

A. INTRODUCTION

According to 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).

The proposed project would result in approximately 226,000 gross square feet (gsf) of new retail uses, including approximately 92,000 gsf of wholesale warehouse space, 67,000 gsf of supermarket space, 66,000 gsf of general retail uses, 500 gsf of gas station space, 500 gsf of automated bank teller space, and 838 at-grade accessory parking spaces. This chapter considers the proposed project's potential impacts on land use, zoning, and public land use policies. This chapter 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

The proposed project (the With Action condition) would result in the development of a retail center on the project site that is similar to the retail center that is expected to be developed in the No Action condition, and would therefore not result in a change in land use on the project site as compared to the No Action condition. The proposed retail center would be similar to other commercial uses located within the study area, particularly those located along Forest Avenue (such as the Home Depot facility), and would provide both local retail facilities to serve the nearby residential area as well as larger scale retail to attract shoppers from a wider area. Therefore, the proposed project would be compatible with the uses in the surrounding area. While the proposed project would require a special permit to allow for larger retail facilities (in particular the wholesale warehouse store and supermarket), it would conform to all other applicable zoning regulations. In addition, the proposed project would support public policy goals for the area, including *Working West Shore 2030's* goals of promoting commercial development to support local job growth and, the applicant believes, preserving and enhancing wetlands in the area. The proposed project would also be consistent with the policies of the WRP. Overall, this analysis finds that 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, zoning, 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 to 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 a ¼-mile radius of the project site. As shown in **Figure 2-1**, the ¼-mile study area roughly extends north to Continental Place, south to the Staten Island Expressway (I-278), east to Amity Place, and west to the intersection of Forest Avenue and Goethals Road North. This chapter also provides an assessment of the proposed project's consistency with applicable public policies, including the City's coastal policies provided in the WRP.

Sources for this analysis include field reconnaissance, the New York City Department of City Planning (DCP), and the New York City Department of Buildings (DOB).

C. EXISTING CONDITIONS

LAND USE

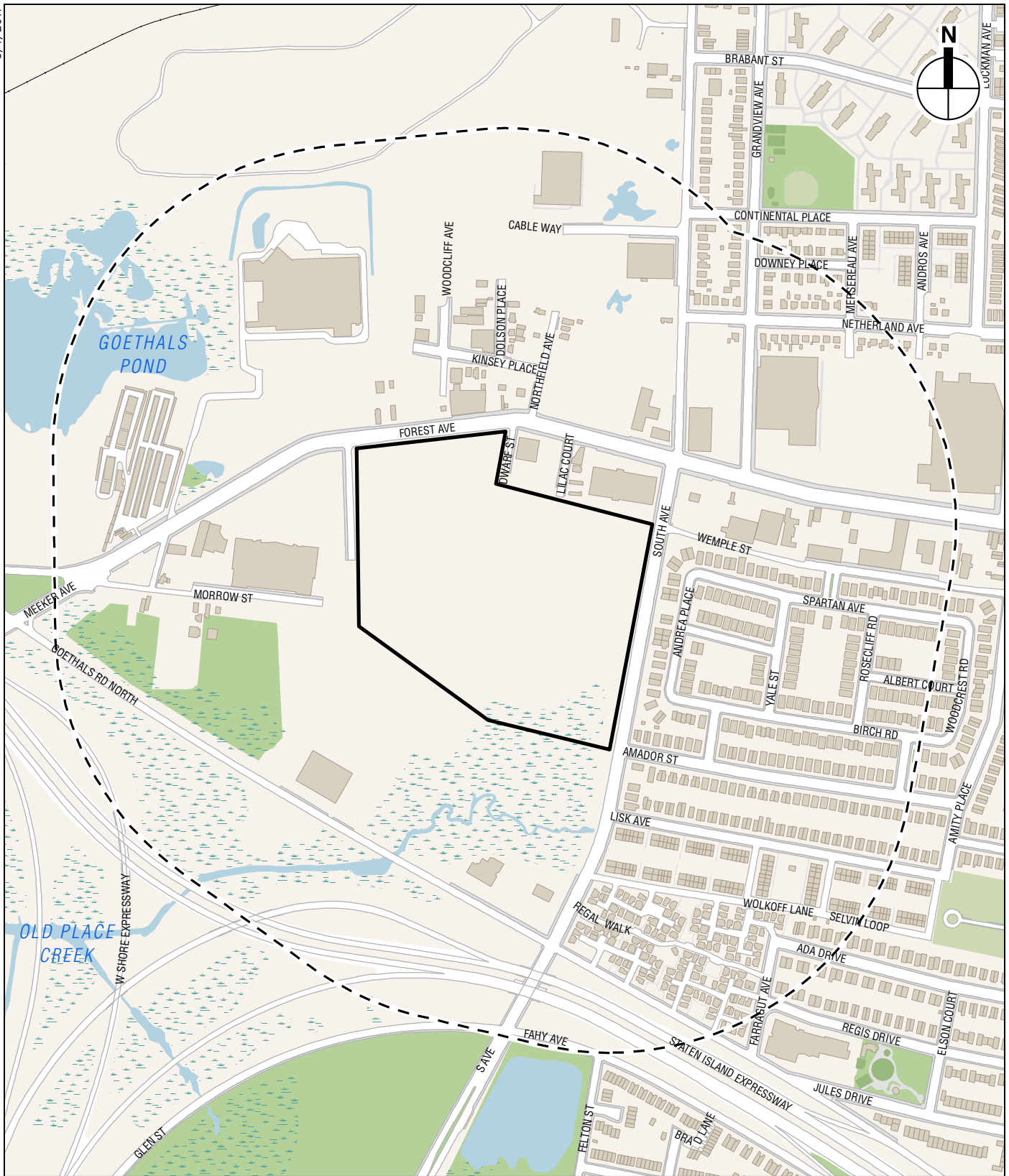
PROJECT SITE

The project site (Block 1707, Lots 1 and 5) is an approximately 28.3-acre parcel controlled by the applicant, Josif A LLC, in the Mariners Harbor area of Staten Island Community District 1. The site is bounded by Forest Avenue and Wemple Street (which is mapped but not built) to the north, South Avenue to the east, Amador Street (which is mapped but not built) to the south, and Morrow Street (which is partially built and partially unbuilt) to the west (see **Figure 2-1**). For a period starting in the 1930s, the project site was developed with several residential dwellings as well as a go-kart track (on the northern side of the site); however, these structures have been demolished, and the site is currently vacant wooded land.

The project site contains 125,055 square feet (sf) mapped but unbuilt streets. A mapped but unbuilt portion of Amador Street extends along the southern boundary of the site (45,811 sf), a mapped but unbuilt portion of Morrow Street is located on the western boundary of the site (20,836 sf), and a mapped but unbuilt portion of Garrick Street extends through the site between Amador Street and Wemple Street (58,408 sf). The applicant holds title to these mapped street areas and they are reflected in the zoning lot calculation for the development site.

As noted above, the development site contains New York State Department of Environmental Conservation (NYSDEC) and U.S. Army Corps of Engineers (USACE) mapped freshwater wetlands, as well as mapped NYSDEC tidal wetlands, at its southern and western ends. The wetland areas are as follows¹:

¹ Totals do not include wetland areas located in the portion of Morrow Street that would be mapped to provide the realigned intersection with Forest Avenue and would be removed from the development site.



- Project Site
- Buildings
- Open Space and Outdoor Recreation
- Wetland

0 500 FEET

- The mapped USACE wetlands total 6.32 acres; this includes 4.36 acres of jurisdictional wetlands and 1.96 acres of non-jurisdictional isolated wetlands.²
- The regulated NYSDEC freshwater wetlands total 8.82 acres; this includes 5.06 acres of freshwater wetland and 3.76 acres that are within a 100-foot radius of the wetland, referred to as the freshwater wetland adjacent area.
- The regulated NYSDEC tidal wetlands total 3.17 acres: this includes 0.50 acres of tidal wetland and 2.67 acres that are within a 150-foot radius of the wetland, referred to as the tidal wetland adjacent area. A portion of the tidal wetland adjacent area overlaps with the NYSDEC freshwater wetland and freshwater wetland adjacent area.

The total regulated wetland area on the development site is 6.94 acres, accounting for overlap between the USACE- and NYSDEC-regulated areas.

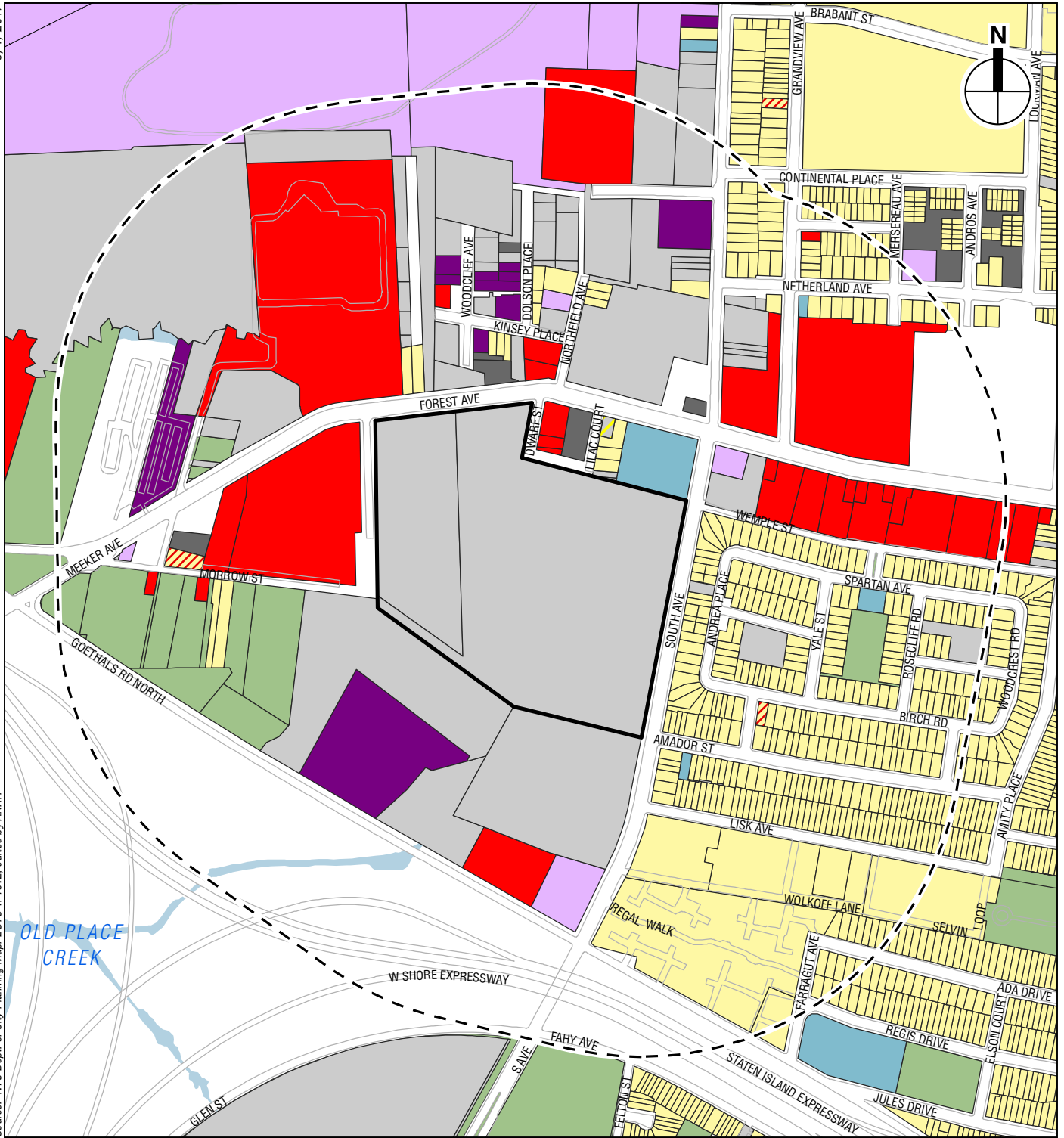
In 2008, the applicant proposed a site plan for the development of the project site that included a protected wetland enhancement area and buffer planting area. Following review of the proposed delineation by NYSDEC, and requested revisions to the site plan, NYSDEC provided conditional sign-off in 2012 for the site to be developed in substantial accordance with that site plan. Since that 2012 agreement, the applicant has amended the development plan for the development site with respect to the program and physical layout but has not altered the overall footprint of the area to be developed or the wetland enhancement and buffer planting areas to be protected.

STUDY AREA

The study area contains primarily commercial and manufacturing uses, with low-density residential development in the area east of South Avenue and a large amount of undeveloped land (see **Figure 2-2**). The adjacent parcels to the south of the project site are largely undeveloped (similar to the project site, these parcels contain mapped wetland areas and mapped but unbuilt streets). Development on the adjacent parcels to the south of the project site is limited to a gas station and restaurant near the South Avenue and Goethals Road North intersection and a self-storage facility to the west along Goethals Road North. The area west of the project site along Goethals Road North near the intersection with Forest Avenue contains Graniteville Swamp Park, an approximately 9-acre City park, which serves as natural area preservation for a portion of the Graniteville Swamp. Immediately to the north of the project site, there is a small cluster of single-family detached homes located on Lilac Court, a short dead-end street that is accessible via Forest Avenue. In addition, a medical facility, which includes the Metro Community Health Center and a facility operated by Cerebral Palsy Associations of New York State, is located on the southwest corner of Forest Avenue and South Avenue.

The area along Forest Avenue is primarily commercial, including several large commercial facilities. In particular, a Home Depot hardware store is located on the northern side of Forest

² Wetlands that meet the definitions set by the Clean Water Act (CWA) and the criteria set by the USACE (in the 1987 Wetlands Delineation Manual and associated regional supplement) are considered jurisdictional wetlands; jurisdictional wetlands must be either adjacent to or part of a tributary system or discharge into navigable waters and other waters of the United States (WOUS). Non-jurisdictional wetlands consist of wetland areas that do not meet CWA definitions, including isolated wetlands, and are therefore not subject to regulation by USACE.



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|------------------------------------|------------------------------------|
| Project Site | Public Facilities and Institutions |
| Study Area (Quarter-mile boundary) | Residential |
| Waterbody | Residential with Commercial Below |
| Commercial and Office Buildings | Transportation and Utility |
| Industrial and Manufacturing | Vacant Land |
| Open Space and Outdoor Recreation | Under Construction |
| Parking Facilities | |

0 500 FEET

South Avenue Retail Development

Existing Land Use
Figure 2-2

South Avenue Retail Development

Avenue across from the project site, and a multiplex cinema is located to the west of the project site across Morrow Street. Both the Home Depot and cinema are arranged with buildings set back from the street with large parking lots. The area along Forest Avenue to the east of the project site is characterized by auto-oriented uses, such as an auto repair shop, a gas station, and a car wash. Directly north of the project site (abutting the back of the Home Depot), there is a cluster of commercial and light industrial uses that is accessible via Northfield Avenue (a short, dead-end street), including a garden supply depot and a shipping facility, as well as several single-family homes.

The area to the east of the project site across South Avenue and south of Wemple Street contains a residential neighborhood with detached and semi-detached two-family homes. A similar residential neighborhood with single- and two-family homes is located north of Forest Avenue to the east of South Avenue. This area also contains a public housing campus (the Mariners Harbor Houses), which is located along Continental Place immediately adjacent to the study area.

ZONING

PROJECT SITE

As shown in **Figure 2-3**, the project site is within a M1-1 manufacturing zoning district, which extends over the area west of South Avenue. M1 districts typically include light industrial uses that conform to performance standards (which assure that manufacturing activities do not generate excessive dust, noise, or vibration), such as woodworking shops, repair shops, and wholesale service and storage facilities. M1 districts also permit a wide range of commercial uses³ and are typically mapped as buffers between areas of heavy industry and adjacent commercial or residential districts. Both manufacturing and commercial uses are permitted up to a maximum floor area ratio (FAR) of 1.0 in an M1-1 district, and residential uses are not permitted.

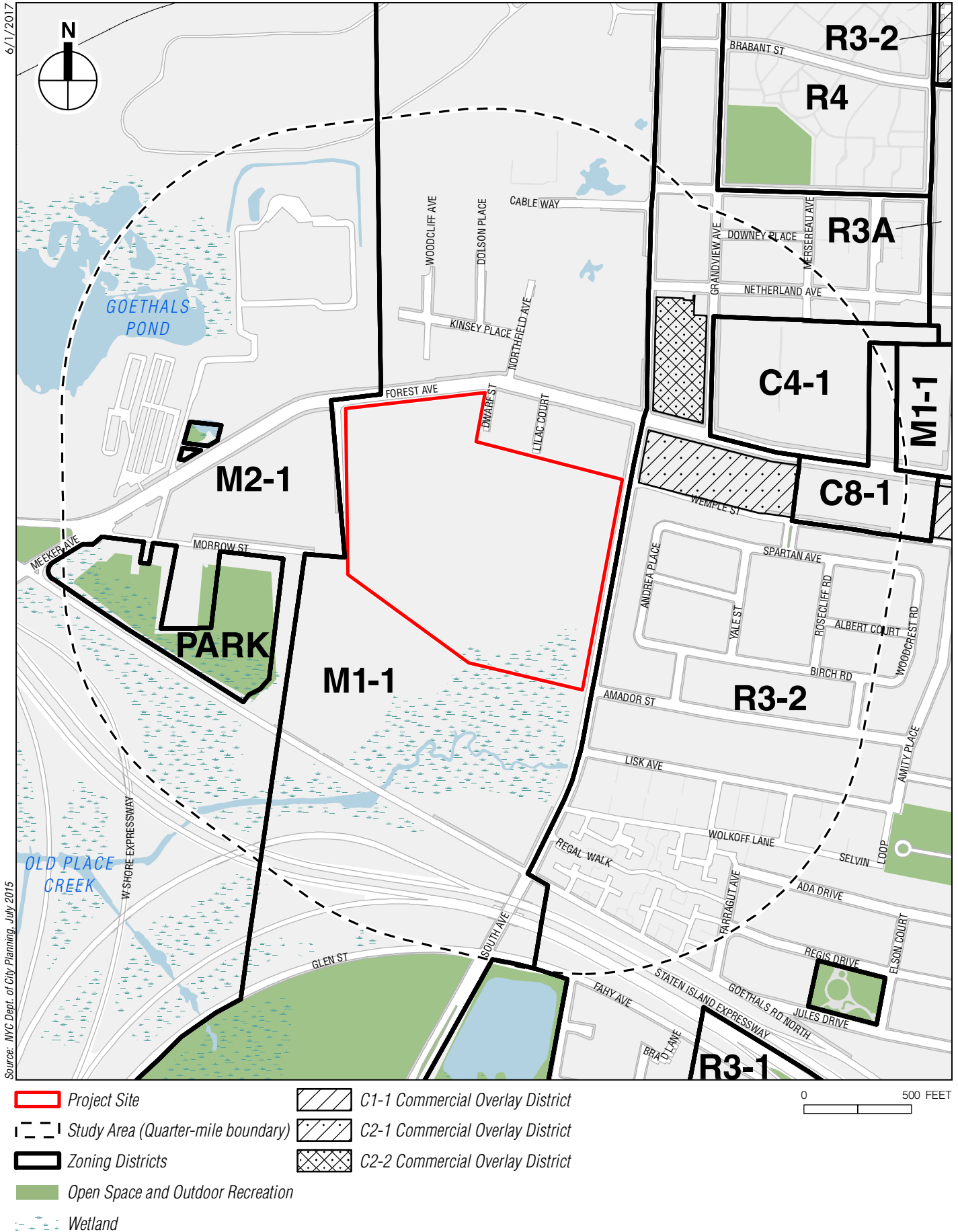
STUDY AREA

In addition to the M1-1 district, the study area west of South Avenue contains a heavy manufacturing district (M2-1) located to the west of the project site. The M2-1 district provides lower performance standards for manufacturing uses than the M1-1 district, and provides for industrial uses that produce a higher level of disturbances.

The area east of South Avenue contains a mix of low-density commercial and residential zoning districts. A C4-1 district is located along the north side of Forest Avenue, east of the intersection with South Avenue. C4-1 districts permit a mix of uses, including low-density residential uses and a variety of commercial uses (such as specialty and department stores, theaters, and office uses) serving a larger region. C4-1 districts are typically mapped in outlying commercial areas that require large amounts of parking. A C8-1 district is located along the south side of Forest Avenue just west of the intersection with Amity Place. 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 residential area just east of the project site, across South Avenue, is located in an R3-2 district. R3-2 districts are the lowest density zoning district in which multiple dwellings are

³ Some commercial uses exceeding 10,000 sf are not permitted as-of-right.



permitted, and allow for detached houses, semi-detached one- and two-family residences, and small apartment buildings. There are also commercial overlay districts (C2-1 and C2-2) located within the R3-2 district in the area near the Forest Avenue and South Avenue intersection. Commercial overlay districts are mapped along commercial corridors in primarily residential areas and provide for facilities that serve local retail needs, such as neighborhood grocery stores, restaurants and salons.

Table 2-1 summarizes the zoning districts located within the study area, and **Figure 2-3** shows their location.

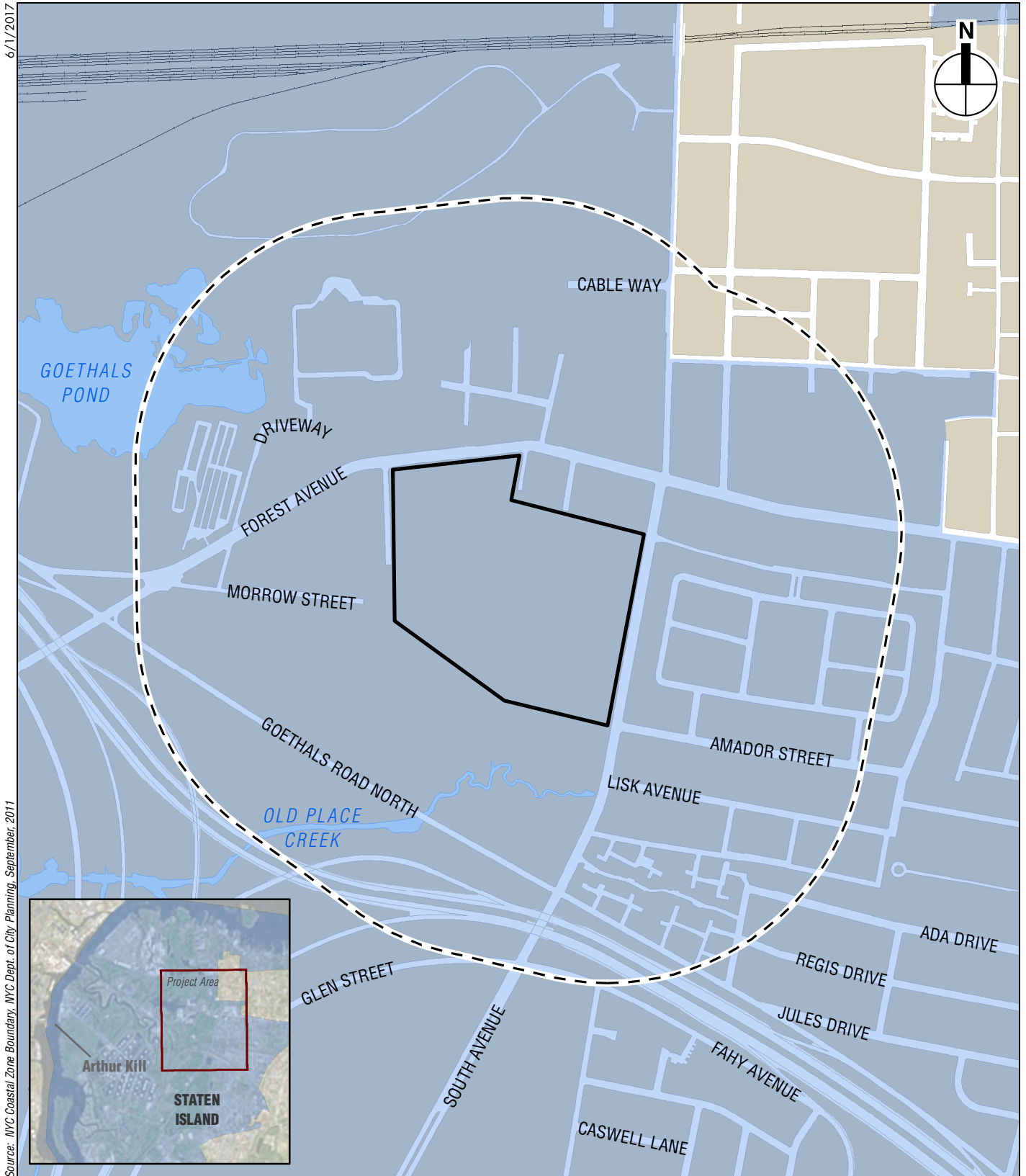
Table 2-1
Zoning Districts in the Study Area

Zoning District	Maximum FAR ¹	Uses/Zone Type
Manufacturing Districts		
M1-1	1.0 manufacturing and commercial 2.4 community facility (UG4 only)	Light manufacturing district permitting industrial uses that meet high performance standards, typically used as buffer between industrial and residential and/or commercial areas; range of commercial uses also permitted; some commercial uses such as large-scale retail (facilities larger than 10,000 sf) not permitted as-of-right.
M2-1	2.0 manufacturing and commercial	General manufacturing district, typically mapped in waterfront areas; lower performance standards for industrial uses permit higher levels of noise, vibration, and smoke.
Residential Districts		
R3-2	0.5 residential (0.6 with attic bonus) 1.0 community facility	General low-density residential district; permits variety of housing types, including detached and semi-detached one- and two-family homes and small apartment buildings.
Commercial Districts		
C4-1	1.0 commercial 1.25 residential 2.0 community facility	Regional commercial center district; permits range of commercial uses that serve a larger region and generate more traffic than neighborhood shopping areas.
C8-1	1.0 commercial 2.4 community facility	Automotive and/or heavy commercial district; permits auto-related and other heavy commercial facilities that require large amounts of land (e.g., auto showrooms and repair shops, gas stations), typically mapped along major traffic arteries.
C2-1 overlay	1.0 FAR (within a R1-R5 residential district)	Commercial overlay district mapped along commercial corridors within primarily residential areas; permits local retail and services for a residential neighborhood (e.g., grocery stores).
C2-2 overlay	1.0 FAR (within a R1-R5 residential district)	Commercial overlay district mapped along commercial corridors within primarily residential areas; permits local retail and services for a residential neighborhood (e.g., grocery stores).
Note: 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>		

PUBLIC POLICY

WATERFRONT REVITALIZATION PROGRAM

As shown in **Figure 2-4**, the project site is located within New York City's designated Coastal Zone. All proposed projects that are subject to CEQR, the Uniform Land Use Review Procedure (ULURP), or other local, state, or federal agency discretionary actions that are situated within



- Project Site
- Study Area (Quarter-mile boundary)
- Coastal Zone Boundary
- Waterbody

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South Avenue Retail Development

the City's Coastal Zone boundary must be reviewed and assessed for their consistency with New York City's WRP. 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 recently revised. The draft revisions were approved by the City Council in 2013, and were approved by NYSDOS (with the concurrence of the U.S. Department of Commerce) in 2016. 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 Federal Emergency Management Agency (FEMA) flood zone maps.

Because the project site is located in the Coastal Zone and requires local and state discretionary actions, an assessment of the proposed project's consistency with applicable WRP policies is warranted. The WRP Consistency Assessment Form (CAF) is included as **Appendix A**, and the consistency assessment is included below (see Section F, "Waterfront Revitalization Program").

WORKING WEST SHORE 2030

The project site and the study area are located within the Arlington-Port Ivory area of Staten Island that was one of the subjects of *Working West Shore 2030*, a land use and transportation plan issued by DCP and the New York City Economic Development Corporation (EDC) in 2011. *Working West Shore 2030* provides 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 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 Arlington-Port Ivory area, *Working West Shore 2030* focuses on strategies, including improvements to transportation and stormwater management infrastructure, to support new development that will expand local job opportunities. The plan identifies the Forest Avenue corridor as an area for expanded commercial development, particularly retail and entertainment uses. The plan also calls for the preservation and remediation of natural areas, including marshlands and wetlands, and identifies the portion of the Graniteville Swamp wetland area located along the southern end of the project site as an area to be preserved.

D. THE FUTURE WITHOUT THE PROPOSED PROJECT

LAND USE

PROJECT SITE

As described in Chapter 1, “Project Description,” absent the proposed actions (the No Action condition), the development site, which is controlled by the applicant, is assumed to be developed with six new buildings (plus a gas station and automated bank teller), all conforming with existing M1-1 zoning regulations (the No Action development). The No Action development would not require any discretionary approvals, and would not include the mapping or demapping of any City streets.

The No Action development would total approximately 228,250 gsf. The northern portion of the development site is anticipated to be developed with four new buildings containing five uses (Retail A and B, and Retail/Office C, D, and F). These buildings would each be one story tall and each use would contain approximately 10,500 gsf of new retail and/or office space. The northern portion of the development site would also contain a gas station (500 gsf) and automated bank teller (500 gsf). The southern portion of the development site would be developed with two new one- to two-story buildings containing six uses (Retail G, H, J, K, L, and T), which would contain approximately 174,750 gsf of new retail space, including a toy store, a pet store, a sporting goods store, a shoe store, and a liquor store. To fulfill the accessory parking requirements of the retail space, the No Action scenario would also include a total of 736 parking spaces. These spaces would be located on the northern portion of the development site. A summary of the No Action development program is provided in **Table 2-2**; Figure 1-6 in Chapter 1, “Project Description,” shows the site plan for the No Action development.

Table 2-2
No Action Development Program

Use	Type of Use	Use Group ¹ (UG)	Zoning Floor Area (zsf)	Gross Floor Area (gsf) ²	Parking Required ³
Retail A	General Retail	6 or 10A	10,000	10,500	33
Retail B	General Retail	6 or 10A	10,000	10,500	33
Retail/Office C	Retail or Office	6 or 10A	10,000	10,500	33
Retail/Office D	Retail or Office	6 or 10A	10,000	10,500	33
Retail/Office F	Retail or Office	6 or 10A	10,000	10,500	34
Retail G	Toy Store	6	60,000	61,750	200
Retail H	Pet Store	6	25,000	25,750	83
Retail I	General Retail	6 or 10A	20,000	20,500	67
Retail J	Sporting Goods	6 or 14	25,000	25,750	84
Retail K	Shoe Store	6	20,000	20,500	67
Retail L	Liquor Store	6	20,000	20,500	67
Other	Gas Station, Automated Bank Teller ⁴	16 or 6	752	1,000	2
Total:			220,752	228,250	736

Note:

¹ An illustrative program is provided for analysis purposes. In the No Action condition, the applicant could develop the site with the uses shown above and/or with uses permitted as-of-right in M1-1 zoning districts, which are 5, 7, 8, 9, 11, 12, 13, 14, 16, and 17, certain UG 6 and 10, as well as certain UG 6 and UG 10, provided the use is less than 10,000 zoning square feet (zsf).

² gsf areas are approximate and are calculated based on a 3 percent adjustment to zoning floor area.

³ One parking space is required for every 300 zsf of general retail or office uses.

⁴ The gas station and automated bank teller spaces are of roughly equal size in zoning floor area (355 zsf and 397 zsf, respectively, for a combined total of 752 zsf) and are therefore assumed to each have approximately 500 gsf of space, for a combined total of 1,000 gsf.

Sources:

Carpenter Environmental Associates, Inc. and Rampulla Associates Architects LLP.

South Avenue Retail Development

As noted above, the project site is subject to a site plan that has received conditional sign-off from NYSDEC, which determines the portion of the project site to be developed. The site plan precludes the development of a 10.77-acre portion of project site, which is required for preservation of mapped wetlands, as well as a landscaped buffer between the regulated wetlands and the development area and a stormwater management area. The No Action development would be built in substantial accordance with the NYSDEC-approved site plan. In conformance with the site plan, the No Action development would preserve mapped wetland areas and provide a landscaped buffer between the retail center and the regulated wetland areas as well as a stormwater management area (described further below, under the “Future with the Proposed Project”).

The built FAR of the project site in the No Action condition would be 0.19, which is below the maximum permitted FAR of 1.0. Although the proposed FAR is less than what is permitted under zoning, additional retail uses cannot be feasibly accommodated on the project site in the No Action condition, due to the constraints of the NYSDEC-approved site plan (i.e., the 10.77-acre area precluded from development) and the parking requirements associated with the proposed commercial uses. In particular, zoning regulations require 1 parking space for every 300 zoning square feet (zsf) of general retail or office uses. Parking regulations therefore function as a *de facto* constraint on new development since a substantial amount of developable land area is required to be used for parking, and the applicant considers developing any additional floor area in the No Action scenario to be infeasible.

STUDY AREA

In addition to the No Action development on the project site, there are four development projects anticipated to be built by 2019 within the study area. This includes two projects located along Forest Avenue: a 19,000 sf retail facility at 2295 Forest Avenue and an approximately 10,500 sf warehouse and manufacturing facility at 2560 Forest Avenue. In addition, two single-family homes are anticipated to be built on the east side of South Avenue to the south of the project site. In general, these projects would continue the development trend in the study area with commercial and light industrial uses in the area along Forest Avenue and low-density residential in the area to the east of South Avenue. The No Action projects in the study area are summarized in **Table 2-3** and shown on **Figure 2-5**.

Table 2-3
No Action Projects by 2019

Ref No. ¹	Project Name/Address	Description/Program
1	2295 Forest Avenue	19,000 sf retail facility
2	2560 Forest Avenue	10,500 sf warehouse and manufacturing facility
3	621 South Avenue	Single-family home
4	623 South Avenue	Single-family home
Note: ¹ See Figure 2-5 . Source: DOB.		

In addition to the development projects discussed above, a capital project led by the New York City Department of Design and Construction (DDC) is planned at the intersection of Forest Avenue and South Avenue to improve traffic flow at the intersection. The project includes the widening of South Avenue on the north side of the intersection to its full mapped width and restriping the northbound and southbound approaches of South Avenue to provide dedicated left-



- Project Site
- Study Area (Quarter-mile boundary)
- 1 No Build Projects
- Open Space and Outdoor Recreation
- Wetland

and right-turn lanes. The project would also improve the sidewalks and bus stop in the area of the intersection.

ZONING

No changes to zoning on the project site or in the study area are anticipated by 2019. The regulations of the underlying M1-1 district applicable to the project site will remain in their current condition. As noted above, the No Action development would conform with existing M1-1 zoning regulations: in particular, the development would contain commercial facilities permitted as-of-right, with some commercial uses limited to 10,000 sf as required in the M1-1 district.

PUBLIC POLICY

As noted above, revisions to the WRP were recently approved and are now applicable to all consistency reviews. No other changes affecting public policies applicable to the project site and study area are anticipated by 2019. As the No Action development does not require any discretionary approvals, it is not subject to review under the WRP. However, as with the proposed project (discussed further below), the No Action development would be consistent with applicable public policies, such as *Working West Shore 2030*, by expanding commercial development and providing local job opportunities along the Forest Avenue corridor, as well as preserving and enhancing the wetlands on the southern portion of the project site in conformance with NYSDEC requirements.

E. THE FUTURE WITH THE PROPOSED PROJECT

LAND USE

PROJECT SITE

Development Program

The proposed project will construct a new retail development on the applicant-controlled project site (Block 1707, Lots 1 and 5) similar to the No Action development described above. The proposed project would be located within the same development footprint (set by the NYSDEC-approved site plan) as the No Action development. The retail center would include two one-story retail buildings of 14,500 zsf (“Retail A”) and 15,400 zsf (“Retail B”) located on the northern side of the project site near Forest Avenue, and a one-story building of 188,725 zsf (“Retail C,” “Retail D,” and “Retail E”). Retail A, B, and D would all contain local retail establishments (UG 6) or large retail establishments (UG 10A). Retail C would be expected to accommodate an approximately 92,000-gsf Use Group (UG) 10A warehouse wholesale store, and Retail E would be expected to accommodate a 67,000-gsf UG 6 supermarket. In addition, the development would include two structures totaling 752 zsf (intended for an as-of-right UG 16 gas station [355 zsf] and UG 6 automated bank teller [397 zsf]). Figure 1-5 in Chapter 1, “Project Description,” shows the site plan for the proposed project.

The proposed project would include approximately 226,000 gsf of total commercial space (approximately 2,000 gsf less than the No Action development) and 838 accessory parking spaces (approximately 100 spaces more than the No Action development).

South Avenue Retail Development

With the proposed actions, which include a special permit to allow retail establishments with UG 6 and UG 10A uses in excess of 10,000 zsf in an M1-1 district, the proposed project would be permitted to have one or more individual retail tenants with more than 10,000 zsf of space. The site plan approved under the proposed special permit would establish the location, maximum floor area, allowable UGs, and building footprint of the proposed development, and the configuration and number of parking spaces. The proposed development would therefore be limited to the building footprints, UGs, and floor area shown on the authorized site plan and the layout and maximum number of parking spaces. However, the site plan does not set the size and location of the individual tenants within the development, which could fall under UG 6 (local retail establishments), 10A (large retail establishments), and 16 (semi-industrial facilities, including automotive uses), and allows flexibility for where the approved and permitted uses are located within the approved development footprint. In the event the gas station or automated bank teller was reduced in size, this space could become parking or open space. It could not be used as UG 6 or 10A retail space, if such space exceeds a size of 10,000 square feet or does not conform to the approved site plan, without further discretionary approvals. The proposed development program is summarized in **Table 2-4**.

Table 2-4
Proposed Development Program

Use	Proposed Type of Use	Use Group (UG)	Zoning Floor Area (zsf)	Gross Floor Area (gsf) ¹	Parking Required ²
Retail A	General Retail ³	6 or 10A	14,500	15,000	49
Retail B	General Retail ³	6 or 10A	15,400	16,000	52
Retail C	Wholesale Warehouse	10A	89,760	92,000	299
Retail D	General Retail ³	6 or 10A	33,965	35,000	113
Retail E	General Retail	6	65,000	67,000	325
Other	Gas Station, Automated Bank Teller	16/6	688	1,000	N/A
TOTAL:			219,313	226,000	838
Notes: ¹ gsf areas are approximate and are calculated based on a 3 percent adjustment to zoning floor area. ² One parking space is required for every 300 zsf of general retail and wholesale warehouse uses and for every 200 zsf of supermarket uses. ³ Retail A, B, and D could be occupied by Use Group (UG) 6 or 10A uses or other uses permitted within M1-1 zoning districts (not subject to the 10,000 zsf limitation). The proposed actions would facilitate the applicant's proposal through approval of the site plan, which would set the size and location of the proposed development, and the configuration and number of parking spaces. The proposed development will be limited to the building footprints and floor area shown on the authorized site plan and the layout and number of parking spaces. However, the site plan does not set the size and location of the proposed Use Groups 6, 10, and 16, and allows flexibility for where the uses are located within the proposed footprints of the development. Source: Rampulla Associates Architects, LLP.					

The proposed actions also include mapping actions affecting the mapped but unbuilt streets located on the project site. The mapping actions include the mapping of a 7,721-sf area at the northwest corner of the project site along Morrow Street. The proposed mapping would add this area to Morrow Street to accommodate the realignment of the intersection of Morrow Street and Forest Avenue with an existing signalized intersection (discussed further below). In addition, a 1,102-sf area would be mapped at the southern terminus of the Street to provide a cul-de-sac on the City map (the cul-de-sac will not be built). These actions would reduce the size of the project site by approximately 8,823 sf, from 1,231,609 sf (28.3 acres) to 1,222,786 sf (28.1 acres). In the With Action scenario, the built FAR of the project site would be 0.18, which is below the maximum permitted FAR of 1.0. Although the proposed FAR is less than what is permitted

under zoning, additional retail uses cannot be accommodated on the project site in the With Action condition, due to the constraints of the NYSDEC-approved site plan and the parking requirements associated with the proposed commercial uses, as noted above under the Future without the Proposed Project.

Circulation Plan

Currently, an unsignalized entrance roadway at the northwest corner of the development site provides access to the adjacent cinema, which has an existing curb cut on the open and built portion of Morrow Street. The proposed project would enlarge and realign Morrow Street so that it would utilize the existing traffic light located at the easterly curb cut for the Home Depot site on the northern side of Forest Avenue. Primary access to the proposed retail development from Forest Avenue would be provided by this re-aligned roadway, which would continue to provide access to the movie theater parking lot located on the west side of Morrow Street. Two-way, right-in/right-out only access from Forest Avenue would also be provided from a proposed curb cut to the east of the main entrance, which would not be signalized. A third vehicular entrance would provide two-way access to South Avenue from the eastern boundary of the project site; the applicant is proposing that this entrance would be signalized.

Internal circulation on the development site would be provided by an east-west drive aisle at the center of the development site and a main north-south drive aisle that runs off of Forest Avenue from the right-in/right-out only entrance. The north-south aisle would also include a pedestrian walkway that would serve as the main pedestrian entrance to the development site (a sidewalk would also be provided on North Morrow Street). Another pedestrian walkway would run east and west between the movie theater complex to the west and the development site. The pedestrian walkways would include trees, plantings, and seating areas. In addition, two north-south pedestrian paths are proposed to be located within the planting islands in the parking area, which would provide pedestrian access to the Metropolitan Transportation Authority (MTA) bus stop on Forest Avenue (via a gate that accesses Lilac Court to the north of the development site as well as the Forest Avenue entrance) as well as safer pedestrian circulation between the retail buildings. Additionally, sidewalks would be provided along the development site's South Avenue and Forest Avenue frontages.

Wetlands Preservation and Enhancement

As noted above, subject to the NYSDEC-approved site plan, the proposed project would preserve 6.94 acres of mapped wetland areas. The proposed project would also provide a landscaped buffer between the proposed retail center and the regulated wetland areas to be preserved. A stormwater management area would also be provided, to the south of the supermarket portion of the proposed development. In total, preserved NYSDEC and USACE jurisdictional wetland, stormwater management, and landscaping areas total 10.77 acres. NYSDEC confirmed in letters dated April 15, 2015, and August 19, 2015 that the proposed site plan is in substantial accordance with the applicant's 2012 agreement with NYSDEC.

In coordination with NYSDEC, a wetland enhancement plan was developed to remove non-native species and restore the native characteristics in the area. Although the proposed project would result in the removal of approximately 1,700 trees, the enhancement plan includes the planting of approximately 2,200 new trees and 9,200 new shrubs. In addition, the enhancement plan includes a stormwater retention basin to collect and treat stormwater on the site before it is drained into the wetland areas, which will maintain the natural hydrology on the site and prevent impacts to the quality of the wetlands from pollutants.

South Avenue Retail Development

STUDY AREA

The proposed project would only result in the development of the new retail center on the project site and would not affect development on any other site within the study area. The study area would continue to contain a mix of uses, in particular the predominantly commercial uses along Forest Avenue and low-density residential uses to the east of South Avenue.

ASSESSMENT

The proposed project would be located within the predominantly commercial area of the study area, and would be similar to the other retail facilities in the area (in particular the Home Depot facility located to the north of the project site on Forest Avenue), and would provide both local retail facilities to serve the nearby residential area as well as larger scale retail (such as the warehouse wholesale store and large-scale grocery store) that attract shoppers from a wider area. As noted below, the proposed project would also be consistent with zoning regulations applicable to the project site. 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

The proposed project would not alter the zoning regulations applicable to the project site; the project site would remain zoned M1-1, and the M1-1 district regulations described above and summarized in **Table 2-1** would remain in effect. The proposed project requires a special permit pursuant to Zoning Resolution (ZR) Section 74-922 to allow retail establishments with UG 6 and 10A uses in excess of 10,000 zsf in an M1-1 district, contrary to the existing regulations of ZR Section 42-12. The proposed special permit would facilitate the proposed retail center by permitting larger retail facilities (in particular the wholesale warehouse store and supermarket). In meeting the findings of the special permit, the proposed project would be designed so as to not adversely affect the surrounding area, subject to the review and approval of the CPC; in particular, the proposed project's site plan would be designed to provide appropriate vehicular access, circulation, and loading areas to minimize the traffic effect on local streets. The proposed project would conform with all other applicable zoning regulations, including regulations relating to bulk, height and setback, yards, and the provision of accessory parking spaces. The other CPC actions required for the proposed project (including the amendment to the City Map to demap portions of Garrick Street, Amador Street, Albany Avenue, and Morrow Street, and to map new sections of Morrow Street and realign the intersection of with Forest Avenue and add a cul-de-sac) do not relate to zoning.⁴

STUDY AREA

The proposed special permit would apply only to the project site and would not affect zoning on any other site within the study area. Existing zoning controls, as described above, would

⁴ In addition to the CPC actions, a NYSDEC freshwater wetlands permit is required. The proposed project avoids all regulated jurisdictional waters and wetlands of the U.S. within the development site and does not require a USACE Section 10 or 404 permit.

continue to be in force. As noted above, the proposed project would result in a retail development that is compatible with the surrounding area, in particular the commercial corridor along Forest Avenue. Therefore, the proposed project would not result in a significant adverse impact to zoning.

PUBLIC POLICY

The proposed project would not result in any changes to public policies affecting the project site or the study area. In accordance with the City's WRP and the federal Coastal Zone Management Act, the proposed project was reviewed for its consistency with the City's WRP policies: see below for the WRP consistency assessment, which concludes that the proposed project would be consistent with the policies of the WRP. The proposed project would be consistent with other applicable public policies, in particular *Working West Shore 2030's*, by supporting economic development through new retail uses (including a wholesale warehouse store and supermarket) that provide local job opportunities. The proposed project would largely support the *Working West Shore's* goals for the Arlington-Port Ivory area by expanding commercial development along the Forest Avenue corridor and preserving and enhancing the wetlands on the southern end of the project site (a portion of the Graniteville Swamp). Overall, the proposed project would not result in any significant adverse impacts to public policy governing the project site or the study area.

F. WATERFRONT REVITALIZATION PROGRAM

INTRODUCTION

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 CAF (see **Appendix A**). 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 that the proposed project does not have any potential effect upon the achievement of any particular policy, no further assessment of the project's potential effects on WRP policies is necessary. Where answers to the questions indicate that the project may have a potential effect on the achievement of a particular identified policy or policies set forth in the WRP, 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 of the CAF checked "Promote" or "Hinder," 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.

South Avenue Retail Development

Although the project site is located within the Coastal Zone, it is located inland and is not a waterfront site. Currently, the project site contains vacant wooded land, as well as NYSDEC- and USACE-jurisdictional wetland areas, and is adjacent to developed commercial and residential areas. The proposed project would redevelop a portion of the project site with a new retail center that would provide both local retail facilities to serve the nearby residential area as well as larger scale retail (such as the warehouse wholesale store and a supermarket) that attract shoppers from a wider area. The proposed retail center would be compatible with the other commercial uses in the area, particularly the large-scale retail facilities (such as Home Depot and the cinema) located along Forest Avenue. In addition, in accordance with the NYSDEC-approved site plan, the proposed project would preserve and enhance the natural features on the project site by preserving 6.94 acres of mapped wetland area and providing a landscaped buffer area and a stormwater management area, as well as replacement of removed trees. Therefore, the project site is appropriate for commercial development, and the proposed project would be 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 is accessible to major roadways, including Forest and South Avenues, and is in close proximity to the Staten Island Expressway. The proposed project would improve the roadways in the area by aligning the intersection Morrow Drive and Forest Avenue to utilize the existing traffic light located at the easterly curb cut for the Home Depot site on the northern side of Forest Avenue. In addition, the proposed project would include sewer infrastructure improvements to connect the project site, which currently does not contain a formal sewer system, to the City's sanitary sewer system; a stormwater management system would be implemented to collect and discharge stormwater on the project site to the adjacent wetland area (as described in Chapter 6, "Water and Sewer Infrastructure"). Therefore, the proposed project would utilize existing infrastructure and provide infrastructure improvements to support the proposed retail center, and is consistent with this policy.

Policy 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.

See response to Policy 6.2 below.

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

Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.

The project site is located within the Northwestern Staten Island Harbor Herons Special Natural Waterfront Area (SNWA). The proposed development will be located within the northern portion of the project site along Forest Avenue and will allow for the preservation and enhancement of 10.77 acres of land within the southern portion of the project site. Of the 10.77 acres, 4.73 acres will remain undisturbed natural area, comprised of wetland and wetland adjacent area. The remainder of the preservation and enhancement area will include a 0.77-acre stormwater management area (SMA) and areas improved with native vegetation plantings under the mitigation plan approved by NYSDEC. The proposed development will be physically separated from the preserved/enhanced areas by a fence and buffer plantings,

and no public access is currently proposed, as public access to these ecologically sensitive areas may compromise their integrity.

The focus of the mitigation plan is to improve on-site habitat for resident and migrating wildlife species through the preservation of freshwater wetland adjacent area habitat. Improving these areas will provide habitat, food, and cover for area wildlife, and serve to enhance the area by providing for more diverse flora and fauna. In addition, the mitigation plan enhancement area will offer better stormwater buffering capacity than the existing disturbed conditions and will serve to protect the nearby wetland's character, quality, values, and functions.

The proposed 0.77-acre SMA will aid in the retention and treatment of excess stormwater runoff generated by the proposed project and will serve to mitigate any potential flood hazards. All stormwater originating from the developed area will be attenuated and treated to meet the NYSDEC Stormwater Management Design Manual (SMDM) water quality requirements prior to being directed toward the wetlands. The stormwater basin has been designed to retain and release stormwater at the same rates that current conditions allow, thus preventing the potential for erosive discharges.

The proposed 4.73-acre natural area will remain undisturbed deed restricted wetland and wetland adjacent area and will maintain the existing protective border areas that potentially provide foraging grounds for the wading birds within the Harbor Herons Special Natural Waterfront Area (SNWA).

The proposed project balances the need for wetland protection and the requirements of the project site through enhanced and preserved natural areas. The overall mitigative designs incorporate habitat continuity throughout the site and among adjacent sites. Planting zones have been established to facilitate connections with adjacent freshwater wetlands and wetland adjacent areas. In addition, mitigative plantings will represent native vegetative communities located within the project site and surrounding vicinity. The mitigation will also preserve the headwaters of Old Place Creek and other natural areas that tie into the neighboring mitigation project (at the cinema site adjacent to the project site) and Graniteville Swamp Park. Therefore, the proposed project would protect and restore the ecological quality within the SNWA, and is consistent with this policy.

Policy 4.5: Protect and restore tidal and freshwater wetlands.

The proposed project will not result in the loss of USACE- or NYSDEC-regulated wetlands. The proposed project will create a resilient vegetative buffer, consisting of native vegetation plantings, between the wetland area and the proposed development and has been designed to preserve the hydrologic balance between the wetland area and the surrounding upland area. The vegetative buffer and hydrologic balance will serve to protect the nearby wetland's character, quality, values, and functions; therefore, the proposed project is consistent with this policy.

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.

The proposed vegetative buffer is located within the southern portion of the project site between the proposed development and the wetland area. The positioning of the buffer along the upland edge of the wetland area enhances the habitat for existing wildlife populations.

The focus of the vegetative buffer design is to improve on-site habitat for resident and migrating wildlife species through the provision of freshwater wetland adjacent area habitat. Improving these transitional areas will provide habitat, food, and cover for area wildlife, and serve to enhance the area by providing for more diverse flora and fauna. The vegetative buffer will benefit wildlife that utilize both wetland and upland habitat, therefore the proposed project is consistent with this policy.

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

The NYSDEC Natural Heritage Program (NHP) has not identified any current record of threatened or endangered species or rare ecological communities on the project site or in its vicinity. Therefore, the proposed project would not have the potential to result in any impacts to endangered species or rare ecological communities, and is consistent with this policy.

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.

The proposed 0.77-acre SMA will aid in the retention and treatment of excess stormwater runoff generated by the proposed project. All stormwater originating from the developed area will be attenuated and treated to meet the NYSDEC SMDM water quality requirements prior to being directed toward the wetlands. The stormwater basin has been designed to retain and release stormwater at the same rates that current conditions allow, thus preventing the potential for erosive discharges. In addition, the native plantings in the preserved and enhanced natural area will provide better stormwater buffering capacity than the existing disturbed conditions and will serve to protect the nearby wetland's character, quality, values, and functions. Therefore, 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 marshes, and wetlands.

The proposed project includes the placement of clean fill within disturbed, isolated, non-jurisdictional wetlands to facilitate development of the proposed project. Prior to any ground disturbance activities and during all construction activities, appropriate erosion and sediment control measures will be utilized throughout the area of construction. The erosion and sediment controls will be installed and maintained throughout the duration of construction until final stabilization is achieved, in accordance with the applicable New York State Standards and Specifications for Erosion and Sediment Control. The erosion and sediment controls will serve to prevent runoff from directly entering the wetland area throughout the duration of construction activities, therefore the proposed project is consistent with this policy.

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

The proposed developed has been designed to preserve the hydrologic balance between the wetland area and the surrounding upland area. The proposed 0.77-acre SMA will aid in the retention and treatment of excess stormwater runoff generated by the proposed project. All

stormwater originating from the developed area will be attenuated and treated to meet the NYSDEC SMDM water quality requirements prior to being directed toward the wetlands. The stormwater basin has been designed to retain and release stormwater at the same rates that current conditions allow, thus preventing the potential for erosive discharges. In addition, prior to and during construction, erosion and sediment controls will be utilized in accordance with the applicable New York State Standards and Specifications for Erosion and Sediment Control to prevent runoff from directly entering the wetland area throughout the duration of construction activities. Similarly, the native vegetative plantings in the mitigation plan enhancement area will offer better stormwater buffering capacity than the existing disturbed conditions and will serve to augment and protect the nearby wetland's character, quality, values, and functions. Therefore, the proposed project is consistent with this policy.

Policy 5.5: Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.

The proposed 0.77-acre SMA will aid in the retention and treatment of excess stormwater runoff generated by the proposed project. All stormwater originating from the developed area will be attenuated and treated to meet the NYSDEC SMDM water quality requirements prior to being directed toward the wetlands. The stormwater basin has been designed to retain and release stormwater at the same rates that current conditions allow, thereby preventing the potential for erosive discharges. With the implementation of these stormwater management practices, the proposed project is consistent with this policy.

Policy 6: *Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.*

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.

Based on a review of the Preliminary Flood Insurance Rate Map (PFIRM) issued by FEMA in 2015, a portion of the project site, generally located along the southern end of the site in the mapped wetland area, is located in the 100-year flood plain (a smaller portion of the project site to the north of the 100-year flood plain is located within the 500-year flood plain).⁵ It has been determined that the base flood elevation (BFE) of the site is 10 feet NAVD88. The proposed project would only result in new retail buildings and a parking lot on the project site; the project site would be graded at an elevation of 12 feet NAVD88. Therefore, the retail space and parking lot would be located above the BFE, reducing potential risks due to flooding. Mechanical systems would be primarily located on the retail buildings' roofs (the buildings would not include any below-grade mechanical space) therefore mechanical spaces would also be located above the BFE. Any below-grade infrastructure located below the BFE, such as utility connections, would be floodproofed in accordance with the applicable regulations including the New York City Building Code. As necessary, the proposed project would implement temporary flood protection measures to minimize the potential for damage from flooding. Therefore, the

⁵ The 2015 PFIRMs are subject to an ongoing appeal by the New York City Mayor's Office of Recovery and Resiliency and may be revised pending review by FEMA; however, the PFIRMs are currently the best available data concerning flood risk.

proposed project would meet the WRP objectives of reducing risks of damage from flooding, 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, the proposed project's retail spaces and parking lot would be located at an elevation of 12 feet NAVD88, above the BFE of 10 feet NAVD88. The proposed retail 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 2050 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 10.67 feet NAVD88 (low projection) and approximately 12.5 feet NAVD88 (high projection) by 2050. Therefore, under the low-end projection, the proposed retail spaces and parking lot would be approximately 18 inches above the BFE; assuming the high sea level rise projections, the proposed retail spaces and parking lot would be located below the BFE in the 100-year storm event. However, as the proposed project would be limited to retail spaces, and mechanical systems would be located on the proposed retail buildings' rooftops, no critical facilities would be more vulnerable to flooding due to projected SLR. If necessary, based on the future floodplain boundaries and BFE levels resulting from SLR, floodproofing measures would be implemented in order to meet the requirements of the *Building Code*. Therefore, the proposed project would be 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.*

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.

As discussed in Chapter 5, "Hazardous Materials," a Phase I Environmental Site Assessment (ESA) of the project site conducted in April 2011, as well as a site inspection and an updated review of the environmental records and regulatory databases performed in 2016, identified "Recognized Environmental Conditions" (RECs), i.e., the presence or likely presence of hazardous substances or petroleum in the ground or groundwater. The presence of hazardous materials is likely the result of past development on the project site as well as the large amount of debris that has been dumped on the site over many years.

Prior to construction of the proposed project, a Subsurface (Phase II) Investigation of the project site will be undertaken in accordance with a New York City Department of Environmental Protection (DEP)-approved Work Plan. Based upon the findings of the investigation, a DEP-approved Remedial Action Plan (RAP) would then be implemented during construction. The RAP would address requirements for items such as drum and debris disposal, soil stockpiling, soil disposal and transportation; dust control; quality assurance; and contingency measures should petroleum storage tanks or contamination be unexpectedly encountered. The RAP would also address any measures required to be incorporated into the new buildings. The Construction Health and Safety Plan (CHASP) would include measures for worker and community protection, including personal protective equipment, dust control and air monitoring. (Notably, the Phase II

investigation and RAP/CHASP would not be required for construction of the development in the No Action scenario.) With these measures in place, 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 rules and regulations, including applicable regulatory requirements and additional measures implemented as part of the RAP and CHASP, thus avoiding the potential for adverse impacts related to hazardous materials. The proposed project also does not include the siting of solid or hazardous waste facilities. For these reasons, 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 10.2: Protect and preserve archaeological resources and artifacts.

As discussed in Chapter 3, “Historic and Cultural Resources,” a 1996 Phase 1A Archaeological Documentary Study identified areas of precontact and historic period archaeological sensitivity within the project site and recommended Phase 1B archaeological testing in those locations. A supplemental Phase 1A study was prepared in 2016, which confirmed the site’s potential to contain archaeological resources and refined the locations where archaeological testing was recommended.

As recommended by the supplemental Phase 1A study, prior to the start of field testing, a Phase 1B Archaeological Testing Protocol was prepared and submitted to the New York City Landmarks Preservation Commission (LPC) and the New York State Office of Parks, Recreation, and Historic Preservation (OPRHP) for review. In comment letters dated February 15, 2017 and February 28, 2017, LPC and OPRHP, respectively concurred with the testing protocol. A Phase 1B archaeological investigation will be conducted to confirm the presence or absence of archaeological resources on the project site. With the completion of the Phase 1B investigation and any subsequent archaeological investigations as necessary (e.g., a Phase 2 Archaeological Survey or a Phase 3 Data Recovery) that would be undertaken in consultation with LPC and OPRHP, the proposed project would not result in significant adverse impacts on archaeological resources, and therefore proposed project is consistent with this policy. The applicant will enter into a Restrictive Declaration requiring that these archaeological investigations will be undertaken. *