

**TECHNICAL MEMORANDUM 004**  
**EAST SIDE COASTAL RESILIENCY**  
**CEQR No. 15DPR013M**  
**ULURP Nos. N190356ZRM and 190357PQM**  
**April 25, 2024**

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**A. INTRODUCTION**

On December 6, 2019, the New York City Office of Management and Budget (OMB), as the U.S. Department of Housing and Urban Development (HUD)-designated responsible entity and Lead Agency under the National Environmental Policy Act (NEPA), and the New York City Department of Parks & Recreation (NYC Parks), as Lead Agency under the New York State Environmental Quality Review Act (SEQRA) and New York City Environmental Quality Review (CEQR), issued a Joint Record of Decision (ROD), SEQRA, and CEQR Findings Statement for the East Side Coastal Resiliency Project (ESCR). As part of this environmental review, the Lead Agencies evaluated and reviewed alternatives that met the project purpose and need and principal objectives which had as its primary purposes providing a reliable flood protection system for the protected area, improving access to and enhancing open space resources along the waterfront, and meeting the HUD funding deadlines for federal spending, along with minimizing potential adverse environmental effects and disruptions to the community as described in the Final Environmental Impact Statement (FEIS) published on September 13, 2019. As described in that FEIS, the project alternative defined as the “Flood Protection System with a Raised East River Park Alternative” was determined to best meet the principal objectives and therefore was selected as the Preferred Alternative and the Joint ROD and Findings Statement documented OMB and NYC Park’s findings and decision to proceed with the release of funds to proceed with the Preferred Alternative.

Since the issuance of the environmental review a number of minor changes in the Preferred Alternative design have been assessed as follows; Technical Memorandum 001 (dated October 11, 2019) addressed changes in construction phasing and other minor design changes in park and flood protection system design; Technical Memorandum 002 (dated December 22, 2021) addressed the National Register of Historic Places (NRHP) eligibility status of the East River Park Track House and Tennis Center Public bathroom and assessed the impacts of the demolition of those structures; and Technical Memorandum 003 (dated April 6, 2022) addressed a modification to the construction access and egress to/from East River Park.

This Technical Memorandum (004) examines modifications proposed to two new project design elements, the amphitheater canopy and the Murphy Brothers Playground public bathroom. As part of this analysis each of these proposed design modifications was analyzed for any potential effects on the conclusions of the FEIS, the Joint ROD and Findings Statement, or any previously issued Technical Memoranda. In addition to addressing the SEQRA/CEQR requirements for analyzing project modifications, this Technical Memorandum also serves as OMB’s NEPA re-evaluation under 24 CFR Section 58.47.

Provided below is a description of each of the modifications proposed to the project as well as analyses of each of these modifications with a focus on whether they would affect or alter the analysis conclusions as presented in the FEIS, the Joint ROD and Findings Statement, or the Technical Memoranda 001, 002 or 003.

## **B. DESCRIPTION OF THE PREFERRED ALTERNATIVE DESIGN MODIFICATIONS**

### **AMPHITHEATER CANOPY**

The FEIS assumed that the existing fixed-seating amphitheater and bandshell, which has a canopy structure over the stage, would be replaced with an uncovered multi-use amphitheater lawn with stepped seating and a stage. As part of Technical Memorandum 001, an amphitheater canopy was added as a minor project enhancement to the project design. This canopy was assumed to be a low, arched structure composed of widely spaced ribs set directly in the ground surface, with a roof covering.

Since the issuance of Technical Memorandum 001, the amphitheater canopy design has advanced to an open-arch structure comprised of 4 arches set into the amphitheater stage. These arches are of varying heights and widths, ranging from the largest at 30 feet 7 inches high and 61 feet wide to the smallest at 11 feet 7 inches high and 36 feet wide. Under this proposed modification, reconstruction of the amphitheater would be completed by the Preferred Alternative's build year of 2025. A rendering of the proposed amphitheater canopy is provided in **Figure 1**.

### **MURPHY BROTHERS PLAYGROUND PUBLIC BATHROOM**

The above referenced FEIS assumed that along with construction of the floodwall along the east side of Murphy Brothers Playground, the playground would also be reconstructed with new ballfields, active recreational spaces, and grading and landscaping. As part of Technical Memorandum 001, a new public bathroom was added to Murphy Brothers Playground as an enhancement to the project design.

Since the issuance of Technical Memorandum 001, design of the Murphy Brothers Playground public bathroom has advanced and currently proposed is an approximately 720 square feet public bathroom with multi-user public restrooms, a mechanical room, a bottle filling station, and a green roof. The proposed public bathroom location has also been sited on the southwest corner of the playground. Construction of the public bathroom is projected to begin in Spring 2025 and be substantially complete by December 2025. A rendering of a typical public bathroom is provided in **Figure 2**.

The proposed public bathroom does require an additional approval not identified in the FEIS, a variance from the New York City Board of Standards and Appeals (BSA). This variance is necessary in accordance with Section BC G105 of the New York City Building Code, as the public bathroom is in a flood hazard area and its design does not fully comply with floodproofing requirements of Appendix G. This BSA variance must be issued prior to the start of construction.

## **C. ENVIRONMENTAL EFFECTS OF THE AMPHITHEATER CANOPY**

The below subsection of this Technical Memorandum examines whether the above-described proposed design modifications to the amphitheater canopy would affect the conclusions of the FEIS, the Joint ROD and Findings Statement, or the prior issued Technical Memoranda. Based on a review of the 2019 FEIS, the effects of this proposed design modification are targeted to an evaluation of urban design and visual resources under the operational conditions with the proposed design update to the amphitheater canopy.

**URBAN DESIGN AND VISUAL RESOURCES (OPERATIONAL)**

As described above, the FEIS assumed an uncovered multi-use amphitheater lawn design and Technical Memorandum 001 assumed the amphitheater is designed as a low, arched structure composed of widely spaced ribs with a roof. As described above, the current amphitheater design is an open-arch canopy structure with 4 arches set into the amphitheater stage (see **Figure 1**) and the arches range in size from around 30 feet 7 inches tall and 61 feet wide to 11 feet 7 inches tall and 36 feet wide and tapered down in height toward the water. With its curved form, this canopy structure reflects the former amphitheater bandshell and its canopy design is consistent with the setting of East River Park’s character as a landscaped, recreational waterfront park. The front arch design is aligned with the main seating area and scaled to provide a sense of arrival at the entry from the Corlears Hook Bridge. Additionally, the back arch is designed parallel to the esplanade and lower in height than the front arch, creating a frame for the view to the waterfront and a more intimate experience near the water. Similar to the existing structure, the arched canopy would not substantively block views of the river and its open structural form and low profile would allow views through the structure from all angles.

It is therefore the conclusion of this Technical Memorandum that the proposed modification of the amphitheater canopy would not affect the conclusions of the 2019 FEIS or the subsequent Technical Memorandum with respect to waterfront views or urban design and visual resources.

**D. ENVIRONMENTAL EFFECTS OF THE MURPHY BROTHERS PLAYGROUND PUBLIC BATHROOM**

The below subsection of this Technical Memorandum examines whether the above-described proposed design modifications to the Murphy Brothers Playground would affect or conflict with the conclusions of the FEIS, the Joint ROD and Findings Statement, or the subsequent Technical Memoranda. This comparative analysis, provided below, is targeted at a number of key technical areas potentially affected by the proposed modification—urban design and visual resources and open space (operational conditions) and construction.

**URBAN DESIGN AND VISUAL RESOURCES (OPERATIONAL)**

Under the proposed modifications, the public bathroom is integrated into the redesign of the park and conforms to NYC Parks design standards for materials and finishes similar to those used at other NYC Parks facilities. Providing a public bathroom at a public playground is also consistent with other parks in New York City that provide active recreation.

**OPEN SPACE (OPERATIONAL)**

Murphy Brothers Playground currently provides 1.27 acres of public open space. The addition of the public bathroom would not affect the total open space but would occupy approximately 700 square feet of recreational area, which is a minimal change and the proposed structure would also support the use of open space and would support playground use.

**CONSTRUCTION**

No exceptional construction techniques beyond those previously analyzed in the FEIS would be necessary to construct the proposed public bathroom. It is expected that the sequence of construction would begin with the fencing and screening of the construction area followed by any

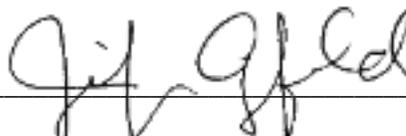
related excavation, installation of the foundation, and connection to existing utilities. Then, the building frame, exterior façade, and green roof would be installed followed by the final finishes. The other improvements at Murphy Brothers Playground, including the construction of new ballfields, active recreational spaces, grading and landscaping, are anticipated to be constructed by the end of 2024. As stated above, construction of the public bathroom is scheduled to begin in Spring 2025 and be completed in December 2025. It is expected that the Murphy Brothers playground and ballfields would remain open during the public bathroom construction with the necessary safety and protection measures in place. All the laws and regulations applicable to the ESCR project as described in the FEIS would also apply to the proposed public bathroom, including New York City laws and regulations that allow construction activities between 7:00 AM and 6:00 PM on weekdays. In addition, any necessary work permits would be obtained for work outside of the permissible work hours, although that is expected to be limited in this case.

The current FEMA Preliminary Flood Insurance Rate Map (PFIRM) locates the Murphy Brothers public bathroom in flood hazard zone AE with base flood elevation of +12' NAVD88 and design flood elevation of +14' NAVD88 (BFE+2'), and it is not considered to be in a coastal high hazard zone. However, the ESCR Project is designed to protect Murphy Brothers Playground against the 2050s projected 100-year storm by providing a new floodwall at elevation +16.5' NAVD88 and other improvements. It is expected that the ESCR flood protection system will be complete and certified in 2027, and that FEMA will issue a Letter of Map Revision (LOMR) recognizing the project and removing the Murphy Brothers Playground from the Special Flood Hazard Area. However, since construction of the public bathroom will occur before the LOMR, as stated above a variance from the New York City BSA is required to construct the public bathroom in flood hazard area without fully complying with floodproofing requirements.

It is therefore the conclusion of this Technical Memorandum that the proposed modification of introducing the public bathroom to Murphy Brothers Playground would not affect the conclusions of the 2019 FEIS or the subsequent Technical Memorandum with respect to open space or construction impacts.

**E. CONCLUSION**

It is the conclusion of this Technical Memorandum that the design modifications to the amphitheater canopy and Murphy Brothers Playground public bathroom would not result in any new or different significant adverse effects from those already identified in the FEIS and subsequent environmental reviews for the ESCR project.

  
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Jennifer Greenfeld  
Deputy Commissioner for Environment and Planning  
City of New York/NYC Parks

04.25.2024  
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Date

**Attachments**

- Figure 1 – Proposed Amphitheater Canopy
- Figure 2 – Typical Public bathroom



