

Avaltroni, Robert

From: Ketas, Joe (ex)
Sent: Friday, September 21, 2001 5:23 PM
To: Miele, Joel A. Sr. (ex); Chapin, Diana (ex); Sturcken, Charles (ex)
Cc: Licata, Angela (ex); Hoffer, Mark 001; Levine, Robin (ex); Avaltroni, Robert; Kelpin, Gerry; Greeley, Douglas (ex)
Subject: xxx Accelerating Redevelopment

Please see the attached.



11th.wpd

Joe



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Corona, New York
11368-5107

**Joel A. Miele Sr., P.E.
Commissioner**



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MEMORANDUM

To: Commissioner Miele, Diana Chapin, Charles Sturckin
From: Joe Ketas
Re: Downtown Replacement Office Space
Date: September 21, 2001

I attended a meeting at the Command Center yesterday with a host of folks from city agencies involved in the development approval process. The meeting was chaired by DCP and EDC.

EDC and DCP said that they have held discussions with a number of business reps who have lost space in Downtown Manhattan because of the September 11th tragedy. According to EDC, they have been told that the enterprises would be willing to remain in New York City, but they will consider moving outside the City if new space cannot be made available in a timely fashion. EDC and DCP believe that the City should send a strong signal to the development community at this time demonstrating it's willingness to expedite the approvals of new construction. To that end they plan to make the following two proposals to the Mayor next week:

(1) *Citywide actions*

- Provide City with authority to undertake urban renewal actions for economic development purposes (State has such authority; City's authority requires "blight" findings currently).
- Establish an expedited procedure that replaces that mandated by Section 384 (b)(5) and 197-c of the City Charter, for disposition of city-owned real property pursuant to zoning in commercial and manufacturing zoning districts, where the Mayor makes a certification of necessity for an economic development project. The expedited procedure would provide for a simultaneous referral of the proposed disposition to the Community Board and the City Planning Commission for advisory review for 30 days, and a 60-day period for review and approval by the City Council. As an alternative: The expedited procedure would provide for a 30-day referral to the Community Board, and a 30-day review and approval by the City Planning Commission. Within 20 days after the filing of the Commission's action with the City Council, the Council could disapprove the disposition by a two-thirds majority. Where such disposition is to a local development corporation without competitive bidding pursuant to



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Section-384 (b)(4) of the City Charter, such disposition may proceed upon approval of the Mayor of the proposed terms, and shall not require the approval of the Borough Board. The legislation would also characterize all actions covered by this paragraph as Type II (exempt) for environmental review purposes.

- Eliminate the applicability of Section 195 of the City Charter for acquisitions of office space where the Mayor makes a certification of necessity to address emergency conditions or to facilitate an economic development project.

They believe that state legislative changes will be required for each of the above bulleted items and have asked Corp Counsel to begin drafting whatever may be necessary along with City Charter revisions. The basis or process for a Mayoral certification of necessity has not been defined.

Analysis

The concept of defining the disposition of city-owned property for as-of-right purposes as Type II pursuant to SEQRA/CEQR is not new. City Planning now uses this technique routinely. There is no clearly applicable Type II category in the current regulations covering this however so we have always wondered over the years whether or not a legal challenge would be successful. Defining these actions as Type II as part of the new legislation could therefore provide better legal protection. It remains to be seen however if anyone at the state will agree that these actions can legitimately be defined this way - as actions that are presumed to never have the potential for adverse impacts. From a public health point of view, disposing of city owned property without an environmental review is not extremely problematic. EDC dispositions, which is what these provisions are aimed at, typically involve assemblages that ultimately result in development proposals that require some kind of zoning change or other discretionary approval at a subsequent time therefore, at some point, issues related to hazardous materials, for example, will likely be addressed. Frankly, it's hard to understand how these provisions actually address the acceleration of development in response to September 11th. They seem more related to making EDC's day to day business less complicated.

(2) Geographically Limited Actions

The following legislative changes would be applicable only in Lower Manhattan, Midtown Manhattan (?), Downtown Brooklyn, Long Island City, and (possibly) on the Far West Side of Manhattan.

- Shortening of the timeframes for the Uniform Land Use Review Procedure as required by Sections 197-c and 197-d of the City Charter, and zoning text amendments as required by Section 200 of the City Charter, where the Mayor makes a certification of necessity for an economic development project. For all actions subject to ULURP, the following timeframes shall be applicable: the period for review by the community board, borough



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president and borough board shall be simultaneous and shall be 30 days; the period for City Planning Commission review and approval shall be 30 days; and the period for City Council approval shall be 30 days. If the Council proposes to modify the proposed action approved by the City Planning Commission, the time period for tolling the Council's review so that the City Planning Commission may review the proposed modification shall be seven days. Related timeframes for public notice and transmittal in the Charter shall also be shortened.

- Environmental Review and other environmental discretionary approvals would be "waived" during a yet to be defined emergency (temporary) period.

These items would likely require state and federal legislative approvals, administrative approvals or regulation changes.

Analysis

As a policy matter, no one disagreed with the concept embodied in these provisions in the wake of the recent tragedy, but there was a long ensuing discussion. This approach would theoretically allow a significant amount of development to occur without review in the very areas of the city where we typically experience the most problems - traffic, air quality, and noise especially. Everyone at the meeting agreed (to my surprise), after some objection from EDC, that, assuming we find a way to "waive" environmental review and permitting provisions, hazardous materials issues should not remain unaddressed. An agreement was reached that any new regulations or legislation would include provisions to require hazardous materials investigations and remediation, if required, before construction commences. It would be done in a way, similar to the "E" rules, that would take this work off the critical path for approval.

It was not clear to most of us at the meeting, since this was the first time we were informed of these proposals, what it would take to "waive" all environmental provisions governing development proposals or to postulate what all the implications, positive or negative, might be. Corp Counsel was asked to start drafting SEQRA/CEQR rule or legislation changes and to start researching the need for other changes. All agencies were asked to assist. This agency was asked to start researching, for example, if there would be any Clean Air Act implications, since the State Air Quality Implementation Plan relies, to some extent, on environmental reviews to track the implications of growth related increases of pollution in the City.

I think we should also recommend that the City apply for some of the federal funds that are (may be) available to begin developing a comprehensive look, outside of the approval process, at the potential impacts that may occur if a significant increase in development should divert from Manhattan to the outer borough areas targeted here so we can have, for example, rational traffic improvements in place when they are needed.



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I've asked Mark Hoffer to assign someone to assist on this, since there are many legal issues involved and we'll need input from other Bureaus.

Joe Rose, we were told, is intending to present these concepts to the Mayor sometime early next week.

Please let me know if you need further information or would like us to proceed in a different manner.

copy: Mark Hoffer
Robin Levine
Bob Alvatroni
Gerry Kelpin
Doug Greeley
Angela Licata



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