

# CEQR TECHNICAL MANUAL 2014 EDITION

## REVISIONS (EFFECTIVE 4/27/16)

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The Department of City Planning proposed revisions to the Waterfront Revitalization Program (WRP) to proactively advance the long-term goals laid out in [Vision 2020: The New York City Comprehensive Waterfront Plan](#), released in 2011. They promote a range of ecological objectives and strategies, facilitate interagency review of permitting to preserve and enhance maritime infrastructure, and support a thriving, sustainable working waterfront. The changes solidify New York City's leadership in the area of sustainability and climate resilience planning. NYC is one of the first major cities in the U.S. to incorporate climate change considerations into its Coastal Zone Management Program.

The revisions to the WRP were approved by the NYS Secretary of State on February 3, 2016 and should be used for all local and state consistency reviews. Until such time as the U.S. Secretary of Commerce concurs with this approval, the 2002 WRP should be used for federal actions. Revisions to Chapter 4: Land Use, Zoning and Public Policy of the *CEQR Technical Manual* are, therefore, intended to provide guidance with respect to the new WRP. Additional information on the Revisions to the WRP can be found on the Department of City Planning website at: <http://www1.nyc.gov/site/planning/applicants/wrp/wrp-4.page>

This document summarizes the revisions that were made to the 2014 Edition of the *CEQR Technical Manual*. The changes are indicated by section number. When deemed appropriate, an entire section or paragraph is presented below to provide context and indicate specific text changes. Deletions are indicated using a ~~strikethrough~~, and additions are indicated using double underline. Typographical or grammatical errors were also corrected. These changes are not indicated below and have no effect on the substance of the guidance in the *CEQR Technical Manual*.

### CHAPTER 4, "LAND USE, ZONING AND PUBLIC POLICY"

**Section 121** – Updates guidance related to the Waterfront Revitalization Program as follows:

#### **121. Waterfront Revitalization Program**

New York City's Waterfront Revitalization Program (WRP) is the City's principal Coastal Zone management tool and establishes a broad range of public policies for the City's coastal areas. The guiding principle of the WRP is to maximize the benefits derived from economic development, environmental conservation, and public use of the waterfront, while minimizing the conflicts among these objectives. The WRP was originally adopted by the City of New York in 1982, revised in 2002, and ~~is in the process of being updated in 2014~~revised again in 2016. A local waterfront revitalization program, such as New York City's, is subject to approval 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 and the Federal Coastal Zone Management Act (see Section 710, below). The WRP establishes the City's Coastal Zone Boundary (CZB), (See Figure 4-3), and sets forth 10 categories of policies that are used to assess the consistency of a proposed project within the CZB with the WRP, which include: (1) residential and commercial redevelopment; (2) maritime and industrial development; (3) use of the waterways; (4) ecological resources; (5) water quality; (6) flooding and erosion; (7) hazardous materials; (8) public access; (9) scenic resources; and (10) historical and cultural resources. The ten policies are not presented in order of importance and are numbered only for ease of reference. As directed by the short/full EAS form, for those projects that are located within the CZB, the preparation of the WRP consistency as-



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assessment should begin with a review of the [WRP](#) policies and completion of a [NYC WRP Consistency Assessment Form](#) (NYC CAF).

The section links to the new NYC WRP Consistency Assessment Form and provides a new Coastal Zone Boundary Map (Figure 4-3).

The list of definitions of terms and concepts was expanded to include:

**ARTHUR KILL ECOLOGICALLY SENSITIVE MARITIME AND INDUSTRIAL AREA (ESMIA).** The ESMIA on the West Shore of Staten Island promotes industrial development in concert with preservation and enhancement of ecological resources. The area is both well suited for a mix of maritime and industrial development—with large tracts of vacant, industrially zoned land, close proximity to the New York Container Terminal, connections to rail and highways, and access to deep water—and is home to among the most extensive concentrations of intact tidal wetlands in the city. WRP policies that are prioritized for the ESMIA are Policies 2.2 and 4.2.

**BASE FLOOD OR 100-YEAR FLOOD.** A 100-year flood is one having a one percent (1%) chance of being equaled or exceeded in any given year. The Base Flood Elevation (BFE) is the elevation of the base flood, including wave height, as specified on FEMA Flood Insurance Rate Maps (FIRMs), relative to the National Geodetic Vertical Datum of 1929 (NGVD 1929). The NGVD 1929 elevation, the zero or sea level reference cited on FEMA's FIRMs is lower than the Borough Datum, frequently reported on surveys of properties within the five boroughs of NYC. For example, as shown in the following table, at an elevation point of 7.392 feet, the Bronx Borough Datum is equivalent to an elevation of 10 feet NGVD 1929 (7.392 plus the conversion figure for the Bronx, 2.608). Conversely, for example, given a NGVD elevation of 10 feet, subtract the conversion figure (2.608) to calculate the equivalent Bronx Borough elevation, 7.392 feet. FEMA's minimum standards refer to BFE requirements.

In December 2013, and revised in January 2015, FEMA released the Preliminary FIRMs for New York City. The Preliminary FIRMs are the current, best available flood hazard data. The Preliminary FIRMs are maps to allow for public review of flood hazard risk before the issuance of effective FIRMs. FEMA developed a preliminary flood hazard data search tool (<http://hazards.fema.gov/femaportal/prelimdownload/>), and the New York City Preliminary FIRM Data Viewer (<http://apps.femadata.com/PreliminaryViewer/?appid=687703427dd347018b8fa2bb0adee979>). After a public comment period, the Preliminary FIRMs will become Effective FIRMs, which is expected to take place in 2015. The Base Flood Elevations in the Preliminary FIRMs are relative to the National North American Vertical Datum of 1988 (NAVD88).

**COASTAL EROSION HAZARD AREAS.** Those erosion prone areas of the shore, as defined in Article 34 of the Environmental Conservation Law (ECL), and the implementation of its provisions in 6 NYCRR Part 505, Coastal Erosion Management Regulations, that: (a) are determined as likely to be subject to erosion within a forty-year period, and; (b) constitute natural protective features (*i.e.*, beaches, dunes, shoals, bars, spits, barrier islands, bluffs, wetlands, and natural protective vegetation).

**PRIORITY MARINE ACTIVITY ZONES.** The Priority Marine Activity Zones are areas with concentrations of waterborne transportation uses that support the city's waterborne transportation and maritime activities. These areas are characterized by shorelines used for vessel docking, berthing, or tie-up and where the maritime infrastructure—such as bulkheads, docks, piers, and fendering—is designed to support such uses. The WRP policy that is prioritized for PMAZs is Policy 3.5.

**RECOGNIZED ECOLOGICAL COMPLEXES (REC).** RECs are clusters of valuable natural features which are more fragmented than those in the SNWAs and are often interspersed with developed sites. These sites in-



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clude protected parkland or sites identified as priority acquisition or restoration sites by local, state, and regional plans. Many are substantially environmentally deteriorated and require an active approach to restoration. The WRP Policy that is prioritized for the RECs is Policy 4.4.

***SPECIAL AREA DESIGNATIONS.*** The WRP sets forth five (5) types of special area designations: the Special Natural Waterfront Areas (SNWAs), the Significant Maritime and Industrial Areas (SMIAs), the Arthur Kill Ecologically Sensitive Maritime and Industrial Area (ESMIA), the Priority Marine Activity Zones (PMAZs), and the Recognized Ecological Complexes (RECs). Maps depicting the boundaries of all of these area designations are in Part III of the WRP report and on DCP's website. Within each of these areas, certain priority policies set forth in the WRP are weighted more heavily over other policies. Therefore, some policies may be more or less relevant in a consistency review depending on whether a proposed activity would occur in an area characterized as most appropriate for redevelopment, working waterfront uses, natural resource protection, or public use.

***SIGNIFICANT COASTAL FISH AND WILDLIFE HABITATS (SCFWH).*** Per the NYS Waterfront Revitalization and Coastal Resources Act (Executive Law of New York, Article 42) NYSDEC recommends for designation by the Department of State areas it considers significant coastal fish and wildlife habitats. These are habitats that are essential to the survival of a large portion of a particular fish and wildlife population; that support populations of protected species; that support fish and wildlife populations that have significant commercial, recreational, or educational value; and/or that are types not commonly found in the state or region. For each designated SCFWH site, a habitat map and narrative are created to provide site-specific information. There are over 250 SCFWH sites designated statewide.

***SIGNIFICANT MARITIME AND INDUSTRIAL AREAS (SMIA).*** SMIAs are a special area designation defined by the Waterfront Revitalization Program that contain portions of the coastal zone especially valuable as industrial areas due to locational requirements. The criteria used to delineate these areas generally include concentrations of M2 and M3 zoned land; suitable hydrographic conditions for maritime-related uses; presence of or potential for intermodal transportation, marine terminal and pier infrastructure; concentrations of water-dependent and industrial activity; relatively good transportation access and proximity to markets; relatively few residents; and availability of publicly owned land. The WRP Policy that is prioritized for SMIAs is Policy 2.1.

***SPECIAL NATURAL WATERFRONT AREAS (SNWA).*** SNWAs are a special area designation defined by the Waterfront Revitalization Program that contain large areas with significant open spaces and concentrations of the natural resources including wetlands, habitats, and buffer areas described above. Each of the SNWAs has a combination of important coastal ecosystem features, many of which are recognized and protected in a variety of regulatory programs, including the Significant Coastal Fish and Wildlife Habitats, Coastal Erosion Hazards Areas, and Tidal and Freshwater Wetlands. The WRP Policy that is prioritized for SNWAs is Policy 4.1.

### **322.1. Waterfront Revitalization Program**

As stated in the [Short and Full EAS Forms](#), the lead agency should include an analysis of WRP consistency as part of the environmental review if the project is located in the Coastal Zone.

The first step in conducting a WRP consistency assessment is a preliminary assessment of the project's potential effects upon the achievement of WRP policies. The NYC CAF was developed by DCP to help an applicant and reviewing parties identify the extent to which the proposed project may have an effect on the achievement of particular WRP policies. The questions presented in the NYC CAF are designed to identify whether a proposed project has potential effects upon a policy. Note that the policies set forth in the WRP provide general goals for the City's waterfront as a whole and more specific goals for portions of the waterfront that have notable characteristics. Accordingly, the relevance of each applicable policy may vary depending upon the project



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type and where it is located. A policy may be considered applicable to a proposed project if its site, surroundings or the action itself involves activities or conditions ~~relevant to that either promote or hinder~~ that policy.

Further, the WRP sets forth ~~several~~ five Special Area Designations. Maps depicting the boundaries of all of these area designations are included within Part III of the WRP.

Where the answers to a NYC CAF indicate that the proposed project does not have any potential effect upon the achievement of any particular policy (“not applicable”), no further assessment of the project’s potential effects on WRP policies is required or necessary. Where answers to the questions indicate that the project may have a potential effect on the achievement of a particular identified policy or policies set forth in the WRP (“advance” or “hinder”), further examination through preparation of a detailed analysis is warranted and an explanation should be prepared to assess the potential effects the proposed project may have on the achievement of the noted policy or policies.

### **332.1. Waterfront Revitalization Program**

This assessment may require additional information about the affected site and the project, such as the following:

- Piers, Platforms, or Floating Structures
- Mean High Water
- Mean Low Water
- Pierhead Line
- Bulkhead Line
- Water-Dependent and Water-Enhancing Uses
- Depth to Water Table
- Ownership
- Documentation of Lands Underwater
- Existing and Proposed Vegetation
- Existing and Proposed Stormwater Drainage
- Existing and Proposed Public Access
- Topography
- Wetlands (Freshwater and Tidal)
- Coastal Erosion Hazard Area
- Beach or Bank Profile
- Floodplains
- Base Flood Elevation
- Required or Proposed Freeboard
- Wildlife
- Climate change projections by the New York City Panel on Climate Change
- Climate change adaptation strategies

### **712. New York State Laws and Regulations**

- State Guidelines for Federal Reviews: Procedural Guidelines for Coordinating New York State Department of State and New York City Waterfront Revitalization Program Consistency Review of Federal Agency Actions, Coastal Management Program, Department of State, State of New York. (See Appendix C of the WRP). ~~1985~~



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- Guidelines for Notification and Review of State Agency Actions Where Local Waterfront Programs Are in Effect, Coastal Management Program, Department of State, State of New York, (See Appendix C of the WRP).

### 730. LOCATION OF INFORMATION

- New York City Department of City Planning  
22 Reade Street-120 Broadway, 31<sup>st</sup> Floor  
New York, NY ~~10007~~ 10271
- Waterfront and Open Space Division:
  - Waterfront Studies
  - State and Federal Coastal Zone Requirements
  - Department of City Planning, Coastal Zone Boundary, City of New York.
  - Department of City Planning, The New Waterfront Revitalization Program (2002).
  - Department of City Planning, Vision 2020: New York City Comprehensive Waterfront Plan (2011).
  - Department of City Planning, The Waterfront Revitalization Program (2016).
  - Department of City Planning, New York City Comprehensive Waterfront Plan (1992).
  - Reclaiming the City's Edge (2002).
- New York City Panel on Climate Change  
New York City Panel on Climate Change. Building the Knowledge Base for Climate Resiliency (January 2015). <http://onlinelibrary.wiley.com/doi/10.1111/nyas.2015.1336.issue-1/issuetoc>
- Mayor's Office of Recovery and Resiliency  
[www.nyc.gov/resiliency](http://www.nyc.gov/resiliency)
- NYC Buildings Department
  - <http://www1.nyc.gov/site/buildings/index.page>
  - The NYC Buildings website provides NYSDEC Wetlands & Flood Insurance Rate Maps  
<http://www1.nyc.gov/site/buildings/codes/wetlandsmaps.page>
- National Oceanographic and Atmospheric Association  
1401 Constitution Avenue NW, Room 5128  
Washington, DC 20230  
<http://www.noaa.gov/>