

APPENDIX B
LOCAL WATERFRONT REVITALIZATION PROGRAM

A. INTRODUCTION

The southernmost portion of the project site between Cherry and South Streets is located within New York City's coastal zone boundary as outlined in the Department of City Planning's (DCP) coastal zone boundary of New York City and, therefore, the project requires a certification for consistency with New York City's Local Waterfront Revitalization Program. This attachment includes a New York City Waterfront Revitalization Program Consistency Assessment Form and provides additional information for the policies that have been checked "yes" in the Consistency Assessment Form.

For Internal Use Only:

WRP no. _____

Date Received: _____

DOS no. _____

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

Proposed action subject to CEQR, ULURP, or other Local, State or Federal Agency Discretionary Actions that are situated within New York City's designated Coastal Zone Boundary 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 approved in coordination with local, state and Federal laws and regulations, including the State's Coastal Management Program (Executive Law, Article 42) and the Federal Coastal Zone Management Act of 1972 (P.L. 92-583). 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 Agency or the New York City Department of City Planning in its review of the applicant's certification of consistency.

A. APPLICANT

1. Name:

New York City Department of Parks and Recreation

Address:

**The Arsenal, Central Park
830 Fifth Avenue
New York, NY 10021**

3. Telephone:

(212) 360-3402

Fax:

(212) 360-3453

E-mail Address:

4. Project site owner:

New York City

B. PROPOSED ACTIVITY

1. Brief description of activity:

The proposed project would reconstruct seven existing sections of the median malls on Allen Street between Delancey and Hester Streets and on Pike Street between Henry and South Streets. A future phase of the action would reconstruct the median malls on Allen and Pike Streets between Hester and Henry Streets. The width of the median malls would be doubled by expanding into striped, excess streetbed outside the existing traffic lanes to provide additional public green space, including an integrated park bikeway and planted buffers.

2. Purpose of activity:

The proposed project aims to provide a unique pedestrian park promenade that would serve as a linear community park linking the adjacent Lower East Side, Two Bridges, and Chinatown neighborhoods to the East River. It would also provide for public green space, recreational space, and amenities in an area that has a strong demand for open space south of Delancey Street.

3. Location of activity:

Borough:

Allen and Pike Streets between Delancey and South Streets. Manhattan

Street Address or Site Description:

See above.

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).

U.S. Department of Housing and Urban Development Community Development Block Grant funding will be used to finance the project. This funding is being provided by the Lower Manhattan Development Corporation.

6. Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement? **Yes** **No**

If yes, identify Lead Agency: _____

X

7. Identify **City** discretionary actions, such as **zoning amendment or adoption of an urban renewal plan**, required for the proposed project.

N.A.

C. COASTAL ASSESSMENT

The following questions represent, in a broad sense, the policy of the WRP. The number in the parentheses after each question indicated the policy or policies that are the focus of the question. A detailed explanation of the Waterfront Revitalization Program and its policies are contained in the publication the *New York City Waterfront Revitalization Program*.

Check either "Yes" or "No" for each of the following questions. Once the checklist is completed, assess how the proposed project affects the policy or standards indicated in "()" after each question with a Yes response. Explain how the action is consistent with the goals of the policy or standard.

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
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
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

Policy Questions cont'd:		Yes	No
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 Habitats? (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 resources? (4.4)	_____	X
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)	<hr/>	X <hr/>
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	<hr/>	X <hr/>
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)	<hr/>	X <hr/>
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	<hr/>	X <hr/>
32. Would the action result in any activities within a Federally designated flood hazard area or State designated erosion hazards area? (6)	X <hr/>	<hr/>
33. Would the action result in any construction activities that would lead to erosion? (6)	<hr/>	X <hr/>
34. Would the action involve construction or reconstruction of flood or erosion control structure? (6.1)	<hr/>	X <hr/>
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	<hr/>	X <hr/>
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	<hr/>	X <hr/>
37. Would the proposed project affect a non-renewable source of sand? (6.3)	<hr/>	X <hr/>
38. Would the action result in shipping, handling, or storing of solid wastes; hazardous materials, or other pollutants? (7)	<hr/>	X <hr/>
39. Would the action affect any sites that have been used as landfills? (7.1)	<hr/>	X <hr/>
40. Would the action result in development of a site that may contain contamination or has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	<hr/>	X <hr/>
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)	<hr/>	X <hr/>
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)	<hr/>	X <hr/>
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)	<hr/>	X <hr/>
44. Would the action result in the provision of open space without the provision for its maintenance? (8.1)	<hr/>	X <hr/>
45. Would the action result in any development along the shoreline but NOT include new water enhanced or water dependent recreational space? (8.2)	<hr/>	X <hr/>
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	<hr/>	X <hr/>
47. Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	X <hr/>	<hr/>
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	X <hr/>	<hr/>

Policy Questions cont'd:		Yes	No
49.	Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	_____	<u>X</u>
50.	Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	<u>X</u>	_____
51.	Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)	_____	<u>X</u>
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)	<u>X</u>	_____

D. CERTIFICATION

The applicant 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: Irene Chang-Cimino, General Counsel, LMC

Address: One Liberty Plaza, 30th Fl NY NY 10006

Telephone

Applicant/Agent Signature:  Date: 3/26/2010

Additional Information

Policy 6: Minimize loss of life, structures, and natural resources caused by flooding and erosion.

While the southernmost portion of the proposed project between Cherry and South Streets is in the 100-year floodplain, it would not have an adverse effect on flooding conditions in the project area and surrounding vicinity. The proposed project would not substantially raise ground level and would not have a significant adverse impact on floodplains. Also, the proposed project would not include any habitable structures that would require flood proofing. Therefore, the proposed project is consistent with this policy.

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

The proposed project would enhance waterfront access by providing linkages between the East River waterfront esplanade and interior neighborhoods. The project would provide public green space, recreational space and amenities on publicly owned land. Therefore, the proposed project is consistent with this policy.

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 project would improve the existing sections of the Allen Street and Pike Street malls between Delancey and South Streets, which are developed as parkland under the jurisdiction of the New York City Department of Parks and Recreation, thus preserving the public interest in those open spaces. Therefore, the proposed project is consistent with this policy.

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

The reconstruction of the median malls on Allen and Pike Streets would make those streets, and the waterfront area at Pike and South Streets, more visually appealing, thus contributing positively to the visual quality of the New York City Coastal Area. The proposed project would also enhance views south along Allen and Pike Streets of the Manhattan Bridge. Therefore, the proposed project is consistent with this policy.

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

A one-block portion of the potential future phase of the project is located within the State and National Register (S/NR) Lower East Side Historic District. Portions of the project site are adjacent to the Manhattan Bridge (S/NR and New York City Landmark [NYCL]-eligible), the Eldridge Street North and South Historic Districts (NYCL-eligible), the Orchard Street and Orchard Street Extension Historic Districts (NYCL-eligible), the former Pike Street Synagogue (NYCL), the S. Jarmulowsky Bank Building (NYCL), and the former E. Ridley & Sons Department Store (calendared for NYCL designation). The latter three buildings are also

The Reconstruction of the Pike and Allen Street Malls

contributing buildings to the Lower East Side Historic District. The potential effects of the proposed project on historic and archaeological resources are being evaluated in consultation with the New York City Landmarks Preservation Commission (LPC) and the New York State Historic Preservation Office (SHPO). If any potential significant adverse effects are identified, LMDC will work with LPC and SHPO to minimize or avoid them to the maximum extent feasible.