

Chapter 22: Conceptual Analysis of the Proposed Text Amendments

A. INTRODUCTION

This chapter analyzes the potential for significant adverse environmental impacts resulting from possible future City-wide application of proposed amendments to the text of two provisions of the New York City Zoning Resolution (ZR) governing General Large-Scale Developments (GLSDs) and several provisions governing the Inclusionary Housing program. The proposed text amendments would amend the following ZR provisions:

- Expansion of the definition of General Large Scale Development (GLSD) under ZR Section 12-10 to allow by special permit the inclusion of a zoning lot that contains an existing building not integrally related to the other parts of the general large-scale development, provided that the building covers less than 15 percent of the general large-scale development lot area and provided that there is no bulk distribution from the zoning lot containing such existing building. The expansion of the definition would apply only in C5 and C6 zoning districts and only for a development with a lot area of at least 5 acres.
- Modification of the General Large Scale Development Plan under ZR Section 74-743, to allow by special permit a residential plaza to be located anywhere within a general large-scale development without regard for zoning lot lines, provided the general large-scale development has a minimum lot area of 5 acres and is located in a C5 or a C6 zoning district.
- Amendment of ZR Section 23-144 to add Community District 6 in Manhattan as an area containing an Inclusionary Housing designated area.
- Amendment of ZR Section 23-15 to provide that the maximum FAR of 10.0 in R10 zoning districts (bonusable to 12.0 FAR through the Inclusionary Housing provisions of ZR Sections 23-90 et. seq.) would not apply in Inclusionary Housing designated areas.
- Amendment of ZR Section 23-922 to designate the 616, 700, and 708 First Avenue development parcels as an Inclusionary Housing designated area.
- Amendments of ZR Sections 24-161 and 35-31 to provide that the floor area ratios of the Inclusionary Housing program would apply on zoning lots containing both community facility and residential floor area and would apply to mixed-use buildings, where such zoning lots or mixed-use buildings are located in GLSDs.
- Amendment of ZR Section 74-743 to allow, by special permit in C4-6 and C5 zoning districts, certain modifications to the method of calculating the amount of lower income housing required in order to qualify for the maximum available floor area bonus, specifically, that community facility floor area above the ground floor be excluded from the calculation of the amount of lower income housing required pursuant to ZR Section 23-942 and that a portion of the lot area that contains a wholly commercial building be

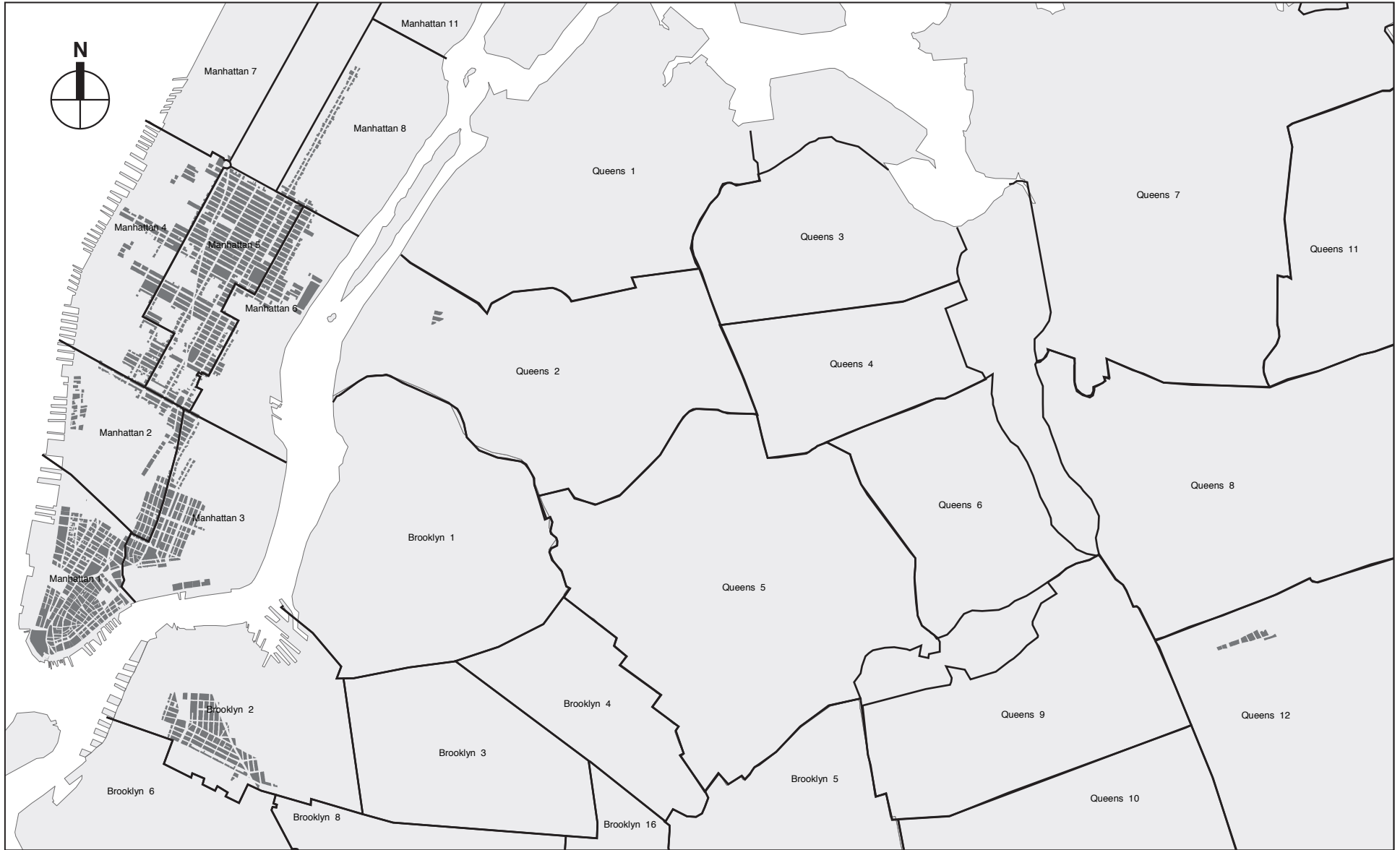
First Avenue Properties Rezoning Final SEIS

excluded from the calculation of floor area for any other buildings on the remainder of the zoning lot.

The designation of a proposed development as a GLSD by the City Planning Commission (CPC) pursuant to ZR 74-74 is designed to allow greater flexibility in the distribution of bulk, density, open space, and on-site parking in order to achieve a better site plan for the large-scale development. In terms of bulk modification for GLSDs, the CPC may permit flexibility in: (1) the distribution of total allowable floor area, rooming units, dwelling units, lot coverage, and total required open space; (2) the location of buildings; and (3) variation in the location of primary business entrances and show windows. (See below for more specificity on the special provisions for bulk modification.) Under existing regulations, a GLSD for which a special permit application is made must be on a tract of land that is at least 1.5 acres and that is under the control of the applicant as owner. In addition, a GLSD may contain an existing building only if it forms an integral part of the GLSD and provided no bulk is distributed from the zoning lot containing the existing building. An application to the CPC for a special permit pursuant to 74-74 for a GLSD must include a site plan showing the GLSD boundaries and the proposed location and use of all buildings comprising the GLSD. Further, under existing zoning regulations, the bonus floor area generated by a residential plaza may be used only on the zoning lot that contains the plaza.

The proposed amendment of ZR Section 12-10 would facilitate the retention of existing non-integral buildings and would expand the opportunities for use of the GLSD designation. The proposed amendment of ZR Section 74-743 related to public plazas would allow bonus floor area generated by a residential plaza on one zoning lot within a GLSD to be utilized on another zoning lot within the same GLSD and thereby would allow for the development of larger open spaces within GLSDs, which could accommodate a greater range of open space uses, rather than a series of smaller public plazas. These two proposed text amendments to the ZR provisions governing GLSDs have utility independent of each other. The text amendments would be applicable to properties with lot areas of at least five acres located within C5 and C6 districts (see Figure 22-1). Figure 22-2 identifies specific locations within C5 and C6 zoning districts where there are at least five acres of property currently under single ownership. Based on the properties identified in Figure 22-2, there are no specific locations expected to take advantage of the proposed text amendments—all of the locations to which the proposed text amendments would apply are built out with commercial, institutional, or civic uses.

The existing Inclusionary Housing Program for sites in R10 zoning districts, pursuant to ZR Section 23-90, permits a floor area bonus of between 2.0 and 4.0 zoning square feet for every one zoning square foot of affordable housing provided as part of a proposed development, up to a maximum FAR of 12.0, depending on whether the affordable housing is provided as new construction or as substantial rehabilitation or preservation of existing affordable housing, and whether it is located on or off site. The proposed amendments to the Inclusionary Housing program would designate the 616, 700, and 708 First Avenue development parcels as an Inclusionary Housing designated area and would create a more pronounced bonus mechanism than is provided under the existing regulations for R10 sites. This bonus mechanism would foster a greater amount of affordable housing for high-density areas that are rezoned, where such areas are designated as Inclusionary Housing designated areas. The proposed amendment of ZR Section 74-743 related to the calculation of required lower-income housing would facilitate mixed-use development of this large site while maintaining the Inclusionary Housing incentives for 20 percent of housing to be provided as affordable. The amendments of ZR Sections 23-15 and 74-743 would only be currently applicable to the proposed development parcels. The



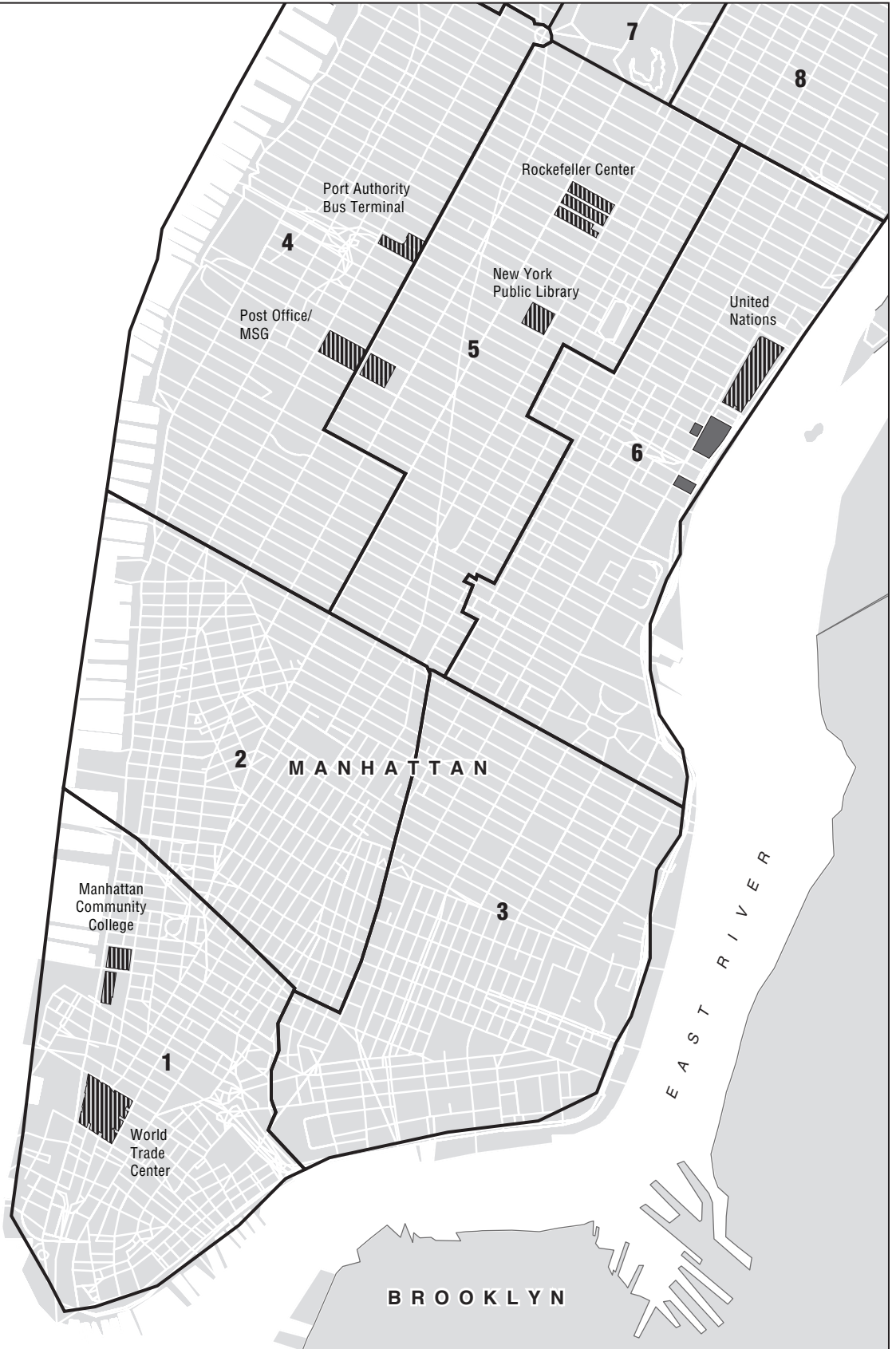
C5 and C6 Zoning Districts with Acreage of 5 Acres or Greater under Single or Multiple Ownership

Manhattan 1 *Community District Number*

C5 and C6 Zoning Districts Containing at Least 5 Contiguous Acres of Land
Figure 22-1



H U D D S O N R I V E R



NOT TO SCALE

-  *Development Parcels*
-  *Existing Assemblages of 5 Acres or Greater under Single Ownership in C5 and C6 Zoning Districts*
- 1** *Manhattan Community District Number*

Existing Assemblages of 5 Acres or Greater under Single Ownership in C5 and C6 Zoning Districts
 Figure 22-2

Chapter 22: Conceptual Analysis of the Proposed Text Amendments

amendment to ZR Section 23-15 could apply to other R10 areas in the City designated as Inclusionary Housing designated areas, but the only other such area—in Jamaica, Queens—is already governed by an alternative set of floor area regulations pursuant to the Special Downtown Jamaica District. The amendment to ZR Section 74-743 would not currently be applicable anywhere other than the proposed development parcels, because there are currently no Inclusionary Housing designated areas in C4-6 or C5 districts. While the proposed amendments of ZR Sections 24-161 and 35-31 could conceivably be applicable to other Inclusionary Housing designated areas in the city, no such areas containing zoning lots with community facility and residential uses or mixed buildings within GLSDs have been identified.

Because there are currently no sites for which the proposed text amendments would be expected to be exercised (other than the First Avenue development parcels), and because estimating potential future assemblages of areas currently under multiple ownerships, assuming future designation of R10, C4-6, or C5 areas as Inclusionary Housing designated areas, and assuming future designation of GLSDs would be highly speculative, a site-specific analysis is not appropriate. Instead, the analysis presented in this chapter is conceptual in nature, considering more generally how the text amendments could affect development options and whether their implementation could result in significant adverse impacts. The remainder of this SEIS considers the potential effects of the proposed text amendments on the program being advanced for the First Avenue development parcels.

The analysis in this chapter finds that the potential future use of the proposed text amendments to ZR Section 12-10 and Section 74-743 related to public plazas could result in increased opportunities for some additional development and for the distribution of floor area and open space within a GLSD, and that either of the proposed text amendments could present programming options that generate significant adverse impacts related to site design that may not otherwise have occurred. The proposed text amendment to allow the inclusion of existing, non-integral buildings within a GLSD would create the possibility that additional development opportunities would be created that would not otherwise exist without the text amendment. This text amendment would permit the distribution of floor area to a zoning lot containing a non-integral building from another zoning lot within the GLSD, and so may give rise to new opportunities to utilize floor area that might not otherwise be permitted or appropriate within a GLSD. However, impacts from this potential distribution cannot be generalized or quantified, because it depends on the specific physical and zoning characteristics of a particular site. The proposed text amendment to allow a residential plaza to be located anywhere within a GLSD may create some opportunities for additional development by allowing greater flexibility in floor area and open space distribution. This text amendment, however, would not facilitate a substantial amount of additional development or an amount that could not otherwise be achieved under existing zoning regulations, such as through an inclusionary housing bonus. Because the two proposed text amendments may only be utilized through the granting of a special permit by the CPC, any of the site-specific environmental effects that may result from development projects that utilize the proposed text amendments—and practicable mitigation for any identified significant adverse impacts—would be assessed and disclosed at the time they are proposed and would be analyzed under separate environmental review. Similarly, the text amendments to ZR Sections 23-15, 24-161, 35-31, and 74-743 (related to calculating the amount of required lower income housing) may only be utilized through designating an area as an Inclusionary Housing designated areas, designation as a GLSD, and/or granting of a special permit by CPC. Where such future discretionary actions are applied, the text amendments to ZR Sections 23-15, 24-161, and 35-31 could result in a greater amount of affordable housing provided as a percentage of the

total new housing provided in a development. The text amendment to ZR Section 74-743 could result in greater site design flexibility within a GLSD by facilitating the inclusion of nonresidential buildings within an overall development.

B. DESCRIPTION OF THE PROPOSED TEXT AMENDMENTS

PROPOSED TEXT AMENDMENTS

PROPOSED AMENDMENT TO ZR SECTION 12-10

The first of the two proposed text amendments would be the expansion of the definition of a GLSD to include, in C5 and C6 zoning districts, for a development with a lot area of at least 5 acres, a zoning lot that contains an existing building that is not integrally related to the other parts of the general large-scale development, provided that the building covers less than 15 percent of the general large-scale development lot area and provided that there is no bulk distribution from the zoning lot containing such existing building.

The proposed text amendment would be as follows (matter in underline is new¹, to be added; matter within # # is defined in Section 12-10):

12-10

Large-scale development, general

A “general large-scale” development is a large-scale #development# or #enlargement# other than a #large-scale residential development# or a #large-scale community facility development#. A #general large-scale development# may be located in any #Commercial# or #Manufacturing District#, subject to the restrictions of Section 74-743 (Special Provisions for bulk modifications), paragraph (a) (1), on a tract of land containing a single #zoning lot# or two or more #zoning lots# that are contiguous or would be contiguous but for their separation by a #street# or a #street# intersection, which tract of land:

- (a) has or will have an area of at least 1.5 acres; and
- (b) is designated as a tract, all of which is to be used, #developed# or #enlarged# as a unit:
 - (1) under single fee ownership or alternate ownership arrangements as set forth in the #zoning lot# definition in Section 12-10 (DEFINITIONS) for all #zoning lots# comprising the #development#; or
 - (2) under single fee, alternate or separate ownership, either:
 - (i) pursuant to an urban renewal plan for the #development# of a designated urban renewal area containing such tract of land; or
 - (ii) through assemblage by any other governmental agency, or its agent, having the power of condemnation.

Such tract of land may include any land occupied by #buildings# existing at the time an application is submitted to the City Planning Commission under the provisions of Article VII,

¹ In this Chapter, portions of the text amendments that would be underlined in the ZR are presented as italicized text to distinguish them from the double-underlined sections, which identify text new to the Final SEIS.

Chapter 22: Conceptual Analysis of the Proposed Text Amendments

Chapter 4, provided that such #buildings# form an integral part of the #general large-scale development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#.

Notwithstanding the above, in C5 and C6 Districts a #general large-scale development# having a minimum #lot area# of 5 acres may include a #zoning lot# that contains an existing #building# that is not integrally related to the other parts of the #general large-scale development# provided that such #building# covers less than 15 percent of the #lot area# of the #general large-scale development# and provided that there is no #bulk# distribution from a #zoning lot# containing such existing #buildings#.

PROPOSED AMENDMENT TO ZR SECTION 23-144

23-144

In designated areas where the Inclusionary Housing Program is applicable

In #Inclusionary Housing designated areas#, as listed in the following table, the maximum permitted #floor area ratios# shall be as set forth in Section 23-942 (In Inclusionary Housing designated areas). The locations of such districts are specified in Section 23-922 (Inclusionary Housing designated areas).

<u>Community District</u>	<u>Zoning District</u>
<u>Community District 1, Brooklyn</u>	<u>R6 R6A R6B R7A</u>
<u>Community District 2, Brooklyn</u>	<u>R7A</u>
<u>Community District 7, Brooklyn</u>	<u>R8A</u>
<u>Community District 6, Manhattan</u>	<u>R10</u>
<u>Community District 7, Manhattan</u>	<u>R9A</u>
<u>Community District 2, Queens</u>	<u>R7X</u>

PROPOSED AMENDMENT TO ZR SECTION 23-15

23-15

Maximum Floor Area Ratio in R10 Districts

R10

In the district indicated, except in #Inclusionary Housing designated areas#, the #floor area ratio# for any #building# on a #zoning lot# shall not exceed 10.0, except as provided in Section 23-17 (Special Provisions for Zoning Lots Divided By District Boundaries) and Section 23-90 (INCLUSIONARY HOUSING).

Notwithstanding any other provision of this Resolution, the maximum #floor area ratio# shall not exceed 12.0. However, within the boundaries of Community District 7 in the Borough of Manhattan, all #developments# or #enlargements# in R10 Districts, except R10A or R10X Districts, shall be limited to a maximum #floor area ratio# of 10.0

First Avenue Properties Rezoning Final SEIS

PROPOSED AMENDMENT TO ZR SECTION 23-922

23-922

Inclusionary housing designated areas

The Inclusionary Housing Program shall apply in the following areas:

(g) In Community District 6, in the Borough of Manhattan, in the R10 Districts within the areas shown on the following Map 14²:

The Inclusionary Housing Program shall apply in special purpose districts when specific zoning districts or areas are defined as #Inclusionary Housing designated areas# within the special purpose districts.

PROPOSED AMENDMENT TO ZR SECTION 24-161

24-161

Maximum floor area ratio for zoning lots containing community facility and residential uses

R1 R2 R3-1 R3A R3X R4-1 R4A R4B R5D R6A R6B R7-2 R7A R7B R7X R8 R9 R10

In the districts indicated, for #zoning lots# containing #community facility# and #residential uses#, the maximum #floor area ratio# permitted for a #community facility use# shall be as set forth in Section 24-11, inclusive, and the maximum #floor area ratio# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot.#

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan Bk-1, the #floor area ratios# of Section 23-942 shall apply *within a #general large-scale development# or where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.*

PROPOSED AMENDMENT TO ZR SECTION 35-31

35-31

Maximum Floor Area Ratio for Mixed Buildings

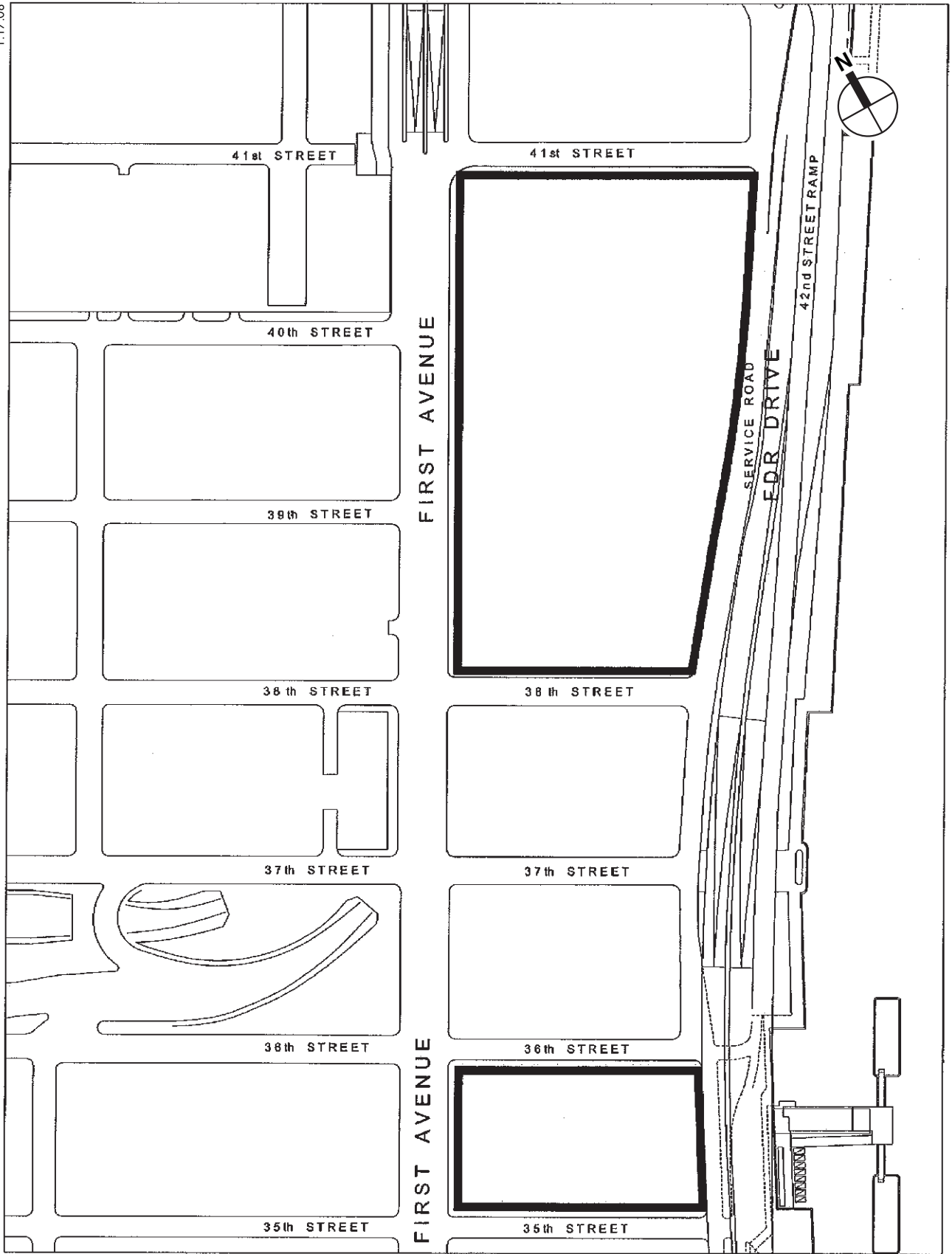
C1 C2 C3 C4 C5 C6

In all districts, except as set forth in Section 35-311, the provisions of this Section shall apply to any #zoning lot# containing a #mixed building#.

The maximum #floor area ratio# permitted for a #commercial# or #community facility use# shall be as set forth in Article III, Chapter 3, and the maximum #floor area ratio# permitted for a #residential use# shall be as set forth in Article II, Chapter 3, provided the total of all such #floor area ratios# does not exceed the greatest #floor area ratio# permitted for any such #use# on the #zoning lot#. However, in C4-7 Districts within Community District 7 in the Borough of Manhattan, such maximum #residential floor area ratio# may be increased pursuant to the provisions of Section 23-90 (INCLUSIONARY HOUSING).

² See Figure 22-3 for proposed Map 14.

1.17.08



Proposed Map 14 for Amendment to
 ZR Section 23-922 Inclusionary Housing
 Designated Area
 Figure 22-3

Chapter 22: Conceptual Analysis of the Proposed Text Amendments

In the designated areas set forth in Section 23-922 (Inclusionary Housing designated areas), except within Waterfront Access Plan BK-1, the #floor area ratios# of Section 23-942 shall apply within a #general large-scale development# or where the #residential# portion of a #building# is #developed# or #enlarged# pursuant to the Quality Housing Program.

A non-#residential use# occupying a portion of a building# that was in existence on December 15, 1961, may be changed to a #residential use# and the regulations of maximum #floor area ratio# shall not apply to such change of #use#.

PROPOSED AMENDMENTS TO ZR SECTION 74-743

These text amendments would modify ZR Section 74-743 (Special provisions for bulk modifications) to allow by special permit a residential plaza to be located anywhere within a general large-scale development without regard for zoning lot lines, provided the general large-scale development has a minimum lot area of 5 acres and is located in a C5 or a C6 zoning district, and to allow by special permit, in general large-scale developments, the exclusion of certain community facility and commercial floor area from the calculation of required lower-income housing pursuant to Section 23-942, as amended.

Specifically, the text of Section 74-743 would be as follows (matter in underline³ is new, to be added; matter that is to be deleted, matter within # # is defined in Section 12-10):

74-743

Special provisions for bulk modification

(a) For a #general large-scale development#, the City Planning Commission may permit:

(1) distribution of total allowable #floor area#, #rooming units#, #dwelling units#, #lot coverage# and total required #open space# under the applicable district regulations within a #general large-scale development# without regard for #zoning lot lines# or district boundaries subject to the following limitations:

(i) no distribution of #bulk# across the boundary of two districts shall be permitted for a #use# utilizing such #bulk# unless such #use# is permitted in both districts;

(ii) when a #general large-scale development# is located partially in a #Residence District# or in a C1, C2, C3 or C4-1 District and partially in other #Commercial# or #Manufacturing Districts#, no transfer of commercial #floor area# to a #Residence District# or to a C1, C2, C3 or C4-1 District from other districts shall be permitted;

(2) location of #buildings# without regard for the applicable #yard#, #court#, distance between #buildings#, or height and setback regulations;

(3) variation in the location of primary business entrances and #show windows# along frontages adjacent to #zoning lots# outside the #general large-scale development# without regard to regulations applicable near #Residence District# boundaries; and

(4) the maximum #floor area ratio# permitted pursuant to Section 23-142 (In R6, R7, R8 or R9 Districts) for the applicable district without regard for #height factor# or #open space

³ As with the preceding text amendments, portions of the text amendment to ZR Section 74-743 that would be underlined in the ZR are presented as italicized text to distinguish them from the double-underlined sections, which identify text new to the Final SEIS.

First Avenue Properties Rezoning Final SEIS

ratio# requirements provided that the #general large-scale development# is located partially in a C6-1, C6-2 or C6-3 District within the boundaries of Community District 7 in Manhattan and that a minimum of 50 percent of the required #open space# is provided within the #general large-scale development#. Required #open space# for the purposes of paragraph (a)(4) of this Section shall be calculated by utilizing the smallest #open space ratio# at the maximum #floor area ratio# pursuant to Section 23-142 for the applicable district.

(5) a #residential plaza# to be located anywhere within a #general large-scale development# without regard for #zoning lot lines# provided the #general large-scale development# has a minimum #lot area# of 5 acres and is located in a C5 or C6 District. Where there are more than one contiguous residential plaza on a zoning lot, the residential plazas may be considered as one plaza for the purpose of compliance with the residential plaza standards.

(6) in an #Inclusionary Housing designated area# in a C4-6 or C5 district.

(i) a portion of the lot area that contains a wholly #commercial building# to be excluded from the calculation of #floor area# for any other #buildings# on the remainder of the #zoning lot#;

(ii) #community facility floor area# located above the ground floor to be excluded from the calculation of the amount of #lower income housing# required pursuant to Section 23-942.

(b) In order to grant a special permit pursuant to this Section for any #general large-scale development#, the Commission shall find that:

(1) the distribution of #floor area#, #open space#, #dwelling units#, #rooming units# and the location of #buildings#, primary business entrances and #show windows# will result in a better site plan and a better relationship among #buildings# and open areas to adjacent #streets#, surrounding #development#, adjacent open areas and shorelines than would be possible without such distribution and will thus benefit both the occupants of the #general large-scale development#, the neighborhood, and the City as a whole;

(2) the distribution of #floor area# and location of #buildings# will not unduly increase the #bulk# of #buildings# in any one #block# or unduly obstruct access of light and air to the detriment of the occupants or users of #buildings# in the #block# or nearby #blocks# or of people using the public #streets#;

(3) where a #zoning lot# of a #general large-scale development# does not occupy a frontage on a mapped #street#, appropriate access to a mapped #street# is provided;

(4) considering the size of the proposed #general large scale development#, the #streets# providing access to such #general large-scale development# will be adequate to handle traffic resulting therefrom;

(5) when the Commission has determined that the #general large-scale development# requires significant addition to existing public facilities serving the area, the applicant has submitted to the Commission a plan and timetable to provide such required additional facilities. Proposed facilities that are incorporated into the City's capital budget may be included as part of such plan and timetable;

Chapter 22: Conceptual Analysis of the Proposed Text Amendments

(6) where the Commission permits the maximum #floor area ratio# in accordance with the provisions of paragraph (a)(4) of this Section, the #open space# provided is of sufficient size to serve the residents of new or #enlarged buildings#. Such #open space# shall be accessible to and usable by all residents of such new or #enlarged buildings#, have appropriate access, circulation, seating, lighting and paving, and be substantially landscaped. Furthermore, the site plan of such #general large-scale development# shall include superior landscaping for #open space# of the new or #enlarged buildings#;(7) where the Commission permits the exclusion of #lot area# or #floor area# in accordance with the provisions of paragraph (a)(6) of this Section, such modification will facilitate a desirable mix of #uses# in the #general large-scale development# and a plan consistent with the objectives of the Inclusionary Housing program; and

(8) a declaration with regard to ownership requirements in paragraph (b) of the #general large-scale development# definition in Section 12-10 (DEFINITIONS) has been filed with the Commission.

The Commission may prescribe additional conditions and safeguards to improve the quality of the #general large-scale development# and to minimize adverse effects on the character of the surrounding area.

For a phased construction program of a multi-building complex, the Commission may, at the time of granting a special permit, require additional information, including but not limited to a proposed time schedule for carrying out the proposed #general large-scale development#, a phasing plan showing the distribution of #bulk# and #open space#, common open areas or common parking areas, a maintenance plan for such space or areas and surety for continued availability of such space or areas to the people they are intended to serve.

PURPOSE AND NEED OF THE PROPOSED TEXT AMENDMENTS

Section 12-10 of the Zoning Resolution lays out the definition of a GLSD and sets forth guidelines for incorporating existing buildings on a project site, restricting their use to those forming an integral part of the GLSD, and restricting bulk distribution from a zoning lot containing the existing buildings. The proposed text amendment to expand the definition of a GLSD, if adopted, would permit greater flexibility in site planning to take advantage of the unique characteristics of large sites. The proposed text amendment would remain consistent with the goal of facilitating cohesive and integrated development that is embodied in the GLSD regulations because an existing non-integral building (in the case of the Proposed Actions, the Con Edison substation at 685 First Avenue) would only be permitted in a GLSD located in a high-density zoning district and only if it covered a small portion of a relatively large development site. Further, the proposed text amendment would prohibit bulk distribution from the zoning lot containing the non-integral building in the same way that the existing regulations prohibit bulk distribution from a zoning lot in a GLSD that contains an existing building. Such a text amendment would expand to a limited degree the opportunities for use of this planning mechanism. In the case of the Proposed Actions, 517,836 zoning square feet of unused floor area from the substation would be used on the 685 First Avenue parcel, which is located on the same zoning lot.

Section 74-743 of the Zoning Resolution lays out special provisions for bulk modification and the guidelines governing the designation of a GLSD. The proposed text amendment related to public plazas would amend the GLSD regulations to authorize the CPC to grant a special permit to allow a residential plaza to be located anywhere in the GLSD, thereby allowing bonus floor

First Avenue Properties Rezoning Final SEIS

area generated by a residential plaza located on one zoning lot within the GLSD to be utilized on another zoning lot within the same GLSD (in the case of the Proposed Actions, 161,354 zoning square feet of bonus floor area generated by a residential plaza located on the 700/708 First Avenue parcels would be utilized at the 685 First Avenue parcel). Under existing zoning regulations, bonus floor area generated by a residential plaza can only be used on the zoning lot containing the plaza. Such a text amendment would be appropriate in that it would provide additional site plan flexibility for large GLSDs in high-density zoning districts of the type already allowed under the GLSD regulations. More specifically, it would provide greater flexibility to design and program open spaces within a GLSD.

The proposed text amendment to Section 74-743 related to the calculation of required lower income housing would amend the GLSD regulations to authorize CPC to grant a special permit to allow, in an Inclusionary Housing designated area in a C4-6 or C5 district, a portion of a lot area containing a wholly commercial building to be excluded from the calculation of floor area for any other buildings located on the remainder of the lot and to allow community facility space above the ground floor to be excluded from the calculation of the amount of lower income housing required pursuant to Section 23-942. The special permit would allow the portion of a zoning lot containing a commercial building to be treated for the purposes of floor area calculation as a separate zoning lot, and effectively allowing a commercial building to be excluded from the calculation of the required amount of affordable housing floor area that must be provided in order to qualify for an Inclusionary Housing bonus for the residential building(s) in the GLSD. According to Section 23-942, all floor area on a zoning lot, other than non-residential floor area at the ground floor level, is included in calculating the amount of lower income housing required in order to generate the maximum available 3 FAR Inclusionary Housing bonus. The proposed text amendment would allow the commercial and residential portions of the proposed GLSD to be calculated separately. Similarly, it would permit community facility space on the 616 First Avenue parcel be excluded from counting toward the maximum amount of affordable housing that must be provided in order to qualify for the maximum available 3 FAR Inclusionary Housing bonus. Overall, the proposed text amendment would facilitate development in a GLSD that includes a mix of uses with commercial and/or community facility space and affordable housing on a zoning lot. In the case of the Proposed Actions, the special permit would allow the office building on the 708 First Avenue parcel to utilize a plaza bonus and to be considered independently of the residential buildings on the 700 First Avenue parcel, thus allowing for a more substantial portion of the 700/708 First Avenue parcels to be left open as a large, publicly accessible open space. In addition, the special permit would permit the proposed community facility space on the 616 First Avenue parcel, without increasing the amount of affordable housing required to maximize the Inclusionary Housing bonus, and as described in Chapter 1, "Project Description," a majority of the community facility space on that site would be provided to house an approximately 630-seat, K-8 public school.

Under the Inclusionary Housing Program, developments providing affordable housing are eligible for a floor area bonus. Affordable units can be provided either on the same site as the development earning the bonus or off-site either through new construction or preservation of existing affordable units. Off-site affordable units must be located within the same Community District or within a half-mile of the compensated development. Under the existing program for R10 zoning districts, a floor area bonus of between 2.0 and 4.0 zoning square feet may be permitted for every one zoning square foot of provided affordable housing, up to a maximum 12.0 FAR, depending on whether the affordable housing is provided as new construction or as substantial rehabilitation or preservation of existing affordable housing, and whether it is located

Chapter 22: Conceptual Analysis of the Proposed Text Amendments

on or off site. If affordable housing is provided off site, the existing program could result in as little as 0.5 FAR of affordable housing. The proposed text amendments to ZR Sections 23-15, 24-161, and 35-31 would reduce the base FAR available in these areas while providing a larger floor area bonus for inclusionary housing, thereby creating an incentive for new construction, substantial rehabilitation, or preservation of affordable housing in conjunction with development on the 616, 700, and 708 First Avenue development sites, which would be designated as Inclusionary Housing designated areas. A base FAR of 9.0 for residential uses would be permitted and a maximum FAR of 12.0 would be permitted for the provision of affordable housing in accordance with the existing Inclusionary Housing regulations.

AREAS OF APPLICABILITY

ZR SECTIONS 12-10 AND 74-743(A)(5)

These proposed zoning text amendments would apply to properties within C5 and C6 zoning districts that contain a lot area of at least five acres and, with respect to the first text amendment, that contain an existing building taking up no more than 15 percent of the lot area. As shown in Figure 22-1, C5 and C6 zoning districts containing at least five contiguous acres of land can be found in parts of lower Manhattan and midtown Manhattan, downtown Brooklyn, and Long Island City and Jamaica in Queens. From within those C5 and C6 zoning district areas, Figure 22-2 identifies specific locations where there are at least five acres of property currently under single ownership. The sites are all located in Manhattan, and include Manhattan Community College, the World Trade Center site, the United Nations, the Farley Post Office, Madison Square Garden, the Port Authority Bus Terminal, the main branch of the New York Public Library, and Rockefeller Center.

While the proposed text amendments are technically applicable to the sites identified in Figure 22-2, none of these locations would be likely to make use of the amendments; they are built out with commercial, institutional, or civic uses. In the case of the Farley Post Office, Madison Square Garden, and the Port Authority Bus Terminal sites, there already are proposed development plans for those sites that do not include designation as a GLSD, and those development programs are not anticipated to avail themselves of the opportunities presented by the proposed text amendments. Because there are currently no sites for which the proposed text amendments would be expected to be exercised, and because estimating potential future assemblages of areas currently under multiple ownerships would be highly speculative, a site-specific analysis is not appropriate. As described below, it is possible that in the future, the proposed text amendments could be applicable to other five-acre areas within existing C5 and C6 districts or to a five-acre property within an area rezoned to a C5 or C6 zoning district.

ZR INCLUSIONARY HOUSING PROVISIONS AND ZR SECTION 74-743(A)(6)

As described above, the proposed zoning text amendments to ZR Sections 23-922, 23-144, 23-15, and 74-743 related to the calculation of required lower income housing would currently only be applicable to the 616, 700, and 708 First Avenue development parcels. The proposed text amendments to ZR Sections 24-161 and 35-31 could be applicable to other Inclusionary Housing designated areas in the City, if such area(s) contain zoning lots with community facility and residential uses or mixed buildings within GLDS. However, no such sites have been identified.

FUTURE APPLICABILITY

ZR SECTIONS 12-10 AND 74-743(A)(5)

At this time, there are no known proposals that would make use of the proposed text amendments other than the Proposed Actions described in this SEIS. The use of the GLSD designation as well as the use of the special permit are site-specific, as in the case of the Proposed Actions, and are dependent on a combination of specific zoning requirements. For these reasons, it is not possible to assess with any particularity the potential impacts from the future application of the amendments in other parts of the City. Therefore, a site specific analysis cannot be provided.

Absent the proposed text amendments, sites could still be redeveloped at the same FAR with the same uses, although the distribution of that floor area would be different on the sites and different mechanisms would have to be used (such as inclusionary housing bonuses). To the extent that the proposed text amendments could give rise to any new development opportunities, such new opportunities would depend upon the presence of a number of particular, site-specific factors, which could be analyzed in each instance through the discretionary special permit process.

ZR INCLUSIONARY HOUSING PROVISIONS AND ZR SECTION 74-743(A)(6)

There are also no known proposals that would make use of these proposed text amendments other than the Proposed Actions. The use of the GLSD special permit would be site-specific, as in the case of the Proposed Actions, and is dependent on a combination of specific zoning requirements. The amendment of ZR Section 23-15 could be applicable to other sites in the future, if such sites were designated as part of an Inclusionary Housing designated area in an R10 district. The amendments of ZR Sections 24-161 and 35-31 could be applicable to others sites in the future, if such sites are designated as part of an Inclusionary Housing designated area and are also part of a GLSD. None of these text amendments could apply to any future sites without discretionary approvals. For these reasons, it is not possible to assess with any particularity the potential impacts from the future application of the amendments in other parts of the City. Therefore, a site specific analysis cannot be provided. Further, any future utilization of these text amendments would be analyzed in each instance through the discretionary approvals process.

C. ASSESSMENT OF THE POTENTIAL ENVIRONMENTAL EFFECTS OF THE PROPOSED TEXT AMENDMENTS

ZR SECTIONS 12-10 AND 74-743(A)(5)

The proposed text amendments would expand the definition of a GLSD and permit the CPC to grant a special permit allowing for the redistribution of bonus floor area. With the proposed text amendment to allow the inclusion of existing, non-integral buildings within a GLSD, use of the GLSD designation would be expanded to a limited degree, in that there will be a possibility that floor area may be distributed to a zoning lot containing existing, non-integral buildings from other zoning lots within the GLSD where the use of the floor area may not be appropriate, given the particular characteristics of the site. With the proposed text amendment to allow a residential plaza to be located anywhere within a GLSD, the bonus floor area generated by a residential

plaza located on one zoning lot within the GLSD could be utilized on another zoning lot within the same GLSD.

The possibility for new development opportunities and the greater flexibility in the distribution of floor area and open space provided by these text amendments could, theoretically, affect those environmental analysis areas that are influenced by a development's proposed floor area—these areas include land use; socioeconomic conditions; community facilities; open space; infrastructure; solid waste and sanitation services; energy; traffic and parking; transit and pedestrians; air quality (mobile sources); and noise (mobile sources). Therefore, the potential for impacts related to these categories can not be ruled out. Any density-related impacts from the utilization of additional floor area pursuant to the text amendments are highly speculative and depend upon a number of site-specific factors. The potential for such impacts would be assessed at the time specific projects are proposed.

The environmental areas in which the proposed text amendments may result in impacts related to site and building design (i.e., open space, historic resources, urban design and visual resources, neighborhood character, hazardous materials, waterfront revitalization program, and air quality [stationary sources]), which could be different than would occur without the text amendments, are discussed in more detail below. Because the areas where the proposed text amendments would apply are located in fully developed urban areas, it is not expected that future use of the proposed text amendments would result in significant adverse impacts on natural resources.

As stated above, it is not possible to predict where or how often the provisions of the text would be used given that the definition and special permit provided by the text are site-specific and would depend on specific development plans that are not known at this time. Consequently, a site specific analysis cannot be provided. However, for any future site-specific development plans, the proposed text amendments could only be utilized through the granting of a special permit by the CPC, and therefore, any significant adverse impacts that may result from use of the text amendments would be assessed at the time they are proposed and would be analyzed under and pursuant to a separate environmental review.

OPEN SPACE

Because the proposed text amendments would create flexibility in the location and design of open spaces within a GLSD, they could have qualitative impacts on open space. The amendments may only be utilized through the granting of a special permit by CPC and, therefore, site-specific environmental effects that may result from development projects that utilize the proposed text amendments—and practicable mitigation for any identified significant adverse impacts—would be assessed at the time they are proposed and would be analyzed under separate environmental review.

SHADOWS

The proposed text amendments have the potential to redistribute the bulk of certain buildings. Shadow effects are site specific and dependent upon not only the bulk and massing of a proposal but on the sun-sensitive resources that are in proximity to, and would be affected by, new shadows. The general effects resulting from the text amendments would be limited to different shadows (the length and duration of which can not be determined in this analysis) than those that would result from a development that did not make use of the text amendments. It is possible that the flexibility created by the text amendments could present a new programming option that

would generate significant adverse shadow impacts that may not otherwise have occurred. Because the amendments may only be utilized through the granting of a special permit by CPC, site-specific environmental effects that may result from development projects that utilize the proposed text amendments—and practicable mitigation for any identified significant adverse impacts—would be assessed at the time they are proposed and would be analyzed under separate environmental review.

HISTORIC RESOURCES

Archaeological Resources

Archaeological impacts are site specific and dependent upon not only the areas of subsurface disturbance but on the presence or absence of archaeological resources on or in proximity to a development site. Because a building or development that makes use of the proposed text amendments could result in a different site plan or building footprint than a development without the proposed text amendments, it is possible that the areas of subsurface disturbance would be different. Therefore, the proposed text amendments could result in different potential impacts on archaeological resources.

The general effects resulting from the text amendments would be limited to differences in ground disturbance (the area and depth of which can not be determined in this analysis) compared to those that would result from a development that did not make use of the text amendments. It is possible that the flexibility created by the text amendments could present a new programming option that would generate significant adverse impacts that may not otherwise have occurred. Because the amendments may only be utilized through the granting of a special permit by CPC, site-specific environmental effects that may result from development projects that utilize the proposed text amendments—and practicable mitigation for any identified significant adverse impacts—would be assessed at the time they are proposed and would be analyzed under separate environmental review.

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 resources on or in proximity to the development site. Because a building or development that makes use of the proposed text amendments could result in a different site plan or building massing than a development without the proposed text amendments, it is possible that such a building or development could result in different physical, visual, or contextual impacts on adjacent or nearby architectural resources.

The general effects resulting from the text amendments would be limited to differences in bulk and massing of a proposal (the size, density and configuration of which can not be determined in this analysis) than that which would result from a development that did not make use of the text amendments. It is possible that the flexibility created by the text amendments could present a new programming option that would generate significant adverse impacts that may not otherwise have occurred. Because the amendments may only be utilized through the granting of a special permit by CPC, site-specific environmental effects that may result from development projects that utilize the proposed text amendments—and practicable mitigation for any identified significant adverse impacts—would be assessed at the time they are proposed and would be analyzed under 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. A general assessment of the text amendments' potential to affect the different elements of urban design and visual character is provided here.

Urban Design

- Building bulk, use, or type. The proposed text amendments would result in differences in how a development's bulk is massed on a project site and whether non-integral existing buildings are retained. The text amendments would not result in changes to a development's use or building type.
- Building arrangement. As with building bulk, the proposed text amendments could result in a different building arrangement for a development.
- Block form and street pattern. Block form and street pattern relate to the shape and arrangement of blocks and surrounding streets. The proposed text amendments would allow greater flexibility in distributing a development's bulk on a project site, and would not result in any changes to block form and street pattern.
- Streetscape elements. Streetscape elements include street trees, curb cuts, street walls, building entrances, as well as other elements. These elements are related to how a building's bulk is distributed, and therefore the proposed text amendments could affect this element of urban design.
- Street hierarchy. This element of urban design is related to the streets that surround a project site. Therefore, the proposed text amendments would not affect street hierarchy.
- Natural features. Natural features include vegetation and geologic, topographic, and aquatic features, such as rock outcroppings, steep slopes or varied ground elevation, beaches, or wetlands. The areas in which the text amendments could be used are in already developed areas of Manhattan, Brooklyn, and Queens, and it is not expected that the proposed text amendments would have any affect on natural features.

Visual Resources

- View corridors. Because a building or development that makes use of the proposed text amendments could result in a different site plan or building massing/bulk than a building or development without the proposed text amendments, it is possible that there would be differences in how view corridors are affected.

While urban design and visual resources could be affected by the proposed text amendments, the text amendments are being proposed to provide greater flexibility in achieving a superior site design. Therefore, it is anticipated that, in general, the proposed text amendments would result in beneficial effects on urban design and visual resources. It is possible, however, that the flexibility created by the text amendments could present a new programming option that would generate significant adverse impacts that may not otherwise have occurred. Because the amendments may only be utilized through the granting of a special permit by CPC, site-specific environmental effects that may result from development projects that utilize the proposed text amendments—and practicable mitigation for any identified significant adverse impacts—would be assessed at the time they are proposed and would be analyzed under 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 new opportunities to utilize additional floor area that might not otherwise be permitted within the GLSD could potentially have significant adverse impacts on land use, socioeconomic conditions, noise levels, traffic, and pedestrian patterns. In addition, it is possible that the flexibility created by the text amendments could present a new programming option that would generate significant adverse impacts on urban design, visual resources, and historic resources that may not otherwise have occurred. Therefore, there is the potential that the text amendments could have significant adverse impacts on neighborhood character. Because the amendments may only be utilized through the granting of a special permit by CPC, site-specific environmental effects that may result from development projects that utilize the proposed text amendments—and practicable mitigation for any identified significant adverse impacts—would be assessed at the time they are proposed and would be analyzed under separate environmental review.

HAZARDOUS MATERIALS

Hazardous materials impacts are site specific and dependent upon not only the areas of subsurface disturbance but on the presence or absence of contaminated materials on or in proximity to a development site. Because a building or development that makes use of the proposed text amendments could result in a different site plan/building footprint than a building without the proposed text amendments, it is possible that the areas of subsurface disturbance would be different. Therefore, the proposed text amendments could result in different potential impacts on hazardous materials. It is possible that the flexibility created by the text amendments could present a new programming option that would generate significant adverse impacts that may not otherwise have occurred. Because the amendments may only be utilized through the granting of a special permit by CPC, site-specific environmental effects that may result from development projects that utilize the proposed text amendments—and practicable mitigation for any identified significant adverse impacts—would be assessed at the time they are proposed and would be analyzed under separate environmental review.

WATERFRONT REVITALIZATION PROGRAM

There are some areas where the proposed text amendments would apply that are within the City's coastal zone. Any proposed development in the coastal zone—whether it is proposed with or without the proposed text amendments—must be assessed for its consistency with the City's Local Waterfront Revitalization Program (LWRP).

AIR QUALITY (STATIONARY SOURCES)

The potential for stationary source air quality impacts is dependent upon a variety of site specific factors including building size, shape, the type and location of building ventilation systems, and the proximity of nearby sensitive uses. Because assessments of stationary sources are dependent on a specific site plan, it cannot be determined how the proposed text amendments would affect stationary sources—both how nearby commercial, institutional or large-scale residential developments could affect developments that utilize the text amendments and how the heating,

Chapter 22: Conceptual Analysis of the Proposed Text Amendments

ventilation, and air conditioning (HVAC) emissions from developments that utilize the text amendments would affect surrounding buildings.

It is possible that the flexibility created by the text amendments could present a new programming option that would generate significant adverse impacts that may not otherwise have occurred. The proposed text amendments may only be utilized through the granting of a special permit by CPC. Therefore, site-specific environmental effects that may result from development projects that utilize the proposed text amendments, and practicable mitigation for any identified significant adverse impacts, would be assessed at the time they area proposed and would be analyzed under separate environmental review.

ZR INCLUSIONARY HOUSING PROVISIONS AND ZR SECTION 74-743(A)(6)

The possibility for a greater amount of affordable housing provided as a percentage of total new housing created pursuant to the text amendments to the ZR Inclusionary Housing provisions could, theoretically, affect those environmental analysis areas that are influenced by the amount of affordable housing in a development—these areas include land use, zoning, and public policy; socioeconomic conditions; community facilities; and open space. Therefore, the potential for impacts related to these categories can not be ruled out. Any population-related impacts from the provision of a greater amount of affordable housing pursuant to the text amendments are highly speculative and depend upon a number of site-specific factors. The potential for such impacts would be assessed at the time specific projects are proposed.

The proposed text amendment to ZR Section 74-743 related to the calculation of required lower income housing may result in site programming and building design-related impacts to the following environmental areas: land use, zoning, and public policy; open space; historic resources; urban design and visual resources; neighborhood character; hazardous materials; waterfront revitalization program; traffic and parking; transit and pedestrians; and air quality (stationary sources). As with the proposed text amendments to ZR Section 12-10 and Section 74-743 related to public plazas, this text amendment may only be utilized through the granting of a special permit by CPC and, therefore, site-specific environmental effects that may result from development projects that utilize the proposed text amendment—and practicable mitigation for any identified significant adverse impacts—would be assessed at the time they are proposed and would be analyzed under separate environmental review. *