

## **NOTICE OF ADOPTION OF RULES**

Notice is hereby given that pursuant to the authority vested in the New York City Department of City Planning (“Department”) under Sections 1043 and 191(b)(2) of the New York City Charter, the Department hereby adopts a new Chapter 10 within Title 62 of the Rules of the City of New York establishing submission and meeting participation requirements prior to filing a land use application or application for environmental review. This rule was included in the Department’s regulatory agenda and first published on July 19, 2013. A public hearing was held on August 20, 2013. This rule shall take effect 30 days from the date hereof.

## **STATEMENT OF BASIS AND PURPOSE**

The Department of City Planning (“Department”) is amending Title 62 of the Rules of the City of New York (“Rules”) pursuant to its authority under Sections 1043 and 191(b)(2) of the New York City Charter (“Charter”). The amendment adds a new Chapter 10 to Title 62 to establish submission and meeting participation requirements prior to the filing of a land use application or application for environmental review. This “Pre-Application Process” may include the following:

- **Submission Requirements:** A Pre-Application Statement, Reasonable Worst Case Development Scenario Memorandum, draft land use application (or portions thereof), draft City Environmental Quality Review environmental assessment statement short/full form (or portions thereof), and/or other information needed to define, describe, and analyze the land use and environmental considerations related to a proposed project; and
- **Meeting Participation Requirements:** An Informational Meeting, Interdivisional Meeting, and/or a Reasonable Worst Case Development Scenario Meeting.

Potential applicants or their designated representatives (“Applicants”) must meet these requirements prior to filing land use applications or applications for environmental review with the Department, unless the application is grandfathered or otherwise exempt pursuant to this amendment.

Pursuant to Section 191(b)(2) of the Charter, the Director of the Department, who also serves as Chair of the City Planning Commission (“Commission”), provides staff assistance to the Commission in all matters under its jurisdiction, including the consideration of land use applications and applications for environmental review. The Department provides substantive staff assistance to the Commission through the production of studies examining land use and socioeconomic conditions, land use plans, policy recommendations, waterfront resilience measures, and transportation planning initiatives, among other items. The Department also advises Applicants in the preparation

of highly technical land use applications and applications for environmental review that are first filed with the Department before they are considered by the Commission.

The rule will formalize this process by which the Department advises Applicants and assists the Commission. The Pre-Application Process is not designed to assess the merits of a proposed project. Instead, the goal is to gather key basic information about the site and the proposed development, so that the Department can advise Applicants on any required land use actions and on the level of environmental analysis that may be required to facilitate the proposed development projects. Land use applications and applications for environmental review often involve the preparation of highly technical documents, drawings, and analyses in order to demonstrate compliance with zoning, environmental, and other applicable standards and to aid decision-makers in the public review process. These materials must be sufficiently comprehensive, clear, and complete before an application can be certified or referred for public review.

Accordingly, the Pre-Application Process will:

- (i) assist Applicants in early identification of significant land use and environmental issues and actions, which may affect or alter their proposals;
- (ii) provide relevant information to Department staff so that they may assist Applicants in identifying necessary land use application and application for environmental review materials;
- (iii) organize the information and material necessary to prepare complete and accurate land use applications and applications for environmental review for consideration by the Commission; and
- (iv) better allocate Department resources to help achieve these ends.

The Pre-Application Process may include:

**Informational Meeting:** To begin the process, Applicants must contact the Department Borough Office in the borough where the proposed project is to be located in order to set up an Informational Meeting with the Department. Applicants must submit, in advance of the meeting, basic information related to the location of the property and the applicable zoning regulations, in order to inform the discussion at the meeting. The purpose of the meeting is for the Department to adequately understand an Applicant's proposed project, and to share information with Applicants about zoning, the neighborhood, and City policies affecting the proposed project. The meeting will also give Applicants a clear idea of the land use application, application for environmental review, and public review processes. For large or extremely complicated projects, more than one Informational Meeting may be required.

At or after the Informational Meeting, Applicants proceeding with filing a land use application or application for environmental review must request from the Department a Project ID number, which will be used by the Department to track a proposed project during the Pre-Application Process. If the Department determines upon issuance of the Project ID that the proposed project does not require multiple divisions to review the land

use application material and coordination among the divisions to provide feedback to Applicants, and that the project is classified as Type II pursuant to regulations promulgated under the New York State Environmental Quality Review Act (“SEQR”), then the Department will notify the Applicant that the Applicant may either submit a draft land use application or proceed directly to file a land use application. All other Applicants must submit a Pre-Application Statement.

**The Pre-Application Statement (PAS):** Applicants must submit a PAS to the Department in the manner and to the office so directed on the form. The PAS helps the Department advise Applicants early in the process about the land use actions necessary for the project and the framework for environmental analysis. The PAS also allows the Department to assign appropriate staff at the beginning of the Pre-Application Process and, if necessary, to coordinate review across multiple divisions in the Department. The Department may require Applicants to submit additional or revised materials in order for the Department to make a determination that the PAS is complete.

**Interdivisional Meeting (ID Meeting):** After the receipt of a completed PAS, the Department may contact Applicants to schedule an ID Meeting in cases where the complexity of the proposed project requires more than one division’s review, and the divisions must coordinate their respective reviews to ensure that consistent and non-conflicting feedback is provided to Applicants. Following the ID Meeting, Applicants will receive a summary of the discussion and the next steps necessary to continue the Pre-Application Process. The purpose of the ID Meeting is to confirm the elements of the proposed project, determine the land use actions necessary to facilitate the proposed project and the type of environmental review that will be required, and define the next steps in the Pre-Application Process. The ID Meeting is an opportunity for Applicants to present their proposals, relevant site details, and other information to the assigned divisions that will be reviewing the project, and for the Department to guide Applicants in the preparation of land use and environmental application materials. For large or extremely complicated projects, more than one ID Meeting may be required.

**Reasonable Worst Case Development Scenario (RWCDS) Memorandum Submission:** If the proposed project is not classified as Type II and is classified as either Type I or Unlisted under the State Environmental Quality Review/City Environmental Quality Review (“SEQR/CEQR”), Applicants will be required to submit a RWCDS Memorandum. Under SEQR, actions or classes of actions that have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review are classified as Type II. In contrast, Type I actions are those actions or classes of actions that are likely to have significant adverse impacts on the environment and thus more likely to require the preparation of Environmental Impact Statements, and Unlisted actions are those actions not listed as Type I or Type II. All Type I and Unlisted actions require, at minimum, the preparation and submission of an Environmental Assessment Statement (EAS) and, depending on the conclusions of the

EAS, the preparation and submission of a more involved Environmental Impact Statement (EIS).

A RWCDS is broadly defined as a conservative projection of the development that could occur pursuant to a discretionary action, and provides a framework for the Department to make reasonable conclusions regarding a land use action's likely effects on the environment consistent with the requirements of SEQR/CEQR and the guidance of the City's *CEQR Technical Manual*. A RWCDS Memorandum should clarify and identify the future potential development that may occur as a result of the land use action. Following receipt of the RWCDS Memorandum, the Department may require a RWCDS Meeting to clarify the assumptions underlying the RWCDS Memorandum. The Department may also require Applicants to revise the RWCDS Memorandum. At the conclusion of the RWCDS process, the Department will direct Applicants to submit a draft CEQR Environmental Assessment Statement short/full form ("CEQR short/full form"), and will notify Applicants that they may either submit a draft land use application or proceed directly to file a land use application.

**Draft Land Use Application Submission:** If a high degree of technical expertise is necessary to produce the land use application materials required for the proposed project, the Department may request that Applicants submit one or more drafts of the land use application for review by the Department prior to the Applicants' filing of the application. This draft submission review process will help ensure that all required forms, documents, and other exhibits have been submitted and prepared in the manner required by the Department, prior to filing.

**Draft CEQR Environmental Assessment Statement Short/Full Form Submission:** At the conclusion of the RWCDS submission process, Applicants will be required to submit one or more drafts of the CEQR short/full form for review by the Department prior to the filing of an application for environmental review. The Department will review the draft CEQR short/full form and notify Applicants when the draft is substantially complete in form and substance such that the Applicants may proceed to file an application for environmental review.

"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.

New text is underlined; deleted material is in [brackets].

Title 62 of the Rules of the City of New York is amended by adding a new Chapter 10, to read as follows:

Chapter 10: Pre-Application Process: Submission and Meeting Participation Requirements Prior to Filing a Land Use Application or Application for Environmental Review

### **§ 10-01 Purpose**

These rules establish submission and meeting participation requirements (“Pre-Application Process”) prior to the filing of land use applications pursuant to the Zoning Resolution and Sections 197-a, 197-c, 197-d, 199, 200, and 201 of the New York City Charter or of applications for environmental review pursuant to Chapter 5 of Title 62 of the Rules of the City of New York. The purpose of these rules is to:

(a) assist potential applicants or their designated representatives (“Applicants”) and the Department of City Planning (“Department”) in identifying the land use and environmental issues related to a proposed project and the land use applications and applications for environmental review necessary to facilitate the proposed project; and

(b) help the Department better allocate resources to assist Applicants in preparing land use applications and applications for environmental review, and to assist the City Planning Commission in considering these applications.

### **§ 10-02 Applicability**

(a) An Applicant must follow the applicable requirements of this chapter prior to filing any land use application or application for environmental review.

(b) Exception. Notwithstanding subdivision (a) of this section, an Applicant may be exempt from the requirements of this chapter to the extent provided under the following circumstances:

(1) where an Applicant has submitted a Pre-Application Statement (“PAS”) to the Department prior to the effective date of these rules, the requirements of §10-03 shall not apply;

(2) where an Applicant has submitted a PAS to the Department and attended an Interdivisional Meeting (“ID Meeting”) prior to the effective date of these rules, the requirements of §10-03 and §10-04 shall not apply;

(3) where an Applicant has submitted a Reasonable Worst Case Development Scenario Memorandum (“RWCDS Memorandum”) and a draft land use application to the Department prior to the effective date of these rules, the requirements of §10-03, §10-04, and §10-05 shall not apply; and

(4) where an Applicant has submitted a draft City Environmental Quality Review Environmental Assessment Statement short/full form (“draft CEQR short/full form”) and a draft land use application to the Department prior to the effective date of these rules, the requirements of §10-03, §10-04, §10-05, and §10-06 shall not apply.

### **§ 10-03 Informational Meeting**

(a) Before filing a land use application or application for environmental review, an Applicant must contact the Department Borough Office in the borough where a proposed project is to be located in order to schedule an Informational Meeting with the Department.

(b) Within forty-five (45) days of an Applicant contacting a Borough Office to schedule an Informational Meeting, the Department must hold an Informational Meeting subject to the Applicant’s availability. If the Applicant is not available within this period,

the Department must hold the Informational Meeting as soon as practicable at a time at which both the Department and the Applicant are available.

(1) An Informational Meeting may be held in person, by telephone, or by other electronic means, including video teleconference, as the Department deems appropriate.

(2) An Applicant must submit to the Department before or at an Informational Meeting any materials identified by the Department before the meeting that are necessary to conduct the meeting. Such materials may include, but are not limited to, official zoning sectional maps, official tax maps, color aerial photos, land use maps, color site and area photographs, or site topographical surveys.

(3) An Applicant must participate in an Informational Meeting and present to the Department basic information about the proposed project and surrounding area. The Department may share with the Applicant information about zoning, the neighborhood, City policies potentially affecting the proposed project, and the relevant land use and environmental application review and public review processes.

(c) At or after an Informational Meeting, an Applicant proceeding with filing a land use application or application for environmental review must request from the Department a Project ID number, which will be used by the Department to track proposed projects during the Pre-Application Process.

(d) Within thirty (30) days of an Applicant's request for a Project ID number:

(1) the Department must:

(i) issue a Project ID number to the Applicant for the proposed project; or

(ii) notify the Applicant that the Department requires additional information or an additional Informational Meeting in order to adequately understand the basic information about the proposed project and surrounding area. Where an additional Informational Meeting is required, the Department must hold such meeting within thirty (30) days of notifying the Applicant, subject to the Applicant's availability. If the Applicant is not available within this period, the Department must hold the Informational Meeting as soon as practicable at a time at which both the Department and the Applicant are available. Within thirty (30) days of receiving such additional information or holding an additional Informational Meeting, the Department must issue the Project ID number to the Applicant for the proposed project, or request additional information or Informational Meetings in accordance with the procedures set forth in this paragraph until such time that the Department has received sufficient information to adequately understand the basic information about the proposed project and surrounding area and issues a Project ID number.

(2) Upon issuing a Project ID number, the Department must also notify an Applicant that:

(i) the Applicant is subject to the procedures set forth in §10-04; or

(ii) the Applicant is not subject to the procedures set forth in §10-04, §10-05, §10-06, and §10-08, if the Department determines that the proposed project does not require more than one division to review the land use application material or coordination among the divisions to ensure that consistent and non-conflicting feedback is provided to Applicants, and that the project is classified as Type II pursuant to the regulations promulgated under the New York State Environmental Quality Review Act ("SEQR"). When providing notification pursuant to this paragraph, the Department must also notify

the Applicant whether the Applicant is subject to the procedures set forth in §10-07 or may directly proceed to file a land use application pursuant to §10-09.

(e) If the Department fails to hold a meeting pursuant to subdivision (b) of this section or fails to notify an Applicant pursuant to subdivision (d) of this section, the Applicant may proceed to submit a Pre-Application Statement without a Project ID number pursuant to the provisions set forth in §10-04.

#### **§ 10-04 Pre-Application Statement**

(a) Following the issuance of a Project ID number and notification pursuant to §10-03(d) that the provisions of this section apply, an Applicant must submit a Pre-Application Statement (“PAS”) to the Department. If an Applicant submits a PAS without a Project ID number pursuant to §10-03(e), the Department must issue the Project ID number to such Applicant upon receipt of the PAS. A PAS consists of the PAS form and any accompanying materials required by the form. The PAS form is available on the Department’s website or in hard copy from the Department. The completed PAS must be submitted electronically, or in hard copy with the number of copies specified on the form, to the division or office of the Department indicated on the form.

(b) Within twenty (20) days of receiving an Applicant’s PAS, the Department must provide the Applicant with a return receipt by email if the Applicant provided an email address, or otherwise by mail, confirming receipt of the PAS, and:

(1) review the PAS to determine whether it has been submitted in the proper format and clearly and fully sets forth the information requested by the PAS form; and

(2) notify the Applicant that:

(i) the PAS is complete; or

(ii) additional or revised materials must be submitted to the Department. The Applicant must furnish any such additional or revised materials where the Department has made such a request. Within thirty (30) days of receiving such additional or revised materials, the Department must review such materials and notify the Applicant that the PAS is complete or that additional or revised materials must be submitted. The Department may continue requesting such materials in accordance with the procedures set forth in this paragraph until such time that the Department determines that the PAS is complete.

(3) upon notifying the Applicant that the PAS is complete, also notify the Applicant that:

(i) the Department will hold an ID Meeting pursuant to §10-05, if the proposed project requires more than one division to review the land use application or application for environmental review material, and the divisions must coordinate their respective reviews to ensure that consistent and non-conflicting feedback is provided to Applicants;  
or

(ii) the Department will not hold an ID Meeting and the project is:

(A) classified as Type I or Unlisted, pursuant to SEQR, and subject to the procedures set forth in §10-06; or

(B) classified as Type II, pursuant to SEQR, such that the procedures set forth in §10-06 and §10-08 do not apply. When providing notification pursuant to this paragraph, the

Department must also notify the Applicant whether the Applicant is subject to the procedures set forth in §10-07 or may directly proceed to file a land use application pursuant to §10-09.

(c) If the Department fails to notify an Applicant pursuant to subdivision (b) of this section, the Applicant may proceed with filing a land use application as set forth in §10-09 or an application for environmental review as set forth in §10-10.

### **§ 10-05 Interdivisional Meeting**

(a) Within ninety (90) days of notifying an Applicant pursuant to §10-04(b)(3)(i) that the Department will hold an ID Meeting, the Department must hold such a meeting with the Applicant subject to the Applicant's availability. If the Applicant is not available within this period, the Department must hold the ID Meeting as soon as practicable at a time at which both the Department and the Applicant are available.

(1) An ID Meeting may be held in person, by telephone, or by other electronic means, including video teleconference, as the Department deems appropriate.

(2) An Applicant proceeding with filing a land use application or application for environmental review must participate in an ID Meeting and provide any information requested by the Department until such time that the Department has received sufficient information to determine the land use actions necessary to facilitate the proposed project and the type of environmental review that will be required.

(b) Within ninety (90) days after an ID meeting:

(1) the Department must notify an Applicant that:

(i) the Department has received sufficient information to determine the land use actions necessary to facilitate the proposed project and the type of environmental review that will be required; or

(ii) the Department requires further information or an additional ID Meeting to determine the land use actions necessary to facilitate the proposed project and the type of environmental review that will be required. Where an additional ID Meeting is required, the Department must hold the meeting within thirty (30) days of notifying the Applicant, subject to the Applicant's availability. If the Applicant is not available within this period, the Department must hold the additional ID Meeting as soon as practicable at a time at which both the Department and the Applicant are available. Within forty-five (45) days of receiving such additional information or holding an additional ID Meeting, the Department must notify the Applicant that it has received sufficient information to determine the land use actions necessary to facilitate the proposed project and the type of environmental review that will be required, or that additional information must be submitted or an additional ID Meeting must be held in accordance with the procedures set forth in this paragraph until such time that the Department may make such a determination.

(2) Upon notifying an Applicant that the Department has received sufficient information to determine the land use actions necessary to facilitate the proposed project and the type of environmental review that will be required, the Department must also notify the Applicant that the project is:

(i) classified as Type I or Unlisted, pursuant to SEQR, and subject to the procedures set forth in §10-06; or

(ii) classified as Type II, pursuant to SEQR, such that the procedures set forth in §10-06 and §10-08 do not apply. When providing notification pursuant to this subsection, the Department must also notify the Applicant whether the Applicant is subject to the procedures set forth in §10-07 or may directly proceed to file a land use application pursuant to §10-09.

(c) If the Department fails to hold an ID Meeting pursuant to subdivision (a) of this section or fails to notify an Applicant pursuant to subdivision (b) of this section, the Applicant may proceed with filing a land use application as set forth in §10-09 and an application for environmental review as set forth in §10-10.

### **§ 10-06 Reasonable Worst Case Development Scenario**

(a) Following notification to an Applicant pursuant to §10-04(b)(3)(ii)(A) or §10-05(b)(2)(i), as applicable, that the Applicant's project is classified as Type I or Unlisted, an Applicant proceeding with filing a land use application or application for environmental review must submit, electronically by email or a hard copy by mail, a RWCDS Memorandum. The memorandum must be on a form provided by the Department that is available on the Department's website or in hard copy from the Department. The memorandum must set forth a description of, and the basis for, the RWCDS that may result from the land use actions that facilitate the proposed project. A RWCDS is a conservative projection of the development that may occur pursuant to a discretionary action and is used by the Department to make reasonable conclusions regarding a land use action's likely effects on the environment, consistent with the requirements of SEQR/CEQR and the guidance of the City's *CEQR Technical Manual*.

(b) Within ninety (90) days of receiving a RWCDS Memorandum, the Department must review the memorandum and:

(1) notify an Applicant that:

(i) the Department accepts the RWCDS Memorandum and the Applicant may proceed to submit, pursuant to the procedures set forth in §10-08, a draft CEQR short/full form as provided by the Mayor's Office of Environmental Coordination; or

(ii) the Department requires further information or a RWCDS Meeting in order to review and clarify the assumptions underlying the RWCDS Memorandum. Where a RWCDS Meeting is required, the Department must hold the meeting within thirty (30) days of notifying the Applicant that the Department requires a RWCDS Meeting, subject to the Applicant's availability. If the Applicant is not available within this period, the Department must hold the meeting as soon as practicable at a time at which both the Department and the Applicant are available. A RWCDS Meeting may be held in person, by telephone, or by other electronic means, including teleconference, as the Department deems appropriate. Within forty-five (45) days of receiving additional information or holding a RWCDS Meeting, the Department must notify the Applicant that it accepts the RWCDS Memorandum and the Applicant may proceed to submit a draft CEQR short/full form pursuant to the procedures set forth in §10-08, or that it requires further information or an additional RWCDS Meeting in accordance with the procedures set forth in this paragraph in order to review and clarify the assumptions underlying the memorandum until such time that the Department accepts the memorandum and the Applicant may proceed to submit a draft CEQR short/full form.

(2) upon notifying an Applicant that the Department has accepted the Applicant's RWCDs Memorandum and the Applicant may proceed to submit a draft CEQR short/full form, also notify the Applicant whether the Applicant is subject to the procedures set forth in §10-07 or may directly proceed to file a land use application pursuant to §10-09.

(c) If the Department fails to notify an Applicant pursuant to subdivision (b) of this section, the Applicant may proceed with filing a land use application as set forth in §10-09 and an application for environmental review as set forth in §10-10.

### **§ 10-07 Draft Land Use Application**

(a) The Department may request a draft land use application where a high degree of technical expertise is necessary to produce the land use application materials for an Applicant's proposed project. Following notification to an Applicant pursuant to §10-03(d)(2)(ii), §10-04(b)(3)(ii)(B), §10-05(b)(2)(ii), or §10-06(b)(2), as applicable, that the Applicant is subject to the procedures set forth in §10-07, an Applicant proceeding with filing a land use application must submit a draft land use application to the Department for review. The Applicant must submit, electronically by email or a hard copy by mail, the draft land use application to the Borough Office project manager handling the Applicant's project. Such application must include all required forms, documents, and exhibits in the manner required by instructions for submitting a land use application which are set forth on the Department's website and available in hard copy from the Department.

(b) Within ninety (90) days of receiving a draft land use application, the Department must review the draft application and:

(1) notify an Applicant that the draft application includes all such required forms, documents, and exhibits in the manner required by the instructions for submitting a land use application, such that the Applicant may proceed to file a land use application pursuant to §10-09; or

(2) notify an Applicant that the draft land use application is missing one or more required forms, documents, or exhibits, or is not submitted in the manner required by the instructions for submitting a land use application. The Applicant must submit a revised draft land use application to the Department. Within forty-five (45) days of receiving the revised draft land use application, the Department must review it and notify the Applicant that the Applicant may proceed to file a land use application pursuant to §10-09, or that additional or revised materials must be submitted. The Department may continue requesting such materials in accordance with the procedures set forth in this paragraph until such time that the Department determines that the Applicant may proceed to file a land use application pursuant to §10-09.

(c) If the Department fails to notify an Applicant pursuant to subdivision (b) of this section, the Applicant may proceed with filing a land use application as set forth in §10-09.

### **§ 10-08 Draft City Environmental Quality Review**

(a) Following notification to an Applicant pursuant to §10-06(b)(1) that the Applicant may proceed to submit a draft CEQR short/full form, an Applicant proceeding with filing an application for environmental review must submit a draft CEQR short/full form to the Department for review. The Applicant must submit, electronically by email or a hard copy by mail, the draft CEQR short/full form to the Environmental Assessment Review division project manager handling the Applicant's project. Such application must include all required forms, documents, and exhibits in the manner required by instructions for submitting a CEQR short/full form as provided by the Mayor's Office of Environmental Coordination.

(b) Within ninety (90) days of receiving a draft CEQR short/full form, the Department must review the draft and:

(1) notify an Applicant that the draft CEQR short/full form is substantially complete in form and substance such that the Applicant may proceed to file an application for environmental review pursuant to §10-10; or

(2) provide comments to an Applicant on the draft CEQR short/full form, which the Applicant must address to the Department's satisfaction before the Applicant may proceed to file an application for environmental review pursuant to §10-10. Within forty-five (45) days of receiving a revised draft CEQR short/full form, the Department must review the revised draft and notify the Applicant that the revised draft is substantially complete in form and substance such that the Applicant may proceed to file an application for environmental review pursuant to §10-10, or that the revised draft does not address, in whole or in part, the comments previously provided by the Department to the Applicant, in which case the review process must continue in accordance with the procedures set forth in this paragraph until the Department determines that the draft is substantially complete in form and substance and the Applicant may proceed to file an application for environmental review pursuant to §10-10.

(c) If the Department fails to notify an Applicant pursuant to subdivision (b) of this section, the Applicant may proceed with filing an application for environmental review as set forth in §10-10.

### **§ 10-09 Filing of Land Use Application**

(a) After an Applicant receives notification pursuant to §10-03(d)(2)(ii), §10-04(b)(3)(ii)(B), §10-05(b)(2)(ii), §10-06(b)(2), or §10-07(b), as applicable, that it may proceed to file a land use application, the Applicant may file such application at the Department's Central Intake in accordance with §2-02(a)(1) of Title 62 of these rules.

(b) Notwithstanding subdivision (a) of this section, an Applicant may proceed with filing a land use application where otherwise provided in this chapter.

### **§ 10-10 Filing of Application for Environmental Review**

(a) After an Applicant receives notification pursuant to §10-08(b) that it may proceed to file an application for environmental review, the Applicant may file such application pursuant to Chapter 5 of Title 62 of these rules.

(b) Notwithstanding subdivision (a) of this section, an Applicant may proceed with filing an application for environmental review where otherwise provided in this chapter.

