

**Appendix A**  
**Waterfront Revitalization Program**

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the New York City Waterfront Revitalization Program (WRP) which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

### A. APPLICANT INFORMATION

Name of Applicant: WF Liberty, LLC

Name of Applicant Representative: Steven Barshov, Sive, Paget & Riesel, P.C.

Address: 460 Park Avenue, 10th Floor, New York, NY 10022

Telephone: 212.421.2150 Email: sbarshov@sprlaw.com

Project site owner (if different than above): \_\_\_\_\_

### B. PROPOSED ACTIVITY

*If more space is needed, include as an attachment.*

#### 1. Brief description of activity

The Applicant, WF Liberty LLC, is proposing the redevelopment of 17.72-acres of a 33.68-acre property (the Project Site), which is located along the Arthur Kill waterfront in western Staten Island. The Proposed Development would result in a 589,619 gross square foot (gsf) mixed-use commercial center comprised of retail, supermarket, restaurant, cinema, and small office uses, along with 1,721 required and accessory parking spaces, public waterfront open space and natural area preservation, signage, and street and infrastructure improvements including the opening of a segment of Richmond Valley Road west of Arthur Kill Road. The Proposed Project requires, special permits, authorizations, and certifications from the New York City Planning Commission (CPC), New York State Department of Environmental Conservation (NYSDEC) and U.S. Army Corps of Engineers (USACE) permits, and other City agency approvals.

#### 2. Purpose of activity

Goals of the Proposed Project include redevelopment of an underutilized waterfront site, economic redevelopment for Western Staten Island, creating substantial new publicly-accessible waterfront open space, and preserving wetlands.

**C. PROJECT LOCATION**

Borough: Staten Island Tax Block/Lot(s): Block 7620, Lot 1, and Block 7632, Lots 1, 6, 50, 150, 151

Street Address: Arthur Kill Road/Richmond Valley Road

Name of water body (if located on the waterfront): Arthur Kill/Mill Creek

**D. REQUIRED ACTIONS OR APPROVALS**

Check all that apply.

**City Actions/Approvals/Funding**

**City Planning Commission**

Yes  No

- City Map Amendment
- Zoning Map Amendment
- Zoning Text Amendment
- Site Selection – Public Facility
- Housing Plan & Project
- Special Permit  
(if appropriate, specify type:  Modification  Renewal  other) Expiration Date: \_\_\_\_\_
- Zoning Certification
- Zoning Authorizations
- Acquisition – Real Property
- Disposition – Real Property
- Other, explain: \_\_\_\_\_
- Concession
- UDAAP
- Revocable Consent
- Franchise

**Board of Standards and Appeals**

Yes  No

- Variance (use)
- Variance (bulk)
- Special Permit  
(if appropriate, specify type:  Modification  Renewal  other) Expiration Date: \_\_\_\_\_

**Other City Approvals**

- Legislation
- Rulemaking
- Construction of Public Facilities
- 384 (b) (4) Approval
- Other, explain: FDNY approvals for the design of street improvements
- Funding for Construction, specify: \_\_\_\_\_
- Policy or Plan, specify: \_\_\_\_\_
- Funding of Program, specify: \_\_\_\_\_
- Permits, specify: DOT OCMC Permits

**State Actions/Approvals/Funding**

- State permit or license, specify Agency: NYSDEC Permit type and number: Tidal Wetland Permit
- Funding for Construction, specify: \_\_\_\_\_
- Funding of a Program, specify: \_\_\_\_\_
- Other, explain: \_\_\_\_\_

**Federal Actions/Approvals/Funding**

- Federal permit or license, specify Agency: USACE Permit type and number: Individual Permit
- Funding for Construction, specify: \_\_\_\_\_
- Funding of a Program, specify: \_\_\_\_\_
- Other, explain: \_\_\_\_\_

Is this being reviewed in conjunction with a [Joint Application for Permits?](#)  Yes  No

**E. LOCATION QUESTIONS**

- 1. Does the project require a waterfront site?  Yes  No
- 2. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters?  Yes  No
- 3. Is the project located on publicly owned land or receiving public assistance?  Yes  No
- 4. Is the project located within a FEMA 1% annual chance floodplain? (6.2)  Yes  No
- 5. Is the project located within a FEMA 0.2% annual chance floodplain? (6.2)  Yes  No
- 6. Is the project located adjacent to or within a special area designation? See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).
  - Significant Maritime and Industrial Area (SMIA) (2.1)
  - Special Natural Waterfront Area (SNWA) (4.1)
  - Priority Martine Activity Zone (PMAZ) (3.5)
  - Recognized Ecological Complex (REC) (4.4)
  - West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (2.2, 4.2)

**F. WRP POLICY ASSESSMENT**

Review the project or action for consistency with the WRP policies. For each policy, check Promote, Hinder or Not Applicable (N/A). For more information about consistency review process and determination, see **Part I** of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within **Part II** of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).

For those policies checked Promote or Hinder, provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.

		Promote	Hinder	N/A
<b>1</b>	<b>Support and facilitate commercial and residential redevelopment in areas well-suited to such development.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.5	Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

		Promote	Hinder	N/A
<b>2</b>	<b>Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.5	Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>3</b>	<b>Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>4</b>	<b>Protect and restore the quality and function of ecological systems within the New York City coastal area.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.6	In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.7	Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
<b>5</b>	<b>Protect and improve water quality in the New York City coastal area.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>6</b>	<b>Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i> ) into the planning and design of projects in the city's Coastal Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>7</b>	<b>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.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>8</b>	<b>Provide public access to, from, and along New York City's coastal waters.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
8.5	Preserve the public interest in and use of lands and waters held in public trust by the State and City.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>9</b>	<b>Protect scenic resources that contribute to the visual quality of the New York City coastal area.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>10</b>	<b>Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

## G. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If this certification can be made, complete this Section.

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Steven Barshov

Address: 560 Lexington Ave., 15<sup>th</sup> Floor

Telephone: 212-421-2150 Email: sbarshov@sprlaw.com

Applicant/Agent's Signature: 

Date: 6/21/17

## Submission Requirements

For all actions requiring City Planning Commission approval, materials should be submitted to the Department of City Planning.

For local actions not requiring City Planning Commission review, the applicant or agent shall submit materials to the Lead Agency responsible for environmental review. A copy should also be sent to the Department of City Planning.

For State actions or funding, the Lead Agency responsible for environmental review should transmit its WRP consistency assessment to the Department of City Planning.

For Federal direct actions, funding, or permits applications, including Joint Applicants for Permits, the applicant or agent shall also submit a copy of this completed form along with his/her application to the [NYS Department of State Office of Planning and Development](#) and other relevant state and federal agencies. A copy of the application should be provided to the NYC Department of City Planning.

The Department of City Planning is also available for consultation and advisement regarding WRP consistency procedural matters.

**New York City Department of City Planning**  
Waterfront and Open Space Division  
120 Broadway, 31<sup>st</sup> Floor  
New York, New York 10271  
212-720-3525  
wrp@planning.nyc.gov  
www.nyc.gov/wrp

**New York State Department of State**  
Office of Planning and Development  
Suite 1010  
One Commerce Place, 99 Washington Avenue  
Albany, New York 12231-0001  
(518) 474-6000  
www.dos.ny.gov/opd/programs/consistency

## Applicant Checklist

- Copy of original signed NYC Consistency Assessment Form
- Attachment with consistency assessment statements for all relevant policies
- For Joint Applications for Permits, one (1) copy of the complete application package
- Environmental Review documents
- Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.



## WRP POLICY ANALYSIS

For each policy and sub-policy question that was answered “yes” 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 proposed Project Site is located in a manufacturing zone and is adjacent to properties already developed with commercial uses. As an undeveloped waterfront property, the Project Site contains natural features, and the Proposed Project has been designed to avoid impacts to these features to the extent feasible as part of the site plan. The Proposed Project would also provide significant ecological benefits including a natural area proposed on the northern portion of the Project Site (where freshwater wetlands would be expanded and enhanced) and tidal wetland restoration and enhancement along the western (Arthur Kill) and southern (Mill Creek) shorelines.

The Proposed Project, along with its waterfront open space (3.75 acres of public open space), has been designed to provide an attractive economic development and waterfront amenity for both residents of the neighborhood and Staten Island as a whole. The Project Site is not located in or adjacent to a Significant Maritime and Industrial Area, a Special Natural Waterfront Area, or the Arthur Kill Ecologically Sensitive Maritime and Industrial Area and these policies would not apply. For these reasons, it is concluded that the Proposed Project is consistent with this policy.

*Policy 1.2: Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.*

As stated above in the response to Policy 1.1, the Proposed Project has been designed to provide an attractive waterfront amenity for both residents of the neighborhood and Staten Island as a whole. The proposed 3.75-acre waterfront open space would include a public walkway extending along the Arthur Kill waterfront. This public open space amenity would include landscape improvements and wetland enhancements along the shoreline that would support the proposed mix of retail, entertainment, and restaurant uses. The Proposed Project also includes the opening of Richmond Valley Road, which would provide a new visual and physical corridor to the water with an upland connection at Arthur Kill Road. For these reasons, it is concluded that 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 include street and infrastructure improvements to support the proposed commercial use development, including the opening of Richmond Valley Road west of Arthur Kill Road, the addition of right turn lanes into the Project Site along Arthur Kill Road, and the installation of storm and sanitary sewers and water lines that would serve the Proposed Project. In this way, the Proposed Project would provide the necessary infrastructure extensions and improvements, which is consistent with this policy.

**Policy 4:** *Protect and restore the quality and function of ecological systems within the New York City Coastal Area.*

*Policy 4.4: Identify, remediate and restore ecological functions within Recognized Ecological Complexes.*

The Project Site is located adjacent to the Outerbridge Shorelands Recognized Ecological Complex. As stated above, the Proposed Project would protect and enhance natural resources habitats on the Project Site. In addition, a Storm Water Pollution Prevention Plan (SWPPP) would be implemented to control and manage runoff during both the construction and operation of the Proposed Project. With the Proposed Project, there would be a stormwater management design that is comprised of green roofs on each of the proposed commercial structures that would total approximately 4.52 acres, a green roof garden, drywells, sand filters, and other stormwater best management practices designed to comply with the New York State Department of Environmental Conservation (NYSDEC) *New York State Stormwater Management Design Manual*. For these reasons, it is concluded that the Proposed Project is consistent with this policy.

*Policy 4.5: Protect and restore tidal and freshwater wetlands.*

*Policy 4.6: In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location.*

*Policy 4.7: Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community.*

As stated above, the proposed Project Site is located adjacent to the Outerbridge Shorelands Recognized Ecological Complex, and the Proposed Project includes a comprehensive stormwater management plan, including approximately 4.52 acres of green roof on the Proposed Project structures. The Proposed Project also includes the creation of freshwater wetlands and tidal wetland jurisdictional area enhancements in accordance with USACE mitigation guidance and consultation with NYSDEC. These mitigation measures would compensate for the loss of freshwater wetlands with the objective of improving existing wetland habitats in the mitigation area to the benefit of wildlife, waterfowl, and songbirds.

The Project Site includes 8.98 acres of underwater lands. The area of NYSDEC-regulated tidal wetlands on the Project Site is 0.95 acres and the tidal wetland adjacent area is approximately 6.04 acres. There are also wooded freshwater wetlands on the Project Site as defined by the USACE methodology that total 3.58 acres.<sup>1</sup> An adjoining lot that is partially within the undeveloped portion of Richmond Valley Road (Block 7983, Lot 110) is owned by DEP and is part of the DEP Mill Creek Bluebelt system. A small portion of that lot is within the right-of-way of the mapped, but unbuilt, Richmond Valley Road. In addition, a portion of that lot would need to be graded along the newly constructed roadway. With the Proposed Project there would be no significant adverse environmental impacts to the Staten Island Bluebelt because this Bluebelt property is disconnected from and does not work in conjunction with the City's Mill Creek Bluebelt Drainage Plan (i.e., there are no stormwater best management practices proposed on this property).

The Proposed Project is subject to review by NYSDEC and USACE pursuant to the required NYSDEC tidal wetland permit and USACE Individual Permit for discharge of fill material into Waters of the U.S. (wetlands) for commercial development. Based on the site design discussions to date with the NYSDEC, building setbacks from tidal wetlands have been established, and there is also a requirement for green roofs to address stormwater management and runoff controls. Additionally, there is a requirement for tidal wetland protection and enhancement along the shorelines of both the Arthur Kill and Mill Creek. Preliminary discussions with NYSDEC regarding the Proposed Project have taken place and coordination with NYSDEC and USACE will also continue throughout the environmental review process. The

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<sup>1</sup> The sum of the NYSDEC-regulated and USACE-regulated wetlands areas is greater than the area of wetlands (9.54 acres) due to overlap between these jurisdictional wetland descriptions.

property owner would be responsible for all monitoring and maintenance obligations relating to the wetland enhancements.

With the Proposed Project, there would be creation of approximately 2.90 acres of freshwater wetland within the 6.84-acre preservation area that is proposed on the northern portion of the Project Site. In addition, the Proposed Project would include 4.42 acres of proposed tidal wetland and adjacent area restoration and enhancements that would be established along the west (Arthur Kill) and south (Mill Creek) shorelines through the planting of native salt-tolerant intertidal, high marsh, and tree and shrub vegetation. The Project Site's existing habitats and natural grade and contours serve as the basis for this proposed wetland restoration and enhancement design. Thus, the northern portion of the site, which includes wooded wetlands would be preserved and enhanced through the establishment of planted freshwater wetlands inclusive of existing native emergent marsh, scrub-shrub, and tree habitats. There would be three zones of freshwater wetlands: emergent marsh, scrub/shrub, and wooded. Emergent marshes would be planted with rushes (e.g., hard stem bulrush, soft rush) and sedges (e.g., fox sedge, and the lurid sedge) and common three-square. Scrub/shrub habitat would be planted with red chokeberry, bayberry, grey dogwood, elderberry, and arrowwood. Wooded wetlands would be planted with species native to Staten Island such as black willow, red maple, blackgum, pin oak, and sweetgum. In addition to the wooded freshwater wetland, 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.

For these reasons, it is concluded that the Proposed Project is consistent with these policies.

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

*Policy 5.1: Manage direct or indirect discharges to waterbodies.*

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

As described above, the Proposed Project would implement a comprehensive SWPPP, an important element of which is approximately 4.52 acres of green roof atop the Proposed Project structures. Runoff from the private drives will also be collected for subsurface infiltration through drainage basins and runoff from Richmond Valley Road would be addressed in accordance with a New York City Department of Environmental Protection (DEP) drainage plan. For these reasons, the Proposed Project is consistent with these policies.

*Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marches, and wetlands.*

*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 SWPPP, which will include a complete Erosion and Sediment Control (ESC) plan, to be implemented during both construction and post-construction operation. The ESC plan measures will comply with the New York Standards and Specifications for Erosion and Sediment Controls and prevent fill material from construction activities entering the adjacent waterbodies. 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 and provide long-term stormwater runoff protection of the Arthur Kill and its wetlands. Therefore, with these measures in place, the Proposed Project is consistent with these policies.

**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 the shoreline of Mill Creek and the Arthur Kill and extending inland into the center of the Site, is located within the 100-year floodplain. The area along the shoreline is located in Zone VE, while the inland area is located in Zone AE. The design of the Proposed Project would comply with *New York City Building Code* requirements for construction within the 100-year floodplain for the applicable building category. It has been determined that the base flood elevation (BFE) of the site is 14 feet NAVD88.<sup>2</sup>

As designed, all retail space within the Proposed Project would be located at an elevation of at least 17 feet NAVD88, or 3 feet above the BFE of 14 feet NAVD88. The internal streets in the Proposed Project would also be located at elevations ranging from 16 to 30 feet NAVD88. Only the below-grade parking level(s) of the Proposed Project would be located below the BFE of 14 feet NAVD88 and these levels would be protected using wet floodproofing measures consistent with the requirements of the *Building Code*. Compliance with *City Building Code* requirements would substantially reduce the risk of damage from coastal flood hazards. Therefore, the Proposed Project would meet the WRP objectives of reducing risks of damage from current and future coastal hazards, and 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 by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.*

As noted above, all occupiable commercial space within the Proposed Project would be located at an elevation of at least 17 feet NAVD88, therefore above the BFE of 14 feet NAVD88. The proposed buildings are expected to have an extended lifespan: for the purposes of an assessment of potential effects of climate change and sea level rise (SLR), projections of sea level rise by 2080 were considered utilizing a sea level rise planning tool provided by DCP. Based on NPCC projections, the BFE for the Project Site may rise to between approximately 15 feet NAVD88 (low projection) and approximately 19 feet NAVD88 (high projection) by 2080. Therefore, under the low-end projection, the proposed commercial spaces would be 2 feet above the BFE; assuming the high sea level rise projections, the proposed commercial spaces and portions of the internal roadway in the Proposed Project would be located below the BFE in the 100 year storm event. In neither scenario, however, at a site elevation of 17 feet NAVD88, would the proposed commercial spaces be subject to increased risk of flooding at Mean Higher High Water.

In sum, the proposed site plan has been designed such that only the below grade parking level of the Proposed Project would be lower than the BFE of 14 feet NAVD88 including assumptions as to sea level rise, and with floodproofing measures required by the Building Code. Therefore, consistent with the objectives of this policy, the Proposed Project integrates the consideration of sea level rise and would minimize the impacts flooding on the proposed on the Proposed Project. Therefore, it is concluded that the Proposed Project is consistent with Policy 6.2.

**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.**

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<sup>2</sup> The Base Flood elevation is the surface water elevation during the 100-year storm event as determined by FEMA.

*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.*

*Policy 7.2: Prevent and remediate discharge of petroleum products.*

Investigations of the Project Site and site testing have identified potential sources of contamination due to prior uses both on the site and in the surrounding area, including historic fill. Based upon the findings of these investigations, a DEP-approved Remedial Action Plan (RAP) would be implemented during construction. The RAP will address requirements for items such as soil management, including stockpiling, transport, and disposal; dust control; quality assurance; and contingency measures, should petroleum storage tanks or contamination be encountered during soil disturbance. Additionally, a DEP-approved Construction Health and Safety Plan (CHASP) will be prepared for implementation during construction. The CHASP will identify potential hazards that may be encountered during construction and specify appropriate health and safety measures to be undertaken to ensure that subsurface disturbance is performed in a manner protective of workers, the community, and the environment (such as personal protective equipment, air monitoring, and emergency response procedures). With these measures in place, it is concluded that the Proposed Project would not result in any significant adverse hazardous materials impacts and is consistent with these policies.

*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 stated above, 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 also does not include the siting of solid or hazardous waste facilities. For these reasons, it is concluded that the Proposed Project is consistent with this policy.

**Policy 8: Provide public access to, from, and along New York City's coastal waters.**

*Policy 8.1: Preserve, protect, maintain, and enhance physical, visual, and recreational access to the waterfront.*

*Policy 8.2: Incorporate public access into new public and private development where compatible with proposed land use and coastal location.*

*Policy 8.3: Provide visual access to the waterfront where physically practical.*

*Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the State and City.*

As described above, with the Proposed Project includes 6.84 acres of preserved natural area open space in the northern preservation area and approximately 3.75 acres of waterfront public open space. This waterfront public open space would include an elevated shore 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 open space areas would be landscaped with native plantings and vegetation. Inland connections would be provided to allow access from the adjacent neighborhood. All pedestrian areas would be ADA accessible.

The proposed public waterfront open space would complement the Proposed Project and would provide a new public amenity on the Project Site, which currently does have any publically accessible areas along the waterfront. In addition, the street improvements included in the Proposed Project, in particular the construction of the mapped but unbuilt portion of Richmond Valley Road, opening it as a public street extending west from Arthur Kill Road to the Arthur Kill waterfront, as well as a new two-way private drive connecting to Arthur Kill Road on the northern side of the Proposed Project,

would provide new physical and visual corridors that would create public views to the waterfront from the upland.

Overall, the Proposed Project would provide both public access and visual access to the waterfront and would comply with the policies that pertain to those portions of the Project Site that are held in public trust. Therefore, it is concluded that the Proposed Project is consistent with these policies.

*Policy 8.6: Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.*

As noted above, with the Proposed Project includes land area that would be preserved and approximately 3.75 acres of public open space. The public open space, in particular the walkway along the Arthur Kill, would provide public access to the waterfront at a site that is currently inaccessible, and would establish a unique recreational amenity for both visitors to the commercial development and nearby residents. The open space would be designed to complement both the commercial development and the adjacent natural area, including the 6.84-acre restored and enhanced wetland preservation area on the northern portion of the Project Site, with appropriate materials and landscaping, and to provide varying view locations along the waterfront for visitors. As required by the City's Zoning Resolution, the Applicant is seeking an authorization pursuant to ZR 62-822(a) to modify requirements regarding waterfront public access areas and visual corridors. These modifications are necessary given the existing building and tidal wetland adjacent areas on the Project Site and will provide equivalent public use and enjoyment of the waterfront and views to the water from upland streets and other public areas. In addition, the applicant is seeking an authorization pursuant to ZR 62-822(b) to allow modification of design requirements of ZR 62-60 within waterfront public access areas and to accommodate the elevated shore public walkway proposed pursuant to ZR 62-822(a). With those modifications, the waterfront public access areas and visual corridors would comply with all applicable requirements and the applicant would seek a Certification pursuant to ZR 62-811 on the basis of the proposed design. The Proposed Project would also provide ecological enhancements and restoration at the Project Site with the potential for educational opportunities, which would include educational placards noting native shoreline wildlife and vegetation along the Arthur Kill walkway. Because the Proposed Project would include waterfront public space with an appropriate design that would enhance the public's connection to and use of the waterfront, it is concluded that the Proposed Project is consistent with this policy.

**Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.**

*Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.*

As stated above, the Proposed Project, along with its waterfront open space and commercial uses, has been designed as an attractive economic development and waterfront amenity for both residents of the neighborhood and Staten Island as a whole. The Proposed Project would transform frontage along the Arthur Kill waterfront—now privately owned and inaccessible—into a public center that would support not only the needs of the project-generated patrons, visitors, guests, and employees, but the community as a whole. In addition, the Proposed Project would open a mapped, but currently unbuilt, public street, Richmond Valley Road, which would be completed westward to the Arthur Kill, opening up new physical and visual access to the waterfront. For these reasons, it is concluded that the Proposed Project is consistent with this policy.

*Policy 9.2: Protect and enhance scenic values associated with natural resources.*

As stated above, the Proposed Project includes a 6.84-acre preserved natural area on the northern portion of the Project Site that contains a wooded wetlands and would also provide approximately 3.75 acres of waterfront public open space. The proposed public waterfront would include a walkway to provide access to the waterfront. Interpretive signage would be used to identify publically accessible areas throughout the Proposed Project, in particular the waterfront open space, and to

highlight native shoreline wildlife and vegetation along the Arthur Kill walkway. For these reasons, it is concluded that the Proposed Project is consistent with this policy.

**Policy 10:** Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.

*Policy 10.1: Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.*

There are no architectural resources on the Project Site.

*Policy 10.2: Protect and preserve archaeological resources and artifacts.*

A Phase 1 Archaeological Investigation of the Project Site was completed by Greenhouse Consultants, Inc. in February 2014, and Phase 2 testing and any subsequent archaeological investigations that may be required (e.g., Phase 3 Data Recovery) will be undertaken as necessary to determine the presence of any archaeological resources. All archaeological investigations will be conducted following the guidance of OPRHP and LPC, and all archaeological reports and protocols will be submitted to OPRHP and LPC for review and comment. With these measures in place, it is concluded that the Proposed Project would not result in any significant adverse impacts to archaeological resources, and is consistent with this policy.