

Zoning for Coastal Flood Resiliency

Chapter 4: Community Facilities & Services

A. INTRODUCTION

This chapter examines the potential effects of the Proposed Action on community facilities and services. The 2020¹⁴ *City Environmental Quality Review (CEQR) Technical Manual* defines community facilities and services as public or publicly funded facilities, including schools, health care, child care, libraries, and fire and police protection services. CEQR methodology focuses on direct impacts on community facilities and services, and on indirect effects caused by increased demand for community facilities and services generated by increases in population.

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

Due to the broad applicability of the Proposed Action, it is difficult to predict the sites where development would be facilitated. In addition, the Proposed Action is not in-and-of-itself expected to induce development where it would not otherwise have occurred absent the Proposed Action. Although the Proposed Action may allow developments and existing buildings to retrofit to resilient standards, the overall amount, type, and location of construction within the affected area is not anticipated to change. Owing to the generic nature of this action, there are no known or projected as-of-right development sites identified as part of the Proposed Action’s Reasonable Worst-Case Development Scenario (RWCDS). To produce a reasonable analysis of the likely effects of the Proposed Action, 14 representative Prototypical Analysis Sites containing either new developments, infill, reconstructions, or retrofits of existing buildings in the city’s 1% and 0.2% annual chance floodplains were identified to demonstrate the wide range of proposed regulations for sites that would be able to develop as-of-right in the future with the Proposed Action, as detailed further in **Chapter 1**.

B. PRINCIPAL CONCLUSIONS

Direct Effects

The Proposed Action would not displace or otherwise directly affect any public schools, child care centers, libraries, or police or fire protection service facilities. Additionally, the Proposed Action, including the restriction of nursing home development in certain geographies detailed below and illustrated in **Appendix C**, would not result in significant adverse direct effects to health care facilities. As such, the Proposed Action would not result in any significant adverse direct effects on community facilities or services.

Indirect Effects

Based on the *CEQR Technical Manual* screening methodology, detailed analyses of public elementary, intermediate, and high schools, public libraries, publicly funded child care centers, outpatient health care facilities, and police and fire protection services are not warranted for the Proposed Action. The Proposed Action would not result in any significant adverse indirect effects on community facilities or services.

C. PRELIMINARY SCREENING

The purpose of the preliminary screening is to determine whether a community facilities and services assessment is required for the Proposed Action. As recommended in the ~~2020~~²⁰²⁴ *CEQR Technical Manual*, a community facilities and services assessment is warranted if an action has the potential to result in either direct or indirect effects on community facilities. If an action would physically alter a community facility, whether by displacement of the facility or other physical change, this “direct” effect triggers the need to assess the service delivery of the facility and the potential effect that the physical change may have on that service delivery. New population added to an area as a result of an action would use existing services, which may result in potential “indirect” effects on service delivery. Depending on the size, income characteristics, and age distribution of the new population, there may be effects on public schools, libraries, or child care centers.

Direct Effects

Per the *CEQR Technical Manual*, if a project would physically alter a community facility, whether by displacement of the facility or other physical change, this “direct” effect triggers the need to assess the service delivery of the facility and the potential effect that the physical change may have on that service delivery.

The Proposed Action would not directly displace or otherwise directly affect any public schools, child care centers, libraries, or police or fire protection service facilities. The Proposed Action would not directly displace any health care facilities. As detailed in **Chapter 1, “Project Description,”** given the health consequences and logistical challenges of evacuating nursing home residents in facilities located in high-risk areas of the city, the Proposed Action would limit the development of new nursing homes and restrict the enlargement of existing facilities within the 1% annual chance floodplain and other selected geographies likely to have limited vehicular access because of a storm event (see **Appendix C**). The modification would restrict the enlargement of existing nursing homes in this geography to a maximum of 15,000 square feet (sf) to allow for improvements, including those related to resiliency. These restrictions would also apply to the nursing home portions of Continuing Care Retirement Communities (CCRCs). The New York City Planning Commission (CPC) special permit in ZR Section 74-901, which allows nursing homes in areas where they are not permitted as-of-right (i.e., R1 and R2 districts and certain community districts), would not be available in this geography. Nevertheless, existing nursing homes in the specified geographies would

not be displaced as a result of the Proposed Action, and nursing homes would continue to be permitted in all other areas of the city under With-Action conditions.

As detailed in **Chapter 1**, this action results from concerns raised about adding vulnerable populations, such as those living in nursing homes, to areas at high risk of flooding. Hurricane Sandy and other storms across the nation have exposed the difficulties facing nursing home residents in high-risk areas. Nursing homes are licensed to house populations that require continual medical care, but research shows that this dependency can be strained whether nursing homes shelter in place or evacuate prior to a coastal storm event. While all nursing homes in hurricane evacuations zones in the city are subject to mandatory evacuations during a declared emergency, the City believes it would be appropriate to limit the growth of nursing homes in high-risk areas to lessen the health consequences and logistical challenges of evacuating the residents of these facilities.

Although prohibiting the development of nursing homes in the specified geographies may increase demand for these facilities elsewhere in the city, these increases would be negligible as nursing homes are permitted in all other parts of the city and there are adequate opportunities for development elsewhere. Additionally, as detailed in **Chapter 3, “Socioeconomic Conditions,”** the Proposed Action would not significantly affect business conditions or impair the viability of the nursing home industry in New York City. Therefore, the Proposed Action would not result in significant adverse direct effects on health care facilities.

As such, the Proposed Action would not result in any significant adverse direct effects on community facilities or services, and further assessment is not warranted.

Indirect Effects

The *CEQR Technical Manual* includes thresholds that provide guidance in making an initial determination of whether a detailed analysis is necessary to determine potential indirect impacts. **Table 4-1** lists those CEQR thresholds for each community facility and service analysis area. If an action exceeds the threshold for a specific facility, a more detailed analysis is warranted. A preliminary screening analysis was conducted to determine if the Proposed Action would exceed established *CEQR Technical Manual* thresholds warranting further analysis, and is presented below.

Table 4-1: Preliminary Screening Analysis Criteria

Community Facility	Threshold for Detailed Analysis
Public Schools	50 or more elementary/intermediate school students or 150 or more high school students.
Libraries	More than five percent increase in ratio of residential units to library branches.
Health Care Facilities (Outpatient)	Introduction of a sizeable new neighborhood.
Child Care Centers (Publicly Funded)	More than 20 eligible children under age six based on the number of low- to moderate-income units.
Fire Protection	Introduction of a sizeable new neighborhood.
Police Protection	Introduction of a sizeable new neighborhood.

Source: 2020~~14~~ *CEQR Technical Manual*.

Since there are no specific development sites for the Proposed Action, the preliminary assessment for indirect effects first determined if any of the 14 Prototypical Analysis Sites would introduce incremental workers or residents as compared to No-Action conditions. As detailed in **Chapter 1, “Project Description,”** and presented in **Table 4-2** below, the Proposed Action would not result in any new residential dwelling units (DUs) on any of the 14 Prototypical Analysis Sites in either the 1% annual or 0.2% annual chance floodplain scenarios as compared to No-Action conditions. Therefore, the Proposed Action would not generate new residents in the city’s floodplains.

Table 4-2: No-Action DUs vs. With-Action DUs on the Prototypical Analysis Sites

<i>Prototypical Analysis Site</i>	<i>No-Action DUs (1% + 0.2% Floodplain Scenarios)</i>	<i>With-Action DUs (1% + 0.2% Floodplain Scenarios)</i>	<i>Action-Generated DU Increment (1% + 0.2% Floodplain Scenarios)</i>
1	1 DU	1 DU	-
2	1 DU	1 DU	-
3	2 DUs	2 DUs	-
4	3 DUs	3 DUs	-
5	54 DUs	54 DUs	-
6	320 DUs	320 DUs	-
7	10 DUs	10 DUs	-
8	13 DUs	13 DUs	-
9	-	-	-
10	-	-	-
11	1 DU	1 DU	-
12	1 DU	1 DU	-
13	2 DUs	2 DUs	-
14	-	-	-

Note: Refer to **Appendix A** for further details.

Public Schools

The *CEQR Technical Manual* recommends conducting a detailed analysis of public schools if a proposed action would generate 50 or more elementary/intermediate school students and/or 150 or more high school students. As detailed in **Table 4-2**, the Proposed Action would not generate any new residential DUs as compared to No-Action conditions. As no students would be introduced by the Proposed Action, no significant adverse impacts to public schools would occur, and a detailed public schools analysis is not warranted.

Libraries

Potential impacts on libraries can result from an increased user population. According to the *CEQR Technical Manual*, a proposed action that generates a five percent increase in the average number of residential units served per branch may cause significant adverse impacts on library services and require further analysis. As noted above, the Proposed Action would not generate any new residential DUs as compared to No-Action conditions. As no new residents would be introduced by the Proposed Action, no significant adverse impacts to libraries would occur, and a detailed libraries analysis is not warranted for the Proposed Action.

Child Care Services

According to the *CEQR Technical Manual*, if a proposed action would add 20 or more children under age six eligible for child care, a detailed analysis of its impact on publicly funded child care facilities is warranted. This threshold is based on the number of low- to moderate-income units generated by a proposed action. As discussed above, the Proposed Action would not generate any new residential DUs as compared to No-Action conditions. As no new children would be introduced by the Proposed Action, no significant adverse impacts to child care services would occur, and a detailed analysis of publicly funded child care centers is not warranted.

Police, Fire, and Health Care Services

The *CEQR Technical Manual* recommends a detailed analysis of indirect impacts on police, fire, and health care services in cases where a proposed action would create a sizeable new neighborhood where none existed before. As detailed in **Table 4-2**, the Proposed Action would not generate any new residential DUs as compared to No-Action conditions, and would introduce a minimal amount of incremental commercial retail and industrial floor area as compared to No-Action conditions. Therefore, the Proposed Action would not create a sizeable new neighborhood that would overburden existing police, fire, or health care services. As no significant adverse impacts to police, fire, or health care services would occur as a result of the Proposed Action, a detailed analysis of these services is not warranted.

D. CONCLUSIONS

As the Proposed Action does not warrant detailed analyses for indirect effects on community facilities and would not physically alter a community facility (or facilities), the Proposed Action does not have the potential to result in significant, adverse impacts on community facilities and services, and further assessment is not warranted.