**APPENDIX B**

**NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM**
**CONSISTENCY ASSESSMENT FORM**

| FOR INTERNAL USE ONLY | WRP No. #16-023 |
|---|---|
| Date Received: _____ | DOS No. _____ |

# NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM
## Consistency Assessment Form

Proposed actions that are subject to CEQR, ULURP or other local, state or federal discretionary review procedures, and that are within New York City's Coastal Zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)* which has been approved as part of the State's Coastal Management Program.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, the New York City Department of City Planning, or other city or state agencies in their review of the applicant's certification of consistency.

### A. APPLICANT INFORMATION

Name of Applicant: SJC 33 Owner 2015 LLC and the New York City Department of City Planning (DCP)

Name of Applicant Representative: Michael Sillerman

Address: Kramer Levin Naftalis & Frankel LLP 1177 Ave of the Americas, New York, NY 10036

Telephone: (212) 715-7838 Email: msillerman@kramerlevin.com

Project site owner (if different than above): SJC 33 Owner 2015 LLC

### B. PROPOSED ACTIVITY

*If more space is needed, include as an attachment.*

1. Brief description of activity

The applicants, the DCP and SJC 33 Owner 2015 LLC, are requesting discretionary approvals that would facilitate the redevelopment of the St. John's Terminal Building with a mix of residential and commercial uses, and public open space (the "proposed project") at 550 Washington Street (Block 596, Lot 1) (the development site). The development site is zoned M1-5 and M2-4 and is located along Route 9A, south of Clarkson Street and intersected by West Houston Street, directly across from Pier 40.

The uses on the development site would include up to approximately 1,586 residential units (including up to 476 permanently affordable units), retail uses, hotel or office space, an event space, new publicly accessible open space, and accessory parking. The transfer of floor area within the Special Hudson River Park District made possible by the proposed actions would enable the critical repair and rehabilitation of Pier 40's infrastructure in Hudson River Park as provided for in the Hudson River Park Act as amended in 2013.

See Chapter 1, "Project Description," for more information.

WRP #16-023.

2. Purpose of activity

The proposed project is intended to enable the transformation of an underutilized and outmoded building into a vibrant, mixed-use development with new shops, residences serving a variety of income levels, publicly-accessible open space and amenities to enliven this waterfront site. Significantly, the transfer of floor area that is part of the proposed project will support infrastructure repairs to Pier 40, a critical asset to Hudson River Park, as provided for in the Act.

See Chapter 1, "Project Description," for more information.

## C. PROJECT LOCATION

Borough: Manhattan Tax Block/Lot(s): Dev Site: Block 596, Lot 1. Granting Site: Block 656, Lot 1.

Street Address: Development Site: 550 Washington Street. Granting Site: Pier 40.

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

## D. REQUIRED ACTIONS OR APPROVALS

*Check all that apply.*

### City Actions/Approvals/Funding

***City Planning Commission*** ☑ Yes ☐ No

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

***Board of Standards and Appeals*** ☐ Yes ☑ No

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

***Other City Approvals***

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

### State Actions/Approvals/Funding

- ☐ State permit or license, specify Agency: _____ Permit type and number: _____
- ☐ Funding for Construction, specify: _____
- ☐ Funding of a Program, specify: _____
- ☑ Other, explain: HRPT significant action pursuant to Hudson River Park Act; NYSDOT approval of Route 9a curb cut changes

### Federal Actions/Approvals/Funding

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

Is this being reviewed in conjunction with a Joint Application for Permits? ☐ Yes ☑ No

## E. LOCATION QUESTIONS

| | | | |
|---|---|---|---|
| 1. | Does the project require a waterfront site? | ☐ Yes | ☑ No |
| 2. | Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land under water or coastal waters? | ☑ Yes | ☐ No |
| 3. | Is the project located on publicly owned land or receiving public assistance? | ☑ Yes | ☐ No |
| 4. | Is the project located within a FEMA 1% annual chance floodplain? *(6.2)* | ☑ Yes | ☐ No |
| 5. | Is the project located within a FEMA 0.2% annual chance floodplain? *(6.2)* | ☐ Yes | ☑ No |
| 6. | Is the project located adjacent to or within a special area designation? *See Maps – Part III of the NYC WRP. If so, check appropriate boxes below and evaluate policies noted in parentheses as part of WRP Policy Assessment (Section F).* | ☐ Yes | ☑ No |

- ☐ Significant Maritime and Industrial Area (SMIA) (*2.1*)
- ☐ Special Natural Waterfront Area (SNWA) (*4.1*)
- ☐ Priority Martine Activity Zone (PMAZ) (*3.5*)
- ☐ Recognized Ecological Complex (REC) (*4.4*)
- ☐ West Shore Ecologically Sensitive Maritime and Industrial Area (ESMIA) (*2.2, 4.2*)

## F. WRP POLICY ASSESSMENT

*Review the project or action for consistency with the WRP policies. For each policy, check* Promote, Hinder *or* Not Applicable (N/A). *For more information about consistency review process and determination, see* ***Part I*** *of the NYC Waterfront Revitalization Program. When assessing each policy, review the full policy language, including all sub-policies, contained within* ***Part II*** *of the WRP. The relevance of each applicable policy may vary depending upon the project type and where it is located (i.e. if it is located within one of the special area designations).*

*For those policies checked* Promote *or* Hinder, *provide a written statement on a separate page that assesses the effects of the proposed activity on the relevant policies or standards. If the project or action promotes a policy, explain how the action would be consistent with the goals of the policy. If it hinders a policy, consideration should be given toward any practical means of altering or modifying the project to eliminate the hindrance. Policies that would be advanced by the project should be balanced against those that would be hindered by the project. If reasonable modifications to eliminate the hindrance are not possible, consideration should be given as to whether the hindrance is of such a degree as to be substantial, and if so, those adverse effects should be mitigated to the extent practicable.*

| | | Promote | Hinder | N/A |
|---|---|---|---|---|
| **1** | **Support and facilitate commercial and residential redevelopment in areas well-suited to such development.** | ☐ | ☐ | ☐ |
| 1.1 | Encourage commercial and residential redevelopment in appropriate Coastal Zone areas. | ☑ | ☐ | ☐ |
| 1.2 | Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public. | ☑ | ☐ | ☐ |
| 1.3 | Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed. | ☑ | ☐ | ☐ |
| 1.4 | In areas adjacent to SMIAs, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses. | ☐ | ☐ | ☑ |
| 1.5 | Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2. | ☑ | ☐ | ☐ |

| | | Promote | Hinder | N/A |
|---|---|---|---|---|
| **2** | **Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.** | ☐ | ☐ | ☐ |
| 2.1 | Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas. | ☐ | ☐ | ☑ |
| 2.2 | Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area. | ☐ | ☐ | ☑ |
| 2.3 | Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area. | ☐ | ☐ | ☑ |
| 2.4 | Provide infrastructure improvements necessary to support working waterfront uses. | ☐ | ☐ | ☑ |
| 2.5 | Incorporate consideration of climate change and sea level rise into the planning and design of waterfront industrial development and infrastructure, pursuant to WRP Policy 6.2. | ☐ | ☐ | ☑ |
| **3** | **Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.** | ☐ | ☐ | ☐ |
| 3.1. | Support and encourage in-water recreational activities in suitable locations. | ☑ | ☐ | ☐ |
| 3.2 | Support and encourage recreational, educational and commercial boating in New York City's maritime centers. | ☑ | ☐ | ☐ |
| 3.3 | Minimize conflicts between recreational boating and commercial ship operations. | ☐ | ☐ | ☑ |
| 3.4 | Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses. | ☐ | ☐ | ☑ |
| 3.5 | In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses. | ☐ | ☐ | ☑ |
| **4** | **Protect and restore the quality and function of ecological systems within the New York City coastal area.** | ☐ | ☐ | ☐ |
| 4.1 | Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas. | ☐ | ☐ | ☑ |
| 4.2 | Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area. | ☐ | ☐ | ☑ |
| 4.3 | Protect designated Significant Coastal Fish and Wildlife Habitats. | ☑ | ☐ | ☐ |
| 4.4 | Identify, remediate and restore ecological functions within Recognized Ecological Complexes. | ☐ | ☐ | ☑ |
| 4.5 | Protect and restore tidal and freshwater wetlands. | ☑ | ☐ | ☐ |
| 4.6 | In addition to wetlands, seek opportunities to create a mosaic of habitats with high ecological value and function that provide environmental and societal benefits. Restoration should strive to incorporate multiple habitat characteristics to achieve the greatest ecological benefit at a single location. | ☐ | ☐ | ☑ |
| 4.7 | Protect vulnerable plant, fish and wildlife species, and rare ecological communities. Design and develop land and water uses to maximize their integration or compatibility with the identified ecological community. | ☐ | ☐ | ☑ |
| 4.8 | Maintain and protect living aquatic resources. | ☐ | ☐ | ☑ |

| | | Promote | Hinder | N/A |
|---|---|---|---|---|
| **5** | **Protect and improve water quality in the New York City coastal area.** | ☐ | ☐ | ☐ |
| 5.1 | Manage direct or indirect discharges to waterbodies. | ☐ | ☐ | ☑ |
| 5.2 | Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution. | ☐ | ☐ | ☑ |
| 5.3 | Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands. | ☐ | ☐ | ☑ |
| 5.4 | Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands. | ☐ | ☐ | ☑ |
| 5.5 | Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies. | ☐ | ☐ | ☑ |
| **6** | **Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.** | ☐ | ☐ | ☐ |
| 6.1 | Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area. | ☑ | ☐ | ☐ |
| 6.2 | Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in *New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms*) into the planning and design of projects in the city's Coastal Zone. | ☑ | ☐ | ☐ |
| 6.3 | Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit. | ☐ | ☐ | ☑ |
| 6.4 | Protect and preserve non-renewable sources of sand for beach nourishment. | ☐ | ☐ | ☑ |
| **7** | **Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.** | ☐ | ☐ | ☐ |
| 7.1 | Manage solid waste material, hazardous wastes, toxic pollutants, substances hazardous to the environment, and the unenclosed storage of industrial materials to protect public health, control pollution and prevent degradation of coastal ecosystems. | ☑ | ☐ | ☐ |
| 7.2 | Prevent and remediate discharge of petroleum products. | ☑ | ☐ | ☐ |
| 7.3 | Transport solid waste and hazardous materials and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources. | ☐ | ☐ | ☑ |
| **8** | **Provide public access to, from, and along New York City's coastal waters.** | ☐ | ☐ | ☐ |
| 8.1 | Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront. | ☑ | ☐ | ☐ |
| 8.2 | Incorporate public access into new public and private development where compatible with proposed land use and coastal location. | ☑ | ☐ | ☐ |
| 8.3 | Provide visual access to the waterfront where physically practical. | ☑ | ☐ | ☐ |
| 8.4 | Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations. | ☑ | ☐ | ☐ |

| | | Promote | Hinder | N/A |
|---|---|---|---|---|
| 8.5 | Preserve the public interest in and use of lands and waters held in public trust by the State and City. | ☑ | ☐ | ☐ |
| 8.6 | Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship. | ☐ | ☐ | ☑ |
| **9** | **Protect scenic resources that contribute to the visual quality of the New York City coastal area.** | ☐ | ☐ | ☐ |
| 9.1 | Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront. | ☑ | ☐ | ☐ |
| 9.2 | Protect and enhance scenic values associated with natural resources. | ☑ | ☐ | ☐ |
| **10** | **Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.** | ☐ | ☐ | ☑ |
| 10.1 | Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City. | ☐ | ☐ | ☑ |
| 10.2 | Protect and preserve archaeological resources and artifacts. | ☐ | ☐ | ☑ |

## G. CERTIFICATION

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

"The proposed activity complies with New York State's approved Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: Anne M. Locke, AKRF, Inc. (Applicant Representative)

Address: 440 Park Avenue South, 7th Floor, New York, NY 10016

Telephone: 212.696.0670 Email: alocke@akrf.com

Applicant/Agent's Signature: Anne M Locke

Date: 5/6/2016

## Submission Requirements

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

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

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

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

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

**New York City Department of City Planning**
Waterfront and Open Space Division
120 Broadway, 31st Floor
New York, New York 10271
212-720-3525
wrp@planning.nyc.gov
www.nyc.gov/wrp

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

### Applicant Checklist

- ☐ Copy of original signed NYC Consistency Assessment Form
- ☐ Attachment with consistency assessment statements for all relevant policies
- ☐ For Joint Applications for Permits, one (1) copy of the complete application package
- ☐ Environmental Review documents
- ☐ Drawings (plans, sections, elevations), surveys, photographs, maps, or other information or materials which would support the certification of consistency and are not included in other documents submitted. All drawings should be clearly labeled and at a scale that is legible.