3.1 Land Use, Zoning, and Public Policy

3.1.1 Introduction

This chapter examines the potential for the Proposed Project to impact or conflict with the land use, zoning, and public policies that apply to the Project Area or the Study Area (see **Figure 3.1-1**). The analysis presents existing conditions, evaluates changes in land use and zoning that are expected independent of the Proposed Project through the 2030 analysis year and identifies and addresses any potential impacts or conflicts with land use, zoning, and public policy under the Proposed Project.

3.1.2 Principal Conclusions

This analysis concludes that the Proposed Project would not result in any significant adverse impacts to or conflicts with land use, zoning, or public policies. The Proposed Project would not adversely affect or conflict with land uses in or adjacent to the Project Area, nor would it result in land uses that are incompatible with the existing zoning. Rather, by implementing the proposed flood barrier system, the Proposed Project would support the protection of existing land uses in the Project Area and the Study Area that would otherwise continue to be subject to storm flooding. In addition, by enhancing the resiliency of infrastructure, the Proposed Project would support adopted public policies that apply to the Project Area, including those related to flood protection for existing uses in New York City's developed coastal zone, specifically Lower Manhattan. Finally, it is concluded that the Proposed Project would be consistent with the policies of the New York City Waterfront Revitalization Program (WRP) and the New York State's Coastal Management Program (CMP) and would ensure a more resilient coastal zone for residents, employees, and visitors.

3.1.3 Regulatory Context

As outlined in Chapter 2.0, "Analysis Framework," this analysis has been prepared pursuant to State Environmental Quality Review Act (SEQRA) and City Environmental Quality Review (CEQR) processes. The Proposed Project is subject to SEQRA, as mandated in 6 NYCRR Part 617, and will follow the technical guidelines outlined in the 2021 *CEQR Technical Manual* and the New York City Zoning Resolution. Land uses in this section are described based on both the activities on the land and within structures on the land, which typically include residential, community and public facilities, retail and service, office, industrial, parks, institutions, and utilities, and vacant land. The New York City Zoning Resolution regulates the use, density, and bulk of development through both the zoning text and maps. The zoning text defines the zoning districts and describes the land use and development regulations, while the map identifies the districts geographically. Per the *CEQR Technical Manual* guidelines and SEQRA, the consistency of the Proposed Project with public policies that are officially adopted and directed at land uses or activities applicable to the Proposed Project are examined below in "Proposed Action Conditions."

The Proposed Project has also been reviewed to assess compliance with federal, state, city, and other local plans and policies that regulate activities in natural resources along the Hudson River; these regulations are described in greater detail in Chapter 3.5, "Natural Resources."

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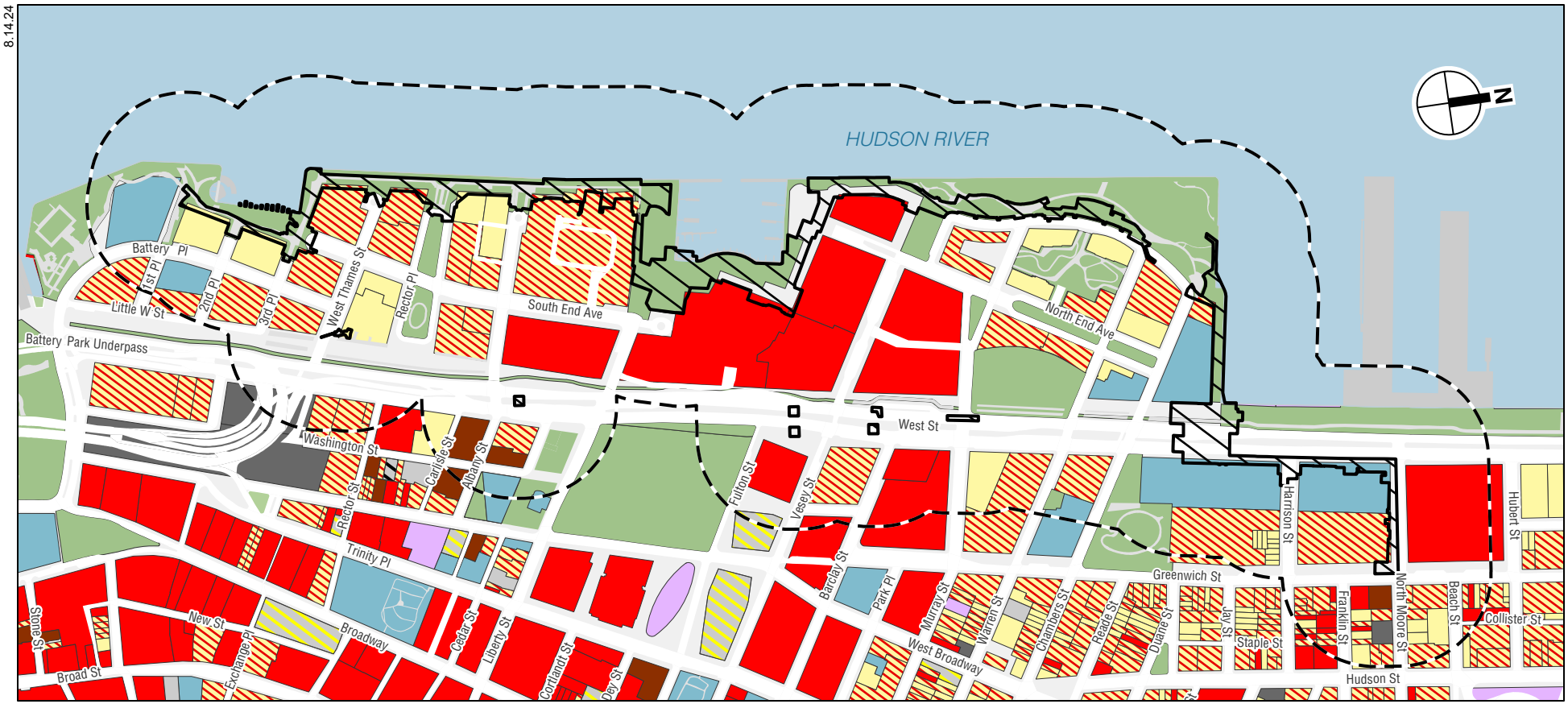

- *Project Area*
- *Land Use Study Area (400-ft perimeter)*
- *Commercial and Office Buildings*
- *Hotels*
- *Open Space and Outdoor Recreation*
- *Parking Facilities*
- *Public Facilities and Institutions*
- *Residential*
- *Residential with Commercial Below*
- *Transportation and Utility*
- *Under Construction*
- *Vacant Building*
- *Vacant Land*

Existing Land Use

NORTH/WEST BATTERY PARK CITY RESILIENCY

Figure 3.1-1

3.1.3.1 Federal

Floodplain Management (Executive Order 11988)

Issued in May 1977, this Executive Order directs Federal Agencies to address reducing flood losses and environmental impacts in floodplains, to avoid actions located in or adversely affecting floodplains unless there is no practicable alternative, and to mitigate losses when avoidance is not practicable; and to establish a process for flood hazard evaluation based upon the 100-year base flood standard of the National Flood Insurance Program.

3.1.3.2 New York State

Smart Growth Public Infrastructure Policy Act

The Smart Growth Public Infrastructure Policy Act (the "Smart Growth Act") is an amendment to the Environmental Conservation Law that is directed at minimizing the unnecessary social and environmental costs of sprawl development. The policy, which became law in August 2010 and went into effect in September 2010, requires State infrastructure agencies, such as the Battery Park City Authority (BPCA), to ensure public infrastructure projects are evaluated through a consistency evaluation using the eleven Smart Growth criteria specified in the Smart Growth Act (see **Appendix C**).

The criteria are as follows:

- Advance projects for the use, maintenance, or improvement of existing infrastructure;
- Advance projects located in municipal centers;
- Advance projects in developed areas or areas designated for concentrated infill development in a municipally approved comprehensive land use plan, local waterfront revitalization plan, and/or brownfield opportunity area plan;
- Protect, preserve, and enhance the State's resources, including agricultural land, forests, surface and groundwater, air quality, recreation and open space, scenic areas, and significant historic and archaeological resources;
- 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 the integration of all income and age groups;
- Provide mobility through transportation choices including improved public transportation and reduced automobile dependency;
- Coordinate between state and local government and inter-municipal and regional planning;
- Participate in community-based planning and collaboration;
- Ensure predictability in building and land use codes;

- Promote sustainability by strengthening existing and creating new communities that reduce greenhouse gas emissions and do not compromise the needs of future generations by, among other means, encouraging broad based public involvement in development and implementing a community plan and encouraging the governance structure adequate to sustain its implementation; and
- Mitigate future physical climate risk due to sea level rise, and/or storm surges and/or flooding based on available data predicting the likelihood of future extreme weather events, including hazard risk analysis data, if applicable.

Coastal Zone Management Act

Following enactment of the federal Coastal Zone Management Act (CZMA) in 1972, the New York State Department of State (NYSDOS) developed a CMP pursuant to the Waterfront Revitalization and Coastal Resources Act of 1981. The objective of the CMP is to achieve a balance between economic development and environmental protection and preservation to promote waterfront revitalization and water-dependent uses while protecting sensitive environmental features and habitats, public open space, scenic vistas or settings, and public access to the shoreline. The program also contains policies directed at minimizing significant adverse impacts to ecological features and coastal areas subject to erosion, and flood hazards. New York City's WRP also WRP applies to the Project Area.

Hudson River Estuarine Sanctuary Management Plan (ESMP)

The ESMP is a management plan for the Hudson River Park's water section that identifies needs and objectives for public access and recreation, environmental education, and research and habitat enhancement. The first ESMP was finalized in 2002 following the Hudson River Park Act and establishment of the Hudson River Park Trust. The 2021 progress report and action agenda established goals and a management framework for implementation over the next decade to ensure the protection and conservation of estuarine ecology and habitat along the Hudson River.

3.1.3.3 New York City

New York City Local Waterfront Revitalization Program

The Project Area and entirety of the Study Area is in the City's Coastal Zone as designated by New York State and New York City and is therefore subject to review under the City and State coastal zone management policies (see **Figure 3.1-2**). New York City's WRP is the primary tool for guiding the development in the coastal zone in the five boroughs. The WRP comprises 10 principal policies that are directed at improving public access to the waterfront; reducing damage from flooding and other water-related disasters; protecting water quality, sensitive habitats, such as wetlands and the aquatic ecosystem; reusing abandoned waterfront structures; and promoting development with appropriate land uses. The City Planning Commission (CPC), in its capacity as the City Coastal Commission (CCC), and New York City Department of City Planning (DCP) are responsible for administering the WRP. The CCC reviews and makes WRP consistency determinations for local actions that come before the CPC, as well as projects located in the coastal zone and require a federal, state or city discretionary action. Portions of Reaches 2 through 7

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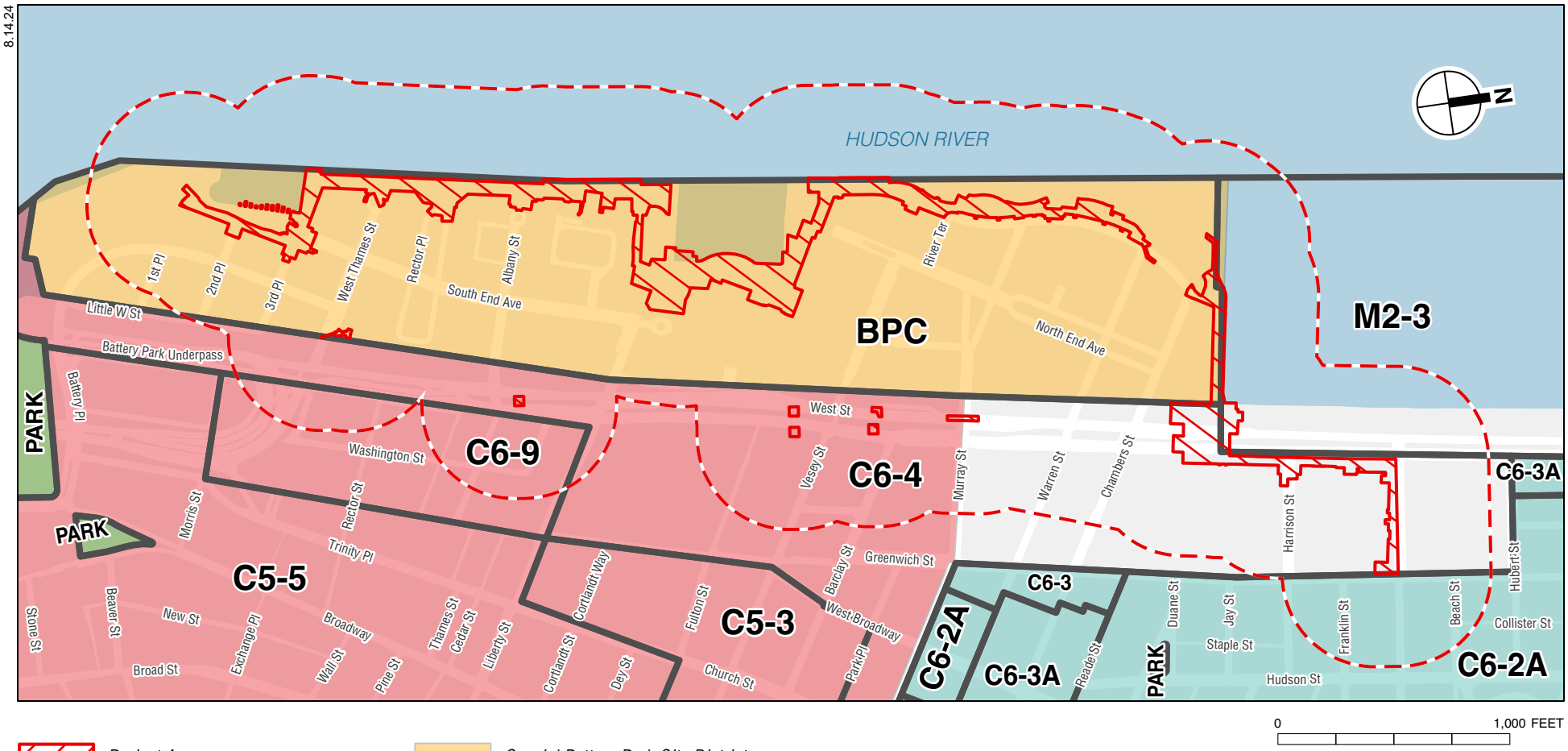


Project Area

Land Use Study Area (400-ft perimeter)

Zoning District Boundary

Park Boundary

Special Battery Park City District

Special Lower Manhattan District

Special Tribeca Mixed Use District

Existing Zoning

NORTH/WEST BATTERY PARK CITY RESILIENCY

Figure 3.1-2

of the Proposed Project are located directly along the waterfront and are therefore analyzed in this chapter for consistency with the goals of the WRP. A completed WRP form is provided in **Appendix C**.

3.1.4 Methodology

The Project Area is primarily in the Battery Park City neighborhood and includes land along Route 9A/West Street, a portion of Hudson River Park, and an area extending inland into Tribeca along North Moore Street up to Greenwich Street (see **Figure 3.1-1**). The Study Area extends 400-feet from the Project Area limits and is generally bounded by the Hudson River to the west, Hubert Street to the north, Hudson and Greenwich Streets to the east, and Battery Place to the south.

The analysis below begins by describing the existing land use, zoning, and public policy conditions that pertain to the Project Area and Study Area and are then projected through No Action condition to the 2030 analysis year by identifying developments and potential policy changes expected over that time. Potential impacts of the Proposed Project are then identified by comparing changes that would occur under the Proposed Project to the No Action condition.

3.1.5 Existing Conditions

3.1.5.1 Land Use

Project Area

Tribeca & Route 9A/West Street Crossing (Reach 1)

The northernmost portion of the Project Area in Tribeca east of Route 9A/West Street includes North Moore Street up to Greenwich Street where the Proposed Project flood barrier would "tie-back" to a higher inland elevation to enclose and protect the Protected Area (described in greater detail in Chapter 1.0, "Project Description"; see Figure 1-7) from flooding. This reach of the Project Area extends from the Battery Park City Esplanade across Route 9A/West Street between Harrison and Chambers Streets then continues north, running parallel to the Route 9A/West Street corridor before extending inland to the intersection of Greenwich and North Moore Streets. In addition to the street corridors, land uses along this section include Hudson River Park along the waterfront (west of Route 9A/West Street), community facility uses (the Borough of Manhattan Community College [BMCC]), and mixed residential and commercial uses (e.g., the Independence Plaza apartment complex) of various densities.

In addition to the flood barrier system gate crossing within Route 9A/West Street that is proposed in Reach 1, this area includes a location for a proposed pumping station located east of Stuyvesant High School Plaza (just south of the proposed gate).

Battery Park City (Reaches 2–7)

The Proposed Project extends west of the Greenway pedestrian and bicycle path along the west side of Route 9A/West Street and is the aligned primarily within Battery Park City with the exception of a narrow area of widening (approximately 6 feet) in Reach 2 north of the north bulkhead and within Hudson River

Park and is bordered on the upland by Stuyvesant High School. Reaches 3 through 7 are entirely within Battery Park City and are aligned along the Battery Park City Esplanade and the waterfront open spaces. The Esplanade is a waterfront open space corridor that combines a pathway for pedestrians, cyclist and joggers with landscaping, extensive seating, and other amenities and extends along the entirety of Battery Park City's Hudson River waterfront and connecting several larger Battery Park City open spaces along its length. Reach 3 includes the largest of the BPC waterfront open spaces, Rockefeller Park, which is located in the northwest portion of the Battery Park City waterfront. Rockefeller Park is approximately eight acres in size and is the largest contiguous open space in Battery Park City. Amenities in the park include lawns, basketball courts, the Park House with restrooms, a playground, and public art. To the south key waterfront open space features in Reach 4 include the Lily Pond, the Battery Park City Ferry Terminal, and Belvedere Plaza. To the east of Reaches 3 and 4 is the Irish Hunger Memorial at the western end of Vesey Street, which is just outside of the Project Area.

A central feature to the Battery Park City waterfront is North Cove, which includes the North Cove Marina and the fronting Esplanade in Reach 5. Within the marina there are marine facilities for both recreational and commercial vessels. Fronting the marina is the Esplanade with its landscaped and terraced plazas and includes Pumphouse Park. Pumphouse Park, located at the southeast corner of North Cove, is setback from the water by the Esplanade and is an open lawn with tables and seating that is bordered by mature trees.

Also inland from the North Cove esplanade are retail dining spaces and public art that support pedestrian activity, as well as a gateway connection to the Winter Garden Atrium. The Winter Garden Atrium is a glass-vaulted public pavilion that is central to the Battery Park City commercial core within Brookfield Place. It is an enclosed public corridor between North Cove and Lower Manhattan/the World Trade Center Memorial complex further east. Key features of the Winter Garden Atrium include an interior public garden of palms with fronting shops and restaurants.

The Project Area continues south of North Cove along the open spaces fronting the Battery Park City Esplanade (between Liberty Street and 3rd Place) and is aligned between the Esplanade and the inland residential uses. Reach 6 also includes the western terminus of three streets: Albany Street, Rector Place, and West Thames Street. Uses fronting the project area are primarily residential, including Gateway Plaza, Hudson Tower, Liberty House, Liberty Terrace, and The Regatta a supported by ground floor commercial and community facilities such as child day care providers. The reach includes connections to Rector Park between Liberty House, Hudson Tower and Liberty Terrace Residences.

Reach 7 of the Project Area includes the southward continuation of the Battery Park City Esplanade where the project it proposed to connect with the currently under construction South Battery Park City Resiliency (SBPCR) Project at the western end of 1st Place. Central to this reach is South Cove, which is a small cove located between approximately 1st and 3rd Place. South Cove is a place-based artwork that was the result of a collaboration between an artist (Mary Miss), a landscape architect (Susan Child) and an architect (Stan Eckstut). The open space incorporates natural materials, plantings, and constructed elements and features a "forest walk" that meanders through a tree grove with a spiral staircase overlooking the harbor (A description of the design history of South Cove is provided in Chapter 3.2, "Historic Resources.")

Route 9A/West Street and Street Corridors

The Project Area includes a segment of Route 9A/West Street from approximately Chambers Street on the north to Albany Street in the south. This land use is primarily a transportation corridor comprised of Route 9A/West Street which is a major multi-lane north/south throughfare with a landscaped median that is aligned between Tribeca and Lower Manhattan to the east and Hudson River Park and Battery Park City to the west. In addition to the travel lanes for vehicles, this corridor includes the Hudson River Greenway, a 12.5-mile segment of the Manhattan Waterfront Greenway, a physically separated bikeway and walkway along the west side of the highway corridor, which is also the beginning of the Empire State Trail. In this EIS, the portion of the Hudson River Greenway that runs adjacent to Hudson River Park north of Battery Park City is referred to as the Hudson River Bikeway/Walkway.

In addition to the flood barrier system gate crossing along Route 9A/West Street proposed in Reach 1, this corridor includes a location for a proposed pumping station located at Stuyvesant High School Plaza (just south of the proposed gate). The Project Area also includes locations where modifications of the existing sewer infrastructure are needed for the purpose of isolating the below-grade infrastructure system during a storm event (see Figure 1-4 in Chapter 1.0, "Project Description."). This portion of the Project Area therefore also includes segments of Albany Street, Rector Place, Vesey Street, and Murray Street for these infrastructure improvements.

Study Area

The Study Area includes the portion of Tribeca roughly bounded by Hubert, Hudson, Chambers and Greenwich Streets, Hudson River Park and the balance of Battery Park City outside of the Project Area (see **Figure 3.1-1**).

The portion of Tribeca in the Study Area is characterized by a mix of residential, community facility, commercial, mixed residential and commercial, hotel, park, and parking uses. The blocks between Greenwich Street and Route 9A/West Street are more densely developed than the blocks to the east; these are the superblocks developed as part of the Washington Street Urban Renewal Area (WSURA).[1] The northernmost block, located at 388-390 Greenwich Street, includes two buildings comprising the global headquarters for Citigroup.

South of the Citibank headquarters is Independence Plaza, a complex of three 39-story apartment towers set on two bases with rooftop courtyards and connected over Harrison Street by a pedestrian plaza. Integrated into this block on the south side of Harrison Street is an assemblage of historic 18th- and 19th-century attached rowhouses that were preserved as part of the WSURA plan. On the west side of the two superblocks is the BMCC, which is a large eight-story community facility that is home to the college and spans Harrison Street. Washington Market Park, a popular park with a playground, sports courts, and landscaping, is located in the southeast portion of the block.

[1] Superblocks are the assemblage of lots completed as part of the urban renewal plan.

South of Washington Market Park is Public School (PS) 234 and additional residential towers ranging from 29 to 63 stories in height. Two commercial structures, one 10 stories tall, 125 Barclay Street, and the other 29 stories tall, 101 Barclay Street, are located between Murray and Barclay Streets. The 32-story Verizon Building, located at 140 West Street, which has a mix of office and residential uses, and the 52-story 7 World Trade Center, an exclusively commercial building, are located south of Barclay Street.

The blocks between Greenwich and Hudson Streets are comprised of a mix of older industrial-style buildings, ranging from 3 to 16 stories that have been converted to residential with ground-floor retail uses. Several of these buildings are still used exclusively for commercial uses, including office space, and there is also a hotel and parking garage located on North Moore Street.

Along the waterfront and north of Battery Park City is the southern portion of Hudson River Park, the 550-acre park that extends along the Hudson River just north of Chambers Street on the south to 59th Street on the north. The portion of the park in the Study Area includes the southern segment of the waterfront Esplanade and the waters of the Hudson River, which is also within the Hudson River Park's designated Sanctuary Plan (see the description below). Recreational facilities in this area include the Pier 25 recreational boat mooring field in the water zone south of Pier 25 that provides both transient and seasonal moorings for vessels up to 38 feet in length with supporting services. Immediately to the north is Pier 25 which at 985 feet is the longest pier in Hudson River Park. This pier provides a number of recreational opportunities including miniature golf, sand volleyball courts, a popular children's playground with water features and climbing structures, a flexible turf field, a snack bar and offers sweeping views of maritime activity on the river, the Statue of Liberty and Ellis Island from the seating at the end of the pier. It is also a boating hub, featuring a town dock and small boat moorings and berthing areas for historic ships. Pier 26 to the north at 2.5 acres in size provides a multi-use recreation field with an open lawn, boardwalk, sports play and seating areas as well as dining. The Downtown Boathouse located just north of the pier provides public kayaking opportunities. There is also the Tide Deck at the western end of the pier which is an engineered/cultivated rocky salt marsh created to provide an immersive and educational river ecology experience and provides open views of the City and river. The Hudson River Bikeway/Walkway also extends and continues northward along the interior side of Route 9A/West Street. South of the Hudson River Park is Battery Park City which is comprised of a north residential neighborhood, a central commercial core, and a south residential neighborhood, that together with large open spaces and community facilities provide a diverse neighborhood of mixed uses. The north neighborhood is generally bounded by River Terrace, Route 9A/West Street, Chambers Street and Murray Street and is comprised of 11 residential buildings that range in height from 14 to 42 stories and provide a total of approximately 2,800 units. Several of these buildings also have ground-floor retail uses. There are also three schools in the north neighborhood; these include PS 89 and IS 289 (co-located at 201 Warren Street) and Stuyvesant High School at 345 Chambers Street, a stand-alone 10-story building situated at the north end of Battery Park City and adjacent to the North Esplanade and just west of the Greenway and Route 9A/West Street. The north neighborhood buildings are set among leafy open spaces, including Teardrop Park, Teardrop Park South, and the Battery Park City Ball Fields.

The central commercial core of Battery Park City is comprised of eight primarily commercial buildings that range in height from 14 to 54 stories that are concentrated north and east of the North Cove (one building,

200 Liberty Street, is to the southeast). Together, these buildings provide approximately 11,375,000 gross square feet (gsf) of commercial space, and five of these buildings are part of Brookfield Place (formerly known as the World Financial Center) which along with the Winter Garden Atrium (described above) are interconnected through a shared base and elevated pedestrian corridors. The tallest building in the central commercial core is the Goldman Sachs Headquarters, located north of Brookfield Place at 200 West Street.

To the south of the commercial center is the Battery Park City south neighborhood which is defined as that portion of Battery Park City south of North Cove/Liberty Street. This primarily residential area is comprised of 21 residential buildings that range in height from 5 to 44 stories and provide a total of approximately 5,500 units. Many of the residential buildings feature ground-floor retail and community facility uses such as day care centers. PS/IS 276, also referred to as the Battery Park City School at 55 Battery Place and two cultural centers—the Museum of Jewish Heritage at 36 Battery Place and the Skyscraper Museum located on the ground floor of 39 Battery Place—are located in the south neighborhood. Similar to the north neighborhood, buildings in the south neighborhood are set among leafy open spaces, including West Thames Park, Rector Park, and Wagner Park.

East of Battery Park City and Rute 9a/West Street and south of Vesey Street is the World Trade Center complex. This includes the 94-story One World Trade Center office building, the recently opened Performing Arts Center at the World Trade Center, the National September 11 Memorial and Museum, and Liberty Park, which surrounds St. Nicholas Greek Orthodox Church. South of Liberty Park and the Greek Orthodox Church is the 5 World Trade Center site, which is planned as a mixed-use building with a public space known as Albany Street Plaza managed by the Alliance for Downtown New York Business Improvement District (BID).

South of the World Trade Center complex, between Cedar Street and Battery Place, is a mix of buildings that range from older five-story commercial buildings to new residential towers like the 63-story 50 West Street. There are also historic office buildings, such as the Whitehall Building at 17 Battery Place, that have been converted to residential uses with ground-floor retail and several hotels. This area also includes the entrance to the Brooklyn Battery Tunnel from Route 9A/West Street, with a large parking garage that spans the entrance roads. Gwathmey Plaza, located at 1 Carlisle Street, is another publicly accessible privately owned open space with landscaping and open seating available to the public.

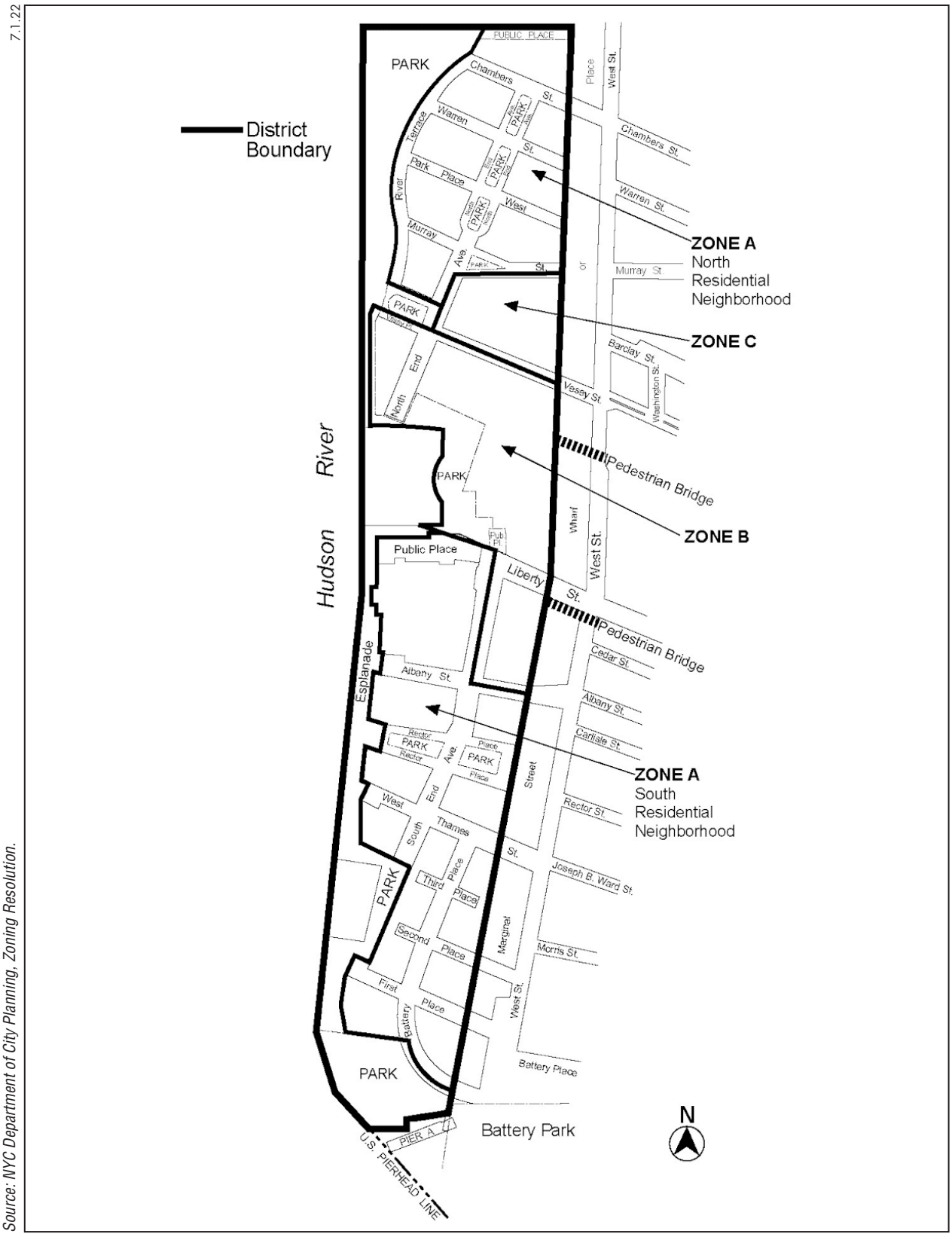
3.1.5.2 Zoning

Project Area

There are four zoning districts within the Project Area: the Special Battery Park City (BPC) District, the Special Lower Manhattan (LM) District, a C6-4 commercial district, and a M2-3 manufacturing district (see **Figure 3.1-3**). Each of these districts is described in greater detail below (see also **Table 3.1-1**).

Special Battery Park City District

The majority of the Project Area is in the Special BPC District, which was developed by the City to guide the development of Battery Park City in accordance with the 1979 Battery Park City Master Plan (Master Plan) when the area was partially created by filling the Hudson River with materials excavated from



Special Battery Park City District

NORTH/WEST BATTERY PARK CITY RESILIENCY

Figure 3.1-3

constructing the World Trade Center. As a result, there are no standard underlying zoning districts, only the City's Special BPC District. The concept of the Master Plan and the Special BPC District is a central commercial complex flanked by residential neighborhoods to the north and south, with a continuous waterfront esplanade along the Hudson River. The Special BPC District therefore comprises three Zones—A, B, and C—with specific uses and bulk permitted in each zone (see **Figure 3.1-3**). There are also specific design controls regarding building heights, setbacks, waterfront design, and parking requirements. Much of the Project Area also includes the designated waterfront esplanade, open spaces areas, and North and South Coves. Each of these zones is described in greater detail below.

Zone A allows residential uses on the north and south lands of Battery Park City. The northern Zone A is east of River Terrace and north of Murray Street, while the southern Zone A is south of North Cove and Albany Street. Within Zone A there are six subzones (A-1 through A-6), each with a specific floor to area ratio (FAR) and parking requirements. Except where modified by the provisions of the Special BPC District, regulations applying to R10 residential districts apply in Zone A. R10 districts allow up to 10.0 FAR for residential and community facility uses, with heights governed by zoning tower rules.[2] The Special BPC District zoning modifies these provisions to allow FARs up to 12.0 in subzones A-1 and A-5, and cap FARs at 8.0 in subzones A-2, A-3, and A-6.[3] The Special BPC District zoning also modifies the standard height regulations of an R10 district in Zone A to maximum heights ranging from 135 feet to 450 feet, with "Special Height Locations" designated for the tallest buildings. The provisions of the Special BPC District zoning allow commercial uses in specially permitted commercial locations in Zone A pursuant to C2 commercial zoning designation. Special use regulations for spaces along the Battery Park City Esplanade are also addressed in Battery Park City's Zone A regulations, limiting uses to residential and community facility uses in Use Groups 2, 3, and 4 except in permitted commercial locations in which eating or drinking establishments are allowed on the lowest floor.

Zone B is designed for commercial and mixed development and is the commercial core at the center of Battery Park City. It extends from Albany Street on the south to Vesey Street on the north and includes the land north and east of North Cove as well as the block between South End Avenue and Route 9A/West Street to the southeast of North Cove. Zone B is governed by the Large-Scale Commercial Development Plan, which is attached as an exhibit to the Master Lease for Battery Park City dated June 6, 1980, as amended. This Plan facilitated development of the World Financial Center (now Brookfield Place), which is an interconnected commercial complex comprising four towers.

Zone C is designed to provide for commercial and mixed-use development, parking and ancillary retail and service uses. It covers the block bounded by Murray Street, Route 9A/West Street, Vesey Street, and North End Avenue and is subdivided into Zones C-1 and C-2. The bulk and use regulations of a C6-6 commercial and equivalent residential districts apply to Zone C, except as modified by Special BPC District. C6-6

[2] Tower rules allow a building to penetrate the sky exposure plane governing building heights provided that the tower footprint is no more than 40 to 50 percent of the zoning lot and is set back from the street.

[3] The zoning lot at the southeast corner of Chambers Street and North End Ave may increase to maximum FAR of 12.0 provided the additional floor area is occupied by a school.

commercial districts typically allow up to 15.0 FAR of commercial and community facility uses or 10.0 FAR of residential uses, with limits maintained by BPCA. Both subzones are designated as Special Height Locations by the Special BPC District, with subzone C-1 permitting buildings up to 400 feet and subzone C-2 permitting buildings up to 800 feet.

Special Lower Manhattan (LM) District

A small portion of the Project Area, located along Route 9A/West Street between Murray and Albany Streets, is within the Special LM District. The Special LM District was established to support the growing residential community in the City's oldest central business district and therefore allows a greater mix of uses, including commercial, residential, community facility, and special manufacturing. The basic maximum FAR is 6.5 for residential uses and 15.0 for some commercial uses, with floor area bonuses for public plazas, Inclusionary Housing, mass transit station improvements, or transfer of development rights that can increase the maximum commercial FAR to 21.6 within certain commercial districts.

C6-4 Commercial District

The Project Area east of Route 9A/West Street in Tribeca is zoned C6-4, which is a high-density commercial district that allows a wide variety of uses, including commercial, community facility, and residential uses up to an FAR of 10.0 (which can be increased by 20 percent with a public plaza bonus). Heights are governed by the sky exposure plane, which slopes inwards over the zoning lot beginning at 85 feet and cannot be penetrated except by a tower.

M2-3 Manufacturing District

A very small portion of the Project Area, north of Chambers Street and west of Route 9A/West Street, is in an M2-3 manufacturing district, which is a medium-density manufacturing district mapped along Manhattan's east and west waterfronts. These districts typically include municipal facilities and working waterfront uses; no residential or community facility uses are permitted. The maximum FAR is 2.0 for manufacturing and commercial uses. Building heights are governed by the sky exposure plane, which begins at 60 feet.

Study Area

In addition to the Special BPC District, C6-4, and M2-3 districts described above in the immediate Project Area, there are several other zoning districts in the larger Study Area, including C5-5, C6-2A, C6-3A, and C6-9 commercial districts, as well as the Special Tribeca Mixed Use District. Each of these districts is described below (see **Table 3.1-1**).

C5-5 Commercial District

The C5-5 Commercial District is largely mapped over the Financial District neighborhood in Lower Manhattan. This district overlaps with the southern portion of the Study Area between Morris Street and the Battery, east of West Street. The C5-5 district is reserved for central commercial districts containing large office buildings, department stores, and mixed-use buildings with residential space above office or commercial floors. In C5-5 districts commercial buildings have an FAR of 15.0, while residential buildings have an R10

equivalent of 10.0 with a standard tower and 12.0 with a tower on a base structure. Heights are governed by the sky exposure plane and tower rules. There are no parking requirements within a C5 district.

C6-2A Commercial District

The northeastern portion of the Study Area, like most of Tribeca, is zoned C6-2A, which is a high-density commercial contextual district intended for central commercial centers with concentrations of older buildings set at or close to the lot line. C6-2A districts allow up to a 6.0 FAR of commercial uses, 6.02 FAR of residential uses, or 6.5 FAR of community facility uses. Buildings are limited to a maximum height of 120 feet.

Table 3.1-1
Zoning Districts in the Land Use Study Areas

Zone	Allowable Floor Area Ratio (FAR)[1]	Use
BPC	Zone A – 8.0 to 12.0 FAR of Residential or Community Facility; Zone B – Governed by the Large-Scale Commercial Development Plan; Zone C – 10.0 FAR of Residential, 15.0 FAR of Commercial and Community facility	Special Purpose District created to govern development in Battery Park City in accordance with the Battery Park City Master Plan.
LM	15.0 Commercial[2]; 6.5 Residential; 6.5 Manufacturing	Special Purpose District established to support the residential community within the City's oldest central business district.
TMU	A1 – 6.0 Commercial, 6.02 Residential, 6.5 Community Facility; A4 – 6.5 FAR; A5 – 5.5 FAR; A6 – 5.4 FAR	Special Purpose District created to encourage mixed buildings and uses for a growing residential community within a light industrial area.
C5-5	15.0 Commercial[2]; 10.0 Residential[2]; 15.0 Community Facility[2]	Central commercial district with continuous retail frontage intended for offices and retail establishments that serve the entire metropolitan region.
C6-2A	6.0 Commercial; 6.02 Residential; 6.5 Community Facility	Contextual commercial district for uses requiring large buildings, typically mapped in the City's central commercial districts
C6-3A	6.0 Commercial; 7.52 Residential; 7.5 Community Facility	Contextual commercial district for uses requiring large buildings, typically mapped in the City's central commercial districts
C6-4	10.0 Commercial[2]; 10.0 Residential[2,3]; 10.0 Community Facility	High-density commercial district for uses requiring a central location, typically mapped in the City's major business districts
C6-9	15.0 Commercial[2]; 10.0 Residential[3]; 15.0 Community Facility	High-density commercial district for uses requiring a central location, typically mapped in the City's major business districts
M2-3	2.0 Manufacturing; 2.0 Commercial	Medium-density waterfront manufacturing district

Notes:
[1] FAR is a measure of density establishing the amount of development allowed in proportion to the base lot area. For example, a lot of 10,000 square feet (sf) with a FAR of 1 has an allowable building area of 10,000 sf. The same lot with an FAR of 10 has an allowable building area of 100,000 sf.
[2] Can be increased with 20% public plaza bonus.
[3] Can be increased with Inclusionary Housing bonus.
Sources: New York City Zoning Resolution

C6-3A Commercial District

The northernmost portion of the Study Area includes a portion of a C6-3A district, which is a high-density contextual commercial district similar to the C6-2A districts described above, but with higher residential

and community facility FARs and height limits. C6-3A districts permit a maximum FARs of 6.0 for commercial, 7.52 for residential, and 7.5 for community facility uses with heights limited to 135 feet on a narrow street or 145 feet on a wide street.

C6-9 Commercial District

A C6-9 district is mapped over the blocks bounded by Liberty, Greenwich, and Morris Streets, and Route 9A/West Street. These are high-density commercial districts intended for central commercial cores in the City. Similar to other C5 and C6 districts, C6-9 districts allow for maximum commercial and community facility FAR of 15.0 and a maximum residential FAR of 10.0. Heights are governed by the sky exposure plane or tower rules.

Special Tribeca Mixed Use (TMU) District

The Special Tribeca Mixed Use (TMU) District roughly covers the blocks south of Canal Street between Route 9A/West Street and Broadway, before narrowing south of Hubert and Walker Streets to Greenwich Street and west of Broadway. The TMU District, once part of the Special LM District, now borders the district along Murray Street. The portions of the Study Area within the Special TMU District are Areas A1, A4, A5, and A6. Area A1 adheres to the regulations in the C6-2A district described above. For Area A4, the maximum building height is 140 feet with an FAR of 6.5; for A5 it is 110 feet with an FAR of 5.5; and for A6 it is 120 feet with an FAR of 5.4.

3.1.5.3 Other Public Policies and Plans

Public planning policies that apply to the study area are summarized below. Federal and New York State regulatory policies are described above under "Regulatory Context."

Manhattan Waterfront Greenway

The *Manhattan Waterfront Greenway: A Vision for Closing the Loop* is a plan prepared jointly by the New York City Economic Development Corporation (NYCEDC), the New York City Department of Transportation (NYCDOT), and the New York City Department of Parks and Recreation (NYC Parks). The 2017 vision expands upon the original 2004 Manhattan Waterfront Greenway Master Plan, which sought to create a continuous mixed-use path circumnavigating the entirety of Manhattan. It is the objective of the 2017 plan to provide a connected greenway along the Manhattan's waterfront perimeter with the benefits of providing improved public access to the shoreline, integrating larger parks with a greenway connection, and providing a bike path that creates the opportunity for both recreation and an alternative mode of transportation along the coastal zone. The Project Area includes the Battery Park City Esplanade and connections to Hudson River Park which are completed segments of the Greenway.

PlaNYC/OneNYC 2050/PlaNYC: Getting Sustainability Done

PlaNYC: Getting Sustainability Done was released in 2023 and builds upon nearly two decades of strategic planning for a more sustainable, resilient, and equitable New York City. Prior to the 2023 report was *OneNYC 2050,* a long-term comprehensive strategic plan for New York City that addressed long-term challenges related to climate change, an evolving economy, and aging infrastructure. *OneNYC 2050* was

released in 2019 and built upon previous strategies and initiatives, such as *One New York: The Plan for a Strong and Just City* (*OneNYC*, 2017), which was the City's comprehensive strategy and policy directive aimed at sustainability, resiliency, and growth, *PlaNYC: A Stronger, More Resilient New York* (2013) and *PlaNYC: A Greener, Greater New York* (2007). As a project of Citywide significance, the Proposed Project is assessed in this chapter for consistency with City policies related to growth, equity, sustainability, and resiliency measures as outlined in *PlaNYC: Getting Sustainability Done*. One of the major objectives of the plan is "Protecting us from climate threats," including flooding. The initiative to "implement a multilayered strategy for flood resilience" is directly supported by the Proposed Project, which seeks to develop flood protection infrastructure in concert with nature-based stormwater management solutions.

New York City Comprehensive Waterfront Plan

The City's Comprehensive Waterfront Plan, issued originally in 1992 by DCP, presents a long-range vision for the waterfront. In 2021, the Comprehensive Waterfront Plan was updated and prepared in partnership with several state and federal agencies, including the New York State Department of Environmental Conservation (NYSDEC), the Port Authority of New York and New Jersey (PANYNJ) and the U.S. Army Corps of Engineers (USACE). Specific strategies outlined in the third Comprehensive Waterfront Plan were guided by three core values: equity, resiliency, and health.

Battery Park City Master Plan and Resilience Action Plan

Battery Park City was planned and developed according to the Master Plan adopted in 1979 and is partially situated on filled land created by construction of the World Trade Center during the late 1960s and early 1970s. A key feature is its waterfront Esplanade and open spaces to the west (or riverside) of the developed structures. In 2019, BPCA embarked on a strategic planning process with 100 Resilient Cities, to create the Battery Park City Resilience Action Plan which sets forth a vision consisting of 14 goals and 30 total actions for BPCA that are intended to ensure that Battery Park City will:

- Be an inclusive community that supports housing affordability as a part of a diverse and livable community, ensures a vibrant business community for its residents and provides an enjoyable public realm that is accessible to all.
- Create a safe and climate resilient place with a built environment and natural systems that adapt to the changing climate, achieve carbon neutrality, with robust infrastructure prepare for future weather events with safety and security services that support resident needs.
- Provide vibrant public spaces with diverse programming, amenities, and public art.
- Demonstrate leadership for the future, through improving service and project delivery, embracing diversity in culture and operations, integrating climate resilience and sustainability policies, strengthening collaboration on innovative governance practices, and continuing its responsible stewardship of public resources.

Alliance for Downtown New York Business Improvement District

The Alliance for Downtown New York Business Improvement District was formed in 1995 to provide service, advocacy, research, and information to support Lower Manhattan as a vibrant, multi-use neighborhood by advancing services such as security and transportation, streetscape improvements, economic development advocacy, marketing and communication, history, and special event programming, and wi-fi service. Small portions of the Project Area and the Study Area east of Route 9A/West Street and south of Murray Street are within the business improvement district.

Battery Park City Sustainability Plan and Green Guidelines

The Battery Park City Sustainability Plan (2020) is a comprehensive plan to achieve progressive sustainability targets over the next decade and lays the groundwork for continued sustainability action after 2030. Developed in consultation with a broad range of residential, local, and governmental stakeholders, the Plan provides the framework for developing and implementing a carbon neutral Battery Park City by the middle of the century, in keeping with the mandate set forth in the New York State's 2019 Climate Leadership and Community Protection Act to reduce greenhouse gas emissions.

To meet the resiliency and stormwater management goals, the Battery Park City Sustainability Plan identified the key projects to make Battery Park City more resilient to major storms—specifically, completion of the Battery Park City Resiliency Projects (North/West, South, Ball Fields and Community Center projects). Increasing the number of permeable surfaces in Battery Park City was also identified, through pavement modifications and installation of green stormwater infrastructure.

The Battery Park City Sustainability Plan is accompanied by the BPC Green Guidelines (2020), which outline specific guidelines for new and existing buildings and landscapes to support the targets and strategies identified in the Sustainability Plan.

Battery Park City Sustainability Implementation Plan

The Sustainability Implementation Plan (2020) outlines the policies, programs, partnerships, tools, and funding mechanisms that are available, or can be created, to assist in transforming the Sustainability Plan into a reality. The key actions identified in this plan included resiliency projects to make Battery Park City more resilient to major storms; increasing permeability through pavement modifications and green stormwater infrastructure and improvements to stormwater infrastructure to limit combined sewer overflow incidents.

Battery Park City Climate Action Plan (CAP)

The Battery Park City Climate Action Plan (2022), or CAP, calculates current greenhouse gas (GHG) emissions for the neighborhood, as well as projections of how those emissions would change year-by-year through 2050. The CAP provides a detailed roadmap of GHG emissions reduction strategies in the energy, transportation, and waste sectors to achieve carbon neutrality by 2050.

Hudson Raritan Estuary (HRE) Comprehensive Restoration Plan

The HRE Comprehensive Restoration Plan was developed with input from the state and federal regulatory agencies and is intended to serve as the foundation for achieving the estuary's management goals of restoring tidal wetlands, natural shorelines, and shallows and of facilitating fish passage up the Hudson tributaries. The HRE Comprehensive Restoration Plan prioritizes habitat restoration, advancing knowledge about habitat needs of priority species, and supporting adaptation to sea-level rise and promoting ecosystem resilience.

3.1.6 No Action Conditions

3.1.6.1 Land Use

Project Area

In the future without the Proposed Project (the No Action condition), it is assumed that there would be no coastal storm protection system installed in the Project Area (one project to improve drainage in Rockefeller Park is described below). In the absence of the Proposed Project, the existing areas, neighborhoods, and open spaces within the Protected Area would remain at risk from storm surges during major storm events. The No Action condition would not meet the Proposed Project goals of providing comprehensive coastal flood protection for the Protected Area. During a design coastal storm event, the Protected Area would experience significant flood risk and potential impacts to human health and safety, as well as damage to property and assets within Battery Park City and the surrounding areas. The No Action condition is not anticipated to result in significant adverse impacts to any existing or planned land use, zoning, or public policies within the Protected Area by the 2030 analysis year. Over time, absent the Proposed Project, flooding risk within the Protected Area would worsen and may result in potential impacts to land uses.

Study Area

In the No Action condition, current land use and development trends are expected to continue with five projects expected to be completed by the 2030 analysis year, including drainage work within Rockefeller Park, the SBPCR Project, the Hudson River Park Trust (HRPT) Estuarium, 5 World Trade Center, and 18 Harrison Street. A description of each of these projects is provided below.

An independent project within Battery Park City that would move forward under the direction of BPCA is comprised of targeted drainage improvements in Rockefeller Park with the objective of repairing and improving the existing drainage system and including repair and replacement of inlets coupled with the replacement of broken pipes, where needed. These improvements, which include raising seven currently buried/covered inlet structures, restoring full drainage function at four inlets, and cleaning out twenty inlets, would have very limited and targeted areas of disturbance and are expected to be completed in 2025.

The SBPCR Project is currently under construction. At completion, this project will create an integrated flood barrier system from the Battery Park City Esplanade at the west end of First Place, along the waterside edge of the Museum of Jewish Heritage, through Robert F. Wagner Park (Wagner Park), and Pier A Plaza, that then extends eastward along the northern edge of The Battery, ending at approximately the southwest corner of Battery Place and State Street. Key elements of the resiliency project include the elevation of Wagner Park and installing flip-up deployable floodgates, glass-topped floodwalls, buried floodwalls beneath terraced slopes, exposed floodwalls, and landscaped floodwalls. Wagner Park, Pier A Plaza and portions of The Battery within the SBPCR Project area are closed for a 24-month construction period, but are expected to reopen in late spring 2025 with no change in open space acreage.

HRPT recently constructed the Pier 26 Science Play Area for children. In addition to the new play area, HRPT has started the design process for a new Estuarium in the upland area between Piers 25 and 26. While there is no fixed date, construction could start as soon as two years for now. Absent the Proposed Project, the new Estuarium would serve as a new environmental education and research facility for community members, educators, and scientists. The 10,000-gsf facility would offer a laboratory, public exhibit, and learning space designed to provide hands-on programs about urban ecology in the New York Harbor and larger Hudson River ecosystem.

5 World Trade Center, a mixed-use project on the World Trade Center campus, is proposed to develop approximately 1,325 dwelling units, including 330 permanently affordable units. In addition to the residential units, the building is designed to contain community and amenity space, retail, and office programming. It is currently projected that the building is expected to be completed and operational by 2030. In addition, a much smaller retail project at 18 Harrison Street is under construction in the north portion of the Study Area that will add two residential units and approximately 1,147 gsf of retail space.

In addition to the above, the New York Harbor and Tributaries Focus Area Feasibility Study (HATS) is a planning document that applies to the study area. HATS is a comprehensive long range planning effort currently being undertaken by USACE to develop broad, sustainable, and effective strategies for flood risk management throughout the New York City metropolitan area, including New York City and the six largest cities in New Jersey. HATS encompasses the area adjacent and north of Battery Park City; however, no project implementation is expected by the Proposed Project's 2030 analysis year.

3.1.6.2 Zoning and Public Policy

There are no changes to zoning or public policy in the Study Area that are expected to be implemented through the 2030 analysis year.

3.1.7 Proposed Action Conditions

As described in greater detail in Chapter 1.0, “Project Description,” the Proposed Action is to construct a flood barrier system that addresses future areawide flooding from coastal storms through a combination of structural elements (i.e., walls and gates) that for the majority of its length are aligned within Battery Park City property (Reaches 2 to 7) with the exception of its northern segment (Reach 1; see Figure 1-4 in Chapter 1.0, “Project Description”) and a portion of Reach 2 that extends for about 6 feet over the waters

of Hudson River Park. The northern segment of the flood barrier system within Reach 1 is an inland extension along North Moore Street that ties back to the design flood elevation (i.e., higher ground) just west of Greenwich Street. From North Moore Street, the flood barrier system extends south along the Route 9A/West Street corridor adjacent to the west frontage of BMCC before turning west across Route 9A/West Street to the Battery Park City North Bulkhead (Reach 2). From there, the flood barrier system continues southward within Battery Park City to connect with the SBPCR Project at approximately 1st Place to enclose the Protected Area (Reaches 3 to 7). The Proposed Project is primarily aligned inland from the bulkhead/water's edge, where possible. In addition to the flood barrier system, the Proposed Project includes interior drainage improvements to manage stormwater runoff flooding in the Protected Area resulting from a simultaneous tidal and rainstorm event; these improvements are to be integrated into the City's existing infrastructure system and include near surface isolation installations along Route 9A/West Street with six below-grade tide gates and a pump station at a location just east of Stuyvesant High School.

The Proposed Project has been designed to integrate the flood barrier system into the existing street corridors and the Battery Park City open spaces, including portions of River Terrace/Rockefeller Park, Belvedere Plaza, segments of the Battery Park City waterfront Esplanade as well as thew interior of North and South Coves. A more detailed assessment of the potential land use, zoning and public policy impacts of the Proposed Project is provided below.

3.1.7.1 Land Use

The Proposed Project would not conflict with existing Study Area land uses and in fact would complement such uses by installing a flood barrier system to protect these uses against future storm impacts. With the Proposed Project there would be no changes in land use along the Project Area or along the waterfront, nor would the adjacent inland residential, commercial, and institutional uses be altered. Similarly, the surrounding Study Area land uses would be unaffected by both the proposed flood barrier system and the proposed interior drainage improvements, which are primarily below-grade infrastructure improvements aligned within the existing street corridors. As described below, the Proposed Project would protect land uses inland of the flood barrier system (i.e., the Protected Area) against future storm events and these proposed improvements are supporting elements to the City's street and infrastructure systems and would not displace any land uses or result in any significant adverse land use impacts.

In Reach 1, the Proposed Project would provide the land use benefits of tidal storm flood protection in the block bounded by North Moore Street to the north, Route 9A/West Street to the west, Chambers Street to the south and Greenwich Street to the east, which includes high-density residential use in Independence Plaza towers and the low-rise historic residential row houses; an important community facility for the City and Lower Manhattan, the BMCC; and an important community open space, Washington Market Park. The alignment and design of the proposed flood barrier would also be integrated into the south side of North Moore Street east up to Greenwich Street and the east side of Route 9A/West Street, with a short segment crossing over Harrison Street and then crossing Route 9A/West Street just south of Harrison Street. While the proposed flood barrier system structure would occupy a portion of the sidewalks of City streets with a below-grade gate in Route 9A/West Street it would

not result in any adverse impacts on the street corridor or displace the primary transportation function. During a storm event, the flood barrier system gates would also be deployed to provide protection to the streets and properties in the protected area from both surge and inland flooding providing the benefit of protecting this critical transportation corridor from future design-storm flood events. Similarly, while the Proposed Project is a flood barrier system, it includes multiple deployable gates to minimize impacts on transportation functions within the street while also maintaining property access, maintaining visual connection and both vehicular and pedestrian circulation. Additionally, it has been designed to minimize affecting open space land uses along Hudson River Park and the Hudson River Bikeway/Walkway.

As described in greater detail in Chapter 1.0, "Project Description," to achieve the project goal of comprehensive flood protection, a modeling analysis of the City's sewer system was performed that assumed a coastal storm tidal event occurring simultaneously with significant rainfall. Based on that modeling, it was determined that in addition to the coastal barrier, the Proposed Project would need to include improvements to the City's drainage system to address the rainfall element and the resulting runoff/drainage collection and drainage management needs within the Protected Area. An important component of the proposed improvements is therefore a below-grade pump station that is being designed in consultation with the New York City Department of Environmental Protection. Based on a siting study for the facility the proposed location is between Route 9A/West Street and Stuyvesant High School and based on a conceptual design the facility would have as its primary feature four below grade submersible centrifugal pumps, each of which could handle up to 20 million gallons per day (mgd). The pump station is designed to be connected to the City sewer system through a new chamber and other below grade improvements**.** During a storm event the proposed pump station would then pump the collected storm drainage away from the Protected Area through a force main pipe that connects to a new vault proposed to be installed within an existing CSO outfall through which the flow from the protected area is then conveyed out to the Hudson River.

As part of the proposed pump station design, in addition to the below grade infrastructure, an electrical room needs to be provided above grade and proximate to the subgrade mechanical systems for the purpose of activating the pumps and related mechanical equipment. This above-grade structure would therefore provide the power supply connections and operating panels necessary to activate the proposed pumps with an emergency backup portable generator. The proposed pump station and other interior drainage improvements discussed in Chapter 3.7, "Water and Sewer Infrastructure," would support the Proposed Project's flood protection goals and allow for street functions and operations on the protected side of the flood barrier system to be maintained during the design storm event. The potential above-grade accessory structure would be limited in size and sited to minimize effects on the public space at this location (e.g., open area sidewalk/bikeway/walkway), which is an area of pedestrian circulation and access including to Stuyvesant High School (see also Chapter 3.2, "Open Space," for additional details). As design is further developed, any Uniform Land Use Review Procedure (ULURP) actions related to the proposed pump station will be determined in conjunction with the New York City Department of City Planning.

West of the Hudson River Bikeway/Walkway adjacent to Route 9A/West Street, the flood barrier system connects to Reach 2 at the Esplanade at the northern edge of Battery Park City property and then

continues south to the Project Area's terminus in Reach 7 at 1st Place to connect with the northern terminus of the SBPCR Project. The majority of the flood barrier system in these reaches is within the waterfront open spaces of BPC. While temporary closures of open spaces and adjacent street segments would be necessary during construction (see Chapter 3.11, "Construction" for a description of the proposed construction plan), the Proposed Project would not result in any permanent impacts or changes in land uses. Within Reach 2, the Proposed Project also includes a limited (6-foot-wide) cantilevered walkway extension northward over the waters that are within the HRPT property north of the BPCA north bulkhead. It is the objective of this limited northward widening of the platform structure to improve the open space and the flow of pedestrians and bicyclists in this reach given that the proposed flood barrier system would occupy about 2 feet of what is currently the inland edge of the walkway (adjacent to Stuyvesant High School) while also accommodating flexibility and adaptability for future protective measures. There are no adverse land use impacts from this proposed extension (it is entirely overwater) and there would need to be an agreement between BPCA and HRPT to allow the extended structure over HRPT property. Since the extension would also extend over the water area within the HRPT Estuarine Marine Sanctuary Plan, a conformity assessment of the Proposed Project with this policy is provided below (see **Table 3.1-2**).

For a more detailed analysis of potential impacts of the Proposed Project on street corridor flow and operations and open spaces, see also Chapters 3.2, "Open Space," 3.8, "Transportation," and 3.11, "Construction."

3.1.7.2 Zoning

Implementing the Proposed Project does not require any zoning actions, as the New York City Zoning Resolution would not apply to the proposed flood barrier system structure along and within the City street public right of way segments, including North Moore and Harrison Streets and Route 9A/West Street (i.e., not within a zoning lot or marginal street) or within parkland. Therefore, the Proposed Project would not adversely affect the zoning within the Project Area. Additionally, the Proposed Project would not result in any physical alterations to the surrounding Study Area and therefore would not result in significant adverse impacts to zoning.

3.1.7.3 Public Policies

A summary of the Proposed Project's compliance with the applicable public policies is provided below in **Table 3.1-2**.

Table 3.1-2
Summary of Public Policies and Project Compliance

Public Policy	Project Applicability
Floodplain Management (Executive Order 11988)	The Proposed Project is consistent with Floodplain Management policies, since it would remove the at-risk properties that are in the proposed Protected Area from the currently mapped floodplain (see Figure 1-6 in Chapter 1.0, "Project Description").
Battery Park City Master Plan and Resilience Plan	The Proposed Project is consistent with and supports the goals and objectives of the Battery Park City Master Plan and Resilience Plan by implementing sustainable infrastructure that protects the neighborhood from coastal flooding and extreme climate events.

Table 3.1-2
Summary of Public Policies and Project Compliance

Public Policy	Project Applicability
Battery Park City Sustainability Plan/Sustainability Implementation Plan	The Proposed Project is consistent with these plans and was specifically identified as part of the Battery Park City Resiliency Projects (North, West, South, Ball Fields and Community Center projects). Additionally, the Proposed Project meets the goals and objectives of these plans through the installation of green stormwater infrastructure and native plantings. The Proposed Project's design development takes into account BPCA's sustainability and green guideline metrics, including carbon neutrality, and are consistent with and further these goals.
Battery Park City Climate Action Plan (CAP)	The Proposed Project is consistent with the CAP in that the resiliency project would not increase traffic, energy use, the generation of waste or otherwise contribute to increased emissions post construction. Impacts related to construction activities are further detailed in Chapter 3.11, "Construction."
Smart Growth Public Infrastructure Policy Act	The Proposed Project is consistent with the NYS Smart Growth Public Infrastructure Policy Act and would not result in unnecessary sprawl. A comprehensive review of the Smart Growth Public Infrastructure Policy Act is provided within **Appendix C**.
Alliance for Downtown New York Business Improvement District (BID)	The Proposed Project is consistent with the goals of the Alliance for Downtown New York BID in that it is designed to create a more resilient waterfront, which would support protecting commercial businesses r inland from the impact of flooding due to storm surges and sea level rise.
PlaNYC/OneNYC 2050/PlaNYC: Getting Sustainability Done	The Proposed Project supports the latest iteration of PlaNYC: Getting Sustainability Done and is directly aligned with the following initiatives: **Initiative 5:** *Implement a multilayered strategy for flood resilience.* The Proposed Project would effectuateneighborhood scale coastal protection that will connect to other BPCA/Lower Manhattan Coastal Resilience Projects on the south and allow for future USACE New York & New Jersey Harbor & Tributaries (HATS) project to the north. The Proposed Project also supports the following applicable strategy from the "A Livable Climate" section of the previous OneNYC 2050 plan. **Strategy 21:** *Strengthen communities, buildings, infrastructure, and the waterfront to be more resilient.* One of the supporting initiatives of this strategy is to: *Mitigate physical risks posed by climate change by delivering critical projects.* Among the plan initiatives is the implementation of the Battery Park City Resiliency Projects.
Coastal Zone Management Act WRP	The Proposed Project is consistent with the objectives of the Coastal Zone Management Act including the WRP as well as the policies of NYSDOS (see **Appendix C**).
Manhattan Waterfront Greenway	The Proposed Project would not conflict with the objectives of the Manhattan Waterfront Greenway and is is designed to comply with these principles by maintaining continuous public (pedestrian) access along the waterfront recognizing the need to address enhanced safety for pedestrians and bicyclists, visual access to the waterfront and also taking into account sea level rise in the proposed design.
NYC Comprehensive Waterfront Plan	The Proposed Project is directly supportive of the following Waterfront Plan goals: Climate Resiliency and Adaptation: Consistent with this policy, the Proposed Project has been designed to address coastal resiliency needs in Battery Park City and the inland neighborhoods in Lower Manhattan and in doing so addresses both the risks of climate change and sea level rise. Waterfront Public Access: The Proposed Project supports this goal by maintaining waterfront open space, expanding the north waterfront walkway to further enhance access along the water's edge, and restoring and enhancing post-construction existing waterfront open spaces to ensure the continuation of high-quality public waterfront in Battery Park City in conjunction with an integrated flood Water Quality and Natural Resources: The Proposed Project aligns with this goal by ensuring protection of the natural habitat of the Hudson River with native landscaping and use of green stormwater improvements. .

Table 3.1-2
Summary of Public Policies and Project Compliance

Public Policy	Project Applicability
Hudson River Park (HRP) Estuarine-Sanctuary Management Plan	With the Proposed Project, there would be temporary construction period impacts associated with installing the proposed flood barrier system along the North Esplanade of BPC. This impact includes the temporary disruption in the use of the HRP motorized use/mooring field maritime recreational area for approximately 18 months to allow construction barge access for equipment and material delivery. While this construction would temporarily preclude in-water use in a portion of the HRP maritime area, at project completion these uses would be restored and unaffected by the Proposed Project. Impacts to natural resources are discussed in further detail in Chapter 3.5, "Natural Resources." The limited 6-foot increase in the overhang along the Battery Park City North Esplanade would extend into HRP property, but would not affect these uses once construction is completed. The proposed overhang along the Battery Park City North Esplanade would also enhance waterfront access (see the WRP policies above). For these reasons, it is concluded that the Proposed Project would not conflict with the objectives of the HRP Estuarine-Sanctuary Management Plan.
Hudson Raritan Estuary (HRE) Comprehensive Restoration Plan	The Proposed Project would not conflict with the goals of the HRE Comprehensive Restoration Plan to develop a mosaic of habitats that provide society with renewed and increased benefits from the estuary environment. The HRP Estuarine Sanctuary is a component of the Lower Hudson planning region identified in the HRE Comprehensive Restoration plan. As detailed above, the Proposed Project would not conflict with the objectives of the HRP Estuarine-Sanctuary Management Plan, therefore, the Proposed Project would not conflict with the goals of the broader HRE Comprehensive Restoration Plan.

A completed WRP Consistency Assessment Form, including a consistency assessment for the Proposed Project with the City's WRP policies, is provided in **Appendix C**, "NYC Waterfront Revitalization Program Review and NYSDOS Coastal Program Review." The Proposed Project is consistent with both the City's and the State's coastal zone programs and would not result in any significant adverse impacts or inconsistencies with the applicable policies of each program, as follows:

Land and Water Use Compatibility. It is the purpose of the Proposed Project to support the built uses in the Battery Park City coastal zone and, in doing so, to incorporate design features that preserve and enhance the waterfront open spaces and water uses, such as the flood barrier system and green stormwater management measures. The Proposed Project would not impact or conflict with the Priority Marine Activity Zones at Piers 25 and 26 to the north. Construction would be managed and sequenced to minimize to the extent feasible any temporary impacts on these uses.

Climate Change and Sea level Rise. As described in detail in the response to WRP Policy 6.2, the Proposed Project would address the impacts of future flooding in the coastal zone by incorporating climate change and sea level rise considerations into the design of the proposed flood barrier system.

Natural Resources. The Project Area is aligned along a segment of the Hudson River that is designated as the "Lower Hudson Reach" Significant Coastal Fish and Wildlife Habitat (SCFWH); this designation is primarily attributable to over-wintering habitat for juvenile striped bass. While the Proposed Project would impact a projected 21,504 square feet (0.5 acres) of benthic habitat with an overwater coverage of 4,404 square feet (0.1 acres, Reach 2), these impacts would not result in any significant adverse effects on the SCFWH or adversely impact striped bass or other fish species populations during both the

construction and operational phases, with the proposed protection measures in place during construction (see Chapter 3.11, "Construction"). Similarly, the Proposed Project would also not adversely impact any vulnerable plant, fish and wildlife species, or rare ecological communities (see Chapter 3.5, "Natural Resources). The Proposed Project also includes a plan to address this impact through the acquisition of mitigation credits from the Saw Mill Creek wetlands mitigation bank.

Soil Management and Hazardous Materials. While the Proposed Project involves soil disturbance, to avoid impacts related to the potential presence of contaminated or hazardous materials in the coastal zone, the Proposed Project would implement a project-specific Remedial Action Plan (RAP) and Construction Health and Safety Plan (CHASP) to avoid impacts and properly manage the excavation, handling, and transport of such soils and would have the positive impact of removing such contaminants from the coastal zone (see **Appendix F**).

Public Access. While it would be necessary to temporarily restrict and redirect public access around active construction zones along the waterfront of the Project Area in reach-by-reach phases between 2025 and 2030, all public open space would be reopened as part of the Proposed Project, which would restore both physical and visual access along the waterfront and toward the river and enhance these spaces, where feasible (see Chapter 3.11, "Construction").

Visual Quality. The Proposed Project would integrate the flood barrier system into the existing streetscape and waterfront setting and would not substantively alter any urban design features such that the context of the natural and built visual resources of the coastal zone would not be substantively altered (see Chapter 3.4, "Urban Design and Visual Resources").

Historic Architectural Resources. No historic architectural resources would be adversely affected, and each resource would be protected from vibration and other potential indirect construction impacts, as necessary (see Chapter 3.3, "Historic and Cultural Resources").

Historic Archaeological Resources. Monitoring during construction or data recovery would be implemented in areas deemed potentially archaeologically sensitive to avoid impacting these resources (see Chapter 3.3, "Historic and Cultural Resources").