

**Zoning for Quality and Affordability**

**Summary of proposed changes to Article VII, Chapter 3 – Special Permits by the Board of Standards and Appeals**

- Creates new special permit to modify parking requirements in a mixed-income development in the “Transit Zone”.
- Creates new special permit to remove existing parking for “income-restricted housing units” in the “Transit Zone”.
- Creates new special permit to remove existing parking for “affordable independent residences for seniors” outside the “Transit Zone”.
- Creates new special permit to modify bulk regulations to address irregular site conditions.
- References to re-numbered or re-titled sections are updated. Terms removed or revised in the proposal are updated. Other edits for general clarity are also included.

If you would have comments or questions on this draft, please send them to [ahousing@planning.nyc.gov](mailto:ahousing@planning.nyc.gov).

Matter in underline is new, to be added;  
Matter in ~~strikeout~~ is to be deleted;  
Matter within ## is defined in Section 12-10;  
\*\*\* indicates where unchanged text appears in the Zoning Resolution

**Article VII - Administration**

**Chapter 3  
Special Permits by the Board of Standards and Appeals**

\* \* \*

**73-10  
SPECIAL PERMIT USES**

\* \* \*

**73-12  
Community Facility Uses in R1, R2, R3A, R3X, R3-1, R4A, R4B or R4-1 Districts**

\* \* \*

**73-122  
College or school student dormitories or fraternity or sorority student houses**

The Board of Standards and Appeals may permit college or school student dormitories or fraternity or sorority student houses in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# does not exceed the maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (~~Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio~~ Open Space and Floor Area Regulations in R1 through R5 Districts);

Commented [DCP1]: Updating cross reference.

\* \* \*

**73-123  
Non-commercial clubs**

The Board of Standard and Appeals may permit non-commercial clubs, except swimming pool clubs or clubs with swimming pools located less than 500 feet from any #lot line#, in R1 or R2 Districts, provided that the following findings are made:

- (a) that such #use# is so located as not to impair the character of the surrounding area or its future development as a neighborhood of #single-family residences#;
- (b) that such #use# is so located as to draw a minimum of vehicular traffic to and through local #streets#;
- (c) that such #use# complies with the minimum required #open space ratio# and maximum #floor area ratio# for #residential use# as set forth in Section 23-14 (~~Minimum Required Open Space, Open Space Ratio, Maximum Lot Coverage and Maximum Floor Area Ratio~~ Open Space and Floor Area Regulations in R1 through R5 Districts);

Commented [DCP2]: Updating cross reference.

\* \* \*

**73-40  
MODIFICATIONS OF USE OR PARKING REGULATIONS**

\* \* \*

**73-43  
Reduction of Parking Spaces ~~for Houses of Worship or Places of Assembly~~**

The Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required under the provisions of Sections 25-31, 36-21 or 44-21 (General Provisions) ~~for houses of worship or places of assembly~~, in accordance with the applicable provisions of Sections 73-431 through 73-435 and ~~73-432~~ for the reduction of parking spaces.

Commented [DCP3]: Updating section title and introductory language to reflect new special permits.

\* \* \*

**73-433  
Reduction of parking spaces to facilitate affordable housing**

In all districts in the #Transit Zone#, the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of required #accessory# off-street parking spaces for #dwelling units# in a #development# or #enlargement# that includes at least 20 percent of all #dwelling units# as #income-restricted housing units# as defined in Section 12-10 (DEFINITIONS), provided that the Board finds that such waiver or reduction:

Commented [DCP4]: New BSA special permit to modify parking requirements in a mixed-income development to facilitate affordable housing.

- (a) will facilitate such #development# or #enlargement# by improving its financial feasibility;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-434**

**Reduction of existing parking spaces for income-restricted housing units**

For #zoning lots# within the #Transit Zone# containing #income-restricted housing units# existing on the (date of enactments), and subject to the restrictions of Section 25-251 (Income-restricted housing units except in affordable independent residences for seniors), the Board of Standards and Appeals may permit a waiver of, or a reduction in, the number of #accessory# off-street parking spaces required for such #income-restricted housing units#, provided that the Board finds that such waiver or reduction:

- (a) will facilitate an improved site plan;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning lot#, the availability of parking in the surrounding area, and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

**73-435**

**Reduction of existing parking spaces for affordable independent residences for seniors**

For #zoning lots# outside the #Transit Zone# containing #affordable independent residences for seniors# existing on the (date of enactments), and subject to the restrictions of Section 25-252 (Affordable independent residences for seniors) the Board of Standards and Appeals may permit a reduction in the number of #accessory# off-street parking spaces required for such #affordable independent residences for seniors#, provided that the Board finds that such waiver or reduction:

- (a) will facilitate an improved site plan;
- (b) will not cause traffic congestion; and
- (c) will not have undue adverse effects on residents, businesses or community facilities in the surrounding area, as applicable.

Any permitted reduction shall be in compliance with the parking requirement percentages for the applicable zoning district set forth in the table in Section 25-252.

Commented [DCP5]:New BSA special permit to allow the removal of existing parking for affordable housing in the "Transit Zone."

Commented [DCP6]:New BSA special permit to remove existing parking for "affordable independent residences for seniors" outside the "Transit Zone."

Factors to be considered by the Board may include, without limitation, the use of the existing parking spaces by residents of the #zoning#, the availability of parking in the surrounding area, and the proximity of public transportation. The Board may impose appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

**73-60  
MODIFICATIONS OF BULK REGULATIONS**

\* \* \*

**73-62  
Modification of Bulk Regulations for Buildings Containing Residences**

\* \* \*

**73-623  
Bulk modifications for Quality Housing buildings on irregular sites**

For #developments# or #enlargements# of #Quality Housing buildings#, the Board of Standards and Appeals may modify certain #bulk# regulations in accordance with paragraph (a), provided that the findings in paragraph (b) of this Section are met.

- (a) The Board may modify the following underlying #bulk# regulations for #Quality Housing buildings#, whether individually or in any combination:
  - (1) for all #Quality housing buildings#, the applicable #lot coverage#, #yards#, #courts#, #street wall# location, setback requirements, minimum distance between windows and walls or #lot lines#, and sloping #base plane# regulations; or
  - (2) for #Quality Housing buildings# in which at least 50 percent of its #residential floor area# is #income-restricted housing units#, or at least 50 percent of its total #floor area# is a #long-term care facility# or philanthropic or non-profit institution with sleeping accommodation, the maximum base height, overall building height, and maximum number of #stories# permitted, provided that in no event shall such #building# heights or number of #stories# exceed those set forth in paragraph (a) of Section 23-664 (Enhanced height and setback regulations for certain buildings) for the applicable zoning district.
- (b) In granting such special permit for #bulk# modifications, the Board shall find that:
  - (a) there are physical conditions, including irregularity, narrowness or shallowness of lot size or shape, or topographical features that create practical difficulties in complying with the #bulk#

**Commented [DCP7]:** New BSA special permit to address irregular site circumstances. Permit would allow modifications of a limited set of bulk regulations for Quality Housing buildings in order to address irregular site conditions. Quality Housing buildings with significant amounts of affordable housing would also be able to modify height regulations to address irregular site conditions.

regulations for #Quality Housing buildings# and would adversely affect the #building# configuration or site plan;

- (b) the practical difficulties of developing on the #zoning lot# have not been created by the owner or by a predecessor in title;
- (c) the proposed modifications will not unduly obstruct access of light and air to adjoining properties or #streets#;
- (d) the proposed scale and placement of the #development# or #enlargement# relates harmoniously with surrounding #buildings#; and
- (e) the requested modification is the least amount necessary to relieve such practical difficulties.

The Board may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

\* \* \*

END