



Boon, Bane or Bust: Balancing Community & Facility Needs

Session Notes

Moderator:

Carol Rosenthal, Esq., Real Estate & Land Use Partner, Manatt, Phelps & Phillips

Panelists:

Elise Wagner, Esq., of Counsel, Real Estate Department, Paul Hastings
Janofsky & Walker

Paul Elston, New York League of Conservation Voters

Andrew Berman, Executive Director, Greenwich Village Historical Society

The session focused on defining the impacts so-called community facilities have on their host neighborhoods and providing alternate ways of locating and treating community facilities in residential areas.

Overview of Community Facilities

(Carol Rosenthal)

The discussion began with a brief explanation of what land uses qualify as community facilities. The list below contains the major sub-categories of community facilities and some examples of community facilities.

1. Local Facilities (e.g. churches, museums, etc.)
2. Regional Facilities (e.g. college, hospitals)
3. Auxiliary Facilities (e.g. dormitories)
4. Not-for-Profit Facilities

The main objection to community facilities is their size, which is often out of scale with that of surrounding buildings. For planning purposes, size is addressed in terms of floor area and bulk. The FAR (floor area ratio) is defined as the ratio between total lot size and the amount of lot area that can be developed. Buildings that qualify as community facilities are allowed a higher FAR; how much higher is determined by local zoning codes.

Before 1961, community facilities had to adhere to the same or similar bulk requirements as other land uses. A 1961 amendment to the New York City zoning code changed the FAR for community facilities. The more generous FAR requirement allotted to community facilities addresses their potential need for large amounts of land in order to function properly. The special bulk requirements help keep community facilities in the community rather than forcing them to locate in areas zoned for commercial or industrial facilities.

With community facilities, the pertinent question is:
How much larger should community facilities be?

Not only are the larger buildings often out of scale with the surrounding area, but the larger community facilities are allowed to be, the more property is being removed from local tax rolls.

APA New York Metro Chapter
c/o Neighborhood Preservation Center
232 East 11th Street
New York, NY 10003
Phone: 212.228.7875
Fax: 212.471.9987



AMERICAN
PLANNING
ASSOCIATION

Studies evaluating the impact of community facilities, however, have not resulted in changes to the zoning code.

Achieving Balance between Community Facilities and the Community (Andrew Berman)

Because community facilities are allowed as-of-right, this zoning has allowed land uses in neighborhoods where those land uses would otherwise be prohibited. Furthermore, community facilities have concentrated in certain areas such as Greenwich Village, which is home to New York University (NYU).

NYU has built about 12 large buildings in Greenwich Village within the past 20 years. These buildings are 10% to 100% larger than what the zoning allows because NYU can advantage of community facilities ordinances.

The Greenwich Village Society for Historic Preservation has a series of recommendations to limit uncontrolled institutional growth in one area and to focus controlled growth in other designated areas. It is a “carrot & stick” approach.

Obtaining the Appropriate Balance between Institutions and Residences (Elise Wagner)

The approximate borders of NYU are Houston & 14th Streets and 3rd and 6th Avenues.

In the Washington Square area the following FAR are used:

- 3.4 FAR – residential buildings
- 6.5 FAR – community facilities

Hence, community facilities can be approximately twice as large as other buildings.

The areas adjacent to NYU – SOHO & NOHO – are historic districts and don't allow community facilities thereby limiting NYU's ability to expand.

Some critics claim that buildings recently constructed at NYU mar critical viewsheds. From a legal standpoint, this may not be a valid criticism. According to the law:

1. Views along streets are protected
2. Views through private property are **not** protected
3. Usually, zoning does not regulate aesthetics

Therefore, the view through the arch at Washington Square Park may not be protected under zoning. While maintaining views and certain architectural characteristics may be understandable neighborhood goals, under the current zoning regulations, these were not legal requirements on the development.

APA New York Metro Chapter
c/o Neighborhood Preservation Center
232 East 11th Street
New York, NY 10003
Phone: 212.228.7875
Fax: 212.471.9987



Preserving Riverdale's Natural Resources

(Paul Elston)

The organizational goals of the Riverdale Nature Preservancy are to:

1. Protect natural resources
2. Protect certain elements in the built environment that enhance natural amenities
3. Maintain the existing balance between residences and community facilities

By land area, Riverdale is: 46%= Community Facilities
54%= Residential

By square foot, Riverdale is: 50%= Community Facilities
50%= Residential

The current zoning allows so much more community facilities-type development that the fall build-out scenario would be: 71%= Community Facilities

29%= Residential

Because the community facilities FAR create this imbalance, the Riverdale Nature Preservancy would like to revamp the community facilities FAR.

Other ideas to reduce potential density are:

1. Expand the Natural Area District
2. Eliminate development potential in community facilities
3. Downzone R6 & R4 districts to R1
4. Reduce FAR for all lots to 0.4

The proposed down zoning would allow the community to maintain the current 50/50 balance between community facilities and residences.

APA New York Metro Chapter
c/o Neighborhood Preservation Center
232 East 11th Street
New York, NY 10003
Phone: 212.228.7875
Fax: 212.471.9987