FOR INTERNAL USE ONLY	WRP No. _____
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: New York City Department of City Planning

Name of Applicant Representative: Edith Hsu-Chen, Director-DCP Manhattan Office

Address: 120 Broadway, 30th Floor

Telephone: 212-720-3480 Email: ehsuch@planning.nyc.gov

Project site owner (if different than above): N.A.

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The New York City Department of City Planing (DCP) is proposing zoning map amendments and zoning text amendments (the Proposed Actions) to implement lad use and zoning changes in the SoHo and NoHo neighborhoods. The Proposed Actions would affect an approximately 56-block, 146-acre area (the Project Area) of the SoHo and NoHo neighborhoods of Manhattan, Community District 2. The Project Area is generally bounded by Astor Place and Houston Street to the north; Bowery, Lafayette Street, and Baxter Street to the east; Canal Street to the south, and Sixth Avenue, West Broadway, and Broadway to the west.

2. Purpose of activity

It is the objective of the Proposed Actions to:
Promote economic recovery, resiliency, and growth by allowing a wider range of commercial, community facility, and light industrial uses.
Expand housing opportunities by allowing residential use and requiring permanently affordable housing to ensure that the neighborhoods support income diversity and further the City's equity and Fair Housing goals.
Establish appropriate densities and building forms that ensure new development harmonizes with neighborhood context and scale.
Promote the preservation of historic resources and adaptive reuse of existing buildings by allowing for the conversion of existing buildings.
Celebrate SoHo/NoHo's evolving role in the City's creative economy by continuing to accommodate and expanding live-work uses and supporting creative, arts, and cultural uses.

C. PROJECT LOCATION

Borough: Manhattan Tax Block/Lot(s): See Appendix A of the EIS

Street Address: See Appendix A of the EIS

Name of water body (if located on the waterfront): N.A.

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: N.A.
- ☐ 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: N.A.

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: N.A.

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

E. LOCATION QUESTIONS

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

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

F. WRP POLICY ASSESSMENT

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

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

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

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

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

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

G. CERTIFICATION

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

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

Applicant/Agent's Name: Edith Hsu-Chen, Director-DCP Manhattan Office

Address: 120 Broadway, 30th Floor

Telephone: 212-720-3480 Email: ehsuch@planning.nyc.gov

Applicant/Agent's Signature: 

Date: May 13, 2021

Submission Requirements

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

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

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

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

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

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

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

Applicant Checklist

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

A. INTRODUCTION

The New York City Department of City Planning (DCP) is proposing zoning map and zoning text amendments (the "Proposed Actions") that would implement zoning changes for the SoHo and NoHo neighborhoods in Manhattan. The zoning changes are being proposed in response to neighborhood-wide planning challenges that have arisen as a result of changing economic and demographic trends and were informed by the community and City participants and stakeholders.

The Proposed Actions cover an approximately 56-block area (the Project Area) of the SoHo and NoHo neighborhoods of Manhattan, Community District (CD) 2 that is generally bounded by Astor Place and Houston Street to the north; Bowery, Lafayette Street, and Baxter Street to the east; Canal Street to the south; and Sixth Avenue, West Broadway, and Broadway to the west.

While there are sites directly on the waterfront in the proposed rezoning area, the Project Area is within the City's coastal zone, as shown in Figure 2-5 of the Land Use chapter; therefore, in accordance with the New York City Waterfront Revitalization Program (WRP) and the Federal Coastal Zone Management Act, the Proposed Actions were reviewed for consistency with the City's WRP policies. To complete this analysis, a consistency analysis for the WRP policies as identified by policy questions answered as "Promote" in the preceding Consistency Assessment Form (CAF) is provided below.

B. POLICY ANALYSIS

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

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

The Proposed Actions would allow for new mixed-use, residential, commercial, and community facility development, as well as conversions and adaptive reuse of existing buildings on lands that were previously developed and are currently vacant and underutilized sites. The Proposed Actions would facilitate development consistent with existing land use patterns and would introduce zoning that would promote active non-residential ground-floor uses and economic activity along key commercial corridors. In addition, the Project Area is well-suited to redevelopment, as it is located in an area that is well-served by public transit. While the primary study area is within the coastal zone, it is not located along the waterfront and there would be no development associated with the Proposed Actions on the waterfront. It is therefore concluded that the Proposed Actions promote this policy.

Therefore, the Proposed Actions would promote this policy.

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

The Project Area is well-served by public facilities and infrastructure; there would not be any significant impacts on these systems as a result of the Proposed Actions, including water and sewer infrastructure, transit, schools, and open space. The Proposed Actions would not result in any significant adverse impacts in any of these technical areas.

Moreover, the area is already served by public facilities and infrastructure that would be available to the development expected under the Reasonable Worst-Case Development Scenario (RWCDS), where many of the development sites are currently underutilized.

Therefore, the Proposed Actions would promote this policy.

Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.

A discussion of the integration of climate change and sea level rise into waterfront planning and design is provided below under Policy 6.2. Therefore, the Proposed Actions are consistent with Policy 1.5.

Policy 5: Protect and improve water quality in the New York City coastal area

Policy 5.1 Manage direct or indirect discharges to waterbodies.

Much of the surface area on the development sites is either covered by existing buildings or paved surfaces and generates stormwater runoff that is collected by the City's combined sewer system. To reduce combined sewer overflows (CSO), the City—through the New York City Department of Environmental Preservation (DEP)—has initiated policies to reduce stormwater flowing off redeveloped properties in combined sewer service areas. Each projected development site, regardless of lot size, will trigger the Chapter 31 component of the Unified Stormwater Rule. Projected development sites that also trigger the Chapter 19.1 component of the rule will implement stormwater management plans (SMPs) based on the combined sewer area SMP hierarchy. The SMP hierarchy provides for design flexibility in selecting on-site SMPs by grouping SMPs by function in tiers, while also ensuring that vegetated and higher performing SMPs are evaluated first. There is no waiver to the SMP hierarchy available and site constraint documentation must be provided to move from a higher tier to a lower tier of the SMP hierarchy. The Unified Stormwater Rule ensures that redeveloped properties manage more total stormwater and manage it more efficiently than prior to redevelopment.

Pursuant to Chapter 31 of Title 15 of the Rules of the City of New York (RCNY), as amended, new developments requiring a connection to the sewer system are required to achieve a flow rate for a new development (the stormwater release rate is the greater of 0.25 cubic feet per second (cfs) or 10 percent of the allowable flow). Joint DEP and New York City Department of Buildings (DOB) guidelines would ensure the proper design and construction in the early stages of site planning and building design. To achieve these goals stormwater could be managed by utilizing one or a combination of detention or infiltration techniques identified in the New York City Green Infrastructure Plan. These include green technologies, such as greenstreets, green roofs and blue roofs, subsurface detention and infiltration, and permeable pavement that either retains stormwater for on-site recharge or detains that stormwater for slow release with the objective of reducing peak storm flows to the combined sewer. Tree pits and planted trees, per the City's street tree requirement, could also be utilized to capture and store water. These best management practices (BMPs), among other potential measures, would reduce CSO volumes as sites are redeveloped.

Thus, in the With Action condition, CSO volumes would be similar to or reduced from the No Action condition.

Therefore, it is concluded that the Proposed Actions promote this policy.

Policy 5.2 Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.

As stated above, in the With Action condition, runoff reductions are expected as sites are redeveloped to meet the requirements of the Unified Stormwater Rule and manage runoff that potentially generates nonpoint source pollution. Therefore, it is concluded that the Proposed Actions promote this policy.

Policy 5.4 Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

There are no wetlands in or near the Project Area that would be adversely affected by the Proposed Actions. Therefore, it is concluded that the Proposed Actions promote this policy.

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

Policy 6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.

As discussed below under Policy 6.2, portions of the Project Area are within the one percent annual chance floodplain (**Figure 1**) and would continue to be in the floodplain both with and without the Proposed Actions by the 2050s (see **Figure 2**). Development under the Proposed Actions would not result in increased coastal flooding and would also be subject to DOB requirements for construction in the floodplain and Appendix G of the Building Code, Flood-Resistant Construction which includes requirements that buildings elevate the lowest floor to the design flood elevation. Construction in accordance with these provisions minimizes impacts from flooding.

Development projected under the Proposed Actions would incorporate both structural and non-structural methods for flood risk reduction, including design measures in the site and building designs. For example, buildings are required to have first floors elevated above the flood elevations, or dry or wet flood-proofed, depending on the proposed use. Critical mechanical systems must also be elevated or enclosed in dry flood-proofed vaults. The Proposed Actions also include special bulk regulations for Canal Street, Sixth Avenue, West Broadway, Grand Street, and sites within the Coastal Zone Boundary that would provide further flexibility to meet flood-resilient construction requirements. Additionally, the Proposed Actions include requirements and incentives for non-residential uses, such as permitting non-residential uses to occupy the entirety of the ground floor, and allowing residential units to be placed beginning on the second floor, well above the current flood elevations.

Therefore, it is concluded that the Proposed Actions promote this policy.

Policy 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.

Guidance provided by DCP[1] includes a methodology to determine consistency with Policy 6.2 for actions that facilitate programmatic non-site-specific actions (e.g., area-wide zoning map changes or amendments) like the Proposed Actions. A summary of this methodology is provided below.

Step 1(a): Assess the Project Area's exposure to current and future flood risk.

Portions of the southwest portion of the Project Area are within the one percent annual chance floodplain Zone AE (see **Figure 1**) which has a base flood elevation (BFE) of +10 feet NAVD88; there are also portions of properties in this area that are in the 0.2 percent annual chance floodplain.

Under projected conditions for 2050, the Project Area west of Broadway and south of Spring Street will be within either the one percent or 0.2 percent annual chance floodplain (see **Figure 2**).[2] With these projections, the northeastern portion of the Project Area will remain outside of both floodplains. Projected high tide conditions in 2050 would not affect the Project Area (**Figure 3**).

Step 1(b): Identify if the project or action would facilitate the development of any vulnerable, critical, or potentially hazardous features…within areas exposed to flooding from Mean Higher High Water or 1% Annual Chance Flood by the 2050s under the 90th percentile of sea level rise projections.

Any new buildings proposed in the floodplain is required to comply with Appendix G of the New York City Building Code, which regulates new construction and substantial building improvements in flood hazard areas. Although no specific building designs are proposed in an area-wide rezoning, any necessary wet or dry flood protection measures (e.g., aluminum shielding and/or flood gates at entryways within the floodplain) would need to be incorporated into the building designs to meet building code requirements. In accordance with these requirements, all proposed new critical infrastructure (i.e., electrical, plumbing, mechanical equipment) would be elevated above the projected flood levels in each new building, and basement uses would be flood-proofed and limited to storage only, as required per code. The Proposed Actions would facilitate the integration of these flood protections as sites are redeveloped.

Step 2: Assess how applicable codes and regulations, planned flood damage reduction elements and adaptive measures, or likely future infrastructure investments (beyond the scope of the proposed project), would or would not reduce potential flood damage for any proposed vulnerable, critical, or potentially hazardous features.

As described above under Step 1(b), any new or substantially improved buildings in the flood zone would need to be designed and built in compliance with Appendix G of the New York City Building Code, thereby reducing the risks of flood damage. These building code requirements for flood-resistant construction would apply to development facilitated by the Proposed Actions in the flood hazard area In the future, if additional buildings fall within the floodplain as determined by the Federal Emergency Management Agency (FEMA), these standards would also apply. Overall, the proposed zoning would not change these requirements for resilient designs.

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[1] NYC Planning. *The New York City Waterfront Revitalization Program: Climate Change Adaptation Guidance.* November 2018.

[2] NYC Planning Flood Hazard Mapper (nyc.gov/floodhazardmapper)

Step 3: Assess policy consistency.

Any new development or substantially renovated building in the flood hazard areas that is expected under the Proposed Actions would be required to incorporate design measures to reduce the risks of flooding including elevation of critical spaces and infrastructure above the base flood elevation (BFE) or floodproofing. Stormwater control improvements that are required by the City as part of each redevelopment would also reduce the risks of street flooding. In addition, no new vulnerable, critical, or potentially hazardous features would be facilitated by the Proposed Actions. The above measures would be incorporated into each new or substantially redeveloped property under the Proposed Actions that is currently or in the future within the FEMA-designated future flood hazard area, and at each of these properties this would be an improvement over the current condition as it relates to reducing flood hazard risk and resiliency.

Therefore, based on the above, it is concluded that the Proposed Actions promote this policy.

Policy 6.3 Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.

The Proposed Actions do not include public funding for flood prevention or erosion control measures. Therefore, this policy does not apply.

Policy 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.

Policy 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 ecosystem.

As discussed in Chapter 10, "Hazardous Materials," the potential for impacts due to contaminated or hazardous materials under the Proposed Actions would be avoided through compliance with existing regulatory requirements and with the placement of (E) Designations in the zoning code over those sites.

This (E) Designation requires that prior to change of use or redevelopment of a site, a Phase I Environmental Site Assessment (ESA) be prepared followed by a subsurface testing and remediation plan, where appropriate, to the satisfaction of the Mayor's Office of Environmental Remediation (OER). Properties with (E) Designations that are subject to DOB permits cannot be issued building permits without OER approval. The (E) Designation requirements would ensure protection of public health, safety, and the environment from known or suspected contaminated or hazardous materials. These preventative measures would be undertaken to protect the general public, future occupants of buildings, and construction workers, and the environment and may include subsurface investigations to determine the nature and extent of any contamination, and the implementation of measures to manage contaminated materials prior to and/or during construction and to avoid impacts during occupancy. Typically, these measures are memorialized in a Remedial Action Plan (RAP) and implemented in accordance with all applicable local, state, and federal regulations.

Therefore, with the above measures in place, it is concluded that the Proposed Actions would promote this policy.

Policy 7.2 Prevent and remediate discharge of petroleum products.

As stated above, the potential for impacts due to hazardous or contaminated materials, such as petroleum products, would be avoided through existing regulations, the placement of an (E) Designation on development sites and other applicable regulations that pertain to development in flood hazard areas.

Therefore, it is concluded that the Proposed Actions promote this policy.

Policy 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.

Transport of any contaminated or hazardous materials related to site development or redevelopment under the proposed rezoning would need to be performed in accordance with federal, state, and local requirements covering licensing of haulers and trucks, placarding, truck routes, manifesting, and all other applicable laws as well as City requirements that may be specified in an (E) Designation proposed as part of the rezoning.

Therefore, it is concluded that the Proposed Actions promote this policy.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.

Policy 10.1 Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.

As discussed in Chapter 7, "Historic and Cultural Resources," the special use and bulk regulations under the Proposed Actions have been developed to reflect the existing built character of each neighborhood, including the historic districts located throughout the Project Area and study area. The Proposed Actions would require base heights that are responsive to the context of existing buildings. The varied built forms and loft-like building forms in the New York City Historic Districts (NYCHDs) would be supported by special zoning provisions that reflect and respect the unique existing and historic character of the historic neighborhoods. Changes to buildings in the NYCHDs and individually-designated New York City Landmarks (NYCLs), would be subject to LPC's review and approval. The new building forms allowed by the Proposed Actions would be determined in a manner appropriate to the historic character of the historic district and NYCLs and the immediate context without the need for separate land use actions. The bulk regulations under the Proposed Actions would allow LPC to refine base heights further to allow for improved cornice alignment for developments within NYCHDs. While the Proposed Actions would result in the demolition of buildings in NYCHDs in the Project Area, the proposed contextual zoning for the Project Area would map zoning that preserves the historic character and provides flexibility to shape building forms appropriate to the NYCHDs. The effects of the Proposed Actions on NYCHDs would result in benefits associated with the preservation of the historic built character of the NYCHDs.

Eighty-one buildings are located on projected and potential development sites in historic districts in the Project Area, including the SoHo-Cast Iron Historic District (NYCHD, S/NR-listed, National Historic Landmark [NHL]) and Extension (NYCHD), the NoHo Historic District (NYCHD, S/NR-eligible) and Extension (NYCHD), the Bowery Historic District (S/NR-listed), and the Chinatown and Little Italy Historic District (S/NR-listed). The Proposed Actions would result in the adaptive reuse and conversion of five historic architectural resources within NYCHDs and the demolition of a total of 61 historic architectural resources located within NYCHDs and S/NR-listed historic districts. These sites would be redeveloped with new buildings. While the

demolition of historic buildings on the projected and potential development sites in the NYCHDs would result in the removal of buildings from these historic districts and redevelopment of these sites, changes to buildings and new construction in NYCHDs are subject to the New York City Landmarks Law and LPC's review and approval. Therefore, significant adverse impacts to NYCHDs would not occur under the Proposed Actions. However, the buildings on projected and potential development sites that are located within S/NR-listed historic districts are not subject to the New York City Landmarks Law. Therefore, the Proposed Actions would result in direct significant adverse impacts to seven buildings as a result of the demolition of contributing resources to the S/NR-listed historic districts.

In certain limited locations, the Proposed Actions would also result in development that could change the setting of architectural resources by allowing taller buildings that are not consistent with the scale of nearby historic architectural resources. Individual architectural resources that could be affected by contextual changes with the Proposed Actions include the Samuel Tredwell Skidmore House (S/NR-listed, NYCL) and the Old Merchant's House (NHL, S/NR-listed, NYCL, Interior NYCL). However, the Proposed Actions would not eliminate or substantially obstruct important public views of architectural resources in the Project Area or study area.

As described above, the proposed contextual zoning for the Project Area would map zoning that preserves the historic character of the Project Area and provides flexibility to shape building forms appropriate to the historic context of the Project Area and study area. Therefore, overall, the Proposed Actions would retain and preserve historic resources and would promote this policy.

Policy 10.2 Protect and preserve archaeological resources and artifacts.

A Phase 1A Archaeological Documentary Study determined that 21 lots on 17 projected and potential development sites are archaeologically sensitive for resources associated with the 19th century occupation of the Project Area. The Phase 1A Study recommended additional archaeological analysis for certain sites, including Phase 1B archaeological testing and continued consultation with LPC. There is no mechanism to require additional archaeological analysis, or any other type of mitigation, on the archaeologically sensitive lots on projected or potential development sites that are privately owned or that would be developed as-of-right. ✷