

## **Appendix B**

### **Smart Growth Impact Statement and WRP Coastal Assessment Forms**



**B1**

**Smart Growth Impact Statement Form**



## **Dormitory Authority of the State of New York (DASNY)**

### **SMART GROWTH IMPACT STATEMENT ASSESSMENT FORM**

**Date:** March 14, 2013  
**Project Name:** MSK/CUNY-Hunter Project at 74th Street  
**Project Number:** CEQR Reference Number 13DME003M  
**Completed by:** AKRF, Inc.

**This Smart Growth Impact Statement Assessment Form (“SGISAF”) is a tool to assist you and the Dormitory Authority of the State of New York (“DASNY”) Smart Growth Advisory Committee in deliberations to determine whether a project is consistent with the State of New York *State Smart Growth Public Infrastructure Policy Act* (“SSGPIPA”), article 6 of the New York State *Environmental Conservation Law* (“ECL”). Not all questions/answers may be relevant to all projects.**

#### **Description of Proposed Action and Proposed Project:**

Memorial Sloan-Kettering Cancer Center (MSK) and the City University of New York (CUNY) are partnering to acquire an approximately 66,111-square-foot, New York City-owned site on the east end of a block bounded by York Avenue, Franklin Delano Roosevelt (FDR) Drive, and East 73rd and 74th Streets (Block 1485, Lot 15) on the Upper East Side of Manhattan (see Figure 1-1). MSK proposes to build a new ambulatory care center (MSK ACC), while CUNY proposes to build the Hunter College Science and Health Professions Building (CUNY-Hunter Building).

The discretionary approvals being requested for the proposed project include a disposition of City-owned property; a rezoning of the project site from an M3-2 district (Heavy Manufacturing-low performance) to a C1-9 district (Local Retail); a zoning text amendment; approval to develop the site as a Large Scale General Development (LSGD) that would include special permits to waive bulk, side yard, rear yard equivalent, height and setback regulations, and sign regulations, and to provide for a 2.0 FAR bonus; and a Special Permit for accessory parking beyond the number of spaces allowed as-of-right. These actions are subject to the Uniform Land Use Review Procedure (ULURP) and require City Environmental Quality Review (CEQR) and Mayoral and Borough Board approval pursuant to New York City Charter Section 384(b)(4). The Board of The City University Construction Fund (CUCF) must approve acquisition of real property. In addition, CUNY has already requested funding from the Dormitory Authority of the State of New York (DASNY) and it is possible that MSK will also request funding from DASNY. For purposes of State Environmental Quality Review (SEQR), DASNY’s proposed actions are Authorization of the Issuance of Bonds and/or Authorization of the Expenditure of Bond Proceeds. The lead agency for the environmental review will be the Office of Deputy Mayor for Economic Development (ODMED). DASNY,

CUNY, and CUCF will be involved agencies. A coordinated review will be conducted for this Type I action.

The proposed buildings would be built to an overall FAR of 12.0, which would be 793,332 square feet (sf) of zoning floor area (zfa), with full lot coverage over the project site. Their gross floor area would total 1,134,159 square feet. The MSK ACC would stand 23 stories (approximately 450 feet) tall on a footprint of approximately 39,667 square feet. In a gross floor area of 749,357 square feet, it would contain state-of-the-art ambulatory care facilities, including office practice space for head and neck, endocrinology, thoracic, hematologic oncology, dental, speech, and consultative services; infusion rooms; interventional and diagnostic radiology; radiation oncology; cardiology and pulmonary testing; pharmacy and clinical laboratories to support the on-site activities; academic offices; conference rooms; and up to 250 parking spaces on the lower levels of the site for patients and visitors. The CUNY-Hunter Building would stand approximately 16 stories (approximately 350 feet) tall on a footprint of 26,444 square feet. In its gross floor area of 402,990 square feet, it would house teaching and research laboratories, class rooms, a learning center, a single 350-seat lecture hall, faculty offices, and a vivarium to house research animals.

Have any other entities issued a Smart Growth Impact Statement ("SGIS") with regard to this project? (If so, attach same). ☐ Yes ☒ No

1. Does the project advance or otherwise involve the use of, maintain, or improve existing infrastructure? Check one and describe:

☒ Yes ☐ No ☐ Not Relevant

The proposed project would result in development that would utilize existing transportation, water, sewer, and energy infrastructure. No major new infrastructure would need to be constructed to serve the proposed project. Therefore, the proposed project would be supportive of this criterion.

2. Is the project located wholly or partially in a **municipal center**, characterized by any of the following: Check all that apply and explain briefly:

- ☒ A city or a village
- ☐ Within the interior of the boundaries of a generally recognized college, university, hospital, or nursing home campus
- ☒ Area of concentrated and mixed land use that serves as a center for various activities including, but not limited to:
  - ☐ Central business districts (such as the commercial and often geographic heart of a city, "downtown", "city center")
  - ☐ Main streets (such as the primary retail street of a village, town, or small city. It is usually a focal point for shops and retailers in the [central business district](#), and is most often used in reference to retailing and socializing)
  - ☐ Downtown areas (such as a city's core (or center) or central business district, usually in a geographical, commercial, and community sense).
  - ☐ Brownfield Opportunity Areas ([http://nyswaterfronts.com/BOA\\_projects.asp](http://nyswaterfronts.com/BOA_projects.asp))

- ☐ Downtown areas of Local Waterfront Revitalization Plan areas ([http://nyswaterfronts.com/maps\\_regions.asp](http://nyswaterfronts.com/maps_regions.asp))
- ☒ Locations of transit-oriented development (such as projects serving areas that have access to mass or public transit for residents)
- ☐ Environmental Justice areas (<http://www.dec.ny.gov/public/899.html>)
- ☐ Hardship areas

The proposed project would result in development in a dense urban setting with a diverse mixture of uses and proximity to multiple subway and bus lines. Therefore, the proposed project would be supportive of this criterion.

3. Is the project located adjacent to municipal centers (please see characteristics in question 2, above) with clearly defined borders, in an area designated for concentrated development in the future by a municipal or regional comprehensive plan that exhibits strong land use, transportation, infrastructure and economic connections to an existing municipal center? Check one and describe:

☐ Yes ☐ No ☒ Not Relevant

The proposed project would result in the construction of a new ambulatory care center and a new science and health professions building, which would complement the existing and planned health- and education-related institutional uses in the study area. The proposed project would be compatible with the residential and commercial uses in the study area, many of which cater to the faculty, staff, and student populations of the institutions. The proposed project would be consistent with and supportive of PlaNYC's policies and goals and the Coastal Zone policies and the City's Waterfront Revitalization Program (WRP).

4. Is the project located in an area designated by a municipal or comprehensive plan, and appropriately zoned, as a future municipal center? Check one and describe:

☐ Yes ☐ No ☒ Not Relevant

5. Is the project located wholly or partially in a developed area or an area designated for concentrated infill development in accordance with a municipally-approved comprehensive land use plan, a local waterfront revitalization plan, brownfield opportunity area plan or other development plan? Check one and describe:

☒ Yes ☐ No ☐ Not Relevant

The site of the proposed project is located entirely within the Coastal Zone designated by New York State and City. The New York City Waterfront Revitalization Program (WRP) is the City's principal coastal zone management tool. The WRP was originally adopted in 1982 and approved by the New York State Department of State (DOS) for inclusion in the New York State Coastal Management Program. 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. The City's WRP was amended in 1999 to include 10 consolidated policies; this amendment was adopted by the City Council in October 1999. In May 2002, DOS approved the City's amended WRP, and the United States Department of Commerce concurred in August 2002. The New York City Department of City Planning proposed revisions to the WRP that were referred for public review by the City Planning Commission (CPC) in March 2012. The proposed revisions aim to advance the long-term goals laid out in Vision 2020: The New York City Comprehensive Waterfront Plan, released in 2011. The revisions are undergoing the approvals process, which requires public review following the 197-a process for community input and adoption, and approval from DOS and the United States Department of Commerce (USDOC). Completion of the CPC approval process is anticipated in mid-2013. The DOS and USDOC approval schedules are unknown at this time.

6. Does the project preserve and enhance the State's resources, including agricultural lands, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and/or significant historic and archeological resources? Check one and describe:

☒ Yes   ☐ No   ☐ Not Relevant

As described in the October 2012 EAS for the proposed project, the project block is located in a fully developed area of Manhattan. There are no natural resources located on or near the project site, and the proposed actions would not have the potential to disturb natural resources. Therefore, the proposed actions would not result in any significant adverse impacts to natural resources. The potential effects of the proposed project on air quality, open space, and historic and archaeological resources are analyzed in the EIS. As detailed in Chapter 3, "Open Space," proposed project would result in a significant adverse impact on passive open space. As described in Chapter 10, "Air Quality" and Chapter 5, "Historic and Cultural Resources," the proposed project would not have any significant adverse impacts on air quality or historic or archaeological resources.

7. Does the project foster mixed land uses and compact development, downtown revitalization, brownfield redevelopment, the enhancement of beauty in public spaces, the diversity and affordability of housing in proximity to places of employment, recreation and commercial development and/or the integration of all income and age groups? Check one and describe:

☒ Yes   ☐ No   ☐ Not Relevant

The proposed project would result in a development that would incorporate academic and institutional uses, and would include outdoor terrace spaces with planters and seating for the buildings' staff, faculty, and students. Therefore, the proposed project would be supportive of this criterion.



8. Does the project provide mobility through transportation choices, including improved public transportation and reduced automobile dependency? Check one and describe:

☒ Yes   ☐ No   ☐ Not Relevant

The proposed project would result in transit-oriented development, as the proposed uses would be located near existing subway and bus lines and the majority of workers and students would use subway, bus, or walking to access the site (see Chapter 9, “Transportation”). In addition, CUNY would provide access to bike storage off East 74th Street for its students, faculty, and staff, and there would be access to bike parking for MSK staff off East 73rd Street. Therefore, the proposed project would be supportive of this criterion.

9. Does the project demonstrate coordination among state, regional, and local planning and governmental officials? (Demonstration may include *State Environmental Quality Review* (“SEQR”) coordination with involved and interested agencies, district formation, agreements between involved parties, letters of support, State Pollutant Discharge Elimination System (“SPDES”) permit issuance/revision notices, etc.). Check one and describe:

☒ Yes   ☐ No   ☐ Not Relevant

Office of Deputy Mayor for Economic Development (ODMED), acting as lead agency, is conducting a coordinated review of the proposed project in accordance with New York’s State Environmental Quality Review Act (“SEQRA”) and the City Environmental Quality Review (“CEQR”). Other involved and interested agencies include, but are not limited to, the CPC, the City Council, DASNY, CUNY, MSK, the City University Construction Fund (CUCF), New York City Department of City Planning (“NYCDCP”), New York City Department of Environmental Protection (“NYCDEP”), New York City Department of Transportation (“NYCDOT”), Manhattan Borough President, and Manhattan Community Board 8. Because the Proposed Project would include a rezoning, a zoning text amendment, and special permits, it is subject to the Uniform Land Use Review Procedure (ULURP).

10. Does the project involve community-based planning and collaboration? Check one and describe:

☒ Yes   ☐ No   ☐ Not Relevant

The EAS was made available for public comment, and public meetings to receive comments on the Draft Scope of Work (DSOW) were held on November 1, 2012 and continued on December 4, 2012. The period for the submission of written comments was extended to December 14, 2012. In accordance with SEQRA, CEQR, and ULURP guidelines, additional public consultations will be held as the proposed project progresses. Therefore, the proposed project would be supportive of this criterion.

11. Is the project consistent with local building and land use codes? Check one and describe:

☒ Yes   ☐ No   ☐ Not Relevant

The discretionary approvals being requested for the proposed project include a disposition of City-owned property; a rezoning of the project site from an M3-2 district (Heavy Manufacturing-low performance) to a C1-9 district (Local Retail); a zoning text amendment; approval to develop the site as a Large Scale General Development (LSGD) that would include special permits to waive bulk, side yard, rear yard equivalent, height and setback regulations, and sign regulations, and to provide for a 2.0 FAR bonus; and a Special Permit for accessory parking beyond the number of spaces allowed as-of-right. These actions are subject to the Uniform Land Use Review Procedure (ULURP) and require City Environmental Quality Review (CEQR) and Mayoral and Borough Board approval pursuant to New York City Charter Section 384(b)(4). The Board of The City University Construction Fund (CUCF) must approve acquisition of real property. In addition, CUNY has already requested funding from the Dormitory Authority of the State of New York (DASNY) and it is possible that MSK will also request funding from DASNY. For purposes of State Environmental Quality Review (SEQR), DASNY's proposed actions are Authorization of the Issuance of Bonds and/or Authorization of the Expenditure of Bond Proceeds. The lead agency for the environmental review will be the Office of Deputy Mayor for Economic Development (ODMED). DASNY, CUNY, and CUCF will be involved agencies. A coordinated review will be conducted for this Type I action.

As described in EAS Chapter 2, "Land Use, Zoning, and Public Policy," the proposed project would not result in any significant adverse impacts on land use, zoning, or public policy. The proposed project would not directly displace any land uses so as to adversely affect surrounding land uses, nor would the proposed project generate land uses that would be incompatible with land uses, zoning, or public policy in the study area. The proposed project would not create land uses or structures that would be incompatible with the underlying zoning, nor would the proposed project cause any existing structures to become non-conforming. The proposed project would not result in land uses that conflict with public policies applicable to the study area.

The proposed project would result in the construction of a new ambulatory care center and a new science and health professions building, which would complement the existing and planned health- and education-related institutional uses in the study area. The proposed project would be compatible with the residential and commercial uses in the study area, many of which cater to the faculty, staff, and student populations of the institutions. While the development of the two buildings on the project site would represent a change from the No Build condition in which the site would remain largely vacant, this change would add active ground floor uses and would be consistent with (or shorter than) other existing structures in the study area. The setbacks and overhangs of the proposed buildings would contribute to creating a visually dynamic waterfront and become part of the dense surrounding development.

12. Does the project promote sustainability by strengthening existing and creating new communities which reduce greenhouse gas emissions and do not compromise the needs of future generations?

☒ Yes ☐ No ☐ Not Relevant

As described in Chapter 11, "Greenhouse Gas and Climate Change," the proposed project would be consistent with the greenhouse gas reduction goals of the City of New York as defined by PlaNYC. The proposed project would include energy and water efficient buildings and systems, utilize low-carbon fuel, locate in a transit-supported area, and incorporate building materials with low carbon intensity. These efforts would exceed the legal requirements. As such, the proposed project would be fully supportive of this criterion.

13. During the development of the project, was there broad-based public involvement? (Documentation may include *SEQR* coordination with involved and interested agencies, SPDES permit issuance/revision notice, approval of Bond Resolution, formation of district, evidence of public hearings, Environmental Notice Bulletin ("ENB") or other published notices, letters of support, etc.). Check one and describe:

☒ Yes ☐ No ☐ Not Relevant

As described above, The EAS was made available for public comment, and public meetings to receive comments on the Draft Scope of Work (DSOW) were held on November 1, 2012 and continued on December 4, 2012. The period for the submission of written comments was extended to December 14, 2012. In accordance with SEQRA, CEQR, and ULURP guidelines, additional public consultations will be held as the proposed project progresses. Therefore, the proposed project would be supportive of this criterion.

14. Does the Recipient have an ongoing governance structure to sustain the implementation of community planning? Check one and describe:

☒ Yes ☐ No ☐ Not Relevant

As described above, in accordance with SEQRA, CEQR, and ULURP guidelines, additional public consultations would be held as the proposed project progresses. Therefore, the proposed project would be supportive of this criterion.

**DASNY has reviewed the available information regarding this project and finds:**

- ☐ The project was developed in general consistency with the relevant Smart Growth Criteria.
- ☐ The project was not developed in general consistency with the relevant Smart Growth Criteria.
- ☐ It was impracticable to develop this project in a manner consistent with the relevant Smart Growth Criteria for the following reasons:

**ATTESTATION**

I, President of DASNY/designee of the President of DASNY, hereby attest that the Proposed Project, to the extent practicable, meets the relevant criteria set forth above and that to the extent that it is not practical to meet any relevant criterion, for the reasons given above.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Print Name and Title**

\_\_\_\_\_  
**Date**

**B2**

**WRP Coastal Assessment Form**



For Internal Use Only:

WRP no. \_\_\_\_\_

Date Received: \_\_\_\_\_

DOS no. \_\_\_\_\_

## NEW YORK CITY WATERFRONT REVITALIZATION PROGRAM Consistency Assessment Form

Proposed action subject to CEQR, ULURP, or other Local, State or Federal Agency Discretionary Actions that are situated within New York City's designated Coastal Zone Boundary must be reviewed and assessed for their consistency with the *New York City Waterfront Revitalization Program (WRP)*. The WRP was adopted as a 197-a Plan by the Council of the City of New York on October 13, 1999, and approved in coordination with local, state and Federal laws and regulations, including the State's Coastal Management Program (Executive Law, Article 42) and the Federal Coastal Zone Management Act of 1972 (P.L. 92-583). As a result of these approvals, state and federal discretionary actions within the city's coastal zone must be consistent to the maximum extent practicable with the WRP policies and the city must be given the opportunity to comment on all state and federal projects within its coastal zone.

This form is intended to assist an applicant in certifying that the proposed activity is consistent with the WRP. It should be completed when the local, state, or federal application is prepared. The completed form and accompanying information will be used by the New York State Department of State, other State Agency or the New York City Department of City Planning in its review of the applicant's certification of consistency.

### A. APPLICANT

1. Name:

Memorial Hospital for Cancer and Allied Diseases (Memorial) and City University of New York (CUNY-Hunter)

Address:

Shelley S. Friedman, Esq.—Friedman and Gotbaum LLP  
568 Broadway, Suite 505, New York, NY 10012

3. Telephone:

(212) 925-4545

Fax:

(212) 925-5199

E-mail Address:

sfriedman@frigot.com

4. Project site owner:

City of New York

### B. PROPOSED ACTIVITY

1. Brief description of activity:

The proposed actions would allow for the development of the project site with a new ambulatory care center (MSK ACC) and the Hunter College Science and Health Professions Building (CUNY-Hunter Building). The 749,357-gsf, 23-story MSK ACC Building would be located through-block on the eastern portion of the site and the 402,990-gsf, 16-story CUNY-Hunter Building would be located through block on the western portion of the site. The MSK ACC Building would contain state-of-the-art ambulatory care facilities, and the CUNY-Hunter building would be home to a state-the-art building for its Science and Health Professions program.

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2. Purpose of activity:

**The MSK ACC Building would support two of the institution's strategic objectives. First, it would provide additional space to accommodate the anticipated growth in the number of patients, allowing MSK to continue to maintain a leadership role in the treatment and cure of cancer. Second, it would allow MSK to create an intensive outpatient environment that supports transfer of care from an inpatient to a more efficient ambulatory care setting. Keeping the site close to the main campus will allow for the appropriate coordination of care between out-patient clinical services and in-patient treatment, when needed. In addition to enhancing access to clinical care, opening the MSK ACC Building would enable innovation, recruit talent, and offer financial sustainability for MSK. The proposed Hunter-CUNY Building would allow Hunter to consolidate its related Science and Health Professions programs under one roof in a state-of-the-art facility. It would provide professors and students with the modern classrooms, laboratories and cutting-edge equipment they need to continue pushing the frontiers of teaching and scientific research. As well, the facility will allow Hunter scientists and health professionals to maintain close ties with the Upper East Side's world-renowned medical and research institutions.**

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3. Location of activity:

Borough:

**Block 1485, Lot 15**

**Manhattan**

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Street Address or Site Description:

**The 66,111-square-foot City-owned site is on the east end of a block bounded by York Avenue, Franklin Delano Roosevelt (FDR) Drive, and East 73rd and 74th Streets on the Upper East Side of Manhattan.**

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## Proposed Activity Cont'd

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

N/A

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

**Dormitory Authority of the State of New York (DASNY)—Authorization of the Issuance of Bonds and/or Authorization of the Expenditure of Bond Proceeds**

6. Will the proposed project result in any large physical change to a site within the coastal area that will require the preparation of an environmental impact statement? **Yes** **No**

If yes, identify Lead Agency:

✓

**Office of the Deputy Mayor for Economic Development (ODMED)**

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

**Disposition of Real Property; Zoning Map Amendment; Zoning Text Amendment; Zoning Special Permits (See EIS Chapter 1, "Project Description.")**

## C. COASTAL ASSESSMENT

The following questions represent, in a broad sense, the policy of the WRP. The number in the parentheses after each question indicated the policy or policies that are the focus of the question. A detailed explanation of the Waterfront Revitalization Program and its policies are contained in the publication the *New York City Waterfront Revitalization Program*.

Check either "Yes" or "No" for each of the following questions. Once the checklist is completed, assess how the proposed project affects the policy or standards indicated in "( )" after each question with a Yes response. Explain how the action is consistent with the goals of the policy or standard.

### Location Questions:

**Yes**

**No**

1. Is the project site on the waterfront or at the water's edge? ✓
2. Does the proposed project require a waterfront site? ✓
3. Would the action result in a physical alteration to a waterfront site, including land along the shoreline, land underwater, or coastal waters? ✓

### Policy Questions:

**Yes**

**No**

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

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

4. Will the proposed project result in revitalization or redevelopment of a deteriorated or under- used waterfront site? (1) ✓
5. Is the project site appropriate for residential or commercial redevelopment? (1.1) ✓
6. Will the action result in a change in scale or character of a neighborhood? (1.2) ✓
7. Will the proposed activity require provision of new public services or infrastructure in undeveloped or sparsely populated sections of the coastal area? (1.3) ✓

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

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

47. Does the proposed project involve publically owned or acquired land that could accommodate waterfront open space or recreation? (8.4)

**The proposed project is not located on the waterfront. Therefore, Policy 8.4 is not applicable to this project. However, it should be noted that as described in Chapter 3 of the DEIS, "Open Space," MSK would make a substantial contribution to DPR for Phase 2B of the park improvement plan for Andrew Haswell Green Park, a 1.98-acre parcel owned by the City and under the jurisdiction of DPR. Andrew Haswell Green Park is located roughly between East 59th Street and East 63rd Street along the East River Esplanade. Improvement to this park would allow 1.1 acres of the open space to be opened to the public, and would amount to a substantial contribution to the East River Esplanade in this section of the waterfront and to all the people who use the esplanade for outdoor recreation such as walking and jogging.**

48. Does the project site involve lands or waters held in public trust by the state or city? (8.5)

<b>Policy Questions cont'd:</b>		<b>Yes</b>	<b>No</b>
49.	Would the action affect natural or built resources that contribute to the scenic quality of a coastal area? (9)	_____	✓ _____
50.	Does the site currently include elements that degrade the area's scenic quality or block views to the water? (9.1)	_____	✓ _____
51.	Would the proposed action have a significant adverse impact on historic, archeological, or cultural resources? (10)	_____	✓ _____
52.	Will the proposed activity affect or be located in, on, or adjacent to an historic resource listed on the National or State Register of Historic Places, or designated as a landmark by the City of New York? (10)	_____	✓ _____

#### **D. CERTIFICATION**

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

"The proposed activity complies with New York State's Coastal Management Program as expressed in New York City's approved Local Waterfront Revitalization Program, pursuant to New York State's Coastal Management Program, and will be conducted in a manner consistent with such program."

Applicant/Agent Name: Anne Locke, Chief Operating Officer, AKRF Inc.

Address: 440 Park Avenue South, 7th Floor, New York NY 10016

Telephone (212) 696-0670

Applicant/Agent Signature: Anne M Locke Date: March 14, 2013