



Getting Ready for the Environmental Impact Statement on Future Housing Proposals

Presentation to the Housing Committee of Bronx Community Board 8

Community Board Member Laura Spalter and Community Committee Member Karen Argenti

Monday, March 25, 2024

CITY OF YES FOR HOUSING OPPORTUNITY is a zoning proposal that will enter public review in spring of 2024. While we wait for the Housing proposals to become public, here are some major points from the **Scope of Work** for the **Draft Environmental Impact Statement**:

- **Accessory Dwelling Units (ADUs)** are market rate units in places where they not currently allowed: basements/cellars, attics, garages, and new 800 SF buildings covering 50% of their back yards.
- **Transit Oriented Development (TODs)** are a change to zoning regulations across large geographic areas within all R1 to R5 zoning with lines drawn without a reason.
- **“Town Center”** Zoning mapped on all commercial overlays in R1 through R5 zones for high-density apartment complexes on top of street level retail.
- **Basic framework of zoning regulations** will *reduce* lot sizes, widths, setbacks, and mandatory planting areas, while *increasing* heights, floor area ratios, bulk and density.
- **Eliminate Parking Requirements** for all new residential construction citywide.
- **20% bonus** in FAR for low- and middle-income housing, for new construction in zones R6 to R10.
- **In-fill Development** (Campus Plan) where existing building complexes may construct additional buildings under relaxed or eliminated rules. Includes Colleges, NYCHA and other city and state federal housing developments.

GENERIC DRAFT ENVIRONMENTAL IMPACT STATEMENT (deis)

- ENVIRONMENTAL ASSESSMENT (EAS)
- POSITIVE DECLARATION (POSITIVE DEC)
- DRAFT SCOPE OF WORK (SOW) – Public Comment Period
- SOW WITH RESPONSE TO COMMENTS TO SOW & DGEIS & ULURP
- COMMENTS ON DGEIS – Public Comment Period
- FINAL EIS OR FGEIS – PUBLIC HEARING ON THE FGEIS AND ULURP
- FGEIS STATEMENT OF FINDINGS

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)		
INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.		
1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.	Potentially Significant Adverse Impact	
	YES	NO
IMPACT CATEGORY		
Land Use, Zoning, and Public Policy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Socioeconomic Conditions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Community Facilities and Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Open Space	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Shadows	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Historic and Cultural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Urban Design/Visual Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Natural Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hazardous Materials	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water and Sewer Infrastructure	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Solid Waste and Sanitation Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Energy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Air Quality	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Greenhouse Gas Emissions	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Noise	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Public Health	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Neighborhood Character	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Construction	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.		
3. Check determination to be issued by the lead agency:		
<input checked="" type="checkbox"/> Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).		
<input type="checkbox"/> Conditional Negative Declaration: A <i>Conditional Negative Declaration</i> (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.		
<input type="checkbox"/> Negative Declaration: If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a <i>Negative Declaration</i> . The <i>Negative Declaration</i> may be prepared as a separate document (see template) or using the embedded <i>Negative Declaration</i> on the next page.		
4. LEAD AGENCY'S CERTIFICATION		
TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission	
NAME Stephanie Shellooe, AICP	DATE September 26, 2023	

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

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<input checked="" type="checkbox"/> Positive Declaration: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a <i>Positive Declaration</i> and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).		

ENVIRONMENTAL IMPACT STATEMENT (EIS)

Lead Agency

Proposed Action

Project Description

Purpose and Need

Analysis of Impacts

Alternative Analysis

Reasonable Worst-Case
Development Scenario - RWCDS

Irreversible or Irretrievable Loss
of Natural Resources

Mitigation

City Planning (DCP) is the lead agency for the environmental review. They determined that the Proposed Action has the potential to result in significant environmental impacts and, therefore, issued a Positive Declaration requiring that a Draft EIS be prepared for the Proposed Action that analyzes all technical areas of concern.

The Draft EIS will be prepared in conformance with all applicable laws and regulations, including SEQRA (Article 8 of the New York State Environmental Conservation Law) and its implementing regulations found at 6 NYCRR Part 617, New York City Executive Order No. 91 of 1977, as amended, and the Rules and Procedure for CEQR, found at Title 62, Chapter 5 of the Rules of the City of New York.

As described previously, the environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify, and mitigate where practicable, any significant adverse environmental impacts.

Continued ...

The EIS will analyze the **Proposed Action** for all technical areas of concern in a Prototypical **Site Assessment**, a Representative **Neighborhoods Assessment**, and a **Conceptual Analysis**. The specific **technical areas** to be included in the EIS, as well as their respective tasks and methodologies, are described in the SOW.

The first step in preparing the EIS is the public scoping process. **Scoping** is the process of focusing the environmental impact analysis on the **key issues that are to be studied** in the EIS. The proposed scope of work for each technical area to be analyzed in the EIS follows.

The scope of work and the proposed impact assessment criteria below are based on the methodologies and guidance set forth in the *2021 CEQR Technical Manual*.

Getting Ready for the EIS

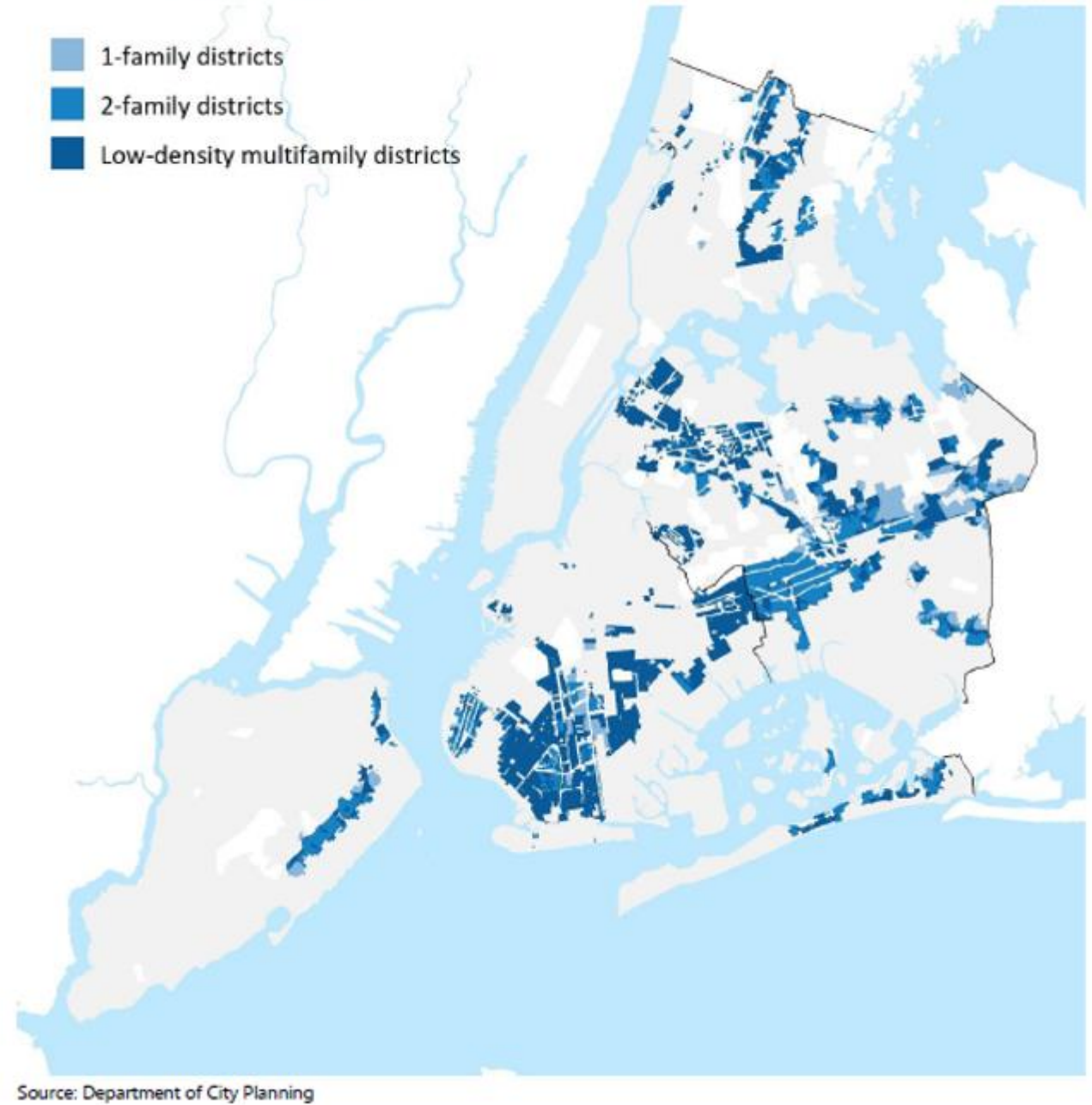
The EIS, following the guidance of the *2021 CEQR Technical Manual*, will contain:

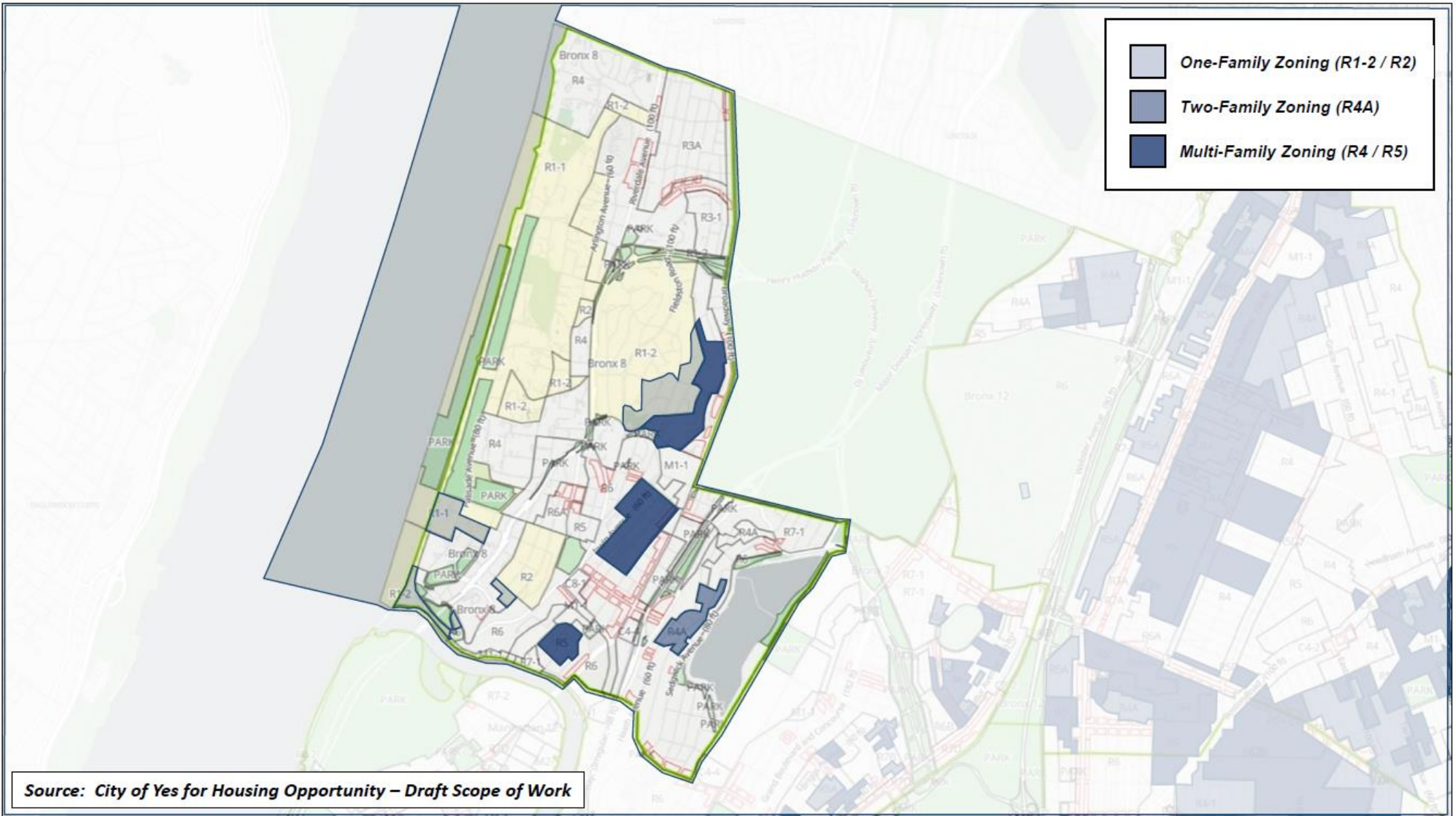
- › A description of the **Proposed Action** and its environmental setting;
- › A description of the representative **development prototypes** representing the likely **RWCDS*** and a description of the **representative neighborhoods** for analysis;
- › A statement of the **potential significant adverse environmental impacts** of the Proposed Action, including potential **short- and long-term effects**, **typical associated environmental effects**, and **cumulative effects** when considered with other planned developments in the area;
- › A description of **mitigation measures proposed to eliminate or minimize adverse environmental impacts**;
- › An identification of any **adverse environmental effects that cannot be avoided** if the Proposed Action is implemented;
- › A discussion of **reasonable alternatives** to the **Proposed Action**; and
- › A discussion of any **irreversible and irretrievable commitments of resources**.

*RWCDS - reasonable worst-case development scenario



Figure 9 Existing Low-Density Residence Districts Within the Greater Transit-Oriented Development Area





CB 8 Bronx – Present R1-R5 Zoning Impacted By COY TOD Legislation

Category 5: Accessory Dwelling Units (ADUs)

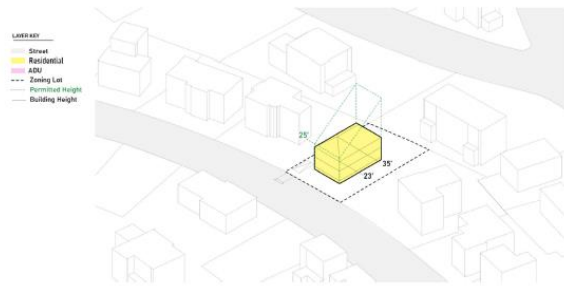
Prototypical Analysis Site 5-1 (Based on Riverdale, Bronx)

The Proposed Action would:

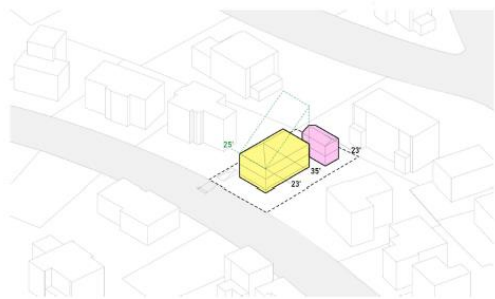
- › Allow **one accessory dwelling unit of up to 800 s.f.** on any zoning lot with a single- or two- family homes, regardless of the maximum number of units in the zoning district. (Proposal 2.3: Accessory Dwelling Units)
- › Allow ADUs as permitted obstruction in required rear yards, **limited to 50 percent of the yard** area. (Proposal 2.3: Accessory Dwelling Units)
- › Allow an ADU to be **two stories**. (Proposal 2.3: Accessory Dwelling Units)
- › Set a minimum distance of **10 feet between a detached** ADU and other buildings on the zoning lot. (Proposal 2.3: Accessory Dwelling Units)
- › Set a minimum distance of **5 feet between an ADU and any lot lines**, except where ADUs are permitted to be attached with a building on an adjacent lot. (Proposal 2.3: Accessory Dwelling Units)
- › Provide **additional FAR and adjust floor area rules** for low-density districts (Proposal 2.1: Low-Density Basic – 2.1a)
- › Adjust **side yard requirements to 5 feet** and reduce rear yard requirements to 20 feet up to two stories in low-density districts. Remove lot coverage rules and replace with yard requirements in non-contextual districts. (Proposal 2.1: Low-Density Basic – 2.1c)
- › **Eliminate parking requirements citywide** for new residential development. (Proposal 3: Parking)

Figure 16 Illustrative Representation of RWCDs for Prototypical Analysis Site S-1

No-Action Condition



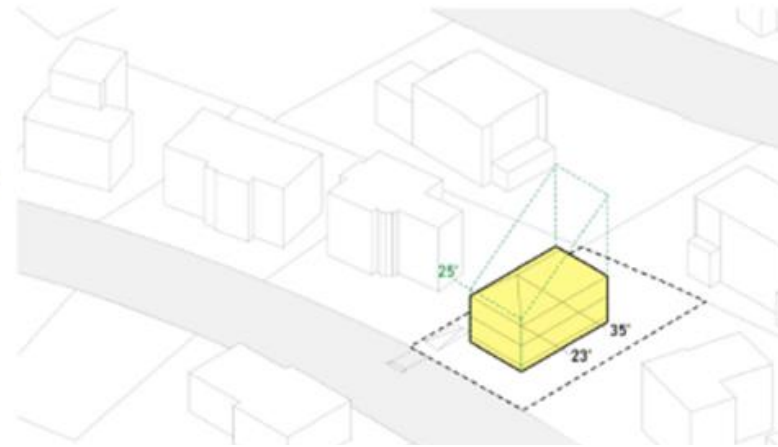
With-Action Condition



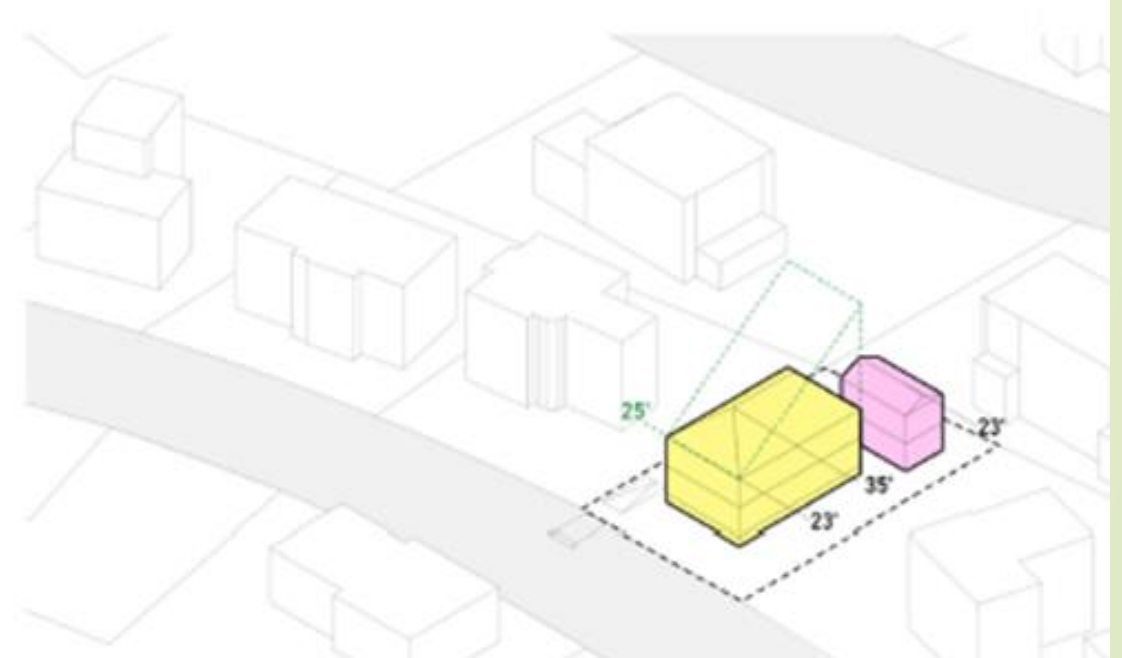
A-51 Draft Scope of Work

No-Action Condition

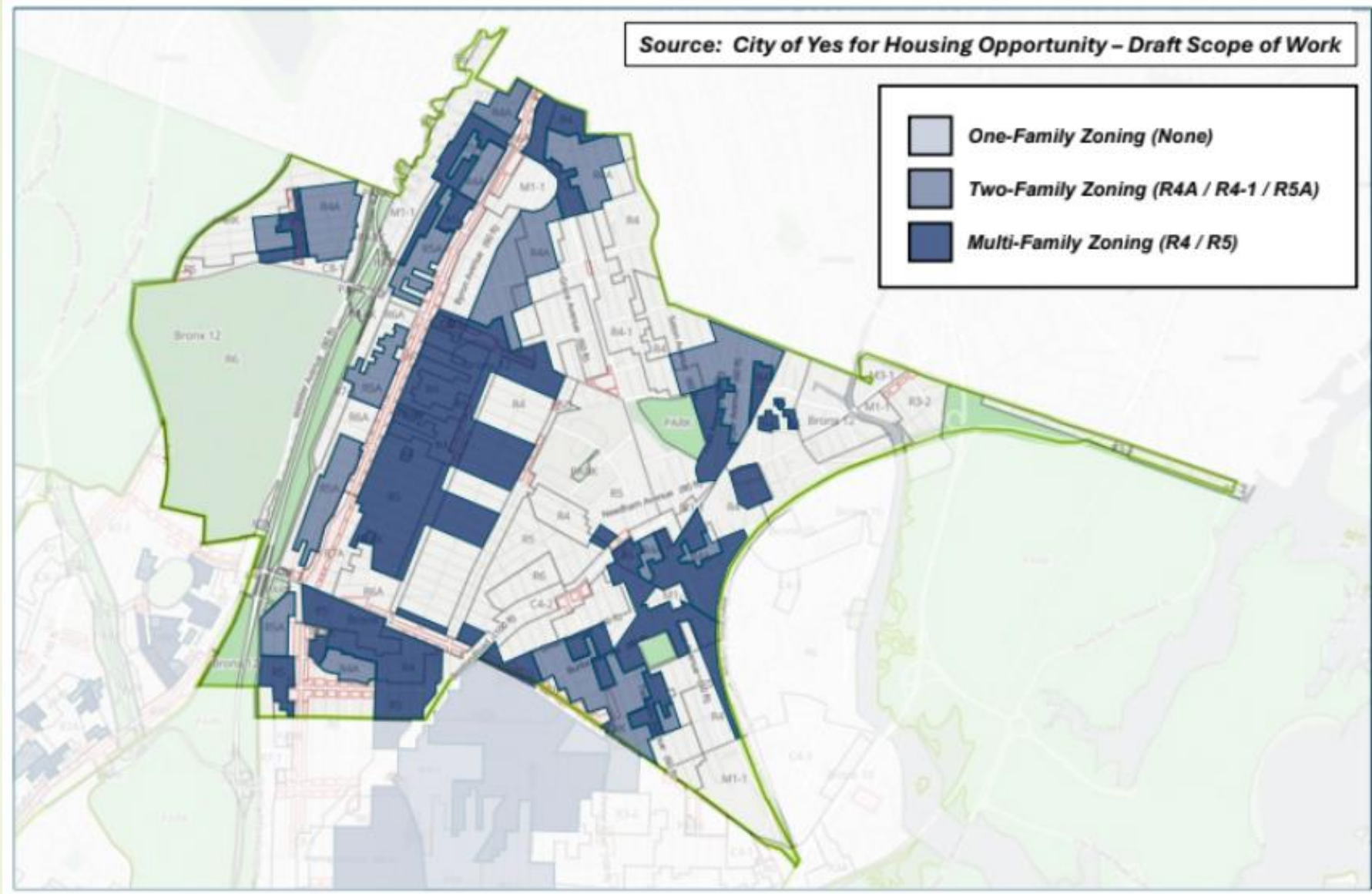
- Street
- Residential
- ADU
- Zoning Lot
- Permitted Height
- Building Height



With-Action Condition



Source: City of Yes for Housing Opportunity – Draft Scope of Work



CB 12 Bronx – Present R1-R5 Zoning Impacted By COY TOD Legislation

The City Of Yes for Housing Opportunity will enter public review in spring of 2024, receiving input from community boards and borough presidents before going to the City Planning Commission for a vote. If passed there, it is anticipated to come for a vote before the City Council by the end of the calendar year.

Join Monthly Info Sessions about City of Yes for Housing on March 27: Focused on "missing middle" housing types. [Register here](#).

April 17: Focused on the City of Yes for Housing Opportunity proposal. [Register here](#).

[Livestream the events on YouTube here](#).

Public Documents

- **2023Y0427_Draft Scope Of Work_1**
 - [24DCP033Y_Draft Scope Of Work_09262023_rev_09292023.pdf](#) *page 79 for SOW info in this document*
- **2023Y0427_EAS_24DCP033Y_1**
 - [24DCP033Y_EAS_09262023_rev_09292023.pdf](#)
- **2023Y0427_Positive Declaration_1**
 - [24DCP033Y_Positive Declaration_09262023.pdf](#)

Community and Organization Comments

- Bronx Council for Environmental Quality – [2023-11-06_BCEQ_City-of-Yes-Housing-Opportunities_SCOPE-GDEIS_Comment FINAL](#)
- Broadway Community Alliance – [BCA_City of Yes Housing – CEQR No. 24DCP033Y Housing Comments](#)
- City Club of New York City – [City Club City of Yes Housing Scope](#)
- Paul Graciano, Planner – [City of Yes -Housing Opportunity – EAS_24DCP033Y – Response November 6th 2023 Paul Graciano](#)

Thank you

4.8: Eliminate Exclusionary Geographies

The zoning resolution includes several outdated provisions that reflect attempts from previous decades to limit development in particular areas in ways that are difficult to justify in light of today's housing needs and planning goals. In many cases, these provisions have been rendered obsolete by zoning tools developed since or included in the Proposed Action.

The Proposed Action would eliminate:

- › 4.8a: Reductions in FAR and heights in the Manhattan Core;
- › 4.8b: The limits on FAR and affordable housing production in R10 districts and equivalents in Manhattan Community District 7 (the Upper West Side);
- › 4.8c: The limits on heights in R8 districts in Manhattan Community District 9; and
- › 4.8d: Limited Height Districts in Cobble Hill, the Upper East Side, and Gramercy Park.

Tax Incentives for Multifamily Housing

The 421-a Tax Incentive under the “Affordable New York” program is administered by the New York City Department of Housing Preservation and Development (HPD) and was in place in some form from 1971 to 2022. It is a partial property tax exemption in New York State for constructing new multi-family housing in New York City. From 2017 until its expiration in 2022, the program required affordable housing in every development utilizing the tax benefit regardless of location within New York City.

If a replacement tax benefit is not approved at the state level, the City would expect to see little or no mixed-income multifamily housing development for the foreseeable future with or without the Proposed Action. This is because mixed-income multifamily housing development is generally not feasible in the absence of a tax benefit and zoning reforms such as the Proposed Action are limited in their ability to affect baseline feasibility.

Under this scenario, the elements of the Proposed Action intended to produce mixed-income multifamily housing—including UAP, Small/Share Housing, Quality Housing Infill, Low Density Commercial, Qualifying Sites, and Parking Reductions—would have limited or no effect. Regulatory agreement projects, which are 100% affordable, would still be able to take advantage of the Proposed Action, but these are limited by available government subsidy and would represent a small fraction of overall housing produced in a market with a renewed benefit.

To ensure a conservative estimate, environmental review for the Proposed Action will assume a renewed tax benefit.

Task 2. Land Use, Zoning, and Public Policy

A land use analysis characterizes the uses and development trends in the area that may be affected by the Proposed Action, describes the public policies that guide development, and determines whether a Proposed Action is either compatible with those conditions and policies or whether it may affect them. Similarly, the analysis considers compliance of the Proposed Action with, and its effect on, the area's zoning and other applicable public policies, including the City's coastal zone policies. This chapter will analyze the potential impacts of the Proposed Action on land use, zoning, and public policy, following guidance presented in the *2021 CEQR Technical Manual*. Consistent with Analytical Framework, the EIS will take a generic approach to this analysis since the Proposed Action has applicability citywide.

Task 5. Open Space

Open space is defined as publicly- or privately-owned land that is publicly accessible and operates, functions, or is available for leisure, play, or sport, or set aside for the protection and/or enhancement of the natural environment. An analysis of open space is conducted to determine whether a proposed action would have direct effects resulting from the elimination or alteration of open space, and/or an indirect effect resulting from overtaking available open space. Based on the *CEQR Technical Manual*, an open space assessment is typically warranted if an action would directly affect an open space or if it would increase the population by more than 200 residents or 500 workers. The proposal is a citywide action that would result in development that may have direct or indirect effects on open space. Therefore, an open space assessment consistent with the *CEQR Technical Manual* will be provided in the EIS.

Task 11. Water and Sewer Infrastructure

A water and sewer infrastructure assessment determines whether a proposed action may adversely affect the city's water distribution or sewer system and, if so, assess the effects of such actions to determine whether their impact is significant. The *CEQR Technical Manual* outlines thresholds for analysis of an action's water demand and its generation of wastewater and storm water.

The EIS will provide an assessment of the Proposed Action's potential to affect the water supply, and wastewater and storm water infrastructure, consistent with the *CEQR Technical Manual*.

Task 16. Greenhouse Gas Emissions and Climate Change

Increased greenhouse gas (GHG) emissions are changing the global climate and predicted to lead to wide-ranging effects on the environment—including rising sea levels, increases in temperature, and changes in precipitation levels. Although this is occurring on a global scale, the environmental effects of climate change are also likely to be felt at the local level. The *CEQR Technical Manual* notes that while the need for a GHG emissions assessment is highly dependent on the nature of the project and its potential impacts, the GHG assessment currently focuses on the City's GHG reductions and consistency with the current City and State programs and local laws. The 2021 CEQR assessments are generally required for City capital projects, projects proposing power generation or a fundamental change to the City's solid waste management system, and projects being reviewed in an EIS that would result in development of 350,000 square feet or more (or smaller projects that would result in the construction of a building that is particularly energy-intensive, such as a data processing center or health care facility). The Greenhouse Gas Emissions and Climate Change chapter will note that the Proposed Action is not anticipated to result in any specific development that exceeds the 350,000 square feet development threshold and will focus on the evaluation of the Proposed Action consistency with the City and State GHG reduction goals, consistent with the *CEQR Technical Manual*.

Task 21. Mitigation

Where significant adverse impacts have been identified, feasible measures to mitigate those impacts will be identified. These measures will be developed and coordinated with the responsible City/State agencies as necessary. Where impacts cannot be mitigated, they will be described as unavoidable adverse impacts consistent with the *CEQR Technical Manual*.

Task 22. Alternatives

CEQR requires that alternatives to the Proposed Action be identified and evaluated in an EIS so that the decision-maker may consider whether alternatives exist that would minimize or avoid adverse environmental effects. The selection of alternatives to a proposed action is determined by taking into account the nature of the specific project, its stated purpose and need, potential impacts, and the feasibility of potential alternatives. Consistent with CEQR, a No-Action Alternative will be considered. In addition, if any significant adverse impacts are identified, a No Unmitigated Significant Adverse Impact Alternative will be considered, which includes an assessment of an action that would result in no unmitigated impacts. Additional alternatives to the Proposed Action will also be considered once the full extent of the Proposed Action's impacts have been identified. The alternatives analysis will be qualitative, except where significant adverse impacts of the Proposed Action have been identified.