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## Environmental Review - New York City Department of City Planning

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### Environmental Review

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#### Introduction

Most discretionary land use actions considered by the City Planning Commission (CPC) are subject to the City Environmental Quality Review (CEQR) process. Pursuant to state and local law, CEQR identifies any potential adverse environmental effects of proposed actions, assesses their significance, and proposes measures to eliminate or mitigate significant impacts. Only certain minor actions identified by the state, known as Type II actions, are exempt from environmental review.

A "lead agency", responsible for undertaking, funding or approving an action, determines whether the action requires environmental review. If so, the lead agency is responsible for notifying and coordinating with other involved or interested agencies, distributing documents for public comment, conducting required public hearings, determining the significance of potential environmental impacts and, before making a decision on the proposed action, issuing its findings with respect to measures that would avoid or mitigate any significant impacts.

The City Planning Commission, with the Department of City Planning (DCP) as staff, is the lead agency for most discretionary land use actions, including those subject to the [Uniform Land Use Review Procedure](#) (ULURP), such as zoning map amendments, and those that are not, such as zoning text amendments and certain authorizations. (Other city agencies are lead for ULURP actions, such as site selections or housing projects and urban renewal plans, for which they are the applicants.)

The applicants themselves, whether public or private entities, are responsible for preparing the environmental analyses in accordance with methodologies set forth in the [CEQR Technical Manual](#). For example, when DCP proposes a zoning map or text amendment, DCP must disclose and analyze its potential environmental impacts which the CPC, as lead agency, must take into consideration when it votes to approve or disapprove the proposal. The CPC is also lead agency when a zoning amendment is proposed by a private applicant.

The New York City [Office of Environmental Coordination](#) (OEC) provides expertise and assistance to lead agencies and is the repository of all CEQR documents.

The environmental review process involves a number of steps, which allow for public review and comment, and are synchronized with the ULURP timetable where possible.

- [Environmental Assessment Statement](#)
- [Declaration of Significance](#)
- [Scoping](#)
- [Draft Environmental Impact Statement](#)
- [Final Environmental Impact Statement](#)

#### Environmental Assessment Statement (EAS)

Applicants for discretionary land use actions, other than exempt Type II actions (e.g., certain ministerial authorizations and certifications), must first file an Environmental Assessment Statement and the applicable CEQR fee (see [schedule of fees](#)) with the Department of City Planning or the appropriate lead agency. For actions for which the City Planning Commission is the lead agency, the EAS form and CEQR fee are filed at the Land

Use Review-Central Intake office at 22 Reade Street, Room 2-E.

The EAS form, with any supporting documentation, describes the proposed action and provides an initial analysis of its potential effects on the environment. When City Planning is the lead, it is often filed along with related ULURP applications. Its purpose is to assist the lead agency in assessing whether identified adverse effects on the environment may be significant enough to warrant further analysis in an Environmental Impact Statement.

For some large-scale projects with clear likelihood of significant impacts, an EAS need not be completed in detail to determine the necessity for an EIS.

Download the [EAS form](#) in PDF or Word format from the Office of Environmental Coordination.

### Determination of Significance

Based on information in the EAS, and criteria listed in the *CEQR Technical Manual*, the lead agency decides whether or not any identified adverse environmental impacts may be significant.

If no significant impacts are anticipated, a **negative declaration** is issued, signaling completion of the CEQR process and allowing for certification of the ULURP application once it is complete. A **conditional negative declaration** may be issued when a private applicant agrees to mitigate impacts as part of the project.

If significant impacts are identified, a **positive declaration** is issued, requiring completion of a draft Environmental Impact Statement (EIS) before the ULURP application can be certified as complete.

The lead agency sends notices of these determinations of significance to all involved or interested agencies, affected community boards and elected officials, and files copies with the Office of Environmental Coordination. Negative declarations for major actions (Type I) and all conditional negative declarations are published in the City Record and State Environmental Notice Bulletin. The public may comment on the conditions described in a conditional negative declaration for 30 days.

### Scoping

Within 15 days of the issuance of a positive declaration, the lead agency must issue a **draft scope of work** which details the topics to be addressed in the EIS, the methods of analysis to be used, and possible alternatives to mitigate or eliminate potential significant impacts of the proposed action.

Technical areas that may be addressed include:

- Land use, zoning and public policy
- Socioeconomic conditions
- Community facilities and services
- Open space
- Shadows
- Historic resources
- Urban design / visual resources
- Neighborhood character
- Natural resources
- Hazardous materials
- Infrastructure
- [Waterfront Revitalization Program](#)
- Solid waste and sanitation
- Energy
- Traffic and parking
- Transit and pedestrians
- Air quality
- Noise
- Construction impacts

- Public health

A **public scoping meeting** must be held to solicit comments on the draft scope from all affected and interested parties. Comments at these meetings must be limited to the scope of work for the EIS and any changes needed to ensure appropriate and thorough assessment of potential impacts. The meeting must be scheduled 30 to 45 days after notice is given and the draft scope and EAS are circulated to all affected and interested agencies, community boards, groups and officials. Written comments may be received within ten days after the public meeting.

After incorporating public comments as appropriate, the lead agency issues a **final scope of work** and preparation of the DEIS begins.

View current [scoping documents](#).

### **Draft Environmental Impact Statement (DEIS)**

The purpose of an EIS is to enable the public and decision-makers to understand the nature and consequences of specific environmental impacts that can be reasonably anticipated as a result of the proposed action. It is issued first as a draft to allow for public comment on its analysis and findings. Although the precise content and format of a DEIS depend on the type of action for which approval is sought and the magnitude of anticipated impacts, certain elements are mandated including:

- A cover page with project name, location, lead agency and date;
- An executive summary;
- Project description, including background, purpose, public need and benefits, social and economic considerations, and approvals required;
- Technical analyses of relevant subject areas (see Scoping topics and Chapter 3 of the [CEQR Technical Manual](#)) which assess and compare existing conditions, future conditions absent the proposed action (sometimes called the "no-action" or "no-build" condition), and the future if the proposed action is implemented;
- Mitigation measures to minimize or avoid any significant adverse impacts identified in the technical analyses; and
- Alternatives that would be feasible, satisfy project objectives, and eliminate or minimize identified significant impacts.

When the DEIS is deemed complete, the lead agency issues a **Notice of Completion** that describes the action and specifies the period for public review and comment. It must be distributed to [OEC](#), the state Department of Environmental Conservation, the applicant, all involved agencies, applicable borough presidents and community boards, and all persons who request such notice.

Publication of the DEIS and issuance of the Notice of Completion signal the start of the formal **public review process**. Assuming complete ULURP applications, actions subject to ULURP may now be certified and referred to the affected community board(s) and borough president(s) for their review and recommendations.

Generally, the lead agency must conduct a public hearing on the DEIS within 15 to 60 days of its completion. However, for actions subject to ULURP and for which the CPC is lead agency, the Commission's public hearing on the ULURP application may also serve as the public hearing on the DEIS. The public hearing notice may be contained in the Notice of Completion or it may be issued separately. Written comments are accepted both before the public hearing and up to ten days after. All substantive comments become part of the record and are usually summarized and responded to in the Final EIS.

View current [Draft Environmental Impact Statements](#).

### **Final Environmental Impact Statement (FEIS)**

The Final EIS consists of the DEIS, a summary of public comments and lead agency responses, and any revisions, including further studies, in response to comments. It must also identify the specific mitigation measures to be used, together with written agreement to their implementation from applicable agencies.

Once the FEIS is complete, the lead agency issues a **Notice of Completion** describing the action and the FEIS. The notice and a copy of the FEIS are sent to all those who received the Notice of Completion for the DEIS.

Before making a decision on the proposed action, the lead agency must adopt a formal set of findings, called a **Statement of Findings**, demonstrating that it has taken a "hard look" at the impacts, mitigations and alternatives. The lead agency must allow the public and agencies at least ten days to consider the FEIS before adopting its findings. The findings conclude the CEQR process.

View current [Final Environmental Impact Statements](#).

### **Environmental Requirements Shown on Zoning Maps**

The designation (E) shown on a zoning map indicates that environmental requirements pertaining to potential hazardous material contamination, or noise or air quality impacts, have been established on one or more tax lots. (E) designations result from the environmental analysis that is prepared in conjunction with an application to amend the zoning map. If the environmental analysis indicates that an impact is possible due to noise or air quality, or potential hazardous material contamination, then an (E) designation is likely to result. For more information, read the [Frequently Asked Questions](#) on (E) designations.

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