

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The New York City Department of City Planning (DCP) proposes a citywide zoning text amendment (the "Proposed Action") to the New York City Zoning Resolution (ZR) to support economic growth and resiliency in New York City. The Proposed Action, City of Yes for Economic Opportunity (COYEO) is a comprehensive overhaul of zoning regulations that would 1) make it easier for businesses to find space and grow by lifting barriers to enable businesses to locate closer to their customers; 2) support growing industries by reducing impediments for emerging business types; 3) foster vibrant neighborhoods by ensuring businesses contribute to active, safe, and walkable corridors; and 4) create new opportunities for local businesses to open by establishing new zoning tools to boost job growth and business expansion. COYEO would support economic growth and resiliency by allowing existing non-residential space to be repurposed for alternative non-residential uses and by providing businesses with additional flexibility to grow and thrive in New York City.

The Proposed Action would not induce new development nor affect the overall amount of development in any neighborhood. It is expected that spaces where commercial uses would choose to locate under the With-Action Condition would be occupied by other commercial uses in the No-Action Condition. The Proposed Action would allow uses in C2 to also locate within C1 districts and allow uses within C4 and C5 districts that are currently allowed in C6 districts. This would allow for similar commercial uses (such as neighborhood retail stores and personal service establishments in C1 and C2; department stores, offices, and business services in C4, C5, and C6) to occupy similar geographies within existing commercial districts. The Proposed Action would broaden the types of businesses that could locate throughout New York City by allowing a greater diversity of uses to locate within existing commercial and manufacturing districts. The Proposed Action would not generate land uses that would be incompatible with established land uses that are found throughout the City. In the With-Action Condition, commercial districts in the ZR would continue to be characterized by a range of business activities. Proposed changes to the ZR would not map new districts, create new nonconforming uses, or modify the allowable density, bulk, height, or yard requirements of any district. The Proposed Action would be consistent with relevant public policies including PlaNYC; Rebuild, Renew, Reinvent: A Blueprint for New York City's Economic Recovery; New New York: Making New York Work for Everyone; and Small Business First by supporting the creation of jobs by increasing flexibility and simplifying rules for small businesses. The Proposed Action is consistent with the goals of the Waterfront Revitalization Program (WRP #23-098). Therefore, the Proposed Action would not result in significant adverse impacts to Land Use, Zoning, and Public Policy.

Transportation

A preliminary screening analysis related to Transportation is included in the EAS. The Proposed Action would not facilitate new development nor affect the amount or type of development in any neighborhood. The Proposed Action would allow a broader range of commercial and manufacturing uses to locate within existing commercial locations. Utilizing Prototypical Analysis sites to demonstrate the demand that would occur in the With-Action Condition, a Level 1 trip generation screening concluded that trips generated by the Proposed Action would be below the threshold of 200 incremental trips that would require detailed analysis as outlined in the CEQR Technical Manual, for all sites except for Prototype 7. Prototype 7 would generate 258 total pedestrian trips during the Saturday midday peak period, however, no pedestrian element would experience 200 or more pedestrian trips. Prototype 7 represents a mixed-use building within a high-density central business district that has ample access to multiple subway stations. The assessment concludes that subway users would utilize multiple stations that are within proximity to Prototype 7 and that pedestrians would approach the site from sidewalks in all directions. Commercial uses that would be expected to locate within commercial districts in the With-Action Condition are expected to have similar transportation demand factors as commercial uses that would locate in the No-Action Condition and would not generate significantly different vehicular, transit, and pedestrian trips. Therefore, the Proposed Action would not result in significant adverse impacts to Transportation and no further analysis is required.

Air Quality

A detailed Air Quality analysis is included in the EAS. The Proposed Action would require that clean production uses that seek to operate within Commercial districts would be subject to existing environmental requirements in Special Mixed Use Districts that specify that the business must certify that a production or manufacturing activity would not have New York City or New York State environmental rating "A, B, C" under NYC Administrative Code 24-153, and will not be required to file a Risk Management Plan under the City Right-to-Know law for storing or using potentially hazardous substances. Failure to follow environmental standards could result in Department of Buildings zoning violations, Department of Environmental Protection enforcement, and potential closure. The Proposed Action also specifies that production uses that require venting locate the emission stack of the proposed production use at the highest tier or the building or above the height of the immediately adjacent buildings, whichever is higher. With these restrictions in place as part of the Proposed Action, no significant adverse impacts related to industrial source air quality would occur. The Proposed Action would not exceed thresholds warranting a mobile source air quality analysis; therefore, the Proposed Action would not result in significant adverse mobile source air quality impacts. Additionally, based on the modeling analysis of stationary sources performed for Prototypical Analysis Sites 1, 3, 4 and 5, the Proposed Action would not result in significant adverse impacts with respect to stationary source air quality.

Noise

A detailed Noise analysis is included in the EAS. The Proposed Action would require that when locating on the same story as a residential use or on a story higher than that occupied by residential uses, commercial uses within Use Group 10 Production or commercial uses that have a rated capacity adjacent to residential space, to separate from residential uses or attenuate high noise-generating uses. Such uses would need to provide at least 15 feet of vertical or horizontal buffer space which must include at least one partition wall. The Proposed Action would define buffer space as uses other than a residential living unit or a noise-generating portion of a use. A

Project Name: City of Yes for Economic Opportunity
CEQR # 24DCP004Y
SEQRA Classification: Type I

buffer may include portions of a noise-generating use such as lobbies, offices, or other non-noise-generating portions of that use. Alternatively, the Proposed Action would require attenuation that provides floor, ceiling, or partition wall attenuation certified by a licensed architect or engineer to the Department of Buildings such that no activity shall create a sound level in excess of 42 dBA for daytime and 35 dBA for nighttime when measured inside of a receiving residential unit. The Proposed Action would also require that uses within Use Group 10 (Production) or commercial uses that have a rated capacity adjacent to residential uses within the building, no activity shall cause or create a steady state of impact vibration at any point within the building with a displacement in excess of the permitted steady state or impact vibration displacement for the frequencies set forth in Performance Standards Regulating Vibration. With these measures in place, the Proposed Action would not result in significant adverse impacts related to noise.

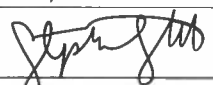
Neighborhood Character

An analysis of Neighborhood Character is included in the EAS. Commercial businesses are major contributors to the character and personality of neighborhoods and commercial corridors throughout New York City. The Proposed Action would allow a wider variety of businesses to locate within existing commercial corridors. The Proposed Action would also remove restrictions that do not allow certain businesses such as dance studios and clothing rental establishments from locating on the ground floor of buildings even as those uses are allowed elsewhere within the same commercial district. Businesses that would be allowed within commercial districts in the With-Action Condition would be similar in character and to the pedestrian experience relative to businesses that locate in the No-Action Condition. The Proposed Action would not result in a significant adverse impact nor a combination of moderate effects that would negatively affect the defining characters of commercial districts, including areas with C-1 and C-2 overlays.

Conceptual Analysis

The Conceptual Analysis included within the EAS considers the potential for significant adverse impacts that could result from the future utilization of new City Planning Commission (CPC) Authorizations, new zoning districts and other proposals that require separate discretionary action that would be created as part of the Proposed Actions. The CPC Authorizations, newly created zoning districts created by the Proposed Action, and allowances for uses that would necessitate separate discretionary actions, would require discretionary actions by the CPC and would be subject to environmental review at the time of a future application.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Sean O'Rourke at sorourke@planning.nyc.gov.

TITLE Director, Environmental Assessment and Review Division		LEAD AGENCY Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31 st Fl. New York, NY 10271 212.720.3328	
NAME Stephanie Shellooe, AICP		DATE 10/27/2023	
SIGNATURE 			
TITLE Chair, City Planning Commission			
NAME Daniel R. Garodnick		DATE 10/30/2023	
SIGNATURE 