

## **A. INTRODUCTION**

This chapter considers the potential for the proposed actions—minor modifications to the Two Bridges Large Scale Residential Development (LSRD)—to result in significant adverse impacts to land use, zoning, and public policy. Under the guidelines of the 2014 *City Environmental Quality Review (CEQR) Technical Manual*, this detailed analysis evaluates the land uses and development trends in the area that may be affected by the proposed actions and determines whether the proposed actions are compatible with those conditions or may otherwise affect them. The analysis also considers the proposed actions’ compatibility with zoning regulations and other applicable public policies in the study area, which is located in the Lower East Side neighborhood of Manhattan in Community District (CD) 3, within the boundaries of the Two Bridges LSRD.

As described in Chapter 1, “Project Description,” in the future with the proposed actions (the With Action condition), the three applicants—Cherry Street Owner LLC (an affiliate of JDS Development Group, and Two Bridges Senior Apartments LP); Two Bridges Associates, LP (a joint venture between CIM Group and L+M Development Partners); and LE1 Sub LLC—would develop three new mixed-use buildings on three sites—Sites 4 (4A/4B), 5, and 6A—in the Two Bridges LSRD. The proposed projects would comply with the underlying C6-4 zoning district regulations applicable to the sites under the Zoning Resolution, and no discretionary use or bulk waivers would be required to facilitate the proposed projects. However, because the project sites are located within the Two Bridges LSRD, minor modifications to the Two Bridges LSRD are required to modify the approved site plans to enable the proposed developments to be constructed within the Two Bridges LSRD boundary, utilizing unused existing floor area.

Together the three proposed projects would contain a total of approximately 2,527,727 gross square feet (gsf) of residential new Use Group 2 residential space (up to approximately 2,775 dwelling units), of which 25 percent or up to 694 units which would be designated as permanently affordable,<sup>1</sup> including approximately 200 new units of low-income senior housing; approximately 10,858 gsf of Use Group 6 retail space; and approximately 17,028 gsf of community facility space.

The three proposed projects would also contain approximately 22,779 square feet (sf) of new publicly accessible and private open space. On Site 5, the existing approximately 22,440 sf of private Rutgers Slip Open Space would be enlarged by approximately 11,110 sf, and the total of

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<sup>1</sup> A portion of the affordable units would be made permanently affordable pursuant to requirements of the “R10 Program,” set forth in Zoning Resolution Sections 23-154(a) and 23-90. The remainder of the affordable units would be made permanently affordable pursuant to Regulatory Agreements with the New York City Department of Housing Preservation and Development (HPD) as established in consultation with the applicants. For purposes herein, permanent or permanently affordable housing shall refer to units made permanently affordable both through the R10 Program and the Regulatory Agreements.

approximately 33,550 sf (approximately 0.77 acres) would be dedicated as publicly accessible open space. Across the three project sites, a total of approximately 80,020 sf of both publicly accessible and private open space would be altered with new amenities, such as new landscaping, paving, seating, and play area on the project sites, as described in Chapter 5, “Open Space.”

The proposed actions would also result in additional resiliency measures at each site, new landscaping, and ground floor retail. No new parking would be created with the proposed projects; however, the existing 103 at-grade parking spaces on Site 5 would be relocated to a below-grade facility in the proposed building on that site.

### PRINCIPAL CONCLUSIONS

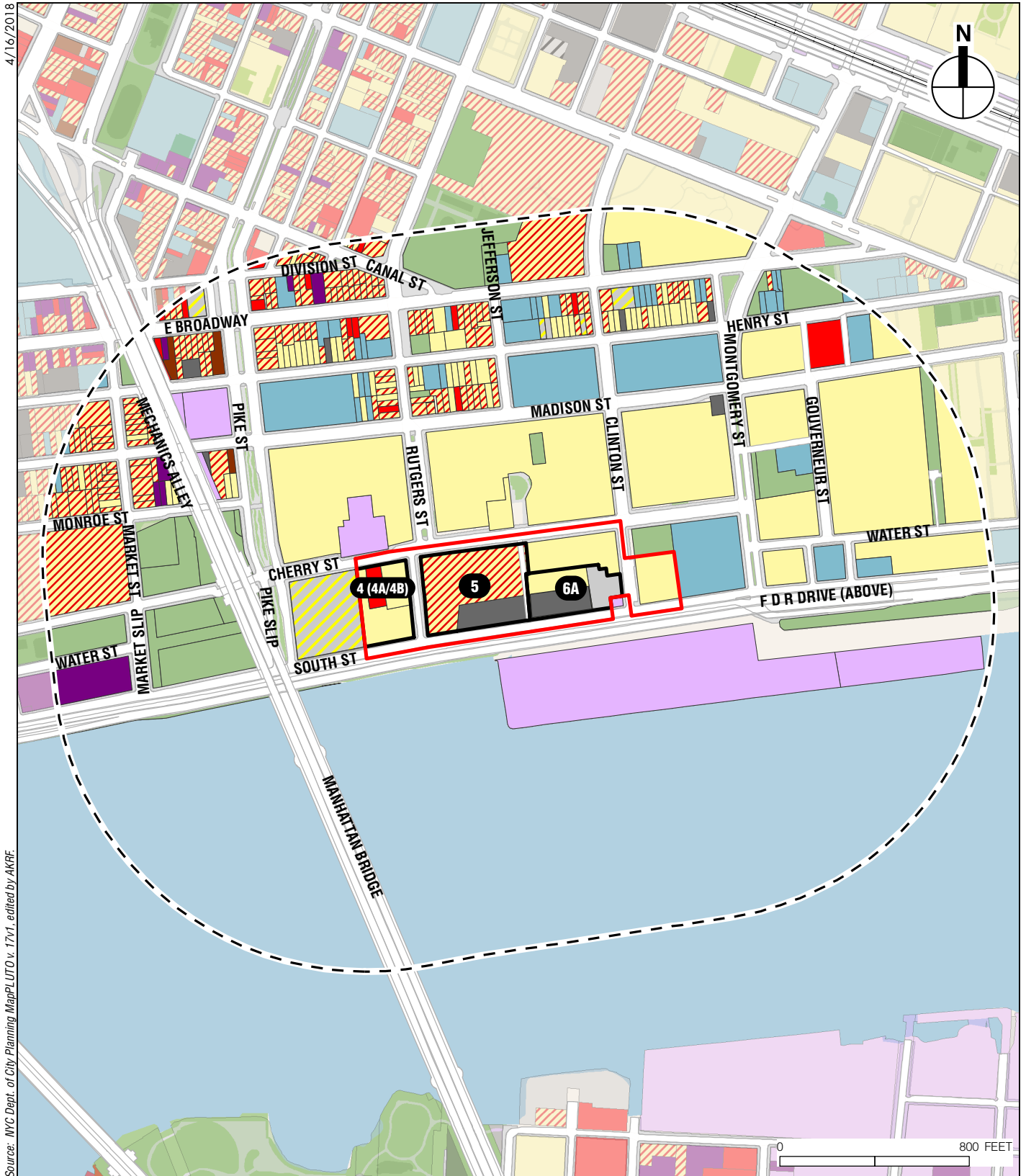
The analysis presented in this chapter concludes that the proposed actions would not result in significant adverse impacts on land use, zoning, or public policy.

The proposed modifications to the Two Bridges LSRD Approvals would enable the development of three new mixed-use buildings within the Two Bridges LSRD. While the proposed actions would not change the maximum allowable FAR, floor area, or building envelopes permitted by the underlying zoning district regulations, the requested minor modifications would permit larger developments than are permitted by the previously approved Two Bridges LSRD site plan by utilizing unused existing floor area. With the proposed actions, the proposed buildings themselves would be larger and taller than the existing buildings in the surrounding area. The proposed developments would include residential, community facility, retail, and new open space uses, and would not add any types of uses not already located within the Two Bridges LSRD. The proposed buildings would result in up to approximately 2,775 new dwelling units, of which 25 percent or up to 694 units would be designated as permanently affordable, including approximately 200 new units of low-income senior housing. This permanently affordable housing would support the Mayor’s affordable housing programs. The proposed projects would also create new community facility uses, new retail uses, dedicated publicly accessible open space at Rutgers Slip Open Space on Site 5, and expanded and altered on-site private open space. At-grade parking on Site 5 would be relocated to a below-grade parking facility in the proposed Site 5 building.

The proposed projects are located within the City’s Coastal Zone. The proposed projects would provide resiliency measures intended to support the adopted resiliency policies of New York City regarding resiliency along the waterfront areas of Manhattan, as per *Vision 2020: New York City Comprehensive Waterfront Plan*. The proposed projects were reviewed for consistency with the policies of the City’s Waterfront Revitalization Program (WRP). The WRP analysis concluded that the proposed projects would support the adopted resiliency policies of New York City and would be consistent with the relevant WRP policies.

### B. METHODOLOGY

Following the guidance of the *CEQR Technical Manual*, this analysis of land use, zoning, and public policy examines the area within ¼-mile from the boundary of the Two Bridges LSRD, which is the area within which the proposed projects could reasonably be expected to cause potential effects. The land use study area is generally bounded by Jackson Street to the east, Catherine Street to the west, East Broadway to the north, and the East River to the south (see **Figure 2-1**). The project sites and most of the study area are within Manhattan CD 3.



**TWO BRIDGES LSRD**

Land Use  
Figure 2-1

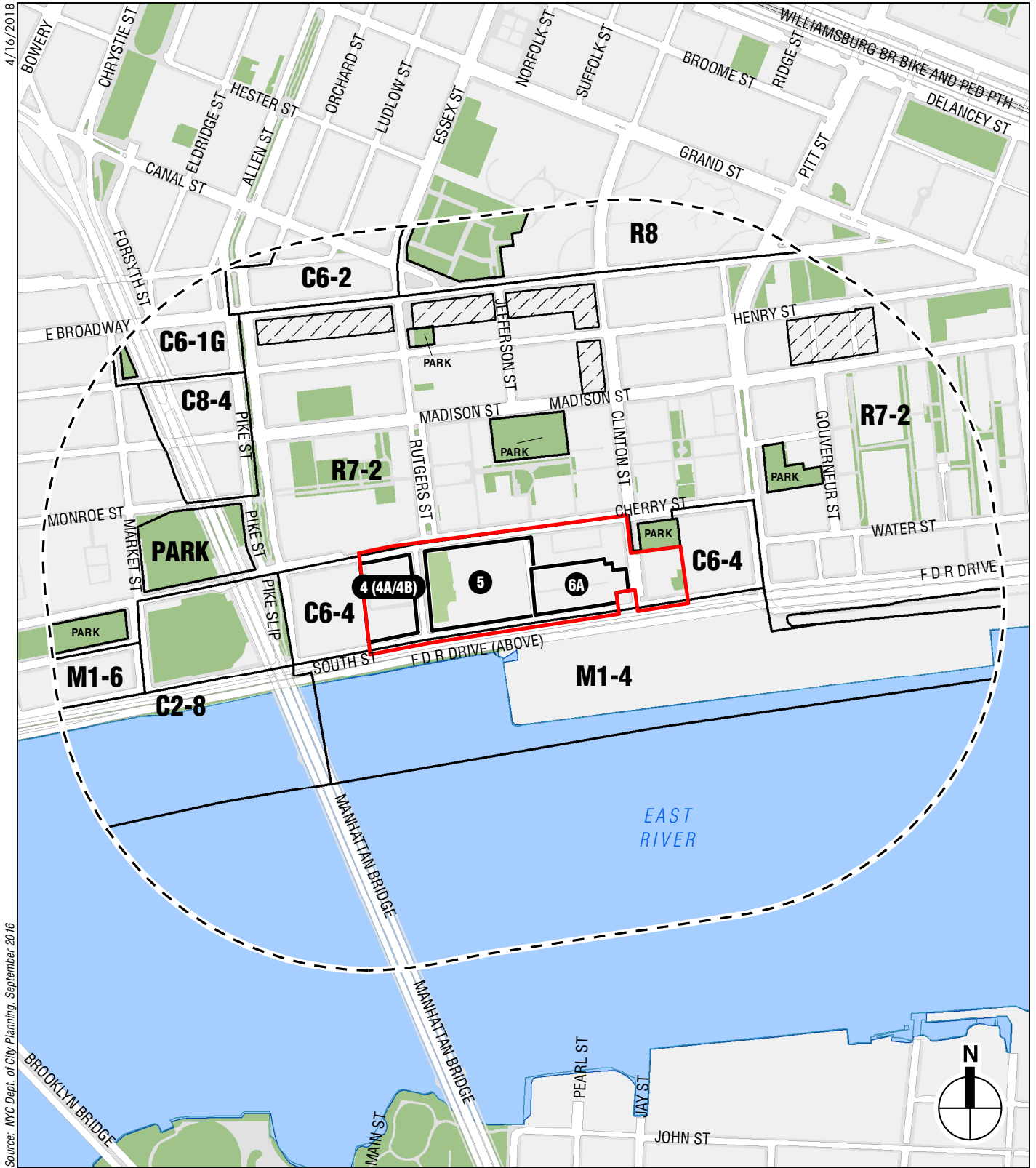
The analysis begins by considering existing conditions in the study area in terms of land use, zoning, and public policy. The analysis then considers land use, zoning, and public policy in the No Action condition in the 2021 build year by identifying developments and potential policy changes expected to occur within that time frame. Probable impacts of the proposed actions are identified by comparing With Action conditions to No Action conditions. Data sources for this analysis include the New York City Department of City Planning (DCP), the New York City Department of Buildings (DOB), and recent environmental assessment and impact statements for projects in the study area.

### **C. BACKGROUND AND DEVELOPMENT HISTORY**

The project sites are located within the boundaries of the former Two Bridges Urban Renewal Area (TBURA). Designated as an urban renewal area on January 15, 1961, TBURA covered 14 acres along the East River in Lower Manhattan located between South and Cherry Streets, with Market Street to the west and Montgomery Street to the east. Historically, TBURA had been an industrial area that served the East River piers. By the 1960s, the uses in the area were warehousing, storage, waste-paper handling, garages, and some manufacturing. There were also a small number of residential buildings. At that time, this area was considered blighted. The buildings were in poor condition, and no new development had taken place in several decades.

TBURA was part of a major public policy that shaped much of the development on the project sites and in the surrounding area. Development of TBURA was governed by the Two Bridges Urban Renewal Plan (TBURP) with the goals of eliminating blight and restoring the residential character of the area; providing well-designed low-, moderate-, and middle-income housing; providing convenient recreational, commercial, and community facility uses; achieving high quality urban design, architecture, street, and open space elements; and strengthening the City's tax base by encouraging development and employment opportunities in the area. The Land's End IIA project (on Site 5) was considered an important step toward the realization of TBURA by providing moderate-income housing and by eliminating the blighting influence of the unsafe and obsolete structures that had occupied the site. The TBURP was originally approved by the City Planning Commission (CPC) and the Board of Estimate (BOE) in 1967. Over the years, TBURP was amended and the TBURA was developed. The TUBURP expired in June 2007.

The Two Bridges LSRD was originally approved by the CPC on May 17, 1972 (CP-21885), and was last amended on August 23, 2013 (M120183 ZSM). The 2013 amendment was to allow for the development of a new mixed-use building on Site 5, as well as the enlargement of existing retail use and the relocation of 103 existing accessory surface parking spaces into the new building. That proposed development did not occur. The Two Bridges LSRD includes six of the former TBURA parcels, which were initially developed in seven stages pursuant to the Two Bridges LSRD Approvals. All of the project sites are located within a C6-4 zoning district, a district that has been mapped in the project area since 1961. The boundaries of the Two Bridges LSRD are illustrated in **Figures 2-1 and 2-2**. The Two Bridges LSRD Approvals, as amended, remain in effect.



- Project Sites
- Boundary of Two Bridges LSRD
- Study Area (Quarter-mile boundary)
- Zoning District Boundary
- C1-5 Commercial Overlay District

0 400 FEET

## **D. EXISTING CONDITIONS**

### **LAND USE**

#### *PROJECT SITES*

Site 4 (4A/4B) is located on the west side of Rutgers Slip at the west end of the Two Bridges LSRD (Block 248, Lots 15, 70, and 76). Existing development on this site includes the Two Bridges Tower (82 Rutgers Slip, on Lot 15), a 21-story building completed in 1995 with 198 mixed-income residential units and on-site social services, including an after-school program for children and a rehabilitation center; a single-story partially vacant commercial building at 235 Cherry Street (Lot 76); and the Two Bridges Helen Hayes Senior Residence (80 Rutgers Slip, on Lot 70), a 10-story residential building at the corner of Cherry Street. Completed in 1987, this building has 109 residential units for the elderly and disabled and also provides on-site social services. Site 4 (4A/4B) also contains private landscaped areas around the residential towers and paved private but publicly accessible open space to the north of 82 Rutgers Slip. Four surface accessory parking spaces are located on Lot 70, and an 11-space enclosed accessory parking facility is located within 82 Rutgers Slip. Site 4 (4A/4B) has three existing curb cuts, one each on Cherry Street, Rutgers Slip, and South Street.

Site 5 (Block 247, Lots 1 and 2) is the largest of the three project sites, and is located in the middle of the Two Bridges LSRD with frontages on Cherry Street, South Street, Rutgers Slip, and the former alignment of Jefferson Street (demapped). The Lands End II development on Site 5 includes two existing 26-story rental apartment buildings at 265 Cherry Street and 275 Cherry Street with private a courtyard area that contains playgrounds and landscaped seating areas between the two buildings. Completed in 1979, these two buildings contain a total of 490 rental units for low-income households. The Stop 1 Food Market is located on the ground floor of 265 Cherry Street opening onto Cherry Street. The Two Bridges Neighborhood Council is located on the ground floor of 275 Cherry Street. South of the two buildings is an accessory surface parking lot with 103 spaces on South Street. Site 5 also includes the Rutgers Slip Open Space, a private open space along the Rutgers Slip block frontage that contains playgrounds, seating areas, and a basketball court. There is also a paved area between the Rutgers Slip open space and the 265 Cherry Street building. Site 5 has four existing curb cuts on Cherry Street and five existing curb cuts on South Street.

Site 6A (Block 246, Lots 1 and 5) is located on the west side of Clinton Street at South Street within the eastern portion of the Two Bridges LSRD. Lot 5 is currently vacant; Lot 1 is occupied by 275 South Street, a 19-story building with 256 residential units. The building was completed in 1978 but has been recently renovated. Lot 1 also includes an accessory surface parking lot with 34 spaces along South Street. Two existing curb cuts provide access to this parking lot from South Street.

#### *STUDY AREA*

The study area is primarily residential with some institutions, open spaces, commercial uses (primarily ground floor retail), and utility uses.

There are two other sites within the Two Bridges LSRD which would not be affected by the proposed actions: Site 6B on Block 246, Lots 1101–1057 and Site 7 on Block 245, Lot 1. Site 6B is located east of Site 5 and north of Site 6A and is occupied by three groupings of three-

story walk-up residential buildings separated by courtyards, a rear yard, and a parking lot. Completed in 1986, these residential buildings contain a total of 57 units. The buildings face the former Jefferson Street to the west, Cherry Street to the north, and Clinton Street to the east. Located across Clinton Street from Site 6A is Site 7 at 286 South Street, which is occupied by a 27-story building completed in 1975 that contains 250 residential units.

North of the 286 South Street building on Site 7 and across Clinton Street from Site 6A, is the Cherry Clinton Playground at the southeast corner of Clinton and Cherry Streets. It contains basketball courts, metal fitness equipment, benches, planting beds, and decorative pavers. The entire playground is enclosed by a decorative metal fence. The small, one-story DEP building at the northwest corner of South and Clinton Streets, located immediately adjacent to Site 6A, is located outside the Two Bridges LSRD. East of the Cherry Clinton Playground is Public School (P.S.) 184 (the Shuang Wen School); further east are the Lillian D. Wald Playground and the University Neighborhood High School. The study area east of Gouverneur Street includes the New York City Housing Authority (NYCHA)'s Vladeck Houses. Built in 1940, the Vladeck Houses is the earliest of the public housing complexes in the study area and includes twenty six-story residential buildings containing approximately 1,523 residential units.

Across Cherry Street from Sites 5 and 6A between Montgomery and Rutgers Streets are NYCHA's LaGuardia Houses which contain ten residential buildings providing 1,092 apartments. Nine of these buildings were completed in 1954 and 1955 and are 16-story buildings with X-shaped footprints. The tenth building is the LaGuardia Addition, a 16-story residential building for seniors at 282 Cherry Street, which contains 148 apartment units and a senior center. The LaGuardia Addition was completed in 1965 and has a rectangular footprint. The buildings are set within large landscaped grounds that include tall, mature trees. The landscaped grounds within public housing developments are primarily meant for use by residents of that housing development. There are also playgrounds interspersed on the LaGuardia Houses property, with the largest being the Little Flower Playground on Madison Street. A single pre-urban renewal element—a vacant public bath house—is located within the Little Flower Playground. Surface parking lots are also located on the LaGuardia Houses property.

Located across Cherry Street from Site 4 (4A/4B) are NYCHA's Rutgers Houses that occupy a superblock bounded by Cherry, Madison, Pike, and Rutgers Streets. The five 20-story buildings of the Rutgers Houses contain 721 residential units and a community center. The buildings were completed in 1963. A one-story Con Edison substation with equipment is also located on Cherry Street between Pike and Rutgers Streets.

Immediately adjacent to Site 4 (4A/4B) is the most visually prominent building in the study area—One Manhattan Square located at 250 South Street. Located adjacent to the Manhattan Bridge to the west, this 80-story residential tower is expected to contain 815 market rate condominium units, building amenities, and recreational facilities. One Manhattan Square also includes a 13-story residential component at 229 Cherry Street that will contain 205 affordable residential units.

Commercial uses, generally limited to ground floor retail, are concentrated along the north side of Madison Street, Henry Street, and East Broadway. Commercial uses are also located west of the Manhattan Bridge approach. Three prominent institutions are located in the study area: NYC Health + Hospitals/Gouverneur at 227 Madison Street, a 13-story building that was modernized in 2015; P.S. 104 Shuang Wen School on the south side of Clinton and Montgomery Streets; and P.S. 2 Meyer London at 122 Henry Street at Pike Street.

Two physically and visually prominent transportation elements extend through the study area: the Manhattan Bridge to the west, and the elevated FDR Drive to the south, which spans above South Street. The Manhattan Bridge approach and massive stone piers extend above the area west of the Pike Slip/Street dedicated bikeway-walkway. The Manhattan Bridge visually and physically separates the eastern and western portions of the study area; however, the Coleman Playground extends beneath the bridge approach from Cherry Street to Monroe Street, providing a connection. The Murry Bergtraum Playground along South Street and the Martin F. Tanahey Playground provide large open spaces in the area west of the Manhattan Bridge. The elevated FDR Drive extends east-west through the study area, immediately south of the project sites, parallel to South Street and the East River. The area below the FDR Drive is part of the East River Esplanade and is an important recreational resource along the East River. The segment of the East River Esplanade within the study area is paved and includes a waterfront bikeway/walkway, seating areas, and recreational spaces including a basketball court, metal exercise equipment, bocce courts, and bike racks. The esplanade occupies the space directly below the elevated FDR Drive and extends slightly to the south. The esplanade connects the southern tip of Manhattan with East River Park. Also included in the ¼-mile study area are Piers 35, 36, and 42. Pier 35 is under construction with new recreational uses. Pier 36 contains a New York City Department of Sanitation (DSNY) facility and a FDNY/EMS facility as well as Basketball City. Tour boats also dock at Pier 36, and tourist limousines and buses use the Pier 36 parking area. Pier 42 is located further east along the waterfront, and contains a large one-story metal building, surface parking, and temporary structures. The entire pier is enclosed by a chain-link fence and is under construction for new open space amenities that will connect to East River Park.

## ZONING

### *PROJECT SITES*

The project sites are located in a C6-4 zoning district, a district that has been mapped in the project area since 1961 (see **Figure 2-2**). As shown in **Table 2-1**, C6 districts are commercial districts that permit a wide range of high-bulk commercial uses that require a central location. C6 districts permit corporate headquarters, community facilities, and high-rise residences in mixed-use buildings. C6-4 districts permit a maximum floor area ratio (FAR) of 10.0 for commercial, community facility, or residential uses (or up to 12.0 FAR with inclusionary housing). As C6-4 districts are typically mapped in districts that are well served by mass transit, off-street parking is generally not required. One space per 4,000 zoning square feet (zsf) of new community facility or commercial space is permitted and limited to 100 spaces, or 225 spaces for mixed-use developments. All new spaces must be located in an enclosed building. There is no height limitation in C6-4 districts.



**Table 2-1**  
**C6-4 Zoning District—Zoning Regulations**

	Use Group	Description
Permitted Use Groups	Use Group 1	Single-family detached residential development
	Use Group 2	All other types of residential development designed for permanent occupancy
	Use Group 3	Community facilities, like schools, libraries, museums, college dormitories, nursing homes, and residential facilities for special needs populations
	Use Group 4	Community facilities, like houses of worship, community centers, hospitals, ambulatory health care facilities and other facilities without sleeping accommodations
	Use Group 5	Transient hotels
	Use Group 6	Retail and service establishments that serve local shopping needs, like food and small clothing stores, beauty parlors, and dry cleaners
	Use Group 7	Home maintenance and repair services that serve nearby residential areas, like plumbing and electrical shops
	Use Group 8	Amusement establishments, like small bowling alleys and movie theaters, and service uses like upholstery and appliance repair shops
	Use Group 9	Services to business establishments and other services, like printers or caterers
	Use Group 10	Large retail establishments, like department stores and appliance stores which serve a large area
	Use Group 11	Custom manufacturing activities, like art needlework and jewelry manufacturing
	Use Group 12	Large entertainment facilities, like arenas and indoor skating rinks which draw large numbers of people
Floor Area Ratio (FAR) <sup>1</sup>	Commercial FAR	10.0
	Residential FAR	10.0 <sup>2,3</sup>
	Community Facility FAR	10.0 <sup>2,3</sup>
<b>Notes:</b> <sup>1</sup> FAR is a measure of density establishing the amount of development allowed in proportion to the lot area. For example, a lot of 10,000 square feet with a FAR of 1 has an allowable building area of 10,000 square feet. The same lot with an FAR of 10 has an allowable building area of 100,000 square feet. <sup>2</sup> Up to 20 percent increase for a plaza bonus. <sup>3</sup> Up to 12 FAR with Inclusionary Housing bonus. <b>Source:</b> DCP's <i>Zoning Handbook</i> .		

The Two Bridges LSRD Plan, authorized in 1977, establishes controls with respect to development on the project sites. The Two Bridges LSRD Plan was established to permit the construction of the Land's End IIA housing project, now 265 and 275 Cherry Street. As described above, the Two Bridges LSRD Special Permit was originally approved by the CPC on May 17, 1972 (CP-21885), and was last amended on August 23, 2013 (M120183 ZSM). The 2013 amendment was to allow for the development of a new mixed-use building on Site 5, as well as the enlargement of existing retail use and the relocation of 103 existing accessory surface parking spaces into the new building. That proposed development did not occur. The Two Bridges LSRD Special Permit, as amended, remains in effect.

Large Scale Plans are created to promote good site planning on large zoning lots or several zoning lots planned as a unit that are contiguous or only separated by a street. Large Scale Plans allow greater flexibility of bulk and open space on these sites not permitted with the underlying zoning, and can be implemented for general developments, residential developments, or community facility developments. In order to establish a Large Scale Plan, the CPC must find that the distribution of bulk and open space would result in an optimized relationship between buildings and the neighborhood. Any updates or modifications to a Large Scale Plan must be approved by the CPC.

### *STUDY AREA*

Like the project sites, the areas to the east and west of the project sites are zoned C6-4 (see **Table 2-1**).

The study area north of Cherry Street is within an R7-2 district. R7 districts are medium-density apartment housing districts and are the predominant zoning classification along the East River in Manhattan from the Brooklyn Bridge to East 23rd Street. R7 districts encourage lower apartment buildings on smaller zoning lots and taller buildings with low lot coverage on larger lots. R7 districts have a maximum FAR of between 0.87 and 3.44. In R7-2 districts, parking is required for 50 percent of the units; however, parking is not required within the Manhattan Core. In an R7 district, developers may choose the optional Quality Housing regulations to build lower buildings with higher lot coverage set on or near the street line. Under the Quality Housing Option, the maximum FAR is 4.0 on wide streets and 3.44 on narrow streets.

The study area south of South Street and west of Pike Slip is zoned M1-4. M1 districts can include light industries, such as woodworking shops, auto storage and repair shops, and wholesale service and storage facilities. Nearly all industrial uses can locate in M1 districts if they meet the M1 zoning performance standards. In addition, M1 districts can include offices and most retail uses. Certain community facilities, such as hospitals, are permitted in M1 districts only by special permit. M1-4 districts have a maximum FAR of 2.0 for manufacturing or commercial uses and 6.5 for community facility uses.

A small portion of the study area is zoned C8-4, south of Henry Street and north of Monroe Street, between the Manhattan Bridge and Pike Street. C8-4 districts include commercial and manufacturing uses, and provide for automotive and other heavy commercial services that often require large amounts of land. Typical uses are automobile showrooms and repair shops, warehouses, gas stations and car washes, and some permitted community facility uses. C8-4 districts have a maximum FAR of 5.0. The study area along Division Street and Allen Street is zoned C6-1G, C6-2, and C6-2G. C6 districts permit a wide range of high-bulk commercial uses requiring a central location. Corporate headquarters, large hotels, department stores, and entertainment facilities in high-rise mixed buildings are permitted in C6 districts. C6-2 districts have a commercial FAR of 6.0, and are typically mapped outside of central business cores. C6-1G and C6-2G districts have a commercial FAR of 6.0, and are mapped in certain areas of downtown Manhattan and have rules for the conversion of non-residential space to residential use.

North of East Broadway the study area is zoned R8, which is a high density residential district. New buildings in R8 districts may be developed under either height factor regulations or the operational Quality Housing regulations that often reflect the older, pre-1961 neighborhood streetscapes; the FAR in an R8 district ranges from 0.94 to 6.02.

### **PUBLIC POLICY**

The public policy initiatives applicable to the project sites and the surrounding study area are described below.

### *INTRODUCTION 1533-A*

In December 2017, City Council voted to pass legislation that would require the Department of Housing Preservation and Development (HPD) to notify relevant community boards, borough presidents, and council members when an urban renewal plan is going to expire and report to the

mayor, the council, the affected council members and community boards information about all urban renewal areas currently or formerly designated in the City. The bill would also require HPD, in coordination with DCP, to establish a publicly accessible website to provide information about the status of urban renewal plans, including any approved or pending extensions of expiration dates.

### *HOUSING NEW YORK: A FIVE-BOROUGH, TEN-YEAR PLAN*

In May 2014, the de Blasio administration released *Housing New York: A Five-Borough, Ten-Year Housing Plan* (Housing New York), a plan to build or preserve 200,000 affordable residential units. To achieve this goal, the plan aims to double the capital budget of HPD, target vacant and underused land for new development, protect tenants in rent-regulated apartments, streamline rules and processes to unlock new development opportunities, contain costs, and accelerate affordable construction. The plan details the key policies and programs for implementation, including developing affordable housing on underused public and private sites.

### *PLANYC*

In April 2007, the Mayor's Office of Long Term Planning and Sustainability released PlaNYC: A Greener, Greater New York (PlaNYC). Since that time, updates to PlaNYC have been issued that build upon the goals set forth in 2007 and provide new objectives and strategies. In 2015, *One New York: The Plan for a Strong and Just City* (OneNYC) was released by the Mayor's Office of Sustainability and the Mayor's Office of Recovery and Resiliency. OneNYC builds upon the sustainability goals established by PlaNYC and focuses on growth, equity, sustainability, and resiliency. Goals outlined in the report include those related to housing (ensuring access to affordable, high-quality housing) and thriving neighborhoods (ensuring that neighborhoods will be well-served).

### *ONENYC*

OneNYC is the City's comprehensive strategy and policy directive to address long-term challenges related to climate change, an evolving economy, and aging infrastructure. It is built on the 2007 PlaNYC (updated in 2011 and 2013). The core visions of OneNYC are summarized below.

- **Growth:** To meet the needs of a growing population at a time of rising housing costs, the City will create and preserve 200,000 affordable housing units and support the creation of 160,000 additional housing units by 2024, and support the creation of at least 250,000 to 300,000 additional housing units by 2040. The City will also foster job growth, spurring the creation of more than 4.9 million jobs by 2040, and invest in transportation infrastructure, to ensure that average New Yorkers can reach 1.8 million jobs by transit within 45 minutes by 2040.
- **Equity:** The City aims to lift 800,000 New Yorkers out of poverty or near poverty by 2025 by raising the minimum wage, and launching high-impact initiatives to support education and job growth. The City also seeks to reduce premature mortality by 25 percent by ensuring that all New Yorkers have access to physical and mental healthcare services and addressing hazards in homes.
- **Sustainability:** The City's sustainability goals include reducing greenhouse gas emissions by 80 percent by 2050 (relative to 2005 levels), sending zero waste to landfills by 2030, having

the best air quality among all large U.S. cities by 2030, and reducing the risk of stormwater flooding in most affected communities. Contaminated land will be cleaned up to address disproportionately high exposures in low-income communities and convert land to safe and beneficial use, and major investments will be made to ensure that underserved New Yorkers have more access to parks.

- **Resiliency:** The City seeks to eliminate long-term displacement from homes and jobs after shock events by 2050. City neighborhoods will be made safer by strengthening community, social, and economic resiliency; private and public buildings will be upgraded to be more energy efficient and resilient to the impacts of climate change; infrastructure systems will be adapted to withstand severe weather events; and coastal defenses will be strengthened against flooding and sea level rise.

### *LOWER MANHATTAN COASTAL RESILIENCY PROGRAM*

Consistent with OneNYC's resiliency goals, a comprehensive flood protection planning effort—the Lower Manhattan Coastal Resiliency (LMCR) project—is underway for the area around Lower Manhattan, from Montgomery Street south to the Battery and up to the west side of Manhattan to the northern terminus of Battery Park City at Jay Street. The City's resiliency plan proposes a significant rethinking of Lower Manhattan using a combination of integrated flood protection measures to control storm surge and prevent flooding. Building on those recommendations, the City will conduct advanced planning for integrated flood protection strategies to prevent and mitigate upland flooding. This will build on the City's participation in the U.S. Department of Housing and Urban Development's Rebuild by Design competition, and complement the plans for an integrated flood protection system already underway east of Montgomery Street to East 25th Street, the East Side Coastal Resiliency (ESCR) project. Through these projects, the City is proposing to install a flood protection system within City parkland and streets. The flood protection system would include a combination of berms, floodwalls, and possibly deployable systems with other infrastructure improvements to reduce flooding.

### *RESILIENT NEIGHBORHOODS INITIATIVE*

As part of the City's long-term resiliency effort, DCP is undertaking the Resilient Neighborhoods Initiative, working with communities to identify and implement locally specific strategies to support the vitality of neighborhoods at risk of coastal flooding, and to help residents and businesses withstand and recover quickly from future storms and other climate events. The Flood Resilience Zoning Text Amendment, adopted in October 2013, updated the zoning text based on new flood maps from the Federal Emergency Management Agency (FEMA) and removed zoning barriers that limited the ability of homeowners and developers to make necessary changes to better protect their new and existing buildings from floods. DCP is currently working with communities throughout the floodplain to update Flood Resilience Zoning, to ensure that the temporary provisions in place are made permanent. The changed regulations enable new and existing buildings to incorporate flood protection measures, based on the best available data on flood risk from FEMA; however, there is also a need to help individual communities in flood zones reexamine questions of land use, zoning, and development with a new understanding of coastal flood risks. DCP worked with the East Village, Lower East Side, and Two Bridges communities to identify local strategies to facilitate resiliency in these neighborhoods; the final report was published in April 2016.

### ***WATERFRONT REVITALIZATION PROGRAM***

The project sites are located within the coastal zone designated by New York State and New York City (see **Figure 2-3**); therefore, the proposed projects are subject to a review for compliance with the City's Coastal Zone management policies. This section provides a description of existing Coastal Zone policies and the WRP.

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, farmland, and public access to the shoreline, 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.

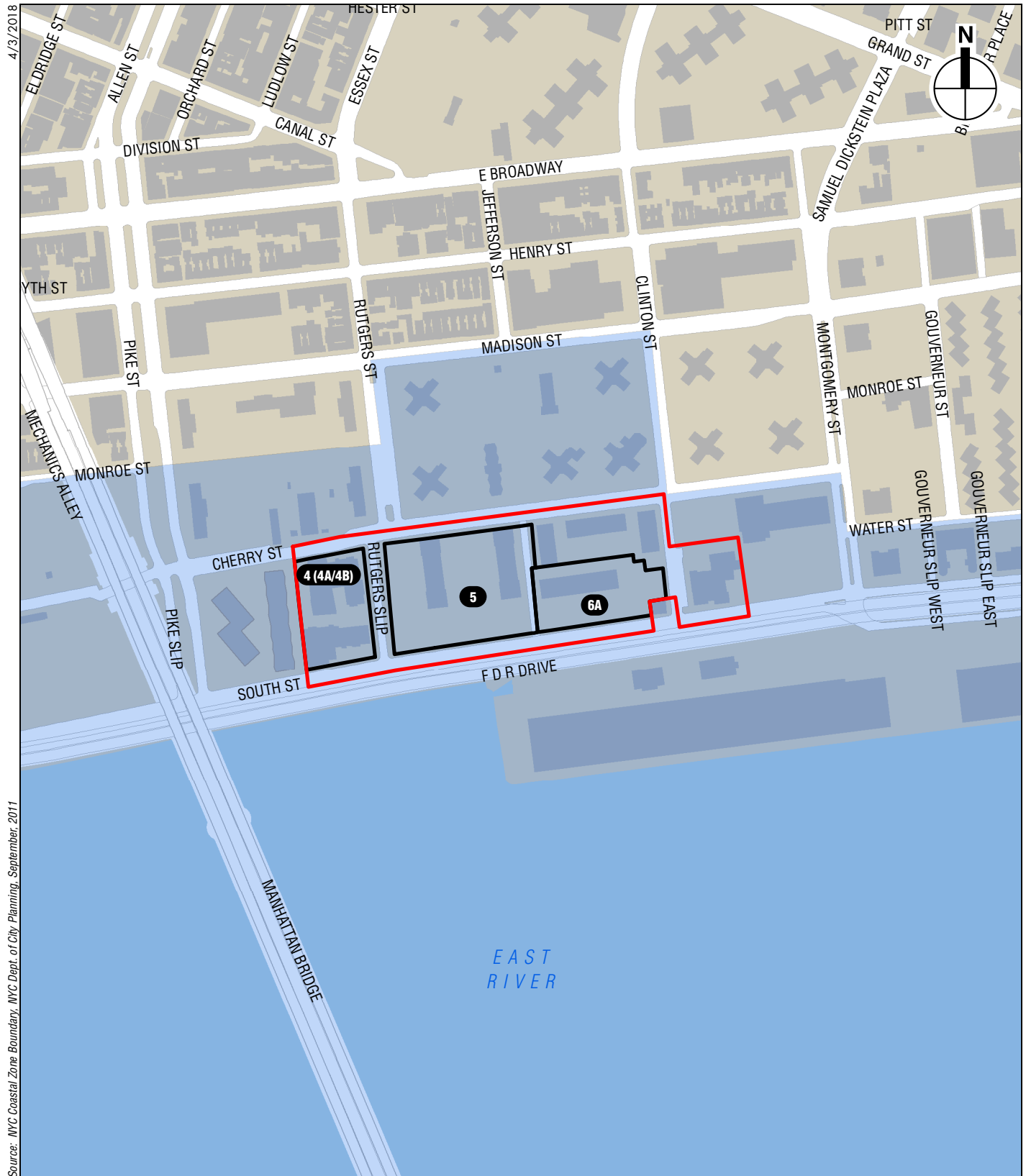
The WRP is the City's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (NYSDOS) for inclusion in the New York State CMP. The WRP establishes the City's policies for the development and use of the waterfront and provides a framework for evaluating activities proposed in the Coastal Zone. Revisions to the WRP were approved by the City Council on October 30, 2013. The revisions are intended to reflect policy elements included in the DCP's 2011 *Vision 2020 New York City Comprehensive Waterfront Plan*, including incorporation of climate change and sea level rise considerations to increase the resiliency of the waterfront area, promotion of waterfront industrial development and both commercial and recreational water-borne activities, increased restoration of ecologically significant areas, and design of best practices for waterfront open spaces.

The changes were recently approved by NYSDOS and the U.S. Department of Commerce. The proposed projects' consistency with the WRP has been assessed using the 2013 revisions. A discussion of the proposed projects' consistency with the WRP is included below in the Section G, "New York City Waterfront Revitalization Program Consistency." The WRP Coastal Assessment Form (CAF) is included as **Appendix D**.

### ***VISION 2020: COMPREHENSIVE WATERFRONT PLAN***

*Vision 2020: New York City Comprehensive Waterfront Plan* released in 2011 provided a framework to better connect New Yorkers and the waterfront by increasing water transport, public access to the waterfront, and economic development. The plan outlines eight goals for the 520 miles of New York City shoreline:

- Expand public access to the waterfront and waterways on public and private property for all New Yorkers and visitors;
- Enliven the waterfront with a range of uses integrated with adjacent uses in the upland communities;
- Support economic development on the working waterfront;



- Project Sites
- Boundary of Two Bridges LSRD
- Coastal Zone

0 500 FEET

- Improve water quality through measures benefiting natural habitats, support public recreation, and enhance waterfront and upland communities;
- Restore degraded natural waterfront areas and protect wetlands and shorefront habitats;
- Enhance the public experience of the waterways that surround New York;
- Improve governmental regulation, coordination, and oversight of the waterfront and waterways; and
- Identify and pursue strategies to increase the City's resilience to climate change and sea level rise.

For the study area, the general goal was to support plans to expand and improve public waterfront parks, enliven the waterfront with redevelopment opportunities, and increase waterborne transportation. The three specific development goals for the study area are to support plans to create public waterfront areas as part of the Basketball City development at Pier 36, support plans to create a public pier with an eco-park at Pier 35, and improve upland street connections to the East River waterfront at Montgomery Street and Rutgers Slip.

### *FRESH PROGRAM*

The study area is also located within the Food Retail Expansion to Support Health (FRESH) tax incentive area. This special zoning designation provides financial incentives to promote the establishment and retention of neighborhood grocery stores in underserved communities throughout the five boroughs. The FRESH program is open to grocery store operators renovating existing retail space or developers seeking to construct or renovate retail space that will be leased by a full-line grocery store operator. Tax incentives are discretionary and assessed on a per-case basis.

## **E. FUTURE WITHOUT THE PROPOSED PROJECTS**

This section considers land use, zoning, and public policy conditions for the No Action condition in 2021. These conditions are projected by considering changes that are likely or expected to occur on the project sites and within the study area.

### **LAND USE**

#### *PROJECT SITES*

For the No Action condition, it is assumed that the project sites would continue in their existing conditions, including the Rutgers Slip Open Space on Site 5 remaining private open space. The existing retail in the Lot 76 building (235 Cherry Street) on Site 4 (4A/4B) would be re-tenanted. No new development would occur on the project sites.

#### *STUDY AREA*

Within the ¼-mile study area, a number of development projects are expected to be completed by 2021 (see Chapter 1, "Project Description"). These projects are expected to introduce substantial new residential uses as well as more limited commercial, community facility, and recreational uses, increasing the density of the study area. By 2021 the One Manhattan Square (250 South Street) development will be complete immediately east of the Manhattan Bridge and adjacent to Site 4 (4A/4B). This 80-story tower is expected to add 815 new market rate

condominium units to the study area along with building amenities and recreational facilities for the building residents. One Manhattan Square also includes a 13-story residential component at 229 Cherry Street that is expected to include 205 affordable residential units. South of the project sites on the waterfront, the redevelopment of Piers 35 and 42 into a recreational pier and a park and link to East River Park also are anticipated to be completed by 2021.

Two Pike Street is the only No Build development expected to add office space to the study area. It will have approximately 59,000 sf of commercial use and approximately 4,900 sf of community facility space. The other No Build projects in the study area will each add more modest numbers of residential units (20 or fewer), and retail or community facility space.

## **ZONING**

There is a pending application, the “Modification to LSRD Special Permit Text Amendment,” which would amend Article VII, Chapter 8 (Special Regulations Applying to Large-Scale Residential Developments) of the Zoning Resolution to require a special permit for modifications to the existing large-scale residential development within the former Two Bridges Urban Renewal Area. The text amendment would require a new special permit for any development or enlargement proposed within the Two Bridges LSRD, except for an enlargement of up to 15,000 gsf for community facility use. Because the land use application was recently filed, it is preliminary and it is uncertain if the application will advance. As additional information becomes known, it will be included in the FEIS.

## **PUBLIC POLICY**

In the No Action condition, there are no changes to public policy expected on the project sites or in the ¼-mile study area. Existing public policies are expected to remain in effect. The 13-story residential building at 229 Cherry Street that is part of the One Manhattan Square development is expected to include 205 affordable residential units, which will support the public policy to expand affordable housing opportunities in New York City. Both the LMCR and ESCR projects are expected to have progressed to protect the shoreline and low-lying upland areas.

## **F. FUTURE WITH THE PROPOSED PROJECTS**

This section considers land use, zoning, and public policy conditions in 2021 with the proposed minor modifications approved and the three projects built.

## **LAND USE**

### *PROJECT SITES*

As described in detail in Chapter 1, “Project Description,” the proposed minor modifications to the Two Bridges LSRD would facilitate the development of new residential, commercial, and community facility uses on the project sites. Overall the proposed projects would create approximately 2,527,727 gsf of new residential use (up to approximately 2,775 dwelling units), of which 25 percent or up to 694 units which would be designated as permanently affordable, including approximately 200 new units of low-income senior housing; approximately 17,028 gsf of community facility space; and approximately 10,858 gsf of retail space on the three project sites. The proposed actions would also result in additional resiliency measures at each project



site, new landscaping, new ground floor retail, and new and altered publicly accessible and private open space on the project sites.

### *Site 4 (4A/4B)*

With the proposed projects, Site 4 (4A/4B) would contain approximately 632,376 gsf of new mixed-use, primarily residential development. The new building, which would occupy portions of Lots 70 and 76, would cantilever over the existing one-story retail building on Lot 76 (235 Cherry Street) and the 10-story residential building on Lot 70 (80 Rutgers Slip). Portions of the existing 80 Rutgers Slip building would be integrated into the new building, including 10 residential units (which would be allocated for senior housing) and a community room, and ground-floor retail would be introduced into the existing 10-story building's ground floor. The new building would reach a height of approximately 80 stories (approximately 1,008 feet tall, including mechanical screen) and would provide approximately 629,944 gsf of residential use (in addition to the remaining 84,923 gsf of residential use at 80 Rutgers Slip). The new development would contain up to 660 new units (in addition to 10 units that would be relocated from 80 Rutgers Slip to the new building),<sup>2</sup> 25 percent of which would be designated as permanently affordable (up to 165 units). The 10 units relocated from 80 Rutgers Slip would be allocated for senior housing. The one-story, approximately 11,575-gsf retail building on Lot 76 (235 Cherry Street) would remain and be re-tenanted. The proposed program is expected to include a community room and an additional approximately 3,124 gsf of retail space would be introduced in the base of 80 Rutgers Slip. The overall development on Site 4 (4A/4B) would total approximately 985,013 gsf, of which approximately 632,376 gsf would be in addition to existing development. The existing 21-story building located on Lot 15 (82 Rutgers Slip) would remain, and new amenities would be provided at the existing approximately 15,868 sf (0.36 acres) of private open space on Lots 15, 70, and 76. The residential units within the existing buildings at Lot 70 (80 Rutgers Slip) and Lot 15 (82 Rutgers Slip) would remain affordable, consistent with the existing regulatory agreements governing each building.

During construction of the proposed 4 (4A/4B) building, 10 dwelling units (DUs) in the 80 Rutgers Slip building would be removed and replaced in the new Site 4 (4A/4B) building. An additional nine DUs in the 80 Rutgers Slip building would be renovated. The Site 4 (4A/4B) applicant intends to relocate the approximately 19 residents living in these units during the construction period to comparable, newly renovated units within the 80 Rutgers Slip building, as they become available, or, if necessary, to units in neighboring buildings. As units in 80 Rutgers Slip become available prior to construction, they would not be re-tenanted, but instead would be renovated and offered as temporary or permanent dwelling units for residents of the relocated or renovated units. There are currently nine vacant units within the building that would be renovated and made available. Because the 80 Rutgers Slip building is under a U.S. Department of Housing and Urban Development (HUD) regulatory agreement, the dwelling units and residents could only be moved under a relocation plan approved by HUD. Such approval would be granted by HUD and is not part of the proposed actions. To date, the Site 4 (4A/4B) applicant has submitted a plan to HUD and approval is pending. The Site 4 (4A/4B) applicant has stated that they would coordinate the project construction to minimize disruptions to these tenants and to ensure that, to the extent possible, residents of these units remain in the building throughout construction. No residents would be permanently displaced from Site 4 (4A/4B).

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<sup>2</sup> The Two Bridges LSRD table will limit the new residential development on Site 4 (4A/4B) to 660 dwelling units, in addition to the 10 units that would be relocated from the existing building.

The proposed Site 4 (4A/4B) project would provide additional resiliency measures at the site, with physical strategies being designed and implemented around Lot 70 that are intended to protect the existing building at 80 Rutgers Slip and the new building on Site 4 (4A/4B). The proposed Site 4 (4A/4B) project would also install new pavers, plantings, and seating on the existing approximately 15,868 sf (0.36 acres) of private open space on Lots 15, 70, and 76. The existing curb cuts on Rutgers Slip and Cherry Street would be removed and the existing curb cut on South Street would remain; no new curb cuts would be required.

The proposed residential and retail uses would be consistent with the existing land uses on Site 4 (4A/4B). Consistent with the overall development objectives of the Two Bridges LSRD, the proposed actions would secure better site planning while safeguarding present and future land uses at the project site, and, specifically, would achieve more efficient land use and encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings consistent with the underlying zoning. In addition, the proposed resiliency measures at Site 4 (4A/4B) are intended to support the adopted resiliency policies of New York City regarding resiliency along the waterfront areas of Manhattan, as described in the WRP analysis below.

#### *Site 5*

The proposed Site 5 project would be an approximately 1,244,960-gsf mixed-use development with two towers on a shared base. The new development, which would be oriented perpendicular to the existing buildings at 265 and 275 Cherry Street and parallel to South Street, would reach heights of approximately 63 and 70 stories (maximum heights of 738 and 798 feet, respectively, including mechanical screens). The proposed Site 5 project would provide up to 1,350 residential units (average size 850 sf/unit),<sup>3</sup> 25 percent of which would be designated as permanently affordable (up to 338 units, including 100 new units of low-income senior housing), and approximately 17,028 gsf of community facility use. The proposed projects would maintain the 103 surface accessory parking spaces that currently exist on site, relocating these spaces to a garage in the lower level of the proposed building. The proposed projects also would enlarge the ground floor retail fronting Cherry Street by approximately 5,319 gsf, in one-story expansions of the 265 and 275 Cherry Street buildings. The existing buildings (634,983 gsf residential and 2,024 gsf retail at 265-275 Cherry Street) would remain. The residential use in those buildings (490 units) would remain affordable, consistent with the long-term regulatory agreement for that development.

The Site 5 project also would enlarge the existing private Rutgers Slip Open Space by replacing an existing paved surface parking area between the private Rutgers Slip Open Space and the 265 Cherry Street building with open space amenities. This area, in addition to the existing private Rutgers Slip Open Space, would total approximately 33,550 sf (approximately 0.77 acres) and would be dedicated as publicly accessible open space. New amenities would be installed in the enlarged Rutgers Slip Open Space, including play equipment, basketball courts, landscaping, walking paths, and seating. In addition, the Site 5 project would enlarge the existing approximately 29,664-sf private open space between 265 and 275 Cherry Street (the “courtyard area”) by approximately 2,649 sf, totaling approximately 32,313 sf (0.74 acres) of private open space. The courtyard area would include new landscaping, seating, and play areas.

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<sup>3</sup> The Two Bridges LSRD table will limit the new residential development on Site 5 to 1,350 dwelling units.

## Two Bridges LSRD

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The Site 5 project would provide additional resiliency measures at new building and physical strategies would be employed around the site to assist in protecting the 265 and 275 Cherry Street buildings. Two existing curb cuts on Cherry Street would be closed and replaced with a single central curb cut in the area between 265 and 275 Cherry Street. The curb cut on Cherry Street east of Rutgers Slip Open Space would be maintained. On South Street, two existing curb cuts would be used to access the resident and visitor drop-off and the lower level parking garage in the new building. Two other existing curb cuts on South Street may be modified. The Jefferson Street walkway curb cuts would be maintained on Cherry and South Streets. No new curb cuts would be required.

The proposed residential and retail uses would be consistent with the existing land uses on Site 5, and the proposed community facility use would also be compatible with these uses. Consistent with the overall development objectives of the Two Bridges LSRD, the proposed actions would ensure better site planning while maintaining existing land uses on Site 5, and, specifically, would achieve more efficient land use and encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings consistent with the underlying zoning. In addition, the proposed resiliency measures at Site 5 are intended to support the adopted resiliency policies of New York City regarding resiliency along the waterfront areas of Manhattan, as described in the WRP analysis below.

### *Site 6A*

The proposed Site 6A project would be an approximately 672,266-gsf mixed-use development on Lot 5. Based on current plans, the building is expected to reach a height of approximately 62 stories (approximately 730 feet tall, including mechanical screen) and would provide up to 669,851 gsf of residential use (up to 765 residential units),<sup>4</sup> 25 percent of which would be designated as permanently affordable (up to 191 units, including 100 new units of low-income senior housing), as well as approximately 2,415 gsf of retail use. The Site 6A project also would provide approximately 3,200 sf (0.07 acres) of new private open space on site. The Site 6A project would provide additional resiliency measures at the site, including locating critical infrastructure components above flood elevation and implementing physical strategies to assist in protecting the new building. The existing building (275 South Street) and accessory surface parking lot on Lot 1 would remain. The existing curb cuts on South Street would remain; no new curb cuts would be required.

The proposed residential use would be consistent with the existing land use on Site 6A, and the proposed retail use would be compatible with the proposed residential use. Consistent with the overall development objectives of the Two Bridges LSRD, the proposed actions would ensure better site planning while maintaining existing land uses at the project site, and, specifically, would achieve more efficient land use and encourage harmonious designs incorporating a variety of building types and variations in the siting of buildings consistent with the underlying zoning. In addition, the proposed resiliency measures at Site 6A are intended to support the adopted resiliency policies of New York City regarding resiliency along the waterfront areas of Manhattan, as described in the WRP analysis below.

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<sup>4</sup> The Two Bridges LSRD table will limit the new residential development on Site 6A to 765 dwelling units.

### **STUDY AREA**

The proposed minor modifications to the Two Bridges LSRD would apply only to the project sites and would not affect other sites within the Two Bridges LSRD. The proposed uses of the proposed buildings—primarily residential, with ground floor retail and community facility uses—would be similar to existing land uses in the study area. In addition, new retail space on the project sites would provide new retail opportunities for the neighborhood south of Madison Street, consistent with the existing buildings along Madison Street north of the project sites, which contain ground-floor retail and residential units above. Therefore, the proposed projects would not result in any significant adverse land use impacts within the study area.

### **ZONING**

The proposed projects each require a minor modification to the previously approved Two Bridges LSRD. The proposed projects would comply with the underlying C6-4 district regulations applicable to the sites under the Zoning Resolution, and no discretionary use or bulk waivers would be required to facilitate the proposed projects. However, the previously approved Two Bridges LSRD site plans restrict the maximum developable floor area, lot coverage, location of buildings, and other features of development on the Two Bridges LSRD sites. While the proposed actions would not change the maximum allowable FAR, floor area, or building envelopes permitted by the underlying zoning district, the requested minor modifications would modify the approved site plans to enable the proposed developments to be constructed within the Two Bridges LSRD boundary, utilizing unused existing floor area. The proposed actions also would permit better site planning within the Two Bridges LSRD. Further, no changes in zoning are anticipated within the study area. Therefore, the proposed projects would not result in any significant adverse zoning impacts.

### **PUBLIC POLICY**

The proposed projects would support public policy to encourage the maintenance and development of affordable housing and support public policies regarding resiliency along the waterfront areas of Manhattan on the project sites or in the study area, and would be consistent with the public policies that currently govern the site and the surrounding area. The proposed actions also would be consistent with the overall development objectives of the Two Bridges LSRD; providing well-designed low-, moderate-, and middle-income housing; providing convenient recreational, commercial, and community facility uses; achieving high quality urban design, architecture, street, and open space elements; and strengthening the City's tax base by encouraging development and employment opportunities in the area.

The proposed projects would advance New York City's ambitious *Housing New York: A Five-Borough, Ten-Year Plan* and would be consistent with OneNYC by creating up to 694 low-income residential units, including up to approximately 200 new units of low-income senior housing, as part of the affordable housing to be provided.

By providing enhanced access to the East River waterfront, the proposed projects would be consistent with *Vision 2020: New York City Comprehensive Waterfront Plan's* Reach 1 neighborhood strategies. The proposed projects also would provide resiliency measures intended to support the adopted resiliency policies of New York City regarding resiliency along the waterfront areas of Manhattan as per *Vision 2020: New York City Comprehensive Waterfront Plan*. As the proposed projects do not involve the creation of any grocery stores, the FRESH Program policies would not apply. An assessment of the proposed projects' consistency with the

New York City Waterfront Revitalization Program is provided in Section G, “New York City Waterfront Revitalization Program Consistency.”

Overall, the proposed projects would not result in any significant adverse impacts to public policy.

## **G. CONSISTENCY OF PROPOSED PROJECTS WITH THE WATERFRONT REVITALIZATION PROGRAM POLICIES**

The proposed projects are located within the City’s Coastal Zone and therefore, the proposed projects are subject to review for consistency with the policies of the WRP. The WRP includes policies designed to maximize the benefits derived from economic development, environmental preservation, and public use of the waterfront, while minimizing the conflicts among those objectives. The WRP Consistency Assessment Form (CAF) lists the WRP policies and indicates whether the Proposed Actions would promote or hinder a particular policy, or if that policy would not be applicable (see **Appendix D**). This section provides additional information for the policies that have been checked “promote” or “hinder” in the WRP Consistency Assessment Form.

**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 projects would develop new primarily residential buildings adjacent to existing properties that contain mixed commercial and residential land uses. The proposed projects would be consistent with existing primarily residential land uses in the surrounding area, and future proposed flood mitigation efforts, including ESCR, which will further protect the area. Further, the Resilient Neighborhoods Initiatives cites several findings for building-scaled design elements that could be applied to the proposed projects, such as installing dry flood proofing on building equipment and infrastructure, or supplying connections for portable generators. Therefore, the proposed projects would be consistent with this policy.

The project sites are located adjacent to a Priority Marine Activity Zone that extends along the East River waterfront edge of Piers 35, 36, and 42, located roughly between Jefferson Street and the western edge of East River Park. The proposed projects would be separated from this Priority Marine Activity Zone by the FDR Drive and would not conflict with the Priority Marine Activity Zone or use of the waterfront.

*Policy 1.2: Encourage non-industrial development with uses and design features that enliven the waterfront and attract the public.*

The proposed projects would not introduce any industrial uses to the neighborhood, and across the three project sites both publicly accessible and private open space would provide new and altered publicly accessible and private open space would be altered with new amenities, such as new landscaping, paving, seating, and play areas. On Site 5, the existing private Rutgers Slip Open Space would be enlarged by replacing an existing paved surface parking area between the private Rutgers Slip Open Space and the 265 Cherry Street building with open space amenities. New amenities would be installed in the enlarged Rutgers Slip Open Space, including play equipment, basketball courts, landscaping, walking

paths, and seating. These proposed changes to the Rutgers Slip Open Space are intended to improve physical and visual access to the East River waterfront. The existing surface parking lot on the southern portion of Site 5, along South Street, would be relocated to a below grade parking garage within the new residential building that would be developed on that portion of Site 5. The new residential building on Site 5 would have landscaping elements at its base and would provide active uses within this area, in close proximity to the East River waterfront. In addition, the existing private Site 5 courtyard area between the 265 and 275 Cherry Street buildings would provide new pedestrian connections to access the East River waterfront from walkways at the east and west ends of the proposed Site 5 building. These project elements are intended to enliven the waterfront and improve the visual character of the area. Therefore, the proposed projects would be consistent with this policy.

*Policy 1.3: Encourage redevelopment in the Coastal Zone where public facilities and infrastructure are adequate or will be developed.*

The proposed projects would be built where public facilities and infrastructure are adequate; however as per the *CEQR Technical Manual*, the proposed projects have the potential to result in significant adverse impacts to elementary schools, publicly funded child care facilities, open space, shadows, traffic, transit (subway station), pedestrians, and construction-period transportation and construction-period noise. Chapter 21, “Mitigation,” discusses the significant adverse impacts that would result in the future With Action condition and measures to mitigate these impacts. The significant adverse traffic impacts identified in Chapter 14, “Transportation,” could be fully mitigated except for those at the intersection of South Street and Montgomery Street during the weekday AM and PM peak hours, and at the intersection of Chatham Square and Worth Street/Oliver Street intersection during the AM, midday, and PM peak hours. Further, as stated in Chapter 14, “Transportation,” there are often traffic enforcement agents present to direct traffic flow and facilitate pedestrian safety at the Chatham Square and Worth Street/Oliver Street intersection. Therefore, although the traffic impacts at these intersections have been conservatively identified as unmitigatable, the actual traffic conditions in the With Action condition would likely be more favorable than indicated by the analysis results.

With appropriate mitigation measures in place it is assumed that public facilities and infrastructure would be adequate in the future With Action condition. Moreover, the proposed projects would introduce new commercial, community facilities, and both new and altered publicly accessible and private open space that would contain new amenities on the project sites. Therefore, the proposed projects are consistent with this policy.

*Policy 1.5: Integrate consideration of climate change and sea level rise into the planning and design of waterfront residential and commercial development, pursuant to WRP Policy 6.2.*

The project sites are located within the FEMA-designated 100-year floodplain (1 percent annual chance of flooding), Zone AE Base Flood Elevation (BFE) of 11 feet North American Vertical Datum of 1988 (NAVD88), with some of Site 5 at 12 feet NAVD88 (see **Figure 2-4** for preliminary FEMA flood hazard areas).

The planned stormwater collection and conveyance improvements would minimize the potential for local stormwater-related flooding during precipitation events in the future With Action condition, refer to Chapter 11, “Water and Sewer Infrastructure.” The proposed





- Project Sites
- Boundary of Two Bridges LSRD
- 100-Year Floodplain
- 500-Year Floodplain

0 500 FEET

projects would have no adverse impacts on the designated floodplain, and the proposed projects would reduce potential losses due to flooding by locating the residential units in the proposed buildings above the BFE and by providing drainage improvements to the project area. The proposed projects would use non-structural and structural elements to provide protection against flooding on the project sites in the future. Future coastal flood elevations have also been considered as discussed under in the Policy 6.2 analysis, below. As such, the proposed projects are consistent with this policy.

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

*Policy 3.2: Support and encourage recreational educational and commercial boating in New York City’s maritime centers.*

The project sites are located adjacent to a Priority Marine Activity Zone that extends along the waterfront edge of Piers 35, 36, and 42 located roughly between Jefferson Street and the western edge of East River Park. The proposed projects would be located upland and separated from the waterfront by the FDR Drive and would not interfere with commercial boat operations or operations of other marine vessels. The proposed projects would not be developed in a way that would be incompatible with maritime use of the waterfront. As the proposed projects would be adjacent to a Priority Marine Activity Zone, but not in conflict with the Priority Marine Activity Zone or use of the waterfront, the proposed projects are consistent with this policy.

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

*Policy 5.2: Protect the quality of New York City’s waters by managing activities that generate nonpoint source pollution.*

As detailed in Chapter 11, “Water and Sewer Infrastructure,” the proposed projects would not result in any significant adverse impacts on the City’s water supply or wastewater and stormwater conveyance and treatment infrastructure.

The overall volume of stormwater runoff and the peak stormwater runoff rate from the project sites is anticipated to remain approximately the same as in existing conditions. With the incorporation of selected best management practices (BMPs), the peak stormwater runoff rates would be reduced from the future without the proposed actions and therefore would not have a significant impact on the downstream City combined sewer system or the City sewage treatment system. The proposed projects would incorporate low-flow plumbing fixtures to reduce sanitary flow in accordance with the New York City Plumbing Code. In addition, stormwater BMPs would be required as part of the DEP site connection approval process, for each proposed building, in order to bring each proposed building into compliance with the required stormwater release rate. Specific BMP methods would be determined with further refinement of the building designs and in consultation with DEP, but may include on-site stormwater detention systems. Therefore, the proposed projects are consistent with this policy.

*Policy 5.5: Protect and improve water quality through cost-effective grey-infrastructure and in-water ecological strategies.*

As discussed in Policy 5.1, the proposed projects would not result in any significant adverse impacts to the City’s water supply or wastewater and stormwater conveyance and treatment infrastructure. On-site stormwater BMPs would be required as part of the DEP site



connection approval process for each proposed building in order to bring each proposed building into compliance with the required stormwater release rate. Therefore, the proposed projects are consistent with this policy.

**Policy 6:** Minimize loss of life, structures, infrastructure, and natural resources caused by flooding and erosion, and increase resilience to future conditions created by climate change.

*Policy 6.1: Minimize losses from flooding and erosion by employing non-structural and structural management measures appropriate to the site, the use of the property to be protected, and the surrounding area.*

The project sites are located within an area zoned for residential development. The project sites are within the 100-year floodplain, Zone AE with a BFE elevation of 11 feet NAVD88, with some of Site 5 at 12 feet NAVD88 (see **Figure 2-4**), resulting in potential estimated 100-year flood depths ranging from zero to seven feet at the current site elevations.<sup>5,6</sup> The proposed projects would be constructed in accordance with Appendix G to the NYC Building Code, and would incorporate measures to minimize losses due to flooding in the future with sea level rise by incorporating non-structural and structural measures, as discussed in the response to Policy 6.2 below.

*Policy 6.2: Integrate consideration of the latest New York City projections of climate change and sea level rise (as published by the NPCC, or any successor thereof) into the planning and design of projects in the city's Coastal Zone.*

This evaluation, following guidance provided by DCP, applies a detailed 3-step process to determine the projects' consistency with Policy 6.2.

*1. Identify vulnerabilities and consequences.*

*1(a). Complete the Flood Elevation Worksheet to identify current and future flood elevations in relation to the elevations of the site and project features.*

See **Appendix D** for Flood Elevation Worksheets.

*1(b). Identify any project feature that may be located below the elevation of the 1-Percent Floodplain over the lifespan of the project under any sea level rise scenario.*

The project sites are within the current 100-year floodplain (area with one percent chance of flooding in any given year), with increasing flood depth and extents in the future as sea-level continues to rise. The following discussion is based on the New York City Panel on Climate change (NPCC) projections. (For a full description of the NPCC data, see Chapter 16, "Greenhouse Gas Emissions and Climate Change.")

According to current flood hazard projections, the current 100-year coastal storm surge could reach elevations of 11 feet NAVD88 at Sites 4 (4A/4B) and 6A (and the existing uses on Site 5), and 12 feet NAVD88 for the proposed building on Site 5. The design flood elevation, per Appendix G of the New York City building code, would be one foot above these elevations at each project site. Additional resilience considerations are accounted for throughout the lifetime of the uses being evaluated. Residential buildings

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<sup>5</sup> NYCDP. *NYC Flood Hazard Mapper (beta)*. [www.nyc.gov/floodhazardmapper](http://www.nyc.gov/floodhazardmapper). Accessed 8/31/2017.

<sup>6</sup> Topological survey.

have a projected lifetime of 80 years or more, and therefore the farthest available projections (end of century) are considered here. By the 2050s, the 1-percent flood levels could reach 30 inches higher due to sea-level rise (per NPCC “High” scenario), to approximately 13.5 feet NAVD88 at Sites 4 (4A/4B) and 6A, and 14.5 feet NAVD88 for the proposed building on Site 5. By the end of the century, the 1-percent flood levels could reach 75 inches higher (per NPCC “High” scenario), to approximately 17 feet NAVD88 at Sites 4 (4A/4B) and 6A, and 18 feet NAVD88 for the proposed building on Site 5.

The design approaches for the proposed projects provide resilience for all critical infrastructure and residential units through the projections for the end of the century, with stand-alone deployable protection as needed for severe storm conditions to protect lobby entrances, commercial uses, and other similar non-critical areas through 2050. Some commercial spaces and sub-grade parking may be designed to flood and recover, meaning that superficial (but not structural) damage may occur during severe storms. Those stand-alone deployable protections can be reevaluated and enhanced in the future as necessary (see Step 2 below for discussion of adaptive strategies). Specifically:

- All critical infrastructure elements in the proposed developments would be either elevated above 17 feet NAVD88 at Site 4 (4A/4B) and Site 6A and 18 feet NAVD88 for the proposed building on Site 5, or sealed or otherwise designed to be resistant to flood waters if located below those elevations. This would include all critical elements and connections such as electrical, communications, fire safety and pumps, fuel storage, emergency power generation, and elevators. This approach would provide resilience to 100-year flood elevations for all critical infrastructure through the end of the century.
  - All new residential units would be located higher than 17 feet NAVD88 at Site 4 (4A/4B) and Site 6A and 18 feet NAVD88 for the proposed building on Site 5, protecting residential units from potential 100-year flood events throughout the end of the century (the lowest residential units are designed currently at elevations of approximately 205, 126, and 82 feet NAVD88 on Site 4 (4A/4B), Site 5, and Site 6A, respectively).
  - Commercial, parking, lobby, and other non-critical non-residential spaces would be either designed with stand-alone deployable protective barriers so as to hold back flood waters up to an elevation of 14.5 feet NAVD88 at Site 4 (4A/4B) and Site 6A and 15.5 feet NAVD88 for the proposed building on Site 5, or designed such that flood waters entering these areas could be rapidly removed after a severe flood event without substantial structural damage, allowing for rapid recovery. For the South Street façade of Site 5, given the large difference between the street level and potential flood levels and the limited space available, deployable stand-alone barriers would likely not be practicable; this façade would be protected by using structurally integrated flood resistant building materials and deployable barriers for the doorways. This would provide resilience from potential 100-year flood events through the 2050s (including one foot of freeboard).
- 1(c). Identify any vulnerable, critical, or potentially hazardous features that may be located below the elevation of Mean higher High Water over the lifespan of the project under any sea level rise scenario.*

Based on maps provided by DCP and verified according to site survey data, mean higher high water (MHHW) data measured at The Battery tide station, and the NPCC sea level-rise projections, high tides would not affect any of the sites in the 2020s or 2050, but may affect some areas of Site 5 by the 2080s and 2100. However, the Site 5 area affected would be the building site, which would be elevated to accommodate a DFE of 13 feet NAVD88, which is above the future MHHW elevation (currently 2.3 feet NAVD88, less than 9 feet by 2100 in the “High” scenario). As critical building utilities would be located above the DFE, no new critical features would be at risk of inundation at MHHW. Further, no potentially hazardous features would be associated with the proposed projects.

*1(d). Describe how any additional coastal hazards are likely to affect the project, both currently and in the future, such as waves, high winds, or debris.*

The project sites would be located in Zone AE, beyond the current Limit of Moderate Wave Action (LMWA). Note that the LMWA may move somewhat inland as sea level rises in the future which could affect Site 5. While this would not affect flood depth (as wave height is included in the BFE), southern façades Site 5 would need to be designed to withstand moderate wave action. All other considerations such as high winds and debris would require normal storm preparations similar to any location in the hurricane zones.

*2. Identify adaptive strategies.*

*2(a). For any features identified in Step 1(b):*

In addition to the resilience measures described in Step 1(b) above, the projects would be designed to accommodate future enhancement (adaptive measures) of any protections designed for commercial, parking, lobby, and other non-critical non-residential spaces up to 17 feet NAVD88 at Site 4 (4A/4B) and Site 6A and 18 feet NAVD88 for the proposed building on Site 5 should this be necessary in the future to accommodate increased flood elevations throughout the end of the century. This would include, for example, structural considerations for stand-alone flood barriers or façades designed to be structurally resistant to flooding (such as the South Street façade of Site 5) with increased height and deeper flood waters. Higher barriers are not necessary at this time, and given the uncertainty regarding the actual elevations required by the end of the century, designing the basic infrastructure so as to accommodate future enhancements beyond 2050 is a reasonable precaution, allowing for a wide range of implementation once better data is available.

*2(b). For any features identified in Step 1(c):*

No project features were identified as vulnerable under MHHW inundation conditions. See discussion under Step 1(c) regarding access roads and area-wide protections.

*2(c). Describe any additional measures being taken to protect the project from additional coastal hazards such as waves, high winds, or debris.*

As described above, since the LMWA may move somewhat inland as sea level rises in the future which could affect Site 5, southern façades and any stand-alone deployable barriers on Site 5 would be designed to withstand moderate wave action. All other considerations such as high winds and debris would require normal storm preparations similar to any location in the hurricane zones.

- 2(d). *Describe how the project would affect the flood protection of adjacent sites, if relevant. How would the project lead to increased flooding on adjacent sites? How would the project protect upland sites from coastal hazards? Does the project complement or conflict with planned, adjacent flood protection projects?*

The proposed projects would not affect the flood protection of adjacent sites and would not conflict with other resilience projects currently under consideration in the area.

**3. Assess policy consistency.**

Based on the above review and design commitments, the vulnerable features associated with the proposed projects would be protected through flood damage reduction elements and future adaptive measures; therefore the proposed projects are consistent with New York City policies regarding adaptation to climate change, and the proposed actions would be consistent with Policy 6.2.

**Policy 7:** Minimize environmental degradation and negative impacts on public health from solid waste, toxic pollutants, hazardous materials, and industrial materials that may pose risks to the environment and public health and safety.

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

There is an existing (E) Designation for hazardous materials (as well as air quality and noise) on a portion of Site 5 (Block 247, Lot 2), established in the *Two Bridges (HealthCare Chaplaincy) Environmental Assessment Statement* (CEQR No. 12DCP157M). Similarly, as a part of the proposed action, (E) designations for hazardous materials would be placed on the remainder of the project sites, i.e., Site 4 (4A/4B), Site 5 (Lot 1), and Site 6A. These (E) Designations would require that, prior to any redevelopment involving subsurface disturbance, a Phase I Environmental Site Assessment (ESA) and a soil and groundwater testing protocol must be submitted for review and approval to the NYC Office of Environmental Remediation (OER). Following implementation of the testing, a report summarizing the findings would be submitted to OER, which would make a determination as to whether remediation is necessary. If remediation were to be indicated by the investigation, a Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) would be prepared for implementation during construction. These plans would set out procedures to be followed prior to, during, and following construction (e.g., for soil management, dust control, air monitoring for workers and the community, health and safety, and vapor controls for any new buildings). By following these procedures, the proposed projects would be consistent with this policy.

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

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

The proposed projects would not change or limit any existing public access to or along New York City's coastal waters. The enlargement and alterations to the Rutgers Slip Open Space portion of Site 5 would maintain and improve visual access to the East River waterfront through new landscaping plantings within this space. Further, Rutgers Slip Open Space would be dedicated as a publicly accessible open space. The proposed projects would

redevelop the southern portion of Site 5—the portion currently used for a surface parking lot—with a new residential building that would have landscaping elements at its base and would provide active uses within this area, in close proximity to the East River waterfront. Although the proposed projects would not provide new access or new signage to the waterfront, the replacement of the undeveloped paved areas on Site 5 and Site 6A would enhance the nearby context of the waterfront. As discussed in Chapter 5, “Open Space,” the East River Park is adjacent to the proposed projects and provides visual and recreational access to the East River; furthermore, the East River Park is targeted for improvement, which will enhance upon the existing opportunities for waterfront recreation in that area (see Chapter 5, “Open Space”). Therefore, the proposed projects would be consistent with this policy.

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

The proposed projects are located within proximity to a Priority Marine Activity Zone that extends along the waterfront edge of Piers 35, 36, and 42, located roughly between Jefferson Street and the western edge of East River Park. The proposed projects are directly west of the East River Greenway and Esplanade, a separated pathway (two-way bikeway and walkway) along the FDR Drive. In addition, the project sites are within walking distance to East River Park, an open space resource which provides access to the waterfront. Development of the proposed projects would not hinder or discourage access to the Priority Marine Activity Zone, which includes the East River Greenway and Esplanade and East River Park. For these reasons, the proposed projects would not hinder access to the waterfront and are consistent with this policy.

*Policy 8.3: Provide visual access to the waterfront where physically practical.*

The development of the proposed projects would, to the extent practicable, provide visual access to the waterfront. The project sites are located on lots in close proximity to the East River, beyond the intervening elevated FDR Drive. Views to the water would be available from certain vantage points from the enlarged and publicly accessible Rutgers Slip Open Space on Site 5. The proposed changes to the Rutgers Slip Open Space, and the dedication of this open space as publicly accessible, are intended to provide enhanced visual access from the upland neighborhood to the East River waterfront. For these reasons, the proposed projects are 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 proposed projects would include new amenities such as landscaping elements, paving, playground areas, and seating on the project sites, including at the existing private open space on Site 4 (4A/4B) between the proposed and existing buildings; at the enlarged and publicly accessible Rutgers Slip Open Space and at the existing private courtyard area between the existing 265 and 275 Cherry Street buildings on Site 5; and at the new private open space along South Street and the proposed Site 6A building’s north façade. It is the applicants’ intent that these proposed changes to the project sites would enhance the scenic character and visual quality of the project sites and nearby areas. The proposed changes to the project sites are intended to contribute to the historic and urban context of the waterfront.

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The development of the proposed projects would not obstruct prominent views to the waterfront and the East River but would be consistent with the context of the waterfront's new and active uses nearby. For these reasons, the proposed projects are consistent with this policy. \*