

A. INTRODUCTION

Under the 2014 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, open space is defined as publicly accessible, publicly or privately owned land that operates or is available for leisure, play, or sport, or serves to protect or enhance the natural environment. Open space that is not publicly accessible, such as privately owned natural areas or wetlands with no public access areas (such as the Proposed Project site), are defined as “private” open space; only areas that are accessible to the public on a constant and regular basis are defined as “public” under CEQR. According to the *CEQR Technical Manual*, an open space assessment should be conducted if a project would have a direct effect on open space, such as eliminating or altering a public open space, or an indirect effect, such as when new population overburdens available open space.

As described in greater detail in Chapter 1, “Projection Description,” the Proposed Project is a commercial center with associated parking, open space, and street and infrastructure improvements. While the Proposed Project would not directly affect any existing public open space resources, it would result in a new worker population on the Project Site. Therefore, an open space assessment was conducted to determine whether the Proposed Project would result in any significant adverse impacts to open space resources.

PRINCIPAL CONCLUSIONS

The Proposed Project would not directly impact any existing public open space resources. With respect to indirect effects, it is expected that employees and patrons of the Proposed Project would primarily utilize the publicly accessible open spaces provided by the Proposed Project to meet their open space needs. The ¼-mile study area surrounding the Project Site does not contain any publicly-accessible open space resources that would be utilized or impacted by workers. The waterfront public open space to be provided by the Proposed Project would provide project employees and patrons with adequate passive recreational opportunities based on the New York City Department of City Planning (DCP) guideline of 0.15 acres per 1,000 workers. Therefore, the new worker population would not be expected to overburden any existing open space resources. Overall, the Proposed Project would not result in any significant adverse open space impacts.

B. METHODOLOGY

The Project Site contains natural areas, including tidal and freshwater wetlands, that are not publicly accessible, and which would be altered or preserved and enhanced with the Proposed Project. According to the *CEQR Technical Manual*, a direct effects analysis is only required when a project would result in a physical loss of public open space or changes to a public open space that affect its usability. The Proposed Project would only directly affect private open space, which is not considered an open space impact under CEQR, and would not result in direct

effects on any public open space. Therefore, no further analysis of direct effects is required under CEQR.

The Project Site is located in an area that is classified by the *CEQR Technical Manual* as being neither well-served nor under-served by existing open space resources. Commercial projects in such areas require a preliminary assessment when they would generate more than 500 new employees. The Proposed Project would exceed this threshold, and therefore a preliminary assessment is warranted.

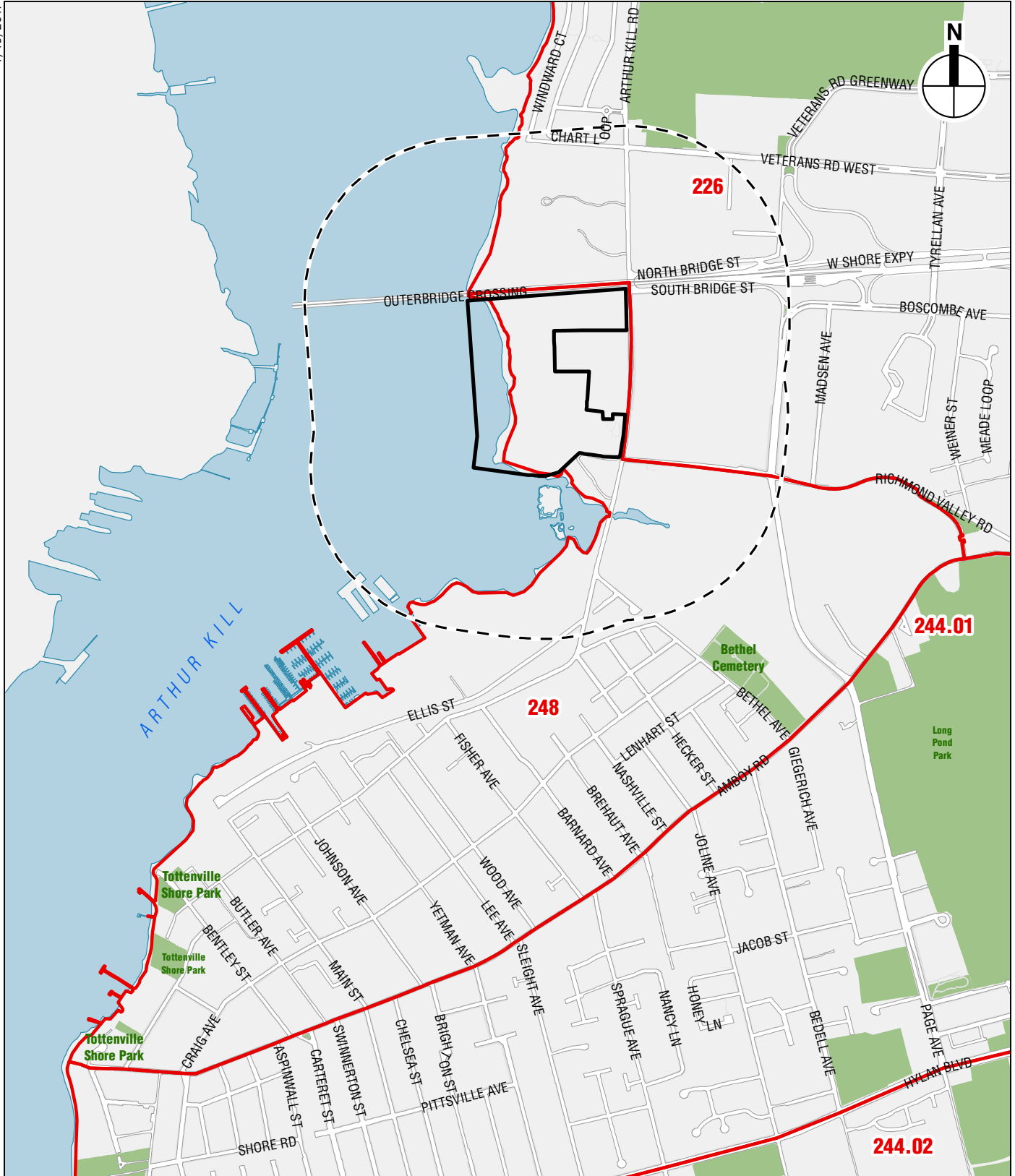
According to the *CEQR Technical Manual*, a preliminary open space assessment involves calculating total population and open space acreage in a study area, and comparing the existing ratio of total acres of open space per 1,000 users with the anticipated open space ratio in the future with the Proposed Project.




The first step in assessing potential open space impacts is to establish the study area, which is defined to allow analysis of both the nearby open spaces and the population using those open spaces. Study areas are based on the distance a person is assumed to walk to reach a neighborhood open space. Under *CEQR Technical Manual* guidelines, workers and other daytime users typically use passive open spaces, and are assumed to walk up to a ¼-mile distance from their places of work. Typically, any census tracts located primarily within the ¼-mile perimeter form the study area for analysis. However, in this case, no census tracts fall at least 50 percent within the ¼-mile radius around the Project Site. Therefore, for the purpose of this analysis, the open space study area for the Proposed Project includes the ¼-mile radius around the Project Site (see **Figure 4-1**).

The existing worker population in the study area is then estimated using 2015 employment data from Esri, Inc., a commercial data provider, which is based on a number of sources including directory listings such as Yellow Pages and business white pages; annual reports; 10Ks and Securities and Exchange Commission (SEC) information; federal, state, and municipal government data; business magazines; newsletters and newspapers; and information from the US Postal Service.¹ In addition, publicly accessible open spaces within the study area are identified (if any).

After determining the existing ratio of acres of open space per 1,000 workers in the study area (the “worker open space ratio”), the With Action worker open space ratio is calculated by adding the anticipated number of additional workers that would be introduced to the study area by the proposed project. If the proposed project would result in a decrease in the open space ratio that approaches or exceeds five percent, it is generally considered to be a substantial change warranting more detailed analysis. The assessment may also consider and compare the amount of open space in the study area relative to the district and the borough to assess the relative shortfall or availability of open space in the study area.

¹ 2016 Methodology Statement: Esri® Data—Business Locations and Business Summary, Esri, June 2016.



-  Proposed Development Site
-  Study Area (Quarter-mile boundary)
-  Census Tracts

0 1,000 FEET

C. PRELIMINARY ASSESSMENT

EXISTING CONDITIONS

As noted above, the study area for an analysis of potential commercial impacts on open space typically includes all census tracts that are located at least 50 percent within a ¼-mile radius of the Project Site. Since no census tracts fall at least 50 percent within the ¼-mile radius, the ¼-mile radius was used as the study area, as shown on Figure 4-1. The study area has an estimated total worker population of 913 persons.

There are no publicly accessible open space resources, as defined by the *CEQR Technical Manual*, within the study area. Therefore, the passive open space ratio is equal to zero (0) acres of open space divided by the population of workers, which is equal to zero (0) acres of open space per 1,000 workers. This would not meet the DCP guideline of 0.15 acres per 1,000 workers.

FUTURE WITHOUT THE PROPOSED PROJECT

Absent the proposed actions, no new development is anticipated to occur on the Project Site, and no major changes in land use are anticipated in the study area by 2019 that would result in substantial changes to the worker population.

FUTURE WITH THE PROPOSED PROJECT

The Proposed Project would create a publicly accessible waterfront open space on a privately owned site where currently no public access is provided. The Proposed Project would generate approximately 1,280 new workers at the Project Site with approximately 3.75 acres of landscaped public open space including an elevated publicly accessible walkway providing access to the Arthur Kill waterfront, an entry terrace with seating and shade trees, an overlook with seating, and a small beach. This waterfront open space would also include landscaping improvements and tidal wetland enhancements along the Arthur Kill and Mill Creek shorelines. All areas in the landscaped public open space would have native plantings and vegetation. Upland connections would be provided to allow access from Arthur Kill Road and the adjacent neighborhood. All pedestrian areas would be ADA accessible.

The proposed waterfront open space would not have any amenities for active recreation; therefore, all 3.75 acres are assumed to be for passive recreation. Based on a future estimated study area worker population of 2,193, the passive open space ratio would be approximately 1.5 acres per 1,000 workers—which is an improved ratio as compared to the No Action condition—and is well above the DCP guideline of 0.15 acres per 1,000 workers.

It is expected that workers introduced by the Proposed Project would primarily utilize the publicly accessible open spaces provided by the Proposed Project to meet their open space needs. Due to the availability of the proposed public open space along the waterfront, and due to the absence of publicly accessible open space resources within the ¼-mile study area, the new worker population that would be introduced by the Proposed Project would not be expected to overburden any existing open space resources. For these reasons, it is concluded that the Proposed Project would not result in any significant adverse open space impacts.

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