

# Appendix A to Title 62: Criteria for the Location of City Facilities\*

\* Adopted by the City Planning Commission on December 3, 1990 is the Criteria for the location of City Facilities. Set forth herein for the sake of convenient public access to such materials and in order to increase public familiarity and awareness of such rules, adoption of the rules is not governed by the City Administrative Procedure Act.

## Preface

These criteria are intended to guide the siting of city facilities, as provided by Section 203 of the Charter. The fair distribution of city facilities will depend on balancing a number of factors, such as community needs for services, efficient and cost effective delivery of those services, effects on community stability and revitalization, and broad geographic distribution of facilities. Furthermore, these factors can be weighed more effectively, and siting decisions can be accepted more readily, when communities have been meaningfully informed and consulted early in the siting process. The intent of these guidelines is to improve, not to obstruct, the process of siting facilities.

Under the provisions of Section 204 of the Charter, the Mayor will prepare an annual Statement of Needs in accordance with these criteria. The Statement of Needs will provide early notice of facility proposals to Borough Presidents, Community Boards, and the public at large. It will be accompanied by a map and text indicating the location and current use of all city properties and of state and federal facilities, as designated by the Charter. This will allow the public and city agencies to assess the existing distribution of facilities and analyze factors of compatibility and concentration. Section 204 also provides procedures for public review and comment on the Statement of Needs, permits Borough Presidents to propose locations for city facilities, and requires city agencies to consider the statements that ensue from that review. Those provisions, together with these criteria, should provide a more open and systematic process for the consideration of facility sites.

The criteria will have several applications in the Section 204 proceedings. The Mayor and city agencies will use them in formulating plans for facilities. Community Boards will refer to them in commenting on the Statement of Needs, and Borough Presidents will employ them in recommending specific sites for facilities. The City Planning Commission will consider them in acting on site selection and acquisition proposals subject to the Uniform Land Use Review Procedure (ULURP) and in the review of city office sites pursuant to Section 195 of the Charter. Sponsoring agencies will also observe them in actions that do not proceed through ULURP such as city contracts, facility reductions, and closings. Although recognizing that non-city agencies are not subject to these criteria, the Commission encourages all such agencies to consider the factors identified in these criteria when they are siting facilities in this city.

Since the principles and procedures contained in these guidelines are new and untested, it is important to monitor and evaluate their effects. The Department of City Planning will undertake this evaluation and report its findings to the Commission and the Mayor within twenty-four months of adoption and periodically thereafter.

## Article 1. Authority.

Pursuant to Section 203 of the Charter, the City Planning Commission is authorized to establish criteria for the location of new city facilities, the significant expansion of existing facilities, and the closing or significant reduction in size or service capacity of existing facilities.

## Article 2. Purpose and Goals.

The purpose of these criteria is to foster neighborhood stability and revitalization by furthering the fair distribution among communities of city facilities. Toward this end, the city shall seek to:

- a) Site facilities equitably by balancing the considerations of community needs for services, efficient and cost-effective service delivery, and the social, economic, and environmental impacts of city facilities upon surrounding areas;
- b) Base its siting and service allocation proposals on the city's long-range policies and strategies, sound planning, zoning, budgetary principles, and local and citywide land use and service delivery plans;
- c) Expand public participation by creating an open and systematic planning process in which communities are fully informed, early in the process, of the city's specific criteria for determining the need for a given facility and its proposed location, the consequences of not taking the proposed action, and the alternatives for satisfying the identified need;
- d) Foster consensus building to avoid undue delay or conflict in siting facilities providing essential city services;
- e) Plan for the fair distribution among communities of facilities providing local or neighborhood services in accordance with relative needs among communities for those services;
- f) Lessen disparities among communities in the level of responsibility each bears for facilities serving citywide or regional needs;
- g) Preserve the social fabric of the city's diverse neighborhoods by avoiding undue concentrations of institutional uses in residential areas; and
- h) Promote government accountability by fully considering all potential negative effects, mitigating them as much as possible, and monitoring neighborhood impacts of facilities once they are built.

## Article 3. Definitions.

For purposes of these rules, the following definitions apply.

- a) City facility: A facility providing city services whose location, expansion, closing or reduction in size is subject to control and supervision by a city agency, and which is:
  - (i) operated by the city on property owned or leased by the city which is greater than 750 square feet in total floor area; or
  - (ii) used primarily for a program or programs operated pursuant to a written agreement on behalf of the city which derives at least 50 percent and at least \$50,000 of its annual funding from the city.
- b) New facility: A city facility newly established as a result of an acquisition, lease, construction, or contractual action or the substantial change in use of an existing facility.
- c) Residential facility: A city facility with sleeping accommodations which provides temporary or transitional housing, provides for pre-trial detention or custody of sentenced inmates, or provides a significant amount of on-site support services for residents with special needs for supervision, care, or treatment.
- d) Local or neighborhood facility: A city facility serving an area no larger than a community district or local service delivery district (pursuant to Section 2704 of the Charter), in which the majority of persons served by the facility live or work (see Attachment A).
- e) Regional or citywide facility: A facility which serves two or more community districts or local service delivery districts, an entire borough, or the city as a whole and which may be located in any of several different areas consistent with the specific criteria for that facility as described in the Citywide Statement of Needs pursuant to Section 204 of the Charter (see Attachment B).

f) Significant expansion: An addition of real property by purchase, lease or interagency transfer, or construction of an enlargement, which would expand the lot area, floor area or capacity of a city facility by 25 percent or more and by at least 500 square feet. An expansion of less than 25 percent shall be deemed significant if it, together with expansions made in the prior three-year period, would expand the facility by 25 percent or more and by at least 500 square feet.

g) Significant reduction: A surrender or discontinuance of the use of real property that would reduce the size or capacity to deliver service of a city facility by 25 percent or more. A reduction of less than 25 percent shall be deemed significant if it, together with reductions made in the prior three-year period, would reduce the facility by 25 percent or more.

#### **Article 4. Criteria for Siting or Expanding Facilities.**

The following criteria and procedures apply to the siting of all new facilities other than administrative offices and data processing facilities and the significant expansion of such facilities.

**4.1** The sponsoring agency and, for actions subject to the Uniform Land Use Review Procedure (ULURP) or review pursuant to Section 195 of the Charter, the City Planning Commission, shall consider the following criteria:

- a) Compatibility of the facility with existing facilities and programs, both city and non-city, in the immediate vicinity of the site.
- b) Extent to which neighborhood character would be adversely affected by a concentration of city and/or non-city facilities.
- c) Suitability of the site to provide cost-effective delivery of the intended services. Consideration of sites shall include properties not under city ownership, unless the agency provides a written explanation of why it is not reasonable to do so in this instance.
- d) Consistency with the locational and other specific criteria for the facility identified in the Statement of Needs or, if the facility is not listed in the Statement, in a subsequent submission to a Borough President.
- e) Consistency with any plan adopted pursuant to Section 197-a of the Charter.

**4.2** *Procedures for Consultation.* In formulating its facility proposals, the sponsoring agency shall:

- a) Consider the Mayor's and Borough President's strategic policy statements, the Community Board's Statement of District Needs and Budget Priorities, and any published Department of City Planning land use plan for the area.
- b) Consider any comments received from the Community Boards or Borough Presidents and any alternative sites proposed by a Borough President pursuant to Section 204(f) of the Charter, as well as any comments or recommendations received in any meetings, consultations or communications with the Community Boards or Borough Presidents. If the Statement of Needs has identified the community district where a proposed facility would be sited, then, upon the written request of the affected Community Board, the sponsoring agency should attend the Board's hearing on the Statement. If the community district is later identified, then the sponsoring agency shall at that point notify the Community Board and offer to meet with the board or its designee to discuss the proposed program.

#### **Article 5. Criteria for Siting or Expanding Local/Neighborhood Facilities.**

In addition to the criteria and procedures stated in Article 4, the following criteria and procedures apply to the siting of new local or neighborhood facilities other than administrative offices and data processing facilities, and the significant expansion of such facilities (see Attachment A).

**5.1** The sponsoring agency and, for actions subject to ULURP or review pursuant to Section 195 of the Charter, the City Planning Commission, shall consider the following criteria:

- a) Need for the facility or expansion in the community or local service delivery district. The sponsoring agency should prepare an analysis which identifies the conditions or characteristics that indicate need within a local area (e.g., infant mortality rates, facility utilization rates, emergency response time, parkland/population ratios) and which assesses relative needs among communities for the service provided by the facility. New or expanded facilities should, wherever possible, be located in areas with low ratios of service supply to service demand.
- b) Accessibility of the site to those it is intended to serve.

**5.2** A Community Board may choose to designate or establish a committee to monitor selected local facilities after siting approval pursuant to these criteria. Following site selection and approval for such a facility, the sponsoring agency and Community Board shall jointly establish a mutually acceptable procedure by which the agency periodically reports to the committee regarding the plans and procedures that may affect the compatibility of the facility with the surrounding community and responds to community concerns.

#### **Article 6. Criteria for Siting or Expanding Regional/Citywide Facilities.**

In addition to the criteria and procedures stated in Article 4, the following criteria and procedures apply to the siting of new regional and citywide facilities other than administrative offices and data processing facilities, and the significant expansion of such facilities (see Attachment B).

**6.1** The sponsoring agency and, for actions subject to ULURP or review pursuant to Section 195 of the Charter, the City Planning Commission, shall consider the following criteria:

- a) Need for the facility or expansion. Need shall be established in a citywide or borough-wide service plan or, as applicable, by inclusion in the city's ten-year capital strategy, four-year capital program, or other analyses of service needs.
- b) Distribution of similar facilities throughout the city. To promote the fair geographic distribution of facilities, the sponsoring agency should examine the distribution among the boroughs of existing and proposed facilities, both city and non-city, that provide similar services, in addition to the availability of appropriately zoned sites.
- c) Size of the facility. To lessen local impacts and increase broad distribution of facilities, the new facility or expansion should not exceed the minimum size necessary to achieve efficient and cost-effective delivery of services to meet existing and projected needs.
- d) Adequacy of the streets and transit to handle the volume and frequency of traffic generated by the facility.

**6.2** Where practicable, the Mayor may initiate and sponsor a consensus building process to determine the location of a proposed regional facility. A Borough President may submit a written request for such a process if the request is made within 90 days of publication of the Statement of Needs or, if the facility is not listed in the Statement, within 30 days of a subsequent submission to the Borough President.

In the consensus building process, representatives of affected interests will convene to assess potential sites in accordance with these criteria and the specific criteria set forth in the Statement of Needs. The participants may include but need not be limited to representatives of the Mayor, the sponsoring agency, the Borough President(s), and the affected Community Board(s). The participants may review any issue relevant to site selection under these criteria. The process shall be completed within a reasonable time period to be determined by the Mayor. If location of the facility is subject to ULURP, the process shall be completed prior to submission of a ULURP application. If the participants (including the sponsoring agency) reach consensus, the agency will submit whatever agreements were reached regarding the facility and site to the City Planning Commission as part of its ULURP application for the site. If no such consensus is reached, the sponsoring agency may initiate ULURP, if applicable, for its proposed site.

**6.3** Upon the request of the Borough President and/or Community Board, a sponsoring agency and Community Board shall establish a facility monitoring committee, or designate an existing Community Board committee, to monitor a facility following selection and approval of its site. The agency shall inform the committee of plans and procedures that may affect the compatibility of the facility with the surrounding community. Once the facility is constructed, the sponsoring agency shall meet with the committee according to a schedule established by the committee and agency to report on the status of those plans and procedures and to respond to community concerns. The committee may also submit reports to the agency head addressing outstanding issues. The agency head shall respond to the committee's report within 45 days and shall identify the actions, if any, that the agency plans in response to such concerns.

**6.4** Transportation and Waste Management Facilities. Transportation and waste management facilities (see Attachment B) are subject to the following criteria in addition to those stated in Article 4 and Sections 6.1, 6.2, and 6.3.

**6.41** The proposed site should be optimally located to promote effective service delivery in that any alternative site actively considered by the sponsoring agency or identified pursuant to Section 204(f) of the Charter would add significantly to the cost of constructing or operating the facility or would significantly impair effective service delivery.

**6.42** In order to avoid aggregate noise, odor, or air quality impacts on adjacent residential areas, the sponsoring agency and the City Planning Commission, in its review of the proposal, shall take into consideration the number and proximity of existing city and non-city facilities, situated within approximately a one-half mile radius of the proposed site, which have similar environmental impacts.

**6.5** Residential Facilities. Regional or citywide residential facilities (see Attachment B) are subject to the following criteria in addition to those stated in Article 4 and Sections 6.1, 6.2, and 6.3.

**6.51** Undue concentration or clustering of city and non-city facilities providing similar services or serving a similar population should be avoided in residential areas.

**6.52** Necessary support services for the facility and its residents should be available or provided.

**6.53** In community districts with a high ratio\* of residential facility beds to population, the proposed siting shall be subject to the following additional considerations:

a) Whether the facility, in combination with other similar city and non-city facilities within a defined area surrounding the site (approximately a half-mile radius, adjusted for significant physical boundaries), would have a significant cumulative negative impact on neighborhood character.

b) Whether the site is well located for efficient service delivery.

c) Whether any alternative sites actively considered by the sponsoring agency or identified pursuant to Section 204(f) of the Charter which are in community districts with lower ratios of residential facility beds to population than the citywide average would add significantly to the cost of constructing or operating the facility or would impair service delivery.

To facilitate this evaluation, the Department of City Planning will publish annually an index of the number of beds per thousand population, by type of residential facility (as set forth in Appendix C) and overall, in each community district. The index will be based upon the number of beds in all city, state, federal, and private facilities in operation or approved for operation.

## **Article 7. Criteria for Siting or Expanding Administrative Offices and Data Processing Facilities.**

The following criteria apply to the siting of new city administrative offices and data processing facilities and the significant expansion of such facilities, pursuant to Section 195 of the City Charter.

**7.1** The sponsoring agency and the City Planning Commission shall consider the following criteria:

a) Suitability of the site to provide cost-effective operations.

b) Suitability of the site for operational efficiency, taking into consideration its accessibility to staff, the public and/or other sectors of city government.

c) Consistency with the locational and other specific criteria for the facility stated in the Statement of Needs.

d) Whether the facility can be located so as to support development and revitalization of the city's regional business districts without constraining operational efficiency.

## **Article 8. Criteria for Closing or Reducing Facilities.**

The following criteria and procedures apply to the closing of existing facilities and the significant reduction in size or capacity to deliver service of existing facilities.

**8.1** The sponsoring agency shall consider the following criteria:

a) The extent to which the closing or reduction would create or significantly increase any existing imbalance among communities of service levels relative to need. Wherever possible, such actions should be proposed for areas with high ratios of service supply to service demand.

b) Consistency with the specific criteria for selecting the facility for closure or reduction as identified in the Statement of Needs.

**8.2** In proposing facility closings or reductions, the sponsoring agency shall consult with the affected Community Board(s) and Borough President about the alternatives within the district or borough, if any, for achieving the planned reduction and the measures to be taken to ensure adequate levels of service.

## **Article 9. Actions not Subject to the Uniform Land Use Review Procedure or Section 195.**

**9.1** Whenever an agency takes an action with respect to a city facility that is subject to these criteria but is not subject to ULURP or to Charter Section 195 review, the agency shall submit a statement to the Mayor, with copies to the affected Community Board(s), Borough President, and Department of City Planning, which describes the agency's consideration and application of the relevant sections of these criteria, and states the reasons for any inconsistencies.

## **Attachment A**

### **Local / Neighborhood Facilities\***

Branch libraries

Community cultural programs

Community health/mental health services

Community-based social programs

Day care centers  
Drop-off recycling centers  
Employment centers  
Fire stations  
Local, non-residential drug prevention and/or treatment centers  
Local parks  
Parking lots/garages  
Police precincts  
Sanitation garages  
Senior centers

\* List is illustrative and should not be considered to include all such facilities.

## **Attachment B**

### ***Regional / Citywide Facilities:***\*

Administrative offices  
Courts  
Data processing facilities  
Department of Health centers  
Income maintenance centers  
Maintenance/storage facilities  
Museums, zoos, performance centers, galleries and gardens  
Regional, non-residential drug prevention and/or treatment centers  
Regional parks

### ***Transportation and Waste Management Facilities:***

Airports, heliports  
Ferry terminals  
Sewage treatment plants  
Sludge management and transfer facilities  
Solid waste transfer and recycling facilities  
Solid waste landfills  
Solid waste incinerators, resource recovery plants

### ***Residential Facilities:***

Group homes/halfway houses  
Hospices  
Nursing homes/health-related facilities  
Prisons, jails, detention, remand facilities  
Residential facilities for children  
Residential substance abuse facilities  
Secure and non-secure detention facilities for children  
Supported housing for people with mental health or physical problems  
Temporary housing  
Transitional housing

\* List is illustrative and should not be considered to include all such facilities.

## **Attachment C**

### ***Types of Residential Facilities (as referenced in Section 6.53) \****

- a) Correctional facilities, including prisons, jails, detention and remand facilities, and secure detention for children
- b) Nursing homes and health-related facilities, including hospices
- c) Small residential care facilities and temporary housing facilities, serving no more than 25 people, including group homes, halfway houses, residential facilities for children, residential substance abuse and mental health/retardation facilities, supported housing, shelters, temporary and transitional housing, non-secure detention for children

d) Large temporary and transitional housing facilities, providing shelter or transitional housing for more than 25 people

e) Large residential care facilities, serving more than 25 people, including halfway houses, residential facilities for children, homes for adults, residential substance abuse and mental health/retardation facilities, supported housing, psychiatric centers

\* Lists by type are illustrative and should not be considered to include all such facilities.