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Conceptual Analysis

This EIS includes a conceptual analysis to generically assess potential environmental impacts that could result if a ~~special permit~~ Special Permit is applied for and obtained to build a hotel within the Proposed Action's Area of Applicability. Approval of such a ~~special permit~~ Special Permit would be subject to discretionary approval, and any environmental impacts associated with such action would be assessed and disclosed pursuant to a separate, project-specific environmental review.

Introduction

To disclose the possible environmental impacts of a new hotel development within the Area of Applicability, analyses were conducted on a conceptual basis, as discussed in this chapter. This assessment provides an analysis of the potential future use of the ~~special permit~~ Special Permit, and its environmental effects.

The conceptual analysis generically considers whether there could be environmental impacts from the future use of the ~~special permit~~ Special Permit. Because the potential for significant adverse impacts is dependent on site-specific conditions, it is difficult, in the absence of specific applications, to predict the full scope of potential impacts. It is not possible to predict whether discretionary actions would be pursued on any one site in the future, and each action would require its own ULURP approvals. Any time a discretionary action is

applied for, including the ~~special permit~~ Special Permit created under this Proposed Action, it would be subject to its own environmental review, with a project-specific analysis, beyond what is analyzed in this chapter, on a conceptual and generic basis.

Principal Conclusions

The Proposed Action would create a new ~~special permit~~ Special Permit to allow new and enlarged hotels within the Area of Applicability upon approval by CPC. Although it is impossible to predict the precise impacts that would be realized by the utilization of the proposed ~~special permit~~ Special Permit, a conceptual analysis was conducted for the purpose of understanding the probable range of impacts that may result with the proposed ~~special permit~~ Special Permit. In general, use of the ~~special permit~~ Special Permit could affect those environmental analysis areas that are influenced by a development's use. While use of the ~~special permit~~ Special Permit would not change aspects of allowable building bulk or design, the conceptual analysis also considers those analysis areas that are influenced by a development's proposed design.

The requirements of the new ~~special permit~~ Special Permit would limit the potential for significant adverse impacts related to land use, zoning, and public policy. It is feasible that the areas of subsurface disturbance would be different between the existing (or No-Action) condition and a building that makes use of the ~~special permit~~ Special Permit. Therefore, hotel development pursuant to the ~~special permit~~ Special Permit could result in different potential impacts on archaeological resources and/or hazardous materials. A number of environmental analysis areas are site specific and dependent on factors unique to a particular development, and, as a result, a determination of potential for significant adverse impacts cannot be made absent a specific application for the new ~~special permit~~ Special Permit. Consequently, the results would be determined on a case-by-case basis at the time a specific project is proposed and undergoes its own environmental review.

Description of the Proposed Special Permit

As discussed in detail in **Chapter 1, Project Description**, the Proposed Action aims to create a more consistent framework for hotel development citywide and to ensure that new hotels are established on appropriate sites, based on reasonable considerations regarding the hotel development's impact on the future use and development of the surrounding area.

The zoning text amendment¹ would establish a CPC ~~special permit~~ Special Permit for new and enlarged transient hotels (Use Group 5), motels, tourist cabins, and boatels (Use Group 7). The new CPC ~~special permit~~ Special Permit will replace existing special permits in Special Purpose Districts and require a CPC ~~special permit~~ Special Permit citywide for new hotels and enlargements in C1 (except for C1-1, C1-2, C1-3 or C1-4 Districts), C2², C4, C5, C6, C8, Mixed Use (MX), and paired M1/R districts. The text amendment would retain existing findings and regulations for hotels in M1 districts, where a special permit was adopted in December 2018.

¹ The proposed text amendment 32-02 Special Provisions for Hotels is provided in Appendix A of this ~~DEIS~~ FEIS

² In C2-1 through C2-4 districts, transient hotels may be located only within a 1,000-foot-radius of the entrance/exit of a limited-access expressway.

The Proposed Action would also retain provisions adopted in the 2018 text amendment to exempt hotels in M1 districts operated for a public purpose.

Assessment of the Potential Effects of Future Use of the Special Permit

Methodology

This conceptual analysis generically considers whether there could be environmental impacts from the future use of the ~~special permit~~ Special Permit.

The ~~special permit~~ Special Permit would not allow the development of more floor area than otherwise permitted under existing zoning regulations, nor would it change aspects of allowable building bulk or design; instead, it would allow a hotel to be developed in areas where hotels are currently allowed either as-of-right or by special permit.

The proposed text amendment is not anticipated to induce additional development, and absent a given project that would seek a ~~special permit~~ Special Permit for hotel development, sites could still be developed with uses that would remain as-of-right under zoning.

In general, a conceptual analysis cannot attempt to analyze every possible scenario under which a CPC ~~special permit~~ Special Permit could be granted, since there are too many variations and possibilities to consider, and it is difficult to ascertain how many future development proposals will seek to make use of the ~~special permit~~ Special Permit. However, as noted in **Chapter 1, Project Description**, in the past decade, approximately 4,210 hotel rooms were built through DCP-facilitated actions in areas that currently have special permit provisions for hotel use, and as part of the Reasonable Worst-Case Development Scenario (RWCDs), it is estimated that approximately 4,200 rooms will be developed in the With-Action condition through use of the ~~special permit~~ Special Permit.

The text amendment would require that, as part of the review process for each ~~special permit~~ Special Permit application, CPC make specific findings to ensure that the hotel use would be contextual with its surrounding neighborhood.

This conceptual analysis considers what the general effects may be of future developments that seek the ~~special permit~~ Special Permit and assesses the potential for projects seeking the ~~special permit~~ Special Permit to result in significant adverse impacts.

In general, use of the ~~special permit~~ Special Permit could affect those environmental analysis areas that are influenced by a development's use; these areas include land use, zoning, and public policy; socioeconomic conditions; open space (non-residential open space); water and sewer infrastructure; solid waste and sanitation services; energy; transportation; air quality (mobile sources); and noise (mobile sources). While use of the ~~special permit~~ Special Permit would not change aspects of allowable building bulk or design, this conceptual analysis also considers those technical analysis areas that are influenced by a development's proposed design; these areas include shadows, historic resources, urban design and visual resources, neighborhood character, natural resources, hazardous materials, and air quality (stationary sources). Because the ~~special permit~~ Special Permit would be sought in connection with

future hotel development, it would not result in impacts on community facilities, since hotel use does not generate any school- or childcare-eligible children.

Environmental Effects

Land Use, Zoning, and Public Policy

Land use, zoning and public policy impacts are site specific and dependent on the given mix of land use and building densities that are in proximity to, and would be affected by, a proposed hotel use. In addition, the potential for public policy impacts is specific to the public policies applicable in a given area.

The general effects of the use of the ~~special permit~~ Special Permit would be related to whether a proposed hotel use would be consistent (or inconsistent) with the context of the study area, if the hotel use would be consistent (or inconsistent) with zoning, and if the hotel use would support or hinder relevant public policies. If a future hotel development would be located in the City's coastal zone, then under the Proposed Action it would be evaluated for consistency with the City's Waterfront Revitalization Program (WRP) policies. The site-specific land use, zoning, and public policy impacts that result from any given development that utilizes the ~~special permit~~ Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Socioeconomic Conditions

Socioeconomic conditions impacts are site specific and dependent not only on the existing use of a development site but on conditions of housing, businesses, and industry in proximity to a development site. The general effects resulting from the use of the ~~special permit~~ Special Permit would be related to whether a proposed hotel would result in direct or indirect displacement; again, this would be related to existing (and No-Action) uses on the specific site and to the character of the surrounding area as influenced by its housing, business, and industry condition. The site-specific socioeconomic conditions impacts that result from any given development that utilizes the ~~special permit~~ Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Community Facilities and Services

As defined for CEQR analysis, community facilities are public or publicly funded schools, libraries, early childhood programs, health care facilities, and fire and police protection. A project would directly affect a facility if it would physically displace or alter a facility or if it would result in a change in population that would create a demand for community facilities that could not be met by existing facilities. The *CEQR Technical Manual* states that community facilities analyses are most commonly associated with residential projects, since demand for community services generally results from the introduction of new residents to an area.

As noted above, because the ~~special permit~~ Special Permit would be sought in connection with future hotel development, it would not result in indirect impacts on community facilities, since hotel use does not generate any school- or childcare-eligible children. The potential for direct impacts is site specific and dependent on the existing use of a development site. Therefore, the general effects resulting from the use of the ~~special~~

~~permit~~Special Permit would be limited to the differing direct impacts to existing community facilities, should any be located on a development site, from those in the existing (or No-Action) condition. The site-specific socioeconomic conditions impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Open Space

Open space impacts are site specific and dependent on the estimated employees and visitors of a particular development and on conditions of open space in proximity to a development site. The general effects resulting from the use of the ~~special permit~~Special Permit would be limited to the differing effects on open space accessibility and utilization in the surrounding area from those that would occur in the existing (or No-Action) condition. Site-specific open space impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Shadows

Shadows impacts are site specific and dependent not only on the bulk and massing of a proposed development but on the sunlight-sensitive resources that are in proximity to and would be affected by new shadows. The general effects resulting from the use of the ~~special permit~~Special Permit would be limited to the differing shadows (the theoretical length and duration of which are not measurable) from those in the existing (or No-Action) condition. The site-specific shadows impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Historic and Cultural Resources

Archaeological Resources

Because building design is site-specific, it is possible that the areas of subsurface disturbance would be different between the existing (or No-Action) condition and a building that makes use of the ~~special permit~~Special Permit. Therefore, the proposed text amendment could result in different potential impacts on archaeological resources.

As stated above, it is not possible to predict where or how often the provisions of the text would be used. Consequently, a site-specific analysis cannot be provided. Archaeological impacts are site specific and depended upon not only the areas of subsurface disturbance but on the presence or absence of archaeological resource on or in proximity to a development site. The general effects resulting from the use of the ~~special permit~~Special Permit would be limited to the differences in ground disturbance from those in the existing (or No-Action) condition. Given that the ~~special permit~~Special Permit may only be utilized through the granting by the CPC, site-specific archaeological impacts that result from use of the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Architectural Resources

Because building design is site specific, it is possible that differences in site plan/distribution of building bulk between the existing (or No-Action) condition and a building that makes use of the ~~special permit~~ Special Permit could result in different contextual impacts on adjacent or nearby architectural resources.

Architectural impacts are site specific and dependent upon not only the bulk and massing of a given proposal but on the presence or absence of architectural and historic resources on or in proximity to a development site. The general effects resulting from the use of the ~~special permit~~ Special Permit would be limited to the differences between the bulk and massing of a proposal (the theoretical size, density, and configuration of which are not measurable) and that which would result from a development that did not make use of the ~~special permit~~ Special Permit. Given that the ~~special permit~~ Special Permit may only be utilized through granting by the CPC, site-specific architectural impacts that result from any given developments that utilize the ~~special permit~~ Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Urban Design and Visual Resources

Urban design and visual resource impacts are site specific and dependent upon not only the bulk and massing of a given proposal but on the urban design of the surrounding area and the presence or absence of visual resources within that area.

The general effects resulting from the use of the ~~special permit~~ Special Permit would be limited to the differences between the bulk and massing of a proposal (the theoretical size, density, and configuration of which are not measurable) and that which would result from a development that did not make use of the ~~special permit~~ Special Permit, as well as the resulting effect on the surrounding urban design and its relationship to any visual resources. Site-specific urban design and visual resources impacts that result from any given development that utilizes the ~~special permit~~ Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Natural Resources

Natural resources impacts are site specific and are dependent on a site's location and the presence (or absence) of natural resources, which the *CEQR Technical Manual* defines as the City's biodiversity; any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. The general effects resulting from the use of the ~~special permit~~ Special Permit would be limited to the differing effects on natural resources, should any be present, from those in the existing (or No-Action) condition. The site-specific natural resources impacts that result from any given development that utilizes the ~~special permit~~ Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Hazardous Materials

Hazardous materials impacts are site specific and dependent upon not only on the areas of subsurface disturbance but on the presence or absence of contaminated materials on or in proximity to a development site. Because building design is site-specific, it is possible that differences in site plan between the existing (or No-Action) condition and a building that makes use of the ~~special permit~~Special Permit could result in different areas of subsurface disturbance and therefore, different potential impacts on hazardous materials. The site-specific hazardous materials impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Water and Sewer Infrastructure

Water and sewer infrastructure impacts are site specific and dependent on the estimated water supply and wastewater and stormwater conveyance of a particular development and on conditions of related infrastructure in proximity to a development site. Given that a site-specific analysis is not possible, the general effects resulting from the use of the ~~special permit~~Special Permit would be limited to differing water flows from that of the existing (or No-Action) condition. The site-specific water and sewer infrastructure impacts that result from any given development that utilizes the proposed text amendment would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Solid Waste and Sanitation Services

Solid waste and sanitation impacts are site specific and dependent on the estimated solid waste generation of a particular development. The general effects resulting from the use of the ~~special permit~~Special Permit would be limited to differing solid waste generation from that of the existing (or No-Action) condition. The site-specific solid waste impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Energy

As noted in the *CEQR Technical Manual*, in most cases, a project does not need a detailed energy assessment, but should disclose its operating energy consumption. The general effects resulting from the use of the ~~special permit~~Special Permit would be limited to differing energy demand from that of the existing (or No-Action) condition. The site-specific energy demand that result from any given development that utilizes the ~~special permit~~Special Permit would be disclosed to the public under and pursuant to a separate environmental review.

Transportation

Transportation impacts are site specific and dependent on the estimated trip generation and trip assignments for a given development site and the transportation conditions in the surrounding area. Given that a site-specific analysis is not possible, the general effects resulting from the use of the ~~special permit~~Special Permit would be limited to differing trip generation from that of the existing (or No-Action) condition, which could have different

effects on traffic, parking, transit and pedestrian amenities in the surrounding area. The site-specific transportation impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Air Quality

The potential for stationary source air quality impacts is site specific and dependent upon building size and shape, the type and location of building ventilation systems, and the proximity of nearby sensitive uses and uses that could in turn affect a development. The potential for mobile source air quality impacts is site specific and dependent on a development's effect on vehicular traffic. Given that future use of the ~~special permit~~Special Permit is dependent on an application to the CPC, the potential for air quality impacts that result from any given development that uses the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Greenhouse Gas Emissions

The potential for a project to be consistent or inconsistent with the City's greenhouse gas emissions reduction goals is dependent on a development site's location and the intensity of its potential energy use as well as other factors. The general effects resulting from the use of the ~~special permit~~Special Permit would be limited to differing energy demand from that of the existing (or No-Action) condition. The site-specific energy demands, and their effect on consistency with greenhouse gas emission reduction goals, that result from any given development that utilizes the ~~special permit~~Special Permit would be disclosed to the public under and pursuant to a separate environmental review.

Noise

The potential for stationary or mobile source noise impacts are site specific and dependent upon building size and shape, the type and location of building ventilation systems, and the proximity of nearby sensitive uses or noise producing uses that could in turn affect a development. The site-specific noise impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Public Health

Public health in a neighborhood is established by numerous factors, including air quality, noise, and hazardous materials. The proposed use of the ~~special permit~~Special Permit could result in differences in a development's effect on air quality, noise, or hazardous materials. Therefore, there is the potential that these elements of public health could be affected. The site-specific public health impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Neighborhood Character

The character of a neighborhood is established by numerous factors, including land use patterns, the characteristics of its population and economic activities, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include noise levels, traffic, and pedestrian patterns. The proposed text amendment could result in different effects on land use, socioeconomic conditions, noise, traffic, pedestrian levels, urban design, visual resources, and historic resources than that in the existing (or No-Action) condition. Therefore, there is the potential that these elements of neighborhood character could be affected by a future development that seeks the ~~special permit~~Special Permit. The site-specific neighborhood character impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.

Construction

The potential for construction impacts ~~are~~is site specific and dependent upon building size, construction duration, the proximity of nearby sensitive uses, and whether a project would implement measures beyond those already required by various codes and regulations to reduce air quality emissions and noise. Because assessments of construction are dependent on a specific site plan, it cannot be determined how the proposed text amendment would affect the proposed construction timeline or resulting air quality, noise, historic resources, hazardous materials, or transportation conditions. The site-specific construction-period impacts that result from any given development that utilizes the ~~special permit~~Special Permit would be assessed and disclosed to the public under and pursuant to a separate environmental review.