

3.2 LAND USE AND COMMUNITY FACILITIES, ZONING, AND PUBLIC POLICY

3.2.1 Introduction

This Section describes the methodology used to analyze land use and community facilities, zoning, and public policy for the proposed project, including Shaft 33B and its water main connections. The analysis was conducted to assess the project's compatibility with and potential effects on surrounding land uses, including community facilities, and its consistency with underlying zoning and any applicable public policies.

The EIS addresses the preferred Shaft 33B Site, three alternative Shaft Site locations, and three potential water main connection routes (the reasonable worst-case route and two additional representative routes, as described in Section 5.1, "Project Description" in Chapter 5, "Water Main Connections"). The land use Study Area for each of these components is 400 feet. For the preferred Shaft Site, two potential configurations during construction are considered. As noted in the *CEQR Technical Manual*, the size of a study area is related to the type and size of action being proposed and the context of the area that could be affected. The area within 400 feet of the potential construction activities was selected as the Study Area for this EIS because this is the area where the potential for impacts to land use during construction is greatest. The Study Area for the preferred Shaft Site extends 400 feet from the larger of the two potential construction configurations.

For the preferred and alternative Shaft Sites, a detailed discussion of land use and community facilities, zoning, and public policy in the Study Area is provided. These sites would involve physical alteration to existing land uses on the selected site, particularly during construction, and construction would last for several years. For the potential water main connection routes, the description is more general. This is because construction of the water main connections would occur completely in the street and sidewalk areas, would last only weeks on any given block, and is consistent with the intended use of the City streets for this type of utility construction. No change in land use would occur; other than potential inconvenience to the adjacent land uses during construction, there is no other land that would be potentially impacted by construction of the water main connections. Land use information along the water main connections routes is presented primarily to support analysis of other environmental elements (e.g., noise, air, traffic, etc.).

3.2.2 Existing Conditions Methodology

The analysis begins with an evaluation of existing land uses and community facilities in the Study Areas. Existing zoning is also presented in order to characterize the allowable land uses in the Study Areas. Other public policies that apply to the Study Areas are also described.

Land Use and Community Facilities

“Land use” refers to the activities occurring on land, including within the structures there. For example, residential, commercial, and retail are types of land uses. For this EIS, land use data were obtained from the New York City Department of City Planning’s (NYCDCP) Geographic Information Systems (GIS) database of land use, and maps from the 2004-2005 *Sanborn Manhattan Land Book of the City of New York* (First American Real Estate Solutions). This information was verified and supplemented through a field survey of the Study Areas conducted for the preferred Site and alternative sites in December 2004 and April 2005 and for the potential water main connection routes in March 2005 and August 2005.

In addition to information on land use, specific information on community facilities within the Study Areas was also collected. As defined in the *CEQR Technical Manual*, community facilities are “public or publicly funded facilities, such as schools, hospitals, libraries, day care centers, and police and fire protection.” Land use data from NYCDCP, together with Community Board 6 and Community Board 8’s *Selected Facilities and Programs* publications, were used to develop an inventory of community facilities within the Study Areas. For this analysis, privately funded facilities that provide community services were also included so that the analysis would be conservative. Consistent with the guidance of the *CEQR Technical Manual*, open space and recreational facilities are typically not considered community facilities; however, for this analysis, one New York City recreational facility that provides indoor recreation and programmed activities was considered both as an open space facility and as a community facility.

Zoning and Public Policy

New York City (the City) regulates the uses that can occur on land within the City through regulations set forth in the Zoning Resolution of the City of New York. Development within the three major zoning categories (residential, commercial, and manufacturing) is regulated according to specific permitted uses, density of residential uses, bulk, and parking regulations. The Zoning Resolution thus represents the City’s adopted land use policy. Zoning information for the Study Areas was obtained from the Zoning Resolution.

New York City’s Zoning Resolution sets forth the City’s land use policy by specifying which uses are allowable, as well as the permitted densities and the shape and size (bulk) of the buildings in which those activities can occur. Zoning districts in the City are grouped into three major categories: residential, commercial, and manufacturing. Only residential and related institutional/community facility uses are allowed in residential districts; commercial (retail, office) and residential uses are permitted in most commercial districts; and manufacturing, wholesaling, and commercial uses are permitted in manufacturing districts. The specific type of uses (“use groups”) and the density and bulk of those uses vary according to zoning district. Bulk regulations govern buildings’ floor area, by listing the permitted floor area ratio (FAR)¹ for each

¹ FAR is the ratio of permitted floor area to the lot size; for example, a 5,000-square-foot building on a 1,000-square-foot lot has an FAR of 5.0.

use, and their shape, by listing mandated yards, open areas, and setbacks. The Zoning Resolution also defines certain Special Districts, which are intended to achieve specific planning and urban design objectives for a particular neighborhood or area.

In East Midtown and the Upper East Side, lower-rise uses are typically allowed on the mid-blocks, with higher density uses on the avenues. In residential neighborhoods, these mid-block zones usually permit only residential use, and commercial “overlays” are typically mapped over a residential district along the avenues and busy crosstown streets, indicating that in addition to the residential uses allowed, these streets are suitable for retail or commercial use.

In some areas of the City, other public policies are also in place that relate to intended land use, development, urban design, and other planning issues. Public policies that may apply to the Study Areas were identified for inclusion in the EIS. Information on relevant public policies (for example, 197-a plans, the presence of Business Improvement Districts, urban renewal areas, and other adopted public plans and programs that affect land use and development) was obtained from regulatory agencies, Community Boards, and public interest organizations in the area.

3.2.3 Future Conditions Without the Project Methodology

The analysis next considers the conditions that will occur in the future if the proposed action does not occur. This “Future Without the Project” serves as the baseline against which the potential impacts of the project (discussed below) can be compared. The future condition for both these analyses is conducted for the future period when the project would be in place.

The future analysis years were determined based on the project’s construction and operational activities. As described in Chapter 2, “Purpose and Need and Project Overview,” construction of Shaft 33B would occur over 52 months (almost 4½ years), potentially from 2006 to 2010. The duration for construction of the water main connections would depend on the Shaft Site and specific route selected, and could occur potentially from 2007 to 2011. The analysis of the effects of the completed project assumes that the project has been fully constructed and is operational, which would occur in 2012. The analysis of future land use and community facilities, zoning, and public policy therefore considers future construction conditions for the full period of 2006 to 2012, and operational conditions in the year 2012.

The analysis of the Future Without the Project describes the land use and community facilities, zoning, and public policy expected to be in place in the future. This forecast is made based on existing conditions, known development proposals, and implementation of public policy. In accordance with the guidance in the *CEQR Technical Manual*, data were collected for proposals that can reasonably be expected to be complete during the analysis period for the project. Existing and proposed public policies that might govern any future development were also evaluated for the future analysis years, as applicable. This included proposed zoning changes and future plans and policies announced by public entities. NYCDOP was contacted for information on future developments, planning policies, and zoning changes that can be anticipated in the Study Area in the future through 2012.

3.2.4 Future Conditions With the Project Methodology

The project's compatibility with and effects on the expected future land use and community facilities, zoning, and public policy were then assessed, using the Future Without the Project as the basis for that assessment. The evaluation sought to identify any inconsistencies or incompatibilities with surrounding land uses, community facilities, and public policies, as well as the potential for the project to result in changes to expected future land use patterns or development trends in the Study Areas.

An assessment was conducted of the impacts of construction activities associated with the project at the preferred Shaft Site, the three alternative Shaft Site locations, and the potential water main connection routes. An assessment was conducted for the preferred and alternative Shaft Sites and for the water main connection routes from those sites, and an evaluation of the cumulative effects of both construction projects together was also conducted. For the water main connections, the analysis considered the potential for disruption to surrounding land uses and community facilities during construction activities. An analysis was also conducted of the effects of the completed project at the Shaft Site, once Shaft 33B has been fully constructed and is operational.

Because the water main connections would be located in the street and sidewalk areas, and would have no above-ground features, or other associated above-ground operational activities, no potential impacts to land use or community facilities, zoning or public policy would occur as a result of their operation. Therefore, no detailed land use and community facilities, zoning or public policy analysis was conducted for operation of the water mains.

