

# CEQR TECHNICAL MANUAL CHANGES

## JANUARY 2012 EDITION

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This document summarizes the specific changes made in the 2012 Edition of the *CEQR Technical Manual*. The changes are indicated by page and section number. When deemed appropriate, an entire section or paragraph is presented below to provide context and indicate specific text changes. Deletions are indicated using a ~~strike through~~, and additions are indicated using double underline. Typographical or grammatical errors were also corrected. These changes are not indicated below and have no effect on the substance of the guidance in the *CEQR Technical Manual*.

### CHAPTER 1, "PROCEDURES AND DOCUMENTATION"

**Section 111** – Clarifies when it is appropriate to document an agency's consideration and determination of a Type II action in a memorandum for its files.

### CHAPTER 3, "INTRODUCTION TO THE TECHNICAL GUIDANCE"

Replaces the Energy Division of the New York City Economic Development Corporation with the Mayor's Office of Environmental Coordination as an expert agency for the "Energy" technical area.

### CHAPTER 4, "LAND USE, ZONING, AND PUBLIC POLICY"

#### *Waterfront Revitalization Program*

**Section 120** – Clarifies that the comprehensive waterfront plan is a policy assessed under Section 121, Waterfront Revitalization Program, by deleting the reference to the Comprehensive Waterfront Plan in Section 120.

**Section 121** – Revises the guidance to reference the updated Comprehensive Waterfront Plan, released March 2011, and to reference amendments to the Waterfront Zoning Regulations. Also, clarifies that Waterfront Revitalization Program policies, goals, and standards should be used as the basis for determining a project's consistency with the Waterfront Revitalization Program.

**Section 332.1** – Clarifies that the detailed analysis considers all [10 Local Waterfront Revitalization Program \(LWRP\) policies](#) with their standards and criteria, and assesses consistency with all those that are relevant to the project.

#### *Sustainability/PlaNYC*

Updates the guidance to reflect the updated PlaNYC, released April 2011.

**Section 200** – Clarifies the types of projects that should be considered "large publicly sponsored projects" and when these are appropriately subject to a PlaNYC/Sustainability consistency assessment. The revised language is as follows:

Until sustainability goals are more clearly defined through the incorporation of initiatives into codes, regulations and specific policies, there are few sustainability standards to apply appropriately in assessing a proposed project for the purposes of CEQR. As these initiatives become codified, privately sponsored projects would be presumed to comply with all codes and regulations. However, to en-



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sure that large publicly sponsored projects align with the broader sustainability priorities and goals the City has set for itself, it is appropriate that the PlaNYC initiatives (whether or not yet embodied in generally applicable codes or regulations) be considered in an environmental assessment for large publicly sponsored projects only, as these projects are often multi-faceted and touch upon many of the elements addressed by PlaNYC. If a publicly-sponsored project is, itself, implementing a PlaNYC initiative, such as repairing or replacing aging infrastructure, a PlaNYC/sustainability assessment would likely be inappropriate. ~~As these initiatives become codified, privately-sponsored projects would be presumed to comply with all codes and regulations in effect at the time of compliance.~~ The discussion below details how sustainability, as encouraged through the goals and initiatives of PlaNYC, is considered in the environmental assessment of large publicly-sponsored projects.

**Section 400** – Clarifies that, when conducting a PlaNYC assessment, every technical area may not have the potential to be affected, positively or adversely, by a proposed project.

**Section 400** – Elaborates on the information that lead agencies should consider if an inconsistency with PlaNYC is identified. The new language is as follows:

If a project is found to be inconsistent, the lead agency should consider whether changes to the project could be made to make the project consistent with PlaNYC or changes could be made such that, while there may still be an inconsistency, the lead agency is able to make a determination that the inconsistency is not significant. If changes that would eliminate the inconsistency are not possible, the lead agency should consider whether the inconsistency is of such a degree as to be significant. In determining the significance of any inconsistencies, the lead agency should balance the policies that would be furthered by the project against those that would be hindered by the project. The lead agency may determine that some inconsistencies are not significant.

**Section 400** – Clarifies that the goal to divert 75% of waste from landfills is a long-term goal applicable to both the public and private sectors, and the standard for assessing consistency with the solid waste reduction goals of PlaNYC.

### CHAPTER 5, “SOCIOECONOMIC CONDITIONS”

**Section 120** – Clarifies that, among other considerations, housing assessments should include consideration of investments in affordable housing by city, state and not-for-profit organizations.

**Section 200** – Corrects and clarifies the threshold for when an assessment of indirect business displacement due to market saturation is appropriate:

The project would add to, or create, a retail concentration that may draw a substantial amount of sales from existing businesses within the study area to the extent that certain categories of business close and vacancies in the area increase, thus resulting in a potential for disinvestment on local retail streets. Projects resulting in less than 200,000 square feet of ~~regional-serving retail as in the study area or less than 200,000 square feet of local-serving or regional-serving retail~~ on a single development site would not typically result in socioeconomic impacts. If the proposed development is located on multiple development sites located across a large project area, a preliminary analysis is likely only warranted for retail developments in excess of 200,000 sq. ft. that are considered regional serving (not the type of retail that primarily serves the local population). ~~Retail that is regional-serving draws primarily from a customer base located the immediate neighborhood.~~ For projects exceeding these thresholds, an assessment of indirect business displacement due to market saturation is appropriate.



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**Section 310** – Notes that when an analysis of a subarea is deemed appropriate, the subarea should be comprised of at least one census tract that warrants special consideration due to land use characteristics or real estate trends, which are distinct from those in the rest of the study area.

**Section 321.1** – Notes that the lead agency can consult the New York City Department of City Planning (DCP) on the methodology for determining the estimated incomes of the directly displaced and study area populations, if such data are not readily available.

**Section 322.1** – Clarifies that relevant data on population and housing may vary depending on the proposed project, and that this information should be provided as it pertains to the preliminary assessment of indirect residential displacement.

**Section 322.1** – Revises Step 1 to state the following:

### STEP 1

Determine if the proposed project would add new population with higher average incomes compared to the average incomes of the existing populations and any new population expected to reside in the study area without the project. It is often helpful to break down income levels into a “market rate” category specific to the proposal and compare it with groupings that are commonly used in the city to define income levels for low, moderate, and middle income for eligibility for inclusionary housing and other public assistance programs. Income thresholds are typically based on a family of four. For a description of current definitions, refer to <http://www.nyc.gov/html/hpd/html/developers/inclusionary.shtml>. These typically change annually based on economic factors.

If the project would introduce a more costly type of housing compared to existing housing and the housing expected to be built in the No-Action condition, then the new population may be expected to have higher incomes. In some cases, the study area would already be experiencing socioeconomic change and the housing to be developed under a proposed project represents a continuation of an existing trend, and not a new trend.

If the expected average incomes of the new population would be similar to the average incomes of the study area populations, no further analysis is necessary. If the expected average incomes of the new population would exceed the average incomes of the study area populations, then Step 2 of the analysis should be conducted.

**Section 322.1** – Revises Step 2 by (i) deleting the guidance that “a population increase of less than 5 percent may potentially affect real estate market conditions in situations where the study area or relevant subarea has not experienced an existing trend towards increasing rents and new market development”; and (ii) adding guidance that if the population increase is greater than 10 percent in the study areas as a whole or within any identified subarea, conduct a Detailed Analysis without conducting Step 3.

**Section 322.1** – Revises Step 3 to state the following:

### STEP 3

Consider whether the study area has already experienced a readily observable trend toward increasing rents and the likely effect of the action on such trends. Near is defined as within a half-mile of the study area boundary.

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- If the vast majority of the study area has already experienced a readily observable trend toward increasing rents and new market rate development, further analysis is not necessary. However, if such trends could be considered inconsistent and not sustained, the applicant should consult with the Department of City Planning on whether a detailed analysis is warranted.
- If no such trend exists either within or near the study area the action could be expected to have a stabilizing effect on the housing market within the study area by allowing for limited new housing opportunities and investment. In this circumstance further analysis is not necessary.
- If those trends do exist near to or within smaller portions of the study area the action could have the potential to accelerate an existing trend. In this circumstance a detailed analysis should be conducted.

**Section 332.1** – Under the section, “Existing Conditions,” it is noted that income levels are typically based on a family of four. Clarifies that an analysis of the number of privately held rental units should be estimated based on the number of units in structure. Provides guidance on when and how to characterize recent investments in market rate and affordable housing within a study area. Under the section, “With-Action Condition,” the guidance on how to assess real estate market conditions in the study area was revised as follows:

- Assess how the real estate market conditions in the study area would change under the proposed project. If the project would introduce a mixed-income population into an area with a recent history of affordable housing investment, it is possible that the new population would serve to stabilize the real estate market rather than change it in such a way that rents would be expected to rise substantially in the surrounding area. If this is considered likely based on the analysis of existing conditions, the analysis should assess how the new housing would affect the existing real estate market. Sources of this information may include interviews with local real estate brokers and developers, as well as experts within the affordable housing community, such as city and housing officials, and those familiar with the affordable housing market within the study area. This might include leaders of local development corporations and other not-for-profits active in this area. If a vulnerable population exists in the study area, estimate the size and general location of the population at risk of displacement under the proposed project. The analyst should consider whether land use or real estate market conditions would reduce the likelihood that a vulnerable population would be at risk of indirect displacement. For example, a physical barrier within the study area, such as a railroad viaduct or river, may create distinct real estate markets that are unlikely to be affected by the proposed project. Similarly, if it is determined that a project, because of its mixed-income composition, would not cause drastic changes in the real estate market, it may not affect rents for some or all of the existing vulnerable units.

**Section 332.3** – Under the section, “With-Action Condition,” the final bullet was edited as follows:

- ~~No new~~ Limited demand for retail tenants is expected due to purchasing power in the trade area.

### CHAPTER 6, “COMMUNITY FACILITIES”

**Section 100** – Removes reference to charter schools from the definition of “public schools” to be consistent with the guidance in Section 322.1.

**Section 310 to 322.1** – In the schools assessment, the references to the “local study area,” which is often defined as a 0.5 or 1-mile radius from the project site, have been removed. The only study area for purposes of a schools assessment should be the school sub-district.



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**Section 311** – Notes that, in order to determine the study area for the analysis of elementary and intermediate schools, GIS files for the sub-district boundaries (“regions” or “school planning zones”) are available, upon request, from the Department of City Planning. This replaces the guidance that stated the sub-district boundaries can be found in the DCP publication, *NYC Public Schools: Demographic and Enrollment Trends, 1990-2002*.

**Section 322.1** – Edits the guidance to determine a No-Action scenario for a schools assessment as follows:

The SCA’s designated enrollment projections should be obtained by contacting SCA and/or DCP. If possible, the projection series (e.g. *Actual 2007, Projected 2008-2018*) to be used should coordinate with the Utilization Profile data (e.g. *Utilization Profiles: Enrollment/Capacity/Utilization for 2007-2008*). Otherwise, use the latest available projection series and/or utilization data. The enrollment projections include a separate projection for ungraded special education (SE) students that are enrolled in the general education schools.

**Section 322.1** – Notes that, when determining the No-Action scenario for the sub-district study area in the analysis of elementary and intermediate schools, major planned residential development projects that are in the sub-district area may also need to be considered in the No-Action scenario.

**Section 322.1** – Edits the guidance for the With-Action Scenario to reflect project components intended to alleviate capacity constraints. The revised text is below:

If the proposed project would include the construction of new schools or other measures that result in the additional seats, such seats should be included in the future capacity estimates, and the proposed school’s location, number of seats, grades served, and other appropriate details, should be included. Similarly, if a project includes other measures intended to alleviate capacity constraints in the With-Action scenario, those measures should be disclosed and, based upon consultation with DOE and SCA, may be taken into account when determining whether the project would result in a significant adverse impact to schools.

**Section 322.3** – Notes that, when determining the No-Action scenario for child care centers, major planned residential developments would include a substantial number of affordable housing units within the study area may also need to be considered.

**Section 410** – Revises the significant impact criteria to note that a project may have an impact on schools if the collective utilization rate of an elementary or intermediate school in the sub-district study area that is equal to or greater than 100 percent in the With-Action Condition and the project increases the rate by 5 percent or more. The collective utilization rate of 105 percent in the With-Action Condition was previously used as the criteria to define significant impacts.

**Section 410** – Illustrates application of the new significant impact criteria and notes that the lead agency may take into account project components to reduce school capacity constraints when determining whether a project would result in a significant adverse schools impact. The new text is as follows:

To illustrate, if the collective utilization rate in the No-Action condition is 98% and the collective utilization rate in the With-Action condition is 103%, the project would result in a significant adverse schools impact. However, if a project includes components which do not provide additional capacity but are intended to reduce school capacity constraints, the lead agency, in consultation with DOE and SCA, may take these project components into account to determine whether an increase in the collective utilization rate under the above standards would cause a significant adverse impact.





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### CHAPTER 7, “OPEN SPACE”

**Section 100** – Edits and clarifies that public open space may include housing complex grounds, if they are publicly accessible.

**Section 710** – Adds references to Title 18 of the Administrative Code of the City of New York and Title 56 of the Rules of the City of New York (Chapter 5), which address removal of trees under the jurisdiction of DPR and the determination of tree replacement values.

### CHAPTER 8, “SHADOWS”

**Section 200** – The guidance has been revised to more clearly allow a lead agency discretion to determine, in certain circumstances, whether a shadows assessment is needed. The revised text is as follows:

The shadow assessment considers projects that result in new shadows long enough to reach a sunlight-sensitive resource. Therefore, a shadow assessment is required only if the project would either result in (a) new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more or (b) be located adjacent to, or across the street from, a sunlight-sensitive resource. However, where a project’s height increase is ten feet or less and it is located adjacent to, or across the street from, a sunlight-sensitive open space resource, which is not a designated New York City Landmark or listed on the State/National Registers of Historic Places or eligible for these programs, the lead agency may determine, in consultation with DPR, whether a shadow assessment is required in that case. ~~Conversely, if the proposed project would not result in either of these conditions, a shadow assessment is not necessary.~~

**Section 410** – For ease of reading and to clarify the guidance, the text, “[s]hadows occurring during the cold-weather months of interest generally do not affect the growing season of outdoor vegetation; however, their effects on other uses and activities should be assessed,” was relocated from Page 8-27, Section 430 to page 8-24, Section 410. The following text, “[a]lthough shadows on project-generated open space are not considered significant under CEQR, the assessment of shadows on project-generated open space should be conducted and documented with the same level of detail as other sunlight-sensitive open space resources when such project generated open space is included qualitatively as part of a detailed analysis required Chapter 7, ‘Open Space.’” was also relocated from Page 8-27, Section 430 to page 8-25, Section 410.

**Section 412** – For ease of reading and to clarify the guidance, the text, “It should be noted that the shade created by trees and other natural features is not considered to be shadow of concern for the impact analysis; however, incremental shadow on a tree-shaded environment may create a significant impact as the incremental shadow is not redundant with tree shade, and the tree canopy may be considered a sunlight-sensitive resource,” and the text, “[t]he significance of shadows cast on an open space should be closely examined in relation to the open space’s utilization rates, as discussed in Chapter 7, ‘Open Space,’ in order to determine the potential for the shadows to affect the times of day the space is commonly used. This is particularly important when shadows are cast on open spaces that fall within an area without similar sunlit resources. Estimating the loss of sunlight on paved or hardscape open spaces that accommodate active uses—such as basketball and tennis courts—may be determined based on how the active area is used by the community and the utilization rate of such spaces as described and assessed in Chapter 7, ‘Open Space.’ While this loss of sunlight is generally not considered significant, the lead agency should consider how the area is used by the community and the utilization rate of such spaces as described and assessed in Chapter 7, ‘Open Space,’ in order to determine the significance of the incremental shadow,” were edited for clarity and/or relocated from Page 8-27, Section 430 to pages 8-25 and 8-26, Section 412.

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**Section 430** – The following text was edited to emphasize a lead agency’s existing discretion to determine whether a project’s incremental shadows on a sun-sensitive resource constitutes a significant adverse shadow impact. The edits also clarify the text and better explain and categorize the significant impact considerations.

### 430. DETERMINING IMPACT SIGNIFICANCE

The ~~guidance and~~ scenarios illustrated below provide general guidelines for determining impact significance and supplement the considerations described in Sections 410 and 420. As with every technical area, ~~however~~, each case project must be considered on its own merits, taking into account its unique circumstances. For instance, the precise location of the incremental shadow within the sunlight-sensitive resource (or the presence of well-lit resources in close proximity to the affected resource) may be highly relevant because the incremental shadow may affect specific features that are key to the character, use, survival or enjoyment of the sun-sensitive resource. For the purposes of CEQR, the determination of impact significance on ambiguous cases should be done in a conservative manner. In all cases, the rationale for the determination of impact significance should be clearly presented in the resulting environmental review document.

In general, an incremental shadow is not considered significant when its duration is no longer than 10 minutes at any time of year and the resource continues to receive substantial direct sunlight. A significant shadow impact generally occurs when an incremental shadow of 10 minutes or longer added by a proposed project falls on a sunlight sensitive resource and results in one of substantially reduces direct sunlight exposure, reduces direct sunlight to unacceptable levels, or completely eliminates all direct sunlight for longer than 10 minutes at any time of the year. This includes the following situations:

#### VEGETATION

- A substantial reduction in sunlight available to a sensitive use ~~sunlight-sensitive~~ feature of the resource to less than the minimum time necessary for its survival (when there was sufficient sunlight in the future without the project).
- A substantial reduction in direct sunlight exposure where the sensitive ~~use~~ feature of the resource is already subject to standard sunlight (*i.e.*, less than minimum time necessary for its survival).

#### HISTORIC AND CULTURAL RESOURCES

- A substantial reduction in sunlight available for the ~~use~~, enjoyment or appreciation of the sunlight-sensitive features of an historic or cultural resource.

#### OPEN SPACE UTILIZATION

- A substantial reduction in the usability of open space as a result of increased shadow (should cross reference with information provided in Chapter 7, “Open Space,” regarding anticipated new users and the open space’s utilization rates throughout the affected time periods).

#### FOR ANY SUNLIGHT-SENSITIVE FEATURE OF A RESOURCE

- Complete elimination of all direct sunlight on the sunlight-sensitive feature of the resource, when the complete elimination results in substantial effects on the survival, enjoyment, or in the case of open space or natural resources, the use of the resource.



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### CHAPTER 10, “URBAN DESIGN”

**Section 100** – Removes the definition of sunlight from urban design to clarify that sunlight should not be a specific part of an urban design analysis or have its own thresholds for significance.

### CHAPTER 11, “NATURAL RESOURCES”

**Table 1** – Removes reference to the National Biological Information Infrastructure website as an online resource for information on plants, animals and other organisms.

**Section 353.3** – Adds new language regarding trees under the jurisdiction of DPR, including reference to relevant rules and regulations for tree removal and replacement as required by Local Law 3 of 2010. The additional language is as follows:

DPR has authority over all trees in any park, or any other property under its jurisdiction and generally over all trees in any street as such term is defined in Section 18-103 of the Administrative Code of the City of New York. Such trees are an integral part of the health, beauty, and vitality of the City and provide important benefits for its residents by absorbing gaseous air pollutants, capturing particulate matter, providing for cooler summer temperatures, and beautifying neighborhoods. Trees under the jurisdiction of DPR may not be removed without a permit pursuant to Title 18 of the Administrative Code of the City of New York. Chapter 5 of Title 56 of the Rules of the City of New York establishes rules for valuing trees that are approved for removal in order to determine the appropriate number of replacement trees.

Any person or contractor wishing to remove or perform work on a tree under the jurisdiction of DPR is required to obtain a permit from DPR. Issuance of such permits followings a review process that may entail the submission of documentation and/or modification or alteration of the work plan. Information pertaining to such permits is available at: <http://www.nycgovparks.org/services/forestry/tree-work-permit>.

**Section 550** – Adds reference to Title 56 of the Rules of the City of New York (Chapter 5), which establishes rules for valuing trees that are approved for removal.

**Section 713** – Adds references to Title 18 of the Administrative Code of the City of New York and Title 56 of the Rules of the City of New York (Chapter 5), which address removal of trees under the jurisdiction of DPR and for determining tree replacement values.

**Section 714** – Updates the section to reflect the [NYC Green Infrastructure Plan](#) and adds reference to the [2010 Sustainable Stormwater Management Plan Progress Report](#).

### CHAPTER 12, “HAZARDOUS MATERIALS”

**Section 300** – Removes the following sentence to clarify the intent of the section:

~~If no potential REC’s are identified at the conclusion of an ASTM E-1527-compliant Phase I ESA and DEP has also determined that no REC’s exist at a site, then no further analysis is warranted.~~

### CHAPTER 13, “WATER AND SEWER INFRASTRUCTURE”

**Section 123** – Adds reference to Title 15 RCNY Chapter 31 (the “Rule Governing House / Site Connections to the Sewer System”).





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**Section 220 and Table 13-1** – Clarifies the threshold for conducting a water and sewer infrastructure assessment by including a threshold for public facility, institutional, and community facility space.

**Section 322.1** – Removes the following paragraph to avoid unnecessary confusion:

~~If the proposed project is a large development and located within a WWTP drainage area that has limited excess loading capacity (e.g., Owls Head, Newtown Creek or North River), estimate the solids loadings and concentrations and impacts on wastewater treatment plants per specific SPDES parameters and limits. If this project has an extended construction schedule, measures to ensure that solids loadings are avoided should be described. Simple calculations are preferred. BEPA should be contacted for assistance in determining whether the project would be consistent with a plant's SPDES effluent limits.~~

### CHAPTER 14, "SOLID WASTE AND SANITATION SERVICES"

**Section 111.4** – Updates the description of Designated Recyclable Materials to reflect the Electronic Equipment Recycling and Reuse Act, enacted in May 2010.

**Section 112** – Updates the link to the current map of transfer station facilities.

### CHAPTER 15, "ENERGY"

**Section 310** – Clarifies when energy modeling is appropriate and allows for an applicant to calculate its energy consumption using energy use information compiled for comparable buildings. The revised text is below. Please note that many of the deletions and additions are a result of moving the text.

~~If sufficient information regarding the project is not available to model its probable operational energy consumption, the lead agency, within its discretion, may determine it is most appropriate to use the standard reference table below to estimate energy usage. It should be noted that pProjects subject to thethis GHG assessment in Chapter 18, "Greenhouse Gas Emissions," should estimate energy consumption using either energy modeling, or information from a project architect or engineer, or energy use information compiled for comparable buildings. unless the project would result in changes to sites not controlled by the applicant, as is often the case in a rezoning. If sufficient information regarding the project is not available to model its probable operational energy consumption or provide specific project energy consumption estimates, the lead agency, within its discretion, may determine it is most appropriate to use the standard reference table below to estimate energy usage. The standard reference table will often be used to estimate energy consumption on those sites not controlled by the applicant, as is often the case in a rezoning action.~~

**Table 15-1** – Presents the "Average Annual Whole-Building Energy Use in New York City" in MBtu/sq ft (Thousand Btu/square foot) instead of Btu/square foot in order to conform to the unit of measurement most used by the United States Energy Information Administration (EIA).

**Section 410** – Deletes reference to the New York City Economic Development Corporation, Energy Division, as a source for the State Energy Plan.

**Section 420** – Deletes reference to the New York City Economic Development Corporation, Energy Division, as the entity in which coordinates energy policy in the City and which provides guidance on the energy conservation measures and techniques. Clarifies that questions regarding energy policy in the City should be directed to the Mayor's Office of Environmental Coordination.



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### CHAPTER 16, “TRANSPORTATION”

**Section 100** – Clarifies the definition of pedestrian facilities to additionally refer to intersection corners as corner reservoirs.

**Table 16-1** – Clarifies the description of Zone 4 to include areas in Staten Island within 0.5 miles of subway stations and all other areas located within one mile of subway stations (except in Staten Island, Broad Channel, and the Rockaways, Queens).

**Table 16-2 (corrected in March 2011)** – Corrects the Saturday Daily Person Trip Generation Rate for local retail. The previous rate was 488 person trips per 1000 square feet. The corrected rate is 240 person trips per 1000 square feet.

**Section 311.2** – Clarifies and edits the following text:

- Are the hours and operation of ~~that the survey site is open and active~~ similar to those of the proposed project?

**Table 16-3** – Removes the “Vehicle Class” column from the table. Clarifies that waste collection vehicles have the same PCE factor as ‘Trucks/Buses with 2 Axles’ and assigns a PCE factor of 1.5 to such vehicles. Notes that the PCE factor for waste transfer trailers should be determined based on the number of axles.

**Section 322** – Clarifies that the threshold for a detailed analysis is 50 vehicle trips during the peak hour.

**Section 331** – Clarifies that analysis locations include highway ramps, not highways.

**Section 332** – Clarifies that the standard weekday peak hours in Zone 1, as defined in Table 16-1, are 8:00 a.m. to 9:00 a.m., 12:00 p.m. to 1:00 p.m., and 5:00 p.m. to 6:00 p.m.

**Section 342.2** – Clarifies that ATRs should be placed at sufficient numbers of locations covering all major street approaches as well as representative minor street approaches, and notes that, generally, ATRs should be placed on approach leg(s) of an intersection rather than the departure leg(s).

**Section 342.4** – Clarifies that the lead agency should consult with DOT with regard to LOS calibration if the v/c ratio for a lane-group is greater than 1.05 under the existing condition. Also clarifies the following text:

It is possible that ~~major congestion occurring at an intersection upstream of (above) the intersection being analyzed~~ does not allow traffic to proceed on to the next intersection in a normal manner.

**Section 352.1.3** – Revises the guidance on Analysis of Platforms to clarify when consultation with New York City Transit is appropriate.

**Section 352.1.3** – Revises the guidance on Analysis of Elevators to clarify when an analysis of elevator service is needed.

**Section 363.1** – Revises this section to reflect changes in taking pedestrian counts. The revised section is re-printed in its entirety below:

#### **363.1. Assembly and Collection of Pedestrian Counts**

Prior to collecting any new data, DCP and DOT should be contacted regarding the availability of any pedestrian studies as well as recently completed environmental assessments within the project study area that could be the source of available pedestrian count data and LOS analyses. However, the available data should not be more than three years old and care must be taken to ensure that



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the pedestrian travel patterns have not changed due to significant developments and/or modification to the existing pedestrian elements in the project study area.

New pedestrian counts should be taken for one “typical” mid-week day during representative peak periods (i.e., morning, midday, evening, and/or other appropriate peak periods). Counts should be taken over the course of the full peak period and recorded in 15-minute intervals, since analyses to be conducted utilize a 15-minute analysis period for their evaluations. Counts taken during weekend peak periods or special times (such as game days or other events) should also be taken for one day. However, crosswalk counts at all study intersections should be collected for one additional mid-week day and one additional weekend day during representative peak periods to validate the data if counts for all three pedestrian elements (i.e., crosswalk, sidewalk and corner) are collected. If a proposed action requires one pedestrian element, such as a sidewalk, to be analyzed, then counts for one additional mid-week day and one additional weekend day (if warranted) should be performed to confirm all the counts.

~~New pedestrian counts should generally be taken for three “typical” mid-week days and during representative peak periods. Counts are taken over the course of the full peak period and are recorded in 15-minute increments, since the LOS analyses to be conducted utilize a 15-minute analysis period for their evaluations. Counts taken during weekend peak periods or special times (such as game days or other events) should be taken for at least two days.~~

The pedestrian counts to be conducted depend on the pedestrian elements identified as constituting the pedestrian study area. They should include crosswalks, corner reservoirs at intersections where pedestrians queue up while waiting to cross the street and those moving between the adjoining sidewalks but not crossing the street, sidewalks, and other important routes if such are applicable (e.g., bridges, mid-block arcades or plazas). Two-directional counts are needed to conduct the subsequent LOS analyses.

**Sections 441.2 to 442.4** – Throughout these sections, the phrase, “If the average pedestrian flow rate under the With-Action condition deteriorates to mid-LOS D or worse,” has been corrected. Throughout this section, this phrase now reads, “If the average pedestrian flow rate under the With-Action condition deteriorates to worse than mid-LOS D.”

**Tables 16-13 to 16-17** – Throughout the referenced tables, the formula for calculating the significant impact guidance for pedestrians has been corrected, resulting in a small change in the values. For example, in Table 16-13, the May 2010 CEQR Technical Manual states that, if “the No-Action condition is greater than 21.6 ft<sup>2</sup>/p, then a decrease in pedestrian space under the With-Action condition to less than 19.5 ft<sup>2</sup>/p worse than mid-LOS D) should be considered a significant impact.” The correction in the formula changes the No-Action condition pedestrian space from 21.6 ft<sup>2</sup>/p to 21.5 ft<sup>2</sup>/p.

**Section 500** – Corrects the example regarding mitigation for a pedestrian impact to reflect the proper numeric values based on the correction to Table 16-17.

**Section 510** – Adds the following sentence to clarify the jurisdiction of the New York State Department of Transportation:

Since many of the City's highways are under NYSDOT jurisdiction, coordination and approval from that agency, in addition to NYCDOT, is required.

**Table 16-18** – Edits the table to appropriately indicate the office within the New York City Department of Transportation that would need to approve any proposed mitigation measures.



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**Equation 16-10** – Amends the equation to provide guidelines for determining the appropriate minimum time required for pedestrians when considering signal re-timing as a mitigation measure.

**Section 512** – Removes the word, “install,” from the last sentence.

**Section 743** – Deletes LIB Operations Planning as the source for recent bus studies.

### CHAPTER 17, “AIR QUALITY”

**Table 17-1** – Revises the table to reflect the new National Ambient Air Quality Standards (NAAQS).

**Section 122.2** – Deletes guidance on the 1-hour NAAQS for NO<sub>2</sub> from this section and adds a reference to the new location of the guidance in Section 123.

**Section 123** – Revises this section to reflect the new 1-hour NAAQS for NO<sub>2</sub> and the new 1-hour NAAQS for sulfur dioxide (SO<sub>2</sub>).

**Table 17-3** – Revises Table 17-3 to correct the industrial source screen, modeled on a 20-foot source height.

### CHAPTER 18, “GREENHOUSE GAS EMISSIONS”

Revises the introduction to reflect the updated PlaNYC, April 2011.

**Section 200** – Revises the applicability section to clarify when a GHG assessment is likely needed. Please note that the applicability thresholds have not changed. The revised Section 200, with the changes, is as follows:

Currently, the GHG consistency assessment focuses on those projects that have the greatest potential to produce GHG emissions that may result in inconsistencies with the GHG reduction goal to a degree considered significant and, correspondingly, have the greatest potential to reduce those emissions through the adoption of project measures and conditions. Over time, as data improve and as GHG emissions standards and regulations evolve, MOEC will reevaluate and, as appropriate, revise the guidance to potentially expand the applicability of the guidance or refine methodologies. The assessment is currently limited to the projects with the characteristics described below.

#### **THE ENVIRONMENTAL ASSESSMENT STATEMENT (“EAS”)**

Generally, ~~a GHG emissions assessment under the CEQR Technical Manual is not warranted for projects that do not require preparation of an EIS.~~ a GHG emissions assessment is typically conducted only for larger projects undergoing an EIS, since these projects have a greater potential to be inconsistent with the City’s GHG reduction goal to a degree considered significant. However, the nature or type of certain projects may warrant consideration of the project’s GHG emissions and, consequently, an analysis of consistency with city policy to reduce GHG emissions, even where preparation of an EIS is not required. This should be determined by the lead agency on a case-by-case basis. In making such determination, the lead agency should consider the following:

- For city capital projects subject to environmental review, it is often appropriate to examine the project’s consistency with [Executive Order 109 of 2007](#), which mandates formulation of a GHG reduction plan to reduce city building and operational emissions by 30 percent below Fiscal Year 2006 levels by 2017; or
- A project that proposes either of the following may warrant assessment:



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- Power generation (not including emergency backup power, renewable power, or small-scale cogeneration); or
- Regulations and other actions that fundamentally change the City's solid waste management system by changing solid waste transport mode, distances, or disposal technologies.
- A project conducting an EIS that would also result in development of 350,000 square feet or greater.

### **APPLICABILITY OF THE GHG EMISSIONS ASSESSMENT IN AN ENVIRONMENTAL IMPACT STATEMENT**

With the exception of city capital projects and projects proposing power generation or a fundamental change to the City's solid waste management system (discussed above), a GHG emissions assessment is typically conducted only for larger projects undergoing an EIS, since these projects have a greater potential to be inconsistent with the City's GHG reduction goal to a degree considered significant. Currently, the GHG consistency assessment focuses on those projects being reviewed in an EIS that would result in development of 350,000 square feet or greater with the above characteristics. However, the need for a GHG emissions assessment is highly dependent on the nature of the project and its potential impacts and the lead agency should evaluate, on a case-by-case basis, whether an assessment of consistency with the City's GHG reduction goals should be conducted for other projects undergoing an EIS. For example, if a project would result in the construction of a building that is particularly energy-intense, such as a data processing center or health care facility, a GHG emissions assessment may be warranted, even if the project would be smaller than 350,000 square feet.

**Table 18-5** – Revises the table to include average one-way taxi trip lengths for taxi trips with (1) a known origin but an unknown destination or (2) an unknown origin but a known destination.

**Mobile Emissions Calculator** (corrected in March 2011) – Corrects the underlying data in the table to reflect corrections to EPA's MOVES2010 model, which forms the basis of this calculator.

## **CHAPTER 22, "CONSTRUCTION"**

**Title** – Changes the title of this section from "Construction Impacts" to "Construction."

**Section 200** – In order to properly articulate the circumstances in which a preliminary assessment of construction activities for transportation is needed. The revised text is as follows:

### **TRANSPORTATION**

Construction activities may affect several elements of the City's transportation system, including traffic, transit, pedestrians, and parking. A transportation analysis of construction activities is predicated upon the duration, intensity, complexity and/or location of construction activity.

Analysis of construction activities on transportation is often not required, as many projects do not generate enough construction traffic to warrant such analysis. However, due to the location, extent, and intensity of construction, this is not always the case. Therefore, the lead agency should consider a number of factors before determining whether a preliminary assessment of the effect of construction on transportation is needed. These factors include:

- Whether the project's construction would be located in a Central Business District (CBD) or along an arterial or major thoroughfare.

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- If 'yes', the duration and the nature of the construction activity (which could include, if known, the number of construction-related auto and truck trips (in PCEs), on-site vs. on-street staging area, hours of construction, etc.) should be considered to determine whether a preliminary assessment would be needed.
- ~~If so, a preliminary assessment of the effect of construction activities on transportation should be conducted.~~
- Whether the project's construction activities, regardless of where it will be located either in a CBD or along an arterial or major thoroughfare, would require closing, narrowing, or otherwise impeding moving lanes, roadways, key pedestrian facilities (e.g., sidewalks, crosswalks, corners/corner reservoirs), parking lanes and/or parking spaces in on-site or nearby parking lots and garages, bicycle routes and facilities, bus lanes or routes, or access points to transit.
  - ~~If so, would the location be particularly sensitive to such a closure, such as in an area closure be located in an area with high pedestrian activity or near sensitive land uses such as a school, hospital, or park?~~
    - ~~If 'yes', a preliminary assessment should be conducted unless this closure can be considered the type of routine closure typically fully addressed by a permit (and pedestrian access plan) required by New York City Department of Transportation (DOT) Office of Construction Mitigation and Coordination (OCMC) at the time of closure so that impacts are not expected to occur. the proximity of the closure to the sensitive area(s), the extent of the rerouting of pedestrians, bicycles, or vehicular traffic, and the duration of the closure activity should be considered to determine whether a preliminary assessment would be needed.~~
- Whether the project would involve construction on multiple development sites, such that there is the potential for several construction timelines to overlap, and last for more than two years overall. If yes, then a preliminary assessment of the effect of construction on transportation is needed.

**Section 200** – Edits the section to properly articulate the circumstances in which a preliminary assessment of construction activities for air quality or noise is needed. The revised text is as follows:

### **AIR QUALITY OR NOISE**

Generally, if a transportation analysis is not needed with regard to construction activities, an air quality or noise assessment of construction vehicles is likely not warranted. With regard to the air quality and noise effects of other construction activities, the following should be considered by the lead agency in determining whether a preliminary analysis is needed. Often, this involves considerations of construction equipment and activities.

An assessment of air quality and noise for construction activities is likely not warranted if the project's construction activities:

- Are considered short-term;
- Are not located near sensitive receptors;





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- Do not involve construction of multiple buildings where there is a potential for on-site receptors on buildings to be completed before the final build-out; and
- The pieces of diesel equipment that would operate in a single location at peak construction are limited in number.

~~In addition, If a project either does meet one or more of the criteria above or one of the above criteria is unknown at the time of review, a preliminary air quality or noise assessment is not automatically required. Instead, various factors should be considered, such as the types of construction equipment (gas, diesel, electric), and the nature and extent of any commitment to use the Best Available Technology (BAT) for construction equipment, the physical relationship of the project site to nearby sensitive receptors, the type of construction activity, and the duration of any heavy construction activity. determining whether a preliminary air quality or noise assessment for construction activities is warranted.~~

To illustrate the above, construction noise, generated by pile driving, truck traffic, blasting, demolition, etc., is generally analyzed only when it affects a sensitive receptor over a long period of time. Based upon experience, unless ambient noise levels are very low and/or construction source levels are very high, and there are no structures that provide shielding, it is unusual for construction sources to have significant impacts at distances beyond 1,500 feet in New York City. Therefore, further analysis should be performed if the proposed project would cause construction equipment to be operating within 1,500 feet of a receptor for a period of time exceeding two years. In some circumstances, however, even a shorter term construction phase may affect highly sensitive locations (such as schools, hospitals, etc.), warranting further quantitative analysis.

**Section 310** – Edits the section in order to properly articulate the circumstances in which a detailed analysis of construction activities for transportation is needed. The revised text is as follows:

### **TRANSPORTATION**

The volume of vehicular traffic (including trucks) expected to be generated during peak construction hours should be estimated in order to determine whether a detailed quantitative analysis is warranted. The assessment of construction-related traffic should consider vehicles generated by construction employees driving to and from the site, as well as trucks and other vehicles associated with project construction. Calculating the background information necessary for this assessment can be performed as follows:

1. Estimate the construction employee and construction-related vehicle trips (presented as PCEs) that would be generated during construction peak periods. This should include an estimate of the number of autos bringing construction workers to the site during the peak travel periods and the volume of trucks or other construction vehicles expected to access the site during those periods. This information is usually developed by, or in close coordination with, the project's engineers. Typically, construction peak hours take place earlier than the AM and PM traffic peak hours. For some projects, however, a portion of the employee- and construction-related vehicle trips will occur at the same time as peak commuting or traffic conditions in the area. For example, where the peak hour for the study area under current conditions is 8:00 a.m. to 9:00 a.m., the analysis may note that approximately 10 to 15 trucks and 50 autos are expected to bring construction workers to the site during the 7:00 a.m. to 8:00 a.m. peak arrival hour for construction-related activity, while 3 to 5 trucks and

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15 autos are expected to do likewise during the 8 to 9 AM peak travel hour for the study area.

2. Using the data gathered for the traffic analysis, assess whether the AM or PM peak hours for construction of the project will overlap with peak operational hours for the project.

If applicable, the preliminary assessment should also comment on the extent to which sidewalk, travel lane(s) or street closures would impact traffic and pedestrian flows, and it should assess whether capacity losses and/or full street closures would affect traffic patterns, create traffic diversions, cause backups or otherwise cause a significant deterioration in local or regional traffic flow. For multi-phase projects, potential construction impacts should be addressed for each phase. Note that the term "closure" is used broadly and includes the complete closure of a street or sidewalk for 24 hours a day, as well as the taking of one curb lane 24 hours a day to accommodate construction vehicles or field offices or the closure of a lane or lanes during parts of the day. Any impacts on parking supply caused by the taking of lanes or the removal of parking spaces in on-site or nearby parking lots and garages should also be disclosed, especially for active retail or residential areas where such losses may affect retail activity and residents.

No detailed traffic analysis for construction activities is needed if the construction peak would generate fewer than 50 vehicle trips (presented in PCEs). If the project involves multiple development sites over varying construction timelines, a preliminary assessment must take into account whether the PCEs associated with operational trips from completed portions of the project and construction trips associated with construction activities could overlap and exceed the 50 PCE threshold. If not, further analysis is not required.

If the project would exceed the 50 PCE threshold, the conclusion may be drawn that the project would have no significant impacts with regard to traffic and, therefore, no detailed traffic analysis for construction activities is needed if the following factors are all present:

1. The construction peak would generate fewer vehicle trips (presented as PCEs) than the operational project peak and the construction peak lane geometry, signal timing, and parking regulations are consistent with those of the operational project peak hours;
2. The construction would occur during off-peak hours or during hours comparable to the operational project peak hours;
3. The project has been determined not to produce the potential for significant adverse traffic impacts during the operational period; and
4. The preliminary assessment indicates that changes to the capacity of the roadway network related to construction activities are not likely to cause a significant deterioration in local or regional traffic flow.

Correspondingly, if construction would generate a number of vehicular trips similar to or greater than the proposed project and if the operational analysis indicates significant impacts, a more detailed construction traffic assessment may be necessary. In cases where the project's operational analyses do not identify significant traffic impacts but the project's construction-related activities could affect the capacity of the roadway network in an area and result in the potential for a significant impact, a detailed traffic analysis may be warranted.



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### APPENDIX: TRANSPORTATION

**Pages 31 to 50** – Adds tables showing the “Top High Accident Intersections” and “Top High Pedestrian Accident Intersections” for 2010, and deletes the 2008 versions of these tables.

### APPENDIX: AIR QUALITY

**Page 20** – Corrects a formula to indicate that the value should be squared instead of multiplied by the fourth power.

**Pages 37 and 38** – Incorporates the most recent version of EPA's Compilation of Air Pollutant Emission Factors (AP-42) into the appendix.

**Page 43** – Revises the table to correct the industrial source screen, modeled on a 20-foot source height.

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