

12.0 WATERFRONT REVITALIZATION PROGRAM

12.1 Introduction

The New York City Waterfront Revitalization Program (WRP) is the city's principal coastal zone management tool. As originally adopted in 1982 and revised in 1999, it establishes the city's policies for development and use of the waterfront and provides the framework for evaluating the consistency of all discretionary actions in the coastal zone with those policies. When a proposed project is located within the coastal zone and it requires a local, state, or federal discretionary action, a determination of the project's consistency with the policies and intent of the WRP must be made before the project can move forward. The project site is located within the Waterfront Revitalization (Coastal Zone) Area (see Figure 12-1).

Local discretionary actions, including those subject to Uniform Land Use Review Procedure (ULURP), City Environmental Quality Review (CEQR) and Board of Standards and Appeals (BSA) review procedures, are reviewed for consistency with the WRP policies. WRP review of local actions is coordinated with existing regulatory processes and in most instances occurs concurrently. For local actions requiring approval by the City Planning Commission, the Commission acting as the City Coastal Commission makes the consistency determination. All discretionary land use actions and projects involving the use of federal or state funds (which is applicable to the proposed project) within the mapped coastal zone boundary must be found consistent with the policies and intent of the WRP. A proposed action or project may be deemed consistent with the WRP when it would not substantially hinder the achievement of any of the policies and, where practicable, will advance one or more of the policies.

12.2 Existing Conditions

The project site is located within the NYC Coastal Zone Boundary, and as a result is subject to the Waterfront Revitalization Program. The project site lies partially within the 100-year and 500-year flood hazard areas as indicated on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map, Community Panel Number 3604970089F (see Figure 12-2).

The Waterfront in the area of the proposed project can be described as a large river with a bulkhead where the land meets the water. There is no beach, wetlands, marshes or direct access to the water in this location. Views of the Waterfront are considered a resource, as is the East River Esplanade which provides public access to the views of the Waterfront. The public pedestrian bridge from East 71st Street over the FDR Drive allows the public to cross the FDR Drive to access the Esplanade. The Waterfront does not contain water-dependant or industrial uses. Nor does it contain Significant Maritime or Industrial Areas. The Waterfront does not have any water dependant transportation centers within the proposed project area.

12.3 Waterfront Revitalization Program Policies

There are ten (10) policies of the New York City WRP dealing with (1) residential and commercial redevelopment; (2) water-dependent and industrial uses; (3) commercial and recreational boating; (4) coastal ecological systems; (5) water quality; (6) flooding and erosion;

(7) solid waste and hazardous substances; (8) public access; (9) scenic resources; and (10) historical and cultural resources.

The New York City WRP Consistency Assessment Form is provided in Appendix C.

The ten (10) policies of the New York City WRP and analyses of the consistency of the proposed project with each of the policies are outlined below:

Policy 1: Support and facilitate commercial and residential redevelopments in areas well-suited to such development. Encourage commercial and residential redevelopment in appropriate coastal zone areas. Encourage non-industrial development that enlivens the waterfront and attracts the public. Encourage redevelopment in the coastal area where public facilities and infrastructure are adequate or would be developed.

Response: The proposed project would not hinder the achievement of Policy 1 of the WRP. The proposed project is a community facility. The neighborhood has a mixed-use character. The public pedestrian bridge from East 71st Street over the FDR Drive would continue to provide access to the East River Esplanade and attract the public to the waterfront. Public facilities and infrastructure are adequate to support the proposed project in this coastal area.

Policy 2: Support water-dependent and industrial uses in New York City coastal areas that are well suited to their continued operation. Promote water-dependent and industrial uses in Significant Maritime and Industrial Areas. Encourage working waterfront uses at appropriate sites outside the Significant Maritime and Industrial Areas. Provide infrastructure improvements necessary to support working waterfront uses.

Response: The proposed project would not hinder the achievement of Policy 2 of the WRP. Water-dependent and industrial uses could continue. The project site is not located within any of the six (6) designated Significant Maritime and Industrial Areas in the New York City Comprehensive Waterfront Plan. The proposed project site is not currently occupied by a working waterfront use nor does the applicable R9 zoning designation allow such a use. The existing Hospital for Special Surgery has been at its current location since 1955, and the FDR Drive has been in operation since the 1940s, resulting in an irreversible commitment of land to a non-water dependent use. The Hospital would not provide any water dependent uses, and the proposed project would preclude using the site for any future water dependent facilities.

Policy 3: Promote use of New York City's waterways for commercial and recreational boating and water dependent transportation centers. Support and encourage recreational and commercial boating in New York City's maritime centers. Minimize conflicts between recreational, commercial, and ocean-going freight vessels. Minimize impact of commercial and recreational boating activities on the aquatic environment and surrounding land and water uses.

Response: The proposed project would not hinder the achievement of Policy 3 of the WRP. Commercial and recreational boating activities could continue.

Policy 4: Protect and restore the quality and function of ecological systems within the New York City coastal area. 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. Protect and restore tidal and freshwater wetlands. 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. Maintain and protect living aquatic resources.

Response: The proposed project would not hinder the achievement of Policy 4 of the WRP. The proposed project site is not located within any of the three (3) designated Special Natural Waterfront Areas or two (2) Recognized Ecological Complexes with Significant Coastal Fish and Wildlife Habitats in the New York City Comprehensive Waterfront Plan. There are no natural resources on the project site.

Policy 5: Protect and improve water quality in the New York City coastal area. Manage direct or indirect discharges to waterbodies. Protect the quality of New York City's waters by managing activities that generate nonpoint source pollution. Protect water quality when excavating or placing fill in navigable waters and in or near marshes, estuaries, tidal marshes and wetlands. Protect the quality and quantity of groundwater, streams, and the sources of water for wetlands.

Response: The proposed project would not hinder the achievement of Policy 5 of the WRP. There would be no untreated discharges from the proposed project into the East River. Stormwater runoff and sanitary sewage discharges from the proposed project would be handled by the New York City sewer system. There are no wetlands or similar environmentally sensitive receptors on the project site.

Policy 6: Minimize loss of life, structures and natural resources caused by flooding and erosion. 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. Direct public funding for flood prevention or erosion control measures to those locations where the investment would yield significant public benefit. Protect and preserve non-renewable sources of sand for beach nourishment.

Response: The proposed project would not hinder the achievement of Policy 6 of the WRP. The project site is located in the 100-year and 500-year flood hazard areas. The new River building would be constructed on an elevated platform over the FDR Drive with four (4) support columns in the East River Esplanade and five (5) support columns located parallel with the existing Caspary Building along the west sidewalk of the FDR Drive. The three additional floors would be constructed as the 9th through 11th floors of the East Wing that is also on an elevated platform over the FDR Drive with support columns in the East River Esplanade. No inhabited areas would be constructed below the 100-year floodplain elevation. Both the new River Building and the additional floors on the East Wing would be constructed in accordance with Federal Emergency Management Agency Regulations and the New York City Building Code. Neither the siting of the new 12-story River building over the FDR Drive nor the additional floors on the East Wing would result in an increase in flooding and erosion. The current

bulkhead adjacent to the East River Esplanade provides erosion protection along the shoreline of the East River. The proposed project would not alter the bulkhead, thus allowing it to continue to provide proper erosion control.

Policy 7: Minimize environmental degradation from solid waste and hazardous substances. Manage solid waste material, hazardous waste, toxic pollutants, and substances hazardous to the environment to protect public health, control pollution and prevent degradation of coastal ecosystems. Prevent and remediate discharge of petroleum products. Transport solid waste and hazardous substances and site solid and hazardous waste facilities in a manner that minimizes potential degradation of coastal resources.

Response: The proposed project would not hinder the achievement of Policy 7 of the WRP. There would not be any discharge of hazardous substances from the proposed project. The proposed project would not use petroleum underground storage tanks. Solid waste and biohazardous waste generated by the Hospital for Special Surgery are removed and would continue to be removed by private carting companies, which would not involve degradation of coastal resources.

Policy 8: Provide public access to and along New York City's coastal waters. Preserve, protect and maintain existing physical, visual and recreational access to the waterfront. Incorporate public access into new public and private development where compatible with proposed land use and coastal location. Provide visual access to coastal lands, waters and open space where physically practical. Preserve and develop waterfront open space and recreation on publicly owned land at suitable locations. Preserve the public interest in and use of lands and waters held in public trust by the state and city.

Response: Public access to the East River Esplanade would remain. Some visual access to the waterfront would be partially blocked by the support columns for the River building when standing under the ramp to the public pedestrian bridge (See Figure 12-3). Additionally, some visual access to the waterfront would be partially blocked looking north from atop the public pedestrian bridge (See Figure 12-4) where it crosses the FDR Drive and when looking south from the East River Overlook at East 72nd Street (See Figure 12-5). Views looking in all directions from the eastern end of the pedestrian bridge would be preserved. Views of the waterfront from the East River Overlook at East 72nd Street are already partially blocked by the East Wing and the public pedestrian bridge from East 71st Street over the FDR Drive. The proposed project would block an additional increment of the view looking South from the East 72nd Street Overlook Park. Views in this direction, however, would not be impaired from other publicly accessible locations nearby. The addition of a new pedestrian bridge from the third floor of the proposed River Building to the existing East Wing building would additionally partially block views when looking east; however, it would not additionally block the views of the water (See Figure 12-6). The public pedestrian bridge from East 71st Street over the FDR Drive would continue to provide access to the East River Esplanade and attract the public to the waterfront. Four support columns would be installed along the East River Esplanade, which is an open space, as a structural foundation for the River building. However, the East River Esplanade would continue to be used and restorative efforts would be instituted following construction.

Policy 9: Protect scenic resources that contribute to the visual quality of the New York City coastal area. Protect and improve visual quality associated with New York City's urban context and the historic and working waterfront. Protect scenic values associated with natural resources.

Response: Some visual access to the waterfront would be partially blocked by the support columns and by the River Building, as noted above.

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

Response: The proposed project would not hinder the achievement of Policy 10 of the WRP. The project site is not a historical or archeological resource nor located adjacent to one (see Appendix D for responses from the New York City Landmarks Preservation Commission and New York State Office of Parks, Recreation and Historic Preservation).

12.4 The Future With the Proposed Project - 2010

Portions of the Esplanade would be temporarily closed during construction due to installation of the four support columns for the new River Building between approximately E. 70th Street to just past the midblock between E. 71st Street and E. 72nd Street. During construction, a temporary ramp would be located providing access to the south of East 71st Street to assure that pedestrian access to the Esplanade is maintained. Supports for the platform for the River Building would be located between the two portions of the switchback of the pedestrian ramp leading to the Esplanade, and would not limit access along the waterfront or reduce the width of the main pedestrian path. While there would be a loss of a limited number of views of the water from a publicly accessible location, most views would be preserved, and the surrounding built fabric would be improved through the replacement of an open stretch of the FDR with an architecturally distinguished building that will be built in furtherance of the Agreement with the City for the enlargement of medical institutions, including HSS, over the FDR Drive. Therefore, the goals of Policy #8, as well as the Waterfront policies in general, are met with the proposed project.

The proposed project would be consistent with the ten (10) relevant Waterfront Revitalization Program policies described above. The DCP Waterfront and Open Space Division, as advisors to the State Coastal Management Program along with the City Coastal Commission, is responsible for determining the proposed project's consistency with the Waterfront Revitalization Program policies. The proposed project is consistent with the policies of the Waterfront Revitalization Program and would therefore, not have significant adverse impacts to the waterfront.

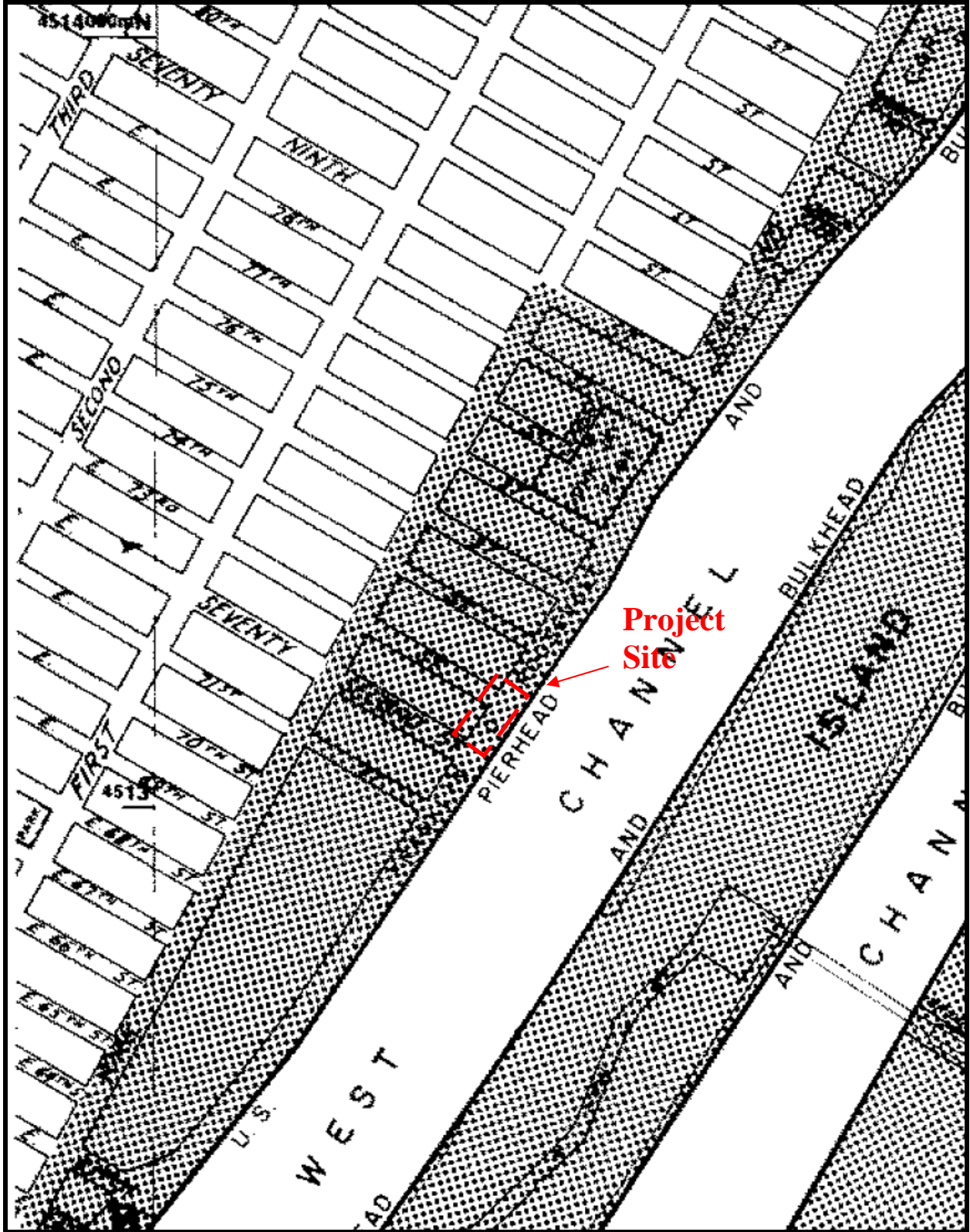


Figure 12-1. Waterfront Revitalization Program - Coastal Zone Boundary.

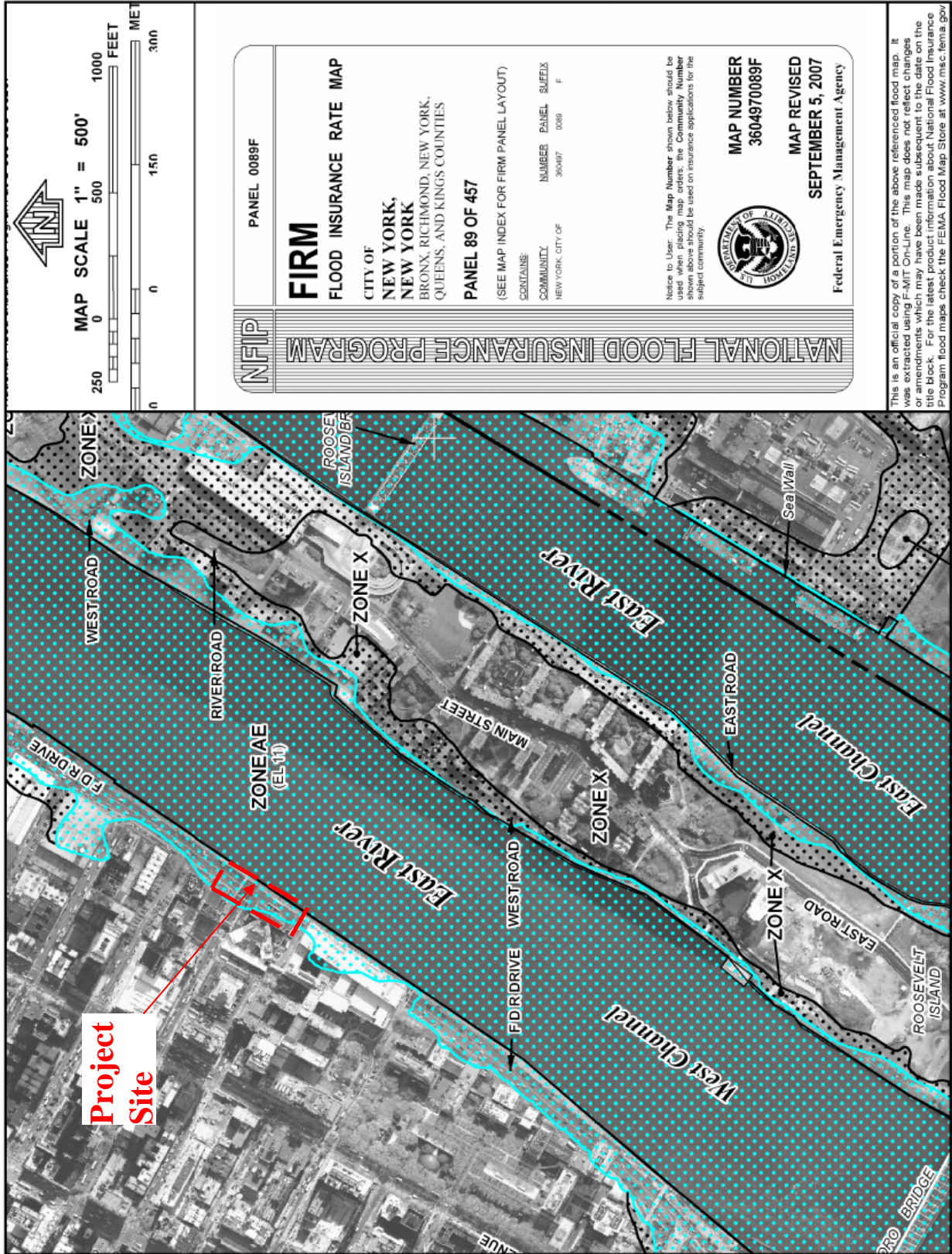


Figure 12-2. FEMA Flood Insurance Map.



Figure 12-3. View looking south from under the public pedestrian ramp.



Approximate
location of
proposed River
Building

Figure 12-4. View Looking north along the FDR Drive from the eastern end of the public pedestrian bridge.



Figure 12-5. View looking south from the East River Overlook at East 72nd Street.



Figure 12-6. Rendering of proposed pedestrian view looking east from East 71st Street.