

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.

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?

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.

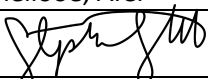
3. Check determination to be issued by the lead agency:

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 Deputy Director, Environmental Assessment and Review Division	LEAD AGENCY City Planning Commission
NAME Stephanie Shellooe, AICP	DATE August 27 2021
SIGNATURE 	

REVISED NEGATIVE DECLARATION – supersedes the Negative Declaration issued April 5, 2021*

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

A detailed analysis related to land use, zoning, and public policy is included in the EAS. The Proposed Action is a zoning text amendment to the New York City Zoning Resolution to establish a framework for coordinating the siting and provision of transit station improvements with new developments or enlargements on adjacent sites. Specifically, the zoning text amendment would create a system-wide easement requirement that would require developments on lots over 5,000 sf within 50 feet of a mass transit station in most zoning districts to obtain a determination from the related transit agency on whether a transit easement volume is needed on site for future station access. This requirement would be accompanied by targeted zoning relief to minimize potential construction and design challenges. In addition, an optional Chair Certification would be created to facilitate the provision of a transit easement volume on other sites not subject to the requirement. The proposed text amendment would also create an expanded transit improvement bonus program through City Planning Commission (CPC) Authorization, that would grant a floor area bonus for developments within all R9 and R10 density-level districts that provide transit station improvements, including accessibility improvements. In addition to this Authorization, additional zoning relief on such sites may be permitted pursuant to other future discretionary actions. Due to the broad applicability of the Proposed Action, there are no known or projected development sites associated with this action. To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical sites were identified for analysis purposes. Although the Proposed Action would allow developments to waive certain bulk, parking and use regulations, the overall amount, type, and general location of development within the affected area is not anticipated to change. The land use, zoning, and public policy analysis notes that the Proposed Action would not generate new land uses that would be incompatible with surrounding uses; and currently established land use trends and conditions in the study areas would continue in the future with the Proposed Action. Additionally, the Proposed Action would not conflict with any established public policies. Therefore, the Proposed Action does not have the potential to result in significant adverse impacts with respect to land use, zoning, and public policy.

Shadows

A detailed analysis related to shadows is included in this EAS. Due to the generic nature of the Proposed Action, the action is not anticipated to preclude or induce development, and there are no known or projected development sites associated with this action. To produce a reasonable analysis of the likely effects of the Proposed Action, nine representative prototypical sites were identified for analysis purposes. The shadows analysis finds the Proposed Action would generate limited incremental shadows on portions of sunlight-sensitive resources. All affected resources would continue to receive substantial direct sunlight throughout the representative analysis days and would not adversely affect public utilization or enjoyment of the resources' sunlight-sensitive features. Any vegetation in the affected resources would continue to receive adequate daylight, which is a minimum of four-to-six hours during the growing season. The Proposed Action would not result in changes to development that would substantially reduce or completely eliminate sunlight exposure. Additionally, any future development that would benefit from as-of-right incremental height and/or bulk increases, associated with the Proposed Action and the zoning relief provided, are anticipated to experience modest bulk and/or height changes, ranging from one-to-two stories in height. Therefore, the Proposed Action does not have the potential to result in significant adverse impacts related to shadows.

Urban Design and Visual Resources

A detailed analysis of urban design and visual resources is included in this EAS. The analysis shows that overall, the development associated with the Proposed Action for each of the nine prototypical analysis sites would be compatible with the existing built character surrounding the sites, as well as the development in the No-Action condition. The Proposed Action would require future development on zoning lots within New York City that are adjacent to a mass transit station to provide a transit easement if deemed necessary on the zoning lot, which would facilitate a future connection to the adjacent subway platform and provide ADA-accessibility to the station. To facilitate the provision of such an easement, certain zoning relief would be provided on such sites that would result in future developments that do not entirely comply with current underlying zoning regulations. However, the anticipated new developments would be built to conform to the existing streetwalls and, therefore, would not block existing pedestrian views. As the Proposed Action would not diminish or disturb the existing streetwall continuities and/or pedestrian features and experience within the area's surrounding each site, the Proposed Action does not have the potential to result in significant adverse impacts related to urban design and visual resources.

Conceptual Analysis


A conceptual analysis is included in this EAS. As noted above, the Proposed Action would create an expanded transit improvement bonus program that would grant a floor area bonus for developments that provide transit station improvements, including accessibility improvements. The expanded transit improvement bonus program would establish three new discretionary actions: 1) a CPC Authorization for Transit Improvement Bonus; 2) a CPC Authorization for Additional Relief or Other Modifications; and 3) a CPC Special Permit for Additional Relief. Sites pursuing any of these discretionary actions would be subject to future environmental review for a specific proposed project. As such, the conceptual analysis contained in this EAS does not rule out the potential for significant adverse impacts with respect to the impact categories assessed under a future application subject to City Environmental Quality Review (CEQR). However, as a specific environmental review would be conducted at the time upon which the discretionary action(s) would be sought, any potential for significant adverse impacts would be disclosed through that process.

Project Name: Zoning for Transit Accessibility

CEQR # 21DCP136Y

SEQRA Classification: Type I

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 Annabelle Meunier at (212) 720-3426.

TITLE Deputy 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 August 27, 2021
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Marisa Lago	DATE August 30, 2021
SIGNATURE	

**This Revised Negative Declaration (prepared in accordance with a Revised EAS) supersedes the Negative Declaration issued on April 5, 2021. The Revised EAS incorporates a Technical Memorandum as an attachment addressing changes and clarifications to the proposed zoning text. Following the publication of the EAS, modifications to the Proposed Action have been identified as under consideration by the CPC (the "Potential CPC Modifications"). The Potential CPC Modifications, consist of changes to the proposed zoning text that would clarify applicability of the System-wide Easement Requirement and modify the process, timeline and requirements associated with this provision. They would also modify the applicability of the bonus Expanded Transit Improvement Bonus Program, and clarify findings associated with the floor area bonus. Similarly, the Potential CPC Modifications would provide clarifications for the special permit findings related to Additional Zoning Relief. The Technical Memorandum appended to the Revised EAS considers the project with the Potential CPC Modifications and concludes that these changes would not alter the conclusions of the original environmental review.*