Crab Shanty Restaurant - 361 City Island Avenue Rezoning

Environmental Assessment Statement

CEQR Number: 21DCP045X

Prepared by:

Environmental Studies Corp.

Prepared for:

Crab Shanty Restaurant

December 11, 2020

Contents

EAS Short Form
Maps
Photographs
Supplementary Report
- Project Description 1
- Technical Analyses 7
  - Land Use, Zoning, and Public Policy 8
  - Historic and Cultural Resources 16
  - Urban Design and Visual Resources 18
  - Air Quality 24
  - Noise 28

Appendices
- A. Existing Conditions Survey and Architectural Drawings
- B. WRP Consistency Documents
- C. Agency Correspondence
- D. Equivalent Truck Calculations

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

FOR UNLISTED ACTIONS ONLY • *Please fill out and submit to the appropriate agency* (see instructions)

Part I: GENERAL INFORMATION

1. *Does the Action Exceed Any Type I Threshold in 6 NYCRR Part 617.4 or 43 RCNY §6-15(A) (Executive Order 91 of 1977, as amended)?* ☐ YES ☐ NO

If "yes," **STOP** and **complete the FULL EAS FORM**.

2. *Project Name* Crab Shanty Restaurant - 361 City Island Avenue

3. *Reference Numbers*

CEQR REFERENCE NUMBER (to be assigned by lead agency)	BSA REFERENCE NUMBER (if applicable)
21DCP045X	
ULURP REFERENCE NUMBER (if applicable)	OTHER REFERENCE NUMBER(S) (if applicable) (*e.g.*, legislative intro, CAPA)
Pending	

4a. *Lead Agency Information*			**4b. *Applicant Information***		
NAME OF LEAD AGENCY			NAME OF APPLICANT		
NYC City Planning Commission			Crab Shanty Restaurant		
NAME OF LEAD AGENCY CONTACT PERSON			NAME OF APPLICANT'S REPRESENTATIVE OR CONTACT PERSON		
Olga Abinader, Director, EARD			Hiram Rothkrug, Environmental Studies Corp.		
ADDRESS 120 Broadway, 31st floor			ADDRESS 55 Water Mill Road		
CITY New York	STATE NY	ZIP 10271	CITY Great Neck	STATE NY	ZIP 11021
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5. *Project Description*

The Applicant, the Crab Shanty Restaurant, seeks a zoning map amendment to rezone all or part of five lots on Block 5633: 120 (p/o), 122, 124 (p/o), 127 (p/o), and 137 (p/o) from R3A to R3A/C1-2 within the Special City Island District to facilitate the continued operation of the restaurant. The action would bring the UG 6 eating and drinking establishment on Lot 137 into conformance with the use regulations of the Zoning Resolution, and it would serve to legalize the rear portion of the restaurant that is an addition not covered by the Certificate of Occupancy. The action would establish the parking lot on Lots 122, 124, and 127 as accessory to the eating and drinking establishment on the adjacent Lot 137, and thus a conforming UG 6 use. No construction is projected, since Lot 137 is already developed at close to 1.00 FAR, which is the maximum permitted commercial FAR in an R3A/C1-2 district, and a restrictive declaration against Lots 122, 124, and 127 reserves the portion of those lots within the Affected Area for parking accessory to the restaurant. Because only a 10 sf portion of Lot 120 would be rezoned, it is assumed that the proposed action would not affect the future use of that lot.

Project Location

BOROUGH Bronx	COMMUNITY DISTRICT(S) 10	STREET ADDRESS 361 City Island Avenue
TAX BLOCK(S) AND LOT(S) Block 5633 Lots 120 (p/o), 122, 124 (p/o), 127 (p/o), 137 (p/o)		ZIP CODE 10464
DESCRIPTION OF PROPERTY BY BOUNDING OR CROSS STREETS northwest corner of City Island Avenue and Tier Street		
EXISTING ZONING DISTRICT, INCLUDING SPECIAL ZONING DISTRICT DESIGNATION, IF ANY R3A in the Special City Island District		ZONING SECTIONAL MAP NUMBER 4d

6. *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:

7. *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.): 12,000
Waterbody area (sq. ft) and type: 0
Roads, buildings, and other paved surfaces (sq. ft.): 11,300
Other, describe (sq. ft.): Planting areas

8. *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): 870
NUMBER OF BUILDINGS: 1
GROSS FLOOR AREA OF EACH BUILDING (sq. ft.): 3,130
HEIGHT OF EACH BUILDING (ft.): 15
NUMBER OF STORIES OF EACH BUILDING: 1

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: 3,279
The total square feet not owned or controlled by the applicant: 8,721

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 permanent and temporary 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)

Description of Proposed Uses (please complete the following information as appropriate)

	Residential	***Commercial***	***Community Facility***	***Industrial/Manufacturing***
Size (in gross sq. ft.)		3,130		
Type (*e.g.,* retail, office, school)	units	Restaurant		

Does the proposed project increase the population of residents and/or on-site workers? ☒ YES ☐ NO
If "yes," please specify: NUMBER OF ADDITIONAL RESIDENTS: 0 NUMBER OF ADDITIONAL WORKERS: 18
Provide a brief explanation of how these numbers were determined: The restaurant owner's estimate

Does the proposed project create new open space? ☐ YES ☒ NO If "yes," specify size of project-created open space: sq. ft.

Has a No-Action scenario been defined for this project that differs from the existing condition? ☒ YES ☐ NO
If "yes," see Chapter 2, "Establishing the Analysis Framework" and describe briefly: Demolition of the restaurant's 870 sf rear addition

9. *Analysis Year* CEQR Technical Manual Chapter 2		
ANTICIPATED BUILD YEAR (date the project would be completed and operational): 2021		
ANTICIPATED PERIOD OF CONSTRUCTION IN MONTHS: No construction would occur.		
WOULD THE PROJECT BE IMPLEMENTED IN A SINGLE PHASE? ☐ YES ☐ NO		IF MULTIPLE PHASES, HOW MANY?
BRIEFLY DESCRIBE PHASES AND CONSTRUCTION SCHEDULE:		
10. *Predominant Land Use in the Vicinity of the Project* (check all that apply) ☒ RESIDENTIAL ☐ MANUFACTURING ☐ COMMERCIAL ☐ PARK/FOREST/OPEN SPACE ☐ OTHER, specify:		

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 Short 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. Attached		
2. *SOCIOECONOMIC CONDITIONS*: CEQR Technical Manual Chapter 5		
(a) Would the proposed project:		
○ Generate a net increase of 200 or more residential units?	☐	☒
○ Generate a net increase of 200,000 or more square feet of commercial space?	☐	☒
○ Directly displace more than 500 residents?	☐	☒
○ Directly displace more than 100 employees?	☐	☒
○ Affect conditions in a specific industry?	☐	☒
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, hospitals and other health care facilities, day care centers, police stations, or fire stations?	☐	☒
(b) Indirect Effects		
○ **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)	☐	☒
○ **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)	☐	☒
○ **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)	☐	☒
○ **Health Care Facilities and Fire/Police Protection:** Would the project result in the introduction of a sizeable new neighborhood?	☐	☒
4. *OPEN SPACE*: CEQR Technical Manual Chapter 7		
(a) Would the proposed 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?	☐	☒
○ If "yes," would the proposed project generate more than 50 additional residents or 125 additional employees?	☐	☐
(c) Is the project located within a well-served area in the Bronx, Brooklyn, Manhattan, Queens, or Staten Island?	☐	☒
○ If "yes," would the proposed project generate more than 350 additional residents or 750 additional employees?	☐	☐
(d) If the project in located an area that is neither under-served nor well-served, would it generate more than 200 additional residents or 500 additional employees?	☐	☒

	YES	NO
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?	☐	☒
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. See the attached report.		
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?	☐	☒
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 proposed project would affect any of these resources.		
(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:	☐	☐
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 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 the amounts listed in Table 13-1 in Chapter 13?	☐	☐
(d) Would the proposed 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?	☐	☐

	YES	NO
(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 generate contaminated stormwater in a separate storm sewer system?	☐	☒
(h) Would the project involve construction of a new stormwater outfall that requires federal and/or state permits?	☐	☒
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): 4,518		
○ 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?	☐	☒
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): 188,181		
(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 screening analyses, attach appropriate 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 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?	☐	☒
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) If "yes" to any of the above, would the project require a GHG emissions assessment based on the guidance in Chapter 18?	☐	☐
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?	☐	☒
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;	☐	☒

	YES	NO
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:		
○ Construction activities lasting longer than two years?	☐	☒
○ Construction activities within a Central Business District or along an arterial highway or major thoroughfare?	☐	☒
○ Closing, narrowing, or otherwise impeding traffic, transit, or pedestrian elements (roadways, parking spaces, bicycle routes, sidewalks, crosswalks, corners, *etc.*)?	☐	☒
○ Construction of multiple buildings where there is a potential for on-site receptors on buildings completed before the final build-out?	☐	☒
○ The operation of several pieces of diesel equipment in a single location at peak construction?	☐	☒
○ Closure of a community facility or disruption in its services?	☐	☒
○ Activities within 400 feet of a historic or cultural resource?	☐	☒
○ Disturbance of a site containing or adjacent to a site containing natural resources?	☐	☒
○ 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	DATE
Brian Kintish	October 21, 2020

SIGNATURE *Brian Kintish*

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? ☐ ☒

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 Director, Environmental Assessment and Review Division	LEAD AGENCY NYC Dept. of City Planning
NAME Olga Abinader	DATE 12/11/20
SIGNATURE	

NEGATIVE DECLARATION

Statement of No Significant Effect

Pursuant to Executive Order 91 of 1977, as amended, and the Rules of Procedure for City Environmental Quality Review, found at Title 62, Chapter 5 of the Rules of the City of New York and 6 NYCRR, Part 617, State Environmental Quality Review, the Department of City Planning acting on behalf of the City Planning Commission assumed the role of lead agency for the environmental review of the proposed actions. Based on a review of information about the project contained in this environmental assessment statement (EAS) and any attachments hereto, which are incorporated by reference herein, the lead agency has determined that the proposed actions would not have a significant adverse impact on the environment.

Reasons Supporting this Determination

The above determination is based on information contained in this EAS, which finds the proposed actions sought before the City Planning Commission would not have a significant adverse impact on the environment. Reasons supporting this determination are noted below.

Land Use, Zoning, and Public Policy

A detailed analysis of land use, zoning, and public policy is included in the EAS. The proposed action is a Zoning Map Amendment to rezone the project area (all or parts of Bronx Block 5633: Lots 120 (p/o), 122, 124 (p/o), 127 (p/o), and 137 (p/o)) from an R3A district to an R3A/C1-2 within the Special City Island District to facilitate the continued operation of an existing Use Group (UG) 6 eating and drinking establishment located on the project site. The proposed action would bring the UG 6 eating and drinking establishment, a restaurant, on Lot 137 into conformance with the use regulations of the Zoning Resolution, and it would serve to legalize the rear portion of the restaurant that is an addition to the building and not covered by the Certificate of Occupancy. The proposed action would establish a parking lot on Lots 122, 124, and 127 as accessory to the eating and drinking establishment on the adjacent Lot 137. A restrictive declaration on Lots 122, 124, and 127 already reserves the portion of those lots within the Affected Area for parking accessory to the restaurant. The proposed actions are anticipated to result in a legal change in land use on Lot 137, however, the site conditions are not anticipated to change in anyway, since the restaurant and associated parking lots are currently in operation in this form. The commercial use of Projected Development Site 1 is consistent with land use patterns in the area, which consist of mixed residential, institutional, and commercial uses along City Island Avenue and residential uses on surrounding streets. The proposed actions will not result in significant adverse impacts related to land use, zoning, and public policy.

Hazardous Materials, Air Quality, and Noise

An (E) designation (E-594) related to air quality, would be established as part of the approval of the proposed actions. Refer to "Determination of Significance Appendix: (E) designation" for the applicable (E) designation requirements. The air quality analysis concludes that with the (E) designation in place, the proposed actions would not result in a significant adverse impact related to air quality.

No other significant effects upon the environment that would require the preparation of a Draft Environmental Impact Statement are foreseeable. This Negative Declaration has been prepared in accordance with Article 8 of the New York State Environmental Conservation Law (SEQRA). Should you have any questions pertaining to this Negative Declaration, you may contact Laura Kenny at +1 212-720-3419.

TITLE	LEAD AGENCY
Director, Environmental Assessment and Review Division	Department of City Planning on behalf of the City Planning Commission 120 Broadway, 31st Fl. New York, NY 10271 | 212.720.3493
NAME Olga Abinader	DATE 12/11/20
SIGNATURE	

TITLE	
Chair, City Planning Commission	
NAME Marisa Lago	DATE 12/14/20
SIGNATURE	

Project Name: Crab Shanty Restaurant - 361 City Island Avenue
CEQR # 21DCP045X
SEQRA Classification: Unlisted

To ensure that the proposed actions would not result in significant adverse impacts related to air quality an (E) designation (**E-594**) would be established as part of approval of the proposed actions on **Projected Development Site 1** as described below:

Development Site	Hazardous Materials	Air Quality	Noise
Projected Development Site 1		X	

Air Quality

The (E) designation requirements for air quality would apply as follows:

Block 5633, Lot 137: Any new commercial development and/or enlargement on the above-referenced property must ensure the HVAC systems and hot water equipment stack is located at the building's highest tier or at least 18 feet above grade to avoid any potential significant adverse air quality impacts.

Crab Shanty Rezoning, Bronx

Figure 1: Site Location

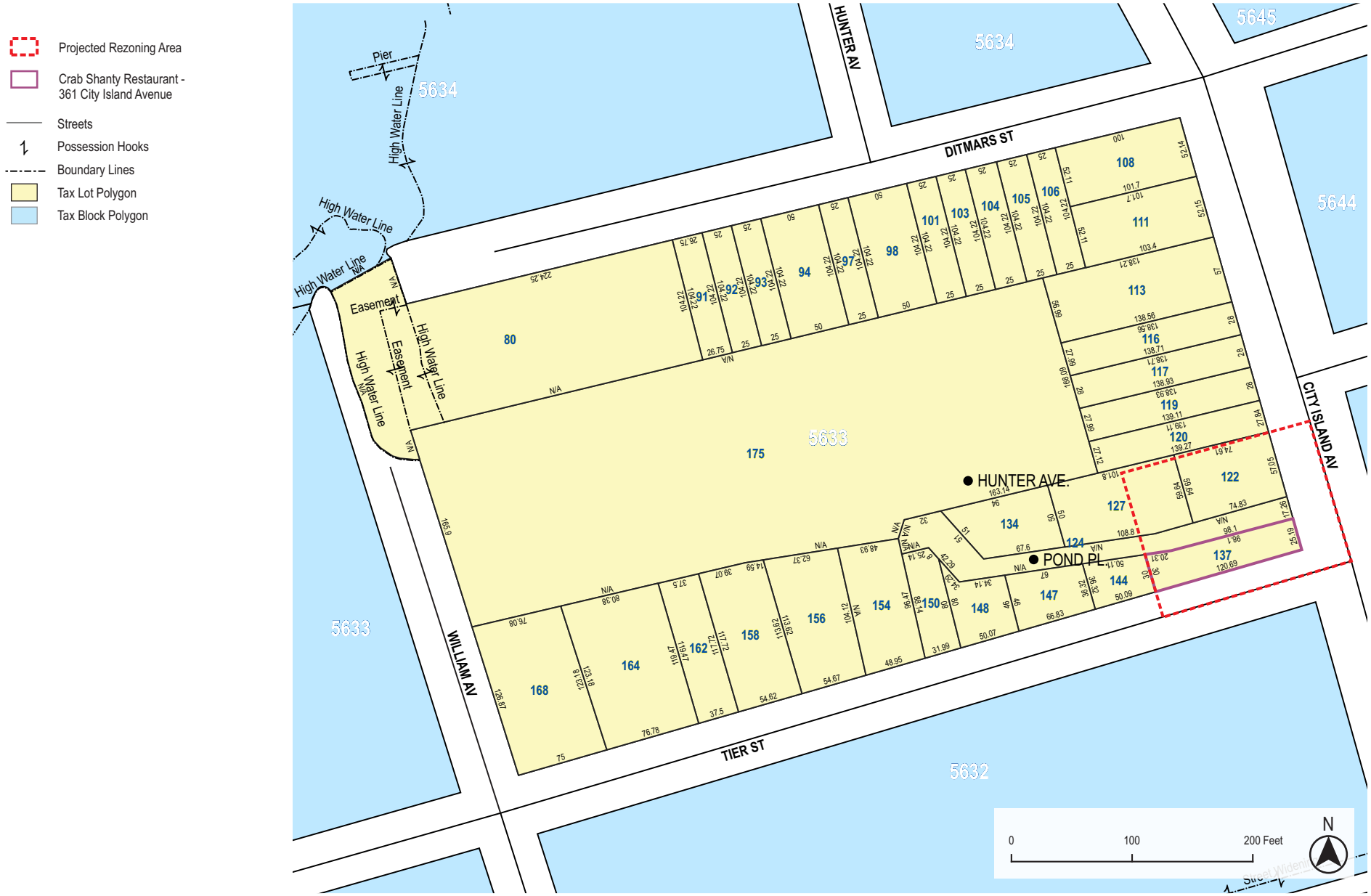


Data Source: MapPLUTO 2018v2.1

Urban Cartographics

Crab Shanty Rezoning, Bronx

Figure 2: Tax Map



Data Source: MapPLUTO 2018v2.1, NYC DOF Digital Tax Map 2/22/19

Urban Cartographics

Crab Shanty Rezoning, Bronx

Figure 3: Land Use Map

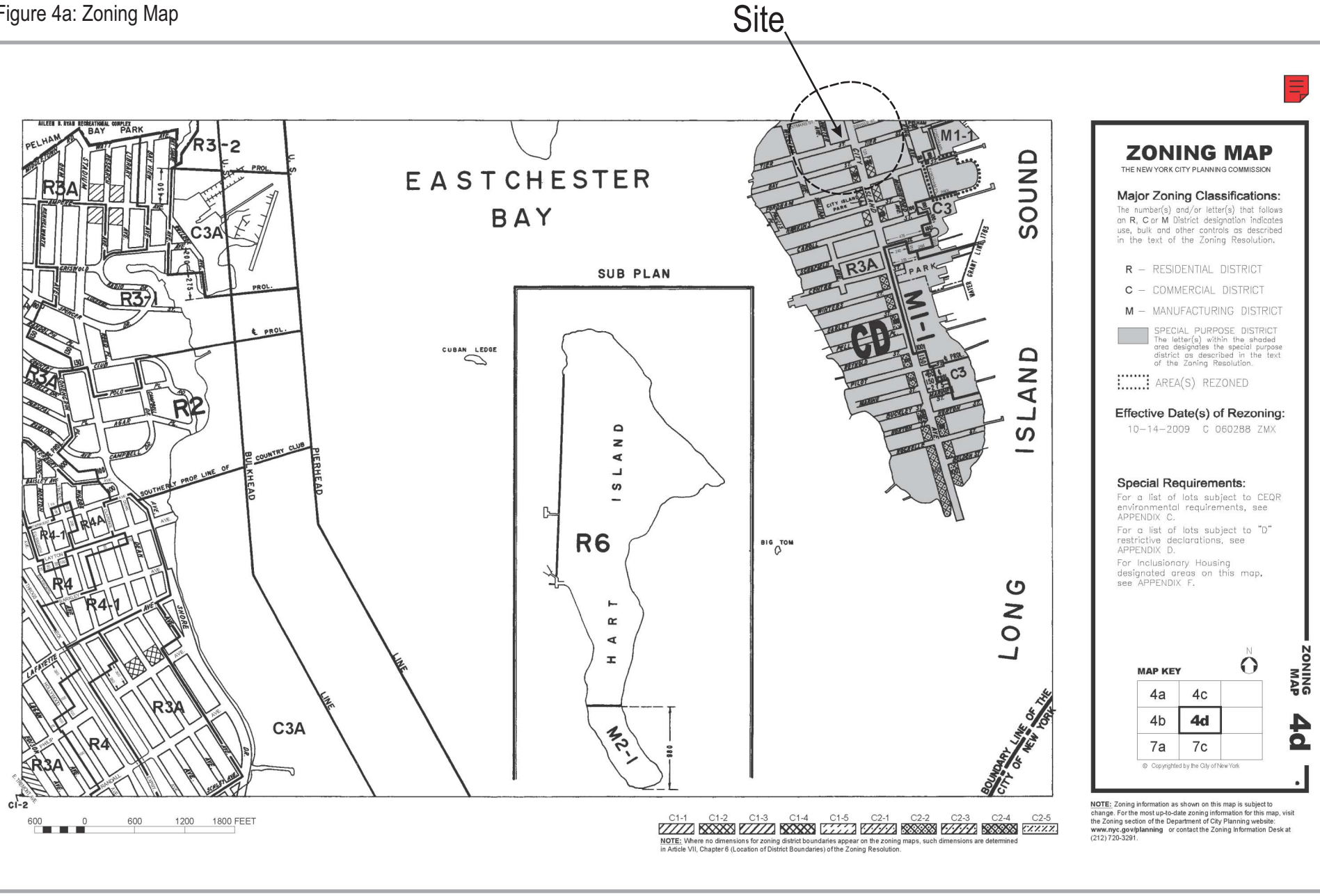


Data Source: MapPLUTO 2018v2.1, NYC DOF Digital Tax Map 2/22/19

Urban Cartographics

Crab Shanty Rezoning, Bronx

Figure 4a: Zoning Map



ZONING MAP

THE NEW YORK CITY PLANNING COMMISSION

Major Zoning Classifications:

The number(s) and/or letter(s) that follows an R, C or M District designation indicates use, bulk and other controls as described in the text of the Zoning Resolution.

R – RESIDENTIAL DISTRICT

C – COMMERCIAL DISTRICT

M – MANUFACTURING DISTRICT

SPECIAL PURPOSE DISTRICT
The letter(s) within the shaded area designates the special purpose district as described in the text of the Zoning Resolution.

AREA(S) REZONED

Effective Date(s) of Rezoning:

10–14–2009 C 060288 ZMX

Special Requirements:

For a list of lots subject to CEQR environmental requirements, see APPENDIX C.

For a list of lots subject to "D" restrictive declarations, see APPENDIX D.

For Inclusionary Housing designated areas on this map, see APPENDIX F.

MAP KEY

4a	4c	
4b	**4d**	
7a	7c	

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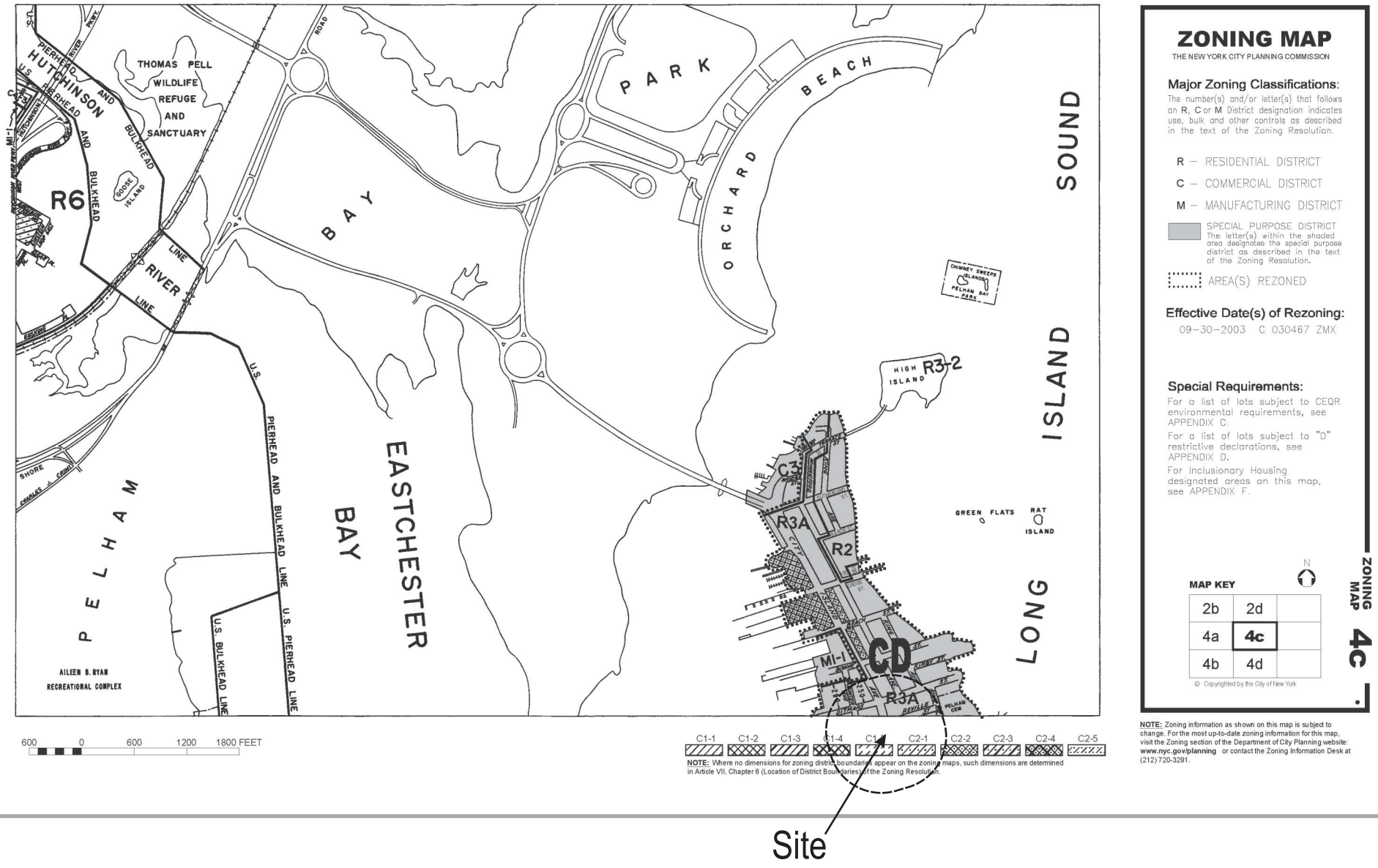
ZONING MAP **4d**

NOTE: Zoning information as shown on this map is subject to change. For the most up-to-date zoning information for this map, visit the Zoning section of the Department of City Planning website: **www.nyc.gov/planning** or contact the Zoning Information Desk at (212) 720-3291.

Crab Shanty Rezoning, Bronx

Figure 4b: Zoning Map



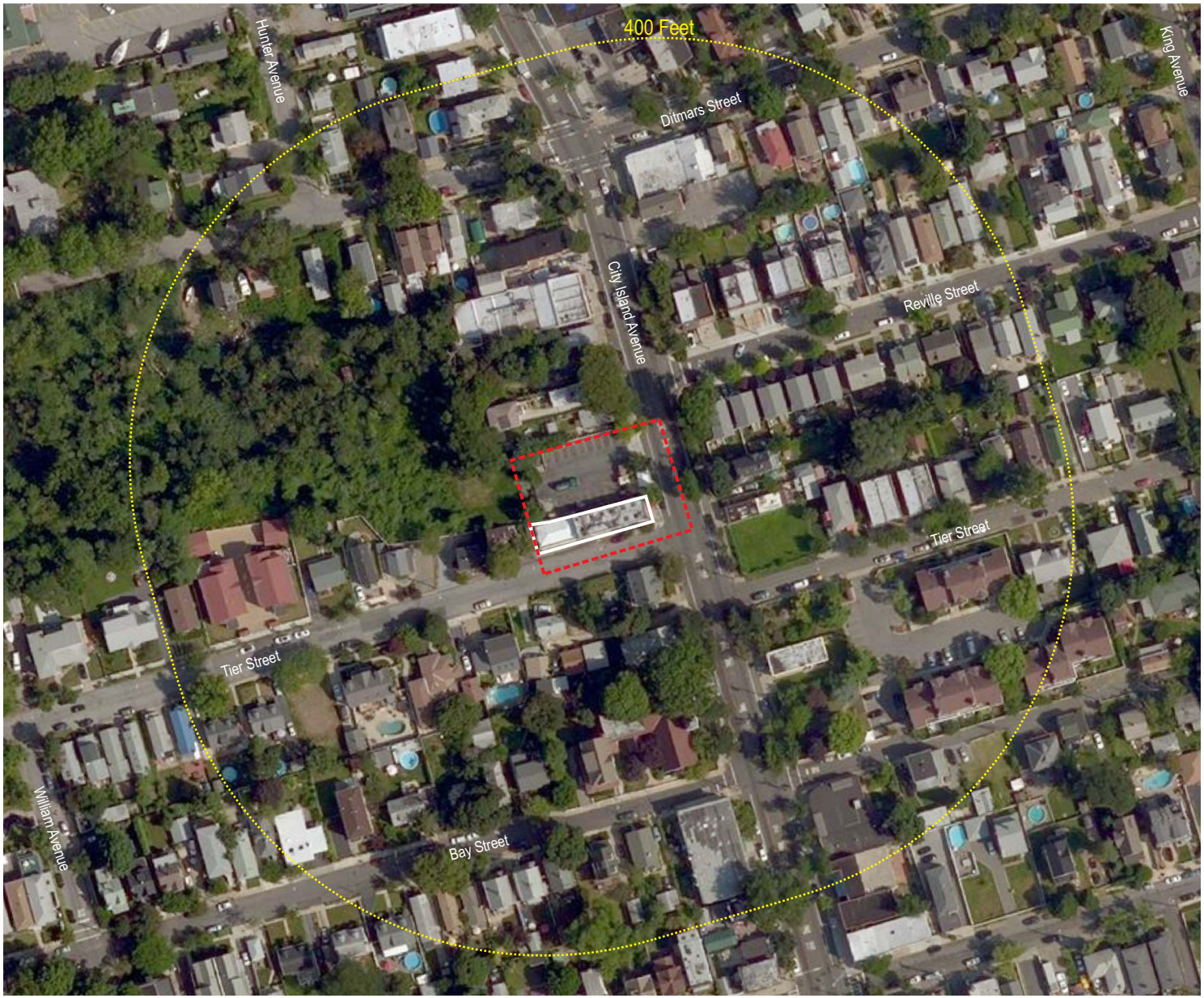
Urban Cartographics

Crab Shanty Rezoning, Bronx

Figure 5: Aerial Map

Projected Rezoning Area

Crab Shanty Restaurant - 361 City Island Avenue



Imagery Source: 2019 Bing, Microsoft Corporation (OR) 2019 Google

Urban Cartographics



1. View of the Development Site facing northwest from the intersection of Tier Street and City Island Avenue.



2. View of the Development Site facing southwest from City Island Avenue.



3. View of the Development Site facing southwest from City Island Avenue.





4. View of the Development Site facing northeast from Tier Street.



5. View of Tier Street facing northeast (Development Site at left).



6. View of the Development Site facing northwest from Tier Street.





7. View of City Island Avenue facing northwest from Tier Street (Development Site at left).



8. View of the Project Area facing southwest from City Island Avenue.



9. View of the Project Area facing southwest from the intersection of Reville Street and City Island Avenue.





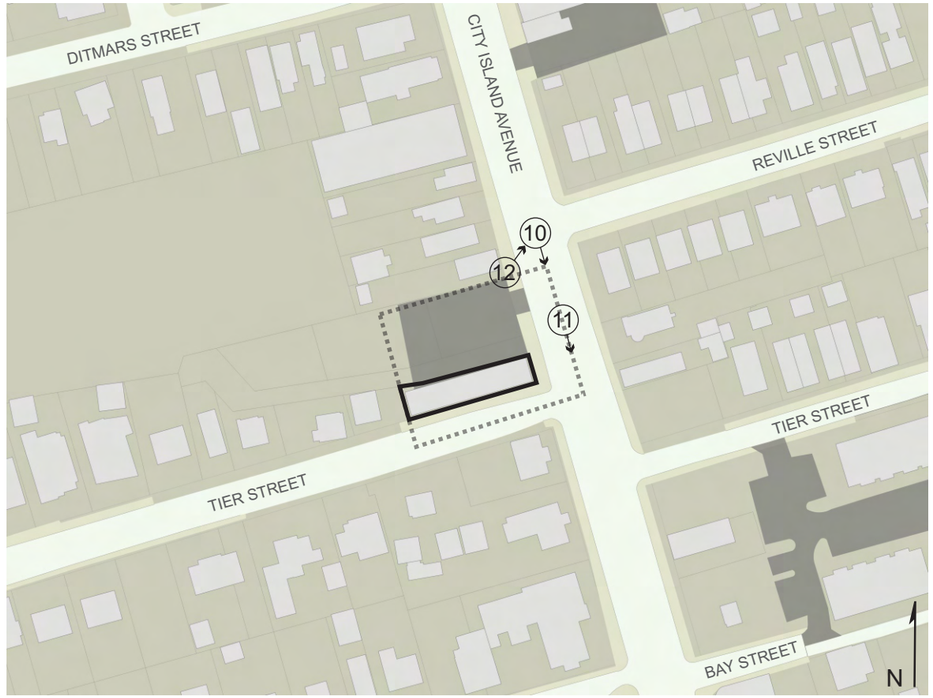
10. View of City Island Avenue facing southeast from Reville Street (Project Area at right).



11. View of City Island Avenue facing southeast (Development Site at right).



12. View of the intersection of Reville Street and City Island Avenue facing northeast from the Project Area.





13. View of the sidewalk along the west side of City Island Avenue facing southeast (Project Area at right).



14. View of the sidewalk along the west side of City Island Avenue facing southeast (Development Site at right).



15. View of the east side of City Island Avenue facing northeast from the Development Site.





16. View of the sidewalk along the north side of Tier Street facing southwest from City Island Avenue (Development Site at right).



17. View of the east side of City Island Avenue facing southeast from the Development Site.



18. View of the sidewalk along the west side of City Island Avenue facing northwest (Development Site at left).





19. View of the south side of Tier Street facing southwest from the Development Site.



20. View of the sidewalk along the north side of Tier Street facing northeast (Development Site at left).



21. View of the parking lot of the Development Site facing southwest from the sidewalk along the east side of City Island Avenue.





22. View of the parking lot of the Development Site facing southwest.



23. View of the parking lot of the Development Site facing southeast.



24. View of the parking lot of the Development Site facing southeast.





25. View of the parking lot of the Development Site facing northeast.



26. View facing southwest from the parking lot of the Development Site.



27. View of the parking lot of the Development Site facing northeast.





28. View of the parking lot of the Development Site facing northeast.



29. View from the parking lot of the Development Site facing northwest.



30. View of the parking lot of the Development Site facing northwest.



CRAB SHANTY RESTAURANT - 361 CITY ISLAND AVE. REZONING

PROJECT DESCRIPTION

INTRODUCTION

This Environmental Assessment Statement (EAS) is filed under the City Environmental Quality Review (CEQR) procedures in connection with an application made to the City Planning Commission (CPC) for a zoning map amendment (the "proposed action"). The zoning map amendment would rezone a 12,000 sf area consisting of all or part of five lots located on Bronx Block 5633 from R3A to R3A/C1-2. The proposed rezoning area is on City Island in Bronx Community District (CD) 10 and is within the Special City Island District.

PROPOSED ACTION

The Applicant, the Crab Shanty Restaurant, seeks a zoning map amendment to zoning sectional map 4d to change the zoning on part of a block located on City Island in the Bronx. The rezoning would affect five contiguous lots (Lots120 (p/o), 122, 124 (p/o), 127 (p/o), and 137 (p/o)) at or near the northwest corner of City Island Avenue and Tier Street on Block 5633 (which is bounded by City Island Avenue on the east, Tier Street on the south, a mapped but unopened block of William Avenue on the west, and Ditmars Street on the north). The action would rezone all or parts of these lots from R3A within the Special City Island District and a Lower Density Growth Management Area to R3A/C1-2 within the special district and a Lower Density Growth Management Area.

ZONING COMPARISON

The current zoning (R3A within the Special City Island District and a Lower Density Growth Management Area) permits residential and community facility uses but not new or enlarged commercial or manufacturing uses (or uses accessory to such uses, including parking lots). The maximum permitted floor area ratios (FARs) are 0.50, or 0.60 with an "attic allowance," for residential use and 1.00 for community facility use. Front, side, and rear yards are required, and the maximum permitted building height is 35 feet.

The addition of a C1-2 local retail overlay would not restrict any of the uses that are currently permitted and would not alter the bulk or parking regulations for residential or community facility developments or enlargements, but it would permit the development or enlargement of those commercial uses (including retail, office, and eating and drinking uses) listed in commercial Use Group 6, as well as parking lots that are accessory to such uses, except that the special district regulations prohibit certain Use Group 6 public service establishments ordinarily permitted in C1 districts and permit certain forms of custom manufacturing (Use Group 11) below specified floor area limits. The maximum permitted commercial FAR is 1.00, and the maximum permitted height for a commercial building or commercial portion of a building is 30 feet.

REZONING AREA

The proposed action would rezone a 12,000 sf area on City Island in Bronx CD 10, on the block (Block 5633) bounded by City Island Avenue on the east, Tier Street on the south, a mapped but unopened block of William Avenue on the west, and Ditmars Street on the north. The rectangular area has 100 feet of frontage on City Island Avenue and 120 feet of frontage on Tier Street. It consists of all or part of five lots: 120 (p/o), 122, 124 (p/o), 127 (p/o), and 137 (p/o).

Lot 137 (361 City Island Avenue) is a 3,300 sf property with 25.19 feet of frontage on the west side of City Island Avenue and 120.69 feet of frontage on the north side of Tier Street. Because the proposed rezoning area would extend only 120.00 feet along Tier Street, an 8"-wide, 21 sf strip at the western end of the lot is outside the rezoning area. The lot is developed with a 15'-tall one-story building with a partial cellar that has been a movie theater and then a post office and that has been occupied by the Original Crab Shanty Restaurant since 1977. The restaurant is the applicant but is a lessee rather than the property owner. The building covers the eastern 75.8 feet of the lot, with a footprint of 1,910 sf. The building also includes an approximately 350 sf cellar with a boiler room and storage space. A rear door connects the western end of the wooden building to an enclosed dining room area under a canvas roof that covers most of the remaining part of the lot. The building, including the rear dining area, is considered to have a 2,780 sf first floor (and 2,780 zsf) and 3,130 gsf. The FAR is 0.84.

Lot 124 is an irregularly shaped 6,959 sf interior lot to the immediate north of Lot 137, with 17 feet of frontage on City Island Avenue. Approximately 1,709 sf, or approximately 25 percent of the lot, is within the rezoning area.

Lot 122 (365 City Island Avenue) is a 4,550 sf interior lot to the immediate north of the eastern part of Lot 124, with 75 feet of frontage on City Island Avenue. It is located entirely within the rezoning area.

Lot 127 is a 6,165 sf parcel located to the west of Lot 122 and to the north of Lot 124. It has no frontage on a public street. Approximately 2,452 sf, or approximately 40 percent of the lot, is within the rezoning area.

Lots 122, 124, and 127 are developed in common with an 18-space paved parking lot that serves the Crab Shanty Restaurant. The parking lot extends to a depth of 100 feet from the City Island Avenue frontage, and the rear (western) parts of Lots 124 and 127 are vacant, unpaved land. (Lot 122 and the portions of Lots 124 and 127 that are within the proposed rezoning are collectively referred to as "the parking lot.") A 51 sf attendant's booth is located on Lot 122 adjacent to the curb cut, so Lot 122 has an FAR of 0.01; Lots 124 and 127 both have an FAR of 0.00. The parking lot opened in 1992 and originally operated according to a variance that has since expired.

A restrictive declaration recorded against Lots 122, 124, and 127 in 1993 creates a permanent driveway easement over the lots for the purpose of providing owners of the three properties access to and from City Island Avenue. The declaration also covenants, "as accessory off site parking for the Building pursuant to Section 25-55/36-45/44-34 of the ZRCNY," that "18 spaces, or as many spaces as are required for the Building at the time of the issuance of a building permit

thereof, shall be reserved in the Parking Lot as accessory parking spaces to the Building." The declaration may not be modified, amended, or terminated without the prior consent of the Department of Buildings.

Lot 120 (369 City Island Avenue) is a 3,873 sf interior lot to the immediate north of Lots 122 and 127, with 28 feet of frontage on City Island Avenue. A 10 sf triangular sliver of land at the southeast corner of the lot, 6" at its widest point, is within the rezoning area. (Lots 122, 124, and 137 have a combined frontage of 99.5 feet along City Island Avenue, and the proposed rezoning area extends 100 feet from the Tier Street intersection; also, Lot 120's southern lot line is not quite parallel to Tier Street, which is why the included portion of the lot is triangular in shape.) The lot is developed with a 594 sf one-family home (for an FAR of 0.15).

The restaurant lot, including the strip outside the proposed rezoning area, and the parking lot comprise Projected Development Site 1. It consists of Block 5633, Lots 122 and 137 in their entirety and the parts of Lots 124 and 127 within the rezoning area. It excludes the sliver of Lot 120 that is within the rezoning area, and it excludes the parts of Lots 124 and 127 that are outside the rezoning area.

Table 1 presents the areas of the lots and of the portions within and without the proposed rezoning area.

Table 1: Lots Wholly or Partly in the Rezoning Area (Block 5633)

Lot	Address	SF within Rezoning Area	SF outside Rezoning Area	Total Lot Area	% within Rezoning Area
120	369 City Island Avenue	10	3,863	3,873	0.3%
122	365 City Island Avenue	4,550	0	4,550	100%
124	Pond Place	1,709	5,250	6,959	25%
127	Pond Place	2,452	3,713	6,165	40%
137	361 City Island Avenue	3,279	21	3,300	99.4%
		12,000			

The proposed rezoning area is within an R3A residential zoning district and the Special City Island District (CD). It is also located within a Lower Density Growth Management Area and within the Coastal Zone.

The restaurant on Lot 137 is a Use Group (UG) 6C commercial use, but it is permitted as a legal nonconforming use because the building existed and was a post office (a UG 6D commercial use) when the current Zoning Resolution became effective in 1961. A Certificate of Occupancy for restaurant use was granted in 1990. As noted above, however, the current building is deemed to include the enclosed dining area on the western part of the lot, which is not covered by the Certificate of Occupancy. That portion of the establishment is not a legal nonconforming use.

The parking lot on Lots 122, 124, and 127 was legal under the variance granted in 1992 but has not been legal since that variance expired in 2002.

The proposed rezoning area abuts two public streets. One, Tier Street, is a 50'-wide residential cross street. The other, City Island Avenue, is City Island's major thoroughfare, traversing the island from its southern tip to the bridge to the mainland at its northern end, and lined with most of the island's institutional and non-water-dependent commercial uses, as well as residential development. At 80 feet in width, City Island Avenue is the island's only wide street.

PROJECT DESCRIPTION

The proposed action, the mapping of a C1-2 commercial overlay, would make the existing restaurant on Lot 137 conforming under the zoning. The action would thus serve to legalize the portion of the restaurant that is not covered by the Certificate of Occupancy (i.e., the rear yard addition), and it would establish the parking lot on Lots 122, 124, and 127 as accessory to the eating and drinking establishment on the adjacent Lot 137. No new development or enlargement or change in use is being proposed.

PURPOSE AND NEED

The proposed zoning map amendment would bring historic non-conforming commercial uses, including the Crab Shanty restaurant located at 361 City Island Avenue (Block 5633, Lot 137) and an accessory commercial parking lot (Block 5633, part of Lot 124, 122, and part of 127), into conformance with the use provisions of the Zoning Resolution.

ANALYSIS FRAMEWORK

Existing Conditions

Existing conditions are as described above under Rezoning Area.

Lot 137 is developed with a 15'-tall one-story building with a partial cellar that is occupied by a restaurant. The restaurant is a commercial use, but it is permitted as a legal nonconforming use because the building has existed and has been occupied by commercial uses since before the current Zoning Resolution became effective in 1961. The building covers the eastern 75.8 feet of the lot, with a footprint of 1,910 sf. The building also includes an approximately 350 sf cellar with a boiler room and storage space. A Certificate of Occupancy for restaurant use within the 2,260 gsf (1,910 zsf) building was granted in 1990. A rear door connects the western end of the wooden building to an enclosed dining room area under a canvas roof that covers most of the remaining part of the lot. The Department of Buildings considers the enclosed dining area, which is not part of the original building and is not covered by the Certificate of Occupancy, to be an addition that is now part of the building. That portion of the establishment is not a legal nonconforming use. The building, including the rear dining area, is considered to have a 2,780 sf first floor (and 2,780 zsf) and 3,130 gsf. The FAR is 0.84.

An 18-space paved parking lot that serves the Crab Shanty Restaurant occupies Lot 122 and the eastern parts of Lots 124 and 127, extending to a depth of 100 feet from the City Island Avenue frontage. The rear (western) parts of Lots 124 and 127 are vacant, unpaved land. A 51 sf attendant's booth is located on Lot 122 adjacent to the curb cut, so Lot 122 has an FAR of 0.01;

Lots 124 and 127 both have an FAR of 0.00. The parking lot opened in 1992 and originally operated according to a variance but has not been legal since that variance expired in 2002.

Lot 120, of which only a 10 sf sliver is within the rezoning area, is developed with a 594 sf one-family home (with an FAR of 0.15).

The Future without the Proposed Action

The restaurant on Lot 137 (the Crab Shanty Restaurant) would remain in operation, but the portion of the building not covered by the 1990 Certificate of Occupancy would be removed to bring the operation into conformance with the Zoning Resolution and the Certificate of Occupancy. When reverted to the previously approved condition, the restaurant would contain 2,260 gsf, including 1,910 zsf. The FAR would be 0.58.

Conditions on Lots 122, 124, and 127 would remain unchanged. A discretionary action (consent from the Department of Buildings to terminate or amend the restrictive declaration) would be required to terminate the property's longstanding use as a parking lot.

Conditions on Lot 120 would remain unchanged.

The Future with the Proposed Action

Under the with-action scenario, the affected area would be rezoned from R3A within the CD and within a Lower Density Growth Management Area to R3A/C1-2 within the CD and within a Lower Density Growth Management Area. The change would permit UG 5 and 6 commercial uses to occupy not just the existing pre-1961 commercial building but also additional floor area up to a maximum of 1.00 FAR. The existing restaurant, including the enclosed rear dining area that is not covered by the 1990 Certificate of Occupancy, would continue in operation as a conforming use, and a revised Certificate of Occupancy would be obtained. No enlargement would occur as a result of the zoning map amendment. For Lot 137, therefore, conditions under the with-action scenario would be the same as those under existing conditions (3,130 gsf of UG 6C space within an eating and drinking establishment covering 84 percent of the lot, of which 2,780 sf would count as zoning floor area, for an FAR of 0.84). The with-action scenario for the lot would be the same as the existing condition. Compared with the no-action scenario, the with-action scenario would include an additional 870 gsf (and zsf), and the FAR would be 0.26 greater, because the enclosed rear dining area would not be removed.

The surface parking lot on Lot 122 and parts of Lots 124 and 127 would remain, but the use would be established as a conforming UG 6F accessory parking lot serving the eating and drinking establishment on adjacent Lot 137. The revision of the restaurant's Certificate of Occupancy to include additional floor area would increase the restaurant's accessory off-street parking requirement, which in the CD (pursuant to ZR Section 112-112, Accessory parking and floor area requirements for eating and drinking establishments) would be one space for each 150 square feet of the total of the existing and new floor area. The requirement would be for 19 spaces (2,780/150). The existing parking lot would be restriped to accommodate 19 rather than 18 spaces.

Conditions on Lot 120 would remain unchanged.

Table 2 summarizes existing conditions and projected future no-action and with-action conditions.

REQUIRED APPROVALS

The proposed project would require an amendment to zoning sectional map 4d to map a C1-2 local retail overlay within part of an existing R3A district within the Special City Island District. The zoning map amendment would be subject to the Uniform Land Use Review Procedure (ULURP).

BUILD YEAR

No construction is proposed, since Lot 137 is already developed at an FAR of 0.84, which is close to the maximum permitted commercial FAR of 1.00 in an R3A/C1-2 district, and the restrictive declaration against Lots 122, 124, and 127 reserves the portion of those lots within the proposed rezoning area for parking accessory to the restaurant. Based on DCP's precertification review period and the ULURP period, a Build Year of 2021 is used in this EAS.

10 curbside	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	N/A	N/A	N/A	
No. of dwelling units	N/A	N/A	N/A	
No. of low- to moderate-income units	N/A	N/A	N/A	
Gross floor area (sq. ft.)	N/A	N/A	N/A	
Commercial	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
Describe type (retail, office, other)	Restaurant and parking lot booth	Restaurant and parking lot booth	Restaurant and parking lot booth	
Gross floor area (sq. ft.)	3,181	2,311	3,181	870
Manufacturing/Industrial	No	No	No	
If "yes," specify the following:				
Type of Use	N/A	N/A	N/A	
Gross floor area (sq. ft.)	N/A	N/A	N/A	
Open storage area (sq. ft.)	N/A	N/A	N/A	
If any enclosed activities, specify:	N/A	N/A	N/A	
Community Facility	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify the following:				
Type of Use	N/A	N/A	N/A	
Gross floor area (sq. ft.)	N/A	N/A	N/A	
Vacant Land	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes", describe:	Unpaved portions of two lots	Unpaved portions of two lots	Unpaved portions of two lot ☑ No	
Publicly Accessible Open Space	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes	
If "yes," specify type (mapped City, State, or Federal Parkland, wetland-mapped or otherwise known, other):	N/A	N/A	N/A	
Other Land Uses	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," describe:	N/A	N/A	N/A	
Parking				
Garages	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify the following:				
No. of public spaces	N/A	N/A	N/A	
No. of accessory spaces	N/A	N/A	N/A	
Operating hours	N/A	N/A	N/A	
Attended or non-attended	N/A	N/A	N/A	
Lots	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
No. of public spaces	0	0	0	
No. of accessory spaces	18	18	19	1
Operating hours	11AM to 11 PM	11 AM to 11 PM	11 AM to 11 PM	
Other (includes street parking)	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," describe:	10 curbside	10 curbside	10 curbside	

10 curbside	EXISTING CONDITION	NO-ACTION CONDITION	WITH-ACTION CONDITION	INCREMENT
Population				
Residents	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If "yes," specify number:	N/A	N/A	N/A	
Briefly explain how the number of residents was calculated:				
Businesses	☑ Yes ☐ No	☑ Yes ☐ No	☑ Yes ☐ No	
If "yes," specify the following:				
No. and type	1 restaurant	1 restaurant	1 restaurant	
No. and type of workers by business	48	30	48	18
No. and type of non-residents who are not workers	Daily patrons: 309 weekday 700 weekend	Daily patrons: 155 weekday 350 weekend	Daily patrons: 309 weekday 700 weekend	154 weekday 350 weekend
Briefly explain how the number of businesses was calculated:	PAS; information about employment and patronage is from the Applicant			
Other (students, visitors, concert-goers, *etc* .)	☐ Yes ☑ No	☐ Yes ☑ No	☐ Yes ☑ No	
If any, specify type and number:	N/A	N/A	N/A	
Briefly explain how the number was calculated:				
Zoning				
Zoning classification	R3A in CD	R3A in CD	R3A/C1-2 in CD	C1-2
Maximum amount of floor area that can be developed	R: 0.60 C: 0.00 CF: 1.00 Total: 1.00	R: 0.60 C: 0.00 CF: 1.00 Total: 1.00	R: 0.60 C: 1.00 CF: 1.00 Total: 1.00	C: +1.00
Predominant land use and zoning classifications within land use study area(s) or a 400 ft. radius of proposed project	Residential, commercial, and vacant land; R3A and R3A/C1-2 in CD	Residential, commercial, and vacant land; R3A and R3A/C1-2 in CD	Residential, commercial, and vacant land; R3A and R3A/C1-2 in CD	

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 ANALYSES

INTRODUCTION

Based on the criteria in Part II of the Environmental Assessment Statement Short Form, the following technical areas require further analysis: land use, zoning, and public policy; urban design and visual resources; air quality; and noise. These analyses, which follow the guidance in the *CEQR Technical Manual*, are presented below. The heading numbers correlate with the relevant chapters of the *CEQR Technical Manual*.

4. LAND USE, ZONING, AND PUBLIC POLICY

Introduction

A land use analysis characterizes the uses and development trends in the area that may be affected by an action and determines whether a proposed project is compatible with those conditions or whether it may adversely affect them. The analysis also considers the proposed project's compliance with, and effect on, the area's zoning and other applicable public policies.

According to the *CEQR Technical Manual*, a preliminary assessment that includes a basic description of existing and future land uses, as well as basic zoning information, is provided for most projects, regardless of their anticipated effects. Regarding public policy, the *CEQR Technical Manual* states, "Large, publicly-sponsored projects are assessed for their consistency with PlaNYC, the City's sustainability plan." An assessment of an action's consistency with the Waterfront Revitalization Program is required if an action would occur within the designated Coastal Zone. Public policy assessments are also appropriate if an action would occur within an area covered by an Urban Renewal Plan or a 197-A Plan.

Study Area

According to the *CEQR Technical Manual,* the appropriate study area for land use, zoning, and public policy is related to the type and size of the proposed project, as well as the location and context of the area that could be affected by the project. Study area radii vary according to these factors, with suggested study areas ranging from 400 feet for a small project to 0.5 miles for a very large project.

Because of the modest size of the proposed project, the land use and zoning assessment for the proposed action considers a study area extending 400 feet around the proposed rezoning area. As shown in the Land Use Map, the study area extends west almost to William Avenue, south to about the midpoint between Bay and Fordham Streets, east past the midpoint between City Island and King Avenues, and north past Ditmars Street.

Need for a Preliminary Assessment

A land use and zoning assessment is appropriate for the proposed action, which is a zoning map amendment.

The proposed project is neither large nor publicly sponsored. No portion of the proposed rezoning area is within an urban renewal area or an area covered by a 197-a Plan, but it is within the Coastal Zone. This section therefore includes an assessment of whether the proposed actions complies with New York City's Waterfront Revitalization Plan policies.

Land Use

<u>Existing Conditions within the Rezoning Area</u>

The proposed action would map a commercial overlay on a 12,000 sf area on City Island, on the block (Block 5633) bounded by City Island Avenue on the east, Tier Street on the south, a mapped but unopened block of William Avenue on the west, and Ditmars Street on the north. The rectangular area has 100 feet of frontage on City Island Avenue and 120 feet of frontage on Tier

Street. It consists of all or part of five lots: 120 (p/o), 122, 124 (p/o), 127 (p/o), and 137 (p/o). The current zoning does not permit the introduction of new commercial uses or the enlargement of existing commercial uses.

Lot 137 is a 3,300 sf property with 25.19 feet of frontage on the west side of City Island Avenue and 120.69 feet of frontage on the north side of Tier Street. It is developed with a 15'-tall one-story building with a partial cellar that is occupied by a restaurant. The restaurant is a commercial use, but it is permitted as a legal nonconforming use because the building has existed and has been occupied by commercial uses since before the current Zoning Resolution became effective in 1961. The building covers the eastern 75.8 feet of the lot, with a footprint of 1,910 sf. The building also includes an approximately 350 sf cellar with a boiler room and storage space. A Certificate of Occupancy for restaurant use within the 2,260 gsf (1,910 zsf) building was granted in 1990. A rear door connects the western end of the wooden building to an enclosed dining room area under a canvas roof that covers most of the remaining part of the lot. The Department of Buildings considers the enclosed dining area, which is not part of the original building and is not covered by the Certificate of Occupancy, to be an addition that is now part of the building. That portion of the establishment is not a legal nonconforming use. The building, including the rear dining area, is considered to have a 2,780 sf first floor (and 2,780 zsf) and 3,130 gsf. The FAR is 0.84.

Lot 124 is an irregularly shaped 6,959 sf interior lot to the immediate north of Lot 137, with 17 feet of frontage on City Island Avenue. Approximately 1,709 sf, or approximately 25 percent of the lot, is within the rezoning area.

Lot 122 (365 City Island Avenue) is a 4,550 sf interior lot to the immediate north of the eastern part of Lot 124, with 75 feet of frontage on City Island Avenue. It is located entirely within the rezoning area.

Lot 127 is a 6,165 sf parcel located to the west of Lot 122 and to the north of Lot 124. It has no frontage on a public street. Approximately 2,452 sf, or approximately 40 percent of the lot, is within the rezoning area.

Lots 122, 124, and 127 are developed in common with an 18-space paved parking lot that serves the Crab Shanty Restaurant. The parking lot extends to a depth of 100 feet from the City Island Avenue frontage, and the rear (western) parts of Lots 124 and 127 are vacant, unpaved land. A 51 sf attendant's booth is located on Lot 122 adjacent to the curb cut, so Lot 122 has an FAR of 0.01; Lots 124 and 127 both have an FAR of 0.00. The parking lot opened in 1992 and originally operated according to a variance that has since expired.

A restrictive declaration recorded against Lots 122, 124, and 127 in 1993 creates a permanent driveway easement over the lots for the purpose of providing owners of the three properties access to and from City Island Avenue. The declaration also covenants, "as accessory off site parking for the Building pursuant to Section 25-55/36-45/44-34 of the ZRCNY," that "18 spaces, or as many spaces as are required for the Building at the time of the issuance of a building permit thereof, shall be reserved in the Parking Lot as accessory parking spaces to the Building." The

declaration may not be modified, amended, or terminated without the prior consent of the Department of Buildings.

Lot 120 (369 City Island Avenue) is a 3,873 sf interior lot to the immediate north of Lots 122 and 127, with 28 feet of frontage on City Island Avenue. A 10 sf triangular sliver of land at the southeast corner of the lot, 6" at its widest point, is within the rezoning area. The lot is developed with a 594 sf one-family home (for an FAR of 0.15).

Existing Conditions within the Study Area

Within 400 feet of the proposed rezoning area, land uses are mixed along City Island Avenue and almost entirely residential along all other streets.

On Block 5633, on which the rezoning area is located, the City Island Avenue frontage north of Lot 120 is developed with a combination of single-family homes and two-story multifamily buildings, plus a one-story commercial building. The commercial building (385 City Island Avenue, Lot 113) opened as a movie theater in 1931 and has been a supermarket since the 1990s. Also, one home is owned by a physician who uses part of the building as a medical office. On Tier Street the lots within 400 feet of the rezoning area are all developed with one- and two-family homes. The Ditmars Street frontage is developed with one- and two-family homes along the 375 feet closest to City Island Avenue, west of that is vacant land. The interior of the block consists of a 91,300 square foot vacant lot (Lot 175) that has no street address and no frontage on a built street, although it does have 166 feet of frontage on William Avenue, which is open only to Tier Street on its northern end and is a paper street between Tier and Ditmars Street.

South of the rezoning area, Block 5632 (bounded by City island Avenue, Tier Street, William Avenue, and Bay Street) is developed with one- and two-family homes, one cluster of two-story multiple dwellings, a two-car garage that does not appear to be owned by a nearby homeowner, and a house f worship at the corner of City Island Avenue and Bay Street (331 City Island Avenue, Lot 144). The land use map shows two vacant lots on Tier Street, but these are actually owned by adjacent homeowners who use the lots as additional lawn area.

Further south, on Block 5631 (bounded by City Island Avenue, Bay Street, William Street, and Fordham Street), all lots not fronting on City Island Avenue are residential, and all lots fronting on City Island Avenue are developed with mixed-use or commercial buildings. Most are two-story buildings with one residential unit over a commercial unit, and one is a one-story commercial building. Commercial uses include two restaurants, a juice bar, a nail salon, a laundromat, a gallery, and an antique shop.

On the east side of City Island Avenue, Tax Block 5644 includes three physical blocks. The one directly across from the proposed rezoning area (bounded by City Island Avenue, Tier Street, King Avenue, and Reville Street) is residential except for two lots fronting on City Island Avenue and a vacant lot outside the study area. One of the nonresidential lots is 358 City Island Avenue (Lot 153), which has been occupied by a one-story retail building at the front of the lot and a

second, rear one-story commercial building since before 1961.[1] A liquor store and an electric contractor are the current tenants. The other is the adjacent property at the northeast corner of City Island Avenue and Tier Street (352 City Island Avenue, Lot 150), which is a 4,215 sf vacant lot. Department of Buildings records indicate that the lot has been vacant since 1962 and that no redevelopment plans have been submitted. The physical block bounded by City Island Avenue, Tier Street, King Avenue, and Fordham Street is also entirely residential except for the City Island Avenue frontage, along which are two fenced open areas serving a cluster of low-rise multifamily residential buildings located further from the avenue, a one-story medical office building, a public library, two two-story commercial buildings with retail and personal service tenants, and a two-story building with dwelling units over a beauty salon and a laundromat. The physical block bounded by City Island Avenue, Reville Street, King Avenue, and Ditmars Street is residential except for a restaurant at the corner of City Island Avenue and Ditmars Street.

At the northern end of the study area are a gas station at the northeast corner of City Island Avenue and Ditmars Street (Block 5645, Lot 1, 400 City Island Avenue), residential homes on the north side of Ditmars Street east of the gas station, a mixed-use building with a residence above a "laser skin salon" at the northwest corner (Block 5634, Lot 143, 403 City Island Avenue), one- and two-family homes on the north side of Ditmars Street (Block 5645, Lots 41, 43, and 44, 151-161 Ditmars Street, and Block 5634, Lots 59, 148, and 151, 101-107 Ditmars Street and 401 Hunter Avenue), and on the west side of City Island Avenue north of the corner, a two-family home (Block 5634, Lot 141, 405 City Island Avenue).

Future without the Proposed Action

Absent the proposed action, the restaurant on Lot 137 (the Crab Shanty Restaurant) would remain in operation, but the portion of the building not covered by the 1990 Certificate of Occupancy would be removed to bring the operation into conformance with the Zoning Resolution and the Certificate of Occupancy. When reverted to the previously approved condition, the restaurant would contain 2,260 gsf, including 1,910 zsf. The FAR would be 0.58.

Conditions on Lots 122, 124, and 127 would remain unchanged. A discretionary action (consent from the Department of Buildings to terminate or amend the restrictive declaration) would be required to terminate the property's longstanding use as a parking lot.

Conditions on Lot 120 would remain unchanged.

No land use changes are foreseen within the study area.

[1] A building permit was issued erroneously in 2005 to enlarge and connect the two buildings and to add a second story, with the ground floor containing commercial space and a residential entrance and the second floor containing five dwelling units. The application indicated that the lot is zoned R3A/C1-2. It is actually in an R3A district without a commercial overlay, and a stop work order was issued later in 2005. The job is listed as "on hold." Because resumption of work cannot occur without a discretionary action to amend the Zoning Map, this EAS assumes that the current land use conditions will continue through the Build Year.

Future with the Proposed Action

Under the with-action scenario, the existing restaurant, including the enclosed rear dining area that is not covered by the 1990 Certificate of Occupancy, would continue in operation as a conforming use, and a revised Certificate of Occupancy would be obtained. No enlargement would occur as a result of the zoning map amendment. For Lot 137, therefore, conditions under the with-action scenario would be the same as those under existing conditions (3,130 gsf of UG 6C space within an eating and drinking establishment covering 84 percent of the lot, of which 2,780 sf would count as zoning floor area, for an FAR of 0.84). Compared with the no-action scenario, the with-action scenario would include an additional 870 gsf (and zsf), and the FAR would be 0.26 greater, because the enclosed rear dining area would not be removed.

The surface parking lot on Lot 122 and parts of Lots 124 and 127 would remain, but the use would be established as a conforming UG 6F accessory parking lot serving the eating and drinking establishment on adjacent Lot 137. The revision of the restaurant's Certificate of Occupancy to include additional floor would increase the restaurant's accessory off-street parking requirement, which in the CD (pursuant to ZR Section 112-112, Accessory parking and floor area requirements for eating and drinking establishments) would be one space for each 150 square feet of the total of the existing and new floor area. The requirement would be for 19 spaces (2,780/150). The existing parking lot would be restriped to accommodate 19 rather than 18 spaces.

Conditions on Lot 120 would remain unchanged.

The proposed action would have only a minimal effect on land use, not altering the use of any lot. It would intensify the restaurant use on the site, increasing floor area by 38 percent relative to no-action conditions, but not above historical conditions that have existed on the site for more than a quarter-century. Moreover, the commercial use of Projected Development Site 1 is consistent with prevailing land use patterns in the area, which consist of mixed residential, institutional, and commercial uses along City Island Avenue and residential uses on all other streets. Although the proposed rezoning area fronts on both Tier Street and City Island Avenue, the entrances to the restaurant and its parking lot would be only on City Island Avenue, which is the island's main thoroughfare and widest street, along which most of the island's institutional and non-water-dependent commercial uses are located. The proposed action would not cause a significant adverse land use impact.

Zoning

Existing Conditions

In 1961 the proposed rezoning area was mapped within an R3-2 residential zoning district. In 1976 the area was included in the newly established Special City Island District (CD). The area was rezoned from R3-2 to R3A in 2003 as part of the DCP-initiated City Island Rezoning (C030467 ZMX). The area is currently within an R3A low density contextual residential district within the CD. It is also within a Lower Density Growth Management Area.

The R3A zoning permits residential and community facility uses but not new or enlarged commercial or manufacturing uses (or uses accessory to such uses, including parking lots). The

maximum permitted floor area ratios (FARs) are 0.50, or 0.60 with an "attic allowance," for residential use and 1.00 for community facility use. Front, side, and rear yards are required, and the maximum permitted building height is 35 feet.

As stated in ZR Section 112-00, General Purposes, the Special City Island District is intended to promote and strengthen the island's unique nautical character, to maintain the existing low-rise residential and commercial character, and to maintain and protect the environmental quality and "village" character of City Island Avenue by imposing special controls on building setbacks and signs. One regulation in particular is pertinent to the proposed rezoning. ZR Section 112-112, Accessory parking and floor area regulations for eating or drinking establishments, stipulates that, for any development, extension or change of such a use, one off-street accessory parking space shall be provided for each 150 square feet of the total of the existing and new floor area, and that the floor area for this calculation includes cellar space, except for a room or rooms in the cellar used exclusively for storage, and outdoor table service areas. Other special district regulations applicable to the proposed rezoning area restrict building heights to 35 feet above base plane (a provision that the 2003 rezoning to R3A rendered redundant because the R3A height and setback regulations provide the same restriction), impose screening requirements on parking lots containing ten or more spaces, and provide that, except on waterfront zoning lots, no parking shall be permitted between the street line of City Island Avenue and the street wall of any building or its prolongation facing City Island Avenue.

The Lower Density Growth Management Area (LDGMA) provisions increase residential parking requirements so that a new one-family home requires two off-street parking spaces and a two-family house requires three spaces. To help accommodate this requirement, the regulations provide a floor area exemption of up to 300 square feet for one parking space and up to 500 square feet for two parking spaces located in a garage. Parking is not permitted in front yards, and all driveways and parking areas with five or more spaces must be screened from adjacent zoning lots. Also, the generally applicable "attic allowance" provisions are modified in an LDGMA to require steeper slopes for the attic walls.

The R3A district is mapped throughout the study area, but a C1-2 local retail overlay is overlaid on the residential district along both sides of City Island Avenue in the southern part of the study area, beginning one block to the south of the proposed rezoning area. The overlay adds uses Use Group 6 commercial uses (which include retail stores, commercial offices, and eating and drinking establishments) to the list of uses permitted as-of-right, as well as parking lots that are accessory to such uses. The maximum permitted commercial FAR is 1.00, and the maximum permitted height for a commercial building or commercial portion of a building is 30 feet.

The special district provisions alter the generally applicable C1 district regulations in certain ways. They prohibit certain Use Group 6 public service establishments ordinarily permitted in C1 districts and permit certain forms of custom manufacturing (Use Group 11) below specified floor area limits. Public parking lots, public parking garages, and automotive service stations are permitted by CPC special permit. Also, in In buildings fronting on City Island Avenue and located in the part of the study area south of Bay Street, only non-residential uses are permitted on the ground floor level or within stories that have a floor level within five feet of curb level.

Future Conditions without the Proposed Action

In the absence of the proposed actions, no zoning changes are anticipated within the proposed rezoning area or the study area.

Future Conditions with the Proposed Action

The action would rezone the rezoning area from R3A within the Special City Island District to R3A/C1-2 within the special district. The addition of a C1-2 local retail overlay would not restrict any of the uses that are currently permitted and would not alter the bulk or parking regulations for residential or community facility developments or enlargements, but it would permit the development or enlargement of retail, office, and eating and drinking uses listed in commercial Use Group 6, as well as parking lots that are accessory to such uses. The maximum permitted commercial FAR is 1.00, and the maximum permitted height for a commercial building or commercial portion of a building is 30 feet.

The proposed action would eliminate rather than create nonconformance with the use regulations of the Zoning Resolution, and it would not cause noncompliance with bulk or parking regulations. The action would map a new C1-2 local retail overlay on a mixed-use street along which numerous such overlays are mapped, including one located a block away from the proposed rezoning area. The proposed action would not cause a significant adverse zoning impact.

Public Policy

Waterfront Revitalization Program

The proposed rezoning area is within the Coastal Zone Boundary, so this section assesses the proposed project's consistency with New York City's Waterfront Revitalization Program (WRP). The area does not have waterfront access, does not include a waterfront lot, and is not located on a waterfront block. Two of the ten WRP policies are relevant to the proposed actions.

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

The proposed rezoning area is not within a Special Natural Waterfront Area (SNWA) or Significant Maritime and Industrial Area (SMIA), and it is in a well developed area with substantial residential and commercial development. A commercial development (a restaurant) now occupies part of Projected Development Site 1, and its parking lot occupies the other part. The proposed action would therefore be consistent with Policy 1.1.

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

As shown in the New York City Flood Hazard Mapper, the proposed rezoning area is not within a 100-year-floodplain or a 500-year-floodplain as designated on FEMA's 2015 preliminary flood maps. According to the Flood Hazard Mapper, the base flood elevation in the vicinity of the rezoning area is 14 feet; and according to NYC Open Data Building Footprints file, the elevation of Projected Development Site 1 is 18 feet. The proposed action would be consistent with Policy 6.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

The New York City Panel on Climate Change has projected that, relative to sea levels in the year 2000, sea levels at New York City will have risen 4 to 8 inches in the 2020s, 11 to 21 inches in the 2050s, 18 to 39 inches in the 2080s, and 22 to 50 inches by 2100. These changes will increase the frequency and severity of coastal flooding, expand existing flood zones, and increase base flood elevations at locations within existing flood zones.

As shown in the New York City Flood Hazard Mapper, the proposed rezoning area is expected to be within the 100-year-floodplain by the 2050s. It is not expected to be subject to moderate wave action or to be inundated during high tide at any time through 2100.

The proposed action would serve to legalize a rear dining area, set on a concrete slab and enclosed by wooden sides and topped by a canvass awning, that has been added to the restaurant, as well as to legalize the restaurant's accessory surface parking lot. No new construction would occur. The proposed action would not affect the future of the original part of the restaurant building, which is where all critical elements, such as utilities, are located. The proposed action would therefore not exacerbate existing vulnerabilities and would therefore be consistent with Policy 6.2.

The proposed action would thus be consistent with all relevant WRP policies.

Conclusion

The proposed actions would not result in any significant adverse impact with regard to land use, zoning, or public policy, and no further analysis is warranted.

9. HISTORIC AND CULTURAL RESOURCES

Introduction

This section considers the proposed action's potential impact on archaeological and architectural resources. Archaeological resources are artifacts or other remains, from either the prehistoric (Native American) or the historic (colonial or post-colonial) period that might provide information about the period from which they date or the society that produced them. Architectural resources include designated New York City landmarks and buildings within a designated New York City historic district, properties calendared for consideration by the New York City Landmarks Preservation Commission (LPC), properties listed on or determined to be eligible for listing on the State or National Register of Historic Places, National Historic Landmarks, and other properties that meet the eligibility criteria for such designations.

Archaeological Resources

According to the *CEQR Technical Manual*, archaeological resources generally need to be assessed for any project that would result in any in-ground disturbance. In-ground disturbance is any disturbance to an area not previously excavated, including new excavation that is deeper and/or wider than previous excavation on the same site.

The proposed action would not result in any in-ground disturbance. The proposed action, the mapping of a C1-2 commercial overlay, would make the existing restaurant on Lot 137 conforming under the zoning. The action would thus serve to legalize the portion of the restaurant that is not covered by the Certificate of Occupancy (i.e., the rear yard addition), and it would establish the parking lot on Lots 122, 124, and 127 as accessory to the eating and drinking establishment on the adjacent Lot 137. No new development or enlargement or change in use is being proposed.

In a comment letter dated February 13, 2020, LPC stated, "LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century and Native American occupation on the project site." As a result of a misunderstanding regarding the nature of the proposed project, LPC the comment continued, "Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014)." After the information in the previous paragraph was conveyed to the agency, the LPC issued a follow-up letter dated August 12, 2020, which states, "The LPC is in receipt of a request to reconsider LPC's recommendation that an archaeological documentary study be completed to assess the potential for this project to impact archaeological resources because, it is stated, no in-ground work will occur as a result of this action. If this action will not involve in-ground work, then there are no further archaeological concerns for this project." Both letters are attached as Appendix C to this EAS.

The proposed action would therefore not have the potential to cause a significant adverse impact on archaeological resources.

Architectural Resources

The proposed rezoning area is within a potential district that is eligible for listing on the National and State Registers of Historic Places, the City Island Historic District. According to the LPC, the Crab Shanty House at 361 City Island Avenue would be considered a contributing building within such a district. The LPC provided this information in a comment letter dated February 13, 2020, which is attached as Appendix C to this EAS. The building is therefore an architectural resource.

The proposed action would not result in any change to the property at 361 City Island Avenue or to any other property within the proposed rezoning area, except for the restriping of the existing parking lot to accommodate an increased number of spaces. As stated above, the proposed Zoning Map amendment is intended to legalize the portion of the restaurant that is not covered by the Certificate of Occupancy and to establish the parking lot that serves the restaurant as a legal accessory use. Because the proposed action would not result in any changes that would affect the historic resource or its setting, and would not increase the chance that such a change might occur at some point in the future, the action would not cause a significant adverse impact on architectural resources.

Conclusion

The proposed action would not result in significant adverse impacts related to archaeological or architectural resources, and further assessment is not warranted.

10. URBAN DESIGN AND VISUAL RESOURCES

Introduction

An assessment of urban design is needed when a project may have effects on any of the elements that contribute to the pedestrian experience of public space. A preliminary assessment is 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;

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 project.

A preliminary urban design and visual resources assessment is required because the proposed action is a zoning map amendment that would expand the types of land uses that may be developed and would legalize a prior horizontal enlargement of a building, which would otherwise be removed. The rezoning would affect five contiguous lots (Lots120 (p/o), 122, 124 (p/o), 127 (p/o), and 137 (p/o)) at or near the northwest corner of City Island Avenue and Tier Street on Block 5633 (which is bounded by City Island Avenue on the east, Tier Street on the south, a mapped but unopened block of William Avenue on the west, and Ditmars Street on the north). The action would rezone all or parts of these lots from R3A within the Special City Island District and a Lower Density Growth Management Area to R3A/C1-2 within the special district and a Lower Density Growth Management Area.

Pedestrian Wind Conditions

The *CEQR Technical Manual* calls for a separate preliminary assessment to determine whether an analysis of pedestrian wind conditions is appropriate, since the construction of large buildings at locations that experience high wind conditions may result in channelization or downwash effects that could affect pedestrian safety.

The proposed action, the mapping of a C1-2 commercial overlay, would not increase the maximum permitted FAR or the maximum permitted building height in the rezoning area (which would remain 1.00 and 35 feet respectively). The proposed zoning map amendment would make the existing restaurant on Lot 137 conforming under the zoning. The action would thus serve to legalize the portion of the restaurant that is not covered by the Certificate of Occupancy (i.e., the one-story rear addition built along the Tier Street side of the lot), and it would establish the parking lot on Lots 122, 124, and 127 as accessory to the eating and drinking establishment on the adjacent Lot 137. No new development or enlargement or change in use is anticipated. The principal difference between the projected no-action and with-action scenarios is that the addition would be removed absent the proposed action. That difference would not affect pedestrian wind conditions because, under either scenario, a wooden fence as tall as the addition would remain standing along the Tier Street property line.

For these reasons, the proposed action would not have a significant adverse impact on pedestrian wind conditions, and a detailed wind conditions assessment is not required.

Existing Conditions

The Rezoning Area

Lot 137 (361 City Island Avenue) is a 3,300 sf property with 25.19 feet of frontage on the west side of City Island Avenue and 120.69 feet of frontage on the north side of Tier Street. The lot is developed with a 15'-tall one-story building with a partial cellar that has been a movie theater and then a post office and that has been occupied by the Original Crab Shanty Restaurant since 1977. The building's canopied entrance is onto City Island Avenue. (See Photographs 1, 2, and 3 in the Photographs section above, preceding this supplementary report.) The building extends 75.8 along Tier Street and has a footprint of 1,910 sf. Contrasting façade materials (boards painted ecru and dark brown shingles), decorative white painted strips of wood separating the two materials, a horizontal white wooden strip that serves as a faux cornice, triangular pediments above the faux cornice line, and projecting pedimented windows near the roof line create the illusion of a 1½-story building with an attic beneath a pitched roof, and they break up the massing of the Tier Street side of the building. (See Photographs 1 and 6.) A rear door connects the western end of the wooden building to an enclosed dining room area under a canvas roof, lower than the 15-foot height of the building, that covers most of the remaining part of the lot. Only the top of the canvass roof is visible from the street, however, because the rest of the rear structure is obscured by a wooden fence along the street line that extends from the rear of the original building. (See Photographs 4, 5, 6, and 20.) The top of the fence aligns with the adjacent "cornice," and the fence is painted the same color as the boards that cover parts of the building's façade. The building, including the rear dining area, is considered to have a 2,780 sf first floor (and 2,780 zsf) and 3,130 gsf (including the cellar). The FAR is 0.84.

To the north of Lot 137, Lot 122 and the portions of Lots 124 and 127 within the rezoning area are developed in common with an 18-space paved parking lot that serves the Crab Shanty Restaurant. The curb cut for the parking lot is along the part of the site furthest from the Tier Street intersection, and trees and wooden fencing screen the rest of the lot from City Island Avenue. (See Photographs 8 and 9.) The parking lot extends to a depth of 100 feet from the City Island Avenue frontage, and the rear (western) parts of Lots 124 and 127 are vacant, unpaved land. A 51 sf attendant's booth is located on Lot 122 adjacent to the curb cut, so Lot 122 has an FAR of 0.01; Lots 124 and 127 both have an FAR of 0.00.

The Study Area

The street pattern within the area is a product of the island's geography. City Island is a mile and a half long and only half a mile wide at its broadest point. City Island Avenue is the one street extending the length of the island, from the bridge to the mainland at its northern end to the island's southern tip. The avenue carries all through traffic and serves as a village main street, with most of the island's commercial and institutional uses, except for boating-related businesses. The cross streets are only a few blocks long and serve mainly the residents who live there and, in some cases outside the study area, boat yards at the ends of the streets.

The street pattern, in turn, has influenced the land use pattern. Land uses are mixed along City Island Avenue and almost entirely residential along all other streets.

Within the vicinity of the proposed rezoning area, City Island Avenue, is a walkable street with well maintained sidewalks, street trees and strips of landscaping, low scale buildings, and a combination of homes, stores, restaurants, community facilities, mixed-use buildings, and one automotive use. (See Photographs 10 and 11.) On Block 5633, on which the rezoning area is located, the City Island Avenue frontage north of Projected Development Site 1 is developed with a combination of single-family homes and two-story multifamily buildings, plus a one-story utilitarian commercial building (385 City Island Avenue, Lot 113) that opened as a movie theater in 1931 and has been a supermarket since the 1990s. The blockfront to the south of the proposed rezoning area (the west side of City Island Avenue between Tier and Bay Streets on Block 5632) consists of two similar one-family homes, both wood frame buildings with one full story and one attic story, peaked roofs, windows projecting from the attic story, and front porches, and a wooden church with two peak roofed sections flanking a central steeple. Across from the rezoning area, the eastern blockfront between Tier and Reville Streets (the middle of three physical blocks that comprise Tax Block 5644) consists of four lots: the side yard of a two-family home fronting on Reville Street (shown in Photograph 15); a 2½-story home built in 1901 with gables, a turreted corner bay, a spindlework porch, and contrasting dark brown shingles and white painted wood (a feature copied for the façade design of the Crab Shanty Restaurant directly across from this house; a one-story retail building with a pillbox shape and a front façade dominated by glazing; and the only vacant lot in the study area, with low ground cover and transparent fencing. (See Photograph 17) The blockfront to the north, between Reville and Ditmars Streets (the northernmost part of Tax Block 5644) consists of the side of an attached two-story brick home with a raised ground floor and parking in front that faces Reville Street (shown in Photograph 12), a home obscured behind a wooden fence, and a restaurant with a parking lot and a partial second floor. North of Ditmar Street, a gas station occupies the northeast corner (Block 5645, Lot 1), and facing the gas station on the west side of the avenue are a former two-story home that has been repurposed to include a ground floor commercial use and a two-family brick home.

City Island Avenue in the southern part of the study area is part of the core of the village center. As stated in the CPC report accompanying the 2003 DCP-initiated City Island Rezoning (C030467 ZMX), "The mid-section of City Island Avenue, between Bay and Carroll streets, contains a pedestrian-oriented mix of residential and commercial uses. Within this core, there are older attached buildings, ranging in height from one to five stories, with ground-floor glazed and transparent storefronts and apartments or offices above." On the west side between Bay and Fordham Streets (Block 5631), all lots fronting on City Island Avenue are developed with mixed-use or commercial buildings. Most are two-story buildings with one residential unit over a commercial unit, and one is a one-story commercial building. Glazing and signage or store awnings dominate the first floors, and wood siding and regularly spaced windows dominate the second stories. Commercial uses include two restaurants, a juice bar, a nail salon, a laundromat, a gallery, and an antique shop. On the east side between Tier and Fordham Streets (the southern part of Block 5644) are an open area behind a fence on which a gazebo is visible, a one-story concrete pillbox medical office building, a second fenced open area, a one-story public library with a mainly blank brick wall facing the avenue, two two-story brick commercial buildings with retail and personal service tenants, and a two-story building with dwelling units over a beauty

salon and a laundromat. A narrow dead end street between the library from one of the fenced open areas divides the block into two blockfronts.

The residential side streets are also lined with sidewalk trees but are narrower and quieter than the avenue. They are dominated by one-and two-family detached homes with peaked roofs. (See Figure 5, Aerial Map, and Photograph 19.) This is particularly true of the streets west of City Island Avenue. There are more exceptions to the east, including the previously mentioned attached brick homes along the north side of Reville Street and also including a condominium complex on the south side of Tier Street consisting of a cluster of three-story multifamily buildings with a parking lot located immediately to the east of the two fenced open areas that extend to City Island Avenue, to which the condominium residents enjoy exclusive access.

The Long Island Sound is the island's principal resource, although views of the waterfront are not available from the rezoning area or the adjacent sidewalks. Portions of the building stock constitute a second visual resource. As discussed in Section 9, Historic and Cultural Resources, the proposed rezoning area is within a potential district that is eligible for listing on the National and State Registers of Historic Places, the City Island Historic District. According to the LPC, the Crab Shanty House at 361 City Island Avenue would be considered a contributing building within such a district.

Future without the Proposed Action

Absent the proposed action, the restaurant on Lot 137 (the Crab Shanty Restaurant) would remain in operation, but the rear dining area would be removed. The change would reduce the restaurant's size to 2,260 gsf, including 1,910 zsf. The FAR would be 0.58, and lot coverage would be 58 percent. The only change visible from the street would be the disappearance of the canvas roof that is visible above the fence.

Conditions on Lots 122, 124, and 127 would remain unchanged. The property's longstanding use as a parking lot would continue.

No changes are anticipated within the study area. Department of Buildings records indicate that the area's one vacant lot (Block 5644, Lot 150, at the northeast corner of City Island Avenue and Tier Street) has been vacant since 1962 and that no redevelopment plans have been submitted.

Future with the Proposed Action

Under the with-action scenario, the existing restaurant, including the enclosed rear dining area that is not covered by the 1990 Certificate of Occupancy, would continue in operation, and a revised Certificate of Occupancy would be obtained. No enlargement would occur as a result of the zoning map amendment. For Lot 137, therefore, conditions under the with-action scenario would be the same as those under existing conditions (3,130 gsf of restaurant space within a one-story, 15'-tall building covering 84 percent of the lot, of which 2,780 sf would count as zoning floor area, for an FAR of 0.84). Compared with the no-action scenario, the with-action scenario would include an additional 870 gsf (and zsf), the FAR would be 0.26 greater, and lot coverage would be 26 percent greater because the enclosed rear dining area would not be removed. These differences are shown in Table 10-1.

Table 10-1
Comparison of Existing, No-Action, and With-Action Conditions

Item	Existing Conditions	No-Action Conditions	With-action Conditions	Increment
Development Scenario	Restaurant	Restaurant	Restaurant	No change
Gross/(Net) Floor Area	3,130 gsf/ (2,780 zsf}	2,260 gsf/ (1,910 zsf}	3,130 gsf/ (2,780 zsf}	+ 870 gsf/ (870 zsf)
FAR	0.84	0.58	0.84	+ 0.26
Lot Coverage	3,130 sf (84%)	2,260 (58%)	3,130 (84%)	+ 870 (26%)
Building Height	one story (15')	one story (15')	one story (15')	No change

The revision of the restaurant's Certificate of Occupancy to include additional floor would increase the restaurant's accessory off-street parking requirement. The existing parking lot would be restriped to accommodate 19 rather than 18 spaces.

The one visual difference is that the top of the rear dining area's canvas roof would remain visible above the fence along Tier Street. As Figure 10-1 shows, the difference would be too minor to constitute a significant adverse urban design impact. As Figures 10-2 and 10-3 show, there would be no change to the streetscape along City Island Avenue.

The proposed action would not result in any alteration of the area's topography, street pattern, view corridors, building types, or building heights, would not result in any alteration of the streetscape along City Island Avenue, and would result in an insignificant change to the streetscape along Tier Street. The proposed action would not have a significant adverse urban design impact.

As is noted under Existing Conditions, views of the waterfront are not available from the proposed rezoning area or the adjacent sidewalks. The proposed action would therefore not interfere with existing waterfront views. Because the one contributing building within the proposed rezoning area would be preserved under both no-action and with-action conditions, the proposed action would not diminish the integrity of the potential City Island Historic District. The proposed Action would not have a significant adverse impact on visual resources.

Conclusion

The proposed action would not result in significant adverse impacts related to urban design and visual resources, and further assessment is not warranted.

Crab Shanty Rezoning, Bronx
Figure 10-1: Urban Design Diagram

No-Action Scenario
Tier Street facing east (Site at left)



With-Action Scenario
Tier Street facing east (Site at left)



Crab Shanty Rezoning, Bronx
Figure 10-2: Urban Design Diagram

No-Action Scenario
City Island Avenue facing northwest (Site at left)



With-Action Scenario
City Island Avenue facing northwest (Site at left)



Crab Shanty Rezoning, Bronx
Figure 10-3: Urban Design Diagram

No-Action Scenario
City Island Avenue facing southwest (Site at right)



With-Action Scenario
City Island Avenue facing southwest (Site at right)



17. AIR QUALITY

Introduction

Ambient air quality, or the quality of the surrounding air, may be affected by air pollutants produced by motor vehicles, referred to as "mobile sources"; by fixed facilities, usually referenced as "stationary sources"; or by a combination of both. Under CEQR, an air quality assessment determines both a proposed project's effects on ambient air quality as well as the effects of ambient air quality on the project. The analysis followed the *CEQR Technical Manual*.

Mobile Source

Introduction

Projects may result in significant mobile source impacts when they create mobile sources of pollutants, change traffic patterns, or add new uses near mobile sources of pollutants. Per the CEQR guidelines, a detailed analysis is required to predict whether a proposed action could potentially have a significant adverse air quality impact if certain threshold criterions are met or exceeded. Proposed actions that do not meet or exceed the threshold criterions (screen out) are not expected to have a mobile source impact. Projects that require a detailed analysis model the ambient air CO and PM concentrations, generally, the mobile source pollutants of concern.

Project-Generated Traffic

Screening analyses for CO and $PM_{2.5}$ were conducted to determine if the proposed action would require further analyses (as the *CEQR Technical Manual* requires). Per the *CEQR Technical Manual*, the threshold volume for a detailed analysis of CO concentration, using MOVES2014 and CAL3QHC/R or AERMOD, is an increment of 170 vehicles; $PM_{2.5}$ threshold criterion is an increment of 12 to 23 heavy-duty diesel vehicles (HDDVs) or its equivalence depending on the road types.

The proposed action would not exceed the *CEQR Technical Manual* Table 16-1 threshold criteria. As such, the maximum trip generation would not exceed the 170 net vehicles trips at any given hour at any intersection during any peak hour.

The project-generated peak hour HDDVs traffic or its equivalent in vehicular emission that would require a detailed $PM_{2.5}$ analysis depends on the type of road. The thresholds incremental traffic per road type ranges from 12 to 23 HDDVs. Per the NYS Department of Transportation (NYSDOT)[2], Tier Street is classified as a local street (12 HDDVs threshold screen), which is paved road with 5,000 vehicles, and City Island Avenue is a principle arterial roadway (23 HDDVs threshold screen).

Using the information in the *CEQR Technical Manual* and auto use characteristics from the Bay Street Corridor FEIS (prorated to the increment of the proposed project), the project-generated increment would result in a maximum of 3 auto trips during the Midday peak hour and no (zero) truck trips during any peak hour period. The HDDVs screen assumed that all autos are LDGT1 class vehicles. The worst-case HDDVs or its equivalent in vehicular emissions would result in a

[2] https://gis3.dot.ny.gov/html5viewer/?viewer=FC

maximum of 1 equivalent truck traveling on City Island Avenue. (See Appendix D, *CEQR Technical Manual* Equivalent Truck Calculations). The proposed action passed the $PM_{2.5}$ HDDVs screening analysis and no detailed analysis was required.

Parking Facility

Based on CEQR guidelines, the maximum capacity of a parking facility is evaluated with a threshold capacity to determine whether a detailed analysis is required. The threshold increment, per the NYC Department of City Planning (DCP), is 85 new off-street parking spaces. A detailed analysis is required if the threshold is met or exceeded. The proposed action would result in an increment of one off-street parking space. Therefore, the parking facility screened out, and no detailed air quality analysis was required.

Existing Mobile Source of Pollutants

According to the *CEQR Technical Manual*, projects that would result in new sensitive uses within 200 feet of an atypical roadway or near other major mobile source of pollutant may result in significant adverse mobile source air quality impacts. The proposed rezoning area is not located near a highway or a very large parking facility. Therefore, no detailed analysis was required.

HVAC Systems Analysis

Per the *CEQR Technical Manual*, the HVAC analysis considers the potential for emissions from the HVAC system of the proposed project to significantly impact existing land uses (project-on-existing), and the potential of the proposed project to significantly impact each other (project-on-project). Based on CEQR guidelines, a preliminary screening analysis is to be conducted as a first step to predict whether the potential impacts of the heat and hot water system boiler emissions can be significant. The screening analysis determines the threshold of development size below which the action would not have a significant impact. This CEQR screening procedure is applicable to buildings that are not less than 30 feet from the nearest building of similar or greater height. Otherwise, a detailed dispersion analysis is required.

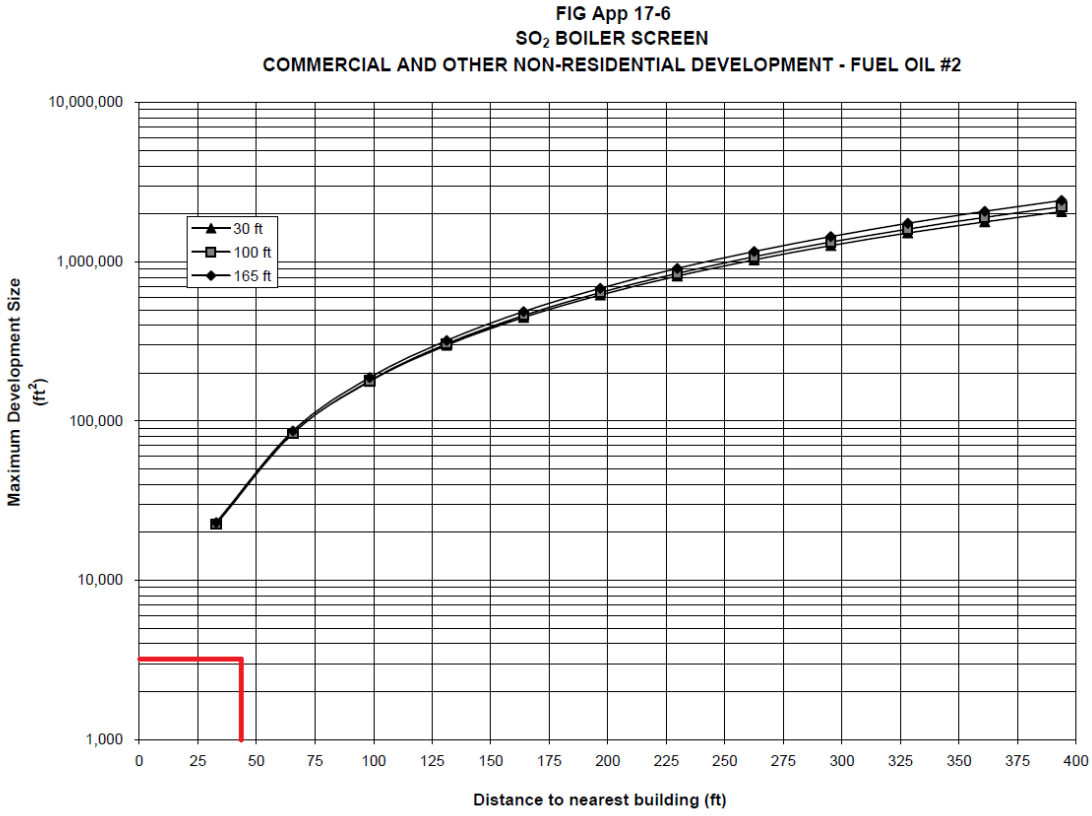
The potential for the heat and hot water system(s) to have a significant adverse impact on nearby receptors depends on the type of fuel that would be used by the HVAC system, the height of the stack venting the emissions, the distance to the nearest building of similar or greater height, the building's use, and the square footage of the development that would be served by the system. The *CEQR Technical Manual* provides a screening analysis based on these factors. If the actual distance between the source building and the affected building is greater than the threshold distance for a building size, then that building passes the screening analysis (and no significant impact is predicted). However, if the actual distance is less than the threshold distance for a building, then there is a potential for a significant impact, and a detailed analysis is required. In addition, according to 15 RCNY 2-15, no new boiler or burner installations may use No. 6 or No. 4 fuel oils. Therefore, the highest-emitting fuel that could be used is No. 2 fuel oil.

In the future with the proposed action, the existing condition would remain. Block 5633, Lot 137 (361 City Island Avenue), is developed with a 3,130 gross square feet (gsf) restaurant consisting of a 15-foot-tall building and an attached, enclosed rear dining area beneath a canvass awning. (The rear dining area would be removed under future no-action conditions.) The HVAC boiler

stack is located on the 15-foot-high building. The rest of the site serves as the restaurant's accessory parking lot; the only structure is an attendant's booth, which does not contain a boiler. Under future with-action conditions, the only HVAC emissions would be from the building on Lot 137.

The screening analysis was performed for the 3,130 gsf commercial use building. The HVAC stack is located above the 15-foot high existing building. Fuel oil No. 2 was assumed to be the type of fuel used in the system. A 45-foot distance was applied, which is the distance between the building on Projected Development Site 1 and the 28-foot-high residential building located at 351 City Island Avenue (Block 5632, Lot 137). Figure 17-1 (using Figure 17-5 of the *CEQR Technical Manual Appendices*) shows the screening analysis.

Figure 17-1: Project-on-Existing HVAC Screening Analysis



As seen in the figure, the line is below the curve, so the proposed action passes the HVAC screening analysis for a potential impact on existing land uses. Because the only HVAC emissions would be from the building located on Lot 137, there would be no possibility of a project-on-project impact.

An (E) designation (E-594) would be placed on Block 5633, Lot 137, as follows:

Block 5633, Lot 137: Any new commercial development and/or enlargement on the above-referenced property must ensure the HVAC systems and hot water equipment stack is located at the building's highest tier or at least 18 feet above grade to avoid any potential significant adverse air quality impacts.

Existing Stationary Sources

Industrial Source

Per the *CEQR Technical Manual*, projects that would introduce new receptors near manufacturing processing sources may result in potentially significant adverse air quality impacts. The assessment considers industrial sources within 400 feet of the project site. Industrial sources are identified as commercial, industrial, or processing facilities that are likely to have New York City Department of Environmental Protection (DEP) processing permits. Typical types of industrial sources are auto body facilities, woodworking facilities, offset printing facilities, metal processing facilities, and generators or cogeneration equipment (emergency generators are exempt). The analysis first determines if there are any existing industrial sources located in the study area. An air dispersion analysis is then conducted for any existing industrial source that is in the study area, otherwise no analysis is required.

No processing manufacturing facility was identified within 400 feet of the project site. Therefore, no further analysis was warranted.

Major and Large Source

Per the *CEQR Technical Manual*, projects that would introduce new receptors near major sources, large sources, or odor producing facilities may result in potentially significant adverse air quality impacts. The assessment considers major sources, large sources, and odor producing facilities within 1,000 feet of the project site. Major emission sources are identified as those sources located at Title V facilities; large emission sources are identified as sources located at facilities which require an Air State Facility permit. Solid waste or medical waste incinerators, asphalt and concrete plants, power generating plants, large boilers of large public facilities for example, and large industrial facilities are typical type of sources requiring these permits. Odor producing facilities are operations that have the potential to cause discomfort, such as: solid waste management facilities, water pollution control plants (i.e., sewage treatment plants), and incinerators.

No existing large combustion sources, such as power plants, cogeneration facilities, etc., located within 1,000 feet of the proposed project, were identified in the database. In addition, no odor producing facility was identified in the 1,000 feet study area. Therefore, no further analysis was warranted, and no significant adverse air quality impacts are predicted from these types of facilities.

Conclusion

No significant adverse air quality impacts were predicted in the analysis, and none would occur with the (E) designation in place. No further analysis is warranted.

19. NOISE

Introduction

The purpose of a noise assessment under CEQR is to determine whether an action would (1) raise noise levels significantly at existing or anticipated sensitive noise receptors (such as residences or schools) or (2) introduce new sensitive uses (such residential buildings or schools) at locations subject to unacceptably high ambient noise levels.

The assessment is concerned with both mobile and stationary noise sources. Mobile sources are those that move in relation to a noise-sensitive receptor. They include automobiles, buses, trucks, aircraft, and trains. Stationary sources of noise do not move in relation to a noise-sensitive receptor. Typical stationary noise sources of concern include machinery or mechanical equipment associated with industrial and manufacturing operations; building heating, ventilating, and air conditioning (HVAC) systems; speakers for public address and concert systems; playground noise; and spectators at concerts or sporting events. An action could raise noise levels either by introducing new stationary noise sources (such as outdoor playgrounds or rooftop air conditioning compressors) or by increasing mobile source noise (generally by generating additional traffic). Similarly, an action could introduce new residences or other sensitive receptors that would be subject to noise from either stationary or mobile sources.

Under the with-action scenario, the existing restaurant on Projected Development Site 1, including the enclosed rear dining area that is not covered by the 1990 Certificate of Occupancy, would continue in operation as a conforming use, and a revised Certificate of Occupancy would be obtained. No enlargement would occur as a result of the zoning map amendment. For Lot 137, therefore, conditions under the with-action scenario would be the same as those under existing conditions (3,130 gsf of commercial space within an eating and drinking establishment). Compared with the no-action scenario, the with-action scenario would include an additional 870 gsf because the enclosed rear dining area would not be removed. For the restaurant's accessory parking lot, the difference between no-action and with-action conditions is that the with-action scenario would include the lot's restriping to accommodate one additional car.

New Stationary Noise Sources

As noted above, the proposed action would not result in the redevelopment of the projected development sites. The existing restaurant and its accessory parking lot would remain. Because the rear dining room would not be removed as it would under the no-action scenario, the with-action scenario is a restaurant with 870 square feet more indoor dining area and one more accessory off-street parking space than under the no-action scenario. An enclosed restaurant is generally not a substantial stationary noise source. All rooftop mechanical equipment, including air conditioner compressors, would be enclosed and would comply with New York City Noise Code requirements and other applicable noise regulations. The proposed action would therefore not have the potential to cause a significant adverse stationary source noise impact.

New Mobile Noise Sources

The difference between the no-action and with-action scenarios is that the restaurant on Projected Development Site 1 would be 870 sf larger under the with-action scenario. According to the threshold criteria in Table 16-1 of the *CEQR Technical Manual*, the increment would be too small to generate 50 vehicular trips during any peak hour, the minimum that would trigger the need for a traffic analysis. Based on the trip generation rates in the 2019 Bay Street Corridor FEIS (CEQR # 16DCP156R), the increment would result in a maximum of three auto trips and no truck trips during any peak hour.

The *CEQR Technical Manual* recommends that a detailed mobile source noise analysis should be performed if a proposed action would increase the passenger car equivalents (PCEs) on a roadway during a peak hour period. The parking lot and restaurant entrances are on City Island Avenue, which is classified as a principal arterial roadway and which is the main thoroughfare that traverses the island. The proposed action would not have the potential to cause a doubling of existing noise PCEs and would not cause significant adverse mobile noise impact.

Existing Ambient Noise Levels

Per the *CEQR Technical Manual*, projects that would introduce new sensitive uses in areas subject to high ambient noise levels may result in potentially significant adverse noise impacts. Under the RWCDS for the proposed action, the difference between future no-action and with-action conditions is whether the existing restaurant would retain its rear dining area. No new noise sensitive uses would be introduced, and a restaurant dining area is not considered a noise-sensitive receptor under CEQR. An adverse impact would therefore not occur.

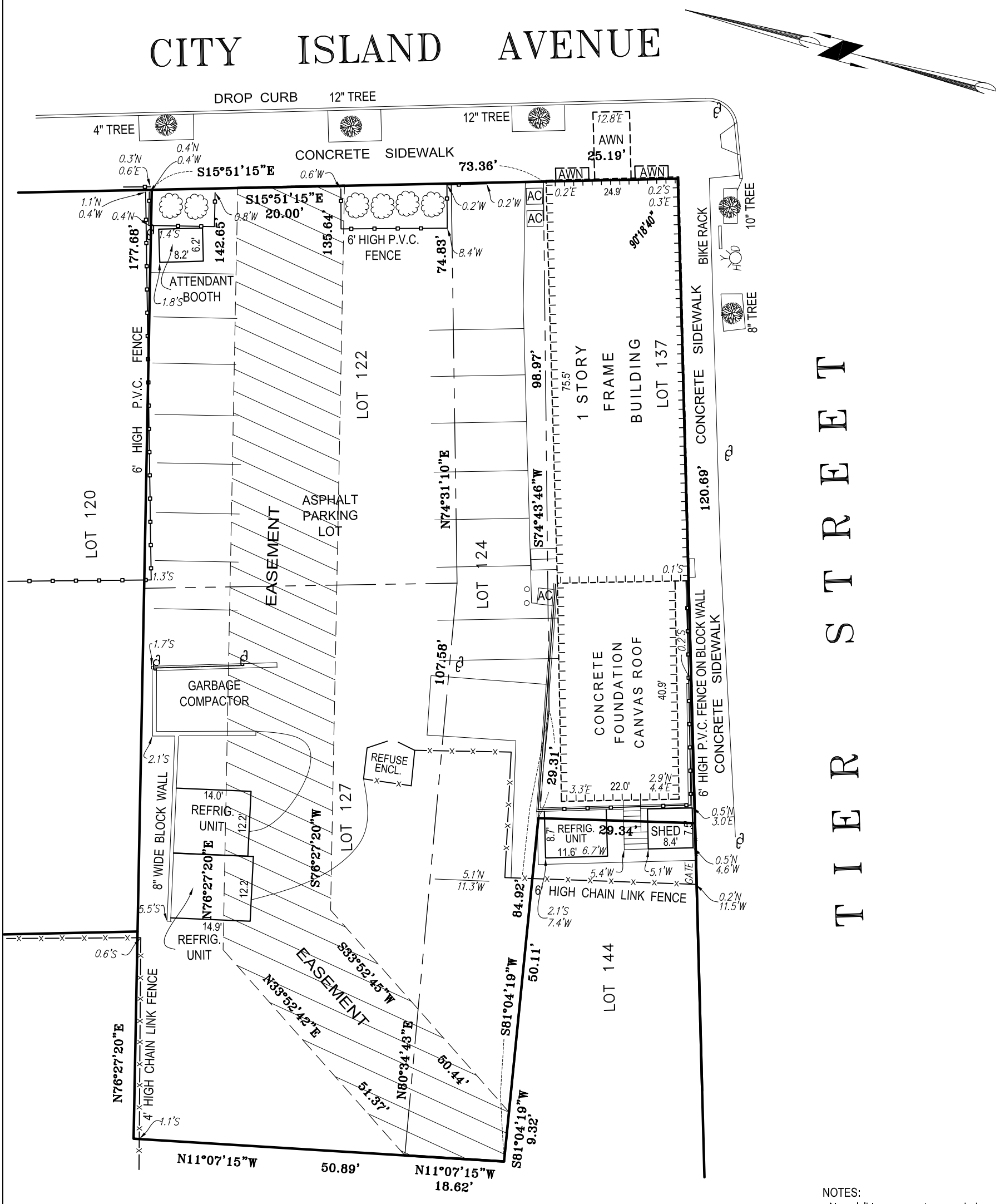
Conclusion

The proposed action would not cause a significant adverse noise impact, and further analysis is not warranted.

APPENDIX A: EXISTING CONDITIONS SURVEY AND ARCHITECTURAL DRAWINGS

Architectural drawings are for illustrative purposes only.

1. Copyright 2018, Alphonse Pesce Jr., Co., Inc. Land Surveying, All Rights Reserved.
2. Unauthorized alteration or addition to a survey map bearing a licensed land surveyor's seal is a violation of section 7209, sub-division 2, of the New York State Education Law.
3. Only boundary survey maps with the surveyor's embossed seal are genuine true and correct copies of the surveyor's original work and opinion.
4. Certifications on this boundary survey map signify that the map was prepared in accordance with the current existing Code of Practice for Land Surveys adopted by the New York State Association of Professional Land Surveyors, Inc. The certification is limited to persons for whom the boundary survey map is prepared, to the title company, to the governmental agency, and to the lending institution listed on this boundary survey map.
5. The certifications herein are not transferable.
6. The location of underground improvements or encroachments are not always known and often must be estimated. If any underground improvements or encroachments exist or are shown, the improvements or encroachments are not covered by this certificate.
7. The offsets or dimensions shown from the foundation to the property lines are for specific purpose and use and therefore are not intended to guide the erection of fences, retaining walls, pools, planting areas, addition to structures and any other construction.



NOTES:
- Non-visible easements, recorded or unrecorded are not shown.
- Underground foundations or substructures not visible are not shown.

SURVEY FOR LOCATION
CITY ISLAND AVENUE & TIER STREET
BOROUGH AND COUNTY OF BRONX
CITY & STATE OF NEW YORK

BLOCK: 5633 LOT: 122, 127, 137 & P/O LOT 124

SURVEY DATE: OCTOBER 4, 2018 JOB: 18-486

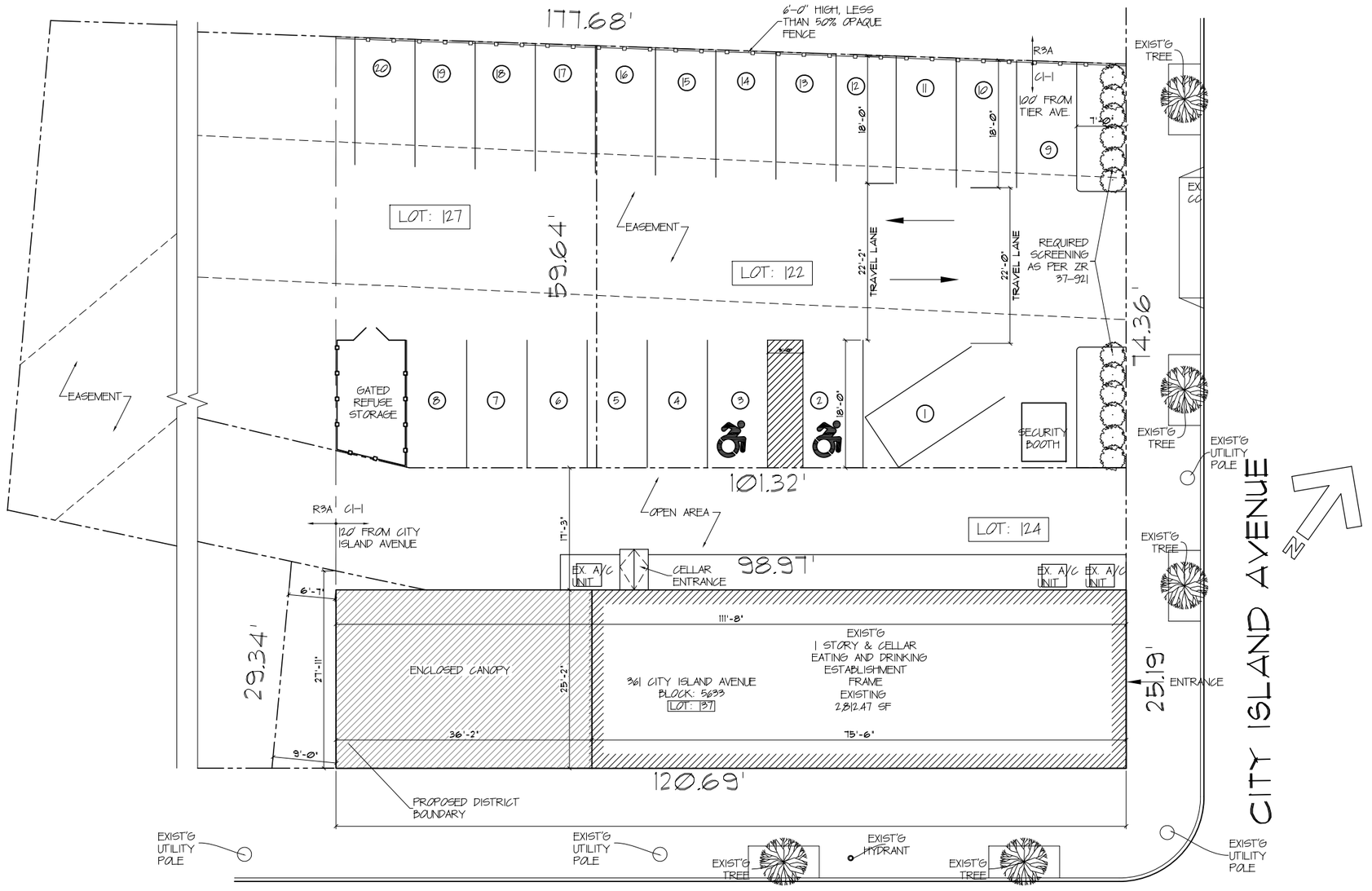
= 20'

Alphonse Pesce, Jr.
Professional Land Surveyor

N.Y.S. Lic. No. 048365

5 CIRCLEDALE LANE
HOLBROOK, NEW YORK 11741
718-486-5408 631-585-5317

STATE OF NEW YORK
ALPHONSE PESCE, JR.
048365
LICENSED LAND SURVEYOR



ILLUSTRATIVE SITE PLAN
N.T.S.

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OWNER:
MICHELLE DEBITETTO

PROJECT:
361 CITY ISLAND AVENUE

DRAWING TITLE:
ILLUSTRATIVE SITE PLAN

PROJECT: 28-013 | DATE: 9/19/19
DRAWN BY: SCOTT P. | CKD BY: GOL

ARCHITECT / ENGINEER SEAL & SIGNATURE

D.O.B. STICKER

D.O.B. SIGNATURE & STAMPS

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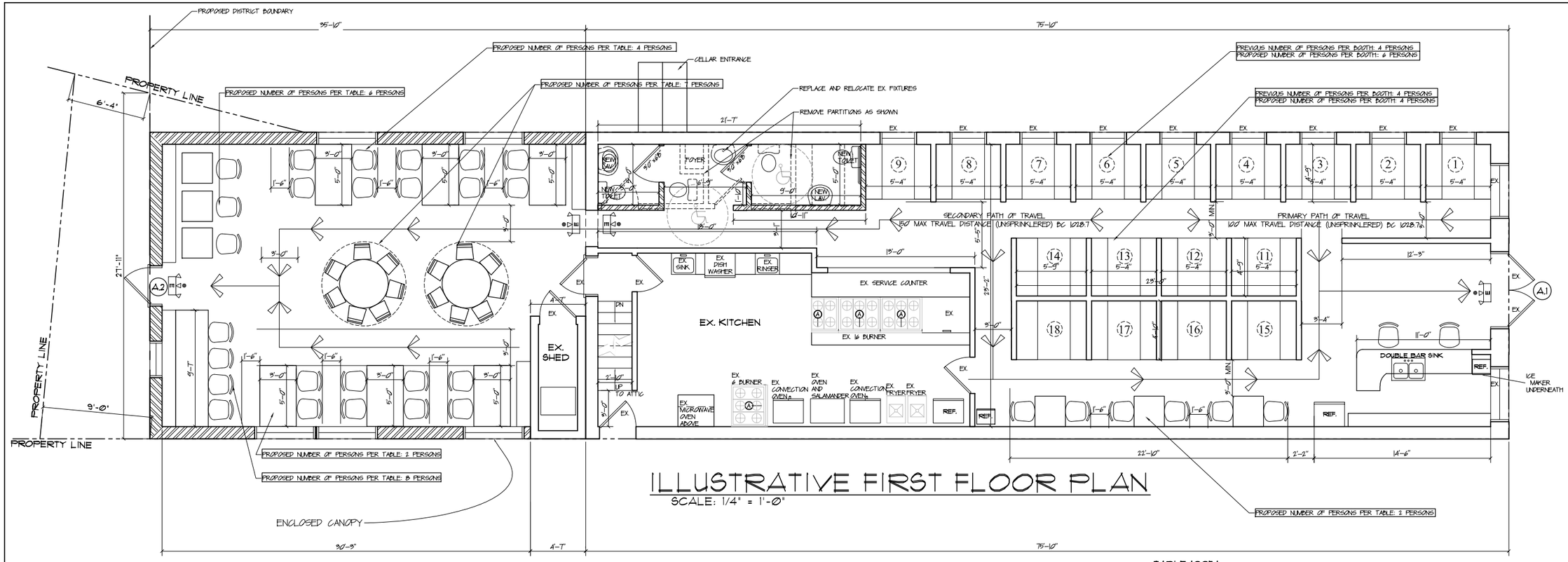
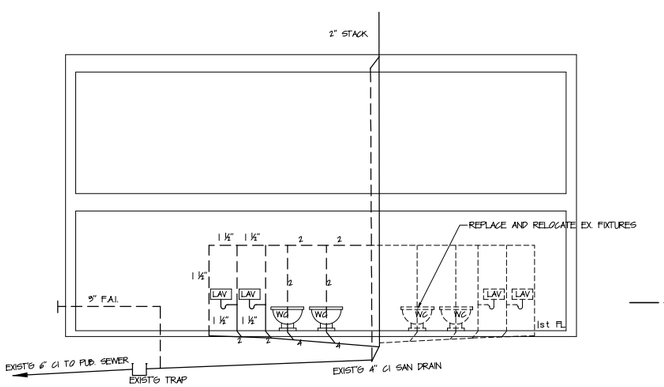


ILLUSTRATIVE FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

TABLE 1005.1
EGRESS WIDTH PER OCCUPANT SERVED

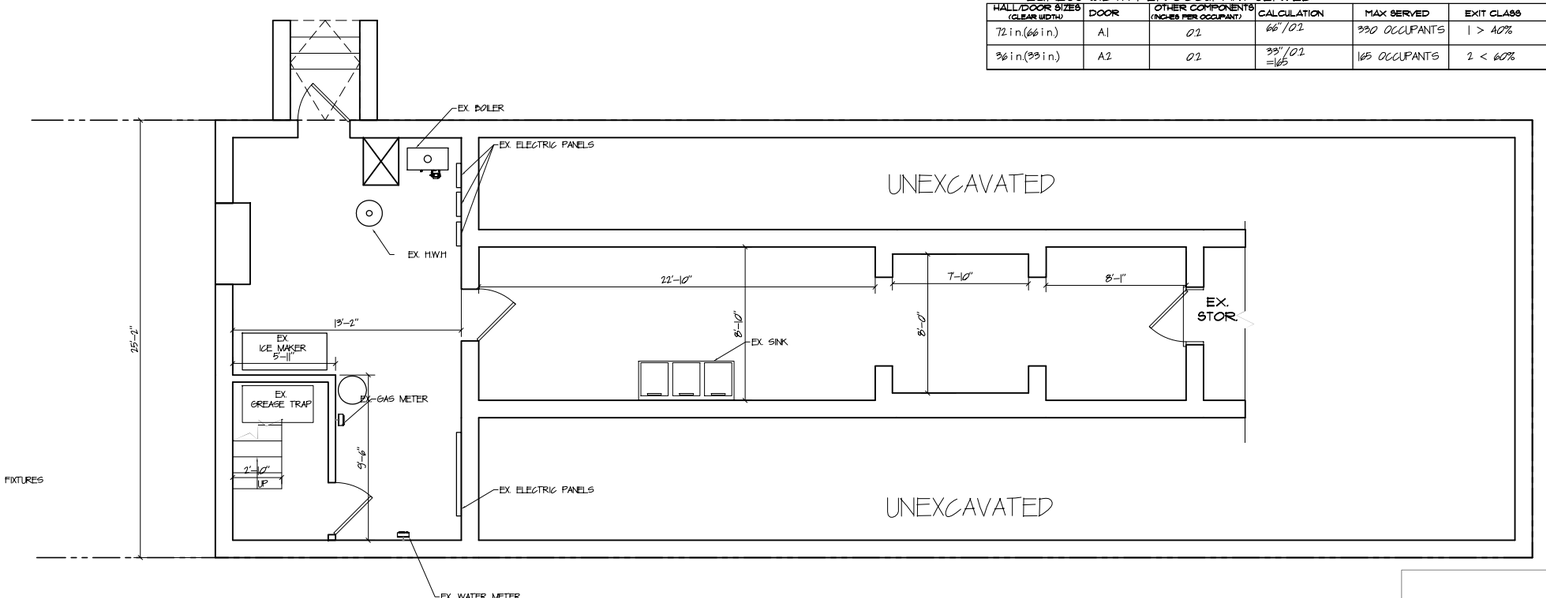
HALL/DOOR SIZES (CLEAR WIDTH)	DOOR	OTHER COMPONENTS (INCHES PER OCCUPANT)	CALCULATION	MAX SERVED	EXIT CLASS	ACTUAL SERVED
72 in.(66 in.)	A1	02	66"/02	330 OCCUPANTS	1 > 60%	94 OCCUPANTS
36 in.(33 in.)	A2	02	33"/02 =16.5	165 OCCUPANTS	2 < 60%	134 OCCUPANTS



* ALL FIXTURES SHALL COMPLY WITH LL 57/200 FOR LOW FLOW.

PLUMBING RISER DIAGRAM

NOT TO SCALE



CELLAR PLAN

(NO WORK TO BE DONE)

SCALE: 1/4" = 1'-0"

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MICHELLE DEBITETTO

PROJECT:
361 CITY ISLAND AVENUE

DRAWING TITLE:
ILLUSTRATIVE FLOOR PLAN
RISER DIAGRAM

PROJECT: 23-019 | DATE: 9/19/19
DRAWN BY: SCOTT D. | CKD BY: GOL

ARCHITECT / ENGINEER SEAL & SIGNATURE

D.O.B. STICKER

D.O.B. SIGNATURE & STAMPS

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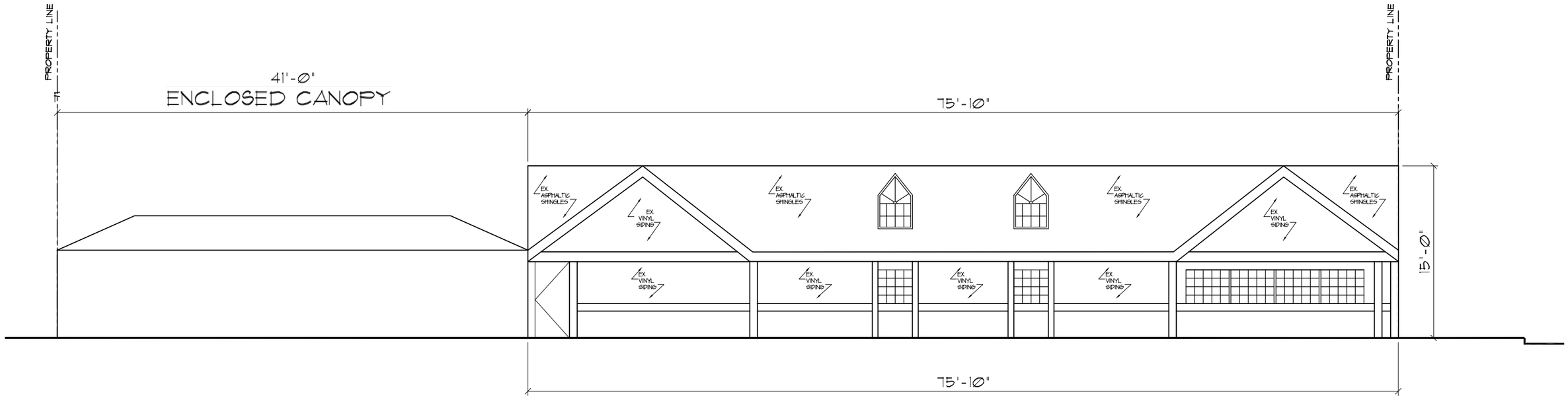
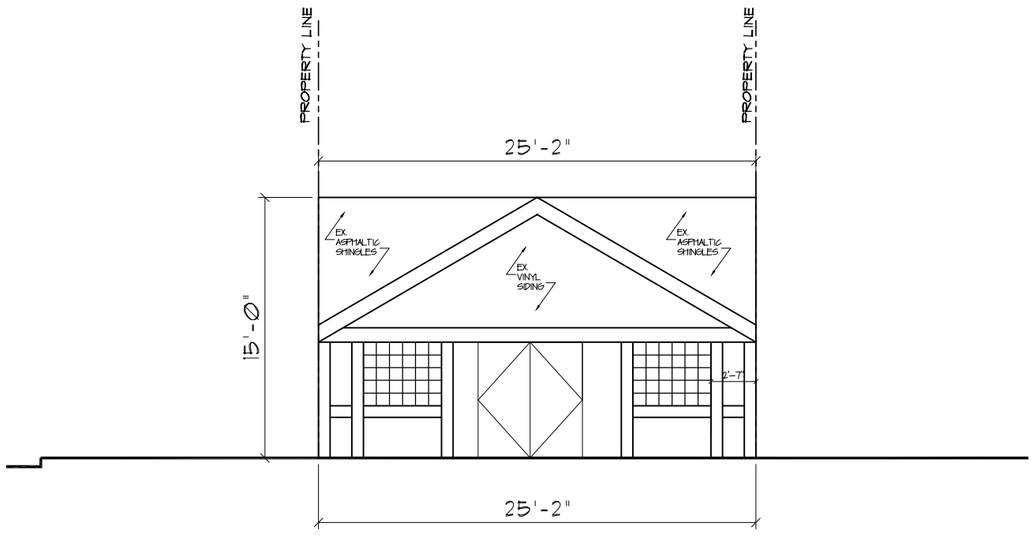
PAGE 2 OF 3



ILLUSTRATIVE TIER STREET ELEVATION

SCALE: 1/4" = 1'-0"



ILLUSTRATIVE CITY ISLAND AVENUE ELEVATION

SCALE: 1/4" = 1'-0"

TABLE II - PROGRESS INSPECTIONS FOR ENERGY CODE COMPLIANCE - COMMERCIAL BUILDINGS

	INSPECTION/ TEST	PERIODIC (MINIMUM)	REFERENCE STANDARD (SEE ECC CHAPTER 10) OR OTHER CRITERIA	ECC OR OTHER CITATION
IIA	**Envelope Inspections**			
IIA2	**Insulation placement and R-values:** Installed insulation for each component of the conditioned space envelope and at junctions between components shall be visually inspected to ensure that the R-values are marked, that such R-values conform to the R-values identified in the construction documents and that the insulation is properly installed. Certifications for unmarked insulation shall be similarly visually inspected.	As required to verify continuous enclosure while walls, ceilings and floors are open	Approved construction documents	C303.1, C303.1.1, C303.1.2, C402.1, C402.2; ASHRAE 90.1 -5.5, 5.6 or 11; 5.8.1
IIA3	**Fenestration U-factor and product ratings:** U-factors, SHGC and VT values of installed fenestration shall be visually inspected for conformance with the U-factors, SHGC and VT values identified in the construction drawings by verifying the manufacturer's NFRC labels or, where not labeled, using the ratings in ECC Tables C303.1.3(1), (2) and (3).	As required during installation	Approved construction documents; NFRC 100, NFRC 200	C303.1, C303.1.3, C402.3; ASHRAE 90.1 -5.5; 5.6 or 11; 5.8.2
IIA4	**Fenestration air leakage:** Windows and sliding or swinging door assemblies, except site-built windows and/or doors, shall be visually inspected to verify that installed assemblies are listed and labeled by the manufacturer to the referenced standard. For curtain wall, storefront glazing, commercial entrance doors and revolving doors, the testing reports shall be reviewed to verify that the installed assembly complies with the standard cited in the approved plans.	As required during installation; prior to final construction inspection	NFRC 400, AAMA/WDMA/CSA 101/I.S.2/A440 ASTM E283; ANSI/DASMA 105	C402.4.3; ASHRAE 90.1 -5.4.3.2
IIA5	**Fenestration areas:** Dimensions of windows, doors and skylights shall be verified by visual inspection.	Prior to final construction inspection	Approved construction documents	C402.3; ASHRAE 90.1 -5.5.4.2, 5.6 or 11
IIA6	**Air sealing and insulation - visual inspection:** Openings and penetrations in the building envelope, including site-built fenestration and doors, shall be visually inspected to verify that a continuous air barrier around the envelope forms an air-tight enclosure. The progress inspector shall visually inspect to verify that materials and/or assemblies have been tested and meet the requirements of the respective standards, or that the building is tested and meets the requirements of the standard, in accordance with the standard(s) cited in the approved plans.	As required during construction	Approved construction documents; ASTM E2178, ASTM E2357, ASTM E1677, ASTM E779, ASTM E283.	C402.4, ASHRAE 90.1 -5.4.3.1

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OWNER:
MICHELLE DEBITETTO

PROJECT:
361 CITY ISLAND AVENUE

DRAWING TITLE:
ELEVATIONS
TABULAR ANALYSIS

PROJECT: 28-019 | DATE: 9/13/19
DRAWN BY: SCOTT D. | CKD BY: GOL.

ARCHITECT / ENGINEER SEAL & SIGNATURE

D.O.B. STICKER

D.O.B. SIGNATURE & STAMPS

A -200.00

PAGE 3 OF 3

APPENDIX B: WRP CONSISTENCY DOCUMENTS

FOR INTERNAL USE ONLY	WRP No. 18-206
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: Crab Shanty Restaurant

Name of Applicant Representative: Brian Kintish of Environmental Studies Corp.

Address: Environmental Studies Corp., 55 Water Mill Rd., Great Neck, NY 11021

Telephone: 646-896-1873 Email: bkintish@environmentalstudiescorp.com

Project site owner (if different than above): Country Sam Dev. Corp.

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The action would rezone the affected area from R3A to R3A/C1-2 within the CD. The action would bring the eating and drinking establishment on Lot 137 into conformance with the use regulations of the ZR and would serve to legalize the rear 870 sf portion of the restaurant, which is an addition not covered by the C of O and which would be removed absent the action. The action would establish the parking lot on Lots 122, 124, and 127 as accassory to the adjacent restaurant and thus a conforming UG 6F use. No construction is projected.

2. Purpose of activity

To legalize an unauthorized horizontal enlargement of a legal nonconforimg use (a restaurant in a residential district) and the restaurant's adjacent accessory parking lot.

C. PROJECT LOCATION

Borough: Bronx Tax Block/Lot(s): Block 5633, Lots 122, 124 127, and 137

Street Address: 361 City Island Avenue

Name of water body (if located on the waterfront): _____

D. REQUIRED ACTIONS OR APPROVALS

Check all that apply.

City Actions/Approvals/Funding

City Planning Commission ☑ Yes ☐ No

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

Board of Standards and Appeals ☐ Yes ☑ No

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

Other City Approvals

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

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 Maritime 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: Brian Kintish of Environmental Studies Corp.

Address: Environmental Studies Corp., 55 Water Mill Rd., Great Neck, NY 11021

Telephone: 646-896-1873 Email: bkintish@environmentalstudiescorp.com

Applicant/Agent's Signature: Brian Kintish

Date: 6/26/20

Submission Requirements

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

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

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

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

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

New York City Department of City Planning
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3696
wrp@planning.nyc.gov
www.nyc.gov/wrp

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

Applicant Checklist

- ☑ Copy of original signed NYC Consistency Assessment Form
- ☑ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☑ Environmental Review documents
- ☑ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.
- ☑ Policy 6.2 Flood Elevation worksheet, if applicable. For guidance on applicability, refer to the WRP Policy 6.2 Guidance document available at www.nyc.gov/wrp

Attachment to Consistency Assessment Form for 361 City Island Avenue

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

The proposed rezoning area is not within a Special Natural Waterfront Area (SNWA) or Significant Maritime and Industrial Area (SMIA), and it is in a well developed area with substantial residential and commercial development. A commercial development (a restaurant) now occupies Projected Development Site 1, and its parking lot occupies Projected Development Site 2. The proposed action would therefore be consistent with Policy 1.1.

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

As shown in the New York City Flood Hazard Mapper, the proposed rezoning area is not within a 100- year-floodplain or a 500-year-floodplain as designated on FEMA's 2015 preliminary flood maps. According to the Flood Hazard Mapper, the base flood elevation in the vicinity of the rezoning area is 14 feet; and according to NYC Open Data Building Footprints file, the elevation of Projected Development Site 1 is 18 feet. The proposed action would be consistent with Policy 6.

Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.

The New York City Panel on Climate Change has projected that, relative to sea levels in the year 2000, sea levels at New York City will have risen 4 to 8 inches in the 2020s, 11 to 21 inches in the 2050s, 18 to 39 inches in the 2080s, and 22 to 50 inches by 2100. These changes will increase the frequency and severity of coastal flooding, expand existing flood zones, and increase base flood elevations at locations within existing flood zones.

As shown in the New York City Flood Hazard Mapper, the proposed rezoning area is expected to be within the 100-year-floodplain by the 2050s. It is not expected to be subject to moderate wave action or to be inundated during high tide at any time through 2100.

The proposed action would serve to legalize a rear dining area, set on a concrete slab and enclosed by wooden sides and topped by a canvass awning, that has been added to the restaurant, as well as to legalize the restaurant's accessory surface parking lot. No new construction would occur. The proposed action would not affect the future of the original part of the restaurant building, which is where all critical elements, such as utilities, are located. The proposed action would therefore not exacerbate existing vulnerabilities and would therefore be consistent with Policy 6.2.

NYC Waterfront Revitalization Program - Policy 6.2 Flood Elevation Workhsheet

COMPLETE INSTRUCTIONS ON HOW TO USE THIS WORKSHEET ARE PROVIDED IN THE "CLIMATE CHANGE ADAPTATION GUIDANCE" DOCUMENT AVAILABLE AT www.nyc.gov/wrp

Enter information about the project and site in highlighted cells in Tabs 1-3. Tab 4, "Summary Charts" contains primary results. Tab 5, "0.2%+SLR" produces charts to be used for critical infrastructure or facilities. Tab 6, "Calculations" contains background computations. Appendix A contains tide elevations for station across the city to be used for the elevation of MHHW if a site survey is not available. Non-highlighted cells have been locked.

Background Information	
Project Name	361 City Island Avenue Rezoning
Location	Block 5633, Lots 120 (p/o), 122, 124 (p/o), 127 (p/o), and 137 (p/o), on City Island in Bronx CD 10
Type(s)	☑ Residential, Commercial, Community Facility ☐ Parkland, Open Space, and Natural Areas ☐ Tidal Wetland Restoration ☐ Critical Infrastructure or Facility ☐ Industrial Uses ☐ Over-water Structures ☐ Shoreline Structures ☐ Transportation ☐ Wastewater Treatment/Drainage ☐ Coastal Protection
Description	The action would rezone the affected area from R3A to R3A/C1-2 within the CD. The action would bring the eating and drinking establishment on Lot 137 into conformance with the use regulations of the ZR and would serve to legalize the rear 870 sf portion of the restaurant, which is an addition not covered by the C of O and which would be removed absent the action. The action would establish the parking lot on Lots 122, 124, and 127 as accassory to the adjacent restaurant and thus a conforming UG 6F use. No construction is projected.
Planned Completion Date	2021
Expected Project Lifespan	to approximately 2100

The New York City Waterfront Revitalization Program Climate Change Adaptation Guidance document was developed by the NYC Department of City Planning. It is a guidance document only and is not intended to serve as a substitute for actual regulations. The City disclaims any liability for errors that may be contained herein and shall not be responsible for any damages, consequential or actual, arising out of or in connection with the use of this information. The City reserves the right to update or correct information in this guidance document at any time and without notice.

For technical assistance on using this worksheet, email wrp@planning.nyc.gov, using the message subject "Policy 6.2 Worksheet."

Last update: Sept. 7, 2018

Establish current tidal and flood heights.

	FT (NAVD88)	Feet	Datum	Source
MHHW	3.64	**3.64**	**NAVD88**	*NOAA datums for Kings Point Station*
1% flood height	14.00	**14.00**	**NAVD88**	*Flood Hazard Mapper*
Design flood elevation	18.00	**18.00**	**NAVD88**	*NYC Open Data Building Footprint File*
As relevant:				
0.2% flood height	-->			

Data will be converted based on the following datums:

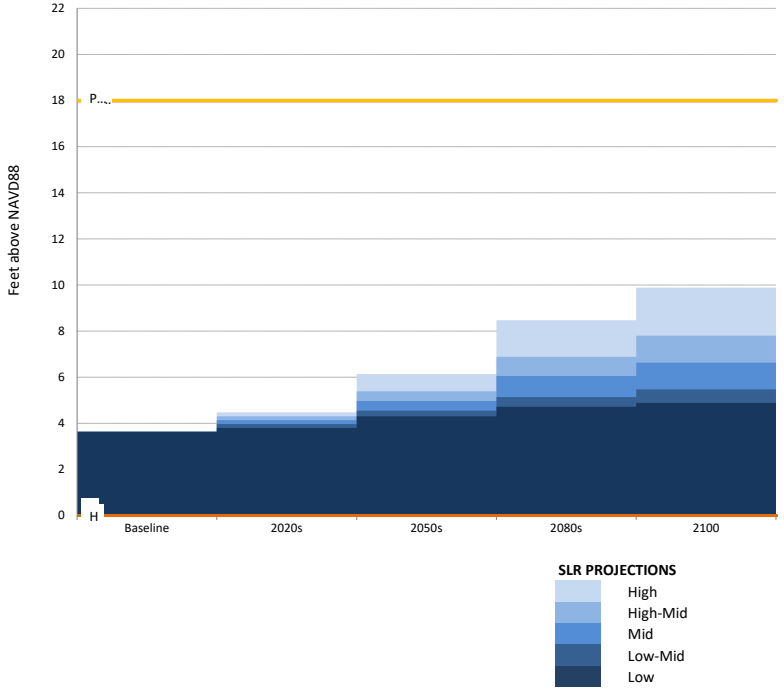
Datum	FT (NAVD88)
NAVD88	*0.00*
NGVD29	*-1.10*
Manhattan Datum	*1.65*
Bronx Datum	*1.51*
Brooklyn Datum (Sewer)	*0.61*
Brooklyn Datum (Highway)	*1.45*
Queens Datum	*1.63*
Richmond Datum	*2.09*

Describe key physical features of the project.

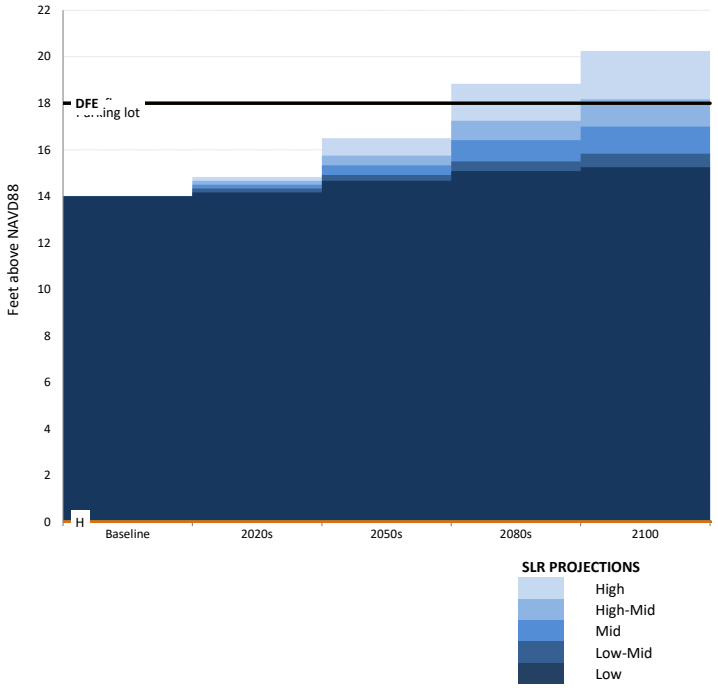
Feature *(enter name)*	Feature Category	Lifespan	Elevation	Units	Datum	Ft	Ft Above NAVD88	Ft Above MHHW	Ft Above 0.2% flood height
First floor	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2100	18.0	Feet	NAVD88	*18.0*	*18.0*	*14.4*	*#VALUE!*
Rear dining room									
Parking lot	☑ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other	2100	18.0	Feet	NAVD88	*18.0*	*18.0*	*14.4*	*#VALUE!*
Accessory parking lot									
C	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88				
Description of Planned Uses and Materials									
D	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88				
Description of Planned Uses and Materials									
E	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88				
Description of Planned Uses and Materials									
F	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88				
Description of Planned Uses and Materials									
G	☐ Vulnerable ☐ Critical ☐ Potentially Hazardous ☐ Other			Feet	NAVD88				
Description of Planned Uses and Materials									
H	☐ Vulnerable ☐ Critical ☑ Potentially Hazardous ☐ Other			Feet	NAVD88				
Description of Planned Uses and Materials									

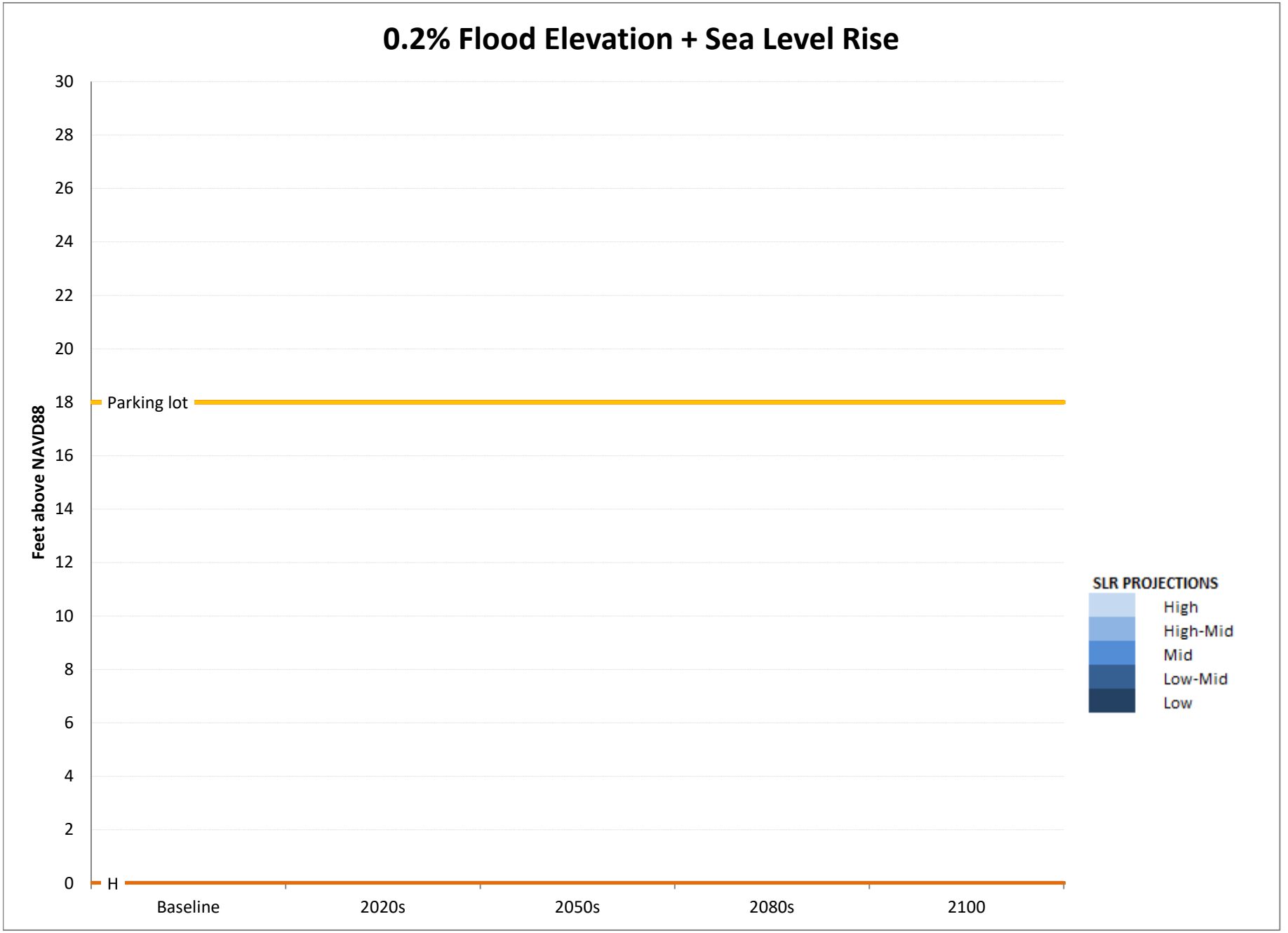
Assess project vulnerability over a range of sea level rise projections.

Mean Higher High Water + Sea Level Rise



1% Flood Elevation + Sea Level Rise




0.2% Flood Elevation + Sea Level Rise
Feet above NAVD88
30
28
26
24
22
20
18
16
14
12
10
8
6
4
2
0
Parking lot
H
Baseline
2020s
2050s
2080s
2100
SLR PROJECTIONS
High
High-Mid
Mid
Low-Mid
Low

	SLR (ft)					
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**	
Baseline	0.00	0.00	0.00	0.00	0.00	**2014**
2020s	0.17	0.33	0.50	0.67	0.83	**2020s**
2050s	0.67	0.92	1.33	1.75	2.50	**2050s**
2080s	1.08	1.50	2.42	3.25	4.83	**2080s**
2100	1.25	1.83	3.00	4.17	6.25	**2100**

	MHHW+SLR (ft above NAVD88)				
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**
Baseline	3.64	3.64	3.64	3.64	3.64
2020s	3.81	3.97	4.14	4.31	4.47
2050s	4.31	4.56	4.97	5.39	6.14
2080s	4.72	5.14	6.06	6.89	8.47
2100	4.89	5.47	6.64	7.81	9.89

	1%+SLR (ft above NAVD88)				
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**
Baseline	14.00	14.00	14.00	14.00	14.00
2020s	14.17	14.33	14.50	14.67	14.83
2050s	14.67	14.92	15.33	15.75	16.50
2080s	15.08	15.50	16.42	17.25	18.83
2100	15.25	15.83	17.00	18.17	20.25

	0.2%+SLR (ft above NAVD88)				
	Low	**Low-Mid**	**Mid**	**High-Mid**	**High**
Baseline	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2020s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2050s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2080s	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!
2100	#VALUE!	#VALUE!	#VALUE!	#VALUE!	#VALUE!

	0	1
First floor	18	18
Parking lot	18	18
C	0	0
D	0	0
E	0	0
F	0	0
G	0	0
H	0	0
DFE	18.00	18.00

SLR (in)				
Low	**Low-Mid**	**Mid**	**High-Mid**	**High**
0	0	0	0	0
2	4	6	8	10
8	11	16	21	30
13	18	29	39	58
15	22	36	50	75

NOAA Tide Station Data

(to be used only when a site survey is unavailable)

Station ID	*Station Name*	*Source MHHW (Feet, NAVD88)**	*Adjusted MHHW (Feet, NAVD88)**
8518687	Queensboro Bridge	2.27	2.60
8530095	Alpine	2.11	2.44
8516614	Glen Cove	3.72	4.05
8516990	Willets Point	3.72	4.05
8518639	Port Morris	3.33	3.66
8518699	Williamsburg Bridge	2.14	2.47
8518750	The Battery	2.28	2.61
8531680	Sandy Hook	2.41	2.74
8518490	New Rochelle	3.71	4.04
8531545	Keyport	2.66	2.99
8516891	Norton Point	2.08	2.41
8517201	North Channel	2.72	3.05
8517137	Beach Channel	2.10	2.43
8517756	Kingsborough	2.13	2.46
8519436	Great Kills	2.22	2.55
8531142	Port Reading	2.82	3.15
8519483	Bergen Point	2.56	2.89
8519050	USCG	2.28	2.61
8518902	Dyckman St	2.01	2.34
8517251	Worlds Fair Marina	3.59	3.92
8518668	Horns Hook	2.54	2.87
8518643	Randalls Island	2.60	2.93
8518526	Throggs Neck	3.68	4.01

* MHHW values include an addition 0.33 feet to account for changes in sea level since the 1983-200

Source
NOAA Tides and Currents
NOAA Tides and Currents
NOAA Tides and Currents
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NOAA Tides and Currents

)1 tidal epoch.




Alpine
8530095
New
Rochelle
8518490
Dyckman St
8518902
Glen Cove
8516614
Randalls
Island
8518643
Port
Morris
8518639
Throggs
Neck
8518526
Willets
Point
8516990
Worlds Fair
Marina
8517251
Queensboro
Bridge
8518687
Horns Hook
8518668
Williamsburg
Bridge
8518699
The Battery
8518750
North
Channel
8507201
Norton
Point
8516891
CG
9050
Beach
Channel
8517137
Kingsborough
8517756
Sandy Hook
8531680

APPENDIX C: AGENCY CORRESPONDENCE

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 / LA-CEQR-X
Project: CITY_ISLAND_REZONING
Date Received: 2/13/2020

The proposed project is within the National Register eligible City Island Historic District.

Properties with Architectural and Archaeological significance:

1) 369 CITY ISLAND AVENUE, BBL: 2056330120, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE NR HISTORIC DISTRICT, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: CONTRIBUTING WITHIN HD.

2) 365 CITY ISLAND AVENUE, BBL: 2056330122, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE NR HISTORIC DISTRICT, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: PARKING LOT WITHIN HD.

3) POND PLACE, BBL: 2056330124, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE NR HISTORIC DISTRICT, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: VACANT LOT WITHIN HD.

4) POND PLACE, BBL: 2056330127, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE NR HISTORIC DISTRICT, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: VACANT LOT WITHIN HD.

5) 361 CITY ISLAND AVENUE, BBL: 2056330137, STATE/NATIONAL REGISTER FINDINGS: ELIG PROPERTY W/IN ELIGIBLE NR HD, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: CONTRIBUTING WITHIN HD.

Comments:

LPC review of archaeological sensitivity models and historic maps indicates that there is potential for the recovery of remains from 19th Century and Native American occupation on the project site. Accordingly, the Commission recommends that an archaeological documentary study be performed for this site to clarify these initial findings and provide the threshold for the next level of review, if such review is necessary (see CEQR Technical Manual 2014).

Gina Santucci

2/26/2020

SIGNATURE DATE
Gina Santucci, Environmental Review Coordinator

File Name: 34800_FSO_GS_02262020.docx

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

ARCHAEOLOGY REVIEW

Project number: LA-CEQR-X (DEPARTMENT OF CITY PLANNING)
Project: CITY_ISLAND_REZONING
Date Received: 8/12/2020

Comments: as indicated below. Properties that are individually LPC designated or in LPC historic districts require permits from the LPC Preservation department. Properties that are S/NR listed or S/NR eligible require consultation with SHPO if there are State or Federal permits or funding required as part of the action.

This document only contains Archaeological review findings. If your request also requires Architecture review, the findings from that review will come in a separate document.

Properties with Architectural and Archaeological significance if in-ground work is part of the action:

1) 369 CITY ISLAND AVENUE, BBL: 2056330120, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE NR HISTORIC DISTRICT, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: CONTRIBUTING.
2) 365 CITY ISLAND AVENUE, BBL: 2056330122, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE NR HISTORIC DISTRICT, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: PARKING LOT.
3) POND PLACE, BBL: 2056330124, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE NR HISTORIC DISTRICT, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: VACANT LOT.
4) POND PLACE, BBL: 2056330127, STATE/NATIONAL REGISTER FINDINGS: ELIGIBLE NR HISTORIC DISTRICT, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: VACANT LOT WITHIN HD.
5) 361 CITY ISLAND AVENUE, BBL: 2056330137, STATE/NATIONAL REGISTER FINDINGS: ELIG PROPERTY W/IN ELIGIBLE NR HD, ARCHEOLOGY FINDINGS: BOTH POTENTIAL, COMMENTS: CONTRIBUTING.

Comments: The LPC is in receipt of a request to reconsider LPC's recommendation that an archaeological documentary study be completed to assess the potential for this project to impact archaeological resources because, it is stated, no in-ground work will occur as a result of this action. If this action will not involve in-ground work, then there are no further archaeological concerns for this project.



8/17/2020

SIGNATURE DATE
Amanda Sutphin, Director of Archaeology

File Name: 34800_FSO_ALS_08172020.docx

From: Cory Mann (DCP) <CMann@planning.nyc.gov>
Sent: Thursday, December 10, 2020 11:10 AM
To: bkintish@environmentalstudiescorp.com <bkintish@environmentalstudiescorp.com>
Cc: Laura Kenny (DCP) <LKenny@planning.nyc.gov>; Lucrecia Montemayor (DCP) <LMontemayor@planning.nyc.gov>; Christine Camilleri (DCP) <CCamilleri@planning.nyc.gov>
Subject: WRP consistency determination for 361 City Island Ave (WRP #18-206)

Hello Brian,

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

361 City Island Ave: The action would rezone the affected area from R3A to R3A/C1-2 within the CD. The action would bring the eating and drinking establishment on Lot 137 into conformance with the use regulations of the ZR and would serve to legalize the rear 870 sf portion of the restaurant, which is an addition not covered by the C of O and which would be removed absent the action. The action would establish the parking lot on Lots 122, 124, and 127 as accessory to the adjacent restaurant and thus a conforming UG 6F use. No construction is projected.

Based on the information submitted, the Waterfront Open Space Division, on behalf of the New York City Coastal Commission, having reviewed the waterfront aspect of this action, finds that the actions will not substantially hinder the achievement of any Waterfront Revitalization Program (WRP) policy and hereby determines the project consistent with the WRP policies.

This determination is only applicable to the information received and the current proposal. Any additional information or project modifications would require an independent consistency review.

For your records, this project has been assigned WRP #18-206. If there are any questions regarding this review, please contact me.

Best,
Cory

Cory Mann

Waterfront Planner
NYC DEPT. OF CITY PLANNING
Waterfront and Open Space Planning
120 BROADWAY, 31st FLOOR • NEW YORK, NY 10271

APPENDIX D: EQUIVALENT TRUCK CALCULATIONS

Tier Street – (Worst case traffic)					
Traffic			Source Type Population		
Period	Truck	P Car/Truck	County		Genric
AM	0	0	Source Type		Percent
MD	0	3	Passenger Car (21)		100.0%
PM	0	2	Passenger Truck (31)		100.0%
Sat MD					
Threshold EQU Truck			13		
Period	Truck	P Truck (LDGT1)	Etrucks (Paved Road)		Pass/Fail
AM	0	0	0.0		Pass
MD	0	3	1.4		Pass
PM	0	2	1.0		Pass
Sat MD	0	0			Pass

City Island Avenue – (Worst case traffic)					
Traffic			Source Type Population		
Period	Truck	P Car/Truck	County		Genric
AM	0	0	Source Type		Percent
MD	0	3	Passenger Car (21)		100.0%
PM	0	2	Passenger Truck (31)		100.0%
Sat MD					
Threshold EQU Truck			23		
Period	Truck	P Truck (LDGT1)	Etrucks (Minor Arterial)		Pass/Fail
AM	0	0	0.0		Pass
MD	0	3	0.1		Pass
PM	0	2	0.1		Pass
Sat MD	0	0			Pass