



Process Guidance for Qualified Action Determinations at the Department of City Planning

Version 1.0

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This document provides initial guidance to applicants before the Department of City Planning (DCP) and City Planning Commission (CPC) about the process for receiving a determination that an action is a Qualified Action exempt from further environmental review pursuant to Section 8-0111 of the Environmental Conservation Law.

In order for the lead agency to make a determination, applicants must provide the agency with information on the proposed actions, including the location and the proposed development it would facilitate, as well as non-applicant-owned sites developable under the proposed action (see Qualified Action Determination Form) along with an Applicant Hazardous Materials Certification.

I. Resources

- [Section 8-0111 of the Environmental Conservation Law.](#)
- [Citywide guidance on what constitutes a Qualified Action for housing.](#)
- [DCP Qualified Action Determination Form.](#)
- [Applicant Hazardous Materials Certification.](#)

II. Stages of Engagement

Project Initiation

For Applicants with projects that facilitate the construction of housing that are seeking a Qualified Action Determination from the Department of City Planning, additional materials should be submitted in your Project Initiation Form through the [Applicant Portal \(the 'Attached Documents' section\)](#). This should include the following:

1. An increment table that includes information on each site within the affected area of the proposed action, including information on the No-Action condition, With-Action condition, and increment for each site. This table

should include lot area, existing and proposed zoning districts, square footage by use, number of units, and parking information.¹

2. For any sites that are not projected development sites, include information on why they are not soft sites.
3. Information supporting a determination that the site of the proposed action is a “previously disturbed site.”
4. For zoning actions, an up-to-date Phase I site investigation.

If this information is not included, DCP’s Environmental Assessment Review Division (EARD) will not be able to provide guidance on project eligibility.

Action Finalization

Upon the finalization of your actions with the agency, when submitting Land Use Application Materials the Applicant should include the same information as above, updated for any project changes, as well as a [Qualified Action Determination Form](#) and an [Applicant Hazardous Materials Certification](#). These would be submitted in the ‘Attached Documents’ section of the Land Use Application through the Applicant Portal.

On the Qualified Action Determination Form, the Applicant should include information on the proposed action, description of the site and why such site is a previously disturbed site, a description of the proposed development, and information on the No-Action and With-Action Conditions and project increment.

The Applicant will be required to submit a total development increment table to be included in the Qualified Action Determination Form. See below for an example table.

Use	No-Action Condition	With-Action Condition	Increment
Zoning Districts			
Residential Units			

¹ Consistent with longstanding reasonable worst-case assumptions, dwelling units are generally assumed to occupy 850 sf per unit in transit-oriented development areas and 1,000 sf per unit elsewhere. See [DCP Reasonable Worst-Case Development Scenario Form](#) (noting that dwelling unit sizes typically range between 850 and 1,000 sf). Particular projects may warrant a different reasonable worst-case assumption. For example, office-to-residential conversions are generally assumed to occupy 1,400 sf per unit, and some projects in locations where residents are predominantly wealthy and prefer larger housing units, such as the Manhattan core, may warrant an even higher unit size assumption.



Non-Residential Square Feet			
<i>Commercial SF</i>			
<i>Community Facility SF</i>			
<i>Other SF</i>			

The Department of City Planning will provide feedback to the Applicant on whether or not an E-Designation for Hazardous Materials is required for inclusion in the Applicant's Hazardous Materials Certification.

Determination

If the proposed action constitutes a Qualified Action, DCP will issue a Qualified Action Determination in the form of a memorandum that includes the Qualified Action Determination Form and Hazardous Materials Certification attached. This determination will be posted publicly on the project's page on the [Zoning Application Portal](#) in addition to the other public materials such as the filed land use application.

CEQR Fee Payments

The Department is in the process of establishing a CEQR Filing Fee in connection with a Qualified Action Determination. Until such a fee is established, no CEQR Filing Fee is required for these projects. Applicants will still be required to pay Land Use Application Fees.