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## MAS Comments on Bay Street Corridor Rezoning & Related Actions for the City Planning Commission, CEQR No. 16DCP156R

February 27, 2019

### Position

The Municipal Art Society of New York (MAS) believes the Bay Street Corridor Rezoning poses several opportunities and many challenges for Staten Island's North Shore. On one hand, the rezoning has the potential to foster a more vibrant downtown environment and add a substantial number of affordable housing units. However, concerns about flood resiliency in relation to new development, significant traffic congestion, the unmet shortage of public school seats and lack of open space resources to support new growth must be addressed before MAS will support the project.

Taken together, these issues reflect a need for transparency and comprehensive planning. Currently, the Bay Street Corridor Rezoning lacks both. Our support for the project is also contingent on all impact calculation methodologies being disclosed and critical infrastructure deficiencies being addressed in the Final Environmental Impact Statement (FEIS).

### Background

The rezoning will affect a 20-block, 45-acre area in Staten Island's Tompkinsville, Stapleton, and St. George neighborhoods in Community District 1. It will result in an incremental increase of 2,736 housing units, 25 to 32 percent of which will be affordable under the City's Mandatory Inclusionary Housing (MIH) Program. The rezoning would introduce 7,031 new residents to the area.

In addition to the 2.7 million square feet (sf) of new residential development, the project is expected to add 183,555 sf of commercial space and 105,700 sf of community facility uses. The rezoning also includes the disposition of three City-owned sites for future development.

### MAS Recommendations and Comments

Our comments are in response to the Draft Environmental Impact Statement (DEIS) of the Proposed Actions and the subsequent amended zoning text application (A-Text Application) that was filed on February 12, 2019.

### Public Policy

The DEIS estimates that approximately 30 percent of new residential floor area on projected development sites will be affordable under MIH. However, over 7,000 new residents will be introduced to an area in which the median household income (\$43,071) is significantly lower than Staten Island (\$74,021) and New York City (\$55,191). This raises concerns about indirect displacement of lower income residents as those with higher incomes move to the area, as well as concerns about indirect displacement of area businesses, as new residents may seek goods and services not affordable to lower income residents. This situation also raises questions about the actual affordability of the new housing under the proposal. As such, it is critical that the FEIS specifies and evaluates MIH options and the potential impacts that differing income levels can have on socioeconomic conditions in the Project Area.

According to the U.S. Census (*American Community Survey 2016 5-year estimates*), 35 percent of the households in the Project Area have incomes that are less than 30 percent of the Area Median Income (AMI), \$24,500 for a three-person household.<sup>1</sup> The deepest affordability option under MIH would require that 20 percent of the residential floor area be affordable to households earning 40 percent of AMI (\$32,640 for a three-person household). The MIH option at 60

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<sup>1</sup> Based on the Socioeconomic Study Area, or Census Tracts 3, 7, 9, 11, 17, 21, 27, 29 (Richmond County, NY).

percent of AMI (\$49,000 for a three-person household) would be above the neighborhood's median household income of \$43,071.

Therefore, MAS recommends that the deepest level of affordability be applied to the rezoning area to ensure that a significant portion of new affordable housing will be within reach of current residents.

### **Socioeconomic Conditions**

The project has the potential to directly displace 244 employees in 30 local businesses, the majority of which are located within the Bay Street Corridor. Despite this, the DEIS concludes that the rezoning would not have adverse impacts on local businesses. The DEIS further assumes that any potential for commercial displacement would be offset by the ability of displaced businesses to relocate within the Study Area.

While we support the use of Development Site 5 for new housing, the direct displacement of the Western Beef Supermarket would leave the Bay Street Corridor without a large grocery store and current residents without affordable grocery shopping options. According to the DEIS, the opportunity for new commercial development under the rezoning would alleviate the loss of the supermarket. MAS finds this conclusion to be unsubstantiated. Creating the opportunity for new commercial development does not directly lead to the creation of new stores. Even with the tax benefits offered through the FRESH program, there is no guarantee that new grocery stores would serve or continue to serve similar demographics. The DEIS further states that the presence of other grocery stores outside of the Project Area, such as the Key Food supermarket at 155 Bay Street, would offset the displacement of Western Beef. However, the Key Food in question is decidedly smaller in size and does not have a parking lot. Therefore, MAS recommends that the City explore and identify sites within the Project Area for the development of a new grocery store before closing Western Beef to ensure that the Bay Street Corridor does not become a food desert. The City must also ensure that the corridor is not without a large grocery store during the 12-year project build-out period.

### **Community Facilities and Services**

As proposed, the rezoning would greatly exacerbate the lack of school seats currently plaguing North Shore public schools. With a total enrollment of 11,869 students, elementary schools in the study area are now at 119 percent capacity. The utilization rates for the Bay Street Corridor and Canal Street Corridor zoned schools range from 101 to 138 percent. Accordingly, the area would need an additional 1,906 elementary school seats to resolve the current deficit and address severe overcrowding.

Based on the revised numbers in the proposed A-Text Application, the rezoning would introduce an additional 766 elementary school students to the Study Area. This would bring the already pronounced deficit to 4,049 seats and the utilization rate to a staggering 138 percent in 2030. Considering the size of existing and projected deficits, North Shore families need more than the "exploration and discussion" of potential mitigation measures. MAS urges the City to commit to building additional schools in the Rezoning Area, especially elementary schools, to address current and future overcapacity issues. We expect the FEIS to address this recommendation.

In addition to our concerns about the data and methodology used in the DEIS to arrive at the No-Action Condition numbers on projected enrollment, the new information in the A-Text Application fails to disclose the updated school seat multipliers used to estimate the number of students generated by the rezoning.<sup>2</sup> This blatant lack of transparency not only fails to abide by CEQR regulations, it also impedes the public review process.

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<sup>2</sup> The Technical Memorandum indicates that new multipliers were developed by the Department of City Planning in consultation with the Mayor's Office of Environmental Coordination (MOEC) using 2012-2016 American Community Survey (ACS) – Public Use Microdata Sample (PUMS) data, but that the 2014 CEQR Technical Manual has not been updated to reflect these new thresholds. Technical Memorandum 001, p.3.

### **Open Space**

The Project Area is grossly underserved by open space. The DEIS discloses that the total open space ratio within the residential (0.5-mile) Study Area is expected to decrease by 5.22 percent to 1.22 acres per 1,000 residents under the With-Action Condition. This is well below the citywide average of 2.5 acres of open space per 1,000 residents and significantly below the Department of City Planning's (DCP) recommended goal of 1.5 acres. The active open space ratio would be nearly 75 percent lower than the total recommended ratio. These ratios would only worsen with the addition of 179 dwelling units in the A-Text Application scenario.

The DEIS also projects that total new open space acreage within the 0.25-mile and 0.5-mile Study Areas will increase by 11.63 acres under the No-Action Condition. Some 7.5 acres – about 64 percent of this total – is expected to come from the NY Wheel project, even though this development is no longer slated to be completed due to funding issues and it is unclear what will be built in its place. As such, we find this evaluation to be exceedingly misleading.

The open space evaluation in the FEIS must be revised to exclude the undeveloped portion of the NY Wheel project in its calculations for the No-Action Condition. More importantly, MAS urges the City to create additional open space within the rezoning area to help fill this critical gap. We suggest examining the disposition sites as a possible opportunity for new open space.

### **Shadows**

The proposed project would cast incremental shadows of varying durations on six sunlight-sensitive resources in the Project Area, including the landmark designated Lyons Pool Recreation Center, a valuable recreational facility for the neighborhood. According to the DEIS, sunlight on the main pool would be reduced by 1.5 hours on the May/August and June analysis days. Despite this, the assessment concludes that the project would not result in significant adverse shadow impacts based on the expectation that “public enjoyment would not be significantly impacted.”<sup>3</sup> Given the scarcity of recreational and open spaces in the area as well as the high use of the pool during the summer months, we urge the City to examine design changes that eliminate or reduce shadow impacts on Lyons Pool.

### **Climate Change and Resiliency**

Almost 38 percent of the Rezoning Area, including 12 Projected Development Sites, is within the 2015 100-year flood zone.<sup>4</sup> Based on most recent sea level rise projections by the New York City Panel on Climate Change (NPCC), by 2050, 76 percent of the residential construction expected under the rezoning would occur within the 100-year flood zone, a 55 percent increase. The two Project Areas that will accommodate the greatest amount of development under the rezoning, Bay Street Corridor and Stapleton Waterfront, will have 72 percent and 100 percent of its new built floor area within the 2050 100-year flood plain, respectively. Despite this, the DEIS states that addressing resilience for privately owned development sites is not practicable through the rezoning. Given the impacts of Superstorm Sandy on Staten Island and growing concerns about future storm resiliency, we find this conclusion unacceptable. We urge the City to develop an appropriate regulatory framework for new housing design and construction in flood-prone Rezoning Areas to address the increasing risks from storm surges and coastal flooding.

MAS further recommends that the City consider using a Land Disposition Agreement for the City-owned Stapleton Waterfront Phase III Sites, requiring a commitment to design new construction to accommodate potential flooding up to the future Base Flood Elevations as per NPCC Sea Level Rise projections.

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<sup>3</sup> DEIS, p. 6-13.

<sup>4</sup>The majority of the southern half of the Bay Street Corridor and all of the Stapleton Waterfront Phase III Sites are located in FEMA's 2015 preliminary FIRM 100-year floodplain zone AE. DEIS, p.16-13.

## **Transportation**

### *Traffic*

Currently, Bay Street functions as the area's main traffic corridor. It is a two-way street shared by cars, buses, and bicycles, and lacks the capacity to support the increase in traffic predicted under the Rezoning proposal. According to the DEIS, significant adverse traffic impacts will occur during various peak hour evaluation times at 31 intersections in the project area, 22 of which – a whopping 71 percent – would remain unmitigated. According to the A-Text Application, the project would result in an additional 12 impacted lane groups and 6 impacted intersections compared to the DEIS With-Action with Mitigation Condition.

Other major nearby intersections would also be affected. For example, service levels would deteriorate at two consecutive major intersections along Victory Boulevard (at Cebra Avenue and Jersey Street) during the evening peak hour, and would no longer be mitigated during the Saturday midday peak hour and weekday AM peak hour, respectively, according to the A-Text Application. Combined wait times would more than double from just under a minute to almost two minutes.

Even some smaller intersections would not be immune to significant traffic impacts. During the weekday evening peak hour, the intersection of Front and Wave Streets would deteriorate at a four-fold rate from an average delay of 9.6 seconds to over 38 seconds.

### *Transit*

The DEIS projects that the Proposed Actions will result in an increase in passenger trips at seven MTA bus routes, including the S51/81, S74/84, S76/86, and S78, to accommodate the influx of new residents expected under the rezoning. Additionally, according to the A-Text Application, the project is expected to further strain service on the northbound and southbound buses during weekday AM and PM peak hours, representing 21 and 22 percent increases, respectively, in bus trips in comparison to what was identified in the DEIS. This would result in significant adverse bus impacts.

We urge the City to perform a comprehensive traffic study and develop an appropriate transportation mitigation plan that adequately addresses worsening traffic congestion.

## **Alternatives Evaluation**

The DEIS evaluates three alternatives: No-Action, No Unmitigated Significant Adverse Impacts, and a Reduced Rezoning Area Alternative, which excludes the Canal Street Corridor Project Area from the rezoning. MAS recommends that the FEIS include an evaluation of an alternative in which the rezoning is restricted to the Canal Street Corridor, the west side of the Bay Street Corridor, and the three City-owned disposition sites to reduce impacts of development in the floodplain.

In addition, given the fact that the three city disposition sites offer more than 150,000 sf of developable area outside of the 2050 100-year flood plain, we recommend that the FEIS include an evaluation of an alternative in which the three disposition sites are explored as locations for affordable housing, schools, and new open space.

## **Mitigation**

MAS finds that the DEIS lacks concrete mitigation measures for addressing the considerable adverse impacts on North Shore residents, including school overcrowding, a shortage of open spaces, and traffic congestion. For a project of this importance, MAS urges the City to ensure that the FEIS contains a schedule of mitigation measures and the agencies responsible for monitoring and implementation. Furthermore, we recommend that no certificates of occupancy should be issued for new development under the rezoning unless mitigation commitments and conditions are met.

## **Conclusion**

The Bay Street Corridor Rezoning proposal has the potential to bring about major changes for the Staten Island North Shore community. With more than 7,000 new residents coming to the neighborhood, the City must do all it can to ensure that the area has sufficient open space, public school capacity, and transportation infrastructure to support the intended



growth. Given the significance of the project and the increasing risk from storm surges and coastal flooding, we further stress the importance of identifying resiliency measures as part of the rezoning proposal.

MAS has many serious concerns that need to be addressed in the current proposal before we can support it. We urge the City to consider our recommendations as part of the plan.

Thank you for the opportunity to provide comments on this important project.