



Legislation Text

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Int. No. 1523

By Council Members Gjonaj, Kallos and Levin

A Local Law to amend the New York city charter, in relation to studying and reporting on transportation impacts of decisions of the city planning commission in connection with certain land use actions

Be it enacted by the Council as follows:

Section 1. Chapter 8 of the New York city charter is amended by adding a new section 207 to read as follows

§ 207 Review of actual transportation impacts. a. Definitions. For the purposes of this section, the following terms have the following meanings:

Block. The term “block” has the meaning given to that term in section 12-10 of the zoning resolution.

CEQR technical manual. The term “CEQR technical manual” means the city environmental quality review technical manual issued in 2014 by the mayor’s office of environmental coordination, together with any updates, supplements and revisions thereto.

Covered land use action. The term “covered land use action” means an application that:

(1) the city planning commission has approved or approved with modifications for a matter described in paragraph one, three, four, five, six, eight, ten, or eleven of subdivision a of section 197-c or a change in the text of the zoning resolution pursuant to section two hundred or two hundred one;

(2) the commission decision has been approved or approved with modifications by the council pursuant to section one hundred ninety-seven-d and is not subject to further action pursuant to subdivision e or f of such section; and

(3) involves at least four adjacent blocks of real property.

EIS. The term “EIS” means a final environmental impact statement prepared pursuant to chapter 5 of title 62 of the rules of the city of New York in connection with an application subject to review of the city planning commission pursuant to section 197-c.

Lead agency. The term “lead agency” has the meaning given to that term in section 5-02 of title 62 of the rules and regulations of the city of New York.

Study area. The term “study area” means the geographic area or areas analyzed for potential transportation impacts as part of an EIS prepared in connection with a covered land use action.

Vehicle miles traveled. The term “vehicle miles traveled” means the total annual miles of vehicular travel generated by a covered land use action.

b. In connection with each covered land use action certified by the city planning commission on or after January 1, 2015, the department or, if the city planning commission is not the lead agency, the lead agency, in coordination with the department of transportation, shall conduct studies of transportation impacts in the relevant study area for the following periods:

1. from the date of final approval of such covered land use action to a date four years after such final approval; and

2. from the date of final approval of such covered land use action to a date 10 years after such final approval.

c. Each study conducted pursuant to subdivision b of this section shall:

1. Using the methodology for analyzing existing transportation conditions, as prescribed in the CEQR technical manual, compare such transportation conditions existing at the time of such study to the projected transportation impacts or lack of impacts identified in the EIS prepared in connection with such covered land use action;

2. Analyze whether any mitigation provided for in the EIS offset any potential transportation impact identified in such EIS and provide the date of implementation of each such mitigation measure.

d. For each study conducted pursuant to this section, the department or, if the city planning commission is not the lead agency, the lead agency shall report its findings to the mayor, the speaker of the council, the affected borough president, the affected community board, and the affected council member. Such findings shall discuss the reasons for any similarities and disparities between the existing transportation conditions and the projected transportation impacts described in the EIS prepared in connection with the covered land use action. If such findings reveal a disparity in any metric of more than five percent between the potential for such impacts identified in the EIS and the existing transportation condition analyzed pursuant to subdivision c of this section, or if the study reveals any impacts not discussed in an EIS prepared in connection with the application, such report shall make recommendations for amending the CEQR technical manual to more accurately predict the transportation impacts of future land use actions. Recommendations shall include discussion of whether a vehicle miles traveled model could more accurately and usefully capture transportation impacts of future land use actions. The department or the lead agency shall issue each report prepared pursuant to this subdivision no later than six months after the end of the applicable study period described in subdivision b of this section.

§ 2. This local law takes effect on January 1, 2020.

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