

A. INTRODUCTION

The entire 8.18-acre project site is located within New York City's coastal zone boundary as outlined by the New York City Department of City Planning (DCP) (see **Figure 12-1**). This chapter examines the Proposed Project's compliance with federal, state, and local coastal zone policies.

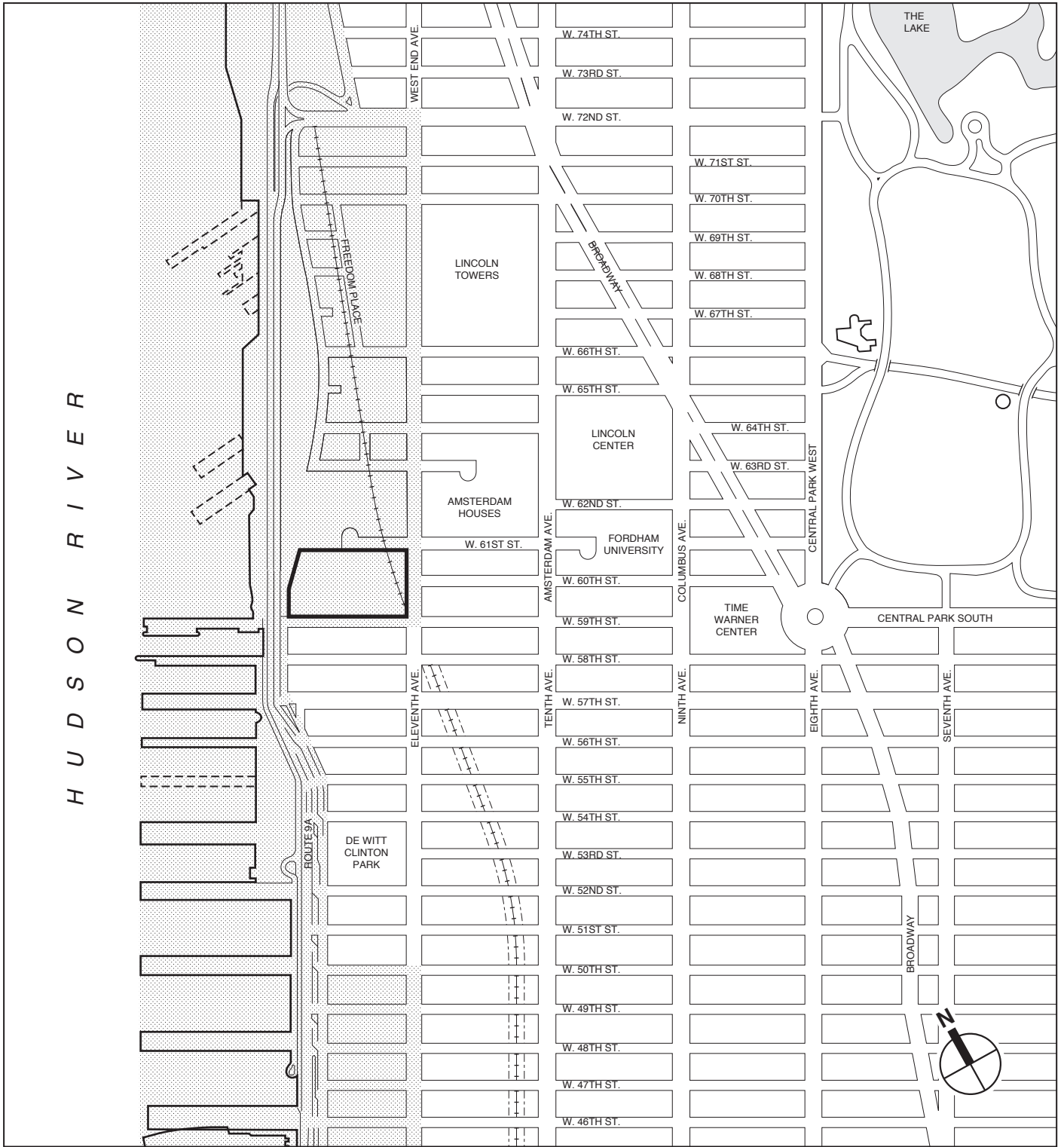
Located within the southern portion of the Riverside South project, Riverside Center (the Proposed Project) would comprise a complex of five mixed-used buildings and approximately 2.75 acres of privately owned, publicly accessible open space.

This analysis is based on the proposed program contemplated by the project sponsor, which assumes approximately 2,500 residential units, 250 hotel rooms, 151,598 gross square feet (gsf) of community facility (public school), 140,168 gsf of retail, 104,432 gsf of office, 181,677 gsf of automotive showroom/service space, 1,800 parking spaces, and 2.75 acres of publicly accessible open space.

The federal Coastal Zone Management Act (CZMA) of 1972 was enacted to support and protect the distinctive character of the waterfront and to set forth standard policies for reviewing proposed development projects along coastlines. The program responded to city, state, and federal concerns about the deterioration and inappropriate use of the waterfront. The CZMA emphasizes the primacy of state decision-making regarding the coastal zone. In accordance with the CZMA, New York State adopted its own Coastal Management Program (CMP), designed to balance economic development and preservation by promoting waterfront revitalization and water-dependent uses while protecting fish and wildlife, open space and scenic areas, public access to the shoreline, and farmland; and minimizing adverse changes to ecological systems, and erosion and flood hazards. The New York State CMP provides for local implementation when a municipality adopts a local waterfront revitalization program, as is the case in New York City. The New York City Waterfront Revitalization Program (WRP) is the city's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (NYS DOS) for inclusion in the New York State CMP. The WRP encourages coordination among all levels of government to promote sound waterfront planning and requires consideration of the program's goals in making land use decisions. NYS DOS administers the program at the state level, and DCP administers it in the city. The WRP was revised and approved by the City Council in October 1999, and was approved by the NYS Department of State and the U.S. Secretary of Commerce in the summer of 2002.

The policies in the city's WRP include the following:

- Support and facilitate residential and commercial redevelopment in appropriate coastal zone areas;
- Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation;



 *Project Site Boundary*
 *Coastal Boundary*



Riverside Center FSEIS

- Promote use of New York City's waterways for commercial and recreational boating and water-dependent transportation centers;
- Protect and restore the quality and function of ecological systems within the New York City coastal area;
- Protect and improve water quality in the New York City coastal area;
- Minimize loss of life, structures, and natural resources caused by flooding and erosion;
- Minimize environmental degradation from solid waste and hazardous substances;
- Provide public access to and along New York City's coastal waters;
- Protect scenic resources that contribute to the visual quality of New York City; and
- Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

PRINCIPAL CONCLUSIONS

As described below, the Proposed Project would be consistent with the city's 10 WRP policies and the WRP's goals for enlivening the waterfront and attracting the public to the city's coastal areas. The Proposed Project would transform the project site from an underutilized site within the city's coastal area to a high-density, mixed-use development with approximately 2.75 acres of new publicly accessible open space. It would enliven the site with users of the additional ground-floor retail and publicly accessible open space, and would provide new pedestrian connections to surrounding open spaces and natural features within the coastal area. Existing westward views to the Hudson River would be maintained along West 60th Street, and would still be available from most adjacent sidewalks. By extending Freedom Place South through the project site to create a north-south street, existing views south through the project site to the Consolidated Edison Power House (heard, as a New York City Landmark [NYCL], State and National Registers of Historic Places [S/NR-eligible]) would be maintained.

While the Proposed Project would provide approximately 2.75 acres of publicly accessible open space, it would nevertheless result in a significant decrease in the active open space ratios due to the introduction of residents in the larger residential study area surrounding the project site. The decrease in active open space ratio would result in a significant adverse indirect impact on active open space. However, passive open space available in the study area would increase with the Proposed Project.

The Proposed Project would not involve construction activities in or immediately adjacent to the Hudson River. The discharge of stormwater generated within the project site to the Hudson River through an existing New York City Department of Environmental Protection (DEP) outfall would not result in significant adverse impacts on aquatic resources. The discharge of sanitary sewage generated by the Proposed Project would not result in significant adverse impacts on city infrastructure. The Proposed Project would not result in significant adverse impacts on terrestrial plants or animals. Landscaping within the proposed open space areas would benefit wildlife resources by providing higher quality habitat for wildlife than currently found within the project site.

Although the Proposed Project would create new demand for the disposal of solid waste, municipal and private solid waste services would have adequate capacity to meet these increases in demand. Therefore, the Proposed Project would not result in any significant adverse impacts on solid waste and sanitation services.

Any hazardous materials encountered during construction activities would be handled and removed in accordance with a new New York City Mayor's Office of Environmental Remediation (OER)-approved Remedial Action Plan (RAP) and an updated Construction Health and Safety Plan (CHASP) prepared for the Proposed Project.

The Proposed Project would result in new construction within 90 feet of the Consolidated Edison Power House (heard, NYCL, S/NR-eligible). Therefore, the Proposed Project would comply with the New York City Landmark Preservation Commission (LPC)'s *Guidelines for Construction Adjacent to a Historic Landmarks* as well as the guidelines set forth in section 523 of the *City Environmental Quality Review (CEQR) Technical Manual* and the procedures set forth in New York City Department of Building's (NYCDOB) *Technical Policy and Procedure Notice (TPPN) #10/88*. The Proposed Project would disturb potential subsurface prehistoric remains on Parcel N. To determine if archaeological resources are present, Phase 1B archaeological testing would be carried out in the archaeologically sensitive areas as required by the Restrictive Declaration that will be recorded in connection with the proposed zoning actions. Prior to the initiation of Phase 1B investigations, a testing protocol would be submitted to LPC for review and approval. If no resources of significance are encountered, no further archaeological study would be warranted. Should any resources of potential significance be found, further testing would be undertaken in consultation with LPC to identify the boundaries and significance of the find. If required, data recovery would be undertaken in consultation with LPC. With implementation of all of the above measures which will be incorporated into the Restrictive Declaration, there would be no significant adverse impacts on archaeological resources.

B. BACKGROUND

In 1992, following completion of a Final Environmental Impact Statement (FEIS), the City Council approved a plan to develop a General Large-Scale Development (GLSD) known as Riverside South. Riverside South was planned as a major mixed-use and open space project, bounded by West 72nd Street and Riverside Park to the north, West 59th Street to the south, the Hudson River to the west, and buildings at the west ends of West 70th, West 71st, 72nd, 66th through 62nd Streets, Freedom Place, and West End Avenue to the east. As described in Chapter 1, "Project Description," the Riverside South development included 15 development parcels (Parcels A through O) on eight zoning lots, and, as approved, would have produced a maximum of approximately 7.9 million zoning square feet of floor area consisting of a mix of residential, community facility, office, cinema, public parking, retail, and studio uses, as well as a new park adjoining the Hudson River.

Since 1992, most of the Riverside South project has been developed consistent with the overall approvals granted following the 1992 FEIS, with the exception of Parcels L, M, and N in the southern portion.

C. METHODOLOGY

The WRP policies for development and use of the waterfront, listed above, provide a framework for evaluating discretionary actions in the coastal zone. This chapter assesses the consistency of the Proposed Project with the WRP.

D. EXISTING CONDITIONS

The majority of the project site is currently occupied by a surface automobile and truck surface parking lot with a capacity of approximately 1,850 spaces, and a public parking garage with a capacity of 537 spaces. An Amtrak rail line within a sub-grade culvert passes through the northeast portion of the project site. A portion of the project site was previously used as part of a freight rail yard (i.e., 60th Street Yards).

E. THE FUTURE WITHOUT THE PROPOSED PROJECT

As described in Chapter 1, “Project Description,” two development scenarios have the potential to occur on the project site in the Future Without the Proposed Project. No Build Scenario 1 assumes that in the 2018 Future Without the Proposed Project, the project site is expected to be developed according to the program evaluated in the 1992 FEIS.

No Build Scenario 2 assumes that in the 2018 Future Without the Proposed Project, the original 1992 FEIS-approved program for Parcels L and M would be completed, but Parcel N would remain in its current parking use.

F. THE FUTURE WITH THE PROPOSED PROJECT

The Proposed Project would result in the development of Parcels L, M, and N as one integrated site with five mixed-use buildings. The proposed development would introduce residential, commercial (including hotel, retail, office, cinema, and automotive showroom/service uses), community facility uses (a public school), public parking, and publicly accessible open space. The five buildings would be constructed on a platform at about the elevation of the West End Avenue grade, which would provide the foundation for all structures. Uses within the below-grade area would include automotive service uses and approximately 1,800 parking spaces. This mix of uses is intended to create a new neighborhood with all the amenities needed to both establish and serve the Proposed Project, and provide the existing Riverside South neighborhood and the growing nearby residential community with services not currently available in the immediate vicinity.

The Proposed Project would also include approximately 2.75 acres of new privately owned, publicly accessible open space. As currently envisioned, the open space area would include a 1.2-acre plaza with a fountain and a scrim of water extending west from the plaza, surrounded by landscaping. Trees would line both sides of the scrim and benches would line the southern path to allow users to face the water scrim and lawn to the north. Paths would crisscross to create a pedestrian network linking the large open space to sidewalks at the periphery of the site. A lawn area would be located north of the scrim, while a rolling meadow would be located south of the scrim. A dense planting of trees would provide filtered views and a visual buffer to the West Side Highway. Connections would be made throughout the open space to adjacent streets. A path would be created along the south and west sides of Building 1 to link the central plaza to a stair and ramp to Riverside Park South at the intersection of Riverside Boulevard and West 61st Street. This would become the most direct connection from Central Park and Columbus Circle to the Hudson River waterfront. Three other pedestrian connections would be made available from the open space to Riverside Boulevard, and a fourth connection would create an access point from the open space to West 59th Street via a staircase. The site plan would also include other public spaces. The privately owned, publicly accessible open space would function as an integral part of the overall project and would provide a varied environment that would compliment and serve the surrounding neighborhoods. In total, approximately 34 percent of the 8.18-acre site would be developed as open space.

G. CONSISTENCY OF THE PROPOSED PROJECT WITH THE WRP

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

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

The Proposed Project would transform an underutilized portion of the city coastal area into a high-density, mixed-use development that complements existing and future commercial and residential development in the surrounding area, and would facilitate access to and use of the waterfront. The proposed mix of uses is intended to create an inviting and functional center for the surrounding residential neighborhood, with amenities needed to both establish and serve the Proposed Project and provide the existing Riverside South neighborhood and the growing nearby residential community with services not currently available in the immediate vicinity (e.g., retail). Therefore, the Proposed Project is consistent with this policy.

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

The Proposed Project is a non-industrial development that would introduce residential, commercial (including hotel, retail, office, cinema, and automotive showroom/service uses), a public school, public parking, and open space. As discussed in Chapter 1, the Proposed Project would enliven the site with users of the additional ground-floor retail and publicly accessible open space, and would provide new pedestrian connections to surrounding open spaces and natural features within the coastal area. The Proposed Project's substantial amount of new open space is intended to mediate between the Manhattan street grid and the expansive public open spaces west of the site. The new structures and open spaces are intended to create an active streetscape that includes retail uses as part of a diverse mixed-use program, enhancing the pedestrian experience. The proposed site plan seeks to integrate Riverside Center into the surrounding neighborhood. A significant objective of the open space plan is to connect the West 60th Street corridor to Riverside Park South. Therefore, the Proposed Project would be consistent with this policy.

Policy 1.3: Encourage redevelopment in the coastal area where public facilities and infrastructure are adequate or will be developed.

Policy 1.3 states that the goal is to encourage development at a density compatible with the capacity of surrounding roadways, mass transit and essential community services and facilities such as public schools. Lack of adequate local infrastructure need not preclude development but may suggest upgrading or expansion of inadequate or deteriorated local infrastructure. In accordance with the WRP, the city relies on the CEQR process to identify any such infrastructure limitations.

As described in Chapter 4, "Community Facilities and Services," the Proposed Project would not alter the 1992 FEIS findings that development would not result in significant adverse impacts with respect to Manhattan high schools, or library, police protection, fire protection, and emergency medical services. The Proposed Project would also include a public elementary and intermediate school. As detailed in Chapter 4, with the proposed public school, conditions at public elementary schools within the ½-mile study area and Subdistrict 1 of Community School District 3 (CSD 3) would improve conditions (utilization rates and seat shortfalls would decrease as a result of the Proposed Project) as compared to

in the Future Without the Proposed Project. Therefore, the Proposed Project would be consistent with this policy.

As described in Chapter 5, “Open Space,” the Proposed Project would provide approximately 2.75 acres of publicly accessible open space, a significant objective of which is to connect the West 60th Street corridor to Riverside Park South. A path would be created along the south and west sides of Building 1 to link the central plaza to a stair and ramp to Riverside Park South at the intersection of Riverside Boulevard and West 61st Street. This would become the most direct connection from Central Park and Columbus Circle to the Hudson River waterfront. Three other pedestrian connections would be made available from the open space to Riverside Boulevard, and a fourth connection would create an access point from the open space to West 59th Street via a staircase. In total, approximately one-third of the 8.18-acre project site would be developed as open space.

While a vast majority of the open space is programmed for passive recreational activities, its overall size and planned amenities would provide some opportunity for active recreation. The Proposed Actions would nevertheless result in a significant decrease in the active open space ratio (the amount of active open space per 1,000 persons) due to the introduction of residents in the larger residential study area within a ½ mile radius of the project site. The decrease in active open space ratio would have the potential to result in a significant adverse indirect impact on active open space. As described in Chapter 22, “Mitigation,” in order to address the active open space impact with on-site active uses, measures to partially mitigate the impact were explored. The inclusion of a 3,033 square-foot children’s play area as part of the project’s publicly accessible open space was identified as the most appropriate mitigation for the identified significant adverse active open space impact. This use was deemed compatible with the adjacent passive open space and the overall objectives of the site plan. As described in Chapter 28, “Modifications to the Proposed Project,” the project sponsor expects to file a revised application with various design changes. Among the modifications is the addition of the play area between Buildings 3 and 4 in the southern portion of the site. With the implementation of the mitigation measure described above, which would be achieved through the proposed revisions to the Proposed Project, the Proposed Project’s impacts on active open space would be partially mitigated.

With respect to water infrastructure, the project site currently discharges into a combined sanitary and stormwater sewer system that conveys sanitary and stormwater flows to the North River Water Pollution Control Plant (WPCP). The Proposed Project would generate new demand on infrastructure services, including water supply and sanitary sewage. The Proposed Project’s stormwater management system would connect to the separate stormwater system that is currently in place, which discharges into the Hudson River through the existing DEP outfall at the street end of 66th Street, downstream of the regulator.

The Proposed Project would not result in significant adverse impacts on infrastructure in terms of water supply, sanitary sewage, or stormwater runoff. As described in Chapter 13, “Infrastructure,” although the Proposed Project would result in an increased demand for drinking water and increased sewage discharge to the North River WPCP, both municipal services have adequate capacity to meet the increased demand. Stormwater runoff generated within the project site would be discharged to a new separate storm sewer and conveyed to an existing DEP outfall on the Hudson River.

As described in Chapter 16, “Traffic and Parking,” the Proposed Project would result in significant adverse impacts at 24 study area intersections during one or more analyzed peak hours. Virtually all of these impacts could be fully mitigated by standard, well-established mitigation measures, as identified in Chapter 22, “Mitigation.” The exception would be the traffic impacts at Twelfth Avenue at West 52nd, 54th, and possibly 56th Streets. (For the Twelfth Avenue and West 56th Street intersection, mitigation has been proposed that is currently being reviewed by NYSDOT. However, if NYSDOT decides to not implement the mitigation measures proposed for this intersection, then the significant impacts at this intersection would remain unmitigated.)

As discussed in Chapter 17, “Transit and Pedestrians,” certain bus routes and crosswalks in the study area would experience significant adverse impacts. As discussed in Chapter 22, “Mitigation,” these significant adverse impacts would be fully mitigated.

In light of the existing infrastructure, and the additional facilities that would be provided in connection with the Proposed Project, the local infrastructure is adequate to support the Proposed Project and, therefore, the Proposed Project would be consistent with WRP Policy 1.3.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well-suited to their continued operation.

Policy 2.1: Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas.

The Proposed Project is not located in a Significant Maritime and Industrial Area. Therefore, this policy does not apply to the Proposed Project.

Policy 2.2: Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas.

Port operations are no longer prevalent in the nearby waterfront area, and the demand for such activities is not expected in the future. The Proposed Project would not interfere with the operations of the West 59th Street Marine Transfer Station (MTS) on Pier 99, which currently processes recyclable paper waste and in the Future With or Without the Proposed Project is proposed to be converted to accept commercial waste. The Proposed Project would not directly result in the construction or operation of working waterfront facilities along nearby waterfront areas, which are not suitable for working waterfront uses. Therefore, this policy does not apply to the Proposed Project.

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

The Proposed Project would not include working waterfront uses. Therefore, this policy does not apply to the Proposed Project.

Policy 3: Promote use of New York City’s waterways for commercial and recreational boating and water-dependent transportation centers.

Policy 3.1: Support and encourage recreational and commercial boating in New York City’s maritime centers.

The Proposed Project would not occur directly on the Hudson River waterfront. However, nearby recreational boating access points are available to the south in Hudson River Park at

Pier 96 at West 56th Street, and Riverside Park to the north at West 72nd and West 79th Streets. A path would be created along the south and west sides of Building 1 to link the central plaza to a stair and ramp to Riverside Park South at the intersection of Riverside Boulevard and West 61st Street. This would become the most direct connection from Central Park and Columbus Circle to the Hudson River waterfront. Three other pedestrian connections would be made available from the open space to Riverside Boulevard, and a fourth connection would create an access point from the open space to West 59th Street via a staircase. These open space connections would facilitate access to the waterfront and existing recreational boating opportunities. Therefore, the Proposed Project is consistent with this policy.

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

The Proposed Project would not provide facilities for recreational or commercial vessels. Therefore, this policy does not apply to the Proposed Project.

Policy 3.3: Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

The Proposed Project would not provide facilities for recreational or commercial vessels. Therefore, this policy does not apply to the Proposed Project.

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

Policy 4.1: Protect and restore the ecological quality and component habitats and resources within the Special Natural Waterfront Areas, Recognized Ecological Complexes, and Significant Coastal Fish and Wildlife Habitats.

The project site is not located within a Special Natural Waterfront Area or Recognized Ecological Complex. The project site is located near the lower Hudson River, which has been designated as a Significant Coastal Fish and Wildlife Habitat. No in-water work would be conducted as part of the Proposed Project. The Proposed Project would result in the discharge of stormwater runoff from within the project site to the Hudson River through an existing DEP outfall. Because the Proposed Project would discharge stormwater through a separate storm sewer and not through the combined sewer system, the proposed project will need to file a Notice of Intent (NOI) to be covered under the New York State Department of Environmental Protection (NYSDEC) SPDES “General Permit for Stormwater Discharges from Construction Activity,” Permit No. GP-0-10-001. While the General Permit Number GP-0-10-001 specifically applies to construction activities, it requires that a Stormwater Pollution Prevention Plan (SWPPP) be prepared and specifies that for certain projects, the SWPPP must include construction and post-construction stormwater management measures that include quality controls. Implementation of stormwater management measures specified in the SWPPP developed for the Proposed Project would minimize potential impacts on the water quality and aquatic biota of the Hudson River due to discharge of stormwater from the project site. Additionally, the discharge of sanitary sewage resulting from the Proposed Project would not cause the North River WPCP to operate above its permitted daily flow limit, or adversely affect compliance of the WPCPs effluent with the State Pollutant Discharge Elimination System (SPDES) permit limits. Therefore, the Proposed Project would not result in significant adverse impacts on fish populations or other aquatic biota or

adversely affect the lower Hudson River's character as Significant Coastal Fish and Wildlife Habitat, and would be consistent with this policy.

Policy 4.2: Protect and restore tidal and freshwater wetlands.

As discussed in Chapter 10, "Natural Resources," no construction would occur in or immediately adjacent to the Hudson River as a result of the Proposed Project. During construction and operation of the Proposed Project, implementation of the SWPPP would minimize the potential for discharge of stormwater generated within the project site to result in any significant adverse environmental impacts on DEC littoral zone tidal wetlands designated within the Hudson River. Therefore, the Proposed Project is consistent with this policy.

Policy 4.3: 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.

Rare, special concern, threatened, endangered, and candidate species with the potential to occur within the vicinity of the project site are limited to aquatic species that are likely transient. No construction activities would be conducted in or immediately adjacent to the Hudson River as part of the Proposed Project, and increases in sanitary sewage and stormwater discharge would not result in a significant adverse impact on water quality. Therefore, the Proposed Project would not result in significant adverse impacts on state- and federally-listed sturgeon species (as identified by regulatory agencies as occurring in the vicinity of the project site) and would be consistent with this policy.

Policy 4.4: Maintain and protect living aquatic resources.

As presented in connection with Policy 4.1, the Proposed Project would not involve construction in or immediately adjacent to the Hudson River, and would not result in significant adverse impacts on water quality or aquatic biota. Therefore, the Proposed Project would be consistent with this policy.

Policy 5: Protect and improve water quality in the New York City coastal area.

Policy 5.1: Manage direct or indirect discharges to waterbodies.

As part of the 1992 FEIS project, a new system of separate sanitary and stormwater sewers was proposed, which was approved in 2000 by DEP as part of an Amended Drainage Plan. Improvements to the infrastructure surrounding and connecting to Parcels L, M, and N were included as part of the Amended Drainage Plan, and based on the plan, runoff from the site would flow into the separate stormwater system. The runoff would then be conveyed to an existing DEP outfall except for 100 feet of street frontage along West End Avenue and West 59th Street, which would discharge to the combined sewer system. Because Parcels L, M, and N have not yet been developed, the new separate system has not been extended to the project site, so the runoff from the site currently either evaporates or is discharged into the existing combined sewer system.

With or without the Proposed Project, the new separate sanitary and stormwater systems would be extended to all three parcels. Under the approved Amended Drainage Plan, runoff from the site would be discharged to the new stormwater system at the allowable flow rate of about 28 cfs, with any additional flow being discharged into the combined system. Also, runoff from the 100-foot frontage along West End Avenue and West 59th Street would be

permitted to enter the combined system). With the Proposed Project however, additional on-site stormwater detention would be in place on the Project Site. This would allow the runoff from the 100-foot frontage along West End Avenue and West 59th Street (that under the Amended Drainage Plan would enter the combined system) to instead be detained and discharged into the separate stormwater system, while maintaining the allowable flow of 28 cfs into the separate stormwater system. Therefore, no runoff from the project site would be discharged into the combined sewer system. This would reduce to some extent the frequency and intensity of CSO events within the North River service area.

In addition, as mentioned above under Policy 4.1, implementation of stormwater management measures specified in the SWPPP developed for the Proposed Project would minimize potential impacts on the water quality and aquatic biota of the Hudson River due to discharge of stormwater from the project site. Additionally, the discharge of sanitary sewage resulting from the Proposed Project would not cause the North River WPCP to operate above its permitted daily flow limit, or adversely affect compliance of the WPCPs effluent with the SPDES permit limits.

In sum, with the Proposed Project, there would be no significant adverse impacts from discharges to waterbodies, and the Proposed Project would be consistent with this policy.

Policy 5.2: Protect the quality of New York City's waters by managing activities that generate non-point source pollution.

All stormwater generated within the project site would be discharged to the new storm sewers that would be constructed with or without the Proposed Project. Implementation of the SWPPP prepared in accordance with the NYSDEC SPDES "General Permit for Stormwater Discharges from Construction Activity," Permit No. GP-0-10-001, would minimize the potential for the discharge of stormwater generated within the project site to result in any significant adverse environmental impacts on aquatic resources of the Hudson River. Therefore, the Proposed Project would be consistent with this policy.

Policy 5.3: Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes, or wetlands.

The Proposed Project would not involve the excavation or placing of fill in navigable waters or marshes, estuaries, tidal marshes, or wetlands. Therefore, this policy does not apply to the Proposed Project.

Policy 5.4: Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

The project site does not contain any potable groundwater (groundwater in Manhattan is not used as a potable water supply), nor does it contain streams or sources of water for wetlands. The construction and operation of the Proposed Project would not result in adverse changes to groundwater quality or significant adverse changes to flow pattern. Any hazardous materials encountered during construction activities would be handled and removed in accordance with an updated CHASP and a new RAP prepared for the Proposed Project. Implementation of these measures would minimize the potential for the Proposed Project to result in significant adverse impacts on groundwater quality. Therefore, the Proposed Project is consistent with this policy.

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

Policy 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.

Unlike fluvial flooding, which is affected by activities within the floodplain of a river, coastal flooding is influenced by astronomic tide and meteorological forces, and is not affected by activities within the floodplain. Therefore, the Proposed Project would not adversely affect flooding of areas adjacent to the project site.

A portion of the western area of the project site is located within the 100-year floodplain, which is affected by coastal flooding. However, all five of the proposed buildings within the project site would be constructed on a platform at about the elevation of the West End Avenue grade, which is well above the existing 100-year floodplain, as well as the New York City Panel on Climate Change (NPCC) projected 100-year flood elevation due to sea level rise in the 2020s. Any development that would occur within the project site would be consistent with Appendix G: “Flood Resistant Construction,” of the *New York City Building Code*, which specifies that the elevation of the lowest floor be at least one foot above the 100-year floodplain. The below-grade area below the platform for all on-site structures would be waterproofed and designed to withstand the hydrostatic pressure exerted by groundwater during a 100-year flood event, consistent with the *New York City Building Code*. Therefore, the design for these structures would minimize the potential for public and private losses due to flood damage under current and projected flood conditions. For these reasons, the Proposed Actions would not result in any significant adverse impacts on the floodplain, and would be consistent with this policy.

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 Project would not involve the use of public funding for such measures. Therefore, this policy does not apply to the Proposed Project.

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

There are no non-renewable sources of sand on the project site or in the study area. Therefore, this policy does not apply to the Proposed Project.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances.

Policy 7.1: Manage solid waste material, hazardous wastes, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution, and prevent degradation of coastal ecosystems.

Although the Proposed Project would create new demand for the disposal of solid waste, municipal and private solid waste services would have adequate capacity to meet these increases in demand. Therefore, the Proposed Project would not result in any significant adverse impacts on solid waste and sanitation services.

Any toxic or hazardous waste encountered during construction activities associated with the Proposed Project would be handled in accordance with appropriate federal and state requirements. Remedial measures would be undertaken to avoid adverse impacts during excavation for the Proposed Project. These would include conducting soil disturbance under a new OER-approved RAP and an updated CHASP. The plans would include, for example, requirements relating to vapor barrier/waterproofing; soil screening, stockpiling; delineating

and segregating excavated soil for proper management for either subsequent on-site re-use as backfill (below building structures, behind structural walls or beneath roadbeds, etc.) or for off-site transportation and disposal; dust control; quality assurance; and contingency measures should petroleum, asbestos-containing serpentinite bedrock or other unexpected contamination be encountered, and would be updated both to conform to current regulatory requirements (including 6 NYCRR Part 375 Environmental Remediation Programs Subparts 375-1 to 375- 4 & 375-6) and to include the requirement for preparation and submission of a post-excavation closure report documenting that appropriate procedures were followed. With these measures, as set forth in the Restrictive Declaration that will be recorded as part of the Proposed Project, no significant adverse impacts would result during or after construction as a result of the potential disturbance of any hazardous materials. Therefore, the Proposed Project would be consistent with this policy.

Policy 7.2: Prevent and remediate discharge of petroleum products.

See response to Policy 7.1, above.

Policy 7.3: Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

See Policy 7.1, above.

Policy 8: Provide public access to and along New York City's coastal waters.

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

See Policy 8.2 below.

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

The Proposed Project would include approximately 2.75 acres of new privately owned, publicly accessible open space. A path would be created along the south and west sides of Building 1 to link the central plaza to a stair and ramp to Riverside Park South at the intersection of Riverside Boulevard and West 61st Street. This would become the most direct connection from Central Park and Columbus Circle to the Hudson River waterfront. Three other pedestrian connections would be made available from the open space to Riverside Boulevard, and a fourth connection would create an access point from the open space to West 59th Street via a staircase. Therefore, the Proposed Project would be consistent with this policy.

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

Existing westward views to the Hudson River would be maintained along West 60th Street, and would still be available from adjacent sidewalks. Therefore, the Proposed Project would be consistent with this policy.

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

See Policy 8.2 above.

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 not hinder current accessibility to the waterfront or interfere with the continued use or ownership of land and waters held by the public trust. The access points and open space, as described in Policy 8.2, above, would improve movement of residents, workers, and visitors to the waterfront. Thus, the public interest in the use of lands and waters held in the public trust would be encouraged and preserved. Therefore, the Proposed Project would be consistent with this policy.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area.

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

The visual character of the Hudson River waterfront consists of an urban landscape with commercial, transportation, utility uses, and paved surfaces. Currently, views to the Hudson River and the New Jersey Palisades from the project site are partially obstructed by the elevated Route 9A. As discussed in Chapter 8, "Urban Design and Visual Resources," the Proposed Project would enhance the streetscapes leading to the waterfront and along the waterfront. While the development of new structures on the project site would eliminate some existing views to the Hudson River and the New Jersey Palisades from within the project site, existing westward views to the Hudson River would be maintained along West 60th Street, and would still be available from most adjacent sidewalks. By extending Freedom Place South through the project site to create a north-south street, an existing view to the south through the project site to the Consolidated Edison Power House (heard, NYCL, S/NR-eligible) would be maintained along that corridor. Therefore, the Proposed Project would be consistent with this policy.

Policy 9.2: Protect scenic values associated with natural resources.

Due to the urban setting of the project site, with the exception of the Hudson River, natural resources are limited within the project site and study area. As stated above under Policy 9.1, existing westward views to the Hudson River would be maintained along West 60th Street, and would still be available from most adjacent sidewalks. Additionally, the privately owned, publicly accessible open space would function as an integral part of the overall project and would provide a varied environment that would complement the scenic value of the Hudson River waterfront. Therefore, the Proposed Project would be consistent with this policy.

Policy 10: Protect, preserve, and enhance resources significant to the historical, archaeological, and cultural legacy of the New York City coastal area.

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

As discussed in Chapter 7, "Historic Resources," there are three known architectural resources in the study area: the Consolidated Edison Power House (heard, NYCL, S/NR-eligible) is located on Eleventh Avenue between West 58th and West 59th Streets, approximately 60 feet south of the project site; the Amsterdam Houses (S/NR-eligible) occupy the superblock between Amsterdam Avenue, West 64th Street, West 61st Street, and West End Avenue, approximately 100 feet from the project site; and a portion of the Hudson

River Bulkhead, which runs along the Hudson River on the west side of Manhattan, has been determined S/NR eligible.

The Proposed Project, which would consist of freestanding towers set amid landscaped areas, would create a setting that is consistent with the configuration of the Amsterdam Houses. The impairment of certain views of the Amsterdam Houses across a parking lot would not constitute a significant adverse impact on the Amsterdam Houses. The Proposed Project would block views to the south of the powerhouse from West 61st Street; but the view across the parking lot on Parcel in N is not a significant view, and views of the power house from the south, west, and east would remain intact.

At 31 to 44 stories (plus mechanical levels), two of the five the buildings would be taller than the Consolidated Edison Powerhouse, and all would be taller than the Amsterdam Houses. However, as detailed in Chapter 7, "Historic Resources," both resources exist in a mixed context of older shorter buildings and taller towers of contemporary design, including completed portions of Riverside South. And while the proposed development would also be of a more contemporary and transparent design than the two masonry resources, these resources exist in an area that has been marked by considerable change in context and already includes buildings of a contemporary design that were built after the 1992 FEIS. The Proposed Project would be in keeping with this evolving context.

In addition, there would be no adverse contextual impacts on the Hudson River bulkhead located west of the West Side Highway.

The Proposed Project would result in new construction within 90 feet of the power house, and would comply with LPC's *Guidelines for Construction Adjacent to a Historic Landmarks* as well as the guidelines set forth in section 523 of the *CEQR Technical Manual* and the procedures set forth in DOB's TPPN #10/88.

Since the Proposed Project is in keeping with the evolving context in the area, preserves views of the Powerhouse through the project site from certain vantage points and includes measures to protect the Powerhouse during construction, it would be consistent with this policy.

Policy 10.2: Protect and preserve archaeological resources and artifacts.

As discussed in Chapter 7, the Proposed Project would disturb potential subsurface prehistoric remains on Parcel N. To determine if archaeological resources are present, Phase 1B archaeological testing will be carried out in these archaeologically sensitive areas as required by the Restrictive Declaration that will be recorded in connection with the proposed zoning actions. Prior to the initiation of Phase 1B investigations, a testing protocol will be submitted to the New York City Landmarks Preservation Commission (LPC) for review and approval. Testing will be undertaken in consultation with LPC. If no resources of significance are encountered, no further archaeological study would be warranted. Should any resources of potential significance be found, further testing would be undertaken in consultation with LPC to identify the boundaries and significance of the find. If required, data recovery would be undertaken in consultation with LPC. With implementation of all of the above measures which will be incorporated into the Restrictive Declaration, there would be no significant adverse impacts on archaeological resources. With these measures in place, the Proposed Project would be consistent with this policy. *