

## State Environmental Quality Review Act Findings Statement

### CITY OF NEW ROCHELLE 2021 DOWNTOWN OVERLAY ZONE ZONING CODE & ZONING MAP AMENDMENTS

*December 14, 2021*

Pursuant to Article 8 of the New York State Environmental Quality Review Act (“SEQRA”) of the New York State Environmental Conservation Law and Title 6 of the NYS Code of Rules and Regulations (“6 NYCRR”) Part 617, the City Council of the City of New Rochelle makes the following findings.

Name of Action: 2021 Downtown Overlay Zone (“DOZ”) Zoning Code and Zoning Map Amendments

**Brief Description of Action:** The Proposed Action is the adoption of amendments to the City of New Rochelle Code, Chapter, 331, Zoning, and Zoning Map referenced therein to revise the existing Downtown Overlay Zone (“Existing DOZ”) to implement growth strategies intended to achieve continued redevelopment and investment in the downtown as envisioned in the City of New Rochelle’s Updated (2021) Recommended Action Plan (“Updated RAP”, also called the “RAP Addendum”) as well as various prior planning documents addressing revitalization of the City’s downtown. The Existing DOZ legislation was adopted by the City Council in December 2015 following a SEQRA process involving the preparation of a Draft Generic Environmental Impact Statement (“DGEIS”) and Final Generic Environmental Impact Statement (“FGEIS”), culminating in a SEQRA Findings Statement adopted in conjunction with the zoning approval. That prior action by the City Council created six DOZ districts (DO-1 through DO-6) comprising 279± acres centered around the City core which allow varying uses and densities depending on the walking distance to the New Rochelle Transit Center (the “Transit Center”) to promote the creation of a compact transit-oriented development with mixed uses and appropriate residential density and nonresidential intensity near the Transit Center. The DOZ uses form-based standards and provides development incentives for property owners to achieve the City’s redevelopment objectives.

The current Proposed Action is a modification of the Existing DOZ legislation to make several refinements to the standards for the DO-1 through DO-6 Districts, while also extending the boundaries of the DOZ to the east to include a Waterfront Overlay District (the “Proposed DO-7 District” or “Proposed D-7 Zone”) adjacent to Echo Bay. Under the Proposed Action, the DOZ will continue as an optional overlay district that would apply to properties only where a property owner chooses to pursue the Overlay District provisions. The Proposed Action also includes adjustment of the Theoretical Development Scenario (“TDS”) on which the environmental impact analysis under SEQRA was based, to reflect current market conditions, and to encourage continued investment and redevelopment in the City’s downtown area.

**SEQRA Classification:** Type I Action

**Location:** A 300± acre area within downtown New Rochelle, City of New Rochelle, Westchester County, New York, comprising 279± acres of the Existing DOZ and 21± acres of the proposed DO-7 District – see attached map.

**Lead Agency:** City of New Rochelle City Council, City Hall, 515 North Avenue, New Rochelle, New York 10801

**Date Supplemental Draft Generic Environmental Impact Statement Accepted:** June 15, 2021

**Date Supplemental Final Generic Environmental Impact Statement Accepted:** November 9, 2021

**Contact for Additional Information:**

Kathleen Gill, Interim Commissioner of Development

City of New Rochelle  
515 North Avenue  
New Rochelle, New York 10801  
(914) 654-2185

**Statement of Certification:** The City Council of the City of New Rochelle (“City Council”), as Lead Agency, has reviewed the Supplemental Draft Generic Environmental Impact Statement (“SDGEIS”) and the Supplemental Final Generic Environmental Impact Statement (“SFGEIS”), which together constitute the complete Supplemental Generic Environmental Impact Statement (“SGEIS”) for the Proposed Action, and certifies that:

- It has considered the relevant environmental impacts, facts and conclusions disclosed in these documents;
- It has weighed and balanced the relevant environmental impacts with social, economic and other considerations;
- It has considered and addressed all substantive public and agency comments on the SDGEIS and SFGEIS;
- The requirements of 6 NYCRR Part 617 have been met;
- Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action described below is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and
- Adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures that were identified as practicable during the environmental review process.

Based on the City Council’s review of the SGEIS and consideration of comments received during the public review process, the City Council concludes that the long-term benefits of the Proposed Action

outweigh any potential adverse impacts. The Proposed Action is anticipated to have a beneficial effect on the City of New Rochelle, minimizes adverse environmental impacts to the maximum extent practicable, and meets the objectives of the City's long-term planning efforts and vision as documented by the Updated RAP and prior City planning documents. Each site-specific application that pursues development in accordance with the DOZ provisions as amended under the Proposed Action will continue to be subsequently reviewed in accordance with the regulations implementing SEQRA (6 NYCRR Part 617) in order to evaluate potential site-specific impacts. During this site-specific review of all future projects, any identified significant adverse environmental impacts are required to be mitigated to the maximum extent feasible and practicable.

As required by SEQRA regulations, the Lead Agency has evaluated and compared the Proposed Action to a No Action Alternative. In the absence of the Proposed Action, the City of New Rochelle would not achieve the benefits of expanding the DOZ to the City's Echo Bay Waterfront and would not refine the TDS to reflect current market conditions so that downtown revitalization can continue to be promoted in accordance with the Updated RAP. Therefore, the No-Action alternative does not meet the City's objectives for the Proposed Action and is not considered to be a feasible option.

**Background of the Proposed Action:** As noted above, the Proposed Action involves an amendment of the Existing DOZ regulations in the City Zoning Code. The relevant background regarding adoption of the Existing DOZ, including purpose, need and benefit, was established in the SEQRA documentation for that prior approval, particularly the Findings Statement adopted by the City Council on December 2, 2015, as amended. Briefly, establishment of the Existing DOZ provides a form-based code which prioritizes the proper configuration and placement of buildings, rather than the conventional overemphasis on the control of uses, thereby building upon the City's prior and ongoing planning efforts relating to the downtown area with the goal of evolving a vibrant, ethnically and culturally diverse community.

Adoption of the Existing DOZ was successful in promoting revitalization of the downtown area, as the City received a wide variety of development applications for site-specific projects. Since the environmental review of the Existing DOZ was generic in nature, the City has made refinements to the 2015 TDS to reflect actual conditions as applications were submitted for various projects within the Existing DOZ. The interest in development in the downtown has been significant, requiring several updates to the TDS to address the demand set forth by applications to date. The 2021 SGEIS builds upon the information, analyses and findings from the 2015 GEIS and subsequent amendments to the TDS (in September 2016, December 2017, January 2019, March 2019, July 2019 and September 2019), and identifies and assesses the potentially significant adverse environmental impacts of the Proposed Action which were not previously identified or adequately addressed during the prior reviews.

Each modified/ amended/ refined TDS required a reassessment of the potential impacts analyzed in the 2015 GEIS. All TDS memoranda determined that the modifications/ amendments/ refinements would not result in any significant new impacts not previously analyzed in the 2015 GEIS and Findings Statement. These determinations of no new impacts from each TDS iteration were based on additional property tax revenue, additional sales tax revenue, additional jobs, implementation of all other mitigation measures required by the 2015 Findings Statement, the need for site-specific impact

investigations, and the need for associated mitigation measure to be determined by the Planning Board during site plan review in conjunction with site-specific SEQRA analysis. Collectively, these requirements ensured that the 2016 TDS, the 2017 TDS, the March 2019 TDS, the July 2019 TDS and the September 2019 TDS would not result in any significant new impacts not previously addressed during the 2015 SEQR review process. The proposed modifications to the TDS currently proposed are intended to continue the successful growth that has occurred within the Existing DOZ, while balancing the potential impacts of the additional residential density.

The area encompassing the Proposed DO-7 Zone has been subject to several planning and redevelopment initiatives over the last several decades. In furtherance of the City's desire to continue to implement a waterfront redevelopment vision consistent with public comments received during past planning efforts and with strong consideration to update its economic development policies in a post-COVID-19 economy, the City has determined that the best path forward is to include the waterfront redevelopment area in the larger DOZ and RAP. The City understood that any significant planning efforts for the waterfront should occur in coordination with the recent establishment and successes of the Existing DOZ. Therefore, the Proposed DO-7 Zone was designed as an extension of the existing DOZ to include the waterfront.

As outlined in the 2021 RAP, the ongoing COVID-19 pandemic has drastically altered the urban landscape and the way people live, work, travel, and shop. It has also resulted in significant economic hardship to the City. The pandemic created significant disruption to all business-related aspects, from managing supplies to working practices and societal behaviors. Commuters, as well as companies, discovered the value of re-purposing commuting time into extra work hours or personal time, and a segment of the population will be less likely to choose to go back to their offices full time. Therefore, growth strategies for the City need to expand to include the City's waterfront as a unique destination in such reasonable reach of a major, developing, Transit Center of significance. Redeveloping brownfield waterfront sites to the benefit of City residents is amplified by the potential to be an economic engine in the region. This can be efficiently accomplished by extending the DOZ boundary to include the Proposed DO-7 Zone. Communities around the world are realizing the importance of bringing the necessities of life within easier reach of residents, within a 15-minute walking/biking distance. New Rochelle's Existing DOZ is based on proximity of services within a ¾-mile or a 15-minute walk from the downtown core. There is a unique and rare opportunity of having 21± acres of waterfront redevelopment potential within a 15-minute walk from the Transit Center and the City core. The Proposed DO-7 Zone provides a great opportunity to re-energize the City with another anchor of regional significance while improving sustainability and resilience.

The flexibility of the Existing DOZ gives the City the opportunity to react to the changing markets and resident life choices immediately. As the City emerges from the COVID-19 pandemic, there are a number of lessons learned that can help the City improve resiliency in the future. Therefore, the City is proposing updates to the Existing DOZ and TDS to continue to foster economic development in the downtown, reflecting the changing market demands and necessary design considerations given lessons learned from the current pandemic. The City is seeking to build on the successful redevelopment of and investment in the downtown area that has taken place since the adoption of the Existing DOZ. The Existing DOZ was designed to promote redevelopment of the downtown by introducing an incentive-

based, form-based code that includes design standards and community benefit requirements intended to create a thriving, attractive, and sustainable city center.

The 2021 TDS is intended to promote a healthier economy and stronger social connectivity within the downtown and bolster the economic resiliency of the City by recognizing the important connection between the development of the waterfront and the downtown. In order to continue successful growth within the Existing DOZ and allow for additional residential units beyond what was previously analyzed in the TDS, further modifications are required. Additionally, the rezoning of the Echo Bay waterfront will allow the City to leverage the inherent assets of this area including, but not limited to, its natural waterfront, historic resources, and connection to the downtown to satisfy market demand. By utilizing the waterfront adjacent to the Existing DOZ, the Proposed DO-7 Zone will contribute to the downtown revitalization initiative, foster positive economic redevelopment of underutilized parcels, facilitate environmental cleanup of former commercial and industrial properties along the waterfront, provide incentives for adaptive reuse of the Armory property, restore the shoreline, activate the waterfront and enhance community character.

The section of this Findings Statement titled “Zoning” under impact topic #1 (*Land Use, Zoning and Public Policy*) details the zoning amendments that are included in the Proposed Action.

**Theoretical Development Scenario:** The SDGEIS examines the potential impacts of an updated Theoretical Development Scenario (the “2021 TDS”) which could occur if the proposed zoning amendments are adopted – it specifies the potential buildout in the DOZ over a ten-year period. The 2021 TDS refines the current (September 2019) TDS, which itself was a refinement of prior versions of the TDS formulated subsequent to original TDS in the 2015 GEIS and Findings Statement, as amended in 2016, 2017 and 2019.

Importantly, although the TDS is an element of the Proposed Action in that it defines the development scenario that was analyzed in the SGEIS and is the basis of the impact assessment and prescribed mitigation, as well as the conditions and criteria for evaluating future actions (e.g., site-specific development applications) in determining the need for further SEQRA review, the TDS is **not** part of the proposed zoning amendments. Instead, as with the Existing DOZ Code, the proposed amendments do not specify or dictate particular uses or, generally, the magnitudes of development, thereby allowing the flexibility needed to optimize the degree to which the underlying revitalization goals are advanced.

Table 1, below, summarizes the 2021 TDS. The evaluations in the SDGEIS, SFGEIS, and this Findings Statement are applicable to any application which is submitted in accordance with the proposed DOZ amendments, to the extent that the thresholds set forth in Table 1 are not exceeded in aggregate and by individual DOZ. Nothing herein limits the Planning Board’s authority to conduct further site-specific SEQRA evaluations during its review of a site-specific application.

**Table 1 – 2021 Theoretical Development Scenario (TDS), Including DO-7**

Overlay District	Retail (SF)	Restaurant (SF)	Office Nonmedical (SF)	Medical Office (SF)	Hotel (rooms)	Residential Units (DU)	Student Housing/ Supportive Housing	Adult Care (SF)	Independent Units (DU)	Institutional (SF)
DO-1	100,000 (-275,000)	54,000	300,000 (-500,000)	55,000 (-50,000)	300 (-200)	2,552 (+1,300) <sup>1</sup>	-	-	-	50,000 (-105,000)
DO-2	200,000 (-230,000)	32,400	100,000 (-200,000)	282,500 (+125,000)	0 (-500)	5,342 (+800) <sup>1</sup>	0 (-500)	0 (-192,000)	0 (-375)	60,000 (-140,000)
DO-3	39,000 (-15,000)	5,400	50,000 (-179,000)	0 (-26,000)	0 (-100)	576	200 (-300)	100,000 (-28,000)	200 (+200)	105,000 (-120,000)
DO-4	100,000 (-62,000)	21,400	100,000 (-108,000)	26,000	-	372 (+200)	-	-	-	-
DO-5	21,500	5,400	100,000 (-92,000)	105,000	100	232	300 (-200)	172,000 (-20,000)	-	140,000
DO-6	21,500	5,400	31,000	21,000	-	226	-	78,000 (-50,000)	-	35,000 (-20,000)
DO-7	60,000	60,000	25,000	25,000	200	700	-	-	-	23,000
<b>Totals</b>	<b>524,000 (-522,000)</b>	184,000 (+60,000)	<b>706,000 (-1,054,000)</b>	<b>514,500 (+74,000)</b>	<b>600 (-600)</b>	<b>10,000 (+3,000)</b>	<b>500 (-1,000)</b>	<b>350,000 (-290,000)</b>	<b>200 (-175)</b>	<b>413,000 (-362,000)</b>

Note: Quantities shown in parenthesis are additions or subtractions from the September 2019 TDS.

The 2021 TDS replaces the September 2019 TDS; uses/SF is inclusive of all applications that have been submitted to and approved by the City from the adoption of the DOZ in 2015 through May 2021.

1. The City intends to reserve for a period of time, 800 Units in DO-1 and 700 Units in DO-2 for the future development of City-owned properties (as set forth in the Updated RAP).

Table 2, below, summarizes the impacts of adopting the Proposed Action, based on the evaluation of the 2021 TDS examined in the SDGEIS and SFGEIS. An exceedance of the thresholds below, either in aggregate or by individual DO Zone, will require further SEQRA review at the time of application. An applicant shall use the methodology contained in the SDGEIS and SFGEIS to quantify each of the parameters below for each site-specific application.

<b>Table 2 – 2021 Theoretical Development Scenario: Impact Parameters</b>	
<b>Parameter</b>	<b>Thresholds (DO-1 through DO-7)</b>
Residential Units (DU) <sup>1</sup>	10,000 Total 2,000 – Studio 5,000 – 1 BR 2,000 – 2 BR 1,000 – 3 BR
Student Housing (beds)	500
Supportive Housing (DU)	200
Independent Units (DU)	200
Retail (SF)	542,000
Restaurant (SF)	184,000
Office Nonmedical (SF)	706,000
Medical Office (SF)	514,500
Hotel (SF/rooms)	360,000/600
Adult Care (SF)	350,000
Institutional (SF)	413,000
Total Residences (dwelling units)	10,000
Total Nonresidential Floor Area (SF)	3,369,500±
Parking (spaces)	10,503 <sup>2</sup>
AM Peak Hour Trip Generation	5,105 vph <sup>3</sup>
PM Peak Hour Trip Generation	5,890 vph <sup>3</sup>
Total Wastewater Generation/ Water Use	2.33 MGD <sup>4</sup>
Residential Population: (persons)	14,665 <sup>5</sup>
School-age Children: (students)	502 <sup>6</sup>
Employees: persons	6,366 <sup>7</sup>

1. Residential units are evaluated as considered in the 2015 GEIS (20% studio, 50% one bedroom, 20% two bedroom and 10% three bedroom, 20% owned and 80% rental). DO-7 assumes same unit type breakdown, 40% owned and 60% rental.
2. Parking calculation assumes that a 40% parking reduction is achieved for the new residential units.
3. As per the methodologies in Section 3.4 (Transportation) and Appendix H of the SDGEIS.
4. Water use/wastewater generation rates have been updated per July 2020 Engineering Design Report City of New Rochelle Sanitary Sewer Enhancements/NYSDEC Standards for Intermediate Sized Wastewater Treatment Systems (March 5, 2014, Edition) (see Appendix G-3 of the SDGEIS). Note that the 2015 GEIS and September 2019 TDS previously utilized water use/wastewater generation per the 2015 DGEIS based on 100/gpd per capita residential and 0.125 gpd/SF for commercial uses, plus 575,000 gpd additional demand to account for restaurant/wet commercial uses as provided by the water purveyor at that time, United Water New Rochelle. The July 2020 Engineering Report provides more specific generation rates for various uses and is the basis of the City's sewer improvement program. Values provided in million gallons per day (MGD).
5. Population was calculated using the Census Bureau's American Community Survey (ACS) 2018 Public Use Microdata Sample (PUMS)

files for estimates specific to the census blocks in the Existing DOZ and the Proposed DO-7 Zone. Both the 2015 TDS and September 2019 TDS utilized the Rutgers 2006 Residential Demographic Multipliers. However, the U.S. Census PUMS data provides estimates that are more current and specific to the City. Therefore, population estimates have been updated for each TDS to allow for comparison between the 2015 TDS, 2019 TDS and 2021 TDS residential population estimates.

6. Student estimate was calculated using student multipliers set forth in “New Rochelle School Capacity Study, Final Report” dated September 2015, using the actual bedroom mix of approved projects as of September 2019. See September 2019 TDS (Appendix A-5 of the SDGEIS).
7. Calculated using the same methodology as used in the 2015 DGEIS.

The following lists the SEQRA steps, in chronological order, that the City Council, as Lead Agency, has undertaken in relation to the Proposed Action:

- Preparation of a Full Environmental Assessment Form (“EAF”) Parts 1, 2 and 3 (April 1, 2021)
- City Council issuance of a Positive Declaration for the Proposed Action (April 13, 2021)
- Publication of the Positive Declaration in the Environmental Notice Bulletin (ENB) (April 28, 2021)
- Acceptance of the SDGEIS as Complete for public and agency review (June 15, 2021)
- Publication of the Availability of the SDGEIS for public review in the ENB (June 23, 2021)
- Public hearing on the SDGEIS (July 13, 2021)
- Close date for public and agency written comment period on the SDGEIS (August 23, 2021)
- Acceptance of the SFGEIS (November 9, 2021)
- Publication of the SFGEIS as Complete for public review in the ENB (November 24, 2021).

**Westchester County SDGEIS and GML Review:** The Westchester County Planning Department reviewed both the Supplemental Draft Generic Environmental Impact Statement and the proposed DO Zoning Amendments pursuant to Section 239-m of the General Municipal Law. By letter dated November 22, 2021, the County indicated that the SFGEIS adequately responded to the County’s substantive SDGEIS comments.

**Relevant Project Impact Discussions and Findings:** The following lists the areas of potential environmental impact and proposed mitigation measures that are addressed in the SGEIS, followed by the requisite Finding.

As a general matter, the act of adopting zoning legislation, as will occur under the Proposed Action, does not result in any direct impacts on the environment, positive or negative. However, to the degree that development is prompted or facilitated by the proposed zoning amendments, the secondary impacts of such development must be analyzed pursuant to SEQRA. This impact analysis was performed in the SDGEIS and SFGEIS by means of the 2021 TDS, analogous to the prior impact analysis performed in the 2015 DGEIS and FGEIS. The 2021 TDS specifies a reasonable, potential, theoretical scenario of buildout development in the DOZ, as expanded to include the Proposed DO-7 Zone, which could occur over a ten-year period if the Proposed Action is approved. The potential environmental impacts and mitigation summarized below are based on the 2021 TDS as presented and analyzed in the SDGEIS and SFGEIS.

*1. Land Use, Zoning and Public Policy*

Land Use

The Proposed Action involves the adoption of amendments to the Zoning Code and Zoning Map in order to refine the provisions of the Existing DOZ and to expand the boundaries of the DOZ to include 21± acres of the Echo Bay waterfront area, and also to update the TDS to reflect current conditions in a manner that will best encourage further revitalization of the City's downtown, consistent with the Updated RAP and various prior City-sponsored planning studies. As is the case with the Existing DOZ, the Proposed Action involves overlay zoning, which retains the existing underlying zoning districts, and the development potential attendant thereto, within the overall DOZ.

The Existing DOZ, located at the southerly end of the City, is primarily urban in character and encompasses approximately 279 acres (0.44± square mile). Land development in the Existing DOZ under the Proposed Action will continue the trend of revitalization in this area which commenced in 2015 with the adoption of the DOZ Code, while adjusting the TDS to better conform to current market conditions in order to encourage the continuation of this trend. The 2021 TDS contemplates additional residential units desired for properties located in the DO-1, DO-2, and DO-4 Districts, and the other adjustments incorporated into the 2021 TDS seeks to balance the potential impacts of this change in the theoretical development scenario. The Proposed Action also includes an amendment to definitions of "Residential Care Facility," "Supportive Housing" and "Independent Living," which clarify the intent of the DOZ with respect to allowable residential uses.

As is the case for the Existing DOZ, the primary goal of the new Waterfront Overlay Zone will be to incentivize desirable development within the DO-7 area so that it occurs within a shorter timeframe, providing needed economic, environmental, and social benefits. The existing land uses in the Proposed DO-7 District include a mix of industrial, commercial and vacant lands, which generally are underutilized and deteriorated. The area does not include any neighborhoods as defined in the 2016 New Rochelle Comprehensive Plan (i.e., residential and commercial).

The existing zoning in the DO-7 area has not been successful in promoting the type of redevelopment that has been envisioned by past planning studies completed by the City, particularly in the City's Comprehensive Plan and its adopted Local Waterfront Revitalization Program ("LWRP"); and the proposed extension of the DOZ is intended to spur the type of pedestrian-friendly growth that has been successfully accomplished under the Existing DOZ for the downtown area to the west. The proposed DO-7 Zone will also adopt the form-based approach effectively implemented in the Existing DOZ, whereby the focus is placed on public realm and quality of the streetscape environment created by mixed-use development and inclusion of civic and public open spaces, thereby helping to transform this area into a cohesive neighborhood of compatible, productive and sustainable uses to replace the existing mosaic of incongruent uses.

Implementation of the DO-7 District will establish public access to and along the Echo Bay Waterfront, a long-envisioned goal of the City's planning efforts, in an area that currently lacks such access. This continuous public access to the shoreline will also create new pedestrian connections to upland areas and water-dependent land uses such as nearby parks and the City Marina, and will provide passive recreational opportunities within a safe, healthy and socially interactive environment. The proposed

Waterfront Promenade in this area will provide a continuous physical and visual access to the waterfront and passive recreational opportunities and will be integrated into a Waterfront Activation Area intended to provide a mix of civic spaces, pedestrian linkages and public frontages. New water-enhanced mix of uses, such as retail, restaurants, hotels, and apartments, will benefit from the waterfront location and will help to contribute to the overall success, sustainability, and sense of place of the Proposed DO-7 Zone.

The Proposed Action will have an additional benefit of accelerating the environmental cleanup of properties that have been impacted by past uses in the DO-7 area, as any necessary remediation will be required to be completed prior to redevelopment. Although final plans have not yet been determined, it is anticipated that the Armory property will be adaptively reused, within the parameters of the imposed use restrictions. Furthermore, the City will coordinate with the New York State Office of General Services to obtain rights, as necessary, to improve or develop lands formerly under water that have been converted with fill into upland areas. Plans to relocate City Department of Public Works operations from the DO-7 area either have been completed or are planned for implementation prior to redevelopment of the involved parcels.

Based on the input received from market study analyses included in the SGEIS, a TDS which could occur within the next ten-year period was developed (see Table 1 above). The SDGEIS evaluates the impact of this 2021 TDS, which entails the development of a diverse and harmonious mix of uses that is intended to create a synergy that enhances the vibrancy of the DOZ and the resulting benefits to the City and its residents.

As was the case with the adoption of the Existing DOZ in 2015, establishment of the DO-7 Zone under the Proposed Action will not impact existing land uses in this area, as the underlying zoning regulations will remain in effect. If a use in this area presently conforms to the existing use requirements of the applicable underlying zoning district, it will continue to be conforming. The intent of the Proposed Action for the DO-7 area is to provide the ability to mix uses in a way that may not be allowed today. This flexibility in providing an efficient mix of uses will allow property owners to react to changing market conditions, helping to ensure that DO-7 Zone is commercially viable and a useful zoning tool for the City's continuing revitalization.

#### Zoning

The Proposed Action involves amendment of the Existing DOZ Code, zoning map changes and related actions. The proposed zoning amendments include refinements to the text of the DOZ Code adopted in 2015 for the Existing DOZ (DO-1 through DO-6) and extension of the DOZ area, with the creation of a Waterfront Overlay District (DO-7 Zone), to include 21± acres on the Echo Bay Waterfront to implement the goals and objectives set forth in the Updated RAP. The opportunities offered through the DOZ as amended under the Proposed Action, will remain optional for property owners and applicants, who may still submit land use development applications in accordance with the regulations applicable to the underlying base zoning district requirements.

The DOZ allows a vertical and horizontal mix of uses including residential, office, retail, commercial, cultural/entertainment, civic/religious, light industrial, and parking/utilities. The DOZ includes standards that establish the design parameters for development, including building form, streetscape, and other

design-related features. These form-based development parameters are consistent with the intent of the original RAP, as well as the Updated RAP and its applicability to the Proposed DO-7 District.

The Existing DOZ contains a range of underlying base zoning districts (including various multifamily residential, commercial/industrial, and mixed-use districts), as well as the six Existing DOZ overlay districts. The Proposed Action will not change the zoning map in this area.

The 21±-acre area proposed for designation as the Waterfront Overlay District (DO-7 Zone) currently is mapped into three zoning districts: C-1M General Commercial Modified, PWD-3 Planned Waterfront Development/3-story, and PWD-5 Planned Waterfront Development/5-story. The Proposed Action will not affect these underlying zoning districts, and future development of the parcels in this area may proceed under this zoning as is the case at present.

The Proposed Action will decrease certain permissible building heights within the Existing DOZ. This will reduce potential height-induced impacts due to development under the DOZ, such as solar shadowing, without increasing the magnitude of any impacts. Other proposed amendments to the Existing DOZ legislation will provide enhanced benefits, including the following provisions:

- additional options will be created for civic spaces
- the Sustainable Development Standards will be updated
- Environmental Disclosure Reporting will be added
- the Community Benefit Bonus Program will be updated to include a Climate Resiliency category, options for contributions to the Community Benefits Fund to support community-driven business incubator spaces, youth development and Minority and Women-Owned Business Enterprise (MWBE) programs, options to aid existing businesses and communities financially impacted by COVID-19, and additional green and affordable housing options.

Additionally, certain definitions will be added or revised for clarity, thereby helping to ensure that future actions are consistent with the original intent of the DOZ.

In addition to updates of the DOZ Code, the City is looking to implement growth strategies that expand mixed-use development and public recreational opportunities to the waterfront within a 15-minute walk from the Transit Center and the City core and addressing expanded demand for residential uses in proximity to public open space and the necessities of life. Expansion of the DOZ into this area is consistent with the City's adopted LWRP and other planning initiatives, as well as revitalization efforts throughout the U.S. and in New York State, to take better advantage of coastal areas to facilitate broader growth. The Proposed DO-7 Zone includes a number of City-owned parcels, totaling approximately one-half of its acreage, the redevelopment of which would provide a great opportunity to re-energize the City with another anchor of regional significance while improving sustainability and resilience. Realization of the Proposed Action in the DO-7 Zone would replace outmoded, commercial/industrial uses that are not appropriate for and do not make proper use of a valuable waterfront location, thereby resulting in an overall significant improvement with respect to economic and related benefits. This includes the provision of physical and visual public access to the water in an area where no such access is currently available, at a location that can readily be linked to nearby,

existing public park facilities, as well as the downtown core to the west. Additionally, redevelopment of the waterfront would also provide an opportunity for adaptive reuse of the historical Armory building.

As is currently the case for the Existing DOZ (DO-1 through DO-6), the Proposed DO-7 Zone will allow for a broad mix of uses, which is an essential element of the existing DOZ but is not accommodated by the existing zoning of this area. The Proposed Action will establish the design parameters for future development in the DO-7 Zone, including waterfront-specific Civic Spaces, building form, streetscape, and other design-related features, consistent with the intent of the 2021 RAP and previously adopted land use plans. The form-based focus of the Proposed DO-7 Zone will prioritize the proper form and placement of buildings to support the creation of walkable vibrant places, rather than the conventional overemphasis on the control of uses; and also offers greater density, improved parking standards and greater flexibility of uses, in exchange for complying with the urban design standards to enhance the civic and economic vitality of the waterfront.

The proposed revisions to the DOZ Code to include the new DO-7 District acknowledge that this 21±-acre area has a higher degree of environmental sensitivity than is generally applicable to the 279± acres comprising the Existing DOZ. In particular, the setting of the Proposed DO-7 Zone includes the adjacent ecological resources of Echo Bay and the historically significant armory building, as well as nearby low-density residential neighborhoods. Accordingly, special provisions have been established for the Proposed DO-7 District, creating more stringent standards and a greater degree of discretion during project/site-specific review than pertains to the existing DO-1 through DO-6 Districts. These standards for the Proposed DO-7 Zone include greater step backs and limited building heights, in addition to a provision for City Council discretion over bonus height provisions (6<sup>th</sup> story). Additionally, a residential density limit, at 45 units per acre, has been added for the Proposed DO-7 District in consideration of the public input received during the SEQR process; whereas no specific density limit is identified in the Code for the Existing DOZ districts.

The proposed provisions of the DO-7 District are summarized below:

*Development Standards*

An applicant can opt into the DO-7 Zone by demonstrating compliance with the minimum lot area and minimum lot frontage. Additional requirements include zoning standards map regulating frontages and urban design standards, street and block standards, site development standards, streamlined table of uses, frontage standards, Central Parking District parking standards, and civic space requirements including the provision for a required Waterfront Promenade.

As with the Existing DOZ, applicants in the Proposed DO-7 Zone can realize one of three Development Standard levels offering greater density and flexibility of uses, in exchange for complying with the urban design standards to improve civic and economic vitality. In order to preserve and enhance views, the maximum height in the Proposed DO-7 Zone is four stories and 55 feet, with step-back requirements along Main Street and the waterfront. If on City owned property in DO-7, the 4th story is subject to the same Community Benefit Bonus fees as 5th story in Development Standard 3 Bonus. Additional building height away from Main Street and the waterfront is permitted in exchange for the provision of Community Benefit Bonuses, which require investment in public benefits as defined in the Code and the Community Benefit Bonus policies adopted by the City. These height bonuses in the DO-7 District will be

limited to two additional stories (maximum total height of six stories); however, applicants seeking to use Community Benefit Bonuses from 175.11C under Development Standard 3 for additional height of a 6th story must first seek authorization from the City Council prior to submission to the Planning Board for site plan review. This review includes a requirement for project-specific visual impact assessment, to ensure that significant adverse visual/aesthetic impacts are avoided given the waterfront setting of this area and its proximity to low-density residential communities. The Proposed DO-7 District also includes requirements for setbacks and residential yield that are unique for the DOZ, again to mitigate potential impacts that may be associated with future development.

#### *Community Benefit Bonuses*

Applicants in the Proposed DO-7 Zone will be able to obtain development bonuses by providing community benefits in a manner similar to what currently is available to the Existing DOZ, with DOZ-wide modifications to the eligible list of benefits that are also included in the Proposed Action (e.g., climate resiliency, community-driven business incubator spaces, pre-K and youth development programs, Minority and Women Owned Business Enterprise (MWBE) programs, aid to existing businesses and communities financially impacted by COVID-19, provision of LEED-ND Gold and Platinum levels, additional green and affordable housing options.

#### *Allowable Uses*

The Proposed DO-7 Zone will provide a more flexible and market-responsive approach for development in the City's Echo Bay Waterfront area that will increase occupancy and enhance economic activity. The form-based code approach that will be established in this area under the Proposed Action recognizes that the building forms are more important than "over-regulating" land uses. Healthy downtowns thrive on a broad mix of uses in individual buildings as well as a mix of uses throughout each district. To that end, the proposed use table that will apply to the DO-7 District, as it currently applies to DO-1 through DO-6, will be consistent with the City's goals of creating a more streamlined regulatory framework to encourage development and redevelopment.

#### *Zoning Standards*

Zoning standards that are in place for the Existing DOZ will be applied to the Proposed DO-7 District, which will permit a range of building forms, frontage types and building heights in order to reinforce the transect of built forms and landscape elements appropriate for the overlay district. These Zoning standards provide requirements for building setbacks, public frontages, required storefronts and pedestrian enhancements. Buildings will be stepped down from Main Street and from the water's edge to create a smaller scale residential character that will properly frame the open space along the waterfront.

The form of buildings and their interaction with the pedestrian environment is at the core of form-based zoning. The frontage, or that portion of the building that occupies the development space fronting on the public realm (i.e., sidewalks) are regulated in the zoning. Conditions such as the percentage of the building that must occupy the space along the public realm, the amount of glazing the building should have, and the requirement to have active doorways and storefronts, are also included in the Use and Development Standards and the Public Frontage and Private Frontage Standards which will be applied to the Proposed DO-7 Zone.

As with the Existing DOZ, the Proposed DO-7 Zone seeks to encourage pedestrian-friendly streets through various strategies, including the design of storefronts, sidewalks, building frontages, lighting, fencing, walls, courtyards, etc. The Proposed DO-7 District also requires a Waterfront Activation Area containing a Waterfront Promenade that provides for continuous public access along the waterfront; this area will integrate a combination of waterfront boardwalk, pedestrian trail, other civic spaces, and public frontages, with nearby sidewalks and parkland. All properties opting into the Proposed DO-7 Zone will be required to provide a Waterfront Promenade, a minimum 30-foot-wide area, which includes shoreline restoration and beneficially improved landscaping areas planted with native species, as well as a continuous public trail along the water's edge.

#### *Parking*

As with the Existing DOZ, the Proposed DO-7 District will be located within the Central Parking Area ("CPA"), with the number of required parking spaces for individual developments specified in the Code. Site-specific analysis should be submitted to determine if credits may be applied for shared parking, attendant parking, and provisions for car share parking, bike rental/storage credits and non-reserved parking. Property owners seeking to develop their property pursuant to the existing underlying zoning districts and not availing themselves of the use of the Proposed DO-7 Zone will continue to be subject to the parking standards of the underlying zoning district and not the CPA.

#### Plans

The Proposed Action is consistent with the Updated RAP accepted by the City in 2021, as well as numerous prior plans that have been adopted to promote and reactivate the City's downtown area. In particular, the Proposed Action complies with the goals of the 2016 New Rochelle Comprehensive Plan, by contributing to downtown revitalization, fostering positive economic redevelopment of vacant and underutilized parcels, and facilitating environmental cleanup of former commercial and industrial properties along the waterfront. In addition, the Proposed Action is consistent with the recommendations identified by several past planning studies that have been adopted to promote and reactivate the City's downtown area, such as the 1996 Comprehensive Plan, 2016 Comprehensive Plan, Transit-Oriented Smart Growth Study, GreenNR Sustainability Plan 2010–2030, LWRP, and Westchester 2025.

The following revitalization strategies were established through these previous planning efforts, which have guided the Proposed Action:

- encourage the redevelopment of City-owned properties located in the DO-1, DO-2 and DO-4 Districts based on the demand established by land use development applications to-date;
- reduce the square footage of several of the other uses originally contemplated by the 2015 TDS to offset potential impacts within the Existing DOZ;
- continue the successful growth within the Existing DOZ, while balancing the potential impacts of the additional residential density desired in the DO-1, DO-2 and DO-4 Districts;
- promote redevelopment of additional properties, and generate property and sales taxes, thereby adding to the fiscal benefits of the Existing DOZ;
- encourage retail, service and restaurant uses along Main Street and the extension of Pratt Street within DO-7;
- connect the Downtown and the surrounding neighborhoods to the waterfront;

- incentivize adaptive reuse of the historic Armory Building;
- create opportunities for outdoor dining, retail shops, affordable housing, hotel and a mix of rental and ownership housing;
- create opportunities for local markets, cultural facilities and quality waterfront open space;
- maximize public access and create views of the waterfront by extending and creating streets;
- create a continuous public trail and park along the water's edge;
- limit building height to four stories along the water's edge and Main Street, and limit residential density in DO-7;
- reconstruct and promote the natural ecology of the waterfront's edge
- further address potable water use reduction, and require certifiable LEED-ND Silver equivalency
- require annual environmental disclosure reporting on project-related emissions to achieve practical, results-oriented, and realistic goals in lowering greenhouse gas emissions

As per the Westchester County Planning Board's review, it has found that the proposed zoning amendments are generally consistent with the County Planning Board's long-range planning policies set forth in *Westchester 2025 – Context for County and Municipal Planning and Policies to Guide County Planning*, adopted by the Board on May 6, 2008, amended January 5, 2010, and its recommended strategies set forth in *Patterns for Westchester: The Land and the People*, adopted December 5, 1995.

***Finding 1: The Proposed Action is not anticipated to result in any significant adverse impacts to land use, zoning, or public planning policy. The Proposed Action continues to provide the flexibility and controls established for the Existing DOZ and will extend these benefits to the Proposed DO-7 District. This flexibility and control is necessary to realize the land use and planning goals of the City Council and overall community, as determined during preparation of the Updated (2021) RAP. The Proposed Action is anticipated to result in beneficial changes to current land use and zoning and is consistent with the public policy recommendations for this area. Future site-specific actions must comply with SEQR (6 NYCRR Part 617).***

## 2. Community Character

### Visual Character

As noted previously, the Existing DOZ encompasses approximately 279 acres which is primarily urban in character, consisting of a mix of land uses, mainly commercial, office, community service and residential. Land development under the Proposed Action will continue the trend of revitalization commenced in 2015 with the adoption of the DOZ Code, upgrading the land use setting within the Existing DOZ by emphasizing the creation of a quality visual environment that will accommodate a mix of land uses, all in a manner that adds architectural character and vibrancy to the downtown.

Development in accordance with the DOZ regulations is voluntary. If a property owner desires to benefit from the additional intensity/density allowed by these regulations, development must comply with form-based design standards that emphasize the importance of the interface between the building (private) and pedestrian (public) realms, thereby rendering benefits via the introduction of new mixed-use development in a more consolidated pattern than the current form of development. The form-

based standards include many elements that are directed at improving visual character, such as building form standards, public space standards, architectural standards and landscaping standards.

The DOZ standards ensure that the visual character of development undertaken pursuant to these standards will be improved and protected. Promoting “walkability” via frontage standards and creation of pedestrian-friendly streets and storefronts is a particular objective which will result in enhancement of the visual environment.

Beyond the visual character benefits associated with the DOZ regulations as summarized above which will continue to accrue within the Existing DOZ, it is noted that the Proposed Action will either retain the existing height standards or, in some cases, will decrease the maximum permissible height for DO-3 through DO-6; and no other dimensional parameters will be increased. This will result in a decreased potential for impacts on visual character within the Existing DOZ under the Proposed Action.

The existing development in the City’s Echo Bay Waterfront area is primarily municipal/ institutional (i.e., City Yard and the Armory), industrial (or former industrial) and automotive in nature. These uses do not complement the City’s commercial center to the west and do not support the City’s redevelopment and revitalization priorities. The existing visual character of the Proposed DO-7 Zone is not well suited to its waterfront location and the existing development does not benefit from this prominent location along Echo Bay. Buildings and structures throughout this area differ in age, condition, form and material. There is no uniformity to the structures, and development patterns vary greatly. The existing visual/aesthetic character of this area has widely been perceived as negative over the last several decades due to the presence of several abandoned and/or deteriorated buildings, the nature of the uses currently within the area, and the lack of a cohesive architectural style.

The existing zoning of the City’s Echo Bay Waterfront has not been effective in promoting redevelopment to improve visual character. However, the Existing DOZ has achieved success in upgrading the Downtown area; and it is expected that extension of the DOZ to the DO-7 District under the Proposed Action will allow the aesthetic benefits of the overlay zoning to be applied to this additional 21±-acre area. As with the Existing DOZ, the regulations pertaining to the Proposed DO-7 District concentrate on building form and the importance of the pedestrian realm. Architectural quality will be greatly improved in this area under the Proposed Action, by means of various aesthetic features (e.g., decorative streetlights, landscaping, street trees, street furniture, etc.). The Proposed DO-7 Zone development strategy also includes restoring and adaptively reusing the historic Armory building. Redeveloping existing brownfield waterfront sites would result in a vast aesthetic improvement over existing conditions, as the mix of land uses contemplated for the waterfront is less intensive and generally better suited to the waterfront location than the current uses. The amended Zoning Map highlights where special architectural treatments for significant corners are required in the Proposed DO-7 Zone, which may include distinguishing materials, textures, colors, fenestrations, cornices, balconies, or similar elements designed highlight prominent visual features.

The Proposed DO-7 Zone is intended to be integrated into and complement the Existing DOZ and to enhance this waterfront portion of the downtown for the community’s benefit, as described in the Updated RAP, and past studies and planning efforts undertaken by the City. Beside improving visual character, inclusion of the Proposed DO-7 Zone in the DOZ will also ensure that development in this area

occurs in a manner that is consistent with the building patterns in the downtown but is also smaller in scale to provide open space and public access and views of the waterfront, while being in character with the surrounding residential neighborhoods.

In order to ensure that potentially significant visual/aesthetic impacts of redevelopment within the Proposed DO-7 Zone are properly characterized and are suitably mitigated, site-specific visual impact assessment will be undertaken, including analysis of impacts to water-side views, using elevation drawings, architectural renderings, photographic simulations, cross-sections, and/or other means, as deemed appropriate by the Planning Board.

#### Noise

The Existing DOZ area is urbanized and includes transportation systems, existing commercial, residential and other uses, and existing heating, ventilation and air conditioning (“HVAC”) systems in connection with these uses. As development continues to occur in the DOZ, as amended under the Proposed Action, the uses are not expected to change such that noise-generating uses will be prevalent (e.g., no heavy industrial uses are proposed) or otherwise be substantively different from what would occur without the Proposed Action; and, therefore, the character of the noise environment in the downtown area is not expected to change.

For the uses allowed by the DOZ regulations (including residential, office, retail, commercial, hospitality, educational, healthcare and institutional development), the HVAC systems serving such uses are the only significant source of noise to consider, and such systems will generally be located on the building roofs. New facilities will have modern HVAC systems that are generally quiet in comparison to individual units and older systems (i.e., a new centralized HVAC system for a multi-use building is significantly quieter to individual window units or an old HVAC system). In addition, any new equipment such as air-conditioning units will be required to conform to Section 213-13 of the City Noise Control Ordinance.

The Proposed Action does not change the recommendation under the 2015 Findings Statement specifying that the Department of Housing and Urban Development (“HUD”) land use compatibility guideline of 65 dBA will be used to determine whether attenuation will be required to achieve the HUD-recognized interior guidelines, or otherwise that the applicant will be required to provide a noise assessment during site plan review to determine potential impact with respect to a site/use-specific project and an appropriate level of noise attenuation. Specific recommendations to address noise levels for new residential uses along Main Street within the Proposed DO-7 District include a minimum of 25 dBA façade attenuation, as well as air conditioning to allow for the maintenance of a closed-window condition.

Noise sensitive zones include areas around a school, church, senior citizen center, day-care center or areas adjacent to any hospital. Should any proposed noise-generating use be located in proximity to any of these uses, site/use-specific noise assessment should be conducted. Since the Proposed Action for the most part allows uses that are currently allowed under the existing zoning, and since none of these uses are expected to generate substantial noise, impacts to noise sensitive zones are not expected.

The Proposed Action includes extension of the DOZ to include 21± acres of waterfront area in Proposed DOZ-7 District, thereby resulting in the same benefits as discussed above with respect to the current

DOZ regulations governing DO-1 through DO-6 (e.g., conversion of older HVAC systems to newer, quieter equipment as redevelopment proceeds) and subject to the same mitigation (e.g., recommended noise assessment and/or noise attenuation for residential development in areas where the HUD land use compatibility guideline of 65 dBA may be approached). Additionally, considering the unique waterfront location of the Proposed DO-7 District and its proximity to sensitive neighboring uses, noise assessment will be required for projects that include significant potential noise-generating uses (e.g., outdoor dining, entertainment or similar use at or near the waterfront), as deemed appropriate by the Planning Board during site plan review.

Construction-related noise will be generated with demolition of existing buildings (where applicable), site preparation, and building construction which involve the use of heavy trucks, cranes and construction equipment. As is the case for all construction in the City, including projects occurring within the Existing DOZ, as well as any development in the Proposed DO-7 District, noise generation during construction will be required to comply with the levels for construction sites set forth in Section 213-22 of City Code and enforced by the City of New Rochelle Police Department. Construction proximate to residential districts will generally need to be limited to daylight hours, since during other periods, noise levels considered unreasonable are not permitted (and in this case, noise is considered unreasonable if it can be heard beyond the perimeter of the property from which it originates).

Future review of site-specific plans for development in the DOZ, as expanded to include the Proposed DO-7 District, may require noise mitigation measures as follows:

- All activities must conform with Chapter 213 of the City Code which defines and regulates “unreasonable noise.” Air-conditioning and air-handling devices are regulated under Chapter 213-13. Sound levels by receiving land use district are promulgated in Chapter 213, Sections 19 through 21 for residential, commercial and manufacturing zoned districts. All construction activities also shall be conducted in conformance with Chapter 213-22 of the City Code.
- If there are site/location-specific noise considerations or if proposed uses may approach the HUD guidance value of 65 dBA, site-specific noise assessment and mitigation may be appropriate in connection with a site-specific use.
- Noise-sensitive zones include areas around a school, church, senior citizen center, day-care center or areas adjacent to any hospital. Should any proposed noise generating use be located in proximity to any of these uses, site/use-specific noise assessment should be conducted. The development of new noise-generating uses or activities in proximity to residential uses, particularly with respect to the Proposed DO-7 Zone, can be a cause for concern. Therefore, the need for a site/project-specific noise assessment would be identified during site plan review for certain situations, such as a proposed commercial use with outdoor dining or entertainment along the waterfront, with mitigation provided as required if potentially significant impacts are identified.
- For projects where rock drilling is required (or other activities in which noise levels and/or duration exceed permitted levels), a construction noise plan will be employed for protection of workers and for compliance with the provisions in Chapter 213-22 for construction sites. For

sites within the Proposed DO-7 Zone proximate to residential districts or other noise-sensitive zones, noise from rock drilling is expected to require mitigation.

#### Air Quality

Any development will result in the introduction of stationary and mobile sources of air emissions. Air emissions within the DOZ are generally related to vehicle exhaust, stationary sources which require registrations or permits through the New York State Department of Environmental Conservation (“NYSDEC”), and HVAC systems. However, the amendments that are proposed in the Existing DOZ will not significantly alter the magnitude of development in that area, and primarily involves a shift in uses under the TDS to provide additional residential units while commensurately decreasing the amount of commercial space. Therefore, emissions within the Existing DOZ, and associated air quality conditions, will not be substantively affected under the Proposed Action as compared to existing conditions.

In general, the City is proactively addressing the need for improved traffic circulation throughout the downtown which ultimately would reduce impacts associated with mobile source air emissions. The current traffic signal system in the downtown utilizes pre-timed signals that employ a fixed signal timing plan regardless of the varying traffic levels at the intersection approaches. The City has received a grant to upgrade the traffic signal system, which will increase capacity by optimizing signal timing, resulting in reduced emissions from idling and slow-moving vehicles. Other strategies may involve downtown shuttle buses that would facilitate travel without using cars. The City is also implementing measures to improve pedestrian friendliness in the downtown, thereby encouraging more people to walk in the district, and to park once and walk to multiple destinations. Improvements in bicycle infrastructure will also help shift some local auto trips to other transportation modes, with a commensurate reduction in tailpipe emissions.

While construction within the Proposed DO-7 District will introduce new emissions sources, application of the DOZ regulations in this area includes design elements which encourage walkability, shared parking, car sharing, provision of electric vehicle charging stations, and payments to transit funds, all which would contribute to a reduction in air emissions.

Following adoption of the DOZ-7 Zone and during implementation of development approved under the new overlay zoning in this area, there could be the potential for localized impacts in air quality resulting from construction-related activities, most typically related to dust generated from clear land surfaces. While this is not expected to vary from construction activities occurring under the present zoning, standard dust controls may be required as a condition of site-specific approval, such as use of water trucks to mitigate dust generation during grading and site preparation. In addition, sites would be required to be stabilized following construction or during any significant delays in construction. Such mitigation measures would minimize impacts to the maximum extent practicable during and following construction.

While future site-specific developments may require oversight by NYSDEC for regulated facilities, the Proposed Action is not anticipated to result in a significant adverse impact on air quality. In summary:

- Phased implementation of mitigation measures identified in the SDGEIS traffic analysis is expected to reduce congestion and maintain or improve air emissions related to vehicular traffic.
- Compliance with NYSDEC Title V air permit requirements is required, as applicable, although such uses are not expected under the Proposed Action.
- Individual site/use-specific air quality impact analysis will be conducted for any future site plan applications that warrant such analysis, although such uses are not expected under the Proposed Action.
- Fugitive dust related to construction activities will be mitigated using proper construction management techniques, erosion control measures, wetting of excessively dry soils, and conformance to the nuisance and construction requirements under the City Code.

#### Cultural Resources

The Proposed Action will not affect the extent of development that can occur in the Existing DOZ, such that there will not be an increase in potential for impacts to cultural (historical and archaeological) resources. Furthermore, as specified in the 2015 Findings Statement, future redevelopment or site disturbance in this area will continue to be evaluated during the site plan review process to determine whether further investigation is warranted due to the potential for impacts to cultural resources, which may include a Phase IA (and possibly a Phase IB) Archaeological Survey, review by the City's Historical and Landmark Review Board ("HLRB"), and/or consultation with the New York State Historic Preservation Office ("SHPO"), as determined on a site-specific basis.

Similar to the analyses conducted for the Existing DOZ in the 2015 GEIS, the SDGEIS notes that the Proposed DO-7 area has experienced extensive land surface modification as a result of landfilling, grading and paving, demolition and construction, and concluded that precontact archaeological sites are unlikely to have survived intact on any of the parcels. Therefore, all the parcels within the Proposed DO-7 Zone were determined to have low precontact archaeological sensitivity. However, the SDGEIS recommends, with the concurrence of SHPO, that a Phase 1B Archaeological Investigation be conducted for the area of historic period archaeological sensitivity on Parcels 3 and 4 (former marina and former concrete plant) prior to the start of any construction within these sensitive areas. If archaeological resources are identified in this area, additional archaeological investigations (e.g., a Phase 2 archaeological survey or Phase 3 Data Recovery) would be required prior to construction, in consultation with SHPO.

The only historic resource identified in the DO-7 area is the New York State Armory on Parcel 5, which was determined State/National Register ("S/NR")-eligible by SHPO in 1993. This resource will be retained and adaptively reused as part of the Proposed Action, and the TDS assumes it will be developed as a community facility, consistent with a deed restriction governing this City-owned site. Adaptive reuse of this facility could include alterations to the interior to accommodate new programs, façade upgrades to meet light/air and egress needs, substantial repairs to the exterior and interior of the building as a result of its long-standing vacancy, and possibly new connection(s) to adjacent parcels. Future consultation with SHPO would be required to identify measures to avoid, minimize or mitigate any

adverse impacts to the maximum extent practicable. An Alternatives Analysis would be prepared if requested by SHPO to evaluate design options that would avoid or minimize impacts on the Armory. In addition, a Construction Protection Plan would be developed in consultation with SHPO, which would describe the measures that would be implemented to protect the Armory building during any new development in adjacent areas as appropriate.

Four additional, nearby historic resources have been identified, including two resources previously determined to be S/NR-eligible (John Stephenson House and Sutton Manor Subdivision Historic Houses Historic District) and two potential historic resources (Faneuil Park and the two-story row houses at 7-19 Rhodes Street) determined to be S/NR-eligible by SHPO. The Proposed Action will not directly impact these resources. Additionally, the proposed retention and reuse of the historic Armory, which is located across Main Street from Faneuil Park, will maintain the historic relationship between these two properties. Consultation with SHPO and review by the City HLRB, as necessary, will ensure that these resources are not subjected to significant indirect impacts.

#### Solar Shadows

The potential for new buildings and structures constructed pursuant to the Proposed Action to cast shadows on sun-sensitive buildings and properties was evaluated in the SDGEIS. As a general matter, within the Existing DOZ, the Proposed Action will decrease certain permissible building heights (i.e., in DO-3 through DO-6) and will not increase any height standard for development in the Existing DOZ. Therefore, potential height-induced solar shadowing due to development within the Existing DOZ will either remain the same or be decreased under the Proposed Action as compared to existing conditions.

A “reverse” analysis was performed in which sun-sensitive resources were analyzed individually to determine the radius of influence that surrounding parcels could have on the resource; this analysis updated the information presented in the 2015 DGEIS to account for the height reductions contemplated in the Existing DOZ under the Proposed Action. The decrease in maximum potential shadow length under the Proposed Action due to the reduction in maximum building height is as follows:

- DO-3 – 537.5 feet to 451.5 feet
- DO-4 – 537.5 feet to 365.5 feet
- DO-5 – 537.5 feet to 365.5 feet
- DO-6 – 279.5 feet to 236.5 feet.

Future development of parcels in the Existing DOZ that could potentially cast a shadow on sun-sensitive resource will continue to require site-specific analysis for shadow impacts in accordance with the methodology outlined in Chapter 8 of the City [of New York] Environmental Quality Review (“CEQR”) Technical Manual, if and when a project is proposed on any such parcel.

Using the same method that was applied to the Existing DOZ, two existing sun-sensitive resources were identified in proximity to the Proposed DO-7 Zone: Faneuil Park (Main Street and Huguenot Street); and Salesian High School and Ballfield (148 East Main Street). Additionally, the waterfront promenade and associated public civic space to be developed within the Waterfront Activation Area of the Proposed DO-7 District would be considered a sun-sensitive resource in the future. These three sun-sensitive

resources will need to be evaluated for shadow impacts using the same procedures that have been adopted for the Existing DOZ.

***Finding 2: The Proposed Action will not have a significant adverse impact on community character (i.e., visual character, noise, air quality, cultural resources, and solar shadows). Each future site-specific development application will be required to evaluate the project's potential impact on historic resources and sun-sensitive resources. City HLRB involvement will ensure high quality design for prominent structures and architectural features. Additional cultural resource investigations and/or shadow impact analyses may be warranted, to be determined by the Planning Board during site plan review in conjunction with site-specific SEQR (6 NYCRR Part 617) analysis.***

***Any potential noise and air quality impacts are primarily related to construction activities, and these can be mitigated using best management practices to minimize noise generation and control fugitive dust. While noise levels may increase from mobile and stationary sources introduced by new development, this effect would not be significant, and can be reduced through use of noise-attenuating measures set forth in this Findings Statement. The need for additional air quality and noise impact investigations and for associated mitigation measures will be determined by the Planning Board during site plan review in conjunction with future site-specific SEQR (6 NYCRR Part 617) analysis. This includes, but is not limited to, analysis of potential operational noise impacts associated with proposed commercial use with outdoor dining, entertainment or similar use along the waterfront in the DO-7 District.***

### 3. Community Services and Utilities

The effect of the Proposed Action on community services and facilities is primarily related to the shift in the anticipated land use mix under the updated 2021 TDS, as compared to the September 2019 TDS which was previously approved by the City. This includes the development that is assumed under the TDS for the Proposed DO-7 Zone, as well as adjustments to the build-out scenario in the Existing DOZ as quantified in **Table 1** in this Findings Statement.

Overall tax revenue will be generated under the Proposed Action based on the taxation of development projects as they occur over time, as well as sales tax revenues from increased retail and other commercial activities attributed to a more vibrant waterfront area and would be distributed according to the current revenue distribution. Increased local investment in real estate, new business opportunities, and the creation of new and diverse employment opportunities that increase local spending will also be beneficial. The socioeconomic effect of the Proposed Action is discussed in more detail in the next section (**Section 4**) of this Findings Statement.

Another benefit of the revitalization effort under the Proposed Action is the expansion and diversification of the local housing stock, including both market-rate and affordable housing units of varying sizes, with the addition of new housing options near the waterfront. This residential expansion will increase demand for goods and services, many of which can be purchased by local merchants and personal service providers. The Proposed Action and resultant redevelopment are projected to add 3,000 new residential units to the overall DOZ (including 700 units in the Proposed DO-7 Zone), which

would be comprised of 20 percent studio, fifty percent one-bedroom, twenty percent two-bedroom, and ten percent three-bedroom units for different age cohorts and varying needs.

The Proposed Action will advance the City's affordable housing goals. Ten percent of the residential floor area for new development in the DOZ, as expanded to include the Proposed DO-7 District under the Proposed Action, must be set aside as Moderate-Income Housing units, which generally must be distributed throughout rental housing and must have a floor area of not less than 90 percent of the floor area of the dwelling units in the market-rate rental housing. Additionally, new development projects in the DOZ must continue to prioritize affordable housing to existing eligible residents living on sites that have opted into the Existing DOZ, eligible residents in the Existing DOZ, members of the workforce (e.g., City workers, teachers), and eligible City residents. The Community Benefit Bonus Program also includes additional incentives to provide additional affordable housing options.

Educational Services –In 2015, WXY Architecture and Urban Design (“WXY”) conducted an analysis of school resources, to determine an estimated number of school children to be generated from future development, and to examine options to address the needs of targeted schools that may experience capacity issues as growth in the DOZ occurs.

The Proposed Action includes the addition of a total of 3,000 residential units under the 2021 TDS. These additional residential units would be located in the Columbus School Zone (1,300 units in the DO-1 Zone) and Trinity School Zone (800 units in the DO-2 Zone, 200 units in the DO-4 Zone, and 700 units in Proposed DO-7 Zone). Therefore, the specific enrollment trends and available classroom capacity for the schools in the Columbus and Trinity Zones were evaluated in the SDGEIS to determine if the schools have the capacity to absorb additional school-aged children generated by development under the Proposed Action.

Using the WXY multipliers established in 2015 for the DOZ, it is projected that an additional 171 school-aged children would be generated by the Proposed Action. Together with the school-aged children projected from the already-approved projects in the DOZ, a total 502 school-aged children are projected across grades K-12. However, as of July 2020, the number of school-aged children occupying leased units in DOZ residential projects is 61 percent below the WXY projections, indicating that the WXY multipliers appear to be conservatively high and that the actual total of school-aged children occupying units in the DOZ at build-out may be well below 502.

Based on the conservative WXY multipliers and current enrollment trends, the SDGEIS concludes that the School District may be able to absorb the additional students generated under the Proposed Action with limited classroom additions. Fair Share Mitigation fees are proposed to be increased, including the allocation to address the School District's capital costs and mitigate impacts. Property taxes will also be generated to offset potential impacts to the School District under the Proposed Action. During annual operations, the Proposed Action is projected to generate approximately \$46 million in annual property taxes for the School District under full build-out and full taxation, which far exceeds the approximately \$2.87 million annual cost to educate the projected total of 502 school-age children under the 2021 TDS using the WXY multipliers.

Police Protection – Input received from the Police Department indicated that as the population continues to increase due to the Proposed Action, staffing will need to be increased to manage population growth and associated workload; and that as long as staffing keeps pace with development, the Police Department could continue to serve the City without any issues. Additionally, more police presence will be necessary to patrol the Proposed DO-7 Zone. Despite this additional demand for services, the Police Department does not expect that a new sector will be necessary, and it was noted that City Council has been continually working toward increasing the number of police officers so that it is fully staffed to meet the challenges of future growth in the DOZ.

Following adoption of the proposed zoning amendments, the Police Department will have the opportunity to provide input on site-specific plans. During site plan review, the provision of on-site private security and support personnel for large projects will continue to be considered in consultation with the Police Department. Adequate outdoor lighting will be provided to ensure the public safety. Increased tax revenues and Fair Share Mitigation funding disbursed to the Police Department generated by development under the Proposed Action will help to offset any increase in demand on police services resulting from by new development and redevelopment.

Fire, Rescue and Ambulance Services – The *Impact of DOZ Development on Fire Department Staffing* study (January 2019 – the “2019 Fire Department Study”) analyzed potential impacts to the Fire Department due to downtown development and occupancy increases in the Existing DOZ. This study, which pre-dated the current Proposed Action and does not include an analysis of the impacts associated with the 2021 TDS or the Proposed DO-7 Zone, concluded that as development and occupancy increase, there will be an increased need for additional on-duty firefighters. The study recommends additional full-time on-duty firefighters as development progresses throughout the Existing DOZ. The study further recommends additional assessment as build-out progresses to determine proper mitigation based on actual conditions.

The 2021 TDS includes a total increase of 3,000 additional residential units in the Existing DOZ (DO-1 through DO-6) and the Proposed DO-7 Zone; however, the 2021 TDS also includes a reduction in the floor area of various commercial, institutional, student housing and other uses to offset potential impacts associated with additional residential growth. In response to concerns expressed in the 2019 Fire Department Study indicating that the most significant risks in the Existing DOZ are the addition of mid-rise and high-rise structures, the Proposed Action reduces maximum permissible building heights in the DO-3 through DO-6 Zones.

Future site-specific projects in the DOZ, as expanded to include the Proposed DO-7 District, will be submitted for review by the Fire Department, which will have an opportunity to provide further input on individual development proposals (including review of safety access and evacuation, sprinklers and other fire suppression systems, and water supply), thereby allowing the identification of any additional site-specific mitigation measures that may be necessary. Increased tax revenues and Fair Share mitigation funding disbursed to the Fire Department, to be generated by development under the Proposed Action, will help to offset any increase in demand on fire, rescue and ambulance services resulting from by new development and redevelopment.

Water Supply – The 2021 SGEIS updates water use/wastewater generation rates per the July 2020 *Engineering Design Report, City of New Rochelle Sanitary Sewer Enhancements/NYSDEC Standards for Intermediate Sized Wastewater Treatment Systems*. This report provides more specific generation rates for various uses and is the basis of the City’s sewer improvement program. Domestic water demand in connection with full build-out under the 2021 TDS is projected to be 2.33± million gallons per day (“MGD”), plus an allocation for fire suppression which must be determined by the water service provider, SUEZ Westchester, as projects are designed. This includes projects approved to-date within the Existing DOZ since 2015, but does not take credit for water usage associated with the elimination of existing uses during redevelopment. The projected domestic water demand for the Existing DOZ under the 2021 TDS is 166,107 gallons per day (“gpd”) less than contemplated in the September 2019 TDS. This decrease partially offsets the additional water demand anticipated for development of the Proposed DO-7 District (233,758 gpd), resulting in a net anticipated increase of 67,652 gpd associated with the overall 2021 TDS, which is a three percent increase from the September 2019 TDS for the Existing DOZ.

The City and SUEZ entered into a Cooperation Agreement in March 2019, which outlines necessary improvements and SUEZ’s commitment to implementing infrastructure improvements to the water system to accommodate future growth (see Appendix G-2 of the SDGEIS). This agreement specifies that the City will require that each project sponsor within the DOZ, as a condition of site plan approval, pay set fees towards the cost of the necessary system improvements based on the size of the project. Since development has been occurring within the Existing DOZ, SUEZ has received funding from site-specific projects in accordance with the Cooperation Agreement, and this arrangement will continue under the Proposed Action, including development in the new DO-7 District.

As with projects that have occurred in the Existing DOZ since 2015, future development applications must be referred to SUEZ for review and approval to ensure that adequate supply and facilities are available and will be provided prior to issuance of building permits. Additionally, this review will identify the need for infrastructure improvements – such as on-site installation of hydrants, water storage structures, and lateral connections – to be implemented as required.

The Proposed Action includes updates to the Sustainable Development Standards in accordance with the requirements of the City Code, including the use of high-efficiency products for indoor water fixtures. Water conservation efforts are required to be incorporated into the design of all future site plans. The Sustainable Development Standards also require a minimum 50 percent reduction in potable water consumption for outdoor irrigation based on a mid-summer baseline case, using one or more options, such as the use of landscaping plantings that do not require considerable watering (i.e., native, well-adapted or xeric species), use of modern efficient irrigation systems (i.e., applying water directly to the roots through drip irrigation, use of irrigation timers or sensors, watering at night and only as needed, etc.), and use of captured rainwater/stormwater, recycled greywater, water treated and conveyed specifically for non-potable uses, air conditioning condensate, and/or foundation drain water rather than potable water.

Wastewater Management – The projected wastewater generation resulting from development under the 2021 TDS for the Existing DOZ (DO-1 through DO-6 Zones) is less than the wastewater generation contemplated for this area under the September 2019 Amended TDS (net reduction of 166,107± gpd). The addition of the Proposed DO-7 to the DOZ under the Proposed Action will result in an overall DOZ-

wide net increase of 67,652 gpd of wastewater generation above the September 2019 Amended TDS (or a three percent increase). However, it is noted that wastewater from the Proposed DO-7 Zone will not be directed to the City's sewer collection system. Instead, sanitary flow from the DO-7 development will discharge directly to the County sewer trunk main on the City DPW parcel and, therefore, will not impact the City's collection system. Furthermore, the SDGEIS shows that the conveyance system is adequate and Westchester County Wastewater Treatment Facility ("WWTF) has sufficient capacity to accommodate the additional wastewater flow anticipated from development in the Proposed DO-7 District.

The City has been undertaking upgrades to the sewer collection system that serves the Existing DOZ, in furtherance to the improvements identified in the Sanitary Sewer Evaluation Study. As applications for new development projects are received, they will be evaluated on a site-specific basis to determine the available capacity of the wastewater system and the need for improvements to accommodate the increased flow. As the studies, engineering design and improvements are ongoing, some projects may be located in areas not already evaluated by the studies completed to date, in which case there may be the need for additional survey, flow monitoring and hydraulic modeling and capacity analysis based on the site-specific locations and uses. In any case, any such project would require County review and approval to confirm the adequacy of wastewater collection infrastructure.

Wastewater system capacity issues related to inflow and infiltration ("I&I") currently are being addressed by capital improvements funded by New York State grant funding, the sanitary sewer main replacements within the downtown as identified in the July 2020 Engineering Design Report, and removal of existing illicit connections as site redevelopment proceeds. Such improvements have the benefit of both replacing antiquated infrastructure and reducing the volume of stormwater entering the system that is unnecessarily processed as sewage.

Given the aging City infrastructure and extent of necessary repairs that have been identified, the City established a sanitary sewer and stormwater system fee in December 2019 to help finance bonds and debt services associated with the system-wide improvements and the annual operation and maintenance costs for the City's sanitary sewer and stormwater systems. This fee applies to all improved properties in the City, including any project developed in the DOZ. Additionally, developers in the DOZ will be responsible for the costs of installing on-site infrastructure and contributing Fair Share Mitigation Payments (for site-specific sewer system upgrades and connections), as well as property tax levies, which will help to offset cost demands for sewage collection and treatment and system maintenance from new development.

Additionally, as noted above with respect to water use, the Proposed Action includes updates to the Sustainable Development Standards, including demonstrating equivalency of a LEED-ND v4 Silver of the U.S. Green Building Council's rating system in accordance with the requirements of the City Code. These standards mandate the use of WaterSense high-efficiency indoor water fixtures, which in turn will reduce wastewater generation rates and is expected to decrease the projected wastewater generation below the 2021 TDS estimates.

Stormwater Management – Given that the Existing DOZ is covered almost entirely by impervious surfaces, the extent of impervious surfaces associated with the 2021 DOZ Amendments is expected to

be similar, if not slightly reduced through heat island effect reduction requirement in DOZ and the installation of future civic/pedestrian spaces as a community benefit to achieve density bonuses, as envisioned in the 2015 RAP. Therefore, the Proposed Action is not expected to increase stormwater runoff in the Existing DOZ as compared to current conditions.

The volume of stormwater generated within the Proposed DO-7 Zone is expected to increase under the Proposed Action, as future site development will likely expand impervious surface coverage. However, as is the case throughout the DOZ and City-wide, drainage system design will be required to conform with City and NYSDEC requirements. All drainage plans will be submitted to City review and approval as part of site plan application process. Appropriate erosion and sediment controls will be required during construction, as designed and implemented on a project/site-specific basis. Stormwater runoff generated from new development of one acre or more will be required to be captured and pretreated on-site; and such projects also will require a New York State General Permit for Stormwater Discharges from Construction Activity, as well as a Stormwater Pollution Prevention Plan (“SWPPP”), to address construction and post-construction stormwater management pursuant to NYSDEC requirements. The installation of natural/vegetated stormwater controls is recommended where practicable; and adequate stormwater controls, including green infrastructure and stormwater pretreatment, will be provided in accordance with applicable regulatory requirements. As necessary, funding for stormwater infrastructure improvements will be allocated through the Fair Share Mitigation Program, in addition to property tax revenues that are generated by new development.

Solid Waste Management – The Proposed Action reduces the volume of solid waste generation anticipated from development within the DOZ below the estimates presented in the 2015 GEIS (and the subsequent SEQRA Findings Statement), given the adjusted use mix contemplated in the 2021 TDS which decreases the amount of various commercial and other uses with high waste generation rates. All DOZ development projects are required to contract with private carters for solid waste collection and disposal to reduce the burden on City services. Westchester County has indicated that there is sufficient capacity at the Yonkers Material Recovery Facility to receive solid wastes from the anticipated redevelopment in Downtown New Rochelle.

Open Space and Recreation – Projected residential growth under the Proposed Action will create additional demand on open space and recreational facilities. However, the City enjoys abundant existing open space/recreational resources throughout the City, which will continue to be available for use by the public, including future inhabitants of the DOZ. Tax revenues generated by development under the Proposed Action will provide additional funds to maintain and enhance these existing resources. Furthermore, the Proposed Action seeks to implement the long-range goals and redevelopment initiatives of the City, including creating a vibrant waterfront that contains publicly-accessible open space within the Proposed DO-7 Zone. All waterfront properties opting into the Proposed DO-7 Zone will be required to provide a minimum 30-foot-wide area that includes shoreline restoration and beneficially improved landscaping areas planted with native species and a continuous public trail along the water’s edge, thereby enhancing the open space/recreational resources available in an area that currently lacks public access.

Electric and Gas – There are no known, significant constraints on electrical supply in the Existing DOZ or Proposed DO-7 Zone. However, Con Edison imposed a moratorium on new gas connections starting in

March 2019 in an area of southern Westchester County that includes the City of New Rochelle. Con Edison subsequently announced a plan to increase gas capacity by an amount that would be sufficient to allow the moratorium to be lifted, but this is not expected to occur before November 2023. Therefore, alternate means of heating (e.g., electric, geothermal, etc.) would have to be procured for projects throughout the City, including the Existing DOZ and Proposed DO-7 Zone, that come on-line in approximately the next two years and which otherwise would involve new gas connections. These contingencies will be examined during site plan review on a project-by-project basis as development applications are received.

Various energy reduction strategies are in place in the City, including: the City's adopted 2011 Green NR New Rochelle Sustainability Plan 2010-2030; the NYStretch Energy Code, which provides more stringent standards than the current 2020 Energy Conservation Code of New York State; the Westchester Power Community Choice Aggregation, which locks in fixed rates for its members to help control electric costs and increases the use of 100% renewable sources of electricity to reduce greenhouse gas emissions; and a "Heat Island Reduction" provision in the DOZ Code, which includes standards and specifications to reduce urban heat island effects and help to keep buildings cooler in the summer, thereby reducing cooling loads and conserving energy. The proposed DOZ amendments also include a provision requiring that DOZ projects must demonstrate equivalency of a LEED-ND v4 Silver (50-59 points) of the U.S. Green Building Council's rating system and provide environmental disclosure reporting starting at site plan review and continuing throughout construction and after building occupancy, which requires annual reporting and monitoring of energy, water, and waste usage. The goals and objectives of these strategies will be advanced as new development and redevelopment occurs in the DOZ, including the expanded area encompassing the Proposed DO-7 District.

***Finding 3: Development associated with the Proposed Action will increase the demand for community facilities and community services. However, the substantial increases in property taxes, sales taxes, building permit and other one-time fees and other revenues, and participation in the Fair Share Mitigation Fund will offset these increased costs – see further discussion in Section 4 of this Findings Statement (Socioeconomics).***

***The City administration will review and evaluate the need for additional manpower and equipment for police, fire, DPW and other essential services during buildout of the 2021 TDS.***

***The City Police, Fire, Sanitation and DPW Departments, will have the opportunity to review site-specific plans for proposed future projects to ensure that provisions for public safety, solid waste management, and other systems are properly addressed.***

***The 2021 TDS is projected to result in significant tax revenue increases and Fair Share mitigation fund payments to the New Rochelle School District, which would be available to fund new education programs, pay for additional personnel, if required, and offset the costs associated with capital construction prompted by additional service demand under the Proposed Action – see further discussion in Section 4 of this Findings Statement (Socioeconomics).***

***SUEZ Westchester has determined that water system infrastructure improvements would be necessary to accommodate future growth within the DOZ. Pursuant to the March 2019 Cooperation Agreement***

***between the City and SUEZ, each developer of a project within the DOZ will be required to pay set fees towards the cost of the necessary system improvements based on the size of the development.***

***The City wastewater and stormwater system will continue to be improved through ongoing, required infrastructure improvements that will reduce I&I. As applications for new development projects are received, they will be evaluated on a site-specific basis to determine the available capacity of the wastewater system and the need for improvements to accommodate the increased flow.***

***Electric service is available and will be provided by Con Edison. Con Edison is also the gas service provider, but this service availability is currently impacted by a connection moratorium, which is not expected to be lifted before November 2023. Any development that otherwise would involve new gas connections and which is scheduled to be completed while the moratorium remains in effect will be required to provide an alternate means of heating. These contingencies will be examined during the site plan review process on a project-by-project basis as development applications are received.***

***Affordable housing will continue to be provided in accordance with City Code requirements and will continue to be incentivized in the DOZ. These provisions will be extended to the new DO-7 District under the Proposed Action.***

#### 4. Socioeconomics

##### Projected Tax Stream Distribution

As analyzed in the SDGEIS, the Proposed Action will significantly increase taxes generated within the DOZ, resulting in a substantial increase in revenues distributed to each taxing jurisdiction. At full build-out and full taxation, the Proposed Action is projected to generate up to \$73.0 million in annual property taxes. Of this amount, \$10.7± million (14.7± percent) would be distributed to Westchester County and 13.9± million (19.0 percent) would be allocated to the City of New Rochelle. The School District would receive \$46.0± million (63.1 percent), the Library would receive 1.2± million (1.7 percent) and the Business Improvement District (BID) would receive 1.1± million (1.5 percent). The Proposed Action is expected to involve redevelopment on City-owned properties, most of which are currently tax-exempt; and, as such, will result in significant new taxes generated by such parcels, resulting in a substantial increase in revenues distributed to each taxing jurisdiction.

The tax revenue projections presented in the SDGEIS analysis provide an estimate based upon current tax rates and assessed valuations for the various uses under the 2021 TDS. However, this analysis assumes that all such uses will generate property taxes, even though the exact uses are not yet known and some uses ultimately may be tax-exempt. Additionally, the New Rochelle Industrial Development Agency (“NRIDA”) has created special provisions within its Uniform Tax Exemption Policy for projects developed within the DOZ. These provisions provide for financial incentives designed to motivate investors and developers to invest rapidly into the New Rochelle market. To this end, projects receiving “final approvals” from the NRIDA would receive 15-20-year payment in lieu of tax (“PILOT”) Agreement following a published, graduated schedule of incentives. Following the approval of an aggregate of 5 million rentable square feet, the duration of the PILOT incentive would be reduced to a total of 10 years from the issuance, by the City, of the Project’s Temporary Certificate of Occupancy.

### Economic Impacts of Construction and Annual Operations

It is projected that construction and operations under the Proposed Action will make a significant positive contribution to the local economy. During the construction period, opportunities for employment will offer direct, indirect and induced benefits among businesses and households located throughout the region. During operation, long-term jobs will also offer direct, indirect and induced benefits. The new jobs created during both construction and long-term operations will help to increase business and household income in the community. In turn, as spending increases, this will create additional jobs and further increases in business and household income throughout the City and into other parts of the region. For the purpose of this analysis, the first year of full annual operations is assumed to occur in 2033.

Using IMPLAN economic modeling software, it is projected that the construction period for development under the Proposed Action would result in a direct investment of approximately \$4.2 billion, which it is estimated would generate an indirect impact of over \$1.3 billion and an induced impact of over \$1.6 billion, bringing the total economic impact to \$7.2 billion during the ten-year long construction period. It is further projected that the construction period will necessitate 2,940± full-time equivalent (“FTE”) employees annually over the ten-year construction period, which would have an indirect impact of 8,154± FTE employees per year and an induced impact of 8,996± FTE employees per year in other industry sectors, bringing the total impact of construction to 20,091± FTE jobs annually during the ten-year construction period. Over the course of a ten-year construction period, this represents over \$2.1 billion in collective earnings among the 2,940± FTE construction employees. This labor income is projected to have an indirect impact of over \$530.3 million and an induced impact of over \$585.6 million, bringing the total economic impact of construction under the Proposed Action to more than \$3.3 billion in labor income.

At the end of the ten-year construction period, anticipated to be completed by 2033, it is assumed that development under the Proposed Action would be operating at or near full occupancy. Based on an analogous methodology to what was used for the construction analysis discussed above, it is estimated that operation of this development would result in \$503.4± million in direct labor income, which is projected to result in an indirect impact of over \$100.5 million and an induced impact of over \$130.1 million, bringing the total economic impact of labor income to over \$734.2 million during annual operations.

### Impact on Sales Tax Revenues

Annual operations under the Proposed Action will generate a considerable amount of consumer spending and resultant sales and sales tax revenues. Assuming that all retail, restaurant/bar and hotel sales, and half of the sales made at institutional uses would be subject to sales taxes, it is estimated that the Proposed Action would produce annual sales revenues, subject to sales tax, of almost \$338.8 million. This translates to \$28.4± million in annual sales tax revenues. Of this amount, it is estimated that \$13.5± million would be allocated to New York State, \$5.1± million would be retained by Westchester County, \$1.3± million would be allocated to the New York State Metropolitan Commuter Transportation District, and the City of New Rochelle would receive \$8.4± million in annual sales tax revenues.

#### Fair Share Mitigation Fund

Participation in the Fair Share Mitigation Fund established at the time of the adoption of the DOZ in 2015 is a primary mitigation measure to offset anticipated one-time capital or infrastructure costs associated with new development constructed in the DOZ. Each project in the DOZ is required to contribute proportionally to this fund based on the magnitude of development to provide for mitigation of community service impacts. The Fair Share Mitigation Fund will be continued under the Proposed Action, with adjustments to increase of per-square-foot amounts for all use categories; and it will be extended to apply to development in the Proposed DO-7 District.

***Finding 4: it is anticipated that the Proposed Action will strengthen the job market and result in substantial economic benefits to the City and community. These benefits arise from direct, indirect and induced investments, employment, tax revenues, salaries, and operational expenses from both construction activities and long-term occupancy of the new development and redevelopment sites. The Proposed Action will extend to the Proposed DO-7 District the existing requirements of the DOZ for enforceable Community Benefit Bonuses and Community Benefit Fund, as well as a Fair Share Mitigation Fund, which collectively are intended to ensure that redevelopment activities under the Proposed Action result in direct benefits to the City of New Rochelle.***

#### 5. Transportation

The SGEIS evaluates the potential traffic impacts associated with the 2021 TDS which could result from development under the Proposed Action. This analysis builds on the traffic impact study that was conducted as part of the 2015 DGEIS in connection with the original adoption of the DOZ (the DO-1 through DO-6 Districts), while also incorporating an analysis conducted in 2018 (the "2018 Traffic Study") to include potential development associated with the addition of DO-7 to the DOZ and the TDS which was contemplated at the time. Subsequent to the completion of the 2018 Traffic Study, further revisions were made to the TDS, resulting in the 2021 TDS. Thus, a comparison was performed between trip generation under the development scenario analyzed in the 2018 Traffic Study and trip generation for the 2021 TDS. The results of that comparison are presented in this section of the Findings Statement after the discussion of the 2018 Traffic Study.

The 2018 Traffic Study included a detailed analysis of 29 intersections, as follows:

- 17 intersections along Main Street – East Junction and West Junction at Huguenot Street, Maple Avenue, Centre Avenue, Division Street, Memorial Highway, Lawton Street, North Avenue, Lecount Place, Franklin Avenue, Harrison Street, Echo Avenue, Stephenson Boulevard, LeFevre Lane, Stonelea Place, Cherry Avenue, and Premium Point/Sunhaven Drive
- 11 intersections along Huguenot Street – Centre Avenue, Division Street, Memorial Highway, Lawton Street, North Avenue, Lecount Place, Harrison Street, Cedar Street, River Street, Jackson Street, and Pratt Street
- River Street at Radisson Plaza

A majority of the existing traffic conditions in the Study Area were established based on traffic data and analyses presented in the 2015 GEIS. Supplemental turning movement counts were collected in June 2018, while schools were still in session, at the following locations:

1. Main Street & Stephenson Boulevard
2. Main Street & LeFevre Lane
3. Main Street & Stonelea Place
4. Main Street & Cherry Avenue
5. Main Street & Premium Point/Sunhaven Drive

In addition, Automatic Tube Recorder (ATR) counts were collected at three locations:

1. Main Street between Echo Avenue and Pratt Street
2. Main Street between Stephenson Boulevard and Stonelea Place
3. Huguenot Street between Pratt Street and River Street.

Using standard analysis methodologies described in the SDGEIS, the 2018 Traffic Study results indicated that under a 2025 Build scenario, as compared to No-Build conditions, Level of Service (“LOS”) would degrade from D to E/F or from E to F at the following intersections:

- West Junction of Main Street and Huguenot Street – The eastbound left-turn would deteriorate from LOS C to LOS F during the AM peak hour, and from LOS B to LOS F during the PM peak hour. The eastbound through/right-turn lane-group would deteriorate from LOS C to LOS E during the PM peak hour. The southwestbound approach would deteriorate from LOS E to LOS F during the AM peak hour. The northbound right-turn would deteriorate from LOS C to LOS E during the PM peak hour.
- Main Street and Centre Avenue – The northbound Centre Avenue left-turn would deteriorate from LOS D to LOS E during the PM peak hour. The northbound Centre Avenue through/right-turn lane-group would deteriorate from LOS D to LOS E during the AM peak hour.
- Main Street and Division Street – The southbound Division Street through/right-turn lane-group would deteriorate from LOS D to LOS E during the PM peak hour.
- Main Street and Memorial Highway – The northbound Memorial Highway approach would deteriorate from LOS D to LOS E during the AM peak hour.
- Main Street and Lawton Street – The westbound Main Street through/right-turn lane-group would deteriorate from LOS C to LOS E during the AM peak hour, and from LOS B to LOS E during the PM peak hour.
- Main Street and North Avenue – The eastbound Main Street through/right-turn lane-group would deteriorate from LOS C to LOS E during the AM peak hour. The northbound North Avenue approach would deteriorate from LOS D to LOS F during the PM peak hour. The southbound North Avenue approach would deteriorate from LOS C to LOS E during the PM peak hour.
- Main Street and Franklin Avenue – The westbound Main Street left-turn/through lane-group would deteriorate from LOS B to LOS E during the PM peak hour.

- Main Street and Harrison Street – The eastbound Main Street left-turn/through lane-group would deteriorate from LOS E to LOS F during the AM peak hour, and from LOS B to LOS E during the PM peak hour.
- Echo Avenue and Main Street – The eastbound Main Street left-turn would deteriorate from LOS C to LOS E during the AM peak hour, and from LOS C to LOS F during the PM peak hour.
- East Junction of Main Street and Huguenot Street – The westbound Main Street through lane would deteriorate from LOS C to LOS E during the AM peak hour, and from LOS B to LOS E during the PM peak hour.
- Main Street and Stephenson Boulevard – The eastbound Main Street approach would deteriorate from LOS D to LOS F during the AM peak hour, and from LOS B to LOS E during the PM peak hour.
- Main Street and Cherry Avenue – The northbound Cherry Avenue approach would deteriorate from LOS D to LOS F during the PM peak hour.
- Main Street and Premium Point/Sunhaven Drive – The eastbound Main Street approach would deteriorate from LOS B to LOS E during the AM peak hour.
- Huguenot Street and Centre Avenue – The eastbound Huguenot Street approach would deteriorate from LOS D to LOS F during the PM peak hour. The westbound Huguenot Street left-turn would deteriorate from LOS D to LOS E during the PM peak hour.
- Huguenot Street and Division Street – The eastbound Huguenot Street approach would deteriorate from LOS C to LOS E during the AM and PM peak hours. The westbound Huguenot Street through/right-turn lane-group would deteriorate from LOS D to LOS F during the AM and PM peak hours. The southbound Division Street left-turn/through lane-group would deteriorate from LOS D to LOS F during the AM and PM peak hours.
- Huguenot Street and Memorial Highway – The eastbound Huguenot Street through/right-turn lane-group would deteriorate from LOS C to LOS E during the AM peak hour, and from LOS B to LOS E during the PM peak hour. The westbound Huguenot Street through/right-turn lane-group would deteriorate from LOS C to LOS E during the PM peak hour. The northbound Memorial Highway through/right-turn lane-group would deteriorate from LOS D to LOS E during the AM peak hour.
- Huguenot Street and Lawton Street – The eastbound Huguenot Street through lane would deteriorate from LOS D to LOS F during the AM peak hour, and from LOS C to LOS F during the PM peak hour. The westbound Huguenot Street through would deteriorate from LOS C to LOS F during the AM peak hour, and from LOS E to LOS F during the PM peak hour.
- Huguenot Street and North Avenue – The eastbound Huguenot Street through/right-turn lane-group would deteriorate from LOS E to LOS F during the AM peak hour, and from LOS C to LOS E during the PM peak hour. The westbound Huguenot Street left-turn/through lane-group would deteriorate from LOS C to LOS F during the AM and PM peak hours. The northbound North Avenue left-turn would deteriorate from LOS D to LOS F during the PM peak hour. The northbound North Avenue through/right-turn lane-group would deteriorate from LOS D to LOS F during the AM peak hour, and from LOS E to LOS F during the PM peak hour. The southbound

North Avenue left-turn would deteriorate from LOS D to LOS E during the AM and PM peak hours. The southbound North Avenue through would deteriorate from LOS D to LOS F during the PM peak hour.

- Huguenot Street and Lecount Place – The eastbound Huguenot Street through lane would deteriorate from LOS D to LOS F during the AM peak hour. The westbound Huguenot Street through would deteriorate from LOS C to LOS E during the PM peak hour.
- Huguenot Street and River Street / Echo Avenue – The eastbound Huguenot Street left-turn/through lane-group would deteriorate from LOS B to LOS F during the AM and PM peak hours. The southbound River Street left-turn lane-group would deteriorate from LOS E to LOS F during the AM peak hour.
- River Street and Radisson Plaza – The eastbound Radisson Plaza left-turn would deteriorate from LOS C to LOS E during the PM peak hour.

As noted previously, a comparison was performed between trip generation under the development scenario analyzed in the 2018 Traffic Study (the intersection capacity analysis results of which are summarized above) and trip generation for the 2021 TDS under the current Proposed Action (which accounts for further revisions to the projected build-out scenario after the 2018 Traffic Study was completed, to address shifting market demands). These refinements to the TDS generally involve an increase in the number of residential units in the DO-1, DO-2 and DO-4 Districts, while decreasing retail, nonmedical office, adult care, and institutional land uses throughout the DO-1 through DO-6 Districts. Additionally, it is noted that travel patterns and traffic volumes were significantly disrupted in 2020 and 2021 due to the COVID-19 pandemic. Therefore, updating the existing conditions analysis for the 2018 Traffic Study would not reflect typical traffic conditions experienced prior to the COVID-19 pandemic.

As indicated in the comparison presented in Table 3, below, the 2021 TDS would result in trip generation estimates that are significantly less than the trip estimates calculated in the 2018 analysis, given the reductions contemplated in higher intensity commercial uses.

<b>Table 3 Trip Generation Comparison</b>														
Scenario	DO-1		DO-2		DO-3		DO-4		DO-5		DO-6		DO-7	
2018 <sup>1</sup>	1,863	2,187	1,599	2,201	559	688	531	642	534	647	189	221	754	896
2021 <sup>2</sup>	1,403	1,374	1,504	1,917	309	383	480	532	488	602	199	228	724	857
Net Change <sup>3</sup>	-460	-813	-95	-284	-250	-305	-51	-110	-46	-45	+10	+7	-30	-39
Notes:														
1- Trip generation from 2018 Traffic Study														
2- Trip generation based on 2021 TDS														
3- Trip generation based on 2021 TDS minus Trip generation from 2018 Traffic Study														

Since, as shown above, the 2021 TDS results in significantly fewer trips than what was evaluated in the 2018 Traffic Study, the findings of that prior analysis provide a conservative traffic assessment that may

overstate impacts compared to what would be anticipated for the 2021 TDS land development scenario under the current Proposed Action. Furthermore, the detailed analysis and results of the 2018 Traffic Study, if adjusted to the currently assumed build year of 2032, would result in only a three percent increase in background traffic volume growth compared to the 2025 build year that was assumed in the 2018 Traffic Study. Thus, it is not expected that a change in build year would significantly alter the findings of the 2018 Traffic Study.

In summary, the 2018 Traffic Study indicated that the majority of the study intersections would experience significant impacts under the 2025 Build scenario, as compared to 2025 No-Build conditions (i.e., degradation in LOS from D to E or F, or from E to F). This conclusion would also be expected to pertain to the 2021 TDS under the current Proposed Action, although impacts would be somewhat reduced due to the lower volumes of trip generation. To address these circumstances, detailed supplemental traffic studies and intersection analyses will be needed, as determined by the Planning Board based on the location, size and uses in future proposed development, during review of site plan applications in the DO-7 District, in order to identify potential impacts and required mitigation measures. Given the limited right-of-way in the downtown area, mitigation measures that include roadway widening to provide additional travel lanes generally may not be feasible. Therefore, the traffic mitigation measures will concentrate on other strategies. Available mitigation measures will be evaluated and implemented as needed through the Fair Share mitigation program supported by proportional funding from individual development projects.

The City's downtown area currently utilizes pre-timed signals with a fixed signal timing plan regardless of the varying traffic levels at the intersection approaches. The City has received a grant to upgrade this signal system to an actuated-coordinated system, which would enable the intersections to better accommodate traffic by optimizing the amount of green time allocated to each intersection approach and would be expected to improve operating conditions and reduce the need for mitigation relative to what is indicated by the results of the 2018 Traffic Study. Other strategies that may be considered involve downtown shuttle buses that would help residents, visitors and employees to circulate in the area and between the different districts without using private vehicles. The City is also implementing measures to improve pedestrian-friendliness in the downtown area which, along with improvements in bicycle infrastructure, will help in shifting some local automobile trips to other transportation modes.

The 2018 Traffic Study also notes that its LOS calculations represent the worst 15 minutes during each peak hour. Thus, the average conditions over the entire peak hour would be less impacted than indicated by the analysis results. The study also notes that LOS E can be an acceptable condition for a downtown business district, as vehicles would be traveling at slower speeds.

***Finding 5: In general, redevelopment within downtown that incorporates mixed uses as proposed under the Proposed Action will reduce the need for vehicle use, as it places residential uses within walking and biking distance of public transit, and other destinations in the downtown, supporting the utilization of non-vehicular modes of transportation. However, the traffic impact analysis in the SDGEIS demonstrates that the roadway network serving the DOZ will require improvements to mitigate deterioration in levels of service that is projected as the result of traffic generated by projects that may be pursued under the Proposed Action. At the time a site-specific development application is submitted, trip generation and trip distribution assumptions must be submitted for review and***

***comparison against the assumptions in the SDGEIS Traffic Study must be conducted. This information will serve as the basis to determine if additional traffic analysis is warranted for individual development projects. The need for additional traffic investigations and any required mitigation will be determined by the Planning Board during site plan review in conjunction with future site-specific SEQR (6 NYCRR Part 617) analysis.***

## 6. Parking

The Proposed Action includes expanding the Central Parking Area, which currently coincides with the Existing DOZ boundary, to also include the Proposed DO-7 District. This is consistent with the intent to integrate the Proposed DO-7 District into the overall DOZ to enhance interconnectedness in a manner that encourages travel between destinations on-foot rather than with multiple car trips. The CPA District provisions would continue to apply only to those development applications that opt-in to the DOZ, as expanded.

The parking ratios within the CPA are reflective of typical downtown urban areas with mixed-use settings (where people tend to park once and then walk to one or more destinations) and are based on the Institute of Transportation Engineers (“ITE”) Parking Generation Manual, 4<sup>th</sup> Edition for various uses, reduced by 20-30 percent for primary uses (i.e., residential, hotel, office, etc.) and by 50 percent for support uses (i.e., retail, restaurant, recreational, etc.) to account for downtown parking conditions, where the close proximity of mixed uses allows for the implementation of the shared parking model. A site-specific parking analysis will continue to be required to determine if credits may be applied for shared parking, attendant parking, valet parking, provisions for car-share parking and non-reserved parking, at the discretion of the Planning Board. The LEED ND Silver equivalency also encourages incorporation of the bike storage for residents and visitors.

Redevelopment of underutilized City parking lots will continue to require that existing parking utilization be established and then used as a basis for the replacement/reconstruction of City parking spaces by the party sponsoring redevelopment; and temporary displacement of City parking while construction is occurring will continue to require the preparation and implementation of a Parking Management Plan, which would specify locations of alternative parking, establish signage, striping, etc. and notification procedures for driver convenience and efficiency of traffic flow during construction and post-construction.

Future site-specific development applications in the DOZ will continue to be subject to site-specific review to ensure that the appropriate parking is being provided.

The SGDEIS identifies traffic management strategies which should be explored to reduce the vehicular trips generated and associated parking demand by future developments, including:

- Parking spaces can be leased or sold separately (i.e., “unbundled”) from the rent or sale price, giving a financial incentive for individuals to drive less or own fewer cars, or encourage companies to increase transit commute rates among their employees;

- Employer travel demand management programs, such as incentive programs to use alternative modes of transportation, parking pay-out programs, priority parking for carpools, etc., to reduce employee vehicle trips; and
- Implementation of a downtown shuttle bus.

***Finding 6: Analysis of parking needs for development in the DOZ, as expanded under the Proposed Action to include the DO-7 District, indicates that adequate parking can be provided for proposed development in accordance with the CPA overlay zone parking requirements. Redevelopment of underutilized City parking lots will require that existing parking utilization be established and then used as a basis for the replacement/reconstruction of City parking spaces by the party sponsoring redevelopment. Temporary displacement of City parking while construction is occurring will require the preparation and implementation of a Parking Management Plan and Parking Utilization Study. The need for parking mitigation will be determined by the Planning Board during site plan review in conjunction with future site-specific SEQR (6 NYCRR Part 617) analysis.***

## 7. Water Resources

### Floodplains

Only a small area of the existing DOZ, in the DO-4 District in the vicinity of Huntington Place, is situated within the 100-year floodplain. The waterfront area of the Proposed DO-7 District is also located in the 100-year floodplain, in the AE zone designated by the Federal Emergency Management Agency (“FEMA”), which is expected to experience still-water flooding during the 100-year flood event. At the time a site-specific development application is advanced for any area within the Proposed DO-7 Zone, the application would be reviewed by the Building Department, and a determination made as to whether the proposed project requires a floodplain development permit. If a floodplain development permit is required, the application would be required to comply with all applicable standards and requirements as set forth in City Code Section 111-33, as currently applies to the portion of the existing DOZ (in the DO-4 Zone) and all other areas in the City located in the FEMA floodplain. Any such development also will be required to give due consideration to the effects of sea level rise and other consequences of climate change to ensure long-term resiliency.

The City, in conjunction with its Multi-Hazard Mitigation Planning Committee, has drafted a Multi-Hazard Mitigation Plan, which identifies potential hazards – including Coastal Storms, Floods, and Coastal Erosion, which are particularly relevant to the Proposed DO-7 District – and provides numerous policies to protect human life and property from the impacts of natural hazards based on an inventory and assessment of the built environment, and a risk assessment to determine the vulnerability of the City to such events. The provisions of this plan will be considered and applied as appropriate to development in potential hazard areas. Furthermore, the Proposed Action includes the establishment of a public esplanade and open space area along the waterfront within the Proposed DO-7 Zone, which will provide emergency flood buffering, storage and protection.

### Groundwater

The City of New Rochelle derives its drinking water from the New York City Water System and does not obtain potable water from groundwater. However, the protection of groundwater resources is still

important to protect human health and the environment, given that lateral groundwater flow discharges to adjacent surface waters, and considering that volatile compounds in groundwater can intrude into overlying interior building spaces. The Proposed Action will extend the DOZ to include the Proposed DO-7 District, which is expected to encourage redevelopment of the properties in this area, thereby eliminating existing and past uses that have resulted in impacts to on-site soils and groundwater. Any residual groundwater contamination identified at these properties will have to be appropriately addressed during the site plan review and approval process.

At any location where dewatering is required during construction due to shallow depth to groundwater, site/project-specific plans, including detailed soil and groundwater table investigations, and proposed dewatering methodology, will be necessary. If dewatering is required, it will be conducted in accordance with applicable NYSDEC standards and requirements to minimize potential impacts.

#### Surface Waters and Wetlands

The Existing DOZ does not contain Freshwater or Tidal Wetlands. However, a portion of the DO-4 District is proximate to tidal wetlands in the Echo Bay system and runoff from this area, as well as from the overall DOZ, discharges to nearby surface waters via the City's stormwater drainage system. The Proposed DO-7 District contains fringing Tidal Wetlands, but no Freshwater Wetlands; and like the Existing DOZ, stormwater runoff from this area drains to adjacent surface waters.

As discussed in **Section 3** of this Findings Statement, continuing development within the Existing DOZ is not expected to increase the volume of stormwater generated, as this area is covered almost entirely by impervious surfaces; and stormwater runoff may be slightly reduced by new development due to expansion of pervious surfaces to replace areas of pavement. Although it is anticipated that development and redevelopment in the DO-7 Zone will increase runoff volumes under the Proposed Action due to expanded impervious surface coverage, drainage system design in this area will conform with City and NYSDEC requirements to minimize potential impacts, as is the case throughout the DOZ and City-wide.

Future project/site-specific development application review of a project in the DOZ, as extended to include the Proposed DO-7 Zone, will require the following measures to minimize impacts to surface water resources:

- New development will be required to retain stormwater runoff on site in accordance with the latest version of the NYS Stormwater Design Manual and the City requirements.
- For those individual projects that involve one or more acres of disturbance, a SWPPP must be prepared pursuant to NYSDEC requirements.
- Identification and removal of existing illicit discharges to the City stormwater conveyance system during redevelopment will improve functioning of these systems, as well as reduce pollutant loads to surface water (and groundwater).
- New construction in the DOZ, as extended to include the Proposed DO-7 District, will continue to be required to utilize water-conserving plumbing fixtures and mechanical systems that will conserve water resources and must demonstrate equivalency of a LEED-ND v4 Silver (50-59

points) of the U.S. Green Building Council’s rating system. Additionally, incentive-based use of “green development” options (e.g., green roofs, grey-water and rainwater recycling, roof gardens, etc.) will continue to be encouraged by the proposed overlay zoning amendments, thus reducing water use. The proposed DOZ amendments also require environmental disclosure reporting starting at site plan review, and continuing during construction and building occupancy, which requires annual reporting and monitoring of energy, water, and waste usage.

- Native plants, shrubs and trees or suitably adapted non-invasive species shall be used for landscaping, revegetating or restoring development sites, particularly along the shoreline in the Proposed DO-7 District. These species will help to reduce fertilizer and pesticide demands, conserve water used for irrigation, help to create a more natural environment for urban wildlife, and enhance surface water resources.

Development activities along the waterfront area of the Proposed DO-7 zone may require review and approval from NYSDEC and/or the U.S. Army Corps of Engineers (“USACE,” with coastal consistency review and concurrence by the New York State Department of State, “NYSDOS”), depending on the precise location and nature of the given activity, directed at preventing significant impacts to State-designated Tidal Wetlands and Waters of the United States, respectively. NYSDEC is also responsible for issuing a Water Quality Certification for regulated activities verifying compliance with state water quality requirements.

Future development within the Proposed DO-7 Zone will include the removal of deteriorated shoreline features (e.g., timber bulkheads, timber docks and concrete slabs), to be replaced with improvements that could include a living shoreline, rip-rap to stabilize the shoreline and bulkheads in certain locations. As noted above, various permits for shoreline restoration will be needed from NYSDEC and the USACE, along with approval from both the Office of General Services (for the use of State-owned underwater lands, or lands formerly under water that have been converted with fill into upland areas) and NYSDOS (for Coastal Consistency concurrence). The installation of natural/vegetated stormwater controls and non-structural or soft shoreline protection techniques – such as providing pervious open space, planting and maintaining vegetation, and complying with setbacks along the waterfront – are recommended where practicable; and adequate stormwater controls, including green infrastructure and stormwater pretreatment will be provided in accordance with applicable regulatory requirements.

Stephenson Brook flows through a culvert beneath the eastern portion of the Proposed DO-7 Zone. Future site plans should identify the exact location of Stephenson Brook and its outfall and will need to consider potential impacts to same if development is proposed in the vicinity of this culvert/outfall.

#### Coastal Water Resource Protection Plans and Policies

The SDGEIS presents an analysis of the Proposed Action’s potential impacts on, and consistency with, the Long Island Sound Critical Environmental Area (“CEA”), New York State Coastal Management Plan (“NYSCMP”), Long Island Sound Coastal Management Program (“LISCMP”), and locally-adopted LWRP. This includes a policy-by-policy review of the relevant provisions of each plan, which indicates that, in consideration of the intensive planning, public outreach, and numerous mitigations identified by the SDGEIS, the Proposed DO-7 Zone (Waterfront Overlay District) is supportive of and consistent with the relevant State and City plans and coastal policies. Future site plan applications will require further,

project-specific review for impacts on and consistency with pertinent coastal water resource protection plans and policies.

***Finding 7: The Proposed Action will not have any significant adverse impact on water resources, including flood zones, groundwater, surface waters and wetlands. The Proposed Action also is consistent with and supportive of applicable State and City Coastal Water Resource Protection Plans and Policies. Potential indirect impacts to water quality will be addressed through water quality best management practices implemented as part of any SWPPP and/or Erosion & Sediment Control Plan prepared during project/site-specific review. Stormwater mitigation measures are described above under the Community Service findings (Section 3) of this Findings Statement. Shoreline enhancements to be included in the redevelopment of the Proposed DO-7 Zone will have an overall beneficial effect on the surface waters and wetlands in and adjacent to this area. The need for additional water resources investigations and associated mitigation measures will be determined by the Planning Board during site plan review in conjunction with future site-specific SEQR (6 NYCRR Part 617) analysis.***

#### 8. Ecological Resources

The Existing DOZ is essentially fully developed, and the land surface is dominated with impervious surface coverage and does not contain significant ecological resources. As such, the 2015 GEIS and Findings Statement did not examine this environmental impact topic. However, the Proposed DO-7 Zone fronts on Snuff Mill Creek, which is an arm of the Echo Bay complex, which in turn is connected to Long Island Sound. Therefore, the SGEIS includes an analysis of the potential ecological impacts of the Proposed Action, specifically with regard to the extension of the DOZ to include a Waterfront Overlay District (the DO-7 Zone).

With the exception of the southern portions of the Armory property, the majority of the proposed DO-7 Zone consists of developed lands with sparse non-native, invasive vegetation. Furthermore, no rare, threatened, or endangered species have been documented within this area. Landscape plantings during site redevelopment under the Proposed Action would be expected to result in a significant upgrade in site flora compared to existing conditions, as a focus will be placed on the use of native plants, shrubs and trees or suitably adapted non-invasive species, which will render ecological benefits related to reduced fertilizer and pesticide use, increased water conservation and creation of a more natural environment for urban wildlife. Activity seaward of pre-existing functional bulkheads and historically impervious areas, or up to the 10-foot topographic contour within un-bulkheaded areas, will be subject to NYSDEC Tidal Wetlands permits, which will consider the impacted nature of the existing shoreline and will review regulate activities in a manner that ensures impacts to Tidal Wetlands are avoided or mitigated.

The site plan review process for specific development applications in the Proposed DO-7 District will provide an opportunity for shoreline habitat restoration or creation, to achieve a net ecological improvement over current conditions, maintaining native species where possible, removing invasive species, and restoring habitat with appropriate native species. All properties opting into the Proposed DO-7 Zone will be required to provide a Waterfront Promenade with minimum 30-foot-wide area that includes shoreline restoration and beneficially improved landscaping areas, possibly including a living

shoreline, in addition to a continuous public trail along the water's edge. In addition to these direct habitat improvements, implementation of the Proposed Action will help to reduce or eliminate erosion of and stormwater runoff to sensitive Tidal Wetlands. These measures will have a beneficial effect for wildlife species at and in the vicinity of the Proposed DO-7 District.

***Finding 8: The Proposed Action will not have any significant adverse impact on ecological resources, as no significant ecological resources are present in the Existing DOZ, and redevelopment of the Proposed DO-7 Waterfront Overlay) District will result in an overall upgrade to habitat conditions in this area, including the removal of invasive plant species and use of native vegetation in site landscaping. Redevelopment of the Proposed DO-7 District under the Proposed Action will also result in restoration of the shoreline, including upgraded landscape areas planted with native species, which will provide suitable habitat for local wildlife species.***

## 9. Geology, Soils, and Topography

### Geology

Direct impacts to bedrock may result from development activities on individual properties pursuing redevelopment in the DOZ, as extended to include the Proposed DO-7 District, including excavations in areas of shallow depth to bedrock to construct building foundations and basements, or otherwise to achieve appropriate grades for site development. At the time a site-specific development application is submitted, the need for rock removal, including potential blasting activities, will continue to be determined based on the results of geotechnical investigations performed at the site. Any excavation in areas that extend into bedrock will be required to conform to Chapter 281, Streets, Sidewalks and Public Places, of the City of New Rochelle Code (Section 44), which sets forth general standards for rock excavation.

### Soils

Any development that occurs in the DOZ, as extended to include the Proposed DO-7 District, would impact on-site soils during grading activities, excavation for footings and building foundations, installation of utilities, roadway beds and parking areas. However, due to the generally flat to rolling terrain, which is prevalent in this area, major grading operations involving significant cut and/or fill are not anticipated, except for any cuts necessary for building basements or other subsurface structures, such as parking facilities. Specific subsurface conditions will continue to be determined in detail through geotechnical investigations conducted during the site plan review of each project/site-specific development application, which will identify soils that are unsuitable for construction and constraints related to shallow depths to groundwater, in addition to shallow depths to bedrock as discussed above. Where unsuitable soils or fill are encountered, such material would be removed and replaced with suitable clean fill and compacted as needed to ensure that soil conditions are appropriate for development and site drainage. Development areas will be stabilized, as determined by a geotechnical engineer, prior to construction of structural elements.

Since construction design generally provides for the on-site reuse of excess soil material for fill to the extent practicable (in order to minimize the cost of removal/disposal as well as impacts from removal operations), the total amount of excess soil that must be exported from construction sites would likely

be minimized. This would further minimize the potential for short-term construction-related impacts associated with soils, such as dust impacts on neighboring sites and roadways.

Given the anticipated generally shallow depth to groundwater within the southeasterly portion of the DOZ as it approaches the waterfront, particularly within the existing DO-4 Zone and Proposed DO-7 Zone, limited dewatering may be necessary to enable construction of foundations and subsurface infrastructure and parking facilities. Any such dewatering would be a temporary measure for the installation of building footings or other subsurface structural support during construction – see further discussion in **Section 7** of this Findings Statement (Water Resources).

To reduce the potential for short-term soil erosion during construction, site-specific Erosion & Sediment Control and Construction Phasing Plans will continue to be required by the Planning Board as appropriate during the site plan review and approval process for development in the DOZ, as extended to include the Proposed DO-7 District, along with SWPPPs for the development of any property involving an acre or more of disturbance. The SWPPP must include a detailed plan identifying methods for sediment trapping, soil stabilization and best management practices to reduce the extent of soils exposed to the elements during construction, and for stormwater management during long-term operation of the developed site. The erosion control and phasing plans for project construction will be required to utilize the NYSDEC Guidelines for Urban Erosion and Sediment Control.

All applications for development must include a review of existing site conditions to determine the magnitude of contamination present and whether environmental cleanup is warranted. A Phase I Environmental Site Assessment (“ESA”) will be required at the time of site plan review for individual properties that have not been previously investigated, to assist in identifying petroleum and hazardous substance impacts to soil, groundwater and/or soil vapor that might pose potential public health risks and/or natural resource impacts. A Phase II ESA may be necessary to further investigate conditions disclosed in the Phase I ESA indicating open environmental issues; these Phase II investigations may include soil, groundwater and/or soil vapor sampling and analysis of any identified “Recognized Environmental Condition.” Older buildings, materials and components of past building construction are also considered for projects that involve building demolition to assess the potential presence of asbestos-containing materials and/or lead-based paint that would have to be properly removed, handled, abated and disposed in accordance with applicable regulations.

Both the Armory and Armory, Mancuso Marina and Nelstad Concrete Plant parcels (“AMN sites” see Figure 2-3, parcels 3, 4 and 5 of the SDGEIS) in the Proposed DO-7 District have been entered into the New York State Brownfield Cleanup Program (“BCP”). A Remedial Investigation Work Plan (“RIWP”) has been approved by NYSDEC for the Armory site and is in the process of being implemented, with sampling, testing and associated investigations ongoing. A RIWP prepared for the AMN site was undergoing NYSDEC review at the time of the SDGEIS. Completion of any remediation requirements identified by these RIWPs will ensure that environmental conditions at the two sites are protective of human health and the environment, at which time site redevelopment can proceed.

No significant long-term adverse impacts are expected under the Proposed Action with respect to soils, as the permanent land surface stabilization will be required to be in-place before occupancy of the new facilities.

### Topography

Given the developed nature of the majority of the Existing DOZ, significant amounts of grading and changes to topography are not expected to be necessary for new development pursued under the Proposed Action in this area.

Within the Proposed DO-7 District, slopes are variable but are mostly flat or gently sloping where development is present, with some moderate or steep grades in small areas of previous mounding/stockpiles and along the Echo Bay shoreline. Much of this shoreline has been stabilized with short, steeply sloping embankments that have been shored-up with large boulders or slabs of concrete (rip rap), and wooden and concrete retaining walls and bulkheads. Potential topographic impacts will be addressed through the measures described above with respect to soils, including Erosion & Sediment Control Plans and SWPPPS prepared during the site plan review and approval process.

***Finding 9: The Proposed Action is not anticipated to have a significant adverse impact on geology, soils, or topography. During project-specific development application review and the associated review under SEQR, the Planning Board, in consultation with the relevant City departments, will require appropriate geophysical investigations, Phase I ESAs and related documentation to ensure that site-specific conditions with respect to these parameters are properly characterized and potential impacts are properly mitigated. The information provided in these documents will serve to ensure that there are suitable on-site soils conditions for the proposed development; to identify the extent of bedrock disturbance that is necessary, including the need for rock blasting, as well as the mitigation applicable to same; to ensure that appropriate erosion control measures are identified to avoid or mitigate any potential erosion and sediment transport impacts during construction; and to include the requisite SWPPPs for projects involving one acre or more of land disturbance.***

### *10. Construction-Related Impacts*

Development of individual properties that would be affected by the Proposed Action can be expected to occur with or without the proposed zoning amendments. However, the Proposed Action is being advanced in order to sustain the beneficial redevelopment and revitalization of Downtown New Rochelle that has occurred under the Existing DOZ regulations, an outcome that is not likely to occur in the absence of the Proposed Action. A major element of the Proposed Action is the extension of the DOZ to the Proposed DO-7 District, which is expected to bring accelerated development to this prominent waterfront area, in the same manner that has occurred in the Existing DOZ following its adoption in 2015, along with potential construction-related impacts. However, such impacts are short-term and temporary, generally are localized, and can be effectively managed and controlled through the City's existing application review processes; and all construction activities under the Proposed Action would be required to conform to the DOZ development standards and the mitigation measures outlined **Section 13** of this Findings Statement. Although the implementation of a set of common best management practices will provide a large degree of mitigation for potential construction-related impacts, site-specific Construction Management Plans will be required on a case-by-case basis during site plan review. The level and type of Construction Management Plan will be determined by the Planning Board and will be included as a condition of each building permit, to be administered and monitored by the Building Department, to ensure proper implementation.

Future development may require the following mitigation measures, to be determined by the Planning Board during site plan review on a project-specific basis:

- City Code Chapter 111 addresses building construction requirements, including the requirements for building permits for any and all building construction. This permit provides a means to ensure that building activity is managed on a site-by-site basis.
- Noise generated by and during construction activities will be regulated by City Code Chapter 213, which limits the period when such noises may be generated based on zoning. The potential for noise impacts proximate to sensitive receptors will be addressed as part of a site/project-specific Construction Management Plans, but often can be best addressed by proper scheduling of noise-intensive activities.
- Blasting activities require a permit from the New Rochelle Fire Department as regulated under Chapter III, Section 281-44 of the City Code. To minimize impacts from any required blasting activities, all such work will be performed by licensed contractors in accordance with an established blasting protocol. The blasting protocol shall include best management practices addressing the storage, handling and transportation of explosives, proper notification, signage and safety procedures, pre-construction condition surveys for buildings and other vibration-sensitive structures within approximately 250 feet of any blasting, and vibration monitoring during construction.
- The Construction Management Plan may include various sub-plans, such as a Construction Traffic Management Plan (including specified routing for heavy construction vehicles), Erosion & Sediment Control Plan, SWPPP (for disturbances of one acre or more), a Parking Management Plan, Blasting Protocol, and/or a Site Remediation Plan.
- If practicable, construction accesses/exits will be located on major roadways in order to minimize the potential for impacts on pedestrian safety, as well as to mitigate potential impacts on the use and operation of local, neighborhood streets. Implementation of these measures would be the responsibility of the construction manager, subject to the approval of the Bureau of Buildings.
- To the extent practicable, construction equipment loading/unloading areas, materials storage areas, construction staging areas and construction worker parking areas will be located within each construction site. Implementation of these measures would be the responsibility of the construction manager, subject to the approval of the Bureau of Buildings.
- Damage occurring to roads during the construction process will be repaired under a construction phase bond to be established as a condition of the site plan approval for each project-specific application.
- Individual projects under the proposed action will be required to prepare an Erosion & Sediment Control Plan if applicable under Chapter 215, and a SWPPP as required by NYSDEC (for land disturbances of one acre or more). Such plans would include specific measures to minimize the potential to raise dust, and erosion and sedimentation control measures including but not limited to, use of groundcovers, drainage diversions, soil traps, water sprays to minimize the

time span that bare soil is exposed to erosive elements and prevent sediment from tracking onto adjacent roadways and properties.

- Surface and subsurface soil will be disturbed during grading operations on construction sites. Re-use of this material as on-site fill to the maximum extent practicable would also reduce the need for (and impacts from) truck trips to remove this material.
- A Parking Management Plan may be required by the Planning Board and/or Bureau of Buildings as part of the site plan or building permit review for each project-specific application under the Proposed Action.
- For any property that has not been previously investigated, a Phase I ESA investigation typically will be required, which may identify conditions that would warrant further investigation in the form of a Phase II ESA (e.g., soil, sediment, groundwater, and/or vapor testing). If the ESAs indicate the presence of contamination issues, these documents would be used in preparing a site-specific Remedial Action Work Plan identifying all mitigation necessary to ensure that redevelopment is compliant with all relevant regulations and guidelines and is protective of human health and the environment.

***Finding 10: The Proposed Action is expected to prompt an increase in the magnitude, and potential frequency, of development within the Proposed DO-7 Zone and continued redevelopment within the Existing DOZ. Construction and its impacts are short-term and temporary, generally are localized, and can be effectively managed and controlled through the City's existing application review process and can largely be mitigated through the implementation of a common set of best management practices. Site/project-specific Construction Management Plans will be prepared for individual applications during the site plan review process and associated review under SEQR to provide a means of controlling potential adverse impacts during construction activities and ensuring conformance to applicable regulatory controls. Demolition and/or remediation activities (if necessary) must be closely monitored and regulated, in order to minimize potential impacts.***

#### 11. Other Environmental Impacts

##### Unavoidable Adverse Environmental Impacts

Development pursuant to the 2021 TDS under the Proposed Action and the potential impacts associated with same have been analyzed in detail in the SGEIS. More specifically, the TDS is the basis of the SGEIS's assessment of potential environmental impacts that may result from the proposed regulatory changes, including revisions to the provisions governing the Existing DOZ and extension of the DOZ boundary to include the Proposed DO-7 District, associated with future physical land alterations in conformance with the optional zoning provisions. Although it is premature to evaluate impacts associated with the development of any individual site since specific applications for site plan approval will not occur until a future step in the process, it is recognized that redevelopment would be expected to occur, as that is the intent of the Proposed Action. Although, as discussed in the foregoing sections of this Findings Statement, adverse impacts related to site-specific development under the Proposed Action will be minimized to the degree practicable, there still may be certain impacts that are unavoidable, including:

- The Proposed Action is expected to prompt increased vegetative clearing and ground disturbance in the Proposed DO-7 District. However, redevelopment will enhance site conditions by utilizing native species in revegetation plans and eliminating existing invasive species, and by remediating residual site contamination before redevelopment and replacing unsuitable soils with clean fill.
- Noise levels may temporarily increase during construction. However, such impacts would be minimized by adherence to the relevant standards of the City Code.
- Despite the planned measures to mitigate potential fugitive dust impacts during construction (such as soil wetting), temporary increases in the fugitive dust generation may still occur. However, such conditions would be temporary and controlled to the degree practicable at the source through Building Department oversight and proper construction management techniques.
- Temporary increases in truck traffic and noise will occur during the construction period for each project. However, these activities will be conducted in conformance with City requirements for construction hours and noise management, and site-specific measures at the discretion of the Building Department which may be warranted to properly manage individual construction sites.
- There will be increases in vehicle trips generated on area roadways during operation of new facilities constructed under the Proposed Action, with consequent impacts on the operation of area roadways and intersections. Mitigation measures to minimize such impacts will be identified on a project-specific basis during site plan review, and implementation of these measures will be facilitated through the Fair Share Mitigation Program supported by proportional funding from individual development projects.
- There will be an increase in wastewater generation. However, Westchester County has sufficient capacity in the New Rochelle WWTF; and measures to reduce I&I and other improvements to the sewer collection system are ongoing. Funding for project-specific infrastructure improvements will be the responsibility of developers in the DOZ, including Fair Share Mitigation Payments (for site-specific sewer system upgrades and connections) and property tax levies.
- There will be an increase in the generation of stormwater. However, on-site storage of stormwater runoff will be required pursuant to City and NYSDEC requirements; and, as necessary, funding for stormwater infrastructure improvements will be allocated through the Fair Share Mitigation Program, in addition to property tax revenues.
- There will be increases in water use, which SUEZ Westchester has indicated it will require infrastructure improvements. In order to address this situation, SUEZ and the City entered into a Cooperation Agreement whereby each developer of a project within the DOZ will be required to pay set fees towards the cost of the necessary system improvements based on the size of the development. Water consumption by new uses developed under the Proposed Action will be minimized by water conservation measures incorporated into the design of all future site plans.
- There will be an increase in refuse generation. However, measures will be taken to reduce solid waste through individual site recycling, and development projects within the DOZ will continue to be required to contract with private carters to reduce burden on City services.

- There will be an increased demand for emergency (police, fire, and associated ambulance) services associated with the increased population of the DOZ, as expanded with the Proposed DO-7 District, resulting from the additional residences that are included in the 2021 TDS under the Proposed Action. This increased demand will be partially offset by increased taxes and fees generated through the Fair Share Mitigation Program. Additionally, service providers will have the opportunity to provide further input through the review and approval process for future project/site-specific development applications.
- Residential development under the Proposed Action will generate additional school-aged children who will require the services of the New Rochelle City School District. However, based on conservative multipliers and current enrollment trends, it is concluded that the School District may be able to absorb the additional students generated under the Proposed Action with limited classroom additions. Furthermore, Fair Share Mitigation fees are proposed to be increased, including the allocation to the School District, to address capital costs and mitigate impacts to the School District. Property taxes will also be generated to offset potential impacts due to future development under the Proposed Action.
- There will be increased demand for energy services. However, the DOZ continues to be served by existing electric service from Con Edison. An ongoing Con Edison-imposed moratorium on new gas connections is expected to extend at least until November 2023, such that alternate means of heating would have to be procured for projects throughout the City that come on-line in approximately the next two years and which otherwise would involve new gas connections. These contingencies for projects in the DOZ will be examined during the site plan review process on a project-by-project basis as development applications are received. Energy consumption by development under the Proposed Action will be moderated by a requirement for conformance with to the NYStretch Energy Code, review of future site plan guided by the recommendations of the City’s GreeNR Sustainability Plan, requirement to demonstrate equivalency of a LEED-ND v4 Silver (50-59 points) of the U.S. Green Building Council’s rating system and provide environmental disclosure reporting starting at site plan review, and continuing throughout construction and after building occupancy, which requires annual reporting and monitoring of energy, water, and waste usage – see further discussion under “Energy Use and Conservation, and Greenhouse Gas Emissions” later in this same section of the Findings Statement.

Irreversible and Irretrievable Commitment of Resources

Given the urbanized and highly developed character of the DOZ, as extended to the Proposed DO-7 Zone, there are few natural resources that would be disturbed by any site-specific development that is pursued under the Proposed Action. Irretrievable and irreversible commitment of resources, therefore, primarily involves the commitment of natural resources in any building products used in construction, and consumption of energy.

The Proposed Action embodies sustainable planning by encouraging pedestrian-friendly development and otherwise promoting non-vehicular travel. Further, it is anticipated that one of the community benefits will advance energy-efficient design and development by incorporating green infrastructure improvements. Nevertheless, the Proposed Action will result in irreversible and irretrievable commitment of resources, as follows:

- Material used for construction under the 2021 TDS, including but not limited to wood, asphalt, concrete, fiberglass, steel, aluminum, etc.
- Energy used in the construction, operation and maintenance of development under the 2021 TDS, including fossil fuels (i.e., oil and natural gas).

Growth-Inducing, Secondary and Cumulative Impacts

By design, the Proposed Action is intended to stimulate growth within the DOZ, as extended to the Proposed DO-7 District, through a regulatory framework which encourages development. It is a goal of the City Council to provide for the type and quality of development in the DOZ necessary to improve social and economic conditions as set forth in the 2021 RAP.

The site-specific development that would result from the Proposed Action would have secondary effects. In particular, the Proposed Action is intended to provide incentives to attract appropriate and complementary uses to the waterfront area of Echo Bay, within walking distance of the City's downtown in the Existing DOZ and the public transportation located therein, and to provide opportunities for beneficial economic growth and investment in the downtown and the Echo Bay waterfront. The Proposed Action will continue to use an incentive-based system which has successfully encouraged beneficial redevelopment in the Existing DOZ, applying this program to encourage similar growth inducement in the Proposed DO-7 Zone, consistent with the goals of the 2021 RAP and other City planning documents (e.g., Comprehensive Plan and locally-adopted LWRP). It is anticipated that the Proposed Action will contribute to a further increase in activity for existing local businesses from the expanded customer base arising from the increased number of residents. New employment opportunities associated with the office, retail and service-oriented uses will also contribute to beneficial economic and fiscal outcomes. Overall, the SGEIS addresses these potential secondary impacts under the Proposed Action through analysis of the 2021 TDS, which examines these impacts in relation to a reasonable build-out scenario that could occur under the proposed zoning amendments.

Construction of various uses under the Proposed Action will induce short-term employment opportunities and construction spending. These jobs would not require relocation of specialized labor forces or influx of large businesses from outside the area to provide construction support and may be filled first from within the local labor pool. As a result, construction job-related effects of the Proposed Action are expected to be beneficial and significant, though temporary in duration.

In response to public input, the City Council adopted the Economic Opportunity and Nondiscrimination Policy in May 2016 with the intent of reducing discrimination in hiring and providing jobs and training to minorities and disadvantaged individuals for work performed under City contracts. Future development and redevelopment in the Proposed DO-7 Zone will be subject to this policy, as is the case for the Existing DOZ.

It is expected that the Proposed Action will create demand for, and lead to the expansion and improvement of, community facilities and utilities serving the DOZ, extended to include the Proposed DO-7 Zone. The costs to meet these increased demands would be offset by property tax revenues and

fees (including the Community Benefit Bonus Program) that would be generated from site-specific developments.

In balancing the assessment of growth and its impacts, the “triple bottom line” of responsible growth through social, economic and environmental factors is critical. The factors noted above lead to a conclusion that the incremental increase in growth resulting from properly planned revitalization which is expected to occur in the expanded DOZ under the Proposed Action will have a significant beneficial outcome for the City.

Adoption of the DOZ, and the current proposal for its expansion to the Proposed DO-7 District and other revisions, has involved a comprehensive planning process for a wide area of the City, which analyzes the potential cumulative impacts of build-out under the 2021 TDS for the full range of environmental parameters. Thus, the SGEIS accounts for cumulative impacts.

#### Energy Use and Conservation, and Greenhouse Gas Emissions

Although the Proposed Action is intended to encourage development, it will help to promote energy conservation by phasing out older facilities and requiring the use of more contemporary energy-efficient equipment, appliances and lighting, and concentrating a compatible mix of uses to create a more centralized development pattern, with increased pedestrian connectivity. The Proposed Action enhances the degree to which the Existing DOZ promotes energy conservation through consistency with sustainable transit-oriented design siting practices, by extending the opportunity for these modern urban concepts to be implemented in the Proposed DO-7 District. The Proposed Action is consistent with the City’s GreenNR Sustainability Plan, which includes implementation measures promoting transit-oriented growth.

Although energy consumption is expected to increase from site-specific developments constructed under the Proposed Action, all new building construction will be required to comply with the New York State Energy Conservation Construction Code. Code standards apply to the use of energy-efficient building materials (e.g., insulation, windows, weather stripping, door seals, etc.) and mechanical systems (e.g., air conditioners, heating systems, HVAC systems, water heaters, heat pumps, etc.), which minimize the amount of energy required. New York State Environmental Conservation Law also requires that water-saving plumbing fixtures be installed that meet water conservation flow standards. Installation of this equipment reduces unnecessary water loss, which translates into conservation of the energy resources required to heat some of this water. Moreover, development under the Proposed Action will be required to conform with the City's recently adopted the NYStretch Energy Code, which provides additional energy savings beyond the minimum requirements set forth in the 2020 Energy Conservation Construction Code of New York State, demonstrate equivalency of a LEED-ND v4 Silver (50-59 points) of the U.S. Green Building Council’s rating system and provide environmental disclosure reporting starting at site plan review, and continuing throughout construction and after building occupancy, which requires annual reporting and monitoring of energy, water, and waste usage.

To ensure that the Energy Code is enforced at the municipal level, the City of New Rochelle has implemented a green building permitting process based on the New York State Energy Conservation Construction Code and recently adopted the NYStretch Energy Code. Compliance with this permitting

process will ensure that home and business owners receive the benefit of energy savings, consistent with the City's policies.

Additionally, extension of the DOZ to include the Proposed DO-7 Zone includes regulations for this area that will have the effect of further reducing energy consumption including, but not limited to:

- Heat island reduction through a combination of new plantings/shade trees, open grid pavement systems, vegetated roofs, and/or other approaches which conserve energy;
- Updates to the Sustainable Development Standards in the City Code, requiring the use of high-efficiency products for indoor water fixtures; and
- Installation of low-flow equipment to reduce unnecessary water consumption, which translates into conservation of the energy resources required to heat some of this water, as well as energy required to process wastewater.

As discussed above, future site-specific development undertaken in conformance with the Proposed Action will incorporate substantial energy-saving features, which may include building materials, site and project layout and design characteristics, mechanical systems and use procedures.

Development in the Proposed DO-7 District will generate greenhouse gas ("GHG") emissions from power sources and from the buildings to be built in the DOZ. However, these new facilities would replace outdated development that is not energy-efficient; and when contrasted with alternative forms of development that do not share compact, mixed-use, transit-oriented characteristics, the effect of the Proposed Action in the DO-7 area from a long term growth perspective will be far less carbon-intensive and, therefore, will contribute to a reduction in regional and global GHG emissions.

The Proposed Action is designed to reduce potential GHG emissions in the DO-7 Zone by requiring site-specific development to:

- incorporate mandatory NYS Energy Code features;
- embody sustainability by encouraging a pedestrian- and bike-friendly environment and reducing vehicular trip generation;
- comply with a form-based code that encourages energy-efficient design and enhances the pedestrian environment;
- implement efficient land-use through densification close to transit, with mixed-use projects that promote a jobs/housing balance and one-stop for multiple destinations;
- reduce the urban heat island effect by maintaining pervious, vegetated open space, installing green roofs or increasing roof solar reflectance, and locating parking beneath buildings as practicable, rather than creating large expanses of blacktop for surface parking;
- encourage renewable energy production and storage through LEED-ND Silver equivalency and LEED Gold and Platinum bonusable options for the use of CBB; and
- energy monitoring and provisions for EV readiness (NYStretch).

These factors are expected to ultimately reduce inefficiencies associated with the existing, more conventional development patterns in the DOZ. This will assist the City in achieving its sustainability goal of reducing GHG emissions in comparison to the existing zoning. The following additional measures are required as part of LEED ND Silver equivalency, which will promote maximum reduction of greenhouse gas emissions:

- Recycle demolition materials on-site to the extent practicable to reduce use of new materials (which involves energy expenditure) and reduce energy consumption for removal, disposal and handling.
- Use construction materials that minimize the consumption of fossil fuels in their manufacture.
- Reduce automobile dependence by locating development along convenient bus routes; promote use of public transportation.
- Reduce landscape maintenance through use of rain gardens and rain harvesting for irrigation, thus reducing water requirements and resultant pumping with expenditure of energy.
- Utilize building color/textures, plant street trees and employ other architectural and landscaping measures to reduce summer heat buildup that will reduce summer cooling needs.
- Maximize the use of interior daylighting and motion sensors to reduce the need for interior lighting.
- Use high-albedo roofing materials to reflect sunlight and solar gain, thereby reducing air conditioning demands in the summer.

Instituting the measures listed above will ensure that future site-specific development associated with the Proposed Action will conserve energy resources. Such practices would also reduce the generation of greenhouse gases, which would in turn have region-wide beneficial impacts.

Additionally, the Proposed Action incentivizes LEED-ND Gold and Platinum levels equivalency by including green building design in the Community Benefit Bonuses.

***Finding 11: The Proposed Action has the potential to result in a number of potential adverse impacts; however, these are unavoidable, and the SGEIS analysis supports the conclusion that none of these impacts are considered significant and that these impacts would be mitigated to the maximum extent practicable. The analysis indicates that irreversibly committed resources are related to the unavoidable use of building materials and energy resources associated with future site-specific construction; no other environmental resources would be lost as a result of the Proposed Action. The Proposed Action is intended to continue to stimulate growth in the DOZ, as extended to include the Proposed DO-7 District, and so would have beneficial growth-inducing aspects. The Proposed Action will also result in significant, beneficial secondary and cumulative impacts, particularly related to the local economy. New construction under the Proposed Action will occur in conformance to specific design guidelines and energy- and water-conserving standards, which have been designed to provide superior, sustainable development, including greenhouse gas emission control. The compact, mixed-***

***use, transit-oriented characteristics of the Proposed Action, by their very nature, contribute to energy efficiency, resource conservation, and reduced carbon intensity.***

## 12. Alternatives

SEQR and its implementing regulations at 6 NYCRR Part 617.9(b)(5)(iii)(v) require the consideration and evaluation of a range of reasonable alternatives to a proposed action that are feasible, considering the objectives and capabilities of the project sponsor. The SDGEIS evaluates the potential environmental impacts associated with the adoption of proposed zoning amendments and changes to the zoning map being considered by the City of New Rochelle City Council.

The alternatives section of the SDGEIS identifies and addresses the potential impacts that would result from the No-Action Alternative: i.e., continuing the status quo of the existing zoning regulations, including retaining the existing DOZ regulations without the proposed amendments and not extending the DOZ to include the Proposed DO-7 District. Additionally, the No-Action Alternative assumes that the September 2019 TDS would be retained, instead of using the 2021 TDS as the presumed build-out development that would occur in the DOZ.

The drawbacks associated with the No-Action Alternative include, but are not limited to, the following:

- The TDS would not be adjusted to address the shift in market demand away from certain commercial uses and to provide for additional residential and live/work options, as well as retail and restaurant options, designed to integrate the outdoors and new outdoor recreational opportunities.
- The City Zoning Code and Zoning Map would not be amended to include the changes to the DOZ, including the addition of the Proposed DO-7 Zone and the creation of Development Standards for DO-7 which are intended to create a mixed-use district contiguous to the existing DOZ with significant public access to waterfront open spaces.
- The Proposed DO-7 Zone would not be included in the Community Benefit Bonus Program and the Community Benefit Bonus Program would not be updated to allow for the implementation of bonus-able investments outside of the DOZ boundaries with particular attention paid to investments in environmental equity. Additionally the additional categories proposed to be added to the Community Benefit Bonus Program would not be implemented including a Climate Resiliency category, options for contributions to the Community Benefits Fund to support community-driven business incubator spaces, Pre-K and youth development programs, Minority and Women Owned Business Enterprise (MWBE) programs, options to aid existing businesses and communities financially impacted by COVID-19, and additional green and affordable housing options.
- The City Code would not be updated to reduce the allowable height (both in base height and bonus stories) for DO-3, DO-4, DO-5 and DO-6 Zones.
- Adjustments would not be made to increase the per-square-foot Fair Share Mitigation fees for all use categories.

- Amendments would not be made to clarify certain definitions and other provisions of the City Code, including adjustments to the Sustainable Development Standards.
- The No-Action Alternative does not reflect contemporary planning principles, as it would not follow the comprehensive design standards and form-based redevelopment model established for the DOZ, would retain the concept of segregated land uses, and would not provide the harmonious mix of land uses in a well-planned, cohesive and sustainable development as is envisioned under the Proposed Action for the DO-7 District.
- The No-Action Alternative would not expedite the renovation/restoration and reuse of the historic and architecturally significant New Rochelle Armory building, which is a centerpiece of the redevelopment plan as envisioned in the 2021 RAP for the proposed DO-7 District under the Proposed Action.

Overall, while the No-Action Alternative may involve a reduced potential for certain environmental impacts, this scenario would be significantly less beneficial than the Proposed Action from several important perspectives. In particular, maintaining the status quo of the existing zoning within the DO-7 area would not meet the City's overall planning objectives and would not advance the City's goals for the Echo Bay waterfront as established through a series of publicly-vetted, long-range planning studies and the community's overall vision for the area. The No-Action Alternative also would not render the significant socioeconomic advantages that are expected from the Proposed Action, including continued real estate and infrastructure investments in the downtown, new jobs created, new housing and business opportunities, among others.

***Finding 12: The No Action Alternative assumes that the existing zoning would remain unchanged and that growth would occur under the September 2019 TDS instead of the 2021 TDS. The SGEIS analysis indicates that the beneficial impacts associated with adoption of the Proposed Action would not be realized under the No-Action alternative and this scenario is, therefore, not a reasonable or viable alternative as it does not meet the City's objectives.***

### 13. Future Actions

Future site-specific actions that are undertaken pursuant to the Proposed Action will be required to undergo a SEQR review to determine the appropriate level of further analysis needed in conformance with 6 NYCRR §617.10(d). This future review will generally be undertaken during the site plan application process, when specific development proposals are submitted for specific properties within the DOZ as extended to include the DO-7 District. If, during the review of such applications, potentially significant adverse environmental impacts are identified that were not analyzed or were not sufficiently analyzed as part of this SEQR review, additional site-specific review and analysis, including technical studies and/or a further Supplemental GEIS, may be required. The information submitted with the application for each such future project will be used by the entity having jurisdiction as the basis for this determination. A development application submitted pursuant to the provisions of the DOZ, as amended under the Proposed Action, will be considered adequately evaluated pursuant to 6 NYCRR Part 617 and warrant the issuance of a negative declaration under SEQR if it is accompanied by a long form Environmental Assessment Form ("EAF") which completely addresses the items set forth in this Section

of the Findings Statement, including an analysis, if necessary, of Fair Share Mitigation to broader impacts of which the particular development under review would be only a partial contributor and if the action is also consistent with the 2021 TDS and the parameters contained in this Findings Statement.

Based on the results of the impact analyses prepared for the SGEIS, the following measures shall apply to future site-specific development projects in the DOZ as the basis for the reviewing agency to determine whether impacts resulting from such future site-specific development exceed those thresholds analyzed in the SGEIS. The conditions and criteria set forth hereinbelow shall supersede the “Future Actions” provisions contained in the Findings Statement adopted by the City Council in 2015 for the original enactment of the DOZ and shall apply to the DOZ in its entirety (i.e., the Existing DOZ encompassing the DO-1 through DO-6 Districts, as well as the new DO-7 District).

#### Land Use & Zoning

- **Development Standards Verification:** Developers that seek to participate and benefit from the DOZ, as expanded to include the Waterfront Overlay Zone (DO-7 District), will be required to submit applications which demonstrate that the proposed project complies with the DOZ requirements including Sustainable Development Standards (including equivalency of a LEED-ND v4 Silver of the U.S. Green Building Council’s rating system) contained in the amended Zoning Code.
- **Density Incentive Verification:** Redevelopment proposed under Development Standards 1, 2 and 3 will only be permitted for parcels that meet minimum site area and frontage requirements. In the DO-7 Zone, all sites abutting the waterfront will be required to provide a Waterfront Promenade.
- **Community Benefit Bonus Height Verification:** Any developer that seeks to benefit from bonus heights within the DOZ will be required to submit an application that demonstrates that the proposed project provides one or a combination of the designated Community Benefits as permitted by the Commissioner of Development and approved by the Planning Board. In the DO-7 Zone, a sixth story bonus height will be subject to City Council review and determination prior to Planning Board review, as specified in the amended DOZ Code.
- **Environmental Disclosure:** To achieve practical, results-oriented, and realistic goals in lowering greenhouse gas emissions, each Applicant seeking Site Plan Review shall include environmental disclosure on project-related emissions. The disclosure reporting period starts at the site plan review and continues throughout construction and after building occupancy, and requires annual reporting and monitoring of energy, water, and waste usage. The disclosure needs to identify opportunities for improvements, goals for further greenhouse gas emission reductions, and, where applicable, an explanation as to why further reductions are not feasible.

#### Community Character

- **Shadow Impact Analysis:**

- Any redevelopment located within the potential shadow impact area of a sun-sensitive resource (based on the Development Standard or Bonus scenario the project is proposing) would require a site-specific analysis of shadow impacts in accordance with the methodology outlined in the CEQR Technical Manual, Chapter 8. The potential shadow impact area distances for each of the Development Standards or Bonus scenarios and the identified sun sensitive resources are provided in Appendix E of the SDGEIS. This should include analysis of the future waterfront promenade and associated public/civic space within the Waterfront Activation Area of the DO-7 Zone, as well as the existing sun-sensitive resources at Faneuil Park and Salesian High School/Ballfield.
- Mitigation may be necessary based on the results of site-specific shadow analysis.
- Cultural Resource Assessments:
  - Future projects that may potentially affect the integrity of a City-designated historic district or landmark, including buildings of historic or architectural interest, must comply with standards and procedures set forth under Chapter 170, “Historic Districts and Landmarks,” of the City of New Rochelle Code. This includes, as applicable, securing Certificates of Appropriateness from the City’s Historical and Landmarks Review Board (“HLRB”) and performing future actions in accordance with specified conditions and standards. Applicants for Certificates of Appropriateness should also consult the City’s publications entitled “Owning a Home in a Local Historic District” and “Design Guidelines” which are available from the City. Compliance with State and Federal standards may also be applicable for projects that adversely affect properties listed on the State and/or National Register of Historic Places, necessitating outreach and coordination with applicable agencies. Cultural resource evaluations may include contact with the New York State Historic Preservation Office (“SHPO”) for review, input and approval. As SHPO deems appropriate, additional analysis may be required, or revisions to the application may be required to avoid or mitigate impacts.
  - At time of site-specific approvals, consultation with SHPO will be required for the Armory building in the DO-7 Zone, to identify measures to avoid, minimize or mitigate any adverse impacts through the adaptive reuse and renovation of the Armory building. Additionally, a Construction Protection Plan will be required in consultation with SHPO, which would describe the measures to be implemented to protect the Armory building during any new development.
- Archaeological Resource Assessment:
  - For future redevelopment or site disturbance on sites identified by SHPO as archaeologically sensitive that have not been previously disturbed or have had limited previous disturbance, a Phase IA (and possibly a Phase IB) cultural resource survey may be warranted.
  - Within the DO-7 Zone, a Phase 1B will be necessary prior to the start of construction within archaeologically sensitive areas (see Figure 3.2-2 in the SDGEIS), as recommended in AKRF’s Phase 1A Archaeological Documentary Study and concurred with by SHPO in a comment letter dated September 7, 2018 (see Appendix D-1 and Appendix D-2 in the SDGEIS).

- Supplemental Air Quality Assessment: Individual site/use-specific air impact analysis shall be performed for any future site plan application that warrants such analysis. This would apply, for example, to a use that includes the introduction of a regulated point source of air emissions, although such uses are not expected based on the development envisioned under the 2021 TDS.
- Supplemental Noise Assessment: All activity, including construction, within the DOZ, as expanded to include the DO-7 Zone, must comply with Chapter 213 of the City Code, which defines and regulates “unreasonable noise.” All construction activities shall be conducted in conformance with Chapter 213-22 of the City Code. The need for project/site-specific noise assessment should be identified during site plan review throughout the DOZ when projects are proposed in areas with high ambient noise levels (e.g., close proximity to I-95, the Metro-North/Amtrak train tracks and highly trafficked thoroughfares). A supplemental noise assessment may be required in the following situations:
  - For projects where rock drilling is required (or other activities in which the duration or sound levels may exceed permitted conditions), a construction noise plan will be employed for protection of workers and for compliance with the provisions in Chapter 213-22 for construction sites.
  - In the DO-7 District, if residential units are constructed along Main Street (in areas identified as having noise levels above the NYSDEC-recommended maximum level of 65 dBA), a minimum of 25 dBA façade attenuation, as well as air conditioning to allow for the maintenance of a closed-window condition, should be provided.
  - If residential units are constructed in areas with high ambient noise levels (noise levels above the NYSDEC recommended maximum level of 65 dBA), appropriate façade attenuation will be required to achieve the HUD-recognized interior guidelines.
  - Additionally, project-specific noise assessment should be identified during site plan review based on proposed uses, including when outdoor activities are proposed (e.g., outdoor dining, entertainment or similar uses) along the waterfront, with mitigation provided as required if significant impacts are identified.
- Applications for development or redevelopment in the DO-7 District must include an assessment of potential visual impacts, including impacts of views of the area from the water, using elevation drawings, architectural renderings, photographic simulations, cross-sections, and/or other means, as deemed appropriate by the Planning Board during site plan review.

#### Community Services and Utilities

- Education: The Fair Share Mitigation Fund and additional tax revenues generated by development in the DOZ shall be used to address capital costs associated with additional classrooms and assist with school district staffing over time as needed.
- Police Protection:
  - Applicants for large projects shall be encouraged to work cooperatively with the Police Department and to provide on-site private security.

- Police Department needs shall be funded through participation in the Fair Share Mitigation Fund and through additional property tax revenues that are generated.
- The Police Department will have an opportunity to provide additional input on site/project-specific development plans, thereby allowing for any additional mitigation measures that may be necessary.
- Adequate but not excessive outdoor lighting should be required on-site and in open space areas to ensure public safety.
- Fire Protection:
  - The Fire Department will have the opportunity to review future projects to ensure that site/project-specific concerns are addressed, including provisions for emergency access and egress, hydrant locations, sprinkler systems, fire alarms, and smoke and carbon monoxide detection.
  - As development and population in the DOZ increase, Fire Department staffing needs will be assessed to determine whether additional firefighters are required per shift to maintain adequate fire protection.
  - The Fair Share Mitigation Fund and increased tax revenues from redevelopment will be used to add firefighters to the roster as needed, improve professional training, and help to offset the costs of any additional fire and ambulance services that may be required.
- Water Supply:
  - Future developments will be evaluated by SUEZ Westchester Operations Rate District 1 during site plan review to determine whether any water system improvements are necessary from the developer for individual projects (such as on-site installation of hydrants, water storage structures, and lateral connections that may be required).
  - As a condition of Site Plan approval, the City shall require each developer of a project within the DOZ to pay set fees towards the cost of the necessary system improvements based on the size of the development, as specified by the 2019 Cooperation Agreement with SUEZ (see Appendix G-2 of the SDGEIS).
  - During site plan review, compliance with the Sustainable Development Standards shall be verified in accordance with Section 175.11J(2), “Potable Water Consumption Reduction,” of the City Code, which requires the use of high-efficiency products for indoor water fixtures to reduce total potable water consumption and unnecessary wastewater treatment. Additionally, compliance shall be verified regarding the requirement for a minimum 50 percent reduction in potable water consumption for outdoor irrigation based on a midsummer baseline case, using one or more options provided in Section 175.11J(2) of the City Code.
  - Projects opting in to the DOZ must demonstrate equivalency of a LEED-ND v4 Silver of the U.S. Green Building Council’s rating system and provide environmental disclosure reporting starting at site plan review and continuing throughout construction and after building occupancy, which requires annual reporting and monitoring of energy, water, and waste usage.

- **Stormwater/Wastewater:**
  - As per the 2020 Engineering Design Report, the City will continue implementation of the sewer upgrades in accordance with the phasing outlined in the report and the Sanitary Sewer Enhancements Overview (see Appendix G-4 of the SDGEIS). Each phase identifies a listing of DOZ development sites that would be serviced upon completion of the phase. Completing the sewer enhancements in advance of development will ensure the receiving sewers are adequately sized to handle the projected additional flows.
  - As DOZ projects beyond the scope evaluated in the 2020 Engineering Design Report are considered, updates to the report will be necessary with respect to the hydraulic modeling and capacity analysis based on the specific development site location/uses. This may include additional survey, flow monitoring and hydraulic modeling and capacity analysis based on the specific site location/uses if future projects are proposed in areas not already evaluated by the studies completed to date. Any such project additions would require further analysis to determine if adequate capacity is available within the collection system and submission to the County for review and approval.
  - During site plan review (or during building permit review, as appropriate), the use of WaterSense high-efficiency water fixtures shall be verified in buildings to conserve water and reduce the volume of wastewater discharges.
  - Illicit discharges to the City’s storm sewer system shall be identified and removed during site redevelopment, in conjunction with the installation of on-site stormwater infrastructure.
  - During the site plan review process, drainage plans for redevelopment projects shall be designed in accordance with the latest version of the New York State Stormwater Management Design Manual and City standards and reviewed by the City Engineer. Drainage plans (for projects involving one acre of disturbance or more) will include on-site pretreatment to address potential stormwater pollutant loading and reduce peak stormwater flows into the City’s storm sewer system during significant rainfall events in accordance with New York State Stormwater Management Design Manual. For those projects that involve more than one acre of site disturbance, a Stormwater Pollution Prevention Program (“SWPPP”) shall also be prepared to address post-construction stormwater management and coverage under a New York State General Permit for Stormwater Discharges from Construction Activity pursuant to NYSDEC requirements.
  - As necessary based on site plan review by the City Engineer, stormwater and wastewater infrastructure improvements shall be identified and funded through the Fair Share Mitigation Fund and annual sanitary sewer and stormwater system fees, in addition to property tax revenues that are generated.
- **Solid Waste Management:**
  - Construction and demolition debris that can be recycled shall be recycled.
  - All DOZ projects are required to contract with private carters for solid waste collection and disposal to reduce the burden on City services.

- Participation in the Fair Share Mitigation Fund shall have the flexibility to be used for solid waste management if this becomes a priority requiring fiscal assistance.
- Trash receptacles shall be provided within any future publicly accessible open space areas and routinely emptied to prevent litter dispersal.
- **Recreation:**
  - All sites in DOZ must provide a public frontage to ensure walkability and pedestrian connectivity.
  - All properties opting into the DO-7 Zone that abut the waterfront shall be required to provide a Waterfront Promenade, a minimum 30-foot-wide area that includes shoreline restoration and beneficially improved landscaping areas planted with native species and a continuous public trail along the water's edge.
  - Taxes generated by development under the Proposed Action will be used to assist the City in maintaining the abundant recreational uses located in and near the DOZ, such as Five Islands Park, Hudson Beach Park, Faneuil Park, Leif Erickson Park, Stephenson Park, and Ruby Dee Park at Library Green.
- **Electricity and Gas:**
  - During Site Plan/Building Department review, compliance with NYStretch Energy Code and Section 175.11J.(3), "Heat Island Reduction," of the DOZ Code will be verified, which includes standards and specifications to reduce urban heat island effects by using acceptable roofing materials with adequate Solar Reflective Index ("SRI") values, planting shade trees, installing green roofs, using open grid/pervious pavement and/or other suitable measures. Additionally, projects opting in to the DOZ must demonstrate equivalency of a LEED-ND v4 Silver of the U.S. Green Building Council's rating system and provide environmental disclosure reporting starting at site plan review and continuing throughout construction and after building occupancy, which requires annual reporting and monitoring of energy, water, and waste usage.
  - A moratorium on new gas connections was imposed by Con Edison starting in March 2019 in an area that includes the City of New Rochelle. This moratorium is not expected to be lifted before November 2023. Therefore, either the availability of gas must be demonstrated during the site plan review process on a project-by-project basis, or a suitable alternate means of heating (e.g., electric, geothermal, etc.) would have to be procured.

### Traffic

- **Supplemental Traffic Analyses:** At the time a site-specific development application is submitted, supplemental detailed traffic studies may be required and will be reviewed and compared against the findings set forth in the Updated Traffic Study in Appendix H of the SDGEIS. These supplemental analyses will serve as a basis to determine if additional traffic analysis is warranted for individual development projects.

- The adequacy of site access and pedestrian safety will be reviewed as a part of the individual site plan application process.

#### Parking

- Site-specific applications will need to be reviewed for proposed parking to confirm the appropriate parking capacity is being provided in compliance with the DOZ Code.
- Parking Management Plan: Temporary displacement of parking capacity to other locations in the downtown area while construction is occurring will be mitigated by the preparation and implementation of a Parking Management Plan, which will specify locations of alternative parking, establish signage and striping, and provide notification procedures for driver convenience and efficiency of traffic flow.
- Parking Utilization Study: Redevelopment of underutilized City parking lots will require that existing parking utilization be established and then used as a basis for the replacement/reconstruction of parking spaces by the party sponsoring redevelopment.

#### Water Resources

- All individual site plan applications shall include a site drainage plan, which includes calculations of stormwater runoff volumes based on sub-watershed area delineations. Drainage plans for redevelopment projects must be designed in accordance with the latest version of the New York State Stormwater Management Design Manual and City standards and reviewed during the site plan and building permit review process. Drainage plans will include on-site pretreatment to address potential stormwater pollutant loading and reduce peak stormwater flows into the City's storm sewer system during significant rainfall events in accordance with the New York State Stormwater Management Design Manual.
- For those individual projects that involve one or more acres of disturbance, a SWPPP must be prepared pursuant to NYSDEC requirements in accordance with the latest version of the NYS Stormwater Management Design Manual, as amended. Best management practices will be utilized to prevent, control and reduce stormwater pollutants. Pretreatment of runoff will be provided in accordance with the NYS Stormwater Management Design Manual, and drainage plans will be submitted to the City for review and approval as part of site plan application reviews.
- Erosion control and construction phasing plans will be prepared for individual site developments during site plan review. This will include protection methods that will be utilized during construction to prevent or control the off-site transport of sediment and stormwater runoff during construction activities.
- Native plants, shrubs and trees or suitably adapted non-invasive species shall be used for landscaping, revegetating or restoring development sites, particularly along the waterfront of the DO-7 Zone. These species will help to reduce fertilizer and pesticide demands, conserve water used for irrigation and help to create a more natural environment for urban wildlife.

- As part of any site-specific review, the potential for development in the DO-7 Zone and a small portion of the existing DO-4 Zone located within the 100-year floodplain, and/or areas within the DOZ that otherwise could be inundated by storm surges, shall specifically be evaluated and appropriate measures incorporated into the development plan to prevent or reduce potential flooding impacts. The City's draft Multi-Hazard Mitigation Plan shall be considered in these reviews and development shall comply with applicable requirements of Chapters 111 and 127 of the City Code.
- For the DO-7 Zone, NYSDEC Tidal Wetlands permits will be required for any future regulated activities within State-designated Tidal Wetlands or the regulated adjacent area. Future planning and development within these areas shall take into consideration NYSDEC wetland standards and policies, including applicable wetland setbacks, lot coverage standards and other dimensional requirements. United States Army Corps of Engineers ("USACE") and New York State Department of State ("NYSDOS") approvals must be sought for any future regulated actions occurring within Waters of the United States or such actions should be determined to be consistent with an existing USACE Nationwide Permit(s). As part of these reviews, any future redevelopment activities that may result in a discharge into Waters of the United States are required to apply for and obtain a water quality certification from NYSDEC indicating that the proposed activity will comply with New York State water quality standards.
- Future Site Plans will identify or be cognizant of the location and discharge point of the Stephenson Brook pipe and outfall system, if applicable, and evaluate the potential for drain and outfall disturbance and any associated impacts and will identify any necessary mitigation to protect and/or enhance this system.
- During future site plan reviews, compliance will be verified with the Sustainable Development Standards in accordance with Section 175.11J(2), "Potable Water Consumption Reduction," of the City Code, which requires the use of WaterSense high-efficiency products for indoor water fixtures to reduce total potable water consumption and unnecessary wastewater treatment, as well as demonstration of equivalency of a LEED-ND v4 Silver of the U.S. Green Building Council's rating system in accordance with Section 175.11J(4). Additionally, compliance will be verified with the requirement for a minimum 50 percent reduction in potable water consumption for outdoor irrigation based on a midsummer baseline case, using one or more options provided in Section 175.11J(2) of the City Code.
- If dewatering is determined to be necessary, it will be conducted in accordance with applicable standards and requirements of NYSDEC General Permit for Discharges from Construction Activity (GP-0-20-001). If dewatering activities will require groundwater withdrawal of 100,000 gallons per day or more, a NYSDEC Part 601 Water Withdrawal Permit would also be necessary.
- The City will continue to identify and remove existing illicit discharges to the City stormwater conveyance system during site redevelopment, which will improve functioning of these systems and reduce pollutant loads to surface water and groundwater.
- Activities within the City's locally adopted Local Waterfront Revitalization Program ("LWRP") area and State Coastal Zone boundary will require review for consistency with the coastal policies in the LWRP and Long Island Sound Coastal Management Program ("LISCMP").

### Ecological Resources

- As NYSDEC Tidal Wetlands and Waters of the United States (regulated by USACE, with coastal consistency concurrence from NYSDOS) are located within and proximate to the DO-7 Zone, permitting from these agencies will be required for certain components of the development in this area. This regulated development shall comply with the terms and conditions of the respective permits.
- New development in the DO-7 Zone that occurs within NYSDEC and/or USACE-regulated areas may prompt requirements for mitigation from these agencies. Any such mitigation shall be implemented as part of the development of this area, which may include, but is not limited to:
  - Wetland creation;
  - Wetland restoration;
  - Invasive species removal;
  - Improvements to existing drainage systems and installation of stormwater management improvements; and/or
  - Improvements to existing sanitary systems which currently contribute to poor water quality, including measures to address inflow and infiltration.
- All properties opting into the DO-7 Zone that abut the waterfront shall be required to provide a minimum 30-foot-wide area that includes shoreline restoration and beneficially improved landscaping areas planted with native species and a continuous public trail along the water's edge.

### Geology, Soil and Topography

- A geotechnical evaluation shall be conducted for each development site during the site plan review process, including test hole data evaluated by a qualified Geotechnical Engineer to assess subsurface soils and fill and determine depth to bedrock, depth to groundwater, the need for blasting and dewatering, and any enhanced mitigation techniques and strategies that may be warranted based on project-specific site plans and conditions.
- If blasting is required, this work shall be conducted in accordance with §281-44.C, "Streets, Sidewalks and Public Places: Rock excavation," of the City Code. Construction activities shall also comply with the noise requirements of §213-22, "Noise: Construction sites," of the City Code. Additional mitigation, such as vibration monitoring, may also be necessary based on a geotechnical report and the exact locations of future subsurface structures, to be determined during site plan review.
- As part of the site plan review process, any sites that have not been subject to an Environmental Site Assessment ("ESA") will undergo a Phase I ESA to identify potential adverse environmental conditions from past hazardous materials releases and other activities. If issues identified in the Phase I ESA warrant further assessment (exceeding standard thresholds), a Phase II ESA will be

conducted, and subsequent remedial activities will be undertaken as required based on the findings of the Phase II ESA prior to the initiation of construction activities.

- Throughout the DOZ, including the DO-7 Zone, required remediation activities will be completed according to the protocols, procedures, standards and documentation requirements of the appropriate supervising entity – i.e., the City of New Rochelle, NYS Department of Labor, County Fire Marshal, NYSDEC, County Health Department, and/or EPA.
- Where unsuitable subsoils or fill are encountered during site excavation, this material shall be removed and replaced with suitable clean fill and compacted as needed to ensure that soil conditions are appropriate for the proposed development and site drainage. Development areas will be stabilized, as determined by a qualified Geotechnical Engineer, prior to construction of structural elements.
- All individual site plan applications shall include a site grading plan, which includes calculations of soil cut and fill volumes.
- Portions of the DO-4 and DO-7 Zones are in FEMA’s 100-year flood plain. Future removal and replacement of existing fill in these areas shall not only require that the new materials are clean, suitably textured and properly graded to ensure necessary drainage, but also that final ground surface elevations and the siting of structures are sufficient to prevent or mitigate potential flood-related impacts.
- Once plans are developed for the Waterfront Boardwalk and/or Pedestrian Trail, other civic spaces and parkland in the DO-7 Zone and the planting of native vegetation along the waterfront shall be used to the degree practicable to stabilize soil and create a more natural waterfront condition.

#### Construction

- Construction Management Plan: Such a plan may be required as part of the site plan review for each site-specific development project. A comprehensive Construction Management Plan shall be comprised of a number of sub-plans, as necessary, and may include, but not necessarily be limited to, a Construction Traffic Management Plan, SWPPP (for erosion and stormwater control both during and post construction), noise/vibration abatement plan, Soil Management Plan, Parking Management Plan, and/or Remediation Plan.
- Fugitive dust related to construction activities shall be mitigated using proper construction management techniques, erosion control measures, wetting of excessively dry soils, and conformance to City nuisance and construction requirements under the City Code.
- Excavated soils shall be handled, stockpiled, transported and disposed in accordance with a site-specific Soil Management Plan to be prepared by the developer and approved by the City prior to the commencement of excavation activities.
- Site clearing and other land disturbances shall be phased to correspond directly with pending construction so that the exposure of bare soil to wind and rain is minimized to the degree practicable.

- To reduce the potential for soil erosion and sediment transport during and after site clearing, removal of existing structures and construction, a SWPPP shall be required for each project or development site that involves one acre or more of disturbance. The SWPPP, to be prepared by the developer and approved by the City prior to the commencement of site disturbance activities, must include a detailed Erosion & Sediment Control Plan to identify the methods for sediment trapping, soil stabilization and best management practices to reduce the exposure of bare soils to the elements. The erosion control and phasing plans will be required to utilize the NYSDEC Guidelines for Urban Erosion and Sediment Control. Silt fencing, storm drain inlet protection, sediment traps and/or other appropriate measures will be implemented, and standard good housekeeping procedures and best management practices will be followed.
- Construction vehicle, equipment, materials and stockpile staging and phasing plans shall be submitted to the City for review and approval during site plan review.
- Erosion controls will be inspected daily in accordance with the requirements of the City Code and the NYS General Permit for Stormwater Discharges from Construction Activity to ensure proper installation, function and maintenance of erosion controls during construction.

All applications for new development projects in the DOZ, as extended to include the DO-7 District, will continue to adhere to SEQR procedures and requirements; i.e., all such future site-specific development under the Proposed Action would be subject to individual approval processes, including but not limited to site plan review, site-specific SEQR review and consistency review with this Findings Statement. Applications will be required to conform to any applicable Thresholds and Conditions listed in this Findings Statement. Adherence to this procedure will ensure that all future development in the DOZ complies with SEQR, complies with established land use controls, minimizes potential adverse environmental impacts to the degree practicable, and provides consistency with established City policy and community goals as outlined in the 2021 RAP.

It should be noted that any development application submitted on properties located within the DOZ, as extended to include the DO-7 District, and utilizing the underlying base zoning is not evaluated by the SGEIS and this Findings Statement. This has two important consequences: (1) A full and comprehensive SEQR review will have to be conducted for any such application without the benefit of the analysis in the SGEIS process for the Proposed Action; and (2) Any development approved utilizing the underlying zoning shall not be counted toward the amount of anticipated development described in the 2021 TDS analyzed in the SGEIS and covered by this Findings Statement. The Thresholds and Conditions established in this Findings Statement apply only to development approved in accordance with the DOZ, as amended under the Proposed Action, and may not be applied toward development using the underlying zoning. Any development proposed beyond the 2021 TDS will be subject to a Supplemental SEQR review. For purposes of future SEQR analysis, development utilizing the underlying zoning does not need to be factored into any consideration of cumulative impacts or Fair Share contributions.

**Facts and Conclusions Relied on to Support the Decision:** The SDGEIS and SFGEIS have fully disclosed all pertinent information in order to arrive at the conclusions presented above.

Based upon the foregoing, having considered the relevant environmental impacts, facts and conclusions disclosed in the SGEIS, having weighed and balanced relevant environmental impacts with social, economic and other considerations; and having set forth the rationale for its decision in the foregoing Findings, the Lead Agency now certifies that the requirements of 6 NYCRR Part 617 have been met and further certifies that, consistent with social, economic and other essential considerations, from among the reasonable alternatives available, the Proposed Action avoids or minimizes adverse environmental impacts to the maximum extent practicable.

**State Environmental Quality Review Act  
FINDINGS STATEMENT SIGNATURE PAGE**

**Certification to Approve/Undertake**

Having considered the Supplemental Draft and Final Generic Environmental Impact Statements for the Proposed Action and having considered the preceding written facts and conclusions relied upon to meet the requirements of 6 NYCRR Part 617.11, this Statement of Findings certifies that:

1. The requirements of 6 NYCRR Part 617 have been met.
2. Consistent with social, economic and other essential considerations from among the reasonable alternatives available, the Proposed Action is the one that avoids or minimizes adverse environmental impacts to the maximum extent practicable, and that adverse impacts will be avoided or minimized to the maximum extent practicable by incorporating as conditions to the decision those mitigation measures and safeguards that were identified as practicable.

By the City Council of the City of New Rochelle,

\_\_\_\_\_  
Signature of Responsible Official

\_\_\_\_\_  
Name of Responsible Official

\_\_\_\_\_  
Title of Responsible Official

\_\_\_\_\_  
Date

Copies of this Findings Statement have been filed with:

- Commissioner, NYSDEC
- NYSDEC, Region 3 Office, New Paltz
- Involved Agencies
- Parties of Interest