

A. INTRODUCTION

This chapter considers the potential for the Proposed Project to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, this analysis evaluates the uses and development trends in the study area (defined below) that may be impacted by the Proposed Project and determines whether the Proposed Project is either compatible with those conditions or whether it may affect them. The analysis also considers Proposed Project's compliance with, and effect on, the study area's zoning regulations and other applicable public policies.

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. This chapter provides an assessment of existing and future conditions in the No Action and With Action conditions for the Project Site and the surrounding study area, which are described below.

PRINCIPAL CONCLUSIONS

This assessment finds that the Proposed Project would not result in significant adverse impacts relating to land use, zoning, or public policy. The Proposed Project would be compatible in use and scale with the surrounding area, which primarily contains similar facilities along the area's commercial corridors, in particular the shopping centers located along Arthur Kill Road adjacent to the Project Site. Although the proposed commercial uses are allowed under existing zoning and the total bulk of the Proposed Project complies with the applicable zoning regulations, the Proposed Project requires special permits, authorizations, and certifications from the New York City Planning Commission (CPC) which include, but are not limited to: (a) special permits allowing large-scale retail establishments with no limitation on floor area per establishment in an M1-1 zoning district, as well as modifications to applicable waterfront zoning requirements to allow a commercial building greater than 30 feet in height and to alter yard requirements and initial setback requirements; (b) authorizations to allow modification of location, area, dimensional and design requirements applicable to waterfront public access areas and visual corridors; (c) an authorization to waive tree removal requirements applicable in the Special South Richmond Development District (SSRDD); (d) an authorization to permit modification to existing topography in the SSRDD; (e) authorization to allow more than 30 accessory parking spaces in the SSRDD; and (f) a certification that requirements relating to shore public walkways and view corridors have been satisfied. The proposed modifications to the zoning regulations described above would apply only to the Project Site, and would allow the Proposed Project to achieve an efficient site plan while preserving a large portion of the Project Site's natural ecology. Because the Proposed Project would largely comply with the underlying zoning, with modifications that are allowed through existing measures in the ZR, and would not adversely affect land use conditions in the surrounding area, it would not result in a significant adverse

impact to zoning. The Proposed Project would be compatible with relevant public policy initiatives. In particular, the Proposed Project would largely support the goals of *Working West Shore 2030*, the policy statement which provides a framework for public actions concerning privately controlled property in the West Shore area. The Proposed Project would support the plan's vision of redeveloping the area west of Arthur Kill Road, which includes the Project Site, and would be consistent with the overall goals of the plan of providing opportunities for job growth with new commercial uses, developing vacant land with a mix of uses, and improving access to the Arthur Kill waterfront with open space and recreational amenities, although the Proposed Project would not include all of the improvements that the plan envisioned for the area along Arthur Kill Road (i.e., residential uses, which would require an extensive rezoning of the area). Similarly, the Proposed Project's waterfront public open space would support the City's comprehensive waterfront plan (known as *Vision 2020*) by providing expanded public access along Mill Creek. In addition, the Proposed Project would be consistent with the policies of the City's Waterfront Revitalization Program (WRP), in particular WRP policies aimed at expanding commercial uses on underdeveloped sites along the waterfront, providing access to the waterfront with open space, and improving water quality through the preservation and restoration of wetlands and the use of "green" stormwater management infrastructure. Overall, the Proposed Project would be largely compatible with other land uses in the area, would generally conform to applicable zoning regulations, and would be consistent with the goals of applicable public policies.

B. METHODOLOGY

The study area for this analysis of land use, zoning, and public policy encompasses the area within a ¼ mile of the Project Site boundary, because this is the area in which the Proposed Project could reasonably be expected to potentially result in significant adverse land use, zoning, and public policy impacts. The study area extends roughly from Veterans Road West to the north, Page Avenue to the east, the Staten Island Railroad (SIRR) right-of-way to the south, and the Arthur Kill waterway to the west (see **Figure 2-1**). The Project Site and the study area are located within Staten Island Community District 3.

Consistent with the guidance of the *CEQR Technical Manual*, this analysis identifies anticipated changes in land use, zoning, and public policy that are expected to occur in the No Action condition by 2019, the Proposed Project's build year, and assesses any potential adverse impacts to land use, zoning, and public policy that may occur as a result of the Proposed Project. Sources for this analysis include the New York City Department of City Planning (DCP), the New York City Department of Buildings (DOB) and recent environmental assessment and impact statements in the area.

C. EXISTING CONDITIONS

LAND USE

PROJECT SITE

As described in Chapter 1, "Project Description," the Project Site (Block 7620, Lot 1, and Block 7632, Lots 1, 6, 50, 150, 151) is located along the Arthur Kill waterway immediately to the south of the Outerbridge Crossing, west of Arthur Kill Road (see **Figure 2-2**). The 33.68-acre Project Site includes 8.98 acres of underwater lands and a 24.70-acre upland portion. The upland

portion includes the development area of the Proposed Project (approximately 17.72 acres), which is currently largely undeveloped. There is only one built structure on the Project Site; Block 7632, Lot 6, located at the southeast corner of the Project Site along Arthur Kill Road, contains a single-family home, known as the Cole House, which is currently unoccupied; the house predates zoning, and the residential use of the building is non-conforming in the manufacturing zoning district (M1-1). There are approximately 9.54 acres of freshwater and tidal wetlands and wetland adjacent areas on the Project Site. The remainder of the upland portion is generally wooded vacant land, with evidence of fill and urban debris at the edges.

STUDY AREA

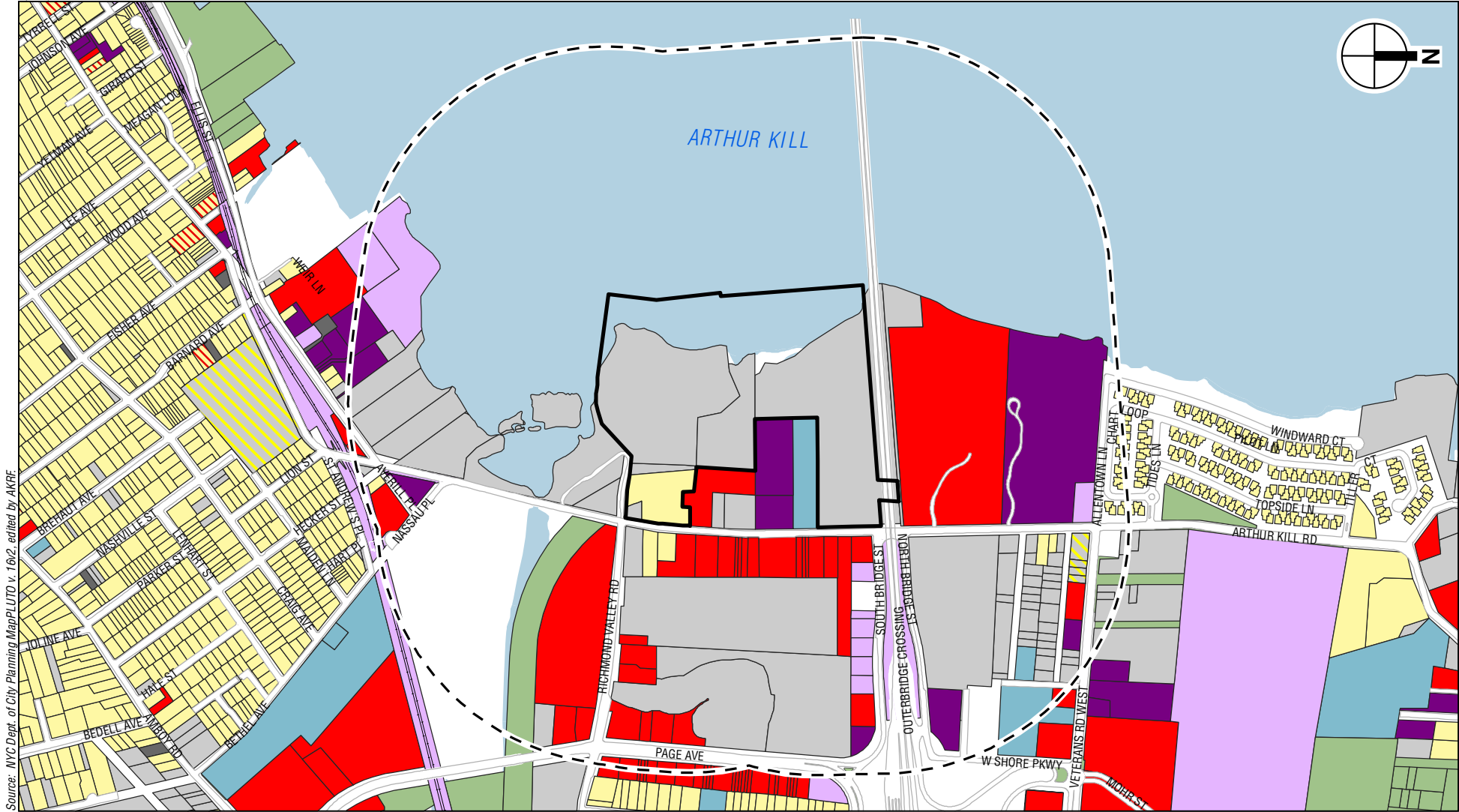
The portion of the study area immediately adjacent to the Project Site (located along Arthur Kill Road between the Outerbridge Crossing and Richmond Valley Road) contains commercial, light industrial, and nonconforming residential uses. Commercial and light industrial uses include a veterinary hospital, a medical imaging facility, a beverage warehouse and distribution facility on the western side of Arthur Kill Road, and several shopping centers (Outerbridge Plaza, Richmond Valley Atrium, and Major League Plaza) with retail and commercial office facilities on the eastern side of Arthur Kill Road. Two single-family homes are located on the eastern side of Arthur Kill Road to the south of the shopping centers and north of Richmond Valley Road (both homes are located within a manufacturing zoning district [M1-1] and were built prior to the introduction of zoning; therefore, they are existing non-conforming uses). Additional commercial uses are located along South Bridge Street and along Page Avenue.

The study area also contains substantial transportation infrastructure, including the Outerbridge Crossing (which is designated I-440), an elevated highway immediately to the north of the Project Site that spans the Arthur Kill, connecting to New Jersey. East of the study area, the Outerbridge Crossing connects to the West Shore Expressway (the continuation of I-440) and Drumgoogle Road. SIRR tracks are located in the southern portion of the study area, to the north of the predominantly residential Tottenville neighborhood, which is located outside of the study area.

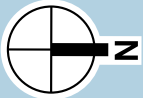
The remainder of the study area is predominantly undeveloped or vacant land, particularly along the portion of Arthur Kill Road that is located north of the Outerbridge Crossing; the only developed parcels in this area contain a warehouse facility and gun club. Similarly, the area south of the Project Site along Mill Creek includes vacant and undeveloped lands. Large portions of this area, along with a large portion of the area between Arthur Kill Road and Page Avenue to the east of the Project Site, contain mapped wetlands that are protected from development. On the border of the Project Site boundary, the area to the north of Veterans Road West along the waterfront contains the Tides at Charleston, a recently built retirement community.

ZONING

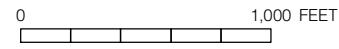
As shown on Figure 2-2, The Project Site and the majority of the study area are located within manufacturing zoning districts (M1-1 and M3-1): approximately 59 percent of the upland portion of the study area is located in the M1-1 district, and approximately 39 percent is located in the M3-1 districts. The M1-1 zone, which is generally located north of Richmond Valley Road and includes the majority of the Project Site, is a light manufacturing district that permits manufacturing uses that conform with performance standards (which assure that manufacturing activities do not generate excessive dust, noise, vibration and the like) and a wide range of

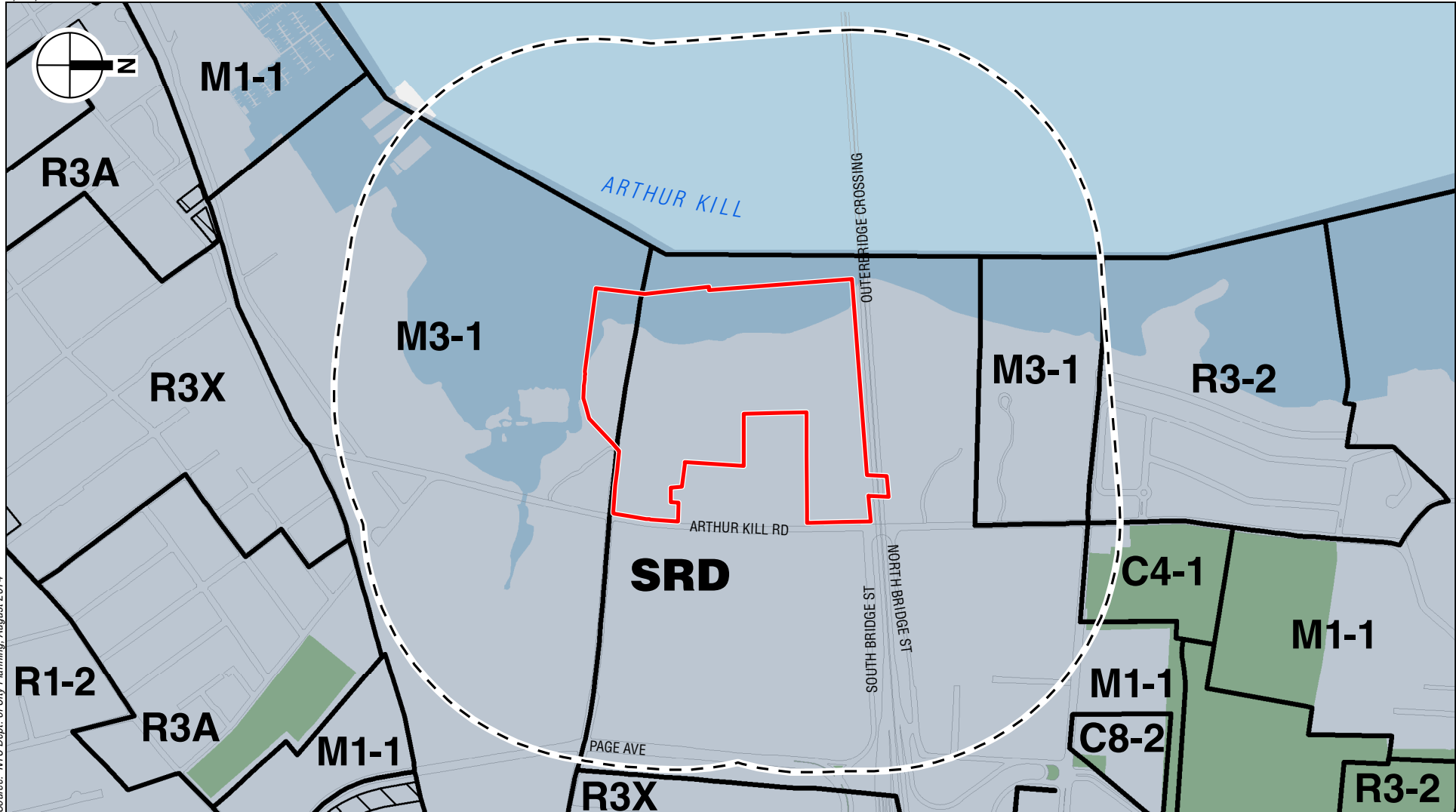


Source: NYC Dept. of City Planning MapPLUTO v. 16.2, edited by AKRE



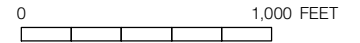
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|------------------------------------|---------------------------------|-----------------------------------|
| Proposed Development Site | Commercial and Office Buildings | Residential |
| Study Area (1/4-mile boundary) | Hotels | Residential with Commercial Below |
| Industrial and Manufacturing | Transportation and Utility | Vacant Land |
| Open Space and Outdoor Recreation | Parking Facilities | Vacant Building |
| Public Facilities and Institutions | Under Construction | |





Source: NYC Dept. of City Planning, August 2014

- Proposed Development Site
- Zoning Districts
- Study Area (1/4-Mile boundary)
- C1-1 Commercial Overlay District
- C2-1 Commercial Overlay District
- SRD - Special South Richmond Development District



commercial uses.¹ M1 zones are typically mapped as buffers between areas of heavy industry and adjacent commercial or residential districts. The M3-1 zones, located south of Richmond Valley Road (including a portion of the Project Site) and along the waterfront north of the Outerbridge Crossing, are heavy manufacturing districts that are designated for industrial uses that produce a high level of disturbances (such as noise, traffic, or pollutants), including waterfront industrial uses such as waste transfer facilities or power plants. Residential uses are not permitted in the M1-1 or M3-1 districts.

In addition to the manufacturing districts, the study area contains a residential zoning district (R3-2) and a commercial zoning district (C4-1) located to the north of the Project Site along Veterans Road West; these districts account for approximately 1 percent of the upland portion of the study area each. Both of these zones were mapped through zoning map amendments, replacing manufacturing districts. The R3-2 district, mapped to facilitate the development of the Tides at Charleston project described above, was adopted in 2004² and permits low-density residential development, including detached single- and two-family homes, low-rise attached houses, and small multi-family apartment buildings. The C4-1 district was adopted in 2013 as part of the Charleston Mixed Use Development project³ (described further below), and permits a mix of uses, including low-density residential uses and most retail uses. C4-1 districts are typically mapped in outlying commercial areas that require large amounts of parking. **Table 2-1** summarizes the zoning districts located within the study area.

Table 2-1
Zoning Districts within the Study Area

Zoning District	Maximum FAR ¹	Uses/Zone Type
Manufacturing Districts		
M1-1	1.0 manufacturing 1.0 commercial 2.4 community facility ²	Light industrial uses (high performance), commercial and certain community facilities
M3-1	2.0 manufacturing 2.0 commercial	Heavy industrial uses typically located along the waterfront
Residential Districts		
R3-2	0.6 residential 1.0 community facility	Low-density residential district
Commercial Districts		
C4-1	1.0 commercial 1.25 residential 2.0 community facility	Low-density mixed-use district with high parking requirement
Notes: 1. FAR is a measure of building bulk or mass establishing the amount of zoning floor area allowed in relation to the lot area. For example, a lot of 10,000 square feet with an FAR of 1 would be allowed to be developed as of right with 10,000 square feet of zoning floor area (as defined in the New York City Zoning Resolution). The same lot with an FAR of 10 would be allowed to be developed as of right with 100,000 square feet of zoning floor area. 2. Use Group 4 only.		
Sources: New York City Zoning Resolution.		

¹ Some commercial uses exceeding 10,000 sf are not permitted as-of-right.

² CEQR No. 95DCP058R.

³ CEQR No. 13DME001R.

WATERFRONT ZONING

The Project Site is located on a waterfront zoning lot as defined by Article VI, Chapter 2 of the Zoning Resolution (“Waterfront Zoning”), and is therefore required to comply with special use, bulk, and yard requirements that, among other policy objectives, facilitate public access to the City’s waterfront. In particular, the waterfront zoning regulations mandate that most residential, commercial, and community facility developments on waterfront zoning lots provide public open space along the water’s edge with pedestrian links to upland areas. In low-density areas such as the study area (i.e., areas in zoning districts with an applicable FAR of 4.0 or less), the required public open space must be equal to 15 percent of the development’s lot area. Waterfront zoning also establishes rules governing the location, minimum size, proportion, and design elements for waterfront public access areas. In addition, waterfront zoning regulations provide for visual corridors (unobstructed views of the shoreline from upland public areas) through special urban design rules.

SPECIAL SOUTH RICHMOND DEVELOPMENT DISTRICT

The Project Site and the study area are located within the SSRDD, which extends over the majority of southern Staten Island. The SSRDD was created in 1975, during a period of rapid development, with the intention of managing the rate of growth, ensuring that public infrastructure kept pace with new development, and preserving natural and recreational areas. In particular, the SSRDD applies special tree preservation, landscaping, and topography regulations intended to avoid destruction of natural resources that define the community. The SSRDD District Plan also establishes a network of public open spaces by creating Designated Open Spaces (DOS) which must be left in a natural state, as well as public parks and waterfront esplanades. Residential growth in the area is controlled by special minimum lot, yard, and required open space regulations.

PUBLIC POLICY

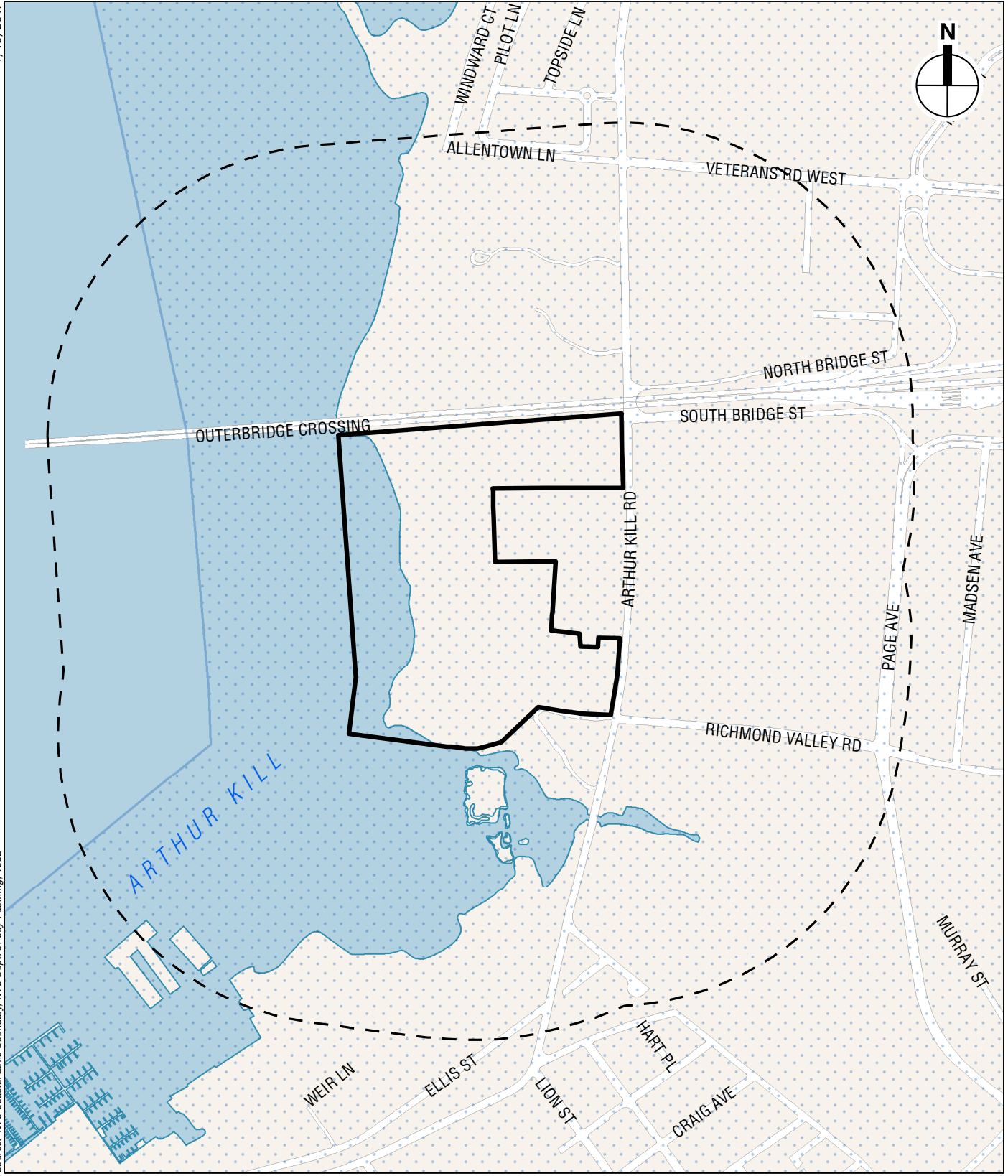
WATERFRONT REVITALIZATION PROGRAM


As shown in **Figure 2-3**, the Project Site and the study area are located within the City’s designated Coastal Zone. All proposed projects that are 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 New York City’s Waterfront Revitalization Program (WRP). As noted above, the Proposed Project requires local actions (CPC approvals) as well as state and federal actions (a NYSDEC tidal wetland permit and USACE Individual Permit for discharge of fill material into the Waters of the U.S. [wetlands] for commercial development).

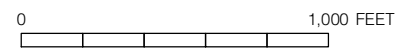
The WRP is the City’s principal Coastal Zone management tool and establishes a broad range of public policies for the City’s coastal areas. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives. A local waterfront revitalization program, such as New York City’s, is subject to approval by the New York State Department of State (NYSDOS) 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 Act. The WRP was originally adopted by the City of New York in 1982, revised in 2002, and has been

1/13/2017

Source: NYC Coastal Zone Boundary, NYC Dept. of City Planning, 1982



-  Proposed Development Site
-  New York City Coastal Zone



recently revised. The draft revisions were approved by the City Council in 2013, and were recently approved by NYSDOS.⁴

The revisions include incorporation of climate change and sea level rise considerations to increase the resiliency of the waterfront area, promotion of waterfront industrial development and both commercial and recreational water-borne activities, increased restoration of ecologically significant areas, and design best practices for waterfront open spaces. In addition, as part of the WRP revisions, the Coastal Zone boundary would be extended further inland in many locations to reflect alterations to FEMA flood zone maps.

Because the Proposed Project is located in the Coastal Zone and requires local, state, and federal discretionary actions, an assessment of the Proposed Project's consistency with applicable WRP policies is warranted, and is provided in **Appendix A**.

WORKING WEST SHORE 2030

The Project Site and the study area are located within the Charleston-Tottenville area of Staten Island that was one of the subjects of *Working West Shore 2030*, a policy statement issued by DCP and the New York City Economic Development Corporation (EDC) in 2011. *Working West Shore 2030* includes a comprehensive land use and transportation plan intended to provide a framework for future land use and infrastructure decisions along Staten Island's West Shore in response to projected residential growth and economic issues in the area, as well as transit and traffic congestion challenges. The plan focuses on initiatives that can be undertaken by City agencies (summarized in a three-year work plan) as well as general goals and priorities that should be supported by public actions concerning privately-controlled property in the West Shore area.

The primary goals of *Working West Shore 2030* are creating quality local jobs (reducing the need for off-island commutes), improving connections between job centers and neighborhoods, expanding public waterfront access and creating links between open spaces, and expanding housing and transit options. In the Charleston-Tottenville area, *Working West Shore 2030* recommends the redevelopment of the area's available vacant land with a mix of retail, community facilities, diverse housing options, and significant open space, particularly in sites within ¼-mile walking distance of the SIRR. The plan identifies the Arthur Kill Road corridor as an area for expanded local retail and neighborhood services. The plan also identifies the area on the west side of Arthur Kill Road, which includes the Project Site, as an area of redevelopment, potentially including residential growth. In addition, the plan calls for improvements to waterfront access along the Arthur Kill with public open space and recreational amenities.

VISION 2020: NEW YORK CITY'S COMPREHENSIVE WATERFRONT PROGRAM (CWP)

As part of a multi-agency effort led by the Mayor's Office, DCP, and NYCEDC to update the City's comprehensive waterfront plan known as the Waterfront Vision and Enhancement Strategy (WAVES), DCP released *Vision 2020: New York City Comprehensive Waterfront Plan* in 2011. Vision 2020 used extensive public outreach to provide programmatic, citywide, and site-specific recommendations for the waterfront throughout the city. Similar to *Working West Shore 2030*, Vision 2020 provides general goals that should be supported by public actions

⁴ Approval of the WRP revisions by NYSDOS is applicable for local and state actions; the revisions are still under review by the U.S. Department of Commerce for federal actions.

concerning privately-controlled property. The eight main goals of the plan are: expanding public access to waterfront on public and private property; enlivening the waterfront with a range of attractive uses integrated with adjacent upland communities; supporting economic development activity on the working waterfront; improving water quality through measures that benefit natural habitats, supporting public recreation, and enhancing waterfront and upland communities; restoring degraded natural waterfront areas, and protecting wetlands and shorefront habitats; enhancing the public experience of the waterways; improving governmental regulation, coordination, and oversight of the waterfront and waterways; identifying and pursuing strategies to increase the city's resilience to climate change and sea level rise. The Project Site is located within neighborhood Reach 20—Arthur Kill South located along the Arthur Kill from southern end of Freshkills Park to northern boundary of Conference House Park.⁵ In the area of the Project Site, the plan recommends providing expanded public access along Mill Creek in conjunction with the Bluebelt stormwater management program implemented by the New York City Department of Environmental Protection (DEP).

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT SITE

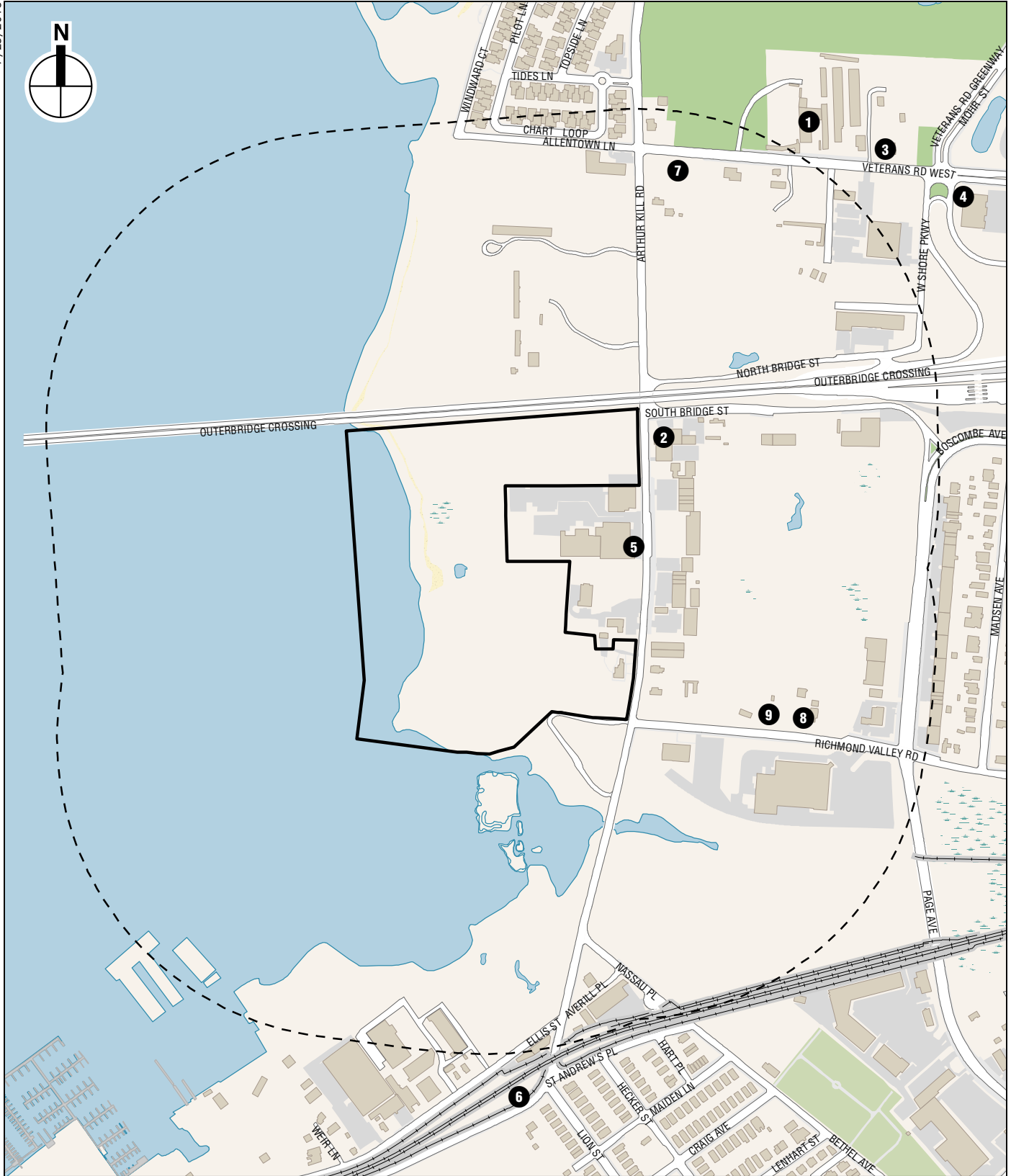
In the No Action condition, there will not be any new development on the Project Site, and therefore, conditions on the Project Site are not expected to change from existing conditions. The existing residential use (Cole House) will remain and the rest of the Project Site will remain undeveloped.


STUDY AREA

There are several projects currently under construction or expected to be built within the study area and the immediately adjacent area by the 2019 analysis year. **Table 2-2** summarizes these projects, and **Figure 2-4** shows their locations.

No Action condition development projects within the study area and the immediately adjacent area will largely introduce additional commercial space, particularly retail space. This includes two projects located adjacent to the Project Site (4830 Arthur Kill Road and 4885 Arthur Kill Road) that will result in new retail and office uses. The largest No Action project within the study area is the first phase of the proposed Charleston Mixed-Use Development project, which was approved in 2013. When completed, the Charleston Mixed-Use project will redevelop the area located between Veterans Road West and Englewood Avenue to the east of Arthur Kill Road with a mix of residential and retail space, as well as a library, school, and a 23-acre park (known as Fairview Park); the project included a rezoning of portions of the site to allow the residential and retail uses. The first phase of the project includes the retail, library, and parkland; a portion of the retail space (approximately 56,000 square feet) was completed and opened in late 2015, and an additional 19,000 square feet of retail space is currently under construction.

⁵ DCP. Vision 2020—New York City Comprehensive Waterfront Plan, March 2011.



-  Proposed Development Site
-  Study Area (1/4-Mile boundary)
-  No Build Project

0 1,000 FEET

Table 2-2
No Action Condition Development Projects in the ¼-Mile Study Area

Map Ref. No. ¹	Project Name/Address	Development Program	Status/Build Year ²
1	Charleston Mixed-Use Development (Phase I) ³	Mixed commercial/community facility: 19,000 sf retail (under construction); 15,000 sf library, 23 acre public open space	2019
2	4830 Arthur Kill Road	Commercial: expansion of existing shopping center with 14,674 sf office (under construction)	2017
3	3040 Veterans Road West	Commercial: 51,020 sf retail	2019
4	3011-3021 Veterans Road West	Commercial: 8,622 sf retail (under construction)	2017
5	4885-4895 Arthur Kill Road	Commercial: 11,707 sf retail (under construction)	2017
6	Arthur Kill Station (SIRR)	New rail station replacing Atlantic and Nassau stations (under construction)	2017 ⁴
7	3139 Veterans Road West	Commercial: 5,098 sf retail (under construction)	2017
8	237 Richmond Valley Road	Community facility: 7,647 sf medical office (recently completed)	2017
9	249 Richmond Valley Road	Commercial: 3,000 sf eating and drinking establishment (recently completed)	2017
<p>Notes:</p> <ol style="list-style-type: none"> See Figure 2-4. Projects that are currently under construction are assumed to be complete in 2017; projects for which an expected date of completion is not available are assumed to be complete by the Proposed Project's Build year of 2019. In total, Phase I of the Charleston Mixed-Use Development project includes 195,000 sf of retail. Approximately 56,000 sf of retail space was completed in late 2015; approximately 19,000 sf of retail space is currently under construction. The completion date of the remaining retail space is not available at this time. Phase II of the project, which includes 162 residential units, is not expected to be complete by 2019. The SIRR Arthur Kill Station was completed and became operational in January 2017. <p>Sources: <i>Charleston Mixed-Use Development Final Environmental Impact Statement (FEIS)</i> (2013); <i>4830 Arthur Kill Road Environmental Assessment Statement (EAS)</i> (2012); Technical Memorandum for <i>2875 Veterans Road West EAS</i> (2014); <i>Goethals Bridge Replacement FEIS</i> (2010); <i>Fresh Kills Park Final Generic EIS</i> (2009); DOB; MTA; AKRF site visit, April 2015.</p>			

In addition, the Metropolitan Transportation Authority (MTA) recently completed construction of a new SIRR station (the Arthur Kill Station) along Arthur Kill Road south of Mill Creek, which became operational in January, 2017. The new station replaced the nearby Nassau and Atlantic Stations. The Arthur Kill Station is the first new SIRR station built since the MTA acquired the rail service in 1971.

ZONING

There are currently no proposed changes to zoning regulations affecting the Project Site and the study area that are expected to occur by 2019. The regulations of the underlying M1-1 and M3-1 districts, Waterfront Zoning, and the SSRDD applicable to the Project Site will remain in their current condition.

PUBLIC POLICY

WATERFRONT REVITALIZATION PROGRAM

As noted above, revisions to the WRP were recently approved by NYSDOS and are now applicable to all local and state consistency reviews. No other changes affecting public policies applicable to the Project Site and study area are anticipated by 2019.

E. THE FUTURE WITH THE PROPOSED PROJECT

LAND USE

PROJECT SITE

In the With Action condition, the Project Site would be redeveloped with a 589,619 gsf commercial center of up to three stories. The Proposed Project would contain 300,328 gsf of general retail uses, an 80,000-gsf supermarket, 53,770 gsf of restaurants, and a 55,000 gsf cinema (1,088 seats), with 1,721 accessory parking spaces. The Cole House would be retained and would be incorporated into the commercial center with restaurant space on the ground floor and office space (1,500 gsf) on the second floor; conversion of the building into commercial uses would bring it into conformance with zoning, as the original residential use of the building is not permitted under the M1-1 zoning regulations. With the exception of the third-floor rooftop restaurant accessory to and adjacent to the cinema, the proposed uses would be located on the ground or second floor levels of the Proposed Project, with 1,721 accessory parking spaces. The development area would total approximately 17.72 acres, including the commercial center, private drives, required accessory parking, and 3.75 acres of waterfront open space (described further below).

The primary access point for the Proposed Project is expected to be the existing signalized intersection of Arthur Kill Road and Richmond Valley Road at the southern end of the Project Site. The Proposed Project would improve the existing mapped Richmond Valley Road right-of-way westward from Arthur Kill Road. Richmond Valley Road would extend in an east-west direction from Arthur Kill Road, terminating adjacent to the Arthur Kill waterfront. Another entrance and exit would also be provided along Arthur Kill Road to the north. This would be a new two-way private drive that would require a new curb cut along Arthur Kill Road. A right turn lane entrance along the southbound Arthur Kill Road would also be provided at this location. Finally, a two-lane entrance-only driveway leading to the proposed garage would be provided immediately north of Richmond Valley Road just north of the Cole House.

Pedestrian access into the Proposed Project would be provided with new sidewalks along Arthur Kill Road and Richmond Valley Road and also along the proposed private drives that are internal to the Project Site. Pedestrian access would be provided from these sidewalks to the proposed waterfront walkway (described below). Additionally, the Proposed Project includes elevated walkways connecting the commercial spaces on the second floor. Access to the second level of retail space fronting Richmond Valley Road would be provided from Arthur Kill Road via a shopping passage to be provided at the entry plaza to be located near the Cole House. The proposed commercial spaces along the westerly private drive would also have second-level pedestrian walkways connecting the retail establishments. This would include walkways parallel to the private drive with crossings over the private drive at various locations and linkages that would slope down to the waterfront walkway.

Waterfront Public Open Space

Approximately 6.84 acres of the Project Site would be preserved as part of the Proposed Project, which would also provide approximately 3.75 acres of waterfront open space along the Arthur Kill. The proposed waterfront open space includes a public walkway along the Arthur Kill. This waterfront open space would also include landscaping improvements and tidal wetland enhancements along the shore line. That portion of the Mill Creek waterfront within the Applicant's control would also include landscaping improvements and wetland enhancements along the shore line. The proposed waterfront public open space would complement the Proposed Project and would provide a new public amenity on the Project Site. The proposed open spaces and ecological improvements would be completed in conjunction with the Proposed Project.

The waterfront public open space would consist of an elevated public walkway providing access to the Arthur Kill waterfront, an entry terrace with seating and shade trees, an overlook with seating, and a beach area. All areas in the open space would be landscaped with native plantings and vegetation. Inland connections would be provided to allow access from the adjacent neighborhood on foot. All pedestrian areas would be ADA accessible.

Natural Area Preservation, Restoration, and Enhancement

The Proposed Project would include a 2.94-acre freshwater wetland creation located along the upland northern boundary of the Project Site, as well as a 4.42-acre tidal wetland and adjacent area restoration along the western and southern shorelines. These wetland protection and enhancement areas would protect on-site habitats for resident and migratory wildlife currently located on the Project Site. The improvements to these areas include the enhancement of the native emergent marsh, scrub-shrub, and tree habitats in the freshwater wetland area and planting native salt-tolerant intertidal, high marsh, and tree and shrub vegetation in the tidal wetland area. In addition, a wooded coastal upland would be created along the Mill Creek portion of the Project Site, extending to the westerly end of Richmond Valley Road

ASSESSMENT

The Proposed Project would contain commercial and entertainment uses (including general retail, supermarket, restaurant, and cinema) that are similar to the commercial uses located adjacent to the Project Site along Arthur Kill Road, as well as the other commercial corridors in the area (in particular Richmond Valley Road and Veterans Road West). Notably, there are few non-commercial uses within the study area adjacent to the Project Site (limited to a few non-conforming single-family homes along Arthur Kill Road), and developments that are expected to be built in the study area by 2019 are primarily commercial projects that would enhance the commercial corridors. Therefore, the Proposed Project would be compatible with the other existing uses in the study area and the developments that are expected to be built in the area by 2019, and would be consistent with the existing land use character of the study area.

The Proposed Project would also introduce uses (in particular the cinema and restaurant) that would attract visitors from both the local area and Staten Island as a whole and complement the retail uses in the area. The Proposed Project would provide an attractive waterfront amenity, with new public open space along the waterfront, and ecologically beneficial wetland restoration areas. Overall, the Proposed Project would redevelop an underutilized site with commercial uses that would be compatible with surrounding land uses and in keeping with the character of the

area. Therefore, the Proposed Project would not result in any significant adverse impacts on land use.

ZONING

The Proposed Project would not alter the M1-1 or M3-1 zoning regulations applicable to the Project Site, and would remain subject to the requirements of the SSRDD and Waterfront Zoning. These approvals relate to measures in the ZR (CPC authorizations and special permits) that allow for modifications of zoning regulations to suit project- and site-specific needs. Specifically, the proposed CPC authorizations would modify the requirements of the SSRDD to permit the removal of trees on the Project Site, alteration of the topography of portions of the Project Site, and provision of more than 30 accessory off-street parking spaces. In addition, the Proposed Project requires CPC authorizations to modify the Waterfront Zoning requirements for waterfront access areas and visual corridors to provide for the waterfront public open space and wetland restoration areas. The Proposed Project would require a special permit to allow a large retail establishment in an M1 district with no limitation on floor area per establishment and to allow modification of height and yard requirements. Finally, the Proposed Project would require a Certification by the Chair of the CPC certifying compliance with the requirements for waterfront access and visual corridors, as modified by the above-referenced authorizations.

The CPC approvals would only apply to the Project Site and would not affect zoning regulations applying to any other site within the study area. The proposed modifications of zoning regulations would provide for an efficient site plan that preserves a significant portion of the Project Site's natural ecology. In meeting the findings for the proposed modifications, the Proposed Project would be required to demonstrate that it would be compatible with other land uses in the surrounding area and would not adversely affect land use conditions in the area. Therefore, the Proposed Project would not result in any significant adverse impacts on zoning.

PUBLIC POLICY

The Proposed Project would not result in any changes to public policies affecting the Project Site or the study area. As noted above, the Project Site is within the city's Coastal Zone and is therefore subject to review for consistency with the policies of the WRP. Therefore, an evaluation of the Proposed Project's consistency with the WRP was undertaken (see **Appendix A** the WRP Consistency Assessment Form [CAF] and policy assessment). As described in Appendix A, the Proposed Project would be consistent with the City's WRP policies.

The Proposed Project would be consistent with other applicable public policies, including *Working West Shore 2030*. As noted above, these public policies provide general goals that should be supported by public actions concerning privately-controlled property in the West Shore area. In particular, the Proposed Project would support *Working West Shore 2030*'s economic development goals by introducing commercial uses (retail, restaurant, a supermarket and a cinema) that provide local job opportunities. While the Proposed Project would not provide all of the improvements that *Working West Shore 2030* envisioned for the area, which includes actions that are undertaken by City agencies (specifically, it would not provide any residential space, which would require an extensive rezoning of the area), the Proposed Project would largely support the plan's goals for the Charleston-Tottenville area, which include redeveloping vacant land with a mix of uses and improving access to the Arthur Kill waterfront with public open space and recreational amenities. Similarly, the Proposed Project's waterfront

Riverside Galleria EIS

public open space would support *Vision 2020*'s goal of expanding public access along Mill Creek.

Overall, the Proposed Project would not result in any significant adverse impacts to public policy governing the Project Site or the study area. *