# Chapter 22: Conceptual Analysis of the Proposed Text Amendment

## A. INTRODUCTION

The proposed text amendment would allow the City Planning Commission (CPC) to waive within a general large scale development special permit, the applicable "height factor" and "open space ratio" requirements provided that applicants meet certain findings related to the amount and quality of open areas and landscaping. This chapter provides information on the proposed zoning text amendment—the text itself, the purpose and need for the text amendment, and a description of the areas of the City in which the text amendment could apply. While other chapters of this EIS analyze the proposed use of the special permit in connection with the West 61st Street development, this chapter provides an analysis of the potential future use of the proposed Citywide text amendment, and its environmental effects. It is not possible to predict where or how often the provisions of the text would be used on other sites in the future since the waivers provided by the text are site-specific and would depend on specific development plans not known at this time. Therefore, a site specific analysis cannot be provided. Instead, this conceptual analysis considers what the general effects of the provisions of the text would be on future development to assess the potential for the proposed text amendment to result in significant adverse impacts. The analysis of the potential future use of the text amendment elsewhere in the City, is the conceptual analysis.

## B. GENERAL LARGE-SCALE DEVELOPMENT

According to the text of the New York City Zoning Resolution, there are three types of large-scale developments: residential, community facility, and general large-scale development. Residential and community facility large-scale developments are located entirely in residential districts and their commercial overlay districts, or in C3 and C4-1 districts. A general large-scale development is a development or enlargement for any uses permitted by the underlying district regulations in commercial districts (except C1, C2, C3, and C4-1 districts) and in all manufacturing districts. The development must be on a tract of land that is at least 1.5 acres. In order to achieve good site planning, useful amenities and better urban design relationships among existing and new buildings, special provisions in the Zoning Resolution enable the City Planning Commission to offer incentives and flexibility in the distribution of bulk, density, open space and on-site parking to large-scale developments.

## C. DESCRIPTION OF THE PROPOSED TEXT AMENDMENT

### PROPOSED TEXT AMENDMENT

The proposed text amendment would be made to the provisions of Section 74-743, "Special provisions for bulk modification," to modify the applicable "height factor" and "open space" requirements in certain large-scale developments. The proposed text amendment text would be

as follows (matter in underline is new, to be added; matter in ~~strikethrough~~ 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 for the applicable district without regard for #height factor# or #open space ratio# requirements provided that the #general large scale development# is located partially in a C6-1, C6-2, or C6-3 District.

(b) ~~As a condition of granting~~ 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; ~~and~~

(6) where the Commission permits the maximum #floor area ratio# allowed pursuant to Section 23-142 for the applicable district without regard for #height factor# or #open space ratio# requirements, open areas are provided within the #general large scale development# that are of sufficient size to serve the residents of new or #enlarged buildings#. Such open areas shall be accessible to and usable by all residents of such new or #enlarged buildings#, and have appropriate access, circulation, seating, lighting and paving. Furthermore, the site plan of such #general large scale development# shall include superior landscaping for open areas serving the needs of residents of the new or enlarged #buildings#; and.

~~(6)~~(7) 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.

## PURPOSE AND NEED FOR THE PROPOSED TEXT AMENDMENT

The provisions of Section 74-743, "General Large-Scale Developments," of the Zoning Resolution permit the CPC to waive requirements relating to height and setback, yards, courts, and minimum distance between buildings. Section 74-743 does not currently permit the CPC to waive "height factor" and "open space ratio" requirements (i.e., the CPC may not permit the maximum floor area ratio of the underlying zoning district unless the requirements for on-site open space are met). "Height Factor" or "Alternate Setback" buildings constructed within general large scale developments are required to comply with the "open space ratios" of the underlying zoning district and provide open space that is unobstructed to the sky, except as otherwise provided in Section 12-10 of the Zoning Resolution. Consequently, developments which include such "Height Factor" or "Alternate Setback" buildings result in smaller building footprints and larger open areas. As shown in the discussion of the two Rezoning Only Alternatives (see Chapter 21, "Alternatives"), which do not require the proposed text amendment, the building mass would be distributed in a manner that is distinct from and inferior to that which is proposed by the applicant.

The proposed text amendment, if adopted, will enable the CPC to waive within certain large-scale developments the "height factor" and "open space ratio" requirements that would otherwise be required by the underlying district designations provided that the open areas on the zoning lot are of sufficient size to serve the residents of the building, that the open areas are accessible to and usable by all residents of the building, and that the open areas have appropriate access, circulation, seating, lighting, and paving. In addition, the site plan must include superior landscaping for all open areas, including the planting of street trees. The proposed text amendment would provide greater flexibility to design and program large-scale developments with superior open areas and recreational spaces than that which is available today.

## AREAS OF APPLICABILITY

The proposed zoning text amendment would apply to future general large-scale developments located partially in a C6-1, C6-2, or C6-3 zoning district. As mentioned above, there are three types of large-scale developments: residential, community facility, and general large-scale, all of

which require zoning lots of at least 1.5 acres. The proposed text amendment would only be applicable to general large-scale developments.

The proposed text amendment would require as a condition precedent to waiving applicable "height factor" and "open space ratio" requirements that applicants for such general large-scale developments comply with new open area requirements. These new requirements mandate that the open areas on the proposed zoning lot are of sufficient size to serve the residents of the building, that the open areas are accessible to and usable by all residents of the building, and that the open areas have appropriate access, circulation, seating, lighting, and paving. In addition, the site plan must include superior landscaping for all open areas, including the planting of street trees (see "Purpose and Need," above). The use of the proposed text amendment would be contingent upon an applicant's ability to apply for and receive a general large-scale development special permit. The proposed text amendment would not induce any new or unplanned development but would permit the re-design and re-programming of open areas in a manner that results in superior recreational spaces for building residents.

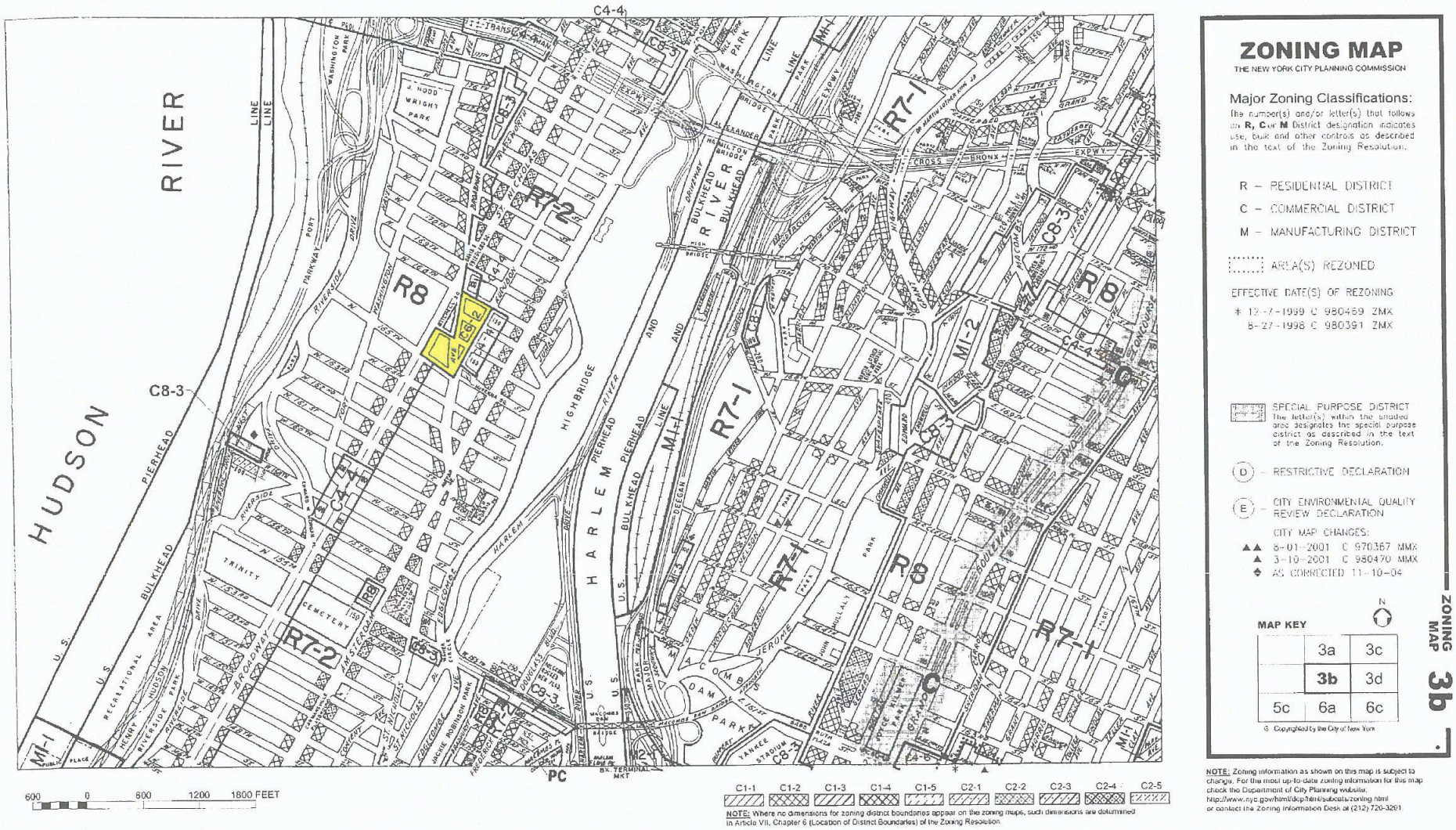
The proposed text amendment may or may not be applicable in all special zoning districts, depending upon the regulations of each such special district, and the availability of 1.5-acre sites. Special zoning districts are districts that have special regulations that either supplement or supersede the underlying district regulations. Special zoning districts are intended to achieve specific planning and urban design objectives in defined areas with unique characteristics. Special districts in which there are areas of C6-1, C6-2, or C6-3 zoning designations include the Clinton Special District, the West Chelsea Special District, the Tribeca Mixed-Use Special District, the Lower Manhattan Special District, the Little Italy Special District, the Transit Land Use Special District in Manhattan; and the Downtown Brooklyn Special District in Brooklyn.

The remaining areas of C6-1, C6-2, and C6-3 zoning districts are mapped predominantly in Manhattan, with very small areas in Brooklyn and one block in Queens (see the highlighted zoning maps—Figures 22-1 through 22-9—for the specific locations that have the potential to be affected by this proposed text amendment).

Within Manhattan, the largest area is mapped on the Lower East Side. Specifically, there is a large area mapped C6-1 located between Grand and Houston Streets between the Bowery and approximately Essex Street. The C6-1 mapping continues north along Second Avenue between East 1st and East 7th Streets. C6-2 zoning continues south of Grand Street and north of East Broadway between Essex and Allen Streets, and there is one additional small block zoned C6-2 to the east at Pitt and Broome Streets. It should be noted that the Department of City Planning is studying new zoning designations for most of this area, which would make these contextual districts. To the south of the Lower East Side in Lower Manhattan, there is an area of C6-1 zoning between Park Row, Baxter Street, the Bowery, and Canal. Within Manhattan, other areas of C6-1, C6-2, and C6-3 zoning include small areas in the Far West Village, Greenwich Village, Astor Place, Union Square, the West 30s, the East 30s, on West 60th Street, on East 60th Street, and on Broadway between West 165th and 168th Street.

Within Brooklyn, there are C6-2 zoning districts in two small areas of Downtown Brooklyn north of Tillary Street between Prince Street and Flatbush Avenue. An additional area of C6-2 zoning is mapped on a recently rezoned blockfront along Atlantic Avenue between South Oxford and South Portland Streets. This area was rezoned effective April 27, 2006 in conjunction with a proposed residential development of 80 units and 12,000 square feet of retail space.

6.15.06




## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**

The number(s) and/or letter(s) that follows an **R, C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING

* 12-7-1999 C 980469 ZMX
8-27-1998 C 980391 ZMX

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

CITY MAP CHANGES:
▲▲ 8-01-2001 C 970367 MMX
▲ 3-10-2001 C 980470 MMX
◆ AS CORRECTED 11-10-04

MAP KEY

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|---|---|---|
| | 3a | 3c |
| | **3b** | 3d |
| 5c | 6a | 6c |

N

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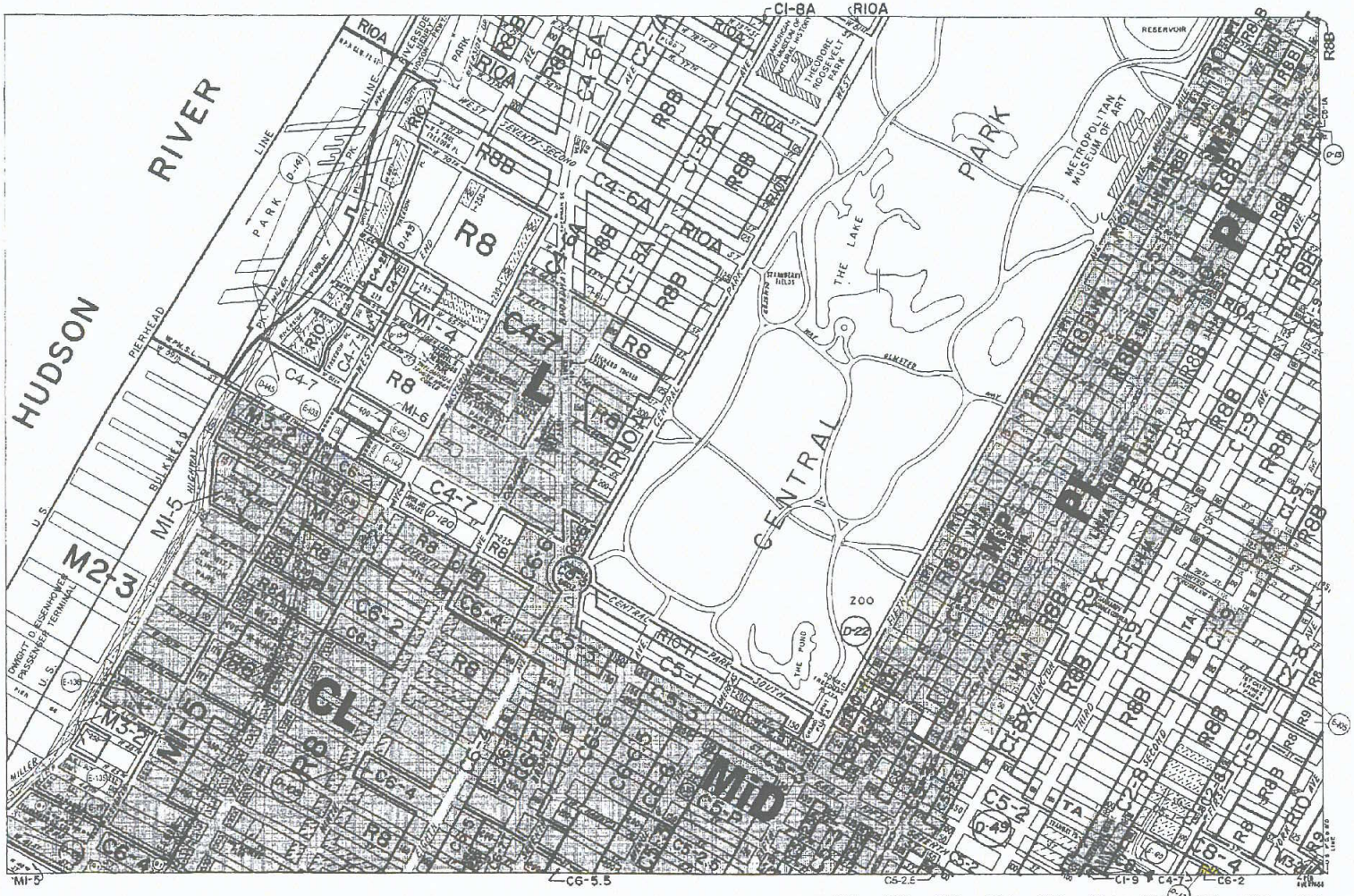
ZONING MAP **3b**

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map check the Department of City Planning website: http://www.nyc.gov/html/dcp/html/subcats/zoning.html or contact the Zoning Information Desk at (212) 720-3291.

**West 61st Street Rezoning**
Project and Citywide GLSD Text Amendment

# Zoning Map 3b
Figure 22-1




# ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**

The number(s) and/or letter(s) that follows an **R, C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:

*** 2-02-2005 C 050050 ZMM
**11-10-2004 C 040250 ZMM
*11-10-2004 C 040249 ZMM
3-10-2004 C 030214 ZMM

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

(E1) – REFERS TO BLOCKS WITH LOTS SUBJECT TO CEQR DESIGNATION E-137. SEE Z.R. APPENDICES (CEQR DECLARATIONS) FOR LIST OF AFFECTED BLOCK AND LOTS.

N

**MAP KEY**

| | | |
|---|---|---|
| | 5d | 6b |
| 8a | **8c** | 9a |
| 8b | 8d | 9b |

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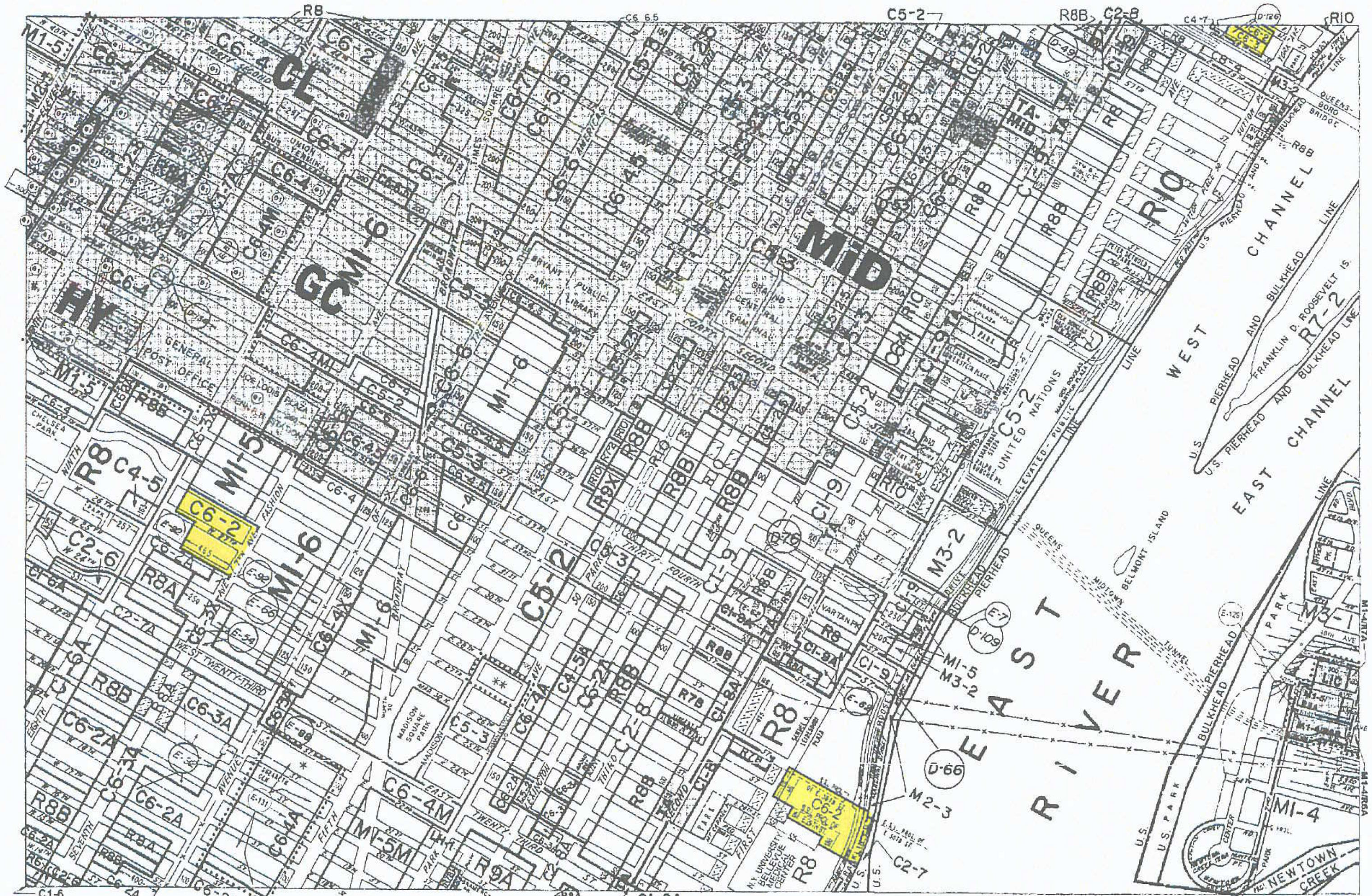
ZONING MAP **8c**

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map check the Department of City Planning website: http://www.nyc.gov/html/dcp/html/subcats/zoning.html or contact the Zoning Information Desk at (212) 720-3291.

**West 61st Street Rezoning**
Project and Citywide GLSD Text Amendment

**Zoning Map 8c**
Figure 22-2

6.15.06




600 0 600 1200 1800 FEET

# NOTE: STREETS FOR THE STREET MAP CHANGES C 040507MMM AND C 040508MMM ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

**ZONING MAP**

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an **R**, **C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:

*** 1-19-2005 C 040499(A) ZMM
** 12-15-2004 C 040496 ZMM
* 8-12-2004 C 040331 ZMM
8-12-2004 C 040273 ZMQ

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

(e1) – REFERS TO BLOCKS WITH LOTS SUBJECT TO CEQR DESIGNATION E-137. SEE Z.R. APPENDICES (CEQR DECLARATIONS) FOR LIST OF AFFECTED BLOCK AND LOTS

N

**MAP KEY**

| | | |
|---|---|---|
| 8a | 8c | 9a |
| 8b | **8d** | 9b |
| 12a | 12c | 13a |

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ZONING MAP **8d**

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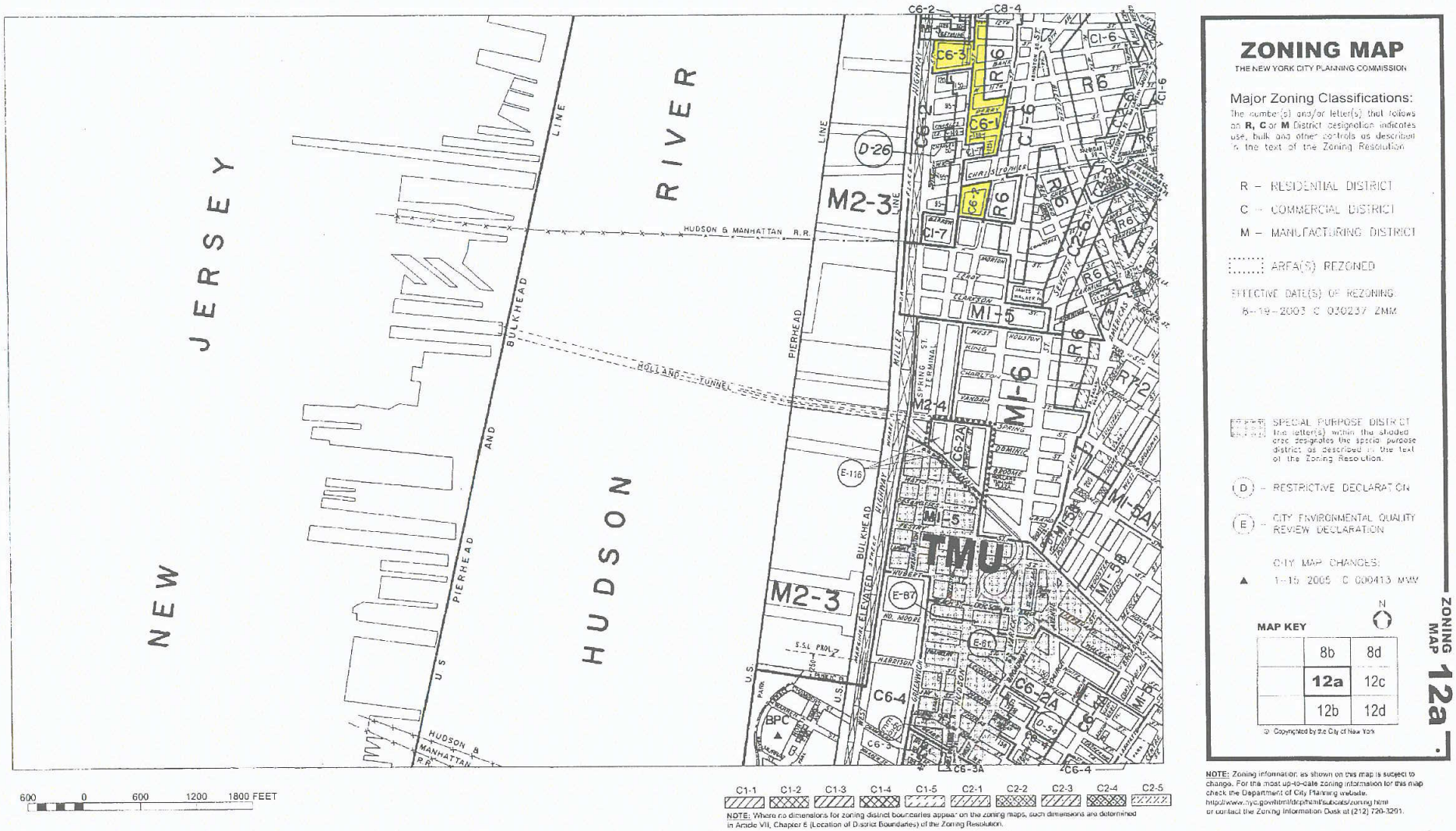
**West 61st Street Rezoning**
Project and Citywide GLSD Text Amendment

## Zoning Map 8d
Figure 22-3

6.15.06




## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an **R, C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:
6-19-2003 C 030237 ZMM

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

CITY MAP CHANGES:
▲ 1-15-2005 C 000413 MMM

MAP KEY

| | | |
|---|---|---|
| | 8b | 8d |
| | **12a** | 12c |
| | 12b | 12d |

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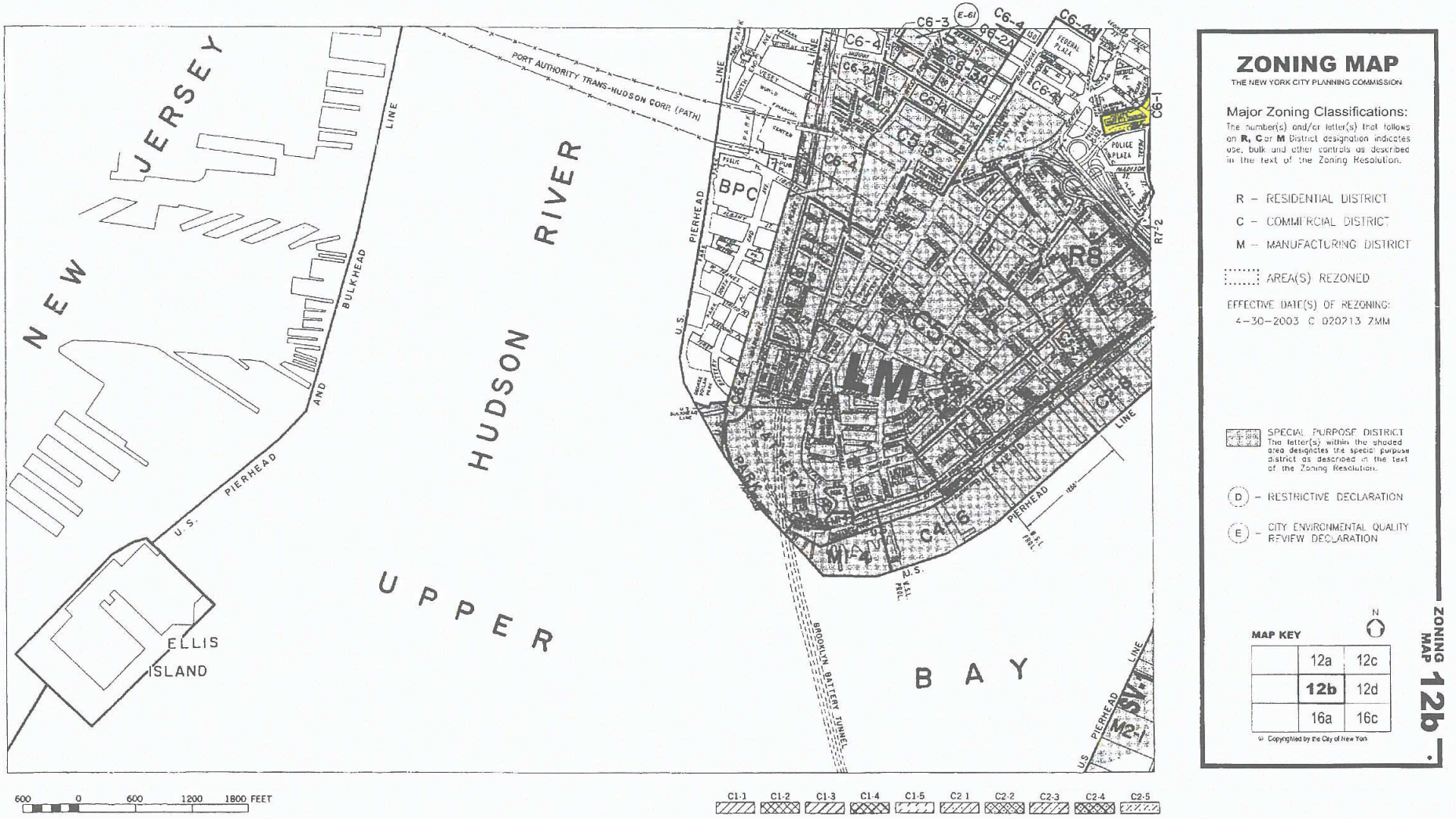
ZONING MAP **12a**

**NOTE:** Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map check the Department of City Planning website, http://www.nyc.gov/html/dcp/html/subcats/zoning.html or contact the Zoning Information Desk at (212) 720-3291.

**West 61st Street Rezoning**
Project and Citywide GLSD Text Amendment

# Zoning Map 12a
Figure 22-4




## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an **R, C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:
4-30-2003 C 020213 ZMM

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

MAP KEY

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| | 12a | 12c |
| | **12b** | 12d |
| | 16a | 16c |

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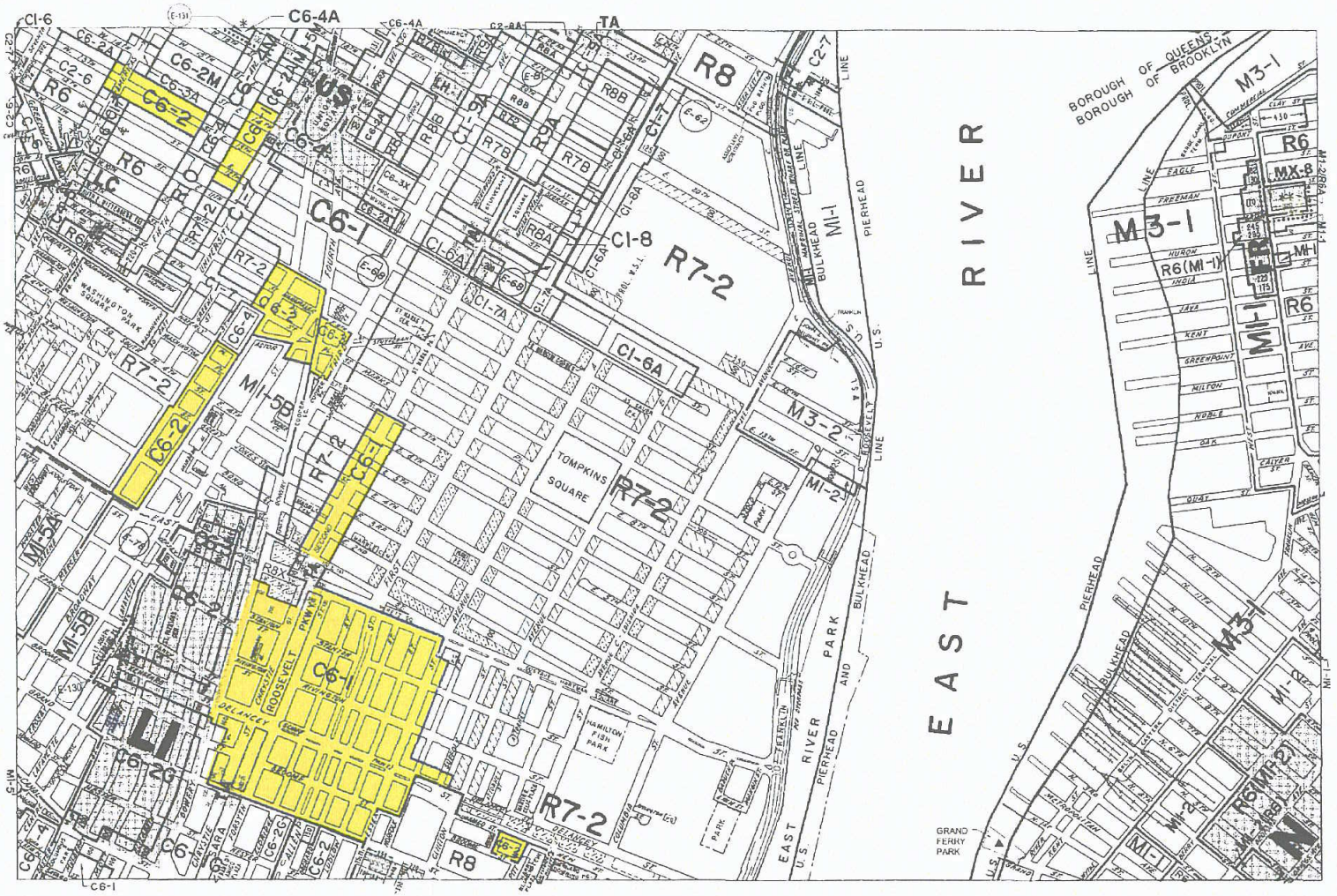
ZONING MAP **12b**

**West 61st Street Rezoning**
Project and Citywide GLSD Text Amendment

**Zoning Map 12b**
Figure 22-5




C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 5 (Location of District Boundaries) of the Zoning Resolution.

## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**

The number(s) and/or letter(s) that follows an **R, C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:

**9-28-2004 C 010384 ZMK
*8-12-2004 C 040331 ZMM
7-21-2004 C 040021 ZMM

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

CITY MAP CHANGES:
▲ 9-21-2002 C 970169 MMK

N

**MAP KEY**

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|---|---|---|
| 8b | 8d | 9b |
| 12a | **12c** | 13a |
| 12b | 12d | 13b |

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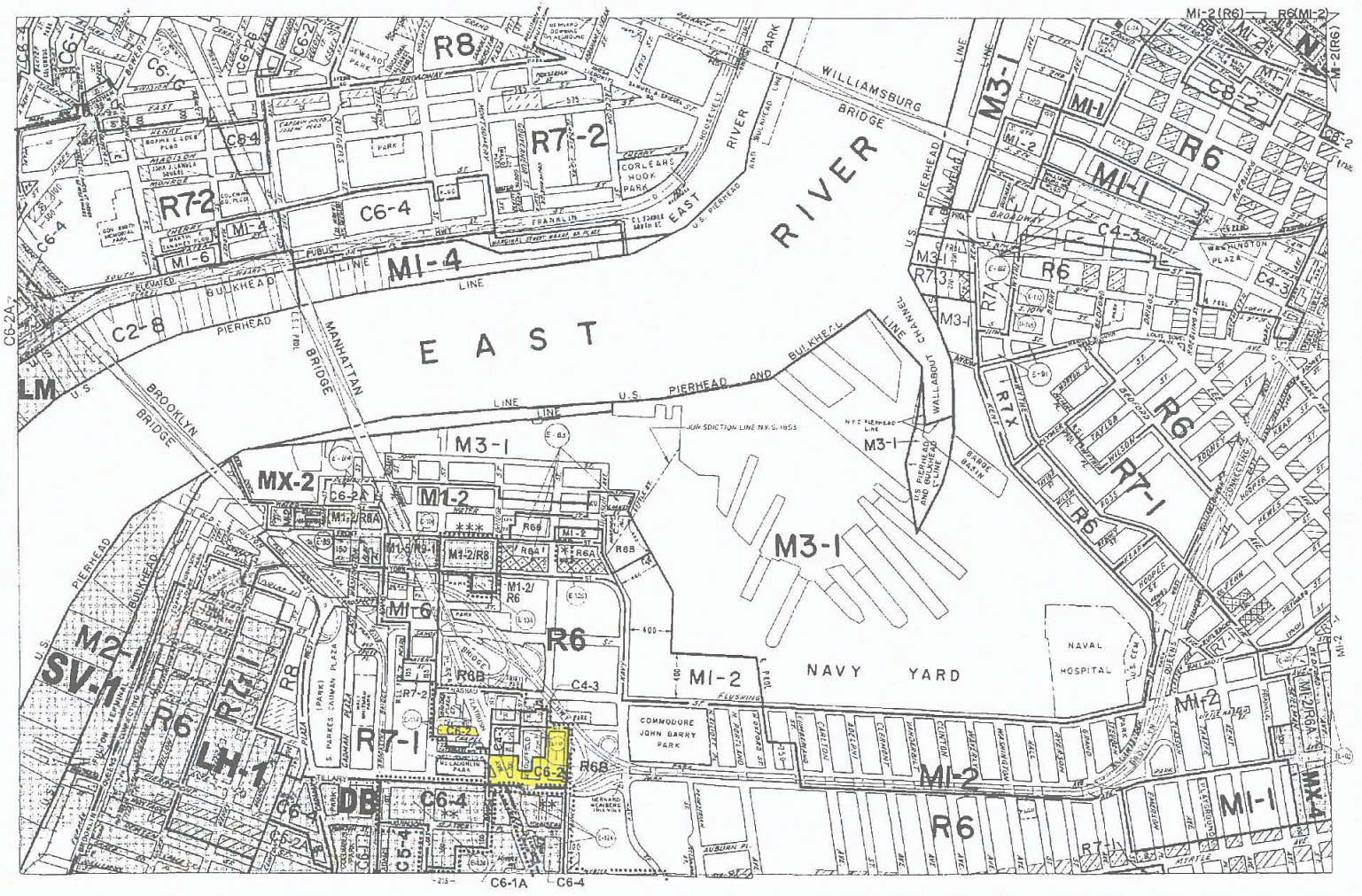
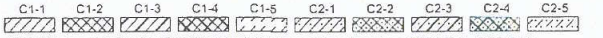
ZONING MAP 12c

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map check the Department of City Planning website: http://www.nyc.gov/html/dcp/html/subcats/zoning.html or contact the Zoning Information Desk at (212) 720-3291.

**West 61st Street Rezoning**
Project and Citywide GLSD Text Amendment

# Zoning Map 12c
Figure 22-6




NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an **R, C** or **M** District designation indicates use, bulk and other controls as described in the text of the *Zoning Resolution*.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:

*** 12-15-2004 C 040215 ZMK

** 6-28-2004 C 040171 ZMK

* 5-05-2004 C 030289 ZMK

9-19-2003 C 020263 ZMK

SPECIAL PURPOSE DISTRICT: The letter(s) within the shaded area designates the special purpose district as described in the text of the *Zoning Resolution*.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

◆ AS CORRECTED 9-09-2004

MAP KEY

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|---|---|---|
| 12a | 12c | 13a |
| 12b | **12d** | 13b |
| 16a | 16c | 17a |

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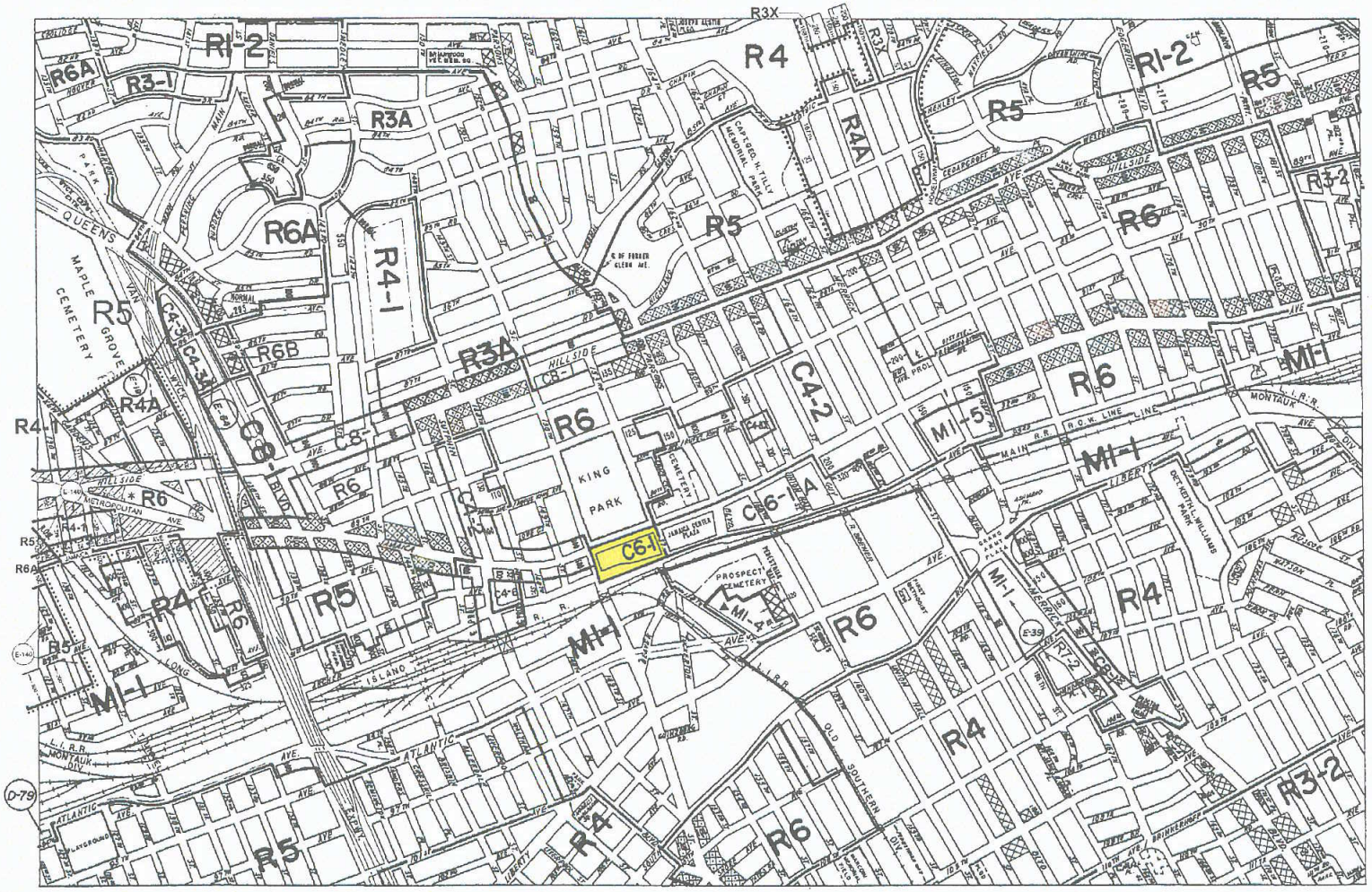
ZONING MAP **12d**

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, check the Department of City Planning website: http://www.nyc.gov/html/dcp/html/subcats/zoning.html or contact the Zoning Information Desk at (212) 720-3291.

**West 61st Street Rezoning**
Project and Citywide GLSD Text Amendment

**Zoning Map 12d**
Figure 22-7

6.15.06




600 0 600 1200 1800 FEET

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

**Major Zoning Classifications:**

The number(s) and/or letter(s) that follows an **R, C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:

* 3-09-2005 C 050153 ZMQ
10-13-2004 C 040492 ZMQ

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

CITY MAP CHANGES:

▲ 11-10-2001 C 990311 MMQ

N

**MAP KEY**

| | | |
|---|---|---|
| 14a | 14c | 15a |
| 14b | **14d** | 15b |
| 18a | 18c | 19a |

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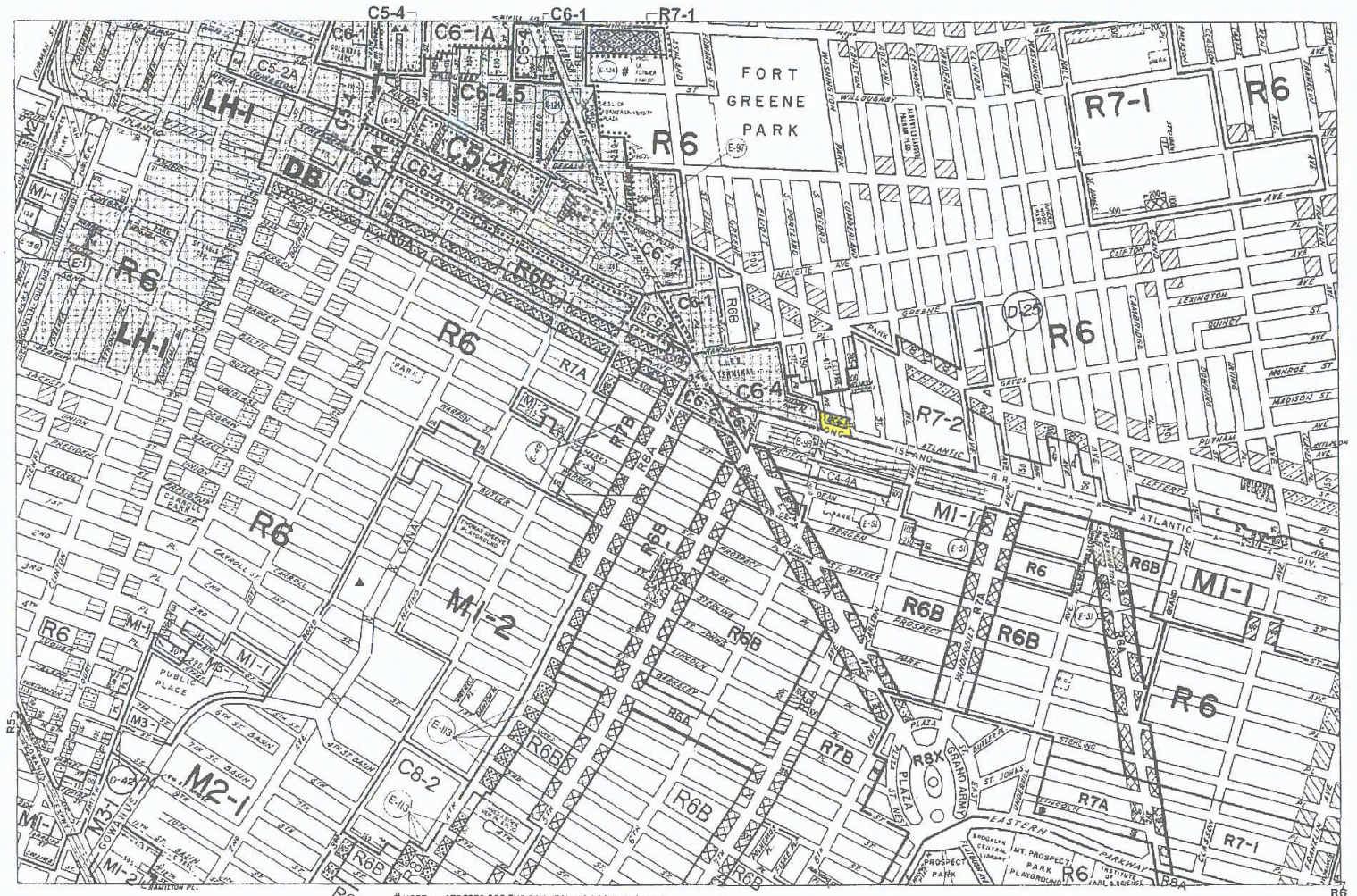
ZONING MAP **14d**

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map check the Department of City Planning website: http://www.nyc.gov/html/dcp/html/subcats/zoning.html or contact the Zoning Information Desk at (212) 720-3291.

**West 61st Street Rezoning**
Project and Citywide GLSD Text Amendment

# Zoning Map 14d
Figure 22-8




# NOTE: STREETS FOR THE DOWNTOWN BROOKLYN STREET MAP CHANGES ( C 030514MMK - C 030517MMK ) ARE SHOWN ON THIS MAP PRIOR TO BECOMING EFFECTIVE IN ORDER TO LOCATE ZONING DISTRICT BOUNDARIES.

C1-1 C1-2 C1-3 C1-4 C1-5 C2-1 C2-2 C2-3 C2-4 C2-5

NOTE: Where no dimensions for zoning district boundaries appear on the zoning maps, such dimensions are determined in Article VII, Chapter 6 (Location of District Boundaries) of the Zoning Resolution.

## ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an **R, C** or **M** District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

AREA(S) REZONED

EFFECTIVE DATE(S) OF REZONING:
6-28-2004 C 040171 ZMK

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

(D) – RESTRICTIVE DECLARATION

(E) – CITY ENVIRONMENTAL QUALITY REVIEW DECLARATION

CITY MAP CHANGES:
▲▲ 5-15-2004 C 030269 MMK
▲ 4-09-2004 C 900932 MMK

N

MAP KEY

| | | |
|---|---|---|
| 12b | 12d | 13b |
| 16a | **16c** | 17a |
| 16b | 16d | 17b |

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ZONING MAP 16c

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map check the Department of City Planning website, http://www.nyc.gov/html/dcp/html/subcats/zon.ng.html or contact the Zoning Information Desk at (212) 720-3291.

**West 61st Street Rezoning**
Project and Citywide GLSD Text Amendment

# Zoning Map 16c
Figure 22-9

# D. ASSESSMENT OF THE POTENTIAL EFFECTS OF THE PROPOSED TEXT AMENDMENT

## FUTURE APPLICABILITY

At this time, there are no known proposals that would make use of the proposed text amendment other than the proposed project described in Chapters 1 through 21 of this Environmental Impact Statement (EIS). While it is difficult to ascertain how many future development proposals will seek to make use of the proposed text amendment, it is anticipated that the text amendment would not induce a greater number of applications for general large-scale development special permits. Since the general large-scale development provisions were modified most recently in July 2001, there have been only a few applications for developments under these provisions. As is illustrated on Figures 22-1 through 22-9, the conditions where the general large-scale development special permit would apply are not particularly widespread in the City, and it is expected that there are relatively few sites that could take advantage of this special permit. The use of this special permit, as in the case for the proposed project, is very site-specific, and is dependent on a combination of specific zoning requirements and the ability to make an assemblage of at least 1.5 acres of contiguous property. As the use of this special permit is so site-specific, it is not possible to generalize about the future applicability of the special permit in other parts of the City.

Because there are only limited areas of C6-1, C6-2, and C6-3 zoning in Brooklyn and Queens, it is more likely that if future developments make use of the text amendment, these developments will be located in Manhattan.

In Brooklyn, the proposed text amendment is not likely to be used on the blockfront along Atlantic Avenue. This site, which is less than 1.5 acres in size and therefore not eligible for a general large-scale development special permit, was rezoned in connection with a specific development proposal (Atlantic Terrace). This project received a negative declaration in November 2005. The remaining areas in Brooklyn could be redeveloped with a proposal that makes use of the proposed text amendment.

Within Manhattan, there are a number of areas containing C6-1, C6-2, and C6-3 zoning where the proposed text amendment would apply. However, as stated above, it is anticipated that the proposed text amendment would not induce a greater number of applications for general large-scale development special permits.

As indicated above, it is not possible to predict where or how often the provisions of the text would be used on other sites in the future since the waivers provided by the text are site-specific and would depend on specific development plans not known at this time. Therefore, a site specific analysis cannot be provided. Instead, this conceptual analysis considers what the general effects of the provisions of the text would be on future development to assess the potential for the proposed text amendment to result in significant adverse impacts.

## ENVIRONMENTAL EFFECTS

The proposed text amendment would permit the CPC to waive within certain general large scale developments the applicable "height factor" and "open space ratio" requirements to provide greater flexibility to design and program superior open areas and recreational spaces. The proposed text amendment would not induce any new or unplanned development but would permit the re-design and re-programming of open areas in a manner that results in superior open

areas for building residents. Therefore, the proposed text amendment would not affect those environmental analysis areas that are influenced by a development's use or floor area—these areas include land use, socioeconomic conditions; community facilities; infrastructure; solid waste and sanitation services; energy; traffic and parking; transit and pedestrians; air quality (mobile sources), or noise. Those environmental areas in which the proposed text amendment may result in different effects than development without the text amendment are discussed in more detail below.

*OPEN SPACE*

The proposed text amendment would not introduce any additional floor area than that which is currently permitted by the underlying zoning district regulations. Absent the proposed text amendment, development on the affected sites could proceed either under "Height Factor" or "Quality Housing" regulations (as discussed in Chapter 21, "Alternatives"). To the extent that new development would be subject to "Height Factor" zoning requirements, such development would be required to comply with "height factor" and "open space ratio" requirements, as set forth in Section 23-142 of the Zoning Resolution. To the extent that new development could proceed under the "Quality Housing" regulations, such development would be required to comply with the "Quality Housing" open space regulations. Therefore, the text amendment would not have the potential to result in any indirect adverse impacts on open space; i.e., there would not be any increase in population that would in turn increase demand for open space resources. In fact, the text amendment would provide greater flexibility to design and program large-scale developments with superior open areas and recreational spaces than that which is available today, a beneficial impact.

As part of the proposed text amendment, certain findings related to open areas would need to be made. These findings are that the proposed development would need to provide open areas on the zoning lot of sufficient size to serve the residents of the building, that the open areas are accessible to and usable by all residents of the building, and that the open areas have appropriate access, circulation, seating, lighting, and paving. In addition, the site plan must include superior landscaping for all open areas, including the planting of street trees. Therefore, the use of the provisions of the text amendment could affect the qualitative assessment of open space in a beneficial manner by resulting in on-site open spaces of a superior quality than required by the open space regulations. As such, the proposed text amendment does not have the potential to result in significant adverse open space impacts.

*SHADOWS*

The proposed text amendment has the potential to re-distribute the bulk and massing of certain general large scale developments. As stated above, it is not possible to predict where or how often the provisions of the text would be used given that the waivers 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. Shadow impacts 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.

Given that a site specific analysis in not possible, the general effects resulting from the text amendment would be limited to different shadows (the length and duration of which are not measurable) than that which would result from a development that did not make use of the text amendment. Chapter 21, "Alternatives," provides an example of how shadows may differ

between a building that makes use of the text amendment (the proposed project) and two buildings that do not (the "Height Factor" Alternative and the "Quality Housing" Alternative). To the extent that development would occur under "Height Factor" zoning, shadow impacts would be similar to or worse than those that would occur with a development utilizing the text amendment. Any development that would occur under "Quality Housing" zoning would result in buildings that would typically have full lot coverage, and would be shorter, squat structures. The resulting shadows from these types of "Quality Housing" zoning buildings would not be as long as for a "Height Factor" building; but since the "Quality Housing" buildings are shorter, the shadows they would produce would be likely to stay on any adjacent or nearby open spaces for a longer duration. Given that the proposed text amendment may only be utilized through the granting by the CPC of general large scale special permit, site specific shadows that result from any given developments that utilize the proposed text amendment would be assessed and disclosed to the public under and pursuant to a separate environmental review.

*HISTORIC RESOURCES*

*Archaeological Resources*

Because a building that makes use of the proposed text amendment could result in a different site plan/building footprint than a building without the proposed text amendment, it is possible that the areas of subsurface disturbance would be different. Therefore, the proposed text amendment could result in different potential impacts on archaeological resources.

As stated above, it is not possible to predict where or how often the provisions of the text would be used given that the waivers 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. Archaeological impacts are site specific and dependent upon not only the areas of subsurface disturbance but on the presence or absence of archeological resources on or in proximity to a development site.

Given that a site specific analysis is not possible, the general effects resulting from the text amendment would be limited to differences in ground disturbance (the area and depth of which are not measurable) than that which would result from a development that did not make use of the text amendment. Chapter 21, "Alternatives," provides an example of how site plans may differ between a building that makes use of the text amendment (the proposed project) and two buildings that do not (the "Height Factor" Alternative and the "Quality Housing" Alternative). Given that the proposed text amendment may only be utilized through the granting by the CPC of a general large scale special permit, site specific archaeological impacts that result from any given development that utilizes the proposed text amendment would be assessed and disclosed to the public under and pursuant to a separate environmental review.

*Architectural Resources*

Because a building that makes use of the proposed text amendment could result in a different site plan/distribution of building bulk than a building without the proposed text amendment, it is possible that such a building would result in different contextual impacts on adjacent or nearby architectural 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 waivers 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. Architectural impacts are site specific and dependent upon not only the bulk and massing of a given proposal but on the presence or absence of architectural and historic resources on or in proximity to development site.

Given that a site specific analysis is not possible, the general effects resulting from the text amendment would be limited to differences in bulk and massing of a proposal ( the size, density and configuration of which are not measurable) than that which would result from a development that did not make use of the text amendment. Chapter 21, "Alternatives," provides an example of how site plans may differ between a building that makes use of the text amendment (the proposed project) and two buildings that do not (the "Height Factor" Alternative and the "Quality Housing" Alternative). Given that the proposed text amendment may only be utilized through the granting by the CPC of general large scale special permit, site specific architectural impacts that result from any given developments that utilizes the proposed text amendment would be assessed and disclosed to the public under and pursuant to a separate environmental review.

*URBAN DESIGN AND VISUAL 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 waivers 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. 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 visual resources within that area.

Given that a site specific analysis is not possible, a general assessment of the text amendment's potential to affect the different elements of urban design and visual character is provided here. As stated above, site specific urban design and visual resources impacts that result from any given developments that utilize the proposed text amendment would be assessed and disclosed to the public under and pursuant to a separate environmental review.

*Urban Design*

- Building bulk, use, or type. The proposed text amendment would result in differences in how a development's bulk is massed on a project site. The text amendment would not result in any changes to a development's use or type.
- Building arrangement. As with building bulk, the proposed text amendment could result in a different arrangement of a development's buildings on a project site.
- Block form and street pattern. Block form and street pattern relate to the shape and arrangement of blocks and surrounding streets. The proposed text amendment would allow greater flexibility in distributing a development's bulk on a project site, and is not expected to result in any changes to block form and street patterns.
- 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 amendment would affect this element of urban design. A finding of the text amendment is directly related to street trees, and requires as a condition of the general large-scale development special permit that the site plan include superior landscaping for all open areas, including the planting of street trees.

- Street hierarchy. This element of urban design is related to the streets that surround a project site. Therefore, the proposed text amendment 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 amendment could be used are in already developed areas of Manhattan and Brooklyn, and it is not expected that the proposed text amendment would have any affect on natural features.

*Visual Resources*

- View corridors. Because a building that makes use of the proposed text amendment could result in a different site plan/distribution of building bulk than a building without the proposed text amendment, 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 amendment, the text amendment is being proposed to achieve greater flexibility in achieving a superior site design. As shown in Chapter 21, "Alternatives," the proposed project, which would make use of the proposed text amendment, results in a project that is more compatible with the surrounding neighborhood than either of the Rezoning Only Alternatives. The proposed project would respect the streetwalls on both West 60th and West 61st Streets and would use the varying heights of the different building components to minimize the appearance of its bulk. Therefore, it is anticipated that, in general, the proposed text amendment would result in beneficial effects on urban design and visual resources.

*NEIGHBORHOOD CHARACTER*

The character of a neighborhood is established by numerous factors, including land use patterns, the characteristics of its population and economic activities, the scale of its development, the design of its buildings, the presence of notable landmarks, and a variety of other physical features that include noise levels, traffic, and pedestrian patterns. The proposed text amendment would not affect land use, socioeconomic conditions, noise, traffic, or pedestrian levels, but could result in differences in its effect on urban design, visual resources, and historic resources. Therefore, there is the potential that these elements of neighborhood character could be affected. However, a site specific analysis in not possible in the absence of specific developments plans at this time. Therefore, site specific neighborhood character impacts that result from any given developments that utilize the proposed text amendment would be assessed and disclosed to the public under and pursuant to a separate environmental review.

*NATURAL RESOURCES*

The areas where the proposed text amendment would apply are all located in fully developed urban areas. Therefore, it is not anticipated that future use of the proposed text amendment would result in adverse impacts on natural resources.

*HAZARDOUS MATERIALS*

Because a building that makes use of the proposed text amendment could result in a different site plan/building footprint than a building without the proposed text amendment, it is possible

that the areas of subsurface disturbance would be different. Therefore, the proposed text amendment could result in different potential impacts on hazardous materials.

As stated above, it is not possible to predict where or how often the provisions of the text would be used given that the waivers 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. 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.

Given that a site specific analysis in not possible, the general effects resulting from the text amendment would be limited to differences in ground disturbance (the area and depth of which are not measurable) than that which would result from a development that did not make use of the text amendment. Given that the proposed text amendment may only be utilized through the granting by the CPC of a general large scale special permit, site specific hazardous materials impacts that result from any given development that utilizes the proposed text amendment would be assessed and disclosed to the public under and pursuant to a separate environmental review.

*WATERFRONT REVITALIZATION PROGRAM*

There are some areas where the proposed text amendment would apply, which are within the City's coastal zone. Any proposed development in the coastal zone—whether it is proposed with or without the proposed text amendment—must be assessed for its consistency with the City's Local Waterfront Revitalization Program (LWRP). The proposed text amendment would not of itself be expected to result in a project that would be inconsistent with the City's LWRP.

*AIR QUALITY (STATIONARY SOURCES)*

Because assessments of stationary sources are dependent on a specific site plan, it cannot be determined how the proposed text amendment would affect stationary sources—both how nearby commercial, institutional or large-scale residential developments could affect the developments constructed with the text amendment and how the heating, ventilation, and air conditioning (HVAC) emissions from the proposed development would affect surrounding buildings.

As stated above, it is not possible to predict where or how often the provisions of the text would be used given that the waivers 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. The potential for stationary source air quality impacts are site specific and dependent upon building size, shape, the type and location of building ventilation systems, and the proximity of nearby sensitive uses and uses that could in turn affect a development. Given that the proposed text amendment may only be utilized through the granting by the CPC of a general large scale special permit, site specific air quality impacts that result from any given development that utilizes the proposed text amendment would be assessed and disclosed to the public under and pursuant to a separate environmental review. ✷