

Note: Certain information in the 1997 print report of the 197-a Plan Technical Guide has been updated for this on-line edition of the guide.

197-a Plan Technical Guide

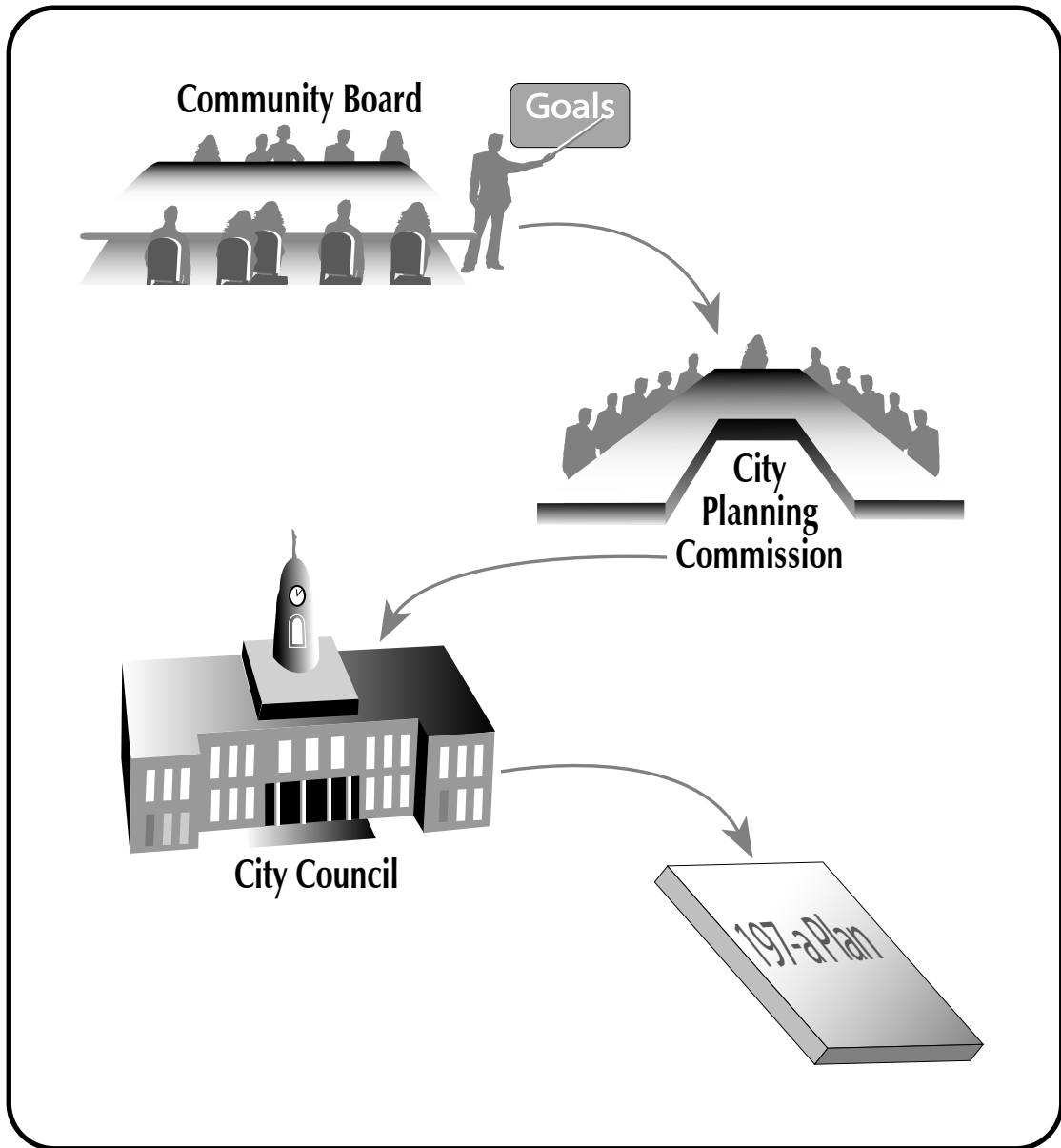


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Chapter 1

INTRODUCTION

The City Charter, in Section 197-a, authorizes community boards and borough boards, along with the Mayor, the City Planning Commission (the "Commission"), the Department of City Planning ("DCP"), and any Borough President, to sponsor plans for the development, growth, and improvement of the city, its boroughs and communities. Once approved by the Commission and adopted by the City Council, 197-a plans guide future actions of city agencies in the areas addressed in the plans.

When the Charter was last revised in 1989, it called upon the City Planning Commission to adopt rules establishing minimum standards for the form and content of proposed 197-a plans. The Commission did so in July 1991 with the adoption of *Rules for the Processing of Plans Pursuant to Charter Section 197-a*. In addition to establishing procedures and a timetable for the 197-a process, the rules include standards for form, content and sound planning policy ("threshold standards").

As shown in Chapter 2, review of 197-a plans occurs in two stages. The first, the threshold review, is conducted by the Department of City Planning and the City Planning Commission to ensure that a plan is complete, coherent and properly documented before it is reviewed on its merits. The second stage, substantive review, allows for community board, borough president, City Planning Commission and City Council consideration of the plan's objectives, policies and proposals. The process may culminate in approval of the plan as submitted, approval as modified by the City Planning Commission and/or the City Council, or disapproval.

Since adoption of the rules, 11 community boards and a Borough President have submitted 197-a plans. The borough plan and seven of the community plans have been adopted, two are under review, one was withdrawn and one was disapproved. Several other boards have initiated but have not yet completed 197-a plans. Partly because of the novelty of the process, some confusion has arisen over the meaning of a 197-a plan in general and, more specifically, the threshold standards for form and content and sound planning policy. The purpose of this technical guide is to help dispel that confusion.

Although the Charter allows for citywide and boroughwide 197-a plans sponsored by various entities, the 197-a process has generated the most interest at the community or neighborhood level. The guide therefore focuses on local area plans sponsored by community boards. Neighborhood or civic groups within the larger community may draft 197-a plans, but they must be approved, sponsored, and submitted by a community board, borough board, or borough president.

The guide is "technical" in that it concentrates chiefly on the threshold standards for form and content and sound planning policy. It supplements but does not supplant the *Rules for the Processing of Plans Pursuant to Charter Section 197-a* which all potential sponsors should carefully review before undertaking a plan.¹ The guide clarifies the threshold standards contained in Article 4 of the rules, and provides data sources and suggested formats for presenting the information needed to satisfy the standards. It also offers guidance on how to make the best case for a plan's recommendations, including discussion of the kinds of analysis most relevant to typical planning issues.

The guide may also help community boards determine whether a 197-a plan is the most appropriate vehicle for addressing their issues. Chapter 3 outlines some of the benefits and drawbacks of the 197-a process, and suggests alternatives for achieving community objectives. A 197-a plan generally takes three or four years from inception to adoption, and requires the continuing commitment of its sponsors even after adoption to ensure successful implementation. With that commitment, an appropriate set of objectives and a realistic outlook, a community board may find the 197-a process well worth the effort.

¹ Copies are available in the DCP Bookstore

Chapter 2

REVIEW PROCESS

Figure 1 presents a schematic description of the formats steps involved in the review and adoption of 197-a plans, in accordance with the *Rules for the Processing of Plans Pursuant to Charter Section 197-a* . An explanation of each step and its mandated timeframe follows.

STEP ONE - Letter of Intent / Plan Preparation

To help DCP allocate its resources, a sponsor must give written notice of its intent at least 90 days before it formally submits a 197-a plan. In most cases, however, a sponsor will have begun consulting with DCP well before the 90-day notice. Ideally, consultation begins as soon as the decision is made to prepare a plan, and continues throughout its preparation. The length of time needed to complete a plan will depend on its scope and the availability of necessary resources.

STEP TWO - Plan Submission

When the plan has been completed and approved by the community board, 30 copies are submitted to DCP's Central Intake Office. The submission must also include a summary record of the public hearing held by the board and the names and addresses of the board's designated representatives.

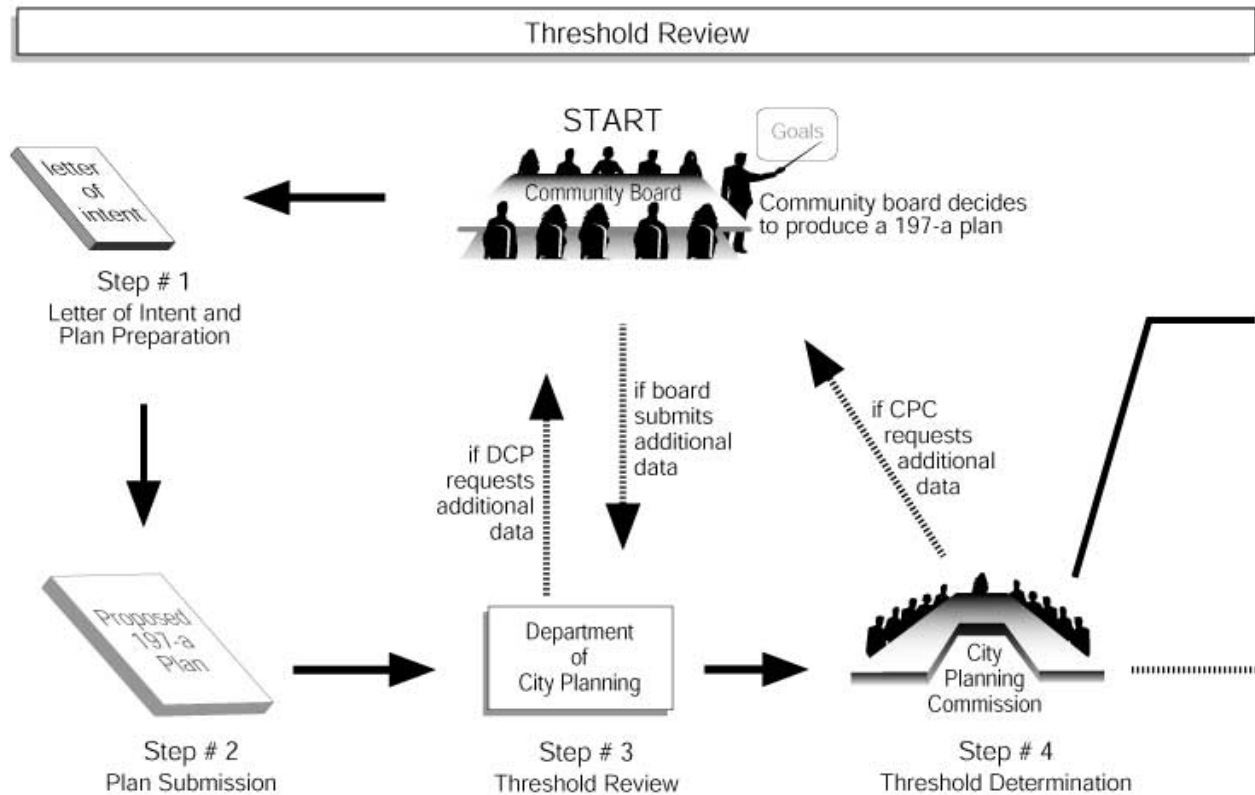
STEP THREE - Threshold Review

Upon its receipt of the plan, DCP staff has 90 days to review it and report to the Commission its estimation of whether the plan meets the threshold standards for form and content and consistency with sound planning policy ("threshold review"). DCP may ask the sponsor for additional information and documentation to correct any deficiencies. If the sponsor agrees, the 90-day period begins anew with the submission of the revised plan. If the sponsor does not agree, DCP submits the plan unchanged for the Commission's threshold determination.

STEP FOUR - Threshold Determination

Once DCP presents its threshold report, the Commission has 30 days to determine if the plan has met threshold standards. If it is found not to meet the requirements, the Commission refers the plan back to the sponsor with an explanation of its deficiencies.

Figure 1. 197-a Plan Review Process



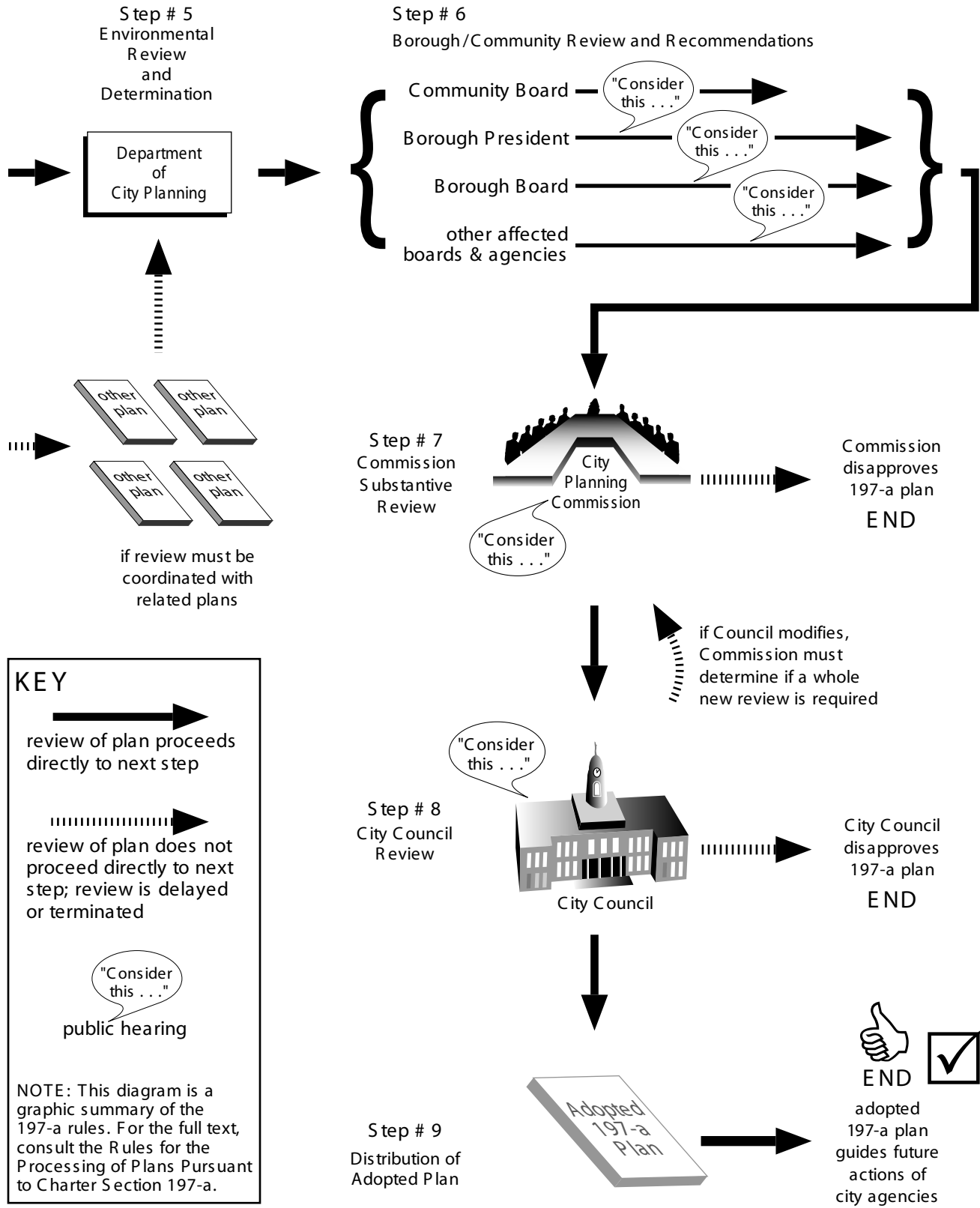
STEP FIVE - Environmental Review and Determination

Once the plan receives threshold approval, the Commission either directs DCP to begin an environmental review of the plan or it may defer the review to consider related planning efforts or land use proposals. Since most 197-a plans do not, without further implementing actions, cause changes that would trigger environmental impacts, the environmental review generally results in a "negative declaration," which means that environmental impacts would be minimal and further environmental analysis is not necessary. The environmental review phase does not have a time clock. However, if the review has not been completed after 180 days, the sponsor may make a written request to the Commission asking for an explanation of the progress to date and for its assistance in expediting the review.

STEP SIX - Community / Borough Review

Once the environmental review has been completed, DCP circulates the plan to the affected community board, Borough President, and borough board; to affected city agencies; and to any other community or borough board upon written request.

Substantive Review



The affected community board holds a public hearing and sends written recommendations to the Commission (with copies to the City Council and the Borough President) within 60 days. (A sponsor community board may waive the hearing since one was held before the plan was filed.) The Borough President, who may hold a public hearing on the plan, has 120 days from DCP's initial circulation of the plan to submit recommendations to the Commission with copies to the sponsor and the Council. If a plan affects two or more community districts, the pertinent borough board holds a public hearing and sends its report to the Commission within 120 days.

STEP SEVEN - City Planning Commission Substantive Review

Within 60 days of receipt of the Borough President's recommendations or the final day of the 120-day review period, whichever is earlier, the Commission holds a public hearing on the plan. Within 60 days of the hearing, the Commission votes to approve, approve with modifications, or disapprove the plan. (The Commission may extend its consideration period upon written notice to the sponsor.) The Commission's resolution is accompanied by a report explaining the reasons for its determination. If approved or modified, the plan with the Commission's resolution and report is transmitted to the City Council. If disapproved by the Commission, the plan does not move forward unless the Mayor requests City Council review and the Council approves the plan by a two-thirds vote.

STEP EIGHT - City Council Review

The City Council has 50 days to hold a public hearing and vote on the plan as transmitted by the Commission. The Council's Land Use Committee holds the hearing and votes prior to the vote of the full Council. The Council may vote to adopt the 197-a plan as transmitted by the Commission, to adopt it with (additional) modifications, or to not adopt it. If the Council makes additional modifications, the Commission has 15 days to determine whether the modifications are significant enough to require a whole new review.

STEP NINE - Distribution of Adopted Plan

If the City Council adopts the plan, with or without modifications, DCP keeps copies of it on file along with the Commission and City Council resolutions and reports containing any modifications to the plan. Copies are sent to affected agencies and are made available to the public. The adopted plan serves as a guide for subsequent actions by city agencies.

Chapter 3

TO PLAN OR NOT TO PLAN

(How to Decide Whether to Do a 197-a Plan)

Shepherding a community-based plan from inception to adoption is no small undertaking. Before getting started, community boards should weigh the costs and benefits carefully. The process can take years, demand considerable resources, expose irreconcilable community factions, and, after all that, result in an adopted plan that has been substantially modified. Yet it can be worth the time and effort and the risks involved. At their best, 197-a plans can forge consensus within a community about its future direction, challenge conventional wisdom among decision-makers, and lead to significant shifts in land use policy. To make the decision, a community board must first understand what a 197-a plan is and what it is not. It must then decide whether local issues lend themselves to a 197-a plan and, if so, whether the necessary resources are available to produce a persuasive, well-documented plan.

Defining a Community 197-a Plan

In a 197-a plan, a community portrays its vision for the future by recommending strategies to address any or all of a range of concerns that may include land use, housing, economic development, environmental or social issues. The plan may take several forms. It may be comprehensive in scope, akin to a community's "master plan," addressing a wide range of concerns throughout the community district, or it may focus on a single issue -- waterfront access or zoning policy, for example -- in all or part of the district.

To be effective over time, a plan should offer the neighborhood's consensus on the general principles that will guide land use and provision of community services. Specific zoning, design, service or funding proposals are generally inappropriate in 197-a plans. Such specific proposals are more properly reviewed as Charter Section 197-c applications for zoning changes, property disposition, site selection and other land use actions, or as part of the city's budget process. However, a 197-a plan offering general land use goals, flexible enough to adapt to changing conditions, will most likely achieve the community's long-range planning objectives, and become a useful guide for agencies making decisions about the study area.

An adopted 197-a plan can lay the groundwork for a subsequent zoning change by setting forth land use and zoning policy for an area. It does not itself change the zoning. For example, an adopted 197-a plan may call for rezoning an area from manufacturing to residential to prohibit further industry in a predominantly residential area. Until the zoning is actually changed, new industrial uses may continue to open because they are "as-of-right" under existing zoning. However, once a specific 197-c zoning application is submitted, the City Planning Commission will consider its consistency with the objectives and recommendations in the community's adopted 197-a plan.

By the same token, an adopted 197-a plan calling for new municipal facilities or improved neighborhood services (e.g., expanded day care or more rigorous traffic enforcement) does not itself provide the mechanism for meeting those needs. New and expanded services are always subject to funding constraints, competing citywide priorities and relative needs among communities throughout the city. Spelling out these needs in a 197-a plan does not necessarily give a community greater advantage over other communities that document their needs in the *Statements of Community District Needs* as part of the budget process.

Identifying the Issues

Consensus must be reached on the paramount issues in the community in order to decide whether those issues are best addressed by a long-term plan. Are the issues a compilation of scattered, unrelated local problems without a unifying theme? If so, extensive information may be needed to document such a wide range of problems and to provide sound rationales for the plan's recommendations. Are the issues immediate and urgent? If so, a 197-a plan that takes a year or two to prepare and at least another year and a half for review and approval may not be the best approach.

Depending on the nature of the issue, it may be more effective to establish a board committee or task force to develop recommendations to be brought directly to elected officials and the responsible agencies. Or the issue might become a focus of discussion with the agency at annual budget consultations and district service cabinet meetings. If zoning is the issue, it might be worthwhile to explore with DCP the possibility of preparing a 197-c application for the desired zoning change. Assuming that City Planning agrees that rezoning would be appropriate (based on the community board's initial reconnaissance or other sources), the application could be

submitted by the board with technical assistance from DCP, or by DCP in consultation with the board. The nature of the arrangement would depend on resource availability and the complexity of the zoning change and required environmental analysis. If the issues are related primarily to land use and indicative of an emerging or growing trend which, if unaddressed, could have troubling long-term consequences, a 197-a plan may well be the best approach. A thoughtful, thoroughly researched plan with strong community support may also be the most effective way to convince decision-makers of the necessity for the actions proposed.

Getting Started

Once a decision is made to pursue development of a 197-a plan, the board will need to marshal resources for its preparation, draft a set of broad goals, organize public outreach, and begin consulting with the government agencies responsible for the programs or services to be addressed in the plan. *Planning for Common Ground*, issued in 1994 by the Municipal Art Society, provides a wealth of useful advice on how to go about creating a community 197-a plan. It discusses organizing and outreach techniques, and includes a compendium of potential resources, such as planning schools, consultants, offices of the Borough Presidents, the Department of City Planning and, not least of all, the talents and leadership within the community itself.

As soon as the general scope of the plan, or its issues and objectives, are reasonably clear, the Department of City Planning should be formally notified of the board's intent to submit a 197-a plan (*see Appendix A - Sample Letter of Intent*). It is also a good time to meet with City Planning staff to discuss the form and content requirements and to get available data pertinent to the proposed plan.

Working with the Department of City Planning

DCP's borough offices take lead responsibility for review of community board 197-a plans and are the boards' primary contacts at the agency. Together with the Planning Coordination Division, the borough offices manage and coordinate the agency's threshold and substantive review of the plans. By working closely with these offices, community boards can facilitate review and minimize or eliminate both requests for additional information at the threshold stage and major plan revisions at later stages of review.

Though not required, it is a good idea to contact the relevant borough office to arrange a meeting early in the planning process. It is an opportunity to discuss data needs and the level of detail needed to document the issues of concern in the study area. The borough office may also be able to alert the board to potential policy issues and to inform the board of any studies, analyses, and reports done by DCP or other organizations which may be useful in the plan's preparation. Depending upon the scope of the plan, other DCP divisions may be consulted, including the Zoning and Urban Design; Housing, Economic & Infrastructure Planning; Waterfront and Open Space; and/or Transportation divisions. At this and later meetings, boards generally find it helpful to have at least one representative familiar with planning techniques -- either a member of the board's 197-a or planning/zoning committee, a board staff member, or a consultant from a private planning firm or graduate program in urban planning.

Once a letter of intent has been submitted, a community board may obtain a computer-generated map of land uses in the district and standardized data reports from DCP's computerized MISLAND system. Data reports tailored to the study area are available in detail or summary formats for census tracts, tax blocks or community districts. Computerized summary reports may be obtained for both land use and census data. Written requests for such data should be directed to DCP's borough offices. (As noted in Chapter 4, community boards also have the capability of generating their own MISLAND reports through CITYNET, which links most city agencies.)

During the 90-day threshold review period, the borough office will notify the board in writing of any deficiencies pertaining to form/content and sound planning policy standards (*see Appendix B Sample Threshold Letter*). Usually a meeting immediately precedes or follows the letter to allow for fuller discussion of staff findings and to offer staff assistance with any outstanding data requirements. At this time, DCP staff may also alert the sponsor to any recommendations in the plan that it believes are likely to raise policy issues during the Commission's later substantive consideration of the plan. Any such substantive comments by staff at this stage are separate and apart from the threshold review, and are intended only to give the sponsor early warning of potential modifications to the plan. The sponsor may, of course, choose to retain those elements of the plan to encourage public debate of the issues.

Chapter 4

THRESHOLD STANDARDS

The threshold standards include seven standards for form and content (Section 4.010 (a-g) of the rules) and four standards for sound planning policy (Section 4.020 (a-d) of the rules). They are stated in broad terms to allow for considerable flexibility in the purpose and scope of 197-a plans. In general, the standards are intended to:

- encourage coherent presentation of conditions, objectives, and recommendations;
- ensure that decision makers have sufficient information to evaluate the merits of the plan;
- promote public participation in the preparation of plans; and
- encourage consideration of related plans and policies and early consultation with agencies responsible for implementing elements of the plans.

This chapter offers guidance on ways to meet the standards and the type of information needed to document the conditions or problems commonly addressed in community plans.

Form and Content

Scope

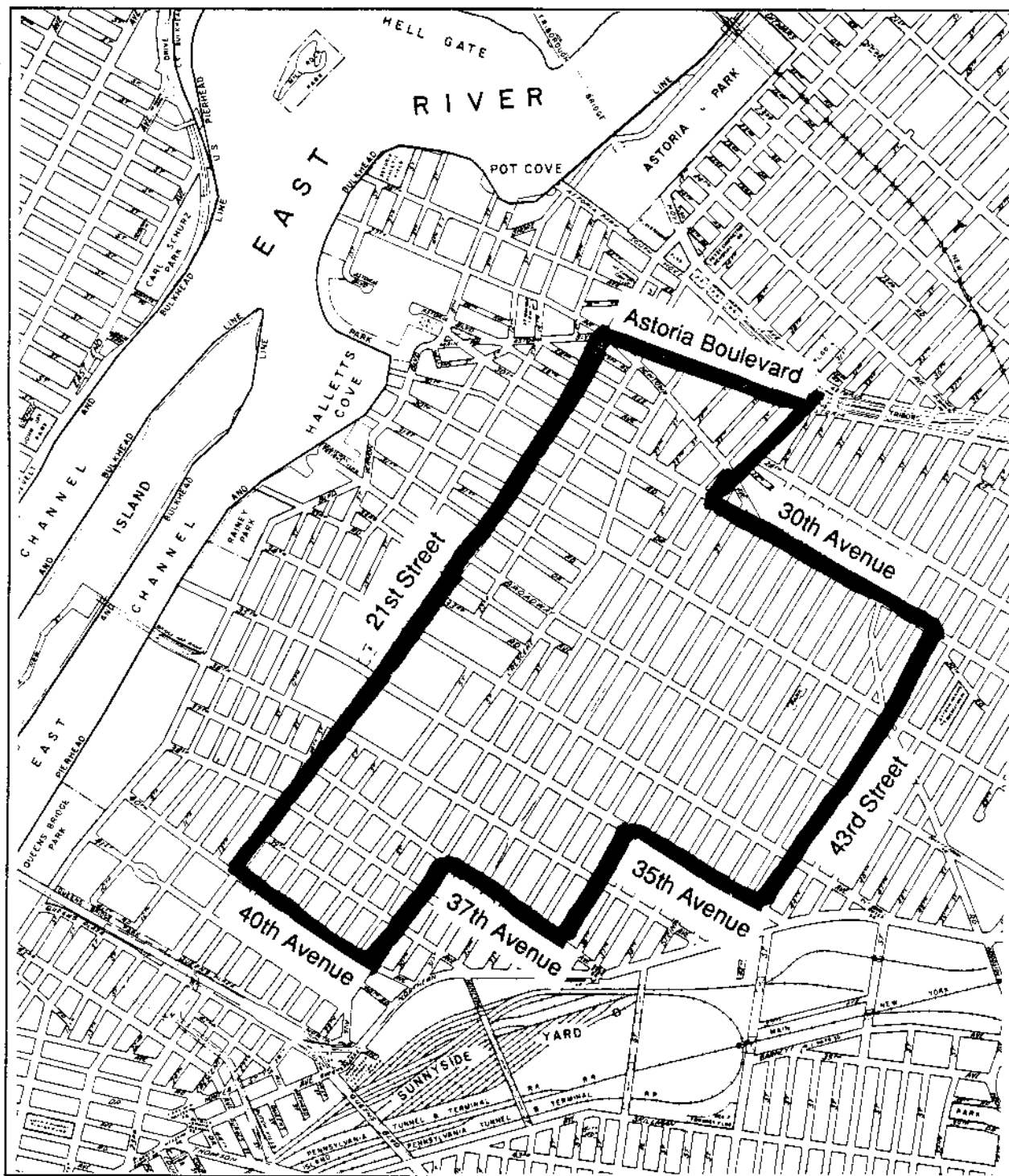
The first three standards all relate to the focus or scope of a plan and the area it covers (the “study area”).

Section:

4.010a. A plan may take the form of a comprehensive or master plan for a neighborhood, community district, borough or other broad geographic area of the city. Such a plan would combine elements related to housing, industrial and commercial uses, transportation, land use regulation, open space, recreation, community facilities and other infrastructure and service improvements which promote the orderly growth, improvement, and future development of the community, borough or city.

4.010b. A plan may take the form of a targeted plan which considers one or a small number of elements of neighborhood, community district, borough or citywide problems or needs. Such a plan shall have as its focus issues that are related to the use, development and improvement of land within the sponsor's geographic jurisdiction and may give consideration to the provision of various city services necessary to support orderly growth, development and improvement of that area.

Figure 2. Study Area Map.
(boundaries of a hypothetical study area shown on a DCP sectional map.)



4.010c. A plan shall not be limited to a single zoning lot or a specific parcel in private ownership. A plan shall cover an identifiable, cohesive geographic area or neighborhood.

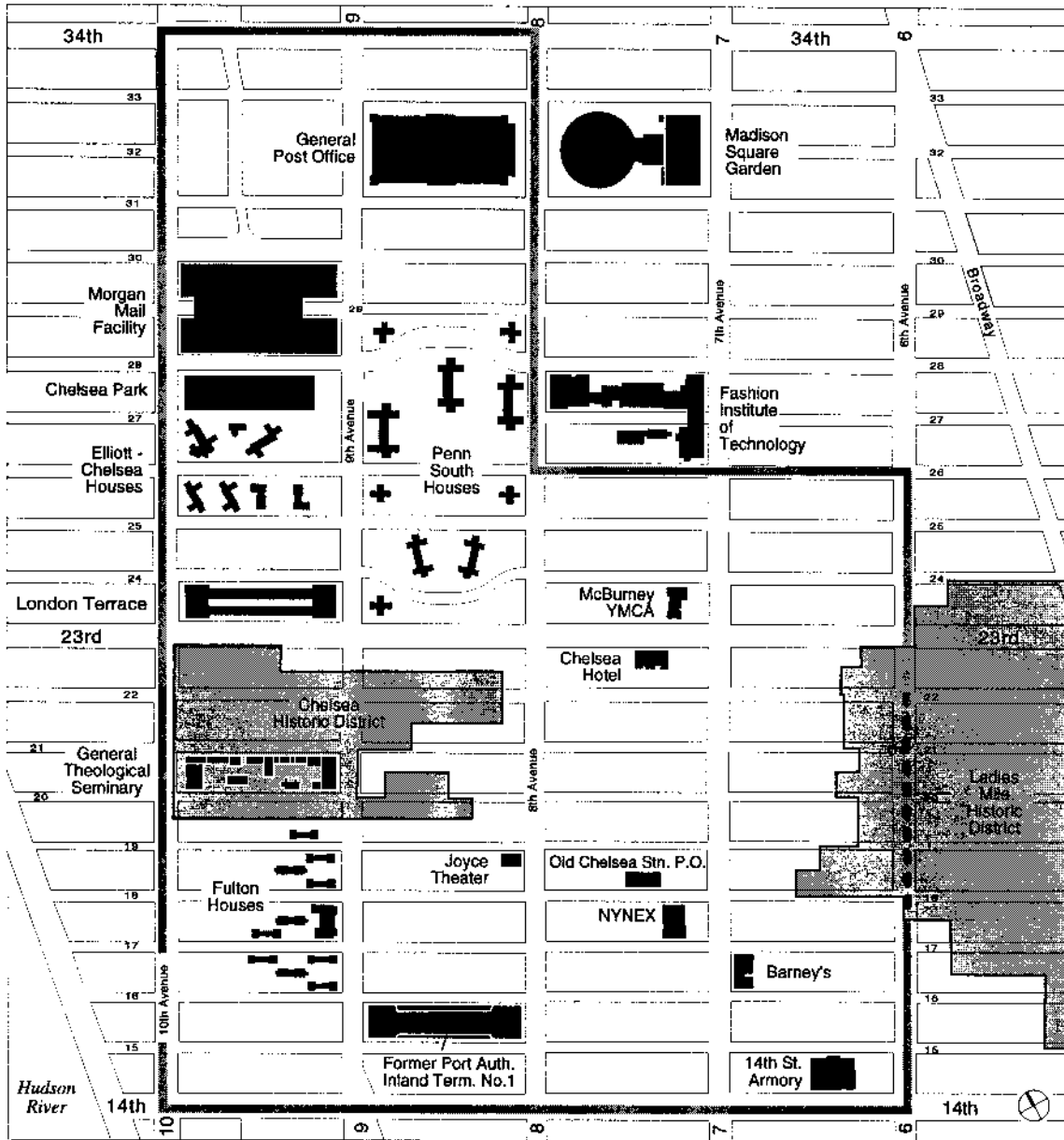
To meet the scope standards, the sponsor must clearly state the issues addressed in the plan and delineate the study area boundaries. As noted in Chapter 3, the first step in the planning process therefore is to determine the issues to be addressed, sometimes called the "problem statement," and to crystalize the plan's objectives. The primary focus should be land use; programmatic and service delivery issues are best addressed through the budget process. While communities cannot ignore service needs when planning for the future, it is important to keep in mind that service improvements are typically subject to fluctuating funding constraints and competing priorities. Nevertheless, clear documentation of a community's needs can be a useful tool for the budget process.

The next step is to decide on the geographic area to be covered by the plan and to clearly define the boundaries. Factors to be considered when establishing the study area boundaries include the plan's objectives, the area's land use and housing patterns, traditional neighborhood borders, zoning and special designations (e.g., historic districts), neighboring community districts, major roadways, institutions, parks, and natural features. Data collection can be facilitated by encompassing whole census tracts or tax blocks within the study area boundaries.

A community board plan may not overstep its district boundaries or be so narrow as a single private lot, but almost anything in between can be appropriate. For example, of the community board plans adopted to date: Bronx Community Board 3 focused on land disposition, housing and service issues districtwide; Brooklyn Community Board 6 took a comprehensive look at land use and service issues in the Red Hook part of its district; Manhattan Community Board 4 focused only on zoning in the Chelsea neighborhood; and Manhattan Community Board 6 developed an open space plan for a half-mile stretch of East River waterfront.

Once the boundaries of the study area have been determined, they must be clearly shown on a map. Sectional maps or community district maps, available in the DCP Bookstore, or any other appropriate base map may be used. At a minimum, perimeter street names, major thoroughfares and a north directional arrow should be used to orient the reader. Showing prominent local features can also be helpful. (*See Figures 2 & 3.*)

Figure 3. Study Area Map
 (from DCP's review of the Chelsea 197-a Plan.)



Study Area

- prominent neighborhood feature
- historic district
- 197-a plan study area



Clarity / Coherence

Section:

4.010d. Plans shall be presented in clear language and coherent form with elements, chapters or sections that are organized in logical sequence.

Although the format of a plan can and should vary depending on its purpose and contents, a typical chapter sequence is often developed along the lines shown in Figure 4. What most plan formats have in common is that they start with a problem statement, goals and objectives, and a general description of the area. Descriptions and analyses of specific conditions illuminating the problems or opportunities follow. Recommendations for remedying the problems or capitalizing on the opportunities complete the plan. An implementation section, outlining how the recommendations would be carried out and by whom, may be folded into the recommendations chapter or presented separately. An appendix often contains supplementary data too lengthy or tangential to be included in the body of the plan, as well as any additional information needed to satisfy the threshold standards. Depending on the length and complexity of the plan, an executive summary may also be helpful.

Documentation

Two standards deal with the data and analysis needed to document the problems identified in the plan and to justify its recommendations. Sponsors generally find them the most difficult to interpret and satisfy.

Section:

4.010e. Plans shall state their goals, objectives or purposes clearly and succinctly. Policy statements or recommendations shall contain documentation and explanation of the data, analysis or rationale underlying each. Plans shall demonstrate a serious attempt to analyze and propose policies that address the problems they identify.

4.010f. A plan shall contain, as appropriate, inventories or description and analysis of existing conditions, problems or needs; projections of future conditions, problems or needs; and recommended goals and strategies to address those conditions, problems or needs. The level of detail and analysis shall be appropriate to the goals and recommendations presented in the plan. The information and analysis relied upon to support its recommendations shall be sufficiently identified so that when the plan is later under review, the

Figure 4. Typical Format of a 197-a Community Plan

<p style="text-align: center;">Table of Contents</p> <p>Chapter 1: Introduction</p> <p>Goals and objectives Study area boundaries Impetus for 197-a plan</p> <p>Chapter 2: Development History</p> <p>Historical background Population and housing trends Commercial / industrial development trends</p> <p>Chapter 3: Analysis of Existing Conditions and Issues</p> <p>Zoning Land use Open space and recreational facilities Transportation Other</p> <p>Chapter 4: Recommendations</p> <p>Chapter 5: Implementation Strategy</p> <p>Appendices</p> <p>Tables Evidence of community participation Record of agency consultation Consistency with related plans and policies Other</p>

accuracy and validity of the information and analysis may be understood. Supporting information may be contained in the form of narrative, maps, charts, tables, technical appendices or the like.

The 197-a plan must lay out the sponsor's goals; contain a discussion of existing or future conditions and issues; and present strategies to address those issues. (*See Figure 5.*)

Recommendations and proposals, supported by data analysis, should offer solutions to identified issues.

It is impossible to predetermine the type and format of data appropriate to all plans. It cannot be overemphasized, however, that the data provided should have bearing on the issues and recommendations in the plan. Some draft 197-a plans have provided a wealth of background data on all sorts of characteristics unrelated to the issues identified, but neglected to provide the information needed to understand the issues or to justify the proposed solutions.

The type of documentation most pertinent to a particular 197-a plan depends upon the issues emphasized in the plan. For example, the Bronx CB3 plan sought to increase the density of new housing because the community district had been severely depopulated in the previous two decades. A discussion of pertinent factors, including population and housing loss, the availability of land for new construction, and infrastructure and service capacity, was crucial to understanding the Board's objectives. In Brooklyn CB 6's 197-a plan for Red Hook, understanding the existing distribution of manufacturing, commercial, and residential uses was the prerequisite to understanding the plan's proposals to modify the allowable mix of these uses. For Manhattan CB 6's 197-a plan for Stuyvesant Cove, essential documentation included the site's topographical conditions, the nature and length of current leases on the site, and the relative scarcity of open spaces in the community compared to other communities.

The relevant data can be presented in tables, maps, or narrative summaries. In all cases, data should be well organized and easily understood. Tables should be accompanied by explanatory text, and dates and sources of data should be identified.

The neighborhood characteristics that are typically analyzed in community plans include land use, zoning, community resources and services, and population and housing trends. Examples of the type of information relevant to those topics follow, as well as illustrative maps and tables,

Figure 5. Goals
(here called the main objectives, of the Red Hook Community Plan.)

Main Objectives

- 1.** Promote opportunities for the development of Red Hook's main asset - its people - including improved housing, social services and youth services, and the expansion of the residential community.
- 2.** Support the preservation and expansion of industrial and maritime activity where it is currently solidly positioned in the northwest and southeast sections of Red Hook.
- 3.** Promote employment and business opportunities for local residents.
- 4.** Promote new residential development in the context of an economically, socially and physically integrated community.
- 5.** Guide future development in a way that minimizes conflicts between industrial and residential community.
- 6.** Strengthen, support, and expand the burgeoning arts community.
- 7.** Improve access to, egress from, and circulation within Red Hook by public transportation.
- 8.** Strengthen existing retail commercial areas.
- 9.** Revitalize and create public access to the waterfront, one of Red Hook's major assets.

and sources for obtaining the data. As noted in Chapter 3, much of the data referenced below is available in DCP's MISLAND system. A MISLAND User's Manual and individual reports can be obtained by writing to a DCP borough office, specifying the report name and the study area geography (community district or list of census tracts or tax blocks). A community board can also generate its own MISLAND reports through its CITYNET connection. *(See Appendix C for a summary of information sources.)*

Land use

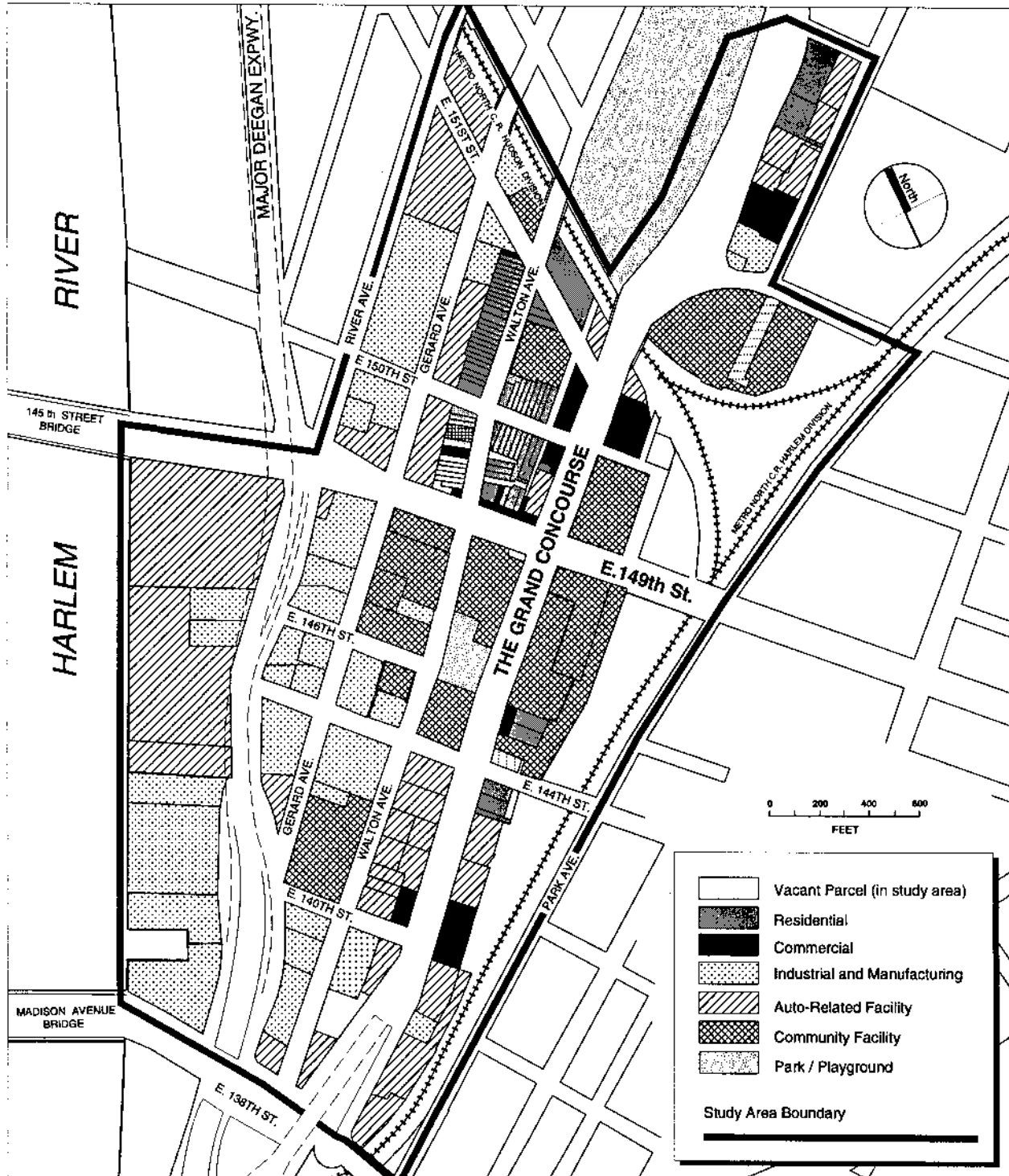
Land use is described in conventional planning categories: residential, commercial and office, industrial and manufacturing, transportation, community facilities, open space, parking and vacant land. Land use information can be summarized and presented in tables, or displayed on maps. Analysis of the mapped or tabulated data is the foundation of a land use plan. Data may be analyzed in detail, if necessary, to clarify a particular problem. Issues about any aspect of land use can be explored fully, particularly if the plan recommends that an area's zoning be changed. *(See Figures 6 & 7.)*

*Figure 6. Sample Land Use Table
(from Northern Bathgate Neighborhood Land Disposition Plan, DCP, 1994.)*

Land Use Category	Number of lots	Acres	Lot Area (Sq. Ft.)	Lot Area Percent
1 & 2 Family	50	2.1	90,010	8.5
Multifamily	68	7.3	318,126	30.1
Mixed Residential/ Commercial	20	2.9	124,310	11.8
Commercial/Office	7	0.5	22,350	2.1
Industrial Manufacturing	7	1.0	44,944	4.2
Transportation & Utility	2	1.7	75,246	7.1
Public Facilities	3	2.4	106,396	10.1
Open Space	1	0.8	32,908	3.1
Parking Facilities	NA	NA	NA	NA
Vacant Land	71	5.5	237,786	22.5
Unknown	1	0.1	5,607	0
TOTAL	230	24.3	1,057,683	100.0

Prepared by: Department of City Planning, CIS/Planning Support
DCP Field Survey (Summer, 1991); Real Property File (July, 1990);
DGS IPIS File (October, 1991).

Figure 7. Sample Land Use Map
 (from *Hostos Community College Area Study*, DCP, 1994.)



C. Tejada

The best source for most of this information is a DCP MISLAND report that provides computerized data concerning the land use and size of lots within a study area. Sponsors may also examine other available information, such as Sanborn Maps, located in the agency's borough offices. For some issues, it may be necessary to supplement or verify these sources with a field survey.

One final note about maps in general, and land use maps in particular: color maps should be avoided. All maps must be readable in black and white since 197-a plans are copied throughout the review process for widespread distribution.

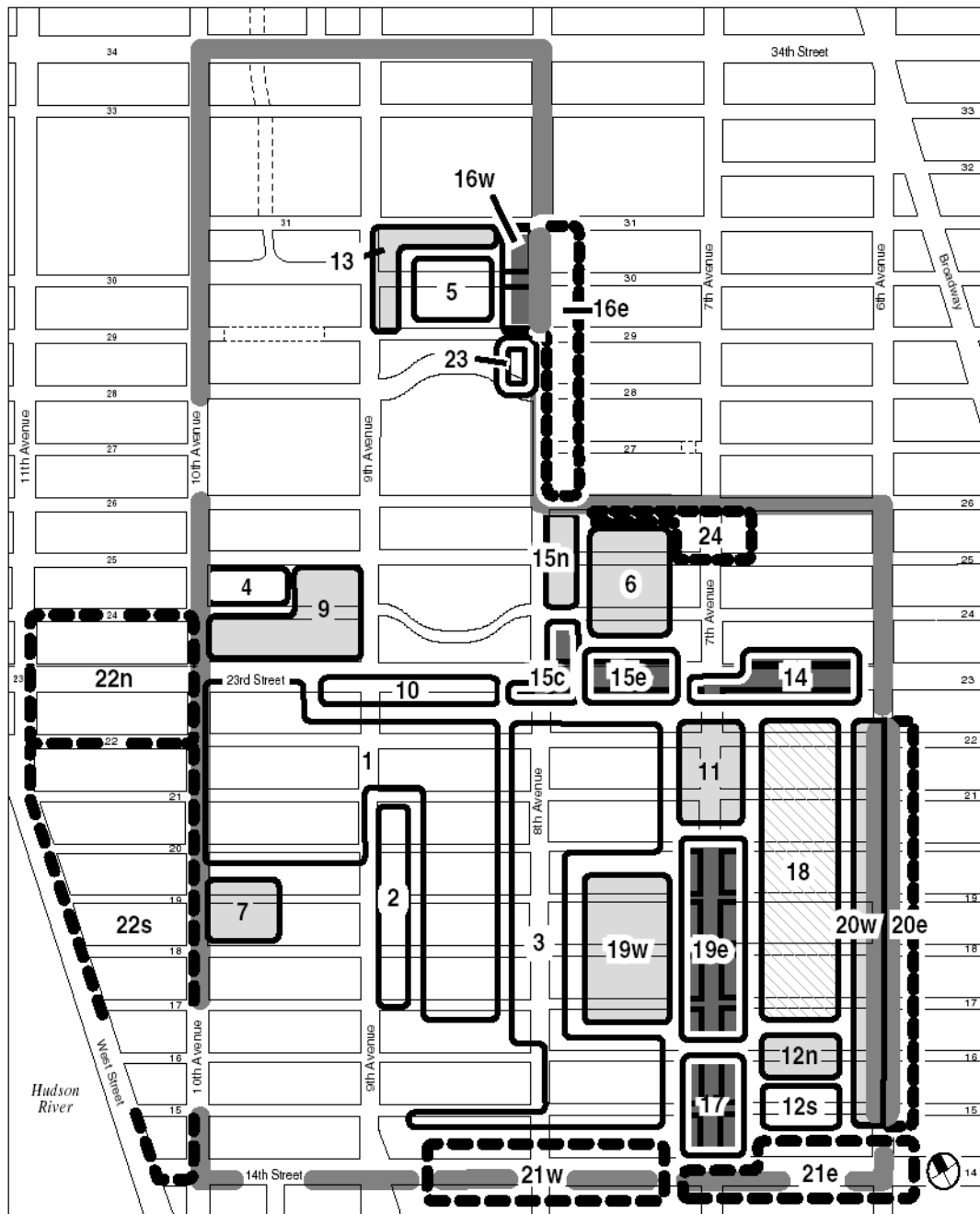
Zoning

197-a plans are statements of general planning principles and land use policy direction. They should not be confused with specific zoning actions, regulated by City Charter Section 197-c, which demand highly detailed analyses of conformance and compliance levels for proposed zoning districts and, possibly, extensive review of potential environmental impacts.








To shape future land use decisions, it is not necessary to recommend a specific zoning district or to identify the exact area in which it should be mapped. A more conceptual 197-a plan provides the Commission, over time and under changing conditions, with valuable guidance when evaluating future zoning actions. For example, instead of recommending that an R6 zoning district be replaced by an R4B district, the plan can propose that it be replaced by a lower density district that encourages new residential development compatible with surrounding development. (*See Figure 8.*)

Even when a 197-a plan's zoning recommendations are broadly conceptual, some level of analysis must be done to make the case that zoning changes are needed. Major inconsistencies between the present or desired built form and what is allowed by the zoning should be noted and evaluated. Permitted density (in general terms: lower density, medium density and higher density) is an important consideration in the analysis. For example, higher density development may be appropriate where the bulk or density of existing development exceeds that permitted by zoning, or where vacant land or marginal uses are near mass transit. Conversely, an area may be underbuilt, i.e., contain development at a lower density than that permitted by the zoning.

Figure 8. Neighborhood Planning Framework
 (From the City Planning Commission resolution approving and modifying the
 Chelsea 197-a Plan



Map A: Chelsea Neighborhood Planning Framework

- | | | | |
|---|---|---|---|
|  | map contextual zoning at reduced density |  | map residential zoning to reflect large-scale housing development |
|  | map contextual zoning at existing density |  | study further |
|  | map contextual zoning at greater density |  | 197-a plan study area |
|  | allow new residential uses;
encourage mixed-income housing | | |

NOTES: 1). Numbers on map refer to subareas identified in CPC report dated April 10, 1996 (Calendar No. 23). 2). There is no subarea 8. 3). Subarea boundaries shown are approximate. 4). Changes in zoning district designations and boundaries can only be finalized through the approval of Zoning Map Change (Section 197-c) applications.

*Approval and Modification of
 Community Board 4 Chelsea 197-a Plan*

Such zoning may provide little protection from new development that may be out of scale with most of the rest of the neighborhood. A lower density, contextual zone might be recommended to preserve existing character.² In these instances, development patterns permitted under the current zoning would be examined and evaluated for consistency with the community's character. The two chief components of this analysis are levels of *conformance and compliance*.

Conformance refers to the *type of use* allowed in a zoning district. A conformance analysis calculates the percent of lots or lot area in a given study area which contain uses permitted (or not permitted) under the zoning for the area. In general, manufacturing uses are not allowed in commercial or residential districts, commercial uses are not allowed in residential districts, and residential uses are not allowed in manufacturing districts. The Zoning Resolution, however, is much more specific about the allowable type and size of various uses. Before compiling a conformance table, the sponsor should consult with DCP staff to ensure an acceptable format. There are a variety of ways to prepare these tables: by number of lots, by lot area as a percent of total lot area, by a lot's street frontage as a percent of total street frontage, by a lot's floor area as a percent of total floor area, etc.

Figure 9. Sample Conformance Table

**PERCENT OF LOT AREA WITH NON-CONFORMING USES
STUDY AREA ZONED M1**

Block	# Lots	Lot Area (sf)	Non-conforming Uses	
			Lot Area	% Lot Area
101	16	80,000	50,000	62.5%
102	22	80,000	64,800	81.0%
103	15	60,000	19,980	33.3%
104	10	100,000	7,500	7.5%
Total	63	320,000	142,280	44.5%

² The Zoning Handbook, available in the DCP Bookstore, is a useful reference.

Figure 10. Sample Compliance Table
(from *Downtown Flushing Plan*, DCP, 1993.)

Buildings Occupied by Commercial / Manufacturing Uses	ZONING DISTRICT									
	C4-2		R6		R7-1		M1-1		M3-1	
	#	%	#	%	#	%	#	%	#	%
More than permitted floor area	9	4.2	5	14.3	–	–	30	36.6	1	3.4
Less than permitted floor area	204	95.8	30	85.7	4	100	52	63.4	28	96.6
Total	213	100.0	35	100.0	4	100.0	82	100.0	29	100.0
Buildings Occupied by Residential Uses										
More than permitted Floor area	6	27.8	42	15.6	18	47.7	–	–	–	--
Less than permitted Floor area	13	72.2	227	84.4	20	52.6	–	–	–	--
Total	19	100.0	269	100.0	38	100.0	–	–	–	--

Which methodology to employ depends on the area's land uses, the availability of certain information, and/or the nature of the plan's proposals. (See Figure 9.)

Compliance refers to the *size and shape* ("bulk") of the development on a property. This includes floor area, height, setbacks, yards, parking spaces, among other characteristics. Compliance tables show the percentage of developed lots in the study area that comply with the zoning district's bulk regulations. As with the conformance tables, the methodology used in compiling and summarizing compliance data should be selected in consultation with DCP before the sponsor begins its work. Because it is not recommended that 197-a plans propose specific zoning districts, the sponsor would generally need to gather only floor area and height information. In most cases, that level of compliance analysis should be sufficient for the Commission to determine whether the proposal to rezone appears to be warranted. (See Figure 10.)

At a minimum, a copy of a zoning map from the Zoning Resolution, with the zoning map number, should accompany the zoning discussion. A thematic map aggregating zoning districts by type can be used to highlight zoning patterns in the study area. (See Figures 11 & 12.)

Figure 11. Zoning Map.
(hypothetical study area shown on a Map Section from the NYC Zoning Resolution.)

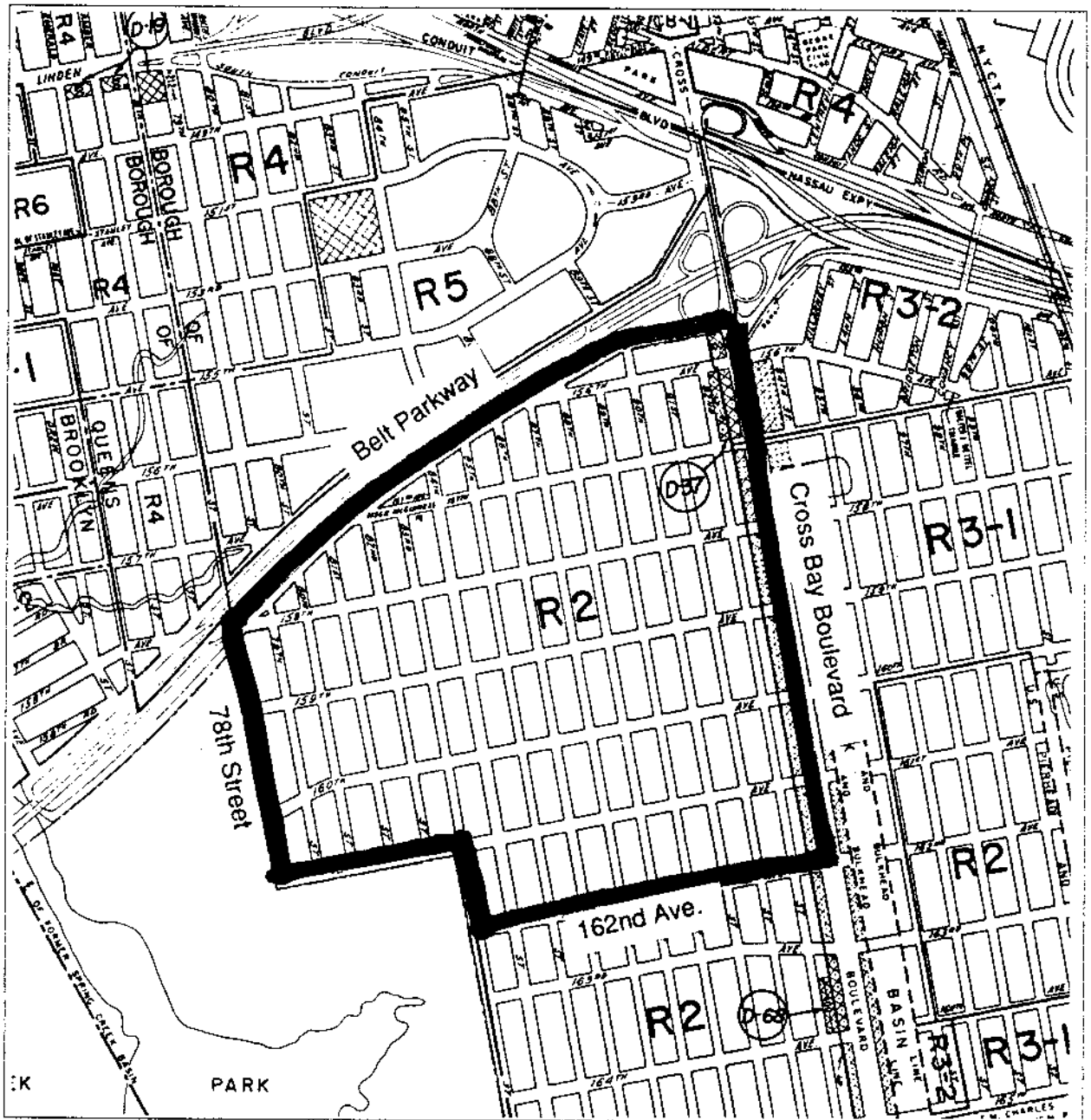
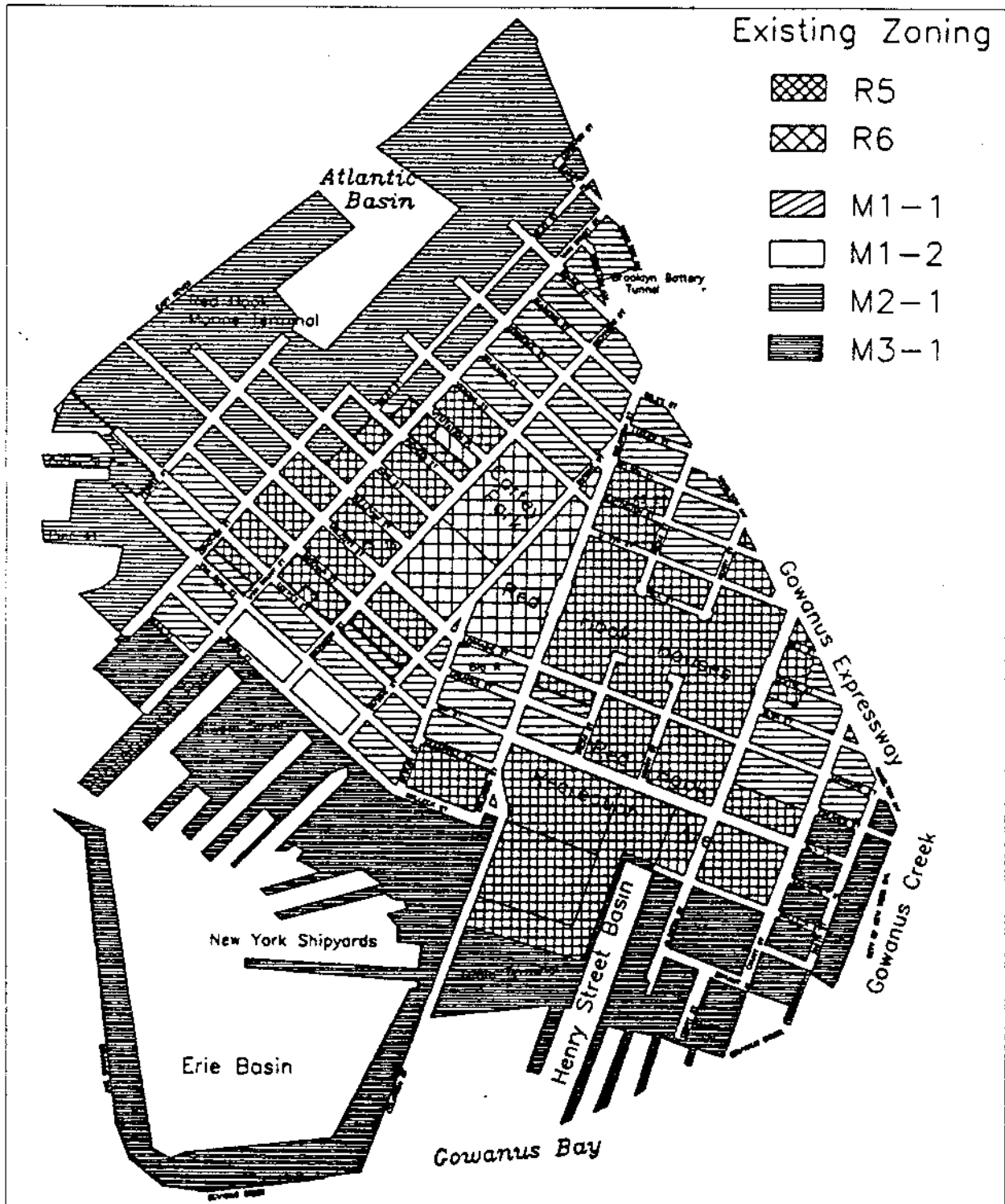


Figure 12. Thematic Zoning Map.
 (from the Red Hook 197-a Plan.)



Population, housing, employment

Analysis of population, housing and employment trends is a useful way to describe neighborhood changes that may point to the need for shifts in land use policy. Demographic information can highlight the demand for additional community resources or social services. For example, a higher proportion of children and teenagers in the community, relative to other communities, can buttress recommendations for new or improved facilities for youth. Rising immigration levels, and the emergence of new ethnic shops and services, may indicate the need for expanding neighborhood commercial districts. Employment data showing job decline or growth can support recommendations for shrinking or enlarging manufacturing districts in a study area. The particular population characteristics presented in a plan will vary depending on its goals.

Several census data sources are available to communities preparing a 197-a plan. The DCP website has a wealth of 2000 census data, including comparisons with 1990 data. Information is provided at borough, community district and census tract levels, and selected demographic and socioeconomic characteristics are displayed on maps. In addition, the department’s *Statements of Community District Needs* provide hard copy tabulations of census data, by tract within community districts. DCP’s MISLAND system also offers sponsors access to current and historical census data. When preparing a 197-a plan, community boards can track population and housing trends and draw comparisons between 1980, 1990 and 2000, displaying the results in a table. (See Figure 13.)

Figure 13. Sample Population Table
(from *Stapleton Town Center - A Zoning Proposal*, DCP, 1992.)

**TOTAL POPULATION AND POPULATION CHANGE
IN THE STUDY AREA, CD AND BOROUGH
1970-1980-1990**

	1970 Population	1980	% Change 1970-1980	1990	% Change 1980-1990
Study Area	9,145	9,623	+9.5	8,751	-9.1
Community District	136,032	138,489	+9.8	137,806	-1.0
Staten Island	295,443	352,121	+8.3	378,977	+9.2

Examples of the data available include population by age, foreign-born population, household and family size and income, population below the poverty level, school enrollment, education levels, labor force and unemployment levels, number of vacant and occupied housing units, and age of housing stock. Information on broad employment trends can be obtained from census journey-to-work data. Employment data for selected years since 1991 including 2000 (Department of Labor ES-202 series) may be obtained upon written request to the DCP borough office. (*See Appendix C - Summary of Information Sources.*)

Community resources, services, infrastructure

As part of the city's annual budget process, community boards assess the needs and conditions in their districts. These *Statements of Community District Needs* provide the context for review of the board's budget priorities by city agencies. Some of a 197-a plan's land use objectives may parallel the infrastructure and service improvements recommended in the community's statement of needs. The plan, in dealing with improvements to promote orderly growth, may also establish the basis for budget priorities.

Whether new needs with city budget implications are addressed in a *Statement of Needs* or a 197-a plan, the board will have to pursue funding through the city's budget process.

If a plan addresses these service and infrastructure issues, it should provide information on existing service patterns and capacity. If inadequate public transportation is the issue, for example, maps of existing bus and subway routes should be included. If shortage of public school seats is the issue, data should be provided on current and projected school enrollment and utilization, which may be obtained from DCP. If the concern is an adverse concentration of certain types of facilities, a map showing the location of those facilities is needed.

DCP's database of *Selected Facilities and Program Sites in New York City*, available in both printed report and computer format, can be used to list or map a range of public and private community facilities, including: schools, parks, libraries, police and fire facilities, hospitals and clinics, day care and head start, senior centers and facilities for the homeless and other special needs populations. Other city-owned and leased facilities, such as community gardens and municipal garages, are listed and mapped in the *Gazetteer and Atlas of City Property*, published annually by DCP and the Department of Citywide Administrative Services. Beginning with the 2002 edition, an Appendix to the Gazetteer provides additional information on city-owned and leased waterfront properties.

Public participation

The final form and content standard deals with the necessity for public participation in the development of 197-a plans. It states:

Section:

4.010g. Plans shall be accompanied by documentation of the public participation in their formulation and preparation, such as workshops, hearings or technical advisory committees.

Public participation in the formulation and preparation of 197-a plans is essential. It ensures that the diverse range of viewpoints and conditions in the community are acknowledged, resulting in a plan whose proposals serve the community at large. It is only through community consultation that a consensus supporting the 197-a plan may be developed. Since implementing an adopted plan may require years of community perseverance, public participation that results in a strong community coalition may turn out to be the most important aspect of a 197-a plan.

To satisfy this standard, a board must hold at least one public hearing before submitting the plan (Section 2.020 of the rules), and provide a record of the date of the hearing and the board's vote approving the plan. In practice, however, sponsors will surely find it necessary to hold a variety of public forums as the plan develops. These may include open 197-a committee meetings, presentations to local civic and business associations, and distributions of drafts soliciting public comment. Major property owners within the study area should also be kept informed about any proposals that may affect them.

A summary record of this public outreach should be submitted with the plan, incorporated in a preamble to the plan, or included in the plan's appendix.

Sound Planning Policy

Although the threshold standards for form and content and those for sound planning policy are often spoken of together, there is an important distinction. The form and content standards are meant to ensure that a 197-a plan is complete, clear, appropriately documented, and as broadly representative as possible. It must be *internally* logical before the Commission can consider its merits. The sound planning policy standards, on the other hand, are intended to ensure that the Commission will be reviewing a plan that exhibits an understanding of *external* relationships and realities: the legal and practical feasibility of implementing its proposals; and the consequences of its proposals for the city at large.

Long-range impact

Section:

4.020a.

All plans, no matter what their form and content, shall include discussion of their long-range consequences, their impact on economic and housing opportunity for all persons (particularly those of low and moderate income), their provision of future growth and development opportunities, their ability to improve the physical environment and their effect on the fair geographic distribution of city facilities. In determining whether a proposed plan contains sufficient discussion of these issues, the Commission shall not evaluate the merits of the plan.

The intent of this standard is to discourage exclusionary 197-a plans, that is, plans that would foreclose or severely restrict opportunities for new housing, economic growth, or siting needed city facilities. It does not bar proposals that might have that effect; it does require serious consideration, and a realistic appraisal, of their long-range consequences. For example, if a plan proposes to reduce the density of residential development throughout the study area, it should acknowledge the impact on housing opportunity. It might discuss the lack of supporting infrastructure or the recent upzoning of an adjoining area within the district where large new housing developments are planned. Alternatively, the plan might propose a balance of upzonings and downzonings, such as the Chelsea 197-a plan, to allow for growth and development at appropriate locations. As another example, a plan proposing to restrict the siting of a particular city facility should consider the effect of that recommendation on the delivery of municipal services and the fair distribution of facilities among the city's communities.

Every plan need not contain a discussion of its potential impacts on the economy, *and* housing production, *and* the physical environment, *and* the fair distribution of city facilities. Again, the focus of discussion depends entirely on the plan's objectives and recommendations.

Jurisdiction

Section:

4.020b. A plan shall set forth goals, objectives, purposes, policies or recommendations that are within the legal authority of the city to undertake.

Actions proposed in a 197-a plan must be within the legal authority of the city's agencies to implement. Proposals that require actions by a state or federal authority would be outside the city's powers to undertake. Any proposal that depends on the approval of a state or federal agency or requires financial aid from a federal or state agency should be carefully scrutinized as to its feasibility. For example, a proposal that involves relocating a state or federal facility or reconfiguring a state or federal roadway would be beyond the city's ability to implement under its own legal authority.

Although a plan may take note of desired federal or state actions related to its key objectives, the entire plan should not rise or fall on actions that the city itself is unable to implement. It is especially important in these instances to provide credible evidence that the federal or state agency with jurisdiction has been consulted and is willing to entertain the proposal. (See *Agency consultation* below.) If the proposal appears to be unacceptable to the agency, it should probably be deleted from the plan.

Agency consultation

Section:

4.020c. A plan which considers issues which are under the jurisdiction of specific city or state agencies shall contain evidence that such agencies have been consulted and shall disclose any comments of such agencies.

The extent to which this standard is satisfied can spell the difference between a plan's success or failure - - both its prospects for adoption and its implementation once adopted. Every agency that would be responsible for funding an improvement, advancing a policy, or providing a service recommended in a plan must be consulted before the plan is submitted. The earlier that consultation begins the better. Early consultation with affected agencies can help to verify information about existing conditions, and can help the sponsor understand policy or budgetary constraints that would affect the feasibility of its proposals. In some cases, a series of meetings with an agency may be needed to sort out a particularly thorny issue.

During the substantive review of the plan, DCP will be conferring with the affected agencies in order to advise the Commission on the practicality or budget implications of the plan's recommendations. Whenever possible, it is advisable to try to get those agencies on board during the plan's formulation, and not to wait until the plan is under review. This does not mean that the responsible agencies must agree at the outset with all the plan's recommendations, but they must be consulted.

At a minimum, the plan must include evidence of consultation. An attachment or appendix may contain copies of letters from the sponsor to the relevant agencies soliciting comments on the draft plan and any written responses. Alternatively, it may contain a summary of meetings with agency representatives.

Relation to other policy documents

Section:

4.020d. A plan shall show consideration of its relationship to applicable policy documents including the Ten-Year Capital Strategy, the Zoning and Planning Report, the borough and mayoral Strategic Policy Statements and any 197-a plan of a neighboring or superior jurisdiction.

In the plan itself or as an attachment, the sponsor must provide evidence that the consistency of the plan with related policies has been considered. The plan need not be consistent with applicable policy documents, including but not limited to those listed above, but any relationship should be discussed. For example, any community board plan for a section of Manhattan waterfront should consider the relationship of its recommendations to those of the adopted boroughwide 197-a plan for the Manhattan waterfront. If the community plan differs significantly from the borough plan, the reasons for the difference should be discussed.

Although community boards generally have copies of most of these policy documents, additional copies of the Mayor's Strategic Policy Statement, the Ten-Year Capital Strategy, and any relevant 197-a plan may be obtained through DCP. The offices of the Borough Presidents should be contacted for copies of their Strategic Policy Statements.



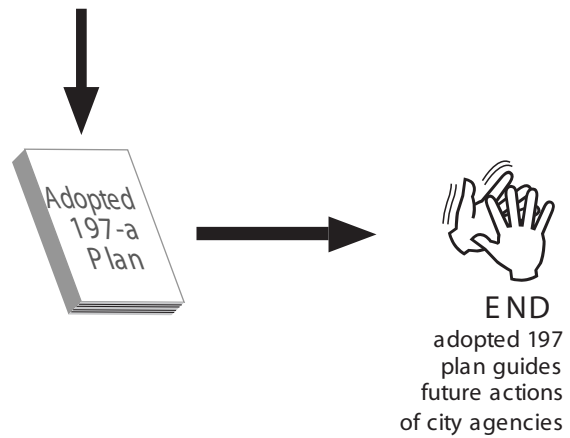
WILLIAMSBURG WATERFRONT 197-a PLAN (2002): Portion of former Eastern District Terminal acquired by the state for a new park with playing fields and an esplanade.

Conclusion

The purpose of this guide is to make the 197-a process, and the threshold standards, as understandable and accessible as possible. It tries not to set up huge technical hurdles, but neither does it minimize the effort involved in producing a credible plan. If a community's vision is to be taken seriously by those who can transform vision to reality, the plan must be logical, convincing and realistic. That can be a tall order, but need not be totally daunting. Sometimes, a plan can be prepared and reviewed with relative ease if it does not try to be too comprehensive but is limited to one or two issues of greatest importance to the community. In all cases, the Department of City Planning can provide the guidance and technical assistance needed to facilitate a successful outcome for a community's 197-a plan.



CHELSEA 197-a PLAN (1996): Mid-block residences on West 15th Street between 6th and 7th Avenues, rezoned in 1999 to contextual district as proposed in plan.



MORRISANIA 197-a PLAN (1992): New York City Housing Partnership homes constructed since adoption of the plan.

APPENDIX

Appendix A
Sample Letter of Intent

Borough of Queens
Community Board No. 15

September 18, 2002

Amanda M. Burden
Director
NYC Department of City Planning
22 Reade Street
New York, NY 10007

Dear Ms. Burden:

This letter is to inform you that Queens Community Board No. 15, under the authority granted to it by Section 197-a of the Charter of the City of New York, intends to submit a community plan, *Community Board 15: Planning for the Future*, early in 2003.

We appreciate the help and guidance given by City Planning staff during our preliminary discussions. Our 197-a committee expects to complete the plan and present it at a public hearing within the next three months.

We look forward to your continuing cooperation in this matter.

Sincerely,
Jane Smith
Jane Smith
Chairperson, CB 15

Robert Jones
Robert Jones
District Manager, CB 15

Appendix B

Sample Threshold Review Letter



DEPARTMENT OF CITY PLANNING
CITY OF NEW YORK

STATEN ISLAND OFFICE

Amanda M. Burden, *Director*
Department of City Planning

April 25, 2002

Leslie Brown
Chairperson
Staten Island Community Board 4
142 Layton Avenue
Staten Island, NY 10302

Re: 197-a Plan Threshold Review

Dear Ms. Brown:

We appreciate the effort and thought that Community Board 4 has put into its proposed 197-a plan which was submitted on February 14, 2002 (N 960445 NPR). The department has reviewed the proposed plan and has the following comments on its (1) form and content and (2) consistency with sound planning policy (based on the City Planning Commission's Rules for Processing of Plans Pursuant to Charter Section 197-a, July, 1991).

FORM AND CONTENT (Section 4.010)

We believe the proposed plan meets form and content standards (a) through (d) and (g) of Section 4.010. With respect to form and content standards (e) and (f), which call for documentation and analyses to address the plan's goals and support its recommendations, the following information is needed.

Analysis of tax lot data for the areas which your plan identifies as having inappropriate residential and commercial zoning district designations.

A. Residential areas

1. existing housing types and configurations on lot
2. existing FAR's by lot
3. percent of lot area complying with existing zoning district regulations

130 Stuyvesant Place, Staten Island, New York 10301-2511 6th Floor (718)556-7240
FAX (718)556-7305

B. Areas with commercial uses and/or commercial districts

1. existing FAR's by lot
2. existing uses by use group by lot
3. percent compliance of FAR in relation to the regulations existing zoning district
4. percent conformance of uses in relation to the regulations existing zoning district

Our office has collected much of the basic information on lots in your study area. We would be pleased to make that data available to Community Board 4 so that compliance and conformance percentages can be calculated. We would also provide guidance on the methodology for determining these percentages.

SOUND PLANNING POLICY (Section 4.020)

- A. In view of the plan's zoning recommendations, it should include a discussion of the plan's "long-term consequences, [its] impact on economic and housing opportunity for all persons (particularly those of low and moderate income), [and its] provision of future growth and development opportunities..."
- B. In addition to the correspondence included in Appendices F and G, the proposed plan should contain evidence of outreach to, and any response from:
 - a. NYC Department of Parks and Recreation (regarding parkland recommendations)
 - b. NYC Department of Transportation (regarding proposed roadway improvements).

We look forward to working with Community Board 4. We will contact you shortly to schedule a meeting so that we can make available the information needed to achieve conformance with threshold standards for 197-a review.

Sincerely,

Karen Greene

Karen Greene
Director, Staten Island Borough Office
NYC Dept. of City Planning

Appendix C

Summary of Information Sources for 197-a Plans Available on Department of City Planning Website

General Information

[Products > Publications](#)

List of publications available in the DCP Bookstore, most linked to excerpts or full text. Includes maps and reports likely to be relevant to community 197-a plans, such as all adopted 197-a plans; the department's waterfront and neighborhood plans; the New Waterfront Revitalization Program; zoning maps and the zoning handbook; demographic and housing data; city-owned and leased property; and a variety of base maps

A bookstore order form can be downloaded and mailed or faxed with check, money order or credit card information to the City Planning Bookstore. Or visit the bookstore at

22 Reade Street, New York, NY 10007-1216

Phone: 212-720-3667 or 3668

Fax: 212-720-3646

Open weekdays from 10:00 am to 4:00 pm

[Zoning > Home](#)

Online version of the Zoning Resolution of New York City.

Contains zoning maps for the entire city, and text of the zoning resolution, including recent amendments.

[Projects/Proposals > Home](#)

Recent City Planning studies, projects and zoning proposals presented for public review and comment.

[Reference > District Profiles](#)

Includes maps and data for community districts in New York City.

[Reference > Bicycle Network Development](#)

Maps of bicycle routes in the city. Includes the 1997 Bicycle Master Plan and the 1993 Greenway Study.

GIS Data:

[Products > BYTES of the BIG APPLE](#)

The BYTES of the BIG APPLE geographic base map files are maintained, and new releases are periodically produced, by the Geographic Systems Section of DCP's Information Technology Division. These files can be imported into a wide variety of Geographic Information System software products to produce computer-generated maps and to perform spatial analysis

[Products > BYTES of the BIG APPLE](#)

Tax Block Base Maps

[Products > BYTES of the BIG APPLE](#)

DCPLION - Single Line Street Base Map

[Products > BYTES of the BIG APPLE](#)

Administrative and Political Districts

State Assembly Districts, Borough Boundaries, City Council Districts
Community Districts , Congressional Districts, 2000 Census Tracts,
2000 Census Blocks, Election Districts, Fire Companies, Health Areas,
Health Center Districts, Police Precincts, School Districts, State Senate Districts

2000 Census Data

[Reference > Population](#)

2000 Census Data is arranged by various geographies, including Community District, Census Tract and Block, and in some cases Zip Code. The website also has base maps of census tracts and thematic maps of selected data.

Some of the data tables currently available include:

- Race and Ethnicity
- Gender
- Age
- Education
- Income
- Labor Force
- Poverty
- Social Background
- Housing Units