# Appendix A: Waterfront Revitalization Program Consistency Assessment Form

| FOR INTERNAL USE ONLY | WRP No. 23-178 |
|---|---|
| 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 Economic Development Corporation

Name of Applicant Representative: Annie Boggs, Indigo River

Address: PO Box 731 Nyack, NY 10960

Telephone: 772-214-8906 Email: annie@indigoriver.com

Project site owner (if different than above): _____

### B. PROPOSED ACTIVITY

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

1. Brief description of activity

See attached.

2. Purpose of activity

See attached.

## C. PROJECT LOCATION

Borough: Manhattan Tax Block/Lot(s): Block 962, Lot 100 (southern 4.75-acre portion of)

Street Address: 425 East 25th St., New York, NY

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: City Map change
- ☐ 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: General Municipal Law (GML) §72-h (Sale, lease, and transfer to municipal corporations of certain public lands
- ☐ Other, explain: _____

### Federal Actions/Approvals/Funding

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

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

## E. LOCATION QUESTIONS

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

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

## F. WRP POLICY ASSESSMENT

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

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

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

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

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

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

## G. CERTIFICATION

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

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

Applicant/Agent's Name: Annie Boggs, Indigo River

Address: PO Box 731, Nyack, NY 10960

Telephone: 772-214-8906 Email: annie@indigoriver.com

Applicant/Agent's Signature: A Boggs

Date: 5/15/24

## 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

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# New York City Waterfront Revitalization Program: Consistency Assessment Form

## Section B – Proposed Activity

### Brief Description of Activity

~~The Applicants,~~ The New York City Economic Development Corporation (NYCEDC), the Office of the Chief Medical Examiner (OCME), and the New York City Department of Citywide Administrative Services (DCAS~~), and~~) (collectively, the ~~Office of the Chief Medical Examiner (OCME~~Applicants), in affiliation with the ~~NYC~~New York City Health and Hospitals Corporation (H+H), New York City Public Schools (NYCPS), the New York City School Construction Authority (SCA), and the City University of New York (CUNY~~)~~), are seeking several Uniform Land Use Review Procedure (ULURP) and discretionary actions (collectively, the Proposed Actions) to ~~redevelop the southern 4.75-acre portion of Manhattan Block 962, Lot 100[1] (the Development Site) located at 425 East 25th Street in the Kips Bay area of Manhattan Community District 6 (CD 6~~facilitate the development of approximately 2.19 million gross square feet (gsf) of new construction of academic, healthcare, Life Sciences, and retail space and public realm improvements (the Proposed Project).

~~As part of the Science Park and Research Campus (SPARC) Kips Bay project, the Applicants seek to transform Hunter College's antiquated Brookdale Campus into approximately 2.19 million gross square feet (gsf) of state-of-the-art academic, health care, and Life Sciences space, as well as retail space and public realm improvements (the Proposed Project).~~

~~The Proposed Project would be programmatically split into a Western Parcel on the First Avenue portion of the Development Site and an Eastern Parcel facing FDR Drive. The Western Parcel is bounded by First Avenue to the west, approximately 430 feet east of First Avenue to the east, East 25th Street to the south, and former East 26th Street to the north. The Eastern Parcel covers the remaining portion of the Development Site starting at approximately 370 feet west of FDR Drive between East 25th Street and former East 26th Street.~~

The public realm improvements would take the form of a new publicly ~~-~~accessible open space, a replacement ~~pedestrian~~ bridge over ~~the~~ Franklin D. Roosevelt (FDR) Drive at East 25th Street to make it ADA accessible, a tie-in to the ~~Kips Bay~~East Midtown Coastal Resiliency (~~KBCR~~EMCR) project's planned flood protection to the northeast along FDR Drive

~~[1] In addition to the Development Site, Block 962, Lot 100, which is irregularly shaped, encompasses the area to the north of former East 26th Street, extending north to East 29th Street at First Avenue and north to East 30th Street along Franklin D. Roosevelt (FDR) Drive. The Proposed Project would be developed on just the southern approximately 4.75-acre portion of this lot, with components north of that being untouched by the Proposed Project.~~

and protection along East 25th Street,[2] ~~including a connection to the existing floodwall at the U.S. Department of Veterans Affairs New York Harbor Healthcare System's Manhattan campus (U.S. Corbin VA Facility),~~ and a widening of the demapped portion of the former East 26th Street located between FDR Drive and First Avenue to accommodate two-way traffic flow.

To facilitate the Proposed Project, the Applicants are seeking the approval of the following discretionary land use actions (collectively, the Proposed Actions), which would apply to the Development Site:

Land Use Actions Subject to ULURP:

- A zoning map amendment to rezone to the street centerlines of East 25th Street to the south, First Avenue to the west, and FDR Drive to the east, and to a point 255 feet to the north of East 25th Street from an R8 district to a C6-4 district;
- A zoning text amendment to Appendix F of the New York City Zoning Resolution (ZR) to establish a Mandatory Inclusionary Housing (MIH) area coterminous with the proposed C6-4 district that would be mapped on the Development Site[3];
- Special permits:
  - A special permit pursuant to ZR Section 74-171, Laboratories to allow for Use Group (UG) VII that does not comply with Section 427 of the New York City Building Code
  - A special permit pursuant to ZR Section 74-901, Bulk Modifications for Laboratories, to modify certain bulk regulations in a commercial district;
- Disposition of City-owned property for the Western Parcel, disposition for the open space premises, and disposition of a portion of the Eastern Parcel to CUNY;
- Site Selection and Acquisition of real property interest for OCME facility
- Acquisition of real property interest for H+H facility; and
- A City Map change related to the East 25th Street replacement bridge, which includes a demapping action to remove the existing pedestrian bridge from the City Map;

Separate from this application, the Applicants are seeking several discretionary approvals to facilitate the Proposed Project:

- City Funding: Construction of the new CUNY building would utilize City capital funding;
- State Financing: In addition to City capital funding, the Applicants are seeking to use New York State financing for the development of the Proposed Project[4]; and
- CUNY and NYCPS: the siting of CUNY and NYCPS facilities are not subject to ULURP. Applicants will pursue a separate non-ULURP process to site and develop facilities for

[2] Absent the ~~KBCR~~EMCR project, the Proposed Project would incorporate standalone flood protections with independent utility into the design. For conservative analysis purposes, a hypothetical scenario in which there is no EMCR was referenced in the DEIS. However, that outcome is unlikely, and there are no plans to discontinue the EMCR project.

[3] The mapping of a MIH area is required for any rezoning that increases the permitted residential floor area ratio. However, the Proposed Project would not include any residential use.

[4] This State action is subject to SEQRA.

CUNY and NYCPS.

The Proposed Actions are subject to environmental review pursuant to the State Environmental Quality Review Act (SEQRA) and the City Environmental Quality Review (CEQR) procedures. The Office of Deputy Mayor for Housing, Economic Development, and Workforce (DMHEDW) is acting as the lead agency for the environmental review. Completion of the Proposed Project is anticipated by 2031.

## Purpose of Activity

LifeSci NYC was established in 2016 by NYCEDC with the goal to establish New York City as a global leader in Life Sciences. LifeSci NYC is a $1 billion initiative and is expected to create nearly 40,000 new jobs by 2026—many accessible to New Yorkers without advanced degrees. The LifeSci program is geared towards the following goals:

- Connecting existing researchers and institutions to the resources needed to advance programs to commercialization;
- Unlocking space for Life Sciences companies to grow within the city; and
- Building a pipeline for the talent and workforce needed to support these companies across the five boroughs.

Given the presence of the life science, academic and medical institutions in the Kips Bay area, NYCEDC identified the Brookdale Campus within the Kips Bay Science District and First Avenue Health and Sciences Corridor as an opportune location to advance many of the goals of the City's LifeSci NYC initiative.

The Proposed Project is based on the SPARC Kips Bay Master Plan, which was developed in collaboration with OCME, H+H, NYCPS, CUNY, and other relevant agencies and stakeholders, to envision a first-of-its-kind jobs and education hub in the heart of New York City with a mix of state-of-the-art academic, health care, and life science facilities on the site of the existing CUNY Hunter College's Brookdale Campus. Driven by an historic investment from the City and State totaling $1.6 billion, SPARC Kips Bay would create a pipeline from local public schools and city universities to careers in the life sciences and public health industries, which is expected to result in a $42 billion economic impact to the city over the next 30 years, creating approximately 13,000 temporary construction jobs, and approximately 3,100 permanent jobs.

The Proposed Actions would allow for the Applicants to achieve the following goals of the SPARC Kips Bay project:

- Create new career pathways and workforce development opportunities in life sciences, public health, and healthcare.
- Establish a unified plan for a cutting-edge campus that meets the needs of both campus institutions and the broader neighborhood.
- Create a more connected, green, and resilient site through new open spaces, integration of a new accessible pedestrian bridge, and tie-in to ~~KBCR~~EMCR.
- Ensure a clear plan for implementation, considering cost efficiency, continuity of operations for the Hunter College Schools of Nursing and Health Professions, and

entitlements pathways.

› Leverage synergies between institutions to support a connected health, science, and education ecosystem.

Currently, the Development Site is zoned R8. In R8 zones, academic and health care uses are as-of-right while life sciences are not. The combination of rezoning the site to a C6-4 district and applying for a special permit would facilitate the development of the life science use, a key component of the proposed jobs and education hub. Furthermore, the disposition and acquisition actions would allow for the key partnerships envisioned with CUNY, H+H, and OCME as part of the Proposed Project. The City Map amendment would allow for a critical component of the public realm improvements: a replacement bridge to create a safe and universally accessible connection across FDR Drive. The project proposes further public realm improvements in the form of a new publicly accessible open space; a tie-in to the ~~KBCR~~EMCR project's planned flood protection to the northeast along FDR Drive and protection along East 25th Street; and widening and making bidirectional the former East 26th Street, a privately owned, demapped street, to improve vehicular circulation. Absent the approval of the Proposed Actions, these public realm improvements would not be realized.

# Section F – WRP Policy Assessment

## Introduction

As shown in **Figure 1: New York City Coastal Zone Boundary**, the Development Site, falls within the New York City Coastal Zone, making it subject to the New York City Waterfront Revitalization Program (WRP). The Proposed Project, described above, is located on the landward side of FDR Drive. This means that while the Proposed Project intends to provide connections to the East River Waterfront, via the proposed enhancements to the existing pedestrian bridge crossing FDR Drive, the project is not waterfront adjacent, and many coastal policies will not apply.

According to the 2015 Preliminary Flood Insurance Rate map, portions of the Development Site are located within the A Zone, also known as the 1% annual chance floodplain (see **Figure 2: Flood Hazard Map**~~.~~). This is defined as a "high risk flood zone", though they are not subject to high-velocity wave action, like their V Zone counterpart. Additionally, very small portions of the Development Site, located west of the areas designated as A zone, are designated as X zone. This means they are subject to flooding from the 0.2% annual flood.

Due to the Development Site's location within the A and X flood zones, the Proposed Project would be built to Appendix G Building Code standards as described throughout the WRP Policy response sections. Additionally, much of the area that falls within the designated flood zones would be designed as open space, with passive stormwater treatment solutions (incorporating floodable areas and permeable pavement), and reduction of hardscape from existing conditions, providing additional flood protection strategies. This would prevent potential damage to structures, while also aiding in flood resilience through the addition of landscaped features that could absorb floodwaters.

Finally, as discussed throughout the WRP Policy response sections and Environmental Impact Statement, the proposed flood wall design, which would be a separate structure, but included as part of the Development Site would create a comprehensive protection line along the eastern edge of the Development Site. The floodwall, at an elevation of +~~16.5~~19 ft, would tie-in along FDR Drive frontage of the site to the ~~KBCR~~EMCR project's planned flood protection and provide a continuous flood mitigation strategy that protects the eastern side of Manhattan. This flood protection would be a missing link in the City's larger strategy to protect the east side of Manhattan from storm surge and coastal flooding.

## Figure 1 NYC Coastal Zone Boundary

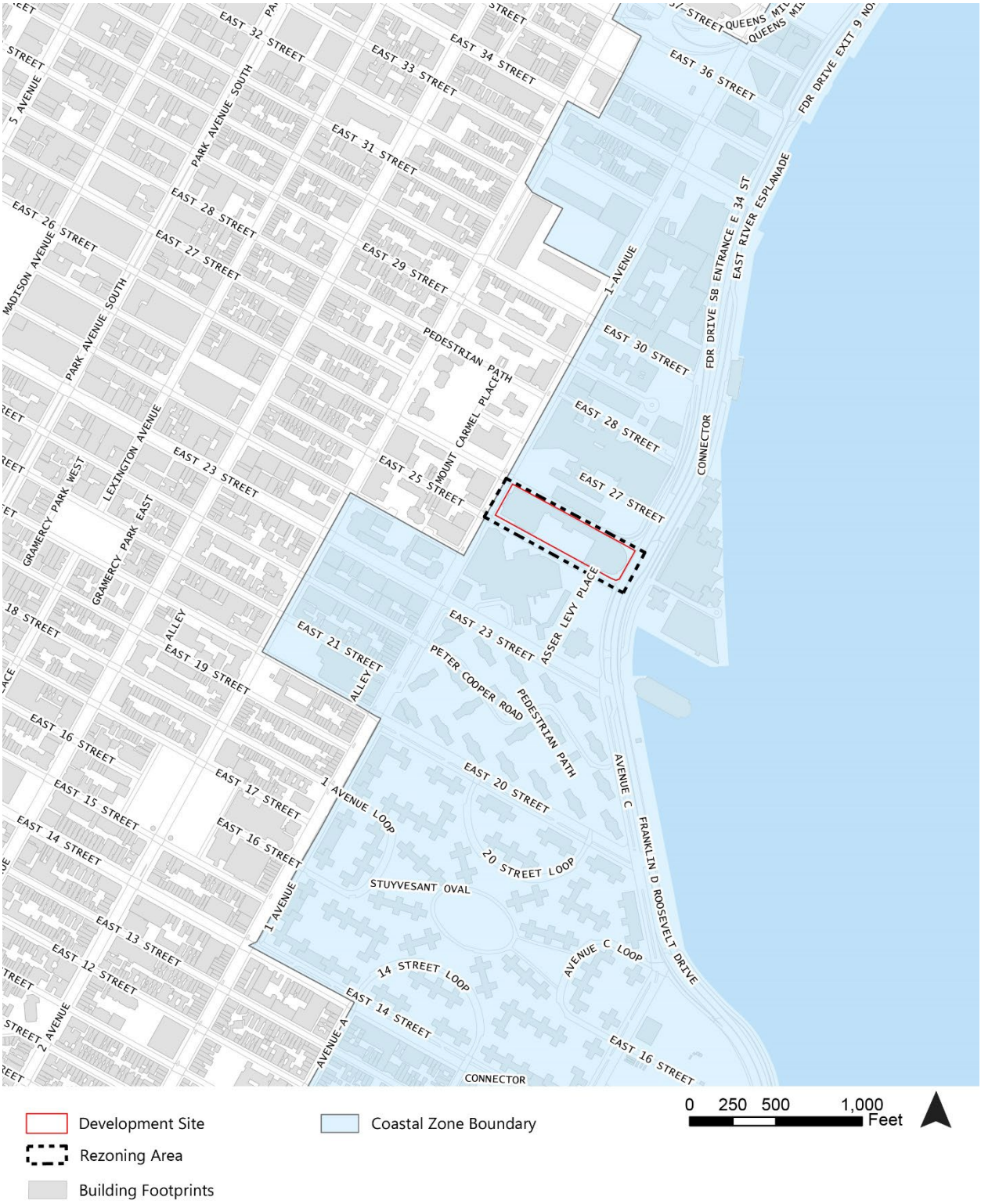
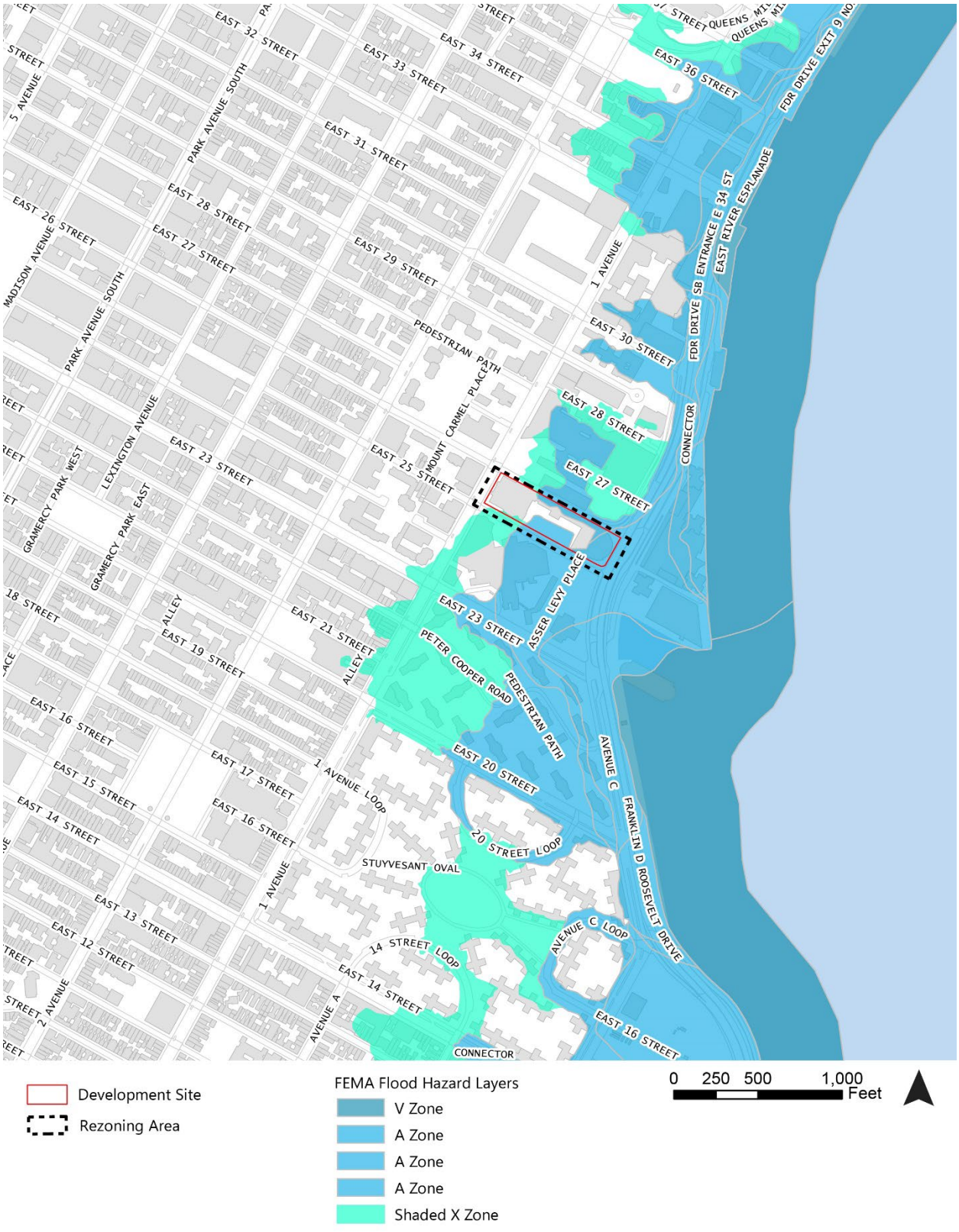


**Figure 2 NYC Flood Hazard Mapper of Proposed Development Site**



## 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 Project would serve as an extension of the Kips Bay Science District and the First Avenue Health and Sciences Corridor, the location identified by NYCEDC to fulfill the goals of the City's LifeSci NYC initiative, a $1 billion investment in life sciences research and development and related innovation. The Proposed Project would include a combination of academic, health care, life science, and retail space, as well as public realm improvements. The Development Site is appropriate for mixed-use development of this kind in the Coastal Zone because it is well-served by transit and existing water and sewer infrastructure and largely consists of previously disturbed land. Therefore, the Proposed Project would promote this policy.

### *Policy 1.2 Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.*

The Proposed Actions would facilitate mixed use development on previously disturbed land that would provide improved access from the west side of FDR Drive to the East River waterfront. This area has existing waterfront public access and improvements are planned as part of the City's overall coastal resilience strategies. The Proposed Project would contribute to the East River waterfront by encouraging connections to the existing waterfront space on the east side of FDR Drive by providing a replacement pedestrian bridge to create a safe and universally accessible connection across FDR Drive. The Proposed Project would also provide additional open space on the west side of FDR Drive. These public realm improvements would include upland connections between the SPARC Kips Bay campus and the East River waterfront esplanade. Active ground floor uses such as a New York City Public School and commercial life sciences space would activate the ground floor within the Development Site, creating desirable connections between the upland areas of Manhattan and the waterfront. Accordingly, the Proposed Project 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 Development Site is served by multiple forms of public transportation and major roadways, with both the MTA New York City Transit (NYCT) No. 4 and 6 trains, M15 Bus Line and FDR Drive within 0.5 miles.

Additionally, the Proposed Project would be protected by City-wide resilience strategies such as East Side Coastal Resilience, in addition to contributing to these resilience strategies by tying into the ~~Kips Bay~~East Midtown Coastal ~~Resilience~~Resiliency project's flood wall. At SPARC Square, the proposed open space, a flood barrier would be integrated with the proposed building, leveraging the flood protection efforts on either end of the site and providing a continuous flood mitigation strategy that protects the eastern side of Manhattan.

New development in the area around the Development Site would connect to existing water and sewer infrastructure within the surrounding streets and would direct sanitary flows to

the Newtown Creek Wastewater Resource Recovery Facility (WRRF). As shown in **EAS Part II: Supplemental Screenings**, the Proposed Project would not result in more than 1 million gallons per day of water supply or sewage generation. Therefore, the Proposed Project would not overburden existing water and sewer infrastructure.

The Proposed Actions would encourage redevelopment in the Coastal Zone in a major urban center where public facilities and infrastructure are adequate or will continue to be developed in the future as the need is identified. Accordingly, the Proposed Project 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.***

The Base Flood Elevation (BFE) of the Development Site is 12 feet NAVD88 based on the Preliminary Flood Insurance Rate Map (pFIRM) published by the Federal Emergency Management Agency (FEMA). The majority of the Development Site is within the 100-year flood zone. The estimated sea level rise per New York City Climate Resiliency Design Guidelines through 2039 is approximately six inches, and approximately 16 inches for the period between 2040 and 2069. All new construction in the flood zone would be developed pursuant to the provisions set forth in Building Code Appendix G - Flood Resistant Construction. Additionally, the design measures described in response to WRP Policy 6.2 demonstrate how the Proposed Project would be consistent with this policy. Finally, a floodwall expanding on the ~~Kips Bay~~East Midtown Coastal ~~Resilience~~Resiliency project is planned as part of the Proposed Project, as well as additional green space. These added resilience measures, along with those required by law demonstrate that the Proposed Project would promote this policy.

## Policy 4 Protect and restore the quality and function of ecological systems within the New York City coastal area.

***Policy 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.***

While the Development Site is not located directly adjacent to the waterfront, the Proposed Project seeks to increase ecological value and function through leveraging open space, green roofs, and green infrastructure practices to manage on-site stormwater; introducing a new open space with passive stormwater treatment solutions; and creating a vegetated buffer from the road with ample shade trees. The open space strategy for the Proposed Project connects the active public programs at Asser Levy Playground to the north with the gardens at Bellevue Park to the west, and the community at Waterside Plaza to the east. Accordingly, the Proposed Project would promote this policy.

***Policy 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.***

Because the Development Site is not located directly adjacent to the waterfront, in-water ecological strategies are not included in the Proposed Project. However, the Proposed Project seeks to increase ecological value and function through leveraging open space, green roofs, and green infrastructure practices to manage on-site stormwater; introducing a new open space with passive stormwater treatment solutions; and creating a vegetated buffer from the streets with ample shade trees. The Proposed Project would provide improved public access to the nearby East River waterfront through the replacement of the existing pedestrian bridge over FDR Drive. Accordingly, the Proposed would promote this policy.

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

***Policy 5.1 Manage direct or indirect discharges to waterbodies.***

The Proposed Project would comply with all city and state regulations to manage direct or indirect discharges to waterbodies. Further, the new onsite open space maximizes stormwater storage potential, utilizing green infrastructure and passive stormwater treatment solutions (floodable spaces, permeable pavement). The proposed landscaped areas would reduce the footprint of hard infrastructure present at the Development Site, aiming to capture and treat runoff onsite. A Stormwater Pollution Prevention Plan (SWPPP), consisting of both temporary erosion and sediment controls and post-construction stormwater best management practices Best Management Practices (BMPs) for the Development Site, would be developed and implements during construction. Thus, the Proposed Project would promote this policy.

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

The Proposed Project would comply with all city and state regulations to minimize nonpoint source pollution. The Proposed Project would contain approximately 225 parking spaces, located below grade in parking garages. With most parking sited in underground parking garage space, the quality of stormwater being conveyed to the East River has little potential to include runoff from underground parking areas. In addition to the underground parking, built features have been designed to be flood resilient.

Finally, the Proposed Project is not located directly on the East River, hard and soft infrastructure between the Development Site and the East River would disrupt non-point source runoff between the Development Site and the nearest body of water.

Therefore, the Proposed Actions would promote this policy.

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

Development facilitated by the Proposed Actions would be subject to all local, state, and federal permitting processes, which collectively would protect the wetland water sources.

The Proposed Project intends to leverage best management practices to minimize the amount of runoff and enhance the quality of runoff before reaching the East River. The water management practices would include a combination of open space, green roofs, and green infrastructure throughout the campus. These treatment practices would be designed to remove or reduce suspended solids and nitrogen from the stormwater runoff before reaching the East River. The proposed open space would feature permeable surfaces, minimizing the hardscape as much as possible.

Therefore, the Proposed Project would promote this policy.

***Policy 5.5 Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.***

As stated above, green infrastructure would be implemented throughout the Development Site. Since the Proposed Project is not located on the waterfront and the Applicants do not control the waterfront, in-water ecological strategies are not included in the Proposed Project. As such, the Proposed Project would promote Policy 5.5.

## 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.***

The Proposed Project would be designed and constructed to minimize damage to the Development Site from flooding and erosion. As the Proposed Project is not directly on the waterfront, shoreline erosion measures cannot be implemented; however, on-site flood management and resilience measures are being incorporated. These include compliance with Building Code Appendix G - Flood Resistant Construction, the construction of a floodwall, inclusion of green roofs, green infrastructure, and soft surfaces where possible on site. As such, new development would be constructed and operated to minimize any potential for loss of life, structures and natural resources caused by flooding and erosion. As such, the Proposed Project would promote Policy 6.1.

***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.***

The base flood elevation (BFE) of the Development Site is 12 feet NAVD88 based on the Preliminary Flood Insurance Rate Map (pFIRM) published by the Federal Emergency Management Agency (FEMA). Portions of the Development Site are within the 100-year

flood zone. In accordance with the New York City Department of City Planning (DCP) Climate Change Adaptation Guidance, the three-step process below assesses the Proposed Actions' consistency with Policy 6.2 of the WRP. Step 1 identifies the vulnerabilities and consequences, Step 2 identifies adaptive strategies, and Step 3 assesses policy consistency.

Based on a review of the NYC Flood Hazard Mapper application, portions of the Development Site are located in an "AE" 1% Annual Chance Flood Zone. FEMA identifies the Coastal A Zone as a sub-zone of the A-Zone where wave heights are expected to be between 1.5 and three feet high. As construction in the Coastal A Zones in New York City may be subject to additional Building Code Appendix G requirements, any development in the floodplain would be required to incorporate these additional measures irrespective of the Proposed Actions.

As discussed under Policy 6.1 above, the Proposed Project would comply with flood-resistant construction requirements to minimize losses from flooding contained in the NYC Building Code Appendix G, American Society of Civil Engineers (ASCE) 24, and applicable FEMA guidance. A single basement across the full site, critical to the functionality of the campus, would be split at two different elevations (one for the CUNY complex use, and one for the combined life science complex, as shown in the attached Flood Elevation Worksheet). This would be the lowest elevation to contain potentially vulnerable features at the Development Site, with the lowest elevation at -6.3 feet. The basement would also accommodate flood resiliency infrastructure, select MEP equipment, loading, parking, and storage. MEP equipment is considered a critical feature pursuant to Policy 6.2, and it would be protected via floodproofing measures to be further confirmed as the design process advances. These measures could include elevating equipment, wet or dry floodproofing the space, or utilizing flood-damage resistant materials, in alignment with Appendix G (Flood-Resistant Construction) of the NYC Building Code. The ground floor space, containing the building lobby, retail space, and loading space, ~~would~~is expected to be established at ~~an~~a minimum elevation of +~~16.7~~19 feet, aligning with the Design Food Elevation (DFE). The upper floors of the proposed buildings, which would include classroom, office, lab, and mechanical space, would start at +36.7 feet. Therefore, the ~~second~~ground floor and above would be located well above the current and future 1% annual chance floodplain under high projections. It is anticipated that the research facilities onsite would abide by industry standards for emergency evacuation and shutdown procedures that includes protection against releases of hazardous materials to the environment. Thus, none of the lab or research space included in the proposed buildings would have the potential for contamination in a flooding event. Furthermore, research facilities would not be located below the DFE such as in the basement, improving the resiliency of this feature further.

The proposed floodwall design would create a comprehensive protection line along the eastern edge of the Development Site. The floodwall, at an elevation of +~~16.5~~19 ft, would tie-in along the FDR Drive frontage of the site to the ~~KBCR~~EMCR project's planned floodwall, ~~creating a connection to the existing floodwall at the U.S. Corbin VA Facility and~~ providing a continuous flood mitigation strategy that protects the eastern side of Manhattan, including the proposed uses on the Development Site. This floodwall would be a missing link in the City's larger strategy to protect the east side of Manhattan from storm surge and coastal flooding. The addition of the new open space with passive stormwater treatment solution (incorporating floodable areas and permeable pavement), and reduction of hardscape from

existing conditions, are additional flood protection strategies offered by the Proposed Project.

In summary, the Proposed Actions would not result in an increase of flooding or flooding severity. The Proposed Project would contain some vulnerable spaces at or below the projected future MHHW level and within projected future flood hazard areas. All new vulnerable or critical features would be protected through flood damage reduction elements or future adaptive measures. The Proposed Actions would not preclude the ability to implement adaptive solutions in the future, including any technological advancements that may exist in the future. Based on this information, the Proposed Project would promote Policy 6.2.

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

As discussed above, the Proposed Project is part of a City-wide economic development initiative related to healthcare and life sciences – meeting a necessary and beneficial public need. Additionally, the Proposed Project includes a New York City Public School. As such, the public funding being utilized for this project's resilience initiatives would provide a public benefit in the form of protecting the proposed New York City Public School and full SPARC campus, a New York City investment in economic development, from flooding and would promote Policy 6.3.

## 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 ecosystems.***

As part of the environmental review process, the Applicants must conduct a Phase I ESA and submit to the New York City Department of Environmental Protection (NYCDEP). If the Phase I ESA suggests the possibility for contamination on the Development Site, a Phase II would be conducted. After submitting a written report including the testing phase and laboratory analysis, NYCDEP, coordinating with OER, shall determine if remediation is necessary. A proposed remediation plan would be submitted to OER for review and approval if remediation is necessary. Potential best management practices (BMPs) would be incorporated, such as a Site Management Plan and Material Management Plan, as applicable. Accordingly, the Proposed Actions would promote Policy 7.1.

***Policy 7.2 Prevent and remediate discharge of petroleum products.***

As outlined above in Policy 7.1, the Proposed Project is subject to site review by OER and NYCDEP. Once developed the project would be subject to all local, state, and federal requirements related to the discharge of petroleum products. Potential BMPs would be incorporated such as a Site Management Plan and Material Management Plan, as applicable. As such, the Proposed Project would promote Policy 7.2.

### *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.*

The Proposed Project would be subject to all applicable city, state, and federal regulations regarding solid waste and hazardous materials. Project-generated solid waste and hazardous materials would be transported in accordance with all applicable regulations, including but not limited to Chapter 4, Part 364 of Title 6 of the Codes, Rules, and Regulations of the State of New York (6 CRR-NY). Adhering to these regulations, which sets forth requirements for the transportation of hazardous materials, would minimize the potential degradation of the surroundings, including coastal resources. Any solid waste or hazardous materials being created on site or transported off site would follow these regulations and would promote Policy 7.3.

## Policy 8 Provide public access to, from, and along New York City's coastal waters.

### *Policy 8.1 Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.*

As discussed above, the Development Site currently includes a pedestrian bridge over FDR Drive that is not fully ADA accessible. As part of the Proposed Project, the Applicants intend to provide a replacement pedestrian bridge which would be ADA accessible. This would preserve, protect, maintain and enhance physical, visual, and recreational access to the waterfront, would promote Policy 8.1.

### *Policy 8.2 Incorporate public access into new public and private development where compatible with proposed land use and coastal location.*

Along with the pedestrian bridge discussed in Policy 8.2, the Proposed Project ~~includes 0.75~~would include approximately 0.6 acres of public open space on the eastern side of the Development Site. This new open space, paired with the pedestrian bridge enhancements would create a continuous connection between the Development Site and the East River Waterfront, making the Proposed Project promote Policy 8.2.

### *Policy 8.3 Provide visual access to the waterfront where physically practical.*

The Proposed Project is not located on the waterfront. The 37-story Waterside Plaza residential complex and FDR Drive are both built resources between the Development Site and the waterfront. However, the Proposed Project has been designed to increase in height as it moves westward across the Development Site, allowing for building on the western portion of the Development Site to hold views of the water where they have not previously been disrupted. Additionally, the Proposed Project would follow the New York City street grid pattern, which would not disrupt existing views of the water that exist currently. As such, the Proposed Project would promote Policy 8.3.

## 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 6, Historic and Cultural Resources**, the ~~Proposed Project was reviewed by the New York City Landmarks Preservation Commission (LPC). Additionally, in a letter dated October 25, 2023, LPC indicated that the Development Site has no architectural significance. As such, the Proposed Project would promote Policy 10.1.~~ CUNY Hunter College Brookdale Campus located on the Development Site was determined eligible for listing on the State and National Registers of Historic Places in 2023. The S/NRHP-eligible buildings would be demolished to construct the new SPARC campus buildings and grounds. As discussed in **Chapter 18, Mitigation**, under the State Historic Preservation Act, demolition of a historic resource is an Adverse Impact that triggers the requirement for an Alternatives Analysis to identify alternatives that would avoid or minimize the Adverse Impact. The requested Alternatives Analysis was prepared by the project sponsors and has been accepted by the NYS Office of Parks, Recreation, and Historic Preservation (OPRHP). As the Alternatives Analysis has established that the Adverse Impact cannot be avoided or minimized, mitigation measures were developed between the DEIS and FEIS in consultation with the OPRHP and will be undertaken as part of the Proposed Project. Any practicable or feasible mitigation measures will be stipulated in a LOR that is being developed by the project sponsors in conjunction with OPRHP.

Post-FEIS, NYCEDC will continue to work with NYS OPRHP to determine acceptable mitigation measures and will document these measures in a LOR. It is anticipated that possible mitigation measures will include the following:

1. EDC will photo document the CUNY Hunter College Brookdale Campus prior to demolition according to guidance for producing digital documentation reports to be held by the OPRHP and the New York State Archives. The documentation will include an architectural description and historical narrative, select historic drawings/photographs, and photographs following OPRHP's March 2024 guidelines.
2. The photographs will include at least one exterior façade view of each side of the three campus buildings and views of the outdoor courtyard and its artwork. Interior photographs will include the public spaces on the basement and first floors, such as hallways, the mailroom, classrooms, meeting rooms, offices, the auditorium, the cafeteria, and recreation areas. The photographs will include at least one representative view of the upper floor student spaces (dorm room, common room, kitchen, bathroom).
3. The final photo documentation report will be submitted to OPRHP for transmittal to the New York State Archives. The submittal will include a digital report, a complete set of digital photographs, and if requested, one (1) archival Gold CD containing a digital copy of the complete report and individual photo files.
4. EDC will work with the design and construction teams to determine how historic architectural elements within the CUNY Hunter College Brookdale Campus buildings could be salvaged and reused in the SPARC buildings or outdoor plaza, or in other EDC

projects. Salvaged materials could include the pink marble, stone, wood and glass, or other architectural elements in the existing public spaces.

By completing the OPRHP Alternatives Analysis and mitigation process described above, the Proposed Project would promote Policy 10.1.

***Policy 10.2 Protect and preserve archaeological resources and artifacts.***

As discussed in **Chapter 6, Historic and Cultural Resources**, the Proposed Project was reviewed by LPC. Additionally, in a letter dated October 25, 2023, LPC indicated that the Development Site has no archaeological significance. As such, the Proposed Project would promote Policy 10.2.