

## GROWTH STRATEGIES

# Environmental Review

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In the report we recommended:

“A major issue for the rebuilding of Lower Manhattan and future citywide development is environmental review. We want to strongly emphasize our support for sustainable design, mass transportation improvement, review of environmental issues and an open review process; however the current environment review process, particularly on the Federal level and the inherent potential for litigation will discourage the improvement we are recommending. At the WTC site, we recommend legislation stating that no EIS is required to be undertaken for redevelopment up to the previous floor areas and improvements in the supporting infrastructure, provided previous open space, including any streets on the site, are maintained or increased, in compliance with the spirit of the National Environment Policy Act (NEPA) and State Environmental Quality Review Act (SEQR). Other proposals to streamline the process, WTC redevelopment be given a negative declaration in terms of CEQRA fulfillment, should also be considered. For the rest of Lower Manhattan and the City as a whole the process could be streamlined without sacrificing thoroughness or public input by adopting the proposals that have been made by the Alliance for City Environmental Quality Review (CEQR) Reform. In general, CEQR could be better integrated with the planning process.”

Environmental review was developed to ensure that the environmental impacts of governmental action are considered in making decisions. However, all too often, instead of informing the planning process environmental review has merely reflected the process. Instead of having environmental review done concurrently with the planning process, the cost and methodology of assessment and impact statements result in environmental review being done after the plan is developed so that the review corresponds to the desired plan. The costs of environmental review sometimes have discouraged needed land use changes, such as rezoning. Often the assessment and or impact statement has been challenged in court. This has delayed or stopped projects and/or actions that would have detrimental impacts, but the risk of such delays and its attendant cost also discourage good projects and actions.

There are three levels of environmental review, corresponding to the three levels of government. NEPA – the National Environment Protection Act applies to federal projects and those projects that receive federal money or require federal permits. SEQR – State Environmental Quality Review covers state actions and actions of localities that do not have their own program. CEQR – City Environmental Quality Review is based on the state legislation and covers actions by New York City. It affects planning by requiring zoning changes to undergo an environmental review process as well as the City’s ULURP Uniform Land Use Review Procedure.

SEQR provides for three categories of actions: Type I, Type II and unlisted. Type I actions are likely to require an impact statement. Unlisted actions are in the “gray” middle area that is not listed in either Type I or Type II categories. Many smaller actions are placed on a Type II list.

Typically these actions are automatically exempt from environmental review. If a project is not exempt an application is prepared for an environmental assessment. This application can often require detailed information that involves significant cost. If an application receives a negative declaration or a conditional negative declaration no additional work is required. If it receives a positive declaration an environmental impact statement is required. Environmental impact statements require detailed analyses of issues such as an actions effect on traffic, air pollution, water pollution etc. These studies are expensive and time consuming to complete.

A federal NEPA impact statement for transportation improvements typically takes three years to be completed. State and local impact statement take a shorter length of time. Once completed the impact statement can be challenged in court. A negative declaration can also be challenged in court.

If the World Trade Center was rebuilt as it was no environmental reviews would be required. The principals in New York New Visions recommend many improvements to mass transportation, creating of sustainable development, and a very different design for the WTC site. If impact statements are required it is likely that many of the improvements we are recommending and which will be better from an environmental perspective, will not happen because the review will take too long. This would be an unfortunate lost opportunity. For these reasons modifying and streamlining the process is critical. It should be emphasized that this does not mean waiving or short circuiting the public participation process. For the rest of Lower Manhattan and the City at large adopting the Alliance for CEQR Reform proposals; (<http://www.aiany.org/committees/Planning+UrbanDesign/index.html>) would streamline environmental reviews for rebuilding without sacrificing thoroughness or public input.

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