



DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

ZONING DIVISION

Amanda M. Burden, AICP, *Director*  
Department of City Planning

**RECEIVED**

**OCT 26 2011**

**BY COMMUNITY BOARD 8**

October 21, 2011

**Re: N 120090 ZRY**  
(E) designations Text Amendment

Dear Community Board Chair:

The Department of City Planning is proposing a citywide text amendment to update provisions related to the (E) Designation Program. In addition to clarifying the text and removing obsolete provisions from Zoning Resolution Section 11-15 (Environmental Requirements) originally established in 1983, the proposed modifications would remove duplicative zoning provisions concerning the (E) Program in the Special Districts. The proposed modifications would also streamline the administration of the (E) Program, result in increased transparency and easier tracking of hazardous materials, air quality and noise environmental requirements, and enhance existing enforcement mechanisms. The Department has worked in cooperation with the City agencies that have a role in the (E) Program, including the Department of Environmental Protection (DEP), the Office of Environmental Remediation (OER), which administers the (E) Program as successor to DEP for this purpose, and the Department of Buildings, which enforces the Zoning Resolution. A more streamlined and predictable land use and environmental review process will benefit land use practitioners, property owners, the public and city agencies.

While the (E) Program was established in zoning, there are City rules governing administration of the (E) Program. Several of the text changes proposed in this amendment complement forthcoming changes to these rules. Please refer to the attached application which includes the proposed text amendment, background on the (E) Program and a detailed description of the proposed amendment.

The application was referred out by the City Planning Commission on October 17, 2010. This action is not subject to the Uniform Land Use Review Procedure (ULURP) and does not require a public hearing by the community board. However, if you have any comments or recommendations on this application, please send them by Tuesday, December 27, 2011 to:

City Planning Commission  
Calendar Information Office  
22 Reade Street, Room 2E  
New York, N. Y. 10007

Thomas C. Wargo, *Director*  
Beth Lebowitz, *Deputy Director*  
22 Reade Street, New York, N.Y. 10007-1216 Room 3E (212) 720-3262  
FAX (212) 720-3244  
[nyc.gov/planning](http://nyc.gov/planning)



Page 2-

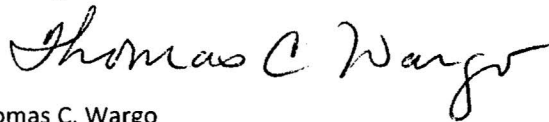
October 21, 2011

**Re: N 120090 ZRY**  
(E) designations Text Amendment

If you have questions about the proposed text amendment, please refer to the Department of City Planning website: <http://www.nyc.gov/planning>.

You may also contact David Aigner at the Department of City Planning at (212) 720-3268.

Sincerely,



Thomas C. Wargo

Enclosure

C: Jacquelyn Harris, DCP  
Nicole Campo, DCP  
All Borough Presidents  
Department of Buildings  
Board of Standards & Appeals  
City Council  
All Community Boards  
All Borough Boards



City Planning  
assign and  
reference  
here

DEPARTMENT OF  
CITY PLANNING

# Land Use Review Application

de Street, New York, NY COMMUNITY BOARD 8

Received by Central Intake on October 12, 2011

**N120090ZRY**

## 1. APPLICANT AND APPLICANT'S REPRESENTATIVES

### NYC Department of City Planning

APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION) \*  
**22 Reade Street**

STREET ADDRESS

**New York NY 10007**

CITY STATE ZIP

**212.720.3262 212.720.3244**

AREA CODE TELEPHONE # FAX#

\* List additional applicants below:

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)

CO-APPLICANT (COMPANY/AGENCY OR OTHER ORGANIZATION)  
ADDITIONAL APPLICANT REPRESENTATIVE:

NAME AND PROFESSIONAL AFFILIATION (ATTORNEY/ARCHITECT/ENGINEER ETC.)

TELEPHONE # FAX #

**N/A**

**(E) Designations Text Amendment**

STREET ADDRESS

PROJECT NAME (IF ANY)

DESCRIPTION OF PROPERTY BY BOUNDING STREETS OR CROSS STREETS

EXISTING ZONING DISTRICT (INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY)

ZONING SECTIONAL MAP NO(S).

TAX BLOCK AND LOT NUMBER

BOROUGH

COMM. DIST.

URBAN RENEWAL AREA, HISTORIC DISTRICT OR OTHER DESIGNATED AREA (IF ANY)

IS SITE A NEW YORK CITY OR OTHER LANDMARK? NO ☐ YES ☐ IF YES, IDENTIFY

**N/A**

## 3. DESCRIPTION OF PROPOSAL

(If the entire project description does not fit in this space, enter "see attached description" below and submit description on a separate sheet, identified as "LR item 3. Description of Proposal")

**See attached description.**

## 4. ACTIONS REQUESTED AND FEES

(Check appropriate action(s) and attach supplemental form)

\* No supplemental form required

- ☐ CHANGE IN CITY MAP.....MM \$ \_\_\_\_\_
- ☐ ZONING MAP AMENDMENT.....ZM \$ \_\_\_\_\_
- ☒ ZONING TEXT AMENDMENT.....ZR \$ \_\_\_\_\_
- ☐ ZONING SPECIAL PERMIT.....ZS \$ \_\_\_\_\_
- ☐ ZONING AUTHORIZATION.....ZA \$ \_\_\_\_\_
- ☐ ZONING CERTIFICATION.....ZC \$ \_\_\_\_\_
- ☐ PUBLIC FACILITY, SEL./ACQ.....PF \$ \_\_\_\_\_
- ☐ DISPOSITION OF REAL PROP.....PD \$ \_\_\_\_\_
- ☐ URBAN DEVELOPMENT ACTION.....HA \$ \_\_\_\_\_
- ☐ URBAN RENEWAL PROJECT.....\* \$ \_\_\_\_\_
- ☐ HOUSING PLAN & PROJECT.....\* \$ \_\_\_\_\_
- ☐ FRANCHISE.....\* \$ \_\_\_\_\_
- ☐ REVOCABLE CONSENT.....\* \$ \_\_\_\_\_
- ☐ CONCESSION.....\* \$ \_\_\_\_\_
- ☐ LANDFILL.....\* \$ \_\_\_\_\_
- ☐ OTHER (Describe) \$ \_\_\_\_\_

- ☐ MODIFICATION \$ \_\_\_\_\_
- ☐ FOLLOW-UP \$ \_\_\_\_\_
- ☐ RENEWAL \$ \_\_\_\_\_
- ☐ OTHER \$ \_\_\_\_\_
- SPECIFY
- APPLICATION NO. \$ \_\_\_\_\_
- APPLICATION NO. \$ \_\_\_\_\_
- TOTAL FEE (For all actions) \$ \_\_\_\_\_

Make Check or Money Order payable to Department of City Planning.

If fee exemption is claimed check box below and explain

☒ **City Agency**

Has pre-application meeting been held? ☐ NO ☐ YES

If yes **N/A**

DCP Office/Representative

Date of meeting



12 DCP057

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Basic Form LR – continued

5.

ENVIRONMENTAL  
REVIEW

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) (Discuss with CEQR lead agency before completing)

LEAD AGENCY Department of City Planning

CEQR NUMBER 12DCP057Y

TYPE OF CEQR ACTION:

☒ TYPE II

Type II category: 617.5(20)

Date determination was made: 10/17/2011

☐ TYPE I

Has EAS been filed?

Yes ☐

No ☐

☐ UNLISTED

If yes, Date EAS filed: \_\_\_\_\_

Has CEQR determination been made?

Yes ☐

No ☐

If yes, what was determination?

Negative Declaration ☐

CND ☐

Positive Declaration ☐

Date determination  
made: \_\_\_\_\_

(Attach Copy)

If Positive Declaration, has PDEIS been filed? \_\_\_\_\_

Has Notice of Completion (NOC) for DEIS been issued? \_\_\_\_\_

If yes, attach copy.

If PDEIS has not been filed, has final scope been issued? \_\_\_\_\_

If yes, date issued: \_\_\_\_\_

6.

COASTAL ZONE  
MANAGEMENT

IS SITE IN STATE DESIGNATED COASTAL ZONE MANAGEMENT (CZM)? AREA? No ☒ Yes ☐

7.

RELATED  
ACTIONS BY  
CITY PLANNING

LIST ALL CURRENT OR PRIOR CITY PLANNING COMMISSION ACTIONS RELATED TO SITE:

APPLICATION NO.

DESCRIPTION/ DISPOSITION/STATUS

CAL. NO.

DATE

N/A

8.

RELATED  
ACTIONS BY  
OTHER  
AGENCIES

LIST ALL OTHER CURRENT OR PRIOR CITY, STATE OR FEDERAL ACTIONS RELATED TO APPLICATION:

REFERENCE NO.

DESCRIPTION/ DISPOSITION/STATUS

CAL. NO.

DATE

N/A

9.

FUTURE  
ACTIONS  
REQUIRED

LIST ALL FUTURE CITY, STATE OR FEDERAL ACTIONS REQUIRED TO IMPLEMENT THE PROPOSED ACTION:

10.

APPLICANT  
(Attach authorizing  
resolution(s), if  
applicable)

Thomas Wargo, Director, Zoning Division

NAME AND TITLE OF APPLICANT OR AUTHORIZED REPRESENTATIVE

NYC Department of City Planning

APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION (IF ANY)

*Thomas Wargo* 10/12/11  
SIGNATURE OF APPLICANT DATE

11.

CO-APPLICANTS

(Attach authorizing  
resolution(s), if  
applicable)

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE

SIGNATURE OF CO-APPLICANT

DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS

CITY

STATE

ZIP

TEL.NO.

FAX

NAME AND TITLE OF CO-APPLICANT OR AUTHORIZED REPRESENTATIVE

SIGNATURE OF CO-APPLICANT

DATE

CO-APPLICANT'S COMPANY/AGENCY OR OTHER ORGANIZATION

STREET ADDRESS

CITY

STATE

ZIP

TEL.NO.

FAX

ADMINISTRATIVE  
CODE

ANY PERSON WHO SHALL KNOWINGLY MAKE A FALSE REPRESENTATION ON OR WHO SHALL KNOWINGLY FALSIFY OR CAUSE TO BE FALSIFIED ANY FORM, MAP, REPORT OR OTHER DOCUMENT SUBMITTED IN CONNECTION WITH THIS APPLICATION SHALL BE GUILTY OF AN OFFENSE PUNISHABLE BY FINE OR IMPRISONMENT OR BOTH, PURSUANT TO SECTION 10-164 OF THE CITY OF NEW YORK ADMINISTRATIVE CODE.

NOTICE

THIS APPLICATION WILL BE DEEMED PRELIMINARY UNTIL IT IS CERTIFIED AS COMPLETE BY THE DEPARTMENT OF CITY PLANNING OR THE CITY PLANNING COMMISSION. ADDITIONAL INFORMATION MAY BE REQUESTED OF THE APPLICANT BY THE DEPARTMENT OF CITY PLANNING.



N120090ZRY

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City Map Change . . . . . MM

Proposed City Map  
Change  
(Check appropriate boxes)

APPLICATION NO

1. ESTABLISH NEW.....☐ STREET      ☐ PARK      ☐ PUBLIC PLACE      ☐ GRADE

2. ELIMINATE EXISTING..... ☐ STREET      ☐ PARK      ☐ PUBLIC PLACE      ☐ GRADE

3. CHANGE EXISTING STREET..... ☐ WIDTH      ☐ ALIGNMENT      ☐ GRADE

4. EASEMENT  
Delineate New.....☐      Remove Existing.....☐      Modify Existing..... ☐

5. RELATED ACQUISITION OR DISPOSITION OF PROPERTY .....☐


Zoning Map Change . . . . . ZM

Proposed Zoning  
Map Change(s)

APPLICATION NO

(If more than five changes are being requested, enter "see attached" below and list ALL PROPOSED ZONING CHANGES in the same format as below on a separate sheet titled "Proposed Zoning Map Changes")

CHANGE #1	FROM:	EXISTING	TO:	PROPOSED
CHANGE #2	FROM:	EXISTING	TO:	PROPOSED
CHANGE #3				PROPOSED
CHANGE #4				PROPOSED
CHANGE #5				PROPOSED

  
N120090ZRY  
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DEPARTMENT OF CITY PLANNING

Zoning Text Amendment . . . . . ZR

Affected Zoning  
Resolution (ZR)  
Sections

APPLICATION NO.

If more than five sections are proposed to be amended, enter "see attached" below, and list ALL PROPOSED TEXT AMENDMENTS in the same format as below on a separate sheet titled "Proposed Zoning Text Amendments.")

ZR SECTION NUMBER	ZONING RESOLUTION SECTION TITLE
11-15	Environmental Requirements
11-151	Special requirements for properties in the Borough of Queens
86-04	Applicability of Article I
87-04	Applicability of Article I, Chapter 1
87-05	Applicability of Article VI, Chapter 2
87-06	Modification of Use and Bulk Regulations for Parcels Containing Newly Mappe

93-051	Applicability of Chapter 1 of Article I
98-051	Applicability of Chapter 1 of Article I
104-05	Applicability of Article I, Chapter 1
115-03	Applicability of Article I, Chapter 1
117-05	Applicability of Article I, Chapter 1
119-06	Special requirements for certain properties within Special Hillside Preservatio
124-041	Applicability of Article I, Chapter 1
124-042	Applicability of Article III, Chapter 6
124-043	Applicability of Article VII, Chapter 3
124-044	Applicability of Article VII, Chapter 4
126-03	Applicability of Article I, Chapter 1
128-051	Applicability of Article I, Chapter 1
128-052	Applicability of Article I, Chapter 2
128-053	Applicability of Article I, Chapter 5
128-054	Applicability of Article III, Chapter 6
131-041	Applicability of Article I, Chapter 1
131-042	Applicability of Article I, Chapter 5
131-043	Applicability of Article VI, Chapter 2
131-044	Applicability of Article VII, Chapter 4
131-045	Physical culture or health establishments
131-046	Modification of use and bulk regulations for zoning lots fronting upon Riegelm
Appendix C	CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL DESIGNATIONS

## **LR ITEM 3: DESCRIPTION OF PROPOSAL**

### **(E) DESIGNATIONS TEXT AMENDMENT**

#### **PROJECT DESCRIPTION AND HISTORY**

The Department of City Planning (DCP) proposes a city-wide text amendment to Section 11-15 and related Sections of the Zoning Resolution to streamline and improve the zoning regulations governing Environmental ("E") designations. This amendment is also necessary to reflect the role of the New York City Office of Environmental Remediation (OER) as successor to the Department of Environmental Protection (DEP) for the purpose of administering the City's (E) designation Program.

(E) designations are environmental controls placed on potential development sites by the lead agency for the City Environmental Quality Review (CEQR) of a zoning map amendment. They are a mechanism for the City Planning Commission (CPC) and the City when adopting a zoning map change to ensure that potential impacts related to hazardous materials, air quality and noise on sites within the area being considered for rezoning are addressed prior to or during development of the site.

Once adopted in connection with a rezoning, (E) designations and the tax lots to which they are assigned are listed in Appendix C of the Zoning Resolution. The environmental requirements of an (E) designation with respect to hazardous materials, air quality, and/or noise are contained in the lead agency CEQR determination. A hazardous materials (E) designation may require soil testing, soil removal, and/or development of a construction Health and Safety Plan. (E) designations related to air quality may require the installation of non-operable windows and alternative air intakes, or the use of a specific boiler fuel and locating boiler stacks at specified heights or locations. Noise (E) designations typically require the installation of windows which are designed to reduce the transmission of noise, with a specified window-wall attenuation (e.g. 35 dBA), to maintain acceptable interior noise levels.

With an (E) designation placed on a lot, no new development or other construction activities requiring a NYC Department of Buildings (DOB) permit may occur until OER issues a notice to proceed, certifying that: (1) no environmental work is required; (2) the required environmental work may proceed simultaneously with construction; or (3) the required environmental work has been completed. When OER provides notice to DCP that the environmental requirements for a tax lot or all of the lots subject to an (E) designation have been fully satisfied, DCP administratively updates Appendix C of the Zoning Resolution to reflect that such lots are no longer subject to the (E) designation.

Zoning Resolution Section 11-15 was originally established in 1983 to give CPC the assurance that they would be able to act on appropriate City-sponsored area wide rezonings with the knowledge that potential site specific noise or air quality impacts would be addressed at the time the development of the site was undertaken. In 1989, the text was expanded to address potential significant adverse impacts due to the presence of underground gasoline storage tanks. In 1994, ZR Section 11-15 was amended to replace the reference to "underground gasoline storage tanks" with a general reference to "potential hazardous material contamination." This amendment also added the requirement that the resolution of hazardous materials (E)s be a condition to building permit issuance and provided a process for the administrative removal of hazardous materials (E)s when environmental requirements were satisfied. Further, this amendment required that the Department of Environmental Protection (DEP) adopt related rules for the administration of hazardous materials (E)s and that the Commission adopt a rule regarding notice to property owners of proposed (E) designations.

The zoning text together with the related City Rules encompass what is referred to as the "E Program". In 2009, OER, within the Mayor's Office of Operations, was created by a local law amending the City Charter and Administrative Code. Among other things, this local law, referred to as the "New York City brownfield and community revitalization act," granted OER the authority to administer the E Program, as defined in Section 11-15 of the Zoning Resolution ("ZR"), acting as successor to DEP for such purpose.

## **PURPOSE AND NEED**

Six main issues with the E Program have been identified. Concurrent with OER's amendments to the City's E Program Rules, the purpose of this text amendment is to address these issues and, in doing so streamline the administration of the E Program; improve existing enforcement mechanisms, and eliminate outdated provisions of the text. The issues and their solutions are set forth below.

### **1. Environmental Restrictive Declarations**

This Issue is a key change to OER's Rules for the administration of the E Program. The specific text change related to this issue is described in Issue 2.

Two different mechanisms are currently used in the E Program to apply the same environmental requirements related to hazardous materials: (E) designations, which pursuant to City Rules, can only be used for properties not owned by an applicant, and Environmental Restrictive Declarations, which are used for lots owned or controlled by an applicant, such as lots that are a subject of a special permit, authorization or variance. There are two disadvantages to the use of Environmental Restrictive Declarations. They are administratively cumbersome and they are not as visible to the public because they are recorded against a property, are not part of the Zoning Resolution, and are not as easily tracked by OER and DOB. In response, OER is amending its Rules to permit hazardous materials (E) designations on applicant-controlled properties, thereby creating a single, more streamlined and visible public process.

### **2. Applicability**

The E Program limits the use of (E) designations to zoning map amendments. Therefore, (E)s cannot be used in connection with other ZR actions that typically involve applicant-controlled properties such as special permits, authorizations and variances. As indicated in Issue 1 above, Environmental Restrictive Declarations have been used in the past to address environmental requirements in connection with these actions. In response, (E) designations will be able to be applied in connection with all actions under the Zoning Resolution, including special permits, authorizations and variances.

### **3. Enforcement**

ZR Section 11-15 is currently unclear regarding DOB's jurisdiction over air and noise (E) designations and all Environmental Restrictive Declarations. In response, the proposed text amendment would modify Section 11-15 to clearly indicate that satisfying air quality and noise requirements of (E) designations and complying with the environmental requirements of Environmental Restrictive Declarations are prerequisites to obtaining building permits.

### **4. Post-Approval Modifications**

The current text does not provide for the modification of the environmental requirements associated with an (E) designation once it is adopted as part of a rezoning, even if new information or changes in technology were to warrant a modification. In response, the proposed text amendment would grant OER the authority, with the consent of the lead agency, to modify the environmental requirements of an existing (E) designation, provided the modified requirements are equally protective of the environment.

### **5. Ongoing Monitoring**

The current text does not ensure the ongoing monitoring of environmental control technologies, such as a vapor barrier installed beneath a building foundation, once a building is constructed and occupied. The proposed text amendment would require that any such ongoing monitoring required by OER be reflected on the Certificate of Occupancy for the building. This requirement would provide building tenants, the public, and the City with better notice of such ongoing monitoring obligations and improve enforcement capabilities.

### **6. Duplicative and Outdated Text**

ZR Section 11-15 contains outdated text such as references to DEP. Further, many Special District chapters contain regulations regarding the (E) designation program in order to clarify DOB's jurisdiction over air and noise (E) designations. These sections become unnecessary with the revision to Section 11-15. Therefore, the text amendment would remove duplicative provisions and obsolete language, clarifying existing regulations.

Addressing the above issues with the proposed text amendment, in conjunction with OER's Rule changes, would result in a more predictable and streamlined land use and environmental review process. By eliminating the extra process of recording Environmental Restrictive Declarations against applicant-controlled properties and allowing (E)s to be placed on applicant-controlled properties, combined with giving OER the authority to modify (E)s, as appropriate, there will be improved efficiency and flexibility in the administration of the E Program, benefitting land use practitioners, property owners and city agencies. The proposed amendment will also result in increased transparency and easier tracking of environmental requirements and enhanced enforcement of the E Program. Ultimately, these changes will result in greater protection of the health and safety of future residents, commercial occupants, their neighbors and construction workers.

## PROPOSED AMENDMENT TO SECTION 11-15 (ENVIRONMENTAL REQUIREMENTS) AND RELATED SECTIONS

Matter in underline is new, to be added;

Matter in ~~strikeout~~ is to be deleted;

Matter with # # is defined in Section 12-10;

\* \* \* indicates where unchanged text appears in the Zoning Resolution

### 11-15

#### Environmental Requirements

The designation (E), or an environmental restrictive declaration, where listed in Appendix C (CEQR Environmental Requirements), of this Resolution, indicates that environmental requirements pertaining to potential hazardous materials ~~contamination, or noise or air quality impacts have been established which are incorporated into~~ in connection with the provisions of a #zoning map# or text amendment or an action pursuant to this Resolution for one or more tax lots. The said Such environmental requirements are set forth in the City Environmental Quality Review (CEQR) ~~Declaration determination related to such #zoning map# or text amendment or action, a specific #zoning map# amendment. In the case of a merger or subdivision of tax lots or #zoning lots# with an (E) designation, involving improved or unimproved properties, the (E) designation will apply to all portions of the property.~~

The CEQR ~~Declarations~~ determinations are on file with the designated lead agency and the Mayor's Office of Environmental Coordination (MOEC). A listing of such CEQR ~~Declarations~~ determinations and their related environmental requirements, entitled City Environmental Quality Review Declarations, is found within Appendix C of this Resolution, appended to the #zoning maps#. (E) designations and environmental restrictive declarations may only be removed from Appendix C or modified in accordance with the provisions of paragraph (c) of this Section.

In the case of a merger or subdivision of lots subject to an (E) designation or environmental restrictive declaration involving improved or unimproved properties, the environmental requirements, as applicable, shall apply to all portions of the merged lot or to each subdivided lot.

Upon application to the Mayor's Office of Environmental Remediation (OER) by the owner of the affected lot(s), OER may, with the consent of the lead agency, modify the environmental requirements set forth in a CEQR Determination based upon new information, additional facts or updated standards, as applicable, provided that such modifications are equally protective.

Tax lots with environmental requirements shall be subject to the following:

(a) Building permit conditions

Prior to issuing a building permit, or temporary or permanent certificate of occupancy, for any #development#, or for an #enlargement#, #extension# or a change of #use#, any of which involves a #residential# or a #community facility use#, or for an #enlargement# of a #building# for any #use# that involves a disturbance of the soil any of the types of construction listed in paragraphs (a)(1), (a)(2) or (a)(3) of this Section, on a tax lot that has an (E) designation or an environmental restrictive declaration related to for potential hazardous materials, noise, or air quality contamination, the Department of Buildings (DOB) shall be furnished with a report from the Department of Environmental Protection notice issued by (DEP OER) of the city of New York stating that the environmental requirements related to the (E) designation have been met for that lot OER does not object to the issuance of such building permit, or temporary or permanent certificate of occupancy, in accordance with the applicable rules of the City of New York ("OER Notice").

An (E) designation for potential hazardous material contamination may be satisfied and administratively removed from a #zoning map# through the following procedure:

(a) ~~Satisfaction of requirements~~

~~The owner of any tax lot with an (E) designation for potential hazardous material contamination may file, with the Department of City Planning, a report from DEP, or its successor agency, specifying that the environmental requirements relating to such designation have been satisfied regarding that lot. Upon receipt of such report, the Department of City Planning shall indicate such satisfaction as to that lot on the listing of (E) designations appended to the #zoning maps# of the Zoning Resolution.~~

(1) For hazardous materials:

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#, any of which involves a #residential# or a #community facility use#; or
- (iii) an #enlargement# or alteration of a #building# for any #use# that involves a disturbance of the soil;

(2) For air quality:

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#; or
- (iii) an alteration that involves ventilation or exhaust systems, including but not limited to stack relocation or vent replacement; or

(3) For noise:

- (i) any #development#;
- (ii) an #enlargement#, #extension# or change of #use#; or
- (iii) an alteration that involves window or exterior wall relocation or replacement.

(b) Ongoing monitoring Removal of (E) designation

~~The Department of City Planning shall administratively remove the (E) designation for potential hazardous material contamination from a #zoning map# when all environmental requirements for potential hazardous material contamination have been met on all tax lots specified in the CEQR declaration.~~

In the event that it is indicated through a duly issued OER Notice that a tax lot that has an (E) designation or an environmental restrictive declaration requires ongoing monitoring, a declaration of covenants and restrictions governing the ongoing site management requirements shall be recorded against the subject tax lot in the Office of the City Register or, where applicable, in the County Clerk's Office in the County where the lot is located.

As a condition to its issuance of a temporary or final Certificate of Occupancy or granting of permit sign-off, if no Certificate of Occupancy is required, DOB shall be provided with proof that the ongoing monitoring declaration has been duly recorded. The recording information for the ongoing monitoring declaration shall be referenced on the first Certificate of Occupancy to be issued after such declaration is recorded, as well as all subsequent Certificates of Occupancy, for as long as the ongoing monitoring declaration remains in effect.

The Director of the Department of City Planning shall transmit notice of such satisfaction or removal of an (E) designation to the Department of Buildings, the OEC and the DEP.

(c) Completion of environmental requirements Sunset provision

The DEP shall adopt rules pursuant to Chapter 45 of the Charter of the City of New York which shall establish:

- (1) ~~standards for determining potential hazardous material contamination which, upon adoption, shall be utilized in determining whether or not an (E) designation shall be imposed on any tax lot; and~~
- (2) ~~testing and remediation standards and protocols for potential hazardous material contamination which, upon adoption, shall be utilized in determining whether or not the environmental requirements relating to such (E) designation(s) have been satisfied so as to warrant the removal of such designation.~~

The requirements for the adoption of rules set forth in paragraph (c) of this Section, inclusive, shall not be construed to prohibit either the imposition or the removal of an (E) designation, in accordance with law, prior to the adoption of such rules.

In the event that such rules are not adopted by DEP by July 1, 2001, the provisions of this Section as they relate to potential hazardous material contamination, except for underground gasoline storage tanks, shall lapse.

(1) Removal of tax lots subject to an (E) designation or an environmental restrictive declaration from Appendix C

The Department of City Planning (DCP) shall administratively modify Appendix C after receiving a duly issued OER Notice, stating that the environmental requirements related to an (E) designation or contained in an environmental restrictive declaration related to potential hazardous materials, noise or air quality have been completed for or otherwise no longer apply to a tax lot or lots, such that:

- (i) no further testing, remediation or ongoing monitoring is required for hazardous materials contamination;
- (ii) the noise generating source has been permanently eliminated; or
- (iii) the emissions source related to air quality has been permanently eliminated.

(2) Removal of (E) designation from Appendix C

DCP shall administratively remove an (E) designation from Appendix C when, in accordance with the provisions of paragraph (c)(1) of this Section, the environmental requirements for all tax lots subject to the (E) designation have been completed.

(3) Cancellation of environmental restrictive declaration and modification of Appendix C

DCP shall administratively remove an environmental restrictive declaration from Appendix C when, in accordance with the provisions of paragraph (c)(1) of this Section, the environmental requirements contained in such environmental restrictive declaration have been completed for all tax lots and a Notice of Cancellation of the environmental restrictive declaration has been duly recorded against the subject tax lots in the Office of the City Register or, where applicable, in the County Clerk's Office in the County where the lots are located.

(4) Notification

DCP shall notify DOB, MOEC and OER in the event that modifications to Appendix C are made.

(d) Notice provision

~~The City Planning Commission shall adopt rules pursuant to Chapter 45 of the Charter of the City of New York which shall require the lead agency, as defined in 6 N.Y.C.R.R., Part 617, and Executive Order 91 of 1977, as amended, to provide notification of a proposed (E) designation to the owner(s) of the property to be so designated not less than 60 days prior to such designation.~~

The provisions of this Section 11-15 shall apply to all (E) designations and environmental restrictive declarations, notwithstanding the date such environmental requirements were established.

**11-151**

**Special requirements for properties in the Borough of Queens**

- (a) Block 9898, Lots 1 and 117, in the Borough of Queens, shall be subject to the provisions of Section 11-15 (Environmental Requirements) governing (E) designations. The City Environmental Quality Review (CEQR) Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Environmental Designations Requirements) of the Zoning Resolution.
- (b) The following special requirements shall apply to a #development#, #enlargement# or change of #use# for properties in the Borough of Queens located within the areas described in paragraphs (1) through (5) of this paragraph, (b):

\* \* \*

However, in the event that the Chairperson of the City Planning Commission, based on consultation with the Department of Environmental Protection of the City of New York, provides a certificate of no effect to the Department of Buildings with regard to industrial air emissions for an area described in this Section paragraph (b), the regulations of the zoning districts designated on the #zoning map# shall apply to any #development#, #enlargement# or change of #use# within such area, to the extent permitted under the terms of the certificate of no effect.

\* \* \*

**86-04**

**Applicability of Article I**

~~Within the #Special Forest Hills District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:~~

- (a) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- (b) ~~in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

\* \* \*

**87-04**

**Applicability of Article I, Chapter 1**

Within the ~~#Special Harlem River Waterfront District#~~, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any ~~#development#~~, or for an ~~#enlargement#~~, ~~#extension#~~ or a change of ~~#use#~~, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- (b) ~~in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

#### 87-05 04

##### Applicability of Article VI, Chapter 2

\* \* \*

#### 87-06 05

##### Modification of Use and Bulk Regulations for Parcels Containing Newly Mapped Streets

\* \* \*

#### 93-051

##### Applicability of Chapter 1 of Article I

- (a) Within the ~~#Hudson Yards Redevelopment Area#~~, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any ~~#development#~~, or for an ~~#enlargement#~~, ~~#extension#~~ or a change of ~~#use#~~, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York stating:
  - (1) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
  - (2) ~~in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~
- (b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on January 19, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than January 19, 2006.

\* \* \*

#### 98-051

##### Applicability of Chapter 1 of Article I

- (a) Within the ~~#Special West Chelsea District#~~, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any ~~#development#~~, or for an ~~#enlargement#~~, ~~#extension#~~ or a change of ~~#use#~~, on a ~~#zoning lot#~~ that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (1) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that #zoning lot#; or~~
  - (2) ~~in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~
- (b) Section 11-332 (Extension of period to complete construction) shall apply, except that notwithstanding the provisions of paragraph (a) of such Section, in the event that other construction for which a building permit has been lawfully issued and for which construction has been commenced but not completed on June 23, 2005, such other construction may be continued provided that the construction is completed and a temporary or permanent certificate of occupancy is obtained not later than June 23, 2006.

\* \* \*

#### **104-05**

##### **Applicability of Article I, Chapter 1**

~~Within the #Special Manhattanville Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York, stating:~~

- (a) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- (b) ~~in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

\* \* \*

#### **115-03**

##### **Applicability of Article I, Chapter 1**

~~Within the #Special Downtown Jamaica District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:~~

- (a) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- (b) ~~in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

\* \* \*

#### **117-05**

##### **Applicability of Article I, Chapter 1**

~~Within the #Special Long Island City Mixed Use District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, or noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:~~

- (a) ~~in the case of an (E) designation for potential hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- (b) ~~in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

\* \* \*

#### **119-06**

##### **Special requirements for certain properties within Special Hillside Preservation District**

The following sites: Block 24, Lot 1; Block 23, Lots 17, 42; Block 23, Lots 1, 4, 13; Block 115, Lots 61, 62, 63; and Block 47, Lots 7, 10, 107 shall be subject to the procedures of Section 11-15 (Environmental Requirements) governing (E) designations. The CEQR Declarations for these sites shall be listed in APPENDIX C (City Environmental Quality Review (CEQR) Requirements Declarations) of the Zoning Resolution. Section 11-15, paragraph (b), shall not apply to such CEQR Declarations.

\* \* \*

#### **124-041**

##### **Applicability of Article I, Chapter 1**

Within the ~~#Special Willets Point District#~~, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any ~~#development#~~, or for an ~~#enlargement#~~, ~~#extension#~~ or a change of ~~#use#~~, on a tax lot or ~~#zoning lot#~~ that has an (E) designation(s) for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:

- (a) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- (b) ~~in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# shall result in compliance with the environmental requirements related to the (E) designation.~~

#### **124-042 041**

##### **Applicability of Article III, Chapter 6**

\* \* \*

#### **124-043 042**

##### **Applicability of Article VII, Chapter 3**

\* \* \*

#### **124-044 043**

##### **Applicability of Article VII, Chapter 4**

\* \* \*

#### **126-03**

##### **Applicability of Article I, Chapter 1**

Within the ~~#Special College Point District#~~, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any ~~#development#~~, or for an ~~#enlargement#~~, ~~#extension#~~ or a change of ~~#use#~~, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection (DEP) of the City of New York, stating:

- (a) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~

- (b) ~~in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

\* \* \*

**128-051**

**Applicability of Article I, Chapter 1**

~~Within the #Special St. George District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for hazardous material contamination, noise or air quality, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York, stating:~~

- (a) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- (b) ~~in the case of an (E) designation for noise or air quality, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

**128-052 051**

**Applicability of Article I, Chapter 2**

\* \* \*

**128-053 052**

**Applicability of Article I, Chapter 5**

\* \* \*

**128-054 053**

**Applicability of Article III, Chapter 6**

The provisions of Section 36-76 (Waiver or Reduction of Spaces for Subsidized Housing) shall not apply in the #Special St. George District#.

\* \* \*

**131-041**

**Applicability of Article I, Chapter 1**

~~Within the #Special Coney Island District#, Section 11-15 (Environmental Requirements) shall apply, except that prior to issuing a demolition permit, where compliance at time of demolition is required by the (E) designation, or a building permit for any #development#, or for an #enlargement#, #extension# or a change of #use#, on a lot that has an (E) designation for potential hazardous material contamination, noise or air quality impacts, the Department of Buildings shall be furnished with a report from the Department of Environmental Protection of the City of New York stating:~~

- (a) ~~in the case of an (E) designation for hazardous material contamination, that environmental requirements related to the (E) designation have been met for that lot; or~~
- (b) ~~in the case of an (E) designation for noise or air quality impacts, that the plans and drawings for such #development# or #enlargement# will result in compliance with the environmental requirements related to the (E) designation.~~

**131-042 041**

**Applicability of Article I, Chapter 5**

\* \* \*

131-043 042  
Applicability of Article VI, Chapter 2

\* \* \*

131-044 043  
Applicability of Article VII, Chapter 4

\* \* \*

131-045 044  
Physical culture or health establishments

\* \* \*

131-046 045  
Modification of use and bulk regulations for zoning lots fronting upon Riegelmann Boardwalk, KeySpan Park and Highland View Park

\* \* \*

NYC ZONING RESOLUTION  
APPENDIX C:

CITY ENVIRONMENTAL QUALITY REVIEW (CEQR) ENVIRONMENTAL DESIGNATIONS REQUIREMENTS TABLE					
E-No.	CEQR No.	Description	Tax Block	Tax Lot(s)	Lot Remediation Date
Effective Date	ULURP No.				
Satisfaction Date	Zoning Map No.				
E-1 4/28/1983	NA 830178 ZMK 16a,16c	Double Glazed Windows	319	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18,19,20,22,23,24,25,26,27,28,29,30,31,32,33,34,35,36,37,39,42,49, 50,51,55,62,65	
E-2 4/28/1983	82-214X 830468 ZMX 3d	N2 Ambient Noise Zone Levels	2953	1,6,8,9,11,12,13,17,21,22,23,24,33,35,37,39,41,43,48,50,58,64	
E-3 3/15/1984	83-080X 840300 ZMX 3d	N2 Ambient Noise Zone Levels	2977	126,128,129,131,133,134,135, 136,137,138,139,141,142,143	
E-4 6/14/1984	82-070M 840260 ZMM 8b,12a	Double Glazed Windows & Alternate Ventilation	641	17,36,39,75	
			642	1,2,3,4,12,14,19, 30,34	
			643	1,2,3,4,5,6,7,8,9,10,11,12,13,14,15, 16,17,18,19,27	
E-5 12/6/1984	82-270Q 830193 ZMQ 13d	Double Glazed Windows	3637	1,2	

\* \* \*