

Appendix 1:

**Waterfront Revitalization Program
Consistency Assessment Form**

For Internal Use Only:

WRP no. 13-097

Date Received: _____

DOS no. _____

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 designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

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, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANTS

1. Name: **GGP Staten Island Mall, LLC; Macy's Retail Holdings, Inc.; and J.C. Penney Corporation, Inc.**
2. Address: **C/O Ethan Goodman, Fox Rothschild, LLP
100 Park Avenue, Suite 1500, New York, New York 10017**
3. Telephone: **212-878-7929** Fax: _____ E-mail: **egoodman@foxrothschild.com**
4. Project site owner: **GGP Staten Island Mall, LLC**

B. PROPOSED ACTIVITY

1. Brief description of activity:
The proposed actions would facilitate the development of an approximately 426,576-square-foot (sf) enlargement to the existing Staten Island Mall, located at 2655 Richmond Avenue (Block 2400, Lots 7, 118, 180, 210, 220, and 500) in the Heartland Village neighborhood of Staten Island Community District 2. In conjunction with the retail enlargement, the proposed project includes the development of a new parking structure.
2. Purpose of activity:
The proposed project would result in new commercial development on the project site. The proposed enlargement would be developed on underutilized land within an existing concentration of retail uses.
3. Location of activity: (street address/borough or site description):
2655 Richmond Avenue, Staten Island, NY (Block 2400, Lots 7, 118, 180, 210, 220, and 500)

Proposed Activity cont'd

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

N/A

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

No

6. Will the proposed project require the preparation of an environmental impact statement?

Yes X No _____ If yes, identify Lead Agency:

New York City Department of City Planning

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

The Applicants are seeking a zoning authorization pursuant to the ZR Section 36-023 for:

- **A reduction by up to 50 percent of the Section 36-21 parking requirement;**
- **Approval of the layout of a group parking facility accessory to a commercial development; and**
- **Approval to modify/waive parking maneuverability and landscaping provisions of Sections 36-58 and/or 37-90.**

The Applicants are also seeking cross-access easement certifications pursuant to 36-592 to certify that cross-access connections have been provided (for locations where they are required); and pursuant to 36-596(a) that cross-access connections are not required (for locations where the presence of existing buildings preclude their provision). These certifications are ministerial actions and not subject to environmental review.

The Applicants further anticipate that they will apply to the Board of Standards and Appeals (BSA) to modify, via Special Order Calendar or by letter, the plans accompanying previously-granted variance(s).

C. COASTAL ASSESSMENT

Location Questions:

Yes No

- | | | | |
|----|--|-------|----------------|
| 1. | Is the project site on the waterfront or at the water's edge? | _____ | _____ X |
| 2. | Does the proposed project require a waterfront site? | _____ | _____ X |
| 3. | Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? | _____ | _____ X |

Policy Questions:

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

- | | | | |
|----|--|----------------|----------------|
| 4. | Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1) | _____ | _____ X |
| 5. | Is the project site appropriate for residential or commercial redevelopment? (1.1) | _____ X | _____ |
| 6. | Will the action result in a change in scale or character of a neighborhood? (1.2) | _____ | _____ X |

Policy Questions cont'd**Yes****No**

	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound-East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats? (4.1)	<input checked="" type="checkbox"/>	<input type="checkbox"/>
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>
28. Would the action cause violations of the National or State air quality standards? (5.2)	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Policy Questions cont'd

	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	_____	X
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	_____	X
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	_____	X
32. Would the action result in any activities within a federally designated flood hazard area or state designated erosion hazards area? (6)	_____	X
33. Would the action result in any construction activities that would lead to erosion? (6)	_____	X
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	_____	X
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	_____	X
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	_____	X
37. Would the proposed project affect a non-renewable source of sand? (6.3)	_____	X
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	_____	X
39. Would the action affect any sites that have been used as landfills? (7.1)	_____	X
40. Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	X	_____
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	_____	X
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	_____	X
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	_____	X
44. Would the action result in the provision of open space without the provision for its maintenance? (8.1)	_____	X
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	_____	X
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	_____	X
47. Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	_____	X
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	_____	X
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	_____	X
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	_____	X

Policy Questions cont'd

Yes

No

- | | | |
|--|-------|----------------|
| 51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10) | _____ | _____ X |
| 52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10) | _____ | _____ X |

D. CERTIFICATION

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

"The proposed activity complies with New York State's 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 Name: John Neill, AKRF, Inc.

Address: 440 Park Avenue South, New York, NY 10016

Telephone 646-388-9732

Applicant/Agent Signature:



~~March 10, 2015~~

Date: June 11, 2015

NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
Consistency Assessment Form Attachment

The New York City Waterfront Revitalization Program (WRP) Consistency Assessment Form requires that for all “yes” responses, an attachment be provided that assesses the effects of the proposed activity on the relevant policies or standards and explanation of how the action would be consistent with the goals of those policies and standards.

The Consistency Assessment Form for the proposed activity identified the following “yes” responses (in bold):

Policy Question 5: Is the project site appropriate for residential or commercial redevelopment? (1.1)

The assessment of the effects of the proposed activity on the relevant policy is as follows:

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

The project site is not located in a designated Special Natural Waterfront area nor a Significant Maritime and Industrial Area. The land that would be developed is currently occupied by a large surface accessory parking lot for the existing Staten Island Mall, which is not located on the waterfront. The proposed project would be an enlargement of an existing retail use and would promote significant economic activity, including new jobs that would positively affect the City’s economy and tax base. Therefore, the proposed project is consistent with this policy.

Policy 4: Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitats?

The assessment of the effects of the proposed activity on the relevant policy is as follows:

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

While the proposed project is not located within a Special Natural Waterfront Area (SNWA), it is located across Richmond Avenue from the Northwest Staten Island/Harbor Herons SNWA. As described in Chapter 8, “Water and Sewer Infrastructure,” the overall volume of stormwater runoff and the peak stormwater runoff rate from the project site is expected to increase slightly as a result of the proposed project, due to the reconfiguration of the project site’s surface area to include additional rooftop area with a reduction of paved parking area, but would remain below the permitted flow rate for the project site under the New York City Department of Environmental Protection’s (DEP) site connection regulations. Best management practices (BMPs) would be implemented to reduce the amount of sanitary flow to the sewer system and treat stormwater before it is released as direct drainage. For example, the enlargement would include the installation of low-flow fixtures to reduce water consumption, and hydrodynamic separators would be implemented to treat stormwater before it is discharged to the City sewer system. Therefore, the proposed project would not have any adverse impacts on the Northwest Staten Island/Harbor Herons SNWA and would be consistent with this policy.

Policy Question 40: Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)

The assessment of the effects of the proposed activity on the relevant policy is as follows:

Policy 7.2: Prevent and remediate discharge of petroleum products.

As described in the DEIS in Chapter 7, "Hazardous Materials," previous studies conducted for the project site identified limited potential for subsurface contamination associated with: historical on-site airport and agricultural uses; on- and off-site petroleum storage; an auto service center in the adjacent Sears store; and dry cleaners and the Fresh Kills landfill (all of which are located in anticipated cross-gradient or down-gradient groundwater flow directions). To minimize the potential for hazardous materials impacts during or following construction, an (E) Designation for hazardous materials (E-361) has been assigned to the project site that will be administered by the New York City's Office of Environmental Remediation (OER). A Subsurface (Phase II) Investigation of the project site will be implemented in accordance with a November 2014 Work Plan that has been reviewed and approved by New York City Department of Environmental Protection (DEP). Additional review of the Work Plan would be conducted by OER if required. ~~approved Work Plan.~~ Based upon the findings of the investigation, a DEP- or OER-approved Remedial Action Plan (RAP) will be implemented during construction. The RAP will address requirements for items such as soil stockpiling, soil disposal and transportation; dust control; quality assurance; and contingency measures, should petroleum storage tanks or contamination be encountered during soil disturbance. Additionally, a DEP- or OER-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, the proposed project would not result in any significant adverse hazardous materials impacts, and would be consistent with this policy.

In addition, in consultation with the New York City Department of City Planning, the following policy has also been considered:

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

As described in Chapter 8, "Water and Sewer Infrastructure," the overall volume of stormwater runoff and the peak stormwater runoff rate from the project site is expected to increase slightly as a result of the proposed project, due to the reconfiguration of the project site's surface area to include additional rooftop area with a reduction of paved parking area, but would remain below the permitted flow rate for the project site under DEP's site connection regulations. BMPs would be implemented to reduce the amount of sanitary flow to the sewer system, including the installation of low-flow fixtures to reduce water consumption. In addition, hydrodynamic separators would be implemented to treat stormwater before it is discharged to the City sewer system. Overall, the proposed project would not result in a significant adverse impact on the City's wastewater conveyance and treatment system and would be consistent with this policy.