

Zoning for Coastal Flood Resiliency

Chapter 18: Public Health

A. INTRODUCTION

This chapter assesses the Proposed Action’s effect on public health. As defined by the *City Environmental Quality Review (CEQR) Technical Manual*, public health is the organized effort of society to protect and improve the health and well-being of the population through monitoring; assessment and surveillance; health promotion; prevention of disease, injury, disorder, disability, and premature death; and reducing inequalities in health status. The goal of CEQR with respect to public health is to determine whether adverse impacts on human health may occur as a result of a proposed project and, if so, to identify measures to mitigate such effects.

The *CEQR Technical Manual* states that a public health assessment is not necessary for most projects. Where no significant adverse unmitigated impacts are found in other CEQR analysis areas—such as air quality, water quality, hazardous materials, or noise—no public health analysis is warranted. If, however, an unmitigated adverse impact is identified in any of these other CEQR analysis areas, the lead agency may determine that a public health assessment is warranted for that specific technical area. This assessment represents a distinct layer of inquiry; its criteria are informed by public health considerations and are, therefore, different from the criteria that triggered the need to conduct a public health assessment.

As detailed in **Chapter 1, “Project Description,”** the New York City Department of City Planning (DCP) is proposing a zoning text amendment to update the Special Regulations Applying in Flood Hazard Areas (Article VI, Chapter 4) of the New York City Zoning Resolution (ZR), which includes the [“Flood Resilience Zoning Text”](#) (the “2013 Flood Text”) and [“Special Regulations for Neighborhood Recovery”](#) (the “2015 Recovery Text”). These temporary zoning rules were adopted on an emergency basis to remove zoning barriers that were hindering the reconstruction and retrofitting of buildings affected by Hurricane Sandy and to help ensure that new construction there would be more resilient. The 2013 Flood Text provisions are set to expire with the adoption of new and final Federal Emergency Management Agency (FEMA) Flood Insurance Rate Maps (FIRMs), which is anticipated to occur within the next few years. Applicability of the 2015 Recovery Text expired in July 2020. Therefore, DCP is proposing a citywide zoning text amendment, [“Zoning for Coastal Flood Resiliency”](#) (the “Proposed Action”), to improve upon and make permanent the relevant provisions of the existing temporary zoning rules of the 2013 Flood Text and 2015 Recovery Text. In addition, the Proposed Action includes special provisions to help facilitate the city’s long-term recovery from the COVID-19 pandemic and its associated economic effects by providing more time for existing non-conforming uses to reopen and builders to undertake certain construction projects. The Proposed Action also includes updates to other sections of the ZR, including the Special Regulations Applying in the Waterfront Area (Article VI, Chapter 2) and provisions within various Special Purpose Districts. The Proposed Action would mostly affect New York City’s current 1% annual and 0.2% annual chance floodplains. However, select provisions of the Proposed Action would be applicable citywide. To help the City prepare for or respond to other disasters, select provisions in the Proposed Action regarding power systems and other mechanical equipment, ramps and lifts, vulnerable populations, and disaster recovery rules, would be applicable citywide.

Due to the broad applicability of the Proposed Action, it is difficult to predict the sites where development would be facilitated. In addition, the Proposed Action is not in-and-of-itself expected to induce development where it would not otherwise have occurred absent the Proposed Action. Although the Proposed Action may allow developments and existing buildings to retrofit to resilient standards, the overall amount, type, and

location of construction within the affected area is not anticipated to change. Owing to the generic nature of this action, there are no known or projected as-of-right development sites identified as part of the Proposed Action's Reasonable Worst-Case Development Scenario (RWCDs). To produce a reasonable analysis of the likely effects of the Proposed Action, 14 representative Prototypical Analysis Sites containing either new developments, infill, reconstructions, or retrofits of existing buildings in the city's 1% and 0.2% annual chance floodplains were identified to demonstrate the wide range of proposed regulations for sites that would be able to develop as-of-right in the future with the Proposed Action, as detailed further in **Chapter 1**.

B. PRINCIPAL CONCLUSIONS

The Proposed Action would not result in significant adverse public health impacts. As described in the accompanying chapters of this EIS, the Proposed Action would not result in unmitigated significant adverse impacts in the following technical areas that contribute to public health: air quality, water quality, operational noise, or construction. However, as discussed in **Chapter 10, "Hazardous Materials,"** the Proposed Action could potentially result in significant adverse impacts related to hazardous materials because of increased in-ground disturbance in the future with the Proposed Action. Therefore, a preliminary assessment of public health was conducted, and is provided below. As detailed therein, while the Proposed Action could result in significant adverse unmitigated impacts related to hazardous materials, the potential for these impacts to occur is expected to be limited and would not significantly affect public health. Therefore, no significant adverse public health impacts are expected as a result of the Proposed Action.

C. PRELIMINARY SCREENING

As recommended in the *CEQR Technical Manual*, if a public health assessment is determined to be necessary, the assessment process involves evaluating whether and how exposure to environmental contaminants may occur and the extent of that exposure; characterizing the relationship between exposures and health risks; and applying that relationship to the population exposed. As such, hazardous materials usually need to be assessed for actions that would result in any in-ground disturbance.

The Proposed Action would not induce development where it otherwise would not have been possible. Air quality, water quality, noise, and hazardous materials impact assessments were performed for the Proposed Action based on a comparison of the development of the 14 Prototypical Analysis Sites under the No-Action and With-Action scenarios. As discussed in **Chapter 11, "Water & Sewer Infrastructure," Chapter 15, "Air Quality," Chapter 17, "Noise," and Chapter 20, "Construction,"** the Proposed Action would not result in any significant adverse impacts related to water and sewer infrastructure, air quality, noise, or construction.

As detailed in **Chapter 10, "Hazardous Materials,"** the extent of effects of hazardous materials are unknown because of the generic nature of the Proposed Action, and because it is not possible to determine exactly where and to what extent additional in-ground disturbance may occur. Without an assessment of specific development sites, the absence of hazardous materials cannot be definitively demonstrated. As such, the possibility of impacts related to hazardous materials cannot be eliminated. Nevertheless, the extent of the potential impact is expected to be limited in the future with the Proposed Action.

As detailed in **Chapter 10,** a hazardous materials impact would only occur in potentially contaminated areas and would depend on the location, depth, and extent of excavation and grading activities. The potential for additional in-ground disturbance as a result of the Proposed Action is limited. Therefore, the potential impacts are not expected to be sufficiently large or widespread to raise the potential for significant adverse public health impacts in the future with the Proposed Action, and further analysis is not warranted.

D. CONCLUSIONS

The Proposed Action would not result in significant adverse public health impacts. The Proposed Action would not result in unmitigated significant adverse impacts in the following technical areas that contribute to public health: air quality, water quality, operational noise, or construction. However, as discussed in **Chapter 10, “Hazardous Materials,”** the Proposed Action could potentially result in significant adverse impacts related to hazardous materials because of increased in-ground disturbance in the future with the Proposed Action. Therefore, a preliminary assessment of public health was conducted. As detailed therein, while the Proposed Action could result in significant adverse unmitigated impacts related to hazardous materials, the potential for these impacts to occur is expected to be limited and would not significantly affect public health. Therefore, no significant adverse public health impacts are expected as a result of the Proposed Action, and further assessment is not warranted.