

**APPENDIX F:**

**NYC 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 designated coastal zone, must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and subsequently approved by the New York State Department of State with the concurrence of the United States Department of Commerce pursuant to applicable state and federal law, including the Waterfront Revitalization of Coastal Areas and Inland Waterways Act. As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

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, other state agencies or the New York City Department of City Planning in their review of the applicant's certification of consistency.

### A. APPLICANT

- Name: New York City Department of City Planning
- Address: 22 Reade Street, 6th floor west
- Telephone: 212-720-3480 Fax: 212-720-3488 E-mail: \_\_\_\_\_
- Project site owner: N/A

### B. PROPOSED ACTIVITY

- Brief description of activity:  
The proposed action includes the following: 1) the rezoning of 13 whole and 2 partial blocks through the creation of the Special West Chelsea District; 2) the acquisition of an easement for the High Line, a disused elevated rail structure which intersects the rezoning area; and 3) site selection for the conversion of the High Line into a publicly accessible open space.
- Purpose of activity:  
The proposed action is intended to provide opportunities for new residential and commercial development and enhancement of a proposed publicly accessible open space along the High Line. The zoning text and map amendments would allow as-of-right residential and commercial uses, while retaining manufacturing zoning in 5 and a half midblocks. The acquisition and site selection actions would facilitate the proposed High Line open space.
- Location of activity: (street address/borough or site description):  
The proposed Special West Chelsea District is located in Manhattan Community District 4. The proposed High Line acquisition and site selection area is primarily in CD 4, with a small portion in Manhattan Community District 2. Refer to Figure 12-1, which shows the rezoning area boundary, High Line, and their relation to the coastal zone.

**Proposed Activity Cont'd**

4. If a federal or state permit or license was issued or is required for the proposed activity, identify the permit type(s), the authorizing agency and provide the application or permit number(s), if known:

The proposed action does not include any state or federal action. However, as a separate action, the City is seeking a Certificate of Interim Trail Use from the federal Surface Transportation Board to permit creation of the High Line open space.

5. Is federal or state funding being used to finance the project? If so, please identify the funding source(s).

N/A

6. Will the proposed project require the preparation of an environmental impact statement?

Yes  No  If yes, identify Lead Agency:

NYC Department of City Planning, acting as lead agency on behalf of the City Planning Commission.

7. Identify city discretionary actions, such as a zoning amendment or adoption of an urban renewal plan, required for the proposed project.

1) Zoning map amendment; 2) Zoning text amendment; 3) Acquisition of the High Line easement by the City; and 4) Site Selection for the conversion of the High Line to a publicly accessible open space.

**C. COASTAL ASSESSMENT**

**Location Questions:**

	Yes	No
1. Is the project site on the waterfront or at the water's edge?	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Does the proposed project require a waterfront site?	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters?	<input type="checkbox"/>	<input checked="" type="checkbox"/>

**Policy Questions**

Yes No

The following questions represent, in a broad sense, the policies of the WRP. Numbers in parentheses after each question indicate the policy or policies addressed by the question. The new Waterfront Revitalization Program offers detailed explanations of the policies, including criteria for consistency determinations.

Check either "Yes" or "No" for each of the following questions. For all "yes" responses, provide an attachment assessing the effects of the proposed activity on the relevant policies or standards. Explain how the action would be consistent with the goals of those policies and standards.

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under-used waterfront site? (1)

5. Is the project site appropriate for residential or commercial redevelopment? (1.1)

6. Will the action result in a change in scale or character of a neighborhood? (1.2)

**Policy Questions cont'd**

	Yes	No
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3)	_____	✓
8. Is the action located in one of the designated Significant Maritime and Industrial Areas (SMIA): South Bronx, Newtown Creek, Brooklyn Navy Yard, Red Hook, Sunset Park, or Staten Island? (2)	_____	✓
9. Are there any waterfront structures, such as piers, docks, bulkheads or wharves, located on the project sites? (2)	_____	✓
10. Would the action involve the siting or construction of a facility essential to the generation or transmission of energy, or a natural gas facility, or would it develop new energy resources? (2.1)	_____	✓
11. Does the action involve the siting of a working waterfront use outside of a SMIA? (2.2)	_____	✓
12. Does the proposed project involve infrastructure improvement, such as construction or repair of piers, docks, or bulkheads? (2.3, 3.2)	_____	✓
13. Would the action involve mining, dredging, or dredge disposal, or placement of dredged or fill materials in coastal waters? (2.3, 3.1, 4, 5.3, 6.3)	_____	✓
14. Would the action be located in a commercial or recreational boating center, such as City Island, Sheepshead Bay or Great Kills or an area devoted to water-dependent transportation? (3)	_____	✓
15. Would the proposed project have an adverse effect upon the land or water uses within a commercial or recreation boating center or water-dependent transportation center? (3.1)	_____	✓
16. Would the proposed project create any conflicts between commercial and recreational boating? (3.2)	_____	✓
17. Does the proposed project involve any boating activity that would have an impact on the aquatic environment or surrounding land and water uses? (3.3)	_____	✓
18. Is the action located in one of the designated Special Natural Waterfront Areas (SNWA): Long Island Sound- East River, Jamaica Bay, or Northwest Staten Island? (4 and 9.2)	_____	✓
19. Is the project site in or adjacent to a Significant Coastal Fish and Wildlife Habitat? (4.1)	✓	_____
20. Is the site located within or adjacent to a Recognized Ecological Complex: South Shore of Staten Island or Riverdale Natural Area District? (4.1 and 9.2)	_____	✓
21. Would the action involve any activity in or near a tidal or freshwater wetland? (4.2)	_____	✓
22. Does the project site contain a rare ecological community or would the proposed project affect a vulnerable plant, fish, or wildlife species? (4.3)	_____	✓
23. Would the action have any effects on commercial or recreational use of fish resources? (4.4)	_____	✓
24. Would the proposed project in any way affect the water quality classification of nearby waters or be unable to be consistent with that classification? (5)	_____	✓
25. Would the action result in any direct or indirect discharges, including toxins, hazardous substances, or other pollutants, effluent, or waste, into any waterbody? (5.1)	_____	✓
26. Would the action result in the draining of stormwater runoff or sewer overflows into coastal waters? (5.1)	_____	✓
27. Will any activity associated with the project generate nonpoint source pollution? (5.2)	_____	✓
28. Would the action cause violations of the National or State air quality standards? (5.2)	_____	✓

**Policy Questions cont'd**

	Yes	No
29. Would the action result in significant amounts of acid rain precursors (nitrates and sulfates)? (5.2C)	_____	✓ _____
30. Will the project involve the excavation or placing of fill in or near navigable waters, marshes, estuaries, tidal marshes or other wetlands? (5.3)	_____	✓ _____
31. Would the proposed action have any effects on surface or ground water supplies? (5.4)	_____	✓ _____
32. Would the action result in any activities within a federally designated flood hazard area or state-designated erosion hazards area? (6)	✓ _____	_____
33. Would the action result in any construction activities that would lead to erosion? (6)	_____	✓ _____
34. Would the action involve construction or reconstruction of a flood or erosion control structure? (6.1)	_____	✓ _____
35. Would the action involve any new or increased activity on or near any beach, dune, barrier island, or bluff? (6.1)	_____	✓ _____
36. Does the proposed project involve use of public funds for flood prevention or erosion control? (6.2)	_____	✓ _____
37. Would the proposed project affect a non-renewable source of sand ? (6.3)	_____	✓ _____
38. Would the action result in shipping, handling, or storing of solid wastes, hazardous materials, or other pollutants? (7)	_____	✓ _____
39. Would the action affect any sites that have been used as landfills? (7.1)	_____	✓ _____
40. Would the action result in development of a site that may contain contamination or that has a history of underground fuel tanks, oil spills, or other form or petroleum product use or storage? (7.2)	✓ _____	_____
41. Will the proposed activity result in any transport, storage, treatment, or disposal of solid wastes or hazardous materials, or the siting of a solid or hazardous waste facility? (7.3)	_____	✓ _____
42. Would the action result in a reduction of existing or required access to or along coastal waters, public access areas, or public parks or open spaces? (8)	_____	✓ _____
43. Will the proposed project affect or be located in, on, or adjacent to any federal, state, or city park or other land in public ownership protected for open space preservation? (8)	✓ _____	_____
44. Would the action result in the provision of open space without provision for its maintenance? (8.1)	_____	✓ _____
45. Would the action result in any development along the shoreline but NOT include new water-enhanced or water-dependent recreational space? (8.2)	_____	✓ _____
46. Will the proposed project impede visual access to coastal lands, waters and open space? (8.3)	_____	✓ _____
47. Does the proposed project involve publicly owned or acquired land that could accommodate waterfront open space or recreation? (8.4)	✓ _____	_____
48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)	_____	✓ _____
49. Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	_____	✓ _____
50. Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	✓ _____	_____

**Policy Questions cont'd**

Yes No

51. Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)

52. Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)

**D. CERTIFICATION**

The applicant or agent must certify that the proposed activity is consistent with New York City's Waterfront Revitalization Program, pursuant to the New York State Coastal Management Program. If this certification cannot be made, the proposed activity shall not be undertaken. If the certification can be made, complete this section.

"The proposed activity complies with New York State's 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 Name: Vishaan Chakrabarti, Director, Manhattan Office

Address: NYC Department of City Planning

22 Reade Street, New York, NY 10007 Telephone 212-720-3480

Applicant/Agent Signature:  Date: 12/15/04

DEPARTMENT OF CITY PLANNING  
CITY OF NEW YORK

MEMORANDUM

TO: Vishaan Chakrabarti  
Robert Dobruskin  
Glen Price

FROM: Bill Woods *BW*  
Tom Hess *TH*

DATE: December 1, 2004

RE: Special West Chelsea District Rezoning & High Line Site Selection  
WRP# 04-096  
ULURP# 050161ZRM, 050162ZMM & 050163 PCM

---

We have completed the review of the project as described below for consistency with the policies and intent of the New York City Waterfront Revitalization Program (WRP).

The Department Of City Planning is proposing to rezone portions of the West Chelsea area in Manhattan Community District 4. The rezoning area is generally bounded by West 30<sup>th</sup> Street, West 17<sup>th</sup> Street, Tenth Avenue, and Eleventh Avenue. The proposed action would rezone the existing M1-5 zoning district, mapped over much of the rezoning area to C6-2, C6-3 and C6-4 zoning districts and the existing MX-3 zoning district, mapped between West 22<sup>nd</sup> and West 24<sup>th</sup> Streets to C6-2A and C6-3A zoning districts. The existing M1-5 district would be retained in the midblocks between West 20<sup>th</sup> and West 22<sup>nd</sup> Streets and West 24<sup>th</sup> and West 27<sup>th</sup> Streets. The proposed action also includes zoning text amendments to Article IX (Special Purpose Districts) of the New York City Zoning Resolution pertaining to the establishment of the Special West Chelsea District. Also included in the proposed action are acquisition and site selection for the High Line to facilitate its conversion to publicly accessible open space. This includes the High Line elevated structure extending from a point at approximately Eleventh Avenue and West 30<sup>th</sup> Street to its southern terminus at Gansevoort Street. The section of the High Line west of Eleventh Avenue is not part of the proposed action. The proposed action is intended to provide opportunities for new residential and commercial development and enhancement of a proposed publicly accessible open space along the High Line. The zoning text and map amendments would allow as-of-right residential and commercial uses, while retaining manufacturing zoning in five-and-a half mid blocks.

Seven blocks of the proposed Special West Chelsea District rezoning area and the proposed High Line easement to be acquired by the City and converted into a publicly accessible open space are located within the City's designated Coastal Zone. These seven blocks are bounded by West 24<sup>th</sup> Street on the north, Tenth Avenue on the east, West 17<sup>th</sup> Street on the south, and Eleventh Avenue on the west. In addition, south of the rezoning area boundary, the High Line intersects three blocks lying within the Coastal Zone. These three blocks are bounded by West 14<sup>th</sup> Street on the north, Washington Street on the east, Gansevoort Street on the south, and Tenth Avenue and West Street on the west.

Based on the information submitted, our office as advisors to the City Coastal Commission, has determined that the project is consistent with the New York City Waterfront Revitalization Program. This consistency determination is only applicable to the information received and the current project proposal. Any additional information or project modification would require an independent consistency review.

If you have any questions regarding this consistency determination please don't hesitate to call. Please forward our findings to the applicant and copy us on all correspondence involving waterfront issues.

c: Edith Hsu-Chen  
Maryann Nizzico  
Patrick Blanchfield  
Erick Botsford  
Lucy Baxter