APPENDIX G:
Local Waterfront Revitalization Program (LWRP) Form

For Internal Use Only:		WRP no.	WRP 07-096
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 designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

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, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

A. APPLICANT: New York City Department of City Planning (NYCDCP)

1. Name: New York City Department of City Planning
2. Address: 22 Reade Street
3. Telephone: 212.720.3300 Fax: 212.720.3495 E-Mail: N/A
4. Project site owner: N/A

B. PROPOSED ACTIVITY

1. Brief description of activity: The proposed rezoning area is currently zoned M1-2, M2-1, C4-4 and R6. The *Lower Concourse Rezoning and Related Actions* would establish new residential, commercial and mixed use districts in the south Bronx, creating new residential and mixed use development opportunities, and providing new access along a currently underutilized segment along the Harlem River. Existing zoning includes M1-2, M2-1, C4-4 and R6. The new districts would include C4-4 and C6-2A; Special Mixed Use Districts MX (M1-4/ R8A), MX (M1-4/ R7X), MX (M1-4/ R7A), and MX (M1-4/ R6A); and conventional manufacturing districts M1-2 and M1-4. A new C2-4 commercial overlay would be mapped on waterfront lots within a proposed R7-2 district.

   In addition, zoning text amendments would establish a Harlem River Waterfront Access Plan (WAP) and the Special Harlem River Waterfront District (SHRWD) for the area along the Harlem River waterfront between Exterior Street and the Harlem River, south of East 149th Street and north of the prolongation of Park Avenue. Zoning text amendments would also modify food store regulations to allow food stores of any size as-of-right within M1-4 districts in Bronx Community District 1. Additionally, zoning text amendments would establish the Inclusionary Housing program within the proposed rezoning area.

   Amendments to the City Map are proposed to establish a park on 2.26 acres of land located between the Harlem River and Exterior Street, south of the extension of East 146th Street and north of the extension of East 144th Street.

Proposed Activity Cont'd

2. Purpose of activity:
The proposed action would permit the integration of new mixed-use development amid a continued presence of light-industrial uses in the area. The proposed action would also encourage greater access to the Harlem River waterfront and promote new waterfront development, thus establishing the Lower Concourse as a new gateway district between Manhattan and the northern Grand Concourse.

3. Location of activity: (street address/borough or site description):
The proposed action area is generally bounded by East 149th Street to the north, the Major Deegan Expressway to the south, Morris and Lincoln Avenues to the east, and the Harlem River to the west.

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:
N/A

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).
No federal or state funding is sought.

6. Will the proposed project require the preparation of an environmental impact statement?
Yes x No _____ If yes, identify Lead Agency: NYCDCP

7. Identify **city** discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.
The proposed *Lower Concourse Rezoning and Related Actions* would require zoning map amendments, zoning text amendments and an Amendment of the City Map to establish a new waterfront park.

C. COASTAL ASSESSMENT

Location Questions	**Yes**	**No**
1. Is the project site on the waterfront or at the water's edge?	x	
2. Does the proposed project require a waterfront site?	x	
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?		x

Policy Questions	**Yes**	**No**
The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.		

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

		Yes	No
4.	Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)	x	
5.	Is the project site appropriate for residential or commercial redevelopment? (1.1)	x	
6.	Will the action result in a change in scale or character of a neighborhood? (1.2)	x	
Policy Questions cont'd		**Yes**	**No**
7.	Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)		x
8.	Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)		x
9.	Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	x	
10.	Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)		x
11.	Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)		x
12.	Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	x	
13.	Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)		x
14.	Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)		x
15.	Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)		x
16.	Would the proposed project create any conflicts between commercial and recreational boating? (3.2)		x
17.	Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)		x
18.	Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)		x
19.	Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)		x
20.	Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)		x
21.	Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)		x
22.	Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)		x
23.	Would the action have any effects on commercial or recreational use of fish		x

	resources? (4.4)		
24.	Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)		x
25.	Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)		x
26.	Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	x	
27.	Will any activity associated with the project generate nonpoint source pollution? (5.2)		x
Policy Questions cont'd		**Yes**	**No**
28.	Would the action cause violations of the National or State air quality standards? (5.2)		x
29.	Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)		x
30.	Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)		x
31.	Would the proposed action have any effects on surface or ground water supplies? (5.4)		x
32.	Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	x	
33.	Would the action result in any construction activities that would lead to erosion? (6)		x
34.	Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)		x
35.	Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)		x
36.	Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)		x
37.	Would the proposed project affect a non-renewable source of sand? (6.3)		x
38.	Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)		x
39.	Would the action affect any sites that have been used as landfills? (7.1)		x
40.	Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	x	
41.	Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)		x
42.	Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)		x
43.	Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	x	
44.	Would the action result in the provision of open space without provision for its maintenance? (8.1)		x
45.	Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	x	

46.	Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)		x
47.	Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	x	
48.	Does the project site involve lands or waters held in public trust by the state or city? (8.5)		x
49.	Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)		x
50.	Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	x	

Policy Questions cont'd		**Yes**	**No**
51.	Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)		x
52.	Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)		x

D. CERTIFICATION

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

"The proposed activity complies with New York State's 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 Name: Carol Samol, Director Department of City Planning, Bronx

Address: One Fordham Plaza 5th Floor

Bronx, NY 10458 Telephone 718-220-8500

Applicant/Agent Signature: Carol Samol Date: 1-23-09

CONSISTENCY WITH THE WRP POLICIES
Attachment to New York City Waterfront Revitalization Program Form For Lower Concourse Rezoning and Related Actions

In accordance with the guidelines of the *CEQR Technical Manual*, a preliminary evaluation of the proposed action's potential for inconsistency with the new Waterfront Revitalization Program (WRP) policies was undertaken. This preliminary evaluation requires completion of the Consistency Assessment Form (CAF), which was developed by the Department of City Planning to help applicants identify which WRP policies apply to a specific action. The questions in the CAF are designed to screen out those policies that would have no bearing on a consistency determination for a proposed action.

For any questions that warrant a "yes" answer or for which an answer is ambiguous, an explanation should be prepared to assess the consistency of the proposed action with the noted policy or policies. A CAF was prepared for the proposed action, and is appended to this chapter. As indicated in the form, the proposed action warrants assessment of its consistency with policies 1.1, 1.2, 2.3, 3.2, 5.1, 6, 7.2, 8, 9.1, and 10. Therefore, those policies are discussed in detail below.

Policy 1

Support and facilitate commercial and residential development in areas well-suited to such development.

Policy 1.1: Encourage commercial and residential redevelopment in appropriate coastal zone areas.

One of the primary goals of the proposed action is to provide opportunities for new residential and commercial development. To this end, the proposed action would change the zoning classifications within the Coastal Zone portion of the rezoning area from light industrial (M1-2) and industrial (M2-1) districts to zoning districts allowing residential and commercial development. The newly-established zoning districts within the Coastal Zone would include an R7-2/C2-4 District; an M1-4/R8A District; and, a C4-4 District that would be divided by the proposed new waterfront park, which would remain zoned M2-1.

Public actions that would encourage redevelopment and support housing would include: (1) the provision of a public park and esplanade, which would provide significant new open space resources to complement residential and commercial uses; and, (2) a proposed text amendment allowing food stores and supermarkets to be developed at any size as-of-right up to the maximum allowable Floor Area Ratio (FAR), which would provide new opportunities for commercial development and would also support residential development within the Coastal Zone.

The proposed rezoning area is appropriate for redevelopment because it is not in a Special Natural Waterfront Area or Significant Maritime and Industrial Area. The Lower Concourse rezoning area does not contain significant natural features aside from the Harlem River. No

significant adverse impacts to the Harlem River are anticipated as a result of the proposed action. In addition, the proposed rezoning area includes a substantial amount of vacant and/or underused land located in close proximity to existing residential and commercial areas. Projected and potential mixed-use development would bring round-the-clock activity and improved streetscapes to the area, enhancing access to the waterfront and proposed publicly accessible open space, including a new waterfront esplanade. The proposed action would be consistent with this policy.

Policy 1.2: Encourage non-industrial development that enlivens the waterfront and attracts the public.

The proposed action would rezone the project area in order to provide residential, commercial, and mixed-use development opportunities in an underutilized area with substantial frontage along the Harlem River. It would replace automotive, storage and industrial/manufacturing uses with new mixed-use development, as well as public open space that would attract people to the area and the waterfront. The proposed action would be consistent with this policy.

Policy 2

Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

Policy 2.3: Provide infrastructure improvements necessary to support working waterfront uses.

The redevelopment of the waterfront would likely require the reconstruction of portions of the bulkhead; however, the Oak Point Link has removed direct waterfront access and has thus removed any opportunity for working waterfront uses in the rezoning area. Therefore, this policy would not apply.

Policy 3

Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers.

Policy 3.2: Minimize conflicts between recreational, commercial, and ocean-going freight vessels.

The proposed action would not alter vessel movements of any type. As such, this policy does not apply.

Policy 5

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

Policy 5.1: Manage direct or indirect discharges to bodies of water.

The proposed rezoning area is located within the drainage area for the Wards Island WPCP treatment plant, which has a treatment design capacity of 275 mgd. The demand for wastewater treatment would be within the treatment capacity of the plant and the facility would retain its SPDES permitted capacity.

In the Future with the Action, the amount of impervious surface area in the Lower Concourse rezoning area would decrease slightly. As a result, the volume of stormwater runoff would also decrease slightly. The proposed action is not anticipated to significantly increase the frequency or duration of CSO events. Although sanitary flow would increase as a result of the proposed action in conjunction with a decrease in stormwater runoff, the overall combined sewer conveyance system would not be affected to a significant degree. The proposed action would comply with this policy.

Policy 6

Minimize the loss of life, structures, and natural resources caused by flooding and erosion.

Nearly the entire Coastal Zone portion within the rezoning area located west of Exterior Street falls within the 100-year and 500-year floodplain boundaries.

Significant adverse impacts related to development within the floodplain would not occur as a result of the proposed zoning amendments. Development that may result is unlikely to affect the floodplain characteristics of the substantial Hudson/Harlem/East River system as construction in the floodplain would be dictated by FEMA requirements and the New York City Building Code. Shoreline conditions would be modified by replacement and improvement of existing seawall and rip rap structures.

The proposed action would be consistent with this policy.

Policy 7

Minimize environmental degradation from solid waste and hazardous substances.

Policy 7.2: Prevent and remediate discharge of petroleum products.

Hazardous materials impacts associated with construction could include the potential for impacts to the health and safety of workers during construction, the potential for the transport of contaminated soil, or the potential for impacts on future residents or employees of individual buildings on these sites.

Any toxic or hazardous waste encountered during construction would be handled in accordance with New York City Department of Environmental Protection (NYCDEP), US Occupational Safety and Health Administration (OSHA) and US Environmental Protection Agency (EPA) requirements. Potential impacts during construction and development activities would be avoided by implementing a Construction Health and Safety Plan (CHASP). The CHASP would ensure that adverse impacts on public health, workers safety or the environment would not occur as a result of potential hazardous materials exposed or encountered during construction. Following construction any remaining contamination would be isolated from the environment and there would be no further exposure (see Chapter 3.12, "Hazardous Materials").

Policy 8

Provide public access to and along New York City's coastal waters.

Policy 8.1: Preserve, protect and maintain existing physical, visual, and recreational access to the waterfront

The development anticipated to occur in the proposed rezoning area is expected to enhance and expand existing visual or physical waterfront access points. The visual and physical access points at East 138th Street and East 149th Street would remain. Further access to these points would result from the development of the Waterfront Shore public walkway required by the proposed zoning. The addition of residents to the area would bring more people to these existing access points. The project would be compatible with this policy.

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

The proposed action would include mapping of the Special Harlem River Waterfront District (SHRWD), which would include the Harlem River Waterfront Access Plan (WAP). With the exception of a single block in the proposed MX (M1-4/R8A), the SHRWD would encompass the entire Coastal Zone. The proposed SHRWD would facilitate new residential and commercial development and apply height and bulk regulations to waterfront lots to ensure the continued presence of upland visual connections to the waterfront.

Physical public access to the waterfront would be provided though the creation of a waterfront esplanade and public park. A 30- to 40-foot wide, 2.2-acre public esplanade with sitting areas would be constructed incrementally along the shoreline in conjunction with the development of projected and potential development sites. The esplanade would be built at a height equal to the highest level of the Oak Point Rail Link, such that views to the Harlem River and Manhattan would be enhanced. In addition, the proposed action would amend the City Map to create a public park on an approximately 2.26-acre parcel of land located between Exterior Street and the Harlem River, south of East 146th Street and north of 144th Street. Supplemental public access areas would also be created, which would be passive in nature, with access to the large waterfront park and the shore public walkways.

Under the proposed WAP, public access improvements would be required as a component of future development. The WAP specifies the location of public access areas and visual corridors (see Figure 3.11-2). Based upon these particular aspects, the proposed action would be fully compatible with the policy.

Policy 8.3: Provide visual access to coastal lands, waters, and open space where physically practical.

See Policy 8.2 above.

Policy 8.4: Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.

There is one publicly owned property in the area. The proposed actions would require that it provide visual and physical access to the waterfront when it is developed. The proposed public park is not currently publicly owned, however the action of mapping said park gives the City authority to acquire it. The planning, programming and development of the proposed park would develop waterfront open space and recreation opportunities at a suitable location.

Policy 8.5: Preserve the public interest in and use of lands and waters held in public trust by the State and City.

The proposed action would not alter the continued use and ownership of lands and waters held in the public trust by the State and the City. Therefore, the proposed action would be consistent with this policy.

Policy 9

Protect scenic resources that contribute to the visual quality of the New York City coastal area.

Policy 9.1: Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.

The proposed action is expected to result in positive changes and improvements to visual quality. Views to visual resources would be enhanced to the extent that the surrounding setting is improved, and through the creation of new opportunities to view the Harlem River waterfront. Waterfront public access and the creation of new waterfront parkland directly on the Harlem River waterfront would improve visual quality. The waterfront public access would be designed in such a way to enhance the views north and south on the Harlem River; the existing views of the Manhattan skyline and Harlem River Bridge are strongly associated with New York City's urban context. Although there is not a historic or working waterfront context, opportunities to enhance the visual quality of the waterfront and connect it to upland areas would be created with the proposed action. Therefore, the proposed action would be consistent with this policy.

Policy 10

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

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

In accordance with City Environmental Quality Review (CEQR) requirements, properties in the project area and surrounding area that are listed on, or appear to meet criteria for listing on, the State and National Registers of Historic Places (S/NR), or are designated as, or appear to meet criteria for designation as, New York City Landmarks have been identified. However, there are no historic resources, nor are there any shipwrecks, lighthouses, and other physical remnants of maritime culture within the Coastal Zone. As a result, the policy is not applicable.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

The New York City Landmarks Preservation Commission has reviewed the Lower Concourse Rezoning and Related Actions, and determined that there are no resources within the project area that could be affected by the proposed action. Therefore, this policy does not apply.