Zoning for Coastal Flood Resiliency
Chapter 5: Open Space

A. INTRODUCTION

This chapter assesses the potential impacts of the Proposed Action on open space resources. Open space is defined in the 202014 *City Environmental Quality Review* (CEQR) *Technical Manual* as publicly accessible, publicly or privately owned land that is available for leisure, play, or sport or serves to protect or enhance the natural environment. The *CEQR Technical Manual* indicates that an open space analysis should be conducted if a proposed action would result in a direct effect, such as the physical loss or alteration of public open space, or an indirect effect, such as when a substantial new population could place added demand on an area's open spaces.

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

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

regulations for sites that would be able to develop as-of-right in the future with the Proposed Action, as detailed further in **Chapter 1**.

B. PRINCIPAL CONCLUSIONS

The Proposed Action would not result in any significant adverse impacts on open space resources. The Proposed Action would not physically displace any open space resources, and would not result in increased noise or air pollutant emissions, odors, or shadows on public open spaces that would significantly affect their usefulness. Additionally, as the Proposed Action would not generate new residents, and would result in the introduction of a negligible amount of workers on three of the Prototypical Analysis Sites, it would not diminish the ability of any open spaces to adequately serve users.

C. PRELIMINARY SCREENING

Direct Effects

The Proposed Action would not result in any open space resources being physically displaced. However, due to the changes in permitted heights and bulks and mechanical, electrical, and plumbing (MEP) equipment regulations detailed in **Chapter 1, "Project Description,"** the Proposed Action does have the potential to cause increased noise or air pollutant emissions, odors, or shadows on public open spaces that could possibly affect their usefulness. To determine the likelihood of this potential, a review of land uses proximate to the Prototypical Analysis Sites was completed to analyze the type of open space that might be affected. The analysis concluded that there were a wide variety of open spaces located within proximity to the Prototypical Analysis Sites, including community parks, playgrounds, natural areas, recreational fields, gardens, and plazas.

Although the Proposed Action has the potential for some direct effects on open space, the potential for significant adverse direct effects is limited. As discussed in **Chapter 6, "Shadows,"** project-generated shadows have very limited potential to result in significant adverse impacts on surrounding open space resources. Additionally, as discussed in **Chapter 17, "Noise"** and **Chapter 15, "Air Quality,"** development described in the With-Action scenario on the Prototypical Analysis Sites is not anticipated to result in significant adverse direct effects on open space resources.

As detailed in **Chapter 1**, the Proposed Action would modify provisions applying in waterfront areas to ensure that waterfront regulations allow sites to incorporate coastal flood resilient design. These proposed modifications are illustrated in Prototypical Analysis Site 14 (refer to **Appendix A**). Proposed modifications that could alter publicly accessible open space areas include provisions to facilitate the construction of elevated shore public walkways, bi-level esplanades, and circulation paths. Elevating shore public walkways to address sea level rise and the risk of future tidal flooding would provide a higher degree of flood protection against future storm events and would increase flexibility for grading requirements, allow greater flexibility for elevating waterfront yards, and permit circulation paths to be designed to match sea level rise projections. The construction of bi-level esplanades and circulation paths would allow for continued waterfront public access while grading up to meet flood design elevations along the remainder of waterfront sites. Additionally, the Proposed Action includes modifications to provisions that would facilitate the elevation of waterfront public access areas while maintaining visual connectivity to the waterfront.

As illustrated in Prototypical Analysis Site 14, these modifications would not physically displace any open space resources, but rather, would alter regulations pertaining to certain waterfront public areas in order to promote site-scale resiliency and improve streetscapes along waterfront blocks. As illustrated in **Appendix**

A, the Proposed Action would result in a decrease in the planted area for the shore public walkway on the waterfront yard of Site 14, in order to provide a bi-level walkway. The screening buffer on Site 14 would decrease by four feet and the retaining wall height would increase by 18 inches. Additionally, while the total area of the shore public walkway would remain the same between the No-Action and With-Action scenarios, 525 sf of the shore public walkway and the waterfront yard would be allowed as a tidal wetland area as a result of the Proposed Action. Therefore, the changes that would occur on Prototypical Analysis Site 14 as a result of the Proposed Action would not be significant or adverse, as these changes would not limit public access to the waterfront public access area on the site, or alter the public open space so that it would no longer serve the same user population as under No-Action conditions. As illustrated in **Appendix A**, the With-Action bi-level esplanade on Prototypical Analysis Site 14 would continue to have public walking paths, seating areas, and landscaping, as under No-Action conditions. Therefore, the Proposed Action would not result in any significant adverse direct effects on open space resources.

Indirect Effects

As described in the *CEQR Technical Manual*, open space can be indirectly affected when the population generated by a project would be sufficiently large to noticeably diminish the ability of an area's open spaces to serve the future population. As described in the *CEQR Technical Manual*, an assessment of indirect effects is typically conducted when a project would introduce more than 200 residents or 500 workers to an area; however, the thresholds for assessment may vary in certain areas of the city that are considered either underserved or well-served by open space. If a project is in an underserved area, an open space assessment should be conducted if that project would generate more than 50 residents or 125 workers. If a project is located in a well-served area, an open space assessment should be conducted if that project would generate more than 350 residents or 750 workers.

Since there are no specific development sites for the Proposed Action, the preliminary open space assessment 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,"** none of the Prototypical Analysis Sites would generate new residents as compared to No-Action conditions. As shown below in **Table 5-1**, three Prototypical Analysis Sites would introduce new workers as compared to No-Action conditions: Sites 7, 8, and 9.

Table 5-1: Workers Generated by the Proposed Action

Prototypical Analysis Site	*No-Action Workers (1% Floodplain Scenario)*	*With-Action Workers (1% Floodplain Scenario)*	*Action-Generated Worker Increment (1% Floodplain Scenario)*	*No-Action Workers (0.2% Floodplain Scenario)*	*With-Action Workers (0.2% Floodplain Scenario)*	*Action-Generated Worker Increment (0.2% Floodplain Scenario)*
1	-	-	-	-	-	-
2	-	-	-	-	-	-
3	-	-	-	-	-	-
4	-	-	-	-	-	-
5	-	-	-	-	-	-
6	-	-	-	-	-	-
7	13	17	**+ 4 retail workers**	22	18	**- 4 retail workers**
8	3	4	**+ 1 retail worker**	3	4	**+1 retail worker**
9	15	18	**+ 3 retail workers**	15	18	**+ 3 retail workers**
10	12	12	**0**	12	12	**0**
11	-	-	-	-	-	-
12	-	-	-	-	-	-
13	-	-	-	-	-	-
14	-	-	-	-	-	-

Notes: Standard worker generation rates of one employee per 333 gsf of retail space and one employee per 1,000 gsf of industrial space were utilized.

As detailed in **Chapter 1**, the Proposed Action would generate an increase of four retail workers on Site 7 in the 1% floodplain scenario, an increase of one retail worker on Site 8 in both the 1% and 0.2% floodplain scenarios, and an increase of three retail workers on Site 9 in both the 1% and 0.2% floodplain scenarios as compared to No-Action conditions. The Proposed Action would also result in a net decrease of four retail workers on Site 7 in the 0.2% floodplain scenario, as compared to No-Action conditions.

None of the incremental increases in workers on any of the Prototypical Analysis Sites would exceed the CEQR thresholds for project-generated workers discussed above. As such, the Proposed Action would not result in indirect effects on open space, and further analysis is not warranted.

D. CONCLUSIONS

The Proposed Action would not result in any significant adverse impacts on open space resources. The Proposed Action would not result in any open space resources being physically displaced, and would not result in increased noise or air pollutant emissions, odors, or shadows on public open spaces that would negatively affect their usefulness. As detailed above, the Proposed Action includes changes to permitted heights and bulks and MEP equipment regulations. However, the potential for significant adverse direct effects on surrounding open spaces is limited. As discussed in **Chapter 6, "Shadows,"** project-generated shadows have very limited potential to result in significant adverse impacts on surrounding open space resources. Additionally, as discussed in **Chapter 17, "Noise"** and **Chapter 15, "Air Quality,"** development described in the With-Action scenario on the Prototypical Analysis Sites is not anticipated to result in significant adverse direct effects on open space resources.

Moreover, as detailed above, Proposed Action would modify provisions applying in waterfront areas to ensure that waterfront regulations allow sites to incorporate coastal flood resilient design. Proposed modifications that could alter publicly accessible open space areas include provisions to facilitate the construction of elevated shore public walkways, bi-level esplanades, and circulation paths, and modifications to provisions that would facilitate the elevation of waterfront public access areas while maintaining visual connectivity to the waterfront. These modifications would not physically displace any open space resources, but rather, would alter regulations pertaining to certain waterfront public areas in order to promote site-scale resiliency and improve streetscapes along waterfront blocks. The Proposed Action would result in a decrease in the planted area for the shore public walkway on the waterfront yard of Site 14, in order to provide a bi-level walkway. The screening buffer on Site 14 would decrease by four feet and the retaining wall height would increase by 18 inches. Additionally, while the total area of the shore public walkway would remain the same between the No-Action and With-Action scenarios, 525 sf of the shore public walkway and the waterfront yard would be allowed as a tidal wetland area as a result of the Proposed Action. The reduction of total area and required planting area in the shore public walkway from No-Action to With-Action conditions on Site 14 would not be significant or adverse, as these changes would not limit public access to the waterfront public access area on the site, or alter the public open space so that it would no longer serve the same user population as under No-Action conditions. The With-Action bi-level esplanade on Prototypical Analysis Site 14 would continue to have public walking paths, seating areas, and landscaping, as under No-Action conditions. Therefore, the Proposed Action would not result in any significant adverse direct effects on open space resources.

Additionally, as the Proposed Action would not generate new residents, and would result in the introduction of a negligible amount of workers on three of the Prototypical Analysis Sites, it would not diminish the ability of any open spaces to adequately serve users, and as such, would not result in any indirect effects on open space resources.