

# SIX SITE A Look Back at Soft Site Development in New York City



March 2023



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# Glossary of Terms

**As-of-Right Development:** Development that complies with all applicable zoning regulations and other laws, and does not require any discretionary action by the City Planning Commission (CPC) or Board of Standards and Appeals (BSA). Most development in the city is as-of-right.

**Borough-Block-Lot (BBL):** Borough-Block-Lot or parcel numbers, identify the location of buildings or properties.

**Build Year:** The year when a proposed project would be substantially operational. The build year is used in City Environmental Quality Review (CEQR) analyses as the year in which the full effects of a project are expected to occur. A ten-year build year is generally used, as it captures a typical cycle of market conditions.

**Building Code:** Common name for the New York City construction codes that, along with the Zoning Resolution, regulate building construction in the city. These codes—for plumbing, building, mechanical, fuel gas, and energy conservation—are administered by the Department of Buildings (DOB).

**City Environmental Quality Review (CEQR):** Pursuant to state law, the CEQR process identifies and assesses the expected effects of discretionary actions on the surrounding environment.

**Community District (CD):** New York City is organized into 59 Community Districts. Each CD is represented by a Community Board, composed of volunteer community members (appointed by the Borough President and at least half of whom are nominated by local Council Members), that provides information to local residents and businesses and advises on planning and service issues.

**Development:** Either the construction of a new building or other structure on a zoning lot, the relocation of an existing building to another zoning lot, or the establishment of new open use on a tract of land.

**Development Rights:** An amount of floor area permissible on a zoning lot. When the floor area that has been built is less than the maximum amount of floor area permitted, the difference is often referred to as “unused development rights.”

**Discretionary Action:** An action requiring the approval of either the CPC or the BSA. Discretionary actions include zoning amendments, special permits, authorizations, and variances.

**Dwelling Unit:** Consists of one or more rooms in a residential building, or residential portion of a building, that also contains cooking and sanitary facilities and is inhabited by one or more persons living together, maintaining a common household. Most conventional apartments or houses in New York City consist of dwelling units.

**Environmental Assessment Statement (EAS):** The first step in the CEQR process is the completion of an EAS. An EAS contains a description of an action and its potential impacts on the environment.

**Environmental Impact Statement (EIS):** A detailed study that examines the environmental effects of a project requiring a discretionary action. An EIS is required when a more limited analysis is not sufficient to conclude that the project would not result in significant adverse effects on the environment. The study looks at a variety of environmental categories, typically including traffic, schools, air quality, noise, and building shadows.

**Floor Area Ratio (FAR):** The principal bulk regulation that controls the size of buildings. Each zoning district specifies a maximum FAR for a use which, when multiplied by the lot area of the zoning lot, produces the maximum amount of floor area allowable for that use on that zoning lot.

**Improvement to Land Value Ratio (Improvement Ratio):** Measure of a property's estimated market value against its value if the property were vacant and unimproved. A lower improvement ratio suggests that a site is underdeveloped in market value terms.

**Lot Area:** The area (typically measured in square feet) of a zoning lot.

**Mandatory Inclusionary Housing (MIH):** A zoning provision that requires a share of new housing in areas rezoned for higher residential density to be permanently affordable to low- and moderate-income households. The required amount of affordable housing and income levels vary based on several options specified in the Zoning Resolution.

**Primary Land Use Tax Lot Output (PLUTO):** Extensive land use and geographic data at the tax lot level made available by the Department of City Planning (DCP).

**Public Use Microdata Area (PUMA):** Defined by the U.S. Census Bureau as non-overlapping, statistical geographic areas containing no fewer than 100,000 people each. New PUMAs are delineated every ten years after the decennial census.



**Soft Sites:** Sites identified during CEQR where development is not currently proposed but may be reasonably expected to occur by the projected build year due to uses and bulk allowed, size of development site, recent real estate trends, amongst other factors.

**Tax Lot:** A parcel of land identified with a unique borough, block, and lot number for property tax purposes. A **zoning lot** typically comprises one or more adjacent tax lots within a block.

**Transfer of Development Rights (TDR):** In limited circumstances specified in the Zoning Resolution, TDRs allow the transfer of unused development rights from one zoning lot to another, to preserve historic buildings, open spaces or unique cultural resources. For such purposes, TDRs may be permitted where the transfer could not be accomplished through a zoning lot merger. In the case of a landmarked building, for example, a transfer may be made by CPC special permit to a broader area than permitted through a zoning lot merger.

**Uniform Land Use Review Procedure (ULURP):** The City's public land use review process, mandated by the City Charter, for certain discretionary actions, such as zoning map amendments, CPC special permits, site selections and acquisitions for City capital projects and disposition of City property. ULURP sets forth a clear time frame and process for public participation and decision-making.

**Reasonable Worst Case Development Scenario (RWCDs):** In CEQR analyses, the RWCDs represents the conceptual maximum extent of potential development that can be expected on a project site or within a rezoning area over a set period of time based on proposed zoning and land use changes. By identifying the "worst case" estimates of future development, the RWCDs theoretically allows a more comprehensive analysis of the full impact development could have on traffic, schools, greenhouse gas emissions, socioeconomic conditions and other environmental areas.

**Zoning District:** A specifically delineated area of the city within which various combinations of the zoning regulations govern land use, building bulk, parking, and streetscape. Zoning districts include Residence Districts, Commercial Districts, and Manufacturing Districts, and are shown on the Zoning Maps.

**Zoning Lot:** A tract of land typically comprising a single tax lot or two or more adjacent tax lots within a block. An apartment building on a single zoning lot, for example, may contain separate condominium units, each occupying its own tax lot. Similarly, a building containing a row of townhouses may occupy several separate tax lots within a single zoning lot, or two or more detached homes on one zoning lot may each have its own tax lot. The zoning lot is the basic unit for zoning regulations and may be subdivided into two or more zoning lots. Two or more adjoining zoning lots on the same block may be merged, provided that all resulting zoning lots comply with applicable regulations.

**Zoning Lot Merger:** The joining of two or more adjacent zoning lots into a single new zoning lot. As part of the merger, unused development rights may be located anywhere on the new lot, as-of-right, as long as the entire merged lot complies with all applicable provisions of the Zoning Resolution.

*Definitions from:*

NYC Department of City Planning, *Zoning Handbook*. 2018.

NYC Mayor's Office of Environmental Coordination, *CEQR Technical Manual*. 2021.

Regional Plan Association, *Inclusive City: Strategies to achieve more equitable and predictable land use in New York City*. 2018.



# Acronyms:

**ACRIS:** Automated City Register Information System

**AMI:** Area Median Income

**BSA:** Board of Standards and Appeals

**CPC:** City Planning Commission

**DCP:** New York City Department of City Planning

**DOB:** New York City Department of Buildings

**DOF:** New York City Department of Finance

**EDDE:** Equitable Development Data Explorer

**DEIS:** Draft Environmental Impact Statement

**FEIS:** Final Environmental Impact Statement

**HPD:** New York City Department of Housing Preservation and Development

**OEC:** New York City Mayor's Office of Environmental Coordination

**OMB:** New York City Mayor's Office of Management and Budget





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# Introduction

City Environmental Quality Review (CEQR) is New York City's process for evaluating the impacts discretionary land use decisions have on neighborhoods. As a disclosure process, CEQR is intended to inform decision makers, elected officials, and the public about the type, magnitude, and effects of development that could reasonably be expected in the future so that the costs and benefits of a rezoning or large-scale development can be considered before being approved or funded by a City agency.

CEQR evaluations estimate the amount of development that could be expected based on the developability, or "softness" of sites within a rezoning area and assumptions about population shifts, development trends, and other factors. Estimating future development is largely an imprecise process because many unforeseen forces can influence development over time, such as economic downturns, market shifts, financing challenges, and rising construction costs. One thing is certain: CEQR plays a significant role in development in New York City. Twenty percent of all residential development goes through the process.<sup>1</sup> Therefore it is critical that CEQR evaluations are as reliable as possible.

SITE x SITE is an unprecedented retrospective study of citywide development that illustrates the limitations of current CEQR methodologies and helps outline ways in which the process can be improved so that city planners and decision makers can better serve communities. It is also an initiative of the **CEQR Reform Coalition (Coalition)**, which includes the Municipal Art Society of New York (MAS), Regional Plan Association (RPA), and the New York University Guarini Center on Environmental, Energy and Land Use Law (NYU Guarini Center).

In 2021, the Coalition introduced the Technical Advancement and Support of Comprehensive Planning and CEQR Reform (TASC) Initiative, which created an expansive index of development factors to better anticipate future development and demographic changes in the CEQR process and researched ways to mitigate impacts of development in New York City.

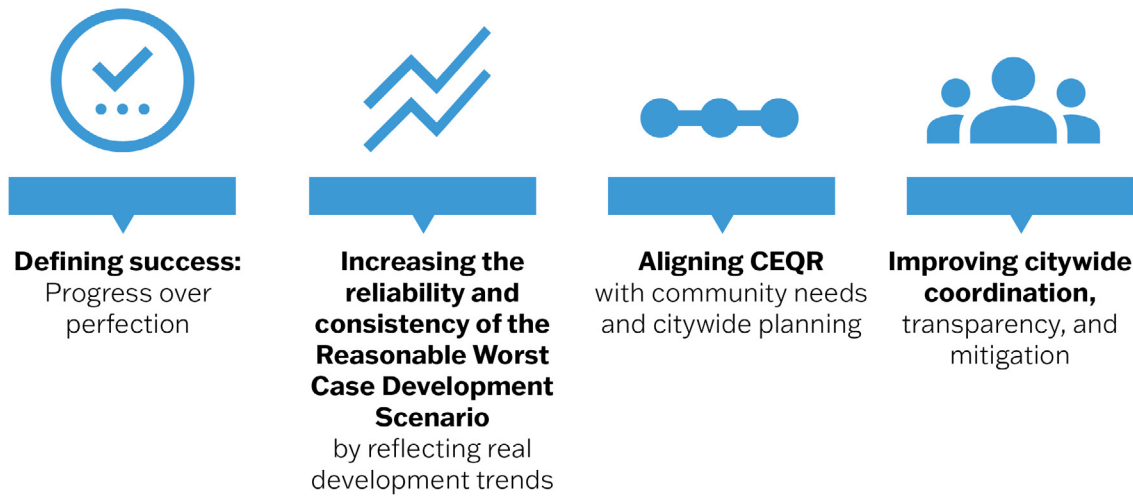
The next phase of the Coalition's advocacy, SITE x SITE is reflected in research, analysis, and the creation of this report and a companion web tool to share important findings, observations, and recommendations. This report provides an overview of the project, the methodology used in the technical analyses, and looks at several case studies to illustrate how development plays out in different neighborhoods across the city following rezonings.

Given the integral role CEQR plays in citywide land use decisions, the findings and assumptions made in the process invariably affect neighborhood

<sup>1</sup> NYC Department of City Planning, "Info Brief - How much housing is built as-of-right?" 2019.

growth and quality of life for New Yorkers. The Coalition believes CEQR should provide more specific and reliable information about future development in city neighborhoods. The Coalition’s work also seeks to better equip decision makers, planners, and the public with accurate, neighborhood-level information to inform and improve engagement in citywide and local land use decisions.

SITE x SITE comes at a moment when the Adams Mayoral Administration, City agencies, elected officials, and other coalitions have prioritized improving CEQR and Uniform Land Use Review Procedure (ULURP), the City’s public land use review process. The Coalition believes the findings and recommendations discussed in this report will be invaluable in supporting this larger effort.



**Figure 1.** Key Goals of SITE x SITE in CEQR Reform.

## SITE x SITE Background

SITE x SITE is the culmination of ideas initially explored in the Coalition’s TASC initiative in the jointly-released 2021 report *Up to the TASC: Incorporating Data into CEQR and Comprehensive Planning*. Under TASC, the Coalition identified indicators that shape potential development based on a variety of built environment and social factors. The Coalition also created an interactive index of development factors which called attention to the viability of evaluating development activity over time as well as a city-wide mapping tool that allows users to better understand local and citywide development patterns. Through collective advocacy, the intent of TASC was to empower local voices through reform, data, and training to meaningfully participate in land use and zoning decisions affecting their communities. This set the groundwork for the technical work undertaken in SITE x SITE.



## Past Research and Advocacy

SITE x SITE is a progression of recent CEQR reform advocacy work conducted by organizations in the Coalition. The 2018 MAS report *A Tale of Two Rezoning: Taking a Harder Look at CEQR* examined how the vast underestimations of development projections for the rezonings of Long Island City and Downtown Brooklyn resulted in long-term unintended consequences in these neighborhoods. These rezonings are examined in detail in the discussion of case studies in **Chapter 4**.

RPA's 2018 report *Inclusive City* identified strategies for increasing equitability and predictability in ULURP. The report summarized the work of a coalition of over 40 community leaders, land use experts, and stakeholders and made recommendations for:

- Establishing a comprehensive citywide planning framework to provide a better rationale for identifying neighborhoods for rezoning and adding clarity to the allocation of resources to ensure more equitable outcomes for lower income communities.
- The creation of an Office of Community Planning, which would enable more local stakeholders to have a say in land use decisions that affect their neighborhoods and strengthen the entities more likely to engage in neighborhood-level planning efforts, including community boards.
- The creation of a pre-ULURP planning process, and community screening and training initiatives.

The NYU Guarini Center's 2020 report *Reforming CEQR* analyzed six case studies of projects that required environmental review and identified recommendations for improving CEQR mitigation procedures. Under SITE x SITE, NYU is poised to release a legal article *Impact Fees in New York City? Legal Authority, Constraints, and Potential Options* in Spring 2023 that examines the feasibility of implementing impact fees to offset impacts of development on local infrastructure, services, and the environment. NYU's legal article was selected for publication in the *Columbia Journal of Environmental Law*. The Coalition hopes the placement will give the study excellent visibility in the larger law community, including at the state and local level, and provide a starting point for future research and advocacy supporting the use of impact fees in New York City.

# CEQR Reform and the Political Landscape

The 2021 New York City elections brought about significant turnover in elected officials, including a new mayor and 35 new City Council members. The Coalition is encouraged by Mayor Adams' focus on exacting changes to the CEQR and ULURP processes. As part of this effort, the Building and Land Use Approval Streamlining Taskforce (BLAST) was formed to identify ways to improve the review processes for private applicants. In December 2022, BLAST released the report *Get Stuff Built*, which includes specific and comprehensive recommendations to accomplish these goals.<sup>2</sup>

Mayor Adams has also identified a set of zoning reforms designed to accelerate new development in the city. The Mayor's Office's *City of Yes* text amendment proposal, initially released in June 2022, outlines a set of city-wide zoning amendments that would increase flexibility of spaces for businesses, support new housing production, and reduce carbon emissions.<sup>3</sup> The first text amendment, the *City of Carbon Neutrality*, will be released in spring 2023.

<sup>2</sup> NYC Office of the Mayor, *Get Stuff Built: BLAST Report*, 2022.

<sup>3</sup> NYC Office of the Mayor, "Mayor Adams Outlines Vision for 'City of Yes,' Plan for Citywide Zoning Initiatives to Support Small Businesses, Create New Housing, Promote Sustainability," 2022.

989 Liberty Avenue, Brooklyn, an apartment building constructed in 2018 with ground floor retail. This development is located within East New York's Mandatory Inclusionary Housing Area. [Credit: RPA]



## SITE x SITE Vision

SITE x SITE outlines the following goals for CEQR reform:

### 1. Progress over Perfection

New Yorkers deserve a more reliable framework for anticipating potential future development and evaluating environmental impacts. For soft site analysis in particular, the current model is not sufficiently nuanced to effectively consider factors such as historical, geographic, and site-specific trends that influence development following major City land use decisions. Ultimately, the success of our efforts will be determined by the progress that can be made in how CEQR evaluation criteria can be improved to better respond to neighborhood and development conditions.

### 2. Improving Reliability and Consistency in CEQR Evaluations

The current criteria for establishing the No-Action development scenario in CEQR evaluations is often unclear, lacking in transparency and drawing upon assumptions about future growth, population changes, future economic trends, and investments in affordable housing that are not readily apparent or articulated. In contrast, SITE x SITE offers data-based



information on citywide, soft-site development over time which will help inform baseline development projections in CEQR evaluations, elucidate the incremental differences in impacts in the future with or without zoning changes used in the RWCDS, and reduce much of the guess work in projecting future development and growth in the CEQR process.

### **3. Aligning Environmental Review with Citywide Planning**

New York City does not have a comprehensive planning framework to guide development goals and land use decisions or align planning with capital budget considerations and community needs. The lack of such a framework in City decision-making magnifies the role that rezonings and CEQR play in shaping neighborhoods and broader policies. Improving the reliability of future development projections under CEQR is a critical step towards exploring citywide comprehensive planning, balancing community needs and citywide goals, and informing equitable decision-making.



1034-1047 Atlantic Avenue, Brooklyn.

[Credit: MAS]







# **SITE x SITE**

## **Overview**



## SITE x SITE

SITE x SITE examines development activity, primarily between 2007 and 2017, using current CEQR methodology, to show how soft sites have been developed citywide. The study also demonstrates the limitations of CEQR methodology in capturing the full extent and impact of development that can occur following neighborhood rezonings.

Soft sites are lots that are not planned for development under a rezoning, but are likely to be developed over the same timeframe as planned development sites.<sup>1</sup> Current CEQR methodology holds that sites that are considered “soft” are primarily lots larger than 5,000 square feet and those built to substantially less than the maximum development potential of the site.<sup>2</sup>

Reliable soft site identification is a critical step in establishing the analytical framework in CEQR evaluations, known as the Reasonable Worst Case Development Scenario (RWCDs). According to the *CEQR Technical Manual*, which provides evaluation guidance for planning practitioners, the RWCDs is the development scenario chosen from a range of possible scenarios with the worst environmental consequences.<sup>3</sup> It is the foundation of every analysis that requires an Environmental Assessment Statement (EAS) or Environmental Impact Statement (EIS), the primary documents used in the CEQR process. The RWCDs also identifies a project’s build year, the time period when development can be expected to happen, typically within ten years following approval. By identifying the “worst case” estimates of future development, the RWCDs theoretically allows a more comprehensive analysis of the full impact development could have on traffic, schools, greenhouse gas emissions, socioeconomic conditions and many other environmental areas. Deficient soft site identification can lead to many unintended consequences for city neighborhoods.

CEQR is a disclosure process. Given the multitude of unforeseen factors that can affect future development, neither the City nor CEQR practitioners have the ability or the expectation to predict future development in absolute terms. However, SITE x SITE shows that there are more advanced ways of estimating future development, which would result in more reliable and predictable CEQR evaluations that will better serve communities.

1 The *CEQR Technical Manual* defines soft sites as “sites where a specific development is not currently proposed or being planned, but may reasonably be expected to occur by the projected build year.” The *CEQR Technical Manual* allows some degree of flexibility with soft site guidelines, which can be modified depending on particular conditions on a site-specific basis.

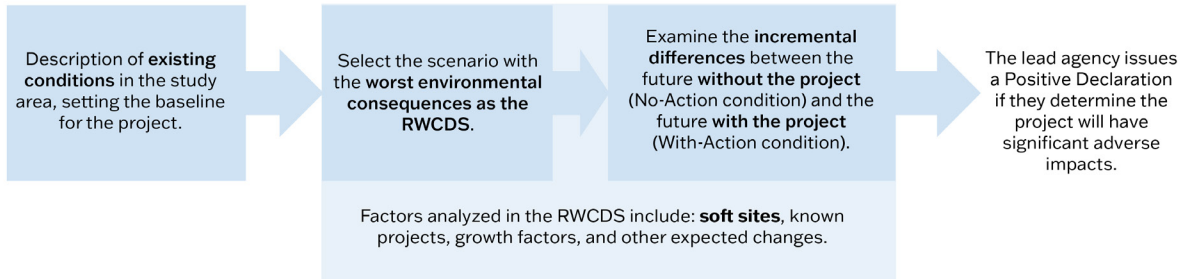
2 SITE x SITE assumes “substantially less” to include sites with at least 50 percent unused Floor Area Ratio (FAR).

3 NYC Mayor’s Office of Environmental Coordination, *City Environmental Quality Review Technical Manual*, 2021.

# RWCDS and CEQR Evaluation Overview

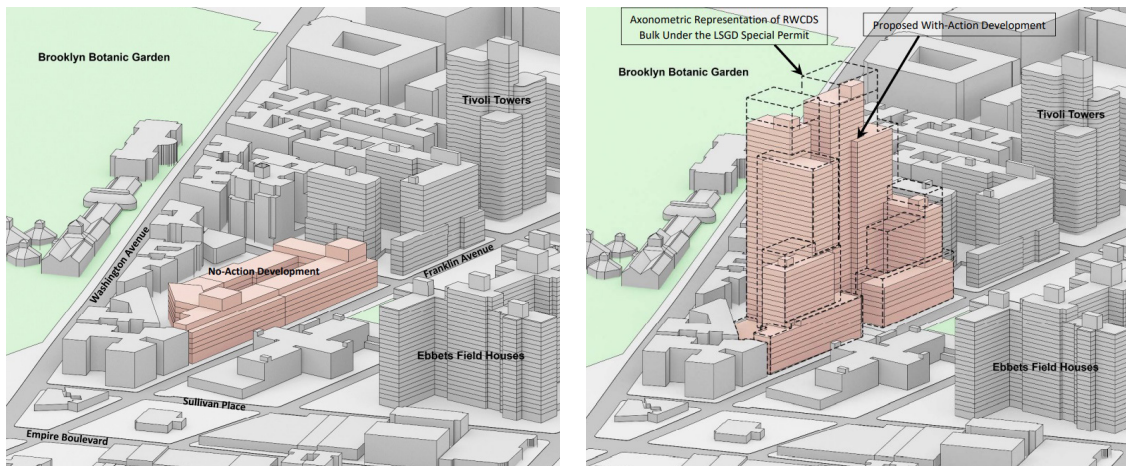
As mentioned, the RWCDS represents the highest impact development scenario that could be expected based on zoning and land use changes proposed by the City or a private applicant (see **Figure 2**). For City actions, zoning and land use changes are typically proposed through a neighborhood rezoning or large-scale development, actions that have the potential to result in significant impacts. CEQR impact evaluations also incorporate assumptions about demographic changes and population growth.

## CEQR Reasonable Worst Case Development Scenario (RWCDS)



**Figure 2.** CEQR RWCDS Framework.

The projection that future development could occur on a site “as-of-right” under existing zoning, known as the “no-action condition,” must be supported through an analysis of various factors, including the uses and density (bulk) allowed, the size of the development site, recent real estate trends in the area, recent and expected future changes in population and employment in the area, and government policies or plans. The CEQR process evaluates the projected impacts of a neighborhood rezoning using two primary scenarios: the future with and without the proposed zoning changes (see **Figure 3**).



**Figure 3.** No-Action Scenario versus With-Action Scenario at 960 Franklin.

[Credit: Hill-West Architects]

Soft sites are included in the RWCDs as either “projected” or “potential” development sites, depending upon factors that make a site more or less likely to be developed under a rezoning. Projected sites are those likely to be developed within a given time period and are included in CEQR impact evaluations. Potential sites are considered less likely to be developed due to a variety of factors, most often because they include small or irregularly shaped lots, or are encumbered by regulatory restrictions such as location in a historic district, which requires additional agency oversight to be developed.<sup>4</sup> Typically, potential development is not evaluated for impacts. These issues are explored in more detail in the discussion of case studies in **Chapter 4**.

## **The Importance of Reliable Soft Site Identification**

Deficient soft site analyses have led to underestimations and overestimations of future development in some of the City’s most significant neighborhood rezonings. This can have negative impacts on neighborhoods and call into question whether certain City land use decisions balance City development goals and community needs on the ground.

Underestimates of future development can lead to insufficient affordable housing, overburdened transit, inadequate provision of services, unmet community needs, and other impacts. In the rezonings of Long Island City (2001) and Downtown Brooklyn (2004), two areas the City envisioned as new commercial business districts, the residential development anticipated in the respective CEQR processes was grossly underestimated, magnified by the unprecedented high-end residential growth seen in these neighborhoods. The 2018 MAS report *A Tale of Two Rezoning: Taking A Harder Look at CEQR* showed that by 2016, six of eight public elementary schools in Long Island City were well over 100 percent capacity, three of which had utilization rates of over 150 percent. During the same time period, over half of Downtown Brooklyn’s elementary schools were operating over 100 percent capacity. In both instances, no new schools were proposed as part of the rezoning because the magnitude of residential development that eventually materialized was not anticipated in the CEQR process. Due to the demand based on unforeseen residential growth, open space in Long Island City is 78 percent less than the New York City average.<sup>5</sup> Overestimations of future residential development in neighborhood rezonings have other ramifications. They can lead to the underproduction of new housing, as was the case in the rezonings of Ozone Park, Queens in 2013 and Lower Concourse,

<sup>4</sup> According to CEQR, projected sites are more likely to be developed than potential sites.

<sup>5</sup> City average for open space is 1.5 acres per 1,000 residents. In 2016, Long Island City had 0.33 acres per 1,000 residents.



Bronx in 2009. These rezonings are explored in more detail in **Chapter 4**.

When anticipated residential development does not materialize, particularly affordable housing, it can exacerbate market pressures in certain neighborhoods, making it harder for lower-income residents and people of color to remain in place or find new housing in their areas of residence.<sup>6</sup> Overestimates of development can also bring into question whether the planning process leading to the rezoning effectively responded to community needs and reflected development trends in the area.

CEQR guidance on soft site identification is somewhat flexible, allowing practitioners a degree of discretion on a site-by-site basis. However, this can lead to certain developable sites not being identified, resulting in incomplete impact analyses and questionable findings that can erode public trust. Conflicting interpretations of how soft sites should be defined was a scenario that played out recently in the case of the 2019 Draft Bushwick Neighborhood Plan.



View of Thomas Memorial Wesleyan Methodist Church in West Harlem showing adjacent mixed-use development site. The adjacent site was not identified as a “soft site” in the 125th Street Corridor CEQR analysis. [Credit: MAS]

6 NYC Department of City Planning and Department of Housing Preservation and Development, “NYC Displacement Risk Map,” 2022.

### A SOFT SITE DEBATE IN BUSHWICK

The Bushwick Neighborhood Plan (BNP) was introduced by the City in 2019 as a rezoning proposal to foster economic development, preserve and develop affordable housing, and maintain the neighborhood's character. The plan, which spanned an area of 300 blocks, called for deeply affordable housing and concentrated growth in designated mixed-use areas and corridors.<sup>7</sup> The BNP built on the Bushwick Community Plan (BCP), a four-year collaboration between residents, elected officials, and City agencies in response to concerns about out-of-context development and residential displacement pressures in the neighborhood.<sup>8</sup> The two plans differed vastly in their development projections. Advocates of the BCP maintained that the City's projections underestimated future residential unit production and urged the City to study the BCP as part of the BNP CEQR process.<sup>9</sup>

In January 2020, the City rejected the community's request, citing concerns that the BCP would be a downzoning that limited development. The City eventually withdrew its zoning proposal and announced that the CEQR process would not move forward for either plan.<sup>10</sup> The rejection of the BCP resulted in significant community backlash. At this time, no updates on a new Bushwick neighborhood rezoning proposal have been forthcoming.<sup>11</sup> Meanwhile, development pressures in Bushwick persist.

## The Variables of Soft Site Identification

The SITE x SITE analysis demonstrates that the underlying variables that drive development are often localized and different across City neighborhoods. The factors that affect development in a commercial district such as Midtown Manhattan are very different from those in residential neighborhoods in Staten Island. CEQR is often limited in accurately capturing what those local drivers are or how to incorporate them in the formulation of development scenarios used in evaluations. As a result, reliably identifying soft sites and estimating future development can be challenging.

7 NYC Department of City Planning, *Bushwick Neighborhood Plan*, 2019.

8 Hester Street, *Bushwick Community Plan*, 2018.

9 Sadeq Ali Kully, "Downzoning Differences: Clash over housing projections led to Bushwick stalemate," *City Limits*, 2020.

10 Caroline Spivack, "Plans to Rezone Bushwick are Dead, for Now," *Curbed New York*, 2020.

11 Irina Groushevaia, "Will Bushwick rezoning proceed? City refuses to consider 'downzoning,'" *Bklyner*, 2020.





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# Methodology

# Simulating CEQR

## Analysis Scope and Screening Criteria

The *CEQR Technical Manual*, published by the New York City Mayor's Office of Environmental Coordination (OEC), outlines methodology and analysis criteria for City agencies and planning practitioners involved in conducting CEQR evaluations. It recommends specific parameters for use, bulk (density), and size as well as more general guidance on other site characteristics that might influence future development, such as real estate trends, policies, and population changes. These criteria are used to identify likely soft sites in standard CEQR procedures.

SITE x SITE utilized publicly available datasets, validated by statistical modeling and historical development trends, to simulate soft site identification according to the CEQR guidelines and compare the outcomes against actual development. This chapter outlines the steps taken to operationalize CEQR's soft site criteria. Further details on methodology, including a data dictionary and technical notes on data collection and assumptions, can be found in the **Appendix**.

*"Soft sites are sites where a specific development is not currently proposed or being planned, but may reasonably be expected to occur by the projected build year. In other words, it may be appropriate to project that development would occur on a site under existing zoning on an "as-of-right" basis in the future No-Action condition...Sites that would meet [that criteria] as a result of the proposed project are often [also] considered along with the site-specific project as part of the RWCDs for the With-Action condition."*

–*CEQR Technical Manual*, Chapter 2 (2021)

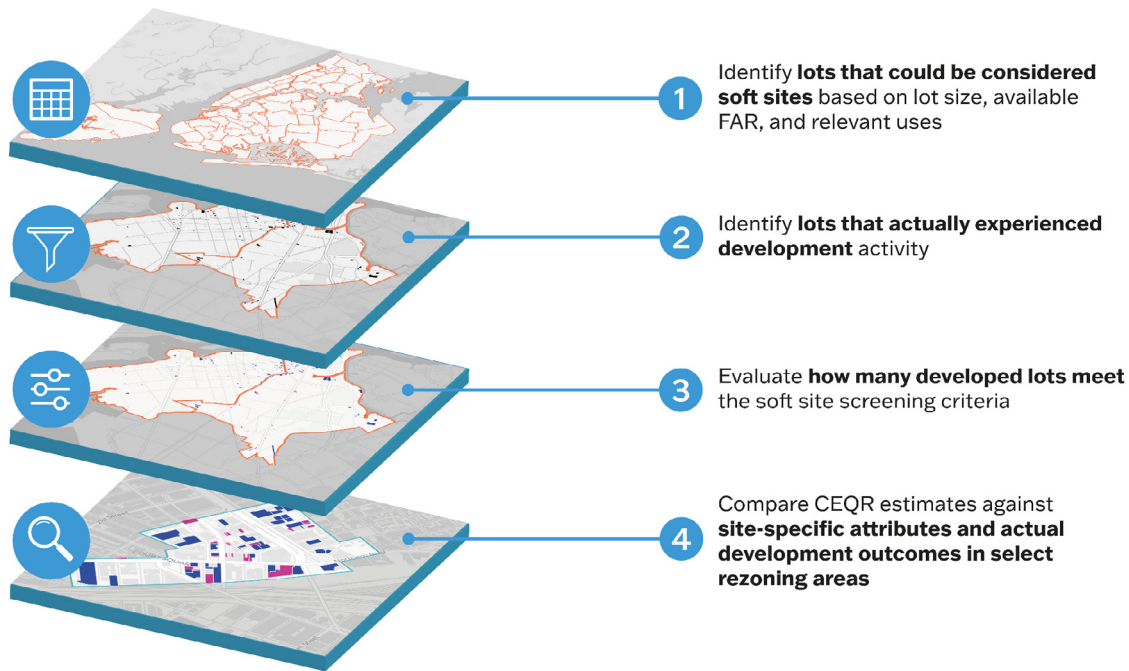
SITE x SITE compares soft sites against lots that were developed between 2007 and 2017. The timespan was selected based on the availability of data and reflects the market cycle comprising the Great Recession (December 2007 to June 2009) and subsequent economic recovery. The period also coincides with several notable neighborhood rezonings under the Bloomberg and De Blasio Mayoral Administrations. Development activity reviewed in this study includes new construction and merged tax lots (as assumed from increases in lot area).<sup>1</sup> The *CEQR Technical Manual's* guide-

<sup>1</sup> This also captures lots removed from the PLUTO records over the course of the study period. Alterations are not included because of ambiguity in how they are defined by the Department of Buildings and information about permit acquisition and timing of work onsite.



lines for identifying soft sites were then applied to that subset of lots (see **Figure 4**).

SITE x SITE does not identify new variables for determining soft site development. Rather, the study employs existing CEQR variables that contribute most to development trends on the borough and Public Use Microdata Area (PUMA) levels and examines them in the context of recent rezonings.<sup>2</sup>



**Figure 4.** SITE x SITE Methodology Diagram.

The steps taken in the SITE x SITE study, from preparing the PLUTO dataset to completing further analysis on site-specific characteristics and trends.

## Applying CEQR Guidelines

The *CEQR Technical Manual* guidelines recommend screening lots according to size and bulk as indicated by floor area ratio (FAR). If the area of a lot is greater than 5,000 square feet and it has a substantial amount of available unbuilt FAR, then it is assumed to be sufficiently large and underbuilt to be considered for future development.<sup>3</sup> Our findings scrutinize the difference between sites that fall within these baseline thresholds and actual development citywide using tax lot data. Recently developed lots that did not pass the initial soft site screening were analyzed in the context of broader neighborhood geographies, including boroughs, PUMAs, and select City-led rezonings.

2 New PUMAs are delineated every ten years after the decennial census, including the years of development analyzed in this report in New York City. Neighborhood Tabulation Areas (NTAs), which are derived from census data, are the closest approximation to neighborhoods. However, NTAs were not available prior to the 2010 census.

3 Projects can diverge from this criteria on a site-specific basis. For the purposes of identifying soft sites against a baseline, this study adopts a lot area threshold of  $\geq 5,000$  square feet (inclusive) and assumes a threshold of  $\geq 50$  percent available FAR. The thresholds were selected to produce conservative estimates and are also consistent with the soft site methodologies of several rezonings that feature in SITE x SITE's case studies.



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**Table 1** lists CEQR’s thresholds and how they were interpreted for this study.

**Table 1: Thresholds for bulk and size – the initial screening**

CEQR Technical Manual	SITE x SITE
Buildings built to substantially less than maximum allowable FAR	Buildings that have at least 50% of unbuilt (available) FAR
Lots larger than 5,000 sf	Lots larger than or equal to 5,000 sf

In further narrowing down the pool of soft sites, the *CEQR Technical Manual’s* methodology accounts for lots that are generally unlikely to be redeveloped because they contain buildings or uses that are difficult to relocate or demolish, including but not limited to certain utility uses, institutional uses, and buildings that contain rent stabilized units (see **Table 2**). In this step, the selection of data points was further refined to include institutional, open space, or transportation uses that are either full-block or new as of the last ten years.

The *CEQR Technical Manual* makes the assumption that buildings constructed before 1974 that contain six or more units are likely to be rent stabilized. Rent stabilization affords tenants with limited rent increases and regulated evictions.<sup>4</sup> Although rent stabilized units can be deregulated, there are specific conditions for doing so; the CEQR proxy therefore concludes that rent stabilized units are difficult to legally demolish.

<sup>4</sup> New York State Homes and Community Renewal, *Rent Stabilization and Emergency Tenant Protection Act*, Accessed November 2022.

Left: An apartment building under construction on an identified soft site in the Williamsbridge neighborhood in the Bronx. The Williamsbridge/Baychester area was rezoned in 2011. [Credit: MAS]



**Table 2: Excluded from soft site criteria – difficult to relocate/unlikely to be redeveloped sites**

CEQR Technical Manual	SITE x SITE
Full block and new buildings with utility uses	Lots with the primary uses: open space/ parks, airports, piers/docks, bridges/ tunnels/highways, gas or electric utility, and ceiling railroad; <sup>5</sup> public schools; <sup>6</sup> cemeteries; and certain facilities and intergovernmental institutions (see <b>Appendix</b> )  Transportation/utility, public facilities/ institutions, and open space/outdoor recreation uses that occupy an entire block or were built between 1998 and 2007  Lots containing individual landmarks
Institutional uses with no known plans for development	
Residential buildings built prior to 1974 that contain six or more units	Buildings built prior to 1974 that contain six or more residential units and are categorized under primarily residential building classes

The *CEQR Technical Manual* recommends evaluating additional attributes that increase the likelihood that a site will be developed in the future. These attributes are more interpretive and are designed to facilitate some degree of discretion on a project-by-project basis. This study identified data points for each of the attributes using publicly available data (see **Table 3**). The specific indicators were selected by the team and reflect peer review input. **Chapter 4** of this report discusses whether the *CEQR Technical Manual's* broadly defined characteristics can be further refined in the context of neighborhood-specific development scenarios or place-types to develop a more informed screening that brings a greater level of accuracy to soft site identification.

5 Ceiling railroad refers to the maximum in assessed value that can be used when levying taxes on a railroad transportation property. NYS Department of Taxation and Finance, "Railroads," Accessed January 2023.

6 Although higher education institutions may be somewhat unlikely to be developed, they have relatively fewer site-specific and regulatory constraints than public schools and therefore are not excluded.

**Table 3: Additional considerations when identifying soft sites**

CEQR Technical Manual	SITE x SITE
Amount and type of as-of-right development	Number of Department of Buildings (DOB) permits filed for demolition, new construction, and A1 <sup>7</sup> alterations
Recent real estate trends	Percentage difference between a property’s estimated full market value (“assessed total value”) and its full market value if it were vacant/unimproved (“assessed land value”), i.e., the improvement to land value ratio  Change in the number of residential units  Changes in building class/land use code  Apparent mergers and condominium conversions
Recent and projected changes in residential population and employment	Socioeconomic figures gathered from the City’s online Equitable Development Data Explorer (EDDE)
Government policies or plans that may affect development	Special districts, historic designation, and rezoned areas
Site specific conditions that make development difficult	Irregularities in lot shape based on Polsby-Popper Score <sup>8</sup>
Issues relating to site control or site assemblage	Lots involved in air rights transactions as recorded in the City Register

# Data Validation

## Soft Site Methodology in CEQR Evaluations

SITE x SITE’s implementation of relevant site attributes applies to the soft site methodology outlined in the *CEQR Technical Manual*. However, soft site methodology allows some flexibility in how sites are identified depending on the project. Broad definitions can lead to inconsistencies in why a particular rezoning area might prioritize a certain set of soft site criteria over

7 Major alterations that require an updated Certificate of Occupancy.

8 Irregularly shaped lots are typically thought to be harder to develop. The Polsby-Popper score is a mathematical measure used to evaluate the compactness of electoral districts in the context of gerrymandering. Scores fall between 0 (most irregular) and 1 (least irregular/most compact).

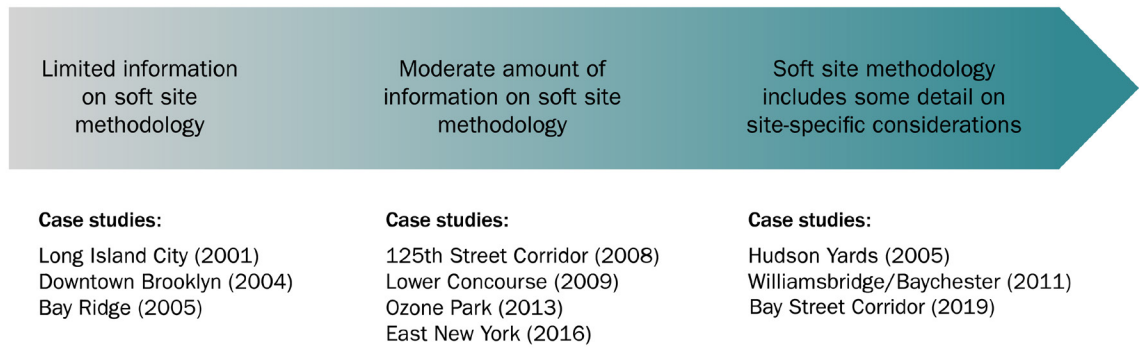


others and how these factors were determined. **Figure 5** summarizes the findings of a review of 10 CEQR EISs and EASs in the rezoning case studies included in **Chapter 4**.

Although the term “soft sites” did not appear consistently in the RWCDs identified in the selected CEQR evaluations, each document distinguished between potential and projected sites. Three of the rezonings in the case studies—Hudson Yards (2005), 125th Street Corridor (2008), and Bay Street Corridor Neighborhood Plan (2019)—drastically diverged from the CEQR baseline lot size and FAR thresholds when identifying soft sites. The case studies also vary in the level of detail disclosed about additional criteria.

**Figure 5.** Soft Site Methodologies in CEQR Documents.

Level of detail found in CEQR soft site methodologies for a selection of neighborhood rezonings. See **Table A4 in the Appendix** for breakdowns by case study.



## Feature Importance in Recently Developed Lots

Machine learning (ML) employs statistical methods and algorithms to build predictive models based on real data. One data validation measure in SITE x SITE was the use of decision trees in ML to classify and rank lot characteristics according to their “feature importance,” which refers to the likelihood of their inclusion in a sample of recently developed lots in a specific PUMA.<sup>9</sup> The results provide insight into site-specific lot characteristics of past development.

## Limitations

Because SITE x SITE utilizes publicly available data to identify soft sites, the analysis is limited by the level of completeness and availability of data. Assumptions were also made in instances where data points lacked specificity in CEQR guidelines (e.g., “substantially less than the maximum” available FAR interpreted as at least 50 percent) and discretion was used in removing lots from consideration as soft sites. Approximately 55,500 lots

<sup>9</sup> Decision tree algorithms are used to classify data for predictive modeling and determine correlations between dependent and independent variables. For classification, at each step a dataset is evaluated for the probability that a certain feature is present, resulting in branches similar to that in a flowchart. This process can be used to rank features that are likely to contribute to a certain outcome; in this case, which site characteristics are best reflected in recent development.

were excluded from the study's soft site analysis because the buildings on these lots were generally considered to be difficult to demolish, redevelop, or move to another location ("difficult-to-relocate").<sup>10</sup> A very small number of recently developed lots (0.5 percent of the total) fell into this category.

Ninety-six percent of lots that were identified as difficult-to-relocate were residential buildings containing rent stabilized units as estimated using the *CEQR Technical Manual* proxy. To evaluate the proxy's accuracy in identifying rent stabilized buildings, the study extrapolated property tax data from the Department of Finance (DOF). The CEQR proxy was found to cover 93 percent of rent stabilized units, which was deemed reliable for the study.

Theoretically, the presence of rent stabilized units makes redevelopment more difficult, but it does not prevent buildings with rent stabilized units from being demolished or individual units from losing their rent stabilized status. For example, there have been recent reports of a surge in "warehousing," where property owners of rent stabilized units intentionally keep them off the market.<sup>11</sup> Therefore, SITE x SITE acknowledges the limitations of a purely data-oriented approach to assessing the developability of sites containing rent stabilized units. **Chapter 4** includes profiles of several neighborhoods to further explore development trends in relation to City-sponsored rezonings.

SITE x SITE compiles a snapshot of development, focusing on building lot characteristics present in 2007 and whether the same lots underwent changes by 2017, the end of the study period. The analysis of soft sites consists of all recent development, including as-of-right, which is not evaluated under CEQR. The case studies in this report, which examine trends on a more neighborhood-specific level and compare actual development to what was projected in the respective CEQR evaluations, also consider more recent projects.

<sup>10</sup> Difficult-to-relocate buildings and uses are listed in **Table 2**.

<sup>11</sup> Sam Rabiya, "More than 60,000 Rent-Stabilized Apartments Are Now Vacant—and Tenant Advocates Say Landlords Are Holding Them for 'Ransom,'" *The City*, 2022.



**WHAT ABOUT AIR RIGHTS?**

The transfer of air rights, or more specifically development rights (TDRs), is a major driver of new development in New York City. The 2017 MAS report *The Accidental Skyline* identified 3.7 billion square feet of unused development rights citywide, enough to build more than 1,300 Empire State Buildings.

Despite the significant role that TDRs play in shaping the city's built environment, there is limited public data on how the process is carried out. Although records on air rights are documented in the DOF's Automated City Register Information System (ACRIS), the database lacks clarity on how to interpret key information. Details on actions such as lot assemblages and TDRs are found in individual documents that record transactions. In the absence of clarity and uniformity in the data, SITE x SITE does not analyze the impact of TDRs on soft site development.

See the **Appendix** for a description of ACRIS.



Fulton Street in Downtown Brooklyn with 11 Hoyt, a 57-foot luxury condominium tower. [Credit: MAS]







# Findings and Recommendations

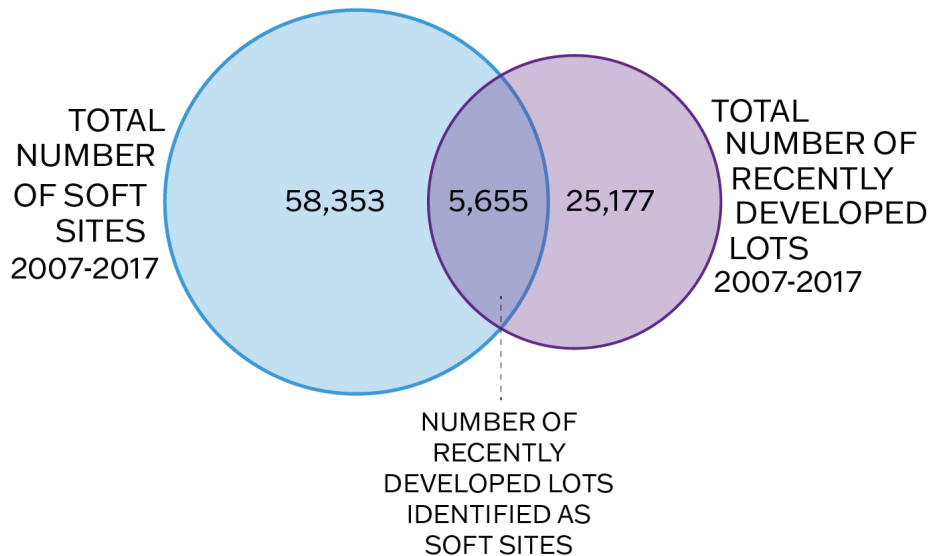


# A Development Retrospective

This chapter details the findings of SITE x SITE’s retrospective analysis of soft site development in New York City between 2007 and 2017. Overall, the study shows that developed lots exhibited more variability in lot size and FAR than CEQR’s baseline criteria would assume. A review of past City rezonings reveals wide fluctuations in how development assumptions made in the CEQR process played out over time, particularly with the production of housing. The study also suggests that CEQR evaluations often underestimate housing development in neighborhoods with strong real estate markets and overestimate development in neighborhoods with more moderate markets. These and other observations are discussed along with a suite of recommendations for improving the reliability of the RWCDs framework, better aligning CEQR with community housing needs and resources, and informing a more comprehensive approach to planning. This chapter also presents a series of case studies showcasing recent City-sponsored rezonings and community-led plans to demonstrate the wide variety of development outcomes that bring to the surface many of the ideas explored in SITE x SITE.

## Simulating CEQR: The Outcomes

Approximately seven percent of all tax lots that existed between 2007 and 2017 were large enough and had sufficient unbuilt FAR to meet baseline CEQR soft site criteria. A little over 25,000 lots were developed during this time, 21 percent of which were soft sites.<sup>1</sup> That only a fifth of the developed lots were identified as soft sites suggests that the baseline criteria may be



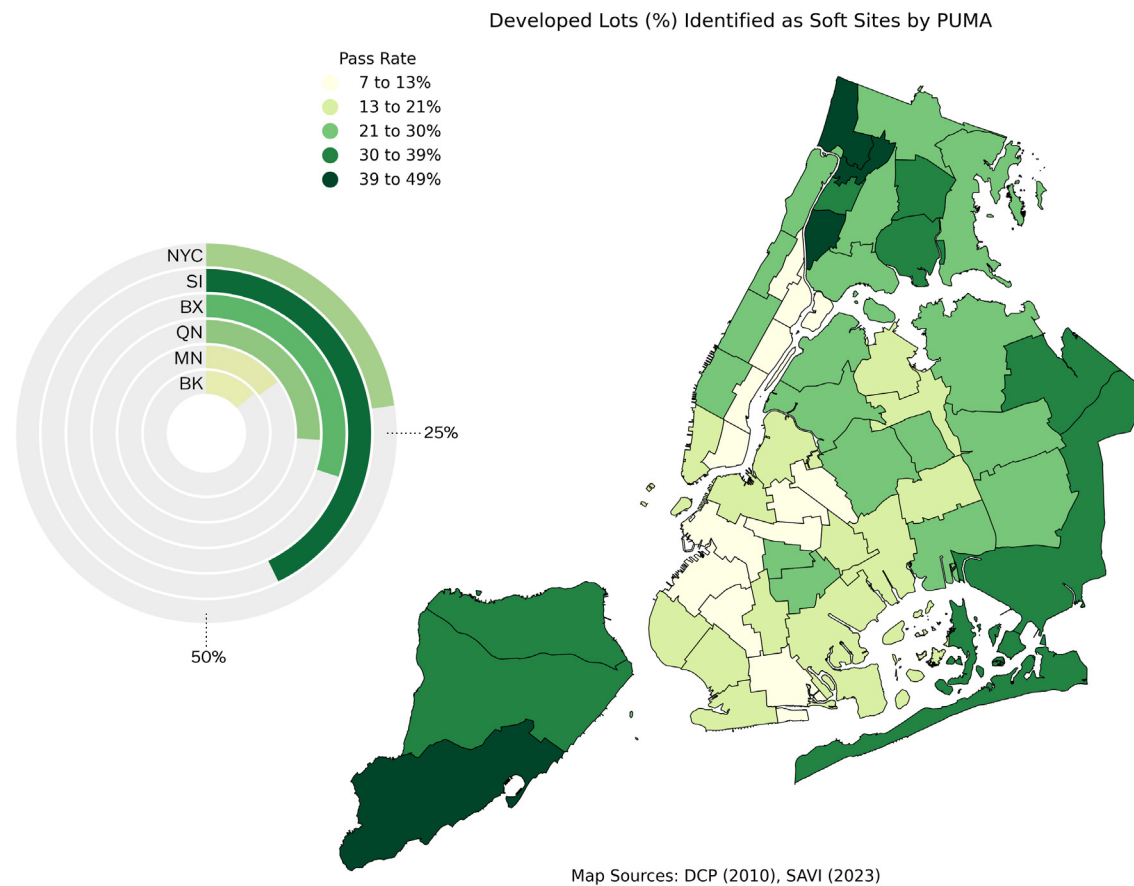
**Figure 6.** SITE x SITE Estimates (2007-2017).

5,655 soft sites identified using CEQR methodology saw development. The majority of development occurred on lots that did not meet soft site criteria either because they were too small and/or did not have enough unbuilt FAR.

<sup>1</sup> Development activity on these lots includes new construction and tax lot mergers.

too restrictive to reasonably capture the full extent of development and impacts resulting from major City land use actions (see **Figure 6**).

In reality, lot size, available FAR, and other site characteristics differ across neighborhoods, owing to differences in zoning districts that regulate density, building typologies, and allowable uses. Divergence from the baseline thresholds is most pronounced in densely built parts of New York City, including the east side of Manhattan and parts of central and north Brooklyn (see **Figure 7**). At 43 percent, developed lots in Staten Island adhered most closely to CEQR baselines, while Brooklyn diverged the most, with only 13 percent meeting the thresholds for lot area and available FAR.



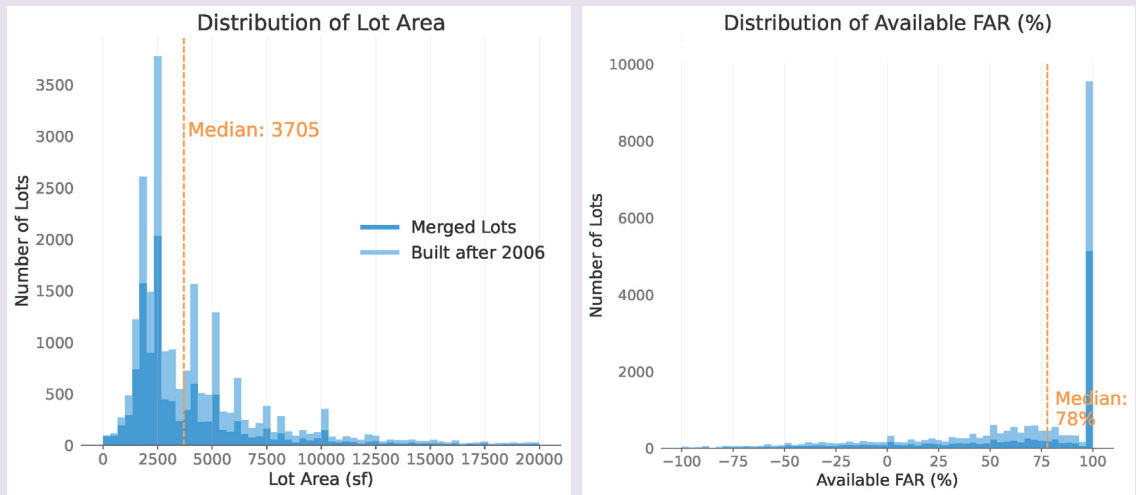
**Figure 7.** The percentage of developed lots by PUMA (right) and borough (left) that met the CEQR soft site criteria based on lot size and available FAR.



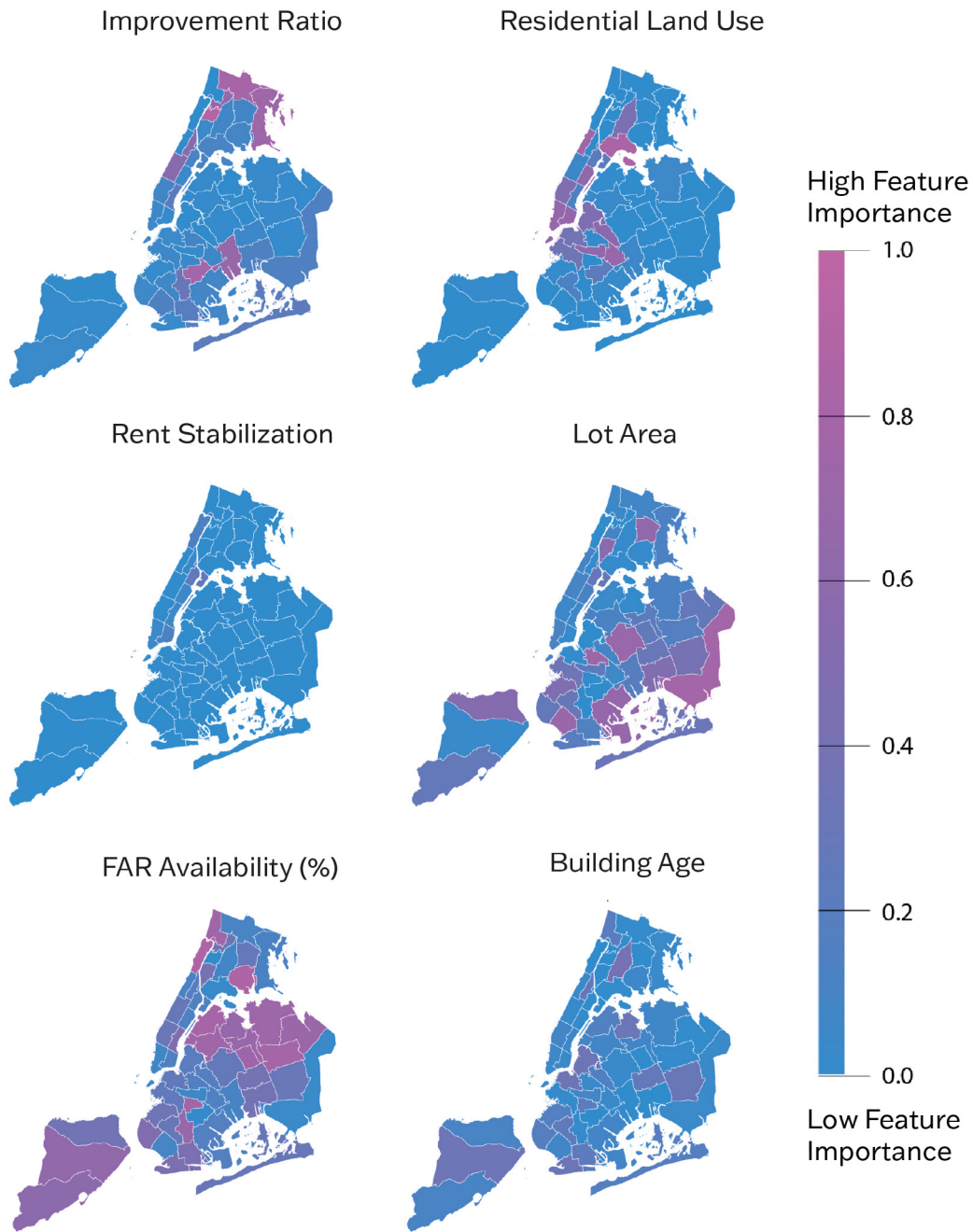
**A CLOSER LOOK AT DISTRIBUTIONS**

The histograms in **Figure 8** show the distributions of lot area and available FAR in development between 2007 and 2017. Half of the developed lots in the study had an area of less than 3,700 square feet (the median), with a substantial amount of development occurring on lots in the 2,000 to 2,500-square-foot range. The median FAR availability trended higher than CEQR's 50 percent threshold. A significant portion of developed lots were originally vacant (as indicated by 100 percent available FAR). A small amount of development also occurred on overbuilt lots (indicated by a negative available FAR), which may include sites that predate current zoning regulations.

**Figure 8.** Distributions of lot area (left) and percent available FAR (right) in recent development.



### Evaluating the Importance of Variables to Development Across PUMAs Citywide



**Figure 9.** Evaluating the importance of site characteristics on recent development by PUMA.

The diagrams in **Figure 9** show how six development features analyzed in the study factor in development by PUMA geography. Within the subset of recently developed lots, certain characteristics (i.e., lot size, land use category, etc.) weigh more consistently than others (i.e., building age or presence of rent stabilized units). The results further support the observation that variables that have driven development are localized.



# Neighborhood Rezoning Case Studies

To provide greater insight into site-specific trends and conditions that can affect development under rezonings, SITE x SITE examined 10 neighborhoods based on six development planning scenarios. The case studies include nine approved City-sponsored rezonings and one community-led rezoning plan. These examples illustrate contrasts between rezonings that seek to address community-identified needs and those that prioritize City development goals. The case study areas were also selected to cover a range of planning intents, rationales, and different development outcomes.



## **Downtown Brooklyn (2004)**

With the Downtown Brooklyn Rezoning, as was the case with the Long Island City rezoning three years prior, the City sought to establish a new commercial business district in New York City by facilitating growth of commercial office space amid the economic and geopolitical uncertainties that followed 9/11. Two decades on, the neighborhood has been transformed, although not necessarily the way the City had envisioned. (See p. 46)

Pictured: 86 Fleet Place, Brooklyn



## **125th Street Corridor (2008) & Lower Concourse (2009)**

The rezonings of the 125th Street Corridor in Harlem, Manhattan and Lower Concourse in the Bronx sought to encourage new mixed-use development and create opportunities for affordable housing through the use of floor area bonuses. In both cases, the CEQR development projections vastly overestimated the development that would eventually take place, particularly the construction of residential units and affordable housing. (See p. 48)

Pictured: 1824 Park Avenue, Manhattan; 417 Gerard Avenue, the Bronx



## **East New York Neighborhood Plan (2016) & Bay Street Corridor (2019)**

In 2016, the City passed the Mandatory Inclusionary Housing (MIH) program. The East New York Neighborhood Plan was the first neighborhood rezoning to implement MIH. The current challenge is in determining whether new development is in-line with neighborhood needs. (See p. 50)

Pictured: 2817 Atlantic Avenue, Brooklyn; 475 Bay Street, Staten Island



## **Bay Ridge (2005), Williamsbridge/Baychester (2011), & Ozone Park (2013)**

The rezonings of Ozone Park, Queens, Williamsbridge/Baychester in the Bronx, and Bay Ridge, Brooklyn can be generally described as downzonings with a secondary objective of directing mixed-use development towards major corridors. However, actual development in these priority areas has been slow. (See p. 52)

Pictured: White Plains Road, the Bronx; 80th Street, Queens; 76th Street, Queens



## **Crown Heights**

Rezonings can be a tool to guide growth in city neighborhoods. But in the absence of a well-planned rezoning proposal, neighborhoods like Crown Heights, Brooklyn are contending with fragmented development that may not align with a community-wide vision. (See p. 54)

Pictured: 870 Atlantic Avenue, Brooklyn



## **Hudson Yards (2005)**







The Hudson Yards Rezoning and Development Program was an unprecedented megaproject that sought to extend the Midtown business district into what was then an underutilized area to the west. CEQR estimates were reliable but recent market changes have affected overall occupancy. (See p. 56)

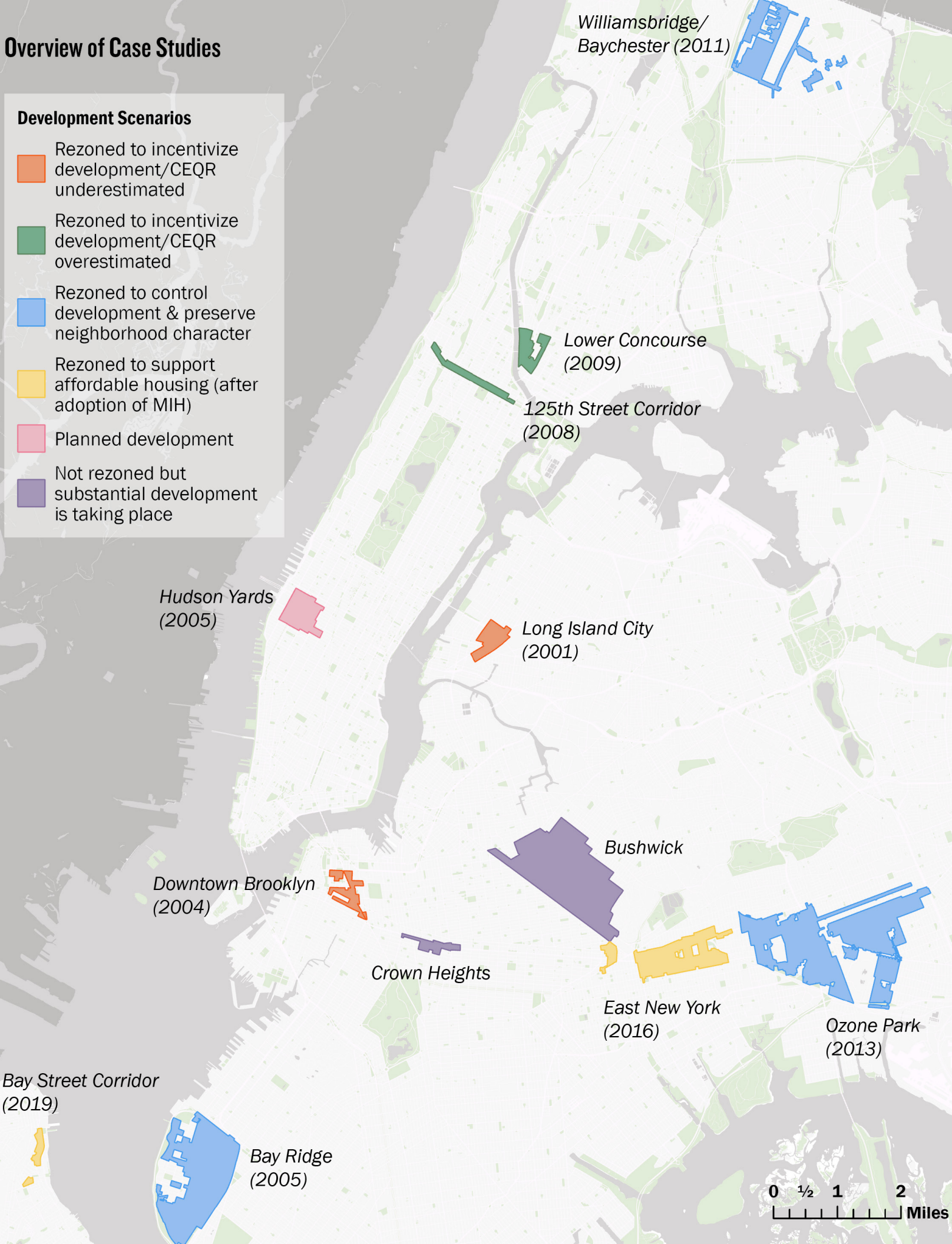
Pictured: Hudson Yards, Manhattan



# Overview of Case Studies

## Development Scenarios

-  Rezoned to incentivize development/CEQR underestimated
-  Rezoned to incentivize development/CEQR overestimated
-  Rezoned to control development & preserve neighborhood character
-  Rezoned to support affordable housing (after adoption of MIH)
-  Planned development
-  Not rezoned but substantial development is taking place





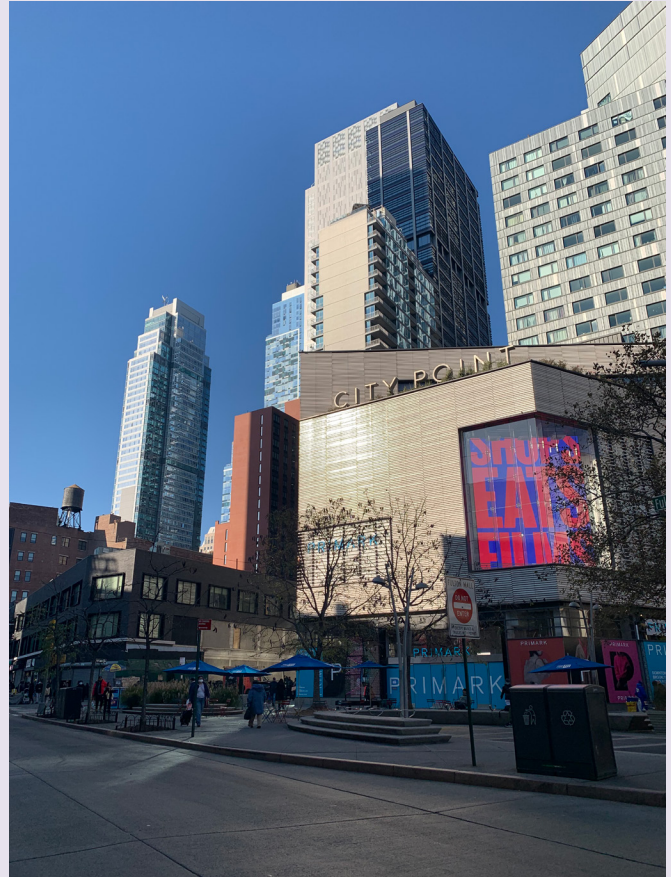
## SCENARIO 1:

## Rezoned to incentivize development/CEQR underestimated projections

Contrary to expectations, **Downtown Brooklyn (2004)** has become an accelerated market for primarily high-end residential real estate.<sup>2</sup> From 2010 to 2020, the population of Downtown Brooklyn grew by 65 percent.<sup>3</sup> As of the 2013 CEQR build year, the rezoning area added nearly three times the residential floor area anticipated in the CEQR evaluation, while commercial development was vastly overestimated (see **Figure CS-1**). The ramifications have been far-reaching, as the area has transformed to a whiter and wealthier neighborhood lacking affordable housing, with increasingly overburdened public schools and open space.

Because the Downtown Brooklyn Rezoning preceded SITE x SITE's soft analysis study period, this case study does not examine site conditions before and after the rezoning. However, an examination of the land use mix of new construction hints at how residential demand influenced the course of development in the area. Of the 40 new buildings constructed in the rezoning area since 2004, twenty-nine are mixed-use. The total residential floor area of these buildings is 4.5 times the commercial floor area.

The CEQR analysis for the Downtown Brooklyn Rezoning categorized commercial and retail sites located near the existing commercial core and in close proximity to mass transit as the most developable, a description sufficiently broad to cover most of the area. As described in **Chapter 2**, the



Mixed-use residential/commercial at City Point in Downtown Brooklyn. [Credit: MAS]

criteria used to identify soft sites in the CEQR process often varies by rezoning. Owing most likely to changes to CEQR methodology over time, SITE x SITE's research shows that CEQR evaluations of recent neighborhood rezonings provide more information on how projected and potential sites were selected. The evaluations for the Long Island City and Downtown Brooklyn rezonings, the earliest covered in the study, contained relatively little detail.

<sup>2</sup> The Municipal Art Society of New York, *A Tale of Two Rezonings: Taking a Harder Look at CEQR*, 2018.

<sup>3</sup> NYC Department of City Planning, *New York City Population FactFinder*, 2022.

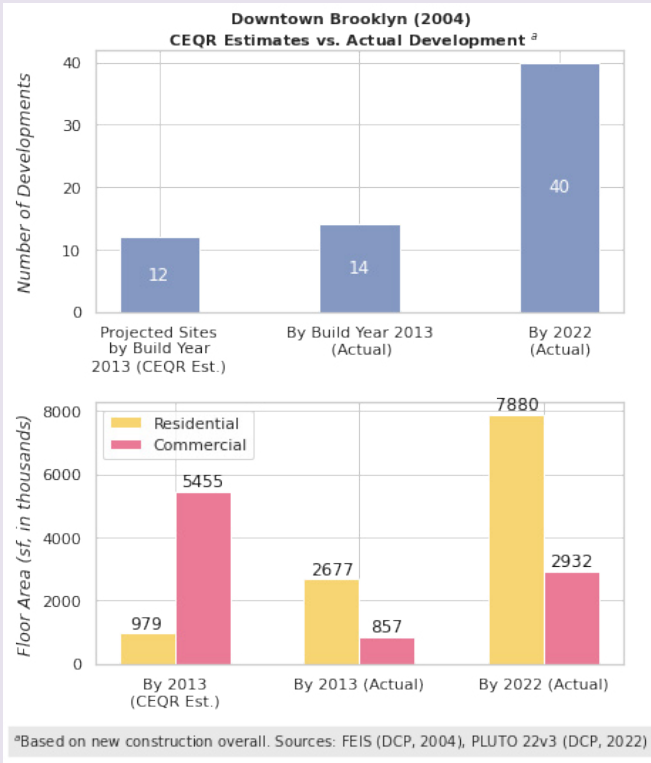


Figure CS-1: Downtown Brooklyn Rezoning (2004) Development Snapshot. <sup>4,5</sup>

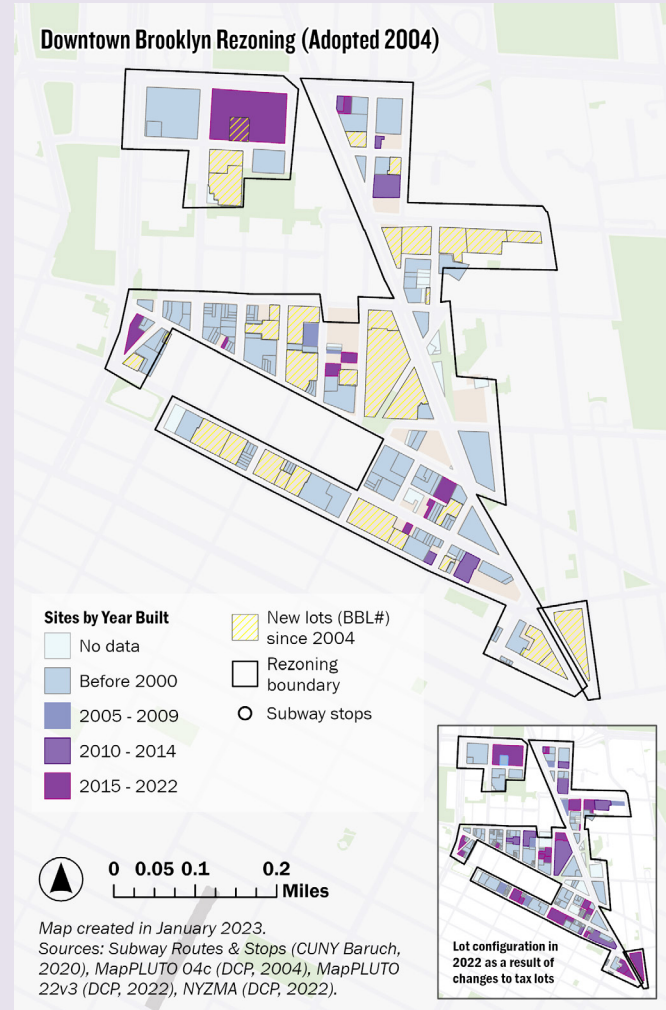


Figure CS-2. Downtown Brooklyn rezoning (2004), new construction, and lots over time (lots outlined in yellow changed in size/shape over the past two decades). The inset map shows the current lot configuration, which resulted from changes in lot size and shape since 2004.

### LONG ISLAND CITY REZONING (2001)

The City envisioned Long Island City and Downtown Brooklyn as new commercial business districts. The goal was to attract and retain businesses by leveraging transit access and to foster the development of high-density office buildings. In reality, residential development, which was grossly underestimated in the CEQR process, significantly outpaced commercial development.

#### KEY FINDING:

The rezoning was envisioned to spur development with the goal of fostering a new downtown commercial core. While development did occur, the type of which significantly diverged from what was anticipated in the CEQR process. The area has seen eight times the estimated residential floor area and commercial space has lagged significantly.

4 NYC Department of City Planning, *Downtown Brooklyn Development - Final EIS*, 2004. See Table A5 in Appendix.  
5 NYC Department of City Planning, *PLUTO 22v3*, 2022. (Note: This dataset is used in all subsequent charts as well.)



## SCENARIO 2:

## Rezoned to incentivize development/CEQR overestimated projections

The **125th Street Corridor (2008)** and **Lower Concourse (2009)** rezonings also sought to encourage new development. In these cases, CEQR development projections vastly overestimated the amount of development that would eventually take place, particularly the construction of residential units and affordable housing. In the 125th Street Corridor rezoning area, only a third of the residential units and less than three percent of the affordable housing anticipated under CEQR were constructed by the 2017 build year (see **Figure CS-3**).<sup>6</sup> In the Lower Concourse, only 20 percent of the residential units and half of the affordable units were constructed by the 2018 build year (see **Figure CS-5**).<sup>7</sup>

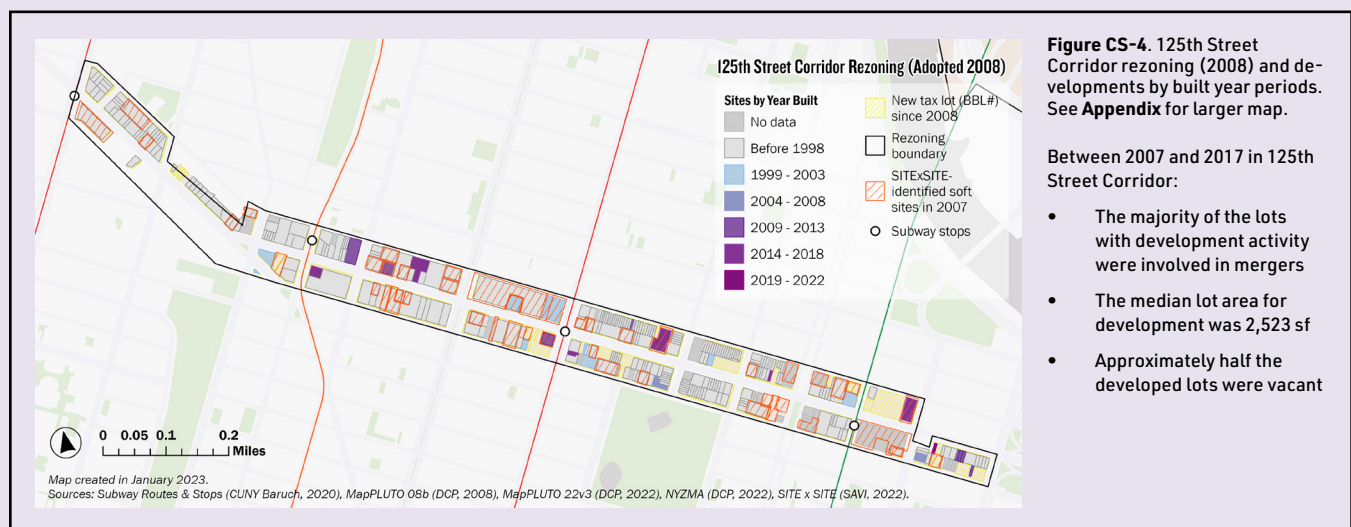
In both rezonings, housing development continues to lag behind the housing goals identified in the CEQR process, even when factoring development that occurred after the build year. As of 2022, under half of the anticipated

residential units have been built in the 125th Street Corridor and affordable housing production remains far below estimates (based on available Housing New York data since 2014). In Lower Concourse, 82 percent of the anticipated residential units have been built.

### CEQR: Disclosure versus Policy Making

Without a city comprehensive planning framework to inform decision-making, neighborhood rezonings and the CEQR process can have a significant influence in shaping neighborhoods and broader citywide policies, particularly housing. While not intended to inform housing policy, estimates made in CEQR evaluations provide information that local elected officials use in determining the amount and type of housing that gets built.

The overestimates of development and assumptions supporting the RWCDs in the 125th Street Corridor and Lower Concourse



6 NYC Department of City Planning, *125th Street Corridor Rezoning - Final EIS, 2008*.

7 NYC Department of City Planning, *Lower Concourse Rezoning and Related Actions - Final EIS, 2009*.

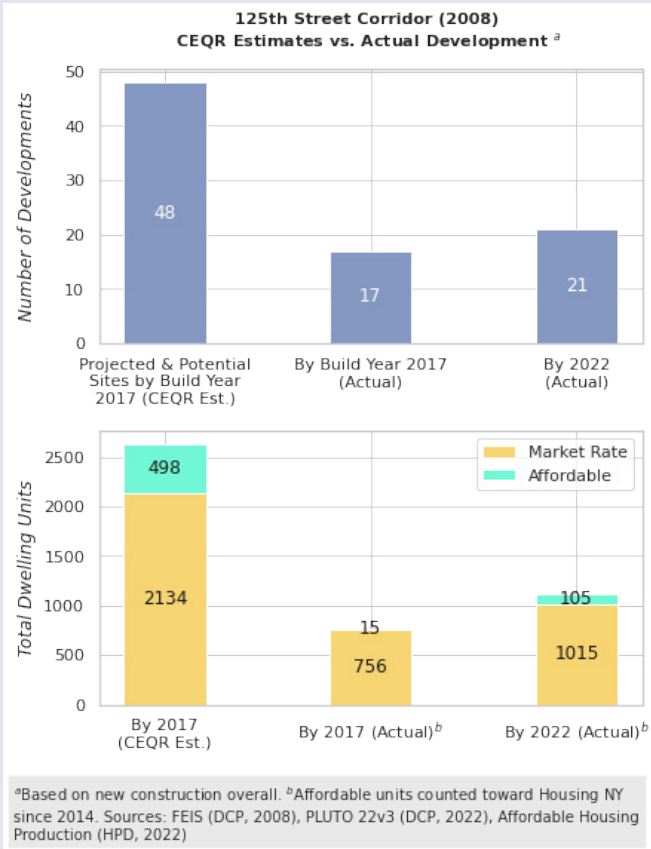


Figure CS-3: 125th Street Corridor (2008) Development Snapshot.<sup>8</sup>

rezonings informed the decision making at the time when these projects were approved by City Council. In both cases, the rezonings fell short of the City’s housing goals. SITE x SITE’s recommendations to improve soft site methodology would base future development on existing trends, creating a more reliable baseline from which to set housing production goals.

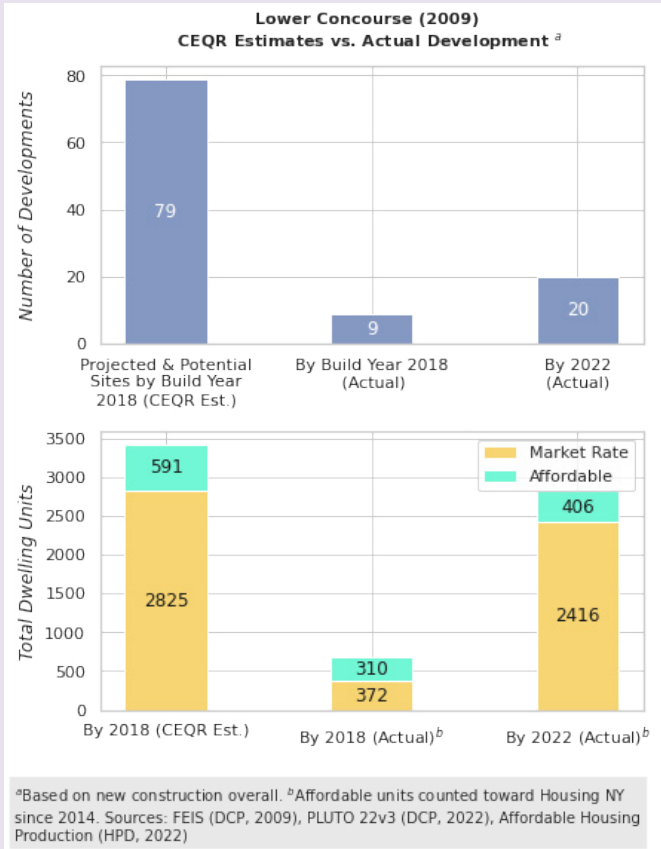


Figure CS-5: Lower Concourse (2009) Development Snapshot.<sup>9</sup>

Between 2007 and 2017 in Lower Concourse:

- The median lot area for development was 5,000 sf
- The median available FAR was 77%

**KEY FINDING:**

CEQR projections overestimated overall development. Despite the rezoning’s intentions to increase housing density and create affordable housing, fewer residential units have been built than anticipated.

8 NYC Department of City Planning, *125th Street Corridor Rezoning - Final EIS*, 2008. See Table A8 in Appendix for figures.

9 NYC Department of City Planning, *Lower Concourse Rezoning and Related Actions - Final EIS*, 2009. See Table A9 in Appendix for figures.

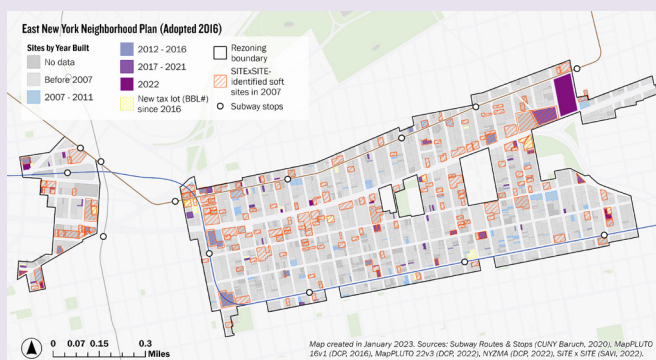


**SCENARIO 3:****Rezoned to support affordable housing & economic development**

The **East New York Neighborhood Plan (2016)** was the first neighborhood rezoning to implement Mandatory Inclusionary Housing (MIH), which requires most new development following a rezoning to designate at least 25 percent of residential floor area as permanently affordable.<sup>10</sup> Spanning 190 blocks across the neighborhoods of East New York, Cypress Hills, and Ocean Hill, the Plan supported medium-density, mixed-use buildings with local retail concentrated in key corridors.<sup>11</sup>

Though the City stated that by 2018 development would be underway and eventually produce more than 1,200 housing units, by the end of 2021 (five years into the CEQR 15-year build period) just over 100 new units of below market-rate housing were open to tenants.<sup>12</sup> Community groups fear that area market-rate development is outpacing affordable housing.

By the end of 2021, the median rent in East New York increased by 29 percent.<sup>13</sup> Although



**Figure CS-7.** East New York Neighborhood Plan (2016) developments and soft sites over time. See **Appendix** for larger map.

- 10 NYC Department of City Planning, "Mandatory Inclusionary Housing," 2016.
- 11 NYC Department of City Planning, *East New York Neighborhood Plan*, 2022.
- 12 David Brand, "House Flippers Continue to Target East New York. Residents Blame the 2016 Rezoning," *City Limits*, 2022.
- 13 Gwynne Hogan, "Grading De Blasio: In East New York, Mayor's First Re-zoned Neighborhood, Promises Fall Short," *Gothamist*, 2021.



Old housing stock opposite one of several self-storage facilities located in the rezoning area. [Credit: RPA]

development figures appear to be on track to meet the CEQR estimates (see **Figure CS-6**), it is unclear if development will align with neighborhood affordable housing and community resource needs.<sup>14</sup>

Although it is too early to fully evaluate the outcomes of the East New York rezoning, SITE x SITE analysis revealed several trends. Between 2007 and 2017:

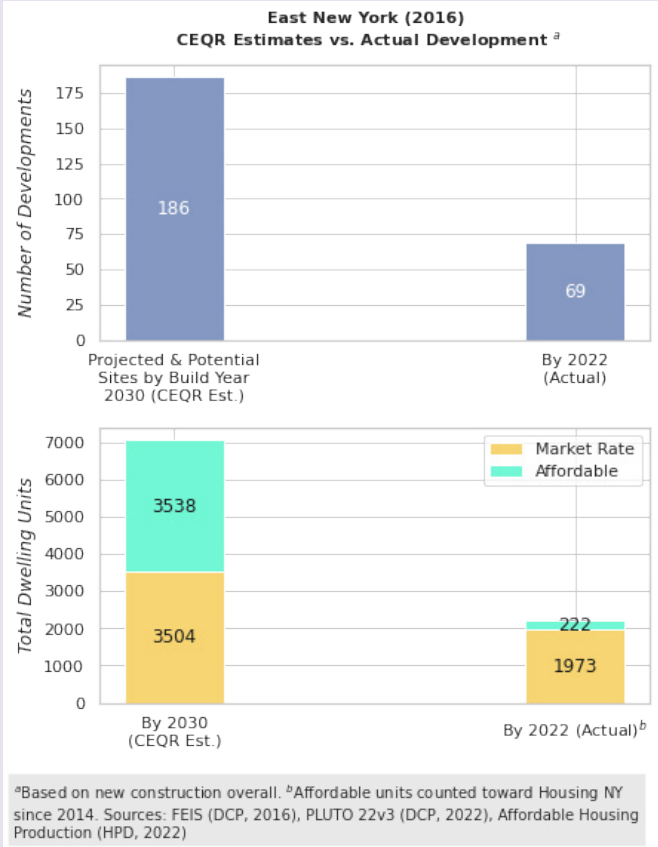
- The median lot area for development was 2,198 sf
- Approximately half the developed lots were vacant

Ten percent of lots developed since 2007 met CEQR soft site criteria, and nearly half of development occurred on vacant lots. Accordingly, the average improvement to land value ratio increased from 24 percent in 2007, the lowest of the case studies, to 68 percent by 2017.<sup>15</sup>

- 14 The rezoning is in a Food Retail Expansion to Support Health Program (FRESH) area, a zoning incentive that allows property owners to construct larger buildings with reduced parking requirements if they include FRESH groceries.
- 15 Improvement to land value ratio ("improvement ratio") is a measure of a property's estimated market value against its value if the property were vacant and unimproved. A lower improvement ratio suggests that a site is underdeveloped in market value terms.

According to the City’s Equitable Development Data Explorer (EDDE) Displacement Risk Map, the area’s population is among the city’s most vulnerable based on race, income, level of English proficiency, and rent burden.<sup>16</sup> Recent affordable housing and economic development-centered plans present an opportunity to use the EDDE to track the racial impact of these rezonings.

**Figure CS-6:** East New York (2016) Development Snapshot.<sup>17,18</sup> [Right]



- 16 NYC Department of City Planning and Housing Preservation and Development, Equitable Development Data Explorer: Displacement Risk Map, Accessed February 2023.
- 17 NYC Department of City Planning, *East New York - FEIS*, 2016. See Table A12 in Appendix for figures.
- 18 NYC Housing Preservation and Development, *Affordable Housing Production by Building*, 2022.

### BAY STREET CORRIDOR NEIGHBORHOOD PLAN (2019)

The Bay Street Corridor Neighborhood Plan sought to implement MIH to support the creation of new housing on 14 blocks along Staten Island’s North Shore. The primary goals of the plan were to densify the commercial corridor and create better connections to adjacent neighborhoods. The CEQR evaluation estimated approximately 1,800 new residential units and 275,000 square feet of commercial space.<sup>19</sup> Staten Island CB1 rejected the plan over concerns about increased traffic congestion, lack of public park access, and insufficient public facilities.<sup>20</sup> A coalition of local community groups and residents also advocated against it, pushing for deeper levels of housing affordability and more emphasis on local job creation.<sup>21</sup> Ultimately, the City’s plan was approved by the City Council.



475 Bay Street is slated to be 100 percent affordable. The Bay Street Corridor Rezoning (2019) estimated the addition of approximately 1,800 new residential units in the area. [Credit: MAS]

- 19 NYC Department of City Planning, *Bay Street Corridor Rezoning - Final EIS*, 2019.
- 20 Sadeef Ali Kully, “Community Board Rejects De Blasio’s Bay Street Rezoning, Demands Changes,” *City Limits*, 2019.
- 21 Kelly Vilar, “The city must incorporate race into land use decisions,” *SI Live*, 2021.

### KEY FINDING:

CEQR does not account for the lag time between when affordable housing projects are produced and when they are available to rent. Additionally, there is a lack of public information on the progress of commitments made by the City during a rezoning and how they align with the neighborhood’s needs.



## SCENARIO 4:

## Rezoned to control development & preserve neighborhood character

During the Bloomberg Administration (2002–2014), neighborhood rezonings outside of Manhattan often sought to regulate residential density to preserve neighborhood character and discourage out-of-scale development.<sup>22</sup>

With the rezonings of **Ozone Park (2013)**, **Williamsbridge/Baychester (2011)**, and **Bay Ridge (2005)**, the main goal was to guide the scale of development and preserve the character of the neighborhood, particularly along low-rise residential mid-blocks. In all three cases there was a secondary objective of directing mixed-use development towards major corridors, where the new zoning allowed for moderate development capacity for mixed-use residential buildings.

As shown in **Figure CS-8**, CEQR projections for the Ozone Park rezoning significantly overestimated the amount of residential development that ultimately was built. Only 61 percent of the residential units anticipated under the

plan were constructed. In addition, contrary to the intentions of the rezoning, new development was not limited to major corridors. Although the rezoning is largely characterized as a downzoning, many smaller residential buildings were constructed along area mid-blocks. Overall, development sites more than doubled CEQR estimations.

In contrast to Ozone Park, development under the Williamsbridge/Baychester and Bay Ridge rezonings was underestimated.<sup>23,24</sup> As shown in **Tables CS-9** and **CS-10**, the number of residential units built in Williamsbridge/Baychester exceeded CEQR estimations by 1.5 times. In Bay Ridge, the CEQR estimations were exceeded by 3.4 times. Similar to Ozone Park, many smaller residential buildings in Bay Ridge were constructed along mid-blocks.



**Figure CS-11.** Ozone Park, Queens (2013) and developments by built year periods. See **Appendix** for larger map.

Between 2007 and 2017:

- The median lot area for development was 4,000 sf
- The median available FAR was 52%

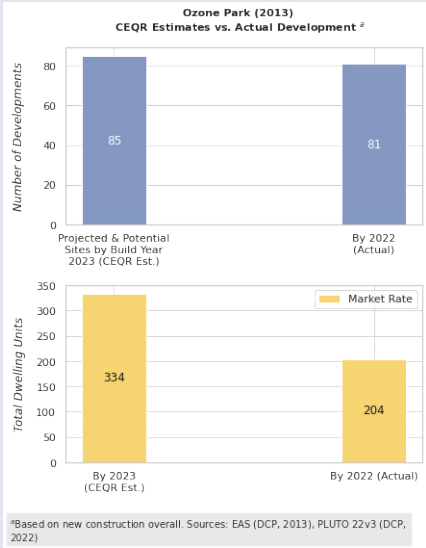


Projected development site at 9513 3rd Avenue in Bay Ridge that has not been redeveloped. [Credit: MAS]

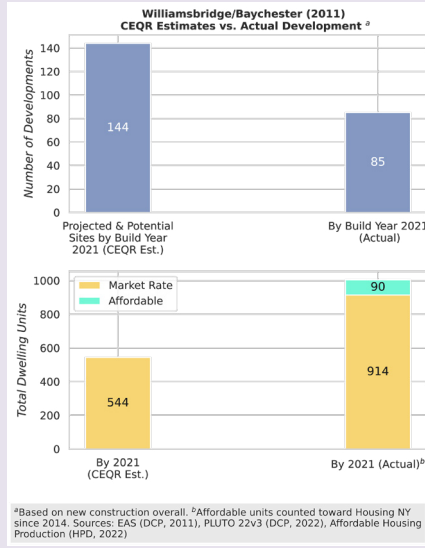
22 Leo Goldberg, "Game of Zones: Neighborhood Rezonings and Uneven Urban Growth in Bloomberg's New York City," 2015.

23 NYC Department of City Planning, *Williamsbridge/Baychester Rezoning*, 2013.

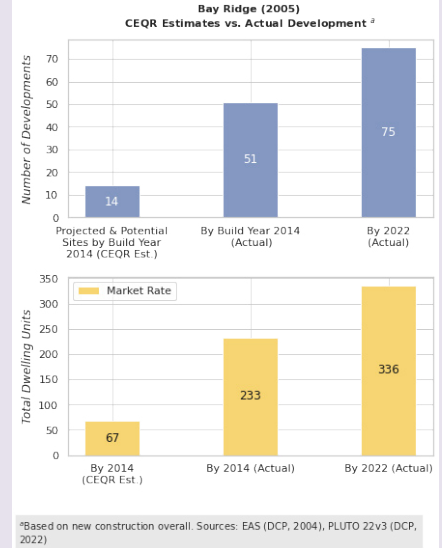
24 NYC Department of City Planning, *Special Bay Ridge District Rezoning and Text Amendment*, 2004.



**Figure CS-8: Ozone Park (2013) Development Snapshot.**<sup>25</sup>



**Figure CS-9: Williamsbridge/Baychester (2011) Development Snapshot.**<sup>26</sup>



**Figure CS-10: Bay Ridge (2005) Development Snapshot.**<sup>27</sup>

## WILLIAMSBRIDGE/BAYCHESTER REZONING

Adopted in 2011, the Williamsbridge/Baychester Rezoning spanned 181 blocks in the Northern Central Bronx. The plan sought to add approximately 500 new residential units and 67,000 square feet of commercial space.<sup>28</sup> The rezoning aimed to protect and preserve low-density residential areas that had been experiencing development pressure and out-of-context development.<sup>29</sup> The proposal also updated commercial overlays to encourage growth along wide streets and transit hubs to create more walkable

<sup>28</sup> NYC Department of City Planning, *Williamsbridge/Baychester Rezoning*, 2011.  
<sup>29</sup> *Ibid.*

residential and commercial corridors.<sup>30</sup> While some property owners expressed concerns about the growth of large-scale development, the rezoning was generally supported by area residents.<sup>31</sup> The City Council unanimously approved the rezoning.<sup>32</sup>

Between 2007 and 2017:

- The median lot area for development was 3,650 sf
- The median available FAR was 75%

<sup>30</sup> NYC Department of City Planning, "Williamsbridge/Baychester Rezoning - Approved!" 2011.  
<sup>31</sup> Cityland, "Hearing held on North Bronx rezoning," 2011.  
<sup>32</sup> Cityland, "North Bronx rezoning Ok'd," 2011.

## KEY FINDING:

CEQR projections overestimated the amount of residential development that materialized along major corridors, while the number of smaller developments along low residential mid-blocks was underestimated.

<sup>25</sup> NYC Department of City Planning, *Ozone Park Rezoning EAS*, 2013.

<sup>26</sup> NYC Department of City Planning, *Williamsbridge/Baychester Rezoning*, 2011. See Table A10 in Appendix for figures.

<sup>27</sup> NYC Department of City Planning, *Special Bay Ridge District Rezoning and Text Amendment*, 2004. See Table A6 in Appendix for figures.



## SCENARIO 5:

## No neighborhood rezoning, but substantial development is taking place



**Figure CS-12.** Land uses and soft sites within the AAMUP boundary.

Without a well-planned rezoning proposal some neighborhoods are at risk of being unduly reshaped by private development that may not comport with a community-wide vision or address neighborhood needs. This situation is currently playing out in Crown Heights, Brooklyn.

In 2013, Brooklyn Community Board 8 (CB8) introduced a vision to rezone part of Crown Heights to guide area growth. The plan, known as MCROWN (Manufacturing, Commercial, and Residential Opportunities for a Working Neighborhood), called for densifying Atlantic Avenue with mixed uses, using market-rate residential units to cross-subsidize affordable housing and expand allowable manufacturing uses.<sup>33</sup>

In 2018, DCP presented a modified land use framework for the area. In April 2022, DCP committed to advancing a proposal for a neighborhood rezoning. Since this announcement, DCP has used the MCROWN plan as a foundation for the Atlantic Avenue Mixed-Use Plan (AAMUP). The first AAMUP community planning kickoff was hosted virtually in January of 2023 and DCP expects a plan to undergo formal public review in 2024.<sup>34</sup> Meanwhile, several high-profile private developments have been constructed in the area, which have elevated the issues that led to the original MCROWN proposal.<sup>35</sup> In the past, CB8 expressed concern that the City's rezoning vision placed too much emphasis on increasing residential density and offered few opportunities for expanding industrial uses.<sup>36</sup>

33 Brooklyn Community Board 8, "840 Atlantic Avenue: MCROWN context and analysis," 2021.

34 NYC Department of City Planning, Atlantic Avenue Mixed-Use Plan, 2023.

35 10 private development applications have been filed since 2013. NYC Department of City Planning, Zoning Application Portal (ZAP), Accessed December 2022.

36 Brooklyn Community Board 8, "M-CROWN: Report from DCP discussion," 2018.

In their advisory role in the ULURP process, CB8 maintains its objections to the rise in private development applications. However, these developments are still being approved at the City level. CB8 continues to call for the adoption of a more comprehensive framework that prioritizes community interests, such as preserving space for existing industrial tenants, rather than developer-led plans.<sup>37</sup>

Between 2007 and 2017 within the recently presented AAMUP boundary:

- 45 lots had development activity
- The median lot area for development was 1,885 sf
- Approximately half the developed lots were vacant



View of Atlantic Avenue within the Brooklyn CB8-identified MCROWN area, consisting primarily of low to mid-rise industrial and auto uses. [Credit: MAS]

**GROWING CALLS FOR COMMUNITY PLANS**

In November 2022, District 34’s Council Member, Jennifer Gutiérrez (representing Williamsburg, Bushwick, and Ridgewood), released a land use policy guide laying out District 34 priorities for development. The policy document references the community-based Bushwick Community Plan as a framework and lists priorities for housing (such as maximizing affordability at 50 percent AMI and taking steps to minimize displacement), land use and zoning (including the Community Plan and North Brooklyn Industry and Innovation Plan), manufacturing, workforce development and labor, and synergy with community resources like schools, open space, and resiliency.<sup>38</sup>

38 Jennifer Gutiérrez (Council Member, District 34), “District 34 Land Use Policy,” 2022.

*“This document [is] grounded in an understanding that we will only consider equitable developments that strengthen the existing community. We expect developers and city agencies to work collaboratively with us and the local community to craft proposals that are reflective of these values and principles prior to commencing the formal ULURP review process.”*

– Council Member Jennifer Gutiérrez (2022)

**KEY FINDING:**

With fragmented land use changes, projects are not considered holistically for their areawide impact, leading to results that may not align with neighborhood priorities.

37 Kirstyn Brendlen, “City Council OKs Controversial Atlantic Avenue Towers After Developer Ups Affordable Units,” *Brownstoner*, 2022.



**SCENARIO 6:****Planned Development**

The **Hudson Yards Rezoning and Development Program (2005)** was an unprecedented megaproject that sought to redevelop a 28-acre area above the Hudson Yards train yard and underutilized areas on the west side of Manhattan as a high-density extension of the Midtown business district.<sup>39</sup> In conjunction with the development, the MTA extended the No. 7 Subway line with an additional stop.<sup>40</sup> The final component of the project, the Western Rail Yard Rezoning (Phase 2 of the Hudson Yards project), approved in 2009, rezoned a railroad storage yard into a mixed-use area.<sup>41</sup> Construction has yet to begin on that segment.



The Hudson Yards mega-project is one of the largest mixed-use real estate ventures in the United States. [Credit: MAS]

The original proposal for Hudson Yards included only market-rate and low-income housing. It was later modified to expand affordable housing options to low, moderate, and middle-income residents.<sup>42</sup> The CEQR evaluation for the Hudson Yards rezoning notes the lot size and FAR thresholds used in the soft site methodology, which is more detailed than many rezonings from the early 2000s that were examined in this study. The additional criteria used to classify projected and potential sites also speak to the unique circumstances of the rezoning as a planned development in an underutilized area:

- Buildings that could be converted as-of-right under the new zoning: vacant lots/buildings, lots with “marginal” commercial or industrial uses, residential buildings with less than 6 units, and under-invested industrial/commercial loft buildings.
- Projected sites selected based on size, location, and degree of underutilization.
- Potential sites tended to be smaller assemblages and/or irregularly shaped.

Maximizing density is built into the plan; the Hudson Yards District Improvement Bonus enables developers to add more floor area to their projects in exchange for a contribution to the Hudson Yards District Improvement Fund.<sup>43</sup> In contrast to other case studies in this report, while residential and commercial development appear to be on a pace consistent with CEQR estimates, the Hudson Yards

39 NYC Department of City Planning, “Projects & Proposals - Hudson Yards Overview,” 2004.

40 *Ibid.*

41 Metropolitan Transportation Authority and NYC Planning Commission, *Western Rail Yard Final Environmental Impact Statement*, 2009.

42 Manhattan Community Board 4, “MTA Site (806 9th Ave) - Background, History, & Context,” 2021.

43 NYC Department of City Planning, “Hudson Yards District Improvement Bonus (DIB),” Accessed in January 2023.

rezoning exemplifies how market and economic changes can affect overall occupancy of a development.

Hudson Yards opened to the public in March 2019.<sup>44</sup> A year later, emergency measures in response to COVID-19 led to the temporary closure of most non-essential services for a prolonged period. The economic impacts touched most of the elements of Hudson Yards, from the condominium market to tourism, including anchor retail tenants.<sup>45</sup> Office vacancies in particular were at a high of 37 percent in mid-2022.<sup>46</sup> More recently, office vacancies have fallen in line with the rest of Midtown. Nevertheless, overproduction by the market has thus far outpaced demand.<sup>47</sup>

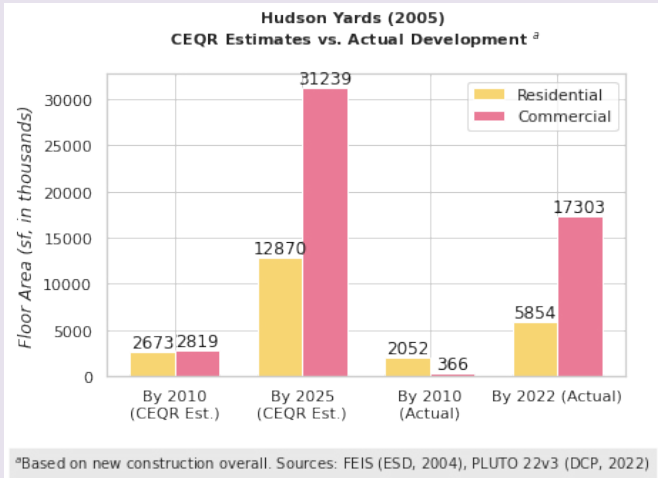


Figure CS-13: Hudson Yards (2005) Development Snapshot.<sup>48</sup>

**KEY FINDING:**

As a planned development built over a railyard, Hudson Yards benefited from flexibility not seen in other rezonings. In this case, CEQR estimates were more reliable but unforeseen market changes affected overall occupancy once construction was complete.

44 Hudson Yards New York, "Hudson Yard Officially Opens," 2019.

45 Matthew Haag & Dana Rubinstein, "How the Pandemic Left the \$25 Billion Hudson Yards Eerily Deserted," *The New York Times*, 2021.

46 Avison Young, "Manhattan office market report," 2022.

47 C.J. Hughes, "Manhattan's office market limps into 2023," *Crain's New York Business*, 2023.

48 Empire State Development, *2004 Hudson Yards Final Generic Environmental Impact Statement*, Accessed December 2022. See Table A7 in Appendix for figures.



450 Front Street,  
Staten Island,  
located within the  
Bay Street Corridor  
rezoning area.

[Credit: MAS]



#### RECOMMENDATION 1:

### A citywide strategy for CEQR soft site identification

Update baseline thresholds for lot size and FAR to reflect historic trends across geographies and improve the RWCDs framework by identifying real estate trends, socioeconomic changes, and applicable public policy that support development projections.

**RECOMMENDATION 2:****A neighborhood-based strategy that utilizes place-types**

Develop place-types or geographic profiles based on historical development trends and attributes to inform soft site analysis and land use decisions. Establishing place-types for neighborhoods across NYC based on current built environment characteristics and expected development could guide policies and rezonings to be more responsive to both specific neighborhood trends, as well as the broader regional context.

The variations and inconsistencies in soft site identification criteria gleaned from the SITE x SITE analysis speak to the need for a more flexible, site-specific framework for evaluating development potential. Place-types are one way to incorporate neighborhood characteristics into a more responsive soft site analysis methodology. The Oregon Department of Transportation (ODOT), for example, analyzes the regional role of neighborhood characteristics to make more informed policy decisions.<sup>49</sup> ODOT defines place-type as a combination of area type, determined through a neighborhood's regional interdependencies, including access to employment centers, density of jobs and households, and design of transportation networks, and development type, composed of a neighborhood's physical characteristics like household density, land use mix, and available transit options.

Another example, developed by RPA, classifies the New York Metro Area as a series of typologies that define the region in terms of types of places.<sup>50</sup> To provide a standard unit of analysis, the region was divided into a half-mile-grid. After allocating a wide array of physical, land use, economic and demographic data to these units, and analyzing their relationships, five general variables were determined to be most relevant for describing a place in terms of its physical characteristics as well as its balance of jobs and residences.

By combining area types and development types, planners can compare the existing built environment to potential changes using a data-driven process. Establishing place-types for neighborhoods across NYC based on current built environment characteristics and expected development could guide land use policies and rezonings to be more responsive to both specific neighborhood trends, as well as the broader regional context.

<sup>49</sup> Oregon Department of Transportation (ODOT), *Place Types Tool*, Accessed November 2022.

<sup>50</sup> Regional Plan Association, *Charting a New Course, A Vision for a Successful Region*, 2016.

**RECOMMENDATION 3:****Strengthen citizen participation in environmental review**

Collaborate with communities to increase the number of viable alternatives for review in the CEQR process, rally support for complex proposals, and allow community-initiated concepts to improve land use applications. Increasing participation must go beyond giving neighbors a seat at the table. It must build critical capacity for engaging in the technocratic process. New tools are helpful in closing this gap, but are insufficient on their own. Communities need resources to advance local plans and more is needed to overcome barriers around language access and planning fatigue.

Ultimately, the effectiveness of citywide engagement is measured by the quality of the decisions that are made. Community engagement should not simply result in more people having a say, but in projects that are more responsive to neighborhood opportunities and concerns. Visualizing development continues to be a challenge for many members of the public. Making better distinctions between as-of-right development, land use proposals, and neighborhood rezonings can be difficult to track during the permitting and approval process.

The City has made progress with increasing access to information, particularly around land use review, through tools like the Zoning Application Portal and the new EDDE, required under Local Law 78 of 2021. However, there is significant room for continued improvement. We encourage the City to:

- **Welcome more members of the public into the process** by providing user-friendly tools and resources to make analysis more accessible, including making use of open data and coordinating training for the public and members of Community Boards with the Civic Engagement Commission.
- **Increase the capacity for community-led solutions** by funding local, neighborhood, and citywide comprehensive planning efforts, equipping Community Boards with skilled land use planners, and increasing access to relevant City staff.
- **Improve the range of options available for review** by incorporating community-identified alternative scenarios and climate change considerations into the analysis framework of CEQR.



- **Encourage transparency and accountability of mitigation requirements** by highlighting mitigation during land use review and improving the online NYC Rezoning Commitments Tracker after the decision has been made. Consider adding a report on the status of mitigation requirements to the annual Community District Needs Assessment process.
- **Empower the newly created Office of Engagement** by prioritizing environmental review as a key opportunity for increasing language access, community capacity, and interagency collaboration.

**RECOMMENDATION 4:**

**Strengthen relationship between capital planning and growth management**

Realign spatial planning with critical investments in infrastructure, maintenance, and operations to address long standing disparities, support a coordinated growth strategy, and create a more equitable city. Coordinating investment allows the city to advance multiple benefits like climate adaptation across systems, increase efficiency with limited City funds, and serve as a catalyst for encouraging growth in targeted areas.

For many communities, a neighborhood rezoning appears to be one of few viable mechanisms to advocate for needed investments in infrastructure. This dynamic places additional strain on the environmental review process as neighbors seek to identify impacts and extract as many mitigations as possible in the absence of a coordinated strategy. Further, the environmental review process does little to acknowledge existing deficiencies in services, instead focusing on the difference between the no-action and the RWCDs. Potential impact fees for new development projects may be imposed to address underlying issues that have emerged in the absence of a spatial investment or comprehensive planning strategy.

More administrative collaboration is needed, particularly between the DCP and OMB to ensure that the City’s capital budget strategy reflects a coordinated vision for how to address the needs of a growing city while also addressing geographic and racial disparities. We encourage the City to:

- **Prioritize capital investment and project implementation** by integrating soft site analysis and potential for growth into comprehensive and system-wide planning efforts (i.e. transportation, schools, etc.).

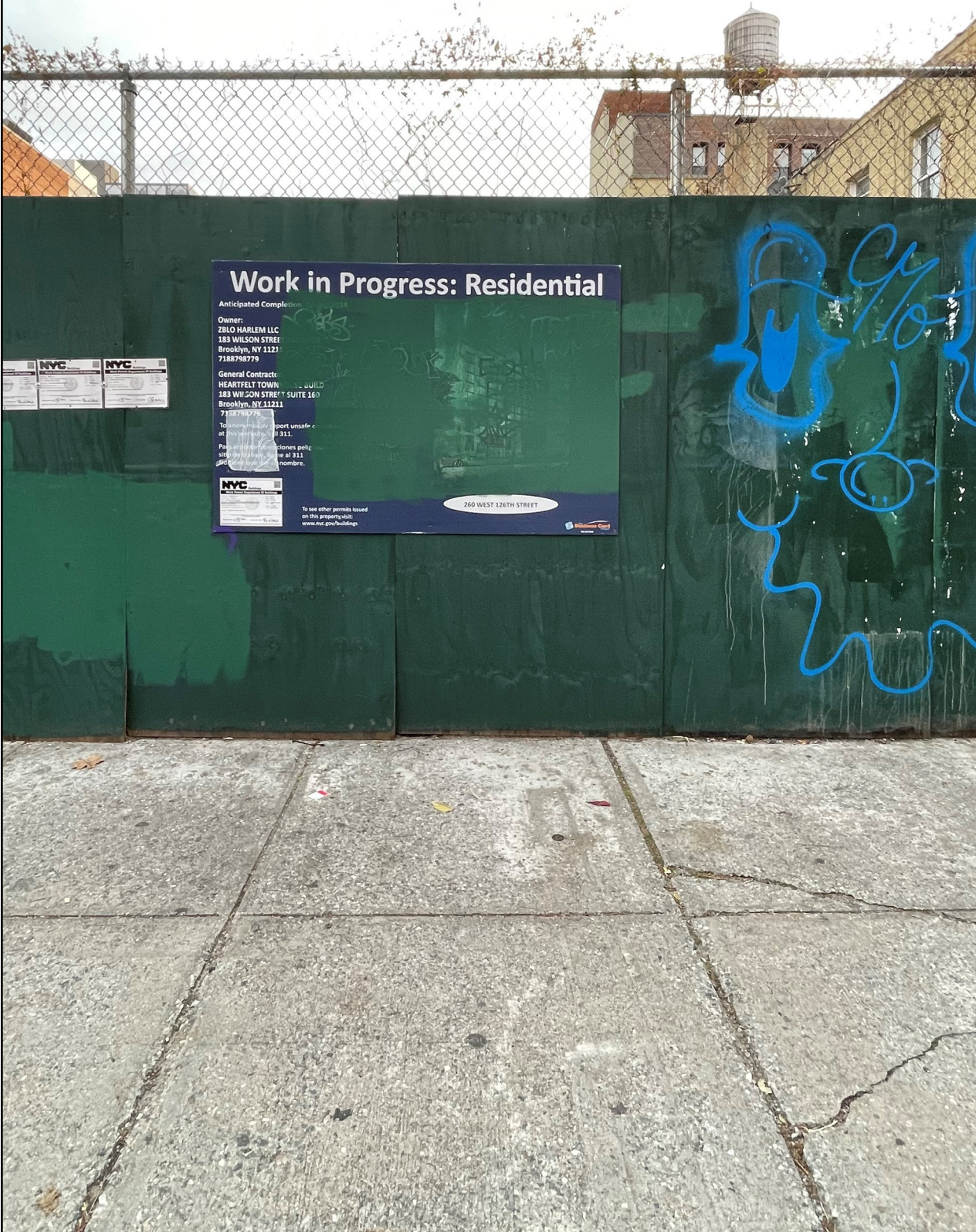
- **Explore additional growth management tools** by convening a working group to evaluate the effectiveness of impact fees, methods to ensure congruence between local and citywide planning goals, and creating a new future land use map (see NYU Guarini Center Report for additional recommendations).
- **Facilitate more consistent outcomes** by streamlining the coordination in environmental review to consider impacts more holistically than on a project-by-project basis, including the expanded use of area-wide evaluations to establish a consistent baseline for assessment.

## Conclusion and Next Steps

The research conducted for the SITE x SITE initiative and the findings included in this report are unprecedented and timely. For the first time, soft site development has been examined at a citywide level over time, the results of which illuminate the limitations of using prevailing CEQR methodology to establish the basis for impact evaluations. The recommendations in this report point to a pathway whereby estimations of future development and assessments of project impacts would be based on actual trends that reflect different ways development occurs across city neighborhoods. SITE x SITE also comes at a time when the City has advanced efforts to improve CEQR and ULURP, as evidenced by the release of BLAST's *Get Stuff Built* report. The Coalition believes SITE x SITE works in tandem with the City's efforts by focusing on improving the reliability of the analytical aspects of CEQR.

Looking ahead, the Coalition will explore additional research opportunities, conduct outreach, and continue advocacy to advance our collective work. The Coalition will turn its focus to presenting SITE x SITE to city agencies and key stakeholders involved in the CEQR process. The Coalition is well poised to take advantage of an opportunity to elevate and inform the larger discussion of CEQR reform and push for significant improvements to the process.

Residential development in progress at 260-270 West 126th Street in Harlem. The 125th Street Corridor rezoning was approved in 2008. Development in the rezoning area has not materialized as expected. [Credit: MAS]



**Work in Progress: Residential**

Anticipated Completion: 2018

Owner:  
ZILO HARLEM LLC  
183 WILSON STREET  
Brooklyn, NY 11211  
7188798779

General Contractor:  
HEARTFELT TOWN  
183 WILSON STREET SUITE 160  
Brooklyn, NY 11211

To report unsafe conditions at this site, call 311.

Para reportar condiciones peligrosas en este sitio, llame al 311.

**NYC**

To see other permits issued on this property, visit: [www.nyc.gov/buildings](http://www.nyc.gov/buildings)

260 WEST 126TH STREET

**NYC**







# Appendix and References

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# Table A1: Data Dictionary

Source: MapPLUTO (NYC Department of City Planning, Information Technology Division)

Datapoint	Year(s)	Description	Notes
BBL	2007 though 2017	Borough, Tax Block, and Lot numbers	Used to identify all unique lots to have existed within the study period. BBLs that have missing entries from year to year are tax lots that are assumed to have either disappeared or been newly issued. <sup>1</sup>
Lot Area	2007, 2017	Area of the lot (sf) in 2007 and 2017	Utilized to derive whether the lot is too small (<5,000 sf) to be considered a soft site in the initial screening
Building Area (BldgArea)	2007, 2017	Total building area (sf) on the lot in 2007 and 2017	
Building Class (BldgClass)	2007, 2017	Code describing the major use of structures on the tax lot	Used to derive whether the lot has a difficult-to-relocate uses and removed the following: Q0, Q1, T1, T2, U1, U2, U3, W1, Z5, and Z8
Land Use	2007, 2017	Code for tax lot's land use category	
Owner Name	2007, 2017	Name of the owner of the tax lot	
Residential Units (UnitsRes)	2007, 2017	Number of residential units in 2007 and 2017	Years were compared to determine if the number of residential units had increased
Total Units (UnitsTotal)	2007, 2017	Number of total units in 2007 and 2017	
Built FAR (BuiltFAR)	2007, 2017	Total building floor area divided by the area of the tax lot	Used to calculate the Available FAR (%)
Maximum FAR (maxFAR)	2007, 2017	Highest FAR available (Residential, Commercial, Facility). FAR definition in MapPLUTO was revised to contain more detail in later years.	The highest FAR value (maximum allowable FAR) from among the residential, commercial, or facility FAR columns. Used to calculate the Available FAR (%).
Available FAR	2007, 2017	Available Floor Area Ratio (FAR %) for the lot	$[(\text{maxFAR} - \text{BuiltFAR}) / \text{maxFAR}] * 100$ Utilized to derive whether the available FAR is too low (<50%) for lot to be a soft site in the initial screening
Year Built	2017	Latest year built as of 2017	Used to identify lots that were developed between 2007 through 2017
Year Altered (YearAlter)	2017	Latest year altered as of 2017	The more recent of PLUTO's two alteration columns (YearAlter1 and YearAlter2)
Historic District Status	2007 through 2017	Whether the tax lot was in a historic district in past 10 years	Derived from column "HistDist" indicating the historic district that the tax lot is in, where applicable
Landmark Status	2007 through 2017	Whether the tax lot contained landmarked building(s) in past 10 years	Derived from column "Landmark" indicating whether a landmarked building is present in the tax lot, where applicable

<sup>1</sup> Lots that disappeared from an earlier PLUTO dataset and later appeared with a modified Lot number starting with 70 or 75 are condo conversions. In some cases, the original BBL of a condo is unknown due to complexities in transformations and missing entries during the construction period.

## Table A1 cont'd: Data Dictionary

Source: MapPLUTO (NYC Department of City Planning, Information Technology Division)

Datapoint	Year(s)	Description	Notes
Percent Assessed Value Improvement	2007, 2017	Improvement to land value ratio of lot (%)	Derived from columns "AssessTot" (assessed total value for lot) and "AssessLand" (assessed land value for lot) $[(\text{AssessTot} - \text{AssessLand}) / \text{AssessTot}] * 100$
Coordinates (XCoord, YCoord)	2017	Coordinates for centroid of lot polygon in MapPLUTO	Location in NAD83 / New York Long Island (ftUS) projection (epsg:2263)
Meets CEQR Criteria	--	Whether a lot passes the CEQR criteria for soft sites (>5,000 sf and $\geq 50\%$ Available FAR)	Derived from PLUTO data on lot area and FAR. Screening fails if the lot is too small OR does not have sufficient unbuilt FAR.
Recent development	-	Lots present in 2007 that have experienced development activity over the course of the study period	Derived from lots that fulfill the following conditions: <ul style="list-style-type: none"> <li>Year Built after 2006</li> <li>Lot area increased between 2007 &amp; 2017</li> <li>Lot disappeared between 2007 &amp; 2017</li> <li>Land Use Code <math>\neq</math> 11 (vacant) in 2017<sup>2</sup></li> <li>Lot existed in 2007 (Lot Area is not null, i.e., data existed for this lot in '07)</li> </ul>
Merged Lots	--	Whether a lot has appeared, disappeared, or increased in size during the study period	Derived from BBL and Lot Area columns When a lot increases in size and the adjacent lot disappears, a merger is assumed
Compactness	-	Measure of irregularity of lot shape	Calculated via the Polsby-Popper Test. Values range from 0 (non-compact) to 1 (most regular/square-like).
PUMA	2010	PUMA designation (ID #)	2010 Public Use Microdata Areas (PUMAS) (U.S. Census) Used with PLUTO data through spatial join. Lots with problematic locations are assigned NULL.
Rent Stabilized Units	2007 through 2017	Number of rent stabilized units by lot for each year in study period	2007-2011 (John Krauss) 2014 (Chris Whong) All other years from Property Tax Bills Scraped from tax documents. Some missing values were extrapolated based on known values over time in each lot.
Building Permits	2007 through 2017	NYC Department of Buildings (DOB) permits for residential buildings filed in each year	DOB Permit Issuance (NYC DOB) Permit types: A1, Demo, and NB
Rezoning	--	Rezoning that the lot is in as of the latest record	Zoning Map Amendments (DCP)

<sup>2</sup> Lots that were vacant at the end of the study period were excluded because their latest land use status does not indicate development.

The primary PLUTO dataset of all unique lots that existed between 2007 and 2017 contained approximately 867,000 records, from which 3,750 records for lots that are unlikely to be developed (see Building Class) were removed.

55,489 lots were classified as difficult to relocate (and therefore not included in soft site analysis). 58,353 soft sites were identified from the primary dataset based on lot size and available FAR criteria. In total, 25,177 sites, regardless of whether they would be "soft" or not, were identified as having been developed (lots that disappeared, were built, or increased in size between 2007 and 2017). Lots that were vacant in 2017 were not included in this latter count.



# Data Notes

## Limitations

SITE x SITE examines all developments (by right), and not exclusively those that might have been studied by CEQR evaluations. Alterations are not included in the definition of recent development due to ambiguity in DOB permit data (10 percent of sites that were developed according to other criteria were altered between 2007-2017). Lots identified as recently developed in SITE x SITE's lookback include:

- New construction on vacant land, which is assumed to be most developable.
- New construction on lots with any other type of land use, which vary in developability.
- A lot that increased in size over time, suggesting that it was subject to a tax lot merger.

SITE x SITE makes assumptions for data points that lack specificity in CEQR (e.g., "substantially less than the maximum" available FAR as greater than or equal to 50 percent available FAR and lots larger than or equal to 5,000 sf across the board). CEQR guidelines about the developability of single-lot uses also eliminates many industrial lots from consideration, especially those close to the waterfront, unless reviewed on a case by case basis. Finally, because ACRIS lacks clarity on how to interpret its TDR data, SITE x SITE does not analyze the impact of air rights on soft site development.

A number of lots (denoted by unique BBL #) were found to have "disappeared" between 2007 and 2017 due to condo conversions that were assigned a new BBL # or presumed mergers. Slightly under 2,000 soft sites that were eventually developed were vacant in 2007. About half saw new construction within 10 years. The other half consisted of tax lots that are no longer recorded in the PLUTO dataset. Analysis of the data suggests that the lots that "disappeared" were most likely merged with adjacent tax lots.

## Alterations

Alterations were not included as a criterion of development because of ambiguity in the information that is available through publicly accessible datasets. The Primary Land Use Tax Lot Output (PLUTO) field for the year in which a building is altered is described in the PLUTO Data Dictionary<sup>1</sup> as follows:

“The Department of Finance defines alterations as modifications to the structure that, according to the assessor, change the value of the real property...The date comes from Department of Buildings permits and may either be the actual date or an estimate.”

Between 2007 and 2017, 30,266 lots were associated with alterations according to PLUTO data. 5,488 lots (18 percent) contained buildings that saw an increase in residential units on site. One fifth of those lots were captured in the SITE x SITE analysis.

DOB has three classifications for alterations in permit issuance:<sup>2</sup>

- A1 = Alteration Type I, A major alteration that will change the use, egress, or occupancy of the building.
- A2 = Alteration Type II, An application with multiple types of work that do not affect the use, egress, or occupancy of the building.
- A3 = Alteration Type III, One type of minor work that doesn't affect the use, egress, or occupancy of the building.

The definitions are broad such that further refinement of alterations for the purpose of identifying recent development was not pursued.

## Air Rights in the Automated City Register Information System (ACRIS)

The following case study of assemblages in Midtown Manhattan demonstrates how ACRIS can be used to assemble information about transfers of development rights (TDRs), and how the steps and sources required render this information inaccessible to a general user. The dataset compiled for this exploration contains a combination of the ACRIS Real Property Master dataset and ACRIS Real Property Legals dataset.

1 NYC Department of City Planning, “PLUTO Data Dictionary 22v3,” 2022.

2 NYC Department of Buildings, “DOB Permit Issuance - Data Dictionary,” 2023.

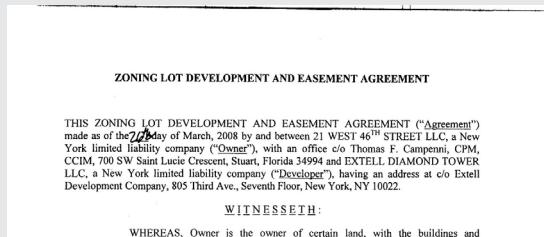
**LOTS FOR WHICH AIR RIGHTS = Y IN THE ACRIS LEGALS DATASET**

The ACRIS Real Property Legals dataset contains all properties associated with property documents recorded in the ACRIS Real Property Master dataset. The Legals dataset has a column indicating whether the property is associated with an air right ("Air Rights = Y"). Aggregating this column by BBL appears to count the number of documents associated with the property and not the number of air rights on the property. In order to understand the meaning of "Air Rights = Y," we explored a property with a high number of property documents between 2007-2017: 37 West 46th Street.

**DOCUMENTS ASSOCIATED WITH THE LOT IN THE ACRIS MASTER DATASET**

The ACRIS Real Property Master lists 34 documents for this property.

- 11 Agreements
- 8 Assignments of Leases & Rents
- 5 Sundry Agreements
- 3 Mortgage & Consolidation
- 2 Assignment, Mortgage
- 1 Development Rights
- 1 Declaration
- 1 Mortgage
- 1 Mortgage Spreader Agreement
- 1 Sundry Miscellaneous



**THE DEVELOPMENT RIGHTS DOCUMENT REFERENCES AIR RIGHTS TRANSACTIONS**

The Development Rights document lists 24 parcels, including 37 West 46th Street, and consists of a Zoning Lot Development Agreement (ZLDA) between the property owner and a developer. The Air Rights = Y field appears to be associated with the property that sold/granted air rights.

In some cases, ZLDA documents in ACRIS can show when a developer is amassing air rights from multiple properties.



## Building Classes

Building classes A to O were included in the analysis. They include residential dwellings, warehouses, hotels, healthcare facilities, theaters, stores, churches, and offices.

The following building classes were excluded, affecting approximately 3,750 records in the PLUTO dataset:

- Q0, Q1 (Open Space + Parks)
- T1, T2 (Airport + Piers/Docks)
- U1, U2, U3 (Bridges/etc., Gas or Electric Utility, Ceiling Railroad)
- W1 (Public Schools)
- Z5 (UN)
- Z8 (Cemetery)

The following specific sites that were very unlikely to be developed were also excluded:

- Jamaica Bay Wildlife Refuge
- Coney Island Pier/Beach
- Rikers Island

## Compactness

Irregularly shaped lots, often found near transportation and industrial infrastructure and in gaps between buildings, present design challenges, require costly interventions, and tend to be underutilized. Development of irregularly shaped lots can be guided through the issuance of discretionary bulk and height variances by the BSA, an action that triggers its own CEQR evaluation. A recent study by the Citizens Budget Commission found that over 20 percent of underdeveloped lots in the city are irregularly (that is, non-rectangular) shaped.<sup>3</sup>

Recently, there has been renewed attention to the development of irregularly shaped lots. For example, in 2019, in partnership with the New York chapter of the American Institute of Architects (AIANY), the NYC Department of Housing Preservation and Development (HPD) announced the “Big Ideas for Small Lots” competition to garner design solutions for very small lots.<sup>4</sup>

<sup>3</sup> Citizens Budget Commission, *Strategies to Boost Housing Production in the New York City Metropolitan Area*, 2020.

<sup>4</sup> NYC Department of Housing Preservation and Development and the American Institute of Architects of New York, “Big Ideas for Small Lots,” 2019.

In the SITE x SITE analysis, we did not observe compactness to be a significant factor in the developability of a soft site (see **Table A2**).

**Table A2:** Average Compactness of Soft Sites and Recent Development

Rezoning Area	Recent Development	Soft Sites
125th Street Corridor	0.557563	0.685201
Bay Ridge	0.565913	0.686725
Bay Street Corridor	0.580431	0.624781
Downtown Brooklyn Development	0.570601	0.654740
East New York	0.520190	0.685914
Hudson Yards	0.609186	0.692764
Lower Concourse	0.643958	0.664564
Ozone Park	0.628460	0.666285
Long Island City	0.609911	0.689179
Williamsbridge/Baychester	0.628094	0.669585

## Improvement to Land Value Ratio

Improvement to Land Value Ratio (“improvement ratio”) is the ratio between the improvement value (the building) and the land value (if it were vacant) of a parcel. This study calculates improvement ratio using DOF land assessment data. According to DCP’s PLUTO Data Dictionary (2022), DOF calculates assessed values by “multiplying the tax lot’s estimated full market land value...by a uniform percentage for the property’s tax class.” The ratio is the percent difference between the assessed total and assessed land values.

The data validation exercise that follows in **Table A3** suggests that this proxy is relatively consistent with actual market value. Improvement ratios based on DOF assessed values were compared to market value ratios compiled by Corelogic, which provides real estate data services. Brooklyn was selected as the study area because of the significant diversity in its building stock (in terms of age, size, and uses). Although the assessed values are significantly different from the actual market values for land, improvements, and properties, ratios were generally consistent across both datasets.

**Table A3:** Comparison of Corelogic Market Data & NYC Department of Finance Assessments for Brooklyn

	Corelogic (Market)		DOF (Assessed)	
	Total Property Value	Improvement to Land Value Ratio	Total Property Value	Improvement to Land Value Ratio
Count:	276,650	276,650	276,650	276,650
Minimum:	0	0	0	0
Maximum:	453,924,000	567	2,123,025,300	567
Sum:	353,787,001,665	1,666,855	58,428,764,868	1,671,124
Mean:	1,278,825.23	6.03	211,201.03	6.04
Deviation:	4,088,059.98	14.74	6,679,331.70	14.82

## Rent Stabilization

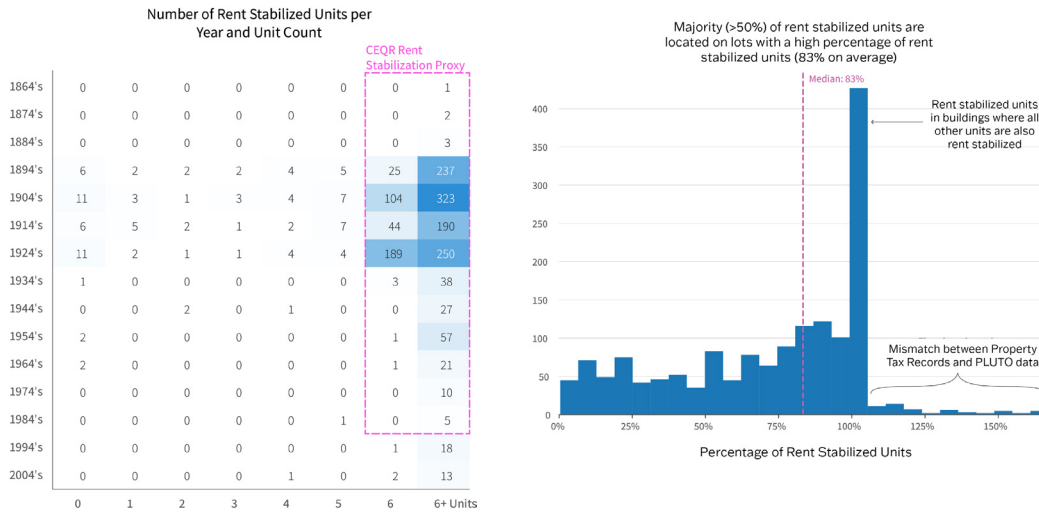
John Krauss' *Whither Rent Regulation* (2015) project analyzed where rent stabilized apartments in New York City have disappeared, remained, or been constructed between 2007 and 2014 using property tax bills. The authors scraped the data and created a website containing a collection of tax bills for every building that might be stabilized in New York City. Other data-oriented groups and individuals have continued to replicate and expand upon John Krauss' methodology, including Chris Whong, a noted New York City technologist involved in planning analytics, open data, data visualization, and web mapping. The Housing Data Coalition also utilized John Krauss' method to analyze rent stabilization trends, building the nycdb data scraper program to download, process, and load public datasets into Postgres.

Current CEQR methodology excludes sites from the soft site analysis framework if they are likely to contain rent-stabilized units because such buildings are difficult to legally demolish due to tenant relocation requirements. The *CEQR Technical Manual's* recommended methodology identifies rent stabilized properties based on a proxy, not actual information on rent stabilized units.

The original John Krauss analysis contains the unit count per parcel of rent stabilized apartments in 2007. In order to extrapolate rent stabilization trends and missing data between 2007 and 2018, the two datasets were joined based on BBL and recalculated for losses and gains between 2007 and 2018. The tax bills of buildings with rent stabilized units confirmed that CEQR proxy covered 93 percent of all stabilized units in that timeframe, suggesting the proxy's reliability. The majority of new rent stabilized units were also created in lots with high percentages of existing rent stabilized units (see **Figure A1**).



**Figure A1.** Review CEQR’s Rent Stabilization Proxy and Actual Units  
(Source: Pratt SAVI for SITE x SITE, 2023)



**Table A4:** Summary of Soft Site Methodologies in SITE x SITE Case Studies

Case Study	CEQR Doc	Lot Area		Available FAR		Soft site screening <sup>1</sup>	Additional Criteria/Notes
		>5,000 sf	Other	≥50%	Other		
Long Island City (2001)	EIS			✓		✓	Residential development expected on underutilized sites wherever maximum FAR is or will remain at 5.0. Also considered are sites not in adverse locations for residential development; and those that have not been recently improved, as indicated by land use. (p. 1.22)
Downtown Brooklyn (2004)	EIS					✓	Likely to be developed first: commercial/retail located near existing commercial core with direct connection/adjacency/close proximity to mass transit. Also developable: sites that do not require additional discretionary actions and anticipated public acquisitions. Less likely ("potential site") if additional discretionary actions required or sites are farther from commercial core/residential. (pp. 1.20 - 1.21)
Bay Ridge (2005)	EAS					✓	Most likely to be developed ("projected") if the site is not part of an assemblage; has an irregular shape; is located in a zoning district with relatively low permitted density, and/or is in active commercial/residential use. Potential sites were not included in density-related impact assessments, but site-specific review "to be conducted... [for] a conservative analysis." (p. 16)

1 The EIS/EIA methodology identifies developable sites (i.e., all soft sites) prior to classifying them as either projected or potential sites. Asterisk (\*) indicates if the term "soft site" was explicitly used therein.

**Table A4 (cont'd):** Summary of Soft Site Methodologies in *SITE x SITE* Case Studies

Case Study	CEQR Doc	Lot Area		Available FAR		Mention of soft sites <sup>1</sup>	Details
		>5,000 sf	Other	≥50%	Other		
Hudson Yards (2005)	EIS	✓ <sup>2</sup>	✓ <sup>4</sup>	✓		✓	Also developable: Vacant lots/buildings, lots with "marginal" commercial or industrial uses, residential buildings with <6 units, and under-invested industrial/commercial loft buildings that could be converted as-of-right under the new zoning. Projected sites were selected based on size, location, and degree of underutilization. Potential sites tended to be smaller assemblages and/or irregularly shaped. (pp. 2-20 – 2-22)
125th Street Corridor (2008)	EIS		✓ <sup>3</sup>	✓		✓*	Also developable: Vacant lots/buildings and buildings with <6 residential units. (p. 2.17) Less developable (i.e., potential site) if "site conditions, location, and market demand [contribute] to the more limited likelihood for redevelopment." (pp. 1.6 – 1.7)
Lower Concourse (2009)	EIS	✓ <sup>2</sup>		✓		✓*	Lot area and FAR thresholds (and lofts and other buildings suitable for residential conversion) appear to classify projected sites after soft sites were identified. Less likely (i.e., potential site) included lots with active businesses unlikely to move; warehouses <20% vacant or occupied and unsuitable for conversion; and highly irregular lots. (pp. 1-13 – 1.14) Schools/college sites were excluded from consideration. (p. 2.29)
Williamsbridge/ Baychester (2011)	EAS	✓ <sup>2</sup>		✓		✓*	Also developable: Lots located in areas where FAR increase is proposed and assemblages if their total lot area add to ≥ 5,000 sf.  Excludes NYC parkland; City- or State-owned leased properties; schools, libraries, government offices, and houses of worship; sites with utility/public transportation uses; 6+ unit residential buildings; sites on difficult topography; businesses that underwent recent investment; and buildings undergoing underground construction that conforms to proposed zoning. (pp. 2B.1 – 2B.2)  Most likely to be developed if a site is also vacant or a surface parking lot, though three sites were included despite not being vacant/ parking. Potential sites are irregularly shaped; located in a low density zoning district; require significant remediation; provide unique service/business; and/or majority- occupied by active businesses. (pp. 2B.2 – 2B.3)

<sup>2</sup> ≥5,000 sf (inclusive)

<sup>3</sup> ≥3,500 sf

<sup>4</sup> ≥10,000 sf west of Tenth Avenue for projected sites only

**Table A4 (cont'd):** Summary of Soft Site Methodologies in *SITE x SITE* Case Studies

Case Study	CEQR Doc	Lot Area		Available FAR		Mention of soft sites <sup>1</sup>	Details
		>5,000 sf	Other	≥50%	Other		
Ozone Park (2013)	EAS	✓ <sup>5</sup>		✓		✓*	<p>Also developable: Lots located in areas where FAR increase is proposed; assemblages if their total lot area add to ≥ 5,000 sf; and lots in areas where change of use is permitted.</p> <p>Excludes recently constructed/ in construction; schools, libraries, government offices, large medical centers, and houses of worship; 6+ unit residential buildings; large commercial structures; irregularly shaped lots; and utility/public transportation uses. Site specific exclusions are also applied for certain areas where the "small amount of new development opportunity allowed may not provide enough economic incentive...to dislodge established active uses." (pp. 2.1 – 2.2)</p> <p>Potential sites are irregularly shaped; have 10+ commercial tenants; include certain active businesses; or are located between disparate zoning districts, (p. 2.3)</p>
East New York (2016)	EIS	✓ <sup>5</sup>		✓		✓*	<p>Also developable: Lots located in areas where FAR increase is proposed; where change in use would be permitted; and assemblages if their total lot area add to 5,000 sf.</p> <p>Excludes: schools, libraries, government offices, large medical centers, and houses of worship; 6+ unit buildings; certain large commercial structures; irregularly shaped lots; and public transportation/utility uses. Also excluded are sites &lt;7,500 sf if occupied by residential; with multiple tenants; and/or occupied by active or unique businesses.</p> <p>Potential sites are irregularly shaped; have 10+ commercial tenants; include certain active businesses; or are located between disparate zoning districts, (p. 1.23)</p>
Bay Street Corridor (2019)	EIS		✓ <sup>6</sup>	✓		✓*	<p>Also developable: Smaller lots if assemblage is probable; and lots currently in unimproved portions of the mapped plan. Projected sites are specific to the plan as well: include three City-owned properties identified for disposition and buildings in Special Stapleton Waterfront District (SSWD) that are to undergo modification. Less likely to be developed are sites where construction is actively occurring or has recently been completed; lot shape is irregular; lot area is &lt;5,000 sf; or are occupied by active businesses or organizations that are unlikely to move.</p>

5 ≥5,000 sf (inclusive)

6 ≥3,500 sf



# Case Studies Development Data

**Table A5:** Downtown Brooklyn Rezoning (2004) Development Snapshot, CEQR vs. Actual Totals

Development Type	Totals By Build Year 2013 (EIS)	By 2013 (Actual - PLUTO)	By 2022 (Actual - PLUTO)
Developments	30 (12 Projected/18 Potential*)	14 new buildings	40 new buildings
Dwelling Units	979 du	3,256 du	8,561 du (495 affordable)
Res. Floor Area	979,000 sf	2,677,841 sf	7,880,531 sf
Com. Floor Area	5,455,000 sf <i>Office + Retail</i>	857,448 sf <i>Commercial</i> 599,733 sf <i>Office + Retail</i>	2,932,424 sf <i>Commercial</i> 1,637,186 sf <i>Office + Retail</i>

\*Potential sites were not included or evaluated under the RWCDs because their development was not expected to be complete by the 2013 build year.

*Data Sources:*  
 NYC Department of City Planning, *Downtown Brooklyn Development - Final EIS*. 2004.  
 NYC Department of City Planning, *PLUTO 22v3*. 2022.  
 NYC Housing Preservation and Development, *Affordable Housing Production by Building*. 2022.

**Table A6:** Bay Ridge Rezoning (2005) Development Snapshot, EAS vs. Actual

Development Type	Totals By Build Year 2014 (EAS)	By 2014 (Actual)	By 2022 (Actual)
Developments	14 sites in total (4 projected/10 potential)	51 new buildings	75 new buildings
Dwelling Units	67 du	233 du	336 du
Com Floor Area	48,410 sf <i>Retail</i>	279,391 sf <i>Commercial</i> 11,760 sf <i>Retail</i>	378,083 sf <i>Commercial</i> 37,033 sf <i>Retail</i>

*Data Sources:*  
 NYC Department of City Planning, *Special Bay Ridge District Rezoning and Text Amendment - EAS*. 2004.  
 NYC Department of City Planning, *PLUTO 22v3*. 2022.

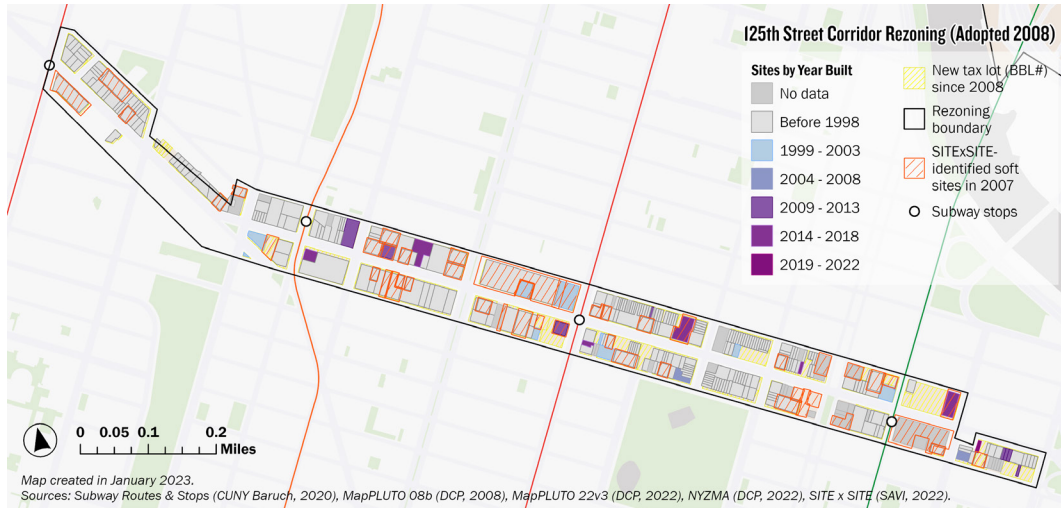
**Table A7:** Hudson Yards (2005) Development Snapshot, EIS vs. Actual

Development Type	Totals By Phase 1 Build Year 2010 (EIS)	By Phase 2 Build Year 2025 (EIS)	By 2010 (Actual)	By 2022 (Actual)
Developments	6 Projected (Potential Sites n/a)	99 (46 Proj./52 Potential)	20 new buildings	63 new buildings
Dwelling Units	3,250 (539 for low-to-moderate income)	13,463 (2,138 for low-to-moderate income under 80/20)	2,247	7,014 (229 affordable)
Res. Floor Area	2,673,924 sf	12,870,328 sf	2,052,766 sf	5,854,820 sf
Commercial Floor Area	2,819,127 sf <i>Office + Retail</i>	31,239,214 sf <i>Office+Retail+Hotel</i>	366,752 sf <i>Commercial</i> 89,430 sf <i>Office+Retail</i>	17,303,338 sf <i>Commercial</i> 16,009,409 sf <i>Office+Retail</i>

*Data Sources:*  
 Empire State Development, *2004 Hudson Yards Final Generic Environmental Impact Statement*, "Chapter 3: Analytical Framework." Accessed December 2022.  
 NYC Department of City Planning, *PLUTO 22v3*. 2022.  
 NYC Housing Preservation and Development, *Affordable Housing Production by Building*. 2022.

**Table A8. 125th Street Corridor Rezoning (2008) Development Snapshot, EIS vs. Actual**

Development Type	Totals By Build Year 2017 (EIS)	By 2017 (Actual)	By 2022 (Actual)
Developments	48 (26 Projected/22 Potential)	17 new buildings	21 new buildings
Dwelling Units	2,632 du (498 affordable)	771 du (15 affordable)	1,120 du (105 affordable)
Com. Floor Area	1,812,426 sf <i>Office + Retail + Hotel</i>	950,166 sf	1,018,667 sf <i>Commercial</i>



**Data Sources:**  
 NYC Department of City Planning, *125th Street Corridor Rezoning - Final EIS. 2008.*  
 NYC Department of City Planning, *PLUTO 22v3. 2022.*  
 NYC Housing Preservation and Development, *Affordable Housing Production by Building. 2022.*

**Table A9. Lower Concourse Rezoning (2009) Development Snapshot, EIS vs. Actual**

Development Type	Totals By Build Yr 2018 (EIS)	By 2018 (Actual)	By 2022 (Actual)
Developments	79 (31 Projected/48 Potential)	9 new buildings	20 new buildings
Dwelling Units	3,416 du (591 affordable)	682 du (310 affordable)	2,822 du (406 affordable)
Com. Floor Area	772,750 sf <i>Retail + Hotel</i>	226,382 sf	548,913 sf <i>Commercial</i>

**Data Sources:**  
 NYC Department of City Planning, *Lower Concourse Rezoning - Final EIS. 2009.*  
 NYC Department of City Planning, *PLUTO 22v3. 2022.*  
 NYC Housing Preservation and Development, *Affordable Housing Production by Building. 2022.*

**Table A10. Williamsbridge/Baychester Rezoning (2011) Development Snapshot, EAS vs. Actual**

Development Type	Totals By Build Year 2021 (EIS)	By 2021 (Actual)
Developments	144 (12 Projected/132 Potential)	85 new buildings
Dwelling Units	544 du	1,004 du (90 affordable)
Com. Floor Area	67,244 sf <i>Retail + Restaurant</i>	161,428 sf <i>Commercial</i>

**Data Sources:**  
 NYC Department of City Planning, *Williamsbridge/Baychester Rezoning - EAS. 2011.*  
 NYC Department of City Planning, *PLUTO 22v3. 2022.*  
 NYC Housing Preservation and Development, *Affordable Housing Production by Building. 2022.*

**Table A11.** Ozone Park Rezoning (2013) Development Snapshot, EAS vs. Actual

Development Type	Totals By Build Year 2023 (EAS)	Total By 2022 (Actual)
Developments	85 (29 Projected/56 Potential)	81 new buildings
Dwelling Units	334 du	204 du
Com Floor Area	142,223 sf Retail	112,494 sf Commercial 22,688 sf Retail

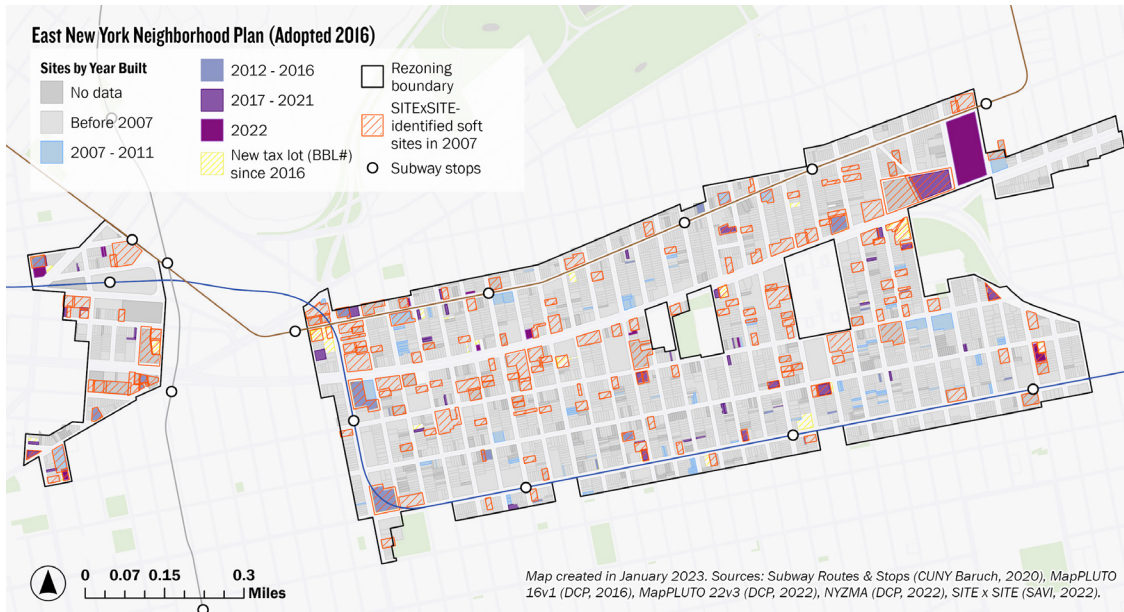


**Data Sources:**  
 NYC Department of City Planning, *Ozone Park Rezoning - EAS*. 2013.  
 NYC Department of City Planning, *PLUTO 22v3*. 2022.

**Table A12.** East New York Neighborhood Plan (2016) Development Snapshot, EIS vs. Actual

Development Type	Totals By Build Year 2030 (EIS)	By 2022 (Actual)
Developments	186 (81 Projected/105 Potential)	69
Dwelling Units	7,042 du (3,538 affordable)	2,195 du (222 affordable)
Res. Floor Area	7,082,257 sf	1,631,159 sf
Com. Floor Area	1,283,989 sf Commercial	341,756 sf Commercial





**Data Sources:**  
 NYC Department of City Planning, *East New York - Final EIS* (p. 1-23-1-26). 2022.  
 NYC Department of City Planning, *PLUTO 22v3*. 2022.  
 NYC Housing Preservation and Development, *Affordable Housing Production by Building*. 2022.

# Additional CEQR Reform Reports & Resources

## Building and Land Use Approval Streamlining Taskforce (BLAST)

In his first year in office, Mayor Adams has made land use review reform a priority by forming the Building and Land Use Approval Streamlining Taskforce (BLAST). BLAST was charged with conducting extensive outreach to planning practitioners, agencies, organizations, and other stakeholders to gather input on ways to accelerate and improve the CEQR and land use review processes for private development applicants. BLAST's work culminated in the December 2022 report *Get Stuff Built*, a thorough examination of deficiencies that have stymied these processes and 111 specific recommendations for improving them. The recommendations focus on improving the quality of environmental impact analyses, providing better and more accessible data for analyses, consolidating agency review in the CEQR process, and streamlining CEQR reports to make them easier for the public to understand.

## **Citizens Budget Commission**

The Citizens Budget Commission's (CBC) September 2022 report *Improving New York City's Land Use Decision-Making Process* also examined shortcomings in the City's land use review process that hinder the production of housing and slow economic development. The premise of the report is that the City's economic well-being calls for the land use approval process to be sufficiently flexible to respond to the needs of a changing city and that property owners deserve a process that offers guidance and predictability. The report posits that CEQR is far too reactive and does not appropriately balance the costs and benefits of a project, instead only focusing on impacts. Echoing many of the ideas expressed in *Get Stuff Built*, CBC's report sees the CEQR process as overly time-consuming, complex, costly, and bureaucratic. Recommendations for improving the land use decision making process include amending environmental review laws to reduce barriers to beneficial growth and development, encouraging local governments to streamline approvals of projects that help achieve identified regional housing and job-creation goals, modernizing environmental review laws to make CEQR move more quickly by shortening review times for projects that rarely lead to adverse impacts, and streamlining methodologies that reduce unnecessary detailed and time-consuming analyses.

## **Equitable Development Data Explorer (EDDE)**

The Racial Impact Study Coalition (RISC), a coalition of neighborhood, community-based planning, and policy groups (including MAS and RPA), advocates for race to be included as a consideration in land use, environmental review, and budget decisions to increase transparency, accountability, and equity in City-initiated rezonings. RISC was instrumental in collaborating with New York City Public Advocate Jumaane Williams, New York City Council Member Rafael Salamanca and other legislators to pass Local Law 78 of 2021, resulting in the creation of the EDDE, a citywide tool co-developed by the New York City Department of HPD and the DCP.

This new tool, which will be updated annually along with updates to local census data, includes over 50 neighborhood social, economic, and physical indicators and a Displacement Risk Index (DRI) to better represent relative displacement risks across neighborhoods based on demographics, market trends, and underlying vulnerability. In addition to making this data public, the law requires applicants for major land use actions and historic district designations to compile data from the EDDE to produce a racial equity report that summarizes neighborhood conditions, racial disparities, existing displacement risk, projections about expected incomes needed to

afford new units, and a statement on a project's consistency with the City's commitment to affirmatively forward fair housing at the beginning of the ULURP process.\*

\*Racial Impact Study Coalition (RISC), "Our Legislation." Accessed December 2022.



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Metropolitan Transportation Authority and New York City Planning Commission, "Western Rail Yard Final Environmental Impact Statement - Framework for Analysis (Chapter 2)." 2009. <https://www.nyc.gov/site/planning/applicants/env-review/western-rail-yard.page>

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NYC Department of City Planning, Lower Concourse Rezoning - Final EIS. 2009. <https://www1.nyc.gov/site/planning/applicants/env-review/lower-concourse.page>

NYC Department of City Planning, Ozone Park Rezoning - EAS. 2013. <https://a002-ceqraccess.nyc.gov/CEQR/Details?data=MTREQ1AwMjdR0&signature=c07d7560626994114c31ba360462ff51788f8846>

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