

Appendix 2
New York City Waterfront Revitalization
Program Consistency Assessment Form

FOR INTERNAL USE ONLY

Date Received: _____

WRP No. _____

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: Phipps Houses

Name of Applicant Representative: Cara McAteer

Address: 902 Broadway, 13th Floor, New York, NY 10010

Telephone: (646) 388-8278 Email: cmcateer@phippsny.org

Project site owner (if different than above): _____

B. PROPOSED ACTIVITY

If more space is needed, include as an attachment.

1. Brief description of activity

The proposed actions would facilitate the demolition and redevelopment of the existing Lambert Houses buildings, located in the West Farms neighborhood of Bronx Community District 6. The Development Site (Bronx Block 3138, Lot 1; Block 3132, Lot 1; Block 3140, Lot 7; Block 3139, Lots 1, 19 and 50) would be redeveloped with approximately 1,665 affordable residential units at the completion of the project (for an incremental increase of 934 units), approximately 61,100 sf of retail (for an increment of 21,610 sf), and a possible new school of up to approximately 86,608 sf; parking in the project area would be reduced to 110 spaces.

2. Purpose of activity

The proposed project is intended to improve the quality of life for current Lambert Houses residents while increasing the number of affordable housing units on the Development Site.

C. PROJECT LOCATION

Borough: Bronx Tax Block/Lot(s): Bronx B3138, L1; B3132, L1; B3140, L7; B3139, L1, 19, 50

Street Address: 989 E 179 St; 999 E 180 St; 2082 Boston Rd; 2024 Boston Rd

Name of water body (if located on the waterfront): Bronx River

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: _____

☐ 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: See Page 2a

☐ Funding of a Program, specify: _____

☐ 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: See Page 2a

☐ Other, explain: _____

Is this being reviewed in conjunction with a Joint Application for Permits?

☐ Yes

☒ No

State Actions/Approvals/Funding

- ☒ Funding for Construction, The proposed project may use funding from State agencies including the New York City Housing Development Corporation (HDC), the New York State Housing Finance Agency (HFA), and/or NYS Homes and Community Renewal (HCR) for affordable housing construction.
-

Federal Actions/Approvals/Funding

- ☒ Funding of a Program, The project would require approval by the U.S. Department of Housing and Urban Development (HUD) for the reassignment of project-based rental assistance contracts. The proposed project may also request HOME funds or other funding from HUD.
-

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).
 - ☐ 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
I	Support and facilitate commercial and residential redevelopment in areas well-suited to such development.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.1	Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
1.2	Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.3	Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
1.4	In areas adjacent to SMIA's, ensure new residential development maximizes compatibility with existing adjacent maritime and industrial uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.1	Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.2	Encourage a compatible relationship between working waterfront uses, upland development and natural resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.3	Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas or Ecologically Sensitive Maritime Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
2.4	Provide infrastructure improvements necessary to support working waterfront uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.1.	Support and encourage in-water recreational activities in suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.2	Support and encourage recreational, educational and commercial boating in New York City's maritime centers.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.3	Minimize conflicts between recreational boating and commercial ship operations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.4	Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3.5	In Priority Marine Activity Zones, support the ongoing maintenance of maritime infrastructure for water-dependent uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4	Protect and restore the quality and function of ecological systems within the New York City coastal area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.1	Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.2	Protect and restore the ecological quality and component habitats and resources within the Ecologically Sensitive Maritime and Industrial Area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.3	Protect designated Significant Coastal Fish and Wildlife Habitats.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.4	Identify, remediate and restore ecological functions within Recognized Ecological Complexes.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
4.5	Protect and restore tidal and freshwater wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
4.8	Maintain and protect living aquatic resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		Promote	Hinder	N/A
5	Protect and improve water quality in the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.1	Manage direct or indirect discharges to waterbodies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.2	Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.3	Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, and wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.4	Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
5.5	Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.2	Integrate consideration of the latest New York City projections of climate change and sea level rise (as published in <i>New York City Panel on Climate Change 2015 Report, Chapter 2: Sea Level Rise and Coastal Storms</i>) into the planning and design of projects in the city's Coastal Zone.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
6.3	Direct public funding for flood prevention or erosion control measures to those locations where the investment will yield significant public benefit.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
6.4	Protect and preserve non-renewable sources of sand for beach nourishment.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
7.2	Prevent and remediate discharge of petroleum products.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8	Provide public access to, from, and along New York City's coastal waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.1	Preserve, protect, maintain, and enhance physical, visual and recreational access to the waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.2	Incorporate public access into new public and private development where compatible with proposed land use and coastal location.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.3	Provide visual access to the waterfront where physically practical.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.4	Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

		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.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
8.6	Design waterfront public spaces to encourage the waterfront's identity and encourage stewardship.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9	Protect scenic resources that contribute to the visual quality of the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.1	Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
9.2	Protect and enhance scenic values associated with natural resources.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10	Protect, preserve, and enhance resources significant to the historical, archaeological, architectural, and cultural legacy of the New York City coastal area.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.1	Retain and preserve historic resources, and enhance resources significant to the coastal culture of New York City.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
10.2	Protect and preserve archaeological resources and artifacts.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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: _____

Address: _____

Telephone: _____ Email: _____

Applicant/Agent's Signature: _____

Date: _____

F. WRP POLICY ASSESSMENT

Policy 1: Support and facilitate commercial and residential redevelopment in areas well-suited to such development.

The assessment of the effects of the proposed activity on the relevant policy is as follows:

Policy 1.1: Encourage commercial and residential redevelopment in appropriate Coastal Zone areas.

The project area is not located in a designated Special Natural Waterfront area nor a Significant Maritime and Industrial Area. The portions of the project area that are located within the Coastal Zone Boundary are currently occupied by residential buildings, commercial buildings containing retail uses, and a parking garage. The proposed project would provide a similar mix of uses to those currently present in the project area, as well as provide much-needed affordable housing and neighborhood retail stores, to a transit-rich area that is zoned for mixed-use residential and commercial development. Therefore, the proposed project is consistent with this policy.

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

The assessment of the effects of the proposed activity on the relevant policies is as follows:

Policy 4.4: Identify, remediate and restore ecological functions within Recognized Ecological Complexes.

The proposed project is located adjacent to the 182nd Street Dam Recognized Ecological Complex (REC). However, as described in the DEIS in Chapter 9, "Natural Resources," the proposed project would have no significant adverse impacts to natural resources within the project area, and would not result in any direct impacts to the 182nd Street Dam REC. Protective measures associated with the proposed project, including erosion and sediment control and stormwater best management practices (BMPs), as well as landscaping and planting within the project area, would prevent adverse impacts to natural resources and improve conditions within the project area. Overall, the proposed project would be consistent with this policy.

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.

The assessment of the effects of the proposed activity on the relevant policy is as follows:

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.

As described in the DEIS in Chapter 9, "Natural Resources," no portion of the project area is located within the 100-year floodplain (the area with a 1 percent probability of flooding each year). Small portions of the project area located closest to the Bronx River—namely, portions of Parcel 5 and Parcel 10 of the Bronx Park South Large Scale Plan, which governs development on the project area—are within the 500-year floodplain (the area with a 0.2 percent probability of flooding each year). However, the project buildings would be constructed within the project area outside the 500-year floodplain; furthermore, the proposed buildings would not be considered critical structures and their construction would not significantly alter the floodplain or result in additional flooding to adjacent properties. Therefore, construction and operation of the proposed project would not have significant adverse impacts to floodplains within the project area or study area. Overall, the proposed project would be consistent with this policy.

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.

The assessment of the effects of the proposed activity on the relevant policy is as follows:

Policy 7.2: Prevent and remediate discharge of petroleum products.

As described in the DEIS in Chapter 10, "Hazardous Materials," Phase I Environmental Site Assessments were conducted in April 2013 and July 2015 to evaluate the potential for the presence of hazardous materials in the project area. These studies identified limited potential for subsurface contamination in the portion of the project area within the Coastal Zone Boundary associated with: a historic dry cleaner use, as well as drums of spent tetrachloroethylene (PCE); several active and cancelled No. 2 fuel oil boiler registrations; and a 550-gallon aboveground storage tank (AST).

Based on the potential hazardous materials concerns identified by the Phase I ESAs, the parcels would be mapped with "E" Designations on the zoning map for hazardous materials. The "e" Designation constitutes an institutional control to require these measures on privately owned parcels. The "E" Designation will be administered by the New York City Office of Environmental Remediation (OER) and will require that Phase II Investigations be conducted in accordance with Sampling Protocols that would be pre-approved by OER. Based on the results of these investigations, Remedial Action Plans (RAPs) and associated Construction Health and Safety Plans (CHASPs) would be developed and submitted for approval to OER for implementation during the subsurface disturbance associated with the proposed project to reduce the potential for human or environmental exposure to any identified (by the Phase II Investigation) or unexpectedly encountered contamination during and following construction of the proposed project. Each RAP would address requirements for soil stockpiling, soil disposal, and transportation; dust control; vapor control measures (if any); dewatering procedures; quality assurance; and procedures for the closure and removal of any unknown petroleum storage tanks should tanks or contamination be unexpectedly encountered. Each CHASP would identify potential hazards that may be encountered during construction and specify appropriate health and safety measures to be undertaken to ensure that subsurface disturbance is performed in a manner protective of workers, the community, and the environment (such as personal protective equipment, air monitoring including community air monitoring, and emergency response procedures). In addition, demolition of the existing structures would follow applicable regulatory requirements pertaining to asbestos-containing materials (ACM), lead-based paint, polychlorinated biphenyls (PCBs), and chemical disposal.

With these measures in place, the proposed project would not result in any significant adverse hazardous materials impacts, and would be consistent with this policy.

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
212-720-3525
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.

NEW YORK STATE DEPARTMENT OF STATE
COASTAL MANAGEMENT PROGRAM

Federal Consistency Assessment Form

An applicant, seeking a permit, license, waiver, certification or similar type of approval from a federal agency which is subject to the New York State Coastal Management Program (CMP), shall complete this assessment form for any proposed activity that will occur within and/or directly affect the State's Coastal Area. This form is intended to assist an applicant in certifying that the proposed activity is consistent with New York State's CMP as required by U.S. Department of Commerce regulations (15 CFR 930.57). It should be completed at the time when the federal application is prepared. The Department of State will use the completed form and accompanying information in its review of the applicant's certification of consistency.

A. **APPLICANT** (please print)

1. Name: Cara McAteer, Phipps Houses
2. Address: 902 Broadway, 13th Floor; New York, NY 10010
3. Telephone: Area Code (646) 388-8278

B. **PROPOSED ACTIVITY**

1. Brief description of activity:

The proposed actions would facilitate the demolition and redevelopment of the existing Lambert Houses buildings, located in the West Farms neighborhood of Bronx Community District 6. The Development Site (Bronx Block 3138, Lot 1; Block 3132, Lot 1; Block 3140, Lot 7; Block 3139, Lots 1, 19 and 50) would be redeveloped with approximately 1,665 affordable residential units at the completion of the project (for an incremental increase of 934 units), approximately 61,100 sf of retail (for an increment of 21,610 sf), and a new school of up to approximately 86,608 sf; parking on the Development Site would be reduced to 110 spaces.

2. Purpose of activity

The proposed project is intended to improve the quality of life for current Lambert Houses residents while increasing the number of affordable housing units on the Development Site.

3. Location of activity

<u>Bronx</u>	<u>Bronx, NY</u>	<u>989 East 179th Street, 999 East 180th Street, 2082 Boston Road, 2024 Boston Road</u>
<u>County</u>	<u>City, Town, or Village</u>	<u>(Bronx Block 3138, Lot 1; Block 3132, Lot 1; Block 3140, Lot 7; Block 3139, Lots 1, 19 and 50)</u>
		<u>Street or Site Description</u>

4. Type of federal permit/license required: _____

5. Federal application number, if known: _____

6. If a state permit/license was issued or is required for the proposed activity, identify the state agency and provide the application or permit number, if known:

C. **COASTAL ASSESSMENT** Check either "YES" or "NO" for each of these questions. The numbers following each question refer to the policies described in the CMP document (see footnote on page 2) which may be affected by the proposed activity.

1. Will the proposed activity result in any of the following:

YES/NO

- | | | |
|--|--------------------------|-------------------------------------|
| a. Large physical change to a site within the coastal area which will require the preparation of an environmental impact statement? (11, 22, 25, 32, 37, 38, 41, 43) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Physical alteration of more than two acres of land along the shoreline, land under water or coastal waters? (2, 11, 12, 20, 28, 35, 44)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Revitalization/redevelopment of a deteriorated or underutilized waterfront site? (1)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Reduction of existing or potential public access to or along coastal waters? (19, 20)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Adverse effect upon the commercial or recreational use of coastal fish resources? (9, 10).... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Siting of a facility essential to the exploration, development and production of energy resources in coastal waters or on the Outer Continental Shelf? (29)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Siting of a facility essential to the generation or transmission of energy? (27) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Mining, excavation, or dredging activities, or the placement of dredged or fill material in coastal waters? (15, 35)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Discharge of toxics, hazardous substances or other pollutants into coastal waters? (8, 15, 35)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Draining of stormwater runoff or sewer overflows into coastal waters? (33)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| k. Transport, storage, treatment, or disposal of solid wastes or hazardous materials? (36, 39) .. | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| l. Adverse effect upon land or water uses within the State's small harbors? (4)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

2. Will the proposed activity affect, or be located in, on, or adjacent to any of the following:

YES/NO

- | | | |
|--|-------------------------------------|-------------------------------------|
| a. State designated freshwater or tidal wetland? (44)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Federally designated flood and/or state designated erosion hazard area? (11, 12, 17)..... | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. State designated significant fish and/or wildlife habitat? (7)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. State designated significant scenic resource or area? (24) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. State designated important agricultural lands? (26)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Beach, dune or barrier island? (12)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Major ports of Albany, Buffalo, Ogdensburg, Oswego or New York? (3) | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. State, county, or local park? (19, 20)..... | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| i. Historic resource listed on the National or State Register of Historic Places? (23)..... | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

3. Will the proposed activity require any of the following:

YES/NO

- | | | |
|---|--------------------------|-------------------------------------|
| a. Waterfront site? (2, 21, 22)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (5)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Construction or reconstruction of a flood or erosion control structure? (13, 14, 16)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. State water quality permit or certification? (30, 38, 40)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. State air quality permit or certification? (41, 43)..... | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

4. Will the proposed activity occur within and/or affect an area covered by a State approved local waterfront revitalization program? (see policies in local program document)

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D. ADDITIONAL STEPS

1. If all of the questions in Section C are answered "NO", then the applicant or agency shall complete Section E and submit the documentation required by Section F.
2. If any of the questions in Section C are answered "YES", then the applicant or agent is advised to consult the CMP, or where appropriate, the local waterfront revitalization program document*. The proposed activity must be analyzed in more detail with respect to the applicable state or local coastal policies. On a separate page(s), the applicant or agent shall: (a) identify, by their policy numbers, which coastal policies are affected by the activity, (b) briefly assess the effects of the activity upon the policy; and, (c) state how the activity is consistent with each policy. Following the completion of this written assessment, the applicant or agency shall complete Section E and submit the documentation required by Section F.

E. CERTIFICATION

The applicant or agent must certify that the proposed activity is consistent with the State's CMP or the approved local waterfront revitalization program, as appropriate. 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, or with the applicable approved local waterfront revitalization program, and will be conducted in a manner consistent with such program."

Applicant/Agent's Name: _____

Address: _____

Telephone: Area Code () _____

Applicant/Agent's Signature: _____ Date: _____

F. SUBMISSION REQUIREMENTS

1. The applicant or agent shall submit the following documents to the **New York State Department of State, Office of Coastal, Local Government and Community Sustainability, Attn: Consistency Review Unit, 1 Commerce Plaza, 99 Washington Avenue – Suite 1010, Albany, New York 12231.**
 - a. Copy of original signed form.
 - b. Copy of the completed federal agency application.
 - c. Other available information which would support the certification of consistency.
2. The applicant or agent shall also submit a copy of this completed form along with his/her application to the federal agency.
3. If there are any questions regarding the submission of this form, contact the Department of State at (518) 474-6000.

*These state and local documents are available for inspection at the offices of many federal agencies, Department of Environmental Conservation and Department of State regional offices, and the appropriate regional and county planning agencies. Local program documents are also available for inspection at the offices of the appropriate local government.

CONSISTENCY OF PROPOSED PROJECT WITH THE WATERFRONT REVITALIZATION PROGRAM POLICIES

As determined by the Federal Consistency Assessment Form, the proposed project requires detailed assessment for several New York State Coastal Management Program policies, including policies 11, 12, 17, 19, 20, 23, 25, 32, 37, 38, 41, and 43. The consistency assessment is provided below for all questions that were answered “yes” in the CAF.

Policy 11

Buildings and other structures will be sited in the coastal area so as to minimize damage to property and the endangering of human lives caused by flooding and erosion.

No portion of the Development Site is located within the 100-year floodplain (the area with a 1 percent probability of flooding each year). Small portions of the Development Site located closest to the Bronx River—namely, portions of Parcel 5 and Parcel 10 of the Bronx Park South Large Scale Plan, which governs development on the Development Site—are within the 500-year floodplain (the area with a 0.2 percent probability of flooding each year). However, the project buildings would be constructed within the Development Site outside the 500-year floodplain; furthermore, the proposed buildings would not be considered critical structures and their construction would not significantly alter the floodplain or result in additional flooding to adjacent properties. Therefore, construction and operation of the proposed project would not have significant adverse impacts to floodplains within the Development Site or study area. Overall, the proposed project would be consistent with this policy.

Policy 12

Activities or development in the coastal area will be undertaken so as to minimize damage to natural resources and property from flooding and erosion by protecting natural protective features including beaches, dunes, barrier islands and bluffs.

The proposed project is located adjacent to the 182nd Street Dam Recognized Ecological Complex (REC). However, as described in the Draft Environmental Impact Statement (DEIS) in Chapter 9, “Natural Resources,” the proposed project would have no significant adverse impacts to natural resources within the Development Site, and would not result in any direct impacts to the 182nd Street Dam REC. Protective measures associated with the proposed project, including erosion and sediment control and stormwater best management practices (BMPs), as well as landscaping and planting within the Development Site, would prevent adverse impacts to natural resources and improve conditions within the Development Site. Overall, the proposed project would be consistent with this policy.

Policy 17

Non-structural measures to minimize damage to natural resources and property from flooding and erosion shall be used whenever possible.

As described above, construction of the buildings that would be introduced by the proposed project would not significantly alter the floodplain or result in additional flooding to adjacent properties. Further, protective measures associated with the proposed project, including erosion and sediment control and stormwater best management practices (BMPs), as well as landscaping and planting within the Development Site, would prevent adverse impacts to natural resources and improve conditions within the project area. Overall, the proposed project would be consistent with this policy.

Policy 19

Protect, maintain, and increase the level and types of access to public water-related recreation resources and facilities.

Portions of the Development Site are adjacent to mapped parkland located along the shoreline of the Bronx River. River Park, a section of Bronx Park with active play features adjacent to a Bronx River waterfall, is adjacent to the Development Site at Boston Road and East 180th Street. In addition, the West Farms Rapids section of the Bronx River Greenway, which has been partially constructed but is not yet open to the public, abuts the Development Site along the portion of the Bronx River just south of Bronx Park.

The proposed project would not obstruct access to either existing park or to any segment of the Greenway that would be constructed in the future, and would not interfere with public access to the Bronx River waterfront. Therefore, the proposed actions would be consistent with this policy.

Policy 22

Development, when located adjacent to the shore, will provide for water-related recreation, whenever such use is compatible with reasonably anticipated demand for such activities, and is compatible with the primary purpose of the development.

As discussed above under Policy 19, the proposed project would not interfere with any existing or planned public waterfront recreation resources. Therefore, the proposed project would be consistent with this policy.

Policy 23

Protect, enhance and restore structures, districts, areas or sites that are of significance in the history, architecture, archeology or culture of the State, its communities, or the Nation

As discussed in the DEIS in Chapter 7, "Historic and Cultural Resources," the proposed project would not result in any significant adverse impacts on historic and cultural resources on the Development Site and study area. In a comment letter dated August 29, 2014, the New York City Landmarks Preservation Commission (LPC) determined that the Development Site has no archaeological or architectural significance. In a comment letter dated October 21, 2014, the New York State Historic Preservation Office (SHPO) determined that the Development Site is not eligible for listing on the National Register.

There are four architectural resources located adjacent to the Development Site: the West Farms Solider Cemetery, Beck Memorial Presbyterian Church (which is currently vacant), New Tabernacle Baptist Church, and the former Peabody Home for Aged and Indigent Women. To avoid inadvertent demolition and/or construction-related damage to these resources from ground-borne construction-period vibrations, falling debris, collapse, etc., these buildings would be included in a Construction Protection Plan (CPP) for historic structures that would be prepared in coordination with the New York State Historic Preservation Office (SHPO) and the New York City Landmarks Preservation Commission (LPC) and implemented in consultation with a licensed professional engineer.

Therefore, the proposed project is consistent with this policy.

Policy 25

Protect, restore or enhance natural and man-made resources which are not identified as being of statewide significance, but which contribute to the overall scenic quality of the coastal area.

All construction would occur in currently developed areas and would not directly or indirectly impact scenic values associated with natural resources. Overall, the proposed project would be consistent with this policy.

Policy 32

Encourage the use of alternative or innovative sanitary waste systems in small communities where the costs of conventional facilities are unreasonably high, given the size of the existing tax base of these communities.

The proposed project would be located within the Bronx. The project site is currently served by New York City potable water and sewer. Therefore, this policy does not apply to the proposed project.

Policy 37

Best management practices will be utilized to minimize the non-point discharge of excess nutrients, organics and eroded soils into coastal waters.

As discussed under Policy 17, protective measures associated with the proposed project, including erosion and sediment control and stormwater best management practices (BMPs), as well as landscaping and planting within the Development Site, would prevent adverse impacts to natural resources and improve conditions within the Development Site. Overall, the proposed project would be consistent with this policy.

Policy 38

The quality and quantity of surface water and groundwater supplies will be conserved and protected, particularly where such waters constitute the primary or sole source of water supply.

Water quality of the adjacent Bronx River would not be adversely impacted by the proposed project, and may slightly benefit from the proposed improvements to stormwater management. Construction and operation of the project would not result in adverse impacts to groundwater quality; further, because groundwater is not used as a potable water supply in the area, there would be no potential impacts to drinking water supplies. Therefore, the proposed project would be consistent with this policy.

Policy 41

Land use or development in the coastal area will not cause national or state air quality standards to be violated.

Neither construction nor operation of the proposed project would violate state air quality standards; therefore, the proposed project would be consistent with this policy.

Policy 43

Land use or development in the coastal area must not cause the generation of significant amounts of acid rain precursors: nitrates and sulfates.

The proposed project would result in the development of a mixed use community that would not result in the generation of acid rain precursors. Therefore, the proposed project would be consistent with this policy.