OPEN SPACE

CHAPTER 7

Under CEQR, an analysis of open space is conducted to determine whether a proposed project would have a direct impact resulting from the elimination or alteration of open space and/or an indirect impact resulting from overtaxing available open space. Open space is defined as publicly or privately owned land that is publicly accessible and available for leisure, play, or sport, or is set aside for the protection and/or enhancement of the natural environment. An open space analysis focuses on existing or planned public open space.

As with each technical area assessed under CEQR, it is important for an applicant to work closely with the lead agency during the entire environmental review process. The lead agency may determine it is appropriate to consult or coordinate with the City's expert technical agencies for a particular project. If so, the New York City Department of City Planning (DCP) and the New York City Department of Parks & Recreation (NYC Parks) should be consulted for information, technical review, and recommendations for mitigation relating to open space. It is recommended that the lead agency coordinate with these expert agencies as early as possible in the environmental review process. Section 700 further outlines appropriate coordination with these (and other) expert agencies.

100. DEFINITIONS

Open space may be public or private and may include active and/or passive areas:

PUBLIC OPEN SPACE

Open space that is accessible to the public on a constant and regular basis for active and passive recreation, including for designated daily periods, is defined as "public" and analyzed under CEQR. Public open space may be under government or private jurisdiction and may include, but is not limited to, the following:

- Parks operated or managed by City, State, or federal governments and includes neighborhood and regional parks, beaches, pools, golf courses, boardwalks, playgrounds, ballfields, and recreational facilities that are available to the public at no cost or through a nominal fee, such as NYC Parks recreation centers and golf courses;
- Open space designated through regulatory approvals (*e.g.*, zoning), including large-scale permits that prescribe publicly accessible open space, such as public plazas;
- Outdoor schoolyards, if available to the public during non-school hours;
- Publicly accessible institutional campuses (*e.g.*, Columbia University's outdoor campus area);
- Promenades and Esplanades (*e.g.*, Flushing Bay Promenade);
- Designated greenways, as shown on the NYC Bike Map, and defined as multi-use pathways for non-motorized recreation and transportation along natural or other linear spaces, such as rail and highway rights-of-way, river corridors, and waterfront spaces;
- Landscaped medians or malls with seating;
- Housing complex grounds, if available for use by the general public on a constant and regular basis;
- Nature preserves, if publicly accessible on a constant and regular basis;
- Gardens, if publicly accessible on a constant and regular basis;

- Church yards (with seating) or cemeteries, if publicly accessible on a constant and regular basis for passive recreation such as strolling; or
- Waterfront piers used for recreation.

Public open space should offer an opportunity for recreation. Thus, landscaped open areas designed to increase the aesthetic value of public spaces, which do not provide amenities for public recreation, are not included in this definition of public open space. Examples of such areas would include:

- "Greenstreets" - small planted areas within the street right-of-way maintained by NYC Parks as part of New York City's Greenstreets program. These areas generally do not include recreational features such as benches or seating areas.
- Landscaped roadway medians or pedestrian malls that do not include features such as benches or seating areas.
- Landscaped sidewalks or other open public areas that do not include features such as benches or seating areas.

PRIVATE OPEN SPACE

Open space that is not publicly accessible or restricts public accessibility to a limited number of users (*e.g.*, requiring membership) and/or is not publicly available on a regular and constant basis, is defined as "private." Private open space is not included in the quantitative analysis but may be considered in the qualitative assessment of potential open space impacts. Private open space may include, but is not limited to, the following:

- Private-access fee-charging spaces, such as health clubs;
- Yards or rooftop recreational facilities used by community facilities, such as public and private educational institutions, where the open space is accessible only to the population of the institution;
- Natural areas or wetlands with no public access; and
- Front and rear yards.

Private open space is considered only after an assessment of the proposed project's effects on public open space has been completed. If the project is likely to have indirect effects on public open space (such as greater utilization demands), the ability of private open space to influence or alter those effects may be considered.

Open space includes both "active" and "passive" categories as described below:

ACTIVE OPEN SPACE

Open space that is used for sports, exercise, or active play is classified as "active open space," consists mainly of recreational facilities that may include the following: playgrounds, fields (baseball, soccer, football, track), courts (basketball, handball, tennis), outdoor fitness equipment, beach areas (swimming, volleyball, Frisbee, running), pools, ice and roller skating rinks, greenways, mountain bike trails, and esplanades (running, biking, rollerblading, or other active recreation), multi-purpose areas (open lawns and paved areas for active recreation, such as running games, informal ballgames, skipping rope, *etc.*), shore public walkways (running), and golf courses, including pitch and putt courses.

PASSIVE OPEN SPACE

Open space that is used for relaxation, such as sitting or strolling, is classified as "passive open space," and may include the following: plazas or medians with seating, beach areas (sunbathing), picnic areas, esplanades (sitting, strolling), greenways, walking paths, lawns reserved for passive use, gardens, church yards (with seating), cemeteries, shore public walkways (sitting, strolling), and publicly accessible natural areas used for activities such as strolling, dog walking, and bird watching. Care should be taken when considering the amount of space and types of passive recreation offered by passive open space resources. For example,

natural areas may restrict public access to defined paths and cemeteries may limit public use to only activities such as sitting, walking or strolling.

In many cases, open space may be used for both active and passive recreation. These include lawns and beaches, which permit both sunbathing and *ad hoc* ball or Frisbee games.

A proposed project's effects on public open space may be either "direct" or "indirect," defined as follows:

DIRECT EFFECTS

Direct effects on public open space may occur when the proposed project would encroach on, or cause a loss of, open space. Direct effects may also occur if public access is limited, the type and amount of public open space is changed or if the facilities within an open space would be so changed that the open space no longer serves the same user population. Other direct effects may result from sources of noise, air pollutants, odors, or shadows on public open space, affecting its function, usability or enjoyment. An assessment of these sources of direct effects on public open space, addressed in the relevant technical chapters of the manual, should be referenced as part of the open space analysis. For example, if the shadows analysis prepared for the proposed project identified the potential for a significant adverse impact due to project-generated incremental shadows on open space, this adverse effect should also be described in the open space analysis, as the shadow would also have a significant adverse impact on the use and enjoyment of open space. It should be noted that direct effects may not always result in adverse effects to open space. Alterations and reprogramming opportunities of open space may be available and could be pursued as part of a proposed project.

INDIRECT EFFECTS

Indirect effects may occur when the population generated by the proposed project overtaxes the capacity of existing public open spaces so that the service provided to existing and future populations in the area would be substantially or noticeably diminished.

The core concept of an open space analysis is based on "open space ratio," the proportion of area and number of users. The open space ratio is defined as follows:

OPEN SPACE RATIO

In New York City, the optimal OSR for residential populations is 2.5 acres of open space per 1,000 residents and for nonresidential populations the optimal OSR is 0.15 acres of passive open space per 1,000 nonresidents (see Section 311 below for further discussion).

200. DETERMINING WHETHER AN OPEN SPACE ASSESSMENT IS APPROPRIATE

An open space assessment may be necessary if a project potentially has a direct or indirect effect on open space. In determining whether to prepare an open space assessment, consider whether the proposed project is likely to adversely affect utilization of existing resources or specific users of these resources.

210. DIRECT EFFECTS

If a proposed project would have a direct effect on an open space, an assessment of the effects on open space and its users may be appropriate. Direct effects occur if the proposed project would:

- Result in a physical loss of public open space (by encroaching on or displacing open space);
- Change the use of an open space so that it no longer serves the same user population (*e.g.*, elimination of playground equipment);
- Limit public access to an open space (*e.g.*, the closing of a park entrance reducing access points); or
- Cause increased noise, air pollutants, odors, or shadows on public open space that would affect its function, usability, or enjoyment, whether on a permanent or temporary basis.

However, when the direct effect would be so small that it would be unlikely to affect the use and enjoyment of an open space, a detailed assessment may not be needed. For example, the loss of a small portion of open space to support infrastructure related to a park purpose may not warrant a detailed open space analysis. However, most direct effects on open space do require some assessment, particularly when collecting more information on users of the open space may be appropriate or there is ambiguity as to whether the proposed project would reduce the usability of an open space, detract from its aesthetic qualities, or impair its operation.

Consideration of direct effects during the construction phase of a project should also be taken into account when determining whether an open space assessment is warranted. Chapter 22, "Construction," should be consulted for assessing the effects of construction activities on open space.

211. Alienation and Conversion of Parkland

In addition to direct effects on open space, if a project entails the use of parkland for a non-parkland purpose or the conveyance of municipal parkland, it may constitute "parkland alienation" in New York State, requiring State legislative authorization. Similarly, when a project involves the termination of use for outdoor recreation of City-owned parkland that has received federal funds for acquisition or improvement, the project may also involve "conversion," and requires the approval of the National Park Service of the U.S. Department of the Interior. For more information on how to proceed when a project may result in parkland alienation or conversion, please see Section 730.

220. INDIRECT EFFECTS

If a project may add population to an area, demand for existing open space would typically increase. Indirect effects may occur when the population generated by a proposed project would be sufficiently large to noticeably diminish the ability of an area's open space to serve the future population.

The preliminary screening threshold to determine if an open space assessment is warranted is if the proposed project would generate more than 200 residents or 500 nonresidents, or a similar number of other nonresidential users (e.g., the population introduced by a new university or college). These preliminary screening thresholds are generally accepted baseline guidance for considering when new population generated by a proposed project in the City may start to affect the use and enjoyment of open space in an identified study aera. use an

300. ASSESSMENT METHODS

If the project exceeds the thresholds outlined in Section 200, above, a preliminary assessment is warranted, and, depending on the results of that assessment, a more detailed analysis may also be necessary. A detailed open space analysis is likely necessary if the project would displace a highly utilized open space (direct effect) or introduce a large population in an area with a limited amount of open space available for public use (indirect effect). In some cases, the need for a detailed analysis may be less clear, and a preliminary assessment may be useful in determining the need for a more detailed analysis of open space.

310. ANALYSIS TECHNIQUES

The open space assessment examines the type of open space and user population affected by the proposed project. Overall, the goal of this assessment is to determine the significance of the change in either the availability of open space relative to the demand from the new population or the usability of the open space affected by the proposed project. For example, a commercial or mixed-use project may introduce a large worker population, which tends to place demands on passive open space. The analysis would examine in further detail the amount of passive open space available with and without the proposed project to identify whether there is a significant adverse impact, and if so, to develop appropriate mitigation.

For projects that would have a direct effect on a specific type of open space without introducing a significant new user population, the open space analysis may be targeted toward those open spaces that are similar to the space

that would be eliminated or altered by the project. For example, if the direct effects are limited to an open space targeted for a certain age group, such as a tot lot for toddlers and preschoolers, the impact assessment may be targeted to assess only that age group and nearby tot lots.

311. Open Space Ratios and Planning Standards

In New York City, local open space ratios can vary widely. A ratio of 2.5 acres per 1,000 residents represents an area considered to have ample open space and is consequently used as an optimal benchmark for residential populations in large-scale plans and proposals. Ideally, this would comprise 0.50 acres (20 percent) of passive space and 2.0 acres (80 percent) of active open space per 1,000 residents. For nonresidents who tend to use passive open space, for example workers taking a break in a park, the optimal ratio for nonresidential populations is 0.15 acres of passive open space per 1,000 nonresidents.

The first step in any open space assessment is to define and map a study area (Section 320, below). Once the study area is defined, the next step is typically to perform a preliminary assessment (see Section 330, below) calculating the percentage change in the open space ratio between the No-Action condition and the future With-Action condition. The results of the preliminary assessment can be used to determine if a detailed open space analysis is necessary.

320. STUDY AREAS AND MAPPING OF EXISTING OPEN SPACE

Open space study areas are defined to allow analysis of both the nearby open spaces and the populations using those open spaces. A study area is generally defined by a reasonable walking distance that users would travel to reach local open space and recreation areas—typically 0.5 mile for residential users and 0.25 mile for nonresidential users. However, the boundaries of the study area should reflect existing conditions and may be irregularly shaped. For projects that would result in mixed-use projects (*e.g.*, residential/commercial buildings), it may be appropriate to analyze two study areas—one for residential users and another for nonresidential users, such as workers. The following steps may be used to define an open space study area:

- Use a legible map of appropriate scale, such as a census tract map or DCP's Bytes of the Apple map as a base map. Locate the site of the proposed project and draw the physical boundary of the area affected by the project (*i.e.*, the project site).
- From the boundary of all sites that would be developed as a result of the proposed project, delineate a radius of 0.25 mile for nonresidential projects or 0.5 mile for residential projects to create the generalized open space study area boundaries. As noted, it may be appropriate to define two study areas for mixed-use projects—one for residential users and another for nonresidential users.
- Identify all census tracts with at least 50 percent of their area within the generalized study area. The study area should include each of those census tracts in their entirety. Exclude all census tracts that have less than 50 percent of their area within the study area. Outline all census tracts to be included to refine the boundaries of the study area. Any census tracts that overlap with the project site should be included in their entirely, regardless of the percentage census tract area that is included in the generalized study area.
- Identify all public open spaces (as defined above in Section 100) within the defined study area. Field surveys of the study area are usually important to be certain that all appropriate open spaces are included. Determine the acreage for each open space within the study area as well. This information should be summarized in tabular format and provided as part of the existing conditions section.

  If a project would result in a large development or would displace an open space, the study area boundary may also need to be adjusted to reflect additional open space likely to be affected. For example, if a tot lot (playground designed for young children) would be eliminated under a proposed project, other existing tot lots should be included on the study area map, even if located beyond the 0.5-mile radius. If only direct effects from the project are expected, it may be possible to target the assessment to spaces

that would be similar to those affected by the project. If the project is programmatic or generic, prototypical sites may have to be chosen for the analysis.

- Other boundary adjustments may be necessary to account for natural boundaries (ravines, rock outcroppings, water bodies, very steep slopes, wetlands, *etc.*) or built features (depressed highways, canals, railroad rights-of-way, *etc.*) that preclude access to open space within the study area. Adjustments to study area boundaries may also be necessary for project sites near jurisdictional boundaries, for example, a project site in eastern Queens close to Nassau County. The rationale for study area boundary adjustments should be provided as part of the open space assessment discussion, and the acreage for any open space not accessible due to physical or natural barriers should not be included in the preliminary assessment, described below in Section 330.
- For projects that cover large areas, such as a neighborhood rezoning efforts, following the methodology described above may create a study area that is too large to accurately capture open space demand and utilization patterns. In such instances, it may be appropriate to divide the study area into sub-areas to better understand the localized effect a proposed action may have on open space resources. Existing characteristics of the study area should be considered when creating sub areas for assessment, for example, where centers of residential density are located, how existing land uses affect open space demand and features present in the study area that may serve as boundaries (e.g., a busy thoroughfare, changing topography). The use of sub-areas is at the discretion of the Lead Agency and NYC Parks should be consulted on the methodology and rationale for identifying proposed sub-areas.

330. PRELIMINARY ASSESSMENT

A preliminary assessment may be useful when the open space assessment can be targeted to a particular user group, or if it is not clear whether a full, detailed open space analysis is necessary.

The following methodology examines the change in total population relative to total open space in the study area to determine whether the elimination of open space and/or increase in user population would significantly reduce the amount of available open space for the area's population:

- Calculate the existing total population in the study area at the time of the most recent decennial census, with a population adjustment based on subsequent population estimates, such as resources available from NYC Department of City Planning or the American Community Survey.
  - ***PROJECTS THAT WOULD RESULT IN AN INCREASE IN RESIDENTIAL POPULATION***. Calculate the residential population of the study area. If the project would occur in an area with a substantial nonresidential population (employees, visitors, students, *etc.*), the nonresidential population of the study area should also be calculated.
  - ***PROJECTS THAT WOULD RESULT IN AN INCREASE IN NONRESIDENTIAL POPULATION (EMPLOYEES, VISITORS, STUDENTS, ETC.)***. Calculate the nonresidential population. If the project would occur in an area with a substantial residential population, the residential population of the study area should also be calculated.
  - ***PROJECTS THAT WOULD RESULT IN AN INCREASE IN BOTH RESIDENTIAL AND NONRESIDENTIAL POPULATION***. Calculate the residential and nonresidential population of the study area.
- Calculate the existing total open space acreage in the study area using the information gathered in Section 320.
- Determine the existing open space ratio in the study area. The open space ratio ("R" in formula below) is expressed as the amount of open space acreage per 1,000 population, and is calculated as follows:

$$R = \frac{\text{acres of open space}}{\text{population}} \times 1000$$

- ***PROJECTS THAT WOULD RESULT IN AN INCREASE IN RESIDENTIAL POPULATION.*** Calculate the open space ratio for the residential population. If the project would occur in an area with an existing substantial nonresidential population, the open space ratio for the nonresidential population should also be calculated.
- ***PROJECTS THAT WOULD RESULT IN AN INCREASE IN NONRESIDENTIAL POPULATION (EMPLOYEES, VISITORS, STUDENTS, ETC.).*** Calculate the open space ratio for the nonresidential population. If the project would occur in an area with an existing substantial residential population, the open space ratio for the residential population of the study area should also be calculated.
- ***PROJECTS THAT WOULD RESULT IN AN INCREASE IN BOTH RESIDENTIAL AND NONRESIDENTIAL POPULATION.*** Calculate the open space ratio for both the residential and nonresidential populations of the study area.

- Add the existing total population determined by following the steps above with any increase in population (residential and/or nonresidential) expected by other projects in the study area to be completed by the proposed project's build year. Depending on the duration of time prior to a project's analysis year, or existing population trends in a study area, it may also be necessary to adjust the existing total population to account for projected changes in population (relevant population information may be available from DCP). The study area population calculated under this step would be the population under the future No-Action condition.
- Calculate any changes in the acreage of open space to occur in the study area by the proposed project's build year. This would establish the baseline open space acreage assumed under the future No-Action condition.
- Calculate open space ratio ("R" in formula above) under the future No-Action condition.
- Add the population expected with the proposed project to the future No-Action population calculated above.
- Calculate any changes in the acreage of open space in the future With-Action (i.e., any increases and/or decreases resulting from the project).
- Calculate the With-Action open space ratio ("R" in formula above) under the future With-Action condition.

If the open space ratio would increase or remain the same in the With-Action condition compared to the No-Action condition, no further analysis of open space is needed (unless direct, qualitative changes to an open space – for example, moving or altering open space - may occur because of the project). Projects expected to result in a decrease in the open space ratio should consider the following to determine if a more detailed analysis is warranted:

- As shown in Table 7-1, projects in study areas where the open space ratio approaches or exceeds the City's planning goal of 2.5 acres per 1,000 residents, may generally tolerate up to a five percent decrease of the open space ratio before considering the need for more detailed analysis.
- For projects in study areas where the open space ratio is not near the City's planning goal of 2.5 acres per 1,000 residents, the percentage decrease in open space ratio is weighed against how the open space ratio of the study area compares to the City's planning goal for open space. Table 7-1 provides general guidelines for ranges of open space ratios and tolerated percentage changes. Projects which result in a percentage change greater than the guideline for the range of calculated open space ratio shown in Table 7-1 below may warrant a more detailed analysis.
- Projects that have an effect on a nonresidential population's use of passive open space would not follow the guidelines presented in Table 7-1, but rather consider the need for a detailed assessment based on a

comparison of the open space ratio to the optimal ratio of 0.15 acres of passive space per 1,000 non-residents. Projects that lead to the non-residential open space ratio to drop below the optimal ratio of 0.15 acres of passive open space per 1,000 non-residents may warrant a more detailed assessment.

Table 7-1
Preliminary Assessment – Guidance for Percentage Change in Open Space Ratio

Open Space Ratio Range	Percentage Change in Open Space Ratio
2.01 to 2.50* or greater	5%
1.51 to 2.00	4%
1.01 to 1.50	3%
0.51 to 1.00	2%
0.50 or Less	1%
*2.5 OSR is the planning goal in NYC	

When determining if a detailed assessment is warranted, the preliminary assessment may include a discussion of the project site's proximity to nearby regional parks, or other substantial open space resources, located within or just outside the 0.5-mile and/or the 0.25-mile generalized study area boundaries (as determined in Section 320, above). For projects where the open space ratio is marginally above the percentage change guideline, as shown in Table 7-1, the presence of a nearby regional park or other substantial open space resources may be an alleviating factor for an increase in open space demand expected as a result of the project. If warranted, the preliminary assessment can consider the availability of larger-scale parks within or just outside the generalized project study area, including the relative distance from the project site, the total acreage of open space offered and the passive and active resources available. All projects, regardless of the determined percent change in open space ratio, or any qualitative factors considered, should be reviewed vis-à-vis the NYC Parks' Walk to a Park Initiative, as described in Section 331 below. In addition, larger projects introducing a sizable new population, for example, a proposed project introducing 500 new dwelling units, in study areas where the open space ratio is below the City's planning goal of 2.5 acres per 1,000 residents, may warrant the preparation of a detailed open space analysis prepared following the guidance of Section 340 below.

331. NYC Parks Walk to a Park Initiative

New York City, as part of the *OneNYC 2050 Building a Strong and Fair City* plan, has put forth a goal for 85 percent of New York City residents living within a walking distance of a park by 2030. To help the City reach this goal, NYC Parks has a Walk to a Park initiative that focuses on increasing access to parks and open space in areas of the City where residents live further than a walk to a park. The Walk to a Park Service Area, or areas of the city that are within a walking distance of a park are shown on the following map. Areas of the Walk to a Park Service Area map that are not covered by a Walk to a Park Service Area are considered "walk gaps" – i.e., areas of the City that are not within a walking distance to a park.

As part of the preliminary assessment for open space, a project should be reviewed to determine if it is located in an area of the City within a Walk to a Park Service Area. Project sites that are located outside of a Walk to a Park Service Area (i.e., located in a known walk gap areas) suggests there is a need for a detailed analysis to be performed to determine if the project may further exacerbate a condition of residents living in areas of the city with inadequate park access, potentially leading to a significant impact. While the focus of the Walk to a Park initiative is on residents living within a walking distance to a park, projects that create a non-residential population (e.g., new workers)

should also review if the project is located within a known walk gap and assess if the project would generate a new non-residential population within areas of the City with inadequate access to open space resources.

For site-specific projects, the project site can be located on the NYC Open Data Walk to a Park Service Area map to determine if it is located in Walk to a Park Service Area or is located in a known walk gap area of the City. For larger area-wide projects, the Walk-to-a-Park Service area data can be downloaded directly from the NYC Open Data website and, using GIS mapping software, the Walk to a Park Service Areas can be mapped over the project area to determine if the project would overlap with any known walk gap areas.

The preliminary assessment should include a graphic that shows the project area compared to Walk to a Park Service Areas to demonstrate if the project is outside or inside the service areas. The map provided on Open Data has been designed to assist with CEQR assessments and the data set can also be downloaded to create the graphic of the project site using GIS mapping software. Any portion of the project area that overlaps a known walk gap area suggests the need to prepare a detailed open space assessment.

340. DETAILED ANALYSIS

A detailed open space analysis typically breaks down study area population by age group and details the amount and quality of various types of open space to assess the availability of particular types of open space for particular age groups. In conducting this assessment, the analysis focuses on where shortfalls in open space exist now (or in the future), to identify whether the shortfalls are a result of the project. Where it is clear from the outset that the project would affect a particular type of open space or particular age group, the analysis may focus on those issues.

341. Identify Study Area Population

Using the total study area population calculated in the Preliminary Assessment (Section 330), break down the population by age group and list age groups as both total persons and as a percentage of total population in study area, as shown in Table 7-2.

These age groups represent different types of open space users. For example, young children, typically uses tot lots, while other age groups may use a variety of active and passive facilities. If it is clear that the area supports a substantial weekday (nonresidential) population, such as workers, college students, or visitors, data on the size of such population should be obtained using the following sources:

- Data on daytime worker population may be obtained from DCP here.
- Daytime college population may be determined by contacting administrative offices of colleges and other post-secondary educational institutions in the study area.
- Visitor population may be estimated using information from visitor attractions and major shopping attractions--this may include daily, weekend, or annual visitor counts and estimates of daily or weekend shoppers.

For an analysis targeting a specific open space and user population, the assessment may focus only on that user population comparable to the population that would be displaced. For example, if only a tot lot is to be affected by the proposed project, the demographic analysis may focus on the appropriate age group, typically 4 years old and younger.

342. Identify and Describe Study Area Open Spaces

Next, identify and describe open spaces included in the study area through data collection and site visits to determine the types of facilities, utilization levels, accessibility, and conditions. This description may also note any larger or regional parks (a list of regional parks may be found here) proximate to the study area that may be considered as part of the qualitative assessment and may also be considered when determining impact significance (see Section 400 below). Such resources considered as part of the qualitative assessment may be located in adjacent census tracts that are not included as part of the study area (following the methodology of

Section 320 above) or resources outside of the study area that may be within a reasonable walking distance for project-generated users to access. For example, under some circumstances project-generated users may walk up to 15 minutes from a project site to access significant open space resources like a public beach or regional park. However, how direct the access routes are to the open space, how the overall extent and topography of the open space study area may affect travel time, as well as the access points and the amenities offered by larger and regional parks just outside of the study area should be taken into account when determining which open space resources to include in the qualitative assessment.

342.1. Field Surveys

The preferred method to collect data on open space facility conditions and utilization levels is to conduct field surveys. It is recommended that information from field surveys be obtained from at least two site visits, during peak hours of use and in good weather. Information regarding the appropriate timing for a field visit may be obtained through conversations with community groups and facility operators. The time and date of the site visit and the weather conditions should be referenced in the write-up of the open space assessment. For designated greenways, in particular, field visits assist in assessing the portion of the open space utilized as active versus passive open space. For example, a field visit to the greenway along Route 9A will likely determine that 100% of the greenway is active, while a field visit to the greenway in Manhattan's Riverside Park will result in a distribution of both active and passive activities. Peak hour varies for different users and open space facilities. Commercial areas tend to have a peak hour at lunch time - noon to 2:00 p.m. Residential neighborhoods often have peak hours on weekends and after school, but verification with park operators may be useful. For example, some schools use parks for recess, and certain facilities in parks may attract users at any time, creating other peak hours. Greenways may see peak use for recreation on weekends and peak use for transportation purposes during work rush hours. For beach areas, consider seasonal issues when including such areas in an open space inventory.

342.2. Data Collection

In general, the following data are useful in assessing open space conditions in an area. For projects that may affect a specific type of user or specific type of open space, this assessment may be tailored for that group. A sample format for gathering and organizing this information is found in Table 7-3.

- ***NAME AND ADDRESS OF EACH OPEN SPACE FACILITY***.
- ***MAP KEY NUMBER***. This indicates the location and description each open space facility on the open space map described in Section 310.
- ***OWNER (PUBLIC/PRIVATE)***.
- ***ACREAGE.*** Acreage for lands underwater at beaches or waterfront parks should not be included but may be considered when performing the assessment of the adequacy of open space described in Subsection 343. The acreage for cemeteries should account for the publicly accessible areas available for use by the public and located within the study area boundaries; for example, the acreage of the pathways at a cemetery used for passive recreation.
- ***PERCENT OF AREA (AND ACREAGE) DEVOTED TO ACTIVE AND PASSIVE USES.*** Estimates based on the facility type and equipment should be provided. In general, the following assumptions of active and passive uses may be appropriate:
  - Greenways are 100 percent active;
  - Greenways within park boundaries that utilize an existing esplanade are 70 percent active and 30 percent passive;

- Esplanades typically range from 20 percent to 50 percent active and 80 to 50 percent passive (a survey or other means should be used to determine an appropriate assumption; results should be confirmed by the Lead Agency and NYC Parks);
- Shore Public Walkways, waterfront lots where zoning requirements for new development include the creation of privately owned and maintained waterfront public access areas, can be assumed to be 80 percent passive and 20 percent active (if different assumptions are proposed, it should be confirmed by the Lead Agency and NYC Parks);
- Beaches may be considered 20 to 40 percent active, and 60 to 80 percent passive;
- Sitting areas are 100 percent passive;
- Ball fields are 100 percent active;
- Multipurpose play areas are generally 100 percent active, unless field surveys confirm limiting conditions; and
- Golf courses, including pitch and putt courses, are 100 percent active, but tend to serve a very limited portion of the population. The assessment should consider the fact that a golf course may contribute a substantial amount of open space acreage, but due to its limited function, it may not serve a comparable amount of the study area population's active open space needs.

The lead agency may determine that other active versus passive percentages for the affected resources may be more appropriate based on information obtained from sites visits, evaluation of available aerials of the resources and consultation with NYC Parks for City parks. Categorizing the use of open space as passive or active often requires judgment, and for any particular case, typical open space may be used differently.

- ***OPEN SPACE FEATURES, TYPES OF EQUIPMENT, FACILITIES, ETC.*** In many cases, the features of an open space area (or lack thereof) may be important in assessing how the open space is used currently, and how it may be used in the future With-Action condition. For example, a passive open space area with no seating may not be useful while provision of seating and other attractive features, such as planters, may make that area more useable by both the existing community and any future population. Facilities within public parks managed by NYC Parks may be verified by searching a park by name or zip code here. Information on accessible recreational facilities managed by NYC Parks can also be obtained here.
- ***THE QUALITY OF AN OPEN SPACE IS RATED AS ACCEPTABLE OR UNACCEPTABLE FOR OVERALL CONDITION AND CLEANLINESS.*** The quality of the open space's features and conditions is important in the assessment of the usability of the open space. This information may be useful when a lead agency is determining impacts or considering mitigation for open space impacts, if any. Inspection ratings for parks maintained and operated by NYC Parks are accessible here, searching by park name, and then clicking on Inspections. Information on NYC Parks' Inspection Program is found here.
- ***HOURS OF OPERATION AND ACCESS.*** Many public open spaces, such as school playgrounds or public plazas, are open and accessible only during specified hours. This information is obtained through site visits, where required signage describes the hours of operation; discussions with operators; conversations with building superintendents; or, in the case of public plazas, discussions with either the operators or DCP. Public parks operated by NYC Parks are generally open from 6:00 a.m. until 1:00 a.m., unless park signage indicates otherwise. In addition, the Schoolyards to Playgrounds Program (SYTP) expands the public use of schoolyards by adding additional schoolyards for joint use. These playgrounds are

operated by the Department of Education (DOE) and are available for public use during non-school hours on weekdays and on weekends. Jointly Operated Playgrounds are jointly operated by NYC Parks and DOE and are also available for public use during non-school hours on weekdays and weekends. A search for a jointly operated playground may be made by performing a "Find A Park" search and looking up the playground name. A list of SYTP sites may be found here.

- ***USER GROUPS***. One assessment of the overall quality of an area's public open space facilities is based on how well those facilities fulfill the recreational needs of each age group. Recreational facilities typically used by different age groups are as follows:
  - *AGES 4 AND YOUNGER*. Typically, children 4 years old or younger use traditional playgrounds that have play equipment for toddlers and preschool children.
  - *AGES 5 TO 9*. Children ages 5 through 9 typically use traditional playgrounds with play equipment suitable for school-age children, as well as grassy and hard-surfaced open spaces, which are important for ball playing, running, skipping rope, *etc.*
  - *AGES 10 TO 14*. Children ages 10 through 14 generally use playground equipment, court spaces, and ball fields.
  - *AGES 15 TO 19.* Teenagers and young adults tend to use court facilities such as basketball courts and sports fields such as football or soccer fields.
  - *AGES 20 TO 64*. Adults continue to use court facilities and fields for sports, as well space for more individualized recreation, such as rollerblading, biking, and jogging, which require bike paths, esplanades, and vehicle-free roadways. Adults also gather with families for picnicking, *ad hoc* active sports such as Frisbee, and recreational activities in which all ages may participate.
  - *AGES 65 AND OVER*. Senior citizens may engage in active recreation such as handball, tennis, gardening, and swimming, as well as recreational activities that require passive facilities.

The facility/age worksheet (Table 7-4) may be useful in determining which of the study area's open spaces are appropriate for a given age group. For projects that may affect a specific type of open space or introduce a specific user group, the assessment may be targeted to that group.

An effort should be made — particularly when an open space would be directly affected —to conduct user surveys (two or more surveys are recommended, as per Section 342.1) to understand more fully the potential impacts on the users of the open space. User surveys may take the form of systematic interviews or observations of the users. These should be conducted when the open space is accessible during the day (and during the peak periods of usage), on weekdays and weekends, and in good weather, and account for seasonal variations in use of open space. Documentation for surveys typically includes the date, time of day, and weather at the time the survey is taken.

Observation surveys may include the following questions:

- What age groups are using the open space?
- How many are using the open space?
- What facilities are being used?
- What facilities are not being used?

- Is the space adaptable for both active and passive uses?

Interview surveys may include the following questions:

- How frequently do people use the open space during the course of a day, week, month, or season?
- How long do the users stay?
- What other facilities do the users currently use?
- Where are the users coming from and how do they get to the facility?
- What parts of the facility do people use?
- What attracts or detracts from the use of the open space?

- ***UTILIZATION LEVEL***. The level of use an open space receives—low, moderate, or heavy—is also noted, as follows:
  - *LOW UTILIZATION*: 25 percent capacity or less utilization at the peak hour, meaning that much of the space, facility, or equipment is available for use.
  - *MODERATE UTILIZATION*: 25 to 75 percent capacity utilization at peak hour, meaning that some passive spaces and/or active facilities are available for use.
  - *HEAVY UTILIZATION:* 75 percent or greater capacity utilization at peak hours, meaning that few or none of the open space facilities are available for use.

  This information is obtained by site visits and by conversations with operators of the open space and the community. Factors that may be important in determining the utilization include the following:
  - Benches filled (General rule: 3 linear feet per person).
  - Lines to use equipment or facilities.
  - People leaving because it is crowded.
  - People leaving before entering because it is too crowded.
  - Multiple activities occurring and conflicting with each other.
  - Inappropriate age groups using equipment and preempting appropriate age groups (*e.g.*, teenagers using playground equipment, skateboarding in passive areas).
  - Litter overflowing (may indicate capacity as well as maintenance management).
  - Competition for use of facilities (*e.g.*, demand for field permits).
  - Active field sports on undesignated areas.

- ***OTHER FACTORS AFFECTING UTILIZATION.*** Low utilization is not always an indicator of low demand. Some factors, either permanent or temporary, may create underutilization. These factors are often related to shadows, wind, air quality, noise, safety, and conflicting uses in a multi-use area, as described below. In some cases, a detailed utilization study may be appropriate.
  - *SHADOWS*. Shadows on sun-sensitive uses, such as botanical or landscape attractions, swimming pools, or benches, may affect use of an open space. This information may be noted during the field survey. If a shadow assessment is being performed for the proposed project (see Chapter 8, "Shadows"), the technical

analyses and graphics presented in that chapter should be considered and referenced in the open space assessment.

- *AIR QUALITY/ODORS.* These may also affect use of an open space. If the project is likely to have a significant air quality/odor impact on open space, the technical analyses presented in Chapter 17, "Air Quality," should be referenced and considered in the open space analysis.
- *NOISE*. Excessive noise, including traffic noise, may prohibit specific types of use in an open space. If the project is likely to have a significant noise impact on open space, the technical analyses presented in Chapter 19, "Noise," should be referenced and considered in the open space analysis.
- *SAFETY.* Poor safety conditions may also deter use. These may be because of design (*e.g.*, equipment with poor spacing or appropriate surface treatment) or other conditions. Typically, important factors include access, crime, pedestrian safety, and other transportation issues such as a lack of (or poor condition of) park perimeter sidewalks or no crosswalks at high demand park entrances, *etc.*

343. Assess the Adequacy of Open Space

Use the data gathered in the tasks above to provide an evaluation of the study area's existing open space conditions relative to the open space needs of the study area users. The assessment should include a quantitative and qualitative assessment, using the following guidance.

Calculate the existing active open space, passive open space, and total open space ratios for the study area, using the population and open space acreage data identified in Sections 342 and 342 above, as well as Section 330. The open space ratio is expressed as the amount of open space acreage per 1,000 population.

Typically, it is appropriate to provide the following information when calculating the open space ratio to determine the adequacy of opens space:

PROJECTS THAT WOULD RESULT IN AN INCREASE IN RESIDENTIAL POPULATION

Calculate the open space ratio for the residential population:

1. Number of acres of active open space per 1,000 residents;
2. Number of acres of passive open space per 1,000 residents; and
3. Number of acres of total open space per 1,000 residents.

If the project is in an area with a substantial nonresidential population, the open space ratio for the nonresidential population of the study area should also be calculated.

1. Number of acres of passive open space per 1,000 nonresidents.

PROJECTS THAT WOULD RESULT IN AN INCREASE IN NONRESIDENTIAL POPULATION (EMPLOYEES, VISITORS, STUDENTS, ETC.)

Calculate the open space ratio for the nonresidential population:

1. Number of acres of passive open space per 1,000 nonresidents.

If the project is in an area with a substantial residential population, the open space ratio for the residential population should also be calculated:

1. Number of acres of active open space per 1,000 residents;
2. Number of acres of passive open space per 1,000 residents; and
3. Number of acres of total open space per 1,000 residents.

PROJECTS THAT WOULD RESULT IN AN INCREASE IN BOTH RESIDENTIAL AND NONRESIDENTIAL POPULATION

Calculate the open space ratio for the residential and nonresidential populations of the study area:

1. Number of acres of active open space per 1,000 residents;
2. Number of acres of passive open space per 1,000 residents;
3. Number of acres of total open space per 1,000 residents; and
4. Number of acres of passive open space per 1,000 nonresidents.

To then assess the adequacy of existing open space within the study area, consider the following factors:

- Is the open space ratio for the population of the study area less than 2.5 acres per 1,000 residents?
- Do the effects of air quality, noise, shadows, extreme wind conditions, issues of safety, such as the siting of facilities within parks with poor spacing or design features, or the lack of safe nonmotorized access to or within open space, cause a decrease in the usability of the open space supply?
- Is the proportion of active and passive open space appropriate for the population and age groups served? Note that for areas in which there is a substantial worker, student, or visitor population, there is typically a need for more passive space resources.
- Other data gathered in Subsection 342, including the following: user population by age; types of facilities available to serve needs of different age groups; the variety of active and passive uses; condition of facilities; utilization levels; and factors that may encourage or deter use, including accessibility of different types of open space (physical location and barriers to access), competing uses, fees, or hour restrictions.
- Other factors, such as the availability of any major regional park, as detailed here, the predominant housing type, and the availability of private open space facilities to serve the existing population.
- Is the project site located in a known walk gap area of the City? As discussed in Section 331 above, use the following [link], the project site should be mapped to determine if it is in an area if the city with a known walk gap to open space resources. Project sites that are located in a known walk gap areas may need further analysis.

These factors should be evaluated in the context of the study area and the neighborhood.

The type of project proposed also affects the factors considered. The data gathered in the detailed analysis may be helpful in determining the adequacy of the open space and whether it is a "good fit" with the With-Action population. For instance, residential projects typically focus on the appropriateness of an area's open space for different age groups in the study area; commercial projects typically describe the adequacy of available open space for office workers, who may use passive facilities within a 0.25-mile radius for sitting, socializing, eating lunch, and strolling. Mixed-use projects should describe the adequacy of available open space for residential users as well as commercial workers.

For projects that would have direct effects on specific facilities, the assessment should focus on only those open spaces that are comparable to those that would be displaced.

344. Future No-Action Condition

The future No-Action analysis projects conditions in the study area for the build year, assuming the proposed project would not occur, providing a baseline condition against which the impact of the project may be measured. The analysis includes data on projected population, as well as recreational facilities/open space facilities built or approved to be constructed by the build year. The analysis considers any changes to the following factors expected in the future without the project.

STUDY AREA POPULATION

Based on the development and population projected for the future build year, estimate the projected population in the study area by age group. Identify changes in daytime population for projects that would increase the nonresidential population.

IDENTIFY AND DESCRIBE STUDY AREA OPEN SPACES

Identify any changes to open space anticipated by the future build year. Include new open space and alterations/deletions to existing open space. Also include changes that have been adopted or officially approved by a public agency. This inventory may include projects under construction, public open spaces that have been approved as mitigation for other projects, or open spaces that are committed in NYC Parks' capital budget. NYC Parks maintains information on capital projects for properties it manages through its Capital Project Tracker found here. The same information gathered above in Subsection 342.2 is also appropriate for this inventory (with the exception of facility conditions, utilization levels, and, possibly, factors influencing utilization levels).

ASSESS THE ADEQUACY OF OPEN SPACE

The purpose of this step is to determine the open space conditions in the future No-Action condition as it relates to the needs of the number and types of users predicted for the future No-Action condition. This assessment is performed in the same way as the assessment of existing adequacy, described above. This includes calculating the open space ratio for the future No-Action condition and qualitatively assessing whether or not the area is sufficiently served by open spaces, given the types of open space and the profile of the study area population.

345. Future With-Action Condition

The future With-Action assessment analyzes conditions in the study area for the build year with the proposed project. Both the quantitative and qualitative factors are considered in the assessment including the extent to which the project may affect existing open space and their capacity to serve the study area population.

This assessment typically begins with a brief description of the project, and how it might affect open space—by displacing or encroaching on open space, introducing a population that would place demands on open space, *etc.* Then, the analysis is performed using the same methodology as for existing conditions and for future No-Action conditions, described above. This includes the following:

IDENTIFY CHANGES TO STUDY AREA POPULATION

This projection is based on population projections for the proposed project together with future No-Action conditions determined above. For the project population, provide a breakdown by age, and a description of the estimated daytime population (workers, students, tourists), as appropriate.

IDENTIFY AND DESCRIBE CHANGES TO STUDY AREA OPEN SPACES

Describe the open space changes from the No-Action condition, both on site and off site, which would occur as a result of the proposed project. Describe the open space that would be eliminated, altered, created, and/or improved as a result of the project.

ASSESS THE ADEQUACY OF OPEN SPACE

Calculate the ratio of acres of open space per 1,000 population. Indicate the additional users as a result of the proposed project and assess the adequacy of open space to accommodate these users. Note whether the project would provide on-site open space in sufficient quantity and quality to serve the needs of its users adequately (offsetting any effect of the anticipated increase in population). This may include private as well as public open space. For example, the zoning requirements for Quality Housing mandate indoor recreational space as well as exterior open space. This private space would typically satisfy some of the demand created by such a project.

If the project is likely to have potentially significant shadow, air quality/odor, or noise effects on open space, discuss those effects as well. Refer to the appropriate technical analyses.

400. DETERMINING IMPACT SIGNIFICANCE

In this step, the significance of a project's effects on an area's open spaces is determined using both qualitative and quantitative factors, as compared to the No-Action condition. As discussed below, the determination of significance is based upon the context of a project, including its location, the quality and quantity of the open space in the future With-Action condition, and the types of open space provided by the project.

410. QUANTITATIVE IMPACT

The proposed project may result in a significant adverse open space impact under the following circumstances:

- There would be a direct displacement/alteration of existing open space within the study area that has a significant adverse effect on existing users, unless the proposed project would provide a comparable replacement (size, usability, and quality) within the study area (*i.e.,* there is a net loss of publicly accessible open space).
- The project would reduce the open space ratio by more than the general guidelines for the open space percentage change that are presented in Table 7-5 below. Projects which result in a percentage change greater than the guideline shown for the corresponding calculated open space ratio range may be considered significant, as these reductions may result in overburdening existing facilities or further exacerbating a deficiency in open space.
- Projects that would reduce the open space ratio for a nonresidential population would not follow the guidelines presented in Table 7-5, but rather consider the project's effect on passive open space in the study area. The more the open space ratio falls below the optimal ratio of 0.15 acres of passive space per 1,000 population, the more likely the decrease would lead to a significant impact.

When assessing the effects of a change in the open space ratio, consider the balance of passive and active open space appropriate to support the affected population. A larger percent of active space is usually preferred, because the physical space requirements for active open space uses are significantly greater. That is, a greater number of passive open space users, such as those sitting on a park bench to enjoy fresh air, may be accommodated within a smaller space. Active open space users have greater physical space needs for the movement and activity required for active recreation, such as children's play equipment, organized or spontaneous sports such as Frisbee or ball playing, hopscotch, or other outdoor exercise.

For the project study area, open space conditions, including the type of recreation facilities (passive vs. active) available should be assessed relative to the City's open space planning goals. The City's planning goal for open space is 2.5 acres per 1,000 residents and optimally distributed as 80 percent active open space (or 2.0 acres per 1,000 residents) and 20 percent passive open space (or 0.5 acres per 1,000 residents). Project-related reductions in active and passive open space ratios should be reviewed to determine if decreases in the availability of passive and/or active resources available would lead to a significant quantitative open space impact. The table below provides guidance in determining if the percentage change in total, active or passive open space may result in a significant impact.

Table 7-5
Detailed Assessment – Percentage Change Guidance to determine possible Open Space Impact

Total Open Space Ratio Range	Active Open Space Ratio Range	Passive Open Space Ratio Range	Percentage Change in Open Space Ratio Signifying a Possible Adverse Open Space Impact
2.01 to 2.50* Or greater	1.61 to 2.0* Or greater	0.41 to 0.50* Or greater	5%
1.51 to 2.00	1.21 to 1.60	0.31 to 0.40	4%
1.01 to 1.50	0.81 to 1.20	0.21 to 0.30	3%
0.51 to 1.00	0.41 to 0.80	0.11 to 0.20	2%
0.50 or Less	0.01 to 0.40	0.01 to 0.10	1%

*2.5 OSR is the planning goal in NYC, with optimal distribution goal of 2.0 Active OSR and 0.5 Passive OSR

The City's optimal open space ratios and percentage reductions, as shown in Table 7-5, do not constitute an absolute impact threshold. Projects that may result in significant quantitative impacts on open space are typically further assessed in the qualitative assessment approach (described below) to determine the overall significance of the impact. Furthermore, as discussed in Section 321, projects located in an identified walk gap of the City, as defined by NYC Parks' "Walk to a Park" program (see Section 321), should be further assessed for qualitative impacts, as described below.

420. QUALITATIVE IMPACT

The adequacy of the open space in the study area should be considered in order to determine whether these change in open space conditions and/or utilization results in a significant adverse effect to open space. To make this determination, the type of open space (active or passive), its capacity and conditions, the distribution of open space, the distance to regional parks, the connectivity of open space, and any additional open space provided by the project, including rooftop gardens, greenhouses, new active or passive open space, should be considered in relation to the quantitative changes identified above. These considerations may vary in importance depending on the project and the area in which it is located. For instance, provisions of new active open space may carry more weight in an area where a large residential population would be added as a result of the project. Furthermore, a detailed open space assessment for projects located in an identified walk gap of the City, as defined by NYC Parks' "Walk to a Park" program, should reflect upon the goals of the program and whether there are means available to improve access to open space resources, or if the project would further contribute to residents living in walk gap areas, potentially leading to a significant impact.

The following factors are useful in determining whether there is a significant impact to open space conditions:

- If a proposed project results in a significant physical effect on existing open space by increasing shadow, noise, air pollutant emissions, or odors compared to the future No-Action condition, then there may be a significant impact requiring mitigation.

  For example, a significant impact may occur if a project causes a significant incremental shadow on a park facility, such as a spray shower at a playground or a lawn area used for sunbathing, because the facilities may not be able to be used as intended as the conditions may greatly detract park users from utilizing the park facilities.

- If a proposed project does not affect quantitative open space needs, but causes a qualitative impact compared to the No-Action condition, then there may be a significant impact on open space requiring mitigation. This may occur in instances when the overall open space ratio is adequate, but a specific user group (such as young children or bocce players) would be adversely affected by changes to or elimination of park features they use, or there would be conflicts in the utilization of open space as a result of the proposed project.

  For example, open space planned for a large-scale development may include more passive open space (such as a plaza) than active, which may not provide an appropriate mix of active and passive recreational facilities typically necessary for a residential population.

500. DEVELOPING MITIGATION

If the proposed project results in a significant adverse open space impact, on-site or off-site measures to mitigate the impact to the greatest extent practicable are identified. Some ways in which open space impacts may be mitigated are as follows:

- Create, on-site, new public open space of the type needed to serve the proposed population and to offset the proposed project's impact on existing open space in the study area.
- Create new public open space elsewhere in the study area of a type needed to serve the needs of the added population.
- Improve existing open spaces in the study area to increase their utility, safety, and capacity to meet identified needs in the study area. The creation or enhancement of active open space facilities may be achieved by the addition of field lighting to allow for extended hours of play, the rehabilitation of an existing field with synthetic turf treatment to allow for expanded use, or the addition of playground equipment to an underutilized passive area within a park. NYC Parks should be consulted for consideration of any of these possibilities or for any additional means to improve the active components of an existing park.
- Provide maintenance equipment, such as a power washer or off-road vehicle, to enable increased park usage within an existing park or recreation center.
- Mitigate for the alienation or conversion of public parkland typically by acquiring replacement parkland of equal or greater size and value servicing the same community of users.
- Contribute capital improvements to an outdated/deteriorated open space to increase its usefulness and/or accessibility and mitigate a significant impact.
- Implement missing segments of the City's greenway network to enable safe, non-motorized access to existing open space within the study area or a nearby major recreational facility.

600. DEVELOPING ALTERNATIVES

Alternatives to the proposed project that would avoid significant impacts on open space may include a smaller project (creating less demand for open space) or an alternate site (transferring the open space demand to an area with sufficient supply to accommodate the added demand). If a project may involve the alienation or conversion of parkland, the possible use of alternative sites should be given consideration as early as possible in the planning process.

Alternatives to the proposed project are analyzed using the methodology described under the future With-Action condition and impacts are compared to those of the proposed project.

700. REGULATIONS AND COORDINATION

710. REGULATIONS AND STANDARDS

State Environmental Quality Review regulations (found here) states that a significant impact would occur if a project resulted in "a substantial change in the use, or intensity of use, of land including agricultural, open space or recreational resources, or in its capacity to support existing uses" – see (6 NYCRR 617.7(c)(1)(viii)). See also 1977 Mayoral Executive Order 91, as amended.

Trees under the jurisdiction of NYC Parks are regulated under Title 18 of the Administrative Code of the City of New York, and Chapter 5 of Title 56 of the Rules of the City of New York. These rules detail the requirements for applying for permission to remove trees under the jurisdiction of NYC Parks and for determining tree replacement values.

720. PROJECTS WITH U.S. DEPARTMENT OF TRANSPORTATION FUNDING

The U.S. Department of Transportation Act of 1966 Section 4(f) requires the Federal Highway Administration (FHWA) to assess the environmental effects of a project through the NEPA process. The FHWA is directed not to approve any program or project that requires the use of any publicly owned public park, recreation area, or wildlife or waterfowl refuge, or any land from an historic site of national, state, or local significance, unless there is no feasible and prudent alternative to the use and all possible planning to minimize harm resulting from such use is included. The environmental regulations for applying 4(f) to transportation project development are found at 23 CFR 771.135.

730. ALIENATION AND CONVERSION OF PARKLAND

Government-owned parkland and open space (that has been dedicated as such) is invested with a "public trust" that protects it from being permanently converted to non-parkland uses without State legislative authorization. In some circumstances, temporary use of parkland for a non-park purpose may also require legislative authorization. Thus, when a project eliminates dedicated City-owned parkland or open space, or involves certain permanent or temporary changes in use of dedicated City-owned parkland or open space, the City must have the authorization of the New York State Legislature and governor to alienate the parkland or open space. For example, if land from a City-owned park was to be converted into a school or supermarket, this project would have to be authorized by the State Legislature and governor. This authorization takes the form of a parkland alienation bill. In general, before it will pass such a bill, the State Legislature often requires the City Council to pass what is known as a "home rule resolution," requesting State authorization of the change of use. Moreover, if State funding in the form of a grant has been invested in the park or open space, then the grant program may impose additional requirements that govern the alienation process.

When a project involves the termination of use for outdoor recreation of City-owned parkland that has received federal funds for acquisition or improvement under either the Land and Water Conservation Fund or the Urban Park Recreation and Recovery Program, the project may also involve "conversion," and requires the approval of the National Park Service of the U.S. Department of the Interior. The conversion process is governed by rules and regulations of the National Park Service and requires the substitution of lands of at least equal fair market value that offer reasonably equivalent recreation opportunities as the parkland to be converted. The conversion process is in addition to the parkland alienation authorization required by State law.

The project sponsor should contact the Planning and Development Division of NYC Parks as soon as possible to determine whether state or federal funds have been used in the development or acquisition of a public park. The project sponsor should also review the *Handbook on the Alienation or Conversion of Municipal Parkland* from the NYS Office of Parks, Recreation and Historic Preservation (OPRHP). Contact information for NYC Parks and the regional office of OPRHP is included in Section 750 of this Chapter, "Location of Information."

Additionally, if there is a possibility that a project involves alienation or conversion of parkland, it is advisable to consult with legal counsel to decide how to proceed. In most cases, the requirement to obtain legislative authorization for the alienation of parkland is found in case law, not statutes, with the exception of statutory requirements relating to specific State grants programs. New York courts consistently have held that land that is dedicated for park purposes cannot be conveyed or permanently used for another purpose without an authorizing act of the State Legislature.

Specific statutory provisions relating to the alienation of parklands that have received State grant funding or the conversion of parklands that have received federal funding are set forth in:

- Article 15 of the New York Parks, Recreation and Historic Preservation Law, the Park and Recreation Land Acquisition Bond Acts of 1960 and 1962.
- Article 17 of the New York Parks, Recreation and Historic Preservation Law, the Outdoor Recreation Development Bond Act of 1965.
- Title 9 of Article 52 of the New York Environmental Conservation Law, the Environmental Quality Bond Act of 1986.
- Section 6(f) of the Federal Land and Water Conservation Fund Act of 1965, P.L. 88-578.
- Environmental Conservation Law Section 56-0309(12) of the Clean Water/Clean Air Bond Act of 1996. This section prohibits the sale, lease, exchange, donation, or other disposal of land acquired, developed, improved, restored, or rehabilitated for parks projects or use for other than public park projects without express authority of the State Legislature. Legislative approval of parkland alienation includes specific requirements, such as substitution of property.
- Sections 432.4 and 432.5 of Title 9 of the New York Codes, Rules and Regulations ("NYCRR"). These sections set forth the procedures and requirements for alienation of Bond Act project parklands.

740. APPLICABLE COORDINATION

Coordination with other agencies and open space experts may be appropriate for gathering information needed for the CEQR review. In particular, coordination with NYC Parks is appropriate for proposed projects that occur on parkland or other public open space under its jurisdiction, or require mitigation for significant open space impacts that occur on parkland or other open space under its jurisdiction.

750. LOCATION OF INFORMATION

For gathering open space information, many sources are available to lead agencies and CEQR applicants, including maps, property data, guidelines, reports, documents, files, and base maps of various parks and public open spaces.

The following is a list of agencies that have relevant information with respect to open space and policies.

- New York City Department of Parks & Recreation (NYC Parks)

  The Arsenal
  830 Fifth Avenue
  New York, NY 10065
  www.nycgovparks.org

  - NYC Parks Natural Resources Group: 212-360-1415
  - NYC Parks Operations & Management Planning: 212-360-8234
  - NYC Parks Planning and Development: 212-360-3403
  - Information about public parks managed by NYC Parks can be found here.

- Inspection data for parks maintained and operated by NYC Parks is available here and information on NYC Parks' Inspection Program is found here.
- Schoolyards to Playgrounds are operated by the Department of Education (DOE) and NYC Parks maintains a list of schoolyards that may be found here.
- Data on NYC Parks resources are available on the NYC Open Data platform.
- Information pertaining to NYC Parks community gardens may be obtained from:

  NYC Parks Green Thumb
  100 Gold Street
  Suite 3100
  New York, New York 10038
  (212) 602-5300
  https://greenthumb.nycgovparks.org/

- New York State Office of Parks, Recreation and Historic Preservation

  New York City Office
  Adam Clayton Powell, Jr. State Office Building
  163 W. 125th Street
  New York, NY 10027
  212-886-3100
  https://parks.ny.gov/regions/new-york-city/default.aspx

  - Information on Parkland Alienation or Conversion in New York can be found here.

- National Park Service of the U.S. Department of the Interior

  Manhattan Site:
  26 Wall Street
  New York, NY 10005
  212-825-6990
  Gateway National Recreation Area:
  Headquarters, Building 69
  Floyd Bennett Field
  Brooklyn, NY 11234
  718-338-3687

  Public Affairs Office
  210 New York Avenue
  Staten Island, NY 10305
  718-354-4606
  https://www.nps.gov/gate/index.htm

- New York City Department of City Planning (DCP)

  120 Broadway
  31st Floor
  New York, NY 10271
  212-720-3300
  http://www.nyc.gov/html/dcp/

  - DCP data, including: LION Single Line Street Base Map; MapPLUTO; and Privately Owned Public Spaces (POPS) are available from the BYTES of the BIG APPLE datasets.

- DCP data sets are available on the NYC Open Data platform.
- DCP Demographics Division - U.S. Census and other demographic data available by census tract is available here.
- DCP Waterfront and Open Space programs - Information on DCP's Waterfront and Resiliency initiatives can be found here and information on DCP's POPs initiative can be found here.

DCP Map and Bookstore
120 Broadway, 31st Floor
New York, NY 10271
Phone: (212) 720-3667
Hours: Monday & Tuesday 9:30am - 11:30am; Wednesday 1:00pm – 3:00pm
https://www1.nyc.gov/site/planning/about/publications.page

- New York City Department of Transportation
  55 Water Street
  New York NY, 10041
  https://www1.nyc.gov/html/dot/html/home/home.shtml

  - Maps showing bike routes in New York City can be found at: NYC Bike Map.
  - Information on New York City bike network growth and other statistics can be found here.
  - Information on designated Greenways in New York City can be found here.

- New York City Economic Development Corporation (EDC) – Information on Waterfront Development
  One Liberty Plaza, 165 Broadway
  New York, NY 10006
  212-619-5000
  http://www.nycedc.com

- New York City Housing Authority (NYCHA) - Information on the Provision of Open Space in Housing Authority Projects

  250 Broadway
  New York, NY 10007
  212-306-3000
  https://www1.nyc.gov/site/nycha/index.page

- Department of Citywide Administrative Services (DCAS) - Information on the Short- and Long-Term Leases of City-Owned Land for Open Space Uses

  Division of Real Estate Services
  One Centre Street, Municipal Building
  New York, NY 10007
  212-669-8888
  https://www1.nyc.gov/site/dcas/business/real-estate-services.page