

Zoning for Coastal Flood Resiliency

Chapter 19: Neighborhood Character

A. INTRODUCTION

This chapter assesses the Proposed Action's potential effects on neighborhood character. As defined in the ~~2020~~²⁰¹⁴ *City Environmental Quality Review (CEQR) Technical Manual*, neighborhood character is an amalgam of various elements that give a neighborhood its distinct "personality." These elements may include a neighborhood's land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, and/or noise conditions; but not all of these elements contribute to neighborhood character in all cases. For a proposed project or action, a neighborhood character under CEQR first identifies the defining features of the neighborhood and then evaluates whether the project or action has the potential to affect these defining features, either through the potential for a significant adverse impact or a combination of moderate effects in relevant technical analysis areas. Thus, to determine the effects of a proposed action on neighborhood character, the salient features of neighborhood character are considered together. According to the *CEQR Technical Manual*, neighborhood character impacts are rare, and it would be unusual that, in the absence of a significant adverse impact in any of the relevant technical areas, a combination of moderate effects to the neighborhood would result in an impact to neighborhood character. Moreover, a significant impact identified in one of the technical areas that contribute to a neighborhood's character is not automatically equivalent to a significant impact on neighborhood character, but rather serves as an indication that neighborhood character should be examined.

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**.

This chapter includes a preliminary assessment of neighborhood character, which was prepared in conformance with the *CEQR Technical Manual*. This chapter describes the defining features of the existing neighborhood character and considers the potential effects of the Proposed Actions on these defining features. This assessment relies on the technical analyses presented in other chapters of this Environmental Impact Statement (EIS).

B. PRINCIPAL CONCLUSIONS

The Proposed Action would not result in significant adverse impacts on neighborhood character. As detailed below, land use, zoning, public policy, socioeconomic, open space, shadows, historic and cultural resources, urban design, visual resources, transportation, and noise conditions in the future with the Proposed Action would not negatively affect the neighborhood character of the 1% annual of 0.2% annual chance floodplains as compared to No-Action conditions. Rather, in the case of urban design, the Proposed Action would likely improve the pedestrian experience and therefore the neighborhood character of the city's floodplains. Although significant adverse impacts would occur with respect to historic and cultural resources in the future with the Proposed Action, these impacts would not result in a significant change to one of the determining elements of neighborhood character. As such, no significant adverse neighborhood character impacts would occur as a result of the Proposed Action.

C. METHODOLOGY

According to the *CEQR Technical Manual*, an assessment of neighborhood character is generally needed when a proposed action has the potential to result in significant adverse impacts in any of the following technical areas: land use, socioeconomic conditions, open space, historic and cultural resources, urban design and visual resources, shadows, transportation, or noise. The *CEQR Technical Manual* states that, even if a proposed action does not have the potential to result in a significant adverse impact in any specific technical area(s), an assessment of neighborhood character may be required if the project would result in a combination of moderate effects to several elements that may cumulatively affect neighborhood character. A "moderate" effect is generally defined as an effect considered reasonably close to the significant adverse impact threshold for a particular technical analysis area.

A preliminary assessment of neighborhood character determines whether changes expected in other technical analysis areas may affect a defining feature of neighborhood character. The preliminary assessment first identifies the defining features of the existing neighborhood character and then evaluates

whether the proposed project or action has the potential to affect those defining features, either through the potential for a significant adverse impact or a combination of moderate effects in the relevant technical areas. The key elements that define neighborhood character, and their relationships to one another, forms the basis of determining impact significance; in general, the more uniform and consistent the existing neighborhood context, the more sensitive it is to change. A neighborhood that has a more varied context is typically able to tolerate greater change without experiencing significant impacts. If there is no potential for the proposed project or action to affect the defining features of neighborhood character, a detailed assessment is not warranted.

Study Areas

According to the *CEQR Technical Manual*, the study area for a preliminary assessment of neighborhood character is typically consistent with the study areas in the relevant technical areas assessed under CEQR that contribute to the defining features of the neighborhood. In the context of an area-wide zoning text amendment such as the Proposed Action, the study area boundaries of the preliminary assessment of neighborhood character are generally coterminous with those used in the analyses of land use and urban design: the city's current 1% annual and 0.2% annual chance floodplains.

D. PRELIMINARY SCREENING

The sections below discuss potential changes resulting from the Proposed Action in the following technical areas that are considered in the neighborhood character assessment pursuant to the *CEQR Technical Manual*: land use, zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation; and noise. The assessment uses the findings from the respective chapters of this EIS to identify whether the Proposed Action and associated RWCDs would result in any significant adverse impacts or moderate adverse effects in these technical areas and whether any such changes would have the potential to affect the defining features of neighborhood character. As described below, defining features of the study area's neighborhood character would not be adversely affected either through the potential of any significant adverse impact or in combination with any other moderate effects in the relevant technical areas.

Land Use

Development resulting from an action could alter neighborhood character if it introduces new land uses, conflicts with land use policy or other public plans for the area, changes land use character, or generates significant land use impacts. As described in **Chapter 2, "Land Use, Zoning, & Public Policy,"** no significant adverse impacts on land use, zoning, or public policy would occur in the future with the Proposed Action. The Proposed Action would not directly displace any land uses, nor would it generate land uses that would be incompatible with existing land uses in the city's floodplains. The Proposed Action would not result in land uses or structures that would be substantially incompatible with the underlying zoning or conflict with public policies applicable to the city's floodplains. The Proposed Action would not result in significant adverse impacts to zoning in the city's floodplains, but rather, would provide enhanced zoning allowances and design requirements in order to help building owners to better accommodate projected sea level rise when designing new buildings or retrofitting existing ones, without creating incongruous and uninviting streetscapes.

Additionally, given the health consequences and logistical challenges of evacuating nursing home residents, 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 selected geographies with limited vehicular

access after a storm (illustrated in **Appendix C**). Nevertheless, this action is not expected to substantially alter land use trends in these areas. 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. Therefore, no significant adverse impacts to land use would occur, and land use conditions in the future with the Proposed Action would not affect neighborhood character.

Moreover, the Proposed Action would not hinder any New York City Waterfront Revitalization Program (WRP) policies, but rather, is anticipated to promote a number of the City's WRP policies. As detailed in the WRP Consistency Assessment Form (CAF) provided in **Appendix D** and discussed in **Chapter 2**, the Proposed Action would support and facilitate commercial and residential redevelopment in areas well-suited to such development (WRP Policy 1); incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure (Policy 2.5); minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change (Policy 6); preserve, protect, maintain, and enhance physical, visual, and recreational access to the waterfront (Policy 8.1); and protect and improve visual quality associated with New York City's urban context and the historic and working waterfront (Policy 9.1).

Socioeconomic Conditions

Changes in socioeconomic conditions have the potential to affect neighborhood character when they result in substantial direct or indirect displacement or addition of population, employment, or businesses, or significant differences in population or employment density. As described in **Chapter 3, "Socioeconomic Conditions,"** the Proposed Action would result in any significant adverse impacts to socioeconomic conditions in the city's floodplains. The Proposed Action would not displace any existing residents or businesses as compared to the No-Action scenarios. The Proposed Action would also not affect real estate market conditions in a way that would result in indirect displacement of residents or businesses. The Proposed Action would not induce development where it would not have occurred absent the Proposed Action, and these buildings that are developed or retrofitted under both the No-Action and With-Action scenarios are likely to be similar from a socioeconomic standpoint. Therefore, socioeconomic conditions in the future with the Proposed Action would not affect neighborhood character.

Open Space

According to the *CEQR Technical Manual*, for an action to affect neighborhood character with respect to open space, it would need to result in the encroachment a loss of open space, or the imposition of noise, air pollutant emissions, odors, or shadows on public open space that may alter its usability. As described in **Chapter 5, "Open Space,"** the Proposed Action would not result in significant adverse impacts to open space. 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 alter their usefulness from a neighborhood character standpoint. 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. Therefore, open space conditions in the future with the Proposed Action would not affect neighborhood character.

Shadows

As detailed in **Chapter 6, “Shadows,”** the Proposed Action could result in incremental shadow coverage on sunlight-sensitive resources. However, because action-generated incremental shadows are expected to be limited to small areas in the immediate vicinities of development sites, the potential for significant adverse impacts on sunlight-sensitive resources is low. Therefore, the Proposed Action is not expected to affect neighborhood character with respect to shadows.

Historic & Cultural Resources

Defining features of neighborhood character would not be adversely affected due to potential effects of the Proposed Action on historic and cultural resources, either singularly or in combination with potential impacts in other relevant technical areas discussed in this section. As described in **Chapter 7, “Historic & Cultural Resources,”** the Proposed Action would result in greater in-ground disturbances on the Prototypical Analysis Sites as compared to No-Action conditions, which could result in significant adverse impacts to archaeological resources. While the extent of in-ground disturbance is unknown at this time, any impacts on archaeological resources would be limited to subsurface areas and would not have the potential to result in significant adverse impacts on neighborhood character.

As further discussed in **Chapter 7,** the Proposed Action has the potential to result in significant adverse direct or construction-related impacts to eligible architectural resources. The Proposed Action in-and-of-itself is not expected to induce development where it would not have occurred absent the Proposed Action. However, as-of-right retrofits, including alterations or demolitions, to privately owned buildings eligible for designation as New York City Landmarks (NYCLs), or listed or eligible for listing on the State/National Register of Historic Places (S/NR) in the future with the Proposed Action cannot be ruled out. As such, the Proposed Action has the potential to result in significant adverse direct impacts to privately owned NYCL-eligible, S/NR-eligible, or S/NR-listed buildings. Construction on sites located within 90 linear feet of eligible resources are not afforded the added special protections under the New York City Department of Building’s (DOB’s) Technical Policy and Procedure Notice (TPPN) #10/88. Therefore, as detailed in **Chapter 7,** eligible resources in close proximity to Prototypical Analysis Sites could be adversely impacted by adjacent retrofitting work resulting from the Proposed Action. Nevertheless, it is unlikely that these potential direct and construction-related impacts to historic resources would result in significant adverse impacts to neighborhood character in the future with the Proposed Action.

Urban Design & Visual Resources

The Proposed Action would not result in significant adverse impacts on urban design or visual resources, but rather, is expected to enhance the pedestrian experience in the city’s 1% annual and 0.2% annual chance floodplains. As detailed in **Chapter 8, “Urban Design & Visual Resources,”** the Proposed Action includes zoning allowances coupled with enhanced design requirements that would allow building owners to better accommodate projected sea level rise when designing new buildings or retrofitting existing ones, without creating incongruous and uninviting streetscapes. Although the Proposed Action would result in a notable change in the design character of the floodplains as compared to No-Action conditions, this change would not constitute a significant adverse urban design impact in that it would not alter the arrangement, appearance, or functionality of the floodplains such that the alteration would negatively affect a pedestrian’s experience of the area. Rather, the changes in development anticipated in the With-Action conditions would improve the pedestrian experience by ensuring accessible ground-level design, particularly for buildings with lower-level commercial uses, in order to make the streetscapes in the floodplains more inviting, while ensuring preparedness to better accommodate projected sea level rise in the city’s floodplains. As such, the Proposed Action would likely improve neighborhood character with respect to urban design.

Additionally, as detailed further in **Chapter 8**, the Proposed Action permit an elevated waterfront yard on Prototypical Analysis Site 14 that could alter existing view corridors. Although views of the waterfront or other visual resources could be partially obstructed as a result of the Proposed Action, none of these views would be unique, as more proximate and significant view corridors would remain throughout the city's floodplains, including vantage points in public parks, esplanades, and at street ends adjacent to the waterfront, as well as private waterfront properties that provide public waterfront access. Moreover, it should be noted that some waterfront properties, such as Prototypical Analysis Site 14, would continue to be subject to discretionary review, which requires urban design review and would further encourage the waterfront resiliency measures of the Proposed Action. Additionally, the proposed modifications to elevated visual corridors would help accommodate a broader range of site grade changes and design flood elevations utilized across the waterfront site and building, better reflecting a pedestrian's eye level and thus improving the pedestrian experience. Therefore, no significant adverse impacts to visual resources would occur as a result of the Proposed Action.

Transportation

Changes in traffic and pedestrian conditions can affect neighborhood conditions in several ways. For traffic to affect neighborhood character, it must be a contributing element to the character of the neighborhood (either by its absence or its presence), and it must change substantially as a result of the action. As described in **Chapter 14, "Transportation,"** the Proposed Action would result in negligible incremental increases to travel demand that would not exceed the minimum development densities in Table 16-1 of the *CEQR Technical Manual*. Additionally, the Prototypical Analysis Sites are distributed across areas throughout the city's 1% annual and 0.2% annual chance floodplains. Therefore, it is unlikely that multiple developments would occur on the same block front and it is unlikely that the potential for development sites to cluster together. Furthermore, the Proposed Action would not result in changes to traffic patterns or changes in roadway classifications. Therefore, the Proposed Action would not affect neighborhood character with respect to transportation.

Noise

As described in **Chapter 17, "Noise,"** the primary noise source under the Proposed Action would be traffic. Because the Proposed Action would generate negligible amounts of new traffic, and vehicles would be spread throughout the city's floodplains, it is unlikely that any of the Prototypical Analysis Sites would experience a noise increase of three dBA or more. Therefore, noise conditions in the future with the Proposed Action would not affect neighborhood character.

E. CONCLUSIONS

As detailed above, land use, zoning, public policy, socioeconomic, open space, shadows, historic and cultural resources, urban design, visual resources, transportation, and noise conditions in the future with the Proposed Action would not negatively affect the neighborhood character of the 1% annual of 0.2% annual chance floodplains as compared to No-Action conditions. Rather, in the case of urban design, the Proposed Action would likely improve the pedestrian experience and therefore the neighborhood character of the city's floodplains. Although significant adverse impacts would occur with respect to historic and cultural resources in the future with the Proposed Action (detailed in **Chapter 7, "Historic & Cultural Resources"**), these impacts would not result in a significant change to one of the determining elements of neighborhood character. As such, no significant adverse neighborhood character impacts would occur as a result of the Proposed Action.