

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

The City Planning Commission (CPC) proposes to amend Title 62, Chapter 5 of the Rules of the City of New York to exempt certain housing and related actions from review under SEQRA and CEQR procedures (the proposed rules). The proposed rules would exempt new housing of up to 250 units in mid- and higher-density residential areas and under certain circumstances, in commercial and manufacturing areas, and up to 150 units in lower density residential areas of the City from SEQRA and CEQR if the housing developments satisfy conditions which will ensure that they have no environmental impacts. The purpose of the amendment is to avoid unnecessary and time-consuming environmental analyses when the CPC considers proposed housing development up to a certain size, and accompanying small commercial developments, where those developments will not have significant adverse environmental impacts. The proposed rules will apply citywide but would not change land use and zoning patterns. Projects located within a Special Coastal Risk District mapped in Article XIII, Chapter 7 of the NYC Zoning Resolution (ZR) would not be eligible for Type II determination under the proposed rules. The proposed rules are consistent with public policies such as PlaNYC/OneNYC and Get Stuff Built; they will support the City's housing production goals, reduce costs and delays related to environmental review while maintain critical environmental protection measures. In addition, DCP's Climate and Sustainability Planning Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action concurs that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy (WRP# 23-210). Therefore, the promulgation of the proposed rules, which include size and location thresholds to facilitate specific development outcomes and required coastal zone-related conditions to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on land use, zoning, or public policy.

Shadows

To protect against the potential for significant adverse shadows impacts, the proposed rules impose conditions that must be met before these actions can be classified Type II actions. The action shall not enable construction of a new building or other structure or enlargement of an existing building or structure with a maximum possible height greater than 250 feet, including all rooftop bulkheads, mechanical equipment, parapets, and any other parts of the building, or with a maximum possible height greater than 50 feet if substantially contiguous to a public open space other than a city street or sidewalk, natural resource or an architectural sunlight sensitive resource identified by LPC, unless such open space, natural resource or sunlight sensitive resource is entirely within the area that cannot be shaded as described in the Tier 2 assessment in the *CEQR Technical Manual* or is an architectural resource that is located on a facade that faces directly away from a developable site. Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the Type II determination, as they would not result in any potential for significant adverse shadows impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required shadow-related conditions to be satisfied prior to Type II determination, would not result in the potential for any significant adverse shadows impacts.

Historic and Cultural Resources

To protect against potential significant adverse site-specific impacts on archaeological or architectural resources, or impacts on off-site architectural resources that could result from construction activities, the proposed rules impose conditions that must be met before these actions could be classified as Type II. The applicant or development site owner must obtain a determination from LPC whether any developable site is located in an archaeologically sensitive area and if it is, complete an archeological documentary study for that site and obtain a writing from LPC that the development of such sites does not raise archaeological concerns. The applicant or development site owner needs to obtain a determination from LPC stating whether any developable site is designated, calendared for consideration, or eligible for designation as a NYC Landmark or Historic District, is formally determined to be eligible for inclusion on the National Register of Historic Places or the New York State Register of Historic Places (S/NR), or is substantially contiguous to a sunlight sensitive architectural resource. If it is, obtain a writing from LPC that the development of such site does not raise historic preservation concerns. The applicant or development site owner needs to commit to prepare and implement a Construction Protection Plan (CPP) consistent with the requirements of NYC Department of Buildings (DOB) Technical Policy and Procedure Notice #10/88 for a development site located at least partially within 90 feet of a building or site determined to be formally eligible for listing on the S/NR or of a building or site that is eligible for designation as a NYC Landmark or Historic District. Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse impacts on historic and cultural resources. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required conditions related to historic and cultural resources that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on historic and cultural resources.

Hazardous Materials

To protect against potential significant, adverse site-specific hazardous materials impacts or impacts from off-site hazardous materials conditions, the proposed rules impose conditions that must be met before these actions can be classified as Type II actions. The applicant or development site owner needs to complete a Phase I Environmental Site Assessment for the development site should the site not have an (E) designation for hazardous materials pursuant to section 11-15 of the Zoning Resolution at the time of the application and obtained written signoff from the lead agency, or agreed either to the establishment of an (E) designation for hazardous materials pursuant to section 11-15 of the Zoning Resolution on the developable sites or where the development site will be developed pursuant to a regulatory

Project Name: Green Fast Track for Housing CEQR Type II Rulemaking

CEQR # 24DCP065Y

SEQRA Classification: Unlisted

agreement with a government agency, agree to comply with protections and development oversight requirements equivalent to an (E) designation found in 15 RCNY Chapter 24 to be contained in such regulatory agreement. Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for proposed Type II determination, as they would not result in any potential for significant adverse hazardous materials impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and hazardous materials-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts related to hazardous materials.

Air Quality

To protect against potential significant adverse air quality impacts, the proposed rules impose conditions that must be met before these actions can be classified as Type II actions. To avoid impact from proposed project on surrounding uses, the applicant or development site owner shall not burn fossil fuels to supply heat or hot water to any new building or any enlargement of an existing building on the development site. To avoid impact from surrounding uses on proposed project, for developable sites within 400 feet of any existing air emission source with an active or expired industrial permit issued by the NYC Department of Environmental Protection (DEP) or within 400 feet of any unpermitted industrial source, confirmed to the lead agency based on the emission limits in the permit(s), or, for an unpermitted source, the estimated emission limits from similar source permit(s) provided by the lead agency that concentrations of any pollutant regulated by the permit(s) or identified by the lead agency for any unpermitted source will not exceed the corresponding Annual Guideline Concentration (AGC) and Short-term Guideline Concentration (SGC) in the New York State Department of Environmental Conservation Division of Air Resources Guidelines for evaluation and Control of Ambient Air Contaminants (DAR-1) at such developable site, as determined in accordance with the industrial source screen in Appendix B of the proposed rule. To avoid mobile, stationary, and large-scale sources impacts, no portion of any developable site shall be located adjacent to an arterial highway listed in Appendix H to the New York City Zoning Resolution or a vent structure for a tunnel; or within 1000 feet of an air emissions source that operates under a permit issued pursuant to subpart 201-5 of 6 NYCRR (State facility permits) or subpart 201-6 of 6 NYCRR (Clean Air Act Title V permits). Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse air quality impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required air quality-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse impacts on air quality.

Noise


To protect against potential significant adverse noise impacts, the proposed rules impose conditions that must be met before these actions can be classified as Type II actions. The applicant or development site owner needs to have provided to the lead agency outdoor noise sampling showing less than 70 A-weighted decibels (dBA) L10 ambient noise levels at the development site and for all developable sites within the line of sight of any railway or subway, less than 65 dBA Ldn ambient noise levels and confirmed that all developable sites are outside the 65 DNL contours established in the current Noise Exposure Map (NEM) Report for John F. Kennedy Airport and LaGuardia Airport. Alternatively, the applicant or development site owner has the option to agree to establishment of an (E) designation for noise pursuant to section 11-15 of the Zoning Resolution on a developable site, or where the development site will be developed pursuant to a regulatory agreement with a government agency, comply with protections equivalent to those imposed by an (e) designation for noise attenuation contained in such regulatory agreement. Actions that will facilitate specific development outcomes that would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination, as they would not result in any potential for significant adverse noise impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and required noise-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse noise impacts.

Construction

To protect against potential significant, adverse long-term construction impacts, the proposed rules would impose conditions for actions that facilitate specific development outcomes. The conditions would make such actions with an anticipated project construction duration of up to 24 months and consecutive construction duration for all contiguous developable sites of up to 24 months eligible for Type II determination. Actions that will facilitate specific development outcomes which would not satisfy these conditions could not be classified as Type II actions under the proposed rules and would remain subject to environmental review. Actions that would satisfy these conditions would be eligible for the proposed Type II determination as they would not result in any potential for significant adverse construction impacts. Therefore, the promulgation of the proposed rules, which include size, use, and location thresholds to facilitate specific development outcomes and require construction-related conditions that need to be satisfied prior to Type II determination, would not result in the potential for any significant adverse construction impacts.

Project Name: Green Fast Track for Housing CEQR Type II Rulemaking
CEQR # 24DCP065Y
SEQRA Classification: Unlisted

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 Stephanie Shellooe at 212-720-3328.

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 12/8/2023
SIGNATURE 	
TITLE Chair, City Planning Commission	
NAME Daniel R. Garodnick	DATE 12/11/2023
SIGNATURE 