

GREEN FAST TRACK FOR HOUSING CEQR TYPE II RULEMAKING

Environmental Assessment Statement (EAS)

CEQR #: 24DCP065Y

December 8, 2023

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New York City Department of City Planning, on
behalf of City Planning Commission as lead
agency



City Environmental Quality Review

ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

FOR UNLISTED ACTIONS ONLY • Please fill out and submit to the appropriate agency ([see instructions](#))

Part I: GENERAL INFORMATION

1. Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)? YES NO

If “yes,” STOP and complete the [FULL EAS FORM](#).

2. **Project Name** Green Fast Track for Housing CEQR Type II Rulemaking

3. Reference Numbers

CEQR REFERENCE NUMBER (to be assigned by lead agency)

24DCP065Y

BSA REFERENCE NUMBER (if applicable)

N/A

ULURP REFERENCE NUMBER (if applicable)

N/A

OTHER REFERENCE NUMBER(S) (if applicable)

(e.g., legislative intro, CAPA) N/A

4a. Lead Agency Information

NAME OF LEAD AGENCY

New York City Department of City Planning

4b. Applicant Information

NAME OF APPLICANT

New York City Office of the Mayor

NAME OF LEAD AGENCY CONTACT PERSON

Stephanie Shelloe

NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON

Robert Holbrook

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5. Project Description

As part of the City's Get Stuff Built initiative and in furtherance of its efforts to foster greater energy efficiency, the New York City (NYC) Planning Commission acting through the Department of City Planning, the NYC Department of Housing Preservation and Development, the NYC Board of Standards and Appeals, and the Mayor's Office of Environmental Coordination on behalf of the Office of the Mayor, have proposed to adopt rules to designate actions that facilitate small- and medium-scale green housing projects as Type II actions (“the proposed rules”). These four city agencies are the agencies that most often approve, fund, or undertake projects to enable new housing and typically act as the lead agency under the City Environmental Quality Review process for such actions. In conjunction with the proposed rules, the NYC Department of Environmental Protection will amend its existing rules to clarify that identification of an action as a Type II actions is a form of environmental determination that is also covered by SEQRA and CEQR. These five city agencies anticipate conducting a joint rulemaking process pursuant to the City Administrative Procedure Act (CAPA). Please see attached Project Description for more details.

Project Location

BOROUGH Citywide

COMMUNITY DISTRICT(S) N/A

STREET ADDRESS N/A

TAX BLOCK(S) AND LOT(S) N/A

ZIP CODE N/A

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS N/A

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY

citywide

ZONING SECTIONAL MAP NUMBER N/A

6. Required Actions or Approvals (check all that apply)

City Planning Commission: YES NO UNIFORM LAND USE REVIEW PROCEDURE (ULURP) CITY MAP AMENDMENT ZONING CERTIFICATION CONCESSION ZONING MAP AMENDMENT ZONING AUTHORIZATION UDAAP ZONING TEXT AMENDMENT ACQUISITION—REAL PROPERTY REVOCABLE CONSENT SITE SELECTION—PUBLIC FACILITY DISPOSITION—REAL PROPERTY FRANCHISE HOUSING PLAN & PROJECT OTHER, explain: Rulemaking SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: YES NO

VARIANCE (use)
 VARIANCE (bulk)
 SPECIAL PERMIT (if appropriate, specify type: modification; renewal; other); EXPIRATION DATE:
 SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: YES NO Cogeneration Facility Title V Permit

Other City Approvals Subject to CEQR (check all that apply)

LEGISLATION FUNDING OF CONSTRUCTION, specify:
 RULEMAKING POLICY OR PLAN, specify:
 CONSTRUCTION OF PUBLIC FACILITIES FUNDING OF PROGRAMS, specify:
 384(b)(4) APPROVAL PERMITS, specify:
 OTHER, explain:

Other City Approvals Not Subject to CEQR (check all that apply)

PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC) LANDMARKS PRESERVATION COMMISSION APPROVAL
 OTHER, explain:

State or Federal Actions/Approvals/Funding: YES NO If "yes," specify:

7. Site Description: *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

Graphics: *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

SITE LOCATION MAP ZONING MAP SANBORN OR OTHER LAND USE MAP
 TAX MAP FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
 PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): N/A Waterbody area (sq. ft) and type: N/A
 Roads, buildings, and other paved surfaces (sq. ft.): N/A Other, describe (sq. ft.): N/A

8. Physical Dimensions and Scale of Project (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): Citywide
 NUMBER OF BUILDINGS: N/A GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A
 HEIGHT OF EACH BUILDING (ft.): N/A NUMBER OF STORIES OF EACH BUILDING: N/A

Does the proposed project involve changes in zoning on one or more sites? YES NO
 If "yes," specify: The total square feet owned or controlled by the applicant: N/A
 The total square feet not owned or controlled by the applicant: N/A

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? YES NO
 If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):
 AREA OF TEMPORARY DISTURBANCE: N/A sq. ft. (width x length) VOLUME OF DISTURBANCE: N/A cubic ft. (width x length x depth)
 AREA OF PERMANENT DISTURBANCE: N/A sq. ft. (width x length)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	Commercial	Community Facility	Industrial/Manufacturing
Size (in gross sq. ft.)	N/A	N/A	N/A	N/A
Type (e.g., retail, office, school)	N/A units	N/A	N/A	N/A

Does the proposed project increase the population of residents and/or on-site workers? YES NO
 If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: N/A NUMBER OF ADDITIONAL WORKERS: N/A
 Provide a brief explanation of how these numbers were determined: N/A

Does the proposed project create new open space? YES NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? YES NO
 If "yes," see [Chapter 2](#), "Establishing the Analysis Framework" and describe briefly: See attached project description.

9. Analysis Year [CEQR Technical Manual Chapter 2](#)

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2024		
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N/A		
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		IF MULTIPLE PHASES, HOW MANY?
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A		
10. Predominant Land Use in the Vicinity of the Project (check all that apply)		
<input type="checkbox"/> RESIDENTIAL	<input type="checkbox"/> MANUFACTURING	<input type="checkbox"/> COMMERCIAL
<input type="checkbox"/> PARK/FOREST/OPEN SPACE	<input checked="" type="checkbox"/> OTHER, specify: Rules would apply citywide.	

Part II: TECHNICAL ANALYSIS


INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project’s impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the “no” box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the “yes” box.
- For each “yes” response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a “yes” answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Short EAS Form. For example, if a question is answered “no,” an agency may request a short explanation for this response.

	YES	NO
1. LAND USE, ZONING, AND PUBLIC POLICY: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Is there the potential to affect an applicable public policy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) If “yes,” to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If “yes,” complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City’s Waterfront Revitalization Program boundaries ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If “yes,” complete the Consistency Assessment Form . See Appendix X.		
2. SOCIOECONOMIC CONDITIONS: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
o Generate a net increase of 200 or more residential units?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Generate a net increase of 200,000 or more square feet of commercial space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 500 residents?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Directly displace more than 100 employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Affect conditions in a specific industry?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. COMMUNITY FACILITIES: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
o Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Indirect Effects		
o Early Childhood Programs: Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Public Schools: Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Libraries: Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o Health Care Facilities and Fire/Police Protection: Would the project result in the introduction of a sizeable new neighborhood?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4. OPEN SPACE: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the project generate more than 200 additional residents or 500 additional employees?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5. SHADOWS: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6. HISTORIC AND CULTURAL RESOURCES: CEQR Technical Manual Chapter 9		

	YES	NO
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources. See technical analyses.		
7. URBAN DESIGN AND VISUAL RESOURCES: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. NATURAL RESOURCES: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11 ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed ?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
o If "yes," complete the Jamaica Bay Watershed Protection Plan Project Tracking Form , and submit according to its instructions . See Appendix X.		
9. HAZARDOUS MATERIALS: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new activities or processes using hazardous materials and increase the risk of human or environmental exposure?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(d) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in the Hazardous Materials Appendix (including nonconforming uses)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(f) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (e.g., gas stations, oil storage facilities, heating oil storage)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(g) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(i) Has a Phase I Environmental Site Assessment been performed for the site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	<input type="checkbox"/>	<input type="checkbox"/>
(j) Based on the Phase I Assessment, is a Phase II Investigation needed?	<input type="checkbox"/>	<input type="checkbox"/>
10. WATER AND SEWER INFRASTRUCTURE: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If the proposed project located in a separately sewered area , would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas , including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	YES	NO
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. SOLID WASTE AND SANITATION SERVICES: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14 , the project's projected operational solid waste generation is estimated to be (pounds per week): N/A		
o Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. ENERGY: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15 , the project's projected energy use is estimated to be (annual BTUs): N/A		
(b) Would the proposed project affect the transmission or generation of energy?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. TRANSPORTATION: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
o Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? <i>**It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.</i>	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 subway/rail, bus trips, or 50 Citywide Ferry Service ferry trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction), 200 subway/rail trips per station or line, or 25 or more Citywide Ferry Service ferry trips on a single route (in one direction), or 50 or more passengers at a Citywide Ferry Service landing?	<input type="checkbox"/>	<input type="checkbox"/>
o Would the proposed project result in more than 200 pedestrian trips per project peak hour?	<input type="checkbox"/>	<input type="checkbox"/>
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop, or Citywide Ferry Service landing?	<input type="checkbox"/>	<input type="checkbox"/>
14. AIR QUALITY: CEQR Technical Manual Chapter 17		
(a) <i>Mobile Sources:</i> Would the proposed project result in the conditions outlined in Section 210 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) <i>Stationary Sources:</i> Would the proposed project result in the conditions outlined in Section 220 in Chapter 17 ?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17 ? (Attach graph as needed)	<input type="checkbox"/>	<input type="checkbox"/>
(c) Does the proposed project involve multiple buildings on the project site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(e) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
15. GREENHOUSE GAS EMISSIONS: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project fundamentally change the City's solid waste management system?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18 ?	<input type="checkbox"/>	<input type="checkbox"/>
16. NOISE: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) Would the proposed project introduce new or additional receptors (see Section 114 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
(d) Does the proposed project site have existing institutional controls (e.g., (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
17. PUBLIC HEALTH: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality;	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		YES	NO
Hazardous Materials; Noise?			
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20 , "Public Health." Attach a preliminary analysis, if necessary.			
18. NEIGHBORHOOD CHARACTER: CEQR Technical Manual Chapter 21			
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21 , "Neighborhood Character." Attach a preliminary analysis, if necessary.			
19. CONSTRUCTION: CEQR Technical Manual Chapter 22			
(a) Would the project's construction activities involve:			
<input type="checkbox"/> Construction activities lasting longer than two years?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction activities within a Central Business District or along an arterial highway or major thoroughfare?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, etc.)?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> The operation of several pieces of diesel equipment in a single location at peak construction?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Closure of a community facility or disruption in its services?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Activities within 400 feet of a historic or cultural resource?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Disturbance of a site containing or adjacent to a site containing natural resources?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22 , "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. N/A			
20. APPLICANT'S CERTIFICATION			
I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.			
Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.			
APPLICANT/REPRESENTATIVE NAME Robert Holbrook, Executive Director, Get Stuff Built New York City Mayor's Office		DATE 12/08/2023	
SIGNATURE 			

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

Potentially Significant Adverse Impact

IMPACT CATEGORY	Potentially Significant Adverse Impact	
	YES	NO
Land Use, Zoning, and Public Policy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Socioeconomic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Community Facilities and Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Open Space	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Shadows	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Historic and Cultural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Urban Design/Visual Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Natural Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Water and Sewer Infrastructure	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Solid Waste and Sanitation Services	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Greenhouse Gas Emissions	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Public Health	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Neighborhood Character	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Construction	<input type="checkbox"/>	<input checked="" type="checkbox"/>

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials?

YES NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

- Positive Declaration:** If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).
- Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.
- Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see [template](#)) or using the embedded Negative Declaration on the next page.

4. LEAD AGENCY'S CERTIFICATION

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission
NAME Stephanie Shellooe, AICP, Director	DATE December 8, 2023
SIGNATURE 	

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

The City Planning Commission (CPC) proposes to amend Title 62, Chapter 5 of the Rules of the City of New York to exempt certain housing and related actions from review under SEQRA and CEQR procedures (the proposed rules). The proposed rules would exempt new housing of up to 250 units in mid- and higher-density residential areas and under certain circumstances, in commercial and manufacturing areas, and up to 150 units in lower density residential areas of the City from SEQRA and CEQR if the housing developments satisfy conditions which will ensure that they have no environmental impacts. The purpose of the amendment is to avoid unnecessary and time-consuming environmental analyses when the CPC considers proposed housing development up to a certain size, and accompanying small commercial developments, where those developments will not have significant adverse environmental impacts. The proposed rules will apply citywide but would not change land use and zoning patterns. Projects located within a Special Coastal Risk District mapped in Article XIII, Chapter 7 of the NYC Zoning Resolution (ZR) would not be eligible for Type II determination under the proposed rules. The proposed rules are consistent with public policies such as PlaNYC/OneNYC and Get Stuff Built; they will support the City's housing production goals, reduce costs and delays related to environmental review while maintain critical environmental protection measures. In addition, DCP's Climate and Sustainability Planning Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action concurs that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy (WRP# 23-210). Therefore, the promulgation of the proposed rules, which include size and location thresholds to facilitate specific development outcomes and required coastal zone-related conditions to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on land use, zoning, or public policy.

Shadows

To protect against the potential for significant adverse shadows impacts, the proposed rules impose conditions that must be met before these actions can be classified Type II actions. The action shall not enable construction of a new building or other structure or enlargement of an existing building or structure with a maximum possible height greater than 250 feet, including all rooftop bulkheads, mechanical equipment, parapets, and any other parts of the building, or with a maximum possible height greater than 50 feet if substantially contiguous to a public open space other than a city street or sidewalk, natural resource or an architectural sunlight sensitive resource identified by LPC, unless such open space, natural resource or sunlight sensitive resource is entirely within the area that cannot be shaded as described in the Tier 2 assessment in the *CEQR Technical Manual* or is an architectural resource that is located on a facade that faces directly away from a developable site. Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the Type II determination, as they would not result in any potential for significant adverse shadows impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required shadow-related conditions to be satisfied prior to Type II determination, would not result in the potential for any significant adverse shadows impacts.

Historic and Cultural Resources

To protect against potential significant adverse site-specific impacts on archaeological or architectural resources, or impacts on off-site architectural resources that could result from construction activities, the proposed rules impose conditions that must be met before these actions could be classified as Type II. The applicant or development site owner must obtain a determination from LPC whether any developable site is located in an archaeologically sensitive area and if it is, complete an archeological documentary study for that site and obtain a writing from LPC that the development of such sites does not raise archaeological concerns. The applicant or development site owner needs to obtain a determination from LPC stating whether any developable site is designated, calendared for consideration, or eligible for designation as a NYC Landmark or Historic District, is formally determined to be eligible for inclusion on the National Register of Historic Places or the New York State Register of Historic Places (S/NR), or is substantially contiguous to a sunlight sensitive architectural resource. If it is, obtain a writing from LPC that the development of such site does not raise historic preservation concerns. The applicant or development site owner needs to commit to prepare and implement a Construction Protection Plan (CPP) consistent with the requirements of NYC Department of Buildings (DOB) Technical Policy and Procedure Notice #10/88 for a development site located at least partially within 90 feet of a building or site determined to be formally eligible for listing on the S/NR or of a building or site that is eligible for designation as a NYC Landmark or Historic District. Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse impacts on historic and cultural resources. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required conditions related to historic and cultural resources that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on historic and cultural resources.

Hazardous Materials

To protect against potential significant, adverse site-specific hazardous materials impacts or impacts from off-site hazardous materials conditions, the proposed rules impose conditions that must be met before these actions can be classified as Type II actions. The applicant or development site owner needs to complete a Phase I Environmental Site Assessment for the development site should the site not have an (E) designation for hazardous materials pursuant to section 11-15 of the Zoning Resolution at the time of the application and obtained written signoff from the lead agency, or agreed either to the establishment of an (E) designation for hazardous materials pursuant to section 11-15 of the Zoning Resolution on the developable sites or where the development site will be developed pursuant to a regulatory

Project Name: Green Fast Track for Housing CEQR Type II Rulemaking

CEQR # 24DCP065Y

SEQRA Classification: Unlisted

agreement with a government agency, agree to comply with protections and development oversight requirements equivalent to an (E) designation found in 15 RCNY Chapter 24 to be contained in such regulatory agreement. Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for proposed Type II determination, as they would not result in any potential for significant adverse hazardous materials impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and hazardous materials-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts related to hazardous materials.

Air Quality

To protect against potential significant adverse air quality impacts, the proposed rules impose conditions that must be met before these actions can be classified as Type II actions. To avoid impact from proposed project on surrounding uses, the applicant or development site owner shall not burn fossil fuels to supply heat or hot water to any new building or any enlargement of an existing building on the development site. To avoid impact from surrounding uses on proposed project, for developable sites within 400 feet of any existing air emission source with an active or expired industrial permit issued by the NYC Department of Environmental Protection (DEP) or within 400 feet of any unpermitted industrial source, confirmed to the lead agency based on the emission limits in the permit(s), or, for an unpermitted source, the estimated emission limits from similar source permit(s) provided by the lead agency that concentrations of any pollutant regulated by the permit(s) or identified by the lead agency for any unpermitted source will not exceed the corresponding Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) in the New York State Department of Environmental Conservation Division of Air Resources Guidelines for evaluation and Control of Ambient Air Contaminants (DAR-1) at such developable site, as determined in accordance with the industrial source screen in Appendix B of the proposed rule. To avoid mobile, stationary, and large-scale sources impacts, no portion of any developable site shall be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel; or within 1000 feet of an air emissions source that operates under a permit issued pursuant to subpart 201-5 of 6 NYCRR (State facility permits) or subpart 201-6 of 6 NYCRR (Clean Air Act Title V permits). Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse air quality impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required air quality-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on air quality.

Noise

To protect against potential significant adverse noise impacts, the proposed rules impose conditions that must be met before these actions can be classified as Type II actions. The applicant or development site owner needs to have provided to the lead agency outdoor noise sampling showing less than 70 A-weighted decibels (dBA) L10 ambient noise levels at the development site and for all developable sites within the line of sight of any railway or subway, less than 65 dBA Ldn ambient noise levels and confirmed that all developable sites are outside the 65 DNL contours established in the current Noise Exposure Map (NEM) Report for John F. Kennedy Airport and LaGuardia Airport. Alternatively, the applicant or development site owner has the option to agree to establishment of an (E) designation for noise pursuant to section 11-15 of the Zoning Resolution on a developable site, or where the development site will be developed pursuant to a regulatory agreement with a government agency, comply with protections equivalent to those imposed by an (e) designation for noise attenuation contained in such regulatory agreement. Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse noise impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required noise-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse noise impacts.

Construction


To protect against potential significant, adverse long-term construction impacts, the proposed rules would impose conditions for actions that facilitate specific development outcomes. The conditions would make such actions with an anticipated project construction duration of up to 24 months and consecutive construction duration for all contiguous developable sites of up to 24 months eligible for Type II determination. Actions that will facilitate specific development outcomes which would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination as they would not result in any potential for significant adverse construction impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and require construction-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse construction impacts.

Project Name: Green Fast Track for Housing CEQR Type II Rulemaking

CEQR # 24DCP065Y

SEQRA Classification: Unlisted

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Stephanie Shellooe at 212-720-3328.

TITLE Director, Environmental Assessment and Review Division	LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 st Fl. New York, NY 10271 212.720.3328
NAME Stephanie Shellooe, AICP	DATE 12/8/2023
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 12/11/2023
SIGNATURE	

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I. PROJECT DESCRIPTION

1. Proposed Action

Introduction

The State regulations governing the process of environmental review under the State Environmental Quality Review Act (SEQRA) include a list of actions, identified as Type II actions, for which environmental review is not required. These regulations also permit local agencies to designate additional actions as Type II. See 6 NYCRR § 617.5(b). Accordingly, as part of the City's *Get Stuff Built* initiative and in furtherance of its efforts to foster greater energy efficiency, the New York City (NYC) Planning Commission (CPC) acting through the Department of City Planning (DCP), the NYC Department of Housing Preservation and Development (HPD), the NYC Board of Standards and Appeals (BSA), and the Mayor's Office of Environmental Coordination (MOEC) on behalf of the Office of the Mayor, have proposed to adopt rules to designate actions that facilitate small- and medium-scale green housing projects as Type II actions ("the proposed rules"). These four city agencies are the agencies that most often approve, fund, or undertake projects to enable new housing and typically act as the lead agency under the City Environmental Quality Review (CEQR) process for such actions. In conjunction with the proposed rules, the NYC Department of Environmental Protection (DEP) will amend its existing rules to clarify that identification of an action as a Type II action is a form of determination that is also covered by SEQRA and CEQR. These five city agencies anticipate conducting a joint rulemaking pursuant to the City Administrative Procedure Act (CAPA). See New York City Charter, Chapter 45. DCP is acting on behalf of the CPC as the lead agency for the environmental review of this proposed action.

In summary, the proposed rules will exempt new housing of up to 250 units in mid- and higher-density residential areas and under certain circumstances, in commercial and manufacturing areas, and up to 175 units in lower density residential areas of the City from review pursuant to SEQRA and CEQR if the housing developments satisfy conditions which will ensure that they have no environmental impacts. These rules will further the City's housing and climate goals by removing unnecessary obstacles hindering new housing development and incentivizing green and energy efficient housing. The proposed rules will reduce the cost and time needed to obtain approvals for new housing, encouraging the development of much needed additional housing. They will encourage housing development that forgoes reliance on fossil fuels and make it less difficult to provide low carbon footprint housing near public transit. All of this can be accomplished without any reduction in environmental protections.

SEQRA vests municipal agencies, including the City Planning Commission ("CPC"), HPD, BSA, DEP, and MOEC on behalf of the Mayor's Office with authority to designate Type II actions and the City Charter vests NYC agencies with authority to adopt rules to carry out their work. In addition, MOEC has the authority to develop and maintain technical standards and methodologies for environmental review. See 6 NYCRR § 617.5(b); New York City Charter §§ 192(e), 1043; 62 RCNY § 5-04(c)(1); New York City Mayoral Executive Order 149 of 2011. The proposed rules would supplement the list of Type II actions in the SEQRA regulations (6 NYCRR § 617.5(c)) and are not intended to limit or alter any Type II action listed in the SEQRA regulations.

The proposed rules designate actions that facilitate certain housing developments as Type II, which would not require environmental review. The SEQRA regulations require that actions designated as Type II meet two conditions: first, the actions will not result in significant adverse environmental impacts, as defined by the criteria set forth in the SEQRA regulations, and second, the actions are not Type I actions,

as Type I actions are presumed to have significant impacts on the environment. See 6 NYCRR § 617.5(b)(1), (2). The proposed rules include criteria designed to satisfy both of these conditions. These conditions are guaranteed by the size thresholds, locational limitations, and other requirements included in the proposed rule which resulted from comprehensive research by the adopting agencies of past environmental reviews.

As shown by the extensive data collection and research that was conducted by the five agencies, certain actions that facilitate small- and medium-scale housing developments do not result in significant adverse impacts on the environment. During the research that included analyzing more than 1,100 projects, including more than 500 small to medium sized residential development projects, several outliers were identified and reviewed in more detail to identify the root cause of any disclosed impacts and whether or not they were unique to the project. The proposed rules include criteria to exclude such outliers from eligibility for the new Type II. The outlier projects are discussed in greater detail below.

Proposed Rules Text

The proposed rules text is attached in Appendix D. Under the proposed rules the following actions would be exempt from CEQR and SEQRA:

(1) Actions that enable incremental development of at least 1 and no more than 250 new dwelling units or new income-restricted dwelling units, and no more than 35,000 gross square feet of space for non-residential uses, which includes no more than 25,000 gross square feet of space for commercial uses and no more than 25,000 gross square feet of community facility space, and which at the time of application are:

(i) located wholly within an existing R5 through R10 Residence zoning district, provided that such action does not include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district; or

(ii) located in an existing stand-alone Commercial zoning or Manufacturing zoning district and are being developed pursuant to a regulatory agreement or lease with a government agency to develop housing or a decision by the Board of Standards and Appeals authorizing residential development; or

(2) Actions that enable incremental development of at least 1 and no more than 175 new dwelling units or new income restricted dwelling units, and no more than 20,000 gross square feet of space for non-residential uses, which includes no more than 10,000 gross square feet of space for commercial uses, and no more than 10,000 gross square feet of community facility space, and which at the time of application, are located at least partially within an existing R1 through R4 Residence zoning district, provided that such action shall not include actions that include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district.

For the purposes of this analysis, “specific development outcomes” will be used to refer to developments of a certain size, use, and location, that are facilitated by a variety of actions which would be designated Type II actions, as described under #1 and #2 above.

Under the proposed rules the following conditions would ensure that no significant adverse impacts would occur:

(1) The applicant or development site owner shall not burn fossil fuels to supply heat or hot water to any new building or any enlargement of an existing building on the development site;

(2) The applicant or development site owner shall have complied with the following site-specific requirements:

(i) for developable sites that include one or more tax lots that do not have an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution at the time of the application, completed a Phase I Environmental Site Assessment for the development site and either:

(A) obtained a written signoff from the lead agency that no further environmental investigation is required or that a plan to address any hazardous materials is acceptable; or

(B) consented to the establishment of an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution and 15 RCNY Chapter 24 on the developable sites or where an (E) designation is not available and the development site will be developed pursuant to a regulatory agreement with a government agency, agree to comply with protections and development oversight requirements equivalent to an (E) designation found in 15 RCNY Chapter 24 to be contained in such regulatory agreement; and

(ii) obtained a determination from the New York City Landmarks Preservation Commission (LPC) stating whether any developable site is within an archaeologically sensitive area, is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District, is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, or is substantially contiguous to a sunlight sensitive architectural resource, and

(A) if LPC determines a developable site is within an archaeologically sensitive area, completed an archaeological document study for the development site and obtained a writing from LPC that the development of such development site does not raise archaeological concerns; and

(B) if LPC determines a developable site is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District or is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, obtained a writing from LPC that the development of such development site does not raise historic preservation concerns;

(iii) agreed to prepare and implement a Construction Protection Plan consistent with the requirements of the New York City Department of Buildings Technical Policy and Procedure #10/88 for a development site located at least partially within 90 feet of a building or site formally determined to be eligible for listing on the National Register of Historic Places or the New York State Register of Historic Places or of a building or site that is eligible for designation as a New York City Landmark or Historic District;

(iv) for developable sites within 1000 feet of an air emissions source that operates under a permit issued pursuant to subpart 201-5 of title 6 of the New York Codes, Rules and Regulations

(New York State facility permits) or subpart 201-6 of such title (Clean Air Act Title V permits) or either within 400 feet of any existing air emission source with an active or expired industrial permit issued by the New York City Department of Environmental Protection or within 400 feet of any unpermitted industrial source, confirmed to the lead agency based on the emission limits in the permit(s) or, for any unpermitted source, the estimated emission limits from similar source permit(s) provided by the lead agency that concentrations of any pollutant regulated by the permit(s) or identified by the lead agency for any unpermitted source will not exceed the corresponding Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) in the New York State Department of Environmental Conservation Division of Air Resources Guidelines for Evaluation and Control of Ambient Air Contaminants (DAR-1) at such developable site, as determined in accordance with the industrial source screen in Appendix B of Chapter 5 of Title 62 of the rules of the city of New York (Industrial Air Quality Checklist).

(v) With respect to calculation of noise levels, either:

(A) provided to the lead agency representative peak hour outdoor noise sampling showing less than 70 A-weighted decibels (dBA) L10 ambient noise levels at all developable sites, and provided outdoor noise sampling for all developable site buildings within the line of sight of any railway or elevated subway showing less than 65 dBA Ldn ambient noise levels and confirmed that all developable sites are outside the 65 Day Night Average Sound Level contours established in the Noise Exposure Map (NEM) Report for John F. Kennedy Airport and LaGuardia Airport, or

(B) agreed to establishment of an (E) designation for noise pursuant to section 11-15 of the NYC Zoning Resolution on any developable sites that cannot meet the requirements of subparagraph (A) above, or where the development site will be developed pursuant to a regulatory agreement with a government agency, comply with protections equivalent to those imposed by an (E) designation for noise attenuation contained in such regulatory agreement.

(3) The projected duration of construction at each development site shall not be greater than 24 months and no consecutive projected construction period for all substantially contiguous developable sites shall be greater than 24 months.

(4) No portion of any developable site shall:

(i) be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel;

(ii) be located within in a Special Coastal Risk District mapped pursuant to Article XIII, Chapter 7 of the New York City Zoning Resolution; or

(iii) contain a natural resource.

(5) The action shall not enable construction of a new building or other structure or enlargement of an existing building or structure with a maximum allowable height greater than 250 feet, including all rooftop bulkheads, mechanical equipment, parapets, and any other parts of the building, or with a maximum possible height greater than 50 feet if substantially contiguous to a public open space other than a street or sidewalk, natural resource or an architectural sunlight sensitive resource identified by LPC under subparagraph (ii) of paragraph (2) of this subdivision

above, unless such open space, natural resource or sunlight sensitive resource is entirely within the area between -108° degrees from true north and +108 degrees from true north of the building or other structure or is an architectural resource that is located on a facade that faces directly away from a developable site.

Appendix to the Proposed Rule: Industrial Air Quality Checklist

To determine the potential for exceedance of the New York State Department of Environmental Conservation (DEC) Division of Air Resources Guidelines for Evaluation and Control of Ambient Air Contaminants (DAR-1) guidelines at a developable site resulting from industrial emissions, emissions from industrial sources within 400 feet of the development site shall be determined from emission limits in permits issued by the New York City Department of Environmental Protection (DEP) or for unpermitted sources, from the estimated emission limits provided by the lead agency and for Title V or state facility-permitted sources within 1000 feet of the development site, from the emissions limits in the DEC Title V or state facility permits. For purposes of this Appendix, industrial sources shall mean air emission sources (direct and fugitive emissions) that have or should have an existing or expired DEP Clean Air Tracking System industrial permit, concrete batching plants, or material handling facilities. The emissions from any existing industrial or state permitted source or emission assumptions for any unpermitted industrial source must first be converted into grams/second. This converted emission rate must then be multiplied by the value in the table below corresponding to the minimum distance between the industrial source and the proposed location of the new building to determine if the AGC/SGC values in the DAR-1 guidelines are exceeded. Values are provided for 1-hour and annual averages to enable the comparison of pollutant levels to SGCs (1- hour averaging period) or AGCs (annual averaging period).

Distance from Source	1-Hour Averaging Period (ug/m3)	Annual Averaging Period (ug/m3)
30 ft	124,848	5,251
60 ft	31,284	1,386
90 ft	13,936	645
120 ft	7,857	378
150 ft	5,038	252
180 ft	3,507	181
210 ft	2,599	138
240 ft	2,038	110
270 ft	1,684	90
300 ft	1,449	75
330 ft	1,282	64
360 ft	1,153	56
400 ft	1,015	47

Additional Agency Rulemaking

In addition to adopting the new Green Fast Track for Housing CEQR Type II rule, the CPC is proposing to amend the existing Type II list, found at 6 RCNY § 5-05(c)-(d), to delete two actions, one which refers to a now inapplicable special permit and one which is superseded by the proposed new rules, and to renumber the remaining actions and references (see Appendix D). The obsolete Type II action covers “Special permits for physical culture or health establishments of up to 20,000 gross square feet, pursuant to § 73-36 of the Zoning Resolution.” 6 RCNY § 5-05(c)(1). That permit was removed from the Zoning Resolution by the Health and Fitness Citywide Text Amendment (CEQR No. 21DCP183Y), for which a Negative Declaration was issued May 17, 2021. The superseded Type II action covers “Special permits for the enlargement of buildings containing residential uses by up to 10 units, pursuant to § 73-621 of the Zoning Resolution.” 62 RCNY § 5-05(c)(5). Despite deletion of this superseded rule, special permits for enlargement of buildings pursuant to ZR § 73-621 will continue to be categorized as Type II actions under the new rules if the new eligibility criteria are satisfied.

In addition, HPD, BSA, and MOEC are also each adopting all or a subset of the existing Type II list as their own agency rules. The existing Type II list was adopted in an earlier rulemaking and its potential for environmental effects was analyzed at that time pursuant to CEQR (CEQR No. 14DCP037Y). The analysis concluded that there was no potential for significant adverse impacts, and a Negative Declaration was issued on October 7, 2013. Modifications to that rule were analyzed in a subsequent Technical Memorandum issued December 18, 2013, which found that the proposed modifications did not alter the finding of no significant adverse impact. impact.

In conjunction with the proposed rules, DEP is proposing an amendment to 15 RCNY § 24-02. As currently written, those rules suggest that the regulations related to the placement of an (E) designation on a development site are applicable only after a lead agency has conducted environmental review of the site. However, by definition, Type II actions are exempt from environmental review. The amendment thus clarifies that the chapter’s regulations are applicable to an action even where a lead agency has concluded that it is a Type II action that is exempt from further environmental review. With this change, the (E) designation process can be applied whether there has been an environmental review or Type II determination.

2. Purpose and Need

Background

The Building and Land Use Approval Streamlining Taskforce (BLAST) was comprised of participants from 25 City agencies who collaborated in 2022 to develop recommendations about improving three governmental processes related to development and housing production in New York City: (1) City Environmental Quality Review; (2) the land use approval process, known as the Uniform Land Use Review Procedure (ULURP); and (3) the NYC Department of Buildings’ (“DOB”) permitting process. Additionally, a group of over 50 stakeholders from municipal governments, organizations, and private companies participated in roundtable discussions and/or provided feedback and recommendations. The resulting *Get Stuff Built* report published in December 2022 included recommendations to improve the three processes described above, including 45 recommendations to streamline the CEQR process. One of the recommendations (#002) is to amend the City’s Type II List in 62 RCNY § 5-05(c)-(d) to exempt some additional types of actions from CEQR, including development of housing projects up to a determined size. Amending the Type II list requires rulemaking pursuant to CAPA.

Currently, the SEQRA and CEQR regulations designate certain actions as Type I, which are actions that are more likely to have the potential to result in significant adverse impacts on the environment and therefore more likely to require preparation of an Environmental Impact Statement (EIS). See 6 NYCRR § 617.4; 5 RCNY Chapter 5, Appendix A at § 6-15. Both regulations further designate other actions as Type II, which have been determined not to have the potential to result in any significant adverse impacts on the environment and therefore are not subject to further environmental review. See 6 NYCRR § 617.5; 5 RCNY § 5-05(c)-(d). Actions that are not designated as either Type I or Type II are referred to as “Unlisted” actions under the regulations. 6 NYCRR § 617.2(a). For Unlisted and Type I actions, an Environmental Assessment Statement (EAS) must be prepared, and the lead agency must determine whether the action has the potential for significant adverse environmental impacts. If the lead agency determines, based on the EAS, that the action does not have the potential to result in significant adverse impacts, then it issues a Negative Declaration providing the reasons for this determination. If the lead agency determines, based on the EAS, that the action has the potential to result in significant adverse impacts, then it issues a Positive Declaration announcing that an EIS will be prepared. For Unlisted actions proposed by a private applicant, where the EAS determines that the action has a potential for significant adverse impacts, the applicant may, if feasible, propose measures as part of the project to avoid those impacts and the lead agency may then issue a Conditional Negative Declaration.

Housing Type II

New York City is facing two challenges, a housing crisis and a climate crisis. Currently, outdated regulations are making it more difficult to build housing, especially in the locations near transit and elsewhere where housing is most sustainable to build.

New York City, like other municipalities, is facing a housing crisis which has real and direct consequences for residents, including high rents, displacement pressure, segregation, gentrification, poor housing quality, tenant harassment, homelessness, and other effects of a market where residents have very limited options because of housing scarcity. Almost every hardship of the city’s housing market can be traced back to an acute shortage of housing. The housing shortage drives up prices for everyone. Furthermore, the density and public transit options in New York City deliver the lowest per capita carbon emissions in the country for residents. However, transit-oriented development and other forms of smart residential growth require more time and money to complete due, in part, to the requirement to prepare lengthy and unnecessary environmental reviews.

As shown through the analysis of more than 10-years of documentation of projects that required environmental review, the vast majority of environmental reviews of small- and medium-scale housing projects are ultimately unnecessary, because they consistently result in determinations that there is no potential for significant adverse environmental impacts. Over the past ten years, there have been 534 projects that facilitated between 1-1,000 units of housing that were subject to review through the CEQR process. All 534 went through the first step—the production of an EAS. Of those, between 1 and 21 projects each year required the more involved process of preparation of an EIS because they had the potential for significant adverse environmental impacts. There are hundreds of projects every year that currently require review but do not have the potential for environmental impacts, and the only outcome of the review is the placement of an environmental requirement such as an E-designation on the site.

To address this, the four City agencies that develop, fund, or approve housing are each adopting a new Type II rule to exempt housing developments up to a certain size from further environmental review when they meet certain specified criteria. Exempting these projects from review under SEQRA and CEQR will decrease their overall cost and shorten the time typically needed to complete the approval process,

resulting in the faster production of new and greener homes for residents that need housing today. The new rule has been drafted with detailed eligibility criteria to ensure that it only applies to projects that do not have the potential for environmental impacts.

3. Research Conducted to Determine Type II Density Thresholds and Prerequisites

In accordance with SEQRA regulations, agencies can designate actions as Type II actions where they do not have significant adverse environmental impacts and are not Type I actions. See 6 NYCRR § 617.5(b). Type II actions are exempt from environmental review. See 6 NYCRR § 617.5(a). To develop the proposed Green Fast Track for Housing Type II, the four City agencies that facilitate new housing developments reviewed past environmental analyses to identify what size housing developments under what conditions have consistently been found not to have any significant adverse impacts on the environment. These agencies – DCP, HPD, BSA, and MOEC, in consultation with other involved and interested agencies (DEP, OER, and DOT) – collaborated on an extensive research project to review all of their environmental reviews undertaken in the past ten years.

The purpose of the research was to identify the universe of environmental reviews that were completed between January 2013 and May 2023 and that resulted in a finding of no significant adverse impact (Negative Declaration), a finding of significant adverse impact that could be fully avoided with measures to be implemented as part of the proposed project (Conditional Negative Declaration), and a finding of significant adverse impact (Positive Declaration). The projects that found any potential environmental issues, regardless of whether they received negative or positive declarations, were reviewed in more detail to identify the type and cause of the potential impacts. Based on this review, project size and other eligibility requirements for the new Type II were defined so that potential impacts would be categorically avoided. The research was specifically focused on determining density, use, location, and other criteria, which if met, would enable the action facilitating the housing development to be deemed Type II. The research is discussed in more detail below.

Review of Past CEQR Records

The 10-Year Look-Back

As part of its comprehensive research, DCP reviewed a total of 1,143 records of environmental assessments that were completed during a more than 10-year time period from January 1, 2013, to May 31, 2023 (“the 10-year Look Back”). The lead agencies for these projects were the CPC, HPD, BSA, and DME (EDC projects), which led 443, 298, 333, and 69 projects, respectively.¹ Of these 1,143 projects, 1,060 resulted in Negative Declarations (93%), 25 in Conditional Negative Declarations (2%), and 58 in Positive Declarations (5%). This means that 93% of these CEQR analyses concluded no significant adverse impacts on the environment, while 2% had potential significant adverse impacts that could be avoided by measures to be implemented as part of the proposed project, and only 5% identified the potential for significant adverse impacts, as shown in Table 1, “10-Year Look Back of Projects by Agency and Declaration from January 2013 to May 2023”.

¹ The Mayor’s Office of Environmental Coordination (MOEC) acts on behalf of Deputy Mayor for Economic Housing and Workforce Development (DME), which is the lead agency for certain economic development projects.

Table 1
10-Year Look Back of Projects by Agency and Declaration from January 2013 to May 2023

		Declaration Type			
		Negative Declaration	Positive Declaration	Conditional Negative Declaration	Total
Agency	CPC/ DCP	388	34	21	443
	BSA	330	0	3	333
	HPD	291	7	0	298
	DME/ EDC	51	17	1	69
Total		1,060	58	25	1,143

The 1,143 projects reviewed included projects from all four lead agencies and a broad range of proposed uses. In a first step, projects that did not include some amount of new housing were filtered out. This included projects without proposed residential use and projects which proposed neither an increase nor a reduction in residential unit count.

In a second step, projects that proposed 1,000 or more residential units were filtered out since developments that meet or exceed this threshold are classified as Type I actions under SEQRA and therefore cannot be Type II actions. See 6 NYCRR § 617.5(b)(2).

The Housing Universe

The remaining universe consisted of 534 projects (“the housing universe”) which facilitated housing with between 1 and 1,000 units. See Appendix A for project list. It is comprised of 241 projects where CPC was the lead agency, 226 projects led by HPD, 56 projects led by the BSA, and 11 projects led by DME. Of these 534 projects, 500 resulted in Negative Declarations (94%), 13 in Conditional Negative Declarations (2%), and 22 in Positive Declarations (4%), as shown in Table 2, “Housing Universe of Projects by Agency and Declaration”.

Table 2
Housing Universe of Projects by Agency and Declaration

		Declaration Type			
		Negative Declaration	Positive Declaration	Conditional Negative Declaration	Total
Agency	DCP	219	9	13	241
	BSA	56	0	0	56
	HPD	220	6	0	226
	DME	5	6	0	11
Total		500	21	13	534

Although projects with a Conditional Negative or Negative Declaration would not result in significant adverse impacts, many included components or commitments to avoid any potential significant adverse impacts. These include measures such as the following:

- E-Designations: E-Designations are institutional controls placed on development sites that are subject to zoning actions, in order to avoid the potential for future hazardous materials, air quality, and noise impacts.
Regulatory Agreements, Lease Agreements, or Contracts of Sale: Certain agencies, by way of providing discretionary funds for a project and leasing and/or disposing of City-owned property have the ability to impose and enforce binding agreements and contracts that also preclude hazardous materials, air quality and noise impacts.
- Project Components Related to the Environment (PCREs): Commitments incorporated into a proposed project in order to address and avoid potential for significant adverse impacts. Common PCREs are related to construction, open space, archaeology and community facilities.
- Modifications or requirements codified in Restrictive Declarations that are recorded against the property.

All projects that had such components were researched to identify under what conditions these issues surfaced through environmental review and what criteria could be adopted to either address such issues through similar mechanisms and avoid potential environmental impacts or ensure that such projects do not qualify to be a Type II action.

Of the 534 projects in the Housing Universe, 84 projects did not include any components or commitments to avoid adverse impacts. This left 450 projects to research for the basis of eligibility criteria to be included in the proposed rules to ensure that significant adverse impacts are avoided, and that environmental review still occurs for projects that warrant it. Such a dataset allowed for identification of components or commitments to avoid potential impacts to support eligibility criteria development.

Housing Universe Subset

In a first step, the focus was narrowed to projects with an increment of fewer than 250 residential units. The 250-unit threshold was chosen because Unlisted actions in certain locations which exceed 25% of any Type I threshold are considered Type I actions. Based on the 1,000 residential unit threshold for Type I actions, a development of more than 250 units (25% of 1000) can be a Type I action, and thus ineligible to be considered a Type II action, depending on location. See 6 NYCRR § 617.4(b)(5)(v), (9), (10).

Of the 450 projects that had identified significant adverse impacts or components or commitments to avoid impacts, 407 had a housing unit increment of up to 250 units. These projects define the Housing Universe Subset relevant to establishing eligibility criteria (See **Table 4 Overview of Past CEQR Records Dataset**).

The impacts or components to avoid impacts that are identified in environmental review fall into two categories: site specific and density-related. Site-specific environmental issues are those that may occur regardless of the proposal's size due to characteristics unique to the site because of its location or history. These include issues related to hazardous materials, noise, air quality, natural resources, or historic resources. Density-related environmental issues are those that depend on the amount or type of development proposed for the site and surrounding conditions. These can include issues such as transportation, socioeconomic conditions, community facilities, open space, water and sewer infrastructure, energy or greenhouse gas emissions, and construction. Shadows falls into both categories because analysis of shadows impacts depends on the bulk of the proposed building as well as the condition of the surrounding area.

The research effort to define eligibility criteria approached these two types of issues separately. First, for site-specific issues, research was conducted in order to identify the necessary locational criteria or commitments to preclude hazardous materials, air quality, and noise issues, or to follow the current common practice of establishing an E-designation or similar institutional control to ensure that these health and safety issues are sufficiently addressed during development. Similarly, the types of historic resource issues were considered, and it was determined that by incorporating the existing LPC review process into Type II eligibility criteria, impacts would be avoided, and the same commitments would be undertaken as they are today. Within the Housing Universe Subset, 397 projects had only site-specific issues identified, 152 of which only had E-Designations placed and no other components/commitments were necessary to avoid impacts.

Separately, as discussed above, density-related issues arise due to the amount of development a project proposes. Projects were assessed in greater detail to determine density-related eligibility criteria to limit components such as size, bulk, and construction duration. Within the Housing Universe Subset of projects with up to 250 units, only 10 had density related issues. These 10 projects were reviewed to develop the core set of density-related eligibility criteria (see **Table 3 Eligibility Criteria Development**), because they identified density-related issues that should not result in Type II eligibility. The established eligibility criteria for this citywide Type II rule would prevent projects that may have the potential for significant adverse impacts to be considered Type II actions. Eligibility criteria are discussed above under the **Proposed Rules Text** and below under **II. Technical Analysis**.

Table 3
Eligibility Criteria Development

Lead Agency	Project Name	CEQR Number	New Residential Unit Count	Non-Res Area (GSF)	Density-related Issues	Proposal to exclude projects with these issues
CPC/DCP	Sedesco - 41 West 57th Street	21DCP206M	16	26,174	Construction	Anticipated Construction Period Limit
HPD	Coney Island - Phase I	18HPD084K	46	15,442	Childcare, Noise	Affordable housing threshold limit
HPD	Las Raices	20HPD002M	83	73,848	Shadows	Sunlight Sensitive Resource Adjacency Limit
HPD	Dekalb Commons	18HPD078K	85	88,949	Shadows	Sunlight Sensitive Resource Adjacency Limit
DME/EDC	Baychester Square LSGD	14DME010X	100	390,400	Construction, Traffic, Water/Sewer	Non-residential SF cannot exceed a cap
DME/EDC	Lighthouse Point	13DME008R	109	259,800	Traffic Impacts	Non-residential SF cannot exceed a cap
CPC/DCP	130 St. Felix Street	21DCP083K	130	20,120	Construction	Anticipated Construction Period Limit

DME/ EDC	Charleston	13DME001R	162	390,000	Construction, Traffic Impacts	Non-residential SF cannot exceed a cap
CPC/ DCP	45-20 83rd Street Rezoning	21DCP113Q	163	25,966	Transportation, TMP ¹	Project must be located in a residential zoning district
CPC/ DCP	803 Rockaway Avenue Rezoning	19DCP220K	200	20,682	AQ, Noise ²	Exclude MX Districts
Notes: 1 Traffic Monitoring Program 2 Requirements related to the program and building design beyond the inclusion of E-Designations						

Table 4
Overview of Past CEQR Records Dataset

Data Set	Description	Number of Projects/CEQR Records
10-Year Look Back	Includes all records of environmental assessments that were completed during a more than 10-year time period from January 1, 2013, to May 31, 2023	1,143
Housing Universe	All projects that facilitated between 1 and 999 housing units within the Look-back period	534
Housing Universe Subset	All projects within the Housing Universe that: <ul style="list-style-type: none"> - Had impacts or components/commitments incorporated to avoid impacts - Had up to 250 units 	407

Identified Residential Unit Thresholds

While the 250-unit increment maximum threshold (including affordable unit increment) was necessary to avoid including any Type I actions, additional research was conducted to determine whether a different threshold should be applied in lower density R1 through R4 neighborhoods.

Within Housing Universe Subset (407 projects), 33 projects with issues were located in R1 through R4 residential zoning districts. Of these 33 projects, all had site-specific environmental issues, which are addressed through the eligibility criteria to avoid potential for significant adverse impacts. Of these 33 projects, only three projects had a residential unit count between 175 and 250. Because of the small size of this data set, the proposed rules conservatively reduced the residential unit maximum to 175 for these lower density residential zoning districts, while retaining the 250 unit maximum for the medium and higher density residential zoning districts (R5 through R10).

Identified Non-Residential Area Thresholds

In order to determine the appropriate amount of non-residential area, DCP analyzed gross non-residential square foot development across the 10-Year Look Back. Many residential areas within New York City permit some commercial floor area and it is important not to preclude projects from accessing the proposed Type II pathway if they include non-residential uses. Mixed-use neighborhoods generally reduce unnecessary travel and promote a modal shift away from private vehicles and towards more walkable, sustainable neighborhoods. Furthermore, potential environmental issues related to technical areas such as transportation, water and sewer, and open space, can vary based the mix of uses on a site.

To determine non-residential size (gross square feet) thresholds, commercial gross square feet (gsf), community facility gsf, and industrial gsf were identified for mixed-use projects in R1-R4 zoning districts with up to 175 units and for mixed-use projects in R5-R10 zoning districts with up to 250 units. DCP reviewed these projects to analyze when the amount of non-residential area resulted in potential significant adverse impacts. In addition, DCP also consulted with other expert agencies including DOT to understand the scale which may result in potential significant adverse pedestrian or traffic impacts from commercial uses and to ensure a conservative threshold.

One project, 45-20 83rd Street Rezoning (CEQR No. 21DCP113Q), identified transportation components/commitments to avoid impacts, including roadway and pedestrian improvements and a Transportation Monitoring Program (TMP) through the Restrictive Declaration. The project requested a zoning map amendment from an M1-1 zoning district to an R7A district to facilitate 163 units and approximately 26,000 gsf of non-residential community facility use. Although it would not have been eligible under the new proposed Type II rules because it was a private application for a rezoning of an M district., it suggested a lower threshold would be appropriate for community facility uses to ensure that they could not result in impacts when included in a mixed-use development.

While the available data identified many mixed-use projects, the dataset does not identify many projects with residential use near the maximum 250-unit threshold that also included commercial and community facility uses. Nonetheless, these higher density mixed-use projects were critical in developing eligibility criteria. There were slightly more than 20 mixed-use projects ranging from 165 to 270 units and 5,000 gsf to 48,000 gsf of non-residential area that had no traffic impacts or components/commitments to avoid impacts identified in their environmental review. Furthermore, DCP also reviewed projects which did not facilitate housing to analyze all non-residential area data and associated environmental issues. Analyzing all available data, even data from projects that would not be eligible under the new proposed Type II rule, allowed the adopting agencies to identify appropriate non-residential community facility and commercial thresholds based on the full range of available information. One non-residential project, with 30,725 gsf of incremental non-residential space, was a private application for a rezoning to facilitate the development of an ambulatory and diagnostic treatment facility with medical offices uses and parking at 5402 Fort Hamilton Parkway in Brooklyn. This rezoning identified potential traffic issues. Although this project did not facilitate residential units, the amount of community facility space proposed was used to determine limits on non-residential area and commercial and community facility uses in order to preclude projects that would have the potential for significant adverse impacts or require components/commitments to avoid impacts. This research, together with information provided by DOT on current CEQR trip generation rates, informed the proposed thresholds. No projects within the Housing Universe subset that met the proposed thresholds had environmental impacts.

These non-residential thresholds vary based on a proposed project’s location, at the time of the CEQR determination, in an R1-R4 or R5-R10 district. For projects in R1-R4 districts, the threshold would total no more than 20,000 gsf of non-residential area, including up to 10,000 gsf of commercial use and 10,000 gsf of community facility use. For projects in R5-R10 districts, the threshold would total no more than 35,000 gsf of non-residential area, including up to 25,000 gsf of commercial and up to 25,000 gsf of community facility use (for example, a project could include 25,000 gsf of community facility use and 10,000gsf of commercial use or vice versa, and still qualify).

Housing projects located within standalone commercial and manufacturing districts would be eligible if they meet the R5-R10 thresholds but only if they are developed under a regulatory agreement with HPD or a decision by BSA authorizing housing. This would enable housing projects developed in partnership with HPD or through a BSA decision to be Type II eligible, while guaranteeing that those sites would be developed with housing as opposed to other uses that would otherwise be permitted under applicable zoning.

MX districts are excluded from proposed Type II eligibility due to potential issues with mixed-use manufacturing and residential uses that should be analyzed through environmental review. For example, as shown in **Table 3 Eligibility Criteria Development**, the 803 Rockaway project (CEQR No. 19DCP220K) did not result in any significant adverse impacts but did have air quality and noise issues surrounding the mixed-use program and the project included commitments to specific building design features beyond what the inclusion of E-Designations could achieve.

A summary of the proposed unit and non-residential area thresholds is provided in **Table 5 Summary of Proposed Unit and Non-residential Area Eligibility Criteria** below.

Table 5
Summary of Proposed Unit and Non-residential Area Eligibility Criteria

Use Type	District		
	R1-R4	R5-R10	Commercial or Manufacturing ¹
Residential	Up to 175 new units (market or income-restricted)	Up to 250 new units (market or income-restricted)	Up to 250 new units (market or income-restricted)
Non-Residential Total	Up to 20,000 gsf	Up to 35,000 gsf	Up to 35,000 gsf
<i>Commercial Use</i>	<i>Up to 10,000 gsf</i>	<i>Up to 25,000 gsf</i>	<i>Up to 25,000 gsf</i>
<i>Community Facility Use</i>	<i>Up to 10,000 gsf</i>	<i>Up to 25,000 gsf</i>	<i>Up to 25,000 gsf</i>
Note: 1 Stand-alone C or M districts. Only applicable when developed with a regulatory agreement with a government agency or BSA decision authorizing housing			

4. Analysis Framework

The principal effect of the proposed rules would be, under certain circumstances, to exempt actions that would facilitate small- and medium-scale housing from environmental review procedures under CEQR where it has been shown that these projects do not otherwise result in significant adverse impacts under SEQRA. This would reduce the time and costs associated with new housing projects seeking agency

approvals. Any project seeking to utilize the Green Fast Track would still be required to apply for discretionary approvals or funding.

Existing Conditions

Under existing conditions, Unlisted actions that facilitate specific development outcomes and would be eligible for a Type II determination based on the proposed rules are subject to environmental review. This means that small- and medium-scale housing projects have to be analyzed pursuant to CEQR, a process which can take multiple years and may add substantially to a project's budget, although these reviews do not result in identifying significant adverse impacts under SEQRA.

No-Action Scenario

Without promulgation of the proposed rules, the No-Action scenario would be a continuation of the existing conditions. Projects that would be eligible for a Type II determination based on the proposed rules would continue to spend time and resources to conduct environmental review, which would result in Negative Declarations. Unlisted actions that facilitate specific development outcomes would continue to require an environmental review to identify the potential for significant adverse impacts. It is not possible to determine the number of projects that would seek actions from Lead Agencies to facilitate housing development projects that will also result in no identification of significant adverse environmental impacts in the future.

With-Action Scenario

With promulgation of the proposed rules, Unlisted actions that include development of a small and medium number of residential units and meet the conditions outlined above would be Type II. As a result, no environmental review would be required for these actions. It is not possible to determine the number of projects or housing units that would seek actions from Lead Agencies to facilitate housing development projects in the future, and that would also qualify for exemption under the proposed rules. The exact number of projects that would have potentially qualified in the past is unknown due to the proposed prerequisites that would require agency review and approval, such as air quality, noise, and hazardous materials project components. Overall, the proposal means that small- and medium-scale housing projects, exempt from environmental review, would move more quickly through the development process because unnecessary and often time-consuming environmental reviews would not be required. This would enable residents to occupy new housing earlier than the existing process allows for today.

Analysis Year

It is expected that the rulemaking will start in December 2023 and that the proposed rules will be adopted in or around April 2024 and implemented soon thereafter. Therefore, for purposes of this review, the analysis year is 2024.

II. TECHNICAL ANALYSES

1. Introduction

Under the proposed rules the following actions would be exempt from CEQR:

1. Actions which enable development of at least 1 and no more than 250 new dwelling units or new income-restricted dwelling units, and no more than 35,000 gross square feet of non-residential uses, which includes no more than 25,000 gross square feet of commercial uses and no more than 25,000 gross square feet of community facility space, and which at the time of application are:
 - (a) located wholly within an existing R5 through R10 Residential zoning district, but excluding actions that include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district; or
 - (b) located in an existing stand-alone Commercial zoning or Manufacturing zoning district and are being developed under a regulatory agreement or lease with a government agency to create housing or a BSA action to allow residential development; or
2. Actions which enable development of at least 1 and no more than 175 new dwelling units or new income restricted dwelling units, and no more than 20,000 gross square feet of non-residential uses, which includes no more than 10,000 gross square feet of commercial uses, and no more than 10,000 gross square feet of community facility space and which at the time of application are located at least partially within an existing R1 through R4 Residential zoning district, but excluding actions that include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district.

For the purposes of this analysis, “specific development outcomes” will be used to refer to developments of a certain size, use, and location, that are facilitated by a variety of actions which would be designated Type II actions, as described under #1 and #2 above.

2. Land Use, Zoning and Public Policy

Under CEQR, a land use, zoning, and public policy analysis characterizes the uses and development trends in the area that may be affected by a proposed project, describes the zoning and public policies that guide development, and determines whether a proposed project is compatible with those conditions and policies or whether it may affect them.

The proposed rules would apply citywide. However, the actions that would be exempt based on specific development outcomes would facilitate projects in residential zoning districts R1 through R10 and existing stand-alone commercial zoning or manufacturing zoning districts if projects are being developed pursuant to a regulatory agreement or lease with a government agency to create housing or an action by the BSA, to allow residential development.

The research conducted showed that the thresholds applied to specific development outcomes has consistently been shown to have no potential for significant adverse impacts on land use, zoning, or public policy.

Land Use and Zoning

New York City is divided into three basic zoning districts: Residential (R), Commercial (C) and Manufacturing (M). The three basic districts are further sub-divided to allow for a wide range of building forms and uses. Residential Districts are characterized by a range of housing types, from detached

single-family homes in R1 Districts to residential skyscrapers in R10 Districts. Commercial Districts are characterized by a range of business activities, from neighborhood retail and services in C1 Districts, to regional commercial areas with department stores and movie theaters in C4 Districts, to gas stations and car repair in C8 Districts. Manufacturing Districts are characterized by a range of industrial and commercial activities, including light manufacturing in M1 Districts and heavy manufacturing in M3 Districts.

The Proposed Action would be applicable to projects seeking actions in all R districts and would also be applicable to projects in stand-alone C or M districts if they are developed in partnership with a government agency under a regulatory or lease agreement or a decision by the BSA to permit housing. While changes in land use conditions could create impacts in other technical areas, it is rare that a proposed project would have land use impacts in the absence of impacts in other technical areas. Of the 407 projects within the Housing Universe Subset, none had an identified significant adverse land use or zoning impact.

Public Policy

The proposed rules are consistent with public policy because they streamline the CEQR process by exempting actions that facilitate specific development outcomes from environmental review. The recurring review of actions that have consistently shown to not have significant adverse impacts on the environment imposes an administrative burden on agencies and applicants without providing additional environmental protection. The reduction of time that applicants spend navigating the CEQR process will allow for housing production more quickly than under current conditions. Therefore, the proposed rules will streamline the CEQR process for applicants and agencies' time, efforts, and resources may be focused on reviewing actions that have the potential to result in significant adverse impacts on the environment. The proposed rules are therefore consistent with City policies: they will support the City's housing production, reduce costs and delays of environmental reviews while not sacrificing environmental protection.

Waterfront Revitalization Plan

The proposed rules would exempt actions that facilitate specific development outcomes from environmental review citywide, specific to their location in residential zoning districts R1 through R10, including when these are located within New York City's Coastal Zone. As such, the NYC Waterfront Revitalization Program (WRP) Consistency Assessment Form is provided (see Appendix C). If project locations are also within Special Coastal Risk Districts (CRs), they are ineligible for Type II designation to ensure that no significant adverse public policy impacts will result from the proposed rules.

Overall, of the 454 projects within the Housing Universe that had between 1 and 250 units created, 30 required WRP Consistency Assessment. It was found that the WRP's ability to influence these types of projects planning and design has been limited because of the protections that already exist in the form of existing zoning; New York City building code provisions; relevant local, state, and federal environmental and natural resource regulations, including floodplain regulations; and agency climate resiliency guidelines.

On December 7th, 2023, DCP's Climate and Sustainability Planning Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, hereby concurs that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and issued WRP #23-210.).

PlaNYC/OneNYC

In April 2007, the Mayor’s Office of Long-Term Planning and Sustainability released PlaNYC: A Greener, Greater New York (PlaNYC). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, One New York: The Plan for a Strong and Just City (OneNYC) was released by the Mayor’s Office of Long-Term Planning and Sustainability and the Mayor’s Office of Recovery and Resiliency. OneNYC builds upon the sustainability goals established by PlaNYC and focuses on growth, equity, sustainability, and resiliency. Goals outlined in the report include those related to housing (ensuring access to affordable, high-quality housing) and thriving neighborhoods (ensuring that neighborhoods will be well-served). OneNYC has since been updated to OneNYC 2050—a nine volume long-term strategic plan to “confront our climate crisis, achieve equity, and strengthen our democracy” in New York City. Overall, OneNYC 2050 outlines 30 strategic initiatives organized around 8 overarching goals: a vibrant democracy; an inclusive economy; thriving neighborhoods; healthy lives; equity and excellence in education; a livable climate; efficient mobility; and modern infrastructure. In addition, in April 2023, the Adam’s administration released PlaNYC: Getting Sustainability Done, which provides an action plan for a cleaner, greener and more just city for all. PlaNYC: Getting Sustainability Done builds on the prior four plans while facing the challenges and seizing the opportunities that are specific to today. The action plan is based on the following nine principles: (1) act with urgency and focus on implementation; (2) achieve near-term benefits for New Yorkers while implementing long-term goals; (3) center environmental justice and health equity in New York City’s work; (4) create economic activity through climate action; (5) strengthen private sector investments through both incentives and mandates; (6) lead by example as a City; (7) make full use of unprecedented Federal and State fundings; (8) implement climate budgeting to align City resources with sustainability and resilience goals; and (9) streamline the City’s procurement processes to expedite project delivery.

The Proposed Action would be consistent with the City’s goals outlined in PlaNYC/OneNYC, particularly goals related to ensuring access to housing and thriving neighborhoods while supporting a livable climate and public health. As described previously, the Proposed Action seeks to reduce timelines and costs for housing projects seeking actions for the City by providing projects that have a clear track record of no environmental impacts with a streamlined process. The proposal would allow small and medium sized apartment buildings seeking discretionary actions to be built more quickly and efficiently, increasing predictability for applicants while maintaining important environmental protections. Overall, the Proposed Action would be supportive of the applicable goals and objectives of PlaNYC/OneNYC and would result in material benefits to the public with respect to helping make new housing accessible to the public sooner.

Get Stuff Built

The *Get Stuff Built* report published in December 2022 by BLAST, included recommendations to improve three governmental processes related to development and housing production in New York City: (1) City Environmental Quality Review; (2) the Land Use approval process (ULURP); and (3) the NYC Department of Buildings’ permitting process. The report including 45 recommendations to streamline the CEQR process. One of the recommendations (#002) is to amend the City’s Type II List in 62 RCNY § 5-05(c) to exempt some additional types of actions from CEQR, including development of housing projects up to a determined size.

The Proposed Action would be supportive of the applicable goals and objectives of Get Stuff Built by implementing recommendation #002 of the report for housing projects.

Therefore, the promulgation of the proposed rules, which include size and location thresholds to facilitate specific development outcomes and required coastal zone-related conditions to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on land use, zoning, or public policy.

3. Socioeconomic Conditions

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of an area. According to the *2021 CEQR Technical Manual*, the five principal issues of concern with respect to socioeconomic conditions are whether a proposed action would result in significant adverse impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on specific industries.

Of the 407 projects within the Housing Universe Subset, none identified socioeconomic conditions impact, including residential or business and institutional displacement, or components/commitments to avoid impacts. There have been no projects that would qualify for the proposed new dwelling unit thresholds that have resulted in a socioeconomic impact of any type. Furthermore, the proposed non-residential use thresholds are far below those projects that guidance in Chapter 5 of the *CEQR Technical Manual* suggests could have the potential for indirect business displacement, which is triggered for projects that have more than 200,000 sf of commercial development. The research conducted showed that the thresholds applied to the specific development outcomes have consistently been shown to have no potential for significant adverse impacts on socioeconomic conditions.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse impacts on socioeconomic conditions.

4. Community Facilities and Services

As defined for CEQR analysis, community facilities are public or publicly funded schools, early childhood programs, libraries, health care facilities, and fire and police protection. A project can affect facility services directly, when it physically displaces or alters a community facility; or indirectly, when it causes a change in population that may affect the services delivered by a community facility.

Of the 407 projects within the Housing Universe Subset, only one project identified a community facility related components/commitments to avoid impacts, and none had significant adverse impacts. As shown in **Table 3 Eligibility Criteria Development**, the Coney Island Phase I Project (CEQR No.18HPD084K) did not result in any significant adverse impacts but identified an early childhood program issue in which HPD committed to expanding public childcare capacity within the study area of the proposed project. This issue arose because while the project had an overall negligible unit increment, there was a large difference in how much affordable housing could be provided with proposed financing action in contrast to the entirely market rate No-Action condition. This is significant because there would be more children eligible for publicly funded early childhood programming. In order to address this scenario, eligibility criteria to specifically exclude projects that would have any type of unit increment over 250 (affordable or market rate) were proposed, such as this one. With this eligibility criteria addition, the research conducted showed that the thresholds applied to the specific

development outcomes have consistently been shown to have no potential for significant adverse impacts on community facilities and services.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse impacts on community facilities.

5. Open Space

The *2021 CEQR Technical Manual* recommends performing an open space assessment if a project would have a direct or indirect effect on open space. Direct effects on open space can occur through alienation of parkland, or changes to the condition or enjoyment of a public space such as air quality, noise, or shadows introductions. An indirect effect on an open space can occur if there is a project that increases the study area population so greatly that it impacts study area residents' or workers' access to open space resources.

Of the 407 projects within the Housing Universe Subset, none identified indirect open space impacts or components/commitments to avoid impacts. The only projects in the Housing Universe that had indirect open space impacts had much larger unit increments, starting at increments of 660 units, and would therefore not be eligible for the Type II determination proposed here. There were no projects that would meet the proposed density requirements for the Type II determination that had a significant adverse indirect open space impact.

However, there were two projects that had significant adverse shadows impacts that were associated with open spaces. These projects are discussed under **Section 6, Shadows**, and impacts were due to site-specific issues, such as being located directly adjacent to open space resources. Therefore, to protect against potential significant, adverse shadows impacts on open space resources, the proposed rules impose conditions that must be met before these actions can be classified Type II actions. These conditions are discussed below under **Section 6, Shadows**.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required shadow-related conditions to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on open space.

6. Shadows

The *2021 CEQR Technical Manual* outlines a shadow assessment for proposed actions that would result in new structures or additions to existing structures greater than fifty (50) feet in height and/or adjacent to an existing sunlight-sensitive resource such as a publicly accessible open space, natural resources, or a historic (architectural) resource with sunlight-sensitive features.

Of the 407 projects within the Housing Universe Subset, two projects identified shadows impacts. As shown in **Table 3 Eligibility Criteria Development**, Las Raices (CEQR No. 20HPD002M) and Dekalb Commons (CEQR No. 18HPD078K) had the potential to result in shadow impacts as due to their location substantially contiguous to a sunlight sensitive resource, both of which were open space resources. Therefore, site-specific eligibility criteria were necessary to preclude the types of projects that have the potential to result in shadows impacts. These impacts occurred when a proposed new structure greater than 50' would cast incremental shadows on a substantially contiguous sunlight-sensitive resource (open space, natural resource, historic or cultural resource). Furthermore, within the overall Housing Universe

the research showed that buildings with more than 250 units and taller than 250 feet had the potential to result in significant shadows impacts to resources at greater distances from the proposed project. In all instances, no significant adverse impacts resulted from buildings less than 250 feet tall and not substantially contiguous to a sunlight sensitive resource.

Therefore, to protect against potential significant, adverse shadows impacts, the proposed rules impose conditions that must be met before these actions can be classified Type II actions. The action shall not enable construction of a new building or other structure or enlargement of an existing building or structure:

1. with a maximum possible height greater than 250 feet, including all rooftop bulkheads, mechanical equipment, parapets, and any other parts of the building, or
2. with a maximum possible height greater than 50 feet if substantially contiguous to a public open space other than a city street or sidewalk, natural resource or an architectural sunlight sensitive resource identified by LPC, unless such open space, natural resource or sunlight sensitive resource is entirely within the area between -108° degrees from true north and +108 degrees from true north of the building or other structure or is an architectural resource that is located on a facade that faces directly away from a developable site.

Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the Type II determination, as they would not result in any potential for significant adverse shadows impacts.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required shadow-related conditions to be satisfied prior to Type II determination, would not result in the potential for any significant adverse shadows impacts.

7. Historic and Cultural Resources

The *2021 CEQR Technical Manual* outlines assessments and surveys of archaeological and architectural resources that should be conducted to determine a project's impact on historic and cultural resources. An assessment of archaeological resources should be conducted for projects that would result in any ground disturbance. A survey and assessment of architectural resources should be conducted if a proposed project would result in any of the following, whether or not any known historic resources are located near the project site: 1) new construction, demolition, or significant physical alteration to any building, structure, or object; 2) a change in scale, visual prominence, or visual context of any building, structure, or object or landscape feature; 3) screening or elimination of publicly-accessible views; 4) additions to or significant removal, grading, or replanting of significant historic landscape features; or 5) the introduction of significant new shadows or significant lengthening of the duration of existing shadows on a historic landscape or on a historic structure if the features that make the structure significant depend on sunlight.

Of the 407 projects within the Housing Universe Subset, 45 had historic resources components/ commitments to avoid impacts. These issues ranged from needing a construction protection plan for a nearby architectural resource, needing to provide archaeological documentation or investigation, or requiring review and sign-off with a Certificate of Appropriateness from LPC for architectural resources. Two of these projects, Charleston Mixed Use (CEQR No. 13DME001R) and 266 West 96th Street (CEQR No. 18HPD103M) had Positive Declarations. The Charleston Mixed Use project identified Phase 1B

archaeological testing and continued consultation with LPC to either mitigate or potentially avoid significant adverse impacts. The 266 West 96th Street project (CEQR No. 18HPD103M) identified the demolition of a resource eligible for LPC Landmark or State/National Register of Historic Places (S/NR) listing and required Historic American Building Survey (HABS) Level II documentation subject to approval by LPC in order to mitigate the adverse impact.

To protect against potential significant, adverse site-specific impacts on archaeological or architectural resources, or impacts on off-site archaeological or architectural resources that could result from construction activities, the proposed rules impose conditions that must be met before these actions could be classified as Type II. These conditions are shown below.

1. On-Site Archaeological Resources

The applicant or development site owner must obtain a determination from LPC whether any developable site is located in an archaeologically sensitive area and, if it is, completed an archeological documentary for that site and obtaining a writing from LPC that the development of such development site does not raise archaeological concerns.

2. On-Site Architectural Resources

The applicant or development site owner needs to obtain a determination from LPC stating whether any developable site is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District, is eligible for or listed on or formally determined to be eligible for inclusion on the National Register of Historic Places or the New York State Register of Historic Places, or is substantially contiguous to a sunlight sensitive architectural resource. If LPC determines a developable site is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District or is formally determined to be eligible for or listed on the National Register of Historic Places or the New York State Register of Historic Places, obtained a writing from LPC that the development of such development site does not raise historic preservation concerns.

3. Off-Site Architectural Resources

The applicant or development site owner needs to commit to prepare and implement a Construction Protection Plan (CPP) consistent with the requirements of DOB Technical Policy and Procedure #10/88 for a development site located at least partially within 90 feet of a building or site determined to be eligible for listing on the S/NR or of a building or site that is eligible for designation as a NYC Landmark or Historic District.

Additionally, no projects within the Housing Universe Subset had adverse shadows impacts on an architectural resource. However, one project from the overall Housing Universe, Lambert Houses Redevelopment (CEQR No. 16HPD001X) did have an impact on windows of an S/NR eligible historic resource. Therefore, sunlight sensitive historic resources are included in the shadows-related eligibility criteria, See Section 6, Shadows for details.

Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse impacts on historic and cultural resources.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required conditions related to historic and cultural resources that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on historic and cultural resources.

8. Urban Design and Visual Resources

The *2021 CEQR Technical Manual* suggests that an assessment of urban design is appropriate when a project may have effects on one or more of the elements that contribute to a pedestrian's experience of public space. These elements include streets, buildings, visual resources, open spaces, natural resources, wind, and sunlight. A preliminary assessment of urban design and visual resources is considered to be appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, such as projects that permit the modification of yard, height, and setback requirements, and projects that result in an increase in built area beyond what would be allowed as-of-right or in the future without the proposed project. A detailed analysis of urban design and visual resources should be prepared if warranted based on the conclusions of the preliminary assessment.

Of the 407 projects within the Housing Universe Subset, none had identified the potential for any urban design or visual resource impacts or components/commitments to avoid impacts. Additionally, no projects within the Housing Universe had identified impacts or components/commitments to avoid impacts. The research conducted showed that the thresholds applied to the specific development outcomes have consistently been shown to have no potential for significant adverse impacts on urban design and visual resources.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse impacts on urban design and visual resources.

9. Natural Resources

A natural resources assessment is conducted when natural resources are present on or near a project site, and when an action involves disturbance to natural resources. The *2021 CEQR Technical Manual* defines natural resources as “(1) the City's biodiversity (plants, wildlife and other organisms); (2) any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and (3) any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability.”

Of the 407 projects within the Housing Universe Subset, one had a significant adverse impact to natural resources. The Charleston Mixed Use project (CEQR No. 13DME001R) would remove wetlands and upland habitats and required mitigation strategies. This project would not be eligible for the Type II pathway because it included approximately 390,000 gsf of non-residential area. Furthermore, this project had an NYSDEC/U.S. Army Corps of Engineers (“USACOE”) action for building within buffer zones surrounding jurisdictional wetlands. Additionally, no projects within the Housing Universe Subset or Housing Universe had adverse shadows impacts on a natural resource. However, natural resources were included in the eligibility criteria for shadows, see Section 6, Shadows. In addition, as the proposed rules would apply citywide, including areas within the Jamaica Bay Watershed, the Jamaica Bay Watershed Protection Plan form is completed (see Appendix C).

In order to protect against potential significant, adverse site-specific impacts on natural resources, the proposed rules impose conditions that must be met before these actions could be classified as Type II. These conditions are described below.

1. No portion of any developable site shall contain a natural resource as defined in the rule text

Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse impacts on natural resources.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required shadow-related conditions to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on natural resources.

10. Hazardous Materials

Consistent with CEQR guidance, a hazardous material assessment is conducted when elevated levels of hazardous materials exist on a site, when an action would increase pathways to their exposures, either human or environmental, or when an action would introduce new activities or processes using hazardous materials, thereby increasing the risk of human or environmental exposure.

Of the 407 projects in the Housing Universe Subset, 297 projects had E- Designations or commitments similar to E-Designations placed for hazardous materials, however none had significant adverse impacts due to hazardous materials conditions. Many projects within the overall Housing Universe also had commitments or components related to hazardous materials. The proposed rules include only actions that facilitate projects that have been shown to have no potentially significant adverse impacts related to hazardous materials or that have been shown to have potentially significant impacts that can be avoided through the imposition of institutional controls like (E) designations, restrictive declarations, or regulatory agreements. Today, these institutional controls are the mechanisms that are commonly incorporated into projects through coordination with DEP and OER to prevent or protect from hazardous materials exposure pathways.

To protect against potential significant adverse site-specific hazardous materials impacts or impacts from off-site hazardous materials conditions, the proposed rules impose conditions that must be met before these actions can be classified as Type II actions. These conditions are discussed below.

1. The applicant or development site owner needs to complete a Phase I Environmental Site Assessment for the development site should the site not have an (E) designation for hazardous materials pursuant to section 11-15 of the Zoning Resolution at the time of environmental review and
 - a. obtained written signoff from the lead agency, or consented to the establishment of an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution and 15 RCNY Chapter 24 on the developable sites or where an (E) designation is not available and the development site will be developed pursuant to a regulatory agreement with a government agency, agree to comply with protections and development oversight requirements equivalent to an

(E) designation found in 15 RCNY Chapter 24 to be contained in such regulatory agreement;

Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for proposed Type II determination, as they would not result in any potential for significant adverse hazardous materials impacts.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and hazardous materials-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts related to hazardous materials.

11. Water and Sewer Infrastructure

The *2021 CEQR Technical Manual* outlines thresholds for analysis of a project's water demand and its generation of wastewater and stormwater. A preliminary water supply and projected water demand analysis is warranted if a project would result in an exceptionally large demand for water (greater than one million gallons) or would be located in an area that experiences low water pressure (e.g., Rockaway Peninsula or Coney Island). A preliminary wastewater and stormwater infrastructure analysis is warranted if a proposed project exceeds the thresholds outlined in Section 220, "Wastewater and Stormwater Conveyance and Treatment." These thresholds consider location of the proposed project, cumulative rezonings and/or development in the project area, proposed increase in density, and proposed increase in impervious surfaces.

Of the 407 projects within the Housing Universe Subset, one had a water and sewer component/commitment in order to avoid a water and sewer impact. As shown in **Table 3 Eligibility Criteria Development**, this project (14DME010X) incorporated components of water and sewer infrastructure upgrades. It would have under 250 units, but approximately 390,000 gsf of non-residential area. Therefore, the density-related criteria were developed to limit nonresidential area, as discussed in **Identified Non-Residential Area Thresholds**, above. Additionally, the density limits on residential units and non-residential area protect further from potential for significant adverse impacts.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse impacts on water and sewer infrastructure.

12. Solid Waste and Sanitation Services

A solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or would otherwise be inconsistent with the City's Solid Waste Management Plan or with state policy related to the City's integrated solid waste management system. The City's solid waste system includes waste minimization at the point of generation, collection, treatment, recycling, composting, transfer, processing, energy recovery, and disposal.

Of the 407 projects within the Housing Universe Subset, none had identified solid waste and sanitation services impacts or components/commitments to avoid impacts. Furthermore, no projects within the Housing Universe had solid waste and sanitation services impacts or components/commitments to avoid

impacts. The thresholds applied to the specific development outcomes have consistently been shown to have no potential for significant adverse impacts on solid waste and sanitation services. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse impacts on solid waste and sanitation services.

13. Energy

According to the *2021 CEQR Technical Manual*, a detailed assessment of energy impacts would be limited to actions that could significantly affect the transmission or generation of energy or that generate substantial indirect consumption of energy (such as a new roadway).

Of the 407 projects within the Housing Universe Subset, none had identified energy impacts or components/commitments to avoid impacts. Furthermore, no projects within the Housing Universe had energy impacts or components/commitments to avoid impacts. The thresholds applied to the specific development outcomes have consistently been shown to have no potential for significant adverse energy impacts.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse impacts related to energy.

14. Transportation

The *2021 CEQR Technical Manual* states that a quantified transportation analysis may be warranted if a proposed project is expected to generate a defined amount of peak hour vehicle, transit, or person trips.

Of the 407 projects within the Housing Universe Subset, two projects, the Baychester Square Project (CEQR No. 14DME010X) and the Charleston Mixed Use project (CEQR No. 13DME001R) had significant adverse impacts due to traffic that required mitigation. One additional project, 45-20 83rd Street Rezoning (CEQR No. 21DCP113Q) had identified transportation components/commitments to avoid impacts, including roadway and pedestrian improvements and a Transportation Monitoring Program (TMP) through the Restrictive Declaration. As shown in **Table 3 Eligibility Criteria Development**, these three projects demonstrated that limitations needed to be set on the maximum area for non-residential uses as described in **Identified Non-Residential Area Thresholds**. Other projects within the Housing Universe and in the 10-year lookback that required commitments or components to avoid adverse impacts also informed non-residential area thresholds.

No projects within the Housing Universe identified impacts or components/commitments to avoid adverse impacts to traffic, transit, pedestrian or safety if they had the following characteristics:

- For projects in R1-R4 districts, non-residential area increments of up to 20,000 gsf, including up to 10,000 commercial gsf and up to 10,000 gsf of community facility space
- For projects in R5-R10 districts, non-residential area increments of up to 35,000 gsf, including up to 25,000 commercial gsf and up to 25,000 community facility gsf.

The research conducted showed that the thresholds applied to the specific development outcomes have consistently been shown to have no potential for significant adverse transportation impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse impacts on transportation.

15. Air Quality

Under CEQR, an air quality analysis determines whether a Proposed Project would result in mobile or stationary sources of pollutant emissions that could have a significant adverse impact on ambient air quality, and also considers the potential for existing sources of air pollution to impact the proposed uses.

Of the 407 projects in the Housing Universe Subset, 175 projects had E- Designations or commitments similar to E-Designations placed for air quality, however none had significant adverse impacts due to air quality conditions. Many projects within the overall Housing Universe also had commitments or components related to air quality.

To protect against potential significant adverse air quality impacts, the proposed rules impose conditions that must be met before these actions can be classified as Type II actions. These conditions are discussed below.

1. To avoid impact from proposed project on surrounding uses

The applicant or development site owner shall not burn fossil fuels to supply heat or hot water to any new building or any enlargement of an existing building on the development site.

2. To avoid impact from surrounding uses on proposed project

For developable sites within 400 feet of any existing air emission source with an active or expired industrial permit issued by the New York City Department of Environmental Protection or within 400 feet of any unpermitted industrial source, confirmed to the lead agency based on the emission limits in the permit(s) or, for any unpermitted source, the estimated emission limits from similar source permit(s) provided by the lead agency that concentrations of any pollutant regulated by the permit(s) or identified by the lead agency for any unpermitted source will not exceed the corresponding Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) in the New York State Department of Environmental Conservation Division of Air Resources Guidelines for Evaluation and Control of Ambient Air Contaminants (DAR-1) at such developable site, as determined in accordance with the industrial source screen in Appendix B of the Proposed Rule.

3. To avoid mobile, stationary, and large-scale sources impacts

No portion of any developable site shall be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel; or within 1000 feet of an air emissions source that operates under a permit issued pursuant to subpart 201-5 of 6 NYCRR (State facility permits) or subpart 201-6 of 6 NYCRR (Clean Air Act Title V permits).

Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse air quality impacts.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required air quality-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on air quality.

16. Greenhouse Gas Emissions and Climate Change

The *2021 CEQR Technical Manual* notes that while the need for a greenhouse gas (GHG) emissions assessment is highly dependent on the nature of the project and its potential impacts, the GHG assessment should be undertaken for City capital projects, projects proposing power generation or a fundamental change to the City's solid waste management system, and projects being reviewed in an EIS that would result in development of 350,000 square feet or more (or smaller projects that would result in the construction of a building that is particularly intense, such as a data-processing center or health care facility).

The proposed rules designate actions Type II that facilitate specific development outcomes, which are small- and medium-scale housing projects with up to 250 residential units and 35,000 gsf of non-residential area (including up to 25,000 gsf of commercial uses and up to 25,000 gsf of community facility use) if located in R5 through R10 residential zoning districts. These thresholds are below the *2021 CEQR Technical Manual* screening threshold and since housing would be facilitated and no City capital projects, power generation projects, or changes to the City's solid waste management system, no greenhouse gas emissions and climate change analysis is warranted.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse impacts on greenhouse gas emissions and climate change.

17. Noise

According to the *2021 CEQR Technical Manual*, a noise assessment is appropriate if an action generates or reroutes vehicular traffic, if an action is located near a heavily trafficked thoroughfare, or if an action would be within one (1) mile of an existing flight path or within 1,500 feet of existing rail activity (and with a direct line of sight to that rail facility). A noise assessment would also be appropriate if the action would result in a playground or would cause a stationary source to be operating within 1,500 feet of a receptor (with a direct line of sight to that receptor), if the action would include unenclosed mechanical equipment for manufacturing or building ventilation purposes, or if the action would be located in an area with high ambient noise levels resulting from stationary sources.

Of the 407 projects in the Housing Universe Subset, 259 projects had E- Designations or commitments similar to E-Designations placed for noise, consequently, none had significant adverse impacts due to noise conditions. Many projects within the overall Housing Universe also had commitments or components related to noise.

Therefore, to protect against potential significant adverse noise impacts, the proposed rules impose conditions that must be met before these actions can be classified as Type II actions. These conditions are discussed below.

1. The applicant or development site owner needs to have provided to the lead agency outdoor noise sampling showing less than 70 A-weighted decibels (dBA) L_{10} ambient noise levels at the development site and for all developable sites within the line of sight of any railway or subway, less than 65 dBA L_{dn} ambient noise levels and confirmed that all developable sites are outside the 65 DNL contours established in the current Noise Exposure Map (NEM) Report for John F. Kennedy Airport and LaGuardia Airport.
2. Alternatively, the applicant or development site owner has the option to agree to establishment of an (E) designation for noise pursuant to section 11-15 of the Zoning Resolution on a

developable site, or where the development site will be developed pursuant to a regulatory agreement with a government agency, comply with protections equivalent to those imposed by an (E) designation for noise attenuation contained in such regulatory agreement.

Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse noise impacts.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required noise-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse noise impacts.

18. Public Health

According to the guidelines of the *2021 CEQR Technical Manual*, for most proposed projects, a public health analysis is not required. A public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. The proposed rules will designate actions to be Type II that facilitate specific development outcomes and provide the size, use, and location thresholds to ensure no impacts will occur from these actions.

As described in the respective analyses herein, promulgation of the proposed rules would not result in significant adverse impacts in any of the technical areas related to public health.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse public health impacts.

19. Neighborhood Character

According to the guidelines of the *2021 CEQR Technical Manual*, an assessment of neighborhood character is generally only needed when a proposed project has the potential to result in significant adverse impacts in one of the elements that define a neighborhood's character, or when a project may have moderate effects on several of the elements. The character of a neighborhood is established by an amalgam of various elements that give neighborhoods their distinct "personality." These elements may include a neighborhood's land use patterns, urban design, visual resources, historic resources, socioeconomics, traffic, and/or noise. The proposed rules include only actions that have consistently been shown to have no potential to result in significant adverse impacts on neighborhood character.

As described in the respective analyses herein, promulgation of the proposed rules would not result in significant adverse impacts on Land Use, Zoning and Public Policy, Socioeconomic Conditions, Community Facilities, Open Space, Shadows, Historic and Cultural Resources, Urban Design and Visual Resources, Transportation, or Noise.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes, would not result in the potential for any significant adverse impacts on neighborhood character.

20. Construction

Depending on the duration and magnitude of construction, the *2021 CEQR Technical Manual* suggests that an assessment of construction-related impacts may be appropriate. An analysis of construction impacts may focus on transportation, air quality, and noise, as well as other technical areas such as historic and cultural resources, hazardous materials, and natural resources.

Of the 407 projects within the Housing Universe Subset, 3 had identified construction related impacts or components/commitments to avoid impacts. As shown in **Table 3 Eligibility Criteria Development**, all three of these projects (CEQR No.'s 21DCP206M, 14DME010X, and 21DCO083K) had anticipated construction durations greater than 24 months.

Therefore, to protect against potential significant adverse long-term construction impacts, the proposed rules would impose conditions for actions that facilitate specific development outcomes. The conditions would make such actions with an anticipated project construction duration of up to 24 months and consecutive construction duration for all contiguous developable sites of up to 24 months eligible for Type II determination.

Actions that will facilitate specific development outcomes which would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination as they would not result in any potential for significant adverse construction impacts.

Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and require construction-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse construction impacts.

III. APPENDIX

APPENDIX A

Table of CEQR housing projects reviewed

APPENDIX B

Waterfront Revitalization Program – Consistency Assessment

APPENDIX C

Jamaica Bay Waterfront Protection Program

APPENDIX D

Rules Proposed by DCP

Appendix A

Lead Agency	CEQR Number	Project Name	CEQR Determination
DCP	04DCP039R	Bradford Avenue	Negative Declaration
DCP	06DCP092Q	Douglaston Parkway Rezoning	Negative Declaration
DCP	07DCP027M	325 West Broadway (Minor Modification)	Negative Declaration
DCP	07DCP038M	341 Canal Street - Renewal and Modification	Negative Declaration
DCP	07DCP059M	150 Charles Street	Negative Declaration
HPD	07HPD027M	Harlem Downing Project	Negative Declaration
DCP	08DCP032R	131, 133, 137 & 139 Brighton Avenue	Negative Declaration
DCP	08DCP033K	363-365 Bond Street Waterfront Certifications	Positive Declaration
DCP	08DCP045Q	38th St- 35th Ave Rezoning	Negative Declaration
DCP	09DCP038R	ALBOURNE AVENUE DEMAPPING	Negative Declaration
HPD	09HPD020K	640 Broadway	Negative Declaration
HPD	09HPD026M	Promesa East 120th Street and 1st Avenue Mixed-Use Development	Negative Declaration
BSA	10BSA057K	2170 Mill Avenue	Negative Declaration
DCP	10DCP003M	AIDS Memorial Mod	Positive Declaration
DCP	10DCP020K	EMPIRE BOULEVARD REZONING	Negative Declaration
DCP	10DCP036R	New York Korean Evangelical Church	Negative Declaration
DCP	10DCP038K	Ocean Dreams Minor Modification	Conditional Negative Declaration
DCP	10DCP048M	510-512 W23rd St Text Amendment	Negative Declaration
HPD	10HPD012K	Williamsburg Development	Negative Declaration
BSA	11BSA104Q	78-70 Winchester Boulevard	Negative Declaration
DCP	11DCP055X	New Hope Transitional Housing - 731 SOUTHERN BLVD	Negative Declaration
DCP	11DCP069Q	23RD AVENUE REZONING	Negative Declaration
BSA	12BSA068M	100 Varick Street	Negative Declaration
BSA	12BSA108K	91 Franklin Avenue	Negative Declaration
BSA	12BSA137K	816 Washington Avenue	Negative Declaration
DCP	12DCP020M	625 West 57th Street (auto showroom text)	Positive Declaration
DCP	12DCP021X	Bloomfield Development - SNAD	Negative Declaration
DCP	12DCP096Q	UNION TURNPIKE REZONING	Negative Declaration
DCP	12DCP139Q	VERNON BLVD- BROADWAY REZONING	Negative Declaration
DCP	12DCP157M	Two Bridges (HealthCare Chaplaincy)	Negative Declaration
HPD	12HPD031X	Artsbridge Senior Housing	Negative Declaration
HPD	12HPD039M	HHC Draper Hall & East 99th Street	Negative Declaration
BSA	13BSA008K	164 Coffey Street	Negative Declaration
BSA	13BSA013M	8-12 Bond Street aka 358-364 Lafayette Street	Negative Declaration
BSA	13BSA029X	232 City Island Avenue	Negative Declaration
BSA	13BSA053K	964 Dean Street	Negative Declaration
BSA	13BSA102M	45 Great Jones Street	Negative Declaration
BSA	13BSA123K	81 Jefferson Street	Negative Declaration
BSA	13BSA132K	95-97 Grattan Street	Negative Declaration
BSA	13BSA163M	354/361 West Street	Negative Declaration
DCP	13DCP009R	WANDEL AVENUE HOMES	Negative Declaration
DCP	13DCP024M	498 Broome Street	Negative Declaration
DCP	13DCP067K	Pitkin-Berriman Rezoning	Negative Declaration
DCP	13DCP091M	688 Broadway	Negative Declaration
DCP	13DCP094Q	22-44 Jackson Avenue Minor Modification	Conditional Negative Declaration
EDC	13DME001R	Charleston Municipal Site	Positive Declaration
EDC	13DME008R	Lighthouse Point	Negative Declaration
HPD	13HPD011M	CLOTH The Heights 150th Street - 801 St. Nicholas Avenue & 369 Edgecombe Avenue	Negative Declaration
HPD	13HPD017X	Westchester Point Apartment	Negative Declaration
HPD	13HPD022X	Barrier Free Living - 616 East 139th Street and 637 East 138th Street	Negative Declaration
HPD	13HPD048K	Cypress Hills Senior Housing	Negative Declaration
HPD	13HPD050X	1351 Boston Road	Negative Declaration
HPD	13HPD058M	Micro Units Development	Negative Declaration
HPD	13HPD065X	304 Echo Place	Negative Declaration
HPD	13HPD071Q	503 Onderdonk Avenue	Negative Declaration
HPD	13HPD074K	Livonia Commons Rezoning	Negative Declaration
HPD	13HPD078K	Atlantic Commons II	Negative Declaration
HPD	13HPD080M	Bradhurst Cornerstone II Apartments	Negative Declaration
HPD	13HPD081X	1191 Boston Road - Common Ground	Negative Declaration
HPD	13HPD102K	Ruby's Place Supportive Housing	Negative Declaration
HPD	13HPD103X	Villa Avenue Supportive Housing	Negative Declaration
HPD	13HPD106M	525 West 52nd Street / 540 West 53rd Street Rezoning (Clinton URA Site 7)	Negative Declaration
BSA	14BSA034R	25,27,31,33 Sheridan Avenue	Negative Declaration
BSA	14BSA036Q	118-27/47 Farmers Boulevard	Negative Declaration
BSA	14BSA044M	321 East 60th Street	Negative Declaration
BSA	14BSA048M	1769 Fort George Hill	Negative Declaration
BSA	14BSA062M	220 Lafayette Street	Negative Declaration
BSA	14BSA064K	308 Cooper Street	Negative Declaration
BSA	14BSA080M	74 Grand Street	Negative Declaration
BSA	14BSA135Q	1506 Decatur Street	Negative Declaration
BSA	14BSA162R	1891 Richmond Road	Negative Declaration
BSA	14BSA169M	11 Avenue C	Negative Declaration
DCP	14DCP004K	GREENPOINT LANDING	Negative Declaration

DCP	14DCP043M	West 117th Street Rezoning	Negative Declaration
DCP	14DCP066Q	11-55 49th Avenue Rezoning	Negative Declaration
DCP	14DCP084M	West 106th street rezoning	Negative Declaration
DCP	14DCP085M	37 Great Jones Street	Negative Declaration
DCP	14DCP086M	42 Crosby Street	Negative Declaration
DCP	14DCP088Q	WOODWARD AVENUE REZONING	Negative Declaration
DCP	14DCP154Q	Vaux Road Demapping	Conditional Negative Declaration
DCP	14DCP167M	39-41 W. 23rd Street	Negative Declaration
DCP	14DCP183M	505-513 West 43rd Street	Negative Declaration
DCP	14DCP199M	102 Greene Street	Negative Declaration
EDC	14DME010X	Baychester Square LSGD	Positive Declaration
HPD	14HPD001X	True Colors Bronx	Negative Declaration
HPD	14HPD002K	BAM North Site 1	Negative Declaration
HPD	14HPD003K	Bergen Saratoga Apartments	Negative Declaration
HPD	14HPD007X	Norwood Terrace	Negative Declaration
HPD	14HPD009K	The Henry Apartments	Negative Declaration
HPD	14HPD016M	492 Saint Nicholas Avenue	Negative Declaration
HPD	14HPD017K	North Brooklyn Opportunities	Negative Declaration
HPD	14HPD020X	Arthur Avenue Residence	Negative Declaration
HPD	14HPD026M	260 West 153 Street	Negative Declaration
HPD	14HPD029K	CAMBA Gardens - 560 Winthrop Street	Negative Declaration
HPD	14HPD030X	Melrose Commons North	Negative Declaration
HPD	14HPD031M	424 West 55th Street	Negative Declaration
HPD	14HPD034M	Cooper Square/Ali Forney (222 East 13th Street)	Negative Declaration
HPD	14HPD037X	Van Courtlandt Green	Negative Declaration
HPD	14HPD044K	695 Grand Street	Negative Declaration
HPD	14HPD045X	Washington Avenue Apartments	Negative Declaration
HPD	14HPD052X	162nd Street Houses	Negative Declaration
HPD	14HPD055X	Doe. 1420 Crotona Park East	Negative Declaration
HPD	14HPD057X	Burnside and Walton Towers	Negative Declaration
HPD	14HPD069K	BAM North Site 2	Negative Declaration
BSA	15BSA036K	263 McGuinness Boulevard	Negative Declaration
BSA	15BSA062K	64 Degraw Street	Negative Declaration
BSA	15BSA063K	8-10 Underhill Avenue	Negative Declaration
BSA	15BSA076M	98-100 Franklin Street	Negative Declaration
BSA	15BSA088K	112 Atlantic Avenue	Negative Declaration
BSA	15BSA152K	219 26th Street	Negative Declaration
BSA	15BSA179R	139 Bay Street	Negative Declaration
BSA	15BSA181M	39 Clarkson Street	Negative Declaration
BSA	15BSA196K	92 Walworth Street	Negative Declaration
BSA	15BSA211R	680, 682, and 684 Van Duzer Street	Negative Declaration
DCP	15DCP009M	7 W 21st Street Garage	Negative Declaration
DCP	15DCP012M	20 East 71st Street	Negative Declaration
DCP	15DCP021M	HY Subarea D4, D5 sliver law text amendment	Negative Declaration
DCP	15DCP025M	41 Great Jones Street	Negative Declaration
DCP	15DCP047Q	38th St - 35 th st Ave. Rezoning	Negative Declaration
DCP	15DCP083K	205 Park Ave Rezoning	Negative Declaration
DCP	15DCP088R	25 Posen Street	Negative Declaration
DCP	15DCP119X	285 E 138th - Tres Puentes	Negative Declaration
DCP	15DCP138M	23-25 Cleveland Pl. Little Italy Text Amendment	Negative Declaration
DCP	15DCP153R	Richmond Avenue and Barlow Avenue	Negative Declaration
DCP	15DCP154R	521-529 Durant Avenue	Conditional Negative Declaration
DCP	15DCP163M	150 Wooster Street - 2014	Negative Declaration
DCP	15DCP207K	265 Front Street	Negative Declaration
EDC	15DME003K	141 Willoughby Street	Negative Declaration
EDC	15DME005K	1 Clinton Street - BK Heights Library	Negative Declaration
EDC	15DME006R	Landmark Colony	Negative Declaration
HPD	15HPD006X	411 East 178th Street & 4275 Park Avenue	Negative Declaration
HPD	15HPD007X	Settlement Housing 1561 Walton Avenue	Negative Declaration
HPD	15HPD010X	2065 Walton Avenue	Negative Declaration
HPD	15HPD012Q	HANAC Corona Senior Residence	Negative Declaration
HPD	15HPD013K	Pacific Linwood	Negative Declaration
HPD	15HPD014X	Praxis 2264-2274 Loring Place North	Negative Declaration
HPD	15HPD015X	Summit Ridge	Negative Declaration
HPD	15HPD016M	17-21 West 118th Street	Negative Declaration
HPD	15HPD025M	Strivers Plaza	Negative Declaration
HPD	15HPD026X	3160 Park Avenue	Negative Declaration
HPD	15HPD027Q	9306 Shore Front Parkway	Negative Declaration
HPD	15HPD032K	Our Lady of Lourdes Affordable Housing	Negative Declaration
HPD	15HPD036X	Woodycrest Veterans Housing	Negative Declaration
HPD	15HPD040X	Excelsior II Family Housing - 1265-1289 Nelson Avenue, Bronx, New York	Negative Declaration
HPD	15HPD041X	La Central	Positive Declaration
HPD	15HPD042X	233 Landing Road	Negative Declaration
HPD	15HPD044X	2264 Morris Avenue	Negative Declaration
HPD	15HPD050X	Marcy Sheridan Apartments	Negative Declaration
HPD	15HPD052X	Creston Burnside	Negative Declaration
HPD	15HPD053K	339 Berry Street (LPC Warehouse)	Negative Declaration

HPD	15HPD054K	679 Van Sinderen Avenue	Negative Declaration
HPD	15HPD055K	1345 Rogers Avenue	Negative Declaration
HPD	15HPD062K	344 Bergen Street	Negative Declaration
HPD	15HPD064X	TLK Manor	Negative Declaration
HPD	15HPD065X	St. Augustine Apartments	Negative Declaration
HPD	15HPD067Q	34-11 Beach Channel Drive	Negative Declaration
HPD	15HPD068Q	Beach Green North	Negative Declaration
HPD	15HPD069X	Lynn's Place	Negative Declaration
HPD	15HPD070X	Tremont Renaissance Mixed-Use Development	Negative Declaration
HPD	15HPD076Q	The Pavilion at Locust Manor	Negative Declaration
HPD	15HPD085K	163 Columbia Street	Negative Declaration
BSA	16BSA038Q	45 Vernon Boulevard	Negative Declaration
BSA	16BSA055K	338 Devoe Street	Negative Declaration
BSA	16BSA108K	230 Boerum Street	Negative Declaration
BSA	16BSA109K	823 Kent Avenue	Negative Declaration
BSA	16BSA120M	142 West 19th Street	Negative Declaration
DCP	16DCP002K	251 Front Street	Negative Declaration
DCP	16DCP018K	31 Lincoln Road Apartments	Negative Declaration
DCP	16DCP026M	321, 323 Canal Street	Negative Declaration
DCP	16DCP060Q	Barnett Avenue Rezoning	Negative Declaration
DCP	16DCP072M	Broadway-Sherman Avenue Rezoning (Sherman Plaza)	Negative Declaration
DCP	16DCP100K	14-18 Carroll Street Rezoning	Conditional Negative Declaration
DCP	16DCP102M	7 E. 19th Street - Res Conversion	Negative Declaration
DCP	16DCP106M	Adorama	Negative Declaration
DCP	16DCP118M	Seaman Avenue Rezoning	Negative Declaration
DCP	16DCP121K	376-378 Flushing Ave, 43 Franklin Ave(Rose Castle)	Negative Declaration
DCP	16DCP133Q	Seagirt Boulevard Rezoning	Negative Declaration
DCP	16DCP134K	1010 Pacific Street Rezoning	Negative Declaration
DCP	16DCP146X	Concourse Village West Rezoning	Negative Declaration
DCP	16DCP154X	147th Street Rezoning	Negative Declaration
DCP	16DCP155X	1932 Bryant Avenue	Negative Declaration
DCP	16DCP167K	13-15 Greenpoint Avenue	Negative Declaration
DCP	16DCP168Q	193-02 Horace Harding Expy Special Permit Mod	Negative Declaration
DCP	16DCP177K	723-733 Myrtle Avenue Rezoning	Negative Declaration
DCP	16DCP187M	1290 Madison Avenue	Negative Declaration
DCP	16DCP188M	West 23rd Street text amendment	Negative Declaration
EDC	16DME004K	Caton Flats (Flatbush Caton Market)	Negative Declaration
EDC	16DME005K	Bedford-Union Armory (LSGD)	Positive Declaration
EDC	16DME011M	East 126th Street Bus Depot Memorial Project	Positive Declaration
HPD	16HPD001X	Lambert Houses Redevelopment EIS	Positive Declaration
HPD	16HPD009X	2605 Grand Concourse	Negative Declaration
HPD	16HPD014Q	One Flushing	Negative Declaration
HPD	16HPD015K	Sunset Park Library	Negative Declaration
HPD	16HPD018X	Story Avenue	Negative Declaration
HPD	16HPD019X	530 Exterior Street and 491 Gerard Avenue	Negative Declaration
HPD	16HPD044X	603 Jackson Avenue	Negative Declaration
HPD	16HPD045X	1815 West Farms Road	Negative Declaration
HPD	16HPD050X	Lee Goodwin Residence 760-770 East Tremont Avenue	Negative Declaration
HPD	16HPD051M	201 - 207 7th Avenue	Negative Declaration
HPD	16HPD052K	Edwin's Place 3 Livonia Avenue	Negative Declaration
HPD	16HPD054K	Rochester/Suydam Phase I	Negative Declaration
HPD	16HPD062K	1019-1029 Fulton Street	Negative Declaration
HPD	16HPD064Q	11-30 McBride Street	Negative Declaration
HPD	16HPD065X	284-296 East 162nd Street	Negative Declaration
HPD	16HPD069K	Hopkinson- Park Place	Negative Declaration
HPD	16HPD078M	407 Lenox Avenue/225 West 140th Street	Negative Declaration
HPD	16HPD079K	120 Fifth Avenue	Negative Declaration
HPD	16HPD082M	Lexington Gardens II	Negative Declaration
HPD	16HPD091K	Comunilife 760 Broadway Woodhull	Negative Declaration
HPD	16HPD095X	373 East 157th Street	Negative Declaration
HPD	16HPD099K	Old Stanley Open Door	Negative Declaration
HPD	16HPD105Q	147-20 94th Avenue	Negative Declaration
HPD	16HPD108X	111 East 172nd Street	Negative Declaration
HPD	16HPD114X	St. Barnabas Wellness Care and Affordable Housing	Negative Declaration
HPD	16HPD118K	Warwick/ New Jersey	Negative Declaration
HPD	16HPD123X	1434 Undercliff Avenue	Negative Declaration
HPD	16HPD130X	Sydney House	Negative Declaration
HPD	16HPD131X	1017 Home Street	Negative Declaration
HPD	16HPD143X	Norwood Gardens	Negative Declaration
HPD	16HPD145X	1000 Fox Street and 960 Simpson Street	Negative Declaration
HPD	16HPD152M	The Frederick Rezoning (2395 Frederick Douglass Boulevard)	Negative Declaration
BSA	17BSA025M	25 Bleecker Street	Negative Declaration
BSA	17BSA099R	1321 Richmond Road	Negative Declaration
BSA	17BSA122K	651-671 Gates Avenue/510 Quincy Street	Negative Declaration
BSA	17BSA132Q	23-11 31st Road	Negative Declaration
DCP	17DCP021K	116 Bedford Avenue	Negative Declaration
DCP	17DCP025X	600 E 156th Street - Rezoning	Negative Declaration

DCP	17DCP062M	10 Greene Street	Negative Declaration
DCP	17DCP067K	1451 Franklin Avenue Rezoning	Negative Declaration
DCP	17DCP068K	1860 Eastern Parkway	Negative Declaration
DCP	17DCP069R	125 EDGEWATER STREET - MIH	Conditional Negative Declaration
DCP	17DCP071K	1350 Bedford Avenue Rezoning	Negative Declaration
DCP	17DCP072Q	74-04 Northern Boulevard Rezoning	Negative Declaration
DCP	17DCP075X	Watson Avenue Rezoning	Negative Declaration
DCP	17DCP078X	Whitlock and 165th Street - Rezoning	Negative Declaration
DCP	17DCP080X	Westchester Mews - Rezoning	Negative Declaration
DCP	17DCP088K	Ebenezer Plaza Rezoning	Negative Declaration
DCP	17DCP098K	Sea Park North Rezoning	Negative Declaration
DCP	17DCP100K	57 Caton Place Rezoning	Negative Declaration
DCP	17DCP109M	66 Allen Street	Negative Declaration
DCP	17DCP113M	40 Wooster Street - 74-711	Negative Declaration
DCP	17DCP121K	605 Hart Street FRESH (Authorization)	Negative Declaration
DCP	17DCP134M	Harlem Renaissance 2012 NBT Way Project	Negative Declaration
DCP	17DCP143Q	135-01 35th Av Rezoning	Negative Declaration
DCP	17DCP148M	Two Bridges - LSRD Mod - 260 South St (5)	Positive Declaration
DCP	17DCP154X	1675 Westchester Avenue - Rezoning	Negative Declaration
DCP	17DCP155K	Linden Boulevard rezoning	Negative Declaration
DCP	17DCP161Q	Northeastern Towers Annex Rezoning	Negative Declaration
DCP	17DCP163K	587 Bergen Street Rezoning	Negative Declaration
DCP	17DCP165X	1776 Eastchester Road - Montefiore Staff Housing	Negative Declaration
DCP	17DCP172X	1965 Lafayette Avenue	Conditional Negative Declaration
DCP	17DCP175Q	35-10 Astoria Boulevard South Rezoning	Negative Declaration
DCP	17DCP176K	Tillary and Prince Streets Rezoning	Conditional Negative Declaration
DCP	17DCP186M	West Village Houses & Perry St Garage	Negative Declaration
DCP	17DCP194X	Blondell Commons	Negative Declaration
DCP	17DCP203M	East 33rd St Rezoning	Negative Declaration
DCP	17DCP204K	1220 Avenue P Rezoning	Negative Declaration
DCP	17DCP205K	1050 Pacific Street Rezoning	Negative Declaration
EDC	17DME001X	Spofford Campus Redevelopment LSGD	Positive Declaration
HPD	17HPD001Q	Tree of Life	Negative Declaration
HPD	17HPD003X	Villa Gardens	Negative Declaration
HPD	17HPD004X	1880 Boston Road	Negative Declaration
HPD	17HPD007X	1880-1888 Bathgate Avenue	Negative Declaration
HPD	17HPD012X	545 East 166th Street	Negative Declaration
HPD	17HPD013M	The Gilbert	Negative Declaration
HPD	17HPD026K	210-214 Hegeman Avenue	Negative Declaration
HPD	17HPD039X	Park Haven Residence	Negative Declaration
HPD	17HPD041X	HELP 771-775 Crotona Park North	Negative Declaration
HPD	17HPD044K	1618 Fulton Street	Negative Declaration
HPD	17HPD046K	402-420 Snediker Avenue	Negative Declaration
HPD	17HPD047X	902 Jennings Street	Negative Declaration
HPD	17HPD050K	839 St. Marks Avenue	Negative Declaration
HPD	17HPD051K	Rochester Suydam	Negative Declaration
HPD	17HPD053M	Virginia House	Negative Declaration
HPD	17HPD060X	Clarke Place Senior Residence	Negative Declaration
HPD	17HPD067X	909 Beck Street	Negative Declaration
HPD	17HPD068X	425 Grand Concourse	Negative Declaration
HPD	17HPD071X	985 Bruckner Boulevard	Negative Declaration
HPD	17HPD072X	1193 Fulton Avenue	Negative Declaration
HPD	17HPD083M	West 108th Street WSFSSH Development	Positive Declaration
HPD	17HPD085X	1490 Southern Boulevard	Negative Declaration
HPD	17HPD109X	Mosholu Grand	Negative Declaration
HPD	17HPD111M	302-314 West 127th Street Residence	Negative Declaration
BSA	18BSA033Q	129-18 Newport Avenue Variance	Negative Declaration
BSA	18BSA050X	Mount Hope Walton Apartments	Negative Declaration
BSA	18BSA055M	128 West 26th Street	Negative Declaration
BSA	18BSA058M	14 White Street	Negative Declaration
BSA	18BSA071K	853 Kent Avenue	Negative Declaration
DCP	18DCP007X	Willow Avenue Rezoning	Negative Declaration
DCP	18DCP020Q	52nd Street Rezoning	Negative Declaration
DCP	18DCP021Q	Former Parkway Hospital Site Rezoning	Negative Declaration
DCP	18DCP038K	1501-1555 60th Street Rezoning	Negative Declaration
DCP	18DCP040K	895 Bedford Avenue Rezoning	Negative Declaration
DCP	18DCP044K	142-150 South Portland	Negative Declaration
DCP	18DCP045Q	40-31 82nd Street Rezoning	Negative Declaration
DCP	18DCP050K	805 Washington Avenue - FRESH ZA,ZC	Negative Declaration
DCP	18DCP059R	43 & 47 Cecilia Court	Negative Declaration
DCP	18DCP061K	1601 DeKalb Avenue Rezoning	Negative Declaration
DCP	18DCP063M	45 Broad Street - Subway Improvement Bonus	Negative Declaration
DCP	18DCP064K	W 22nd - W 23rd St Coney Island Rezoning	Negative Declaration
DCP	18DCP071X	Williamsbridge Road Rezoning	Negative Declaration
DCP	18DCP072K	55-63 Summit Street Rezoning	Negative Declaration
DCP	18DCP079Q	11-14 35th AVENUE Ravenswood Rezoning	Negative Declaration
DCP	18DCP092M	51 White Street 74-711	Negative Declaration

DCP	18DCP094X	241st Street Rezoning	Negative Declaration
DCP	18DCP101K	Marcus Garvey Apartments LSGD	Negative Declaration
DCP	18DCP104K	273 Avenue U Rezoning	Negative Declaration
DCP	18DCP105K	1881-1883 McDonald Avenue Rezoning	Negative Declaration
DCP	18DCP107K	3901 9th Avenue Rezoning	Negative Declaration
DCP	18DCP111K	570 Fulton Street Rezoning	Negative Declaration
DCP	18DCP118K	Caton Park Nursing Home Rezoning	Negative Declaration
DCP	18DCP121Q	Variety Boys and Girls Club Rezoning	Negative Declaration
DCP	18DCP123K	41 Summit Street Rezoning	Negative Declaration
DCP	18DCP130K	2 Howard Avenue Rezoning	Negative Declaration
DCP	18DCP132Q	69-02 Queens Boulevard Minor Modifications	Negative Declaration
DCP	18DCP159M	110 East 16th Street - 74-711	Negative Declaration
DCP	18DCP177K	Suydam Street rezoning	Negative Declaration
DCP	18DCP179K	809 Atlantic Avenue Rezoning	Negative Declaration
DCP	18DCP188Q	Kissena Center Rezoning	Conditional Negative Declaration
EDC	18DME001M	495 Eleventh Ave (Slaughterhouse)	Positive Declaration
HPD	18HPD003K	Brisa 1488 New York Avenue	Negative Declaration
HPD	18HPD004X	Pak and Elton Apartments	Negative Declaration
HPD	18HPD005K	1921 Cortelyou Road	Negative Declaration
HPD	18HPD006X	Phoenix Estates II	Negative Declaration
HPD	18HPD011X	975 Tiffany Street	Negative Declaration
HPD	18HPD012X	3188 Villa Avenue	Negative Declaration
HPD	18HPD017X	1325 Southern Boulevard	Negative Declaration
HPD	18HPD019X	Creston Parkview	Negative Declaration
HPD	18HPD034M	Balton Commons	Negative Declaration
HPD	18HPD037K	Linwood Park Apartments	Negative Declaration
HPD	18HPD039X	Victory Baptist	Negative Declaration
HPD	18HPD041Q	26-32 & 27-01 Jackson Avenue	Negative Declaration
HPD	18HPD045K	Bushwick Alliance	Negative Declaration
HPD	18HPD046X	2049-2053 Ryer Avenue	Negative Declaration
HPD	18HPD049K	Brownsville North/Ocean Hill	Negative Declaration
HPD	18HPD054X	Belmont Cove Rezoning	Negative Declaration
HPD	18HPD057K	40 Debevoise Street	Negative Declaration
HPD	18HPD058M	Woodstock Hotel Penthouse - 127 West 43rd Street	Negative Declaration
HPD	18HPD063Q	147-25 94th Avenue	Negative Declaration
HPD	18HPD064X	4697 Third Avenue	Negative Declaration
HPD	18HPD065K	Brownsville South	Negative Declaration
HPD	18HPD066K	461 Alabama Avenue	Negative Declaration
HPD	18HPD069M	NCP Lower East Side	Negative Declaration
HPD	18HPD070K	645 Gates Avenue	Negative Declaration
HPD	18HPD076X	2241 White Plains Road	Negative Declaration
HPD	18HPD078K	Dekalb Commons	Positive Declaration
HPD	18HPD082X	2861 Creston Avenue	Negative Declaration
HPD	18HPD084K	Coney Island - Phase I	Negative Declaration
HPD	18HPD085X	599 Courtlandt	Negative Declaration
HPD	18HPD086M	NME III	Negative Declaration
HPD	18HPD091K	811-817 Lexington Avenue	Negative Declaration
HPD	18HPD092M	204 Avenue A and 535 West 12th Street	Negative Declaration
HPD	18HPD093K	Bed Stuy Central and North	Negative Declaration
HPD	18HPD103M	266 West 96th Street	Positive Declaration
HPD	18HPD104K	1921 Atlantic Avenue	Negative Declaration
HPD	18HPD105M	Haven Green	Negative Declaration
BSA	19BSA040Q	80-97 Cypress Avenue	Negative Declaration
BSA	19BSA054Q	46-09 /46-19 31st Avenue	Negative Declaration
BSA	19BSA112M	15 Terrace View Avenue	Negative Declaration
BSA	19BSA152M	118 West 28th Street	Negative Declaration
DCP	19DCP003Q	47-15 34th Avenue Rezoning	Negative Declaration
DCP	19DCP028K	1640 Flatbush Avenue	Negative Declaration
DCP	19DCP038Q	Court Square Block 3 Text Amendment	Negative Declaration
DCP	19DCP041M	Ennis Francis Houses LSRD	Negative Declaration
DCP	19DCP058M	25 East 21st Street - Gramercy Condominium	Negative Declaration
DCP	19DCP082X	2069 Bruckner Blvd 2	Negative Declaration
DCP	19DCP108Q	44-01 Northern Boulevard Rezoning	Negative Declaration
DCP	19DCP109K	1220 Avenue P Rezoning	Negative Declaration
DCP	19DCP114K	Grand Ave and Pacific St Rezoning	Negative Declaration
DCP	19DCP115X	1099 Webster Avenue - Rezoning	Negative Declaration
DCP	19DCP116M	La Hermosa	Negative Declaration
DCP	19DCP119M	GO Broome Street Development	Positive Declaration
DCP	19DCP127K	737 Fourth Avenue	Negative Declaration
DCP	19DCP128K	9114 5th Avenue Rezoning	Negative Declaration
DCP	19DCP145Q	22-60 46th Street (MEGA) Rezoning	Negative Declaration
DCP	19DCP206Q	Queens Blvd MIH Text Amendment	Negative Declaration
DCP	19DCP208K	5914 Bay Parkway Rezoning	Negative Declaration
DCP	19DCP218Q	62-04 Roosevelt Ave Rezoning	Negative Declaration
DCP	19DCP220K	803 Rockaway Avenue Rezoning	Negative Declaration
DCP	19DCP222X	909 Castle Hill Avenue	Negative Declaration
HPD	19HPD002X	1080 Washington Avenue	Negative Declaration

HPD	19HPD009Q	Apex Place	Negative Declaration
HPD	19HPD010Q	Hunter's Point South Development - Parcels F and G	Negative Declaration
HPD	19HPD011X	Brook 156	Negative Declaration
HPD	19HPD012M	3-11 West 118th Street	Negative Declaration
HPD	19HPD016X	782 Courtlandt Avenue aka MWBE Site D	Negative Declaration
HPD	19HPD017K	50 Pennsylvania Avenue	Negative Declaration
HPD	19HPD032Q	The T Building	Negative Declaration
HPD	19HPD034R	Castleton Supportive Housing	Negative Declaration
HPD	19HPD035X	2016 Arthur Avenue	Negative Declaration
HPD	19HPD039X	2126 Mapes Avenue	Negative Declaration
HPD	19HPD052X	Le Grande Ville	Negative Declaration
HPD	19HPD056M	Central Harlem Clusters	Negative Declaration
HPD	19HPD057K	1510 Broadway	Negative Declaration
HPD	19HPD058K	515 Blake Avenue	Negative Declaration
HPD	19HPD060K	776-780 Myrtle Avenue	Negative Declaration
HPD	19HPD062K	Sutter Lincoln- East NY NIHOP/NCP Cluster	Negative Declaration
HPD	19HPD071M	37 Hillside Avenue	Negative Declaration
HPD	19HPD081X	Woodlawn Senior Housing	Negative Declaration
HPD	19HPD082Q	Monica House 161-01 89th Avenue	Negative Declaration
HPD	19HPD084X	Melrose Cluster	Negative Declaration
HPD	19HPD092X	1769 Jerome Avenue	Negative Declaration
HPD	19HPD119K	1559-1563 Prospect Place	Negative Declaration
HPD	19HPD128X	3401 Third Avenue	Negative Declaration
HPD	19HPD131K	New Penn Development (ENY South and West)	Negative Declaration
BSA	20BSA017K	485 Van Sinderen Avenue	Negative Declaration
BSA	20BSA089K	982 39th Street	Negative Declaration
DCP	20DCP010Q	110-40 Saultell Avenue Rezoning	Negative Declaration
DCP	20DCP018K	90 Sands Street	Negative Declaration
DCP	20DCP022K	16th Avenue Rezoning	Negative Declaration
DCP	20DCP036K	312 Coney Island Ave-Caton Place	Negative Declaration
DCP	20DCP038Q	50-25 Barnett Avenue Rezoning	Negative Declaration
DCP	20DCP039M	Grand St Guild - Seward Park Extension LSRD Mod	Negative Declaration
DCP	20DCP043Q	42-01 28th Avenue Rezoning	Negative Declaration
DCP	20DCP053Q	25-46 Far Rockaway Blvd Rezoning	Negative Declaration
DCP	20DCP072K	Bedford Ave Overlay Extension	Negative Declaration
DCP	20DCP075Q	185-17 Hillside Avenue Rezoning	Negative Declaration
DCP	20DCP077K	2840 Knapp Street Rezoning	Negative Declaration
DCP	20DCP083Q	Special Flushing Waterfront District	Negative Declaration
DCP	20DCP090Q	30-02 Newtown Ave Rezoning	Negative Declaration
DCP	20DCP091M	314 West 43rd Street Clinton Special Permit	Negative Declaration
DCP	20DCP095X	NYBG - 2856 Webster Ave FRESH	Negative Declaration
DCP	20DCP101K	1620 Cortelyou Road Rezoning	Negative Declaration
DCP	20DCP106M	633-641 West 142nd Street Rezoning	Negative Declaration
DCP	20DCP107Q	91-32 63rd Drive Rezoning	Negative Declaration
DCP	20DCP108K	1776 48th Street Rezoning	Negative Declaration
DCP	20DCP110K	824 Metropolitan Avenue	Negative Declaration
DCP	20DCP125Q	17-18 Decatur Street Authorization	Negative Declaration
DCP	20DCP126Q	11-12 Wykoff Avenue Authorization	Negative Declaration
DCP	20DCP129K	506 Third Avenue	Negative Declaration
DCP	20DCP131K	1880-1888 Coney Island Avenue Rezoning	Negative Declaration
DCP	20DCP139R	33 Ridgefield Avenue	Negative Declaration
DCP	20DCP140R	River North	Positive Declaration
DCP	20DCP144K	103 Lee Avenue	Negative Declaration
DCP	20DCP148K	2892 Nostrand Avenue Rezoning	Negative Declaration
DCP	20DCP155Q	68-19 Woodhaven Blvd Rezoning	Negative Declaration
DCP	20DCP156X	261 Walton Avenue	Negative Declaration
DCP	20DCP159X	4541 Furman Avenue Rezoning	Negative Declaration
DCP	20DCP160Q	98-81 Queens Boulevard Rezoning	Negative Declaration
DCP	20DCP161Q	103-16 Van Wyck Expressway Rezoning	Negative Declaration
DCP	20DCP162K	840 Atlantic Avenue	Negative Declaration
DCP	20DCP163Q	146-93 Guy Brewer Blvd Rezoning	Negative Declaration
HPD	20HPD002M	Las Raices	Positive Declaration
HPD	20HPD003K	Bethany Terraces	Negative Declaration
HPD	20HPD006X	980 Westchester Avenue	Negative Declaration
HPD	20HPD007K	Cooper Park/Greenpoint Hospital	Negative Declaration
HPD	20HPD008M	West 141st Street Apartments	Negative Declaration
HPD	20HPD010X	Williamsbridge Gardens	Negative Declaration
HPD	20HPD016X	O+O 1611 & 1701 Purdy Street Parkchester Gardens	Negative Declaration
HPD	20HPD025Q	Beach Green Dunes III	Negative Declaration
HPD	20HPD028K	Euclid Glenmore	Negative Declaration
HPD	20HPD032K	Lincoln Wortman Rezoning	Negative Declaration
HPD	20HPD048X	Bronx Scattered Site NCP/NIHOP	Negative Declaration
HPD	20HPD049M	West End 15 West 118th Street	Negative Declaration
HPD	20HPD054K	Livonia 4	Negative Declaration
HPD	20HPD068K	Brownsville and Weeksville HPD Properties	Negative Declaration
HPD	20HPD073Q	Elmcor 104-10 and 12 Northern Boulevard	Negative Declaration
HPD	20HPD089K	Glenmore Manor	Negative Declaration

BSA	21BSA022K	161 Emerson Place	Negative Declaration
BSA	21BSA033K	81 Beaver Street	Negative Declaration
BSA	21BSA054M	157 West 24th Street	Negative Declaration
DCP	21DCP005K	41 Summit Street	Negative Declaration
DCP	21DCP007X	431 Concord Avenue	Negative Declaration
DCP	21DCP010K	79 Quay Street Rezoning	Negative Declaration
DCP	21DCP022Q	Broadway and 11th Street Rezoning	Negative Declaration
DCP	21DCP026R	Harborlights Court	Conditional Negative Declaration
DCP	21DCP043K	270 Nostrand Avenue Rezoning	Negative Declaration
DCP	21DCP044X	Stevenson Commons	Positive Declaration
DCP	21DCP048Q	Beach 67th Street Rezoning	Conditional Negative Declaration
DCP	21DCP053K	Sutter Avenue Rezoning	Negative Declaration
DCP	21DCP056K	58 Nixon Court Rezoning	Negative Declaration
DCP	21DCP063Q	77-39 Vleigh Place Rezoning	Negative Declaration
DCP	21DCP078K	840 Lorimer Street Rezoning	Negative Declaration
DCP	21DCP079X	Arthur Avenue Hotel	Negative Declaration
DCP	21DCP081X	St. Joseph's - 1949 Bathgate Avenue	Negative Declaration
DCP	21DCP083K	130 St. Felix Street	Negative Declaration
DCP	21DCP084M	250 Water Street	Positive Declaration
DCP	21DCP094K	446-448 Park Avenue Rezoning	Negative Declaration
DCP	21DCP095Q	97-04 Sutphin Boulevard Rezoning	Negative Declaration
DCP	21DCP096K	98 Third Avenue	Negative Declaration
DCP	21DCP113Q	45-20 83rd Street Rezoning	Negative Declaration
DCP	21DCP114Q	35-01 Vernon Boulevard Rezoning	Negative Declaration
DCP	21DCP117Q	31st Street and Hoyt Ave. Rezoning	Negative Declaration
DCP	21DCP118Q	11th Street & 34th Avenue Rezoning	Conditional Negative Declaration
DCP	21DCP123K	2134 COYLE STREET REZONING	Negative Declaration
DCP	21DCP128Q	Wetherole Street and 67th Avenue Rezoning	Negative Declaration
DCP	21DCP132K	2080 McDonald Avenue	Negative Declaration
DCP	21DCP146K	870 - 888 Atlantic Avenue Rezoning	Negative Declaration
DCP	21DCP147K	749 Van Sinderen Avenue Rezoning	Negative Declaration
DCP	21DCP153R	252 Victory Boulevard	Negative Declaration
DCP	21DCP160X	Our Lady of Pity - 272 East 151st Street Rezoning	Negative Declaration
DCP	21DCP167M	One 45/ Museum of Civil Rights	Positive Declaration
DCP	21DCP168K	1045 Atlantic Avenue	Negative Declaration
DCP	21DCP170K	1034 - 1042 Atlantic Avenue Rezoning	Negative Declaration
DCP	21DCP188M	3 East 89th Street	Negative Declaration
DCP	21DCP194K	1571 McDonald Avenue Rezoning	Negative Declaration
DCP	21DCP198K	3285 Fulton Street Rezoning	Negative Declaration
DCP	21DCP206M	Sedesco - 41 West 57th Street	Negative Declaration
HPD	21HPD002X	346 Powers Avenue	Negative Declaration
HPD	21HPD004M	Fortune 123rd	Negative Declaration
HPD	21HPD025X	Foxy 1323 Boston Road	Negative Declaration
HPD	21HPD026K	1607 Surf Avenue	Negative Declaration
HPD	21HPD027K	Broadway Triangle	Negative Declaration
HPD	21HPD030X	St. Francis	Negative Declaration
HPD	21HPD049X	2017 Grand Concourse	Negative Declaration
HPD	21HPD053K	11-23 Montieith Street	Negative Declaration
HPD	21HPD055Q	Federation of Organizations 20-50 Nameoke Avenue	Negative Declaration
DCP	22DCP015X	Bruckner Sites Rezoning	Negative Declaration
DCP	22DCP037X	1810 Randall Avenue Rezoning	Negative Declaration
DCP	22DCP065Q	40-25 Crescent Street Rezoning	Negative Declaration
DCP	22DCP091K	Ninth Street Rezoning	Negative Declaration
DCP	22DCP092Q	78-46 Metropolitan Avenue Rezoning	Negative Declaration
DCP	22DCP110Q	25-01 Queens Plaza North Authorization	Negative Declaration
DCP	22DCP117Q	58-02 Northern Blvd Rezoning	Negative Declaration
DCP	22DCP123X	521 East Tremont Avenue Rezoning	Negative Declaration
DCP	22DCP144Q	97-27 57th Ave. Commercial Overlay	Negative Declaration
DCP	22DCP149K	280 Bergen Street Rezoning	Negative Declaration
DCP	22DCP184X	2560 Boston Road Rezoning	Conditional Negative Declaration
DCP	22DCP188Q	Reform Temple of Forest Hills Rezoning	Negative Declaration
HPD	22HPD004M	New Providence Shelter Redevelopment	Negative Declaration
HPD	22HPD008X	3095-3101 Webster Avenue	Negative Declaration
HPD	22HPD015X	VOA 1746 Andrews Avenue South	Negative Declaration
HPD	22HPD040X	1600 Grand Avenue	Negative Declaration
HPD	22HPD041X	Crotona Belmont Avenue	Negative Declaration
HPD	22HPD056K	Comunilife 171 Throop Avenue	Negative Declaration
HPD	22HPD064K	Shepherd Glenmore	Negative Declaration
DCP	23DCP004X	Christopher Court	Negative Declaration
DCP	23DCP024K	1421 86th Street Rezoning	Negative Declaration
DCP	23DCP058M	180 E 125th Street FRESH II Cert	Negative Declaration
HPD	23HPD001X	Enclave at 241st	Negative Declaration
HPD	23HPD002M	North Cove	Negative Declaration
HPD	23HPD003K	2435 Pacific Street	Negative Declaration
HPD	23HPD009K	Atlantic Chestnut Development	Negative Declaration
HPD	23HPD028Q	Essex Management 110-14 Astoria Boulevard Astoria Towers II	Negative Declaration

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the [New York City Waterfront Revitalization Program](#) (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

A. APPLICANT INFORMATION

Name of Applicant: New York City Mayor's Office

Name of Applicant Representative: Rob Holbrook

Address: 22 Reade Street

Telephone: 347-260-0450 Email: rholbrook@cityhall.nyc.gov

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The City Planning Commission proposes a City Administrative Procedure Act change to amend Chapter 5 Type II eligibility rules to exempt certain housing and related actions from review under the State Environmental Quality Review Act and City Environmental Quality Review procedures. The purpose of the amendment to the rules is to avoid unnecessary and time-consuming environmental analyses when the City Planning Commission considers proposed housing development up to a certain size, and accompanying small commercial developments, where those developments will not have significant adverse environmental impacts. The proposed action will be applicable citywide, including within areas of the coastal zone excluding Special Coastal Risk Districts.

2. Purpose of activity

New York City, like other municipalities, is facing a crippling housing crisis which has real and direct human consequences, including high rents, displacement pressure, segregation, gentrification, poor housing quality, tenant harassment, homelessness, and other effects of a market where residents have very limited options because of housing scarcity. Among the factors contributing to the City's housing crisis are the time and resources required to complete environmental reviews that are ultimately unnecessary because they consistently result in determinations that the proposed developments have no potential for significant adverse environmental impacts. To address this, the City agencies that develop or approve housing, including the Commission, are simultaneously each adopting a new Type II rule to exempt housing developments up to a certain size from further environmental review. Exempting these projects from review under SEQRA and CEQR will decrease their overall cost and shorten the time typically needed to complete the approval process, resulting in delivery of new homes faster to residents that need housing today.

C. PROJECT LOCATION

Borough: Citywide Tax Block/Lot(s): _____

Street Address: _____

Name of water body (if located on the waterfront): _____

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission Yes No

<input type="checkbox"/> City Map Amendment	<input type="checkbox"/> Zoning Certification	<input type="checkbox"/> Concession
<input type="checkbox"/> Zoning Map Amendment	<input type="checkbox"/> Zoning Authorizations	<input type="checkbox"/> UDAAP
<input type="checkbox"/> Zoning Text Amendment	<input type="checkbox"/> Acquisition – Real Property	<input type="checkbox"/> Revocable Consent
<input type="checkbox"/> Site Selection – Public Facility	<input type="checkbox"/> Disposition – Real Property	<input type="checkbox"/> Franchise
<input type="checkbox"/> Housing Plan & Project	<input checked="" type="checkbox"/> Other, explain: <u>CAPA rule change</u>	
<input type="checkbox"/> Special Permit		

(if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Board of Standards and Appeals Yes No

<input type="checkbox"/> Variance (use)	
<input type="checkbox"/> Variance (bulk)	
<input type="checkbox"/> Special Permit	

(if appropriate, specify type: Modification Renewal other) Expiration Date: _____

Other City Approvals

<input type="checkbox"/> Legislation	<input type="checkbox"/> Funding for Construction, specify: _____
<input type="checkbox"/> Rulemaking	<input type="checkbox"/> Policy or Plan, specify: _____
<input type="checkbox"/> Construction of Public Facilities	<input type="checkbox"/> Funding of Program, specify: _____
<input type="checkbox"/> 384 (b) (4) Approval	<input type="checkbox"/> Permits, specify: _____
<input type="checkbox"/> Other, explain: _____	

State Actions/Approvals/Funding

<input type="checkbox"/> State permit or license, specify Agency: _____	Permit type and number: _____
<input type="checkbox"/> Funding for Construction, specify: _____	
<input type="checkbox"/> Funding of a Program, specify: _____	
<input type="checkbox"/> Other, explain: _____	

Federal Actions/Approvals/Funding

<input type="checkbox"/> Federal permit or license, specify Agency: _____	Permit type and number: _____
<input type="checkbox"/> Funding for Construction, specify: _____	
<input type="checkbox"/> Funding of a Program, specify: _____	
<input type="checkbox"/> Other, explain: _____	

Is this being reviewed in conjunction with a [Joint Application for Permits?](#) Yes No

E. LOCATION QUESTIONS

1. Does the project require a waterfront site? Yes No
2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? Yes No
3. Is the project located on publicly owned land or receiving public assistance? Yes No
4. Is the project located within a FEMA 1% annual chance floodplain? (6.2) Yes No
5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2) Yes No
6. Is the project located adjacent to or within a special area designation? See [Maps – Part III](#) of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
 - Significant Maritime and Industrial Area (SMIA) (2.1)
 - Special Natural Waterfront Area (SNWA) (4.1)
 - Priority Maritime Activity Zone (PMAZ) (3.5)
 - Recognized Ecological Complex (REC) (4.4)
 - West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

F. WRP POLICY ASSESSMENT

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the [NYC Waterfront Revitalization Program](#). When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
I	Support and facilitate commercial and residential redevelopment in areas well-suited to such development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
2	Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
5	Protect and improve water quality in the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6	Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.1	Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i>) into the planning and design of projects in the city's Coastal Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7	Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.1	Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.3	Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Provide public access to, from, and along New York City's coastal waters.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10	Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Rob Holbrook

Address: 22 Reade St

Telephone: 347-260-0450 Email: rholbrook@cityhall.nyc.gov

Applicant/Agent's Signature: 

Date: 12/8/23

Appendix B: WRP Consistency Assessment

The New York City Waterfront Revitalization Program (WRP) establishes the City's policies and objectives for maximizing benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives.

The WRP Consistency Assessment Form (CAF) is used to identify the relevant WRP policies; the CAF is included in this appendix. For all relevant policies, a written assessment to determine consistency with the applicable WRP policy is provided.

As described in Chapter 1, Project Description, the Proposed Action is a City Administrative Procedure Act change to the CEQR Type II eligibility rules. The proposed rule seeks to add small and medium housing projects to the Type II list with the goal of expediting development of much needed new housing throughout the City. This initiative aims to expand the City of New York's Type II list under the State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) procedures. The purpose of the amendment to the rules is to avoid unnecessary and time-consuming environmental analyses when the City Planning Commission considers proposed housing development up to a certain size, and accompanying small commercial developments, where those developments will not have significant adverse environmental impacts.

The Proposed Action would be applicable to citywide, including within the Coastal Zone, it is evaluated in this section for its consistency with the Waterfront Revitalization Program policies. Since the action would exclude certain projects from the need to undergo environmental review, it is expected that in the future, there would be projects in the coastal zone that would not require a WRP. This would mean that these projects would not publicly identify consistency or inconsistencies with WRP policies, and that they would not have the opportunity to be altered through the process of WRP review.

Of the proposed projects within the Housing Universe that had between 1 and 250 units proposed (454 projects), 30 had WRP's. Of these, 6 were CPC/DCP projects, 4 were BSA projects, and 20 were HPD projects. All of these projects were assessed to understand the issues they emphasized, which are discussed further below.

None of these projects identified an adverse public policy impact to a Waterfront Revitalization Program policy, and none have required PCRE's to avoid the potential for a significant adverse impact. Furthermore, all projects would have to comply with existing zoning; New York City building code provisions; and relevant local, state, and federal environmental and natural resource regulations, including floodplain regulations.

None of the special area designations within the WRP that seek to prioritize natural resources, industrial uses or maritime uses were applicable to the 30 WRPs. All projects sought to implement either a residential, commercial or community facility use with a land use rationale that was consistent with the WRP policies that consider appropriate siting of those uses.

Overall, for projects in the current floodplains, the WRP process's ability to influence the project planning and design has been limited, because these projects are required to comply with flood resiliency measures like those in Appendix G of the NYC building code. These include all past BSA projects, the majority of DCP projects, and the majority of HPD projects.

Projects that are located in the future floodplain (which included 2 DCP projects, and 9 HPD projects) did have the ability to be influenced by the WRP and to disclose flood related risks and designs that would not be required otherwise. For HPD projects specifically, the WRP's ability to influence project planning and design is limited, because HPD climate resiliency guidelines are required for all City-financed housing project per Local Law 41 of 2021. Therefore, only 2 DCP Projects, (CEQR #'s 17DCP154X and 20DCP077K) out of 454 projects below 250 units within the Housing Universe had the ability to be influenced by the WRP process, however components/commitments to avoid impacts were not identified. Furthermore, the city is currently preparing flood maps that incorporate future flood risk and may require their use for planning and building purposes.

In summary, the types of projects eligible for the Green Fast Track would be appropriate for WRP exemption.

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

The Proposed Action is not expected to induce new development where it would not have occurred absent the Proposed Action. Housing projects that would qualify for the Type II pathway would still have to comply with existing zoning, or if requesting a zoning action, would be reviewed for ULURP. Therefore, residential projects would still undergo review for their appropriateness given area context.

Furthermore, of the projects reviewed in the past 10 years, none that fit the proposed eligibility criteria had a public policy impact identified by the WRP. Therefore, it is not anticipated that any future projects eligible for the Type II pathway would result in inappropriate coastal zone development. Furthermore, Special Coastal Risk Districts, which are coastal areas that are at exceptional risk from flooding, are excluded from eligibility.

Policy 1.2 Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.

All housing projects that would qualify for the Type II pathway would still have to comply with existing zoning, namely Article 6, Chapter 2 of the of the New York City Zoning Resolution, and would therefore satisfy consistency requirements for policy 1.2.

Policy 1.3 Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

All housing projects that would qualify for the Type II pathway would still have to comply with existing zoning, or if requesting a zoning action, would be reviewed for ULURP and would therefore encourage development at a density compatible with the capacity of surrounding public facilities and infrastructure. Therefore, the proposed project would satisfy consistency requirements for policy 1.3.

Policy 1.4 In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.

All housing projects that would qualify for the Type II pathway would need to meet pre-requisites to satisfy noise, vibration, hazardous materials, and air quality conditions that may arise from nearby maritime and industrial uses.

Furthermore, none of the special area designations within the WRP that seek to prioritize natural resources, industrial uses or maritime uses were applicable to the 30 WRPs. All projects sought to implement either a residential, commercial or community facility use with a land use rationale that was consistent with the WRP policies that consider appropriate siting of those uses.

Therefore, the proposed project would satisfy consistency requirements for policy 1.4.

Policy 1.5 Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP

All housing projects that would qualify for the Type II pathway would need to comply with local floodplain regulations in zoning and the building code to properly plan for critical electrical and mechanical systems, residential living areas, and required waterfront public access areas or other open spaces. See policy 6.2.

Policy 4: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

All housing projects that would qualify for the Type II pathway would be limited to residential zoning districts, or commercial and manufacturing districts with a regulatory or lease agreement from a lead agency, therefore it is unlikely that housing projects will be introduced to areas with important ecological systems such as Special Natural Waterfront Areas and Maritime and Industrial Areas. Furthermore, all projects would still be subject to state and federal environmental and natural resource regulations, some of which separately trigger WRP review. Many of these resources are presently protected as public parklands, and any restoration of adjacent natural resources would need to be done in partnership with relevant agencies such as NYC DPR, NYS DEC and U.S. Army Corps of Engineers (USACE). Therefore, the proposed project would satisfy consistency requirements for policy 4.

Policy 5: Protect and improve water quality in the New York City coastal area.

While future projects that would qualify for the Type II pathway under the Proposed Action would not have a WRP to review residential developments for consistency with the policies for water quality, other

DEC and DEP regulations sufficiently address water quality concerns. Therefore, the proposed project would satisfy consistency requirements for policy 5.

Policy 6: Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future condition created by climate change.

Policy 6.1: Minimize losses from flooding and erosion by employing nonstructural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

See response to WRP Policy 6.2, below.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.

The Proposed Action is applicable citywide (with some exceptions), which includes many areas which are located in the current flood zone and/or areas susceptible to sea level rise. Therefore, sites that are affected by the Proposed Action may be located in current or future flood zones.

Overall, for projects in the current floodplains, the WRP process's ability to influence the project planning and design has been limited, because these projects are required to comply with flood resiliency measures like those in Appendix G of the NYC building code. These include all past BSA projects, the majority of DCP projects, and the majority of HPD projects.

Projects that are located in the future floodplain (which included 2 DCP projects, and 9 HPD projects) did have the ability to be influenced by the WRP and to disclose future flood related risks and designs that would not be required otherwise.

For HPD projects specifically, the WRP's ability to influence project planning and design is limited, because HPD climate resiliency guidelines are required for all City-financed housing project per Local Law 41 of 2021. According to LL 41, all City-financed housing must achieve better than standard flood resistant construction requirements to address climate change as follows:

"The New York City Construction Codes and the NFIP have established minimum requirements for flood-resistant construction in Special Flood Hazard Areas (based on the one percent annual chance or 100-year base flood elevation). In addition, HPD-assisted projects that are defined as "flood-prone" below must meet the 2080s SLR-adjusted Design Flood Elevation (SLR-adjusted DFE), as established by the New York City Climate Resiliency Design Guidelines (CRDG) in Chapter II, Section C. Sea Level Rise, and comply with all other baseline requirements as applicable. The following sites are considered "flood-prone" for the purposes of the Guidelines: Sites defined as being within the Special Flood Hazard Area, comprised of the 2007 effective Flood Insurance Rate Map (FIRM) and 2015 Preliminary Flood Insurance Rate Map (PFIRM), whichever is more restrictive (includes both the 1% and 0.2% annual chance floodplain). Additionally, sites located within sites located within the 2080s 1% annual chance coastal floodplain per NYC's Flood Hazard Mapper."

Therefore, HPD projects projected to be in the future floodplain will still receive climate change hazard analysis that the WRP review facilitates even if the projects are Type II eligible. Projects that are located in the future floodplain that are DCP projects did have the ability to be influenced by the WRP and to disclose flood related risks and designs that would not be required otherwise. Two DCP Projects, (CEQR #'s 17DCP154X and 20DCP077K) out of 454 projects below 250 units within the Housing Universe had the ability to be influenced by the WRP process, however components/commitments to avoid impacts were not identified. Furthermore, the city is currently preparing flood maps that incorporate future flood risk and may require their use for planning and building purposes.

Furthermore, the Proposed Action would not induce development, and therefore does not create further vulnerabilities to flooding and sea level rise. Rather, it would streamline the environmental review process for development. All developments would be subject to existing federal, state and local floodplain regulations. Finally, Proposed Action would not hinder the ability of future developments to incorporate adaptive measures to mitigate flood risk. Therefore, the Proposed Action is consistent with this policy.

Policy 7: Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.

Of HPD's WRPs, 11 projects required Policy 7 review for hazardous material management. These responses disclosed potential site contamination and compliance with remediation, if applicable. One project was a brownfield site and a participant in DEC's Brownfield Cleanup Program. The WRP's ability to influence the project planning and design for hazardous materials was limited since those projects still needed to comply with DEC and DEP regulations regarding hazardous materials.

For the Proposed Action, all housing projects that would qualify for the Type II pathway would be required to receive sign-off on hazardous materials conditions or implement institutional controls to ensure that hazardous materials conditions are remediated and waters, wetlands, and habitats, where present, are protected. Furthermore, all projects would be subject to existing federal, state and local regulations regarding construction and natural resources protection. Therefore, the Proposed Action is consistent with this policy.

Policy 8: Provide public access to, from, and along New York City's coastal waters.

8.2 Incorporate public access into new public and private development where compatible with proposed land use and coastal location.

All housing projects that would qualify for the Type II pathway would still need to comply with underlying zoning, which has requirements of Special Regulations Applying in the Waterfront Areas of the Zoning Resolution (Article 6, Chapter 2). Furthermore, projects directly adjacent to a sunlight

sensitive natural resource would not qualify for the Type II pathway. Therefore, the Proposed Action is consistent with this policy.

8.4 Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

It is best practice for projects that receive public funding to also provide public access, even if the underlying zoning doesn't require it. Published plans that guide the preservation and development of waterfront open space include the State Open Space Acquisition Plan Priority Sites, New York City Greenway Priority Routes, and adopted Waterfront Access Plans. Furthermore, projects directly adjacent to a sunlight sensitive natural resource would not qualify for the Type II pathway. Therefore, the Proposed Action is consistent with this policy.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

9.1 Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The intent of Policy 9 is to prevent the impairment of natural and manmade scenic resources in the coastal area. According to the research outlined as part of this proposal, no project in the past 10-years has had a visual resources impact, including on scenic natural resources and open spaces. Furthermore, projects directly adjacent to a sunlight sensitive natural resource would not qualify for the Type II pathway. Therefore, the Proposed Action is consistent with this policy.

9.2 Protect and enhance scenic values associated with natural resources.

See response to Policy 9.1.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.

10.1 Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City

All housing projects that would qualify for the Type II pathway would need to receive confirmation that no architectural or scenic historic resources exist on the project site, or sign-off on documentation of historic resources by the Landmarks Preservation Commission (LPC) as a prerequisite of eligibility. Therefore, the Proposed Action is consistent with this policy.

10.2 Protect and preserve archaeological resources and artifacts.

All housing projects that would qualify for the Type II pathway would need to receive sign-off of that no archaeological historic resources exist on the project site, or sign-off on documentation of archaeological resources by LPC as a prerequisite of eligibility. Therefore, the Proposed Action is consistent with this policy.

Jamaica Bay Watershed Protection Plan Project Tracking Form

The Jamaica Bay Watershed Protection Plan, developed pursuant to Local Law 71 of 2005, mandates that the New York City Department of Environmental Protection (DEP) work with the Mayor's Office of Environmental Coordination (MOEC) to review and track proposed development projects in the Jamaica Bay Watershed (http://www.nyc.gov/html/oec/downloads/pdf/ceqr/Jamaica_Bay_Watershed_Map.jpg) that are subject to CEQR in order to monitor growth and trends. If a project is located in the Jamaica Bay Watershed, (the applicant should complete this form and submit it to DEP and MOEC. This form must be updated with any project modifications and resubmitted to DEP and MOEC.

The information below will be used for tracking purposes only. It is not intended to indicate whether further CEQR analysis is needed to substitute for the guidance offered in the relevant chapters of the CEQR Technical Manual.

A. GENERAL PROJECT INFORMATION

- 1. CEQR Number: 1a. Modification
- 2. Project Name:
- 3. Project Description:
- 4. Project Sponsor:
- 5. Required approvals:
- 6. Project schedule (build year and construction schedule):

B. PROJECT LOCATION:

- 1. Street address:
- 2. Tax block(s): Tax Lot(s):
- 3. Identify existing land use and zoning on the project site:
- 4. Identify proposed land use and zoning on the project site:
- 5. Identify land use of adjacent sites (include any open space):
- 6. Describe existing density on the project site and the proposed density:

Existing Condition	Proposed Condition
<input type="text" value="N/A"/>	<input type="text" value="Increment of 175/250 residential units and up to 20,000 gsf/35,000 gsf of non-residential uses"/>
- 7. Is project within 100 or 500 year floodplain (specify)? 100 Year 500 Year No

C. GROUND AND GROUNDWATER

- 1. Total area of in-ground disturbance, if any (in square feet):
- 2. Will soil be removed (if so, what is the volume in cubic yards)?
- 3. Subsurface soil classification:
(per the New York City Soil and Water Conservation Board):
- 4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
- 5. Will groundwater be used (list volumes/rates)? Yes No
Volumes: Rates:
- 6. Will project involve dewatering (list volumes/rates)? Yes No
Volumes: Rates:
- 7. Describe site elevation above seasonal high groundwater:

D. HABITAT

- 1. Will vegetation be removed, particularly native vegetation? Yes No
If YES,
 - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
 - **List** species to remain on site.
 - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
- 2. Is the site used or inhabited by any rare, threatened or endangered species? Yes No
- 3. Will the project affect habitat characteristics? Yes No
If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at <http://www.dec.ny.gov/animals/29392.html>.
- 4. Will pesticides, rodenticides or herbicides be used during construction? Yes No
If YES, estimate quantity, area and duration of application.
- 5. Will additional lighting be installed? Yes No
If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

E. SURFACE COVERAGE AND CHARACTERISTICS

(describe the following for both the existing and proposed condition):

	Existing Condition	Proposed Condition
1. Surface area:		
Roof:	N/A	N/A
Pavement/walkway:	N/A	N/A
Grass/softscape:	N/A	N/A
Other (describe):	N/A	N/A

2. **Wetland** (regulated or non-regulated) area and classification:

N/A	N/A
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3. **Water surface area:**

N/A	N/A
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4. **Stormwater management** (describe):

Existing – how is the site drained?

N/A

Proposed – describe, including any infrastructure improvements necessary off-site:

N/A

Proposed Green Fast Track for Housing CEQR Type II Rule

New material is underlined.

[Deleted material is in brackets.]

“Shall” and “must” denote mandatory requirements and may be used interchangeably in the rules of this department, unless otherwise specified or unless the context clearly indicates otherwise.

Section 1. Paragraph 3 of subdivision (c) of section 5-02 of Chapter 5 of Title 62 of the Rules of the City of New York is amended by adding the following definitions, in appropriate alphabetical order, as follows:

Development Site. “Development site” shall mean the zoning lot all or part of which the applicant proposes to develop through the action.

Developable Site. “Developable site” shall mean a zoning lot, including the development site, within the area that is the subject of the action that the lead agency determines is likely to be developed as a result of the action.

Natural Resource. “Natural Resource” shall mean surface water bodies; wetland resources; upland resources, such as beaches, shrublands, meadows, and forests; or other significant or sensitive resources.

§ 2. Subdivisions (c) and (d) of section 5-05 of Chapter 5 of Title 62 of the Rules of the City of New York are amended to read as follows:

(c) *Type II.* The following actions are not subject to review under City Environmental Quality Review, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) or the SEQRA Regulations, subject to 62 RCNY § 5-05(d):

(1) [Special permits for physical culture or health establishments of up to 20,000 gross square feet, pursuant to § 73-36 of the Zoning Resolution;

(2)] Special permits for radio and television towers, pursuant to § 73-30 of the Zoning Resolution;

[[3]2] Special permits for ambulatory diagnostic or treatment health care facilities, pursuant to § 73-125 of the Zoning Resolution;

[[4]3] Special permits to allow a building or other structure to exceed the height regulations around airports, pursuant to § 73-66 of the Zoning Resolution;

[(5) Special permits for the enlargement of buildings containing residential uses by up to 10 units, pursuant to § 73-621 of the Zoning Resolution;]

[[6]4] Special permits for eating and drinking establishments of up to 2,500 gross square feet with accessory drive-through facilities, pursuant to § 73-243 of the Zoning Resolution;

([7]5) Acquisition or lease disposition of real property by the City, not involving a change of use, a change in bulk, or ground disturbance;

([8]6) Construction or expansion of primary or accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area;

([9]7) Park mapping, site selection or acquisition of less than ten (10) acres of existing open space or natural areas;

([10]8) Authorizations for a limited increase in parking spaces for existing buildings without parking, pursuant to § 13-442 and § 16-341 of the Zoning Resolution;

([11]9) Special permits for accessory off-street parking facilities, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-351 of the Zoning Resolution;

([12]10) Special permits for public parking garages and public parking lots, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-352 of the NYC Zoning Resolution; [and]

([13]11) Special permits for additional parking spaces, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 13-45 of the NYC Zoning Resolution[.]; and

(12) An action listed in subdivision (e) of this section, provided that such action also meets the requirements in subdivision (f) of this section.

(d) *Type II Prerequisites.*

(1) An action listed in 62 RCNY § 5-05(c), which is also classified as Type I pursuant to 6 NYCRR Part 617.4, shall remain Type I and subject to environmental review.

(2) An action listed in 62 RCNY § 5-05(c)([2]1) - ([5]3), or ([8]6) involving ground disturbance shall remain subject to environmental review, unless it is determined that any potentially significant hazardous materials impacts will be avoided.

(3) An action listed in 62 RCNY § 5-05(c)([2]1), ([3]2), [(5),]or ([8]6) involving excavation of an area that was not previously excavated shall remain subject to environmental review, unless it is determined that the project site is not archaeologically sensitive.

(4) An action listed in 62 RCNY § 5-05(c)([4]3) shall remain subject to environmental review, unless it is determined that any potentially significant noise impacts will be avoided.

(5) An action listed in 62 RCNY § 5-05(c) ([2]1), ([3]2), [(5),]or ([8]6) involving the removal or alteration of significant natural resources shall remain subject to environmental review.

(6) An action listed in 62 RCNY § 5-05(c) ([2]1), ([4]3), [(5), (6]4), ([8]6), or ([11]9) - ([13]11) shall remain subject to environmental review if the project site is:

(i) wholly or partially within any historic building, structure, facility, site or district that is calendared for consideration or eligible for designation as a New York City Landmark, Interior Landmark or Scenic Landmark;

(ii) substantially contiguous to any historic building, structure, facility, site or district that is designated, calendared for consideration or eligible for designation as a New York City Landmark, Interior Landmark or Scenic Landmark; or

(iii) wholly or partially within or substantially contiguous to any historic building, structure, facility, site or district, or archaeological or prehistoric site that is listed, proposed for listing or eligible for listing on the State Register of Historic Places or National Register of Historic Places.

§ 3. Section 5-05 of Chapter 5 of Title 62 of the Rules of the City of New York is amended by adding new subdivisions (e) and (f), to read as follows:

(e) Residential Development Type II Actions. The following actions are not subject to review under City Environmental Quality Review, the State Environmental Quality Review Act (Environmental Conservation Law, Article 8) or the SEQRA Regulations, subject to subdivision (f) of this section:

(1) Actions that enable incremental development of at least 1 and no more than 250 new dwelling units or new income-restricted dwelling units, and no more than 35,000 gross square feet of space for non-residential uses, which includes no more than 25,000 gross square feet of space for commercial uses and no more than 25,000 gross square feet of community facility space, and which at the time of application are:

(i) located wholly within an existing R5 through R10 Residence zoning district, provided that such action does not include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district; or

(ii) located in an existing stand-alone Commercial zoning or Manufacturing zoning district and are being developed pursuant to a regulatory agreement or lease with a government agency to develop housing or a decision by the Board of Standards and Appeals authorizing residential development; or

(2) Actions that enable incremental development of at least 1 and no more than 175 new dwelling units or new income restricted dwelling units, and no more than 20,000 gross square feet of space for non-residential uses, which includes no more than 10,000 gross square feet of space for commercial uses, and no more than 10,000 gross square feet of community facility space, and which at the time of application, are located at least partially within an existing R1 through R4 Residence zoning district, provided that such action shall not include actions that include the creation or enlargement of a Special Mixed Use zoning district or a stand-alone Commercial zoning district.

(f) Type II Residential Development Prerequisites. An action listed in subdivision (e) of this section must also comply with all of the following to be a Type II action, at or before the time environmental review is required to be completed:

(1) The applicant or development site owner shall not burn fossil fuels to supply heat or hot water to any new building or any enlargement of an existing building on the development site;

(2) The applicant or development site owner shall have complied with the following site-specific requirements:

(i) for developable sites that include one or more tax lots that do not have an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution at the time of the application, completed a Phase I Environmental Site Assessment for the development site and either:

(A) obtained a written signoff from the lead agency that no further environmental investigation is required or that a plan to address any hazardous materials is acceptable; or

(B) consented to the establishment of an (E) designation for hazardous materials pursuant to section 11-15 of the New York City Zoning Resolution and 15 RCNY Chapter 24 on the developable sites or where an (E) designation is not available and the development site will be developed pursuant to a regulatory agreement with a government agency, agree to comply with protections and development oversight requirements equivalent to an (E) designation found in 15 RCNY Chapter 24 to be contained in such regulatory agreement; and

(ii) obtained a determination from the New York City Landmarks Preservation Commission (LPC) stating whether any developable site is within an archaeologically sensitive area, is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District, is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, or is substantially contiguous to a sunlight sensitive architectural resource, and

(A) if LPC determines a developable site is within an archaeologically sensitive area, completed an archaeological document study for the development site and obtained a writing from LPC that the development of such development site does not raise archaeological concerns; and

(B) if LPC determines a developable site is designated, calendared for consideration or eligible for designation as a New York City Landmark or Historic District or is listed on, or formally determined to be eligible for inclusion on, the National Register of Historic Places or the New York State Register of Historic Places, obtained a writing from LPC that the development of such development site does not raise historic preservation concerns;

(iii) agreed to prepare and implement a Construction Protection Plan consistent with the requirements of the New York City Department of Buildings Technical Policy and Procedure #10/88 for a development site located at least partially within 90 feet of a building or site formally determined to be eligible for listing on the National Register of Historic Places or the New York State Register of Historic Places or of a building or site that is eligible for designation as a New York City Landmark or Historic District;

(iv) for developable sites within 1000 feet of an air emissions source that operates under a permit issued pursuant to subpart 201-5 of title 6 of the New York Codes, Rules and Regulations (New York State facility permits) or subpart 201-6 of such title (Clean Air Act Title V permits) or either within 400 feet of any existing air emission source with an active or expired industrial permit issued by the New York City Department of Environmental Protection or within 400 feet of any unpermitted industrial source, confirmed to the lead agency based on the emission limits in the permit(s) or, for any unpermitted source, the estimated emission limits from similar source permit(s) provided by the lead agency that concentrations of any pollutant regulated by the permit(s) or identified by the lead agency for any unpermitted source will not exceed the corresponding Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) in the New York State Department of Environmental Conservation Division

of Air Resources Guidelines for Evaluation and Control of Ambient Air Contaminants (DAR-1) at such developable site, as determined in accordance with the industrial source screen in Appendix B of Chapter 5 of Title 62 of the rules of the city of New York (Industrial Air Quality Checklist).

(v) With respect to calculation of noise levels, either:

(A) provided to the lead agency representative peak hour outdoor noise sampling showing less than 70 A-weighted decibels (dBA) L10 ambient noise levels at all developable sites, and provided outdoor noise sampling for all developable site buildings within the line of sight of any railway or elevated subway showing less than 65 dBA Ldn ambient noise levels and confirmed that all developable sites are outside the 65 Day Night Average Sound Level contours established in the Noise Exposure Map (NEM) Report for John F. Kennedy Airport and LaGuardia Airport, or

(B) agreed to establishment of an (E) designation for noise pursuant to section 11-15 of the NYC Zoning Resolution on any developable sites that cannot meet the requirements of subparagraph (A) above, or where the development site will be developed pursuant to a regulatory agreement with a government agency, comply with protections equivalent to those imposed by an (E) designation for noise attenuation contained in such regulatory agreement.

(3) The projected duration of construction at each development site shall not be greater than 24 months and no consecutive projected construction period for all substantially contiguous developable sites shall be greater than 24 months.

(4) No portion of any developable site shall:

(i) be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel;

(ii) be located within in a Special Coastal Risk District mapped pursuant to Article XIII, Chapter 7 of the New York City Zoning Resolution; or

(iii) contain a natural resource.

(5) The action shall not enable construction of a new building or other structure or enlargement of an existing building or structure with a maximum allowable height greater than 250 feet, including all rooftop bulkheads, mechanical equipment, parapets, and any other parts of the building, or with a maximum possible height greater than 50 feet if substantially contiguous to a public open space other than a street or sidewalk, natural resource or an architectural sunlight sensitive resource identified by LPC under subparagraph (ii) of paragraph (2) of this subdivision above, unless such open space, natural resource or sunlight sensitive resource is entirely within the area between -108° degrees from true north and +108 degrees from true north of the building or other structure or is an architectural resource that is located on a facade that faces directly away from a developable site.

§ 4. Chapter 5 of Title 62 of the Rules of the City of New York is amended by adding a new Appendix B, to read as follows:

Appendix B to Chapter 5 of Title 62: Industrial Air Quality Checklist

To determine the potential for exceedance of the New York State Department of Environmental Conservation (DEC) Division of Air Resources Guidelines for Evaluation and Control of Ambient

Air Contaminants (DAR-1) guidelines at a developable site resulting from industrial emissions, emissions from industrial sources within 400 feet of the development site shall be determined from emission limits in permits issued by the New York City Department of Environmental Protection (DEP) or for unpermitted sources, from the estimated emission limits provided by the lead agency and and for Title V or state facility-permitted sources within 1000 feet of the development site, from the emissions limits in the DEC Title V or state facility permits. For purposes of this Appendix, industrial sources shall mean air emission sources (direct and fugitive emissions) that have or should have an existing or expired DEP Clean Air Tracking System industrial permit, concrete batching plants, or material handling facilities. The emissions from any existing industrial or state permitted source or emission assumptions for any unpermitted industrial source must first be converted into grams/second. This converted emission rate must then be multiplied by the value in the table below corresponding to the minimum distance between the industrial source and the proposed location of the new building to determine if the AGC/SGC values in the DAR-1 guidelines are exceeded. Values are provided for 1-hour and annual averages to enable the comparison of pollutant levels to SGCs (1- hour averaging period) or AGCs (annual averaging period).

<u>Distance from Source</u>	<u>1-Hour Averaging Period (ug/m3)</u>	<u>Annual Averaging Period (ug/m3)</u>
<u>30 ft</u>	<u>124,848</u>	<u>5,251</u>
<u>60 ft</u>	<u>31,284</u>	<u>1,386</u>
<u>90 ft</u>	<u>13,936</u>	<u>645</u>
<u>120 ft</u>	<u>7,857</u>	<u>378</u>
<u>150 ft</u>	<u>5,038</u>	<u>252</u>
<u>180 ft</u>	<u>3,507</u>	<u>181</u>
<u>210 ft</u>	<u>2,599</u>	<u>138</u>
<u>240 ft</u>	<u>2,038</u>	<u>110</u>
<u>270 ft</u>	<u>1,684</u>	<u>90</u>
<u>300 ft</u>	<u>1,449</u>	<u>75</u>
<u>330 ft</u>	<u>1,282</u>	<u>64</u>
<u>360 ft</u>	<u>1,153</u>	<u>56</u>
<u>400 ft</u>	<u>1,015</u>	<u>47</u>