CITY PLANNING COMMISSION
CITY OF NEW YORK

OFFICE OF THE CHAIR

NEGATIVE DECLARATION

October 7, 2013

Project Identification
CEQR No. 14DCP037Y
SEQR Classification: Type I

Lead Agency
City Planning Commission
22 Reade Street
New York, NY 10007
Contact: Robert Dobruskin
(212) 720-3423

Name, Description and Location of Proposal:

CEQR Type II List Rulemaking

The regulations guiding the process of environmental review under the State Environmental Quality Review Act ("SEQRA") include a list of actions, identified as Type II actions, for which environmental review is not required. These regulations permit local agencies and municipalities to designate a supplemental list of actions as Type II. See 6 NYCRR § 617.5(b). Accordingly, as part of the City's ongoing process reform for environmental review, the Mayor's Office of Environmental Coordination ("MOEC") and the Department of City Planning ("DCP") have recommended that a supplemental list of citywide and agency-specific Type II actions ("Proposed Rules") be promulgated.

The Proposed Rules designate thirteen (13) actions as Type II actions, which would not require environmental review. Because the local authority to promulgate a Type II list is subject to a number of conditions, the proposed designation of these actions as Type II meets the following conditions: first, designation of these actions as Type II would not result in significant adverse environmental impacts, as defined by the criteria set forth in the SEQR regulations at 6 NYCRR Part 617.7(c); and second, the actions are not designated as Type I, as Type I actions are presumed to have significant impacts on the environment.

Amanda M. Burden, FAICP, *Chair*
22 Reade Street, New York, N.Y. 10007-1216
(212) 720-3200 FAX (212) 720-3219
http://www.nyc.gov/planning

The proposed rules would exempt thirteen (13) actions from the environmental review and simplify the environmental review process for applicants while freeing agency resources to focus on actions that may in fact have the potential for significant adverse impacts on the environment. The proposed rules also include prerequisites that the projects must meet before they are exempted from CEQR requirements.

The proposed rules would apply citywide.

Statement of No Significant Effect:

The Environmental Assessment and Review Division of the Department of City Planning, on behalf of the City Planning Commission, has completed its technical review of the Environmental Assessment Statement, dated October 4, 2013. The City Planning Commission has determined that the proposed action will have no significant effect on the quality of the environment.

Supporting Statement:

The above determination is based on an environmental assessment which finds that:

1. The proposed project would not result in any construction or site-specific development and would not result in any potentially significant adverse impacts related to land use, zoning and public policy, socioeconomic conditions, community facilities and services, open space, shadows, urban design and visual resources, water and sewer infrastructure, solid waste and sanitation services, energy, transportation, air quality, greenhouse gas emissions, public health, neighborhood character, or construction.

2. To protect against potential site-specific effects on historic resources that could result, the Proposed Rules impose two prerequisites that must be met before certain actions could be classified as Type II. First, as a prerequisite to determining that an action involving excavation of an area that was not previously excavated is Type II, § 5-05(d)(2) of the Proposed Rules requires a determination that the project site is not archaeologically sensitive. Second, actions that could otherwise have the potential to affect historic resources will only be Type II provided that they are not within or substantially contiguous to certain types of historic buildings, structures, facilities, sites or districts. Proposed Rules § 5-05(d)(5). These requirements ensure that only those actions without the potential to result in significant adverse impacts by affecting site-specific archeological or architectural resources would be exempted from environmental review. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development, and based on the prerequisites related

to historic and archaeological resources, the promulgation of the Proposed Rules would not result in potentially significant adverse impacts on historic and cultural resources.

3. To protect against potential site-specific effects on natural resources caused by actions that could be exempted from environmental review, the Proposed Rules impose a prerequisite that must be met before certain actions could be classified as Type II. Actions that could potentially result in site-specific effects on natural resources would remain subject to environmental review if the proposed project would involve the removal or alteration of significant natural resources. Proposed Rules § 5-05(d)(4). Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the prerequisites related to natural resources, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on natural resources.

4. As a prerequisite to address any site-specific concerns relating to hazardous materials, the Proposed Rules would exempt actions that would involve ground disturbance from environmental review only if it is determined that any potential for significant adverse impacts relating to hazardous materials has been avoided. Proposed Rules § 5-05(d)(1). Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on prerequisite related to hazardous materials, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts related to hazardous materials.

5. As a prerequisite to address any site-specific concerns related to the location of sensitive uses in areas around airports that may have particularly high levels of ambient noise, the Proposed Rules would exempt special permits to waive height regulations around airports (Zoning Resolution § 63-66) from environmental review only if it is determined that any potential for significant adverse impacts relating to noise will be avoided. Proposed Rules § 5-05(d)(3). Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development, and based on noise-related prerequisite, is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse noise impacts.

6. No significant effects on the environment that would require an Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the Environmental Conservation Law, 6 NYCRR part 617.

Should you have any questions pertaining to this Negative Declaration, you may contact Wesley O'Brien at (212) 788-2932.

Celeste Evans

Date: October 4, 2013

Celeste Evans, Deputy Director
Environmental Assessment & Review Division
Department of City Planning

Date: October 7, 2013

Amanda M. Burden, FAICP, Chair
City Planning Commission