



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

ENVIRONMENTAL ASSESSMENT AND REVIEW DIVISION

Daniel R. Garodnick, *Director*
Department of City Planning

September 26, 2023

POSITIVE DECLARATION

Positive Declaration

City of Yes for Housing Opportunity
CEQR No. 24DCP033Y
ULURP No(s). Pending
SEQRA Classification: Type 1

Lead Agency

City Planning Commission
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New York, NY 10271
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Name, Description and Location of Proposal:

City of Yes for Housing Opportunity

The New York City Department of City Planning (DCP) is proposing a package of zoning text amendments (the “Proposed Action”) with citywide applicability to provide a broader range of housing opportunities across the City. 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 every community district in the City.

The Proposed Action seeks to increase housing opportunities in Medium- and High-density districts by lifting 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 non-residential buildings citywide; enabling small and shared apartment models to provide more housing types and take pressure off family-sized units; and enabling Quality Housing infill on zoning lots with existing buildings and other lots in non-contextual districts.

The Proposed Action intends to increase housing opportunities in Low-density districts by adjusting zoning regulations to reflect existing bulk conditions that may be non-compliant today and ensure that two- and multi-family districts allow the housing types nominally permitted; reintroducing modest 3- to 6-story apartment buildings in low-density commercial districts, on large sites near transit, and on residential campuses in low-density areas; enabling owners of one- and two-family houses to add an accessory dwelling unit (ADU) if they so choose; and facilitating adaptive reuse, small and shared apartments, and campus infill, similar to proposals in medium-and high-density districts above.

The Proposed Action seeks to increase housing opportunities by eliminating parking requirements for new residential development citywide, and eliminating or reducing parking requirements for non-residential uses in mixed development. Finally, the fourth component of the Proposed Action would further 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 that exist today.

It is expected that the Proposed Action would result in the construction of more housing in a wider variety of typologies citywide than currently realized under existing zoning regulations. It is also expected to introduce more design flexibility for housing on unique lots, and to open up adaptive reuse of buildings for residential purposes. Therefore, compared to what is allowed under current zoning regulations, the Proposed Action has the potential to result in the development of additional floor area, increased number of residential units, larger building envelopes, and taller buildings. It also has the potential to result in development on sites that would not be developed in the foreseeable future under existing zoning regulations.

Since the Proposed Action is a citywide action and has broad applicability, it is difficult to predict the universe of sites where development would be affected by the Proposed Action. There is no new development increment associated with the Proposed Action and therefore, no projected or potential development sites. For this reason, the Proposed Action is analyzed as a “generic action.” Generic actions are programs and plans that have wide application or affect a range of future alternative policies, though no specific development is proposed. Generic analyses must employ a methodology that identifies typical cases and a range of conditions. To this end, the Department has identified a range of prototypical analysis sites (“Prototypes”) to analyze the potential impacts from the incremental changes facilitated by the Proposed Action. To provide an estimate of the range of conditions that could occur across different neighborhoods in the City, a representative neighborhood assessment will be undertaken to estimate development that might reasonably be expected to occur in example neighborhoods based on current and future projected market conditions. In addition, as the Proposed Action would create new discretionary actions under the jurisdiction of the City Planning Commission (CPC), Therefore, the environmental review includes a conceptual analysis to generically assess the potential environmental impacts that could result from development pursuant to such new discretionary actions.

Due to the broad applicability of the proposal, it is expected that the effects of the Proposed Action would occur incrementally, distributed across the City over time. The analysis year for the Proposed Action is 2039.

Statement of Significant Effect:

On behalf of the CPC, the Environmental Assessment and Review Division has determined, pursuant to 6 NYCRR Part 617.7, that the Proposed Actions may have a significant effect on the quality of the environment as detailed in the following areas, and that an environmental impact statement will be required: land use, zoning and public policy; socioeconomic conditions; community facilities; open space; shadows; historic and cultural resources; urban design and visual resources; natural resources; hazardous materials; water and sewer infrastructure; solid waste and sanitation services; energy; transportation; air quality; greenhouse gas emissions and climate change; noise; public health; neighborhood character; and construction.

Supporting Statement:

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

1. Land Use, Zoning and Public Policy – The Proposed Action is discretionary and comprises a package of zoning text amendments that would affect regulations and policies governing land use citywide. Therefore, the Proposed Action has the potential to result in significant adverse impacts related to land use, zoning, and public policy.
2. Socioeconomic Conditions –The Proposed Action is expected to result in an increase in floor area and an increased number of residential units citywide, and, as such, would affect socioeconomic

conditions. Therefore, the Proposed Action has the potential to result in significant adverse impacts related to socioeconomic conditions.

3. Community Facilities and Services – The Proposed Action would not result in the direct displacement of any existing community facilities or services. However, the Proposed Action is expected to result in an increase in residential population due to the development of additional residential units, which would increase the utilization of community facilities and services. Therefore, the Proposed Action has the potential to result in significant adverse indirect impacts to community facilities and services.
4. Open Space – The Proposed Action could result in direct effect on open space resources due to shadow casting, and may also have indirect effects due to an increased demand for use of publicly accessible spaces generated by the additional number of residential units that would be created by the Proposed Action. Therefore, the Proposed Action has the potential to result in significant adverse open space impacts.
5. Shadows – The Proposed Action would allow for larger building envelopes and greater building heights across many areas of the city. Shadows cast by new (or enlarged) buildings that could be developed as a result of the Proposed Action could affect publicly-accessible open spaces and sunlight-sensitive architectural buildings and natural resources. Therefore, the Proposed Action could result in significant adverse shadows impacts.
6. Historic and Cultural Resources – The Proposed Action may affect designated historic resources and/or buildings that may be eligible for designation. The Proposed Action also may result in additional in-ground disturbance, and, as such, has the potential to affect archaeological resources that may be present. Therefore, the Proposed Action has the potential to result in significant adverse impacts to historic and cultural resources.
7. Urban Design and Visual Resources – The Proposed Action and subsequent potential development would result in physical changes beyond the bulk and form currently permitted as-of-right under existing zoning regulations. Such changes could affect a pedestrian’s experience of public space and may alter the area’s urban design character and visual resources. Therefore, the Proposed Action has the potential to result in significant adverse impacts related to urban design and visual resources.
8. Natural Resources – The Proposed Action could result in additional development that may be located proximate to natural resources, and, therefore, has the potential to result in significant adverse impacts to natural resources.
9. Hazardous Materials – The Proposed Action may result in additional in-ground disturbance in areas where hazardous materials may be present, and, therefore, has the potential to result in significant adverse impacts related to hazardous materials.
10. Water and Sewer Infrastructure – Because it could result in an increase in the number of residential units, the Proposed Action could also generate additional demand on infrastructure, including water supply, and sanitary sewage infrastructure and storm water infrastructure. Therefore, the Proposed Action has the potential to result in significant adverse impacts related to water and sewer infrastructure.
11. Solid Waste and Sanitation Services – Because it could result in an increase in the number of residential units, the Proposed Action could increase the demand on solid waste and sanitation transport and disposal services. Therefore, the Proposed Action has the potential to result in significant adverse impacts related to solid waste and sanitation services.
12. Energy – Due to the distributed nature of the development anticipated to result from the Proposed Action, significant adverse impacts related to the transmission or generation of energy are not anticipated. However, the Proposed Action could result in increased amount of energy consumption. Therefore, the Proposed Action has the potential to result in significant adverse energy impacts.

13. Transportation – The Proposed Action would modify parking regulations, and could result in an increase in residential units citywide which would affect traffic, parking, ridership on mass transit facilities (subway, bus, ferry), and pedestrian movements. Therefore, the Proposed Action has the potential to result in significant adverse transportation impacts.
14. Air Quality – The Proposed Action could result in an increase in development as well as taller buildings, which may affect air quality. As such, the Proposed Action has the potential to result in significant adverse impacts related to air quality.
15. Greenhouse Gas Emissions and Climate Change – The Proposed Action could result in development citywide that could increase the amount of greenhouse gas emissions citywide. Therefore, the Proposed Action could affect the City and State GHG reduction goals.
16. Noise – The Proposed Action could result in an increase of new sensitive receptors (e.g., residential uses in the vicinity of heavily trafficked roadways). Therefore, the Proposed Action has the potential to result in significant adverse noise impacts.
17. Public Health – A public health assessment may be warranted if unmitigated significant adverse impacts are identified for air quality, water quality, hazardous materials, or noise.
18. Neighborhood Character – The Proposed Action has the potential to alter certain contributing elements of neighborhood character, including land use, zoning, and public policy; socioeconomic conditions; community facilities; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise. Therefore, the Proposed Action has the potential to result in significant adverse impacts to neighborhood character.
19. Construction – The Proposed Action could generate new development or construction; and, as such, has the potential to result in significant adverse construction impacts.

Public Scoping:

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

A public scoping meeting has been scheduled for Thursday, October 26, 2023 at 2:00 PM. To continue to allow for broad public participation options, DCP will hold the public scoping meeting remotely. To join the meeting and comment, please visit NYC Engage (<https://www.nyc.gov/site/nycengage/events/index.page>).

Written comments will be accepted by the lead agency through 5:00 PM, Monday, November 6, 2023.

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

Should you have any questions pertaining to this Positive Declaration, you may contact Stacey Barron, AICP, at sbarron@planning.nyc.gov.



Stephanie Shellooe, AICP, Director
Environmental Assessment & Review Division
New York City Department of City Planning

September 26, 2023

Date