

CHAPTER 3

TECHNICAL GUIDANCE

This chapter provides guidance for the range of technical analyses that may be undertaken in the CEQR process, as follows:

- Land use, zoning, and public policy
- Socioeconomic conditions
- Community facilities and services
- Open space and recreational facilities
- Shadows
- Historic resources
- Urban design and visual resources
- Neighborhood character
- Natural resources
- Hazardous materials
- Waterfront revitalization program
- Infrastructure
- Solid waste and sanitation services
- Energy
- Traffic and parking
- Transit and pedestrians
- Air quality
- Noise
- Construction
- Public health

For each of these areas, this chapter guides the analyst in assessing the existing and future environmental settings, including defining study areas, evaluating existing conditions, predicting future changes, identifying significant impacts, and developing mitigation measures for any significant adverse impacts. Possible assessment methods are explained for each technical area. These methodologies are considered appropriate for assessment of CEQR actions, but are not required by CEQR. Other methodologies also exist and may be used if appropriate. Applicable regulations and coordination and the location of background information are also described for each technical area. It is important to note that the nature of the proposed action will determine which technical areas require analysis, and even how detailed the analysis for a given technical area should be. This is true regardless of the level of documentation being prepared—whether an EAS alone or an EAS followed by an EIS. The type of documentation does not affect the analysis of technical areas; the project does. For example, an action being examined in an EAS may require full traffic and air quality studies in order to determine potential

significant impacts. On the other hand, another action, which requires an EIS because of its potential for significant impact on, say, historic resources, might only require traffic and air quality screening analyses in the EIS.

For those actions requiring an EIS, this chapter also describes the types of alternatives that are typically considered, and describes the EIS summary chapters that help focus the conclusions of the technical studies.

A. Land Use, Zoning, and Public Policy

Under CEQR, a land use analysis characterizes the uses and development trends in the area that may be affected by a proposed action and then is used by the lead agency to determine whether a proposed action is compatible with or may affect those conditions. Similarly, the analysis considers the action's compliance with and effect on the area's zoning and other applicable public policies. Even when there is little potential for an action to be inconsistent with or affect land use, zoning, or public policy, a description of these issues is usually appropriate, to establish conditions and provide information needed for other technical areas.

100. Definitions

110. LAND USE

Land use refers to the activity that is occurring on land and within the structures that occupy it. Types of uses include residential, retail, commercial, industrial, vacant land, and parks. The Department of City Planning's Land Use maps illustrate such land use types as the following: vacant land, used automobile lot, farm, licensed junk yard, accessory or licensed parking lot, park and outdoor recreation, residential (including one-family detached, one-family attached, two-family, walk-up multiple dwelling, and elevator multiple dwelling), commercial and retail, office, light industry, warehouse and storage yard, automotive storage and service, heavy industry, transportation, and public and private institutions (including public, private, and parochial schools; and municipal, state, federal, voluntary, and proprietary

Figure 3A-1
Sample from City Land Use Map



hospitals). Figure 3A-1 shows a portion of a DCP Land Use map. Depending on the action in question, land uses can be aggregated into less-detailed groupings for analysis, or other uses (a subset of heavy industry, for example) can be added.

120. ZONING AND PUBLIC POLICY

121. Zoning

New York City's Zoning Resolution controls the use, density, and bulk of development within the entire City. The Zoning Resolution is divided into two parts: zoning text and zoning maps. The text establishes zoning districts and sets forth the regulations governing land use and development. The maps show the locations of the zoning districts. Figure 3A-2 shows an example of the zoning maps.

The City is divided into three basic zoning districts: residential (R), commercial (C), and manufacturing (M). The three basic categories are further subdivided into lower-, medium-, and higher-density residential, commercial, and manufacturing districts, and into "standard" and "contextual" districts. In certain areas of the City, "Special Mixed Use Districts" M (X) are established to allow mixed residential and industrial neighborhoods by permitting expansion and new development of a variety of uses.

There are 10 standard residential districts in New York City—R1 through R10. The numbers refer to the permitted density (R1 having the lowest density, R10 the highest) and certain other controls such as required parking. A second letter or number (e.g. R1-1, R8B) signifies additional controls in certain districts. Contextual districts are generally identified with the suffix A, B, X, or 1. These districts are termed contextual because they maintain the familiar built form and character of the existing community while providing appropriate development opportunities.

There are eight basic commercial districts, two (C1 and C2 districts) designed to serve local needs; one (C4) for shopping centers outside the central business district; two (C5 and C6 districts) for the central business districts that embrace the office, retail, and commercial functions that serve the city and region; and three (C3, C7, and C8 districts) designed for special purposes (waterfront activity, large commercial amusement parks, and heavy repair services). The Zoning Resolution also contains a set of commercial contextual zones that have been designed for mapping in commercial

districts that are substantially residential in character. Generally, commercial zones identified on the zoning maps with the suffix A, B, or X are contextual.

Manufacturing activities are grouped into three districts—M1, M2, and M3. All of these districts incorporate performance standards that establish limits on the amount and types of industrial nuisances that may be created. In general, the more noxious uses are restricted to M3 districts, but they may be permitted in M1 and M2 districts if they comply with the performance standards of those districts.

Development within residential, commercial, and manufacturing districts is regulated by use, bulk, and parking regulations. Each zoning district regulates permitted uses; the size (bulk) of the building in relation to the size of the lot; the required open space for residential uses on the lot, or the maximum amount of building coverage allowed on the lot; the number of dwelling units or zoning rooms permitted on the lot; the distance between the building and the street; the distance between the building and the lot line; the amount of parking required; and other requirements applicable to specific residential, commercial, or manufacturing activities. Parkland is not zoned.

The uses permitted in each of the zoning districts are defined in one or more of 18 use groups set forth in the Zoning Resolution. The uses listed in each use group have common functional or nuisance characteristics. The use groups start with residential and institutional uses (Use Groups 1-4) and work their way up the nuisance scale from local retail and service uses (Use Groups 5-9) to regional shopping centers (Use Groups 10-12), waterfront/recreation uses (Use Groups 13-15), heavy automotive service (Use Group 16), and industrial uses (Use Groups 17 and 18). The zoning text identifies which use groups are permitted in each zoning district.

122. Public Policy

Other recognized public policies also describe the intended use of an area of particular site(s) in the City. These include Urban Renewal Plans, 197a Plans, In-Place Industrial Parks, the New York City Comprehensive Waterfront Plan, Waterfront Revitalization Program, the Criteria for the Location of City Facilities ("Fair Share" criteria), Solid Waste Management Plan, Business Improvement Districts, City Maps, the New York City Landmarks Law,

Figure 3A-2
 Sample from City Zoning Resolution Map



- Zoning Boundary
- Special-Purpose District
- ▨ C1-1 Overlay
- ▩ C1-2 Overlay
- ▧ C1-3 Overlay
- ▦ C1-4 Overlay
- ▥ C1-5 Overlay
- ▤ C2-1 Overlay
- ▣ C2-2 Overlay
- ▢ C2-3 Overlay
- C2-4 Overlay
- C2-5 Overlay

and reports prepared by the Department of City Planning, City Planning Commission, and Board of Standards and Appeals, among other public documents and reports. Some of these policies have regulatory status; others are discussion documents that describe general goals. These documents may change over time to reflect the evolving needs of the City, as determined by appointed and elected officials and the public. They can help define the existing and future context of the land use and zoning of an area.

200. Determining Whether a Land Use or Zoning Assessment is Appropriate

210. LAND USE

A basic description of land use and zoning and the policies that govern them is usually provided for all actions, regardless of their anticipated effects. This information is essential for conducting the other environmental analyses and provides a baseline for determining whether detailed analysis is appropriate.

A detailed assessment of land use is appropriate if the action would result in a significant change in land use or would substantially affect regulation or policies governing land use, or if analyses requiring land use information are being performed in any other technical area. Examples of actions that may affect land use or land use policy include zoning map or text changes, zoning special permits, Board of Standards and Appeals (BSA) variances or special permits, site selections (selection of sites for public facilities), creation or modification of an urban renewal plan, major concessions, franchises, land dispositions or acquisitions, and park mapping actions. Examples of technical analyses requiring land use information include socioeconomic conditions, neighborhood character, traffic and transportation, air quality, noise, infrastructure, and hazardous materials.

220. ZONING AND PUBLIC POLICY

221. Zoning

An assessment of zoning is typically performed in conjunction with a land use analysis, since zoning is one of the key elements in understanding whether and where land uses might change as the result of a proposed action. Zoning

assessments are also performed when the action would change the zoning on the site or result in the loss of a particular use, or if detailed analyses requiring zoning information are being performed in any other technical area. Examples of discretionary actions that may affect zoning include zoning map changes, zoning text changes, zoning special permits, BSA variances or special permits, and park mapping actions.

222. Public Policy

Similarly to zoning, some assessment of public policy accompanies a land use assessment, since such policies may help determine whether or where land uses might change as the result of a proposed action. Also, actions that would substantially affect land use regulation or policy controlling land use, or are located within areas governed by such public policies require an analysis of public policy. Examples include creation or modification of Urban Renewal Plans, and actions that are within areas covered by the City's Waterfront Revitalization Program. In addition, some actions may affect other specific public planning efforts by changing land use in the area.

300. Assessment Methods

Land use patterns are formed by various actions of public policy in concert with market forces for development. A change in land use on a single site is usually not enough to constitute a significant land use impact, although such a change could create impacts in other technical areas, such as traffic. In this case, it is generally enough to characterize the land use changes associated with the proposed action to a level of detail sufficient to provide information to other technical areas requiring it.

Changes in land use across a broader area, either because the action directly affects many sites or because the site-specific change is important enough to lead to changes in land use patterns over a wider area, generally require an analysis detailed enough to determine whether and where these changes might occur and whether such changes are significant and adverse. An action affecting the market forces that shape development (see "Socioeconomic Conditions," Chapter 3B) can also change land use; in this situation, a more detailed assessment of land use is also appropriate.

Although the proposed action may be important enough to potentially affect land use over a broader area, the characteristics of the affected area are also critical in determining impact significance. If, for example, a proposed action would be of a type generally expected to promote residential development in an area, but the surrounding area does not contain any underutilized sites zoned for residential use, the likelihood of redevelopment for a new use would be diminished. In short, the potential for land use change depends as much on conditions in the affected area as on the proposed action itself.

The geographic area to be assessed and the categories of land use and level of detail by which they and zoning/public policies are studied depend on the nature of the proposed action and the characteristics of the surrounding area. The assessment usually begins with selection of a study area.

310. STUDY AREA

311. Land Use

The appropriate study area for land use is related to the type and size of action being proposed and the location and neighborhood context of the area that could be affected by the action. For example, a single 20-story office building in Manhattan would likely have fewer potential land use impacts, and require a very different (smaller) study area, than the same building in Staten Island or Queens. Unless the action covers a substantial physical area or is a generic action, the study area should generally include at least the project site and the area within 400 feet of the site's boundaries. A proposed action's immediate effects on an area of this size can be predicted with some certainty. When other, more indirect effects may also occur, a larger study area should be used. Typically, such secondary impacts can occur within a radius of ¼- to ½-mile from the site of a proposed action.

These general boundaries can be modified, as appropriate, to include any additional areas that would be affected by the action, exclude areas that would not be, or reflect the actual context of the area. For example, if a ¼-mile radius from the project site is chosen as the general study area boundary but that boundary would cut off portions of a block that is clearly part of the neighborhood, the study area can be expanded to include those

portions. The study area does not have to be regular in shape. Such geographical and physical features as bodies of water, significant changes in topography, wide roads, and railroad easements often define neighborhood boundaries and therefore can be appropriate for the delineation of study area boundaries.

Sometimes even larger study areas may be appropriate, such as for actions that generate new truck trips along a specific route. In that example, the study area might include the blockfaces along the truck routes. The land use analysis would consider whether the additional truck traffic would in any way affect the surrounding uses. It should be noted, however, that using an inappropriately large study area can dilute or obscure an action's effects, particularly when those effects are localized in nature.

When determining the size of the land use study area, the requirements of the other technical areas that will be analyzed should also be considered. In the truck route example above, the noise and vibration analyses would typically require information on the land uses along the truck route. In such cases, the land use study area can accommodate the required technical analysis study area so that data collection can be coordinated.

For areawide or programmatic actions, since the extent of physical and geographic areas affected by these kinds of actions is large, it may be appropriate to provide prototypical assumptions or groupings of information instead of lot-by-lot descriptions typical of site-specific actions. Development projections or a development scenario would determine the appropriate study area boundaries (see Chapter 2A, Defining the Action for the Environmental Analysis, for more information on the development scenario).

312. Zoning and Public Policy

The study area for zoning and public policy is generally the same as that used for land use (see Section 311, above). For actions that could affect the regulations governing an urban renewal area, the entire urban renewal area should be included within the study area.

320. ANALYSIS TECHNIQUES

321. Land Use

After picking an appropriate study area, the land use assessment compares several steps: determine the level of detail and types of information appropriate for the assessment; survey the area; check the survey data against available maps and other sources; characterize existing land use patterns and trends in the area; estimate future land use conditions without the action; and assess future conditions with the action. As described in Section 100, above, zoning and public policy can help to define an area's land use; these are discussed below in Section 322.

321.1. Level of Detail and Types of Information

As noted above in Section 300, the extent to which the study area is examined depends on the issues associated with the action and the needs of other technical areas.

Issues Associated with the Action. In determining the extent and type of information to be assessed, based on the issues associated with the action, consider the following:

- If the action is not expected to generate significant land use impacts, the characterization of the study area for informational purposes should include general categories of land use (e.g., residential, commercial, industrial, transportation, institutional, etc.), adding whatever information may be required for other technical analyses (see discussion below). Consideration of compliance and conformance with zoning in the study area may also be appropriate (see Section 322, below).
- If the action is expected to encourage development in the surrounding area of the same use as associated with the action, the land use study should include some detail on that use and the land zoned for that use and potentially available for redevelopment in the study area. Take, for example, an action that would introduce substantial residential use on a commercially zoned site that had previously been in lower-density commercial use near a residential area (say, a movie theater). The land use analysis would:

1. Consider all general categories of land use, but would focus in detail on existing patterns and density of residential use.
2. Examine recent trends, particularly those that indicate activity (or lack of activity) with regard to residential use.
3. Identify other similarly zoned sites, particularly those that are underutilized for residential use.
4. Determine whether any other public policy might affect the potential for land use change.

- If the action would introduce a substantial new use into a neighborhood, the land use study should focus on the potential for the action to initiate a trend that would change land use patterns, and the compatibility of that use with the surrounding area. Take, for example, a residential building on a previously commercial site on the edge of a mixed-use commercial and industrial area. The land use analysis would:

1. Consider all general categories of land use, but focus on the following: the use of the proposed action (residential in this case); the uses in the adjacent mixed-use commercial and industrial area; uses that traditionally support residential use, such as schools, parks, local neighborhood retail, etc.
2. Examine recent trends (and consult the socioeconomic conditions analysis, Chapter 3B), particularly those that indicate activity (or lack of activity) in the mixed-use commercial and industrial area.
3. Identify other similarly zoned sites (if any), particularly those that are underutilized for residential use.
4. Determine whether any other public policy might affect the potential for land use change.

- If an action would introduce a land use prevalent in the area, but at a different (usually higher) density. The action might change residential land use density, which would lead, over time, to the addition of other uses that support residential uses. The land use study would:

1. Consider all general categories of land use, but focus on the following: residential density; presence, location, and

composition of uses that support residential use; and any other uses likely to increase in density as a result of the proposed action.

2. Identify properties or areas that could be developed for higher-density uses. These include appropriately zoned, larger tracts of land either undeveloped or lightly developed; groups of houses with the potential for assemblage; and locations well-served by transportation within the area served by the new sewer line.
- If the action would introduce a development large enough to alter socioeconomic trends in the study area, so that upgrading, conversion, and/or redevelopment could change land use patterns as well. An example would be an urban renewal plan, which would remove uses that created blight and develop an underutilized area with a major, dense, mixed-use project with residential, office, and retail uses. The land use analysis would:
 1. Coordinate with the socioeconomic conditions analysis to identify those types of uses most subject to change from the project.
 2. Consider all general land uses, with focus on those uses whose property values or occupants are most subject to socioeconomic change. These uses are generally those that are similar to those proposed in the action; they may also include uses that support the uses proposed in the action. If, in the example, retail use were not included in the action, its presence in the area would still be important, if the socioeconomic analysis found that increased worker and residential population from the action would lead to demand for increased retail services.
 3. Identify those sites and properties that are underutilized, based on current zoning and market conditions.
 4. Consider any public policy that would affect the targeted land uses.
 - If the action would result in the elimination of permitted land use(s), consider whether it would make existing and no action development substantially nonconforming. An example would be a zoning action that would eliminate certain use groups that are currently

permitted in the affected area. If a number of existing uses were among the proposed excluded uses, further analysis would be conducted, as follows:

1. Considering all general categories of land use, identify the extent (percentage or aggregate) to which the use proposed to be excluded characterizes the study area.
2. Consider recent development trends and determine what is likely to occur in the absence of the action.
3. Determine whether the proposed exclusion of uses would result in substantial nonconformance and/or new development that would be inconsistent with existing uses.

Issues Associated with Other Technical Areas.

In determining the types of information and level of detail appropriate when providing information for other technical areas, consider the following:

- Some technical areas may require the identification of land uses that are particularly sensitive to changes in environmental conditions, such as noise levels or air pollutant emissions from manufacturing facilities. The sensitive uses generally include housing, hospitals, schools, and parks. Often, land use investigations associated with this type of technical area coordination include consideration of whether the study area includes any sensitive uses with the potential to be affected by any action-related changes in air pollution or noise. This may include such tasks as:
 1. Identifying sensitive uses adjacent to routes to be taken by traffic generated as a result of the proposed action; this will help locate receptor sites for the noise and air quality analyses.
 2. If the use generated by the action itself would be sensitive or potentially subject to environmental conditions in the surrounding area, it may be appropriate to identify uses in the surrounding area that support such conditions. This may include an inventory of all industrial uses within 400 feet of the project site to check for possible air pollution emissions from manufacturing facilities or locations of hazardous materials that could migrate onto the proposed project site; or identifica-

tion of uses that may be noise or vibration sources affecting the site.

- If the action would likely affect demand for one or more community facilities (as defined in Chapter 3C, Section 100), such facilities should be identified in the land use study.

321.2. Data Collection

The extent and type of data to be collected depend on the action proposed and the area potentially affected. Typically, field surveys are conducted for the site and surrounding area. When larger study areas are used, particularly for generic or programmatic actions, secondary data can be helpful.

Field Survey. Surveys of the land uses in the study area are performed through field visits. These can be made on foot or in a vehicle, depending on the size of the area and the level of detail required.

The entire study area—every street and every block—should be surveyed. The analyst should note the uses in the area, using such categories as residential, commercial, manufacturing, institutional, parks, or vacant land. More descriptive definitions can also be used: residential uses can be further categorized according to building types and form—detached, semi-detached, single-family, multifamily; commercial uses can be described as retail, office, etc.; and manufacturing can be identified as light or heavy use. It is sometimes difficult to discern the uses in a particular building—for example, residential apartments in converted manufacturing buildings. When there is some doubt as to a building's use, the analyst should look for visible signs, such as smoke being emitted from a stack, or mailboxes or buzzers with tenants' names, curtains in windows, etc. Consideration of compliance and conformance with zoning in the study area may also be appropriate (see Section 322, below).

Available Documentation. The information gathered in the field survey can be compared to available data sources to fill in missing details and verify questionable material. In some cases, particularly for generic or programmatic actions, the assessment can rely largely on secondary data, with spot field checks conducted to verify these data. Most useful are the Department of City Planning's land use maps, which depict the uses

throughout the City, or other Geographic Information Systems (GIS) generated land use maps; and the Sanborn Insurance maps, Fire Insurance underwriters' maps, or other similar maps, which provide more detailed, building-by-building information. It is often appropriate to use field survey data to complement maps and other secondary data, to ensure that information is accurate and current. Other useful documentation includes various publications compiled by the Department of City Planning and other City agencies, such as the New York City Housing Authority, and publications prepared by real estate services (see Section 730).

321.3. Characterizing the Uses in the Study Area

Based on the information gathered through field survey and available documentation, describe in text the land use in the study area. This description should focus on land use patterns, relationships, and trends. It is sometimes appropriate to describe the development history of an area to understand the area's development trends. The amount of detail required in the land use discussion will depend on the action's potential for impacts and on the size of the study area. For example, if the action would alter the types and ranges of mixed-use development, it may be appropriate to describe the land use in sufficient detail to understand the relationships and character of the existing mixed-use development. For a small study area, such as a ¼-mile radius, uses are often described in detail for every lot. For larger study areas, more general descriptions can often be used, because an action's effect on a larger area may be more general than specific.

The land use assessment should also include maps of the uses in the area, detailed as appropriate to the study in question. The boundaries of the study area and of the project site or area of the proposed action should be clearly delineated on these maps as well. See Figure 3A-3 for an example of such a land use map.

321.4. Future No Action Condition

The future no action condition analyzes land use and development projects, initiatives, and proposals that are expected to be completed by the action's build year (see Chapter 2C, Defining Analysis Conditions, for more detail on the no action scenario and the build year). The scenario

that is assessed in all the other technical areas is usually established in the land use analysis.

In the assessment of no action conditions, compile a list of all the proposals that can reasonably be expected to be completed, given market conditions, existing trends, and other constraints and incentives (including zoning and public policy—see Section 322, below), by the build year. Information about future projects can be obtained from the appropriate borough office at the Department of City Planning, and from various real estate publications. Then, based on this inventory, describe the land use conditions that would exist in the build year. Depending on the anticipated impacts of the action in question (see existing conditions discussion, above) this assessment should address anticipated changes in land use and land use patterns and identify expected trends. Conditions in the future without the action can affect potential effects of that action as understood from an assessment of existing conditions. For example, development may be already proposed for underutilized sites identified in the existing conditions analysis; a review of proposed development may reveal an ongoing trend or acceleration of that trend that may outweigh an action's influence on land use trends.

321.5. Future Action Condition

The proposed action's effects on land use on the site of the action and in the study area are analyzed in the future action condition. First, the assessment should simply consider the direct effects of the action: what use(s) would the proposed action create on the project site, and would that use be different from the use that would otherwise be located on the site in the build year. The analysis should then focus on the action's compatibility and consistency with surrounding uses, as they would exist in the future without the action. Finally, the analysis should determine whether the action would have the ability to generate land use change in the study area. This analysis addresses the interplay between the proposed action in its particular location and conditions in the surrounding area. As described in more detail in Section 321.1, above, the key conditions most often include the size, use, and other special characteristics of the development expected with the proposed action, and the current and anticipated land use trends, linkages among land uses, presence (or absence) of underutilized properties appropriately zoned for the expected

new use, and zoning or other public policies in the area that promote, permit, or forbid development of the expected new use.

322. Zoning and Public Policy

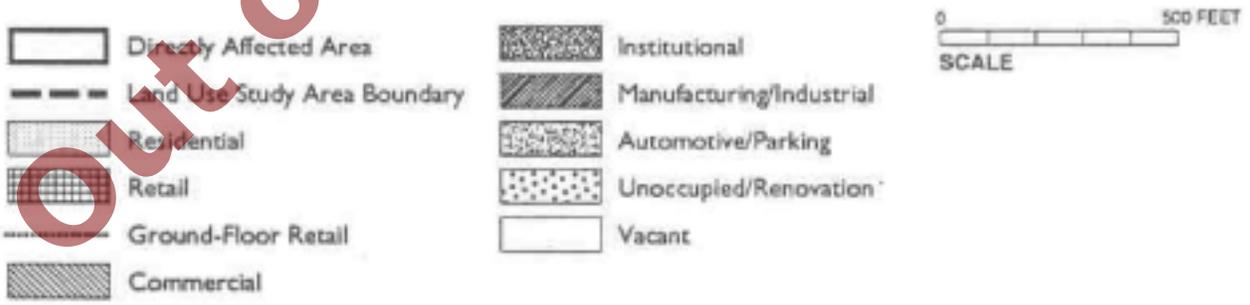
As the discussion of land use makes clear, issues of zoning and public policy are important to all land use analyses. At a minimum, understanding zoning and public policy helps the analyst frame future land use conditions. But more often, an understanding of zoning and public policy is key to understanding the nature and extent of land use impacts. Beyond its relationship to the land use analysis, the subject of zoning and public policy can arise itself. This occurs when the action involves a change in zoning or public policy, seeks approval under special provisions of the zoning resolution, or seeks relief from zoning through application to the Board of Standards and Appeals.

322.1. Existing Conditions

The analysis of existing conditions for zoning should describe the zoning districts in the study area. The zoning districts are found in the maps provided as part of the New York City Zoning Resolution. Then, key elements of those zoning districts can be described. These elements can include maximum permitted Floor Area Ratio (FAR) by district, building envelope/set-back/height requirements, minimum open space ratio, streetwall lengths, side yard depths, and minimum parking requirements.

The level of detail provided for this section usually depends on the action being proposed. If a zoning map or text change is proposed, more detail, specifically related to the zoning elements that would be changed, is generally provided. In addition, based on the information gathered in the land use survey, uses in the study area that do not comply with the existing zoning can be described, if appropriate. As discussed in Section 321.1, above, the assessment of existing zoning may include identification of sites that are (or are not) protected through zoning from conversion or redevelopment to a different use.

Figure 3A-3
 Example of a Land Use Map



Typically, in addition to text, the study area's zoning districts are indicated graphically on a map that clearly delineates the boundaries of the study area and of the site of the proposed action.

The discussion of existing conditions also includes public policies, formal plans, and published reports that pertain to the study area, as appropriate. These are addressed for two reasons. First, it is important to know whether a proposed action may conflict with a public policy or detract from a formal public plan. Second, public policies and plans serve a similar function to zoning, in that they may offer protection from or promote land use change in an area. Depending on the issue for a given action, then, such policies and plans are identified and assessed, as they are relevant to potential land use change.

322.2. Future No Action Condition

The future no action condition sets the background for public policy affecting land use in the action's build year, assuming that the action does not go forward. This condition includes zoning changes and future plans and policies announced by public entities, or released plans that would go into effect by the build year. Information on plans and proposals is available through the Department of City Planning, which decides many issues of public policy and keeps track of proposals affecting land use, and may also be available from other City, State, or Federal agencies that are undertaking planning in the study area. The assessment of the future no action condition should continue the focus on relevant issues and/or support the land use analysis as established in the existing conditions analysis.

322.3. Future Action Condition

This analysis should focus on any changes to the zoning regulations or zoning maps, and on the action's compatibility with surrounding zoning districts. For example, if the action would result in the elimination of manufacturing zones, this may be important to note, particularly in areas of the City that support active manufacturing uses. The proposed action's effect on existing and planned public policies and initiatives should be considered, and its consistency with any applicable policies should be addressed.

400. Determining Impact Significance

410. LAND USE

The analyses described in Section 300, above, identify land use changes anticipated with a proposed action. Many land use changes may be significant, but not adverse. For example, development of a large vacant site would constitute a significant land use change on that site and perhaps in the surrounding area, but if the site had been vacant and neglected, this change might be considered beneficial. The approach to determining whether land use changes are significant and adverse is as follows:

- If the proposed action would directly displace a land use and such a loss would adversely affect surrounding land uses, this displacement may be considered a significant adverse impact (see Chapter 3B, "Socioeconomic Conditions").
- In general, if an action would generate a land use that would be incompatible with surrounding uses, such a change may be considered significant and adverse if:
 1. The new land use or new site occupants would interfere with the proper functioning of the affected use or of land use patterns in the area. One example could be a residential use adjacent to a manufacturing area (other than M1, which is appropriate near residences); this kind of juxtaposition of land uses could eventually restrict industrial operations for reasons, say, of public safety. Conversely, a new heavy manufacturing use near a residential area might diminish the quality of residential use because of noise or air pollution, for example.
 2. The effect to land uses would be inconsistent with public policy.
 3. The incompatible use would adversely alter neighborhood character (as determined in the neighborhood character analysis described in Chapter 3H, below).
- In general, if an action is expected to alter land uses in the surrounding area and the anticipated change is substantial, that change is usually considered significant, but not necessarily adverse. The change may be considered adverse if:

1. The use changes would not be compatible with other uses in the area.
2. The use changes would not be compatible with public land use policy.
3. The new development would increase density in the area, and such density does not conform to public policy and plans for the area.
4. The new development would increase density in the area, and such density can be shown to overtax the capacity of the study area to support it.
5. The use changes would accelerate existing and anticipated trends in development for the area that lead to adverse socioeconomic impacts (this would be determined in coordination with the socioeconomic conditions analysis described in Chapter 3B, below).

In many cases, land use changes do not result in significant adverse land use impacts, but they can cause significant adverse impacts in other technical areas. A typical example is of an office building proposed for a densely developed commercial area. This land use change would not be significant; however, the workers and visitors coming to and from the building might create significant traffic, transit, or pedestrian impacts. The potential to create significant impacts in other technical areas should not necessarily be confused with a land use impact.

420. ZONING AND OTHER PUBLIC POLICY

For zoning and public policy, the approach to determining whether land use changes are significant and adverse is as follows:

- The action would create land uses or structures that substantially do not conform to or comply with underlying zoning. An example would be rezoning of several blocks from manufacturing to commercial use; such a change might permit development of desired residential uses, say, on vacant or underutilized sites in the area, but it would turn existing manufacturing uses into non-conforming uses and might render their structures nonconforming, as well. Such an impact would be adverse; it would also be significant if it involved a substantial number of uses or if it conflicted with another public policy (e.g., an in-place industrial park) to protect those uses.

- The action would create a land use or would itself conflict with public policies and plans for the site or surrounding area.
- The action would result in significant material changes to existing regulations or policy. For example, this could include a proposed bulk variance within a special district that is in conflict with the goals and built form within the special district.

500. Developing Mitigation

Mitigation for potential significant adverse land use, zoning, or public policy impacts could include the following types of measures, as appropriate:

- Establish a buffer between the new, incompatible land use and its surroundings.
- Where an action on a particular site might lead to an incompatible or otherwise significantly adverse land use, develop terms and conditions for appropriate regulatory controls, such as the special permit (if there is one) or subject the action to a restrictive declaration limiting such a use (if it is a private applicant) or include language requiring the protective restrictions in leases, urban renewal plans, or other agreements (if it is a public action). It should be noted that, for zoning actions, restrictive declarations are not preferred by the Department of City Planning.
- If a zoning text change is proposed, the text language could be modified to mitigate potential impacts. (However, substantial changes to the proposed action would typically be considered alternatives.)

600. Developing Alternatives

Alternatives that reduce or eliminate land use or zoning/public policy impacts can include the following:

- Alternative site configuration, to separate conflicting uses as much as possible.
- Alteration of the zoning proposal, or inclusion of provisions, to reduce non-conformance of uses and structures.

- Alternative site(s) for the action, particularly for public actions.
- Alternative uses that eliminate or reduce land use impacts.
- Alternative development proposals, such as actions that do not require modifications to the zoning (often called "as-of-right" alternatives).

700. Regulations and Coordination

710. REGULATIONS AND STANDARDS

The New York City Zoning Resolution is the underlying regulation for land use in the City. Additionally, different parts of the City may also be affected by various other public policies, such as the Waterfront Revitalization Plan. There are no standards for the analysis of land use, zoning, or public policy impacts.

720. APPLICABLE COORDINATION

If any public policies would apply to the proposed action, or the area affected by the proposed action, coordination with the responsible agency is advised. Some examples of the agencies and their respective policies are as follows:

- New York City Department of Housing Preservation and Development (HPD)—Urban Renewal Plans
- Economic Development Corporation—In-Place Industrial Parks
- New York City Department of City Planning—New York City Comprehensive Waterfront Plan, 197a Plans
- Agencies such as the New York City Departments of Transportation, Environmental Protection, Sanitation, or Parks and Recreation, the Police and Fire Departments, or the Board of Education, that may propose capital projects affecting land use.

This coordination is important to avoid the potential for conflicting policies if overlapping plans are intended for a site or area. By coordinating the proposed action with the relevant agencies, provisions to accommodate potentially conflicting goals can be worked out and made to be part of the action and assessed accordingly.

730. LOCATION OF INFORMATION

- New York City Department of City Planning
22 Reade Street
New York, NY 10007
 - Map Sales:
Land Use Maps
Zoning Resolution
197a Plans
Planning Reports
Waterfront Revitalization Program
 - Housing, Economic and Infrastructure Planning:
Housing Reports
Economic and Industry Reports
 - Computer Information Services:
MISLAND Data (MISLAND files are databases of developed properties, identified by tax block and lot number. The date of the structure, types of use, number of stories, and City or private ownership are identified.)

Sanborn Maps available for viewing
 - Calendar Officer:
City Planning Commission Reports
 - Zoning and Urban Design:
Zoning text changes, recently adopted and under consideration
 - Waterfront Division:
Waterfront Studies
State and Federal Coastal Zone Requirements
 - Technical Review:
ULURP applications and approvals
Zoning and Street Maps
Urban Renewal Area Designation and Plans
 - Environmental Assessment and Review Division:
CEQR applications, approved and pending
- Department of City Planning, Borough Offices:
Planning Reports
Planning Initiatives
 - Manhattan
22 Reade Street
New York, NY 10007

—Staten Island
130 Stuyvesant Street
Staten Island, NY 10301

—Queens
29-27 41st Avenue
Queens, NY 11101

—Brooklyn
16 Court Street
Brooklyn, NY 11241

—Bronx
One Fordham Plaza
Bronx, NY 10458

- Mayor's Office of Environmental Coordination
100 Gold Street
New York, NY 10038
CEQR Documents since 10/1/91
- Economic Development Corporation
Planning Division
110 William Street
New York, NY 10038
Development Projects
Economic and Development Plans
- Department of Housing
Preservation and Development
100 Gold Street
New York, NY 10038
Urban Renewal Plans
Urban Renewal Area Designations
Relocation Reports
Disposition Agreements
- Director, Manhattan Planning

—Director, Bronx Planning

—Director, Queens/Staten Island Planning

—Director, Brooklyn Planning

- Buildings Department
Building Permits
Certificates of Occupancy

—Manhattan
60 Hudson Street
New York, NY 10013

—Brooklyn
Municipal Building
210 Joralemon Street
Brooklyn, NY 11201

—Bronx
1932 Arthur Avenue
Bronx, NY 10457

—Queens
126-06 Queens Boulevard
Kew Gardens, NY 11415

—Staten Island
Borough Hall
Staten Island, NY 10301

- Board of Standards and Appeals
40 Rector Street
New York, NY 10006
BSA Special Permits
BSA Reports