

NCPC File No. 6961

NEW YORK AVENUE PUBLIC ART PROJECT

New York Avenue, between 9th Street, NW and 13th Street, NW
Washington, D.C.

Finding of No Significant Impact

AUG 28 2009

Pursuant to the Commission's Environmental Policies and Procedures to implement the requirements of the National Environmental Policy Act, I have evaluated the preliminary and final site development plans for the New York Avenue Public Art Project located along New York Avenue between 9th Street, NW and 13th Street, NW in Washington, D.C., as shown on NCPC Map File No. 21.00(05.00)42826, and the June 2009 environmental assessment prepared for this project, and have determined that the project will not have a significant impact on the human environment.

NCPC and the District of Columbia Historic Preservation Officer have reviewed the project plans in accordance with the National Historic Preservation Act, Section 106 requirements and concur that the proposed undertaking will not have an adverse effect on historic properties.



Marcel C. Acosta
Executive Director

Background

The District of Columbia Office of Planning, in conjunction with the District of Columbia Department of Transportation, Downtown Business Improvement District, and the National Museum of Women in the Arts, has submitted a proposal for the installation of a public art project located along New York Avenue between 9th Street, NW and 13th Street, NW. The project will consist of sculpture, landscaping, lighting, and interpretive signage.

NCPC has approval authority over this project and thus is the responsible agency for purposes of preparing an environmental assessment (EA) to evaluate the potential impacts of the proposed site improvements on the environment. NCPC provided the June 2009 EA for this project to the public for review and comment by announcing its availability on the NCPC website for 30 days and through listing on the NCPC tentative agenda that is sent in hard copy and electronically to interested parties. The EA was prepared consistent with the National Environmental Policy Act (NEPA) of 1969, as amended, the Council on Environmental Quality (CEQ) regulations implementing NEPA [40 Code of Federal Regulations (CFR) 1500-1508], the National Historic Preservation Act (NHPA) of 1966, as amended, and NCPC's Environmental and Historic Preservation Policies and Procedures (adopted April 1, 2004).

NCPC has also reviewed the project in accordance with the National Historic Preservation Act and has determined there is not an adverse effect on the historic qualities of the rights-of-way and reservations of the Historic Plan of Washington, or on views of nearby and adjacent historic buildings, including the Carnegie Library and the Treasury Building, as a result of the undertaking. By memorandum dated July 28, 2009, the District of Columbia State Historic Preservation Office concurred with staff's determination of No Adverse Effect.

NCPC's requirements for a FONSI are set forth in the Environmental and Historic Preservation Policies and Procedures at Section 10(E).

The proposed action

The proposed action is the installation of up to 12 sculptures within the raised median of New York Avenue. Each of the sculptures will rest on a concrete pad centered within the median. Sculptures will range in height from 9-feet to 16-feet. Up to ten ground-level, 2-watt LED spotlights will illuminate each artwork and gravel will cover the base of each pad.

In addition to the installation of the sculptures, new landscaping will be added to the median to complement the artwork. The plantings will include Red Carpet Roses, Weeping Yew, Cherry Laurel, Liriodendron, and a variety of annuals to provide seasonal color. The landscaping will be maintained at a height of approximately 2 ½ - 3 feet; it will be kept at a slightly lower height as it gets closer to the sculpture. Finally, a maximum of eight signs will be installed along the sidewalk of New York Avenue, four on each side. The purpose of the signs is to describe the project as well as introduce and interpret the sculpture. The signs will be located on opposing corners of each of the four blocks within the project area.

Improvements to the median and installation of the signage are expected to take approximately two months. It is anticipated that these improvements will be completed for the entire four block project area at the same time. The installation of the sculpture is expected to take one week.

Alternatives considered in the environmental assessment review

The environmental assessment examines in detail two alternatives; the proposed action and the no action alternative.

Potential impacts

There will be no significant environmental impacts associated with the proposed action. Short term construction impacts including additional noise generation and air quality impacts will either be mitigated during construction as described in the EA or are considered short term and minor. The EA identifies that the project will create additional electrical demand that is considered long term, but negligible given the past, present, and future development in the immediate area surrounding the project; therefore a minor, adverse, long-term cumulative impact from increases in service demands on electrical providers will occur; but no specific mitigation measure is required.

Standard for evaluation

Under NEPA, the Council on Environmental Quality (CEQ) regulations, and NCPC Environmental and Historic Preservation Policies and Procedures, an environmental assessment is sufficient and an Environmental Impact Statement need not be prepared if the environmental assessment supports a finding that the federal action will not significantly affect the human environment. The regulations of the Council on Environmental Quality define “significantly” as used in NEPA as requiring consideration of both context and intensity of impacts as noted by 40 CFR §1508.27.

Applying the standards, factors, and analysis here, the Executive Director must make the assessment of whether approval of the proposed project will “significantly” affect the human environment based on the environmental assessment. As to the factor of the context, this is a site-specific action, and the Executive Director looks at the effects on the locale. The proposal does not present any major or significant adverse effects.

NCPC is taking a federal approval action on the installation of the New York Avenue Public Art Project, requiring adoption of the environmental assessment that analyzes attributes and issues of possible environmental impacts, in accordance with Section 102(2)(c) of the National Environmental Policy Act of 1969, and the Environmental Policies and Procedures implemented by NCPC.