

PUBLIC SAFETY ANSWERING CENTER II

CHAPTER 8: WATERFRONT REVITALIZATION PROGRAM

A. INTRODUCTION

This chapter examines the compliance of the Proposed Action with the City's Waterfront Revitalization Program (WRP). A review of the City's coastal zone boundary maps indicates that the entire Project Site is located within the designated New York City coastal zone boundary (refer to Figure 8-1), and therefore, the Proposed Action is subject to review for its consistency with the City's Waterfront Revitalization Program (WRP).

A local WRP, such as New York City's, is authorized under the State's Coastal Management Program, which in turn, stems from federal coastal zone legislation. The *Coastal Zone Management (CZM) Act* of 1972 was established to encourage and assist the states in preparing and implementing management programs to "preserve, protect, develop, and where possible, to restore or enhance the resources of the nation's coastal zone." The Act stipulates that federal actions and federally funded actions within the coastal zone must be, to the maximum extent feasible, consistent with approved state management programs.

Consistency with waterfront policies is a key requirement of the coastal management program established in New York State's *Waterfront Revitalization and Coastal Resource Act* of 1981. The State program contains 44 coastal policies and provides for local implementation when a municipality adopts a local waterfront revitalization program (LWRP). The New York State Department of State administers the state's coastal management program, and is responsible for determining whether federal actions are consistent with the coastal policies. For actions directly undertaken by State agencies, including funding assistance, land transactions and development projects, the State agency with jurisdiction makes the consistency determination, which is filed with the Department of State.

The New York City Waterfront Revitalization Program (WRP) is the City's principal coastal zone management tool, and is included as part of New York State's Coastal Zone Management Program. As originally adopted in 1982 and revised in 1999, it establishes the City's policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the coastal zone with those policies. When a proposed project is located within the coastal zone and it requires a local, state, or federal discretionary action, a determination of the project's consistency with the policies and intent of the WRP must be made before the project can move forward.

Local discretionary actions, including those subject to land use (ULURP), environmental (CEQR) and Board of Standards and Appeals (BSA) review procedures, are reviewed for consistency with the WRP policies. WRP review of local actions is coordinated with existing regulatory processes and in most instances occurs concurrently. For local actions requiring approval by the City Planning Commission (CPC), the CPC acting as the City Coastal Commission makes the consistency determination. For local actions that do not require approval by the CPC but do require approval by another city agency, the head of that agency makes the final consistency determination. For federal and state actions within the city's coastal zone, such as dredging permits, the New York Department of

City Planning (NYCDCP), acting on behalf of the City Coastal Commission, forwards its comments to the state agency making the consistency determination.

A proposed action or project may be deemed consistent with the WRP when it would not substantially hinder and, where practicable, will advance one or more of the ten WRP policies, dealing with: (1) residential and commercial redevelopment; (2) water-dependent and industrial uses; (3) commercial and recreational boating; (4) coastal ecological systems; (5) water quality; (6) flooding and erosion; (7) solid waste and hazardous substances; (8) public access; (9) scenic resources; and (10) historical and cultural resources.

In accordance with the guidelines of the *City Environmental Quality Review (CEQR) Technical Manual*, a preliminary evaluation of the Proposed Action's potential for inconsistency with the WRP policies was undertaken. This preliminary evaluation requires completion of the Consistency Assessment Form (CAF), which was developed by the NYCDCP to help applicants identify which Waterfront Revitalization Program policies apply to a specific action. The questions in the Consistency Assessment Form 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 Consistency Assessment Form (CAF) was prepared for the Proposed Action, and is appended to this chapter. As indicated in the form, the Proposed Action was deemed to require further assessment of two policies, 1.1 and 6. Most of the WRP policies relate to actions that would affect properties on or near the waterfront. As the Project Site is not located on or near the waterfront, and there is no visual access to the waterfront from the site, many of the WRP policies are not applicable. The closest surface water bodies to the Project Site are located more than 0.75 miles from the site.¹ Therefore, only policies 1.1 and 6 are discussed in detail below. As discussed below, the Proposed Action is consistent with applicable WRP policies.

B. CONSISTENCY WITH LWRP POLICIES

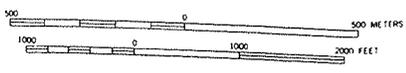
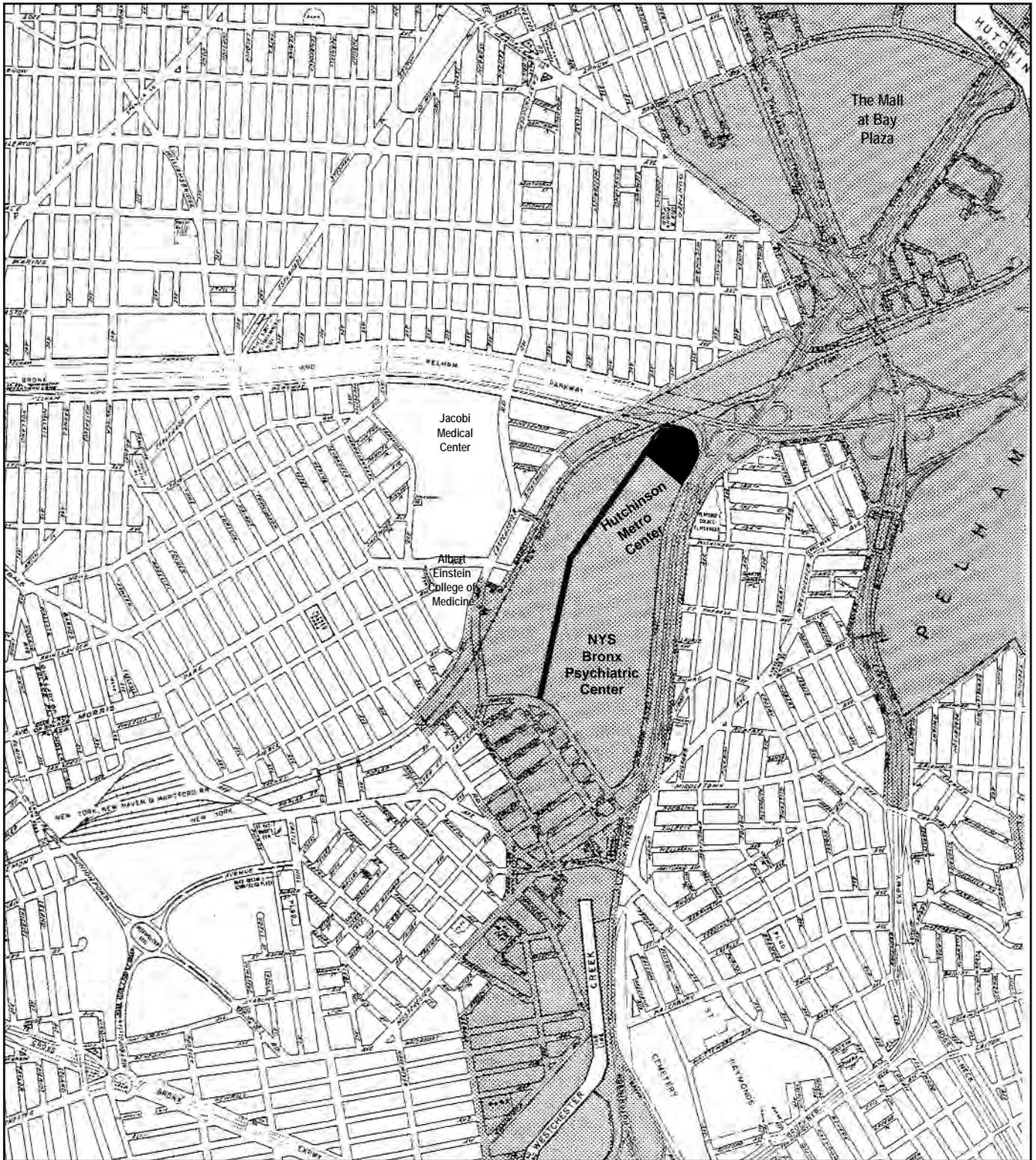
New York City's WRP consists of 10 policies, which are intended to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among these objectives. Each of the policies that were identified in the CAF as requiring further assessment are presented below, followed by a discussion of the Proposed Action's consistency with the policy.

POLICY 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.

The Proposed Action involves the site selection for a public facility, acquisition of private property, and an amendment to the City Map to establish a new public street to facilitate the

¹ The Hutchinson River is located approximately 0.75 miles northeast of the proposed development site, and the Westchester River is located approximately 1.1 miles south of the site.



LEGEND

PROJECT SITE

construction of the Public Safety Answering Center II (PSAC II; “proposed development”) in the northeastern Bronx. The proposed development would be a parallel operation to the existing PSAC I in Downtown Brooklyn that would improve voice and data communications infrastructures in the City, and therefore, public safety by heightening emergency response ability and disaster recovery capacity in the City using two load-balanced facilities (PSAC I and PSAC II).

The proposed development site and the area affected by the proposed street, encompassing approximately 13.08 acres, fall within the City’s Coastal Zone boundary (see Figure 8-1). The Project Site is not located within a designated Special Natural Waterfront Area, or a Significant Maritime and Industrial Area. The Project Site also does not contain any unique or significant natural features, nor is there any visual access to the waterfront from the site.

The proposed development site consists of approximately 8.75 acres and is zoned M1-1, which allows high performance industrial and commercial uses. The area affected by the proposed street mapping includes approximately 4.33 acres, and is partially located within the M1-1 zoning district and partially within an adjacent R5 zoning district, which permits low-and moderate-density housing and community facility uses.

While the proposed development site is not zoned for residential development, the area is zoned for commercial and public facility uses, such as the proposed PSAC II facility. The proposed development site provides an ideal location for the PSAC II in terms of its size, configuration, security, and compatibility with surrounding land uses. The immediate surrounding area contains a range of uses, including commercial office, institutional, open space, light industrial, warehousing and transportation-related uses. Most of the commercial and institutional uses occupy large, expansive properties that feature campus-like settings, and the industrial and warehouse uses are also generally located on large properties.

The Proposed Action would redevelop an underutilized, largely unimproved site in an M1-1 zoning district with an essential public facility that would enhance citywide emergency communications using two load-balanced facilities (PSAC I and PSAC II). The proposed development site encompasses an approximately 8.75-acre site that is essentially severed from the surrounding area, bordered by the Pelham Parkway to the north, the Hutchinson River Parkway to the east, and partially by the Amtrak right-of-way to the west. There are also no existing structures within at least 150 feet of the proposed development site, and residential uses are located more than 500 feet from the site. The proposed development site is accessible from a number of major highways, including I-95, the Bronx River Parkway, the New York State Thruway, and the Cross Bronx Expressway. In addition, it is located in a strategic location from the existing PSAC I at MetroTech Center in Brooklyn, and has excellent radio and microwave transmission/reception. Furthermore, the necessary security measures can be readily implemented for the proposed development.

The proposed development site is not located along a water body and therefore, the proposed PSAC II development is an appropriate use for this non-waterfront site. The Proposed Action is therefore consistent with this policy.

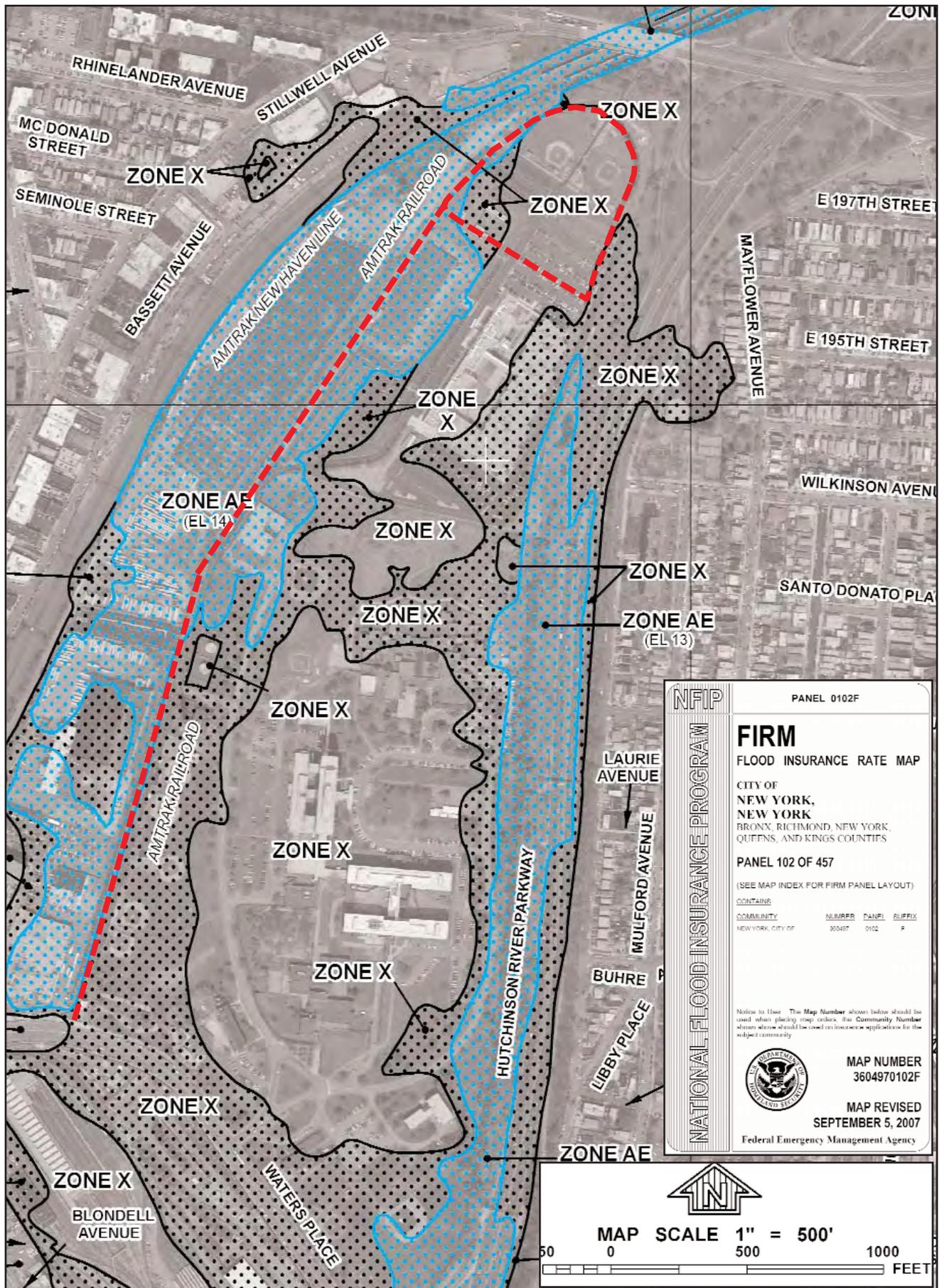
POLICY 6: Minimize loss of life, structures and natural resources caused by flooding and erosion.***6.1 Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the condition and use of the property to be protected and the surrounding area.***

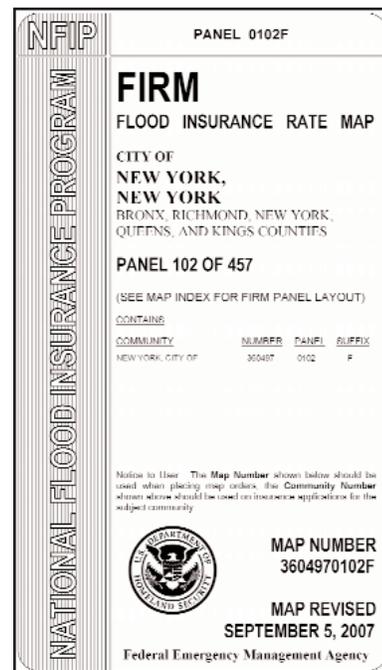
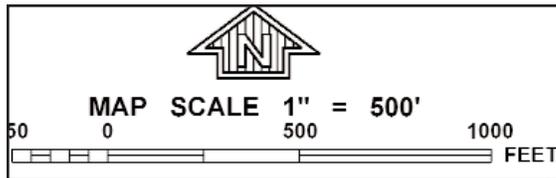
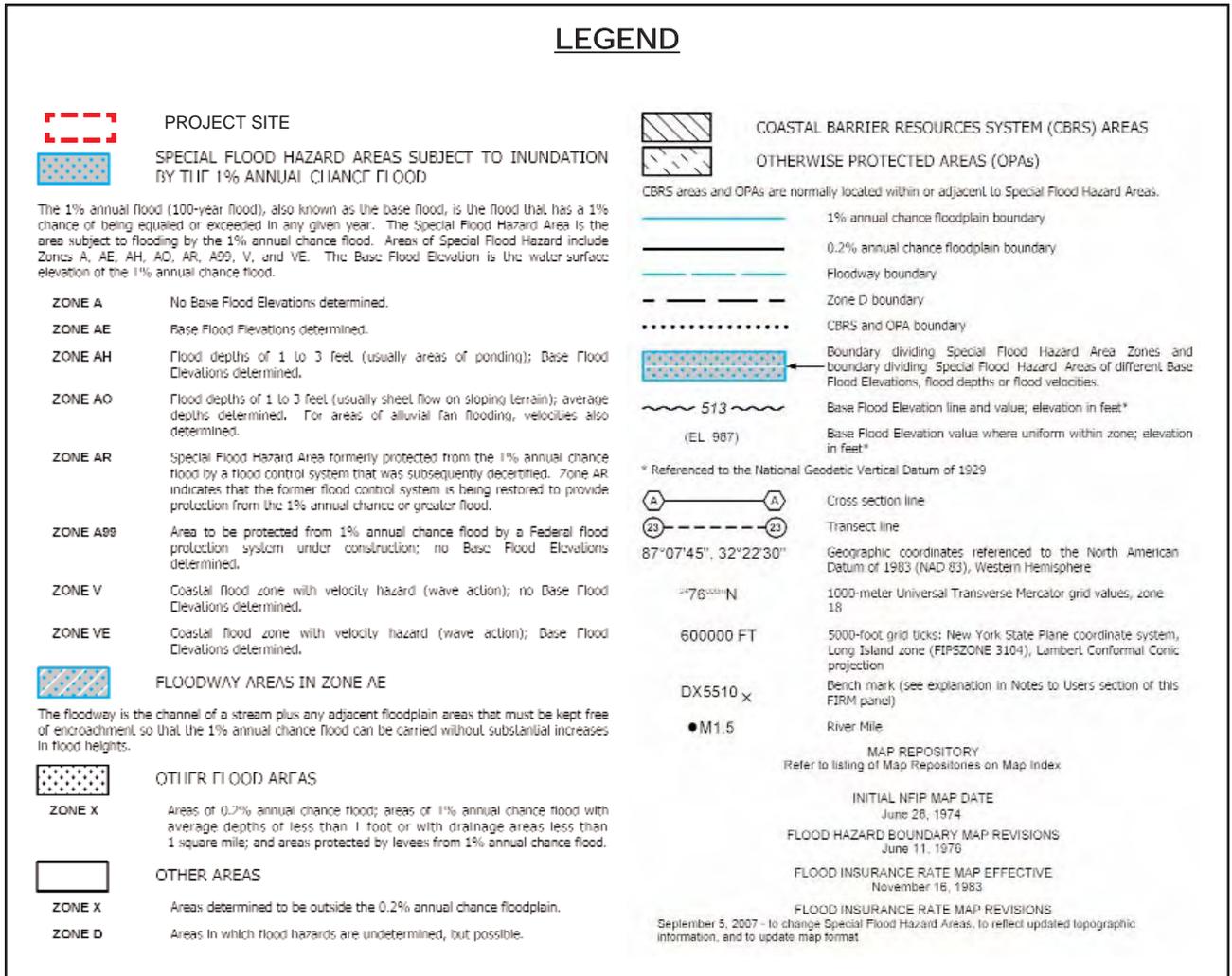
As shown in Figure 8-2, portions of the Project Site, including the southwest corner of the proposed development site and the majority of the area that would be mapped as a new public street, are within the 100-year floodplain, which is at an approximate elevation 14 feet above National Geodetic Vertical Datum (NGVD). The 100-year floodplain, or Special Flood Hazard Area, has a one percent or greater chance of experiencing a flood in any signal year. The area falling within the coastal zone boundary is not subject to critical erosion. The proposed office building and accessory garage structure are not expected to be located within the 100-year floodplain boundary. All new structures would comply with local laws and have no habitable spaces within the floodplain (e.g., ground floors are one foot above the flood level).

The City's Building Code contains required flood protection measures for all construction in flood hazard areas. Any new developments, expansions, or demolitions of existing buildings, would be subject to zoning and other applicable controls on building construction, height, and bulk in order to minimize the potential for damage caused by flooding and erosion. This includes, as applicable, permitting procedures, which adhere to FEMA's floodplain regulations (44 CFR 60.3). Relevant text from the FEMA regulations includes, but is not limited to, the following:

If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

All construction that would occur on the Project Site as a result of the Proposed Action, as with other locations in the surrounding area and throughout the City, would be in compliance with New York City Building Code requirements regulating construction within flood hazard areas. The lowest floor elevation of the proposed buildings would be at or above the base flood elevation (BFE), and the site would be graded to bring the proposed buildings above the flood elevation. All new habitable spaces, as per New York City Department of Buildings (NYCDOB) requirements, would also be located above the flood level. In addition, the Proposed Action would not have any operational impacts on floodplains. Portions of the proposed public street would be located within the floodplain. However, an approximately 25-foot wide emergency access/egress route for the proposed development would be provided to the north of the site within the Pelham Parkway right-of-way, which would be located outside of the 100-year floodplain boundary. This emergency access/egress route would provide a connection to the Pelham Parkway from the proposed development site. The Proposed Action would not increase any current flooding conditions. The Proposed Action is therefore consistent with this policy.





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

The Proposed Action would not involve any direct public funding for flood prevention or erosion control measures. This policy therefore does not apply to the Proposed Action.

6.3 *Protect and preserve non-renewable sources of sand for beach nourishment.*

The Project Site is not known to contain, and the Proposed Action is not expected to disturb or destroy, any non-renewable sources of sand that could be used for beach nourishment. As there are no non-renewable sources of sand on the Project Site, this policy does not apply to the Proposed Action.