

NEGATIVE DECLARATION**Statement of No Significant Effect**

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The New York City Department of City Planning (DCP) proposes to amend the New York City Zoning Resolution (ZR) to update the existing Food Retail Expansion to Support Health (FRESH) program, ZR Section 63-00, that provides incentives for neighborhood grocery stores to locate in underserved neighborhoods in the City. The proposed FRESH Update would include an expansion of the program boundary to neighborhoods in the Bronx, Queens, Brooklyn and Staten Island, a mechanism to prevent saturation of FRESH supermarkets, modification to the glazing requirement for conversions, changes to parking regulations, as well as zoning text clarifications that would affect both existing and proposed new FRESH areas. The FRESH program encourages the development of FRESH food stores and allows that, for every square foot of FRESH store space provided in a mixed-use building, one square foot of residential floor area can be provided that would be exempt from the floor area limits of the existing zoning district regulations, up to a maximum of 20,000 SF. The program also reduces the number of required parking spaces in certain manufacturing and commercial districts for FRESH stores and permits FRESH stores up to 30,000 SF in M1 districts, which would not otherwise be allowed. The Proposed Actions would extend these provisions to 10 high-need neighborhoods throughout the City and update the FRESH program to reflect best practices identified through its implementation. The likely effects of the Proposed Actions are threefold: (1) a change in use from certain types of retail to a FRESH food store; (2) the potential for a modest increase in building size as a result of the exemption of residential floor area, up to a maximum of 20,000 SF; and (3) a reduction in required parking. The Proposed Actions are expected to result in changes that are compatible with and supportive of the current land use trends, zoning, and public policies. The Proposed Actions would not directly displace any land uses in any of the affected zoning districts to adversely affect surrounding land uses, nor would they generate land uses that would be incompatible with land uses, zoning, or public policy. Because the Proposed Actions would not change the underlying zoning and permitted uses, they would not create land uses or structures that would be incompatible with the underlying zoning or conflict with public policies applicable to the affected districts or surrounding neighborhoods. No significant adverse impacts on land use, zoning, or public policy are expected as a result of the Proposed Actions.

Shadows

A detailed analysis related to shadows is included in this EAS. The Reasonable Worst Case Development Scenario (RWCDs) for the Proposed Actions identifies six prototypical analysis sites used to illustrate the effects of the Proposed Actions. The Proposed Actions would not result in new structures taller than 50 feet in incremental height. However, development on one of the six prototypical analysis sites (sites 6) would result in greater than 10 feet of incremental height increase adjacent to sunlight-sensitive resources. A detailed analysis of this site concludes that public use and enjoyment of the adjacent resources would not be adversely affected, and vegetation would continue to receive at least four to six hours direct sunlight on all representative analysis days. No area would be permanently in shade nor shaded to a degree that would adversely affect plant or animal survival or utilization by the public. Sunlight reaching the resources would be neither substantially reduced nor eliminated. Furthermore, the maximum allowable increase in development rights would be no more than 20,000 SF and additional height resulting from an increase in square footage would be less than the 50-foot threshold for shadow analysis. The additional floor area would be required to comply with the zoning district's underlying bulk envelope, ensuring maximum building heights and sky exposure plane regulations are maintained, which provide light and air at the street level. For sites adjacent to a park or other sunlight-sensitive features as analyzed illustratively for prototypical site 6, the underlying zoning envelope's bulk regulations would minimize any potential shadow effects on the surrounding resources. The Proposed Actions would not result in significant adverse shadow impacts, and further analysis is not necessary.

Historic and Cultural Resources

A preliminary screening analysis related to historic and cultural resources is included in this EAS. For each prototypical analysis site, the No Action and With Action scenarios would result in the same degree of in ground disturbance. Therefore, archaeological analysis is not warranted. Given the proximity of known historic architectural resources to each site, building development under the Proposed Actions is not expected to have indirect effects on historic resources at any site. Developments are not expected to alter historic settings or change the existing visual relationships of historic resources with streetscapes. While modest modifications to building massing and height are expected to occur, the potential increase in floor area and height would be required to comply with the zoning district's underlying bulk envelope, which would minimize the potential for the additional development to affect the architectural character of the area. In addition, the up to 15-foot increase in building height pursuant to a City Planning Commission Authorization would require a separate environmental review, further minimizing the potential for the Proposed Actions to affect the character of historic architectural resources.

Urban Design and Visual Resources

A detailed analysis related to urban design and visual resources is included in this EAS. The Proposed Actions are not expected to result in new construction or development that would substantially change the context of the proposed FRESH expansion areas. In some instances, the Proposed Actions could result in an increase in floor area beyond the No Action scenario. This modest amount of additional development at the prototypical analysis sites would not result in buildings that have substantially different height, bulk, form, setbacks, size, scale use, or arrangement than exists in the surrounding area; change block form, de-map an active street or map a new street; or result in development in an area that includes significant visual resources. The With Action scenario developments would be similar in bulk and height to buildings in the surrounding area because they would continue to comply with the zoning regulations and fit within the allowable zoning envelope applicable to the site, which minimizes the potential for the additional development to negatively affect the urban design of the area. New development under the Proposed Actions would not alter an entrenched, consistent urban context, obstruct a natural or built visual corridor, or be inconsistent with the existing character and building forms typically seen in the area. There would be no changes to the existing street pattern, nor any changes to open space or visual resources. Additionally, the Proposed


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Actions would not eliminate any publicly accessible view corridors or block public views to any visual resources. Therefore, the Proposed Actions would not result in significant adverse impacts on urban design or visual resources.

Conceptual Analysis

A conceptual analysis is included in this EAS. The existing FRESH program contains two authorizations: (1) an authorization to increase the building height by 15 feet in areas where contextual envelopes apply and FRESH food stores cannot utilize the full development potential on site, and (2) in cases where a FRESH food store has been established under the program but is then found not to be economically viable, an authorization may be sought for a change in use and associated parking requirements, to effectively opt out of the program. The Proposed Actions would make these authorizations available within the expansion areas, and approval of the authorizations would also require a separate environmental review when future development is proposed. It is not possible to predict whether the authorizations would be pursued on any one site in the future, and each authorization would require its own CPC approval. Any time an authorization is sought, the application would be subject to its own environmental review to ensure an accurate analysis of the future conditions and development in the area. Environmental review pursuant to each authorization would consider the impacts of the proposed increase in building height and what is anticipated to be a corresponding slight increase in developable area in some cases, as well as the potential cumulative impacts associated with other developments projected in the study area.

No other significant effects 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 (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Stephanie Shellooe at 212-720-3328.

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