

A. INTRODUCTION

Under the 2014 *City Environmental Quality Review (CEQR) Technical Manual* guidelines, a land use analysis evaluates the uses and development trends in the area that may be affected by a project, and determines whether that project is compatible with those conditions or may affect them. The analysis also considers the project's compliance with, and effect on, the area's zoning and other applicable public policies, including the City's Waterfront Revitalization Program (WRP).

As detailed in Chapter 1, "Project Description," the proposed actions would facilitate the redevelopment of the existing Hylan Plaza Shopping Plaza, including the demolition of approximately 290,100 gross square feet (gsf) of existing retail space at the site and the development of approximately 386,705 gsf of new retail structures, for a total of 459,079 gsf of retail space on the project site. The proposed project also would substantially reconfigure and landscape the surface parking areas, and would provide a new parking deck adjacent to one of the new retail buildings. This chapter considers the proposed project's potential impacts on land use, zoning, and public land use policies. It provides an assessment of existing and future conditions with and without the proposed project for the project site and the surrounding study area, which are described below.

PRINCIPAL CONCLUSIONS

This analysis finds that the proposed project would not result in any significant adverse impacts to land use, zoning, and public policy.

The new uses introduced by the proposed project would be consistent with existing uses on the project site. Prior to the completion of ~~the~~ DEIS the Applicant was approached by a potential tenant to operate a health club (physical culture or health establishment); this would require a separate approval from the New York City Board of Standards and Appeals (BSA). ~~Potential impacts associated with the health club have not been analyzed in this DEIS, but will be evaluated between draft and final of this Environmental Impact Statement (EIS).~~ While the proposed project could include in a health club, which is a use not present on the project site, this use would be compatible with other uses and would not result in any land use conflicts. The replacement of certain underutilized parking areas with active commercial uses would not be considered an adverse land use change. The proposed project would not alter the land use mix of the study area—which would continue to be characterized by a concentration of regional commercial uses—and the portions of the study area containing low- and medium-density residential communities would not be affected by the proposed project.

In the Future with the proposed project, the overall number of parking spaces provided on the project site would increase by 239 spaces (from an existing 1,414 spaces to the proposed 1,653 spaces.) The proposed actions would facilitate the applicant's proposal by allowing the

reconfiguration of the existing parking lot to create the building footprints for the commercial enlargement, which requires the reconfiguration of parking at the site. The proposed supply of parking at the project site would be adequate to fulfill future needs with the proposed project (see the parking analysis in Chapter 4, “Transportation”). The proposed actions would apply only to the project site and would have no effect on zoning in the surrounding area. In addition, the proposed project would be consistent with the relevant policies of the City’s WRP, as it would result in commercial development in an appropriate area, and would incorporate measures to avoid impacts related to hazardous materials (see Chapter 3, “Hazardous Materials”). Therefore, the proposed project would not result in any significant adverse impacts to land use, zoning, and public policy.

B. METHODOLOGY

According to the *CEQR Technical Manual*, a preliminary land use assessment, which includes a basic description of existing and future land uses and public policy, should be provided for all projects that would affect land use or public policy, regardless of the project’s anticipated effects. Accordingly, a preliminary analysis has been prepared that describes existing and anticipated future conditions for the 2019 analysis year, assesses the nature of any changes on these conditions that would be created by the proposed project, and identifies those changes, if any, that could be significant or adverse.

The study area for this analysis of land use, zoning, and public policy encompasses the area within 400 feet of the project site. As shown on **Figure 2-1**, the 400-foot study area roughly extends north past the Dartmouth Loop, east past Titus Avenue, south past Allison Avenue, and west past Hylan Boulevard.

Sources for this analysis include field reconnaissance conducted by AKRF, as well as data from the New York City Department of City Planning (DCP) and the New York City Department of Buildings (DOB).

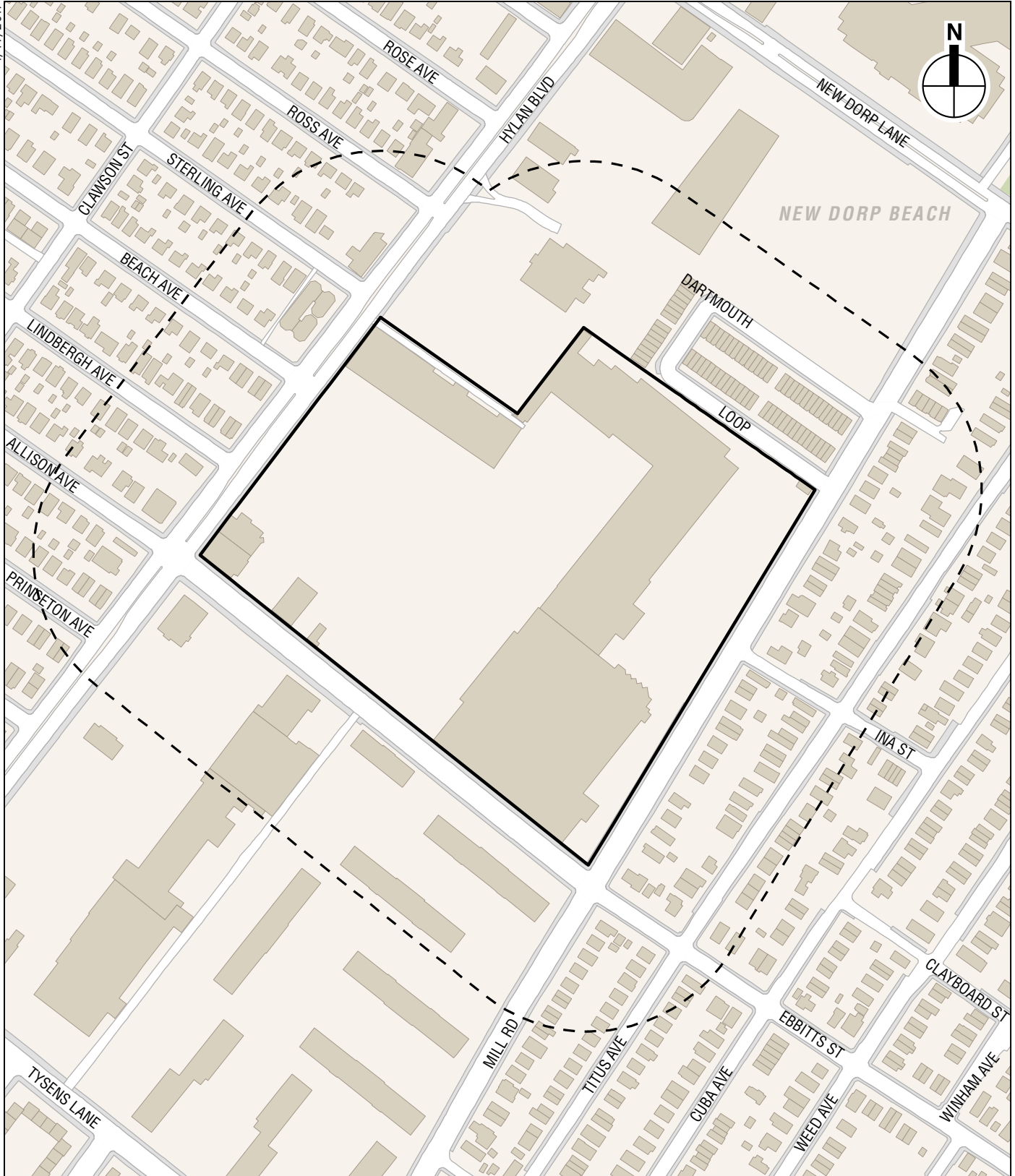
C. EXISTING CONDITIONS

LAND USE

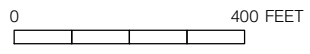
PROJECT SITE

The project site is located at 2600 Hylan Boulevard (Staten Island Block 3969, Lots 1, 6, 31, and 35) in the New Dorp Beach neighborhood of Staten Island Community District 2. The approximately 23.74-acre site is generally bounded by Hylan Boulevard, Ebbits Street, Mill Road, and commercial and residential lots (properties) to the north (see **Figure 2-1**). The Hylan Plaza Shopping Center is a regional shopping center consisting of local- and regional-serving retail stores arranged within one-story retail structures fronted by surface parking. Current tenants include a K-mart department store, a Toys“R”Us/Babies”R”Us, a United Artists Movie Theater, a Sleepy’s mattress store, a Modell’s sporting goods store, and a CVS pharmacy among other uses. In late 2015 an approximately 60,000-gsf space in the shopping center was vacated by Pathmark supermarket; the space is currently vacant. As shown in **Figure 2-2**, the shopping center is comprised of four tax lots:

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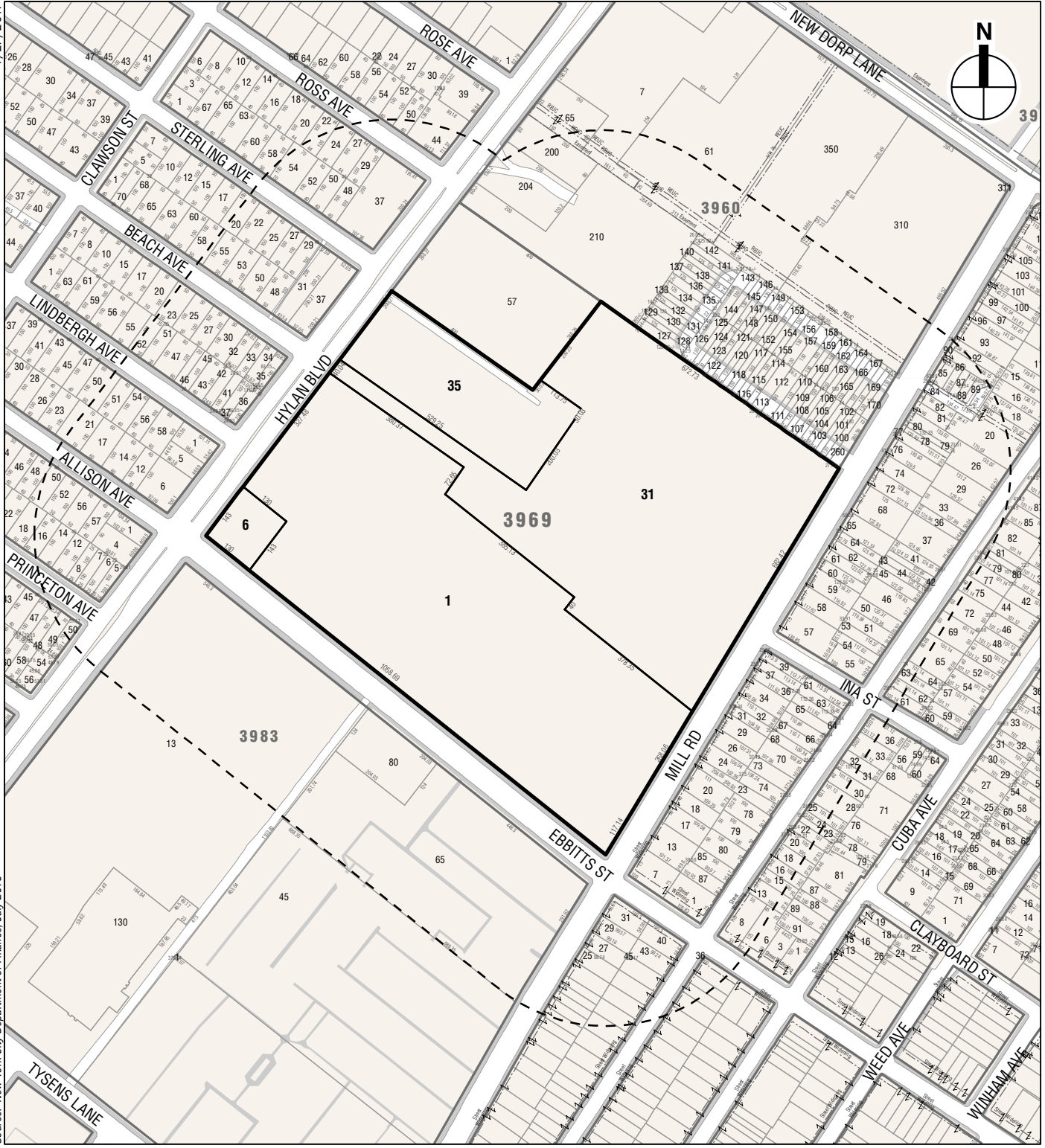




-  Project Site
-  Study Area (400-foot boundary)





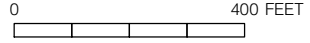
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Source: New York City Department of Finance, July 2015



-  Project Site
-  Study Area (400-foot boundary)
-  Tax Block Boundary
-  Tax Lot Boundary

- 33 Tax Lot Number
- 33 Condo Tax Lot Number
- C: 40 Condo Flag/Condo Number
-  Other Tax Boundary
-  Possession Hooks
- 206.73 Tax Lot Dimension



The Boulevard at Hylan Plaza

Tax Map Figure 2-2

- Tax lot 1, which includes surface parking, a one-story retail building (currently occupied by Modell's) that would remain on the project site in the future with the proposed actions¹, and a portion of the existing one-story retail building that would be demolished in the future with the proposed actions;
- Tax lot 6, which includes a one-story retail building (currently occupied by CVS) that would remain on the project site in the future with the proposed actions and an accompanying surface parking lot;
- Tax lot 31, which includes surface parking and the remaining portion of the one-story retail building that would be demolished in the future with the proposed actions; and
- Tax lot 35, which includes a one-story retail structure (currently occupied by multiple retail tenants) that would remain on the project site in the future with the proposed actions and an accompanying surface parking lot.

The project site contains 362,462 gsf of Use Group 6 and Use Group 10 retail uses, including local and destination retail, a supermarket, and a cinema. The worker population on the project site is approximately 632. The project site also currently contains 1,414 accessory parking spaces. The existing built floor area ratio (FAR) of the project site is approximately 0.345, which is below the maximum allowable FAR of 1.0 (see "Zoning," below).

STUDY AREA

The 400-ft study area contains commercial uses, residential uses, and one public facility/institutional use.

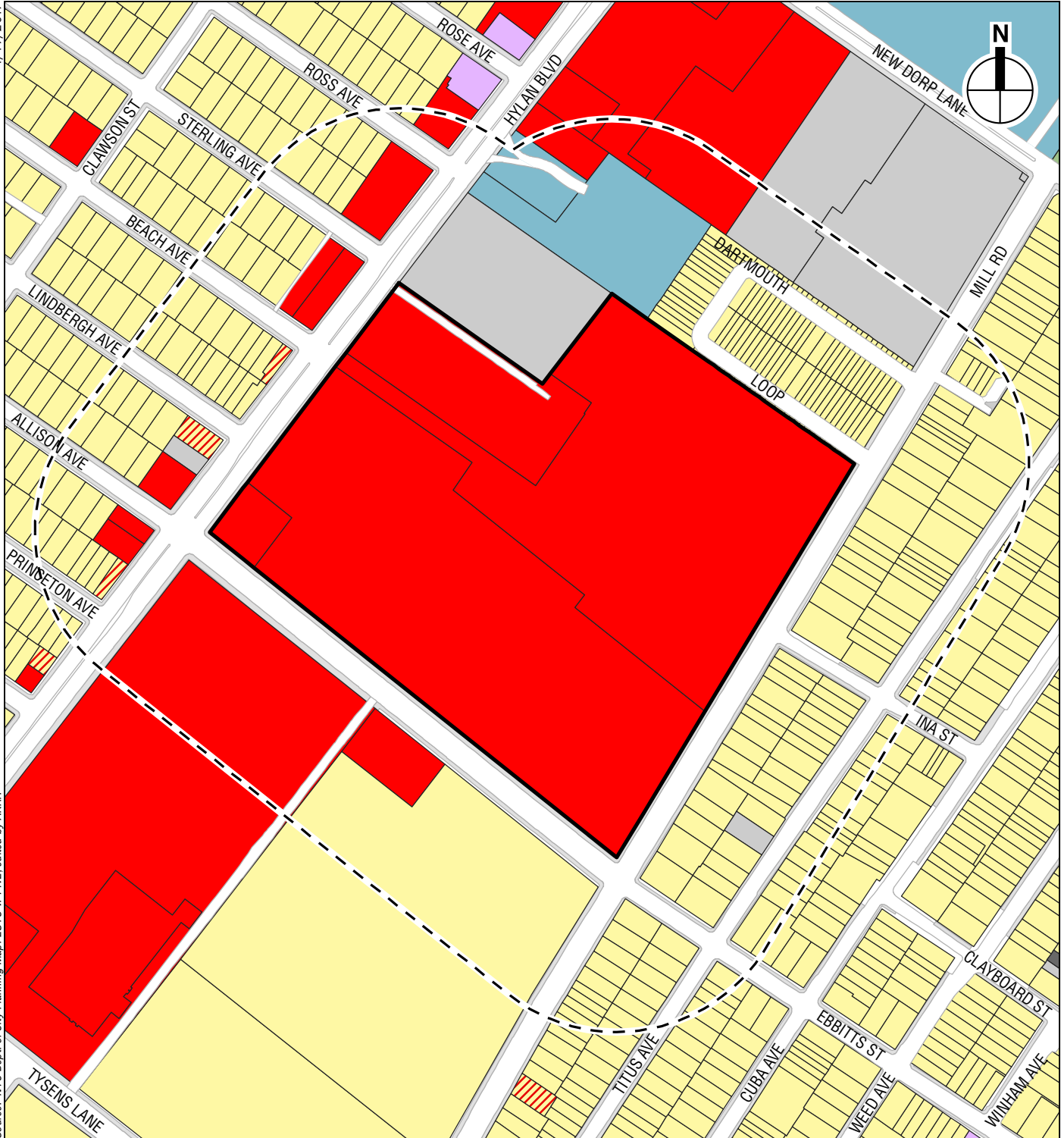
Hylan Boulevard is a major commercial corridor on Staten Island. In addition to Hylan Plaza, commercial uses are located to the west and south of the project site. In the western portion of the study area, there is a strip of commercial and retail uses along Hylan Boulevard, including a Firestone Tires, a restaurant, and the Richmond County Savings Bank. To the south of the project site, there is a strip mall retail development on the south side of Allison Avenue, containing a Dunkin' Doughnuts, Home Goods, Weight Watchers, Radio Shack and other big-box commercial vendors. Just outside of the study area, to the north of the project site, is the Hylan Commons strip mall at Hylan Boulevard and New Dorp Lane. Hylan Commons includes: Applebee's, Starbucks, TJ Maxx, Boston Market, and other big-box commercial vendors.

The study area contains residential uses located to the north, southeast, and west of the project site. Residential uses are immediately adjacent to the project site, and include: single family homes (to the east and west), attached townhouses (to the north), and seven-story apartment buildings (to the south). Many residential developments in the area include private open space and recreational amenities for residents. Ross Ave, Sterling Ave, Beach Ave, Lindbergh Ave and Prinseton Ave have commercial frontages along Hylan Boulevard but are primarily residential streets with single family homes. As shown in **Figure 2-3**, The Tysens Park Apartments, immediately adjacent to the south-side of the project site, reach seven-stories and represent the highest density dwelling units in the study area. The Dartmouth Loop, immediately adjacent to the north-side of the project site, is a similarly dense residential development comprised of attached three-story townhouses (see **Figure 2-3**).

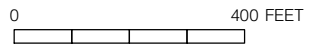
¹ In the future with the proposed actions 5,680 gsf of existing below-grade retail space in this one-story retail building would be decommissioned.

4/19/2017

Source: NYC Dept. of City Planning MapPLUTO v. 14v2, edited by AKRF



- Project Site
- Study Area (400-foot boundary)
- Commercial and Office Buildings
- Open Space and Outdoor Recreation
- Parking Facilities
- Public Facilities and Institutions
- Residential
- Residential with Commercial Below
- Transportation and Utility
- Vacant Land



The Boulevard at Hylan Plaza

Land Use
Figure 2-3

The Boulevard at Hylan Plaza

Also in the study area, United States Postal Service (USPS) has an office on the east side of Hylan Boulevard. 2582 Hylan Boulevard (block 3969, lot 57) is currently under construction with an anticipated build of 2,600 sf of retail use (currently shown as “Vacant Land” on **Figure 2-3**). Other than the USPS Office and the retail development under construction described above, the remainder of the study area includes a large vacant parking lot in poor condition. The vacant parking lot (450 New Dorp Lane) is slated for development of 100,000 sf retail and 370 parking spaces; however, the development is not expected to be completed until after the 2019 build year for the proposed project because the anticipated retail tenant for this development (Kohl’s Department Store) has decided not to move forward with construction; therefore, it is not included in the No Action condition in this FEIS, as described below.

ZONING

PROJECT SITE

As shown in **Figure 2-4**, the project site is within a C4-1 commercial zoning district, which allows commercial uses up to a maximum FAR of 1.0, residential uses of up to 1.25 FAR, and community facility uses of up to 2.0 FAR. C4-1 districts are generally mapped for outlying regional commercial centers and have high parking requirements.

STUDY AREA

In addition to the C4-1 district, the study area also contains C8-1, R3-1 and R3X residential districts. A summary of these zoning districts is provided in **Table 2-1**.

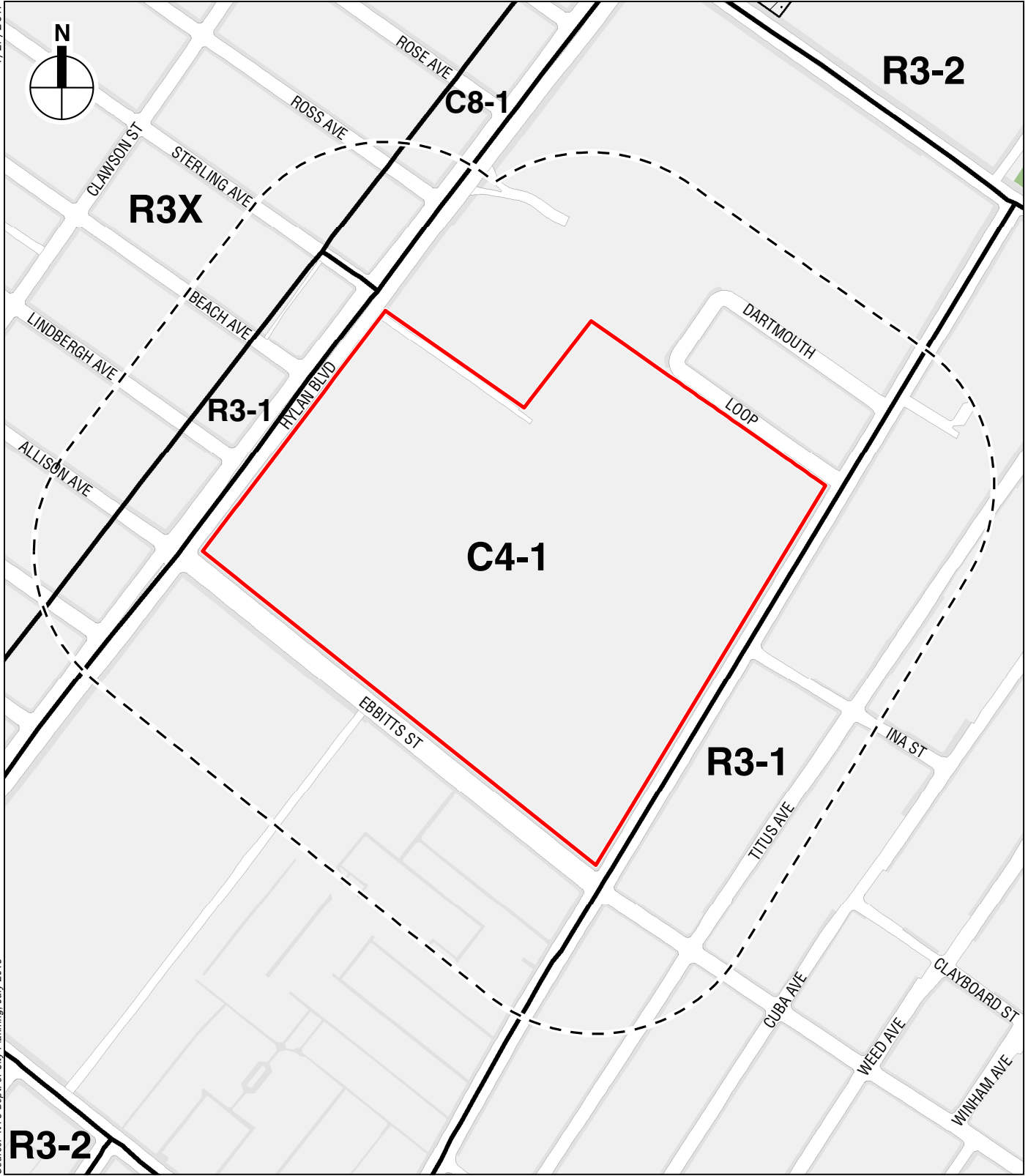
**Table 2-1
Zoning Districts in the Study Area**

Zoning District	Maximum FAR ¹	Uses/Zone Type
C4-1	1.0 commercial, 1.25 residential, 2.0 community facility	Regional commercial center district.
C8-1	1.0 commercial, 2.4 community facility	Automotive/heavy commercial uses district.
R3-1	0.5 residential (0.6 with attic bonus), 1.0 community facility	General residence district, low-density housing.
R3X	0.5 residential (0.6 with attic bonus), 1.0 community facility	Low-density residence district.
<p>Notes: 1. FAR is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 sf with an FAR of 1 has an allowable building area of 10,000 sf. The same lot with an FAR of 10 has an allowable building area of 100,000 sf. Source: <i>New York City Zoning Resolution.</i></p>		

The C8-1 zone is located northeast of Sterling Avenue, 100 feet west of Hylan Boulevard. C8-1 districts provide for automotive and other heavy commercial uses, such as automobile showrooms and repair shops, warehouses, and gas stations—although most commercial uses are also permitted. The maximum FAR in these districts is 1.0.

The residential uses located east of the project site, and southwest of Sterling Avenue, 100 feet west of Hylan Boulevard, are within an R3-1 residential district. R3-1 districts are low-density residential districts that allow semi-detached one- and two-family residences, as well as detached houses. The maximum FAR is 0.5, which can be increased to 0.6 with an attic bonus. The

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Source: NYC Dept. of City Planning, July 2015

-  Project Site
-  Study Area (400-foot boundary)
-  Zoning Districts
-  C2-1 Commercial Overlay District

0 200 FEET

northwestern portion of the study area contains an R3X, which permit only one- and two-family detached homes of up to 0.5 FAR (or 0.6 FAR with an attic bonus).

PUBLIC POLICY

STATEN ISLAND LOWER DENSITY GROWTH MANAGEMENT AREA

The project site and study area are located within the Staten Island Lower Density Growth Management Area (LDGMA). In comparison to elsewhere in the City, areas within a LDGMA District have far less land zoned for commercial use. Thus special rules prohibit residential-only development in commercial overlays and commercial districts within the LDGMA. To encourage retail stores and services needed by a growing population, the traditional mixed use arrangement of apartments located above shops at the street level is recommended. In LDGMA areas residences are not allowed on the ground floor in any C1 or C2 commercial overlay districts or established town centers within C4 districts; any residential or mixed use development would require a City Planning Commission special permit.

The proposed project would not include any residential or mixed use development requiring a special permit. Furthermore, the existing Floor Area Ratio (FAR) on the project site is 0.345; the project site's location within an LDGMA District has no implications on the allowable FAR or on the proposed actions, because the proposed project would not include any residential or mixed use residential development.

WATERFRONT REVITALIZATION PROGRAM (WRP)

New York City's WRP is the City's principal Coastal Zone management tool and establishes a broad range of public policies for the City's coastal areas. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives. The WRP was originally adopted by the City of New York in 1982, revised in 2002, revised again in 2013 and further revised in February of 2016. A local waterfront revitalization program, such as New York City's, is subject to approval by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the Federal Coastal Zone Management. All proposed actions subject to CEQR, Uniform Land Use Review Procedure (ULURP), or other local, state, or federal agency discretionary actions that are situated within New York City's designated Coastal Zone boundary must be reviewed and assessed for their consistency with the WRP. As shown on **Figure 2-5**, the project site is located within the City's designated coastal zone. Therefore, an assessment of the proposed project's consistency with applicable WRP policies is warranted, and is provided below.

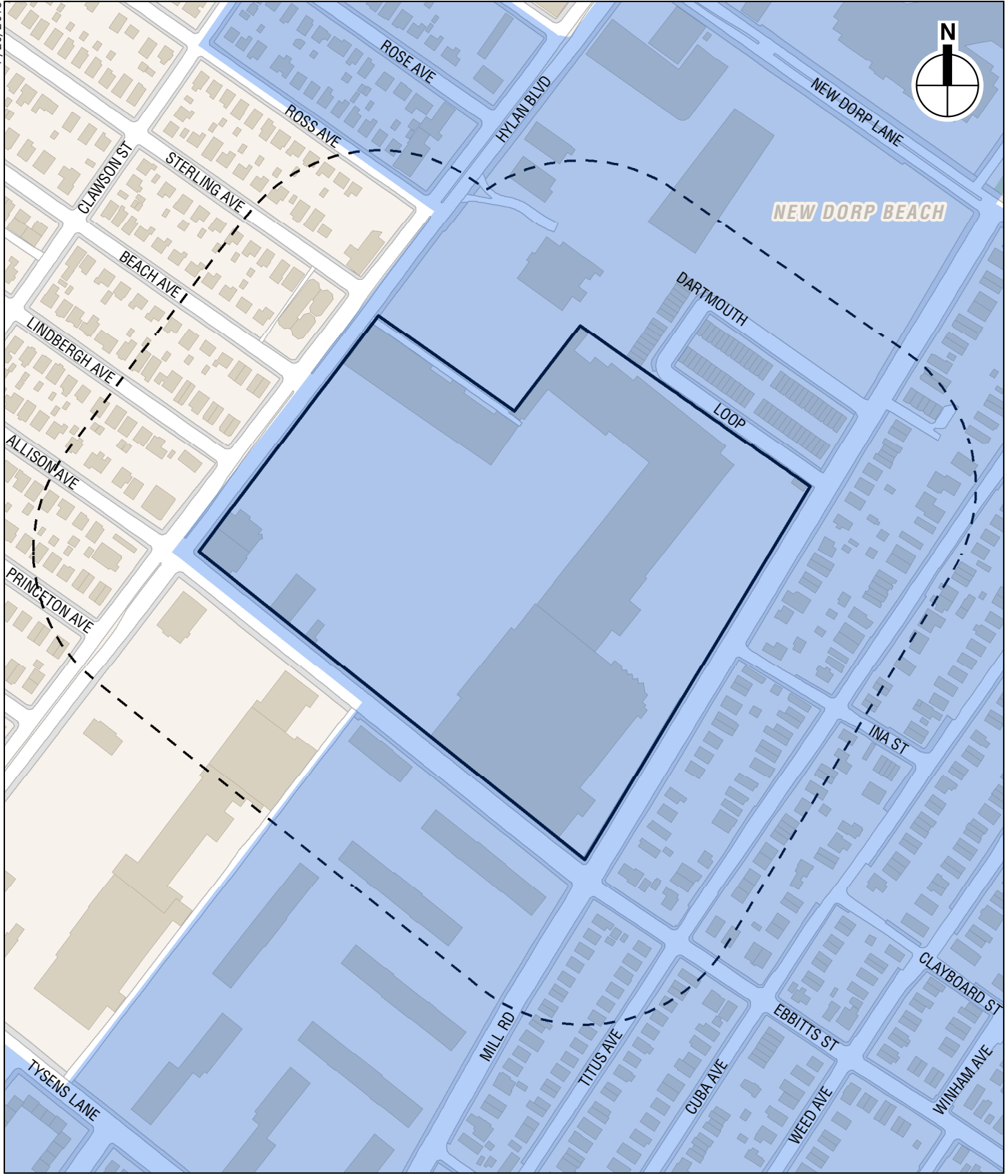
D. FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

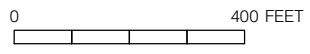
PROJECT SITE

Absent the proposed project, no new development is anticipated to occur on the project site. Any such development or enlargement, including changes to the parking site plan, would require an

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-  Project Site
-  Study Area (400-foot boundary)
-  Coastal Zone Boundary



The Boulevard at Hylan Plaza

authorization pursuant to Zoning Resolution (ZR) Section 36-023 (which is a discretionary action and subject to environmental review) to assure that the layout of parking space is arranged and located in relation to the uses on the site so as to provide adequate ingress, egress, and circulation with respect to the abutting streets. Therefore, in the future No Action condition, the project site is expected to remain unchanged from existing conditions, with the exception of the now-vacant supermarket space. Absent the proposed actions it is assumed that the vacant, approximately 60,000-gsf space would be re-tenanted by another grocery store use. The FAR on the project site would continue to be 0.345.

STUDY AREA

No major changes in land use are anticipated in the study area by 2019. The portion of the study area along Hylan Boulevard is expected to remain a regional commercial center, while low- and medium-density residential communities will continue to exist to the north, south east and west of the project site.

~~At the northern boundary of the 400-foot study area a future commercial development project is planned at 450 New Dorp Lane. The project will introduce an approximately 100,000 square-foot retail facility and 370 parking spaces. The portion of the study area that includes the 450 New Dorp Lane development site is currently vacant land. Refer to **Figure 2-6** for the location of development projects anticipated within the study area by 2019.~~

The currently vacant lot located immediately north-west of the project site is slated for the development of two commercial projects. The 2590 Hylan Boulevard project will introduce approximately 30,000 sf of retail and 200 parking spaces. Directly adjacent, the 2602 Hylan Boulevard project will introduce approximately 8,400 sf of retail and 55 parking spaces (see **Figure 2-6**).

Also north of the project site within the study area, at 2580 Hylan Boulevard, the development of a 2,600 sf bank facility is proposed near the intersection of Hylan Boulevard and Ross Avenue (see **Figure 2-6**).

ZONING

No changes to zoning on the project site or in the study area are currently anticipated by 2019. Current zoning, as described above, is expected to remain in force.

PUBLIC POLICY

No changes to public policies affecting the project site or the study area are anticipated by 2019.

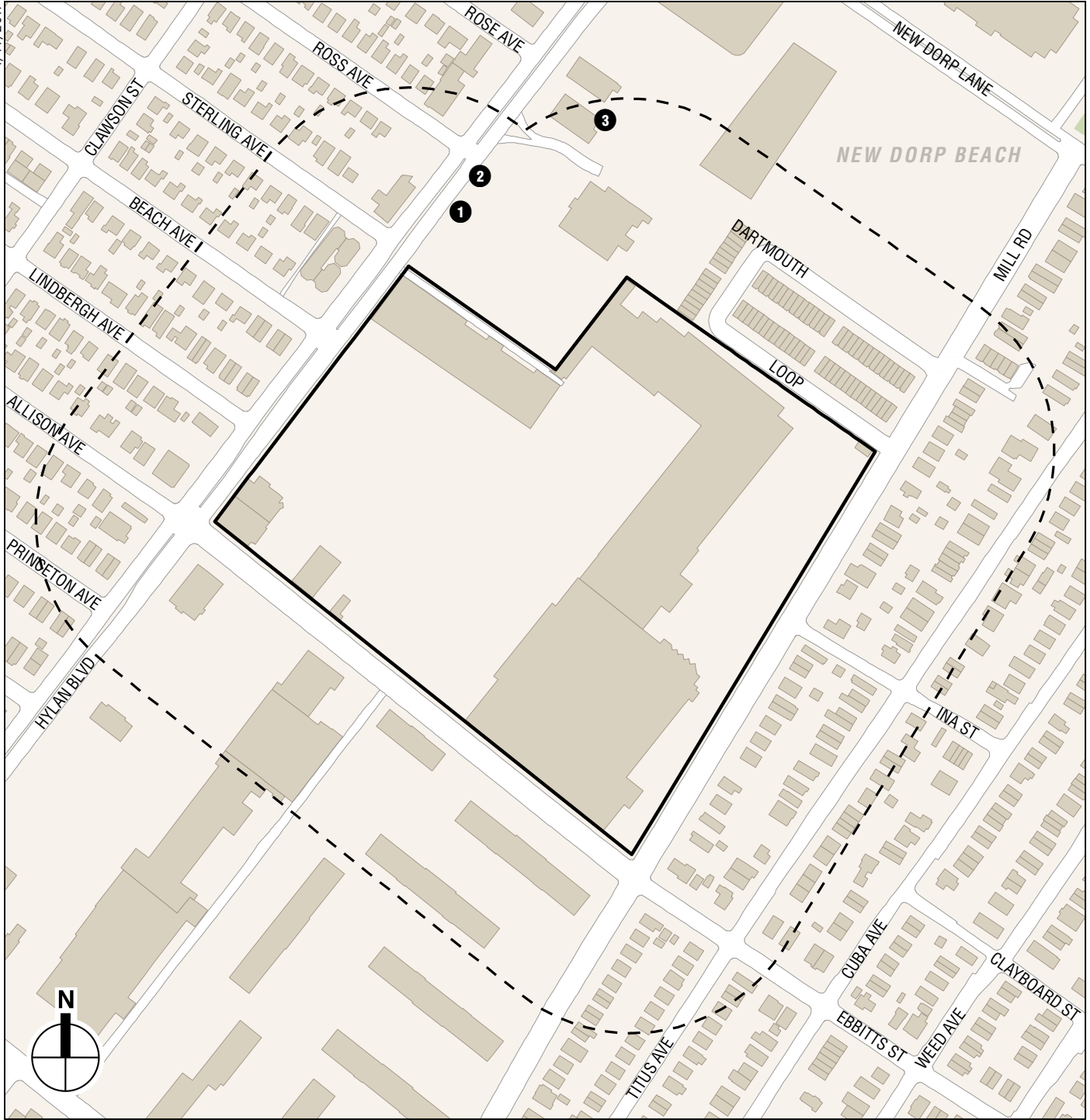
E. FUTURE WITH THE PROPOSED PROJECT

LAND USE

PROJECT SITE

Approval of the proposed actions would facilitate the development of an approximately 459,079 gsf of retail space and 1,653 parking spaces, which represents a 96,617-gsf increase in retail space and a 239-space increase in the number of parking spaces. **Table 2-2** presents the size of each use component of the proposed development program.

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-  Project Site
-  Study Area (400-foot boundary)
-  No Action Development



Map ID	Address	Project Type
1	2590 Hylan Boulevard	The project will introduce approximately 30,000 sf of retail and 200 parking spaces.
2	2602 Hylan Boulevard	The project will introduce approximately 8,400 sf of retail and 55 parking spaces.
3	2580 Hylan Boulevard	The development of a 2,600 sf bank facility is proposed near the intersection of Hylan Boulevard and Ross Avenue.

Notes: Land Use study area includes the area 400-feet from the boundary of the Project Site.
 Sources: NYC Department of Buildings (DOB) Building Information Search; and AKRF, Inc. field work.

**Table 2-2
Proposed Development Program**

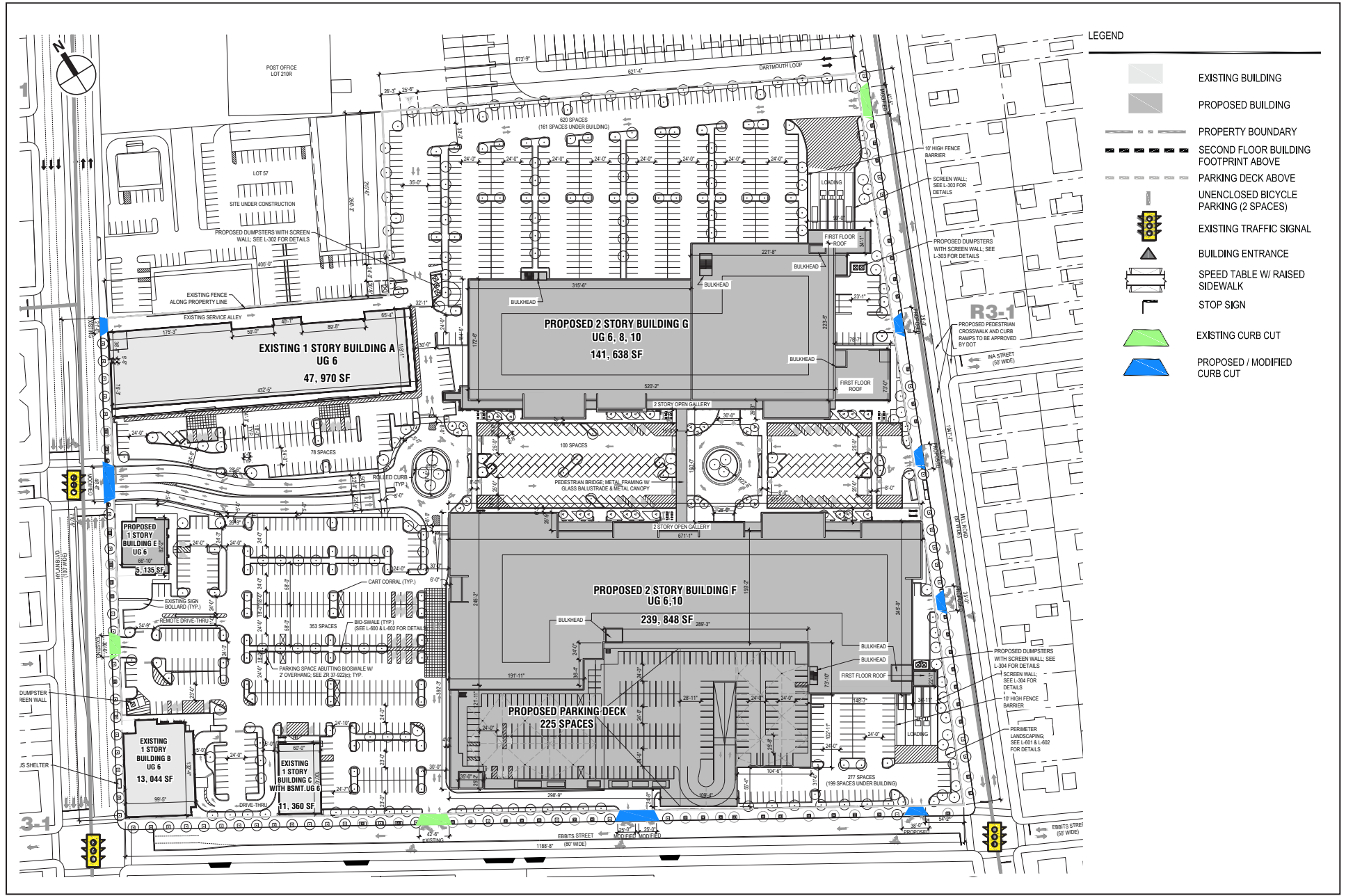
Use	ZR Use Group ¹	Proposed New Retail Development (GSF)
Destination Retail	6/10	245,747 ²
Supermarket	6	76,769
Cinema	8	41,030
Receiving/Common Areas	6/10	23,159
Total		386,705
Notes: ¹ Retail establishments could fall into Use Groups 6 or 10 ² Proposed destination retail amount also could include an approximately 37,500-gsf health club, which is defined by the ZR as a physical culture or health establishment.		
Sources: S9 Architects and Hylan Plaza 1339, LLC.		

The proposed actions would facilitate a proposal by the applicant to demolish an approximately 290,100-gsf portion of an existing approximately 362,462-gsf commercial center known as the Hylan Plaza Shopping Center and construct in its place 386,705 gsf of new retail structures, including approximately 245,747 gsf of local and destination retail uses (Use Group 6 or 10, depending on the retail use and size of establishment), 76,769-gsf of Use Group 6 grocery or food store use, approximately 41,030-gsf of Use Group 8 cinema use, and approximately 23,159-gsf of receiving areas for the proposed retail uses (see proposed site plan in **Figure 2-7**). The applicant intends the additional space to be occupied by: a supermarket (Use Group 6); cinema (Use Group 8); restaurant space (Use Group 6); department store retail uses (Use Group 10); other non-department store retail uses (Use Group 6 or 10, depending on the size and type of establishment); receiving areas; and possibly a health club (physical culture or health establishments). In conjunction with the retail enlargement, the project would also reconfigure and landscape the project site’s parking areas. As described in more detail below, the overall number of parking spaces provided on the project site would increase by 239 spaces (from an existing 1,414 spaces to the proposed 1,653 spaces).

Pursuant to Section 36-21 of the Zoning Resolution, the proposed project would require 3,293 parking spaces. However, the Applicant is requesting a reduction of parking to better suit their development needs. To accommodate the development of the proposed project, the existing surface parking areas would be substantially reconfigured and landscaped, requiring the temporary displacement of parking spaces during the demolition of the existing retail building, and during construction of the proposed project. Upon completion, the proposed project would provide an estimated 1,653 spaces (a net increase of 239 parking spaces as compared to existing parking). These 1,653 provided spaces would be 50 percent fewer than the 3,293 spaces required by ZR Section 36-21, thus a 50 percent reduction in required spaces is being requested by the applicant.

The proposed project would include landscape improvements throughout the project’s site surface parking areas, including planting new trees. These trees would be planted in areas including the perimeter of the various parking areas.

Within the 459,079 gsf of the proposed project, the project site would contain approximately 386,705 gsf of new retail uses. The proposed project would result in the addition of retail uses that are similar to those already present on the project site. While the proposed project could include in a health club, which is a use not present on the project site, this use would be compatible with other uses and would not result in any land use conflicts. Therefore, the



LEGEND

- EXISTING BUILDING
- PROPOSED BUILDING
- PROPERTY BOUNDARY
- SECOND FLOOR BUILDING FOOTPRINT ABOVE
- PARKING DECK ABOVE
- UNENCLOSED BICYCLE PARKING (2 SPACES)
- EXISTING TRAFFIC SIGNAL
- BUILDING ENTRANCE
- SPEED TABLE W/ RAISED SIDEWALK
- STOP SIGN
- EXISTING CURB CUT
- PROPOSED / MODIFIED CURB CUT

The Boulevard at Hylan Plaza

Proposed Site Plan
Figure 2-7

The Boulevard at Hylan Plaza

proposed development would be compatible and consistent with existing land uses on the project site.

STUDY AREA

The proposed project would not alter the land use mix of the study area, which would continue to be characterized by a concentration of regional commercial uses. The bulk of the new uses would be located on the east side Hylan Plaza and would be setback from Ebbitts Street and Mill Road by parking uses and landscaping. Therefore, the portions of the study area containing low- and medium-density residential communities with supporting open space and community facility uses—which are located north, south east and west of the project site—would not be affected by the proposed project. Overall, the proposed project would be compatible with existing land use trends in the study area, and would not result in any significant adverse land use impacts.

ZONING

PROJECT SITE

In order to facilitate the proposed project, the Applicants are seeking a zoning authorization pursuant to the ZR Section 36-023 for:

- Approval of the layout of a group parking facility accessory to a commercial development; and
- A reduction by up to 50 percent of the ZR Section 36-21 parking requirement.

In addition, the applicant is seeking a cross-access easement certification pursuant to: ZR Section 36-592 to certify that cross-access connections have been provided (for locations where they are required). In the Borough of Staten Island, existing or new open parking lots adjacent to one another on the same or separate zoning lots shall be required to provide vehicular passageways between such open parking lots, referred to as “cross access connections.” This certification is a ministerial action and is not subject to environmental review.

As noted above, the project site is located within a C4-1 zoning district. According to Section 36-21 of the Zoning Resolution, C4-1 zoning districts require one accessory parking space for every 150 sf of floor area for retail/service uses. For other uses, one parking space must be provided for: every 100 sf of floor area for supermarket uses; and every 4 cinema seats.

In the With Action condition, 1,653 parking spaces would be provided on the project site, which represents a 50.2 percent reduction compared to the 3,293 spaces required by zoning. Therefore, an up to 50.2 percent reduction in required spaces is required in order to facilitate the proposed project. As detailed in the parking analysis in Chapter 4, “Transportation,” the proposed supply of parking at Hylan Plaza would be adequate to fulfill future needs with the proposed project. Therefore, the proposed project would not result in any significant adverse impacts to zoning on the project site.

STUDY AREA

The proposed actions would apply only to the project site and would have no effect on zoning in the surrounding area. Existing zoning controls, as described above, would continue to be in force. Therefore, the proposed project would not result in a significant adverse impact to zoning in the surrounding study area.

PUBLIC POLICY

STATEN ISLAND LOWER DENSITY GROWTH MANAGEMENT AREA (LDGMA)

In LDGMA areas residences are not allowed on the ground floor in any C1 or C2 commercial overlay districts or established town centers within C4 districts; any residential or mixed use development would require a City Planning Commission special permit. The proposed project would not include any residential or mixed use development requiring a special permit. Furthermore, the existing FAR on the project site is 0.345; the project site's location within an LDGMA District has no implications on the allowable FAR or on the proposed actions, because the proposed project would not include any residential or mixed use residential development. Therefore the proposed project is consistent with the Staten Island LDGM policy.

WATERFRONT REVITALIZATION PROGRAM (WRP)

Introduction

In accordance with the City's WRP and the federal Coastal Zone Management Act, the proposed project requires review for its consistency with the City's WRP policies. The WRP includes 10 principal policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. *CEQR Technical Manual* guidelines note that the preparation of the WRP consistency assessment should begin with the completion of a WRP Consistency Assessment Form ([CAF]—see **Appendix A** for the CAF). The questions presented in the CAF are designed to identify whether a proposed project has potential effects upon a policy. Where the answers to the CAF indicate “not applicable,” the proposed project does not have any potential effects upon the achievement of any particular policy; therefore where marked “not applicable,” no further assessment of the project's potential effects on WRP policies is necessary. Where answers to the questions indicate “promote” or “hinder” the project may have potential effects on the achievement of a particular identified policy or policies set forth in the WRP; therefore where marked “promote” or “hinder,” further examination is warranted to assess the potential effects the proposed project may have on the achievement of the noted policy or policies.

WRP Consistency Assessment

For each policy and sub-policy question that was answered “promote” or “hinder” in the CAF, the analysis provided below includes a discussion of the policy's applicability to the proposed project and the proposed project's consistency with the respective policy.

Policy 1: *Support and facilitate commercial and residential redevelopment in areas well-suited to such development.*

Policy 1.1 Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

The project site is not located in a designated Special Natural Waterfront Area, the Arthur Kill Ecologically Sensitive Maritime and Industrial Area, or Significant Maritime and Industrial Areas. The land that would be developed is currently occupied by the large surface accessory parking and retail buildings of an existing regional shopping mall, which is not located on the waterfront. The proposed project would be an

enlargement of an existing retail use and would promote significant economic activity, including new jobs that would positively affect the City's economy and tax base.

The proposed project is located in a commercial zone and adjacent to properties already developed with commercial uses. The proposed commercial development has been designed to be an attractive economic development for both residents of the neighborhood and Staten Island as a whole. Therefore, the proposed project is consistent with this policy.

Policy 1.3 Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.

The proposed project would be developed at a density that is compatible with the capacity of surrounding roadways, mass transit, and existing essential infrastructure. The proposed project would facilitate new commercial development on the underutilized project site, as development on the site is substantially below the maximum allowable floor area ratio (FAR). Currently, despite the commercial success of the shopping center, the applicant believes that the existing retail layout is insufficient. Therefore, the proposed project is consistent with this policy.

Policy 5: *Protect and improve water quality in the New York City coastal area.*

Policy 5.2 Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

The overall volume of stormwater runoff and the peak stormwater runoff rate from the project site is expected to remain the same in the No Action and With Action conditions; however in the With Action condition the site would be slightly reconfigured and improvements, through landscaping, would be made to the permeability of the parking field. Stormwater management will be designed in accordance with New York City Department of Environmental Protection (DEP), New York State Department of Environmental Conservation (NYSDEC). Erosion and sediment control measures would meet the New York Standards and Specifications for Erosion and Sediment Control standards. Stormwater runoff in the parking fields will be designed to drain to bio-retention areas located within the interior and perimeter landscaped islands before eventually draining to on-site detention facilities. Any additional water quality treatment that is required will be provided for in the use of manufactured treatment devices located downstream of the on-site detention facilities. If approved by the necessary regulatory agencies, the proposed stormwater strategy may be revised to include the re-use of portions of the existing on-site stormwater drywell system. For these reasons, the proposed project is consistent with these policies.

Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

As described above, the proposed project includes a Storm Water Pollution Prevention Plan (SWPPP), which would include a New York Standards and Specifications for Erosion and Sediment Control (ESC) standards to be implemented during construction and post-construction stormwater management measures.

The ESC plan measures will comply with the New York Standards and Specifications for Erosion and Sediment Controls to prevent sediment eroded during construction activities from entering surface waters. These measures will likely include, but are not

limited to, silt fence, inlet protection, vegetative stabilization, construction entrances, temporary swales, and temporary sediment basins. The soil erosion and sediment control measures will be inspected, maintained, and documented throughout construction, in accordance with the State SPDES General Permit for Stormwater Discharges from Construction Activity. The permanent post-construction stormwater control measures implemented under the SWPPP will comply with the applicable version of the New York State Stormwater Management Design Manual. Overall, the proposed project would not result in a significant adverse impact on the City's wastewater conveyance and treatment system and stormwater management would be designed in accordance with New York City DEP standards; therefore, would be consistent with this policy.

Policy 6: *Minimize loss of life, structures, and natural resources caused by flooding and erosion.*

Policy 6.1: *Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.*

A portion of the project site, generally located along Mill Road, is located within the 500-year floodplain, Zone X Flood Zone. The design of the proposed project would comply with *New York City Building Code* requirements. It has been determined that the project site is not within a Special Flood Hazard Zone (SFHZ), therefore does not have an associated base flood elevation (BFE). The closest SFHZ to the Project Site is Zone AE, mapped east of the project site along Titus Avenue, and has a BFE of 12 feet NAVD88. The proposed grading for the site would generally range from 13 to 22 feet NAVD88; with all retail space will be located several feet above 13 feet NAVD88. Therefore the proposed project is consistent with this policy.

Policy 6.2 *Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms) into the planning and design of projects in the city's Coastal Zone.*

As discussed above, the proposed project is located outside the Zone A, Zone V and Zone VE flood zones (i.e., 100-year floodplain); with a very small portion of the project site located within a the 500-year floodplain (Zone X) or area with a 0.2-percent-annual-chance floodplain associated with Lower New York Bay. The majority of the project site is located outside the 500-year and all the entire site is outside the 100-year floodplains. As such, incorporating the measures as outlined in Policy 6.2 is not necessary. Furthermore, as mentioned above, the project site will be graded between 13 and 22 feet NAVD88 (the current elevation of the site is at 17 feet NAVD88). Therefore, the proposed project is consistent with these policies.

Policy 7: *Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.*

Policy 7.1 *Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems.*

As described in Chapter 3, “Hazardous Materials,” the project site has a documented history of hazardous materials; therefore an analysis ~~will be conducted for any site with the potential to contain hazardous materials. The assessment will~~ was performed that includes the prescription of management practices to prevent release of toxic pollutants, radioactive materials, or substances hazardous to the environment that would have a deleterious effect on fish and wildlife and human resources. Furthermore, the assessment ~~will seek~~ to minimize the discharges of persistent bioaccumulating and toxic substances, and limit the resuspension of toxic pollutants and hazardous substances and wastes and reentry of bioaccumulative substances into the food chain for existing environmental sources. Therefore the proposed project is consistent with this policy.

Policy 7.2 Prevent and remediate discharge of petroleum products.

The Phase I Environmental Site Assessment (ESA) identified evidence of “Recognized Environmental Conditions” (RECs), including the presence, or likely presence, of petroleum contamination to soil and groundwater from a closed-in-place underground storage tank (UST), the presence of hazardous waste observed in containers inside the storage room of the Kmart on-site, and the potential release of chlorinated solvents from the dry cleaning facility operating at the Site. Historical Sanborn maps identified nearby commercial/automotive uses, including a drycleaner (southwest) and an auto repair garage (north). Prior studies investigations of the project site have identified potential sources of contamination due to prior uses on the site and in the surrounding area as well as historic fill. Based on the Phase I ESA findings, a Subsurface (Phase II) Investigation of the project site was undertaken in accordance with a ~~OER~~DEP-approved Work Plan.

The proposed project has been assigned an E-Designation for hazardous materials (E-414) and therefore will be subjected to OER oversight and approval of remedial activities conducted as part of construction to satisfy the E-Designation requirements. Specifically, a Remedial Action Work Plan (RAWP) and associated Construction Health and Safety Plan (CHASP) would be submitted to ~~DEP or~~ OER for review and approval. ~~prepared and implemented during the subsurface disturbance associated with the proposed project.~~ The RAWP and CHASP, which is prepared based on the results of the Phase I ESA and Phase II Investigation, would address requirements for items such as: soil management, stockpiling and disposal; dust control; and contingency measures should unforeseen petroleum tanks or soil contamination be encountered. The RAWP would also include any necessary measures required to be incorporated into the new building to protect human health and the environment. OER approval of the RAWP would be required in order for the DOB to issue excavation/foundation permits. Therefore the proposed project is consistent with this policy.

Policy 7.3 Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

As part of the proposed project, potential hazardous materials would be remediated and disposed of in conformance with all applicable laws, rules, and regulations, thus avoiding the potential for adverse impacts on the coastal zone resources. The proposed project would not include the siting of solid or hazardous waste facilities. For these reasons, the proposed project is consistent with this policy. *