no significant adverse public health impacts are

expected as a result of the Proposed Action with the City Council Modifications, as under the Proposed Action.

## **Neighborhood Character**

Like the Proposed Action, the Proposed Action with the City Council Modifications would not result in significant adverse impacts to neighborhood character. The changes resulting from the Proposed Action with the City Council Modifications, like the changes expected under the Proposed Action, would generally result in similar effects in the following technical areas that are considered in the neighborhood character assessment pursuant to the *CEQR Technical Manual*: land use, zoning, and public policy; socioeconomic conditions; community facilities and services; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise. Although the similar or slightly reduced significant adverse impacts could occur with respect to community facilities and services, historic and cultural resources, urban design and visual resources, shadows, open space, transportation, and noise under the Proposed Action with the City Council Modifications, like the Proposed Action, these impacts would not result in a significant change to one of the determining elements of neighborhood character. Like the Proposed Action, the anticipated impacts in the technical areas listed above would largely be confined to a small portion of development that would be facilitated by the Proposed Action with the City Council Modifications. Additionally, potential adverse impacts on visual resources under the Proposed Action with the City Council Modifications would also not result in a significant change to any determining elements of neighborhood character. Furthermore, by facilitating flexible building envelopes, the Proposed Action with the City Council Modifications, like the Proposed Action, would likely improve the pedestrian experience and therefore the neighborhood character of the city's residential zoning districts. Based on the foregoing, no significant adverse neighborhood character impacts would occur as a result of the Proposed Action with the City Council Modifications or the Proposed Action.

## **Construction**

As discussed above, the total amount of residential development would be reduced under the Proposed Action with the City Council Modifications. The Proposed Action with the City Council Modifications would result in over 20,000 fewer incremental dwelling units citywide under the high-end scenario compared to the Proposed Action. Therefore, due to the minimal changes between the Proposed Action with the City Council Modifications and the Proposed Action studied in the September 2024 FEIS, the Proposed Action with the City Council Modifications is expected to result in the same or similar construction impacts related to transportation, noise, historic and cultural resources, hazardous materials, and natural resources that would occur with the Proposed Action. Neither the Proposed Action nor the Proposed Action with the City Council Modifications would result in significant adverse air quality, open space, socioeconomic conditions, community facilities and



services, land use, zoning, and public policy, neighborhood character, or water and sewer infrastructure impacts related to construction activities. Although it is expected that the existing laws, regulations, and building codes that focus on reducing construction effects would reduce the potential for adverse effects, the potential for significant adverse transportation, noise, historic and cultural resources, hazardous materials, and natural resources impacts due to the construction of individual development sites where construction would be longer than 24 months, or within neighborhoods where construction of multiple sites could occur in clusters or along timeframes such that different sites would contribute to construction activities greater than two years, cannot be ruled out. Therefore, significant adverse construction impacts to transportation noise, historic and cultural resources, hazardous materials, and natural resources could occur as a result of the Proposed Action with the City Council Modifications, as under the Proposed Action.

### **Mitigation**

The Proposed Action with the City Council Modifications would result in similar or slightly reduced significant adverse impacts compared to the Proposed Action in the areas of community facilities (early childhood programs and public elementary schools), open space, shadows, historic resources (architectural and archaeological), urban design and visual resources, natural resources, hazardous materials, transportation (traffic, transit, and pedestrians), noise, and construction (traffic, architectural resources, hazardous materials, and noise), requiring similar mitigation measures identified in the September 2024 FEIS for the Proposed Action. As discussed in Chapter 22, Mitigation of the FEIS, DCP, as lead agency, determined that no feasible mitigation measures were identified for the significant adverse impacts due to the non-site-specific nature of the proposal. As such, like the Proposed Action, the significant adverse impacts with the Proposed Action with the City Council Modifications would remain unmitigated.

### **Unavoidable Significant Adverse Impacts**

The Proposed Action with the City Council Modifications would result in similar or slightly reduced significant adverse impacts compared to the Proposed Action in the areas of community facilities (early childhood programs and public elementary schools), open space, shadows, historic resources (architectural and archaeological), urban design and visual resources, natural resources, hazardous materials, transportation (traffic, transit, and pedestrians), noise, and construction (traffic, architectural resources, hazardous materials, and noise). However, as described in Chapter 22, Mitigation of the September 2024 FEIS, no practicable mitigation measures were identified that would reduce or eliminate these impacts. Due to the non-site-specific nature of the Proposed Action and Proposed Action with the City Council Modifications, it is not possible to identify specific mitigation measures for each of the impacts. Further, as development resulting from the Proposed Action or Proposed Action with the City Council Modifications would be as-of-right, there would be no mechanism for the City to conduct or require mitigation measures for

each of the identified impacts. As such, similar to the Proposed Action, the Proposed Action with the City Council Modifications would result in the potential for unavoidable adverse impacts with respect to public elementary schools, early childhood programs, open space, shadows, archaeological resources, architectural resources, visual resources, natural resources, hazardous materials, transportation (traffic, bus, subway, and pedestrians), noise, and construction (transportation and noise).

### **Growth-Inducing Aspects of the Proposed Action**

As under the Proposed Action, the Proposed Action with the City Council Modifications is expected to result in new housing being built throughout the city in a range of housing typologies that will meet the needs of current and future New Yorkers. Like the Proposed Action, the Proposed Action with the City Council Modifications would increase housing options throughout all neighborhoods of New York City, from the lowest-density areas to the highest, providing opportunities to address ongoing housing constraints. As described above, citywide, it is expected that compared to the No-Action condition, the Proposed Action with the City Council Modifications would introduce up to approximately 82,000 new units by the 2039 analysis year, averaging an additional 5,500 new units per year under the high-end scenario. Compared to the Proposed Action, the Proposed Action with the City Council Modifications would result in over 20,000 fewer incremental dwelling units under the high-end scenario, citywide, by 2039.

Like the Proposed Action, the projected increase in residential population under the Proposed Action with the City Council Modifications could increase the demand for neighborhood services, ranging from community facilities to local goods and services, albeit less demand on these same services under the Proposed Action. The increased demand of neighborhood services under the Proposed Action with the City Council Modifications could enhance the growth of local existing commercial corridors. Similar to the Proposed Action, the Proposed Action with the City Council Modifications could also lead to additional growth in the City and State economies, primarily due to employment and fiscal effects due to construction and operation of buildings. However, this secondary growth would be expected to occur incrementally Citywide and is not expected to result in any significant impacts in any particular area or at any particular site. It is not anticipated that the Proposed Action with the City Council Modifications would generate significant secondary impacts resulting in substantial new development in nearby areas. The Proposed Action with the City Council Modifications would not introduce a new economic activity that would alter existing economic patterns. Therefore, the Proposed Action with the City Council Modifications would not induce significant new growth in the surrounding area, as under the Proposed Action.

### **Irreversible and Irretrievable Commitments of Resources**

Development of new units anticipated as a result of the Proposed Action with the City Council Modifications would constitute a long-term commitment of land

resources, thereby rendering land for other purposes highly unlikely in the foreseeable future. However, similar to the Proposed Action, the land use changes that would occur as a result of the Proposed Action with the City Council Modifications would, in most cases, consist of development on sites where as-of-right development would have occurred in the No Action condition.

Further, the commitments of resources and materials are weighed against the benefits of the Proposed Action with the City Council Modifications. Both the Proposed Action with the City Council Modifications and Proposed Action are intended to address the continued housing shortage by increasing the supply of housing of various typologies in all neighborhoods across the City. The proposal seeks to address high housing costs, relieve displacement and gentrification pressure, address historic segregation, and contribute to reducing homelessness, tenant harassment, and low housing quality. Overall, like the Proposed Action, the Proposed Action with the City Council Modifications is intended to update zoning to eliminate outdated or overly restrictive zoning regulations that have stifled housing production in recent decades even as the housing crisis and its consequences have worsened.

## **Conclusion**

Based on the assessment described above, the Proposed Action with the City Council Modifications would not change the conclusions in the September 2024 FEIS. Therefore, the Proposed Action with the City Council Modifications would not result in any newly identified significant adverse environmental impacts compared to the Proposed Action studied in the September 2024 FEIS, and would likely result in slightly reduced impacts compared to the Proposed Action.