Negative Declaration

Date Issued: June 18, 2021

CEQR Number: 21DOT016Y

Name: Permanent Open Restaurants Program

Location: Citywide

SEQRA Classification: This project is classified as a Type 1 Action pursuant to 6 NYCRR, Part 617.4(b)(3) and 617.4(b)(9)

Description:

The New York City Department of Transportation ("NYC DOT") has completed its review of the above referenced Environmental Assessment Statement ("EAS") and herby issues this Negative Declaration.

NYC DOT, in conjunction with the New York City Department of City Planning ("NYCDCP") is proposing to establish and implement a Permanent Open Restaurants ("POR") Program in accordance with Local Law 114 of 2020 enacted by the New York City Council (the "Proposed Action"). The City seeks an amendment to the New York City Zoning Resolution ("ZR") and the suspension, repeal, and amendment of certain laws and provisions of the Administrative Code of the City of New York and the Rules of the City of New York ("RCNY") to establish and implement a POR to succeed the temporary program established by the Mayoral Emergency Executive Order 126 dated June 18, 2020, as extended and amended by subsequent orders, and Local Law 77 of 2020.

New York City's current Open Restaurants Program, as authorized by Mayoral Emergency Executive Order 126 as extended and amended by subsequent orders, and Local Law 77 of 2020, is an emergency effort to implement a temporary citywide program to expand outdoor seating options for food service establishments to maintain public health and safety, enhance social distancing, and help such establishments rebound in difficult economic times during the COVID-19 pandemic. Under the temporary program, individual food service establishments may apply to NYC DOT and self-certify to use the sidewalk or curb parking lane on the roadway adjacent to their businesses. As a result, the existing sidewalk café program, which involves a permit application and review process through the Department of Consumer and Work Protection ("DCWP"), formerly the Department of Consumer Affairs ("DCA"), was temporarily suspended by these executive orders. The Proposed Action would seek to establish the laws and rules of a new permanent program consistent with Local Law 114's authorization. This program would consist of both a roadway café seating program, and improvements to and transfer of authority for sidewalk cafés as a successor to the DCWP program.

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Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review (CEQR), found at Title 62, Chapter 5 of the RCNY and Part 617 of Title 6 of the New York Codes, Rules, and Regulations of the State Environmental Quality Review, NYC DOT assumed the role of lead agency for the environmental review of the Proposed Action. Based on the review of the project information contained in the EAS dated June 18, 2021, NYC DOT has determined that the Proposed Action would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on the EAS dated June 18, 2021 and incorporated by reference herein, which make the following conclusions regarding the Proposed Action:

1. The Proposed Action would enhance the existing controls, implement the Mediating Establishment and Neighbor Disputes NYC program ("MEND NYC"), and provide education and outreach such as an explicit "Code of Conduct" for potential licensees. These measures would inform the potential licensees the noise related rules and regulations they have to adhere, give the community and the potential licensees an opportunity to mediate their noise issues, and enhance the enforcement when the established noise levels are exceeded. With these improvements, the noise from newly introduced outdoor restaurant seating areas are expected to be comparable to the existing DCWP sidewalk café program. Therefore, the Proposed Action would not result in significant adverse noise impacts.

2. No significant effect upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable.

This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQR).

_____ June 18, 2021_____

Naim Rasheed, Assistant Commissioner
Transportation Engineering & Planning

Date

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Attachment:
Permanent Open Restaurants EAS

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