ENVIRONMENTAL ASSESSMENT STATEMENT

STATEN ISLAND EAST SHORE SPECIAL COASTAL RISK DISTRICT TEXT AMENDMENT AND REZONING

Borough of Staten Island

Lead Agency:

New York City Department of City Planning (DCP)
120 Broadway – 31st Floor
New York, NY 10271

CEQR No. 17DCP150R

April 21, 2017

Prepared for:

New York City Department of City Planning (DCP)
120 Broadway – 31st Floor
New York, NY 10271

Prepared by:

New York City Department of City Planning (DCP)
120 Broadway – 31st Floor
New York, NY 10271

City Environmental Quality Review
ENVIRONMENTAL ASSESSMENT STATEMENT (EAS) FULL FORM

Please fill out and submit to the appropriate agency (see instructions)

Part I: GENERAL INFORMATION

PROJECT NAME Staten Island East Shore Special Coastal Risk District Text Amendment and Rezoning

1. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
17DCP150R	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
1700373 ZMR, N 170374 ZRR	

2a. *Lead Agency Information*			**2b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
NYC Department of City Planning			NYC Department of City Planning		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Robert Dobruskin			Len Garcia-Duran		
ADDRESS 120 Broadway 30th Floor			ADDRESS 130 Stuyvesant Place, 6th Floor		
CITY New York	STATE NY	ZIP 10271	CITY New York	STATE NY	ZIP 10301
TELEPHONE 212-720-3423	EMAIL RDOBRUS@planning.nyc.gov		TELEPHONE 718-556-7241	EMAIL lgarcia@planning.nyc.gov	

3. *Action Classification and Type*

SEQRA Classification

☐ UNLISTED ☒ TYPE I: Specify Category (see 6 NYCRR 617.4 and NYC Executive Order 91 of 1977, as amended):

Action Type (refer to Chapter 2, "Establishing the Analysis Framework" for guidance)

☐ LOCALIZED ACTION, SITE SPECIFIC ☐ LOCALIZED ACTION, SMALL AREA ☒ GENERIC ACTION

4. *Project Description*

The New York City Department of City Planning (DCP) proposes an amendment to the Zoning Map and a text amendment to the Zoning Resolution that will affect all or portions of 69 tax blocks in Oakwood Beach, Graham Beach, and the Ocean Breeze neighborhood of Staten Island in Community Districts 2 and 3.

Project Location

BOROUGH Staten Island	COMMUNITY DISTRICT(S) 2 & 3	STREET ADDRESS
TAX BLOCK(S) AND LOT(S)		ZIP CODE

DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS The area within the Ocean Breeze and Graham Beach neighborhoods is generally bounded by Olympia Boulevard to the north, Jefferson and Hunter Avenues to the west, Slater Boulevard and Seaview Avenue to the east, and Father Capodanno Boulevard to the south. The area within the Oakwood Beach neighborhood is generally bounded by Amherst Avenue to the north, Delwit Avenue to the west, and Great Kills Park to the east and south.

EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY	ZONING SECTIONAL MAP NUMBER
R3X, R3-1, R3-2, and C1-1	27b, 27d, 34a

5. *Required Actions or Approvals* (check all that apply)

***City Planning Commission*:** ☒ YES ☐ NO ☒ UNIFORM LAND USE REVIEW PROCEDURE (ULURP)

☐ CITY MAP AMENDMENT ☐ ZONING CERTIFICATION ☐ CONCESSION
☒ ZONING MAP AMENDMENT ☐ ZONING AUTHORIZATION ☐ UDAAP
☒ ZONING TEXT AMENDMENT ☐ ACQUISITION—REAL PROPERTY ☐ REVOCABLE CONSENT
☐ SITE SELECTION—PUBLIC FACILITY ☐ DISPOSITION—REAL PROPERTY ☐ FRANCHISE
☐ HOUSING PLAN & PROJECT ☐ OTHER, explain:
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Board of Standards and Appeals*:** ☐ YES ☒ NO

☐ VARIANCE (use)
☐ VARIANCE (bulk)
☐ SPECIAL PERMIT (if appropriate, specify type: ☐ modification; ☐ renewal; ☐ other); EXPIRATION DATE:
SPECIFY AFFECTED SECTIONS OF THE ZONING RESOLUTION

***Department of Environmental Protection*:** ☐ YES ☒ NO If "yes," specify:

Other City Approvals Subject to CEQR (check all that apply)

- ☐ LEGISLATION
- ☐ RULEMAKING
- ☐ CONSTRUCTION OF PUBLIC FACILITIES
- ☐ 384(b)(4) APPROVAL
- ☐ OTHER, explain:
- ☐ FUNDING OF CONSTRUCTION, specify:
- ☐ POLICY OR PLAN, specify:
- ☐ FUNDING OF PROGRAMS, specify:
- ☐ PERMITS, specify:

Other City Approvals Not Subject to CEQR (check all that apply)

- ☐ PERMITS FROM DOT'S OFFICE OF CONSTRUCTION MITIGATION AND COORDINATION (OCMC)
- ☐ LANDMARKS PRESERVATION COMMISSION APPROVAL
- ☐ OTHER, explain:

***State or Federal Actions/Approvals/Funding*:** ☐ YES ☒ NO If "yes," specify:

6. *Site Description:* *The directly affected area consists of the project site and the area subject to any change in regulatory controls. Except where otherwise indicated, provide the following information with regard to the directly affected area.*

***Graphics*:** *The following graphics must be attached and each box must be checked off before the EAS is complete. Each map must clearly depict the boundaries of the directly affected area or areas and indicate a 400-foot radius drawn from the outer boundaries of the project site. Maps may not exceed 11 x 17 inches in size and, for paper filings, must be folded to 8.5 x 11 inches.*

- ☒ SITE LOCATION MAP
- ☒ ZONING MAP
- ☒ SANBORN OR OTHER LAND USE MAP
- ☒ TAX MAP
- ☒ FOR LARGE AREAS OR MULTIPLE SITES, A GIS SHAPE FILE THAT DEFINES THE PROJECT SITE(S)
- ☒ PHOTOGRAPHS OF THE PROJECT SITE TAKEN WITHIN 6 MONTHS OF EAS SUBMISSION AND KEYED TO THE SITE LOCATION MAP

Physical Setting (both developed and undeveloped areas)

Total directly affected area (sq. ft.): 7,753,202
Waterbody area (sq. ft.) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 1,287,410
Other, describe (sq. ft.): 0

7. *Physical Dimensions and Scale of Project* (if the project affects multiple sites, provide the total development facilitated by the action)

SIZE OF PROJECT TO BE DEVELOPED (gross square feet): N/A
NUMBER OF BUILDINGS: N/A
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): N/A
HEIGHT OF EACH BUILDING (ft.): N/A
NUMBER OF STORIES OF EACH BUILDING: N/A

Does the proposed project involve changes in zoning on one or more sites? ☒ YES ☐ NO
If "yes," specify: The total square feet owned or controlled by the applicant: 0
The total square feet not owned or controlled by the applicant: N/A

Does the proposed project involve in-ground excavation or subsurface disturbance, including, but not limited to foundation work, pilings, utility lines, or grading? ☐ YES ☒ NO
If "yes," indicate the estimated area and volume dimensions of subsurface disturbance (if known):
AREA OF TEMPORARY DISTURBANCE: sq. ft. (width x length) VOLUME OF DISTURBANCE: cubic ft. (width x length x depth)
AREA OF PERMANENT DISTURBANCE: sq. ft. (width x length)

8. *Analysis Year* CEQR Technical Manual Chapter 2

ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2032
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS:
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☐ YES ☐ NO IF MULTIPLE PHASES, HOW MANY? N
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:

9. *Predominant Land Use in the Vicinity of the Project* (check all that apply)

☒ RESIDENTIAL ☐ MANUFACTURING ☒ COMMERCIAL ☒ PARK/FOREST/OPEN SPACE ☒ OTHER, specify: Vacant

DESCRIPTION OF EXISTING AND PROPOSED CONDITIONS

The information requested in this table applies to the directly affected area. The directly affected area consists of the project site and the area subject to any change in regulatory control. The increment is the difference between the No-Action and the With-Action conditions.

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
LAND USE				
Residential	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type of residential structures	detached one-family; detached two-family; semi-detached one and two family; attached one and two family; multi-family			
No. of dwelling units				
No. of low- to moderate-income units				
Gross floor area (sq. ft.)				
Commercial	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
Describe type (retail, office, other)	retail, restaurant			
Gross floor area (sq. ft.)				
Manufacturing/Industrial	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type of use				
Gross floor area (sq. ft.)				
Open storage area (sq. ft.)				
If any unenclosed activities, specify:				
Community Facility	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
Type				
Gross floor area (sq. ft.)				
Vacant Land	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," describe:				
Publicly Accessible Open Space	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify type (mapped City, State, or Federal parkland, wetland—mapped or otherwise known, other):				
Other Land Uses	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				
PARKING				
Garages	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Attended or non-attended				
Lots	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," specify the following:				
No. of public spaces				
No. of accessory spaces				
Operating hours				
Other (includes street parking)	☐ YES ☒ NO	☐ YES ☒ NO	☐ YES ☒ NO	
If "yes," describe:				

	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
POPULATION				
Residents	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify number:				
Briefly explain how the number of residents was calculated:				
Businesses	☒ YES ☐ NO	☒ YES ☐ NO	☒ YES ☐ NO	
If "yes," specify the following:				
No. and type				
No. and type of workers by business				
No. and type of non-residents who are not workers				
Briefly explain how the number of businesses was calculated:				
Other (students, visitors, concert-goers, *etc.*)	☐ YES ☐ NO	☐ YES ☐ NO	☐ YES ☐ NO	
If any, specify type and number:				
Briefly explain how the number was calculated:				
ZONING				
Zoning classification	See Attachment A			
Maximum amount of floor area that can be developed	See Attachment A			
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	See Attachment A			

Attach any additional information that may be needed to describe the project.

If your project involves changes that affect one or more sites not associated with a specific development, it is generally appropriate to include total development projections in the above table and attach separate tables outlining the reasonable development scenarios for each site.

Part II: TECHNICAL ANALYSIS

INSTRUCTIONS: For each of the analysis categories listed in this section, assess the proposed project's impacts based on the thresholds and criteria presented in the CEQR Technical Manual. Check each box that applies.

- If the proposed project can be demonstrated not to meet or exceed the threshold, check the "no" box.
- If the proposed project will meet or exceed the threshold, or if this cannot be determined, check the "yes" box.
- For each "yes" response, provide additional analyses (and, if needed, attach supporting information) based on guidance in the CEQR Technical Manual to determine whether the potential for significant impacts exists. Please note that a "yes" answer does not mean that an EIS must be prepared—it means that more information may be required for the lead agency to make a determination of significance.
- The lead agency, upon reviewing Part II, may require an applicant to provide additional information to support the Full EAS Form. For example, if a question is answered "no," an agency may request a short explanation for this response.

	YES	NO
1. *LAND USE, ZONING, AND PUBLIC POLICY*: CEQR Technical Manual Chapter 4		
(a) Would the proposed project result in a change in land use different from surrounding land uses?	☐	☒
(b) Would the proposed project result in a change in zoning different from surrounding zoning?	☒	☐
(c) Is there the potential to affect an applicable public policy?	☐	☒
(d) If "yes," to (a), (b), and/or (c), complete a preliminary assessment and attach.		
(e) Is the project a large, publicly sponsored project?	☒	☐
○ If "yes," complete a PlaNYC assessment and attach.		
(f) Is any part of the directly affected area within the City's Waterfront Revitalization Program boundaries?	☒	☐
○ If "yes," complete the Consistency Assessment Form.		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of more than 200 residential units *or* 200,000 square feet of commercial space?	☐	☒
▪ If "yes," answer *both* questions 2(b)(ii) and 2(b)(iv) below.		
○ Directly displace 500 or more residents?	☐	☒
▪ If "yes," answer questions 2(b)(i), 2(b)(ii), and 2(b)(iv) below.		
○ Directly displace more than 100 employees?	☐	☒
▪ If "yes," answer questions under 2(b)(iii) and 2(b)(iv) below.		
○ Affect conditions in a specific industry?	☐	☒
▪ If "yes," answer question 2(b)(v) below.		
(b) If "yes" to any of the above, attach supporting information to answer the relevant questions below. If "no" was checked for each category above, the remaining questions in this technical area do not need to be answered.		
i. Direct Residential Displacement		
○ If more than 500 residents would be displaced, would these residents represent more than 5% of the primary study area population?	☐	☐
○ If "yes," is the average income of the directly displaced population markedly lower than the average income of the rest of the study area population?	☐	☐
ii. Indirect Residential Displacement		
○ Would expected average incomes of the new population exceed the average incomes of study area populations?	☐	☐
○ If "yes:"		
▪ Would the population of the primary study area increase by more than 10 percent?	☐	☐
▪ Would the population of the primary study area increase by more than 5 percent in an area where there is the potential to accelerate trends toward increasing rents?	☐	☐
○ If "yes" to either of the preceding questions, would more than 5 percent of all housing units be renter-occupied and unprotected?	☐	☐
iii. Direct Business Displacement		
○ Do any of the displaced businesses provide goods or services that otherwise would not be found within the trade area, either under existing conditions or in the future with the proposed project?	☐	☐
○ Is any category of business to be displaced the subject of other regulations or publicly adopted plans to preserve,	☐	☐

	YES	NO
enhance, or otherwise protect it?		
iv. Indirect Business Displacement		
○ Would the project potentially introduce trends that make it difficult for businesses to remain in the area?	☐	☐
○ Would the project capture retail sales in a particular category of goods to the extent that the market for such goods would become saturated, potentially resulting in vacancies and disinvestment on neighborhood commercial streets?	☐	☐
v. Effects on Industry		
○ Would the project significantly affect business conditions in any industry or any category of businesses within or outside the study area?	☐	☐
○ Would the project indirectly substantially reduce employment or impair the economic viability in the industry or category of businesses?	☐	☐
3. *COMMUNITY FACILITIES*: CEQR Technical Manual Chapter 6		
(a) Direct Effects		
○ Would the project directly eliminate, displace, or alter public or publicly funded community facilities such as educational facilities, libraries, health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
i. Child Care Centers		
○ Would the project result in 20 or more eligible children under age 6, based on the number of low or low/moderate income residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the group child care/Head Start centers in the study area that is greater than 100 percent?	☐	☐
○ If "yes," would the project increase the collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
ii. Libraries		
○ Would the project result in a 5 percent or more increase in the ratio of residential units to library branches? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project increase the study area population by 5 percent or more from the No-Action levels?	☐	☐
○ If "yes," would the additional population impair the delivery of library services in the study area?	☐	☐
iii. Public Schools		
○ Would the project result in 50 or more elementary or middle school students, or 150 or more high school students based on number of residential units? (See Table 6-1 in Chapter 6)	☐	☒
○ If "yes," would the project result in a collective utilization rate of the elementary and/or intermediate schools in the study area that is equal to or greater than 100 percent?	☐	☐
○ If "yes," would the project increase this collective utilization rate by 5 percent or more from the No-Action scenario?	☐	☐
iv. Health Care Facilities		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of health care facilities in the area?	☐	☐
v. Fire and Police Protection		
○ Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
○ If "yes," would the project affect the operation of fire or police protection in the area?	☐	☐
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the project change or eliminate existing open space?	☐	☒
(b) Is the project located within an under-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(c) If "yes," would the project generate more than 50 additional residents or 125 additional employees?	☐	☐
(d) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
(e) If "yes," would the project generate more than 350 additional residents or 750 additional employees?	☐	☐
(f) If the project is located in an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒
(g) If "yes" to questions (c), (e), or (f) above, attach supporting information to answer the following:		
○ If in an under-served area, would the project result in a decrease in the open space ratio by more than 1 percent?	☐	☐
○ If in an area that is not under-served, would the project result in a decrease in the open space ratio by more than 5	☐	☐

	YES	NO
percent?		
○ If "yes," are there qualitative considerations, such as the quality of open space, that need to be considered? Please specify:	☐	☐
5. *SHADOWS*: CEQR Technical Manual Chapter 8		
(a) Would the proposed project result in a net height increase of any structure of 50 feet or more?	☐	☒
(b) Would the proposed project result in any increase in structure height and be located adjacent to or across the street from a sunlight-sensitive resource?	☒	☐
(c) If "yes" to either of the above questions, attach supporting information explaining whether the project's shadow would reach any sunlight-sensitive resource at any time of the year. See Attachment B		
6. *HISTORIC AND CULTURAL RESOURCES*: CEQR Technical Manual Chapter 9		
(a) Does the proposed project site or an adjacent site contain any architectural and/or archaeological resource that is eligible for or has been designated (or is calendared for consideration) as a New York City Landmark, Interior Landmark or Scenic Landmark; that is listed or eligible for listing on the New York State or National Register of Historic Places; or that is within a designated or eligible New York City, New York State or National Register Historic District? (See the GIS System for Archaeology and National Register to confirm)	☐	☒
(b) Would the proposed project involve construction resulting in in-ground disturbance to an area not previously excavated?	☐	☒
(c) If "yes" to either of the above, list any identified architectural and/or archaeological resources and attach supporting information on whether the proposed project would potentially affect any architectural or archeological resources.		
7. *URBAN DESIGN AND VISUAL RESOURCES*: CEQR Technical Manual Chapter 10		
(a) Would the proposed project introduce a new building, a new building height, or result in any substantial physical alteration to the streetscape or public space in the vicinity of the proposed project that is not currently allowed by existing zoning?	☐	☒
(b) Would the proposed project result in obstruction of publicly accessible views to visual resources not currently allowed by existing zoning?	☐	☒
(c) If "yes" to either of the above, please provide the information requested in Chapter 10.		
8. *NATURAL RESOURCES*: CEQR Technical Manual Chapter 11		
(a) Does the proposed project site or a site adjacent to the project contain natural resources as defined in Section 100 of Chapter 11?	☒	☐
○ If "yes," list the resources and attach supporting information on whether the project would affect any of these resources. Freshwater Wetlands, see Attachment B,		
(b) Is any part of the directly affected area within the Jamaica Bay Watershed?	☐	☒
○ If "yes," complete the Jamaica Bay Watershed Form and submit according to its instructions.		
9. *HAZARDOUS MATERIALS*: CEQR Technical Manual Chapter 12		
(a) Would the proposed project allow commercial or residential uses in an area that is currently, or was historically, a manufacturing area that involved hazardous materials?	☐	☒
(b) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to hazardous materials that preclude the potential for significant adverse impacts?	☐	☒
(c) Would the project require soil disturbance in a manufacturing area or any development on or near a manufacturing area or existing/historic facilities listed in Appendix 1 (including nonconforming uses)?	☐	☒
(d) Would the project result in the development of a site where there is reason to suspect the presence of hazardous materials, contamination, illegal dumping or fill, or fill material of unknown origin?	☒	☐
(e) Would the project result in development on or near a site that has or had underground and/or aboveground storage tanks (*e.g.*, gas stations, oil storage facilities, heating oil storage)?	☐	☒
(f) Would the project result in renovation of interior existing space on a site with the potential for compromised air quality; vapor intrusion from either on-site or off-site sources; or the presence of asbestos, PCBs, mercury or lead-based paint?	☐	☒
(g) Would the project result in development on or near a site with potential hazardous materials issues such as government-listed voluntary cleanup/brownfield site, current or former power generation/transmission facilities, coal gasification or gas storage sites, railroad tracks or rights-of-way, or municipal incinerators?	☐	☒
(h) Has a Phase I Environmental Site Assessment been performed for the site?	☐	☒
○ If "yes," were Recognized Environmental Conditions (RECs) identified? Briefly identify:	☐	☐
(i) Based on the Phase I Assessment, is a Phase II Investigation needed?	☐	☐
10. *WATER AND SEWER INFRASTRUCTURE*: CEQR Technical Manual Chapter 13		
(a) Would the project result in water demand of more than one million gallons per day?	☐	☒
(b) If the proposed project located in a combined sewer area, would it result in at least 1,000 residential units or 250,000 square feet or more of commercial space in Manhattan, or at least 400 residential units or 150,000 square feet or more of	☐	☒

	YES	NO
commercial space in the Bronx, Brooklyn, Staten Island, or Queens?		
(c) If the proposed project located in a separately sewered area, would it result in the same or greater development than that listed in Table 13-1 in Chapter 13?	☐	☒
(d) Would the project involve development on a site that is 5 acres or larger where the amount of impervious surface would increase?	☐	☒
(e) If the project is located within the Jamaica Bay Watershed or in certain specific drainage areas, including Bronx River, Coney Island Creek, Flushing Bay and Creek, Gowanus Canal, Hutchinson River, Newtown Creek, or Westchester Creek, would it involve development on a site that is 1 acre or larger where the amount of impervious surface would increase?	☐	☒
(f) Would the proposed project be located in an area that is partially sewered or currently unsewered?	☐	☒
(g) Is the project proposing an industrial facility or activity that would contribute industrial discharges to a Wastewater Treatment Plant and/or contribute contaminated stormwater to a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
(i) If "yes" to any of the above, conduct the appropriate preliminary analyses and attach supporting documentation.		
11. *SOLID WASTE AND SANITATION SERVICES*: CEQR Technical Manual Chapter 14		
(a) Using Table 14-1 in Chapter 14, the project's projected operational solid waste generation is estimated to be (pounds per week):		
○ Would the proposed project have the potential to generate 100,000 pounds (50 tons) or more of solid waste per week?	☐	☒
(b) Would the proposed project involve a reduction in capacity at a solid waste management facility used for refuse or recyclables generated within the City?	☐	☒
○ If "yes," would the proposed project comply with the City's Solid Waste Management Plan?	☐	☐
12. *ENERGY*: CEQR Technical Manual Chapter 15		
(a) Using energy modeling or Table 15-1 in Chapter 15, the project's projected energy use is estimated to be (annual BTUs):		
(b) Would the proposed project affect the transmission or generation of energy?	☐	☒
13. *TRANSPORTATION*: CEQR Technical Manual Chapter 16		
(a) Would the proposed project exceed any threshold identified in Table 16-1 in Chapter 16?	☐	☒
(b) If "yes," conduct the appropriate screening analyses, attach back up data as needed for each stage, and answer the following questions:		
○ Would the proposed project result in 50 or more Passenger Car Equivalents (PCEs) per project peak hour?	☐	☐
If "yes," would the proposed project result in 50 or more vehicle trips per project peak hour at any given intersection? ***It should be noted that the lead agency may require further analysis of intersections of concern even when a project generates fewer than 50 vehicles in the peak hour. See Subsection 313 of Chapter 16 for more information.*	☐	☐
○ Would the proposed project result in more than 200 subway/rail or bus trips per project peak hour?	☐	☐
If "yes," would the proposed project result, per project peak hour, in 50 or more bus trips on a single line (in one direction) or 200 subway/rail trips per station or line?	☐	☐
○ Would the proposed project result in more than 200 pedestrian trips per project peak hour?	☐	☐
If "yes," would the proposed project result in more than 200 pedestrian trips per project peak hour to any given pedestrian or transit element, crosswalk, subway stair, or bus stop?	☐	☐
14. *AIR QUALITY*: CEQR Technical Manual Chapter 17		
(a) *Mobile Sources*: Would the proposed project result in the conditions outlined in Section 210 in Chapter 17?	☐	☒
(b) *Stationary Sources*: Would the proposed project result in the conditions outlined in Section 220 in Chapter 17?	☐	☒
○ If "yes," would the proposed project exceed the thresholds in Figure 17-3, Stationary Source Screen Graph in Chapter 17? (Attach graph as needed)	☐	☐
(c) Does the proposed project involve multiple buildings on the project site?	☐	☒
(d) Does the proposed project require federal approvals, support, licensing, or permits subject to conformity requirements?	☐	☒
(e) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to air quality that preclude the potential for significant adverse impacts?	☐	☒
(f) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
15. *GREENHOUSE GAS EMISSIONS*: CEQR Technical Manual Chapter 18		
(a) Is the proposed project a city capital project or a power generation plant?	☐	☒
(b) Would the proposed project fundamentally change the City's solid waste management system?	☐	☒
(c) Would the proposed project result in the development of 350,000 square feet or more?	☐	☒
(d) If "yes" to any of the above, would the project require a GHG emissions assessment based on guidance in Chapter 18?	☐	☒

	YES	NO
o If "yes," would the project result in inconsistencies with the City's GHG reduction goal? (See Local Law 22 of 2008; § 24-803 of the Administrative Code of the City of New York). Please attach supporting documentation.	☐	☒
16. *NOISE*: CEQR Technical Manual Chapter 19		
(a) Would the proposed project generate or reroute vehicular traffic?	☐	☒
(b) Would the proposed project introduce new or additional receptors (see Section 124 in Chapter 19) near heavily trafficked roadways, within one horizontal mile of an existing or proposed flight path, or within 1,500 feet of an existing or proposed rail line with a direct line of site to that rail line?	☐	☒
(c) Would the proposed project cause a stationary noise source to operate within 1,500 feet of a receptor with a direct line of sight to that receptor or introduce receptors into an area with high ambient stationary noise?	☐	☒
(d) Does the proposed project site have existing institutional controls (*e.g.*, (E) designation or Restrictive Declaration) relating to noise that preclude the potential for significant adverse impacts?	☐	☒
(e) If "yes" to any of the above, conduct the appropriate analyses and attach any supporting documentation.		
17. *PUBLIC HEALTH*: CEQR Technical Manual Chapter 20		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Air Quality; Hazardous Materials; Noise?	☐	☒
(b) If "yes," explain why an assessment of public health is or is not warranted based on the guidance in Chapter 20, "Public Health." Attach a preliminary analysis, if necessary.		
18. *NEIGHBORHOOD CHARACTER*: CEQR Technical Manual Chapter 21		
(a) Based upon the analyses conducted, do any of the following technical areas require a detailed analysis: Land Use, Zoning, and Public Policy; Socioeconomic Conditions; Open Space; Historic and Cultural Resources; Urban Design and Visual Resources; Shadows; Transportation; Noise?	☐	☒
(b) If "yes," explain why an assessment of neighborhood character is or is not warranted based on the guidance in Chapter 21, "Neighborhood Character." Attach a preliminary analysis, if necessary.		
19. *CONSTRUCTION*: CEQR Technical Manual Chapter 22		
(a) Would the project's construction activities involve:		
o Construction activities lasting longer than two years?	☐	☒
o Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☒	☐
o Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
o Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
o The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
o Closure of a community facility or disruption in its services?	☐	☒
o Activities within 400 feet of a historic or cultural resource?	☐	☒
o Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
o Construction on multiple development sites in the same geographic area, such that there is the potential for several construction timelines to overlap or last for more than two years overall?	☐	☒
(b) If any boxes are checked "yes," explain why a preliminary construction assessment is or is not warranted based on the guidance in Chapter 22, "Construction." It should be noted that the nature and extent of any commitment to use the Best Available Technology for construction equipment or Best Management Practices for construction activities should be considered when making this determination.		

20. *APPLICANT'S CERTIFICATION*

I swear or affirm under oath and subject to the penalties for perjury that the information provided in this Environmental Assessment Statement (EAS) is true and accurate to the best of my knowledge and belief, based upon my personal knowledge and familiarity with the information described herein and after examination of the pertinent books and records and/or after inquiry of persons who have personal knowledge of such information or who have examined pertinent books and records.

Still under oath, I further swear or affirm that I make this statement in my capacity as the applicant or representative of the entity that seeks the permits, approvals, funding, or other governmental action(s) described in this EAS.

APPLICANT/REPRESENTATIVE NAME	SIGNATURE	DATE
Len Garcia-Duran		4/24/17

PLEASE NOTE THAT APPLICANTS MAY BE REQUIRED TO SUBSTANTIATE RESPONSES IN THIS FORM AT THE DISCRETION OF THE LEAD AGENCY SO THAT IT MAY SUPPORT ITS DETERMINATION OF SIGNIFICANCE.

Part III: DETERMINATION OF SIGNIFICANCE (To Be Completed by Lead Agency)

INSTRUCTIONS: In completing Part III, the lead agency should consult 6 NYCRR 617.7 and 43 RCNY § 6-06 (Executive Order 91 or 1977, as amended), which contain the State and City criteria for determining significance.

1. For each of the impact categories listed below, consider whether the project may have a significant adverse effect on the environment, taking into account its (a) location; (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude.

IMPACT CATEGORY	Potentially Significant Adverse Impact YES	NO
Land Use, Zoning, and Public Policy	☐	☒
Socioeconomic Conditions	☐	☒
Community Facilities and Services	☐	☒
Open Space	☐	☒
Shadows	☐	☒
Historic and Cultural Resources	☐	☒
Urban Design/Visual Resources	☐	☒
Natural Resources	☐	☒
Hazardous Materials	☐	☒
Water and Sewer Infrastructure	☐	☒
Solid Waste and Sanitation Services	☐	☒
Energy	☐	☒
Transportation	☐	☒
Air Quality	☐	☒
Greenhouse Gas Emissions	☐	☒
Noise	☐	☒
Public Health	☐	☒
Neighborhood Character	☐	☒
Construction	☐	☒

2. Are there any aspects of the project relevant to the determination of whether the project may have a significant impact on the environment, such as combined or cumulative impacts, that were not fully covered by other responses and supporting materials? ☐ YES ☒ NO

If there are such impacts, attach an explanation stating whether, as a result of them, the project may have a significant impact on the environment.

3. Check determination to be issued by the lead agency:

☐ **Positive Declaration**: If the lead agency has determined that the project may have a significant impact on the environment, and if a Conditional Negative Declaration is not appropriate, then the lead agency issues a *Positive Declaration* and prepares a draft Scope of Work for the Environmental Impact Statement (EIS).

☐ **Conditional Negative Declaration:** A *Conditional Negative Declaration* (CND) may be appropriate if there is a private applicant for an Unlisted action AND when conditions imposed by the lead agency will modify the proposed project so that no significant adverse environmental impacts would result. The CND is prepared as a separate document and is subject to the requirements of 6 NYCRR Part 617.

☒ **Negative Declaration:** If the lead agency has determined that the project would not result in potentially significant adverse environmental impacts, then the lead agency issues a *Negative Declaration*. The *Negative Declaration* may be prepared as a separate document (see template) or using the embedded Negative Declaration on the next page.

4. ***LEAD AGENCY'S CERTIFICATION***

TITLE	LEAD AGENCY
Director, EARD	New York City Department of City Planning
NAME	DATE
Robert Dobruskin	April 21, 2017

SIGNATURE



Attachment A: Project Description

A. INTRODUCTION

The New York City Department of City Planning (DCP) proposes a series of land use actions (collectively the "proposed actions") to implement select recommendations of the East Shore Resilient Neighborhoods Study, a place-based planning initiative to identify strategies to support the vitality and resiliency of the city's floodplain. The proposed actions would apply to a portion of the area studied through the East Shore Resilient Neighborhoods Study (this portion will hereafter be referred to as the "Project Area"). The Project Area encompasses an approximately 40-block area of the Ocean Breeze and Graham Beach neighborhoods, and a 29-block area of the Oakwood Beach neighborhood of Staten Island, Community Districts 2 and 3, respectively. Specifically, the area within the Ocean Breeze and Graham Beach neighborhoods is generally bounded by Olympia Boulevard to the north, Jefferson and Hunter Avenues to the west, Slater Boulevard and Seaview Avenue to the east, and Father Capodanno Boulevard to the south. The area within the Oakwood Beach neighborhood is generally bounded by Amherst Avenue to the north, Delwit Avenue to the west, and Great Kills Park to the east and south (See Map 1 for locations of East Shore Resilient Neighborhoods Study Area and Project Area).

Due to the history of flood risk, the coastal and low-lying topography of the area, and the long-term plans for the area outlined in the New York State Enhanced Buyout Program, DCP is proposing land use actions, which include an amendment to the Zoning Map and an amendment to the Zoning Resolution (described further below). These actions are intended to facilitate implementation of recommendations developed through the East Shore Resilient Neighborhood Study, a coordinated neighborhood plan developed with input from the community residents, elected officials, and community stakeholders, in coordination with the City and other public agencies, to identify strategies to support the vitality and resiliency of the city's floodplain.

The proposed rezoning seeks to achieve the following objectives:

- Align local land-use regulations with New York State's long term vision for open space in the Enhanced Buyout Areas.
- Reduce risk to human life by limiting future residential development in areas highly vulnerable to flooding and other natural hazards, while ensuring preservation of ecologically sensitive areas.
- Align commercial zoning with existing uses and building character, while providing relief from high off-street parking requirements that may inhibit rebuilding after future floods.

These goals would be accomplished by the following land use actions:

- ***Zoning text amendment*** **--** The proposed actions include amendments to the text of the *Zoning Resolution* to establish the Special Coastal Risk District (Zoning Resolution 137-00, CR-1). Regulations applicable to this District (CR-1), include discretionary actions subject to review by the City Planning Commission including an authorization for all new development and enlargements beyond the existing building footprint. Additionally, community facilities with sleep accommodations will be restricted.
- ***Zoning map amendment*** –The proposed actions will establish a C1-3 commercial overlay adjacent to the Special Coastal Risk District in the Graham Beach and Ocean Breeze neighborhood. An existing C1-1 commercial overlay within an R3-2 district will be reduced and replaced with a new C1-3 overlay. This change is intended to more adequately reflect existing development patterns and to reduce off-street parking requirements to make it easier to reconstruct commercial buildings. The C1-3 overlay will also have the added benefit of making rebuilding in a resilient manner easier in the aftermath of future floods.

B. PURPOSE AND NEED FOR THE PROPOSED ACTIONS

Due to the history of flood risk, the coastal and low-lying topography, and the long-term plans for open space in the area outlined in the New York State Enhanced Buyout Program, DCP is proposing land use actions, which include an amendment to the Zoning Map and an amendment to the *Zoning Resolution*. These actions respond to, and build upon, a set of community objectives identified through the East Shore Resilient Neighborhood Study, as well as through engagement with the Community Advisory Committee, and in collaboration with Borough President Oddo, Council Member Matteo, and other City agencies. Specifically, the proposed actions seek to achieve and support the following land use objectives:

1. Align local land-use regulations with New York State's long term vision for open space in the Enhanced Buyout Areas.

The proposed actions seek to further reduce risk to human safety by limiting future residential density in areas highly vulnerable to flooding due to topography, natural features, and infrastructure constraints. The New York State Enhanced Buyout Areas, which include parts of the neighborhoods of Graham Beach, Ocean Breeze, and Oakwood Beach, are generally in the area of the proposed Special District. Under the Enhanced Buyout Program, New York State acquired properties located in the floodplain that were determined to be at high risk for damage in future disasters. These projections were based on a history of flooding or other damage related to natural hazards. Properties acquired by the State through the Buyout Program are deed restricted to remain as open space in perpetuity in order to buffer other inland

neighborhoods from future storms. The City was informed in January 2017 by the New York State Governor's Office of Storm Recovery that the program was closed except for in cases of medical or financial hardship. Participation in the program was voluntary, and at the end of the program, of the total lots in Oakwood Beach, approximately 80 percent are now owned by the State or another public entity. In Graham Beach and Ocean Breeze, approximately 60 percent of the total lots are owned by the State or another public entity. Nonparticipating lots, not otherwise owned or planned for acquisition by the City or State, will remain in private ownership. Existing residents are likely to remain in current housing, while vacant privately owned lots may be developed pursuant to zoning and other land-use regulations. To further align permitted density with the long-term plan for the area, zoning changes are proposed. The existing R3-1 and R3X zoning districts in the Oakwood Beach area allow single- and two-family detached and semi-detached residences, and the R3-1 and R3-2 zoning districts within the Ocean Breeze and Graham Beach area allow one- and two-family detached, semi-detached, and attached residences, and within the commercial overlay, multi-family mixed-use buildings. The proposed Special Coastal Risk District (described in greater detail below) would limit all development to single-family detached buildings, thereby limiting future residential density on private vacant lots. On larger lots, the Special District would enable modifications to bulk regulations such that buildings may be spaced closer together in order to help achieve a site plan that preserves larger swaths of open space.

2. Reduce risk to human life by limiting future residential development in areas highly vulnerable to flooding and other natural hazards, while ensuring preservation of ecologically sensitive areas.

As previously described, the Project Area was the subject of the New York State Buyout Program in part because of the high degree of risk faced by residents to natural hazards, especially flooding and wild fire. The proposed Special District would limit future development on a zoning lot to single-family detached residences, and it would require discretionary review by the City Planning Commission of all new developments and expansion beyond the existing building footprint. The existing zoning allows development without consideration of the existing sensitive natural features, such as wetlands. The required discretionary review for all enlargements and developments in the Project Area would include findings related to whether the proposed future development meets the objectives of minimizing risks to public safety and ensuring appropriate buffering from ecologically sensitive areas, such a wetlands and wetland adjacent areas. The proposed authorization ensures that future development will not produce adverse impacts on environmentally sensitive areas. The Special District would also modify Community Facility uses by not allowing overnight sleeping accommodations. This proposed district would ensure that future development: aligns with the goals of the Enhanced Buyout Program, is consistent with the

surrounding area which is primarily characterized by open space and wetlands, and reduces the number of residents at risk during natural disasters in the future.

3. Align commercial zoning with existing uses and building character, while providing relief from high off-street parking requirements that may inhibit rebuilding after future floods.

The proposed actions also include changing the existing C1-1 commercial overlay within the R3-2 district that extends over the entire block north of Father Capodanno Boulevard in the Graham Beach neighborhood. The size of the existing C1-1 overlay is not in alignment with the goals of the State's buyout program and, aside from the lots fronting Father Capodanno Boulevard, is mapped over single-family residential uses. However, the existing commercial uses on Father Capodanno Boulevard provide local retail services to the surrounding community and the location is suitable for small-scale commercial investment due to its beachfront location and supporting infrastructure.[1] Thus, the C1-1 overlay is proposed to be reduced and replaced with a C1-3 commercial overlay. This would help address the recommendations of community stakeholders to maintain local retail uses along this corridor. In addition, the C1-3 overlay would reduce parking requirements to one per 400 square feet of commercial floor area for general retail or service uses, compared to one per 150 square feet of commercial floor area under the existing C1-1 overlay, to allow for the existing pattern of retail and building character to remain on Father Capodanno Boulevard and, as an added benefit, make it easier for commercial establishments to rebuild in a more resilient manner. Reducing the commercial overlay and R3-2 base zoning to the frontage of Father Capadanno will ensure conformance of existing retail in this area, serve community interests, and ensure the zoning for the remainder of these blocks aligns with the goals of the buyout program.

C. BACKGROUND AND EXISTING CONDITIONS

According to projections by the NYC Panel on Climate Change, climate change and sea level rise will reshape New York City's waterfront and lead to increased risks of flooding. To reduce these risks, the City is updating its regulations for how existing buildings are designed and for how new development occurs throughout the floodplain. Reducing flood risks to New York City's building stock through resilient design measures is part of the City's multifaceted plan for resiliency, along with enhancing coastal protections, hardening infrastructure systems, and promoting community preparedness.

Following Sandy, DCP advanced a temporary, emergency citywide text amendment to promote rebuilding to higher standards by addressing the most urgent zoning barriers. In 2013, DCP launched the Resilient

[1] *The existing commercial properties were not eligible for acquisition through the buyout program.*

Neighborhoods initiative to work directly with floodplain communities to look at specific local issues in certain hard-hit areas and reexamine questions of land use, zoning, and development in light of a new understanding of coastal flood risks. In 2014, DCP released the *Retrofitting for Flood Risk* manual, which details resilient retrofit strategies for a range of building types that are unique to New York City. DCP also works closely with other agencies, including the Housing Recovery Office and Mayor's Office of Recovery and Resiliency on programs to assist community recovery and build coastal resiliency. Through this work, DCP found that additional zoning changes are necessary to allow property owners to build and retrofit to limit damage from floods and to reduce insurance costs, as well as also ensure that development is responsive to neighborhood character and aligns with the need for long-term adaptation. Based on this work, zoning recommendations are proposed that are specific to unique neighborhood conditions and risks. In the Project Area, the proposed actions place limits on growth and development in this highly vulnerable area, and will be followed at a later date by additional local and citywide updates to zoning.

Area Description and History

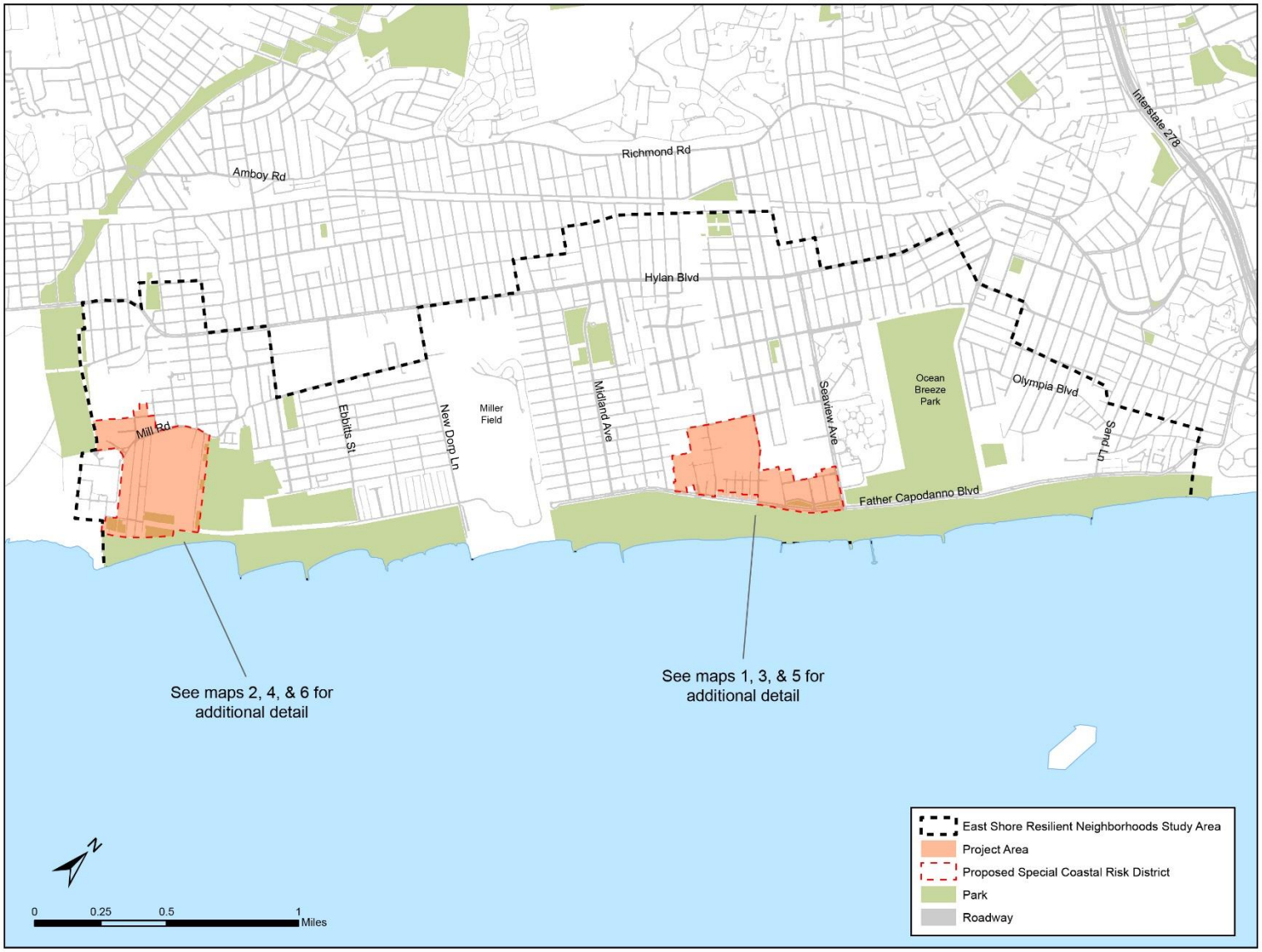
The East Shore is a coastal, low-lying, primarily residential area spanning four miles between Great Kills Park and the Verrazano Bridge. The study area is rich in open space, with abundant parks, wetlands, and other natural areas. The State Buyout Areas are sub-areas within the East Shore Resilient Neighborhoods study area, consisting of all or parts of 71 blocks across the Oakwood Beach, Graham Beach, and Ocean Breeze Neighborhoods. Today these areas are defined by small, mostly detached and semi-detached single family homes. Home demolitions through the State Buyout Program (described in detail below) have redefined the character of the neighborhoods by creating new expanses of deed-restricted open space.

Prior to its development, much of the East Shore was a series of freshwater and tidal wetlands which emptied directly into Lower New York Bay. Development through the early years of the 20th century consisted of piers, Victorian-style hotels, roller coasters, restaurants, and other common beachfront attractions. During this booming era, a significant amount of land adjacent to the beach was developed for commercial uses and summer beach bungalow colonies. The stock of bungalow housing that exists today generally dates to the early 20th century. Retrofitted for year round habitation, bungalows are one of the predominant styles of single family detached housing within East Shore neighborhoods and provide a source of unsubsidized affordable housing.

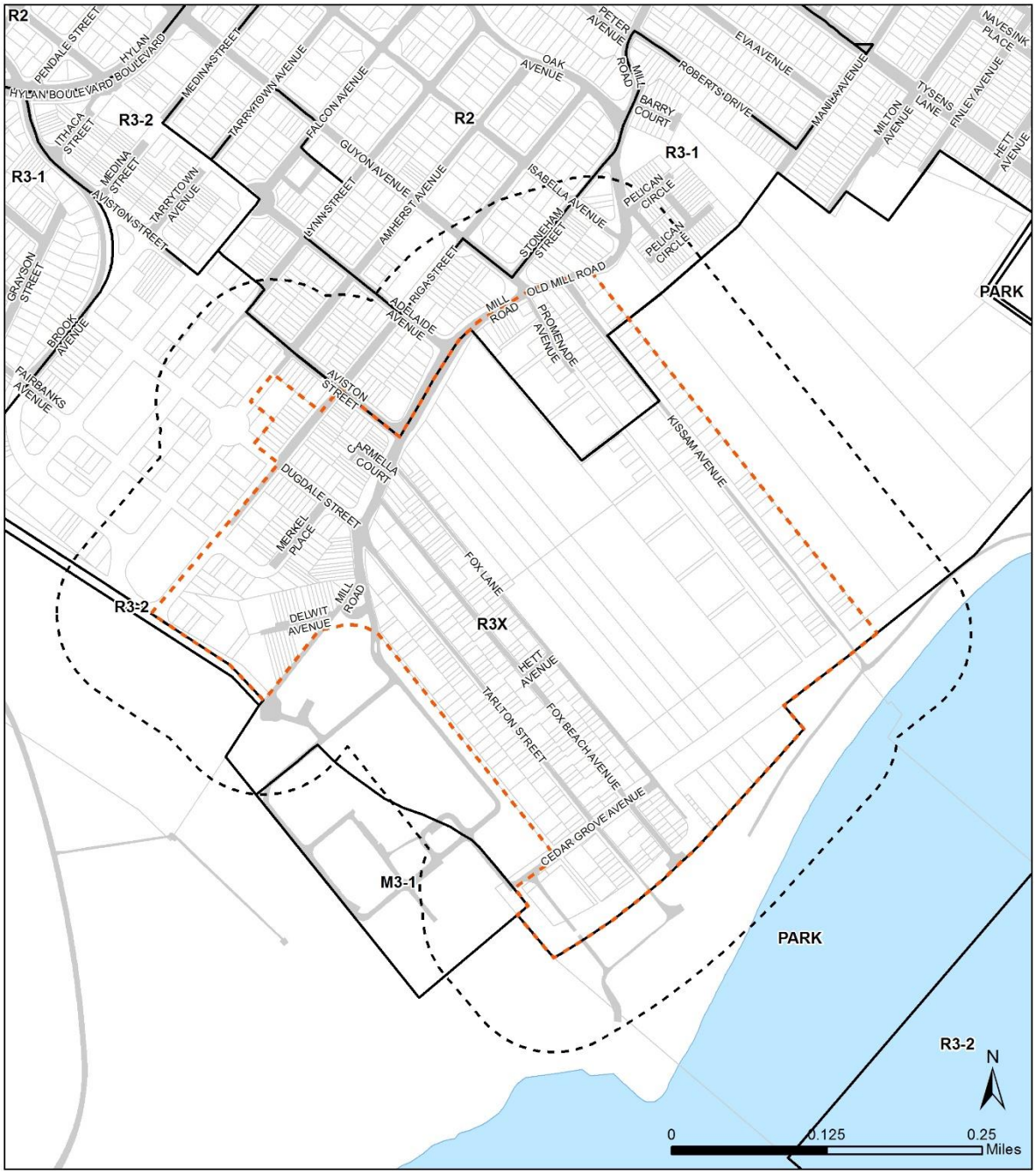
The Verrazano-Narrows Bridge opened in 1964, creating the first direct vehicular connection between Staten Island and the rest of the city. Population growth associated with development made possible by the bridge created an unprecedented real estate and housing development boom. The East Shore saw a significant increase in residential development from the 1960s through the early 1980s, due in large part to the area's proximity to the bridge and the availability of hundreds of acres of lightly regulated wetlands.

Over time, as land became scarcer, residential construction shifted toward the redevelopment of adjacent bungalow homes into semi-detached and attached homes. Bungalow lots were particularly suited to this development as zoning permits semi-detached and attached homes on relatively small lots.

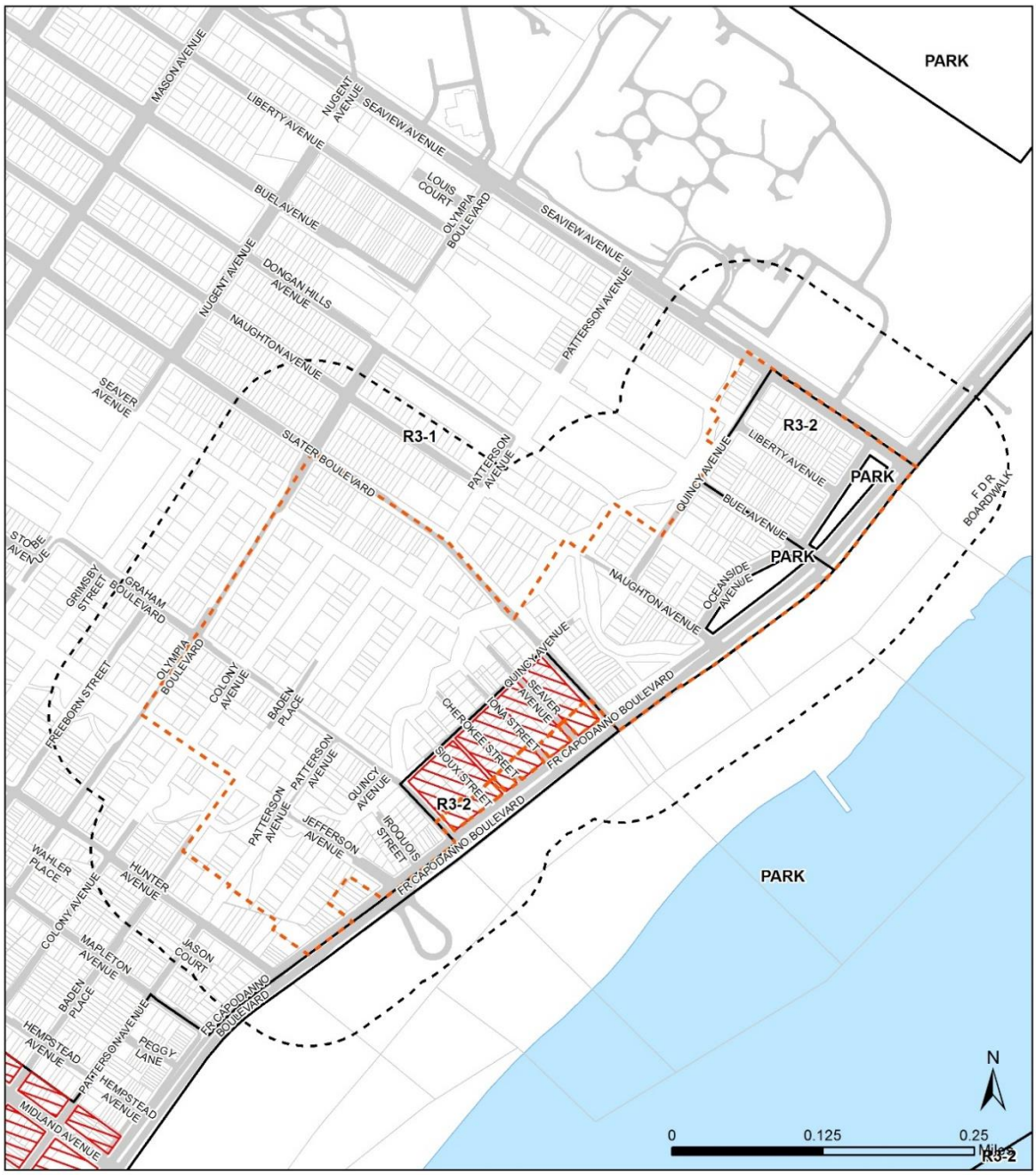
Map 1. East Shore Resilient Neighborhoods Study Area and Project Area Map



Map 2. Oakwood Beach Existing Zoning

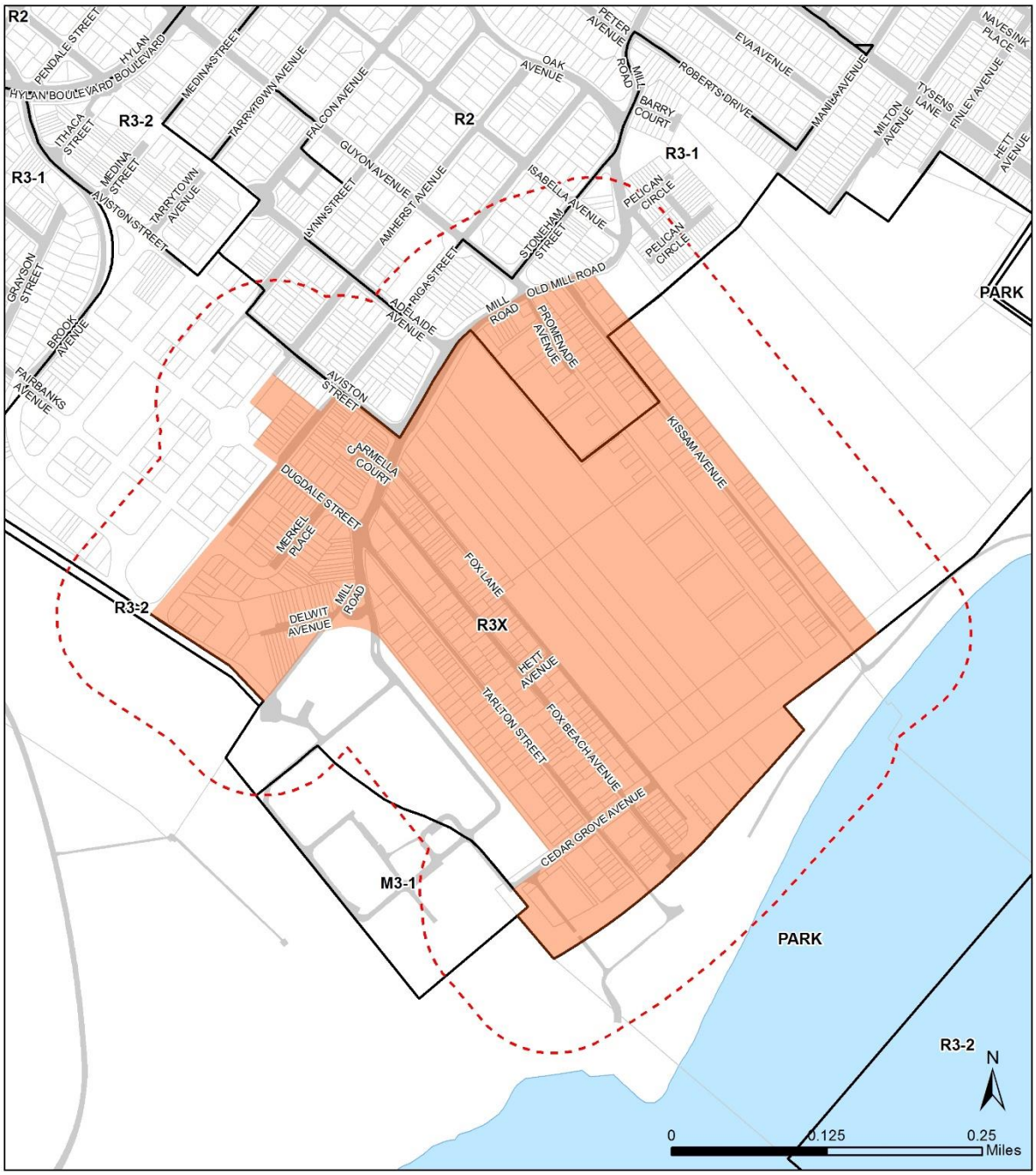


Map 3. Graham Beach and Ocean Breeze Existing Zoning



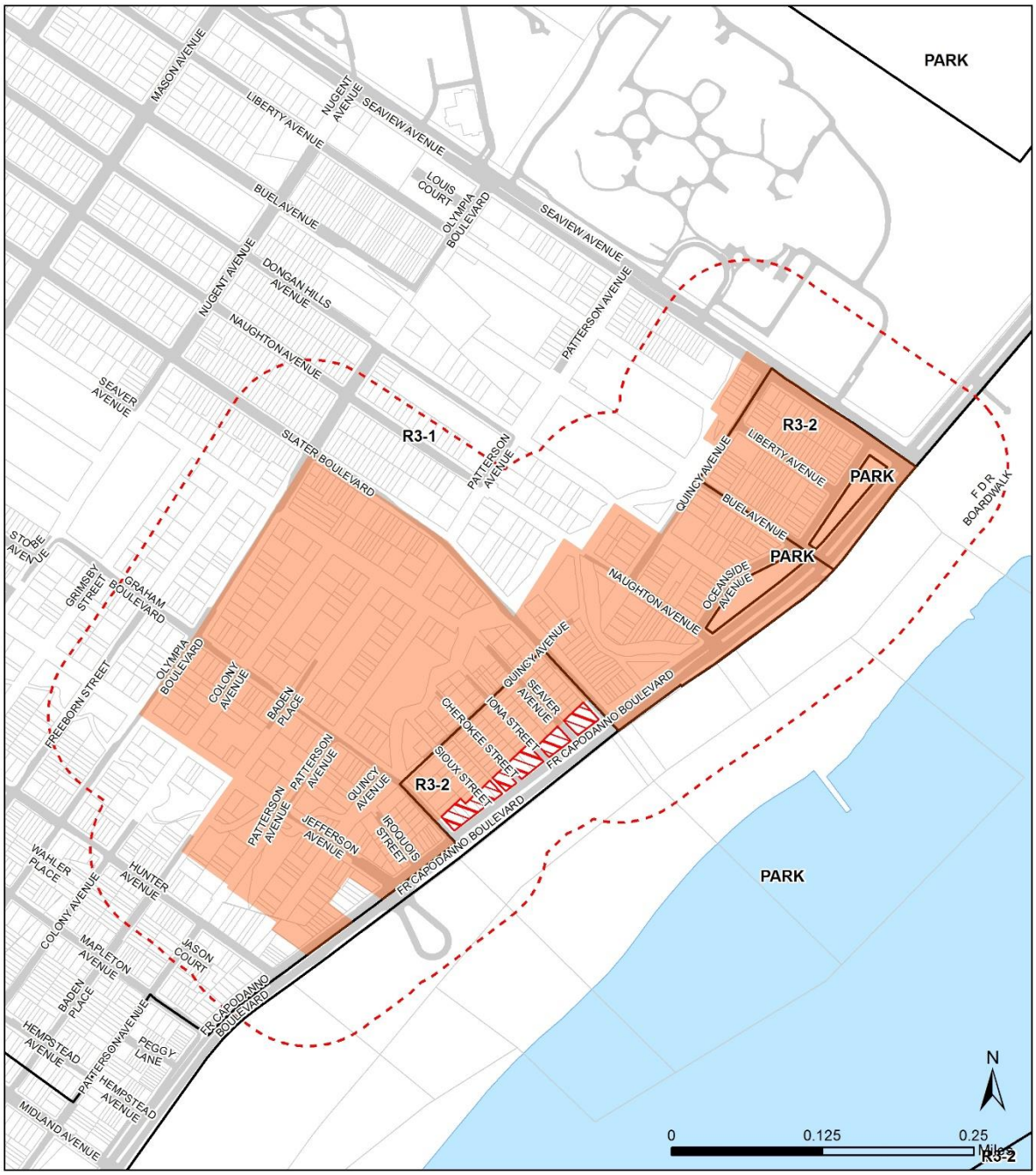
400' Buffer
Project Area
Zoning Districts
C1-1 Commercial Overlay
Tax Lot

Map 4. Oakwood Beach Proposed Zoning



400' Buffer
Special Coastal Risk District Established
Zoning Districts
Tax Lot

Map 5. Graham Beach and Ocean Breeze Proposed Zoning



400' Buffer
Special Coastal Risk District Established
C1-3 Established
Zoning Districts
Tax Lot

Lower Density Growth Management Area (*LDGMA) and 2003 Rezonings*

After decades of high housing demand on Staten Island and design and construction characterized by the community as inappropriate and haphazard, the City created a Staten Island Growth Management Task Force led by DCP. The resulting Lower Density Growth Management Area (LDGMA) was adopted Island-wide in 2003 to address issues of private roads, density, parking, and driveway pitch. As a result of the stricter requirements, which increased minimum lot sizes for development, fewer homes could be built on the remaining vacant lots. Additionally, the City, working with local elected officials, rezoned many neighborhoods across the Borough, including the East Shore, which reduced the allowable density of future development. Since then, most new buildings in the area have been constructed by combining multiple smaller lots.

Hurricane Sandy

Coastal inundation as a result of Hurricane Sandy caused widespread damage and destruction on the East Shore, with floodwaters reaching homes and businesses over one mile inland. The breadth and severity of damage was due to several compounding factors including: the timing of the peak storm surge in relation to the tidal cycle, the unique coastal position of the East Shore within New York Harbor, low-lying elevations considerably far inland, and the proximity of residences to the waterfront. 23 lives were lost on Staten Island during the storm, most on the East Shore. In addition hundreds of homes and businesses on the East Shore were significantly damaged or destroyed. The event continues to have lasting economic, social, and personal effects. Historically, Hurricane Sandy was not the only coastal storm to impact the East Shore; previous hurricanes and large nor'easters caused flooding in the area and heavy rain storms routinely cause stormwater flooding that disrupts life for residents.

New York State Enhanced Buyout Program

In the months following Hurricane Sandy, the New York State Office of Storm Recovery (GOSR) designated the Oakwood Beach, Ocean Breeze, and Graham Beach neighborhoods as Enhanced Buyout Areas. Within these defined boundaries the State offered to buy homes at pre-storm value that sustained substantial damage as a result of Sandy, Tropical Storm Lee, or Hurricane Irene. These areas were determined to be most at risk in future disasters due to their low lying elevations and proximity to the coast. The stated goal of GOSR's Buyout and Acquisition program was to acquire private property, demolish existing structures, and convert the land to open space to serve as buffers to future storms. However, participation in the program was voluntary and not all property owners have opted to participate. Those residents who remain will continue to be at risk from flooding and, in times of drought, wildfires.

Project Area

The Project Area for the proposed actions would affect two noncontiguous areas as shown in Map 1. The first area (referred to here as Ocean Breeze and Graham Beach) is an approximately 40 block area generally bounded by Olympia Boulevard to the north, Hunter Avenue to the west, Seaview Avenue to the east, and Father Capodanno Boulevard to the south in the Ocean Breeze and Graham Beach neighborhoods of Staten Island, Community District 2. The second area (referred to here as Oakwood Beach) is an approximately 29 block area generally bounded by Amherst Avenue to the north, Delwit Avenue to the west, and Great Kills Park to the east and south in the Oakwood Beach neighborhood of Staten Island, Community District 3. As discussed earlier, the proposed Project Area overlaps with the area of the NYS Enhanced Buyout Areas.

Ocean Breeze and Graham Beach

Ocean Breeze and Graham beach are located inland from Father Capodanno Boulevard and are bounded by Seaview Avenue to the east, Hunter Avenue to the west, and Olympia Boulevard to north. Prior to Sandy, the neighborhoods contained 583 privately owned tax lots with 464 residential units across 53 acres. The primary housing type was one- and two-family detached homes with some semi-detached and attached residences. Both neighborhoods abut planned drainage improvements as part of the NYC Department of Environmental Protection's Mid-Island Bluebelt and mapped DEC Freshwater Wetlands. The area suffered widespread damage from flooding during Hurricane Sandy. With the conclusion of the buyout program administered by the NYS Governor's Office of Storm Recovery, approximately 60% of the lots within the Enhanced Buyout Areas are owned by the State or other public entity. Demolition of existing structures acquired by the State is ongoing.

Oakwood Beach

Located near Great Kills Park and the Oakwood Beach Wastewater Treatment Plant, prior to Sandy, this neighborhood contained 455 privately owned parcels with 300 residential units across 74 acres. The primary housing types was primarily one and two-family detached residences. Oakwood Beach contains abundant DEC mapped Freshwater Wetlands and tidal salt marshes. Residents report frequent flooding from ordinary rain storms, wildfires from dense phragmites, and the area suffered widespread damage from flooding during Hurricane Sandy.

With the conclusion of the buyout program administered by the NYS Governor's Office of Storm Recovery, approximately 80 percent of the lots within the Enhanced Buyout Areas are owned by the State or other public entity. Demolition of existing structures acquired by the State is ongoing.

Existing Land Use

The Project Area largely consists of residential uses and is zoned with residential districts along with select commercial overlays. A land use survey was conducted for the rezoning area as well as an area within a 400-foot radius within each rezoning area boundary. The tables below (Table 1 and 2) show the proportion of tax lots based on the land uses within this surveyed area.

The surveyed area consists of 1,731 lots covering approximately 296 acres. Approximately 48 percent of these tax lots contain residential buildings, the vast majority (47 percent) being one and two-family buildings.

Non-residential properties account for approximately 52 percent of the total number of lots within a 400-foot radius of the rezoning area. Open space and recreation make up nearly four percent of the total. Vacant lots make up over 47 percent of the total number of lots. Remaining land use categories—commercial and office, industrial and manufacturing, transportation and utility, public facilities and institutions, and parking facilities—account for less than two percent combined.

Table 1: Land Use Within 400 Feet of Rezoning Area

	Lots	% of total lots*	Area (acres)*	% of land area*
Residential	823	47.5%	54	18.2%
One & Two Family Buildings	814	47.0%	52.8	17.8%
Multi-Family Walk-Up and Elevator	9	0.5%	1.2	0.4%
Mixed Residential and Commercial	0	0.0%	0	0.0%
Commercial and Office	11	0.6%	0.9	0.3%
Industrial and Manufacturing	0	0.0%	0	0.0%
Transportation and Utility	1	0.1%	18.3	6.2%
Public Facilities and Institutions	3	0.2%	8.7	2.9%
Open Space and Recreation	63	3.6%	94	31.8%
Parking Facilities	10	0.6%	0.5	0.2%
Vacant	820	47.4%	119.7	40.4%
Total	1,731		296	

*Numbers have been rounded for clarity.

Table 2: Building Types in Rezoning Area (Residential Lots Only)		
Building Type	Lots	% of residential lots
Detached One-Family	185	42.0%
Detached Two-Family	19	4.3%
Semi-Detached One- and Two-Family	146	33.1%
Attached One- and Two-Family	89	20.2%
Multi-Family Walk-Up and Elevator	2	0.5%
Total	441	

Existing Zoning

Much of the Project Area is zoned R3-1 and R3X with limited areas of R3-2. A C1-1 commercial overlay is mapped in Graham Beach. Maps 2 and 3 show the location of existing zoning districts.

R3-1

Most of the Project Area, located in the Graham Beach and Ocean Breeze neighborhoods, is zoned R3-1, as is a portion of Oakwood Beach. R3-1 is a low density district that allows for semi-detached one- and two-family homes, and detached homes. In R3-1 districts, residences are allowed to be built to a maximum FAR of 0.5, which can be increased to 0.6 FAR with a 0.1 attic allowance (to allow for a pitched roof). The minimum required lot area is 3,800 square feet for detached residences and 1,700 square feet for other residences. The minimum lot width for a detached house is forty feet, or eighteen feet for other residences. The maximum perimeter wall height and building height is 21 feet and 25 feet, respectively. Front yards must be at least 15 feet deep, and side yards must total 13 feet for detached houses (with a 5 foot minimum for one side yard), and 8 feet for semi-detached houses. Required parking is a minimum of 1 per dwelling unit. Community facilities are allowed at a maximum FAR of 1.0.

R3-2

The Project Area in Graham Beach and Ocean Breeze also includes limited areas zoned R3-2, which is the lowest density zoning district in which multiple dwelling buildings are permitted. R3-2 districts allow a variety of housing types, including low-rise attached houses, small apartment building, and detached and semi-detached one- and two-family residences. Residences are allowed a maximum FAR of 0.5, which can be increased to 0.6 FAR with a 0.1 attic allowance (to allow for a pitched roof). The minimum required lot area and lot width is 3,800 square feet and 40 feet, respectively, for detached buildings. Detached buildings must also provide two side yards of at least five feet each, totaling at least 13 feet. The minimum

lot area and width for all other building types is 1,700 square feet and 18 feet, respectively. Non-detached buildings must provide one side yard of at least eight feet. For all permitted building types, front yards must be at least 15 feet and rear yards at least 30 feet. The maximum perimeter wall height and building height are 21 feet and 35 feet, respectively. Required parking is a minimum of 1 per dwelling unit. Community facilities are allowed at a maximum FAR of 1.0.

R3X

Much of the Project Area in Oakwood Beach is zoned R3X, a low density contextual district that permits only one- and two-family detached homes. In R3X districts, residences are allowed at a maximum FAR of 0.5, which can be increased to 0.6 FAR with a 0.1 attic allowance (to allow for a pitched roof). The minimum required lot area is 3,325 square feet. The minimum lot width is 35 feet. The maximum perimeter wall height and building height are 21 feet and 35 feet, respectively. Front yards must be at least 10 feet deep, and the two required side yards must total 10 feet (each side yard must be at least 2 feet wide). Required parking is a minimum of 1 per dwelling unit. Community facilities are allowed at a maximum FAR of 1.0.

C1-1

A C1-1 commercial overlay is mapped in Graham Beach along Father Capodanno Boulevard and extending inland to Quincy Avenue between Graham and Slater Boulevards. C1 overlays are typically mapped within residential districts to allow a range of local retail and service establishments to serve the surrounding neighborhood. Specifically, C1 overlays allow Use Groups 4 through 6 (which includes community facilities, hotels, and local retail and service establishments). When C1 overlay districts are mapped within R1 through R5 residential districts, the maximum commercial FAR is 1.0, with commercial uses limited to the first floor in mixed-use buildings. Off-street parking requirements vary with the use, however, most retail uses generally require one accessory parking space per 150 square feet of commercial floor space. If the number of spaces required is less than 10, the parking requirements are waived.

C. PROPOSED ACTIONS

To achieve the goals described above, two land use actions are required: changing the existing C1-1 overlay to a proposed C1-3 overlay and the creation of the zoning designation, the Special Coastal Risk Districts, and mapping an East Shore Subdistrict. These proposed actions are described in more detail below.

1. Change the Existing C1-1 overlay to a proposed C1-3 overlay

In Graham Beach, a rezoning of the C1-1 overlay to C1-3 overlay in the R3-2 district is proposed to more adequately reflect existing retail uses and building character. This change would also have the added benefit of making it easier for commercial establishments to rebuild in the aftermath of future floods. The proposed rezoning would reduce the existing C1-1 commercial overlay that extends over the entire block north of Father Capodanno Boulevard in the Graham Beach neighborhood to include only the lots fronting Father Capodanno Boulevard and establish a new C1-3 commercial overlay along the frontage of Father Cappodano (See Map 5, Proposed Zoning). Lots no longer mapped in the commercial overlay would conform with the underlying R3-2 zoning; no commercial uses would be taken out of the overlay.

C1-3 permits the same range of commercial uses as C1-1 to serve the local shopping needs of the surrounding neighborhood and has the same maximum 1.0 FAR for commercial uses. However, parking requirements within C1-3 are slightly lower at generally one per 400 square feet of commercial floor area for general retail or service uses, compared to one per 150 square feet under existing zoning. (For C1-3 overlays, if the number of spaces required is less than 25, the parking requirements are waived). Under C1-3, a higher number of retail businesses would be eligible for a waiver from parking requirements than would be under the current C1-3 overlay. While it is not the intention for the zoning change to induce development, it would make it more economically attractive to develop since fewer parking spaces would be required. The proposed rezoning would ensure conformance of existing retail in this area and ensure the zoning for the remainder of these blocks aligns with the goals of the buyout program.

2. Creation of a Special Coastal Risk District (Zoning Resolution 137-00, CR-1)

The proposed actions would create a new zoning designation, the Special Coastal Risk District (Article XIII Chapter 7, Zoning Resolution 137-00). This District would apply to the entire proposed Project Area, except for the adjacent area proposed with a C1-3 commercial overlay extending over the frontage of Father Capodanno Boulevard in the Graham Beach neighborhood (See Maps 4 and 5). The Special Coastal Risk District text was also created as part of the Broad Channel Resiliency Rezoning (CEQR 17DCP114Q), but is being "created" again as part of this application since the Special Coastal Risk District created in Broad Channel is currently under the public review process. The Special Coastal Risk District creates a framework under which additional regulations can be applied and has the purpose of denoting flood risk and limiting future development to building types and uses as appropriate for each location in which it is mapped. Thus far, two other Special Coastal Risk Districts have entered the public review process, one as part of the Broad Channel Resiliency Rezoning and another as part of the Hamilton Beach Resiliency

Rezoning (CEQR 17DCP15Q). The Special Coastal Risk District, as part of the proposed actions for this proposal, would be the third District and would include regulations tailored to the unique locations of this area. Although the zoning text refers to each of these as District CR-1, this is basically because the term "Subdistrict" does not exist in the *Zoning Resolution*; they are understood to be Subdistricts, part of a larger framework. Thus, the Special Coastal Risk District established as part of the proposed actions is referred to as the East Shore Subdistrict in this EAS[2].

Specifically, the East Shore Subdistrict around the Buyout Areas will restrict future residential uses to single-family detached dwellings and prohibit community facilities with sleeping accommodations. Additionally, LDGMA limitations on certain community facility uses will be applied consistently across R3X, R3-1, and R3-2 districts such that the strictest limitations always apply. All existing homes may be repaired, elevated, or otherwise retrofitted as-of-right within their existing footprint and any existing home that is substantially damaged may be rebuilt as-of-right as a single-family residence. Sandy-damaged properties may be rebuilt as-of-right.

In addition, the East Shore Subdistrict would require a City Planning Commission (CPC) authorization for any building construction or enlargement beyond the existing footprint. In order to authorize the construction of one new single-family dwelling, the CPC would need to find that the proposed development minimizes adverse impacts on wetlands and planned open space or drainage projects, minimizes new paving and impervious surfaces, provides access using the same improved streets that serve other existing buildings, and minimizes risks to public safety from natural hazards. Additionally the CPC would have the ability to modify bulk regulations (except FAR) to the extent necessary to buffer development from wetlands or wetland adjacent areas.

Where there will be construction of more than one single-family dwelling on a zoning lot, regardless of the underlying district, the maximum number of residences on the zoning lot will be calculated based on a minimum of 9,500 SF of lot area per residence excluding the delineated wetland area. Lands delineated as wetland may not be used to satisfy lot area requirements. Once the number of permitted residences is calculated, the CPC may modify bulk regulations (except FAR) to allow for residences to be sited in a manner that would achieve a superior site plan in which, in addition to the requirements for a single residence, the configuration of residences facilitates the preservation of wetlands, open space, and

[2] Should all three Special Coastal Risk Districts be successfully adopted, DCP will reconcile all three texts into a single Special District, in which the Broad Channel Special District would be Subdistrict CR-1, Hamilton Beach Special District would be Subdistrict CR-2, and Staten Island Special District would be Subdistrict CR-3.

natural resources, and limits the need for new roadways, in a manner that would not be possible without modification to bulk regulations. In addition, the scale and character of the proposed development should be consistent with the surrounding area and new residences should be sited in proximity to other existing residences.

The provisions and rules of the Special Coastal Risk District were compared to existing buildings and uses within the proposed district boundaries to assess any non-conformance or compliance that might be created. Among the tax lots that have not been acquired by the State of New York or are not already under public ownership, the majority of residences (63%) are single family detached dwellings which would conform to the regulations of the Special District. An additional 25% of remaining residences are single-family attached or semi-attached structures that could become non-complying under the special district. Only 12% of residences are two- and three-family dwellings that would become nonconforming.

D. ANALYSIS FRAMEWORK

Reasonable Worst Case Development Scenario

In order to assess the possible effects of the proposed actions, a Reasonable Worst Case Development Scenario (RWCDS) was developed. A RWCDS uses existing trends and reasonable assumptions to predict what the future will be without the action (Future No Action Condition) and what the future will include with the proposed zoning (Future With Action Condition). The increment between the two forms the basis for the environmental review. This Environmental Assessment Statement (EAS) uses a 15 year period (build year 2032). To determine the With-Action and No-Action conditions, standard methodologies have been used following the *CEQR Technical Manual* guidelines employing reasonable assumptions. These methodologies have been used to identify the amount and location of future development, as discussed below.

Development Site Criteria

Soft sites are sites where a specific development is not currently proposed or being planned, but may reasonably be expected to occur by the projected build year. As mentioned above, within the East Shore Special District, the proposed regulations would not allow for an increase in development potential beyond what is allowed under existing zoning. Therefore, because no incremental increase in development would occur, no development sites were identified within the proposed East Shore Subdistrict. However, the establishment of a new C1-3 commercial overlay may reasonably be expected

to induce limited new development. For this reason, this area was analyzed to determine if any soft sites were present. The criteria used below was utilized:

Criteria for soft sites included:

- Lots where the reduction in parking requirements under the proposed C1-3 overlay would promote commercial development. However, lots with a total lot area of less than 1,350 square feet (may include potential assemblages) were excluded since they would have been able to waive out of parking requirements under the existing C1-1 overlay[3]. Underutilized lots—defined as vacant or lots constructed to less than or equal to half of the maximum allowable FAR under the proposed zoning.

Lots that were excluded from the soft-site analysis:

- Lots occupied by residential or community facility uses that could not be further subdivided. These lots are unlikely to be redeveloped with commercial uses because of weak market demand; and
- Lots with buildings that recently underwent significant resiliency-related investment are unlikely to be redeveloped in the near future.

Using these criteria, within the Project Area three soft site were identified, all in the proposed C1-3 commercial overlay (See Map 6 for location of soft sites).

Table 3: Projected Development Sites			
Site Number	Block	Lot	Address
1	3832	21	829 Father Capodanno Blvd
2	3848	13	Father Capodanno Blvd
3	3850	27	Father Capodanno Blvd

Future No Action Condition

Within the Oakwood Beach neighborhood, approximately 80 percent of the lots are under public ownership or have been purchased by New York State through the New York State Office of Storm Recovery's Buyout program, and approximately 60 percent of the lots in the Ocean Breeze and Graham Beach neighborhoods are either under public ownership or have been purchased by the State. Currently,

[3] 1,350 sf is 150 sf times 9, which is the maximum size a lot could be and waive out of the parking requirement under C1-1. All lots under that threshold have no added development incentive under C1-3.

there are approximately 55 privately-owned vacant parcels determined to be zoning lots in the Project Area. Of these 55 vacant zoning lots, there are at a minimum of 24 zoning lots that contain significant areas of NYS Department of Environmental Conservation (NYSDEC) regulated freshwater wetlands and or adjacent area that are required to obtain a permit from NYSDEC for any new development.

Since 2013, the year after Hurricane Sandy, only five new Certificate of Occupancy permits have been issued by the New York City Department of Buildings in the Project Area, a trend of that indicates a limited demand for new housing since Sandy. This limited market for new development, based on past development trends, is compounded by the reduction in available parcels for development due to the New York State Buyout Program and the abundance of freshwater wetlands regulated by the NYSDEC. Based on these factors, it is anticipated that approximately 5 to 10 percent of the 46 remaining buildable privately-owned parcels may be developed in the Future No Action Condition over a fifteen year period. While it is difficult to define exact soft sites for such development due to the need for applicants to seek discretionary permits from the NYSDEC in wetland adjacent areas, analysis of the Project Area overall suggests this growth could result in approximately 63 to 127 additional residential units being constructed within the Project Area by 2033.

Map 6. Project Development Sites



Soft Site

Zoning Districts

2360 Tax Block

11 Tax Lot

Table 4: Future No Action Condition						
Site Number	Block	Lot	Residential Square Footage	Commercial Square Footage	Industrial Square Footage	Building Height
1	3832	21	0 sf	2,200 sf	0 sf	13’
2	3848	13	0 sf	0 sf	0 sf	0’
3	3850	27	0 sf	0 sf	0 sf	0’

Future With Action Condition

Based on the soft site analysis, three (3) developments are projected to occur in the Future With Action Condition over a fifteen (15) year period.

In the proposed C1-3 commercial overlay, the new zoning designation would reduce the off-street parking requirement for new commercial buildings or redevelopments, which could be prohibitively high and could potentially impede investments to retrofit buildings to resilient standards. While this change is intended to reduce the burden of parking requirements of the existing zoning regulations in the C1-1 overlay and align zoning with existing commercial uses and building character, it has the potential to induce development on three sites that would be able to max out permitted FAR while still waiving out of parking requirements, resulting in a projected net increase of 15,215 square feet of commercial floor area within the proposed C1-3 commercial overlay.

Under the Future With Action Condition, no as-of-right development would be permitted within the portions of the Project Area included in the East Shore Special District. To analyze the potential environmental impacts of this authorization, a conceptual analysis was conducted.

CPC Authorization Conceptual Analysis

Under the proposal, overall residential growth would be less than compared to the Future No Action Condition due to the restriction on new development to single-family detached dwellings. Future development would be subject to authorization by the City Planning Commission, thus ensuring that any new development would undergo sufficient review to ensure alignment with the objectives of the Special District and would additionally be subject to environmental review (the environmental review for the proposed development of a single-family detached home would most likely result in a Type II determination and would not result in individual impacts). Existing homes could be rebuilt in their existing footprint, but would need to conform to the single-family use restriction in the special district. Under no

circumstances would the Special District result in an increase in density. In keeping with the objectives of the proposal, the Special Coastal Risk District would lead to an overall decline in residential density within the Project Area. The overall effects on land uses would be to reduce or prohibit new development of buildings with two or more residential units on remaining privately owned parcels, ensuring that any new development that does occur is restricted to single-family residences that are sited on lots in a way that limits risks to human safety and minimizes impacts to ecological sensitive areas and planned open space or drainage projects. For cases in which development is appropriate, an authorization would be available.

Due to the number of development constraints already present in the Project Area, including NYSDEC wetland regulations, the lack of available privately-owned land after the NYS Buyout program, the existing low-density zoning, and based on the limited demand for housing and development trends in the Project Area since Sandy, it is expected that the CPC Authorization would not create a reduction in the development of parcels over a fifteen year period. Thus, between 5-10 percent of the 46 buildable privately-owned vacant parcels in the East Shore Special District are projected to seek the authorization. However, because of the restriction to single-family dwellings and 9,500 square foot minimum lot size required of developments proposing more than one dwelling on a zoning lot, the overall number of residential units is anticipated to decline to between 6 and 12 by 2023. This would result in an overall reduction of between 57 and 115 residential units compared to the Future No Action Condition.

Table 5: Future With Action Condition

Site Number	Block	Lot	Residential Square Footage	Commercial Square Footage	Industrial Square Footage	Building Height
1	3832	21	0 sf	8,550 sf	0 sf	15’
2	3848	13	0 sf	4,365 sf	0 sf	15’
3	3850	27	0 sf	4,500 sf	0 sf	15’

Table 6: Increment

Site Number	Block	Lot	Residential Square Footage	Commercial Square Footage	Industrial Square Footage	Building Height
1	3832	21	0 sf	+ 6,350 sf	0 sf	+ 2’
2	3848	13	0 sf	+ 4,365 sf	0 sf	+ 15’
3	3850	27	0 sf	+ 4,500 sf	0 sf	+ 15’

Attachment B: Technical Analysis

A. LAND USE, ZONING, & PUBLIC POLICY

INTRODUCTION

Under *CEQR Technical Manual* guidelines, an assessment of zoning is performed in conjunction with a land use analysis when an action would change the zoning on a site or result in the loss of a particular use. Similar to zoning, assessment of public policy typically accompanies an assessment of land use. Under CEQR, a land use analysis characterizes the uses and development trends in the study area that may be affected by a proposed action, and determines whether the action is compatible with or may affect those conditions. The analysis considers the proposed actions' compliance with, and effect on, the area's zoning and any applicable public policies.

This section will describe the diversity and concentration of activities and services in the area, the zoning regulations that govern them and other relevant data regarding the future of the affected area. Specifically, the section will describe the existing built conditions, land use trends, and the anticipated changes likely to occur due to the proposed action by the year 2032.

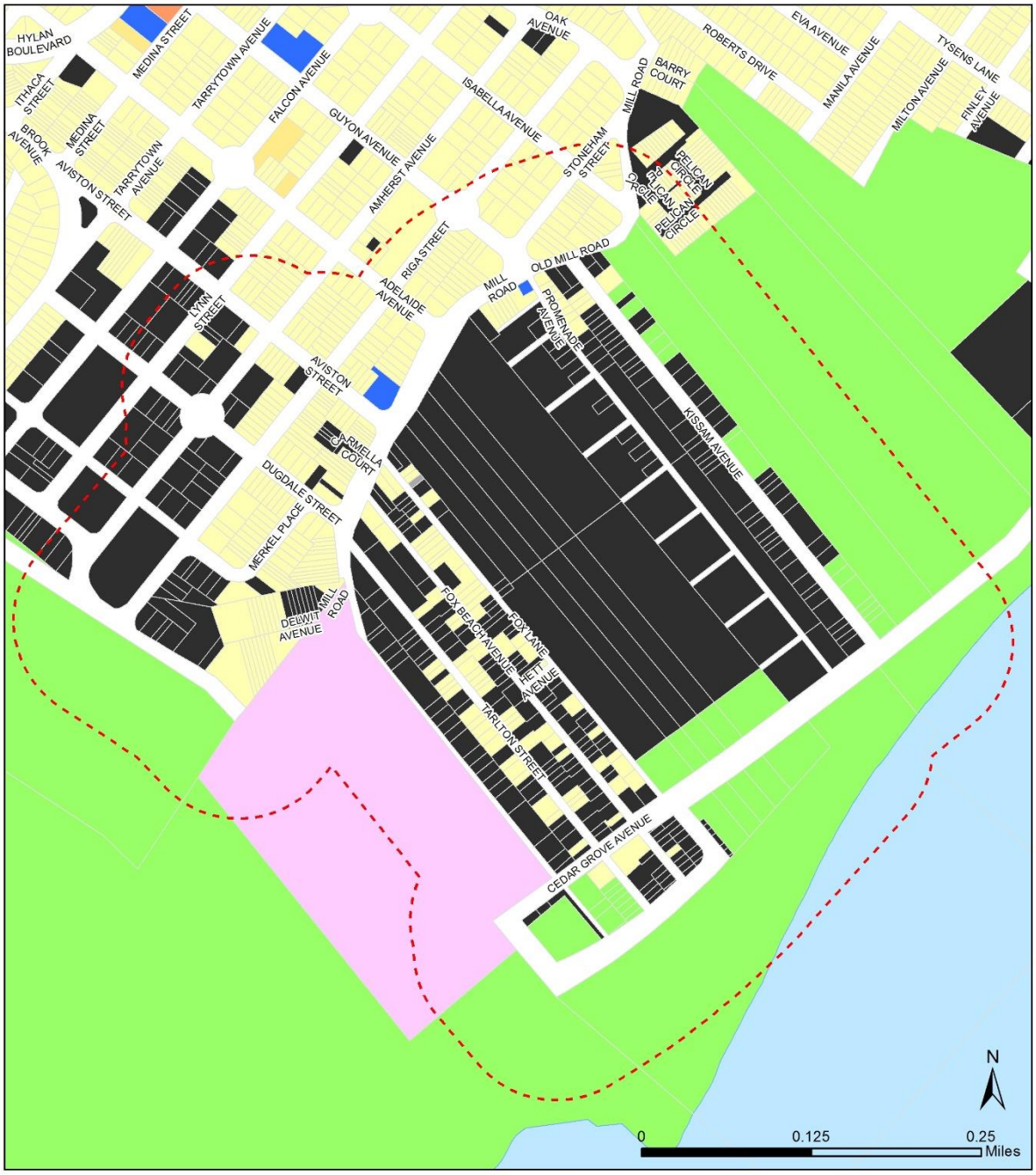
EXISTING CONDITIONS

Land Use

The Project Area largely consists of residential uses and is zoned with residential districts and select commercial overlays. A land use survey was conducted for the rezoning area as well as an area within a 400-foot radius within each rezoning area boundary (see Map 7 and 8). The tables below (Tables 7 and 8) show the proportion of tax lots based on the land uses within this surveyed area. The surveyed area consists of 1,731 lots covering approximately 296 acres. Approximately 48 percent of these tax lots contain residential buildings, the vast majority (47 percent) being one and two-family buildings.

Non-residential properties account for approximately 52 percent of the total number of lots within a 400-foot radius of the rezoning area. Open space and recreation make up nearly four percent of the total. Vacant lots make up over 47 percent of the total number of lots. Remaining land use categories—commercial and office, industrial and manufacturing, transportation and utility, public facilities and institutions, and parking facilities—account for less than two percent combined.

Map 7. Oakwood Beach Existing Land Use



Map 8. Graham Beach and Ocean Breeze Existing Land Use



Table 7: Land Use Within 400 Feet of Rezoning Area				
	Lots	% of total lots*	Area (acres)*	% of land area*
Residential	823	47.54%	54	18.24%
One & Two Family Buildings	814	47.02%	52.8	17.84%
Multi-Family Walk-Up and Elevator	9	0.52%	1.2	0.41%
Mixed Residential and Commercial	0	0.00%	0	0.00%
Commercial and Office	11	0.64%	0.9	0.30%
Industrial and Manufacturing	0	0.00%	0	0.00%
Transportation and Utility	1	0.06%	18.3	6.18%
Public Facilities and Institutions	3	0.17%	8.7	2.94%
Open Space and Recreation	63	3.64%	94	31.76%
Parking Facilities	10	0.58%	0.5	0.17%
Vacant	820	47.37%	119.7	40.44%
Total	1,731		296	
*Numbers have been rounded for clarity.				

Table 8: Building Types in Rezoning Area (Residential Lots Only)		
Building Type	Lots	% of residential lots
Detached One-Family	185	41.95%
Detached Two-Family	19	4.31%
Semi-Detached One- and Two-Family	146	33.11%
Attached One- and Two-Family	89	20.18%
Multi-Family Walk-Up and Elevator	2	0.45%
Total	441	

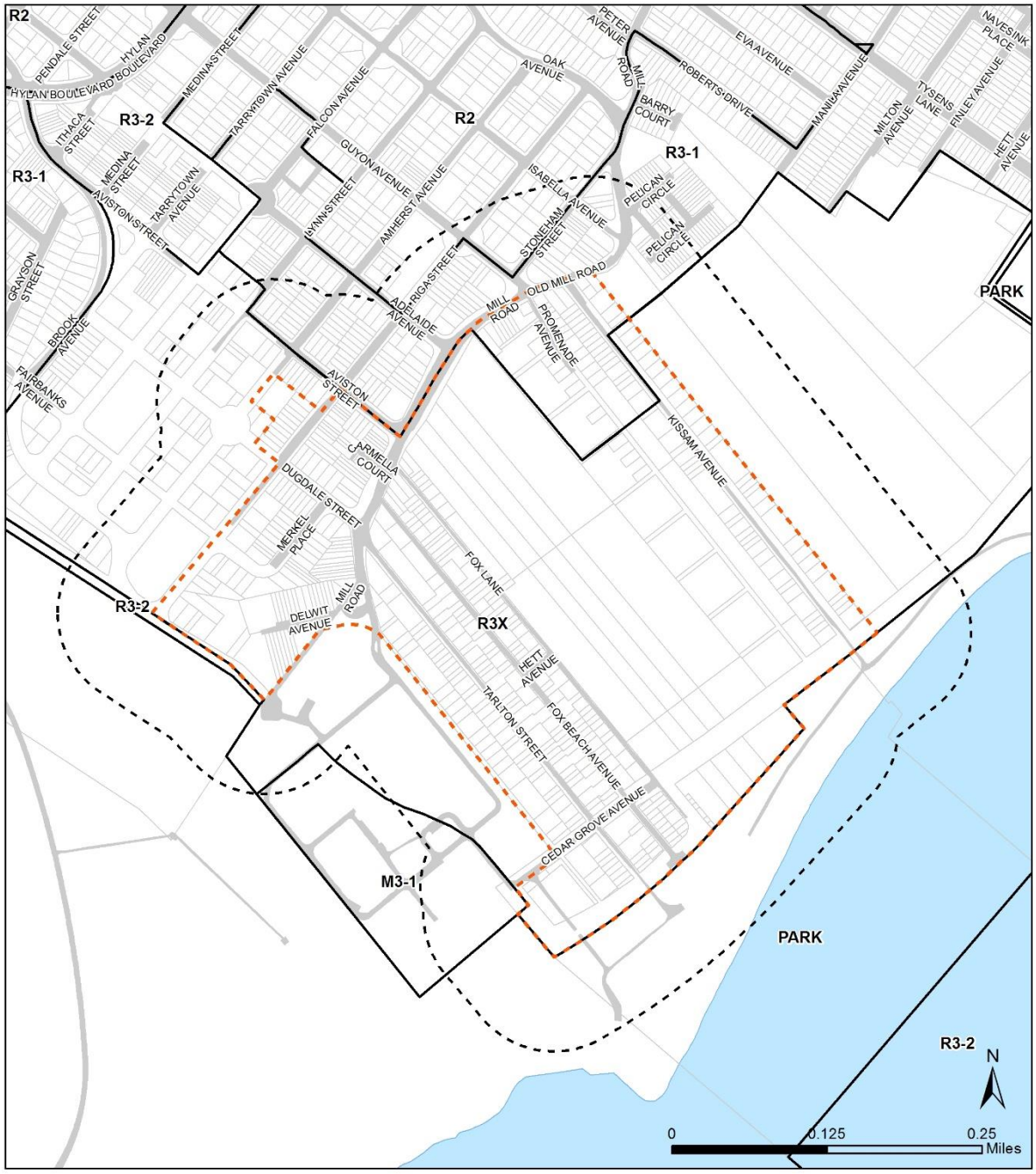
Existing Zoning

Much of the Project Area is zoned R3-1 and R3X with limited areas of R3-2. A C1-1 commercial overlay is mapped in Graham Beach. Maps 9 and 10 show the location of existing zoning districts.

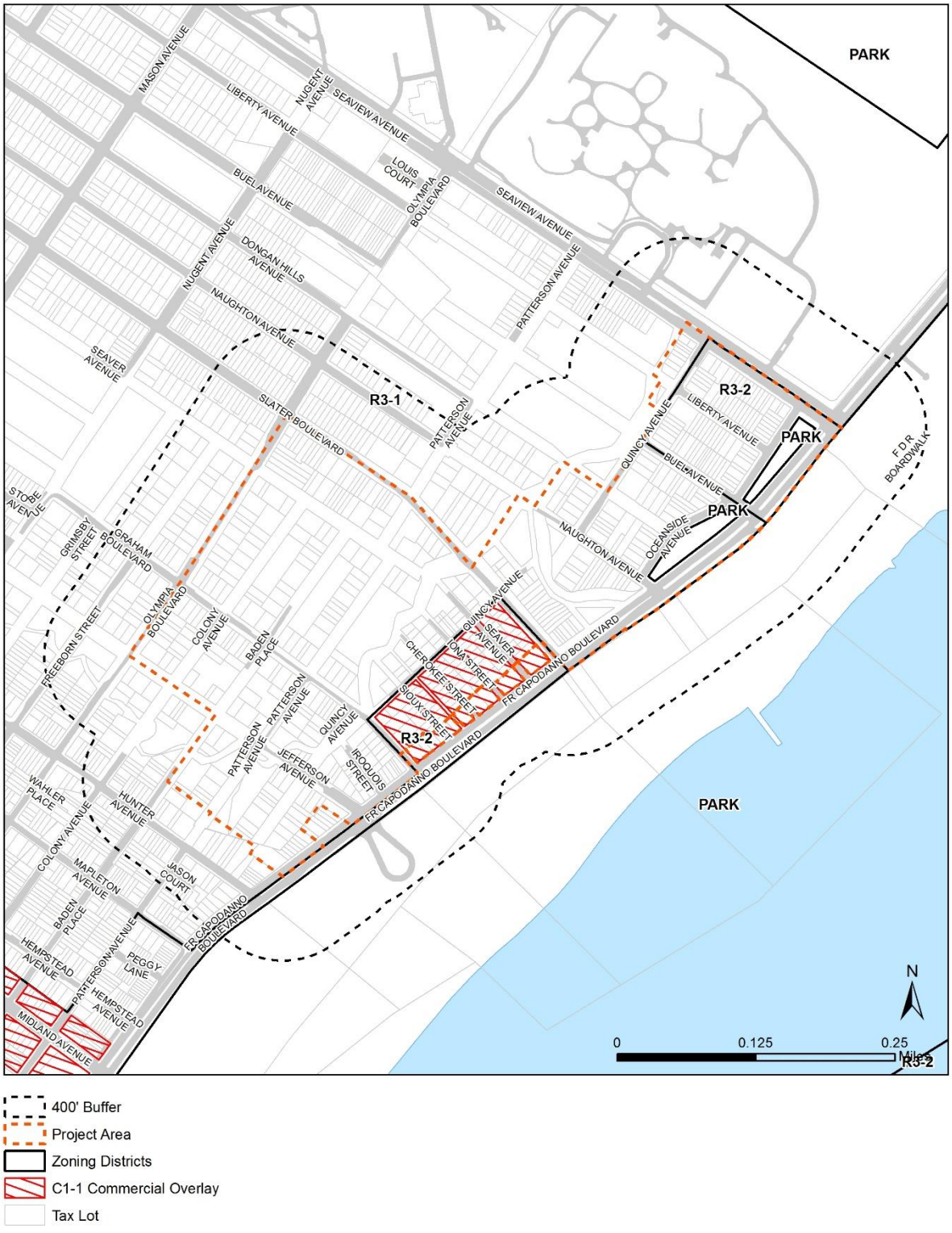
R3-1

Most of the Project Area, located in the Graham Beach and Ocean Breeze neighborhoods, is zoned R3-1, a low density district that allows for semi-detached one- and two-family homes, and detached homes. In R3-1 districts, residences are allowed to be built to a maximum FAR of 0.5, which can be increased to 0.6 FAR with a 0.1 attic allowance (to allow for a pitched roof). The minimum required lot area is 3,800 square feet for detached residences and 1,700 square feet for other residences. The minimum lot width for a detached house is forty feet, or eighteen feet for other residences. The maximum perimeter wall height and building height is 21 feet and 25 feet, respectively. Front yards must be at least 15 feet deep, and side yards must total 13 feet for detached houses (with a 5 foot minimum for one side yard), and 8 feet for

Map 9. Oakwood Beach Existing Zoning



Map 10. Graham Beach and Ocean Breeze Existing Zoning



400' Buffer
Project Area
Zoning Districts
C1-1 Commercial Overlay
Tax Lot

semi-detached houses. Required parking is a minimum of 1 per dwelling unit. Community facilities are allowed at a maximum FAR of 1.0.

R3-2

The Project Area in Graham Beach and Ocean Breeze also includes limited areas zoned R3-2, which is the lowest density zoning district in which multiple dwelling buildings are permitted. R3-2 districts allow a variety of housing types, including low-rise attached houses, small apartment building, and detached and semi-detached one- and two-family residences. Residences are allowed a maximum FAR of 0.5, which can be increased to 0.6 FAR with a 0.1 attic allowance (to allow for a pitched roof). The minimum required lot area and lot width is 3,800 square feet and 40 feet, respectively, for detached buildings. Detached buildings must also provide two side yards of at least five feet each, totaling at least 13 feet. The minimum lot area and width for all other building types is 1,700 square feet and 18 feet, respectively. Non-detached buildings must provide one side yard of at least eight feet. For all permitted building types, front yards must be at least 15 feet and rear yards at least 30 feet. The maximum perimeter wall height and building height are 21 feet and 35 feet, respectively. Required parking is a minimum of 1 per dwelling unit. Community facilities are allowed at a maximum FAR of 1.0.

R3X

Much of the Project Area in Oakwood Beach is zoned R3X, a low density contextual district that permits only one- and two-family detached homes. In R3X districts, residences are allowed at a maximum FAR of 0.5, which can be increased to 0.6 FAR with a 0.1 attic allowance (to allow for a pitched roof). The minimum required lot area is 3,325 square feet. The minimum lot width is 35 feet. The maximum perimeter wall height and building height are 21 feet and 35 feet, respectively. Front yards must be at least 10 feet deep, and the two required side yards must total 10 feet (each side yard must be at least 2 feet wide). Required parking is a minimum of 1 per dwelling unit. Community facilities are allowed at a maximum FAR of 1.0.

C1-1

A C1-1 commercial overlay is mapped in Graham Beach along Father Capodanno Boulevard and extending inland to Quincy Avenue between Graham and Slater Boulevards. C1 overlays are typically mapped within residential districts to allow a range of local retail and service establishments to serve the surrounding neighborhood. Specifically, C1 overlays allow Use Groups 4 through 6 (which includes community

facilities, hotels, and local retail and service establishments). When C1 overlay districts are mapped within R1 through R5 residential districts, the maximum commercial FAR is 1.0, with commercial uses limited to the first floor in mixed-use buildings. Off-street parking requirements vary with the use, however, most retail uses generally require one accessory parking space per 150 square feet of commercial floor space. If the number of spaces required is less than 10, the parking requirements are waived.

Public Policy

There are a number of city policies and programs that are aimed at improving the resiliency and sustainability of the rezoning area. However, based on development trends and the overall vulnerability to flooding that is faced by the area, additional residential or commercial development is not expected to result from these investments.

OneNYC

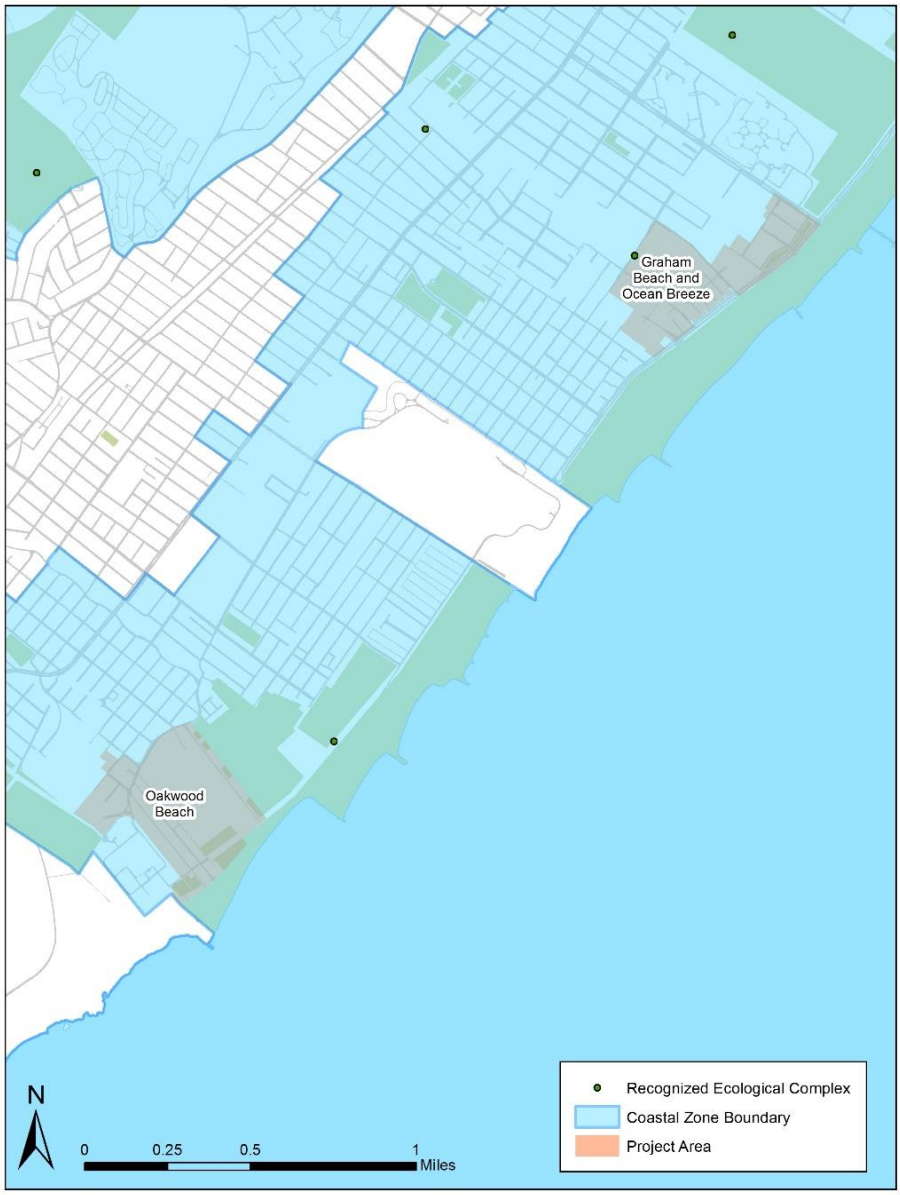
In April 2007, the Mayor's Office of Long Term Planning and Sustainability released *PlaNYC: A Greener, Greater New York (PlaNYC)*. Since that time, updates to *PlaNYC* have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, *One New York: The Plan for a Strong and Just City (OneNYC)* was released by the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency. *OneNYC* builds upon the sustainability goals established by *PlaNYC* and focuses on growth, equity, sustainability, and resiliency. Resiliency goals outlined in the report related to the study area include supporting the U.S. Army Corps of Engineers Line or Protection and DCP's Resilient Neighborhoods study. The Army Corps work along the East Shore of Staten Island is expected to be completed within the build year and will improve the resiliency of the community by protecting large areas against a 300-year flood. However, the Project Area for this rezoning will remain in the residual 100 year floodplain due to stormwater flooding behind the Line of Protection. The Resilient Neighborhoods study will result in recommendations to improve the Flood Resilient Text Amendment, which is expected to be updated and adopted before the new Flood Insurance Rate Maps are adopted

Waterfront Revitalization Program (WRP)

The WRP is the City's principal coastal zone management tool. Originally adopted in 1982 and revised in 2016, it establishes the City's policies for development and use of the waterfront. Revisions to the WRP were adopted by the City Council in 2013, and were then approved by the New York State Secretary of State in February 2016. All proposed actions subject to CEQR, Uniform Land Use Review Procedure

(ULURP), or other local, state, or federal agency discretionary actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the WRP. The Project Area is entirely within the Coastal Zone (see Map 11). The WRP contains 10 major policies, each with several objectives focused on the following: improving public access to the waterfront; reducing damage from flooding and other water-related disasters; protecting water quality, sensitive habitats (such as wetlands), and the aquatic ecosystem; reusing abandoned waterfront structures; and promoting development with appropriate land uses.

Map 11. Coastal Zone Boundary and Project Area



FUTURE NO ACTION CONDITION

Land Use

Absent the proposed actions, land use in the study area would retain the same general patterns found in the existing conditions. The area is anticipated to see little additional development in the next fifteen years based on limited demand for new development, development restrictions related to the freshwater wetlands located in the area regulated by NYSDEC, and the reduction in available lots for development due to the New York State Buyout Program. The combination of these influences will result in increasing amounts of deed-restricted vacant land, open space, and wetlands in the area over time. New development, aside from reconstruction following Hurricane Sandy, is rare with only five Certificates of Occupancy being issues by the New York City Department of Buildings since 2013. Based on these factors, in residential portions of the Project Area, under the Future No Action Condition, approximately 5-10% of the available vacant parcels are expected to be developed by 2023. However, any such development will be contextual with what is already existing in the Project Area. In the commercial area in Graham Beach, land uses are also expected to remain unchanged compared to existing conditions.

Zoning

There are no concurrent plans by any city agency for area-wide zoning changes in the study area. Therefore, in the Future No Action Condition, it is assumed that the zoning would not change from the existing conditions. Descriptions of the existing zoning districts are provided in the previous section on Existing Conditions.

Public Policy

In the Future No Action Condition, it is assumed that the public policy would not change from the existing conditions. Descriptions of the existing public policies are provided in the previous section on Existing Conditions.

FUTURE WITH ACTION

Land Use

The intent of the proposed rezoning is to align local land-use regulations with New York State's long-term vision for open space in the Buyout Areas; reduce risk to human life by limiting future residential development in areas highly vulnerable to flooding and other natural hazards, while ensuring preservation of ecologically sensitive areas; and to align commercial zoning with existing uses and building character.

Specifically, the proposed actions would establish the East Shore Subdistrict of the newly created Special Coastal Risk District, with rules restricting new residential development to single-family detached buildings and would create a new CPC authorization for all new development to ensure sufficient review of development to minimize impacts to sensitive ecological features, threats to public safety, and effects on planned open space projects. Due to the number of development constraints already present in the Project Area, including NYSDEC wetland regulations, the lack of available privately-owned land after the NYS Buyout program, the existing low-density zoning, and based on the limited demand for housing and development trends in the Project Area since Sandy, it is expected that the CPC Authorization would not create a reduction in the development of parcels over a fifteen year period. Thus, between 5-10 percent of the buildable privately-owned vacant parcels in the East Shore Special District are projected to seek the authorization. However, because of the restriction to single-family dwellings and 9,500 square foot minimum lot size required of developments proposing more than one dwelling on a zoning lot, the overall number of residential units is anticipated to decline to between approximately 6 and 12 by 2023. This reduction in density is due to a change in the permitted building typology, restricted to single-family detached dwellings, as opposed to the number of developable parcels.

This decreased density would not result in substantial changes in land use in the study area given the existing constraints on development and plans for the areas, including wetland regulations; the New York State Buyout Program; and limited market demand. These factors create an overall pattern of land-uses in Project Area characterized by open space and low-density residential development. In the Future With Action Condition, the land use patterns and trends planned for residential areas through New York State's Buyout Program would be reinforced by the proposed zoning. The proposed action would align zoning with the State's long-term plans to reduce density and increase open space in the Project Area over time.

In the commercial area of Graham Beach, the rezoning is intended to align commercial zoning with existing land uses and building character. While the changes to the commercial overlay may induce limited commercial development under the Future With Action condition, such development would be of a similar size and use as the surrounding commercial buildings, primarily local retail and community facility establishments. Thus, no overall change in land use is anticipated as result of the proposed rezoning.

Zoning

The proposed actions would affect 1090 lots on approximately 71 blocks. The rezoning area covers portions of Zoning Maps 27b, 27d, and 34a. The amendment to the Zoning Map and amendment to the *Zoning Resolution* would align local land use regulations to New York State's plans for open space in the Project Area, reduce flood risk and protect ecologically sensitive features, and match existing building character and uses in the commercial area of Graham Beach.

Proposed East Shore Subdistrict of the Special Coastal Risk District

The proposed actions would create a new zoning designation, the Special Coastal Risk District (Article XIII Chapter 7, Zoning Resolution 137-00). This District would apply to the entire proposed Project Area, except for the area proposed with a C1-3 commercial overlay extending over the frontage of Father Capodanno Boulevard in the Graham Beach neighborhood. The Special Coastal Risk District text was also created as part of the Broad Channel Resiliency Rezoning (CEQR 17DCP114Q), but is being "created" again as part of this application since the Special Coastal Risk District created in Broad Channel is currently under the public review process. The Special Coastal Risk District creates a framework under which additional regulations can be applied and has the purpose of denoting flood risk and limiting future development to building types and uses as appropriate for each location in which it is mapped. Thus far, two other Special Coastal Risk Districts have entered the public review process, one as part of the Broad Channel Resiliency Rezoning and another as part of the Hamilton Beach Resiliency Rezoning (CEQR 17DCP15Q). The Special Coastal Risk District, as part of the proposed actions for this proposal, would be the third District and would include regulations tailored to the unique locations of this area. Although the zoning text refers to each of these as District CR-1, this is only because the term "Subdistrict" does not exist in the zoning resolution; they are understood to be Subdistricts, part of a larger framework. Thus, the Special Coastal Risk District established as part of the proposed actions is referred to as the East Shore Subdistrict in this EAS[1].

Specifically, the proposed East Shore Special District would restrict all new development to single-family detached residences and prohibit community facilities with sleeping accommodations, as opposed to the

[1] Should all three Special Coastal Risk Districts be successfully adopted, DCP will reconcile all three texts into a single special district, in which Broad Channel would be CR-1, Hamilton Beach would be CR-2, and Staten Island would be CR-3.

development of single-family, two-family, and multi-family buildings currently permitted in the Project Area.

Any new building construction or enlargements beyond the existing footprints, would be required to obtain an Authorization from the City Planning Commission under the proposed Special District, as opposed to the permitted development that is currently as-of-right within the Project Area. However, all existing homes may be repaired, elevated, or otherwise retrofitted as-of-right within their existing footprint under the proposed Special District. Any existing home that was substantially damaged after Hurricane Sandy may also be rebuilt as-of-right under the proposed special district.

The Authorization under the proposed East Shore Special District is intended to ensure sufficient review of any proposed development for impacts on open space plans, wetlands, existing infrastructure, or public safety. The findings for this Authorization would include that the proposed development minimizes adverse impacts on wetlands and planned open space or drainage projects, minimizes new paving and impervious surfaces, provides access using the same improved streets that serve other existing buildings, and minimizes risks to public safety from natural hazards. Additionally, the CPC has the ability to modify bulk regulations (except FAR) for the purposes of protecting/buffering wetlands or wetland adjacent areas.

Where there would be construction of more than one single-family dwelling on a zoning lot in the proposed East Shore Special District, regardless of the underlying district, the maximum number of residences on the zoning lot will be calculated based on a minimum of 9,500 SF of lot area per residence. Delineated wetland area may not be used to satisfy lot area requirements. Once the number of permitted residences is calculated, the CPC may modify bulk regulations (except FAR) to allow for residences to be sited in a manner that would achieve a superior site plan in which, in addition to the requirements for a single residence, the configuration of residences facilitates the preservation of wetlands, open space, and natural resources, and limits the need for new roadways, in a manner that would not be possible without modification to bulk regulations. In addition, the scale and character of the proposed development should be consistent with the surrounding area and new residences should be sited in proximity to existing residences.

Proposed C1-3 Overlay (from C1-1)

Under the Future With Action condition, a portion of the commercial area in Graham Beach would be rezoned from C1-1 to C1-3 to more adequately reflect existing commercial uses and development patterns. The existing C1-1 commercial overlay extents from Father Capodanno Boulevard to Quincy Avenue between Graham Boulevard and Slater Boulevard. The proposed changes would reduce the size of this overlay, remapping the overlay to align with existing commercial uses fronting Father Capodanno Boulevard. The proposed change from C1-1 to C1-3 would reduce the amount of required accessory commercial parking spaces to more accurately reflect the amount currently provided by the existing commercial uses. In addition, this contextual change would reduce the main zoning impediment that property owners might face—high parking requirements—when making resiliency upgrades to their buildings on smaller lots.

Public Policy

The proposed actions reinforce the existing plans and public policies in the Project Area by replacing current zoning with new lower-density zones and requiring new discretionary review to ensure alignment with local conditions. The actions support the city's resiliency goals to reduce long-term vulnerability and manage growth in vulnerable areas. Given the consistency of the proposed actions with established policies of the Department of City Planning and the City of New York, it is anticipated that the proposed actions would not result in a significant adverse impact on public policy.

OneNYC

OneNYC focuses on growth, equity, sustainability, and resiliency. The City's 2013 climate resiliency plan recommended further study into how land use policy can be a tool for resiliency. Ten neighborhoods, including the East Shore, impacted by Sandy across the city are currently the focus of planning studies to generate resiliency recommendations and land use changes, on both a local and citywide level. The proposed actions are expected to reduce long-term vulnerability by smartly managing growth and development in vulnerable parts of the city.

Waterfront Revitalization Program (WRP)

As noted previously, the Project Area is located within the city's Coastal Zone and, therefore, the proposed project is subject to review for consistency with the policies of the WRP. The WRP includes 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. The WRP Consistency Assessment Form (see Appendix A) lists the WRP policies and indicates whether the proposed project would promote or hinder that policy, or if that policy would not be applicable. This section provides additional information for the policies that have been checked "promote" or "hinder" in the WRP consistency assessment form.

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

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

The proposed actions limit future residential density in areas subject to acquisition by the State of New York due to their vulnerability to flooding and other natural hazards. Aligning with the State's goal of converting the areas to open space to serve as buffers to future storms, the rezoning will limit all future development to detached single-family residences and require a CPC authorization with criteria for development intended to ensure buffering from wetlands, minimization of risks to public safety, and compatibility with existing infrastructure. The proposal allows all existing homes to make minor repairs and retrofits as-of-right and all Sandy-damaged buildings may be fully rebuilt or repaired as-of-right.

The actions will also provide existing commercial buildings in Graham Beach relief from high off-street parking requirements that may make reconstruction after a storm more challenging. Commercial properties were not eligible for acquisition through the State's program and so are likely to remain in their current location. In addition, the existing commercial uses are located on higher-ground adjacent to Father Capodanno Boulevard, which is a suitable location for such uses.

The proposed action is appropriate given the City's land use goals for vulnerable areas in the Coastal Zone and therefore promotes Policy 1.1.

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

The proposed actions limit future residential density in areas subject to acquisition by the State of New York due to their vulnerability to flooding and other natural hazards. One component of the authorization

for new development included in the proposed Special Coastal Risk District is a finding related to a development's location along an existing improved road that also serves other residences. This is intended to ensure that new development is located in areas with suitable infrastructure and does not induce the need for new infrastructure to support residential uses in areas with deed restricted open space created by the State's buyout program. Ongoing interagency coordination between the NYC Departments of City Planning, Transportation, and Environmental Protection will ensure that future city investments in infrastructure are aligned with the proposed actions and with other open space plans for the area. Therefore, the project promotes Policy 1.3.

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 Policy 6.2.

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 Communities.

The proposed actions limit future residential density in areas subject to acquisition by the State of New York due to their vulnerability to flooding and other natural hazards, while also ensuring sufficient review of new development to minimize impacts to sensitive ecological features, including Recognized Ecological Complexes, such as the Seaview Avenue and Oakwood Beach wetlands. While the project does not include specific plans to address the ecological communities in these wetland areas, the action's provisions are intended to minimize fragmentation of existing biological resources or disturbance of plant species. Since the project will induce no specific adverse impacts to the ecological systems, the project promotes Policy 4.4.

Policy 4.5: Protect and restore tidal and freshwater wetlands.

The proposed actions limit future residential density in areas subject to acquisition by the State of New York due to their vulnerability to flooding and other natural hazards, while ensure sufficient review of new development to minimize impacts to sensitive ecological features, including the extensive freshwater wetlands located in Graham Beach, Ocean Breeze, and Oakwood Beach. Any subsequent development within freshwater or tidal wetlands and adjacent areas is regulated by New York State Dept. of

Environmental Conservation to ensure the preservation and protection of existing tidal and freshwater wetlands in the area. In addition, the proposed actions include criteria for the CPC to authorize development ensuring sufficient buffering from wetlands and wetland adjacent areas to minimize impacts on these ecologically sensitive areas. Due to these provisions, the project promotes Policy 4.5.

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.

The proposed actions were informed by the Resilient Neighborhoods study for the East Shore, in which recommendations were made to align resiliency and land use goals with long-term risks associated with flooding and other open space plans for the New York State Buyout Areas. The entire rezoning area is within the 1% annual chance floodplain as shown on the 2015 FEMA Preliminary Flood Insurance Rate Maps. Although the U.S. Army Corps planned Line of Protection will likely remove much of the East Shore from the 1% annual chance floodplain, the majority of the Project Area for the proposed actions will remain in the residual 1% annual floodplain behind the Line of Protection due to interior stormwater flooding. In addition, the entire East Shore will remain in the 0.2% annual chance floodplain.

One of the goals of the Special Coastal Risk District in the buyout areas is to reduce flood risk by limiting future residential density in areas susceptible to flooding and other natural hazards. The rules of the Special District will restrict all new development to single-family detached residences, ensuring no future increases in density over time and aligning local land use regulations with New York State's plans to convert the areas to open space over time to serve as a buffer for upland neighborhoods from future flooding. The Special District rules will not impede existing homeowners who choose to remain in the buyout areas from retrofitting their homes or, in for homes damaged by Hurricane Sandy, rebuilding. The proposed action will also provide commercial buildings relief from current high off-street parking requirements that may make reconstruction after a storm more challenging. Therefore, the project promotes Policy 6.1.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise into the planning and design of projects in the city's Coastal Zone.

The proposed actions were informed by the Resilient Neighborhoods study for the East Shore, in which recommendations were made to align resiliency and land use goals with long-term risks associated with flooding and other open space plans for the New York State Buyout Areas. The entire rezoning area is within the 1% annual chance floodplain as shown on the 2015 FEMA Preliminary Flood Insurance Rate Maps. The Base Flood Elevation throughout most of the area ranges between 11 and 13 feet NAVD88. The Base Flood Elevation averages four to twelve feet above grade elevation. By the 2050s, these elevations are expected to increase by up to 30 inches based on 90th percentile projections for sea level rise. Although the U.S. Army Corps planned Line of Protection is being designed to protect against a 300-year coastal storm surge (NAVD +14.5 feet) and will likely remove much of the East Shore from the 1% annual chance floodplain, the majority of the Project Area for the proposed actions will remain in the residual 1% annual floodplain behind the Line of Protection due to interior stormwater flooding (See Maps 12 and 13). Parts of the East Shore may be at risk of future storm surge events with sea level rise if storm surges surpass the 14.5 foot NAVD88 elevation of the Line of Protection and no other investments are made. In addition, the entire East Shore will remain in today's 0.2% annual chance floodplain. Elevations are not available for the projected height of flooding in the residual floodplain. The Line of Protection will also provide protection against future tidal flooding due to sea level rise in the 2050s.

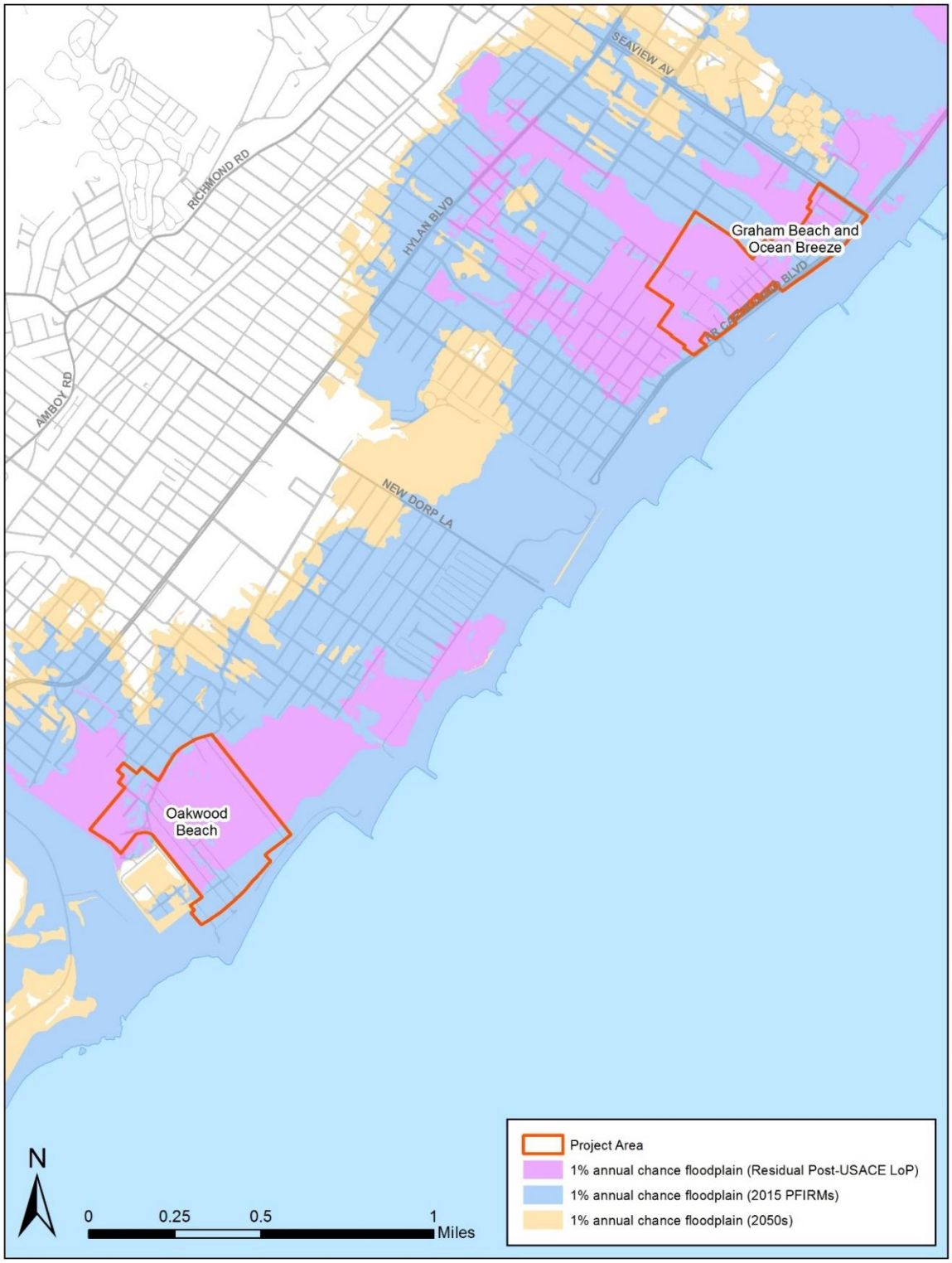
One of the goals of the Special Coastal Risk District in the buyout areas is to reduce flood risk by limiting future residential density in areas susceptible to flooding and other natural hazards. The rules of the Special District will restrict all new development to single-family detached residences, ensuring no future increases in density over time and aligning local land use regulations with New York State's plans to convert the areas to open space over time to serve as a buffer for upland neighborhoods from future flooding. The Special District rules will not impede existing homeowners who choose to remain in the buyout areas from retrofitting their homes or, for homes damaged by Hurricane Sandy, rebuilding. The proposed action will also provide commercial buildings relief from current high off-street parking requirements that may make reconstruction after a storm more challenging. Therefore, the project promotes Policy 6.2.

Map 12. Project Area and FEMA 2015 Preliminary Flood Insurance Rate Maps



Sources: New York City Panel on Climate Change, NOAA, NYC Dept. of City Planning

Map 13. Project Area with Comparison of Current and Future 1% Annual Chance Floodplain



Sources: New York City Panel on Climate Change, NOAA, NYC Dept. of City Planning

B. SOCIOECONOMIC CONDITIONS

The socioeconomic character of an area includes its population, housing, and economic activity. Socioeconomic changes may occur when a project directly or indirectly changes any of these elements. Direct displacement is the involuntary displacement of residents or businesses from a site or sites directly affected by a proposed project. Indirect displacement is the involuntary displacement of residents, businesses, or employees that results from a change in socioeconomic conditions created by the proposed project. According to the *CEQR Technical Manual*, an analysis of socioeconomic conditions should be conducted if a proposed action is reasonably expected to cause substantial socioeconomic changes with the affected area. A socioeconomic assessment is typically required if an action is expected to cause the following:

- The project would directly displace more than 500 residents or 100 employees.
- The project would directly displace a business that is unusually important because its products or services are uniquely dependent on its location.
- The project would result in substantial new development that is markedly different from existing uses, development, and activities within the neighborhood as such a project may lead to indirect displacement. Residential development of 200 units or less or commercial development of 200,000 square feet or less would typically not result in significant economic impacts.
- The project would add to, or create, a retail concentration that may draw a substantial amount of sales from existing businesses, thus resulting in a potential for disinvestment on local retail street. Projects resulting in less than 200,000 square feet of retail on a single development site would not typically result in socioeconomic impacts.
- If the project is expected to affect conditions within a specific industry, an assessment is appropriate

The proposed project would not generate increased density nor would it generate a substantial number of new employees or a substantial number of commercial square footage (it could lead to 15,215 sf of commercial development). Consequentially, the proposed action is not anticipated to: directly impact any employees or businesses, directly displace a residential population or to generate any indirect impacts. Likewise, the proposed actions are not anticipated to impact a specific industry such as the housing market or construction industry on the East Shore of Staten Island.

To determine if there was the potential for impacts associated with the housing market or construction industry on the East Shore of Staten Island, the qualitative analysis was reviewed. As discussed earlier, the qualitative analysis took into consideration development trends in the neighborhood since Hurricane Sandy and examined, the amount of vacant developable sites, and the development potential on these sites under both the existing and proposed zoning. Vacant sites were chosen for this analysis because, although there are some underbuilt sites in the neighborhood that could accommodate additional development, the recent construction of residential uses in the area has only taken place on vacant sites. In addition certain vacant sites were not analyzed because of limitations on their development potential such as small size or ownership by city, state, or federal agencies.

Future No Action Condition

Under the Future No Action condition, it is theoretically possible that between 63 and 127 additional residential units could be developed on 46 developable lots in the Project Area. Although some new development has occurred in the neighborhoods since Hurricane Sandy, it is highly unlikely that approximately 63 and 127 additional units would be developed; demand in the local housing market is unlikely to support this amount of development and the presence of significant areas of wetlands and wetland-adjacent areas regulated by NYSDEC would make development more difficult in some locations.

Future With Action Condition

As previously described, the East Shore Special Coastal Risk District will only permit single-family detached residences. Under the Future With Action Condition, the potential numbers of new residential units that could theoretically be developed on the same 46 sites is between 6 and 12. Therefore the maximum reduction between the amount of residential development possible between the Future No Action and Future With Action Condition, as shown in Table 9 below, is roughly 57 to 115 units.

Table 9: Future No Action Condition vs. Future With Action Condition

	Existing	Future No Action Condition Zoning	Future With Action Condition	Increment
Zoning	Existing R3-1, R3X, R3-2	Existing R3-1, R3X, R3-2	Proposed Special Coastal Risk District	N/A
Developable Lots	46	46	46	N/A
Number of units		Approximately 63-127	Approximately 6-12	Approximately 57-115

This reduction in density (the proposal does not reduce the number of developable lots or structures, it simply reduces the allowable density that is allowed on each lot, and therefore number of housing units) is unlikely to impact the construction and housing industry. Not only is development is this area anemic to begin with (as evidenced by the lack of development sites), but the proposed actions do not preclude future development from occurring; it just ensures that additional development would need to be reviewed by the CPC to ensure that development is appropriate.

Because no direct or indirect impacts are anticipated and the proposed actions would result in development having the same general characteristics as the existing development throughout much of the area, there would be no new or significant adverse effects on socioeconomic conditions as a result of the proposed actions. Consequently, significant adverse impacts are not anticipated and further analysis is not warranted.

C. COMMUNITY FACILITIES AND SERVICES

Under *CEQR Technical Manual* guidelines, community facilities are defined as public or publicly funded schools, libraries, child care centers, health care facilities, and fire and police protection. Direct effects on community facilities occur when a particular action physically alters or displaces a community facility. Indirect impacts result from increases in population which creates additional demand on service delivery.

A community facilities analysis would be needed if there would be potential direct or indirect effects on a facility. Detailed community facilities analyses are most commonly associated with residential projects because demand for community services generally results from the introduction of new residents to an area. The community facilities analysis assesses the ability of existing community facilities to provide

services both with and without the proposed project. Whether the project would have a potential impact is based on the likelihood that the project would create demand for services greater than the ability of existing facilities to provide those services. This can result from displacement of an existing facility or an increase in population.

The proposed actions would not directly or indirectly impact any community facilities. In terms of direct effects, the proposed actions would not physically alter a community facility, whether by displacement of the facility or by other physical change. In terms of indirect displacement, the proposed action is also not anticipated to have any indirect effects. The proposed actions are likely to result in three commercial projected development sites- none of which would generate new residential dwelling units. Furthermore, compared to the Future No Action Condition, the proposed action is projected to decrease density in this area which would improve the ratio of community facilities per resident. Thus, the proposed actions would not result in significant adverse impacts to community facilities and services.

D. OPEN SPACE

For the purpose of CEQR analyses, open space is defined as publicly accessible or privately owned land that is publicly accessible and has been designated for leisure, play, or sport; or land that is set aside for the protection and/or enhancement of the natural environment. Under CEQR, an open space analysis is conducted to determine whether or not a proposed action would have either a direct impact resulting from the elimination or alteration of open space or an indirect impact resulting from overtaxing available open space. The analyses focus only on officially designated existing or planned public open space. Open space may be public or private and may include active and/or passive areas. Active open space is the part of a facility used for active play such as sports or exercise and may include playground equipment, playing fields and courts, swimming pools, skating rinks, golf courses, lawns and paved areas for active recreation. Passive open space is used for sitting, strolling and relaxation with benches, walkways and picnicking areas.

An open space analysis may be necessary when an action would potentially have a direct or indirect effect on open space. A direct impact would physically change, diminish, or eliminate an open space or reduce its utilization or aesthetic value. An indirect impact could result if an action would introduce a substantial new user population that would create or exacerbate an over utilization of open space resources.

The proposed action is not anticipated to have any direct effects on an open space as the proposed project would not physically change any open space, change the uses so that it no longer serves the same user population, limit public access nor cause any noise, air pollutants, odors or shadows which would affect its usefulness. Additionally, the proposed action is also not anticipated to have any indirect effects. As previously discussed, the proposed actions are expected to facilitate development on three sites resulting in a possible increase of 15,215 sf of commercial space. This amount would not substantially add to or subtract from the worker population in the commercially zoned areas and it would not exceed the CEQR threshold of 500 employees to trigger further analysis. Rather, the proposed actions would lead to a net decrease in residential density over time which would actually improve the open space ratio in this area. Therefore, the proposed actions are not expected to have a direct or indirect effect on open space.

E. SHADOWS

Under CEQR, a shadow is defined as the circumstance in which a building or other built structure blocks the sunlight that would otherwise directly reach a certain area, space, or feature. An adverse shadow impact is considered to occur when the shadow from a proposed project falls on a publicly accessible open space, historic landscape or other historic resource if the features that make the resource significant depend on sunlight, or if the shadow falls on an important natural feature and adversely affects its use and/or important landscaping and vegetation. In general, shadows on City streets and sidewalks or on other buildings are not considered significant under CEQR. In addition, shadows occurring within an hour and a half of sunrise or sunset generally are not considered significant under CEQR, and their assessment is not required.

For this analysis category, screening thresholds include if the proposed actions would a) result in new structures (or additions to existing structures including the addition of rooftop mechanical equipment) of 50 feet or more or (b) be located adjacent to, or across the street from, a sunlight-sensitive resource. The proposed action could result in structures of a maximum height of 35 feet; this height would not exceed the CEQR threshold of 50 feet. However, the three soft sites *would be* located across the street from a public open space, (Franklin D. Roosevelt Boardwalk and Beach). No adverse impacts are anticipated, however, since the same maximum height of 35 feet is achievable under both the Future No Action and

Future With Action Condition. Given that there is no difference in shadows impacts between the Future No Action Condition and Future With Action Condition, no further analysis is needed.

F. URBAN DESIGN AND VISUAL RESOURCES

Under *CEQR Technical Manual guidelines*, the urban design assessment considers how a project may alter the experience of a pedestrian and assesses components of a proposed project that may alter the arrangement, appearance, and functionality of the built environment. The elements that contribute to a pedestrian's experience of public space include streets, buildings, visual resources, open spaces, natural resources, wind and sunlight. A preliminary analysis of urban design and visual resources is considered appropriate when there is the potential for a pedestrian to observe, from the street level, a physical alteration beyond that allowed by existing zoning, including the following: 1) projects that permit the modification of yard, height, and setback requirements; and 2) projects that result in an increase in built floor area beyond what would be allowed "as-of-right" or in the future without the proposed action.

The proposed action to establish a C1-3 district would not modify the yard, height, setback, or allowable floor area for the three projected development sites from what is permitted today. It is expected that the projected development sites would result in uses and building typologies very similar to existing development patterns on Father Capadanno Boulevard. The proposed C1-3 district action has been crafted to reinforce the existing built character on Father Capadanno Boulevard, which consists of small, single-story retail uses with a mostly consistent street wall with zero setback, and to alter parking requirements to bring existing commercial uses into conformance and align parking requirements with what is currently there. Since physical alteration beyond what is currently allowed by existing zoning would not be proposed under the proposed actions, there would be no adverse impacts on urban design.

As previously described, the existing R3-1, R3X, and limited areas of R3-2 zoning would permit a variety of residential building typologies, but the proposed East Shore Subdistrict would limit future residential development to single-family detached buildings which would align with the goals of the New York State Office of Storm Recovery to limit future residential development in this area and convert land to open space to serve as buffers to future storms. The proposed actions would permit the City Planning Commission to modify bulk regulations, excluding changes to maximum FAR, of residential development by Authorization for the purpose of limiting risks to human safety, minimizing impacts to ecological

sensitive areas and planned open space or drainage projects, and providing buffering from wetlands or wetland adjacent areas. More specifically, if the future proposed development site consisted of wetlands or adjacent area, the City Planning Commission could authorize to reduce the side yards, front yard, or rear yard beyond the permitted minimum requirement based on the zoning district to provide sufficient space between the proposed development and the sensitive ecological area. However, these changes to yard, height and setback, would occur by the CPC, and the changes would not result in an increase in built floor area beyond what would be allowed as-of-right. Not only would these changes occur by authorization, a discretionary review process which would require additional environmental review, but they would be to situate buildings further away from sensitive ecological areas and would not result in significant overall changes to the arrangement, appearance, and functionality of the built environment. As of right conditions would not change in terms of yard, height, setback, and floor area requirements. Consequently, significant adverse impacts are not expected and detailed analyses are not warranted.

G. NATURAL RESOURCES

A natural resource is defined as (1) the City's biodiversity (plants, wildlife, and other organisms); (2) any aquatic or terrestrial areas capable of providing suitable habitat to sustain the life processes of plants, wildlife, and other organisms; and (3) any areas capable of functioning in support of the ecological systems that maintain the City's environmental stability. Per CEQR guidelines, if the following statements are true for a given project, then no natural resources assessment is necessary:

- The site of the project and the immediately adjacent area are substantially devoid of natural resources.
- The project site contains no "built resource" that is known to contain or may be used as a habitat by a protected species as defined in the Federal Endangered Species Act (50 CFR 17) or the State's Environmental Conservation Law (6 NYCRR Parts 182 and 193).
- The project site contains no subsurface conditions, the disruption of which might affect the function or value of an adjacent or nearby natural resource.

As discussed in the Project Description, the proposed actions would include two actions: the creation of a Special Coastal Risk Districts and rezoning and reducing a C1-1 overlay to a C1-3 overlay. Natural resources such as wetlands *are* found in the Special Coastal Risk Districts, but the project will not induce

development in these areas. In fact, the project will further protect these natural resources as the proposed actions will decrease the allowable density in this location and will require discretionary review to ensure development is appropriate.

The second action is rezoning the C1-1 overlay to a C1-3 zoning. This overlay contains three soft sites where development could occur as a result of the proposed actions: two paved sites and one site with an existing commercial facility. The projected development sites have previously been disturbed and as they are paved, do not contain natural resources as defined in Section 100 of the *CEQR Technical Manual.* Thus, the projected development sites are not likely to contain natural resources. The adjacent area contains commercial parcels, lots which have been previously disturbed, and Father Capadanno Boulevard, a road which would further hinder this area from supporting wildlife habitat. The proposed actions would also not result in the direct development of a project; they only reduce parking requirements which is what is anticipated to induce development (the sites could be developed with commercial uses under the No Action Scenario). Any disruption regarding subsurface conditions would be addressed through an (E) designation provided for on these three sites. Based on this information, the proposed project is not anticipated to have adverse impacts on natural resources and no further analysis is required.

H. HAZARDOUS MATERIALS

For hazardous materials, the goal for CEQR is to determine whether the proposed project may increase the exposure of people or the environment to hazardous materials, and, if so, whether this increased exposure would result in potential significant public health or environmental impacts. If significant adverse impacts are identified, CEQR requires that the impacts be disclosed and mitigated or avoided to the greatest extent practicable.

As discussed earlier, there are three projected development sites located in a commercial area associated with the proposed action. Given the unknown history of these sites, they could contain the potential for increased exposure detrimental to the health and safety of workers during construction, the potential for the transport of contaminated soil, or the potential for increased exposure for future residents or employees of individual buildings on these sites. As a result, the proposed zoning map actions includes an (E) designation.

By placing an (E) designation (E-423) on sites where there is a known or suspect environmental concern, the potential for an adverse impact to human health and the environment resulting from the proposed actions would be reduced or avoided. The (E) designation provides the impetus to identify and address environmental conditions so that significant adverse impacts during site development would be reduced. The New York City OER would provide the regulatory oversight of the environmental investigation and remediation during this process. Building permits are not issued by the Department of Buildings without prior OER approval of the investigation and/or remediation pursuant to the provisions of Section 11-15 of the NYC Zoning Resolution (Environmental Requirements).

The (E) designation would require that the fee owner of such a site conducts a testing and sampling protocol and have an approved remediation plan where appropriate, to the satisfaction of the OER. The NYC Department of Buildings will typically issue the foundation permits when OER approves the remedial action work plan – the actual remediation is usually done concurrently with the construction. The remediation plan provided to OER to satisfy the (E) designation must also include a mandatory construction-related health and safety plan, which must also be approved by OER.

The (E) designation requirements related to hazardous materials would apply to all three projected development sites and the (E) designation text is as follows:

Task 1-Sampling Protocol

The applicant submits to OER, for review and approval, a Phase I of the site along with a soil, groundwater and soil vapor testing protocol, including a description of methods and a site map with all sampling locations clearly and precisely represented. If site sampling is necessary, no sampling should begin until written approval of a protocol is received from OER. The number and location of samples should be selected to adequately characterize the site, specific sources of suspected contamination (i.e., petroleum based contamination and non-petroleum based contamination), and the remainder of the site's condition. The characterization should be complete enough to determine what remediation strategy (if any) is necessary after review of sampling data. Guidelines and criteria for selecting sampling locations and collecting samples are provided by OER upon request.

Task 2-Remediation Determination and Protocol

A written report with findings and a summary of the data must he submitted to OER after completion of the testing phase and laboratory analysis for review and approval. After receiving

such results, a determination is made by OER if the results indicate that remediation is necessary. If OER determines that no remediation is necessary, written notice shall be given by OER.

If remediation is indicated from test results, a proposed remediation plan must be submitted to OER for review and approval. The applicant must complete such remediation as determined necessary by OER. The applicant should then provide proper documentation that the work has been satisfactorily completed.

A construction-related health and safety plan should be submitted to OER and would be implemented during excavation and construction activities to protect workers and the community from potentially significant adverse impacts associated with contaminated soil, groundwater and/or soil vapor. This plan would be submitted to OER prior to implementation.

With the requirements of the (E) designation, there would be no impact from the potential presence of contaminated materials. The implementation of the preventative and remedial measures outlined in the (E) designation would reduce or avoid the potential of significant adverse hazardous materials impacts from potential construction in the rezoning area resulting from the Proposed Actions. Following such construction, there would be no potential for significant adverse impacts.

I. SOLID WATE AND SANITATION

The New York City Department of Sanitation (DSNY) is the city agency responsible for the collection and disposal of municipal solid waste and recyclable materials generated by residences and some nonprofit institutions. Commercial establishments contract with private waste carters for waste and recyclables collection and disposal. Wastes with special characteristics, such as medical wastes, are subject to specific handling and disposal regulations.

According to the *CEQR Technical Manual*, actions that result in development of housing or other development generally do not require an assessment of consistency with the City's Solid Waste Management Plan and for solid waste impacts, unless they are unusually large in nature. Few projects have the potential to generate substantial amounts of solid waste (50 tons per week or more) and, therefore, most projects would not result in a significant adverse impact. However, it is recommended that the solid waste and service demand (if relevant) generated by a project be disclosed, based on an estimate using Table 14-1 in the *CEQR Technical Manual.*

As shown in Tables 10 and 11 below, per CEQR guidelines, as the proposed rezoning is only anticipated to generate an incremental amount of 1.54 tons per week, it would not result would not adversely affect the delivery of sanitation services, or place a significant burden on the City's solid waste management system. Furthermore, the proposed project is anticipated to reduce overall density in Project Area. There would be no impact on solid waste and sanitation services, and no further analysis is necessary.

Table 10: Expected Solid Waste Generation on Projected Development Sites (Future No Action Condition)

Use	Floor Area (sf)	Population	Solid Waste Generation Rate (lbs/wk)	Solid Waste Generation	
				(lbs/wk)	(tons/wk)
Vacant Sites	0	0	0	0	0
Retail	2,200	7	79 per unit	553	.28
Total Solid Waste Generation				553	.28
Solid Waste Handled by DSNY (includes residential and all CF uses)				*0*	*0*
Solid Waste Handled by Private Carters				*553*	*.28*

Table 11: Expected Solid Waste Generation on Projected Development Sites with the Proposed Actions

Use	Floor Area (sf)	Population	Solid Waste Generation Rate (lbs/wk)	Solid Waste Generation	
				(lbs/wk)	(tons/wk)
Retail	15,215	46 employees	79 per unit	3634	1.82
Residential	0	0	0	0	0
Total Solid Waste Generation				3634	1.82
Solid Waste Handled by DSNY (includes residential and all CF uses)				*0*	*0*
Solid Waste Handled by Private Carters				*3634*	*1.82*

Notes:
Solid waste generation is based on citywide average waste generation rates presented in Table 14-1 of the *CEQR Technical Manual* , and estimates of workers by use, as follows:
General retail: 79 lbs/wk per employee; assume 3 employees per 1,000 sf per East New York FEIS.
Residential use: 41 lbs/wk per dwelling unit.

J. ENERGY

CEQR requires a discussion of the effects of the proposed project on the use and conservation of energy, if applicable and significant. Energy analyses focus on an actions' consumption of energy, as well as any relevant effects on energy transmission as a result of an action. All new structures requiring heating and

cooling systems are subject to the New York State Energy Conservation Code, reflecting State and City energy policies. Detailed assessments of energy impacts are limited to projects that could significantly affect energy transmission or generation, or that would generate substantial indirect energy consumption. Although significant adverse energy impacts are not anticipated for the great majority of projects analyzed under CEQR, it is recommended that the projected amount of energy consumption during long-term operation be disclosed in the environmental assessment.

The proposed actions are projected to result in an increase 15,215 square feet of commercial space which would correlate to a 3,291,005 MBtus (using the CEQR guidelines of at 216.3 MBtu/square feet of commercial usage). Therefore, the proposed project is not anticipated to result in adverse energy impacts and does not require further analysis.

K. TRANSPORTATION

According to the *CEQR Technical Manual* procedures for transportation analysis, a two tiered screening process undertaken to determine whether a quantified analysis is necessary. The first step, the Level 1 (Trip Generation) screening, determines whether the volume of peak hour person and vehicle trips generated by the proposed project would remain below the minimum thresholds for further study. These thresholds are:

- 50 peak hour vehicle trip ends;
- 200 peak hour subway/rail or bus transit riders; and
- 200 peak hour pedestrian trips.

If the proposed actions result in increments that would exceed any of these thresholds, a Level 2 (Trip Assignment) screening assessment is generally performed. Under this assessment, project-generated trips that exceed Level 1 thresholds are assigned to and from the site through their respective networks (streets, buses, subway lines, sidewalks, etc.) based on expected origin-destination patterns and travel routes. This determines the volume of peak hour vehicular traffic that would be added per intersection, the volume of riders that would be added per subway line or bus route, and the walk trips that would be added per individual pedestrian network element (crosswalk, corner reservoir area, etc.). If the Level 2 screening assessment determines that no traffic locations, transit lines/station elements, or pedestrian

network elements would experience an increase in trips beyond the above thresholds for any peak hour, then there is generally no potential for significant impacts and no further analysis is typically warranted.

The proposed project could result in an increment of 15,215 gross square feet of commercial space. In order to provide a conservative assessment, it has been assumed that the incremental commercial space would be occupied by local retail uses. A trip generation analysis has been conducted based on transportation demand factors published in the *2014 CEQR Technical* Manual, and modal split rates provided by NYCDOT. The results of the analysis indicate that the proposed project would exceed the trip generation screening thresholds for vehicle trips and pedestrian trips.

Based on the location of the project site along Father Capodanno Boulevard between Graham and Slater Boulevards, vehicles and pedestrians would be able to access the new uses along four (4) different routes (along Father Capodanno Boulevard from the east, along Capodanno Boulevard from the west, along Graham Boulevard, and along Slater Boulevard). The Level 2 screening assessment concludes that none of the traffic locations or pedestrian network elements would experience an increase in trips beyond the screening thresholds in any peak hour. Therefore, there is no potential for significant impacts and no further analysis is warranted.

L. AIR QUALITY

Under *CEQR*, two potential types of air quality impacts are examined: mobile and stationary source impacts. Potential mobile source impacts are those that could result from an increase in traffic in the area, resulting in greater congestion and higher levels of carbon monoxide and particulate matter. Potential stationary source impacts are those that could occur from stationary sources of air pollution, such as major industrial processes or heat and hot water boilers of major buildings in close proximity to the proposed project. Both the potential impacts of buildings surrounding the proposed project and potential impacts of the proposed project on surrounding buildings are considered in this assessment.

Mobile Source

Under guidelines contained in the *CEQR Technical Manual,* and in this area of New York City, projects generating fewer than 170 additional vehicle trips or 23 HDDV in any given hour are considered as unlikely to result in significant mobile source impacts, and do not warrant detailed mobile source air quality studies. According to the transportation analysis, the number of trips generated for this project will be below *CEQR Technical Manual* screening threshold for both transportation and air quality. Therefore, no

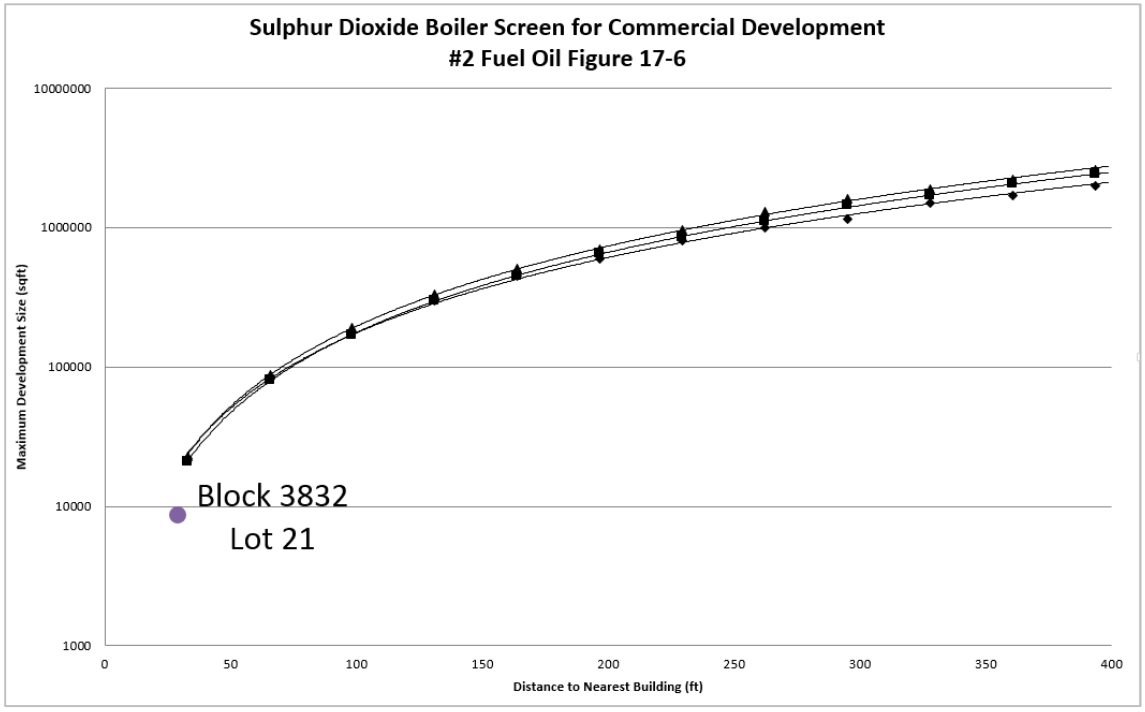
detailed air quality mobile source analysis will be required per the *CEQR Technical Manual*, and no significant mobile source air quality impacts will be generated by the proposed action.

Stationary Source

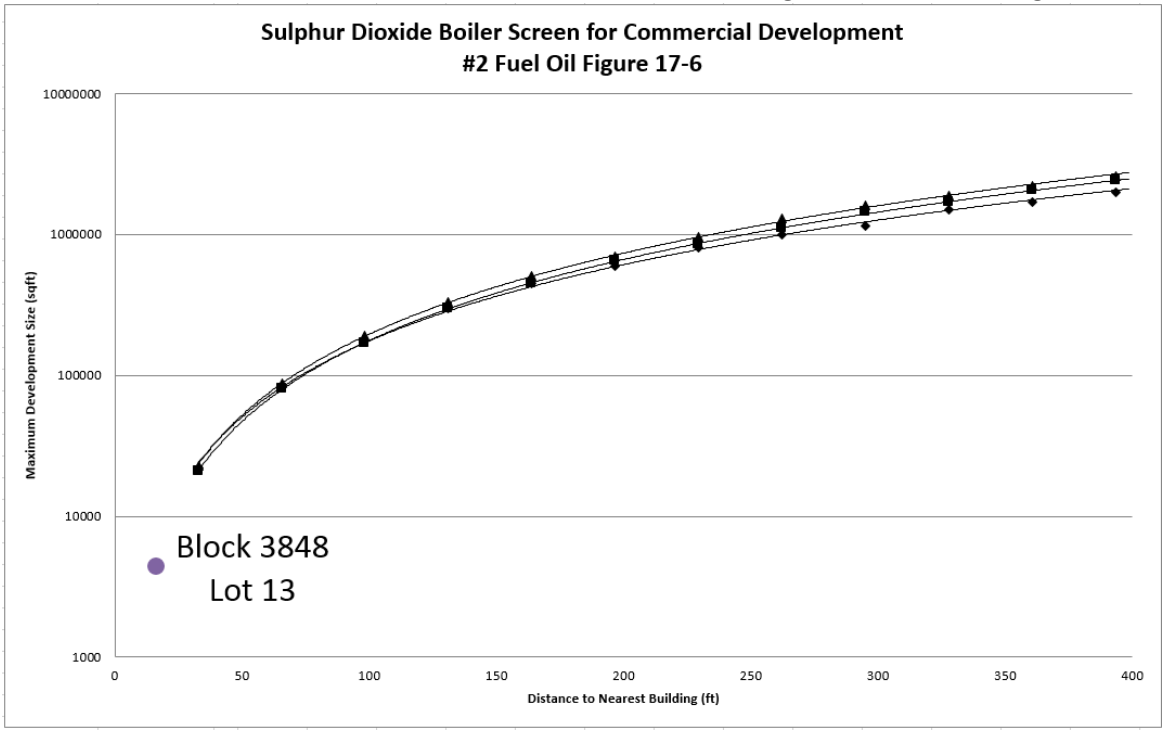
The stationary air quality impacts that were addressed in this analysis include the potential for emissions from the heating, ventilation and air conditioning (HVAC) systems of the proposed development to significantly impact nearby existing land uses. A screening/detail analysis was performed, using the methodology described in the *CEQR Technical Manual*, to determine if the heat and hot water systems of the proposed building will result in potential air quality impacts to another nearby building in the area. Impacts from boiler emissions are a function of fuel type, stack height, minimum distance from the source to the nearest building of similar or greater height, and the square footage size of the proposed building. The proposed development will be approximately 15 feet in height. The *CEQR Technical Manual Stationary* Source graph Figure 17-6 was utilized for the analysis.

Screening analysis result:

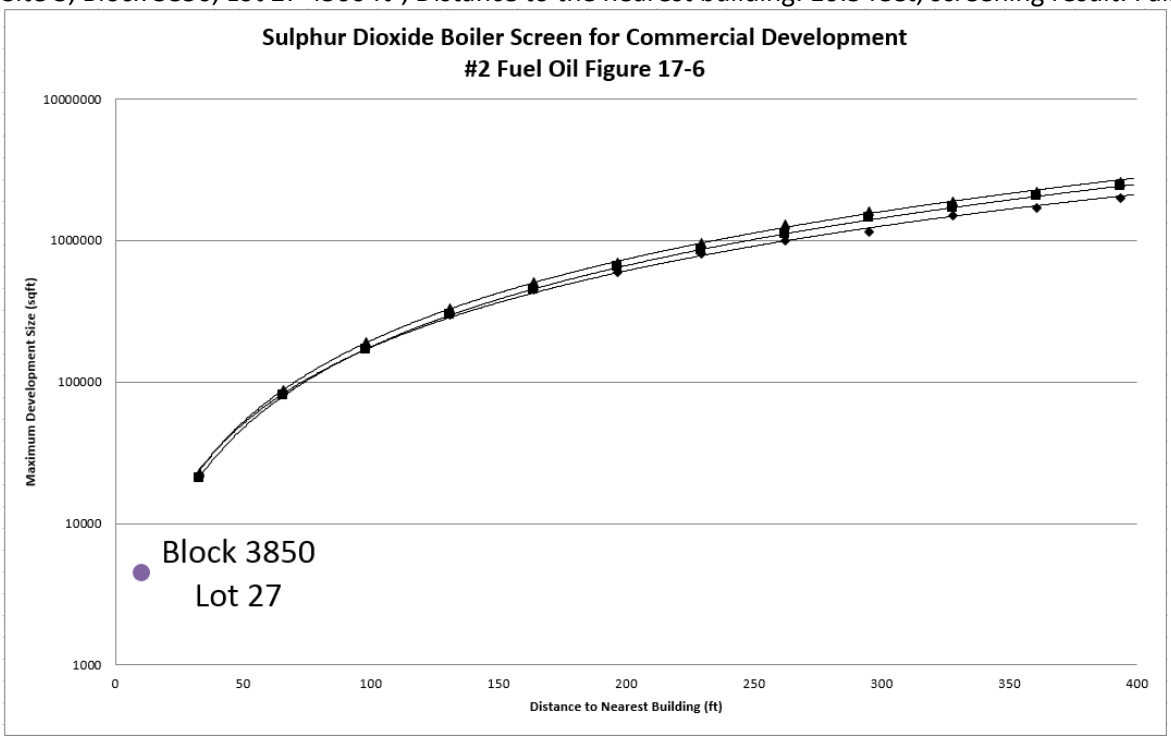
Site 1, Block 3832, Lot 21 8550 ft^2, Distance to the nearest building: 29 feet, screening result: Fail



Site 2, Block 3848, Lot 13 4365 ft^2, Distance to the nearest building: 16.5 feet, screening result: Fail



Site 3, Block 3850, Lot 27 4500 ft^2, Distance to the nearest building: 10.5 feet, screening result: Fail



All three of the screens failed the Fuel Oil Screening analysis and a detail analysis was conducted to assess the potential impact. For the three projected development sites that did not pass the screening analysis, further analysis was conducted using a detailed dispersion model, the EPA/AMS AERMOD dispersion model. AERMOD is a state-of-the-art dispersion model, applicable to rural and urban areas, flat and complex terrain, surface and elevated releases, and multiple sources (including point, area, and volume sources). AERMOD is a steady-state plume model that incorporates current concepts about flow and dispersion in complex terrain, including updated treatments of the boundary layer theory, understanding of turbulence and dispersion, and includes handling of terrain interactions. The meteorological data set used in the detailed analysis consisted of five years of meteorological data: surface data collected at JFK Airport (2011–2015).

The AERMOD model calculates pollutant concentrations from one or more points (e.g., exhaust stacks) based on hourly meteorological data, and has the capability to calculate pollutant concentrations at locations where the plume from the exhaust stack is affected by the aerodynamic wakes and eddies (downwash) produced by nearby structures. The analyses of potential impacts from exhaust stacks were made assuming stack tip downwash, urban dispersion and surface roughness length, and elimination of calms. AERMOD can be run with and without building downwash (the downwash option accounts for the

effects on plume dispersion created by the structure the stack is located on, and other nearby structures). In general, modeling "without" building downwash produces higher estimates of pollutant concentrations when assessing the impact of elevated sources on elevated receptor locations. Therefore, the analysis was performed using the AERMOD model with and without the no downwash option and the highest results from those analysis was reported in the following table.

Table: 12: Detailed analysis results (in $\mu g/m^3$)

Source	Block	Lot	24-hour $PM_{2.5}$ Result	Annual $PM_{2.5}$ Result	1-hour SO_2 Result	$PM_{2.5}$ 24-hour/$PM_{2.5}$ Annual/SO_2 One-hour Standard
Site 1	3832	21	0.68	0.003	0.165	7.8/0.3/196
Site 2	3848	13	1.29	0.005	0.358	7.8/0.3/196
Site 3	3850	27	3.23	0.02	0.729	7.8/0.3/196

The detailed analysis indicated that a stack setback is required to avoid significant adverse impacts. However, no fuel restriction is expected. As such, (E) designation (E-423) for air quality is proposed as follows:

Block 3832, Lot 21

Any new commercial development must ensure that the emission point of the stack is at least 18 feet above grade and that the heating, ventilating and air conditioning stack(s) is located at least 57 feet away from the lot line facing Iona Street and at least 41 feet away from the lot line facing Quincy Avenue, to avoid any potential significant air quality impacts.

Block 3848, Lot 13

Any new commercial development must ensure that the emission point of the stack is at least 18 feet above grade and that the heating, ventilating and air conditioning stack(s) is located at least 26 feet away from the lot line facing Sioux Street to avoid any potential significant air quality impacts.

Block 3850, Lot 27

Any new commercial development must ensure that the emission point of the stack is at least 18 feet above grade and that the heating, ventilating and air conditioning stack(s) is located at

least 22 feet away from the lot line facing Sioux Street to avoid any potential significant air quality impacts.

There are no industrial source within 400' of the projected sites and no large or major source within 1000' of the projected sites. Therefore, no further analysis is warranted and no significant adverse impact will be projected.

Conclusion

The proposed development facilitated by the proposed action will not introduce significant mobile or stationary source air quality impact into the surrounding area.

M. NOISE

Two types of potential noise impacts are considered under CEQR. These are potential mobile source and stationary source noise impacts. Mobile source impacts are those that could result from a proposed project adding a substantial amount of traffic to an area. Potential stationary source noise impacts are considered when a proposed action will cause a stationary noise source to be operating within 1,500 feet of a receptor, with a direct line of sight to that receptor, or if the project will include unenclosed mechanical equipment for building ventilation purposes.

Mobile Source

Relative to mobile source impacts, a noise analysis will be required if a proposed project will at least double existing passenger car equivalent (PCE) traffic volumes along a street on which a sensitive noise receptor (such as a residence, a park, a school, etc.) is located. The surrounding area is principally developed with residential and commercial uses.

A noise measurement was conducted for 125 Edgewater Street Project in 2017 (17DCP069R). The measurement at 125 Edgewater Street is representative for the projected development for East Shore because the noise characteristics are similar for both projects. The highest recorded L_{10} at 125 Edgewater Street is 74.5 dBA during the midday peak period and the additional traffic generated by the commercial use may increase the noise level by 2 dBA. Therefore, window-wall noise attenuation of 28 dB(A) will be required for the commercial developments. The following (E) designation (E-423) is proposed:

Block 3832, Lot 21

In order to ensure an acceptable interior noise environment, future commercial uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation in order to maintain an interior noise level of 50 dB(A). In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

Block 3848, Lot 13

In order to ensure an acceptable interior noise environment, future commercial uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation in order to maintain an interior noise level of 50 dB(A). In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

Block 3850, Lot 27

In order to ensure an acceptable interior noise environment, future commercial uses must provide a closed-window condition with a minimum of 28 dB(A) window/wall attenuation in order to maintain an interior noise level of 50 dB(A). In order to maintain a closed window condition, an alternate means of ventilation must also be provided. Alternate means of ventilation includes, but is not limited to, central air conditioning or air conditioning sleeves containing air conditioners.

Pursuant to CEQR methodology, no mobile source noise impacts will be anticipated since traffic volumes will not double due to the proposed project. Therefore, the proposed project will not result in a mobile source noise impact.

Stationary Source

The project will not locate a new sensitive receptor within 1,500 feet of a substantial stationary source noise generator, and there is not a substantial stationary source noise generator close to the

Development Sites. Additionally, the proposed project will not include any unenclosed heating or ventilation equipment that could adversely impact other sensitive uses in the surrounding area. Therefore, the project will not have any potentially adverse stationary source noise impacts.

Conclusion

A detailed noise analysis is not required for the proposed action, as the action will not result in the introduction of new sensitive receptors near a substantial stationary source noise generator. In addition, the proposed development will not introduce significant mobile or stationary source noise into the surrounding area.

N. PUBLIC HEALTH

No significant impacts related to public health are anticipated as a result of the proposed actions. Public Health includes the activities that society undertakes to create and maintain conditions in which people can be healthy. The goal of CEQR with respect to public health is to determine whether adverse impacts on public health may occur as a result of a proposed project, and if so, to identify measures to mitigate such effects. Per the *CEQR Technical Manual*, for most proposed projects, a public health analysis is not necessary. When no significant unmitigated adverse impact is found in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise, no public health analysis is warranted. The proposed actions would not create significant unmitigated adverse impacts and consequentially, no further analysis for public health is warranted.

O. NEIGHBORHOOD CHARACTER

Under *CEQR Technical Manual* guidelines, neighborhood character is considered to be an amalgam of the various elements that give a neighborhood its distinct personality. The elements typically include land use, urban design, visual resources, historic resources, socioeconomic, traffic and/or noise.

The proposed project would also not result in a combination of moderate effects to several elements that cumulatively would affect neighborhood character. Additionally, based on the preliminary screening thresholds, since the project would not result in any significant adverse impacts in the areas of land use,

zoning, and public policy; socioeconomic conditions; open space; historic and cultural resources; urban design and visual resources; shadows; transportation or noise, no further analysis is warranted.

P. CONSTRUCTION

No construction related impacts are anticipated as a result of the proposed map changes and text amendments. The proposed actions are anticipated to introduce 15,215 square feet of commercial space (Use Group 6) on three projected development site as previously discussed. The development sites are not located in a Central Business District or but located adjacent to Father Capodanno Boulevard which is classified as an arterial highway by the Appendix H of the New York City Zoning Resolution. Although the sites have frontage on Father Capodanno Boulevard, they all have longer frontages on secondary streets, including Graham Boulevard, Cherokee Street, and Seaver Avenue. It is highly likely that any construction related vehicles would access the site via Father Capodanno Boulevard, but would instead utilize these arterial roadways. Therefore, it is unlikely that construction on the site would have any significant impacts on traffic flow on Father Capodanno Boulevard. Likewise, construction activities associated with the proposed actions are anticipated to be short term (less than 2 years), and are not located near sensitive receptors. Due to the small scale of the projected development the potential for impacts would be minimal.

FOR INTERNAL USE ONLY	WRP No. 17-018
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 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: NYC Department of City Planning

Name of Applicant Representative: Len Garcia-Duran

Address: 130 Stuyvesant Place, 6th Floor, New York, NY 10301

Telephone: 718-556-7241 Email: lgarcia@planning.nyc.gov

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 New York City Department of City Planning (DCP) proposes a series of land use actions to implement select recommendations of the East Shore Resilient Neighborhoods Study. The proposed actions would apply to a portion of the area studied through the East Shore Resilient Neighborhoods Study (this portion will hereafter be referred to as the "Project Area"). The Project Area encompasses an approximately 43-block area of the Ocean Breeze and Graham Beach neighborhoods, and a 28-block area of the Oakwood Beach neighborhood of Staten Island, Community Districts 2 and 3 respectively. Specifically, the area within the Ocean Breeze and Graham Beach neighborhoods is generally bounded by Olympia Boulevard to the north, Jefferson and Hunter Avenues to the west, Slater Boulevard and Seaview Avenue to the east, and Father Capodanno Boulevard to the south. The area within the Oakwood Beach neighborhood is generally bounded by Amherst Avenue to the north, Delwit Avenue to the west, and Great Kills Park to the east and south.

- Zoning map amendment- The Proposed Actions will establish a new C1-3 commercial overlay in the Graham Beach neighborhood. The existing C1-1 commercial overlay will be removed. The new C1-3 commercial overlay will reflect existing patterns of commercial development in the area and make rebuilding easier in the aftermath of future floods.
- Zoning text amendment- The Proposed Actions include amendments to the text of the Zoning Resolution to map a new sub district as part of the Special Coastal Risk District (Zoning Resolution 137-00), in the Project Area. This sub district will be referred to as the East Shore Special District and will include discretionary actions subject to review by the City Planning Commission.

2. Purpose of activity

Due to the history of flood risk, the coastal and low-lying topography, and the long-term plans for the area outlined in the NYS Enhanced Buyout Program, DCP is proposing land use actions, which include an amendment to the Zoning Map and an amendment to the Zoning Resolution. These actions are in response to, and build on, a set of community objectives identified through the East Shore Resilient Neighborhood Study, as well as through engagement with the Community Advisory Committee, and in collaboration with Borough President Oddo, Council Member Matteo, and other City agencies.

Specifically, the Proposed Actions seek to achieve and support the following land use objectives:

1. Align local land-use regulations with New York State's long term vision for open space in the Enhanced Buyout Areas;
2. Reduce risk to human life by limiting future residential development in areas highly vulnerable to flooding and other natural hazards, while ensuring preservation of ecologically sensitive areas;
3. Align commercial zoning with existing uses and building character, while providing relief from high off-street parking requirements that may inhibit rebuilding after future floods.

C. PROJECT LOCATION

Borough: Staten Island Tax Block/Lot(s): Multiple

Street Address: _____

Name of water body (if located on the waterfront): Lower New York Bay

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

☐ City Map Amendment	☐ Zoning Certification	☐ Concession
☑ Zoning Map Amendment	☐ Zoning Authorizations	☐ UDAAP
☑ Zoning Text Amendment	☐ Acquisition – Real Property	☐ Revocable Consent
☐ Site Selection – Public Facility	☐ Disposition – Real Property	☐ Franchise
☐ Housing Plan & Project	☐ Other, explain: _____	
☐ Special Permit		

(if appropriate, specify type: ☐ Modification ☐ Renewal ☐ other) Expiration Date: _____

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	☐ Funding for Construction, specify: _____
☐ Rulemaking	☐ Policy or Plan, specify: _____
☐ Construction of Public Facilities	☐ Funding of Program, specify: _____
☐ 384 (b) (4) Approval	☐ Permits, specify: _____
☐ Other, explain: _____	

State Actions/Approvals/Funding

☐ State permit or license, specify Agency: _____ Permit type and number: _____
☐ Funding for Construction, specify: _____
☐ Funding of a Program, specify: _____
☐ Other, explain: _____

Federal Actions/Approvals/Funding

☐ Federal permit or license, specify Agency: _____ Permit type and number: _____
☐ 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).*	☑ Yes	☐ No

- ☐ 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
1	**Support and facilitate commercial and residential redevelopment in areas well-suited to such development.**	☑	☐	☐
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	☑	☐	☐
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	☐	☐	☑
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	☑	☐	☐
1.4	In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	☐	☐	☑
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.	☑	☐	☐

		Promote	Hinder	N/A
2	**Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.**	☐	☐	☑
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	☐	☐	☑
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	☐	☐	☑
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	☐	☐	☑
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.	☐	☐	☑
3	**Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.**	☐	☐	☑
3.1.	Support and encourage in-water recreational activities in suitable locations.	☐	☐	☑
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	☐	☐	☑
3.3	Minimize conflicts between recreational boating and commercial ship operations.	☐	☐	☑
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	☐	☐	☑
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	☐	☐	☑
4	**Protect and restore the quality and function of ecological systems within the New York City coastal area.**	☑	☐	☐
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	☐	☐	☑
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	☐	☐	☑
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	☐	☐	☑
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	☑	☐	☐
4.5	Protect and restore tidal and freshwater wetlands.	☑	☐	☐
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.	☐	☐	☑
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.	☐	☐	☑
4.8	Maintain and protect living aquatic resources.	☐	☐	☑

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

		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.	☐	☐	☑
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	☐	☐	☑
9	**Protect scenic resources that contribute to the visual quality of the New York City coastal area.**	☐	☐	☑
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	☐	☐	☑
9.2	Protect and enhance scenic values associated with natural resources.	☐	☐	☑
10	**Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.**	☐	☐	☑
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	☐	☐	☑
10.2	Protect and preserve archaeological resources and artifacts.	☐	☐	☑

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: Len Garcia-Duran, Staten Island Office, NYC Department of City Planning

Address: 130 Stuyvesant Place, 6th Floor, New York, NY 10301

Telephone: 718-556-7241 Email: lgarcia@planning.nyc.gov

Applicant/Agent's Signature:

Date: 4/21/2017

Landmarks Preservation Commission

1 Centre Street
9th Floor North
New York, NY 10007

Voice (212)-669-7700
Fax (212)-669-7960
http://nyc.gov/landmarks

ENVIRONMENTAL REVIEW

Project number: DEPARTMENT OF CITY PLANNING / 77DCP473R
Project: EAST SHORE BUYOUT
Date received: 3/23/2017

Properties with no Architectural or Archaeological significance:

1) ADDRESS: 829 FR CAPODANNO BLVD, BBL: 5038320021
2) ADDRESS: CHEROKEE STREET, BBL: 5038480013
3) ADDRESS: FR CAPODANNO BLVD, BBL: 5038500027



4/6/17

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 32261_FSO_DNP_03292017.doc

East Shore Phase 1 Buyout Areas Rezoning
Area Photographs



Figure 1: View north of NYS acquired home on Liberty Avenue in Ocean Breeze (Taken October 2016)



Figure 2: View east of recent home elevations on Cherokee Street in Graham Beach (Taken October 2016)

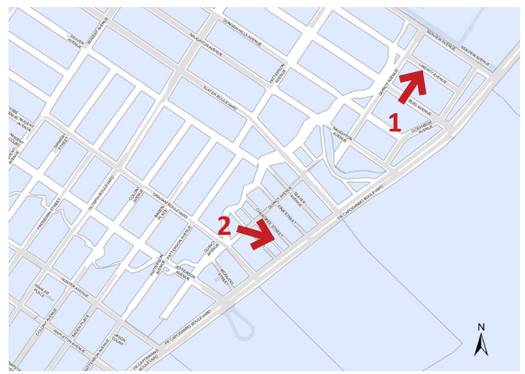




Figure 3: View northwest of NYS acquired home on Buel Avenue in Ocean Breeze
(Taken October 2016)



Figure 4: View northwest of Liberty Avenue in Ocean Breeze
(Taken October 2016)

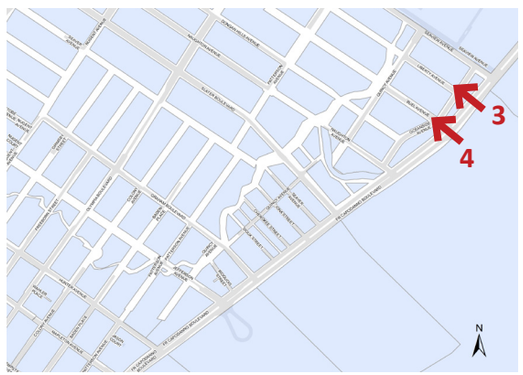




Figure 5: View west of Cherokee Street
(Taken November 2016)



Figure 6: View north of DEP Bluebelt in Graham Beach
(Taken June 2014)

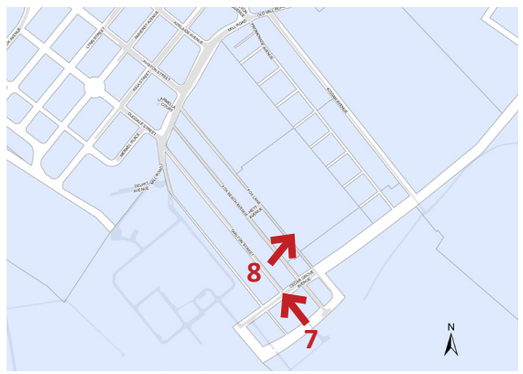




Figure 7: View northwest of Tarlton Street in Oakwood Beach
(Taken October 2016)



Figure 8: View northeast of freshwater wetlands in Oakwood Beach
(Taken October 2016)



PROPOSED ZONING TEXT AMENDMENT FOR THE
SPECIAL COASTAL RISK DISTRICT – Staten Island Buyout Areas

Matter underlined is new, to be added;
Matter ~~struck out~~ is to be deleted;
Matter within # # is defined in Section 12-10;
* * * indicates where unchanged text appears in the Zoning Resolution

ARTICLE I: GENERAL PROVISIONS

Chapter 1 – Title, Establishment of Controls and Interpretation of Regulations

* * *

11-122
Districts established

In order to carry out the purposes and provisions of this Resolution, the following districts are hereby established:

* * *

Special Purpose Districts

* * *

Establishment of the Special Clinton District

In order to carry out the special purposes of this Resolution as set forth in Article IX, Chapter 6, the #Special Clinton District# is hereby established.

Establishment of the Special Coastal Risk District

In order to carry out the special purposes of this Resolution as set forth in Article XIII, Chapter 7, the #Special Coastal Risk District# is hereby established.

Establishment of the Special College Point District

* * *

Chapter 2 – Construction of Language and Definitions

12-10
DEFINITIONS

* * *

Special Clinton District
The "Special Clinton District" is a Special Purpose District designated by the letters "CL" in which special regulations set forth in Article IX, Chapter 6, apply.

Special Coastal Risk District
The “Special Coastal Risk District” is a Special Purpose District designated by the letters “CR” in which special regulations set forth in Article XIII, Chapter 7, apply.

Special College Point District

* * *

ARTICLE VI – SPECIAL REGULATIONS APPLICABLE TO CERTAIN AREAS

Chapter 4
Special Regulations Applying in Flood Hazard Areas

* * *

Appendix A
Special Regulations for Neighborhood Recovery

* * *

64-A83
Neighborhood Recovery Areas in Staten Island

In Staten Island, any areas ~~designated by New York State as part of the NYS Enhanced Buyout Area Program~~ located within #Special Coastal Risk District# 3, as established in the Appendix to Article XIII, Chapter 7, are excluded from a Neighborhood Recovery Area.

* * *

ARTICLE XIII - SPECIAL PURPOSE DISTRICTS

* * *

Chapter 7
Special Coastal Risk District

137-00
GENERAL PURPOSES

The "Special Coastal Risk District" established in this Resolution is designed to promote and protect public health, safety and general welfare in coastal areas that are currently at exceptional risk from flooding, and may face greater risk in the future. These general goals include, among others, the following specific purposes:

(a) to limit the population in areas that are vulnerable to frequent flooding, including those areas exceptionally at risk from projected future tidal flooding;

(b) to reduce the potential for property damage and disruption from regular flood events and support the City's capacity to provide infrastructure and services;

(c) to promote consistency with planned improvements, neighborhood plans, and other measures to promote drainage, coastal protection, open space and other public purposes;

(d) to provide sound planning in areas that have historically been occupied by wetlands and, where plans exist, for such areas to be maintained as open space; and

(~~d~~e) to promote the most desirable use of land and thus conserve the value of land and buildings, and thereby protect the City's tax revenue.

137-10
GENERAL PROVISIONS

The provisions of this Chapter shall apply within #Special Coastal Risk Districts#. The regulations of all other Chapters of this Resolution are applicable, except as superseded, supplemented, or modified by the provisions of this Chapter. In the event of a conflict between the provisions of this Chapter and other regulations of this Resolution, including the provisions of Article VI, Chapter 4 (Special Regulations Applying in Flood Hazard Areas) the provisions of this Chapter shall control.

137-11
District Plan and Map

The District Map is located within the Appendix to this Chapter and is hereby incorporated and made part of this Resolution. It is incorporated for the purpose of specifying location where special regulations and requirements set forth in this Chapter apply.

137-12
Applicability of Special Regulations

The special #use# and #bulk# regulations of this Chapter shall apply in the #Special Coastal Risk Districts# as set forth in the following table.

Special Regulations for the #Special Coastal Risk District#

#Special Coastal Risk District#	#Residential Use# (137-21)	#Community Facility Use# (137-22)	Modifications to Article V (137-41)	Special Requirements (137-51)
CR-1 (buyout areas, Staten Island)	X	X	X	X

137-20
SPECIAL USE REGULATIONS

The special #use# regulations of this Section, inclusive, shall apply in the #Special Coastal Risk Districts# as set forth in the table in Section 137-12 (Applicability of Special Regulations).

137-21
Residential Use

In #Special Coastal Risk District# 1 #residential uses# shall be limited to #single-family detached residences# and #accessory uses# as set forth in Section 22-11 (Use Group 1).

137-22
Community Facility Use

In #Special Coastal Risk Districts#, #community facility uses# with sleeping accommodations shall not be permitted.

In #lower density growth management areas# in #Special Coastal Risk Area# 1, the underlying regulations for #community facility uses# shall be modified as follows:

(a) ambulatory diagnostic or treatment health care facilities shall be limited on any #zoning lot# to 1,500 square feet of #floor area#, including #cellar# space; and

(b) all #community facility# uses shall be subject to the maximum #floor area ratio#, and special #floor area# limitations, applicable to R3-2 Districts set forth in Section 24-162.

137-40
SPECIAL APPLICABILITY OF ARTICLE V

In #Special Coastal Risk Area# 1, the provisions of Article V, Chapter 2 shall be modified as set forth in this section.

#Non-conforming uses# may not be #enlarged# or #extended#. Furthermore, should 50 percent or more of the #floor area# of a #building# containing a #non-conforming use# be damaged or destroyed after [date of adoption], the #building# may be repaired, #incidentally altered# or reconstructed only for a #conforming use#.

However, the provisions of this section shall not apply to any #building# that was damaged to the extent of 50 percent or more due to the effects of #Hurricane Sandy#, as that term is defined in Article VI, Chapter 4. The special regulations for #non-conforming buildings# of Section 64-70 shall apply to such #buildings#.

137-50
SPECIAL REQUIREMENTS FOR DEVELOPMENTS AND ENLARGEMENTS

In #Special Coastal Risk District# 1, no #development# or horizontal #enlargement# shall occur, except where authorized by the City Planning Commission pursuant to Sections 137-51 (Authorization for Development of Single Buildings and Enlargements) or 137-52 (Authorization for Development of Multiple Buildings), as applicable.

For the purposes determining which authorization shall be applicable, the #zoning lot# upon which the #development# shall occur shall be considered to be a tract of land that existed under separate ownership from all adjoining tracts of land on [date of referral].

For the purposes of such authorizations, the alteration of any existing #building# resulting in the removal of more than 75 percent of the #floor area# and more than 25 percent of the perimeter walls of such existing #building#, and the replacement of any amount of #floor area#, shall be considered a #development#.

The provisions of this Section, inclusive, shall not apply to the reconstruction of any #building# that was damaged to the extent of 50 percent or more due to the effects of #Hurricane Sandy#, as that term is defined in Article VI, Chapter 4, or to the reconstruction of a garage #accessory# to a #single-family residence# or #two-family residence#.

The provisions of Section 64-92 (Special Permit for Modification of Certain Zoning Regulations) shall be inapplicable to a #building# that is #developed# pursuant to this Section, inclusive.

137-51
Authorization for Development of Single Buildings and Enlargements

The City Planning Commission may authorize a horizontal #enlargement#, or a #development# consisting of no more than one #building# containing a non-#accessory# use, on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided that:

(a) the site plan, to the extent practicable, minimizes the need for new paving and impervious surfaces upon the #zoning lot#;

(b) the site plan provides access to the new or #enlarged building# using #streets# that were improved and open to traffic on the date of application for an authorization, and which serve other occupied #buildings#;

(c) the site plan, to the extent practicable, minimizes adverse effects on wetlands, planned open space, drainage, or other functions in the surrounding area;

(d) the resulting #building# and other site improvements would not impair the essential ecological character of the surrounding area for its future use as open space;

(e) the site plan and resulting #building# incorporate such measures as are reasonable to minimize risks to public safety from natural hazards such as flooding and wildfires; and

(f) where the Commission is modifying #bulk# regulations, such modifications are the

minimum necessary to protect, or provide buffering from, wetlands or wetland-adjacent areas.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

137-52
Authorization for Development of Multiple Buildings

The City Planning Commission may authorize a #development# consisting of more than one #building# on one or more #zoning lots#, and may modify the #bulk# regulations of the underlying district, except #floor area ratio# regulations, provided:

(a) all #zoning lots# comprising such #development# together provide a minimum of 9,500 square feet of #lot area# per #building#, where no portion of such #lot area# shall contain wetland delineated on a wetland survey reviewed by the New York State Department of Environmental Conservation no more than two years prior to the date of application for authorization;

(b) the #development# satisfies the findings of paragraphs (a) through (e) of Section 137-51;

(c) where the Commission is modifying #bulk# regulations, that such modifications:

(1) facilitate the configuration of #buildings# in order to protect, or provide buffering from, adjacent wetlands, open space and natural resources;

(2) facilitate, to the extent practicable, the configuration of #buildings# in proximity to the location of existing #buildings# within the area;

(3) limit the need for new paving and impermeable surfaces; and

(4) are consistent with the scale and character of the surrounding area.

The Commission may prescribe additional conditions and safeguards to minimize adverse effects on the character of the surrounding area.

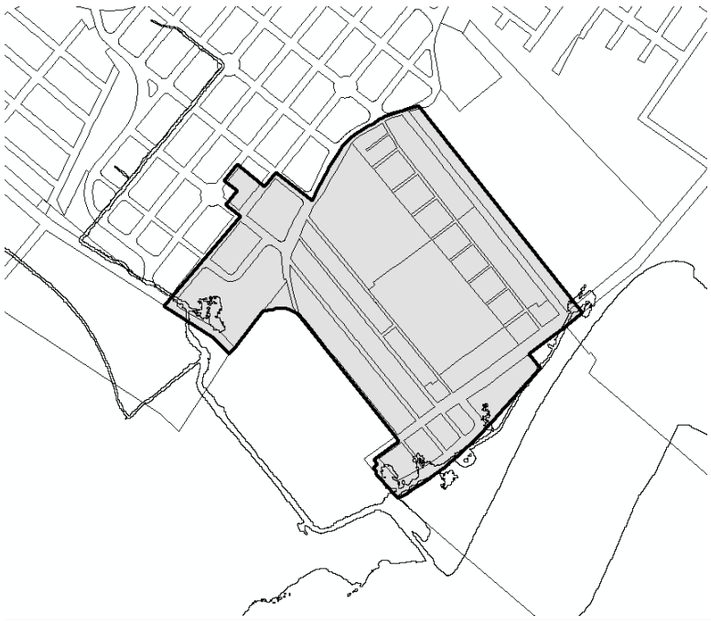
Appendix
Special Coastal Risk District Plan

Map 1 - #Special Coastal Risk District# 1 (CR-1), encompassing New York State Enhanced Buyout Areas in Graham Beach and Ocean Breeze, Community District 2, Borough of Staten Island



[new text map to be added; draft]

Map 2 - #Special Coastal Risk District# 1 (CR-1), encompassing New York State Enhanced Buyout Areas in Oakwood Beach, Community District 3, Borough of Staten Island



[new text map to be added; draft]

* * *