City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) SHORT FORM

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

Part I: GENERAL INFORMATION

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

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* CEQR Type II List Rulemaking

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency) 14DCP037Y	BSA REFERENCE NUMBER (if applicable) N/A
ULURP REFERENCE NUMBER (if applicable) N/A	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY NYC Department of City Planning			NAME OF APPLICANT		
NAME OF LEAD AGENCY CONTACT PERSON Robert Dobruskin			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
ADDRESS 22 Reade Street			ADDRESS		
CITY New York	STATE NY	ZIP 10007	CITY	STATE	ZIP
TELEPHONE 212-720-3420	EMAIL rdobrus@planning.nyc.gov		TELEPHONE	EMAIL	

5. *Project Description*

See attached supplement.

Project Location

BOROUGH Citywide	COMMUNITY DISTRICT(S) N/A	STREET ADDRESS N/A
TAX BLOCK(S) AND LOT(S) N/A		ZIP CODE N/A
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS N/A		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY N/A		ZONING SECTIONAL MAP NUMBER N/A

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

City Planning Commission: ☒ YES ☐ NO ☐ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT	☐ ZONING CERTIFICATION	☐ CONCESSION
☐ ZONING MAP AMENDMENT	☐ ZONING AUTHORIZATION	☐ UDAAP
☐ ZONING TEXT AMENDMENT	☐ ACQUISITION—REAL PROPERTY	☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY	☐ DISPOSITION—REAL PROPERTY	☐ FRANCHISE
☐ HOUSING PLAN & PROJECT	☒ OTHER, explain: Rulemaking	

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Board of Standards and Appeals: ☐ YES ☒ NO

☐ VARIANCE (use)

☐ VARIANCE (bulk)

☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:

SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

Department of Environmental Protection: ☐ YES ☒ NO If "yes," specify:

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

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

☐ OTHER, explain:

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

☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)

☐ LANDMARKS PRESERVATION COMMISSION APPROVAL

☐ OTHER, explain:

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

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

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

☐ SITE LOCATION MAP ☐ ZONING MAP ☐ SANBORN OR OTHER LAND USE MAP

☐ TAX MAP ☐ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)

☐ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): N/A

Waterbody area (sq. ft) and type: N/A

Roads, buildings, and other paved surfaces (sq. ft.): N/A

Other, describe (sq. ft.): N/A

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

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): Citywide

NUMBER OF BUILDINGS: N/A

GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A

HEIGHT OF EACH BUILDING (ft.): N/A

NUMBER OF STORIES OF EACH BUILDING: N/A

Does the proposed project involve changes in zoning on one or more sites? ☐ YES ☒ NO

If "yes," specify: The total square feet owned or controlled by the applicant: N/A

The total square feet not owned or controlled by the applicant: N/A

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☐ YES ☒ NO

If "yes," indicate the estimated area and volume dimensions of subsurface permanent and temporary disturbance (if known):

AREA OF TEMPORARY DISTURBANCE: N/A sq. ft. (width x length)

VOLUME OF DISTURBANCE: N/A cubic ft. (width x length x depth)

AREA OF PERMANENT DISTURBANCE: N/A sq. ft. (width x length)

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

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

Does the proposed project increase the population of residents and/or on-side workers? ☐ YES ☒ NO

If "yes," please specify:

NUMBER OF ADDITIONAL RESIDENTS: N/A

NUMBER OF ADDITIONAL WORKERS: N/A

Provide a brief explanation of how these numbers were determined: N/A

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

Has a No-Action scenario been defined for this project that differs from the existing condition? ☒ YES ☐ NO

If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: See attached supplement.

9. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2014

ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: N/A

WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☒ YES ☐ NO | IF MULTIPLE PHASES, HOW MANY? N/A

BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE: N/A

10. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☐ RESIDENTIAL ☐ MANUFACTURING ☐ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Rules would apply citywide.

Part II: TECHNICAL ANALYSIS

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

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

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☐	☒
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☐	☒
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **Child Care Centers:** Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Libraries:** Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ **Public Schools:** Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☒	☐
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☒
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☒	☐
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☒
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional	☐	☒

	YES	NO
residents or 500 additional employees?		
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☐	☒
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☒	☐
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☐	☒
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☒	☐
○ If "yes," list the resources and attach supporting information on whether the proposed project would affect any of these resources.		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☒	☐
○ If "yes," complete the Jamaica Bay Watershed Form, and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☐	☒
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☐	☒
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of commercial space in the Bronx, Brooklyn, Staten Island, or Queens?	☐	☒
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than the amounts listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the proposed project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it	☐	☒

	YES	NO
involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?		
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☒	☐
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week): N/A		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs): N/A		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the screening analyses, attach appropriate back up data as needed for each stage and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☐	☒
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☐
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☐
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☐	☒
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		

	YES	NO
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary. See attached supplement.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☒	☐
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary. See attached supplement.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	☐	☒
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
o The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
o Closure of a community facility or disruption in its services?	☐	☒
o Activities within 400 feet of a historic or cultural resource?	☐	☒
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination. N/A		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	DATE
Celeste Evans, Deputy Dir. EARD	10/4/13
SIGNATURE Celeste Evans	

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

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

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

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

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

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 Dir. Environmental Review Dir.	LEAD AGENCY NYC Dept. of City Planning
NAME Celeste Evans	DATE 10/4/13
SIGNATURE Celeste Evans	

PART I: General Information

A. PROJECT DESCRIPTION

a. PROPOSED ACTION

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. Local authority to designate Type II items is vested in the New York City Planning Commission, and MOEC has the responsibility to develop and maintain technical standards and methodologies for environmental review. See New York City Charter section 192(e); 62 RCNY 5-04(c)(1); New York City Mayoral Executive Order 149 of 2011. The Proposed Rules would supplement the list of Type II actions in the State Environmental Quality Review ("SEQR") regulations (6 NYCRR § 617.5(c)) and are not intended to limit any Type II action listed in the SEQR regulations.

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, these actions are not designated as Type I, as Type I actions are presumed to have significant impacts on the environment.

As shown in Appendix I, through the completion of 270 Environmental Assessment Statements ("EASs"), lead agencies have consistently demonstrated that undertaking the proposed Type II actions would not result in significant adverse impacts on the environment.

b. PURPOSE AND NEED

The Proposed Rules would exempt certain actions from City Environmental Quality Review ("CEQR"). The Proposed Rules would also require that certain actions meet one or more prerequisites before the actions are exempt.

Currently, the SEQR regulations and CEQR designate certain actions, which are likely to require the preparation of an Environmental Impact Statement ("EIS"), as Type I. The SEQR regulations further designate other actions, which have been determined not to have a significant adverse impact on the environment and therefore are not subject to environmental review, as Type II.

Actions that are not designated as either Type I or Type II are referred to as "Unlisted." For Unlisted actions, an EAS must be prepared. The lead agency must determine whether the action has the potential for significant adverse environmental impacts.[1] If it is determined, based on the Environmental Assessment Statement, that the action does not have the potential to result in significant impacts, then a Negative Declaration is issued providing the reasons for this determination.

Previous EASs have consistently shown that certain types of Unlisted actions do not have the potential to result in significant adverse environmental impacts. For example, over the past five years, thirty-one (31) EASs have been prepared in conjunction with special permits for radio and television towers pursuant to Section 73-30 of the Zoning Resolution. Radio and television towers were consistently found not to result in significant adverse environmental impacts, and negative declarations were issued for each of the 31 special permits. However, because actions such as the special permit for radio and television towers remain Unlisted, an EAS must still be prepared and a Negative Declaration must be issued every time that these actions are taken. Continuing to conduct environmental review such actions places an administrative burden on government agencies and private businesses, but provides no environmental protection since significant adverse environmental impacts are never predicted. The review of such actions, therefore, constitutes a waste of public and private resources.

MOEC, in consultation with the CEQR Task Force, has identified thirteen (13) Unlisted actions that lead agencies have determined do not have the potential to result in significant environmental impacts, based on the preparation and review of EASs in the past as well as on evaluation of the potentially significant environmental impacts associated with such actions (see Table A).[2]

The Proposed Rules would exempt these actions from the environmental review under CEQR and simplify the environmental review process for applicants, while freeing agency resources to focus on actions that may have the potential for significant adverse impacts on the environment. The proposed rules also include prerequisites that certain types of projects must meet before they are exempted from the requirements.

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[1] As with Type I actions, the lead agency may waive the requirement for an EAS if a draft EIS is prepared and, in such cases, should treat the DEIS as an EAS for the purposes of determining significance. 6 NYCRR 617.6(a)(4).

[2] Note that actions 10-13 in Table A are not listed in the Proposed Rules because these sections of the Zoning Resolution were amended on May 8, 2013 by the Manhattan Core Text Amendment. No EASs for actions listed at Proposed Rules § 5-05(c)(10)-(13) have been identified since these sections of the Zoning Resolution changed. This EAS examines the history of the parking special permits and authorizations that are analogous to the parking actions in the Proposed Rules.

Table A: Environmental Review History of Proposed Type II Actions

Proposed Action	# of EASs Identified	# of Negative Declarations	Date Range
1. Special permits for physical culture or health establishments of up to 20,000 gross square feet, pursuant to § 73-36 of the Zoning Resolution	123[3]	122[4]	1/1/2007-7/24/2012
2. Special permits for radio and television towers, pursuant to § 73-30 of the Zoning Resolution	31[5]	31	1/1/2007-7/24/2012
3. Special permits for ambulatory diagnostic or treatment health care facilities, pursuant to § 73-125 of the Zoning Resolution	6[6]	6	1/1/2002-7/24/2012
4. Special permits to allow a building or other structure to exceed the height regulations around airports, pursuant to § 73-66 of the Zoning Resolution	4[7]	3[8]	1/1/2002-7/24/2012
5. Special permits for the enlargement of buildings containing residential uses by up to 10 units, pursuant to § 73-621 of the Zoning Resolution	2[9]	2	1/1/2002-7/24/2012
6. Special permits for eating and drinking establishments of up to 2,500 gross square feet with accessory drive-through facilities, pursuant to § 73-243 of the Zoning Resolution	5[10]	5	1/1/2002-7/24/2012
7. Acquisition or disposition of real property by the City, not involving a change of use, a change in bulk, or ground disturbance;	3[11]	3	12/5/2008-3/28/2013
8. Construction or expansion of primary or accessory/appurtenant park structures or facilities involving less	3[12]	3	8/28/2008-7/24/2012

[3] See Appendix I, Pages 1-5. Twenty-five (25) additional special permits were identified for physical culture or health establishments (Zoning Resolution § 73-36). One special permit was classified as Type II (CEQR No. 12BSA015M) and the other twenty-four (24) permitted physical culture establishments of over 20,000 gross square feet. All twenty-four (24) of these special permits received Negative Declarations. See Appendix I, Pages 5-6.

[4] A Positive Declaration was issued for one project (CEQR No. 07DCP071M) requiring a special permit pursuant to Zoning Resolution § 73-36. However, as discussed in footnote 27 below, the special permit was one of many discretionary actions required to facilitate a general large-scale development project with the potential to result in significant environmental impacts.

[5] See Appendix I, Pages 6-7.

[6] See Appendix I, Page 8. One (1) additional special permit for an ambulatory diagnostic or treatment health care facility was classified as a Type II action. See Appendix I, Page 8.

[7] See Appendix I, Page 8.

[8] A Positive Declaration was issued for one project (CEQR No. 06DME010Q) requiring a special permit pursuant to Zoning Resolution § 73-66. However, as discussed in footnote 33 below, the special permit was one of many discretionary actions required to facilitate a general large-scale development project with the potential to result in significant environmental impacts.

[9] See Appendix I, Page 8. Six (6) additional special permits for the enlargement of buildings containing residential uses were classified as Type II actions. See Appendix I, Page 8.

[10] See Appendix I, Pages 8-9. Seven (7) additional special permits were identified for eating and drinking establishments with drive through facilities (Zoning Resolution § 73-243). Two special permits were classified as Type II and the other five (5) permitted eating and drinking facilities of over 2,500 gross square feet with accessory drive-through facilities. All five (5) of these special permits received Negative Declarations. See Appendix I, Page 9.

[11] See Appendix I, Page 9.

[12] See Appendix I, Page 9. One (1) additional EAS for the construction of a park facility involving more than 10,000 square feet of gross floor area received a Negative Declaration. See Appendix I, Page 9.

than 10,000 square feet of gross floor area;			
9. Park mapping, site selection or acquisition of less than ten (10) acres of existing open space or natural areas;	4[13]	4	2/23/2006-5/24/2012
10. Authorizations for a limited increase in parking spaces for existing buildings, pursuant to § 13-442 and § 16-341 of the Zoning Resolution[14]	1[15]	1	1/1/2001-12/31/2011
11. Special permits for accessory off-street parking facilities, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-351 of the Zoning Resolution[16]	14[17]	13[18]	1/1/2001-12/31/2011
12. Special permits for public parking garages & public parking lots, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-352 of the Zoning Resolution[19]	13[20]	11[21]	1/1/2001-12/31/2011

[13] See Appendix I, Page 9. Two (2) additional EASs were identified for park mapping of more than ten (10) acres existing open space. Both actions received Negative Declarations. See Appendix I, Page 9.

[14] This table identifies the numbers of EASs and Negative Declarations that were issued in conjunction with former § 13-551. As discussed in the description of actions below, on May 8, 2013 the Manhattan Core Text Amendment revised the Zoning Resolution to split certain parking regulations that had applied to portions of both Manhattan and Queens into two separate sets of regulations. Actions listed at Proposed Rules § 5-05(c)(10)-(13) were affected by this text amendment. Thus, special permits or authorizations pursuant to these sections of the Zoning Resolution are yet to be identified. This EAS examines the history of the parking special permits and authorizations analogous to the revised parking actions in the Proposed Rules. Authorizations pursuant to former § 13-551 of the Zoning Resolution are analogous to authorizations for a limited increase in parking spaces for existing buildings, pursuant to §§ 13-442 and 16-341 of the Zoning Resolution.

[15] See Appendix I, Page 9. One (1) additional authorization for a limited increase in parking spaces, pursuant to former § 13-551 of the Zoning Resolution was classified as a Type II action. See Appendix I, Page 10.

[16] This table identifies the numbers of EASs and Negative Declarations that were issued in conjunction with former § 13-561. Special permits for accessory off-street parking facilities, pursuant to former § 13-561 of the Zoning Resolution are analogous to special permits pursuant to § 16-351 of the Zoning Resolution.

[17] See Appendix I, Page 10. Nine (9) additional special permits pursuant to former Zoning Resolution § 13-561 were identified for parking facilities, which would increase parking capacity by over eighty-five (85) spaces. Negative Declarations were issued in conjunction with four (4) of these special permits and Positive Declarations were issued in conjunction with five (5). See Appendix I, Pages 10-11.

[18] See Appendix I, Page 10. A Conditional Negative Declaration (CND) was issued for one (1) special permit (CEQR No. 05DCP037M) for an accessory off-street parking facility, which would increase parking capacity by less than eighty-five (85) spaces, pursuant to former § 13-561 of the Zoning Resolution. See Appendix I, Page 10. The CND was conditioned upon compliance with hazard materials measures and noise attenuation. The project required multiple discretionary actions, and therefore would not have been a Type II action under the Proposed Rules.

[19] This table identifies the numbers of EASs and Negative Declarations that were issued in conjunction with former § 13-562. Special permits for public parking garages and lots, pursuant to former § 13-562 of the Zoning Resolution are analogous to special permits pursuant to § 16-352 of the Zoning Resolution.

[20] See Appendix I, Page 11. Twenty-three (23) additional special permits pursuant to Zoning Resolution § 13-562 were identified for public parking facilities. Two (2) of these special permits were designated as Type II, and the remaining twenty-one (21) would increase parking capacity by over eighty-five (85) spaces. Of the twenty-one (21) special permits that would increase parking capacity by over eighty-five (85) spaces, fifteen (15) received Negative Declarations, three (3) received CNDs, and three (3) received Positive Declarations. See Appendix I, Pages 11-12.

[21] See Appendix I, Page 11. CNDs were issued in conjunction with two (2) special permits for public parking garages & lots that would increase parking capacity by up to eighty-five (85) spaces, pursuant to former Zoning Resolution § 13-562. See Appendix I, Page 11. One CND (CEQR No. 01DCP035M) was conditioned upon implementation of

13. Special permits for additional parking spaces, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 13-45 of the Zoning Resolution[22]	27[23]	24[24]	1/1/2001-12/31/2011

If actions listed in the Proposed Rules would exceed the thresholds listed in the Proposed Rules (Proposed Rules § 5-05(c)(1), (5)-(9), (11)-(13)), exceed the thresholds for Type I actions in the SEQR regulations (6 NYCRR § 617.4), or fail to satisfy the prerequisites listed in the Proposed Rules (6 NYCRR § 5-05(d)), the actions would remain subject to environmental review. For example, a special permit for additional parking spaces pursuant to Zoning Resolution § 13-45 that would increase parking capacity by ninety (90) spaces would remain subject to environmental review because it would exceed the threshold listed in the Proposed Rules. See Proposed Rules 5-05(c)(13). Similarly, the acquisition of 100 or more contiguous acres of land by a City agency would not be Type II pursuant to Proposed Rules § 5-05(c)(7), but would remain Type I in accordance with 6 NYCRR Part 617.4(b)(4).

Further, if projects facilitated by an action listed in the Proposed Rules would require other discretionary actions that are subject to CEQR procedures, the projects would remain subject to environmental review.

c. DESCRIPTION OF ACTIONS PROPOSED FOR THE TYPE II LIST

Nearly all of the actions that would be designated as Type II in the Proposed Rules have undergone numerous environmental reviews that have consistently resulted in the determination that the actions would not result in significant adverse impacts on the environment.[25] Each of the thirteen (13) actions that would be designated as Type II actions are described below.

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traffic and noise attenuation measures and the other (CEQR No. 01DCP068M) was conditioned upon compliance with hazardous materials measures. Both projects required multiple discretionary actions, and therefore would have remained subject to environmental review under the Proposed Rules.

[22] This table identifies the numbers of EASs and Negative Declarations that were issued in conjunction with former §§ 13-561 & 13-562. Special permits for additional parking spaces, pursuant to former §§ 13-561 & 13-562 of the Zoning Resolution are analogous to special permits pursuant to § 13-45 of the Zoning Resolution.

[23] See Appendix I, Pages 10-11. Thirty-two (32) additional special permits issued pursuant to Zoning Resolution §§ 13-561 & 13-562 were identified. Two (2) were classified as Type II actions and the remaining thirty (30) special permit were for parking facilities that would increase parking capacity by over eighty-five (85) spaces. Of these thirty (30) additional special permits subject to environmental review, nineteen (19) received Negative Declarations, three (3) received CNDs, and eight (8) received Positive Declarations. See Appendix I, Pages 10-12.

[24] See Appendix I, Pages 10-11. CNDs were issued in conjunction with three (3) special permits for additional parking spaces that would increase parking capacity by up to eighty-five (85) spaces, pursuant to former §§ 13-561 & 13-562 of the Zoning Resolution. See Appendix I, Pages 10-11. As noted in footnotes 18 & 21 above, these projects required multiple discretionary actions, and therefore would not have been designated as Type II under the Proposed Rules.

[25] As noted in Table A, no EASs have been identified for actions listed at Proposed Rules § 5-05(c)(10)-(13) due to recent changes to the Zoning Resolution. However, as described below, environmental reviews for analogous

i. LISTED ACTIONS

1. Special permits for physical culture or health establishments of up to 20,000 gross square feet, pursuant to § 73-36 of the Zoning Resolution ("Physical Culture and Health Establishments")

The Proposed Rules would exempt "[s]pecial permits for physical culture or health establishments of up to 20,000 gross square feet, pursuant to § 73-36 of the Zoning Resolution" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(1). Section 73-36 of Zoning Resolution of the City of New York ("Zoning Resolution") designates specific commercial and manufacturing Zoning Districts (C1-8X, C1-9, C2, C4, C4-7, C5, C5-2, C5-3, C5-4, C5-5, C6, C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C8, M1, M2, and M3) where the Board of Standards and Appeals ("BSA") may issue special permits for physical culture or health establishments. Zoning Resolution § 73-36 further requires BSA to find that certain conditions have been met before issuing special permits for these establishments. Among the required conditions for a special permit pursuant to Zoning Resolution § 73-36 is a finding that the physical culture establishment will not "impair the essential character or the future use or development of the surrounding area." BSA may prescribe appropriate conditions and safeguards, including location of signs and limitations on the manner and/or hours of operation in order to minimize adverse effects on the character of the surrounding community. Zoning Resolution § 73-36.

One hundred and forty-eight (148) special permits for physical culture and health establishments issued pursuant to Zoning Resolution § 73-36 between January 1, 2007 and July 24, 2012 have been identified.[26] One hundred and forty-six (146) resulted in the issuance of Negative Declarations, one (1) resulted in the issuance of a Positive Declaration,[27] and one (1) was classified as a Type II action.[28] Although Negative Declarations have been issued in conjunction with nearly all of the special permits, including those for physical culture or health establishments of up to 78,266 gross square feet,[29] the Proposed Rules would not affect the environmental review requirements for establishments that would be larger than 20,000 gross square feet. The Proposed Rules would thus exclude the majority of such applications from

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parking actions receiving permits or authorizations under former sections of the Zoning Resolution have consistently found that the actions would not result in significant adverse environmental impacts.

[26] See Appendix I, Pages 1-6.

[27] The EAS for the 770 11th Avenue Mixed-Use Development project (CEQR No. 07DCP071M) resulted in a Positive Declaration. The proposed large-scale development required multiple city actions: a Zoning Map amendment, a Zoning Text amendment, a special permit for general large-scale development, site selection for a public facility, and a special permit pursuant to Zoning Resolution § 73-36. Because this project required many actions beyond the issuance of a special permit pursuant to § 73-36, the Positive Declaration issued for this project does not reflect the potential for environmental impacts from projects that would require only the issuance of a special permit pursuant to Zoning Resolution § 73-36.

[28] The special permit (CEQR No. 12BSA015M) classified as Type II allowed a physical culture establishment on the same site as a previously permitted physical culture establishment.

[29] See Appendix I, Pages 5-6.

environmental review, while conservatively requiring that EASs continue to be prepared for larger projects.

2. Special permits for radio and television towers, pursuant to § 73-30 of the Zoning Resolution ("Radio and Television Towers")

The Proposed Rules would exempt "[s]pecial permits for radio and television towers, pursuant to § 73-30 of the Zoning Resolution" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(2). Zoning Resolution § 73-30 does not restrict the issuance of these special permits to specific Zoning Districts. Zoning Resolution § 73-30 does, however, only allow BSA to "permit non-accessory radio or television towers, provided that it finds that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood." BSA may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Zoning Resolution § 73-30.

EASs have been identified for thirty-one (31) special permits for radio and television towers (Zoning Resolution § 73-30) issued between January 1, 2007 and July 24, 2012,[30] and Negative Declarations were issued in conjunction with all of them. These applications often involve towers with accessory wireless communications equipment. Under the Proposed Rules any project that could not meet the prerequisites of § 5-05(d)(1), (2), (4), and (5) of the Proposed Rules, relating to hazardous materials, archeology, natural resources, and historic resources would remain subject to environmental review.

3. Special permits for ambulatory diagnostic or treatment health care facilities, pursuant to § 73-125 of the Zoning Resolution ("Health Care Facilities")

The Proposed Rules would exempt "[s]pecial permits for ambulatory diagnostic or treatment health care facilities, pursuant to § 73-125 of the Zoning Resolution" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(3). BSA may only permit these facilities in R3A, R3X, R3-1, R4A, R4B, or R4-1 Zoning Districts. Zoning Resolution § 73-125. Zoning Resolution § 73-125 allows BSA to "permit ambulatory diagnostic or treatment health care facilities. . . limited in each case to a maximum of 10,000 square feet of floor area, provided that [BSA] finds that the amount of open area and its distribution on the zoning lot conform to standards appropriate to the character of the neighborhood." BSA may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Zoning Resolution § 73-125.

Seven (7) special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) issued between January 1, 2002 and July 24, 2012 have been identified. Negative Declarations were issued for six (6) of them, and one (1) was classified as a Type II

[30] See Appendix I, Pages 6-7.

action.[31] Zoning Resolution § 73-125 limits these special permits to facilities of up to 10,000 square feet. Additionally, any project that could not meet the prerequisites of § 5-05(d)(1), (2) and (4) of the Proposed Rules, relating to hazardous materials, archeology, and natural resources would remain subject to environmental review.

4. Special permits to allow a building or other structure to exceed the height regulations around airports, pursuant to § 73-66 of the Zoning Resolution ("Height Regulations Around Airports")

The Proposed Rules would exempt "[s]pecial permits to allow a building or other structure to exceed the height regulations around airports, pursuant to § 73-66 of the Zoning Resolution" from environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(4). Zoning Resolution § 73-66 allows BSA to permit the construction, enlargement, or reconstruction of a building or other structure in excess of the height limits around airports, provided that BSA finds that the proposed building or structure would not constitute a hazard to the safety of the building's occupants, to other buildings in the vicinity or to the safety of air passengers, and would not disrupt established airways. Zoning Resolution § 73-66 further requires BSA to refer the application to the Federal Aviation Administration ("FAA") for a report as to whether the proposed construction would constitute a danger to the safety of air passengers or disrupt established airways. Proposed projects must otherwise comply with the zoning that has been deemed appropriate for the area. The special permit allowing a waiver of height regulations around airports does not allow building or structure heights to exceed the heights that would be otherwise permitted as-of-right in the zoning district. BSA's review is related exclusively to the safety concerns that may arise from modifying the height restrictions in areas around airports.

EASs have been identified for special permits for four (4) projects requiring the modification of height regulations around airports (Zoning Resolution § 73-66) issued between January 1, 2002 and July 24, 2012,[32] and Negative Declarations were issued in conjunction with three (3) of them.[33] Since the special permit allows BSA to waive height restrictions that are imposed only for reasons relating to flight safety, these determinations are made solely in consultation with the FAA, and do not otherwise require consideration of factors relating to land use and zoning. Additionally, any project that could not meet the prerequisites of § 5-05(d)(1), (3) and (5) of the

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[31] See Appendix I, Page 8. The health care facility (BSA Calendar No. 294-09-BZ) classified as Type II involved a facility with less than 4,000 square feet of gross floor area, did not involve a change in zoning or a use variance, and was consistent with local land use controls. See 6 NYCRR § 617.5(c)(7). This Type II category (6 NYCRR § 617.5(c)(7)) is not generally applicable to special permits pursuant to Zoning Resolution § 73-125 because most of these facilities would have more than 4,000 square feet gross floor area.

[32] See Appendix I, Page 8.

[33] The EAS for the Flushing Commons development project (CEQR No. 06DME010Q) resulted in a Positive Declaration. The proposed large-scale development required multiple city actions: disposition of interests in City-owned property; rezoning the project site block; a special permit for a public parking garage; a special permit for designation of the project as a General Large-Scale Development; and a special permit pursuant to Zoning Resolution § 73-66. Because the Flushing Commons project required many actions beyond the issuance of a special permit pursuant to § 73-66, the Positive Declaration issued for this project does not reflect the potential for environmental impacts from projects that would require only a special permit to waive height restrictions.

Proposed Rules, relating to noise and historic resources would remain subject to environmental review.

5. Special permits for the enlargement of buildings containing residential uses by up to 10 units, pursuant to § 73-621 of the Zoning Resolution ("Residential Enlargements")

The Proposed Rules would exempt "[s]pecial permits for the enlargement of buildings containing residential uses by up to ten (10) units, pursuant to § 73-621 of the Zoning Resolution" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(5). Zoning Resolution § 73-621 allows enlargement of buildings containing residential uses, but restricts these special permits to buildings existing on December 15, 1961 in all Districts or to buildings existing on June 30, 1989 in R2X, R3, R4, or R5 Districts. Zoning Resolution § 73-621 further limits the degree of zoning non-compliance that could result from issuance of the special permits, as follows:

> In the districts and for the buildings for which an open space ratio is required, the open space ratio permitted under this Section shall not be less than 90 percent of the open space ratio required under the applicable bulk regulations set forth in Article II or III of [the Zoning] Resolution. In the districts and for the buildings to which a maximum lot coverage applies, the maximum lot coverage permitted under this Section shall not exceed 110 percent of the maximum lot coverage permitted under the applicable bulk regulations set forth in Article II or III of this Resolution. In all districts, the floor area ratio permitted under this Section shall not exceed the floor area ratio permitted under such regulations by more than 10 percent.

Eight (8) special permits to enlarge existing residential buildings (Zoning Resolution § 73-621) issued between January 1, 2002 and July 24, 2012 have been identified. Negative Declarations were issued for two (2) of them, and six (6) were classified as Type II actions.[34] Zoning Resolution § 73-621 permits enlargements of up to 10% above the permitted floor area. The Proposed Rules would only apply to enlargements of up to ten (10) units and would conservatively require that an EAS still be prepared for enlargements of more than ten (10) units. Additionally, any project that could not meet the prerequisites of § 5-05(d)(1), (2), (4) and (5) of the Proposed Rules, relating to hazardous materials, archeology, natural resources, and historic resources would remain subject to environmental review. As noted above, the Proposed Rules would supplement the list of Type II actions in the SEQR regulations (6 NYCRR § 617.5(c)) and are not intended to limit any Type II action listed in the SEQR regulations. Therefore, inclusion of these residential enlargements in the Proposed Rules would not limit

[34] See Appendix I, Page 8. Five (5) identified special permits pursuant to Zoning Resolution § 73-621 (CEQR Nos. 11BSA059Q, 08BSA094M, 03BSA0149M & 03BSA150M, and BSA Calendar No. 266-08-BZ) have been classified as Type II. Generally, these special permits allowed expansions to one-, two-, or three-family residences. See 6 NYCRR § 617.5(c)(9). Not all special permits pursuant to Zoning Resolution § 73-621 are limited to expansions of one-, two-, or three-family residences.

the applicability of existing categories of Type II actions listed in the state SEQR regulations at 6 NYCRR § 617.5(c), including, for example, the construction or expansion of a single-family, a two-family or a three-family residence on an approved lot (6 NYCRR § 617.5(c)(9)).

6. Special permits for eating and drinking establishments of up to 2,500 gross square feet with accessory drive-through facilities, pursuant to § 73-243 of the Zoning Resolution ("Eating and Drinking Establishments")

The Proposed Rules would exempt "[s]pecial permits for eating and drinking establishments of up to 2,500 gross square feet with accessory drive-through facilities, pursuant to § 73-243 of the Zoning Resolution" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(6). These special permits are available under Zoning Resolution § 73-243 in only C1-1, C1-2, and C1-3 Districts, and are subject to a number of findings by the BSA. The drive-through must contain reservoir space for at least ten (10) vehicles, must cause minimal interference with traffic flow in the immediate vicinity, and must comply with the off-street parking regulations in the zoning district. Zoning Resolution § 73-243(a)-(c). The character of the commercially zoned street frontage within 500 feet of the subject premises must reflect substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing commercial uses contained within such area and to the subject eating or drinking place. Zoning Resolution § 73-243(d). The drive-through facility must not have an undue adverse impact on residences in the immediate vicinity, and there must be adequate buffering between the drive-through and adjacent residential uses. Zoning Resolution § 73-243(e)-(f).

Twelve (12) special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) issued between January 1, 2002 and July 24, 2012 have been identified. Negative Declarations were issued in conjunction with ten (10) of them, and two (2) were classified as Type II actions.[35] Although Negative Declarations have been issued in conjunction with nearly all of the special permits, including those eating and drinking establishments of up to 5,700 gross square feet, the Proposed Rules would not affect the environmental review requirements for establishments that would be larger than 2,500 gross square feet. The Proposed Rules would thus exclude applications for smaller establishments from environmental review, while conservatively requiring that EASs continue to be prepared for larger projects.

7. Acquisition or disposition of real property by the City, not involving a change of use, a change in bulk, or ground disturbance ("Acquisition or Disposition of Property")

[35] See Appendix I, Pages 8-9. The two (2) special permits (CEQR No. 04BSA086K & BSA Calendar No. 352-05-BZ) pursuant to Zoning Resolution § 73-243 classified as Type II actions qualified as a replacements in kind. 6 NYCRR § 617.5(c)(2). The permits had lapsed and were essentially renewed. Not all special permits pursuant to Zoning Resolution § 73-243 qualify as replacements in kind.

The Proposed Rules would exempt the "[a]cquisition or disposition of real property by the City, not involving a change of use, a change in bulk, or ground disturbance" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(7). Acquisition of property without a change in use, a change in bulk, or ground disturbance often occurs when the City purchases property it currently leases and occupies, and continues the same use after the property's acquisition. This action could occur, for example, when the City has been leasing property to operate a firehouse and then seeks to purchase the property for continued operation of the firehouse. Disposition of real property without a change in use, a change in bulk, or ground disturbance may occur when the City leases a building or portion thereof under Section 384(b)(4) of the New York City Charter. Research has yielded three (3) Negative Declarations in conjunction with this type of acquisition or disposition.[36] As noted above, the Proposed Rules would supplement the list of Type II actions in the SEQR regulations (6 NYCRR § 617.5(c)) and are not intended to limit any Type II action listed in the SEQR regulations. Therefore, inclusion of these acquisitions and dispositions in the Proposed Rules would not limit the applicability of existing categories of Type II actions listed in the state SEQRA regulations at 6 NYCRR § 617.5(c), including, for example, the Type II categories for "routine or continuing agency administration and management" (6 NYCRR § 617.5(c)(20)), and "license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities" (6 NYCRR § 617.5(c)(26)).

8. Construction or expansion of primary or accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area ("Construction of Park Structures")

The Proposed Rules would exempt the "[c]onstruction or expansion of primary or accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(8). The SEQR regulations list "construction or expansion of a primary or accessory/appurtenant, nonresidential structure or facility involving less than 4,000 square feet of gross floor area and not involving a change in zoning or a use variance and consistent with local land use controls, but not radio communication or microwave transmission facilities" as a Type II action. 6 NYCRR § 617.5(c)(7). The construction of nonresidential structures of at least 60,000 square feet of gross floor area on publicly owned or operated parkland is a Type I action under the SEQR regulations. 6 NYCRR §§ 617.4(6), (10). Thus, the construction or expansion of park structures between 4,000 square feet and 60,000 square feet are currently Unlisted actions. Inclusion of this action in the Proposed Rules would not limit the applicability of existing categories of Type II actions listed in the state SEQRA regulations at 6 NYCRR § 617.5(c), including the Type II category for construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4,000 square feet of gross floor area (6 NYCRR § 617.5(c)(7)).

Under the Proposed Rules, the construction or expansion of select park structures and facilities involving less than 10,000 gross floor area would be exempt from the environmental review

[36] See Appendix I, Page 9.

requirements of CEQR. Negative Declarations have consistently been issued for the construction or expansion of park structures or facilities involving less than 10,000 square feet of gross floor area.[37] Although a Negative Declaration has been issued in conjunction with the construction of a recreation facility in excess of 10,000 square feet of gross floor area,[38] the Proposed Rules would still require environmental review for structures greater than 10,000 square feet of gross floor area. The Proposed Rules would exempt facilities such as visitors centers, recreation centers, nature centers, and comfort stations from environmental review. The Proposed Rules would exclude the majority of smaller accessory/appurtenant park structures from environmental review, while conservatively requiring that EASs continue to be prepared for larger projects with greater potential for adverse environmental impacts. Additionally, any project that could not meet the prerequisites of § 5-05(d)(1), (2) and (4) of the Proposed Rules, relating to hazardous materials, archeology, and natural resources, would remain subject to environmental review.

9. Park mapping, site selection or acquisition of less than ten (10) acres of existing open space or natural areas ("Park Mapping")

The Proposed Rules would exempt "[p]ark mapping, site selection or acquisition of less than ten (10) acres of existing open space or natural areas" from the environmental review requirements of CEQR. See Proposed Rule § 5-05(c)(9). The SEQR regulations list the "mapping of existing roads, streets, highways, natural resources, land uses and ownership patterns" as a Type II action. See 6 NYCRR § 617.5(c)(17). Under the Proposed Rules, the park mapping, site selection, and acquisition of less than ten (10) acres of existing open spaces or natural areas would be added to this list of Type II actions. Similar to the existing Type II category, the proposed Type II action involves the mapping of existing open space and natural resources. Site selection and acquisition facilitate City ownership and control, which further helps to ensure the continuation of the existing conditions. The designation of park mapping, site selection and acquisition of existing open space or natural areas as Type II actions would not result in new construction or the introduction of new users to the site—subsequent discretionary actions are required in order to build a park, and mapping, site selection and acquisition alone would not be expected to increase use of an area that is already open to the public.

Negative Declarations have routinely been issued for park mapping, site selection, and acquisition of existing open space or natural areas of less than ten (10) acres.[39] Although Negative Declarations have been issued in conjunction with the mapping of existing open space and natural areas of greater than ten (10) acres, [40] the Proposed Rules would still require environmental review for the mapping, site selection and acquisition of ten (10) acres or more, unless the action qualifies as Type II under the existing SEQR regulations (6 NYCRR § 617.5(c)(17)). The Proposed Rules would exclude many projects from environmental review, while conservatively requiring that EASs continue to be prepared for larger projects.

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[37] See Appendix I, Page 9.
[38] See Appendix I, Page 9, CEQR No. 13DPR002X.
[39] See Appendix I, Page 9.
[40] See Appendix I, Page 9, CEQR Nos. 08DPR003R and 09DPR004X.

10. Authorizations for a limited increase in parking spaces for existing buildings without parking, pursuant to § 13-442 and § 16-341 of the Zoning Resolution ("Authorizations for Parking in Existing Buildings")[41]

The Proposed Rules would exempt "[a]uthorizations for a limited increase in parking spaces for existing buildings without parking, pursuant to § 13-442 and § 16-341 of the Zoning Resolution" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(10). Under § 13-442 of the Zoning Resolution, the City Planning Commission may, by authorization, allow an off-street parking facility in the Manhattan Core (Manhattan Community Districts 1-8) with a maximum capacity of fifteen (15) spaces in an existing building. These parking facilities must comply with applicable parking regulations in the Manhattan Core except for screening requirements, be located in buildings developed without existing parking, not create or contribute to serious traffic congestion and unduly inhibit surface traffic, not unduly inhibit pedestrian flow, and not be inconsistent with the character of the existing streetscape. Zoning Resolution § 13-442(b)(1)-(4). The City Planning Commission may prescribe appropriate conditions to minimize adverse effects of the parking facility on the character of the surrounding area. See Zoning Resolution § 13-442.

Similarly, under § 16-341 of the Zoning Resolution, the City Planning Commission may, by authorization, allow on-site enclosed accessory off-street parking facilities in Long Island City (portions of Queens Community Districts 1 and 2, Subareas A, B, and C) with a maximum capacity of fifteen (15) spaces in existing buildings. These parking facilities are subject to the otherwise applicable zoning district regulations, must be located in a building that does not have accessory off-street parking spaces, must not create or contribute to serious traffic congestion, must not unduly inhibit surface traffic, must not adversely affect pedestrian movement, and must have curb cut access that is consistent with the character of the existing streetscape. See Zoning Resolution § 16-341.

These two authorizations were added to the Zoning Resolution in conjunction with the Manhattan Core Text Amendment on May 8, 2013. A similar authorization for parking spaces in existing buildings pursuant to the former § 13-551 of the Zoning Resolution applied in both the Manhattan Core and Long Island City. The conditions to authorizations pursuant to former § 13-551 of the Zoning Resolution are substantively similar to those in § 13-442 of the Zoning Resolution and are identical to those in § 16-341 of the Zoning Resolution. This EAS will thus examine the environmental review history of authorizations pursuant to former Zoning Resolution § 13-551. The City Planning Commission authorized two (2) parking facilities pursuant to former § 13-551 of the Zoning Resolution between January 1, 2001 and December 31, 2011.[42] A Negative Declaration was issued in conjunction with one (1) authorization, while the other authorization was determined to be a Type II action.

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[41] The parking actions listed in § 5-05(c)(10)-(13) of the Proposed Rules will be collectively referred to as "Authorizations and Special Permits for Parking Facilities."

[42] See Appendix I, Pages 9-10.

11. Special permits for accessory off-street parking facilities, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-351 of the Zoning Resolution ("Special Permits for Off-Street Parking Facilities")

The Proposed Rules would exempt "[s]pecial permits for accessory off-street parking facilities, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-351 of the Zoning Resolution" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(11). Pursuant to Zoning Resolution § 16-351, these special permits apply in Long Island City (portions of Queens Community Districts 1 and 2). See Zoning Resolution § 16-02. Zoning Resolution § 16-351 states that "[t]he City Planning Commission may, by special permit, subject to the otherwise applicable zoning district regulations, allow onsite or off-site, open or enclosed accessory off-street parking facilities with any capacity not otherwise allowed under Section 16-10 (Permitted Accessory Off-Street Parking in Long Island City)..." The City Planning Commission may only permit these parking facilities pursuant to Zoning Resolution § 16-351 if it finds that:

(a) such parking spaces are needed for, and will be used by, the occupants, visitors, customers or employees of the use to which they are accessory, except that car sharing vehicles may occupy accessory off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater.
(b) within the vicinity of the site, there are insufficient parking spaces available;
(c) the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement;
(d) the facility is so located as to draw a minimum of vehicular traffic to and through local residential streets; and
(e) adequate reservoir space is provided at the vehicular entrance to accommodate vehicles equivalent in number to 20 percent of the total number of parking spaces, up to 50 parking spaces, and five percent of any spaces in excess of 200 parking spaces, but in no event shall such reservoir spaces be required for more than 50 vehicles. However, in the case of a facility with a capacity of 10 vehicles or less, the Commission may waive this finding.

The City Planning Commission may also prescribe conditions to minimize adverse effects on the character of the surrounding area.

This special permit for off-street parking facilities in Long Island City was added to the Zoning Resolution in conjunction with the Manhattan Core Text Amendment on May 8, 2013. A similar special permit for off-street parking facilities pursuant to the former § 13-561 of the Zoning Resolution applied in both Long Island City and the Manhattan Core. The conditions to special permits pursuant to former § 13-561 of the Zoning Resolution are identical to those in § 16-351

of the Zoning Resolution. This EAS will thus examine the environmental review history of these analogous special permits pursuant to former § 13-561 of the Zoning Resolution. Twenty-three (23) special permits for accessory off-street parking facilities issued pursuant to former Zoning Resolution § 13-561 between January 1, 2001 and December 31, 2011 have been identified, fourteen (14) of which involved an increase of parking capacity by up to eighty-five (85) spaces.[43] Negative Declarations have been issued in conjunction with thirteen (13) of the fourteen (14) special permits for up to eighty-five (85) spaces. One (1) special permit received a Conditional Negative Declaration (CND) requiring compliance with certain measures related to hazardous materials and noise.[44] The Proposed Rules would only designate special permits for parking facilities that would increase parking capacity by up to eighty-five (85) parking spaces as Type II, while still conservatively requiring environmental review for larger facilities that could, in certain contexts, have the potential for significant adverse environmental impacts.

12. Special permits for public parking garages and public parking lots, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-352 of the Zoning Resolution ("Special Permits for Public Parking")

The Proposed Rules would exempt "[s]pecial permits for public parking garages and public parking lots, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 16-352 of the Zoning Resolution" from the environmental review requirements of CEQR. See Proposed Rules § 5-05(c)(12). Zoning Resolution § 16-352 allows the City Planning Commission to permit "public parking garages and public parking lots not otherwise permitted, pursuant to the applicable provisions of Section 74-52. . ." Special permits issued pursuant to Zoning Resolution § 16-352 are applicable in Long Island City. Zoning Resolution § 74-52, which applies to permits pursuant to Zoning Resolution § 16-352, further limits these special permits to specific commercial and manufacturing Zoning Districts (C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C5, C6, C6-1A, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4, and M3-2). Pursuant to Zoning Resolution § 74-52, the City Planning Commission may only permit these parking facilities if it finds:

(a) that such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area within which such use is to be located;
(b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
(c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
(d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200,

[43] See Appendix I, Pages 10-11.
[44] See Appendix I, Page 10, CEQR No. 05DCP037M.

but in no event shall reservoir spaces be required for more than 50 automobiles.

(e) that the streets providing access to such use will be adequate to handle the traffic generated thereby;

(f) that, where roof parking is permitted, such roof parking is so located as not to impair the essential character or future use or development of adjacent areas; and

(g) that, where any floor space is exempted from the definition of floor area, such additional floor space is needed in order to prevent excessive on-street parking demand and relieve traffic congestion.

The City Planning Commission may also prescribe conditions to minimize adverse effects on the character of the surrounding area. See Zoning Resolution § 74-52.

This special permit for public parking in Long Island City was added to the Zoning Resolution in conjunction with the Manhattan Core Text Amendment on May 8, 2013. A similar special permit for public parking garages and lots pursuant to the former § 13-562 of the Zoning Resolution was available in both Long Island City and the Manhattan Core. The conditions to special permits pursuant to former § 13-562 of the Zoning Resolution are identical to those in § 16-352 of the Zoning Resolution. This EAS will thus examine the environmental review history of these analogous special permits pursuant to former § 13-562 of the Zoning Resolution. Thirty-four (34) special permits for parking garages and lots issued between January 1, 2001 and December 31, 2011 that underwent environmental review have been identified, thirteen (13) of which were for garages and lots that would increase parking capacity by eighty-five (85) or fewer spaces.[45] Negative Declarations were issued in conjunction with eleven (11) of those with capacity of eighty-five (85) or fewer spaces, and CNDs were issued in conjunction with the remaining two (2).[46] Two (2) additional special permits issued pursuant to former Zoning Resolution § 13-562 were classified as Type II actions. The Proposed Rules would only designate special permits for garages and lots that would increase parking capacity by up to eighty-five (85) parking spaces as Type II, while still conservatively requiring environmental review for larger facilities that could, in certain contexts, have the potential for significant adverse environmental impacts.

13. Special permits for additional parking spaces, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 13-45 of the Zoning Resolution ("Special Permits for Additional Parking Spaces")

The Proposed Rules would exempt "[s]pecial permits for additional parking spaces, which do not increase parking capacity by more than eighty-five (85) spaces or involve incremental ground disturbance, pursuant to § 13-45 of the Zoning Resolution" from the environmental

[45] See Appendix I, Pages 11-12.

[46] See Appendix I, Page 11, CEQR Nos. 01DCP068M & 01DCP035M. These CNDs required compliance with certain measures related to hazardous materials, noise, and traffic.

review requirements of CEQR. See Proposed Rules § 5-05(c)(13). Pursuant to Zoning Resolution § 13-45, the City Planning Commission may permit off-street parking facilities, including accessory off-street parking facilities, public parking lots, and public parking garages, in the Manhattan Core. These parking facilities must comply with the otherwise applicable provisions of Section 13-20 (Special Rules for Manhattan Core Parking Facilities) except that applications to increase the parking capacity in facilities existing prior to May 8, 2013 need not comply with certain enclosure and screening requirements. Additionally, before issuing a special permit, the City Planning Commission must find that the locations of vehicular entrances and exits to a proposed parking facility do not unduly interrupt the flow of pedestrian traffic and do not interfere with the efficient functioning of streets, the parking facility use will not contribute to serious traffic congestion, and the parking facility will not be inconsistent with the character of the existing streetscape. See Zoning Resolution § 13-45(c)(1)-(5).

This special permit for additional parking spaces in the Manhattan Core was added to the Zoning Resolution in conjunction with the Manhattan Core Text Amendment on May 8, 2013. The special permit for additional parking spaces is a combination of two special permits, including the former Zoning Resolution § 13-561 special permit for accessory off-street parking spaces and former Zoning Resolution § 13-562 special permit for public parking garages and public parking lots, both of which applied in the Manhattan Core and Long Island City. The conditions to special permits pursuant to former Zoning Resolution §§ 13-561 & 13-562 are substantively similar to those in § 13-45 of the Zoning Resolution. This EAS will thus examine the environmental review history of these analogous special permits pursuant to former Zoning Resolution §§ 13-561 & 13-562.

Fifty-seven (57) special permits for parking facilities pursuant to former Zoning Resolution §§ 13-561 & 13-562 issued between January 1, 2001 and December 31, 2011 that underwent environmental review have been identified, twenty-five (25) of which were for garages and lots that would increase parking capacity by up to eighty-five (85) spaces.[47] Of these twenty-five (25) parking facilities that would increase capacity by up to eighty-five (85) spaces, twenty-two (22) received Negative Declarations. CNDs were issued in conjunction with the remaining three (3).[48] Two (2) additional special permits were classified as Type II actions.[49] The Proposed Rules would only designate as Type II special permits for additional parking spaces in the Manhattan Core that would increase parking capacity by up to eighty-five (85) parking spaces, while still conservatively requiring environmental review for larger facilities that could, in certain contexts, have the potential for significant adverse environmental impacts.

ii. PREREQUISITES

1. Hazardous Materials

[47] See Appendix I, Pages 10-12.
[48] See Appendix I, Pages 10-11, CEQR Nos. 01DCP068M, 01DCP035M, & 05DCP037M.
[49] See Appendix I, Page 12.

When testing for hazardous materials is not physically possible during the CEQR process or when CEQR investigations identify the need for the City to ensure that post-CEQR measures related to hazardous materials are completed adequately, these requirements are imposed through institutional controls, such as an (E) Designation, Memorandum of Understanding ("MOU") (in the case of City-owned property), or land disposition agreement in order to ensure that any potentially significant environmental impacts are avoided. None of EASs identified for actions listed in the Proposed Rules have resulted in a finding of potentially significant hazardous materials impacts. Even so, in order to ensure that site specific hazardous materials impacts do not result from designation of these actions as Type II, an action listed in § 5-05(c)(2)-(5), or (8) of the Proposed Rules that involves ground disturbance would remain subject to environmental review unless it is determined that any potentially significant hazardous materials impacts will be avoided. Proposed Rules § 5-05(d)(1). Thus, if the potential for hazardous materials impacts has been identified, or the potential for hazardous materials impacts is unknown, an action listed in the Proposed Rules would remain subject to environmental review unless measures to address the potential impacts have been implemented or an institutional control ensures that site-specific measures will be taken to avoid potentially significant hazardous materials impacts.

2. Archaeology

None of EASs identified for actions listed in the Proposed Rules have resulted in a finding of potentially significant adverse impacts on archaeological resources. However, actions that typically result in excavation of an area not previously excavated, including new excavation that is deeper and/or wider than previous excavation on the same site, could have the potential for site-specific archaeological impacts. In order to ensure that site specific archaeological impacts do not result from designation of these actions as Type II, an action listed in § 5-05(c)(2), (3), (5) or (8) of the Proposed Rules that involves excavation of an area that was not previously excavated would remain subject to environmental review unless it is determined that the project site is not archaeologically sensitive. Proposed Rules § 5-05(d)(2). Archaeological sensitivity can be determined by the New York City Landmarks Preservation Commission's Archaeology Department.

3. Noise

Noise impacts can occur when a project locates new sensitive receptors in an area with existing high ambient noise levels, including areas within one mile of an airport. When the CEQR review identifies the need for the City to ensure that long-term measures related to noise are adequately performed after CEQR (prior to or during development), these requirements are imposed through institutional controls, such as an (E) Designation, Memorandum of Understanding ("MOU") (in the case of City-owned property), or land disposition agreement, in order to ensure that any potentially significant adverse environmental impacts are avoided. None of identified actions listed in the Proposed Rules have resulted in a finding of significant adverse impacts related to noise. However, in order to ensure that site specific noise impacts do not result from designation of these actions as Type II, an action listed in § 5-05(c)(4) of the

Proposed Rules shall remain subject to environmental review unless it is determined that any potentially significant noise impacts will be avoided. Proposed Rules § 5-05(d)(3).

4. Natural Resources

None of EASs identified for actions listed in the Proposed Rules have resulted in a finding of potentially significant adverse impacts on natural resources. However, in order to ensure that site specific impacts on natural resources do not result from designation of the listed actions as Type II, an action listed in § 5-05(c)(2), (3), (5) or (8) of the Proposed Rules that would involve the removal or alteration of significant natural resources would remain subject to environmental review. Proposed Rules § 5-05(d)(4). The *CEQR Technical Manual* defines natural resources in Chapter 11, "Natural Resources," Section 100.

5. Historic and Cultural Resources

Actions occurring wholly or partially within any historic building, structure, facility, site or district that has been designated a New York City Landmark, Interior Landmark or Scenic Landmark are subject to the requirements of the New York City Landmarks Preservation Law, 25 N.Y.C. Admin. Code §§ 25-301 to -322. Before performing certain kinds of work on landmark properties, building owners or tenants need to apply for a permit from the Landmarks Preservation Commission. By law, the Commission must review any proposals for alterations to landmark buildings and determine whether they have any effect on the significant features of a building or a historic district. If so, such effects must be harmonious or appropriate.

Conversely, Landmarks Preservation Law does not apply to actions occurring wholly or partially within any historic building, structure, facility, site or district that is merely calendared for consideration or eligible for designation as a New York City Landmark, Interior Landmark or Scenic Landmark; or substantially contiguous to any historic building, structure, facility, site or district that is designated, calendared for consideration or eligible for designation as a New York City Landmark, Interior Landmark or Scenic Landmark. Accordingly, when actions listed in § 5-05(c)(2),(4) or (5) of the Proposed Rules occur in such locations, the actions would not be Type II and would remain Unlisted, subject to environmental review. See § 5-05(d)(5)(i)-(ii).

Finally, actions listed in § 5-05(c)(2), (4) or (5) of the Proposed Rules that would occur wholly or partially within or substantially contiguous to any historic building, structure, facility, site or district, archaeological or prehistoric site that is listed, proposed for listing or eligible for listing on the State Register of Historic Places or National Register of Historic Places, would not be Type II and would remain Unlisted or Type I, subject to environmental review. See § 5-05(d)(5)(iii). This prerequisite supplements State SEQR regulations that classify as Type I "any Unlisted action . . . occurring wholly or partially within, or substantially contiguous to, any historic building, structure, facility, site or district or prehistoric site that is listed on the National Register of Historic Places, or that has been proposed by the New York State Board on Historic Preservation for a recommendation to the State Historic Preservation Officer for nomination for inclusion in the National Register, or that is listed on the State Register of Historic Places." 6 NYCRR Part 617.4(b)(9). Accordingly, actions occurring on sites identified in

either Proposed Rules § 5-05(d)(5)(iii) or 6 NYCRR Part 617.4(b)(9) would not be designated as Type II.

B. ANALYSIS FRAMEWORK

The Proposed Rules would not result in new or increased development in the City, nor would they affect the type, amount or location of future development. The principal effect of the Proposed Rules would be, under certain circumstances, to exempt the listed actions from environmental review procedures under CEQR.

a. EXISTING CONDITIONS

The actions included in the Proposed Rules are all Unlisted actions. As shown in Appendix I, these actions included in the Proposed Rule have been subject to over 228 environmental reviews since 2001, the vast majority of which have resulted in the issuance of Negative Declarations and a determination that there would be no potentially significant adverse impacts from the actions.[50]

b. NO ACTION SCENARIO

Without promulgation of the Proposed Rules, the No-Action scenario would be the same as existing conditions. Each of the actions on the proposed list would be considered an Unlisted Action requiring the preparation of an EAS. It would be expected that in conjunction with these actions approximately 184[51] projects would be subject to environmental review over the next five years.

c. WITH ACTION SCENARIO

With promulgation of the Proposed Rules, the thirteen (13) actions would be listed as Type II requiring no environmental review. It is expected that, in conjunction with these actions, approximately 184 projects would be exempt from the environmental review requirements of CEQR in the next five years.

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[50] Positive Declarations were issued for projects requiring special permits pursuant to Zoning Resolution § 73-36 (CEQR No. 07DCP071M), § 73-66 (CERQ No. 06DME010Q), former § 13-561 (CEQR Nos. 09DCP007M, 05DCP020M, 06DCP039M, 05DCP080Q & 01DME004M), and former § 13-562 (CEQR Nos. 05DCP063Y & 05DME011M). However, as discussed in footnotes 27, 33, 55-59, 61, 62, 64, 69, 83, 86, 93, 95, 97, 100, & 108, these special permits were among multiple discretionary actions required to facilitate large development projects. Further, a total of six (6) CNDs were issued in conjunction with special permits or authorizations pursuant to former Zoning Resolution §§ 13-561 & 13-562. The conditions imposed by the CNDs are discussed in footnotes 18, 21, 24, 46, 84, 87, 90, 99, & 101.

[51] The approximate number of projects that would be subject to environmental review over the next five (5) years in the No-Action scenario was calculated by multiplying the average number of EASs conducted annually for each of the actions in the Proposed Rules by five (5). Those projects known to have required multiple discretionary actions were not included in this calculation as they would not have been designated as Type II under the Proposed Rules.

PART II: Technical Analyses

1. LAND USE, ZONING, AND PUBLIC POLICY

Under CEQR, a land use, zoning and public policy analysis characterizes the uses and development trends in the area that may be affected by a proposed project, describes the zoning and public policies that guide development, and determines whether a proposed project is compatible with those conditions and policies or whether it may affect them. The Proposed Rules would apply citywide. While some actions listed in the Proposed Rules are limited by the Zoning Resolution to specific zoning districts, other actions may occur in any zoning district. The Proposed Rules include only actions that have consistently been shown to have no potential for significant adverse impacts on land use, zoning or public policy—the actions have been shown to be compatible with land use and development trends in surrounding areas. Given that promulgation of the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type or location of future development, and would not entail any construction activities or site-specific development, and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on land use, zoning or public policy.

a. LAND USE AND ZONING

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs issued in conjunction with special permits for physical culture or health establishments since 2007 have been identified and none were found to have the potential to result in significant adverse impacts on land use or zoning. The special permit is available in districts where physical culture and health establishments would be consistent with the surrounding land uses, provided that certain conditions are met. Zoning Resolution § 73-36 designates specific commercial and manufacturing Zoning Districts (C1-8X, C1-9, C2, C4, C4-7, C5, C5-2, C5-3, C5-4, C5-5, C6, C6-4, C6-5, C6-6, C6-7, C6-8, C6-9, C8, M1, M2, and M3) where the Board of Standards and Appeals (BSA) may issue special permits for physical culture or health establishments. Zoning Resolution § 73-36 further requires BSA to find that certain conditions have been met before issuing special permits for these establishments. A finding that the establishment of such a facility will not "impair the essential character or the future use or development of the surrounding area" is a prerequisite to issuance of a special permit under Zoning Resolution § 73-36. Further, designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments of up to 20,000 gross square feet as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found have the potential to significantly impact land use or zoning. By requiring that certain conditions are met in order to locate a radio or television tower, the Zoning Resolution ensures that such towers would be consistent with the surrounding land uses. These facilities do not emit fumes, vibrations, or odors and do not alter the existing or future housing or population. Radio and television towers do not require parking facilities nor do they have an effect upon the existing traffic. No changes in transportation routes are required or necessitated by unmanned communication facilities. These facilities would therefore not result in significant impacts on surrounding land uses or development trends. Further, Zoning Resolution § 73-30 allows BSA to "permit non-accessory radio or television towers, provided that it finds that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood." Moreover, the designation of the special permit for radio and television towers as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for radio and television towers as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential to result in any significant adverse impacts on land use or zoning. The special permit is available only in districts where ambulatory diagnostic or treatment health care facilities would be consistent with the surrounding land uses, provided that certain conditions are met. Zoning Resolution § 73-125 allows BSA to "permit ambulatory diagnostic or treatment health care facilities . . . limited in each case to a maximum of 10,000 square feet of floor area, provided that [BSA] finds that the amount of open area and its distribution on the zoning lot conform to standards appropriate to the character of the neighborhood." BSA may only permit these facilities in R3A, R3X, R3-1, R4A, R4B, or R4-1 zoning districts, which are deemed appropriate for specially permitted ambulatory diagnostic or treatment health care facilities. Zoning Resolution § 73-125. Further, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Height Regulations Around Airports

The special permit allowing a waiver of height regulations around airports does not change the use or modify the bulk restrictions that would be otherwise permitted in the underlying zoning district. Therefore, BSA's review pursuant to the Zoning Resolution is related exclusively to the

impact of the height modification on the nearby airport. Zoning Resolution § 73-66 requires BSA to refer the application to the Federal Aviation Administration for a report as to whether the proposed project will constitute a danger to the safety of air passengers or disrupt established airways. A proposed project must be otherwise consistent with land use and zoning regulations in the district. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant adverse impacts on land use or zoning. The Proposed Rules would exempt from environmental review special permits for the expansion of residential uses only in buildings containing residential uses. Zoning Resolution § 73-621 further protects against potential adverse land use impacts by limiting the degree of zoning non-compliance that could result from issuance of the special permits. Moreover, designation of the special permit for enlargement of buildings containing residential uses as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units (Zoning Resolution § 73-621) as Type II would not have the potential to result in significant adverse impacts on land use or zoning.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none resulted in a finding of potentially significant adverse impacts to land use or zoning. The special permits are available only in districts where eating and drinking establishments with accessory drive-through facilities would be consistent with the surrounding land uses, provided that certain conditions are met. These special permits are limited by Zoning Resolution § 73-243 to C1-1, C1-2, and C1-3 Districts. Before issuing one of these special permits, BSA must find that "the character of the commercially zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing commercial uses contained within such area and to the subject eating or drinking place..." Zoning Resolution § 73-243(d). Not only must the area already be commercially zoned and oriented toward the motor vehicle, there must also be a sufficient buffer between the drive-through facility and residences in the vicinity before this use may be permitted. Zoning Resolution § 73-243(f). Further, designation of the special permit for

eating and drinking establishments with accessory drive-through facilities as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Acquisition or Disposition of Property

Where the City acquires or disposes of real property without a change of use, a change in bulk, or ground disturbance, there is no change to the uses or bulk allowed by the underlying zoning. Further, any future change to the built form would be subject to the requirements of the Zoning Resolution or subsequent discretionary actions. Accordingly, designation of City acquisitions or dispositions of real property (Proposed Rules § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Construction of Park Structures

Visitor centers, recreation centers, nature centers, comfort stations, and other park structures are typically found in public parks and designed to enhance the visitor experience. Even when subject to CEQR, the construction or expansion of these park structures or facilities has not been found to result in significant adverse impacts on land use or zoning. Under Zoning Resolution § 11-13, Zoning District regulations do not apply to public parks. Larger park structures would remain Unlisted or Type I under the Proposed Rules and subject to environmental review pursuant to CEQR. Therefore, the construction or expansion of other park structures will not result in adverse impacts on land use on public park land or in non-compliance with zoning regulations. Accordingly, the designation of the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area, as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Park Mapping

Park mapping, site selection, and acquisition of up to ten (10) acres of existing open space or natural areas would not significantly change the use of existing open space or natural areas and, therefore, would not affect land use or zoning. Accordingly, designating park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II would not have the potential to result in significant adverse impacts on land use or zoning.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and none were found to have the potential to result in significant adverse impacts on

land use or zoning. In part, this is because these actions are subject to conditions and restrictions in the Zoning Resolution, which help ensure that resulting projects are consistent with existing land uses. These specific conditions and requirements are discussed below. Further, designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Consequently, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Authorizations for Parking in Existing Buildings (Zoning Resolution §§ 13-442 & 16-341)

Authorizations pursuant to Zoning Resolution §§ 13-442 & 16-341 are restricted to highly developed areas of the City, are only available in existing buildings, are limited to a maximum increase of fifteen (15) spaces, and must comply with certain conditions in each respective section of the Zoning Resolution as described below.

First, authorizations pursuant to Zoning Resolution § 13-442 only apply in the Manhattan Core. Zoning Resolution § 13-442 states that the City Planning Commission may allow an off-street parking facility with a maximum capacity of fifteen (15) spaces in an existing building developed without the provision of parking. The City Planning Commission may also prescribe appropriate conditions to minimize adverse effects on the character of the surrounding area. Zoning Resolution § 13-442.

Second, authorizations pursuant to Zoning Resolution § 16-341 are only available in Long Island City. Zoning Resolution § 16-341 states that "[t]he City Planning Commission may, by authorization, subject to the otherwise applicable Zoning District regulations, allow onsite enclosed accessory off-street parking facilities with a maximum capacity of fifteen (15) spaces in existing buildings . . ." These parking facilities must be used exclusively by the occupants of the building which they are accessory, subject to limited allowance for car sharing vehicles,[52] and, therefore, are complementary to the primary uses.

Because these authorizations are available only in districts where off-street parking facilities of up to fifteen (15) spaces would be consistent with the surrounding land uses, provided that certain conditions are met, the designation these authorizations (Zoning Resolution §§ 13-442 & 16-341), as Type II actions would not have the potential to adversely impact land use or zoning.

Special Permits for Off-Street Parking Facilities (Zoning Resolution § 16-351)

[52] Section 16-341(b) of the Zoning Resolution states that the City Planning Commission may authorize accessory off-street parking facilities provided they find that "such parking spaces are needed for and will be used exclusively by the occupants of the use to which they are accessory, except that car sharing vehicles may occupy accessory off-street parking spaces; however, the number of spaces so occupied shall not exceed five spaces or 20 percent of all such parking spaces, whichever is greater."

Special permits pursuant to Zoning Resolution § 16-351 only apply in Long Island City where accessory off-street parking facilities would be consistent with the surrounding land uses, provided that certain conditions are met. Zoning Resolution § 16-351 states that "[t]he City Planning Commission may, by special permit, subject to the otherwise applicable Zoning District regulations, allow on-site or off-site, open or enclosed accessory off-street parking facilities with any capacity not otherwise allowed under Section 16-10. . ." The Proposed Rules would only apply to accessory off-street parking facilities that would not increase parking capacity more than eighty-five (85) spaces. These permitted parking spaces must be used exclusively by the occupants, visitors, employees, or customers of the use to which they are accessory subject to a limited allowance for car sharing vehicles.[53] Zoning Resolution § 16-351(a). The special permitting of a parking facility that would not increase parking capacity by more than eighty-five (85) spaces accessory to an existing or as-of-right use would be complementary to the primary uses. Accordingly, the designation of special permits for accessory off-street parking facilities (Zoning Resolution § 16-351), as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Special Permits for Public Parking (Zoning Resolution § 16-352)

Special permits pursuant to Zoning Resolution § 16-352 only apply in districts of Long Island City where public parking garages and public parking lots would be consistent with the surrounding land uses, provided that certain conditions are met. Zoning Resolution § 16-352 refers to Zoning Resolution § 74-52, which makes these special permits available in specific commercial and manufacturing Zoning Districts (i.e., C1-5, C1-6, C1-7, C1-8, C1-9, C2-5, C2-6, C2-7, C2-8, C4-5, C4-5A, C4-5X, C4-6, C4-7, C5, C6, C6-1A, C8-4, M1-4, M1-5, M1-6, M2-3, M2-4, and M3-2). To issue a special permit for a public parking garage or lot, the City Planning Commission must find "that such use will not be incompatible with, or adversely affect the growth and development of, uses comprising vital and essential functions in the general area..." Zoning Resolution § 74-52(a). Accordingly, the designation of special permits for public parking garages and public parking lots (Zoning Resolution § 16-352), as Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

Special Permits for Additional Parking Spaces (Zoning Resolution § 13-45)

Special permits pursuant to Zoning Resolution § 13-45 are applicable only the densely developed Manhattan Core where additional parking spaces would be consistent with the surrounding land uses, provided that certain conditions are met. These proposed parking facilities must comply with the applicable provisions of Section 13-20 (Special Rules for Manhattan Core Parking Facilities), except that increases in parking spaces in existing facilities need not comply with enclosure and screening requirements. To issue a special permit for additional parking spaces, the City Planning Commission must find "such parking facility will not be inconsistent with the character of the existing streetscape." Zoning Resolution § 13-45(c)(5). Additionally, the Commission must find that each parking facility complies with additional use-

[53] The number of spaces occupied by car sharing vehicles shall not exceed five spaces or 20 percent of all parking spaces in these accessory off-street parking facilities. Zoning Resolution § 16-351.

specific findings set forth in Zoning Resolution §§ 13-451 (residential growth), 13-452 (health care, arts, public assembly uses), 13-543 (economic development uses), 13-454 (large-scale developments), & 13-455 (additional parking for existing facilities). These use-specific findings ensure that these special permits for additional parking spaces are complementary to surrounding uses. Accordingly, the designation of special permits for additional parking spaces (Zoning Resolution § 13-45), as a Type II actions would not have the potential to result in significant adverse impacts on land use or zoning.

b. PUBLIC POLICY

The Proposed Rules are consistent with public policy because they streamline the City Environmental Quality Review ("CEQR") process by exempting certain actions from environmental review without reducing environmental protections or resulting in adverse environmental impacts. In his 2009 State of the City address, Mayor Michael R. Bloomberg, in his discussion of city policies, stated: "We'll also reduce the costs and delays for small property owners seeking environmental reviews - without giving up one iota of environmental protection." The Proposed Rules would be in furtherance of this policy goal. The actions designated as Type II in the Proposed Rules have consistently received Negative Declarations (See Chart A), meaning that lead agencies have determined that no significant impact on the environment would occur. The recurring review of these actions imposes an administrative burden on agencies and project sponsors without providing additional environmental protection. By supplementing the existing list of actions that do not require environmental review (SEQR regulations at 6 NYCRR Part 617.5(c)), the process will be streamlined for applicants and agencies' time, efforts, and resources may be focused on reviewing actions that have the potential to result in significant adverse impacts on the environment. The Proposed Rules are therefore consistent with the city policy highlighted by Mayor Bloomberg: they reduce costs and delays of environmental reviews while not sacrificing environmental protection.

Waterfront Revitalization Plan

The Proposed Rules would exempt the listed actions from environmental review citywide, including within New York City's Coastal Zone. As such, the NYC Waterfront Revitalization Program (WRP) Consistency Form is attached as Appendix II. The Proposed Rules would not entail any site-specific development in the Coastal Zone, and would include only actions that have consistently been shown to have no potential for significant adverse environmental impacts. Therefore this rulemaking is consistent with the policies of the WRP.

PlaNYC

PlaNYC, the City's long-term sustainability plan, sets forth sustainability policies that apply to the City's land use, open space, brownfields, energy use and infrastructure, transportation systems, water quality and infrastructure, and air quality, and also make the city more resilient to projected climate change. Generally, the Proposed Rules would not affect the goals of PlaNYC. However, the designation of park mapping, site selection, and acquisition of less than

ten (10) acres of existing open space or natural areas as Type II actions would affect one of PlaNYC's listed goals: ensuring that all New Yorkers live within a ten-minute walk of a park. By reducing the administrative burden involved with the mapping of parks, the Proposed Rules make it easier to select, acquire, and map land for parks. The designation of park mapping, site selection and acquisition of existing open space or natural areas as Type II actions would not, however, result in new construction or the introduction of new users to the site without further discretionary action. Additionally, the designation of construction or expansion of park structures as Type II would advance the PlaNYC goal of increasing park accessibility and improving the quality of parks. By reducing the administrative burden involved with the construction of these facilities, the Proposed Rules make it easier to construct structures such as visitor centers, recreation centers, nature centers, and comfort stations. Thus, the inclusion of these two actions in the Proposed Rules would further PlaNYC goals.

2. SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Although socioeconomic changes may not result in impacts under CEQR, they are disclosed if they would affect land use patterns, low-income populations, the availability of goods and services, or economic investment in a way that changes the socioeconomic character of an area. According to the *CEQR Technical Manual*, the five principal issues of concern with respect to socioeconomic conditions are whether a proposed action would result in significant adverse impacts due to: (1) direct residential displacement; (2) direct business and institutional displacement; (3) indirect residential displacement; (4) indirect business and institutional displacement; and (5) adverse effects on specific industries. The Proposed Rules include only actions that have consistently been shown to have no potential for significant adverse impacts on socioeconomic conditions. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analysis for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on socioeconomic conditions.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs issued in conjunction with special permits for physical culture or health establishments have been identified and none of the physical culture establishments were found to have the potential to directly displace businesses or institutions that are unusually important to the community, nor were any found to introduce development that was markedly different from existing uses, development, and activities within a general area. Further, physical culture and health establishments offer health and fitness services, which potentially benefit New York City workers and residents, and the paid employees of physical culture and health establishments benefit the city's economy by spending a portion of their salaries within New York City. Moreover, designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future

development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments of up to 20,000 gross square feet (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts on socioeconomic conditions.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to have the potential to create or hinder any economic, population, or housing changes. Further, the designation of the special permit for radio and television towers as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for radio and television towers as Type II actions would not have the potential to result in significant adverse impacts on socioeconomic conditions.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential to result in any significant direct or indirect residential, business, or institutional displacement or adversely affect any specific industries because the issuance of special permits is restricted to those facilities of 10,000 square feet or less in Zoning Resolution § 73-125. Moreover, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse impacts on socioeconomic conditions.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to directly displace residents, directly displace business, indirectly displace residents, indirectly displace businesses,[54] or adversely affect specific industries. The special permit allowing a waiver of height regulations around airports does not change the use or modify the bulk restrictions that would be otherwise permitted in the underlying zoning district. Therefore, BSA's review pursuant to the Zoning Resolution is related exclusively to the impact of the height modification on the nearby airport. The proposed projects must be otherwise consistent with land use and zoning

[54] The one special permit allowing a building to exceed height regulations around airports to receive a Positive Declaration involved a large mixed-use development requiring detailed analysis of indirect business displacement. The EIS, Flushing Commons (CEQR No. 06DME010Q), concluded that the proposed action would not result significant impacts from indirect business displacement.

regulations in the district. Therefore, these special permits do not allow for increases in residential or commercial floor area beyond what is allowed as-of-right in the Zoning District. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse impacts on socioeconomic conditions.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant direct or indirect residential, business, or institutional displacement or to adversely affect any specific industries. The Proposed Rules apply only to special permits for the enlargement of buildings containing residential uses by no more than ten (10) units—these minor enlargements would not have the potential to substantially alter the socioeconomic profile of an area. Further, designation of the special permit for enlargement of buildings containing residential uses as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would not have the potential to result in significant adverse impacts on socioeconomic conditions.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none of the establishments were found to have the potential to directly displace residential populations or substantially alter socioeconomic profiles of the study areas; directly displace a substantial number of businesses or employees; directly displace businesses or institutions that are unusually important to the community; result in uses, development, or activities markedly different from those already in the general area; or adversely affect economic conditions in a specific industry. Zoning Resolution § 73-243 limits these special permits to those establishments with a capacity of 200 persons or less, reducing the potential for any effects on socioeconomic conditions, and this limitation on size of projects eligible for the special permit applies regardless of whether the Proposed Rules are promulgated. Moreover, designation of the special permit for eating and drinking establishments with accessory drive-through facilities, pursuant to Zoning Resolution § 73-243, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking

establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse impacts on socioeconomic conditions.

Acquisition or Disposition of Property

Three (3) acquisitions and dispositions of real property by the City that have not involved a change of use, a change in bulk, or ground disturbance have been identified, and none were found to result in significant direct or indirect displacement of residents or businesses or effects on specific industries. Applying the screening methods described in the *CEQR Technical Manual*, acquisitions or dispositions not involving a change in use would not result in the types of changes that would warrant a detailed study of socioeconomic changes. Accordingly, designation of City acquisitions or disposition of real property without a change in use would not have the potential to result in significant adverse impacts on socioeconomic conditions.

Construction of Park Structures

The designation of construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area as Type II actions would not affect socioeconomic conditions. To the extent that new park workers would be introduced, they would be so few in number that there would be no significant adverse impacts on socioeconomic conditions.

Park Mapping

Park mapping, site selection, and acquisition of up to ten (10) acres of existing open space or natural areas would not significantly change the use of existing open space or natural areas and would not introduce new residential or commercial uses. Therefore, these actions would not affect socioeconomic conditions. Accordingly, designating park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse impacts on socioeconomic conditions.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and none of the authorizations or special permits were found to have the potential to result in significant adverse impacts on socioeconomic conditions by directly displacing residents, businesses, or institutions involuntarily, or introducing any development that was markedly different from existing uses, development, and activities in the general area. Applying the screening methods described in the *CEQR Technical Manual*, parking facilities that would increase parking capacity by eighty-five (85) or fewer parking spaces do not result in the types of changes that would warrant a detailed study of socioeconomic changes. Further, designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution

§§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse impacts on socioeconomic conditions.

3. COMMUNITY FACILITIES

As defined for CEQR analysis, community facilities are public or publicly funded schools, libraries, child care centers, health care facilities, and fire and police protection. A project can affect facility services directly, when it physically displaces or alters a community facility; or indirectly, when it causes a change in population that may affect the services delivered by a community facility. The Proposed Rules include only actions that have generally been shown to have no potential for significant adverse impacts on community facilities. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on community facilities.

Physical Culture and Health Establishments

One hundred and forty-seven (147) special permits for physical culture or health establishments issued since 2007 and subject to CEQR have been identified, and only one (1) was found to exceed the thresholds identified in the *CEQR Technical Manual* that would potentially affect schools, hospitals, libraries, day cares, etc.[55] Physical culture and health establishments do not introduce new residents and, therefore, would not affect public schools, day cares or libraries. Moreover, such establishments do not result in the introduction of a sizable new neighborhood and, therefore, would not affect health care facilities, or police and fire services. Designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments of up to 20,000 gross square feet (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts on community facilities.

Radio and Television Towers

[55] One project involving a special permit for a physical culture or health establishment (CEQR No. 07DCP071M) was found to have the potential to impact elementary schools and day care facilities. These potential impacts, however, were caused by the planned introduction of 900 dwelling units rather than the inclusion of a physical culture or health establishment. Further, this project required multiple discretionary actions, and therefore, would not have been designated as Type II under the Proposed Rules.

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to exceed the thresholds identified in the *CEQR Technical Manual* above which an action may have the potential to adversely impact community facilities. Specifically, radio and television towers do not require any community facilities or city services because they do not add school-age children; increase the library service population; generate any low- or moderate-income residents; or require the reduction or addition of fire and police protection. Further, designation of the special permit for radio and television towers as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on community facilities.

Health Care Facilities

Six (6) EASs prepared in conjunction with special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential to cause changes in population that could adversely affect the service delivery of community facilities. Special permits for ambulatory diagnostic or treatment health care facilities would not introduce new residents and would result in facilities that are below the thresholds identified in the *CEQR Technical Manual* above which an action may have the potential to adversely affect schools, hospitals, libraries, day cares, etc. Further, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse impacts on community facilities.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to result in significant adverse impacts to community facilities. The special permit allowing a waiver of height regulations around airports does not allow a change of use or modification of bulk restrictions that would otherwise not be permitted as-of-right by the underlying zoning—BSA's review is related exclusively to the safety concerns that may arise from modifying the height restrictions in areas around airports. The proposed projects must be otherwise consistent with land use and zoning regulations in the district. Therefore, these special permits would not result in changes in population beyond that which would result from as-of-right development. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports, pursuant to Zoning Resolution § 73-66, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of

future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse impacts on community facilities.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to exceed the thresholds identified in the *CEQR Technical Manual* above which an action may have the potential to adversely affect schools, hospitals, libraries, day cares, etc. By limiting enlargement of buildings containing residential uses to no more than ten (10) units, the Proposed Rules ensure that only those special permits that would not generate enough new residents to have the potential to significantly impact community facilities could be designated as Type II. Further, designation of the special permit for enlargement of buildings containing residential uses, pursuant to Zoning Resolution § 73-621, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units (Zoning Resolution § 73-621) as Type II actions would not have the potential to result in significant adverse impacts on community facilities.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none of the establishments were found to exceed the thresholds in the *CEQR Technical Manual* that would require an analysis of the potential to adversely affect schools, hospitals, libraries, day cares, etc. Zoning Resolution § 73-243 limits these special permits to those establishments with a capacity of 200 persons or less, further limiting the potential for any effects on community facilities. The Zoning Resolution limitations on size apply regardless of whether or not the Proposed Rules are promulgated. Further, designation of the special permit for eating and drinking establishments with accessory drive-through facilities, pursuant to Zoning Resolution § 73-243, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse impacts on community facilities.

Acquisition or Disposition of Property

Where the City acquires or disposes of real property without a change of use, a change in bulk, or ground disturbance, thresholds in the *CEQR Technical Manual* that would require an analysis

of the potential to adversely affect schools, hospitals, libraries, day cares, etc. would not be exceeded. By only designating as Type II those acquisitions and dispositions that do not involve a change of use, the Proposed Rules ensure that only those actions that would not result in the introduction of a significant number of residents or the creation of a sizeable new neighborhood could be designated as Type II. Accordingly, designation of acquisitions or dispositions by the City of real property as Type II actions would not have the potential to result in significant adverse impacts on community facilities.

Construction of Park Structures

The designation of construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area as a Type II action would not introduce new residents or create a sizeable new neighborhood. Accordingly, the action would not have the potential to result in significant adverse impacts on community facilities.

Park Mapping

Park mapping, site selection, and acquisition of up to ten (10) acres of existing open space or natural areas would not significantly change the use of existing open space or natural areas and would not introduce any new residents or a sizeable new neighborhood. Accordingly, designating park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II would not have the potential to result in significant adverse impacts on community facilities.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and only three (3) resulted in a finding that the project could result in significant impacts on community facilities.[56] None of the remaining fifty-five (55) authorizations or special permits were found have the potential to result in significant adverse impacts on community facilities by generating substantial new or additional demands on local community services, adding new residents to the area, or directly affecting or displacing any community facilities. Applying the screening methods described in the *CEQR Technical Manual*, parking facilities that would increase parking capacity by eighty-five (85) or fewer spaces do not result in the types of changes that would warrant a detailed study of community facilities. Authorizations or special permits for parking facilities that would increase parking capacity by eighty-five (85) or fewer spaces would not add significant new populations that could create demand for community services. Further, designation of the authorizations and special permits for parking facilities,

[56] The EISs for three (3) projects (CEQR Nos. 09DCP007M, 09DCP020M, 06DCP039M) requiring special permits pursuant to former Zoning Resolution §§ 13-561 or 13-562 found that the projects could result in significant impacts to certain community facilities. These large development projects with residential components involved multiple discretionary actions and parking facilities that would increase parking by more than eighty-five (85) spaces. Thus, these projects would not have been designated as Type II under the Proposed Rules.

pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse impacts on community facilities.

4. OPEN SPACE

The *CEQR Technical Manual* recommends performing an open space assessment if a project would have a direct effect on open space in the area or an indirect effect through increased population size. The threshold for an analysis of indirect effects varies depending on whether the project site is located in an area identified as well-served by open space, underserved, or neither. Because the Proposed Rules would exempt the listed actions from environmental review city-wide, the listed actions could occur without environmental review within areas well-served by open space, underserved, and neither well-served nor underserved. The Proposed Rules include only actions that have consistently been shown to have no potential for significant adverse impacts on open space regardless of where these actions occur. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on open space.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs issued since 2007 in conjunction with special permits for physical culture or health establishments have been identified, and none of the physical culture establishments were found to cause (i) any direct open space impact or effect by encroaching on or causing any loss of open space, nor (ii) any indirect open space effect by overtaxing the capacity of existing open space. Physical culture and health establishments do not introduce new residents and, therefore, do not affect residential open space ratios. To the extent that health and physical culture establishments provide health and fitness services which some residents may have had to seek within existing open space, the special permitting of such establishments has an indirect beneficial effect on those open spaces by making them less crowded. The number of new workers that could be introduced by physical culture or establishments of up to 20,000 gross square feet would be limited by the size of the establishments and could, at most, result in modest increases in the non-residential open space ratios. Further, in issuing a special permit for a physical culture or health establishment, BSA may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding community and must find that such use would not impair the essential character or the future use or development of the surrounding area. Zoning Resolution § 73-36. BSA's findings and prescribed conditions for these special permits make potential impacts on open space even less probable. Moreover, designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would

neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments (Zoning Resolution § 73-36) as Type II actions would not increase, change, or eliminate publicly accessible open space, and therefore would not result in any potentially significant adverse impacts on open space.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to displace existing open space or result in any new residents or workers. Given that radio and television towers do not introduce new residents or workers to an area, such actions do not affect open space. Moreover, designation of the special permit for radio and television towers as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on open space.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to displace existing open space or result in any new residents. Ambulatory diagnostic or treatment health care facilities limited to a maximum of 10,000 square feet of floor area do not generate new residents and the number of new workers that could potentially be introduced would not exceed the *CEQR Technical Manual's* threshold requiring an assessment of potential open space impacts, even in underserved areas. Further, in issuing a special permit for an ambulatory diagnostic or treatment health care facility, BSA may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area and must find that the amount of open area and the facility's distribution on the zoning lot conform to standards appropriate to the character of the neighborhood. Zoning Resolution § 73-125. Moreover, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would neither change nor eliminate open space, and therefore would not result in any potentially significant impacts on open space.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and three (3)[57] were found not to have the potential to result in significant adverse impacts on open space. The special permit allowing a waiver of height regulations around airports does not change the use or modify the bulk that would otherwise be permitted as-of-right by the underlying zoning—BSA's review is related exclusively to the safety concerns that may arise from modifying the height restrictions in areas around airports. The proposed projects must be otherwise consistent with land use and zoning regulations in the district. Therefore, these special permits would not increase residential or worker populations beyond the levels that could be introduced by as-of-right development. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not change or eliminate open space, and therefore would not result in significant impacts on open space.

Residential Enlargements

Two (2) EASs prepared in conjunction with special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to exceed the thresholds identified in the *CEQR Technical Manual* above which an action has to adversely affect open spaces. By limiting the enlargement of buildings containing residential uses to no more than ten (10) units, the potential number of new residents would be low. Even in underserved areas, the introduction of so few residents would not have the potential to result in significant adverse impacts on open spaces. Moreover, designation of the special permit for the enlargement of buildings containing residential uses as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for the enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would neither change nor eliminate open space, and therefore would not result in any potentially significant adverse impacts on open space.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none of the

[57] The one (1) project requiring a special permit allowing a building to exceed height regulations around airports to receive a Positive Declaration was Flushing Commons (CEQR No. 06DME010Q), a large mixed-use development requiring detailed analysis of open space impacts. This proposed large-scale development required multiple city actions in addition to the special permit pursuant to Zoning Resolution § 73-66, and therefore, would not have been designated as Type II under the Proposed Rules.

establishments were found to result in any new residents or in an increase in new employees in excess of the thresholds of the *CEQR Technical Manual*. Zoning Resolution § 73-243 inherently limits the impact these establishments can have on open space by restricting these special permits to areas where "the character of the commercially zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle..." These special permits would not introduce new residents and would not introduce a significant number of new workers, beyond the levels that would be introduced pursuant to as-of-right development. Further, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would neither change nor eliminate publicly accessible open space, and therefore would not result in any potentially significant impacts on open space.

Acquisition or Disposition of Property

Where the City acquires or disposes of real property without a change of use, a change in bulk, or ground disturbance, there is no change in building form, and therefore no direct effects on open space. By only designating as Type II acquisitions and dispositions not involving a change of use, the Proposed Rules ensure that only those actions without the potential to generate a large number of new residents or workers could be designated as Type II. Because these acquisitions or dispositions would not introduce a significant number of new residents or workers, the designation of acquisitions or dispositions by the City of real property (Proposed Rules § 5-05(7)) as Type II actions would not have the potential to result in significant adverse impacts on open space.

Construction of Park Structures

When subject to CEQR, the construction or expansion of primary or accessory/appurtenant park structures or facilities has not resulted in a finding of potential to increase demands on open space by adding new populations. While the construction or expansion of park structures or facilities may have a direct effect on open space, the effect is often beneficial. Primary or accessory/appurtenant park structures and facilities enhance open space resources by improving existing park facilities and adding new facilities while only having a negligible effect on the amount of open space available, given the size limitations imposed by the Proposed Rules. Further, designation of the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of the construction or expansion of a primary or accessory/appurtenant park structure or facility as Type II would not have the potential to result in significant adverse impacts on open space.

Park Mapping

When subject to CEQR, park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas has not been found to result in significant adverse impacts to open space. The mapping or acquisition of existing open space as parkland does not eliminate the existing open space or add new residents to the area. The designation of park mapping, site selection and acquisition of existing open space or natural areas as Type II actions would not result in the introduction of new users to the site—the no-action and with-action open space ratios are the same. Further, designation of park mapping, site selection, and acquisition as Type II actions in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of park mapping, site selection, and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse impacts on open space.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and only two (2) special permits were found to have the potential to result in significant adverse impacts on open space.[58] The remaining fifty-six (56) authorizations or special permits (including twenty-eight (28) which would increase parking capacity by over eighty-five (85) spaces) were not found to cause physical loss, change in use, or public access limitations that would diminish the usefulness of open spaces and result in significant adverse open space impacts. Further, these parking facilities do not add residents. While parking facilities may require attendants and, therefore, could generate some new workers, the number of employees for a facility of this size would not exceed of the *CEQR Technical Manual* thresholds requiring a detailed open space assessment. Moreover, designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse impacts on open space.

5. SHADOWS

[58] Two projects (CEQR Nos. 09DCP007M & 09DCP020M) requiring special permits pursuant to former Zoning Resolution §§ 13-561 or 13-562 were found to have the potential to result in significant adverse impacts on open space. These large developments required multiple city actions in addition to special permits for parking facilities that would increase parking capacity by over eighty-five (85) spaces. Therefore, these projects would have remained subject to environmental review under the Proposed Rules.

The *CEQR Technical Manual* outlines a shadow assessment for proposed actions that would result in new structures or additions to existing structures greater than fifty (50) feet in height and/or adjacent to an existing sunlight-sensitive resource such as a publicly-accessible open space, important natural feature, or historic resource with sun-sensitive features. The Proposed Rules include only actions that have generally been shown to have no potential for significant adverse impacts on shadows. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on shadows.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs prepared in conjunction with special permits for physical culture or health establishments and issued since 2007 have been identified, and only one (1) had the potential to result in adverse shadow impacts.[59] The remaining one hundred and forty-six (146) special permits were not found to exceed the thresholds identified in the *CEQR Technical Manual* above which an action may have the potential to adversely affect sunlight-sensitive resources. The special permit for physical culture or health establishments is a use permit and does not affect the permitted height of structures and, therefore, would not have the potential to increase shadows beyond the levels that would result from as-of-right construction. Accordingly, the designation of special permits for physical culture and health establishments of up to 20,000 gross square feet (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse shadow impacts.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to have the potential to significantly impact sunlight-sensitive resources. Radio and television towers are typically narrow structures, often over fifty (50) feet in height, that cast new shadows. However, at all times of year and all times of day, the new shadows are long and narrow, cover only a small area at one time, and move across the ground relatively quickly. To offer further protection for potentially sunlight-sensitive architectural resources, applications for special permits pursuant to Zoning Resolution § 73-30 to develop radio or television towers on or adjacent to specific architectural resources would not be Type II actions and, therefore, would remain Unlisted and subject to environmental review. Proposed Rules § 5-05(d)(5). Additionally, Zoning Resolution § 73-30 only allows non-accessory radio and television towers where BSA finds that such towers will not have a detrimental effect on the light of the neighborhood. Moreover, designation of the special permit for radio and television towers as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any

[59] One large mixed-used development project (CEQR No. 07DCP071M) requiring multiple discretionary actions subject to CEQR, including a special permit pursuant to Zoning Resolution § 73-36, was found to have the potential to result in significant adverse shadow impacts; this project would not have been designated as Type II under the Proposed Rules.

construction activities or site-specific development. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II would not result in a new height increase or decrease of a given structure as compared to the no action condition, and therefore would not result in any potentially significant adverse shadow impacts.

Health Care Facilities

Six (6) EASs prepared in conjunction with special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found exceed *CEQR Technical Manual* thresholds for potential adverse shadow impacts because these facilities are limited to a maximum of 10,000 square feet of floor area. Proposed projects for all six (6) special permits involved one- or two-story buildings (shorter in height than the fifty (50) foot *CEQR Technical Manual* threshold) that did not result in adverse shadow impacts on sunlight-sensitive resources.[60] Further, these are use permits and do not affect height restrictions or increase the shadows beyond those which would result from as-of-right development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse shadow impacts.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and it was found that three (3) of the projects would not have the potential to result in significant adverse shadow impacts.[61] The special permit allowing a waiver of height regulations around airports does not change the use or modify the bulk that would otherwise be permitted as-of-right by the underlying zoning—BSA's review is related exclusively to the safety concerns that may arise from modifying the height restrictions in areas around airports. The proposed projects must be otherwise consistent with zoning regulations in the district. To offer further protection for potentially sunlight-sensitive architectural resources, applications for special permits pursuant to Zoning Resolution § 73-66 relating developments on or adjacent to specific architectural resources would not be Type II actions and, therefore, would remain Unlisted and subject to environmental review. Proposed Rules § 5-05(d)(5). Further, designation of the special permit allowing a building or other structure to exceed the height regulations around airports as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports, pursuant to Zoning Resolution § 73-66, as Type II would

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[60] Appendix I, Page 8.

[61] The Flushing Commons (CEQR No. 06DME010Q) development project was found to result in significant shadow impacts. However, the significant shadow impacts were caused by a portion of the development to be built as-of-right rather than the portion of the development requiring a special permit pursuant to Zoning Resolution § 73-66. Further, this project required multiple discretionary actions, and therefore, would not have been designated as Type II under the Proposed Rules.

not result in a new height increase or decrease of a given building as compared to the no action condition, and therefore would not result in any potentially significant adverse shadow impacts.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to exceed the thresholds identified in the *CEQR Technical Manual* above which an action may have the potential to result in adverse shadow impacts. Although these special permits allow for building expansions, they do not affect height regulations and, therefore, would not increase shadows beyond those which would result from as-of-right development. To offer further protection for potentially sunlight-sensitive architectural resources, applications for special permits pursuant to Zoning Resolution § 73-621 on or adjacent to specific architectural resources would not be Type II actions and, therefore, would remain Unlisted and subject to environmental review. Proposed Rules § 5-05(d)(5). Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units (Zoning Resolution § 73-621) as Type II actions would not have the potential to result in significant shadow impacts.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none of the special permits were found to result in any new structures or additions to existing structures greater than fifty (50) feet in height. Zoning Resolution § 73-243 limits these special permits to those establishments with a capacity of 200 persons or less and the Proposed Rules would only designate as Type II those establishments that are 2,500 square feet or smaller, making it unlikely that such an establishment would be large enough to exceed fifty (50) feet in height or adversely impact sunlight-sensitive resources. Further, these are use permits that allow for drive through facilities, and do not affect height restrictions or increase the shadows beyond that which would result from as-of-right development. Moreover, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities, pursuant to Zoning Resolution § 73-243, as Type II would not result in the increase of a building's height as compared to the no action condition, and therefore would not have the potential to result in significant adverse shadow impacts.

Acquisition or Disposition of Property

The designation of acquisitions or dispositions by the City of real property without a change of use, a change in bulk, or ground disturbance as Type II actions would not affect building forms or alter shadows that are cast from buildings. Accordingly, it would not have the potential to result in significant adverse shadow impacts.

Construction of Park Structures

When subject to CEQR, the construction or expansion of primary or accessory/appurtenant park structures or facilities have not been found to involve new structures or additions to existing structures greater than fifty (50) feet in height or result in significant adverse impacts on sunlight-sensitive resources. By limiting the Type II designation to the construction or expansion of structures or facilities by no more than 10,000 square feet of gross floor area, the Proposed Rules ensure that those park structures exempted from environmental review would be unlikely to result in an increase in height of more than fifty (50) feet. Primary or accessory/appurtenant park structures and facilities are often adjacent to publicly-accessible open space or natural features, which are potentially sunlight-sensitive resources. Under the *CEQR Technical Manual,* projects that result in even modest increases in height that are adjacent to sunlight-sensitive resources could potentially require a shadow assessment. However, park structures and facilities would enhance the open space or natural resources by improving existing park facilities and adding new facilities, while only having a negligible effect on the amount of open space available and shadows cast on the open space, given the size limitations imposed by the Proposed Rules. Further, designation of the construction or expansion of park structures or facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area, as Type II would not result in potentially significant adverse shadow impacts.

Park Mapping

The designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not result in construction or development. Accordingly, it would not generate new shadows or otherwise have the potential to result in significant adverse shadow impacts.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and fifty-four (54) were found to not result adverse shadow impacts.[62] These authorizations and special permits do not affect height restrictions and would not result in any shadows beyond those which would result from as-of-right development.[63] Further, by limiting the authorizations and special permits that may be designated as Type II to parking facilities

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[62] Four EISs (CEQR Nos. 09DCP007M, 06DCP039M, 05DCP020M & 05DME011M) prepared for projects requiring special permits pursuant to former Zoning Resolution §§ 13-561 & 13-562 found that the projects would result in significant shadow impacts. These large development projects involved multiple discretionary actions and would increase parking capacity by over eighty-five (85) spaces. Thus, these projects would not have been designated Type II under the Proposed Rules.

[63] See Appendix I, Pages 10-12.

that would increase parking capacity by eighty-five (85) or fewer spaces, the Proposed Rules make it unlikely that new structures or additions to existing structures of fifty (50) feet or more would be constructed. Moreover, designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse shadow impacts.

6. HISTORIC AND CULTURAL RESOURCES

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

In addition, the New York City Landmarks Preservation Commission must approve and issue the required permit or report as per the New York City Landmarks Law (the Charter of the City of New York §§ 3020 et seq. and the Administrative Code of the city of New York §§ 25-301 et seq.) in advance any restoration, alteration, reconstruction, demolition, or new construction affecting any property that is designated as a New York City landmark or that is within a historic district.

The Proposed Rules include only actions that have generally been shown to have no potential for significant adverse impacts on historic and cultural resources. However, to protect against potential site-specific effects on historic resources that could result, the Proposed Rules impose prerequisites that must be met before these actions could be classified as Type II. For example, 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. Further, 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 and the analyses below with respect to each of the actions that are proposed for designation as Type II, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on historic and cultural resources.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs issued in conjunction with special permits for physical culture or health establishments have been identified and only one (1) found the potential to result in significant adverse impacts on historic and cultural resources.[64] The remaining one hundred and forty-six (146) special permits were not found to have the potential to significantly impact historic or cultural resources. Special permits for physical culture or health establishments are use permits, which do not affect the building form that is otherwise permitted as-of-right. The vast majority of the special permits that have been identified allow physical culture establishments to operate in existing buildings or new buildings that are already being constructed as-of-right.[65] When a physical culture establishment is permitted in an existing building or an as-of-right building already under construction, no excavation results from the special permit, and therefore, the action does not have the potential to affect archaeological resources. Additionally, Zoning Resolution § 73-36(a)(1) provides that in issuing these special permits, the BSA must find that the facility would not impair the essential character of the surrounding area. Accordingly, the designation of special permits for physical culture and health establishments of up to 20,000 gross square feet (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts on historic and cultural resources.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts on historic and cultural resources. Because these permits could affect building form, the Proposed Rules apply prerequisites related to historic resources for the classification of these special permits as Type II. Section 5-05(d)(2) of the Proposed Rules exempts special permits for radio and television towers that would involve excavation in an area not previously excavated from environmental review only if it is determined that the project site is not archaeologically sensitive. Radio and television towers proposed on sites or in districts that are New York City-designated landmarks would be subject to the protections of New York City's Landmarks Law,

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[64] One large mixed-used development project (CEQR No. 07DCP071M) requiring multiple discretionary actions subject to CEQR, including a special permit pursuant to Zoning Resolution § 73-36, was found to have the potential to create shadows that could adversely impact architectural resources. This project would not have been designated as Type II under the Proposed Rules.

[65] See Appendix I, Pages 1-6.

described above. To offer further protection for architectural resources, applications for special permits pursuant to Zoning Resolution § 73-30 on or adjacent to certain types of architectural resources would not be Type II actions and, therefore, would remain Unlisted and subject to environmental review. Proposed Rules § 5-05(d)(5). Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on historic or cultural resources.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant adverse impacts on historic and cultural resources. Special permits for health care facilities are special use permits, which do not affect the building form that is otherwise permitted as-of-right. Moreover, Zoning Resolution § 73-125 states that in issuing these special permits, BSA may prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area. Section 5-05(d)(2) of the Proposed Rules further protects historic and cultural resources by exempting special permits for ambulatory diagnostic or treatment health care facilities that would involve excavation of an area not previously excavated from environmental review only if it is determined that the project site is not archaeologically sensitive. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse impacts on historic or cultural resources.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and three (3)[66] were found to not have the potential to result in significant adverse impacts on historic or cultural resources. Where special permits are sought for projects on sites or in districts that are New York City-designated landmarks, these projects would be subject to the protections of New York City's Landmarks Law, described above. To offer further protection for architectural resources, applications for special permits pursuant to Zoning Resolution § 73-66 on or adjacent to certain types of architectural resources would not be Type II actions and, therefore, would remain Unlisted and subject to environmental review. Proposed Rules § 5-05(d)(5). Moreover, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, would not entail any construction activities or site-specific development, and would not result in incremental excavation that could affect archaeological resources. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution

[66] In an EIS, the Flushing Commons (CEQR No. 06DME010Q) development project was found to avoid potential adverse direct, physical impacts on architectural resources through the implementation of a construction protection plan.

§ 73-66) as Type II actions would not have the potential to result in significant adverse impacts on historic or cultural resources.

Residential Enlargements

Two (2) EASs prepared in conjunction with special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant adverse impacts on historic and cultural resources. Section 5-05(d)(2) of the Proposed Rules protects historic or cultural resources by exempting special permits for the enlargement of residential buildings that would involve excavation of an area not previously excavated from environmental review only if it is determined that the project site is not archaeologically sensitive. Residential enlargements proposed on sites or in districts that are New York City-designated landmarks would be subject to the protections of New York City's Landmarks Law, described above. To offer further protection for architectural resources, applications for special permits pursuant to Zoning Resolution § 73-621 on or adjacent to specific architectural resources would not be Type II actions and, therefore, would remain Unlisted and subject to environmental review. Proposed Rules § 5-05(d)(5). Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would not have the potential to result in significant adverse impacts on historic or cultural resources.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none resulted in a finding of potentially significant adverse impacts on historic and cultural resources. The majority of these special permits that have been identified allow drive-through facilities at eating and drinking establishments that were already existing or planned as-of-right, and therefore, did not have the potential to significantly affect archaeological resources.[67] Further, before issuing one of these special permits, BSA must find that "the character of the commercially zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing commercial uses contained within such area and to the subject eating or drinking place..." Zoning Resolution § 73-243(d). Drive-through facilities that would be proposed on sites or in districts that are New York City-designated landmarks would be subject to the protections of New York City's Landmarks Law, described above. Moreover, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse impacts on historic or cultural resources.

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[67] See Appendix I, Pages 8-9.

Acquisition or Disposition of Property

When the City acquires or disposes of real property without a change in use, a change in bulk, or ground disturbance, there is no new excavation or significant physical alteration to any building and, therefore, no potential to result in significant adverse impacts to archaeological or architectural resources. Any work that might later occur on sites or in districts that are New York City-designated landmarks would be subject to the protections of New York City's Landmarks Law, described above. Accordingly, the designation of acquisitions or dispositions by the City of real property without a change in use, a change in bulk, or ground disturbance as Type II actions would not have the potential to result in significant adverse impacts related to historic or cultural resources.

Construction of Park Structures

When subject to CEQR, the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area has not been found to have the potential to result in significant adverse impacts on historic and cultural resources. Further, § 5-05(d)(2) of the Proposed Rules would exempt construction or expansion of primary or accessory/appurtenant park structures or facilities that would involve excavation of an area not previously excavated from environmental review only if it is determined that the project site is not archaeologically sensitive. Any construction or expansion in a public park would further require approval from the Public Design Commission. In addition, any construction or expansion in a public park that is also a Scenic Landmark would require review and comment by the Landmarks Preservation Commission before the proposal would be reviewed by the Public Design Commission. Accordingly, the designation of construction or expansion of accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area as Type II actions would not have the potential to result in significant adverse impacts on historic or cultural resources.

Park Mapping

The designation of park mapping, site selection and acquisition of existing open space or natural areas as Type II actions would not result in new construction. Thus, these actions do not have the potential to result in new ground disturbance that could impact archeological resources. Further, park mapping, site selection, and acquisition of existing open space and natural areas does not result in significant adverse impacts to potential historic or cultural resources in those areas since the no-action and with-action conditions are the same. Moreover, designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of park mapping, site selection, and acquisition of up to ten (10) acres of existing open space or natural areas would not have the potential to result in significant adverse impacts on historic or cultural resources.

Authorizations and Special Permits for Parking Facilities

Authorizations for Parking in Existing Buildings (Zoning Resolution §§ 13-442 & 16-341)

The one (1) identified authorization for a parking facility pursuant to former Zoning Resolution § 13-551 subject to CEQR in the past ten (10) years was not found to have the potential to result in significant adverse impacts on historic and cultural resources. Authorizations for parking facilities, pursuant to Zoning Resolution §§ 13-442 & 16-341, may only be granted for facilities to be constructed in existing buildings, and therefore do not affect archaeological resources. Parking facilities proposed to be constructed on sites or in districts that are New York City-designated landmarks would be subject to the protections of New York City's Landmarks Law, described above. Designation of authorizations to increase parking spaces for existing buildings, pursuant to Zoning Resolution §§ 13-442 & 16-341, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, would not entail any construction activities or site-specific development, and would therefore not affect archaeological or architectural resources. Accordingly, the designation of authorizations for parking in existing buildings (Zoning Resolution §§ 13-442 & 16-341) as Type II actions would not have the potential to result in significant adverse impacts on historic or cultural resources.

Special Permits for Off-Street Parking Facilities (Zoning Resolution § 16-351)

Twenty-three (23) special permits for accessory off-street parking facilities issued pursuant to former Zoning Resolution § 13-561 since 2001 have been identified and none were found to have the potential to result in significant adverse impacts on historic and cultural resources. Only those special permits pursuant to Zoning Resolution § 16-351 that would not involve incremental ground disturbance would be designated as Type II under the Proposed Rules.[68] As such, there would be no potential impacts on archaeological resources because the special permits would not involve new excavation. Parking facilities proposed to be constructed on sites or in districts that are New York City-designated landmarks would be subject to the protections of New York City's Landmarks Law, described above. Further, designation of the special permit for accessory off-street parking facilities, pursuant to Zoning Resolution § 16-351, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for accessory off-street parking facilities (Zoning Resolution § 16-351) as Type II actions would not have the potential to result in significant adverse impacts on historic or cultural resources.

Special Permits for Public Parking (Zoning Resolution § 16-352)

Thirty-four (34) special permits for public parking facilities issued pursuant to former Zoning Resolution § 13-562 since 2001 and subject to environmental review have been identified and

[68] See Proposed Rules § 5-05(c)(11).

thirty-three (33) were found to not have the potential to result in significant adverse impacts on historic and cultural resources.[69] Only those special permits pursuant to Zoning Resolution § 16-352 that would not involve incremental ground disturbance would be designated as Type II under the Proposed Rules.[70] As such, there would be no potential impacts on archaeological resources because the special permits would not involve new excavation. Parking facilities proposed to be constructed on sites or in districts that are New York City-designated landmarks would be subject to the protections of New York City's Landmarks Law, described above. Further, designation of the special permit for public parking garages and public parking lots, pursuant to Zoning Resolution § 16-352, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for public parking garages and public parking lots (Zoning Resolution § 16-352) as Type II actions would not have the potential to result in significant adverse impacts on historic and cultural resources.

Special Permits for Additional Parking Spaces (Zoning Resolution § 13-45)

Fifty-seven (57) special permits for parking facilities issued pursuant to former Zoning Resolution §§ 13-561 & 13-562 since 2001 and subject to environmental review have been identified and fifty-six (56) were found to not have the potential to result in significant adverse impacts on historic and cultural resources.[71] Only those special permits pursuant to Zoning Resolution § 13-45 that would not involve incremental ground disturbance would be designated as Type II under the Proposed Rules.[72] As such, there would be no potential impacts on archaeological resources because the special permits would not involve new excavation. Additional parking spaces proposed to be constructed on sites or in districts that are New York City-designated landmarks would be subject to the protections of New York City's Landmarks Law, described above. Further, designation of the special permit for additional parking spaces, pursuant to Zoning Resolution § 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for additional parking spaces (Zoning Resolution § 13-45) as Type II actions would not have the potential to result in significant adverse impacts on historic and cultural resources.

7. URBAN DESIGN

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[69] One (1) large development project (CEQR No. 05DME011M) requiring a special permit pursuant to former Zoning Resolution § 13-562 was found to have potentially significant historic and cultural resources impacts. This project involved multiple discretionary actions and a special permit for a public parking facility that would increase parking capacity by more than eighty-five (85) spaces. Thus, this project would not have been classified as Type II under the Proposed Rules.

[70] See Proposed Rules § 5-05(c)(12).

[71] See footnote 69, above.

[72] See Proposed Rules § 5-05(c)(13)..

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

The Proposed Rules include only actions that have consistently been shown to have no potential for significant adverse impacts on urban design. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on urban design.

Physical Culture and Health Establishments

One hundred and forty-seven (147) special permits for physical culture or health establishments issued since 2007 and subject to environmental review have been identified, and none were found to have the potential to result in any of the conditions that would typically trigger the need for a detailed assessment of the urban design and visual resource impacts. The special permit for physical culture or health establishments is a use permit and does not affect the permitted yard, height, and setback requirements or built floor area and, therefore, would not have the potential to result in changes to the streetscape. See Zoning Resolution § 73-01. Accordingly, the designation of special permits for physical culture and health establishments of up to 20,000 gross square feet (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts on urban design.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to have the potential for significant adverse effects on urban design. When permitting a radio or television tower, BSA may prescribe appropriate conditions and safeguards to minimize the adverse effects of these towers on the character of the surrounding area. Zoning Resolution § 73-30. BSA must find that that the tower will not have a detrimental effect on the privacy, quiet, light, and air of the neighborhood. Zoning Resolution § 73-30. BSA's findings and prescribed conditions for these special permits make a potential impact on urban design improbable. Further, designation of the special permit for radio and television towers as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation

of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on urban design.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential for significant adverse effects on urban design. The special permit for ambulatory diagnostic or treatment health care facilities is a use permit, which does not affect the bulk regulations or result in physical changes to the building form that is permitted as-of-right. See Zoning Resolution § 73-01. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities, pursuant to Zoning Resolution § 73-125, as Type II actions would not have the potential to result in significant adverse impacts on urban design.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts on urban design. The special permit allowing a waiver of height regulations around airports does not change the use or modify the bulk that would otherwise be permitted as-of-right by the underlying zoning—BSA's review is related exclusively to the safety concerns that may arise from modifying the height restrictions in areas around airports. The proposed projects must be otherwise consistent with zoning regulations in the district. Moreover, special permits pursuant to Zoning Resolution § 73-66 affect only building heights and do not alter other elements that contribute to urban design, such as building densities or street wall, yard or setback requirements. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports, pursuant to Zoning Resolution § 73-66, as Type II would not modify the zoning envelope or introduce a new building form, and therefore would not result in potentially significant adverse impacts on urban design.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none were found to have the potential for significant adverse effects on urban design. Although a modest increase in building density is permitted pursuant to these special permits, Zoning Resolution § 73-621 provides some protection against potential adverse impacts on urban design by imposing the following limits on the new non-compliance with restrictions in the Zoning District allowed by virtue of the issuance of these special permits:

> In the districts and for the buildings to which a maximum lot coverage applies, the maximum lot coverage permitted under this Section shall not exceed 110 percent of the maximum lot coverage permitted under the applicable bulk regulations set forth in Article II or III of this Resolution. In all districts, the floor area ratio permitted under this Section shall not exceed the floor area ratio permitted under such regulations by more than 10 percent.
>
> Zoning Resolution § 73-621.

Moreover, special permits pursuant to Zoning Resolution § 73-621 affect building densities, but do not otherwise alter elements that contribute to urban design, such as height restrictions or street wall, yard or setback requirements. Further, designation of the special permit for enlargement of buildings containing residential uses as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II would not modify the zoning envelope or introduce a new building form, and therefore would not have the potential to result in significant adverse impacts on urban design.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none resulted in a finding of potentially significant adverse urban design impacts. The special permit for eating and drinking establishments with accessory drive-through facilities is a use permit, which does not affect the bulk regulations or building form that is permitted as-of-right. Before issuing one of these special permits, BSA must find that "the character of the commercially zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing commercial uses contained within such area and to the subject eating or drinking place…" Zoning Resolution § 73-243(d). Not only must the area already be commercially zoned and oriented toward the motor vehicle, there must also be a sufficient buffer between the drive-through facility and residences in the vicinity before this use may be permitted. Zoning Resolution § 73-243(f). Further, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not result in a modification of the zoning envelope or the introduction of a new building form, and therefore would not result in potentially significant adverse impacts on urban design.

Acquisition or Disposition of Property

Where the City acquires or disposes of real property without a change in bulk or ground disturbance, there is no change in bulk or building form attributable to the action, and any future change to the built form would be subject to the requirements of the Zoning Resolution or subsequent discretionary actions. Accordingly, designation of acquisitions and dispositions by the City of real property (Proposed Rules § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse impacts on urban design.

Construction of Park Structures

When subject to CEQR, the construction or expansion of primary or accessory/appurtenant park structures or facilities has not been found to have the potential to result in significant adverse impacts on urban design. While construction of park structures does affect urban design in parks, such projects are undertaken to enhance the visitor experience and have been generally found to enhance visual resources. Further, designation of construction or expansion of park structures or facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of construction or expansion of accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area as Type II actions would not have the potential to result in significant adverse impacts on urban design.

Park Mapping

Even when subject to CEQR, park mapping, site selection, and acquisition of up to ten (10) acres of existing open space or natural areas have not been found to result in significant adverse impacts on urban design. Park mapping, site selection, and acquisition of existing open space and natural areas do not result in new construction or development—the no-action and with-action conditions are the same. Accordingly, the designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse impacts on urban design.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and none were found to have the potential to affect urban design or visual resources.

In part, this is because these actions are subject to conditions in the Zoning Resolution, which ensure that significant impacts on urban design and visual resources are unlikely. Authorizations and special permits pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, & 13-45 must comply with the underlying zoning provisions, except where modified by the

specific zoning section.[73] Accordingly, these authorizations and special permits do not alter elements that contribute to urban design, such as density or height restrictions, or street wall, yard or setback requirements. Similarly, authorizations pursuant to Zoning Resolution § 16-352 must comply with applicable regulations that address the width of curb cuts, location of access to the street, surfacing, and screening and must not be incompatible with the growth and development of uses vital to the general area. See Zoning Resolution § 74-52. Finally, Zoning Resolution §§ 13-442, 16-351, 74-52 (which applies to special permits pursuant to § 16-352), & 13-45 allow the City Planning Commission to prescribe appropriate conditions and safeguards to minimize adverse effects on the character of the surrounding area.

Designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse impacts on urban design and visual resources.

8. NATURAL RESOURCES

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

The Proposed Rules include only actions that have generally been shown to have no potential for significant adverse impacts on natural resources. However, the EASs for several projects requiring actions listed in the Proposed Rules raised natural resources issues that called for additional survey work to determine that there would not be potentially significant impacts. For example, a special permit for a wireless communication facility pursuant to Zoning Resolution § 73-30 that resulted in the issuance of a Negative Declaration required survey work to document the potential presence of an endangered species on the project site.[74]

Thus, to protect against potential site-specific effects on natural resources caused by actions that could be exempted from environmental review, the Proposed Rules impose prerequisites

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[73] Parking facilities authorized under Zoning Resolution §§ 13-442 & 13-45 must comply with the applicable provisions of Zoning Resolution § 13-20 (Special Rules for Manhattan Core Parking Facilities), except that parking facilities pursuant to Zoning Resolution § 13-442 and expansions of parking facilities existing prior to May 8, 2013 pursuant to Zoning Resolution § 13-45 need not comply with enclosure and screening requirements. Zoning Resolution §§ 16-341 & 16-351 specifically state that parking facilities allowed under these sections are subject to otherwise applicable zoning district regulations.

[74] CEQR No. 07BSA039R.

before these actions could be classified as Type II. Actions 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 below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on natural resources.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs for special permits for physical culture or health establishments issued since 2007 have been identified and none of these establishments were found to involve project sites that provide habitat for plant and animal species or to have the potential to adversely affect natural resources in the area. The vast majority of the special permits that have been identified allow physical culture or health establishments to operate in existing or new as-of-right buildings already under construction; the siting of physical culture or health establishments in existing or new buildings that are already being constructed as-of-right would not significantly impact natural resources. Moreover, designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments of up to 20,000 gross square feet (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts on natural resources. However, to offer further protection for natural resources, applications for special permits pursuant to Zoning Resolution § 73-30 would not be Type II actions and, therefore, 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). Further, designation of the special permit for radio and television as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Health Care Facilities

Six (6) EASs prepared in conjunction with special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential for significant adverse impacts on natural resources.

To offer further protection for natural resources, applications for special permits pursuant to Zoning Resolution § 73-125 would not be Type II actions and, therefore, 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). Moreover, designation of the special permit for ambulatory diagnostic or treatment health care facilities, pursuant to Zoning Resolution § 73-125, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts on natural resources. Special permits pursuant to Zoning Resolution § 73-66 affect only allowable height; except for increased building height, these special permits do not result in any development beyond what is allowed as-of-right in the Zoning District. Moreover, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential for significant adverse effects on natural resources. By limiting enlargement of existing buildings containing residential uses to no more than ten (10) units, the Proposed Rules minimize the risk that the issuance of special permits would result in significant impacts to natural resources. To offer further protection for natural resources, applications for special permits pursuant to Zoning Resolution § 73-621 would not be Type II actions and, therefore, 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). Moreover, designation of the special permit for enlargement of buildings containing residential uses as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as

Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none resulted in a finding of potentially significant adverse impacts on natural resources. Zoning Resolution § 73-243 inherently limits the potential impacts that the Proposed Rules could have on natural resources since these special permits are only available in areas that already reflect substantial orientation toward the motor vehicle. Further, most of these special permits involve the addition of an accessory drive through facility at eating and drinking establishments that are existing or planned as-of-right, and therefore do not result in new impacts on natural resources.[75] Moreover, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Acquisition or Disposition of Property

The designation of acquisitions or dispositions of real property by the City, not involving a change in bulk or ground disturbance, as Type II actions would not result in new construction that could affect natural resources. Therefore, designation of these actions as Type II would not have the potential to result in significant adverse impacts to natural resources.

Construction of Park Structures

When subject to CEQR, the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area, has not been found to have the potential to result in significant adverse impacts on natural resources. To offer further protection for natural resources, the construction or expansion of a park structure would not be a Type II action and, therefore, 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). Further, designation of the construction or expansion of park structures or facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of construction or expansion of accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

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[75] See Appendix I, Pages 8-9.

Park Mapping

Even when subject to CEQR, park mapping, site selection, and acquisition of up to ten (10) acres of existing open space or natural areas, have not been found to result in significant adverse impacts to natural resources. Park mapping, site selection, and acquisition of existing open space and natural areas do not result in significant adverse effects to potential natural resources in those areas since the no-action and with-action scenarios are the same. Further, designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Authorizations and Special Permits for Parking Facilities

Authorizations for Parking in Existing Buildings (Zoning Resolution §§ 13-442 & 16-341)

The one (1) identified authorization for a parking facility in an existing building pursuant to former Zoning Resolution § 13-551 subject to CEQR in the past ten (10) years was not found to have the potential to adversely affect natural resources because the project site was in a fully developed area already occupied by an existing building. Since these authorizations are for parking facilities enclosed in already existing buildings, authorizations for parking facilities limited to maximum capacity of fifteen (15) spaces by Zoning Resolution §§ 13-442 & 16-341 do not result in the types of development that would disturb natural resources. Further, designation of the authorization of limited increases in parking in existing buildings, pursuant to Zoning Resolution §§ 13-442 & 16-341, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of authorizations for parking in existing buildings (Zoning Resolution §§ 13-442 & 16-341) as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Special Permits for Off-Street Parking Facilities (Zoning Resolution § 16-351)

Twenty-three (23) special permits for accessory off-street parking facilities issued pursuant to former Zoning Resolution § 13-561 since 2001 have been identified and none were found to have the potential to adversely affect natural resources. The Proposed Rules would only designate as Type II those special permits that do not involve incremental ground disturbance, therefore limiting the impact these permits can have on natural resources.[76] Further, special permits pursuant to Zoning Resolution § 16-351 are only applicable in areas of Long Island City that generally are already highly developed. See Zoning Resolution § 16-02. Moreover,

[76] See Proposed Rules § 5-05(c)(11).

designation of the special permit for off-street parking facilities, pursuant to Zoning Resolution § 16-351, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for accessory off-street parking facilities (Zoning Resolution § 16-351) as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Special Permits for Public Parking (Zoning Resolution § 16-352)

Thirty-four (34) special permits for public parking facilities issued pursuant to former Zoning Resolution § 13-562 since 2001 and subject to environmental review have been identified and none were found to have the potential to result in adverse impacts to natural resources. The Proposed Rules would only designate as Type II those special permits that do not involve incremental ground disturbance, therefore limiting the impact these permits can have on natural resources.[77] Further, these special permits are only applicable in high density commercial and manufacturing zoning districts in highly developed areas in Long Island City, which inherently limits the potential impacts that these parking facilities can have on natural resources. See Zoning Resolution §§ 16-02 & 74-52. Moreover, designation of the special permit for public parking garages and public parking lots, pursuant to Zoning Resolution § 16-352, as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for public parking garages and public parking lots (Zoning Resolution § 16-352) as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

Special Permits for Additional Parking Spaces (Zoning Resolution § 13-45)

Fifty-seven (57) special permits for parking facilities issued pursuant to former Zoning Resolution §§ 13-561 & 13-562 since 2001 and subject to environmental review have been identified, and none were found to have the potential to result in significant adverse impacts on historic and cultural resources. The Proposed Rules would only designate as Type II those special permits that do not involve incremental ground disturbance, therefore limiting the impact these permits can have on natural resources.[78] Further, special permits pursuant to Zoning Resolution § 13-45 are only available in areas of Manhattan that generally are already highly developed. See Zoning Resolution § 13-00. Moreover, designation of the special permit for additional parking spaces, pursuant to Zoning Resolution § 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for additional parking spaces (Zoning Resolution § 13-45) as Type II actions would not have the potential to result in significant adverse impacts on natural resources.

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[77] See Proposed Rules § 5-05(c)(12).
[78] See Proposed Rules § 5-05(c)(13).

9. HAZARDOUS MATERIALS

According to CEQR criteria, a hazardous material assessment is conducted when elevated levels of hazardous materials exist on a site, when an action would increase pathways to their exposures, either human or environmental, or when an action would introduce new activities or processes using hazardous materials, thereby increasing the risk of human or environmental exposure. The Proposed Rules include only actions that have generally been shown to have no potentially significant adverse impacts related to hazardous materials or that have been shown to have potentially significant impacts that can be avoided through the imposition of institutional controls like (E) designations. Some Negative Declarations and CNDs issued for actions in the Proposed Rules imposed requirements on the projects to ensure that there would be no significant adverse impacts related to hazardous materials. For example, the EAS issued in conjunction with a special permit pursuant to Zoning Resolution § 73-30 noted that all activities involving soil disturbance would be conducted in accordance with a Health and Safety Plan in order to avoid any potential for significant impacts related to hazardous materials.[79]

Therefore, as a prerequisite to address any site-specific concerns, the Proposed Rules would exempt actions with potential hazardous materials impacts 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 the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts related to hazardous materials.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs issued in conjunction with special permits for physical culture or health establishments since 2007 have been identified and none resulted in a finding of potentially significant adverse impacts related to hazardous materials. The vast majority (over 97%) of the special permits that have been identified allow physical culture establishments to operate in existing buildings or new buildings that are already being constructed as-of-right.[80] When a physical culture establishment is permitted in an existing building or an as-of-right building already under construction, no ground disturbance results from the special permit, and therefore, the action does not have the potential to affect exposure to hazardous materials. Further, even those few EASs prepared in conjunction with special permits that would allow physical culture and health establishments in new buildings that are planned for construction did not identify the potential for significant hazardous materials impacts. Moreover, designation of the special permit for physical culture and health

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[79] CEQR No. 08BSA057R.

[80] See Appendix I, Pages 1-6. Of the one hundred and forty-seven (147) special permits for physical culture and health establishments that have been identified since 2007 for which EASs have been prepared, one hundred and forty-three (143) allowed physical culture and health establishments in existing buildings or new buildings already under construction.

establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments of up to 20,000 gross square feet (Zoning Resolution § 73-36) as Type II actions would not result in substantially increased building footprints or areas of ground disturbance as compared to the No Action scenario, and therefore would not result in potentially significant adverse impacts related to hazardous materials.

Radio and Television Towers

The Federal Communications Commission (FCC) limits the electric and magnetic field strength and power density for transmitters to ensure the Maximum Permissible Exposure of radiofrequency emissions remains at a safe level. See 47 CFR § 1.1310, OET Bulletin No. 65.[81] Further, thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts related to hazardous materials or to produce any significant waste, fumes, or odors. As a prerequisite to address any site-specific concerns, § 5-05(d)(1) of the Proposed Rules would exempt special permits for radio and television towers 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. Moreover, designation of the special permit for radio and television towers as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II would not have the potential to result in significant adverse impacts related to hazardous materials.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant adverse impacts related to hazardous materials. As a prerequisite to address any site-specific concerns, special permits for ambulatory diagnostic or treatment health care facilities involving ground disturbance would remain subject to environmental review unless it is determined that any potential for significant adverse impacts relating to hazardous materials has been avoided. Proposed Rules § 5-05(d)(1). Further, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not

[81] Federal laws and the regulations promulgated thereunder are the supreme law of the land, preempting conflicting state or local laws or regulations. See U.S. Const. art. VI. Therefore, the promulgation of the Proposed Rules have no bearing on the applicability of FCC regulations. Additionally, the federal Telecommunications Act of 1996 prohibits local regulation of wireless facilities "on the basis of the environmental effects of radio frequency emissions...." *See* 47 U.S.C. § 332(c)(7)(B)(iv); *Bell Atlantic Mobile of Rochester v. Town of Irondequoit*, 848 F.Supp.2d 391, 401 (W.D.N.Y. 2012).

affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not result in potentially significant adverse impacts related to hazardous materials.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts related to hazardous materials. The special permit allowing a waiver of height regulations around airports does not allow a change of use or modification of bulk restrictions that would otherwise not be permitted as-of-right by the underlying zoning—BSA's review is related exclusively to the safety concerns that may arise from modifying the height restrictions in areas around airports. The proposed projects must be otherwise consistent with land use and zoning regulations in the district. Additionally, if a project would involve ground disturbance, § 5-05(d)(1) of the Proposed Rules would only exempt a special permit allowing buildings to exceed height regulations around airports from environmental review if it is determined that any potential for significant adverse impacts relating to hazardous materials has been avoided. Further, designation of this special permit as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution § 73-66) as Type II would not result in potentially significant adverse hazardous materials impacts.

Residential Enlargements

Two (2) EASs prepared in conjunction with special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant adverse impacts related to hazardous materials. As a prerequisite to address any site-specific concerns, § 5-05(d)(1) of the Proposed Rules would exempt special permits for the enlargement of residential buildings involving ground disturbance from environmental review only if it is determined that any potential for significant adverse impacts relating to hazardous materials has been avoided. Further, designation of the special permit for enlargement of buildings containing residential uses as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units (Zoning Resolution § 73-621) as Type II actions would not have the potential to result in significant adverse impacts related to hazardous materials.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none resulted in a finding of potentially significant adverse impacts related to hazardous materials. The majority of these special permits that have been identified allow drive-through facilities at eating and drinking establishments that were already existing or planned as-of-right, and therefore, did not result in new ground disturbance.[82] Further, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities, pursuant to Zoning Resolution § 73-243, as Type II would not result in potentially significant adverse impacts related to hazardous materials.

Acquisition or Disposition of Property

Three (3) acquisitions and dispositions of real property by the City that did not involve a change of use, a change in bulk, or ground disturbance have been identified, and none were found to result in significant adverse impacts related to hazardous materials. The Proposed Rules would only designate as Type II acquisitions or dispositions not involving a change in use; therefore, these actions would not have the potential to introduce new activities or processes which could increase risk of human exposure to hazardous materials. Further, only classifying as Type II those acquisitions and dispositions without ground disturbance, the Proposed Rules exclude actions that could require further hazardous materials analysis. Accordingly, the designation of acquisitions and dispositions by the City of real property (Proposed Rules § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse impacts related to hazardous materials.

Construction of Park Structures

When subject to CEQR, the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area, has not been found to have the potential to result in significant adverse impacts related to hazardous materials. As a prerequisite to address any site-specific concerns, construction or expansion of primary or accessory/appurtenant park structures or facilities would remain subject to environmental review unless it is determined that any potential for significant adverse impacts relating to hazardous materials has been avoided. Proposed Rules § 5-05(d)(1). Further, designation of the construction or expansion of park structure or facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of construction or expansion of accessory/appurtenant park structures or facilities involving less than 10,000

[82] See Appendix I, Pages 8-9.

square feet of gross floor area as Type II actions would not have the potential to result in significant adverse impacts related to hazardous materials.

Park Mapping

The designation of park mapping, site selection and acquisition of existing open space or natural areas as Type II actions would not result in new construction or the introduction of new users to the site—the no-action and with-action conditions are the same. Designation of parking mapping, site selection, and acquisition of existing open space or national areas as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. These actions do not have the potential to result in new ground disturbance or increased exposure that could result in hazardous materials impacts. Accordingly, the designation of park mapping, site selection, and acquisition as Type II actions would not have the potential to result in significant adverse impacts related to hazardous materials.

Authorizations and Special Permits for Parking Facilities

Authorizations for Parking in Existing Buildings (Zoning Resolution §§ 13-442 & 16-341)

The one (1) identified authorization for parking facility pursuant to former Zoning Resolution § 13-551 and subject to CEQR in the past ten (10) years was not found to have the potential to result in significant adverse impacts related to hazardous materials. Parking facilities authorized pursuant to Zoning Resolution §§ 13-442 & 16-341 are limited to existing buildings. Therefore, these authorizations do not involve new ground disturbance that could result in hazardous materials impacts. Further, designation of the authorization for accessory off-street parking facilities, pursuant to Zoning Resolution §§ 13-442 & 16-341, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of authorizations for a limited increase in parking spaces for existing buildings (Zoning Resolution §§ 13-442 & 16-341) as Type II actions would not substantially increase the area of ground disturbance as compared to the No Action conditions, and therefore would not have the potential to result in significant adverse impacts related to hazardous materials.

Special Permits for Off-Street Parking Facilities (Zoning Resolution § 16-351)

Twenty-three (23) EASs for projects requiring special permits for accessory off-street parking facilities issued pursuant to former Zoning Resolution § 13-561 since 2001 have been identified and only two (2) resulted in a finding of significant hazardous materials impacts.[83] These two (2) projects required multiple discretionary actions subject to CEQR; as such, these projects would

[83] The two (2) projects (CEQR Nos. 01DME004M & 05DCP080Q) requiring special permits pursuant to former Zoning Resolution § 13-561 that were found to have the potential to result in significant hazardous materials impacts involved developments facilitated by multiple discretionary actions.

not have been designated as Type II under the Proposed Rules. The other twenty-one (21) special permits were found to not have the potential to result in significant adverse hazardous materials impacts.[84] Only special permits pursuant to Zoning Resolution § 16-351 that do not involve incremental ground disturbance could be designated as Type II under the Proposed Rules.[85] As such, there would be no potential hazardous materials impacts because the special permits would not involve incremental ground disturbance. Further, designation of the special permit for accessory off-street parking facilities, pursuant to Zoning Resolution § 16-351, as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for accessory off-street parking facilities (Zoning Resolution § 16-351) as Type II in the Proposed Rules would not result in potentially significant adverse impacts related to hazardous materials.

Special Permits for Public Parking (Zoning Resolution § 16-352)

Thirty-four (34) special permits for public parking facilities issued pursuant to former Zoning Resolution § 13-562 since 2001 and subject to environmental review have been identified and only one (1) was found to have the potential to result in significant adverse impacts related to hazardous materials.[86] This project required multiple discretionary actions subject to CEQR; as such, this project would not have been designated as Type II under the Proposed Rules. It was found that the other thirty-three (33) special permits would not have the potential for significant hazardous materials impacts.[87] Only special permits pursuant to Zoning Resolution § 16-352 that do not involve incremental ground disturbance could be designated as Type II under the Proposed Rules.[88] As such, there would be no potential hazardous materials impacts because the special permits would not involve incremental ground disturbance. Further, designation of the special permit for public parking garages and public parking lots, pursuant to Zoning Resolution § 16-352, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for public parking garages and public parking lots (Zoning

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[84] One (1) CND issued in conjunction with one project (CEQR No. 05DCP037M) requiring a special permit pursuant to former Zoning Resolution § 13-561 required compliance with specific measures avoid significant adverse impacts relating to hazardous materials. This project required multiple discretionary actions, and therefore would not have been designated as Type II under the Proposed Rules.

[85] See Proposed Rules § 5-05(c)(11).

[86] The one (1) project (CEQR No. 05DCP063Y) requiring a special permit pursuant to former Zoning Resolution § 13-562 that was found to have the potential to result in significant adverse impacts related to hazardous materials received a Position Declaration, and an EIS was prepared. Notably, this project required multiple discretionary actions, and therefore, would not have been designated as Type II under the Proposed Rules.

[87] Note, however, that two (2) EASs (CEQR Nos. 01DCP068M & 03DCP037M) prepared in conjunction with special permits pursuant to former Zoning Resolution § 13-562 resulted in CNDs that were conditioned upon the applicants' compliance with conditions in restrictive declarations relating to hazardous materials. Both of these projects required multiple discretionary actions, and therefore would have remained subject to environmental review under the Proposed Rules.

[88] See Proposed Rules § 5-05(c)(12).

Resolution § 16-352) as Type II would not have the potential to result in significant adverse impacts related to hazardous materials.

Special Permits for Additional Parking Spaces (Zoning Resolution § 13-45)

Fifty-seven (57) special permits for parking facilities issued pursuant to former Zoning Resolution §§ 13-561 & 13-562 since 2001 and subject to environmental review have been identified and only three (3) were found to have potential to result in significant adverse impacts related to hazardous materials.[89] These three (3) projects required multiple discretionary actions subject to CEQR; as such, these projects would not have been designated as Type II under the Proposed Rules. It was found that the other fifty-four (54) special permits would not have the potential for significant hazardous materials impacts.[90] Only those special permits pursuant to Zoning Resolution § 13-45 that do not involve incremental ground disturbance could be designated as Type II under the Proposed Rules.[91] As such, there would be no potential hazardous materials impacts because the special permits would not involve incremental ground disturbance. Further, designation of the special permit for additional parking, pursuant to Zoning Resolution § 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for additional parking in the Manhattan Core (Zoning Resolution § 13-45) as Type II actions would not have the potential to result in significant adverse impacts related to hazardous materials.

10. WATER AND SEWER INFRASTRUCTURE

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

The Proposed Rules include only actions that have consistently been shown to have no potential for significant adverse impacts on water and sewer infrastructure. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any

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[89] See footnotes 83 & 86 above.

[90] Three (3) additional projects requiring special permits pursuant to former Zoning Resolution §§ 13-561 & 13-562 resulted in the issuance of CNDs conditioned upon compliance with hazardous materials-related measures. These projects would have remained subject to environmental review under the Proposed Rules. See footnotes 84 & 87 above.

[91] See Proposed Rules § 5-05(c)(13).

site-specific development and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on water and sewer infrastructure.

Physical Culture and Health Establishments

One hundred and forty-seven (147) special permits for physical culture or health establishments issued since 2007 and subject to environmental review have been identified, and none were found to significantly increase water usage or flows to wastewater and stormwater conveyance and treatment infrastructure. Physical culture and health establishments of 20,000 gross square feet or less do not significantly increase water usage or flows to wastewater and stormwater conveyance and treatment infrastructure. Such physical culture or health establishments do not result in an exceptionally large demand for water. Further, an establishment of 20,000 gross square feet or less would not exceed any of the CEQR Technical Manual thresholds that indicate when projects may have the potential to result in a significant adverse impact on infrastructure for combined sewer areas or separately sewered areas. Moreover, designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts on water and sewer infrastructure.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to require any water, or to increase flows to the City's wastewater and stormwater conveyance and treatment infrastructure. Radio and television towers do not require water, do not create runoff, and do not produce sewage. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on water and sewer infrastructure.

Health Care Facilities

Six (6) EASs prepared in conjunction with special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to significantly increase water usage or flows to the wastewater and stormwater conveyance and treatment infrastructure. Zoning Resolution § 73-125 inherently limits the potential impact that these facilities could have on water and sewer infrastructure by restricting these special permits to facilities with a maximum of 10,000 square feet of floor area. Further, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would

not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse impacts on water and sewer infrastructure.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts on water and sewer infrastructure. Special permits pursuant to Zoning Resolution § 73-66 affect only allowable height; these special permits do not result in increases in development densities or changes in uses beyond what is allowed as-of-right. Development pursuant to these special permits, therefore, does not increase water usage or flows to wastewater and stormwater conveyance and treatment infrastructure, when compared to the levels that would result from as-of-right development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse impacts on water and sewer infrastructure.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential to result in any significant adverse impacts on water and sewer infrastructure. Given that the Proposed Rules would only designate as Type II the enlargement of buildings containing residential uses by up to ten (10) units, special permits that would be designated as Type II would not have the potential to significantly increase water usage or flows to wastewater and stormwater conveyance and treatment infrastructure. Further, designation of the special permit for enlargement of buildings containing residential uses as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would not have the potential to result in significant adverse impacts on water and sewer infrastructure.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none found that these establishments would have the potential to result in significant increases in water usage or flows to wastewater and stormwater conveyance and treatment infrastructure. Except for allowing accessory drive-through facilities, these special permits do not otherwise result in increases in development densities or changes in uses. Development pursuant to these special permits, therefore, does not increase water usage or flows to wastewater and stormwater

conveyance and treatment infrastructure, when compared to the levels that would result from as-of-right development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities, pursuant to Zoning Resolution § 73-243, as Type II actions would not have the potential to result in significant adverse impacts on water and sewer infrastructure.

Acquisition or Disposition of Property

When the City acquires or disposes of real property without a change of use, a change in bulk, or ground disturbance, there is no significant increase water usage or flows to wastewater and stormwater conveyance and treatment infrastructure. Acquisitions or dispositions not involving a change of use would not significantly increase water usage or flows to wastewater and stormwater conveyance and treatment infrastructure. Therefore, the designation of acquisitions or dispositions by the City of real property (Proposed Rules § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse impacts on water and sewer infrastructure.

Construction of Park Structures

When subject to CEQR, the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area has not been found to have the potential to result in significant adverse impacts to water and sewer infrastructure. Park structures or facilities involving less than 10,000 square feet of gross floor area do not significantly increase water usage or flows to wastewater and stormwater conveyance and treatment infrastructure. Such park structures or facilities do not result in an exceptional large demand for water. Further, a structure of 10,000 gross square feet or less would not exceed any of the CEQR Technical Manual thresholds related to a project's potential to result in a significant adverse impact related to infrastructure for combined sewer areas or separately sewered areas. Moreover, designation of the construction or expansion of park structures or facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of construction or expansion of accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area as Type II actions would not have the potential to result in significant adverse impacts related to water and sewer infrastructure.

Park Mapping

The designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not result in new construction or the introduction of new users to the site—the no-action and with-action conditions are the same. Thus, there would be no new water usage or flows to wastewater and stormwater conveyance and treatment infrastructure. Accordingly, designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type

II actions would not have the potential to result in significant adverse impacts on water and sewer infrastructure.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and none of the authorizations or special permits were found to result in a significant increase to water demand, generate additional sewage, or generate unusually large stormwater flows. Applying the screening methods described in the *CEQR Technical Manual*, special permits and authorizations for parking facilities that would increase parking capacity by eighty-five (85) or fewer parking spaces do not result in the types of changes that would warrant a detailed study of water and sewer infrastructure. Moreover, in accordance with 15 RCNY § 31-03(a)(1), parking facilities may not have an overall stormwater release rate that exceeds 0.25 cubic feet per second or ten (10) percent of the allowable flow rate (whichever is greater). Further, designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse impacts on water and sewer infrastructure.

11. SOLID WASTE AND SANITATION SERVICES

A solid waste assessment determines whether a project has the potential to cause a substantial increase in solid waste production that may overburden available waste management capacity or would otherwise be inconsistent with the City's Solid Waste Management Plan or with state policy related to the City's integrated solid waste management system. The City's solid waste system includes waste minimization at the point of generation, collection, treatment, recycling, composting, transfer, processing, energy recovery, and disposal. The Proposed Rules include only actions that have consistently been shown to have no potential for significant adverse impacts on solid waste and sanitation services. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on solid waste and sanitation services.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs issued in conjunction with special permits for physical culture or health establishments have been identified and none of the physical culture establishments were found to result in any of the conditions that would typically trigger the need for a detailed assessment of solid waste and sanitation services impacts. Physical culture and health establishments of 20,000 gross square feet or less do not generate a significant

amount of construction debris, do not generate any medical wastes, asbestos, or hazardous industrial wastes, and do not significantly increase the generation of putrescible solid waste or recyclables or affect the provision of sanitation services. Accordingly, the designation of special permits for physical culture and health establishments (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none of these unmanned facilities were found to produce waste. Radio and televisions towers do not generate any significant amounts of construction debris, do not generate any medical wastes, asbestos, or hazardous industrial wastes, do not generate any putrescible solid waste, and do not affect the provision of sanitation services. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

Health Care Facilities

Six (6) EASs prepared in conjunction with special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to result in any of the conditions that would typically trigger the need for a detailed assessment of solid waste and sanitation services impacts. Ambulatory diagnostic or treatment health care facilities of 10,000 square feet or less do not, given their size, significantly increase the generation of municipal solid waste or medical wastes. These facilities do not generate significant amounts of solid waste, do not generate asbestos or hazardous industrial wastes, and do not affect the provision of sanitation services. Further, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to create a significant adverse impact on sanitation services. The special permit allowing a waiver of height regulations around airports does not allow a change of use or modification of the bulk restrictions that are otherwise applicable. Therefore, the amount of solid waste that could be generated would not increase from the levels that would result from as-of-right development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height

regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant impacts to solid waste and sanitation services. Given that the Proposed Rules would only designate as Type II special permits for enlargement of buildings containing residential uses by up to ten (10) units, development pursuant to the special permits would not have the potential to substantially increase the demand for solid waste and sanitation services. Further, designation of the special permit for enlargement of buildings containing residential uses as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none of the special permits were found to result in any of the conditions that would typically trigger the need for a detailed assessment of solid waste and sanitation services impacts. Eating and drinking establishments of 2,500 gross square feet or less with accessory drive-through facilities do not generate a significant amount of construction debris, do not generate any medical wastes, asbestos, or hazardous industrial wastes, and do not significantly increase the generation of putrescible solid waste or recyclables or affect the provision of sanitation services. Further, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

Acquisition or Disposition of Property

When the City acquires or disposes of real property without a change of use, a change in bulk, or ground disturbance, there would be no significant increase in generation of municipal solid waste or medical wastes or effects on the provision of sanitation services, given the limitations on any change in use. Therefore, the designation of acquisitions or dispositions by the City of real property (Proposed Rules § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

Construction of Park Structures

When subject to CEQR, the construction or expansion of a primary or accessory/appurtenant park structure or facility of less than 10,000 square feet of gross floor area has not been found to have the potential to generate a substantial amount of solid waste. Given their limited size, park structures or facilities of less than 10,000 square feet of gross floor area do not significantly increase the generation of municipal solid waste or affect the provision of sanitation services. Further, designation of the construction or expansion of park structures or facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of construction or expansion of accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

Park Mapping

Based on previous environmental reviews, park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas have not resulted in a substantial increase in solid waste production or affected the provision of sanitation services. The designation of park mapping, site selection and acquisition of existing open space or natural areas as Type II actions would not result in new construction or the introduction of new users to the site since the no-action and with-action conditions are the same. Accordingly, the designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and none of the authorizations or special permits were found to have the potential to significantly increase the generation of solid waste or to affect the provision of sanitation services. Parking facilities that would increase parking capacity by eighty-five (85) or fewer spaces do not result in the solid waste generation associated with residential, commercial, and industrial uses, and the volume of solid waste potentially generated by attendants for a parking facility of this size would be negligible. Further, designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse impacts on solid waste and sanitation services.

12. ENERGY

According to the *CEQR Technical Manual*, a detailed assessment of energy impacts would be limited to actions that could significantly affect the transmission or generation of energy or that generate substantial indirect consumption of energy (such as a new roadway). The Proposed Rules include only actions that have consistently been shown to have no potential for significant adverse energy impacts. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts relating to energy.

Physical Culture and Health Establishments

One hundred and forty-seven (147) special permits for physical culture or health establishments issued since 2007 and subject to CEQR have been identified, and none were found to have the potential to affect the transmission or generation of energy or generate substantial indirect consumption of energy. Physical culture and health establishments have typical energy needs, and do not significantly affect the transmission or generation of energy or generate substantial indirect consumption of energy. Accordingly, the designation of special permits for physical culture and health establishments of up to 20,000 gross square feet (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to have the potential to affect the transmission or generation of energy. Radio and television towers require energy to power equipment such as a telephone box and standard breaker panel. However, the quantity of energy required is small and does not result in a significant demand for energy. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to affect the transmission or generation of energy or generate substantial indirect consumption of energy. Health care facilities of less than 10,000 square feet have typical energy needs, and do not significantly affect the transmission or generation of energy or generate substantial indirect consumption of energy. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to create a significant adverse impact on the consumption or supply of energy serving the project area. The special permit allowing a waiver of height regulations around airports does not allow a change of use or modification of the bulk restrictions beyond that which would apply to as-of-right development Therefore, the energy demands of development pursuant to these special permits would be no greater than as-of-right development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

Residential Enlargements

Two (2) EASs prepared in conjunction with special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to affect the transmission or generation of energy. Given that the Proposed Rules would only designate as Type II special permits for enlargement of buildings containing residential uses by up to ten (10) units, development pursuant to such special permits would only result in modest increases in the consumption of energy. Further, designation of the special permit for enlargement of buildings containing residential uses as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none found that these establishments had the potential to affect the transmission or generation of energy or generate substantial indirect consumption of energy. Such special permits only allow the construction of an accessory drive-through at an otherwise as-of-right facility. Accordingly, increases in energy consumption from development pursuant to special permits would be negligible. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

Acquisition or Disposition of Property

When the City acquires or disposes of real property without a change of use, a change in bulk, or ground disturbance, there is no substantial increase in energy consumption or effects on the transmission or generation of energy. Given that the Proposed Rules would only designate as Type II acquisitions or dispositions that do not involve a change of use, these actions could only

result in modest increases in the consumption of energy. Therefore, the designation of acquisitions or dispositions by the City of real property (Proposed Rules § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

Construction of Park Structures

When subject to CEQR, construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area have not been found to have the potential to result in adverse energy impacts. Park structures or facilities involving less than 10,000 square feet of gross floor area do not substantially increase the demand for energy.[92] Accordingly, the designation of construction or expansion of accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

Park Mapping

Park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas does not increase energy consumption or affect the transmission or generation of energy. The designation of park mapping, site selection and acquisition of existing open space or natural areas as Type II actions would not result in new construction or the introduction of new users to the site—the no-action and with-action conditions are the same. Therefore, the designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and none of the authorizations or special permits were found to affect the transmission or generation of energy or generate substantial indirect consumption of energy. Special permits and authorizations that allow for an increase parking capacity by eighty-five (85) or fewer spaces do not significantly increase energy consumption and do not involve any facility that would affect the transmission or generation of energy. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse impacts relating to energy.

13. TRANSPORTATION

[92] One project involving the construction of park structures (CEQR No. 09DPR001X) featured energy generation. The proposal for the Bronx River House facility included plans to mount polycrystalline photovoltaic panels on the roof and use geothermal power to heat the facility. This plan to generate energy would not result in adverse energy impacts because the generated energy would reduce demand from energy suppliers.

The *CEQR Technical Manual* states that a quantified transportation analysis may be warranted if a proposed project is expected to generate 50 or more peak hour vehicle trips at an intersection, 200 peak hour subway, bus, or railroad riders on a transit facility, and 200 peak hour person trips on a pedestrian element. The Proposed Rules include only actions that when taken alone have consistently been shown to have no potential for significant adverse impacts on transportation. Some large development projects requiring both an action listed in the Proposed Rules and other discretionary actions were found to have potentially significant transportation impacts and called for the preparation of EISs. Further, some Negative Declarations and CNDs issued for actions in the Proposed Rules imposed requirements on the projects to ensure that there would be no significant adverse transportation impacts. These potentially significant transportation impacts identified in EISs and potential impacts avoided through measures specified in Negative Declarations or CNDs were in all cases attributable to either discretionary actions not listed in the Proposed Rules or actions above the size thresholds imposed by the Proposed Rules. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on transportation.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs issued since 2007 in conjunction with special permits for physical culture or health establishments have been identified and only one (1) found the potential for the project to result in significant adverse impacts on transportation.[93] The remaining one hundred and forty-six (146) special permits (including those for physical culture establishments larger than 20,000 gross square feet) were not found to have significant adverse impacts on traffic, parking, public transit, or pedestrians.

The *CEQR Technical Manual* sets the minimum development densities potentially requiring transportation analysis for different zones of the city. For community facilities, the minimum development density potentially requiring transportation analysis ranges between 15,000 and 25,000 additional gross square feet of development depending on the zone. See *CEQR Technical Manual* Ch. 16 § 200. Pursuant to the Proposed Rules, only special permits for physical culture or health establishments of up to 20,000 gross square feet would qualify as Type II. Designating as Type II only special permits of 20,000 gross square feet or less is intended to capture the majority of special permits for physical culture and health establishments, while leaving special permits for larger establishments that have the potential to generate more traffic, transit users, and pedestrians, subject to environmental review.

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[93] One large mixed-used development project (CEQR No. 07DCP071M) requiring multiple discretionary actions subject to CEQR, including a special permit pursuant to Zoning Resolution § 73-36, was found to have the potential to result in significant adverse impacts related to transportation. This project would not have been designated as Type II under the Proposed Rules.

Occasionally concerns have arisen during BSA's review of these applications relating to traffic. In such cases, the effects caused by a physical culture establishment alone[94] have not risen to the level of significant adverse impacts and have been adequately addressed conditions imposed by BSA in its decision. Moreover, the designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments (Zoning Resolution § 73-36) as Type II actions would not generate any new automobile, transit, or pedestrian trips and therefore would not result in any potentially significant adverse impacts on transportation.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to generate traffic, require parking services, facilities or assigned spaces, or result in any daily transit or pedestrian trips. Radio and television towers only require occasional trips to the site by maintenance personnel. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on transportation.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential to result in any of the conditions that would trigger the need for a detailed transportation assessment. Under the *CEQR Technical Manual*, the minimum development density potentially requiring transportation analysis ranges between 15,000 and 25,000 gross square feet of community facility development depending on the zone. See *CEQR Technical Manual* Ch. 16 § 200. Under Zoning Resolution § 73-125, special permits may only be issued for ambulatory diagnostic or treatment health care facilities with a maximum of 10,000 square feet of floor area. Thus, these facilities never exceed the threshold in the *CEQR Technical Manual,* requiring transportation analysis. Traffic concerns have occasionally arisen during BSA's review of these special permits; however, no potentially significant traffic impacts have ever been identified and appropriate conditions have been imposed by the BSA in its decision. Further, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special

[94] As noted in footnote 93, one mixed-used development project (CEQR No. 07DCP071M) that included a 20,000 gross square foot physical culture establishment was found to have the potential to result in significant traffic impacts. The trips attributable to the physical culture establishment (health club) alone would not have exceeded the transportation screening thresholds in the *CEQR Technical Manual*, Ch. 16 § 200. See 770 Eleventh Avenue Mixed Use Development Rezoning FEIS, Pages 13-16 to 13-17.

permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not generate any new automobile, transit, or pedestrian trips, and therefore would not result in any potentially significant impacts on transportation.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and three (3) were found to have no potential to result in significant adverse impacts on transportation.[95] The special permit allowing a waiver of height regulations around airports does not change the use or modify bulk that would otherwise be permitted as-of-right by the underlying zoning and BSA's review is related exclusively to the safety concerns that may arise from modifying the height restrictions in areas around airports. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports, pursuant to Zoning Resolution § 73-66, as Type II actions would not increase transit ridership, vehicle trips or pedestrian trips, and would therefore not result in any potentially significant adverse impacts on transportation.

Residential Enlargements

Two (2) EASs prepared in conjunction with special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant transportation impacts. Further, by designating as Type II only those enlargements of buildings of up to ten (10) units, the Proposed Rules would ensure that the special permits designated as Type II would not have the potential to result in significant transportation impacts or require a detailed transportation assessment. Moreover, designation of the special permit for enlargement of buildings containing residential uses, pursuant to Zoning Resolution § 73-621, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would not result in any potentially significant adverse impacts on transportation.

Eating and Drinking Establishments

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[95] The proposed Flushing Commons development project (CEQR No. 06DME010Q) was found to have potential adverse transportation impacts. However, because the Flushing Commons project required many actions beyond the issuance of a special permit pursuant to Zoning Resolution § 73-66, results of the traffic analysis for this project do not reflect the potential for traffic impacts caused by projects requiring the issuance of only a special permit pursuant to Zoning Resolution § 73-66.

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none resulted in a finding of potentially significant adverse impacts on transportation. In part, this is because these actions are subject to specific transportation-related conditions and restrictions in the Zoning Resolution, which help ensure that resulting projects are located and designed to minimally interfere with traffic flow. These special permits are limited by Zoning Resolution § 73-243 to C1-1, C1-2, and C1-3 Districts and to eating and drinking establishments with a capacity of 200 persons or less. Before issuing one of these special permits, BSA must find that "the character of the commercially zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle, based upon the level of motor vehicle generation attributable to the existing commercial uses contained within such area and to the subject eating or drinking place..." Zoning Resolution § 73-243(d). BSA must additionally find that the drive-through facility contains reservoir space for not less than ten (10) automobiles, that the drive-through facility will cause minimal interference with traffic flow in the immediate vicinity, and that the establishment complies with accessory off-street parking regulations, including the provisions of relating to the required number of accessory off-street parking spaces. Zoning Resolution § 73-243(a)-(c). During review of some special permits, concerns have arisen relating to pedestrian and vehicle circulation, and therefore, BSA has imposed appropriate conditions in its decision. However, these concerns related to pedestrian and vehicle circulation have never risen to a level of significance for CEQR purposes.

The Proposed Rules would only designate as Type II special permits for eating and drinking establishment of up to 2,500 gross square feet with drive-through facilities. Designating as Type II only those special permits of 2,500 gross square feet or less is intended to capture a number of the special permits for eating and drinking establishment with drive-throughs, while leaving special permits for larger establishments that have the potential to generate more traffic, transit users, and pedestrians, subject to environmental review. An eating and drinking establishment with an accessory drive-through facility of 2,500 gross square feet or less is unlikely to exceed the thresholds in the *CEQR Technical Manual,* Ch. 16 § 200, requiring transportation analysis.[96]

Moreover, designation of these special permits as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the proposed designation of special permits for eating and drinking establishments with accessory drive-through facilities as Type II actions would not result in potentially significant impacts on transportation.

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[96] Based on trip generation data from the Transportation Engineers Trip General Manual, 9th Edition, for an establishment of 6,000 square feet (sf) with a drive-through, the largest incremental increase in vehicle trips generated (over establishments of 6,000 sf without drive-throughs) would be 46.2 trips (for PM weekday peak hours). Even without using a pass-by or linked trip credit, this number is below the 50 vehicle trip per hour threshold for transportation screening in the CEQR Technical Manual. However, because conditions in the urban context of New York City may be different from those assumed in the Transportation Engineers Trip General Manual, the Proposed Rules conservatively limit the special permits that would be designated as Type II to those for eating and drinking establishments of 2,500 sf or less with accessory drive-through facilities.

Acquisition or Disposition of Property

When the City acquires or disposes of real property with a change of use, a change in bulk, or ground disturbance, there is no substantial increase in transit ridership, vehicle trips or pedestrian trips. Under the *CEQR Technical Manual*, the minimum development density potentially requiring transportation analysis ranges between 10,000 and 240,000 gross square feet depending on the zone and use. See *CEQR Technical Manual* Ch. 16 § 200. Under the Proposed Rules, only those acquisitions or dispositions of real property that do not involve a change in use could be designated as Type II. Thus, these actions would never exceed the thresholds in the *CEQR Technical Manual,* requiring transportation analysis, regardless of location or proposed use. Therefore, the designation of acquisitions or dispositions by the City of real property (Proposed Rules § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse impacts on transportation.

Construction of Park Structures

When subject to CEQR, the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area, has not been found to have the potential to result in any of the conditions that would trigger the need for a detailed transportation assessment. Three (3) EASs (CEQR Nos. 09DPR001X, 09DPC005Q, 09DPR010X) issued since 2006 in conjunction with the construction of park structures of less than 10,000 square feet of gross floor area including comfort stations, boat storage space, and classrooms have been identified. The EASs found these structures would not result in potentially significant adverse transportation impacts. Construction or expansion of park structures or facilities such as visitors centers, recreation centers, natural centers, and comfort stations involving less than 10,000 square feet of gross floor area would not generate the number of new transit, vehicle or pedestrian trips that would have the potential to result in significant transportation impacts or that would require a detailed transportation assessment. Accordingly, the designation of the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area as Type II actions would not have the potential to result in significant adverse impacts on transportation.

Park Mapping

Even when subject to CEQR, park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas have not been found to result in significant adverse transportation impacts. The designation of park mapping, site selection and acquisition of existing open space or natural areas as Type II actions would not generate any new development or vehicular trips—the no-action and with-action conditions are the same. The designation of park mapping, site selection and acquisition of existing open space or natural areas as Type II actions would not result in new construction or the introduction of new users to the site since subsequent discretionary actions would be required to build a park. Further, designation of park mapping, site selection, and acquisition of up to ten (10) acres of existing open space or natural areas as Type II in the Proposed Rules would neither induce nor inhibit

new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Therefore, the designation of park mapping, site selection, and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse impacts on transportation.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and eight (8) authorizations or special permits were found to have the potential to significantly impact traffic. Additionally, three (3)authorizations or special permits received CNDs conditioned upon compliance with transportation-related measures. These eleven (11) projects are discussed below. Despite these eleven (11) projects, the parking authorizations and special permits listed at § 5-05(c)(10)-(13) of the Proposed Rules are unlikely to significantly impact transportation both because the conditions imposed on these actions by the Zoning Resolution and because Proposed Rules would limit the size of the parking facilities that would qualify as Type II.

Further, the proposed designation of authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not result in any potentially significant adverse impacts on transportation.

Authorizations for Parking in Existing Buildings (Zoning Resolution § 13-442 & 16-351)

The one (1) identified authorization for parking facility in an existing building pursuant to former Zoning Resolution § 13-551 subject to CEQR in the past ten (10) years was not found to have the potential to significantly impact transportation. Zoning Resolution §§ 13-442 & 16-351 limit these facilities to a maximum of fifteen (15) spaces, well below the *CEQR Technical Manual* threshold of sixty (60) to eighty-five (85) new off-street parking spaces that could trigger the potential need for a transportation analysis. Under Zoning Resolution § 13-442, the City Planning Commission must find that these parking facilities will not unduly interrupt the flow of pedestrian traffic, interfere with the efficient functioning of streets, or contribute to serious traffic congestion. Zoning Resolution § 16-351 similarly limits the authorization of these facilities to those cases where the City Planning Commission finds that "the parking spaces will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic" and "the parking spaces will not adversely affect pedestrian movement." Accordingly, the designation of authorizations for parking facilities in existing buildings (Zoning Resolution §§ 13-442 & 16-351) as Type II actions would not result in potentially significant adverse impacts on transportation.

Special Permits for Off-Street Parking Facilities (Zoning Resolution § 16-351)

Twenty-three (23) projects requiring special permits for accessory off-street parking facilities issued pursuant to former Zoning Resolution § 13-561 since 2001 have been identified and five (5) were found to have the potential to significantly impact transportation. All five (5) of these projects with potential transportation impacts involved parking facilities that would increase parking capacity by more than eighty-five (85) spaces as part of large developments requiring multiple discretionary actions.[97] Thus, these five (5) special permits would not have been classified as Type II under the Proposed Rules. Zoning Resolution § 16-02 provides that special permits pursuant to Zoning Resolution § 16-351 are applicable in Long Island City, an area designated as Zone 2 in the *CEQR Technical Manual* chapter on transportation. The Proposed Rules would designate as Type II only special permits for parking facilities that would increase parking capacity by up to eighty-five (85) spaces—below the *CEQR Technical Manual* threshold of eighty-five (85) new off-street parking spaces in Zone 2,[98] which would require a transportation analysis. Zoning Resolution § 16-351 further limits special permits for these facilities to those cases where the City Planning Commission finds that "the facility will not create or contribute to serious traffic congestion nor will unduly inhibit vehicular and pedestrian movement..." Accordingly, the designation of special permits for accessory off-street parking facilities (Zoning Resolution § 16-351) as Type II actions would not result in any potentially significant impacts on transportation.

Special Permits for Public Parking (Zoning Resolution § 16-352)

Thirty-four (34) special permits for public parking facilities issued pursuant to former Zoning Resolution § 13-562 since 2001 and subject to environmental review have been identified, and thirty-one (31) special permits were not found to have the potential to significantly impact transportation.[99] The other three (3) special permits were found to have the potential to significantly impact transportation. All three (3) of these large development projects with potential transportation impacts involved parking facilities that would increase parking capacity by more than eighty-five (85) spaces.[100] Zoning Resolution § 16-02 provides that special permits pursuant to Zoning Resolution § 16-352 are applicable to Long Island City, an area designated as Zone 2 in the *CEQR Technical Manual* chapter on transportation. The Proposed Rules would

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[97] CEQR Nos. 09DCP007M, 05DCP020M, 01DME004M, 06DCP039M, and 05DCP080Q.

[98] See Appendix II.

[99] The three (3) EASs (CEQR Nos. 01DCP035M, 05DCP053M, 02DCP010M) for special permits pursuant to former Zoning Resolution § 13-562 that were not found to have the potential to result in significant adverse impacts relating to transportation resulted in the issuance of CNDs. The CNDs were conditioned upon the applicants' compliance with mitigation measures related to traffic. Only one (1) of these three (3) special permits was for a parking facility that would increase parking capacity by eighty-five (85) or fewer spaces. The potential traffic impact for this special permit application (CEQR No. 01DCP035M) was not attributable to parking spaces facilitated by the special permit, but rather was attributable to the trips generated by additional theater seats.

[100] Three (3) projects (CEQR Nos. 09DCP020M, 05DCP063Y, 05DME011M) requiring special permits pursuant to former Zoning Resolution § 13-562 with potential transportation impacts received Positive Declarations and EISs were prepared. These projects involved multiple discretionary actions and public parking facilities that would increase parking capacity by more than eighty-five (85) spaces. Thus, none of these projects would have been designated as Type II under the Proposed Rules.

designate as Type II only special permits for public parking facilities that would increase parking capacity by up to eighty-five (85) spaces—below the *CEQR Technical Manual* threshold of eighty-five (85) new off-street parking spaces in this area (Zone 2), which would require a transportation analysis. Zoning Resolution § 16-352 refers to Zoning Resolution § 74-52, which states that the City Planning Commission may only permit these parking facilities if it finds:

> (b) that such use will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow;
> (c) that such use is so located as to draw a minimum of vehicular traffic to and through local streets in nearby residential areas;
> (d) that such use has adequate reservoir space at the vehicular entrances to accommodate automobiles equivalent in number to 20 percent of the total number of spaces up to 50 and five percent of any spaces in excess of 200, but in no event shall reservoir spaces be required for more than 50 automobiles.
> (e) that the streets providing access to such use will be adequate to handle the traffic generated thereby...

The promulgation of the Proposed Rules would not affect the findings required by the City Planning Commission. Accordingly, the designation of special permits for public parking garages and public parking lots (Zoning Resolution § 16-352) as Type II actions would not result in any potentially significant adverse impacts on transportation.

Special Permits for Additional Parking Spaces (Zoning Resolution § 13-45)

Fifty-seven (57) special permits for parking facilities issued pursuant to former Zoning Resolution §§ 13-561 & 13-562 since 2001 and subject to environmental review have been identified and forty-nine (49) were found to not have the potential to result in significant adverse impacts on transportation.[101] As explained above, the eight (8) projects requiring a special permit pursuant to Zoning Resolution §§ 13-561 & 13-562 found to have the potential to result in significant transportation impacts either involved parking facilities that would increase capacity by more than eighty-five (85) spaces.[102] Zoning Resolution § 13-00 provides that special permits pursuant to Zoning Resolution § 13-45 are applicable in the Manhattan Core, an area designated as Zone 1 in the *CEQR Technical Manual* chapter on transportation. The Proposed Rules would designate as Type II only special permits for parking facilities that would increase parking capacity by up to eighty-five (85) spaces—below the *CEQR Technical Manual* threshold of eighty-five (85) new off-street parking spaces in Zone 1,[103] which would require a transportation analysis. Further, in order to permit a parking facility pursuant to Zoning Resolution § 13-45, the City Planning Commission must find that the location of vehicular

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[101] The three (3) EASs (CEQR Nos. 01DCP035M, 05DCP053M, 02DCP010M) for special permits pursuant to former Zoning Resolution § 13-562 not found to have the potential to result in significant adverse impacts relating to transportation resulted in the issuance of CNDs. See footnote 99 above.
[102] See footnotes 97 & 100 above.
[103] See Appendix II.

entrances and exits will not unduly interrupt the flow of pedestrian traffic or interfere with the efficient functioning of streets. The City Planning Commission must additionally find that the parking facility will not create or contribute to serious traffic congestion and will not unduly inhibit surface traffic and pedestrian flow. See Zoning Resolution § 13-45(c)(3). Accordingly, the designation of special permits for additional parking spaces (Zoning Resolution § 13-45) as Type II actions would not have the potential to result in significant adverse impacts on transportation.

14. AIR QUALITY

Under CEQR, an air quality analysis determines whether a Proposed Project would result in stationary or mobile sources of pollutant emissions that could have a significant adverse impact on ambient air quality, and also considers the potential for existing sources of air pollution to impact the proposed uses. The Proposed Rules include only actions that have consistently been shown to have no potential for significant adverse impacts on air quality. In some cases, the finding of no significant air quality-related impacts was predicated upon impact avoidance measures built into the project or the imposition of an institutional control like an (E) designation. However, in each of these cases, the potential air quality impacts where attributable to an aspect of the project unrelated to an action listed in the Proposed Rules or attributable to an action above the thresholds imposed by the Proposed Rules. For example, the EAS for the Madison Park West project (CEQR No. 05DCP089M), a project requiring a special permit for a parking facility pursuant to former Zoning Resolution § 13-562, avoided the potential for significant adverse air quality impacts through the placement of an (E) designation related to HVAC exhaust from buildings with residential uses on one lot within the project site. The potential significant adverse air quality impacts avoided through the imposition of the (E) designation were unrelated to the parking facility.

Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on air quality.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs prepared in conjunction with special permits for physical culture or health establishments since 2007 have been identified and none of the physical culture establishments were found to result in any significant air quality impacts. As mentioned above, physical culture and health establishments of up to 20,000 gross square feet do not have significant traffic impacts; therefore, these facilities do not result in significant air quality impacts from the generation or rerouting of traffic. None of the special permits for physical culture or health establishments that have been identified were found to result in significant air quality impacts related to stationary sources. Further, designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific

development. Accordingly, the designation of special permits for physical culture and health establishments (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts on air quality.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to result in significant adverse air quality impacts. Radio and television towers do not increase or redistribute traffic or create any other mobile sources of pollutants. Radio and television towers do not emit fumes or odors and do not produce sewage or waste. These towers are not sensitive uses that may be impacted by existing air pollution sources. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on air quality.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant air quality impacts. None of the special permits that have been identified were found to result in significant air quality impacts related to stationary sources. Because the special permit is only available for facilities with a maximum size of 10,000 square feet, such projects do not have the potential to result in traffic impacts and therefore do not generate significant mobile source air quality impacts. Further, these special permits are only available in lower density residential districts (R3A, R3X, R3-1, R4A, R4B, and R4-1) where ambient air quality tends to be better than in areas with other uses like heavy manufacturing. While air quality impacts have never occurred for these facilities, there could be outliers in the future; however, given the consistent history of Negative Declarations and small size of these facilities, the probability of impacts occurring are low and few people would be exposed. Moreover, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse impacts on air quality.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts on air quality. Special permits pursuant to Zoning Resolution § 73-66 affect only allowable height; except for allowing an increase in building heights, these special permits do not result in any development beyond what is allowed as-of-right in the Zoning District. As mentioned above, the special permit to allow buildings to exceed the height

regulations around airports does not result in significant traffic impacts; therefore, these special permits do not result in significant air quality impacts from the generation or rerouting of traffic. While EASs issued in conjunction with these special permits have never identified air quality impacts affecting the project, there could be outliers in the future; however, given the consistent history of Negative Declarations, the probability of impacts occurring are low. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse impacts on air quality.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of buildings with residential uses issued since 2002 have been identified and none of the special permits were found to have the potential to result in a significant adverse impact to air quality. Since only enlargements of up ten (10) units would be designated Type II, the special permits designated as Type II under the Proposed Rules would be unlikely to result in significant air quality impacts. As mentioned above, the enlargement of residential buildings by up to ten (10) units does not have significant traffic impacts; therefore, these residential enlargements do not result in significant air quality impacts from the generation or rerouting of traffic. While EASs issued in conjunction with these special permits have never identified air quality impacts on the projects, there could be outliers in the future; however, given the consistent history of Negative Declarations and small size of these enlargements, the probability of impacts occurring are low and few people would potentially be exposed. Moreover, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would not have the potential to result in significant adverse impacts on air quality.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none resulted in a finding of potentially significant adverse impacts on air quality. As mentioned above, these facilities have not been found to generate a significant number of new vehicle trips that could impact air quality. Additionally, none of the special permits that have been identified were found to result in significant air quality impacts related to stationary sources. Further, the majority of these special permits that have been identified allow drive-through facilities at

eating and drinking establishments that were already existing or planned as-of-right.[104] When incorporated into an existing or as-of-right eating and drinking establishment, accessory drive through facilities do not add new sensitive air quality receptors that could be impacted by ambient air quality. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse impacts on air quality.

Acquisition or Disposition of Property

As mentioned above, the acquisition or disposition by the City of real property without a change in use or a change in bulk would not result in significant traffic impacts; therefore, these actions would not result in significant air quality impacts from the generation or rerouting of traffic. Because the Proposed Rules would only designate as Type II those acquisitions and dispositions not involving changes in bulk or use, it is unlikely that these actions would result in impacts from new stationary sources or the location of new receptors near existing stationary or mobile sources. With respect to air quality, the no-action and with-action scenarios are the same. Accordingly, the designation of acquisitions or dispositions by the City of real property (Proposed Rules § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse impacts on air quality.

Construction of Park Structures

When subject to CEQR, the construction or expansion of primary or accessory/appurtenant park structures or facilities has not been found to have the potential to result in a significant adverse impact to air quality. As mentioned above, the construction or expansion of park facilities of up to 10,000 square feet does not have significant traffic impacts; therefore, these facilities do not result in significant air quality impacts from the generation or rerouting of traffic. Additionally, none of the projects to construct or expand park structures that have been identified were found to result in significant air quality impacts related to stationary sources. While EASs issued in conjunction with the construction of park structures have never identified air quality impacts, there could be outliers in the future; however, given the consistent history of Negative Declarations and the nature of the locations where these facilities have typically been sited, the probability of impacts occurring are low and few people would potentially be exposed for an extended period of time. Moreover, designation of the construction or expansion of park structures as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area as a Type II action would not have the potential to result in significant adverse impacts on air quality.

Park Mapping

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[104] See Appendix I, Pages 8-9.

Even when subject to CEQR, park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas have not been found to result in significant adverse air quality impacts. Park mapping, site selection and acquisition do not generate any new development or vehicular trips, and as such do not have the potential to result in significant adverse air quality impacts from stationary or mobile sources. Therefore, the designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse impacts on air quality.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and none were found to have the potential to result in significant air quality impacts. While none of the projects involving one of these parking authorizations or special permits were found to significantly impact air quality, two (2) projects required compliance with air quality related measures to avoid significant air quality impacts. One (1) of the EASs that identified air quality concerns involved projects that would increase parking capacity by more than eighty-five (85) spaces, and therefore would not have been designated as Type II under the Proposed Rules.[105] The other EAS that identified air quality concerns involved multiple discretionary actions and specifically noted that potential air quality impacts were unrelated to the parking facility.[106]

Authorizations and special permits that would facilitate an increase in parking capacity by eighty-five (85) or fewer spaces are unlikely to result in more than 140 new peak hour auto trips, the lowest CEQR Technical Manual air quality screening threshold. Further, designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse air quality impacts.

15. GREENHOUSE GAS EMISSIONS

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[105] The EIS for one (1) large development project (CEQR No. 06DCP039M) requiring special permit pursuant to former Zoning Resolution § 13-561 found that the potential for significant adverse air quality impacts was precluded by restrictions on the operation and location of HVAC systems. The proposed parking facility would increase parking capacity by 1,554 spaces—well beyond the eighty-five (85) space limit imposed by the Proposed Rules. Due to the large increase in parking capacity facilitated by this project, the action would not have been classified as Type II under the Proposed Rules.

[106] One (1) EAS prepared in conjunction with a special permit pursuant to former Zoning Resolution § 13-562 (CEQR No. 05DCP089M) avoided the potential for significant adverse air quality impacts unrelated to the parking facility through the placement of an (E) designation related to HVAC exhaust on one lot within the project site.

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

The Proposed Rules include only actions that do not warrant a greenhouse gas emissions assessment under the guidance in the *CEQR Technical Manual*. The actions in the Proposed Rules do not involve City capital projects, do not propose power generation, and do not propose fundamental changes to the City's solid waste management system. Only the special permit for ambulatory diagnostic or treatment heath care facilities would potentially involve particularly intense energy uses. However, this special permit is only available for facilities of up to 10,000 square feet, which are unlikely to be significant generators of greenhouse gas emissions. Accordingly, these small ambulatory diagnostic or treatment health care facilities would not have the potential to produce significant GHG emissions. Given the restrictions inherent in most actions in the Proposed Rules, only the special permit to exceed height regulations around airports has the potential to result in the development of 350,000 square feet or more. However, the special permit only affects height restrictions and does not have an effect on the amount of development that would be permitted; GHG emissions pursuant to such projects would not be greater than the emissions that would result from otherwise as-of-right construction. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development, and based on the nature of the actions in the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant greenhouse gas emissions.

16. NOISE

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

The Proposed Rules include only actions that have generally been shown to have no potential to result in significant adverse noise impacts. In some cases, the finding of no significant noise-related impacts was predicated upon the conditions of a CND, impact avoidance measure built into the project, or the imposition of an institutional control like an (E) Designation. However, in each of these cases, the potential noise impacts were attributable to an aspect of the project

that was unrelated to actions listed in the Proposed Rules or attributable to a project that would be too large to qualify as Type II under the Proposed Rules. For example, the finding of no significant noise-related impacts in the CND for One York Street (CEQR No. 05DCP037M), a project requiring a special permit for a parking facility pursuant to former Zoning Resolution § 13-561, was predicated upon compliance with certain window and wall noise attenuation requirements. These requirements ensured there would be no potentially significant impacts on new residential uses (to which the parking facility was accessory) caused by ambient noise.

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 the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse noise impacts.

Physical Culture and Health Establishments

One hundred and forty-seven (147) special permits for physical culture or health establishments issued since 2007 and subject to environmental review have been identified, and none were found have the potential for significant adverse noise impacts. Even in circumstances where noise was identified as a concern, the potential effects have not risen to the level that would require an EIS and have been addressed through conditions imposed by BSA in its decision. As mentioned above, physical culture and health establishments of up to 20,000 gross square feet do not have significant traffic impacts; therefore, these facilities do not result in significant mobile source noise impacts from the generation or rerouting of traffic. None of the special permits for physical culture or health establishments since 2007 have been found to result in significant noise impacts related to stationary sources and these establishments are not considered to be sensitive noise receptors. Moreover, designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse noise impacts.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to result in adverse noise impacts. Radio and television towers do not generate or reroute traffic —they require only occasional trips to the site by maintenance personnel. Further, Zoning Resolution § 73-30 restricts the permitting of non-accessory radio and television towers to those towers that will not have a detrimental effect on

the quiet of the neighborhood. Radio and television towers are not sensitive receptors that could be impacted by ambient noise. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse noise impacts.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found have noise impacts that rise to the level of significance that would require preparation of an EIS. As mentioned above, these facilities do not have significant traffic impacts; therefore, these facilities do not result in significant noise impacts from the generation or rerouting of traffic. Further, these special permits are only available in lower density residential districts (R3A, R3X, R3-1, R4A, R4B, and R4-1) where levels of ambient noise tend to be low because manufacturing and high-density commercial uses are not allowed in these districts. While noise impacts have not been identified for these facilities, there could be outliers in the future; however, given the consistent history of Negative Declarations and small size of these facilities (up to 10,000 square feet), the probability of impacts occurring are low and few people would be affected. Moreover, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities, pursuant to Zoning Resolution § 73-125, as Type II actions would not have the potential to result in significant adverse noise impacts.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to have the potential to result in significant adverse noise impacts. Special permits pursuant to Zoning Resolution § 73-66 affect only allowable height; except for the increased building heights, these special permits do not result in any development beyond what is allowed as-of-right in the Zoning District. While none of these special permits issued since 2002 have been found to result in significant noise impacts related to stationary sources, areas around airports may have particularly high levels of ambient noise. Thus, § 5-05(d)(3) of the Proposed Rules exempts special permits to allow buildings to exceed height regulations around airports from environmental review only if the agency determines that any potential for significant adverse impacts relating to noise has been avoided. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed

the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse noise impacts.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential to result in a significant adverse noise impacts. By designating as Type II only the enlargement of buildings by up to ten (10) units, the Proposed Rules ensure that only those special permits without the potential to result in significant noise impacts from the generation or rerouting of traffic could be exempted from environmental review. While EASs issued in conjunction with these special permits have never identified noise-related impacts, there could be outliers in the future due to the expansion of residential uses in areas with high ambient noise; however, given the consistent history of Negative Declarations and small size of these enlargements, the probability of impacts occurring are low and few people would potentially be exposed. Moreover, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would not have the potential to result in significant adverse noise impacts.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none resulted in a finding of potentially significant adverse noise impacts. As mentioned above, eating and drinking establishments of up to 2,500 gross square feet with accessory drive-through facilities would not have significant traffic impacts; therefore, these facilities would not result in significant noise impacts from the generation or rerouting of traffic. Issues have arisen relating to noise, but the noise associated with a drive-through facility has not risen to a level that would require preparation of an EIS. BSA imposes appropriate conditions in its decision to address these concerns. Further, eating and drinking establishments are not sensitive receptors that could potentially be impacted by high levels of ambient noise. Moreover, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse noise impacts.

Acquisition or Disposition of Property

As mentioned above, acquisitions and dispositions not involving a change of use would not have significant traffic impacts; therefore, these actions do not result in significant noise impacts from the generation or rerouting of traffic. Additionally, these acquisitions or dispositions are unlikely to cause a new substantial stationary source to be operating near a receptor due to the limitations on change in use, change in bulk, and ground disturbance in the Proposed Rules. Moreover, designation of acquisitions or dispositions of real property by the City as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of acquisitions and dispositions by the City of real property (Proposed Rule § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse noise impacts.

Construction of Park Structures

When subject to CEQR, the construction or expansion of primary or accessory/appurtenant park structures or facilities has not been found to have the potential to result in significant adverse noise impacts. The construction or expansion of park structures of less than 10,000 square feet of gross floor area does not double traffic volumes and therefore does not result in significant noise impacts. While EASs issued in conjunction with these special permits have never identified significant noise impacts, there could be outliers in the future; however, given the consistent history of Negative Declarations, the probability of impacts occurring are low. Moreover, designation of the construction or expansion of park structures or facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of the construction or expansion of a primary or accessory/appurtenant park structure or facility (Proposed Rules § 5-05(c)(8)) as Type II actions would not have the potential to result in significant adverse noise impacts.

Park Mapping

When subject to CEQR, park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas have not resulted in significant adverse noise impacts. Park mapping, site selection and acquisition do not generate any new development or vehicular trips, and as such do not have the potential to result in significant adverse noise impacts from stationary or mobile sources. Accordingly, the designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse noise impacts.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and none were found to have the potential to double traffic volumes, and therefore, result in significant adverse noise impacts from mobile sources. Further, none of the

authorizations and special permits for parking facilities that would increase parking capacity by eighty-five (85) or fewer parking spaces were found to cause substantial stationary sources to be located near sensitive receptors. By limiting the increase in parking capacity facilitated by authorizations and special permits that could be designated as Type II to eighty-five (85) or fewer spaces, the Proposed Rules ensure that only those special permits that unlikely to result in significant impacts caused by project-generated noise could be exempted from environmental review.

Six (6) EASs for projects involving an authorization or special permit pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 required compliance with noise related measures to avoid impacts associated with the placement of sensitive noise receptors like residential uses in areas with high ambient noise unrelated to the proposed parking facilities.[107] These six (6) projects required discretionary actions other than the authorization or special permit for a parking facility, and therefore would not have been designated as Type II under the Proposed Rules.

Designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse noise impacts.

17. PUBLIC HEALTH

According to the guidelines of the *CEQR Technical Manual*, for most proposed projects, a public health analysis is not required. A public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. The Proposed Rules include only actions that have consistently been shown to have no potential to result in significant adverse impacts on public health.

With respect to the potential public health effects from radio and television towers, the Federal Communications Commission (FCC) limits the electric and magnetic field strength and power density for transmitters to ensure the Maximum Permissible Exposure of radiofrequency emissions remains at a safe level. See 47 CFR § 1.1310, OET Bulletin No. 65. Under the Telecommunications Act of 1996, 47 U.S.C. § 332(c)(7)(B)(iv) (2011), local governments may not "regulate the placement, construction, and modification of personal wireless services facilities on the basis of the environmental effects of radio frequency emissions" so long as the facilities

[107] Six (6) EASs (CEQR No. 07DCP004M, 05DCP037M, 06DCP074M, 05DCP089M, 06DCP067M, & 01DCP035M) issued in conjunction with special permits pursuant to former Zoning Resolution §§ 13-561 & 13-562 required window and wall noise attenuation or compliance with (E) designations related to noise. Notably, the potential effects for all six (6) projects were attributable to ambient noise and did not result from the parking facilities.

comply with FCC regulations. Accordingly, thirty-one (31) special permits for radio and television towers have been issued since 2007 and none were found to have the potential to result in significant adverse impacts on public health.

As described in the respective analyses herein, promulgation of the Proposed Rules would not result in significant adverse impacts in any of the technical areas related to public health. Additionally, as a prerequisite to determining that certain actions involving ground disturbance are Type II, § 5-05(d)(1) of the Proposed Rules requires a determination that any potentially significant adverse impacts relating to hazardous materials have been avoided. 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 and the technical analyses relating to air quality, water quality, hazardous materials, and noise, it is concluded that promulgation of the Proposed Rules would not result in significant adverse public health impacts.

18. NEIGHBORHOOD CHARACTER

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

As described in the respective analyses herein, promulgation of the Proposed Rules would not result in significant adverse impacts on Land Use, Zoning and Public Policy, Socioeconomic Conditions, Open Space, Historic and Cultural Resources, Urban Design and Visual Resources, Shadows, Transportation, or Noise; nor would promulgation of the Proposed Rules have moderate effects on several of these technical areas. Given that promulgation of the Proposed Rules would not entail any construction activities or result in any site-specific development and based on the below analyses for each of the Proposed Rules it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse impacts on neighborhood character.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs prepared in conjunction with special permits for physical culture or health establishments issued since 2007 have been identified and none of the special permits were found to have the potential to result in adverse impacts to neighborhood character. Physical culture and health establishments of up to 20,000 gross square feet generally do not cause substantial or significant displacement or dislocation of people, businesses, institutions, or community facilities, or impact land use, urban design, historic resources or socioeconomic conditions. Even the twenty-four (24) special permits since

2007 issued for physical culture or health establishments larger than 20,000 gross square feet were found to have no potential to result in significant impacts on neighborhood character. Moreover, a finding that the establishment of a physical culture establishment will not "impair the essential character or the future use or development of the surrounding area" is a prerequisite to issuance of a special permit under Zoning Resolution § 73-36. Accordingly, the designation of special permits for physical culture and health establishments (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts on neighborhood character. Moreover, as a condition to issuing the special permit, Zoning Resolution § 73-30 requires that BSA "finds that the proposed location, design, and method of operation of such tower will not have a detrimental effect on the privacy, quiet, light and air of the neighborhood." Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

Health Care Facilities

Six (6) EASs for special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant adverse impacts on neighborhood character. Although concerns have arisen during public hearings relating to neighborhood character, these were not potentially significant impacts under CERQ and conditions have been imposed by the BSA, as appropriate, to ameliorate any potential effects. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were found to have the potential to result in significant adverse impacts on neighborhood character. Special permits pursuant to Zoning Resolution § 73-66 affect only allowable height; except for increased building height, these special permits do not result in any development beyond what is allowed as-of-right in the Zoning District. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed

the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to have the potential to result in significant adverse impacts on neighborhood character. Under the Proposed Rules, only limited enlargements (up to ten (10) units) of existing residential buildings would qualify as Type II. Further, designation of the special permit for enlargement of buildings containing residential uses as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units, pursuant to Zoning Resolution § 73-621, as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none had the potential to result in significant adverse impacts on neighborhood character. Zoning Resolution § 73-243 limits the potential impact that these establishments could have on neighborhood character by restricting these special permits to areas where "the character of the commercially zoned street frontage within 500 feet of the subject premises reflects substantial orientation toward the motor vehicle..." Further, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities, pursuant to Zoning Resolution § 73-243, as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

Acquisition or Disposition of Property

Acquisitions and dispositions that would not result in a change of use and that would not affect bulk do not result in the types of changes that would warrant a detailed study of neighborhood character. Specifically, acquisitions and dispositions not involving a change in use would not add a substantial number of new residents or workers to an area and would not result in conditions that could alter the character of the area. Therefore, the designation of acquisitions and dispositions by the City of real property (Proposed Rules § 5-05(c)(7)) as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

Construction of Park Structures

When subject to CEQR, the construction or expansion of such primary or accessory/appurtenant park structures or facilities has not been found to have the potential to result in a significant adverse impact on neighborhood character. This type of construction or expansion takes place on land already used for park purposes, and the construction or expansion of primary or accessory/appurtenant park structures or facilities serves to improve neighborhood character by enhancing park uses. Accordingly, the designation of the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

Park Mapping

The designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not negatively affect any of the various elements that impact neighborhood character. Park mapping, site selection and acquisition do not generate any new development—the with-action and no-action conditions are the same. Accordingly, the designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and none were found to have the potential to result in significant adverse impacts on neighborhood character. Authorizations and special permits for parking facilities that would increase parking capacity by eighty-five (85) or fewer parking spaces do not result in the types of changes that would warrant a detailed study of neighborhood character. Specifically, the increase in parking capacity by eighty-five (85) or fewer spaces would not add a substantial number of new vehicles to an area's streets, perceptibly increase ambient noise levels, or alter the character of the area.

Further, specific conditions in the Zoning Resolution that apply to these actions further ensure that the resulting projects do not have significant impacts on neighborhood character. For example, Zoning Resolution §§ 13-552, 16-341, & 13-45 limit authorizations for parking in existing buildings and special permits for additional parking spaces to those cases where the City Planning Commission finds that the parking facilities and curb cuts will not be inconsistent with the character of the existing streetscape. Additionally, special permits pursuant to Zoning Resolution § 16-352 must comply with applicable regulations that address the width of curb cuts, location of access to the street, surfacing, and screening and must not be incompatible with the growth and development of uses vital to the general area. See Zoning Resolution § 74-52. Finally, Zoning Resolution §§ 13-442, 16-351, 74-52 (which applies to special permits pursuant to § 16-352), & 13-45 allow the City Planning Commission to prescribe appropriate conditions and safeguards to minimize adverse effects of authorized or permitted parking facilities on the character of the surrounding area.

Designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse impacts on neighborhood character.

19. CONSTRUCTION

Depending on the duration and magnitude of construction, the *CEQR Technical Manual* suggests that an assessment of construction-related impacts may be appropriate. An analysis of construction impacts may focus on transportation, air quality, and noise, as well as other technical areas such as historic and cultural resources, hazardous materials, and natural resources. The Proposed Rules would not entail any construction activities or result in any site-specific development, and include only actions that have consistently been shown to have no potential for significant adverse construction impacts. Additionally, as a prerequisite to determining that certain actions are Type II, § 5-05(d)(1)-(3) of the Proposed Rules requires a determination that any potentially significant adverse impacts relating to hazardous materials, noise, or archeology have been avoided. 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 and the below analyses for each of the Proposed Rules, it is concluded that promulgation of the Proposed Rules would not result in potentially significant adverse construction impacts.

Physical Culture and Health Establishments

One hundred and forty-seven (147) EASs issued in conjunction with special permits for physical culture or health establishments have been identified and none of the physical culture establishments were found to have the potential to result in significant adverse construction impacts. Many of these special permits were issued to allow physical culture and health establishments to operate in existing buildings and therefore do not involve significant construction. Since only special permits for facilities of less than 20,000 gross square feet would be designated as Type II, construction pursuant to such permits would be minimal and of a limited duration, and would not have the potential to result in significant construction impacts. Further, designation of the special permit for physical culture and health establishments as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for physical culture and health establishments (Zoning Resolution § 73-36) as Type II actions would not have the potential to result in significant adverse construction impacts.

Radio and Television Towers

Thirty-one (31) special permits for radio and television towers issued since 2007 have been identified and none were found to exceed the thresholds identified in the *CEQR Technical Manual* for having the potential to result in significant adverse construction impacts. The construction of radio and television towers is usually temporary and results in only minimal disruptions to the surrounding community. Further, designation of the special permit for radio and television towers as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for radio and television towers (Zoning Resolution § 73-30) as Type II actions would not have the potential to result in significant adverse construction impacts.

Health Care Facilities

Six (6) EASs prepared in conjunction with special permits for ambulatory diagnostic or treatment health care facilities issued since 2002 have been identified and none of the special permits were found to exceed the thresholds in the *CEQR Technical Manual,* above which an action could have the potential to result in significant adverse construction impacts. Given that the special permit pursuant to Zoning Resolution § 73-125 is only available for facilities of up to 10,000 square feet, the construction of these facilities lasts only for a limited duration. Further, designation of the special permit for ambulatory diagnostic or treatment health care facilities as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for ambulatory diagnostic or treatment health care facilities (Zoning Resolution § 73-125) as Type II actions would not have the potential to result in significant adverse construction impacts.

Height Regulations Around Airports

Four (4) special permits to allow buildings to exceed the height regulations around airports issued since 2007 have been identified and none were expected to result in significant adverse construction impacts. Special permits pursuant to Zoning Resolution § 73-66 affect only allowable height; except for allowing increased building heights, these special permits do not result in any incremental development or construction beyond what is otherwise allowed as-of-right in the zoning district. Further, designation of the special permit to allow a building or other structure to exceed the height regulations around airports as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits to allow a building or other structure to exceed the height regulations around airports (Zoning Resolution § 73-66) as Type II actions would not have the potential to result in significant adverse construction impacts.

Residential Enlargements

Two (2) EASs for special permits for the enlargement of residential buildings issued since 2002 have been identified and none of the special permits were found to exceed the thresholds in the *CEQR Technical Manual*, above which an action could have the potential to result in significant adverse construction impacts. By limiting enlargement of buildings containing residential uses to no more than ten (10) units, the Proposed Rules ensure that only those permits where the construction would be limited in extent and duration could be designated as Type II. Further, designation of the special permit for enlargement of buildings containing residential uses, pursuant to Zoning Resolution § 73-621, as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for enlargement of buildings containing residential uses by up to ten (10) units (Zoning Resolution § 73-621) as Type II actions would not have the potential to result in significant adverse construction impacts.

Eating and Drinking Establishments

Ten (10) EASs issued since 2002 in conjunction with special permits for eating and drinking establishments with accessory drive-through facilities have been identified and none of the establishments were found to exceed the thresholds identified in the *CEQR Technical Manual* above which an action has the potential to result in significant adverse construction impacts. Many of these special permits allow drive-through facilities accessory to existing eating and drinking establishments and therefore do not involve construction for longer than two (2) years. Where construction is required, it has consistently been for a limited duration and below *CEQR Technical Manual* thresholds. Further, designation of the special permit for eating and drinking establishments with accessory drive-through facilities as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of special permits for eating and drinking establishments with accessory drive-through facilities (Zoning Resolution § 73-243) as Type II actions would not have the potential to result in significant adverse construction impacts.

Acquisition or Disposition of Property

Three (3) acquisitions or dispositions of real property by the City without a change in use, a change in bulk, or ground disturbance, have been identified, and none were found to result in significant adverse impacts related to construction. By limiting the change in use, change in bulk, or ground disturbance involved in an acquisition or disposition, the Proposed Rules ensure that only those actions with construction that is limited in extent and duration could be designated as Type II. Therefore, the designation of acquisitions and dispositions by the City of real property without a change of bulk or ground disturbance as Type II actions would not have the potential to result in significant adverse construction impacts.

Construction of Park Structures

When subject to CEQR, the construction or expansion of a primary or accessory/appurtenant park structure or facility involving less than 10,000 square feet of gross floor area, has not been found to exceed the thresholds identified in the *CEQR Technical Manual*, above which an action has the potential to result in significant adverse construction impacts. The construction of these facilities is temporary and limited by the size restrictions in the Proposed Rules. Further, designation of construction or expansion of park structures or facilities as Type II would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of construction or expansion of accessory/appurtenant park structures or facilities involving less than 10,000 square feet of gross floor area as Type II actions would not have the potential to result in significant adverse construction impacts.

Park Mapping

The designation of park mapping, site selection and acquisition of up to ten (10) acres of existing open space or natural areas as Type II actions would not result in new construction. Therefore, these actions would not have the potential to result in significant adverse construction impacts.

Authorizations and Special Permits for Parking Facilities

Fifty-eight (58) EASs issued in conjunction with authorizations or special permits for parking facilities pursuant to former Zoning Resolution §§ 13-551, 13-561, & 13-562 have been identified, and only four (4) projects requiring one of these authorizations or special permits were found to have potential construction impacts. These four (4) large development projects requiring special permits pursuant to former Zoning Resolution § 13-561 involved parking facilities that would increase parking capacity by far more than eighty-five (85) spaces and therefore would not have been classified as Type II under the Proposed Rules.[108] The fifty-four (54) remaining authorizations or special permits were not found to exceed the thresholds identified in the *CEQR Technical Manual* above which an action has the potential to result in significant adverse construction impacts. Further, designation of the authorizations and special permits for parking facilities, pursuant to Zoning Resolution §§ 13-442, 16-341, 16-351, 16-352, & 13-45, as Type II in the Proposed Rules would neither induce nor inhibit new development, would not affect the amount, type, or location of future development, and would not entail any construction activities or site-specific development. Accordingly, the designation of these parking authorizations and special permits (§ 5-05(c)(10)-(13) of the Proposed Rules) as Type II actions would not have the potential to result in significant adverse construction impacts.

[108] These four (4) projects requiring special permits pursuant to former Zoning Resolution §§ 13-561 & 13-562 (CEQR Nos. 09DCP007M, 05DCP020M, 06DCP039M, 09DCP020M) involved 1600, 868, 1554, and 1800 new parking spaces, far over the eighty-five (85) space limit for qualifying as Type II under the Proposed Rules. Further, these projects required multiple discretionary actions, and therefore, would not have been designated as Type II under the Proposed Rules.

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APPENDIX I

TABLE OF RECENT ENVIRONMENTAL REVIEWS

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
(1) SPECIAL PERMITS FOR PHYSICAL CULTURE AND HEALTH ESTABLISHMENTS PURSUANT TO § 73-36 OF THE ZONING RESOLUTION BETWEEN 1/1/2007 AND 7/24/2012				
Special Permits for Physical Culture and Health Establishments of up to 20,000 Gross Square Feet				
1	12BSA096Q	7/24/2012	Special Permit (§73-36) to permit the operation of a physical culture establishment within portion of an existing building. C6-3(DP) zoning district.	Negative Declaration
2	12BSA121M	7/17/2012	Special Permit (§73-36) for a physical culture establishment (Cross Fit Wall Street). C5-5 (LM) zoning district.	Negative Declaration
3	12BSA109M	7/10/2012	Special Permit (§73-36) to permit the operation of a physical culture establishment (End 2 End). C6-4A zoning district.	Negative Declaration
4	12BSA081K	7/10/2012	Special Permit (§73-36) to allow the operation of a physical culture establishment (Planet Fitness) within an existing four-story building. C4-4A zoning district.	Negative Declaration
5	12BSA071K	7/10/2012	Special Permit (§73-36) to allow the legalization of the operation of a physical culture establishment (Retro Fitness) in an under construction mixed residential/commercial building. M1-2/R6B zoning district.	Negative Declaration
6	12BSA084Q	6/19/2012	Special Permit (§73-36) to allow the legalization of the operation of a physical culture establishment (Powerhouse Gym) in a portion of an existing one-story commercial building. C2-2\R5B zoning district.	Negative Declaration
7	12BSA079M	6/19/2012	Special Permit (§73-36) to allow a physical culture establishment (Planet Fitness) on a portion of the cellar, first and second floors of the existing twelve-story building at the premises. M1-6 zoning district.	Negative Declaration
8	12BSA072M	5/8/2012	Special Permit (§73-36) to allow the enlargement of an existing Physical Culture Establishment (SoulCycle).	Negative Declaration
9	12BSA056K	4/3/2012	Special Permit (§73-36) to permit the operation of a physical culture establishment (Planet Fitness) on a portion of the first and second floors of an existing two-story building. C4-3 zoning districts.	Negative Declaration
10	12BSA044K	4/3/2012	Special Permit (§73-36) to allow the operation of a physical culture establishment (Planet Fitness). C4-3 zoning district.	Negative Declaration
11	12BSA041X	3/20/2012	Special Permit (§73-36) to permit a physical culture establishment (Blink Fitness) within portions of an existing building. C2-3(R7X) zoning district.	Negative Declaration
12	12BSA030K	3/20/2012	Special Permit (§73-36) to allow a physical culture establishment (Blink). C4-4A zoning district.	Negative Declaration
13	12BSA031Q	3/6/2012	Special Permit (§73-36) to permit the legalization of an existing Physical Culture Establishment (Hi Performance Tai Kwon Do). C4-1 zoning district.	Negative Declaration
14	07DCP071M	2/28/2012	Special Permit (§73-36) to permit a physical culture establishment (Mercedes House). C6-3X (Clinton Special District). EIS.	Positive Declaration
15	12BSA035M	2/7/2012	Special Permit (§73-36) to continue the operation of the Physical Culture Establishment (Crunch Fitness). C2-8 (TA) zoning district.	Negative Declaration
16	12BSA006Q	1/24/2012	Special Permit (§73-36) to allow the operation of a physical culture establishment (Planet Fitness). M1-5/R7-3/Long Island City zoning district.	Negative Declaration
17	12BSA005K	1/10/2012	Special Permit (§73-36) to legalize the operation of a physical culture establishment (Massage Spa Envy). C5-2A (Special Downtown Brooklyn District) zoning district.	Negative Declaration
18	12BSA016X	12/13/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Planet Fitness). C4-4 zoning district.	Negative Declaration
19	11BSA113Q	12/6/2011	Special Permit (§73-36) to allow a physical culture establishment (New York Spa & Sauna). C2-2/R6A&R5 zoning district.	Negative Declaration
20	11BSA105X	11/22/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Blink Fitness). C4-2 zoning district.	Negative Declaration
21	11BSA083M	10/25/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Mendez Boxing). C5-2 zoning district.	Negative Declaration
22	11BSA094Q	9/20/2011	Special Permit (§73-36) to allow the operation of a physical cultural establishment (Retro Fitness). C8-1 zoning district.	Negative Declaration
23	11BSA095X	9/13/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Planet Fitness) in an existing one-story building. C2-1/R3-2 zoning district.	Negative Declaration
24	11BSA070M	8/23/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Acqua Ancien Bath). C6-2A zoning district.	Negative Declaration
25	11BSA071M	8/16/2011	Special Permit (§73-36) to legalize the operation of a physical culture establishment (The Wat). C6-4 zoning district.	Negative Declaration
26	11BSA076M	7/19/2011	Special Permit (§73-36) to permit the legalization of a Physical Culture Establishment (SoulCycle). C6-3 zoning district.	Negative Declaration
27	11BSA084M	7/12/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Barry's Boot camp). C6-3A zoning district.	Negative Declaration
28	11BSA074K	7/12/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Caribou Baby). C2-4 Overlay/R6B zoning district.	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
29	11BSA066K	7/12/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Planet Fitness). C5-4 (DB) zoning district.	Negative Declaration
30	11BSA069M	6/21/2011	Special Permit (§73-36) to legalize the operation of a physical culture establishment (SoulCycle). M1-5 zoning district.	Negative Declaration
31	11BSA055X	6/14/2011	Special Permit (§73-36) to permit the operation of the proposed physical culture establishment (Planet Fitness). C4-4 zoning district.	Negative Declaration
32	11BSA063M	5/24/2011	Special Permit (§73-36) to allow the proposed physical culture establishment (Just Calm Down). C6-4A zoning district.	Negative Declaration
33	11BSA054M	5/3/2011	Special Permit (§73-36) to legalize the operation of a physical culture establishment (Planet Fitness). C4-4 zoning district.	Negative Declaration
34	11BSA039R	3/8/2011	Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment (Dolphin Fitness Center). C8-1 zoning district.	Negative Declaration
35	11BSA020Q	2/8/2011	Special Permit (§73-36) to legalize the operation of a physical culture establishment (Olympia Spa). C2-4/R6B zoning district.	Negative Declaration
36	11BSA007M	11/9/2010	Special Permit (§73-36) to legalize the operation of a physical culture establishment (Jivamukti Yoga Studio). C6-4 (US)/C6-1 zoning districts.	Negative Declaration
37	11BSA005Q	11/9/2010	Special Permit (§73-36) to legalize the operation of a physical culture establishment (Traditional Karate America). M1-2 zoning district.	Negative Declaration
38	11BSA002K	10/26/2010	Special Permit (§73-36) to allow the operation of the proposed physical culture establishment (Canarsie Fitness) in a two-story building under construction. M1-1 zoning district.	Negative Declaration
39	10BSA080Q	10/26/2010	Special Permit (§73-36) to legalize the operation of a physical culture establishment (Lucille Roberts) in an existing two-story building. C4-3 zoning district.	Negative Declaration
40	10BSA079M	10/19/2010	Special Permit (§73-36) to legalize a physical culture establishment (Harmony Spa) on the third floor of an existing four-story commercial building. M1-6 zoning district.	Negative Declaration
41	10BSA082X	9/21/2010	Special Permit (§73-36) to legalize the operation of a physical culture establishment (Planet Fitness) on the first and second floors of an existing two-story building. C4-4 zoning district.	Negative Declaration
42	10BSA069Q	9/14/2010	Special Permit (§73-36) to legalize the operation of a physical culture establishment on the second floor of a seven-story commercial building. C6-3 zoning district.	Negative Declaration
43	10BSA066M	8/17/2010	Special Permit (73-36) to allow a physical culture establishment (Luxe Den Salon & Spa). M1-6/C6-4M zoning district.	Negative Declaration
44	10BSA062K	8/3/2010	Special Permit (§73-36) to allow a physical culture establishment (Barones Health Club) in the existing one-story building. M1-2/R6A zoning district/MX8 special district.	Negative Declaration
45	10BSA061R	7/13/2010	Special Permit (§73-36) to allow a physical culture establishment (Retro Fitness). M1-1 zoning district/Special South Richmond District.	Negative Declaration
46	10BSA052M	7/13/2010	Special Permit (§73-36) to allow the operation of a physical culture establishment. M1-5B zoning district.	Negative Declaration
47	10BSA053M	7/13/2010	Special Permit (§73-36) to allow the operation of a physical culture establishment (York Spa Beauty Care) in the cellar and first floor of an existing five-story building. M1-5B zoning district.	Negative Declaration
48	10BSA003Q	7/13/2010	Special Permit (§73-36) to legalize the operation of an existing physical culture establishment (Planet Fitness) on the first, second, and third floors of an existing three-story building. C2-3 zoning district.	Negative Declaration
49	10BSA024Q	6/8/2010	Special Permit (§73-36) to legalize the operation of a physical culture establishment (Ritchie's Gym) on the third floor of a four-story commercial building.C4-3 zoning district.	Negative Declaration
50	09BSA107Q	6/8/2010	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Planet Fitness) in the cellar, first, and second floors in an existing two-story building; Special Permit (§73-52) to extend the C4-2A zoning district regulations.	Negative Declaration
51	10BSA046M	5/25/2010	Special Permit (§73-36) to allow the legalization of an existing physical culture establishment (Soul Cycle) on the ground floor of an existing six-story building. C1-9 zoning district.	Negative Declaration
52	10BSA036M	5/25/2010	Special Permit (§73-36) to legalize the operation of a physical culture establishment (River View Spa) located on the second and third floors in an existing three-story building. C5-2.5 zoning district.	Negative Declaration
53	10BSA022Q	5/11/2010	Special Permit (§73-36) to legalize the operation of an existing physical culture establishment (Lucille Roberts) on the second and third floors in an existing three-story building. C5-2.5 (M.D) zoning district.	Negative Declaration
54	10BSA044M	4/27/2010	Special Permit (§73-36) to allow a physical culture establishment (Lucille Roberts) in the cellar and a portion of the first floor in an existing 26-story building. C5-3 zoning district.	Negative Declaration
55	10BSA042K	4/13/2010	Special Permit (§73-36) to legalize and enlarge a physical culture establishment (CKO Kickboxing). C2-3/R6 zoning district.	Negative Declaration
56	10BSA023M	2/23/2010	Special Permit (§73-36) to permit the operation of a physical culture establishment (WTS International) on the fifth and sixth floors in a recently constructed building. M1-6 zoning district.	Negative Declaration
57	10BSA021K	2/23/2010	Special Permit (§73-36) to legalize the operation of an existing physical culture establishment (Lucille Roberts) on the second and third floors of a three-story commercial building. C4-4A zoning district.	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
58	10BSA019M	12/15/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Ultimate Training Center) on the sixth and seventh floors in an existing seven-story commercial building. C5-3 (MiD) zoning district.	Negative Declaration
not	09BSA121M	11/17/2009	Special Permit (§73-36) to allow the operation of the proposed physical culture establishment (Personal Training Institute) on the first floor of an eight-story building. C6-3A zoning district.	Negative Declaration
60	09BSA104M	11/17/2009	Special Permit (§73-36) to allow a physical culture establishment (Haven Day Spa) on the cellar level of a four-story mixed-use building. M1-5B district.	Negative Declaration
61	10BSA129M	10/27/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (New York Health & Racquet Club) on the cellar through second floors of a six-story mixed-use building. C6-1 zoning district.	Negative Declaration
62	06BSA077K	10/27/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Elite Fitness) in a portion of cellar and first floor in a three-story building. C2-3 zoning district.	Negative Declaration
63	09BSA116M	10/20/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (NY Sports Club) on a portion of the ground floor and cellar in an eight-story mixed-use building. C4-5X zoning district.	Negative Declaration
64	09BSA063Q	8/25/2009	Special Permit (§73-36) to allow a physical culture establishment in an existing one-story building. M1-1 zoning district.	Negative Declaration
65	09BSA110M	8/18/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Integree Spa & Beauty) on a portion of the first floor in an existing 42-story mixed-use building. C5-2 zoning district.	Negative Declaration
66	09BSA045R	8/18/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Costanzo's Martial Arts Studio) on the second floor of a two-story commercial building. M1-1 zoning district.	Negative Declaration
67	09BSA103M	8/11/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Warrior Fitness Boot Camp) on the third floor in a twelve-story building. M1-6 zoning district.	Negative Declaration
68	09BSA072M	6/23/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Integree Spa & Beauty) on a portion of the first floor in an existing 42-story mixed-use building. C5-2 zoning district.	Negative Declaration
69	09BSA062M	6/9/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Costanzo's Martial Arts Studio) on the second floor of a two-story commercial building. M1-1 zoning district.	Negative Declaration
70	09BSA044M	6/9/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Warrior Fitness Boot Camp) on the third floor in a twelve-story building. M1-6 zoning district.	Negative Declaration
71	09BSA058Q	5/19/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Integree Spa & Beauty) on a portion of the first floor in an existing 42-story mixed-use building. C5-2 zoning district.	Negative Declaration
72	09BSA052M	5/19/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Costanzo's Martial Arts Studio) on the second floor of a two-story commercial building. M1-1 zoning district.	Negative Declaration
73	09BSA065M	5/12/2009	Special Permit (§73-36) to allow the legalization of a physical culture establishment (Warrior Fitness Boot Camp) on the third floor in a twelve-story building. M1-6 zoning district.	Negative Declaration
74	09BSA051M	5/12/2009	Special Permit (§73-36) to allow the operation of a physical culture establishment in the cellar of an existing 21-story mixed-use building. The proposal is contrary to ZR §32-10. C5-2 district.	Negative Declaration
75	09BSA038M	2/24/2009	Application October 20, 2008 – Special Permit (§73-36) to allow the proposed Physical Culture Establishment on the cellar in a 41-story mixed-use building. The proposal is contrary to ZR § 32-10. C6-4 district.	Negative Declaration
76	09BSA012M	2/10/2009	Special Permit (§73-36) to allow the proposed physical culture establishment in the sub cellar, cellar, first, second, and the second mezzanine floors in a 12-story and penthouse mixed-use building. The proposal is contrary to ZR §32-10. C6-4A district.	Negative Declaration
77	08BSA069K	2/3/2009	Special Permit (§73-36) to allow the operation of a Physical Culture Establishment on the second and third floors of an existing building. The proposal is contrary to ZR §32-10. C4-2A (BR) district.	Negative Declaration
78	09BSA037M	1/27/2009	Special Permit (§73-36) to allow a Physical Culture Establishment on the second floor in an existing 15-story commercial building. The proposal is contrary to ZR Section 32-10. C5-2 district.	Negative Declaration
79	09BSA030M	1/13/2009	Special Permit (§73-36) to allow the proposed Physical Culture Establishment at the cellar level and first floor in a 59-story building. The proposal is contrary to ZR §32-10. C6-6 district.	Negative Declaration
80	09BSA002M	12/16/2008	Special Permit (§73-36) to allow a Physical Culture Establishment at the cellar, first and second floors of an existing five-story building. The proposal is contrary to ZR §32-10. C6-1 district.	Negative Declaration
81	08BSA068R	10/28/2008	Special Permit (§73-36) to allow the operation of a Physical Culture Establishment on the first and second floors of an existing building. The proposal is contrary to section 32-10. C2-1 within R3X district.	Negative Declaration
82	08BSA098M	9/16/2008	Special Permit (§73-36) to allow the legalization of a physical culture establishment on the second floor of an existing seven-story building. The proposal is contrary to ZR §32-10. C5-2 district.	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
83	08BSA060R	9/9/2008	Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment on the first floor of the subject building. The proposal is contrary to §32-10. C2-1 district.	Negative Declaration
84	08BSA089M	8/19/2008	Special Permit (§73-36) to allow the proposed Physical Culture Establishment on a portion of the ground floor of a new hotel. The proposal is contrary to ZR §32-10. The premises is located in a C5-3 zoning district.	Negative Declaration
85	08BSA044M	8/19/2008	Special Permit (§73-36) to allow the operation of a Physical Culture Establishment on a portion of the cellar and ground floor in a ten-story commercial building. The proposal is contrary to §32-10. C4-7 district.	Negative Declaration
86	08BSA059M	6/17/2008	Special Permit (§73-36) to allow the operation of a Physical Culture Establishment on the second and third floors of an existing 25-story commercial building. The proposal is contrary to §32-10. C5-5 district	Negative Declaration
87	08BSA020M	6/3/2008	Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment on the second floor of an existing building. Proposal contrary to section 42-13. M1-6 zoning district.	Negative Declaration
88	08BSA043K	4/8/2008	Special Permit (§73-36) to allow the legalization of the existing Physical Culture Establishment on a portion of the cellar level and first floor in a nine-story mixed-use building. The proposal is contrary to section 32-10. C4-4D.	Negative Declaration
89	08BSA040M	4/1/2008	Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment on the second floor of a seven-story commercial building. The proposal is contrary to section 32-10. C5-2 district.	Negative Declaration
90	08BSA041Q	3/11/2008	Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment in a one-story building. The proposal is contrary to §32-10. C8-1 district.	Negative Declaration
91	07BSA097K	2/5/2008	Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment on the second floor of a two-story commercial building. The proposal is contrary to section 32-00 of the Zoning Resolution. C4-2A zoning district.	Negative Declaration
92	07BSA087K	2/5/2008	Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment on portions of the first and second floors of a three-story commercial building. The proposal is contrary to §32-00. C4-4A zoning district.	Negative Declaration
93	08BSA024M	1/8/2008	Special Permit (§73-36) to legalize a physical culture establishment on the third floor in an existing commercial building. The proposal is contrary to §32-10. C5-3 Special Midtown District.	Negative Declaration
94	07BSA099K	11/27/2007	Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment on the second floor of a two-story commercial building. The proposal is contrary to 32-00. C8-2 district.	Negative Declaration
95	08BSA003M	11/20/2007	Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment on a portion of the first floor and cellar of a nine-story mixed-use building. The proposal is contrary to section 32-10. C6-2/C6-2M districts.	Negative Declaration
96	07BSA104M	11/20/2007	Special Permit (§73-36) to allow a Physical Culture Establishment in a two-story and cellar retail building in a strip mall. The proposal is contrary to section 42-00. M1-1 district.	Negative Declaration
97	07BSA096M	10/30/2007	Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment. The proposal is contrary to section 42-10. M1-5 zoning district within the Tribeca Mixed-Use Special District.	Negative Declaration
98	08BSA009M	10/23/2007	Special Permit (§73-36) to allow a Physical Culture Establishment in portion of an existing building (19th floor & p/o lobby level) in a C5-2.5/C5-3/C6-6 ZD.	Negative Declaration
99	07BSA050Q	10/16/2007	Special Permit (§73-36) to legalize a PCE in C2-2/R2A/R4 zoning districts. proposal is contrary to Section 32-00.	Negative Declaration
100	07BSA100R	10/2/2007	Special Permit (§73-36) to allow a Physical Culture Establishment that will occupy one storefront within a multiple-store mall containing retail stores and eating and drinking establishments (Use Group 6). The proposal is contrary to section 32-10. C4-1	Negative Declaration
101	07BSA101K	9/25/2007	Special Permit (§73-36) to legalize the operation of a Physical Culture establishment on the ground floor of a five-story mixed-use building. The proposal is contrary to section 32-00. C2-3 zoning district.	Negative Declaration
102	07BSA090M	9/25/2007	Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment on a portion of the ground floor, second floor mezzanine, and on part of the second floor in a 43-story residential building. The proposal is contrary to §32-00. C6-4	Negative Declaration
103	07BSA047M	9/11/2007	Special Permit (§73-36) to allow the proposed Physical Culture Establishment to be located on the second floor of the building under construction. The proposal is contrary to §32-00. C6-1 district.	Negative Declaration
104	07BSA068K	8/21/2007	Special Permit (§73-36) to allow a PCE on the third floor of a three-story building. The proposal is contrary to §42-31. M1-1 district.	Negative Declaration
105	07BSA048M	8/21/2007	Special Permit (§73-36) to legalize the existing PCE located at the sixth floor in a fourteen-story plus penthouse commercial building. The proposal is contrary to §32-10. C5-2 district.	Negative Declaration
106	06BSA101R	7/10/2007	Special Permit pursuant to Z.R. §73-36 to permit the legalization of an existing Physical Culture Establishment in a one-story portion of the existing building. The Premise is located in a C4-2 zoning district. The proposal is contrary to Z.R. §32-10.	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
107	07BSA072M	6/19/2007	Special Permit (§73-36) to permit a cellar and on the first floor of six-story building, a Physical Culture and Health Establishment. The Premises are located within an M1-5 zoning district within the Special Tribeca Mixed Use District (Area B1)	Negative Declaration
108	07BSA041K	6/19/2007	(SPECIAL PERMIT) 73-36-to permit the proposed Physical Culture Establishment (aka spa) at the cellar level of the proposed structure.	Negative Declaration
109	07BSA045M	6/5/2007	Special Permit (§73-36) to allow the operation of a Physical Culture Establishment in a portion of the first floor of a multi-story mixed use building.	Negative Declaration
110	07BSA061M	5/8/2007	Special Permit (§73-36) to legalize a PCE (Yoga Studio) on a portion of the second floor in a six-story mixed-use building. The Premises is located in a C1-9 zoning district. The proposal is contrary to §32-18.	Negative Declaration
111	07BSA053M	5/8/2007	Special Permit (§73-36) to legalize a PCE (spa) located in the Tribeca West Historic District and a M1-5 zoning district. The proposal is contrary to §42-10.	Negative Declaration
112	07BSA019M	4/10/2007	Special Permit (§73-36) to allow the proposed PCE on the first floor in a six-story (plus basement) building located in a M1-6 zoning district. The propose is contrary to §42-00 and §42-31.	Negative Declaration
113	07BSA031M	3/20/2007	Special Permit (§73-36) to permit the operation of a physical culture establishment on the third floor of an existing commercial building located in a C6-4.5 zoning district.	Negative Declaration
114	07BSA027Q	3/13/2007	Special permit (73-36) to legalize a Physical Culture Establishment on the second floor in a three-story building. The Premises is located in an M1-5 zoning district. The proposal is contrary to Section 42-31.	Negative Declaration
115	06BSA086M	3/6/2007	Special Permit (§73-36) to permit, in a C5-P zoning district located within the Midtown Special District and Preservation Sub district, the placement of a Spa within the cellar, first and second floors of an existing six (6) story commercial building.	Negative Declaration
116	06BSA087M	3/6/2007	Special Permit (§73-36) to permit, in an M1-5A zoning district located within the Landmark's Preservation Commission's Shoh Cast Iron District, the placement of a physical culture establishment (PCE) within a portion of an existing six (6) story commercia	Negative Declaration
117	07BSA004Q	2/27/2007	Special Permit (§73-36) to legalize the enlargement of a previously approved physical culture establishment on the first and second floor of a three story commercial building. C4-2A, C2-2(R6) zoning district.	Negative Declaration
118	07BSA013M	2/13/2007	Special Permit (§73-36) to allow the operation of an existing PCE located on the sub-cellar and cellar levels with an entrance on the first floor in a 46-story commercial building. The Premises is located in C1-9 (TA), R8B, and R10 zoning districts.	Negative Declaration
119	07BSA008M	2/13/2007	Special Permit (§73-36) to allow the operation of a Physical culture Establishment/Spa at the subject premises. The spa is located in portions of the cellar, first floor and second floor of a multi-story, mixed use building.	Negative Declaration
120	06BSA103M	2/6/2007	Special Permit (§73-36) Proposed physical culture establishment to be located on the second floor of an existing 12 story commercial building. M1-5 Zoning District.	Negative Declaration
121	06BSA032R	1/30/2007	Special permit (§73-36). In a C2-2/R3-2 district, on a lot consisting of 5,670 SF, and improved with two one-story commercial buildings, permission sought to allow a physical culture establishment in the cellar of one existing building in 350 New Dorp Lane	Negative Declaration
122	04BSA159X	1/23/2007	Special Permit (§73-36) to permit the legalization of an existing physical culture establishment (Star Fitness) in an M3-1 Zoning District	Negative Declaration
123	06BSA089M	1/9/2007	Special Permit (§73-36) to permit the legalization of an existing physical cultural establishment (Edamame Spa) located in the cellar portion of a 25 story commercial building located within a C5-3 (MID) Zoning District.	Negative Declaration
Special Permits for Physical Culture and Health Establishments of more than 20,000 Gross Square Feet				
124	12BSA003Q	5/15/2012	Special Permit (§73-36) to allow the operation of a physical culture establishment (New York Spa). M1-1 (CP) zoning district.	Negative Declaration
125	12BSA064M	3/27/2012	Special Permit (§73-36) to permit the operation of a physical culture establishment (The Wright Fit). C5-3/C5-2.5 (MID) zoning district.	Negative Declaration
126	12BSA043Q	3/6/2012	Special Permit (§73-36) to permit a physical culture establishment (New Retro Fitness). M1-1 zoning district.	Negative Declaration
127	12BSA021M	1/10/2012	Special Permit (ZR §73-36) to allow the operation of a physical culture establishment (Spa Castle). C5-3 zoning district.	Negative Declaration
128	11BSA090M	8/23/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Planet Fitness). C6-3/C4-4D.	Negative Declaration
129	11BSA088X	8/16/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (Planet Fitness). C4-4 zoning district.	Negative Declaration
130	11BSA042M	4/5/2011	Special Permit (§73-36) to allow a Physical Culture Establishment (Equinox Fitness) on the first, ninth and tenth floors of an existing 10-story mixed-use building.	Negative Declaration
131	11BSA025K	1/11/2011	Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment (Planet Fitness). C6-4 zoning district.	Negative Declaration
132	09BSA068M	7/28/2009	Special Permit (§73-36) to allow the legalization of an existing physical culture establishment on the first, second and third floors in an existing twelve-story building. The proposal is contrary to ZR § 32-10. C6-5, C6-7 and Special Midtown Districts.	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
133	09BSA064M	7/14/2009	Special Permit (§73-36) to allow a physical culture establishment on portions of the sub-cellar, cellar and ground floors and the entire second floor in an existing seven-story commercial building. The proposal is contrary to ZR §42-10. M1-5B district.	Negative Declaration
134	09BSA013X	12/9/2008	Special Permit (§73-36) to allow the operation of a physical culture establishment on the third floor in an existing 14-story mixed-use building. The proposal is contrary to ZR §32-10. C4-4 district.	Negative Declaration
135	09BSA008M	11/18/2008	Special Permit (§73-36) to allow the legalization of a Physical Culture Establishment in the cellar, first and second floors in the six-story mixed-use building. The proposal is contrary to ZR Section 32-10. C6-2 district.	Negative Declaration
136	09BSA004M	10/28/2008	Special Permit (§73-36) to allow a Physical Culture Establishment on the fourth, fifth, and sixth floors in a six-story building. The proposal is contrary to ZR §42-10. M1-5 district.	Negative Declaration
137	08BSA037M	9/16/2008	Special Permit (§73-36) to permit the legalization of a Physical Culture Establishment (PCE) in the C2-7A portion of the zoning district. A variance is also requested to allow the PCE use in the 22'3" portion of the site in the R8A zoning district.	Negative Declaration
138	08BSA088M	7/22/2008	Special Permit (§73-36) to permit the proposed Physical Culture Establishment on portions of the first and cellar floors. The proposal is contrary to ZR §32-10. C5-2 district.	Negative Declaration
139	08BSA038M	5/13/2008	Special Permit (§73-36) to allow the proposed Physical Culture Establishment on the cellar, ground, and second floors in a mixed-use building under construction. The proposal is contrary to section 32-10. C2-7A and C4-6A districts.	Negative Declaration
140	08BSA046X	5/6/2008	Special Permit (§73-36) to legalize the operation of a Physical Culture Establishment on the first floor of a two-story commercial building. The proposal is contrary to section 42-10. M1-1 district.	Negative Declaration
141	08BSA026M	2/12/2008	Special Permit (§73-36) to allow a physical culture establishment on the first floor, cellar, sub-cellar 1 and sub-cellar 2 in an existing 35-story mixed-use building. The proposal is contrary to section 32-10. C2-8A zoning district.	Negative Declaration
142	08BSA018M	1/8/2008	Special Permit (§73-36) to allow a physical culture establishment on all five levels of a mixed-use building under construction. The proposal is contrary to §32-10. C1-9 district.	Negative Declaration
143	07BSA082M	7/24/2007	Special Permit (§73-36) to allow the operation of the proposed PCE on a portion of the first floor and the second floor in vacant space in an existing 21-story mixed-use building. The Premises is located in a C1-9A "TA" zoning district.	Negative Declaration
144	07BSA076Q	7/17/2007	Special Permit (§73-36) to legalize the operation of a PCE on the second floor of a two-story commercial building within a commercial mall complex. The proposal is contrary to the use regulations of section 32-00. The Premises is located in a M1-1 zoning	Negative Declaration
145	07BSA058M	5/8/2007	Special Permit (§73-36) to permit the proposed PCE on the cellar, ground, and mezzanine levels of a 24-story building under construction. The Premises is located in a C6-3 zoning district and Sub Area 1 of the Special West Chelsea District.	Negative Declaration
146	07BSA036Q	4/10/2007	Special Permit (§73-36) to allow the proposed PCE on the second and third floors in a three-story building. The premises is located in a C2-2 zoning district. The proposal is contrary to Section 32-31.	Negative Declaration
147	06BSA092M	2/27/2007	Special Permit (§ 73-36) to allow a physical culture establishment use (Equinox) in the cellar, sub cellar, first floor and second floor of a 22 story mixed use building. C1-8X/R8B zoning district.	Negative Declaration
			Special Permits for Physical Culture and Health Establishments Designated as Type II	
148	12BSA015M	12/13/2011	Special Permit (§73-36) to allow the operation of a physical culture establishment (SoulCycle). C2-7A & C4-6A zoning districts.	Type II
			(2) SPECIAL PERMITS FOR RADIO AND TELEVISION TOWERS PURSUANT TO § 73-30 OF THE ZONING RESOLUTION BETWEEN 1/1/2007 AND 7/24/2012	
1	10BSA140Q	2/23/2010	Special Permit (§73-30) to install public utility wireless telecommunications facility on roof of existing building. R4 zoning district.	Negative Declaration
2	09BSA105R	11/17/2009	Special Permit (§73-30) to allow a proposed non-accessory radio tower and related equipment. R3X zoning district.	Negative Declaration
3	09BSA099Q	7/14/2009	Special Permit (§73-30) to allow a non-accessory radio tower on the rooftop of an existing building with all accessory equipment.	Negative Declaration
4	09BSA070Q	6/16/2009	Special Permit (§73-03 & §73-30) to allow a non-accessory radio facility on the rooftop of the existing building.	Negative Declaration
5	09BSA067K	6/16/2009	Special Permit (§73-03 & §73-30) to allow a non-accessory radio facility and all accessory equipment.	Negative Declaration
6	09BSA069Q	6/9/2009	Special Permit (§§73-03, 73-30), to permit in an R3-2 within a C1-2 district, a non-accessory radio tower.	Negative Declaration
7	09BSA041Q	3/17/2009	Special Permit (§73-30) to allow an extension to an existing non-accessory radio tower.	Negative Declaration
8	09BSA020Q	1/13/2009	Special Permit (§73-30) to allow an extension to an existing non-accessory radio tower, to mount nine small panel antennas and related equipment cabinets on the rooftop.	Negative Declaration
9	08BSA015Q	12/16/2008	Special Permit (§73-30) to allow a non-accessory radio tower on the rooftop of an existing building. The tower will be disguised as a 25' flagpole. The site is located in an R4-1 zoning district.	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
10	08BSA062Q	9/16/2008	Special Permit (§73-30) to permit a proposed 65 foot non-accessory radio tower and related equipment at grade.	Negative Declaration
11	08BSA080Q	7/15/2008	Special Permit (§73-30) to permit a non-accessory radio facility as part of the New York City Department of Information Technology and Telecommunications ("DoITT") New York City Wireless Network ("NYCWiN"). R3X zoning district.	Negative Declaration
12	08BSA081Q	7/15/2008	Special Permit (§73-30) to permit, a non-accessory radio facility as pat of the New York City Department of Information Technology and Telecommunications ("DoITT") New 666York City Wireless Network ("NYCWiN"). R6A zoning district.	Negative Declaration
13	08BSA076Q	7/15/2008	Special Permit (§73-30) to permit, a non-accessory radio facility as part of the New York City Department of Information Technology and Telecommunications ("DoITT") New York City Wireless Network ("NYCWiN"). R4 zoning district.	Negative Declaration
14	08BSA077Q	7/15/2008	Special Permit (§73-30) to permit, a non-accessory radio facility as part of the New York City Department of Information Technology and Telecommunications ("DoITT") New York City Wireless Network ("NYCWiN"). R6 zoning district.	Negative Declaration
15	08BSA072Q	7/15/2008	Special Permit (§73-30) to permit in an R4 district, a 90 foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications ("DoITT") New York City Wireless Network ("NYCWiN"). R4 zoning district.	Negative Declaration
16	08BSA071Q	7/15/2008	Special Permit (§73-30) to permit, a 90 foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications ("DoITT") New York City Wireless Network ("NYCWiN'). R3A zoning district.	Negative Declaration
17	08BSA057R	7/15/2008	Special Permit (§73-30) to permit, a 90-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications/Wireless Network. R3-2 zoning district.	Negative Declaration
18	08BSA066X	7/1/2008	Special Permit (§73-30), to permit a 90 foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications / Wireless Network. R3-2 zoning district.	Negative Declaration
19	08BSA064K	7/1/2008	Special Permit (§73-30) to permit, a 90-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications/ Wireless Network.	Negative Declaration
20	08BSA055R	6/24/2008	Special Permit (§73-30) to permit in an R3-1 district a 50 foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications / Wireless Network.	Negative Declaration
21	08BSA053R	6/17/2008	Special Permit (§73-30) to permit a 50-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications/ Wireless. R3-2 zoning district.	Negative Declaration
22	08BSA052R	6/17/2008	Special Permit (§73-30) to permit in an R3X district, a 50-foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications / Wireless Network.	Negative Declaration
23	07BSA050R	6/17/2008	Special Permit (§73-30) seek approval for a proposed 90-foot non-accessory radio tower and related equipment at grade. C1-3 overlay within R3-2 and SRD district.	Negative Declaration
24	08BSA056R	6/3/2008	Special Permit (§73-30) to allow a 110- foot non-accessory radio tower as part of the New York City Department of Information Technology and Telecommunications/Wireless Network. R3-2 zoning district.	Negative Declaration
25	08BSA025K	6/3/2008	Special Permit (§73-30) to permit approval for a proposed 52 foot non-accessory radio tower and related equipment at grade.	Negative Declaration
26	08BSA005Q	12/11/2007	Special Permit (§73-30) For a proposed 20-foot extension to an existing 50-foot non-accessory radio tower and related equipment at grade.	Negative Declaration
27	07BSA080R	9/11/2007	Special Permit (§73-30) for a non-accessory radio tower, which is a public utility wireless communication facility and will consist of an 82-foot stealth, together with antennas mounted therein and related equipment at the base thereof.	Negative Declaration
28	07BSA056Q	7/10/2007	Special Permit (§73-30) and §22-21 –to allow a non-accessory radio tower for a public utility wireless communications facility and consist of a 62-ft. stealth flagpole (gold ball on top), together with antennas mounted and equipment cabinets on roof of ne	Negative Declaration
29	07BSA065R	6/19/2007	Special Permit (§73-30) for a non-accessory radio tower, which is a public utility wireless communications facility and will consist of a 70-foot monopole/light-post, together with antennas (and stadium flood-lights).	Negative Declaration
30	07BSA039R	4/17/2007	Special Permit (§73-30) proposed to install non-accessory 75' radio tower, with related equipment, on a portion of the property (Block 3107, Lot 12), a lot consisting of 51,458 SF, located in an R3-2 zoning district.	Negative Declaration
31	07BSA025Q	2/27/2007	Special Permit (§73-30) for non-accessory radio tower under. In an R-4 district, on a lot consisting of 714,600 SF, and located in a portion of Mokom Sholom Cemetery, permission sought to erect an 80' stealth flagpole disguised as a radio tower for publi	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
(3) SPECIAL PERMITS FOR AMBULATORY DIAGNOSTIC OR TREATMENT HEALTH CARE FACILITIES PURSUANT TO § 73-125 OF THE ZONING RESOLUTION BETWEEN 1/1/2002 AND 7/24/2012				
Special Permits for Ambulatory Diagnostic or Treatment Health Care Facilities				
1	09BSA001X	5/25/2010	Special Permit (§73-125) to allow for a 9,996 sq. ft. ambulatory diagnostic or treatment center which exceeds the 1,500 sq. ft. maximum allowable floor area set forth in ZR §22-14. R4-1 zoning district.	Negative Declaration
2	08BSA079R	10/7/2008	Special Permit (§73-125) to allow a medical office (UG 4) in an existing one-story commercial office building, allowed by prior variance. R3X (HS) district.	Negative Declaration
3	08BSA037R	6/3/2008	Special Permit (§73-125) to allow a cellar and two (2) story ambulatory diagnostic/treatment care facility (medical offices, UG 4). R3-1 district.	Negative Declaration
4	07BSA003K	8/14/2007	Special Permit (§73-125) to allow the proposed two-story ambulatory diagnostic/treatment care facility containing 5,565 square feet of floor area and parking for fourteen vehicles. The Premise is located in an R3X zoning district.	Negative Declaration
5	06BSA030R	5/15/2007	Special Permit (§73-125) to allow a proposed ambulatory diagnostic treatment care facility (Use Group 4) limited to less than 10,000 sf of floor area to locate in an R3X district. The proposal calls for a one-story and cellar building and fourteen (14) a	Negative Declaration
6	03BSA203Q	10/21/2003	Special Permit (§73-125) to permit in an R-2 zoning district, the operation of a medical office (Use Group 4).	Negative Declaration
Special Permits for Ambulatory Diagnostic or Treatment Health Care Facilities designated as Type II Action				
7	TYPE II	4/20/2010	Special Permit (§73-125) to legalize a one-story ambulatory diagnostic and treatment health care facility. R3A zoning district. (TYPE II)	Type II
(4) SPECIAL PERMITS TO ALLOW A BUILDING OR OTHER STRUCTURE TO EXCEED THE HEIGHT REGULATIONS AROUND AIRPORTS PURSUANT TO § 73-66 OF THE ZONING RESOLUTION BETWEEN 1/1/2002 AND 7/24/2012				
1	11BSA033Q	4/5/2011	Special Permit (§73-66) to allow for a waiver of height restrictions around airports. C4-2 zoning district.	Negative Declaration
2	11BSA034Q	4/5/2011	Special Permit (§73-66) to allow for a waiver of height restrictions around airports. C4-3 zoning district.	Negative Declaration
3	06DME010Q	7/27/2010	Special Permit (ZR §73-66) to allow for the construction of a 14 story mixed use building to exceed the maximum height limits around airports, contrary to §61-21. C4-3 zoning district.	Positive Declaration
4	09BSA113Q	8/11/2009	Special Permit (§73-66) to allow six-story residential building, contrary to height regulations around airports (ZR §61-21). R6/C4-2 zoning district.	Negative Declaration
(5) SPECIAL PERMITS FOR ENLARGEMENT OF BUILDINGS CONTAINING RESIDENTIAL USES BY UP TO 10 UNITS PURSUANT TO § 73-621 OF THE ZONING RESOLUTION BETWEEN 1/1/2002 AND 7/24/2012				
Special Permits for Enlargement of Buildings Containing Residential Uses by up to 10 Units				
1	10BSA075M	8/24/2010	Special Permit (§73-621) to allow a rooftop addition to an existing five-story, mixed-use building, contrary to §111-111. Tribeca Mixed-Use Special District/M1-5 zoning district.	Negative Declaration
2	03BSA018M	4/8/2003	Special Permit (§73-621) to permit in an R8B zoning district, legalizing an existing rental apartment in the cellar of a six-story building, which increases the degree of non-compliance with respect to floor area ratio and open space ratio.	Negative Declaration
Special Permits for Enlargement of Buildings Containing Residential Uses by up to 10 Units Designated as Type II Actions				
3	11BSA059Q	6/7/2011	Special Permit (§73-621) for the enlargement of an existing two story with attic single family home contrary to floor area and open space (§23-141(a)). R1-2 zoning district. (TYPE II)	Type II
4	TYPE II	8/11/2009	Special Permit (§73-621) for the enlargement of an existing single family home, contrary to FAR (§23-141(b)). R-4 zoning district. (TYPE II)	Type II
5	TYPE II	6/16/2009	Special Permit (§73-621) of the New York City Zoning Resolution, to permit the enlargement of an as-of-right eating and drinking establishment (Use Group 6) into the footprint of an existing accessory parking garage of a mixed-use residential and commerci	Type II
6	08BSA094M	3/24/2009	Special Permit (§73-621) to allow for the enlargement of an existing building contrary to floor area and lot coverage regulations §23-145 and §35-31; C1-8X District. (TYPE II)	Type II
7	03BSA149M	7/22/2003	Special Permit (§73-621) to permit, in an R8B zoning district, the enlargement of the subject premises creating larger units for two of the existing twenty (20) apartments in the building contrary to Z.R. §23 145.	Type II
8	03BSA150M	7/22/2003	Special Permit (§73-621) to permit, in an R8B zoning district, the enlargement of the subject premises creating larger units for two of the existing twenty (20) apartments in the building contrary to Z.R. §23 145.	Type II
(6) SPECIAL PERMITS FOR EATING AND DRINKING ESTABLISHMENTS WITH ACCESSORY DRIVE-THROUGH FACILITIES PURSUANT TO § 73-243 OF THE ZONING RESOLUTION BETWEEN 1/1/2002 AND 7/24/2012				
Special Permits for Eating and Drinking Establishments of up to 2,500 Square Feet With Accessory Drive-Through Facilities				
1	09BSA032K	5/12/2009	Special Permit (§73-243) to allow an accessory drive-through facility with a planned as-of-right eating and drinking establishment (Starbucks) (Use Group 6) in a C1-2/R4 district. (1,779 sq. ft)	Negative Declaration
2	06BSA017K	1/24/2006	Special Permit (§73-243) to permit approval for a special permit to legalize an existing accessory drive through window for an eating and drinking establishment. The site is located in a C1-3/R5 zoning district. (1,975 sq. ft.)	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
3	03BSA002Q	1/27/2004	Special Permit (§72-243) to permit in a C1-2 zoning district, the proposed accessory drive-thru facility for an eating and drinking establishment (2,400 sq. ft.), contrary to Z.R. §32-15	Negative Declaration
4	05BSA099Q	10/18/2005	Special Permit (§73-243) to permit an Accessory Drive Through Facility, contrary to §32-15, accessory to a proposed as-of-right Eating and Drinking Establishment (2,358 gross square feet) located in a C1-2/R5 zoning district.	Negative Declaration
5	02BSA215Q	1/7/2003	Special Permit (§73-243) to permit the proposed accessory drive-thru facility, for a fast food restaurant (2,354 sq. ft.), located in a C1-2 within an R3-2 zoning district.	Negative Declaration
Special Permits for Eating and Drinking Establishments of Over 2,500 Square Feet With Accessory Drive-Through Facilities				
6	12BSA036X	4/24/2012	Special Permit (§73-243) to allow for an eating and drinking establishment (3,049 sq. ft.) with an accessory drive-through facility. C1-2/R5 zoning district.	Negative Declaration
7	10BSA047X	9/14/2010	Special Permit (§73-243) to legalize an eating and drinking establishment (3,100 sq. ft.) with a drive-through. C1-2/R4A zoning district.	Negative Declaration
8	10BSA002K	1/12/2010	Special Permit (§73-243) to allow an accessory drive-through facility to an eating and drinking establishment (McDonald's) (5,710 sq. ft.). C1-3/C8-2 zoning district.	Negative Declaration
9	04BSA015Q	12/9/2003	Special Permit (§72-243) to permit in a C1-2 zoning district, the proposed accessory drive-thru facility for an eating and drinking establishment (4,337 sq. ft.) contrary to Z.R. §32-41.	Negative Declaration
10	02BSA101K	5/21/2002	Special Permit (§73-243) to permit, in a C7 zoning district, the reestablishment of an expired special permit previously granted under Calendar Number 98-82-BZ, for an accessory drive-thru facility at an eating and drinking establishment (3,714 sq. ft.)	Negative Declaration
Special Permits for Eating and Drinking Establishments With Accessory Drive-Through Facilities Designated as Type II				
11	TYPE II	7/18/2006	Special Permit (§73-243) proposed re-establishment of an expired special permit for an eating and drinking establishment with an accessory drive-through, located in a C1-2 zoning district.	Type II
12	04BSA086K	8/10/2004	Special Permit (§73-243) to permit the reestablishment of an expired special permit, previously granted under Calendar No. 257-87-BZ, which permitted a drive-through facility for an eating and drinking establishment in a C1-2(R5) zoning district.	Type II
(7) ACQUISITION OR DISPOSITION OR REAL PROPERTY BY THE CITY, NOT INVOLVING A CHANGE OF USE OF 10,000 GROSS SQUARE FEET OR MORE, A CHANGE IN BULK, OR IN-GROUND DISTURBANCE				
1	09DME002K	12/5/2008	Disposition of 2 City-owned buildings, known as Unit B and Unit C, within the Bush Terminal industrial complex in Sunset Park for industrial use.	Negative Declaration
2	11FDO003K	5/17/2011	Acquisition of existing Fire Department ambulance station without a change in use of the site.	Negative Declaration
3	13DME011M	3/28/2013	Disposition to a new retail tenant of a vacant site. The partial lot is approximately 1000 sf on the ground floor. The prior tenant vacated the site in 2012 and was also a retail business.	Negative Declaration
(8) CONSTRUCTION OR EXPANSION OF A PRIMARY OR ACCESSORY/APPURTENANT PARK STRUCTURE OR FACILITY BETWEEN 8/28/2008 AND 7/24/2012				
Construction or Expansion of Primary or Accessory/Appurtenant Park Structure or Facility Involving Less Than 10,000 Square Feet of Gross Floor Area				
1	09DPR001X	8/29/2008	Bronx River House (6,900 gross square feet)	Negative Declaration
2	09DPR005Q	11/10/2009	PlaNYC Far Rockaway Park project involving the revival of three park facilities located within the project area. (7,056 square feet)	Negative Declaration
3	09DPR010X	7/13/2010	Improving existing recreation facilities at Soundview Park by reprogramming the site and adding new park amenities.	Negative Declaration
Construction or Expansion of Primary or Accessory/Appurtenant Park Structure or Facility Involving 10,000 Square Feet or More of Gross Floor Area				
4	13DPR002X	9/19/2012	Crotona Park Tennis Center Project (12,775 square feet)	Negative Declaration
(9) PARK MAPPING, SITE SELECTION AND ACQUISITION OF EXISTING OPEN SPACE OR NATURAL AREAS BETWEEN 2/23/2006 AND 5/24/2012				
Park Mapping, Site Selection and Acquisition of Less Than 10 Acres Existing Open Space or Natural Areas				
1	05DPR004K	4/11/2006	Mapping and acquisition of historic Wyckoff Bennett House and its surrounding open space - .5 acres	Negative Declaration
2	08DPR002X	2/24/2010	Shakespeare Avenue Demapping/West Bx. Rec. Ctr.: City Map Change - 2 acres	Negative Declaration
3	11DPR014K	9/20/2011	Union Avenue Demapping: City Map Change - .78 acres	Negative Declaration
4	12DPR004Q	5/24/2012	Travers Park Addition: Site Selection - .5 acres	Negative Declaration
Park Mapping, Site Selection and Acquisition of 10 Acres or More Existing Open Space or Natural Areas				
5	08DPR003R	3/13/2009	Goodhue Park Mapping and Acquisition: City Map Change - 38 acres	Negative Declaration
6	09DPR004X	2/13/2009	Putnam Greenway: City Map Change - 16 acres	Negative Declaration
(10) AUTHORIZATIONS FOR A LIMITED INCREASE IN PARKING SPACES FOR EXISTING BUILDINGS WITHOUT PARKING PURSUANT TO § 13-442 AND § 16-341 OF THE ZONING RESOLUTION				
Authorizations for Accessory Off-Street Parking Facilities, Pursuant to Former Zoning Resolution § 13-551 Between 1/1/2001 and 12/31/2011				
1	09DCP076M	10/19/2009	Claremont Stables 175-177 W 89th Street; Involves a zoning authorization pursuant to ZR Sec 13-551 to facilitate an 8 accessory parking spaces in the cellar of an existing 4 story residential blding.	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
Authorization for Accessory Off-Street Parking Facilities, Pursuant to Former Zoning Resolution § 13-551, Designated as Type II Between 1/1/2001 and 12/31/2011				
2	TYPE II	N/A	161 East 94th Street	Type II
(11) SPECIAL PERMITS FOR ACCESSORY OFF-STREET PARKING FACILITIES PURSUANT TO § 16-351 OF THE ZONING RESOLUTION				
(12) SPECIAL PERMITS FOR PUBLIC PARKING GARAGES AND PUBLIC PARKING LOTS PURSUANT TO § 16-352 OF THE ZONING RESOLUTION				
(13) SPECIAL PERMITS FOR ADDITIONAL PARKING SPACES PURSUANT TO § 13-45 OF THE ZONING RESOLUTION				
Special Permits for Accessory Off-Street Parking Facilities That Would Increase Parking Capacity by up to 85 Spaces, Pursuant to Former Zoning Resolution § 13-561 Between 1/1/2001 and 12/31/2011				
1	09DCP003M	11/28/2011	50 UN Plaza Garage, 50 United Nations Plaza; The application seek a special permit from the City Planning Commission pursuant to Seciton 13-561 of the Zoning Resolution for the development of a 88-space accessory parking garaged on the portion of the sub-cellar level of a planned, as-of-right mixed-use building at 50 United Nations Plaza (Block 1339, Lot 19). Access to/from the proposed garage would be via a curb cut at East 46th Street and two vehicle elevators on the project site (70 additional spaces).	Negative Declaration
2	08DCP041M	5/23/2011	151 W 17th St; A Zoning Authorization pursuant to ZR section 13-561 to facilitate the increase in number of accessory parking spaces from 10 to 22 spaces in the cellar of an existing 12-story residential building.	Negative Declaration
3	08DCP050M	10/27/2008	405-427 W 53rd St; A special permit pursuant to ZR Sections 96-111 and 13-561. It would faciliate a proposal to develop a 37 space accessory parking garage.	Negative Declaration
4	08DCP035M	2/11/2008	531-539 West End Ave. The Special Permit would facilitiate an increase in the number of accessory parking spaces to be built from 9 to 20 spaces (11 additional spaces).	Negative Declaration
5	07DCP004M	3/14/2007	27 Wooster St. The Special Permit would facilitiate a 10 space parking facility.	Negative Declaration
6	07DCP011M	3/12/2007	200 11th Ave Pkg Garage; A special permit pursuant to ZR Sec 13-561 to allow an accessory parking system to be constructed. It would contain 17 parking spaces with 4 reservoir spaces and would be located at grade and 14 dwelling unit levels of a planned as-of-right.	Negative Declaration
7	05DCP062M	9/26/2005	IAC Headquarters Garage; 527-537 W. 18th St. The Special Permit would facilitiate an increase in the number of accessory parking spaces to be built from 37 to 94 spaces (57 additional spaces).	Negative Declaration
8	05DCP037M	6/6/2005	One York St. A/K/A 55 6th Ave. The Special Permit would facilitiate an increase in the number of accessory parking spaces to be built from 12 to 47 spaces (35 additional spaces). Received a Conditional Negative Declaration based on a Hazardous Materials Restrictive Declaration and Noise attenuation per Tribeca Mixed Use district.	Conditional Negative Declaration
9	05DCP095M	2/5/2007	135 Central Park West; The applicant, Langham Mansions Co., is seeking a Special Permit pursuant to ZR Section 13-561. The proposed action would facilitate a proposal by the applicant to increase the number of accessory parking spaces located in the cellar and rear yard of the Langham apartment building from 12 to 18. The Langham is a 13 story residential building with doctors' offices on the ground floor and unattended accessory parking located in the cellar and in the rear yard, accessed via driveways at both West 73rd and West 74th streets.	Negative Declaration
10	06DCP080M	9/25/2006	The El Dorado Pkg Garage 300 Central Park West; For an accessory garage special permit pursuant to Sec 13-561 of the ZR, to allow an increase in the capacity of an existing accessory parking garage from 80 spaces to 120 spaces (40 additional spaces) in the El Dorado Blding.	Negative Declaration
11	06DCP037M	3/6/2006	The Hit Factory 421-429 W 54th St; Pursuant to the Zoning Resolution Section 96-111, accessory off street parking is not permitted within the Clinton District's Preservation Area except by special permit as set forth in Section 13-561. The permit would facilitate a proposal for 10 accessory spaces.	Negative Declaration
12	03DCP016M	3/3/2003	222 E 34th St. Garage. The Special Permit would facilitiate an increase in the number of accessory parking spaces to be built from 107 to 190 spaces (83 additional spaces).	Negative Declaration
13	01DCP049M	9/3/2002	W 43rd St Pkg Garage 345 W 42nd St, 350 W 43rd St; Application for a Special Permit pursuant to Zoning Resolution 13-561 to construction of 64 space parking garage, 40 story building and a 7 story building	Negative Declaration
14	02DCP046M	7/22/2002	52 Bdway Parking Garage; To allow a accessory parking garage to be constructed at 52 Broadway. It would contain 35 parking spaces and 7 reservoir spaces and would be located on the cellar level of the existing blding. Access to the site garage would be from the rear of the bld.	Negative Declaration
Special permits for accessory off-street parking facilities that would increase parking capacity by more than 85 spaces, pursuant to Former Zoning Resolution § 13-561 Between 1/1/2001 and 12/31/2011				
15	09DCP007M	9/4/2008	Western Rail Yard 601-3 W 30th St (1600 spaces). EIS.	Positive Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
16	07DCP061M	9/4/2007	400 E 67th St; A special permit pursuant to ZR Sec 13-561 to allow off-street 142 space accessory parking in an as-of-right, mixed-use blding to be constructed (90 additional spaces beyond those allowed as-of-right).	Negative Declaration
17	05DCP020M	6/20/2007	Fordham University 113 W 60th St, 140 W 62nd St, 155 W 60th St (4 permits for 470, 137, 193, and 68 spaces, respectively). EIS.	Positive Declaration
18	06DCP074M	2/26/2007	450 W. 17th St. The Special Permit would facilitiate an increase in the number of accessory parking spaces to be built from 100 to 210 spaces (110 additional spaces).	Negative Declaration
19	06DCP039M	2/17/2006	East River Realty Co. 685,700,708 First Ave (1554 spaces). EIS	Positive Declaration
20	05DCP080Q	5/20/2005	Silvercup West 43rd Ave, East River, Vernon Blvd, Queensboro Bridge (1400 spaces). EIS.	Positive Declaration
21	04DCP063M	1/18/2005	415 Greenwich St. The Special Permit would facilitiate 90 parking spaces.	Negative Declaration
22	01DME004M	2/26/2001	East River Science Park 1st Ave, FDR Dr, Former E 29th & E 30th Sts (720 spaces). EIS.	Positive Declaration
23	00DCP054M	11/5/2001	120 W 21st St Parking Garage 116-122 West 21st Street; A permit for a 179 space public parking garage to replace the smaller accessory garage (137 additional spaces)	Negative Declaration
Special Permits for Public Parking Garages and Public Parking Lots That Would Increase Parking Capacity by up to 85 Spaces Pursuant to Former Zoning Resolution § 13-562 Between 1/1/2001 and 12/31/2011				
1	07DCP079M	12/17/2007	The Centurion Public Garage 31-37 West 56th Street; A special permit pursuant to ZR Sections 13-562 and 74-52 to permit a 76-space attended public parking facility (65 additional spaces).	Negative Declaration
2	05DCP048M	7/24/2006	61 Chrystie St; Special Permit pursuant to AR sections 74-52 and 13-562 to permit a 70 space public space parking garage within a residential blding to be constructed. The garage would occupy the cellar, basement, and 1st flr levels of the proposed 7 story blding.	Negative Declaration
3	06DCP093M	4/24/2006	750 8th Ave. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 40 to 101 spaces (61 additional spaces).	Negative Declaration
4	05DCP089M	11/14/2005	Madison Park West; 200 Fifth Avenue, 1107 & 1115 Broadway, 23 & 25 W. 23rd St., 7 W. 24th St. The special permit would facilitate a 54 space parking facility.	Negative Declaration
5	04DCP028M	4/11/2005	151 W. 17th Street Parking Garage. The Special Permit would facilitiate a 32 space parking facility.	Negative Declaration
6	05DCP001M	3/14/2005	155 W 21st St; A Special Permit pursuant to ZR Sec 13-552 and 74-52, to allow an 83 space attended public parking garage on the the ground floor, cellar and sub cellar levels of a mixed commercial and residential blding to be constructed.	Negative Declaration
7	05DCP049M	2/28/2005	88 Leonard St Pkg Garage; Special Permit (The Special Permit), pursuant to Sec 13-562 and 74-52 of the Zoning Regulation to allow the development of a 225 space public parking garage within which 190 spaces would be used by the public and 35 would be accessory to the new blding (decrease of 14 public parking spaces compared to the no-build scenario).	Negative Declaration
8	04DCP036M	12/20/2004	63 Wall St. Garage. Special permit pursuant to Sec 13-562 and 74-52 of the Zoning Resolution to allow the development of an 85 space garage.	Negative Declaration
9	03DCP028M	12/3/2004	Hester/Mott St. Garage, 106-112 Mott St. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 113 to 154 spaces (41 additional spaces).	Negative Declaration
10	04DCP030M	7/26/2004	Quik Park 38th St Lot 462-470 Eleventh Avenue; A zoning Authorization pursuant to Sec 13-552 to authorize a proposed public parking facility with 107 spaces (82 additional spaces)	Negative Declaration
11	01DCP074M	9/27/2002	360 West 43rd St. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 35 to 105 spaces (70 additional spaces).	Negative Declaration
12	01DCP068M	9/10/2001	306 W. 44th St. The Special Permit would facilitiate 436 space parking facility (0 additional spaces).	Conditional Negative Declaration
13	01DCP035M	4/23/2001	Biltmore Garage, 271 W. 47th St. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 65 to 127 spaces (62 additional spaces). Received a Conditional Negative Declaration based on traffic and noise attentuation issues.	Conditional Negative Declaration
Special Permits for Public Parking Garages and Public Parking Lots That Would Increase Parking Capacity by over 85 Spaces Pursuant to Former Zoning Resolution § 13-562 Between 1/1/2001 and 12/31/2011				
14	09DCP061M	6/29/2009	2148 Broadway Garage 206-216 W 76th St; Pursuant to ZR sec 13-562 and 74-52 to facilitate a proposal to allow a below-grade 194 space public parking garage in an as-of-right, mixed-use development.	Negative Declaration
15	07DCP085M	2/17/2009	111 8th Ave (expansion from 342 spaces to 691 spaces); A special permit pursuant to ZR Sec 13-562 and 74-52 to allow an attended public parking garage.	Negative Declaration
16	09DCP020M	11/19/2008	Riverside Center (1800 spaces). EIS.	Positive Declaration
17	07DCP037M	5/5/2008	133-145 W 22nd St; A special permit pursuant to ZR Section 13-562 and 74-52 to allow a 156 space public parking garage (138 additional spaces).	Negative Declaration
18	07DCP081M	1/7/2008	316 11th Ave; A special permit pursuant to the ZR Sections 13-562 and 74-52 Parking Garages or Public Parking Lots in High Density Central Areas It would facilitate a proposal to develop a 108-space, 23,727 sq ft attended public parking garage on the cellar flr.	Negative Declaration
19	06DCP077M	11/13/2006	555 W 59th St Garage; A special permit pursuant to ZR Sections 13-562 and 74-52 to allow a 190 space public parking garage in an as-of-right building currently under construction.	Negative Declaration
20	06DCP066M	10/23/2006	River Terrace Pkg Garage; A Special Permit pursuant to ZR Section 13-562 and 74-52 for the construction of a public parking garage. To construct a 369 space public parking garage.	Negative Declaration

	CEQR NUMBER	DATE *	DESCRIPTION	CEQR DETERMINATION
21	05DCP063Y	3/8/2006	W 60th St Project 229-251 E 60th St, 218-244 W 61 St (281 spaces). EIS.	Positive Declaration
22	05DCP064M	2/21/2006	1515 B'way Pkg Gar Expansion; A special permit pursuant to Secs. 13-562 and 74-52 of the ZR to allow the conversion and expansion of an existing 225 space accessory parking garage to a new 386 space public parking garage.	Negative Declaration
23	06DCP067M	2/6/2006	Tribeca North Rezoning West Street, Washington Street, Watts Street, Hubert Street. The Special Permit would facilitiate a 180 space parking facility.	Negative Declaration
24	05DCP082M	6/20/2005	Highline Towers; 501 W. 17th St. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 377 to 718 spaces (341 additional spaces).	Negative Declaration
25	05DCP053M	10/31/2005	325 5th Ave. Garage. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 20 to 174 spaces (154 additional spaces). Received a Conditional Negative Declaration due to traffic issues.	Conditional Negative Declaration
26	04DCP038M	3/22/2004	4 West 21st Street Garage/7-13 West 21st Street Garage. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 469 to 568 spaces (99 additional spaces).	Negative Declaration
27	05DME011M	12/6/2004	270 Greenwich St/Site 5B (400 spaces). EIS.	Positive Declaration
28	03DCP037M	1/5/2004	2-10 West End Avenue. The Special Permit would facilitiate a 150 space parking facility. Received a Conditional Negative Declaration based on a Hazardous Materials Restrictive Declaration.	Conditional Negative Declaration
29	03DCP020M	6/2/2003	New Amsterdam Public Pkg Garage 721, 739 Amsterdam Ave; Special Permit to ZR Sec 74-52 to permit the conversion of an existing 93 space accessory parking garage to a 185 space public pking garage, and to exempt 1st flr area from Floor Area calculations (92 additional spaces).	Negative Declaration
30	03DCP003M	3/3/2003	E 28th St Pkg Garage 119-125 E 28th St; A Special Permit pursuant to Z R sections 74-52 and 13-562 to allow the construction of a 219 space public parking garage inc a C4-5A zoning district (94 additional spaces).	Negative Declaration
31	02DCP037M	4/2/2002	475 9th Avenue. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 54 to 166 spaces (112 additional spaces).	Negative Declaration
32	00DCP054M	11/5/2001	116-122 W 21st St. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 43 to 200 spaces (157 additional spaces).	Negative Declaration
33	02DCP010M	12/17/2001	Liberty Street Tower, 10 Liberty Street. The Special Permit would facilitiate an increase in the number of parking spaces to be built from 59 to 200 spaces (141 additional spaces). Received a Conditional Negative Declartion based on traffic and parking issues.	Conditional Negative Declaration
34	01DCP034M	6/25/2001	Woolworth Building Parking Garage; 233 Broadway & 21 Barclay St. The Special Permit would facilitiate a 150 space parking garage.	Negative Declaration
Special Permits for Public Parking Garages & Public Parking Lots Pursuant to Former Zoning Resolution § 13-562 Designated as Type II Between 1/1/2001 and 12/31/2011				
35	TYPE II	5/19/2003	W 57 St Garage 100 W 57th St	Type II
36	TYPE II	10/16/2002	W 40th St Parking Lot 14-20 W 40th St	Type II

* Dates for actions (1)-(6) are the dates the special permits were granted.
Dates for actions (7)-(13) are the dates of City Environmental Quality Review determinations.

APPENDIX II

TRANSPORTATION MAPS

CEQR Traffic Zones

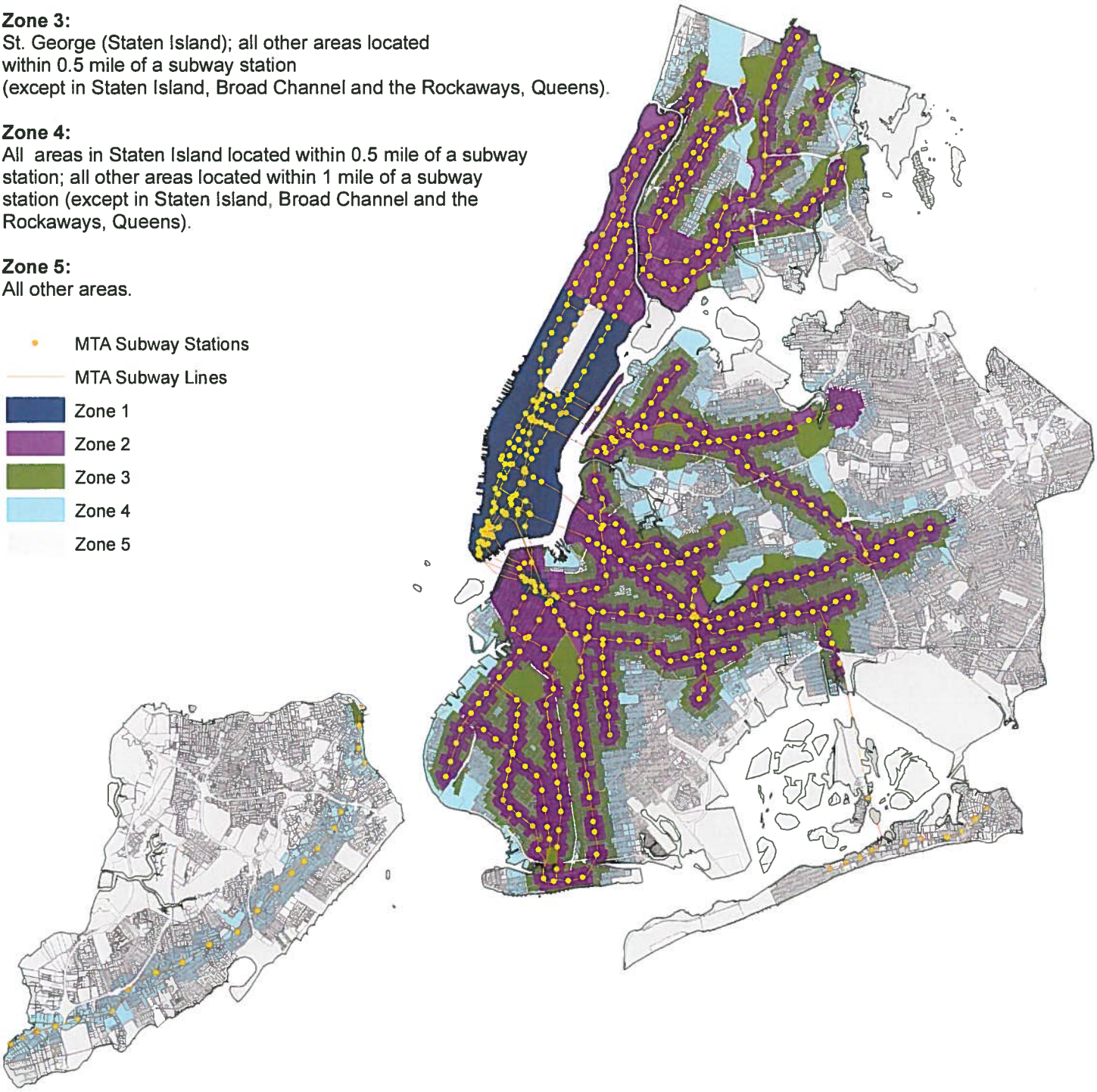
Zone 1:
Manhattan, 110th Street and south; Downtown Brooklyn.

Zone 2:
Manhattan north of 110th Street, including Roosevelt Island; Long Island City; Downtown Flushing; Fort Greene; Park Slope; Portions of Brooklyn Heights; Greenpoint-Williamsburg; Jamaica; all areas within 0.25 mile of a subway station (excluding Staten Island, Broad Channel and the Rockaways, Queens); South Bronx (south of 165th Street).

Zone 3:
St. George (Staten Island); all other areas located within 0.5 mile of a subway station (except in Staten Island, Broad Channel and the Rockaways, Queens).

Zone 4:
All areas in Staten Island located within 0.5 mile of a subway station; all other areas located within 1 mile of a subway station (except in Staten Island, Broad Channel and the Rockaways, Queens).

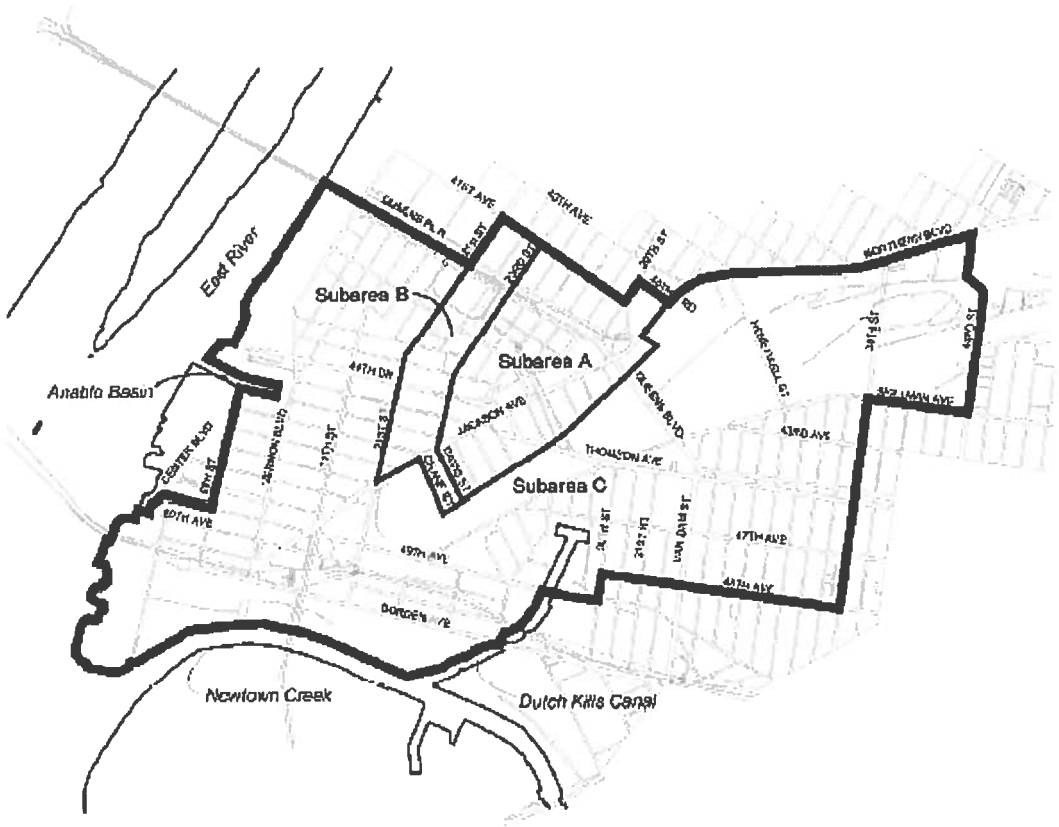
Zone 5:
All other areas.



Prepared by DCP, revised November 2010

Appendix A
Long Island City Parking Maps

Map 1 - #Long Island City# and Subareas



APPENDIX III

WATERFRONT REVITALIZATION PROGRAM CONSISTENCY ASSESSMENT FORM

For Internal Use Only:	WRP no.
Date Received:	DOS no.

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

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

A. APPLICANT

1. Name: New York City Planning Commission
2. Address: 22 Reade Street, New York, NY 10007
3. Telephone: 212-720-3420 Fax: 212-720-3495 E-mail: rdobrus@planning.nyc.gov
4. Project site owner: N/A

B. PROPOSED ACTIVITY

1. Brief description of activity:

   Regulations guiding the process of environmental review under the State Environmental Quality Review Act include a list of 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. The City plans to promulgate a supplemental list of 13 Type II actions ("Proposed Rules"). Because the Proposed Rules would apply city-wide, they would apply to actions occurring in the coastal zone. However, the present action is only the promulgation of the Proposed Rules, which would not entail any construction activities or result in any site-specific development.

2. Purpose of activity:

   Previous Environmental Impact Statements (EAS) have shown that the 13 actions in the Proposed Rules do not have the potential to result in significant adverse environmental impacts. Currently, an EAS is prepared and a Negative Declaration is issued each time one of these actions is undertaken. Continuing to review such actions provides no environmental protection, since environmental impacts are never found to be likely, and constitutes a waste of public and private resources. The Proposed Rules would exempt these 13 actions from the environmental review. In doing so, processes would be simplified for applicants and agencies' resources could be focused on actions that actually have the potential for significant adverse impacts on the environment.

3. Location of activity: (street address/borough or site description):

   The Proposed Rules would apply citywide.

Proposed Activity Cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

   Not Applicable.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

   No.

6. Will the proposed project require the preparation of an environmental impact statement?
   Yes _____ No ____✓____ If yes, identify Lead Agency:

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

   The only discretionary action would be promulgation of the Proposed Rules by the New York City Planning Commission.

C. COASTAL ASSESSMENT

Location Questions:	**Yes**	**No**
1. Is the project site on the waterfront or at the water's edge?		✓
2. Does the proposed project require a waterfront site?		✓
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?		✓

Policy Questions	**Yes**	**No**

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)		✓
5. Is the project site appropriate for residential or commercial redevelopment? (1.1)		✓
6. Will the action result in a change in scale or character of a neighborhood? (1.2)		✓

Policy Questions cont'd	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	✓	
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)		✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)		✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	✓	
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	✓	
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		✓
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1and 9.2)		✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)		✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)		✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)		✓
28. Would the action cause violations of the National or State air quality standards? (5.2)		✓

Policy Questions cont'd	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		✓
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		✓
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)		✓
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)		✓
33. Would the action result in any construction activities that would lead to erosion? (6)		✓
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		✓
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		✓
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		✓
37. Would the proposed project affect a non-renewable source of sand ? (6.3)		✓
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)		✓
39. Would the action affect any sites that have been used as landfills? (7.1)	✓	
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)		✓
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)		✓
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		✓
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)		✓
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)		✓
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)		✓
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		✓
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)		✓
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)		✓
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		✓
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)		✓

Policy Questions cont'd	Yes	No
51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		✓
52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		✓

D. CERTIFICATION

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

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

Applicant/Agent Name: New York City Planning Commission

Address: 22 Reade Street, New York, NY 10007

Telephone 212-720-3420

Applicant/Agent Signature: Celeste Evans Date: 10/4/13

Supplemental Answers to Policy Questions 8, 14, 18 & 39

The present action is a rulemaking that would exempt 13 actions from environmental review. Additionally, when such actions would occur within New York City's Coastal Zone, they would no longer require a coastal zone consistency determination. See 19 NYCRR Part 600.2(b). As the proposed rules would apply citywide, all questions regarding the geographic location of the action were checked "yes." However, the present action – promulgation of the proposed rules - would not entail any construction activities or result in any site-specific development in the Coastal Zone. Further, the Proposed Rules include only actions that have consistently been shown to have no potential for significant adverse environmental impacts and, when occurring in the Coastal Zone, have been determined to be consistent with the Waterfront Revitalization Program.

APPENDIX IV

JAMAICA BAY WATERSHED PROTECTION PLAN FORM

Print Form

Jamaica Bay Watershed Protection Plan
Project Tracking Form

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

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

A. GENERAL PROJECT INFORMATION

1. CEQR Number: 14DCP037Y 1a. Modification ☐
2. Project Name: CEQR Type II List Rulemaking
3. Project Description:

   The project is a citywide rulemaking. The Proposed Rules would exempt from environmental review 13 actions that have been found to not have any significant adverse impacts on the environment.

4. Project Sponsor: NYC Department of City Planning
5. Required approvals: Rulemaking
6. Project schedule (build year and construction schedule): 2013

B. PROJECT LOCATION:

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

Existing Condition	Proposed Condition
N/A	N/A

7. Is project within 100 or 500 year floodplain (specify)? ☒ 100 Year ☒ 500 Year ☐ No

C. GROUND AND GROUNDWATER

1. Total area of in-ground disturbance, if any (in square feet): 0
2. Will soil be removed (if so, what is the volume in cubic yards)? No
3. Subsurface soil classification:
   (per the New York City Soil and Water Conservation Board): N/A
4. If project would change site grade, provide land contours (**attach** map showing existing in 1' contours and proposed in 1' contours).
5. Will groundwater be used (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: N/A Rates: N/A
6. Will project involve dewatering (list volumes/rates)? ☐ **Yes** ☒ **No**

   Volumes: N/A Rates: N/A
7. Describe site elevation above seasonal high groundwater:

   This rulemaking would apply citywide.

D. HABITAT

1. Will vegetation be removed, particularly native vegetation? ☐ **Yes** ☒ **No**

   If YES,
   - **Attach** a detailed list (species, size and location on site) of vegetation to be removed (including trees >2" caliper, shrubs, understory planting and groundcover).
   - **List** species to remain on site.
   - **Provide** a detailed list (species and sizes) of proposed landscape restoration plan (including any wetland restoration plans).
2. Is the site used or inhabited by any rare, threatened or endangered species? ☒ **Yes** ☐ **No**
3. Will the project affect habitat characteristics? ☐ **Yes** ☒ **No**

   If YES, describe existing wildlife use and habitat classification using "Ecological Communities of New York State." at http://www.dec.ny.gov/animals/29392.html.
4. Will pesticides, rodenticides or herbicides be used during construction? ☐ **Yes** ☒ **No**

   If YES, estimate quantity, area and duration of application.
5. Will additional lighting be installed? ☐ **Yes** ☒ **No**

   If YES and near existing open space or natural areas, what measures would be taken to reduce light penetration into these areas?

E. SURFACE COVERAGE AND CHARACTERISTICS

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

	Existing Condition	Proposed Condition
1. ***Surface area:***		
Roof:	N/A	N/A
Pavement/walkway:	N/A	N/A
Grass/softscape:	N/A	N/A
Other (describe):	N/A	N/A
2. ***Wetland*** (regulated or non-regulated) area and classification:	N/A	N/A
3. ***Water surface area:***	N/A	N/A

4. ***Stormwater management*** (describe):

Existing – how is the site drained?

N/A

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

N/A